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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Friday, December 11, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Make every effort to supplement your faith with virtue, and virtue with knowledge, and knowledge with self-control, and self-control with steadfastness, and steadfastness with godliness, and godliness with brotherly affection.—II Peter 1: 5, 6.

"God bless our native land!
Firm may she ever stand, through storm and night:
When the wild tempests rave,
Ruler of wind and wave,
Do Thou our country save
By Thy great might!
For her our prayer shall rise
To Thee above the skies, on Thee we wait;
Thou who art ever nigh,
Guarding with watchful eye,
To Thee aloud we cry, God save the state!
Not for this land alone,
But be Thy mercies shown from shore to shore;
And may the nations see
That men should brothers be,
And form one family the wide world o'er."

Amen.

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CALL OF THE HOUSE

Mr. KYL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 402]

Abbitt
Abernethy
Adair
Addabbo
Ashbrook
Ashley
Aspinall
Beall, Md.
Bell, Calif.
Bingham
Blackburn
Blanton
Bolling
Bow
Brasco
Bray
Brock
Brooks
Broomfield
Broyhill, Va.
Burton, Utah
Button
Caffery
Camp
Carey
Carney
Celler
Chappell
Chisholm
Clancy
Clark
Clay
Cohelan
Collier
Collins, Ill.
Colmer
Conable
Cowger
Cramer
Crane
Cunningham
Daddario
Davis, Ga.
Dent
Devine
Diggs
Dingell
Donohue
Dowdy
Edmondson
Edwards, La.
Eshleman
Evans, Colo.
Fallon
Farbstein
Feighan
Fish
Fisher
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Gray
Green, Pa.
Hagan
Hall
Halpern
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hebert
Heckler, Mass.
Hollfield
Hosmer
Hungate
Ichord
Jacobs
Jarman
Jonas
Jones, N.C.
Karth
Kee
King
Kluczynski
Koch
Kuykendall
Landrum
Langen
Latta
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McKneally
Macdonald, Mass.
Madden
Mann
May
Meeds
Meskill
Mizell
Mollohan
Morgan
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
O'Konski
O'Neill, Mass.
Ottinger
Pepper
Philbin
Pike
Pollock
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Rousselot
St Germain
Sandman
Saylor
Scheuer
Schneebeli
Shipley
Slack
Smith, N.Y.
Snyder
Stafford
Staggers
Steed
Steele
Stephens
Stokes
Taft
Teague, Tex.
Van Deerlin
Waggonner
Ware
Watson
Weicker
Whalley
Whitehurst
Wiggins
Williams
Wilson, Charles H.
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Zion

The SPEAKER. On this rollcall, 254 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 8663. An act to amend the act of September 20, 1968 (Public Law 90-502), to provide relief to certain officers of the Supply Corps and Civil Engineer Corps of the Navy;

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto; and

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

The message also announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 19333. An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19333) entitled "An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. BENNETT, Mr. TOWER, and Mr. PACKWOOD to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 4536. An act to amend the Small Business Act.

The message also announced that the Senate agreed to the action of the House on its amendment No. 6 to a bill of the Senate of the following title:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2108) entitled "An act to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3418) entitled "An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine, and to alleviate the effects of malnutrition, and to provide for the establishment of a National Information and Resource Center for the Handicapped."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2162) entitled "An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Hart, Mr. Moss, Mr. Pearson, and Mr. Goodell to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4262. An act to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown, and

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

CONFERENCE REPORT ON H.R. 18515, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes:

Conference Report (H. Rept. 91–1729)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 14, 18, 19, 26, 29, 30, 32, 33, 34, 37, 40, 41, 55, 56, 58, 60, 64, 65, and 67.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 11, 15, 20, 22, 23, 24, 36, 42, 43, 47, 48, 49, 51, 54, and 61, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,600,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,212,500"; and the Senate agree to the same.

Amendment numbered 5: That the Houes recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$28,003,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$107,753,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$58,720,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$379,516,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$106,502,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$89,500,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,938,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$230,383,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$193,479,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$105,807,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$275,934,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$141,100,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,769,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$570,390,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,750,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,215,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$33,650,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$76,435,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$34,067,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,097,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,323,400,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 8, 25, 59, 62 and 66.

Daniel J. Flood,
William H. Natcher,
Neal Smith,
W. R. Hull, Jr.,
Bob Casey,
George Mahon,
Robert H. Michel,
Garner E. Shriver,
Charlotte T. Reid,
Frank T. Bow,
Managers on the Part of the House.

Warren G. Magnuson,
John Stennis,
Alan Bible,
Robert C. Byrd,
Spessard L. Holland,
Norris Cotton,
Clifford P. Case
(except as to amendment No. 1),
Hiram L. Fong,
J. Caleb Boggs,
Milton R. Young,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF LABOR

Manpower Administration

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will have the effect of appropriating $1,504,794,000 for "Manpower training activities" instead of $744,494,000 as proposed by the House and $1,546,694,000 as proposed by the Senate, and inserting provisos as proposed by the Senate. In addition to the amount included in the House bill under this heading, that bill also included $760,100,000 for manpower training programs under the heading "Economic opportunity programs." The Senate bill transferred the appropriation for these activities to the Department of Labor. The motion which will be offered by the managers on the part of the House will provide for this transfer to the Department of Labor. Thus on a comparable basis the House bill included $1,504,594,000 for the proposed consolidation of manpower training activities. The increase of $200,000 included in the proposed motion is to start a "Jobs for Veterans" program to increase the number of jobs for Vietnam veterans.

Amendment No. 2: Inserts language to make funds appropriated for "Manpower Administration, salaries and expenses" available until June 30, 1972, as proposed by the Senate.

Labor-management relations

Amendment No. 3: Appropriates $16,600,000 instead of $16,500,000 as proposed by the House and $16,700,000 as proposed by the Senate. The increase of $100,000 over the appropriation proposed by the House is composed of an additional $50,000 for the program against organized crime and an additional $50,000 for the research program to furnish data on the construction industry needed in formulating public policy.

Wage and labor standards

Amendments Nos. 4 and 5: Appropriate $45,212,500 for "Wage and Labor Standards Administration, salaries and expenses" instead of $45,000,000 as proposed by the House and $45,531,000 as proposed by the Senate, and provide that $28,003,000 of this appropriation shall be for activities of the Wage and Hour Division instead of $27,953,000 as proposed by the House and $28,159,000 as proposed by the Senate. The conferees are agreed that $162,500 of the increase over the amount provided by the House shall be for safety activities and $50,000 shall be for additional compliance activities under the Age Discrimination in Employment Act.

Office of the Secretary

Amendments Nos. 6 and 7: Appropriate $9,812,000 for "Salaries and expenses" as proposed by the Senate instead of $9,752,000 as proposed by the House and provide that $674,000 of this appropriation shall be for the President's Committee on Employment of the Handicapped as proposed by the Senate instead of $614,000 as proposed by the House.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which will have the effect of appropriating $89,549,000 for "Food and drug control" as proposed by the House instead of $90,399,000 as proposed by the Senate and insert language proposed by the Senate to provide that $1,000,000 of this appropriation shall be available only for carrying out certain product injury control programs.

Environmental Health Service

Amendments Nos. 9 and 10: Appropriate $107,753,000 for "Air pollution control" instead of $106,003,000 as proposed by the House and $110,503,000 as proposed by the Senate and provide that $27,900,000 of this appropriation shall be for carrying out section 104 of the Clean Air Act as proposed by the House instead of $28,900,000 as proposed by the Senate. The conferees are agreed that $1,250,000 of the increase over the amount proposed by the House will be for providing increased assistance to State and local control agencies and that $500,000 of the increase over the amount proposed by the House will be for manpower training.

Amendments Nos. 11 and 12: Appropriate $58,720,000 for "Environmental control" instead of $52,580,000 as proposed by the House and $62,000,000 as proposed by the Senate and insert citation to the Federal Coal Mine Health and Safety Act of 1969. The conferees are agreed that of the amount above the appropriation proposed by the House $5,140,000 is to implement the Federal Coal Mine Health and Safety Act, $500,000 is for training grants primarily in the field of solid waste disposal techniques, and $500,000 is for the water hygiene program.

Health Services and Mental Health Administration

Amendment No. 13: Appropriates $379,516,000 for "Mental health" instead of $368,516,000 as proposed by the House and $390,516,000 as proposed by the Senate. The conferees are agreed that $10,000,000 of the increase over the amount proposed by the House shall be for staffing grants to community mental health centers and $1,000,000 shall be for hospital improvement grants. The budget request for staffing grants was $60,100,000 which fell $19,228,000 short of being sufficient to finance 100 percent of approved applications on hand June 30, 1970. The House added $20,000,000 to the budget in order to cover this shortage. The additional $10,000,000 added in the Conference Report will be available to finance applications approved during the period June 30, 1970 to June 30, 1971. This will be sufficient to finance all but a small percentage of applications that can be approved by June 30, 1971, according to the Department's current estimates.

The managers on the part of the House agree with the language in the report of the Senate Committee on Appropriations with regard to a study on the causes of violent behavior resulting in death or critical injury to others, including the direction that $500,000 of this appropriation be devoted to the first year operations of such a study, in keeping with the clearly expressed intent of Congress last year.

Amendment No. 14: Appropriates $247,178,000 for "Comprehensive health planning and services" as proposed by the House instead of $250,000,000 as proposed by the Senate.

Amendment No. 15: Appropriates $255,659,000 for "Maternal and child health" as proposed by the Senate instead of $255,339,000 as proposed by the House.

Amendments Nos. 16 and 17: Appropriate $106,502,000 for "Regional medical programs" instead of $96,502,000 as proposed by the House and $115,000,000 as proposed by the Senate and provide that $89,500,000 of this appropriation shall be available for grants pursuant to Title IX of the Public Health Service Act instead of $79,500,000 as proposed by the House and $97,998,000 as proposed by the Senate.

Amendments Nos. 18 and 19: Delete language proposed by the Senate to earmark funds in the appropriation for "Regional medical programs." However, the conferees are agreed that of the amount appropriated in excess of the amount proposed by the House; $3,000,000 shall be for research and demonstration projects on early care for suspected coronary patients; $2,000,000 shall be for research, training and demonstration projects in the field of kidney disease; and $5,000,000 shall be for construction of a regional cancer center in the northwestern part of the United States.

Amendments Nos. 20 and 21: Appropriate $43,938,000 for "Communicable diseases" instead of $41,938,000 as proposed by the House and $50,000,000 as proposed by the Senate and insert legal citation.

Amendments Nos. 22, 23, and 24: Appropriate $196,521,000 for "Medical facilities construction" as proposed by the Senate instead of $181,521,000 as proposed by the House; provide that of the amount appropriated $5,000,000 shall be for grants and $10,000,000 shall be for loans for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 as proposed by the Senate; and update a legal citation.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides authority to the Secretary of Health, Education, and Welfare to issue commitments for direct loans to public agencies in accordance with section 627 of the Public Health Service Act, but not to exceed $30,000,000 at any given time.

Amendment No. 26; Deletes paragraph proposed by the Senate which would provide $8,703,078 for specified hospitals and related facilities without regard to the allotments and priority provisions of the Public Health Service Act.

National Institutes of Health

Amendment No. 27: Appropriates $230,383,000 for "National Cancer Institute" instead of $227,383,000 as proposed by the House and $235,383,000 as proposed by the Senate. The conferees are agreed that $3,000,000 of this appropriation shall be for the development of a cancer center at the Mary Hitchcock Memorial Hospital at Hanover, New Hampshire.

Amendment No. 28: Appropriates $193,479,000 for "National Heart and Lung Institute" instead of $178,479,000 as proposed by the House and $203,479,000 as proposed by the Senate.

Amendment No. 29: Appropriates $35,257,000 for "National Institute of Dental Research" as proposed by the House instead of $36,257,000 as proposed by the Senate.

Amendment No. 30: Appropriates $138,339,000 for "National Institute of Arthritis and Metabolic Diseases" as proposed by the House instead of $140,339,000 as proposed by the Senate.

Amendment No. 31: Appropriates $105,807,000 for "National Institute of Neurological Diseases and Stroke" instead of $100,807,000 as proposed by the House and $115,807,000 as proposed by the Senate.

Amendment No. 32: Appropriates $102,249,000 for "National Institute of Allergy and Infectious Diseases" as proposed by the House instead of $102,749,000 as proposed by the Senate.

Amendment No. 33: Appropriates $166,072,000 for "National Institute of General Medical Sciences" as proposed by the House instead of $171,072,000 as proposed by the Senate.

Amendment No. 34: Appropriates $20,620,000 for "National Institute of Environmental Health Sciences" as proposed by the House instead of $21,620,000 as proposed by the Senate.

Amendment No. 35: Appropriates $275,934,000 for "Health manpower" instead of $260,934,000 as proposed by the House and $332,650,000 as proposed by the Senate. The conferees are agreed that the increase of $15,000,000 over the appropriation proposed by the House shall be applied as follows: $8,000,000 for institutional support of medical, dental, and related disciplines; $500,000 for institutional support of nursing; $500,000 for institutional support of public health; $1,000,000 for traineeships; $3,000,000 for direct loans to students of medicine, dentistry, and related disciplines; $1,500,000 for direct loans to students of nursing; and $500,000 for scholarships for students of medicine, dentistry, and related disciplines.

Amendment No. 36: Appropriates $11,014,000 for "Dental health" as proposed by the Senate instead of $10,954,000 as proposed by the House.

Amendment No. 37: Appropriates $66,201,000 for "Research resources" as proposed by the House instead of $66,801,000 as proposed by the Senate.

Amendment No. 38: Appropriates $141,100,000 for "Construction of health educational, research, and library facilities" instead of $126,100,000 as proposed by the House and $150,000,000 as proposed by the Senate. The conferees are agreed that the $15,000,000 over the amount proposed by the House shall be applied as follows: $13,500,000 for medical and dental schools and $1,500,000 for nursing schools.

Amendment No. 39: Appropriates $20,769-000 for "National Library of Medicine" instead of $19,769,000 as proposed by the House and $22,233,000 as proposed by the Senate. The conferees are agreed that the increase of $1,000,000 over the appropriation proposed by the House shall be divided equally between the regular programs of the Library and the Lister Hill National Center for Biomedical Communications.

Amendment No. 40: Deletes language and an appropriation of $15,000,000 proposed by the Senate to fund additional medical research activities of the National Institutes of Health in facilities at Fort Detrick. The conferees will expect the Department of Health, Education, and Welfare and particularly the National Institutes of Health to make a thorough study of the feasibility and desirability of this proposed new research program and be prepared to testify on this subject when hearings are held by the House and Senate Committees on Appropriations on the budget for 1972.

Office of Education

Amendment No. 41: Deletes language and appropriation of $70,400,000 to the Office of Education to carry out the Follow Through program as proposed by the Senate. It was agreed to consider this in connection with the appropriation "Economic opportunity program" (Senate Amendment No. 63).

Social and Rehabilitation Service

Amendment No. 42: Appropriates $98,000,000 for "Work incentives" as proposed by the Senate instead of $120,000,000 as proposed by the House.

Amendments Nos. 43, 44, 45, 46, 47, and 48: Update legal citations; appropriate $570,390,000 for "Rehabilitation services and facilities" instead of $566,640,000 as proposed by the House and $579,140,000 as proposed by the Senate; provide that $1,750,000 of this appropriation shall be for construction grants under section 12 instead of $3,500,000 as proposed by the Senate; and provide that $11,215,000 of this appropriation shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act instead of $8,000,000 as proposed by the House and $13,215,000 as proposed by the Senate. The conferees are agreed that $2,000,000 of the increase above the appropriation proposed by the House shall be for facilities and services for the mentally retarded and other developmentally disabled, and that $1,750,000 shall be for construction of rehabilitation facilities.

Amendment No. 49: Provides that certain funds under the appropriation "Rehabilitation services and facilities", shall remain available until June 30, 1973, as proposed by the Senate instead of June 30, 1972, as proposed by the House. This is in accordance with the relatively new Developmental Disabilities Services and Facilities Construction Act.

Amendments Nos. 50 and 51: Appropriate $33,650,000 for "Programs for the aging" instead of $32,000,000 as proposed by the House and $34,650,000 as proposed by the Senate; and provide that $1,650,000 of this appropriation shall be for a White House Conference on Aging as proposed by the Senate instead of $1,000,000 as proposed by the House. The conferees are agreed that $500,000 of the increase above the appropriation proposed by the House shall be for the Foster Grandparents Program, that $500,000 shall be for the Retired Senior Volunteer Program, and $650,000 shall be for the White House Conference on Aging.

Amendment No. 52: Appropriates $76,435,000 for "Research and training" instead of $75,435,000 as proposed by the House and $79,435,000 as proposed by the Senate. The conferees are agreed that the increase over the amount proposed by the House shall be for income maintenance experiments.

Amendment No. 53: Appropriates $34,067,000 for "Salaries and expenses" instead of $35,067,000 as proposed by the House and $33,000,000 as proposed by the Senate.

Special institutions

Amendment No. 54: Appropriates $1,517,000 for "American Printing House for the Blind" as proposed by the Senate instead of $1,557,000 as proposed by the House.

Amendments Nos. 55 and 56: Appropriate $2,432,000 for "Model Secondary School for the Deaf" as proposed by the House instead of $4,432,000 as proposed by the Senate; and provide that $250,000 of this appropriation shall be for construction as proposed by the House instead of $2,250,000 as proposed by the Senate. The conferees are agreed that it would be desirable for fiscal year 1972 to include the Model Secondary School for the Deaf in the Office of Education appropriation bill which is given priority with respect to timing over the regular Labor and Health, Education, and Welfare appropriation bill. This additional appropriation for construction will be considered at that time and should be available so that the work can proceed without delay. Planning will not be completed until late in fiscal year 1971 or early in fiscal year 1972. The decision to postpone this appropriation does not in any way reflect opposition of the conferees to this project.

Amendments Nos. 57 and 58: Appropriate $7,097,000 for "Gallaudet College" instead of $6,870,000 as proposed by the House and $7,225,000 as proposed by the Senate, and delete a provision proposed by the Senate that $128,000 of the appropriation shall be for initiating an adult education program. The increase over the appropriation proposed by the House is for general expenses of Gallaudet College. The conferees request that the Department make a thorough study of the need for an adult education program for deaf persons and be prepared to discuss this with the Committees when hearings are held on the budget for fiscal year 1972, and to present suggestions with regard to the level of financing such a program and how it could best be administered.

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion which will have the effect of appropriating $5,917,000 for "Office of Child Development" as proposed by the House instead of $405,417,000 as proposed by the Senate. The Senate bill included $398,000,000 for "Head Start." The conferees agreed to consider this in connection with the appropriation "Economic opportunity program" (Senate Amendment No. 63). Thus on a comparable basis the conference agreement of $5,917,000 is the appropriation proposed by the House and is $1,500,000 less than the amount proposed by the Senate.

Departmental management

Amendment No. 60: Appropriates $7,927,000 from general funds and $947,000 from trust funds for "Office of Civil Rights" as proposed by the House instead of $8,874,000 from general funds and nothing from trust funds as proposed by the Senate.

Amendment No. 61: Strikes paragraph covering the appropriation to the Office of Child Development which is carried elsewhere in the bill (see Senate Amendment No. 59).

General provisions

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds language making expenditures from funds appropriated for the National Technical Institute for the Deaf and the Model Secondary School for the Deaf subject to audit by the Secretary of Health, Education, and Welfare.

TITLE III—RELATED AGENCIES

Office of Economic Opportunity

Amendment No. 63: Appropriates $1,323,400,000 for "Economic opportunity program" instead of $2,046,200,000 as proposed by the House and $900,400,000 as proposed by the Senate.

The proposed appropriation in the House bill was for all programs budgeted under the Office of Economic Opportunity in the President's budget for fiscal year 1971. The Senate bill carried funds for manpower programs, authorized by the Economic Opportunity Act, under the appropriations for the Department of Labor and funds for Head Start and Follow Through under appropriations to the Department of Health, Education, and Welfare. The conferees agreed to include the appropriations for OEO manpower activities under the Department of Labor, but to continue funding Head Start and Follow Through under OEO. The conferees will expect this to be the last year that appropriations for the latter two programs will be to OEO, and that the 1972 budget for Head Start and Follow Through will be included under the Department of Health, Education, and Welfare in accordance with the intention expressed in Congressional testimony.

In view of the above a comparison of the amount in the Conference Report with the appropriation proposed by the House and the appropriation proposed by the Senate lacks comparability. On a comparable basis the amount of $1,323,400,000 is for activities proposed to be funded at the level of $1,286,100,000 in the House bill and $1,368,800,000 in the Senate bill. The conferees are agreed that $360,000,000 of this appropriation shall be for the Head Start program and that $69,000,000 shall be for the Follow Through program. The conferees also direct that the National Summer Youth Sports Program be funded from this appropriation at the level it was funded from the 1970 appropriation ($3,000,000), and that this appropriation fund the consumer credit training program for which a separate appropriation was requested (see Senate Amendment No. 67).

A majority of the managers on the part of the House are in agreement with the language contained in the report of the Senate Committee on Appropriations with regard to recent proposals to transfer the control over legal services programs to the regional directors of OEO.

Amendments Nos. 64 and 65: Delete language proposed by the Senate to earmark funds for the legal services program and special impact programs, and language authorizing the purchase of real property for training centers.

Corporation for Public Broadcasting

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which will have the effect of appropriating $23,000,000 for "Payment to the Corporation for Public Broadcasting" of

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which $3,000,000 will be available only to the extent it is matched by an equal amount of contributions from non-Federal sources instead of $27,500,000 of which $5,000,000 would be available only to the extent it were matched proposed by the Senate.

National Credit Union Administration

Amendment No. 67: Deletes language and appropriation of $500,000 for expenses of the National Credit Union Administration with respect to consumer credit training proposed by the Senate. In accordance with the directions contained in this report in connection with Senate Amendment No. 63, this activity will be funded from the appropriation to "Economic opportunity program."

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 amount, the 1971 budget estimate, and the House and Senate bills follows:

	Amount
New budget (obligational) authority, fiscal year 1970[1]	$16,517,638,485 (16,664,435,985)
Budget estimates of new (obligational) authority (as amended), fiscal year 1971	18,759,377,000
House Bill, fiscal year 1971	18,824,663,000
Senate Bill, fiscal year 1971[2]	19,239,514,078
Conference agreement[2] [3]	18,969,392,500
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	+2,451,754,015
Budget estimates of new (obligational) authority (as amended), fiscal year 1971	+210,015,500
House Bill, fiscal year 1971	+144,729,500
Senate Bill, fiscal year 1971	−270,121,578

[1] 1970 appropriations are adjusted to reflect the limitation contained in section 410 of Public Law 91–204. The amount carried in the Act is shown in parentheses directly under the reduced figure.

[2] In addition the Senate included $30,000,000 of contract authority for hospital construction which was agreed to in conference.

[3] Includes amounts in amendments reported in *technical* disagreement.

Daniel J. Flood,
William H. Natcher,
Neal Smith,
W. R. Hull, Jr.,
Bob Casey,
George Mahon,
Robert H. Michel,
Garner E. Shriver,
Charlotte T. Reid,
Frank T. Bow,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 1117, TO ESTABLISH JOINT COMMITTEE ON THE ENVIRONMENT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is this?

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, this has to do with the joint resolution on the Joint Committee on the Environment which the House passed some time ago and sent over to the Senate, which would create a joint committee with that other body on the problems of the environment.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. Colmer, Sisk, and Smith of California.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17755, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17755), making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Conference Report (H. Rept. 91–1730)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 15, 35, 37, 39, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 11, 13, 27, and 31; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,535,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$500,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

"For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), $210,000,000, to remain available until expended"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$94,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,500,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$13,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$20,000,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$512,500"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,773,500"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$69,460,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,351,365,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,445,785,950"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,580,500"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, restore the matter stricken, amended to read as follows: "17,-

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500,000, a part of the amount authorized to be appropriated for the fiscal year 1969"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, restore the matter stricken, amended to read as follows: "$14,000,000, a part of the amount authorized to be appropriated for the fiscal year 1969"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$42,935,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$18,000,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$950,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,325,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,000,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $250,000,000 in fiscal year 1971"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $8,500,000 for 'Highway Beautification' in fiscal year 1971, plus the additional amounts appropriated therefor"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$75,000,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$27,750,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,000,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $600,000,000 in fiscal year 1971"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 12, 14, 32, 44, and 45.

Edward P. Boland,
John J. McFall,
Sidney R. Yates
(except as to amendment No. 4),
Tom Steed
George H. Mahon,
Silvio O. Conte
(except as to amendment No. 4),
William E. Minshall
(except as to amendment No. 4),
Jack Edwards,
Frank T. Bow,
Managers on the Part of the House.

John C. Stennis,
Warren G. Magnuson,
John O. Pastore
(excepting that I am opposed to the SST) item),
Alan Bible,
Clifford P. Case
(except as to amendment No. 4),
Margaret Chase Smith,
Gordon Allott,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Amendment No. 1: Appropriates $17,535,000 for salaries and expenses instead of $17,230,000 as proposed by the House and $17,840,000 as proposed by the Senate.

Amendment No. 2: Deletes language proposed by the Senate.

The conferees are in agreement that the funds provided shall also be available for research into the meterological and environmental effects of aircraft flight in the atmosphere.

Amendment No. 3: Appropriates $500,000 for grants-in-aid for natural gas pipeline safety instead of $1,000,000 as proposed by the Senate.

Amendment No. 4: Appropriates $210,000,000 for civil supersonic aircraft development instead of $289,965,000 as proposed by the House.

The committee of conference is recommending $210,000,000 for continuing the development of the SST at the current or most economical rate, pending further review in the next session of Congress.

Coast Guard

Amendment No. 5: Deletes language as proposed by the Senate.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment making the appropriation for operating expenses available for certain confidential investigative expenses.

Amendment No. 7: Appropriates $94,000,000 for acquisition, construction, and improvements instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 8: Appropriates $22,500,000 for research, development, test, and evaluation instead of $19,500,000 as proposed by the House and $23,000,000 as proposed by the Senate.

Amendment No. 9: Inserts language proposed by the Senate and earmarks $13,000,000 for the national data buoy development project instead of $13,500,000 as proposed by the Senate.

Amendment No. 10: Appropriates $20,000,000 for the oil pollution fund instead of $35,000,000 as proposed by the Senate.

Federal Aviation Administration

Amendment No. 11: Deletes reference to Federal Airport Act and inserts in lieu thereof Public Law 91–258 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment making the funds provided available for arms and ammunition.

Amendment No. 13: Appropriates $951,885,000 for operations as proposed by the Senate instead of $923,885,000 as proposed by the House.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $28,000,000 of the appropriation for operations shall be derived from the Airport and Airway Trust Fund for combating highjacking, sabotage and other activities endangering the security of civil aviation.

Amendment No. 15: Appropriates $45,000,000 for research and development as proposed by the House instead of $47,500,000 as proposed by the Senate.

Federal Highway Administration

Amendment No. 16: Appropriates $512,500 for the office of the Administrator, salaries and expenses, instead of $500,000 as proposed by the House and $525,000 as proposed by the Senate.

Amendment No. 17: Provides transfer of $14,773,500 from the appropriation for "Federal-aid-highways (trust fund)" instead of $14,721,000 as proposed by the House and $14,826,000 as proposed by the Senate.

Amendment No. 18: Provides $69,460,500 for Bureau of Public Roads, limitation on general expenses, instead of $68,488,000 as proposed by the House and $70,433,000 as proposed by the Senate.

Amendments Nos. 19 and 20: Appropriate $4,351,365,000 for Federal-aid-highways (trust fund) instead of $4,350,340,000 as proposed by the House and $4,352,390,000 as proposed by the Senate, and provide that $2,445,785,950 shall be derived from the fiscal year 1970 authorization instead of $2,444,-

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760,950 as proposed by the House and $2,446,810,950 as proposed by the Senate.

Amendment No. 21: Appropriates $3,580,500 for motor carrier safety instead of $3,443,000 as proposed by the House and $3,718,000 as proposed by the Senate.

Amendment No. 22: Appropriates $17,500,000 for forest highways (liquidation of contract authorization) instead of $15,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 23: Appropriates $14,000,000 for public lands highways (liquidation of contract authorization) instead of $13,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

National Highway Safety Bureau

Amendment No. 24: Appropriates $42,935,000 for traffic and highway safety instead of $40,435,000 as proposed by the House and $47,601,000 as proposed by the Senate.

Federal Railroad Administration

Amendment No. 25: Appropriates $18,000,000 for high-speed ground transportation research and development instead of $21,688,000 as proposed by the Senate.

No part of the reduction is to be applied to the Office's demonstration programs.

Amendment No. 26: Appropriates $950,000 for railroad research instead of $900,000 as proposed by the House and $1,005,000 as proposed by the Senate.

Amendment No. 27: Inserts language proposed by the Senate earmarking not less than $230,000 for freight car utilization studies.

Urban Mass Transportation Administration

Amendment No. 28: Appropriates $3,325,000 for salaries and expenses instead of $3,200,000 as proposed by the House and $3,450,000 as proposed by the Senate. The conference agreement includes 21 positions in addition to those provided by the House.

Amendment No. 29: Appropriates $6,000,000 for research, development, and demonstration instead of $20,000,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

Civil Aeronautics Board

Amendment No. 30: Appropriates $50,000,000 for payments to air carriers instead of $27,327,000 as proposed by the House and $58,300,000 as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 31: Inserts language proposed by the Senate earmarking $300,000 additional for the employment of car service agents.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment appropriating $3,216,668 (together with such amounts as may be necessary to pay interest) for payment of loan guaranties.

TITLE III—GENERAL PROVISIONS

Amendment No. 33: Restores House provision and limits commitments for grants-in-aid for airport development to $250,000,000 instead of $220,000,000 as proposed by the House.

Amendment No. 34: Restores House provision and limits obligations for highway beautification to $8,500,000, plus the additional amounts appropriated therefor instead of $5,500,000 as proposed by the House.

Under the conference agreement virtually all currently authorized obligational authority will have been provided. When an additional authorization is enacted, the Committees on Appropriations will consider any formal supplemental request for this program.

Amendment No. 35: Restores section number as proposed by the House.

Amendment No. 36: Limits obligations for State and community highway safety to $75,000,000 instead of $70,000,000 as proposed by the House and $80,000,000 as proposed by the Senate.

Amendment No. 37: Restores section number as proposed by the House.

Amendment No. 38: Limits obligations for Forest highways to $27,750,000 instead of $22,500,000 as proposed by the House and $33,000,000 as proposed by the Senate.

Amendment No. 39: Restores section number as proposed by the House.

Amendment No. 40: Limits obligations for Public lands highways to $13,000,000 instead of $10,000,000 as proposed by the House and $16,000,000 as proposed by the Senate.

Amendment No. 41: Restores the language proposed by the House placing a limitation on administrative expenses in connection with commitments for grants for Urban Mass Transportation, amended to provide for grants aggregating not more than $600,000,000 instead of $214,000,000 (plus the additional amounts appropriated therefor) as proposed by the House and no limitation as proposed by the Senate.

The conferees agree with the overall objectives of the program, but are of the opinion that the requirements of the UMTA program should be subject to annual appropriations review.

The additional amount provided over the House bill is considered to be realistic at this time inasmuch as the obligations will be made over only the last half of the current fiscal year. Program levels for future years, within the total authorized, will then be determined as the program progresses on the basis of demonstrated requirements.

Amendments Nos. 42 and 43: Restore section numbers as proposed by the House.

Amendments Nos. 44 and 45: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur with the Senate amendments which provide amended language prohibiting any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: Provided, that nothing in the section shall affect the availability of such funds to carry out this study.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the committee of conference, with comparisons to the fiscal year 1970 total, the 1970 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1970	[1] $2, 346, 365, 423
Budget estimates of new (obligational) authority fiscal year 1971 (as amended)	[2] 2, 741, 827, 437
House bill, fiscal year 1971	[3] 2, 579, 579, 937
Senate bill, fiscal year 1971	[3] 2, 453, 923, 605
Conference agreement	[3][4] 2, 608, 134, 605
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	+261, 769, 182
Budget estimates of new (obligational) authority, fiscal year 1971 (as amended)	[5] −133, 692, 832
House bill, fiscal year 1971	+$28, 554, 668
Senate bill, fiscal year 1971	+154, 211, 000

[1] Includes all appropriations for fiscal year 1970 and a $214,000,000 advance appropriation for fiscal year 1971.

[2] Includes $188,011,000 advance appropriation for fiscal year 1972.

[3] Includes $150,000,000 advance appropriation for fiscal year 1972.

[4] Includes $3,216,668 reported in technical disagreement.

[5] Includes $38,011,000 related to fiscal year 1972 budget estimate.

EDWARD P. BOLAND,
JOHN J. MCFALL,
SIDNEY R. YATES
(except as to amendment No. 4),
TOM STEED,
GEORGE MAHON,
SILVIO O. CONTE
(except as to amendment No. 4),
WILLIAM E. MINSHALL
(except as to amendment No. 4),
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

APPOINTMENT OF CONFEREES ON H.R. 19333, SECURITIES INVESTOR PROTECTION ACT OF 1970

Mr. ECKHARDT. Mr. Speaker, on behalf of the chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS) I ask unanimous consent to take from the Speaker's table the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, MURPHY of New York, KEITH, and HARVEY.

EGG PRODUCTS INSPECTION ACT

Mr. STUBBLEFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 19888) to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

H.R. 19888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Egg Products Inspection Act".

LEGISLATIVE FINDING

SEC. 2. Eggs and egg products are an important source of the Nation's total supply of food, and are used in food in various forms. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged egg products and certain qualities of eggs is injurious to the public welfare and destroys markets for wholesome, not adulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all egg products and the qualities of eggs which are regulated under this Act are either in interstate or foreign commerce, or substantially affect such commerce, and that regulation by the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, and cooperation by the States and other jurisdictions, as contemplated by this Act, are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of certain egg products, retrictions upon the disposition of certain qualities of eggs, and uniformity of standards for eggs, and otherwise regulate the processing and distribution of eggs and egg products as hereinafter prescribed to prevent the movement or sale for human food, of eggs and egg products which are adulterated or misbranded or otherwise in violation of this Act.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term "adulterated" applies to any egg or egg product under one or more of the following circumstances—

(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (A) if it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) if it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food Drug and Cosmetic Act; or

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(b) The term "capable of use as human food" shall apply to any egg or egg product, unless it is denatured, or otherwise identified, as required by regulations prescribed by the Secretary to deter its use as human food.

(c) The term "commerce" means interstate, foreign, or intrastate commerce.

(d) The term "container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) The term "immediate container" means any consumer package; or any other container in which egg products, not consumer packaged, are packed.

(2) The term "shipping container" means any container used in packaging a product packed in an immediate container.

(e) The term "egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food.

(f) The term "egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(g) The term "egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.

(1) The term "check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) The term "clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) The term "dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(4) The term "incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) The term "inedible" means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolk, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) The term "leaker" an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) The term "loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) The term "restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(h) The term "Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

(i) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(j) The term "inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of this Act.

(k) The term "inspector" means:

(1) any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this Act; or

(2) any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products under the authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term "misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Secretary under section 7 of this Act.

(m) The term "official certificate" means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

(n) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

(o) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that egg products were inspected in accordance with this Act.

(p) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article under this Act.

(q) The term "official plant" means any plant, as determined by the Secretary, at which inspection of the processing of egg products is maintained by the Department of Agriculture under the authority of this Act.

(r) The term "official standards" means the standards of quality, grades, and weight classes for eggs, in effect upon the effective date of this Act, or as thereafter amended, under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621 et seq.).

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(s) The term "pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable micro-organisms by such processes as may be prescribed by regulations of the Secretary.

(t) The term "person" means any individual, partnership, corporation, association, or other business unit.

(u) The terms "pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meaning for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

(v) The term "plant" means any place of business where egg products are processed.

(w) The term "processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(x) The term "Secretary" means the Secretary of Agriculture or his delegate.

(y) The term "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

(z) The term "United States" means the States.

INSPECTION, REINSPECTION, CONDEMNATION

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any egg product which is capable of use as human food and is misbranded or adulterated, the Secretary shall, whenever processing operations are being conducted, cause continuous inspection to be made, in accordance with the regulations promulgated under this Act, of the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 15 of this Act. Without restricting the application of the preceding sentence to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of paragraph (a) (1) of section 15 of this Act in the preparation of any articles for human food shall be deemed to be a plant processing egg products, with respect to such operations.

(b) The Secretary, at any time, shall cause such retention, segregation, and reinspection as he deems necessary of eggs and egg products capable of use as human food in each official plant.

(c) Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided,* That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained, the eggs or egg products shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall cause such other inspections to be made of the business premises, facilities, inventory, operations, and records of egg handlers, and the records and inventory of other persons required to keep records under section 11 of this Act, as he deems appopriate (and in the case of shell egg packers, packing eggs for the ultimate consumer, at least once each calendar quarter) to assure that only eggs fit for human food are used for such purpose, and otherwise to assure compliance by egg handlers and other persons with the requirements of section 8 of this Act, except that the Secretary of Health, Education, and Welfare shall cause such inspections to be made as he deems appropriate to assure compliance with such requirements at food manufacturing establishments, institutions, and restaurants, other than plants processing egg products. Representatives of said Secretaries shall be afforded access to all such places of business for purposes of making the inspections provided for in this Act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. (a) Each official plant shall be operated in accordance with such sanitary practices and shall have such premises, facilities, and equipment as are required by regulations promulgated by the Secretary to effectuate the purposes of this Act, including requirements for segregation and disposition of restricted eggs.

(b) The Secretary shall refuse to render inspection to any plant whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

PASTEURIZATION AND LABELING OF EGG PRODUCTS AT OFFICIAL PLANTS

SEC. 7. (a) Egg products inspected at any official plant under the authority of this Act and found to be not adulterated shall be pasteurized before they leave the official plant, except as otherwise permitted by regulations of the Secretary, and shall at the time they leave the official plant, bear in distinctly legible form on their shipping containers or immediate containers, or both, when required by regulations of the Secretary, the official inspection legend and official plant number, of the plant where the products were processed, and such other information as the Secretary may require by regulations to describe the products adequately and to assure that they will not have false or misleading labeling.

(b) No labeling or container shall be used for egg products at official plants if it is false or misleading or has not been approved as required by the regulations of the Secretary. If the Secretary has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the labeling or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States court of appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. (a) (1) No person shall buy, sell, or transport, or offer to buy or sell, or offer to receive for transportation, in any business in commerce any restricted eggs, capable of use as human food, except as authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(2) No egg handler shall possess with intent to use, or use, any restricted eggs in the preparation of human food for commerce except that such eggs may be so possessed and used when authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(b) (1) No person shall process any egg products for commerce at any plant except in compliance with the requirements of this Act.

(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in commerce any egg products required to be inspected under this Act unless they have been so inspected and are labeled and packaged in accordance with the requirements of section 7 of this Act.

(3) No operator of any official plant shall fail to comply with any rquirements of paragraph (a) of section 6 of this Act or the regulations thereunder.

(4) No operator of any official plant shall allow any egg products to be moved from such plant if they are adulterated or misbranded and capable of use as human food.

(c) No person shall violate any provision of section 10, 11, or 17 of this Act.

(d) No person shall—

(1) manufacture, cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary;

(2) forge or alter any official device, mark, or certificate;

(3) without authorization from the Secretary, use any official device, mark, or certificate, or simulation thereof, or detach, deface, or destroy any official device or mark; or use any labeling or container ordered to be withheld from use under section 7 of this Act after final judicial affirmance of such order or expiration of the time for appeal if no appeal is taken under said section;

(4) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(5) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label, or any eggs or egg products bearing any counterfeit, simulated, forged, or improperly altered official mark;

(6) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary;

(7) knowingly represent that any article has been inspected or exempted, under this Act, when, in fact, it has, respectively, not been so inspected or exempted; and

(8) refuse access, at any reasonable time, to any representative of the Secretary of Agriculture or the Secretary of Health, Education, and Welfare, to any plant or other place of business subject to inspection under any provisions of this Act.

(e) No person, while an official or employee of the United States Government or any State or local governmental agency, or thereafter, shall use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in a judicial proceeding, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

FEDERAL AND STATE COOPERATION

SEC. 9. The Secretary shall, whenever he determines that it would effectuate the purposes of this Act, cooperate with appropriate State and other governmental agencies, in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the costs incurred by them in such cooperative programs.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

SEC. 10. Inspection shall not be provided under this Act at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any restricted eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary.

RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF EGGS AND EGG PRODUCTS AND RELATED INDUSTRIES

SEC. 11. For the purpose of enforcing the provisions of this Act and the regulations promulgated thereunder, all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain such records showing, for such time and in such form and manner, as the Secretary of Agriculture or the Secretary of Health, Education, and Welfare may prescribe, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of a duly authorized representative of either of said Secretaries, permit him at reasonable times to have access to and to copy all such records.

PENALTIES

SEC. 12. (a) Any person who commits any offense prohibited by section 8 of this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both such imprisonment and fine, but if such violation involves intent to defraud, or any distribution or attempted distribution of any article that is known to be adulterated (except as defined in section 4(a)(8) of this Act), such person shall be subject to imprisonment for not more than three years or a fine of not more than $10,000, or both. When construing or enforcing the provisions of section 8, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier or warehouseman shall be subject to the penalties of this Act, other than the penalties for violation of section 11 of this Act or paragraph (c) of this section 12, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this Act, or unless the carrier or warehouseman refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1112 of title 18, United States Code.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary of Agriculture or Secretary of Health, Education, and Welfare to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary of Agriculture or Secretary of Health, Education, and Welfare to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice of warning.

REGULATIONS AND ADMINISTRATION

SEC. 14. The Secretary shall promulgate such rules and regulations as he deems necessary to carry out the purposes or provisions of this Act, and shall be responsible for the administration and enforcement of this Act except as otherwise provided in paragraph (d) of section 5 of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) the sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerance in the official standards of United States consumer grades for shell eggs;

(2) the processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the Secretary, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of United States consumer grades for shell eggs, and the egg products processed at such plant;

(3) the sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(4) the processing of egg products by any poultry producer from eggs of his own flocks' production for sale of such products directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the egg products so processed when handled in accordance with this paragraph;

(5) the sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(6) for such period of time (not to exceed two years) during the initiation of operations under this Act as the Secretary determines that it is impracticable to provide inspection, the processing of egg products at any class of plants and the egg products processed at such plants; and

(7) the sale of eggs by any egg producer with an annual egg production from less than five hundred hen flock.

(b) The Secretary may immediately suspend or terminate any exemption under paragraph (a) (2) or (6) of this section at any time with respect to any person, if the conditions of exemption prescribed by this section or the regulations of the Secretary are not being met. The Secretary may modify or revoke any regulation granting exemption under this Act whenever he deems such action appropriate to effectuate the purposes of this Act.

ENTRY OF MATERIALS INTO OFFICIAL PLANTS

SEC. 16. The Secretary may limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles into such plants will be consistent with the purposes of this Act.

IMPORTS

SEC. 17. (a) No restricted eggs capable of use as human food shall be imported into the United States except as authorized by regulations of the Secretary. No egg products capable of use as human food shall be imported into the United States unless they were processed under an approved continuous inspection system of the government of the foreign country of origin or subdivision thereof and are labeled and packaged in accordance with, and otherwise comply with the standards of this Act and regulations issued thereunder applicable to such articles within the United States. All such imported articles shall upon entry into the United States be deemed and treated as domestic articles subject to the other provisions of this Act: *Provided*, That they shall be labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to eggs or egg products purchased outside the United States by any individual for consumption by him and members of his household and his nonpaying guests and employees.

(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary or (2) in the case of articles which are not in compliance solely because of misbranding, such articles are brought into compliance with this Act under supervision of authorized representatives of the Secretary.

(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

(d) The importation of any article contrary to this section is prohibited.

REFUSAL OF INSPECTION

SEC. 18. The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may refuse to provide or may withdraw inspection service under this Act with respect to any plant if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any

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business requiring inspection under this Act, because the applicant or recipient or anyone responsibly connected with the applicant or recipient has been convicted in any Federal or State court, within the previous ten years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or employee in a managerial or executive capacity.

The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States court of appeals for the circuit in which such applicant or recipient has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section.

This section shall not affect in any way other provisions of this Act for refusal of inspection services.

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ADMINISTRATIVE DETENTION

SEC. 19. Whenever any eggs or egg products subject to the Act, are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of this Act or that they are in any other way in violation of this Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary, such articles may be detained by such representative for a reasonable period but not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such articles and shall not be moved by any person from the place at which they are located when so detained until released by such representative. All official marks may be required by such representative to be removed from such articles before they are released unless it appears to the satisfaction of the Secretary that the articles are eligible to retain such marks.

JUDICIAL SEIZURE PROCEEDINGS

SEC. 20. (a) Any egg or egg products that are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation, in violation of this Act, or in any other way are in violation of this Act; and any restricted eggs, capable of use as human food, in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary shall be liable to be proceeded against and seized and condemned, at any time, on a complaint in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the articles are found. If the articles are condemned they shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the articles shall not be sold contrary to the provision of this Act, the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which they are sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which disposal is made, the court may direct that they be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the articles and they are released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant thereof. The proceedings in such cases shall conform, as nearly as may be, to the supplemental rules for certain admiralty and maritime claims, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

JURISDICTION

SEC. 21. The United States district courts and the District Court of the Virgin Islands are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other cases, arising under this Act, except as provided in section 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

APPLICABILITY OF OTHER ACTS

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(l) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(l)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

RELATION TO OTHER AUTHORITIES

SEC. 23. (a) Requirements within the scope of this Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this Act may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 11 of this Act, if consistent therewith, with respect to any such plant.

(b) For eggs which have moved or are moving in interstate or foreign commerce, (1) no State or local jurisdiction may require the use of standards of quality, condition, weight quantity, or grade which are in addition to or different from the official Federal standards, and (2) no State or local jurisdiction other than those in noncontiguous areas of the United States may require labeling to show the State or other geographical area of production or origin: *Provided, however*, That this shall not preclude a State from requiring that the name, address, and license number of the person processing or packaging eggs, be shown on each container. Labeling, packaging, or ingredient requirements, in addition to or different than those made under this Act, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, may not be imposed by any State or local jurisdiction, with respect to egg products processed at any official plant in accordance with the requirements under such Acts. However, any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of such a plant and are in violation of any of said Federal Acts or any State or local law consistent therewith. Otherwise the provisions of of this Act shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this Act.

(c) The provisions of this Act shall not affect the applicability of the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act or other Federal laws to eggs, egg products, or other food products or diminish any authority conferred on the Secretary of Health, Education, and Welfare or other Federal officials by such other laws, except that the Secretary of Agriculture shall have exclusive jurisdiction to regulate official plants processing egg products and operations thereof as to all matters within the scope of this Act.

(d) The detainer authority conferred on representatives of the Secretary of Agriculture by section 19 of this Act shall also apply to any authorized representative of the Secretary of Health, Education, and Welfare for the purposes of paragraph (d) of section 5 of this Act, with respect to any eggs or egg products that are outside any plant processing egg products.

COST OF INSPECTION

SEC. 24. (a) The cost of inspection rendered under the requirements of this Act, and other costs of administration of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act.

(b) The term "holiday" for the purposes of assessment or reimbursement of the cost of inspection performed under this Act, the Wholesome Poultry Products Act, and the Wholesome Meat Act shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code.

SMALL BUSINESS ASSISTANCE

SEC. 25. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (4) a new paragraph as follows:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Poultry and Poultry Products Act, and the Wholesome Meat Act of 1967 or State laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by inserting "or (5)" after "paragraph (3)".

(c) Section 4(c) (1) of the Small Business Act is amended by inserting "7(b) (5)", after "7(b) (4),".

ANNUAL REPORT

SEC. 26. (a) Not later than March 1 of each year following the enactment of this Act the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate a comprehensive and detailed written report with respect to—

(1) the processing, storage, handling, and distribution of eggs and egg products subject to the provisions of this title; the inspection of establishments operated in connection therewith; the effectiveness of the operation of the inspection, including the effectiveness of the operations of State egg inspection programs; and recommendations for legislation to improve such program; and

(2) the administration of section 17 of this Act (relating to imports) during the immediately preceding calendar year, including but not limited to—

(A) a certification by the Secretary that foreign plants exporting eggs or egg products to the United States have complied with requirements of this Act and regulations issued thereunder;

(B) the names and locations of plants authorized or permitted to export eggs or egg products to the United States;

(C) the number of inspectors employed by the Department of Agriculture in the calendar year concerned who were assigned to inspect plants referred to in paragraph (B) hereof and the frequency with which each such plant was inspected by such inspectors;

(D) the number of inspectors that were licensed by each country from which any imports were received and that were assigned, during the calendar year concerned, to inspect such imports and the facilities in which such imports were handled; and the frequency and effectiveness of such inspections;

(E) the total volume of eggs and egg products which was imported into the United States during the calendar year concerned from each country, including a separate itemization of the volume of each major category of such imports from each country during such year, and a detailed report of rejections of plants and products because of failure to meet appropriate standards prescribed by this title; and

(F) recommendations for legislation to improve such program.

APPROPRIATIONS

SEC. 27. Such sums as are necessary to carry out the provisions of this Act are hereby authorized to be appropriated.

SEPARABILITY OF PROVISIONS

SEC. 28. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DAY

SEC. 29. The provisions of this Act with respect to egg products shall take effect six months after enactment. Otherwise, this Act shall take effect eighteen months after enactment.

With the following committee amendment:

Page 24, lines 13 and 14, strike out the words "less than five hundred hen flock." and insert in lieu thereof the following: "a flock of 3,000 or less hens.".

The committee amendment was agreed to.

Mr. MATSUNAGA. Mr. Speaker, I commend the distinguished gentleman from Kentucky (Mr. STUBBLEFIELD) for the fair manner in which he conducted consideration of the pending measure in his subcommittee. I would have been constrained to object to the gentleman's request, had it not been for the acceptance of my amendment by his committee and its inclusion in H.R. 19888. I can now rise in support of this bill.

Mr. Speaker, H.R. 19888, the egg products inspection bill, is designed primarily to assure consumers of an adequate supply of fresh, wholesome eggs, and egg products. The proponents of the measure fully realize that the sale of dirty, adulterated eggs endangers not only the health of those buying the eggs, but also the economic well-being of the egg producers who are trying to provide the public with quality eggs and egg products at reasonable prices.

As Hawaii's Representative to Congress I was deeply concerned about the effect of section 23(b) of the Senate-passed measure. Without the amendment which I proposed and which is in the House bill, the Senate bill would have killed Hawaii's egg producing industry, which adds $7.7 million annually to the economy of the Aloha State.

The House bill provides an exemption from the labeling requirements of section 23(b) to the noncontiguous areas of the United States, including Alaska, Puerto Rico, the Virgin Islands, and Hawaii. I am grateful to the House Agriculture Committee, especially to the Chairman of its Subcommittee on Dairy and Poultry, Mr. STUBBLEFIELD, for this. I believe the committee made a responsible and just decision on this point.

Without this exemption, Hawaii's egg consumers, too, would suffer. They would be denied the right they now enjoy to choose between fresh eggs produced in Hawaii and stale eggs produced in foreign areas. Hawaii's consumers have exercised that right vigorously, to the point where fully 96 percent of the eggs sold in the Island State are island eggs, despite the fact that imported eggs sell for 9 to 10 cents per dozen less than local eggs.

With the inclusion of the exemption from the labeling requirements for noncontiguous areas, H.R. 19888 is a bill which is fair to consumers and producers alike, in Hawaii and the Nation.

I therefore urge unanimous approval.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD REAR ADMIRAL ELLIS, WHO GAVE THE ORDER TO HAND BACK THE LITHUANIAN DEFECTOR TO THE RUSSIANS, SHOULD BE DISCIPLINED

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I believe enough evidence has now come to light both in the press and in the investigation underway in the House committee, so that it is obvious that the person primarily responsible for this shocking, stupid, and probably very costly fiasco in connection with the Lithuanian sailor who was turned back forcibly to the Russians, was the rear admiral in charge of the Boston District of the Coast Guard, Rear Adm. William Ellis, who gave the order. I believe that Admiral Ellis ought to be disciplined, and disciplined promptly, for his role in this tragic case, so that it will be clear to the whole world that we in this country are not taking this incident lightly and that we still believe in and will enforce our traditional policy of providing a refuge for people who want to defect from Soviet tyranny.

I realize that the performance of the State Department was not especially brilliant in this case either, as it has not been in other cases, but I believe the basic responsibility lies with the man who gave the unusual and incredible order to turn the defector forcibly back to the Russians. He was an admiral, after all, and when one gets to be an admiral, one is expected to be knowledgeable about many other things than just driving ships. Admiral Ellis had that responsibility. The tragic action occurred on his watch. It occurred as a result of his order, and that order flew in the face of what any schoolboy knows has been America's traditional practice and policy.

So, if we really mean business in enforcing our traditional policy of asylum to those seeking it, then I believe the responsible officer ought to be disciplined, and disciplined promptly.

IS THIS A LAMEDUCK SESSION?

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, this is December 11. The Committee on Rules on Tuesday is supposed to bring out four new rules. Worse than that, we have several bills that are still supposed to come out of committees, committees which are not meeting. The other body talks of combining several House-passed bills into hydraheaded legislative monstrosities. We are going to get a bill on the floor very shortly with a $2 billion expenditure which has not had 1 second of hearings in committee in either body. The Committee on House Administration is

XUM

talking about creating a new job to take care of a retiring Member, a job which we need like we need another hole in the dome. Now we hear in this body the contemplation is that we will be in session after Christmas, and in the other body they say we will adjourn by January 3. I think Members might let their thoughts be known so that the leaders can realize they will probably have to go forth to drag Members back to the Chamber and lock the doors to get a quorum after next weekend.

This is supposed to be a lameduck session, but at any moment I expect a different kind of bird to pop out of that clock and tell us exactly what kind it is.

APPOINTMENT OF THE HONORABLE GEORGE BUSH TO BE AMBASSADOR TO THE UNITED NATIONS

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, the President of the United States today named a Member of this House, one of our colleagues, the distinguished and able gentleman from Texas, GEORGE BUSH, to be the new U.S. Ambassador to the United Nations.

As one Member of this House, I take this time to extend my congratulations both to the President and to the gentleman from Texas (Mr. BUSH), upon this new assignment. It seems to me what this does is to recognize the stature of the United Nations by the administration placing in that body as the representative in the United Nations one of the most able men in this House. This post, important as it is, requires tact, sensitivity, intelligence, and integrity, and that is what the distinguished friend of all of us, GEORGE BUSH, brings to this post.

I know many Members share with me the pride and joy we have in his new position and join in extending our best wishes to GEORGE and Barbara Bush and their family.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. I want to take this occasion to join the gentleman from Wisconsin in his analysis of the appointment of our friend GEORGE BUSH to the United Nations as our Ambassador. He has worked on the Ways and Means Committee during the time he has been here. He has been a very intelligent and dedicated member of that committee. I know he will be such as our new Ambassador to the United Nations.

Mr. STEIGER of Wisconsin. I thank the distinguished chairman of the Committee on Ways and Means for his most gracious remarks.

Mr. KLEPPE. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from North Dakota.

Mr. KLEPPE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, GEORGE BUSH is one of the very best friends I have ever had. Not only that, but his capability in every field of endeavor in which he has been involved in my opinion has shone through.

Mr. Speaker, it pleases me that the President of the United States has recognized his talents and capability and I wish him well in his new assignment. I am sure he will do the job and do it very well.

Mr. Speaker, I wish to compliment the gentleman in the well for bringing this to the attention of the Members of the House at this time. GEORGE BUSH will exercise good judgment and decision in his new job, and I wish him the very best.

Mr. STEIGER of Wisconsin. I thank the gentleman for his comments.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Speaker, I wish to join my colleagues and the gentleman in the well in extending congratulations to our colleague, GEORGE BUSH, upon his new assignment. I also wish to take this opportunity to congratulate the President upon his selection of our colleague, GEORGE BUSH, for this most important post. I sincerely wish him well and wish to be associated with the remarks of the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I thank the gentleman from Ohio for his very kind remarks.

Mr. BIESTER. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. Mr. Speaker, I, too, wish to be associated with the remarks of the gentleman from Wisconsin and to say that in my opinion GEORGE BUSH is one of the most extraordinary human beings I have ever known. I am proud to be his friend. I am sure he will carry and express the ideals and concerns of the American people to the United Nations with his customary warmth, energy, wit, and thoughtful eloquence.

Mr. Speaker, I congratulate the gentleman from Texas (GEORGE BUSH), upon his assignment to this most important post.

Mr. STEIGER of Wisconsin. I thank the gentleman for his remarks.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am delighted to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I, too, wish to associate myself with the remarks of those who have spoken on the appointment of our colleague, GEORGE BUSH, as Ambassador to the United Nations. He is a very able and distinguished Member of this House. In my judgment he will perform his new duties in the highest tradition of this important office to which he has been appointed.

Mr. STEIGER of Wisconsin. I thank the distinguished majority leader for his most gracious comments.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I appreciate the gentleman from Wisconsin yielding. I congratulate President Nixon on his appointment of Congressman GEORGE BUSH of Texas, as Chief Delegate of the United States to the United Nations.

Mr. Speaker, the position of Chief Delegate of the United States to the United Nations is one of the most important positions in the U.S. Government. Actually, this position is second in importance in U.S. foreign policy, only to the Secretary of State of the United States. The United Nation's General Assembly and Security Council, as well as the U.N. committees and agencies, are the day-to-day contacts and continuing areas for the groundwork for major policy decisions. The United Nations provides the forum for formal discussions, both public and private.

Mr. Speaker, having served as a U.S. Delegate to the United Nations in the 14th General Assembly and as a congressional adviser to our U.S. mission to the U.N. on space since 1960 to date, I know what a great challenge this position of chief U.S. delegate represents.

I know full well that with the high competence and ability of GEORGE BUSH, he can fill this responsibility well. We in Congress should feel honored to have Congressman GEORGE BUSH selected by the President for this high position. I compliment heartily both the President and my friend GEORGE BUSH upon this fine appointment, which can be so effective for the American people in intelligent work for peace and progress of all peoples in this untidy, disorganized, and dangerous world.

Mr. STEIGER of Wisconsin. I thank the distinguished gentleman for those remarks.

Mr. SYMINGTON. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to one of our former Ambassadors, the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the gentleman for yielding.

I, too, wish to associate myself with the remarks of the gentleman from Wisconsin and with those who have followed in their commendations to the President upon his selection of GEORGE BUSH to this high position.

Mr. Speaker, GEORGE BUSH and his family are longtime friends of mine and my family. I have traveled with GEORGE abroad. He is keenly sensitive to the cultures and problems of other peoples of the world. It is my opinion that he will bring not only that awareness to his new post, but new, fresh life to our representation in the United Nations. He also brings his lovely and gracious wife, Barbara, to a task both of them are superbly fitted to meet.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's gracious comments.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the distinguished gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I

XUM

also wish to associate myself with the views which have been expressed by the gentleman in the well upon the selection of GEORGE BUSH as Ambassador to the United Nations and to congratulate the President for his judgment in this matter and our colleague GEORGE BUSH upon his selection to this new assignment.

Mr. Speaker, Congressman BUSH has established himself, while serving in the House of Representatives as a young, vigorous, highly intelligent, and very dedicated Member of this body, a good American and public servant who has the proper view toward the role of the United States in the world of the future.

Mr. Speaker, I am sure GEORGE BUSH will serve effectively and well in this role. I am pleased with the President's selection and hope that it will auger well, not only for our country, but for our colleague.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the comments of the gentleman.

I am now happy to yield to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Wisconsin, and the others who have expressed approval of the appointment of our colleague, the gentleman from Texas, GEORGE BUSH, as Ambassador to the United Nations.

GEORGE BUSH is indeed an extraordinary man. He has been a very effective and very capable Member of the Congress. In fact, I predict that in any walk of life in which he may participate in the future GEORGE BUSH will be capable and effective. I think at this particular time in our history and in the history of the United Nations it augurs well for both the United States and the United Nations that the talents of GEORGE BUSH will be available. He will make an extremely valuable contribution. I wish him well.

Mr. STEIGER of Wisconsin. I thank the gentleman for his comments, and I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding.

I too wish to associate myself with the remarks of the gentleman from Wisconsin (Mr. STEIGER), and to congratulate both the President and GEORGE BUSH on this assignment. Since my first days in the Congress I have greatly enjoyed my friendship with GEORGE BUSH. I have found him to be a very warm person, very able, and one possessing the youth and vigor to carry out this important assignment.

Certainly this appointment will contribute greatly to a better reflection on this Nation in the eyes of the world.

Mr. STEIGER of Wisconsin. I appreciate the comments of the gentleman from Michigan.

Mr. LLOYD. Mr. Speaker, it is with great pleasure and gratification that I greet the announcement that President Nixon has appointed our colleague GEORGE BUSH as Ambassador to the United Nations.

The necessity for communicating in a responsible, informed, and friendly manner with representatives of the other nations of the world is a great and overriding need of our day.

I know of no one with the capability to do a better job of stimulating discussion and friendship with other nations than GEORGE BUSH, nor do I know of anyone whose statements would be more sure and responsible.

GEORGE BUSH is superbly qualified for this sensitive position which holds so much promise and potential for service to his country and to the world.

I extend my compliments to President Nixon for making this appointment and to GEORGE BUSH for accepting it.

The position of Ambassador to the United Nations can be filled in a routine manner in which we make no progress in our relations with the other nations, or it can be filled in a manner which will expand our communications, enlarge our friendships and promote confidence and trust in the minds of the other nations with whom we dwell on this globe. Under GEORGE BUSH, I am confident that the position will achieve its fullest potential, and I can think of very few public services more vital to the future of this country than the purposeful pursuit of peace, understanding, and good will among the nations.

Mr. FOREMAN. Mr. Speaker, I am pleased to join our colleagues in extending congratulations and best wishes to our capable friend, GEORGE BUSH, in his new assignment as U.S. Ambassador to the United Nations. President Richard Nixon has made an excellent selection in naming a gentleman with the leadership abilities, youth, temperament, and experience of GEORGE BUSH as our Ambassador. I extend congratulations and best wishes not only to my good friend, GEORGE BUSH, but also to his very lovely and charming wife, Barbara, who will continue as an able and attractive representative and partner for our new Ambassador and our country. To GEORGE and Barbara and their fine family go our most sincere best wishes and heartiest congratulations on an important and challenging assignment well deserved.

GENERAL LEAVE

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the appointment of the Honorable GEORGE BUSH as Ambassador to the United Nations.

The SPEAKER pro tempore (Mr. BOLAND). Is there objection to the request of the gentleman from Wisconsin.

There was no objection.

EXCISE, ESTATE, AND GIFT TAX ADJUSTMENT ACT OF 1970

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1296

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19868) to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 3, Rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Hawaii (Mr. MATSUNAGA), is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1296 provides for consideration of H.R. 19868, which, as reported by our Committee on Ways and Means, would amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and to fullfill certain other purposes. The resolution provides a closed rule with 2 hours of general debate. Because of noncompliance with the Ramseyer rule (Rule XIII, clause 3), all points of order against the bill are waived.

H.R. 19868 would continue for calendar years 1971 and 1972 the present excise taxes on passenger cars and communications services. This extension of excise taxes will provide a revenue increase in the estimated amount of $630 million for fiscal year 1971. In fiscal year 1972, the extended excise taxes on passenger cars and communications services are expected to increase tax collections by $1,865 million.

The bill would also shorten the period for the filing of the return and payment of estate taxes from 15 months after the decedent's death to 9 months after death. The proposed legislation would also change from an annual basis to a quarterly basis the filing of returns and the payment of gift taxes. However, an exception is made for fully charitable transfers. Because of the speedup in gift tax collections which would result from the enactment of H.R. 19868, an increase of tax revenues in the estimated sum of $100 million is projected for fiscal year 1971. Similarly, the shortening of the period for the payment of estate taxes is expected to result in an increase of $1,500 million in tax receipts for fiscal year 1972.

In addition, there would be a revenue savings in interest costs because of the gift and estate tax acceleration.

Mr. Speaker, I urge the adoption of House Resolution 1296 in order that H.R. 19868 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. And so because it has been customary or fashionable or both this legislation is brought to us under a completely closed rule by which no amendments can be offered except by the committee, and there can be no amendments to the amendments offered by the committee. Is that correct?

Mr. MATSUNAGA. That is correct. As the gentleman knows, it is customary for bills out of the Committee on Ways and Means to be brought up to the floor under a closed rule.

As the gentleman well knows, tax measures are subject to all kinds of amendments, and if we were to bring this measure out on an open rule we would likely be here until January 3, 1971.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MATSUNAGA. I am happy to yield to my good friend from Iowa.

Mr. GROSS. The bill will be subject to amendment in its consideration under an open rule in the Senate. Is the House a lesser body? Or is it just fashionable to bring bills out in this fashion under a completely closed rule? The other body will be able to work its will on this bill.

Mr. MATSUNAGA. As the gentleman well knows this is never a lesser body—but I might say in the light of the limited time left in this session this may be a wiser body.

Mr. GROSS. I must respectfully disagree with the gentleman. The consideration of bills under closed rules lends nothing to the stature of the House of Representatives in its consideration of legislation.

Mr. MATSUNAGA. I thank the gentleman for his contribution.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the remarks made by the gentleman from Hawaii with two exceptions. House Resolution 1296 does not waive all points of order but only waives points of order so far as the provisions of the Ramseyer rule are concerned, clause 3, rule XIII.

I doubt that there are any points of order. We have not in this instance waived them all—we have not got that far, but we have done everything else.

Then as to the other difference I have with him is as to January 3 that we will be here if we have an open rule. I think we will be lucky if we adjourn by January 19, 1971, so that we can reconvene on Tuesday, the next day, at noon on January 20, 1971.

Mr. Speaker, I reserve the balance of my time and I have no further requests for time.

XUM

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 242, nays 22, not voting 170, as follows:

[Roll No. 403]

YEAS—242

Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Baring
Barrett
Belcher
Bennett
Berry
Betts
Biester
Blatnik
Boggs
Boland
Brademas
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carter
Casey
Cederberg
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conte
Corman
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fascell
Feighan
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Galifianakis
Garmatz
Gibbons
Goldwater
Goodling
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Hechler, W. Va.
Helstoski
Henderson
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Keith
Kleppe
Kyl
Kyros
Leggett
Lennon
Lloyd
Long, Md.
McClure
McEwen
McFall
Macdonald, Mass.
MacGregor
Mahon
Marsh
Martin
Matsunaga
Mayne
Melcher
Michel
Mikva
Miller, Calif.
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Obey
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Quillen
Railsback
Reid, Ill.
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Roybal
Ruppe
Ruth
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Whalen
White
Whitten
Wiggins
Wilson, Bob
Winn
Wright
Wyman
Yatron
Young
Zablocki
Zwach

NAYS—22

Bevill
Brown, Calif.
Chamberlain
Dennis
Derwinski
Findley
Gonzalez
Gross
Hathaway
Hicks
Hutchinson
Jacobs
Landgrebe
Lowenstein
McCloskey
McDade
McDonald, Mich.
Miller, Ohio
Mink
Rarick
Ryan
Schmitz

NOT VOTING—170

Abbitt
Abernety
Adair
Adams
Addabbo
Anderson, Tenn.
Ashbrook
Ashley
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Blackburn
Blanton
Bolling
Bow
Brasco
Bray
Brock
Brooks
Broomfield
Burton, Utah
Button
Caffery
Camp
Carey
Carney
Celler
Chappell
Chisholm
Clancy
Clark
Clay
Cohelan
Collier
Collins, Ill.
Conable
Conyers
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Dent
Devine
Diggs
Donohue
Dowdy
Edmondson
Edwards, La.
Eshleman
Evans, Colo.
Fallon
Farbstein
Fish
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Gray
Green, Oreg.
Green, Pa.
Hagan
Hall
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Heckler, Mass.
Hungate
Ichord
Jones, N.C.
Karth
Kee
King
Kluczynski
Koch
Kuykendall
Landrum
Langen
Latta
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McKneally
McMillan
Madden
Mailliard
Mann
Mathias
May
Meeds
Meskill
Morgan
Morton
Moss
Murphy, N.Y.
Nelsen
Nichols
Nix
O'Konski
O'Neill, Mass.
Ottinger
Pepper
Philbin
Pike
Pollock
Powell
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rosenthal
Rostenkowski
Roudebush
Rousselot
St Germain
Sandman
Saylor
Scherle
Shipley
Skubitz
Snyder
Staggers
Steed
Steele
Stephens
Taft
Teague, Tex.
Tunney
Van Deerlin
Waggonner
Ware
Watson
Weicker
Whalley
Whitehurst
Widnall
Williams
Wilson, Charles H.
Wold
Wolff
Wyatt
Wydler
Wylie
Yates
Zion

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Camp.

Mr. Hays with Mr. Bow.

Mr. Hébert with Mr. Latta.

Mr. Teague of Texas with Mr. McClure.

Mr. Addabbo with Mr. Hastings.

Mr. Morgan with Mr. Williams.

Mr. Philbin with Mr. Mailliard.

Mr. Donohue with Mr. Sandman.

Mr. Rostenkowski with Mr. Harvey.

Mr. Shipley with Mr. Adair.

Mr. Gray with Mrs. Heckler of Massachusetts.

Mr. Edwards of Louisiana with Mr. Lukens.

Mr. Long of Louisiana with Mr. Bray.

Mr. Brooks with Mr. O'Konski.

Mr. Waggonner with Mr. Hall.

Mr. Wolff with Mr. Bell of California.

Mr. Aspinall with Mr. Skubitz.

Mr. Biaggi with Mr. Fish.
Mr. Abernethy with Mr. Snyder.
Mr. Celler with Mr. Wydler.
Mr. Dent with Mr. Steele.
Mr. Edmondson with Mr. Kuykendall.
Mr. Gallagher with Mr. Widnall.
Mr. Gettys with Mr. Quie.
Mr. Green of Pennsylvania with Mr. Whalley.
Mr. Rivers with Mr. King.
Mr. Pepper with Mr. McCullouch.
Mr. Nichols with Mr. Ayres.
Mr. Moss with Mr. Zion.
Mr. Mann with Mr. Nelsen.
Mr. Charles H. Wilson with Mr. Reifel.
Mr. Kluczynski with Mr. Beall of Maryland.
Mr. Brasco with Mr. Reid of New York.
Mr. Caffery with Mr. Collier.
Mr. Carey with Mr. Corbett.
Mr. Pike with Mr. Burton of Utah.
Mrs. Chisholm with Mr. William D. Ford.
Mr. McMillan with Mr. Ashbrook.
Mr. Clay with Mr. McCarthy.
Mr. Ottinger with Mr. Nix.
Mr. Pryor of Arkansas with Mr. Langen.
Mr. Fulton of Tennessee with Mr. Eshleman.
Mr. Fuqua with Mr. Lujan.
Mr. Gaydos with Mr. Roudebush.
Mr. Rosenthal with Mr. Diggs.
Mr. Yates with Mr. Brock.
Mr. Evans of Colorado with Mr. Hansen of Idaho.
Mr. Rees with Mr. Mathias.
Mr. Staggers with Mr. Whitehurst.
Mr. Pucinski with Mr. Hawkins.
Mr. Blanton with Mr. Weicker.
Mr. Anderson of Tennesee with Mr. Wold.
Mr. Hungate with Mr. Wyatt.
Mr. Meeds with Mr. Cowger.
Mr. Cohelan with Mr. Collins of Illinois.
Mr. Farbstein with Mr. Conyers.
Mr. Landrum with Mr. Blackburn.
Mr. Abbitt with Mr. Crane.
Mr. Ashley with Mr. Broomfield.
Mr. Ichord with Mr. Scherle.
Mr. Karth with Mr. Clancy.
Mr. Van Deerlin with Mr. Cunningham.
Mr. Murphy of New York with Mr. Wylie.
Mr. Purcell with Mr. Devine.
Mr. Randall with Mr. Cramer.
Mr. Giaimo with Mr. Ware.
Mr. St Germain with Mr. Morton.
Mr. Steed with Mr. Saylor.
Mr. Stephens with Mr. Pollock.
Mr. Jones of North Carolina with Mr. Rousselot.
Mr. Carney with Mr. McKneally.
Mr. Chappell with Mr. Taft.
Mr. Kee with Mr. Meskill.
Mr. Madden with Mr. Button.
Mr. Tunney with Mr. Conable.
Mr. Harrington with Mrs. May.
Mr. Roberts with Mr. Watson.
Mr. Hanna with Mr. Gilbert.
Mr. Hagan with Mr. Fallon.
Mr. Fraser with Mr. Powell.
Mr. Daddario with Mr. Reuss.
Mr. Bingham with Mr. Koch.
Mrs. Green of Oregon with Mr. Dowdy.

Mr. CHAMBERLAIN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19868) to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 19868, with Mr. HAMILTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill, H.R. 9868, the Excise, Estate and Gift Tax Adjustment Act of 1970, provides $3.4 billion in additional revenue for the fiscal year 1972, and $700 million of additional revenue in the fiscal year 1971. This additional revenue arises both from the acceleration of collection procedure for estate and gift taxes and also from continuing the excise tax on autos and communication services at present rates for a period of 2 years.

As the gentleman from Hawaii (Mr. MATSUNAGA) pointed out during the consideration of the rule, not only should we consider the additional amount of money that will accrue to the Treasury under these changes, but we should also recognize as the money comes in more promptly it means that we pay less interest in the long run.

The acceleration of the estate and gift tax collection procedure not only gives rise to additional revenue for the period ahead but also represents a significant reform in the area of estate tax administration. The principal change in the case of the estate tax is the shortening of the time allowed to file the estate tax return and to pay the estate tax from 15 months after the decedent's death to 9 months after his death. The bill also speeds up gift tax collections by providing for the filing of returns and the payment of the tax on a quarterly, rather than an annual basis.

This acceleration in estate and gift tax collections is particularly appropriate in view of the fact that most Federal taxes are now collected on a current basis. Both the individual income tax and the corporate income tax, for example, are now collected currently under the pay-as-you-go system. Under these circumstances it is difficult to see why we should permit long lags in the payment of the estate and gift taxes that can only have the effect of forcing the Federal Government to forgo needed revenue and to incur interest charges to cover the funds which must be borrowed because of the late receipt of the revenue.

The estate tax revision is desirable, however, not only because it results in the acceleration of estate tax collections, but also because it represents a real reform in the administration of estates. I say this because the bill removes the principal reason why it frequently takes at least a year and a half and frequently several more years to settle an estate and to distribute the property to the beneficiaries. With the provision for payment of the estate tax within 9 months of the decedent's death and with the provisions which this bill contains for the prompt discharge of liability for the executor with respect to the taxes involved, it should be possible to settle many estates within a year and a major proportion of the remainder within a short period thereafter. This is an important advance in the area of estate tax administration.

A second major portion of the bill provides for the continuation of the present 7-percent manufacturers tax on automobiles and the present 10-percent tax on communications services for 2 additional calendar years, 1971 and 1972. Under present law, these taxes are scheduled to decline to 5 percent in calendar 1971, to 3 percent in calendar 1972, and to 1 percent in 1973. They are scheduled for repeal as of the first of 1974.

In recommending this temporary continuation of the present tax rates on autos and communications services, your committee is aware of the fact that the Congress, on a number of occasions, has shown that it does not believe that these taxes should be permanent parts of our tax structure. Accordingly, we are not happy to recommend the continuation of the present rates on autos and communications services, even on a temporary basis. But the plain fact is, that in the present budgetary situation, we just cannot afford the substantial loss of revenue involved in permitting the presently scheduled reductions to take place in calendar 1971 and 1972. Nonetheless, the bill does provide a workable procedure for completely eliminating the taxes on autos and communications services over a period of time. This, as I will explain in a few moments, is done by scheduling very gradual reductions in both of these taxes, which are more realistic than the presently scheduled reductions because they involve smaller annual revenue losses.

In addition, for equity and revenue reasons, the bill makes a number of technical changes in the excise tax on autos and trucks, which I will discuss in a little while.

So much for the broad outlines of the bill. Let us turn now to some of the specific features of the legislation. As I have already indicated, the bill generally requires the estate tax return to be filed and the estate tax to be paid 9 months after the date of the decedent's death instead of 15 months after his death as under present law. This change is effective for decedents dying after December 31, 1970. It is designed not only to speed up tax collections but also to decrease the period of estate administration and to facilitate a more rapid distribution of property to beneficiaries. The present period of 15 months in most cases serves no useful purpose and frequently acts to delay the time when the beneficiaries may come into possession of the property.

The bill makes a number of changes to facilitate adjustment to the new 9-month requirement for filing the estate tax return and paying the tax. One such change concerns the alternate valuation date. Under present law, the property included in the gross estate is valued as of the date of the decedent's death or, if the executor so elects, as of 1 year after the decedent's death. However, with a 9-month filing requirement, the present 1-year alternate valuation date would clearly be inappropriate. Accordingly, the bill provides that the alternate valuation date for property included in the gross estate is to be 6 months after the decedent's death rather than 1 year after that date.

Similarly, provision is made for avoiding the hardship that might otherwise occur in certain cases as the result of the 9-month filing and payment requirement by providing more liberal rules for extension of time for paying the estate tax. The bill, for example, makes it easier and less costly for an estate to raise funds for the payment of estate tax by providing that property acquired from decedents will be deemed to have been held for more than 6 months. This removes a present tax handicap to the sale of property obtained from a decedent for purposes of raising funds to pay estate tax. It permits gains from the sale of such property, primarily those realized by a fiduciary to be treated as long-term capital gains even though sold shortly after the death of the decedent.

Another change which is designed to prevent hardship concerns extensions of time for the payment of estate tax. If the payment of the estate tax within 9 months of the decedent's death would create hardship for the estate, the bill provides that the Commissioner may extend the time for payment of the estate tax for a period up to 12 months rather than the 6-month period provided for by present law. It is your committee's understanding that the Internal Revenue Service will be liberal in granting such extensions. Your committee's report details several examples of types of situations in which it is understood that an extension will be allowed.

In addition, the bill liberalizes the rules under which an executor can obtain discharge from personal liability for a decedent's taxes to cover cases where there is an extension of time for payment of tax. These rules also are extended to a fiduciary other than an executor—usually a trustee—holding property included in the decedent's gross estate. In addition, for decedents dying after December 31, 1973, the bill provides that an executor will be able to obtain a discharge from personal liability within 9 months after application for a discharge. This latter change is postponed until 1974 in order to allow the Internal Revenue Service enough time to prepare adequately for more rapid audit procedures.

The Internal Revenue Service has assured your committee that it will adopt a number of administrative procedures to speed up the estate tax audit process. As part of that goal, the bill authorizes the Internal Revenue Service to provide for filing of estate tax returns with either the district director or at a service center. All of these changes will decrease the time necessary for the administration of estates and have the beneficial effect of permitting faster distributions to the beneficiaries.

Let us turn now to the provisions which speed up gift tax collections. Under the present law, the gift tax return must be filed and the gift tax must be paid by the donor by April 15 following the calendar year in which the gift was made. This permits the payment of the gift tax to be postponed for as long as 15½ months—for example, under present law, a donor who makes taxable gifts in January of 1970 has until April 15, 1971, to file his gift tax return and pay the gift tax. This treatment also has the defect of granting substantially greater tax deferral to those who make their gifts early in the year than to those making their gifts later in the year.

To accelerate payment of gift tax liabilities, the bill requires the filing of gift tax returns and the payment of gift taxes on a quarterly rather than on an annual basis. Under the new procedure, which is effective for gifts made after December 31, 1970, the gift tax return and the payment of the tax is to be due on or before the 15th day of the second month following the close of the calendar quarter in which the gift was made. For example, the gift tax return and payment for a gift made on February 1, 1971, will be due by May 15, 1971.

The bill makes no change in the structure of present law insofar as the determination of gift tax liability is concerned. The present gift tax rates, exclusions and deductions remain the same. The rate of tax on gifts made in any particular calendar quarter, for example, is to be determined by taking into account the total amount of taxable gifts which the taxpayer has made in all preceding calendar years and calendar quarters. This preserves the cumulative effect of present law with respect to the computation of the gift tax.

The bill also retains the annual $3,000-per-donee exclusion from gross gifts. The exclusion is to be applied in the order in which the gifts are made. Thus, if a donor gives $3,000 to "A" in January and $2,000 to "A" in September, the donor need not file a gift tax return with respect to the January gift nor pay any gift tax with respect to that gift. However, a gift tax return and gift tax payment is due for the September gift—to be filed and paid on or before November 15—since the annual exclusion, with respect to "A," will have been exhausted.

Quarterly gift tax returns will not be required for a charitable gift. Instead the donor will be required to report charitable transfers on a return for the fourth quarter of the calendar year, or at such earlier time as he is required to file a return for a taxable gift. This exemption of charitable gifts from the quarterly returns avoids any possible disruption to existing patterns of giving to charitable organizations.

I would like to turn now to the proposed continuation of the excise taxes on passenger automobiles and communications services. Here we have had to face up to some difficult issues. On the one hand, the Congress has many times recognized the desirability of eliminating these taxes from the revenue system. In fact, under present law, these taxes are scheduled for reduction and eventual elimination. On the other hand, in the present state of our budget, we just cannot afford the immediate large revenue losses that would be involved for fiscal 1971 and fiscal 1972 if the automatic reductions were permitted to take place on schedule.

The present bill resolves these issues by continuing for 2 years, for calendar years 1971 and 1972, the present taxes on passenger automobiles and communications services. This produces a revenue increase for fiscal 1971 amounting to $630 million, and more importantly for the fiscal year 1972 the revenue increase amounts to an estimated $1,865 million.

To give assurance that the excises on passenger autos and communications services do not remain a permanent feature of our tax system, the bill provides schedules for the automatic reduction and gradual elimination of these taxes. In this respect, the bill is similar to previous legislative measures which also provided for the reduction and elimination of these taxes. What is different in the pending bill, however, is that it provides for much more gradual reductions in the rates of these taxes—involving reductions of not more than 1 percentage point in any one year. This greatly increases the likelihood that the reductions will be permitted to take effect as scheduled since the revenue loss involved in any one year will be relatively small, particularly if account is taken of the normal growth in the bases of these taxes over the years.

In summary, therefore, the bill provides that the current tax rates of 7 percent for passenger automobiles and 10 percent for communications services are to continue through 1972. Beginning in calendar year 1973, the rates of these taxes are then reduced by 1 percentage point per year until they are completely eliminated as of January 1, 1982. However, as an exception to this general reduction procedure, the tax on passenger autos is kept at 5 percent from 1974 through 1977. This is done so that the communications tax, which is now higher than the auto tax, can be brought down to the same level as the auto tax, with the result that both taxes can be repealed as of the same date in 1982.

Finally, the bill makes a number of technical changes designed to make the operation of the auto and truck taxes more equitable. One such change is designed to forestall the possibility of granting unintended benefits as a result of provisions in the 1969 Tax Reform Act and prior Internal Revenue Service rulings. The legislation now before the House concerns cases where a manufacturer of an automobile or truck regularly sells to an affiliated distributor which then regularly sells to independent retailers. In such cases, the bill provides that the constructive sales price on which the tax is computed is to be 97 percent of the lowest price for which the affiliated distributor regularly sells these items in

XUM

arm's-length transactions to independent retailers. The 1969 act and prior rulings of the Internal Revenue Service would allow such manufacturers to use a constructive price for this purpose amounting to 90 percent of the lowest price for which the affiliated distributor regularly sells the items in arm's-length transactions to independent retailers. The use of such a 90-percent constructive price for the auto and truck industries is inappropriate. The 90-percent figure was designed primarily to minimize the potential impact of taxes on competition in those industries where some manufacturers regularly sell through affiliated wholesalers and where other manufacturers distribute their product through independent wholesalers. This is not the situation in the auto and truck industry since in this industry it is typical for manufacturers to distribute their products by selling directly to retailers. As matters now stand, there is a possibility that auto and truck manufacturers will create wholesale distributors which could qualify for the 90-percent treatment with a resultant revenue loss to the Government of between $75 million and $150 million a year. The remedial provision provided by this bill prevents this.

Questions have been raised regarding some specific aspects of this provision. The bill provides specific rules for determining what is the "lowest price" when that concept figures in a constructive sale price. These rules are to apply to the new 97-percent method provided by the bill, to the 90-percent method that I have just described that was enacted in 1969, and to the other methods used under the general constructive sale price provision. Illustrative of the methods used under the general provision are the 90-percent method used in the private ruling practice of the Service—that was the basis for the 90-percent method enacted into the code in 1969—and the 95-percent method used by the Service in a ruling published in 1962.

Other technical changes made by the bill prevent items subject to manufacturers tax from being included in the tax base more than once and also exclude from the tax base retailing or distributing markups as distinguished from manufacturing markups. The committee recognized that problems in the further manufacture area generally may be divided into two categories: First, when has an act of further manufacture occurred? Second, how is the tax to be computed in such a situation? The bill and the committee report discussion deal with the second of these problems—how to compute the tax. We believe that resolution of the computation problems will resolve most of the difficulties in this area. If experience shows otherwise, we will examine the first of these problems—what is further manufacture. The example in the committee report is based upon the Internal Revenue Service's current view of what is further manufacturing—the committee does not intend at this point to express a view on that particular point.

Still another change extends the present exemption for camper coaches which is now granted under the truck tax to articles designed to be used primarily for camping accommodations. An example of such articles is a cap designed for mounting on pickup trucks which, upon installation and together with the truck body sides and the truck floor, provides an area for sleeping quarters.

Finally, the bill provides a mechanism to alert the purchasing public that new automobiles are subject to significant manufacturers excise tax. Under present law, a manufacturer of a new automobile is required to affix to the windshield or side windows of the automobile a label showing, among other things, the suggested retail prices of all the optional equipment, the transportation charge for delivery by the manufacturer to the dealer, and the total of these items. The bill requires that for new automobiles distributed in commerce after March 31, 1971, such labels also show that Federal excise tax was imposed and the percentage rate at which it was imposed.

In summary, the legislation now before us will significantly improve the operation of our tax system. The speedup in estate and gift tax payments which it provides will bring the collection of these taxes into line with the collection procedures for other Federal taxes which are already on a current basis. In addition, the acceleration of estate tax payments is desirable because it will make it possible to settle estates much sooner than under present law and this will mean a much more prompt distribution of property to the heirs—an objective I am sure we all favor.

Moreover, this speedup of estate and gift tax payments together with the proposed temporary continuation of the present excise tax rates on autos and communications services will significantly increase revenue in fiscal 1971 and 1972 when we will need added revenue for budgetary reasons. All these factors are reason enough for prompt adoption of this measure. But, there is additional reason for prompt approval by this body. We must move this bill to the Senate at once if there is to be time for its enactment this year. I urge the House to adopt this bill.

Mr. Chairman, I could answer any question, if there are any questions, but I think I have said enough about the bill.

Mr. ULLMAN. Mr. Chairman, I have three clarifying questions which I would like to ask. These relate not to the text of section 302 but to certain explanatory language in the Ways and Means Committee report.

First, under the heading "Further Manufacture"—report page 22, first sentence of second paragraph—it is stated as follows:

> Where a person acquires a tax-paid article and makes some significant functional change to it, the resulting item is treated as a new article and the manufacturer of this new article (the "further manufacturer") is subject to tax.

It is my understanding that the excise tax law does not itself attempt to define any specific test for what constitutes "manufacture" or "further manufacture." Further, in assessing this problem courts have taken into account many different factors and considerations, and utilized a variety of tests. My question, therefore, is simply to be assured that this language in the report is merely illustrative and that the committee is not attempting thereby to formulate a new or different definition on the subject of manufacture from those which the courts have already set forth.

Mr. MILLS. I do not believe that the committee, in its action, was trying to define in detail what constituted further manufacture. I would not want to say that the committee was specifically adopting the rules of the few court cases in defining further manufacture. On the other hand, while, in general, I believe that, as the committee report indicates, further manufacture represents a significant functional change, certainly this still leaves room for plenty of questions as to what constitutes a significant change of a functional character. This whole area is one which we will watch. If the administration of it does not prove to be satisfactory, I am sure we will want to consider this again at the legislative level.

Mr. ULLMAN. My second question deals with the following language starting on line 6 of page 23 of the report:

> Manufacturer 1 sells a new truck tax-paid to Manufacturer 2, who then buys a new tax-paid 'fifth wheel', installs it, and sells the completed article at retail to the ultimate user. Under present law, the sale by Manufacturer 2 of the truck with fifth wheel installed is subject to manufacturers excise tax (sec. 4061(a)) and a constructive sale price is to be calculated (sec. 4216(b)(1)).

My understanding is that this example is not intended in any way to state a committee conclusion that installation of a fifth wheel on a new tax-paid truck does, in fact, constitute "manufacture." Rather, it is intended merely to illustrate the Internal Revenue Service's present position as represented to the committee on this subject. I would point out that no court cases to date upholding such a position have been called to our attention, nor, in fact, has the Internal Revenue Service so far issued any public ruling to this effect. In sum, my question is simply to clarify the fact that this example represents only the Service's position rather than an attempt to state present law.

Mr. MILLS. As you know, the Internal Revenue Service holds that an installation of a fifth wheel constitutes further manufacture. In this bill we dealt with the question of how to determine what is the manufacturer's price where further manufacture occurs. If one assumes that the installation of a fifth wheel constitutes further manufacture, then the illustration in the committee report indicates how one computes the tax in that case. The specific question as to what constitutes further manufacture is not dealt with in this legislation. As I have indicated, only the questions arising with the Service in this regard well may be a matter that Congress will want to consider further in the future.

Mr. ULLMAN. My third question requests clarification of the following language starting on line 40 of page 24 of the report:

> Your committee understands that the recent rulings of the Internal Revenue Service changing the circumstances under which further manufacture is said to have occurred, will not be applied retroactively.

I understand that there have been several recent published rulings by the Internal Revenue Service dealing with various aspects of further manufacture, and that this language states that in such cases only further manufacturing operations undertaken after the date of such rulings are to be considered taxable. However, as noted previously, in the case of the fifth wheel installation, and in addition certain other areas of minor modifications by truck dealers, such as the installation of logging bunks and the shortening or lengthening of the frame, no published rulings have as yet been forthcoming although a few individual assessments have been made by IRS field auditors. My question, therefore, is to clarify that it is the committee's intent that as to such prospective rulings by the Internal Revenue Service, individual assessments or collections will not be made in these additional areas until such time as the Internal Revenue Service publishes such rulings with regard thereto, and that such rulings will apply only to transactions undertaken after the effective date of such rulings.

Mr. MILLS. As I indicated in my reply to your first two questions, this bill does not specifically deal with the issue of what constitutes further manufacture. Therefore, it is impossible for me to state that the committee, in acting on this bill, has said to the Service: "When you define further manufacture, do not apply it retroactively." However, I would believe that as a general rule, wherever the Service defines further manufacture to include something that was not generally thought to be further manufacture in the past, that such a ruling should be made prospective only. The Service has the right to make rules of this type prospective only, and I would think that good judgment on their part where there was any significant change in the Service's position in this regard would be to seek prospective application only. Should the Service's attitude in this not turn out as we think it should, I am sure that in any further legislation on this subject this is a matter which we can take into account.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Were not most, if not all, of these taxes initiated as temporary taxes in 1941?

Mr. MILLS. No, sir. The tax on automobiles predate that year. That manufacturers' tax was first enacted earlier than 1941. It is my recollection the telephone tax was enacted in 1941 but we have had a tax on automobiles for many years.

Mr. GROSS. That and other taxes which are contained in this legislation were enacted as temporary taxes 29 years ago; is that not correct?

Mr. MILLS. That is true of the tax on telephones, but I call my friend's attention to the fact that the first automobile manufacturers' tax was enacted in 1917, and it has been with us most of the years since that time.

There is a feature of this bill that I would like to emphasize again. From reading of the report you can see that at the end of 1972, the rate is allowed to drop on both the automobile tax and the telephone tax by no more than 1 percentage point per year until the rates are entirely removed. We have done this because we have a very sincere desire in our committee, and I understand the Treasury has the same desire, that at the end of this 2-year period these rates should actually begin dropping and eventually disappear. There is too much money in these two taxes to let them disappear all at one time or even to let them decline at the rates previously scheduled. The intention in the new schedules is to let the rates go down only very gradually so the reductions in any 1 year will not be so large that the Treasury will look at the revenue and ask us to maintain existing rates.

Mr. GROSS. This legislation is proof positive of the old saying that there is nothing so permanent in Washington, D.C., as something which originated as a temporary measure.

Mr. MILLS. I would call the attention of my friend to the fact that there seems to be nothing so permanent as a continued deficit, fiscal year to fiscal year, in our present situation.

Mr. GROSS. The surtax was as much a tax as these we are discussing here. They are all taxes.

Mr. MILLS. That is true. They are all taxes. There is no question about that.

Mr. GROSS. And the distinguished gentleman from Arkansas predicated his support for the surtax upon the basis that there would be concurrent reductions in spending; did he not?

Mr. MILLS. There was some reduction in spending as a result but not to the extent that I would have desired.

Mr. GROSS. So the surtax was permitted to expire and is no longer being levied, but these taxes are being continued even though spending increases.

Mr. MILLS. Right.

Mr. GROSS. So these taxes are not being conditioned upon a reduction in spending on the part of the Congress or the administration.

Mr. MILLS. The gentleman is correct. The gentleman knows that there has been enacted for this fiscal year a spending limitation by the Appropriations Committee. I do not know how well it has worked. Of course, one Congress cannot bind another Congress in that respect. The Congress can always raise its limits in subsequent action if it wants to do so, but we are in a very serious fiscal situation. I have said that repeatedly for the last several years.

The thing that impresses me the most about it is that we are not planning these deficits. We just are not able to prevent them from occurring. It is one thing to plan them, and it is quite another not to be able to prevent them from occurring.

Mr. GROSS. If the gentleman will permit me, I would have to disagree that we cannot prevent them. We are spending as if we are bent on bankruptcy.

Mr. MILLS. What I meant is that we are not preventing the deficits. I should not have said we cannot do it. What I meant is that we are not doing it.

Mr. GROSS. I think that is better. I am sure we could cut spending if there was the will to do so.

Mr. MILLS. We can do it if we want to, but that is not being done.

Mr. Chairman, I would urge the House to accept this bill from the Ways and Means Committee.

Mr. BYRNES of Wisconsin. Mr. Chairman, I rise in support of H.R. 19868, the Excise, Estate and Gift Tax Adjustment Act of 1970.

Inasmuch as this bill has been discussed so thoroughly by the chairman of the Committee on Ways and Means, there is no need for me to go into similar detail.

I would, however, like to summarize my particular views on the three major elements of the legislation.

Although I am sure that all of us would prefer to do away with the excise tax on automobiles and communications services in accordance with the scheduled phase-out in existing law, this is not feasible in view of our current budgetary needs. If the current rates, which are extended for 2 years by this bill, are reduced as scheduled, Federal revenues would be reduced by $630 million in the current fiscal year, and $1.8 billion in fiscal year 1972.

I have often remarked in the past that nothing is so permanent as a temporary tax. This statement has an uncomfortable degree of truth in the area of excise taxes on automobiles and telephone service. However, I believe the legislation before us, in providing for a gradual phase-out of these taxes over a 10-year period, will enable us to achieve our goal of eliminating these levies. Since under this phase-out, the rates will decline at most by only one percentage point annually, the revenue loss in any single year should not assume critical proportions in the Federal budget picture. The likelihood of any future extension based solely on revenue need would, therefore, be lessened.

The provisions of this bill for accelerated payment of estate taxes is a considerably altered version of the proposal originally presented by the administration. The original proposal would have required the payment of an estimated estate tax 7 months after death. The bill does not require an estimated payment, but instead, shortens the time for filing the estate tax return and paying the estate tax from 15 months to 9 months after death.

Accompanying changes shift the alternate valuation date for estate assets from 1 year to 6 months after death, and amends the holding period rule so that any property included in the gross estate which is sold within 6 months after death would be given long-term capital gains treatment. Additionally, the bill contains provisions that, along with full cooperation promised by the Treasury Department, will expedite the audit and processing of income tax returns and the release of executors and

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other fiduciaries from personal responsibility.

The proposals included in the committee's bill, which were worked out by the Treasury Department with the cooperation and endorsement of various bar associations, professional fiduciaries, and other taxpayers and their representatives, will significantly shorten the period of time required to complete the administration of an estate. Criticism is justifiably made in many cases, particularly by beneficiaries, about the unduly long time required for final distribution of the assets, in part attributale to procedural tax problems that are greatly ameliorated by this bill.

The proposal, in providing for a more current payment of estate tax liabilities, will result in a one-time revenue gain in fiscal year 1972 of $1.5 billion, and will reduce borrowing costs in fiscal year 1972 and future years.

During committee deliberations on the legislation, considerable concern was expressed about estate liquidity problems. The committee gave careful consideration to these problems and included provisions to insure that this bill will not have an adverse impact on liquidity. Although the estate tax proposal would shorten the payment time from 15 to 9 months, provisions of the bill would permit the Treasury to grant an extension up to 12 month time—permitting a total period of 21 months—where reasonable cause is shown.

Under existing law, undue hardship must be shown in order for an additional 6-months period to be granted, giving an estate a total of 21 months to pay the estate tax—the same total period that may be granted under the bill where warranted.

Further, it should be noted that the bill would not alter another part of existing law which provides for extensions of up to 10 years in cases of undue hardship, or where the estate owns a substantial interest in a closely held business.

As for the third major element of this measure, which would place the payment of gift taxes on a quarterly instead of a yearly basis, it was the committee consensus that there is no reason why donors of gifts should enjoy substantially greater tax deferral privileges than are presently accorded taxpayers generally.

Most Federal levies, including the income tax, are payable on a current basis. Under existing law, the gift tax is not payable until 3½ months after the close of the year in which a gift is made. This can result in payment of the tax more than 15 months after the date of a taxable gift. The bill before the House provides for quarterly filing of gift tax returns. Placing payment of these taxes on a more current basis results in a one-time revenue gain of $100 million in the current fiscal year and will result in additional savings in Government borrowing costs.

Mr. Chairman, this bill provides needed revenue in a context that includes real improvements in our revenue laws. I urge all of my colleagues to join me in supporting this legislation.

Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, I rise in opposition to title II of H.R. 19869 that would postpone once again the long-promised and long-delayed phaseout of the excise tax on new passenger automobiles.

As I view it, the fundamental question before us is the credibility of the Congress. The issue about whether such a tax is justified was settled back in 1965 when the Congress declared the auto excise tax to be a patently unfair levy singling out one group of workers, consumers, and businesses to bear an unequal tax burden. Nevertheless, Congress has acted to continue this tax for the past 5 years. I say it is time the Congress kept its word.

The familiar adage that "there is nothing so permanent as a temporary tax" may well be older than the auto excise tax, but there certainly can be no better example.

Perhaps it would be well, for the record, to review the history of this tax, which is nearly as old as the Federal income tax.

It first went on the books in 1917 at a 3-percent rate.

In 1919, it was raised to 5 percent.

In 1926, it went back to 3 percent.

In 1928, it was repealed entirely.

In 1932, it was restored at 3 percent.

In 1940, it rose to 3½ percent.

Then in 1941, it was doubled to 7 percent to provide revenue, to discourage auto production and help direct our national energies to war needs.

In 1951, it went up to 10 percent for basically the same reasons.

Here it stayed, with the Congress each year going through the ritual of extending it "temporarily" for 1 more year during 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, and 1964, until the passage of the Excise Tax Reduction Act of 1965 when Congress finally acted to rid our tax system of a great many of these highly selective and unfair consumer wartime taxes.

In the committee report urging passage of the 1965 act, the auto excise tax was cited as one of many "selective" excises found to be inherently discriminatory and therefore unjustified. The report also stressed that they are unfair to consumers and particularly those with low and middle incomes:

> Consumers of the taxed products where the tax is passed forward must pay a premium, over and above the market price, for the taxed items, which consumers of untaxed items do not pay. These selective excise taxes tend to reduce sales and therefore reduce incomes and jobs in the industries which produce the taxed goods. In these ways selective excise taxation results in arbitrary and undesirable distortions in the allocation of resources and in this manner interferes with the free play of our competitive market.
>
> Many of these excises also now are objectionable in that they are generally regressive in their impact, absorbing a larger share of the income of low-income persons than of those with higher incomes. This stems from the fact that low-income families find it necessary to spend a higher proportion of their incomes for consumption than those with larger incomes.

Specifically, with regard to the auto excise tax, which President Johnson initially asked to be cut from 10- to a 5-percent rate, the Ways and Means Committee decided that in view of the fact that all other "selective" taxes were being eliminated entirely, "It could not justify leaving the 5-percent tax on passenger cars." Regrettably, this objective was not realized. Instead, we entered simply a new round of postponements, of broken promises.

Pursuant to the 1965 act, the auto excise tax rate dropped from 10 percent to 7 percent in May of that year.

On January 1, 1966, it dropped to 6 percent.

However, early in 1966 Congress agreed to a Presidential request to restore this rate to 7 percent and to postpone any further scheduled reductions for 2 years.

Then, in the Revenue and Expenditure Control Act of 1968, the phaseout schedule was again deferred for 1 more year.

Last year, in the Tax Reform Act, it was once again set aside for still another year.

The Ways and Means Committee, in its report approving the Tax Reform Act of 1969, gave as its only reason for recommending postponement the following:

> At a time when economic conditions require the continuation of the surcharge on individual and corporate income taxes at a rate of 10 to 5 percent for another year, your committee concluded that it would be inappropriate to permit scheduled excise tax reductions during this period to occur.

The tax surcharge was allowed to go off the books on June 30, 1970, and with it, it was hoped, the last justification for continuing the automobile tax.

On July 30, 1970, the Secretary of the Treasury, in transmitting the administration's tax proposals to the Congress, offered no justification for a further postponement of the auto excise tax repeal schedule other than to say that the Treasury needed the revenue. This, of course, is not a trifling reason, but what is not considered in the Secretary's request are the added tax revenues that would be generated through the increased car sales that would result by the reduction and repeal of this tax.

In this connection I would call the attention of the House to the dissenting views beginning on page 27 of the report, joined in by our distinguished colleague from Michigan (Mrs. GRIFFITHS), and myself. Here we point out that current estimates suggest that the Federal Government would stand to recoup 60 cents on each dollar of reduction on the automobile excise tax. In other words, the revenue loss predicted by the Secretary if another postponement does not take place would not be $360 million in fiscal 1971, for example, but much closer to $144 million. It just stands to reason that as more cars are made and sold automotive businesses and workers will pay more income taxes. A ripple effect is created throughout the whole economy. In addition, as we concern ourselves with the problems of inflation, we must remember that we in the Congress, by new Federal regulations and safety equipment requirements, have added to the cost of new cars. It stands to reason that the reduction of this tax at this time would be especially appropriate in trying to hold down new car prices.

It should be remembered that in 1965 when the auto excise tax rate was cut from 10 to 7 percent this reduction was passed on directly to the consumer and I have every reason to believe that this would be done so again.

The Ways and Means Committee, in recognition of the basic unfairness of this tax and of its previous decision that it should be ultimately eliminated, proposed in H.R. 19868, a new phaseout schedule by which it hopes to facilitate the repeal of this tax through the device of stretching out the reductions over a longer period of time.

While I reject emphatically the premise upon which this is based, being pragmatic, perhaps, this longer withdrawal period will be more painless, and will ultimately succeed in curing the Treasury's addiction to this tax. However, history does not provide any basis for optimism, as according to the Excise Tax Reduction Act of 1965, if we had kept our word, the auto excise tax would have been reduced to 1 percent in 1969.

As you will note on page 18 of the report, the present bill will push total repeal all the way ahead to 1981, more than 10 years from now, and as I say, past experience causes me to speculate whether or not this, too, will become only a "temporary" target date. You will also note from the table on page 18 that when the excise tax is reduced to 5 percent in 1974, it is proposed to have it hold at that level through 1975, 1976, and 1977. Again, while I do not accept the logic of this action, it is my understanding that this has been done in order that both the telephone excise tax and the auto excise tax will be phased out simultaneously.

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I am deeply concerned about this extended delay and my concern is recorded in the dissenting views of the committee report. While I am aware of the budgetary considerations which prompted the committee to propose the stretchout of the reductions in the automobile tax, I want to emphasize again that this tax is discriminatory, that the Congress has recognized this by its actions in 1965, and that it should be repealed, as, indeed, the committee has conceded. The tax unjustly singles out one group of consumers, that is new car purchasers, and one particular industry, to bear more than their fair share of the tax burden.

Mr. Chairman, I regret our chairman of the committee is not on the floor. I had hoped I could have a colloquy with him. But in his absence I would like to direct a question to the ranking minority member, the gentleman from Wisconsin (Mr. BYRNES).

I would like to say for the purposes of providing some legislative history here I would like to ask my distinguished colleague from Wisconsin if it was not his understanding that the intent of the committee in stretching out the reduction of this tax to 1972 was to insure its eventual repeal without any significant budgetary effect in any one year?

Mr. BYRNES of Wisconsin. Will the gentleman yield?

Mr. CHAMBERLAIN. Yes. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Well, the purpose of the more gradual phaseout included in this bill is to avoid the large fiscal impact that is contemplated under the existing law. Therefore the need for revenue will be a much less argument for continuing these taxes at their present rates in the future. It is to make these reductions more moderate and therefore more acceptable on a year-by-year basis that the new schedule is included.

Mr. CHAMBERLAIN. I thank the gentleman.

Would he not agree with me it was the intent of the committee as you read it that this tax should ultimately be repealed in accordance with this? Is that correct?

My BYRNES of Wisconsin. If that was not our intention, I do not think we would have established this schedule for reducing and terminating the taxes.

Mr. Chairman. I thank the gentleman for his comments.

Mr. Chairman, I feel the continued postponement of scheduled reductions in the automobile excise tax are unwise and discriminatory as well as a breach of faith by the Congress. I shall remain dedicated to the complete repeal of this tax and welcome the assurances of the chairman that the committee fully intends to adhere to the schedule now proposed.

Turning to another aspect of this legislation, I would like to say that I am gratified that the committee has accepted the suggestion to require new car labels to show the applicable rate of the manufacturers' Federal excise tax as set forth in section 304, on page 26 of the bill. I am satisfied that one of the major reasons that this discriminatory tax has not been repealed at an earlier date is because as a practical matter, it has been hidden from the new car purchaser. At a time when much concern has been expressed about truth in advertising, truth in lending and truth in packaging. I say we also need a bit more truth in taxation when it comes to letting the public know of the existence and the rate of the automobile excise tax. Frankly, I feel that the exact amount of Federal taxes paid on every new car should be fully known to every purchaser. But, as this tax is levied on the manufacturers' cost, this has not been done. It is my hope that the technical difficulties involved may some way be overcome in order that the new car label may state the specific amount of this tax in dollars and cents rather than just a percentage figure. I sincerely believe that the committee amendment contained in this bill is a step in the right direction.

In closing, I would like to say again that the fundamental question with respect to the automobile excise tax is whether or not the Federal Government is going to live up to its word. Our credibility has been seriously eroded by our repeated extensions of this tax. Past experience tells us that repealing it tomorrow is no answer, for tomorrow never comes.

No one questions the need for tax revenues. However, there will never be a time when the Government is not going to need money. An auto excise tax is always going to be an expedient way to raise revenue, but, by itself, it is never going to be a fair way. If we need money, and it is clear that we do, we should raise it in a fair way. If we are going to keep a manufacturers' excise tax, it should be on all manufactured goods, not just one particular manufactured product.

As the Nation's spending priorities are being shifted, I say now is the time to rid our tax system of this long-standing inequity and to look for fairer revenue sources on which to build soundly for the future. For these reasons, as well as others, I am compelled to oppose this legislation.

Mr. WATTS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I would like to join at this time in the remarks which were made by the gentleman from Michigan (Mr. CHAMBERLAIN) and to protest also another continuation of the auto excise tax. But, I would like to point out that in the year when we were successful in removing a small amount of the auto excise tax, a part of the group which opposed this reduction in any larger amount were the dealers.

Mr. Chairman, the dealers have a built-in interest in maintaining the present price structure and, therefore, they opposed the total reduction of the auto excise tax.

My opinion is that this group does not really own this part of America, that in fact the auto excise tax is a very unfair tax not really tied to the principle of the automobile being a luxury.

Mr. Chairman, automobiles are a necessity. We are taxing most heavily the people who can really least afford to pay. It is not alone the Treasury of the United States that is anxious to have the auto excise tax continued. I repeat, it is also the fight to maintain the present price structure on automobiles and the dealers themselves who have objected to a substantial reduction at one time. I think that the excise tax should be removed.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I was somewhat surprised at the comments of the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS) to the effect that the auto dealers want this tax continued. Frankly, that comes as a great surprise to me because I have been importuned by the dealers in Wisconsin, who do not have that attitude because they would like to be able to reduce the price of automobiles and thus improve the potential for sales. I have not heard this argument before. It is not in keeping with the recent views which I have received from the automobile dealers in my district.

Mr. DENNIS. Mr. Chairman, this bill has the virtue of retaining excise revenues which, however distasteful, are presently needed, and it also furnishes a temporary financial shot in the arm to the Government where estate taxes are concerned; but it is in connection with the estate tax feature of the bill that I wish to make a brief comment.

Estate taxes at the Federal level have never formed a very large percentage of the total Federal budget and the Federal estate tax has been less an important revenue raising device than a social measure, designed to discourage the accumulation of private fortunes, and to encourage the redistribution of wealth.

Today, we hear a great deal about revenue sharing, due to the fact that the Federal Government has preempted so many of the available sources of revenue; but it has always seemed to me that one of the best ways to share revenue would be in the Federal Government not to take the revenue in the first place, and it seems to me, further, that one useful place to start this process would be in the field of estate and inheritance taxes, a field from which the Federal Government could retire with comparitively little financial embarrassment and so release this source of tax revenue to the jurisdiction of the several States.

The time may not be ripe for such a move at this particular moment, but I think it is a possible step which is worthy of serious consideration of the Committee on Ways and Means; and it seems to me an objection to the present bill that, rather than advancing in this direction, it not only retains the Federal estate tax, but, by speeding up its collection for immediate revenue purposes, tends to treat it as a permanent and revenue producing part of the Federal tax structure.

The present measure does not represent a fundamental change in present law; but it does not seem to me to do anything either for the revenue sharing concept or for philosophical tax reform

Mr. BROYHILL of Virginia. Mr. Chairman, I support H.R. 19868, but I did not arrive at this position easily or quickly. I viewed this legislation with considerable misgivings, initially, and decided to vote for it only after satisfying myself that it would not impose an undue hardship upon the taxpayers it would affect.

There never was any doubt that the Federal Government really needs the money the bill would yield—about $730 million this fiscal year and about $3.4 billion next fiscal year. A mere glance at the estimated budget deficits for both years is convincing enough.

The bill before the House today represents a modified version of the package proposal originally presented by the administration to the Committee on Ways and Means. I believe that the modifications made in committee will do much to soften the impact on taxpayers yet leave intact the essential purpose of the legislation, which is to raise sorely needed revenue.

One vital element of the bill calls for speeding-up the payment of estate taxes, from 15 to 9 months after death. The administration had first proposed an acceleration to 7 months, but later accepted the present language.

My own acceptance of this portion of the measure was based largely on these points:

First. There are two provisions designed to prevent hardships. First, property acquired from a decedent would be considered to have been held for more than 6 months, thus paving the way for capital gains treatment of the sales of such property. Second, the Commissioner of Internal Revenue could extend the time for payment, in hardship cases, up to 12 months, instead of 6 months as under present law. The net effect would allow the same possible extension of time—21 months—which is now available.

It is important to note that the committee was assured that these extensions of time will be granted liberally where reasonable cause exists.

Second. A number of additional changes should decrease the time necessary for processing of estate taxes and thus permit a more rapid distribution to the beneficiaries. For example, in order to speed the audit of returns, the committee has provided for streamlining of filing procedures, and has been assured that the Internal Revenue Service will take steps promptly to expedite other aspects of administration.

Another portion of H.R. 19868 provides for placing payment of gift taxes on a quarterly instead of a yearly basis. The central question here really is: Who should have use of the funds which eventually would be required for payment of the tax?

In this regard, the committee noted that most Federal taxes—and most notably the income tax—are paid on a current basis, and that under present law those making gifts early in a year have a substantially greater tax deferral than those making gifts late in the year.

With these points in mind, the committee concluded it would be more equitable for the gift tax to be paid more promptly to the Government, and for the Government to have the use of the money involved for interest purposes.

In making my own decision, I also kept in mind that the bill would not change existing law as far as total liability for the gift tax is concerned nor would it substantially alter the annual $3,000 per-donee exclusion or the $30,000 lifetime exemption.

As for the third major element of H.R. 19868, the 2-year continuation of excise taxes on automobiles and communications services, I based my reluctant acceptance on one leading factor.

Under the schedule provided in the bill for phasing out these taxes after 1972, the future rate reductions would be spread over a 10-year period, which should prevent any truly significant revenue loss in any 1 year. And this offers a genuinely realistic hope that these taxes will eventually, but finally, come to an end. It would be very difficult for an administration to make a good case for needing the revenue from 1-year extension of either tax.

The bill also provides for other, technical excise tax changes which would, generally, work to the advantage of affected taxpayers.

In summary then, Mr. Chairman, I support H.R. 19868 because the need for it is clear, and because it includes what I believe to be adequate safeguards against abuse of the taxpayer.

Mr. HOGAN. Mr. Chairman, I consider it extremely regrettable that at this time, it is necessary for the House to consider another tax measure to increase revenues. I find this bill particularly distasteful because among other things, it provides for the full extension of two regressive and objectionable taxes; namely, the Federal excise tax on communications and on automobiles.

The nature and history of these two taxes are similar. But at this time I would like to call to the Members' attention a few facts regarding the communication a few facts regarding the communications excise tax in particular. First, I would like to point out that 1971 will be the 30th anniversary of the excise tax on telephone service. For 30 years, consumers have been subjected to what I consider to be the most regressive and inequitable tax on the books.

The present excise tax on local and toll telephone service and teletype service is 10 percent of the amount paid for the services. The present law provides for a rate reduction in the tax on these services to 5 percent for the calendar year 1971, to 3 percent for 1972, and 1 percent for 1973, and schedules this tax for repeal as of January 1, 1974.

The committee is now telling us that once again the need for revenues will not permit the scheduled reduction and repeal to take place. The bill before us provides for a 1-percent, per year reduction on the telephone tax beginning in 1973, with plans to repeal the tax in 1982.

I can fully appreciate the need for the more gradual reduction of these taxes and agree that this schedule will more likely lead to their elimination sooner than if the present schedule of rates were merely to be postponed. However, I disagree with the committee's view that this tax should remain at 10 percent until 1973 and feel that as a matter of good faith the Congress should authorize the new schedule of reductions immediately. It is my understanding that a 1-percent reduction in 1971 would result in an approximate loss of $40 million in revenues, and an additional 1-percent reduction in 1972 would cost approximately $65 million in revenues for that year. We are talking about modest sums of money in connection with the national budget. At the same time when the American citizen is being taxed to the hilt, a 10-percent telephone tax provides an additional burden on a small budget. A 1-percent reduction will not mean great sums to the individual taxpayer in 1971, but will partially restore to him the belief that our Government is interested in serving the people and not just taking every penny it can.

The need for this legislation has been

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well stated. It has come to the floor of the House under a closed rule, thereby precluding amendment by the Members. After deliberate consideration, reluctantly, I will vote for the bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 19868

A bill to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) Short Title.—This Act may be cited as the "Excise, Estate, and Gift Tax Adjustment Act of 1970".

(b) Wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—ESTATE AND GIFT TAXES

SEC. 101. ESTATE TAX

(a) Alternate Valuation.—Section 2032 (relating to alternate valuation) is amended—

(1) by striking out "1 year" each place it appears and inserting in lieu thereof "6 months", and

(2) by striking out "1-year" and inserting in lieu thereof "6-month".

(b) Time for Filing Estate Tax Returns.—Section 6075(a) (relating to time for filing estate tax returns) is amended by striking out "15 months" and inserting in lieu thereof "9 months".

(c) Certain Bequests Subject to Power of Appointment.—Section 2055(b)(2)(C) is amended by striking out "one year" and inserting in lieu thereof "6 months".

(d) Discharge of Fiduciary From Personal Liability for Estate Tax.—

(1) Section 2204 (relating to discharge of executor from personal liability) is amended—

(A) by striking out "EXECUTOR" in the heading of such section and inserting in lieu thereof "FIDUCIARY";

(B) by striking out "If the executor" and inserting in lieu thereof "(a) General Rule.—If the executor";

(C) by amending the last sentence thereof to read as follows: "The executor, on payment of the amount of which he is notified (other than any amount the time for payment of which is extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment is extended, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge."; and

(D) by adding at the end thereof the following new subsection:

"(b) Fiduciary Other Than the Executor.—If a fiduciary (not including a fiduciary in respect of the estate of a nonresident decedent) other than the executor makes written application to the Secretary or his delegate for determination of the amount of any estate tax for which the fiduciary may be personally liable, and for discharge from personal liability therefor, the Secretary or his delegate upon the discharge of the executor from personal liability under subsection (a), or upon the expiration of 6 months after the making of such application by the fiduciary, if later, shall notify the fiduciary (1) of the amount of such tax for which it has been determined the fiduciary is liable, or (2) that it has been determined that the fiduciary is not liable for any such tax. Such application shall be accompanied by a copy of the instrument, if any, under which such fiduciary is acting, a description of the property held by the fiduciary, and such other information for purposes of carrying out the provisions of this section as the Secretary or his delegate may require by regulations. On payment of the amount of such tax for which it has been determined the fiduciary is liable (other than any amount the time for payment of which has not been extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment has been extended, or on receipt by him of notification of a determination that he is not liable for any such tax, the fiduciary shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing evidencing such discharge."

(2) Sections 6040(2), 6314(c)(2), 6324(a)(3), and 6504(9) are each amended by striking out "executor" each place it appears in the heading and text of such sections and inserting in lieu thereof "fiduciary".

(3) The table of sections for subchapter C of chapter 11 is amended by striking out

"Sec. 2204. Discharge of executor from personal liability."

and inserting in lieu thereof:

"Sec. 2204. Discharge of fiduciary from personal liability."

(e) Discharge of Executor From Personal Liability for Decedent's Income and Gift Taxes.—

(1) Chapter 71 (relating to transferees and fiduciaries) is amended by adding at the end thereof the following new section:

"Sec. 6905. Discharge of executor from personal liability for decedent's income and gift taxes.

"(a) Discharge of Liability.—In the case of liability of a decedent for taxes imposed by subtitle A or by chapter 12, if the executor makes written application (filed after the return with respect to such taxes is made and filed in such manner and such form as may be prescribed by regulation of the Secretary or his delegate) for release from personal liability for such taxes, the Secretary or his delegate may notify the executor of the amount of such taxes. The executor, upon payment of the amount of which he is notified, or 1 year after receipt of the application if no notification is made by the Secretary or his delegate before such date, shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

"(b) Definition of Executor.—For purposes of this section, the term 'executor' means the executor or administrator of the decedent appointed, qualified, and acting within the United States.

"(c) Cross Reference.—

"For discharge of executor from personal liability for taxes imposed under chapter 11, see section 2204."

(2) The table of sections for chatper 71 is amended by adding at the end thereof the following:

"Sec. 6905. Discharge of executor from personal liability for decedent's income and gift taxes."

(f) Reduction of Period for Discharge of Executor From Personal Liability.—Effective with respect to the estates of decedents dying after December 31, 1973, sections 2204 and 6905 are each amended by striking out "1 year" and inserting in lieu thereof "9 months".

(g) Holding Period of Property.—Section 1223 (relating to holding period of property) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) In the case of a person acquiring property from a decedent or to whom property passed from a decedent (within the meaning of section 1014(b)), if—

"(A) the basis of such property in the hands of such person is determined under section 1014, and

"(B) such property is sold or otherwise disposed of by such persons within 6 months after the decedent's death.

then such person shall be considered to have held such property for more than 6 months."

(h) Extension of Time.—The first sentence of paragraph (1) of subsection (a) of section 6161 (relating to extension of time for paying tax) is amended by striking out "6 months" and inserting in lieu thereof "6 months (12 months in the case of estate tax)".

(i) Place of Filing Returns.—

(1) Paragraph (3) of section 6091(b) (relating to place for filing returns or other documents) is amended to read as follows:

"(3) Estate tax returns.—

"(A) General Rule.—Except as provided in subparagraph (B), returns of estate tax required under section 6018 shall be made to the Secretary or his delegate—

"(i) in the internal revenue district in which was the domicile of the decedent at the time of his death, or

"(ii) at a service center serving the internal revenue district referred to in clause (i), as the Secreatry or his delegate may by regulations designate.

"(B) Exception.—If the domicile of the decedent was not in an internal revenue district, or if he had no domicile, the estate tax return required under section 6018 shall be made at such place as the Secretary or his delegate may by regulations designate."

(2) Paragraph (4) of section 6091(b) is amended to read as follows:

"(4) Hand-carried returns.—Notwithstanding paragraph (1), (2), or (3), a return to which paragraph (1)(A), (2)(A), or (3)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand-carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i), (2)(A)(i), or (3)(A)(i), as the case may be."

(j) Effective Date.—The amendments made by this section (other than subsection (f)) shall apply with respect to decedents dying after December 31, 1970.

Sec. 102. Gift Tax.

(a) Amendments to Subchapter A of Chapter 12.—

(1) Section 2501.—

(A) Paragraph (1) of subsection (a) of section 2501 is amended to read as follows:

"(1) General rule.—For the first calendar quarter of calendar year 1971 and each calendar quarter thereafter a tax, computed as provided in section 2502, is hereby imposed on the transfer of property by gift during such calendar quarter by any individual, resident or nonresident."

(B) Paragraph (4) of such subsection is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) Section 2502.—

(A) So much of subsection (a) of section 2502 as precedes the rate schedule is amended to read as follows:

"(a) Computation of Tax.—The tax imposed by section 2501 for each calendar quarter shall be an amount equal to the excess of—

"(1) a tax, computed in accordance with the rate schedule set forth in this subsection, on the aggregate sum of the taxable gifts for

XUM

such calendar quarter and for each of the preceding calendar years and calendar quarters, over

"(2) tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar years and calendar quarters."

(B) Subsections (b) and (c) of section 2502 are amended to read as follows:

"(b) Calendar Quarter.—Wherever used in this title in connection with the gift tax imposed by this chapter, the term 'calendar quarter' includes only the first calendar quarter of the calendar year 1971 and succeeding calendar quarters.

"(c) Preceding Calendar Years and Quarters.—Wherever used in this title in connection with the gift tax imposed by this chapter—

"(1) The term 'preceding calendar years' means calendar years 1932 and 1970 and all calendar years intervening between calendar year 1932 and calendar year 1970. The term 'calendar year 1932' includes only the portion of such year after June 6, 1932.

"(2) The term 'preceding calendar quarters' means the first calendar quarter of calendar year 1971 and all calendar quarters intervening between such calendar quarter and the calendar quarter for which the tax is being computed."

(3) Section 2503.—

(A) Subsection (a) of section 2503 is amended to read as follows:

"(a) General Definition.—The term 'taxable gifts' means, in the case of gifts made after December 31, 1970, the total amount of gifts made during the calendar quarter, less the deductions provided in subchapter C (sec. 2521 and following). In the case of gifts made before January 1, 1971, such term means the total amount of gifts made during the calendar year, less the deductions provided in subchapter C."

(B) The heading and first sentence of subsection (b) of section 2503 are amended to read as follows:

"(b) Exclusions From Gift.—In computing taxable gifts for the calendar quarter, in the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1971 and subsequent calendar years, $3,000 of such gifts to such person less the aggregate of the amounts of such gifts to such person during all preceding calendar quarters of the calendar year shall not, for purposes of subsection (a), be included in the total amount of gifts made during such quarter."

(4) Section 2504.—

(A) Section 2504 is amended to read as follows:

"Sec. 2504. Taxable Gifts for Preceding Years and Quarters.

"(a) In General.—In computing taxable gifts for preceding calendar years or calendar quarters for the purpose of computing the tax for any calendar quarter, there shall be treated as gifts such transfers as were considered to be gifts under the gift laws applicable to the years or calendar quarters in which the transfers were made and there shall be allowed such deductions as were provided for under such laws; except that the specific exemption in the amount, if any, allowable under section 2521 shall be applied in all computations in respect of previous calendar years or calendar quarters for the purpose of computing the tax for any calendar year or calendar quarter.

"(b) Exclusions From Gifts for Preceding Years and Quarters.—In the case of gifts made to any person by the donor during preceding calendar years and quarters, the amount excluded, if any, by the provisions of gift tax laws applicable to the years and calendar quarters in which the gifts were made shall not, for purposes of subsection (a), be included in the total amount of the gifts made during such years and calendar quarters.

"(c) Valuation of Certain Gifts for Preceding Calendar Years and Quarters.—If the time has expired within which a tax may be assessed under this chapter or under corresponding provisions of prior laws on the transfer of property by gift made during a preceding calendar year or calendar quarter, as defined in section 2502(c), and if a tax under this chapter or under corresponding provisions of prior laws has been assessed or paid for such preceding calendar year or calendar quarter, the value of such gift made in such preceding calendar year or calendar quarter shall, for purposes of computing the tax under this chapter for any calendar quarter, be the value of such gift which was used in computing the tax for the last preceding calendar year or calendar quarter for which a tax under this chapter or under corresponding provisions of prior laws was assessed or paid.

"(d) Net Gifts.—The term 'net gifts' as used in corresponding provisions of prior laws shall be read as 'taxable gifts' for purposes of this chapter."

(B) The table of sections for subchapter A of chapter 12 is amended by striking out the item relating to section 2504 and inserting in lieu thereof the following:

"Sec. 2504. Taxable gifts for preceding years and quarters."

(b) Amendments to Subchapter B of Chapter 12.—

(1) Section 2512.—Subsection (b) of section 2512 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) Section 2513.—

(A) Section 2513 is amended by striking out "calendar year" each place it appears and inserting in lieu thereof "calendar quarter".

(B) Subparagraph (A) of subsection (b) (2) of section 2513 is amended to read as follows:

"(A) the consent may not be signified after the 15th day of the second month following the close of such calendar quarter, unless before such 15th day no return has been filed for such calendar quarter by either spouse, in which case the consent may not be signified after a return for such calendar quarter is filed by either spouse;".

(C) Subparagraph (B) of subsection (b) (2) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(D) Subsection (c) of section 2513 is amended by striking out "15th day of April following the close of such year" and inserting in lieu thereof "15th day of the second month following the close of such calendar quarter".

(E) Subsection (d) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(3) Section 2515.—Subsection (c) of section 2515 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(c) Amendments to Subchapter C of Chapter 12.—

(1) Section 2521.—Section 2521 is amended to read as follows:

"Sec. 2521. Specific Exemption

"In computing taxable gifts for a calendar quarter, there shall be allowed as a deduction in the case of a citizen or resident an exemption of $30,000, less the aggregate of the amounts claimed and allowed as a specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years and calendar quarters intervening between that calendar year and the calendar quarter for which the tax is being computed under the laws applicable to such years or calendar quarters."

(2) Section 2522.—Section 2522 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(3) Section 2523.—Subsection (a) of section 2523 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(d) Miscellaneous Amendments.—

(1) Paragraph (2) of subsection (d) of section 1015 (relating to increased basis for gift tax paid) is amended—

(A) by striking out "calendar year" the first place it appears therein and inserting in lieu thereof "calendar quarter (or calendar year if the gift was made before January 1, 1971)", and

(B) by striking out "calendar year" every other place it appears therein and inserting in lieu thereof "calendar quarter or year".

(2) Section 2012.—

(A) Paragraph (1) of subsection (b) of section 2012 (relating to credit for gift tax) and paragraph (1) of subsection (d) of such section are each amended by striking out "the year" and inserting in lieu thereof "the calendar quarter (or calendar year if the gift was made before January 1, 1971".

(B) Subsection (d) of section 2012 is amended by striking out "such year" each place it appears therein and inserting in lieu thereof "such quarter or year".

(3) Section 6019 (relating to gift tax returns) is amended to read as follows:

"Sec. 6019. Gift Tax Returns

"(a) In General.—Any individual who in any calendar quarter makes any transfers by gift (other than transfers which under section 2503(b) are not to be included in the total amount of gifts for such quarter and other than qualified charitable transfers) shall make a return for such quarter with respect to the gift tax imposed by subtitle B.

"(b) Qualified Charitable Transfers.—

"(1) Return requirement.—A return shall be made of any qualified charitable transfer—

"(A) for the first calendar quarter, in the calendar year in which the transfer is made, for which a return is required to be filed under subsection (a), or

"(B) if no return is required to be filed under subparagraph (A), for the fourth calendar quarter in the calendar year in which such transfer is made.

A return made pursuant to the provisions of this paragraph shall be deemed to be a return with respect to any transfer reported as a qualified charitable transfer for the calendar quarter in which such transfer was made.

"(2) Definition of qualified charitable transfer.—For purposes of this section, the term 'qualified charitable transfer' means a transfer by gift with respect to which a deduction is allowable under section 2522 in an amount equal to the amount transferred.

"(c) Tenancy by the Entirety.—

"For provisions relating to requirement of return in the case of election as to the treatment of gift by creation of tenancy by the entirety, see section 2515(c)."

(4) Subsection (b) of section 6075 (relating to time for filing gift tax returns) is amended to read as follows:

"(b) Gift Tax Returns.—Returns made under section 6019 (relating to gift taxes) shall be filed on or before the 15th day of the second month following the close of the calendar quarter."

(5) Paragraph (1) of subsection (c) of section 6212 (relating to notice of deficiency) is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(6) Subsection (b) of section 6214 (relating to determination by Tax Court) is amended to read as follows:

"(b) Jurisdiction Over Other Years and Quarters.—The Tax Court in redetermining a deficiency of income tax for any taxable

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year or of gift tax for any calendar year or calendar quarter shall consider such facts with relation to the taxes for other years or calendar quarters as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the tax for any other year or calendar quarter has been overpaid or underpaid."

(7) Subsection (b) of section 6324 (relating to lien for gift tax) is amended by striking out "calendar year" and inserting in lieu thereof "period for which the return was filed".

(8) Paragraph (2) of section 6501(e) (relating to limitations on assessment and collection) is amended by striking out "during the year" and inserting in lieu thereof "during the period for which the return was filed".

(9) Section 6512 (relating to limitations in case of petition to Tax Court) is amended by striking out "the same calendar year" each place it appears therein and inserting in lieu thereof "the same calendar year or calendar quarter".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to gifts made after December 31, 1970.

TITLE II—CONTINUATION OF EXCISE TAXES ON PASSENGER AUTOMOBILES AND COMMUNICATIONS SERVICES

SEC. 201. RATES OF TAX

(a) PASSENGER AUTOMOBILES.—

(1) IN GENERAL.—Section 4061(a)(2)(A) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

"If the article is sold—	The tax rate is—
Before January 1, 1973	7 percent.
During 1973	6 percent.
During 1974, 1975, 1976, or 1977	5 percent.
During 1978	4 percent.
During 1979	3 percent.
During 1980	2 percent.
During 1981	1 percent.

The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer, after December 31, 1981."

(2) CONFORMING AMENDMENT.—Section 6412(a)(1) (relating to the floor stocks refunds on passenger automobiles, etc.) is amended by striking out "January 1, 1971, January 1, 1972, January 1, 1973, or January 1, 1974", and inserting in lieu thereof "January 1 of 1973, 1974, 1978, 1979, 1980, 1981, or 1982".

(b) COMMUNICATIONS SERVICES.—

(1) CONTINUATION OF TAX.—Section 4251 (a)(2) (relating to certain communications services) is amended by striking out the table and inserting in lieu thereof the following table:

"Amounts paid pursuant to bills first rendered—	Percent—
Before January 1, 1973	10
During 1973	9
During 1974	8
During 1975	7
During 1976	6
During 1977	5
During 1978	4
During 1979	3
During 1980	2
During 1981	1".

(2) CONFORMING AMENDMENT.—Section 4251(b) (relating to termination of tax) is amended by striking out "January 1, 1974", and inserting in lieu thereof "January 1, 1982".

(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Section 105(b)(3) of the Revenue and Expentiture Control Act of 1968 (82 Stat. 266) is amended to read as follows:

"(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1982, subchapter B of chapter 33 (relating to the tax on communications) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before November 1, 1981, for which a bill has not been rendered before January 1, 1982, a bill shall be treated as having been first rendered on December 31, 1981. Effective January 1, 1982, the table of subchapters for chapter 33 is amended by striking out the item relating to such subchapter B."

TITLE III—TECHNICAL EXCISE TAX CHANGES

SEC. 301. CONSTRUCTIVE SALE PRICE

(a) DETERMINATION OF CONSTRUCTIVE SALE PRICE.—Section 4216(b) (relating to constructive sale price) is amended by adding at the end thereof the following new paragraphs:

"(5) CONSTRUCTIVE SALE PRICE IN THE CASE OF AUTOMOBILES, TRUCKS, ETC.—In the case of articles the sale of which is taxable under section 4061(a) (relating to automobiles, trucks, etc.), for purposes of paragraph (1), if—

"(A) the manufacturer, producer, or importer of the article regularly sells such article to a distributor which is a member of the same affiliated group of corporations (as defined in section 1504(a)) as the manufacturer, producer, or importer, and

"(B) such distributor regularly sells such article to one or more independent retailers, the constructive sale price of such article shall be 97 percent of the lowest price for which such distributor regularly sells such article in arm's-length transactions to such independent retailers. The price determined under this paragraph shall not be adjusted for any exclusion (except for the tax imposed on such article) or readjustments under subsections (a) and (f) and under section 6416 (b)(1).

"(6) DEFINITION OF LOWEST PRICE.—For purposes of paragraphs (1), (3), and (5), the lowest price shall be determined—

"(A) without requiring that any given percentage of sales be made at that price,

"(B) without including any fixed amount to which the purchaser has a right as a result of contractual arrangements existing at the time of the sale, and

"(C) in the case of transportation charges, by taking into account with respect to any price only the actual transportation charge (if any) made in connection with such price."

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of paragraph (3) of section 4216(b) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraphs (4) and (5)".

(2) Paragraphs (3) and (4) of section 4216(b) are amended—

(A) by striking out "Fair market price" in the heading and inserting in lieu thereof "Constructive sale price";

(B) by striking out "fair market price" each place it appears in the text and inserting in lieu thereof "constructive sale price"; and

(C) by striking out "paragraph (1)(C)" and inserting in lieu thereof "paragraph (1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold after December 31, 1970; except that section 4216(b)(6) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall also apply to (1) the application of paragraph (1) of such section 4216(b) to articles sold after June 30, 1962, and before January 1, 1971, and (2) the application of paragraph (3) of such section 4216(b) to articles sold after December 31, 1969, and before January 1, 1971.

SEC. 302. CREDITS IN THE CASE OF CERTAIN FURTHER MANUFACTURING

(a) IN GENERAL.—

(1) Section 6416(b)(3) (relating to tax-paid articles used for further manufacture) is amended—

(A) by striking out "to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if" and inserting in lieu thereof "and such article is sold to a subsequent manufacturer producer before being used, such tax shall be deemed to be an overpayment by such subsequent manufacturer or producer if"; and

(B) by striking out "the second manufacturer" each place it appears in subparagraphs (A), (B), (C), (E), and (F) and inserting in lieu thereof "the subsequent manufacturer".

(2) Section 6416(c) (relating to credit for tax paid on tires or inner tubes) is amended by striking out the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6416(b)(2) (relating to specified uses and resales) is amended by striking out subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall apply only with respect to claims for credit or refund filed after the date of the enactment of this Act, but only if the filing of the claim is not barred on the day after the date of the enactment of this Act by any law or rule of law.

SEC. 303. CERTAIN CAMPER UNITS

(a) GENERAL RULE.—Section 4063(a)(1) (B) (relating to exemptions for camper coaches, etc.) is amended by inserting "or camping accommodations" after "living quarters".

(b) EFFECTIVE DATE.—The amendment made by susbection (a) of this section shall apply with respect to sales made on or after the date of the enactment of this Act.

SEC. 304. NEW CAR LABELS TO SHOW RATE OF APPLICABLE FEDERAL MANUFACTURERS EXCISE TAX

(a) GENERAL RULE.—In the case of any new automobile distributed in commerce after March 31, 1971, on the sale of which by the manufacturer, producer, or importer tax was imposed by section 4061(a) of the Internal Revenue Code of 1954, any person required by section 3 of the Automobile Information Disclosure Act (15 U.S.C., sec. 1232) to affix a label to such new automobile shall include in such label a clear, distinct, and legible endorsement stating—

(1) that Federal excise tax was imposed on such sale, and

(2) the percentage rate at which such tax was imposed.

(b) PENALTY.—Any person required by subsection (a) of this section to endorse any label who willfully fails to endorse clearly, distinctly, and legibly such label as required by subsection (a), or who makes a false endorsement of such label, shall be fined not more than $1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by members of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HAMILTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19868) to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes, pursuant to House Resolution 1296, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CHAMBERLAIN

Mr. CHAMBERLAIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CHAMBERLAIN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. CHAMBERLAIN moves to recommit the bill, H.R. 19868, to the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks in the RECORD just prior to the passage of the Excise, Estate, and Gift Tax Adjustment Act of 1970.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 404]

Abbitt
Abernethy
Adair
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Arends
Ashbrook
Aspinall
Ayres
Beall, Md.
Belcher
Bell, Calif.
Berry
Biaggi
Bingham
Blackburn
Boggs
Bolling
Brasco
Bray
Brock
Brooks
Broomfield
Burton, Utah
Button
Caffery
Camp
Carey
Carney
Celler
Chappell
Chisholm
Clancy
Clark
Clay
Collier
Collins, Ill.
Conable
Corbett
Cowger
Cramer
Crane
Cunningham
Daddario
Dent
Devine
Diggs
Donohue
Dowdy
Edmondson
Edwards, La.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fish
Ford, William D.
Foreman
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Gray
Green, Pa.
Hagan
Hall
Halpern
Hanna
Hansen, Idaho
Harrington
Hawkins
Hays
Hébert
Heckler, Mass.
Hungate
Ichord
Jarman
Jones, N.C.
Karth
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Landrum
Langen
Latta
Leggett
Long, La.
Lujan
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McFall
McKneally
Madden
Mailliard
Mann
May
Meeds
Meskill
Michel
Mink
Morgan
Morton
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill, Mass.
Ottinger
Patman
Pepper
Philbin
Pike
Podell
Pollock
Powell
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rogers, Colo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Rousselot
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Shipley
Sikes
Snyder
Staggers
Steed
Steele
Stephens
Stokes
Stuckey
Taft
Teague, Tex.
Tiernan
Tunney
Van Deerlin
Waggonner
Ware
Watson
Weicker
Whalley
Whitehurst
Widnall
Williams
Wilson, Charles H.
Wold
Wolff
Wyatt
Wydler
Wylie
Yates
Zion

The SPEAKER. On this rollcall 250 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 878 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 878

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13956) to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 878 provides an open rule with 1 hour of general debate for consideration of H.R. 13956 to amend the act of October 15, 1966, relating to the National Museum of the Smithsonian Institution.

The purpose of H.R. 13956 is to authorize additional appropriations to the Smithsonian Institution for carrying out the National Museum Act beyond fiscal year 1970 through fiscal year 1974.

The act of 1966 directed the Smithsonian Institution to engage in a continuing study of museum problems and opportunities, to conduct training in museum practices, to prepare museum publications, to perform research in museum techniques, and to cooperate with agencies of the Government concerned with museums.

The act authorized $200,000 for fiscal year 1968, $250,000 for fiscal year 1969, $250,000 for fiscal year 1970, and $300,000 for fiscal year 1971, and stated that in subsequent fiscal years only such sums may be appropriated as the Congress authorizes.

No funds were appropriated by the Congress for purposes of the act in fiscal years 1968 and 1969. The Smithsonian's budget estimates for 1970 when submitted to the Congress included an amount of $80,000 for projects under the act.

Prior to the submission of budget estimates for fiscal year 1972, it will be necessary to have either an authorized limit or the elimination of the limit. To allow a safe margin of time for congressional consideration and action, it is believed that the legislation should be enacted in the current session of the Congress.

Mr. Speaker, I urge the adoption of House Resolution 878 in order that H.R. 13956 may be considered.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 878, as stated by the gentleman from California (Mr. SISK), provides for an open rule with 1 hour of general debate on the bill.

Mr. Speaker, the purpose of the bill is to authorize funds for the Smithsonian Institution for carrying out the purposes of the National Museum Act through fiscal 1974.

The National Museum Act of 1966 reaffirmed the Smithsonian's traditional role of assistance to our Nation's museums. It was authorized to carry out studies of museum problems and opportunities, to conduct training in museum administration, publication, and research practices.

Congress did not appropriate funds in 1968 and 1969. For 1970, the Smithsonian has budgeted $80,000 for projects under the act.

The bill will provide authorization through 1974 of "such sums as may be necessary," with the limitation that no more than $1,000,000 may be appropriated in any one year.

Mr. Speaker, I think that this bill is an innocuous bill in view of the fact that the Committee on Appropriations has not taken the authorization seriously enough to even appropriate any funds to the Smithsonian Institution for the last 4 years.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13956) to amend the act of October 15,1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13956, with Mr. HAMILTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

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The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. THOMPSON) will be recognized for 30 minutes, and the gentleman from Iowa (Mr. SCHWENGEL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the National Museum Act of 1966, Public Law 89-674, reaffirmed the Smithsonian Institution's traditional role of providing aid to museums in the United States.

The act directed the Institution to undertake continuing studies of museum problems and opportunities, to conduct training in museum practices, to prepare museum publications, to perform research in museum techniques, and to cooperate with agencies of the Government concerned with museums.

The act authorized appropriations of $200,000 for the fiscal year 1968, $250,000 for fiscal year 1969, $250,000 for fiscal year 1970, and $300,000 for fiscal year 1971.

The act states that in each subsequent year only such sums may be appropriated as the Congress may hereafter authorize by law.

No funds were appropriated in fiscal years 1968 and 1969. For the purposes of the act, $40,000 was appropriated in fiscal year 1970 and $32,000 in fiscal year 1971. Mr. Chairman, H.R. 13956 simply provides authority for appropriations beyond fiscal year 1971.

Mr. Chairman, the gentleman from Iowa (Mr. KYL) asked the question of me a few moments ago with respect to the language in the bill as to whether he was correct in his opinion that the authorization is open ended. I would like to make clear for the legislative history, the authorization in the last sentence of the bill provides that no more than $1 million shall be appropriated annually through fiscal 1974, and conforms with the original act. That language has the effect of terminating this authorization in 1974 for the very simple reason that there would not be any appropriations possible after 1974 without a renewal of the authorizing legislation.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding because I have a number of questions I would like to ask concerning the bill which I think of interest to the Members.

The gentleman has spoken of assistance from the Smithsonian and two other institutions and for studies independent of the Smithsonian itself.

Is it not true—one—that there are funds now being used from the Arts and Humanities Division for this kind of assistance to museums in the country?

Mr. THOMPSON of New Jersey. No, it is not necessarily true.

Mr. KYL. For what purposes are the funds being used that go to museums?

Mr. THOMPSON of New Jersey. To my knowledge neither of these foundations, the National Council and the Arts and Humanities undertakes in any way the type of assistance provided in the National Museum Act. There are grants involving museums but none of the specific nature covered by this legislation.

The National Endowment for the Humanities has made grants for a museum fellowship program which are not related to this legislation—and to the Museum Historical Society seminars—not related; and to museum internship programs—not related. That is the extent of their involvement.

This is to give technical assistance. For example, following the devastation of the hurricane in Mississippi about a year or so ago the Jefferson Davis Shrine and Memorial Gardens in Biloxi, Miss., found much of their highly treasured collection scattered and damaged by storm. They called upon the Smithsonian Institution for technical assistance in preserving and reassembling the collection.

This is the type of assistance that comes under this act. As does the training of museum exhibitors.

In Charleston, W. Va., for instance the Children's Museum and Planetarium sought assistance so that they could reorganize their exhibits for the benefit of their visitors. The Smithsonian under the National Museum Act sent some technical experts to Charleston, and as it developed it became what amounted to a regional meeting on technical advice for museums.

Mr. KYL. Mr. Chairman, would the gentleman yield further?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. KYL. When the House passed the State Historical Preservation Act the House also authorized participation of the United States in a conclave which is held at Rome and the authorization was for a considerable amount of money. In that case the sole purpose as I understood it at the time and still understand it is to develop techniques which are necessary for restoring and preserving artifacts and matters of antiquity and so on; is that not correct?

Mr. THOMPSON of New Jersey. That is my recollection—although I must admit I do not have a total knowledge about it.

Mr. KYL. This was called the Rome Foundation or something of the sort—but Rome was in the title.

Mr. THOMPSON of New Jersey. My recollection is vague and I will have to rely on the gentleman's interpretation.

Mr. KYL. I simply want to point out that this is not the only place where Federal money is expended for this purpose.

I have a few other questions.

Are these figures accurate so far as the Smithsonian operation is concerned?

For the fiscal year 1970 the appropriation was $44.2 million. For the fiscal year 1971 it will be $42.8 million.

Are those figures correct?

Mr. THOMPSON of New Jersey. I think not. The appropriation for fiscal 1970 was $29 million.

The subcommittee recently had extensive hearings on the Smithsonian and its operation and history on which the report is in the process of being drafted.

The amount is $29 million and the difference between the $29 million and your figure is reflected by income from private trust funds and grants from other organizations with which we have nothing to do—such as the Freer Gallery endowment and a number of others.

Mr. KYL. With the background information that there is a sizable appropriation for the Smithsonian itself, and considering only the elements which are the subject of the legislation before us, is it not true that the original act, which authorized $1 million over a 4-year period, has seen the appropriations process provide $40,000 in the third year, after having no appropriations for the first 2 years, and in the last year an appropriation of $32,000? Is that not correct?

Mr. THOMPSON of New Jersey. That is correct.

Mr. KYL. In other words, what we are proposing to do here is to spend $1 million per year through 1974 in comparison with appropriations of zero, zero, $32,000, and $40,000?

Mr. THOMPSON of New Jersey. I might say to the gentleman that I am not proposing any specific amount be spent. I am proposing that the authorization be expanded from $250,000 to $1 million. The appropriations responsibility reposes in the Appropriations Committee. I am aware of the fact that there were no appropriations in the first 2 years of the act. Frankly, I would be surprised if anything like a million dollars is appropriated. But they do hope to expand their activities because of all the difficulties in which the 5,000 museums in the United States find themselves.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I am glad to yield.

Mr. KYL. It is true that with a $250,000 a year authorization, which means $1 million over 4 years, we have actually had appropriated $72,000 in the 4 years?

Mr. THOMPSON of New Jersey. Yes, that is true.

Mr. KYL. In other words, having spent only $72,000 in 4 years——

Mr. THOMPSON of New Jersey. If I may respond—the gentleman has made this point twice—I understand that $40,000 was appropriated for fiscal 1970, and $32,000 in fiscal 1971. No funds were appropriated in fiscal 1968 and 1969.

Mr. KYL. With that kind of background, why must we raise the authorization from $250,000 to $1 million a year, when we have never come close to the original authorization?

Mr. THOMPSON of New Jersey. If I might explain the reason further, allow me to refer to a result of a request by President Johnson, a study entitled "America's Museums; The Belmont Report." At the appropriate time I intend to ask consent to put that report in the RECORD for everyone's edification.

In summary, that report describes the tremendous difficulties in which the Nation's 5,000 museums find themselves. Even if $1 million a year were appropriated for the next 3 years and the Smithsonian used all of the money, it would be but a pebble on the beach, to use a figure of speech, toward alleviating museum problems. The Smithsonian hopes to expand its activities under the National Museum Act, with the agreement of museums throughout the United States.

I am not trying to say to you, my distinguished colleague from Iowa, that *x* number of dollars can be appropriated or should be appropriated under this act. I merely wish to raise the authorization—and the other body agrees—to a point at which, if they can persuade the Appropriations Committee, they could get up to $1 million.

Mr. KYL. Mr. Chairman, will the gentleman yield at that point?

Mr. THOMPSON of New Jersey. I am glad to yield.

Mr. KYL. I want to thank the gentleman very sincerely. He is very patient. The appropriation for the National Museum Act is not a line item in the bill containing appropriations for the Smithsonian generally, is that correct?

Mr. THOMPSON of New Jersey. I think that is correct.

Mr. Chairman, as I said in my colloquy with my friend from Iowa, there are over 5,000 museums in the United States, many, many of them suffering acute shortages of funds. They find themselves barely able to operate, when they really should be renewing their exhibits and expanding their services.

The plight of these museums has a great effect on the community in which they are located and on the many thousands of people who visit them. If a local museum has particularly interesting exhibits, it is very rare that it is visited only by the people of that locality. People travel by the hundreds and by the thousands to see those exhibits. The Belmont report makes quite clear the need for trained museum specialists, in effect, museum scientists.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

The gentleman speaks of persuading the Appropriations Committee. I think the gentleman ought to persuade the Members of the House, whether they are on the Appropriations Committee or not, that this authorization should be made in the first place, so I hope he will help me out of my dilemma.

Mr. THOMPSON of New Jersey. I will try my best to persuade my friend.

Mr. GROSS. In view of the colloquy between the gentleman from New Jersey and the gentleman from Iowa, I am persuaded up to this point that there should not be any authorization at all.

Mr. THOMPSON of New Jersey. In other words, it is incumbent on me to dissuade the gentleman and then persuade him all over again.

Mr. GROSS. In the report on page 2, it is stated that one of the accomplishments of the National Museum Act administrators, whoever they are, was "discussion and advice on where to locate a natural history museum in Louisville, Ky." Was it impossible for the people of the city of Louisville to decide where they should locate a museum? Do we have to provide the money to send bureaucrats to Louisville to persuade them where they should locate a museum?

Mr. THOMPSON of New Jersey. Louisville is so rich in cultural activities and natural resources that there were several absolutely beautiful places where they could have put this, but they had questions of topography and geography and traffic patterns, and they did feel they needed some assistance. I think their concentrations have been in other things. Their concentrations have been so very intense in those areas that they sought advice about museums, just as one wanting to lay out a racetrack would, no doubt, consult Kentucky about how best to do it.

Mr. GROSS. I would urge my friend, the gentleman from New Jersey, to keep right on talking, because I think this is helpful to those of us who are opposed to the bill.

However, on page 3 of the report, it is stated that funds previously provided also supported annual meetings of the Southeastern Museums Conference at Little Rock, Ark., and Norfolk, Va., to provide professional consultation on basic museum problems and to publish reports. That is a big order especially the publishing of reports but, I wonder why Little Rock, Ark., and Norfolk, Va., needed this? Are these outstanding centers of culture, as is Louisville, Ky.

Mr. THOMPSON of New Jersey. Yes, I would say they are centers of culture, as is Louisville, Ky.

Mr. GROSS. As opposed to not such important centers elsewhere?

Mr. THOMPSON of New Jersey. Oh, yes, there are others. We are very fortunate in the United States. We have many centers of culture.

Mr. GROSS. Then there is also listed participation in two annual workshops for small museums in Texas. I thought that oil-rich Texans were pretty well able to take care of their own museums, but it seems they had to have bureaucrats sent down there to teach them how.

Mr. THOMPSON of New Jersey. I am going to make part of the RECORD some examples of the types of assistance provided. The gentleman is delightful in his colloquy, but the fact is that the museum activities are really of tremendous importance to the people of the United States, wherever they are, and museum science is a highly complex field, involving the natural sciences and all sorts of other technical matters.

Mr. GROSS. I have one final question. Is there anything in this bill related to the Hirshhorn setup that is proposed to be built over on the Mall?

Mr. THOMPSON of New Jersey. I would say that it has a relationship, in that the Hirshhorn Museum, when it comes into existence, will be a museum and will be under the umbrella of the Smithsonian. But this act does not have any direct relationship to it, as to where it is to be put or for whom it is to be named or anything like that.

Mr. GROSS. This is the same Hirshhorn who reportedly got into serious financial difficulties in Canada, but who is now seeing a museum constructed and bearing his name over on the Mall?

Mr. THOMPSON of New Jersey. Yes. There have been such allegations made and they have been made about the man for whom the museum will be named, unless of course there is a change.

Mr. GROSS. I thank the gentleman for yielding.

Mr. THOMPSON of New Jersey. I thank my friend.

Mr. Chairman, the fact is that although this is a very modest proposal, in the context of the problems which museums throughout the United States are having it amounts to very, very little. As I indicated in earlier colloquy, the appropriation of every nickel authorized, were this bill to pass, if used in the best possible manner by the Smithsonian, would be but a drop in the bucket toward the solution of the needs of the museums in the United States.

We have a long and distinguished history, beginning with the advent of the Smithsonian Institution 124 years ago of having the great museums here, under the Smithsonian, and many other museums throughout the United States.

I might say that we have had letters in support of this from the State Capitol Museum, Olympia, Wash.; the Arts and Science Center, Nashua, N.H.; the Lowe Art Museum, University of Miami, Coral Gables, Fla.; the Museum of Fine Art, St. Petersburg, Fla.; the Central Florida Museum and Planetarium, Orlando, Fla.;

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the Merrimack Valley Textile Museum, North Andover, Mass.; the Ft. Worth Museum of Science and History, Ft. Worth, Tex.; the Museum of Art and Science, Macon, Ga.; the New York State Historical Association, Cooperstown, N.Y.; the Field Museum of Natural History, Chicago, Ill.; the State of New Jersey Department of Education; the Grand Rapids Public Museum, Grand Rapids, Mich.; and the American Association of Museums. All have endorsed this badly needed authorization.

Mr. Chairman, there are over 5,000 museums in the United States and many of them are suffering an acute shortage of funds. Some of them are barely able to operate when they should be renewing their exhibits and expanding their services. The plight of these museums affects the communities they serve, because museums in general have much to do with improving the quality of life wherever they are found.

"The Belmont Report," which is a study conducted by the Smithsonian Institution and the American Association of Museums tells of the museums' problems. I shall request unanimous consent to have the report inserted in the Record at this point. I will simply generalize on it for the moment.

Although visits to museums have tripled in the last 15 years, museum budgets have not kept pace. The result is a lack of money to train museum specialists and pay them salaries that would attract them to museum work.

Another problem is refurbishing and replacing exhibits. Many museums cannot build new exhibits, much less keep their present ones in good shape.

Museums are also finding it increasingly difficult to reply to the many requests they get by mail asking for information or identification of objects. Some museums have simply stopped responding because they do not even have the staff necessary to handle routine administrative problems.

Because of its resources many museums turn to the Smithsonian for advice and assistance. Some 5,000 such requests are received every year. The National Museum Act of 1966 recognized the Smithsonian's traditional role of assisting museums. In spite of the fact that Congress has appropriated very little of the funds authorized, the Smithsonian has expended an average of $80,000 a year of other funds for the purposes of the act.

The National Museum Act should not be thought of as the answer to the plight of museums in general, but it is an important step in the right direction.

The report follows:

Examples of Assistance Provided to Museums by the Smithsonian Institution

For many years the Alaska State Museum has endeavored to preserve in place the totem poles and other wood carvings of the Alaskan Indians, but little action has been possible because of the lack of funds. Responding to requests for help, the Smithsonian Institution made a short motion picture of the beauty and neglected condition of these carvings, and advised on specific and likely sources of funds to aid in the preservation. One result is that the present session of the Alaska House of Representatives unanimously passed legislation which appropriates $50,000 for totem pole preservation and early passage by the Alaska Senate is expected. The Smithsonian continues to advise on methods and sources of additional assistance to preserve these historically significant carvings.

The Children's Museum and Planetarium of Charleston, West Virginia, requested instruction on methods to improve that Museum's exhibits. The Smithsonian agreed to send designers and technicians to instruct in the methods of planning and producing exhibits provided the Museum would assemble personnel from other museums in the vicinity who wished similar instructions. This was done and Smithsonian personnel aided a group of small museums with a single brief course of instruction and demonstrations.

Large and small museums throughout the country are members of regional conferences offer opportunities for museum personnel to exchange information about new programs and techniques. The Smithsonian was requested to aid in improving the content and organization of the meetings. Through the AAM the Smithsonian has made it possible for the conferences to have structured programs with professional consultants conducting discussions and answering questions of the members. These conferences span the United States and reach the smallest museums.

Following hurricane Camille the Smithsonian responded to urgent requests for help to recover and preserve valuable historical collections scattered by the storm over the grounds of the Jefferson Davis Shrine and Memorial Gardens in Biloxi, Mississippi. The Smithsonian conservator and one assistant went to Biloxi and established emergency treatment methods which the museum staff could carry out to preserve the damaged collections.

At three annual conferences of small museums of Texas, the Smithsonian provided experts from its staff to instruct and inform on museum practices.

A staff member of the Smithsonian serves on the commission appointed by the Governor of Virginia to plan a science and technology museum for Richmond, Virginia.

A member of the scientific staff of the Smithsonian spent two days in consultation with the officers and personnel of the Buffalo Museum of Science at Buffalo, N.Y., making recommendations for the rehabilitation of that museum.

Two Smithsonian curators and two exhibition specialists advised in considerable depth and detail on the content and installation of exhibits at the recently opened Oakland Museum at Oakland, California.

In the period January 1, 1969 to March 3, 1970, 1626 individuals came to the Smithsonian Office of Exhibits for demonstrations and instruction on exhibition design and production. About 600 of these were personnel from museums. In the same period 34 museum career personnel were trained in courses of instruction three weeks to six weeks in length. It is estimated that the cost of the time of Smithsonian designers, technicians, and others devoted to this instruction was about $33,000.

America's Museums: The Belmont Report

(A report to the Federal Council on the Arts and the Humanities, by a special committee of the American Association of Museums, October 1968)

SUMMARY

This is a report on a priceless national treasure—the works of art, the historic objects and the scientific collections in the custody of America's museums. In scope and magnitude this treasure is unmatched by that of any other nation, and it has enriched the minds and lives of countless Americans. Once lost, it can never be replaced.

Today the institutions which have this treasure in their custody are in serious trouble. The totally unpredicted popular success of American museums has strained their financial resources to the breaking-point, has compelled them to deny service to much of the public and will require many of them, unless help comes, to close their doors. Museums have arrived at the point where they can no longer preserve and exhibit the national treasure without substantial national aid.

President Johnson, aware of the problem, asked the Federal Council on the Arts and the Humanities to report to him with recommendations for action. The Council commissioned the American Association of Museums to assist it, particularly in responding to these three questions about museums asked by the President:

"What is their present condition?

"What are the unmet needs of America's museums?

"What is their relation to other educational and cultural intitutions?"

This report is in response to these questions.

Chapter I of the report explains the functions of museums, tells how they operate, and describes the astonishing range of their educational and cultural activities. Chapter II discloses the soaring demands on museums, as a result of which they are having to curtail service. Chapter III examines their financial problems. Chapter IV presents the case for Federal support to place museums on a parity with other institutions contributing to the national interest. Chapter V discusses ten major needs which museum representatives believe deserve priority. Chapter VI, after considering the Federal machinery which might be used to provide support to museums, concludes with recommendations for action.

DEMANDS ON MUSEUMS

Thirty years ago America's museums reported that their attendance totaled 50 million visits a year. Today the total is known to be in excess of 200 million and probably approaches 300 million. Museum attendance has increased much faster than has the population of the United States. The increase has been so rapid, and has reached such a level, that museums now have to turn down requests for service. Yet the times call for a sharp increase in the educational and cultural opportunities which museums are uniquely equipped to provide.

The increased demands on museums come from all ages and segments of the population, affect not only the institutions in metropolitan centers but those elsewhere, and reflect the dependence on museums of both the disadvantaged and the affluent.

So far as can be foreseen, the factors responsible for the increased demands on museums are likely to continue to prevail indefinitely.

THE PRESENT CONDITION

The basic reason why museums cannot meet today's demands is that they cannot afford to. Operating expenses have shot up during the past 10 years, in many instances doubling. Yet museums, almost without exception, are understaffed and their staffs are underpaid. Salaries of professional and technical personnel are not competitive with comparable positions in other educational institutions. Museum staffs have failed to grow at a rate appropriate to the pace of museum attendance or the growth of their collections.

Some of America's museums occupy buildings which antedate the Twentieth Century. Few are modern. More than half try to use structures never designed as museums. Most, if they are to serve the public adequately, require additions, replacements and extensive modernization of plant and equipment.

Funds to increase staff or to pay staff

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members competitive salaries, or to modernize museum buildings and facilities, are not at present available to museums. Less than 1 per cent of their income for operating expenses comes from the Federal Government. The remaining 99 per cent comes from nonfederal sources—private givers, and state and municipal governments. Only a handful of museums are supported wholly by private funds.

MUSEUMS AND THE EDUCATIONAL SYSTEM

A good many Americans go to museums because there they find pleasure and delight they obtain nowhere else. For others, museums make possible the enjoyment of learning—often for the first time. A museum can stretch the mind as well as engage the emotions.

A large number of American museums maintain close working relations with schools and colleges, and nine out of ten offer educational programs. In the United States, more than in any other country, museums provide educational service to the school system and to the general public. A large museum in a big city will have as many as seven classes of school children coming to the museum for guided tours every hour of every school day. In such a museum total attendance in organized school groups will exceed 500,000 a year.

The relationship of museums to the educational system begins at the pre-school age and continues up to and beyond the Ph.D. level. In certain fields of study, colleges and universities could not grant degrees unless their students had access to museum collections and museum research. The research function of museums may not be widely known, but it is basic to "the increase and diffusion of knowledge among men."

THE CASE FOR FEDERAL SUPPORT

Museums base their request to the Federal Government for support on the following grounds:

(1) Museums provide educational and cultural services which no other institutions in the nation either do or can provide.

(2) A number of museums provide nationwide service on funds which are disproportionately local in origin.

(3) Though museums cooperate in antipoverty and other Federal programs, they have not received appropriate reimbursement for this service from the Federal Government.

(4) Though the resources of museums are made available to schools, colleges, universities and individual scholars for research that is financed by the Federal Government, the Government has not helped museums meet the costs incidental to such service.

(5) The collections, facilities and staffs of museums produce research which the Government uses and the value of which is recognized by Federal departments and agencies. Increased Federal support for such research is in the national interest.

(6) The Federal Government has an obligation, as yet unmet, to assist in preserving, maintaining and wisely utilizing the national treasure in museums on behalf of all the American people. This report does not suggest that the Federal Government assume dominant responsibility for the financial support of America's museums, but it does suggest that the time has come for the Government to assume a partnership role.

PRIORITY NEEDS

The report lists ten major needs of museums as deserving priority, and divides them into two groups.

The first group includes needs which bear on the ability of museums to reach more people. These needs concern:

Nationwide services financed largely out of local funds;

Services provided by museums for the Federal Government without appropriate reimbursement;

Rehabilitation, expansion, modernization of museum buildings, equipment and exhibits to meet present and future public demands;

The training of professional and technical personnel required by museums;

Research by museums on ways of improving the quality and usefulness of museum services for the educational system and for the general public;

Expansion of traveling exhibits to reach people who do not have ready access to museums;

Increased use of mass media, including television, to make the resources of museums available to more people.

The second group of needs relates more particularly to essential internal functions of museums. These needs concern:

The financing of basic research in museums and the share of the responsibility to be borne by the museums and by the Government;

Special research into methods of conserving for posterity the art, history and science collections in museums, and provision for laboratory facilities, equipment and staff for such research;

An inquiry to determine the specifications of a computer network which would provide a modern method of storing and retrieving information on museum collections, which now are vast.

To meet these ten priority needs, museums are already devoting as much of their financial resources as they possibly can. They cannot begin to make a dent in these needs, however, without the help of the Federal Government.

While it is not possible at this time to state with precision how large a Federal contribution is required, preliminary estimates put it somewhere between $35 million and $60 million for the first year. At present, Federal grants of all kinds to museums (apart from the appropriations to The Smithsonian Institution) total only a fraction of $35 million, and most are limited to scientific research of special interest to government departments and agencies.

RECOMMENDATIONS

The Committee of Museum Needs believes that the existing machinery of the Federal Government can go a considerable distance in meeting the priority needs of museums, if funds are appropriated and if certain amendments to statutes already on the books are made. Accordingly, the Committee submits the following recommendations:

That the National Museum Act be funded with an appropriation of at least $1 million for the first year;

That grants to museums from Federal Departments and agencies already concerned with museums be sharply increased;

That the Federal Government, as a matter of basic policy, recognize museums as educational institutions, working in formal affiliation with elementary, secondary, undergraduate and graduate level institutions;

That the Federal Council on the Arts and the Humanities, in furtherance of the above basic policy, be asked to study the problems of museums further and to make recommendations with reference to existing legislation to the end that the Federal Government may meet its obligations to museums;

That this report be published for the information and use of all those concerned about the future of museums.

THE PRESIDENT'S LETTER

THE WHITE HOUSE,
Washington, D.C., June 20, 1967.

Hon. S. DILLON RIPLEY,
Chairman, Federal Council on the Arts and Humanities.

DEAR MR. RIPLEY: America's five thousand museums are among our most precious cultural and educational resources. Their collections, their trained staffs, and their facilities contribute immeasurably to the enrichment of the nation's life and to educational advancement at every level.

Not only do imaginative museum exhibits excite the curiosity of millions; many scholars—in science, in the arts and the humanities—rely upon musuem collections for their raw material.

Attendance at U.S. museums has already passed 300,000,000 visits a year. In many places, inadequate museum budgets and facilities are under severe strain. In the future, the nation's museums will be expected to reach and serve additional millions. Accelerated research programs will cause more and more scholars to seek access to museum collections.

Our museums have shown their willingness to join with other institutions to promote the "increase and diffusion of knowledge among men." Certainly they should have the wherewithal to do that great work effectively.

For this reason, I am requesting the Federal Council on the Arts and Humanities to study thoroughly the status of American museums and report to me. What is their present condition? What are the unmet needs of America's museums? What is their relation to other educational and cultural institutions? I hope that the Council will recommend ways to support and strengthen our museums.

The Federal Council is the appropriate body to consider the status of our museums. Its member agencies should provide all possible help to the Council as it performs its work.

I look forward to receiving the Council's recommendations.

Sincerely,

LYNDON B. JOHNSON.

LETTERS OF TRANSMITTAL

AMERICAN ASSOCIATION OF MUSEUMS,
Washington, D.C., May 21, 1970.

Mr. ROGER STEVENS,
Chairman, Federal Council for the Arts and Humanities, Washington, D.C.

DEAR MR. STEVENS: On behalf of the American Association of Museums, I am very pleased and honored to transmit to you the report called for by the President in his letter of June 20, 1967, to the Honorable S. Dillon Ripley.

The President asked for information concerning the status of American museums with emphasis on the following points:

1. "What is their present condition?"
2. "What are the unmet needs of America's museums?"
3. "What is their relation to other educational and cultural institutions?"

We have answered these questions to the best of our ability.

I hope this report is to your satisfaction. It represents the scope and breadth of the museum profession, the social and economic conditions under which museums exist, and the cultural and educational contributions which they could provide the nation in the years to come.

Your assistance and patience during the preparation of this document are gratefully acknowledged and appreciated. If there are further matters of concern in this regard, we are at your service.

Sincerely yours,

CHARLES PARKHURST,
President, American Association of Museums.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES,
Washington, D.C., November 25, 1968.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the Federal Council on the Arts and the Humanities, I am privileged to forward you the enclosed report, "The Condition and Needs of America's Museums".

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On June 20, 1967, you asked the Federal Council to study thoroughly the status of America's museums, to assess their present condition and unmet needs, to identify their relationship to other educational and cultural institutions, and to recommend ways to support and strengthen these unique repositories of scientific, artistic, and historical wealth.

The report was the subject of continuing discussions at quarterly meetings of the Federal Council and was the subject of many meetings of the Council's museum subcommittee. It drew upon the knowledge and insights of the most distinguished directors, curators and other museum professionals as well as educators, foundation officials, and public-spirited citizens. It drew, too, upon virtually all of the rather limited museum literature presently available. Given the limitation brought about by the shortage of relevant data, the Council believes the report to be the most comprehensive and significant assessment of America's museums presently available.

It is the view of this Council that the report documents the broad scope of museum services and makes it abundantly clear that the nation's museums play an authentic and major role in the nation's cultural and intellectual life. The report makes clear, too, that a persuasive and insistent financial crisis confronts these institutions.

A strong case can be made for federal support. It is in the national interest to protect our cultural heritage as other countries have effectively done for many years. Collectively the nation's museums preserve, exhibit, and interpret the irreplaceable treasures of America, and of man. Together with schools and libraries they represent the communities'—and the nation's—resources for educating tomorrow's citizens. If the present financial dilemma were not a source of serious concern, these functions of museums alone would commend a sustained federal interest to a nation increasingly concerned with the quality of our national life.

Faced, as are all of America's cultural institutions, with a demand for greater service to their community and nation and experiencing a relative decrease in traditional sources of funds, it is apparent on the basis of information presently available that additional resources will be required to meet these expanding demands, or in some cases, to present further reduction in existing services.

But a reduction of museum services at the very time when millions of Americans are looking eagerly to them—and to other cultural institutions—to give added dimension and meaning to their lives must not come about through inaction or inadvertence. Steps can be taken now to meet specific serious needs. Further steps should be taken in the near future to insure continuing support which will provide federal resources while encouraging increased support from traditional sources.

The Federal Council urges consideration of the following steps which may be taken now without major legislative change and within the framework of existing law:

1. A number of existing federal agencies, by outstanding authorizations, could make funds available for needs of museums directly. In the Council's judgment these programs would be effective temporarily in meeting such needs and would be in the public interest. While they are helpful, they lack the funds to make them fully effective. For example, the National Endowment for the Humanities conducts programs of museum internships and fellowships to increase the professional competence of museum professional staffs and through its research program, supports museum-based projects which will contribute to new knowledge in the humanities. The National Endowment for the Arts has conducted programs to disseminate art museum holdings to broader audiences, supported museum purchases of living American artists, and supported specific museum exhibitions. The Office of Education supports, through its Arts and Humanities Branch, museum programs which encourage and assist museums in performing better the educational function. The National Science Foundation has, as the report recognizes, been a leader in museum support, most of it in the form of awards for basic research but some for capital improvement. Yet the National Science Foundation could, with adequate funds, support a much broader spectrum of activities: research training and technical training programs, education, operational support, equipment and facilities. The full funding of such programs could have immediate beneficial impact on the nation's art, history and science museums, and the Council strongly urges such a step.

2. Under the authority of the National Museum Act the Smithsonian Institution is authorized to cooperate with museums and their professional organizations, to carry out programs of training for career employees in museum practices, to support museum publications, to undertake research on the development of museum techniques and to cooperate with government agencies concerned with museums. Yet that authorization, approved in October, 1966, has not yet received any of the appropriations authorized for fiscal years 1968 and 1969. The Council recommends appropriations for fiscal year 1970 and subsequently.

3. Some federal agencies administer educational and cultural programs for which museums do not qualify as direct grantees. Although careful thought should be given to qualifying museums as direct grantees through amending present law, the Council believes that museums could, as indirect grantees, play a larger role than is presently given them and urges appropriate administrative directives to that end. The Council urges that efforts be made to extend to museums opportunities for equal participation in federally funded activities and that state educational agencies be urged to implement requirements for full compensation and effective joint planning under the Elementary and Secondary Education Act.

4. Careful consideration should be given to changes in the treatment of museums for tax purposes which would extend to them the benefits available to other educational institutions.

Beyond these immediate steps the Council believes the national interest requires major, comprehensive and sustained programs in support of the nation's museums. These programs should be directed particularly toward helping meet construction and operating costs and should be so designed that present sources of funds, both public and private, be not only continued at present levels, but substantially increased through a matching program. Perhaps an amended Library Services and Construction Act would be an appropriate start. However, to achieve the goals mentioned in the report, significant amendment of existing law or entirely new legislation is required. The formulation of such legislative proposals is beyond the authority of the Federal Council, but the Council here notes its readiness to participate fully in any such work.

In addition the Council urges these further recommendations:

1. Because there presently exist no standards against which the all-around excellence of individual museums might be measured and since broad federal support such as that envisaged above should be restricted to those institutions which have attained a level of quality commensurate with accepted standards, the profession should be strongly urged to establish such standards throughout the museum field.

2. The report's description of museum functions and demands, its account of their present condition, and its identification of unmet needs should be of wide interest to the nation's museums, museum-goers, and those concerned with American culture. The Council recommends, therefore, that the report be widely circulated as a means of soliciting and focusing the views of all interested citizens. A broad critique of the report could initiate that extensive public dialogue which is essential to the responsible commitment of public funds.

Respectfully,

ROGER L. STEVENS,
Chairman.

FOREWORD

The genesis of this report was the letter from President Johnson to the chairman of the Federal Council on the Arts and the Humanities expressing his concern over the present condition and needs of museums. To obtain the information needed for a reply to the President, the Federal Council requested the assistance of the American Association of Museums. In November, 1967, utilizing funds made available by five member agencies of the Federal Council, the Association began its work. Agencies supporting the study were the U.S. Office of Education, the National Endowment for the Humanities, the National Science Foundation and The Smithsonian Institution.

The Association began by selecting a small group of museum directors, together with several non-museum persons, including a writer, to assemble the information, examine the condition of museums, decide the priority needs and suggest ways of dealing with them. The directors in this group are representatives of the principal categories of museums.

The procedure involved two lengthy conferences by the group at Belmont,[1] a Maryland county estate, and brief questionnaires to museum directors on specific museum needs. In addition, the writer visited representative museums and conferred individually with a large number of museum professionals. Several drafts of the resulting report were then examined and discussed by the conferees. The report as presented here has their approval.

The museum professionals who served as conferees are:

W. D. Frankforter, Director, Grand Rapids Public Museum, Michigan.

Frank H. Hammond, Director pro tem, American Association of Museums.

Louis C. Jones, Director, New York State Historical Association, Cooperstown, New York.

Sherman Lee, Director, The Cleveland Museum of Art.

George E. Lindsay, Director, California Academy of Sciences, San Francisco.

Thomas M. Messer, Director, The Solomon R. Guggenheim Museum, New York City.

Charles Parkhurst, Director, The Baltimore Museum of Art and President of the American Association of Museums.

H. J. Swinney, Director, The Adirondack Museum, Blue Mountain Lake, New York.

Frank A. Taylor, Director, United States National Museum, The Smithsonian Institution.

Evan H. Turner, Director, Philadelphia Museum of Art.

Bradford Washburn, Director, Museum of Science, Boston.

E. Leland Webber, Director, Field Museum of Natural History, Chicago, and Chairman, Committee on Museum Needs of the American Association of Museums.

The conferees unaffiliated with museums are:

John B. Davis, Jr., Superintendent of Schools, Minneapolis, Minnesota.

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[1] Hence the name, "The Belmont Report."

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John R. Fleming, Writer, Chevy Chase, Maryland.

Nancy Hanks, Executive Secretary, Special Studies, Rockefeller Brothers Fund, New York City.

J. Newton Hill, Director, Karamu House, Cleveland, Ohio.

The conferees are indebted to many museum professionals throughout the United States for their help in providing information and pertinent suggestions. The contributions of the lay members of the group deserve special mention. In addition, we particularly wish to acknowledge the helpful counsel of Roger Stevens, Chairman of the National Endowment for the Arts; S. Dillon Ripley, Secretary of The Smithsonian Institution; Harold Howe, United States Commissioner of Education; and Kermit Gordon, President, The Brookings Institution.

The counsel and assistance of Barnaby Keeney, Chairman of the National Endowment for the Humanities, and the action of that Endowment in providing the grant which has made this report possible, are gratefully acknowledged.

Throughout this undertaking the expert assistance of Mrs. Carolyn Wells as research assistant has been invaluable. Finally, the author of the report, John R. Fleming, has brought objectivity and sensitivity to a very complex task. All members of the Committee, and indeed, all museums, owe him a deep debt of gratitude.

E. LELAND WEBBER,
Chairman, Committee on Museum Needs.

1. MUSEUMS AND THEIR FUNCTIONS

For the purposes of this report a museum is an institution which performs all, or most, of the following functions: collecting, preserving, exhibiting and interpreting the natural and cultural objects of our environment.

This somewhat austere functional definition does not, however, convey the spirit or explain the mission of a museum, its mission, as distinct from the bare bones of its function, is two-fold: the advancement and diffusion of knowledge, and the enhancement of that awareness which affords pleasure and delight.

A special word is called for with respect to "pleasure and delight," inasmuch as this report dwells at some length on the educational function of museums, a function not automatically associated with pleasure and delight. Though museums devote much time and money to educational programs this does not at all mean that they have lost interest in providing opportunities for the pleasure and delight of their visitors.

Indeed, most museums allocate most of their budgets to other than formal programs of education. Art museums, for example, aim to provide the esthetic and emotional pleasure which great works of art offer. This is a primary purpose of an art museum. It is assumed that a majority of the people who come regularly to art museums come to be delighted, not to be taught, or preached at, or "improved" except by the works of art themselves. An art museum, is—or ought to be—a place where one goes to be refreshed.

In short, museums are so constituted that they can provide delight as well as education. When these two objectives merge into one, as they often do, so much the better.

The museum tradition in America

The men who established the first American museum, in Charleston, South Carolina, in 1773, said their purpose was "promoting a Natural History" of their region. Americans have been collecting objects and creating museums ever since, and at an accelerating rate.

Apparently no other people has engaged in this activity on so vast a scale, over so long a period without a let-up, and in so many diverse fields of human interest. American art museums have combed the world to acquire and display great works of art. History museums have collected and preserved objects which recapture and illuminate the American past. Natural history museums have sent their expeditions to every continent and to the Seven Seas in order to bring back original evidence of plant and animal life, past and present, and of the history of the earth, for examination by scientists and the general public.

By now a major American art museum will number its works of art by the thousands, and natural history and history museums count the items in their collections by the millions. So enormous an accumulation, it has been remarked by Edgar P. Richardson,[1] constitutes a new national resource—as if a new range of mountains comparable to the Rockies should appear. It has involved an historic migration to the United States of millions of objects—including the art of Rembrandt and Leonardo da Vinci, the magic symbols of the Stone Age in New Guinea and the fossilized remains of dinosaurs from the Gobi Desert.

The extraordinary public response to what museums offer suggests that the public feels strongly about these institutions. They offer alluring ways to learn about man and his world, the better to understand who we are, where we are, how we got this way, where we are going. For uncounted thousands of individuals museums make possible—often for the first time—the enjoyment of learning. Museums, the daily attendance suggests, offer an opportunity to enjoy a work of art—or sometimes to denounce it, which is another form of enjoyment. They offer an opportunity to satisfy curiosity which may be transformed unpredictably from that which is idle and bootless to something quite different. These are some of the reasons why people flock to Museums. They underline and justify the functions of collection, exhibition and interpretation, which are the visible parts of a museum's assignment.

The museum spectrum

It is not generally realized that there are now more than 6,000 museums in the United States, that they come in all sizes and shapes and conditions, and that they engage in an extraordinary variety of activities. For example: The Museums Director of the United States and Canada (1965), published by the American Association of Museums, in listing 4,595 of the 6,000 or more museums known to exist, arranges them in 84 categories. The major and most familiar groupings embrace art, history and science museums. These account for 43 of the 84 categories. The remaining 41 are specialized museums, proceeding alphabetically from agriculture and animal farms to whaling and woodcarving and along the way listing circus museums, a crime museum, lock museums, money and numismatics museums, transportation museums, wax museums.

Within the broad category of art museums are art association galleries, china, glass and silver museums, folk art museums and textile museums, among others. "History" includes historic houses, military museums and preservation projects as well as general history museums. The science category, broadest of all, includes aeronautics and space museums, aquariums, arboretums, aviaries and ornithology museums, botanical gardens, insect collections, herbariums, herpetology museums, planetariums, wildlife refuges and zoos, not to mention the familiar and more inclusive natural history museums.

Museums vary in size, as measured by attendance, from those attracting fewer than 5,000 visits a year to those which count visits in the millions during a single year. They vary in budgetary importance from those with only a few thousand dollars a year to spend to large institutions with annual budgets of several million dollars.

A relatively small number of museums accounts for a high proportion of total attendance. An American Association of Museums survey in 1962 found that of 1,964 museums responding to an inquiry, 638 (32.4 percent) reported annual attendance in excess of 35,000 visits, with 1,326 museums (67.6 percent) reporting attendance of less than 35,000.

Traditionally, as noted earlier, the functions of the museum have been to collect, conserve and interpret objects of art, science and history. These are cultural and educational functions which obviously are basic to a civilized society. They characterize most museums. They continue to collect, to make their collections available for research, and to draw on them for exhibitions and publications.

In a break with tradition, some art museums have turned away from the acquisition of a permanent collection to concentrate on contemporary works and the encouragement of living American artists. Similarly, some science museums no longer collect scientific specimens or conduct research on them. They concern themselves with interpreting and teaching through exhibits, demonstrations, discussions and other means. In some instances the term "science center" has replaced the word "museum." Without exception, however, the exhibits and programs of the new science centers make use, directly or indirectly, of the objects collected by the more traditional museums. For without these objects there would be no original evidence with which to educate.

In response to a changing audience and changing demand, many museums have become community centers for a broad range of community activities, including the performing arts, while continuing to fulfill their traditional museum functions.

In performing an educational function, museums provide a kind of learning that is available nowhere else. Schools and colleges recognize this by relying on museums to provide what books cannot—great works of art in the original, significant historic objects, specific specimens which are original evidence of the nature and evolution of man and his world.

Because it has these treasures in its care, and a staff of academic excellence to interpret them, the museum has something to offer that no other institution has. Increasingly important, the museum provides an opportunity for parents to expose their children to an enjoyable learning experience and the excitment of intellectual exploration—a most meaningful family learning relationship.

To construct an air-tight, precise definition to cover all American museums may be impossible. What can at least be done is to single out some common denominators. All museums are non-profit institutions. Virtually all are open to the public of all ages, races, religions and conditions. They live by certain ethical and professional standards. They are concerned in one way or another with education. And they perform a function which no other institution does. These are common denominators which obtain for all qualified American museums.

The range of activities in museums

The daily routine of a large museum covers an astonishing range and variety of activities. One director of a large museum complex devoted to the sciences, when asked to say what goes on in his museum on a typical day, provided the following informal report:

"Anywhere from 10 to 50 people will bring in minerals or butterflies or other objects for identification, for which they are referred to the appropriate research department. A scientist from India may be working in the ichthyology collections. One from Brazil could probably be found there too, because we have the world's most comprehensive collection of fishes from the rivers of Brazil.

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[1] "The Museum in America, 1963," *Museum News* September 1963. Dr. Richardson was formerly Director of the Henry Francis du Pont Winterthur Museum, Winterthur, Delaware.

"A doctor may send the stomach contents of a patient to one of our mycologists to see if the wild mushroom the patient ate is a particularly dangerous kind. U.S. Government people working on plant quarantine duties, or on public health, will come in to have something identified or to use our collections and library.

"A staff botanist may be consulting with a scientist from a pharmaceuticals manufacturer to determine the identity of a potentially useful drug plant. Next door, a curator may be analyzing organic debris that has been found contaminating food products. In the taxidermy laboratory, technicians are sculpting a model of a prehistoric fish for a new exhibit.

"In the Division of Insects a curator might be studying a relationship between the peculiar flies that parasitize bats and the distribution of species of bats. In the Division of Mammals a curator might be working on the association between coat development of mammals and climatic variation. Almost certainly in several divisions museum technicians would be assembling material from the collections for shipment to universities in distant corners of our country. Such material as likely as not would be used by graduate students working for their doctorates.

"Again, this could have been the day, recently, when the health authorities of Bolivia turned to us for aid. They were faced with an epidemic. The suspected carrier animal was rushed to us for identification. The curator's scientific knowledge enabled him to identify the carrier—a small rodent resembling our common field mouse. The museum's publication describing its habits, and life cycle pointed the way to fast control of the epidemic.

"During the day the planetarium might receive dozens of telephone calls asking about an astronomical phenomenon noticed the night before—a meteor shower, perhaps, or the vapor trail of high-flying aircraft. It would be a rare day that didn't see people bringing turtles or 'pet' fish or reptiles to the aquarium. And a class of youngsters would doubtless be in the museum, some to attend a lecture, some to amuse themselves caring for the live animals there.

"All this goes on in a museum on an average day, a day during which hundreds and even thousands of visitors, young and old, spend a few hours looking at exhibits, or attending a planetarium program, or viewing a film of a museum expedition, and in the course of the day gaining a new appreciation of the world in which they live."

That is to say, much more than meets the eye goes on in any large museum, whether its field is science or art or history. Much that goes on rests upon research. It is the invicible function of a museum. It came rather late in the evolution of American museums; it is rarely appreciated by the general public and is usually overshadowed by more glamorous activities, but without it the museum's function of interpretation would wither away and a museum's collection would lose value and meaning.

The research function

Before a museum hangs a painting on a wall or exhibits historic or scientific objects, it exercises its research function. Some member of the staff, at some point, has studied the painting and also tried to learn all he can about the artist who painted the picture and about his period and his contemporaries, just as the staff of a history museum has tried to learn as much as possible about the historic object in order to understand its significance. This kind of research is indispensable if the people who go to museums are to have an opportunity to understand and appreciate what they are seeing.

The only trouble, directors of art and history museums agree, is that there isn't nearly enough of this kind of research. Staffs in many museums don't have the time to do research, aren't large enough, in some cases are not qualified to do it.

In an art museum it is not enough to identify a work of art and determine its condition and whether it is authentic (authenticity itself being a research problem). What is needed both by the public and the museum itself is the basic historical material which provides a complete life history of each work of art and of the artist, the importance of the work, its condition, school and period, origin, previous owners—in short, a complete, accurate catalog which can be a permanent reference. Unfortunately, such research and such catalogs are expensive in staff time and printing costs.

"With the help of the Ford Foundation, 29 of the country's several hundred art museums are currently doing the research and cataloguing they have long needed to do. One of the 29, for example, the Worcester Art Museum, has not been able to publish a scholarly catalog of its work since 1922, and that catalog has been out of print for 25 years. The necessity for its current research is illustrated by the discovery that paintings which the museum had always attributed to such artists as Whistler, Turner, Constable and Courbet are not, in fact, by them. The Metropolitan Museum of Art has encountered a similar problem with some of its Rembrandts."

Research in art museums is in the main directed at two areas: (1) research on new or potential acquisitions and on the permanent collections; (2) research in depth on special subjects which results in special exhibitions. These exhibitions are major factors in an art museum budget, a significant item in that budget being the catalog which records permanently the results of the research

Research for special exhibitions has unusual importance because their quality tends to be considered a gauge of the distinction of the institution. Moreover, since attendance in art museums is affected to a significant degree by the year's program of special exhibitions, the professional staff's research may be directed into this area to a degree that some might think disappropriate.

In a history museum, or in an historic home or site, the research problem is roughly comparable to that of an art museum.

Obviously, the historic object must be authentic. This calls for research. Less obviously, but equally important, to interpret the object for the vistor requires that someone with the right qualifications has investigated both the object and the role it played in history, and has done some thinking about its significance for the present as well as for the past. Some history museums and historic establishments are able to do this, but many have yet to do it.

Since one purpose of a history museum is to recreate the past in the minds of the living, "one must study not only what was written, but also what was sat upon, eaten from, ridden on, and lived in and with."[2] This requires research, a great deal of it.

So does the preservation of works of art and historic objects require research. Once the paint on a Titan begins a crack and peel, it can be too late to conserve it. Yet this is a common and acute problem in art museums, just as preserving the irreplaceable is in history museums. American museums have been aware of these problems of conservation for many years, of course, have tackled them with varying degrees of success, and have steadily moved toward research in this field.

The research task in natural history museums

It is in the natural history museum, more than any other, that research has long been emphasized. Its field of inquiry is as extensive as the universe. It is concerned—as the collections in major natural history museums show—with taking inventory of all life on the earth and with the earth itself, with the evolution of life, with the interrelationships of one form of life and another, with the relationships between an organism and its environment. The aim is an understanding of our fellow-inhabitants of our planet—and of ourselves.

To achieve this understanding in an incredibly complex world, man has to learn how nature operates and how it came to be for everything from chromosomes to a mountain is the product of forces operating throughout the history of the universe. The first step in learning about these forces is to gather samples of the living universe for study in a museum laboratory. Once the samples have been collected, stored and classified, the result is an inventory of nature—an orderly classification of minerals, rocks, fossils, living plants, and animals, and objects of human culture. Only then can they be analyzed to produce what science seeks: new knowledge, new understanding.

The main research goal of natural history museums in the biological area is to increase our understanding of the evolution of diversity in nature. This means that we try to understand the patterns of adaptation of plants and animals, the patterns and rates of evolution of species and groups of species, the distribution of species and of communities of species, and the forces that lead to change in these phenomena.

Anthropologists on the staffs of museums are concerned with the physical evolution of man and with the evolution of societies, technology and human behavior in general. Where did we come from? How did we get here? The ultimate, unanswered question is: where are we going? Museum scientists, though they are not alone in the task, can and do contribute to the information and understanding required to answer such questions.

Museum geologists have been in the forefront of the study of minerals and land masses. They investigate such disparate subjects as the mechanisms by which particular types of minerals and rocks are formed in the earth, the movements of continents, and the structure and composition of meteorites.

Scientists on the staffs of museums and botanic gardens are engaged in what is called pure or basic science. That is, they are concerned with understanding the fundamental phenomena and processes of nature. However, the line between basic and applied research is fuzzy and much of the work of museum scientists, as of those in other types of institutions, has practical implications. For example, the classifications of plants and animals developed in the course of research by museum biologists provide systems for information retrieval. The information desired may be merely an identification of an insect pest. Or it may be a list of insects that parasitize the pest.

On a large scale, knowledge of natural diversity and of the patterns of natural communities of plants and animals is essential to ideas concerning the development of natu-

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[2] Carrol Lindsay, Director of Museum Services, New York State Museum and Science Service, State Education Department, Albany.

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ral communities. This seemingly esoteric subject may prove to be vital to our survival, for through it we may come to understand how much we can pollute our environment without courting disaster and what kinds of agriculture are most likely to feed successfully a huge world population over a long span of time.

Museums as educators

A child who visited a children's museum for the first time recently was asked to say what she liked best about it. She wrote: "I liked it best because the things I saw were fun, even though I learned things."

Accustomed to school but not to the museum, the child was struck by differences between the two institutions. One difference is that museums are wide open to individual exploration, outside the restrictive framework of a classroom or a curriculum. There are no examinations, no bells to signal the time for a class. There is, on the other hand, a special effort to make learning attractive, even fun.

There is a more basic difference between schools and museums, however. This difference lies in the fact that words are the principal educational tools of a school, whereas objects are the principal educational tools of a museum. This is of practical importance, since psychologists have discovered that some children are object-minded but not word-minded. A visible, tangible, concrete object has meaning for them; words, being abstract, fail to register.

"We assume today that one can read about objects. They can be illustrated in books. It is not, therefore, necessary to touch them. One doesn't have to savor tactilely the texture of objects, to read them manually, to hear the records of the sounds of the audible world, to be an educated person, granted that diploma. And yet many people are not really born only to be literate. Many people are born with their talent to be illiterate, to read with their hands, to read with their ears, to develop a comprehensive talent for living only with the whole of the senses. Many highly creative and inventive people, as we all know, are much less interested in reading than 'norms' or levels of education set own by the departments of education would have us believe."[3]

Probably the chief claim for the importance of museums as educational institutions lies in the objects they collect and protect. They use objects—original evidence usually available only in a museum—to tell the dramatic story of earth through time, of life upon the earth and of how man himself evolved, worked, dreamed and created. It is a story that can be told by words, but words cannot have the impact of an object that is original evidence, whether it is a painting by Rembrandt, the fossil of a creature that existed 80 million years ago, or George Washington's home at Mount Vernon. Moreover, only a part of education is formal. Many of our most educational experiences take place outside the classroom. Voluntary learning, as a part of a family group, can be a powerful adjunct to formal education.

This point was made in a poignant letter to the director of one of our major natural history museums by the mother of a deaf mute. She made a habit of taking her children, including the deaf child, to the museum. The child was so impressed by the dinosaurs that he went home and drew a surprisingly accurate picture of the brontosaurus. Wrote the mother, in sending the drawing to the museum: "How could we have explained [in words] the density of the bones, the height, the very existence of the pre-historic animals . . . [or] the environmental difference the dinosaur enjoyed . . .?"

The superiority of objects over words is summed up by the museum curator who said: "Girls are more interesting than descriptions of girls." This may well be the definitive statement on the subject.

From pre-school to Ph. D.'s

American museums are outstanding in educational programs and service to our educational system. Trustees and directors of American museums give high priority to what they consider a fundamental educational responsibility. It is characteristic of an American art museum, for example, to consider that it is obligated to give its audience a sense of the major accomplishments in world art, to enable the visitor to learn—if he cares to—the language of art, to cultivate his ability to discriminate, to enrich his knowledge of his own cultural heritage and to heighten his perception of the world about him.

Well over 90 percent of all American museums offer at least one educational program; many museums, especially the larger ones, offer an astonishing variety to meet the needs of different age groups and different interests.

"The Heard Museum of Anthropology and Primitive Art in Phoenix, Arizona, for example, takes exhibits of artifacts, dioramas and teaching aids to the schools, provides a year-round arts and crafts program for children, also schedules lectures and movies every week.

"The Denver Museum of Natural History holds evening excursions to the museum for teachers and principals to explain how the museum can help them.

"The Herron Museum of Art, Indianapolis, offers adults Sunday afternoon programs, lectures, gallery tours and a Center for Art History Studies in cooperation with seven Indiana colleges.

Boston Museum of Science: in addition to lectures and guided tours the educational program includes live animals and physical science demonstrations, summer teachers' courses, science projects for elementary school teachers.

"City Art Museum, St. Louis: a 'Museum Adventures' program for teenagers, plus radio and TV programs, lectures, films, concerts and scheduled classes.

"New York State Historical Association, Cooperstown, New York: programs for school groups and a state-wide junior history program; lectures, films; annual seminars on American culture; two programs, in cooperation with the State University College in Oneonta, leading to a degree.

"Rochester Museum of Arts and Sciences: a lending collection of 5,000 objects is available for classroom use. 'Hobby Council' includes 39 clubs in horticulture, crafts, collecting and science. Also: classes, film programs, field trips, lecture courses for adults.

"North Carolina Museum of Art, Raleigh, has initiated a new project designed to teach blind children to appreciate art through a sense of touch. The museum also offers seminars and a Sunday afternoon series of lectures, films, and concerts."[4]

The above is a small sample of educational programs in American museums.

The extent to which museums supplement the school system is suggested by the fact, for instance, that the Los Angeles County Museum of Natural History has seven classes of school children coming into the museum every hour of every school day.

To schedule and plan these guided tours of school children is a major task. Museums proceed on the principle that the time to start learning is early in a child's life, and the earlier the better. This requires a good working relationship between schools and museums. Fortunately, a good relationship generally obtains. Scheduling tours of school children is a joint school-museum enterprise, related, where possible to the curriculum. Scheduling has to take account of museums' space limitations and the scarcity of trained guides.

"The scheduling of guided tours is necessarily quite detailed, for example, at 9 a.m. on May 1, 1968, The Baltimore Museum of Art, which is host to about 1,000 grade school classes a year, prepared itself to accommodate nine groups from Baltimore area schools for guided tours. The nine groups, chosen by the schools, included 1st, 3rd, and 4th grade classes with teachers. The Museum, for its part, assigned eight staff members or volunteers to conduct the tours, help the children learn what to look for, and answer questions. This was a typical day, and typical of all categories of museums across the country. The strain on museum budgets is considerable, but schools and museums alike agree this kind of education is essential.

"Since single, hurried visits are of limited value, most museums plan a series of tours. Thus the Toledo Museum of Art, which sees some 800 grade school classes in a year, maps out a carefully planned series of visits—four visits of about 45 minutes each for grades 1 through 3, eight visits of an hour long for grades 4 through 6, and so on. The Toledo Museum also offers high school juniors talks on the development of art and music which parallel their courses in American literature and history, and offers seniors instruction related to their studies in English history and literature. This is in addition to basic courses in art for children and for adults, studio courses, lectures on art and on music, and performances in the Museum by orchestras, choral groups and soloists."

The extent to which museums can serve education necessarily depends in part on their location. There is a striking coincidence in recent findings that 21.2 per cent of the 23,390 school districts in the United States included 84.5 per cent of the total school population,[5] and that 17.9 percent of the 1,928 museums survevyed accounted for 85.1 per cent of the total museum attendance.[6]

Though the data cited above do not name the cities involved, it is a fair assumption that museums recording 100,000 or more visits annually are located in or near the school districts enrolling 1,800 or more students. America's museums, by and large, are in the right position to serve American education.

A typical educational program in a large museum now begins with preschool children (the Head Start Program) and proceeds through elementary and secondary grades to college, university and post-graduate levels. At the college and post-graduate level the number of students involved is not large, but the scope and variety of programs offered in partnership with universities are impressive. These museums provide teachers, facilities, essential research and teaching collections, and research guidance and review for candidates for master's and doctor's degrees, in science, art and history.

In Cleveland, for example, all fine arts classes of Case-Western Reserve University are held at the Cleveland Museum of Art. Members of the curatorial staff of the Museum have adjunct appointments at the University and provide the greater part of fine arts courses offered both graduates and undergraduates. The Museum's Slide Department and Library provide the principal source and reference material for all courses. In addition, the Museum's collections are open on a part-time intensive basis to fine arts students of the University.

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[3] From an address, "Museums in Today's Changing World," by Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution.

[4] "Report on the Educational and Cultural Activites of 60 Museums." American Association of Museums, 1965 (unpublished).

[5] "Statistic of the Month." *American Education*, Office of Education, June, 1968.

[6] *A Statistical Survey of Museums in the United States and Canada*. American Association of Museums, 1965.

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The American Museum of Natural History, in cooperation with the City College of New York, offers courses in 19 different subjects. The California Academy of Science has contractual arrangements with San Francisco colleges and universities to provide instruction and facilities for graduate students in systematics and ecology. The Field Museum has similar arrangements with colleges in the Chicago area, as does The Winterthur Museum in Delaware, the New York Botanical Garden in the New York area, Colonial Williamsburg in Virginia, and the Smithsonian Institution in Washington. Such arrangements are typical among major museums.

It is widespread practice for museums and universities to establish a close working relationship in order that students and faculty may utilize museum collections available nowhere else. And while museums do not grant degrees, college students in many cases receive college credit for the museum courses they take.

"And . . . in one university museum where I worked, 40 percent of all graduate degrees given in one department and 30 percent in another were solely due to the presence of a museum and museum collections at that university. Important areas of our government responsibility in geology, vital areas of our teaching in anthropology were filled with people who had graduated through these museum-related departments, people who had used the objects, the collections, in a completely meaningful way, which could never be assumed through or by books. And so the world of learning must get the point. Graduate and post-doctoral work can be centered in museums. Museum-oriented programs must not only be tolerated but encouraged in the universities and exchanges freely entered into at all levels."[7]

For the disadvantaged

Questioning the adequacy of the American educational system is hardly new, but lately it has become unusually intense. Parents and educators alike express dissatisfaction with current results in many public schools. The consequence is an active search for better ways of stimulating the learning process.

The dissatisfaction is especially acute with respect to the education of disadvantaged children in slum areas. City schools have turned to museums to provide a supplement to their curriculums and to help solve the problem of interesting disadvantaged children in learning. The result has been to add significantly to museum attendance—and operating costs.

One example will illustrate what is happening: organized group attendance of school children at the Field Museum in Chicago rose in three years from 228,000 in 1964 to 315,000 in 1966. Much of this increase came as a result of Federal programs for disadvantaged children, programs beginning with pre-school groups and extending into college groups.

The objective is to give disadvantaged children an opportunity open to most city children but rarely to them—the chance to get a taste of the wonders of a large museum, in the belief that the experience can strike a spark and stimulate learning.

The guided tour is one of several programs to this end. For older youngsters and potential dropouts, work-study projects have been devised by museums in cooperation with schools and Federal agencies. Thus the New York Botanical Garden developed a program in gardener training for students from a Bronx high school. Field Museum, in a work-study project begun in 1965 under the provisions of the Economic Opportunity Act of 1964, has for three years provided jobs for college students from the Negro sections of Chicago. They serve as helpers to laboratory technicians in preparing specimens, as guards, in editorial work, and in a dozen other capacities. Both the students and the museum think the experience rewarding.

Because underprivileged children in a large city do not ordinarily go to museums, the Museum of Arts and Sciences in Rochester, New York, has devised ways to take the exhibits to them. The Museum provides portable exhibits; volunteers transport them to settlement centers, install them and, when necessary, explain them. The exhibits include some objects for "touch and see" use and when possible are tied in with weekly story hours conducted by visiting librarians.

Sullivan House, located in one of Chicago's worst slum neighborhoods, has found another way to tap the resources of a museum. Among the children in whom this settlement house is interested are nine boys ranging in age from 10 to 15. All are below grade level in school. All have been involved with the police. Three are in classes for the mentally handicapped.

The first time the director of Sullivan House took the boys to the Field Museum, he wasn't surprised to have them ignore most of the exhibits and behave as if in an amusement park. Nevertheless, some exhibits in the museum so caught their interest that they have become regular visitors. Some of the nine have asked help in making an Indian totem pole. Others roam the anthropology halls for ideas for art designs. Apparently the museum stimulated a desire to learn that their schools had never been able to arouse.

College and university museums

Consideration of American museums necessarily includes college and university museums even though they are, to some extent, outside the scope of this report. Since they function as a department of the parent institution, their aims and the bases of their support differ from those of a public museum. Their financial needs are met, as a rule, by the parent institution.

More than 400 colleges and universities have campus museums, many supporting more than one. These vary from one-room specialized collections for occasional classroom use to large multi-department institutions. The majority of museums are in the disciplines of art and science (the historical documents being kept in libraries rather than museums).

The number of campus art museums is growing, along with the number of art departments. The collections are generally geared to the courses in the art department and to the needs of the students. Most of the museums are set up as independent units, often in their own buildings, with a director who may also be head of the art department and who is responsible to the president of the parent institution.

In one university, the paintings and graphics are hung in each of the 99 buildings on campus, so that students are constantly exposed to them. Another university specializes in its museum in conservation work and the training of graduate students who will become museum directors and curators. Another university museum, with growing support from sources outside its university, is expanding to meet the needs of state and regional interests. Another, with membership fees as its major source of income, serves the community as well as the university. Still another, financed mainly by private funds, extends its activities beyond the university by means of twelve traveling exhibitions.

Although universities have tended to discard their natural history collections because of the present-day emphasis on molecular biology rather than on taxonomic biological training, there are more science museums than any other kind on American campuses. Some have distinguished themselves in archaeological and anthropological exploration. Their primary functions, though, are teaching and research in the interests of the related departments of their universities.

Education by science centers

The demand for museum education to supplement that of schools, and the interest in new methods of teaching, have led to the establishment of museums which are not museums in the conventional sense. Some, still museums in name, are devoted almost wholly to the role of a science teaching center. Others, newly established, have both name and role of a science teaching center. Education is their principal purpose and activity.

The Oregon Museum of Science and Industry at Portland, for example, has 10 classrooms, a planetarium, buses to take classes to the field for study of mountains, volcanoes and marine life, a science fair program, a research laboratory set aside for promising young scientists and inventors and summer camps for natural science. In the Museum's Student Research Center, one youngster is building a wind tunnel for rocket flight research, another is studying the regeneration of limbs in salamanders, and a team of four has designed a weather-satellite tracking station which will provide weather pictures and information for Portland's airport weather station. In all of these activities the Museum cooperates closely with the schools and has their blessing.

The American Museum of Atomic Energy at Oak Ridge, Tennessee, financed by the Federal Government, operates a fleet of ten vans which take apparatus and visual aids to the schools of several States for demonstration and instruction in nuclear physics. The equipment is assembled on school stages and explained by a trained lecturer.

Still another kind of science center is that in Seattle, the Pacific Science Center. Like the others it works closely with the schools of its region and offers both exhibits and classroom programs. It is particularly concerned with the teaching of mathematics, as basic to science. Staff personnel work with school teachers and classes, by arrangement, on such topics as coordinate graphing, fractions and partitioning sets, solid geometry, minimal surfaces and probability. Modern visual aids and new kinds of exhibits, some of them unique, are employed.

Planetariums are also evolving as science centers interested in educational programs. The arrival of the space age has naturally aroused enormous interest in the universe, and a planetarium is a place to learn about it painlessly. The number of planetariums in the United States has shot up overnight. A recent survey reported 421 of them in 45 of the 50 States. Nearly all have educational programs, some of them very extensive. Planetarium directors have found that their institutions possess unusual possibilities for stimulating learning.

The school-museum relationship

Though museum directors are putting special emphasis on educational programs, there is a limit to what museum staffs, facilities and finances can do. If museums divert resources from the primary functions of collection and preservation and research, they weaken their usefulness as museums.

It needs to be understood that museum people are not interested in replacing the school system, nor do they think they can. The school has the principal responsibility for education. In a sense it is limited, however, in that it teaches primarily from the printed page. Museums teach by the use of three-dimensional, tangible objects. Museums do not consider it their primary responsibility in educational programs to transmit information. What museums can do—often better than schools—is to awaken interest, give children a new dimension they couldn't get from the printed page and stimulate them to go back to school and learn.

Many museums have "alumni" whose interest in their careers began when as children they visited the museum. No survey has ever tallied the total of such alumni, but it must be sizable. It includes many men and women now in high places in their professions. They discovered, as children, that a museum is a place which can stretch the mind and engage the emotions.

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[7] From an address, "Museums in Today's Changing World," by Dr. S. Dillon Ripley, Secretary of The Smithsonian Institution.

2. THE DEMANDS ON MUSEUMS

Figures on attendance are a measure of public demands on American museums. Thirty years ago attendance at museums was in the neighborhood of 50 million visits a year.[1] Fifteen years ago attendance exceeded 100 million visits a year.[2] By 1962, six years ago, the U.S. total had reached 200 million visits a year,[3] and this time it required only 10 years for the total to double, even though from a higher base. Today, 1969, total attendance is believed to exceed 300 million a year.

What the total will be five or ten years from now can only be guessed at. One museum director notes with some concern that if attendance at his museum increases by 50 per cent during the next ten years, as it has during the past ten, his present total of 3,000,000 visits will rise to 4,500,000 by 1978.

The population of the United States is currently increasing at the rate of 1.15 per cent a year, but museum attendance is escalating at a far higher rate. The number of new museums has also been increasing at an accelerating rate.

The phenomenon of rising attendance appears to be nationwide, though especially marked in big cities. Attendance at Boston's Museum of Science rose from 411,483 in 1963 to 526,941 in 1967. Chicago's Field Museum recorded 1,049,000 visits in 1958, 1,787,000 in 1966. California's Academy of Science in San Francisco reported close to 3,000,000 last year. Baltimore's Museum of Art saw its attendance nearly double between 1965 and 1968. In upstate New York, Buffalo's Albright-Knox Art Gallery noted little change in attendance between 1950 and 1960, when the total was 147,000, but by 1965 the total soared to 348,665. The American Museum of Natural History in New York reported attendance in excess of 3,000,000 last year. The Metropolitan Museum of Art has seen its attendance go from 4,005,490 in 1960 to 6,281,162 in 1965. The Smithsonian's new Museum of History and Technology, during its first ten months, recorded more than 5 million visits.

This growth in attendance is not limited to metropolitan centers. Museums in medium-sized cities and in small towns also report sharp increases. In many instances the total attendance at the museum is now several times as large as the town's population. And the number of museums in small towns and semi-rural places, it needs to be noted, exceeds the number in large cities.

How many of the 300 million visits a year are made by repeat visitors is not known with any exactitude, but several museum directors estimate a proportion of repeat visitors ranging between 40 and 60 percent.

When educational demand exceeds supply

So rapidly has usage increased, with its accompanying requests for service, that museums find it necessary to turn down many requests. The doors remain open because of a responsibility to the public, but when attendance goes up sharply while staffs and funds remain unchanged, something has to give. What "gives" is the kind of museum service that requires staffing.

The Cleveland Museum of Art, for example, turns down approximately one-fifth of all requests for gallery guidance during the week, all requests for Saturday mornings, limits Saturday afternoon groups to two and turns down all requests for Sunday. Talks given by the museum staff at Cleveland public schools have had to be stopped. Requests for regular TV programs cannot be accepted because demands on the staff would be too great. Twice as many requests for case exhibits from the museum are received as can be accommodated.

The Chicago Historical Society, with no more staff or space in 1968 than in 1965, but with attendance up 17 percent, reports telephone and mail requests for service or information running in excess of 700 in a 20-day period. Requests for more museum classes, guided tours and gallery talks cannot be met. The director estimates that to satisfy all requests would require double the present staff and budget.

The experience of museums in New York State appears to be typical. In 1962 an official survey disclosed that leading museums throughout the State were so limited in staff and facilities that they could provide guided tours or teaching service for less than half of those requesting the service. The American Museum of Natural History, for example, had to turn down requests for teaching service for an average of 1,000 school children a day.

Inquiries in 1968 show that the situation is no better, and in many instances is worse.[4] This is not peculiar to New York State or New York City; other States and cities have had comparable experience.

If this is a problem for the present, it is even more of a problem for the future. The director of a major art museum in the Midwest puts it this way:

"We have attracted enormous audiences which we are unable to take care of properly. We haven't the staff or the room or the facilities to give most of our visitors a proper introduction to works of art or the interpretation they ought to get. Nor can works of art be as available to serious students, let alone the casual visitor, when our galleries are so crowded.

"And yet, with urban population expected to continue to grow, and museum attendance along with it, we shall be in a worse fix in the years ahead than we are now."

The demand for education

Early in the decade of the Sixties a survey of 600 museums selected for their well-established educational programs revealed that each year 8 million school children participated in educational classes at these 600 museums. This was in addition to the 5 million adults who attended classes and lectures, plus 56,000 art students and 14,000 other students who registered for college-credit courses, plus 4,000 advanced students who enrolled in joint museum-university graduate courses.[5]

Large museums currently report that as many as 500,000 school children come to the museum during the school year. In some instances more than half of these youngsters come from schools outside the locale of the museum. It is now routine for busloads of school children to travel 200 miles or more for their museum visit. This is true both for large museums in central cities and for smaller museums which may be in a small town or semi-rural place but which have collections and exhibits of wide interest.

When people cannot get to the museum, the museum—as noted earlier in this report—devises ways to go to the people. This may take the form of science kits for use in schools (as developed by the Oregon Museum of Science and Industry in cooperation with the American Association for the Advancement of Science), or history kits prepared by the history museums, or film strips and portable exhibits for art museums.

This device of taking the museum to the people is now in common use. The Cleveland Museum of Art in 1967 provided exhibitions in three regional galleries and installed some 600 exhibits in area schools, colleges and libraries. Chicago's Field Museum of Natural History last year sent portable exhibits to more than 500 schools for the enlightenment of approximately 500,000 children. The National Gallery of Art provides schools with traveling exhibits consisting of films, film strips and film lectures with recorded texts. The audience for these traveling exhibits during the year exceeds 970,000 persons. During 1960–65 National Gallery exhibits reached 2,703 cities.

Still another way to take the museum to the people is by establishing branch museums. This has long been advocated but not widely practiced. It is expensive and, for an art museum, extremely difficult. There is renewed interest in it, however, especially as a way to reach people in slum areas.

Museum professionals are watching with interest the Smithsonian's recently established small branch museum in the Anacostia section of Washington. This is a low-income neighborhood, predominantly Negro. The residents are given a voice in deciding what the museum should exhibit and are encouraged to regard it as their museum. The response has been heart-warming. What was once a movie theater is now a place in which Anacostia youngsters can for the first time in their lives discover the delights of art and pursue a newly awakened interest in science. But the problem of financing the Anacostia branch museum has yet to be solved.

Service to higher education and research

For any museum with a large collection, whether of objects of art or science or history, service to scholarly research is a primary function. Allied to this function is that of providing facilities for training graduate students in the arts and sciences, in a degree-granting partnership with universities. These are functions which no museum director wishes to slight.

By contrast with the number of school children visiting museums, the number of scholars and graduate students involved will seem minuscule. A large science museum may have only a thousand or two outside scholars at work on its collections during the year. The results of the work of this thousand or two, however, are likely to be out of all proportion to the number involved. And it is for this purpose, quite as much as any other, that the museum acquires and maintains its collection.

There is a present danger that museum service to scholarly research will suffer because of the rapidly increasing and more obvious demands of schools and the general public.

Yet the nation's need for research and for research facilities will continue unabated. In some fields the research demands on museums have increased as a result of increased Federal funds to colleges and universities. The difficulty is that such Federal grants do not necessarily cover the museums' expenses for the services rendered.

The museum as community center

American museums were not originally established to serve as concert halls or theaters or meeting-places for organized groups. They were established to collect, preserve, exhibit and interpret objects of art or history or science. These remain their basic functions. Nevertheless, many museums now also serve as concert halls or theaters or meeting-places for various organized groups.

Especially is it true that museums have become homes for the performing arts. Nearly all large art museums, and apparently more than half of the smaller ones, sponsor or offer their facilities for musical programs, drama, ballet and dance performances.[6]

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[1] Laurence Vail Coleman, *The Museum in America*, American Association of Museums, 1939.

[2] *A Statistical Survey of Museums in the United States and Canada*. American Association of Museums, 1965.

[3] *Ibid*.

[4] See Appendix for details.

[5] "A Preliminary Report on Attendance Figures for Formally Organized Education Programs in Museums of the United States." American Association of Museums, 1962.

Museum professionals do not all agree that this trend is a good thing. Some fear that the basic mission of a museum may ultimately be lost sight of in the bright lights of the performing arts. A more subtle danger, it is sometimes suggested, is that the popularity of the performing arts may induce museums to prefer popularity to enduring quality in the works of art they exhibit.

The reasons for cooperation with the performing arts, however, appear to have outweighed fear of the consequences. Museum directors find that opening their institutions to musical and theatrical performances produces broader public support of museums. There is also the belief that museums, as cultural institutions, have an obligation to cooperate with other cultural institutions in reaching as many people as possible, and that this can be done without sacrificing high artistic standards. Finally, it is contended, the arts should support and reinforce one another.

If a museum is a community institution, there is logic in the community using its space and facilities for a variety of cultural and educational purposes, particularly when other space may not be readily available or suitable. But museum trustees and directors cannot ignore the fact that such service to the community costs money for heat and light and guards for which the museum is seldom compensated. And, in some instances, providing these services will divert funds from the basic functions of the museum.

Why attendance has increased

The dramatic increase in museum attendance is accounted for in part, but only in part, by the increase in population. Urbanization is also a major factor. The change in age distribution of the population may be even more significant. A higher proportion of the total population is in the younger age groups than ever before. Our crowded schools suggest as much. By 1970, the Population Reference Bureau estimates, half the U.S. population will be below the age of 26.

The population changes could not have been major factors, however, in the absence of certain other influences. One of these is mobility, a familiar American phenomenon. A majority of the U.S. population is less than an hour's drive away from a major museum. Apparently more and more of the population each year are making that drive.

Museum attendance has also risen because more people are more prosperous than ever before, and more have leisure time with which to investigate the cultural and educational possibilities of museums. For their part, museums offer more interesting exhibits than they used to. A good many people have discovered that a museum is a lively place.

It is probably true that some part of total museum attendance is accounted for by idle curiosity, or by the desire to get the children out from under foot. Anyone who has closely observed museum crowds lately, however, will not be persuaded that these motives predominate.

The more likely explanation is that more people go to museums today because more people than ever before have discovered that the arts and sciences which museums exist to serve are both important and exciting. Some may go to a museum for delight, some for enlightenment. The result in either case is pleasure, the more so since one visits a museum freely, under no compulsion, free to enjoy or to learn at one's own pace. The average American, given an opportunity, apparently has a desire to improve the quality of his life, and museums give him that opportunity.

So far as can be foreseen, all the factors responsible for recent increases in museum attendance may be expected to continue to operate. The population is continuing to increase, urbanization shows no signs of declining, mobility is almost certain to increase, widespread prosperity is a reasonable prospect, and more people will have more leisure time than ever in the nation's history. The demands on museums, in other words, seem destined to grow.

3. THE PRESENT CONDITION OF MUSEUMS

What has happened to museum budgets in the past ten years throws light on the present condition—and problems—of America's musums. A sampling of the operating expenses (which excludes the cost of acquisitions) of small-, medium- and large-size museums shows that all have risen sharply and that annual deficits are routine.[1]

For several museums in the sample, operating expenses more than doubled in 10 years, and in one extreme case they increased ninefold. Although figures are not available to show exactly how much the operating expenses of all American museums rose between 1957 and 1967, it is safe to assume that in most instances the rise was substantial.

The experience of a major science museum in a large Eastern city is revealing. In fiscal 1957 its attendance was 314,591, its operating expenses $356,953. In fiscal 1967 attendance totaled 526,941, expenses came to $1,049,100. The cost per visitor during the decade rose from $1.13 to $1.99.

The operating cost per museum employee, during the same period, rose from $5,852 a year to $8,742 a year. As officials of this museum look ahead, they estimate that in fiscal 1976 their operating expenses will be close to $1,700,000 or about 70 per cent higher than at present. Capital expenditures will be in addition to operating expenditures.

Why operating expenses go up

Increased attendance has been a major factor in raising operating costs in museums. More visitors require more guards, more guides, more professional and administrative staff, more expenditures on maintaining and rehabilitating buildings, exhibits and equipment.

Stafff salaries, at the same time, have had to increase in order to hold experienced employees and attract new ones in the face of competition from other institutions, private and public. Salaries absorb between 70 and 80 per cent of the operating budget in major museums. This doesn't leave much for other costs of operation. It doesn't leave nearly enough, in the judgment of most museum directors, for efficient operation. Nevertheless, judging by recent experience, operating costs in major museums can be expected to increase at a rate of at least three per cent a year.

Theft and vandalism are serious problems, especially for art museums in large cities. Most museums need more and better trained guards to protect irreplaceable objects. As it is, according to a 1966 study by the American Association of Museums, a large history museum has to spend as much at $230,000 annually just for routine operating expenses—guards, building maintenance, repairs and utilities. In a large art museum these expenses now exceed a million dollars a year.

One other operating expense deserve special mention. In a time of inflation like the present, the price of a painting may double almost overnight. Art museums, to their sorrow, find that as a result the value of their paintings for purposes of insurance may also double almost overnight.

To some extent the museums themselves have invited higher costs by devising new and more attractive exhibits and by offering numerous new services, especially educational programs.

New exhibits and new services attract larger attendance, not surprisingly. The alternative, however, is hardly acceptable.

Sources of funds

Most museums rely on a combination of private and public funds. In a recent study by the Boston Museum of Science on the fiscal situation of 29 major science museums, 10 of them have annual budgets of more than a million dollars apiece, it was shown that private sources, account for about 60 per cent of the total income of these museums, public sources for roughly 40 per cent. Public sources are largely municipal, county, or State governments. Private sources include gifts and income from endowment and trust funds, often supplemented by receipts from museum activities.

Of these 29 museums, 5 have no public funds, 14 receive more private than public funds, and only 3 operate without private funds. In 6 instances private funds provide more than a million dollars toward the museum's budget.

There is such wide variation in museums' sources of funds, and in the extent of local public and private support, that generalizations are difficult. It is feared by some directors that private sources of income for museums may be drying up. Whether or not this is generally true, the fact that sources of funds are private is no guarantee of fiscal health.

Inflation has seriously reduced the spending power of endowments which when made seemed ample for all time to come. The president of the Toledo Museum of Art noted earlier this year that the assets left to the Museum by its founder 67 years ago paid 27 per cent of the operating expenses in 1965 but only 17 per cent in 1967.

Nor are prospects bright for museums which rely on municipal, county or State funds. In the pressure on municipal budgets to meet critical urban needs, museums tend to rank low in urgency.

For example, one of the outstanding art museums in the country has to rely on municipal appropriations for most of its operating funds. In only one year from 1963 to date has the city appropriated for operating expenses the amount requested by the museum, and at no time has the city met the museum's request for payroll funds, which are allocated separately from other operating funds. The trend, in fact, has been sharply downward. In fiscal 1963 the museum requested $271,524 and received $267,786. But thereafter the margin between needs and funds widened until in fiscal 1967 the museum's request for $648,876 was met with an appropriation of $448,691. Yet attendance at this museum in 1967 was about double that of 1963.

The experience of this art museum is a common one today. One attempted solution is to increase museum income from sales of publications, fees for special services, and from increased membership. As a rule though, these activities yield only a small proportion of museum income.

Another solution sometimes attempted is to charge admission to the museum. A survey conducted by the American Association of Museums showed that in 1962 only 179 of 2,021 museums surveyed, or 8.8 per cent, received as much as half their operating income from admissions. In fact, only 495 institutions (24.5 per cent) reported receiving any admission income at all.

Most museums adhere to the tradition of free admission. They do so because many of them receive governmental support—municipal, county, State, only occasionally Federal. Just as public libraries have traditionally offered service free to the community, so have most museums.

It is sometimes suggested that by charging

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[6] William J. Gravesmill, "Museums and the Performing Arts," Museum News, January, 1967.

[1] See Appendix for details.

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admission fees or increasing other fees, museums could remove or at least ease their financial distress. Any such action, however, would tend to exclude those individuals who most need the cultural and intellectual stimulus that museums are uniquely equipped to provide. Citizens of the inner city are only now beginning to use museums. It would be unfortunate indeed if the imposition of admission fees were allowed to reverse this trend. Conclusive evidence is lacking, however, and studies are suggested.

The staff problem

The testimony of museum directors is overwhelming that all museums are understaffed, that staffs in most museums are underpaid, and that in smaller museums, especially, many staff members are inadequately trained.

A leading science museum, for example, in its 75 years of existence has grown to the point where it has a full-time staff of 300 to care for collections numbering more than 10 million specimens and an exhibit area of nearly half a million square feet. During the past quarter of a century the collections have more than quadrupled in size, but the staff has changed very little in size. Staff salaries, nevertheless, have so increased that whereas in 1940 they absorbed 40 per cent of operating costs, and in 1950—61 per cent, in 1968 they absorbed about 76 per cent.

Even so, salaries of curators in this museum are about 10 to 35 per cent below the salaries of professors in the universities in the area. Yet museum curators and college professors in the same disciplines have, and are required to have, equivalent training and experience.

While it is logical to compare museum curators and university professors, salaries of the two groups are rarely comparable. According to the American Association of University Professors, the average compensation scale in 1968 for a full professor in a top-flight university should be $27,000, and the minimum compensation scale should be $18,180 a year. Actually, it is rare to find a museum able to pay a curator as much as the *minimum* recommended by the AAUP. In most museums—even the largest—the top salary of curators is often below the minimum salary of university professors in the same discipline.

This is a major reason why most museums are understaffed yet have difficulty in many cases in recruiting additional staff, as the "Positions Open" column of *Museum News* testified.

In issues of this publication from January, 1967, through February, 1968, museums list their needs for directors, assistant directors, curators and assistant curators, educational department heads, museum technicians. Many of the positions require a Ph.D. Many state as a prerequisite several years of experience in museum work. Salaries offered, however, are low in comparison with college and university salaries—a top of $14,000 for a director, but with most offers much lower, a top of $12,000 for a curator, with most openings paying much less.

Museum salaries in even the top positions, in other words, are hardly an enticement to a young college graduate choosing a career. A position on a university faculty probably seems preferable.

In addition, in educational circles there is thought to be more prestige in a university than in a museum job. It is also a consideration for graduates interested in research that in understaffed museums curators have so many responsibilities that they have little time for research.

The understaffing endemic in museums concerns not only the top positions. Museums also need more technicians, administrative personnel, secretaries, building maintenance personnel and guards than they now have. The jobs are there, but in most instances the competitive salaries are not.

The lack of adequate staff has specific consequences. It may mean, as it does in a large natural history museum, that the available staff can provide service to only one of every five school groups visiting the museum. Or that busloads of school children have to be turned away because no more guides are available. It may mean—as it has—that an art museum must decline to cooperate with a television station because the existing museum staff could not add to its load the burden of preparing a series of 65 half-hour shows.

There are also long-range consequences of understaffing, less apparent but perhaps more serious. When a museum's staff has more than it can do, research tends to suffer, the documentation of important collections is necessarily neglected and the conservation of invaluable objects gets minimum or no attention. Whenever this happens, the value of the museum is reduced and its future as an educational and cultural institution jeopardized.

The security of a museum's collection requires a force of well-trained, adequately-paid guards and supervisors. When salaries are not enough to keep the force of guards up to strength, security becomes a gamble. The solution, as far as the museum is concerned, lies in more guards and more protective measures, all of which require funds which most museums do not have.

The staffing problem is serious enough in large museums, where 50 professional employees and as many as 600 employees of all categories may be required, but in medium-size and small museums the problem is often desperate. Again, salary is a major factor. Additionally, administrative and maintenance chores severely limit the opportunity of the professional employees to do professional work. In a small museum, it has been observed, a curator must not only have the equivalent of a Ph. D. in his field, he must also be prepared to use a hammer and nails.

The degree of understaffing varies widely among museums. At one extreme is a small history museum in the Midwest with a total budget of $9,000 a year, provided locally. The staff consists of one full-time person serving as director, curator, guide, lecturer, exhibit technician, building superintendent and janitor. Part-time help in the tourist season, and volunteers, make it possible for the museum to function, after a fashion. How long it can continue is in some doubt.

A medium-size art museum in the South, though not in as desperate a situation as the small history museum just mentioned, has a staff problem desperate enough. It is financed largely by city funds. Its current minimum needs for additional staff are for an assistant director, a curator, an education director, a trained librarian and trained guards. The salary standards of the city government are so low that the director says it is impossible to get properly trained people for jobs in the museum. He estimates that to solve his staffing problem would require a 50 per cent increase in the city's appropriation for the museum.

Competitive salaries are a major but not the sole answer to the staffing situation in museums. The museums have the problem of interesting competent people in museum careers and then training them for these careers. It is only in recent years that a start has been made in providing training programs, whether in museums or in universities in collaboration with museums. If the staffing needs of museums are to be met, a very substantial expansion of training programs will be essential, as will an expansion of the present limited number of fellowships.

The National Endowment for the Humanities is already active in this field with its Museum Fellowship Program. It is the purpose of this program to attract and interest graduate students in pursuing professional careers in museum and historical society work, and to encourage museums and historical societies to increase their activity in graduate study curriculum.

Universities having an affiliation with an established teaching museum are selected by an advisory and screening committee to receive a grant for administration of fellowships at their institutions. The sum includes a monthly stipend, an allowance for travel and support of dependents, and a cost-of-education grant if tuition is not waived for the fellows. The candidates apply directly to the participating universities.

This year's participating universities and their affiliated museums are: The University of Delaware (Hagley Museum), the University of Delaware (Winterthur Museum), State University College, Oneonta, New York (Cooperstown Museums), and the George Washington University (Smithsonian Institution).

Museum facilities

Museum buildings designed and built within the past twenty years are a considerable improvement over older buildings. They provide better facilities for collections and exhibitions, and they are so arranged as to serve both the special needs of research and the needs of the general public. Few museums, however, occupy such buildings. Most date back to before World War II, and a sizable number antedates the Twentieth Century. Moreover, more than half of America's museums are housed in buildings not originally planned for museum use.

Investigation by the American Association of Museums [2] has disclosed that of the museums housed in physical plants designed specifically for their use, 49 have buildings constructed before 1900; 75 are in buildings completed during the years 1901–1920; 223 institutional plants date from 1921–1940; 174 from 1941–1960; and 68 have been built since 1961.

The need for rehabilitation or replacement of existing structures is so great that it could not be met in a year or two. The cost of a crash program would be prohibitive. The best that can be expected is a gradual, long-term program.

The example of one museum which has carefully examined its capital improvement needs may illuminate the problem confronting a majority of America's museums. This is a large natural history museum, one of the five largest in the country. Its building is 47 years old. Its total area covers about 800,000 square feet, of which 437,000 square feet are exhibit area.

The electrical system in this museum's building is obsolete in design and inadequate in capacity. For reasons of safety, if for no other reasons, a completely new electrical system is required. It will cost in excess of $1,240,000.

Most of the museum's area is without fire detection and prevention equipment. To provide this will cost about $210,000.

The museum's ventilation system is obsolete. It is impossible at present to provide proper temperature, ventilation, filtering and humidity for priceless collections and exhibits, not to mention employees and visitors. An adequate air conditioning system is estimated to cost about $2,500,000.

The floor of the museum building has settled by almost a foot. To stabilize it will cost about $200,000.

Escalators and a new passenger elevator are to cost about $275,000. New lounge and toilet areas for the increased attendance will cost about $250,000. Because the noise level in some of the most popular exhibit areas is uncomfortably high, acoustical treatment is recommended, at a cost of about $200,000.

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[2] *Report on Museum Facilities,* 1966. Contributed by the American Association of Museums to the Study of State and Local Facility Needs and Financing, prepared by the Subcommittee on Economic Progress of the Joint Economic Committee, Congress of the United States.

This museum's ten acres of exhibits, the trustees and director have decided, need overhauling and upgrading. Many have not been changed for decades. It is proposed to upgrade them over a period of ten years, using new and modern techniques, at a cost of approximately $200,000 a year.

All told, including other capital improvements not listed above, an expenditure of about $11,500,000 is required by this museum over the next decade. Operating expenses have risen so much, however, that it was not possible in the 1968 budget to allocate any funds at all for plant expansion or improvement.

The overwhelming majority of American museums occupy facilities which need either rehabilitation or replacement. The 1966 study by the American Association of Museums pointed out that of the 689 museums sharing quarters with other institutions, 138 would need new quarters within the next ten years. Of the 1,053 museums housed in buildings not constructed for museum use, perhaps 60 per cent, or 630 institutions, would need new construction within the next ten years to house and exhibit their collections for the public adequately. And, assuming the effective life of a public building to be about fifty years, another 124 museums would need either to remodel or replace their buildings within the next two or three years.

A conservative conclusion is that the present condition of most museum buildings and facilities is so unsatisfactory that the institutions cannot serve the public or perform their cultural and educational functions adequately. A very large program of capital improvements is indicated.

But it is not safe to assume that a museum built in 1968 according to the most modern and approved design will meet the needs of 1988 or even 1978. Even today, artists are creating works of art of such size or involving so novel a multi-media approach that the conventional museum is hard put to accommodate them. Similarly, exhibit techniques employed by history and science museums are almost certain to change in time, and in changing require modifications in building design and equipment that may be drastic. The speed and degree of change are unpredictable. The only safe assumption is that the requirements for museum facilities will change as time goes on, and that the requirements for capital improvements will increase.

THE PROBLEM OF QUALITY

In the present condition of America's museums a central problem is how to serve a growing audience while maintaining standards of quality. Some museum professionals doubt that it is possible for an art museum, say, to maintain quality while ministering to a mass audience. Other professionals are convinced that both a mass audience and quality can be served if imagination as well as money is employed.

This report will not attempt to resolve this large question. What is indisputable is that growing attendance at museums has compelled museum officials to look with a critical eye at their performance, to admit to shortcomings and to search for better ways of accomplishing the mission of their museums. There is probably more of this going on in the museum world today than ever before.

For example: directors of history museums report that the quality of exhibits in hundreds of history museums is inferior, unimaginative, unattractive. Directors of science museums are dissatisfied with forty-year-old dioramas, with excessive reliance on static exhibits, with exhibits that inform but fail to interpret. Directors of art museums—some, though not all—wonder if museums shouldn't do more than they now do to provide enlightenment as well as delight.

This self-criticism has produced results. They are to be seen in those history and science muesums which have enlivened static exhibits and experimented with audience-participation devices. The reasoning is that exhibits which involve action, particularly participative action by the viewer, are much more likely than static exhibits to stimulate the learning process.

It is very much a time of experiment in exhibit techniques and in relations with schools. New types of science museums see their principal purpose as science education in close collaboration with the school system, though not to the exclusion of the adult general public. The emphasis is on manipulative exhibits and audio-visual techniques designed to teach science, and, in the case of the Pacific Science Center, to give special attention to the teaching of mathematics.

The Peabody Museum of Natural History at Yale is experimenting with an electronic message system designed to combine sound with sight. The visitor, wearing a light, comfortable wireless headset, may stand before the diorama of the Sonora Desert and hear the call of the roadrunner, the snuffling grunt of the peccary and the whirring of the rattlesnake. The observer both sees and hears the exhibit. His questions are answered far better than by the usual brief display placards.

It was in the current mood of self-examination that the director of a history museum recently said he was not all sure that history museums were doing what they should be doing. He expressed doubt, for example, about whether existing techniques of portraying sc important an event as the American struggle for independence were effective.

Among directors of art museums there is a good deal of ferment, and some controversy, over the degree to which an art museum should become involved in the life of its community. The question arises most acutely in big cities with their present surplus cf social and economic problems. Some directors fear that involvement in urban problems and interests outside the walls of the museum will end in sacrificing artistic standards without helping to solve any urban problems. Other directors—perhaps the majority—contend that an art museum cannot ignore the urgent problems of the day any more than contemporary artists can. It is in keeping with this trend that the Metropolitan Museum of Art planned the exhibition entitled "Harlem on My Mind," described as a history of the Harlem culture.

Much of the current self-criticism by museum professionals has arisen because they are searching for answers to questions they have never found it necessary to worry about until now. There are such questions as these: What and who is the audience the museums should serve? Why do people come to museums? What do they hope to get? What do they, in fact, get from their visits? What are the attention-spans of museum visitors of different ages?

To these and dozens of other questions about audience motivation and behavior museum officials today have few satisfactory answers. It is a field in which museum officials have done little research. Until recently, it hadn't seemed urgent. Now it does. It seems urgent because the measure of a museum's performance is not only the size of its audience but its impact on that audience.

The growth of museum audiences is a mixed blessing. Weekend crowds in major art museums sometimes make it difficult for individual viewers even to see the painting they want to see, let alone give it concentrated study. One solution attempted by some museums is to add to the viewing time by staying open evenings, though the cost in a large museum may exceed $1,000 an evening for guards and utilities. Whether there are better solutions is not at all clear.

The problems of small museums

Measured by attendance, or budget, or exhibit area, the overwhelming majority of American museums are small. If we use as an arbitrary yard-stick an annual attendance of less than 25,000 or a budget of less than $50,000, well over half of the nation's 6,000 museums qualify as small.

This is a measurement of size, not of value. There is no good way to measure the value of a museum to its community, or the aggregate value of all small museusm to the nation. What can be said is that if a museum which has enriched the life of a community closes its doors, the community is poorer and so is the nation.

Some art museums, though tiny in comparison with those in metropolitan centers, exhibit paintings of great significance. Some small natural history museums possess collections of importance to science as well as to the community. Museums of local historical societies in many instances own and exhibit objects of American history of significance both locally and nationally. In urban centers, small, specialized museums pay tribute to the heritage and culture of the several ethnic and racial groups in the nation.

There is one common denominator which applies to most small museums: the budget is inadequate. As a result, the museum is understaffed and the staff is often untrained, the buildings are inadequate and the museum is unable to perform its basic functions properly or meet minimum standards. This generalization does not, of course, fit the case of all small museums, but it does apply to hundreds of them.

Museum professionals subscribe to the statement made in the preface to "The Management of Small History Museums," a booklet published in 1959 by the American Association for State and Local History. In part, the preface declares:

> Too many small history museums still belie the name of museum. Many are little more than depositories of historical objects. Their collections are not adequately catalogued or are not catalogued at all. Their methods of preservation do credit to attic storehouses. Their exhibits are little more than organized confusion. Too often they are proud to own relics that are meaningful only to them and a small body of associates. Articles are exhibited because of their sentimental value to the few or to donors, not because they illumine the human processes of the past.

Behind this severe indictment is the conviction that small history museums have a great potential for portraying the American past, but a potential that in too many cases has not been realized.

Too often a museum established in a burst of local pride and enthusiasm found that more than those assets were required. A staff of one or two is not large enough to operate a museum satisfactorily. Volunteer help, invaluable as it is in museums, cannot be expected to perform jobs that require professional training in exhibiting, preserving and interpreting historic objects. An abandoned store or warehouse may house a museum as a temporary though inadequate makeshift, but if the makeshift continues very long, and after its inadequacies make effective museum operation impossible, it suggests that the community puts a low value on the museum—lower, for example, than it does on its well-housed schools.

Still, small museums continue to operate, regardless of their problems. They continue because they meet a need that no other community institution does.

For a case in point, the director of a history museum in a small county-seat in the Midwest sums up as follows. 'Our visitor count runs between 15,000 and 20,000 and probably half of these are children. In the summer, migrant workers—Mexicans and Southern poor whites—come in pretty large numbers. We have school dropouts, delinquents and semi-delinquents, leather-jacket characters, the slow-learners and the really retarded, all degrees of the underprivileged. . . . Among the high school graduates who go on to college, many come back to tell me how valuable they had found the things they learned in our little museum. . . . They seem to need the reassurance of continuity, of seeing something that has withstood time and change, and in some degree our museum can provide that.

"Boys from around the 4th to 6th grades will spend hours in here looking and asking questions. Even high school sophomores visit the museum, though they are usually considered the most obnoxious show-offs and know-it-alls. Perhaps they are just avid for information, or perhaps it is a need for reassurance. . . ."

The central problem of the small museum is obviously lack of money. Typically, town and county governments provide some of its income, memberships in the local society sponsoring the museum provide some, and the remainder comes from sale to visitors or voluntary contributions from them. Rarely is the total enough. The possibilities for increase from local sources are not good. The last decade has seen increasing pressure on local governments to meet a wide range of demands for services. Probably the source least likely to provide more proportionately than it now does is local government.

This is not to suggest that the future of the small museum is hopeless. The museum world as a whole is trying to come to the rescue. Large art museums, with financial encouragement from the National Endowment for the Arts, are working on ways to finance loans of exhibitions to small art museums. The American Association of Museums is especially active in their behalf. Expert assistance in exhibit techniques and in museum management is being provided in at least some instances by State arts councils. The problem of preserving paintings and historical objects in small as well as in large museums is recognized, if not yet resolved. Traveling exhibits from large museums to small ones can help, provided the small museum has the staff and means to handle them.

Some small museums make the mistake of trying to do on a small scale what big city museums do. A small art museum cannot hope to collect a wide range of works of art. It can, however, specialize in contemporary and local art, and encourage local artists. Small history or science museums cannot do what major museums in those categories do. They can, though, get help from major museums in learning how to exhibit and interpret those local collections which have value.

The financial problem of the small museum is bigger, in one sense, than that of the large urban museum, in that it has fewer sources of financial support and such sources as it has have a more limited potential. But to the extent that small museums fill both a local and a national need, a combination of local and national support could be the answer to their financial problem.

4. THE CASE FOR FEDERAL SUPPORT

The grounds on which museums base their request to the Federal Government for support may be summarized as follows:

(1) Museums contribute educational and cultural services to the nation which no other institutions either do or can.

(2) The service provided by a number of museums is nationwide, but the funds which make this possible are disproportionately local.

(3) Though museums cooperate with Federal agencies in furthering Federal programs—the anti-poverty programs, for example—they do not receive appropriate Federal reimbursement for this service.

(4) Museums regularly make their resources available to schools, colleges, universities and individual scholars for research financed by the Federal Government. No Federal support is available, however, to help museums meet the costs incidental to such services.

(5) The collections, facilities and staffs of museums produce research of unquestioned value to the nation. Increased Federal support for this research is in the national interest.

(6) Taken as a whole, the works of art, historic objects and scientific specimens in America's museums constitute a treasure of incalculable value to the people of the United States and to their posterity. The Federal Government has a responsibility to assist in preserving, maintaining and wisely utilizing this treasure on behalf of all the American people. Once lost, the treasure can never be replaced.

This report does not suggest that the Federal Government, either today or in the future, is required to assume dominant responsibility for the financial support of America's museums. The report does suggest that the time has come for the Federal Government to assume a partnership role.

A problem of definition

From their inceptions, American museums have had an educational as well as a cultural mission. In recent years museums have devoted more and more of their resources to their educational responsibilities, as earlier sections of this report have shown. In view of this record, museum trustees and directors tended to take it for granted that everybody knew museums were educational institutions. One purpose of this report is to remind the Federal Government that museums are, in fact, educational institutions.

It is true that museums do many things which schools do not do, and which do not meet a conventional definition of education. Collecting and preserving Rembrandts or historic objects or insect specimens is not what a school usually does or can do. Unless some institution does this, however, our educational system will be handicapped in fulfilling its function.

There is the implication that because museums do not grant degrees or diplomas, they cannot be treated as educational institutions. What this implication overlooks is that if there were no museums, colleges and universities would be unable to grant degrees in several fields.

It is true that not everybody goes to a museum for educational purposes. Some go simply in search of diversion. Nevertheless, many who go to museums for diversion, stay to learn. A museum program or exhibit is often the one thing that will catch the interest of a child—or an adult—and ignite the learning process after traditional approaches have failed.

But because museums are not defined by the Federal Government as educational institutions, they are denied certain tax concessions and foreclosed from certain Federal grants provided generally to educational institutions.

Inequities in tax concessions

Though recent changes in the regulations of the Internal Revenue Service have reduced the extent of tax discrimination against museums, some discrimination remains. For Federal income tax purposes, an individual taxpayer is allowed a deduction from his adjusted gross income for contributions to, or for the use of, a charitable, religious, educational, public or scientific organization or to the United States, a State or other governmental unit. The general rule is that an individual taxpayer may deduct such charitable contributions up to 20 per cent of his adjusted gross income. This limitation is increased to 30 per cent if the additional 10 per cent consists of contributions to a church or association of churches, a tax-exempt, educational organization, or an exempt hospital. The extra 10 per cent deduction may also include contributions to any organization to which the basic 20 per cent limitation applies if the organization normally receives a substantial part of its support from the general public or from a governmental unit. An organization will be considered to be one which normally receives a substantial part of its support from donations from a governmental unit, from contributions made directly or indirectly by the general public, or from donations which are a combination of such sources if such organization received one-third or more of its support from such sources for each of three of its last four taxable years ending prior to July 1, 1964.

For the purpose of the additional 10 percent deduction, an educational organization is defined as one which has a faculty, a regular body of students and a regular course of study. Thus, the added 10 per cent for contributions to educational organizations would not generally apply to contributions to museums. In general, therefore, if a museum is not governmentally supported, contributions to it would not enable a taxpayer to reach the 30 per cent level unless a showing could be made with respect to general public support for the museum. A number of museums cannot do this.

There are other, more specialized, provisions in the income tax law which favor schools, colleges and universities over museums. One provision of importance to many museums affects taxpayers who set up trusts under which, for at least two years, the income from the trust is to be paid to a church, hospital or "educational organization." The taxpayer in such cases will receive a charitable contribution deduction for the present value of the gift of the income and is not subject to tax on any of that income. The result is that all income of the trust goes to the beneficiary without reduction for Federal income tax, and the donor pays a reduced tax on his other income by virtue of the charitable deduction. To date, however, this tax concession is not applied to gifts to museums.

Regulations governing excise taxes, in some respects, also tend to favor schools, colleges and universities over museums.

Inequalities in Federal grants

Exemptions provided for "educational organizations" affect Federal appropriations as well as tax concessions. Because the educational status of museums is in question, Federal agencies are limited, under existing law, in allocating funds to museums. The National Science Foundation, for instance, which is actively supporting museum research, has not felt free to treat museums as on a par with schools, colleges and universities. Museums, in the eyes of the statutes, are second-class educational organizations.

Federal programs which do not permit direct grant support to museums include those administered under all, or most, titles of the Higher Education Facilities Act, Higher Education Act, Elementary and Secondary Education Act, Educational Professions Development Act, National Defense Education Act, Library Services and Construction Act, and Federal Property and Administrative Serv-

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ices Act. It is recognized that museums are able to receive Federal funds for services rendered. For example, "developing institutions" undertaking programs under Title III, National Education Act, could enter into financial arrangements with nearby museums to furnish a wide variety of services which would strengthen the colleges' offerings and at the same time provide some support to museums. Similarly, a museum could also participate in a typical college work-study program authorized under Title IV, Part C of HEA. Under this provision, museums may be reimbursed for their cooperation, with Federal funds providing 90 per cent and the institution contributing 10 per cent of the costs.

The point which seems to have escaped the Federal Government is that while museums are not schools or colleges and do not presume to substitute for them, they provide an educational supplement which is not only essential but unique. People go to a library for books, but they go to museums to see at first hand those objects of art, history or science which books describe. It is the opportunity in a museum to see the original evidence of art, history and science that both makes it unique and establishes it as an educational institution.

It is also of practical significance to the Federal Government that museums number their visitors in the hundreds of millions and serve these visitors with more flexibility and imagination than is possible within a school system whose size and whose policies make flexible and imagination difficult. Given the financial resources, museums could serve even larger audiences, and in ways no other educational instruction can.

Local institutions, national problems

Former Mayor McKeldin of Baltimore has remarked on the urban problem of raising revenue at a time when city people are moving out to the suburbs, outside the city's tax jurisdiction. As Mr. McKeldin put it, these former city dwellers "work in the city, but they sleep, vote and pay taxes outside." The ex-urbanites come back to the city for intellectual and cultural stimulus—museums, theaters, concert halls.

Mr. McKeldin points out that Baltimore, a city of about a million, is expected to provide cultural enrichment for a metropolitan area of about 2 million, although only half of that number pay taxes to Baltimore, and that half includes the lowest income groups in the metropolitan area. Yet without strong support of its cultural fie, the city must inevitably lose its character until in time, in the opinion of Mr. McKeldin, it will be nothing worth calling a city, but more like a concentration camp from which the inmates' one desire is to escape.

This problem of municipal overburden isn't limited to the suburbs immediately surrounding Baltimore or any other large city. The problem crosses state lines. Big-city museums attract people from all parts of this country, and from overseas as well. There is no geographical limit to a museum's audience in this day of a mobile population.

In San Francisco, for example, the California Academy of Science has discovered that only 20 per cent of its visitors come from the metropolitan area; 80 per cent come from areas which provide no tax support to it. The same thing is true of other large museums in urban centers, and also of smaller museums which have collections and exhibits of wide interest.

The problem of providing nationwide service on local budgets is peculiarly acute for museums which emphasize research. It so happens, for instance, that of the hundreds of natural history museums (a category which includes botanical gardens), about 25 of them maintain most of the systematic biological collections of the United States. These collections are used by scientists from every State in the Union and from many foreign lands. The collections are indispensable to research and also for training graduate students to be scientists.

Most of the funds of these 25 museums, however, are provided locally. They cannot continue to provide nationwide service indefinitely out of local funds. Accordingly, the National Science Foundation is financing a study to evaluate the needs of these museums and their contribution to research. The problem is to find a way for the Federal Government to come to the assistance of such museums both in their interest and in that of the Government itself.

Not only science museums but are and history musemus also provide nationwide service on local budgets. Unfortunately, the Federal Government has been slow to realize this. Only in a few instances have Federal funds been allocated for art and history museums, and as yet not on a scale commensurate with the nationwide services these museums perform.

To reach more people

Massive as museum attendance has become, it remains true that millions of Americans do not have easy access to a museum. Large areas of the United States are without museums. In urban centers it is doubtful if museums reach a majority of the urban population.

One solution is to establish more museums. This is taking place, where and when funds are available. It is an expensive solution, however, and an incomplete answer to the problem.

A second solution is to create small branch museums, especially in urban centers, in unused buildings in low-income areas.

A third way by which museums can reach more people is through the traveling exhibit. The demand for such exhibits far exceeds the supply. One limiting factor is the fiscal one.

Another limiting factor, in the field of art, is that valuable paintings cannot be moved about haphazardly, or inexpensively, or to places not equipped to take care of them properly.

Science, history and technology exhibits, however, can be adapted to travel with less risk. When more funds are available, there can be more such traveling exhibits.

A fourth way to reach more people is through television. A few museums provide TV shows now in cooperation with TV stations in the National Educational Network, and more would like to do so, if funds were available for the facilities and special staff needed.

A new development known as EVR (Electronic Video Recording) may make possible a dramatic increase in the ability of museums to reach more people, and at less cost than by the usual TV show. EVR will provide reels of film with color and sound for use in homes and schools. The playback equipment, attached to a regular TV set, is scheduled to cost under $300, and a 7-inch reel of film offering a half-hour show will range in cost from $7 to $14.

The possibilities of EVR for museums are obvious. Art exhibitions, accompanied by interpretation by experts, may by EVR travel to any school or library or community building equipped with a TV set and playback attachments. Small museums on limited budgets and with limited space for exhibits could then, through EVR, show a succession of exhibitions from the large museums. This new development cannot substitute for seeing the original evidence in the museum—the painting or historic object or scientific specimen—but it may provide the next best thing, and at relatively low cost.

Museums and tourism

This year, because of the crisis in the United States balance of payments, the Federal Government has a special interest in the attraction that America's museums hold for tourists. To the extent that museums induce more Americans to do their touring at home rather than abroad, and induce more people from overseas to do their touring in the United States, they help to reduce the deficit in the balance of payments.

It is well known that museums attract tourists and in some instances provide the main reason for travel. Small museums, far from the beaten track, report substantial increases in attendance during the tourism season. Large museums in urban centers attract tourists throughout the year.

The Chicago Association of Commerce, for economic reasons, has surveyed visitors to learn where they spend their time while in Chicago. The survey covered the period of a year and found that while 20 per cent of the visitors gave preference to sports events, 72 per cent put museums at the head of the list. The businessmen who run the Association of Commerce conclude that the city's museums constitute a major economic asset for Chicago.

We are not accustomed to think of a museum as having economic value to a city or to the nation. Museums are not established for this purpose. They develop economic value almost in spite of themselves. It becomes evident when business executives discover—as they have—that a city with good museums is a better place for them and their employees to live in than a city without adequate museums. But the economic value of museums is most apparent in their contribution to tourism, which turns museums into a factor of considerable importance in the economic health of a city and of the nation, inasmuch as tourism involves the expenditure of billions of dollars each year in the United States.

Museum income

Less than one per cent of the income of America's museums is provided by the Federal Government.[1] For the other 99 per cent, museums rely mainly on private sources and on State and local governments, as figures in Chapter IV of this report attest. Museum trustees and directors are currently putting great emphasis on increasing the flow of money from private sources. They also hope to persuade local governments to increase their allocations. Museum officials recognize and act upon the obligation to obtain most of their funds locally. They are not looking to the Federal Government to bail them out of their present fiscal difficulties. They believe it is reasonable to request, however, that the Federal Government put museums on equal footing with other educational institutions.

A few museums are supported wholly by private funds. They are the exception. Some are financed largely or wholly by States and municipalities. But the vast majority of the 6,000 museums in the United States rely on a mixture of sources—some private funds, some State or local governmental funds, some income from museum memberships, publications, sales desks and fees for special services. At the bottom of the list as sources of museum income are private foundations, business corporations, and the Federal Government.

A large private endowment does not preclude a museum from fiscal trouble. Inflation has so increased costs as to reduce seriously the real income from endowments. Besides, endowment funds are often restricted as to use, and museum directors find it difficult to interest private donors in making gifts to pay for routine operating expenses. It is easier for a museum to obtain a gift to buy a famous painting than to get funds to keep the doors open so that the painting can be seen.

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[1] *A Statistical Survey of Museums in the United States and Canada*, American Association of Museums. 1965.

Private foundations and business firms have, it is true, substantially increased their contributions recently to colleges and universities. They have yet to do so for museums. Foundations in 1967 limited their contributions to museums to less than 2 per cent of their grants, for a total of $6,843,000.[2]

The line between public and private

It is traditional in this country to classify institutions in the cultural-educational-welfare complex as either public or private. The classification has extended to the source of funds as well as to management and control.

In recent years this sharp line between public and private has become blurred. Public institutions now solicit and receive private funds. Institutions privately established and privately endowed now request and receive public funds. Management and control remain what they were, but funds increasingly come from both private and public sectors. Partly this is because government has found it necessary to utilize the sources of private institutions in its own interest; partly it is because private institutions have faced needs which could not be met by private sources alone.

There is every reason to expect this trend in joint public-private financing to continue. Probably it is irreversible. The allocation of public funds to private institutions is accepted as sound government policy in situations where the institutions perform public service.

The trend is shown in the current plans of colleges and universities for capital improvement projects. During the 5-year period ending in 1970, according to an Office of Education survey,[3] 856 institutions of higher learning estimate the cost of new construction and rehabilitation (excluding student housing) at about 14 billion dollars. Of the 856 institutions, 323 are public, 533 private.

Both public and private institutions participating in this survey rely upon a combination of public and private fund sources, although the private institutions naturally rely more heavily on private sources. Private gifts and grants, for example, are counted on to supply 12 per cent of the total requirements of the 323 public institutions, but about 61 per cent of the requirements of the 533 private institutions.

As museum officials examine these figures they are impressed by the extent to which reliance upon a combination of fund sources has become an established pattern. So far as museums are concerned, there will continue to be heavy dependence on private sources and on local government sources. It is the third source—the Federal Government—that is the missing link in supporting American museums.

For example, Federal grants for museum buildings and facilities during the period 1957–65 supplied only 0.3 per cent of expenditures for those purposes. By contrast, the colleges and universities referred to above expect Federal grants to finance about 16 per cent of their expenditures for new construction and rehabilitation during the five-year period ending in 1970.

The European Experience

The impression is widespread that cultural institutions in Europe have no serious financial worries because government pays all their bills. So far as museums are concerned, the impression is in error. For one thing, most European museums do not have the funds they need. For another, government does not pay their bills. The chief difference between Europe and America in this area is that European governments have long accepted, as a matter of policy, the obligation of government to support cultural institutions. European implementation of this policy has been a different matter.

In Europe, as in America, financial support of museums comes from a variety of sources, some private, some public. Central governments usually provide most of the funds for major museums (the Louvre and the British Museum, for example), but provide little for any others. As in America, local governments often support local museums, and private donors give financial support to both private and public museums. In general, an admission charge is levied by museums on the European continent.

What is lacking in Europe, as in America, is clear recognition by central governments of their financial responsibility toward museums as cultural and educational institutions. The role of government, accepted in theory, has yet to be put into practice in much of Western Europe. The need in America is for the Federal Government not only to recognize its responsibility in theory, but also to put it into practice throughout the nation, which is something Western Europe has never done.

Federal grants to museums

So far, the main interest of the Federal Government in museums has been in their resources for scientific research. The National Science Foundation has long been aware of the scientific potentialities of museums, and has been active in providing research funds. During the two-year period, fiscal 1966–67, it made 214 grants totaling $8,437,905 to 54 institutions—science museums, botanical gardens, herbariums. Several other Federal agencies—the National Institutes of Health, the Atomic Energy Commission, the Air Force, among others—have also financed research in museums. The Office of Education has shown an increasing interest in museums as resources for educational purposes. Museums have received nearly $500,000 in the past several years from the Office's Arts and Humanities Program for research and development projects authorized under the Cooperative Research Act. In addition, museums in at least 22 states have been at least partially remunerated for their participation in Title III, ESEA projects.

This Federal interest in museums, however, has been limited in both degree and scope. It has been important to science museums in financing research, but not in financing operating expenses, or, as a rule, their urgent needs for capital improvements. It has left untouched the needs of art museums and history museums altogether.

While the National Endowments for the Arts and the Humanities have shown active concern for the needs of museums and have made a number of grants to them, the funds available have been severely limited. Total allocations to museums by the two Endowments this fiscal year approximate $500,000.

It is true that the Elementary and Secondary Education Act in theory includes museums, but by law museums may not apply for direct grants under this Act. Instead, the initiative rests with the "local educational agency." The number of museums benefiting by this Act has been relatively small and the amounts allocated have not been enough to make a dent in museum's fiscal problems.

The major needs of America's museums remain to be met, and the role of the Federal Government in meeting them remains to be determined. Concluding sections of this report discuss both of these matters.

The forgotten library

Most large museums and many small ones maintain their own libraries. They are not as conspicuous a part of the museum as the exhibits, and they often escape the notice of the visiting public, but museums could not perform their mission very well without them.

The present conditions of museum libraries reflects the same problems of staff, facilities and budget endemic among museums themselves. Demands on libraries have grown with increased use of museums, often a good deal faster than library budgets have grown. And, unlike many other libraries, those in museums are excluded from the benefits of such Federal legislation as the Library Services and Construction Act.

At least 726 museums maintain libraries, according to the Museums Directory of 1965. In large museums the library may contain more than 100,000 volumes, requiring the services of a sizable staff. The collection often includes slides, films, prints and photographic archives and, in history or historical society museums, many original manuscripts.

The function of museum libraries is to serve both the research needs of the museum staff and visiting scholars, and the interests of the public. Usually the library was developed primarily to serve as a research tool, but public demand has enlarged its mission. Collections of slides and films, for instance, are maintained chiefly for the use of the public, both inside and outside the museum. Schools, especially, make use of visual aids available from museums.

Library collections in museums are attracting wider use in both large and small institutions. Interlibrary loans have increased sharply. These loans go to college and university libraries in most of the 50 states for the use of scholars engaged in scientific research. And demands on museum libraries, large or small, increase when neighboring colleges expand the curriculum or the faculty in subjects in which the museum specializes.

Increasingly, it is realized that both the scope and the needs of museum libraries require re-examination. Most need more staff, including more with training in library science, and higher salaries. In many museums the libraries need better quarters, special funds for acquisition of books and other materials essential in museum research, and environmental controls to protect and preserve library collections.

Museum libraries of the future will be called on to provide services that few of them are equipped to provide today. For example, the Cincinnati Science Center now under construction will include in its library special space and equipment for the viewing, cleaning and inspection of slides and motion pictures, and for viewing materials on video and audio-tapes. With the proliferation of electronic devices for seeing and hearing, the minimum requirements for a museum library will be appreciably higher than they are at present.

5. UNMET NEEDS

The Belmont Conferees on Museum Needs, after surveying the critical situation facing museums, agreed that ten needs should have priority. All are urgent and deserve the financial support of the Federal Government.

This request for Federal support is on the understanding—to reiterate—that museums will continue to receive financial support from a variety of local sources, private as well as public. Museum officials intend to solicit increased support from these local sources. They do not assume that Federal funds will either replace existing sources of museum funds or bear most of the burden. They hope, however, that the Federal Government will see the necessity for sharing it.

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[2] *Foundation News*, January 1968, pps. 5, 7.

[3] Table 12, *College and University Physical Facilities Series*, Office of Education, U.S. Department of Health, Education and Welfare, 1967.

In the absence of a detailed survey of the financial needs of America's 6,000 museums—something which has never been attempted—this report has sought illustrative data from a small number of museums believed to be representative. Figures given here are therefore in most cases simply a clue to the sums needed.

Nationwide services

The museums under the jurisdiction of the Smithsonian Institution are great national museums, providing nationwide service, supported almost wholly by the Federal Government. But it seems to have escaped notice that every large museum in the United States, and many smaller ones, also provide nationwide service even though they are not called "national."

The kind and degree of nationwide service can be illustrated by example. A nationally known science museum finds that of its total attendance of about 3 million annually, only 20 per cent originates locally, the remainder originating in every State in the Union and in several foreign countries. Since the research resources of this museum are highly valued by scientists, scholars from all parts of the United States and from abroad make use of its collections. The budget of this museum, on the other hand, is provided almost wholly by local sources.

A practical and fair formula for allocating national funds for nationwide service is needed. In the museum mentioned above, it is estimated that approximately 20 per cent of the operating budget of $1,368,260 is expended directly or indirectly for regional and nationwide service. It is suggested that a reasonable portion of this expenditure for nationwide service be assumed by the Federal Government.

Obviously, the extent to which American museums provide nationwide service varies a great deal. Some provide little or none. Others are indispensable to the maintenance and development of the arts and sciences, and to the educational system of the United States.

A first step in allocating Federal funds might be a determination by each museum of the proportion of its operating budget spent on regional and nationwide services. It would then be reasonable for the Federal Government to provide grants to qualified museums on a matching basis.

It is suggested that initially Federal grants totalling between $10 million and $15 million be made available to museums on a matching basis to help them finance regional and nationwide services.

The opportunities for creative and productive use of Federal funds in this area are very great, but the first necessity, whatever the formula adopted is a decision by the Federal Government that it is in the national interest to assume a reasonable share of the cost of the nationwide services performed by America's museums.

Compensation for services provided for the Federal Government

Federal programs for the disadvantaged—Head Start, Widening Horizons, Job Corps, and others—have enlisted the services of museums. Schools and school boards requesting such services, however, have in many instances failed to compensate the museums proportionately. Rather than deny service, the museums have used their own local funds, at the expense of essential museum functions.

Two examples will illustrate the problem. A children's museum with an operating budget of $140,000 this past year provided services valued at $65,000 to schools receiving Federal aid. The museum received compensation from the schools in the amount of $23,000. This left an expenditure of $42,000 for which the museum was not compensated.

A history museum with an operating budget of $500,000 during 1967 provided services valued at $32,000 to schools receiving Federal aid. The museum was compensated for $7,000 of its expenditures. The remainder, for which it received no compensation, amounted to $25,000.

Yet requests from schools and other organizations have increased each year, with the cost of service rising about 15 per cent annually for the past three years.

The children's museum has the facilities to expand service to schools by 50 per cent, but it can only do this as additional funds are made available. The history museum is at the saturation point and must expand its building and facilities if it is to provide service to more schools. Both museums have had to turn down requests for guided tours, programs in schools, field trips and adult education service for lack of funds.

In the large urban museums the number of individuals served in anti-poverty and other Federal programs is of course much larger, and so are the museum's unreimbursed costs.

What has disturbed museum officials quite as much as the cost has been the failure of school authorities, in many areas, to work closely with museums in planning how best to utilize museums in Federal programs. In general the museums have welcomed the Federal programs because they can make accessible to more people the resources museums possess. Museum staffs have great skill and sophistication to offer in interpreting museum holdings to the general public and to schools. The possibilities for collaboration between school and museum, however, have not always been utilized.

It is recognized that State education agencies authorized to receive Federal funds have the power to insure full compensation for services rendered by museums, and that there are requirements, particularly under Title III of the Elementary and Secondary Education Act, to encourage joint planning by schools and museums.

It is urged, therefore, that State education agencies be required to implement the requirements of existing acts in regard to full compensation and effective joint planning.

Museum buildings and facilities

Earlier in this report it was noted that the present conditions of many museum buildings and facilities was such as to require either replacement or extensive rehabilitation.

A major art museum, for example, housed in a handsome building surrounded by a park, to the casual visitor is a vision of elegance and luxury. The director of the museum is more impressed with the building's deficiencies. He lists them as follows: no space for traveling exhibits, or expanding collections, or showing local and regional artists, or study-storage; inadequate office space; no air conditioning (to preserve works of arts) in most of the building; need for renovation in 20 out of 30 galleries; need for outdoor lighting and building changes for security; need for enlarged wing for school and class use; need for new wing for exhibitions with corresponding office, service, storage and work space; need for underground parking space.

For several years no funds have been available to meet any of the needs in this director's list. He has "made do" by sacrificing 18,000 square feet of exhibition area to other uses, and by numerous other improvisations. The result is inefficiency and deteriorating service to the public.

The cost to this museum of making the capital improvements listed would approximate $4 million. Another major art museum estimates its needs for rehabilitation at $1.5 million. A children's museum finds it must enlarge its building at a cost of $200,000. A science museum is in the midst of a 10-year program involving an expenditure of $19.5 million (all from private sources), of which $11 million is for plant construction and $4 million for equipment and exhibits.

A grant total of capital improvements needed by all museums is not at present available. The capital outlay by American museums during the period of 1957–65 amounted to an average of $21.54 million per year.[1] This was far below needs.

In question now is the part the Federal Government is to play. During the 1957–65 period grant assistance from the Federal Government accounted for only 9.3 per cent of the capital outlay by museums, all under grants from the National Science Foundation. Private sources provided 70 per cent of the total in this period, local governmental sources 24.7 per cent, municipal bond issues 5 per cent.

If museums from now on spend as much as they should on capital improvements, the total outlay each year would probably be at least double the 1957–65 average, or somewhere in the neighborhood of $50 million. Private and local governmental sources will, it is assumed, continue to provide a substantial share of the funds needed. Even so, they cannot be counted on for double the sums they now provide. Museums therefore have no recourse but to request the Federal Government to help by making available grants for capital improvement.

It will be recalled that 856 colleges and universities during the five years ending in 1970 expect a capital outlay (excluding student housing) of about $14 billion, or $2.8 billion a year (see page 44). It is not here assumed that Federal appropriations to museums for capital outlay should approach in dollar magnitude the grants to colleges and universities. Such grants should, however, be roughly proportionate to the needs, and if made on a matching basis they could serve as an incentive to private donors.

It is therefore suggested that the Federal grants to museums for capital improvements be made on a matching basis for an initial total of between $15 million and $25 million.

Museum staffs

When museum salaries can be made competitive with those of comparable institutions, the chronic problem of understaffing will be greatly eased. It will not disappear altogether, however. A contributing factor is a shortage of trained people. The solution, museum professionals agree, is more in-service training for workers now on museum staffs and more museum training opportunities in colleges and universities for prospective museum personnel.

Museums themselves, for lack of funds, have been able to do no more than scratch the surface of this field. Though some 60 museums and universities offer museum training courses, the number of fellowships available is severely limited, as is the size of each stipend. No doubt more fellowships and more adequate stipends would be offered if museum salaries and working conditions were improved.

The Federal Government has involved itself to some extent through grants allocated by the National Endowment for the Humanities and the National Science Foundation. The total Federal involvement to date, however, is very small in relation to the need.

Especially needed are funds for more museum internships and fellowships, and for more joint university-museum training courses.

It is suggested that Federal grants for these purposes initially be within the range of $1 million to $2 million annually.

Program research and development

The sharpest criticism of museums today comes from museum professionals. They are aware of the inadequacies in museums performance. Here are some of the inadequacies they believe need intensive research.

Some museum exhibits make no impression on viewers. Why? Time-worn exhibit techniques have lost their usefulness. What techniques should replace them? Museum

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[1] Report on Museum Facilities, 1966.

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officials do not know with any certainty what visitors expect of a museum or what they actually get, or even—on a simpler, mechanical level—how best to manage visitor traffic within the museum.

And: what practical steps can be taken to enable museums to be of greater use to schools, colleges and universities? Exactly what should be the role of the museum in education? What must urban museums do to adapt to changing relations between central city and suburbs? How can museums best make their resources available to the disadvantaged or to communities remote from them? Is it better to establish branch museums where the disadvantaged live or to make it possible for them to visit existing museums?

These are a few of the practical questions to which museum people need answers if museums are to serve the public adequately and live up to their potential. No one has answers to them today. It should be possible to determine them by systematic, imaginative research. The results would be of value to the public and to museums of every category.

Museum directors queried for the purposes of this report estimate that the cost of such research over a five-year period would be in the neighborhood of $1 million the first year, rising to $1.5 million in the third, declining to $1 million in the fifth year. The support of the Federal Government is requested for this research.

Traveling exhibits

A public library system in a metropolitan center may include as many as 50 branch libraries. Books are put within reach of the total population of the area. This is not true of the paintings, the historic and scientific objects in museums. There are very few branch museums in the United States.

An obvious reason is the cost of building and properly maintaining branches. A second reason is the difficulty and the inadvisability of splitting up valuable collections. A third reason is the scarcity of masterworks of art and certain categories of historic and scientific objects.

As an alternative to branch museums traveling exhibits have been developed. Many museums participate in providing them. The Smithsonian, for instance, has 104 exhibits on the road at this time. Some portray facets of science, some deal with technological developments of wide interest, some are concerned with history. All are booked far in advance. All require the services of highly skilled exhibit technicians and professional curators in their preparation. They are therefore a heavy drain on a museum staff.

Putting together a traveling exhibit of works of art presents special problems. There is always the risk of damage in shipping a work of art, or in displaying it in a place where control of temperature and humidity is unsatisfactory and security a gamble.

It is common practice for art museums, however, to keep part of their collections out on loan to other museums, when they are equipped to provide adequate care. This offers an ever-wider audience for works of art. And, with most Americans "on wheels," it is theoretically possible for all who wish to enjoy a painting to travel to the museum where it is on exhibit.

There could be many more such inter-museum loans if Federal funds were available to supplement and share the expense of packing, shipping and insuring works of art. These costs have risen to the point where neither large nor small museums can afford to arrange as many inter-museum loans as they should.

The fact remains, despite mass mobility, that exhibitions in museums do not reach parts of the country where there are no museums, nor do they reach those segments of the population which are not mobile. Some form of traveling exhibit is a possible solution.

This solution requires buildings and personnel equipped to care for and interpret exhibits. It has been suggested that the problem would be solved by establishing receiving centers for exhibitions throughout the country, so that traveling exhibits could be drawn from such centers for circulation in areas not now served by museums.

A prototype of this system is under development in Pennsylvania by the State Bureau of Museums. Fourteen centers will act as clearing-houses to circulate some 900 portable exhibits to schools throughout the State, as soon as funds under the Elementary and Secondary Education Act are made available. This project is known as Project AIME, which being interpreted means Audiovisual Instructive Museum Exhibits.

Whether a national system of receiving centers for traveling exhibits is the best way to meet national needs is impossible to determine without much more study and experimentation. It is suggested that the Federal Government make between $500,000 and $1 million available for such study and experimentation.

Mass media

It is probably fair to say that most museums have not made the use of mass media as they should have, in either their own interest or that of the public. Press and radio, of course, have long been counted on to announce museum acquisitions and programs, since the museums' own publications reach only a limited audience. Slides and film strips are widely distributed to schools and special-interest groups. But other and newer techniques are employed by relatively few museums.

A television camera, for instance, can display the resources of a museum to millions week after week at relatively low cost per viewer. Few of the nation's 6,000 museums make regular use of television. The explanation is that though the cost per viewer is low, the cost per museum is much more than most museum budgets can stand.

One of the few museums—an art museum—which telecasts regularly from its exhibit halls had to prepare for it by spending $100,000 installing power outlets and camera connections, then acquiring a trained staff and allocating about $35,000 annually for TV shows. Officials of this museum are convinced that the dividends in the form of large audiences every week more than justify the cost. The weekly audience, through a network of educational stations, is well up in the hundreds of thousands. By contrast, weekly attendance at the museum itself averages only about 15,000.

The difficulty is that so few museums can afford $100,000 to install TV facilities, or have a staff trained in TV techniques, or can budget $35,000 a year to prepare TV shows—unless they reduce other essential expenditures and services.

The introduction of EVR (Electronic Video Recording), mentioned on page 42, however, promises to add greatly to the media resources open to museums and at less cost than present television programs.

What is needed by most museums, if they are to use mass media to reach more people, is money for experimentation and for guidance by experts in the media. The Federal Government's declared interest in educational possibilities of museums.

It is suggested that an initial allocation of $1 million be provided for experimentation in television and other mass media by a small number of selected museums.

Basic research and publication

It is in financing basic research that the Federal Government has in the past been most helpful to museums. The National Science Foundation has been especially active, with grants to more than 200 museums (including botanical gardens and herbariums) for a total in excess of $4 million a year. In the main these grants have gone to finance research in natural science museums, with smaller grants to history museums. Art museums have yet to benefit to any significant extent from Federal grants.

Federal support of basic research in museums is in line with a trend that began after World War II. In 1956, NSF statistics show, total Federal obligations for basic research amounted to $201. million. By 1964 the total came to $1,782 million. The share of this total allocated to museums has remained at modest levels.

It seems generally agreed that Federal support for basic research will be necessary indefinitely, and that some planned expansion is in order; if so, museums making their resources available for such research will require funds for new research facilities, permanent equipment, and improvement in the storage, documentation and accessibility of collections, as well as funds for salaries.

In the judgment of directors of representative history and science museums, assuming a five-year program of increased allocations, the added expenditures for research in science and history museums should approximate $6 million in the first year, $11 million in the second, and $19 million five years hence.

What is needed now is to determine both the direction this expanded research program should take and the relative share in financing it to be assumed by the museums and by the Federal Government.

It is suggested that the National Science Foundation, because of its experience in supporting museum research, could be particularly helpful in this determination. In addition, it is urged that adequate funds be appropriated to the Arts and Humanities Endowments to enable them to bring to the disciplines within their purview the vitality which the National Science Foundation has brought to the sciences served by museums.

Conservation and restoration

The task of conserving and restoring the millions of objects in America's 6,000 museums is an enormous one. Art museums have perhaps the most acute conservation problem, and are most conscious of it. Many of the smaller history museums, where the problem is also acute, seem least able to do anything about it.

A curator of wide experience recently summarized the situation, as he has found it, this way: "I question whether even a small percentage of the museums in this country are doing anything more than presiding over the steady deterioration of that which they have been instituted to preserve."

In part this situation exists because physical facilities for conserving museum objects are inadequate. Some means of controlling temperature and humidity is essential if paintings and aging historical objects are to be preserved. It is less of a problem in a science museum, but there, too, extremes of temperature and humidity or high concentration of sulfur dioxide in the air can, for example, cause irreparable damage to an insect collection.

One solution, mentioned earlier, is environmental control—control of temperature, humidity and air pollution through air conditioning. Some museums have part of their buildings air conditioned, but few museums have been able to afford it for all their exhibition and storage areas.

There is a good deal more to the problem than this, however. Many museums lack a systematic program of conservation and restoration, and even those that have such programs have tremendous backlogs of objects needing preservation. There is, at the same time, a shortage of trained conservators, and facilities for more are inadequate. Finally, there is urgent need for research in conservation techniques.

In 1952 a handful of art museums, conscious that most individual museums could not cope with their problems of conservation and restoration, organized the Intermuseum Conservation Association. Member museums needing conservation services request them of the ICA laboratory, operated by a small staff of highly trained people. The cost to each member museum is in this way kept within bounds.

The facilities of the ICA laboratory are limited, however. Membership in the Association is correspondingly small. For most museums on severely limited operating budgets adequate conservation remains a distant goal. Only a large museum with an operating budget in excess of $200,000 can justify establishing its own conservation laboratory—if it can locate trained personnel to operate it.

It is clear that any attack on the conservation problem of museums must be long term and gradual. The problem will not be resolved quickly. If it is ever to be solved, the support of the Federal Government will be indispensable.

Funds are needed for the following purposes: (1) scientific research on methods of conservation in museums, (2) laboratory facilities, and equipment and staff for such research, (3) programs to train and develop museum conservators, and (4) the purchase of conservation services by those museums which cannot have their own laboratory facilities.

It is suggested that Federal funds totaling between $750,000 and $1,250,000 be made available initially on a matching basis so that 10 regional conservation centers may be established.

A museum computer network

It is becoming increasingly difficult to provide adequate access to our vast public collections of art, scientific and historical material or to fulfill the intensified demands made of them for information by a society attuned to higher thresholds of knowledge. The more difficult is is to confront the actual objects in our museum collections, the more valuable the information about them becomes. While there is a finite limit to the number of visitors that can be accommodated in a museum's galleries on a given day, the public which may address itself to our dominion of information—through the use of new communications technology—is theoretically unlimited.

The demand for the information which our museums contain is far beyond their present capabilities to supply. America's museums have amassed, and continue to acquire, an astounding number of objects—with the attendant accumulation of increasing amounts of information about them. Yet they are unable to make proper use of this growing store of data because their present methods of recording and retrieving information concerning their collections are antiquated and inefficient.

The problem confronting the Smithsonian's Museum of Natural History illustrates the situation. This museum has 50 million specimens in 36 major scientific collections. One of these—not the largest—is a crustacean collection of half a million objects occupying 10½ miles of shelves. But the collection is almost valueless for purposes of research or teaching because the registration and cataloguing of information descriptive of it is years behind the need for the material in question."

What is true in this one museum is true in greater or lesser degree in almost every museum in the country, whether its field is science or art or history.

A solution to the information management problem exists in the imaginative application of computer technology. The computer is admirably suited to organizing and storing in highly accessible form vast amounts of information. Moreover, thanks to new techniques, it now is possible to construct a computer-directed archive to accommodate any type of record (whether textual or visual) which museums use.

A first step toward the creation of a comprehensive information system is being taken by the Museum Computer Network project, sponsored by a consortium of 25 art museums throughout the United States. Now in its second year, the project is laying the groundwork for the establishment of a national data bank of public art collections by conducting an intensive study leading to the design and implementation of the kind of system required.[3]

The Smithsonian's Museum of Natural History is undertaking a related project which may ultimately serve as the model for an information system embracing science museum resources.

The Museum Computer Network project and the Smithsonian's pilot project are modest beginnings. The fact has to be faced that to design, develop and operate computer-based banks for all American museums will cost millions of dollars. Much careful research and experimental work must be done before such information systems can be created. The work now in progress is a start, but it is on much too limited a scale. It is urgent that funds be made available at an early date so that museums may proceed with the preliminary investigation and experimentation needed.

It is therefore suggested that the Federal Government provide a minimum of $1 million on a matching basis to help museums design and develop computerized systems for the efficient storage and retrieval of information.

6. A MECHANISM FOR FEDERAL SUPPORT

Once the Federal Government decides as a matter of policy to provide financial support for museums as it does for other educational institutions, what governmental machinery does it use? What agency or agencies can most logically and efficiently implement the policy?

For years museums naturally have had a close working relationship with the Smithsonian Institution. The Smithsonian, however, has not been a channel for massive Federal funds. Such Federal grants as have been made have come mainly from the National Science Foundation and from certain other discipline-oriented departments or agencies. The Office of Education also has been involved through its support of schools and other educational institutions. Increasingly the National Endowments for the Arts and Humanities have become concerned with the problems and needs of museums, but they have yet to receive funds commensurate with the needs.

At present there is no single Federal agency which concerns itself with museums and also allocates funds to them. There is, however, a non-governmental organization which has served museums for 63 years. This is the American Association of Museums—the only national organization representing all the categories of institutions making up the museum field. It is a non-profit educational organization maintained to promote the welfare and advancement of museums as educational institutions, as agencies of scientific and academic research, and as cultural centers. Consideration might well be given to ways in which the American Association of Museums could serve the Federal Government in its relations with museums.

One important way in which the Association could be helpful would be the development of museum standards and methods of accreditation. How many of the nation's 6,000 or so museums today meet acceptable standards is unknown. If attendance is the criterion, the number of museums in position to qualify is small, as the statistics on page 4 of this report indicate. Attendance, however, is not in itself a conclusive criterion. It is urgent that the American Association of Museums and its member institutions develop and agree upon acceptable criteria and methods of accrediting museums.

To date, the Federal Government has shown more interest in science museums than in those concerned with art or history. This is because the research functions of science museums parallel the research interests of numerous Federal departments and agencies. Funds are allocated to museums for research by the National Science Foundation and other Federal departments and agencies. Between these agencies and museums a collaborative system has evolved gradually and logically. It is an arrangement that is in the interest of both the Federal Government and museums. There is no reason to disrupt it and many reasons to continue it.

A similar well-funded relationship for all museums should be developed within the Office of Education and the Endowments for the Arts and Humanities to involve art and history museums. Still other research potentialities exist in the National Trust for Historic Preservation.

It is urged that all agencies oriented to such disciplines as art, history or science review the support now going to museums and seek means of strengthening this support. It is also urged that existing legislation be amended to permit support to museums which are active in program areas coincident to the intent of the legislation but from which support museums are now barred by the specifics of the legislation; further, that similar amendments in tax laws and regulations be made to remove provisions discriminatory to museums (see pages 39–40).

While it is true that museums are mentioned along with other educational institutions in some existing legislation, the mention has gone almost unnoticed. As a practical matter it is extraordinarily difficult for a museum to obtain any of the benefits of Federal legislation enacted in the interests of educational institutions.

Needs common to all museums

Grants for research do not meet all the needs of museums, as preceding pages of this report make plain. There are other priority needs, and they are common to all museums whether their field is art or history or science.

For example: museums have problems of building maintenance, rehabilitation and construction. They have the problem of conducting educational programs which extend from the pre-school age to the graduate level and beyond. Museums have the problem inherent in acquiring and preserving collections and making them accessible for scholarly use. Museums face the problem of caring for millions of visitors—accommodating them in galleries and exhibition halls, providing them with information, check rooms, food, lounges, toilets, and parking space—if possible.

These problems common to most museums are so diverse, and they could involve so many Federal agencies, that to divide responsibility for them among all the agencies which might be concerned would probably not serve the interest of either the museums or the Government. It might be wise, eventually, to make one agency responsible for disbursing those Federal funds appropriated for the common needs of museums.

Such an agency could logically be a unit within a new Federal Department, a Department of Cultural Affairs, which has been suggested as the ultimate solution to the mul-

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[3] See Appendix for more detailed information.

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tiplying problems of the Federal relationship to the cultural life of the nation. An increasing number of people have proposed the establishment of such a department. It is a proposal which other nations much concerned about cultural affairs have put into effect.

For the present this report suggests that the existing machinery of the Federal Government be employed to meet the urgent needs of museums. There is already on the books a National Museum Act. There are several Federal Departments and agencies which can allocate funds to museums. There are other departments and agencies which could make funds available to museums if existing legislation were amended.

The National Museum Act

Consider first the Smithsonian and the National Museum Act. Within the Smithsonian the United States National Museum is the unit entirely oriented towards cooperation with other museums and their associations. Its purpose is to work cooperatively with museum professionals in the United States and abroad to increase the effectiveness of museums in the performance of their scholarly and public functions.

The Smithsonian has not, however, had massive funds or grants to distribute to museums for facilities or acquisitions or for the support of continuing museum programs. Whether or not it might be assigned such responsibilities in the future, it is clear that a number of the needs relating to museums, as museums, can be addressed immediately under the National Museum Act.

This is said because there are other services to museums which the Smithsonian has long performed and which might well be expanded. Long before there was a National Museum Act the Smithsonian was supporting service programs responsive to wide museum needs. Joseph Henry, the first Secretary, organized the international exchange of information and publications between institutions and museum professionals. He gave grants for field work to non-Smithsonian anthropologists and published the works of others. Successive administrations have continued the Smithsonian's concern with broad museum problems.

At various times the Federal Government has asked the Smithsonian to engage itself in programs benefiting museums. One of these is the program to use blocked funds for educational purposes in excess-currency countries. This latter program involved grants in fiscal 1969 providing the dollar equivalent of $1,230,000.

The National Museum Act confirms the tradition of museum services performed by the Smithsonian and names the National Museum to carry them on with the cooperation of the museums of the country. To date the Congress has not made appropriations to implement the Act. An appropriation of at least $1 million for the first year is essential. When an appropriation is made available, as the authors of this report urge, the American Association of Museums and its member institutions can make more rapid progress in establishing museum standards and methods of accreditation, can aid experiments with museum consortiums and mutual assistance projects, and can help museums evaluate and improve the educational value of their programs.

Amending existing legislation

Before the Federal Government can meet adequately the needs of museums it will be necessary to amend certain statutes. As pointed out, many Federal programs in aid of educational institutions do not permit direc grant support to museums. This is true of programs administered under all or most titles of the Higher Education Act, Higher Secondary Facilities Act, Elementary and Secondary Education Act, Educational Professions Development Act, National Defense Education Act, Library Service and Construction Act, and Federal Property and Administrative Services Act.

It is exceedingly important that qualified museums be recognized as institutions of higher education equally as eligible for direct Federal dollar support as are their degree-granting university partners. This Federal policy should be established by Congressional hearings, by changes in existing legislation in aid of higher education, and by demonstration to the administrators of fund-granting agencies that museums are institutions of higher education eligible for direct support.

Amendments to Acts concerned with Elementary and Secondary Education should also be made to permit financial support to those museums which provide educational programs at school levels. Such amendments could go some distance toward meeting the common needs of all museums.

The authors of this report, however, while intimately familiar with the present condition and needs of museums, and while confident that their report sums up the present condition and needs of museums, do not feel competent to draft amendments to Federal statutes or to advise the Federal Government on how best to meet its obligations to museums.

The museum representatives responsible for this report therefore urge the Federal Council on the Arts and the Humanities to pursue its interest in museums and to inaugurate studies designed to develop specific proposals to amend legislation in the interests of museums. In such studies representatives of the American Association of Museums will be glad to be of assistance.

In summary

In conclusion, the Committee on Museum Needs submits the following recommendations:

That the National Museum Act be funded with an appropriation of at least $1 million for the first year;

That grants to museums from Federal departments and agencies already concerned with museums be sharply increased, specifically the National Endowment for the Arts, the National Endowment for the Humanities, the U.S. Office of Education, and the National Science Foundation;

That the Federal Government, as a matter of basic policy, recognize museums as educational institutions, working in formal affiliation with elementary, secondary, graduate and undergraduate level institutions;

That the Federal Council on the Arts and the Humanities, in furtherance of the above basic policy, be asked to study the problems of museums further and to make recommendations with reference to existing legislation to the end that the Federal Government may meet its obligations to museums;

That this report be published for the information and use of all those concerned about the future of museums.

APPENDIX

"REPORT OF THE COMMISSIONER'S COMMITTEE ON MUSEUM RESOURCES," UNIVERSITY OF THE STATE OF NEW YORK, STATE EDUCATION DEPARTMENT, NEW YORK STATE MUSEUM AND SCIENCE SERVICE (1962)

"The Museum of the City of New York is able to offer organized teaching service to only one-third of the school children who visit daily.

"The American Museum of Natural History, Department of Education, is currently turning down requests for teaching service for an average of 1,000 children in school groups each day of the year. A much-needed lecture series for high school students on biology, earth science, and social studies has been discontinued. All requests from out-of-town groups for guidance service are refused. All requests for circulating exhibits from New York State schools, except for schools in New York City, are refused. Requests for weekend workshops for natural science teachers cannot be fulfilled. Requests for educational publications needed by teachers to make their use of the museum's resources more meaningful cannot be filled.

"The Metropolitan Museum of Art is forced to turn down one-third to one-half of all requests from groups for gallery guidance and must turn down all requests for Saturday and Sunday guidance from groups. At certain times of peak attendance, whole galleries must be closed. Half of the requests received for lectures for high school students must be refused. Talks given by staff members at the public high schools have been stopped. Requests for publications from young children and requests for circulating exhibits and circulating films are turned down.

"Despite the growing demands on museums to participate in educational television programs, both the Metropolitan Museum of Art and the American Museum of Natural History report that, because of lack of staff and funds, they cannot comply.

"At the Rochester Museum of Arts and Sciences, the educational staff in 1961 gave class and lecture instruction to 17,346 children in 539 groups (36 percent from Rochester, 33 per cent from the county outside the city, and 31 per cent from outside the county); but, because of limited staff, an additional 3,000 children who came to the museum could not receive instruction. Lack of funds has forced the museum to turn down requests from teachers and the general public for courses in astronomy, space science, weather study, atomic energy, and other topics. Although the museum loan service scheduled 2,324 exhibits reaching almost 50,000 students, lack of funds for exhibits delivery required that an additional 1,584 units for county schools had to be transported by private cars. A vastly larger number of students would be reached by the loan service program if funds for the efficient transportation of exhibits were available.

"The Buffalo Museum of Science annually programs educational classes and tours for all city of Buffalo school grades six, seven, and eight. But despite guide service for over 26,000 students and museum visits by another10,000 students, due to a limited staff of guides and teachers, the museum refuses service to all school groups below grade six except for grade four students and of these only one-third of the students can be accommodated each year. Also, because of limited staff, school groups who come for Saturday tours, mainly from out-of-town, must be denied guide service even though Saturday is the only day these groups have bus transportation available. Requests from schools to field guides are refused due to lack of curatorial and educational staff. Many requests from individuals working on special study and research projects are refused help because of a limited staff. For want of an adequate curatorial staff the museum's anthropological and natural history collections are not available for research by qualified graduate students of a nearby university. At each lecture and related program in the 450-seat museum auditorium, approximately 200 persons are turned away. The large film library refuses five requests each day for films because duplicates are not available, and the lack of staff to service films prevents their distribution beyond a 20-mile radius of the city. The astronomy department has the only observatory in western New York but the museum has no budget item for an astronomer. Weekly television programs are furnished by the museum for one local station but requests from two other stations for similar service must be denied."

This was the situation reported by these museums in 1962, in 1968, with attendance higher while facilities and staff remain much as they were, the same museums reported as follows:

"Museum of the City of New York: 'Pressure has indeed increased and we are forced to turn away three classes for each one accepted . . . it is a matter of so many classes and only so much space.'

"The American Museum of Natural History: 'The state of affairs described in the Hochschild report of 1962 still exists . . . Our facilities and staff in the Education Department have not materially changed since then, while the demand for their services has proportionately increased.

" 'The Museum has long felt the need for additional personnel and new facilities to carry out its current educational programs more effectively and to extend that program in directions that are clearly indicated by current problems in the community of New York. As examples . . .':

" '1. The present support for our education program from the City of New York provides only limited service to the students and teachers of the New York public school system. We are facing increasing pressure from schools and school districts outside New York City for parallel programs and for additional services, which we simply cannot fill for lack of support.

" '2. There is a growing concern in New York for the need to supply meaningful educational experiences during non-school periods of the year, especially for the large population of socially and economically deprived children in our city. Our staff and facilities are simply not adequate to serve these needs.

" '3. The opportunities to provide educational services from the Museum through the media of radio and television are vast. Nevertheless, we do not have even minimal facilities to begin such work.

" '4. The educational facilities of the American Museum were not designed to carry out the variety and scope of programs which the modern world requires. We recognize the need for a new building as part of our complex, designed and equipped specifically for the needs of museum education. Plans for such a building, costing in the neighborhood of $8 million, have been discussed for some time. But we cannot see, in the sources of funds available to us now and in the foreseeable future, any possibility of raising the amount needed.'

"The Buffalo Museum of Science: 'The situation has not improved since 1962. One additional curator has been hired but a much larger staff is needed. The film library continues to have to turn down requests. The demand for guided tours continues to exceed staff capabilities as in 1962. The increased demands can only be met by an increase in staff and a larger building."

"Rochester Museum of Arts and Sciences: ". . . The educational staff in 1967 gave class and lecture instruction to 38,740 children in 1,083 groups (25% from Rochester, 50% from the county outside the city, and 25% from outside the county); but, because of limited staff, an additional 4,000 children who came to the museum could not receive instruction. Lack of funds has forced the museum to turn down requests from teachers and from the general public for courses in astronomy, space science, weather study, atomic energy and other topics. Although the museum loan service scheduled 1,785 exhibits reaching 63,091 students outside the building, lack of funds for exhibit delivery required that an additional 2,221 units for county schools had to be transported by private car or by some other means."

"The Metropolitan Museum of Art: "It remains true that requests for gallery guidance exceed our ability to offer appointments at the ratio of approximately 1 to 1."

"(During the six months July–December, 1967, Museum lecturers conducted gallery tours for 654 groups comprising 18,826 persons, but 1,710 groups comprising 52,573 persons toured the galleries without benefit of museum lecturers. The figures include tours for adults, high school, and elementary school visitors, with the latter predominating. Though many groups did not request the help of Museum lecturers, it is clear that demand exceeded the service the Museum could offer.)

" 'We are trying to combat this problem by offering a Teacher's Consulting Service whereby a teacher who is unable to obtain an appointment for the Museum's formal program can come to the Museum between 3 and 5 on any weekday afternoon and, without appointment, meet with a staff lecturer to discuss the class visit in advance. Maps are plotted out and bibliography suggested. We hope to offer printed material suggesting possible tours. We are also expanding our program of courses for teachers in the hope that they, themselves, can be enabled to teach from the original object. . . .

" 'We are now developing educational materials—in book form, film, filmstrips, and exhibitions—which can be used in the school classrooms. The technology which is presently available does make it possible, I believe, for the Museum to produce and distribute on a large scale materials which will promote understanding and widespread knowledge of Museum collections.

" 'Educational television could be very successful and it seems to me not impossible to locate the funds to develop programs. It will be more difficult to devise formats for presenting our material that can hold its own in this most competitive and professional medium.

" 'In general, I would say that the pressures on museums to serve as centers of education have and will continue to increase.' "

MUSEUM OPERATING BUDGETS

A Representative Sample: The budgets given below for two fiscal years a decade apart—1956/57 and 1966/67—are for art, history and science museums chosen as typical of small, medium-sized and large institutions. The statistics are those published in museum annual reports on file with the American Association of Museums.

SMALL MUSEUMS

	1966-67	1956-57
Art:		
Income	$174,333	$22,832
Expenses	175,327	21,882
Income	53,269	[1] 33,659
Expenses	47,606	[1] 33,390
History:		
Income	95,483	[1] 66,487
Expenses	97,388	[1] 54,507
Science:		
Income	115,040	[1] 72,167
Expenses	114,934	[1] 72,167

[1] Nearest year.

MEDIUM-SIZED MUSEUMS

	1966-67	1956-57
Art:		
Income	$469,756	$214,504
Expenses	471,312	220,133
Income	313,226	238,435
Expenses	278,663	235,059
History:		
Income	101,730	[1] 55,000
Expenses	108,620	[1] 55,920
Income	392,673	[1] 265,480
Expenses	376,317	[1] 256,337
Science:		
Income	209,199	[1] 97,629
Expenses	176,003	[1] 87,560

[1] Nearest year.

LARGE MUSEUMS

	1966-67	1956-5
Art:		
Income	$1,172,790	$546,693
Expenses	1,175,397	620,114
Income	5,476,202	2,124,122
Expenses	5,472,600	2,121,981
History:		
Income	558,080	147,917
Expenses	791,815	147,917
Science:		
Income	4,178,043	2,858,815
Expenses	4,212,852	2,972,094

Preliminary data from an unfinished survey being conducted by the Associated Councils of the Arts (1968)

FOUNDATION GRANTS TO ART MUSEUMS

[A survey of thirty-three museums of art]

	No grants	1 grant	More than 1 grant
Large museums: Operating budgets over $500,000	4	1	3
Medium museums: Operating budgets between $100,000 and $500,000	12	2	1
Small museums: Operating budgets under $100,000	7	2	1
Totals	23	5	5

70 per cent of all respondents reported no grants from foundations.

15 per cent of all respondents reported only one foundation grant.

15 per cent of all respondents reported more than one foundation grant.

50 per cent of the large museums responding (four out of eight) reported no foundation grants.

80 per cent of the medium-sized museums (twelve out of fifteen) reported no foundation grants.

70 percent of the small museums (seven out of ten) reported no foundation grants.

FOUNDATION GRANTS AS A PERCENTAGE OF TOTAL INCOME

[For museums reporting 1 or more foundation grants]

	Percent					
	Less than 1	1-5	5-10	10-15	15-25	Over 25
Large museums: operating budget over $500,000	2	1	1	0	0	0
Medium museums: operating budgets $100,000-$500,000	1	0	0	0	2	0
Small museums: operating budgets under $100,000	1	1	0	0	0	1
Total	4	2	1	0	2	1

The sample is too small for averages or medians to be meaningful. The range of responses, however, is indicated in the following figures:

One large museum reported two grants totalling $390,000.

One large museum reported eighteen grants, although the average of these grants was only $500.*

One medium museum reported thirty-four separate grants totalling $85,000, an average of $2,500.*

One small museum reported three grants totalling $20,000, or roughly 28 per cent of its total income.

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* The number of grants recorded in these cases, in contrast to the other responses, causes one to question whether or not a different definition of "foundation grant" may have been used. The questionnaire itself was not clear on this point.

ART MUSEUMS SALARIES

(Preliminary data from an unfinished survey being conducted by the Associated Councils of the Arts (1968)—Salary information based on 41 responses)

[Figures in thousands]

	High	Low	Average
Directors salaries:			
Large museums:[1] 11 museums; 11 positions	25	15-17	21-25
Medium museums:[2] 19 museums; 19 positions	25	11-13	15-17
Small museums:[3] 11 museums; 10 positions	11-13	6-7	9-11
Assistant directors salaries:			
Large museums: 11 museums; 9 positions	21-25	8-9	15-17
Medium museums: 19 museums; 8 positions	11-13	8-9	9-11
Small museums	(4)	(4)	(4)
Curators salaries:[5]			
Large museums: 11 museums; 36 positions	17-19	5-6	11-13
Medium museums: 19 museums; 15 positions	13-15	3-5	9-11
Small museums: 11 museums; 4 positions	9-11	5-6	7-8
Associate and assistant curators salaries:[6]			
Large museums: 11 museums; 39 positions	11-13	6-7	8-9
Medium museums: 19 museums; 13 positions	11-13	3-5	8-9
Small museums	(7)	(7)	(7)
Registrars salaries (only chief registrar):			
Large museums: 11 museums; 10 positions	11-13	3-5	8-9
Medium museums: 19 museums; 10 positions	8-9	3-5	7-8
Small museums	(8)	(8)	(8)
Education directors salaries (only chief position if more than 1):			
Large museums: 11 museums; 10 positions	17-19	5-6	11-13
Medium museums: 19 museums; 12 positions	11-13	6-7	8-9
Small museums	(9)	(9)	(9)
Conservators salaries (only chief position if more than 1):			
Large museums: 11 museums: 6 positions	19-21	9-11	13-15
Medium museums	(10)	(10)	(10)
Small museums	(11)	(11)	(11)

[1] Large museums—operating budgets over $500,000.

[2] Medium museums—operating budgets between $100,000-$500,000.

[3] Small museums—operating budgets under $100,000.

[4] Only 3 small museums reported assistant directors, (all in the $7-8,000 range.)

[5] Several museums reported more than 1 chief curatorial position. All chief curatorial positions were included in this analysis.

[6] Several museums reported more than 1 associate or assistant curatorial position. All associate or assistant curatorial positions were included in this analysis.

[7] Only 1 small museum reported an associate curator on the staff ($8-9,000 range.)

[8] Only 1 small museum reported a registrar position ($5-6,000 range).

[9] Only 2 small museums (reported education directors $3-7,000 range).

[10] Only 1 medium museum reported a conservator on the staff ($9-11,000 range).

[11] No small museums reported conservators.

A COMPUTER-BASED INFORMATION SYSTEM FOR THE AMERICAN MUSEUM COMMUNITY

As the museum audience continues to grow at an accelerating rate which has long since surpassed our means to expand institutional facilities, it is becoming increasingly difficult to provide adequate access to our vast public collections of art, scientific and historical materials or to fulfill the manifold and intensified demands made of them for information by a society attuned to higher thresholds of knowledge. While there is a finite limit to the number of visitors who can be accommodated in a museum on a given day, the public which may address itself to our dominion of information—through the use of new communications technology—is theoretically unlimited. The textual and visual records descriptive of our museum holdings is a valuable resource, to be marshalled and conserved with the same care devoted to the preservation of the collections themselves and to be made available in a meaningful context to all who care to use it.

In the years which witnessed the proliferation of American museums (and the enlargement of public collections) there was little incentive to develop or refine their information function. The burgeoning records of our museums are, therefore, distributed—without benefit of cross-referencing—in the files of several thousand institutions whose methods of registration and cataloguing have changed little in the past 100 years. Lacking any central source of information or the means for rapid or selective access to the large bodies of data within its charge, it is small wonder that the museum establishment is threatened with the loss of significant portions of its priceless asset of information. If we are to have our archives from the atrophy of disuse and endow them with the fuller expressive powers of accessibility, we must consign them to more efficient storage. If we are to discharge our duty to education and scholarship and develop our unrealized potentials for public service, we must reconcile ourselves to the cooperative formation of central repositories of information, or data banks, with facilities for handling inquiries from many classes of users reflecting varying levels of acuity and professional interest.

What is called for is the establishment of comprehensive information systems as an integral aspect of museum operations. The means to achieve this—through the imaginative application of computer technology—is presently at hand. Storage devices already exist which could, for example, reduce the complete catalogues of all the art museums in New York City to a space no larger than a desk drawer, with full and instantaneous access to any item in the file assured under a broad range of research criteria. Large bodies of textual material can be perused under computer control with the same sensitivity and interplay that the scholar enjoys in scanning his own familiar array of index cards. The machine can be made to organize data, to generate and print reference lists, and disseminate abstracts of periodical literature selectively to a large readership based on individual user profiles. New apparatus now in the developmental state may soon permit images to be compacted and stored digitally as easily as text, for handy recovery.

In short, the technical capabilities for expanding the cultural and educative role of our museums through the enhancement of their information activities are already within reach. The extent of what we may presume to do is rather a function of the financial resources which we can hope to command and our own imagination in adapting the new technology to our emerging needs.

The computer is admirably suited to the task of organizing, and storing in highly accessible form, vast amounts of information. Dramatic advances in the development of techniques for processing humanities data, as effectively as scientific or numeric information, now make it possible to construct a computer-directed archive—with associated communications facilities—which can accommodate all types of records and reference materials with which museums customarily deal. Such an archive or "information system" should be maintained, ideally, at a headquarters location from which the stored information would be retrieved and distributed on request to a great number of users over a network of terminals strategically placed in museums, libraries and educational institutions throughout the region which the archive serves. The actual assembly of data for a central "data bank" is generally preceded by a feasibility study culminating in a "systems design" (the blueprint which guides the eventual implementation of the system proposed). Any such enterprise within the framework of the American museum community would, most likely, be organized and operated by the group of museums whose information resources would form the system's data bank. Let us consider for the moment how this might be accomplished.

There is little doubt that the expense of creating one data bank, embracing all collections throughout the country representative of any segment of the museum community, would be substantially less than the overall cost of several smaller regional archives of the same total scope. The systems development expense, and the initial investment in the basic computer equipment required to drive a data bank, are largely independent of the quantity of information to be stored. Similarly, the communication facilities for data dissemination do not vary appreciably with the size of the territory served (unless interrogations are conducted "on-line" over a network of terminals connected to the central computer; however, aside from a very few of our largest institutions, it seems unlikely that the volume of use or the urgency of response in any museum-oriented information system would warrant the markedly higher cost of operating in a "real-time" mode for perhaps 10 years to come). The major cost item that is a variable and directly proportional to the amplitude of the system is, of course, the actual expense of collecting data.

A comprehensive information system for our nation's art museums would require a half-million dollars to develop and design, and at least $3 million to outfit were it to include a minimum configuration of terminals. An even larger sum would be consumed in the process of gathering data for assembly of the data bank itself. The painstaking conversion of existing museum records and related information into machine-readable form is itself a prodigious and costly effort. If the public art collections in this country were found to include 6 million objects—not an unlikely possibility—and museum records could be translated into proper format for computer input at the rather optimistic rate of 5 minutes per object, 20,000 man-weeks of cataloguing time would be involved in carrying out the task. Were this work to be done by specially trained curatorial teams commanding an average individual salary of $250 per week, this aspect of the project alone would cost $5 million.

Substantially more would be needed to establish a comparable system for our nation's science museums, whose universe of data is far greater. The Museum of Natural History of The Smithsonian Institution has, for example, a collection of some 50 million specimens which grows at the rate of 1 million accessions every year. This museum is already faced with the necessity of creating a computerized cataloguing system for its own holdings. Should it elect to convert its present records to machine storage, a sum far in excess of its annual operating budget would have to be spent simply for the transposing of files into computer form.

Closer analysis of the technical considerations involved in organizing discrete bodies of museum data of seemingly divergent characteristics for machine input points to many unsuspected areas of similarity or coincidence in the requisite computer methodology. This suggests that consideration be given to the design of a *single* information system serving *all* museums of the United States, in which the records of art, history and science and those of specialized institutions would be stored at one large computer headquarters in separate but compatible data banks differentiated on the basis of the nature of the information contained. Aside from the obvious philosophical advantages of creating a

single system which permitted free communication across disciplinary lines, the possibility of substantial cost savings argues persuasively in favor of reconstituting the information services of the entire museum establishment with a single thrust.

The sponsorship and funding of any museum information system of national proportions—whether intra- or cross-disciplinary—is, necessarily, a formidable undertaking. Aside from the overwhelming expense of getting under way, one must allow for deficits in the early years of operation when no such system could hope to pass on any substantial share of its running costs to outside users. Although museums can be expected to contribute to an operating budget by diverting to it funds otherwise spent on housekeeping tasks which could be performed far more economically on the system's computer equipment, such contributions would not cover the full expense. The participating museums would also be asked to provide services, curatorial facilities and eventual system supervision; however, the financial support for the formation and early operation of such an enterprise must come from other sources. It should be equally apparent that the venture is too ambitious to be funded initially by even our largest private foundations without the assistance of the Federal establishment.

As the cost of any plan for conserving and developing the natural resources of information charged to the custody of our museums approaches the fiscal dimensions of other programs of social significance, its worth must, of course, be tested in the market place of the greater society which we aspire to be. The value of a museum communications system derives from its synergistic potential for the advance of knowledge in the broadest sense. The accessing of valuable neglected archives, the upgrading of institutional services, and the general enhancement of traditional activities in education and research, which depend upon the data to which museums are privy, state the obvious case for such a system.

In addition to such promising applications, the establishment of a computerized system for handling the information which is now only theoretically at our command will provide us with a logical source for programming other museum activities which call for random access to information. By this means, we might hope to structure the museum audience in ways which today seem scarcely possible, relying upon a computer-controlled orientation center to guide and instruct the museum visitor in a mode specially selected to suit his individual requirements. It is not at all farfetched to envision the time in the not-too-distant future when the museum will offer not only such services but a broad spectrum of experiences ranging from the pedagogical and classically contemplative to the most fanciful of audio-visual, interactive situations; nor is it outrageous to dream of the day when museum information may be delivered electronically from a computer center directly to the home or classroom.

We must also consider, in the final analysis, that the use of new computer-based technology to develop a comprehensive museum information system is a major step towards the larger objective of creating, ultimately, a network of inter-connected information systems encompassing the *full* spectrum of man's achievements. It is the time-sharing aspect of the computer—its capability to serve many interrogators simultaneously—that opens to us this possibility of information interchange between a large group of users in which the machine functions heuristically as the medium of the exchange. The realization of the "on-line" intellectual society, and its concomitant "utility of information" in which knowledge may be transmitted to point of use with the same ease as electricity, is the higher purpose which should inspire our present efforts. A nation-wide system of museum resources would, therefore, function not only as a remarkable new tool of education and scholarship but as a prototype for comparable systems in the humanities which are destined to appear. The fulfillment of this ambition will demand the initiative of the American museum community as a whole, and the enlightened participation of public and private sources of support.

It should be noted that one museum project of a consortial nature, directed to the formation of a computerized information system, is already under way. Known as the Museum Computer Network project, this undertaking (under the sponsorship of a representative group of institutions throughout the country) is laying the groundwork for the establishment of a national data bank of public art collections. The project, now in its second year, has already made substantial progress towards its announced objective of completing an intentive study leading to the design and implementation of the system envisioned. This work is proceeding under grants received from the New York State Council on the Arts and the Old Dominion Foundation. However, it is evident that studies of this nature cannot be pursued beyond a preliminary investigative stage without *considerable* financial help in excess of what the museum establishment can itself supply.

Once such studies are completed (which normally requires two years of comprehensive inquiry), funding would have to be provided to finance (1) the further technical development costs of such a system, (2) the eventual purchase of the required computer equipment and communications facilities, (3) the expense of assembling data over a period of several years during which this field activity would take place. In addition, monies will be eventually needed to subsidize the early years of the system's operations. If such a system were to embrace the full information resources of all museums in this country, its total cost of formation (exclusive of any operating subsidy or the funding of extensive communication facilities) could well exceed $25 million.

It is apparent that the careful planning and experimental work which must be done in anticipation of any undertaking of this magnitude should soon be under way on a more ambitious scale than has as yet been possible. An urgent and present need of the museum establishments is, therefore, the means to support such studies as a preliminary step to projecting its eventual requirements in this critical and emerging area of information management. Such assistance should be made available at the earliest opportunity, so that the findings of these studies can shape far-reaching legislative measures which, it is hoped, will in time provide for the implementation of this vital program.

(NOTE.—The above information was prepared for the Report by Mr. Everett Ellin, Executive Director, Museum Computer Network, New York City.)

Mr. SCHWENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I should like to point out that this bill was brought before the Subcommittee on Libraries and Memorials, and the subcommittee felt a very good case was presented.

I am quite enthused about the activities, for the most part, of the Smithsonian, and especially as they relate to this authorization.

In response to the question: "What does the Smithsonian do?" I can testify that they have been involved in Iowa with people who are in the museum business. We have annually what we call the "Old Thrashers" which has grown to be one of the finest and the greatest shows of its type in the country. It is not tax supported at all. We could call on—and the people there, did call on, and I helped with this—the Smithsonian talent to help with the layout, to make certain suggestions on acquisitions and what they should take or should not take, and to make plans for the future. This is being done at a very small cost: The travel expense to Mount Pleasant and back for two representatives of the Smithsonian on one occasion. At other times they paid the expenses of other representatives who came here. Their advice and counsel is invaluable to the people in this kind of an institution.

Mr. Chairman, I have spoken generally on this subject before. Many of you know my interest in history. I find it always interesting to go to museums. When I do they invariably talk about the Smithsonian, and they are very happy with the group of people from the Smithsonian. So, in addition to those groups mentioned by the gentleman from New Jersey, I am sure that aspect of the archives museums and other museums in Iowa would endorse this kind of approach to solve the problem here, although this is not the complete solution. I think they have presented a good case for it, and I am very much in favor of it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. Yes. I yield to the gentleman.

Mr. GROSS. The gentleman spoke of Mount Pleasant, Iowa, and about sending some bureaucrat out to help them in the museum there.

Mr. SCHWENGEL. It was not a bureaucrat.

Mr. GROSS. Who was he?

Mr. SCHWENGEL. A Government employee. I guess you could classify him as a bureaucrat, but I would not. He was very highly talented.

Mr. GROSS. Is not Mount Pleasant a center of the threshing machine exhibitions in the fall?

Mr. SCHWENGEL. Yes, it is.

Mr. GROSS. I wonder why we have not set up a department in Washington to teach Iowa farmers how to stage their exhibitions of threshing in the fall; how to run a grain separator and an old steam engine.

Mr. SCHWENGEL. Personally I think it was money very well spent and invested. It made possible a more adequate layout for visitors. It is true Mr. Dick Collins who was out there knew nothing about threshing. In that sense we taught him something about the Midwest, which I thought was very valuable for him to know.

Mr. GROSS. Would it not be pretty expensive to send a bureaucrat out to Mt. Pleasant, Iowa, just to teach him about an out-moded method of threshing?

Mr. SCHWENGEL. The round trip came to $129 and the people out there took care of his lodging and his food, so it did not cost him or the Government anything for that.

Mr. GROSS. We have a museum at Waterloo, Iowa. To my knowledge, there has never been a bureaucrat out there to tell them how that privately endowed museum should be operated. I do not think you are justified in going from almost nothing in the way of an appropriation to $1 million, and actually it can be $4 million over the next 4 years. I am surprised that this suggestion would even be made to the Congress.

Mr. SCHWENGEL. Let me say this in answer to the Waterloo museum question. I am sure they have a lot of publications that have already been given to them by the Smithsonian which they will find very helpful. With the slight expansion of responsibilities in the area that we are getting into, this will be very helpful and, as a matter of fact, we are directed by law to do it.

Mr. GROSS. They probably get those without this kind of an appropriation.

Mr. THOMPSON of New Jersey. Will the gentleman yield?

Mr. SCHWENGEL. I will be glad to yield to the gentleman.

Mr. THOMPSON of New Jersey. This is more of a trek to Washington than it is to Iowa or elsewhere. Museum people, under the existing act, by the scores come to Washington for the technical assistance they need, whatever the nature of their museum.

I might say also that the maximum authorization under this legislation, which goes to the end of fiscal 1974, means it is an extension of 3 years and a maximum possible appropriation of $3 million and not $4 million.

Mr. FULTON of Pennsylvania. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. We must remember that the Smithsonian Institution under the distinguished leadership of Dr. S. Dillon Ripley is one of the great cultural heritages not only of the United States but of the world. I class this institution along with the Library of Alexandria that was a repository for much of the ancient culture, and unfortunately it was a great loss to the whole world when it was destroyed.

I believe we need an emphasis in Government on our cultural distributions, which is what I would call this. We must emphasize that the culture we have is for the whole people and not just the people of Washington, D.C. When we look at the sum of $1 million for each year and add up the $3 million, that amounts to simply $3 million for 204 million people.

And, that is about 200 people putting up $1 to $3 in a 3-year period which to me, no matter what State, it constitutes a small contribution on the part of the American people for our cultural advancement and progress.

Mr. Chairman, having been a member of the Board of Construction of the museum—and it is a joint committee—of history and technology at the Smithsonian, I have had some close contact with that Institution in particular. Likewise, coming from Pittsburgh and having friends in the National Gallery of Art, I have had a particular interest in the Gallery and its exhibitions.

Mr. Chairman, one of the good things about the Smithsonian is that it is an activist institution and not a dull, dead collection of bums.

Mr. Chairman, this particular legislation is especially necessary so that we may be able to keep our young people as a part of the cultural scene and also keep the older ones who have leisure time to fill.

I might say to the members of the Committee of the Whole House on the State of the Union, I felt so strongly about the Andrew Mellon Gallery which was given by a citizen of Pittsburgh, Andrew Mellon, as a national gallery of art, that we in Pittsburgh raised, without cost to the Government, the funds for a fountain which now adorns the corner of Constitution and Pennsylvania Avenues. I think it is a wonderful benefit not only to the people of the Nation's Capital in Washington, D.C., but to everyone who comes here.

Mr. Chairman, one of the chief problems about our philosophy of life is the fact that we put too much emphasis on the bread and butter and getting the money and not enough on saving some room, a small portion of our lives for our cultural activities and heritage.

Mr. Chairman, I would agree with the gentlemen from Iowa that Iowa is a well-balanced State, but we do need more I would say to my good friend the gentleman from Iowa (Mr. SCHWENGEL), whose fine activities to preserve the history and advance the cultural heritage, not only of his State, but of our Nation. I compliment the gentleman from Iowa and the gentleman from New Jersey who is in charge of the bill.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to my colleague from Iowa.

Mr. KYL. Mr. Chairman, let me acquaint the gentleman with some of the facts of the great State of Iowa. Although it has one-fourth of all the class 1 agricultural land in the United States, I would point out to the gentleman from Pennsylvania that it has much more.

At the west end of the State there is a small city of fewer than 100,000 people which collects more public tax funds annually for culture than does the District of Columbia. The finest string quartet in the United States, I think without any question, today is that of the University of Iowa which plays before very approving critics in Washington, D.C., and elsewhere around the country.

The gentleman who just completed a tour of duty as Director of the National Symphony Orchestra is an Iowa boy who did other things too; he was also a golf champion in his youth.

The public school music education and art education in the State of Iowa is as good as that of any other State, and better than most of those States. And if the gentleman also wants to challenge the personal dedication to the cultural fields of either or any of the three gentlemen from Iowa, I am sure that any of the three will on any occasion that he desires enter any kind of competition that he would name to show that in Iowa we are just as much or more education- and culture-conscious as is a person from any other State.

I might add further concerning education that the State which has the highest literacy rate of any of the States in the United States is the State of Iowa. Iowa is a great educational State, and a great cultural State.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield further?

Mr. SCHWENGEL. I yield further to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, my comments are not directed at Iowa. My comments are that I agree with the gentleman from Iowa (Mr. SCHWENGEL), that Iowa should advance in the arts, and he complimented Iowa on its cultural advances. I agreed with the gentleman, and I also agree with the gentleman that this bill should be passed.

The gentleman has misunderstood my remarks if for any reason he felt that I was criticizing the people of Iowa. No. I think they are fine and I think they have made fine cultural advances. So I would compliment the gentleman on defending his State. I think he has done a fine job. I am not criticizing the people of the State of Iowa, but I am advancing the premise that in addition to workaday matters we also, throughout the country, should emphasize our cultural heritage and support the Smithsonian Institution and this particular authorization.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding.

I simply want to make this observation: that I think it should be pointed out in the RECORD that this bill which was reported to the Committee of the Whole House, was reported from the Committee on House Administration on December 9, 1969, which is more than a year ago. It is curious that it has taken a full year to get this important piece of legislation before the Committee at this time.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I will be glad to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, the reporting date that the gentleman from Michigan (Mr. HUTCHINSON) has just recited, is accurate. The reason for the delay is that we planned to have—and we have had—extensive and very comprehensive hearings since that time relating to the Smithsonian Institution, as a result of which I think that we are much better prepared than we would have been to handle this bill.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I thank the gentleman for yielding, and I

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want to compliment the gentleman from New Jersey and the gentleman from Iowa on their leadership in bringing this bill to the floor today. I rise in support of the bill.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Nebraska.

Mr. MARTIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point out to the gentleman from New Jersey that the Committee on Rules cleared this bill last March, which is over 6 months ago, so it could have been called up quite a number of days and weeks back before this date.

Mr. THOMPSON of New Jersey. Mr. Chairman, if the gentleman will yield, the gentleman from New Jersey might say this: that again that is a perfectly accurate statement. But does the matter of the chronological date have anything to do with the importance of the piece of legislation? I think not. We felt even after we had received a rule that we should have hearings on the Smithsonian Institution, so I do not apologize for failing to bring it up sooner, because I think we are much better equipped to handle it today than we would have been at that time.

Mr. SCHWENGEL. I have nothing further to say except to thank the gentleman from Iowa (Mr. KYL) for his eloquent statement of Iowa's dominance and prominence in the field of the arts and humanities.

I would like to say that if you overlook people like Grant Wood and Bix Beiderbeck and a few people like that—I will at some future date take advantage of an opportunity to put a more complete record of Iowa's achievements in this area.

I should like to say in closing that one of the reasons Iowa has eminence in this area is because they have called on the best talent in the world. Whenever they could get help from anywhere else and learn, they did that. Often—very often, they not only call on the Smithsonian but on the National Gallery of Art here. And so, because we have had these interests and these desires and because of the type of people we have in our State we have been able to make a great contribution in this field.

Mr. Chairman, I hope that the House passes this bill.

Mr. Chairman, this bill, H.R. 13956, would authorize additional appropriations for the purpose of carrying out the National Museum Act of 1966.

Under the Museum Act the Smithsonian Institution is assigned by law with performing a wide range of duties in support of museums in the United States and abroad.

The National Museum Act, which reaffirmed the Smithsonian's traditional role in the area of serving museums, establishes those duties as follows:

First, cooperate with museums and their professional organizations in a continuing study of museum problems and opportunities, both in the United States and abroad;

Second, prepare and carry out programs for training career employees in museum practices in cooperation with museums and their professional organizations, wheresoever these may best be conducted;

Third, prepare and distribute significant museum publications;

Fourth, perform research on, and otherwise contribute to, the development of museum techniques;

Fifth, cooperate with departments and agencies of the Government of the United States operating, assisting, or otherwise concerned with museums; and

Sixth, report annually to the Congress on progress in these activities.

The act authorized a total of $1 million to be appropriated over the 4-year period from fiscal year 1968 through fiscal year 1971. Though requests for the funds have been made, practically no funding has been provided. During the first 2 years no funds were appropriated at all. In fiscal year 1970 $40,000 was appropriated and in fiscal year 1971 $32,000 was appropriated.

Even though it has received only limited appropriations to carry out its duties under the Museum Act, the Smithsonian nevertheless has provided valuable help such as making expet advice, guidance training, and other forms of assistance available to museums here and abroad. This includes such activities as providing advice on how to organize or reorganize museums, counseling on where museums should be placed, participating in museum workshops, publishing manuals, and so forth. During Hurricane Camille last year the Smithsonian supplied skilled and expert assistance to help salvage exhibits in a museum in Biloxi, Miss. It provided assistance during the occasion of the flood in Florence, Italy, several years ago. There are but a few examples of the hundreds of requests the Smithsonian receives for assistance.

The purpose of H.R. 13956 is to continue the authorization of appropriations to carry out the Museum Act. The authorization would be limited to $1,000,000 annually through fiscal year 1974.

I believe that it is important to the best interests of our Nation that we support the effort to promote a vigorous museum support program. The Smithsonian is an outstanding institution and is in a unique position to render valuable assistance to help advance the quest for knowledge and understanding throughout the land. We will all benefit. I urge enactment of H.R. 13956.

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 13956, a measure which would extend the authorization for the National Museum Act through fiscal 1974. I wish to commend the distinguished sponsor of this bill, the gentleman from New Jersey (Mr. THOMPSON) to whom all persons who serve museums and benefit from them owe so much for his leadership in this field.

Mr. Chairman, America's museums are presently experiencing a severe financial crisis, in part because of their extraordinary popularity. Museum attendance during the last three decades has increased more than tenfold—from 50 million visitors in 1940, to 200 million in 1960, to 560 million in 1967. Along with the increased attendance has come an increased demand for new services. Today hundreds of thousands of schoolchildren participate in museum visits; millions of youngsters and adults attend classes and use their facilities.

In addition, Mr. Chairman, museums play an essential role in serving the needs of scholars engaged in research at the college and university level. Dr. George Lindsay, director of the California Academy of Sciences, said in testimony before the Select Education Subcommittee last summer:

> Natural history museums contain at least 80 percent of all the research collections in the United States. While some of the museums are at universities, most are not. Still, the collections are necessary for the studies of advanced graduate students. The entomology department of my institution loaned 74,204 specimens last year, to 69 institutions and 170 individuals, most of them graduate students in 23 of the United States and eight foreign countries. This is a service to education and to science for which there was not direct reimbursement.

Mr. Chairman, it is clear that museums are not merely repositories of our national treasures. They are, in fact, educational institutions, and they should be entitled to the benefits accruing to educational institutions as recipients of Federal funds.

Indeed, the Belmont report, a comprehensive study of America's museums requested by President Johnson, made much the same point in one of its major recommendations to the President in November 1968 when it urged "that the Federal Government, as a matter of basic policy, recognize museums as educational institutions, working in formal affiliation with elementary, secondary, undergraduate, and graduate level institutions."

Mr. Chairman, the National Museum Act does not accomplish the goal suggested by the Belmont report, but it is a very important first step toward a formal recognition of the role museums play in American society. It enables the Smithsonian Institution to assist museums to improve the professionalism and competence of their employees, to perform research in techniques of museum operation, and to provide technical assistance, consultation, and advice on a variety of problems confronted by museums.

Mr. Chairman, the proposed extension of the National Museum Act would provide $1,000,000 a year for these purposes from fiscal 1971 through fiscal 1974. This very modest sum is a small investment indeed in the future of America's museums. I trust that it will be approved and that the Appropriations Committee will allow it to be fully funded.

The National Museum Act charges the Smithsonian Institution with the responsibility of aiding the Nation's museums to meet their most urgent problems. Over the past years, appropriations have not been sufficient to allow them to carry out their responsibility. We anticipate, however, that when the act receives adequate funding, the Smithsonian will meet its obligations to America's museums.

I urge the passage of this legislation.

Mr. SCHWENGEL. Mr. Chairman, I yield back the balance of the time on this side.

Mr. THOMPSON of New Jersey. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a) is amended to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than $1,000,000 shall be appropriated annually through fiscal year 1974."

AMENDMENT OFFERED BY MR. KYL

Mr. KYL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KYL: Amend lines 5 through 9, page 1, to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution for the purpose of this Act $250,000 for each fiscal year ending prior to July 1, 1974, and in each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law."

Mr. KYL. Mr. Chairman, as long as we are engaged in omphaloskepsis here this afternoon I thought we might try to improve this bill a little bit.

Let me make a couple of prefatory remarks.

First, I would never knowingly injure or diminish the Smithsonian Institution in any way. I acknowledge its contribution, its collections and its intellectual and esthetic pursuits completely. But we are dealing here not with regular activities of the Smithsonian Institution but with a special activity which we have given to that Institution, in other words the administration of the National Museum Act.

I rather appreciate too, I will say in parenthetical fashion, that I appreciate the gentleman from Pennsylvania giving us an opportunity to speak here on the floor about Iowa's Carl King and Meredith Wilson and Grant Wood and McKinley Cantor. I would point out that even that great composer Antonin Dvorak come to Spillville, Iowa, to get inspiration for the New World Symphony.

But getting back to this matter—the matter of this amendment, this is all we are asking you to do.

The most we have ever appropriated for this function, the National Museum Act, is $40,000 a year.

In another year we appropriated $32,000. And in the 2 first years we appropriated nothing.

Now all this amendment does is to ask you to reduce the authorization from $1 million to $250,000 which is six times plus more than we have ever appropriated for the purpose. And to make sure there is not any open-ended appropriation attached at all may I say I think we have an obligation even in this silly season of the year to be a little honest. Why tell the Smithsonian that they will have a $1 million a year to operate the National Museum program if they are going to get $40,000 or $32,000 or less.

The people who are bringing this bill to the floor cannot honestly believe that they are going to get a $1 million a year appropriation. Why do we continually fool the public and the institutions with these authorizations for far more than they will ever get? I think it is completely reasonable to set this authorization at $250,000 a year, especially, I repeat once more, in view of the fact that until this time we have never actually appropriated more than $40,000? And I repeat this, too: If I thought this would injure the Smithsonian Institution's program one tiny bit or give them one penny less than they need to administer the National Museum Act, I would not be asking for this action.

I yield back the balance of my time.

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. THOMPSON of New Jersey. Mr. Chairman, during the hearings in 1969 on this legislation, and subsequently as developed in the Belmont Report, the Secretary of the Smithsonian Institution, Dr. Dillon Ripley, a highly respected, extremely able man, repeatedly asked for an authorization of $1 million. The relationship between $1 million and $250,000 vis-a-vis the appropriation of no more than $40,000 I think is irrelevant.

I might point out to the gentleman from Iowa, not having had a copy of this amendment before, that the bill as drafted prevents it from being open-ended, and the amendment of the gentleman from Iowa—listen to it—open ends it: "$250,000 for each fiscal year prior to July 1, 1974." Then your amendment goes on to say, "and in each subsequent fiscal year only such sums may be appropriated as the Congress may hereafter authorize by law." You open it up. You turn it over to the Committee on Appropriations without bringing it back here.

Mr. Chairman, I oppose the gentleman's amendment. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KYL).

The question was taken; and on a division (demanded by Mr. KYL) there were—ayes 20, noes 29.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HAMILTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13956) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, pursuant to House Resolution 878, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were yeas 215, nays 53, answered "present" 3, not voting 163, as follows:

[Roll No. 405]

YEAS—215

Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Bennett
Biester
Blanton
Blatnik
Boggs
Boland
Brademas
Brinkley
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carter
Casey
Chamberlain
Clausen, Don H.
Cleveland
Cohelan
Conte
Conyers
Corman
Coughlin
Crane
Culver
Daniels, N.J.
Davis, Ga.
Delaney
Dellenback
Derwinski
Dickinson
Dorn
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Feighan
Findley
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Galifianakis
Garmatz
Gibbons
Goldwater
Gonzalez
Green, Oreg.
Griffiths
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Kleppe
Kyl
Kyros
Leggett
Lennon
Long, Md.
Lowenstein
McCloskey
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Mathias
Matsunaga
Mayne
Melcher
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morse
Mosher
Murphy, Ill.
Natcher
Nedzi
Obey
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Quillen
Railsback
Rees
Reid, Ill.
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Roth
Roybal
Ruppe
Ryan
Scheuer
Schwengel
Shriver
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman

Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watts
Whalen
White
Whitten
Widnall
Wiggins
Wilson, Bob
Winn
Wright
Wyman
Yatron
Young
Zablocki

NAYS—53

Belcher
Berry
Betts
Bevill
Burke, Fla.
Burlison, Mo.
Cederberg
Clawson, Del
Collins, Tex.
Colmer
Daniel, Va.
de la Garza
Dennis
Fisher
Flynt
Goodling
Griffin
Gross
Grover
Haley
Harsha
Henderson
Hull
Hunt
Hutchinson
Johnson, Pa.
Jonas
Landgrebe
Lloyd
McClure
Martin
Miller, Ohio
Mills
Mizell
Montgomery
Myers
Nelsen
Nichols
Price, Tex.
Rarick
Ruth
Sandman
Satterfield
Schadeberg
Schmitz
Scott
Sebelius
Slack
Stanton
Steiger, Ariz.
Steiger, Wis.
Thomson, Wis.
Zwach

ANSWERED "PRESENT"—3

Baring
Bow
Rooney, N.Y.

NOT VOTING—163

Abbitt
Abernethy
Addabbo
Anderson, Tenn.
Arends
Ashbrook
Aspinall
Ayres
Barrett
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Blackburn
Bolling
Brasco
Bray
Brock
Brooks
Broomfield
Burton, Utah
Button
Caffery
Camp
Carey
Carney
Celler
Chappell
Chisholm
Clancy
Clark
Clay
Collier
Collins, Ill.
Conable
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Wis.
Denney
Dent
Devine
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edmondson
Edwards, La.
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fish
Fountain
Fraser
Fulton, Tenn.
Fuqua
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Gray
Green, Pa.
Gubser
Hagen
Hall
Hansen, Idaho
Hansen, Wash.
Harrington
Hawkins
Hays
Hébert
Hungate
Jones, N.C.
Karth
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Landrum
Langen
Latta
Long, La.
Lujan
Lukens
McCarthy
McClory
McCulloch
McDade
McKneally
Madden
Mann
May
Meeds
Meskill
Michel
Mize
Morgan
Morton
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill, Mass.
Ottinger
Pepper
Philbin
Pike
Pollock
Powell
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Reid, N.Y.
Reifel
Reuss
Rivers
Roberts
Rogers, Colo.
Rosenthal
Rostenkowski
Roudebush
Rousselot
St Germain
Saylor
Scherle
Schneebeli
Shipley
Sikes
Snyder
Staggers
Steed
Steele
Stephens
Stuckey
Taft
Teague, Tex.
Van Deerlin
Waggonner
Ware
Watson
Weicker
Whalley
Whitehurst
Williams
Wilson, Charles H.
Wold
Wolff
Wyatt
Wydler
Wylie
Yates
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Devine.

Mr. Waggonner with Mr. Collier.

Mr. Hébert with Mr. Arends.

Mr. O'Neill of Massachusetts with Mr. Wydler.

Mr. Philbin with Mr. McDade.

Mr. Donohue with Mr. Gubser.

Mr. Edwards of Louisiana with Mr. Whalley.

Mr. Long of Louisiana with Mr. Keith.

Mr. Jones of North Carolina with Mr. Burton of Utah.

Mr. Abbitt with Mr. Quie.

Mr. Abernethy with Mr. Snyder.

Mr. Aspinall with Mr. Corbett.

Mr. Celler with Mr. Diggs.

Mr. Mann with Mr. Broomfield.

Mr. Madden with Mr. Nix.

Mr. Brasco with Mr. Ayres.

Mr. Addabbo with Mr. Bell of California.

Mr. Teague of Texas with Mrs. Dwyer.

Mr. Charles H. Wilson with Mr. Beall of Maryland.

Mr. Wolff with Mr. Clay.

Mr. Pepper with Mr. Michel.

Mr. Evins of Tennessee with Mr. Mize.

Mr. Koch with Mr. Hawkins.

Mr. Shipley with Mr. Saylor.

Mr. Sikes with Mr. Schneebeli.

Mr. Rostenkowski with Mr. Steele.

Mr. Green of Pennsylvania with Mr. Ware.

Mr. Gray with Mr. Fish.

Mr. Fulton of Tennessee with Mr. Williams.

Mr. Fountain with Mr. Zion.

Mr. Edmondson with Mr. Camp.

Mr. Clark with Mrs. Chisholm.

Mr. Carey with Mr. Reid of New York.

Mr. Brooks with Mr. Bray.

Mr. Biaggi with Mr. Brock.

Mr. Reuss with Mr. Button.

Mr. Rivers with Mr. King.

Mr. Fuqua with Mr. Langen.

Mr. Gallagher with Mr. Blackburn.

Mr. Gettys with Mr. Roudebush.

Mr. Roberts with Mr. Conable.

Mr. Gaydcs with Mr. O'Konski.

Mr. St Germain with Mr. Clancy.

Mr. Staggers with Mr. Lujan.

Mr. Kee with Mr. Reifel.

Mr. Kluczynski with Mr. McKneally.

Mr. Van Deerlin with Mr. Lukens.

Mr. Yates with Mr. Kuykendall.

Mr. Anderson of Tennessee with Mr. Ashbrook.

Mr. Caffery with Mrs. May.

Mr. Chappell with Mr. Scherle.

Mr. Dent with Mr. Watson.

Mr. Evans of Colorado with Mr. Wold.

Mr. Giaimo with Mr. Eshleman.

Mr. Hogan with Mr. Davis of Wisconsin.

Mrs. Hansen of Washington with Mr. Conyers.

Mr. Harrington with Mr. Rousselot.

Mr. Pike with Mr. Cramer.

Mr. Pryor of Arkansas with Mr. Collins of Texas.

Mr. Randall with Mr. Hall.

Mr. Pucinski with Mr. Denney.

Mr. Moss with Mr. Weicker.

Mr. Morgan with Mr. Wylie.

Mr. Meeds with Mr. Hansen of Idaho.

Mr. Murphy of New York with Mr. Whitehurst.

Mr. Landrum with Mr. Pollock.

Mr. Hungate with Mr. Morton.

Mr. Purcell with Mr. McClory.

Mr. Rosenthal with Mr. McCulloch.

Mr. Steed with Mr. Latta.

Mr. Stephens with Mr. Meskill.

Mr. Barrett with Mr. Cunningham.

Mr. Carney with Mr. Wyatt.

Mr. Bingham with Mr. Daddario.

Mr. Rogers of Colorado with Mr. McCarthy.

Mr. Stuckey with Mr. Gilbert.

Mr. Fraser with Mr. Farbstein.

Mr. Fallon with Dowdy.

Mr. Dingell with Mr. Ottinger.

Mr. Karth with Mr. Powell.

Mr. CRANE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a similar Senate bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the National Museum Act of 1966 (80 Stat. 953) is amended to read as follows:

"(b) (1) There are hereby authorized to be appropriated to the Smithsonian Institution for the purposes of this Act $1,000,000 for the fiscal year ending June 30, 1972, and the same amount for each succeeding fiscal year ending prior to July 1, 1974, and in each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law.

"(2) In addition to the sums authorized in paragraph (1) there are hereby authorized to be appropriated $300,000 for the fiscal year ending June 30, 1972, and the same amount for each succeeding fiscal year ending prior to July 1, 1974, to be allocated and used as follows:

"(A) of the sums appropriated pursuant to this paragraph (2), 33⅓ per centum shall be available for the purposes of clause (2) of subsection (a);

"(B) of such sums, 33⅓ per centum shall be available for transfer to the National Foundation on the Arts for assistance to museums under section 5(c) of the National Foundation on the Arts and Humanities Act of 1965; and

"(C) of such sums, 33⅓ per centum shall be available for transfer to the National Foundation on the Humanities for assistance to museums under section 7(c) of the National Foundation on the Arts and Humanities Act of 1965.".

ADDITIONAL MUSEUM ACTIVITIES

SEC. 2. (a) Section 2(a)(2) of the National Museum Act of 1966 (20 U.S.C. 65a(2)) is amended to read as follows:

"(2) prepare and carry out programs by grant, contract, or directly for training career employees in museum practices in cooperation with museums, their professional organizations, and institutions of higher education either at the Smithsonian Institution or at the cooperating museum, organization, or institution;".

(b) So much of that part of subsection (a) of section 2 of the National Museum Act of 1966 as precedes clause (1) is amended by striking out everything preceding "Secretary" and inserting in lieu thereof "The".

MOTION OFFERED BY MR. THOMPSON OF NEW JERSEY

Mr. THOMPSON of New Jersey. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. THOMPSON of New Jersey moves to strike out all after the enacting clause of the bill S. 704 and insert in lieu thereof the provisions contained in the bill H.R. 13956, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

XUM

A similar House bill (H.R. 13596) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill S. 704 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? The chair hears none, and appoints the following conferees: Messrs. THOMPSON of New Jersey, BRADEMAS, and SCHWENGEL.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works; which was read and referred to the Committee on Appropriations:

DECEMBER 9, 1970.

Hon. JOHN W. MCCORMACK,
The Speaker, U.S. House of Representatives, the Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives on December 2, 1970, approved the following public building project:

Federal Office Building, Santa Rosa, California (Construction).

Sincerely yours,
GEORGE H. FALLON,
Chairman.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we have finished the business for this week except for unanimous-consent requests which may be made.

The program for next week is as follows, and we are listing all the bills under Monday and the balance of the week to retain as much flexibility as possible:

Monday is District day, and there are four district bills, as follows:

H.R. 19885, District of Columbia Revenue Act of 1970;

S. 1626, to regulate the practice of psychology in the District of Columbia;

S. 2336, relating to the Protestant Episcopal Church in the District of Columbia; and

H.R. 2745, to amend the law relating to obscenity in the District of Columbia.

Following the District bills, we have several others. May I say, we will probably have a conference report on one of the appropriation bills also. The bills are as follows:

H.R. 18874, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, with an open rule providing 1 hour of debate;

H.R. 19860, Emergency Health Personnel Act of 1970, with an open rule providing 2 hours of debate;

H.R. 18582, to amend the Food Stamp Act of 1964, with an open rule providing 2 hours of debate;

Tuesday is Private Calendar day;

H.R. 19567, International Coffee Agreement Act, with an open rule providing 1 hour of debate;

House Resolution 1238, relating to the Speaker of the House of Representatives in the 91st Congress, subject to a rule being granted:

H.R. 19446, Emergency School Aid Act of 1970, subject to a rule being granted;

S. 578, retirement for Federal firefighting personnel, subject to a rule being granted; and

House Joint Resolution 1146, expansion of United National Headquarters in the United States, which is subject to a rule being granted.

This announcement is made subject to the usual reservations that conference reports may be brought up at any time and any further program may be announced later.

Of course, we expect to have several conference reports next week.

Mr. Speaker, in addition, the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) has advised that he will undertake to call up on some day next week 15 bills which have been unanimously reported by the Committee on Ways and Means.

I ask unanimous consent that a list of these bills may be printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bills are as follows:

H.R. 7626, tariff classification of certain sugars, sirups, and molasses;

H.R. 10875, duty-free importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins;

H.R. 14233, to modify ammunition recordkeeping requirements;

H.R. 14995, free entry of a carillon for the University of California at Santa Barbara;

H.R. 17658, to provide floor stock refunds in the case of cement mixers;

H.R. 17984, to amend section 905 of the Tax Reform Act of 1969, relating to redemption of stock;

H.R. 19113, free entry of cast bell carillons for Indiana University, Bloomington, Ind.

H.R. 19369, to amend section 165(g) of the Internal Revenue Code of 1954, relating to treatment of losses on worthless securities;

H.R. 19391, administrative review of customs decisions;

H.R. 19470, to amend title XVIII of the Social Security Act to modify the nursing service requirement, and so forth;

H.R. 19526, to eliminate the duty now applicable to natural rubber containing fillers, extenders, and so forth;

H.R. 19670, suspension of duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19790, relating to the income tax treatment of certain sales of real property by a corporation;

H.R. 19915, to make permanent the "$4 pass-through" for public assistance recipients;

S. 2984, to permit certain Federal employment to be counted toward retirement.

Mr. ALBERT. Mr. Speaker, the chairman of the Committee on Ways and Means has also advised that additional bills which have been favorably reported unanimously may be added to the list as reports are filed on these bills.

REQUEST FOR ADJOURNMENT TO 11 O'CLOCK ON MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next at 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, why should the House come in at 11 o'clock on Monday next?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, we will try to finish as much of the business as possible as quickly as possible. That is reason No. 1.

Reason No. 2 is we have been advised that the White House is having receptions for Members on Monday and Tuesday at 5 o'clock, and we would like to complete as much business as possible and to accommodate those Members who have been invited.

Mr. GROSS. That will interfere with the work of the House in trying to close out this lame duck session. Is that correct?

Mr. ALBERT. I would think that it would not interfere substantially with the work of the House if we come in early next Monday.

Mr. GROSS. Not that it would mean a great deal, but I could go down the list of bills on the program here and suggest to the gentleman how the leadership could abbreviate this session very quickly. I will not take the time of the House to do it, and the Members probably would not accept my suggestion anyway.

I suggest to the distinguished majority leader that the only way to end this session is to reduce this hopeless list of bills for next week which does not include the conference reports that will come in and other bills that do not appear on the surface. That is the only way that this session can be ended.

Mr. Speaker, I am also constrained to object to coming in at 11 o'clock on Monday because I believe that it will only lead to more bills coming in. If I was convinced an early meeting of the House would help to end the session I would gladly concur in an 11 o'clock meeting on Monday next, or even 10 o'clock or 9 o'clock, but I know that the more time this House spends in session the more—figuratively speaking—legislative "cats and dogs" we will get before the session ends.

Mr. Speaker, I do object to coming in at 11 o'clock on Monday next.

The SPEAKER. The Chair did not hear the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I object to coming in at 11 o'clock on Monday next.

The SPEAKER. Objection is heard.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, the request is to meet on Monday next? Obviously we are on Monday next, but at what hour?

Mr. ALBERT. At noon. That is the regular meeting hour of the House.

Mr. GROSS. Yes; but the gentleman did not state the regular meeting hour, and in view of the discussion just had I wanted to be sure.

The SPEAKER. The House has determined that by a rule of the House.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. ADAMS. Mr. Speaker, on rollcall No. 403 I was unavoidably detained. If I had been present I would have voted "yea." That was on the rule on the excise tax extension bill.

GROWING DISREGARD FOR TRADITIONAL CONCEPT OF DIPLOMATIC IMMUNITY

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, over the past year we have been greatly disturbed by the worldwide growing disregard for the traditional concepts of diplomatic immunity by those who would flaunt the principle in order to achieve political objectives. In a resolution offered last year, I suggested measures which, if adopted, might render diplomatic harassment less likely. As a former member of the State Department staff, I was particularly concerned for the orderly conduct of diplomatic relations. But we should now be equally concerned over the possible effect of blackmail threats on the orderly administration of our domestic laws. For this reason I wrote Mr. ALBERT, the majority leader, on December 3 enclosing a draft which I suggested he might wish to discuss with the gentleman from Michigan (Mr. GERALD R. FORD), as the basis for a joint resolution giving notice that the President and other officers of the Federal executive branch would enjoy the support of a unified Congress in responding to any such threat of blackmail that might arise. The majority leader has graciously replied that he has done so. In order for the other House Members to have an opportunity to consider the matter, I have appended my letter and draft resolution hereinbelow.

DECEMBER 3, 1970.

The Honorable CARL ALBERT,
Majority Leader, U.S. House of Representatives.

DEAR CARL: The recent tragic events in Canada following upon other like events in Latin America demonstrate the intolerable strains which can be placed on the orderly administration of justice within democratic societies. It could happen here, of course. On the one hand, we should not wish to tie the President's hands in a crisis of this kind. On the other, no would-be revolutionary should be encouraged to believe this sort of tactic will succed.

It was my thought that some kind of joint resolution by Congress might serve as an appropriate warning. No one can anticipate the scope of revolutionary demands of the depths of depravity embraced to attain their realization. But it does seem certain that should the President or other executive officer receive a blackmail threat of this kind he will need the backing of a unified Congress.

A resolution of the kind attached, while not binding, would be supportive of the kind of hard decision Trudeau felt obliged to make. More importantly, to have it in advance should serve, at least to a larger extent than silence, as a deterrent to such desperate action. It does not affect State Governors, although it may present a useful precedent.

I thought that if you saw any merit in the resolution, or one with similar intent, you might wish to discuss it with Mr. Ford for possible joint introduction.

Best wishes,

JAMES W. SYMINGTON.

DRAFT RESOLUTION ON PROTECTION OF DUE PROCESS FROM BLACKMAIL

Whereas the security and stability of all democratic societies require the calm and orderly administration of their laws, and

Whereas the traditions of order, law, and justice of democratic societies have been gravely tested by persons and groups seeking to derive political or other advantage from threats or acts of violence including, but not limited to kidnapping and murder, and

Whereas it is the concern of the Congress that American Constitutional due process, which belongs to all the people, must not be waived in whole or in part to accommodate any individual, and

Whereas it is of vital importance that no individual or group believe that due process of law can be so waived or circumvented by threats of injury to innocent persons or damage to property.

Therefore, be it resolved that it is the sense of the Congress that no official charged with the execution of federal laws shall subordinate the appropriate administration of such laws to the demand of any individual or group whether or not such demands are reinforced by threat of injury or death to third parties or destruction of property.

Mr. ALBERT. Mr. Speaker, I have listened with great interest and some knowledge of the matter discussed by our colleague the gentleman from Missouri (Mr. SYMINGTON). On December 3 Mr. SYMINGTON wrote me and enclosed a copy of a proposed resolution dealing with the subject of executive reaction to the type of kidnaping and murder which has plagued the world during recent months. I sent the letter and draft of resolution to our distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), for his consideration. I compliment the gentleman from Missouri in being the first, so for as I have been able to ascertain, to suggest policy of this nature in this very important area.

THIRTY-THIRD SESSION OF INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, I recently had the privilege of representing the Judiciary Committee at the 33d session of the Intergovernmental Committee for European Migration in Geneva, Switzerland.

ICEM, a 33-member government international organization, has resettled 1.8 million refugees and migrants since it was established under the initiation of the United States in 1951.

At the 33d session, particular emphasis was placed upon the program for movement of specialized, technically qualified persons to Latin America to meet the needs of that rapidly developing area. Plans were also made for special recog-

XUM

nition of the 20th anniversary of ICEM in 1971.

I was impressed with the qualifications, personality, and leadership exhibited by the Director of ICEM, Mr. John F. Thomas, of the United States. For the information of all Members, I commend the opening statement made to the Council by Mr. Thomas in which he reviewed the activities of ICEM during the past year and its future plan of operations. His statement follows:

Opening Statement by the Director,
Mr. John F. Thomas

Mr. Chairman, Ladies and Gentlemen: Let me congratulate you, sir, and the other officers who have been elected to carry forward the work of the Council this session. I am certain that the results of the Council session will be fruitful under your competent guidance. I would like also to welcome the delegates and observers who have come from far-off places to join us in our deliberations, which have far-reaching humanitarian values. I would also like to say how pleased I am that I can continue my long association with Mr. Masselli now in his new post as Deputy Director.

Under the current policy of holding only one Council session per year, this session has grown in importance and significance. It is worthwhile to note that it brings together not only the representatives of government but also friends from the non-governmental organizations, the press, other international organizations and the general public.

I should like now to review, briefly, some of the highlights of my stewardship over the past year.

On the question of the structure of the organization, you received last November a plan for reducing and streamlining it, after a period of transition. Transition periods are always difficult because we have to consider the interests of the individual staff member, those of the organization and the wishes of governments. I can now report that the transition period came to an end on 1 October and 1971 will be the first year we shall operate with the new structure. I shall continue to review the staff pattern of the organization in order to achieve streamlining and economies, and ensure that ICEM operates efficiently at the least possible cost.

At the last Council session you further considered and approved a new contribution scale for the Administrative Budget. It was applied for the current year and has worked well, and a thorny problem which has been with us for several years has thereby been solved. I think it is justified once more to express our appreciation to the Working Group for achieving an excellent result. I also feel a deep gratitude towards all the Governments which so readily accepted the new scale.

Last November you also decided to establish a Working Group to develop plans for the financing of the two sections of the budget which have been in deficit for several years. The Working Group met in March and September and developed model schedules for the Refugee and Latin American sections. It was most encouraging indeed to participate in these Working Group meetings. There was a strong determination to find solutions to the deficit problems, combined with a willingness to accept the financial sacrifices which were necessary. The work which the Working Group did now needs the approval of this Council. I am hopeful—or let me say I am convinced—that after careful review you will give your blessing to the model schedules attached to the document so that they may become our guidelines for government contributions in 1971 and future years.

I wish to repeat and underline the word guideline. Under the ICEM Constitution contributions to the Operational Budget are voluntary and anything the Working Group has done or we do today will not change that basic paragraph of the Constitution. However, it is our hope that in future years all governments will do their utmost to link contributions to the scales presented in the model schedule.

It is now for the Council to pass final judgment on the Working Group Report. If approved, I think we have taken a most important step, and your initiative of last year has brought forward an excellent result.

Before commenting on the major programmes which are included in our 1970 and 1971 budget documents, I would like to repeat what I have said in previous meetings, that we should aim at planning over a longer period, say three years. It is still in my mind to do so, but before it could be done we needed a more solid financial basis for our operation. This has now been reached through the model schedule and we can initiate plans for programmes and financing over a longer period. In doing so we are following the example of several governments.

Turning to the different sections of the Operational Budget, let me start with National Migration.

During recent years there have not been any substantial fluctuations in the number of national migrants, and it is expected that the desire to emigrate from Europe will follow much the same pattern in 1971. In our initial estimate for that year we have therefore followed the trend of the past.

Turning to our Refugee Programme, it is not possible to tell the whole story, for there are refugees in all corners of the world. Although there is likely to be a slight downward trend in 1971, the number to be assisted by ICEM will still be very high compared to the middle nineteen sixties. Close to us we have large refugee groups in Italy, Austria and the Federal Republic of Germany, but we are in fact concerned with refugees in all Western European countries and also in Yugoslavia. Further away there are the refugees in North Africa and the Middle East to seek to emigrate to or via Europe.

At the present time we are specifically concerned with the accumulation of Cuban refugees in Spain. The problem there is twofold. The present visa possibilities are reduced, while at the same time the refugees there are reluctant to consider new destinations. Under these circumstances we have instituted a system of registration and counselling to promote emigration to Australia and Latin America, but it is too early to say anything about the results. However, I think it is proper to express our appreciation for the generous asylum policy of the Spanish authorities and I wish to assure the Spanish representative of our continuing and untiring efforts to ease the refugee burden.

Outside our traditional refugee programmes we are continuing our support to non-European refugees for whom emigration possibilities exist but who are in need of assistance.

Regarding Asia, I should inform you that the movement of Chinese refugees from Hong Kong is a continuing operation. The United States has recently decided to apply Section 7 of its Immigration Act to the Hong Kong area, which will increase the number to be assisted in 1971. The voluntary agencies will be heavily engaged in locating assurances of resettlement in the United States for these Chinese refugees. ICEM will be closely cooperating with the agencies on processing and movements.

Also in Asia we are assisting in the movement of small groups of Tibetans from India and a few refugees from South Korea. There were also some UNHCR refugees moved from Africa to overseas destinations and a group of Haitian refugees moved to Europe.

I should also mention that we recently received a request from the United Nations High Commissioner for Refugees to assist his representative in arranging the repatriation of children who had left Nigeria during the disturbances there last year, and had found refuge in neighbouring countries. A senior staff member was sent to assist in the planning and carrying out of the transport operation, which is now in the implementation stage.

A further refugee situation I should report on relates to displaced persons in El Salvador. These have become the concern of ICEM at the request of the Government of that country, and we have been discussing relief and rehabilitation programmes. with the local authorities. One project calls for the setting up of a centre for the production of ceramics, in which displaced persons will be trained by an ICEM-recruited instructor from Europe. The second project involved the resettlement of displaced persons in other countries of Central and South America. There are good prospects for settling a number of persons during 1971, if special financing can be obtained. We are now seeking funds in order to finance the operation outside the normal ICEM budget.

Two artisan projects for the training of disadvantaged persons in Honduras are mentioned in our budget documents for 1970 and 1971. I am happy to report that these projects will be in operation next month with the departure from Spain on 1 December of the two technical directors/instructors whom ICEM has recruited. These projects are receiving financial support from the Organization of American States and the Agency for International Development.

In connection with the assistance to non-European refugees, I want to thank the Norwegian Refugee Council which on several occasions has been helpful in providing funds for small groups of these refugees who were in distress.

I would not want to leave the subject of refugees without paying tribute to the United Nations High Commissioner for Refugees. Once again I want to stress the splendid cooperation existing between the Office of the High Commissioner for Refugees and the Intergovernmental Committee for European Migration. I do this because I know that some governments have fears concerning a multiplicity of international organizations, and it should be understood these fears have no bearing on this particularly close joint working relationship.

While ICEM is to some extent limited geographically by its mandate with regard to its work with nationals, it has a much wider prospect when it comes to refugees. At the ICEM Council session last November, permission was given to the Director to assist in the movement of any non-European refugee when so requested by UNHRC, and when funds were available from sources outside the normal budget of ICEM. Movements procedures have thereby been greatly accelerated.

Having mentioned particular friends, I must here also pay tribute to the voluntary agencies. They are with us in all our activities, whether national migration, refugee assistance or Latin American development. Their widespread structure of offices and representatives work with us and work for us and reach people in remote areas where we could not afford representation. We have established a tradition of large meetings and small gatherings with the agencies which enable us to keep regular and close contact. We are lucky, indeed, always to have the voluntary agencies with us.

I am now getting to the third pillar in our system, the Latin American Programme. Here we are passing through a difficult phase. In their process of development many Latin American countries have reached the point where they themselves are able to meet the demand for what we may call the lower level of specialists and skilled workers. Consequently ICEM should now stop recruiting such people, who were mainly young people who had completed technical school but had little practical experience. We are there-

XUM

fore faced with the difficult task of adapting our selection machinery to higher level recruitment to be able to provide what is needed in the economy of the Latin American countries. This adaptation will take some time and movements during that period may not be up to expectation. However, I am not unduly worried. We shall meet this challenge. It is no greater than those we have faced in the past. However, I do appeal to European Governments to give us all possible assistance in finding the relatively small number of technicians who will be required under the Selective Migration Programme.

During the spring, I had the pleasure of visiting Peru, Brazil, Ecuador and Colombia, and I wish once more to express my appreciation of the kind reception which was given to me everywhere. It is my intention to visit Central American countries in the spring of 1971 to get acquainted with that region of Latin America.

It was my impression, during my trip, that we are still not doing enough to make ICEM and its programme known in our Member countries so that institutions which are in need of technicians can take advantage of our recruitment facilities. I am carefully studying how we can improve our press and other publicity services in Latin America.

Within the Latin American Programme but outside our normal programme, we have the question of Inter-Latin American migration. The question was raised by Argentina and ICEM was asked whether it could render assistance of some kind in the legal and technical aspects of movements between Argentina, Chile, Bolivia, Paraguay and Uruguay. We have had meetings here in Geneva on the matter, our Missions in the four countries have discussed it at government level, and recently we have sent questionnaires to the Governments concerned, the replies to which are now coming in. Inter-Latin American migration is a very interesting question, but it is obviously too early to say what ICEM can do and how far it can go. So far, we are not ready even to define the question, much less to document it for the Council. However, I am hopeful that at the Executive Committee in May I shall be able to produce a proper document which can be used as a basis for the deliberations of ICEM Member Governments.

Before leaving our programmes for 1970 and 1971, I should like to touch on the question of financing. We must not overlook the fact that the 1970 Budget shows a deficit of $150,000 in Section III.

It was very gratifying, in the Executive Committee, to hear the representatives of Italy and the Federal Republic of Germany announce contributions of $50,000 and $38,000 respectively, which had not been allowed for when preparing the budget. They bring the deficit down to $62,000. On the basis of this figure, the Italian representative announced his Foreign Ministry's intention to seek further contributions for ICEM in 1970. I should like to appeal to governments to make a maximum effort to find the remaining $62,000. To be on the safe side, however, I suggest that the resolution on the 1970 Budget should authorize some drawing on reserves, if that should become unavoidable.

Turning to 1971, we should not forget that even if they approve the model schedules, some governments have already stated that they cannot apply them in 1971. This is understandable in view of government working procedures, but it does mean that we shall still have a deficit in 1971, although it will be smaller than in previous years.

I am very glad that the Sub-Committee on Budget and Finance is planning to meet again in March, when a Revised Budget for 1971 will have been prepared, so that we shall be able to let governments know exactly what the situation is.

While on the subject of the 1971 Budget, I should like to say a few words about our plans for celebrating the twentieth anniversary.

ICEM, as an independent, but relatively small organization, has always had difficulties in making itself known to the public, and even in governmental circles we find a lack of knowledge of what we are trying to achieve. We are therefore compelled to spend money on publicity. In my experience, such publicity efforts are more effective if they are linked to a specific occasion. We need a film about ICEM. We have nothing which is modern and up-to-date. The film we are going to produce will not be very closely linked to the anniversary and so it can be used for several years after it. It is generally agreed that films, particularly if they are shown on television, are one of the most effective means of publicity.

In our emigration work as a whole, but particularly within our Latin American Programme, we have established either liaison or working relationships with a number of international organizations. Through this co-operation we draw upon the knowledge and experience of people working parallel to us and are able to assure that there is no duplication in our work.

Within the United Nations system of organizations, we work together with the United Nations Development Programme. Several of its projects offer practical ways of co-operation in the recruitment of European technicians.

We have co-operated for many years with the International Labour Office, and recently we have been in close contact with it concerning the Ottawa Plan for Human Resources.

We have recently had negotiations with the Inter-American Development Bank aiming at providing some form of loans to migrants in Latin America, and a formula is being worked out.

We have also had conversations with officials of the World Health Organization with a view to co-operation on the question of medical personnel for Latin America.

ICEM has a close and very fruitful cooperation with the Organization of American States on the Selective Migration Programme. We also work together on the question of the displaced persons in Central America and the establishment of projects for them.

In the European region, we participate in the meetings of the Council of Europe and its special committees, providing information on ICEM activities.

We also maintain regular contact with the OECD, particularly through its Committee for Manpower and Social Affairs.

Finally, I should mention that we are in the process of establishing a working relationship with UNESCO in connection with our programme for teachers and university professors to Latin America.

These are only a few comments on a section of our work which is becoming more and more important. It has been a pleasure for me to meet senior officials of all these organizations and I am certain that co-operation can be of benefit to all parties concerned. I must say that I believe there is a growing awareness among the other international organizations as to the competency of ICEM and I shall endeavour to increase this awareness in every way that I can.

I am now coming to my last subject—one which is very dear to my heart—the future of ICEM.

It is obvious that at the present time both our programming and our financing are based too much on the situation at a given moment and too little directed towards the long view. We do not have the proper background in research and analysis. In 1967 this whole matter was the subject of prolonged discussions in the Council, but little came of it owing to immediate emergencies. I know that several governments, some of them no longer with us, felt that an important question had been neglected at that time.

I am fully aware that, in preparing future plans, we should limit ourselves to what is traditionally within our scope and we should not try to survey the whole world. As I see it, the ICEM Member Governments would like us to concentrate on research in the emigration field as it is related to Europe and the overseas Member countries. They would like ICEM to be the source of the information they need in drawing up their annual or long-term plans.

I am not bringing forward these plans merely to ensure the preservation of ICEM. I do it because I believe that migration is a characteristic phenomenon of modern times and that, in the future, larger numbers will move in response to the pull of economic demand. I know that we have to work within realistic limits, but it is also true that ICEM is the only migration organization which is international in scope.

The document before you—MC/982—is a first step in the direction adumbrated in 1967. It does not go very far. Some delegates may even feel that the steps suggested could have been initiated by the Director without consulting the Council. This may be so, but I would nevertheless like to have the Council's view because sooner or later this will become a question of importance. As the work proceeds, I look forward to the direct participation of Member Governments and perhaps even non-member governments. I would like to meet with leading people in the demographic field and to receive guidance from voluntary agencies, international organizations and others interested in migration.

I hope to have the support of governments in advancing these plans, which might help to bring stability to ICEM during the next decade.

Mr. Chairman, I am sorry that I have spoken at such length but I thought that you would have wanted me to place before the delegates my views on the various items that will be debated in the course of the next few days as well as my report on my stewardship over the past year. Thank you very much.

DIRT CHEAP, OR CHEAP DIRT?

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, for the information of the Members of the House, I have cautioned my family against buying hamburgers at Gino's since receiving a letter from Gino's Inc., 215 West Church Road, King of Prussia, Pa.

I issued my little family directive for two reasons:

First, Gino's is lobbying for removal of restrictions on the importation of meat into the United States in face of the need to improve the inspection for sanitation and wholesomeness of that meat and see that it is clean and fit to eat before we let it in. We have no such assurance now.

Second, because Gino's letter says hamburger prices will rise 30 to 40 percent if legislation is passed restricting imported meats which indicates that the institution has an outrageous pricing policy.

I do not know of any restriction proposals, including even the embargoing of all imported meat—which is not proposed—which would justify that Mr. Gino increase his price for hamburgers even 10 precent.

XUM

I hope the Gino Corp., whose executive vice president states that they use 1.6 ounces of meat in their regular hamburger, does not believe that it is unreasonable to add less than half cent cost per hamburger to assure complete and thorough U.S. inspection of the meat they use.

The price of the imported meat they buy, which is only haphazardly inspected for sanitation after a 3- to 8-week transit from foreign plants, is about 5 cents per pound less than the hamburger made from U.S. inspected beef grown and processed in this country. That comes to one-half cent apiece on the 10 hamburgers that Ginos makes from one pound of the meat and in no way should be used as a reason by this flourishing food chain for attempting to block legislation to assure their consumers meat thoroughly inspected in the United States.

I additionally object to Gino's false contention that imported beef is badly needed on a quantitative basis to meet the need for manufacturing beef because cow and bull slaughter has declined.

The supply of manufacturing beef about which Mr. Gino is so concerned has not declined but increased by about 30 percent on a per capita basis in 10 years. Cow and bull beef are not the only sources of manufacturing meat, although it could be that Mr. Gino uses only that tough, aged kind. I do not know. I have not eaten his hamburgers.

Supplies of processing meat from our fed cattle industry have increased sharply, and the total supply of manufacturing beef is actually greater per capita than ever before.

Don Paarlberg, Director of Agricultural Economics, Department of Agriculture, pointed this fact out to the American Meat Institute in an address in Chicago on October 20. I quote a few lines from his speech:

> The Secretary and other Department officials disagree with the argument that because beef imports are of primarily lower grades they do not affect domestic producers; they do . . . there were a number of allegations to the effect that processing beef supplies were relatively short. I would like to comment on this point. Per capita supplies of processing beef have increased almost 30% in the past decade. There has, however, been a change in the mix of these supplies. It is true that supplies of cow and bull beef have increased only slightly in recent years. However, supplies of processing beef from the fed beef sector have increased sharply. These are the trends that we likely will see continue in the next decade.

Unless Gino wants to restrict its hamburgers to the cheapest imported beef he can buy, that has not been thoroughly inspected in the U.S. to eliminate dirt, blood clots, systs, ingesta, bone, hair, and even fecal matter, he has no grounds whatever for the complaint that I assume he has written all Members of the House.

CLOSING OF SHOE FIRMS IN MASSACHUSETTS

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, two shoe firms in Massachusetts announced this week that they would close their plants down. The firms are both located in Lynn, Mass., the Novelty Shoe Co., and the Unique Manufacturing Co.

Mr. Richard W. Morley, president of the Novelty Shoe Co., explained that his business was being liquidated due mainly to competition from foreign imports. He also stated that he hoped "* * * the recently passed House import bill will help manufacturers but it is a little late to help such people as us."

Lynn Novelty has been in operation for the past 22 years and employs approximately 200 people. These people are now jobless and Lynn Novelty becomes another statistic, numbering the 13th shoe company to close in Massachusetts in the first 11 months of this year.

HUNGER AND THE FARMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 30 minutes.

Mr. PRICE of Texas. Mr. Speaker, as I have observed on previous occasions, American agriculture produces the greatest variety of rich and wholesome farm products in the world at a cost to the American consumer that is lower than at any other time in our Nation's history. Despite this abundance, however, too many of our citizens suffer from malnourishment or undernourishment.

With the issue of hunger in America occupying so much attention in the body politic, public concern has yet to become meaningfully focused on the very real nutritional problems existing in much of what can be considered the traditional American diet.

Dr. Roger J. Williams, professor of Chemistry at the University of Texas in Austin, has authored a very compelling treatise on the subject of nutrition. The issues he raises should be pondered by all of those to whom improving the nutritional qualities of our foods is an important concern.

I commend Dr. Williams' article entitled, "Should the Science-Based Food Industry Be Expected To Advance?" to the attention of my colleagues.

Should the Science-Based Food Industry Be Expected To Advance?

(By Roger J. Williams, with the technical assistance of Chas. W. Bode)

In spite of improved infant feeding which has been made evident by some increase in stature, it has seemed to the writer that the food industries in general tend to remain static (or even be regressive) with respect to providing the public with better and better food. My apprehension with respect to this problem has increased immeasurably during the past eighteen months when it has been possible with the indispensable and capable assistance of Mr. S. Rodman Thompson to survey critically the current medical and scientific literature which bears directly or indirectly on the relationship of nutrition to disease.

Apprehension has further been greatly enhanced as a result of the following experiment which was designed to find out how serious the lag may be in the crucial milling and baking industry, which provides the public with its "daily bread."

Weanling rats of four different strains were placed on two bread diets. Sixty-four rats, 16 of each strain, were given commercial "enriched" bread, still produced essentially in accordance with the practices of about 30 years ago; matched groups were given the same bread supplemented in accordance with more up-to-date nutritional knowledge by the addition of small amounts of minerals, vitamins and one amino acid, lysine.* The supplementation was limited; no attempt was made to make the bread the best possible. The cost was increased an estimated five per cent, and the baker volunteered that the modified bread could not be distinguished by appearance from the commercial bread.

After about two weeks on these two diets the rats in all the strains showed strong contrasts. The average rates of gain for the four strains were 4.8, 6,1, 6.5, and 9.5 times as great (!) respectively on the improved bread.

After 90 days on the commercial bread diet about two-thirds of the animals were dead of malnutrition and the survivors were severely stunted, whereas practically all the other animals on the improved bread were alive and growing.

That commercial white bread appeared severely deficient came as no surprise since it had been found in our laboratory previously that weaning rats lived on the average only about 60 days on a bread diet.[1] We were surprised that the deficiencies of bread could easily be greatly alleviated.

To each pound of "enriched" flour was added: pyridoxine, 2 mg; pantothenate, 4.5 mg; cobalamine, 2.2 mcg; vitamin A, 2160 u; vitamin E, 20 mg; folic acid, 0.5 mg; L lysine, 0.5 g; calcium, 300 mg; phosphate, 713 mg; magnesium (oxide), 150 mg; manganese (sulfate), 20 mg; copper (sulfate), 4 mg.

As the experiment progressed supplementation with vitamin D was also included. Under the conditions of our experiment this seemed to make no substantial difference. We look upon the particular formulation used as primarily illustrative. Undoubtedly, the nutritional value could have lysine, but under present conditions this would have increased the cost materially.

From these experiments it appears that an extremely serious situation exists with respect to the manifold products made from "enriched" flour and that similar questions arise with respect to many other foods. The seriousness of this problem is greatly enhanced in the light of the evidence we have gathered that poor nutrition—prenatally, during youth and adulthood—is a probable source of a large number of important and highly prevalent diseases.[2] "Enriched" products whether they be bread, bakery goods or cereal breakfast foods, for example, are nutritionally *far below* what scientific advance should demand. Furthermore, the same disregard of nutritional value that is observed in the milling and baking industry is carried over to the production of many other foods.

The immediate basis for this lapse in the milling and baking industry is evident: "Enrichment" as now practiced is nearly 30 years old and is antiquated. During the intervening years there has been instituted no nutritional advance or improvement whatever. No cognizance has been taken of the other nutrients, or of the newer knowledge about them: vitamin B_6, pantothenic acid, vitamin B_{12}, vitamin A, vitamin E, folic acid, the amino acids and the minerals, conspicuously magnesium.

What would we think of a communications industry if year after year and decade after decade there were no substantial advances in printing and duplicating, in radios, telephones, and television, or in voice and musical reproduction? In recent decades the

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Footnotes at end of article.

XUM

textile industry has been revolutionized, the lighting industry has advanced rapidly, ultra-advancement has come in transportation, the paint industry has completely changed, computers have been developed and improved almost beyond belief.

The food industries like all the others are science-based. Should there not be marked progressive improvements in the quality of our food? Is it that nutritional science is backward, or has there been a failure to apply what is scientifically known?

One defense which the baking and milling industry may cite is the fact that bread is not customarily consumed alone. Bread is consumed, for example, with butter or milk or in sandwiches. There is no question but that the rats in our experiment would have fared better if the bread diets had been supplemented with milk, meat, or cheese. These are superior foods, as can be demonstrated by feeding them to experimental animals. The fact that bread accompanied by these good foods would produce passable results proves nothing with respect to bread. Sawdust when accompanied by good foods such as milk, meat and cheese can yield acceptable results, yet sawdust is known to be almost without nutritional value. The proper way to test the nutritional value of bread is to test it alone as we have done. That the commercial bread is so deficient is intolerable in light of the fact that it can so easily be vastly improved.

A more valid defense which the baking and milling industry may call upon, is based upon the restrictive activities of the Food and Drug Administration which tend to hold "enrichment" at a static level. Bakers and millers are not allowed by this governmental agency to modify the flour and bread as they may wish.

One concept which has influenced the flour and bread enrichment program, is that ideally white bread and flour should approach in nutritional value whole wheat bread and flour. I see no reason why in an age of scientific advance the product of a modern bakery should not far surpass whole wheat bread. We suspect that the supplemented bread used in our experiment was much superior to whole wheat bread. In any case, it would be easy with our modern knowledge to produce a bread that is vastly superior. Why not?

If we look for more deep-seated reasons for the nutritional backwardness of the milling and baking industry, we can readily trace this high regard for the status quo back to the apathy, if not antagonism, exhibited by classical medical education toward nutrition. It is no secret that medical education is deficient with respect to nutrition, and that it does not foster rapid advance in this field. Without appreciating the consequences of the action, traditional medical education has for decades been disregarding the pleas of nutrition enthusiasts (and experts). It has been saying to them in effect, "You can say what you wish, we're not interested. Quackery is outside our province."

In an earlier publication [3] we called attention to the psychological attitude which has developed in the medical profession which militates against the members being interested or well-informed with respect to nutrition. These comments were reprinted with approval in Britain, and the related suggestions have been the basis for favorable articles and editorials in the medical press.[4]

The status is briefly this: Nutrition enthusiasts, which include some faddists and charlatans are prone to make unwarranted generalized claims (for specific vitamins, for example), and are often masters of publicity. Rather than become embroiled with these enthusiasts and in order to avoid disputation or association of any kind with them, official medical education has said in effect, "Ignore them." In ignoring them they have regretfully tended to ignore bona fide nutrition also.

In a time when we hear so much about environments, and the crucial need for preserving them, medical education has failed to stress the tremendous importance of the environment which we desperately need to provide continuously to the cells and tissues of our bodies. Without a suitable environment the liver cells cannot perform effectively their many tasks which include the detoxification of many harmful substances; without a suitable environment the cells and tissues of the heart and blood vessels cannot do their crucial work effectively; without a suitable nutritional environment the brain cells cannot develop and perform, decade after decade, their manifold regulatory and other functions.

How are these environments provided, and where do the essential environmental factors come from? They come mainly from nutrition. If we furnished through our open mouths an adequate assortment of the approximately three dozen nutritional elements which are indispensable to the environments of cells, they will function well and health will result. If any link in the chain is missing or weak the environments are correspondingly unfavorable, the cells malfunction, producing disease.

We have assembled from the scientific and medical literature abundant evidence which points strongly to the conclusion that *aside from infection, the most important potential cause of disease is the poor nutritional environment of cells and tissues.* Medical education has ignored this possibility.

It is true, of course, that some physicians are interested and are well-informed about current nutritional thinking. In general they have reached their status by special study and research which has been done *in spite of* rather than *because of* their medical training. Physicians have told me that many of their number will heartily welcome what is being said here, because they know that nutrition has been sadly neglected.

The failure of medical science to take nutrition seriously is the basic cause of the backwardness of the baking and milling industry and the ineptness of the Food and Drug Administration with respect to nutrition. This failure has had far-reaching effects. Although individual medical scientists may have interests along this line, it can be said without fear of contradiction that there is no organization or institute anywhere in the world which even purports to study any disease (atherosclerosis, arthritis, mental disease, cancer, or whatever) *thoroughly* from the standpoint of the role of nutrition and nutritional environments.

Two broad and crucially important facts which underlie the whole problem of noninfective and infective disease have largely escaped medical science because of its lack of attention to the science of nutrition.

The first fact is that living cells wherever they occur in nature, are *always subject to limitations* in their nutritional environments.

Single cells rarely if ever encounter culture media that are optimal—not subject to improvement in any way. The cells in our bodies are not automatically furnished a perfect environment from which nothing is lacking or is in short supply. The kind of environment these cells are furnished depends upon what we eat. Limiting nutritional factors are the rule, not the exception. Many people eat so carelessly that their liver cells, for example, never, over the years, get a really "square meal." As a result, liver cells (and other cells in the body) limp along as best they can in a poor environment, just as does corn or cotton growing in a poorly fertilized or sparsely watered field. "Limping along" in an inadequate environment is certainly very prevalent in the world of nature. It is just as common in the world which is inhabited by our body cells. When the limp becomes severe, overt disease results. Fully adequate nutrition is a continuing question mark for every one of us. This, medical education has not taught.

The second comprehensive fact which encompasses all attempts to apply nutritional knowledge and which has been overlooked in medical education is this: *Nutritional factors always work as a team.*

In testing the efficacy of drugs we simply administer the drug in question. If it brings the desired result, the answer is "Yes," if not, the answer is "No." In testing the efficacy of a mineral, amino acid or vitamin, however, the principle of *teamwork* needs desperately to be recognized. If it is not, as has usually been the case, the results are erroneous. No nutritional factor *by itself* can do anything. It is like a nut, bolt, spindle, or gear in a complicated machine; unless the rest of the machine is there (which biologically may *sometimes* be the case), it is completely useless.

This important principle has been largely overlooked because medical education has not seriously explored nutrition. Let us consider the following broad question: Is "n" (one of the essential nutrients) effective in preventing heart disease, arthritis, obesity, alcoholism, mental disease or cancer? The obvious answer to the question appears to be "no" since there is no known nutrient, the simple administration of which will bring about these results.

But the testing on which this obvious and far-reaching answer is based has been seriously at fault! Indispensable teamwork has been ignored; the experiments have been designed to answer the wrong questions, and the conclusions are worse than useless.

The scientific question whether or not "n" can prevent heart disease, arthritis, obesity, alcoholism, mental disease, or cancer remains an open one until "n" has been tested under such conditions that all other parts of the metabolic machinery can be functional. *Teamwork must be involved.* If "n" is tested under conditions that make it impossible for it to function, of course the results will be negative.

Especially in the light of the extensive evidence we have gathered, there is a strong presumption that careful scientific handling of the teamwork in the nutritional environment of our body cells will not only prevent the onset of numerous diseases but will also prevent the production of malformed and mentally retarded babies. Medical science needs to explore these possibilities extensively and intensively. In view of the present public mood, the importance of cellular environments cannot be denied or brushed aside.

This is a matter which should be a maximum public concern and there should be many public servants engaged in exploring these cellular environments and what can be done to improve them. On the basis of present knowledge it appears certain that health can be vastly improved in every direction if the quality of our food is improved.

The baking and milling industry is crucially important in this regard because products made from "enriched" flour are consumed in enormous quantities, especially by those with lower incomes. Breads, crackers, cakes, pastries, and other "enriched" and processed foods are consumed in quantity by children whose body and brain cells as a consequence continually limp along in a poor environment. Current "enrichment" disregards the teamwork which is essential and physical and mental ills arise as a consequence. If the nutritional value of flour, bread and related products can be brought up to a respectable level by any means whatever, this will be a tremendous forward step.

The writer is not the first American sci-

XUM

entist to entertain what some may regard as an extravagantly optimistic view of the possibilities residing in the field of nutrition. Henry C. Sherman of Columbia in writing the book "The Nutritional Improvement of Life" revealed a belief that vast benefits can be derived from better nutrition. He was a member of this Academy. From correspondence with Elmer V. McCollum, a member of this Academy for 47 years, it is clear that he too held what may be regarded as extreme views. I am confident that my brother, R. R. Williams, also a member of this Academy, who has much to do with the original enrichment program, would, if he were living, heartily applaud what I have to say.

Perhaps the clearest enunciation has come from Frank G. Boudreau, M.D., formerly a prominent member of the Food and Nutrition Board. He wrote in 1959: "If all we know about nutrition were applied to modern society, the result would be an enormous improvement in public health, at least equal to that which resulted when the germ theory of infectious disease was made the basis of public health and medical work."[5]

He was calling for a revolution in medicine as important as that following the recognition of infectious disease! I would echo this call, and on the basis of extensive evidence hitherto not available there is vast reason for hope.

FOOTNOTES

[1] Williams, Roger J., and Pelton, Richard B., "Individuality in Nutrition: Effects of Vitamin A-Deficient and Other Deficient Diets on Experimental Animals," *Proc. Natl. Acad. Sci.*, 55, 126–134 (Jan. 1966).

[2] Williams, Roger J., *The Environmental Prevention of Disease*. New York, N.Y. and London); Pittman Publishing Corp. In press.

[3] Williams, Roger J., and Deason, Gary, "Individuality in Vitamin C Needs." *Proc. Natl. Acad. Sci.*, 57, 1641 (June 1967).

[4] *Medical News*, Vol. 1, No. 20, page 1, May 15, 1967. Editorial, "Dem Individuum Sein Recht." *Medical Tribune*, Internationale Wochenzeitung-Ausgabe für Deutschland, June 2, 1967. Editorial, "Propetologie und biochemische Indivdualität." *Ibid*, November 17, 1967.

[5] Boudreau, Frank G., in *Food*, Yearbook of Agriculture, 1959, U.S. Dept. of Agri. Publ., Washington. D.C.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1955 $6,279,000,000 was spent in the United States on research and development. It is estimated that in 1970 this amount will be over $27 billion.

PRESIDENT NIXON'S POSITION ON THE BOMBING OF NORTH VIETNAM

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks at this point in the Record.)

Mr. GERALD R. FORD. Mr. Speaker, in his press conference last night President Nixon took a wise step in explaining clearly and explicitly his position on the bombing of North Vietnam.

The President stated that he will bomb military targets in North Vietnam if there is evidence that the enemy is endangering the withdrawal of American troops and that he will order retaliatory strikes against missile sites if they fire upon U.S. reconnaissance planes. He explained that the reconnaissance flights are essential to protect the lives of withdrawing American troops.

President Nixon's position is entirely reasonable and justifiable. He has the solemn responsibility of protecting our withdrawing forces and he must take the steps necessary to see that they are protected. But his statement last night had added significance because of its candor. The cards are now clearly on the table and if Hanoi persists in endangering our withdrawal program it knows exactly what to expect.

The President's position should receive the full and unqualified support of the Congress. Some of our colleagues have complained in the past about lack of knowledge of what the administration is doing. But there can be no such complaints today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Gray (at the request of Mr. Albert), for today, on account of illness in the family.

Mr. Fountain (at the request of Mr. Boggs), from 3:30 today for the remainder of the day, on account of official business.

Mr. Pepper (at the request of Mr. Albert) for today, on account of official business.

Mr. Bingham (at the request of Mr. Albert), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Price of Texas (at the request of Mr. Sebelius), for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Albert, immediately following the remarks of Mr. Symington, during his 1-minute speech today.

Mr. Matsunaga prior to the passage of H.R. 19868.

Mr. Thompson of New Jersey, to revise and extend his remarks on the bill H.R. 13956, and to include extraneous material.

Mr. Gross, to revise and extend his remarks on H.R. 13956.

(The following Members (at the request of Mr. Sebelius) and to include extraneous matter:)

Mr. Anderson of Illinois.
Mr. Dennis in two instances.
Mr. Collins of Texas in five instances.
Mr. Wyman in two instances.
Mrs. Dwyer in three instances.
Mr. Scherle.
Mr. Zwach.
Mr. Hosmer in two instances.
Mr. Dellenback.
Mr. Schmitz in two instances.
Mr. Bob Wilson.
Mr. Derwinski.
Mr. Mizell in two instances.
Mr. Price of Texas in six instances.
Mr. Sebelius.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous matter:)

Mr. Harrington.
Mr. O'Hara in two instances.
Mr. Leggett in three instances.
Mrs. Chisholm in three instances.
Mr. Ottinger.
Mr. Rodino.
Mr. Rarick in three instances.
Mr. Gallagher in three instances.
Mr. Fountain in two instances.
Mr. Udall in five instances.
Mr. Griffin in three instances.
Mr. O'Neill of Massachusetts in two instances.
Mrs. Sullivan in three instances.
Mr. Kluczynski in three instances.
Mr. Pickle in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 4262. An act to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown; to the committee on the Judiciary.

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals; and

H.R. 19846. An act to amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes;

S. 2108. An act to promote public health by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes;

S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest;

S. 3418. An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition;

S. 3479. An act to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; and

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, December 14, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2608. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the annual report of the Commission for fiscal year 1970, pursuant to 16 U.S.C. 715b; to the Committee on Agriculture.

2609. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, which establishes a limitation on budget outlays for fiscal year 1971 (H. Doc. No. 91–426) to the Committee on Appropriations and ordered to be printed.

2610. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to docket No. 227, *Pueblo of Laguna, et al., Plaintiffs*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

2611. A letter from the chairman, Federal Trade Commission, transmitting the 55th-annual report of the Commission, covering fiscal year 1969; to the Committee on Interstate and Foreign Commerce.

2612. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend the Flood Control Act of 1960, as amended, relating to the compilation and dissemination of information on floods and flood damages; to the Committee on Public Works.

2613. A letter from the Administrator, Environmental Protection Agency, transmitting notice of the Agency's intention to submit a report on an "investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law," due by December 31, 1970, under section 109 of the Water Quality Improvement Act of 1970, after that date but before June 30, 1971; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOOD: Committee of Conference. Conference report on H.R. 18515 (Rept. No. 91–1729). Ordered to be printed.

Mr. BOLAND: Committee of Conference. Conference report on H.R. 17755 (Rept. No. 91–1730). Ordered to be printed.

Mr. HOLIFIELD: Committee on Government Operations. The role and effectiveness of Federal advisory committees (Rept. No. 91–1731). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GUDE:

H.R. 19943. A bill to facilitate and encourage cooperation between the United States and certain defense contractors engaged in the furnishing of defense material to the United States in providing for an orderly conversion from defense to civilian production, and to assure, through such cooperation, that the United States and such defense contractors will be able to meet the challenge arising out of the economic conversion and diversification required by reason of the changing defense needs of the United States to provide for such an orderly conversion in an effort to minimize, to the extent possible, the hardships and other disruptive factors likely to be encountered by defense workers and their families as a result thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 19944. A bill to provide that preliminary payments shall not be less than 32 cents per bushel, for corn; to the Committee on Agriculture.

By Mr. FRASER (for himself, Mr. BROOKS, Mr. EDWARDS of California, and Mr. ST GERMAIN):

H.R. 19945. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 19946. A bill to amend title 38, United States Code, to guarantee veterans' loans to purchase dwellings in multifamily structures which are owned cooperatively; to the Committee on Veterans' Affairs.

H.R. 19947. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for donations of blood or body organs to nonprofit organizations or institutions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19948. A bill for the relief of Baldassare Mangiaracina; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 19949. A bill for the relief of Louis Teipoonui Gooding; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 19950. A bill for the relief of Juan Manuel Di Bono; to the Committee on the Judiciary.

SENATE—*Friday, December 11, 1970*

The Senate met at 11 a.m. and was called to order by Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Ever-living God, as we bow in this place of prayer and of labor, may Thy mercies which are new every morning come upon us now to refresh us and restore us for the unfinished work. Undergird by Thy renewing power the bodies, minds, and spirits which are Thy good gifts to us and energize us for this new day.

Look upon this good land in this hour and bring reconciliation out of division, harmony out of discord, unity out of diversity. Confirm our faith once more in the supremacy of spiritual verities and in those holy principles of our spiritual kinsmen, the Founding Fathers, lest in troubled and unsure times we go astray. Guide us through this day by Thy higher wisdom and when it is over bring us safe to rest in the knowledge of work well done for all the people.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. McINTYRE thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr Berry, one of its reading clerks, announced that the House had agreed to the report of the committee

XUM

of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following bills and they were signed by the Acting President pro tempore (Mr. McIntyre):

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually;

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.;

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2335. An act for the relief of Enrico DeMonte;

H.R. 2477. An act for the relief of Commander John N. Green, U.S. Navy;

H.R. 3571. An act for the relief of Miloye M. Sokitch;

H.R. 4239. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

H.R. 7830. An act for the relief of James Howard Giffin;

H.R. 9488. An act for the relief of Mrs. Ruth Brunner;

H.R. 10153. An act for the relief of Frances von Wedel;

H.R. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence;

H.R. 12173. An act for the relief of Mrs. Francine M. Welch;

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia;

H.R. 14684. An act for the relief of the State of Hawaii;

H.R. 17582. An act to amend the peanut marketing quota provisions to make permanent certain provisions thereunder; and

H.R. 17923. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 10, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON MONDAY, DECEMBER 14, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after disposition of the Journal on Monday next, the distinguished Senator from Ohio (Mr. Young) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, with the exception of the last nomination on the list.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

The legislative clerk read the nomination of Jeremiah Colwell Waterman, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Robert C. Mardian, of California, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. CIRCUIT COURTS

The legislative clerk read the nomination of Donald R. Ross, of Nebraska, to be a U.S. circuit judge for the eighth circuit.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. DISTRICT COURTS

The legislative clerk read the nomination of Franklin T. Dupree, Jr., of North Carolina, to be a U.S. district judge for the eastern district of North Carolina; and Hubert I. Teitelbaum, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1438.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNITED SEAMEN'S SERVICE

The Senate proceeded to consider the bill (H.R. 15549) to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes, which had been reported from the Committee on Commerce with an amendment, at the top of page 4, insert a new section, as follows:

Sec. 4. The Merchant Marine Act, 1936 (46 U.S.C. 1101 et seq.), as amended, is amended as follows:

(a) By striking out of section 501(a)(2) thereof (46 U.S.C. 1151(a)(2)) the words "to enable it to operate and maintain" and inserting in lieu thereof "for the operation and maintenance of".

(b) By striking out of section 502(a) thereof (46 U.S.C. 1152(a)) the words "to enable it to operate and maintain" and inserting in lieu thereof "for the operation and maintenance of".

(c) By inserting in section 601(a)(2) thereof (46 U.S.C. 1171(a)(2)) following the word "owns" the words "or leases".

(d By inserting in section 601(a)(2) thereof (46 U.S.C. 1171(a)(2)) following the word "purchase" the words "or lease".

(e) By striking the last sentence of section 805(d) thereof (46 U.S.C. 1223(d)).

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1424), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

XUM

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Secretary of Defense to cooperate with the United Seamen's Service upon a finding by the President that it is necessary in the interest of U.S. commitments abroad. The bill also would make certain amendments to the Merchant Marine Act, 1936, as is explained more fully under "Explanation of Amendment."

BACKGROUND AND NEED FOR THE LEGISLATION

The United Seamen's Service is a nonprofit charitable organization incorporated under the laws of the State of New York, the purpose of which is to assist U.S. merchant seamen. It provides a number of services and facilities to American seamen in foreign ports and maintains centers in several ports around the world including Qui Nhon and Cam Ranh Bay in Vietnam. The services provided by the United Seamen's Service include lodging and recreation centers, repatriation for men separated from their vessels because of sickness or accident, legal assistance, visitation to seamen in hospitals or detention centers, and mail and telephone communications services.

The U.S. Government has historically provided certain services and assistance to American seamen in foreign ports. This support is normally under the supervision of the U.S. consulates. However, for more than 25 years, it has been extended in cooperation with the United Seamen's Service, which was organized under Government sponsorship in 1942 by the War Shipping Administration. Since the end of World War II, the United Seamen's Service has continued to provide welfare and support services for American seamen abroad. This bill would reestablish the Government's authority to cooperate in providing logistic support and needed facilities that were previously provided by Executive order under the President's emergency powers, and woulld be helpful in instances such as Vietnam and Korea where the United Seamen's Service was required to establish facilities in connection with a U.S. sealift effort.

Under the bill, personnel of the United Seamen's Service may be furnished available transportation at Government expense in the performance of their duties. Also reimbursable meals and quarters, available office and recreational space, warehousing, wharfage, and means of communication may be authorized. In addition, no fee would be charged for a passport issued to an employee of the United Seamen's Service to assume or perform duties outside the United States and necessary supplies could be transported at Government expense. Finally, the bill would authorize the President to make arrangements to provide for convertibility of local currencies for the United Seamen's Service in connection with its activities. This authority is substantially identical to that existing with respect to such other charitable organizations as the Red Cross.

The Secretary of Defense would have discretion to provide these services after a finding by the President that it is necessary in the interest of the United States.

The bill does not involve financial contribution to the United Seamen's Service by the Government. United Seamen's Service is, and would continue to be, wholly funded privately. The cost of the United Seamen's Service is wholly borne by personnel of the merchant marine, contributions from management, labor unions, and other interested organizations and individuals, and charities such as the United Givers Fund. Services furnished by the Government are either on a space-available or reimbursable basis. With respect to cost, in the House of Representatives witnesses for the Department of Defense concluded that the bill would not result in any additional cost to the Government. The Department of Commerce, which, along with the Departments of State and Transportation, endorsed enactment of the legislation, concluded that provision of the services authorized in the bill would result in a reduction of cost to the Government. This was based on the experience in Vietnam where the opening of United Seamen's Service centers has saved the Government millions of dollars in its sealift operation by reducing overtime payments due seamen as a result of their being restricted to their vessels.

EXPLANATION OF AMENDMENT

The recently enacted Merchant Marine Act of 1970 (Public Law 91–469) set forth a program to revitalize our maritime capability. The program envisages the construction of 30 modern ships during the next 10 years with the assistance of construction-differential subsidies. Many of the new vessels will also be the subject of operating-differential subsidies. If the program is to be successfully effectuated, billions of dollars of new capital will be required from the private sector.

The committee amended H.R. 15549 so as to correct a technical, but important, omission in the Merchant Marine Act of 1970. The amendment would amend sections 501, 502, 601, and 805 of the Merchant Marine Act, 1936, to permit leased vessels to be eligible for construction and operating subsidies, simliar to the practice already permitted in connection with capital construction funds under recently revised section 607 of the act. The purpose of the amendment is to facilitate successful implementation of the new program by permitting capital from the private sector to be raised in the most efficient manner, utilizing modern and flexible techniques.

Since World War II, lease financing has become an increasingly popular method of financing such varied capital investments as airplanes, locomotives, supermarkets, and post offices. However, the Merchant Marine Act, 1936, has not been amended to reflect this change except in the recent revision of section 607 dealing with capital construction funds. Now that a new program to revitalize our merchant fleet is underway and substantial private capital will be required, it is important that ship operators have this flexibility, subject to control by the Secretary of Commerce. The committee therefore amended H.R. 15549 so as to amend the Merchant Marine Act, 1936, accordingly.

COST OF THE LEGISLATION

Enactment of this legislation is not expected to result in any increased cost to the Government.

AGREEMENT BETWEEN THE UNITED STATES AND SPAIN

The Senate proceeded to consider the resolution (S. Res. 469) to express the sense of the Senate on the agreement of friendship and cooperation between the United States and Spain, which had been reported from the Committee on Foreign Relations with an amendment, on page 2, line 2, after the word "agreement", strike out "shall be construed as a national commitment by the United States to the defense of Spain.", and insert "of Friendship and Cooperation between the United States and Spain shall be deemed to be a national commitment by the United States."

The amendment was agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

The resolution (S. Res. 469), with its preamble, reads as follows:

Whereas the Committee on Foreign Relations, in accordance with its responsibility to the Senate to consider matters related to "relations with foreign nations generally", "treaties", and "intervention abroad", as provided in the Legislative Reorganization Act of 1946, as amended, has examined the Agreement of Friendship and Cooperation between the United States and Spain, signed in Washington on August 6, 1970; and

Whereas on August 26, 1970, the committee received testimony from the Under Secretary of State for Political Affairs and the Deputy Secretary of Defense to the effect that the aforementioned agreement entails no national commitment on the part of the United States to the defense of Spain; and

Whereas the said agreement is not in consequence of "affirmative action taken by the executive and legislative branches of the United States Government" expressed by means of "a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment", as provided in S. Res. 85, Ninety-first Congress, first session: Now, therefore, be it

Resolved, That it is the sense of the Senate that nothing in said agreement of Friendship and Cooperation between the United States and Spain shall be deemed to be a national commitment by the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1425), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the resolution is to make it absolutely clear that the executive agreement between the United States and Spain cannot be construed as a national commitment to Spain on the part of the United States. The resolving clause of Senate Resolution 469, as reported, removes any possible doubt here or abroad on this score with these words "* * * nothing in the said Agreement of Friendship and Cooperation between the United States and Spain shall be deemed to be a national commitment by the United States."

BACKGROUND

The original 10-year "executive agreement" with Spain concerning U.S. use of bases in that country was signed in 1953 and extended for another 5 years in 1963. When reports concerning the terms for a proposed new 5-year extension started circulating in 1968, the Committee on Foreign Relations began to concern itself closely with these intergovernmental discussions. As the discussions progressed, the committee requested and received briefings—particularly on the role of the Defense Department in the negotiations—on March 11, April 2 and 14, and June 5, 1969. Partly as a result of this interest, and partly because of inherent problems, it was decided by the two governments on June 20, 1969, to extend the expired agreement until September 26, 1970, so that ample time could be devoted to negotiating a new agreement. During the resumed period of negotiations, the committee continued to be briefed in closed session; specifically, there were meetings on April 22 and July 24, 1970. The Subcommittee on U.S. Security Agreements and Commitments Abroad also received secret testimony on this matter as recently as July 17, 1970.

Thereafter, the committee chairman, Senator Fulbright, requested the State Department to consider submitting the agreement as a treaty. However, at a hastily arranged

XUM

ceremony on August 6 the new agreement, entitled the "Agreement of Friendship and Cooperation between the United States and Spain", was signed as an executive agreement and made public. At the same time, the Under Secretary of State for Political Affairs, U. Alexis Johnson, issued a statement containing the following paragraph:

> The question has been raised as to whether the proposed Agreement of Friendship and Cooperation contains a commitment by the United States to defend Spain and if it does, whether it should be submitted to the Senate for its advice and consent to ratification. I entirely agree that were the proposed Agreement of Friendship and Cooperation to contain such a commitment as, for example, is contained in the North Atlantic Treaty, the Southeast Asia Collective Defense Treaty, or the Security Treaty with New Zealand and Australia, or our various bilateral mutual defense treaties, the agreement should be submitted to the Senate for its advice and consent to ratification. However, as I have stated, the proposed agreement contains no such commitment.

On August 26, 1970, in an open session of the Foreign Relations Committee, Under Secretary Johnson repeated and elaborated on this statement. The record of that public hearing is printed for the information of the Senate and contains the text of the agreement with Spain together with the exchange of notes and relevant State Department releases.

The hearing record also contains the comments of Senator Church of September 22, 1970, when he introduced Senate Resolution 469 to put the Senate on record as stating that the agreement with Spain did not constitute a national commitment by the United States. In particular, he invoked the recent definition by the Senate of such a commitment set forth in Senate Resolution 85 agreed to on June 25, 1969. Senate Resolution 85 declares:

> That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that *a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment*. (Emphasis supplied.)

On October 5, 1970, the committee received the views of the Department of State on Senate Resolution 469 as follows:

DEPARTMENT OF STATE,
Washington, D.C., October 5, 1970.

Hon. J. W. FULBRIGHT
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: In response to your letter dated September 24 concerning Senate Resolution 469, I am pleased to transmit the comments of the executive branch.

The proposed resolution would express the sense of the Senate that, "nothing in the said agreement (the Agreement of Friendship and Cooperation between the United States and Spain, signed on Aug. 6, 1970) shall be construed as a national commitment by the United States to the defense of Spain." We would of course not object to the adoption of a resolution which merely reiterates the testimony previously set forth by administration officials. However, in light of the administration's public statements on this point, we do not consider the resolution to be necessary.

The Office of Management and Budget advises that from the standpoint of the administration's program there is no object to the submission of this report.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

The resolution was discussed by the Committee on Foreign Relations on October 6 and November 19. On November 23 it was modified to make it clear that—in addition to there being no U.S. commitment to "the defense of Spain"—the executive agreement constituted no national commitment to Spain of any kind. On the same day, Senate Resolution 469 was ordered reported favorably by a vote of 10 to 0.

COMMITTEE RECOMMENDATION

While the administration considers the resolution to be unnecessary, the Committee on Foreign Relations on the contrary believes it both necessary and valuable for the future. It is a natural consequence of the Senate's effort—expressed most fully in the national commitments resolution—to reassert the constitutional role of Congress in the formulation of foreign policy. This effort does not in any way detract from the powers of the Executive; and it is not aimed against any target; rather, it is an increasingly successful attempt to exercise rights and powers delegated by the American people to their elected representatives which had been allowed to fall into desuetude.

In the case of the agreement of friendship and cooperation between the United States and Spain—a title most often employed to describe treaties—there can be no question that this instrument does not meet the definition of a national commitment contained in Senate Resolution 85. The executive branch representatives from both the State and Defense Departments have agreed on the point. And the adoption of Senate Resolution 469 would not impugn their testimony in the slightest way.

It would, however, constitute a formal finding by the Senate that the agreement of friendship and cooperation is not to be considered, either now or at any time in the future, as a national commitment by the United States to come to the defense of Spain. This is desirable, particularly in view of certain language in the agreement drafted in a deliberately ambiguous form. Unless the Senate clearly indicates the limited character of the agreement, consistent with the interpretation the executive branch presently gives it, we may once again confront in the future a condition where "circumstances alter cases." When the Gulf of Tonkin Resolution was adopted in response to reported attacks on a U.S. destroyer in international waters off Vietnam, who could have anticipated that the resolution would later be interpreted as congressional sanction for a full-scale war on the mainland, involving an American expeditionary force of a half-million men.

To foreclose any possibility that the Agreement of Friendship and Cooperation with Spain might later be given an expanded application, it is incumbent upon us, now, at the outset, to place an authoritative construction upon it.

The public hearing gave the administration an opportunity to set forth its interpretation of the agreement. By approving Senate Resolution 469 the Senate—as has the committee—would be fixing the reach of the agreement within these bounds.

In taking this action, the majority of committee members still adhere to the opinion that the administration should have submitted the agreement as a treaty. By that means, both branches of our Government given responsibilities in the field of foreign policy by the Constitution would have participated in shaping this country's future relationship with Spain. It is ironic that on November 25, 1970, the President submitted to the Senate, for its advice and consent to ratification, a proposed treaty on extradition with Spain, which was signed at Madrid last May. Apparently the Senate can be entrusted with issues concerning extradition relations, narcotic offenses and aircraft hijacking, but not with matters which could involve the security of the Nation.

In conclusion, it should be stressed that Senate Resolution 469 is unopposed by the administration and has been reported by a large bipartisan majority of the Committee on Foreign Relations. The committee strongly recommends that Senate Resolution 469 be adopted.

REPORT BY THE COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

The resolution (S. Res. 480) to extend the date for the making of a final report by the Select Committee on Equal Educational Opportunity, was considered and agreed to, as follows:

Resolved, That the Select Committee on Equal Educational Opportunity, established under Senate Resolution 359, Ninety-first Congress, agreed to February 19, 1970, shall make the final report required by such Senate resolution not later than January 31, 1972, instead of January 31, 1971.

Without objection, the preamble was agreed to.

WARREN BEARCLOUD, PERRY PRETTY PAINT, AGATHA HORSE CHIEF HOUSE, MARIE PRETTY PAINT WALLACE, NANCY PAINT LITTLELIGHT, AND PERA PRETTY PAINT NOT AFRAID

The bill (H.R. 15805) for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid was announced as next in order.

Mr. MANSFIELD. Mr. President, I am glad that the legislative clerk read the names in full, because I want the Chair to understand that these are very good Crow Indians and very good constituents of mine.

Mr. SCOTT. Mr. President, I had the impression that Marie Pretty Paint Wallace might be from Alabama. [Laughter.]

The bill, H.R. 15805, was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SCOTT. Mr. President, I move the motion to reconsider the vote be laid on the table.

The motion was agreed to.

Mr. ERVIN. Mr. President, I would like to have time for just one comment; namely, that the people of Alabama would be glad to know that the distinguished minority leader believes that the Wallaces of Alabama are very pretty people, as is this Indian from Montana.

Mr. SCOTT. I was indicating painted people rather than pretty ones.

Mr. MANSFIELD. Her name is Pretty Paint. Wallace is the name of the man she happened to be married to.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I should like to inquire about the order of business, and such roadblocks, detours, or obstructions that may be currently indicated.

Mr. MANSFIELD. Yes, indeed. We have some conference reports which will be brought up, hopefully. There is the extension of the Libraries Act, which will be brought up. There is Calendar No. 1407, which will be brought up with the approval of the distinguished Senator from North Dakota (Mr. YOUNG), when he reaches the floor; and then, of course, we will, at an appropriate time, proceed to the consideration of Calendar No. 1259, H.R. 18306, which is the bill dealing with financial institutions which has been considered on the floor from time to time. But that will be sometime earlier in the afternoon.

Mr. SCOTT. Do I understand correctly that the family assistance plan and such other matters as are connected with it are likely to be brought up Monday or Tuesday?

Mr. MANSFIELD. On Tuesday. The supplemental appropriations bill, on Monday next, will be the pending business.

VETERANS' RELIEF

Mr. MANSFIELD. Mr. President, this morning, I have received a number of communications from Montana, one from the commander in chief of the Veterans of Foreign Wars of the United States. In brief, the tenor of these telegrams from the veterans organizations of the State, the veterans, those who are interested in veterans' welfare, as well as Mr. Rainwater, are under the impression that the veterans' pension bill, H.R. 15911, has been reported separately by the Finance Committee and they are, to quote Mr. Rainwater:

> Shocked to learn there is no indication Senate will bring this bill up before Congress adjourns. If this legislation is not approved by 91st Congress, 150,000 veterans, mostly older World War I veterans, will have their VA pension cut or canceled.
>
> Urgently request every effort be extended to have H.R. 15911 considered immediately.

This measure has not been reported from the Senate Finance Committee, which has been working for months on very complicated legislation dealing with social security, welfare reform and import quotas. I have been informed, however, that a similar bill has been attached as an amendment to the social security, import quota, family assistance, et cetera, bill which should be reported to the Senate by next Monday.

The fate of this measure is unknown at this time. If, however—and I speak on behalf of the joint leadership in this respect—H.R. 15911 is reported to the Senate as a separate measure, we want to assure all of those concerned that we will make every possible effort to see that it is considered expeditiously and passed.

Mr. SCOTT. We will, indeed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a number of telegrams which I received all of a sudden from Montana be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.:

The Veterans of Foreign Wars of the United States is pleased that Veterans Pension Bill, H.R. 15911, has been reported separately by Finance Committee. Shocked to learn there is no indication Senate will bring this bill up before Congress adjourns. If this legislation is not approved by 91st Congress, 150,000 veterans, mostly older World War I veterans, will have their VA pensions cut or canceled.

Urgently request every effort be extended to have H.R. 15911 considered immediately.

H.R. RAINWATER,
Commander in Chief,
Veterans of Foreign Wars.

HELENA, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

The Social Security increase enacted last year will result in approximately 150,000 needy and disabled veterans suffering reductions in non-service connected VA pension benefits on January 1, 1971, if the Pension Bill H.R. 15911 is not enacted prior to adjournment to the 91st Congress we therefore urge that you schedule H.R. 15911 for early consideration on the Senate floor.

Sincerely,

JOHN E. SLOAN,
DAV National Service Officer.

HELENA, MONT.

Senator MIKE MANSFIELD,
Washington, D.C.:

Urgently request you arrange for rescheduling of H.R. 15911, veterans' pension bill for enactment before January 1 in order to prevent loss of Veterans' Administration pension by more than 150,000 veterans and widows.

Sincerely, yours,

DAVID W. ARMSTRONG, Jr.,
Director, Montana Veterans Welfare Commission.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in VA pension benefits on Jan. 1, 1971, if the pension bill, H.R. 15911, is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House bill, H.R. 15911, for early consideration on the Senate floor.

Sincerely,

ALBERT C. THORMAHLEN,
Commander of Billings Chapter 10, Disabled American Veterans.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.:

On behalf of 1,230 VFW members we are asking you to reschedule H.R. 15911.

WAYNE PICKETT,
Commander, VFW Post 1087.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.

The Ladies Auxiliary to VFW 1087 are asking you to reschedule H.R. 15911.

EDITH HOUGE,
President, Ladies Auxiliary.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately a hundred and fifty thousand needy and disabled veterans suffering reductions in VA pension benefits on January 1, 1971, if the pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House Resolution H.R. 15911 for early consideration on the Senate floor.

Sincerely,

BERTHA REITER,
Commander, Billings Unit 10,
Disabled American Veterans Auxiliary.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled American veterans suffering reductions in veterans administration pension benefits on January 1, 1971 if pension bill H.R. 15911 is not enacted prior to the adjournment of the 91st Congress. We therefore urge that you schedule H.R. 15911 for early consideration on Senate floor.

Sincerely,

DONALD E. KEIFER,
Commander Military Order of the Purple Heart, Chapter 343.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in V.A. pension benefits on Jan. 1, 1971, if the pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House resolution H.R. 15911 for early consideration on the Senate floor.

WILLIAM W. JEFFERIES,
Commander, Department of Montana Disabled American Veterans.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in a VA pension benefit on Jan. 1, 1970 if pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House resolution H.R. 15911 for early consideration on Senate floor.

Loyally yours,

ALBERT JUNKERT,
Commander, VFW Post 1634.

MISSOULA, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

Please do utmost to bring HR 15911 up for action anything less tragic.

WM. HEIKKINEN.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.:

Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in VA pension benefits on Jan 1, 1971 if pension bill HR 15911 is not enacted, prior to adjournment of the 91st Congress. I therefore urge that you schedule House Resolution HR 15911 for early consideration on the Senate floor.

ELSIE M. ROGERS,
President, Midland Empire Chapter 459, National Association of Retired Federal Employees.

BOZEMAN, MONT.

Senator MIKE MANSFIELD,
Washington, D.C.:

We urge your support on HR 15911.

T. R. TOWNSEND,
Commander, Major Drennan Post 903.

MISSOULA, MONT.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.:

Senate delay in passage H.R. 15911 is critical to older veterans who will lose veterans' pensions due to social security raise without income limitation protection which H.R. 15911 would provide. Please do everything within your power to get this bill out of Senate Finance Committee for Senate vote prior to adjournment. Older veterans drawing pensions and social security benefits are still below Government-established poverty level. Very critical.

J. G. KING,
Legislative Chairman,
Veterans of World War I.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.:

Request you do all possible to reschedule H.R. 15911. This bill is of great concern to us as veterans.

Mr. and Mrs. RENO MICHELOTTI.

GREAT FALLS, MONT.

Senator MIKE MANSFIELD,
Washington, D.C.:

Understand that Veterans' Administration appropriation bill is now part of House Resolution 15911. Request the Veterans' Administration benefit portion be rescheduled for later consideration in order to be properly processed and passed.

THE WYLIE GALT POST AND UNIT 99,
AMERICAN LEGION.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.:

This 586 member legion post meeting in general session urgently requests you take action to reschedule H.R. 15911. This bill vital to all veterans.

AMERICAN LEGION POST NO. 3.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in V.A. pension benefits on Jan. 1, 1971, if the pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House Resolution 15911 for early consideration on the Senate floor.

Sincerely,

Cmdr. EDWARD R. YOUNG.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,
Washington, D.C.:

Urgently request you take action to reschedule H.R. 15911. This bill vital to all veterans.

TOM ALLISON,
Secretary, Cascade County Veterans Council.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately a hundred and fifty thousand needy and disabled veterans suffering reductions in VA pension benefits on January 1, 1971, if the pension bill H.R. 15911 is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House Resolution 15911 for early consideration on the Senate floor.

Sincerely,

HELEN B. HUGHES,
Montana Department Commander, Disabled American Veterans Auxiliary.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with a time limitation of 3 minutes attached thereto.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to proceed for 6 minutes in the morning hour.

Mr. MANSFIELD. Mr. President, the Senator may have 20 minutes if he wishes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WHY SENATE SHOULD REJECT THE CONFERENCE REPORT THAT INCLUDES FUNDS FOR CONTINUING THE SST

Mr. PROXMIRE. Mr. President, the Senate should reject the Department of Transportation conference report. I have discussed this matter with a number of Senators, and we have determined to call to the attention of the Senate in detail the reasons why this conference report which contains $210 million for the supersonic transport must not pass the Senate.

Mr. President, I intend to be on the Senate floor from the time the House acts on the conference report until we adjourn sine die with a determination that during that period of time the conference report on the Department of Transportation bill, as long as $210 million or any amount is contained in it for the SST, will not pass.

I am sure that the leadership will keep me informed of developments so that I will be in a position to protect my rights.

To pass the conference report with the $210 million for the SST would, in some ways, be worse than providing the full funding of $290 million which the administration originally requested.

In a letter to the Senator from Mississippi (Mr. STENNIS) under date of December 9, Secretary Volpe wrote:

> Any significant reduction in fiscal year 1971 funding would increase program costs on a 2-to-1 ratio.

That means that if the Congress appropriates $210 million this year, the ultimate cost to the Government will be $150 million more than if we were to appropriate the $290 million this year. This is the finding of the Department of Transportation itself.

So what do we benefit by adopting this report? The original burden of $1,343,000,000 was a huge burden. If we pass this conference report, then the SST cost to the Government becomes about $1.5 billion. Does that make sense?

The distinguished senior Senator from Washington was reported to have said said that Boeing "can live with the $210 million." So the SST will proceed if this conference report is agreed to. The only difference is that the cost will be greater. Does that make sense? I do not think so.

In the course of the debate, a number of Senators objecting to the SST placed heavy emphasis on the prospective environmental pollution.

Mr. President, if we had to talk about a single new factor that made the difference in the vote this year on the SST, I think we must conclude that was it.

We pointed out that the Commission which has been created to report on the progress the SST research is making toward reducing this pollution is overwhelmingly weighted on the side of those who favor the SST. Experts on the environment from the Department of Interior, from Health, Education and Welfare, from the Office of Science and Technology, all of whom served on President Nixon's 1969 panel and all of whom found serious problems with the environmental impact of the SST, have been eliminated from this Commission.

Did the conference say a word about appointing representatives of these departments to the SST Environmental Commission? The answer is "No."

The present Environmental Commission on the SST includes representatives of Macdonnell Douglas, aircraft manufacturers, and American Airlines. These are private parties which have a direct financial interest in promoting the SST and no particular competence on the environment. Why did not the conference consider the possibility of including such environmental experts as Russell Train or Gordon McDonald or other members of the Commission on Environmental Policy? Why did not the conference suggest that the aircraft manufacturers and airlines be balanced by representatives from the Sierra Club and Friends of the Earth or other competent and responsible environmental groups?

Has the conference by word or provision in the law given Senators concerned about the environmental pollution

XUM

on the SST a scintilla of additional assurance? The answer is "No."

Mr. President, this Senator does not see how the Senate in good conscience can ever accept this conference report as long as it has funds in it to continue on the road toward production of the SST.

Funds for studying the environmental impact of the SST? Yes. Funds to continue the SST before these environmental studies are complete? No.

So, in summary, Mr. President, is there any reason for a Senator who voted against providing funds for the SST when this came before the Senate a few days ago to vote for the conference report? The answer is "No."

The conferees' action has increased the cost of the SST to the taxpayer by more than $150 million. It has provided no further assurance against environmental pollution which was obviously a prime concern of many Senators who opposed the SST. There is no reason to accept this conference report. The Senate has made its position clear by an emphatic 52 to 41 vote up and down on the supersonic transport. No vote specifically on the issue has ever been taken in the House of Representatives. The vote to instruct conferees obviously prevented a number of Congressmen who understandably would not want to bind their colleagues in advance on any issue in conference.

What those of us who are determined to prevent the conference report from being accepted by the Senate are doing is to uphold the will clearly expressed by a majority of Senators. It is therefore necessary that the Congress now pass a transportation appropriation bill that does not contain funds for the SST. Until the Congress agrees to do this, we intend to stop action on any conference report or continuing resolution which contains SST funds.

XUM

Mr. President, I cannot pass up the opportunity to observe that the result of the SST conference cast very serious question on the present method used by the Senate to appoint conferees. I have nothing but respect for the members of the conference from the Senate. They are men I admire; they are men I like. But the fact is that the cards were stacked when the conferees were appointed. The fact is that a majority of the Senate conferees favored the SST and they had voted against my amendment to delete the funds for the SST.

A very heavy majority of House conferees—six out of nine—favored the SST. So there was no way—no way—we could win in the conference unless the conferees did something quite extraordinary in repudiating their own views, to support those of a majority of the Senate.

These are fine men, but I think we have been burned, and I think we have learned from this conference as in the past that we cannot continue to have a system of appointing conferees which will result in the frustration of the will of the Senate.

I tried hard to get on the conference. I asked the chairman of the subcommittee to include me on the conference, but I was denied. I asked that someone favorable to the SST be added to the conferees so the Senate conferees on the SST would be diveded—four for and four against. That was denied and ignored.

I hope the Democratic caucus when it meets will give careful consideration to changing the rules to appoint conferees on this basis when there is a controversy that divides the Senate, and when this is the principal issue between the House and the Senate, that a majority of the Senate conferees will be on the side of the majority position taken by the Senate. This is the only fair way to proceed and I understand that is what is done in most other parliamentary bodies. Unless we do change the rules in that regard, the Senate will continue to be frustrated. Even if that procedure were followed, it would be difficult to come out with a compromise report to satisfy the House and the Senate, but we would have a report that would be more believable to those who voted against the SST.

Mr. President, I realize that the appropriation of the Department of Transportation includes vital funds paying the Coast Guard, paying the traffic controllers who are essential for the safety of air travelers in this country. I realize there are other essential programs that must be funded.

How can we proceed with those vital services if this bill is to be delayed while we discuss the SST in detail? The answer, Mr. President, is to pass a Department of Transportation bill or a continuing resolution with all funds in it for transportation, except for the SST. Such a bill or resolution would pass the Congress promptly. This is a course of action that is available to the Congress now and will remain available right up until we adjourn sine die.

But as far as this Senator is concerned, no conference report or continuing resolution that includes funds for continuing the SST will pass the Senate.

THE SUPERSONIC TRANSPORT

Mr. NELSON. Mr. President, first, I wish to say that I concur in the statements of my colleague, Senator PROXMIRE. This is a critically important issue.

I will oppose any continuing resolution, as the Senator said he would, as well as the conference report—any conference report—that contains appropriations for the continued construction of the prototype SST.

Senator PROXMIRE has led this fight in opposition to the SST for half a dozen years now. He is better informed about the economics of the SST than any other person I know. He has carried on a lonely fight with a small handful of people endorsing his position for these last half dozen years. Now, fortunately, the people around the country have not only begun to recognize the merit of the economic issue and the question of the economic feasibility of the SST, but also the grave environmental implications that have given us substantial additional support in both Houses of Congress.

There are no two men in public life for whom I have greater respect and personal affection than Senator JACKSON and Senator MAGNUSON. Having served now for 8 years on the Committee on Interior and Insular Affairs with Senator JACKSON, there is no one I know who is more dedicated to the concept of the protection and preservation of our resources and environment than Senator JACKSON, nor Senator MAGNUSON, who has over the years made a great contribution in this field.

However, we have many differences of opinion with them on both the economic issues raised by Senator PROXMIRE, as well as the environmental issue. They view the seriousness of the environmental implications differently than we do. They believe, as do many qualified experts that whatever problems there are can be resolved. On that point we are in sharp disagreement. If they shared my view of the problem they too would oppose the SST because there is no question about their environmental commitment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON. Mr. President, our difference here is in our interpretation as to the necessity, the feasibility, the value, the economics of the SST. They are the matters on which we disagree, and on which reasonable people can disagree. Our disagreement is also over the importance of the environmental issue, which they believe is not as serious as many others believe it to be.

I regret very much being on the other side of the issue from the Senators from Washington because there are not two men in or out of public life for whom I have greater respect.

I realize also that they and many others believe this is an important airplane and must be developed by our country. In addition to our difference over that, they also face a very serious and immediate problem because it involves the employment of all kinds of workers in their State, as well as in many other States. I would like to address myself to some of the environmental questions.

I do not have the expertise to discuss the economics of this plane, but my colleague from Wisconsin (Mr. PROXMIRE) has addressed himself to the issue from the standpoint of its cost and economics in admirable detail.

I want to briefly address myself to the environmental question. First, in all the years since the pioneers came here we have been dissipating the resources of this Nation at a rapidly accelerating pace, creating disaster all the way across the Nation. This is happening in every industrial society in the world—we just happen to be the leader in it.

After a century of discussion of the environment's importance and the importance of the protection of the world environment, the public is finally taking notice of the issue—its significance, its implications to us and all other living creatures all around the planet.

They were lonely voices 100 years ago And 64 years ago, when Teddy Roosevelt called an urgent conference of Governors to discuss the conservation of the resources of this Nation, nobody paid attention to it.

Down through those years a number of organizations and great environmental leaders in the sciences and in the conservation movements warned the country that we will proceed to destroy the habitability of the planet.

In the last decade, following that exceptional book, "Silent Spring" by Rachael Carson, there has been an escalating concern about the deterioration of our environment.

Finally, in the past 2 years the environment has become a significant political issue. It is interesting to note, as an oxide, that in the 1968 campaign neither candidate for President addressed himself at all to the issue of the environment. That tells us something about how rapidly this issue has come into visability, how rapidly millions and tens of millions of people in this country have come to recognize, just in these past 2 years, the world environmental seriousness of the situation.

As we tackle these issues there must first be nationwide and worldwide education and understanding—and that is coming rapidly, as reflected in the vote on the floor of the Senate on the SST issue.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON. Mr. President, I ask unanimous consent for another 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. NELSON. The environmental issues are going to come to us one at a time. We cannot tackle them all at once, though I wish we could. This one has come to us involving the first major specific confrontation in the Congress over the environmental concerns, over the environmental implications of a technological development and a test of whether or not we are prepared to say "No" to the utilization of a technology simply because it works. This is what we have always done in the past, and as a consequence of our indiscriminate use of technology, all in the name of progress, we have polluted every major watershed east of the Mississippi. We are seriously degrading the watersheds west of the Mississippi. We have polluted almost every major river in America. We have destroyed Lake Erie. We have degraded Lake Michigan. We have seen the beginnings of the pollution of Lake Superior the third greatest body of fresh water on earth. We now see the rapid deterioration of all the oceans of the world.

Nobody ever thought, a half century or a quarter century ago, that it would be possible for us to destroy the productivity of the oceans. Nevertheless, we are well on our way. Most marine biologists, and all marine biologists with whom I have discussed the question, agree that at the current accelerated pace of the introduction of industrial and municipal wastes and pollutants, herbicides and pesticides, through the air and water and into the oceans, the productivity of all the oceans of the world will be over, for all practical purposes, within 25 and 50 years.

That will be a worldwide disaster of immeasurable consequences. And yet we continue our merry way, destroying the oceans, the single largest asset on the face of the planet.

Why is it possible to do it, and why is it happening so fast? It is happening so fast because the productivity of the oceans is, in the main, confined to the first dozen miles off the Continental Shelf and in the marine estuaries. These are the breeding grounds of marine creatures. So it is only a small amount of the water and space off the shores of all the continents of the world that have to be polluted in order for the oceans to be destroyed.

Now we are coming to a proposal to build a supersonic transport in order to cut flying time across the oceans by half, so that one could leave New York City and get to London in 3 hours and 10 or 15 minutes, instead of 6 hours and 10 or 15 minutes. The only virtue at all of the SST is that it will save somebody 3 hours in crossing the ocean, at a greater cost than it would to travel in the 707 or the 747—a much greater cost in fact.

Is that a virtue, a benefit that is worth while for the investment, in view of the grave risk of pollution of the stratosphere and the implications of the sonic boom over the oceans?

So far as I know, everybody agrees now that the supersonic transport could not be flown across land at supersonic speed. So the benefit of its speed across any continent is going to be lost. That leaves the oceans.

There are two major questions we are aware of, and I am sure there are many of which we are not aware. One is the question of flying the supersonic transport in the stratosphere at 65,000 feet, in a very fragile environment, and the implications of introducing water vapor into the stratosphere, plus the nitrogen oxides and the other pollutants of that engine. Every scientist agrees that the stratosphere is a very stable environment and that a pollutant introduced into that environment will stay there from 1 to 3 years, because there is very little vertical movement there. The best educated guess of the scientists is that with 500 SST's flying in the stratosphere we will, in a relatively short period of time, introduce an additional 10 percent water vapor into that atmosphere, to say nothing about the nitrogen oxides and the hydrocarbons that will also go in. And that where the plane will be flying, mostly in the northern hemisphere, the water vapor increase will probably go to about 60 percent.

Question: What does that mean? What are the implications of introducing that much water vapor and those pollutants into the stratosphere, and creating a kind of vapor-pollutant shield around the globe?

Nobody knows. But every scientist knows that it may spell serious global trouble. There have been no studies as to what it means.

Many distinguished scientists feel that it may change the climate of the planet at the surface level.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. NELSON. Yes.

Mr. PROXMIRE. I think the Senator is making the most profound kind of criticism of what would happen if we proceed with the SST. He argues, as I understand it, that no studies have been made of the full impact in terms of temperature, radiation, and many other factors—smog, fog, cloudiness, the temperature of the earth—no comprehensive, responsible, or acceptable studies have been made.

Does it not make sense that before Congress should go ahead and provide another $290 million, such studies should be made? As I understand, the argument of those on the other side is that such studies are in progress, they will be made in the future, and in the event we find that the atmosphere is going to be too seriously polluted, the SST simply will not be allowed to be built.

Does not the Senator feel it would be far wiser to make the studies first?

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. NELSON. I ask unanimous consent to proceed for another 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. To make the studies first, and then, after the studies have been made, to proceed?

Mr. NELSON. The Senator is, in my judgment, 100 percent correct. What astonishes me is that we have proceeded years ago—in 1961, for example—to start such studies. The idea of investing the amount of money involved here to develop a plane, and then make the studies, does not make any sense, because these two planes will not help much in making the studies. If my memory is correct—and I shall correct the record if I am using the wrong name—I believe it was Dr. Garvin, who headed the scientific study commissioned by the President through Dr. Egeberg, who testified before the House Committee that all studies could be made without building a prototype, if they could be made at all.

Mr. PROXMIRE. We have an ample number of military prototypes now, if it takes planes to emit pollutants to make a study. We have that in abundance.

What concerns me is that if we go ahead and spend additional funds, then the argument will be that much stronger that we have gone this far, we have to go farther; we have put this money in the pot; we have risked more than $1 billion of the taxpayers' money; we cannot stop now. And what particularly concerns me is that those who would make the judgment, the finding, the report on the effect on the environment, are a group consisting of the Department of Commerce representative, who is chairman, the Defense Department representative, the FAA representative, the representative of McDonnell-Douglas, and the representative of American Airlines—with no one from the Office of Science and Technology; no one from the Office of Environmental Policy; no one from the office of Health, Education, and Welfare which would be concerned with the ecological effect; no one from the Department of the Interior—none of those who worked on President Nixon's ad hoc panel, and unanimously found the SST could cause pollution of the environment.

Under those circumstances, it seems to me we are really stacking the deck in favor of a finding that would be soft on pollution and hard on the SST benefits, and we would probably come out on the wrong side, in my view, from the standpoint of the taxpayer as well as from the standpoint of the overwhelming majority of our citizens who would not fly overseas.

Mr. NELSON. I think the Senator is absolutely right. And if we give this supersonic transport the momentum of completing the prototype, the world will know that the competition is still on, Britain and France will know that they have got to deploy their Concorde, which they can do much more quickly than we can deploy ours, and the Russians the same. So the race will be on.

Can the Senator imagine that once we have the two prototypes in the air—the Concorde is flying, and the Russian plane is flying—that then we are going to continue the studies and not build the plane?

Moreover, I do not know how they are going to make their studies, anyway. I cannot find a scientist who can tell me how such a study could be made.

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So no one knows what it will mean to put pollutants into the stratosphere worldwide, and increase the water vapor by 10 to 60 percent. If we are going to put the pollutants there, we will be playing Russian roulette with the climate worldwide.

How are we going to find out? Are we going to do it with the pilot model? I do not know how we are going to find out the environmental complications no matter what studies we make. I cannot find any scientist who can tell me how they are going to make their studies, nor how they are going to go about determining the effect of the sonic boom over the oceans, where a great variety of creatures live.

The only difference between living things on the ocean and living things on land is that the former do not vote. We worry about flying it over land, because those living creatures vote; but out there on the oceans, they do not. So why worry?

No one knows yet what 2½ to 3½ pounds of pressure per square foot from that sonic boom, in a 50-mile-wide course across the ocean, means to all the migratory birds, animals, and life systems on the surface of the ocean.

Does the Senator know what a sonic boom of 3 pounds per square foot is? That is about 132,000 pounds of bang for every acre across the ocean—132,000 pounds of bang for every acre of the surface. What will that do to all the animals migrating on all the oceans of the world, and all the birds that are migrating, or the other life systems. No one knows.

But any reasonably conservative scientist would start out by saying: "I think it must spell disaster to the environment of the oceans, and until you prove to me it does not spell disaster, do not do it."

Heretofore, we have done everything, in this country, and worried about the disasters later. Now we have the disasters. It is not a question of whether we have ever made a stupid mistake. We have polluted the air envelope around the world. We have polluted the lakes and the oceans. Russia has done the same. Lake Baikal is going down the drain as fast as those Socialists can make it go. They are no better than we are.

Now we have a chance, on a specific issue, to halt it.

As the Senator suggests, once you get this machine going, once you get the momentum of the competition and the momentum of having built it, are we going to stop it? No. The key to stopping it now is to stop it worldwide. Then, if we have to get to Europe 3 hours faster, if that is so important—to whom I do not know—let us study it, all of us together. I have introduced a resolution to refer this question to the United Nations Conference on the Environment in Stockholm, Sweden, in 1972, which is just a year away.

Yes, once we launch the SST, it is on its way. I think we should kill it now. Then we should pass a bill, and that bill should say that no commercial supersonic transport can land within the territorial limits of the United States.

The economics of the SST are highly questionable, at best. The Senator from Wisconsin knows that, the British know it, the French know it, and we know it—everyone knows that the economics are questionable at best. So, if we refuse to permit them to land in this country, that is the end of the Concorde, and that is the end of the SST, because the United States represents the most lucrative market in the world. We at least ought to assume our responsibility for this.

People say, "How can you stop it from landing here?" This is not a restrictive trade proposition. It is not discriminatory. We would be saying to the rest of the world that we will not permit our SST's to land in this country and we apply the same rule, even-handedly, to all the countries of the world. Nobody can complain about that. As a matter of fact, Sweden has established standards. If I understand them, the standards will not permit the current generation of SST's or anything like them to fly over Sweden.

What is our responsibility? The President made the argument, many Senators have made the argument, and the industry has made the argument that the plane is going to be built, anyway. So, no matter if we are going to commit worldwide disaster; they want the United States be a part of it.

After all, we have some kind of syndrome about being the world's leader in everything. We have to be first in everything. Now we want to be first in a great big failure. I do not think we ought to lead in failures.

What is our responsibility? Nobody, no country in the world, has jurisdiction over the oceans or the stratosphere. There is no responsibility. There is no jurisdiction. The most that can be said is that each country has jurisdiction over the oceans within the 3- or 10-mile limit and it has jurisdiction over its land, except that there is a limit on that, because satellites are flying over everybody's land. So the most we can say is that each country has a little piece of the control and the jurisdiction, over the worldwide environment—just a piece. If we have a piece of it, what should we do about it? Should we say, "If everybody else is going to risk polluting the stratosphere and destroying the habitat of the oceans for all kinds of living creatures, we might as well joint in"? That is irresponsible in the extreme.

Our moral responsibility is to say that there are grave questions environmentally that are global and that effect not only human beings but all living creatures. The United States has a moral responsibility to lead in stopping the degradation of the environment worldwide, because we all share the same environment. Since our jurisdiction is confined to the territorial limits of the United States, and since we have a responsibility, in my judgment, to provide moral and practical leadership, we should say, "You may not land here." That ends that argument. Then let us do the studies.

The PRESIDING OFFICER (Mr. EAGLETON). The time of the Senator has expired.

Mr. NELSON. I ask unanimous consent that I may proceed for 5 additional minutes.

Mr. BYRD of Virginia. Mr. President, reserving the right to object—and I shall not object—first, I want to say that I feel that the Senator from Wisconsin is making a very effective and able presentation. But I rise to ask the Senator how long he anticipates he may continue.

Mr. NELSON. I am near the end of my remarks; not more than 5 minutes.

Mr. BYRD of Virginia. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. So my point about it all is that we have a moral responsibility to do our part, since we control only a small part of the world's environment, and share the whole environment. If Russia is not going to assume its responsibility and France is not and England is not, then is there some argument that we should not? In fact, the responsibility for the United States is greater, because if we go ahead, England and France have to go. If we open our market, if we are going to have an SST, then they have to be in competition. We are the ones who can stop this competition.

I will have more to say about this matter next week, for several days next week, along with the senior Senator from Wisconsin. I would hope that, after having had a great victory, with 52 votes, the Senate would not turn around now, after all the involvement we have had in this discussion all over this country, with young people saying, "Does the system really work or does it collapse under pressure? Does it work or does not it work?" I think it worked very well, when we look at the vote on the SST. I think it reflected all kinds of things that have been going on, including Earth Day on April 22, when 10,000 grade schools and high schools, with 8 to 10 million young kids, and 3,500 colleges, 3,000 communities, millions of people all over the country, expressing in a constructive, quiet way, all day long, their concern about the status of the environment.

Columnists wrote articles after that, and I received telephone calls and queries on TV saying, "Well, was it just another day?" I said, "No, it is not just another day. This was a great day, and it will continue, and the environment issue will become more and more important, because we are living with it every day and it is being degraded day by day."

This is the first evidence, the first really specific evidence, on a tough issue. This is not to say that we have not passed some fine legislation. We have done so, some of it led by Senator JACKSON and by Senator MAGNUSON. But this is a specific occasion when the environmental concerns of the people of this country came into a direct confrontation with a tremendous technological development. Are we going to sell it down the river by turning around and collapsing because we have to have a DOT appropriation?

I agree with Senator PROXMIRE that we can pass a continuing resolution and leave the SST money out. I will vote for that. I am not trying to hold up the DOT appropriations and neither is anyone else. But if they insist on including appropriations for the SST, I will talk as long as I am able to talk on the issue, as I know several other Senators will; and they had better start putting turkeys in the Senate dining room for Christmas dinner and New Year's, also, and if necessary, longer than that, because this is a fight that has to be settled now.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, I congratulate the Senator. I think he has expressed the theme of the debate on the SST that will be going on for some days to come—if necessary, up to January 3.

I think we have to recognize that this is not just another bill that we are disappointed we did not get, or another action we are disappointed we did not get. This is the number one ecology issue before Congress, as my colleague from Wisconsin has said so well. There is no question about it. This is the real breakthrough we have made in the last few years.

It is also the No. 1 priorities issue. If there is one dramatic demonstration of how we ought to reorder our priorities, it is right here. Here is a program that will not feed a hungry child, that will not build a home, that will not provide a cure for someone who is ill. It will do nothing of any significant importance for any human being. Yet, we are asked to pour this enormous sum into it.

I think that in the next few days it will be necessary for the Senators from Wisconsin to speak several times at considerable length on this issue. I have talked with a number of Senators, and I am sure many will be anxious to speak, also. I think it is important that we not only talk to our colleagues but also to the country as a whole on this issue.

I thank my colleague for having set such an excellent pace in this talk. His part in this debate will not only be educational and constructive but also of considerable inspiration.

Mr. NELSON. I thank the Senator, who has been leading this fight for several years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. I did not discuss the question of priorities, which has been raised by my senior colleague and which is so critical.

I conclude by saying that I have a friend in New York who tells me that when we get the SST going, he will be able to get to London quicker than he will be able to drive across New York City. Well, that is a great priority. Who needs that 3½-hour saving, when the whole mass transportation system of America has collapsed? We ought to settle that before we settle this.

I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of Virginia obtained the floor.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Dakota (Mr. YOUNG), without the time being charged to the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. YOUNG of North Dakota. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1181.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the amendments of the House of Representatives to the bill (S. 1181) to provide for potato and tomato promotion programs which were to strike out all after the enacting clause, and insert:

TITLE I—ADVERTISING PROJECTS: MILK

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c (16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

TITLE II—ADVERTISING PROJECTS: OTHER COMMODITIES

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows:

"Establishing or providing for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to those commodities specified in section 8c(2) of this Act, such projects may provide for any form of marketing promotion including paid advertising: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity."

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDINGS AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

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(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by an person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plans or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purposes is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 nor more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is impowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule, or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: Provided, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocadoes," the following: "raisins, olives (other than Spanish-style green olives), prunes".

And amend the title so as to read: "An act to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes."

Mr. YOUNG of North Dakota. Mr. President, I move that the Senate concur in the House amendment to S. 1181 with an amendment as follows:

In lieu of the matter proposed to be inserted, insert the text of S. 4560, Calendar No. 1407.

The amendment I am proposing is fully explained in Senate Report No. 91–1400. It would adopt the House provision with respect to promotion programs for milk. It would delete the House provision extending promotion program authority to all commodities that are subject to marketing order authority. It would delete the House provision imposing import restrictions on prunes, raisins, and olives—other than Spanish-type green olives. It would retain the Senate-approved provision authorizing advertising programs for tomatoes, and would retain the authority for potato promotion programs which has been approved by both the House and Senate. The only substantive difference between the amendment I am proposing and S. 1811, as passed by the Senate on October 16 last year, is the authority for milk promotion which is contained in title I of the amendment.

The motion was agreed to.

Mr. YOUNG of North Dakota. Mr. President, the amendment is fully explained in the report. It was approved unanimously by the Committee on Agriculture and Forestry.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1400), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

On October 16, 1969, the Senate passed S. 1181 providing authority for potato and tomato promotion programs. On November 30, 1970, the House of Representatives passed S. 1181 with an amendment in the nature of a substitute providing authority for promotion programs for milk, potatoes, and all other commodities for which marketing orders are authorized by section 8c(2) of the Agricultural Adjustment Act (of 1933). The original bill reported herewith provides for a milk promotion program as provided for by the House amendment to S. 1181, a tomato advertising program as provided for by S. 1181 as passed by the Senate, and a potato promotion program as provided for by both the Senate and House versions of S. 1181. It does not include the provisions of the House amendment which would have provided for paid advertising programs for commodities other than milk, tomatoes, and potatoes, nor does it include the provisions of the House amendment which would have extended the restrictions on imported commodities of section 8e of the Agricultural Adjustment Act (of 1933) to raisins, prunes, and certain olives.

It is anticipated that after the Senate has had an opportunity to study the bill reported herewith, a move will be made to lay the message from the House on S. 1181 before the Senate and concur in the amendment of the House with an amendment substituting the text of the bill reported herewith.

Title I of the bill reported herewith is identical to title I of the House amendment to S. 1181, except that "as required" has been changed to "is required" in the third sentence of the proposed new subparagraph (I).

Title II of the bill reported herewith is identical to title II of S. 1181 as passed by the Senate, except that (1) the word "apples" has been substituted for the word "avocados" to take into account the enactment of Public Law 91–363 on July 31, 1970; and (2) the word "first" has been inserted before the word "proviso" to take into account the enactment of Public Law 91–292 on June 25, 1970, which added a second proviso. Title II of the House amendment, in completely amending section 8c(6)(I) of the Agricultural Adjustment Act (of 1933) to provide for paid advertising promotion for all commodities subject to marketing orders, would inadvertently repeal a provision relating to almonds which was enacted by Public Law 91–522 on November 25, 1970.

Title III of the bill reported herewith is identical to title III of the House amendment to S. 1181, except for the following clerical changes:

(1) In the last paragraph of section 302 the word "of" has been inserted after "carrying out".

(2) In section 310(a) "difference" has been changed to "differences".

(3) In section 310(c)(1) "an person" has been changed to "any person".

COST

It is estimated that Federal costs under title I (milk) would be $200,000 for each of the first 2 years, somewhat less thereafter. The cost under title II (tomatoes) is estimated by the Department of Agriculture to be little, if any. Initiation of a plan under title III (potatoes) is estimated to cost from $180,000 to $325,000 depending upon whether suitable mailing lists can be obtained so that the referendum can be held by mail rather than by the use of polling places.

DEPARTMENTAL VIEWS

Attached are reports from the Department of Agriculture favoring enactment of the various titles of this bill.

DEPARTMENT OF AGRICULTURE,
Washington, August 7, 1969.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 10710, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to provide authorization for the establishment of advertising, sales promotion, educational, and research programs, including marketing research and development, financed by deductions from payments due producers delivering milk to handlers regulated by Federal milk orders.

The Department supports enactment of H.R. 10710. We would suggest minor modifications, including accommodation of refunds to producers under certain circumstances.

The programs authorized by H.R. 10710 would be financed by deductions from funds owed to producers under the order. Deductions could be made directly from the total pool value of all producer milk. An equitable adjustment could be made in areas where a mandatory checkoff from dairy farmers for advertising and research is required by State law.

Funds would be paid to an agency organized by milk producers and associations of producers. This agency could employ persons and organizations for research and promotional programs designed to promote marketing and the domestic consumption of milk and milk products.

Provisions authorizing producer deductions would not become effective unless separately approved by producers in the same manner provided for the approval of orders. Disapproval of the producer deduction provisions would not be considered disapproval of the order, and such provisions could be terminated separately from other order provisions.

In recent years, an increasing number of dairy farmer cooperatives have expressed their support for this type of legislation. The threat of filled and imitation milk in fluid milk markets throughout the Nation has stimulated interest for increased promotion, advertising, and research.

H.R. 10710 would constitute enabling legislation and its implementation in a Federal milk order would require a public hearing as well as producer approval. Thus, a forum will be provided for a careful and thorough review of all the problems which might be associated with the adoption of a promotion program in an individual milk marketing area. It is important that any such program contain provisions which will be fair, equitable, efficient, and fruitful.

Projects carried out under the program would be subject to approval and continuing review by the Secretary to insure compliance with the statute and to protect the public interest.

We suggest that the bill be modified to provide that adjustments for mandatory checkoffs required by State law be allowed only if it is determined that deductions were actually made and used for purposes comparable with the purposes authorized under the bill.

We recommend also that the bill be modified by adding the following after the last sentence of the bill: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

The additional costs that may result from enactment of the legislation would be related to conducting public hearings and general administration of the programs. For each of the first 2 years we would anticipate additional annual costs of about $200,000. Thereafter, costs would be somewhat less. For the most part, additional costs would be associated with amending existing order provisions to authorize producer deductions for research and promotional programs.

Although H.R. 10710 does not mention the source of funds for administration, there is a bill (H.R. 13193) proposed by the Department which is before the Congress, which would permit the Department to recover costs of administration through user fees.

In view of the time situation, we have not obtained from the Bureau of the Budget advice regarding the relationship of the

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proposed legislation to the administration's program.

Sincerely,

Clifford M. Hardin,
Secretary.

January 20, 1970.

Hon. Allen J. Ellender,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

Dear Mr. Chairman: This is in response to your request of April 21, 1969, for a report on S. 1862, a bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended. This proposal would authorize marketing promotion including paid advertising under marketing orders applicable to tomatoes.

The Department recommends that this bill be passed.

Many industry groups believe that market promotion, including advertising, will not only strengthen their position in the marketplace but also will increase the demand for their commodity. Further, they believe they must advertise in order to hold the present space devoted to their product in the retail stores. The Agricultural Marketing Agreement Act currently authorizes marketing promotion as well as advertising projects for a number of horticultural commodities. The Department supports the extension of the promotion mechanism to tomatoes as contemplated by S. 1862.

There are currently two Federal marketing agreement and order programs in effect for tomatoes, one for tomatoes grown in Florida and the other for tomatoes grown in the Lower Rio Grande Valley in Texas. If this bill were enacted into law these groups would be able to take advantage of advertising programs.

The expense of such projects would be paid from funds collected pursuant to the marketing order. It is expected that little, if any, additional cost to the Department would result from the enactment of the proposed bill. However, should any additional cost result, it would be absorbed within existing appropriations with respect to these programs.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

Richard Lyng,
Acting Secretary.

Department of Agriculture,
Washington, D.C., April 18, 1969.

Hon. Allen J. Ellender,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

Dear Mr. Chairman: This is in reply to your request of March 3 for a report on S. 1181. The purpose of the bill is to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes.

The Department has no objection to this bill but suggests some modifications.

The bill provides for authority to establish a plan to collect assessments on potatoes produced in the 48 contiguous States of the United States. Producers with less than 5 acres will be exempt from assessments. The assessments will be used for promotion of potatoes including paid advertising. In addition, assessments can be used for research and development projects. The costs incurred by the potato industry in administering the program will also be paid from assessments. Prior approval by the Secretary of Agriculture for all projects and expenditures is provided for as a safeguard against improper use of funds.

The bill provides for a maximum assessment rate of 1 cent per hundredweight. Handlers are responsible for payment of the assessments, and they may deduct them from their settlement with the producers. Producers will be able to obtain a refund on the assessments paid by them, if they request it in the time and manner prescribed. The bill provides that hearings with respect to a proposed plan be held when requested by potato producers. A favorable referendum vote, by two-thirds of the potato producers voting in such referendum, or two-thirds of their production and not less than a majority of those voting, is required to approve any plan issued pursuant to this bill. If such a plan is favored by producers, a board will be appointed by the Secretary of Agriculture from industry nominations of eligible producers. Such board will administer the plan under the supervision of the Secretary of Agriculture.

Provisions in this bill are similar to those in Public Law 89–502 (80 Stat. 279) enacted by the 89th Congress, and cited as the "Cotton Research and Promotion Act." Promulgation and referendum proceedings for any plan issued pursuant to this bill are similar to those in marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Administrative provisions are also similar to those in marketing orders. There are no provisions for quality control or compulsory inspection in this bill.

The potato producers have been confronted, in recent years, with increased competition from other products marketed as easily prepared convenience foods. Some of these products are promoted on a national basis. Potato producers have not been able to effectively match this competition because production and marketing of potatoes is performed by numerous individual farmers in every State in the United States. This has made it difficult for them to finance and carry out adequate research and promotion projects to maintain a competitive position in the markets. This bill would give potato producers authority to help themselves by financing such projects.

Several potato-producing areas have State orders or commissions to promote potatoes produced in their specific areas. This bill is intended to supplement these existing programs with a nationally coordinated program.

The Department recommends the following modifications of this bill: (1) In section 2, page 1, line 6 (findings and declaration of policy), it is recommended that the findings, as contained in the national potato research and promotion bill in the 90th Congress (S. 2862 dated January 23, 1968, predecessor to this bill), be added as a part of section 2 of this bill. The addition would make clear that the legislation is intended to exercise the full sweep of the Federal commerce powers. It would also facilitate administration and enforcement as proof would not be required in each action for enforcement that the potatoes involved were in interstate commerce or directly burdened, obstructed, or affected interstate commerce in potatoes or potato products.

In the event the findings are not added, section 4 should be modified to indicate the intention to exercise the full sweep of the Federal commerce powers. In section 4, page 3, line 25 (authority to issue a plan), add to the end of the sentence the following: "and as are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes or potato products".

(2) In subsection 3(d), page 2, line 20–22 (definitions), revise the term "handler" to read as follows:

"(d) The term 'handler' means any person (except a common or contract carrier or potatoes owned by another person, who handle potatoes in a manner specified in a plan issued pursuant to this Act or in the rules and regulations issued thereunder."

(3) In section 3, page 2, beginning on line 23, delete subsection (e)—the definition of "handle"—and renumber the remaining definitions.

(4) In subsection 10(a), page 9 (assessments), revise the language beginning on line 25 and continuing through the word "potatoes," in line 3 on page 10, to read as follows:

"Sec. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes;".

Also in subsection 10(a), add a sentence at the end to read as follows: "To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.".

The changes in (2) and (3) are recommended in the interest of providing a greater degree of flexibility in designating the various activities that will make a person a "handler." The change in (4) will provide flexibility in designating the "handler" responsible for payment of assessments to, as well as the manner and method of collection of assessments by, the board. These changes follow similar provisions in the Cotton Research and Promotion Act and are desirable in the light of our experience under that act.

(5) In section 6, page 4, line 16 (finding and issuance of a plan), delete "or modifications", as being unnecessary and confusing inasmuch as the Secretary must find that all the terms and conditions contained in the plan as issued will tend to effectuate the declared policy of the act.

(6) In subsection 9(e), page 9, lines 11 and 12 (permissive terms in plans), modify "research and development or advertising and promotion" to read "research, development, advertising and promotion". This change will make the quoted modification conform to other specifications of such activities elsewhere in the act.

(7) In subsection 12(b) (enforcement), delete the word "willfully" in two places on page 13, lines 6 and 8. "Willfully" is an undesirable term because it is difficult to prove and would result in administrative and enforcement difficulties.

Also in subsection 12(b), page 13, line 10, delete the words "liable to a penalty of not" and substitute in lieu thereof the words "fined not less than $100 or"; and delete the balance of the paragraph following the word "offense" in line 11. This change substitutes terminology generally associated with criminal prosecution in place of language relating to civil action. Additionally, specific authorization for civil action to collect unpaid assessments is unnecessary as subsection 12(a) provides the district courts with adequate authority to enforce collection.

We believe the enactment of this bill would result in a cost of $325,000 to conduct promulgation proceedings, a referendum and related items to initiate a plan if it is necessary to conduct the referendum by the use of polling places in each county. However, if the proponents of a plan are able to provide suitable mailing lists of potato producers eligible to vote so that the referendum can be conducted by mail, this would reduce total costs to initiate a plan to $180,000. Additionally, the Department's annual cost for administration is estimated to be $80,000.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

Clifford M. Hardin,
Secretary of Agriculture.

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CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT OF 1933

* * * * *

Orders

SEC. 8c.(1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

* * * * *

Terms—milk and its products

(5) In the case of milk and its products, orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

* * * * *

(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producers contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and many designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provisions of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order.

Terms—other commodities

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

* * * * *

(I) Establishing or providing for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided,* That with respect to orders applicable to almonds, cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, avocados, [or] apples or *tomatoes* such projects may provide for any form of marketing promotion including paid advertising and with respect to almonds may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order: *Provided further,* That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede research provisions in any State program covering the same commodity.

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that S. 4560 be indefinitely postponed.

The **PRESIDING OFFICER** (Mr. EAGLETON). Without objection, it is so ordered.

VIETNAM—PRESIDENT NIXON'S NEWS CONFERENCE LAST EVENING, AND TROOP WITHDRAWALS

Mr. BYRD of Virginia. Mr. President, last evening, the President of the United States held a significant news conference, the first he has held in Washington for some time.

I am not one of those who condemn the President for not holding more frequent news conferences.

I think his policy in regard to news conferences is sound. He holds them when he feels it will be in the public interest and when he has matters that would be of significance and concern to the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the transcript of the President's news conference of last evening.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, I want to comment on one aspect of the President's news conference and that is the discussion on Vietnam. Let me read into the RECORD one paragraph from the news conference, in which the President said:

> I must insist that there be continued reconnaissance over North Vietnam because, as we are withdrawing our forces, I have to see whether or not there's any chance of a strike against those forces that remain. And we have to watch for the build-up.

Mr. President, the President of the United States, as the Commander in Chief of our Armed Forces, has a dreadful responsibility in attempting, as he is attempting to do, to bring the Vietnam war to a conclusion. He must be ever aware of the safety of the Americans now in Vietnam. Their safety becomes more in jeopardy as we reduce our forces there.

The President has been condemned both on the floor of the Senate and throughout the Nation because he has not acted more quickly to bring the Vietnam war to a conclusion.

I think it is important to emphasize that President Nixon inherited this war, that he was not the President who sent troops into Vietnam, but that he is the President who is now bringing troops out of Vietnam.

When Richard M. Nixon assumed the oath of office as President of the United States on January 20, 1969, the United States had in Vietnam at that time 535,500 troops—Army, Navy, Air Force, and Marines. In addition to that figure, there were offshore 35,000 Navy personnel, and in Thailand 45,000 military personnel.

Thus, when we add the 535,000 to the offshore and the Thailand troops, there were at that point, on January 20, 1969, 615,000 Americans participating in the Vietnam endeavor.

What is the situation today?

On December 3, 1970, the United States had in Vietnam 349,700 troops—Army, Navy, Air Force, and Marines. Offshore in Southeast Asia, the United States had an additional 19,100 and in Thailand 38,400.

When we add the number of troops in Vietnam to the personnel offshore in Southeast Asia and in Thailand, it brings the total of U.S. military personnel in the Vietnam operation to 407,000.

That compares with the 615,000 military personnel who were involved in the Vietnam operation on January 20, 1969.

Mr. President, I ask unanimous consent that the table showing the number of troops in Vietnam on January 21, 1969, and on December 3, 1970, be printed in full at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BYRD of Virginia. Thus, Mr. President, I think that the President of the United States should be commended for the way he has handled the Vietnam activities in reducing the number of troops which were engaged in combat in that country. Bear in mind, too, that most of the troops which have been withdrawn are combat troops.

I speak today as one who for at least 4 years, and perhaps even longer, has stated publicly and on the floor of the

Senate that I have felt U.S. involvement in a ground war in Southeast Asia was a grave error of judgment. I have said that many times.

I believe it today.

But when the United States became involved there and the then President of the United States sent troops to Vietnam, I fully and completely supported those troops.

I shall continue to support them as long as they are there, as long as they are assigned to the theater of war by our duly elected Commander in Chief.

While the rate of withdrawal of troops by President Nixon may not satisfy everyone in this country, and may not satisfy everyone in the Senate, it seems to me, in fairness to the President, that the Senate must realize President Nixon has made great progress in reducing U.S. commitments in the way of troops to Vietnam.

Thus, today, I believe it is appropriate to present the figures and the facts to the American people, which show that in the space of less than 2 years, a little over 23 months, President Nixon has reduced the number of troops in and around Vietnam from 615,000 to 407,000, a very substantial reduction of 208,000.

I, for one, am pleased to rise on the floor of the Senate today and to present these figures and to applaud the President's assertion yesterday at his news conference.

I read it again for the Record:

> I must insist that there be continued reconnaissance over North Vietnam because, as we are withdrawing our forces, I have to see whether or not there's any chance of a strike against those forces that remain. And we have to watch for the build-up.

Indeed he does. He has a tremendous responsibility to the troops who remain there.

I submit that as time goes on and those troops are further reduced, the danger to the men who are left becomes even greater.

I am pleased to note the very significant statement that the President made last night, that he will continue reconnaissance over North Vietnam to the end that our troops not be taken by surprise, but that our troops will be protected in every way possible.

We must end this war in Vietnam. But until it is ended and all troops are withdrawn our Nation has an obligation to protect those men who are there.

EXHIBIT 1

TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

Won't you be seated, please. Miss Thomas has the first question tonight.

1. U.S. POLICY ON VIETNAM

Q. Mr. President, a question about Vietnam. Our recent air strikes have raised speculation that our policy of not bombing North Vietnam may be undergoing a subtle change. What is our policy? Also, despite the objection by the Saigon Government and the Vietcong, do you plan to propose a unilateral cease-fire from Christmas through Tet in a bid for peace?

A. Let me answer the second part of the question first. We are prepared to have cease-fires on a limited basis over the holiday seasons.

As you know, the North Vietnamese have turned down any extended cease-fire over the holiday seasons out of hand.

We, of course, could not have any extended cease-fire unilaterally, because that would be very dangerous for our forces. It's a brief cease-fire, we will do it. If it's extended, we will not.

With regard to the second part of your question, the bombing of North Vietnam: You may recall that, a few weeks ago, there was bombing of installations in North Vietnam, after the North Vietnamese had fired on some of our unarmed reconnaissance planes.

Now, there's been, I note, some speculation in the press and also some charges from North Vietnam that there is no understanding that reconnaissance planes are to fly over North Vietnam since the bombing halt was announced.

I want to be very sure that that understanding is clear. First, President Johnson said that was such an understanding at the time of the bombing halt. Secretary Clifford did. And Ambassador Vance did.

But if there is any misunderstanding, I want to indicate the understanding of this President with regard to the flying of reconnaissance planes over North Vietnam.

I must insist that there be continued reconnaissance over North Vietnam because, as we are withdrawing our forces, I have to see whether or not there's any chance of a strike against those forces that remain. And we have to watch for the build-up.

If our planes are fired upon, I will not only order that they return the fire, but I will order that the missile site be destroyed and that the military complex around that site which supports it also be destroyed by bombing.

That is my understanding.

Beyond that, there is another understanding with regard to the bombing of North Vietnam which at a number of these press conferences, and in my speech on Nov. 3, and in four televised speeches to the nation last year, I have stated. I restate it again tonight.

At a time that we are withdrawing from North Vietnam—from South Vietnam, it is vitally important that the President of the United States, as Comander in Chief, take the action that is necessary to protect our remaining forces, because the number of our ground combat forces is going down very, very steadily.

Now, if, as a result of my conclusion that the North Vietnamese by their infiltration threaten our remaining forces—if they thereby develop a capacity and proceed possibly to use that capacity to increase the level of fighting in South Vietnam—then I will order the bombing of military sites in North Vietnam, the passes that lead from North Vietnam into South Vietnam, the military complexes and the military supply lines.

That will be the reaction I shall take. I trust that that is not necessary, but let there be no misunderstanding with regard to this President's understanding about either reconnaissance flights or about a step-up of the activities.

2. CHANGES IN CABINET

Q. Are you contemplating any further changes in your Cabinet, and, if so, why change the line-ups at half-time or, depending on what happens in '72, at the end of the first quarter?

A. It seems we are in the football season pretty genuinely tonight. First, with regard to changes in the Cabinet, one has already been named, made for reasons that I have already indicated. As far as other changes, I have none to announce tonight. I will announce tonight, however, two, I think important, additions to the Administration.

The first, Mr. Rumsfeld is coming into the White House as a counselor to the President on a full-time basis and Mr. Frank Carlucci will take over as the director of O.E.O.

He is his deputy and has done an outstanding job in that particular position, and I believe in promoting a man who has done such a job to the top spot.

Mr. George Bush, the Congressman who was defeated in his bid for the United States Senate, I talked to yesterday and I'm very happy to report that he has agreed to take a top position in the Administration. That will be announced tomorrow at Mr. Ziegler's 11 o'clock conference. Mr. Bush will be there.

I don't mean that we didn't want to give you the break, Mr. Cormier, but all of the arrangements haven't quite been finished.

3. ACTIONS BY FBI CHIEF

Q. Mr. President, as a lawyer and as his immediate superior, do you approve of the following actions of F.B.I. Director J. Edgar Hoover? One accusation which has been made public—accusing two men of conspiring to kidnap Government officials and/or blow up Government buildings as an antiwar action before any formal charges had been made and a trial could be arranged for those gentlemen. And continuing to call the late Martin Luther King a liar. Do you approve of those actions?

A. I have often been asked about my opinion of Mr. Hoover. I believe that he has rendered very great service to this country. I generally approve of the action that he has taken. I'm not going to go into any of the specific actions that you may be asking about tonight with regard to the testimony, for example, that you referred to. The Justice Department is looking into that testimony that Mr. Hoover has given and will take appropriate action if the acts justify it.

4. POSITION ON HICKEL

Q. Mr. President, considering the rather broad national interest in some of former Secretary Hickel's views, I wonder if you would elaborate for us exactly what he did to lose your confidence and what you expect the new Interior Secretary to do that Mr. Hickel failed to do.

A. The problem of confidence, where you have a Cabinet team or a board of directors, is something that can't really be described that precisely. And there are numbers of things that occur that determine whether or not that confidence is going to continue to exist.

In this instance, I thought that when I appointed Mr. Hickel that we would have that mutual confidence that is essential between a President and a Cabinet officer.

There were some—certain things that happened during the course of his stewardship in which I think I lost confidence in him and perhaps he lost confidence in me.

Under the circumstances I thought a change was right.

I have great admiration for him. I think he rendered sincere service. I wish him the very best.

I just didn't want to discriminate against the other network.

5. DIVISIONS IN THE NATION

Q. Mr. President, another question about confidence, if I may, involving you. There seems to be a feeling in some quarters, not just among blacks and students but also among some of your natural Republican allies, some voters, and, certainly, as you may have noticed, some columnists, that you have yet to convey a sufficiently sharp and clear sense of direction, vision and leadership on many matters to end the divisions in this country as you said you hoped to do two years ago and as your own Scranton Commission on Campus Unrest has urged you to do. Do you recognize this as a problem for yourself and for the country and, if so, what can you do about it and what will you do about it?

XUM

A. Well, Mr. Semple, it is, of course, a problem, but I should emphasize that divisions in this country are never going to end—there's always going to be a generation gap and there's always going to be differences between the races and between the religions.

The problem is trying to mute those differences, to mitigate them to the greatest extent possible and to develop a dialogue.

I think we've made some progress in that respect—not as much as I would like. I'm concerned about our relations with youth. I do believe that as we make progress in bringing the war in Vietnam to a close, as we are making it—I was glad to note, or example, that the casualties this week were down to 27, which was a fourth of what they were a year ago and an eighth of what they were two years ago. One is too many, but that's an improvement.

As we end the war, I think that will help some with youth, as the Scranton Committee did indicate. In the other areas, I trust we can give that sense of direction that you refer to and I particularly hope I can give it to the columnists. I want them to have a sense of direction, too.

6. PROGRESS IN PEACE TALKS

Q. Mr. President, does what you said a while ago about bombing of North Vietnam, and indications we've had from other officials of probably more raids to try to free American prisoners—does all that mean that you have abandoned hope for the Paris peace talks to reach a negotiated settlement?

A. Not at all. We're continuing those talks. As you note today, Ambassador Bruce made an offer, which refined the offer we had made earlier of a complete exchange of all prisoners of war. He offered to exchange, upon the part of both the United States and South Vietnam, 8,200 North Vietnamese that we have prisoner for approximately 800 Americans and other allied prisoners that they had. That's a 10-to-1 ratio, but we're willing to do that.

XUM

Their failure to accept that offer will pinpoint something that is pretty generally getting known around the world, and that is that this nation is an international outlaw, that it does not adhere to the rules of international conduct. But we are going to continue the negotiations as long as they are willing to negotiate and as long as there's some hope to make progress in the prisoner issue, or on a cease-fire and an earlier end to the war than the Vietnamization process will inevitably bring.

7. SECRET REPORT ON SST

Q. Mr. President, you've had at least two reports on the supersonic transport prepared at your direction. Both of those reports have been kept secret. Now a group of conservationists and others are in court asking that one of these reports be made public and the Attorney General is arguing against this, trying to keep this document kept secret. I'm wondering if you could tell us why the public should not know what is in that report, in view of the fact that you support the continuing expenditure of hundreds of millions of dollars.

A. I have no objection to the substance of reports being made public. The problem here is that, when reports are prepared for the President, they are supposed to be held in confidence. And some of those who participate in the making of those reports have that assurance.

Now, with regard to the SST, I have satisfied myself, after long deliberation and considering both of these reports, that the arguments with regard to the environment could be met, that this prototype should be built.

8. NEWS CONFERENCES

Q. Mr. President, a year or so ago you told us you thought you ought to have a news conference when it was of public interest, not just in your interest or in the press's. Do you or do you not feel that sufficient public interest developed to justify a news conference before the four months since the last one?

A. Mr. Kaplow, I've noted with interest that several members of the press corps have indicated a desire for more news conferences. And let me be quite candid as to what I feel about this.

Incidentally, I was prepared for this question.

What is involved here is not just 150,000 jobs which will be lost if we don't build it, not just the fact that billions of dollars in foreign exchange will be lost if we do not build it, but what is lost here is the fact that the United States of America, which has been first in the world in commercial aviation from the time of the Wright Brothers, decides not just to be second, but not even to show.

Now, not out of any sense of jingoism but because this plane is going to be built, because it's going to bring, for example, Asia—not only Japan but China in the last third of this century—three hours from the West Coast to Asia—I think the United States should build it, and I believe that we can answer the arguments of the conservationists.

First, I believe that I have a responsibility to members of the press. I go by that press building of yours about 11:30 at night from the E.O.B. I see most of you still working there.

I, as President, have a responsibility to help you do your job. But I, as President, also have a primary responsibility to do my job.

Now, my job is, among other things, to inform the American people. Now, one of the ways to inform them is through a press conference like this.

Another way is through making reports to the Nation, as I did on several occasions about the war in Southeast Asia.

Another is an interview—an hour's interview with the three anchor men of the three networks, which mainly dealt, as you may recall, upon Southeast Asia.

I feel that all of these are useful ways to inform the American people. I think the American people are entitled to see the President and to hear his views directly, and not to see him only through the press. And I think any member of the press would agree with that.

However, I would certainly be open to suggestions from members of the press as to how we could make better use of news conferences without dominating the television too much. Because I would recall to you that one network early this summer decided that it would be necessary to give opposition to the President's policy—opponents to the President's policy—equal time because he was on television too much.

And, so, consequently, the televised press conference, perhaps, should be limited. Perhaps we need more conferences in the office, perhaps more one-on-one, perhaps more—someone suggested a television conference which, instead of the anchor men, we have three of the top columnists. But you make the vote. I won't select it.

9. TROOPS FOR CAMBODIA

Q. Mr. President, Secretary Rogers assured the Senate Foreign Relations Committee today that there is no present intention of ever using American ground forces in Cambodia. Can you foresee any circumstances whatever under which we would use ground troops in Cambodia? A. None whatever.

10. ECONOMIC POLICY

Q. With unemployment and inflation rising, do you think it's fair to say that your economic policies have not worked, and do you plan any quick changes?

A. I believe our economic policies are working. First, we've cooled off the inflation. It is beginning to recede—the rate of inflation. Second, we are now moving into the second half of our plan of expanding our fiscal policy and that, together with an expanded monetary supply, we believe will move the economy up.

I should point out, too, that when we speak of the problem we have to keep it in context. It's interesting to note that the unemployment for this year will come out at 4.9 per cent. When we look at that figure, a rate of 4.9 per cent, we see that that is lower than any peacetime year in the sixties. In 1960, 1961, 1962, 1963, 1964, unemployment was always over 5 per cent.

Now, in answering the question that way, I want to say I'm not satisfied that that is as good as we can do. I believe that we can have a lower rate of unemployment than 5 per cent without war, which is the only time we had a lower rate of unemployment without—in the sixties—was at a time that we had it with war. That is our goal. I think we can achieve it.

11. INTEGRATION IN HOUSING

Q. Mr. President, concerning Governor Romney's plan, to what extent does the Federal Government use its leverage to promote racial integration in suburban housing?

A. Only to the extent that the law requires. In two cases, as a result of acts passed by the Congress, that the Federal Government not provide aid to housing or to urban renewal where a community has a policy of discrimination and has taken no steps to remove it.

On the other hand, I can assure that it is not the policy of this Government to use the power of the Federal Government or Federal funds in any other way, in ways not required by the law, for forced integration of the suburbs. I believe that forced integration in the suburbs is not in the national interest.

12. RIGHTS OF DEFENDANTS

Q. Mr. President, at a previous news conference you said that what happened at Mylai was a massacre. On another occasion, you said that Charles Manson is guilty. On another occasion you mentioned Angela Davis by name and then said that those responsible for such acts of terror will be brought to justice. My question concerns the problem of pretrial publicity and the fact that it could jeopardize a defendant's rights at a trial. How do you reconcile your comments with your status as a lawyer?

A. I think that's a legitimate criticism. I think sometimes we lawyers, even like doctors who try to prescribe for themselves, may make mistakes. And I think that kind of comment probably is unjustified.

Let's go to the left now. Mr. Warren.

13. VIEW ON ELECTION ISSUES

Q. Mr. President, in retrospect, do you think that the Republican emphasis on the law-and-order issue paid dividends, and in the future, looking to '72, what do you think will be the big issue then?

A. Mr. Warren, I really expected a lot more questions on the 1970 elections than we've had tonight. But let me answer that one by saying, first, that I feel that it is my responsibility as President to do everything that I can to work for the election of men who will help support me in keeping the pledges that I made to the American people when I ran for President.

I did everything that I could in 1970, to the best of my ability, to meet that responsibility. And after the election I commented upon the election and gave my views on it, views which differed from some of those here in this room.

Having done that, however, it is now my responsibility, now that the people have spoken, to work with those men and those women elected by the people in 1970. And I can only hope that, in the year 1971, Democrats and Republicans will work with the

President in a policy to bring an end to the war, in bringing our economy ahead, in holding down inflation, in moving on such great programs as the health program, which will be one of the highest priority programs I will submit.

14. THIRD-PARTY CANDIDATES

Q. Mr. President, to follow up on the 1970 campaign, in light of what has generally been considered to be purging Senator Goodell of New York, it is likely that you and the Administration will support third-party candidates in other states against Republican nominees who may disagree with some major points of your policies? A. Under no circumstances.

15. CONSULTATION ON SONTAY

Q. Mr. President, on related matters involving the Congress, you've been charged repeatedly that you do not consult enough with members of Congress and the most recent example was the raid on Sontay. Wonder if you might specifically answer the charge as to why you did not consult the members of Congress as the raid was occurring or immediately thereafter, when all the men were safe?

A. The reason that we did not consult with the members of Congress as the raid was occurring or before it was, of course, because of the high risk involved of the men who were participating.

And as far as the information was concerned afterwards, there was a period of time in which it was felt that the full information should be given to the country at a later time.

I believe that when we look at the record here, all of the information with regard to the raid has been completely put out—there's been no attempt to withhold anything. It was a very brave attempt. I'm very proud of the men who participated in it. I regret that it did not succeed. But I think that it gave hope to the men who were there, and I think it also gave a great deal of hope to their wives who were here.

16. WAGE-PRICE GUIDELINES

Q. Mr. President, back to the economy for a moment. At your first news conference, you ruled out exhorting, to use your words, labor and management to follow certain guidelines, saying that they would follow their organization's desire in any case. Now, since then, you've taken some small steps toward bringing Presidential influence to bear on wages and prices through the inflation alert and the steps you took the other night in your N.A.M. speech. In the light of that, do you consider your initial remarks about wage-price guidelines a mistake in controlling inflation?

A. Mr. Lisagor, I consider that at the time I made the first statement it would not have been proper for me, as President of the United States, to urge labor and management to restrain their price increases and their wage demands at a time that Government was the major culprit in contributing to inflation. But, now that Government has done its part in holding down the budget, and a restricted monetary policy, now it is time for labor and management to quit betting on inflation and to start help fighting inflation. I think it's a question of timeliness.

17. SOVIET ROLE IN CARIBBEAN

Q. Mr. President, do you think that United States security is threatened at all by Soviet military activity in the Caribbean, including the submarine base in Cuba? A. No, I do not.

18. U.S. POLICY IN MIDEAST

Q. Mr. President. Sir, does it remain United States policy in the Middle East that Israel must withdraw from all occupied Arab territories, excepting what Secretary Rogers called any substantial alterations?

A. Well, the policy is based basically on the '67 U.N. resolution. Now, that's a matter for negotiation, and to be more precise than that I do not think would be helpful at this time. I would only say that the cease-fire should continue, that I trust that we get the legislation through for the supplemental—not only there but for Southeast Asia—so that we can keep the balance of power in that part of the world so that the parties involved on both sides will be willing to negotiate, and that eventually they start talking.

19. AID FOR CAMBODIA

Q. Mr. President, how do you plan to keep your quarter-billion-dollar aid program for Cambodia from escalating into a guarantee of survival of the Cambodian Government?

A. The quarter-billion-dollar aid program for Cambodia is in my opinion probably the best investment in foreign assistance that the United States has made in my political lifetime. The Cambodians, a people seven million only, neutralist previously, untrained, are tying down 40,000 trained North Vietnamese regulars. If those North Vietnamese weren't in Cambodia, they'd be over killing Americans. That investment of $250-million in small arms and aid to Cambodia, so that they can defend themselves against a foreign aggressor—this is no civil war, there's no aspects of a civil war—the dollars we sent to Cambodia save American lives and enables us to bring Americans home. And I only hope the Congress approves it.

20. POSITION ON TRADE BILL

Q. You said in July that you would veto any trade bill that came to you that went beyond what you yourself had asked for in the way of quotas—import quotas—and you would ask only for taxing import quotas. Is that still your position now?

A. I stated my position on the trade bill, as you may recall, in a letter to the Senate leadership. I believe that the kind of a bill that we should have is one that is limited to textile quotas. I believe that the addition of shoes, for example, or a basket clause which might require the addition of other items would lose us more jobs than it would save, while the textile quotas will save jobs and insofar as any actions we have with the Japanese will not do so. That's the reason for my position.

21. REPORT ON CAMPUS UNREST

Q. Mr. President, the Scranton Commission on campus unrest was mentioned earlier, and that report was turned in quite some long time ago and we haven't had your description of it, although I think Vice President Agnew has called it pablum for permissiveness. How do you describe it?

A. Well, I've read it, and it's certainly not pablum. Of course, they didn't have pablum when I was a baby, so I wouldn't know what it tasted like, but I can only say that I read the Scranton Committee report. I have written to Governor Scranton. In fact, the letter went off last night or early this morning, and it will be released as soon as he informs Mr. Ziegler that he has received it, and that states my views in detail on the report.

22. U.S.-SOVIET RELATIONS

Q. Mr. President, are you concerned, Mr. President, there may be any serious deterioration in United States-Soviet relations as reflected in the progress on SALT talks, Big Four Berlin talks this week?

A. I'd noted the speculation to the effect that United States-Soviet relations, sometimes they're warmer and sometimes they're cooler. I would only suggest that United States-Soviet relation are going to continue to be difficult, but the significant thing is that we are negotiating and not confronting. We're talking at SALT. We're very far apart because our vital interests are involved, but we are talking. And our vital interests—the interests of both the Soviet Union and the United States—require that we have some limitation on arms, both because of the cost and because of the danger of a nuclear confrontation.

And so it is with Berlin and so it is with the Mideast. I'm not suggesting that we're going to find easy agreement, because we are two great powers that are going to continue it be competitive for our lifetime. But I believe that we must continue on the path of negotiation, and in my long talk with Mr. Gromyko I think there are some other areas where we can negotiate.

23. ONE-TERM PRESIDENCY

Q. Mr. President, would you comment on the emergence of Democratic aspirants for the Presidency in '72 and speculation that you might be a one-term President?

A. I think I'll let them speculate about the one-term Presidency.

24. POLICY TOWARD CHINA

Q. Mr. President, since the United Nations vote on China, have you found it expedient for the United States to review our policy towards mainland China?

A. No, our policy wouldn't be based on expediency, it would be based on principle. We have no plans to change our policy with regard to the admission of Red China to the United Nations at this time. However, we are going to continue the initiative that I had begun—an initiative of relaxing trade restrictions and travel restrictions and attempting to open channels of communication with Communist China, having in mind the fact that looking long toward the future we must have some communication and eventually relations with Communist China.

25. PROBLEM OF DEFECTORS

Q. Could you tell us your personal view on the defector problems of this Lithuanian who was beaten on the Coast Guard cutter?

A. Well, as I have already indicated, I was, as an American, outraged and shocked that this could happen. I regret that the procedures, the Coast Guard informing the White House, were not adequate to bring the matter to my attention. I can assure you it will never happen again.

The United States of America for 190 years has had a proud tradition of providing opportunities for refugees. And guaranteeing their safety. And we are going to meet that tradition.

26. RATE OF PULLOUT IN ASIA

Q. Mr. President, you mentioned several times tonight when we bring the war to a close. Is the war going to be over by 1972, for example? How many Americans are going to be in Vietnam by '72?

A. I am not going to indicate the rate of withdrawal of Americans as long as we are still negotiating in Paris. Indicating the rate of withdrawal, indicating when the Vietnamization program will be concluded would completely destroy any reason to continue the Paris negotiations. The Paris negotiations have not produced results. We do not have great hopes for them at this time. But we are going to continue to try in that line, and as long as we're negotiating there, I'm not going to indicate a withdrawal schedule.

27. DISSENT IN ADMINISTRATION

Q. Mr. President. In the light of the firing of Secretary Hickel and the Goodell case, could you tell us how much dissent you will tolerate in your Administration and in the Republican Party?

A. I have always felt that it was very important for a party that was basically a minority party to be as united as it possibly could be particularly as we go into a national election. And I can only say, as I implied rather strongly in answer to an earlier question, that I personally expect to support all of those Republicans who may be running for the United States Senate in 1972, if they want my support. And some of them are as

XUM

you know members of what is called the Liberal wing of the party. But they are Republicans. We welcome them. We want them. We need both.

Q. Mr. President, do you feel, do you feel that you could approve the . . .

A. He was up first.

28. TRADE BILL AND JAPAN

Q. Thank you, sir. Do you feel you could approve it in the form that's been approved by the Senate Finance Committee and also in a related issue, sir, do you feel there's any progress being made in the textile talks with the Japanese?

A. Some progress is being made. It is not as hopeless today as it was yesterday, for example, but I'm not satisfied with the progress.

As far as the forum is concerned, I do not want to say what I will do about the bill as long as it is still before the Senate. I have indicated clearly the kind of a bill I want. It should be limited to the textile quotas. It should be limited also in terms of the basket clause and the other items because I emphasize this point: the key question is jobs, and it's all well and good to apply a quota that's going to save jobs in America, but it doesn't make sense if it's going to cost us more jobs in America because of cutting down the exports that we make abroad.

CLOSING STATEMENT

I guess Mr. Cormier says that's all we have. I want to say in conclusion that Mrs. Nixon told me I had to make the last statement tonight. I understand I am to invite all the members of the White House press corps and your families to the annual Christmas party on the 23d of December, and she says there's some new lights that all the children will like to see. Thank you.

XUM

EXHIBIT 2

TROOPS IN VIETNAM

JANUARY 21, 1969

Vietnam (authorized) 549,500 (all reductions from authorized):	
Army	360,000
Navy (plus Coast Guard)	35,000
Air Force	59,000
Marines	81,000
Total	535, 500
Off Shore:	
Navy (plus Coast Guard)	35,000
Thailand	45,000
DECEMBER 3, 1970	
Vietnam:	
Army	263,900
Navy (plus Coast Guard)	17,100
Air Force	43,300
Marines	25,300
Total	349,700
Southeast Asia:	
Off Shore (18,500 Navy, 600 Coast Guard)	19,100
Thailand	38,400

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN PETKEVICH—BEST AMATEUR FREE SKATER

Mr. MANSFIELD. Mr. President, victory or high achievement in any form of sports is a goal many strive for but few achieve. As a Representative or a Senator, it is always an honor to have one of your constituents make such a mark. As a Montanan, I am exceedingly proud of John Misha Petkevich, of Great Falls, Mont., as a friend and a representative of our State. John made a mark for himself in the recent Olympics. He is considered to be the 1971 challenger for the U.S. national senior men's competition and is likely to be in a good position for the Olympic gold medal in Japan in 1972. This young man is considered to be the finest free stylist in skating competition.

John Petkevich is a young Montanan with a definite set of goals—social, cultural, and athletic—in mind. While high achievement as an amateur skater is of prime importance at the present time, he is looking to the future when he plans a career in the medical profession. He is now a student at Harvard University. He is receiving more and more national recognition and the December 9 issue of the Christian Science Monitor carries a feature story which I think will be of interest to my colleagues.

Mr. President, I ask unanimous consent that the feature entitled "On Invisible Skyhooks" be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON INVISIBLE SKYHOOKS — PETKEVICH'S TRIPLE-REVOLUTION LEAP MAY CARRY HIM TO TOP SKATING HONORS

(By Monty Hoyt)

BOSTON.—Melodic strains of Rachmaninoff's Second Piano Concerto begin to fill the arena. Almost instinctively, the young, pigtailed heads of budding Peggy Flemings and their gangly-legged male counterparts stride swiftly to the barriers. What moments before was a rushing, whirring mass of exercising bodies, becomes a hushed, almost reverent group of youngsters at the musical cue. All eyes are trained on a solitary figure performing on center ice.

Bold, masterful strokes cover the ice surface in a few glides building momentum for a breathtaking triple-revolution jump. The onlookers gasp with approval then applaud.

The concerto reaches a slower theme momentarily; the outline on the ice is accented by dramatic, sweeping gestures of the arms, complementing the movements of the blond, tousled head. Coming out of a dizzying spin, the figure moves quickly, effortlessly into the buildup for another daring leap, hanging suspended in the air as if by invisible skyhooks. Then, landing gracefully on a single blade-edge, the razor-thin support between superb accomplishment and crashing disaster, the single skater continues his routine in a web of intricate maneuvers, perfectly at one with his musical accompaniment.

John Misha Petkevich.

For several years now, he has bedazzled judges and spectators everywhere with his Paul Bunyan-sized leaps. Rubbing shoulders with the elite of the competitive skating world, he has missed being in the winning circle because his daredevil programs have been almost too much for him to master. And his compulsory school figures (counting for 50 percent of the score in a skating competition) have been notably weak.

But 1971 may change all that. John, twice runnerup in the U.S. National Senior Men's competition, is now heir to the American title. Fellow team member Tim Wood has retired to the professional ranks, vacating the American and World crowns.

"This is the big year," he acknowledges. He and his coach, Arthur Bourke, know that he must place at least second in figures in the World Championships in order to be in shooting position for the Olympic Gold Medal in Sapporo, Japan, in 1972.

Noted as the best amateur free skater in the world today, John recognizes he must be close enough to the leader in school figures so that he can make up any deficit with a superlative free-skating program.

John, or Misha (he responds to both and calls it an even draw as to which he prefers), has been a "charger" in figure skating competition. The U.S. Junior Champion in 1966, he placed 6th in the 1968 Olympics, his first international competition, and 5th in the last two World Championships.

Now he must vault three acknowledged European skaters in order to claim the world title left vacant by Tim Wood's retirement.

In skating, where an established winner is seldom dethroned, the 1971 World Championships in Lyons, France, next February, will likely determine who is to be the next Olympic Champion.

The Gold Medal in the men's Olympic figure skating event has long been an American specialty. Since World War II the United States has won the men's title four out of six times (Dick Button twice, and the two Jenkins brothers, Hayes and David, once each). In 1968, Tim Wood was narrowly edged out for the crown by Austrian Wolfgang Schwartz.

Petkevich is acknowledged by skating experts as the United States' best hope for a "skating Gold" in the 1972 Olympics. But this year's competitive season holds the key to that triumph.

The daily schedule this Harvard University senior adheres to attests the importance of 1971 in his skating career.

Up at 5:15 most mornings, he manages two hours of training on school figures at Harvard's Watson rink before breakfast. He fits in an hour of free skating workouts before rushing off to classes at 10.

On days he has biology labs, lunch usually comes from one of the handy vending machines nearby. On "nonlab" days he usually finds 10 minutes in the afternoon to "goof around" at Harvard's Elliot House before heading off to the Skating Club of Boston for three more hours of practice. Then it's a late dinner and study until 11:30 p.m.

This spartan schedule leaves little time for extras for this dean's list student. But in the spring he varies his routine with tennis; and this fall, in what he laughingly calls his "space time" he has taken up reading the ancient philosophers and some of the literary greats "from Milton onward."

On special occasions like the Harvard-Yale game, "I don't skate at all," John admits, with more than the usual touch of school spirit. "I don't even think about the rink. And, of course, there are no classes."

Musing about the future, John has already outlined a career in the medical profession for himself. He readily announces that 1972 will be his last year in competition—win, place, or show.

"One can only go around in circles for so long," he says, his face breaking into a ready smile.

TOY SAFETY

Mr. MOSS. Mr. President, if anyone had ever doubted the necessity of having a Toy Safety and Child Protection Act which Congress passed more than a year ago, that doubt should have been alleviated by action taken yesterday in a Federal courtroom here in Washington.

Nine toys found to be dangerous after testing by a very reputable, national consumer organization were left on the market because, although they were dangerous, they were not dangerous enough for immediate removal.

It was argued during the hearings which I conducted on the toy safety bill that no such legislation was necessary, but rather the toy manufacturers should be left to adopt their own voluntary safety code.

Congress in its wisdom thought differently, and the bill was passed and signed by the President.

We are still waiting for the Department of Health, Education, and Welfare to implement the bill, and Senator MAGNUSON and I have expressed concern that the implementation of the bill may not be as strict as was intended by the Congress.

Sharing the concern of Senator MAGNUSON and myself, the Consumers Union undertook its own study of various toys on the market, and found nine such items to be hazardous. They asked the Federal court in Washington to issue an injunction against the sale of the nine toys. All of this is action which should have been done by the Department of Health, Education, and Welfare, as directed by the legislation.

The idea that the industry could be relied upon to police the safety of its own products was shattered by the legal steps taken to fight the injunction. Consumers Union had listed such items as a cap gun which makes more noise than a jackhammer, and is dangerous to a person's ears. They had listed a casting set which heats to 700 degrees.

I do not feel it is to the toy manufacturer's credit that they argued against the injunction when their only plea was that their toys were not dangerous enough to warrant immediate removal from the market. Nor do I find it to the court's credit that it agreed with that argument.

It is still possible for these toys to be removed from sale following another hearing by HEW, if the Department carries out full implementation of the Toy Safety and Child Protection Act.

Mr. President, as the sponsor of the act, I want to make it very clear that I will continue to press for rapid and thorough implementation of this law by the Secretary of Health, Education, and Welfare, and that oversight hearings will be scheduled early next year to discuss the matter, if such implementation is not forthcoming.

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. MONDAY, DECEMBER 14, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished senior Senator from Ohio (Mr. YOUNG) the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Illinois (Mr. PERCY) on Monday next there be a morning hour for the conduct of morning business with a time limitation of 3 minutes attached thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT ON CONSIDERATION OF SUPPLEMENTAL APPROPRIATION BILL

Mr. MANSFIELD. Mr. President, again for the information of the Senate, it is the intention of the leadership to call up on Monday at the conclusion of the morning business, if not before, the supplemental appropriation bill, which will be the last appropriation measure to be considered this year on its basis alone and not on a conference basis.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. MCINTYRE) laid before the Senate the following letter, which was referred as indicated:

REPORT OF FEDERAL TRADE COMMISSION

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report of the Commission covering its accomplishments during the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia, from the Committee on Appropriations, with amendments:

H.R. 19928. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1430).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 17550. An act to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes (Rept. No. 91-1431), together with separate and individual views.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. BYRD of West Virginia:

Louis Patrick Gray III, of Connecticut, to be an Assistant Attorney General.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER:

S. 4581. A bill for the relief of Theresa Duffy Wilson; to the Committee on the Judiciary.

AMENDMENT OF SECTION 402 OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—AMENDMENT

AMENDMENT NO. 1098

Mr. MOSS submitted an amendment, intended to be proposed by him, to the bill (H.R. 14169) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act, which was ordered to lie on the table and to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 11, 1970, he presented to the President of the United States the following enrolled bills:

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually.

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

NOTICE ON A NOMINATION PENDING BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, the following nomination has been

XUM

referred to and is now pending before the Committee on the Judiciary:

Frederick M. Coleman, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years, vice Robert B. Krupansky, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, December 17, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS OF SENATORS

MAYOR RAYMOND R. TUCKER OF ST. LOUIS

Mr. EAGLETON. Mr. President, on November 23, 1970, former Mayor Raymond R. Tucker died in St. Louis. Mayor Tucker served the city from 1953 until 1965; previously, he held several appointive positions in city government and on the faculty of Washington University. His most notable contribution to the community prior to becoming mayor was his service as commissioner of smoke regulation, beginning in 1937. His achievements in this difficult job contributed to his fame and later successes in civic life.

Many outstanding mayors were elected in American cities during the 1950's and early 1960's—a period of rebirth and recognition of new urban realities—David Lawrence of Pittsburgh, Joseph Clark and Richardson Dilworth of Philadelphia, John F. Collins of Boston, Richard J. Daley of Chicago, Arthur Naftalin of Minneapolis, Henry Maier of Milwaukee, Richard Lee of New Haven, Ivan Allen of Atlanta. Mayor Tucker was in the forefront of this outstanding group of public officials. In fact, he was a "mayor's mayor," for many of his fellow chief executives would seek his advice and expertise on a particularly sensitive municipal problem.

Mayor Tucker's career exemplified the qualities of leadership, integrity, foresight, ingenuity, excellence, and humaneness. His legacy to St. Louis is one of unexcelled devotion to the public wellbeing and a commitment to excellence in the pursuit of that goal.

I ask unanimous consent that the following tributes to Mayor Tucker and synopses of his public career be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the St. Louis Globe Democrat, Nov. 25, 1970]

Fine Civil Leader—Raymond R. Tucker

Few men in a community's history have, through their dedicated leadership and unswerving purpose, done as much to change the face and spirit of their city as Raymond R. Tucker, during his three terms as mayor of St. Louis.

Under his administrations, the whole structure of a decaying downtown was revitalized with the monumental Arch, the towering new buildings and stadium complex at the riverfront.

He would have been the last to assume the credit, and in fact many influential figures of the community were vitally instrumental in renewing the downtown area.

But Ray Tucker was a driving, determined factor in reshaping his city's facade to modern new beauty. He was in the forefront of every move to redevelop the city grown down at the heels, fast drifting into desuetude.

Even before Mr. Tucker became Mayor he was the key engineer in one of the biggest benefactions this city of "diurnal night" had long suffered. He was the father of the smoke abatement law that rid the community of a sooty plague such as modern-day ecologists may hardly image.

Raymond Tucker was a professor turned politician—an official whom the politicians mistrusted. He would not make trades at the expense of superior public administration. He was elected by going over the heads of the organized Democratic apparatus and always preserved his independence.

For years he taught in the School of Engineering at Washington University before entering public service. He was brilliant in his field and did a great amount of consulting work before he exchanged the classroom lectern for the mayor's desk at City Hall.

Not a single political foe—and no man can long serve major office without making some political enemies—ever cast personal or official blemish upon the Tucker stewardship in St. Louis.

Complete integrity was something Ray Tucker took for granted as part of his contribution to public service, and so did everyone who knew him.

The community mourns his death. And its people willingly would write as his epitaph: Raymond Tucker, one of the most effective mayors and respected public leaders St. Louis has ever had.

[From the St. Louis Post Dispatch, Nov. 27, 1970]

Raymond R. Tucker

In a sense, Raymond R. Tucker never left the classroom, and St. Louis is the better for it. His conviction that the people make the right choices once they are aware of the facts led him time and again to consult the citizens directly rather than to operate in political back rooms and through regular party organizations. These consultations on public issues invariably became exercises in educating the public; and they were as honest, as straight-forward and as free of gimmickry and calculated hard sell as was his whole political life.

The three Tucker administrations in City Hall constitute a standard by which all of his successors in the mayoralty can be measured. Under his leadership, vast stretches of the city were rebuilt. The civic renaissance attracted national attention and touched not only downtown and Mill Creek, at its height the largest urban redevelopment program in the United States, but the neighborhoods as well. Better than $110,000,000 in public improvements were installed in the largest such construction program in the city's long history. The Mayor's ability to attract the two-thirds majorities necessary for authorization of so huge a spending scheme rested on the public confidence elicited by his scrupulous handling of public affairs.

Mr. Tucker personally solved the engineering problem of the riverfront train tunnel, which paved the way for construction of the Gateway Arch and the whole downtown rebirth that it stimulated. But he was more than a builder and administrator. He was a political leader in the highest meaning of the term. He stopped the neighborhood-destroying device of spot-zoning that had become a routine feature of almost every aldermanic meeting; he brought sanity to a traffic program in which the aldermen had installed more stop signs than in any city in the country, and by quiet persistence he led the aldermen to adopt civil rights ordinances covering fair employment, fair housing and equal access to public accommodations that at the time made St. Louis unique among the nation's major cities. The Tucker civil rights legacy may well have been why St. Louis avoided the racial troubles that afflicted Detroit, Newark, Cleveland and other troubled cities.

Some of his admirers argue that his defeat in the Democratic primary in 1965 grew out of his failure to assume control of the party apparatus earlier in his career, and they may well be right. But that was not his way. His preference was for direct consultation with his people, and he was faithful to it to the very end.

[From KMOX Radio Editorial, Nov. 27, 1970]

Raymond Tucker

Raymond Tucker is gone now. His friends and his city have laid him to rest. And the words spoken on the occasion of his death carried the same theme which followed Ray Tucker in life. That theme was respect.

Ray Tucker was a man who didn't demand respect . . . he earned it. He was a college professor. But he won the respect of businessmen because he accomplished concrete results . . . not just theories. He was a politician, and an effective one. But he won the respect of his opponents through his integrity, dignity and sense of fair play. Ray Tucker moved comfortably in the circles of the powerful. But he commanded the respect of the poor and the voiceless, because he never forgot that all men were citizens worthy of recognition. Ray Tucker was an outstanding administrator, earning the accolades of urban officials across the nation . . . but he kept his eyes, his heart and his efforts on the problems at home.

Ray Tucker's achievements have been reviewed many times . . . his successful fight against smoke pollution; his streamlining of city administration, and his role as the moving force in St. Louis downtown redevelopment. The achievements are there . . . we only need look at the shining triumph of our Gateway Arch to be reminded of the life and work of Ray Tucker.

But for those of us who knew him well, his greatest achievement cannot be found in the bricks and stones of urban development, or even in the graphs and charts of his scholarly efforts. His finest achievement was in the quality of the man himself. Ray Tucker was, above all, a man of honor. And he honored his chosen profession of politics by elevating it to the level of true public service.

[From KMOX TV Editorial, Nov. 24, 1970]

A Remembrance of Raymond R. Tucker

Office holders are called "public servants." To our recollection, regrettably few officials ever measured up to the caliber of Raymond R. Tucker, whose dedication to his city gave true meaning to the term.

Grimy and grubby in the 1930's and '40's, St. Louis became the model city in the nation, by enforcing a smoke abatement program devised by Ray Tucker.

Later, as Mayor, he was dismayed by the accelerating decay and urban rot eating away at the city he loved. It was he who launched the revitalization programs whose fruits we see today in the shining Gateway Arch, the bright new downtown area with the stadium complex, and the clearing of slums in Mill Creek Valley. On the latter, Mayor Tucker conceded he may have erred because of the dislocation of poor families into other areas

XUM

ill-prepared to receive them. Yet few remember that Mill Creek Valley was one of the worst slums in the country. Responding to his critics, Tucker would grumble: "The way you talk, that rat-infested slum was the garden spot of America!"

Yet it was Ray Tucker who initiated the city's own anti-poverty programs, anti-discrimination laws, and fair housing and employment ordinances, long before the federal government's interest and dollars penetrated St. Louis.

Ray Tucker wasn't much of a politician. The pros in his party were not pleased by his determined independence. Although elected by large majorities for three terms, he would barely squeak by in the primaries against party stalwarts.

Yet he always insisted that no Mayor of St. Louis ever received as much help from the people as he did. He got that help because people wanted to help him. He was that kind of Mayor.

We of KMOX–TV have particularly fond remembrances of Ray Tucker. We join all of St. Louis in conveying our deepest sympathies to his wife, Edythe, his daughter Joan Marie, and his son John, as we say goodbye to a great Mayor and a true public servant.

RAY TUCKER REDIRECTED ST. LOUIS

In his 12 years as mayor of St. Louis, Raymond R. Tucker, who died this week, established himself as one of the most distinguished local officials America has produced in the post-war years. When he took over in 1953, St. Louis was a municipal disgrace. That city was run-down and on the verge of bankruptcy. By the time he left office in 1965, he changed the direction of one of the greatest U.S. cites.

Mayor Tucker did not accomplish that remarkable feat alone. He once said: "No mayor of St. Louis has ever received the help I've had." Yet throughout those years, he was the undisputed captain of the team, the clearinghouse for ideas and the man of integrity and leadership who was able to rally general support from all segments of the community.

Ray Tucker was a quiet, scholarly man who seemed an unlikely choice for mayor of a city where ward and precinct politics has been a dominant force. His background was in mechanical engineering and he was on the faculty of Washington university in St. Louis before he entered public life in 1934 as secretary to Mayor Bernard Dickman. In that post he drafted the St. Louis smoke control ordinance which was the strongest in the United States at the time. It got outstanding results that immediately won him national recognition.

As mayor he changed the face of St. Louis through slum clearance, major capital improvements and other renewal projects. His interest in people as human beings led to a fair employment practices act, a public accommodations ordinance and a fair housing ordinance. St. Louis became a leader in the field of human relations long before similar laws were approved in many parts of the country.

Shortly before he stepped down as mayor in 1965, to return to Washington university, the St. Louis Post-Dispatch made this editorial comment:

"He has set a high standard that no future mayor can avoid being judged by. He has left the community a legacy by scrupulously honest government, of intelligent leadership in the urban renaissance, of harmonious adjustment to social and racial changes with even-handed justice for all. For years to come, the measure of good municipal government in St. Louis will be the record of the Tucker administration."

To this we would only add that Ray Tucker of St. Louis also set a municipal example that became a yardstick for measuring leadership in Missouri and in communities throughout the nation.

[From the St. Louis Globe-Democrat,
Nov. 24, 1970]

EX-MAYOR RAYMOND TUCKER DIES

Former St. Louis Mayor Raymond R. Tucker, 73, died at Barnes Hospital Monday night, Nov. 23, 1970, after being hospitalized for several weeks.

Tucker entered the hospital Nov. 9 suffering from congestive heart failure.

The former mayor, who served three consecutive terms in that office from 1953 to 1965, had only one lung. His other lung had been removed because of cancer.

Mrs. Tucker and other members of the former mayor's family were at his bedside when death occurred at 10:06 p.m., hospital officials reported.

Funeral arrangements were not announced immediately.

Tucker, a college professor turned politician—thought the "pro's" of politics continued to regard him as an amateur—helped instill a new spirit into a decaying St. Louis.

With his help, and that of top citizen groups whose aid he obtained, the face of downtown and near-downtown was charged.

The long-delayed Jefferson National Expansion Riverfront Memorial at last got under way, the Gateway Arch soaring overhead. The stadium complex stimulated new life downtown.

He persuaded experts to draft a new building code and it was pushed successfully through the Board of Aldermen without crippling special-interest amendments. It spurred an unprecedented building boom throughout the city.

Confidence in Tucker, whose integrity was never questioned, easily won two-thirds voter approval in 1955 of bond issues totaling $110,639,000, which set the stage for the new "Spirit of St. Louis."

Under the eyes of the Citizens Supervisory (Watchdog) Bond Issue Committee Tucker created—which took its job as seriously as Tucker took its duties—the city got value for its money.

From those bond issues arose the Planetarium, the city's three expressways, its flood wall protection, new street lighting, voting machines, rubbish incinerators and a City Art Museum auditorium, to name a few achievements.

Clearance of slums in the Kosciusko and Mill Creek Valley areas also resulted from those bond issues. Kosciusko, on the near South Side, turned out well.

But Mill Creek was later to help cause Tucker's defeat by Alfonso J. Cervantes. Some called Mill Creek Tucker's only big mistake. Negroes who lived there called it "Negro clearance."

There was massive community dislocation, with whole neighborhoods disrupted. People who had known each other, known whom to trust and whom not to trust, were moved out—scorning public housing for the most part—to West End areas where lack of money forced overcrowding.

New slums were created, some of which are being razed now. An increase in the crime rate in the West End came, along with the breakdown of neighborhood strength among the new residents who did not know their neighbors.

Years later, Tucker was to admit that "the human factor" had been overlooked in Mill Creek.

It was a factor Tucker did not often overlook.

Before the days of the militant civil rights push, Tucker took action in his usual quietly persuasive but firm manner.

He won passage of a city fair employment practices act in 1956. He also fought in the 1950's for a public accommodations ordinance, banning discrimination, did not get it until 1961, but by personal conferences persuaded some large downtown restaurants to cease discrimination.

He also won a fair housing ordinance.

And in early 1964, a year and a half before enactment of the federal anti-poverty war, Tucker started St. Louis' own effort, with the Human Development Corporation.

Tucker fought for, and got, ordinances setting minimum standards for dwelling and commercial buildings.

He began neighborhood rehabilitation programs which, in their day, produced better results than the city's recent ones have done with massive federal aid.

Part of Tucker's results came from his department heads. He appointed them for their ability.

Early in his years as mayor, Tucker pushed for, and got, fluoridation of the city's water supplies, resulting in stronger teeth for today's teen-agers as well as their younger brothers and sisters.

Tucker also won from the voters the required 60 per cent approval for a 1954 charter amendment giving St. Louis "home rule" on its earning tax. Such a tax had first been enacted in 1948, but it was done subject to continuing approval of the state legislature.

In 1954 the earnings tax was still only ½ of 1 per cent. In 1959 Tucker won passage of an amendment increasing it to 1 per cent. For a time the city was on a sound financial basis.

Despite his many achievements as mayor, Tucker was perhaps as proud of what he did to clean up St. Louis' smoke in the 1930s as of anything else he did.

He had left Washington University's engineering department, where he had been associate professor of mechanical engineering for 13 years, to become secretary to Mayor Bernard F. Dickman in 1934.

In that post he prepared the city's proposed smoke ordinance—first strong one in the nation. When the ordinance was passed, he became the city's first smoke commissioner—with full authority from Dickmann to do what was needed to make it work.

The results made St. Louis the focal point for other big-city representatives who wanted to find out how to eliminate smoke.

Under Dickmann, Tucker also served as director of public safety and, on the side, as secretary of the Citizens' Survey Committee which recommended efficiency measures for city government.

Tucker helped write the city's civil Service amendment in those days too. When the late William Dee Becker succeeded Dickmann as mayor, Tucker served again as smoke commissioner.

In 1941 he returned to Washington University, to head its mechanical engineering department, a post he held until 1953. However, in 1949–50, he was chairman of the board of freeholders which drew up a new charter (defeated by the politicians), and in 1951 and 1952 he also served as the city's civil defense director, by appointment of the late Mayor Joseph M. Darst.

With Darst not running for a second term because of ill health, Tucker entered the race for mayor. He had, in the Democratic primary, the support of only 1½ of the 28 Democratic ward organizations. He won the primary narrowly, but won the general election by a landslide.

One of the first major acts of his first administration was securing passage of a $1.5 million bond issue making the Plaza Apartments possible.

Tucker won his second term in a record landslide, but his bid for a third term was nearly squashed in the primary when, after a dull campaign by both candidates, he beat Democratic challenger Mark Holloran by only 1,200 votes.

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Mill Valley—called Hiroshima Flats by Holloran—was largely responsible.

Tucker became the second mayor in St. Louis' history to win three terms, but he lost his effort to become the city's first four-term mayor.

In 12 years, a good many toes had been stepped on. Homer G. Phillips Hospital had become an issue in the black community. In vain did Tucker's Negro supporters plead that he had justified black support. Most of the ward leaders deserted Tucker—whom they'd never really worked well with—for Cervantes. The latter won by 14,000 votes.

The following fall Tucker returned to Washington University as its professor of urban affairs, a post he held until his death.

Many honors had come his way. He was president of the United States Conference of Mayors in 1965, a member of the President's Advisory Commission on Intergovernmental Relations, president of the American Municipal Association in 1960.

He received the St. Louis Award for outstanding public service in 1956, the only mayor to be so honored. He received the St. Louis Newspaper Guild's Page One Award, and a plaque from the St. Louis Chapter of the Missouri Society of Professional Engineers. He was also a fellow of the American Society of Mechanical Engineers.

In October Gov. Hearnes had named Tucker as honorary chairman of a new task force on higher education in Missouri.

Born in St. Louis on Dec. 4, 1896, Tucker had lived since 1908 in the Tucker family home at the same south St. Louis address, 6451 Vermont Ave.

He received his A.B. degree from St. Louis University in 1917 and his B.S. in mechanical engineering from Washington University in 1920. (Both universities awarded him honorary doctor of law degrees while he was mayor.)

[From the St. Louis Post-Dispatch, Nov. 24, 1970]

Former Mayor Tucker Dies

Raymond R. Tucker, the former Mayor or St. Louis who led the start of the city's downtown building renewal, died last night at Barnes Hospital. He was born in St. Louis on Dec. 4, 1896.

Mr. Tucker entered the hospital Nov. 9 after experiencing breathing difficulties and was placed in an intensive care unit. The cause of his death could not be learned.

The former Mayor died at 10:05 p.m. At his bedside when he died were his wife, Mrs. Edythe Leiber Tucker; their daughter, Mrs. Joan Marie Doxsee, and her husband, Leigh A. Doxsee Jr.

Completion of funeral arrangements were delayed until the arrival today of Mr. and Mrs. Tucker's son, John, from his home at Greenwich, Conn. Surviving also is the former Mayor's brother, Dr. William J. Tucker, a physician at Ashland, Wis.

LUNG REMOVED

Mr. Tucker first suffered serious health problems from respiratory difficulties in 1961 when he developed a malignancy of one lung. He underwent removal of the lung. A hospital spokesman said today Mr. Tucker had developed a malignancy in the remaining lung.

Mr. Tucker was politician, engineer, educator and civil servant. He was the city's first smoke commissioner and didected civil defense for St. Louis while a member of the Washington University faculty.

He returned to Washington University in 1965 as professor of urban affairs after an unsuccessful campaign for a fourth four-year term as mayor.

Alfonso J. Cervantes, the present mayor, defeated Mr. Tucker in his final political campaign.

After his return to the Washington University staff in 1965, Mr. Tucker taught classes in architecture, law, political science and sociology.

FAREWELL SPEECH

In the former Mayor's farewell address to the Board of Aldermen on March 26, 1965, after his defeat in the March 9 primary election, he told the aldermen: "We have together worked out the biggest program of capital improvements in the history of our city, with benefits to every section of the community."

He praised the aldermen for their cooperation and did not mention the sometimes bitter opposition to some of his programs. Mr. Tucker noted that in his 12 years as mayor laws on civil rights and air pollution control had been approved. Rebuilding downtown St. Louis had begun.

In recent years, he and his family had lived quietly, away from the center stage where he had been for most of his adult life.

ENTERED PUBLIC LIFE IN 1934

Mr. Tucker had extensive experience in affairs of municipal government before he became Mayor in 1953.

His introduction to public life was in 1934 when he left Washington University, where he was associate professor of mechanical engineering, to serve as secretary to Mayor Bernard F. Dickmann.

Three years later he took over direction of the smoke elimination campaign. The assignment as the city's first commissioner of smoke regulation was "the toughest" of his career, he said in later years. It was a job of public education as well as law enforcement, and Mr. Tucker convinced businessmen and householders that elimination was not just an ideal, but a practical possibility.

He filled other posts under Dickmann. He served as director of public safety. He was a member of the commission that wrote and won adoption of the civil service amendment. He was secretary of a citizen's committee that made an intensive study of the city's finances and recommended steps to improve efficiency of the municipal government.

When the late Mayor William Dee Becker succeeded Dickmann, Mr. Tucker served another period as smoke commissioner. In 1941 he returned to Washington University to head the department of mechanical engineering, but while teaching he maintained an active interest in civic affairs. In 1949 he became chairman of a board of freeholders elected to draw up a new city charter. The charter was not adopted.

When development of a civil defense agency for St. Louis bogged down in 1951, the late Mayor Joseph M. Darst asked Mr. Tucker to take on the assignment. For two years Mr. Tucker served as director of civil defense while carrying on his work at the university.

DECIDES TO RUN FOR MAYOR

In 1953, physicians advised Mayor Darst to retire and the Mayor asked Mr. Tucker to run as his successor. It was not easy to give up teaching and engineering, and it took some time for Mr. Tucker to make up his mind. The delay had the effect of precipitating a bitter primary election fight among leaders of the Democratic party.

When Darst announced that he would not run again, the politicians got busy at once, recognizing the importance of getting a strong candidate to head the city ticket. By the time Mr. Tucker decided to run, most of the Democratic leaders were committed to Mark Eagleton, a former president of the Board of Police Commissioners.

With more than three-fourths of the ward leaders lined up behind Eagleton, Mr. Tucker turned to citizen's groups for support. Civic, business, neighborhood and women's organizations rang doorbells for Mr. Tucker, while the old-line politicians instructed their precinct workers to get out every possible vote for Eagleton.

Almost 107,000 votes were cast in the primary. Mr. Tucker received 54,200 votes and won the nomination by a margin of less than 1,700.

In the election three weeks later, there was a landslide for Mr. Tucker, who received 144,000 votes and won by a record majority of 62,000.

MAKES DIRECT APPEALS

As Mayor, Mr. Tucker appealed directly to the citizenry for support in his efforts to solve problems that had plagued St. Louis for years.

Citizen assistance was asked in getting the Legislature to reauthorize the municipal earnings tax. Business and banking leaders called on associates throughout Missouri to cooperate as the new Mayor went all over the state to enlist the support of legislators. When the Legislature met, the necessary enabling act was passed.

The project for development of the Jefferson National Expansion Memorial had been stalled for many years when Mayor Tucker led citizen groups to Washington and got the Federal Government to reactivate the project.

Smarting under the defeat they had suffered at Mayor Tucker's hands in the 1953 primary, Democratic leaders long boycotted the Mayor's office. This enabled the Mayor to fill administrative jobs with officials who had no obligation to ward leaders.

Liaison between the executive and the legislative branches of the city government suffered as a result of this situation. Aldermen, highly responsible to ward committeemen, permitted important civic measures to gather dust in committee. Some of these measures ultimately were enacted, but only after prolonged delays and the mobilization of citizen pressure.

The aldermen enacted numerous "spot zoning" ordinances and authorized erection of many unneeded stop signs. When the Mayor vetoed these measures, the aldermen consistently overrode the vetoes, often without any discussion of the objections from the Mayor's office.

Mayor Tucker stood this for a time, but finally began fighting. Personally addressing the Board of Aldermen, he bluntly accused members of creating "blight by ordinance" and of "formalizing our own decay."

The strained relationship between the administrative and legislative branches continued to hamper the administration's program. The Mayor urged election of a board of freeholders to modernize the city charter, but the aldermen stalled month after month. Only when the Mayor set out to bypass the aldermen and organized a citizens' group to circulate petitions for a referendum on the election did the board finally pass an enabling ordinance.

CHARTER REVISION FAILED

After a year's work, the freeholders presented to the voters a new charter proposal calling for reorganization of municipal departments and the city's legislative body. Threatened with loss of jobs and considerable patronage, politicians conducted an intensive campaign of opposition and defeated the charter proposal.

Mayor Tucker then moved to modernize the governmental structure as much as possible by ordinance. The aldermen enacted bills streamlining some of the city departments. A series of charter amendments followed.

RELATIONS IMPROVE

During his second term as Mayor, the relationship between Mr. Tucker and the aldermen underwent a quiet but far-reaching change. A liaison was established with aldermanic leaders who were consulted on important problems, especially those relating to appropriation and tax measures. The executive and legislative branches finally began to function as a team.

Most members of the Democratic City Central Committee acknowledged Mayor Tucker's popularity and supported him in the 1957 municipal elections. On this occasion, Mr. Tucker's campaign committee made political history after the campaign by returning to donors about 11 percent of their individual gifts, or a total of $7300.

PROGRESS GAINS ATTENTION

Progress in St. Louis under the Tucker administration sky rocketed. Industrial development, urban redevelopment, neighborhood renewal and municipal reconstruction were emphasized by Mr. Tucker. Projects advanced included redevelopment of the Plaza area, clearance of the Mill Creek slum for redevelopment, rehabilitation programs on a number of old neighborhoods, plans for a downtown sports stadium and rehabilitation of the downtown riverfront.

NARROW ESCAPE IN PRIMARY

Mayor Tucker was re-elected for a third term by a substantial majority, but had a narrow escape in the primary, when he won renomination by a margin of only abut 1200 votes. The close vote in the primary was attributed to overconfidence on the part of his supporters and to an unexpectedly large turnout of persons with grievances against the city administration.

His career of public service brought him many honors, including Doctor of Laws degrees from St. Louis and Washington Universities and the presidency of the American Municipal Association.

In 1956 he was presented with the St. Louis Award for "going far beyond the usual obligations of his office" in making this a better city by rallying citizens to public causes. This was the first time that a mayor had been selected for the award. Mayor Tucker turned the $1000 prize over to St. Louis and Washington Universities, which used the money for awards in government essay contests.

Mr. Tucker was born in St. Louis, the son of the late William J. and Ellen Roche Tucker. His father was a heating contractor and former city smoke inspector.

After attending public and parochial schools, the son obtained his B.A. degree from St. Louis University in 1917 and his B.S. in mechanical engineering at Washington University in 1920.

He worked for a time as a safety engineer with Aluminum Ore Co., then became an associate professor at Washington University in 1921. Two years later he re-entered the business world and was associated with an oil company and an oil burner firm. In 1927 he returned to his professorship.

In 1928 he married Miss Edythe Leiber. The Mayor lived at 6451 Vermont avenue in the modest house that has been the Tucker family home since 1908.

THE FALLS CREEK PROJECT

Mr. MANSFIELD. Mr. President, on November 19, 1969, the distinguished Senator from Wisconsin, (Mr. NELSON), introduced the Environmental Education Act of 1970. It was with high hopes for progressive accomplishment that I joined with a great many of my fellow Senators in cosponsoring the proposed legislation. I think it important at this time to briefly review the legislative history on this act.

On August 3, 1970, the House passed these provisions by a vote of 289 to 28, and on September 21, 1970, the Senate delivered a unanimous vote in favor, 64 to 0. The final congressional passage resulted by unanimous voice vote of both Houses.

The mounting concern and accelerated rate of environmental degradation in this Nation prompted me to join in this legislation, genuinely believing that this measure would provide a substantial mechanism in governmental attempts at finding solutions to the problems we face, affecting pollution, our quality of life and the environment. I have in the past and continue to believe that an absolutely essential tool in our approach to these problems lies in the educational processes.

In recent hearings before the Subcommittee on Deficiencies and Supplementals of the Senate Appropriations Committee relative to funding vital for the implementation of the Environmental Education Act, the administration's representative responded to questions regarding an amendment proposed by the distinguished Senator from Wisconsin which would have added $5 million to the fiscal 1971 supplemental appropriation. In that testimony and concurred with in a recent letter from the Secretary of Health, Education, and Welfare, the administration pointed out that the $5 million amendment was not an administrative proposal and recommended that it not be considered as a supplemental appropriation. Rather than recognizing what I believe to be both an essential and clear congressional mandate providing assistance for all concerned in the area of environmental education, the administration rather has chosen to identify some $2 million in existing Office of Education appropriations to apply toward a program for the survey and dissemination of reports on current information to be provided for elementary and secondary schools, to establish environmental demonstration projects with emphasis on the development and expanded use of pertinent curricular material, to support graduate training and fellowships for teachers in environmental education and, last but not least, to aid the cooperation for public broadcasting in developing a television series on environmental problems. The Secretary of Health, Education, and Welfare has further indicated that this same approach will be applied for fiscal year 1972.

At a period of time when a substantial portion of the populace is and has identified environmental degradation as one of the major problems confronting the Nation, when substantial testimony before senatorial committees has attested to the fact that only a substantially increased and concerted program will bring us abreast of our mounting environmental problems, we find the administration willing to approve only $2 million in expenditures.

The public outcry for an awakening to our environmental problems has in most instances been strongly supported by the individual and group efforts of concerned citizens at the grassroots level. This last summer, my office and the offices of the other members of the Montana delegation were visited by two fine young men from Montana who were encouraged and enthusiastic with the prospect of congressional recognition of the environmental problems now facing the Nation. Their visit to Washington was prompted by the desire to participate in a most constructive and worthwhile manner in the provisions provided for in the Environmental Education Act of 1970. I have recently received a copy of an exceptionally fine letter from the Falls Creek project, of Condon, Mont., written as a result of these young men's visit to Washington. I think it important that the content of this letter be brought to the attention of Senators as an adequate demonstration of the type of programs which might be accomplished through the appropriate funding of the Environmental Education Act. I think it eminently appropriate at this time to ask Senators and the administration: At what time are we going to move to be truly responsive to the demands of the national good? For far too long, to paraphrase the distinguished Senator from Maine (Mr. MUSKIE), environmental rhetoric has taken us in one direction and inaction in another.

Mr. President, I ask unanimous consent that the letter from the Falls Creek project of November 19 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FALLS CREEK PROJECT,
November 19, 1970.

Mr. ELLIOTT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. RICHARDSON: Not knowing the format or time schedules for the proposal of grants under the Environmental Education Act, now Pub. law 91–516, we feel a need to submit an application for a grant.

The Falls Creek Environmental Education Foundation, Inc. is a tax exempt, non-profit foundation providing funds for educational and research programs in environmental studies. It provides funds for the Falls Creek Project, an environmental awareness program designed for: 1) building an ecological conscience, 2) providing challenges for self-examination and discovery, 3) acquiring skills and tools with which to build life alternatives and create social change, and 4) involving people in the process of formulating a human community with an orientation toward action which can be translated into the participant's home environments.

The Falls Creek Foundation is directed by seven board members: Meridan Bennett, author and ex-Peace Corps Director; Dr. C. C. Gordon, Professor of Botany and environmental research biologist; Dr. Joseph Hassett; Director of Urban Environmental Education, Wave Hill Center of Environmental Studies, New York City; Dr. James Congdon, Attorney, Missoula, Montana; Edward Slusher, Regional Foresters Staff, N.S.F.S.; Jonathan Foote, AIA architect and partner in Environmental Design Group, New Haven, Conn.; and Jake Kittle, owner of VR Cattle Company, Glenrock, Wyoming.

LOCATION

The Falls Creek Project is directed and coordinated from the Swan Valley—approximately eighty-five miles northeast of Missoula, Montana. It is thirty miles northeast of Seeley Lake, and five miles northeast of Condon. It lies approximately four miles, by trail, from the western boundary of the Bob Marshall Wilderness and five miles east of the Mission Primitive Area.

FACILITIES

Approximately 300 acres, composed of marshes, small lakes, streams, timber and meadows, comprise the Project site. Nearby wilderness, rural and urban environments provide the major study areas for ecological investigations. The main building complex includes three log structures: a lodge, serving as a dining room, administrative office and directors' residence; a large cabin, providing dormitory space, a separate discussion room, a photographic laboratory, equipment repair shop and washing facilities; and a cabin housing the environmental sciences laboratory and library. The library contains a broad selection of periodicals, books and specific scientific papers dealing with investigational techniques and studies on environmental problems. The lab contains field research equipment, i.e. animal traps, bird banding equipment, bacteriological and ion water analysis equipment, etc. One other cabin provides staff housing and a limited space for consultant and visitor sleeping quarters.

STAFF

The staff includes: Director, Geoffrey G. Foote, B.A. (Biological Sciences) Middlebury College, Middlebury, Vt.; M.A. (Botany) University of Montana, Missoula; Teaching Certificate, secondary level: Todd Schlapfer, B.S. (Resource Conservation) University of Montana; Teaching Certificate, secondary level: Meridan Bennett, B.S. (Geology) Yale University, New Haven; post graduate studies in range management, Montana State College, Bozeman: Kathie Foote, the director's wife, will be responsible for nutritional teaching, planning and library organization. She has been involved in translating these subjects to an ecological curriculum for two years.

The staff's range of experience is broad. Mr. Foote worked as a research biologist for the Delta Waterfowl Research Station on ducks and geese, the Montana Fish and Game Department on elk and deer, for the University of Montana on plant ecology and elk and range relationships and taught for the Missoula Public Schools, and the Student Conservation Association. His graduate work was supported by an N.S.F. research grant to Dr. J. R. Habeck. He also worked as a teacher's assistant in an N.S.F. teachers field ecology program at the University of Montana Biological Station. He has done independent ecological consultant work in land planning and has directed the Falls Creek Project for the past two years.

Mr. Schlapfer recently graduated from the University of Montana after following a self-designed curriculum in resource management. He has lived in many different areas of the country, including the wilderness and the city. He has organized and participated in the development of new ideas and curricula for alternative life styles and environmental education. For the past year he has served as associate director of the Project.

Mr. Bennett, one of the early Peace Corps overseas project directors, is an author (Agents of Change) and writer on various subjects related to social change. He is an evaluation and management consultant whose clients range from drug addiction prevention programs to universities and private schools.

A full-time secretary is employed by the Foundation. The secretary also assists in administrative work.

A media specialist, with photographic, art and writing skills and a maintenance man are budgeted, but not yet chosen.

The visiting consultants provide an important aspect of learning for participants. They will be present at the Project for short periods. They include: an environmental research biologist, an urban planner, an architect, a natural resource specialist, a lobbyist, an activist in environmental and social change, an industrialist, a writer, poet or film producer, an environmental lawyer and a governmental resource manager.

THE PILOT PROJECT—1970

We mounted two basic environmental awareness programs in the summer of 1970 as our first effort to implement the Falls Creek Project. Each program involved fifteen students, all between the ages of 15 and 19. Students were selected so as to obtain maximum diversity of background. They came from the following states: Montana (3 students), Wyoming (4), California (6), Texas (1), South Dakota (1), Washington (1), Oregon (1), New York (7), Connecticut (1), Colorado (2), and New Mexico (2). Ten were from minority groups (Indian, Black, Puerto Rican).

Their learning experiences ranged from habitat studies of animals such as elk in the Bob Marshall Wilderness to the study of ecological relationships in rural areas showing varying degrees of human alteration, to the same in industrial areas and the inner-city. In each of these areas, tools of perception ranging from pollution-testing equipment to public opinion surveys were used. The emphasis was on self-evaluation to determine what skills were lacking, then the use of the full range of teaching resources (the staff, the library, the equipment and the skills of the participants themselves) to help participants meet the objectives of the project, cited earlier.

Our success in the pilot project lies in our having been able to turn kids on to their ability to understand today's environmental problems. Since returning home a significant percentage of them have become involved in new and more mature ways of solving their problems in their home environment.

The problems that resulted from the first summer's efforts have induced us to plan the following changes:

(1) We will seek participants with stronger natural science backgrounds.

(2) We will get teachers into the awareness program as participants for greater sharing of ecology-related skills, and to speed the process of implanting living-learning methods in the public schools.

(3) We will extend the length of the session to eight weeks.

(4) We are finding ways to increase curriculum content in ecology, pollution studies and field research.

OTHER PROGRAMS PLANNED FOR 1971

Growth project

This is an action learning experience intended to reinforce the potential that former participants have identified in themselves during the Environmental Awareness program the year before. Certain experiences will be arranged by participants, staff, and directors together to provide action learning primarily to understand and solve environmental problems. The length of time will be determined jointly by the participants and whatever agency or group they may be working with. An important aspect will be selecting the project from among the options available. For instance, a student might discover environmental issues in his own community upon which he could base his growth project. The issues could embrace the field of law, land-use planning, biology, social problems, education—the scope is limitless. Any student completing the Basic Awareness Program will be eligible. In fact, his participation in this phase will be actively sought in an attempt to expand the Fall Creek idea into other regions. The beginning date of this project is to be decided by each participant.

Wildlife-human ecology program, spring 1971

This is a series of three-day workshops illustrating the critical nature of the environmental crisis. These intensive programs are designed to be incorporated into public and private school curricula and involve teachers, students, parents, and other community members. Work has already begun with teachers, students and community people from Whitefish, Montana for three workshops planned for April.

The primary emphasis will be on involvement and action. The same basic emphasis on self-awareness and ecological concepts will be developed as in the proceding programs, with particular attention directed at the Rocky Mountain region. There will be three groups of fifteen people involved. It would be co-educational, with ages ten and up.

Continuity and general follow-up

The most significant part of any of these programs is what happens afterwards. Phone calls, exchange of information, staff and ex-participants gathering together regularly, etc., are important follow-up steps; steps we can't afford to sacrifice. This fall, for instance, there have been visits, plenty of phone calls and mail. This is a signal for us to allocate special time and money for supporting former participants. Since our recruitment is based upon induction—that is, pretraining next year's students by involvement with this years'—follow-up will actually become staff participation in the process.

FINANCIAL STATUS—1971

The financial support for the pilot project came completely from private sources. Last year, excluding the land and buildings, capital and operating funds amounted to approximately $50,000. All of the capital funds, the buildings and land were donated by three individuals. Eighty-five percent of all of the operating funds was donated for scholarships by twenty-eight people, and fifteen percent were obtained from tuition payments. For this reason, participants in the first pilot project were chosen for their qualifications, not on their ability to pay. Next year we will alter the program to meet the growing demand for involving teachers and students together in environmental learning experiences. The skills that develop out of these experiences can then be imparted to the participants' own schools. Our purpose is to stir local involvement in environmental issues and also to increase the effect of the Falls Creek Project on public education. We expect, as a result of this involvement, to begin receiving public funds. In fact, this step has already begun, for this spring some local public funds will support environmental workshops at the Project for teachers and potential drop-outs.

Our operational needs for the educational programs from January through December 1971, total $50,600.00. We are asking for this amount.

We are most anxious to submit a proposal on the basis of this letter. For that reason we would appreciate hearing from you at your earliest convenience.

Sincerely,

TODD SCHLAPFER,
Falls Creek Project,
Associate Director.

SECOND INTERNATIONAL CLEAN AIR CONGRESS MEETS IN WASHINGTON; SENATOR RANDOLPH PROVIDES THOUGHTFUL ADDRESS

Mr. BOGGS. Mr. President, today marks the final sessions of the Second International Clean Air Congress, which has been meeting this week in Washington. During that time, delegates from more than 40 countries have explored the technical, economic, social, and political problems associated with air pollution control throughout the world.

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On Wednesday, the distinguished Senator from West Virginia, the chairman of the Committee on Public Works (Mr. RANDOLPH), was scheduled to address the Clean Air Congress banquet. That evening, however, the Senate was in session until after midnight considering emergency legislation relating to a nationwide railroad strike. Senator RANDOLPH was, therefore, unable to attend the banquet. At Senator RANDOLPH's request, the address that he had prepared was delivered by Dr. John T. Middleton, Commissioner of the National Air Pollution Control Administration, now a part of the Environmental Protection Agency.

Richard D. Grundy, professional staff member of the Senate Public Works Committee, was active in the Clean Air Congress planning.

Mr. President, the message that Senator RANDOLPH had prepared for the delegates was a most thoughtful one. It analyzed several important aspects of the challenge we face in control of international environmental pollution. Because of its importance, I ask unanimous consent that Chairman RANDOLPH's excellent address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WORLDWIDE COMMITMENT IS NEEDED TO END CONTAMINATION OF THE ENVIRONMENT

(By Senator JENNINGS RANDOLPH)

It is a distinct pleasure for me to meet with you tonight to discuss one of the most important problems facing mankind—environmental pollution.

I am honored to share this platform with some of the distinguished individuals whose thought and work are helping to make this Second International Clean Air Congress a productive event. Particular thanks are due to John S. Lagarias, general chairman of the Congress, for his gracious introduction.

Particular notice for their contributions to this meeting should be given to Dr. Christopher E. Barthel Jr., president of the International Union of Air Pollution Prevention Associations, an international leader in environmental pollution control; Arnold Arch, secretary of the union; Joseph W. Mullan, deputy chairman of the Congress; J. K. Jamieson, chairman of the board of Standard Oil Co. of New Jersey and your luncheon speaker tomorrow; and my friend Dr. John T. Middleton, whose agency hosted the reception at the State Department last night and whose lovely wife, Diana, is doing such a superlative job on the women's program of this Congress.

It is pleasant being with Reverend Delmer Van Horn, pastor of the Washington Seventh Day Baptist Church, and his wife, Rowena, who was a West Virginia Randolph before her marriage to my minister who gave our invocation.

You understand the widespread and intense concern being expressed in the United States over the rising levels of pollution that threaten the quality of life.

President Richard Nixon placed the problem in perspective in his environment message last February 10 when he said:

"The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level; it requires the help of every citizen. It cannot be a matter of sitting back and blaming someone else."

In America the new awareness of environmental contamination has raised major political, technological, social and economic questions. They are difficult to resolve, and those of us who must grapple with them are readjusting our thinking to accommodate new realities.

I am encouraged by the response of the American people to the need for action. That they realize the seriousness of the threat to the environment was demonstrated in our elections last month when environment-related issues were given substantial voter support.

While other financial questions on the ballots were being rejected in large numbers, many proposals to pay for environmental enhancement were approved. The people of Florida, for instance, agreed to put the full faith and credit of the State behind local anti-pollution bond issues, and voters in Maine approved a large State bond issue for environmental purposes.

There were many other such instances that demonstrate the willingness of the people to pay the cost of ending pollution.

Our involvement is so acute that we may sometimes tend to believe that only the United States is bothered with pollution and its effects.

It is true that the size of our country and the advanced state of its technology and industrial capacity make environmental controls a paramount matter of significant dimensions.

But we are not alone in facing the crisis of the environment. It is worldwide, and this Congress with representatives of many nations is evidence that the problems and concern are universal throughout our planet.

In the United States we have learned that pollution is not an isolated phenomenon that can only be controlled locally. The sources of pollution are everywhere, and its consequences are even further dispersed to the point of being almost universal. Therefore pollution control is not a provincial problem. We have explored the concept of regional control, and this, too, has its limitations.

It is now obvious that controls must be instituted on a nationwide basis if they are to be effective.

But in our shrinking world, pollution must be viewed in an even broader context, for whatever national pollution problems each of us may have, they have an impact on every other living person. The earth is a living organism with the mechanisms to transport deadly pollutants from one place to another with astonishing speed and efficiency.

When the astronauts of the Apollo 8 mission returned to earth, Earl Ubell asked them on CBS for their impressions of their journey through space. These three daring and valiant men answered that, in essence, they had been awed by the beauty of the earth as compared with the bleakness of space and the grayness of the moon.

They spoke of the uniqueness of the earth among the other planets. As seen from space by these men, the earth was a place of unparalleled, almost incredible, beauty. The surface of the earth was to them alive with color.

There is no other place in God's seemingly limitless universe where life pulsates as it does on earth.

But when the Apollo 13 astronauts returned home, one of them gave a different answer to essentially the same question. From the vastness of space he saw the earth as scarred and marred, mutilated by the thoughtless excesses of its human inhabitants.

The experience with DDT is a dramatic and disturbing example of the transport of contaminants through the global environment. This chemical marvel so very beneficial in the control of diseases such as malaria is now found to be so pervasive that it threatens many forms of biological life and the substructure of ecology on which man relies. Its long life, as well as that of its by-products, now is found in the depths of the ocean and from the Arctic to the Antarctic icecaps. The problem of DDT has become so serious that its use is being severely restricted and even prohibited.

It has been suggested that it is in the interest of global environmental preservation that DDT be banned and the more technologically advanced nations subsidize the more costly alternatives, in effect foreign environmental aid.

In the United States we have learned that the Great Lakes cannot serve as a repository for wastes. We have also awakened to the fact that the oceans cannot be considered as an international dumping ground. These practices have provided many examples of killed animals and plant life in some parts of the seas and resulted in contaminants being spread over large areas.

Much of the opposition to the development of a supersonic transport plane is based on the possibility that such an aircraft might introduce particulates in the upper atmosphere which might increase the cloud cover and effect global weather patterns.

Expert opinion on development of the SST is, however, divided, as evidenced by the recent endorsement of the Administration's SST program by 34 leading scientists.

These are just a few examples of how the application of technology can have widespread impact.

In this application, government and industry are not by themselves responsible for pollution since they are in fact acting to meet social needs. In meeting these needs there is a requirement for worldwide international cooperation in the fields of pollution control and abatement, in order that industrial and economic goals will not override the considerations of a decent environment.

The definition of the term "ecology" is itself a strong argument for multiple involvement. This popular—if sometimes misunderstood—word refers to the close relationship of every living thing to every other and to the single community which all life occupies. It thus makes no sense to view environmental considerations on less than a worldwide scale.

Many of the environmental questions are accentuated by the population explosion. The mere existence of more people creates greater demands, many of which can be met only by expanded technology and industry.

Accompanying this development, there is an increasing demand on development of land and natural resources, hastening their depletion and adding to growing air and water pollution and the mountains of waste with which we must contend.

If we do not learn how to meet the challenges these realities present, the eventual results are easily predicted: deteriorating health, more social instability, lower standards of living and the overall weakening of civilization.

Since our earth is a unit, many of these consequences must be rectified on a unified international basis. At the same time, we must recognize the very real national differences in problems, priorities and abilities to respond.

Just as some nations contribute more heavily to pollution, so must some nations bear a greater share of the cost of alleviating the worldwide situation.

Despite the diversity of nations, there are a number of actions that can be effectively taken now at the international level.

First, before any problem can be successfully attacked, its nature and extent must be known. There is a need for a coordinated worldwide system to monitor pollution in the total environment. We know from past experience with nuclear fallout that radioactive wastes are transported widely and rapidly through the environment. However, we do not have comparable information on chemical pollutants, and there is a demand

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for more extensive, continuous data on which to base an international control effort.

For example, such a system would be invaluable in adding to our knowledge of the worldwide increase in carbon dioxide resulting from the burning of fossil fuels. There are many theoretical implications of higher concentrations of carbon dioxide, but they cannot be verified unless there is more information of the kind that can be obtained only by global monitoring. Scientists need to know to what extent and where carbon dioxide concentrations are increasing, the interaction of carbon dioxide with the oceans and its effect on weather and climate.

Another environmental question that lends itself to international study is that of large scale fluctuations in the particulate content of the atmosphere. There is a need to know the rate of increase, areas covered, size and composition of particulates and—again—their effect, as well as ways of removing them from the air.

In both of these areas, effective progress can be made only with the aid of a worldwide environmental monitoring system.

It is apparent, too, that such a system is practical only if there is agreement as to standardized methods of collecting and reporting data.

While these types of activities can contribute immeasurably to the accumulation of information needed to attack the pollution problem, each nation must decide for itself how far it wants to go in committing its manpower and its resources to maintain a desirable environment.

These are difficult decisions that must be based on national goals and priorities and take into account factors other than financial abilities.

That the technical and monetary requirements of preserving or restoring environmental quality might be beyond the ability of some, particularly smaller, nations must be accepted. This is so, when we consider that pollution abatement techniques are not inexpensive, especially when they must be installed and operated on a large scale. They are costly.

It would therefore seem incumbent on anybody seeking an international approach to pollution control to give very serious consideration to subsidization of environmental enhancement programs with both technology and funds by those nations with the greatest assets. This, after all, would be a new form of foreign aid, one that could benefit all mankind without regard to political differences.

Questions of this type must be resolved by international gatherings like the United Nations Conference on the Human Environment planned for 1972 in Sweden. Maurice F. Strong, secretary-general of the conference, discussed with you on Monday how such meetings can focus public and governmental attention on the need for cooperative action as well as provide the mechanisms and guidelines for such efforts.

In recent months we have received increasing evidence that the earth's seas must stop being used as garbage dumps. Intentional and unintentional discharge of often deadly wastes in the oceans is dangerous to the marine environment of the entire world.

Only last week our Senate Subcommittee on Air and Water Pollution conducted an emergency hearing to inquire into the action of our own government in dumping large quantities of waste oil in the Atlantic Ocean.

Government must not only encourage environmental enhancement, it must set the example for others to follow. Thus, we were alarmed and dismayed when we learned that one of our U.S. Naval bases had been practicing a particular odious form of ocean dumping, particularly in light of the National Environmental Policy Act of 1969. This statute requires that each federal agency conducting an activity which will have a deleterious impact on the environment must prepare a report evaluating the potential effects of its activity and circulate it to federal, state and local agencies.

To bring greater governmental effort and international cooperation in the effort to control ocean pollution, yesterday I introduced legislation in the Senate proposing an international conference on ocean dumping.

Such a gathering could be an invaluable preliminary meeting in anticipation of the United Nations conference in 1972.

I do not believe we can afford to delay unnecessarily in mobilizing the world's talent and resources in support of the chance for a healthy, happy life for all peoples.

Without action on an international level, efforts by individual nations must of necessity be less productive. Nations are the creations of men, but the natural environment transcends political boundaries just as do the substances and actions that threaten it.

Attempts in this century alone have shown the difficulty of multi-national political cooperation. Diverse histories, ideologies, economic systems and even climates all contribute to the differences in men that make life exciting and political agreement difficult to achieve. But the nature of the environmental threat requires cooperation and is such that cooperation can be achieved regardless of divergent viewpoints on other topics.

Fume-filled air, dirty water and mountains of garbage are just as dangerous to capitalist as to socialist, to white as to black, to rich as to poor.

I do not suggest that the degree of cooperation and understanding necessary will be easy to achieve, just as the technology to eliminate pollution will not suddenly appear with the signing of some documents of cooperation.

I have long felt that the most formidable barrier to a clean environment is the mind of man. We tend to become fixed in our thinking. We reject the sharp departures from the old, comfortable ways which are needed to reduce the likelihood of man becoming his own executioner.

Thomas Jefferson stated the challenge this way in 1824:

"As new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

Foremost among the efforts we must make is a change of attitude, a willingness to question old concepts and reorder personal and national priorities.

Is, for instance, biggest always best? Must progress be equated with the destruction of nature? Should the production of "things" take priority over meeting human needs? Can science solve every problem?

These are just a few of the questions we must raise, and they relate not only to pollution problems but to all facets of life, once again demonstrating the inseparability of all we do and the world we occupy.

I refuse to accept any suggestion that the task before us cannot be accomplished. The energy and creativity of people working in the context of established governmental structures can be mobilized to produce and maintain a clean, healthful environment.

It is encouraging to me when a noted scientist expresses this same confidence in our people and our system. Dr. Rene Dubos has said: "I think we will find the way, because we always find political solutions when goals are sufficiently well-defined to permit creative and intelligent use of science and technology."

Athelstan Spilhaus, president of the American Association for the Advancement of Science, has proposed a new "industrial revolution," to provide for the recovery and reuse of materials rather than their discard.

His first step involves what I have discussed as a change of attitudes, a revision of our thinking so that we no longer consider ourselves consumers, but merely users of things on a temporary basis.

A major answer to many of our vexing pollution problems will be found when we stop casting aside potentially useful substances, whether in the air, in the water or as solid wastes. As Spilhaus declares, "waste is simply some useful substance we do not yet have the wit to use."

In the final analysis, the success of man's battle against pollution will be determined by his will to break away from old habits, to reject what Abraham Lincoln called the dogmas of the past and come realistically to grips with the fact that the environmental crisis is one of life and death.

Man created environmental pollution, and only man can end it.

To this commitment let us pledge anew our words, but more importantly, let us pledge our deeds.

AN APOLOGY IS IN ORDER, MR. HOOVER

Mr. MONTOYA. Mr. President, in recent months, the Director of the Federal Bureau of Investigation, Mr. Hoover, has been quite free with his opinions of public figures and political groupings within our society. This week's issue of Time magazine, however, carries a quote by him that I find more than a little astonishing. Here is the direct quote from page 16 of that publication.

> You never have to bother about a President being shot by Puerto Ricans or Mexicans. They don't shoot very straight; But if they come at you with a knife, beware.

Mr. President, there are over 8 million Spanish-speaking citizens of the United States. I take immense pride in being one of them. These Americans are second to none in their devotion to our principles and national goals. It is hard to accept the harsh reality of this slur upon them and all they stand for. Mr. Hoover should render a public apology to these citizens for the quote heretofore mentioned. It should be swiftly forthcoming and without qualifications.

Mr. Hoover has occupied a unique place in the minds of many Americans. To millions of people, he embodies American justice and fair play. All the more reason to deplore and resent such a slur.

Spanish-speaking Americans have suffered much because of stereotyping. Advertising campaigns depict them as slovenly, lazy, indolent, violence-prone revolutionaries. They cavort across our television screens, holding up trains, sleeping, avoiding work and responsibility.

Mass media campaigns, such as the Frito Bandito, have sought to extend the reach of such false images. Even now, Cesar Chavez languishes in a California jail because he dares to demand justice for those who toil in the fields to feed America.

Where is justice? Where is decency? How will America understand these good people when public figures make such statements? Yet these nonviolent people

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have yet to flash a knife or depart from their peaceful search for justice.

The sons of these people are good enough to wear the uniform of our country in every war. Good enough to die for America. I know, for already too many have come home to my home State of New Mexico to be laid to rest. That statement was an injustice to them as well.

For too long too many ignorant people have perpetuated the stereotyped image of an ethnic or religious minority in our land. Such beliefs have yielded up a bitter harvest of internal struggle and bitterness that even now divides our Nation. It is for outstanding public figures such as Mr. Hoover to educate people toward maturity, not to repeat and give respectability to such statements.

For years Mr. Hoover has stood in the public eye for religious belief, clean living and healthy thought. He has departed from that path with this statement.

Mr. President, of late the Director has found great fault with the late Senator Robert Kennedy, the late civil rights leader Dr. Martin Luther King, Jr., and former Attorney General Ramsey Clark. I believe such public tirades and political opinions are unbecoming Mr. Hoover. While he delivers the public apology to America's Mexican American community, he would do well to ponder the wisdom of such continued outbursts.

NORTH VIETNAMESE OFFERED FURTHER POW DEAL

Mr. SCHWEIKER. Mr. President, at his news conference yesterday President Nixon further refined his proposal for a prisoner-of-war exchange. The Nixon plan had already been presented by Ambassador Bruce to the Paris negotiations.

Under this proposal American and allied prisoners would be exchanged for all of the North Vietnamese prisoners now being held by allied forces in the south. This would involve some 810 American and allied prisoners and over 8,000 North Vietnamese, or an exchange ratio of approximately 10 to 1.

Even with this advantage to be gained, the North Vietnamese have refused to bend from their adamant position that prisoner exchange will be the last item considered in any peace settlement. We must recognize the North Vietnamese disregard for their own people and their willingness to use them as pawns in a much larger game, whereas we Americans have a very high regard for individual humans and are willing to make large concessions for their protection and well-being.

It is noteworthy, however, that the administration is continuing at every level its major efforts to restore American prisoners to their homes and families. We can be encouraged by this.

AGENDA FOR THE NEW MAN AT THE U.S. OFFICE OF EDUCATION

Mr. PELL. Mr. President, the soon-to-be-published January–February issue of Change magazine will contain a most interesting article entitled "Agenda for the New Man at the U.S. Office of Education," written by Samuel Halperin. Mr. Halperin is the director of the educational staff seminar, an inservice staff development program of the George Washington University, and was until 1969, Deputy Assistant Secretary of HEW for Legislation. Prior to that, he was Assistant U.S. Commissioner of Education for Legislation and Director of the Office of Legislation and Congressional Relations.

This article, while ostensibly advice to the new Commissioner of Education, actually is a general statement of the critical problems facing the Office of Education, with respect to its internal operation and the educational problems it will have to face next year. Mr. Halperin's "agenda" is especially noteworthy as an excellent summation of some of the issues which the Subcommittee on Education and the Senate will be grappling with next year.

I ask unanimous consent that Mr. Halperin's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGENDA FOR THE NEW MAN AT THE U.S. OFFICE OF EDUCATION

(By Samuel Halperin)

The Nixon Administration hopes the new Commissioner of Education, Sidney Marland, will be a "creative manager"—a man who can mesh the Office of Education's abundant legislative authorities and its $4 billion-plus budget into "an effective strategy for reforming American education." What is wanted, say HEW insiders, is a plan whereby OE, with funds at about the current level for the next several years, will spark the discovery of what is best in the nation's schools. Then, through a vigorous campaign of research, development, demonstration, incentives, and dissemination, OE would seek to "leverage" those practices into schools and colleges. Thereby, OE would become much more than a money-dispensing machine and, instead, lead with the ideas that can make a difference in the education of America's young people.

All of this flows from the theme of Mr. Nixon's recent message on education: "American education is in urgent need of reform." Reform, in turn, requires a federal stress on experimentation, evaluation, research and demonstration, aiding state and local governments in exercising decentralized decision making by the elimination or redirection of narrow categorical grants and outmoded programs, less erratic funding, the lessening of much present federal discretion, and special aid for urgent rational needs, for example, school desegregation.

As in the Johnson Administration, improved education for the disadvantaged remains a top priority of the Nixon education policy team. While the improvement of elementary and secondary education holds highest concern in the thinking of HEW policy makers, there is no discernible intention to ignore problems of higher education. Here, clearest priority is accorded to expanding educational opportunity for lower-income youths to enter college through expanded and reconstructed student financial aid programs. At the same time, one hears less about expanding federal support programs-fellowships, library improvement, and construction—and more about "improving the delivery of federal assistance" through "creative new financing mechanisms," still very much unspecified. (In the elementary-secondary field, Mr. Nixon has appointed a President's Commission on School Finance to examine long-range funding fiscal needs and possible funding solutions.)

Against this background, the choice of Dr. Marland as Commissioner of Education seems particularly appropriate, because he is known to believe that basic reform of the educational systems must go hand-in-hand with any large new influx of federal funds. An experienced public school administrator, Dr. Marland has the reputation of being able to weld disparate social forces into new educational combinations. A pioneer in such innovations as team teaching, early childhood education, compensatory education, magnet high schools, community colleges, and modern technical education, Dr. Marland, former Superintendent of Schools in Pittsburgh, is also a vigorous champion of the special needs of the great cities.

As the new Commissioner takes up the reins of office, it may be useful to survey some of the agenda items and problem areas he will confront. Only by successful attention to all or most of these problem areas can the new Commissioner develop and implement the "strategy for educational reform" desired by the Administration.

RELATIONSHIPS

The most successful commissioners of recent times, Francis Keppel and Harold Howe, sensed the importance of building strong alliances within the Office of the Secretary of HEW and at other critical power points in the Administration: the Office of Management and Budget, the White House staff, and other education-related federal agencies. In recent times, however, communications and relations of mutual confidence between OE and HEW have grown perilously threadbare. While the Washington cocktail circuit buzzed with gossip of discord, educational decision making passed unceremoniously from the Office of Education to other decision makers, most notably in the Secretary's office of program planning and evaluation and to task groups convened by the White House.

The new Commissioner and his top staff will have to work around the clock building relationships of mutual confidence with the new Secretary of HEW, Elliot Richardson, and with various assistant secretaries of HEW who can decisively affect the outcomes of OE's budget, legislation, and program evaluation. The Commissioner will also have to use the momentum of his "honeymoon" period to convince his colleagues in the Office of Management and Budget and on the Domestic Council that the new leadership at OE possesses the intellectual and administrative vigor to effectively advance the goals of the Administration. Without such high-level confidence in him, little that Dr. Marland desires can come to pass.

Specifically, the Commissioner must come to terms with two potentially far-reaching proposals sent to Capitol Hill by his predecessors, Secretary Robert Finch and Commissioner Allen. If enacted, these proposals would establish (1) within HEW, but reporting to the Secretary and, therefore, organizationally independent of the Office of Education, a National Institute of Education; and (2) outside of HEW, a new National Foundation for Higher Education.

The National Institute of Education, spawned by widespread Executive Branch disillusionment with the record of OE in research, development and demonstration—as well as by a genuine desire to upgrade the federal investment in such key areas—is intended as a kind of educational National Institute of Health. Under the plan, NIE would harbor some of the nation's leading educational researchers who would perform high-priority R&D in-house and who would also direct and fund most of the activities now centered in OE's badly decimated National Center for Educational Research and Development. Paid at higher salary levels

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than now possible under the Civil Service structure, and freed of much "bureaucratic red tape," NIE officialdom would, its advocates assert, have an esprit de corps capable of attracting a quality of educational talent which could make significant reforms in the American educational system.

Similarly, the National Foundation for Higher Education would fund "excellence, innovation, and reform" in higher education; "strengthen post-secondary educational institutions or courses of instruction that play a uniquely valuable role in American higher education or that are faced with special difficulties"; and house "an organization concerned with the development of national policy in higher education." As an independent agency within the federal government the NFHE would operate some of the programs now administered by OE's Bureau of Higher Education and would develop new ones in a manner analogous to those of the National Science Foundation and the National Foundation on the Arts and Humanities.

Regardless of the merits of the NIE and NFHE proposals (in this observer's opinion they are substantial), there is little doubt that in their present form they could relegate OE to even more profound organizational insignificance than it presently enjoys. With most "innovative programs" mounted by either the NIE or NFHE, OE officials fear that the agency's main function would be that of routine check writing to the states and institutions of higher learning. "Real leadership," in the sense that most management analysts talk of it, would reside elsewhere and the "run-of-the-mill" support programs administered by OE could scarcely expect much support from the Office of Management and Budget or the White House.

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To be sure, there are some who see "the new OE" as giving vigorous leadership in identifying educational gaps, developing model solutions, providing technical assistance, and conducting pilot demonstrations. But, as of now, the ambiguity of OE's functions in the context of the NIE and NHFE proposals demands attention. Thus, the new Commissioner must almost immediately clarify with Secretary Richardson—who is also not entirely bound by the proposals of his predecessor—and with the White House the degree of flexibility which will be accorded to him in speaking about and modifying the proposals on Capitol Hill.

One thing seems clear: the educational community expects Dr. Marland to act forcefully for the unity of education and its elevation (through greater status and greater budgets) within the Administration. To the extent that NIE and NFHE are perceived as fragmenting education through the separation of elementary-secondary education from higher learning and through the separation of innovative programs from the support programs of OE—to that extent the proposed new agencies will be widely resisted.

In short, the new Commissioner will have to decide what he wants to be Commissioner over and how he can promote the innovative goals of the Administration without further weakening both the organizational base and the already battered morale of OE.

TOP LEADERSHIP

The tenure of OE commissioners has been notoriously short—less than two years each in the last decade. With every change of the man at the top, of course, ripples of uncertainty run through the agency and morale plummets.

The current personnel-morale equation at OE, however, goes much beyond this "normal" dislocation attending the change of commissionerships. For probably never in its history has OE been so bereft of policy and administrative leadership throughout the various layers of the agency. The Deputy Commissionership, traditionally regarded as the "inside man" who attends to essential administrative functions, has not had a permanent appointee for fully twenty-four months.

The magnitude of the Commissioner's top leadership problem can be gauged by noting that, in addition to the Deputy Commissioner, his personal Executive Assistant, and several special assistants, he will be able to make appointments (subject to political clearance and the assignment of a higher personnel ceiling to OE) to the following major posts (assuming full staffing of the present organizational structure): Deputy Commissioner for Planning, Research and Evaluation; Director, National Center for Educational Research and Development: three Deputy Commissioners (for Higher and International Education, School Systems, and Instructional Resources); Associate Commissioner for Elementary and Secondary Education; and at least forty-two significant posts at the division, branch or comparable levels.

Some observers believe that Dr. Marland will have great difficulty in attracting able educators and other talented professionals to serve in an Administration whose credibility as a constructive friend of education is, to say the least, severely strained. Undoubtedly, the inability to promise potential appointees discretion over large new fiscal outlays will deter many otherwise eligible persons. Likewise, complaints circulating in the field about particularly heavy-handed political interference in the hiring of even junior and middle management personnel will not ease the recruitment problem.

Yet, it is hard to believe that Dr. Marland's persuasive powers—coupled with fairly attractive salaries ($22,800 to $35,000) and a tight job market—cannot fill these vacancies.

Thus, the immediate personnel task of the new Commissioner is inescapable. For, while visions of "creative management" at OE may dance in the heads of White House aides, it is difficult to anticipate much forward movement until the OE shop has first been staffed to meet the challenge.

R. & D. STRATEGY

"Prestige," says Dean Acheson, "is the shadow of power." With a current budget of $4.43 billion, nine times that of a decade ago, an observer might easily conclude that OE possesses substantial power and attendant prestige.

In fact, the nature of most of the laws administered by OE—and, more important, the way OE has chosen to administer them—leaves the agency with real discretionary spending authority over less than 10 percent of its total budget. Most OE programs involve formula grants to the states and relatively routine payments to colleges and universities. As management review teams appointed in the Nixon Administration discovered, OE program specialists rarely challenge the state plans and higher education proposals which come before them for "review." Lower OE echelons generally apply their efforts to ensuring that federal forms have been duly completed. Moreover, higher echelons at OE seldom find cause to reverse their subordinates' preliminary approvals of state plans and other spending proposals. As in most established bureaucracies, such accommodating practices lead to the development of close agency-clientele relationships in which the approval of clientele spending requests in a swift and smooth manner is the administrator's best guarantee that "the field" will solidly support his requests for larger spending.

Thus, the bulk of OE's funds flow to the field year after year with little in the way of substantive program review or what are sometimes termed "new program thrusts of the Commissioner." To be sure, efforts of a new man to "set priorities" within existing programs or to insist upon "effective results" in the spending of federal money, have frequently been resisted by potent portions of the educational community and by much of the Congress—which reacts swiftly and unmercifully to constituents' complaints of "heavy-handed federal control of education."

Over the years, then, the bulk of OE's personnel have been devoted to "getting the money out" with as little controversy as possible. When Presidents, HEW Secretaries, or Commissioners desire "new thrusts" and "new leadership," the tendency, rather than to "turn existing programs around," has been to seek new legislation mandating the desired innovation. "It is far easier to pass a new law," says the conventional wisdom on Capitol Hill and at the White House, "than it is to change a bureaucrat's method of operations."

The other major option open to policy makers has been to return again and again to the few genuinely discretionary authorities possessed by the Office, particularly the Cooperative Research Act and other research, development, demonstration, teacher training, and evaluation programs. Spread throughout the Office, these approximately dozen discretionary programs have no critical mass. The largest discretionary budget area—$90 million under the Cooperative Research Act—must be allocated among eleven policy and research centers, fifteen regional educational laboratories, a new program of experimental schools, major support for the National Assessment Program of the Education Commission of the States, and at least nine other major program areas. Yet, such "free" authorities are the basic ones available to any Administration for its new initiatives, such as "the right to read;" the District of Columbia Anacostia model school system; the President's Commission on School Finance; White House Conferences on education, children, or what-have-you; children's TV workshop-Sesame Street; the Commission on Instructional Technology; and on and on.

New leaders are unlikely to hold ardently to the discretionary priorities of their predecessors while, at the same time, they require funds to do their "own thing" in education. In the insightful words of former OE research chief James Gallagher, old commitments, "their political glamor worn off," have their places taken "by new, bright, and shiny programs that are polished by hope and unsullied by experience. . . . The plans designed in past years become the victims of persons who have no sense of history or respect for programs begun before their entrance upon the scene, but who are eager to pursue their own pet projects 'to make their own mark' in Washington."

The antidote for such research anemia can only be found in vigorous new leadership, specifically through the development of a convincing research strategy and the recruitment of skilled researchers and administrators.

Personnel—Closely related to OE's relative lack of discretionary funds, and the continuity and blueprints to apply them with vigor and wisdom, is a serious lack of personnel to ensure program effectiveness. While not entirely comparable, it is interesting to note that OE program funds expanded about ninefold in the past decade while the number of full-time OE personnel increased only from 1,061 in 1960 to 3,036 in 1968 and has since fallen to 2,669.

Some indication of the severity of the problem can be glimpsed from the fact that President Nixon's current budget for OE requested no funds or reduced funds for twenty-four existing programs. Plans were made for many present personnel, plus a requested eighty-eight new employees, to be allocated to high-priority Nixon programs. But the Congress, while authorizing several new programs requested by the President, refused to cut funds for *any* of the twenty-four "lower priority" programs, nor did it grant even one of the requested eighty-eight new employees! Indeed, despite the numerous "vacancy" positions which checker its organization chart, OE's authorized personnel ceiling on July 1 permitted the hiring of only seventeen additional persons.

Thus, Dr. Marland must secure the middle management personnel to assure the Administration that OE can function at a level of quality worthy of increased confidence and, hence, increased funds and responsibility. While his own forceful personality and the leadership of associates he will recruit to other key positions may succeed in getting more work from OE's 2,700 employees, it is doubtful whether the present number of personnel, performing their tasks as *presently* constituted, can ever raise OE's performance to such a level of confidence.

REORGANIZATION

OE's personnel plight leads some HEW management analysts to "think the unthinkable"—a massive reorganization of OE. After at least four major revampings in the past seven years, and the creation and abolition of literally scores of bureaus and lesser units, most OE veterans are horror-stricken by the thought. Contemplating the dislocation of offices, telephones and established relationships, few employees would welcome such a move—and many would counsel against it.

Yet, the case for reorganization may be compelling to the new Commissioner. Briefly stated it is that: (1) A concerted attack upon a complicated educational problem cannot be mounted under the present structure of semi-feudal fiefdoms. Discretionary programs now spread around OE must be centralized so that a coordinated battle plan can be mapped.

(2) There is no reasonable prospect of OE's obtaining the needed personnel to give leadership to American education. Most of the educational community, it is held, opposes an active stance by OE in establishing national priorities, or in giving technical assistance to local educational units, or in closer monitoring of educational results in the field, or in whatever manner one defines "educational leadership."

(3) Under the circumstances, argue the advocates of reorganization, the only way OE can lead is by a massive redeployment of the present staff. "Reorganization," in this context, means not so much a juggling of organizational units as a major streamlining of staff functions. Rather than spending so much time perfunctorily reviewing state plans and college grant requests, staff paper work would be shorn to a minimum.

OE staff resources would then be freed for "change-inducing" or "exemplary" activities—discovering through extensive field operations what seems to be "working" in American education; setting up more effective dissemination mechanisms to show the highly decentralized system how other educators have solved similar problems; using discretionary funds to "leverage" change; providing technical assistance to help schoolmen get better results with their nonfederal, as well as federal, funds; and generally acting as gadfly and promoter of promising educational practices. Convincing the Congress and the educators that this is the proper role for OE will require herculean political efforts. Attracting the kind of personnel to OE, or retraining existing personnel, who could carry out such difficult roles in a sensitive and effective manner is also no small task for Dr. Marland's leadership.

LEGISLATION

With almost a hundred education laws enacted in the last five years and authorizations to appropriate $13 billion—three times as much money as OE is now spending—it is no wonder that almost everyone in Washington downgrades the importance of additional education legislation. Nevertheless, political imperatives make it certain that Dr. Marland will spend much of his time in legislative development and in presentations on Capitol Hill.

First, President Nixon has proposed a $1.5-billion "Emergency School Aid Act" to assist public school districts with the extra expense of desegregation. Although the Congress appropriated an initial $75 million for this purpose, congressmen of every political persuasion have numerous questions which must be answered before they vote larger expenditures. OE played a small role in the development of the Nixon proposal, but it is clear that the Congress will want to have the educational judgments of the new commissioner before very long. Moreover, any successful effort to enact the legislation will almost inevitably involve the new leader in that delicate (and time-consuming) balance of educational wisdom and political sensitivity which is the hallmark of every successful commissioner.

Other legislation also demands attention: the Higher Education and Education Professions Development Acts technically expire next June 30. The Nixon proposals for a National Institute of Education and a National Foundation for Higher Education may get a new lease on life now that there is a new Secretary of HEW and a new Commissioner of Education. Certainly, it is not likely that the Congress would seriously consider these far-reaching proposals, drafted by their predecessors, without considerable exposure to the views of the new men in town.

POLITICS

Some who pride themselves on political realism assert that no Commissioner can succeed in the highly charged political atmosphere of Washington. For, while "internal success" within the Administration—measured by the size and composition of budgets, program directions, legislative content, and quality of management—depends upon the ties of trust and confidence sketched above "external success" depends upon getting along with a host of educational constituencies, each demanding more for its own cause, and a Congress controlled by the other political party. To be sure, the new Commissioner must be a "team player" within the Administration if he is to make any gains for education within HEW and the White House. Yet, the quantity of his relations with the education lobbies and the Democratic-controlled Congress will largely determine what he can do with the initiatives and programs which the Administration permits him to champion.

In the soon-upon-us reelection climate of 1972, does the new man at OE have a chance? While the going will inevitably be rough, difficulties may be eased by according Dr. Marland greater flexibility to bargain than was granted to his predecessor. The key to defusing the political tinderbox may well be to allow the Commissioner and his top associates to work more closely with the Congress than has recently been the case. Recognizing that much of the Congress is wedded to the preservation of existing educational programs and, at the same time, views itself as genuinely committed to strengthening the educational system, the Commissioner (and the Secretary) must be permitted to seek the best accommodation possible with the Congress in furtherance of certain basic principles and objectives of the White House. Instead of a ban on "traffic with the enemy," administrators like Commissioner Marland badly need the opportunity to negotiate for as much of the Administration's program as possible. Without such freedom, we shall see more of the recent situation when two House education subcommittees went to work on key legislation—Emergency School Aid and Higher Education Acts—after first setting aside (not necessarily on the merits) the draft bills submitted by the Administration. In other words, if the White House desires to achieve its principal objectives it will have to permit its appointees to face the lion in its den.

All in all, the weight of problems facing the new Commissioner of Education is such as to discourage all but fools and courageous men. Yet, the challenge is great, for OE's potential to be a creative force in the improvement of American education is undeniable. Fortunately, there are still courageous men around who do not flinch from such challenges.

FAITH IN THE ECONOMY AND AMERICA

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Texas (Mr. Tower), who is necessarily absent, I ask unanimous consent that a statement by him entitled "Faith in the Economy and America" be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Faith in the Economy and America

STATEMENT OF SENATOR TOWER

Mr. President, we here often become so embroiled in the vast overview of important national issues of the day that we sometimes forget that our generalizations—while necessary and useful in defining problem areas and forming judgments—are never a complete statement of all aspects of the issue at hand.

For example, the economy has been one of the great issues and, today, in the face of production cut-backs and labor problems and strikes in many important industries, we are even more hard-pressed to define priorities, formulate policies and implement programs to rectify these problems while maintaining the lid on inflation.

However, it is indeed heartening to see that those great individual American qualities of character—imagination, initiative and hard work—can still achieve their mark of success.

I am proud to call to your attention the accomplishments of my fellow Texan, Mr. Cecil Ussery, who, in February of this year, formed a new company, imbued it with imagination, staffed it with business professionals and has seen it grow in this short period of time into a national operation requiring an increase of staff five times over.

Mr. Ussery, chairman of Ussery Industries Inc., has expressed his confidence in the American economy repeatedly and publicly. Only recently the first of a series of billboard advertisements was erected on Dallas' busy Stemmons Expressway by Ussery Industries, Inc., claiming "We believe in our economy: We're hiring not firing." He has also acted on this confidence and been rewarded.

At this time, I would like to express my own confidence, now bolstered by Mr. Ussery and his company, in our economy.

Moreover, I would like to express my confidence in our fellow Americans who daily meet head-on the problems of our current economy, but who have refused to become harbingers of doom.

No, instead, they have—by returning to the basic fundamentals of American greatness—demonstrated once again that the individual, through his own initiative and efforts, can still achieve success for himself and others associated with him.

The *Fort Worth Star-Telegram* recently highlighted Ussery Industries, Inc., in an article reflecting this encouraging optimism of the company and its employees.

Mr. President, I would like to share this article with my distinguished colleagues so that we may all remember that there are hundreds of other stories like this one now

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developing every day in this great Nation of ours.

Faith in Economy Professed

Dallas.—Undaunted by layoffs and work stoppages, a Dallas industrialist today attested to the world his faith in the American economy.

The first of a series of billboard advertisements was erected on Dallas' busy Stemmons Expressway by Ussery Industries, Inc., claiming "We believe in our economy: We're hiring, not firing."

Cecil Ussery, chairman of the vending machine manufacturer, said his business has never been better.

"We're in the midst of a nationwide expansion program in major market areas from coast to coast," he said. "We foresee a continuous upturn and we want people to share our optimism."

Since its inception last February the company has multiplied its internal staff by five times and has selected some 3,500 distributors."

SOVIET UNION ACCUSES UNITED STATES OF BEING GENOCIDAL AT THE UNITED NATIONS

Mr. PROXMIRE. Mr. President, yesterday at the United Nations the Soviet Union accused the United States of believing in genocide. In the speech given by the Soviet delegate to the United Nations, Yury M. Rybakov, one of the main supporting arguments used for this accusation was our failure to ratify the United Nations Genocide Convention. According to today's Washington Post, Mr. Rybakov said:

> In the eyes of the United States, genocide reflects the spirit of the 70's—that is why the U.S. refused to sign the Genocide Convention.

Obviously, all of us recognize this statement as a complete misrepresentation of the facts, including our proud heritage in regards to basic human rights of all men. However, I hasten to point out that this is not necessarily the case with the other peoples of the world, who could be misled by our lack of action on this human rights convention.

I have been speaking in this body for almost 4 years on this subject. During that time, one of the main arguments that I have used in urging our ratification of this convention was that our enemies could and did use our inaction on this convention as propaganda against us.

It has happened again. We have given the Soviets an unnecessary weapon to use against us.

All is not lost, as we in the Senate now have the golden opportunity to rectify this sad situation. We have been given this chance by the Committee on Foreign Relations which reported the Genocide Convention to the floor of the Senate by an overwhelming margin. We should now follow their action and remove one weapon from the Soviet's propaganda machine.

"THE CITY MUST BE THE TEACHER OF MAN"—ADDRESS BY WILLIAM D. RUCKELSHAUS

Mr. BAKER. Mr. President, yesterday in Atlanta, William D. Ruckelshaus, Administrator of the new Environmental Protection Agency, made his first major public statement in his new capacity. It is a very important statement, not only for its specific contents but also for the insight that it affords into the approach that Mr. Ruckelshaus will take in the execution of his new responsibilities.

Those who, for whatever reason, have had their doubts about the commitment of this Government to cleaning up the environment will find little in this speech to support that view. Those who, for whatever reason, have hoped that effective action could somehow be forestalled or delayed will find little comfort in Mr. Ruckelshaus's statement of December 10.

During his recent confirmation hearings before the Committee on Public Works, Mr. Ruckelshaus assured the committee that he would seek to be fair but that he would not hesitate to take firm action where necessary, even if he were certain to meet with stiff opposition.

His announcement yesterday of tough new water pollution enforcement actions in three major American cities has brought that kind of tough opposition. The mayor of one city, which has been dumping unconscionable amounts of municipal wastes into Lake Erie, promptly denounced the action as a "cheap political shot." Mr. Ruckelshaus responded to this irrational criticism by calmly noting that he had not expected the mayor to "be elated" at the announcement. The new Administrator is not a man to be easily ruffled, an essential characteristic for such a job.

Mr. President, I commend this speech to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The City Must Be The Teacher of Man

It is both fitting and fortunate that in my first week as Administrator of the Environmental Protection Agency I have this opportunity to meet with the annual Congress of Cities. The mayors, city managers, and municipal administrators of this country are in the frontline of the effort to reclaim the environment. For it is the city dweller who bears the heaviest burden of the damage that centuries of neglect have done to the environment.

It is the city dweller who suffers most from the sickening yellow smog that too often irritates our eyes and lungs and blots out the breathtaking skylines we used to see.

It is the city dweller in the last decade who has consistently experienced summertime water shortages; who has witnessed beach after beach declared unsafe for recreational purposes; who has detected a strange new taste in his drinking water as we struggle harder and harder to maintain water quality in the light of diminishing clean water resources.

It is the city dweller who gazes most often on the ugly waste we don't yet know how to dispose of efficiently; and who sees and smells in the rivers that flow through his town the failure to develop ways we can dispose of solid effluents cleanly.

You are in the frontlines, too, because the services you provide your citizens are so closely related to environmental problems. For example, how you dispose of the trash you collect, or the traffic congestion regulations you enforce, can vitally affect the quality of air your citizens breathe. Like all of the aspects of the environmental problem, the issues you face as city administrators everyday are all interrelated. You cannot deal with one problem without considering the effect on another.

The Environmental Protection Agency shares with you an appreciation for the interrelated nature of the problems we must face together. EPA is only a week old. But already it is clear that it is a new departure, a fresh start in meeting the challenge to reclaim the environment—to restore the delicate balance which supports life on this planet. In fact, it is a new, integrated approach to the environmental crisis.

EPA will not deal narrowly with one segment of the problem, ignoring others. It will be a coordinated attack on some of the most persistent manifestations of a deteriorating environment. We know that there is little sense in removing impurities from the air only to pour them back into our rivers and streams. Our charter will be to look broadly at environmental conditions, to keep in mind the whole problem as we deal with each of its parts.

Beyond restoring the quality of the air and water of this nation, we shall be concerned as well with the use of pesticides which threaten both man and animal. We shall be concerned with the disposal of solid wastes which blight our countryside, contaminate both air and water, and befoul our oceans. We shall be concerned, too, with the hazard to human health and water ecology which the increased production of radiation from man-made sources represents.

In the creation of the Environmental Protection Agency the United States has gathered together in a single agency the responsibility for research, standard-setting, monitoring, and enforcement with regard to all of these threats to man and nature. We shall exercise those responsibilities as an independent agency, an agency that has no obligation to promote commerce or agriculture, but rather the awesome obligation to protect and improve our environment.

Besides what we may do technically, our larger mandate is to exercise leadership. To inform and guide as well as serve the people of this nation. None of the issues with which we must deal are so simple as to be reduced to the "pollute or not to pollute" question. There is no one source which we can control that will undo the damage that all of us—individuals, industry, and government at all levels—have done to the environment. Our country is awakened. We must channel this new found awareness to constructive action for a better and cleaner America.

It will be our job in the Environmental Protection Agency to be an advocate for the environment wherever decisions about our common future are made—whether it be in the councils of government, in the boardrooms of industry, or the living rooms of our citizens. That must also become the job of us all. Only the effort of everyone of us will insure that the world our children inherit will be cleaner and healthier than the one we know now.

The responsibilities which are entrusted to this new agency I must meet head-on today. A gross pollution problem exists in Atlanta, Georgia and clearly something must be done about it—and done about it now.

The Chattahoochee River flows clean and clear above Atlanta. But when it reaches this great city 32 million gallons of untreated effluents are dumped into it daily, along with another 40 million gallons with only primary treatment. Beneath the city of Atlanta the Chattahoochee River, an interstate stream, flows into Alabama. It is virtually an open sewer.

This is not alone a judgment of the Federal government. The citizens of this city know it is true, and the State of Georgia itself has reported that the extensive pollution of the river from the Atlanta metropolitan area renders the river unsatisfactory for most

XUM

water uses for at least 40 miles below the city.

This massive discharge of pollutants by the city of Atlanta is in violation of State water standards. Both the State and Federal governments have made it clear to Atlanta that more sewage treatment facilities must be added. Initially a deadline of July 1971 was established to correct the problem. Since then an 18 month extension was granted until December 1972.

It is evident now—after the second stage of the Federal, State, local enforcement conference—that Atlanta is falling behind schedule again. Under present regulations we have made maximum federal financial assistance available to the city. A recent proposal, however, to increase the sewer rate to complete the funding of the project has been defeated—raising the specter of even further delays.

Such a condition demands action by all of us at all levels of government. At the Federal level we will adopt the only course presently available to us under Federal law. Today the Environmental Protection Agency is servicing a 180-day notice on the city of Atlanta to halt violation of the federally approved water quality standards of the State of Georgia. City officials have already been so notified. By this process corrective steps must be taken within 180 days from the date of the served notice or the EPA Administrator can ask the Justice Department to file court action against the city.

We do not take this action lightly or vindictively. Every effort has been made to resolve this problem more amicably. But the situation that exists now demands action, and we shall act with the only tool available to us. Sometime it is only by pressure from without that needed but painful actions can be taken within.

Neither do we take this action to single out this great Southern city. I am as well announcing today that 180 day notices are also being served on the cities of Detroit and Cleveland to halt violation of water quality standards in the Lake Erie Basin.

No one disputes the damage that has been done to Lake Erie. Some contend that the lake is dead. But massive corrective action and hard, prompt enforcement proceedings can save the lake. This is just what we intend to do.

Last summer six Lake Erie Federal-State enforcement conference workshops were held to determine which municipalities and industries around the lake were in compliance with pollution abatement schedules. From those workshops emerged some distressing information.

Detroit is the largest of the sources of municipal waste effluent flowing into Lake Erie. She is also behind schedule in the implementation of primary and secondary treatment facilities for sewage.

Cleveland as well is behind the implementation schedule with regard to primary and secondary treatment facilities. The combined sewer system of the City of Cleveland is a major contributor of pollutants into Lake Erie, pouring raw and partially treated sewage from 700 points of overflow into the lake and area streams.

By serving these 180 days notices we are not saying that the Chattahoochee River or Lake Erie can be restored tomorrow. What we are saying is that we have not done enough, fast enough—at any level of government—to meet the needs that exist and to implement the corrective action necessary. It is not our intent to vindicate our policies in the courtroom. It is our hope, rather, to act as a catalyst—to encourage all of us in Washington, in the State Houses, and in the City Halls of this country to address ourselves to the hard decisions which must be made if the environment is to be protected. Our goal is to cooperate with you—to develop a mutual trust, a mutual point of view, and mutual plans of action. The logjam of inertia must be broken somewhere, and we propose to do it at the Federal level.

We do not aspire to usurp your functions or responsibilities, but we do aspire to help you better provide essential services to your citizens while still protecting their right to a clean and healthy environment. A good example of this approach already exists.

EPA is now involved in a special project to improve environmental quality by closing open dumps and upgrading solid waste disposal practices across the country. The National League of Cities is one of 23 organizations supporting this project called "Mission 5000." The goal is to eliminate 5,000 open dumps by June 1972.

The role of the Federal Government in Project 5000, though important, is limited. EPA will render technical assistance, including provision of recommended standards and model legislation. Special training courses in solid waste management will be offered for operators, supervisors, and public officials.

Actual implementation of Mission 5000—the closing of dumps, however—must be accomplished at the local level. And, therefore, your role as city officials is a critical one. Nor do I shrink from recognition of the near penniless state of many of our great metropolitan centers. Environmental protection is not free. The citizens of our country must understand this and all of us must be honest about the cost. This Administration has recommended a system of revenue sharing with the Federal, State and local governments which would more equitably distribute the tax dollar. This plan should be adopted. But whatever the means, the cost of environmental preservation must be borne.

A thousand years ago Plutarch asserted that "the city is the teacher of man." We know now that the city *must* be the teacher of man. Nearly 80% of our people live in and around our cities. It is in our cities also that environmental problems are most aggravated. And it is in the cities where we must pioneer the way to a future in which man lives in harmony with nature.

All of us have a responsibility to face that challenge. To devise strategies to control environmental hazards now, and more importantly, to develop long-term plans to eliminate them in the course of a healthy and balanced growth in the future. Without your inspired leadership no meaningful plan can be developed, no successful strategy devised.

The Environmental Protection Agency was established to coordinate a broad Federal attack on the pollution of our air, water, and land. But we shall not live up to our own expectations if we do not work closely with you who administer the cities where foul air and water are not abstract scientific problems, but the ugly facts of daily life.

The actions I have taken today and similar actions I will take in the future may shock some. They may anger others. In my opinion it is far better that we shock and anger today than that our children inherit an unlivable world tomorrow.

AMERICAN ASSOCIATION OF MUSEUMS

Mr. PELL. Mr. President, recently the Washington Evening Star published an article about the American Association of Museums. The piece succinctly points out the changing attitude and role of the American Association of Museums, a change which has occurred over the past 2 years. Besides an increased awareness by museum officials of the need for greater Federal involvement, this change also must be attributed to the dynamic leadership of Kyran McGrath, who is the executive director of the association.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW SITE FOR THE AAM: HOW TO KILL A CULTURE "PAIN"

(By Gus Constantine)

When the American Association of Museums vacated its somber, arcane-looking headquarters on Massachusetts Avenue this year for a "home" in one of upper Georgetown's new, ultramodern office buildings, the move signaled far more than a change of address.

In fact, it reflected a decision by America's museums, which the association speaks for, to do something about the "growing pains" they have experienced in a period of unparalleled growth.

"This rapid expansion, by any yardstick you choose to measure it, has scared the hell out of museum officials," Kyran McGrath, director of the association reports.

"It means that the leisurely pace of the past has given way to continuous demands by the public for more exhibit space, more frequent changing of exhibits, more educational programs.

"And all those things cost money—more money than the traditional private sources can provide," he emphasizes.

So the AAM has launched a multipronged drive in the nation's capital to ensure that those in influential positions on cultural matters understand the museums' needs and their point of view.

For example, AAM representatives "audit" congressional hearings to keep its more than 5,000 museum members informed. At times it is asked to testify on behalf of the museums, opening up more channels of communication between museums and the government.

To promote the image of the nation's museums, it has put into effect an accreditation program. In imitation of similar programs for colleges and universities, museum accreditation is intended to grant a "seal of approval" to museums establishing and maintaining professional standards in their activities.

Not lost sight of in the program is the fact that accreditation can be an invaluable tool for those who must make decisions on contributions, grants or contracts.

ANOTHER PROJECT

On the research front, the association has revised its "bible," the "Museums Directory of the United States and Canada."

In doing the spadework for this reference work, the association discovered that in the five years since it last edition, the number of museums ballooned from about 5,000 to over 6,700.

Still another project which the AAM has undertaken is to keep itself and member museums posted on how the Internal Revenue Service is handling the tax reform law passed in 1969.

That law, which was designed to get at foundations being used as shelters for personal income, in effect created a new obstacle for museums. They must show that they are funded by a "broad segment of the public" before a foundation making a grant can do so and still receive a tax exemption.

"This has made a lot of foundations overly cautious with their grants," McGrath reported.

He said he thought the problem could be cleared up by IRS simply by sending a letter to museums "confirming their public support status."

Two years ago, when McGrath became director of the association, his experience in the museum field was little more than that of an ordinary visitor.

His forte was law and politics, "accredited" in the former with a law degree from Georgetown and learning the latter in stints as legal assistant to former Sen. Paul Douglas, D-Ill., and as chief Washington lobbyist for the state of Illinois.

Youthful in appearance despite a retreating hairline—he is only 35 years old—McGrath has plunged energetically into remaking the image of museums and improving liaison between government officials and the museum community. He is convinced the government must expand its support of museums if they are to keep pace with rising demands.

"Look, that's where the deep pocket is, that's where the help must come from," he says.

THE "BELMONT REPORT"

A measure of American museums' prosperity—and at the same time the source of their problems—was taken in 1968 when a report to President Johnson, the "Belmont Report," found that museum attendance skyrocketed from 50 million visits 30 years before to almost 300,000. "Now it's probably around 560 million," McGrath says.

The growth in attendance caught many museums ill-prepared for their new-found popularity. Antiquated buildings, inadequate lighting fixtures, sub-par humidity control were common characteristics of a "plant" inherited from the days when a museum was thought of as simply a place to hang things and keep track of them.

Nor was the problem simply a case of more people. Schools, colleges and individuals began to press the museums for expanded educational services. This meant more guided tours for classes, more educational materials to be prepared for the schools and more courses offered in cooperation with the schools on museum premises.

Tersely, the Belmont Report summed up the problem as follows:

"The basic reason why museums cannot meet today's demands is that they cannot afford it."

The report called for sharply increased federal aid and also urged that the government recognize museums as educational institutions. The latter would open up additional sources of funding, with the money presumably coming from the Office of Education.

This month, museums won a legislative victory on this point when the Environmental Education Act went into effect. The act, which authorizes federal help to educational institutions offering programs on the environment, specifically lists museums and libraries as such educational institutions.

"That's a precedent," McGrath said.

The act also signaled in clearest terms that the AAM "message" emanating from its new quarters at 2233 Wisconsin Ave. is beginning to get through where it counts.

RELOCATION PAYMENTS TO VICTIMS OF MAJOR DISASTERS

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Texas (Mr. Tower), who is necessarily absent, I ask unanimous consent to have printed in the Record a statement by him relating to relocation payments to be made to owners and tenants who are forced by a major disaster to vacate homes or businesses which are subsequently included in urban renewal

There being no objection, the statement was ordered to be printed in the Record, as follows:

Relocation Payments to Victims of Major Disasters

I am particularly pleased that S. 3619, the Disaster Assistance Act of 1970, now in conference, contains a provision, based on an amendment which I proposed, that will permit needed relocation payments to be made to owners and tenants who are forced by a major disaster to vacate homes or businesses which are subsequently included in an urban renewal project. At present, these people may be denied the payments simply because they are unable to return to their homes or places of business before they are condemned or acquired. Section 254 of the Senate version of the bill is designed to preserve their entitlement to the various kinds of relocation payments that can be made under section 114 of the Housing Act of 1949 notwithstanding this temporary situation resulting from the disaster. Identical language is carried in section 4 of the House version. I believe the proposal legislation will not only provide some much needed assistance but also contribute to the more equitable treatment of many people affected by renewal projects.

A MESSAGE FOR APOCALYPTISTS—ADDRESS BY HARLAN CLEVELAND

Mr. PELL. Mr. President, Harlan Cleveland served our Nation as both an educator and as a diplomat for many years in posts of great responsibility. His record was one of distinction. Many people after retiring from a brilliant career would use the time to read, write their memoirs, or, in Harlan Cleveland's case, do a lot of sailing. However, Mr. Cleveland is an activist and upon retirement from the Foreign Service returned to his first career—that of an educator—and today he is president of the University of Hawaii.

It is interesting to note that as president of the university, he is more than the chief administrative officer of that school, for a unique and farsighted structure also makes him chief officer of all public higher education in his State with a broad responsibility for the other facets of post secondary education.

Recently Harlan Cleveland spoke before the International City Management Association at a meeting in San Diego, Calif. His speech discussed the many problems facing our Nation. Through a wry wit and incisive insight, he, in a very few words, capsulized the situation and touched upon what must be done to meet it. The following paragraph is particularly interesting:

> Our problem, in short, is not how to ensure rapid change. It is how man can take control of the changes he himself institutes—how to avoid concentrating on change where it's easy (in science and technology) and neglecting change where it's hard—in the social institutions to control and channel and give ethical content to the new technologies. It is shocking to remember that the Manhattan Project, which produced the atom bomb during World War II, did not employ on its staff a single person responsible for thinking hard about the policy implications of the Project's success; yet we are still neglecting the social fallout of science, in most of the fields where change is most rapid and most predictable.

Does that not sum up our problems in a nutshell? Many of our legislative battles here on the Senate floor are drawn on the same lines. If I may paraphrase Mr. Cleveland, it is easy to fund science and technology, while neglecting funding where it is needed in the social institutions to control, channel and give ethical content to the new technologies.

Mr. Cleveland draws from his insights the lesson that what is needed today are true public executives who will coalesce all the existing factions, but do it with an insight covering all disciplines. Indeed, he discusses in his statement the need for mid-career education for executive leadership. We seek to educate our Nation up to the age of 21, but from that point on experience is the accepted teacher. Why should we not offer to our leaders the opportunity to return to college with Federal support, for a broadening educational experience?

I heartily concur in Harlan Cleveland's call for true public administrators—thinkers, innovators, problem solvers—but also human beings who will understand and take note of the personal drives involved.

I commend this speech to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

A Message For Apocalyptists

(By Harlan Cleveland)

Potential saviours of the modern city, good afternoon.

Off and on during the day, I have been debating with some of you whether city managers or university presidents have selected the world's most precarious form of employment. I don't know which it is, but maybe that is why I, who have never managed a city, feel so much at home, and so warmly welcome, in your midst.

We are first cousins anyway, since ICMA shares with the American Society for Public Administration some of the same aims and many of the same members. Two city managers sit on the current ASPA Council—Doug Stark of Petersburg, Alaska and John Matzer of Skokie, Illinois. Two of your alumni—Bob Coop and Kent Mathewson—are working with me on our ASPA Task Force on Goals, which bids fair to revolutionize our honorable but already ancient Society. And we have chosen well, we think, in appointing John Garvey, who has such close ties with state and local government, as ASPA's new Executive Director.

Since I come to you from a university, you are almost bound to inquire apprehensively, "How are things on the campus?" So, I will start by reading you a letter sent to her parents last Spring by a girl at an American college:

Dear Mom and Dad: I'm sorry to be so long in writing again, but all my writing paper was lost the night the dormitory was burned down by the demonstrators. I'm out of the hospital now, and the doctor says my eyesight should be back to normal sooner or later.

The wonderful boy, Bill, who rescued me from the fire kindly offered to share his little apartment with me until the dorm is rebuilt. He comes from a good family, so you won't be too surprised when I tell you we are going to get married. In fact, you have always wanted a grandchild, so you will be glad to know that you will be grandparents next month.

Please disregard the above practice in English composition. There was no fire, I haven't been in the hospital, I'm not pregnant, and I don't even have a boyfriend. But I did get a "D" in French and an "F" in Chemistry, and I wanted to be sure you received this news in proper perspective.

Love,

Mary.

How are you and I, as public executives, going to put our performance into proper perspective?

"Dear Mr. and Mrs. City-dweller [we could say]: Without our unremitting and tireless efforts you would by now be stalled in a hopeless traffic jam, up to your necks in solid waste, baffled by the complexity of it all, snarling at each other like beasts and preying on each other like vultures. As it is, you are only mired in traffic for three or four hours a day; you are only waist deep in sludge, and the way you treat each other is sometimes almost human—though not of course in election years. Be thankful for small favors."

I'm serious. The crisis is real, and the apocalypse is now a practical option for mankind. The world, the Nation, and most of its communities are dirty, dangerous and disheartened. And who is responsible for doing something about this state of affairs? We the public executives, we whose profession it is to bring people together in organizations to make things happen in the public interest, we are more responsible than anybody. There aren't nearly enough of us, and not enough of us feel personally responsible for the situation as a whole. Yet we are expected to know what to do about the crisis of our time, and to be doing it.

And as the doctors of urbanitis in a land of city folk, you especially are expected to know how to lead us out of the wilderness. Do we know what to do about the crisis of our time, and *are* we doing it?

I will not apologize for speaking of our collective condition in apocalyptic language. We can hardly prescribe for the crisis of our time until we admit to ourselves how very deep is the *malaise*, how profound the malady, which now, all of a sudden, troubles us all. The trouble is called complexity, and it was clearly formulated by a serious and perceptive humorist almost half a century ago. The memorable sentence appeared in an E. B. White story in *The New Yorker* in 1927: "I predict a bright future for complexity in the United States of America," says one character, and then he goes on to ask the question which is bugging us all in the 1970s:

". . . Have you ever considered how complicated things can get, what with one thing always leading to another?"

America's most readable philosophers have long been its humorists. In capsule words and cartoon pictures, they often capture a public mood even before it is a public mood—forecasting, the best of them accurately, what is *about* to make us all frightened or frustrated, bored or belligerent. The two best humorists of the generation past, E. B. White and James Thurber, were both obsessed with the social complexity which now obsesses us all—but no longer seems quite so laughable—today. White was little afraid of it, treated it with gingerly restraint as if it might bite if roughly handled. Thurber reveled in complexity, wading into it like a small boy into a large puddle.

Thurber, for example, narrated an appalling profusion of accidents resulting from a general impression in the family that the bed had fallen on Father, which it had not. It was more unnecessary trouble than any reader would likely experience, at least in a single evening—but not so much more that the reader missed the implied prediction: if one thing always leads to another, as philosophers say and experience confirms, there is no limit to how complicated things can get. In grotesque but almost believable detail, Thurber was answering White's apprehensive query long before Americans in general had learned to blame their individual frustrations on complexity's accelerating rate of growth.

As Americans zeroed in on complexity as the villain of their lives and labors, the practitioners of comedy helped find the words to complain about it—for what people laugh at is always a serviceable index to what troubles them most deeply. Resistance to parental rule revived that pungent line from a Damon Runyan story: " 'Shut up,' my father explained." Worries about conformity gave new currency to Peter Ustinov's claim that one of his teachers wrote on his report card, "Peter shows great originality, which must be curbed at all costs." Small talk in a Great Society was never better parodied than in that Simon and Garfunkel lyric about "the dangling conversation and the superficial sighs." And the Vietnam-induced yen to withdraw from an untidy and dangerous world, enabled Bob Hope to score with that two-word Commencement speech at Georgetown University, "Don't go," was his advice.

The personal reactions to social complexity seemed to fall in two moulds—sardonic acceptance and belligerent rejection.

Belligerent rejection is obviously more fun, and increasingly in evidence in the more "developed" societies. Our reaction to complexity is to vent a generalized anger on the nearest symbol of what bugs us.

Angry students blame the draft and Vietnam war on the college of their choice. Angry parents blame the schools for not keeping their children under better control than they did at home. The sudden converts to ecology blame the public executives for pollution—while throwing beer cans away in the city park and dumping their waste in the nearest stream.

Urban congestion accounts for so much frustration that piquant examples of belligerent reactions are now daily newspaper fare. "Officer," says a woman arrested for going the other way on a one-way street, "has it occurred to you that that arrow may be pointing the wrong way?" She is speaking for all of us, and not only about traffic. The limiting case was recorded in Rome, which routinely has the world's worst traffic congestion. Two drivers almost collided, then emerged from their cars to argue in the presence of a growing audience. One with exaggerated politeness asked the other to go ahead. The other, adopting a similar stance of mock courtesy, said, "No, no, after you!" For five minutes they disputed, this Alphonse and this Gaston, which of them would persuade the other to pass. Finally one of the men went back to his car, reached into the glove compartment, extracted a revolver, and shot his adversary—for *not* going first.

It is in fact a world where belligerent rejection of complications over which nobody seems to have control shades over into direct action; the people in whose name the action is taken often get hurt, and sometimes killed. Small wonder that an applicant for Federal employment, faced with the standard question, "Do you favor the overthrow of the Government by force, subversion or violence?" thought that it was multiple-choice.

Now that the complications seem closer and more menacing they are increasingly hard to accept, even with a sardonic twist to the acceptance. Instead of Thurber we now have Norman Mailer. He too revels in complexity, and writes compellingly about it. But in Mailer's case, it is not so much the society he observes around him that produces his frustrations, but rather the other way around: his frustrations produce the observations he reports as the world around him. And with a sure sense of his market, he is not nearly as funny as Thurber. Too many people are no longer in a mood to regard complexity as comic.

In the industrialized, "modernized," "developed" nations of the Atlantic community, and notably in the United States of America, there is certainly a pervasive sense of crisis, a vague but deeply felt conviction that the real object of our frustration is not traffic jams or nuclear weapons or even wornout wars, but something irreversible that is bigger than man and permanently beyond his control.

Each generation sees itself at a crucial moment in time, but I think it is now arguable that we are entering one of the really great transitions in mankind's history. Behind us is a spectacular success in achieving power over our environment. By seeking facts and harnessing energy and studying evolution and bending metal and organizing people, man produced consciously directed change. He now is beginning—just beginning—to face the consequences of the changes he has willed, and of which he forgot to calculate the secondary and tertiary effects.

The object of this mastery was freedom to handle physical nature, to build for himself an environment that was the product of his own will, even to change himself. And this was presumed to lead naturally to more freedom for more and more people.

It did—up to a point. In the United States of America, a higher proportion of the population makes a wider range of personal choices (where to live, what to do, what to get excited about) than at any previous time, or in any other society. It is no mean accomplishment, and we can give two cheers for it as we brush past.

But the trouble is, man's extraordinary capacity to organize has produced a new situation, in which more mastery of his environment does not necessarily produce more freedom for more people. "The very qualities that enabled [Man] to raise himself so radically above his fellow-animals carry within them the threat of a new and even more fateful bondage." So says philosopher Herbert Rosinski. "Right on," say I.

Experience is no longer a reliable guide to future actions. One of those nuggets of ancient Chinese wisdom, codified by a Peking rewrite man as the Thoughts of Mao Tse-tung, is still wise: "Experience," says Mao, "is the comb which Nature gives us after we are bald."

This moral baldness we are all beginning to feel, then, is somehow related to the gap between our control of physical "progress" and our loss of control over the disturbing human consequences of that progress.

Quite suddenly, truths about our society all come wrapped in paradoxical packages. Man was bright enough to invent the internal combustion engine, burn off garbage in the open air, and build sewers to get waste out of his own home; but one thing led to another just as E. B. White predicted, and a baffling condition of air and water pollution results. Organized medicine succeeds in lengthening life and reducing infant mortality—and manufacturing a "population problem." Agricultural Science creates the capacity to give every man, woman and child a decent diet, and generates a crisis over our evident failure to do what we now have the capacity to do. The science and mathematics of meteorology improve weather forecasting, which everybody likes. But they also will make it possible to change the world's weather at human command—and we have not even begun to think about the ethical consequences of using *that* power. Modern phychology sweeps away the myths that misled but comforted our forbears—but still gropes for something modern to put in their place. Modern public administration learns how to organize large numbers of people in loose organizations that work well in performing highly complex operations—and generates a revolt against bigness and bureaucracy.

Our problem, in short, is not how to ensure rapid change. It is how man can take control of the changes he himself institutes—how to avoid concentrating on change where it's easy (in science and technology) and neglecting change where it's hard—in the social institutions to control and channel and give ethical content to the new technologies. It is shocking to remember that

XUM

the Manhattan Project, which produced the atom bomb during World War II, did not employ on its staff a single person responsible for thinking hard about the policy implications of the Project's success; yet we are still neglecting the social fallout of science, in most of the fields where change is most rapid and most predictable.

Predictable disaster requires a Messiah—to build an ark, to lead us out of the wilderness, to revise our aspirations and revive our faith—in ourselves and in each other. But modern complexity is such that no single new leader will do—our requirement is for multiple Messiahs, to give ethical purpose to a neutral science and technology whose unsatisfactory God seems to be rapid and accelerating change.

In a society based on large-scale organization, the saviours will mostly be public executives, for it is they who bring people together in organizations to make things happen in the public interest.

It used to be that somebody else defined the public interest—the administrator was a non-lethal gun for hire, but the direction of change was set by some boss or bishop, or by groups of political generals or generalist politicians. Alexander Pope summed up the manager's creed, an ethic of manipulation, in one line of poetry: "What e'er is best administer'd, is best."

But nowadays the public executive sets his own direction and makes his own policy. In doing so he has to deal with gloomy experts and greedy interests, silent majorities and shrieking minorities, and with other public executives who also claim the public interest as their touchstone. But the more complicated things get, what with one thing always leading to another, the more true it becomes that if the public executive doesn't know in what direction to push his fraction of the public's business, there is nobody who knows better than he—or she.

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It is time to revise Paul Appleby's famous definition of policy as "the decisions made at your level and higher." Policy is now mostly the decisions you make by negotiation with your executive peers. And increasingly the policy you make includes your own legislative mandate; during 20 years in the Federal Government, I seldom operated under a law that wasn't, in its essentials, written in the Executive Branch.

Because one thing always leads to another, those of us who presume to bring people together in organizations to make something happen in the public interest spend most of our time consulting, trying to share the awesome burden of ultimate responsibility with as many interested peers as possible.

It is all too easy to use committees and councils as instruments of decision-avoidance. I think it was Ibsen who had one of his characters say, "When the Devil decided that nothing should be done, he decided to create the first Committee." One of the best bits of administrative doggerel in the literature, that poem in Punch about the Royal Commission on Kissing, makes a similar point:

The necessity for action was clear to everyone,
But the view was very general that nothing could be done,
And the Government courageously decided that the Crown
Should appoint a score of gentlemen to track the trouble down—
Which always takes a long, long time.

Throughout our society, the committee is an instrument of seduction: appointing "a score of gentlemen to track the trouble down" feels like action, but nothing really happens until some one or two or at most three people sit down late at night and write something thoughtful that carries the subject beyond the conventional wisdom.

And the person most likely to do *that* is, the executive who will be stuck with carrying the committee's mandate into action.

In sum:

The more complicated things get, the more collective is the process of bringing people together in organizations to make something happen in the public interest.

The more collective the process of making decisions, the more personal responsibility falls on the public executives who have to think them out before they can carry them out.

There is, therefore, a growing requirement for, and a growing shortage of, executive leaders who can (in Appleby's timeless phrase) "make a mesh of things." In the nation that has grown great on specialization, expertness has run amuck. The bottleneck in our society is here: we know every specialized thing about our environment except how to prevent ourselves from ruining it. We know everything about international relations except how to keep them peaceful. We know everything about the city—its energy and its economics, its sociology and its sludge—everything except how to put all our expert and detailed knowledge together to make the city beautiful, efficient, quiet, safe, and clean.

If there are more and more decisions to be made, if the decisions to be made are more and more complex, if more and more people get involved in each decision, *it follows that the rate at which general decision-makers are produced had better be greater than any other growth rate in our society.* And this, of course, is where the universities come in; the need is for more and more educated people, more *broadly* educated than ever before. It is certainly the business of the International City Management Association, as it is of the American Society for Public Administration, to place a high priority on Federal and State support for mid-career education for executive leadership.

Our professional organizations can do something else, too. They can stop walking away from public policy issues—the "sense-of-direction" issues involving poverty, racial tensions, environment, defense, health, education and the rest. I do not mean that ICMA, or ASPA, should waste their time passing the same tired, obvious resolutions that every other association is passing these days—exhorting an end to the war in Vietnam and a new ordering of national priorities. If we don't have a better idea than the responsible executives how to end the war abroad or ensure peace at home, then let us avoid shooting off our amateur mouths like everyone else. For we are the professionals in bringing change about.

The old aphorism still applies: where we stand depends on where we sit. As public executives we should know what it's like to sit back where the buck stops; we should be better able to judge the means as well as the goals of public policy. Most of the other voices that are raised, on Vietnam or the Mideast or pollution or poverty or public safety, are amateurs describing a desirable end—scientists advocating some political ideal, mechanics discussing the city beautiful, nurses telling us what to do in Southeast Asia. But we are the public executives, who should set a higher standard: we should always be willing to play the "let's pretend" game of executive responsibility, and couch our exhortations in practical and programmatic terms. Otherwise we will merely add to the pollution of the public debate, and the public debate is poisonous enough already.

We who presume to the demanding profession of public executive could easily feel sorry for ourselves. Just when the earth is revealed as polluted and in mortal peril, we seem to have inherited the earth—not because we're meek but, because we're not. We have to decide what to do next from day to day. We have too many gloomy precedents and not enough unwarranted optimism, too much information about the past and only the most primitive tools for controlling the future. We are operating in an environment of growing moral complexity. Codes and counsel from others are likely to be so general as to be useless or so specific as to be unworkable; it is increasingly hard to find criteria for action more valid than those we have worked out for ourselves through study and experience—and through consulting with each other. And when we step forward to do something about the causes of the people's anger and frustration, we become their target as well.

It's a forbidding atmosphere in which to reach for personal leadership on issues that touch the public interest—as more and more issues do. Yet if we can get used to the heat in the kitchen, the chance to work at destiny's business far outweighs the burdens of the bucks that stop at our desks.

For freedom is choice, and if any one is free in modern society it is the public executive.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended, to H.R. 18306.

Mr. FULBRIGHT. Mr. President, I move that the bill (H.R. 18306) be recommitted to the Committee on Foreign Relations.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

Mr. COOPER. Mr. President, I move to lay that motion on the table.

Mr. FULBRIGHT. Mr. President, will the Senator withhold that motion a moment?

The PRESIDING OFFICER. Does the Senator from Kentucky withdraw his motion to lay on the table?

Mr. COOPER. Yes.

Mr. FULBRIGHT. Mr. President, after listening to this debate, while, of course, I respect the right of the Senator from Tennessee to express his views about it, and I have no quarrel with the Senator whatever, in view of the extended debate on this matter, and the lateness of the hours, it seems to me, since the administration is deeply interested in this matter, that it is entitled to have some kind of indication on the part of the Senate as to its attitude toward this very important bill.

So, Mr. President, I have made the motion. I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FULBRIGHT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I have moved to recommit the bill. I yield now to the Senator from Pennsylvania, for the purpose of making a motion.

Mr. SCOTT. Mr. President, I appreciate the Senator's courtesy. At this time, I move to lay on the table the motion to recommit.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

Mr. SCOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. AIKEN. Will the Chair state the question?

The PRESIDING OFFICER (Mr. EAGLETON). The question is on agreeing to the motion of the Senator from Pennsylvania (Mr. SCOTT) to lay on the table the motion to recommit of the Senator from Arkansas (Mr. FULBRIGHT).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT) is detained on official business.

Also, the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from Texas (Mr. TOWER) and the Senator from Illinois (Mr. PERCY), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from New York (Mr. GOODELL), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 47, nays 20, as follows:

[No. 426 Leg.]

YEAS—47

Aiken
Allott
Anderson
Baker
Bellmon
Boggs
Brooke
Case
Church
Cook
Cooper
Cranston
Curtis
Fannin
Fulbright
Goldwater
Gravel
Griffin
Hart
Hruska
Inouye
Jackson
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Saxbe
Schweiker
Scott
Smith
Stennis
Stevens
Tydings
Young, N. Dak.

NAYS—20

Allen
Bible
Burdick
Byrd, W. Va.
Cannon
Eagleton
Ellender
Ervin
Gore
Hartke
Holland
Jordan, N.C.
Magnuson
McIntyre
Randolph
Spong
Symington
Talmadge
Williams, Del.
Young, Ohio

NOT VOTING—33

Bayh
Bennett
Byrd, Va.
Cotton
Dodd
Dole
Dominick
Eastland
Fong
Goodell
Gurney
Hansen
Harris
Hatfield
Hollings
Hughes
Javits
McCarthy
McGovern
Metcalf
Mundt
Murphy
Pearson
Percy
Prouty
Ribicoff
Russell
Sparkman
Stevenson
Thurmond
Tower
Williams, N.J.
Yarborough

So the motion to table the motion to recommit was agreed to.

The PRESIDING OFFICER (Mr. GRAVEL). The question recurs on the committee amendment as amended.

The Senator from Arkansas (Mr. FULBRIGHT) is recognized.

Mr. FULBRIGHT. Mr. President, as I understand it, the vote was 47-to-20 to table; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. FULBRIGHT. I take that to mean this is a fair indication of the sentiment of the Senate. In other words, roughly 2-to-1, the Senate is in favor of discussing the bill on its merits. That is not completely demonstrated, because there may be other reasons for the votes, but it is a strong indication of support by the Senate as to the merits of the bill.

Possibly some amendments could be considered but generally I am not in favor of amendments and I do not believe a majority are.

We are faced with a difficult situation; namely, we are approaching the end of this session of Congress. But this bill, as I have said before, is a most important one, and that is why I thought it was worthwhile to get a test vote of the sentiment of the Senate. Even if not enacted in this session, the bill will be resubmitted after the first of the year, and the Senate will have another opportunity, under more favorable circumstances, to deal with it.

I would hope that the distinguished senior Senator from Tennessee (Mr. GORE) would allow the Senate to proceed to a vote on the merits of the bill. He has made his objections to it clear, and I understand them and I respect his attitude.

There are many people that do not, under present conditions, feel that we can afford to engage in these activities. I am not one of them, but I would implore the Senator from Tennessee to allow us to get to a vote on the bill itself, if he would be willing to do so, in view of the clearly expressed, I believe opinion of the Senate.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. With all due respect to the distinguished Senator, this bill contains a great deal of the American taxpayers' money for what are called soft loans. They are not really loans. This money often goes out on the basis of 50 years, no interest, and no repayment on the principal for 10 years.

The distinguished senior Senator from Tennessee and the former Senator from Oregon found, for example, one country to whom we were giving hundreds of millions of dollars, with no interest required and no repayment on principal for years. Then that country lent that money back to private businesses in its own country at 15-percent interest.

If there is sincerity in the Senate from the standpoint of the importance of looking at our increasingly serious financial situation as part of true national security, as well as our physical situation, in my opinion this bill either should be voted down or the soft loan windows eliminated.

Mr. FULBRIGHT. First, I think the Senator from Missouri is mistaken about this bill. What he says about the soft loan window would be applicable to IDA, which is not involved in this. The loans in this bill are not on the same terms which the Senator described as those of the International Development Association, which is a subsidiary of the International Development Bank and is a special organization for very soft loans.

There is a window in the Inter-American Bank which makes loans, not on standard banking terms. They are not hard loans but are repayable in the currency loaned. They bear interest rates. They are repayable in reasonably short terms of years.

I really submit that the Senator is not correct in describing the Inter-American Bank part of the bill in the terms that he did. It is a question of degree. But they are not give-aways. They are loans, repayable in the currency which is borrowed. If they borrow in dollars, they are repayable in dollars. If they borrow in cruzeiros, they are repayable in cruzeiros.

Thus, I believe the Senator from Missouri has overstated the case. The Inter-American Development Bank does have an operation which is intermediate, I should say——

Mr. SYMINGTON. How about the Asian Development Bank?

Mr. FULBRIGHT. The Asian Development Bank has a very small amount, I may say, in that category.

Mr. SYMINGTON. Practically nothing—$100 million.

Mr. FULBRIGHT. It is a new organization. The Senator makes his case, and I respect his views on it.

Mr. SYMINGTON. Will the Senator yield?

Mr. FULBRIGHT. I will yield in a moment. Mr. President, I am as concerned as anyone about the state of our economy. We are doing a great many things with the taxpayers' money.

The Senator from Missouri was at the meeting this morning at which we were discussing how we were going to give money away—actually give away a lot more than is involved here budgetarily in cash to Cambodia.

The pending bill would require $34.61 million expeditures in 1971, $68 million in 1972, and $155 million in 1973.

On hard lending, it is the giving of a subscription to the capital of the bank which they use as a guarantee when they borrow money. Most of this does not create any immediate outlay of cash.

It seems to me, as I have mentioned, that over the long term of years, there will be, of course, an increase in payments. The point is that if we are going to help the less developed countries, this is the best mechanism for us to use. If one is against anything in the development field, it is quite logical to vote against the bill.

I am not making an effort to persuade the Senator from Tennessee and the Senator from Missouri to vote for the bill. All I am asking the Senator from Missouri and the Senator from Tennessee is to allow the Senate to vote on the bill.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. Mr. President, when the Asian Bank was started, I went out with our outstanding representative, at his invitation. For the first time we achieved an agreement whereby another country put in as much as we did. We put in $200 million, the Japanese put in $200 million. Three hundred million dollars more came from Asia, and $300 million more from Europe.

Years later the senior Senator from Tennessee (Mr. GORE) asked how much of that money had been lent. The answer was none.

I said I would support this legislation if they would keep soft loan windows out of it. That was agreed to. We set it up in Manila. There was no soft loan window in the Asian Development Bank. Several years later, however, when the bill came up with a soft loan window in it, the Senator from Tennessee asked how much of that $1 billion had been loaned out.

Much to the surprise of everyone, not one cent had been. They were just waiting for another U.S. soft loan window.

A few weeks later they came up and said there had been a loan out of the $1 billion. We asked how much, and the answer was $5 million.

All they were doing was sitting around, wating for old Uncle Sam to put in a soft loan window.

I feel strongly about this. It is a matter of great importance as we watch the growing problems incident to our financial structure.

Mr. FULBRIGHT. Mr. President, I am glad the Senator was in it from the beginning. He ought to take credit in the fact that only 10 percent of their hard capital may be transferred for the purpose of soft loans.

The delay in getting the Asian Bank underway is perfectly obvious. It was because of the war. It is quite clear that it will never be very effective with the war continuing. But it has been created. It is in being. The Japanese are quite interested. As I have said, we are a minority stockholder. We have only one-fifth.

I do not expect it to do much until the war is over. But everyone anticipates that when the war is over there will be serious problems of redevelopment.

I am certain that we are going to do something because we caused most of the destruction. I am quite sure that the American people will feel that we ought to do something substantial in the way of reconstruction. There would be no better vehicle with which to undertake the long-term reconstruction projects than the Asian Bank.

What this does really is to keep the Asian Bank alive and keep it functioning, looking to the future. It can do relatively little now.

Let me make the record clear that in this bill there is $1.1 billion authorized for soft lending.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I will yield in a minute.

There is $1.1 billion authorized in the bill that can be used for the so-called soft loans. These soft loans are not as soft as the IDA which the Senator described; $1 billion is in the Inter-American Bank in Latin America where we have for many years felt that we had a special responsibility. Those loans, as I have already described, are repayable in the currency loaned.

There is $1.5 billion for the IMF. No one seriously questions the $1.5 billion for the IMF. I do not know of any criticism of it. It serves an indispensable function with respect to the international institutions: keeping the trade of all nations in some reasonable relationship in their currencies and facilitating international trade.

It has been a successful operation. We have a great stake in it. I am very fearful that if this bill is not enacted, we will lose $130 million in special drawing rights, which I would regret.

The other, the $1.1 billion, is for hard loans. It is on the hardest of terms, as in the International Bank. No one complains about that.

How anyone can say that the International Bank has been a failure or has not been a great success in view of its record is hard for me to imagine. I do not think they can.

Mr. President, I yield now to the Senator from Tennessee.

Mr. GORE. Mr. President, I call attention to a statement the distinguished Senator made which, in my view, is in error. He said that all this bill does with respect to the Asian Development Bank is to keep it alive.

Mr. FULBRIGHT. The Senator is correct.

Mr. GORE. I respectfully suggest that is not the case. This initiates a soft loan window for the Asian Development Bank.

Mr. FULBRIGHT. There is a soft loan window. The charter provides 10 percent.

Mr. GORE. The United States has not heretofore contributed to a soft loan window. This enlarges U.S. participation by providing U.S. funds for a soft loan window.

This is the beginning of a giveaway to the Asian politicians. Make no mistake about that. The United States puts up the money.

We have 17.5 percent control, which

XUM

is practically none. The loans are made to Asian politicians. The repayments to the bank are in such currencies as may be received back.

There is a revolving fund if the bank is repaid at all, with payment guaranteed only by the governments involved.

The political clique in power, as the record shows throughout Latin America, is involved. The record shows that the political elite receive the loans, and what happens to the project the Senate will not know.

We are asked here to start on a new program. None of this money is ever to be repaid in any form to the United States. The hand of the United States is to be hidden. The people are not even to know that it is U.S. money that they are receiving.

How this engenders friendship, I do not know.

How is it that soft loan windows are used to buy armaments for Pakistan and India? There are a lot of things involved here.

Mr. FULBRIGHT. Mr. President, if the Senator would permit me, I do not know of any case where they use this to buy armaments.

Mr. SYMINGTON. Mr. President, will the Senator yield on that point?

Mr. FULBRIGHT. Mr. President, I will yield in a moment. The Asian Bank has loaned as of the end of October, roughly $170 million in hard loans and approximately $30 million in soft loans. It is money out of the 10 percent and funds contributed by Japan and five other countries.

As I say, we play a part in it and eventually, I assume, we will play a part in the reconstruction of Southeast Asia. We have spent $150 billion destroying it; I assume we will spend something to get them back on their feet.

The Senator, being a politician, should not use the word and say we will give it away to politicians as if there is something wrong with politicians. There are politicians in these governments and sometimes these loans are not successful. I can cite instances where a number of our bilateral programs have gone astray, and not always with politicians. Businessmen have been involved in some of those misguided projects, as much as anything else.

But let me illustrate with respect to soft loans. I will place a table in the RECORD which has been prepared by the staff with respect to soft loans by the Inter-American Development Bank. The table shows that in agriculture, in irrigation and allied activities, the amount loaned by the FSO was $680 million; in water and sewerage, a matter which concerns all of us here, the amount was $230 million, education was $108 million, housing $135 million, transportation $353 million, electric power, principally rural electrification—because our own REA has been down there teaching them to develop—is $191 million, preinvestment is $67 million, and industry, in soft loans, is $149 million, for a total of over $1,900,000,000.

Mr. President, I ask unanimous consent that the memorandum and table to which I have referred may be printed in the RECORD.

There being no objection, the memorandum and table was ordered to be printed in the RECORD, as follows:

SOFT LOANS BY THE INTER-AMERICAN DEVELOPMENT BANK

The concessional lending of the Inter-American Development Bank (IDB) is carried out through the Fund for Special Operations (FSO) in contrast with the normal terms and conditions under which loans are made from the Ordinary Capital. Basically, the FSO loans are patterned after those which had heretofore been made from the Social Progress Trust Fund (SPTF), and are principally for the financing of social development projects in the member countries. These loans are for the most part made to public or semi-public intermediate institutions for relending under Bank supervision to the ultimate beneficiaries, who are principally from the lower income sectors of the member countries. The projects thus financed are primarily for low cost housing, water and sewerage, agricultural credits to small farmers and education. Where loans are made in the electric power, transportation and communication fields, it is principally to benefit rural areas and artisan industries.

The overall breakdown of the loans made through October 31 are as follows:

[In millions]

Sector	FSO	SPTF
Agriculture	$680.5	$82.1
Water and sewerage	230.3	159.9
Education	108.1	31.4
Housing	135.7	215.1
Transportation (farm to market roads)	353.5	5.6
Electric power (principally rural electrification)	191.6	
Preinvestment	67.4	1.2
Industry	149.3	
Total	1,916.4	495.3

A review of the loans made in the last 4 months would seem to bear out the Bank's contention of the basic social purpose of the loan fund:

1. $2 million to the Pan American Health and Education Foundation for publication and distribution of modern medical textbooks in Spanish and Portuguese.
2. $17.5 million to bring water for irrigation to small farmers in the Province of Hidalgo, Mexico.
3. $23 million for irrigation and agricultural development in Peru, principally in the area of small and medium-scale irrigation projects.
4. $3.8 million to help expand electric power distribution in Costa Rica.
5. $7.6 million for sewage in Guayaquil, Ecuador.
6. $6.2 million agricultural credits to small farmers in Jamaica.
7. $35 million for reconstruction of earthquake region of Peru.
8. $4.5 million for the technical university of Uruguay.

Several Senators addressed the Chair.

Mr. SYMINGTON. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. I yield to the Senator from Missouri, just for a moment.

Mr. SYMINGTON. One thing that turned me against this soft loan idea was that when it was defended years ago it was defended on the ground most of the money was going to be used in Central America and South America. When we finally found out where the money was going, one loan was made to South America, Venezuela; and over 60 percent of all soft loans had gone to Pakistan and India.

Mr. FULBRIGHT. The Senator is talking about IDA, which is not this program.

Mr. SYMINGTON. It is the whole idea of soft loans. The Asian Bank is in there.

Mr. FULBRIGHT. This does not involve IDA. Why bring that in?

Mr. SYMINGTON. Because it is typical of the way this soft loan business is run. We should not go ahead and make such loans with the taxpayers' money.

Mr. FULBRIGHT. I respect the Senator's ideas.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. There are two or three things we should not overlook. First, nearly, all, if not all of the surplus and reserves of the World Bank are invested in U.S. securities amounting to a little over $1 billion at this time.

Also I might point out a news item which appeared on December 3, 1970, in the New York Times, which stated in part:

> Officials of the World Bank estimated today that it would cost $185 million to reconstruct the area of East Pakistan that was devastated by a cyclone and tidal wave on November 12 and 13.

I do not know how much that would cost the United States if we undertook to help on a bilateral basis but doing it through the World Bank will undoubtedly cost less.

Mr. FULBRIGHT. Does not that story also state that the bank is undertaking to get as many countries as possible to do it?

Mr. AIKEN. The article states that the World Bank is drawing up a comprehensive plan for reconstruction, as opposed to relief, for recovery from the storm, which killed at least 176,000 people and possibly as many as 500,000 in the cyclone which struck East Pakistan last month.

Mr. FULBRIGHT. Further along the article states, I believe, that the Bank is undertaking to solicit and get participation by many countries to carry out the plan.

Mr. AIKEN. It states:

> The reconstruction plan was intended to dovetail with the current three-year, $1.6 billion flood control and economic development program financed by a consortium that comprises the Bank and 11 nations, including the United States.

Mr. FULBRIGHT. That is correct.

Mr. AIKEN. It is safe to say the people of the United States will go out to help the people of almost any other country afflicted by disaster. The question is, Is it better to do it through a multilateral organization or bilaterally? Also, I might say we do expect the war in Indochina will come to an end.

Mr. FULBRIGHT. We hope so.

Mr. AIKEN. On Cambodia I cannot say too much at this time. One question is whether international banking agencies or the United States is going to continue to finance postwar reconstruction of Cambodia.

The United States has played a part in what has happened to Cambodia. Again the question is whether Cambodia is

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going to deal through a bank in which we are one partner, or does Cambodia expect us to take care of them for the foreseeable future all by ourselves?

From the witnesses we have heard during the last 2 days we have virtually had acknowledged the responsibility of the United States for looking after the future of Cambodia. It seems to me it would be better for other Asian countries and the international banks, including the Asian Bank, to take care of the future needs of Cambodia than to expect us to do it alone.

Mr. FULBRIGHT. I agree with the Senator. He has stated the matter well.

Mr. AIKEN. I am satisfied that as far as possible we should help on a multilateral basis.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Michigan.

Mr. GRIFFIN. I thank the distinguished Senator from Arkansas for yielding. I happen to agree very strongly with his position on this issue. I believe that this legislation, while it may not be perfect, moves in the right direction. It is a vehicle for participation by other nations in providing needed foreign assistance in various parts of the world.

But, aside from the merits, it is disturbing to me that we do not seem to be able to get to a vote on this bill. I suggest that it does not reflect well on the Senate as an institution that we seem to be stymied and unable to move to a vote, up or down.

Representing this side of the aisle, I should like to inquire of the distinguished Senator from Tennessee if there is some possibility that we might be able to get to a vote on the merits of this bill sometime this afternoon.

Mr. FULBRIGHT. Mr. President, may I have the attention of the Senator from Tennessee. An inquiry has been made. The Senator from Michigan would like to know, and I would, too, if the Senator from Tennessee would agree to a vote sometime this afternoon. Would it be possible for us to get an agreement?

Mr. GRIFFIN. Of course. It is understandable that some are opposed to this bill or may object to particular portions of it. That is not a unique or different situation. But after spending 3 or 4 days on this bill we ought to be able to proceed to vote. I wonder if it might be possible to reach an agreement to vote this afternoon at 3 o'clock or 4 o'clock, or at whatever hour the Senator from Tennessee would consider appropriate.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GORE. I will be glad later on in the day to address the Senate on the subject by offering a series of amendments which I have been preparing. This is a very important bill. I am surprised that so many Senators attempt to minimize the importance of it. Even the distinguished chairman of the committee seems to regard this as a small matter. It is a matter of $3.6 billion. Make no mistake about it, that is the cost to the American taxpayers.

It is no excuse and no defense to say that all of it will not be paid out this fiscal year. That is true of any bill we pass here, even an appropriation bill. We appropriate $1 million for the construction of a dam. The $1 million is not paid out immediately. It is paid out as construction of the dam proceeds.

The bill involves $3.6 billion. Of that amount, $100 million is for soft loans for the Asian Development Bank and $1 billion is for soft loans for the Inter-American Development Bank. Make no mistake about it, when this bill is passed, we are not just passing an authorization bill in the ordinary sense. We are authorizing by law the representative of the U.S. Government serving on these bank boards to commit the United States to $1 billion for soft loans for the Inter-American Development Bank and $100 million of soft loans for the Asian Development Bank.

Senators may be able to dismiss that as minutia, but so long as my voice is in the Senate, it will not be treated as minutia. This is an unsound principle.

Mr. FULBRIGHT. Mr. President——

Mr. GORE. Mr. President, I have the floor.

Mr. FULBRIGHT. I want to correct that. Nothing I said indicated that I considered that this was minutia. I started my remarks when I introduced the subject by saying it was important. I would not be here asking the Senate to pass the bill if I thought it was insignificant and unimportant. I said before, and I say again, it is one of the most important bills before the Senate. It is extremely important. How the Senator could distort my statement by saying I said it was unimportant and simply minutia I cannot understand. I certainly said nothing that would permit the Senator to characterize my statement as saying that the bill is unimportant. It is important. That is why we want to get a vote on it. If it were not important, it would die.

The only reason we had a vote is that we think it is important. It is important to the whole world. It is important to our country. It is important to our own financial position and our trade, as the largest trading nation in the world. There is no nation to which the IMF and the International Bank are more important than to this country, because, more than any other nation, we are dependent upon the economic health of the rest of the world.

So I plead to the Senator to allow us to vote. It is quite all right that he does not agree with the merits. He is very impressed with our own domestic difficulties. I am, too, but I think there are a lot of better ways to save money than this way. I can name many of them, especially in the field of military expenditures in a war and so on, that are 10 times more than this amount. I can think of many other ways to save money. This is a poor way to economize.

I think the Senator ought to agree to a vote, because it is so important. If it were unimportant and minutia, I would not ask the Senate to go to a vote on it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I promised to yield to the Senator from Michigan, first. Then I will yield to the Senator.

Mr. GRIFFIN. I thank the Senator.

Mr. President, we are all aware of the schedule announced earlier by the majority leader. On Monday we expect to take up the supplemental appropriation bill, and then go on to consider the omnibus bill reported by the Finance Committee. Surely, we ought to try to get a vote on the pending bill today.

Mr. President, taking into account the fact that the distinguished Senator from Tennessee has some amendments, and leaving adequate time for consideration of such amendments, I ask unanimous consent that there be a final vote on passage of the bill at 5 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I am sure the Senator would want to include waiver of rule XII, which requires the Presiding Officer to call what we refer to as a live quorum.

Mr. GRIFFIN. The Senator is correct.

Mr. GORE. Mr. President, reserving the right to object, I have not only one amendment, I have several amendments, and I am prepared to proceed to speak upon the first amendment I proposed whenever my distinguished colleagues have finished. I have not had yet an opportunity to complete my original argument on the bill. However, I would forgo completion of the argument against the bill as a whole and, at such time as convenient, proceed with the offering of an amendment; but I object to any time limitation at this itme.

Mr. FULBRIGHT. Mr. President——

Mr. GRIFFIN. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. GRIFFIN. The Senator from Tennessee has indicated that he has some amendments. If he would inform the Senator from Michigan how many amendments he has and what he would consider to be a reasonable time to be allotted for consideration of the several amendments, the Senator from Michigan would be more than pleased to incorporate provision for time on each of those amendments in the unanimous-consent request. Would it be possible for the Senator from Tennessee to indicate his response to that suggestion?

Mr. GORE. The Senator from Tennessee is not prepared to give any further advice, except he is prepared to proceed with the process of trying to amend the bill. What I am most vigorously opposed to is soft loans. Our communities all over the United States are begging for repayable loans, at regular interest rates. In fact, there is a backlog of thousands of applications pending now for community facilities, for which appropriated funds are not available; and here we are considering $1.1 billion to be loaned, or given away insofar as we are concerned, and loaned by the International Banks on a soft loan basis of from 1 to 4 percent interest.

The money which we must borrow will cost the American taxpayers 7½ percent. The interest alone on this amount of money is $700,000 per day, and we have neither the principal nor the interest;

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we have to borrow not only the $3.6 billion but the $700,000 each day to pay the interest. I want to strike out the soft loans either for one bank or the other, or all.

Reference has been made to the vote we just had as a test vote. I do not think it was a test at all. One Senator after another said he did not know what he was voting on. I do not consider it a test of the sentiment on soft loans. I expect to have a test, but I reserve my right to have a vote when I think it is to the best advantage of my contention.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MILLER. I wish to ask a question or two. The first question is, this is merely an authorization bill, and I understood the Senator from Tennessee to say that this would in effect authorize the American representatives on these international banks to commit the United States to a certain amount of capital or money for banking purposes; but does not the United States representative on these international banks make that commitment always subject to an appropriation by the Congress?

Mr. FULBRIGHT. This bill itself authorizes the money. The executive director does not allocate our part to the bank. We do that through legislation. His function in the bank is that of a director of any bank who is in consultation with the other directors on policy and on specific loans whenever they are important enough they require the attention of the board of directors. He is an executive officer. It is not up to him to take this money, if we authorize it and make it available. This would be part of the institution's capital or callable capital. Much of this stands as a guarantee to be called in case of a default.

The International Bank is the best example. Unless the International Bank had such a default on its own loans that it exhausted most of its resources, which are very large, and it has a large accumulated reserve, there would never be a call on us to pay anything on that type of financing.

Mr. MILLER. How could it be called if the money has not been appropriated by the Appropriations Committee and passed by Congress?

Mr. FULBRIGHT. I think what the Senator means is, if we pass this authorization, that the Appropriations Committee, in the past, always has proceeded to appropriate it. That is what he means; I am sure he does not mean it is really appropriated.

Mr. MILLER. I was not sure what was meant, but I thought I had heard it said that if we passed the appropriation bill, then our representative on one of these banks would be able to commit us to one of these banks.

Mr. FULBRIGHT. No; that is not true.

Mr. MILLER. But he could say, "Here is the amount of money, but incidentally we have to get an appropriation act by Congress"?

Mr. FULBRIGHT. No; the Senator must have misunderstood. If the Senator from Tennessee said that, I am quite sure he did not mean it.

Mr. MILLER. I wanted to make that clear, because my understanding has been exactly as the Senator from Arkansas has just stated it.

I would like the Senator from Arkansas to tell us, is it correct that the $100 million being authorized under the Asian Development Bank is for the purpose of soft loans?

Mr. FULBRIGHT. That is correct.

Mr. MILLER. The reason I ask is because it has been pointed out that Asian Development Bank has $1 billion—half of that has been paid into it—and I believe the Senator from Arkansas pointed out that some $100 million-odd has been loaned.

Mr. FULBRIGHT. One hundred and seventy on the hard basis, 30 on the soft.

Mr. MILLER. That is right. So there is plenty of money in the Bank, but there is not plenty of money for soft loan purposes?

Mr. FULBRIGHT. That is true.

Mr. MILLER. Here is the last question. If I understood——

Mr. GORE. Mr. President——

Mr. FULBRIGHT. Let the Senator finish.

Mr. GORE. I wanted to comment before he leaves this question.

Mr. FULBRIGHT. Very well. I yield to the Senator from Tennessee to comment on that point.

Mr. GORE. Here is what the present law provides:

> SEC. 2. The President is hereby authorized to accept membership for the United States in the Asian Development Bank (hereinafter referred to as the "Bank") provided for by the agreement establishing the Bank (hereinafter referred to as the "agreement") deposited in the archives of the United Nations.
>
> SEC. 3. (a) The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank, an alternate for the Governor, and a Director of the Bank.
>
> (b) No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor or Alternate Governor. The Director may, in the discretion of the President, receive such compensation, allowances, and other benefits as, together with those received by him from the Bank, will equal those authorized for a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended.
>
> SEC. 4. (a) The policies and operations of the representatives of the United States on the Bank shall be coordinated with other United States policies in such manner as the President shall direct.
>
> (b) An annual report with respect to United States participation in the Bank shall be submitted to the Congress by such agency or officer as the President shall designate.
>
> SEC. 5. Unless the Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional shares of stock of the Bank; (b) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which would change the purpose or functions of the Bank; or (c) make a loan or provide other financing to the Bank, except that funds for technical assistance not to exceed $1,000,000 in any one year may be provided to the Bank by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

Now, that is the law. Here is how the law would be amended by this proposal. It is on page 11:

> The Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new sections:
>
> "SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in three annual installments of $25,000,000, $35,000,000, and $40,000,000, beginning in fiscal year 1970. This contribution is referred to hereinafter in this Act as the 'United States Special Resources'.
>
> "(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this Act and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

I say to my distinguished friend from Iowa and to the distinguished chairman of the committee that this is a commitment. You cannot read it any other way. It is not a simple authorization of appropriations. If this bill becomes law, we have already, by law, entered into this agreement. We have by law established and confirmed the U.S. representative on the Bank, and this amendment thereto authorizes him to enter into an agreement "providing for a U.S. contribution of $100 million."

Now, here is an agreement not only approved by the President and his appointee Governor, the representative of the United States on the Bank, but by this act authorized by the U.S. Congress. This is a solemn agreement, a commitment, for $100 million; and history shows that the Appropriations Committee has never one time questioned the validity of this kind of commitment. Of course this is a commitment; you cannot read it any other way.

Mr. FULBRIGHT. Nobody is saying it is not a commitment. We are saying the money still has to be appropriated, that is all. Of course it is a commitment in that sense.

The whole purpose of passing the act is to commit us to join in this endeavor. This word "commitment" is very illusory, and very slippery. But it still has to be appropriated.

Mr. MILLER. Technically, this is correct. But I am interested in the practical effect, which I think the Senator from Tennessee has been talking about, and my question is, is the practical effect of this that the U.S. representative or the U.S. Governor of the Bank enters into such an agreement, but is it not stated by him that of course it is subject to the money being appropriated by Congress, and if Congress does not appropriate it, it is too bad?

Mr. GORE. Mr. President, will the Senator yield there?

Mr. FULBRIGHT. Does the Senator think the President, who appoints this man, is going to have him do it without the money? The Secretary of the Treasury really would be the one who is in charge of our participation, you might say, as a practical matter.

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Mr. MILLER. I cannot imagine that happening, but——

Mr. FULBRIGHT. Well, no; but in all the bills we pass around here, we authorize them.

Mr. MILLER. If I may say this to my friend from Arkansas, maybe it would be better, so that our foreign friends do not get a misimpression of what we do here in Congress, if these authorization bills stated, in black and white, that the U.S. Governor of the Bank is authorized, subject to appropriations by the Congress of the United States, to enter into an agreement.

Mr. FULBRIGHT. I wonder if the Senator would allow me to conclude my inquiry as to the position of the Senator from Tennessee on allowing a vote. If there is not going to be a vote permitted in this session, there will be plenty of time to straighten these questions out.

Mr. MILLER. Would the Senator——

Mr. GORE. Will the Senator yield, first?

Mr. FULBRIGHT. Yes. I want to ask the Senator from Tennessee a question, and then he can continue to explain his views to the Senator from Iowa.

Am I to understand that the Senator is unwilling to enter into any unanimous-consent agreement for a vote upon this bill?

Mr. GORE. I am unwilling at the moment. If the Senator will permit me, I can clarify that.

Mr. FULBRIGHT. I will yield the floor, if that is the position of the Senator.

Mr. GORE. Well, if the Senator will be kind enough to yield——

Mr. FULBRIGHT. Yes, I yield.

Mr. GORE. Here is a provision of the bill that we propose to write into law. It shall be the law of the land that "the U.S. Special Resources shall be made available to the bank."

That is an act of appropriation in itself, by law. This $100 million "shall be made available to the bank pursuant to the provisions of this Act." That is not pro forma. That is a solemn provision of the law. I do not know why we shadowbox over this. This is providing $100 million for soft loans, for the soft loan windows of the Asian Development Bank, and $1 billion for the Inter-American Development Bank. This, mind you, only 2 years after the Inter-American Development Bank received $900 million, only about half of which it has yet used.

Mr. FULBRIGHT. I yield the floor.

Mr. MILLER. Would the Senator from Arkansas permit me to ask the third question I was going to ask him?

Mr. FULBRIGHT. Yes. I will do that or yield the floor.

Mr. MILLER. In the chapter relating to the Inter-American Development Bank, we propose to authorize $1 billion for soft loans. The Senator from Arkansas a few moments ago pointed out that this would be paid out over a long period of time, that the immediate budgetary impact would not be very great. I cannot recall the precise figures he gave us, but my recollection is that over the next 3-year period, they would be something a little in excess of $200 million.

Mr. FULBRIGHT. That is correct. It is in the report.

Mr. MILLER. If that is so, this question comes up, and I have been asked this: Why must we at this time authorize $1 billion? Why could we not authorize $200 million or $300 million or $400 million? Why must it be $1 billion?

I know there has been a negotiation—I believe at Punta del Este—involving the United States and our Latin-American friends, in which I guess it was arrived at that the United States would put up $1 billion for soft loans and the other countries would put up $0.5 billion of soft loans. But surely such a negotiation would be subject to approval by Congress.

Mr. FULBRIGHT. That is correct. It is.

Mr. MILLER. I am wondering why the billion dollars is essential.

Mr. FULBRIGHT. It is very difficult for me to answer that kind of question. The extension of this program was negotiated by the executive branch. Of course, this is their judgment as to the needs of the Inter-American Bank. Why it was $1 billion rather than $1.05 billion or $900 million, I cannot tell the Senator. This is the way it was submitted by the executive branch.

It has been customary to supply these funds, to authorize them in advance. They will not use them until they are needed. The funds are drawn down as they are needed.

The Senator from Tennessee is quite correct in saying that for 3 years we have authorized $900 million—$300 million a year for the last 3 years. This is simply picking it up and carrying it on, because that bank is very active.

I might say another thing about that bank. A new president has been appointed. He comes with the highest recommendations. He has been finance minister of Mexico. He is Senor Ortiz Mena, and I am told that he was a very successful finance minister of Mexico for a number of years. Not that that has anything to do with the Senator's question, except to show that I think the administration and everyone with whom I have spoken has very great confidence in Mr. Mena and believes that this bank has made progress and will continue to make it.

I know of no way to say that $1 billion is exactly the amount and that no other amount would be acceptable, other than that the administration, which has the duty of negotiating with the other countries as to what their contribution is going to be, arrived at this amount as a reasonable amount for the needs of the bank.

I could say the same about the other figures with respect to all the other banks. The figures are arrived at by a process of negotiation with other countries—what will you contribute? and so on—and they finally work it out as a kind of sharing proposition.

I may say that we still contribute by far the most—that is true—but the Latin-American countries gradually have increased their share.

Mr. MILLER. The Senator from Iowa understands that, and he understands that one of the pluses for the Inter-American Development Bank provision in the bill is that we have now moved to a point where, as I have stated, the United States would put up $1 billion and the Latin-American countries one-half a billion, which is a much greater proportion of their contributions than formerly.

Mr. FULBRIGHT. That is correct.

Mr. MILLER. Can the Senator from Arkansas tell us this: Is it not the case that when these negotiations are accomplished, such as the one at Punta del Este, to which I have referred, the agreement by the representative of the United States is always, without any question at all, subject to action by Congress?

Mr. FULBRIGHT. That is correct.

Mr. MILLER. So that if he negotiates something that calls for $1 billion, with the other countries putting up a half billion dollars, and Congress decides that, because of the fiscal position of our country, we cannot do that at this time, but that we can do, say, half of it, this is in the ball game, so to speak?

Mr. FULBRIGHT. That is correct.

Mr. MILLER. I thank the Senator from Arkansas.

Mr. FULBRIGHT. It might be very embarrassing to the administration; but, nevertheless, the Senator has stated it correctly. That is true as to nearly any other situation. I would be the last one to say to the Senator that I did not think we ought to have that authority. That is not only in this situation. I wish we had the same determination when it comes to treaties involving soldiers and security, as in the case of Spain. In that case, I was overridden. However, I certainly agree that Congress—the Senate, especially—at this time has the right either to amend or to reject this bill.

I am only saying that with what I know of it and my confidence in the administration and the Secretary of the Treasury, I think he has used good judgment in his negotiations. I know of no reason to suspect that he made any errors in the negotiation of our participation in the Bank. As the Senator has said, there has been a gradual increase in other participation.

I can say the same with regard to the International Bank. Our percentage of the International Bank is less than it used to be. The idea is that our percentage in that is less than our own bilateral program. This is what has always appealed to me, even about the soft loans that the Senator from Missouri talked about in the IDA. We pay only 40 percent instead of the 100 percent we pay in the foreign aid program, which passed this body 2 or 3 weeks ago. I think the conference has not yet been approved. All this is relative.

I want to say one other thing with regard to the Senator from Tennessee. He stated a moment ago that the Senators who voted a few moments ago on the motion to table did not know what they were voting about. I think this is an unnecessary remark that accuses 67 Senators of being ignorant of what they were voting on.

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I told a number of them what they were voting on, so I know they were not all ignorant as to what the issue was. I knew what I was voting on. If the Senator from Tennessee did not know what he was voting on, he speaks for himself. To say that all those Senators did not know what they were doing is a remark that the Senate does not deserve.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I must say that I think most of them know what they are voting on when they vote, even though they have not made a speech about it.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GORE. The Senator from Tennessee did not say all; he said one after another. As a matter of fact, I heard more than one say he did not know what he was voting on. It was a complicated motion to recommit and then to table.

Mr. FULBRIGHT. Does not the Senator think he should put the names in the RECORD, so as to clear the rest of us from the charge that we did not know what we were talking about? The Senator did not hear me say that I did not know what I was talking about.

Mr. GORE. I do not wish to personalize anyone.

Mr. FULBRIGHT. Out of regard for those who did know what they were voting on, I think the Senator from Tennessee ought to be more specific.

Mr. GORE. As a matter of fact, it was a contrived, reverse-English vote. It could not properly be interpreted as a vote on the merits of the bill. The author of the bill introduced a motion to recommit, the distinguished leader from across the aisle moved to table the motion, and then the author of the bill and the mover of the motion voted to table the motion to recommit. Is it any wonder that some Senators might be confused by this parliamentary tangle.

Mr. FULBRIGHT. Now, Mr. President, I want to set the record straight. In the first place, I am not the author. I introduced it as chairman of the committee——

Mr. GORE. The Senator is a reluctant dragon.

Mr. FULBRIGHT. I am glad to play that role. As I say, I introduced it as chairman of the committee, which is a routine function. The next thing is, I consulted with the Senator from Tennessee, not only today but also on several other occasions. I said to him first, that I would like to vote on the merits, unless he says he will not allow that, due to difficulties in the Senate. But I think the administration and the Senate are entitled, at least, to a test vote of the sentiment.

I went to the Senator from Tennessee before this recent move and I said to him that I am going to move to recommit and a motion will be made to table and that is the only way I can see to get a test vote. The Senator certainly knew all that, and I certainly knew what I was doing. He cannot, in this case at least, plead personal ignorance of what was going on, because I explained it to him before we ever made the motion to recommit. So the record is clear.

Mr. President, I yield the floor.

ORDER ON PENDING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following joint resolutions of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week";

S.J. Res. 172. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week"; and

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day.

The message also announced that the House had passed the joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks," with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 212. An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Budkman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa";

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam;

H.R. 12564. An act to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha";

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan;

H.R. 14683. An act to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.;

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir;

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake";

H.R. 19857. An act to name certain Federal buildings; and

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has affixed his signature to the following enrolled bills:

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals; and

H.R. 19846. An act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Public Works:

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Budkman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa";

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam;

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H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake";

H.R. 19857. An act to name certain Federal buildings; and

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. GRAVEL). The nomination on the executive calendar will be stated.

U.S. DISTRICT COURTS

The assistant legislative clerk read the nomination of Harry W. Wellford, of Tennessee, to be a U.S. district judge for the Western District of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR BILL TO BE HELD AT THE DESK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that H.R. 212 which came over from the House today be held at the desk temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. May I ask the Senator what bill that is?

Mr. BYRD of West Virginia. Yes, indeed, I will be glad to inform the Senator. This is a bill to clarify the status of commissioned officers of the National Oceanic and Atmospheric Administration.

Mr. MILLER. I thank the Senator.

PROGRAM FOR MONDAY, DECEMBER 14, 1970

Mr. MANSFIELD. Mr. President, the Senate is on notice that the pending business now will be the supplemental appropriation bill; that we are coming in on Monday next at 11 a.m.; that there are two special orders for two Senators; that there will be a brief period for the transaction of routine morning business; and then the Senate will begin consideration of the appropriation bill.

ADJOURNMENT TO 11 A.M. MONDAY, DECEMBER 14, 1970

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 3 minutes p.m.) the Senate adjourned until Monday, December 14, 1970, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 11, 1970:

DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

Jeremiah Colwell Waterman, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1973.

DEPARTMENT OF JUSTICE

Robert C. Mardian, of California, to be an Assistant Attorney General.

U.S. CIRCUIT COURTS

Donald R. Ross, of Nebraska, to be a U.S. circuit judge for the eighth circuit.

U.S. DISTRICT COURTS

Franklin T. Dupree, Jr., of North Carolina, to be a U.S. district judge for the eastern district of North Carolina.

Hubert I. Teitelbaum, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

Harry W. Wellford, of Tennessee, to be a U.S. district judge for the western district of Tennessee.

EXTENSIONS OF REMARKS

ADDRESS BY SENATOR GOLDWATER TO THE 75TH ANNIVERSARY LUNCHEON OF THE NATIONAL ASSOCIATION OF MANUFACTURERS

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Friday, December 11, 1970

Mr. GOLDWATER. Mr. President, it was my privilege and pleasure to have been invited to address the 75th anniversary luncheon of the National Association of Manufacturers. I ask unanimous consent that my remarks be placed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR BARRY GOLDWATER

Mr. Chairman and distinguished guests, I am highly honored to be with you today to help you celebrate the 75th Congress of American Industry and to discuss with you an especially pressing problem which confronts your members as directly as it does my colleagues in the United States Senate.

I wish to discuss with you today the problem of maintaining an adequate defense posture in a time of growing dangers both at home and abroad.

I am sure I do not have to explain to this group the nature of the liberal assault which has been made over the past two years against the portions of American industry which contribute so materially to the American defense establishment. You have all heart, I know, the tremendous hue and cry about the so-called Military Industrial Complex. The arguments against the American military system, and everyone in and out of industry who contributes to it, is well known. It was carefully timed by the critics of American defense to coincide with an understandable disenchantment and irritation on the part of the American public with the long, dirty, frustrating war in Indochina. Popular frustration over Vietnam gave much more currency and authority to the arguments of our defense critics than they deserved. And an additional factor was the prevalence of troublesome domestic problems, such as the rise in major crime on our streets, unrest on our college campuses and anarchist bombings in many parts of the country. There were those among the critics of the MIC who made a business of contending that withdraw of American troops from Southeast Asia coupled with enormous cutbacks in defense expenditures would solve our problems on the domestic front. The American people were told over and over and over by an army of liberal critics mobilized with special strength right after the election of a Republican President that the military services in Vietnam were using up the government funds that should have been going into such problems as urban renewal, new housing and the rebuilding of ghetto areas.

The upshot of all this agitation and criticism has brought about heavy reductions in defense funds at a time when the Soviet Union is going all out to build the mightiest military machine the world has ever known.

Let me emphasize that I am not here today for the sole purpose of defending the Defense Department and all segments of the Industrial Complex in this country which we once proudly described as the Arsenal of Democracy.

Rather, my purpose here today is to compliment and praise American industry generally for the important role it has performed, not only in providing the materials necessary for the defense of 204 million Americans, but also for its vast technological contributions which enabled this country to be the first nation in the world to land men on the moon.

Now let me go a step further. Having voiced my admiration for the past performances of American industry, I am now going to present American industry with what I believe may be the greatest challenge which it has ever confronted. In a nutshell, I believe that the job ahead—the task which must be performed in the mills and the factories, the drawing rooms and the board chambers of American industry—involves providing the United States with a superior and sophisticated defense system in a time of inflation and criticism and provide it at *less* cost. I notice that the theme of your anniversary celebration is "The Quest for Quality." This theme fits nicely into what I am saying here today. I am saying that we can and should have a valid, credible defense posture with more advanced weapons and at less cost.

This might seem like a big order. It is. And the job does not belong to industry alone. The planning, the long-range thinking, and the strategic analysis for such a defense system must be provided by the government. Perhaps this is the greater challenge—whether our officials and experts in the Pentagon and in the various branches of the armed services will be capable of drawing the overall blueprint for industry to follow. Even so, great and unprecedented contributions will be required from many of your association members. If you like, the problem as I see it is a quest for greater quality at less price. The fact is, we are rapidly approaching a position where it is no longer possible to equate an adequate defense posture with a stated level of defense spending. Money, of course, is an important factor, but we have not been using it correctly. We have not fully exploited the latest products of technology in the development of an effective defense at a reasonable cost. It is fundamental that cost effective security demands that defense policy, defense strategy and tactics make the best possible use of the latest devices produced by American knowhow. And when a nation, for whatever reason—political, moral, intellectual, or what have you—fails to follow this principle, it eventually prices itself out of a valid security posture.

I must interject at this point in my remarks my personal observation that the attack on the Military Industrial Complex, the attack on the Military itself, the fact that we lost the SST in the Senate yesterday is all part of a pattern that I have addressed myself to before this organization and other

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business groups for many years. These are not isolated, singled-out situations, but they link together in an overall attempt to isolate America once again and to change the economic system from one of free enterprise to one of government control. This effort also encompasses the unilateral disarmament of the United States by weakening our military posture to the point that we can no longer respond.

Let me say that the need for maintaining, or now I guess it's recapturing, our strategic superiority throughout the world grows with every passing day. While we were reaching for a status which Mr. McNamara and his whiz kids called "parity" in strategic strength, the Soviet Union was working day and night to achieve superiority. The fact that its efforts are becoming successful can be seen with almost every edition of today's newspapers. Let me just mention a few estimates of Soviet strength made by American military experts within recent weeks.

1. Defense Secretary Melvin R. Laird told the NATO defense ministers in Ottawa, Canada, that the Russians now have 1,400 land-based ICBMs either ready for use or now under construction. This puts the Russians about 350 ICBMs ahead of the U.S. force of deep striking land-based missiles.

2. General Andrew J. Goodpaster, Supreme NATO Commander announced in Bonn, Germany, that the Warsaw Pact nations in Communist East Europe have amassed a "concentration of military power that exceeds anything the world has ever seen." He explained that this buildup included tremendous amounts of conventional military power such as tanks, tactical aircraft and general firepower.

3. Vice Admiral H. G. Rickover, father of the nuclear powered submarine, told a Congressional Committee: "Our defense posture is dangerously growing worse. The Soviets are capable of starting tomorrow the biggest war there has ever been, and I am not confident that the outcome of such a war would be in our favor."

4. Admiral T. H. Moorer, Chairman of the U.S. Joint Chiefs of Staff, told a San Francisco audience that the United States has been making "bare bones" cuts in its military power while the Soviet Union has launched one of its largest and most comprehensive buildups in all areas of its armed forces. He explained that the U.S.S.R. is adding more men, more planes, more tanks, more missiles, more ships and more submarines to its already powerful military establishment.

5. Norman Polmar, editor of the U.S. section of the annual publication "Jane's Fighting Ships," says the Soviet navy is now the world's largest in terms of ocean-going ships and will equal the nuclear submarine strength of the U.S. Navy before 1970 has expired.

Now these warnings certainly should be sufficient to show us that the Soviet Union is moving ahead in all areas of military development. It is proof positive of the fact that this is no time to downgrade and criticize either the American military system or the industrial complex which supplies it. And while I have explained why I believe that long-range plans for the United States must be aimed at better defense at less cost, I want to emphasize that this is aimed at the long haul. It could not possibly become effective soon enough to provide us with the defense system we will need for our protection in the months and years directly ahead. In this question of immediate need we do, of necessity, get down to the question of defense spending.

It would not surprise me a bit if the Nixon Administration is forced by the pressure of world events to ask for substantial increases in the defense spending next year. In view of what we know about Russia's activities, I believe it will be almost mandatory. An indication of what is to come can already be seen in a deliberate but low-keyed prodding by the Air Force for the speedy development of the projected B-1 bomber for future needs. Other essential requirements of weaponry for defense are bound to come up in the near future if we are to avoid becoming a second class military power.

As I have tried to point out, hardly a day goes by that we don't learn of a new movement the Soviets are making to extend their military power around the globe. For example, we now learn it required a specially negotiated "understanding" by the State Department to stop the Soviets from building a powerful submarine base in Cienfuegos, Cuba. At about the same time we learn that the Soviet Union is developing a deep water naval port on the Egyptian coast between Alexandria and the Libyan border. Reliable sources claim that the construction of this base, which will greatly strengthen the Soviet naval position in the strategic Mediterranean, has been underway for more than a year. It is already capable of handling ships as large as destroyers and is being deepened so that it can eventually supply service to guided missile cruisers.

I doubt if I have to explain to this audience that I have a long record of skepticism where Soviet intentions are concerned. I also have been among those who have warned repeatedly that the forces of international Communism are not interested in easing tensions between the East and the West; that they are not mellowing and beginning to take on the trappings of freedom. I wish it were possible for me to accept the thesis that if we assume the lead in disarmament—that if we begin to dismantle our military establishment unilaterally—that the Soviet Union will be shamed into following suit. I wish it were possible for me to agree with those who even today embrace the McNamara policy aimed at erasing American military supremacy in favor of something called parity.

But I am prevented from adopting these comfortable attitudes by the actions of the Soviet Union itself. I am afraid that we have not only reached the status of military parity with the Soviet Union but that we are now in process of losing even that equal footing.

In fact, the situation has become dangerous enough that men like Chairman J. William Fulbright of the Senate Foreign Relations Committee warn us that it is no longer possible for us to stand up to the Soviets in the Caribbean because we no longer possess the superior strength that the Kennedy Administration held during the Russian Cuban missile crisis of 1962.

Perhaps some of you remember the many arguments advanced by the liberal community for the development of a power parity formula. The theory, at least, was that if we held back, if we failed to move ahead on the development of new weapons systems, if we failed to take advantage of the lead time afforded by our military superiority—that a grateful Soviet Union would take up the slack and observe all the protocol and courtesies of a parity powered world as we envisoned it.

It seems almost fantastic that we ever believed that the Soviets would build the momentum to move them from second place to even-up with the United States and stop there. We know the truth now. We see it in every area of the world. The Soviet Union is hell-bent on establishing a superiority over the United States in every phase of military development, from multiple warhead missiles down to the number of conventional destroyers. And all this, I would remind you, comes at a time when the Soviet Union is testing this nation of ours in almost every section of the world. For years the Russians have been the mainstay of our Communist enemy in Indochina. In the Middle East they are challenging with the weight of weapons supplied to the Arab nations. In the Mediterranean they are probing and challenging the cruising preserves of the United States Sixth Fleet. Our forces in almost every water way in the world are being challenged by a new and growing Soviet navy. In the Western Hemisphere Soviet intentions center around Cuba and this has been an open secret ever since Castro declared his devotion to Marxist Communism and embraced the Soviet Union.

In conclusion, I should like to stress my belief that the defense posture of this nation has both immediate and long-range aspects. And while events now piling up on the international scene require our immediate attention and concern, we must never lose sight of the future requirements that this nation may be called upon to meet in the defense of its citizens and in promotion of freedom's cause throughout the world. In both areas, American industry has an enormous task to perform, a task I am certain that will be carried out with efficiency and dispatch.

AMERICAN POLICY IN SOUTHEAST ASIA

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. DENNIS. Mr. Speaker, recent discussions in the Congress, touching on foreign policy, and particularly in connection with assistance to Cambodia, serve as an occasion, as it seems to me, for a little clear thinking and plain speaking on this general subject, which I believe to be much overdue.

It seems to me that surely Members of the Congress realize that we are engaged in a worldwide struggle of ideology, principle, influence, and power, on which the future fate of our country and that of the world depends. No recent American administration, of either party, has failed to recognize this fact—and, in my judgment, no administration can fail to recognize it.

Sometimes administrations, for political reasons, and subject to political pressures, have, unfortunately, been somewhat less than frank in acknowledging their recognition of this reality, but no administration has seriously deviated from a policy and a conduct of affairs which showed that it had this world situation constantly in mind, and that it fully intended that the successful party in this struggle should be the United States. Sometimes gentlemen here, and in the other body, have indulged in political sniping at various facets of this fundamental policy, but I seriously doubt that very many of these same gentlemen really believe in their hearts that the basic policy is wrong or that the worldwide struggle either can, or should, be abandoned.

The Nixon doctrine—as I understand it—seeks to implement our part in this struggle with as low an American profile as may be possible, and with an increasing emphasis on action by our friends and allies, with American financial aid and advisory assistance preferred, where feasible, to American military support. But I do not believe for one moment that the Nixon doctrine contemplates an American withdrawal in the world, or, more specifically, an American decision to concede Southeast Asia to the Communist side; and I am confident that this doctrine contemplates—and necessarily contemplates—the retention of a flexibility sufficient to implement the overall goals of our global foreign policy.

It follows that, while withdrawal from Vietnam may furnish the primary and present motive for assistance to Cambodia, for example, it cannot, in the nature of things, furnish the exclusive basis for that assistance, in any long-range point of view. Even if and when the process of Vietnamization has been completed it is obviously quite possible that continued aid to Cambodia or other countries in the area may continue to be essential to the successful conduct of American policy.

Like others in this body I have been out in the field in Southeast Asia, and have observed there the efforts of Americans actively engaged in this global struggle, from the rifleman, to the military adviser, to the Administrator of AID. In my judgment, these people are the frontline soldiers in a war between civilization and barbarism: between liberty and tyranny—a war which, in truth and in fact, involves us all.

I do not intend—from my physically safe seat in the Congress—to cast a vote which might indicate to these people that I fail to understand or to appreciate the nature, the extent, and the overall purposes of the worldwide struggle in which they, and we also, are engaged. Proposals which seek to tie aid to Cambodia solely to withdrawal in Vietnam, or which seek to deny all possibility of the use of American military advisers in that country fails to recognize, or to come to grips, with the actual global situation. Adoption of measures of this character, in the light of history, and with the march of subsequent events, would, I believe, appear, in retrospect, as an exercise in futility, which accomplished nothing—save, perhaps, to help us close our eyes once again to international realities which it is important that we see.

MESSAGE GETS THROUGH

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. BOB WILSON. Mr. Speaker, "Swing Out, Sweet Land" was a moving tribute to America and what is right with our country. This program, without ignoring our national problems, took an entertaining look at what makes America tick. Headed by that indomitable American favorite, John Wayne, this was a truly great show, with an outstanding cast. I hope the networks will bring us more of this type of programing and know that all Americans, young and old, found much to enjoy and ponder during that hour and a half. I am pleased to include in the Record the following editorial from the San Diego Evening Tribune of December 1, 1970:

MESSAGE GETS THROUGH

It was all sort of implausible.

Here was this rugged, handsome fellow on the television screen, telling us that all this country needs is confidence on the part of its citizens—confidence in the country and in each other.

But big, solid John Wayne made it believable.

John Wayne, probably, in these waning days of 1970 is the only performer who could cut through the "sky is falling" mood of television programming to assemble the fresh-as-spring NBC special aired Sunday night.

Wayne, an acknowledged flag-waver, used the clout he has accumulated during the years as "nice guy" of the entertainment business to bring to the television spectacular some talented figures best known possibly for sticking pins in flag-wavers.

And Wayne was joined by a host of friends and other performers who share his views.

But "Swing Out, Sweet Land" was not a sermon on patriotism. Wayne's message was there—America is a pretty good place to live—but the show was pure entertainment.

And guests like Dan Rowan and Dick Martin and Tommy Smothers—fellows who like to snipe at the establishment—could be comfortable in front of the cameras even in the company of the establishment's most vigorous defender.

As one frequent critic of the "system" noted, "I thought it was time to stand up and say, 'Hey, this is the best system we've got.' "

Wayne, as host and narrator of the show, wandered through United States history, meeting and talking to figures who shaped America's destiny with roles played by Lucille Ball, Bing Crosby, Jack Benny, Lorne Greene, Ann-Margret, Leslie Uggams, Glen Campbell, Johnny Cash, Bob Hope, Red Skelton, Dean Martin. . . .

The theme was pro-America.

It was coated with humor, music and hope.

"I'm doing this show for my kids," Wayne said. "Before I get too old, I want to do something . . . that will give them an idea about how their country developed."

And kids of all ages must have shared the thrill of pride at the show's square, corny finale with the entire cast singing "God Bless America."

It was enough to make a sophisticated viewer laugh right out loud—after he brushed away a tear or two.

MORTON'S NEW CHALLENGE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. GUDE. Mr. Speaker, among much editorial and press comment commending the appointment of our distinguished colleague, Mr. Morton, to be Secretary of the Interior, the Evening Capital of Annapolis, Md., points up the fact that he is the first easterner to be chosen for this Interior position in its 121-year history. As a Chesapeake Bay oriented newspaper in the capital of Maryland, the Evening Capital is familiar with our distinguished colleague's record of concern and interest in the preservation of the environment as he has repeatedly displayed in his efforts to maintain the quality of the Chesapeake Bay as a natural resource.

Rogers Morton again brings honor and credit to the State of Maryland which has furnished 16 other Cabinet members in the Nation's history.

Mr. Speaker, I wish to commend to my colleagues the editorial of the Evening Capital of November 28, 1970:

MORTON'S NEW CHALLENGE

Despite the fact that we feel Walter J. Hickel performed his duties as secretary of interior courageously and independently it was obvious that his lack of rapport with the administration was a situation President Nixon could not permit to be continued. Rep. Rogers C. B. Morton, whom the President appointed to replace Hickel, has demonstrated that he is very much on the same wave length with the administration.

We are proud that the first Easterner chosen for the interior post in its 121-year history is a Marylander. Morton represents the First Congressional District, sometimes called the "Chesapeake Bay district." We have a very special concern about the Bay because of its proximity and our recognition that it is a natural resource vital to Maryland and the Eastern Seaboard. It will be comforting to have a man in the cabinet post that concentrates on environmental matters sharing this concern.

Because of the great national interest in conservation and fighting air, land and water pollution, that position of secretary of interior is highly significant and sensitive. It requires deep dedication and a strong will to prevent private interests and public agencies from exploiting our natural resources.

Morton has a reputation for being a loyal team player and his lines of communication with President Nixon appear to be excellent. This should place him in an advantageous position for meeting the immense challenges with which the secretary of interior must deal and performing effectively as the public's top advocate of environmental protection and preservation.

REGISTRATION AND VOTING IN THE STATES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. UDALL. Mr. Speaker, last August 13 it was my privilege to introduce, along with 11 cosponsors, H.R. 19010, the proposed Universal Enrollment Act of 1970. On the same day Senator Daniel Inouye and 12 cosponsors introduced an identical bill in the Senate. The purpose of this legislation is to bring into our political system the large numbers of eligible Americans who are not now voting; for example, the 47 million who failed to vote in the 1968 presidential election and an estimated 67 million who did not vote in the just-completed congressional elections.

The major barriers to voting are the outdated registration practices that plague our elections. Once people register, as the following report shows, they vote. But the difficulty implicit in registering is just beginning to receive the widespread attention in the courts, in the State legislatures, and now in the Congress that the problem deserves.

The universal enrollment plan would institute a door-to-door canvass to register for presidential elections all eligible voters who wanted to be registered. It also includes simplified absentee voter procedures for Americans living abroad, military personnel, those not in their jurisdictions on election day, and those who move into a new community less than 30 days prior to the election. Under this plan, the enrollment officials could enroll voters for State and local elections in addition to presidential elections, if the State and local officials requested that they do so; or the completed registration rolls could be turned over to local election officials upon request. The plan is voluntary, but it does provide a practical means for overcoming the greatest hurdle to voting now contained in our laws.

At this time, I am pleased to introduce for publication in the CONGRESSIONAL RECORD one of the most thorough assessments of present registration practices, their development, and their impact on voter turnout. The report is the work of the Freedom To Vote Task Force, established under the chairmanship of former Attorney General Ramsey Clark and the honorary president of the National Council of Women, Mrs. Mildred Robbins. The task force was created to study the reasons for nonvoting and to recommend ways to increase political participation. The task force report recommends simplified registration qualifications for each of the States and a universal enrollment plan for adoption at both the State and National levels.

These materials impressively outline the dimensions of the problem and strongly support the need for a universal enrollment plan. Therefore, I insert them in the CONGRESSIONAL RECORD at this point:

REGISTRATION AND VOTING IN THE STATES

(A Report of the Freedom to Vote Task Force Democratic National Committee, November, 1970)

I. INTRODUCTION

American government is based on the assumption that it represents the will of the people. Individuals elect their public officials and shape the broad outlines of governmental policy through the vote, the single most critical individual act in a democracy. Any devices that prohibit people from voting should be subjected to the most intensive, continuing scrutiny. They can be justified only by the most persuasive of arguments as to their need and the inability to find meaningful substitutes to accomplish the same objectives.

The more people that vote, the better able the government is to reflect their wishes and to satisfy their needs. All benefit. A truly representative democracy makes for a highly stable and vigorous nation.

Yet in a voting population of 120 million in 1968, only 73 million voted. The chief obstacle to the vote in 1968 as in previous elections years was the cumbersome registration demands made upon citizens. Those registered voted. Eightly-nine percent (89.4%) of the 82 million registered Americans cast their ballots in the 1968 presidential election. (See Table 1.)

The following reviews the evolution of registration systems, the requirements presently in effect and their effect on voter turnout, and presents the recommendations of the Task Force for a more reasonable approach to qualifying voters for elections.

Background

The original justification for the introduction of registration requirements was the attempt to insure the integrity of elections. The intention was to free them from fraudulent manipulation.

A 1929 work on the subject, and the only major study to date, presented the rationale used to justify registration limitations. The author, Joseph Harris, noted that:

"Our elections have been marked by irregularities, slipshod work, antiquated procedures, obsolete records, inaccuracies and many varieties of downright fraud. In only a few cities is the administration of elections conducted with a modicum of efficiency." (Joseph Harris, *Registration of Voters in the United States* (1929), pp. 3–4.)

The answer to such abuses according to Harris and those of like mind was a registration system:

"The requirement that all voters shall be registered prior to the day of the election is one of the most important safeguards of the purity of the ballot box. It constitutes the very foundation upon which an honest election system must rest, and if properly administered, prevents many of the more serious frauds which have marked the conduct of elections in the past." (*Ibid.*)

Harris' argument is interesting from a number of perspectives. First, it gives the rationale for supporting registration limitations during the era of their greatest expansion, the mid to late nineteenth and early twentieth century. Second, it represents the thinking of civic reformers who felt, somewhat naively in retrospect, that such checks would purify the elections of many, if not most, of their objectionable features. Third, the statement suggests that registration systems were intended primarily for urban areas.

There were a number of reasons for this selectivity. In rural areas, election officials knew most of the voters and thus argued that there was no need for a prior listing of eligible citizens. The population concentrations in the urban areas, however, did not encourage any easy familiarity with all prospective voters, hence the need for a registration system.

Another factor was the maturation of the urban machine. The machine depended upon a controlled vote to maintain its position of power. Such a system encouraged abuse.

For example, in one Chicago precinct (20th Ward, 24th Precinct) during one primary election in 1926, the Citizens' Association of Chicago reported that the bogus votes outnumbered the valid ones. Of the 566 votes cast, 352 were described as fraudulent, that is, the ballot cast was not done so by a bona fide resident of the precinct. The argument could be made that the same officials who controlled the polls on election days, resulting in a fraudulent vote count, would control the registration procedures, thus insuring no fundamental changes. Nonetheless, those favoring registration emphasized such cases as these to argue the need for the preelection listing of eligible voters.

Until this day, registration systems have been centered in cities and have spread only gradually to smaller towns and rural areas. Ohio, for example, has registration only in urban areas of 50,000 or more. A rural state, North Dakota, that boasts of no city over 55,000 population, has no registration procedures at all. Alaska, a state of only 294,000 inhabitants, has relaxed registration procedures which, similar to many areas of sparse population, allows the registrar leeway in adding to the rolls at his discretion people he knows to be eligible to vote.

Registration procedures do have an effect on voting turnout. The U.S. Census publication shows that of the 32 percent of the electorate not claiming to vote in the 1968 elections, 72 percent were barred because of failure to meet registration qualifications. A study was made by Professor Stanley Kelley, Jr., and associates of Princeton University on registration and voting in the 104 largest cities in the United States during the 1960 presidential election. They studied the effect of socioeconomic factors (age, sex, race, education, income and length of residence); party competition; and registration requirements (residency and literacy tests, permanent or periodic registration systems, the time and place for registration, and the closing dates for registration) on voter participation. The study concluded that "registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered." (S. Kelley *et al.*, "Registration and Voting: Putting First Things First," *American Political Science Review* (1967), p. 362.) The authors found, for example, that better than three-fourths (or 80%) of the variations found between the number of people voting and those of voting age was accounted for by registration demands. There was almost a perfect correlation between the number of people registered and those voting; that is, on the average, for each percentage increase in registration between cities there was a percentage increase in voter turnout. The mean percentage of those of voting age who registered was 73.3 percent with a standard deviation of 14.3. The mean percentage of those registered who voted was 81.6 percent with a standard deviation of 11.7. As the authors noted, the latter set of figures was both higher and varied less than those between voting age population and those registering, thus supporting their contention that the critical hurdle to voting is registration. The authors therefore demonstrate an explicit relationship between registration and voting: for almost every new person registered, a new voter went to the polls. Also, the figures indicate that those registered vote in high numbers, with relatively little deviation from one city to the next.

In the midwest, some counties still have no registration requirements while others, usually the more urban ones, do. Consistently, the turnout is higher in the counties with no registration qualifications. For example, in Missouri the discrepancy in voter turnout between the urban counties (Jackson, St. Louis City, St. Louis County) with registration qualifications and the counties without registration, representing 80 percent of the state's land area, averages between 10 percent and 12 percent. The experience of Pennsylvania for the period between 1920 and 1936 and prior to the introduction of statewide registration procedures and of Ohio for the period 1932–1960, when a variety of practices were in effect ranging from no registration through a partial listing of qualifications to a full-fledged registration system, illustrates the depressing effect of those requirements on voter participation. For the Pennsylvania counties, there is a six percent to 10 percent difference in turnout. The Ohio returns illustrate the same phenomena, a decline in the vote that correlates with the severity of the requirements. (See Table 2.)

History

The North

The spiritual ancestor of later registration systems was a Massachusetts requirement, adopted in 1742, that limited the franchise to property-holders and required local assessors to compile a list of each man's property assets.

The first actual registration law in the United States was enacted by the state of Massachusetts in the year 1800. This provided for the listing of all qualified voters in each town in the Commonwealth prior to elections. While other New England states adopted similar procedures, the practice was slow in spreading to other areas. When a registration system was adopted prior to 1862, it was done so only in a few selected major urban areas. Columbia, South Carolina instituted registration in 1839 for elections in the city of Philadelphia. And New York City adopted registration qualifications in 1840, but soon abandoned them.

The big push in the adoption of registration limitations began in the 1860's with the accelerated growth of the large urban areas, the industrialization of the nation necessitating large clusters of working people in confined geographical areas, the refinement of machine politics, and the mass immigrations to this country, and particularly to its cities, that took place up until 1920. The steadily increasing electorate culminated in the 19th Amendment giving the vote to women, and also provided pressure for a more systematic enumeration of eligible voters.

Between 1860 and 1880 most Northern States adopted registration procedures. Beginning in 1880, the practice also spread to Western and Southern states, although the Southern experience differed from that of the rest of the nation.

The study by Stanley Kelley, Jr., and associates introduced earlier notes that:

"In the period from 1896 to 1924, when the turnout declined almost steadily, state after state enacted registration laws which typically required registration annually and in person of all voters in the nation's large cities; the registration procedures of this era have been described by one student of registration practices (Harris) as 'expensive, cumbersome, and inconvenient to the voter'. In the period from 1924 until the present, during which time the turnout has gradually risen, more and more states have been liberalizing their registration laws, particularly as these apply to the larger cities. In short, turnout in presidential elections in the United States may have declined and then risen again, not because of changes in the *interest* of voters in elections, but because of changes in the *interest demanded* of them." (S. Kelley, *et al.*, "Registration and Voting . . . ," p. 374.)

Whatever the justification or the original intent, registration systems have a selective effect in whom they bar from voting.

A Gallup poll conducted in December of 1969 found that registration systems had an uneven effect on the electorate: the laws effectively discriminated against certain groups of potential voters. The report released by the Gallup organization was entitled "Registration Laws Boon to Republicans" and indicated that the people most likely to satisfy the registration requirements were prospective supporters of the Republican party. The release stated that two out of three of the people not registered had Democratic leanings. Most heavily hit were the young (50 percent not registered) and those who rented rather than owned their own homes (44 percent not registered).

Gallup concludes from his studies that it is *not* lack of interest but rather residency and other registration qualifications that provide the biggest barrier to voting. The results are not accidental. Registration requirements are more difficult for the less educated to meet. The registration systems favor those in higher social classes, disproportionately increasing their weight in the electorate. The city of Baltimore can serve as an example. Correlation of social class characteristics, as measured by occupation, with the 1960 voter turnout in 83 political units in the city produced the results shown in Table 3.

These figures (Table 3) indicate that the upper classes, as stratified by occupation, have a political weight roughly twice that of the lower classes.

The U.S. Census report on registration and voting in the 1968 election (*Voting and Registration in the Election of November 1968* Series P-20, No. 192, December, 1969) provides a more detailed commentary. The figures are self-reported and they over-represent the number of people registered and voting. Nevertheless, the trends revealed within the categorizations of the returns should provide a reliable index of relative discrepancies within the population.

The highest proportion of those not registered and/or not voting fall among blacks, those who did not finish high school, manual and service workers, and those of lower incomes. The family income and education figures, in particular, show a progressively clearer relationship between an increase in income or educational achievement and percentage registered and voting. As an example, 87 percent (86.5%) of those with a college degree are reported as registered and 83 percent as voting. One-half (49.5%) of those with only one to four years education are reported as registered and only 38 percent of the total as voting.

The registration systems now in effect do not fall on all individuals impartially. (See Table 4.) They place a disproportionately heavier load on those least able to meet them.

The South

The modus vivendi worked out between the South and Republican leaders in the contested outcome of the presidential election of 1876 gave the victory to Hayes in return for the freedom to conduct political affairs in the South much as they had been prior to 1860. To return power to propertied classes favored before the Civil War necessitated the exclusion from the Southern electorate of blacks newly enfranchised since 1865. A number of legal and extra-legal strategies were employed prior to 1890, but beginning approximately in this year and extending through 1920, Southern states settled on restrictive registration procedures as an effective legal means of limiting Negro involvement in elections. There followed during this period such limitations as the "grandfather clause," the "white primary," the poll tax, which effectively barred poor whites as well as blacks, and arbitrarily administered tests of literacy and state and federal constitutional interpretation. Mississippi began the practice in 1890 requiring a "reasonable" interpretation of the Constitution as a prerequisite to voting. By 1915, the U.S. Commission on Civil Rights reports that other Southern states had adopted similar practices, requiring applicants to meet as a criteria for voting standards of "good character," property qualifications, civic knowledge, and other arbitrary restrictions designed to exclude Negroes from voting. For example, offenses believed to be related to Negroes, crimes of petty larceny or illegal child bearing, were grounds for restricting the vote in some Southern states. These were included in the laws to cast a net as widely as possible to minimize Negro political involvement. Once the process of adding provisions to restrict the vote on grounds of acceptable behavior began, there was virtually no limit to the lawmakers' ingenuity in adopting unusual restrictions.

The South, however, was not alone in restricting prospective voters. A listing of the restrictions placed on who may vote by one Southern and one non-Southern state, Louisiana and Idaho, illustrates the extremes to which the process of excluding reputedly undesirable types from the electorate can be taken. (See Table 5.)

It is difficult to say what someone accused of falling into one of these categories outlined in Idaho or a state with similar regulations would do. The restrictions listed do show the potential power of registrars. Should they desire, registrars can limit the number of people voting simply by permitting some to vote while prohibiting others through a restrictive application of their powers.

In the South, the whites depended upon sympathetic local registrars to ease the process. The registrar's discretion was counted on to insure that whites met the registration requirements and blacks did not. The strategy proved highly effective. The U.S. Commission on Civil Rights reports that in 1868 under the Radical Reconstruction legislation, whose political implications were clarified in the Fifteenth Amendment passed in 1870, 700,000 Negroes were registered to vote. The number exceeded the white registration. Negroes also held political office, for example, controlling one house and 87 of 156 seats in the South Carolina legislature. However, no black was ever elected governor, nor did blacks ever control both houses of any state legislature.

The systematic exclusion of Negroes from all forms of political participation received legal sanction in the ingenious "Mississippi Plan," as it was called, of 1890. The plan concentrated on devising restrictions on registration and voting that could be applied with discrimination. The approach was enthusiastically adopted by other Southern states and, by 1900, the Negro vote had been virtually eliminated in the South. As an example, in Louisiana in 1896, 130,334 Negroes were registered to vote. Four years later after the Mississippi approach had been written into state law, 5,320 blacks were registered to vote.

It was not until the Supreme Court decision in *Smith* v. *Albright* which outlawed the "white primary" that the trend was effectively reversed. Subsequent decisions buttressed by the passage of the Civil Rights Acts of 1957, 1960 and 1964 brought an increase in Negro registration. The greatest progress, however, was made with the enactment of the Voting Rights Act of 1965. The Act suspended discriminatory registration requirements, including literacy tests, in any state or political subdivision where 50 percent of the voting age population were either not registered or did not vote. These provisions applied to Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, as well as to 40 of North Carolina's 100 counties. In addition, the Attorney General of the United States was given authority to assign federal examiners to register qualified voters and federal observers to monitor elections in the same counties.

The Voting Rights Act proved to be extremely successful. Federal examiners were sent to 58 Southern counties. By the end of 1967, they had registered 150,767 blacks and 7,327 whites. In addition, local registrars had enrolled 416,000 Negroes under provisions of the 1965 Act for a net gain of 566,000 new black registrants. Also, black registration exceeded 50 percent in all Southern states. As the following table shows, whites as well as blacks benefited from the Act. (See Table 6.)

The seven states primarily affected by the Voting Rights Act showed remarkable gains. In 1956, 20 percent of the blacks in these states were registered. Almost a decade and three civil rights acts later, in August of

1965 when the Voting Rights Act was passed by the Congress, the percentage had risen to only 29 percent. Five years after the passage of the Act, the percentage of blacks registered in the seven states had climbed to 60 percent.

The Negro vote climbed with Negro registration. Exact figures are not available, but the Southern Regional Council estimated that in the 1966 election the following turnouts occurred: Arkansas, 80,000 to 90,000 of a potential 115,000 to 120,000 registered blacks; South Carolina, 100,000 to 191,000; Georgia, 150,000 to 300,000; Alabama, less than one-half of the total 250,000, although 75 percent of the registered black voters participated in the Democratic primary; Mississippi, 50,000 to 55,000 of 170,000; and in a sampling of precincts in Louisiana, 50 to 60 percent of the registered Negroes voted. It is estimated from sample survey results by the Southern Regional Council that two-thirds of the Negroes of voting age were registered in 1968 and that over one-half voted. The voting increases for the period 1940–1968, covering the *Smith* v. *Albright* (1944) decision and the Voting Rights Act of 1965 which represented the biggest spurs to black registration and voting, are shown in Table 7.

The U.S. Census report of December 2, 1969, *Population Characteristics*, in reviewing the turnout from the 1968 general election, does not break the figures on participation down by state. However, it does report regional returns which are somewhat different than those of the U.S. Civil Rights Commission, although the emphasis is the same. Fifty-two percent of the total black population (that is, civilians 21 or over not in institutions) voted in 1968. Of those blacks who reported themselves registered, 84 percent voted in 1968, an increase in black voter participation in the South of approximately 7 percent over 1964.

In summarizing the effect of the 1965 Voting Rights Act, the Staff Director of the U.S. Civil Rights Commission reported to a Committee of the Congress in 1970 that in the five years since the enactment of the legislation:

"... over two million black voters are registered in the seven states covered by the Act; three-and-a-quarter million Southwide; over 400 black candidates for office were elected; and significant numbers of moderate white officials hold office because white and black voters have been able to turn out of office the Jim Clarkes and the Bull Connors in many counties." (Statement of H. A. Glickstein, Staff Director, U.S. Commission on Civil Rights, before U.S. Senate Subcommittee on Constitutional Rights, February 24, 1970, pp. 22–23.)

He went on to conclude:

"This is what the right to vote is all about: the people have the right to determine who will govern and represent them." (*Ibid.*, p. 23.)

The Southern experience demonstrates the power of registration qualifications to restrict the vote. It also provides a persuasive argument that a comprehensive voter enrollment plan under federal government auspices, such as that proposed in the previous Freedom to Vote Task Force report, "That All May Vote," would result in significantly higher voter turnouts.

II. REGISTRATION REQUIREMENTS OF THE STATES*

Contemporary registration requirements vary greatly. Each was added over a period of time and often at the whim of specific state legislatures or in reaction to a passing public mood. Few states have codified their requirements and systematically evaluated their consequences. As a result, the registration qualifications in effect, as the earlier comparison between the states of Idaho and Louisiana illustrated, can become quite elaborate.

The following reviews the requirements presently in effect. It begins with one of the most common, residency, and discusses this requirement as it pertains to state, county, precinct and city elections. The options, if any, available to voters for a waiver of residency limitations in presidential elections are also presented.

Each of the states with registration systems had some type of residency requirement in effect prior to the enactment of the Voting Rights Act of 1970. For example, for presidential elections these ranged from three months or 90 days in some states (New York, Pennsylvania) up to—until it was revised in 1968 to one year—two years in Mississippi. South Dakota uniquely adds a further stipulation to its one year residency requirement stipulating that a voter must be a resident of the United States for five years.

The enactment of the Voting Rights Act of 1970 superimposes over state procedures limits on residency qualifications for presidential elections. These requirements were restricted to 30 days. The stipulation remains in force, assuming court support, until 1975. At that point, unless the Act or something comparable to it were adopted, previous state practices would be resumed.

American civilians living abroad, estimated in 1960 to be about one-half a million people and in 1968, 651,000 (not including 172,000 civilian military dependents of voting age), are also excluded by residency limitations from voting. American military personnel abroad must qualify for the frequently cumbersome absentee ballots, thus diluting the force of their vote. Of the 2,473,000 military personnel of voting age in November, 1968, 1,142,600, or 46 percent of the total, actually voted.

Several states (e.g., New Mexico, Mississippi, Washington and Utah) exclude Indians not taxed or those, and others, living on federal lands from voting. The legal stipulations covering these exclusions are so varied that it is virtually impossible to estimate the number of individuals excluded from the ballot by these restrictions. Curiously, the U.S. Civil Rights Commission contends that these are legally unenforceable in federal elections, although they have no information as to registration practices at local levels in this regard.

As the following shows, 33 states have one year residency requirements before one can vote, 33 states require some period of residency in the county, the same number in the precincts; and a smattering of states have city requirements as well, although Connecticut's is in lieu of any other residency qualifications.

Thirty-one states relax their provisions for presidential elections, although the effect of several is questionable. Colorado, as an example, substitutes a six month period for the original one year, the mandatory requirement in 14 other states. Several states permit presidential voting under a waiver system only in specific places, the town clerk's office or for maximum inconvenience, only in one city in the state, as is the case in Delaware.

The requirements normally in effect stipulate that to vote a person must be a resident of the state for at least one year, of the county for 30 to 90 days, and of the precinct for 30 days. It is estimated that these requirements exclude from the electorate, through an individual's inability to meet the specific residency qualifications in an election jurisdiction, five percent of the potential electorate. For the 1968 election, this would mean that six million voters were denied participation by residency alone.

The following summarizes the various residence requirements in each of the fifty states and the District of Columbia.* (See Table 8.)

*State Requirements:*** Thirty-three states and the District of Columbia require an individual to be a resident of the state for a period of one year before he may cast his ballot in an election. Fourteen states have residence requirements of six months—Connecticut has no state requirement, but does have a six month residence requirement for cities—and only two states, New York and Pennsylvania, allow an elector voting privileges after three months and 90 days of residence, respectively.

County Requirements: Thirty-five states have county residence requirements of from one month to as long as six months. (Hawaii has a residence requirement of three months in a State Representative District.) Fourteen states have no county requirements.

Precinct Requirements: Thirty-three states have precinct residence requirements of from ten days to six months. Sixteen states have no residence requirements for precincts. Missouri has a precinct residence requirement of ten days in only some of its counties.

City Requirements: Connecticut has a six month residence requirement in cities, but there are no state, county or precinct requirements. Rhode Island and Massachusetts require a six month residence; New Hampshire, six months in ward or town. Vermont and Maine have a three month requirement. Maryland's residence requirement is six months, but may apply to a county or city, and New York's is three months and also applies to a county or city. Michigan has a city residence provision requiring that an individual must reside in the city on or before the fifth Friday before the election in order to qualify to vote. All other states have no city requirements.

Presidential Waivers: Nineteen states and the District of Columbia have no provisions for new residents voting in Presidential elections. Thirty-one states have some type of Presidential waiver, with fifteen of those states requiring lengths of residence of from fifteen days to three months. Delaware, for example, with a three month residence requirement for Presidential elections, requires the individual first to register in person in Wilmington and, second, to vote in Wilmington only on election day. See Table 8 for changes subsequent to 1968.

Former Residents: The states that allow a former resident to vote by a special or an absentee ballot until residence requirements of the new state are met, or for a specified length of time, are as follows:

Alaska: May vote for President until he meets residence requirements in new state.

Arizona: May vote absentee for 15 months after leaving if cannot meet requirements in new state.

Connecticut: May vote absentee for 24 months after leaving if cannot meet requirements in new state.

Michigan: May vote until requirements are met in new state.

New Jersey: May vote by special ballot for President if cannot meet requirements in new state.

Texas: May vote by absentee ballot for President for 24 months if cannot meet requirements in new state.

Wisconsin: May vote by absentee ballot for President for 24 months if cannot meet requirements in new state.

Wyoming: May vote absentee until such

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*As of January 1, 1970.

*There have been several changes since 1968. These are noted in Table 8.

**In some states a Presidential election is an exception; see Presidential Waivers.

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time as residence requirements are met in new state of residence.

In addition to residency, each of the state registration systems requires U.S. citizenship as a precondition for voting and sets a minimum age for eligibility. Minnesota and Utah stipulate that a person must be a citizen for three months or 90 days. In 1960, restriction of aliens excluded about 2.75 million people from voting. Under the same restrictions, an estimated 3.3 million adult resident aliens were restricted from voting in 1968.

Forty-six states set a legal minimum age of 21 for voting. Georgia and Kentucky permit voting at 18, Alaska at 19, and Hawaii at 20. If the 18 year old vote becomes a reality, it should add from 10 to 12 million new voters to the electorate, a ten percent increase over present levels.

Twenty states also have some form of literacy requirement. These vary in severity from provisions that require a prospective voter to be able to write his own name or read and/or write English to the ability to interpret the state or federal constitution. The state of Hawaii permits fluency in Hawaiian to be substituted for English; South Carolina permits a waiver of the literacy requirement if the person owns $300 worth of assessed property; and Alabama accepts a certificate stating that the holder has completed eight years of formal schooling as presumptive proof of literacy.

In the 1960 Presidential election, literacy requirements directly excluded 1.37 million people from voting. The number excluded in 1968 approximated 2.1 million. The figures are based on the U.S. Census estimates of illiterates of voting age in the 20 states with literacy requirements. Curiously, the Census definition of literacy is considerably less stringent than those provided in state laws for voting. The Census defines literacy as the inability to read or write simple messages in *any* language. Professor William Andrews, in a challenging review of voting requirements (William G. Andrews, "American Voting Participation," *Western Political Quarterly*, 19(1966), p. 643), puts the number of illiterates excluded from voting participation in 1960 at a minimum of 3.4 million. Based on the same calculation, the number for 1968 would be 3.8 million.

In specified states (Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and at least 26 counties in North Carolina) the requirements for literacy tests and similar devices were suspended by the provisions of the federal Voting Rights Act of 1965. Most of the areas that the 1965 Act covered were in the South, but in a few other parts of the country such as Alaska, low voter participation brought the area under the Act. The reenactment of the legislation, the Voting Rights Act of 1970, suspended literacy requirements in all of the states until 1975.

A report of the U.S. Commission on Civil Rights permits a more extended evaluation of the effects of literacy tests as a precondition for voting in non-Southern states. In analyzing the election returns for 1968, the Commission found:

> Overall, the states with literacy tests have lower registration and voter turnout rates than those without literacy qualifications.
>
> That Negroes are more adversely affected by literacy requirements than whites. In states with no literacy tests, more Negroes with less than a ninth grade education are registered (76%) than in states with this barrier (55%). The comparable figures for whites are 72 percent and 61 percent. Also, for the same group (8 years or less of education) almost twice as many blacks as whites (27.7% to 15.2%) are listed as not registering because of lack of interest or inability to register, figures that support the contention of this report that individual apathy as a reason for not registering is conditioned by the severity of the requirements a person must meet.
>
> Counties within a state (excluding Hawaii and Alaska) that have a higher proportion of nonwhites or those with Spanish surnames (15% or greater) are more likely to fall behind the state average in registration in states with literacy requirements. This is not true for those states that have no literacy tests.

The Commission thus concludes that: "The data show a negative correlation between literacy tests and voter registration and (voter) turnout levels, both for the general population and for minority groups in particular." ("The Impact of Voter Literacy Tests Upon Voter Registration in States of the South and West: November, 1968," U.S. Civil Rights Commission, January 19, 1970, p. 1.)

A loyalty oath or some certification as to good citizenship is a requirement for voting in seven states: Alabama, Connecticut, Florida, Idaho, Mississippi (amended in 1965 to require an oath only as to the truth of statements in the registration application), North Carolina, and West Virginia. Alabama specifies that in addition to the loyalty oath, a registrant "must be of good character and embrace the duties and obligations of citizenship under the Constitution of the United States and the state of Alabama."

These requirements are summarized in Table 9.

In addition to residency, age, citizenship, literacy tests and loyalty oaths as prerequisites to voting, states prohibit others from the electorate for a wide variety of reasons. Forty-five states disqualify from voting idiots, the mentally ill and those under legal guardianship. In Alaska and the District of Columbia, court adjudication of mental incapacity is needed in order to prohibit a person from participating in elections.

Prison inmates are not allowed to vote in any state. In addition, anyone convicted of a felony is denied permission to participate in elections in 50 states. Of the latter, all but six states temper this provision by returning the franchise to anyone whose civil rights have been restored, a provision that would apply to few former convicts (2% is one estimate). Only two states, Colorado and Oregon, automatically reinstate the individual's civil rights, including the franchise, on release from prison. In the 1960 election, approximately 200,000 were prison inmates and 1.5 million were classified as former convicts. Calculating on the basis of these figures, between 1.5 and 1.6 million people were kept from the electorate by these provisions.

In 1968, the inmates of state and federal prisons numbered 194,896. The number of inmates of correctional and mental institutions in 1968 was 1,078,000. If 1.5 million is a fair estimate of the number of former felons, the total kept from voting in 1968 by state requirements concerning felons and former felons would be 1.7 million. And if all institutionalized persons are included in this estimate, the number so excluded approaches 2.5 million.

Nine states disqualify paupers from voting, although Massachusetts adds the proviso that this restriction does not apply to veterans. There is no reliable analysis of the effect of this restriction on the electorate, although William Andrews hazards, in his terms, a "very modest" guess that possibly 150,000 were so excluded in 1960. An equally modest guess in 1968 would be over 170,000.

Beyond this point, the registration demands enacted by the states become increasingly more complex and increasingly less defensible. Duelers, those who defraud the government, vagrants, those of "bad character", those convicted of improper lobbying or election abuse, those who bet on election outcomes, those who receive a dishonorable military discharge, those who bear arms against the United States, those who do not pay taxes, and those convicted of subversive activities are barred from participation in elections in one state or another. The exotic restrictions in the statutes of Idaho and Louisiana were introduced earlier. Whatever one feels concerning the codes of moral and social behavior involved in many of these qualifications, they hardly appear as valid restrictions on the vote.

A more specific elaboration of the registration codes follows. (See Table 10.)

Registration Procedures

In addition to the registration requirements themselves, there is the additional barrier of the physical means by which prospective voters must qualify to vote. These procedures vary widely from one state to the next and frequently within a state. They are not well understood, but they provide an additional obstacle that those who are otherwise eligible must overcome. (See Table 11.)

As Table 11 shows, the periods provided for registration vary greatly. Some are open for specified periods of time, others are open year around. Some close two weeks or less immediately prior to election day; Texas closes its rolls at the end of January, nine months prior to election day. In all cases, the burden is put upon the individual to familiarize himself with the registration dates and places and then to register himself, should he meet the qualifications.

As Table 11 also points out, the states have a variety of procedures for updating their rolls. Some states have periodic registration, or re-registration for each election. Others have permanent registration, usually with a provision that a person's name be dropped after a specific length of time in which he did not vote (for example, four years or two general elections).

Finally, provisions for absentee voting, as Table 11 shows, can be cumbersome. The initiative is placed on the individual to find the time period in which requests for absentee ballots will be honored and his eligibility can be certified (usually beginning 60 to 90 days prior to the election and ending within the week preceding the vote); to contact, in person or by mail as required by law, the proper official (usually a city or county clerk); and, if he qualifies, to insure that his properly marked ballot reaches the designated election official by the time specified in the law. The total burden is placed on the individual to acquaint himself with the diversity of regulations and to meet the specified time limits and qualifications for absentee voting. The process is awkward and discourages voting. (See Table 12.)

Registration and Non-Voting

The foregoing introduces state registration qualifications and provides some indication of their effects. In an attempt to establish the causes of non-voting and the groups within the population most seriously affected, the U.S. Bureau of the Census has analyzed the results of recent elections and notably that of 1968. In analyzing the 1968 vote, the Census reported that:

". . . higher voter participation was found among men, persons 45 to 65 years old, whites, people living outside the South, those with larger family incomes, and persons in white-collar occupations, particularly professionals and managers. Lower participation was more likely among women, persons under 35 years of age and to a lesser degree those 65 and older, Negroes, residents of the South, those of low educational level, those with small family incomes, and persons in unskilled occupations, such as laborers (both industrial and agricultural) and private household workers." (*Voting and Registration in the Election of 1968*, (1969), p. 1.)

In exploring the contribution of registration systems to non-voting, the Census found that 67.8 percent of the total voting age population participated in the elections. Most impressively, of all those who claimed to be registered, a striking 91 percent (91.2%) also claimed to have voted.

The Census report is based on a person's response as to whether he voted or registered and thus, by the Census' own admission, overestimates both voting and registration. The figures should be valid as to relative trends and proportional relationships. If this is the case, then the earlier contention that registration systems provide the greatest hurdle to voting has substantial merit.

The 27 million people not registered were asked why they had failed to take this initial step to qualify themselves to participate in elections. The largest group, 53 percent (53.3%) said they were not interested in either politics, the election or political processes more generally; ten percent (9.9%) reported that they did not register because they were not citizens; eleven percent (11.2%) did not meet residency requirements; thirteen percent (13.4%) were barred from registering because of illness, lack of transportation, inability to take time off from work, and related reasons; ten percent (9.5%) gave other reasons for not registering but ones that the interviewers were not able to place in the major categorizations provided; and three percent (2.6%) either did not know why they did not register or the interviewer reported no reasons.

Residency qualifications were given as a reason for not qualifying with increasing frequency as one climbed the educational ladder; for example, approximately 16 times as many people with five years or more of college offered this explanation than did those with nine years or less of total schooling. Disinterest was given as a reason for not registering proportionately more often by those with the least education, declining in importance with the formal educational achievements of the respondents. Residency was a greater barrier to younger potential voters than to those middle-aged or older. Six percent more blacks offered election disinterest or physical barriers to registration as major reasons for their failure to enroll than did whites. The latter reason was of even greater importance for Negro families, averaging nine percent of the norm for all groups.

Overall, the evidence indicates that a reasonable set of limited registration requirements, coupled with a universal enrollment system, would greatly increase voter turnout, bringing into the electrorate groups badly in need of representation, while at the same time making allowance for those who would normally vote but are excluded by physical inconvenience from registering.

Professor Andrews study mentioned earlier adds an interesting perspective to this analysis. Andrews made a detailed analysis of registration and voting in the 1960 election. He estimates that legal restrictions on the vote disqualified approximately 15 million people from participation. In addition, another eight million did not vote because of problems in getting to the polls, traveling, or the like. These factors result in the elimination of between 20 and 25 million people from the electorate. Of these remaining in what he refers to as the "eligible, able" electorate, 83.2 percent voted.

If these figures or those of the U.S. Census are close to being accurate, a modification of registration procedures would have two major results: a) it would substantially increase the number of eligible voters; and b) it would stimulate a considerably higher voter turnout.

IV. TASK FORCE RECOMMENDATIONS

To achieve these ends, the Task Force makes the following recommendations:

Registration Qualifications: I. There should be no *residency* qualifications for presidential and vice-presidential elections. A 30 day residency requirement should be sufficient to qualify to vote in state and local elections.

II. All who have reached their *eighteenth birthday* should vote.

III. Where state law disenfranchises a *person convicted of a felony,* the disability should be automatically revoked at least as soon as he is released from prison. Conviction of any crime other than a felony should not be a reason for disenfranchisement. In the interests of inculcating good habits of citizenship, states should consider as part of their rehabilitation program encouraging inmates to participate in elections by allowing them to familiarize themselves with policy issues and voting procedures.

IV. No *institutionalized person* should be denied the right to vote unless he is adjudged non compos mentis.

Registration Procedures: The states should adopt a form of the Universal Voter Enrollment Plan which places primary responsibility on government to seek out and register voters in a canvass of residences, or they should associate themselves with the plan now being considered by the Congress and prescribed in the Freedom to Vote Task Force's report, "That All May Vote." This plan eliminates the diffusion of places and times for registration and greatly simplifies the entire registration process.

No literacy test, loyalty oath, "good character" provision, dishonorable discharge from the armed services, etc., should be employed to prohibit people from participating in elections. State laws prohibiting special groups such as Indians or those living on federal lands from voting should be abolished. The possibility of including aliens in the electorate should be seriously discussed.

The states and localities should concentrate on enacting the minimal applicable requirements—modest residency qualifications, an age limit set at 18, and provisions for alien resident voting—that would provide for an inclusive electorate while preserving the integrity of elections. The emphasis should be placed on clarifying registration qualifications and simplifying registration procedures through a universal enrollment plan in order to encourage as many people as possible to participate in elections. Only then can we begin to achieve a truly representative democracy.

TABLE 1.—REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE[1]

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2,037,000	1,389,198	1,044,177	75.2	51.3
Alaska[2]	151,000	NA	83,035	NA	55.0
Arizona	1,003,000	614,718	486,936	79.2	48.5
Arkansas	1,188,000	845,759	609,590	72.1	51.3
California	12,052,000	8,587,673	7,251,587	84.4	60.2
Colorado	1,211,000	966,700	806,983	83.5	66.6
Connecticut	1,813,000	1,341,519	1,256,232	93.6	69.3
Delaware	306,000	248,915	214,367	86.1	70.1
District of Columbia	515,000	201,937	170,578	84.5	33.1
Florida	3,924,000	2,765,316	2,187,805	79.1	55.8
Georgia	2,824,000	1,850,000	1,250,100	67.6	44.1
Hawaii	421,000	274,104	236,218	86.2	56.1
Idaho	708,000	366,532	291,183	79.4	41.1
Illinois	6,580,000	5,676,131	4,619,749	81.4	70.2
Indiana	2,947,000	2,653,219	2,123,597	80.0	72.1
Iowa[2]	1,653,000	NA	1,167,931	NA	70.7
Kansas[2]	1,339,000	NA	872,783	NA	65.2
Kentucky	2,062,000	1,471,343	1,055,893	71.8	51.2
Louisiana	2,032,000	1,449,231	1,097,450	75.7	54.0
Maine	596,000	509,888	392,936	77.1	65.9
Maryland	2,168,000	1,595,779	1,235,039	77.4	57.0
Massachusetts	3,379,000	2,591,051	2,331,752	90.0	69.0
Michigan	4,853,000	3,950,000	3,306,250	83.7	68.1
Minnesota[2]	2,097,000	NA	1,588,510	NA	75.8
Mississippi[3]	1,308,000	775,000	654,509	84.5	50.0
Missouri[2]	2,770,000	NA	1,809,502	NA	65.3
Montana	412,000	331,078	274,404	82.9	66.6
Nebraska	891,000	637,719	536,851	84.2	60.3
Nevada	285,000	188,811	154,218	81.7	54.1
New Hampshire	418,000	387,660	297,190	78.5	71.1
New Jersey	4,402,000	3,319,752	2,875,395	86.6	65.3
New Mexico	562,000	445,304	327,281	73.5	58.2
New York	11,773,000	8,113,216	6,691,690	85.5	59.1
North Carolina	2,919,000	1,858,987	1,587,493	85.4	54.4
North Dakota[2]	370,000	NA	247,882	NA	67.0
Ohio[4]	6,235,000	3,907,000	3,959,698	101.3	63.5
Oklahoma	1,546 000	1 163,328	943,086	81.1	61.0
Oregon	1,193,000	971,851	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	384,938	81.7	68.6
South Carolina	1,455,000	853,014	666,978	78.2	45.8
South Dakota	408,000	348,254	281,264	80.0	68.9
Tennessee	2,361,000	1,840,077	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	3,079,576	75.6	49.0
Utah[3]	562,000	475,000	422,568	89.0	75.2
Vermont	244,000	208,221	161,403	77.5	66.1
Virginia	2,690,000	1,510,592	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	754,206	76.0	70.3
Wisconsin[3]	2,484,000	2,425,000	1,691,538	69.8	68.1
Wyoming	202,000	142,739	127,205	89.1	63.0
Totals	120,853,000	82,029,426	73,359,762	89.4	60.9

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[1] These figures are from State and US. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substantial agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.

[2] States which have no Statewide registration, or where registration is not required.

[3] Approximate figures, furnished by Secretary of State.

[4] Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.

NA—Not available.

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TABLE 2.—DIFFERENTIAL TURNOUT RATES BY CLASSES OF COUNTIES

I. OHIO

	Registration category by county		
	Full	Partial	None
1932—Mean turnout		67.5	[1] 79.5
Standard deviation		6.31	7.20
N		28	59
1936—Mean turnout		73.1	[1] 82.6
Standard deviation		6.04	6.84
N		28	59
1948—Mean turnout	58.3	58.3	64.3
Standard deviation	5.46	4.70	5.76
N	6	25	57
1952—Mean turnout	66.9	71.4	75.0
Standard deviation	4.43	4.56	5.52
N	17	17	54
1956—Mean turnout	64.6	67.5	71.6
Standard deviation	5.30	3.40	6.14
N	22	15	51
1960—Mean turnout	66.2	73.4	78.6
Standard deviation	13.46	4.46	5.35
N	28	12	48

II. PENNSYLVANIA

	Registration category by county (exclude Philadelphia)	
	Registration	No registration
1920—Mean turnout	41.9	48.2
Standard deviation	5.14	6.61
N	29	37
1924—Mean turnout	46.0	52.8
Standard deviation	5.09	7.05
N	29	37
1932—Mean turnout	51.6	61.6
Standard deviation	5.37	7.81
N	30	36
1936—Mean turnout	70.2	80.0
Standard deviation	5.91	7.43
N	30	36

[1] Exclude Cuyahoga.

Source: Compiled by Professor Walter Dean Burnham, department of political science, Washington University, St. Louis, Mo.

TABLE 3.—OCCUPATION AND 1960 TURNOUT CORRELATED FOR 83 ELECTORAL UNITS, BALTIMORE, MD.

Occupation	1960 turnout
Professional-managerial	+.706
Other white collar	+.610
Skilled and semiskilled	−.572
Unskilled	−.695

Source: Compiled by Prof. Walter Dean Burnham department of political science, Washington University, St. Louis, Mo.

TABLE 4.—REGISTRATION AND VOTING IN THE 1968 PRESIDENTIAL ELECTION, BY SOCIOECONOMIC CHARACTERISTICS

	Population of voting age	Registered	Percentage registered	Voted	Percentage voting
Total	116,535	86,574	74.3	78,964	67.8
Race:					
White	104,521	78,835	75.4	72,213	69.1
Negro	10,935	7,238	66.2	6,300	57.6
Residence:					
Metropolitan areas	75,756	55,593	73.4	51,503	68.0
In SMSA's of 1,000,000 or more	41,395	30,689	74.1	51,503	68.0
In central cities	18,841	13,427	71.3	12,373	65.7
Outside central cities	22,518	17,262	76.6	16,528	72.2
In SMSA's of under 1,000,000	34,397	25,905	75.3	22,873	66.5
In central cities	16,776	12,047	71.8	10,994	65.5
Outside central cities	17,621	12,858	73.0	11,879	67.4
Nonmetropolitan areas	40,778	30,981	76.0	27,461	67.3
Nonfarm	35,255	26,454	75.0	23,501	66.7
Farm	5,524	4,527	81.9	3,960	71.7
Education:					
Elementary:					
0 to 4 years	5,926	2,937	49.6	2,278	38.4
5 to 7 years	9,687	6,108	63.0	5,072	52.4
8 years	14,817	10,627	71.7	9,242	62.4
High school:					
1 to 3 years	20,429	13,987	68.5	12,519	61.3
4 years	39,704	30,859	77.7	28,768	72.5
College:					
1 to 3 years	13,312	11,038	82.9	10,443	78.4
4 years	7,974	6,899	86.5	6,627	83.1
5+ years	4,685	4,120	87.9	4,016	85.7
Occupation:					
White-collar workers	33,709	28,167	83.5	26,898	79.8
Manual workers	25,229	17,434	69.1	15,719	62.3
Service workers	8,078	5,615	69.5	5,068	62.7
Farmworkers	2,987	2,380	79.7	2,087	69.9
Family income:					
Under $3,000	11,293	7,381	65.3	6,037	53.5
$3,000 to $4,999	14,557	9,641	66.2	8,435	57.9
$5,000 to $7,499	22,870	16,475	72.0	15,019	65.7
$7,500 to $9,999	18,920	14,807	78.3	13,806	73.0
$10,000 to $14,999	19,744	16,333	82.7	15,496	78.5
$15,000 and over	9,707	8,521	87.8	8,162	84.1

Note: The numbers are in the thousands and the figures are for the civilian noninstitutionalized population.

TABLE 5. RESTRICTIONS ON THE VOTE IN LOUISIANA AND IDAHO

Persons prohibited from voting include:

IN LOUISIANA

Those who are not U.S. citizens.

Those who do not meet residency requirements.

Those under 21.

Those who fail literacy test.

Those judged insane or placed under guardianship.

Those who commit a felony.*

Inmates of prison.

Inmates of charitable institutions.

Deserters.

Those dishonorably discharged from military service (unless pardoned).

Those of bad character.

Those convicted of a crime carrying 6 months or more imprisonment.

Those in "common law" marriages.

Parents of illegitimate children.

IN IDAHO

Those who are not U.S. citizens.

Those who do not meet residency requirements.

Those under 21.

Those judged insane or placed under guardianship.

Those who commit a felony.*

Prostitutes.

Persons who frequent houses of ill fame.

Persons who lewdly cohabit together.

Those in prison.

Those convicted of a criminal offense.

Bigamists.

Polygamists.

Those living in or encouraging others to live in "patriarchial, plural or celestial marriages".

Those who teach State laws are not supreme.

Those of Chinese or Mongolian descent.

*Unless civil rights have been restored.

Source: See Tables that follow.

TABLE 6.—VOTER REGISTRATION RESULTS FROM VOTING RIGHTS ACT OF 1965, BY RACE

State	Percent registered	
	Prior to act	1968
abama:		
Nonwhite	19.3	51.6
White	69.2	89.6
Arkansas:		
Nonwhite	40.4	62.8
White	65.5	72.4
Florida:		
Nonwhite	51.2	63.6
White	74.8	81.4
Georgia:		
Nonwhite	27.4	52.6
White	62.2	80.3
Louisiana:		
Nonwhite	31.6	58.9
White	80.5	93.1
Mississippi:		
Nonwhite	6.7	59.8
White	69.9	91.5
North Carolina:		
Nonwhite	46.8	51.3
White	96.8	83.0
South Carolina:		
Nonwhite	37.3	51.2
White	75.7	81.7
Tennessee:		
Nonwhite	69.5	71.7
White	72.9	80.6
Texas:		
Nonwhite	[1] 53.1	61.6
White		53.3
Virginia:		
Nonwhite	38.3	55.6
White	61.6	63.4

[1] A breakdown by race is not available.

Source: Political Participation: A Report of the United States Commission on Civil Rights (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 12–13.

TABLE 7.—ESTIMATED NUMBER AND PERCENTAGES OF VOTING-AGE NEGROES REGISTERED TO VOTE IN 11 SOUTHERN STATES, 1940–66

Year	Estimated number	Percentage
1940	250,000	5
1947	595,000	12
1952	1,008,614	20
1956	1,238,038	25
1958	1,266,488	25
1960	1,414,052	28
1964	1,907,279	38
1966	2,306,434	46

Source: Donald R. Matthews and James W. Prothro, Negroes and the New Southern Politics (New York: Harcourt, Brace & World, Inc., 1966), p. 18.

TABLE 8.—STATE RESIDENCE REQUIREMENTS

State	In State	In county	In precinct	In city	Presidential waiver	Former residents
Alabama	1 year	6 months	3 months		None	
Alaska	do		30 days		No residence requirement, special ballot	May vote absentee for President until new State requirements are met.
Arizona	do	30 days	do		Not less than 60 days and registered voter in previous State.	May vote for 15 months after leaving State if cannot vote in new State.
Arkansas	12 months	6 months	1 month		None	
California	1 year	90 days	54 days		At least 54 days but less than 1 year, special ballot.	
Colorado	do	do	22 days if moved to another county within 90 days of election.		Not less than 6 months in State; 90 days in county; 15 days in precinct absentee ballot.	
Connecticut				6 months	At least 60 days but less than 6 months at town clerk's office within 30 days of election.	May vote absentee in old town 24 months if cannot qualify in new State.
Delaware	1 year	90 days	30 days		At least 3 months, may register for a presidential ballot only in Wilmington and vote in Wilmington on election day.	
District of Columbia	do				None	
Florida	do	6 months			No residence requirement, must register between 45th and 75th days prior to election, must cancel old registration, must vote by 5 p.m. of day before election.	
Georgia	do	do			At least 30 days but less than 1 year, and registered voter in previous State, special location.	
Hawaii	do	3 months [1]			Must meet all requirements to vote except residency, special ballot.	
Idaho	6 months	30 days	90 days (for county seat election).		At least 60 days but less than 6 months, special absentee ballot.	
Illinois	1 year	90 days	30 days		Less than 1 year in State or 90 days in county but in election district at least 60 days before election, special ballot.	
Indiana	6 months	60 days (township).	do		None	
Iowa	do	60 days	10 days (for municipal and special).		do	
Kansas	do		30 days		At least 45 days but less than 6 months in township, precinct, or ward, special ballot.	
Kentucky	1 year	6 months	60 days		None	
Louisiana	do	do	3 months		Less than 1 year and registered voter in previous State, special ballot.	
Maine	6 months			3 months	No residence requirement, special ballot	
Maryland	1 year	6 months (or city).	6 months (if less vote in old precinct).		Less than 6 months in State provided resided in ward or election district at least 45 days before election.	
Massachusetts	do			6 months (or town).	Less than 1 year but at least 31 days in city or town preceding election, special absentee ballot.	
Michigan	6 months			(2)	Less than 6 months but more than 30 days & is ineligible to vote in old state-special ballot.	May vote after leaving State if cannot vote in new State.
Minnesota	do		30 days (if less may vote in former precinct if in same municipality).		Less than 6 months must apply at least 30 days prior to election, special ballot.	
Mississippi	1 year	1 year	6 months		None	
Missouri	do	60 days	In some counties precinct residence requirement of 10 days.		Less than 1 year but more than 60 days, special ballot.	
Montana	1 year	30 days			None	
Nebraska	6 months	40 days	10 days		Less than 6 months in State; or less than 40 days in county but more than 2 days—special ballot.	
Nevada	do	30 days	do		None	
New Hampshire	do		6 months (in ward or town)		Less than 6 months but more than 30 days—special ballot.	
New Jersey	do	40 days			Less than 6 months but at least 40 days in State and county—special ballot.	May vote by special absentee ballot for President if cannot vote in new state.
New Mexico	1 year	90 days	30 days		None	
New York	3 months	3 months (city or village).			Must be resident for 3 months and 30 days in election district—special ballot.	
North Carolina	1 year		30 days (may vote in old precinct).		Less than 1 year but more than 60 days—special ballot.	
North Dakota	1 year	90 days	30 days		Was a citizen of another State and meets all other requirements to vote, no residence requirement, special ballot.	
Ohio	do	40 days	40 days		Less than 1 year but more than 40 days and was a qualified voter in former State, special ballot.	
Oklahoma	6 months	2 months	20 days		Less than 6 months but more than 15 days, meets all other requirements and was qualified voter in former State, special absentee ballot.	
Oregon	do				Less than 6 months to 5 p.m. on day before election, special ballot.	
Pennsylvania	90 days		60 days		None	
Rhode Island	1 year			6 months	do	
South Carolina	1 yr.[4] (ministers, teachers, and their spouses 6 months).	6 months	3 months		do.[4]	
South Dakota	1 year (5 years in United States).	90 days	30 days		do.[5]	
Tennessee	1 year	3 months			do	
Texas	do	6 months			Less than 1 year but more than 60 days and was qualified voter in former State—special ballot.	May vote absentee for President for 24 months after leaving State if cannot vote in new State.
Utah	do.[6]	4 months	60 days		None	
Vermont	do			90 days	do	
Virginia	do [7]	6 months	30 days		do	

Footnotes at end of table.

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State	In State	In county	In precinct	In city	Presidential waiver	Former residents
Washington	1 year	90 days	30 days		Less than 1 year but more than 60 days, special ballot.	
West Virginia	do	60 days			None	
Wisconsin	6 months		10 days (if less may vote in old precinct).		Less than 6 months and was qualified voter in former State, no residence requirement, special ballot.	May vote absentee for President for 24 months after leaving State if cannot vote in new State.
Wyoming	1 year	60 days	10 days		None	May vote absentee until new State requirements are met.

[1] State representative district.

[2] On or before 5th Friday preceding election (if less may vote in old district).

[3] A constitutional amendment submitted to the voters in the November 1970 election proposing that a Presidential waiver of some type be put into practice was adopted; further details are to be decided by the Nevada State Legislature.

[4] The results of the constitutional amendment submitted to the voters in the November 1970 election to change the requirements to 6 months in the State, 3 months in the county, and 30 days in the precinct, and proposing a Presidential waiver, are pending.

[5] The results of the constitutional amendment submitted to the voters in the November 1970 election proposing a Presidential waiver are pending.

[6] A constitutional amendment was passed in the November 1970 election changing the requirements to 90 days in the State, 60 days in the county, and 30 days in the precinct.

[7] A constitutional amendment was passed in the November 1970 election changing the requirements to 6 months in the State and 30 days in the precinct.

Source: "Election Laws of the Fifty States and the District of Columbia," the Library of Congress, Legislative Reference Service, June 5, 1968; Local Election Officials.

TABLE 9.—REQUIREMENTS TO VOTE (OTHER THAN RESIDENCE REQUIREMENTS)

State	Citizenship required	Age	Literacy required	Loyalty oath
Alabama	×	21	×—Read and write any article of U.S. Constitution in English.[1]	×—Also must be of good character and embrace the duties and obligations of citizenship under the Constitutions of the United States and Alabama.
Alaska	×	19	×—Read or speak English.	
Arizona	×	21	×—Able to read U.S. Constitution and sign name.	
Arkansas	×	21		
California	×	21	×—Able to read Constitution in English and write his name.	
Colorado	×	21		
Connecticut	×	21	×—Able to read U.S. Constitution and Connecticut statutes in English.	×—Also good moral character.
Delaware	×	21	×—Able to read State constitution in English and write name.	
Florida	×	21		×
Georgia	×	18	×—Read and write in English the United States or Georgia Constitution or be of good character and understand the duties and obligations of citizenship under a republican form of government.	
Hawaii	×	20	×—Able to read, write, and speak English or Hawaiian.	
Idaho	×	21		×
Illinois	×	21		
Indiana	×	21		
Iowa	×	21		
Kansas	×	21		
Kentucky	×	18		
Louisiana	×	21	×—Able to read any clause in United States or Louisiania Constitutions in English language or in mother tongue and interpret it and be of good character attached to the principles of the United States and Louisiania Constitutions and interpret sections thereof when read to him.	
Maine	×	21	×—Able to read the Constitution in English and write his name.	
Maryland	×	21		
Massachusetts	×	21	×—Able to read State constitution in English and write name.	
Michigan	×	21		
Minnesota	×[2]	21		
Mississippi	×	21	×—Able to read and write.	×[3]
Missouri	×	21		
Montana	×	21		
Nebraska	×	21		
Nevada	×	21		
New Hampshire	×	21	×—Read the Constitution in English and write.	
New Jersey	×	21		
New Mexico	×	21		
New York	×[4]	21	×—Able to read and write English.	
North Carolina	×	21	×—Read and write any section of the Constitution in English.	×
North Dakota	×	21		
Ohio	×	21		
Oklahoma	×	21		
Oregon	×	21	×—Able to read and write English.	
Pennsylvania	×	21		
Rhode Island	×	21		
South Carolina	×	21	×—Must be able to read and write any section of State constitution or own and pay taxes on $300 of assessed property.	
South Dakota	×[5]	21		
Tennessee	×	21		
Texas	×	21		
Utah	×[6]	21		
Vermont	×	21		×
Virginia	×	21	×—Must make application to vote in own handwriting.	
Washington	×	21	×—Able to read and speak English.	
West Virginia	×	21		
Wisconsin	×	21		
Wyoming	×	21	×—Able to read State constitution.	
District of Columbia.	×	21		

[1] 1965 amended Act No. 288—certificate from board of education equivalent of 8th grade education, conclusive evidence of literacy.

[2] At least 3 months before election.

[3] Law amended in 1965. Oath now required only as to truth of statements of applicant to be registered to vote.

[4] Former requirement of a 90-day wait after naturalization before eligible to vote deleted L. 1967, c. 809 2.

[5] Must have resided in United States 5 years.

[6] For 90 days.

Source: Election Laws of the Fifty States and the District of Columbia, The Library of Congress, Legislative Reference Service, June 5, 1968.

TABLE 10.—PERSONS DISQUALIFIED FROM VOTING

State	Idiots, insane persons, under guardianship	Commission of felony or infamous crime	Paupers	Others
Alabama	×	×[1]		Bad character, vagrancy; making false election returns.
Alaska	×[2]	×[1]		
Arizona	×	×[1]		
Arkansas	×	×[1]		
California	×	×[1]		Improper lobbying; aliens ineligible to citizenship; duelers.
Colorado	×	×[3]		
Connecticut	×	×[1]		Bad moral character.
Delaware	×		X	Convicted of election offenses; disenfranchised 10 years.
District of Columbia	×[4]	×[1]		
Florida	×	×[1]		Interest in election wager; if convicted of engaging in duel.
Georgia	×	×[1]		Bad character.
Hawaii	×	×		Election fraud.
Idaho	×	×		Prostitutes or persons who keep or frequent houses of ill-fame; persons who lewdly cohabit together; in prison on conviction of a criminal offense; bigamists, polygamists living in "patriarchal, plural or celestial marriage" or those who encourage others to live in such marriages; teaching that laws of State are not supreme; Chinese or Mongolian descent.

Footnotes at end of table.

TABLE 10.—PERSONS DISQUALIFIED FROM VOTING—Continued

State	Idiots, insane persons, under guardianship	Commission of felony or infamous crime	Paupers	Others
Illinois	×	×		
Indiana	×	×		
Iowa	×	×		While imprisoned.
Kansas	×	×		Dishonorably discharged soldier; bribery, defrauding Government; bearing arms against United States.
	×	×	×	
	×	×	×	
	×	×	×	
Kentucky	×	×[1]		
Louisiana	×	×[1]		Inmates of prison or charitable institution, deserters and those dishonorably discharged from armed service unless reinstated; bad character, convicted of a felony and not pardoned; convicted of misdemeanor and sentenced to 90 days for each conviction of more than 1 misdemeanor; convicted and sentenced to a term of 6 months in jail for misdemeanor; lived with another in "common law" marriage within 5 years of applying to vote; bearing illegitimate child within 5 years immediately prior to applying to vote; having been proven or acknowledging himself the father of illegitimate child within 5 years of applying to vote.
Maine	×		(6)	
Maryland	×	×[1]		Convicted for illegal vote.
Massachusetts	×		(6)	Corrupt election practices; disenfranchised for 3 years.
Michigan		(7)		
Minnesota	×	×[1]		
Mississippi	×	×		Indians not taxed; duelers; bad moral character.
Missouri	×	×[9]	×	While in prison or in poor house.
Montana	×	×[1]		
Nebraska	×	×[1]		
Nevada	×	×[1]		Duelers.
New Hampshire		×[1]	×	Violation of election law; those excused from paying taxes.
New Jersey	×	×[1]		Violation of election law.
New Mexico	×	×[1]		Indians not taxed.
New York	×	×[1]		Election offense cannot vote at that election.
North Carolina	×	×[1]		
North Dakota	×	×[1]		
Ohio	×	×[1]		2d offense under election laws.
Oklahoma	×	×[1]		While in poor house or prison.
Oregon	×	×[10]		While in prison.
Pennsylvania				Election offense; disfranchisement 4 years; bribery at election for such election.
Rhode Island	×	×[1]	×	Residing on land ceded by Rhode Island to United States.
South Carolina	×	×[1]	×	While in prison and if convicted for dueling.
South Dakota	×	×[1]		
Tennessee		×[1]		
Texas	×	×[1]	×	Duelers.
Utah	×	×[1]		
Vermont				Bribery for vote, disenfranchised for that election.
Virginia	×	×	×	Duelers.
Washington	×	×[1]		Indians not taxed; subversive activities.
West Virginia	×	×	×	Bribery in election, while under conviction; dishonorably discharged soldier.
Wisconsin	×	×[1]		Bribery[1] election wager; disfranchised for that election.
Wyoming	×	×[1]		

[1] Unless civil rights have been restored.
[2] Judiciary determined to be of unsound mind unless disability removed.
[3] Release from prison automatically restores rights of citizenship.
[4] Adjudicated.
[5] Under guardianship for reason of mental illness.
[6] Disqualification of paupers deleted in 1966.
[7] Legislature may enact a law excluding persons from voting (168,758 provides that persons in prison cannot vote absentee).
[8] Except war veterans.
[9] Unless civil rights have been restored. Connected with election.
[10] Law amended in 1961; now rights automatically restored.

TABLE 11.—REGISTRATION PROCEDURES, BY STATE

State	Registration— In person	Registration— By mail	Where to register	Registration period	Cancellation, registration, purge
Alabama	P		County board of registrars	Close 10 days prior to the election; open Oct. 1 to Dec. 31 in odd years, the number of days being discretionary with each county; 10 days beginning 3d Monday in January in even years; in larger cities open 4 additional times for 10 days each.	Complete registration of all persons entitled to register every 2 years.
Alaska	P	M	Local election board	Open year around; close 14 days prior to election	1968: No registration required. Present: Cancellation for failure to vote in 4 years.
Arizona	P	M	County recorder	Open year around; close 4 months prior to primary and 7 weeks prior to general election.	Cancellation for failure to vote in neither preceding primary nor general election.
Arkansas	P		Permanent registrar or his deputy.	Open year around; closes 20 days prior to election	Cancellation for failure to vote in 4 years.
California	P	M	County clerk	Open year around; closes 53 days prior to election	Cancellation for failure to vote in preceding general election.
Colorado	P	M	County clerk (Denver-Election Commission).	Open year around; closes 20 days prior to and 45 days after general election and 20 days prior to primary.	Cancellation for failure to vote once in 1 year.
Connecticut	P		Town clerk or registrar of voters.	Open 8th week prior to election and 1 day each month during the year; closes 4th week prior to any election.	Annual canvass to purge registration list.
Delaware	P	M	County Department of Elections	Precinct registration: Open on the 4th Saturday in July, 2d Saturday in Sept., and 3d Saturday in Oct. prior to election. County: any working day.	Cancellation for failure to vote in 2 years.
District of Columbia				Pre-1969: Open Jan. 1; close 45 days prior to election. At present: Open year around; close prior to election.	Pre 1969: Reregistration of all voters each election year. At present: Cancellation for failure to vote in 4 years.
Florida	P		County supervisor of registration.	Open year around; close 30 days prior to election	Cancellation for failure to vote in 2 years.
Georgia	P		County board of registrars	Open year around; close 50 days prior to election except when there is a November general election, then open 1 day a week during the 50-day period.	Cancellation for failure to vote in 3 years.
Hawaii	P	M	County clerk (Honolulu, city clerk).	Open year around; close 5th Friday before primary; open 10 days after primary; close remainder of period between primary and general election.	Cancellation for failure to vote in preceding primary or general election.
Idaho	P	M	County auditor	Open 1st Monday in March; close Saturday next preceding primary and Saturday next preceding general election.	Cancellation for failure to vote in last general election.
Illinois	P		County clerk	Open year around; close 28 days prior to election	Cancellation for failure to vote in 4 years.
Indiana	P	M	County clerk or board of registration.	Open Dec. 1 until 29 days prior to primary; open May 15 until 29 days prior to general election.	Cancellation for failure to vote in 4 years. (Changed to 2 years in 1969.)
Iowa	P	M	City or town clerk or commissioner of registration.	(a) Open year around; close 10 days before election (b) Open 2d Tuesday and last Saturday prior to election for 3 days and on election day.	(a) Optional permanent system: Cancellation for failure to vote in 4 years; general. (b) Regular system: Cancellation for failure to vote in 2 years.
Kansas	P	M	City clerk (in Johnson, Sedgwick, Shawnee, and Wyandotte Counties with election commission).	Open year around; close 20 days prior to any election	1968: No registration required. Present: Cancellation for failure to vote in November general elections held in even numbered years.
Kentucky	P		County clerk (Louisville—board of registration commissioners).	Open year around; close 59 days prior to and 5 days after general election and primary.	Cancellation for failure to vote in any election during a 2-year period.

State	Registration— In person	Registration— By mail	Where to register	Registration period	Cancellation, registration, purge
Louisiana	P		Registrar of parish	Open year around; close 30 days prior to primary and general election.	Cancellation for failure to vote in 4 years in large parishes; general reregistration every 4 years in small parishes; cancellation for failure to vote in 2 years in certain parishes.
Maine	P	M	Board of selectmen in towns; Board of registration in cities.	Depending on size of city open 4th and 8th, 6th to 10th, 8th to 14th, or 10th to 18th day prior to election; close 3, 5, 7 or 9 days prior to election.	Annual purge by registrar.
Maryland	P		Board of supervisors of election.	Open 1st and 3d Tuesday of each month with additional sessions at discretion of board; close 5th Monday prior to and 15 days after general and primary elections.	Cancellation for failure to vote in 5 years.
Massachusetts	P		Town or city clerk	Open year around; close 31 days prior to statewide elections and 20 days prior to city elections.	Combination of annual canvass and checklist.
Michigan	P	M	City or township clerk	Open year around; close 5th Friday prior to election	Cancellation for failure to vote in 2 years.
Minnesota	P	M	City clerk or commissioner of registration.	Open year around: close 20 days prior to election	Cancellation for failure to vote in 4 years.
Mississippi	P		Circuit clerk (county registrar)	Open year around; close 4 months prior to election	General reregistration at discretion of county board.
Missouri	P		County clerk (Kansas City-St. Louis city and county board of election commissioners).	Open year around; close 24 days preceding election in small counties; close 4th Wednesday prior to election in large counties.	Cancellation for failure to vote in 4 years in larger cities; 2 years in smaller cities.
Montana	P	M	County clerk and recorder	Open year around; close 40 days prior to any election	Cancellation for failure to vote in any general election.
Nebraska	P	M	(County clerk, Douglas and Lancaster Counties—Election commissioner.)	Open year around; close on 2d Friday prior to election.	Purge by board prior to State general elections and at their discretion.
Nevada	P	M	County clerk	Open year around; close on 7th Saturday prior to primary and 6th Saturday prior to general election.	Cancellation for failure to vote at any general election.
New Hampshire			Board of supervisors of checklist of town or city.	List posted for corrections 30 days prior to election; close to corrections 5 days prior to election.	Checklist.
New Jersey	P		City board of elections or municipal clerk.	Open year around; close 40 days prior to any election	Cancellation for failure to vote once in 4 years.
New Mexico	P	M	County clerk	Open year around; close 42 days prior to any election	Cancellation for failure to vote at last general election.
New York	P	M	Board of elections in county seat.	Open year around; close 30 days prior to any election	Cancellation for failure to vote once in each period of 2 successive calendar years.
North Carolina	P		County chairman of board of elections or local registrar.	Open year around; close 21 days prior to election	Cancellation for failure to vote in 4 years; general reregistration at option of county board.
North Dakota					No registration required.
Ohio	P		County election board	Open year around; close 41 days prior to any election.	Cancellation for failure to vote in 2 years; cities may call general re-registration every 4 years.
Oklahoma	P		County election board or deputy registrar.	Open year around; close 10 days prior to any election	Cancellation for failure to vote in 4 years.
Oregon	P	M	County clerk (Portland—registrar of elections).	Open year around; close 30 days prior to any election	Annual mail canvass by board.
Pennsylvania	P		County board of elections (Philadelphia—registration division).	Open year around; close 50 days prior to any election and 25 days after primary and 30 days after general election.	Cancellation for failure to vote in 2 years.
Rhode Island	P		Local board of canvassers and registration.	Open year around; close 60 days prior to election	Cancellation for failure to vote in 5 years.
South Carolina	P		County registration board	Open year around; close 30 days before general and primary election.	Cancellation for failure to vote in any election during period since last 2 preceding statewide elections; general registration every 10 years.
South Dakota	P	M	County auditor	Open year around; close 15 days prior to any election	Cancellation for failure to vote in 4 years.
Tennessee	P	M	County election commission	Open year around; close 30 days prior to any election	Do.
Texas	P	M	County tax assessor-collector	Open October 1; close January 31	Annual registration of all voters.
Utah	P	M	County clerk	Open 1st Tuesday; 2d Saturday; and 4th Tuesday of month prior to primary. Open 4th Saturday and 3d Tuesday and 1st Wednesday prior to general election.	Cancellation for failure to vote at last or next previous general or municipal election.
Vermont			Board of civil authority of town or city.	List posted 30 days prior to election: Closes to corrections 36 hours before the election (on Saturday before a Tuesday election).	Check list.
Virginia	P		General registrar of county or city.	Open year around; close 30 days prior to election	Purge at the direction of county and once every 6 years.
Washington	P		County auditor or city clerk	Open year around ;close 30 days prior to election	Cancellation for failure to vote in 30 months prior to April 1st of odd numbered years.
West Virginia	P	M	Clerk of circuit court	Open year around; close 20 days prior to election	Cancellation for failure to vote in 2 years.
Wisconsin	P	M	City. town or village clerk (Milwaukee—Board of Election Commissioners).	Open year around; closes 3d Wednesday prior to election in large cities; closes 2d Wednesday prior to election in small cities.	Cancellation for failure to vote in 2 years in small cities; annual purge in larger cities.
Wyoming	P	M	County clerk	Open year around; closes 15 days prior to and 10 days after election.	Cancellation for failure to vote in any general election.

Sources: League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036, "Year of the 1970 Voter—Get Ready to Vote." Robert Doty, "The Texas Voter Registration Law and the Due Process Clause," Houston Law Review, spring 1970.

TABLE 12.—ABSENTEE BALLOTS

State	Request absentee ballot when	Secure absentee ballot from	Official application	Voted ballot must be received by election officials
Alabama	From 45 to 5th day before election	Register of the county civil circuit court.	Yes	No later than day of election.
Alaska	Not more than 6 months nor less than 4 days prior to election.	Secretary of State—Pouch AA—Juneau 99801.		Postmarked no later than day of election
Arizona	Within 30 days prior to the Saturday before an election.	County recorder		By 7 p.m. of day of election.
Arkansas	Within 90 to 1 day prior to election	County clerk	Yes	By 7:30 p.m. of day of election.
California	Not more than 60 nor less than 7 days prior to election.	County clerk	In some counties	By 5 p.m. of day prior to election.
Colorado	From 90 days to the Friday before an election	County clerk (Denver, election commissioner).		By 5 p.m. of day of election.
Connecticut	Anytime so voted ballot can be received in Connecticut by day prior to election.	Town clerk	Yes	By 6 p.m. of day prior to election.
Delaware	From 30 days to 12 noon of day prior to election.	County department of elections	Yes	By 12 noon of day prior to election.
Florida	From 45 days to 5 p.m. of day prior to election	County supervisor of elections	Yes	By 5 p.m. of day prior to election.
Georgia	Within 90 to 5 days prior to election	County board of registrars		By 7 p.m. of day of election.
Hawaii	Not more than 60 nor less than 5 days prior to election if within State: nor less than 10 days if outside State.	County clerk (Honolulu, city clerk)		Postmarked no later than the day prior to any election.
Idaho	Anytime prior to election	County clerk		By 12 noon of day of election. Return ballot by certified or registered mail.
Illinois	Not more than 30 nor less than 5 days prior to election.	County clerk (Chicago Election District—Board of election commissioners).	Yes	In time to be delivered to local precincts by 6 p.m. of election day.
Indiana	Within 90 days prior to election	County election board	Yes	By 6 p.m. of day of election.

XUM

TABLE 12.—ABSENTEE BALLOTS—Continued

State	Request absentee ballot when	Secure absentee ballot from	Official application	Voted ballot must be received by election officials
Iowa	Within 20 days prior to election	County auditor	Yes	In time to be delivered to local precinct before 8 p.m. of election day.
Kansas	For primary—between April 1 and Thursday prior to election. For General election—between September 1 and Thursday prior to election.	County clerk or election commissioner	Yes	By 12 noon of day prior to election in counties using paper ballots.
Kentucky	Anytime prior to 20 days before election	County court clerk	Yes	By 6 p.m. of day of election.
Louisiana	Between 60th and 7th day prior to election	Clerk of parish court (New Orleans, civil sheriff of parish).		In time to be delivered to the precinct by 6 p.m. of day of election.
Maine	Anytime prior to election	Town or city clerk		By 3 p.m. of day of election.
Maryland	Anytime prior to 10 days before election	Board of supervisors of elections	Yes	By 8 p.m. of day of election.
Massachusetts	Anytime prior to day before general election	City or town clerk		Before polls close on day of election.
Michigan	Anytime prior to election	City or township clerk	Yes	By 8 p.m. of day of election.
Minnesota	Not more than 45 nor less than 1 day prior to election.	County auditor	Yes	Before polls close on election day.
Mississippi	Not earlier than 60 days prior to election	County or city registrar		In time to be delivered to precinct before polls close.
Missouri	Between 30th and 4th day prior to election	County clerk or board of election commissioners.	Yes	By 4 p.m. of day prior to election.
Montana	Between 45th and 1 day before election	County clerk and recorder	Yes	By 8 p.m. of day of election.
Nebraska	Between 90th and 2d day prior to election	County clerk (Douglas and Lancaster Counties, election commissioner).	Yes	By 10 a.m. of Thursday, following day of election.
Nevada	Anytime prior to 7 days before election	County clerk		Before polls close on day of election.
New Hampshire	Anytime prior to election	Town or city clerk		In time to be delivered to local officials before polls close on election day.
New Jersey	Anytime prior to 8 days before election	County clerk		By 8 p.m. of day of election.
New Mexico	Anytime prior to 10 days before election	do	Yes	By 12 noon of day prior to election.
New York	Between 30th and 7th day prior to election	Board of elections of county or borough.	Yes	By 5 p.m. of Friday prior to election.
North Carolina	Between 45th and 5th day prior to election	Chairman of county board of elections	Yes	By 6 p.m. of Wednesday prior to election.
North Dakota	Within 30 days prior to election	County auditor	Yes	In time to be delivered to precinct before polls close on election day.
Ohio	Between 30th and 5th day prior to election	County election board	Yes	By 12 noon of Friday before day of election.
Oklahoma	Anytime but preferably at least 30 days before election.	do		By 5 p.m. of Friday before day of election.
Oregon	Between the 60th and 5th day prior to election	County clerk (Multnomah County, department of records and elections).		By 8 p.m. of day of election.
Pennsylvania	Anytime prior to 7 days before election	County board of elections	Yes	By 5 p.m. of Friday prior to election.
Rhode Island	Anytime, but completed form must be received by board by 21st day before election.	Local board of canvassers	Yes	By 9 p.m. of day of election.
South Carolina	Anytime prior to 30 days before election	County board of registration	Yes	Before polls close on election day.
South Dakota	Anytime prior to election	County auditor	Yes	By 7 p.m. of day of election.
Tennessee	Between 40th and 5th day prior to election	County election commission	Yes	By 10 a.m. of day of election.
Texas	Between 60th and 4th day prior to election	County clerk	Yes	By 1 p.m. of day of election.
Utah	Within 30 days prior to election; earlier if overseas.	do	Yes	By 8 p.m. of day of election.
Vermont	Anytime prior to 4th day before election	Town or city clerk	Yes	In time to be delivered to local election officials before polls close.
Virginia	Between 60 and 5 days prior to election if within United States. Between 90 and 10 days prior to election if outside United States.	Precinct or general registrar	Yes	In time to be counted in precinct before polls close.
Washington	Within 45 days prior to election	County auditor or city clerk		No later than 10 days after primary and 15 days after general election.
West Virginia	Between 60th and 4th day prior to election	Clerk of circuit court	Yes	In time to be delivered to local polls by 7:30 p.m. of election day.
Wisconsin	Between 90th and 3d day prior to election	Town or city clerk (Milwaukee, board of election commissioners).		In time to be delivered to local precinct by 8 p.m. of election day.
Wyoming	Within 40 days prior to election	County clerk		In time to be delivered to precinct official when polls open.

THAT ALL MAY VOTE

(A report of the Freedom to Vote Task Force)

I. LET THE PEOPLE CHOOSE

Forty-seven million Americans did not vote in the Presidential election of 1968.

This shocking fact must warn the American nation of the steady downward trend in voter participation. The number of non-voters in 1964 was 43 million; in 1960, 39 million. In the past eight years, there has been an increase of 8 million non-voters in Presidential elections. If this trend continues in the next 20 years, we can expect to see from 70 to 90 million American people not participating in the election for the highest office in this land.

The non-voter has undeniable power in determining the outcome of a Presidential election. In 1968, the non-voters exceeded by 17 million the total number of people who voted for Richard M. Nixon. For every vote separating the two major candidates in that election, there were 108 people who did *not* vote. In 1960, for every vote separating the major contenders there were 305 people who did *not* vote. Even in the more decisive elections in our recent history, non-voters could have changed the majority. Franklin D. Roosevelt defeated Alf Landon in 1936 by 11 million votes; Dwight D. Eisenhower defeated Adlai Stevenson in 1956 by 9.5 million votes; and Lyndon B. Johnson defeated Barry Goldwater in 1964 by 16 million votes.

Such a pitiful record of voter participation signifies a profound failing of the democratic system. The number of non-voters in the United States now is greater than the *total* electorates of such democracies as France, England, Italy, West Germany, Canada, and Australia, where voter participation is higher than in our own country. In our last Presidential election, only 61 per cent of the potential electorate voted. In the most recent parliamentary elections in Canada and England, at least 75 per cent of the potential electorate participated. Other democratic nations reach turnouts of 80 to 90 per cent.

Ironically, in earlier times more Americans voted. Between 1840 and 1900—a period marked by the beginnings of mass suffrage and preceding the adoption of restrictive voter registration requirements—an average of three out of four (76.9%) of the electorate voted. In the Presidential contest of 1876, the percentage rose to 82 per cent of the electorate.

The United States has changed immensely since 1876. In only 92 years, the population climbed from 46 million to over 200 million. The winning Presidential candidate in 1876 received 4 million votes; in 1964, the winner received ten times as many. And in 1968, in a three-candidate race, the victor received 31 million votes.

If our population growth is incredible, our technological growth is more so. It is still difficult to grasp the reality of placing a man on the moon in 1969. But other advances are also difficult to grasp. Although we live with these conveniences daily, the mere numbers are staggering: 85 million automobiles in 1968; 100 million television sets, 225 million radios. Increased mobility provided by mass transit and automobile travel should facilitate participation. Mass communication—including, along with radio and television, an abundance of newspapers, magazines, and books—should certainly contribute to an informed electorate. And the innovation of electronic voting machines has made the election process speedier.

Yet despite these technological advances, the political participation of Americans has not increased; it has declined.

The decline of democratic participation holds both a danger and a paradox. The danger is that democratic institutions cannot function effectively or respond promptly to society's needs unless citizens participate in the decisions that affect their daily lives. A government that "derives its just powers from the consent of the governed" must be able to hear the voice of the people if it is to make orderly, systematic adjustments to the problems of change. It cannot assume that silence is consent. Silence may well imply alienation, frustration and a widening rift between the government and the governed.

The paradox is that while millions of citizens, at odds with basic national policies, are struggling for a more active role in public decision-making, participation in the elec-

XUM

toral process continues to wane. We hear much talk of "participatory democracy" and "community control," but there can be little hope for success in the more difficult roles of self-determination when so many citizens are not even involved to the extent that they participate in the election of a President. If we can involve all people in Presidential elections, perhaps we will open all elections to wider participation. Such involvement will achieve needed reforms if democracy is relevant to mass society.

If the people are to make effective use of their political power, they must begin with the Presidency, the focal point of our political system. The Presidency is more important to the people now than ever before in our history. During the 19th century, when three out of four Americans voted for President, the impact of the Presidency was remote to the average citizen.

This is not true today. Now no individual can escape the constant impact of Presidential decision and action. Presidential policy toward such distant places as Vietnam, Biafra, and the Middle East is of direct concern to all. A cold war, a hot war, the threat of nuclear weaponry, and the vast power of the military-industrial complex affect us all. We must look to the wisdom and leadership of the President to solve such urgent problems as inflation, unemployment, crime, poverty, hunger, racism, repression, the pollution of our environment. The problems are legion, and Presidential action is essential to their resolution.

Yet 40 percent of the people fail to vote for the President. This fact alone warns that the system is not working well.

People who vote believe in the system. They participate. They have a stake in government. But, to the non-participants, their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything in our power to encourage them to vote. Let the people choose.

We must remove all barriers that stand between the citizen and the ballot box. Chief among these is voter registration, which unnecessarily and arbitrarily bars millions of voters in every election. In our earlier history when we had no registration requirements, a much higher proportion of our population voted. Today, areas which have no registration requirements average 10 to 15 per cent higher in voter turnout than those that do.

The historical reasons for extensive registration requirements are no longer valid. Registration was adopted at the turn of the century to prohibit the abuses of machine politics in the growing cities of the North and to disenfranchise the Negro in the South. Some registration qualifications were intentionally designed to exclude people from voting; others were instituted for reasons long since forgotten. The time has come now for an extensive review of the entire registration process in light of modern needs.

State residency requirements alone exclude millions of mobile Americans from voting. Thirty-three states and the District of Columbia require a one year residency before an individual can register and vote. Of these states, only 18 provide any waiver of the one year requirement in Presidential elections. There can be no justification for such practices. Everyone should at least have the opportunity to vote for President.

Long lines, short hours, inaccessible places, and registration periods remote from the date of election limit registration. Periodic registration drives, with high costs and low results, manifest a system working against itself. A major drive to register voters for the New York City mayoral election in 1969 succeeded in qualifying only 70,000 voters, a mere 3 per cent of the unregistered, for a total registration of only 35 per cent of the voting age population. The cost in money and in volunteer hours was high. Other registration drives have been more successful. A highly unusual competition between two cities—Wausau, Wisconsin and Highland Park, Illinois—in 1956 resulted in registering 99 per cent of the voting age population in both cities. But despite the occasional success story, registration is undeniably a costly and losing battle.

As a result, America—history's greatest democracy—has the lowest democratic participation of any modern nation.

This need not be so. Government has a duty to encourage its citizens to vote and to facilitate the process in every way possible. Some nations seek to achieve maximum participation by compelling citizens to vote. This is not the American way. Compulsory voting may be repugnant to us, but even more repugnant are the arbitrary barriers that impede the citizen's right to vote.

II. UNIVERSAL VOTER ENROLLMENT

There is a way of achieving virtually full enrollment. It is tested, safe, inexpensive and effective. It can vastly increase voter participation. It is Universal Voter Enrollment.

Proven in Canada, South Dakota, Idaho, and in parts of California, Washington and elsewhere, it has achieved enrollments of better than 90 per cent of the voting age population. Universal Voter Enrollment shifts the initial burden of registration from the individual to the government. Government must move from old and inadequate methods that serve to inhibit voter participation to a new and effective method of enrollment. The United States is virtually the only advanced democratic nation that does not have such a plan.

The plan

In the weeks immediately preceding an election, enrollment officers would visit every residence in the land and enroll every qualified person to vote who does not refuse.

For enrollment purposes, the 435 Congressional Districts—the smallest federal election unit—would serve as the unit for enrolling voters. This assures a local operation of manageable size and of comparatively equal population, as well as one that reflects population shifts over the years. Each District would be placed under the supervision of a local District Director. Teams of volunteer sworn election enrollment officers would be recruited and trained by professional staff personnel in comprehensive canvass and enrollment procedures. They would be assigned limited areas within the District in which they would be responsible for enrolling everyone of voting age population.

The enrollment officers would begin with existing lists of state and local voting registration. In the canvass of every residence, enrollment officers would confirm the accuracy and completeness of the lists. Those already registered would be offered federal enrollment if they desired it. Errors and omissions in existing lists would be reported to local officials. In addition, every qualified person who is located and does not refuse enrollment would be placed on the rolls of the District.

Each enrollee would be given a certificate which he would sign together with the District Roll in the presence of the officer. On election day the enrollee, if not registered for state purposes, would present his enrollment certificate for validation, countersign the District Roll, and vote on a special ballot for President and Vice President. If registered for state purposes, he would vote on state ballots, but could have his federal certificate validated as evidence of his having voted.

If the proper authority in a state or local district chose to do so, it could request full state or local registration by the federal enrollment officials. Any jurisdiction which followed this course would have virtually full enrollment at no expense. State or election districts which preferred to perform enrollment functions themselves, on giving adequate evidence of non-discrimination and the removal of all arbitrary barriers to qualification and on obtaining an enrollment exceeding 90 per cent would be eligible to receive federal funds which would otherwise be spent in the jurisdiction for federal enrollment. Under either alternative, a full and uniform enrollment of all voters would be achieved.

To assure awareness of the enrollment effort, and because some people will inevitably be missed in even the most careful canvass, advertising on radio, TV, and in newspapers during the weeks of enrollment and for several days immediately preceding the election would inform the people of their duty to enroll and vote and of the procedures for doing so.

No citizen would be barred from voting because of failure to enroll before election day, or loss of enrollment certificate, or absence from his District or from the country. Nor would he be disqualified from voting for President if he changed his place of residence—even the day before the election. He would simply have to complete an affidavit identifying himself, following a procedure no more complicated than that required to cash a check. On completion of the affidavit, he would be permitted to vote, and his ballot would be placed in a sealed envelope with the affidavit attached. If he were voting outside the District—for example, at an American Consulate in a foreign country—his sealed ballot and affidavit would be placed in a special delivery envelope addressed to the District Director of his place of residence. Mailed ballots would receive full franking privileges. When the statements in his affidavit were verified, the envelope containing his ballot would be placed with all other ballots received in this manner, opened, and counted. Perjury or misrepresentation would be a federal offense.

III. THE NATIONAL ELECTION COMMISSION

To administer and supervise the Universal Voter Enrollment Plan, a National Election Commission would be created. A National Director would serve as its chief executive officer. The National Director should be a nonpartisan figure, nationally known and respected. He would be limited to a term of four years, beginning on January 1st of the year following a Presidential election. His primary responsibility would be to achieve full voter enrollment. To assist him in the execution of his responsibilities, an adequate staff of career personnel would be maintained in the national office.

A National Review Board would be appointed by the President from nominations made by the major political parties and independent non-partisan organizations. The Review Board would oversee the performance of the Commission, hear complaints, and recommend methods for improving the elective process. It would report to the President.

The Commission would also be charged with maintaining complete records of all election returns and all laws and procedures for every public election district in the nation. These would be available to the public. At present there is no single depository for such information. As a result, it is extremely difficult to obtain complete and accurate election information from existing sources.

The Commission would be authorized to study and comment on the adequacy and fairness of the election processes of any pub-

XUM

lic jurisdiction, but it would have no power over any state, local or special election district officials. The Commission would also be instructed to undertake any study requested by any public election district designed to improve voter participation or guarantee a republican form of government. It would report to the Congress after each Presidential election, evaluating the thoroughness and fairness of the registration effort and presenting the final election returns. Periodically it would make available studies on the quality of American voter participation.

The District Director in each of the 435 federal election districts would be provided with staff and funds in election years to carry out the duties of his office. Federal Election Enrollment Officers would be volunteer workers serving without compensation. Recruited from civic groups, educational institutions, and individual interests, they would be commissioned as federal officers and subject to federal penalties. They would receive suitable recognition for their public service.

Estimated total costs for the operation of the Commission are $5 million in non-Presidential election years and $50 million in Presidential election years. This averages less than 50¢ per eligible voter in election years—a small price to pay for the involvement of all citizens in the electoral process.

IV. NATIONAL ELECTIONS HOLIDAY

The Task Force recommends a national holiday on the date of every Presidential election to assure full opportunity for voter participation and to solemnize this as the most important occasion for the exercise of a citizen's obligations in a free society. The nation can no longer afford to treat voting as a secondary responsibility. The survival of our institutions of government depends on the vitalization of individual participation in the democratic process.

The recommendations embodied in this report do not promise full reform of our system of election. There is no single remedy for so diverse a society. The Universal Voter Enrollment plan does offer an effective and vital reform that assures a substantial increase in voter participation. The need now is for immediate action.

APPENDIX I

The National Election Commission

The National Election Commission would enroll all individuals of voting age population for Presidential elections. In addition, it would perform a number of duties directly related to its principal concern. The National Election Commission would:

1. Enroll all voters for Presidential elections;

2 Report on its enrollment effort and obtain complete and accurate results of each Presidential election;

3. Create an election information center, a public repository of all laws, regulations and procedures and data on voter participation and election results for federal, state, local and special district elections;

4. Study the elective process to assure full voter participation, integrity and efficiency in federal, state and local elections with authority to advise and consult with governmental and non-partisan private groups seeking to improve the democratic process and to report on elections and election practices and recommend techniques for their perfection;

5. Aid and assist governmental and private non-partisan efforts to achieve full voter participation.

6. Train federal enrollment officers and provide training programs for state and local election officials on request.

The National Election Commission would assure all qualified individuals of their right to vote for President and serve an educational function by providing information and analyses relevant to elections. It would collect election laws and the results of public elections held in the United States and make these available to all interested groups and individuals.

The National Election Commission would be non-partisan. The Director would be appointed by the President with the consent of the Senate. The Director would supervise the National Election Commission as its chief executive officer. He should be a national figure known for his integrity. The Director would be limited to one four-year term beginning on the first day of the January following a Presidential election.

The Commission would have professional staff of adequate size to perform its duties. Its division would include: (1) enrollment service, (2) information, (3) research, and (4) training. The operating budget of the Commisison would approximate $5 million annually.

The operating budget would be increased substantially in Presidential election years to approximately $50 million. The major portion of the additional expense would be to cover the costs of enrolling all eligible voters through door-to-door contact.

District Directors: In election years, the Director of the National Election Commission would appoint 435 District Directors—one for each of the Congressional Districts—to supervise the enrollment of voters within their districts.

The District Director's position would be unsalaried.

The District Director would have one responsibility—preparing for and supervising the enrollment of all voters in his district.

The District Director would receive a grant of up to 50¢ for every person of voting age residing in his district to cover enrollment expenses.

Any state or local governmental agency operating throughout a Congressional District where 90 per cent or more of the eligible electorate is enrolled through local efforts prior to July 1 of any Presidential election year may receive the federal funds available for the District as a grant-in-aid to help defray registration and election costs. A state reaching a 90 per cent or better enrollment of its eligible voters may receive a sum equivalent to the federal funds available for all Congressional Districts within its borders that attain a 90 per cent or better registration.

District Staff Director: The District Director would also have responsibility for hiring a Staff Director to serve for a six-month period (July 1-December 31) during each Presidential election year to supervise administration of the enrollment program in the district. This position would be compensated at an attractive salary to obtain the full time services of a well qualified individual who might take leave of absence from business, education or a profession.

The National Election Commission and its Director would provide the local District Director and his staff with supervision, training and all possible aid in enrolling voters in their districts. The emphasis would be on decentralizing administrative responsibilities and performance. The system as a whole must be flexible and with the capacity to adjust to the peculiar demands and enrollment needs of each of the districts.

The District Board: Each district shall have a review board of at least five members nominated in equal numbers by the political parties whose candidates received more than 10 per cent of the vote in any public election covering the entire district within the past four years. Whenever an additional board member is necessary to achieve an odd number of board members, the District Director shall appoint one member to the Board.

The District Board shall:

1. Consult with, advise, and recommend methods for full enrollment and fair election procedures to the District Director.

2. Review complaints and report its findings to the District Director and the National Review Board.

Enrollment Officials: The Staff Director, under the supervision of the District Director, and in consultation with the District Board would recruit individuals to conduct the actual enrollment of citizens. This service would be voluntary and the enrollment officers would not be financially compensated.

The enrollment officials would be drawn from civic groups, political party workers, or other organizations and individuals who might want to volunteer their services. Each district should recruit not fewer than one enrollment officer for each one hundred persons of voting age in the district.

In performing their duties, enrollment officers would be administered oaths of office as public officials and subject to legal penalties for any prospective abuse of their offices.

Enrollment officers would be required to attend training sessions prior to participating in the enrollment of voters.

National Review Board: A National Review Board of fifteen members would be appointed by the President from among those nominated by political parties and independent non-partisan citizen organizations. Nominations from the political parties would equally represent all political parties that received 5 per cent or better of the vote in the previous Presidential election. Combined with the nominations from the non-partisan citizen groups, the Board would reflect the balance of national interests.

It would be charged with overseeing the activities of the Commission. The Review Board would:

1. Consult with, advise, and recommend methods for inclusive enrollment and fair election procedures to the Director of the National Election Commission,

2. Review complaints, and

3. Recommend to the Director of the National Election Commission the improvement of practices in specific districts and order the replacement of individual District Directors where the integrity of the democratic process requires.

APPENDIX II

The Enrollment of Voters

The quadrennial enrollment of voters would begin on the first Monday in October and would be concluded by the end of the third week in October. The enrollment drive would be short and intensive. It is intended to coincide with the interest and enthusiasm generated during the campaign period. Enrollment activities would complement party and candidate efforts and should help to stimulate interest in the election and a higher turnout on election day.

Enrollment officials would be required to make a minimum of two personal calls at every place of residence in the district, if all voting age residents were not contacted on the first visit. If the personal visits fail to reach every voting age resident, the enrollment official would be required to leave notification of the times and places where the individual would be able to enroll.

The enrollment officials would be required to compare their enrollment lists with all other available voting lists compiled by state or local governmental agencies to insure that no eligible voter had been omitted from the enrollment.

If the proper state and/or local authorities requested it, enrollment officials would enroll voters for state and/or local elections at the same time they were enrolling them for the Presidential election.

Also, if the state or local authorities requested it, the federal enrollment lists would be made available to the proper state or local agencies to update their enrollment records or to serve as a guide to the voting age population.

Any enrollment list not turned over to state or local authorities for the purposes specified would be destroyed within one month of the official certification of the election results. No registry of citizens would be maintained at the national or district level.

When an individual was enrolled as a voter he would receive a card certifying his enrollment. The card would bear the individual's name, his address and his signature, in addition to the signature of the enrolling official. The same information would appear on the list compiled by the enrollment official and would be available at the polls on election day.

The individual would present his voter card to the election officials at the polls on election day. The card would be validated by the election officials. The voter would also sign the enrollment registry beside the signature obtained at the time of his enrollment. These procedures would safeguard the integrity of the election.

The enrollment as described would qualify an individual to vote for the President and the Vice President. If an individual has registered under state law prior to federal enrollment, he need not enroll to vote for President.

Any individual who was eligible to vote yet whose name did not appear on the enrollment lists would have two options after the regular enrollment period had ended:

1. He could contact the District Director or other designated officials who would have the power to determine the individual's eligibility and add his name to the enrollment list, or

2. He could appear at the polls on election day, sign an affidavit that he was eligible to enroll and cast a special ballot for the President. The ballot would be sealed and then placed in an envelope with the affidavit supporting enrollment. It would be the duty of the District Director to determine the voter's eligibility. If found eligible, the ballot would then be counted along with all others cast in this manner and the results added to the election tally.

An individual who loses his enrollment card could still vote. His ballot would be held separately, under procedures described above, until his eligibility was determined by the local election officials from the information in the affidavit.

An individual absent from his home district, but otherwise eligible to vote in the election, could vote for the President at another polling place. To do so, he would have to provide the local election officials with proper identification—name, address, signature, plus personal identification similar to that for cashing a check. The burden of proof in this case would be placed on the individual. Special ballots could be provided for these contingencies. These ballots would be air mailed, special delivery—franking privileges would be provided—to the individual's home District Director. He would determine the eligibility of the voter and then count his sealed ballot along with the others received in this manner.

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APPENDIX III

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–60, BY STATE

State	1824	1828	1832	1836	1840	1844	1848	1852	1856	1860
Alabama	49.1	54.6	(1)	64.9	89.7	80.3	69.7	45.3	71.0	76.7
Alaska										
Arkansas				28.9	67.6	63.5	55.9	48.6	60.2	79.5
California								75.7	81.6	71.2
Connecticut	14.9	27.2	46.0	52.3	75.7	80.0	72.3	72.3	81.8	73.3
Delaware	(1)	(1)	67.1	69.5	82.8	85.8	80.4	75.0	78.5	79.5
Florida							64.0	56.9	77.6	79.5
Georgia	(1)	31.8	29.0	61.8	88.8	92.6	86.0	54.8	82.8	85.1
Hawaii										
Illinois	24.3	52.4	46.0	43.5	86.0	76.0	70.5	64.7	72.4	80.5
Indiana	37.1	68.7	71.9	69.2	84.4	84.7	78.5	80.3	88.3	89.4
Iowa							90.7	80.2	87.0	94.2
Kentucky	25.4	70.7	74.0	61.1	74.3	80.7	73.9	64.2	76.7	74.1
Louisiana	(1)	36.2	22.3	19.2	39.4	47.1	51.1	48.7	53.6	58.6
Maine	19.1	42.7	66.2	37.7	83.7	71.3	68.4	61.2	78.1	68.9
Maryland	53.7	70.3	55.7	67.6	84.5	81.4	76.0	72.8	80.0	81.1
Massachusetts	29.0	25.7	39.4	43.4	66.7	65.8	64.6	57.8	69.8	65.8
Michigan				35.0	84.9	79.8	74.5	71.3	81.1	80.0
Minnesota										74.9
Mississippi	41.3	56.6	28.0	64.4	88.2	86.1	80.7	61.7	78.3	89.5
Missouri	19.8	54.0	41.0	36.1	75.1	77.8	62.5	46.3	54.7	69.4
New Mexico	18.0	74.3	70.1	38.2	86.3	68.9	67.4	65.7	87.9	80.7
New Jersey	35.6	71.0	68.8	69.2	80.4	87.2	82.7	79.8	83.1	89.4
New York	(1)	80.2	84.2	70.5	91.9	92.1	79.6	84.7	89.9	95.5
North Carolina	41.8	56.9	31.3	53.0	82.4	78.8	71.4	65.8	66.7	70.9
Ohio	34.8	75.9	73.9	75.5	84.5	83.6	77.5	80.6	82.3	88.3
Oregon										97.8
Pennsylvania	18.8	56.5	52.3	53.1	77.5	77.3	76.3	72.6	80.8	78.4
Rhode Island	12.0	17.1	26.3	23.8	33.2	45.1	41.1	57.8	62.9	59.4
South Carolina	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Tennessee	28.3	55.0	31.3	57.3	89.7	89.8	83.4	72.9	82.9	80.9
Texas							69.6	42.6	58.1	67.4
Vermont	(1)	54.5	50.0	52.5	73.8	70.8	70.5	63.5	72.5	63.0
Virginia	11.6	27.7	31.1	35.2	54.7	54.2	47.3	63.3	67.8	71.5
Wisconsin							58.3	39.6	80.8	79.0
Total United States	26.9	57.6	55.4	57.8	80.2	78.9	72.7	69.6	78.9	81.2

PRESIDENTIAL TURNOUT BY STATE, 1864—1900

State	1864	1868	1872	1876	1880	1884	1888	1892	1896	1900
Alabama	(1)	77.9	79.6	72.8	58.8	54.2	56.6	68.5	51.9	38.9
Arkansas	(1)	49.0	67.6	64.7	59.5	59.1	68.9	55.0	48.2	40.8
California	64.6	72.3	57.9	75.9	67.1	68.8	76.5	73.8	75.0	69.9
Colorado				(1)	57.4	52.4	57.4	54.6	65.2	71.2
Connecticut	76.3	80.1	71.3	82.0	81.4	79.9	85.5	85.4	83.3	79.7
Delaware	79.8	84.3	73.3	73.4	81.9	76.0	68.8	80.4	64.6	81.9
Florida	(1)	(1)	77.0	93.5	85.9	83.1	85.0	35.3	40.0	29.9
Georgia	(1)	73.2	55.2	63.5	49.4	41.0	37.6	53.1	34.3	24.4
Idaho								63.1	76.1	77.8
Illinois	69.2	76.7	75.0	87.5	89.9	84.4	82.9	86.0	95.7	89.9
Indiana	82.9	92.5	85.3	94.6	94.4	92.2	93.3	89.0	95.1	92.1
Iowa	95.4	97.7	79.0	99.1	93.7	90.0	87.9	88.5	96.1	91.0
Kansas	31.8	51.3	77.8	65.7	80.8	85.1	88.2	80.7	85.5	91.2
Kentucky	44.0	69.9	66.2	80.9	75.5	70.8	81.1	73.8	89.2	87.0
Louisiana	(1)	75.9	76.4	77.9	50.3	49.8	50.0	45.1	35.8	21.7
Maine	73.2	74.4	57.9	71.5	85.0	75.0	71.7	63.5	63.0	56.0
Maryland	57.7	72.6	75.0	82.7	79.8	79.9	84.8	79.9	87.3	85.9
Massachusetts	63.8	66.9	62.0	72.3	71.2	69.3	71.7	74.6	70.6	67.4
Michigan	66.2	77.4	64.0	78.0	75.5	76.0	80.9	73.2	95.3	89.0
Minnesota	57.6	71.1	67.5	71.3	68.9	68.2	76.3	66.6	75.2	76.7
Mississippi	(1)	(1)	71.1	79.7	50.1	49.2	43.8	18.8	22.1	16.9
Missouri	36.3	43.0	66.6	76.6	78.0	77.0	81.8	77.4	88.5	83.1
Montana								74.2	73.8	75.3
Nebraska		46.1	43.7	53.0	67.7	67.8	75.9	66.2	74.1	80.2
Nevada	57.5	73.7	74.4	90.0	76.5	61.6	71.4	70.1	69.2	71.4
New Hampshire	84.3	82.3	80.9	92.0	93.3	87.4	90.2	85.8	78.1	83.9
New Jersey	81.0	89.5	81.4	94.8	95.4	88.6	91.9	90.3	88.4	85.9
New York	89.3	91.7	80.5	89.6	89.3	87.5	92.3	86.3	84.3	84.6
North Carolina	(1)	91.2	71.9	9 .1	83.0	86.3	85.2	78.0	85.3	70.2
North Dakota								56.6	63.1	65.2
Ohio	87.6	90.4	84.4	94.4	94.4	93.4	91.9	86.2	95.5	91.5
Oregon	91.8	85.8	60.5	70.4	79.1	65.0	93.5	58.4	69.9	58.3
Pennsylvania	85.0	88.3	68.6	83.5	88.8	82.3	83.0	75.7	81.8	75.0
Rhode Island	58.8	46.6	40.2	49.4	48.7	48.1	53.4	63.0	59.2	56.2
South Carolina	(1)	79.6	60.4	101.0	83.9	43.0	35.0	29.1	25.2	18.0
South Dakota								70.7	78.0	85.4
Tennessee	(1)	39.7	66.2	74.6	75.1	73.1	77.6	64.0	70.8	56.6
Texas	(1)	(1)	56.3	54.6	68.8	80.2	78.3	79.4	88.3	61.4
Utah									79.4	84.5
Vermont	77.0	75.9	69.1	83.3	81.6	70.5	71.4	60.4	67.5	57.9
Virginia	(1)	(1)	66.2	77.6	64.1	81.7	83.2	75.3	71.0	59.6
Washington								67.3	63.1	64.9
West Virginia	51.6	58.0	61.2	83.6	82.6	86.7	94.5	90.3	93.6	91.3
Wisconsin	66.8	79.8	70.6	83.9	82.4	82.2	81.1	76.8	84.9	77.5
Wyoming								47.7	50.7	51.1
Total United States	73.8	78.1	71.3	81.8	79.4	77.5	79.3	74.7	79.3	73.2

PRESIDENTIAL TURNOUT BY STATE, 1904–40

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
Alabama	24.2	21.5	22.6	24.3	20.6	13.5	19.1	17.5	18.8	18.9
Arizona			38.6	48.7	46.8	44.4	47.9	55.1	52.0	57.0
Arkansas	33.8	40.2	30.7	40.0	20.9	15.3	21.4	22.1	17.3	18.2
California	61.7	60.2	46.9	58.0	47.2	50.8	59.0	64.0	66.0	73.4
Colorado	71.0	65.4	59.1	60.5	56.0	62.5	68.4	75.3	75.5	79.7
Connecticut	80.5	76.3	71.5	73.8	58.7	57.9	72.6	70.8	74.6	77.2
Delaware	82.0	86.2	84.1	86.1	75.1	68.1	75.3	76.3	79.8	79.4
Florida	24.4	26.2	24.2	33.8	30.3	17.0	33.0	30.5	31.3	40.9
Georgia	23.8	22.0	18.9	23.7	10.5	11.5	15.7	16.5	17.7	17.7
Idaho	65.3	65.8	59.8	67.4	61.1	65.2	66.0	74.4	71.8	77.0
Illinois	80.5	81.6	74.7	66.8	60.5	64.1	73.4	74.6	81.6	82.2
Indiana	89.7	89.9	77.8	81.9	71.0	70.7	74.9	78.9	78.7	81.1
Iowa	79.7	77.6	74.2	75.0	64.5	68.4	68.9	69.1	73.6	75.5
Kansas	78.1	82.5	76.3	65.8	58.0	64.1	65.9	71.1	76.6	75.1
Kentucky	77.7	84.0	74.6	82.8	71.8	61.0	67.7	67.4	59.9	59.5
Louisiana	15.6	19.8	19.3	21.6	14.1	12.4	20.1	23.4	27.3	29.4
Maine	49.5	53.2	63.4	65.1	46.9	44.9	60.2	66.3	64.4	65.0
Maryland	69.6	70.9	64.8	68.1	52.3	41.0	56.8	51.2	58.1	57.2
Massachusetts	67.6	65.1	63.4	62.8	53.3	56.6	74.0	69.5	75.9	78.7
Michigan	78.9	75.9	69.8	72.9	55.1	53.7	56.3	62.0	62.1	66.6
Minnesota	64.3	66.1	61.2	65.0	59.5	62.0	68.5	66.2	69.7	72.3
Mississippi	15.6	16.5	15.1	20.0	9.4	12.0	15.2	13.8	14.4	14.7
Missouri	74.9	79.7	74.9	81.5	67.6	63.3	69.1	70.9	77.3	74.4
Montana	65.8	61.9	63.3	68.0	61.4	59.2	65.3	70.3	70.8	72.2
Nebraska	70.1	77.8	77.1	84.5	55.7	63.8	71.5	72.1	75.6	75.4
Nevada	59.2	92.1	68.1	73.6	61.0	56.1	63.0	73.2	69.1	75.7
New Hampshire	81.6	80.8	78.2	77.3	67.5	67.4	77.8	77.5	77.8	79.6
New Jersey	83.6	82.4	69.1	70.7	59.1	60.7	75.6	72.0	75.0	76.1

PRESIDENTIAL TURNOUT BY STATE, 1904-40—Continued

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
New Mexico			59.6	77.8	62.3	61.8	60.3	69.7	68.7	66.6
New York	83.3	79.7	72.1	71.6	56.4	56.3	68.3	66.1	72.6	75.7
North Carolina	46.1	52.0	46.1	49.8	44.6	35.9	43.1	44.0	47.4	42.7
North Dakota	61.4	73.2	60.8	77.7	67.4	63.8	72.4	74.5	78.0	78.4
Ohio	83.1	87.5	74.8	76.5	62.6	57.8	66.9	65.5	71.8	75.4
Oklahoma		71.5	57.4	60.4	48.6	47.4	50.5	54.4	56.4	60.5
Oregon	47.6	47.3	51.8	54.2	52.3	55.3	57.7	60.7	62.5	67.1
Pennsylvania	74.3	71.8	64.4	63.4	42.8	45.8	62.7	53.1	72.5	67.6
Rhode Island	63.4	62.4	62.7	65.8	57.9	66.3	68.9	71.7	78.0	75.6
South Carolina	18.4	20.6	14.6	17.5	8.6	6.4	8.5	12.3	12.5	10.1
South Dakota	73.0	69.5	61.9	60.9	56.6	59.4	72.0	76.5	77.5	79.5
Tennessee	47.7	48.1	45.1	46.6	35.4	23.3	25.7	26.5	30.0	30.6
Texas	29.6	33.6	30.8	35.0	21.7	25.8	24.8	27.2	24.8	30.1
Utah	78.4	73.0	66.4	79.5	69.6	69.7	73.4	80.0	77.9	83.1
Vermont	50.7	48.9	56.8	58.2	45.3	51.3	66.8	66.6	68.5	22.1
Washington	60.9	59.0	50.8	54.7	52.4	51.2	56.6	64.2	66.6	70.6
West Virginia	89.2	86.9	81.9	83.6	71.7	75.2	76 4	81.9	84.9	83.0
Wisconsin	72.0	68.7	68.7	70.7	52.3	57.3	65.9	65.1	68.9	72.4
Wyoming	50.8	49.2	50.3	54.9	52.3	71.0	68.7	74.9	74.0	74.8
Total, United States	65.2	65.4	58.8	61.6	49.2	48.9	56.9	56.9	61.0	62.5

PRESIDENTIAL TURNOUT BY STATE 1944-68

State	1944	1948	1952	1956	1960	1964	1968
Alabama	15.0	12.6	24.2	27.6	31.2	36.0	51.5
Alaska					49.1	48.7	56.4
Arizona	42.2	45.4	53.9	47.8	53.8	54.7	43.6
Arkansas	19.3	21.9	36.9	38.0	41.1	49.9	52.5
California	65.1	63.2	69.4	64.0	67.9	64.7	61.0
Colorado	67.9	64.5	76.2	69.2	71.4	68.0	70.2
Connecticut	73.9	71.2	80.9	75.8	76.8	71.8	68.5
Delaware	66.9	68.5	78.4	72.7	73.6	71.1	71.7
Florida	33.5	34.1	47.6	43.6	50.0	52.7	58.2
Georgia	17.6	21.4	31.9	29.6	31.2	44.9	41.6
Hawaii					53.0	52.5	62.7
Idaho	64.5	63.1	78.2	75.2	80.7	75.8	72.8
Illinois	74.8	70.3	76.0	72.4	75.7	74.0	69.3
Indiana	71.7	67.2	75.7	73.7	76.9	74.0	71.5
Iowa	64.3	62.4	75.8	74.0	76.5	72.3	71.6
Kansas	62.2	65.0	71.7	67.4	70.3	64.8	63.5
Kentucky	51.9	49.6	58.9	58.6	60.5	52.9	46.8
Louisiana	25.1	27.5	40.2	36.0	44.8	47.3	55.6
Maine	57.3	49.0	63.1	61.8	72.6	65.6	67.5
Maryland	46.7	41.7	57.5	54.6	57.2	56.0	57.7
Massachusetts	71.0	71.5	75.0	72.0	73.8	71.3	67.8
Michigan	63.7	55.6	68.5	71.1	72.4	68.9	64.9
Minnesota	63.0	65.7	72.6	68.7	77.0	76.8	71.8
Mississippi	15.0	16.0	23.8	21.0	25.5	32.9	51.6
Missouri	62.2	61.0	71.8	68.8	71.8	67.4	63.1
Montana	59.0	62.3	71.8	71.6	61.4	69.8	65.0
Nebraska	67.9	58.2	71.9	67.6	71.4	66.6	59.9
Nevada	64.8	64.0	69.7	65.9	61.2	55.5	54.2
New Hampshire	73.5	70.3	79.2	74.4	79.4	72.3	70.9
New Jersey	69.1	63.0	72.3	68.9	71.8	68.6	65.1
New Mexico	48.8	53.4	60.5	56.8	62.1	63.9	63.3
New York	70.9	65.0	71.2	67.9	67.0	63.2	57.3
North Carolina	38.0	35.4	51.3	47.4	53.5	51.8	54.7
North Dakota	61.5	61.6	75.5	71.3	78.5	72.2	65.5
Ohio	66.9	58.4	69.7	66.4	71.3	66.6	63.6
Oklahoma	52.8	52.5	68.6	61.4	63.8	62.5	62.9
Oregon	58.4	56.5	69.6	71.1	72.3	69.6	64.4
Pennsylvania	59.8	56.0	66.5	65.5	70.5	68.1	63.2
Rhode Island	65.0	66.0	79.8	73.2	75.1	68.7	68.2
South Carolina	9.8	12.8	29.1	24.7	30.5	38.0	48.0
South Dakota	59.3	63.3	74.4	74.7	78.3	72.6	70.8
Tennessee	28.2	28.7	44.7	45.9	50.3	51.1	53.0
Texas	28.2	26.0	43.5	37.9	41.8	44.4	51.6
Utah	75.0	76.0	82.9	77.2	80.1	76.9	76.9
Vermont	56.9	54.5	66.8	66.5	72.5	68.0	65.5
Virginia	22.3	21.6	29.9	31.8	33.3	41.0	53.1
Washington	67.0	63.2	71.2	70.4	72.3	71.5	65.0
West Virginia	65.5	65.8	76.3	74.6	77.2	75.2	70.0
Wisconsin	65.7	59.8	72.5	67.8	73.4	70.8	68.0
Wyoming	63.3	59.6	72.5	67.4	74.0	73.2	69.3
District of Columbia						40.2	33.5
Total United States	55.9	53.0	63.3	60.6	64.0	61.8	60.6

[1] Figures not available.

Source: Compiled by Professor Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

APPENDIX IV.—TURNOUT IN U.S. SENTATE ELECTIONS, 1946-68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama		(1)	(1)		(1)	(1)		(1)	21.5		40.5	44.4
Alaska							75.6	72.2	51.5		44.8	
Arizona	31.7		43.9	52.0		47.7	48.5		43.8	53.3		50.6
Arkansas		(1)		(1)	(1)	(1)		(1)	(1)		(1)	50.3
California	39.7		51.1	61.9	49.0	63.7	58.7		55.9	65.3		59.7
Colorado		70.8	53.3		56.0	66.8		71.6	57.2		55.8	66.5
Connecticut	49.9		62.0	75.7		76.4	66.2		63.3	71.1		66.1
Delaware	59.9	72.1		77.6	62.7		57.4	73.9		70.7	56.3	
Florida	(1)		(1)	(1)		(1)	(1)		28.3	45.2		52.7
Georgia	(2)	(2)	(2)	(2)	(1)	(1)		(1)	31.7		(1)	(1)
Hawaii								[3] 51.0	59.1	52.9	52.0	
Idaho	56.9	67.4	57.7		64.3	75.2		78.5	67.7		65.1	71.8
Illinois		66.0	60.7		56.1	70.0		74.9	59.5		59.4	67.4
Indiana	53.9		62.9	74.1		72.0	62.4		64.8	73.7		69.4
Iowa		58.2	50.6		51.3	70.7		74.2	48.8		52.4	69.3
Kansas		55.4	41.8		49.1	64.5		67.6	48.4		51.8	59.6
Kentucky	38.6	49.1	35.4	58.0	46.9	54.4		58.0	43.7		37.0	45.7
Louisiana	(1)	(1)			(1)	(1)		(1)	28.1		(1)	(1)
Maine	31.0	39.3		43.5	43.3		50.2	72.6		66.1	55.6	
Maryland	33.7		40.3	56.1		52.5	43.3		38.7	54.3		54.3
Massachusetts	53.8	63.7		73.3	57.5		58.7	74.9	64.7	71.2	60.9	
Michigan	40.9	51.7		66.2	49.2		48.8	71.4		66.5	51.1	
Minnesota	47.2	64.0		73.1	58.5		57.0	76.7		76.5	62.2	
Mississippi	(1)	(1)	16.8	(1)	(1)		(1)	(1)		(1)	31.5	
Missouri	42.8		48.3	70.3		66.3	44.0	70.9	45.9	65.3		61.2
Montana	64.0	69.2		72.5	60.2		57.5	71.5		70.9	65.8	
Nebraska	45.8	55.7	66.0	67.1	48.9		46.7	69.9		64.8	56.6	
Nevada	55.8		57.6	70.5	57.4	64.3	55.2		50.6	54.7		54.1
New Hampshire		61.1	53.7		48.4	71.0		78.4	59.5			67.7
New Jersey	45.4	57.0		66.	50.6		51.5	69.6		65.7	49.7	
New Mexico	48.9	63.9		63.8	49.1		49.1	61.2		63.8	49.8	
New York	51.7		52.7	66.6		64.5	53.1		51.8	63.5		56.1
North Carolina		(1)	(1)	(1)	(1)	(1)		(1)	31.5		31.7	48.8
North Dakota	(2)		50.9	68.0		64.4	54.0		64.3	71.9		65.3
Ohio	43.9		51.2	64.3	45.9	61.8	55.4		50.5	64.4		60.0
Oklahoma		49.3	45.7		43.9	62.9		61.8	46.1	61.6	42.9	59.3
Oregon		44.9	50.2		54.4	68.1		69.4	57.5		58.2	65.6
Pennsylvania	46.6		50.7	64.2		64.3	56.8		61.6	67.8		63.7
Rhode Island	53.1	60.5	55.4	77.1	62.2		63.6	75.0		70.8	59.0	
South Carolina		(1)	(1)		(1)			(1)	25.0		31.1	44.9
South Dakota	64.6	62.6		60.4	60.4	71.4		78.8	63.9		59.3	72.5
Tennessee	(1)	(1)		(1)	(1)		(1)	(1)		47.8	38.0	
Texas	(1)	(1)		(1)	(1)		(1)	(1)	15.8	44.2	24.6	
Utah	55.4		67.8	79.0		75.3	63.6		63.7	78.2		75.5
Vermont	32.2		37.5	66.7		69.6	56.6		52.3	70.2		(1)
Virginia	(1)	(1)		(1)			20.9	27.8		36.8	28.2	
Washington	45.2		47.7	68.6		69.7	54.1		54.8	69.4		67.3
West Virginia	52.2	68.2		77.7	53.1	70.2	55.6	76.3		71.5	46.4	
Wisconsin	48.8		50.2	71.3		65.4	50.1		52.8	70.4		67.0
Wyoming	49.5	60.0		72.3	62.4		62.7	74.5	59.4	74.2	66.0	

[1] Ran unopposed.
[2] Not available.
[3] 1959.

Source: COPE Research Department, Washington, D.C.

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APPENDIX VI.—TURNOUT IN GUBERNATORIAL ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	196	1968
Alabama											42.8	
Alaska							75.3		50.2		44.8	
Arizona	33.4	47.0	46.3	52.6	43.3	49.5	48.0	58.4	44.2	53.9	42.6	51.1
Arkansas									31.7	52.9	49.7	52.3
California			52.6		50.3		60.1		57.9		57.7	
Colorado	47.6	68.6	53.4	69.7	56.6	67.7	55.3		57.5		58.1	
Connecticut	48.0	63.6	63.4	75.7	63.1		66.6		63.4		57.8	
Delaware		71.6		77.6		70.9		73.8		70.5		67.6
Florida										47.4	41.2	
Georgia	(1)	(1)	(1)	(1)					35.4		34.6	
Hawaii								[2] 52.4	59.0		52.0	
Idaho	57.3		58.1		65.0		63.6		66.9		65.1	
Illinois		66.0		74.0		70.8		74.2		73.2		68.2
Indiana		63.8		73.6		71.6		76.5		73.6		69.2
Iowa	37.5	57.6	50.0	72.9	51.5	72.3	49.7	74.1	49.5	71.3	54.9	68.9
Kansas	47.1	58.7	49.8	67.0	49.5	67.6	58.3	70.2	49.7	64.0	50.1	62.9
Kentucky			33.5	(3)	45.8	54.2	45.2		47.2		43.7	
Louisiana										49.8		50.1
Maine	31.9	37.4	43.7	45.6	43.8	55.9	49.5	72.7	50.6		56.3	
Maryland	35.0		42.2		44.2		43.9		42.0		44.2	
Massachusetts	52.8	65.0	59.6	73.2	57.9	75.0	59.8	74.8	65.1	72.0	62.1	
Michigan	42.1	53.0	45.7	67.2	50.2	66.4	49.7	72.1	60.0	67.7	51.5	
Minnesota	47.4	63.5	60.7	74.7	59.8	71.9	57.5	77.4	62.1		6.34	
Mississippi												[4] 34.7
Missouri		59.7		70.4		66.6		71.2		65.7		62.2
Montana		69.8		72.9		72.1		72.3		71.1		68.7
Nebraska	45.5	55.2	54.9	67.5	48.4	64.8	47.2	69.9	53.7	66.5	56.8	
Nevada	55.3		56.1	58.1			55.5		50.5		52.5	
New Hampshire	46.6	61.0	54.2	75.7	57.1	72.9	57.3	79.2	61.0	72.1	57.4	67.3
New Jersey						56.9			56.2		52.7	
New Mexico	48.7	64.4	47.9	63.9	49.0	61.6	49.5	62.2	48.4	62.2	50.2	59.7
New York	50.8		50.9		49.3		54.9		52.7		54.0	
North Carolina										51.0		52.9
North Dakota	(1)	62.1	50.1	72.6	52.7	66.6	56.5	78.7	65.7	73.0		67.8
Ohio	45.2	50.1	54.2	67.4	47.5	62.1	57.7		52.5		47.9	
Oklahoma	36.5		46.6		44.5		39.1		49.2		45.5	
Oregon	34.3		49.7		54.2	68.0	55.4		57.5		58.0	
Pennsylvania	46.5		50.1		53.0		56.8		61.6		56.9	
Rhode Island	53.5	61.1	55.2	75.4	62.4	73.8	64.0	75.3	63.1	71.7	60.5	68.4
South Carolina											31.4	
South Dakota	65.3	63.2	72.7	60.6	60.6	71.7	64.6	78.5	64.4	73.9	59.6	71.7
Tennessee											28.7	
Texas									28.0	43.2	23.5	46.0
Utah		74.3		79.2		75.8		79.2		78.4		75.9
Vermont	31.6	51.2	36.9	59.9	48.2	69.0	56.2	71.6	52.3	70.2	57.7	65.5
Virginia											[5] 20.9	
Washington		53.1		69.9		70.1		71.4		71.5		68.9
West Virginia		68.6		78.2		71.3	54.4	76.3		74.1		68.9
Wisconsin	50.0	58.9	50.5	71.7	51.8	66.9	50.4	72.8	53.1	71.3	48.6	68.4
Wyoming	49.4		54.2		61.9		61.8		59.3		65.0	

[1] Not available.
[2] 1959.
[3] Incomplete.
[4] 1967.
[5] 1965.

Source: COPE Research Department, Washington, D.C.

APPENDIX V

TURNOUT IN U.S. HOUSE OF REPRESENTATIVES-ELECTIONS, 1920-68

[Vote as a percentage of the civilian population of voting age]

Year:	
1920	41.4
1922	32.4
1924	41.0
1926	30.1
1928	48.2
1930	34.1
1932	50.2
1934	41.8
1936	54.0
1938	44.5
1940	56.2
1942	32.7
1944	53.0
1946	37.6
1948	48.6
1950	41.6
1952	58.2
1954	42.2
1956	56.6
1958	43.4
1960	59.4
1962	48.9
1964	57.8
1966	45.6
1968	54.8

Source: U.S. Bureau of the Census, Statistical Abstract of the United States: 1962, 83d edition, Washington, D.C., 1962; Congressional Quarterly, Washington, D.C.

APPENDIX VII.—TURNOUT IN SELECTED LOCAL AND SPECIAL DISTRICT ELECTIONS, 1969

City	Type of election [1]	Percentage of turnout
Akron, Ohio	2, 3	39.9
Atlanta, Ga	1, 4, 5, 6, 7	36.4
Austin, Tex	2	27.8
Boise, Idaho	1, 2	43.6
Boston, Mass	2, 8	33.0
Buffalo, N.Y	1	55.7
Birmingham, Ala	2	6.8
Charlotte, N.C	1, 2	25.5
Cincinnati, Ohio	2	37.7
Cleveland, Ohio	1	53.2
Columbus, Ohio	2, 3, 9, 10, 11	53.2
Dallas, Tex	1, 2	9.1
Dayton, Ohio	1, 3, 12	27.1
Des Moines, Iowa	2	33.2
Detroit, Mich	1, 2, 13, 14	58.6
El Paso, Tex	1, 3, 5, 15	17.7
Fort Worth, Tex	1, 2	14.7
Hartford, Conn	1	39.8
Houston, Tex	1, 2, 16	28.4
Los Angeles, Calif	1, 2, 6, 10, 16	48.8
Louisville, Ky	1	26.8
Miami, Fla	1, 2	11.1
Minneapolis, Minn	1, 5, 14, 16, 17, 18, 19, 20	48.5
New Haven, Conn	1, 5, 13, 14, 15, 21, 22, 23, 24, 25.	45.1
New York, N.Y	1	45.2
Oklahoma City, Okla	2	4.4
Omaha, Nebr	1, 2	35.4
Philadelphia, Pa	1, 16, 26, 27, 28	49.7
Phoenix, Ariz	1, 2	28.4
Pittsburgh, Pa	1, 2	56.9
Richmond, Va	11, 14, 21, 29	32.9
Rochester, N.Y	2, 6	47.1
San Antonio, Tex	2	16.9
San Diego, Calif	2, 10	26.6
Seattle, Wash	1, 2, 30	51.2
St. Louis, Mo	1, 5, 16	27.3
St. Petersburg, Fla	1, 2	19.9
Syracuse, N.Y	1, 2, 6	47.9

[1] Key: 1, mayoral; 2, city council; 3, municipal judge; 4, president board of aldermen; 5, board of aldermen; 6, board of education; 7, city executive committee; 8, school committee; 9, city auditor; 10, city attorney; 11, clerk of courts; 12, city commissioners; 13, city clerk; 14, city treasurer; 15, tax collector; 16, city controller; 17, park commissioners; 18, library board directors; 19, school directors; 20, board of estimate and taxation; 21, city sheriff; 22, town clerk; 23, registrar of vital statistics; 24, selectman; 25, constable; 26, district attorney; 27, magistrates; 28, inspectors of elections; 29, commissioner of revenue; 30, corporation council.

Source: Rand McNally, Commercial Atlas & Marketing Guide, Washington, D.C., 1969; Congressional Quarterly, Washington, D.C.; local election officials.

APPENDIX VIII.—TURNOUT IN SELECTED DEMOCRATIC NATIONS, 1920–68

UNITED STATES

Year	Turnout
1920	49.2
1924	48.9
1928	56.9
1932	56.9
1936	61.0
1940	62.5
1944	55.9
1948	53.0
1952	63.6
1956	60.6
1960	64.0
1964	61.8
1968	60.6

GREAT BRITAIN

Year	Turnout
1922	71.3
1923	70.8
1924	76.6
1929	76.1
1931	76.3
1935	71.2
1945	72.7
1950	84.0
1951	82.5
1955	76.7
1959	78.8
1964	77.1
1966	75.9

CANADA

Year	Turnout
1921	70.2
1925	68.7
1926	70.

APPENDIX VIII.—TURNOUT IN SELECTED DEMOCRATIC NATIONS, 1920-68—Continued

CANADA

1930	76.1
1935	76.2
1940	70.9
1945	76.3
1949	74.8
1953	67.9
1957	75.0
1958	80.6
1962	80.1
1963	80.3
1965	75.9
1968	75.7

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TURNOUT IN THE MOST RECENT ELECTIONS IN OTHER SELECTED DEMOCRACIES

Country	Election year	Turnout
Denmark	1968	89.3
Finland	1966	84.9
France	1968	80.0
Germany	1969	86.8
Ireland	1965	75.1
New Zealand	1966	86.6
Norway	1969	82.5
Sweden	1968	89.3

Source: Compiled by Richard M. Scammon, Governmental Affairs Institute, Washington, D.C.

APPENDIX IX—S. 4236, H.R. 18979

A bill designating certain election days as legal holidays

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103(a) of title 5, United States Code, as it will exist on and after January 1, 1971, pursuant to the first section of the Act entitled "An Act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes", approved June 28, 1968 (82 Stat. 250; Pub. L. 90-363), is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every fourth year thereafter."

APPENDIX X—S. 4238, H.R. 19010

A bill amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This Act is to be known as the Universal Enrollment Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Universal Enrollment Act of 1970.

NATIONAL DIRECTOR OF ENROLLMENT

SEC. 2. (a) The Director of the Bureau of Census shall serve as the National Director of Enrollment.

(b) The National Director of Enrollment may appoint additional staff personnel as deemed advisable and develop the procedures deemed necessary to enroll quadrennially all citizens to vote for President and Vice President who meet the qualifications of the various states except residency.

DUTIES OF THE NATIONAL DIRECTOR OF ENROLLMENT

SEC. 3. The National Director of Enrollment shall—

(a) establish and supervise a Federal system for the enrollment of all persons who meet the qualifications for enrollment in the State in which they reside, except that there shall be no residency requirement for President or Vice President;

(b) assist and encourage all qualified persons to enroll to vote in Federal elections;

(c) conduct a continuing study of Federal, State, and local election practices and procedures;

(d) provide advisory, educational, and informational services to State and local authorities regarding elections.

(e) encourage and foster, to the maximum extent possible, State and local efforts to achieve full voter participation in elections;

(f) collect the results of all Federal elections held in the United States, analyze such results in a manner to enable the voters to better understand such results, and provide for the publication of such results and analyses;

(g) compile and maintain the laws and procedures in effect for each election jurisdiction in the United States and make such information available upon request to any interested person;

(h) provide assistance upon the request of local communities to assist such communities in solving their election problems.

ENROLLMENT OF VOTERS

SEC. 4 (a) The program to enroll all unenrolled persons in any State who have the qualifications for enrollment in such State shall be carried out during a three week period immediately preceeding the week in which the Presidential election is to be held in such State.

(b) During the enrollment period referred to in subsection (a), national enrollment officials acting under the supervision of the National Director of Enrollment shall conduct an intensive drive to enroll all persons who meet the qualifications for enrolling as voters in each election jurisdiction and who have failed to enroll under State law.

(c) No person shall be enrolled by a national enrollment official unless it is determined by such official that such person meets the qualifications prescribed by the laws of the State concerned for enrolling for voting in Federal elections. Whenever such determination has been made with respect to any person his name shall be entered on a enrollment roll compiled by the national enrollment officials for the election district concerned.

(d) Each person who is found to be qualified to enroll to vote shall be issued an enrollment certificate in such form as may be prescribed by the Commission containing the person's name, address, and signature, and the name of the national enrollment official concerned. The identical information shall appear on the enrollment roll referred to in subsection (c). The enrollment roll containing a person's name and other information shall be available at the particular voting place within the election jurisdiction where such person may vote.

(e) Any person enrolled to vote pursuant to this section shall be permitted to vote in the same Federal elections which he would have been permitted to vote had he enrolled under State procedures. When any such person appears at the appropriate voting place to vote he shall be required to present the enrollment certificate issued him pursuant to subsection (d). He shall also be required to sign the enrollment roll a second time beside his first signature.

(f) In any case in which a person has failed for any reason to enroll to vote prior to election day and otherwise meets the State qualifications for voting with the exception that there shall be no residency qualification for voting for President and Vice President as provided in section 3, subsection (a), he may—

(1) contact the election official in charge of the election district concerned and he shall have the authority to validate such person's qualifications and add his name to the enrollment roll, and such person shall be permitted to vote, or

(2) appear at the appropriate voting place on the day of election, sign an affidavit stating that he meets the requirements for enrollment and voting, in which event he shall be enrolled and may cast a special ballot for the offices being contested. A special ballot cast pursuant to clause (2) shall be placed in an envelope and sealed with information relating to the enrollment of the voter. The election official concerned shall have the responsibility of determining the eligibility of such person to vote in such election. If the election official determines such person was eligible to enroll and vote the ballot shall be counted together with other ballots cast in the same manner and shall be added to the final election tally.

(g) Any person who appears at the appropriate voting place on the day of election and signs an affidavit stating that he was issued an enrollment certificate under this section but has lost such certificate shall be permitted to cast a special ballot for the offices being contested. The same procedure with respect to a special ballot cast under this subsection shall be followed as in the case of a special ballot cast under subsection (f).

(h) Any person absent from the election district in which he is eligible to vote shall be permitted to cast a special absentee ballot provided at a voting place in any other election district upon presentation to the appropriate election officials of identification showing his name, address, and signature. A special absentee ballot cast pursuant to this subsection shall be mailed, registered mail, special delivery, air mail to the election official of the election district in which such person is eligible to vote. The election official shall determine whether such person was eligible to vote and, if it is determined such person was elegible to vote, the sealed ballot cast by such person shall be counted in the same manner as special ballots cast pursuant to subsection (f). All special ballots cast pursuant to this section shall be sealed separately from other ballots cast in the same manner or in any manner that would permit identifying a particular voter with a particular ballot. Special absentee ballots mailed pursuant to this subsection shall be transmitted by the United States Post Office Department without charge.

(i) National enrollment officials, as well as all other election officials and the staff under the supervision of the National Director of Enrollment, shall be considered public officials for the purposes of section 201 of title 18, United States Code.

ENROLLMENT INFORMATION

SEC. 5. (a) No national registry of persons shall be compiled or maintained.

(b) The enrollment roll compiled in any congressional district pursuant to this Act shall be made available to any State or local election official upon request and permanent possession of such enrollment roll shall be given to any such official 30 days after the results of the election have been certified if a request has been made therefor. Otherwise, the enrollment roll in each election district shall be destroyed by the election official 30 days after the election results have been certified.

ESTABLISHMENT OF COMMISSION ON FEDERAL ELECTIONS

SEC. 6. (a) There shall be established a Commission to be known as the National Enrollment Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of nine members, seven of whom shall be appointed by the President by and with the advice and consent of the Senate. The Secretary of Commerce and the Director of the Bureau of the Census shall serve as members of the Commission. Not more than five of the members shall at any one time be of the same political party. Members of the Commission shall be appointed for a term of six years, except that the terms of office for the first members appointed shall be as follows: three members shall be appointed for terms of two years; two members shall be appointed for terms of four years; and two members shall be appointed for terms of six years. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. Neither the Chairman nor the Vice Chairman shall be full-time federal employees. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitations with respect to party affiliations as the original appointment was made.

(e) Five members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 7. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $150 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of chapter 57 of title 5, United States Code.

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DUTIES OF THE COMMISSION

SEC. 8. (a) The Commission shall—

(1) consult with, advise, and recommend to the National Director of Enrollment, appointed under section 2 of this Act, methods for effectively carrying out the duties of the Commission under this Act;

(2) review complaints of malfeasance and nonfeasance against the National Enrollment Director or those under his jurisdiction and report to the President the results of the Commission's review;

(3) recommend to the National Enrollment Director how enrollment programs in specific election jurisdictions should be improved;

(b) The Commission shall submit an annual report to the President and to the Congress not later than June 30 each year of its activities under this act together with such recommendation for legislative or administrative action as it deems advisable.

STAFF

SEC. 9. (a) The Commission may appoint and fix the compensation of such staff personnel as it deems advisable; and may procure temporary and intermittent services to the same extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

ADDITIONAL POWERS OF THE COMMISSION

SEC. 10. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated members of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this Act. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its function under this Act.

DISTRICT DIRECTORS

SEC. 11. (a) In each year in which a Federal election is held, the National Director of Enrollment shall appoint a District Director for each congressional district. District Directors shall be residents of the congressional district.

(b) It shall be the responsibility of the District Director in each congressional district to organize and supervise the enrollment of all persons residing in such district who can meet the qualifications for voting in Federal elections in the State in which they reside but have failed to enroll to vote.

(c) District Directors shall be paid at a rate not to exceed $100 a day for individuals.

(d) Except as provided in subsection (e), in any year in which a Federal election is held in any State the Commission shall allocate not more than $100,000 per congressional district to the District Director for the purposes of carrying out the provisions of this Act.

(e) (1) Where the Commission finds that 90 per centum or more of the persons qualified to enroll to vote in Federal elections in any congressional district were actually enrolled to vote in the most recent Federal election, the Commission shall grant to the appropriate State and local officials of such congressional district the sum of $100,000 to help defray enrollment and election costs incurred in such district. Whenever a grant is made under this paragraph no grant shall be made under subsection (d).

(2) When the Commission finds that 90 per centum or more of the persons qualified to enroll to vote in Federal elections in any State were actually enrolled to vote in the most recent Federal election, the Commission shall grant to such State a sum determined by multiplying $100,000 by the number of congressional districts in such State qualifying for grants under paragraph (1) of this subsection. Grants made under this paragraph shall be for the purpose of helping the State defray the cost of conducting Federal elections and maintaining full voter enrollment.

DISTRICT STAFF DIRECTORS

SEC. 12. The National Enrollment Director for each congressional district not qualifying under provisions of section 7, subsection (e) (1) or (2) shall employ a District Staff Director for a period of six months, beginning July 1, in each year in which Federal elections are held. The District Staff Director shall assist the District Director in supervising the enrollment program carried out in the district. The salary of District Staff Directors shall be fixed by the Commission.

REGISTRATION OFFICIALS

SEC. 13. (a) The District Staff Director, under the supervision of the District Director, in each congressional district shall recruit persons to serve as national enrollment officals. It shall be the duty of such officials to enroll persons who meet the State requirements to enroll and vote in Federal elections with the exception that there shall be no residency requirement for President or Vice President.

(b) Persons who are recruited to serve as national enrollment officials shall be given a brief training course prior to assuming any enrollment duties under this Act. The training program shall be conducted under the supervision of the District Director concerned in accordance with regulations prescribed by the Commission. The duties of national enrollment officials shall be prescribed in regulations promulgated by the Commission and such duties shall be carried out in each congressional district under the supervision and control of the District Director and the District Staff Director of such congressional district. Persons recruited to serve as national enrollment officials shall serve voluntarily without compensation.

(c) National enrollment officials, as well as District Directors, District Staff Directors and their staffs, shall be considered public officials for the purposes of section 201 of title 18, United States Code.

DEFINITION

SEC. 14. As used in this Act, the term "Federal election" means any general or special election held solely or in part for the purpose of electing any candidate for the office of President, Vice-President or presidential elector.

DISTRICT OF COLUMBIA ENVIRONMENT—DRUG ADDICT ON GRAND JURY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. RARICK. Mr. Speaker, the administration of justice in our Nation's Capital received attention when a U.S. district grand juror considering narcotics cases was arrested on drug charges.

As if the arrest of a grand juror was not revolting enough, we are advised that the same grand juror was already on probation from a previous narcotics conviction.

With convicted narcotics pushers serving on grand juries, where they can compromise the identity of narcotics agents, one gets some indication of the deterioration in the administration of justice in our Nation's Capital.

In most jurisdictions, responsible public officials screen jury lists to make sure that only citizens of good moral conduct are accepted. Likewise, on voir dire examination, prospective jurors are questioned to make certain that convicted criminals and those with criminal records are not selected.

Washington, D.C., may be promoted as a model city to some but its officials are not protecting the interests of the population when they allow this kind of breakdown in public justice.

I include a clipping from the Washington Daily News:

POT JUROR HERE CHARGED IN POT CASE

(By Albert Crenshaw)

A member of a U.S. District grand jury, which had been considering narcotics cases, was arrested today outside U.S. District Court on marijuana charges.

U.S. Atty. Thomas Flannery said James C. White, 24, of 1903 Kenyon-st nw, was already on probation when he and the rest of the jury were empaneled yesterday.

Police said the presence of the man in the jury's hearings may have exposed several police undercover agents who will have to be reassigned as a result.

"The man was in a position to view all our undercover agents," said Fourth District Lt. Robert F. DeMilt, whose men made the arrest. "It is hard to say how many he may have recognized, but we know of at least one policewoman who was working in his neighborhood who appeared before him."

The lieutenant said it was difficult to estimate how much information he might have passed on to others in the drug world, but "he's certainly not going to keep that information to himself."

"We are going to have to do some drastic reshuffling to protect the lives of our agents," Lt. DeMilt said.

Police said they became suspicious of Mr. White because of the thoro knowledge of the "glossary of the drug people" he exhibited during the grand jury hearings, Lt. DeMilt said.

Mr. White was arrested on Aug. 25, 1969, and charged with unlawful entry and violation of the Uniform Narcotic Act (possession). He was put on probation until Jan. 26, 1971 on the narcotics charge.

A spokesman at U.S. District Court said that grand jurors are simply picked off the petit jury rolls for the District and no background checks are made. The spokesman said the petit jury lists are made up from tax rolls and the city directory. He said a person can be convicted of a crime and still serve.

He also said that the jury will continue to sit with 22 members instead of 23. He noted that as long as the jury has 16 members—a quorum—it can continue to sit.

The officers reported their findings to the Fourth Precinct, and during their discussions another officer recognized the name as that of a man who he said had made three purchases of drugs from him in October and November.

Lt. DeMilt said the reason Mr. White had not been arrested at the time was that "we always try to get to the suppliers in these cases."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

GOD IS UNKNOWN AT THIS ADDRESS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. LEGGETT. Mr. Speaker, a recent column by satirist Arthur Hoppe, published December 7, 1970, described a hypothetical divine reaction to a military chaplain's prayer for a high body count of Vietcong.

Mr. Hoppe's humor is as excellent as usual. But there is nothing humorous and, unfortunately, there is nothing hypothetical about Colonel—now Brigadier General—George Patton's request that his chaplain pray for death and destruction. General Patton—son of the World War II hero—is the man who talks about how "I like to see the arms and legs fly." He is the man who sent out Christmas cards featuring a color photograph of a stack of dismembered Vietcong bodies. Least humorous of all, he is a man who, to at least some elements of the Defense Department, is just what the country needs; he has been promoted rapidly through the ranks. Someday he may be Army Chief of Staff, and we may find him sitting at the President's elbow in a nuclear crisis. Think of all the arms and legs he could set flying then.

Mr. Speaker, it is an unpleasant fact that the largest item in our budget is the Defense Department, that the largest item in the Defense budget is the Vietnam war, and that for several years the prime objective of that war was a high body count. We would not like to say "Death is our most important product," but this is the appearance we have presented to the world for too long. Now, thanks to General Abrams, we have deemphasized the body count. We must continue the process; we must negotiate a return of our POW's in exchange for withdrawal, and we must get out.

Only then will we be able to turn our attention, our economy, and our chaplains' prayers to constructive purposes.

I insert in the RECORD at this point the Arthur Hoppe column entitled "The Chaplain Who Hasn't a Prayer."

The column follows:

THE CHAPLAIN WHO HASN'T A PRAYER

(By Arthur Hoppe)

A former Army surgeon said the commanding officer of the 11th Cavalry Regiment in Vietnam, Colonel George S. Patton III, asked a chaplain to pray for a big body count of Viet Cong. The chaplain, testified Dr. Gordon Livingston, then delivered the following prayers: "Oh, Lord, give us the wisdom to find the bastards and the strength to pile on."—News item.

Scene. The Heavenly Real Estate Office. The Landlord is seated at his desk, absorbed in his work, as his aide, Mr. Gabriel enters, a yellow sheet of paper in his hand.

LANDLORD. Hmmm, Galaxy 3472 is still wobbling a bit in its path across the firmament. Now if I were to nudge it a few million light years to the left. . . .

GABRIEL. Excuse me, sir. A Prayergram for you.

LANDLORD. Another? What does Billy Graham want this time?

GABRIEL. No, Sir. It's from a chaplain in Vietnam.

LANDLORD (concerned). Oh, the poor man, trying to serve brotherhood in the midst of all that killing. What does he ask for, Gabriel?

GABRIEL. Wisdom and strength, sir.

LANDLORD. Request granted. No man more needs the wisdom to see what's right and the strength to do it. Ah, it's good to grant a prayer again. It's been a long time. Now, where was I? If I take two parsecs of stardust . . .

GABRIEL. Excuse me, sir. But the request is for—let me read it—"the wisdom to find the —— and the strength to pile on."

LANDLORD. Pile on? Dear me, is that one of those touch-and-feel religious services? I may be a bit old-fashioned but . . .

GABRIEL. No, sir. It's a soldier's term for mass killing, as in pile bodies on bodies.

LANDLORD (shocked). But why would a chaplain want to kill masses of illegitimate children?

GABRIEL. He's using the term "bastards" in the vulgar sense, sir, to express hatred for the intended victims.

LANDLORD (rising to his feet). Vulgarity? Hatred? Blood lust? This, from one of my shepherds? Why, Gabriel? Does he think that if he kills more of his fellow men, the world will be a better place?

GABRIEL. I doubt it, sir. He simply wants to kill those he hates because he fears them. And he fears his fellow man because he has lost faith.

LANDLORD. Yet, to show his faith he sends a prayer. But what a strange concept he has of me, Gabriel, to ask that I spread hatred, promote vulgarity and act as his accomplice in mass murder. By me! The man believes I'm Jack the Ripper.

GABRIEL (angrily). It's the vilest blasphemy of all! Punish him! Afflict him with boils! Rot his teeth! Tear out his . . .

LANDLORD (covering his ears). Gabriel, Gabriel, sometimes I think you're only human.

GABRIEL (crestfallen). I . . . I'm sorry, sir. I guess I got carried away. (All businesslike again.) Do you want to answer this prayer, sir? You haven't answered many lately. I'm afraid they're beginning to lose faith in the effectiveness of their prayers.

LANDLORD (sadly). How can I answer them, Gabriel? How can I? No, stamp it with the usual message.

Gabriel, sighing, takes out a rubber stamp and unhappily inks across the face of the Prayergram:

"Unknown at This Address"

TERROR IN SOUTH VIETNAM—THE PULPING OF A PEOPLE—II

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SCHMITZ. Mr. Speaker, the North Vietnamese Communists and their South Vietnamese terrorist arm continue to operate according to the guidelines set down by Lenin:

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> If we had tried to sway them by words and arguments, if we had tried to sway them by anything but terror, we would not have held out for even two months, we would have been fools. Lenin's Selected Works, Vol. III, p. 66, 1943 edition.

On December 2 this year I inserted in the RECORD the first of a series on Communist terror in South Vietnam. This series consists of the daily roundup of terrorist activities published by the national police of South Vietnam. This is simply a brief description of the terrorist incidents which have been reported in the previous 24 hours. Let me point out that the daily roundup of terrorist activities does not include military casualties but only civilians—men, women, and children—who have been murdered, maimed, or kidnaped by the Communist terrorists.

The mass media tends to be generally mum on the subject of continuous, organized, policy guided, enemy atrocities. Perhaps this is because this type of terror is so commonplace that it is no longer newsworthy. However, it is my opinion that this protracted pulping of the population is one of the essential factors which must guide our view when considering what our actions should be toward the enemy in Southeast Asia and on the subject of communism in general.

The bulletins follow:

Roundup of Terrorist Activities—November 21, 1970

Two 122mm rockets landed in the Citadel, Hue city (Thua Thien Prov.) at 0015 hours Nov. 19th. The rockets struck about 500 meters north-west of the 1st ARVN Division's Headquarters. Five civilians were wounded in the attack and three houses were severely damaged.

Including the above incident, there were 10 enemy terrorist attacks reported in which 3 Vietnamese civilians were killed, 30 wounded and 21 kidnapped. Details follow:

Nov. 18—One civilian was wounded when he stepped on a mine just outside Phu Cuong hamlet, Phu Loc dist., Thua Thien Prov.

Nov. 16—In Kontum Prov., a 7-man enemy squad entered Plei-or hamlet in the Kontum dist., 10 km south west of Kontum city. They extorted food from the residents and, on departure, kidnapped one man.

Nov. 15—One civilian was wounded by small arms fire in Nhon Phu hamlet, Phong Dien dist., Phong Dinh Prov.

Nov. 14—A Vietnamese military vehicle ran over a mine near Mo Cong hamlet, Phuoc Ninh dist., Tay Ninh Prov. The truck was heavily damaged, but the driver escaped injury. A woman, passing by when the mine exploded, was wounded.

Nov. 13—A plastic explosive detonated in the Tan Tien Theater, Dien Khanh dist. town, Khanh Hoa Prov. Eight civilians and eight military were wounded.

One member of the PSDF was assassinated in Lai Thieu hamlet, Phung Hiep village, Phong Dinh Prov.

Two VC, disguised as ARVN soldiers, entered Loc Khe hamlet, Trang Bang dist., Hau Nghia Prov., and assassinated the hamlet chief.

Nov. 12—Also in Hau Nghia, a VC platoon entered Binh Ha hamlet, Cu Chi dist. at 2000 hours. They abducted 20 PSDF, but released them all at 0600 hours the next morning.

Nov. 11—A bus ran over a mine in Huu Thanh village, Tra On dist., Vinh Long Prov. One passenger was killed and three children and 11 adults wounded.

Roundup of Terrorist Activities—November 23, 1970

Ten incidents of terrorism have been reported in which 4 Vietnamese civilians were killed, 6 wounded and 11 kidnapped. Details follow:

Nov. 19—Four 122mm rockets landed near Binh Phung hamlet, Phu Ninh dist., Tay Ninh Prov. Two teenagers were wounded.

One PSDF member was wounded in Cai Ranh hamlet, Kien Thien dist., Chung Kien Prov.

Nov. 18—Two civilians were wounded in a VC attack on Quoi Dien village, Hung My dist., Kien Hoa Prov.

Nov. 17—While collecting money for the flood victims of MAI, the Ngoc An hamlet chief was assassinated by a VC unit in Ngoc Hoa hamlet, Duc Long dist., Chung Kien Prov.

In Tay Ninh Prov., a PSDF dealer was assassinated while working in a rice paddy near Phuc Hai hamlet, Kien Hanh dist.

The Truong Phu hamlet chief was killed in an engagement with an enemy force in Truong Khanh village, Long Phu dist., Ba Xuyen Prov.

Nov. 16—Six PSDF members were abducted in Binh An hamlet, Cu Chi dist., Hau Nghia Prov.

Nov. 15—Ten M-70 grenades were fired into Thanh Hong village, Thien Giao dist., Binh Thuan Prov. One civilian was wounded.

A Hoi Chanh was assassinated in Binh Long hamlet, Duc Hoa dist., Hau Nghia Prov.

Nov. 12—Five PSDF members were captured by the VC when they walked into an enemy ambush in Phu Hai village, Phung Thuan dist., Phung Dinh Prov.

Roundup of Terrorist Activities—November 24, 1970

Eleven acts of terrorism have been reported in which 4 Vietnamese civilians were killed, 13 wounded and 7 kidnapped. Details follow:

Nov. 22—One civilian was wounded when seven mortar rounds landed in Ba Vat hamlet, Don Nhon dist.. Kien Hoa Prov.

Ben Tre city, the capital of Kien Hoa, received four 82mm rounds, wounding two civilians.

One civilian was wounded when three 60mm mortar rounds hit in the Dai Loc dist., Quang Nam Prov.

Nov. 21—Two national policemen were wounded in the defense of Phu Tri hamlet, Phong Thuan dist., Phong Dinh Prov.

Nov. 20—The enemy fired on a motor sampan going to market in Dinh Thuy village Mo Cay dist., Kien Hoa Prov. Two civilians aboard the sampan were killed.

A three-wheeled bus carrying 14 passengers hit a mine while traveling through Hoai Duc dist. of Binh Tuy Prov. Five civilians were wounded. Two more mines were discovered in the immediate vicinity and were destroyed in place.

A policeman was wounded when he stepped on a mine while patrolling in Phong Dien dist., Thua Thien Prov.

In Phuoc Long Prov., terrorists kidnapped a truck driver and also took his vehicle. The enemy has demanded 500 liters of rice in return for the release of the victim.

Nov. 18—One child was killed and another wounded in a terrorist attack in Can Duoc dist., Long An Prov.

An NVA company and an unknown number of VC entered Phu Van hamlet, Hoai An dist., Binh Dinh Prov. They extorted rice and money from the residents and took a number of ARVN uniforms. Upon leaving, they assassinated one male resident, kidnapped five children and took medicine and documents from the village headquarters building.

Nov. 15—One youth was kidnapped from Binh Lam hamlet, Thien Giao dist., Binh Thuan Prov.

Roundup of Terrorist Activities—November 25, 1970

Eleven terrorist incidents have been reported in which 14 Vietnamese civilians were killed, 6 wounded and 1 abducted. Details follow:

Nov. 25—One woman was wounded by an explosion near the 2nd Precinct Saigon Information Office at 0540 AM.

Nov. 23—A VC squad abducted one man from Long Ho Thuong hamlet. Huong Tra dist. in Thua Thien Prov.

Nov. 21—In Binh Dinh Prov. terrorists abducted and later assassinated a farmer who was seized while working in a rice field in An Loi hamlet, An Nhon dist.

A pregnant women and a child were killed by a terrorist near Rung Dau hamlet, Hieu Thien dist., Tay Ninh Prov.

A PSDF inter-team leader in Phuoc Lai village, Can Giuoc dist., Long An Prov. outwitted an enemy group sent to assassinate him and captured an NVA with his pistol and an M.26 grenade. The PSDF leader was slightly wounded.

Nov. 20—One man was wounded in Bau Vung hamlet, Hieu Thien dist., Tay Ninh Prov. when terrorists fired on a motorbike.

Nov. 19—In Kien Phong Prov. a woman and a child were killed and two children were wounded when enemy units fired fifteen 82mm motar rounds into Binh Han Chung village, Kien Van dist.

Five persons were assassinated by a VC unit that entered Thuan My village, Binh Phuoc dist., Long An Prov. The victims included the village clerk, a PSDF, two other civilians and an ARVN soldier home on pass.

Nov. 18—One child was killed and another wounded by a terrorist set explosive in Xom Xoai hamlet, Ben Cat dist., Binh Duong Prov.

The 8th Precinct Saigon Chieu Hoi Service Chief, and two other civilians were killed in a VC ambush near Binh Tri hamlet, Binh Phuoc dist., Long An Prov.

Nov. 13—A 14 year old boy was killed by terrorists in Xom Xoai hamlet, Ben Cat dist.. Binh Duong Prov.

Roundup of Terrorist Activities—November 26, 1970

Ten terrorist incidents have been reported in which four Vietnamese civilians were killed, nine wounded and 12 kidnapped. Details follow:

Nov. 23—One squad of VC entered Cho Hamlet, Ben Luc dist., Long An Prov. The enemy checked the homes of 25 disabled veterans before taking two of the veterans outside their homes and assassinating them.

Six civilians were wounded when terrorists exploded a bomb in Thu Bon hamlet, Duc Duc dist., Quang Nam Prov.

An enemy platoon, dressed in ARVN uniforms, wounded the driver of a three-wheeled bus when they stopped the vehicle on Highway 1 near Dai Thuan hamlet. Phu My dist., Binh Dinh Prov. The enemy unit kidnapped one passenger.

Nov. 22—Two civilians were wounded when a VC platoon skirmished with local defense forces in Bau Vung hamlet. Hieu Thien dist., Tay Ninh Prov.

Nov. 21—A VC unit infiltrated Hoa Thanh hamlet, Thien Giao dist., Binh Thuan Prov. They kidnapped two civilians, extorted 60 kilos of rice and left a number of handbills.

In Phu Yen Prov., a VC squad entered Ngoc Phong hamlet, Tuy Hoa dist., damaged the hamlet Administration building and kidnapped four children.

Nov. 20—Four women members of the PSDF were kidnapped from Ben Cui hamlet, Ben Cat dist., Binh Duong Prov.

One man was assassinated in Thanh Lien hamlet, An Nhon dist., Binh Dinh Prov.

Nov. 18—A PSDF group leader was kidnapped from Phuoc Thuan hamlet, Khien Hanh dist., Tay Ninh Prov.

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Nov. 17—A child was killed when he stepped on an enemy booby-trap in Bao Dieu hamlet, Cu Chi dist., Hau Nghia Prov.

Roundup of Terrorist Activities—November 27, 1970

Eleven incidents of terrorism have been reported in which four Vietnamese civilians were killed, six wounded and nine kidnapped. Details follow:

Nov. 25—A terrorist squad entered Phuoc Hung hamlet, Phu Loi dist., Thua Thien Prov. and kidnapped an 39-year-old woman. Her husband has been reported kidnapped during the 1968 Tet offensive.

In Kien Hoa Prov., a terrorist threw a grenade at a police position. One civilian was wounded.

Nov. 24—The local RD team leader was wounded when he stepped on a booby trap near Trung Tay hamlet, Hoa Vang dist., Quang Nam Prov.

Nov. 20—One man was assassinated in An Dinh hamlet, Duc Hue dist., Hau Nghia Prov.

Also in Hau Nghia, a woman was assassinated in Dinh Thuy hamlet, Duc Hoa dist.

Two civilians were wounded when a logging truck hit a mine in Trang Bom village, Duc Tu dist., Bien Hoa Prov.

Nov. 19—In Lam Dong Prov., terrorists kidnapped the R'r'Hang Ung deputy hamlet chief.

Also in Lam Dong, a woman was kidnapped from Lam Loc hamlet.

In Pleiku Prov., a VC company conducted a raid on Plei Tong Dau hamlet.

They wounded one civilian and kidnapped five, including the hamlet chief.

Nov. 17—One civilian was kidnapped from Phu Hoa hamlet, An Phu dist., Chau Doc Prov.

In an attack on My Dien hamlet, Gia Rai dist., Bac Lieu Prov., the enemy killed one child and one member of the local PSDF. One woman was wounded.

Roundup of Terrorist Activities—November 28, 1970

Nine incidents of terrorism have been reported in which 2 Vietnamese civilians were killed, 19 wounded and 7 kidnapped. Details follow:

Nov. 25—Five PSDF were wounded in a terrorist attack on Phuoc Thanh hamlet, Phuoc Long dist., Bac Lieu Prov. The hamlet chief and his deputy were wounded.

Six civilians were wounded by an enemy mine which exploded in Giao Thanh village, Thanh Phu dist., Kien Hoa Prov.

Also in Kien Hoa, one civilian was wounded when enemy mortar rounds damaged a public office building in Tan Loi hamlet, Ham Long dist.

An enemy unit, attempting to enter Loc Tu village, Phu Loc dist., Thua Thien Prov., engaged the local PSDF and RD cadre. One PSDF member and one civilian were killed and two others wounded.

Terrorists kidnapped a 16-year-old boy from Loc Hai village, Phu Loc dist., Thua Thien Prov.

A 4-man VC team entered Truc Lam hamlet, Huong Tra dist., Thua Thien Prov. and attempted to assassinate a 40-year-old woman. The victim was wounded and another woman was kidnapped when the enemy were forced out of the hamlet.

Nov. 24—Also in Thua Thien, one civilian was kidnapped from Loc Thuy village, Phu Loc dist.

Nov. 22—Four boys, all aged 14, were kidnapped from Hoa Quang village, Tuy Hoa dist., Phu Yen Prov.

Nov. 21—Terrorists threw an M-26 grenade at a PSDF unit in Son Hoa hamlet, Tinh Bien dist., Chau Doc Prov. The explosion wounded two PSDF.

Roundup of Terrorist Activities—December 1, 1970

Nineteen incidents of terrorism have been reported in which 11 Vietnamese civilians were killed, 34 wounded and 9 kidnapped. Details follow:

Nov. 28—Five policemen were wounded when one of them stepped on a mine near Phu Ninh hamlet, Ham Long dist., Kien Hoa Prov.

A grenade was thrown into a PSDF training class in Danang City's Third District injured an instructor and a PSDF trainee.

Nov. 27—One man was kidnapped from Con Phong hamlet, Que Son dist., Quang Nam Prov.

Nov. 26—The halmet chief and the deputy hamlet chief were killed and five PSDF members wounded in a terrorist attack on Vinh My hamlet, Phuoc Long dist., Bac Lieu Prov.

The enemy fired twenty 82mm mortar rounds into Phuoc Long dist. town, Bac Lieu Prov. One woman and two policemen were wounded.

In Dinh Tuong Prov., two mortar rounds landed in My Tho city, killing one child and wounding three adults.

One woman PSDF member was kidnapped from Phong Hoa hamlet, Dien Ban dist., Quang Nam Prov.

Also in Quang Nam, another civilian was kidnapped from Con Phong hamlet, Que Son dist.

Two B-40 rockets wounded a Hoi Chanh in Vi Nghia hamlet, Duc Long dist., Chuong Thien Prov.

One woman was wounded by a grenade thrown into a house in Ninh Thanh hamlet, Kien Thien dist., Chuong Thien Prov.

Also in Chuong Thien, an enemy unit of approximately 200 men attacked Ta Soul hamlet, Kien Thien dist. Six civilians were killed and seven wounded.

Nov. 25—The hamlet chief and three PSDF were wounded in a terrorist attack on Binh Ta hamlet, Bac Hoa dist., Hau Nghia Prov.

Terrorists entered Tho Loc hamlet, An Nhon dist., Binh Dinh Prov. and assassinated an inter-family chief.

Six terrorists entered Binh Cong hamlet, Binh Phuoc dist., Long An Prov. and assassinated a PSDF team leader.

Nov. 24—A child stepped on a booby trap wounding himself and a PSDF member standing near-by. The incident occurred in Ngan Son hamlet, Tuy An dist., Phu Yen Prov.

Also in Phu Yen, four civilians were kidnapped from Phu Hoi hamlet, Tuy An dist.

One young boy was kidnapped from a field in Binh My Thuan village, Thien Giao dist., Binh Thuan Prov.

Also in Binh Thuan, a young girl was kidnapped from An Thuan hamlet, Thien Giao dist.

Nov. 17—One civilian was wounded when he stepped on an enemy booby trap near An Phu hamlet, Trang Bang dist., Hau Nghia Prov.

Roundup of Terrorist Activities—December 2, 1970

Two Vietnamese civilians were killed, five wounded and six kidnapped in nine terrorist incidents reported. Details follow:

Nov. 29—Two civilians were kidnapped from Tan Rai hamlet in Lam Dong Prov.

Nov. 28—Six VC entered Thanh Ha village, Ben Luc dist., Long An Prov. and kidnapped three members of the PSDF.

The hamlet chief of Gia Luong hamlet, Phu Loc dist., Thua Thien Prov. was wounded by enemy sniper fire. His son, who was walking with him, was also wounded.

Nov. 25—One PSDF was wounded when he stepped on a mine near Khuong Tho hamlet, Ly Tin dist., Quang Tin Prov.

Another enemy mine killed a civilian on his way to a ricefield near Khuong Binh hamlet, also in Quang Tin's Ly Tin dist.

In a third Quang Tin incident, one PSDF was killed in a VC attack on Khanh Tho hamlet, Tam Ky dist.

Nov. 24—The enemy exploded a mine in Hoa Long village, Hoa Vang dist., Quang Nam Prov. The PSDF leader was wounded.

Nov. 23—One man was kidnapped from Binh Thanh village, Hieu Thien dist., Tay Ninh Prov.

Nov. 15—The enemy fired an M79 round into Phuoc Hoa hamlet, Phu Giao dist., Binh Duong Prov. One man was wounded.

POVERTY—A TRAGEDY FOR OLDER AMERICANS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. GIAIMO. Mr. Speaker, earlier this week, I pledged my full support to a proposal to create a House Select Committee on Aging. For the benefit of any of my colleagues who fail to see the urgent need for such a committee, I would like to quote from a statement made on December 4, 1970, by John B. Martin, Director of the 1971 White House Conference on Aging:

> Our older people are falling steadily behind other age groups in their income position. *Lack of income has become the Number One problem for a substantial number of the 20 million Americans who are age 65 or older.*
>
> There have been some improvements in the overall economic position of the older population through increased Social Security payments and from Medicare and Medicaid. Nevertheless, *the income status of millions of older people is intolerable.*
>
> In 1969 the median income of older families was less than 48 percent of the median income of younger families. Older people living alone or with non-relatives had a median income only 43 percent of that for younger people. When older people retire there is a drop in income from one-half to two-thirds despite Social Security benefits or other income sources. *Many are plunged from a modest standard of living to the poverty level. They are becoming the new poor of America. . . .*
>
> Some of the basic facts are these:
>
> Almost nine out of ten older people now receive Social Security benefits. Of these, one quarter of the married couple beneficiaries and one half of the non-married beneficiaries had other income of less than $40 per month per person. Average Social Security benefits are $117 a month for retired workers.
>
> One quarter of all older people live in households whose income falls below the poverty level. In the 10-year period for which poverty data is available, the number of poor has declined. But it has declined much faster for those under age 65 than it has for the 65-and-older group. The aged poor now represent 20 percent of the total poor as compared with only 15 percent in 1959.
>
> Despite the decline in the number of aged poor over the years, the actual total increased from 4.6 million to 4.8 million between 1968 and 1969.
>
> Seventeen percent of the families headed by older persons and 47 percent of the older people living alone or with non-relatives are living below the poverty level for their types of households. Among black older Americans, 42 percent of the families headed by older persons and 75 percent of the individuals living alone or with non-relatives are living in poverty.

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It should be noted that even the level of living set by the Bureau of Labor Statistics in its retired couples budget is well below the means of most older people. The average Social Security budget for a couple retired in 1950 met one-half the BLS budget cost at that time. Today it meets less than one-third of that cost.

Inflation hits older people the hardest because their incomes rise slowly and because the greatest price increases have taken place in such necessities as home maintenance, insurance, taxes, medical care and transportation.

More Americans are spending more years in retirement than ever before. This puts a greater strain on their available resources. The most seriously affected are older widows or unmarried women who form the largest single element in the older population.

About two million older people are receiving Old Age Assistance, but for many the amount they receive is below the poverty level, averaging as low as $50.40 last June in two States.

Private pension systems and coverage have been growing, but the rate of growth has dropped off in recent years. Vesting, portable pensions, coverage and survivor benefits (mainly for widows) constitute serious unresolved problems. Pension income provides about five percent of the total income of the older population.

Individual savings toward retirement are impossible for most people because of low earnings, necessary expenditures and taxes.

The principal assets of older people are in home ownership and other non-liquid assets that cannot be used for daily expenses.

Eighty-three percent of all older people are not in the labor force and probably fewer than 500,000 could return to regular, gainful employment. Based on current trends low income in old age does not appear to be a problem that will solve itself. Unless action is taken, the problem will not go away . . ."

These are the facts, Mr. Speaker. Who can deny that they are tragic and disgraceful? Who can deny that the elderly American is not getting his fair share of this Nation's prosperity? Who can deny the need for immediate action to provide the elderly American with the comfort and security he so richly deserves?

I urge, Mr. Speaker, that all standing committees of this House with the proper jurisdiction turn their attention to this critical problem. I urge further that legislation to create a Select Committee on Aging be passed as quickly as possible when the 92d Congress convenes next month.

The elderly American cannot afford to wait. He needs our help now. I will do all I can to see that he gets it.

CAPITOL HILL EMERGENCY BLOOD DRIVE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. HOSMER. Mr. Speaker, I rise to call attention to a critical situation.

During the past 22 years, the American Red Cross has performed an outstanding humanitarian service by collecting and storing whole human blood for medical purposes. Once collected, Red Cross blood is used to save the lives of those injured in accidents, American soldiers wounded in battle, citizens needing whole blood during surgery and children suffering from leukemia and other blood diseases. Any of my colleagues who have ever needed blood for themselves or for their families know that there is no substitute for human blood and no substitute for this valuable public service which the Red Cross performs without charge.

For the past two decades, the generosity and kindness of Americans has been overwhelming. Hundreds of thousands of our fellow citizens have given their blood on a regular basis. Untold thousands of lives have been saved because of their willingness to donate.

Today, the Red Cross faces a critical and a unique situation. The need for blood continues to rise; new surgical techniques—such as open heart surgery—as well as new methods of blood processing and use have created enormous demands for blood. All of us welcome these new blood-use methods because they mean that more lives can be saved. Additionally, the rash of highway accidents during the Christmas holidays demands that large stores of blood be kept available for treating injured motorists.

However, the level of public blood donations has not kept pace with the growth in needs for blood. Hospitals and research organizations now must pay anywhere from $15 to $50 per pint of blood. Many commercial donors are found unreliable and the dependence upon transients—whose medical histories cannot be investigated—has resulted in regional outbreak of hepatitis.

The Red Cross must depend upon the good will and generosity of donors who give out of a desire to help their fellow men. The Red Cross cannot afford to pay donors for their blood. For these reasons, we now face a serious and a critical shortage of blood. Regular donors find it especially difficult to take time to give their blood during the busy holiday season.

In response to this situation, a group of congressional staffers is organizing the "Capitol Hill Emergency Blood Drive." They are asking all eligible Capitol Hill workers to donate a pint of blood over the holidays. On Tuesday, December 22, they will bring buses to Capitol Hill to transport donors to the Red Cross donation center.

I urge my colleagues to support this worthwhile effort themselves and to urge their staffs to do so, too. I hope that many from the Hill will take time to donate a pint of blood here in Washington or at home, in their communities. I am sure that all offices will look benevolently on the time off for 1 to 2 hours it may take to go down to the Red Cross and donate a pint of blood.

In a recent syndicated writing, columnist Sylvia Porter states the need for programs such as the "Capitol Hill Emergency Blood Drive" as follows:

Blood Bank Program Facing 22-Year Low

(By Sylvia Porter)

One of the worst shortages of blood since the Red Cross Blood Program began 12 years ago will threaten us this Christmas—unless you, an employer, employe or just plain concerned citizen, take the steps in the days immediately ahead to avert it. Volunteer blood donations always plunge to a very low level at Christmas. While donations decline during most other holiday periods too, the downtrend is acute at Christmas because you're so busy with activities outside your normal routine and you simply prefer not to schedule yourself to donate blood.

The supply of blood from volunteers is already running about 20 per cent below demand—a chronic deficit mounting to more than 1,000,000 pints a year—and it's growing steadily. If the usual trend develops this Christmas, the deficit might soar to 40 per cent. Says Dr. T. J. Greenwalt, national medical director of the American Red Cross Blood Program: "We have not yet found ways to freeze blood at reasonable cost so we can store it for future use. This drastic shortage, therefore, could have disastrous results."

Among those results surely would be: postponement of all but the most urgent surgery at a time when the accident rate skyrockets; sharply increased reliance on blood bought from donors at prices ranging from $4 to $25 a pint. Studies show that the overwhelming incidence of hepatitis traced to transfused blood involves blood sold by donors.

The areas for improvement are obvious. Less than 3 per cent of all eligible donors contribute our total volunteer supply; less than 20 per cent of all donors are "new" each year; donations are rising at a sluggish 2 per cent annual rate despite a nationwide network of collections via 1,680 local Red Cross chapters and 1,200 institutional blood banks belonging to the American Assn. of Blood Banks; industrial plants and businesses furnish only 27 per cent of all whole blood, a percentage which should properly be doubled.

To combat the shortage, the American Red Cross is preparing an intensive program of collections and publicity. "We will redouble our cooperative efforts with all blood groups in the community," George Elsey, newly-elected president of the ARC, told me. "It is essential that we prevent a dangerous emergency."

Meanwhile, as an employer, this is what you can do:

Call a meeting at once of your employe groups responsible for blood donations to make sure your recruiting program is at its peak efficiency during these next few weeks.

Get from your local Red Cross chapter or the community Blood Bank a supply of their excellent promotion materials on the blood program and make them available to your employes.

Arrange with the local Red Cross chapter or Blood Bank to have the bloodmobile come to you at the time your employes prefer.

Ask your employe group to make themselves into an "emergency donor" unit to be ready on short notice to meet unusual blood needs during the Christmas period.

Give those donating blood extra time off—on top of the customary one-half day.

Give your Christmas party after the bloodmobile has gone.

As an employe or just a citizen, this is what you can do:

Vow to make a Christmas gift of your blood and get a friend (between ages 18 and 66) to go with you to contribute too.

Encourage the college students home for the holidays in your neighborhood to visit the bloodmobile and provide blood coverage for their parents and younger sisters and brothers for a year.

Check the last time you donated and, if you're eligible, donate now.

While you're at it, join a blood donor group, build a blood "bank account" for

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your own—or a dear one's—use whenever needed. You could save yourself thousands of dollars in a future emergency.

And just don't ever forget: No amount of dollars can ever fill a blood bank.

Further details about the "Capitol Hill Emergency Blood Drive" will be provided by staff volunteers David Luken and Gary Donnelly of my office at extension 6987.

PRESIDENT ALFREDO STROESSNER GIVES PARAGUAY GREAT LEADERSHIP

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. COLLINS of Texas. Mr. Speaker, Paraguay has made tremendous progress under its capable President Alfredo Stroessner. I visited with President Stroessner while I was in Asuncion, Paraguay, this week.

We have all heard so much regarding the living legend of General Stroessner. And I found that even more should be said.

Since 1954, he has provided the guiding leadership that has built stability for Paraguay. We arrived at the airport around 9 in the evening. As we drove in through the suburbs, I noticed everyone walking on the streets with complete ease. We saw eight teenage girls walking in a group and I asked if there were any danger. And the answer was definite: Women and children are completely safe, night and day, because of the positive direction of President Stroessner.

In the entire country there are less than 20,000 men in the army, navy, air force, and the police. But these men are dedicated to maintaining peace and protecting their neighbors. In the United States, we could learn from the example of Paraguay where law and order is respected. The people in Paraguay are all happy, relaxed, and walk the streets with confidence.

I asked U.S. Ambassador Raymond Ylitalo about the successful leadership that President Stroessner had given Paraguay since 1954. Ylitalo is impressed with the President's ability. Stroessner knows the job of every Minister of his Cabinet, and could take any desk and do a superior job. Ylitalo told me the President stays in close contact with every Government activity. To top it all, General Stroessner is a very hard worker, starting in each morning at 4:30 in his office.

While I was in Paraguay he was busy traveling around the country to all the graduations to hand out the diplomas. He likes people and is proud of his young, clean-cut high school graduates.

And Alfredo Stroessner is a religious man. The day I left Paraguay he was attending a 4:30 breakfast and then joining the 100,000 pilgrims who walked to Caacupe to celebrate mass honoring the Virgin Mary.

Paraguay has stable foreign affairs under the direction of the Ministry of Dr. Sapena-Pastor. While inflation has run rampant in most South American countries, Paraguay has kept level with the American dollar for the past 12 years. When I asked Dr. Sapena-Pastor how they held the line, he put his hand on his belt and tightened it up, because the President believes in a balanced budget.

When I had a conference with President Stroessner I was impressed. He is alert and a very intelligent man. He runs his office on schedule and he is always on time. And I might add that this driving dynamo keeps everyone around him very much on time.

Stroessner is a warm, friendly man. Saturday afternoon he went fishing and caught a 40-pound dorado. He had his driver bring it by to give it to Ambassador Ylitalo just like neighbors do in the States. If you have never tasted dorado, I want to tell you to try it, as it is the most delicious fish you ever tasted.

Wherever I went in Paraguay, everyone spoke highly of President Stroessner. The man on the street, the government official, the soldier, the housewife—to all of them Alfredo Stroessner is "The Excellency" and he is respected by all.

Many South American countries have rich minerals. Venezuela has oil; Chile has copper; Bolivia has tin; and Peru has gold. But Paraguay with no minerals, has the greatest asset of all—it has warm, friendly people.

And up beyond the Equator, the people of the United States respect and admire Alfredo Stroessner and the patriotic country of Paraguay. When we look for friends at the U.N., Paraguay always stands beside us. When there was turmoil in the Dominican Republic, Paraguay quickly rushed a volunteer battalion. And as the President remarked:

> We had no AWOL's—when the plane loaded up we found two men extra, but I gave them permission to also go.

We live in a mixed-up world today. Sometimes we wonder who are our real friends. There is one thing of which the United States is always certain. The people of Paraguay are always our friends. Alfredo Stroessner is a man you can depend on. When the chips are down, when the tough decisions must be made—and we need to know who the United States can count on—we turn to Alfredo Stroessner and the great country of Paraguay—our true friends.

HARRIMAN ADDS SMUDGE TO ALREADY POOR RECORD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. DERWINSKI. Mr. Speaker, a frank and penetrating commentary on the diplomatic record compiled by Ambassador W. Averell Harriman was contained in an article by the international correspondent of the Copley Press, Dumitru Danielopol, in the November 26, San Diego, Calif., Union. Mr. Danielopol, a former Rumanian diplomat, is well equipped by virtue of his training and experience to analyze the Harriman record. The subject matter is quite timely in its reference to Southeast Asia, and I insert the article into the RECORD at this point:

HARRIMAN ADDS SMUDGE TO ALREADY POOR RECORD

(By Dumitru Danielopol)

The time: summer 1962.

The place: Tokyo, Japan, a briefing room at the U.S. Embassy.

The treaty for the "neutralization" of Laos had just been signed despite vehement opposition from Laotian Prime Minister Gen. Phoumi Nosavan, who wanted to continue fighting the Reds. They would not respect the treaty and withdraw their troops, he argued.

But the U.S. chief negotiator, Ambassador W. Averell Harriman, had stood firm. He pushed the treaty through.

"The pipsqueak (Nosavan) wants to tell the President of the United States what is best for Laos," Harriman told U.S. reporters.

Nosavan proved to be right, however. The country was never neutralized.

It has remained a battleground and a route for North Vietnam troops into South Vietnam. Nosavan lives in exile in Thailand.

The story is so familiar.

Harriman did the same thing in Romania in 1946. He offered U.S. Government guarantees for "free and unfettered" elections to persuade a reluctant King Michael and the three heads of the democratic parties, Iuliu Maniu, Dinu Britianu and Titel Petrescu, to recognize a Soviet-imposed Communist front government under Petru Groza.

Harriman knew at the time that the Reds would not stick to the promise of free elections and that they would ultimately take over. But he insisted.

King Michael is now in exile in Switzerland. The three Romanian leaders died in Communist jails.

Now the same Harriman is at it again. He is trying to undermine the South Vietnam government.

In an article in Look Magazine entitled "Vietnamization Is Immoral," the veteran ambassador accuses the Thieu government of refusing to agree to a coalition government with the Reds, of sabotaging the peace talks in Paris, of leading an unpopular and repressive regime, etc.

The ambassador is bitter toward Thieu for refusing to rush to Paris in October 1968, when President Johnson halted the bombings a few days before elections that brought Richard Nixon to the White House.

"Some believe," Harriman says, "that if we had started actual negotiations during the week before election day, it might well have a small, but vital, difference in the elections."

Obviously, Harriman, a life-long Democrat, believes it would have been enough to elect Hubert Humphrey.

He goes on to accuse President Nguyen Thieu of "scuttling" the negotiations. "If Humphrey had been elected," he says, "we would have been well out of Vietnam by now."

Harriman does not explain why President Johnson did not make his move sooner and the suspicion is deep that it was more of a political tactic to save Humphrey than a diplomatic move to secure peace.

Only two weeks earlier Sen. Everett Dirksen, Republican of Illinois, had warned about a "gimmick" such as an election-eve bombing halt.

Why has there been no sign since 1968 that the Reds were ready to negotiate? Harriman says, "the chair was broken." That's not good enough. Ambassador Philip Habib, who has been in Paris since the talks began, says flatly that Hanoi has never made the slightest move toward compromise.

Harriman followed his article with an unpardonable insult to President Nixon. He appeared at the Soviet Embassy in Washington for the 53rd anniversary of the October Revolution and in the presence of Soviet diplomats publicly criticized an official U.S. boycott of the celebrations.

The boycott was called to emphasize U.S. indignation over Russia's treatment of three Americans, two generals and a major, who were being held in violation of the Consular Treaty.

Harriman is venerated by many as an elder statesman and an oracle. I prefer to judge him by his record. It is not impressive.

PROPOSED CHANGE IN TRUTH IN LENDING REGULATION ON AGRICULTURAL CREDIT TRANSACTIONS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mrs. SULLIVAN. Mr. Speaker, many of the Members, I am sure, will be interested in knowing that the Federal Reserve is contemplating a change in its truth in lending regulation dealing with agricultural credit transactions, specifically, the requirement under regulation Z that when a farmer's residence is made part of the collateral for credit, there has to be a 3-day waiting period before a credit transaction can be completed, during which time the debt can be canceled.

The 3-day right of rescission period on credit transactions involving a security interest in one's home is one of the cardinal protections accorded homeowners under the Truth in Lending Act, and is intended to eliminate one of the worst pretruth in lending abuses in the consumer credit field, particularly in home improvement sales. Homeowners were frequently persuaded to sign contract forms without realizing that they were, in effect, giving the seller or lender a mortgage on the residence. If the work contracted for were not done properly, or not done at all, the homeowner's subsequent refusal to pay the contract amount often led to foreclosure and loss of the home.

The hearings of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency in 1967 on the legislation which later became the Consumer Credit Protection Act of 1968 contained many references to this kind of credit abuse. Hence, we were delighted to accept a floor amendment to the truth in lending title, proposed by the present Governor of New Jersey, the Honorable William T. Cahill, providing for a 3-day cooling-off period for credit transactions involving a security interest in the debtor's residence. This amendment was modified somewhat in conference but was enacted in a form generally faithful to the Cahill proposal.

MANY AGRICULTURAL CREDIT TRANSACTIONS AFFECTED

As interpreted by the Board of Governors of the Federal Reserve System in regulation Z, the rescission clause applied not only in instances where a second mortgage on the residence was utilized as part of a credit transaction, but also where State law permits the filing of mechanic's or materialmen's liens which could lead directly to foreclosure of the residence.

Since agricultural credit is covered under Truth in Lending, many ordinary transactions between farmers and their suppliers or bankers or other creditors have been covered by the rescission clause unless the creditor waives any rights he might have under State law to take action leading to foreclosure of the farmer's property, including his residence, for failure to pay the debt. As a result, many of these routine transactions have required a 3-day waiting period between contracting for a sale or loan and its consummation, unless, of course, a bona fide emergency situation required immediate delivery of the goods, or performance of the work, in which case the farmer could waive his rescission rights.

PROPOSED CHANGE IN REGULATION Z

The Board of Governors now proposes to eliminate the 3-day waiting period on extensions of credit "primarily for agricultural purposes." Because of the many inquiries my subcommittee has received from time to time from Members of the House on the operation of the agricultural aspects of Truth in Lending Act, I am submitting for inclusion in the CONGRESSIONAL RECORD at this point the announcement of the Federal Reserve on this proposed amendment in the regulation. Comments are being invited by the Board until January 18, 1971.

The material referred to is as follows:

FEDERAL RESERVE PRESS RELEASE

DECEMBER 10, 1970.

The Board of Governors of the Federal Reserve System today issued for comment a proposed amendment to its Truth in Lending Regulation Z relating to the extension of credit for agricultural purposes involving the right of rescission. Comments should be received by the Board no later than January 18, 1971.

The proposed amendment would permit farmers to obtain funds, goods or services in agricultural credit transactions without waiting for the expiration of the three-day rescission period when their residence is part of the collateral for credit.

A copy of the proposal is attached.

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

Truth in lending

Delay of performance in agricultural credit transactions subject to the right of rescission

Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601), the Board of Governors is considering amending § 226.9(c) of Part 226 to read as follows:

(c) *Delay of Performance.* Except as provided in paragraph (e) of this section, the creditor in any transaction subject to this section, other than an extension of credit primarily for agricultural purposes, shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:

(1) Disburse any money other than in escrow;

(2) Make any physical changes in the property of the customer;

(3) Perform any work or service for the customer; or

(4) Make any deliveries to the residence of the customer if the creditor has retained or will acquire a security interest other than one arising by operation of law.

The amendment consists of the insertion of the words "other than an extension of credit primarily for agricultural purposes." The purpose of the amendment is to permit farmers to obtain money, goods, or services in agricultural credit transactions involving the right of rescission without being obliged to wait until the expiration of the rescission period.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 18, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, December 10, 1970.

(signed) KENNETH A. KENYON,
Deputy Secretary.

INTERGOVERNMENTAL COOPERATION ACT OF 1970

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. FOUNTAIN. Mr. Speaker, I want to inform the House that last Monday the Intergovernmental Relations Subcommittee voted to report out a clean bill incorporating the susbtance of H.R. 7366, Intergovernmental Cooperation Act of 1969; H.R. 10954, Grant Consolidation Act of 1969, and H.R. 17112, Program Information Act. I introduced the clean bill (H.R. 19933) on Wednesday with the cosponsorship of the gentlewoman from New Jersey (Mrs. DWYER), the gentleman from Ohio (Mr. BROWN), and the gentleman from Michigan (Mr. VANDER JAGT)—all members of the subcommittee.

During the past year and a half the subcommittee has carefully studied this legislation and coordinated and conferred with appropriate officials of the executive branch concerning its provisions, especially those dealing with grant consolidation. I am, therefore, satisfied that the clean bill represents a sound and feasible vehicle for achieving the objectives of the three bills which the subcommittee considered.

The President and his administration are especially interested in the grant consolidation provisions of this legislative proposal.

While the subcommittee did not view enactment of H.R. 19933 as a practical possibility so late in the session, the measure was approved by the subcommittee and voted out during these closing days so that Members will have an opportunity to study the clean bill prior to its introduced at the beginning of the 92d Congress.

We would be most pleased to have the present sponsors of H.R. 7366; H.R. 10954, and H.R. 17112, as well as all our col-

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leagues, join us next year in cosponsoring this valuable legislation for the improvement of intergovernmental relations in the United States, including the more efficient and effective administration of Federal grant-in-aid programs.

Mr. Speaker, I include the text of the clean bill, H.R. 19933, at this point in the RECORD for the information of the Members:

H.R. 19933

A bill to improve the financial management of Federal assistance programs, to facilitate the consolidation of such programs, to strengthen further congressional review of Federal grants-in-aid, to provide a catalog of Federal assistance programs, and to extend and amend the law relating to intergovernmental cooperation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1970".

TITLE I—DEFINITIONS

SEC. 101. The definition of "Federal assistance", "Federal financial assistance", "Federal assistance programs", or "federally assisted programs", in title I of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; Public Law 90-577) is amended to read:

"(7) The term 'Federal assistance,' 'Federal financial assistance', 'Federal assistance programs', or 'federally assisted programs', means any assistance provided by a Federal agency in the form of grants, loans, loan guarantees, contracts (except contracts for the procurement of goods and services for the Federal Government), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2501a and 47-2501b)."

SEC. 102. Title I of the Intergovernmental Cooperation Act of 1968 is further amended by adding the following definition at the end thereof:

"(8) The term 'functional area' means any general category of activity having a common objective, such as education, health, housing, manpower, or transportation."

TITLE II—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

SEC. 201. Such Act is further amended by adding at the end thereof a new title as follows:

"TITLE VII—ACCOUNTING, AUDITING, AND REPORTING OF FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title to encourage simplification and standardization of financial reporting requirements of Federal assistance programs, to promote among Federal agencies administering such programs accounting and auditing policies that rely on State and local financial management control systems meeting certain criteria, and to authorize the issuance of standards for the audit of Federal assistance programs.

"MORE UNIFORM FINANCIAL REPORTING

"SEC. 702. The President shall, to the extent feasible, promulgate rules and regulations simplifying and making more uniform the financial reporting required of recipients under Federal assistance programs.

"FEDERAL AGENCIES' RELIANCE ON THE FINANCIAL MANAGEMENT CONTROL SYSTEMS OF STATES AND THEIR POLITICAL SUBDIVISIONS

"SEC. 703. (a) Federal agencies administering Federal assistance programs shall adopt accounting and auditing policies that, to the maximum extent feasible, rely on evaluation of accounting and auditing of such programs performed by or for States and local governments without performing a duplicate audit unless deemed necessary.

"(b) Pursuant to rules and regulations promulgated under section 702 hereof and the standards issued under section 704(a) hereof, heads of such agencies, or such agency as is designated by the President in subsection (h) of this section, shall determine the adequacy of the financial management control systems employed by recipient jurisdictions, including but not restricted to a determination of (i) whether reports are prepared in accordance with applicable requirements and are supported by accounting and other records; (ii) whether audits are carried out with adequate coverage in accordance with the auditing standards issued; and (iii) whether the auditing function is performed on a timely basis by a qualified staff which is sufficiently independent of program operations to permit a comprehensive and objective auditing performance.

"(c) Heads of such agencies, or such agency as is designated by the President in subsection (h) of this section shall evaluate audits performed to determine their acceptability in lieu of audits which otherwise would be required to be performed by such agencies. To the extent that audits are acceptable, duplicate audits will not be performed. Where audits are not acceptable, the agencies shall make whatever audits are necessary to assure that Federal funds are properly expended.

"(d) Periodic review and testing of the operations of such control systems shall be undertaken by such agencies to verify the continuing acceptability of the systems for the purpose of section 703(a).

"(e) Each Federal agency administering Federal assistance programs shall encourage greater cooperation with the personnel operating the financial management control systems of recipient jurisdictions by maintaining continuous liaison with such personnel, and by collaborating in the development of accounting systems, audit standards and objectives, and audit schedules and programs.

"(f) Each such agency administering more than one Federal assistance program shall, to the extent feasible and permitted by law, coordinate and make uniform the auditing requirements of such programs.

"(g) Each Federal agency administering a Federal assistance program shall, to the extent feasible, establish cross-servicing arrangements with other Federal agencies administering Federal assistance programs under which one such agency would conduct the audits for another.

"(h) The Office of Management and Budget, or such other agency within the Executive Office of the President as the President may designate, shall be responsible for overseeing the effective implementation of this section and is hereby authorized to prescribe such rules and regulations as are deemed appropriate for its administration.

"STANDARDS OF AUDITING TO BE DEVELOPED

"SEC. 704. (a) The President of the United States or such agency as he may designate, in cooperation with the Comptroller General, is hereby authorized to develop and issue standards of auditing for the guidance of Federal agencies and State and local governments, as well as independent public accountants, engaged in the review and audit of Federal assistance programs. Such issuances shall serve the purpose of providing guidance to the various audit organizations but shall not be construed as relieving such audit organizations of the responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall, in the course of carrying out his audit responsibilities, consider and report to the Congress on the utilization made by Federal agencies of the audits performed by State and local governments, or independent public accountants, and on the implementation of the standards issued pursuant to subsection 704(a). A summary report shall be made at the end of each fiscal year, beginning with the first full fiscal year following the date of enactment of this Act.

"SEC. 705. Nothing in this title shall be construed to diminish the authorities and responsibilities of the Comptroller General of the United States under existing law."

TITLE III—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

SEC. 301. Such Act is further amended by adding after title VII, as added by section 201 of this Act, the following new title.

"TITLE VIII—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

"PART A—DEVELOPMENT AND TRANSMITTAL OF CONSOLIDATION PLANS

"STATEMENT OF PURPOSE

"SEC. 801. The President shall from time to time examine the various Federal assistance programs provided by law and with respect to such programs shall determine what consolidations are necessary or desirable to accomplish one or more of the following purposes:

"(1) to promote better administration and more effective planning;

"(2) improve coordination;

"(3) to eliminate overlapping and duplication; and

"(4) to promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

"PREPARATION, TRANSMITTAL, AND REFERENCE OF PLAN

"SEC. 802. (a) When the President, after investigation, finds that a consolidation of Federal assistance programs is necessary or desirable to accomplish one or more of the purposes set forth in section 801, he shall prepare a Federal assistance consolidation plan (hereafter in this title referred to as a 'consolidation plan') for the making of program consolidations, and shall transmit the plan (bearing an identification number) to the Congress, together with a declaration that, with respect to each consolidation included in the plan, he has found that the consolidation is necessary or desirable to accomplish one or more of the purposes set forth in section 801, and a declaration as to how each program included in the plan is functionally related.

"(b) Each such consolidation plan so transmitted—

"(1) shall place responsibility for administration of the consolidated program in a single Federal agency;

"(2) shall specify in detail the terms and conditions under which the Federal assistance programs included in the plan shall be administered, including but not limited to matching, apportionment, and other formulas, interest rates, and planning, eligibility, and other requirements; except that the President shall, in selecting applicable terms and conditions, be limited by the range of terms and conditions already included in the Federal assistance programs being consolidated: *Provided*, That all of the Federal assistance programs being consolidated shall terminate and their authorizations expire not later than the earliest termination or expiration date specifically provided for any of such programs under the law in effect when the plan was submitted;

"(3) shall set forth in the message transmitting the plan to the Congress the difference between the terms and conditions of the individual Federal assistance programs to be consolidated under the plan and those that will be applicable after the plan goes into effect, and shall also set forth the reasons for selecting such terms and conditions;

"(4) shall provide for the transfer or other disposition of the records, property, and personnel of individual Federal assistance programs affected by the consolidation;

"(5) shall provide for the transfer of appropriations or other budget authority in such manner that tne aggregate amount of appropriations and other budget authority available for carrying out the Federal assistance programs involved in the plan shall be available for the consolidated program, and the aggregate amount of authorizations of appropriations or other budget authority for such programs shall be deemed authorization of appropriations and other budget authority for the consolidated program; except that any appropriations or portions of appropriations which are made for or transferred to the consolidated program and which are unexpended by reason of the proviso in paragraph (2) or otherwise by reason of the operation of this title may not be used for any purpose, but shall revert to the Treasury;

"(6) shall provide to the extent appropriate for determining the affairs of a Federal agency or part thereof whose programs have been transferred as a consequence of the consolidation; and

"(7) may authorize an officer to delegate any of his functions under the plan.

"(c) Each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

"(d) consolidation plan may not provide for, and may not have the effect of—

"(1) consolidating any Federal assistance programs which are not in the same functional area;

"(2) providing any type of Federal assistance included in the plan to any recipient who was not eligible for Federal assistance under any of the programs included in the plan, nor excluding any recipient from eligibility for any type of Federal assistance for which such recipient was eligible under one or more of the programs included in the plan; or

"(3) transferring responsibility for the administration of the programs included in the plan to any agency or officer who was not responsible for the administration of one or more of such programs prior to the taking effect of the plan.

"(e) The President shall have a consolidation plan delivered to both Houses on the same day and to each House while it is in session, except that no consolidation plan may be delivered within thirty calendar days following the delivery of a previous plan in the same functional area.

"(f)(1) Each consolidation plan transmitted to the Congress under subsection (a) shall be promptly referred to the committee of each House of Congress having legislative jurisdiction over the programs involved for its consideration, and any such plan so transmitted which involves the consolidation of Federal assistance programs coming within the legislative jurisdiction of two or more committees respectively of either House of Congress shall be promptly referred to each such committee for its consideration; and in any such instance the provisions of sections 814 through 817 shall apply to each such committee.

"(2) A consolidation plan shall also be referred to the Committee on Government Operations of each House in each instance where a reorganization described in subsection (b) and to be accomplished pursuant to such plan would be subject to the jurisdiction of such committees if submitted in the form of substantive legislation or a reorganization plan; and in such instance the provisions of sections 814 through 817 shall apply.

"EFFECT ON OTHER LAWS AND REGULATIONS

"SEC. 803. (a) To the extent that any provision of a consolidation plan which becomes effective under this title is inconsistent with any provision of any statute enacted prior to the taking effect of the plan, the provision of the plan shall control to the extent that such plan specifies the provisions of the statute to be superseded.

"(b) Any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, or other action made, prescribed, issued, granted, or performed with respect to any matter affected by a consolidation plan which becomes effective under this title shall be deemed to be modified to the extent of any inconsistency thereof with the plan but shall otherwise continue in effect.

"(c) A suit, action, or other proceeding lawfully commenced by or against the head of any Federal agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a consolidation plan under this title. On motion or supplemental petition filed at any time within twelve months after the plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the plan or, if there is no successor, against such agency or officer as the President designates.

"EXPIRATION DATE

"SEC. 804. A provision contained in a consolidation plan may take effect only if the plan is transmitted to the Congress before April 1, 1973.

"PART B—CONGRESSIONAL CONSIDERATION

"EFFECTIVENESS OF PLAN

"SEC. 811. (a) Except as otherwise provided in subsection (c) of this section, a consolidation plan shall become effective at the end of the first period of ninety calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the ninety-day period, either House passes a resolution stating that the House does not favor the plan.

"(b) For purposes of subsection (a) of this section—

"(1) continuity of session is broken only by an adjournment of the Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the ninety-day period.

"(c) Under provisions contained in a consolidation plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

"(d) A consolidation plan which becomes effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"RULEMAKING POWER OF SENATE AND HOUSE

"SEC. 812. Sections 813 through 817 are enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in the succeeding sections of this part; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"TERM OF RESOLUTION

"SEC. 813. For the purpose of sections 811 and 814 through 817, the term 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the —— does not favor the consolidation plan numbered —— transmitted to Congress by the President on ——, 19—.', the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled.

"REFERENCE OF RESOLUTION TO COMMITTEE

"SEC. 814. A resolution with respect to a consolidation plan shall be referred to the appropriate committee or committees in accordance with the provisions of section 802 (f) (and all resolutions with respect to the same plan shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"DISCHARGE OF COMMITTEE CONSIDERING RESOLUTION

"SEC. 815. (a) If any committee which has had jurisdiction over a consolidation plan for a period of sixty calendar days and to which a resolution with respect to such plan has been referred has not reported such resolution within ten calendar days after introduction of that resolution, it will be in order to move to discharge all committees to which such resolution has been referred from the further consideration either of such resolution or of any other resolution with respect to the plan in question, except that no such notion to discharge may be made after any committee to which the resolution has been referred has reported a resolution with respect to the same plan.

"(b) A motion to discharge is highly privileged and may be made only by an individual favoring the resolution. Debate thereon shall be limited to not more than two hours, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(c) After the motion to discharge is agreed to, the motion may not be renewed, nor may another motion to discharge a committee be made with respect to any other resolution with respect to the same consolidation plan.

"PROCEDURE AFTER REPORT OR DISCHARGE OF COMMITTEE; DEBATE

"SEC. 816. (a) Anytime after any committee has reported or has been discharged from further consideration of a resolution with respect to a consolidation plan, it is in order to move to proceed to the consideration of the resolution even though a previous motion to the same effect has been disagreed to. If resolutions concerning the same plan have been reported by two or more committees, the motion shall be directed to that report which was earliest reported. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(b) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable

XUM

An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"DECISIONS WITHOUT DEBATE ON MOTION TO POSTPONE OR PROCEED

"SEC. 817. (a) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a consolidation plan, and motions to proceed to the consideration of other business, shall be decided without debate.

"(b) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a consolidation plan shall be decided without debate."

TITLE IV—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 401. Section 601 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Each committee of the House and Senate having legislative jurisdiction over grant-in-aid programs shall separately or jointly conduct studies of such programs at least six months prior to their expiration or, in the case of grant-in-aid programs covered by subsections (a) and (b) of this section, six months prior to the expiration of the period specified in such subsections. Each such committee shall advise its respective House of its findings and recommendations, with special reference to the considerations cited in clauses (1) through (4) of subsection (a) of this section. Nothing in the section shall preclude the Committee on Government Operations of each House from conducting studies of such programs and requesting assistance under sections 602 and 603 of this title."

SEC. 402. Title VI of such Act is amended by adding at the end thereof the following new section:

"REPORTS BY FEDERAL AGENCIES

"SEC. 605. (a) Heads of Federal agencies administering one or more Federal assistance programs shall make a report to the President and the Congress on the operations of such programs not later than January 31 following the end of each fiscal year, beginning with the first full fiscal year after the date of enactment of the Intergovernmental Cooperation Act of 1970. Such reports shall, among other things, describe—

"(1) the overall progress and effectiveness of administrative efforts to carry out each program's statutory goals;

"(2) the consultative procedures employed under each program to afford recipient jurisdictions an opportunity to review and comment on proposed new administrative regulations, and basic program changes;

"(3) intradepartmental and interdepartmental arrangements to assure proper coordination at headquarters and in the field with other related Federal assistance programs;

"(4) efforts and progress in simplifying and making more uniform (i) application forms and procedures and (ii) financial reporting and auditing requirements and procedures;

"(5) efforts and progress in relying on the internal or independent audits performed by or for States and units of local government;

"(6) the feasibility of consolidating individual Federal assistance programs with others in the same functional areas, where such exist;

"(7) the practicability of delegating more administrative discretion, including application approval authority, to field offices;

"(8) whether changes in the purpose, direction, or administration of such Federal assistance programs, or in procedures and requirements applicable thereto, should be made; and

"(9) the extent to which such programs are adequate to meet the growing and changing needs for which they were designed."

TITLE V—PROGRAM INFORMATION ACT

SEC. 501. Such Act is further amended by adding after title VIII, as added by section 301 of this Act, the following new title:

"TITLE IX—PROGRAM INFORMATION ACT

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Program Information Act'.

"DEFINITION

"SEC. 902. For the purposes of this title—

"(a) The term 'Federal domestic assistance program' means an activity of a Federal agency which provides assistance or benefits, whether in the United States or abroad, to any State or local government, or any instrumentality thereof, any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government.

"(b) A 'Federal domestic assistance program' may in practice be called a program, an activity, a service, a project, or some other name regardless of whether it is identified as a separate program by statute or regulation and which can be differentiated from any other such program on the basis of its legal authority, its administering office, its purpose, its benefits, or its beneficiaries.

"(c) 'Assistance or benefits' means grants, loans, loan guarantees, scholarships, mortgage loans and insurance; assistance in the form of provision of Federal facilities, goods or services, donation or provision of surplus real and personal property; and technical assistance.

"(d) 'Administering office' means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

"EXCLUSION

"SEC. 903. This title does not apply to any activities related to the collection or evaluation of national security information.

"CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

"SEC. 904. The President shall transmit to Congress no later than May 1 of each regular session a catalog of Federal domestic assistance programs, referred to in this title as 'the catalog,' in accordance with this title.

"PURPOSE OF CATALOG

"SEC. 905. The catalog shall be designed to assist the potential beneficiary identify all existing Federal domestic assistance programs wherever administered, and shall supply information for each program so that the potential beneficiary can determine whether particular assistance or benefits might be available to him for the purposes he wishes.

"REQUIRED PROGRAM INFORMATION

"SEC. 906. For each Federal domestic assistance program, the catalog shall—

"(1) identify the program, including the name of the program, the authorizing statute, the specific administering office, and a brief description of the program and its objectives.

"(2) describe the program structure, including eligibility requirements, formulas governing the distribution of funds, types of assistance or benefits, uses and restrictions on the use of assistance or benefits, and obligations and duties of recipients or beneficiaries.

"(3) provide financial information, including current authorizations and appropriations of funds, the obligations incurred for past years, the current amount of unobligated balances, and other pertinent financial information.

"(4) identify the appropriate officials to contact, both in central and field offices, including addresses and telephone numbers.

"(5) provide a general description of the application process, including application deadlines, coordination requirements, processing time requirements, and other pertinent procedural explanations.

"(6) identify closed related programs.

"FORM OF CATALOG

"SEC. 907. (a) The program information may be set forth in such form as the President may determine, and the catalog may include such other program information and data as in his opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

"(b) The catalog shall provide in separate sections: (1) information concerning all Federal domestic assistance programs for which State and local governments or their instrumentalities may be eligible, and (2) information concerning all Federal domestic assistance programs for which recipients other than State and local governments or their instrumentalities may be eligible. The catalog may include, at the discretion of the President, additional sections in which there is provided information on other types of assistance programs not specified in section 902(c).

"(c) The catalog shall contain a detailed index designed to assist the potential beneficiary to identify all Federal domestic assistance programs related to a particular need.

"(d) The catalog shall be in all respects concise, clear, understandable, and such that it can be easily understood by the potential beneficiary.

"QUARTERLY REVISION

"SEC. 908. The President shall revise the catalog at no less than quarterly intervals. Each revision—

"(1) shall reflect any changes in the program information listed in section 906.

"(2) shall further reflect addition, consolidation, reorganization, or cessation of Federal domestic assistance programs, and shall provide for such Federal domestic assistance programs the program information listed in section 906.

"(3) shall include such other program information as will provide the most current information on changes in financial information, on changes in organizations administering the Federal domestic assistance programs, and on other changes of direct, immediate relevance to potential program beneficiaries as will most accurately reflect the full scope of Federal domestic assistance programs.

"(4) may include such other program information and data as in the President's opinion are necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal domestic assistance program.

"PUBLICATION AND DISTRIBUTION OF THE CATALOG

"SEC. 909. (a) The President (or an official to whom such function is delegated pursuant to section 910 of this title shall prepare, publish, and maintain the catalog and shall make such catalog and revisions thereof available to the public at prices approximately equal to the cost in quantities adequate to meet public demands, providing for subscriptions to the catalog and revisions thereof in such manner as he may determine.

"There is authorized to be distributed without cost to Members of Congress and Resident Commissioners not to exceed five thousand copies of catalogs and revisions.

"There is authorized to be distributed without cost to Federal agencies, State and local units of government and local repositories not to exceed ten thousand copies of catalogs and revisions as determined by the President or his delegated representative.

"(b) The catalog shall be the single authoritative, Government-wide compendium of Federal domestic assistance program information produced by a Federal agency. Specialized catalogs for specific ad hoc purposes may be developed within the framework, or as a supplement to, the Government-wide compendium and shall be allowed only when specifically authorized and developed within guidelines and criteria to be determined by the President.

"(c) Any existing provisions of law requiring the preparation or publication of such catalogs are superseded to the extent they may be in conflict with the provisions of this title.

"DELEGATION OF FUNCTIONS

"SEC. 910. The President may delegate any function conferred upon him by this title including preparation and distribution of the catalog, to the head of any Federal agency, with authority for redelegation as he may deem appropriate."

TITLE VI—EXTENSION OF CERTAIN PROVISIONS OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968 TO POLITICAL SUBDIVISIONS

SEC 601. Section 202 of such Act is amended to read as follows:

"SEC. 202. No grant-in-aid to a State or a political subdivision therein shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State or political subdivisions therein. All Federal grant-in-aid funds made available to the States or to political subdivisions therein shall be properly accounted for as Federal funds in the accounts of the State or of the political subdivisions therein. In each case the agency of the State or of the political subdivisions therein concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States or by the political subdivisions therein or to the sub-grants made by the States or by the political subdivisions."

SEC. 602. Section 203 of such Act is amended to read as follows:

"SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the date of transfer of such funds from the United States Treasury and the date of disbursement thereof by a State or by a political subdivision therein; or between date of disbursement by a State or by a political subdivision therein and the date of transfer by the United States Treasury. States and the political subdivisions therein shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes."

BRYCE HARLOW

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I enjoyed on yesterday listening to the euphoniums of praise in honor of departing Presidential counselor, Bryce Harlow. In sketching his background, the illustrious majority leader, the gentleman from Oklahoma (Mr. ALBERT), made reference to the fact that he had risen above a Democratic background to become a leader in the Republican Party. I was reminded then that proselytes by conversion are often even more zealous than those who are originally born into the faith. It has surely been so in the case of Bryce Harlow whose dedicated service to the Republican Party in so many ways can scarcely be matched by any other living American. We view his departure from his present post with genuine regret. However, we are certain that his counsel and advice will continue to be available. We wish him every happiness and much success as he rejoins his former associates.

SENATOR PEARSON, OF KANSAS, WORKING ON A "RURAL RENAISSANCE"

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SEBELIUS. Mr. Speaker, in the December 1 issue of the Hutchinson News, there is an editorial in reference to my good friend and colleague, the senior Senator from Kansas, JIM PEARSON.

As a Congressman representing rural and smalltown America, I am concerned over what I consider to be a serious imbalance in our Federal effort to improve our Nation's social and economic wellbeing.

Too often it seems as if the social and economic needs of rural and smalltown America have been overlooked or ignored as we try to mount an effective program of improvement for the 1970's. JIM PEARSON recognizes his need and has repeatedly sponsored programs based upon the philosophy that the social and economic needs of both urban and rural America are interdependent. If we are going to achieve a more even distribution of our population and improve both our overcrowded urban areas and our countryside, our social and economic programs in the 1970's must benefit and be applicable to all of our citizens.

As the Hutchinson News editorial points out, Senator PEARSON has been working on a "rural renaissance" for his entire political life. Those of us vitally interested in the revitalization of rural and smalltown America owe him a debt of gratitude for his leadership and continued efforts in this regard. The editorial from the Hutchinson News follows:

FIGHTING RURAL BLIGHT

Sen. James Pearson has been hammering away at a rural renaissance for most of his current term.

He began with the Rural Job Development Act, to provide tax incentives for new industries locating in rural areas. This was followed by a proposal for a Rural Community Development Bank, to provide credit for expansion in the same areas, and a Rural Development Highways Act to improve transportation facilities.

Despite some support from Presidents Johnson and Nixon, it has been slow going.

Partly, as Sen. Pearson noted last week, because new ideas take a while to mature in Washington. Partly because of a lack of strong administration leadership.

But mostly because of a lack of sympathy from urban Congressmen, the majority, who practice the same foot-dragging in this problem as do rural Congressmen toward the plight of the city poor.

The city legislators also have expressed some fear that these programs will deepen the metropolitan plight by siphoning badly-needed jobs. This is a short-range view. The bills are aimed at creating new jobs, not re-locating old ones. Even if the cities should lose some workers to the country this would benefit both.

The Pearson program may come about by evolution. Cities rapidly are losing their appeal, particularly to students and young adults. Urban blight may force some relocations. But this natural development could stand a prod from the government, and Pearson's proposals are a good start.

CONGRESSIONAL REPORT TO THE NINTH DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CURRENT PERFORMANCE OF THE NATION'S ECONOMY

The current performance of the American economy is without historical precedent. With prices and unemployment rising simultaneously, the President and his economic policy-makers are confronted with a real dilemma.

During 1969, the government's restrictive monetary and fiscal policies achieved, in part, their purpose of slowing demand, output and employment. The rate of Federal spending has been reduced and the cost of borrowing money has been increased.

Unemployment has increased from 3.5 percent to 5.6 percent, however. Factories are producing about 80 percent of capacity, or less, and there is a gap between actual and potential production in this country at an annual rate of perhaps $40 billion.

For a while it seemed as if the aim of slowing inflation was being achieved. But last October's increase in consumer prices (representing an annual rate of 7.2 percent) showed that the situation had worsened again. The typical U.S. worker lost 64 cents in buying power in October alone as a result of higher prices and a drop in the average weekly pay.

In the past, a decline in output and demand eventually had a stabilizing effect on price levels. But recent figures showing continued price increases, along with a decline in production, make our traditional economic indicators extremely perplexing.

Part of the answer to the puzzle is that we are in the longest period of inflation that the Nation has experienced, and that fact in itself has created an inflationary psychology with upward pressures on price levels, especially wages.

It has now become apparent that the government's fiscal and monetary policies should be aimed at expanding demand and production, which should gradually reduce unemployment. The degree of expansion is the point of a continuing debate.

Some of the President's advisors are advocating a rapid expansion of the economy next year—increasing the total, output of goods and services as much as 8 percent. With this kind of growth, unemployment surely will decline. Others, however, regard this target as too ambitious and likely to create worse inflation.

The President has been exceedingly candid about the economy and has conceded past errors in policy. He told U.S. manufacturers recently, ". . . we can, and must, do better." He has announced, too, a decisive turn in his economic policy making it clear that the government will now take a strongly expansionary direction.

The President has said he will plan his fiscal 1971 budget as if the country were at full employment and the economy was producing full revenue. This means the budget will show a deficit, since the economy is operating at less than full employment. Increased government expenditures, however, should spur an increase in the economy.

Although he came into office strongly opposed to "jawboning" against wage and price increases, as one columnist put it, ". . . the White House jaws have begun to click." The President now raises the threat of action in areas where the government has—through law or regulation—an impact on supply or wages. He has moved to increase domestic production and foreign imports of crude oil, and he has called for a change in construction industry bargaining.

He has remained as opposed as ever to mandatory wage and price controls. The President has edged closer, by these recent actions, to an incomes policy in which he uses government persuasion or pressure in specific cases to hold down wages and prices.

It is clear that the President's economic policy has decisively shifted from the fight against inflation to the fight against unemployment.

A LIFE OF DEVOTION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. MIZELL. Mr. Speaker, at this time I would like to ask my colleagues to join with me in honoring the memory of William Yost Preyer, the father of my distinguished colleague in the North Carolina delegation, RICHARDSON PREYER.

"Mr. Will," as he was affectionately known to hundreds of people in the Piedmont area of North Carolina, passed away Tuesday at the age of 82, following a life of devotion to his community, to American free enterprise, to his church, and to his family.

I am sure that all the Members of this House join me in extending our deepest sympathy to our colleague, Mr. PREYER, and to his family.

I would like to insert in the RECORD the following article and editorial chronicling the life and contributions of William Yost Preyer. Both pieces appeared in the Greensboro Daily News of December 9, 1970.

WILLIAM YOST PREYER DIES AT 82 AFTER A LONG ILLNESS

Funeral for William Yost Preyer, 82, of 603 Sunset Drive, former president of Vick Chemical Co. (now Richardson-Merrill Inc.) and long-time Greensboro civic leader, who died Tuesday morning at his home after a long illness, will be held at 11 a.m. Thursday at the First Presbyterian Church.

He was the father of Congressman L. Richardson Preyer, who, with his other four brothers, was at their father's bedside for his last illness.

Conducting the funeral will be the pastor, Dr. John A. Redhead, and the associate pastor, the Rev. William Currie. Burial will be in Green Hill Cemetery. Elders of the church and the Greensboro Kiwanis Club will attend as a group.

Memorial gifts may be made to the Presbyterian Home in High Point, the Children's Home Society of North Carolina in Greensboro and Greensboro College.

In addition to Congressman Preyer, Mr. Preyer is survived by four sons, William Y. Preyer Jr. of Greensboro; Dr. Robert O. Preyer of Cambridge, Mass., professor of English at Brandeis University; Dr. Norris W. Preyer of Charlotte, professor of history at Queens College; and Fred L. Preyer of Kirkland, Wash., president of the Advance Muffler Co., headquarters in Los Angeles, Calif.

Also surviving are a sister, Mrs. N. L. Eure of the Presbyterian Home in High Point; and 17 grandchildren.

"Mr. Will" joined Vick Chemical Co., in 1919 "at the bottom of the ladder." He retired as president in 1948 after serving in that capacity for 10 years.

He continued as a director and a member of the company's finance committee for a number of years after his retirement as president.

Mr. Preyer once said that he was "a lover of music and fun" and that his hobby was "acting as toastmaster and hearing and telling good jokes."

He delighted in telling one story about the early days of Vick Chemical Co. The late Lunsford Richardson, head of the company and very frugal, went on a trip leaving his son, H. Smith Richardson, in charge.

Preyer said, "I was in the shipping department and Smith suggested that we straighten things up while his father was away. Well, I really followed orders and cleaned out a lot of stuff we hadn't used in years—materials used in a lot of home remedies we'd discontinued.

"Mr. Lunsford returned and complimented me on how neat everything was. Then he discovered I'd thrown out those old materials, and he hit the ceiling . . . He let me know he was the boss."

His sunny personality affected all who knew him, and his ability to make civic undertakings seem like fun brought success to the many campaigns he led.

Those who attended the countless luncheon and dinner meetings at which he presided or spoke could attest that he excelled at his hobby. To see him at the speakers' table was to know there was going to be some humor in the program.

Mr. Preyer's attributes were recognized while he was a very young man. At 21 he was made a steward in the West Market Street Methodist Church. At that time, he was the youngest man ever to hold that position.

In his work with the church he was instrumental in bringing one of the first Chautauqua programs to Greensboro and was largely responsible for the presentation of Lyceum courses here.

A big man in business circles, Mr. Preyer also was big physically. Those who did not know him in his youth might find it surprising to learn that he was quite an athlete.

At one time he held the high jump record at the Greensboro YMCA, and he and his late brother, A. T. Preyer, won the doubles championship in local tennis for several years.

Mr. Preyer came to North Carolina from Cleveland, Ohio, where he was born on June 4, 1888.

When Mr. Preyer was 16, his father, the late Robert O. Preyer, bought an interest in the Greensboro Sash, Door and Blind Co. and the family moved here.

Not long after that, his father died and the lumber business was hit by a depression. Mr. Preyer gave up his plans to attend Trinity College, now Duke University, and went to work for the Guilford Lumber Co. as a salesman.

On June 15, 1916, he married Mary Norris Richardson of Greensboro. Two years later, his father-in-law, L. Richardson, founder of the Vick Chemical Co., asked him to assist in the real estate end of the business.

Because he foresaw great possibilities for the Vick company, Mr. Preyer quit his $150 a month job at the lumber yard and went to work for Richardson at $85 a month.

He advanced rapidly and worked in the production phase of the Vick business, after which he devoted several years to purchasing.

The big flu epidemic of World War I struck the nation in 1918 shortly after Mr. Preyer went with Vick. The company's "croup and pneumonia cures" were in great demand and the business grew and grew by leaps and bounds.

Mr. Preyer became the company's second vice president in 1929 and later that year became first vice president. He remained in that position until 1933, when he became treasurer and first vice president, then executive vice president in 1937. He was president from October, 1938, to November, 1948.

His duties with Vick required him to make regular weekly trips to New York. For almost 20 years he spent four days a week in New York and three days in Greensboro. He claimed he was the world's champion commuter.

In New York he came to love the theater, but at home he preferred to play golf in the afternoons and bridge in the evenings. For vacations he went to his summer house at Southport, Conn., but in 1949 he remodeled a house at Roaring Gap and spent most of his vacations there.

Several years after his marriage, he joined his wife's church, the First Presbyterian Church of Greensboro. He was elected a deacon in 1929 and an elder in 1934.

In New York he was a member of the Rockefeller Center Luncheon Club, the Cloud Club, New York Athletic Club, Advertising Club and Metropolitan Club.

In his long active career he was a director of the National Amusement Co. of Greensboro; a director of Richardson Realty Inc., chairman of the board, vice president and a director of the Re-Insurance Corp. of New York, an honorary alumnus of Davidson College, president of the North Carolina Society of New York, president of the Greensboro Chamber of Commerce, on the executive committee of the local Boy Scout council, president of the Greensboro Kiwanis Club, president of the Greensboro Country Club (twice), and a member of the Sedgefield Country Club.

He had recently been made an honorary trustee of Greensboro College.

WILLIAM YOST PREYER

Larger than life is a cliche; but it accurately describes a few individuals we encounter.

"Mr. Will" Preyer was that kind of man.

It was true of him, we are told, when he was a young man, making his way in Greensboro of the depression years—bestowing the gifts of a genial personality on all he met, possessed of a keen mind, a generous heart, an energetic body, an understanding spirit.

It was equally true in his maturity as corporation executive in New York City, a farseeing and effective leader in his wife's family's enterprise, the old Vick Chemical Company, today Richardson-Merrill.

It was also true in the fullness of his

XUM

years when he returned to Greensboro in 1948, where he identified immediately with the community's church, civic and educational leadership.

Nobody should misjudge the ingredients that comprised Mr. Preyer's radiant personality. He was no Pollyanna. He knew full well the tragedies of life. But he made it his business never to curse the darkness. Always instead he espoused, actively and joyously, those activities which would help produce light—and enlightenment. No job was too menial for his attention; no person too humble for his concern.

Mr. Preyer once called himself "a lover of music and fun." His hobby, he said, was "acting as toastmaster and hearing and telling jokes." True. But that was only part of the story. Nobody could make a better informal speech or preside over an occasion or a happening with more aplomb. He made his associates enjoy the business of fund-raising and other tedious endeavors. It was delightful to watch him conduct a meeting, to see his mind probe toward a consensus, always steadily but humanely. He knew how to inspire the best in people to make them work together.

Mr. Preyer's awareness of the importance of the qualities of the spirit grew with his advancing years. Few men are born with such insight. The list of his public benefactions and secret charities is lengthy. In area after area, from serving as Santa Claus every year for the Presbyterian Home to imposing corporate and civic decisions in New York and Greensboro, he made his impact felt. Only his friends and associates know all the details—from young post-college girls first set adrift in the big city and made to feel at home to small children (now grown) who still treasure Kennedy half-dollars he gave them in a moment of inspiration.

In his church, Mr. Preyer was a strong oak, perennially ready to support every constructive enterprise. In his home he reared a fine family of five boys, who in varied ways reflect his sterling qualities. In the community he served tirelessly always with a smile and loving hand.

So Greensboro not only is saddened by Mr. Preyer's death on Tuesday. It is greatly bereft. Yet the memories of such a splendid pilgrimage give us inspiration. Being larger than life, he somehow showed us life's potential.

XUM

MATHER AFB COMPLETES SEVEN YEARS OF ACCIDENT-FREE OPERATION

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. LEGGETT. Mr. Speaker, on December 2, 1970, the 3535th Navigation Training Wing at Mather Air Force Base in my district completed its seventh year of accident-free flying. These 7 years involved a total of more than 400,000 flight hours.

The 3535th is the only Air Force navigator, bombardier, and electronic warfare school in the country. It has been turning out about 1,000 navigators per year, and plans are under way to increase output to 1,200 per year.

Col. William H. Luke and the officers and men of the 3535th are to be commended for this brilliant and outstanding safety record.

THE ANNALS OF POLITICS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. HARRINGTON. Mr. Speaker, last Thursday, I inserted in the RECORD the first part of a New Yorker magazine article by Richard Harris entitled "The Annals of Politics" describing how the Senate defeated the nomination of Judge Harrold Carswell. Today I would like to commend to the attention of the Members of the House the second and final installment of this most incisive article.

Harris brings into close analytical perspective the strategy used to defeat the Carswell nomination and the story it tells about the character of our political institutions, most specifically the character of the Nixon Presidency. As Harris quotes one Senator who voted for Carswell and who then attempted to put the controversy into some perspective:

> That's all part of the way we do business here. It's just politics . . . I'm sure the debate showed the people, including the people in Congress, what the Supreme Court should be and what the Senate could be.

Certainly this article articulates in a most comprehensive manner the dynamics of the Carswell nomination defeat and should be read for any in depth understanding of the issues and personalities involved:

ANNALS OF POLITICS: DECISION II

(By Richard Harris)

Few lines of work make one less disposed to defy established authority than the law. When that authority is the President of the United States and the issue involves his policy and his prestige, only a lawyer who is uncommonly relaxed about the opinions of his colleagues and his fellow-citizens, about his relations with his clients, including those with cases before the government, and about the state of his tax returns would ordinarily be eager to stand up to him openly. Yet President Nixon's nomination, last January, of George Harrold Carswell to be an associate justice of the Supreme Court finally brought lawyers rallying by the thousands—from Wall Street, from law schools, from large cities and small towns across the country, and from the Administration itself—to challenge the President. Only a handful of lawyers had come out against the nomination of Clement F. Haynsworth to fill the same vacancy on the Court a few months earlier; the case against Haynsworth concerned not his legal qualifications but his sense of ethics, and apparently that was not enough to arouse many members of the legal profession sufficiently for them to risk open opposition. However, once Carswell was shown to be unfit as a judge that his taking the seat once occupied by Oliver Wendell Holmes would demean the Supreme Court as an institution, even lawyers who had cautiously avoided any kind of public controversy throughout their professional lives set out to do what they could, both publicly and privately, to defeat the nomination.

Senator Birch Bayh, Democrat of Indiana and leader of the opposition to Carswell in the Senate, where the nomination was being considered last winter and spring, felt that his side probably needed the support of the nation's lawyers more than anything else if undecided senators were to be persuaded to vote against the nomination. Nearly two months after Mr. Nixon sent Carswell's name to the Senate, four prominent lawyers in New York got four hundred and fifty colleagues—attorneys in private practice, law-school deans and professors, heads of local bar associations, and former high government officials—to sign an open letter calling on the Senate to reject Carswell's nomination. Not long afterward, Bayh decided that it would be more helpful if a number of top lawyers in Washington's leading law firms who had formerly served in high posts in the government were to put their prestige and their contacts to work in a more direct fashion. Accordingly, he got in touch with a number of men who possessed such credentials—among them Joseph A. Califano, Jr., President Johnson's top aide; Harry McPherson, another Johnson aide; Lee White, special counsel to Presidents Kennedy and Johnson; Lloyd Cutler, director of the President's Commission on the Causes and Prevention of Violence; Clifford Alexander, former member of the Equal Employment Opportunity Commission; and John Douglas and Stephen Pollak, former Assistant Attorneys General. The men, all of whom were eager to do whatever they could to defeat the nomination, gathered in Bayh's office on March 19th. "We went over head-count sheets and discussed ways of influencing individual senators through their more important constituents and campaign contributors," Califano recounted later. "Bayh was in his shirtsleeves, and it reminded me of going over head counts with L.B.J." The group devised and agreed upon a number of tactics—a high-level attack on the American Bar Association's Committee on the Federal Judiciary for its careless examination of Carswell's qualifications and for its decision to make, in his case, only a distinction between the terms "qualified" and "not qualified" instead of employing the more precisely descriptive terms that had been used in evaluating Supreme Court nominees in the past; refutation of Attorney General John N. Mitchell's public claim that the American Bar Association had "unanimously" found the nominee "highly recommended," whereas actually only twelve of the hundred and fifty thousand lawyers who belonged to the Association had made the determination, and then had said only that he was "qualified;" and a concerted effort to get in touch with lawyers throughout the country who might be able to influence members of the Senate. To a large extent, this last approach had to be kept secret, in order to protect those who were unwilling to let their part in the anti-Carswell campaign be known. To keep the operation more or less under cover, Bayh set up a separate office in his suite and assigned a volunteer named Ronald Platt, who had taken a week off from his job with the Matt Reese political consulting firm, to coordinate all the contacts made; only Platt was to know who was calling whom and what the results were.

When the meeting broke up, Califano and Cutler went directly to Califano's office at Arnold & Porter and drafted a telegram to Lawrence E. Walsh, the head of the American Bar Association's committee, stating that Carswell failed to meet "the minimum requirements of professional ability and judicial temperament to sit on the Supreme Court" and requesting that the committee reconvene to hear the most recent objections to the nomination and then present the facts to the Senate. Once the text was ready, the two men got on separate telephones and talked eight leading members of the bar into signing it—the deans of the Harvard, Yale, University of Pennsylvania, and U.C.L.A. Law Schools; Samuel I. Rosenman and Francis T. P. Plimpton, who had worked on the open letter; Neal Rutledge, a prominent Miami lawyer and the son of a former Chief Justice; and Warren Christopher, Deputy Attorney General under President Johnson. "It was a hell of a tough document, and we had some doubt about whether the men we called would sign it," Califano said afterward. "I was especially uneasy about Mr. Plimpton, but he merely suggested a couple of minor changes and agreed on the spot. I understand that he was an absolute tiger throughout this whole thing." Califano and Cutler decided not to make the telegram public, because they feared that its disclosure would be interpreted by Walsh as an attempt to force his hand. As it happened, Walsh didn't answer the wire until the case was closed, and, as far as was known, he didn't mention it to the other members of the committee. After a week had passed without a reply, Cutler and Califano drafted another telegram, signed by the same men, and demanded a response. Once again Walsh ignored their request, whereupon they released the text of both wires to the press. That, too, had no effect on Walsh, but it had a strong effect on Charles A. Horsky, a member of the committee, who was infuriated by Walsh's high-handed behavior and edged closer to making the move that several people had been pushing him toward—disclosure of a crucial and, at this point, generally unknown meeting he had had with Carswell the night before the Senate hearings on the nomination began. Although Horsky held off for a time, his private discussions about the episode soon leaked out, and before many days had passed just about everyone on the Hill had heard about it.

During this period, John Douglas, one of the other participants at the lawyers' meeting in Bayh's office, set out to pull off a scheme of his own—a letter against the nomination to be signed by former clerks to Supreme Court justices. Within a matter of ays, more than two hundred of them had signed the letter—a list ranging alphabetically from Dean Acheson, former Secretary of State, to Edwin Zimmerman, former Assistant Attorney General. On the theory that a large proportion of the law professors in the country had studied at Harvard and Yale Law Schools, Douglas then asked Dean Derek Bok, of Harvard, and Dean Louis Pollak, of Yale, to get in touch with whomever they or anyone else in their schools knew on law faculties everywhere. Again within a matter of days, letters opposing the nomination poured in from the faculties of most of the major and many of the minor law schools in the country. Heads of local bar associations rallied to the cause, too, and then specialists in various legal fields added their protests—among them that in property law Carswell had been unable "to state the facts in any comprehensible fashion," that in tax law he had "adduced conclusions . . . unsupported by any reasoning," that in criminal law his opinions were "characterized, at best, by unimaginative, mechanical mediocrity," and that in contract law he had shown that he was "an absurd constructionist."

The principal targets of the lawyers' work were undecided senators. For instance, in the course of an attempt to get Senator Frank E. Moss, Democrat of Utah, to join the opposition, Dean Pollak recalled that a former dean of the University of Pennsylvania Law School was close to several professors at the University of Utah Law School, so Pollak called him and he called his friends, who immediately began organizing the faculty there and working on prominent lawyers and businessmen in Salt Lake City. Shortly afterward, Senator Moss announced that he would vote against Carswell. When the rumor that Senator J. William Fulbright, Democrat of Arkansas, was unhappy about the nomination reached a young lawyer on Bayh's staff, P. J. Mode, he called Dean Bok and asked if he knew anyone who was close to Fulbright. Bok replied that he didn't but that Francis Plimpton was close to George Ball, former Under-Secretary of State, who was close to Fulbright. Bok asked Plimpton to get in touch with Ball, and when Ball learned that his old friend the chairman of the Foreign Relations Committee was badly in need of advice on this domestic matter he dropped in to see him.

The lawyers working with Bayh were astonished by the response to their appeals. "It was fantastic," Califano said not long ago. "Those of us who knew government from the inside tried to recall all the important contacts we had, however remote, and we used them to the hilt. Ordinarily, most people in this town are reluctant to use up their credit with somebody unless some personal advantage is involved. But this time nobody cared about anything like that. One of the lawyers I called was a man of considerable influence in his state, and I hardly knew him and had nothing to offer in return. He responded immediately, and said that he was utterly opposed to Carswell and that he was willing to do anything—anything at all—to stop him from going on the Court. Time after time, men said things like 'I wanted to help, but I didn't know anything could be done. Just tell me what to do and I'll do it.' I discovered a widespread apprehension among lawyers that the integrity of the judiciary was at stake. A tremendous number of lawyers around the country are deeply disturbed by what's been happening to the law *within* the government and about how it's being perverted for political ends. I talked to men who have done nothing but practice straight law and who were frantic about what's been going on at the Justice Department, about its part in carrying out the Southern strategy and turning out all those phony and un-Constitutional anti-crime bills. A lot of new law-school graduates from the top schools won't go near the place now, whereas they used to flock there to get experience. And men who've been in the Department for ten or twenty years are leaving in droves. Anyway, the lawyers of America were really shaken by the Carswell nomination. They set out to defeat it, and they succeeded."

On March 22nd, three days after the group of lawyers went to work, Senator Fred R. Harris, Democrat of Oklahoma, proposed on a television interview show in the capital that the best way to settle the Senate debate on whether Carswell's nomination should be confirmed might be to recommit the nomination to the Judiciary Committee, which had approved it back in mid-February by a vote of thirteen to four, for further study. This parliamentary device was by no means unusual, but it had not been suggested before in the Carswell case, and it struck everyone as perhaps an ideal way out of what was becoming an embarrassingly awkward dilemma for many members of the Senate. By that time, the feeling there was that if senators were free to vote as they wished, Carswell would be overwhelmingly defeated; in fact, one conservative Southerner who publicly supported him confessed in private that if the nomination were to be decided by secret ballot he would get perhaps ten votes. Recommitting the nomination, most agreed, would let those who wanted to oppose it, but didn't dare to for political reasons, say that they merely wanted answers to the questions which had been raised since the hearings ended before they sent Judge Carswell to the Supreme Court—an explanation that neither the President nor ordinary citizens could decently argue with. At the same time, it was generally admitted that if the nomination was sent back to committee it would die there, because its opponents or the committee would block action on it until either the President or Carswell himself withdrew it to avoid further humiliation. Senator Fulbright particularly favored this solution—in fact, he had recommended it to Harris—and the day after it was broached on television he told Bayh that he not only would vote for a motion to recommit the nomination but would offer the motion personally if Bayh liked. Bayh mentioned this to the Majority Leader, Senator Mike Mansfield, of Montana, who instructed an aide to poll the Democrats on how they would vote on such a proposal. On March 23rd, two days before the Easter recess, Mansfield told Bayh and the Republican leader of the anti-Carswell forces, Senator Edward Brooke, of Massachusetts, that a recommittal motion would probably carry if they could produce twelve Republican votes in favor of it. Brooke had been working ceaselessly among his fellow-Republicans, and by this time he was fairly Confident that six of them—Richard S. Schweiker, of Pennsylvania; Charles McC. Mathias, Jr., of Maryland; Robert W. Packwood and Mark O. Hatfield, of Oregon; Charles H. Percy, of Illinois; and Winston L. Prouty, of Vermont—would line up with those who had already announced their opposition to Carswell—Charles Goodell and Jacob K. Javits, of New York; Clifford P. Case, of New Jersey; and Brooke himself—to make ten votes. If Marlow W. Cook, of Kentucky, who had led the fight for Haynsworth, came around, as Brooke believed he would, that would provide the eleventh vote and it would almost certainly persuade two or three other Republicans to go along with him.

That day, a conference committee between the Senate and the House approved the Elementary and Secondary Education Act and sent it to both bodies for a final vote. To the dismay of Southerners in the Senate, the conferees had nullified the bill's so-called Stennis amendment, which had been tacked on as a rider by Senator John Stennis, Democrat of Mississippi, to require that the civil-rights guidelines, which were applied to seven states in the Deep South, be applied uniformly throughout the country. The purpose of the amendment was to compel the Justice Department to deploy its already undermanned forces outside the South and thereby weaken their effect where it was most needed. When the conference report reached the Senate, Mansfield—now clearly impressed by the Bayh-Brooke teamwork and the growing roster of Carswell's opponents—announced that the report would be the pending order of business. The Southerners saw that Mansfield had outmaneuvered them and intended to use the report to force them to accept a bill they didn't want so they could get to vote on Carswell before the opposition built up any more strength. Senator Robert Griffin, of Michigan, the Minority Whip, came to their defense and angrily objected to the move, but Mansfield, unruffled as always, replied that, under the rules of the Senate, conference reports took precedence over bills and executive nominations.

By now, it was clear to anyone who could count that the nomination was in grave peril—anyone, that is, outside the White House, where confidence in Carswell's confirmation was still high. One prominent Republican senator was later to suggest that the White House staff be required to take a refresher course in addition, but others put the failure down to the White House intelligence system, for although Schweiker, Mathias, Packwood, Percy, and Fulbright had been shaken loose from the pro-Carswell column, no one on the liaison staff downtown seemed to be aware of it. Around this time, Brooke happened to be at the White House on other business, and he took the opportunity to tell the President, "I want you to know that I am working day and night to defeat your nomination to the Supreme Court." Mr. Nixon, who apparently concluded that Brooke was merely playing to the liberal and black grandstands back home, smiled indulgently and went on with the previous conversation. On the afternoon of March 24th, Senator Griffin visited the White House

XUM

and assured John Ehrlichman, one of the President's two or three closest advisers, that the nomination was in grave danger. Ehrlichman refused to believe it. "We sort of got to rely on the staff down there," Bayh remarked later. "Its failure to assess the situation clearly meant that the enormous pressure the White House can always exert wasn't present until it was too late." Finally, Griffin's warning was checked out, and when the President was told of the danger he summoned Deputy Attorney General Richard Kleindienst, who was acting head of the Department of Justice while Attorney General Mitchell was on vacation in Florida, and angrily told him that since he was officially responsible for screening candidates for federal judgeships and for getting him into the Carswell mess, he had better get them all out of it.

On March 25th, Bayh met in the Majority Leader's office with the other leaders of the anti-Carswell forces—Brooke and Javits, along with Democratic Senators Joseph Tydings, of Maryland, and Philip Hart, of Michigan (Senator Edward M. Kennedy, the Majority Whip, who was one of the original senators to work against the nomination, was out of town)—to discuss what might be done to obtain two more weeks before the vote was taken, a period that all of them agreed was essential to create the maximum opposition at the proper time. Bayh asked how the others felt about filibustering to delay a vote that long, and Javits flatly refused to engage in one, saying, "I will not filibuster against my own President." Hart refused, too, because he opposed filibusters in principle, and Tydings and Brooke took no position. Although Bayh felt that they weren't doing their utmost if they didn't use whatever means were available to them, he dropped the idea of a filibuster. Then they discussed a maneuver that Mansfield had tested on Carswell's supporters earlier that day on the floor—an agreement by which they would allow a vote on the education bill on April 1st if Bayh's side would agree to a vote on recommittal on April 6th and, that failing, to a vote on confirmation on April 8th. Senator Roman Hruska, Republican of Nebraska, who was leading the fight for Carswell's confirmation, feared that the opposition might filibuster if he refused to accept this arrangement, so he had agreed to it; now, once the filibuster idea was discarded, the Bayh-Brooke side agreed, too. That provided the two weeks, and it also raised the question of who would be the best person to move for recommittal. Bayh mentioned Fulbright's offer, but Brooke was against accepting it, and pointed out that the White House was still unaware of Fulbright's change of mind, and that if it saw him break ranks and join the leadership of the opposition more danger signals would be raised all over the place and pressure would be turned on at once. Instead, Brooke went on, it would be far better for Bayh himself to make the motion. "As surprising as it may seem, you should do it because they don't dislike you downtown," he explained. "They feel you're simply doing what a liberal senator should do."

Late the same afternoon, Bayh offered the motion that both sides had accepted—in the form of a unanimous-consent agreement—and it was adopted at once. Then Fullbright took the floor and announced that he would vote for recommittal, although he said nothing about how he stood on confirmation. Hatfield also announced that he would vote for recommittal and went on to indicate that he would vote against confirmation as well by releasing the text of a telegram he had sent to the President urging him to withdraw the nomination as the only way to resolve "the crisis of confidence that confronts our governmental process." In a radio interview, Packwood angrily attacked the recommittal move, saying, "There are probably six to eight senators who don't want [Carswell] and who don't have the guts to vote against him." Then he demonstrated that he wasn't one of them by announcing that he would oppose both recommittal and confirmation. It was widely assumed that the White House had put Packwood up to this, but he privately denied it and said that actually he was sorry he had made such an intemperate remark about his colleagues, even though he felt it was true. Still, one anti-Carswell aide said that at the time "the soundings coming out of Packwood's office turned bad, so bad that his name was placed on the questionable list." To put it back firmly where Packwood said it would be, appeals were made to some leading members of the Dorchester Conference, a group of several hundred liberal Republicans that Packwood had organized in Oregon some years earlier for a dual purpose—to air topics that were not often aired in orthodox Republican circles, and to help him reach the Senate—and they went to work to make sure that he kept his promise to vote against Carswell. Despite the growing list of defectors, the White House didn't seem unduly alarmed and did nothing more than put out a statement saying, "The President is firm in his support for Judge Carswell."

On the day that the unanimous-consent agreement was reached, the *Washington Post* ran a front-page story describing the meeting that took place in Carswell's Washington hotel, on January 26th, at which Carswell had met with Horsky and Norman P. Ramsey, another member of the American Bar Association's Committee on the Federal Judiciary, which was about to vote to recommend the nominee as "qualified" for a seat on the Court. The *Post* reported that in 1956, when Carswell was U.S. Attorney in Florida, he had helped transform a segregated municipal golf club into a segregated private club to circumvent a recent Supreme Court ruling prohibiting segregated public recreation facilities. Then the article went on to assert that Carswell had admitted to the two men that he had been "an incorporator of a segregated Tallahassee country club on the night before he swore to the Senate that he had no such role." (Actually, the story had been broken several days earlier by Fred P. Graham, of the New York *Times*, but the editors had buried it in the back pages in the first edition and then, deciding that it was "too soft," had cut it out entirely.)

Now that the story was no longer mere gossip, a young lawyer on Kennedy's staff, James Flug, telephoned Horsky and asked what conditions he wanted before he would recount the details of his meeting with Carswell in a letter or a memorandum. After thinking it over, Horsky replied that if a member of the Judiciary Committee asked him for such a document he would honor the request but that under no circumstances would he divulge the committee's deliberations on the subject. Flug informed Kennedy, Bayh, Tydings, and Hart of the offer, and got authorization from Kennedy to make the request officially. Flug passed on Kennedy's request, and Tydings also called Horsky to accept his offer personally. Following several lengthy telephone conversations with Flug, who acted as intermediary, Horsky drafted a memorandum describing the encounter, got Ramsey to approve it, and sent copies to Kennedy and Tydings. The memorandum, which came to be known as the Horsky memo, began by stating that Horsky and Ramsey had visited Carswell at the committee chairman's request to ask about the golf-club episode. After that, the key section stated, "Mr Horsky, who had brought to the meeting photostatic copies of a number of papers having to do with the corporate organization of the club, then showed Judge Carswell the papers from the Certificate of Incorporation on which the names and signatures of the incorporators of the club appeared, showing him as an incorporator."

Since Carswell had assured the committee, under oath and on two separate days, that he was utterly unfamiliar with the contents of these papers, there could be no doubt now that he had deceived the Senate. As it was, though, Horsky's revelation came too late to have much effect. By this time, most of the senators who were finally to vote for Carswell had already announced their intention, and they were, as the Washington saying goes, "locked in." For instance, a couple of days before news of the Horsky memo was published, Senator John Sherman Cooper, Republican of Kentucky and one of the most respected men in the Senate, had announced that he would vote for Carswell and then refused to withdraw his support despite the appearance of the memo and the pleas of some of his oldest friends and closest associates that he change his mind. Cooper had provided a good part of the ten-vote margin against Haynsworth's nomination, for when he revealed that he would oppose it there had been a stampede of other Republicans to line up with him. Cooper's endorsement of Carswell shocked liberals and moderates both in the Senate and out, since he had often been their leader—in the fight against the A.B.M., for example—and was almost always their ally. Perhaps the most surprised of them all was Clarence Mitchell, head of the Washington branch of the N.A.A.C.P., who had talked with Cooper before both the Haynsworth and the Carswell votes and had come away as strongly convinced by his second visit as he had been by the first that the Senator would vote no.

To Cooper, the cases were essentially different. "My general position has been to support a President's decision in such matters," he explained later. "I expected to support Abe Fortas for Chief Justice, but then the facts that were brought out changed my mind. In the Haynsworth affair, I felt that although he hadn't personally profited from his decisions in the cases where he held stock in companies that were litigants before his court, he had violated the federal statute and the judicial canons, both of which instruct judges to disqualify themselves in such cases. Since Haynsworth was a good lawyer, he must have known this, and yet he neither disqualified himself nor disclosed his violations during the Senate hearings on his nomination. That forced me to oppose him. With Carswell, the main questions for me were whether he was a racist and whether he had deceived the committee about the golf-club incident. To vote against him on the ground of the 1948 speech, where he promised he would always defend white supremacy, I would have had to conclude that his bias had continued. I read most of the hearing record and twenty of his opinions, and I couldn't conclude that. While he wasn't as competent a judge as could have been nominated, I finally decided that to vote against him I would have had to be as biassed as they said *he* was. On the second question, I would have had to be convinced that the golf club was made into a private corporation solely to exclude Negroes. That wasn't it at all. The place was bankrupt, and they were trying to keep it open."

Passing over affidavits from numerous Tallahassee citizens, black and white and high and low, along with newspaper articles published at the time stating that the exclusion of Negroes was generally accepted as the reason for making the public course private, and also passing over the question of how a municipal facility—whether it is a waterworks or a golf club—can go bankrupt, Senator Cooper went on to say that neither had he found the Judge dishonest in his appearance before the Judiciary Committee. "In the first morning's hearing, Carswell admitted two or three times after his first lie that he had been an incorporator," the Senator explained. "Since he admitted this, however belatedly, I couldn't see how he had deceived the committee." Ignoring Carswell's repeated insistence on the day *after* these admissions that he had never seen the papers in question and had no idea of what they contained, Senator Cooper went on to concede that Carswell did not have an exemplary judicial record. Just the same, he added, he did not feel that the Judge had been unfair in civil rights cases, as a number of witnesses had charged, and cited a decision in which Carswell ordered his own barber to serve black customers, an order desegregating rest rooms in Tallahassee, a ruling that a one-hour notice before holding demonstrations was too arbitrary, and his role in setting up the Florida State University Law School and insisting that it be open to all races. To Carswell's opponents, of course, these cases seemed like a machine-gunner's putting a couple of blanks among the live bullets in his ammunition belt. As for stories about Carswell's hostility to civil-rights lawyers, Senator Cooper argued that most of the testimony on this point was hearsay, although he failed to explain how the three witnesses who testified about it had relied on hearsay when they had discussed only their own experiences in Judge Carswell's court.

In the end, the sole argument against Carswell that the Senator found persuasive was one made by Senator Hart—namely, that whether or not Carswell was a racist, the black community believed that he was, which was just as bad. (In one of the most eloquent speeches made during the debate, Hart had asked, "If I were a black American, would I ever be able to convince myself that that little part of G. Harrold Carswell, in his pledge always to support white supremacy might not be a part of him tonight and tomorrow when I am in front of him?") "That point had some weight with me," Cooper went on. "But then I wondered if I could decide the issue on that basis when I believed he had no animus toward Negroes. On that basis, one would have to oppose *any* judge from the South, because every judge, as Justice Holmes once said, is to an extent a product of his environment, like anyone else." Environment notwithstanding, no one had ever levelled the charge of racism against such men as Elbert P. Tuttle, who had been chief judge of the Fifth Circuit Court of Appeals until he retired in 1967 and who had withdrawn his earlier endorsement of the Carswell nomination after some of the more damaging facts about Carswell's record—his apparent racism and his extraordinarily high reversal rate—were revealed; or John Minor Wisdom, who sat on the Fifth Circuit with Carswell and who had said when asked for his appraisal of the nominee, "I stand with Tuttle." Finally, Senator Cooper disagreed that Carswell's record on the bench was an obstacle. "That argument against him rested upon subjective judgments concerning his ability and capacity for growth, which are a matter of speculative opinions," he explained. To Carswell's critics, there was little of a speculative nature about his record on civil-rights and habeas-corpus cases. As for subjective judgments, few senators who felt free to decide the issue on its merits were willing, in these perilous times, to put a man with such a record on the Supreme Court, where he might sit for thirty years or more, in the hope that he would turn out all right.

No one in Washington questioned Senator Cooper's sincerity, which was regarded with much the same awe as his rocklike integrity. In some quarters, it was speculated that his staff, which was largely conservative, had been dismayed by his leadership of the fight against the A.B.M. and his pivotal role in blocking Haynsworth and may not have fully informed him about Carswell's record. Various other explanations went the rounds, among them one to the effect that President Nixon had promised to make him the Administration's leader in the Senate debate on the Strategic Arms Limitation Treaty (SALT) talks in exchange for his vote for Carswell. But others felt that no one, including the President, would dare offer a man like Cooper a deal of any kind. On this point, the Senator himself said later, "The President didn't talk to me about Carswell on his own initiative. I just happened to be in the White House during the SALT discussions, and I told him that I had decided to vote for Carswell. In fact, I had made up my mind to a week before. Having told him this, I said that I would make a statement and a speech about my position when the Senate reconvened after Easter. Afterward, one of the President's aides called my decision right away—four days earlier than I had planned. Since I was going to announce it anyway, I agreed." Still, there were lingering doubts, because he was not content merely to cast his vote in favor of the nomination but worked actively for Carswell among other senators. As one of them said later, "John was really out there in the trenches on this one."

Soon after Cooper's announcement, the two leading Republicans in the Senate—George Aiken, of Vermont, and John J. Williams, of Delaware—also came out for Carswell. Aiken had voted against a major Presidential nomination only once in his thirty years in the Senate, and now he jovially told a colleague that he would vote for anyone the President named, unless the fellow had murdered someone—lately. As for Williams, who has been called the conscience of the Senate, one of his fellow-Republicans said after his public statement, "It's true that he has a big conscience, but it's also true that he usually brings it down on the side of conservative causes." Around this time, the White House released a telegram from eleven of Carswell's eighteen active and semi-retired colleagues on the Fifth Circuit Court of Appeals endorsing him. This move, which was interpreted as an attempt to cancel the effect of the Horsky memo, was credited to Kleindienst. It was also put down as an exceedingly clumsy maneuver, because it demonstrated not so much that nearly two-thirds of Carswell's fellow-judges supported him as that more than a third of them opposed him. "Haynsworth didn't solicit his fellow-judges for an endorsement, as Carswell did," Senator Cook said later. "They made it on their own initiative. Carswell had to solicit, and even then he couldn't get seven out of the eighteen. There were judges who said they absolutely wouldn't endorse him. Imagine what they faced. If Carswell went on the Supreme Court, their decisions would be subject to his review and comments. Or if he lost they would have to face him constantly in person. That they still refused to endorse him had a big effect on many senators." Some of them were also said to have been affected by a statement that Judge Wisdom made explaining why he had refused to put his name on the telegram. "I think the Court [of Appeals] has no business as a court endorsing or not endorsing a man as a nominee for the Supreme Court," he said." It seems to me it violates separation of powers. But when it comes to individual opinion, I think that this moment is not the time to appoint a reactionary to the Supreme Court. It shows a lack of understanding of the urgency of the situation."

During the Easter recess, most senators went home to get a bit of rest and to mend a few fences. Many of them ran into surprisingly deep feeling against the President's choice for the Supreme Court, but few of them found quite the angry mood that confronted Senator Hiram L. Fong, Republican of Hawaii, when he got home. Although he had good reason to oppose Carswell—chiefly because of the islanders' resentment of any taint of racism—Fong had voted for the nominee in the Judiciary Committee and was expected to support him the rest of the way. At the beginning of his visit, the Senator announced that while he would vote against recommittal, he hadn't yet decided whether or not he would vote for confirmation. Subsequently, Fong's chief aide, Robert Carson, was asked what pressures had been brought to bear for and against Carswell in the Senator's case, and he answered, "There was no pressure on the Senator. No one would try to exert pressure on him because it is well known that he is not susceptible to any form of pressure. On an issue like this, he simply takes a judicious stand. He gathers all the facts, puts them in the proper legal and social balance, and then, keeping an entirely open mind, decides the issue solely on its merits." It was a nice civics-book description of a senator at work, but it was somewhat at odds with the facts. Actually, Fong was probably the object of as much pressure as any other Republican senator, and just about everyone involved believed that of the Republicans who finally voted against Carswell he was among the few who had decided the issue entirely on the political merits. To begin with, the White House had promised him a federal judgeship for one of his friends and help in setting up an East-West trade center in Hawaii if he voted for Haynsworth. He did, but when that nomination went down to defeat the White House offered the same rewards for his vote in favor of Carswell. That, it was reported, didn't sit well with Fong, and to help him take a judicious stance the other side began to create counter-pressure.

This assignment fell to Gary Burns Sellers, a young lawyer who served as one of the top commanders of Nader's Raiders and was that outfit's specialist on Capitol Hill. At the time, Sellers was on loan to Representative Philip Burton, Democrat of California, to help in his efforts to devise a coal-mine-safety bill, and Burton gave him time, if he saw fit, to work against the nomination. At the outset, Sellers had concentrated on stirring up opposition to Carswell in Hawaii during his spare time. (Most of the work had to be done by telephone, and Fong was an ideal subject for Sellers to work on in his spare time, since the difference between Washington time and Hawaii time allowed him to spend his evenings in Washington talking to people during their afternoons in Hawaii.) At first, Sellers was at a loss about what was the best way to proceed, but then he recalled a classmate and fraternity brother from his days at the University of Michigan Law School named Stuart Ho, whose father was reputed to own a sizable part of Honolulu and was undoubtedly a man of great influence. Sellers rang up Honolulu Information and learned not only that young Ho had three telephone numbers, perhaps indicating that he was a man of some influence, too, but that one of them was the number of the state legislature. Sellers called this number and found that Ho, a Democrat, was the majority leader of the house of representatives. Sellers got through to Ho after several calls, reminded him of their university ties, and went on to describe what was happening in Washington over the Carswell nomination. To Sellers' delight, it turned out that Ho had introduced a resolution condemning the nomination and had just been wondering how he could pry it out of the committee where it was languishing. Sellers told him that Fong was one of the swing votes, and urged Ho to press for action on his resolution as one way of bringing pressure to bear on Fong. Ho promised to do what he could, and then gave Sellers

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the names of several people in Washington who were close to Fong and might be able to influence him. Sellers got in touch with them at once, and while they went about softening up the Senator he tracked down, through another contact from his university days, a couple of newspapermen in Hawaii. When he got through to them on the telephone, he found that, like Ho, they were unaware of Fong's pivotal role in the fight against Carswell. Assuring Sellers that they were dead set against the nomination, they promised to help and asked what they could do; he said that the most effective approach would probably be to hammer away at how crucial Fong's part in the affair was, since this would encourage his constituents to write and urge him to oppose the nominee. "That was what we needed most," Sellers said afterward. "We wanted Fong to come into his office when he got back to Washington and find letters stacked to the ceiling." To keep the pile of mail and the pressure on Fong mounting, Sellers called his press contacts in Honolulu almost every day to fill them in on the latest developments—usually the news that another senator had come out against Carswell, which, Sellers pointed out, made Fong's role even more crucial. The papers played up these stories and ran editorials demanding that Fong stand up against the nomination, whatever the President's displeasure. One dividend of the campaign was that it gave Ho the lever to pry his resolution out of the lower house and push it through both bodies. At the same time, Representative Patsy Mink, Democrat of Hawaii, who was also home for the holiday, went around the islands attacking Carswell and calling on the voters to demand that Fong vote against him. If he didn't, she told several audiences, she might be compelled to run against Fong when he came up for reelection the following fall. In the end, these efforts created a typhoon of feeling against Carswell. When Fong was asked by reporters, just before he left for Washington, where he now stood, he replied that he still opposed recommittal but that he had examined the merits of the issue and had decided he would have to vote against confirmation, too.

Sellers' attempts to persuade other senators to consider the same merits that had brought Fong around proved less successful. The next target was Senator James B. Pearson, Republican of Kansas, whose political views ranged from moderate to liberal but whose state was inflexibly conservative. Pearson was Brooke's closest friend in the Senate, but Brooke had not approached him for his vote, because he knew that leaders of the Republican Party in Kansas had threatened Pearson with the fiercest primary fight of his career in 1972 if he opposed the President now. Once again Sellers turned to his university friends and acquaintances, and finally located several alumni who were lawyers in Kansas. He explained the deep concern in Washington over the prospect of Carswell's reaching the Supreme Court, and, as before, just about everybody offered to help. They gathered signatures on petitions, arranged for letter-writing campaigns, and appealed directly to Pearson's closest friends. Recalling that the Senator was known as a deeply religious man, Sellers discussed this with a friend in Washington who came from Kansas and who knew the Senator's minister there. The friend was as concerned about the nomination as Sellers, and agreed to telephone the minister and ask him to help. When the request was made, the minister replied that he had already tried and had failed. Undaunted, Sellers set out to verify a rumor that had been going around for some time—that Judge Carswell had told the chancellor of the University of Kansas, who was a native of Florida and a friend, that he must have moved North "to get away from the niggers," a move that, according to the rumor, Carswell said he had been contemplating, too. The chancellor was on vacation in Mexico, but Sellers tracked him down and called to ask that he publicly confirm the story if it was true. The chancellor refused to make any comment. He also refused to confirm the rumor privately, which might have been enough to persuade Pearson to change his vote. Unaware of Sellers' appeals, Kennedy's aide Flug made a similar call, with similar results. "I knew that if we got the chancellor to tell the story, that alone would knock Carswell out," he said later. "I pleaded with the man for confirmation, but I just got nowhere." Afterward, Sellers called a couple of faculty members at the University of Kansas School of Medicine and described his efforts to certify the rumor. When the chancellor alighted from the airplane bringing him home from vacation, practically the entire medical faculty was waiting on the tarmac, and their spokesman demanded that they be told whether the story was true. Again the chancellor refused to answer, saying only that he might not get the usual state grants if he rocked the boat. While that may have seemed to be an admission that Carswell had made the reported remark, it wasn't enough for Pearson, and he stayed with the Administration.

Sellers also went after Senator Jennings W. Randolph, Democrat of West Virginia, in the hope that if a senator from a border state were shaken loose senators from the Deep South who were unhappy about the nomination might use the opening as an escape route. Randolph was due to come up for reelection in 1972, and it was believed that his opponent in the Democratic primary would be Representative Ken Hechler, author of "The Bridge at Remagen," who had settled in Huntington some years earlier to launch a political career. Since West Virginia is a desperately poor state, with what seems to be an incurable unemployment problem, its voters had more to worry about than whether a "son of the South" was being mistreated by Northerners, and this inclined Sellers to believe that Randolph would be taking little or no political risk if he opposed Carswell but would get some valuable credit with liberals at home who might otherwise line up behind Hechler. To get this message across, Sellers and a couple of associates got in touch with the lobby that, under Hechler's leadership, had pushed through compensation for West Virginia coal miners who had contracted black-lung disease. While this group worked on Randolph, Sellers worked on his staff, who promised to do what they could. Then he turned to John D. Rockefeller IV, a Democrat and the West Virginia secretary of state. Sellers asked Rockefeller's aides to do what they could to persuade his Republican father-in-law, Senator Percy, to persuade Randolph to join the opposition. Randolph wouldn't be persuaded. "In fact, he wouldn't even swerve," one of the men involved in this effort said later. "He's completely out of touch with the times, and just lumbers on like an aged elephant headed for its doom." His doom promised to be fairly comfortable. Just before the Haynsworth vote, the Administration announced, through Randolph's office and without mentioning Hechler, a three-million-dollar grant for an urban-renewal project in Hechler's district. Randolph, as it turned out, voted for Haynsworth.

Up to the Easter recess, Carswell's critics made no serious mistakes, but during the recess one of them, a newcomer to the fray, made such a spectacular blunder that he endangered the entire cause. Near the end of March, Senator Alan Cranston, Democrat of California, heard that Charles F. Wilson, a Negro who had written the Judiciary Committee stating that in his numerous appearances as a private civil-rights lawyer before Judge Carswell he had been treated with unfailing courtesy, had later told Vincent H. Cohen, another Negro lawyer, that the letter was a fraud; Wilson had signed it, Cohen told Cranston, but he hadn't written it. According to the story, the author of the letter was Assistant Attorney General William H. Rehnquist, who had taken this step on Kleindienst's orders, after it was learned that Wilson now worked for the government—for the Equal Employment Opportunity Commission in Washington. According to Cohen, he had asked Wilson to sign an affidavit relating this episode, but Wilson had declined, whereupon Cohen drew up his own affidavit describing the conversation. The issue was of some importance, for the Wilson letter constituted the only favorable report on Judge Carswell's treatment of civil-rights lawyers. Ten others had testified or submitted affidavits stating that he had been unfailingly rude to them, and Wilson's letter stating that in his numerous appearances before Carswell "there was not a single instance in which he was ever rude or discourteous to me" had been endlessly cited, in the Senate and out, on Carswell's behalf. In any event, Cranston's staff collected what information it could find on short notice—some of it inaccurate, such as the allegation that the Administration could fire Wilson if he refused to sign the letter (he was protected under Civil Service regulations). Cranston compounded this sloppy staff work by failing to ask Wilson if he could substantiate what he had told Cohen, on the ground that it would be unfair to pressure the man as the other side had. At a well-attended press conference on March 30th, Cranston revealed the Wilson story, but when reporters called Wilson he immediately denied it and said that although he had been "assisted" in drafting the letter, Cranston's charges were "absolutely untrue." Three hours later, Kleindienst and Rehnquist held a press conference, too, and said that Cranston's charges were "deliberately misleading" and "absolutely false." But each time Kleindienst tried to substantiate this, Rehnquist got up and unwittingly refuted him—as, for instance, when Kleindienst said that the Department had had nothing to do with Wilson's letter and then Rehnquist described how he had visited Wilson at his home to discuss the matter and had drafted the letter himself. However, this sort of contradiction received far less coverage and attention than Wilson's denial. Afterward, several senators were believed to have been so angered by what appeared to be a vicious smear that they were tempted to vote for Carswell. Cook was thought to be one of them, but he privately denied that the episode had had that effect on him. "It may have said something about Cranston, but it said nothing at all about the man we were concerned about—Carswell," he explained. Whatever effect the affair had on the outcome finally, it undeniably left a bad impression of Carswell's opponents, who now began to look not just desperate but ruthless.

In the end, responsibility for the debacle was taken by Joseph L. Rauh, Jr., vice-chairman of the A.D.A. and counsel to the Leadership Conference on Civil Rights, who had been deeply involved in the Carswell fight from the start. "Wilson came to me first and offered to hold a press conference under the auspices of the Leadership Conference to reveal that the letter was a fake," Rauh said not long ago. "I asked him to put the facts in an affidavit, but he refused. So I refused to have anything to do with him. One of the basic rules of legal practice is that if somebody is willing to rat on somebody else, you'd better get a sworn statement or he may rat on you, too. Guys who are on the level will go along, and guys who aren't won't. If he was willing to tell his story to the press, why wasn't he willing to put it in writing? I should have warned the others on our side, but it never occurred to me that anyone with experience—least of all a senator—would get snared." There was doubt in other quarters whether Wilson had intentionally laid a trap for anyone. Instead, these people felt, he had succumbed to internal and external pressures almost concurrently—he wanted to expose Carswell, but when the time came and the risks loomed ahead of him he backed away. In any case, Sellers was less inclined to place the blame for the fiasco on Rauh than on Cranston, who, he felt, was more gentleman than politician. "He should have called Wilson in and told him what he was going to do and bluffed him into going along or being made to look like an Uncle Tom," Sellers explained. "A lot of people in this town want to be neutral about everything. At a time like this, you have to say to them, 'You're not neutral, you're opting for the status quo, and in this case, that's bad. If Cranston had charged Wilson with betraying his own people to keep a cushy job, he could have driven him into a corner and *made* him tell the truth. You don't win in this game by being polite."

The day after the Cranston press conference, Rauh stopped off at the New Senate Office Building to deliver a letter he had composed, containing twenty points against the nomination, to a senator who was reported to be having difficulty in making up his mind. On the way to his office, Rauh passed the suite occupied by Senator William B. Saxbe, Republican of Ohio, who had been telling everyone that he, too, was uncommitted. Deciding to drop in and see what he could do to persuade Saxbe to join the opposition, Rauh went in and found the Senator free and happy to discuss the subject. He showed Rauh a copy of a letter he had written to Mr. Nixon asking whether his continuing silence meant that he no longer fully supported the nomination and suggesting that if he did he might make that known and might also personally answer the charges that had been raised since the hearings. Impressed by Saxbe's concern, Rauh showed him *his* letter, and after reading it carefully Saxbe said, "Great!" and asked if he might show it the following day to the other members of the Wednesday Club, a group of a dozen or so moderate and liberal senators who meet for lunch on most Wednesdays for political talk. Rauh decided that it would be far more effective to have the letter presented by a senator to several senators than for him to present it to only one senator, and he quickly agreed.

Seven senators attended the Wednesday Club luncheon—Brooke, Case, and Goodell, who had already announced that they would oppose Carswell; Mathias and Schweiker, who indicated that they would, too; Cook, who said, for the first time in front of his colleagues, that he planned at that stage to vote against both recommittal and confirmation; and Saxbe, who wasn't uncommitted after all, having made up his mind a week earlier to support Carswell. The lunch got under way with a discussion of whether recommittal was the proper course to take. Cook didn't like the idea, because, he argued, it was nothing more than a sneaking attempt to avoid the issue. Goodell disagreed. "I don't see any difference between recommittal and an up-or-down vote," he said. "I might prefer the latter as a cleaner and more direct method, but since some senators feel easier, politically speaking, about recommittal as a way to kill the nomination, I don't care about procedure. The point is to kill the nomination." Saxbe tried to argue the others out of their stand against Carswell, and then he presented Rauh's letter—not, as Rauh had expected, to support the opposition but, rather, to support the nomination. "If this is the best the opposition can come up with, you can't vote against Carswell," Saxbe said, and threw the letter down before them. Several of those present agreed that Rauh's case was not as compelling as it might have been, because it attempted to cover too much ground. To give it the concentrated force it lacked, Goodell presented three points instead of twenty—that Carswell had a lamentable record when it came to civil rights, civil liberties, and honesty. Then Case said that a fourth point, which he felt was more important than all the others together, was that the nation was racked by tremendous social upheavals, particularly racial discord, and that moderate black leaders had to be convinced that the system could be made to work on their behalf. "If we accept Carswell, they'll never listen to us again," he said.

Saxbe's letter to the President had been discussed at the White House several days earlier—in fact, even before it was written. During a breakfast meeting between the President and Republican leaders in Congress, one participant asked whether it might not be wise for Mr. Nixon to make a strong public statement on Carswell's behalf to rally public support and thereby to bring the troops in the Senate into line behind the Administration. Senator Griffin, the Minority Whip, mentioned that Saxbe was thinking about writing the President a letter asking where he now stood on the nomination, and it was agreed that an answer from the President would be a good way to handle the problem. To expedite matters, Griffin told Saxbe about the plan, and a lawyer from the White House and two lawyers from the Justice Department got together to prepare an answer to Saxbe's letter, which hadn't arrived yet. They studied the Constitution, "The Federalist," and books on the Constitutional Convention, and then composed a letter that ignored all of them. After assuring Saxbe that the Administration stood behind Carswell all the way, President Nixon's letter went on:

"What is centrally at issue in this nomination is the constitutional responsibility of the President to appoint members of the Court—and whether this responsibility can be frustrated by those who wish to substitute their own philosophy or their own subjective judgment for that of the one person entrusted by the Constitution with the power of appointment The question arises whether I, as President of the United States, shall be accorded the same right of choice in naming Supreme Court Justices which has been freely accorded to my predecessors of both parties.

I respect the right of any Senator to differ with my selection. It would be extraordinary if the President and 100 Senators were to agree unanimously as to any nominee. The fact remains, under the Constitution it is the duty of the President to appoint and of the Senate to advise and consent. But if the Senate attempts to substitute its judgment as to who should be appointed, the traditional constitutional balance is in jeopardy and the duty of the President under the Constitution impaired.

For this reason, the current debate transcends the wisdom of this or any other appointment. If the charges against Judge Carswell were supportable, the issue would be wholly different. But if, as I believe, the charges are baseless, what is at stake is the preservation of the traditional constitutional relationships of the President and the Congress.

By prearrangement, Saxbe released the President's letter—what came to be known as the Saxbe letter—on April 1st, at a large press conference held in a committee room of the New Senate Office Building. The reaction in the Senate was uniform indignation. "The Senate doesn't like to do very much, but it doesn't like to be told that it doesn't have the right to do very much," Senator Packwood explained later. Most members resented the President's attempt to usurp their powers, and just about everyone there agreed with Bayh when he told his colleagues later, "This interpretation is wrong as a matter of Constitutional law, wrong as a matter of history, and wrong as a matter of public policy." To begin with, the President's insistence—stated several times in the letter—that he alone was empowered to "appoint" justices was a stunning misinterpretation of the Constitution, which stipulates, in Article II, Section 2, "The President . . . shall nominate and by and with the advice and consent of the Senate shall appoint . . . judges of the Supreme Court." In short, the appointive power was to be divided between the President and the Senate; he had the power to name a judge, and the Senate had the power to approve or reject his choice. In "The Federalist," Hamilton described this divided responsibility as a "powerful" and "excellent check" on the President, and added, "If by influencing the President be meant restraining him, this is precisely what must have been intended." Further, President Nixon's peevish claim that he was being denied the right given other Presidents flew in the face of history from the first Administration on down. In 1795, President Washington's choice of John Rutledge as Chief Justice was defeated by the Senate, and over the years twenty-three other nominations to the Court either were rejected or were delayed until they lapsed or were withdrawn because of Senate opposition—the last two being President Johnson's nominations of Abe Fortas and Homer Thornbery. In answer to the charge raised against Carswell that he had lied under oath to the Judiciary Committee about his part in the golf-club affair, the President presented the same defense that Senator Cooper had—namely, that Carswell had first erred about the golf-club incorporation but had subsequently corrected himself; nothing was said about his firm denials the following day without later retraction. As for the charge of racism, the best that Mr. Nixon could do was to cite a letter from a shipmate of Carswell's during the Second World War stating that he had always treated the black sailors aboard his ship decently; the President did not mention that the Navy had been firmly segregated at the time.

In an editorial entitled "The President's Trump," the Washington *Evening Star*, which supported Carswell, observed that "Mr. Nixon's initiative in permitting the publication of his letter to Senator Saxbe, will put powerful new pressure on wavering senators." The editorial writer was about the only person outside the White House who thought so. In the days following the release of the letter, senator after senator rose on the floor to denounce the President for demanding that the Senate abdicate its responsibilities and give up its rights. Senator Brooke publicly called the letter "shameful," and Senator Hugh Scott, the Minority Leader, who publicly supported the nomination, privately said, "One more stunt like that and Carswell will get two votes." Various opinions were expressed about the President's motives. One was that he was trying to make the case one of personal loyalty in order to becloud the basic issue. Another was that he was going over the head of the Senate to the public and employing the same kind of distortion that had helped win the Presidency. Still another was that the letter was a clumsy attempt to lay the basis for an attack on the Senate if Carswell was beaten. Whatever the motives, the letter was believed to have shaken some senators who were inclined to support the nominee—among them Margaret Chase Smith, Republican of Maine, who reacted with uncommon fury to any attempts to deny the Senate its rights. Even Saxbe was put out by the affair. "I thought the President's letter was a poor job," he said in a private conversation afterward. "If it had any effect at all, it was an adverse one. I had hoped he would deal with the questions I raised in my letter. But he dismissed those in one sentence. Then he beat a dead horse, because I had already admitted in my letter that the nomination was his prerogative. I had been hoping for a tight legal brief, but instead I got all this irrelevant stuff."

Despite his feelings about the letter, Saxbe had been willing to be the one to release it because he needed some way to justify his vote back home. Local branches of the major labor unions and civil-rights organizations had stirred up strong sentiment against the nomination in the northern, and more liberal, part of the state, and his mail from Ohio, some four thousand letters in all by the end, was running eight to one against Carswell. When Saxbe held the press conference and gave reporters copies of the President's letter, he also anounced that he would vote for the nominee—and pointedly held his nose as he did. "My main reason for endorsing Carswell was that I wanted to protect Senator Scott," Saxbe later explained. "Many of us very much want a new image for the Republican Party. We fought for Scott, and if he loses, all chance for that new image will vanish, because the Hruskas and the Goldwaters will take over. To protect his own position as Minority Leader, Scott *had* to support Carswell. But he wasn't any more enthusiastic about it than I was. My feeling was that if I backed off from Scott on this one and left him standing alone, it would show that he couldn't line up even the moderates and liberals who are supposed to be his faithful followers."

Perhaps Saxbe was able to take this stand because, unlike most other moderate-to-liberal Republicans in the Senate, he did not, as he admitted, share a feeling of reverence toward the Supreme Court. Some of Saxbe's colleagues, whether or not they shared that feeling, saw that it unquestionably had to be reckoned with. During the debate over Haynsworth's nomination, Senator Griffin paid a visit to Camp David to beseech the President to withdraw that nomination as an act of statesmanship, and argued that it would revitalize the Republican Party nationally and would increase the President's stature immeasurably, both in the Senate and out. "But he just couldn't get the idea across," a man who was close to Griffin said recently. "Nixon simply doesn't understand the gut feeling that the Court is sacred and must not be used for political ends." In the view of a reporter who had long experience on Capitol Hill, both as a journalist and as a senatorial aide, much of the President's attitude could be traced to the influence of Attorney General Mitchell. "The President was a senator for only two years before becoming Vice-President, and has never fully understood the Senate," he said. "And Mitchell has demonstrated time and again that he has no awareness of, or sensitivity to, the senators' political needs, their problems, and, most of all, their pride. It's pretty easy to see what must have happened. When even moderates like Griffin urged the President to withdraw Haynsworth's nomination, Mitchell, who had to defend it, since he was responsible for it in the first place, must have told Nixon, 'This is not what they claim it is. Actually, it's a political trap, an attempt to get you. If you back down now, you'll never be master in your own house again.' And if the President believed this in the Haynsworth case, the Carswell fight could only have confirmed it in his mind."

Some of the younger Republicans in the Senate felt, as a couple of them admitted in private, that the President was placing his own narrow political advantage above the general good of the nation, and they bitterly resented his attempts to coerce them into going along with him and to impute base motives to them for refusing. With each day, these senators became increasingly convinced that they could not serve their President and the public interest at the same time. "Opposition to the Carswell nomination—however painful it might be for the Republican senators—is a necessary step," David Broder wrote in his Washington *Post* column during this period. "It is necessary for their own political future. It is necessary as a sign to the Administration that there are limits to its compromising of the civil-rights cause. It is necessary as a political corrective to the all-out 'Southern-strategy' advocates. And it is necessary, most of all, if the Republicans are to be a national party capable and worthy of governing this country."

As Saxbe left his press conference, another senator entered to take over the room—and the attention of the large gathering of reporters. To their amazement, the new arrival—William B. Spong, Jr., a conservative Democrat from the conservative state of Virginia—went to the lectern and announced that he would vote for recommital of the nomination. Though surprising at first, Spong's decision made political sense when one considered some recent developments. For one, Senator Harry Byrd, Jr., his senior colleague, had recently broken with the Democrats in Virginia to become an independent, and his departure from the party that his family had controlled inflexibly for two generations left Spong open to a primary challenge by its more conservative wing—a move that Byrd would not have allowed. For another, in 1969 Virginia elected its first Republican governor, a moderate, in more than eighty years, and it was expected that any candidate he chose to run against Spong in the next election would be either a moderate or a liberal. In short, Spong was threatened from both the right and the left. The likeliest solution to his problem, political observers felt, would be for him to attempt to occupy the center and quietly go after the black vote, since Negro registration in Virginia, as in the rest of the South, had risen so rapidly that black citizens were now believed to hold the balance of power. This analysis satisfied those who viewed politics as a game in which senators cynically manipulated power blocs by altering their own views to fit the prevailing sentiment. As it happened, though, these facts of political life in Virginia had no effect whatever on Spong. "If those factors had weighed with me, I would have voted against Haynsworth, too," he pointed out in the course of a conversation on this subject. "Actually, I was unhappy to vote against Carswell." What made Spong unhappiest was the realization that he would not simply be voting against a nomination but would be subjecting a man to the worst kind of public scorn and humiliation. Next in importance for Spong was his desire to see a conservative Southerner on the Court. These factors had pushed him toward an endorsement, but then Carswell's record on the bench pulled him back. In time, the push-and-pull created such an agonizing dilemma for Spong that he nearly became ill. "He was supercharged, really highly tense over this in a way that I had never seen him before," a friend remarked later. To complicate matters, outside pressures were almost as unendurable as inner pressures—demands from close friends and large campaign contributors that he endorse Carswell; thousands of letters, many of them vituperative and obscene; and, finally, six threats to assassinate him if he opposed Carswell. At that point, Spong took his family to their home outside Norfolk for a rest and a chance to think things over.

Spong took with him the hearing record; two studies made by a group of Columbia Law School students showing that Carswell had an extraordinarily high reversal rate while on the bench; a document describing seventeen civil- and human-rights cases in which he had been not only reversed but reversed unanimously; an unedited, free-swinging copy of the minority report prepared by aides to the four senators who had opposed the nomination in the Judiciary Committee; several of Carswell's opinions on federal tax cases that had been recommended by two fellow-Southerners who had recently held high positions in the government, Louis F. Oberdorfer, former Assistant Attorney General of the Tax Division in the Department of Justice, and Mortimer M. Kaplan, former head of the Internal Revenue Service; and, finally, a batch of Carswell's opinions on contract-law cases. Spong was deeply impressed by the Columbia study and by the seventeen unanimous reversals. "Then I read the hearings, and concluded that Carswell had been evasive, as charged," Spong recounted later. "After that, I spent a couple of days reading some of his opinions." Several of these were the tax-case opinions sent to him by Oberdorfer and Kaplan, but most of them dealt with contract cases, which had been Spong's specialty in his private law practice before he entered the Senate. On the basis of these, he concluded that he could have written better opinions as a first-year law student, and when he took them to a law firm in the building where he had his home office and asked some friends for their appraisal, they concurred. "But I felt that none of these things, in themselves, were sufficient reason to vote against him," Spong went on. "I felt that he ought to have a chance to straighten out his evasive testimony, to explain these cases and Tuttle's withdrawal, which had also affected me, and that it would be best to reopen the hearings and ask him back. When charges were made against Fortas and he refused to reappear and answer them, that turned me off and I voted against him. When charges were made against Haynsworth and he came back and explained to my satisfaction what had happened, I voted for him. My support for recommittal was not a maneuver to kill the nomination. If Carswell had cleared up the questions that bothered me, I would have been delighted to vote for him. But as it stood his testimony just wasn't satisfactory." Although Spong did not reveal whether he intended to vote up or down on confirmation if the recommittal motion failed, his aides, who firmly opposed Carswell, were convinced that he would vote no—as in fact he did. Of course, everyone in the opposition was delighted by Spong's arrival—no one more than Fulbright, who now had some protection against the expected charge that he was a traitor to the South. Spong, on the other hand, could take no comfort from his alliance with Fulbright, whose stand against the war in Vietnam made him a traitor to the entire country in the eyes of the hawkish residents of Virginia.

While Spong's announcement offset the Saxbe letter—an accident of timing, as it happened—Senator Cook immediately offset Spong by announcing, that day, his intention to oppose recommittal. That created consternation in the anti-Carswell camp, because it suggested that Cook might also support confirmation. Actually, Cook had already made up his mind to vote against Carswell in the end, as he had told those at the Wednesday Club lunch, but he didn't want to reveal it publicly and provoke howls of protest back home. However, he had told the White House where he stood, and asked to be left alone. For a time, he was, apparently because the staff there realized how hard he had worked for them in leading the fight for Haynsworth, and because they knew that Cook's constituents would keep up the pressure on him anyway. Although Kentucky is a border state, it is intensely proud of its Southern heritage—rather like a man whose uncertainty about his forebears makes him a snob—and is deeply conservative in general. Republican county chairmen, the men who get out the vote on Election Day and who tend to be even more conservative than the average voter, could be expected to be infuriated by Cook's vote. If they were sufficiently angry, of course, they might take the step that all incumbents fear the most—a primary challenge the next time around, which divides one's potential supporters and invariably leads many of them to sit out the general election. But, like Spong, Cook was having trouble with his conscience. In the Haynsworth contest, he had set down standards for a Supreme Court nominee to demonstrate that his support for this one was by no means casual. One standard was that experience on the federal bench was not enough to qualify one for the Court unless it was accompanied by a record of distinction, and now Cook found that he was stuck with it, since Carswell clearly didn't measure up. His opinions were undistinguished, he had mistreated lawyers in his court, and his reversal rate was shocking, Cook concluded. Even in straightforward civil cases, as opposed to controversial civil-rights suits, in which the law was sometimes unclear, his reversal rate was almost twice as high as other judges'. "I tried to figure out how a federal judge could get himself overruled that often," Cook said later. "When you examine Carswell's cases, you have to conclude that really and truly the man must have some hang-up with the doctrine of *stare decisis*—that is, precedent. His failure, or refusal, to follow that rule, which is the basis of our judicial system, proved that he was the opposite of a strict constructionist." Another factor that weighed heavily with Cook was Judge Carswell's testimony at the hearings, which Cook, as a member of the Judiciary Committee, followed carefully. "I remember so vividly that on the first day Jim Eastland was reading Carswell's biographical sketch, and asked him if it was correct," Cook recalled. Taking a copy of the hearing record off his desk, he opened it and read the Judge's answer: "'Yes, Senator, [but] there is one small error in date. My present memory is that my military service should read 8–9–42 instead of 8–27–42, because I entered on active duty with the Navy in South Bend, Indiana, Notre Dame University, on August 9, 1942.'" Closing the volume, Cook went on, "Now, he remembered that twenty-eight years before he had gone into the Navy on August 9th, not August 27th. But then on the question of the incorporation of the golf club he suddenly didn't remember anything. He had a twenty-eight-year memory, but he couldn't remember that he had seen the incorporation papers the night before. He must have thought, 'I signed some papers on some place that discriminated, and I have to get out of it.' Instead, he should have pointed out that just about every golf club in the country discriminated then and many still do, that it was done in a place where the question never arose, and that, indeed, he had been wrong even so to sign it. If he had done that, he probably would be on the Supreme Court today." Still another factor that had influenced him, Cook went on, was the warning—expressed earlier by Senator Goodell—that Carswell might be on the Court for thirty years or more, and the argument made by others that while undistinguished men had been put on the Court in past years, that was no reason that they should be now. "The errors of a legislator in Congress are only for two or six years' duration," Cook added. "Then, if the people don't like what he did, they can recall him. But the errors of a Supreme Court justice can hurt a whole nation and can't be remedied. I couldn't be a party to allowing that and remain in the Senate."

Over the Easter recess, eight members of the Senate left Washington to attend a conference of the Interparliamentary Union in Monaco. Scott was among them, despite the pleas of Bryce N. Harlow, the President's director of liaison with Congress, that he stay in town during the last crucial days before the vote on Carswell. Scott retorted that if the period wasn't crucial enough to keep the President and the Attorney General from going to Florida, it wasn't crucial enough to keep him from going to Monaco. Kleindienst also made the same plea, and got the same response—in somewhat harsher language. During the conference, however, Scott took advantage of the relaxed and amiable mood of his colleagues to work on a couple of uncommitted members of the official party. Bayh was also on hand, and he worked on them to cancel Scott's effect. In any event, Scott remained in Monaco until April 4th, two days before the recommittal vote, but Bayh was too worried about what was happening in his absence to stay that long, and returned on April 1st. On his flight back to Washington, he received a message during a refueling stop that his wife's father had killed her stepmother and himself. When the plane landed in Washington, Bayh's chief aide, Robert Keefe, was waiting for him with a car and immediately drove him to his home. Mrs. Bayh had decided to stay over in Monaco until the official party left on the fourth, and didn't get word of the murder-suicide until after her husband had departed. By now, she had left, too, and was due in Washington early the next morning. Shaken by the family tragedy and deeply concerned about its effect on his wife, Bayh paced restlessly through the house for a long time, until he decided that he could do nothing about it until his wife arrived. With that, he turned his attention to the Saxbe letter, which had been released that afternoon and which Keefe had given him a copy of on the way back from the airport. Although the letter struck Bayh as an absurdly concocted gimmick, he was worried about the effect it might have not on members of the Senate but on the public. Finally, he called Bill Wise, his press officer, to talk it over and to get his views on whether it would be inexcusably bad taste, in view of the circumstances, to make a speech on the subject the following day, Thursday, April 2nd. Wise thought that could be handled by including a line in the speech to the effect that the importance of the issue overrode even the deepest personal concerns, and finally Bayh agreed and said, "O.K., let's go."

Wise telephoned his colleague P. J. Mode, who had just arrived at Senator Kennedy's home to attend a farewell party for one of his aides, and Mode left for his office at once. Shortly after he joined Wise there, Keefe and Joseph Rees, Keefe's deputy, arrived, and the four men worked throughout the night drafting a speech. At 6 a.m., they went home for a couple of hours' sleep, after which they returned to the office, went over the speech with Bayh, had some secretaries type up the draft, and mimeographed copies of it for the press. Although by this time everyone knew about Horsky's meeting with Carswell, the memorandum describing the details hadn't arrived yet. Informed early that morning by Tydings' office that it was expected momentarily, Wise inserted a couple of references to it in the speech so that Tydings would have an opening to engage Bayh in a colloquy on the subject and then put the memorandum into the record. Apparently, the other side got word that Bayh and Tydings now had Horsky's version of the meeting, for when Bayh finally got the floor, around four o'clock that afternoon, two Republican senators, Robert Dole, of Kansas, and Edward J. Gurney, of Florida, who was Carswell's original sponsor, continually interrupted him to delay Tydings' maneuver until after the press deadline for morning papers, which is normally around four-thirty. To outflank them, Wise gave key reporters copies of the memorandum, which had also been given to all members of the Senate, and copies of the speech, so that they could use them in their stories for the next morning, and promised that both documents would be a part of the record by adjournment time if Bayh and Tydings had to keep the Senate in session all night. To fulfill Wise's promise, they kept the Senate in session until well after nine o'clock. Although the Horsky memo was clearly the more important document, the next day's papers gave far more attention to Bayh's rebuttal of the President's letter to Saxbe.

It is impossible to assess the effect of the Horsky memo on the outcome, but certainly it was not as great as it would have been if Horsky had not temporized so long—until after most of those who were going to vote for Carswell had made their position known and thereby locked themselves in. One known effect, though, was that it gave those of Carswell's backers who were already uneasy about their stand a few bad hours. For instance, Senator Griffin said afterward, "I was bothered by the Horsky memo. For a whole weekend, I gave that a lot of thought." Some of his aides tried to persuade him that the memorandum was more than enough to justify him in retracting his support, and one of them said later, "He was within a hair of turning around. But the White House had him locked in, and finally he bit the bullet and said he would stay where he was." To justify *that*, Griffin instructed a lawyer on his staff to draw up a memorandum on the memorandum to show that it did not prove Carswell a liar. Over that weekend, Griffin also talked to Senator Cooper, of Kentucky, and Senator Williams, of Delaware, to see if the Horsky memo had forced them to withdraw their endorsements, which would have made it easier for him to follow the same course. When they replied that they meant to stick with the White House, he saw that he would have to go along with them. "He couldn't leave the kitchen when the heat was on if no one left with him," one of his assistants explained.

Despite his reservations, Griffin returned to the fray with the kind of determination that only a politician can summon under such circumstances, and began working harder than ever to persuade uncommitted colleagues to join Carswell's backers. The first was Senator Prouty, of Vermont, who was eager to support the President but was up for reelection and was being hounded by critics of the nomination back home. Prouty's opponent was the former governor of Vermont, Philip Hoff, who had been approached by the anti-Carswell lobby in Washington and was now travelling around the state calling Prouty's earlier promise to vote for Carswell the act of a rubber stamp, not a senator. With independent-minded voters like Vermonters, the charge worked, and the mail opposing Carswell, and anyone who voted for him, began pouring into Prouty's office. Finally, he gave in, or so it seemed, and promised Brooke his vote. But now, when Griffin showed him the memorandum on the Horsky memo, Prouty promised to cast his vote for Carswell if it was needed. His intention, it appeared, was to vote for recommittal once it was sure to lose, which would allow him to tell his constituents that he wanted the matter reexamined to make sure that the nominee was qualified and was treated fairly. When recommittal failed, he could then vote for confirmation and justify it by saying that the sense of the Senate had been to accept the nominee's credentials. "That was one of our basic mistakes—counting on Prouty," an outside lobbyist said later. "We put to much work in and too much emphasis on him. We should have known all along that he would go whichever way the strongest wind blew." There was also some doubt about the firmness of a promise elicited from Senator Thomas J. Dodd, Democrat of Connecticut, to oppose confirmation. Not long before, the Justice Department had announced that it was dropping its case against Dodd for allegedly misusing campaign funds and misreporting his income, and many people concluded that this decision was half of a deal, the other half being Dodd's guarantee that he would support the Administration when

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it needed him. In the Haynsworth case, for instance, Dodd abstained on the first roll call, and then, when it was clear that the nomination was defeated, he cast his vote against it. He had voted for Carswell in the Judiciary Committee and showed every sign of planning to vote for him on the floor until one of his opponents in the forthcoming primary race in Connecticut, the Reverend Joseph Duffey, national chairman of the A.D.A., and local labor unions began going after him, whereupon Dodd reaffirmed his promise to oppose Carswell on the final vote.

As the date for the vote drew near and the Administration discovered the extent of the trouble it was in, panic ensued. To counter the effect of the Horsky memo, Deputy Attorney General Kleindienst enlisted the help of judges on District Courts in the Fifth Circuit, and persuaded fifty of the fifty-eight who were on the bench and seven of the thirteen who had retired to endorse Carswell by way of another telegram. In the press and in the Senate, Kleindienst's maneuver was put down as outright intimidation. Whatever the impropriety of his efforts, there could be no doubt about the impropriety of the judges' lobby, for the Judicial Conference, which is made up of federal judges representing all eleven circuits, specifically forbids any political activity by any federal judge for any reason. One judge who was charged with having ignored that was the highest of them all—Chief Justice Warren E. Burger. Although the Chief Justice has angrily denied the charge that he lobbied among several senators to get their votes for Carswell, at least one of them still asserts that he did.

A number of Republican senators observed that they had never seen such incompetent liasion work by an Administration as there was in the Haynsworth case—until the Carswell nomination. In at least one instance, the lines of communication broke down completely in the latter fight. Senator Mathias had been out of the country on Senate business during the Carswell hearings, and since he was a member of the Judiciary Committee, he felt obliged to read the record of the hearings when he got back. Afterward, he was dissatisfied, mainly because he had not had a chance to assess Carswell in person. "All my instincts were directed toward justifying a vote for Carswell," he said later. "I felt that another fight over the Court after Haynsworth was harmful to the Court, to the President, to the Senate, to the Republican Party, and to the country, and I didn't want to be the one who caused that harm if the vote was close, as everyone expected. But as I went into the record and the newspaper reports, I found it more and more difficult to reconcile myself to the nomination. Finally, I asked to meet Carswell." Mathias made his request to Hruska, and, when nothing happened, to Gurney, and, when nothing happened, to John Dean, the Justice Departments' liaison man, who passed it on to Kleindienst. Still nothing happened. Perhaps Kleindienst decided that since Mathias had opposed Haynsworth, he would undoubtedly oppose Carswell and merely wanted to demonstrate to his constituents that he had done everything he could to bring himself to vote for the nominee. If this was the case, Kleindienst ignored the obvious indication that Mathias hadn't made up his mind. "If I had, I wouldn't have asked for a meeting, which was bound to be painfully embarrassing for both Carswell and me," he said. "Anyway, we were getting down to the wire, and I was becoming increasingly distressed, particularly about Carswell's abominable record on the bench. I was worried about the terrible position Scott was in, and wanted to help him if I could. I talked to Cooper, and he argued that Carswell was being held to unreasonable standards, but I couldn't see that. Finally, on April 1st, I renewed my request for a meeting, this time in writing, and sent it to the Justice Department. I never got an answer. That was unprecedented in something as critical as this, where one vote really mattered. I didn't hear from a single person in the executive branch—not from the President, not from the Attorney General or his Deputy, not from anyone lower down—even though I had asked for information and guidance." Finally, Mathias mentioned this to Gurney, who was stunned by the Administration's bumbling, and he called the White House and demanded that it make amends. Almost immediately, Mathias got a call from an aide there who offered to have Carswell flown up from Florida for a meeting with him the night before the vote. Mathias turned down the offer. "I told him that clandestine midnight meetings on judgeships were not in our tradition," he recalled afterward. "Obviously, a meeting under such strained conditions could not have been helpful."

Once the Administration realized that if it lost on the motion to recommit the nomination it would, unlike the opposition, have no second chance, it let fly with everything in its arsenal. By the day before the recommittal vote, the mood in the White House was buoyant, and the press secretary confidently announced that, with four senators being absent, the vote would be fifty to forty-six against the motion. Unknown to the White House, Bayh fully agreed with its expectation of victory and estimated its winning margin would be even larger. Also unknown to the White House, he had given up any hope of recommitting the nomination and, in a secret tactical switch, had turned his attention to the final vote, which the White House, in its frantic concern about recommittal, was ignoring. Late in the week before the first vote—set for Monday, April 6th—Bayh had concluded that his side would probably lose that because of all the pressures applied by the Administration. He discussed this with Mansfield, who suggested that he might dispense with the recommittal motion and move to take a vote on confirmation in its place. After thinking that over, Bayh finally disagreed, on the ground that many senators who wanted to see Carswell lose also wanted to vote for him in some way—in the case of Republicans, to soothe the President and, in the case of Democrats, to soothe those of their constituents who were for Carswell—and that if the recommittal motion was dropped that would close the door to any token support. No sooner had Bayh made this point that he discovered the solution to his problem—allowing these senators to meet their political needs by releasing them from their commitments to vote for recommittal as long as they kept their commitments to vote against confirmation. "It was one of those split-second decisions," Bayh said later. "I saw that the Administration had assumed that the recommittal and confirmation votes would be pretty much the same. In its panic, the White House had pursued a policy of overkill to win on recommittal, and I realized that we could use this to undercut it on the final vote." Accordingly, Bayh, Brooke, Kennedy, Tydings, and Hart quietly let the others on their side know that it was all right to vote as they pleased on Monday if they voted against confirmation on Wednesday.

The shift in strategy was an amazingly well-kept secret, and the White House staff members, blindly pursuing their course, stumbled into the trap. To assure victory on the recommittal motion, they went after four key votes—those of Fong, Dodd, Packwood, and Percy—and won them with what should have seemed suspicious ease. "That meant the White House had the Monday vote sewed up," Bayh's aide Rees recalled later. "By then, we were delighted to let them expend all their steam on that, because, although the White House didn't know it, those four men had promised to be with us on Wednesday. That gave us forty-seven votes to forty-five for Carswell on the Wednesday vote. Four senators would be absent, and four more were unknown quantities. If we kept Quentin Burdick, of North Dakota, who seemed to be leaning our way, it would be forty-eight. If Cook, Prouty, and Mrs. Smith all went with the Administration, that would make it a tie, which, of course, the Vice-President would break in favor of the nominee. But while the White House needed all three to win, we needed only one to give us the magic number—forty-nine." It was generally assumed, however, that these three Republicans would vote alike, in order to protect themselves and each other by creating a margin that they could take refuge in; otherwise, of course, the one who cast the deciding vote would be open to attack, whichever way he or she cast it, by political opponents at home.

The recommittal vote was set for one o'clock Monday afternoon, and shortly before the roll was called, disaster nearly befell the anti-Carswell cause. Bayh happened to run into Senator Burdick, and learned that through an oversight no one had told him about the new strategy. Burdick was one of those who felt they had to vote once for Carswell, and he was still planning to vote for recommittal and, if that failed, for confirmation. Stunned to learn this, Bayh hastily told him that the plans had been changed, and asked him to switch his votes around. Burdick listened to his plea, nodded as if to indicate that he would go along, but refused to commit himself openly. To a degree, his was the key vote that afternoon, and when he cast it against recommittal, Bayh and Brooke turned and grinned at each other, for now it was clear that he would be with them on the final vote. Another senator who was watched closely that afternoon was Prouty; as expected, he abstained the first time the roll was called, and then, when it was clear that the motion had lost, voted for it. By this time, the vote was anticlimatic, except that the final tally—fifty-two to forty-four against the motion—showed that the White House staff couldn't count any better when it won than when it lost. That also surprised no one, and about the only unexpected occurrence took place during the debate preceding the vote, as Senator Aiken rose and put in question his reputation for sagacity by delivering a one-sentence speech on behalf of the nomination: "We need some law and order and to stop apologizing to every criminal." Afterward, a Republican colleague shook his head in disbelief and said, "George must have got a new speechwriter—Strom Thurmond."

In the course of the debate, Scott casually remarked to Mansfield that the anti-Carswell forces now clearly had the votes to defeat the nomination on Wednesday. Nodding, Mansfield went over to Bayh and suggested that after the recommittal motion failed he move to take an up-or-down vote on the nomination not two days later but two hours later. Bayh liked the idea, and as soon as the votes were counted and the result was announced he rose and asked for a unanimous-consent agreement to take a final vote at three o'clock that afternoon. Hruska was so flabbergasted by the proposal—a clear sign that Scott hadn't mentioned it to *him*—that he jumped up and shouted, "The Nebraska from Senator objects!" The objection may have been backwards—it was later reversed in the *Congressional Record* by one of Hruska's aides, since senators are allowed to edit their remarks on the floor—but it was enough to kill the motion. After the session broke up, Hruska confidently assured reporters that the Administration would win the contest on Wednesday by at least three, and perhaps four, votes. At lunch in the Senate dining room a little later, Brooke stopped at Hruska's table and twitted him about the remark, saying, "Roman, you can count, and so can I. If you had the votes, you would have agreed to Birch's motion on the spot."

XUM

That afternoon, everyone's attention turned to Cook, Prouty, and Mrs. Smith. Although Cook had been in the Senate only a couple of years and wasn't well known there, he was regarded as a man of honor, and Brooke considered his promise as being firm. However, Cook was also known for his exceedingly complicated nature, and there was always the possibility that the White House would find some way of appealing to a part of it that others were unaware of. Prouty, it was assumed, would take the least thorny path of political expediency. And, as usual, no one had any idea what Mrs. Smith might do. At the age of seventy-two, with twenty-two years in the Senate, Mrs. Smith is known, variously, as "the grand old lady from Maine," "the Senate's most independent member," and "the best argument against women's liberation in town." She has carefully nurtured a reputation of fiercely resenting any pressure exerted on her, whatever the motive and whatever the issue. Her unapprochable stand has long been highly popular with her Down East constituents and rather unpopular with many of her colleagues who, unlike her, have polyglot constituencies and have to bargain and compromise endlessly to hold on to their seats. Mrs. Smith plays her role with the skill of a great actress. When an issue of moment is before the Senate, she invariably holds off announcing her decision, and then when the time comes for the vote she demurely enters the Senate chamber, which falls utterly silent as her name is called, and in a small, soft voice she makes her will known.

Just about everyone was afraid to give any appearance of violating the sanctity of Mrs. Smith's independence openly, but now a couple of moves were made to violate it covertly. Toward the end of the contest, Sellers, who had worked so hard to bring Fong around, happened to mention to Bayh's staff that if Carswell was confirmed he would be the justice who oversaw the First Circuit, which took in Maine, and would have jurisdiction over stays of execution, contested federal actions in the region, and other legal affairs that would be of concern to a politician with both local and national responsibilities. Sellers was asked for a memorandum on this, and when it arrived Wise, Bayh's press officer, telephoned the Boston office of the A.P., where the news was rejected by the acting night editor, who told him that it was "a Washington story," and then the Boston *Globe*, where the assistant managing editor was very interested (and rather put out that his staff hadn't thought of it). Wise dictated the information contained in Sellers' memorandum, and a story on it appeared on the front page of the next day's edition. That was said to have impressed Mrs. Smith, who had been unaware that Carswell would have such an effect on her domain if he reached the Court.

A surprising number of other senators turned out to be unaware of even the latest and hottest news, including the Horsky memo and Tuttle's withdrawal, which were the most important stories of all. When aides to the leaders of the opposition discovered this, they quickly alterted the press, which set out to inform senators who had neglected to inform themselves. For instance, the Washington *Post* ran a lengthy article on the memo's implications, which was believed to have impressed a number of senators who were wavering. Then Hruska, who had a long history of being unable to remain silent when anything he said could only make a bad case worse, wrote the paper an angry and inaccurate letter denying the charges, which prompted the *Post* to run a persuasive point-by-point rebuttal of his claims, and that impressed the undecided senators even more. Mrs. Smith was also unaware of the Horsky memorandum's meaning, it appeared, for after the recommittal vote she told Brooke that she was troubled by the charge that Carswell had been less than frank with the Judiciary Committee and wanted to know more about it. Brooke promised to send her some material on it, and called Bayh's office for help. The job fell to Mode, who drew up a four-page document describing the situation in the simplest terms, underlined the relevant passages in the hearing record and placed paper clips on the pages where these appeared, and then appended copies of the affidavits submitted by Tallahassee residents stating that everyone in town who knew anything knew that the gold course was incorporated privately to get around the recent Supreme Court desegregation ruling. Brooke sent the material to Mrs. Smith early the following morning. By then, he was deeply apprehensive, because he had just learned that the President had summoned her to the White House the night before and presented *his* case for Carswell. It was reported that she refused to tell Mr. Nixon how she would vote, and the next morning, a few hours before the roll was called, she told Brooke that she wouldn't decide until her name came up.

"When we agreed to a two-day delay between the votes on recommital and confirmation, we hadn't thought the latter was important at all," Keefe, Bayh's chief aide, said later. "Like the Administration, we figured the big vote would be on whether the nomination should be sent back to committee. But when our strategy changed, those two days became nerve-rackingly vital, because the White House was turning on everything it had." One thing it didn't have was any chance to persuade the four senators who had promised to vote against recommittal to vote its way on confirmation, too. Before the Administration saw what was happening, the four publicly stated that they would oppose both recommittal and confirmation. Finally seeing the trap, the White House appealed to them to vote for Carswell on Wednesday, but they pointed out that all they had been asked for was their support on the first vote, and that since they had told their constituents where they stood on confirmation, they couldn't back down now and let it appear that they didn't know their own minds.

The Administration apparently also imagined that Fulbright had merely made a gesture toward his liberal friends in voting for the recommittal motion, and that his vote would be in its column when the motion to confirm the nomination came up. Once again, the White House intelligence system had broken down, because several developments in Fulbright's political life clearly pointed in the opposite direction. For one, in his 1968 Democratic primary campaign against Jim Johnson, a white-supremacist, Fulbright for the first time openly appealed for black votes, because he believed that he couldn't win without them and that the "seggies," who hated him for his stand on the war in Vietnam, would vote against him no matter what he did. Then, at the beginning of 1969, Fulbright was the only Southern senator to support the nomination of Dr. James Allen, a Northern integrationist, as Commissioner of Education, and was one of only three Southerners to support the Voting Rights Act back in March. While various arguments against Carswell had impressed Fulbright, probably more important to his thinking was the case made by Dr. Robert Leflar, who had formerly held the deanship of the University of Arkansas Law School, a post that Fulbright had held before becoming president of the university and then senator.

Most of the law school's faculty came out against Carswell, and then Leflar, who knew and had supported Haynsworth, flatly told Fulbright that Carswell simply was not fit to sit on the Supreme Court. That, plus the outpouring of protests against the nomination from other law-school deans, jurists, and prominent legal scholars, convinced Fulbright that he had no choice but to join them. The White House intelligence operators finally got wind of this—several days after everyone else knew it—and set out to recapture the vote they had never had. Their principal tactic was to ask friends and contributors to Fulbright's past campaigns who were indebted to the Nixon Administration—for its slowdown on school desegregation, say, or for government contracts—to demand that he change his mind. But when these people called Fulbright, they were reluctant to demand anything, and made it clear that they were calling only because the White House wanted them to. Of course, that drained off any strength their appeals might otherwise have had. Still another influence on Fulbright was his wife, who had been astonished and infuriated during the squabble over Haynsworth when Attorney General Mitchell's wife telephoned her and threatened to organize members of the Cabinet to campaign against Fulbright if he betrayed that nominee. As it turned out, Fulbright voted for Haynsworth, but the threat left his wife so embittered that she let him know she wouldn't mind at all if he came down against Carswell, whatever the reprisals.

Another Southerner, Senator Albert Gore, Democrat of Tennessee, had long stood as one of the few exceptions to the racist mood among Southerners in the Senate, and had voted for almost all of the civil-rights measures that counted. But this year his problem was compounded by the fact that he was up for reelection and was in graver danger of defeat than ever before in his thirty-two years in Congress, because the President had made his seat the prime target in his Southern strategy and his attempt to take over the Senate. Gore was as resistant to outside influence as Mrs. Smith—but never waved the banner of his independence as she did—and lobbyists on both sides in the Carswell fight were careful not to let their work in Tennessee be visible. Halfway through the contest, they got the impression that Gore had not made an announcement on the Carswell nomination because he had not heard from the labor unions back home.

At one of the strategy meetings that were held every few days in Bayh's office, the union representatives were told that they had fallen down on the job, and they immediately mounted an anti-Carswell mail campaign among workers in Tennessee. In all likelihood, the mail had little effect, for Gore must have known that the labor vote would be in his corner as usual. Probably he waited for the mail to come in not so much to be sure before he made a commitment as to make sure that he would be able to call on the unions for help the following fall. In any event, it was believed that both Fulbright and Gore relied chiefly on Hruska to help them out of any difficulties they could expect from angry voters at home. His astonishing defense of mediocrity provided a likely solution, for now they could tell their constituents that they, too, wanted a Southerner and a strict constructionist on the Court, but not one who wasn't smart enough to deal with the damn Yankees.

Out in Texas, Senator Ralph Yarborough, a liberal Democrat of the old-fashioned populist variety, was also faced with the strongest challenge of his career—a formidable primary contender and, if he got through the primary, a formidable Republican opponent in the fall. The contest over Carswell was largely an underground matter in Texas, for all that mattered to many people there was that he was a Southerner, which to them meant a segregationist. That was seldom mentioned—not nearly as often, for instance, as the prayer-in-the-schools issue, which was entirely aboveground and was being used to great effect against Yarborough, who stood by the Constitutional dictum separating church and state despite the bitter resentment that

XUM

created at home. None of those on the anti-Carswell side had any doubt about where Yarborough would stand if he voted as he wanted to. His greatest fear was that if he opposed the nomination he might end up as one of the usual ten or twelve liberals who could be counted on to vote their consciences; if that had been the case, he would have found great difficulty in taking the risk of joining them.

Above all, he needed concealment—enough other votes against Carswell to make his own seem commonplace. As soon as that happened, he was prepared to vote with them. Once he made this decision, Yarborough turned to local labor leaders, who had pressed him to make that choice—after the anti-Carswell labor lobby in Washington had pressed *them*—and asked that they now protect him by convincing the ordinary workingman that Carswell's presence on the Court would be against his interests. But the union heads, whose support has increasingly proved in recent years to be less help than hindrance in political campaigns, were more worried about harming themselves among their followers than about Yarborough's harming himself among his, and they failed to do the job. The final vote on the nomination was due a couple of weeks before the primary election in Texas, and as it approached it became clear that Yarborough would probably lose. No one, it appeared, could help him if he voted against Carswell. Even Hruska was of little use, for, as one of Yarborough's closest associates said later, "mediocrity isn't a marketable issue in Texas."

The day before the final vote, the Administration once more demonstrated its capacity for inepitude by dispatching Eugene Cowen, a White House liaison man with Congress, in search of an anti-Carswell senator who would agree to pair his vote with Senator Karl E. Mundt, a conservative Republican from South Dakota, who had been hospitalized for several months following a severe stroke and who presumably would be in favor of the nomination. (The other absentees were Clinton P. Anderson, Democrat of New Mexico, who had just undergone an operation for glaucoma, and Claiborne Pell, Democrat of Rhode Island, and Wallace F. Bennett, Republican of Utah, both of whom were in the Far East on Senate business. The absence of the four was understood to have no effect on the vote, since two were for Carswell and two were against him.) Pairing is a parliamentary procedure by which votes are recorded but don't count in the final tally—that is, it gives those who are not able to be present when the roll is called a chance to state how they would vote if they were.

XUM

Anyone who is present and agrees to vote in a pair ordinarily does so because he knows that his vote won't matter anyway or because he wants to sidestep, at least formally, an issue that is particularly delicate for him. Of course, in this instance the vote was particularly delicate for half the members of the Senate, and anyone who threw his vote away on a pair would be open to the bitterest criticism from constituents and political enemies. That circumstance aside, Cowen's search was still futile, for Mundt was thought to be almost totally incapacitated, and if a paired vote had been announced in his name several senators would have demanded an official investigation to make sure that it hadn't been cast by one of Mundt's or the White House's aides.

While Cowen was frantically looking for someone to pair with Mundt, others on the White House staff were frantically trying to persuade Senator Howard W. Cannon, Democrat of Nevada, to come over to the Administration's side. Nevada is a deeply conservative state, and its residents tend to be most conservative of all on the law-and-order issue, focussing a great deal of resentment against the Supreme Court's rulings on the rights of defendants. (Probably nowhere in the country is the breakdown of order more difficult to attribute to the Court than in Nevada, where the high general crime rate is largely due to legalized gambling, which has brought hordes of organized and unorganized criminals into the state, and where the high murder rate is largely due to the absence of any statewide gun laws.) Cannon had won his last race by only eighty-four votes, and since he was up for reelection in the fall, there was every reason for him to share whatever of his constituent's strongest views he could. He had chosen, above all, to share their views on the Supreme Court. "Frankly, I would like to see the Court more conservative, so Carswell seemed fine at first," he explained later. "I felt that the President was entitled to a man with any philosophy he wants. But in time it became clear that his choice wasn't an outstanding jurist. I was influenced by the failure of Carswell's colleagues to support him. Then came Hruska's statement defending mediocrity, which made it much easier for all of us to oppose the nominee. Then came the reversal rate. Then came the Horsky memo. Still, I had a lot of hard decisions to make and was subjected to a lot of pressure from both sides. Anyway, I was on the fence until the day of the vote." To bring him down on the Carswell side, an Administration spokesman called and promised that if he voted for the nominee he would get "a free ride" in the fall—that is, a weak Republican opponent.

In the last days before the vote, the White House also worked hard on Senator Burdick by promising that his opponent in the fall in North Dakota would be left on his own if Burdick voted right, but that President Nixon and Vice-President Agnew would campaign for the challenger if Burdick voted wrong. Confident that his opponent would be too weak to benefit from such help, Burdick held fast—as he undoubtedly would have in any case. Then the Administration turned to Senator Schweiker, of Pennsylvania, whose defection from both the President and Scott it found impossible to believe. In one of the crudest miscalculations of the entire battle, the Administration released to a reporter from *Newsweek* a list of the people it had called in Pennsylvania to bring pressure to bear on Schweiker, among them large campaign contributors, county chairmen, mayors, state legislators, federal judges, and personal friends. This clumsy attempt to browbeat Schweiker infuriatied him. He was also bewildered by the move, and said later, "If they knew anything at all about me, they wouldn't have been so stupid, because it was bound to boomerang." When an anti-Carswell lobbyist heard about the maneuver, he laughed and said, "They figured that since this sort of gambit works with Scott it should work with Schweiker, too. Of course, they forgot one elementary point—Scott is up for reelection and Schweiker isn't."

While the Administration's repeated blunders created a good bit of amusement, some people were alarmed by its persistent inability to understand what was going on—a failure that could be calamitous in an international crisis, for instance. Senator Cook, who visited the White House on both Monday and Tuesday before the vote and was frequently telephoned by aides there when he wasn't on the premises, was reported to have come away convinced that none of them could believe anyone in Congress could ever behave in anything but a purely political way.

In Cook's view, it was far too late to expect a last-minute switch by a senator with the least notion of his public responsibility. "I don't think that someone who deals with an issue as serious as the elevation of a man to the Supreme Court can accept the idea that he is open to a switch at a crucial time," he said. "It just isn't that fluid once you've studied and thought about it." Above all, the Administration's apparent conviction that in politics there could be no principle led it to persistently overestimate the effects of pressure on members of the Senate and to ignore their consciences. "There's probably not a man here who is unaware that in our system one Supreme Court justice is equal to eleven senators," an aide to a Republican senator who was *not* close to the White House said later. "Those who were most concerned about Carswell's fitness to serve on the Court were also aware that he would probably be there a lot longer than most of them will be here, and might do irreparable damage to our country. Even more important, as these men viewed it, was the likelihood that Carswell's confirmation might well be the final blow for the blacks, and that if the Senate turned its back on them their moderate leaders would lose any chance of keeping them within the system."

Bayh had flown out to Houston to keep a speaking engagement before the Texas League of Women Voters the afternoon before the final vote, and when he returned the next morning and went to his office, around nine o'clock, Keefe and Rees filled him in on the latest rumors that were swirling about the Capitol. He calmly shrugged off the stories that Carswell would win, and said that the vote would be fifty-one to forty-five against the nomination. Rees, who believed that forty-nine votes were the most they could hope for, remarked that the Senator was obviously very tired, and suggested that he get some sleep. But Bayh had another pressing family matter to attend to; his father had been hospitalized with an angina attack the day before in Washington, while Bayh was in Texas, so he set off for the hospital, saying that he would meet them on the floor of the Senate at ten-thirty, shortly after the beginning of the three-hour debate that was to precede the vote.

Another aide, Mode, rode with him to the hospital and then to the Capitol, and went over with him all the papers he might need, including a secret memorandum that Bayh had asked Mode to prepare in the event of a tie vote. The first part was entitled "Scenario for Tie Vote on Carswell." It began, *"Upon Announcement of Tie Vote*—rise trying loudly to raise questions of order. This fails since can't be raised until division complete, (Rule XX, Sec. 1) . . . *When the Vice-President Votes*—rise shouting 'I raise the point of order that the Vice-President cannot vote to advise and consent to a nomination to the Supreme Court.'" The memorandum went on to suggest what to do "if he ignores point of order," "if we're lucky," "if he's on the ball," "after the parliamentary hassle," "if they move to reconsider," and finally "if they move to notify the President immediately." Attached to this document was a three-page speech presenting the case against the right of the Vice-President to cast the deciding vote in such a situation. In short, the argument was that while his implicit Constitutional authority to break a tie vote in a legislative matter or a nomination to the executive branch was well established, there had never been a test of his authority to break a tie in nominations to the federal courts. The argument was more ingenious than legally sound, but no one expected it to prevail anyway. It was merely part of a parliamentary maneuver by which Bayh might force the Vice-President to delay his tie-breaking vote. If that worked, then Bayh was to filibuster until Andrew Biemiller, the A.F.L.-C.I.O lobbyist, could fly out to New Mexico in a chartered jet, snatch Senator Anderson out of his sickbed, and fly him back to Washington to cast the deciding vote against Carswell.

Early on the morning of April 6th, Senator Cook telephoned Mrs. Smith and told her that he was going to vote against Carswell, and that since she and Prouty held the other swing votes, he thought they should know what he would do when the roll was called. She thanked him, and remarked that perhaps her vote wasn't needed then. Cook also talked to Prouty, who said that he, too, intended to vote against the nomination. Then Cook telephoned the White House and told them what he intended to do. To soften the blow, he mentioned that apparently they could now get Mrs. Smith's vote, and added that with Prouty's vote, which everyone knew was available if needed, the White House would have to find only one other vote to create a tie. With that, Bryce Harlow and his staff set to work—or, as others saw it, they panicked.

On Harlow's orders, Cowen got on the line to Schweiker and told him that Mrs. Smith had promised to support the nomination, that Prouty would, too, and that now his own vote was the one that counted, the one that could save the President from a humiliating defeat. Schweiker hadn't announced his intention to vote against confirmation, because he believed that would bring immediate demands from Pennsylvania for Scott to take the same course. By not revealing his intention, Schweiker also made the decision appear more difficult than it was—another maneuver to protect Scott as much as he could. Apparently, the White House mistook these adroit precautions for indecision, and decided to apply all the pressure it could. In any case, the call left Schweiker reeling. "The President clearly was making personal loyalty the final test," he said later. "I knew that whatever the vote was in the end, it would really be a one-vote decision, because the balance of the margin would simply be made up of the votes cast after the swing man cast his. That made my responsibility deeper than ever when I realized that my one vote could turn it around." As it happened, Senators Percy and Mathias got identical calls from the White House—a tactic known in the political trade as "pancaking," or, as Mathias called it, "a case of multiple uniqueness." Percy was in a quandary about which side he should vote with. He had campaigned for the Senate in 1966 on a liberal platform, but much of his support came from voters in the conservative southern portion of Illinois, who were convinced that he had to appear liberal in order to beat the noted liberal incumbent, Paul Douglas; they were also convinced that Percy would be a different man once he got into office, and were embittered to discover that he voted almost as liberally as he talked. Illinois was also strong Nixon country, and the Republican governor, Richard B. Ogilvie, a Nixon stalwart, had threatened Percy with a primary opponent in 1972 if he let the President down this time. On the other side, Brooke kept after Percy following the recommital vote, and pointed out that whatever the leaders of the Party in Illinois said now, they would discover later on that they needed him more than he needed them. In the end, Percy agreed with Brooke's reasoning. In the case of Mathias, he had decided to follow his conscience and vote against Carswell. "My decision created hideous political problems for me at home," he said afterward.

"Orthodox Republicans, Democrats who voted for me last time on the ground that a Republican would be more pro-South than a Democrat, and many of my personal friends were aghast at my even thinking about voting against the nomination. They were bound to be furious with me when I did. Of course, that could mean a primary opponent next time around and far less in the way of money and help." But Schweiker was undoubtedly the most distressed of the three who heard from the White House. "Half an hour before the time for the vote, I still had the problem," he recalled later. "Finally, I forced myself to put aside the responsibility of what one vote could do and tried the judge the issue solely on its merits. I had to convince myself in the few remaining minutes that the one-vote idea was irrelevant to my decision. Once I did that, I saw that in all conscience I had to vote no."

Shortly after eleven o'clock, as the final debate on the nomination was in progress, a woman on Brooke's staff told him that she had just learned from the Minority Leader's office that Mrs. Smith had promised the White House her vote. Brooke began looking for Mrs. Smith at once, but it was over an hour before he found her—at lunch in the Senate dining room, just below the Senate chamber, where Senators Cooper and Tydings were engaged in a bitter floor debate about which side had misrepresented Carswell's record. Brooke reminded her that she had told him she would not decide how she would cast her vote until the time came, and asked if it was true, as the White House was claiming, that she had promised to vote for Carswell. She colored, and he hastily added that he had no intention of trying to influence her one way or the other but thought she should know what was happening if indeed she had not made up her mind yet. Furious at this development, Mrs. Smith went to a telephone, called Harlow, and demanded to know whether he had told other senators she would support the nomination. Harlow tried to sidestep the question, whereupon Mrs. Smith cursed him, slammed down the receiver, and hurried off to the Senate chamber. She went first to Schweiker and asked if he had got such a call, and he assured her that he had. Then she asked Mathias the same question and got the same answer. With that, she went to her desk and sat, tight-lipped, waiting for the roll call to begin.

At a little before one o'clock, two deep buzzer signals—for a quorum call, the preliminary step to a vote—rang throughout the Senate office buildings across the broad lawns of the Capitol to summon those who were not already on the floor or in the cloakrooms. Even elevator boys and the greenest secretaries knew what this particular signal meant, and everyone watched solemnly as senators, followed by batteries of aides, emerged from their offices and walked down the long marble-floored corridors toward the elevators and thence to the subways connecting the office buildings to the Capitol. The Senate chamber was more crowded than anyone could remember seeing it. The galleries were packed with the lobbyists who had fought for and against the nomination, and with Senate assistants and secretaries. The rear of the Senate floor was jammed with rows of aides who had floor passes, congressmen who had taken advantage of the exchange of floor privileges between the Senate and the House, and even a couple of former senators, who retain for life the right to visit the Senate. Outside, the corridors were filled with people who hadn't been able to get inside.

Promptly at one o'clock, a single buzzer rang, signalling the beginning of a roll-call vote. The first four votes were for Carswell, and then the clerk called, in his deep, resonant voice, "Mr. Bayh," and Bayh had the privilege of casting the first negative vote. Echoing his "No" with a long-drawn-out "No-o-o-o," the clerk resumed the roll, and it stood at nine to four in favor of the nomination when he called, "Mr. Cook." Cook faced the front of the chamber, where Vice-President Agnew was seated as presiding officer, and thundered, "No!" A gasp rose from the audience, for most of those on hand knew that this was the crucial vote, unless the White House had managed to break loose someone who had been thought to be locked in with the opposition. Then some of the votes that might have been changed—Dodd, Fong, and Fulbright—came in quick succession, and as each of them called out, "No," another gasp rose from the audience. When the clerk got to Prouty and he registered a "No," applause burst out briefly, but the Vice-President quickly silenced it with a rap of his gavel.

Then Schweiker voted his conscience, and everyone turned to watch Mrs. Smith, who was seated impassively, wearing her usual red rose. The clerk called her name, and she answered, in a quiet, utterly unemotional voice, "No." That brought a roar of approval from the galleries and more applause, for her vote made twelve Republicans opposed—the number necessary to defeat the nomination.

At the end of the first roll call, the tally stood at forty-six to forty-four against the nomination; six senators either had not voted the first time around or had not reached the chamber in time to answer when their names were called. But there was no question about the outcome now, since it would take four votes for Carswell out of the six to produce a tie, and three of the six were firmly opposed. In the end, five of the six went against the nomination, and one went for it. Precisely as Bayh had predicted, the final tally was fifty-one to forty-five. When Vice-President Agnew announced the result, the galleries burst into applause, whistles, and shouts, with a scattering of catcalls and boos. Senator Richard B. Russell, the Democratic patriarch from Georgia, who had originally suggested Carswell's name to Senator Gurney, angrily demanded that the galleries be cleared. The Vice-President obeyed, and the guards tried to carry out his order, but by then, of course, everyone was leaving anyway. Among the aides in the back of the Chamber, James Flug was laughing and weeping at the same time. "I just can't believe it!" he kept saying. "It's too good to believe." John Conyers, a black congressman from Michigan who had worked hard to defeat the nomination from the House side, was present on the floor, and when he emerged from the chamber he had an expression compounded of disbelief and delight. "Carswell's defeat is an incredible symbol of how public sentiment can work its will even in this insulated system called Congress," he said when he finally collected himself. "It was a terrific psychological victory to show that the people can still have their way."

Later that day, Senator Cook, the hero or villain of the hour, held a press conference to explain why he had voted against the nomination—principally, he said, because Judge Carswell did not have the support of all the judges on the Fifth Circuit and because his "extraordinarily high reversal percentage" refuted the claim that he was a strict constructionist. Cook also took this opportunity to explain why he had not revealed his position earlier, saying that in light of his leadership in the Haynsworth fight his opposition to Carswell might have influenced others to go along with him and he had not wanted to affect the outcome in any way except by his own vote. "Consequently, I have kept my own counsel and have now cast what I consider to be the most politically dangerous vote of my public career," he added. "I say this because I know that the people of my state are anxious for a Southern judge to be put on the Supreme Court. Well, so am I. I know that our people would like to see a conservative approved for the Court, and so would I. But, most of all, I know the people of Kentucky want an outstanding Southern conservative on the Supreme Court, and so do I . . . . I do not see that man in Harrold Carswell. Therefore, I cast my vote as I did because I could not in good conscience do otherwise." Afterward, an aide to a Democratic leader of the opposition to Carswell said, "Cook was a pillar of strength. His decision must have been excruciatingly difficult." It was. Knowing that most of his constituents would be enraged

XUM

by his act and would fail to see that he must have known he would incur their wrath but *had* to vote as he did, Cook took a further step to mollify them by recounting how he had finally made up his mind the day before the vote after attending a White House ceremony at which President Nixon awarded twenty-one Medals of Honor posthumously. "When I came back from the White House, I thought, those were men who did their best and lost their lives. And all of a sudden I thought that we were going to vote for someone who didn't fulfill the degree of excellence in the legal field that I thought those men deserved." Most people in Washington dismissed this statement as a piece of sentimental hokum. Harlow, for instance, asked him, "Marlow, are you serious?" Cook assured him that he was.

That night, Cook stayed in his office late to catch up on his work, and when he left he ran into a group of Senate aides who were winding up their celebration over Carswell's defeat. He stopped to talk with them for a few moments, and mentioned that one of the influences he had not revealed in his press conference was a letter from a former law partner in Kentucky, who had appealed to him to reject Carswell as the only way to stop the deep discontent among Negroes from bursting into a bloody upheaval. Cook paused thoughtfully, then grinned and added, "I hope they send the Attorney General's name up next, so we can turn him down, too."

Senator Yarborough was beaten in his primary by about a hundred thousand votes out of one and a half million cast, and he was convinced that his stand against Carswell had cost him his seat. News of Yarborough's defeat was received with dismay by most of his fellow-Democrats in the Senate, especially by those who had voted the same way and were also facing reelection contests. Few were more dismayed than Senator Cannon, who soon learned that instead of the free ride promised by the White House if he supported Carswell he was in for the costliest ride of his political life for opposing him. At the time of the vote, it had appeared that the Republicans would be unable to find a powerful candidate to run against him, because the two strongest Republican figures in Nevada were vying with each other for a crack at the governorship. Now, however, the White House interceded, and Vice-President Agnew, on instructions from the President, persuaded one of them—William Raggio, the district attorney of Washoe County, which includes Reno—to run against Cannon, and promised that both he and the President would campaign for him. Even more unsettling to Cannon was the Republican Party's promise to spend half a million dollars on Raggio's campaign, an enormous sum for a small state like Nevada. "The Administration has said that it can win a Senate seat at less cost in Nevada than anywhere else in the country," Cannon explained. Of course, he could not hope to raise that kind of money, nor could the Democratic Party in Nevada or the Democratic National Committee, both of which were deeply in debt already.

As it turned out, though, Cannon fought a hard campaign—in the opinion of some, abetted by the Vice-President's and the President's intercession, which was resented by the voters—and won by nearly three to two. At the start of his campaign, Senator Scott tried to soothe his liberal and black constituents by saying publicly, "Perhaps I erred in judgment on the Carswell case." As for the Judge's defeat in his primary race for the Senate, Scott remarked that it was "fortunate that Florida has not nominated a racist." Scott won with fifty-two per cent of the vote.

Senator Gore, who had always played the underdog in election campaigns and had won seven terms in the House and three in the Senate, discovered that he was an authentic underdog at last. Although the President unwittingly came to his aid during the primary by threatening to personally campaign against him, thereby showing the independent-minded voters of Tennessee that Gore was in trouble because he was independent, he won that election by the narrow margin of thirty thousand votes. That was only a third of what he, and others, felt he needed to beat his Republican opponent in the fall. Toward the close of that campaign, his votes against Haynsworth and Carswell became one of the four main issues his opponent concentrated on. In the end, Gore lost by less than fifty thousand votes out of more than a million cast, and it was believed in his camp that if he had voted in favor of either nominee, that would probably have been enough to switch twenty-five thousand votes and reelect him. Senator Tydings also went down to defeat in November, and he believed that he lost because of his support for the civil-rights cause, which, of course, included his vote against Carswell. Senator Fulbright was also in difficulty at home for his vote against Carswell, but since he wasn't up for reelection until 1974, and rumor had it that he meant to retire then, he didn't need any help from the Administration. He got it anyway. At two o'clock on the morning following the vote, Attorney General Mitchell's wife telephoned the *Arkansas Gazette*, said, "I'm little Martha Mitchell," rambled on for a few minutes about her childhood in Arkansas, and added, "I want you to crucify Fulbright, and that's it."

The *Gazette*, which had opposed Carswell from the start, printed an account of her call on the front page of the next edition, and Fulbright's stock soared in Arkansas. A senator from the Deep South who confessed to having some admiration for the idea of the Southern strategy cited the Administration's failure to implement it by way of the Haynsworth and Carswell nominations to prove that it would never succeed. "Mr. Nixon has no feeling for, and no understanding of, the South," he said shortly after Carswell was defeated. "One of the things he doesn't understand is that among Southerners' many antidiluvian attitudes is the attitude of fierce independence."

Carswell's announcement that he was resigning from the bench to run for the Senate in Florida led even some of his staunchest defenders to conclude that his enemies had been right in charging that he was more politician than judge and lacked the temperament to serve on any high court. That his sponsor was the governor of Florida, Claude Kirk, a white-supremacist, also convinced many of them that the racial charges against Carswell were true. In addition, some senators were puzzled by his desire to join a club that had already blackballed him. After his stunning defeat in the primary—by nearly two to one—Carswell apparently retired from public life. He was obviously an embittered man.

But no one seemed as embittered as the President who had nominated him. Summoning the White House press corps the day after the Senate vote on Carswell, Mr. Nixon, with Attorney General Mitchell at his side, delivered a tirade against the Senate. "I have reluctantly concluded—with the Senate presently constituted—I cannot successfully nominate to the Supreme Court any federal appellate judge from the South who believes as I do in the strict construction of the Constitution," he began. Going on to charge that the vote had been the result of "vicious assaults," "malicious character assassination," and an "act of regional discrimination," he wound up by saying that he would be compelled to find his next nominee in the North.

Many people felt that this was merely a political statement, but one prominent lawyer who was deeply involved in the Carswell fight said, "He meant it. Those of us who raised our heads out of the trenches in this fight will never be forgiven. As far as the President is concerned, anyone who was against him on this one is just plain against him."

In the Senate, the reaction to the President's remarks ranged from outrage to disbelief to amusement. Republicans, by and large, were the angriest—with good reason, as Bayh saw it. "These senators felt that the President had handed them two lemons, had gone to the mat for his choices when he didn't have to, and then had attacked the Senate for doing its job," he said. Schweiker was particularly distressed by the President's attack, and called it "a total misreading of the mood, the temper, and the meaning of what the debate was about." Brooke found it "incredible that the President would make such a mistaken and unfortunate statement." And Tydings rose on the Senate floor and ticked off a list of federal judges in the South whom he and just about everybody else would have been happy to confirm. When tempers had subsided a little, a senator who had worked and voted for Carswell—John Sherman Cooper, the Senate's most courtly member—attempted to put the furious charges and countercharges into perspective. "That's all part of the way we do business here," he said with a smile. "It's just politics. I don't see how the attacks have hurt anybody. Whatever I may personally feel about the outcome, I'm sure the debate showed the people, including the people in Congress, what the Supreme Court should be and what the Senate could be."

WHAT IS PARITY?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. ZWACH. Mr. Speaker, parity today is at 68 percent, the lowest it has been since the depths of the great depression.

Parity is the farmers' yardstick. It is the price for farm products which will give the farmer the same purchasing power for the return on each unit of his products as in a reasonable base period. The base period is one where those relationships are considered normal.

Full, 100-percent parity would give the farmer only a fair return on his investment, far less than that received by the rest of industry, particularly the food processing and distribution industries.

But parity is only at 68 percent.

Organized labor is protected by wage contracts.

Businesses are protected by agreements.

Utilities are assured a fair return by regulatory bodies.

Only the farmer has no predetermined price protection, except as the government offers price support on some commodities. In addition, the farmers' production is at the mercy of the weather and other factors.

Mr. Speaker, ever since I have been in Congress, I have fought for 100-percent parity for the farmer. Even at that figure, rather than the 68-percent figure for parity today, the producer would be receiving only a fair price for his product.

During the depression years, from 1933 to 1940, parity was 81 percent.

XUM

For the period 1946 to 1952 it had risen to 107½ percent. From 1953 to 1960 it was 84½ percent.

During the period 1961 to 1968 it had dropped to 77 percent, in 1969 it was 74 percent and today 68 percent.

During the greatest prosperity in the history of man, the producer who supplies the food suffered his greatest economic pinch.

Can we expect our producers to continue on this downward path?

CURRENT ISSUES IN STRATEGIC ARMS CONTROL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. VANIK. Mr. Speaker, I wish to insert in the RECORD a complete and corrected text of a recent article by Dr. Joshua Lederberg which appeared originally in a recent Sunday Washington Post. Unfortunately the text of that important article was not printed correctly and many errors were found. Since it is such an important article I asked Dr. Lederberg for permission to insert the article as originally written for the benefit of the Members of this body and of the public. Dr. Lederberg's credentials are impeccable and what he has to say in this far-reaching and astute article is of importance to all of us. The article follows:

CURRENT ISSUES IN STRATEGIC ARMS CONTROL

(By Joshua Lederberg)

(NOTE.—Dr. Lederberg is a Nobel Prize-winning professor of genetics at Stanford University who is also a student of the arms race and efforts to achieve arms control.)

The strategic arms limitation talks (SALT), which will resume next month in Helsinki, have been labeled the key to world survival through the next decade. Even if we frame the arms race as a byproduct of international politics rather than as a living, demoniacal being with independent existence, no one doubts the value of a critical search for practical limitations on the arms spiral.

Arms investment is shaped by dynamic interplay of domestic and international forces, actions and reactions, as much as by negotiated agreements. More than any other process, nevertheless, these explicit agreements require us to examine the assumptions that underlie our strategies of defense and of conciliation.

In my own view the most important function of the arms limitation conferences is their educational value for the participants, so that the many internal policy-making forces within each country may better understand the full depth of their national interests, and how these may be pursued in the light of the perceptions of the other nations. It would then be a mistake, as Fred Ikle stressed for other reasons in "How Nations Negotiate," to judge the value of diplomatic negotiations solely in terms of the agreements formally concluded.

Complicated multinational interests, or more often the confusion of internal debate, may demand the evidence of a formal treaty to affirm a mutually rewarding accommodation. But, at times, the negotiators should be congratulated for refusing a pretense of agreement when such an understanding was beyond the comprehension, the ingenuity, the interests, or the power of the parties.

The sentimental idea that agreements should be not only discussed, but accepted, in a spirit of willingness to compromise national interests will make it more difficult to get countries into active negotiation and exploration of the congruence of their true interests. It leads to such absurdities as refusing to discuss arms control with the USSR after combative actions in Czechoslovakia or the mid-East, as if we would otherwise be granting them a favor contrary to our own interests as part of an arms control package.

BAN MISSILE TESTS

General disarmament, whether unilateral or by treaty, is emphatically not in question. Nothing would throw the world in greater turmoil than to leave its resources to appropriation or hijacking by any pirate with a left-over hand grenade or machine gun. Nor are we politically, socially or economically ready for the peaceful coalescence of sovereignties into the unified world government that must precede the disappearance of national military forces. To paraphrase the still cogent arguments of the naval strategist A. T. Mahan, the peaceful borders between the U.S., Canada and Mexico are quiet just because there is no ambiguity about the distribution of military power. Had we solved the problems of cultural accommodation, as well as economic and political adjustment, among people of the continent, we could also consider the actual merging of sovereignty and of military power. This is an ideal we must pursue with more realism than piety; but the harsh news of the day points the other way, that we may still fail to halt the division of the nations into blacks and whites, and Chicanos, or French and English. Even a threat of common doom may be insufficient to enforce the dissolution of national sovereignties against the resistance of economic disparities like those between India and the West. Both sides know that every chance of industrial modernization would evaporate if the world's capital were equally diffused and consumed in a population explosion. The "white man's burden" in contemporary terms is to find some way that does work for the effective sharing of capital for the development of the poor countries; if not, we will be relieved of that burden willy-nilly.

ECONOMIC FACTORS

In the eyes of the poor countries, our commitment to the arms race has drained the very resources that might finance international development. Their political pressure (like an implicit threat that India might join the nuclear club) is certainly among the main forces that have dragged the United States and the U.S.S.R. to the conference tables in Vienna, Helsinki and Geneva.

Whether the pattern of arms limitation now under negotiation within the SALT framework will result in much savings from arms budgets is problematical. This benefit may be a long-range consequence of the political stability that is the central aim of strategic policy. In the short run, there is more likely to be only a shifting of expenditures to the programs left out of the agreements.

The obvious, and in many ways desirable, contender here is the naval option. Despite its expense as a launch platform, the submarine has long been advocated as the way to separate the retaliatory force from vulnerable cities, and to provide another resource for assured destruction of an attacker.

Missile-launching surface ships, despite their vulnerability, may also be undeservedly neglected as inexpensive decoys and early-warning lures to dilute an enemy's first strike capability. The mix of cheap, vulnerable platforms must, however, be carefully calibrated in order not to be confused with a force useful only for a first strike. There will be no lack of alternative proposals, some quite plausible, to buy more reliability and to plug potential gaps in systems dedicated to infinite security.

Another stated argument for arms control is that the very accumulation of the stockpile, with its vast potential for overkill, makes it more likely that nuclear war will break out. There is a core of rationality to this argument. The technology of nuclear weapons is likely to leak and proliferate in some proportion to the total effort devoted to them. The nonproliferation treaty would have been unnecessary if every nonnuclear country had first had to finance a Manhattan project to learn to make a bomb. Furthermore, the chance of an unauthorized psychotic or accidental firing with its potentially catastrophic consequences, is larger the more weapons abound, other things being equal.

However, the superpowers are technically and politically constrained to invest more effort in protective systems for their large stockpiles, and countries like France and China which are still developing their nuclear capabilities probably present more serious threats of significant accident.

As to "overkill," the metaphor makes sense for a first-strike capability—a small percentage of the stockpile of either superpower could wipe out civilization—but a credible deterent must still be perceived as inflicting intolerable injury after having absorbed a preemptive attack. Overkill potential is exactly what stabilizes the system to make unlikely the actual use in anger of a nuclear weapon.

From this point of view, it is pointless to discuss nuclear parity or sufficiency or superiority in terms of numbers of missiles, which is the fashionable game. The accuracy of intelligence about the location of missile launch sites, the precision of guidance, the shrewdness of target selection, the security of command and control, and above all how well these are perceived by an enemy and by ourselves—these now become far more crucial to deterrence than an advertisement of crude numbers of missiles or of warheads. The essential function of strategic arms is to ensure that they will never be used by either side, and that any threat of their use works to stabilize rather than to inflame the relations of competing nations.

WILL STALEMATE LAST?

The arms race having progressed to an effective stalemate, which has worked better than anyone could have hoped 25 years ago, its main hazards today come from its side effects on both international and national policies. The most serious of these is an unremitting anxiety and suspicion about possible technical breakthroughs that might break the stalemate.

At one level, this leads to the mutual reinforcement of distrust about each side's intentions and plans. At another it provokes the constant search for the technology to do it first here. The main argument openly leveled by most academic physicists against the ABM is that it simply will not do any of the several jobs for which it is purportedly designed. The real force of their anxiety is that a long-range program of ABM research might eventually develop methods that more credibly offer a prospect of antimissile defense.

Needless to say, it would be comforting to devise a world in which defense had a real margin over attack, but how do we get there except through closely monitored mutual agreements? In the process, the existing balance will be broken, and we will face the most serious risks of either side's feeling compelled to undertake a pre-emptive attack. At the very least both sides would

XUM

strive to redouble their offensive weaponry in order to sustain the credibility of their retaliatory potential.

Effective defense against missiles evidently remains quite remote, but it might be technically achieved at the far end of an extensive program of trial and development, of which Safeguard is the first step. This is a technological "Race to Oblivion," the history of which has been authoritatively documented in Dr. Herbert York's recent book of that title.

Dr. York recounts how the arms race mentality was exploited with great skill and mendacity in the 1960s to fund redundant and useless weapons systems, and to ensure that each of the services in an imperfectly unified defense establishment would be placated. He believes, as I do, that the security of the country depends only in part on technical innovation, and that we must address our greater efforts to stabilizing the security of the world if we are to have any for ourselves.

But we cannot overlook the need for technological creativity, which will rapidly disappear if we do not repair the sources of the cynicism of our youth about the legitimacy of our national goals. By building so heavily on technological bases of security, while neglecting the causes of internal disaffection, we have impaired our military security far more than any missile deficit imply.

SPUTNIK OVERRATED

Mutual misperceptions of strategic posture undoubtedly fueled the gravest international confrontation to date, the Cuban missile crisis in 1962. Dr. York recalls how we grossly overrated the military significance of Sputnik in 1957. The Soviets had, in fact, overbuilt their rockets in a way that suited them for space flight but slowed up their deployment in strategically significant numbers. The missile gap myth of the 1960 election campaign was based on vastly inflated estimates of the Soviet operational capability. This is a difficulty inherent in any intelligence organization, which will never be criticized as much for drawing the most extensive implications out of fragmentary data as it would be for overlooking any possibility.

Arthur M. Schlesinger Jr., in his "A Thousand Days," makes the curious remark that the Soviets in 1960 were "innocent of the higher calculus of deterrence as recently developed in the U.S." Therefore, they could not comprehend the stabilizing purpose of President Kennedy's plans to enhance U.S. missilery. Knowing the actual strength of their own forces, they may in fact have viewed Kennedy's missile program in the same way that Secretary Laird construes the SS–9s, namely the development of a first strike potential that could smother the ability to retaliate.

"Too bad, that's their problem," some might say. But that confusion may explain Khrushchev's Cuban gambit, a desperate move that would have been senseless as a direct strategic threat against the United States—provided the Russians really had an ample long-range missile force based on their own soil.

When your opponent has nuclear weapons, his jitters are your problem, too.

The Cuban gambit had to be resisted for its potential side-effects on Latin-American politics, more than as an element in strategic deterrency. It does suggest one avenue that might be opened up for a negotiated program of low-cost mutual security.

AN OVERDRAWN PARABLE

In 1961, the late Leo Szilard wrote a fictional parable, "The Mined Cities," wherein the superpowers had exchanged the capability of assured destruction by allowing the major cities to be mined by the other side. The idea has been revived from time to time—but like Rep. Craig Hosmer's suggestion that we multiply world security by giving every country four A-bombs—it does an ingenious metaphor the worst injustice to take it too literally. The parable does point out that our cities are hostages to one another, whether the bombs are underground or need to be delivered by a 30-minute rocket flight. (This reasoning also makes one question whether Moscow and Washington are the right cities to be shielded with ABMs, when the potentates would make the most credible hostages.) Why not then agree that the problem of mutual security has some technical solution, achievable at the lowest mutual cost?

The establishment of a Soviet missile base in Cuba, or American bombers in Libya, entailed political complications almost as unacceptable as giving extraterritorial access into the U.S. capital to a Soviet bomb squad. And where would we fit the French and the Chinese?

The nondeployment of a potential ABM system is a constructive equivalent to cheapening the hostage system, with the fewest side effects. MIRVs (multiple warhead missiles) complicate the deterrence equations, giving the first-striker a better chance to destroy a deterrent, but the naval option and a multiplication of feints are as plausible answers as any foreseeable ABM. As far as arms control is concerned, once the potential for MIRV was understood, little room was left for any verifiable control over its further development. Indeed, the need to play out this act so that both sides could work out the implications of MIRV may have compelled the postponement of SALT until now.

If we separate the gimmickry from the parable behind "The Mined Cities," we can see that the naval options may give us the greatest room for mutual advantage. Ironical schemes can be composed that point up some of the absurdities of the world system. For example, it would be more to our advantage if Soviet submarines refuel at Portland, Maine, rather than at Cienfuegos, Cuba; and we might offer to exchange base privileges on U.S. shores for their equivalent on the Black and Baltic Seas.

But even if such superrational exchanges could be negotiated, they would raise untold mischief through disputes over the interpretation of the guaranteed free access on which they would have to be based. Better that we work out a de facto equilibrium, provided that this is based on the clear understanding that any solution must provide for a zone of strategic security on both sides, or nothing but desperate maneuvering can follow.

WORKING OUT THE BUGS

The greatest anxiety about surprise attack in the next decade—for both sides are in fact expanding the naval option—is that new technology may impair the invulnerability of the submarine. It is absolutely inconceivable that antisubmarine detection and warfare could reach the point of reliably removing the bulk of a retaliatory force in a single surprise attack, without having first been widely exercised and tested. Mutually advantageous agreements to limit such testing should be fairly amenable to verification. They could be a logical extension of the existing ban on testing nuclear weapons under water.

There is also a danger that units of the naval strategic force may become involved in tactical conflicts, with a consequent erosion of the line that marks nuclear weapons off from all others. This will require very careful attention to our own doctrine.

The problem of surprise attack can be formulated in more precise, quantitative terms than any other aspect of defense strategy. There are still many uncertainties, for example the operational reliability of immense computer programs, and the level of nuclear retaliation that would be so "unacceptable" to a potential attacker as to deter him. Nevertheless, the analyst can make a fairly simple model of the array of forces, and ignore the complexities of mass psychology and serpentine recalculation that blur the scientific predictability of any political confrontation.

The simplicity of the problem to the rational analyst, and its appeal to the paranoia of the antirational, have captured our attention and resources out of proportion to the role of surprise attack in world conflict. By overdesigning our solutions to that problem, we leave ourselves ever less prepared to cope with the actual difficulties of today's world.

The nuclear deterrent can play no direct role in dealing with the Soviet penetration of Africa, harassment by air pirates, or the re-enslavement of Czechoslovakia. These have no easy answers, but they clearly require the rebuilding of a sense of community with our allies and friends, who are inevitably isolated by a historic trend of unilateral force commitments and defense investments typified by Vietnam and by the ABM.

WHAT TO DO?

All sides are approaching the conclusion that mutual defense against surprise attack needlessly consumes an inordinate portion of world resources. We seek a new pattern of reciprocal arms disposal whose very momentum would be the best assurance that it was not merely a gambit for strategic advantage. This would be hard to construct, merely against the fears, angers and entrenched interests of important elements within both superpowers.

A simple moratorium on the emplacement of strategic weapons has been suggested, but it is likely to be entangled in contentious differences over whether it should embrace aircraft, tactical missiles, and so on.

From a technical standpoint, the most amenable place for controls is testing; a comprehensive freeze on all missile tests would be most easily verified, and would provide the utmost assurance against the perpetuation of a costly technology race.

It would complicate some peaceful applications of space technology. However, none of these require precise re-entry after a brief, high velocity flight. Furthermore, nothing would be lost in requiring a definite pattern of international participation in space missions to assure that these were a net benefit to the whole earth from which they have embarked.

DISCRIMINATION AGAINST FEED GRAIN PRODUCERS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SCHERLE. Mr. Speaker, today I have introduced legislation pertaining to the feed grain provision of the Agricultural Act of 1970. My proposal would eliminate the section which proportionately reduces the preliminary payments for corn below 32 cents per bushel if the feed grain set-aside is less than 20 percent. Secretary Hardin has jurisdiction over this matter.

The present provision in the bill blatantly discriminates against feed grain producers. There is no similar restriction on wheat or cotton in the present law. If conditions ever warranted a set-aside below 20 percent, the consequences would be abruptly disastrous. For example, if the set-aside were placed at 10 percent, the participant would receive only 16 cents a bushel for corn instead of 32 cents.

As a representative of the Corn Belt, I cannot tolerate this rank inequity threat-

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ening the feed grain producers and their allied business interests. The future economic health of Iowa must be protected against this menace.

Next week, I intend personally to urge the chairman of the House Agriculture Committee and high officials at the White House to support my proposal.

RELOCATION LEGISLATION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. RYAN. Mr. Speaker, on Monday, December 7, the House passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970—S. 1. I want to take particular note of this bill, because the problem of persons and businesses displaced from their homes and places of business by governmental and institutional construction projects is a serious and persisting one.

Previous steps have been taken by the Congress, but as a cogent, well-presented recent report details, the administration of the laws which have been passed has been extremely inadequate. In this report, "The Legal Lawbreakers: A Study of the Nonadministration of Federal Relocation Requirements, written by Edgar S. Cahn, Timothy Eichenberg, and Roberta V. Romberg under the aegis of the Citizens Advocate Center, a brief description of the existing legislation is given:

> For the past six years, Congress has engaged in an almost yearly ritual of restating its command to provide adequate relocation. Each time leeway for discretion has been perverted into a license to continue evasion.
>
> In 1964, Congress ordered the Secretary (of Housing and Urban Development) to issue rules and regulations implementing the requirements of the 1949 Act and setting forth in some detail the minimal necessary requirements of a satisfactory relocation assistance program. (42 USV 1455(c)).
>
> In 1965, Congress went further in detailing the essential elements of a relocation assistance program and required that: "the Secretary shall require, within a reasonable time prior to actual displacement, satisfactory assurance by the local public agency that decent, safe, and sanitary dwellings . . . are available for the relocation of each such (displaced) individual or family." (42 USC 1455(c)(2)).
>
> In 1966, Congress attempted to grapple with the phenomenon of slums being replaced by housing for the affluent while the available stock of housing units for the poor dwindled steadily. It therefore required that a "substantial number" of standard housing units in areas redeveloped for predominantly residential uses be for moderate and low-income people. (42 U.S.C. 1455 (f)).
>
> In 1968, the number of units for low and moderate income families was raised to a "majority" of each communities (sic) total of which at least 20 percent of that majority, as of 1969, must be for low-income families and individuals.
>
> In 1969, Congress, spurred by the continuous frustration of its mandates, required the Secretary of HUD to review local relocation plans and their effectiveness every two years. (42 USC 1455 (c)(3)). Moreover, in an attempt to make up lost ground, Congress directed that housing be provided "at least equal in number" to the number of units that existed prior to demolition if a vacancy rate of less than 5 percent exists in LPA's (local public agency's) jurisdiction. (Pages 21–22)

Despite the legislative endeavors of the past, the problems of relocation remain. The enormously important objective set by the Douglas Commission—that is, the National Commission on Urban Problems—in its 1968 report, "Building the American City" has not been met. There, the Commission said, at page 90:

> A large and steadily increasing proportion of those displaced, including those of low income, should be able to go directly into a decent home and suitable living environment, regardless of who or what displaced them.

This was a relatively modest goal. Actually, all of those displaced must be immediately afforded decent housing and business sites.

Some progress had already been made this year prior to the consideration of S. 1, with the passage by the House on November 25, 1970, of H.R. 19504, authorizing appropriations for highway construction. This bill, in section 117, embodied my bill H.R. 18240, which permits the Secretary of Transportation to approve as part of the cost of construction of any Federal-aid highway project which he administers the construction and acquisition of replacement housing, and the relocation of existing housing.

S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, is a major step in meeting the problem of persons and businesses displaced by Federal projects, or by projects being conducted by State agencies receiving Federal financial assistance. But, it leaves a very significant gap, because it does not cover displacement arising from construction by private institutions—such as schools and hospitals—even though they, too, may be receiving Federal financial assistance.

This is a very regrettable flaw in S. 1, and it is one which I particularly addressed when I appeared before the Committee on Public Works on December 4, 1969, to discuss relocation legislation. In fact, one of the bills which I have introduced—H.R. 609—not only accomplishes the same end as S. 1 by expanding relocation assistance to all Federal projects and federally assisted State projects, but it also covers federally assisted private institutional expansion.

Similarly, two other bills which I have introduced cover the relocation problem following upon private institutional expansion. I have introduced legislation—H.R. 10266—to provide that recipients of grants or loans for construction under the Higher Education Facilities Act of 1963 be required to satisfy the Federal Government that relocation benefits similar to those available under the Housing Act of 1949 will be provided as a condition of receiving Federal assistance. And H.R. 10651 establishes the same requirement as to recipients of grants or loans for the construction of hospitals and other public health facilities.

In brief, I have always maintained that relocation assistance should not be limited just to persons displaced because of urban renewal or highway construction. Anytime the Federal Government is involved, whether directly or indirecty, in the displacement of persons and businesses, relocation assistance should be provided. My bill H.R. 609 addresses this. S. 1 does so only partially; its omission of private institutional expansion from its coverage is very unfortunate.

I would note, however, that S. 1, as passed by the House, does liberalize relocation payments—another prime concern of mine which I have expressed by the introduction of H.R. 600.

Two of my bills concerning relocation have not been included in S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. H.R. 597 would prohibit the construction of luxury housing in the redevelopment of urban renewal areas. This bill was not before the Public Works Committee, but rather, has been referred to the Committee on Banking and Currency. I testified before the Subcommittee on Housing of that committee regarding H.R. 597, on June 3, and I hope that action will be taken in the future to report it out. So long as moderate and low-income people are displaced and so long as adequate housing is not available for them, luxury housing should be barred from the sites of their previous homes, in order to assure that new housing for them will be constructed.

H.R. 599, as to which I also testified before the Subcommittee on Housing on June 3, 1970, similarly requires affirmative response. This bill amends title I of the Housing Act of 1949 to provide that individuals, families, and business concerns displaced by an urban renewal project shall have a priority of opportunity to relocate in the project area after its redevelopment.

Unfortunately, section 212 of S. 1 authorizes State agencies involved in relocation assistance programs to "enter into contracts with any individual, firm, association, or corporation for services in connection with such programs." My bill, H.R. 598, specifically bars this with regard to urban renewal relocation. It requires local public agencies to undertake relocation rather than less responsive, detached private organizations merely undertaking contracts for profit.

My criticisms aside, S. 1, the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970, is an important piece of legislation. It addresses a problem which is not new, but which remains inadequately and insufficiently resolved.

I should like to add, however, that I hope that in the Senate-House conference on S. 1, certain provisions of the Senate bill, as opposed to the House bill, will be retained. For example, section 102 of the House bill changes the judicial review section of the Senate bill—section 401. The House change makes the final determinations of the administrators of Federal programs calling for the relocation of individuals unreviewable in a court of law. Judicial recourse is an essential component of the relocation process, and it should not be barred.

Also, the clause "to the extent that can reasonably be accomplished" has been added, in section 205(e)(3) of the House bill to the replacement housing guarantees prior to displacement con-

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tained in section 212(c)(2) of the Senate bill. Thereby, an escape clause, subject to administrative abuse, is provided.

The Senate bill, in section 241, permits the President to intervene to correct and assure equitable relocation payments and rehousing assistance when either are found to be deficient. No comparable provision is present in the House passed version of the bill.

Furthermore, the Senate bill includes in the definition of "displaced person" those who move in the "reasonable expectation of acquisition." The House bill, in section 101, excludes those who voluntarily move, and requires that such a move be the result of the acquisition of real property.

S. 1, the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, does not solve all the problems of relocation. But it is a significant step forward. It should be enacted into law.

At this time, I should like to insert a copy of the testimony which I presented before the House Committee on Public Works on December 4, 1969 regarding my relocation legislation:

STATEMENT OF HON. WILLIAM F. RYAN

Thank you very much. It is always a pleasure to appear before this distinguished committee and your distinguished chairman and members. It is a pleasure which I have enjoyed frequently in the past.

Today I should like to express my concern about the thousands of Americans who are displaced every year from their home and places of business as a result of construction facilitated by Federal programs. These programs include urban renewal and other housing programs, highway construction, Federal facilities such as post offices, university expansion, hospital construction, and a host of other programs.

The effect upon the affected individual is the same whether he is displaced as a result of the action of a Federal agency, a State agency using Federal assistance, a local public agency, or a private institution using a Federal grant or loan program.

The need for a uniform policy for Federal agencies and State agencies using Federal assistance is recognized in S. 1 which the Senate passed. But the problem of displacement by private institutions through federally assisted programs requires a legislative solution.

In previous years and this year, I have introduced legislation to provide that recipients of loans or grants for construction under the Higher Education Facilities Act of 1963—H.R. 10266—or for hospital and other public health facilities construction under the Public Health Service Act—H.R. 10651—be required to satisfy the Federal Government that relocation benefits similar to those available under the Housing Act of 1949 be provided as a condition of receiving Federal assistance.

When the Higher Education Facilities Act of 1963 was on the floor on August 14, 1963, I offered an amendment to that bill to require relocation benefits. In the past I have also offered similar amendments to the Hill-Burton Hospital Construction Act. The last time I did so was on June 4, 1969. In November 3 of this year I testified before the Special Subcommittee on Education which held hearings on my bill H.R. 10266 and the bill H.R. 14008 sponsored by Representative Edith Green.

The problem of dislocation resulting from institutional expansion in densely populated urban areas is becoming increasingly acute and has been the focal point of conflict between the community and the university in the Columbia University area and other areas and a source of campus unrest.

Federal assistance for the construction of higher education facilities is necessary so that our colleges and universities are able to prepare the young men and women of America for the future. However, in our cities, where there is little vacant land available, college and university expansion often conflicts with other important social interests.

My bills are aimed at alleviating an effect of institutional expansion—dislocation of families and businesses in the surrounding community.

When an education institution expands, it not only causes the personal hardship and expense of displacement, but also, in many cases, there is additional hardship because little or no relocation assistance is provided. The desirability of a university's expansion plan from an educational standpoint is often offset by the undesirability of the inconvenience and displacement it forces on local residents.

When institutional expansion is aided by Federal funds, the Federal Government should bear the responsibility of making relocation assistance a prerequisite to the granting or loaning of funds.

The Federal Government has accepted this responsibility when urban renewal funds are involved. Section 114 of the Housing act of 1949 requires that local public agencies pay dislocation benefits to families, businessmen and nonprofit organizatons displaced by urban renewal. These benefits were expanded in the Housing and Urban Development Act of 1965 to include displacement resulting from low-rent public housing, mass transportation, public facility loans, open-space land and urban beautification, and neighborhood facilities.

Why, then should there not be a provision to include assistance for displacement by federally assisted institutional expansion?

The owner of the building is compensated. And in New York City, if the building is under rent control, a minimal payment is made to the tenant. But in most cases, the tenants have no legal right to relocation benefits or to assistance with their moving expenses. And usually, they are unable to find housing of comparable quality or cost.

The same situation faces the businessman. The small businessman often is displaced on short notice. A proprietor who may have spent his whole life building up his business is faced with a move which may force him to pay large moving expenses, to pay a higher rent, and to lose his clientele. He may even be forced out of business.

I have pointed out the inconsistency of providing relocation benefits under urban renewal and the Federal-aid-to-highway program but not under other federally assisted construction, such as higher education facilities.

There is another anomaly in that assistance is provided for expansion when the land is acquired through urban renewal and then turned over to the institutions. The University of Chicago is an example of such expansion. This, however, is a rare occurrence.

This means that if a university were to expand for two blocks: and this did happen in the University of Chicago situation—one block being included in an urban renewal plan and the other not—the residents and small businessmen in the urban renewal block could receive assistance; those in the nonurban renewal block could not.

This is not merely a city problem. It exists wherever construction results in people being dislocated.

I am pleased that the distinguished chairman of the Special Subcommittee on Education (Mrs. Green) has introduced H.R. 14008 which is similar to H.R. 10266. Her bill requires relocation payments and assistance as provided in the Federal Aid Highway Act of 1965, whereas my bill uses the urban renewal benefits.

While I have offered legislation directed to specific Federal assistance programs aiding institutional expansion, I recognize the need for an overall relocation policy. Therefore, I have introduced H.R. 609 to establish a uniform Federal relocation policy, which would be administered by a central Relocation Assistance Bureau, located in the Department of Housing and Urban Development.

The basic standard of payment would be that which is now provided for persons and businesses displaced by urban renewal action in section 114 of the Housing Act of 1949, amended as follows: the ceiling on compensated moving expenses would be removed and actual losses covered; tenants would be paid the difference between former rentals and the rental in new comparable housing for 1 year; in the case of businesses, certain losses of profit and goodwill would be covered. The location benefits for small businesses would include an amount equal to the loss of profit for the first year after relocation; also, if reasonable efforts to obtain a reasonable replacement site fail, benefits would include an amount equal to the fair and reasonable market value of the trade or business unless the businessman is offered a priority of opportunity to purchase or lease substitute facilities to be constructed or provided in connection with the development project.

Payments would be made directly to the relocatees by the Bureau of Relocation Assistance.

H.R. 609 provides that no Federal agency shall approve an application for loan or grant assistance, not undertake direct construction without first identifying persons to be relocated, informing them of their rights, and providing the Director of the Relocation Assistance Bureau with information sufficient to make the consumption of relocation benefits.

H.R. 609 charges the Director of Relocation Assistance with the responsibility of keeping a current file on all Federal assistance and construction programs and the need for relocation assistance. It also requires that he take actions to insure that individuals and businessmen displaced as a result of federally aided activities be fully informed of their rights and given assistance in relocating. He is further required to coordinate his activities with other Federal agencies.

All Federal grants, direct loan and direct construction programs are covered.

The Senate has passed S. 1, but it does not touch the problem of displacement caused by federally assisted expansion of private institutions.

Institutional expansion—whether of an educational facility or medical facility—too often disrupts families and businesses in the surrounding community.

The need for expansion is often offset by the undesirability of the inconvenience and displacement it forces on local residents. Not only is there the personal hardship and expense of displacement, but also, in many cases there is additional hardship because little or no relocation assistance is provided.

The time has come for Congress to insist that relocation assistance be provided to those displaced by all federally assisted projects.

REPUBLICAN ADMINISTRATION'S RECORD—NOT A DIME'S WORTH OF DIFFERENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. RARICK. Mr. Speaker, as the 91st Congress draws to a close, political observers are analyzing the President's leadership and the direction of his administration. Tragically, the conclusion of many unalined observers is that there is not a dime's worth of difference between the present administration and the several preceding ones.

Maj. Gen. Thomas A. Lane, USA, retired, in his column, "Public Affairs," summarizes, "Richard Nixon makes the same mistakes which were made by Franklin D. Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, and Lyndon Johnson. Now, however, we have lost the superiority of military power which made the mistakes of his predecessor tolerable."

Mr. Edward Hunter, publisher of TACTICS, in his February 20, 1969, forecast the type of advice President Nixon was getting and identified the source; namely, the same appeasement, unilateral disarmament and surrender elements that had infiltrated the Democratic administrations, destroying their chances for continued power, rather than accept even a compromise, have now infiltrated and shifted their operations to the Nixon administration.

Our people must be constantly reminded that the "peace" which the Communists use to disarm us is the same "peace" that its agents say can only be found at the end of a gun barrel.

The American people must understand that those at the helm of our Government react only to pressure groups and special-interest lobbies. Those in positions of authority possess neither the courage nor the leadership to correct our Nation's direction. If there is to be any change in our country it can only come from the people themselves.

For the perusal of our colleagues, I insert General Lane's column and the TACTIC's report in the Record:

A Policy of Quiet Surrender?

Washington.—There is growing evidence that the Nixon foreign policy is coming apart at the seams. It lacks any inspiration and direction which can hold the free world together. Consequently, more free nations are turning to the "peace" which the communist powers offer rather than to the peace about which the President speaks.

In Latin America, the Kennedy move to the left was damaging. It propagated the marxist philosophy which the communist share. It prepared the way not for development but for socialism. The performance of socialist countries demonstrates that socialism is a barrier to development. Nevertheless the Kennedy program showed concern and friendship for our neighbors and to that extent had some beneficial results.

President Nixon has seemingly abandoned Latin America to the wiles of communism He has had two hostile revolutions in as many years and the recent installation of a communist-dominated regime in Chile. He has confused a tactful respect for the internal autonomy of our neighbors with indifference to their hostility.

In Europe, Chancellor Willy Brandt of West Germany has been negotiating agreements with the Soviet Union and Poland. It is the view of many observers that the Chancellor is undermining the war powers of the western allies, to the delight of Moscow.

The Chancellor could not carry out these initiatives without the approval of the United States. We have forces in Germany which could be jeopardized by the Brandt policies. Why does the Nixon administration cooperate with a Soviet strategy designed to promote euphoria and disarmament in western Europe even as it asserts that our continuing military presence in Europe is required?

For twenty-five years, the United States has complacently allowed the Soviet Union to occupy East Germany in lieu of concluding the peace treaty which was to end the occupation. Will President Nixon now renounce our war powers and allow the USSR to keep East Germany? We move from weakness to surrender in the illusion that this is progress.

The Nixon administration accepted complacently the recent majority vote in the United Nations for the expulsion of free China and the seating of Red China. Is the principled United States opposition to such an outrage now to be abandoned? Administration propagandists are already preparing the American people to accept defeat next year. The fraudulent arguments for seating Red China which previous administrations had long rejected now enjoy a new vogue, with administration acquiescence, if not outright promulgation. The seeming reluctance of the Nixon administration to confront the communist powers has moved Canada, Italy and Ethiopia to recognize Red China. Other allies are poised to follow.

In Vietnam, the war continues apace. U.S. battle casualties in the first two years of the Nixon administration will reach about 110,000, with some 13,500 of these killed in action. U.S. battle casualties in 1970 are about one-half the 1969 casualties but the reduction in American casualties is balanced by a corresponding increase in South Vietnamese casualties. The scale of war has not diminished. Nothing has been achieved at Paris, Peace is as distant as ever.

These signs—and others, such as the forcible return of the Lithuanian refugee sailor from U.S. to Soviet custody—reflect the continuing failure of U.S. foreign policy to address the reality of Soviet power and purpose. Richard Nixon makes the same mistakes which were made by Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy and Lyndon Johnson. Now, however, we have lost the superiority of military power which made the mistakes of his predecessors tolerable. The policy of retreat is no longer tolerable.

It is the remarkable record of three decades that our soothsayers have, through a steady series of defeats, managed to preserve a spirit of public optimism about the promise of our diplomacy. The true significance of events has been screened from public view.

It is not enough in this real world we inhabit to extend goodwill and toleration to all. If we do not have more prudence in the management of the hopes we cherish, we can expect war without end, until we are destroyed.

Appeasement and Betrayal Programs Getting to Him: The Sort of Advice Nixon Is Getting

A program for so-called "change" in American policy toward Asia that is a betrayal and surrender program has been brought into the White House. Although anti-communists specializing on Asia or anywhere else are taboo at the White House at present as they were when the Democrats occupied it, a policy recommendation for a not so subtle sellout has reached its destination. The signatories show that anti-anticommunists stilll have the entree. Except for one professor each from Columbia and M.I.T., they are all from Harvard. The J. F. Kennedy School of Government put it across.

The signatories: Jerome Alan Cohen, professor of law, Harvard, chairman; John K. Fairbank, director, East Asian Research Center, Roy Hofheinz, assistant professor of government, Dwight Perkins, professor of economics, Edwin O. Reischauer, professor, Benjamin I. Schwartz, professor of history and government, James Thomson, assistant professor of history, Ezra Vogel, professor of social relations, all of Harvard; A. Doak Barnett, professor of government, Columbia, and Lucian Pye, professor of government, Massachusetts Institute of Technology.

The document is particularly important because it presents in doubetalk, slanting and falsifying by omission and selectivity in the choice of facts, the appeasement line being pressed upon us as a settlement for our Asia problems. It was no more intended to become public than was the notorious Fulbright memorandum at the start of the Kennedy Administration, whose implementation deprived the U.S.S. Pueblo, for example, of physical and moral preparation for an attempted seizure. The document follows without change or deletions. A few observations by this editor have been inserted in the text, inside brackets.

MEMORANDUM FOR PRESIDENT-ELECT NIXON ON U.S. RELATIONS WITH CHINA

November 6, 1968.

As scholars in the field of East Asian studies who have completed a year of private discussions of America's relations with East Asia under the auspices of the Institute of Politics of Harvard's J. F. Kennedy School of Government, we write to give you our thoughts on the pivotal issue of United States relations with China.

United States Objectives: The past two decades of American-East Asian relations has been dominated by the central reality of Sino-American hostility and deadlock. It seems evident that, whatever the nature or timing of a Viet Nam settlement, the China problem will continue to dominate our East Asian relations in the years of the new Administration and, indeed, through the decade of the 1970's.

Communist China's size, ideology, relative isolation, potential power and current internal upheaval increase the dangers of instability in a chronically unstable part of the world. The central objective of America's China policy has been and should continue to be to avoid war with China and to minimize its disruption of surrounding areas.

Since the end of the Korean War, previous Administrations have generally followed a twofold policy to achieve these objectives: On the one hand, military containment in order to deter possible Chinese aggression; on the other hand, a limited and tentative effort at communication with the China mainland through ambassadorial talks and, from time to time, proposals for unofficial contacts. Through much of this period, of course, the first of these approaches has been given such priority as to dwarf the significance of the second.

It seems to us that the time has come for a more equal balance between these two approaches, so that, while continuing to avoid war with China and to discourage Chinese military intervention abroad, we move more positively toward the relaxation of tensions between China and the United States, and the eventual achievement of reconciliation.

The specific steps we propose below in pursuit of these objectives require some important words of caution. Although the outcome of the domestic turmoil that has disrupted mainland China for the past three years remains unclear, we do not now anticipate any Chinese desire to improve relations with the United States. It is therefore highly likely that any and all of the initiatives that we propose will be rejected out of hand by Peking's leaders in the foreseeable future.

We propose these initiatives, nonetheless, because of our conviction that our national interests in Asia will best be served by an American policy that offers the Chinese the clear option of a less hostile relationship with the outside world. At a minimum, we will

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complicate a Peking decision-making process that has all too easily been based on a theory of implacable American hostility; at the same time, we will be speaking—through our deeds as well as our words—to present or future Chinese leaders who harbor doubts about Mao Tse-tung's vision of the world. Unless we achieve this better balanced policy, we may at least miss significant opportunities to moderate Peking's behavior and, at the worst, may help lay the groundwork for a war with China that neither side can hope to "win."

[*Editor's observations:* The casual reference to "domestic turmoil that has disrupted mainland China for the past three years" is particularly cynical, in view of the recommendations that we, on our part, without expecting any reciprocity by Peking, engage in secret and circuitous deals with the Chinese reds. This memo recommends our support for the Red Chinese who want to destroy us, and betrayal of the free Chinese who have remained loyal to us. The "turmoil" presented us with an opportunity to encourage and support the Chinese people in their quest for freedom. Anything else betrays our friends on the Chinese mainland and helps save and strengthen those who aim at our destruction, for which they are hastening their nuclear bomb and missile facilities. Such a policy as urged, if implemented, would provide our enemies with the means for our conquest by the socialist-communist complex. This is a masochistic objective.]

PROPOSALS

A. Relations with mainland China

1. *Exploratory Meeting.* You should seriously explore the possibility of arranging confidential—perhaps even deniable—conversations between Chinese Communist leaders and someone in whom you have confidence. Your emissary would convey the new Administration's interest in hearing Chinese views on a wide spectrum of subjects including Viet Nam and disarmament and in probing, unofficially and in a more informal setting than at Warsaw, the prospects for a normal relationship. . . .

2. *Viet Nam Negotiations.* The arduous process of a Viet Nam settlement may well offer an opportunity for the improvement of relations with China and engagement of China in the international order. Despite China's present hostility to a negotiated solution, the new Administration should be alert to opportunities to involve Peking in some state of the Viet Nam negotiating process—perhaps through a reconstructed forum, perhaps through a packaged end-product that would bring China, both Viet Nams, and other divided nations into the United Nations. The chief consideration: Viet Nam negotiations should be looked upon as a possible step toward a wider Asian settlement, and, thereby, an instrument for the potential inclusion of China in the international community.

3. *Lowering of Polemics.* It is essential that all Administration spokesmen refrain from provocative statements in their comments about China, regardless of Peking's hostile rhetoric. In the past, pious hopes for "reconciliation" have often been undermined by press releases such as those that compared the Chinese Communists to the Nazis. Especially galling to the Chinese Communists is the apparent American stand that Taiwan is the only China. The new Administration should find an early opportunity to erase this lag between rhetoric and reality. Since 1955, under two parties and three Presidents, the U.S. Government has dealt, in Geneva and Warsaw and in Taipei, with two regimes that call themselves "China". It would be most useful for you or your Secretary of State to find an occasion to take note of the fact—without fanfare—that we have in effect accorded Peking de facto recognition for a decade and a half, but that de jure recognition is obviously a far more complicated matter that remains to be discussed.

4. *Anti-Ballistic Missile (ABM).* The new Administration will have to decide whether to continue with the recently authorized "thin" ABM system. In our view, insufficient consideration has been given by the present Administration to the consequences for Sino-American relations that this system may entail. Aside from the questions of the Soviet-American military balance, plans for an ABM are not only militarily unnecessary as a deterrent to Peking but may well be viewed by the Chinese Communists as evidence of American intent to attack Peking. We urge that the ABM decision be reconsidered.

5. *Trade.* The new Administration should seek an early opportunity to modify America's trade embargo against China, a residue of the Korean War which denies China nothing she needs, is supported by none of our major allies, acts as periodic irritant in our relations with third parties, denies America even the possibility of marginal economic leverage in a changing China, and prevents our businessmen from sharing in the China market. In this regard, the new Administration should build on the tentative rhetoric of its predecessors and place our trade with China on the same basis (non-strategic goods) as our trade with the USSR and Eastern Europe.

6. *Travel and Other Contacts.* The new Administration should likewise remove the last vestiges of control on the travel of Americans to China and, at the same time, should make known its willingness to admit as visitors to the U.S. any Chinese the Peking government is willing to send to our shores. These steps will not only reflect the confidence and strength of a free society; they will open the door to the possibility of de-isolation when some future Chinese leadership is ready to choose that option. In addition to official contacts, the new Administration should encourage private and unofficial meetings, between Chinese and American journalists, educators, scientists, artists, and others.

[*Editor's observations:* Practically every sentence in this section is fifth columnism, the presentation item by item of the red propaganda tactics by which they expect to destroy the United States. We are to engage in unilateral disarmament psychologically, militarily and any other manner, on the premise that some day, a future Red Chinese leadership would see the error of its ways and become friendly to us. How many generations are we to wait, and would we not be destroyed long before? Of course. No wonder the proposals start right out with an injunction to the new President to engage in tactics of deceit, not against the enemy but against the American Congress, press and public. In the doing, of course, we would have to engage in renewed news management and press controls, and a gradual abandonment of American freedoms. This is the form that is being taken by the gradualism and convergence strategy of the Marxist complex.

[Nixon is told in this memo, in the manner President Kennedy was told by Sen. Fulbright in his notorious memo, to "refrain from provocative statements" and "press releases such as those that compared the Chinese Communists to the Nazis." He is being urged to lie to the Congress and the voters, in the way these advisers distort, falsify and deceive in this memo, which was never intended for publication, exactly as the Fulbright memo was supposed to be kept secret.

[This pro-Red China clique obviously betrays itself as a Red China lobby in this memo and deed. Indeed, it has been the "China lobby" all along, seeking to conceal its Marxist nature by a tranfser tactic, making it seem that the anti-reds were the "China lobby." We recognize Free China, but this clique abstains from identifying the mainland as red-ruled, but refers to it as just China, not Communist China or Red China. This is a subtle, propaganda deceit. The secret recommendations, too, advise the Nixon Administration to proceed as if we recognized Red China, and to seize the opportunity to bring the maneuver into the open, "without fanfare," thus betraying those on our side once more. Although this Marxist clique took the pro-red line that the Russian missiles in Cuba were "defensive," here they urge us to do away with an anti-ballistic missile system in the United States as being "provocative," demonstrating "American intent to attack China." When has a wall ever been an offensive weapon? But where these fake "liberals" and pro-reds are concerned, truth and falsity, right and wrong, are relative factors, to be exploited in whatever way helps their side in its tactics. The statement, "Taiwan is not legally part of China," is a lie, which for professors of history to propagate is particularly reprehensible. We should consider Free China as our enemy, not Red China, they imply. But read on.]

B. Relations with Taiwan. The foregoing steps involve preliminary attempts to restructure the Washington-Peking relationship. Simultaneous with such steps should come, inevitably, a restructiuring of the Washington-Taipei relationship. Here again the aim should be to bridge the gap between rhetoric and reality. The United States recognizes the Chinese Nationalists as the Government of the Republic of China, purporting to rule the mainland as well as Taiwan and the Pescadores; but Washington has long since begun to treat them as a government restricted to Taiwan and the Pescadores, tacitly accepting the fact that the Nationalists will not reconquer the mainland. Ever since 1951 every Administration has made it clear that Taiwan is not legally part of China, leaving the question of its status open to future developments. The new Administration should now build upon this reality. It should reaffirm America's commitment to the defense of Taiwan and the Pescadores, so long as people in Taiwan wish to retain a separate identity from mainland China. But by taking four particular steps it should anticipate and defuse Chinese Nationalist potential for causing Washington embarrassment.

1. Your Administration should send as Ambassador to Taiwan a man who understands the Administration's broad China strategy and can communicate it. In order to demonstrate the importance that you attach to political rather than military considerations, he should not be a military man.

2. As long as relative peace prevails in the Formosa Strait, the Administration should use this opportunity to press anew for orderly Nationalist evacuation of the offshore islands, Matsu and Quemoy. (While occupied by the Nationalists, these islands provide a lever by which *either* "China" can draw American forces into an unwanted Asia conflict. It should also press for an end to provocative Nationalist acts against the mainland.

[*Editor's observations:* Pravda never distorted the truth any more than has been done in this paragraph on these decisive offshore islands by A. Doak Barnett, John F. Fairbank and several others on this panel who certainly know the facts, but deliberately conceal them. Others on this surrender panel may plead ignorance; they have little knowledge of China. Red China has been periodically bombarding these islands, which have been made practically impregnable, and safeguard Taiwan. Quemoy was the scene of a decisive military victory by the Free Chinese that saved Taiwan.]

3. The Administration should prepare the ground, in frank discussions with the Chinese Nationalists, for a gradual shift in America's relationship with Peking and

specifically, for the complex problems which will undoubtedly arise in the United Nations. (See below.)

4. Finally, the Administration should be alert to political froces that are at work beneath the surface in Taiwan and, when opportunity offers, should press Chiang Kai-shek and/or his successors to offer the 11,000,000 Taiwanese and the 2,000,000 mainlanders on the island an opportunity for fuller participation in political life.

C. Broader problems. 1. The United Nations. The problem of Chinese representation in the United Nations will probably not confront the new Administration until the autumn of 1969. By that time the search for a Viet Nam settlement as well as earlier China-related initiatives may have tested the prospects for normalization of relations. In the unlikely event that these previous steps have borne fruit in our relations with China, the U.N. situation would present a similar problem. If not, however, it is nonetheless our conviction that the Administration should not seek to block the PRC's representation in the United Nations. For several obvious reasons, UN representation in Peking will undoubtedly come before—and is probably a prerequisite to—improved relations between China and America. In our view, the de-isolation of China requires Chinese participation, whenever possible, in international forums and the long-term "socialization" that such contacts may produce. U.S. policy-makers should therefore accept Peking's membership in the General Assembly and the Security Council while seeking simultaneously to preserve a General Assembly seat for Taiwan, whether as the Republic of China, an independent nation, or an autonomous region of China. Such objectives may best be achieved through acquiescence rather than active leadership by Washington; but they will require careful advance planning.

2. *China's Neighbors.* A gradual shift in our China policy, while welcome to our major allies, will cause anxiety among some of China's neighbors who have tailored their actions to the containment aspect of our policy. It is imperative that we ease the transition for these states by keeping them informed of our progress and plans and by assuring them of our continuing interest in their welfare.

3. *Japan.* It is especially important that we take Japan into our confidence in every step of our strategy. Although Japan will favor the substance of our strategy, if we abruptly shift gears without prior notice, we will create acute embarrassment for the Japanese Government.

4. *Third Country Contacts.* We should welcome the efforts of countries such as Japan to develop increasing contacts with mainland China, in the hope of involving the Chinese Communist regime more substantially in the world community.

5. *Washington-Moscow-Peking.* Implicit in the foregoing suggestions is the hope that the new Administration will attempt to view Sino-American relations as a separate problem from Soviet-American relations, though inevitably a related problem. The Sino-Soviet split provides us with an opportunity to treat each party separately and to scrutinize our national interests in each relationship with care. We urge that the new Administration, in its proper concern with the bilateral superpower balance, avoid judgments about China and its development that derive from Moscow's views of Peking. A Soviet-American alliance against Peking may serve Russia's interests; but it may not automatically serve U.S. national interests.

We believe that the recommendations outlined above will establish an American posture of firmness in our declared purposes and yet of reasonableness, prudence and willingness to resolve political problems by going halfway to meet the other side. This is a posture that will command the support of the broad center of the American electorate and of most of the nations of the world.

[*Editors observations:* This memorandum constitutes a warning that the appeasement, unilateral disarmament and surrender elements that infiltrated the Democratic Administrations, and destroyed its chances for continued power rather than accept even a compromise, have not given up. They have shifted their operations to the Nixon Administration. We can use the above policy recommendations as evidence of the pro-red trap being set for it, that it must avoid.]

TRANSPORTATION DEPARTMENT ENVIRONMENTAL POLICIES MODEL FOR GOVERNMENT

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. PELLY. Mr. Speaker, it has been almost 1 year since President Nixon signed into law the National Environmental Policy Act of 1969. He said at that time that in 1970 we were commencing "the decade of the environment." As the ranking minority member of the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries, I have had a unique opportunity to observe the implementation of this act by the executive department of Government. In my view, the Department of Transportation, headed by Secretary John A. Volpe, has set the standard by which all departments in this administration should be judged. In appearing before our subcommittee, Secretary Volpe made a statement which, in its clarity and completeness, should serve as a model for all other departments of Government. In order that this statement be given the broadest possible distribution, his statement appears at this point in the RECORD:

STATEMENT OF JOHN A. VOLPE, SECRETARY OF TRANSPORTATION

Mr. Chairman and members of the Committee: I am pleased to have this opportunity to appear before you to discuss how the Department of Transportation is implementing the policies and procedures of the National Environmental Policy Act of 1969.

At the outset I wish to state my firm belief that there need be no inconsistency between the dual goals of progress in our Nation's transportation systems and the preservation and enhancement of the quality of the environment. Undoubtedly, the scope of the Department of Transportation's activities, which include Federal aid grant programs for highways, airports, and urban transit facilities located in nearly all parts of our country, will provide a critical test for my convictions. But, I feel that with proper planning, our transportation systems can be developed in a manner which meets both our need for transportation services and our need to improve the quality of our environment.

As you are fully aware, Mr. Chairman, in addition to the National Environmental Policy Act, the Department of Transportation has very specific environmental responsibilities arising from section 4(f) of the Department of Transportation Act of 1966, section 16 of the Airport and Airways Development Act of 1970, and section 14 of the Urban Mass Transportation Assistance Act of 1970. The Office of the Assistant Secretary for Environment and Urban Systems is responsible for coordinating the Department's actions in the environmental area including, of course, the responsibility for overseeing the implementation of the National Environmental Policy Act within the Department.

The Department began implementing the National Environmental Policy Act immediately after its enactment. In January, I called a meeting for the Office of the Secretary and our operating Administrators, at which time we discussed the application of the Act to the Department, and I emphasized the importance which I personally attached to the Act and to its effect on the Department's programs. In late February a memorandum was distributed to each of our operating administrations requesting that they provide my office with a statement of their tentative plans for compliance with the Act. In April, I requested their formal submission of proposed procedures for implementing section 102(2)(C). In close consultation with the CEQ staff, the Office of Environment and Urban Systems prepared a draft Departmental Order which was officially submitted to CEQ on June 1. The draft order was reviewed and rewritten during the summer, and I signed into effect a final DOT Order implementing section 102(2)(C) on October 7, 1970. As you recall, Mr. Chairman, you were sent a copy of that Order as soon as it became effective.

Under the terms of that Order, each Administration is directed to draft implementing instructions to be cleared with the Assistant Secretary for Environment and Urban Systems. The Federal Aviation Administration has already cleared and implemented such instructions for its airport development program, and the Federal Highway Administration completed last week its implementing instructions and has sent them to its regional offices for implementation. My staff is currently working with the Federal Railway Administration, the Urban Mass Transportation Administration and the Coast Guard on the preparation of their instructions.

I will now briefly describe certain key provisions of the Order relating to the implementation of section 102(2)(C). This section, which requires that an environmental impact be prepared for each legislative proposal and other major Federal action significantly affecting the quality of the human environment, gives teeth to the Act. Firstly, the preparation of these statements will assure that consideration of environmental factors will be an integral part of the planning and decision-making process on Federal projects. Secondly, the circulation of those statements among all interested Federal, State and local agencies and their availability to the public, will provide an early warning of potentially adverse environmental consequences arising from specific Federal actions so that alternate approaches to a particular action may be considered.

The DOT Order actually sets forth in one document a single procedure facilitating compliance with all of our environmental legislation (section 102(2)(C), section 4(f) of the DOT Act, and portions of section 16 of the Airport and Airway Development Act of 1970). This procedure consolidates into one statement all of the required environmental findings for any one particular project.

The Order specifically sets forth its applicability to the whole range of Departmental activities, including the grant and loan programs, contracts, construction, research and development, rule making and regulatory actions, certifications, plans, formal approvals of non-Federal work plans, legislative proposals, program or budget proposals (except for continuation of existing programs at approximately current levels, i.e., plus or minus 25 percent), and any renewals or reapprovals of any of the foregoing. The following departmental activities are exempted from the Order:

Administrative procurements and contracts for personal services;

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Normal personnel actions;

Project amendments (for example, increases in costs) which do not alter the environmental impact of the action; and

Legislative proposals not originating in the Department relating to matters not the primary responsibility of the Department.

The Order instructs that all Departmental actions applicable thereunder must include a statement in conformance with section 102(2)(C) or a "negative declaration" that the proposed action will not have a significant impact on the environment. The Order indicates that if there is doubt whether or not a statement should be prepared, one should be prepared. Section 102(2)(C) provides that a detailed statement be prepared for, among other things, *"major Federal actions significantly affecting* the quality of the human *environment."* With respect to the foregoing language the following definitional guidelines are found in the Order: The Order states that any Federal action which significantly affects the environment is deemed to be "major Federal action" within the meaning of the Act and a statement shall be prepared. In so doing, we elected not to place an arbitrary dollar limit on actions requiring 102(2)(C) statements. It was our judgment that a statement should be prepared for any Departmental activity which significantly affects the environment regardless of its dollar cost.

The term "Federal actions" is defined to include the entire range of Departmental activity, including direct Departmental action and the administration of our grant programs. Undoubtedly our grant programs will raise most of the environmental issues which will confront the Department. The Order requires that an environmental statement be prepared for each grant that may have a significant environmental impact.

The phrase "significantly affecting the environment" is defined to include any action which is highly controversial on environmental grounds and any matter falling within section 4(f) of the DOT Act of 1966, or key parts of section 16 of the Airport and Airway Development Act of 1970. Additionally, the Order sets forth a number of effects which, if produced by a Federal action, would be likely to result in a significant effect on the environment, including the following:

A noticeable change in the ambient noise level for a substantial number of people;

The displacement of significant numbers of people;

The division or disruption of an established community;

Adverse aesthetic or visual effects;

Adverse affects on areas of unique interest or scenic beauty;

Alteration of the behavior of species or interference with important breeding, resting or feeding grounds;

An increase of air or water pollution levels, or an adverse affect on the water table or water supply of an area; and

Disruption of the ecological balance of a land or water area.

It is intended that these general definitions will be supplemented in further detail as appropriate by the internal instructions drawn up by each Administration with regard to their specific programs and requirements.

The Order directs that draft statements shall be prepared at the earliest practicable point in time so that analysis of the environmental effects and the exploration of alternatives are significant items for consideration in the ultimate decision-making process. The implementing instructions prepared by the Administrations will also specify the precise time when a statement shall be prepared.

For the Department's grant programs such as the Federal-aid Highway Program, the FAA's Airport Development Program, or the Urban Mass Transportation Program, the applicant for Federal aid will be required to submit along with his application a draft 102(2)(C) statement, or a "negative declaration" stating that the project will have no significant effect on the environment. This material will be reviewed in the regional office of the Administration and may be returned to the applicant if more information is needed.

In addition, the Order requires that all draft statements whether prepared by the Department, an Administration, or by an applicant for Federal aid, be coordinated with appropriate Federal, State and local agencies at the regional level, with a copy of the draft being submitted to the Department's Assistant Secretary for Environment and Urban Systems and to CEQ. The Order provides a list of agencies with expertise in various areas with whom coordination should take place when appropriate. The draft statements and all of the comments received from such other agencies and sources shall accompany the project through the Departmental review process.

It is Departmental policy that all 102(2)(C) draft statements be made available to the public with respect to any Departmental action affecting them. In those cases where a public hearing will be held on a proposed Federal action, it is my intention generally to ensure that the environmental impact statement is made available to members of the public prior to the hearing so that interested persons can be fully informed of the issues. Hopefully, the availability of the draft environmental impact statements prior to public hearing will afford the opportunity for significant dialogue between the various governmental agencies and interested private parties. In this way, the concerns and viewpoints of the public regarding a particular Federal action may be expressed and become part of the relevant matters for consideration in the making of the final decision regarding such action.

After the draft statement has been fully coordinated, a final environmental impact statement will be prepared incorporating, where appropriate, changes or additional information received through the coordinating procedure. These final statements will include a presentation of the problems and objections raised by various Federal, State and local agencies and by private citizens and the disposition of the issues involved. The final environmental impact statement will be submitted to the Assistant Secretary for Environment and Urban Systems for his concurrence. If he finds the statement acceptable, it will be transmitted to CEQ and other interested parties in accordance with CEQ guidelines.

I now will briefly focus on the Department's review under section 103 of the Act. This section requires that the Department review its statutory authority, regulations, and current policies and procedures to determine whether deficiencies or inconsistencies exist which would prohibit our full compliance with the Act.

An initial review indicates that there is no conflict or inconsistency which prevents full Department of Transportation compliance with the provisions of the Act. Clearly, however, more can be done to further the broad purposes of the Act, and we have initiated many programs directed toward this end. The Act directs agencies to develop alternatives to recommended courses of action, to utilize a systematic interdisciplinary approach, and to give environmental amenities appropriate consideration in decision making.

I will mention just a few examples of the kinds of activities which the Department has undertaken to indicate our efforts in this regard:

Implementation of the Urban Mass Transportation Assistance Act of 1970, the Rail Passenger Service Act of 1970, and the Airport and Airway Development Act of 1970 to encourage the development of alternative modes of transportation;

A study of the current urban transportation planning process in an effort to integrate into the process factors such as a broader assessment of transportation alternatives, how an interdisciplinary team approach which ties comprehensive planning to project design can be used in planning, consideration of the environmental impacts of the transportation alternatives, the role of citizen participation, and making the process more responsive to metropolitan needs. I want to make special mention of the significance of the Act to the urban transportation planning process. Consideration of the environmental implications of transportation decisions must become an integral part of the planning process. We are attempting to define a way by which the Department's planning money can be used to stimulate a process at the metropolitan level which would best produce sound environmental analysis. This may imply a stronger role for metropolitan, areawide planning agencies.

Support of legislation to expand significantly the highway beautification program;

Support of legislation to provide more flexible authority with respect to relocation of persons displaced by highways;

Expansion of efforts to prevent, detect, and clean up oil spills;

Specific research projects, including, "Environmental Factors in Airport Site Location", "Environmental, Social and Aesthetic Factors in Urban Transportation Planning", and "Interdisciplinary Approach to Transportation Planning", "Reserved Freeway Lanes for Buses and Car Pools" and "DOT Policy and Procedures on the Environmental Policy Act" which study is including interviews with 57 private interest groups seeking their advice and comments as to the Department's response to the Act;

Rule making activities in areas such as sonic boom, aircraft smoke emission, noise retrofit, and noise standards for supersonic commercial aircraft; and

Examination by the Coast Guard of the environmental implications of bridge permit applications.

I wish to emphasize that this list is not exhaustive, but merely suggests our extensive effort to better fulfill the broad mandate found in the National Environmental Policy Act to encourage productive and enjoyable harmony between man and his environment.

Although the Department's Order implementing the National Environmental Policy Act has only been in effect since this October, the Department has been operating to some extent under the draft guidelines submitted to CEQ in June. With the preparation of the implementing instructions by the Administrations, which should be completed in the near future, this Department will have its entire procedural response to section 102(2)(C) basically completed.

Our experience with the Act has surfaced the following problems:

The delay in implementing the full thrust of the Act's policies and procedures due to the size of our grant programs, and the fact that the administration of these programs is delegated to our field offices.

The problem in making the applicants for Federal-aid appreciate the significance of the Act so that the environmental statements prepared pursuant to 102(2)(C) reflect a meaningful change in procedure and not just a new level of meaningless paperwork.

The added project review time that will result from the coordination procedures.

I feel that with time these problems are fully capable of being resolved favorably.

The Committee has also expressed an interest in any staff changes necessitated by the Department's implementation of the National Environmental Policy Act. I mentioned ear-

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lier that the Assistant Secretary for Environment and Urban Systems has the main responsibility in the Department for overseeing the implementation of the Act. His staff will be increased significantly from 35 positions in January 1, 1970, when the Act was signed into law to 62 positions requested for fiscal year 1971. (The Department's Appropriation Bill has not been approved as yet).

At the present time, there have been no additions to the staffs of the Administrations as a direct result of the Act, but it is anticipated that they will require staff increases during the next fiscal year when the full impact of the Act will be realized at their level. However, within the Administrations there has been a redeployment of personnel to offices directly involved with environmental matters. Several Administrations have also made organizational changes to account for the increased emphasis on environmental considerations. For example, the Federal Highway Administration has recently reorganized and created a new position of Associate Administrator for Right of Way and Environment and has upgraded their Division of Environmental Policy to an Office of Environmental Policy. The Federal Aviation Administration has reorganized its Office of Noise Abatement to the Office of Environmental Quality, which includes responsibility for the entire environmental field. In addition, each Administration has designated a specific office as the focal point for coordinating and overseeing the responsibilities of the particular Administration in environmental matters.

In conclusion, Mr. Chairman, I would like to reemphasize my interest and concern with the goals and purposes expressed by the National Environmental Policy Act of 1969, and my confidence that our transportation needs can be met in a manner fully consistent with the Act.

At this time, I request to submit for the record, Mr. Chairman, as an appendix to my remarks, a detailed statement which sets forth some of the other actions taken by the Department of Transportation in furtherance of the broad purposes of the National Environmental Policy Act and in response to our other environmental responsibilities.

This concludes my prepared statement, Mr. Chairman. I shall be happy to answer any questions the Committee may have.

Appendix to Statement of John A. Volpe

I. ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION BEYOND THE NEPA

The Department of Transportation has been actively concerned with the need for environmental quality for several years before the National Environmental Policy Act of 1969 became law.

Sections 2(b) (2) and 4(f) of the Departmental operations promote and preserve enabling legislation that created the Department of Transportation, direct that Departmental operations promote and pressure environmental quality. Section 2(b) (2) states:

"It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges and historic sites.

"Section 4(f) prohibits the Secretary from approving any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, state, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

Additionally, section 106 of the Historic Preservation Act of 1966 requires that the head of any Federal agency with jurisdiction over a proposed Federal or federally assisted undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking, take into account its effect on any district, site, building, structure, or object that is included in the National Historic Register.

Legislation relating to the Federal-aid Highway program has been broadened over the years so that environmental factors can be taken into account. Policies and procedures established by the Federal Highway Administration have required full consideration of construction procedures and elements to prevent, control, and abate water pollution, and to minimize soil erosion in the course of the construction of Federal-aid highways. Landscaping and roadside development along highways are eligible for Federal funding and are actively promoted by the Highway Administration. The Highway Beautification Act of 1965 which authorized and appropriated funds for the acquisition and enhancement of areas of scenic beauty adjacent to Federal-aid highways, gave the Department greater authority in this area. Although this program has been handicapped by lack of full funding, the Department is hopeful that this year the funding levels will be increased so the program can be fully implemented.

The office of the Assistant Secretary for Environment and Urban Systems, created with a specific mandate to coordinate the Department's actions in the environmental area, has been active for nearly two years within the Department.

Operating under these earlier mandates, the Assistant Secretary for Environment and Urban Systems has reviewed a number of specific transportation projects, and his recommendations to the Secretary of Transportation have been instrumental in withholding or withdrawing Federal funds from the following projects:

Expansion of a training field near the Everglades National Park into a major International Jetport, which would have seriously endangered the Park.

Extension of an Interstate Freeway link through Franconia Notch in New Hampshire, where such a project would have disrupted the historic "Old Man in the Mountain".

Construction of a highway in New Oreans which would have adversely impacted the historic French Quarter.

Additionally, significant changes were made to numerous other highway projects to minimize their adverse consequences in instances where there was no alternative to the taking of parkland or no provision for the replacement of parkland.

More than three years of experience in operating under these earlier provisions has given the Department of Transportation a meaningful head-start in taking environmental factors into account in its policies and programs. While the National Environmental Policy Act of 1969 does mandate broad new policies, the Department has been better prepared than many agencies to implement the new directives because of our past environmental responsibilities.

At present, environmental responsibilities are placed on the Department not only by the National Environmental Policy Act and section 4(f) of the DOT Act, but also by section 16 of the Airport and Airway Development Act of 1970 and section 14 of the Urban Mass Transportation Assistance Act of 1970. The 1970 Highway legislation will also contain broader social and environmental considerations.

II. THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

As soon as President Nixon signed the National Environmental Policy Act of 1969 into effect in January of 1970, Secretary Volpe made the importance of that Act clear to the employees of the Department of Transportation and he has re-emphasized his dedication to the goals cited in the Act on numerous occasions since that time.

The broad spirit of the Act as it relates to the activities within the Department of Transportation, is contained in requirements that Federal agencies shall:

Utilize a systematic, interdisciplinary approach in decision making.

Insure that environmental amenities and values are given appropriate weight in decision making along with economic and technical considerations.

Study, develop, and describe alternatives to courses of action where a proposal involves unresolved conflicts concerning alternative uses of available resources.

Administratively, it is relatively simple to assure that a procedural requirement, such as the filing of an environmental impact statement, is accomplished. The broader policy statements articulated in the Environmental Policy Act are much more difficult to quantify and integrate into actual Departmental procedure. However, the Department of Transportation is attempting to do just this in an attempt to meet both the letter and the overall spirit of the Act.

The National Environmental Policy Act of 1969 is a potent force in the Department of Transportation, not as a tool to stop all new transportation projects because of environmetal considerations, but as a source of broad guidance to encourage fundamental changes in procedure to insure that environmental considerations and a study of alternatives become an integral part of transportation planning at the earliest instance. In this way, transportation growth can be made fully compatible with environmental quality.

The following is a short description of some of the activities undertaken by the Department of Transportation either as a direct attempt to meet the broad directives of the National Environmental Policy Act, or as methods designed to further the goals of a balanced transportation system, which also compliment the policies of the Act.

1. Providing transportation alternatives

The Department is implementing the new legislative mandates received in 1970 to provide Federal funds for transportation alternatives. The Urban Mass Transportation Act of 1970, the Rail Passenger Service Act of 1970 and the Airport and Airway Development Act of 1970 improve and expand the Department's authority to assist all modes. For the first time Federal assistance is available to fund all modes of travel. In implementing each program, an emphasis is being made to provide a choice of transportation alternatives from which local areas can choose. The optimum process would be one by which an urban area would define its own growth goals and land use policies, and then choose the most appropriate transportation mode to implement its defined goals.

2. Improvement of the urban transportation planning process

The Department, through the Assistant Secretary for Environment and Urban Systems, is studying the urban transportation planning process initiated under section 134 of the 1962 Highway Act, looking toward an improvement of the process. The Department has a significant amount of money available for transportation planning through its Highway, Urban Transportation, and Airport Development programs. The Secretary is interested in using Departmental planning money to implement the broad policy directives of the Environmental Policy Act such as the concepts of a systematic interdisciplinary approach in planning and decision making, a study of alternative courses of action (alternative transportation modes), and giving the environmental amenities appropriate consideration in decision making. Changes at the Departmental level in administering the planning grants, or new requirements concerning the agency at the local level which receives the planning money may be required to accomplish the above mentioned goals. Centralizing the Department's planning money into a single area-wide planning agency in a metropolitan area that does both land use and overall transportation planning for all modes is one approach that could promote the study of transportation alternatives and their environmental implications. The Department now has Federal grant money available to finance alternative modes of transportation, but changes in the urban planning process in metropolitan areas may be necessary to make sure that the money is best utilized to meet the needs of urban areas in a way that is compatible with the Environmental Policy Act.

3. Single transportation trust fund

The Department of Transportation has under study the concept of a single transportation trust fund to provide Federal grants, without a model identification, to states and local areas to spend on the transportation mode that best suits the needs of that area. Such a concept would help to encourage the development of alternative transportation systems by eliminating some of the modal biases in Federal-aid that presently exist.

4. Research

A. Departmental Policy and Procedures and the NEPA

The Department has contracted with Arthur D. Little, Inc. for a study of the impact of the National Environmental Policy Act on the Department of Transportation. The contract call for an analysis of current legislation and policies in light of the Act, and for the contractor to provide a discussion of policy alternatives, a draft manual on the involvement of public interest groups, and recommended actions to comply with the Act.

B. Environmental, Social and Aesthetic Factors in Urban Transportation Planning

The Department has contracted with Real Estate Research Corporation for a study of means to incorporate environmental, social and aesthetic factors into the urban transportation planning process. The contractor will conduct on-site studies of four cities and will prepare a manual summarizing pertinent experience and developing recommended procedures to improve the transportation planning process.

C. Environmental Factors in Airport Site Selection

The Department has contracted with CLM Systems Inc., for a study of the environmental factors which should be considered in airport site planning. The contractor is to prepare a handbook on assessing sites in terms of intermodal planning, pollution, noise, aesthetics, community disruption, and land use and development.

D. Environmental Effects of Miami Jetport

The Department of Transportation and Interior are assisting Miami-Dade County in monitoring the impact of the training strip on the Everglades National Park and in the consideration of alternative jetport sites.

E. Noise Factors

The Department is pursuing through several research projects methods by which transportation noise can be reduced.

F. Environmental Research on Supersonic Flight

The Department has assembled a $26.68 million 3-year research program plan to provide more precise answers to the environmental aspects of supersonic flight.

G. Interdisciplinary Approach to Transportation Planning

The Department has contracted for an analysis of the use of interdisciplinary design concept teams to do urban transportation planning.

5. Rulemaking activities

The Department of Transportation, through the Federal Aviation Administration is proceeding with rule-making activities in the following areas:

Prohibition of supersonic flight over the United States at speeds that would cause a sonic boom.

Establishment of aircraft noise type certification standards for subsonic and supersonic aircraft.

Regulation of aircraft engine emissions.

Civil airplane noise reduction retrofit requirements.

6. Legislation

The Department is actively supporting legislation in the following areas:

Legislation that would broaden the Federal-aid Highway Act to give the Secretary greater flexibility in the use of money from the Highway Trust Fund for social and environmental purposes.

Legislation to significantly expand the highway beautification program.

Legislation to provide more flexible authority with respect to relocation of persons displaced by highways.

7. The Coast Guard

The Department is supporting an expanded role for the Coast Guard in the area of prevention detection, and cleaning up of oil spills.

The Coast Guard reviews all applications for bridge permits which it receives for the possible environmental impacts that would arise from the issuance of the permit.

FIRST WESTERN SPACE CONGRESS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. MILLER of California. Mr. Speaker, I am privileged to include in these remarks an address given by Dr. Edward C. Welsh at the First Western Space Congress which was held in Santa Maria, Calif. on October 28, 1970.

Dr. Welsh is one of the most knowledgeable people in the field of space and his remarks are worthy of careful perusal, as follows:

FIRST WESTERN SPACE CONGRESS

This opportunity to talk with such a learned group on space matters is appreciated, although I state with appropriate modesty that it is a situation of the informed informing the informed. Those opposed to, or ignorant about, the space program are the ones who should be assembled and talked with. While I find these meeting very gratifying and productive, it would seem much more efficient if we all stayed in our offices and listened to or participated in the discussion via direct two-way satellite broadcast to receivers which we could tune in or tune out. We can be doing this soon if we only decide to. On an annual basis, it would cost less in time and money—not that the latter is of much moment these days so characterized by huge surplus cash flows and excess profits. I might, in deference to those from government, also make reference to burgeoning travel funds.

Practical applications.—I am impressed with the attention in this Space Congress' schedule to the practical applications of space technology, space experience, and space-related management. This is the way of the near-future and certainly the soundest basis for an appeal for support. Those espousing more investment in space competence must, in the political battleground, be able to show how the lives of individual families and communities are bettered or could be in better shape because of space developments. An appeal to greater national security, or even a suggestion that the United States may well fall behind the USSR in technology, while sound arguments, do not have the desired effect on the general public, since the individual finds it difficult to relate such matters to his own family conditions.

Backward progress.—I would be less than honest if I did not express my thorough disappointment in the slowdown in United States space activity during the past several years, in both R & D and technical utilization. With the last national election, I expected an economic slump, but, up until the decisions were made, I was hopeful that the new Administration would try to maintain technological progress through adequate funding of the space program—both for the civilian and for the military partners in this effort. In that, I was wrong. The MOL cancellation, plus the reduced and inflation-weakened budget figures, are incontrovertible evidence to the contrary.

After much effort and some tough decisions in the 1960's, we went ahead of the Soviets in space technology and space accomplishment. This took political guts. We need a show of such fortitude again, as our present trend is to atrophy our acquired ability and to make obsolete our developed hardware. There is, of course, plenty of blame to go around, in case some politically partisan listeners think I am blaming the whole debacle on the current Administration.

Reverse recent trend.—However, I have not given up. I'm just discouraged. It is still possible that we can reverse the decisions which have weakened our nation, economically, internationally, and defensively. We can improve our treaty monitoring, our reconnaissance, our surveillance, our weather-communications-navigation capabilities, our natural resources census, our manned and unmanned exploration of outer space, our medical advances through space technology, and our application of space-oriented management techniques to the solution of social problems. Let me emphasize that this is not an either/or situation—social welfare as opposed to space and national security. We can and must have both, and the one nourishes the other.

I promise to be brief, but I do want to be a little more specific regarding the direction our space science and technology should be taking us. As an optimist, I would ordinally refer to the direction we "will go," but "should go" is the best I can do at this time.

Space communications.—In the area of communications, so much can be done that it strains the imagination of the most creative scienec fiction writer. For example, just think of the potentialities of education from the use of satellites. The treasures of libraries can be made available to the millions who have never even seen a library, let alone used its resources. The shortage of competent and up-to-date teachers at all levels of instruction can be swiftly overcome by a practical combination of the best teachers with the most modern space technology. Nineteenth century educational facilities and techniques cannot, and indeed should not, try to meet the needs of the present or the future. Through the use of modern technology, I believe the quality of education would be raised and the cost per student decreased.

The role of space communications is not limited just to improving education, al-

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though that is sufficient justification for the entire investment in the field of space. Navigation and traffic control are arenas in which practical application of advanced technology would add greatly increased safety in the civilian part of our economy and vastly improved effectiveness to our military hardware. Again, these are developments awaiting only the will to put them to use.

Space observations.—As for the competence to make space observations of the earth and of men's activities on earth, no further delay is excusable. This is particularly critical as we rely increasingly on international treaties and agreements which can be monitored only from space. Equally as important is the immediate and continuing awareness, in this nuclear age, of the nature and location of equipment which threatens our security. Only through satellites, manned and unmanned, can this be acquired with a reasonable degree of assurance.

In the field of natural resources and weather observations—and I might add "control" as far as the latter is concerned—hunger can be alleviated on a worldwide scale; scarce supplies of metals, oil, and water can be augmented; and lives as well as property can be protected from the forces of nature. Why should we move so slowly to do these things which would give tremendous human and material returns for each dollar invested?

Space medicine.—As we suffer through the mounting costs and the inexcusable loss of lives in the field of health care, we must hasten the marriage of computer and medical knowledge. The shortage of doctors and nurses, the delays even in cases of greatest emergency, the prohibitive costs of preventive medicine and hospital care, can only be drastically decreased by the use of space-stimulated technology already available.

Space and men.—And, when we refer to medicine let us not overlook for a second the major benefits which can be derived from manned flight—knowledge of healthy individuals, under both controlled conditions and conditions of special stress and strain. Certainly we cannot afford to slow down our efforts to obtain re-usable flight vehicles, permanent space stations, and sharply reduced per passenger-mile flight costs. We need people in space for sophisticated observations toward and away from earth; for maintenance and repair of space equipment; and for manufacturing, space hospitalizations, and scientific experimentation. Of no less importance are the addition to man's scientific knowledge, his greater understanding of origins as well as clearer views of the future, and the vast uncharted but most promising application of space oriented technology and managerial experience to the solution of social ills. Can we afford not to strive for such objectives?

A choice.—Are we going to use space science and space technology to the extent of our capability, or are we going to say we can't afford it? As you know, we have throughout man's history seen an abundance of illustrations of his stupidity. I hope that we do not now try to exceed the errors of the past.

The rapid and constructive growth of our gross national product in the 1960's was due in considerable measure to the investment in space technology. The decline in GNP growth rate in the last few years is in large measure due to a starvation of such endeavors. I indicated that there is plenty of blame to go around for the recent decline in space progress, for the niggardly investment of funds in this country's future, and for our economic and scientific slow-down. We have all heard some politicians, some businessmen, some academicians and other professional men preach slow-down and give support to those who would bury our talents in the sands of time. They are wrong, and they need to be educated or outvoted.

We should have a change in policy or be resigned to becoming a second-rate nation.

SELECT COMMITTEE'S REPORT ON OLD DOMINION SUGAR CORP.: SBA BLUNDERS IN OLD DOMINION SUGAR CASE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on four separate occasions I have laid before my colleagues information regarding the sorry record of the Economic Development Administration, as it related to the use of public moneys in funding a financial fiasco doing business under the name of Maine Sugar Industries, Inc. Today, I will not take the time of the House to restate the facts in this deplorable case of poor judgment; compounded by excessive leniency in extending deadlines for payments on principal and interest—and for throwing good money after bad. For those of you who are interested, I refer you to my remarks of April 8, which appear on page 10734 of the CONGRESSIONAL RECORD.

Today, instead, I rise to compliment my good friends and colleagues, the able gentlemen from Tennessee (Mr. EVINS) and the able gentleman from Illinois (Mr. KLUCZYNSKI), for the public service they have rendered in investigating and reporting on still another potential disastrous use of public funds—this time by the Small Business Administration.

As a part of my April 8 comments, I made reference to a lease guarantee commitment by SBA in the amount of $27.4 million to the Old Dominion Sugar Corp. This is a corporation which proposed construction of a new cane sugar refinery in Portsmouth, Va.—with the aid and abetment of taxpayers' money. At that time I called attention to a review of this project that was in progress, by a subcommittee of the House Select Committee on Small Business—under the chairmanship of the distinguished gentleman from Illinois (Mr. KLUCZYNSKI).

Since I last addressed the House on this subject, the committee has completed its review of the Old Dominion case and has issued a report condemning the entire venture. It is particularly critical of SBA's role in it.

This report was published on October 20, 1970, as House Report No. 91-1612.

The committee points out in its conclusion:

> The maximum exposure of SBA is about $27.4 million. The feasibility study was performed by a company which will be paid only if the refinery becomes operational.

I doubt, Mr. Speaker, that this is the usual arrangement between companies and consulting firms. The subcommittee also finds, after examining a great deal of evidence, that—

> SBA does not have a reasonable basis to conclude that the Old Dominion Sugar Corp. would be financially profitable.
>
> It is evident, therefore, SBA's proposed lease guarantee can be summarized as taxpayers' money being used to guarantee rent payments by a company which has never been in the sugar business, has no experienced management and has no real knowledge of the sugar market.

This is an extremely strong criticism of both the SBA and the Old Dominion Sugar Corp. This criticism is justified. As the report describes, specialists within SBA have advised against this lease guarantee, including the chief SBA underwriter.

This project does not really qualify—at $27.4 million and a potential 1,800 employees—as small business.

There is one statement in the report that is perhaps the greatest indictment of this program that I have heard.

> Although SBA testified that they have studied the Maine Sugar Industries, Inc., project in order to avoid their pitfalls, it is the subcommittee's opinion that the Maine Sugar project is a blueprint of the future of the Old Dominion Sugar Corporation.

That blueprint, Mr. Speaker, is a blueprint for failure.

The excellent report from which I have quoted is very brief. But it reflects the careful examination of this lease guarantee conducted by the members of the committee and its staff. It is well worth reading. So that my colleagues may be completely informed on this, I submit this short, but well-written report for the RECORD:

SBA LEASE GUARANTEE (OLD DOMINION SUGAR CORP.)

INTRODUCTION

At the opening of the 91st Congress, Representative Joe L. Evins (D., Tenn.), chairman of the Select Committee on Small Business, assigned jurisdiction over "Small Business Problems in Smaller Towns and Urban Areas" to Subcommittee No. 3 and designated the following as members:

Representative John C. Kluczynski, Democrat, of Illinois, chairman;

Representative Tom Steed, Democrat, of Oklahoma;

Representative James C. Corman, Democrat, of California;

Representative Frank Horton, Republican, of New York;

Representative Daniel E. Button, Republican, of New York.

Additionally, Chairman Evins and Representative Silvio O. Conte (R. Mass.), ranking minority member, are ex officio members of the subcommittee.

SCOPE AND PURPOSE OF HEARINGS

Hearings were conducted by Subcommittee No. 3 on the lease guarantee program of the Small Business Administration. Particular emphasis was given to the proposed lease guarantee to Old Dominion Sugar Corp.

The subcommittee had received many reports raising serious questions concerning the conditional commitment by the Small Business Administration guaranteeing a lease to Old Dominion Sugar Corp. in the amount of $27.4 million. Information provided the subcommittee indicated that the corporation did not have adequate financial resources; that the amount of total guaranteed rent was in excess of SBA's regulations which placed a $9 million ceiling on such guarantees; that the corporation was not a small business concern; and that the proposed business venture by the corporation was not economically feasible and, therefore, would ultimately result in an unjustifiable loss.

The lease guarantee program of the Small Business Administration has held the interest and concern of the committee since the program's inception. There is great potential for lease guarantees to aid and assist small business. Small businesses which lack the necessary credit rating are able to obtain prime business locations to assure growth and success.

In view of the reports received by the subcommittee, and the continuing interest

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in this particular SBA program, it was decided that hearings would be held to inquire further into the lease guarantee program and in particular the Old Dominion Sugar Corp. transaction.

Hearings were held on February 19 and 25, 1970, in Washington, D.C., at which time the subcommittee heard the testimony of the Administrator of SBA, other officials of SBA and representatives of private industry and financial institutions. Further testimony was also presented during hearings by the full Select Committee on Small Business on July 20–22, 1970, regarding this same subject.

FINDINGS

The Small Business Administration issued a letter of conditional commitment to the Old Dominion Sugar Corp. to guarantee a lease of that company in the amount of $27.4 million over a 20-year period. The actual insurance policy for the guarantee is proposed to be issued at some future date provided the company meets certain requirements set by the SBA.

Testimony revealed that SBA set a limitation of $9 million for lease guarantees in June 1969. SBA contended that this regulation did not apply in regard to Old Dominion since Old Dominion's application had been pending for 1 year prior to promulgation of the regulation. An attorney-adviser to the SBA lease guarantee program stated as his opinion that this SBA regulation was applicable. He was overruled by the SBA Office of General Counsel.

When asked about the possibility of Old Dominion being bought out by a large sugar firm after the lease guarantee had been made, SBA replied that they had no control over such a contingency.

It was revealed that an official of Old Dominion had supplied Dun & Bradstreet with figures regarding the size of the proposed operation. Dun & Bradstreet reported that 300 employees would be hired in the initial stages and that 1,800 would be eventually employed. These figures were disputed by SBA. SBA regulations provide that to be a "small business" for this type of operation, there can be no more than 750 employees.

An outside consultant, F. C. Schaffer & Associates, retained by Old Dominion Corp., reported that the project was financially feasible. It was pointed out that the F. C. Schaffer & Associates received 50,000 shares in the company (10.5 percent of the total stock) as part of their fee, in addition to $83,074 to be paid if and when the project proceeds.

One of the procurement and management assistance coordinators of SBA advised against the venture because it would have to compete against long-established and well-financed cane sugar firms in addition to corn sweeteners. The consultant had not considered the corn sweetener competition in making their analysis.

An SBA financial adviser to the lease guarantee program had rated the corporate structure as very poor. The Philadelphia office had recommended against the commitment, but stated that in the event the Washington office, which has primary responsibility, decided to go ahead, two conditions be placed in the guarantee. Only one of the conditions was adopted.

The chief SBA underwriter stated that the venture did not appear feasible and that it was not the type of risk the Government should be guaranteeing.

The size of this proposed guarantee ($27.4 million) is greater than all of the guarantees issued by SBA up to that time (79 lease guarantees).

There was testimony by individuals in the sugar industry in direct conflict with that of SBA. It was stated by them that the company would have to make an 8.8-percent gross profit in order to survive. SBA consultants had forecast a 4.3-percent profit. It was also stated that a marketing study which ignored corn sweeteners would be invalid. Testimony also revealed that Old Dominion would use foreign machinery and equipment. Furthermore, it was claimed that the Old Dominion venture could cost the taxpayer $8,173,579 at the minimum and $23.4 million at the worst.

CONCLUSIONS AND RECOMMENDATIONS

SBA has issued a letter of conditional commitment for a lease guarantee to a corporate shell which has never done any business of any kind and which was run by a man who had no experience in the business. The letter of conditional commitment contains no safeguards to relieve the Government of its guarantee if a large business takes over Old Dominion and no criteria upon which to base a fair market value of the plant if the project fails.

The maximum exposure of SBA is about $27.4 million. The feasibility study was performed by a company which will be paid only if the refinery becomes operational.

The subcommittee finds, based on the testimony it received, that SBA does not have a reasonable basis to conclude that the Old Dominion Sugar Corp. would be financially profitable.

It is evident, therefore, SBA's proposed lease guarantee can be summarized as taxpayers' money being used to guarantee rent payments by a company which has never been in the sugar business, has no experienced management and has no real knowledge of the sugar market.

SBA projected earnings plus the loan payments amount to more profit per unit than anyone in the industry currently earns. This is entirely unrealistic.

Since the hearings, SBA has required Old Dominion to have a new feasibility study conducted by a firm approved by SBA. It will be very enlightening to learn the results of that study in comparison with the one investigated during the hearings.

It is, therefore, the conclusion of the subcommittee that the proposed undertaking by SBA to guarantee a 20-year lease for Old Dominion Sugar Corp. in the amount of $27.4 million is not in the Government's best interest and constitutes poor stewardship of public funds. Although SBA testified that they had studied the Maine Sugar Industries, Inc., project in order to avoid their pitfalls, it is the subcommittee's opinion that the Marine Sugar project is a blueprint of the future for the Old Dominion Sugar Corp. It appears extremely doubtful that the Government can collect over $12 million loaned to the Maine Sugar project.

The intent of Congress in establishing the lease guarantee program was to aid and assist the small businessman such as the local merchant who wishes to move to a shopping center but is unable to obtain the necessary credit rating. A guarantee for more than $27.4 million is not small business in terms of lease guarantees.

The committee recommends that SBA critically reevaluate their conditional commitment in regard to this particular lease guarantee. A full report should be submitted to the subcommittee when a final descision has been made with a complete explanation of all factors upon which the decision was based. Until such time as a final decision is made, it is recommended that SBA keep this subcommittee fully informed of all developments concerning this lease guarantee.

The subcommittee recommends that SBA review the maximum limitation of $9 million for a single lease guarantee and advise the subcommittee of the results of such review.

The subcommittee recommends that SBA include a clause in all lease guarantees eliminating the Government's liability in the event the small business is taken over in any way by other than a small business.

ADDITIONAL INDIVIDUAL VIEWS OF HON. FRANK HORTON, REPUBLICAN FROM NEW YORK

This report includes certain conclusions which are not fully substantiated by facts contained in the report. The report affords the Small Business Administration the opportunity to submit further information to the committee at the time a decision is reached on the subject lease guarantee, and I am certain the Small Business Administration will cover these questions when it submits its further comments.

WILLIAM O. DOUGLAS—PART-TIME JUSTICE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. GRIFFIN. Mr. Speaker, Justice Douglas has recently conducted himself with a circumspection which is as unusual in its degree as it is revealing of his many heretofore unknown extrajudicial activities.

He has withdrawn himself from an abnormally high number of cases, 21 to be exact, in the last 9 weeks. In short, he has become a part-time Justice.

Of course, it is right and proper for one to excuse himself from sitting on a case wherein he is personally involved or personally acquainted with the party litigants of attorneys. However, Douglas' high rate of withdrawal from participation in Court work is surely founded in his attempt to allay the many suspicions his sub rosa activities have provoked.

Mr. Speaker, Douglas' prompt resignation would certainly expedite the work of an already overloaded Court and would remove a cloud of doubt which hovers over every action taken by the Supreme Court. Such an act on the part of Douglas would be a great benefit to the public good and would give evidence of his concern over the common interest—for which he so piously proclaims.

Following is a report from Washington's Evening Star of Wednesday, December 9, 1970, regarding his numerous withdrawals from cases before the Court:

Douglas Disqualifies Himself in 21 Cases

(By Lyle Denniston)

Supreme Court Justice William O. Douglas, apparently using special caution to keep from arousing his House critics further, has disqualified himself from court cases 21 times in the last nine weeks.

That is an unusually high rate of withdrawal from cases for any justice, and it is well above Douglas' own rate of disqualification in the past.

Sources close to the justice say that he feels obliged, at least for the time being, to go almost to an extreme to avoid contact with cases in which someone could say he had a personal interest.

Among charges against him by House critics are complaints that he has participated in Supreme Court action on an obscenity case and a savings and loan association dispute even though he had some prior contact with persons involved in each.

PANEL MEETING TUESDAY

Douglas hopes to be able soon, perhaps next week, to return to the customary practice of taking himself out of cases only when his interest or past involvement is clear-cut, it is understood.

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The full House Judiciary Committee is to meet Tuesday to receive a report from a five-man special subcommittee which has concluded—in a split decision—that there are no grounds to impeach Douglas and remove him from the court.

If that meeting results, as some sources now expect, in a committee decision to drop the matter of impeachment, Douglas is likely to resume promptly his fuller participation in the high court work.

However, critics have vowed to renew in January their demand for a separate investigation outside the Judiciary Committee.

Meanwhile, Douglas this week took himself out of cases five times in two days of public activity by the court.

In one of those, his withdrawal could have made a clear difference. Dividing 4 to 4, the other justices approved lower court decisions that bolstered the Interstate Commerce Commission's power to approve across-the-board increases in railroad freight rates.

AUTOMATIC APPROVAL

When the court is equally divided, the result is automatic approval, without explanation, of the lower court action under review.

Douglas, like all other justices, never explains publicly why he takes himself out of a case.

However, there are indications that this term he is withdrawing from any case that involves a law firm in which some partner has been helping him in the legal defense against the impeachment challenges in the House.

In that effort, Simon H. Rifkind, a former federal judge who is a leading partner of a Washington and New York firm, has been Douglas' main legal adviser. It is routine for Douglas now to avoid any role in court cases involving Rifkind's firm.

MISSED ARGUMENTS

For example, the justice did not listen to oral arguments made in a libel case Monday and Tuesday by one of Rifkind's partners, former Atty. Gen. Ramsey Clark.

Rifkind has enlisted some of Douglas' former law clerks in handling the House challenge, and that, too, has led the justice to some disqualifications.

For example, one of the ex-clerks who has helped is Charles Miller of the Washington law firm of Covington and Burling. That firm was involved in the railroad freight rate case decided yesterday by the 4 to 4 vote.

Covington and Burling is also involved in a major lawsuit which Atty. Gen. John N. Mitchell has filed at the high court in an offshore lands dispute with all the East Coast states. Douglas has disqualified himself from that case.

ASSISTED JUSTICE

Another former law clerk who has assisted Douglas during the House challenge is Warren M. Christopher, a former deputy attorney general now in private practice in the Los Angeles law firm of O'Melveny and Myers.

The firm was involved with a labor case, concerning the Hearst newspapers in California, from which Douglas disqualified himself on Oct. 12.

Christopher is personally involved in a major test case which the high court has agreed to review this year. It raises the question of whether plans to put low-rent public housing in a community may be vetoed by citizens voting in a referendum. Douglas has twice disqualified himself on preliminary orders on that case.

The justice has taken himself out in a series of cases—several involving obscenity prosecutions—because of actual or assumed association with the distributors who are involved.

MISTAKE SEEN

In fact, sources indicate that Douglas may have made a mistake by taking himself out of one obscenity case on Nov. 23 when he thought the case involved, at least indirectly, a firm which had published one of his out-of-court articles. In fact, there was no connection, these sources said.

With Douglas out of that case, the court voted 4 to 4 to uphold a lower court decision which gave constitutional protection to so-called "stag" movies.

On the same day, the justice may also have disqualified himself unnecessarily from a Massachusetts obscenity case on the belief that one of the publishers was somehow related to Grove Press.

Grove Press is the U.S. distributor of the controversial Swedish movie, "I am Curious (Yellow)," and it is also the publisher of Evergreen Review, which carried excerpts from a Douglas book.

FILM IN TEST CASES

"I am Curious (Yellow)" is involved in test cases from Maryland and Massachusetts, now awaiting high court rulings and Douglas has not taken part in considering them.

The justice also is believed to be staying out of an important antitrust case involving a group of publishers because some of his past books were handled by firms involved.

There are only a few disqualifications by Douglas during recent weeks for which there is no known reason, except possibly some personal connection with lawyers involved. One such case involved a challenge by a Montgomery County, Md., political group seeking to be placed on the ballot for the Nov. 3 elections.

Among all of the 21 disqualifications by Douglas so far in the current term, there appears to be only one that would fit the usual court custom of withdrawing.

He has taken a direct "personal interest" in the controversy involved, and that is the usual ground for disqualification. The case, granted review this week, involves a conservationists' challenge to construction of a highway through a park in downtown Memphis.

Douglas has been a vocal spokesman for conservationist causes for years, and he has spoken out on the Memphis controversy.

A CITIZENS ADVISORY COMMITTEE FOR THE PENN CENTRAL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. OTTINGER. Mr. Speaker, one of the major reasons for the decline of rail passenger service in the United States has been the industry's failure to recognize its responsibilities to the traveling public and the Interstate Commerce Commission's failure to protect the public interest in a modern, efficient rail passenger service system.

A historic petition seeking approval of a citizens advisory committee to represent and promote the interests of the public in the reorganization and management of the Penn Central has been filed in the U.S. District Court for the Eastern District of Pennsylvania. Among the petitioners are consumer advocate Ralph Nader and the National Association of Railroad Passengers.

This petition, if granted, might well set an important precedent for other industries in which the public interest has for too long been neglected. It certainly represents a landmark in the consumer protection movement and because I am sure it will be of interest to my colleagues, I present it herewith for inclusion in the RECORD:

[In the U.S. District Court for the Eastern District of Pennsylvania, Bankruptcy No. 70-347]

In the Matter of Penn Central Transportation Company.

PETITION FOR APPOINTMENT OF CITIZENS' ADVISORY COMMITTEE

To the Honorable John P. Fullam, Judge of the United States District Court for the Eastern District of Pennsylvania: Come now the petitioners Ralph Nader, Reuben B. Robertson, III, Jonathan A. Rowe, Anthony Haswell and National Association of Railroad Passengers, having previously petitioned this Court regarding the appointment of one or more trustees specifically to represent and promote the interests of the public and consumers in the reorganization and management of the Penn Central, who now further urge the court to establish and appoint a Citizens' Advisory Committee to advise and assist the trustees with regard to various aspects of the public interest. The reasons and authority for such appointment and the powers and duties of the proposed Committee are set forth in the accompanying memorandum in support of this petition.

Respectfully submitted.

THOMAS K. GILHOOL.
REUBEN B. ROBERTSON III.

JULY 22, 1970.

[In the U.S. District Court for the Eastern District of Pennsylvania, Bankruptcy No. 70-347]

In the Matter of Penn Central Transportation Company.

MEMORANDUM IN SUPPORT OF PETITION FOR APPOINTMENT OF CITIZENS' ADVISORY COMMITTEE

The Court's duties in protecting the public interest in a railroad reorganization proceeding under Section 77 of the Bankruptcy Act do not, of course, end with the appointment of Trustees to manage the estate. The petitioners, who include rail passengers, consumers and parties professionally and institutionally committed to the advocacy of various consumer, safety and environmental causes, have urged the Court to take whatever measures may be necessary and appropriate to advance community and consumer interests in overseeing the Penn Central's reorganization. We believe that these interests can be significantly aided by the appointment of a special committee of advisors to the trustees which can make studies and recommendations to them—and to this Court—regarding the many facets of the public interest. While novel, this action appears to be well within the clearly established powers of the Court. This memorandum spells out in further detail the proposal and the legal authority of the Court to adopt it.

PURPOSES OF THE COMMITTEE

There can be no serious argument that the first priority in the management and reorganization of a bankrupt railroad must be the public interest, including specifically the right of the people to be assured safe, dependable, adequate and economical transportation by rail. *St. Joe Paper Co.* v. *Atlantic Coast Line R. Co.*, 347 U.S. 298, 309 n. 12 (1954); *In re Denver and Rio Grande Western R. Co.*, 38 F. Supp. 106 (D. Colo. 1940); *In re Long Island R. Co.*, 83 F. Supp. 971 (D. N.Y. 1949). The public's multiple and complex needs require thoughtful, coordinated analysis and implementation which the trustees alone, absorbed in the day to day problems of management and operation, may not be able to fulfill adequately.

Penn Central serves a region under siege by a massive transportation and environmental crisis. The urban areas of the Northeastern United States are already congested and overcrowded, its highways and airways are clogged, its rivers becoming open sewers and its air a potential source of epidemic asphyxiation. The incessant parasitic demands of railroad management upon the public for higher and higher passenger fares and freight tariffs, the degrading of service and safety standards, the Penn Central's relentless drive to rid itself of customers and of all obligations to provide intercity passenger service, capped finally by the initiation of bankruptcy proceedings have intensified the crisis and made an ugly joke of the corporation's basic legal commitment to serve the public continuously and adequately. This background underscores the urgency of special provisions by this Court and the trustees on behalf of the public.

The interests of consumers, passengers, shippers, communities and the public at large must no longer be short-changed with respect to Penn Central operations. To this end it would be appropriate and useful to have a special committee to advise the trustees on various aspects of the public interest. Without in any way interfering with the daily operations and management functions of the trustees, the committee would be in a position to analyze public complaints, tariffs and schedules, population trends as related to available service, environmental considerations, maintenance and safety standards and other aspects of the public interest. The proposed committee could make reports and recommendations to the trustees as to developing problems and ways in which the quality of the railroad's public service might be improved. Further, the committee would evaluate the efforts of the trustees from a public interest perspective and could make reports to the Court on any changes that might be necessary for fulfillment of the railroad's basic mission of public service. One possible format for the composition of such a citizens' advisory committee has been set forth for the Court's review in Appendix A to this memorandum.

AUTHORITY OF THE COURT

While we are not aware of any previous railroad bankruptcy proceeding in which such a public interest advisory committee has been appointed, the Court's power to take such action is clear. Section 77(a) of the Bankruptcy Act, governing railroad reorganization, confers upon the District Court having jurisdiction the full panoply of powers over the debtor and the trustees that apply generally in bankruptcy proceedings. For example, Section 11(a)(6) of the Act, amended by the Chandler Act in 1938 so as to apply unequivocally to proceedings under Section 77, see Hanna & MacLachlan, *Cases on Creditors' Rights*, 1965 Supplement, 9, explicitly provides that the Court has the power to "bring in and substitute additional persons or parties in proceedings under this title when necessary for the complete determination of a matter in controversy." Similarly, Section 343 of the Act expressly states that a receiver or trustee shall manage the debtors' business and property "subject to the control of the court." The power thus conferred on the Court in general bankruptcy proceedings is made specifically applicable to the court in railroad bankruptcies by section 77(a), which gives the bankruptcy court "all the powers not inconsistent with this section which a court of the United States would have had if it had been appointed a receiver in equity of the property of the debtor for any purpose." Additionally, of course, the Court has inherent and express powers to enter appropriate orders and impose such restrictions and conditions as may be necessary in the management of the debtor's affairs, e.g., Bankruptcy Act, Secs. 11(a)(15), 11(b).

Nothing in the Act or in the decisional law interpreting the Act appears to restrict or prohibit the Court from appointing advisors or advisory committees. In the Long Island Railroad bankruptcy proceedings, the appointment of a firm of engineering consultants as advisors to the trustees, whose principal role was to make studies, determine the facts and submit reports and recommendations to the trustees, was discussed at length and expressly approved by District Judge Kennedy. *In re Long Island R. Co.*, 91 F. Supp. 439 (D. N.Y., 1950). No cases has been found limiting or denying the Court either the power to pass upon the appointment of or to appoint directly consultants or advisors to the trustees for the purpose of gathering and analyzing facts and making recommendations to the trustees or the Court. Certainly where the stakes are so high and the identification and implementation of the public interest are so critical, such restraints should not be read into a statute the primary purpose of which is to protect the public.

Respectfully submitted,

THOMAS K. GILHOOL,
REUBEN B. ROBERTSON III.

JULY 22, 1970.

APPENDIX A. POSSIBLE COMPOSITION AND CHARTER FOR CITIZENS' ADVISORY COMMITTEE

TO TRUSTEES IN PENN CENTRAL REORGANIZATION

The Citizens' Advisory Committee would be composed of three to five members, appointed by the Court for terms of five years, and drawn from groups or organizations representing such interests as

(a) railroad passengers, including commuters;

(b) consumers of commodities transported by rail;

(c) environmental quality, including conservation and aesthetic interests, city and regional planning, population distribution, and clean air and water advocates;

(d) shippers by rail;

(e) railway labor.

The Committee's basic mandate shall be to protect and promote to the fullest extent possible within its powers during the Penn Central reorganization, the needs of the public for safe, clean, modern, efficient, economical and reliable rail transportation; sound regional planning including comprehensive intermodal transportation planning; conservation of natural resources including pure air, water and open spaces. To achieve these ends, the Committee shall have the following powers and duties:

(a) Examination of all books and records of the debtor and any company controlling, controlled by or under common control with the debtor;

(b) Attendance of any meetings of the trustees and officers of the debtor, and the right to be kept informed of all actions, plans and proposals regarding operation of the Penn Central and to receive copies of all company correspondence and memoranda;

(c) Making studies of and reporting to the trustees periodically and at all appropriate times upon the actual or potential impact of Penn Central operations and any proposed or suggested plans or changes on any aspect of the public interest; and making such recommendations as the Committee deems appropriate to protect and advance the interests of consumers and the public generally;

(d) Studying and reporting to the trustees and the Court on the effects of past Penn Central policies and practices upon the public, and on the causes of the financial collapse precipitating the petition in bankruptcy;

(e) To report annually or at any other appropriate time on the adequacy of actions taken by the trustees to implement the recommendations of the Committee, on the impact of the debtors operations on the public interest, and on any problem in the management of the estate that the Committee deems necessary or appropriate to bring to the Court's attention;

(f) To apply for and receive any federal, state, local or private grant of funds, research, facilities or assistance of any kind to advance the purposes for which the Committee is established.

[In the U.S. District Court for the Eastern District of Pennsylvania, Bankruptcy No. 70-347]

PETITION FOR REPRESENTATION OF CONSUMER INTERESTS

In the Matter of Penn Central Transportation Company.

To the Honorable John P. Fullam, Judge of the District Court of the United States for the Eastern District of Pennsylvania:

This petition is filed on behalf of various individual and institutional parties concerned with the effect of the Penn Central Transportation Company reorganization upon the interests of consumers and other national and community interests, to urge this Court to take certain measures to assure effective representation of those interests in the management of the Penn Central at all times during the reorganization and thereafter. Specifically, petitioners request the Court to appoint one or more trustees for the purpose of representing and promoting public consumer and community interests, as distinct from the private interests of management, creditors, and shareholders. Petitioners in support thereof respectfully represent:

PETITIONERS

1. The petitioner Ralph Nader, a resident of Winsted, Connecticut, is an author, lawyer, and advocate of the public interest in various consumer, safety and environmental issues.

2. The petitioner Reuben B. Robertson, III is a resident and member of the bar of the District of Columbia.

3. The petitioner Jonathan A. Rowe is a resident of North Sandwich, New Hampshire, and a third-year law student at the University of Pennsylvania Law School in Philadelphia.

4. The petitioner Anthony Haswell is a resident of Chicago, Illinois, a member of the bar of the State of Illinois, and Chairman of the National Association of Railroad Passengers.

5. Each of the above individual petitioners is a frequent passenger by railroad, including the Penn Central, and a consumer of commodities transported by railroad. The individual petitioners are and have been engaged in the analysis and advocacy of consumer, environmental, safety and community interests in various modes of transportation, including railroads.

6. The petitioner National Association of Railroad Passengers is a not-for-profit corporation organized under the laws of the State of Illinois to represent and promote the interests of railroad passengers. The Association at present has approximately 7,000 dues paying members. Membership in the Association is open to all users of rail passenger service and to other citizens who believe that modern trains are an essential element of a balanced transportation system. Its national headquarters are at 417 New Jersey Avenue, S.E., Washington, D.C. 20003.

PUBLIC INTEREST CONSIDERATIONS

7. Penn Central performs essential transportation services for the public. In 1969, it carried 88.2 billion ton-miles of freight,

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10.2% of the national total of 768 billion. It carried a total of 91.4 million passengers, of which 54.0 million were commuters and 37.4 million were intercity travellers. These amounts were 32.1%, 26.0%, and 42.6% respectively of the national totals of 295.9 million, 208.1 million, and 87.8 million. Penn Central's 1969 total passenger-miles of 3.4 billion were 28% of the national total of 12.2 billion.

8. Continuation and improvement of Penn Central freight services is vital for the health of the national economy, in that the cost of transporting its freight load by other modes would be several times the $1.3 billion it was paid by shippers in 1969.

9. Continuation and improvement of Penn Central passenger services is vital for the national interest in personal mobility and a better environment. If all Penn Central's passengers were forced to use air and highway facilities, the result would be massive air and highway traffic congestion, bordering on paralysis in some areas. Expansion of these facilities to adequately accommodate the additional traffic would cost an enormous amount of money and scarce land area, and create intolerable levels of noise and air pollution.

10. The quality of Penn Central freight service has steadily deteriorated since the 1968 merger despite assertions by management that it is interested in this business as a profit making operation.

11. The quality and quantity of Penn Central commuter service has deteriorated to an abysmally low level. Management has repeatedly stated that it has no interest in this operation unless it is supported with public funds.

12. The quality and quantity of Penn Central intercity passenger service, other than between New York City and Washington, D.C., has deteriorated at least as much as commuter service. Dozens of Penn Central communities have already lost their passenger service. The present management has requested the Interstate Commerce Commission for authority to discontinue all passenger service west of Buffalo, New York, and Harrisburg, Pennsylvania. Were this request granted, such major cities as Indianapolis and Terre Haute, Indiana; Ann Arbor, Jackson, and Kalamazoo, Michigan; Cleveland and Springfield, Ohio; and Erie, Pennsylvania would have no rail passenger service. This could be a crippling blow to the economies of these important cities, as well as to innumerable smaller communities. A principal objective of Section 77 bankruptcy proceedings is to keep essential service running, not to facilitate its discontinuance. *St. Joe Paper Co.* v. *Atlantic Coast Line R. Co.,* 347 U.S. 298, 309n.12 (1954); *In re Denver & R.G.W. R. Co.,* 38 F. Supp. 106 (D. Colo. 1940).

13. There is evidence of serious deterioration in maintenance and safety standards in Penn Central operations. In a recent report on the probable cause of a June, 1968 Penn Central passenger train derailment at Glenn Dale, Maryland, the National Transportation Safety Board was strongly critical of Penn Central for failure to require proper maintenance of its welded rail main tracks, and for inadequate monitoring of factors which might adversely affect the track or train operations. The degradation of safety performance in Penn Central operations is demonstrated by the following statistics based on official reports of the Federal Railroad Administration:

TRAIN ACCIDENTS PER MILLION LOCOMOTIVE MILES

Railroads	1963	1966	1969
NYC	3.91	5.53	
PRR	6.87	12.50	
NH	1.97	5.39	
PC			12.58

14. Despite the rapid, sustained deterioration in availability, quality and reliability of freight and passenger service since the 1968 merger, Penn Central management has continued to seek authority from the Interstate Commerce Commission and State regulatory bodies to institute still higher tariffs which have resulted and will continue to result in substantial increases in consumer costs.

15. Legislation is now pending before the Congress to establish a quasi-public corporation to operate all intercity passenger service. The success of this corporation will be directly dependent upon the degree of cooperation extended by the railroads in such matters as reasonable track use fees, adequate track maintenance, rights of trains, etc. The attitude of present Penn Central management toward passenger service gives little hope for such necessary cooperation with the proposed rail passenger corporation. Moreover, establishment of the passenger corporation will not affect or assist Penn Central's commuter services.

TRUSTEE APPOINTMENT

16. Under Section 77(c)(1) of the Bankruptcy Act, 11 U.S.C. Sec. 205(c)(1), as amended, it is the duty of the Court to appoint one or more trustees of the debtor's property. The petitioners submit that the purposes of those provisions of the Bankruptcy Act which relate to reorganization of railroads can only be met by the appointment of one or more persons as trustees whose express duty it is to represent and promote the interests of consumers and the public in the operation and management of the debtor's estate. These interests necessarily include the availability of adequate and economical commuter and intercity passenger service; availability of adequate, economical freight transport; assurance of the highest possible degree of safety; alleviation of air and water pollution and other sources of environmental contamination; and development and promotion of a coordinated national transportation system involving all modes of surface and air transportation. In light of the unique nature and public responsibilities of a major railroad such as the Penn Central, the Court must establish at the outset the priority of such concerns over the claims of creditors, stockholders and other private interests. The real and effective representation of these concerns can be assured only by appointing as trustees persons expressly committed to advancing them.

17. The court clearly has the power to appoint representativves of the public interest as trustees. See, *e.g., In re Long Island R. Co.,* 83 F. Supp 971 (D.N.Y. 1949). Judge Kennedy, setting forth the rationale impelling his choice of two trustees specifically for the purpose of representing the interests of commuters and communities in the Long Island Railroad bankruptcy proceeding, stated as follows:

"Everything I know personally about the situation and everything that was said at the hearing, compels the conclusion that the appointment of a trustee or trustees representing the community is absolutely essential . . . the management, pending reorganization, should be such that the community as a whole will feel that its peculiar interests are in competent hands at every stage of the proceeding." 83 F. Supp., 976–978.

Thus, it is clear that the court can and indeed should name trustees who will represent the public as a party with a vital interest in the railroad's management.

18. To fulfill the underlying public purposes of Sec. 77 of the Bankruptcy Act, and of the very expectations and conditions under which Penn Central acquired its vast properties, assets and special privileges, it is essential that the public be represented in the choice of trustees. Section 77 of the Bankruptcy Act provides a special and unique process for the reorganization of insolvent railroads; it was written to make certain that railroad service would not disintegrate and that the public would not lose the vital services of a railroad which had gone, or been led, into bankruptcy. During Congressional debates on a 1935 amendment to Sec. 77, Congressman Sumners of Texas pointed out on the floor of the House:

"The purpose of this legislations is to avoid the scrapping of a road and selling it . . . The Bankruptcy Act of which the measure before us is supplemental, was designed to aid crippled railroads and bring about reorganization so that they might render improved service to the public and prevent stockholders and owners of securities from sustaining irreparable losses." *Congressional Record,* Aug. 15, 1935, p. H–13299.

To the greatest extent possible, the transportation service is to be continued and even improved, regardless of the interests of creditors and stockholders. *In re Denver and Rio Grande Western R. Co.,* 38 F. Supp. 106, 115 (D. Colo. 1940). The purpose of the law under which these trustees are to be appointed requires that the needs of the transportation-consuming public be represented in the management of the railroad during the critical period of its reorganization. This requirement is especially urgent in the case of Penn Central, the current management of which has pursued a course of steadily curtailing both freight and passenger service and has publicly expressed the view that still further cutbacks are the means by which it intends to regain the economic viability of the enterprise.

19. The business and properties of the Penn Central clearly are affected with a public interest. Under various state and Federal laws and regulatory provisions, they are tools to be used for the benefit of the public at large. The Penn Central acquired its original franchises and many of the properties on which it operates under special agreements with the states. These agreements expressed the expectation and imposed the duty that the railroad would in return use these franchises and properties to the benefit of the public. As just one example, the Pennsylvania Railroad—a predecessor of the Penn Central—bought its so-called "western works" from the State of Pennsylvania under the explicit command that it would be

". . . bound ever thereafter to keep up and in good repair and operating condition, the line of said railroad . . . and the said railroad shall remain forever a public highway . . . and kept open and in repair . . . for the use and enjoyment of all parties desiring to use the same." An Act For The Sale of the Main Line of the Public Works, No. 579, Laws of Pennsylvania of the Session of 1857, Sec. 5.

This point is crucial: that the claim of the public to transportation service from these properties precedes the right of the purely private claimants under liens, mortgages, and other encumbrances. Creditors, stockholders, and other parties with private interests will be tempted to turn the railroad properties towards the fullest possible satisfaction of their own claims. The very conditions under which the properties were acquired and private profits have been reaped from them make clear and urgent that during the reorganization there should be at least one trustee whose first and basic concern is that the railroad's ability to serve the public not be impaired.

20. Petitioners further contend that no trustee should be appointed who is or was an officer or director of Penn Central Misguided and inept management policies were a major cause of the company's downfall. Based on interviews with railroad industry officials, financial analysts, shippers, regulatory officials and others, the *Wall Street Journal* recently concluded in an article that the Penn Central's problems fundamentally stem from the poor and continuously deteri-

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orating service the railroad has provided its customers:

"According to shippers, Penn Central's service failures include every type of complaint ever registered, and in greater numbers than ever encountered on any other line. The list includes inability to furnish cars to shippers in sufficient numbers, lengthy delays, chronic jam-ups at terminals and connecting points with other railroads, misdirected cars and cars lost for weeks or months at a time. Major shippers even report examples of loaded cars leaving their plants only to return some weeks later still fully loaded." *Wall Street Journal*, June 12, 1970, p. 1.

The same article continued as follows:

"Some regulatory officials and financial analysts make it clear they distrust statements made by Penn Central officials. For example, company officers had prepared financial plans indicating a first-quarter loss from railroad operations of about $50 million; in fact, the deficit was much larger. 'Financial people don't know if Penn Central is deliberately deceiving them, or whether the company just doesn't know what it's doing,' one observer says.

"Some Penn Central directors feel this lack of credibility, whether or not it's intentional, has extended even into the boardroom. According to knowledgeable sources, some of the oustide directors felt they had been 'hoodwinked' by management after they picked up highly important financial information from a company debenture prospectus—information that hadn't been given them as directors." *Id.*, p. 16

Only a person having no previous connection with Penn Central's management could be relied upon to make the difficult decisions as to necessary personnel changes, and to be free of all constraint or inhibition in investigating the causes of the railroad's financial demise, including possible conflict of interest or other improprieties on the part of Penn Central directors or officers.

21. The petitioners urge, in addition, that the Court use extreme caution in appointing as trustee any individual from a financial institution involved with the Penn Central. Reports since the filing of the petition in bankruptcy have revealed that conflicts of interest between the railroad and those financial institutions which are creditors, holders in trust of stock, or connected by interlocking directors, may well have contributed to the decline of railroad service and even to the financial debacle. A recent staff report of the House Banking and Currency Committee stated that "preliminary investigation reveals heavy involvement by banking institutions in nearly every one of Penn Central's operations. Every aspect of the issues involved in the collapse of the corporation appears to lead back to some banking institution." The Penn Central's 1968 ownership records reveal that 17 of the 31 largest shareholders were commercial banks, and that they held in sum 22.1% of the outstanding stock. The influence of these institutions, so entwined in the railroad's affairs, must be minimized in the interest of healthy and independent management of the railroad.

CONCLUSION

Consumers of all kinds, including freight shippers, commuters and intercity travelers, have a vital interest in the manner in which Penn Central operations are conducted under the supervision of this Court. The law is clear that public interest considerations must be given priority in the operation and financial reorganization of the railroad. The trustees will have pervasive power to control the affairs and policies of the railroad for a period of several years and perhaps decades. Under the circumstances, it is imperative that one or more trustees be named who will specifically represent the interests of the consumers and users of Penn Central services.

Respectfully submitted,

Anthony Haswell,
Reuben B. Robertson, III,
Attorneys for Petitioners.

July 20, 1970.

[Letter sent to all Penn Central trustees]

August 27, 1970.

Mr. Richard C. Bond,
Philadelphia, Pa.

Dear Mr. Bond: We are writing to urge you, as a court appointed trustee in the reorganization of the Penn Central, to give serious and favorable consideration to the establishment of a "citizen's advisory council" such as has been proposed in a recent petition to Judge Fullam. A copy of the petition is attached.

The "failing company" doctrine is a well-known exception to the normal operation of the anti-trust laws. We propose here a "failing concept" doctrine which should be recognized in the reorganization of the Penn Central.

The failure of our past concepts of regulation is tragically illustrated in the bankruptcy of the Penn Central. Every phase of the fundamental and operational decline of the railroad from the terms of the merger itself to the downgrading of passenger and freight service can be traced back to failures in the regulatory process.

In fact, the appearance of regulation was worse than no regulation at all. The public felt protected. Railroad policies were graced with the stamp of legitimacy which otherwise could not have withstood critical public appraisal.

Numerous studies, from the Landis Report of the early sixties to the recent student investigations under the aegis of Ralph Nader, Congressional Committees and even the President himself, have attested to the inadequacies of many of our precepts of transportation regulation. The present situation calls for recognition of these failures. We need imaginative innovation and courage to depart from ancient procedures. At the same time it calls for touching base afresh with the basic premises and purposes of public "regulation" of transportation enterprises. The bankruptcy and reorganization of the Penn Central presents a timely and unique opportunity to break with established patterns and test new ways to provide for the public accountability of a regulated transportation enterprise. One such way can be a step toward the ideal end of self-regulation. This way is through a citizen's advisory council.

A citizen's advisory council could do away with much that is wrong with our present methods of regulation.

It would restore to the public a measure of voice in the policies of the large corporations which have such pervasive effect upon their daily lives. But this voice would extend only as far as the public's legitimate concern. The council would not interfere in any way with the daily, profit-making operation of the railroad. It would only advise on the broader matters of policy in which the public clearly has a vital and growing stake. It could also help bridge the gap between the business and academic communities. Professors could be members of citizen's advisory council to which they could bring an undivided loyalty as advocates of the public interest. Students could provide studies and background information for the use of the council in advising the corporation, lending a vital sense of immediacy and importance to undergraduate and graduate work which now seems mired in irrelevancy.

These positive benefits of a citizen's advisory committee are urgently needed in the Penn Central reorganization. The Penn Central plays a vital role in the economic, social and ecological well-being of the entire Northeast. Yet the citizens, both passengers and freight shippers have felt slighted, abused, and powerless to halt the deteriorations and downgrading of their communities' transportation lifeline. A citizen's advisory council could infuse into Penn Central a spirit of public concern; and perhaps even more important, it could restore to the citizens a sense of participation in this huge enterprise which so vitally affects their lives and businesses.

For these reasons we urge the trustees to give this matter the most serious and careful attention. Although our petition originally asked the court to act, it would be even more appropriate and useful for the trustees themselves to create an advisory council on their own initiative. We have not attempted to prescribe the specific form a citizen's advisory council might take in this and in other situations. The appendix to our petition merely suggests one possibility.

We put ourselves at the service of the trustees to help work out the specific form and manner in which a citizen's advisory council could serve most constructively in the reorganization of the Penn Central.

Sincerely,

Jonathan Rowe,
Reuben R. Robertson, III.

PETITIONS OPPOSING S. 2108, THE FAMILY PLANNING ACT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. SCHMITZ. Mr. Speaker, in view of the fact that both Houses of Congress this week gave final approval to the Family Planning Act, S. 2108, without a rollcall vote, and that the Senate has never put its Members on record at any point on this very important legislation, I would like to call to the particular attention of my colleagues evidence of very deep concern about this bill and strong objections to it throughout the Nation. In the past 2 weeks alone, petitions opposing S. 2108 have come to my office from 24 States, bearing nearly 1,500 signatures. Over 5,000 signatures on similar petitions were sent to the chairman of the Rules Committee early in November.

In addition to 243 signatures from my own State of California, there are 499 from Kentucky, 307 from Montana, 305 from Minnesota, 275 from Ohio, 201 from the State of Washington, 140 from North Dakota, 135 from New York, 130 from Massachusetts, 112 from Illinois, and smaller numbers from Connecticut, Florida, Indiana, Iowa, Louisiana, Maine, Michigan, Missouri, New Jersey, Pennsylvania, South Dakota, Texas, Virginia, and Wisconsin.

I will be happy to make these petitions available on request to my colleagues who represent the States from which they come. In the future we ought to listen more to the "grass roots" on legislation in this area and less to the self-interested "experts" in population control who were apparently the only people the Senate ever consulted about S. 2108, and who had an altogether disproportionate influence on our own deliberations on this measure.

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A 15-YEAR-OLD'S LETTER TO COLUMNIST ANN LANDERS DESCRIBES SOME IMPORTANT MARKS OF A MAN'S SUCCESS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mrs. SULLIVAN. Mr. Speaker, I am indebted to columnist Ann Landers for printing in her Thanksgiving Day column a letter from a 15-year-old girl, written on the night of her father's death, describing a great man in terms of the things which really make a man a success—a success as husband, father, brother, son, friend.

In our work in the Congress, in correspondence with many thousands of individuals in our districts who bring problems to our attention, or who write to us on legislation, we are frequently faced with the difficult task of expressing condolences on the death of a loved one. We can all, therefore, appreciate the simple eloquence of this girl's letter in which she describes what makes so many men heroes; that is, in the kindness and decency with which they shoulder their responsibilities to family and friends.

I was so impressed by this appreciation of the role of the American husband and father by a sensitive 15-year-old daughter that I am sure other Members of Congress would also find it heartwarming to read. We hear so much about the disunity in family life today, but there are still many families—millions of good, solid American families—which share not only a residence but the love which makes it a home.

The excerpt referred to from Ann Landers' column of Thursday, November 26, 1970, as it appeared in the Washington Post is as follows:

ANN LANDERS

DEAR ANN LANDERS: A great man died today. He wasn't a world leader or a famous doctor or a war hero or a sports figure or a business tycoon. But he was a great man. He was my father.

He didn't get his picture in the paper for heading up things. I guess you might say he was a person who never cared for credit or honors. He did corny things, like pay his bills on time, go to church on Sunday and hold an office in the PTA. He helped his kids with their homework and drove his wife to the shopping center to do the grocery buying on Thursday night. He got his kicks hauling his teen-agers and their friends to and from football games. He enjoyed simple things like a picnic in the park, country music, mowing the grass and running with the dog.

Tonight is the first night of my life without him. I don't know what to do with myself so I am writing to you. I am sorry now for the times I didn't show him the proper respect. But I am thankful for many things. I'm thankful because God let me have him for 15 years. And I'm thankful that I was able to let him know how much I loved him. He died with a smile on his face. He knew he was a success as a husband and a father, a brother, a son, and a friend. I wonder how many millionaires can say that? Thanks for listening, Ann. You've been a great help.

HIS DAUGHTER.

DEAR DAUGHTER: I am printing your beautiful letter on Thanksgiving. Thank you for providing my readers with food for thought on a most appropriate day.

YOUTH TO BE POLITICALLY EXPLOITED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. RARICK. Mr. Speaker, we now understand that as a people Americans are to be indicted for a vast neglect of their children. At least so reports a group of nonchildren who have been mobilized into a new leftwing assault on our society which has taken over the White House Conference on Children.

It is frightening to learn that there are people in our country who would exploit little children as ideological ploys by turning them against their own parents and country and then, they—the exploiters—accuse the parents and our Nation of being the wrongdoers.

The successful perpetuation of every Fascist-Communist state has always depended upon the indoctrination of its subjects' youth to accept the exploitation of the system. What clear threat against parental stewardship is there than for adults to hide behind little children and accuse the parents of being guilty of every injustice the same accusers can promote for their advantage.

Of course, the promised youth revolution is to be financed by the guilty parents' tax dollars, just as was the civil rights revolution, the poor people's revolution, the sex revolution, the dope revolution, and the homosexural revolution.

Consider the proposal of a federally financed cultural voucher system for children between 3 and 16 years old. The paper currency is to be used by the child to purchase cultural goods and services necessary to the child's identity. What cultural goods would a 3-year-old child buy? Who would tell him that his purchase was necessary for his identity?

Thus far, no one has questioned the accuracy of the allegation that millions of children have been consigned to the scrap heap by uncaring Americans. Perhaps the source of these statistics is best identified by the approved change of family environment with the conference defense of communal living—where the members share sex and children and homosexual couples who adopt children. If the Conference is concerned only with illegitimates, unwanted and abandoned children why not say so. Why seek to involve all youth and indict all adults.

All in all, agitation, national mental cruelty and additional animosity can be the only result of this latest revolutionary movement.

I include several related newsclippings which follow:

[From the Washington Daily News, Dec. 9, 1970]

WHITE HOUSE CHILD SESSION TO "INDICT NATION"

(By Dale McFeatters)

The White House Conference on Children, which begins Sunday, will consider a stack of preliminary reports that "indict the nation for a vast neglect of its children," according to the conference chairman.

The reports were made public yesterday by Conference Chairman Stephen Hess, 37, a White House urban affairs specialist, after a meeting with President Nixon.

Final recommendations will be hammered out next week by 3,400 delegates to the conference on the basis of the preliminary reports. They were prepared over the past six months by 24 16-member panels led by educators, doctors, social scientists and child psychologists.

The reports, which Mr. Hess said "shatter the myth that this is a child-centered society," predictably call for a wide range of new federal laws, expenditures and institutions. Among the recommendations are:

Child Health: A national health insurance program for children and a "children's fund," established by Congress to finance medical and health-care facilities.

Day Care: A federally financed but locally controlled system of day care centers and a presidential task force to broaden public understanding and mobilize support for the centers.

Education: A presidential commission to study the possibility of children starting public school at age 3 or 4 and a national institute of creativity under the Department of Health, Education and Welfare to publicize research on improved educational techniques.

Employment: A federal commission for children and families to press for employment reforms that would reduce employe transfers that tear children away from their friends and schools; to limit out-of-town, night and weekend work for parents, and provide flexible work schedules that would permit parents more time with their children.

Television: Legislation enabling the Federal Communications Commission to set aside two cable TV channels solely for children's programming and establishing an institute for child development and the mass media to monitor and encourage children's programming.

Another proposal would have the FCC ban advertisers from urging children, "tell mommy and daddy to be sure to buy. . . ."

One suggestion repeatedly mentioned in the reports is the establishment of a federal, state and local system of child advocates. The advocate would be an ombudsman with powers to intervene in cases where the health, property, welfare or rights of a child were at stake.

A panel led by Miss Jennine Schmid, an expert in Montessori education, proposed a federally financed cultural voucher system, described "as a separate paper currently," for children between 3 and 16 years old. The vouchers, some worth as little as $5, would be used by the child to purchase cultural goods and services "necessary to the child's identity."

One of the few panels that did not advocate more funds was one headed by Dr. Dwight Allen, dean of the University of Massachusetts School of Education. Dr. Allen urged more imagination and experimentation in the public schools. "Education needs money," he said.

However, a panel chaired by Dr. John I. Goodland, dean of graduate education at UCLA, argued for a "massive infusion" of federal funds to improve the education system.

The reports that didn't argue for legal and institutional changes argued for changes in official attitudes.

Dr. Marvin Sussman, a professor at Case Western Reserve University in Cleveland, chaired a panel which observed that the nature of the American family is changing faster than the "narrow and static conception of family held by most policy makers."

More different types of families will be having children, he said, among them communes where the members share sex and children; homosexual couples who adopt children, legally or otherwise; and unmarried single parents.

The 1970 conference on children is the 10th since Theodore Roosevelt's time.

[From the Washington Daily News, Dec. 9, 1970]

Millions Consigned to Scrapheaps Mondale Cites Kids' Plight

Sen. Walter F. Mondal, D-Minn., complaining that millions of children have been consigned to the scrapheap by uncaring Americans, today urged a new adult commitment to the nation's youth.

In a 70-page speech prepared for the Senate, he challenged everyone—from President Nixon on down—to revamp his attitudes toward children before it is too late.

He specifically urged formation of a Children's Advocacy Center to carry out recommendations of the White House Conference on Children that begins Sunday and said he would organize a bipartisan "Members of Congress for Justice to Children" to carry the crusade on Capitol Hill.

"Our national myth is that we love children," he said. "Yet, we are starving thousands. Other thousands die because decent medical care is unavailable to them. The lives of still other thousands are stifled by poor schools and some never have the chance to go to school at all. Millions live in substandard and unfit housing in neighborhoods which mangle the human spirit. Many suffer all of the mutilations simultaneously.

LIVING IN POVERTY

"In every society some people are consigned to the scrap heap to pile up and up. The most obvious victims, of course, are the 10 million children living in poverty and the untold millions maimed by racism . . . but the victims are most emphatically not just the poor and the minorities," he said.

Sen. Mondale, Chairman of a Special Committee on Equal Educational Opportunity, said that all children are "victimized" by forces ranging from misguided politicians to corporations that pollute the environment and televise violence.

He was critical of preliminary reports issued Tuesday by the staff of the Children's Conference. He complained they barely mentioned such problems as hunger and school desgregation.

"The total impression created by the reports," he said, "is more than slightly paternalistic . . . (they have) a faint ring of the brave new world where the state knows what is best for everybody."

He urged the 4,000 delegates to the conference "not to leave town" until they receive a commitment from the Nixon administration for a Washington office to push for implementation of their recommendations.

THE LITTLE RED HEN

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. DENNIS Mr. Speaker, I present this modern version of "The Little Red Hen," which I recommended to the attention of the House:

The Little Red Hen

Once upon a time, there was a little red hen who scratched about and uncovered some grains of wheat. She called her barnyard neighbors and said, "If we work together and plant this wheat, we will have some fine bread to eat. Who will help me plant the wheat?" "Not I," said the cow. "Not I, said the duck. "Not I," said the goose. "Then I will," said the little red hen, and she did.

The wheat grew tall and ripened into golden grain. "Who will help me reap my wheat?" asked the little red hen. "Not I," said the duck. "Out of my classification," said the pig. "I'd lose my seniority," said the cow. "I'd lose my unemployment insurance," said the goose.

Then it came time to bake the bread. "That's overtime for me," said the cow. "I'm a dropout and never learned how," said the duck. "I'd lose my welfare benefits," said the pig. "If I'm the only one helping, that's discrimination," said the goose.

"Then I will," said the little red hen. And she did.

She baked five loaves of fine bread and held them all up for the neighbors to see. They all wanted some, demanded a share. But the red hen said, "No, I can rest for a while and eat the five loaves myself."

"Excess profits," cried the cow. "Capitalistic leech," screamed the duck. "Company fink," grunted the pig. "Equal rights," yelled the goose. And they hurriedly painted picket signs and marched around the little red hen singing, "We shall overcome," and they did.

For when the farmer came, he said, "You must not be greedy, little red hen. Look at the oppressed cow. Look at the disadvantaged duck. Look at the underprivileged pig. Look at the less fortunate goose. You are guilty of making second-class citizens of them."

"But . . . but," said the little red hen. "I earned the bread."

"Exactly," said the wise farmer. "That is the wonderful free enterprise system, anybody in the barnyard can earn as much as he wants. You should be happy to have this freedom. In other barnyards, you'd have to give all five loaves to the farmer. Here you give four loaves to your suffering neighbors." And they lived happily ever after, including the little red hen, who smiled and clucked: "I am grateful. I am grateful."

But her neighbors wondered why she never baked any more bread. End.

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SENATE—*Monday, December 14, 1970*

The Senate met at 11 a.m. and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Lord God Almighty, king of glory and love eternal, worthy art Thou at all times to receive adoration, praise, and blessing, but especially at this time we praise Thee for entering man's life as man, for whom our hearts now wait with great expectation. Keep us in the spirit of Christmastide. Cleanse us of all evil and open our lives that they may not be busy inns which crowd Thee out—but dwellings which welcome the Redeemer. May the joy and peace of this season light up our daily duties and lead us to the truth of the Christ-Child in whose name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 14, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On December 7, 1970:

S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

On December 9, 1970:

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGHES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. THOMPSON of New Jersey, Mr. BRADEMAS, and Mr. SCHWENGEL were appointed managers of the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; agreed to the conference asked by the Senate on disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. MURPHY of New York, Mr. KEITH, and Mr. HARVEY were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COLMER, Mr. SISK, and Mr. SMITH of California were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 19868. An act to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes; and

H.R. 19888. An act to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Acting President pro tempore (Mr. HUGHES):

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir;

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes;

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1499. An act to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma for the Chouteau family;

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham;

S. 2108. An act to promote public health by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes;

S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest;

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock;

S. 3418. An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition;

S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors;

S. 3479. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands;

S. 3785. An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational sections of title 38, United States Code;

S. 3867. An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes;

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes;

S. 4536. An act to amend the Small Business Act;

S. 4557. An act to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H.R. 8663. An act to amend the act of September 20, 1968 (Public Law 90-502), to provide relief to certain former officers of the Supply Corps and Civil Engineers Corps of the Navy;

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto;

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid; and

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 11, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLOTT TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Colorado (Mr. ALLOTT) be recognized for not to exceed 30 minutes today, after the distinguished Senator from Illinois (Mr. PERCY) completes his remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that upon completion of the remarks of the distinguished Senator from Colorado (Mr. ALLOTT) today, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McCLELLAN ON THURSDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on Thursday next, December 17, 1970, after the disposition of the Journal and the unobjected to items on the calendar, the distinguished Senator from Arkansas (Mr. McCLELLAN) be recognized for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHANGE OF CONFEREE ON H.R. 17809

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Alaska (Mr. STEVENS) replace the distinguished Senator from Delaware (Mr. BOGGS) as a Senate conferee on H.R. 17809, the pay adjustment measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF SUPPLEMENTAL APPROPRIATIONS BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business, the Senate proceed to the consideration of Calendar No. 1442, H.R. 19928, the supplemental bill; that it be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the executive calendar will be stated.

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DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Louis Patrick Gray III, of Connecticut, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, it is with great personal pleasure and pride that I congratulate Louis Patrick Gray III, of Stonington, Conn., upon his confirmation by the Senate of the United States as an Assistant U.S. Attorney General.

Mr. Gray is an outstanding attorney from southeastern Connecticut who brings to his new post a brilliant record of dedicated service to his country and his fellow man.

Mr. Gray's career in government began in 1940 after he graduated from the U.S. Naval Academy and was commissioned as a line officer in the U.S. Navy.

He served with distinction and rose to the rank of captain before retiring in 1960. At the time of his retirement, Captain Gray served as military assistant to the Chairman of the Joint Chiefs of Staff and Special Assistant to the Secretary of Defense for Legal, Legislative, and Congressional Affairs.

In January, 1969, Mr. Gray became executive assistant to the Honorable Robert H. Finch, then Secretary of the Department of Health, Education, and Welfare. Fourteen months later, Mr. Gray was appointed special consultant to the President's Cabinet Committee on Education, a post he has held until today.

Mr. President, I applaud the President of the United States in the appointment of this distinguished American to a high and important post in our Government.

I wish him Godspeed as he takes up his new duties as Assistant U.S. Attorney General.

Mr. President, I ask unanimous consent to have printed in the RECORD at this time the contents of an editorial concerning the appointment of Mr. Gray that appeared in the New London, Conn., Day on December 10, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ADMINISTRATION GETS AN ADVOCATE

Louis Patrick Gray cannot stay away from Washington, a fact for which the Nixon Administration and the Nation can be duly thankful. President Nixon has called Attorney Gray to the Justice Department, where he will be an Assistant Attorney General in charge of the Civil Division. This is the largest of the Department's nine divisions and is charged with representing the Government in civil suits.

In calling Gray, Nixon and his Attorney General, John M. Mitchell, are summoning an advocate skilled in a variety of administrative and legal fields. He is a forthright pleader whose confidence on his feet before a court stems from thorough preparation.

Pat Gray's loyalty to and admiration for Richard Nixon go back many years. He was a strong and tireless worker in both of Nixon's Presidential campaigns and helped Robert Finch become established as Health, Education and Welfare Secretary. Even after returning to private practice here, Gray contributed his time and talent effectively for the Nixon Administration.

In a sense, the Administration is rewarding him for past contributions. In a much larger sense, however, the Government is getting the services of a first-rate lawyer whose reliability and experience guarantee a job expertly done. We wish him a continuous string of successes and share the pride of all who know him.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Ohio (Mr. YOUNG) for 15 minutes.

AMERICAN TRAGEDY

Mr. YOUNG of Ohio. Mr. President, Americans should know that more than 50,000 of our finest young men have been killed in Southeast Asia in combat and more than 330,000 have been wounded, many of whom have been maimed for life. In addition, our country has suffered tremendous losses in the destruction of our warplanes and helicopters in that undeclared, unpopular, immoral war, wherein we intervened with hundreds of thousands of American combat troops in a civil war in Vietnam.

A year or so ago I observed that the reported dead due to accidents and incidents amounted to one-fifth of what were termed combat deaths. In recent months, the situation has drastically changed. These deaths as announced usually now outnumber the combat deaths. Evidently Pentagon officers are going all out in an attempt to report decreased combat death totals. There is at times a very thin line between accidents and incidents and a combat death, as any veteran knows. A jeep driver may operate his vehicle off the road in darkness and the occupants killed or injured, at a time when mortar rounds may be striking at a considerable distance from the jeep. In World War II or the Korean conflict these would have been termed combat deaths and wounded in combat. It has come to my attention that the senior officer in any combat area has the authority to decide whether deaths and injuries sustained by GIs in that area are or are not due to combat. In some cases this would result in a sergeant or even a private first class making that determination. Pentagon officials, during the past year, have gone all out in emphasizing losses as accidents and incidents, thereby lowering the reports of the number killed and wounded attributed to combat.

More than 3,300 American warplanes and more than 4,880 American helicopters have been shot down and destroyed in Vietnam, Laos, Cambodia, and Thailand or off the coasts of these countries. The average cost of one warplane is $2 million, and of a helicopter a quarter of a million dollars. Heavily burdened American taxpayers should know that the total cost of warplanes and helicopters destroyed in Southeast Asia exceeds $7,690,000,000. All this due to the most horrendous blunder an American President ever made in intervening in a civil war in Vietnam and then waging an undeclared, immoral, and the most unpopular war in the history of our Republic and in sending into that area and in fact more recently in Cambodia, Laos and Thailand combat troops and our warplanes. Also, our fighting in Southeast Asia with hundreds of thousands of men of our army, navy and air force is costing American taxpayers more than $2,500,000,000 every month. We Americans while all this has been going on spent billions of dollars and finally landed men on the moon and collected a few pounds of moon dust. We should ask: Why can not the poor get decent housing? Why cannot the kids have better school lunches? Why cannot we spend money to provide jobs for men and women? Why not a job for every worker and a home for every family?

PENTAGON CHICANERY

Mr. YOUNG of Ohio. Mr. President, on or about May 12, 1969, I learned that Maj. Gen. Nguyen Ngoc Loan, former chief of Police of Saigon and a close personal and political friend of Vice President Ky, was en route to the United States for the purpose of securing medical treatment at the Walter Reed Army Hospital. At that time General Loan was accompanied by his wife and several members of his staff. A suite of rooms had been set aside for him and his entourage at Walter Reed Army Hospital. I exposed these facts in a Senate speech and the privilege of a suite was suddenly canceled. General Loan as police chief in Saigon was the messenger used by Vice President Ky to collect and take to Ky his illicit monthly profits from the Saigon racetrack; and, no doubt, he had other duties serving Ky personally.

General Loan will be remembered by many Americans as the Saigon police chief and friend of Ky who murdered a Vietcong officer taken prisoner by an American GI and then turned over to Loan who forthwith fired revolver bullets into his head at close range.

The United States is a signatory to the Geneva agreement for the humane treatment of prisoners of war. This savage incident pinpointed that we Americans were aiding and abetting the South Vietnamese in torturing and frequently murdering prisoners of war taken by our soldiers. Instead of guarding these prisoners of war with our own forces, from 1963 to the present time we have immediately

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turned over such prisoners to the South Vietnamese forces. Veterans of World War II who many times saw German prisoners of war directly after they were captured never saw one with his head hooded and hands tied behind his back. This is one of the lesser humiliations and cruelties inflicted on prisoners of war taken by American GI's from 1963 to the present time. It is evident most, if not all, of such prisoners have been tortured by the soldiers of the Saigon militarist regime. Many have been murdered.

Mr. President, on November 2, 1970, I wrote Robert C. Seamans, Jr., Secretary of the Air Force, as follows:

ROBERT C. SEAMANS, Jr.,
Secretary of the Air Force,
Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I respectfully request all the information you can provide me on the following items.

It has come to my attention that General Joseph Cappucci, Director of the Air Force of Special Investigations, submitted DD Forms 1167 and AF Forms 870 for reimbursement. These forms were submitted from OSI Districts 50 (Saigon), 44 (Honolulu), 18 (Los Angeles), 4 (Washington, D.C.). For whom and for what were these funds expended? Were they for the travel, hotel accommodations, entertainment, and medical expenses of General Nguyen Ngoc Loan, South Vietnam's national police chief?

Sincerely,

STEPHEN M. YOUNG,
U.S. Senator.

More than a month later I received the following letter signed by John C. Giraudo, Major General, USAF, Director, Legislative Liaison:

DEAR SENATOR YOUNG: This is in response to your letter of November 2, 1970 to Secretary Seamans, requesting information concerning certain expenditures made by the Air Force Office of Special Investigations in behalf of General Nguyen Ngoc Loan, South Vietnam's former National Police Chief.

The reimbursement vouchers you questioned were submitted and reviewed in strict accordance with published Air Force directives. In addition, the payments were independently audited by the Auditor General of the Air Force. None were for travel, hotel accommodations, or medical expenses. All expenditures were for standard protocol actions such as meals, refreshments, and token courtesies customarily accorded ranking foreign visitors.

I hope the above information is responsive to your inquiry.

Sincerely,

Maj. Gen. JOHN C. GIRAUDO,
Director, Legislative Liaison.

I now know that the statement in this letter to me was untruthful. From an authoritative U.S. military source I recently secured the following information. This first came to me in the form of a letter received a few weeks ago. Mr. President, I read this letter:

Hon. STEPHEN M. YOUNG,
U.S. Senate,
Washington, D.C

SIR: About a year ago, south Vietnam's national chief, Nguyen Ngoc Loan came to the U.S. for treatment in Walter Reed Army Hospital. At that time you were advised by the Defense Department that he had not traveled at the expense of the U.S. Government. I have learned that you were probably deceived because you were not furnished complete information concerning the fact that the Air Force arranged his transportation with Pan American Airways, arranged hotel accommodations, and paid for entertainment and travel costs.

Under the direction of Loan's friend, Gen. Joseph Cappucci, Director of the Air Force Office of Special Investigations, the part the AF played in Loan's travels were classified as security information and not made available to you. This was accomplished by misapplying the authority granted by AF Manual 124-3, Fiscal Procedures for OSI Investigations, which authorizes expenditures under Project 493, Classified/Investigational Expenses.

If you will have the General Accounting Office review the DD Forms 1167 and AF Forms 870 submitted by OSI Districts 50 (Saigon), 44 (Honolulu), 18 (Los Angeles) and 4 (Washington, D.C.) you will learn that funds were expended for Loan. General Cappucci certified that these expenditures were properly chargeable and consistent with the AFM 124-3 although it is probable that the funds were expended illegally.

As a matter of fact, if the GAO were to audit additional vouchers for confidential funds submitted by OSI Districts 42 (Philippines) 45 (Korea), 46 (Japan), 49 (Taiwan), 50, 51 (Thailand), 18, 19 (San Francisco) for the period that General Cappucci has been the Director of OSI, it will be found that many high-ranking foreign officers have been entertained at taxpayers' expense although not authorized by law.

I am, of course, not disclosing the name and rank of the officer who furnished me with this information.

Mr. President, here is another example that the credibility gap of the Pentagon in an effort to conceal facts from the American people is just as bad now as it ever was. Incidentally, I report that on or about May 12, 1969, when I exposed the elaborate arrangements made for a hospital suite at Walter Reed Hospital for General Loan and his party, South Vietnam Embassy officials in Washington designated Loan as an embassy attaché to enable him to receive the courtesy of free medical care as an out-patient at Walter Reed Hospital.

At the Pentagon officers will report to news reporters that whatever actions were taken and money paid out for General Loan's travel to Washington for the purpose of entering Walter Reed Hospital has been "classified as security information" and therefore will not be disclosed. It gives me pleasure to state that as a result of my publicly disclosing the fact that a suite at Walter Reed Hospital had been made available for General Loan and his entourage, these arrangements were hastily canceled. Then the next step taken was to have officials of the South Vietnamese Embassy list General Loan as a new member of the Embassy staff. He was thereby entitled to secure medical treatment at the Walter Reed Hospital afforded to Embassy personnel and he was given such treatment as an outpatient. Some Air Force officers panicked as did the management at Walter Reed Hospital, and the suite that had been made available to him and his entourage was denied them. American taxpayers were saved from this additional expense for General Loan.

Now I am in the position to report that the information previously given that Loan and his party were only furnished "standard protocol actions" and "token courtesies" such as meals, drinks, and so forth was inaccurate, to state it in a kindly manner.

This is an example of Pentagon chicanery or to be really accurate knowingly issuing false statements. In other words the Pentagon officers connived in preparing and issuing utterly false covering statements. In ordinary parlance such actions could and should be termed downright lies.

SWEAT ON, TAXPAYERS

Mr. YOUNG of Ohio. Mr. President, Americans have reason to be shocked that Defense Secretary Melvin Laird has announced that the Nixon administration pledge to reduce U.S. forces in Europe will not go into effect until at least July 1972. The Federal Republic of West Germany is the fourth wealthiest nation in the world. Its currency, the reichsmark, is as sound as the American dollar. There is talk of devaluing our dollar. No thought to devaluing the reichsmark.

Yet, more than 25 years following the end of World War II our Nation maintains in the West German Republic 220,000 men of our Armed Forces; 140,000 dependents plus 15,000 American civilian employees and 60,000 German nationals employed at our military, air, and naval installations. Most of the officers never had it so good.

In addition, in Spain, Belgium, Luxembourg, and other countries in Western Europe we maintain 80,000 men of our Armed Forces plus 65,000 dependents, 5,000 American civilian employees, and 35,000 European nationals working for our Armed Forces—this at the huge cost per year to our taxpayers of approximately $14 billion.

Americans in Europe spend approximately $3 billion each year fattening the wealth of those nations and, what is most unfortunate, adding to our balance-of-payments deficit. Now Defense Secretary Laird has announced that this policy of national insanity will continue through June 1972. Incidentally, while we are drafting 19-year-olds and sending them to Vietnam, the West German Federal Republic drafts but few German youths for a maximum of 18 months; France and Belgium for but 15 months. Also, other of our NATO allies including the United Kingdom and Canada do not conscript any of their young men into their armed forces.

Remember Richard Nixon said in 1967 and 1968 he had a secret plan to end the war and bring the boys home. That is still his secret.

Furthermore, our Government has an airlift capacity of landing anywhere in Europe within 24 hours a fully armed and equipped division, combat ready. Unfortunately instead of fewer than 5,000 officers and men simply to show the flag, we have a total of more than 525,000 American servicemen plus their dependents at a cost of $14 billion every year. In addition to high salaried American civilian employees there are military and air installations costing billions of dollars.

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Sweat on, taxpayers.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the Senator from Illinois for a period of 20 minutes.

SUBMISSION OF SENATE RESOLUTION 494—RESOLUTION URGING BROADENED PARTICIPATION BY THE SMALL BUSINESS ADMINISTRATION

Mr. PERCY. Mr. President, I rise once again to direct to the Senate's attention the problems of America's small businessmen.

I regret that my message today must be an expression of deep concern, not for the economic pressures to which small businessmen are subjected, though they are great; not for the haunting incidence of crime which so frequently victimizes them, though that is serious; not for the tax burdens and the exacting toll of inflation, which they must sustain, though these can be suffocating; and not for the birth pains which minority entrepreneurs must suffer just to enter the marketplace, though their participation is critical to a vigorous economy. Rather I speak today because I am deeply troubled by the prospect of compounded injury and abuse which small businesses are going to have to suffer if the Federal Government's program for small business continues to flounder.

I should make it clear at the outset that there are no partisan motives in making these remarks. The problems of the Small Business Administration have spanned many years, several Presidential terms and much politicking. My intent simply is to urge a full review of the SBA situation in such a way as to shed light on where it has been, where it is now, and where it is going, particularly with regard to the congressional purpose dictated when the Administration was formed.

The recent news that SBA had run out of money, a fact which gives context to my concern, was a source of deep concern to those of us who have oversight responsibilities for the operations of that agency. Congress fortunately has been able to move quickly to pass legislation to increase spending ceiling authorization. However, our efforts were emergency measures only, hardly the best climate for meeting our responsibililties to the Nation's small businessmen. We had necessarily relied on the SBA to keep us appraised of its needs. As my distinguished colleague, Senator MCINTYRE, indicated when he introduced and reported for the Small Business Subcommittee a bill to increase the amounts of loans and commitments which SBA can undertake, the depletion of funds came as a surprise to us. The SBA had testified in August of this year that it had enough money to last until December 1970. And no one in the Senate, to my knowledge, was notified prior to the early November announcement that their funds were depleted. We had been led to believe that present statutory ceilings were sufficient to permit continuation of the programs until Congress had time to act on the increases after the first of the year. Mr. Sandoval's recently announced resignation as Administrator, for reasons of health, is regrettable in itself, but even more so in light of the administrative bind SBA finds itself in at this time.

Without specifically blaming or exonerating anyone, I think it is time that we honestly recognize the weaknesses and operational difficulties which beset the SBA. It is neither fair to the American people nor, more important, fair to small businessmen to continue to circumvent these problems for fear of making political enemies. These problems cannot be permitted to grow worse because of petty differences of personality and politics.

As the Senate knows, the Small Business Administration was an outgrowth of the old Reconstruction Finance Corporation. Even today, the SBA bears the clear imprint of RFC policies and procedures. But it is interesting to note that just prior to RFC's demise, it became an agency plagued by low morale and high personnel turnover. Its mission continued to be as important as ever, but the agency underwent an internal collapse. Congress responded to this condition in 1953 by creating the SBA, an Administration which today unfortunately appears to be suffering from some of the same failings as its predecessor experienced. We must do everything possible to prevent a similar fate for the SBA.

In its 17-year history, the SBA has had nine Administrators whose terms have ranged from 3 months to 5½ years. Six of the nine have served less than 18 months. Since the program became permanent in 1958, there have been seven Administrators and in the last 4 years alone there have been four. Any program with this sort of attrition rate seems bound to suffer, if not fail, for want of continuity, momentum and morale.

The SBA has also suffered lately because of inadequate cooperation by other Federal agencies. If it has not been ignored altogether, it has been wrongfully forced to compete with other Federal small business programs. For any one of a variety of reasons, it has been either less glamorous, less aggressive, or less favored. Each agency has its own important function and mission, but to the extent that there is an overlap in interest, we should be able to expect a combined effort, not cutthroat competition; to the extent that there are contrary interests, we should be able to expect, along with zealous advocacy, some attempts at accommodation.

Saddest of all, the toll of SBA upheaval is felt most directly and intensely by its constituents, those small businessmen whose every interests it was created to serve. When SBA runs out of money without having made clear its needs in time to Congress, it may partially reduce the work of the SBA, but it robs small businessmen of their jobs altogether.

When rapid turnover at the top in SBA is the rule rather than the exception, it provides certain officials with a steppingstone to higher office, but it results more often in a slow, painful failure of business for thousands who rely on adequate Government programs to help them meet their emergency needs. When Congress permits SBA to be a political pawn—never bringing the hot light of open, honest evaluation to bear on SBA programs for fear of political discomfort—tempers may for a time be kept cool, but we can be fairly certain that at some unsuspecting moment in the future we will pay heavily for our failure to recognize the serious purpose mandated when SBA was created.

I had not intended, Mr. President, to use this particular opportunity to introduce legislation. My first purpose in making this statement, as I indicated earlier, was merely to urge congressional scrutiny of the special problems which beset the SBA at this time in an effort to inject new life into its program and operations.

But in searching my own mind for an appropriate solution to some of those problems, it occurred to me that much might be gained by up-grading the official status and visibility of the SBA by permitting its participation at the highest levels of policy determination consistent with its role in the Nation's domestic life.

I am accordingly submitting today a resolution urging the President to appoint the Administrator of SBA as a member of the Domestic Council and to appoint the Regional Directors of SBA to serve as full voting members on each of his 10 respective Regional Councils.

The President's Domestic Council for Urban Affairs was set up in the early part of this year via Reorganization Plan No. 2. It is a Cabinet-level council chaired by the President and participated in by the Vice President, each of the Cabinet officers, and the Director of OEO.

Its specific policy functions include: First, the assessment of national needs, the collection of information and the development of forecasts, for the purpose of defining national goals and objectives; second, the identification of alternative ways of achieving these objectives and recommending consistent, integrated sets of policy choices; third, the providing of rapid response to presidential needs for policy advice on pressing domestic issues; fourth, the coordination of the establishment of national priorities for the allocation of available resources; and fifth, the maintenance of a continuous review of ongoing programs from a policy standpoint, proposing reforms as needed.

Mr. President, I cannot imagine such a Council existing without including the systematic presentation and consideration of the small business interests. Small business reflects a unique perspective on American life. Its relationship to a vital, stable economy is unquestioned. And the advantages of its assuming a role in policy setting are clear. Small business embraces 5,200,000 individual organizations employing 34,000,000 men and women. Its strength and survival is vital to American life today.

As for permitting SBA regional directors to serve as full voting members on the President's regional councils, it should be pointed out initially that SBA has been operating according to a regionalized structure since 1968. Some 4 years prior to the establishment of

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regions, Administrator Foley had created "areas," and, it is my understanding, the specific nomenclature notwithstanding, that some form of divisions of responsibilities into operating units has existed since SBA was established.

The Regional Councils announced by the President last March as working units across the country include SBA with the regional representative of HUD, HEW, OEO, DOT and the manpower program from the Department of Labor. However, as the President's plan evolved and was implemented, SBA wound up as an ad hoc, nonvoting member, which status prevents the SBA regional director from having a staff allotment to assist with his interagency regional functions. It seems both feasible and desirable to me that SBA representatives ought to be included as full fledged voting members in this forum: the problems which face each agency are similar, the approaches to solutions are comparable, and the goals, in general, are mutually conceived.

As I have sought to indicate, Mr. President, the SBA is already way ahead in their regionalization approach in terms of structural refinements and operating procedures as compared to the other agencies named above. If they were to be permitted to join the regional councils, they would contribute as much as they would derive.

I am therefore submitting this resolution to increase visibility, to strengthen the voice, and to broaden participation of the SBA at the points of decision-making and policy setting in Government. These improvements I am confident would bear their own fruit.

I therefore submit a resolution urging the President to include the Administrator of the Small Business Administration on the President's Domestic Council and to include SBA regional directors as full voting members of the regional councils, which reads:

S. Res. 494

Whereas small business in the United States directly affects the economic vitality of the Nation;

Whereas small business reflects a unique and important perspective American domestic life;

Whereas the full development of domestic economic potential requires the full coordination of all governmental socio-economic programs;

Whereas the Small Business Administration is responsible for an important segment of the economy of our Nation; and

Whereas small business interests deserve to be represented at the highest levels of government: Now, therefore, be it

Resolved, That the President is urged—

(1) to include the Administrator of the Small Business Administration on the Domestic Council, established pursuant to section 201 of Reorganization Plan Number 2 of 1970; and

(2) to include as full voting members of the regional councils the Regional Directors of the Small Business Administration.

I invite my colleagues in the Senate who are deeply interested in the progress of small business in this country to join in support of the resolution which I now send to the desk.

The ACTING PRESIDENT pro tempore (Mr. Hughes). The resolution is received and referred to the Committee on Banking and Currency.

Mr. PERCY. Mr. President, I have spoken today of my deep concern for the manner in which small business programs, and the Small Business Administration in particular, are being administered. My words have been strong; in some cases, blunt. But to mince words or to say nothing, at this time in order to avoid possible embarrassment, would be to betray what I see to be my duty as a Senator and my responsibility to America's more than 5 million small businesses. It would also simply perpetuate the existence of the present dilemma.

When the SBA was established, Congress declared its policy "to aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise." Nothing has diminished the importance of this mission; if anything, the mission has increased in importance. In my judgment, SBA still presents the most viable means of accomplishing these ends, but it needs the interest and support of all of us, especially when its structures are being more severely tested than at any time in its history.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado has 30 minutes at this time.

Mr. ALLOTT. I thank the Chair.

S. 4582—INTRODUCTION OF BILL TO ESTABLISH A FEDERAL JUDICIARY COUNCIL

Mr. ALLOTT. Mr. President, one of the most exacting constitutional requirements is the sixth amendment which begins:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial—

Increasingly this exacting requirement is honored in the breach.

We recognize that justice delayed is justice denied. And we understand that this is true also in matters other than criminal cases. Yet for millions of Americans justice is constantly delayed—and thus denied—by the workings of our overburdened judicial system.

Mr. President, I introduce a bill which addresses a problem of large and expanding proportions.

Mr. President, the problem is the growing decline of public confidence in our judicial system. The bill would establish a Federal judiciary council the purpose of which would be to advise the Congress, the Executive, and the judicial conference on the myriad matters affecting the administration of justice in America.

I understand, of course, that there is no chance that this bill can be enacted into law in the closing days of this 91st Congress, but the problem is so serious, and the tangle of issues is so complex, that I am anxious for public consideration of possible solutions to begin at once.

To that end, I will devote my remarks today to sketching the dimensions of the problem, and to enumerating some of the ways in which a Federal judiciary council could benefit the commonweal.

Four things are now clear beyond peradventure.

First, the Nation is suffering an unsupportable increase in the incidence of serious crime.

Second, there are limits to what the Federal Government can do about this.

Third, one crucial and insufficiently discussed cause in the rise of crime is the declining effectiveness of our judicial system.

Fourth, the Federal Government can do something about this.

In fine, crime flourishes when law enforcement breaks down; a staggering judicial system is both cause and effect of such a breakdown; the Federal Government has a clear responsibility to set its own judicial house in order; the place to begin with this large and vital task is with a coordinating panel of experts who can clarify the dimensions of the problem and the probable path to solution.

The details relevant to the first point have been made abundantly clear in this Chamber during this year. The truth of the second point is implicit in our federal system.

The third point—the plight of our judiciary—is increasingly remarked in serious journals. For example, outlined in a recent article in Fortune magazine—"Only Radical Reform Can Save the Courts," by Jeremy Main, August 1970. While I do not endorse all the findings and recommendations in this article, it is a chilling and depressing survey of the problems which face us. I ask unanimous consent for it to be printed in the Record at the conclusion of my remarks today.

The ACTING PRESIDENT pro tempore (Mr. Hughes). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, the fourth point speaks not just about possibilities, but duties. It is a duty, mandated by commonsense and the sixth amendment, for us to provide the substance of justice in the courts which are a Federal responsibility.

What are the current problems in this area?

Consider the most recent report of the Administrative Office of the U.S. Courts.

> Case filings in the courts of appeals have increased 14 percent over the preceding year and are now almost 200 percent over the number filed ten years ago.
>
> Civil and criminal actions commenced in the district courts increased by 13 percent over 1969, whereas terminations increased by 11 percent.
>
> The civil case backlog in the district courts is the highest in history—93,207 cases, which is eight percent more than 1969 and 52 percent higher than 1960. The largest increases

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were in civil rights cases, civil commitments under the Narcotic Addict and Rehabilitation Act, cases under the Securities and Exchange Act and prisoner petitions.

Criminal case filings increased 13 percent over 1969; despite a rise in terminations, the pending caseload was 18 percent higher than the preceding year and 172 percent over the 1960 figure. The largest single increase was in cases under the Federal weapons and firearms laws.

Bankruptcy filings, after showing a decline for two years, rose again in 1970, showing a 5.1 percent increase over 1969. The proportion of business versus nonbusiness bankruptcies remained stable at 8.3 percent and 91.7 percent respectively.

Three hundred and thirty-seven petitions for review of referees' orders were pending in the district courts as of March 31, 1970, and 63 of these have been pending from one to five and a half years; several of these petitions have resulted in having substantial sums of money held up in depository banks for ultimate distribution to creditors.

It is important that we recognize that, here as in so many facets of American life, our problems are directly related to our successes. One important reason why our judicial system is overburdened is that we have a strong tradition of respect for and confidence in that system. We use that system hard and often.

If we are to understand this and other more general reasons for the problems of our judiciary system, we should consider the following three things:

First, as De Tocqueville noted nearly a century and a half ago, Americans are "a litigious people." Even in an open-textured rural—even frontier—society, we managed to generate an enormous amount of litigation.

There is something about our social and political culture which encourages this. We accept—we embrace and celebrate—adversary relations in many facets of life. Our basic documents were written by men trained in the law. The idiom of our political life reflects a familiarity with the great texts of the common law tradition. Most of our substantial political theory has been written by judges—such as Marshall, Storey, Kent, Holmes, Brandeis, Cardoza. In short, Americans grew up with confidence in legal institutions, and habituated to the practice of making frequent—indeed exuberant—recourse to them.

Second, as society becomes more complex and crowded, legal relations multiply and become more complex. In an urban society, we all have more neighbors. We have an old saying that "good fences make good neighbors," and laws are the fences of a civilized community. Thus the role of the courts has continued to expand rapidly. Further, the kinds of problems we ask our courts to solve are increasingly complex. Two of the most important decisions affecting American life in the last 20 years came from the Supreme Court. I am referring to the decisions which struck down the idea of "separate but equal" and which elevated the idea of "one man, one vote." Soon Federal courts may be as deeply involved in environmental improvement as they are already involved in desegregation and reapportionment. Increasingly we ask—or allow—courts—the least representative institutions—to take the heat from major social tensions. Perhaps this is good, or at least inevitable. But it surely places unprecedented strains on the entire system of justice.

Third, without concerning myself here with the merits of the particular cases, it is clear that various court decisions—especially Supreme Court decisions—have contributed substantially to the burdens carried by the court system. That is strikingly revealed in the dramatic rise in appeals.

One element of a solution to the problems of the judiciary will be a new spirit of concern among judges. Further, the organized bar and law schools must consider it their responsibility to see that there is a pool of qualified trial attorneys.

There is no question that Congress should be interested in the problems experienced by the judiciary. The Constitution confers judicial power in a Supreme Court and in such inferior courts as Congress may from time to time ordain and establish. Congress has a continuing obligation to examine and reform our judicial system. The proposed Federal Judiciary Council will facilitate this examination and reform.

As of Monday, December 7, the 91st Congress has enacted 526 public laws. Each of these laws confers some degree of responsibility on the courts. At least 19 confer special jurisdiction on the Federal Court System. I am including a list which briefly describes the impact of each of these 19 laws. I ask unanimous consent that it also be printed immediately after the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. HUGHES). Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALLOTT. All Senators understand that the current court system is not an inexhaustible resource. If we are increasing the work load of the courts then we must also improve the tools required to do the work.

There are powerful reasons why the proposed duties of the Federal Judiciary Council should not be imposed on existing organizations such as the Judicial Conference or the Federal Judicial Center.

The Judicial Conference of the United States is composed of 2 representatives from each of the 11 Federal circuits and 2 representatives from the special courts. The Chief Justice serves as chairman of this conference. All of the members are active judges and it certainly would be unwise to increase their burdens and thus, I say, decrease their efficiency to that extent.

The Federal Judicial Center was created as a research and educational arm of the judicial branch. It also is composed of a majority of either active or retired judges.

The proposed Judiciary Council would be composed of six eminently qualified persons. The Council members are to be appointed by all three branches of the Federal Government. This procedure will guarantee useful communication between the branches.

Clearly, the Council would also be much more than a research institution. It would be responsible for analyzing the impact of proposed legislation. Its analyses would be factual documents concerned only with delineating the effect of particular legislation on the courts. These analyses would enable the Council to recommend legislation to improve court functioning.

Another important aspect of the proposed Council would be the authority to employ a full-time Director and professional staff capable of performing the sort of duties performed by congressional committee staffs.

Reform of the judicial will require the spending of money. But we will save money by spending money in this area. And we will also receive value that cannot be measured in monetary terms. In the recently enacted State-Justice-Commerce appropriations bill, Congress appropriated $135.9 million for the Federal court system. Congress also approved, and President Nixon signed, a bill which appropriates more than $413 million for the legislative branch. Clearly, we are not extravagant concerning the judicial branch.

It is a rough but reliable rule that one can tell what people value by what they are willing to pay for. A distinterested observer might conclude—mistakenly but understandably—that the thing we Americans value least is justice under law. We have never shown a proper solicitude for the needs of our complex legal system; we have never spent the money necessary to keep our judicial system abreast of the burgeoning demands made upon it. We have not spent money that would enable us to project future demands and to explore imaginative proposals for reform.

The cost of any such program will be very modest indeed. And I cannot think of any expenditure that makes more economic sense. Judging the return on our dollars in terms of the consequent savings in related areas, the investment will more than pay for itself in reducing the pressure on law enforcement agencies.

These statistics mean that anticrime efforts have been crippled. Some suspects wait for months before they can receive a trial. When their cases are finally considered, they are often dismissed for lack of evidence, a lack aggravated by pretrial delays. The logjam in the dockets has forced the courts to encourage "plea bargaining," a process by which the court accepts a guilty plea to a lesser charge in return for a lighter sentence.

Since suspects cannot be held in jail for indefinite periods while awaiting trial, persons accused of all but the most vicious crimes are released within hours of their arrest. Thus, burglars, muggers, thieves, and dope peddlers are back on the street for months until their cases are called, and they are back on the street, usually on a personal recognizance bond.

Chief Jerry Wilson of the Metropolitan Police recently noted that reducing crime is only marginally the job of the police. If an arrest is made, and the suspect goes free 24 hours later to commit more crime, little has been accomplished.

Worse still, this situation tends to

foster disrespect of the criminal justice system among law-abiding citizens. When twice-convicted bank robbers go free immediately after their third holdup; when muggers are tried for petty larceny and given a suspended sentence; when dope pushers are freed the same day they are arrested, it is little wonder that some persons begin to doubt the old adage that "crime doesn't pay."

In addition, the glut of cases in our court discourages many citizens from seeking adjudication of their grievances.

Not only do trials take almost twice as long as they did a decade ago; they are tremendously expensive. A person with a small civil claim is discouraged from seeking redress in the courts. The low- and middle-income wage earner has been forced out of the courtroom by monetary pressures.

Only the wealthy can really afford the protracted lawsuits which have become the rule rather than the exception. This is an intolerable and unjust situation. The courts were not established as an exclusive service for wealthy citizens. They must be made available to all Americans. If people cannot use the courts to settle their disputes, they will find ways—at best untidy and at worst unjust—for resolving conflicts. The danger of this is apparent. Therefore, justice must be made available to all.

A legal system in which punishment and arrest do not stand in a relationship of propinquity is a system in which the deterrent value of the threat of punishment will swiftly erode. And a system in which civil disputes cannot be settled in orderly manners in competent judicial institutions is a system which cannot encourage confident and amicable human relations throughout the society.

The economic costs of slow and cumbersome justice—measured just in terms of personal injuries, property loss, and diminished productivity—are staggering. The social costs of crime are more difficult to quantify, but even more deadly to the traditions of civility; that is, crime destroys the possibilities for neighborliness and trust among strangers in public places. It inhibits the free movement of citizens around their communities, and thereby destroys the communitarian values which can make city life a humanizing experience.

One thing is certain. We cannot afford the economic or social costs of an inefficient judicial system.

The first principle of civil society is that the government shall have a monopoly on force. But if we are to avoid private enterprise in violence, we must guarantee that a wide range of dispute-settling rules and institutions perform a variety of functions with clear efficiency.

In addition, a primary function of civilization has been to tame the spirit and practices of vengeance, and to evolve social arrangements which reinforce whatever may exist in mankind by way of a natural sense of justice. The sine qua non of such civilizing system of manmade justice is swift and certain administration of procedures the justice of which is widely recognized. A Federal Judiciary Council will make a significant contribution to the improvement of our civilizing system of justice.

This Council would fill a need recognized by Chief Justice Warren E. Burger. The December 14 issue of U.S. News & World Report contains a comprehensive interview with the Chief Justice. In this interview, he points out the fact that we could profit from creating an institution which would function in a way similar to the Lord Chancellor in England. A portion of the interview is as follows:

> The absence of some official who is the counterpart of the Lord Chancellor in England is very sharply in focus for me. The Lord Chancellor in England is the highest judicial officer, but he devotes only a limited time to purely judicial duties. He is also Speaker of the House of Lords and a member of the Prime Minister's Cabinet. Thus, he has access and constant communication with all three branches of government and can keep the executive and legislative branches fully informd on almost a day-to-day basis.

The Chief Justice understands that a Federal Judiciary Council could perform some similar functions in a manner compatible with the American system of Government. I am hopeful that by introducing this bill now, I will stimulate discussion in the interim which will assist in redrafting the bill for reintroduction, consideration, and passage in the 92d Congress.

Mr. President, I ask unanimous consent to have the text of the bill printed at this point in the Record.

The ACTING PRESIDENT pro tempore (Mr. Hughes). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4582) to establish a Federal Judiciary Council, introduced by Mr. Allott, was received, read twice by its title, and referred to the Committee on the Judiciary, as follows:

S. 4582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 28, United States Code, is amended by inserting immediately after chapter 43 the following new chapter:

"CHAPTER 44. FEDERAL JUDICIARY COUNCIL

"Sec.
"651. Federal Judiciary Council.
"652. Duties and powers of the Council.
"653. Director and staff.
651. Fiscal Services.

"§ 651. Federal Judiciary Council

"(a) There is established the Federal Judiciary Council, whose purpose shall be to advise the Congress, the Executive and the Judicial Conference of the United States on matters affecting the administration of the courts of the United States.

"(b) The Council shall be composed of 6 appointed members, 2 by the President, 1 each by the Committees on the Judiciary of the House and Senate, and 2 by the Judicial Conference of the United States, from among persons familiar with the judicial system of the United States who are eminently qualified to serve as members of the Council. Members of the Council shall serve without compensation, but, shall be reimbursed for expenses incurred in the performance of their official duties.

"(c) The term of office of each member shall be 4 years, except that 3 of the members first appointed and so designated at the time of appointment by each appointing body, shall serve for a term of 2 years. A member appointed to serve an unexpired term shall serve for the remainder of such term. No member shall serve more than 2 full terms.

"(d) The Council shall elect a Chairman and a Vice Chairman from among its members. A majority of the Council shall constitute a quorum for the transaction of businss. Any vacancy in the Council shall not affect its duties or powers.

"§ 652. Duties and Powers of the Council

"(a) It shall be the duty of the Council to report to the Congress from time to time, but not less than once each year, with respect—

"(1) the impact of proposed legislation on the administration of justice in the courts of the United States;

"(2) the desirability of legislation to modernize court procedures and thereby to ease court congestion;

"(3) the necessity for additional personnel and facilities to handle, in a prompt and efficient manner, the increasing number of judicial proceedings; and

"(4) the appropriate allocation of judicial functions to the Federal courts.

"(b) The Council is authorized—

"(1) to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to perform its duties under this chapter, and each such department, agency, or instrumentality is directed to cooperate with the Council and to furnish such information, to the extent permitted by law, upon request of the Council; and

"(2) to make expenditures and to contract with and compensate government and private agencies and persons for research projects and other services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), or any other provision of law relating to competitive bidding.

"§ 653. Director and staff

"(a) The Council is authorized to appoint and prescribe the duties of the Director of the Council who shall serve at the pleasure of the Council. The Director shall be compensated at a rate equal to that of the Director of the Administrative Office of the United States Courts. The Director shall supervise the staff in the performance of its duties as prescribed by the Council.

"(b)(1) The Director is authorized to appoint and fix the compensation of such additional professional personnel as the Council may deem necessary without regard to the provision of title 5, United States Code, governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of level V of the Executive Schedule under section 5316 of such title, and the salary of a reemployed annuitant under subchapter III of chapter 83 of such title shall be adjusted pursuant to the provisions of section 8344 of such title.

"(2) The Director is authorized to appoint and fix the compensation of such clerical personnel as he may deem necessary subject to the provisions of such title governing appointments in competitive service and the provisions of chapter 51 subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

"(c) The Director, the professional staff, and the clerical staff of the Council shall be deemed to be officers and employees of the judicial branch of the Government within the meaning of subchapter III of chapter 83, chapter 87, and chapter 89 of title 5, United States Code.

"§ 654. Fiscal services

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"The Administrative Office of the United States Courts shall provide accounting, disbursing, auditing, and other fiscal services for the Council."

(b) The table of contents of part III of title 28, United States Code, is amended by inserting after—

"43. United States Commissioners------631"

the following new chapter heading:

"44. Federal Judiciary Council--------651".

EXHIBIT 1

ONLY RADICAL REFORM CAN SAVE THE COURTS

(By Jeremy Main)

The machinery of American justice is collapsing. Unless it is repaired quickly and thoroughly, the rule of law itself may disappear. These thoughts are not those of alarmists but of sober, distinguished men of law, such as former Chief Justice Earl Warren and Professor Charles Alan Wright of the University of Texas. One leading expert on court problems, Professor Maurice Rosenberg of Columbia, who contributed in 1965 to a book called *The Courts, the Public, and the Law Explosion,* says today, "My views have changed since 1965 to the extent that what we called a law explosion then looks like a pop by comparison with what we have now." The president of the American Bar Association, Bernard Segal says, "The danger signals are flashing all over the country, in more places and more persistently than ever."

Megalopolitan, mass-producing society is crushing a court system designed for simpler times. Crime rates are soaring, as Fortune reported last month. The volume and complexity of litigation today are overwhelming the courts. As Americans crowd together in growing prosperity, they grow increasingly litigious. Suits arising out of auto accidents alone contribute as much as one-third of the total work load of some court systems. New products lead to new laws. New social and political forces are taking to the courts. Maddening new elaborations of court procedure sometimes make the search for a true verdict seem irrelevant to the ritual of the trial. In some major court systems, jury trials take twice as long on the average as they did in the mid-Sixties.

It is true that American justice has made noble advances recently in terms of protecting the rights of defendants and of providing legal representation to the poor and minorities. But even these advances are threatened, because the courts just are not working well. It is the pace of justice that has become distorted. Some courts, usually the lower courts that deal with lesser matters in big cities, race through their case loads on a batch or assembly-line basis so that the whole process becomes a farce. Other courts, especially big-city trial courts, fall years behind in their calendars. When a citizen has to wait two and a half to five years to be awarded damages, as he does in most large American cities in cases that go before a jury, the wait itself becomes an injustice.

Earl Warren recently recalled that shortly before he left office felony cases in the U.S. District Court for the Eastern District of New York were taking twenty-two months to get to trial. Because of reforms in the bail system, the accused were free during the wait. However, said Warren, "if the defendant were innocent, think of the cloud over his life, and if he were guilty, think what he could do in those years to disrupt society. This was an atrocious situation that could not under any circumstances be justified."

Today, traveling through a time of exceptional stress, the U.S. needs more than ever to be escorted by effective justice and by serene, civilized courts. Even in the best of times, American courts have suffered too much from politics, corruption, and judicial incompetence. The legal process seemed too often to be a weapon used by the dominant forces in society against the poor and the minorities, who needed protection the most. The civil-rights victories of recent decades, however, opened the courts to a whole range of new issues and claims. Now the poor and the black are beginning to get the same chance to redress wrongs that other citizens have always had. Major social and political conflicts over the war, youth, and race are going to the courts, and so are new issues such as consumer and environmental claims. Whether the courts can cope with these strains sometimes seems questionable, as was demonstrated in Chicago by the undignified irascibility of Judge Julius Hoffman and the antics of the men on trial before him: "The social conflicts of the times are capsulized in the Chicago Seven trial, and as so often happens, the courts didn't measure up," says Glenn Winters, the executive director of the American Judicature Society.

"The Crisis in the Courts," as FORTUNE described it in an article in December, 1961, has been developing for years. The response to this crisis, led in the last two decades by Warren and former Associate Justice Tom C. Clark, was to try to cure the problem mainly by reorganizing the courts through administrative reform. During the 1950's and 1960's eleven states followed the example set by New Jersey in 1948 of establishing a unified state court system under the general supervision of the state supreme court. Federal and state courts have tried many kinds of reform in court procedures to shave a few minutes here and there from trial time: split trials, smaller juries, pre-trial conferences, "short-cause" trials, and so forth. These experiments in administrative reform on the whole have been disappointing.

THERE SHOULDN'T BE A LAW

Lately a number of American jurists, more impressive for their prestige and insight than for their numbers, have come to believe a more radical kind of reform is necessary. They think the old refrain, "There oughta be a law," has too often been the nation's approach to solving, or illusion of solving, too many kinds of problems. The criminal courts are used to punish too many crimes that in fact are offenses only against taste and standards of moral or sexual conduct. Shoving drunks, addicts, gamblers, and prostitutes through a revolving-door court process does little to help society or the offenders. The civil courts are imposed upon massively to transact routine business in which there is no real dispute and no doubt about the outcome, or which could be handled more effectively and economically by another process. The courts cannot continue to deal with an exponentially increasing amount of regular business and have society's new problems dumped on them as well. Society will have to choose priorities, and decide anew which kinds of problems are worth the time of the courts and can be solved only by the courts. For the problems that don't pass that test, society should seek other solutions.

Earl Warren and his successor as Chief Justice, Warren Burger, reflect in their philosophies the difference between the old and the new attitudes toward reform. Warren believes that the problem lies not with the law itself, but with how the courts are administered. Burger's concept of the problem embraces far more than administration. For instance, before his appointment to the Supreme Court, he had questioned publicly whether the Fifth Amendment's protection against self-incrimination should be maintained. Again, in a debate three years ago at the Center for the Study of Democratic Institutions at Santa Barbara, Burger suggested that "the adversary process is not the best system of criminal justice." There is nothing in the whole range of law that the radical reformers will not re-examine.

Radical reform of the courts has enormous implications for society because it entails revising our ideas of what constitutes crime, what constitutes conflict, and how conflict should be resolved. Political decisions loaded with controversy, such as whether or not to legalize gambling, would arise. Civil and criminal codes would have to be revised, and constitutional amendments might be needed. Change of this magnitude, of course, would require new institutions—magisterial offices and arbitration boards, for example—to handle matters removed from the courts.

Moreover, the reforms will be difficult to achieve because the supporters are few if distinguished, the enemies are numerous, and the apathetic are legion. Lawyers generally line up with the enemies of reform, because some changes would eliminate whole branches of law practice. Like the public, politicians are apathetic because there are no votes in court reform, and they stand to lose the privileges of patronage that court appointments offer.

However, interviews conducted by Fortune in the preparation of this article indicated a surprising strength of feeling in favor of a new approach to reform among the leaders of legal thought, the judges, the law professors, and some distinguished lawyers.

Two lively books published recently plead to the cause of reform. One of them, *American Law: The Case for Radical Reform* (Macmillan), by John P. Frank, a successful Phoenix attorney and former Yale law professor, actually is more concerned with the more traditional and procedural changes. Frank argues tellingly that the number of "decision points" in a case—the hearings and motions and other trials within trials—should be reduced rather than increased, as has been the trend. But he also writes, "We must be prepared to change the susbtantive law altogether, in every reach, cutting it down to a size our groaning court system can handle." In *The Honest Politicians' Guide to Crime Control* (University of Chicago Press), Norval Morris and Gordon Hawkins, two Australian professors who have taught at American law schools, argue that the U.S. would be a lot safer place if a whole range of minor crimes were simply "decriminalized" and ceased to be offenses. These are the sumptuary crimes, such as gambling and drunkenness, the offenses against morals and taste. The police and judges shouldn't have to waste their time on these cases, enforcing society's moralistic attitudes, say the authors, but instead should be free to concentrate on the crimes in which people or property are damaged.

ELIMINATING THE FIRST CONTACT

Judges lose their judicial cool when they talk about the time they must spend on sumptuary and other minor crimes. The chief judge of one of the nation's major city courts protests that dealing with bookmakers as felons is "a lot of crap." Another big-city judge, complaining of the time and money lavished on the case of a vendor caught peddling without a $5 license in a baseball stadium, said, "We got a lot of garbage that shouldn't be here."

Dorothy Nelson, the attractive, enthusiastic dean of the University of Southern California Law Center, sees another reason for removing certain kinds of cases from the courts. "We ought to keep people out of the legal system whenever we can, because once you are in it, it has a lifelong effect. Sometimes society would benefit if juvenile offenders were simply allowed to go home under supervision, because even the best institutions seem to do them harm." The removal of some sumptuary crimes from the law books would in many instances of minor offenses eliminate this first and lasting contact with the law.

As in criminal law, in civil law there are matters that could be "delegalized"—the bookkeeping, form-filling routine matters

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which could be handled just as well by a clerk, accountant, or referee as by a judge.

A list of the criminal and civil matters that clearly could be removed from the various courts includes:

Drunkenness. One-third of all the persons arrested in the U.S. are charged with no other crime than being drunk. This has no noticeable effect on alcoholism, but it has a great effect on the burdens of the courts.

Prostitution. Parading prostitutes through the courts, often the same ones over and over again, has no uplifting effect on anybody.

Addiction. The use of drugs, or, legally speaking, the purchase or possession of drugs, should be decriminalized. Drug use is imposing a fast-growing burden on the courts, but treating it as a crime is pointless, although trafficking in drugs should remain a crime.

Gambling. Betting has become such a part of national life that few people seriously consider it a crime, including the policemen who haul in the small fry and the judges who give them minimal sentences. More than three-quarters of the suspects charged with gambling felonies in New York City last year had their charges reduced to misdemeanors.

Wills. Probate could be handled by a tax office. Judge Samuel Silverman, of the New York Surrogate's Court, says, "Nine hundred and ninety-nine out of 1,000 wills are perfectly all right. So why not just file the things, the way you do the deed for the sale or transfer of property? Why do you have to treat a will as though it were a lawsuit?"

Divorce. Uncontested divorce is a routine process that does not require the skill of a judge, yet judges have to go through the ritual of making it a trial. These divorces—and nine out of ten divorces are uncontested—could be handled by an arbiter.

Bankruptcy. Ninety percent of the 200,000 bankruptcies filed in federal courts are "no-asset" cases, yet the judges have to go through the whole routine of a trial, and appoint trustees whose job it would be to distribute the bankrupt's assets if he had any.

NO FAULT FOR AUTOS

All these reforms would be overshadowed if the courts were relieved of their single burden: the automobile. Along with pollution and death on the highway, the automobile brings us court congestion. Personal-injury cases flood the trial courts, and traffic cases flood the criminal courts. "Automobile Accident Litigation," a survey prepared by the Federal Judicial Center for the Department of Transportation, estimates that 17 percent of all the judge time in the U.S. is spent on personal-injury cases arising out of auto accidents. The more dense the population, the greater the percentage of auto litigation becomes. In Los Angeles the superior-court judges spend about one-quarter of their time on auto-injury cases, and New Jersey's trial judges about one-third.

A plan to remove the bulk of auto-injury suits from the courts has been waiting in the wings since it was first developed at Columbia University in 1932. It would work something like health insurance or workmen's compensation. The victim would simply collect the damages from his own insurance company. He would not go to court, except in special cases. This is "no-fault" insurance; under the present insurance system, a victim must prove the fault of another person to collect damages.

In the end the various arguments about the legal advantages and disadvantages of the two systems, and their effects on the courts, will matter little. The issue will be settled one way or the other by economic interests. The issue lies between the insured, who pay a steep price for unsatisfactory insurance, and the law profession, which exists largely off the proceeds of the insurance. The Federal Judicial Center study estimates that as a result of 220,000 suits arising from auto accidents in 1968, the victims collected a net of $700 million and the law profession (representing both plaintiffs and defendants) collected $600 million plus expenses. The victims who suffer the most collect relatively the least: those with losses over $25,000 collected an average of only one-quarter of their losses, according to another federal study. But the lawyers do well. The most prestigious big-city law firms handle little personal-injury work, or scorn it altogether, but it is the bread and butter of smaller firms and especially of the small-town lawyer. The Judicial Center study estimates that lawyers' contingency fees average 35.5 percent of the recoveries they win for their clients.

A.B.A. President Segal, an energetic agitator for court reform, supports no-fault insurance. "It's inevitable," he says, and he hopes the membership of the A.B.A. will swing around to his view—"We're a little better than the American Medical Association." Right now, however, major segments of the bar vehemently oppose no-fault insurance and have successfully blocked the reform in the eight state legislatures where it has been introduced.

Reformers also want to move traffic cases, at least the minor ones, those to which automatic guilty pleas usually are entered, out of the courts and into administrative offices, preferably the same ones that handle licenses, so as to make a quick connection between infractions and the suspension of nonrenewal licenses.

AN INVITATION TO DRY OUT

The New York State legislature voted this type of reform last year, relieving the criminal courts of an enormous burden as of this July 1. Of 5,065,536 cases filed in New York City criminal courts in 1966, 4,600,190 were traffic cases. The majority of these were minor infractions settled by mail, but nevertheless nearly half of the 150,000 cases pending in June were traffic offenses. On July 1 the New York State Department of Motor Vehicles took all but the most serious moving violations and a new Parking Violations Bureau began handling parking tickets. The change frees eight criminal-court judges for more important work. Traffic offenders who would have appeared before a judge in court previously now appear in the Motor Vehicles Department before a hearing officer who can impose fines and suspend licenses. There is an appeals board in the department, and defendants can also appeal to the regular courts.

The Vera Institute of Justice, a private organization in New York that experiments with reforms in the area of criminal justice, has organized another kind of alternative to the courts. The Manhattan Bowery Project is an attempt to do something more constructive with alcoholic derelicts than arrest them, take them to court, and give them a suspended sentence. Project rescue teams, consisting of a policeman and a reformed alcoholic, patrol New York's Bowery inviting derelicts to a rescue home, a drying-out "tank" with full-time medical services.

Some offenses could be "decriminalized" without creating a need for substitute ways of handling them. For instance, gambling might simply be let alone. Prostitutes might be allowed to operate—not illegally and flagrantly as they do now, but legally and unobtrusively as they have been doing in parts of Europe for years. For the most part, however, the courts could not be rid of their responsibilities until alternatives had been developed, such as treatment centers for alcoholics, referees for uncontested divorces, and tax offices for wills. The best approach to radical reform of justice might be the first to test and develop the alternatives.

These reforms certainly will not come quickly or easily. Even the handful of legislators, such as Senator Joseph Tydings of Maryland, who have been working steadfastly for administrative court reform have hardly begun to think about the radical reform of the law itself. In the meantime, there is still much to be done in the elusive but essential field of administrative reform.

EFFICIENCY IS FICTIONAL

Many administrative reforms have come since 1906 when a young lawyer named Roscoe Pound, later dean of the Harvard Law School, first raised the alarm about delay in the courts in a landmark speech. The American Judicature Society was established in 1913 in Chicago "to promote the efficient administration of justice" and the Institute of Judicial Administration was established at New York University in 1948 for similar purposes. Reform of the federal courts began in the 1930's with the formation of the Administrative Office of the U.S. Courts. In 1948, New Jersey remodeled its court system along the hierarchical, unified lines laid down by its chief justice, Arthur Vanderbilt, and that set the pattern for a wave of state court reforms.

However, to suggest that these reforms have actually created efficiency in the courts would be pure fiction. In New Jersey, the pioneer, the chief justice theoretically presides over the state's judicial system, but the only people he can appoint are his stenographer, his law clerk, and the court administrator. The governor appoints judges and prosecutors, the sheriffs and the clerks are elected, the municipal judges are appointed by the towns, the probation officers by the courts, and the wardens by the freeholders. No one holds the strings of power, certainly not the chief justice.

Just how badly a court can be run in 1970 immediately strikes even the layman casually visiting the Manhattan division of the New York Criminal Courts. The court is a large, littered building downtown at 100 Center Street, swarming with bewildered defendants and their families, bore prostitutes, tired policemen, sullen clerks, disheveled Legal Aid lawyers, and harassed judges. Up on the second floor, in the arraignment "part," Judge Irving Lang, a forty-one-year-old former narcotics commissioner, rushes from the courtroom into his robing room, pulls a cigarette from under his gown as he comes through the door, and says, "Welcome to the busiest court in the world." The small, grimy robing room contains a battered wooden desk and a couple of chairs. Sometimes the case load gets so heavy these little robing rooms are used as courtrooms.

During a brief break in arraignment the hundreds of prisoners arrested during the night, Lang says he is finishing his third month on the arraignment part and he's exhausted. The normal tour of duty in this courtroom is only one month. Two to three hundred prisoners a day come before him, and Lang once arraigned 416 persons between 10:00 a.m. and 5:00 p.m., an average of one a minute even had there been no breaks, which there were. Lang, a conscientious judge, doesn't like it. "It's difficult to be dignified in a situation like this," he says. But the criminal case load is rising by 20 percent a year in New York City.

"Record keeping in this court has broken down completely," says Judge Lang. "All the records show is a man's arrest. If he comes back before us we can't tell, for instance, whether he was out on conditional release or what." Lester Goodchild, administrator of the New York Criminal Courts, wants to install a computer system that would, among other things, easily clean up the backlog in record keeping. But he has no money to do it.

The real scandal is that with all the crush of business, New York City's criminal-court judges spend half their time, according to one survey, waiting for work. The judges are available, but the system that should feed the cases through from arraignment to trial just breaks down. The adjournment is the curse of the overburdened court. The ordinary misdemeanor case in New York Criminal Court is adjourned an average of either four or five times, according to different surveys. The absence of a key figure is the usual reason. Overworked prison officers fail to get the defendant to court, the arresting officer didn't know his case was coming up or else wandered off in disgust after waiting for hours, or an attorney trying to juggle half a dozen cases is tied up in another "part." By the time the fourth or fifth adjournment comes around the case goes stale and justice breaks down.

TOO MUCH "HABEASING AROUND"

The Superior Court in Los Angeles is better run and more dignified than the New York courts, but it has the same big-city problems. Court filings are increasing five times as fast as the population. At the lower level of misdemeanors the number of guilty pleas has grown, but only because hard-pressed district attorneys and judges are relying more on the great escape valve of the overcrowded court—the reduced charge followed by a guilty plea. That ends the case quickly. If a D.A. tries to make a felony charge stick, a defendent is less likely to plead guilty today because the Supreme Court has given him new weapons of defense to fight with in court. The number of felony trials in Los Angeles increased by 100 percent from 1964 to 1968. And the length of the average jury trial in Los Angeles increased from 3.5 to 7.2 days in the same period. The number of judges in Los Angeles county is rising slowly—from 102 in 1960 to 134 today—but the average case load per judge has soared. The backlog of civil and criminal cases has reached 42,000 and is growing by 200 a month.

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The same sort of conditions exist in many big cities. The Pennsylvania Supreme Court recently stepped in to take supervisory charge of the Philadelphia courts, where enormous backlogs had built up, including 487 untried homicides. In its annual survey of the calendars of state trial courts, the Institute of Judicial Administration reported the average personal injury case took 22.1 months to reach jury trial in 1969, an increase of 1.4 months over 1968 and of 2.2 months over 1966.

Federal courts are also being swamped, especially by post-conviction habeas corpus appeals from state and federal prisoners who want their convictions set aside on the grounds that their trials violated rights subsequently set forth by the Supreme Court. Most of these appeals have no merit at all, but all this "habeasing around," as one federal judge puts it, "has crippled the courts." Appeals pending in U.S. courts rose from 852 in 1968 to 1,234 in 1969.

The results produced by various administrative reforms have sometimes proved disappointing, but there is still much that could be done to make the present court system work better. First comes the need to reduce the growing number of "decision points" that Frank complains about in his book, *American Law: The Case for Radical Reform*. Whereas a simple criminal trial might once have had just two decision points, the arraignment and the trial itself, a similar case today might involve three additional decision points, each a small trial of its own, on the questions for instance of suppression of evidence (Mapp v. Ohio), the right to counsel (Gideon v. Wainwright), and disclosure of evidence (Brady v. Maryland). There is no question of circumventing the admirable safeguards the Supreme Court has made available to the defense, but of handling them in an orderly manner. They should not be the pretext for the defense lawyer to play games and spin out the trial endlessly with motion after motion.

JUDGE SHOPPING

A simple, common-sense answer came from James M. Carter, a federal judge in California. In 1964 Judge Carter began giving young, inexperienced lawyers a standard check list so that they could be sure they were doing all they should to defend their clients. Four years ago Judge Carter turned this list into a form that, essentially, requires the prosecution and defense to state their intentions at one omnibus hearing held early in a case. If, for instance, the defense lawyer plans to plead insanity, he must say so at the omnibus hearing rather than spring the news at the opening of the trial, which might then be adjourned for weeks while a psychiatrist examined the defendant. The prosecution has similar obligations, especially with reference to the evidence it plans to present. Judge Carter says the omnibus hearings have shortened trials and cut post-conviction appeals and motions.

A second promising kind of administration reform aims to give judges control of their own calendars, so they can keep cases moving. Historically the American judge has been a passive umpire who merely presided over a game played between contending lawyers. As the courts grew bigger haphazardly, a judge's power to control the progress of a case was further weakened. Expanding courts proliferated with specialized "parts," for arraignments, for the calendar, for motions, for hearings, for different kinds of trials. As a case progresses, or rather meanders, it moves from part to part and judge to judge. Lawyers can make endless motions, use the same excuse repeatedly, go "judge shopping." In the U.S. District Court for the Southern District of New York as many as seven different judges have been involved in one case.

The solution most favored today is known as the individual calendar, which in a sense permits a return to the ways of a one-judge court in the old days. As soon as possible after an arraignment or the filing of a case, the matter is turned over to one judge to oversee for all purposes from then on. No case wanders from part to part, and the judge in charge can become knowledgeable about the case before him and keep them moving. When the criminal judges in Washington, D.C., switched last year to the individual calendar they cut the backlog by 304 cases in three months.

Experts in court reform tend to get carried away by partisanship for the particular kind of calendar system they support. Opponents of the individual calendar, for instance, argue that in city court systems as big as those of Chicago and Los Angeles there are just too many judges and too many cases for the individual calendar to succeed. These courts use a master calendar. But there are still ways to make sure the judge gets his hooks in a case. For instance, the specialized parts in a big court system can be replaced by all-purpose parts, each of which can handle all phases of a case. All-purpose parts have been tested successfully in the Queens and Bronx divisions of the New York Criminal Courts and will be used city-wide if and when funds are available.

A CHORE FOR THE JUDGE

To run a large court with an enormous turnover competently requires a degree of administrative skill beyond most judges. Many kinds of administrative and management jobs are being turned over to court administrators or executives. They may be trained in law, but it is more important they have a knowledge of business management or systems analysis. At first judges tended to fear administrators or treat them as glorified clerks, but they are realizing that administrators can help make the courts run well without stealing any judicial prerogatives. Some administrators are key men in their courts. Frank Zolin, thirty-seven, an expert in budgets and systems analysis, has nearly the prestige of a judge as the $32,000-a-year administrator of the Los Angeles Superior Courts. His office is next to that of the chief judge.

Congress, which casually imposes new burdens on the courts, has blocked a proposal by Senator Tydings to add administrators to the federal courts—and has even refused for years to give the chief justice an administrative officer in the Supreme Court. But thirty-five state court systems now have administrators, as do many cities. Ernest Friesen, forty-one, former director of the Administrative Office of the U.S. Courts, this summer set up the country's first school for court administrators near Aspen, Colorado.

The thrust of reforms like the omnibus hearing, improved calendar control, and the employment of court executives may have far-reaching effects on the nature of the American trial. While the judge is letting go of administrative functions, he is tightening his grip on what happens in the courtroom itself. He becomes less of a passive umpire in a game between lawyers and more like the European judge who takes charge of the case. The adversary system that Chief Justice Burger questioned three years ago at Santa Barbara becomes modified. He said then that "the [adversary] system is certainly inefficient and wasteful" and "puts all the emphasis on techniques, devices, and mechanisms." With the judge really in charge, controlling the games lawyers play, then the emphasis lies on the truth of the matter before the court rather than the devices and mechanisms.

THE TEN O'CLOCK JUDGE

The quality of justice depends, in the end, on the judges. Some reformers claim that if only there were enough judges, the other problems of the courts would resolve themselves. But even if the legislatures were to add large numbers of judges, which is most unlikely, the judges could only overwhelm the problems rather than try to solve them. The real question is the quality of judges. In an introduction to a new book by Professor Delmar Karlen, director of the Institute of Judicial Administration, Burger writes almost longingly of British justice, particularly of the caliber of British judges and lawyers. He notes that with far fewer judges and lawyers per capita than the U.S. (New York City alone has almost as many judges as there are in all of England), British justice manages to be swift, dignified, and fair.

The U.S. produced its share of great judges, especially at the federal level, but the run-of-the-mill judges are too frequently incompetent, especially at the state and local level. And the corrupt judge is almost as familiar as the corrupt policeman. Methods of appointing and electing judges, being so ripe with political plums, tend to resist reform. However, there is some progress. Eighteen states now use some version of the Missouri plan, which provides for nonpartisan boards of lawyers and laymen to draw up a slate of candidates from which the governor selects his choice to fill a vacancy on the bench. The Missouri plan bases selection on merit rather than politics.

Judicial pay is improving, as are the standards required of judges both through revised codes of ethics and through the bar's scrutiny of candidates for the bench. Judicial education is improving slowly. The U.S. is the only Western country where law school offers no specific training for the bench; however, in 1956, the Institute of Judicial Administration established an appellate judges' seminar. Other regular seminars have been established since, and in Reno there is a school for state trial judges.

"Qualifications commissions"—watchdog groups of lawyers and laymen that have been set up in seventeen states—have developed recently into the best device for improving performance on the bench. They have the advantages of flexibility and informality, which are lacking in impeachment, the traditional instrument of discipline. Impeachment is too momentous to apply to the majority of offenses. A judge who is habitually late can hardly be impeached. However, says A.B.A. President Segal, "just a letter from a commission turns a ten-thirty judge into a ten o'clock judge." Commission action can go all the way from an unpublicized letter to recommending impeachment. The quiet, effective work of the commissions has led to the resignation of dozens of judges whose offenses were more serious than tardiness. Senator Tydings has introduced in Congress a bill to create a commission on judicial disabilities, to watch the federal judiciary.

EVERYBODY SUFFERS WITH THE MISFITS

The success of lay participation in both the Missouri plan selection boards and the qualifications commissions suggests that the problem of the courts needs more attention from laymen. The ordinary American, typified by his legislator, tends to think selfishly that only society's misfits suffer when the courts fail. But every American is threatened when justice is threatened. Leaving the lawyers and judges to solve the problems is like leaving doctors to solve the administrative and financial mess that hospitals are in. Moreover, lawyers are trained to look to the past, to precedents, and not to seek new answers. The machinery of justice is so vast and complex that it demands the attention of a whole array of talents. The skills of social scientists, anthropologists, management experts, computer programmers, systems analysts, social workers, and other experts must be applied, not occasionally and peripherally as they have been, but right through to the heart of the courts' problems.

EXHIBIT 2

IMPACT OF RECENT LEGISLATION

(1) P.L. 91-54 promotes health and safety standards in the building trades and construction industry in all Federally financed construction projects. The United States District Courts have jurisdiction to enforce compliance with these standards.

(2) P.L. 91-113 amends the Federal Hazardous Substance Act (15 U.S.C. 1261, 1262) to protect children from toys which are hazardous due to electrical, mechanical, or thermal hazards. The determination by the Secretary that a hazard exists may be subject to judicial review after filing a petition in the United States Courts of Appeals.

(3) P.L. 91-135 prevents the importation of endangered species of fish or wildlife into the United States, and prevents the interstate shipment of reptiles, amphibians and wildlife contrary to State law. Any violation will be penalized and such penalty shall be enforced by civil action in a Federal District Court.

(4) P.L. 91-138 revises the law governing contests of elections of Members of the House of Representatives. A subpoena to require attendance at a deposition can be issued by a judge or clerk of the U.S. District Court, State courts, or county court, where the examination is located.

(5) P.L. 91-161 amends the Atomic Energy Act of 1954 by modifying the penalties under the Act, and authorizes the Attorney General to institute civil action to collect such penalty.

(6) 91-173 provides for the protection of the health and safety of coal miners in the U.S. The Secretary may hold investigations and hearings and the U.S. District Court has the jurisdiction to issue orders to require testimony and to produce documents before the Secretary. Any order issued by the Secretary shall be subject to judicial review. The Secretary may institute an injunction or a restraining order in the U.S. District Court where the coal mine is located.

(7) P.L. 91-184 provides for the continuation of authority for regulation of exports. Violations of any provision of this law is subject to court action. The U.S. District Court shall have jurisdiction to issue an order requiring testimony and to produce documents.

(8) P.L. 91-224 gives Federal District Courts jurisdiction with respect to marine disasters which threaten the pollution of navigable waters, adjoining shorelines, or waters of a contiguous zone and with respect to the regulation of marine sanitation devices.

(9) P.L. 91-271 provides for a new procedure for filing custom's courts decisions.

(10) P.L. 91-285 provides judicial relief (3-judge court) with respect to tests or residency requirements for voting.

(11) P.L. 91-350 gives Federal District Courts jurisdiction concurrent with the Court of Claims with respect to contract claims against nonappropriated fund activities of the military services (retroactive for 6 years).

(12) P.L. 91-358 reorganizes the D.C. court system by (a) creating a local court system for the adjudication of all local criminal and civil matters, (b) expanding both the Superior Court and the appellate bench, (c) the transfer of juvenile cases to the expanded Superior Court, (d) provides a new juvenile code of procedures to expedite juvenile proceedings, and (e) various changes in the criminal procedures.

(13) P.L. 91-366 permits suit in Federal District Courts without regard to the amount in controversy to restrain or recover damages for violation of requirements concerning gold or silver articles.

(14) P.L. 91-368 provides original jurisdiction over actions or proceedings, regardless of the amount in controversy, under the convention on Recognition and Enforcement of Foreign Arbitral Awards in the Federal District Courts.

(15) P.L. 91-371 permits judicial review in the Circuit Court of Appeals of decisions of the Secretary of Labor concerning State Laws pertaining to unemployment.

(16) P.L. 91-452—"Organized Crime Control Act of 1970" provides for Special Grand Juries; sets forth new procedures with respect to litigation concerning sources of evidence; establishes new procedures for the elimination of syndicated gambling; adds a new chapter to the criminal code dealing with racketeer-influenced and corrupt organizations; establishes a procedure for sentencing of dangerous special offenders; and provides for the regulation and control of explosives including criminal penalties for violations of such regulations or statutory prohibitions.

(17) P.L. 91-458—Under the Federal Railroad Safety Act, the U.S. District Court will have jurisdiction to restrain violations of this title or to enforce rules, regulations, orders, or standards established under this act.

(18) P.L. 91-508—The law amends the FDI Act to require insured banks to maintain certain records, and to require that certain transactions in U.S. currency be reported to the Treasury Department. The enforcement of any liability created under this title may be brought in any appropriate U.S. District Court.

(19) P.L. 91-513—The law provides for increased prevention of drug abuse and drug dependency, to provide for treatment and rehabilitation of drug abusers, and strengthens existing law enforcement authority. The bill revised the entire structure of criminal penalties involving drugs.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

What is the pleasure of the Senate?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A MERRY CHRISTMAS FOR SOME

Mr. ALLOTT. Mr. President, decorations have been put up in streets and homes across America. Merchants remind us there are only nine more shopping days until Christmas. Holiday parties are in full swing. This is a traditionally happy season. Families long separated, come together to share with each other.

But this Christmas, there are some families for which the holidays will not be a time of thanksgiving. They have been—and will be—separated from their husbands and fathers; men held prisoner by the North Vietnamese. It is always unfortunate when families are separated. But the burden is much worse when it cannot be known whether loved ones are even alive.

The North Vietnamese constantly reiterate their belief in humanitarian principles. Why do they not, then, make the most elementary gesture of human decency to the families of their prisoners? How could it harm their cause simply to inform the world of the fate of these men?

Next to releasing these men, informing their families would be the best gift they could bestow this Christmas.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SYMINGTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR FOREIGN RELATIONS COMMITTEE TO FILE REPORT ON H.R. 19911, SUPPLEMENTAL FOREIGN AID AUTHORIZATION BILL BY MIDNIGHT TONIGHT

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Foreign Relations to have until midnight tonight to file its report on the bill (H.R. 19911) to amend the Foreign

XUM

Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER (Mr. Symington). Without objection, it is so ordered.

NEW YORK TIMES MAGAZINE ARTICLE ON SENATOR SAM J. ERVIN, JR.

Mr. BYRD of West Virginia. Mr. President, in the Sunday, November 15, 1970, New York Times Magazine, Mr. John Herbers has written an extremely interesting article about the Senate's foremost constitutional authority—U.S. Senator Sam J. Ervin, Jr. The title of Mr. Herbers' article, "Senator Ervin Thinks the Constitution Should Be Taken Like Mountain Whisky—Undiluted and Untaxed," tells us a great deal we already know about Senator Ervin, but I am sure it will still tempt every Senator to read this in-depth article about one of their most highly respected brothers.

In his article, Mr. Herbers outlines Senator Ervin's activities in the Senate, and they are indeed impressive. His thorough preparation on all issues before the Senate is a great contribution to the legislative process, but Senator Ervin's principal struggles go far beyond parochial Senate business, and I could not agree more with Mr. Herbers' conclusion that Senator Ervin's great influence results largely from his efforts to protect the rights of all Americans. Senator Ervin's efforts on behalf of individual liberties are a constant reminder to all of us in the U.S. Senate, and they are living evidence of the truth of the words written by another New York Times, writer, Tom Wicker, several months ago about Senator Ervin, "He stands by the older view, still speaking out for values proven so long ago that most Americans no longer even seem to know about them."

Mr. President, I ask unanimous consent that the article and an editorial from the Morganton News Herald and an article by Ed Yoder from the Greensboro Daily News construing Mr. Herbers' article be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times Magazine, Nov. 15, 1970]

Senator Ervin Thinks the Constitution Should Be Taken Like Mountain Whiskey—Undiluted and Untaxed

(By John Herbers)

Washington.—On the Senate floor, Samuel James Ervin, Jr., is the perfect stereotype—a filibustering, story-telling, legalizing Southerner of the older generation. Picture him for a moment standing behind a toppling stack of musty law volumes: a big, barrel-chested man of more than ample girth for his 6-foot frame, with white hair, heavy jowls and dark, bushy eyebrows which sweep up and down like a crow's wings as he tells an Uncle Ephraim Swink story or inveighs against some new tyranny that is threatening the foundations of the Republic.

When Joseph S. Clark of Pennsylvania was in the Senate, he, too, punctuated his speeches—the best of doctrinaire liberalism—with eyebrows flashing up and down; and when he and Senator Ervin clashed, which was often, the encounter was known in the press gallery as the "battle of the eyebrows." But Joe Clark was no match for Sam Ervin either in the scope of his brows or in his ability to argue a fine point interminably. In a few days, Ervin can, and does, fatten the Congressional Record by several inches with his ruminations and lamentations, and he manages to put his mark, in some manner, on almost all the legislation flowing from the Judiciary Committee on which he sits.

But Ervin is no Cotton Ed Smith—or, for that matter, a Richard Russell. The stereotype falls apart when one looks a little closer. The North Carolina Bourbon who has opposed virtually every civil-rights bill to come along, supported big business over organized labor, been a consistent hawk and daily infuriates the women's liberation movement has of late come out, in a number of ways, on the side of poor blacks, the American Civil Liberties Union, despised left-wingers and those who oppose prayer in public schools.

At present, he is attacking, through the Constitutional Rights subcommittee he heads, a massive surveillance system being put together by the Government, including computerized files on citizens who have engaged in "political dissent" or "civil disorders." Ervin's disclosures have raised the specter of a police state and scared the daylights out of civil libertarians. In doing so, he has crossed swords with institutions that the right wing, and much of his constituency, hold to be sacrosanct—the military and the Federal Bureau of Investigation, among others.

In the movie "Patton," the German officer who is assigned to research the life of Gen. George S. Patton Jr. reports that the American is an anachronism, a person out of the 16th century. By several accounts, Senator Ervin is an anachronism of a different sort, a person out of the 18th century, perhaps. A few years ago he seemed hopelessly out of date, one who had been bypassed by all the progressive trends and developments of law. Now we have gone full circle while Senator Ervin has stood still. As General Patton proved useful in World War II, Senator Ervin, at 74, is an anachronism that the defenders of individual liberty are finding to be very valuable in the internal crisis besetting the nation.

These are hard times for civil liberties. For months, the Congress has been giving the central Government more and more authority to proceed against crimes, real and imagined, with most of the self-proclaimed states' righters joining in. The Justice Department is stepping up its wiretapping. The F.B.I. is expanding its force of agents under newly acquired authority to go on college campuses uninvited to investigate bombings. Police forces across the country are, with Federal assistance, stockpiling hardware and sophisticated surveillance systems. A.C.L.U. lawyers are, as one of them said, "frantically trying to keep fingers in the holes of the dike." Speaking out against the dangers of the misuse of all this is a lonely pursuit. But what better person to have standing in the gap than an old-fashioned conservative with impeccable credentials in the right wing?

Ervin's probings into the massive surveillance system are expected to precipitate in the months ahead a conflict in which the bureaucracy, the police and the law-and-order politicians clearly have the upper hand. Government agencies are installing 500 computers a year and are increasingly using them to store information on citizens. The Department of Transportation has the name and offense records of 2.6 million persons in every state who have had a driver's license suspended or revoked. The Justice Department, acting under a new law, is preparing to distribute nationally to police, prosecutors and courts the names of all persons charged anywhere with drug offenses.

Further, all arrest and conviction records from the 50 states are expected to be put in a central computer. The Secret Service has a massive file on persons who have spoken out strongly against national policy, for surveillance purposes when the President travels. The Justice Department has the names of 13,200 persons who have urged violence or had a connection with riots.

The list goes on and on and the bureaucracy, in its impersonal quest for growth and authority, keeps refining and meshing the systems. Senator Ervin sees developing "a vast network of intelligence-oriented systems which are being developed willy-nilly throughout our land, by government and private industries."

"I believe," he continues "that in these systems, where they contain the record of the individual's thoughts, beliefs, habits, attitudes and personal activities, there may well rest a potential for political control and for intimidation which is alien to a society of free men."

He is proposing creation of an independent agency that would keep track of all data bank operations, public and private, and enforce the right of a citizen to examine and challenge information that could harm his reputation or ability to find employment. So far, he has little support in Congress and the officials involved do not believe they ever would be required to expose information they have on people suspected of starting riots or blowing up buildings.

As one would expect, the A.C.L.U. and other organizations espousing personal freedom have been working closely with Ervin and his subcommittee. When Lawrence Speiser, the Washington director of the A.C.L.U., was asked about Senator Ervin the other day, the first words off his lips echoed a well-known nursery rhyme:

When he's good,
He's very, very good,
But when he's bad,
He's horrid.

Speiser then sat down and compiled a list of Ervin's positions on various issues in recent years, from the A.C.L.U. point of view. It turned out to be pretty evenly divided between the very, very good and the horrid, but in the end Speiser concluded that the good probably carried the most weight because as a conservative whose judgments are respected by his peers Ervin could always bring conservative votes with him for an unpopular cause on the liberal side, whereas the liberals rarely paid any attention to what he said on the conservative side.

The best example of Ervin's liberal influence occurred in 1966 when the late Everett Dirksen of Illinois, the Senate Republican leader, proposed a constitutional amendment that would permit prayer in public schools. Ervin had been critical of the Supreme Court's antiprayer decision, and his Bible Belt, North Carolina constituency was even more so. After long study and meditation, however, he changed his mind, opposed the amendment and supported the decision as a protection of religious liberty. He told the Senate: "I am a possessor of a great affliction—a Scotch-Irish conscience, which will not permit me to follow after a great multitude to do what I conceive to be evil." His dramatic switch brought defeat of the amendment, according to several Senators, and, incidentally, his confession of righteousness helped to ease the blow in the Bible Belt.

In July of this year, Ervin led the opposition to the President's District of Columbia crime bill while Joseph S. Tydings, the liberal Democrat of Maryland, was leading the forces for it. Ervin charged that the sections on preventive detention and no-knock entry by the police violated basic tenets of the Constitution. The bill passed, 54 to 33, but Ervin's opposition kept the margin from be-

XUM

ing overwhelming and laid the groundwork for an attack on the measure in the courts. The following sample of Ervin oratory on the Senate floor gives something of the flavor of his opposition:

"We had a very fine poet in North Carolina some years ago named John Charles McNeill. He wrote one little poem in which he said:

How teasing truth a thousand faces claims,
As in a broken mirror.
And what the father died for in the flames
His own son scorns as error.

"American patriots died in the flames for the privilege of having their homes regarded as their castles. They died in the flames of the revolution to secure the right which the prophet Micah called the right to sit under their own vines and under their own fig trees, where none could make them afraid.

"Yet we see their descendants asking that we legitimize something which was so bad in the eyes of our ancestors that they rebelled against the mother country and obtained their freedom in order to escape from such tyranny. Now we have the President of the United States and the Department of Justice urging that this tyranny be given the sanction of Congress in the form of the District of Columbia crime bill."

During the heat of the fight, a delegation of black students from Howard University came to Capitol Hill and gave Senator Ervin an award, in behalf of the black citizens of the sanction of Congress in the form of the population.

In 1968, when hardly anyone else was interested, Ervin got through legislation giving American Indians full constitutional rights; he did it by attaching his measure to another bill that Senators wanted passed. He played a leading role in passage of the Bail Reform Act of 1966. For several years he has defended the rights of Federal employes against invasion of privacy and unreasonable demands for conformity by the bureaucracy.

"Senator Ervin is very influential in the Senate," Speiser said.

On the other side of the A.C.L.U. scoreboard, Ervin is a conventional Southern Democrat. He fought furiously for several years to undo Supreme Court decisions expanding the rights of criminal suspects. He supported an expansion of wiretapping by state courts. He opposed the 18-year-old vote. He led the opposition to the equal-rights-for-women amendment. He probably was the most formidable obstacle to the enactment of the great body of civil-rights legislation put on the books during the past decade and a half. Unable to stop it, he had some success in diluting it.

Always basing his opposition on constitutional grounds, Ervin could tie up a bill longer, inject more tedium into an important hearing and better tax the patience and time of executive-branch officials than anyone in the Congress. He once kept Attorney General Robert F. Kennedy on the stand for something like 12 days arguing fine points of constitutional law, such as where the ingredients for a hamburger being shipped across state lines came to rest. While the country was aflame with racial strife, and the Administration was trying to get the dispute off the streets and into the courts, Ervin was leading a legalistic filibuster that bored even some of the Southerners.

To understand Ervin it is helpful to know something about Morganton, N.C., where he was born on Sept. 27, 1896. Watching him in action against civil-rights legislation—he was still at it this fall, charging that a bill giving the Equal Employment Opportunity Commission enforcement powers was "enough to make linguistic and constitutional angels weep"—it is easy to get the impression that he comes from plantation country. Morganton, however, is in mountain territory where Republicans and moonshiners outnumber blacks and one seldom hears of the kind of blatant racism that gave rise to several generations of Southern demagogues.

There, the antipathy for a strong central government stems not so much from the experience of slavery and the bitterness of Reconstruction, as it does in most of the South, as from the stubborn pride of the mountain people and a reverence for the Constitution in its original form. In that region, where one can still find people who speak Elizabethan English, early traditions have been less diluted and altered by the tide of history than in more open regions. Among the institutions that have preserved the political traditions are the courts. Sam Ervin virtually grew up in the courtrooms in Morganton—population, 10,000—and he can't get them out of his system or out of his talk. His father was a practicing lawyer for 65 years and lived to the age of 89. In an interview, Ervin recalled this about his father:

"He hated oppression of government and I guess instilled in me the idea that, after all, the greatest threat to our liberties comes from government, not from others. As I say frequently, government has an insatiable thirst for power and it is never satisfied. It is always reaching out for more power."

To this day, Sam Ervin knows one source of tyranny—the central government. Measured against this, all his seeming inconsistencies disappear. On almost every issue, he is on the side against giving more power to the Federal Government.

Yet, he seems unperturbed by one of the monumental tyrannies of American history—that exercised by the state governments in the South against black citizens, through a body of segregation laws that over the years reinforced the mores that made them. Some of his supporters—noting that Ervin, while opposing civil-rights laws on constitutional grounds, insisted all along that all citizens should have full rights of the law—have suggested that the Senator may have a monumental blind spot when it comes to seeing what the white majority has done to the black minority. Many of his generation do. What rankles civil-rights leaders is that his opposition to rights bills more than anything else has solidified his position with North Carolina voters—he is invulnerable politically—and he has been the hero of every die-hard segregationist in the country.

To this kind of talk Ervin responds with lofty answers. He quotes Justice Brandeis as having said that liberty is not endangered so much by evil men, who are always suspect, as by well-meaning men of zeal. "We will not fool history as we fool ourselves when we steal freedom from one man to confer it on another," he says. "The preservation of liberty is tedious work, and we must not be distracted from it by the civil-rights sideshow which robs us in its own name's sake."

Reading Ervin's prose, with its adulatory and repeated references to the Founding Fathers, one would almost expect to see him walk on the Senate floor in a wig, buckle shoes and knee breeches. In reality, his adult life has spanned an enormous amount of history. He attended the University of North Carolina when Woodrow Wilson was President. He served 18 months in the Army in France during World War I, was twice wounded in battle and twice cited for gallantry. His awards included the Silver Star and the Distinguished Service Cross.

His experience at Harvard Law School following the war was of another age. In North Carolina, he had "read" law and was admitted to the bar in 1919. But he wanted a better education. At the same time, he was in love with Margaret Bruce Bell, a hometown girl, and was afraid if he stayed away too long she would become beguiled by someone else. He enrolled at Harvard to take third-year law courses, the ones he wanted most. At the end of a year, Margaret Bruce was still waiting. Not completely sure of her devotion, however, he enrolled for second-year studies—then the first. Degree in hand, he went home and married the lady, who remains his devoted wife.

"When I came up here [to Washington]," Ervin said, "a reporter interviewed me and said I must have known a lot of those little hot dogs and frankfurters [a reference to the late Supreme Court Justice] that were brought down here to Washington. I said, no, I didn't get a chance to learn too many people in law school very well because they were traveling in one direction and I was traveling in another. They were going through law school forward and I was going through backwards."

Ervin liked being a country lawyer and serving in the State Legislature, where, he recalls, he helped defeat a bill that would have banned the teaching of evolution in public schools and possibly brought the Scopes "monkey trial" to North Carolina instead of Tennessee. "Such a resolution," he said then, "serves no good purpose except to absolve monkeys of their responsibility for the human race."

His ambition, however, was in the judiciary. He became Burke County criminal court judge and rose to the state supreme court, where he served for six years until 1954, when he was appointed to the Senate. "I never had any ambitions to come up here," he once told a reporter. "I was just suddenly appointed, you know. Senator [Clyde R.] Hoey died sitting right here in this chair, and I was picked by the Governor to replace him. It was like they say about the French Legion of Honor—it's an honor very few people escape."

One of his first assignments was to the select committee that recommended censure for Joseph R. McCarthy, Republican of Wisconsin. Ervin told the Senate that McCarthy's witchhunts reminded him of Uncle Ephraim Swink, an arthritic mountaineer who was asked at a revival meeting to say what the Lord had done for him. Uncle Ephraim struggled to his feet and said, "Brother, He has mighty nigh ruint me." That, Ervin said, was what McCarthy had done to the Senate.

The Senate, its casual ways not far removed from the Morganton courthouse, got in Ervin's blood. He stayed and became sort of the in-house lawyer for the Congressional segregationists. In that role, he was assured of election and re-election without even building a political organization or making a campaign. In 1968, when Ervin appeared to be nearing retirement age, Terry Sanford, the former moderate governor, threatened to oppose him. But he withdrew when one look at his polls told him that Ervin would swamp him. Today, Ervin is applauded for showing his independence and keeping the liberals guessing.

Ervin's office on the third floor of the Old Senate Office Building is quiet and cluttered. His desk is piled with papers and books. He does his own research, and members of his staff say they cannot stop him from wrapping and mailing packages and putting stamps on letters. He walks so fast down the corridors—long legs stretching, body erect—that his younger assistants complain of not being able to catch him.

His storytelling, according to some of his friends, is a cover for a shyness that is apparent at first meeting. Many of his stories are not very funny (one of the better ones, told to vague witnesses at hearings: A man tells his lawyer he wants a divorce because his wife talks all the time . . . "What does she talk about?" . . . "That's the trouble, she never says"), but Ervin tells them with such relish—his eyes dancing and a wide grin on his face—that everyone usually laughs. Sam Ervin IV, the Senator's 14-year-old grandson,

XUM

a Senate page during the summer, remarked that his grandfather relished telling court stories, "and when he starts it's hard to turn him off." Sam IV is the son of Sam Ervin III, who is now a judge in Morganton where he is reputed to be somewhat more liberal than his father.

Senator Ervin has a craggy but sensitive face, deep-set blue eyes, a bulbous nose framed by deep parallel lines that run downward past his mouth and meet under his chin. He is a Presbyterian elder, or he was until the Morganton church turned modern and started rotating the governing boards.

"My family has been consistently Presbyterian, with one exception, since as far back as I know anything about. They came originally from Scotland [before the Revolution]. I guess I've got Calvinism ingrained in me."

In Morganton, Senator Ervin's pride, aside from his family, is his law library, one of the largest private collections in the state. The volumes cover the walls of four rooms of his offices and spill over into his home. His associates say the Senator is not a man of wealth and lives largely on his salary. Yet he does not, as some conscientious Senators do, make a full and voluntary disclosure of his income. That is not the way things are done in the authoritarian school of Southern politics that Ervin grew up in. Men elected to public office run the government as they see fit and they do not encourage a prying public.

In Washington, Senator and Mrs. Ervin live in a fourth-floor apartment in the Methodist Building, which is next to the Supreme Court Building and is only a five-minute walk from his office. They go out occasionally, mostly to parties for North Carolinians, and the Senator will have a bourbon.

XUM

Ervin, who is loquacious to a fault on most subjects, becomes taciturn when asked about his personal habits. His social life, he says, in a way that does not invite further probing, is "with a restricted circle of friends." Hall Smith, his press secretary, and other staff members, speak of the Senator with awe and affection. Smith says Ervin will go to an embassy party at Mrs. Ervin's urging, and he will go out of duty to the many functions that North Carolinians flock to Washington to attend; for example, a banquet of the North Carolina Folklore Society, one of a long list of organizations to which he belongs. But essentially he is a private person. He speaks longingly of the Saturdays before the Senate became so busy, when he could work alone all day in his office without being disturbed. He likes to spend hours, his associates say, tracing the family genealogy (he belongs to the Society of Mayflower Descendants and the Sons of the American Revolution).

The Senator likes to fish when he's in North Carolina, but in Washington he only reads, mostly law and the classics. "In poetry I always liked Kipling because he was not only a great poet but a statesman. He depicts the old issues so eloquently, the contest between government and individuals. After saying how we had gained our liberties, he says, 'Therefore we must watch the King, lest our gains be lost.' "

Quotations from Hobbes, Locke, Montesquieu, Jefferson, Washington and Wilson roll off his tongue. They are the leaders of his world. It would follow, then, that Ervin would feel at home in the United States Senate. He has all the credentials for the so-called inner circle—seniority, ability and above all, respect for the institution and its rules—and in a sense he is as close to the center as anyone. But he seldom engages in the bare-knuckle politics and wheeling and dealing that go on constantly behind the scenes. That does not interest him. He prefers to wrestle with constitutional questions. And in that sense he has little in common with powers like Richard Russell and John Stennis, who have a hand in almost everything.

The Senate Judiciary Committee is pretty well divided between conservatives like James O. Eastland of Mississippi, the chairman, and Roman L. Hruska, Republican of Nebraska, and liberals like Philip A. Hart, Democrat of Michigan, and Edward M. Kennedy, Democrat of Massachusetts. But it is the conservatives who run things. They have the seniority and both the ability and advantage in parliamentary maneuvering. Ervin, of course, is usually on the side of the conservatives. The liberals groan when he teams with Eastland, Hruska and John L. McClellan, Democrat of Arkansas, and turns on the full arsenal of Ervin delaying tactics against a bill the liberals want. "It's infuriating," one of the liberal members said one day after a particularly exasperating encounter with the Ervin-Eastland-Hruska-McClellan combine in executive session. "The more we meet the more they put off the vote, and they just sit there grinning."

Publicly, Senators always say nice things about each other. Hubert H. Humphrey, a long-time Ervin opponent on civil rights, once said, "whether you agree or disagree with Senator Ervin you learn from him." Most Senators would agree, privately and publicly, with that.

When Ervin is on the liberal side, his conservative colleagues seem to understand. He does not try to pressure them into joining him, but sometimes they do join him as a result of low-keyed persuasion. Senator Stennis voted with Ervin against the D.C. crime bill, but Ervin did not even ask him to. "I guess one of my weaknesses as a legislator is that I never proselyte individuals," Ervin says. "The only approach I have is that if I feel very keenly about something I will mail them (Senators) copies of speeches I make on the subject or copies of things other people have written on the subject."

But Ervin has his own ways of getting things done. He likes to tell how he got his Indian-rights bill enacted in 1968:

"I offered my bill as an amendment to the civil-rights bill, which had already passed the House. Mike Mansfield, the majority leader, came to me and implored me not to do it. He said he had a pledge from Manny Celler (Representative Emanuel Celler of New York, chairman of the House Judiciary Committee) that his committee would hold hearings on my bill right away. I said that won't do me, my bill is not in Judiciary, it's being blocked in the House Interior Committee.

"So Mike went back and talked to the chairman of the House Interior Committee, who said there was no opposition to the bill in committee—it was just that they were so bogged down with other work that they hadn't gotten to it. I said, 'We can just save them that much work by putting my bill into this bill.'

"The chair ruled that my amendment was not germane. And I made a speech in which I said that this ruling had really scalped the Indians and that the rights of Indians were certainly germane to a bill dealing with black men. The Senate voted to overrule the chair, and the bill, with my amendment, passed both Houses and became law."

In the role of constitutional lawyer, Ervin is deeply involved in a wide range of legislation, though he never appears fazed or at a loss. When the equal-employment bill came up this fall, he told the Senate he had been so busy with other legislation that he had not had time to give it much thought. Then he proceeded to stuff the record with court cases intended to prove its invalidity and spoke at length and in great detail against it.

In the confines of the Senate, Ervin enjoys a reputation as one of the nation's outstanding constitutional lawyers. But a number of outside lawyers who follow his work on the Hill are not so enthusiastic. They say he ignores many of the late trends and developments that are important today.

"He's a relic," said one. "He's like a dentist who's a very good dentist but is still using a foot drill. At the same time he is in good standing with the Federal judiciary and the best lawyers from the center to the right."

Ervin took over the Constitutional Rights subcommittee in 1961. It has a mixed membership, ranging from McClellan of Arkansas to Kennedy of Massachusetts. But, in effect, it is Ervin's own instrument for preserving the Constitution as he sees it. Lawrence M. Baskir, the chief counsel, an easy-going young man, says Ervin operates informally and gives the staff freedom to pursue any subject that seems feasible, and the staff has turned up such things as the Government prying into the sex lives of its employees to new incidents of surveillance.

The subcommittee also handles a variety of legislation. If it is hearing a bill that Ervin endorses, the proceedings are expedited. But if it is the other way around, Baskir conceded with a laugh, "we have witness after witness all saying the same thing over and over."

Feminists who swarmed over Capitol Hill much of this year seeking adoption of the Equal Rights for Women Amendment hold Senator Ervin principally responsible for its apparent defeat in October. He could not use delaying tactics because 81 Senators had endorsed the amendment after it passed the House and the Senate leadership had set a deadline for the Judiciary Committee to report it out. Instead, Ervin proposed a flock of amendments designed to weaken the proposal or bog it down in conference committee. Sure enough, the Senate accepted one of them, an obfuscating provision to permit the armed forces to continue drafting only men. After the vote, Senator Ervin beamed and said, "I'm trying to protect women from their fool friends and from themselves." He asked reporters to strike out the "fool" but they didn't do it. His reason for opposing the amendment, he said, was that it would wreck the body of state laws designed to protect women in a variety of ways.

What infuriated the women was that Ervin has his own private view of where the women's place is and, as one of the leaders remarked acidly, "We know that he has the old-fashioned male bias about women, and he knows that we know and he keeps up all that courtly Southern stuff."

Ervin also serves on the Armed Services Committee, but that is clearly secondary to his pursuit of constitutional purity. There is a saying in North Carolina that Ervin's junior colleague, B. Everett Jordan, a colorless but well-connected Senator, gets Federal pork and hardware for the state while Ervin looks after the ideology. In 1967, when it appeared that Ervin would have opposition for reelection the following year, his office encouraged the circulation of a story that when the Defense Department was about to close an airplane rehabilitation center at Cherry Point, N.C., Ervin appealed to his two good friends at the head of Armed Services, Richard Russell and John Stennis, and got the order reversed.

Ervin is still sensitive to the saying that he is not a "bread-and-butter" Senator. But not very much so. He says rather casually that he has an efficient staff to handle the nitty gritty back home while he marches forth to wage new constitutional warfare.

If asked about Vietnam, he will say that he does not believe the United States should have foreign entanglements in the first place, "but as I once told Secretary McNamara, if a man is reluctant to get his feet wet he ought not to wade across the Rubicon River." He would have let the generals do what they wanted to win the war and it would have been over, he believes three and a half years ago. "I don't think Russia or China would have gotten down there. I think we just frightened ourselves." At present, he is supporting the Nixon policy of withdrawal because the country "is not now in any mood to win."

The Senator would rather talk about the "Warren Court," which, in his view, has done more damage to this country than anything else. He sums it all up in one paragraph:

"I use the term 'Warren Court' to designate [former] Chief Justice Warren and Justices Douglas, Brennan, Marshall [and ex-Justices] Goldberg and Fortas who repeatedly undertook to revise the Constitution while professing to interpret it. Candor compels the statement that despite his eloquent protests against their misuse of the due-process clauses of the Fifth and Fourteenth Amendments, Justice Black often aligned himself with the other Justices of the Warren Court; and although the other Justices who served at various times during the incumbency of Chief Justice Warren, namely, Reed, Frankfurter, Jackson, Burton, Clark, Minton, Harlan, Stewart and White [were usually strict constructionists], some of them joined the Warren Court on some occasions in handing down revolutionary decisions inconsistent with the words and history of that instrument."

Thus, Ervin's efforts to overturn Court decisions such as those expanding the rights of criminal suspects were based more on his objection to the Court's "legislating and inventing new rules" than on their substance. As one would expect, he looks with favor on President Nixon's appointment of "strict constructionists" to the Court.

"With due deference to all other men in all generations, I confess my belief that the world has never known any other group as well-qualified as the Founding Fathers to write organic law for a people dedicated to the freedom of the individual. They were versed in the heartbreak history of man's fight for freedom, and knew that a nation which ignores the lessons taught by such history is doomed to repeat the mistakes of the past." And on and on. . . .

Blacks, whose forebears were assigned to slavery after the Revolution, are less enthralled than Ervin about the absolute wisdom of the Founding Fathers. But there is a common ground these days. Ervin takes some pleasure from the fact that Roy Wilkins of the N.A.A.C.P. sent him a note not long ago applauding his stand against the D.C. crime bill. And those who advocate a liberal interpretation of the Constitution agree with Ervin that there are times to take the organic law like mountain whisky, undiluted and untaxed.

[From the Morganton News Herald, Nov. 18, 1970]

SOUND YOUR ACCENT ALL

While Morganton isn't in the mainstream of American traffic, since we sit astride only one Interstate highway, we didn't know that American life in general had so completely bypassed us.

It was something of a shock to read of our isolation as cited by a writer in the New York Times Magazine in attempting to explain how Morganton's U.S. Senator Sam J. Ervin Jr. has retained something of the Early American strict constructionist approach to the Bill of Rights.

This commentary, as relayed by the Greensboro Daily News' Associate Editor Edwin M. Yoder Jr., will be found elsewhere on this page. It's worth your reading.

It was a bit startling to learn that Elizabethan English is still spoken in Morganton. That's what the New York writer said. The first day we get a little time we've got to get out of the office and find out who's talking Elizabethan English. There are enough transplanted Yankees hereabouts who would want to hear somebody whose pure Elizabethan speech hasn't been corrupted into 20th Century televisionese that anybody we found would be a greater attraction than Pappy Caldwell's Talking Chimney was a few years ago.

Could it be that the writer of the Ervin article dates back to the era when it was said that a New Yorker thought the heart of American rested between East River and Hudson River and anything west of Jersey City was regarded as the hinterland? We thought that period had passed and that the typical New Yorker today regards the accent of television sports announced Howard Cosell as at least Harvard elegance if not Boston Brahmin.

It could be that the writer of the magazine piece wouldn't know Elizabethan English if he heard it. Or, as Editor Yoder suggests, has mistaken Morganton for Ocracoke. In any event, we ought to find out. If we have it, flatland tourists should know about it. Think how it would appeal to tourists to drive up to motel restaurants and see a welcoming sign "Elizabethan English Spoke Here."

[From the Greensboro Daily News, Nov. 17, 1970]

SAM ERVIN AND THE FIGHT FOR CIVIL LIBERTIES

No doubt Sen. Sam Ervin, Jr.'s Tar Heel constituents welcome the recent discovery and extolling of his virtues by such unlikely publications as The Progressive and the New York Times magazine, which are impressed these days by his stalwart defense of the Bill of Rights.

But there is a certain quizzical tone about these journalistic celebrations of the senior senator. According to Mr. John Herbers of the Times, for instance, Senator Sam may be seen as an "anachronism . . . out of the 18th Century, perhaps," whose recent jousts with the federal super-snoopers, the Pentagon, the FBI and the Justice Department are traceable to his origins in Morganton, N.C., "where one can still find people who speak Elizabethan English" and where early traditions of constitutional fundamentalism "have been less diluted and altered by the tides of history than in more open regions."

Mr. Herbers (who may confuse Morganton with Ocracoke) notes that in his fight against "preventive detention," wholesale wiretapping, and "no knock" warrants, the senator has crossed swords with "institutions . . . much of his constituency hold to be sacrosanct—the military and the FBI, among others."

FREAKISH EXPLANATION?

It is indeed a good thing to see ourselves as others see us, as Robert Burns said, but this particular mirror deserves a closer look. Mr. Herbers seems to suggest, in a nice way of course, that when a Southern "Bourbon" like Sam Ervin speaks up for civil liberties, there must be some freakish explanation, since most North Carolinians love J. Edgar Hoover and are sabrerattlers at heart.

But I like to think, though it may involve some Tar Heel chauvinism, that Sam Ervin's solicitude for the Bill of Rights is less idiosyncratic.

For one thing, as Mr. Herbers may or may not know, North Carolina held out for a Bill of Rights when the Constitution was up for ratification in 1788. Right off the top of his head, then, a Tar Heel might have suggested to Mr. Herbers that playing watchdog over "the great principles of civil and religious liberty" is no less a role than North Carolinians expect of a senator.

Many of them may be fans of the FBI and the Pentagon, but few would suggest that the convenience of either take precedence over the right to a speedy trial by jury, the right to reasonable bond and bail, the assumption of innocence, or the requirement of a search warrant.

IS IT A MYTH?

In his authoritative North Carolina history, Prof. Hugh Lefler somewhat qualifies this top-of-the-head view. He notes that between the first and second ratification conventions, North Carolina opinion underwent a sweeping about-face—a shift sufficient to gain ratification of the Constitution before the other states had ratified Madison's Bill of Rights. Other factors—sensitivity at being lumped with Rhode Island, the other holdout, "with its unsavory reputation for radicalism and paper money," the call for Southern influence in Congress, fear of the Indians, returning economic prosperity—played a part.

Indeed, to hear Professor Lefler tell it, it is more myth than history that North Carolinians had a special regard for the Bill of Rights. But even so I suspect it is a myth Senator Ervin cherishes no less than his constituents—and a myth we are better off with, than without.

As it happens, Mr. Herbers might have stopped by the desk of his Times colleague Tom Wicker, who wrote illuminatingly of Senator Ervin last March.

"A certain kind of old fashioned conservatism still has its exponents in America," Wicker wrote, "still makes its case fundamentally against unbridled government power, still believes that in the end it is the individual—not society and not any group—that is the basic unit of value . . . Judge Ervin's kind of conservatism may have been reluctant to place black men's rights on a par with those of whites, but it is not the kind of conservatism that holds cheap the rights themselves. It is not affected with the myopia that prevents fearful men from seeing that if individual rights are taken away from any man or class of men they are taken away from all. . . . It is conservatism most wary of eroding principle in the cause of preserving principle . . .

"This," Wicker concluded, "is an attitude once widely held in the South, if often honored in the breach . . . (Sam Ervin) stands by the older view, still speaking out for values proven so long ago that most Americans no longer even seem to know about them."

There, I think, is the answer to Mr. Herbers' riddle.

EDWIN M. YODER, Jr.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. HUGHES) announced that on today, December 14, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals; and

H.R. 19846. An act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION—COMMUNICATION FROM THE PRESIDENT (S. Doc. 91–117)

A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1971 in the amount of $1,382,772 to pay claims

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and judgments rendered against the United States, which with an accompanying paper was referred to the Committee on Appropriations and ordered to be printed.

REPORT ON DOCKET NO. 227, PUEBLO OF LAGUANA, AND OTHERS

A letter from the Chairman, Indian Claims Commission, transmittting, pusuant to law, a report on Docket No. 227, Pueblo of Laguana, and others, plaintiffs, against the United States of America, defendant (with an accompanying report); to the Committee on Appropriations.

REPORT ON OPERATION OF SECTION 501, PUBLIC LAW 91-305

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting pursuant to law a report on the operation of section 501 of Public Law 91-305, the Second Supplemental Appropriations Act, 1970 (with an accompanying report); to the Committee on Appropriations.

PROPOSED LEGISLATION ON FLOODS AND FLOOD DAMAGE

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend the Flood Control Act of 1960, as amended, relating to the compilation and dissemination of information on floods and flood damages (with an accompanying paper); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

H.R. 19401. An act to extend for one additional year the authorization for programs under Vocational Rehabilitation Act (Rept. No. 91-1433).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 19172. An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation (Rept. No 91-1432).

By Mr. MATHIAS (for Mr. EASTLAND), from the Committee on the Judiciary, without amendment:

S. 4439. A bill for the relief of Carlo Bianchi & Co., Inc. (Rept. No. 91-1436).

By Mr. SPARKMAN, from the Committee on Foreign Relations, with amendments:

H.R. 19911. An act to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 91-1437).

REPORT ENTITLED "OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY" (REPT. NO. 91-1434)

Mr. ERVIN. Mr. President, the Subcommittee on the NATO Status of Forces Treaty has submitted to the full Committee on Armed Services its annual report covering the operation of article VII of the treaty, together with the other criminal jurisdictional arrangements relating to our Armed Forces abroad. This report, which covers the 1 year between the period December 1, 1968, through November 30, 1969, has been approved by the full Committee and I submit this report and ask unanimous consent that it be printed with illustrations.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

AMENDMENT OF THE WATER RESOURCES PLANNING ACT (79 STAT. 244)—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 91-1435)

Mr. JACKSON. Mr. President, from the Committee on Interior and Insular Affairs, I report favorably, with an amendment, the bill (S. 3354) to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning, and I submit a report thereon. I ask unanimous consent that the report be printed, together with supplemental views of Senators ALLOTT and JORDAN of Idaho.

The PRESIDING OFFICER (Mr. BOGGS). The report will be received and the bill be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ALLOTT:

S. 4582. A bill to establish a Federal Judiciary Council; to the Committee on the Judiciary.

(The remarks of Mr. ALLOTT when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. HRUSKA:

S. 4583. A bill to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear below under the appropriate heading.)

By Mr. CASE:

S. 4584. A bill to permit immediate retirement of certain Federal employees; to the Committee on Post Office and Civil Service.

(The remarks of Mr. CASE when he introduced the bill appear below under the appropriate heading.)

By Mr. MONDALE:

S. 4585. A bill for the relief of Bahram Yusefzadeh; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. BAKER, Mr. BYRD of Virginia, Mr. COOK, Mr. ERVIN, Mr. JORDAN of Idaho, and Mr. SPONG):

S.J. Res. 249. Joint resolution to extend the time for proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971; to the Committee on Agriculture and Forestry.

(The remarks of Mr. COOPER when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 4583—INTRODUCTION OF A BILL TO AUTHORIZE SECRET SERVICE PROTECTION FOR VISITING HEADS OF FOREIGN STATES AND GOVERNMENTS

Mr. HRUSKA. Mr. President, it is my privilege to introduce today an administration proposal providing for Secret Service protection of visiting heads of foreign states or governments, and for other purposes. In the past this protective function traditionally has been provided by the Department of State in accordance with its general responsibilities for such State visits.

However, incidents surrounding the visits of foreign heads of state over the past several months have made it clear that we must draw upon the greater resources of the Secret Service to provide the necessary protective functions. The President has determined this to be in the national interest, and has asked the Treasury Department to assume this new responsibility. We must recognize that the U.S. Government assumes a special duty under the law of nations to take all reasonable steps to insure the safety and well-being of our distinguished foreign visitors.

In my judgment, it is quite apparent that the Secret Service should provide this protection, due to its greater experience in these types of situations and the greater resources of that agency.

This legislation is designed to clarify the Secret Service's responsibility in this regard. The President presently has inherited constitutional authority to direct the Secret Service to perform this mission. Therefore, I introduce this legislation with the request that it be properly referred and with the note that it is important that it be approved during this session of Congress, if at all possible.

At this point, I ask unanimous consent to have printed in the RECORD the text of a letter from the Acting Secretary of the Treasury transmitting this bill, the text of the bill, and the text of 18 U.S.C. 3056, showing the changes in present law which would be made by this bill.

The PRESIDING OFFICER (Mr. SYMINGTON). The bill will be received and appropriately referred; and, without objection, the bill, letter and text of 18 U.S.C. 3056, showing the changes in the present law which would be made by this bill, will be printed in the RECORD.

The bill (S. 4583) to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3056 of title 18, United States Code, is amended—

(1) by adding the following clause after the second clause thereof: "protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad;"; and

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(2) by striking the words "Chief, Deputy Chief, Assistant Chief" and inserting in lieu thereof "Director, Deputy Director, Assistant Directors, Assistants to the Director".

SEC. 2. Section 3056 of title 18, United States Code, as amended by the first section of this Act, shall be subject to Reorganization Plan No. 26 of 1950 (64 Stat. 1280).

The material presented by Mr. **HRUSKA** is as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., December 7, 1970.

The Honorable SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes."

The proposed legislation would authorize Secret Service protection of visiting heads of foreign states or foreign governments and, at the direction of the President, Secret Service protection of other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad.

In recent years, visits of heads of foreign states and governments to this country have substantially increased, as have visits of official representatives of the United States to foreign countries. Such visits are usually attended by much public notice and international attention. The possibility of an incident involving the personal safety of a foreign dignitary is always present.

The Unted States Government, in authorizing a visit or extending an invitation, assumes a special duty under the law of nations, to take all reasonable steps to insure against any attack upon its distinguished guest.

The President has decided that the function of protecting foreign dignitaries should be assigned to the Secret Service in view of the greater resources at the agency's command and the substantial experience it has acquired over the years in assuring the protection and security of the highest officials of our own Government. This protective function traditionally has been provided by the Department of State under its general responsibilities for state visits. It should be emphasized that under the proposed legislation for matters other than the provision of security for visiting heads of state and other officials designated by the President, the management of state visits, and other official visits, as a foreign affairs function, would continue to be performed by the Secretary of State. Apart from the provision of such security, it is not intended that enactment of the draft bill would in any way diminish the authority and responsibility of the Secretary of State relating to visits of foreign dignitaries to the United States.

While it is our view that the President now has the inherent constitutional authority to direct the Secret Service to perform the functions which would be authorized by this legislation, we believe that it would be desirable to clarify our responsibilities for these functions in law.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed legislation.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget the enactment of the proposed legislation would be in accord with the program of the President.

Sincerely yours,

CHARLES E. WALKER,
Acting Secretary.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY PROPOSED BILL

Changes in existing law made by the proposed bill are shown as follows (existing law proposed to be omitted is enclosed in brackets; new matter is in italics);

TITLE 18, U.S. CODE, SECTION 3056

Subject to the direction of the Secretary of the Treasury, the United States Secret Service, Treasury Department, is authorized to protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the office of President, and the Vice President-elect; protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age, unless such protection is declined; *protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad;* detect and arrest any person committing any offense against the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; detect and arrest any person violating any of the provisions of sections 508, 509, and 871 of this title and, insofar as the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks and Federal land bank associations are concerned, of sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title; execute warrants issued under the authority of the United States; carry firearms; offer and pay rewards for services or information looking toward the apprehension of criminals; and perform such other functions and duties as are authorized by laws. In the performance of their duties under this section, the [Chief, Deputy Chief, Assistant Chief] *Director, Deputy Director, Assistant Directors, Assistants to the Director,* inspectors, and agents of the Secret Service are authorized to make the arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Moneys expended from Secret Service appropriations for the purchase of counterfeits and subsequently recovered shall be reimbursed to the appropriation current at the time of deposit.

S. 4584. INTRODUCTION OF A BILL TO PERMIT EARLY RETIREMENT OF FEDERAL EMPLOYEES

Mr. CASE. I am introducing a bill to permit the early retirement of Federal employees during major reductions in force by a Federal department or agency.

During the past year more than 120,000 civilian employees of the Department of Defense have been involuntarily released from service as the result of reductions authorized by Congress and personnel reductions ordered by the administration.

The Civil Service Commission estimates that reductions will continue to occur in Federal agencies through at least fiscal year 1972, with the major impact being felt in defense and space programs.

In New Jersey, reductions have occurred at the principal military installations, including Picatinny Arsenal, Fort Monmouth, Fort Dix and McGuire Air Force Base. Layoffs at the Philadelphia Naval Shipyard have also affected a number of communities in southern New Jersey.

It has been widely reported that the Defense Department will announce another major reduction in force within the next 30–60 days which may be even more severe than those carried out earlier this year.

The impending reduction makes the need for congressional action urgent. Legislation should be passed before the next round of layoffs in order to ease the impact of job loss upon individuals who are separated and on the operations of the agency undergoing the reduction.

Some employees are young enough to relocate and find new employment. For many others, the hardship of finding another job after years of Federal service can be severe. The latter situation becomes particularly acute when these employees face the prospect of seeking employment in today's depressed labor market.

Reductions in force also take their toll on agency management. The "bumping effect," that is, the displacement of employees with lower retention rights by those with higher retention rights, frequently results in the permanent loss to Federal service of capable younger employees. These include those whose jobs are abolished as well as those who see no opportunity for advancement because middle and upper level positions are retained by persons with longevity rights.

The loss of younger civil servants aggravates an already serious situation in the Department of Defense caused by the fact that many current employees started their Federal careers during or shortly after World War II and are approaching—but have not quite attained—retirement age.

For example, I am advised that 20 percent of the civilian employees in the Air Force Logistics Command will become eligible for retirement in the next 5 years, an increase of 15 percent from the previous 5-year period. Personnel experts in the Defense Department indicate that these retirements will start in the middle 1970's, after the major cutbacks now being made are completed and after the separation by reduction in force of a large proportion of the potential replacements for these retirees.

Civil Service Commission officials agree that other Federal agencies will also experience a sharp increase in retirements during the next 5 years as many of those who began their Federal service during the middle and late 1940's reach retirement age.

In view of the need to ease as much as possible the personnel dislocation caused by changing Federal priorities, I am introducing a bill to permit Federal employees to retire early during major reductions in force, even though their specific jobs are not abolished by the cutback.

Under present law, a Federal employee who is at least age 50 and has 20 years service, or who has 25 years service regardless of age, may retire on an immediate annuity if he is involuntarily

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separated, that is, if his specific job is abolished by a personnel reduction.

If his job is not abolished, he may not retire, even though he may desire to, unless he is old enough and has sufficient service to retire under the regular optional retirement provision of the law. At present, an employee must have 30 years service at age 55—or 20 years at age 60, or 5 years at age 62—to retire at his own option.

The bill I am introducing would give the long service employee the opportunity to retire voluntarily during a limited period when his agency is undergoing a major reduction in force, thereby permitting the retention of employees who want to continue to work. The bill requires the Civil Service Commission to determine when a reduction in force is major and to fix the time within which employees could exercise the option to retire.

Employees who elect to retire early would receive an annuity reduced by one-sixth of 1 percent—2 percent a year—for each month they are under age 55, the same as employees who are involuntarily released.

According to the Civil Service Commission, retirements of civilian employees of the Department of Defense under this bill would result in an additional cost to the civil service retirement and disability fund of $553 million, to be amortized in 30 annual installments of $29.1 million each beginning in June, 1971. Additional funds would be required in the future for other agencies.

The prospect of a major reduction in force by the Department of Defense at a time when the national unemployment rate is continuing to rise makes the need for action on this bill imperative.

Accordingly, I am writing to the chairmen of the Senate and House Post Office and Civil Service Committees urging that hearings be held as soon as possible.

It is estimated that approximately 30,000 employees will take advantage of the opportunity to retire. At the same time the bill will enable the Federal Government to continue to attract and retain the caliber of career personnel needed for new Federal efforts in such areas as urban development, education, environmental protection, and health.

Expressions of support for the bill have already been given by the Civil Service Commission, the Department of Defense and the White House. In light of the gravity of the current unemployment situation and the imminent reductions in force, I hope the Senate and House will give prompt attention to the measure.

I ask unanimous consent that there be printed in the RECORD a letter from the Chairman of the Civil Service Commission to the Senate in support of the bill and a table showing civilian employment of the Federal Government by State.

The PRESIDING OFFICER (Mr. SYMINGTON). The bill will be received and appropriately referred; and, without objection, the letter and table will be printed in the RECORD.

The bill (S. 4584) to permit immediate retirement of certain Federal employees, introduced by Mr. CASE, was received, read twice by its title and referred to the Committee on Post Office and Civil Service.

The material presented by Mr. CASE is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D.C., September 11, 1970.
Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: The Commission submits for the consideration of the Congress, and recommends prompt favorable action on, the attached legislative proposal which, during a major reduction in force in a department or agency, would permit the optional retirement on reduced annuity of Federal employees with at least 25 years of service or, after becoming 50 years of age, with at least 20 years of service.

The proposed legislation is needed to help ease the harsh effects of retrenchment that occur from time to time in Government agencies. At present, the Department of Defense and the National Aeronautics and Space Administration are undergoing major civilian manpower reductions.

The Department of Defense advises that civilian manpower reductions during fiscal year 1970 and 1971 will approximate 130,000. Major reductions, already announced, are expected during the current fiscal year and they could be increased if the Congress further reduces the Defense budget. It is further expected that the severe reduction will continue through June 30, 1972, and to the extent that our military effort in Southeast Asia may be further reduced during this period, the reductions in civilian personnel would be even greater. The National Aeronautics and Space Administration, which has already had reductions totalling 4,000 since 1967, advises that it must soon reduce its work force by about another 900 persons.

The proposed legislation would be of inestimable benefit to employees, management, and the community in which an installation undergoing a reduction in force is located. Reductions in force have a depressing effect on employee morale and result in severe personal hardships caused by loss of income and uncertainty regarding future employment. Major reductions in force, through multiple "bumping" actions, also have a disruptive effect on agency management. To the extent that attrition, particularly retirement, reduces the need for involuntary separations and the chain-effect displacement of employees with lower retention rights by those with higher retention rights, these hardships and disruptions are mitigated.

In a smaller community where a Federal installation is a main source of employment, a major reduction in force may adversely affect the community's economy. In a larger community, the release of many employees in some occupational categories may place on an already troubled labor market people for whom there are no comparable occupations in the private sector. Permitting people to retire on annuity income and spreading voluntary retirements throughout an entire department or agency, as the attached legislation proposes, would at least moderate these adverse effects of reductions in force on the community.

Another benefit to be derived from the proposed legislation is that it will enhance the agency's future effectiveness in carrying out its mission by helping to retain younger employees. Nothing raises the average age of an organization more quickly than a substantial reduction in force in which the youngest employees with the lowest retention standing are separated and the oldest employees are retained.

Under present law, an employee who is at least age 50 and has at least 20 years' service, or 25 years' service regardless of age, may retire on an immediate annuity if he is involuntarily separated, as when he is reached by reduction in force. Unless the employee is old enough and has sufficient service to retire optionally (age 55 with 30 years of service, age 60 with 20, or age 62 with 5), if he is not reached for reduction in force, he does not have the right to retire even if he is desirous of doing so, and thus permit an employee who wants to continue to work to be retained. The proposed legislation would simply give the long service employee who is not eligible to retire under the regular optional retirement provision of the law the opportunity to retire voluntarily during a limited period when his agency is undergoing a major reduction in force.

Under the proposed legislation, the Commission would make the determination as to when a reduction in force is major and would fix the time within which employees could exercise the option to retire. In determining when a reduction in force is a major one, the Commission intends to take into account such things as the impact it will have upon the local economy, the degree of disruption of the operations of an agency or installation, and the effect on its future capability to effectively carry out its mission. A reduction in force which affects a large number of employees in relation to the total number in the agency, or a large number of employees in the same competitive area or in a community would clearly be a major one. The time within which the option to voluntarily retire could be exercised would be set by the Commission so that employees could not defer a decision until the reduction-in-force had been nearly completed. Like employees who are involuntarily separated, those who exercise the option to retire voluntarily in a major reduction in force will have their annuities reduced by one-sixth of 1 percent (2 percent a year) for each month they are under age 55.

As in regular optional retirement cases, the Commission would be vigilant in enforcing the requirement that a retirement under the proposed legislation is the result of the employee's voluntary action rather than of coercion by his agency. Also, the Commission would require an agency to try to place an employee adversely affected by a reduction in force in one geographic area in a job vacated by retirement in another area.

Based on figures furnished by the Department of Defense, it is estimated that about 300,000 employees of its workforce of over 1,000,000 would be eligible to retire if the proposed legislation were enacted. Assuming that 10% (30,000) chose to retire, we estimate the added unfunded liability to the Civil Service Retirement and Disability Fund as $553 million, to be amortized in 30 annual installments of $29.1 million each, with the first such installment due June 30, 1971. The corresponding figures for the National Aeronautics and Space Agency are $16 million and $800 thousand. Additional sums would be required in the future for other agencies which might meet the requirements of the proposed legislation. Each such additional sum will be funded in 30 equal annual installments commencing with the fiscal year in which the reduction in force takes place.

The Office of Management and Budget advises that there is no objection to submission of this draft bill to Congress, and its enactment would be consistent with the Administration's objectives.

A similar letter is being sent to the Speaker of the House.

By direction of the Commission:
Sincerely yours,
ROBERT HAMPTON,
Chairman.

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PAID CIVILIAN EMPLOYMENT OF THE FEDERAL GOVERNMENT BY AREA, STATE, AND SELECTED AGENCY, JUNE 1970

State	Total employment [1]	Legislative branch	Judicial branch	Executive branch	Selected agencies: Department of Defense	Selected agencies: Post Office [1]	Selected agencies: Veterans' Administration
Total [2]	2,921,909	30,715	6,887	2,884,307	1,193,784	726,472	168,715
Outside United States	211,758	122	60	211,576	149,132	2,524	1,364
United States	2,710,151	30,593	6,827	2,672,731	1,044,652	723,948	167,355
Washington, D.C., metropolitan area	320,970	28,639	963	291,368	91,737	19,443	5,728
50 States	2,389,181	1,954	5,864	2,381,363	952,915	704,505	161,627
Alabama	55,672	9	162	55,501	23,947	7,977	3,745
Alaska	14,808	2	27	14,779	6,346	903	34
Arizona	27,504		75	27,429	9,281	4,842	1,586
Arkansas	16,908		54	16,854	4,845	4,974	2,642
California	308,395	255	623	307,517	160,794	78,177	15,654
Colorado	42,359	207	83	42,069	17,021	7,699	2,024
Connecticut	19,688	4	67	19,617	4,592	10,665	1,887
Delaware	4,732		36	4,696	1,888	1,622	501
Florida	69,486	6	177	69,303	30,001	19,162	4,659
Georgia	76,467	106	167	76,194	40,104	14,061	3,522
Hawaii	26,974	42	24	26,908	22,070	1,959	79
Idaho	8,582		24	8,558	1,071	1,950	377
Illinois	112,320	188	308	111,824	29.380	50,166	9,871
Indiana	42,539	48	108	42,383	17,197	15,037	2,914
Iowa	18,264		58	18,206	1,377	9,611	2,600
Kansas	22,625		74	22,551	5,981	8,370	2,602
Kentucky	35,863		97	35,766	15,982	8,614	1,936
Louisiana	28,597	59	175	28,363	7,808	8,783	2,520
Maine	15,926		31	15,895	9,468	3,845	956
Maryland [3]	63,958		71	63,887	27,924	8,887	2,403
Massachusetts	65,662	98	96	65,468	20,688	25,893	6,159
Michigan	53,329	70	188	53,071	12,539	26,270	4,623
Minnesota	29,818	24	77	29,717	3,079	14,689	3,914
Mississippi	21,100		79	21,021	8,287	4,780	2,130
Missouri	66,182	115	133	65,934	22,285	20,235	3,606
Montana	10,668		38	10,630	1,415	2,240	463
Nebraska	15,093		39	15,054	3,597	6,085	1,443
Nevada	8,521		38	8,483	2,898	1,536	337
New Hampshire	5,226		14	5,212	1,224	2,265	363
New Jersey	67,384		109	67,275	28,839	26,212	3,748
New Mexico	25,717	4	37	25,676	10,544	2,526	1,027
New York	178,647	122	700	177,825	27,883	96,045	15,715
North Carolina	37,866		132	37,734	13,537	11,613	3,622
North Dakota	8,055		31	8,024	1,747	2,615	443
Ohio	99,146	134	240	98,772	37,670	35,862	7,139
Oklahoma	55,293	18	103	55,172	33,216	8,566	1,716
Oregon	24,868	34	65	24,769	3,781	6,191	1,788
Pennsylvania	139,837	145	318	139,374	65,592	42,713	9,443
Rhode Island	14,626		28	14,598	9,716	3,202	753
South Carolina	29,345		69	29,276	18,664	5,590	1,456
South Dakota	9,614		16	9,598	1,282	2,646	1,380
Tennessee	41,923	2	142	41,779	7,598	10,985	2,913
Texas	149,743	106	264	149,373	72,314	32,709	10,062
Utah	39,992	9	39	39,944	27,033	2,849	1,130
Vermont	3,720		23	3,697	483	1,807	392
Virginia [3]	76,710	63	141	76,506	49,762	10,153	3,839
Washington	54,640	84	104	54,452	24,388	11,175	2,777
West Virginia	13,287		60	13,227	1,506	5,080	2,074
Wisconsin	26,150		78	26,072	3,402	13,619	3,916
Wyoming	5,352		22	5,330	869	1,050	747

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[1] Distribution by State is partially estimated.

[2] Excludes summer youth program employees; includes decennial census enumerators.

[3] Excludes Maryland and Virginia portions of the Washington, D.C., metropolitan area, which consists of the District, Alexandria, Fairfax, and Falls Church cities, Arlington, Fairfax, Loudon, and Prince William Counties, Va.; and Montgomery and Prince Georges Counties, Md.

ADDITIONAL COSPONSORS OF BILLS

S. 3354

At the request of the Senator from Washington (Mr. JACKSON), the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 3354, to amend the Water Resources Planning Act (79 Stat. 244) to establish a national land-use policy.

S. 4381

At the request of the Senator from Wyoming (Mr. HANSEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Florida (Mr. HOLLAND), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 4381, to provide for medical and hospital care for low-income families through the Social Security Act.

SENATE RESOLUTION 494—SUBMISSION OF A RESOLUTION URGING THE PRESIDENT TO INCLUDE THE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION ON THE PRESIDENT'S DOMESTIC COUNCIL

Mr. PERCY submitted a resolution (S. Res. 494) urging the President to include the Administrator of the Small Business Administration on the President's Domestic Council, which was referred to the Committee on Banking and Currency.

(The remarks of Mr. PERCY when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 14, 1970, he presented to the President of the United States the following enrolled bills:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Alabama, shall hereafter be known as the William "Bill" Dannelly Reservoir;

S. 1079. An act consenting to the Susquehanna River Basin Compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes;

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1499. An act to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma for the Chouteau family;

S. 1500. An act to name the authorized

lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham;

S. 2108. An act to promote public health by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes;

S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest;

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock;

S. 3418. An act to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition;

S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors;

S. 3479. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands;

S. 3785. An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational sections of title 38, United States Code;

S. 3867. An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes;

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes;

S. 4536. An act to amend the Small Business Act; and

S. 4557. An act to amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 1099

Mr. MILLER submitted amendments, intended to be proposed by him, to the amendment (No. 1097) intended to be proposed by Mr. RIBICOFF (for himself and Mr. BENNETT) to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 1100 THROUGH 1105

Mr. JAVITS submitted six amendments, intended to be proposed by him, to the House bill 17550, supra, which were ordered to lie on the table and to be printed.

HEARING PLANNED ON MANAGEMENT PRACTICES ON THE PUBLIC LANDS

Mr. CHURCH. Mr. President, I would like to announce that the Senate Subcommittee on Public Lands will conduct a hearing early in the next session on management practices on the public lands.

The hearings will be informational and not on any specific legislation.

As chairman of the subcommittee, I have received many requests to conduct such hearings, particularly into such practices as "clear cutting" on timberlands, and mineral exploration and prospecting where it is injurious to the environment.

It is my hope that in January we can announce a date for the hearings.

NOTICE ON NOMINATION PENDING BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, the distinguished Senator from Mississippi (Mr. EASTLAND), has asked me to state for him that the following nomination has been referred to and is now pending before the Committee on the Judiciary:

> Ralph B. Guy, Jr., of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years, vice James H. Brickley, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given by the distinguished Senator from Mississippi to all persons interested in this nomination to file with the committee, in writing, on or before Monday, December 21, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS OF SENATORS

FORMER SENATOR ROSE McCONNELL LONG, OF LOUISIANA

Mr. RUSSELL. Mr. President, a distinguished former Senator, Mrs. Rose McConnell Long, passed from this earthly scene earlier this year, and I do not wish to let this session conclude without personally recognizing her outstanding life.

Although she had a distinguished career in her own right, her most outstanding contribution was the profound impact she had on the careers of her late husband and her son.

When she married Huey Long in 1913, he was a penniless traveling salesman in northern Louisiana. She shared his struggles as a salesman and law student and participated in his meteoric rise to Governor of Louisiana and U.S. Senator. Although he met an early and untimely death, he made an indelible imprint on the future course of our Nation domestically.

After serving a year in the Senate during the unexpired term of her late husband, Mrs. Long later saw her son elected to the U.S. Senate before he had reached the age of 30. He, too, has compiled an amazing record as a public servant and his contributions as chairman of one of the Senate's most important committees are familiar to every Member of this body.

Mr. President, my association with the Long family dates back to the early thirties when Huey Long was Governor of Louisiana and I was Governor of Georgia. This was an extremely difficult era for the entire Nation, but the impact of the depression on the people of the South was particularly severe. He and I were frequently in communication as we grappled with the common problems confronting our people.

Three Senators have come from the Long family in the past four decades, and I have served with each of them. As a close observer of their careers, I can say without fear of contradiction that the success of this family has been in large measure attributable to the serene strength of its matriarch, Rose McConnell Long, and I share their sorrow over her passing.

EMERGENCY STRIKE LEGISLATION

Mr. GRIFFIN. Mr. President, last Tuesday, December 8, 1970, when it became apparent that once again Congress would be forced to intervene with special legislation to deal with a particular railway labor controversy, I noted the inexcusable failure on the part of Congress to consider or take any action whatever on a proposal advanced by President Nixon on last February 28 to reform the basic labor laws which apply to the transportation industry.

I was pleased to notice that the Washington press apparently agreed with this observation.

On Tuesday, December 8, 1970, the Washington Evening Star editorialized:

> The [present railway] situation illustrates again that, when a national emergency is involved, the cooling-off periods and advisory mechanisms provided under the Taft-Hartley and Railway Labor Acts are not sufficient. Time, and extended negotiations, are not enough to settle all disputes. When the final deadline approaches, there must be a solution other than a stoppage that brings the economy to its knees.

On Friday, December 11, 1970, the Washington Post observed:

> The chief ray of hope in the situation, therefore, is that the 92d Congress will overhaul the Railroad Labor Act so as to save itself and the country from fiascos of this kind in the future. Congress might not like the kind of legislation that the President recommended last February to deal with transportation emergencies which cannot be settled under existing law, but it has not said so. The inexcusable fact is that not a single hearing was held on the bill, and neither house did anything to initiate substitute legislation of its own.

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And Friday evening, December 11, 1970, the Star again noted:

> The strike-delay provisions in present law have proven inadequate. A further mechanism is needed to bring about equitable settlements when all the cooling-off periods and officially sanctioned recommendations have failed. The current practice of having Congress act as the arbiter of last resort—a role for which congressmen have neither the expertise nor the temperament—is an unsatisfactory improvision.

Mr. President, I ask unanimous consent that the complete text of the three editorials be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 8, 1970]

Another Rail Crisis

In what has become a monotonous pattern this year, the failure of railroad labor and management to reach agreement on contract terms again threatens a nationwide shutdown of this indispensable transportation network. The deadline this time is midnight tomorrow, expiration of the last legal delay under the current application of the Railway Labor Act.

President Nixon wants Congress to legislate another postponement of 45 days, but one union, the Railway Clerks, threatens to defy any no-strike order. In the absence of extraordinary legislation or court action, four unions will be legally free to strike in the hope of improving on the already generous terms proposed by a presidential emergency board and accepted by the railroads. The official panel recommended successive pay increases of 13.5, 9 and 10 percent over three years.

The board's report went so far toward meeting the workers' fears about the rising cost of living as to incur criticism in last week's "inflation alert" by another set of presidential appointees, the Council of Economic Advisers. But the unions want more money, and reject the recommended work-rule changes that would take some of the inflationary curse off the wage increases.

A rail shutdown of any duration cannot be permitted because of the tremendous dislocation it would cause in the nation's industrial economy. Many automobile plants, for instance, would have to close quickly for lack of production materials. Thus, any interruption of rail service probably will be shortlived, the dispute settled by special act of Congress if necessary, as was done last April in the case of the railroads' shopcraft unions.

The situation illustrates again that, when a national emergency is involved, the cooling-off periods and advisory mechanisms provided under the Taft-Hartley and Railway Labor Acts are not sufficient. Time, and extended negotiations, are not enough to settle all disputes. When the final deadline approaches, there must be a solution other than a stoppage that brings the economy to its knees.

The administration early this year proposed legislation—still awaiting congressional consideration—to avoid crippling transportation strikes by imposing settlements, in the last resort, under a complex set of rules. The principle of adjudicating major labor disputs, rather than subjecting the country to the uncertainties of collective-bargaining stalemates should be applied also to other industries whose uninterrupted operation is required by the national interest.

[From the Washington Post, Dec. 11, 1970]

The Missing Emergency Strike Law

If the national railroad strike which afflicted the country yesterday were not so disruptive and costly, it would qualify as a first rate comedy. For months the country has known that an emergency was in the making, but the President did not ask for a stopgap law to prevent the strike until Monday night. Congress got into action on Wednesday, but did not pass its antistrike bill until after the strike had begun. The President signed the bill at 2:10 a.m. and Judge Pratt, clad in pajamas and robe, issued a temporary order to restrain the strike at 3:17 a.m. Meanwhile the defiant president of the Brotherhood of Railway Clerks had disappeared so that no court order could reach him, and the nation-crippling strike went merrily on through the day. What a way to run a railroad, or a nation!

In its haste, Congress sought to sweeten the bitter but necessary pill that it was administering to the four unions involved. It legislated a 13.5 per cent wage increase for the employees, which corresponds to the first installment of a 37 per cent increase in three years recommended by an emergency fact-finding board. But Congress ignored the other parts of the emergency board's proposed settlement designed, as the President noted in signing the bill, to "increase productivity and cut back the inflationary effect of the pay increase." In effect, this attempt to meet a transportation crisis through special legislation failed to prevent the strike; it put Congress on record in support of an inflationary wage settlement; and it ignored the proposed work-rule changes designed to make higher wage rates economically feasible.

Essential though it was to take away the union's right to strike in the current circumstances, it is difficult to avoid the conclusion that Congress botched the job. Virtually every member was irritated, moreover, by the disruptive effect of this special legislation on its already overburdened catch-up session. The basic fact is that Congress cannot legislate properly in such circumstances, and that is an overpowering argument for not letting crises of this sort go to Capitol Hill for settlement.

The chief ray of hope in the situation, therefore, is that the 92d Congress will overhaul the Railroad Labor Act so as to save itself and the country from fiascos of this kind in the future. Congress might not like the kind of legislation that the President recommended last February to deal with transportation emergencies which cannot be settled under existing law, but it has not said so. The inexcusable fact is that not a single hearing was held on the bill, and neither house did anything to initiate substitute legislation of its own. There is not much hope of meeting these occasional emergencies more satisfactorily until Congress is ready to buckle down and pass a new law to protect the public interest.

[From the Washington Star, Dec. 11, 1970]

The Labor Problem Here

Congress and the President had no choice but to put a quick end to the nationwide railroad strike, which is fortunately over after one day. The effects of even that short stoppage—including production cutbacks in autos and steel and interruption of much postal service—were enough to show that an extended strike would have caused prohibitive losses to the nation's economy. An eight-week strike, according to a Labor Department estimate, would have cut the gross national product by almost a quarter.

The legislated postponement of any further strike action until March 1 does not solve the railroads' labor problems, or the nation's lack of proper tools for handling threats of major strikes.

In granting a retroactive 13.5 percent pay increase, Congress went beyond its usual role of ordering a delay and may have made it harder to achieve a more meaningful goal—the reform of some of the work rules that contribute to the inefficiency of the ailing railroads.

The size of the increase is not the main issue. Though it is inflationary on its face, part of the increase is long overdue. The amount was recommended by a presidential emergency board in a package that was accepted by the railroads, so it was not in the cards for the unions to get a smaller first-year wage settlement. The board also recommended several work-rule changes which, as was noted last week in the administration's inflation alert, could cut the inflationary impact of the wage settlement by increasing the productivity of railroad labor. These proposed changes still are on the bargaining table, with the unions now in a better position to seek more money in payment for their acquiescence.

Of more long-range importance is the inadequacy of federal law to prevent similar labor crises in the future. The strike-delay provisions in present law have proven inadequate. A further mechanism is needed to bring about equitable settlement when all the cooling-off periods and officially sanctioned recommendations have failed. The current practice of having Congress act as the arbiter of last resort—a role for which congressmen have neither the expertise nor the temperament—is an unsatisfactory improvisation.

The administration's plan for preventing major strikes in the transportation field has languished on Capitol Hill, without so much as a hearing, since February. This was the expected fate, during a congressional election year, of a type of legislation that is anathema to the labor movement. Congress, perhaps, can summon the courage to tackle the problem in 1971.

Meanwhile, the administration should use all its resources—including closer presidential attention than has been evident in the past—to press for settlement of the rail dispute well before the new March 1 deadline.

PHILADELPHIA FAILURE—THE PLAN HAS NOT WORKED

Mr. ERVIN. Mr. President, despite Labor Department claims to the contrary, information continues to mount indicating that the Philadelphia plan has been a flop during the year and a half that it has been in effect.

The latest account of the plan's troubles was in an article written by Elliot Carlson and published in the Wall Street Journal of December 3, 1970. The headline over Mr. Carlson's piece was very descriptive of the story's contents: "The Philadelphia Plan To Integrate Unions Called Failure by Some."

Mr. Carlson points out that up to date the Philadelphia plan has been unsatisfactory to the contractors, unions, and other groups directly involved in the effort to increase minority hiring on federally assisted construction projects in the Philadelphia area.

Mr. President, many of the shortcomings of the Philadelphia plan were accurately predicted in testimony before the Subcommittee on Separation of Powers, of which I am Chairman, in October 1969. Therefore, I was not surprised by Mr. Carlson's story, and I highly recommend it to anyone who is interested in preserving a balanced separation of powers among the three branches of the Federal Government. The Philadelphia plan is an outright breach of the doctrine of separation of

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powers in that it presumes that the executive branch of the Government possesses legislative power.

Once again I urge the Nixon administration and the Labor Department to reevaluate the Philadelphia plan in light of what it has accomplished in its first year and a half—which, according to Mr. Carlson's article, has not been a great deal. The Department of Labor should admit that it has unlawfully exercised legislative power, properly belonging to the Congress, and cease the implementation of this bureaucratic concoction which flies in the face of the long-established principle of separation of powers.

Mr. President, I ask unanimous consent that Mr. Carlson's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 3, 1970]

THE PHILADELPHIA PLAN TO INTEGRATE UNIONS CALLED FAILURE BY SOME—HIRING GOALS STILL NOT MET; BLACKS SHIFTED AMONG JOBS TO FOOL U.S. INSPECTORS—BUT BACKERS SEE POTENTIAL

(By Elliott Carlson)

PHILADELPHIA.—One of the few blacks to make it in the building trades, Clarence W. doesn't much care where he works.

So when he was recently yanked off one job and placed on another, it was okay with him. But the switch mattered a great deal to his boss. Indeed, it helped the Philadelphia builder comply with the controversial Philadelphia Plan, the Nixon Administration's prototype effort to increase minority employment in the skilled building trades.

Critics, mainly in the civil rights movement, charge such tactics are subverting the plan, which requires builders to seek given numbers of minority craftsmen for Federally aided jobs. In many cases, say the critics, builders comply by following the example of Clarence's boss. They allegedly take Negroes already at work on privately financed projects—which aren't covered by the Philadelphia Plan—and transfer them to Federal ones—which are.

Also, some builders are said to move blacks from one Federally aided project to another by motorcycle to fool Federal inspectors. "Sure, contractors are complying," says Carleton Smith, a community organizer for the Philadelphia Urban League. "But it's mostly a form of 'motorcycle compliance.'" Mr. Smith charges that contractors are actually recruiting or training few new blacks.

BODING ILL FOR NIXON PLAN

This is just one reason the Philadelphia Plan isn't working now—and perhaps won't for some time. There are other reasons: The plan got off to a slow start this year after being mired in litigation; it continues to face resistance from craft unions and builders; and Government officials have been accused of laxity in both enforcing the plan and setting up what were to be special training programs.

The plan hasn't met its early hiring goals, and even some Administration officials are unhappy with its progress. "The parties involved haven't been putting out a 100% effort to make it work," says Arthur Fletcher, Assistant Secretary of Labor.

The Philadelphia Plan's woes bode ill for the Administration's drive to integrate building-trade unions nationally. Originally, the plan was conceived as a device that could be imposed in other cities where contractors and unions couldn't voluntarily agree on integration plans. But with the Philadelphia Plan floundering, critics say, its value as a threat is fast receding and progress thus has slowed elsewhere. Of 102 target areas cited by the Labor Department, only 13 have fashioned voluntary plans.

MIXED RESULTS ELSEWHERE

Even in these 13 areas, the results have been mixed. Pittsburgh and St. Louis integration plans have been plagued by numerous delays. In Chicago, whose plan called for the immediate entry of 1,000 blacks into craft unions, only 75 were admitted after eight months, the U.S. Civil Rights Commission recently reported.

Worried that cities may use the voluntary approach to stall, the Labor Department's Mr. Fletcher insists that extension of the compulsory Philadelphia Plan to other cities hasn't been ruled out. Although admitting this isn't contemplated any time soon, he argues the plan may yet prove to be the most effective means of integrating the building trades.

The plan was imposed on Philadelphia-area contractors after hearings disclosed that blacks constituted only 1.6% of the membership of six high-paying crafts here. Under the plan, contractors are required to make "good faith" efforts to hire specified percentages of Negroes for Federally financed projects costing $500,000 or more.

From a work force calculated to be 30% black, builders must pledge to try to hire in the six trades work crews at least 4% black this year, 9% next year, 14% the following year and 19% thereafter. The plan empowers the Government to withdraw contracts from companies that flagrantly defy its requirements.

FIGURES HAVE LITTLE MEANING

Smarting from criticisms that the plan isn't working, Federal agencies have issued orders to subcontractors asking them to "show cause" why their contracts shouldn't be voided. Ten later complied with the plan's requirements, and 20 still have time to do so. But one, Edgely Air Products Inc. of Levittown, Pa., is accused of failing to comply. Edgely has denied any wrongdoing and is contesting the Government's proposed action in court. The case is pending.

The Labor Department asserts such pressure tactics are paying off. In September, the department reported that of 180 persons actually at work in five crafts on 25 Federally aided projects in the Philadelphia area, at least 41, or 23%, were minority group members—an amount well above the required 4%. (The sixth craft was omitted because it hasn't yet been employed on a project covered by the plan.)

Yet critics remain unimpressed. "These figures have little meaning," charges Howard Mitchell, director of the Human Resources Center at the University of Pennsylvania, "They certainly don't mean the labor pool builders draw on has been increased by 41 blacks." He adds: "There's no telling how many of them were already in the work force."

For one thing, he says, the number of craft workers now employed is so small that it's easy for builders to comply by shuffling around the few blacks already on jobs. Just how easy is suggested by the tactics of Clarence W.'s boss, a mechanical contractor. When he received a Federal contract to install pipes in a downtown building, he put four of his regulars on the job. One was Clarence, who had been working on another site. Result: The builder was 25% in compliance.

At another construction site, one black turned up among four electricians. Again, the black, a young apprentice, hadn't been recruited for this job from outside union ranks. He was placed on the Federally aided project after working a few months on a privately financed church.

It's clear the Philadelphia Plan is nowhere near meeting its original hiring goals. In 1969 the Labor Department predicted the plan would help nearly 500 blacks gain craft-union membership after two years and 2,000 after four years. Yet checks at locals of five of the six affected crafts turn up black membership figures little higher than those disclosed in 1969, when unions testified to having about 100 black members.

A case in point is Iron Workers Local 401; only seven of its 905 members are black, and none has been signed on as a result of the Philadelphia Plan, says Michael Trobich; the local's business agent. He disputes the Government's theory that contractors, in order to meet the hiring goals, would tap a labor pool of about 1,200 experienced blacks who, for one reason or another, had never acquired union membership.

"There just aren't enough blacks around interested in this kind of work," Mr. Trobich says. "The contractors have referred us a few, but they don't turn out to be steady workers. They last a few days and then leave."

Nonetheless, builders employing iron workers have legally satisfied their hiring requirements. In its September survey, the most recent available, the Labor Department reported that of 70 iron workers employed on Federally aided projects here, 21, or 30%, were black—well above the required 4%. Critics concede the figures indicate that contractors are, at least to some extent, seeking workers outside the established work force.

MOTORCYCLE COMPLIANCE

Even if the Government figures are accurate, critics nonetheless assert that high proportions of black workers have often been the product of "motorcycle compliance." "The builders knew in advance that inspectors were coming," claims Mrs. Joyce Rush, a consultant who was paid by the Government to interpret the Philadelphia Plan to the black community. "So you can draw your own conclusions on how they handled the matter."

Adds the Urban League's Mr. Smith, who has been making independent checks at construction sites: "Whenever the firms know I'm coming, there always seem to be more blacks at work than when I drop in by surprise."

The Labor Department concedes that compliance efforts haven't always been foolproof. Last summer, Assistant Secretary Fletcher assailed Congress for not giving the department more money to beef up its Office of Federal Contract Compliance.

At the same time, Mr. Fletcher charged that the compliance officers of many Government agencies, such as the Departments of Defense, Interior and Health, Education and Welfare, weren't tough enough in enforcing job integration requirements on Federal contractors. "It's no secret they have not been working at it," Mr. Fletcher said.

Despite such troubles, the Labor Department argues it's premature to call the Philadelphia Plan a failure. Since there are already so few blacks in the labor force, "there's a limit how far builders can go practicing (motorcycle compliance)," reasons John Wilks, director of the OFCC. He figures that next year, when the black hiring goals will roughly double, builders will have to try harder to find new sources of black manpower.

But this, according to critics, won't necessarily help black workers obtain journeyman positions inside unions, which favor their own in distributing work assignments. The trouble with the Philadelphia Plan, they say, is that while it spurs builders to hire Negroes for specific jobs, it does little to get them union membership. As a result, "many jobs generated for blacks may well be temporary," since non-union members are the last to be chosen for construction work, explains Don-

XUM

ald Laiman, director of the AFL–CIO's department of civil rights.

For blacks to get journeymen's cards, unions prefer to have them work their way up; that usually means spending three to five years in an apprenticeship program, passing a Federally approved journeyman's test and plunking down a lump sum that may range from $1,000 to $2,000. To get applicants started on this road, union officials favor reliance on the AFL–CIO-sponsored Outreach program, which readies promising minority youths for entrance into apprenticeship training.

But the Labor Department's Mr. Fletcher complaints such training programs aren't enough, since, nationally, they have a substantial dropout rate. "Reliance on the Outreach program is a way to keep blacks out of the crafts," he charges. He advocates special Federal programs to upgrade the skills of blacks already possessing some construction experience and thus enable them to avoid the lengthy apprenticeship programs.

PRIVATE JOBS

So far, however, no Government program has been started. One high Administration official blames the Labor Department's manpower administration; he contends it has failed to move because it is reluctant to go against the wishes of big labor.

"Representatives of Philadelphia's blacks have made 18 visits to Washington seeking funds for a training program," says the official. "Yet their proposals are always found somehow faulty."

Asserting such proposals have indeed been full of holes, a spokesman for the manpower administration retorts it is pointless to launch training efforts that unions don't actively support. But without such a program, integration advocates believe there's little chance the black labor pool in Philadelphia can be enlarged.

Labor Department officials concede the Philadelphia Plan is weakened by another shortcoming: It fails to require contractors to integrate jobs financed privately. For this reason, Labor Secretary James Hodgson prefers voluntary plans for integrating both private and Federal construction projects.

Also the Labor Department is pushing its Washington Plan, which is the only compulsory job integration effort besides the Philadelphia Plan. Unlike the Philadelphia Plan, it covers private as well as Federal work. If it works, say officials, builders would find it futile to switch blacks from private site to Federal site as in Philadelphia.

A few contractors defend such tactics on the ground that the Philadelphia Plan is unfair, since it applies only to their hiring and not to union membership practices. "It's not our fault the unions refuse to train more blacks," grumbles a mechanical contractor here.

To block the plan, the Contractors Association of Eastern Pennsylvania this year sued in Federal District Court here charging that the plan violates the 1964 Civil Rights Act, which, among other things, prohibits racial quotas in hiring. The court, however, upheld the Labor Department, which contends the plan's goals constitutes "ranges," not "quotas." An appeal is pending.

PROGRESS IN HIGHWAY SAFETY

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Auto Deaths Dip Sharply; Safety Advocates Credited," written by Mr. Robert Lindsey, and published in the New York Times of December 14, 1970.

The article recites the very encouraging fact that we can expect 1,100 fewer traffic deaths this year than last year. While the toll is still staggeringly high—55,300—the drop would be the first since 1967 and would be the biggest decline in 12 years.

Concerning the rate of traffic fatalities, the 1970 figure will show a decline of 5 percent; this would be the fourth consecutive annual rate decline and the sharpest decline since 1958.

While we cannot be certain, the consensus of government officials and highway experts is that this encouraging decline is attributable to improvements in auto safety in the last 5 years, and pressure from highway safety advocates.

While Americans are driving more and while we are having proportionally more highway accidents, we are experiencing fewer fatalities.

Mr. President, we have still a long way to go before we can call a halt to our national campaign for safer highways. These reports which we are studying today are, I repeat, encouraging. They show, I think, that there is nothing inevitable about higher and higher death tolls on the highway. They show that when we are concerned and when we make a national effort to tackle a problem, our efforts can show solid results.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AUTO DEATHS DIP SHARPLY; SAFETY ADVOCATES CREDITED

(By Robert Lindsey)

The death toll on the nation's highways is expected by traffic safety experts to show this year its first significant drop since 1958. The traffic authorities say that, based on data for the first 11 months of 1970 and projections for December, Americans will drive 5 per cent more miles than they did in 1969 but that 2 per cent fewer people will die on the highways.

A large number of Americans—55,300—are still expected to die in traffic accidents this year. But this would be 1,100 fewer than the 1969 toll. It would also be the first drop since 1967, and by far the biggest decline in 12 years.

BETTER HIGHWAYS A FACTOR

The nation's over-all fatal auto accident rate is expected to drop in 1970 to about 5 deaths for each 100 million miles. This would be the fourth consecutive annual decline, but the sharpest for any year since 1958. And it would put the rate at the lowest level ever.

Just why the decline in the number of deaths is occurring is not completely clear, and some experts say it could be a brief aberration in an otherwise upward statistical curve. However, most Government, academic and medical highway safety specialists are convinced it is more than that.

They believe that, along with better highways and some lesser factors, improvements in car safety in the last five years—largely because of pressure from Ralph Nader and other safety advocates—are beginning to pay off in human lives.

Many regard the 1970 highway accident record as the first significant life and death result of a consumer movement that began with Mr. Nader's attack on the auto industry, expanded into a consumer challenge to industry and government, and indirectly helped create the environmental movement.

"I think there's enough evidence to suggest that what we're seeing is more than a statistical quirk," said Dr. Julian A. Waller, a professor of community medicine at the University of Vermont, who is a specialist on auto safety:

MORE COLLISIONS FOUND

"On the basis of accident case reports we are seeing," he said, "people in the newer cars are not being hurt as much because of better 'crash packaging.' This suggests that the changes made recently in the cars have some effect, and quite obviously Ralph Nader has had a great deal of influence in getting these changes made."

Traffic safety experts say that, as a group, American motorists are not only driving more miles each year, they are also driving faster, and, as a total mileage increase, they are colliding into one another more often. But they are not being killed quite as often in the accidents, and they are not being injured as frequently or as seriously.

The experts cite the following factors as instrumental in reducing deaths and injuries:

Seat belts (installed voluntarily by Detroit on all new cars since 1964, following passage of laws in Wisconsin and New York requiring them) and shoulder harnesses (required on new cars by Federal law since 1968).

Steering columns that partly collapse in a collision, absorbing the energy of impact and reducing injuries to drivers. They were first voluntarily installed by General Motors in 1967 and later adopted by the other manufacturers.

Improved windshield glass, designed to lessen the risk of serious or fatal injuries in the event that a passenger's head penetrates the glass after a collision.

Steel bracing in some car doors to protect riders against injury in side collisions.

Dashboards that have been redesigned to reduce the chance of injury from sharp objects in the aftermath of a crash.

To lesser degrees, the saftey authorities credit the Federal Government's recall program, requiring repair of vehicle defects; the growing use of limited-access, divided highways built under the Interstate highway program, and improved driver training and law enforcement programs in a few states.

Dr. Hans Joksch, a research scientist at the University of Connecticut's Center for Environment and Man, said that an analysis of accidents he made for the National Highway Safety Bureau indicated "unquestionably" that there had been a drastic effect in reducing deaths and injuries from "the countermeasures built into cars over the past few years."

Virtually all safety specialists credit Mr. Nader and his book "Unsafe at Any Speed," published in 1965, for arousing public and Congressional concern over unsafe auto designs. This, they say, led to Detroit's voluntary efforts to improve its products and to passage in 1966 of legislation creating the Highway Safety Bureau. The agency was authorized to set the first national safety standards for cars as well as to institute a broad Federal grant-in-aid program for state auto safety activities.

"Nader did it. He was the catalyst," one respected auto safety expert said, "but the real hero of this story is a guy few people have ever heard of, Hugh DeHaven who lives in Lyme, Connecticut."

It was Mr. DeHaven who, in 1942, first advanced the theory that injuries in vehicle accidents could be substantially reduced if the human occupant was "better packaged"—that is, if the vehicle was designed to absorb impact and the danger of "secondary collisions" with such things as the windshield, steering column and dashboard knobs after impact was reduced.

Mr. DeHaven's theory—the basis of the argument Mr. Nader took to the public—was refined by work at the Cornell Aeronautical Laboratory by John Paul Stapp and others.

PACE DISTURBS NADER

In a telephone interview, Mr. Nader said he believed the recent accident statistics indicated that cars were getting safer. But he

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was sharply critical of what he regarded as the slow-moving effort of the Highway Safety Bureau in ordering Detroit to make other improvements.

He said that deaths and injuries could be reduced much more if cars were structurally designed to absorb more energy of impact and if the present seat belt-harness system could be replaced by an even more effective restraint system. He cited the proposed "air bag," which would inflate in front of a driver after an accident and cushion any impact.

"The last three years of vehicle design are having their effect," he said, "but what's happened so far is nothing compared with what could be done."

OFFSHORE OIL

Mr. HART. Mr. President, the administration should cancel the auction of offshore oil and gas lands in the Gulf of Mexico which is scheduled for next week.

The raging fire in the gulf of Louisiana on Shell Oil platform B is proof that the good intentions of the Interior Department's new safety regulations and the hard work of its enforcement staff are not enough to guarantee against blowouts and the risk of massive pollution. Until safety can be assured further offshore leasing should be stopped. The risks to man and to nature outweigh the benefits.

Witnesses before the Antitrust and Monopoly Subcommittee described the risks in detail last August. They said that oil is a poison to plant and animal life. They said that oil contains cancer-causing hydrocarbons which enter the marine food life chain, which persist in the marine environment and which may eventually pose a risk to man.

An expert in geology told the subcommittee that rational and safe offshore oil development is possible, but it will require changes in the present pattern of leasing. Instead of leasing the present arbitrary 3-mile square, the Interior Department could do geological work to determine what it is selling. It could then lease entire geological structures. Leasing an entire structure would allow drilling regulations tailored to the problems of the particular lease and minimize the number of holes drilled in the ocean floor.

It was suggested that an assessment of the relative safety of areas up for lease be considered and that the safest areas be leased first.

It was also said that competition in the domestic petroleum industry could be increased by changing from cash bonus bidding to royalty bidding. Royalty bidding would let smaller operators participate because it would sharply lower the amount of cash needed to begin operations. Encouraging small companies to participate will not affect the level of ecological risk because all companies, small and large, use the same drilling contractors.

The Department of the Interior has ignored these suggestions.

The pressure to go forward with the proposed sales in the face of the risks to the environment and without changes in the pattern of leasing must lead one to question the wisdom of present national policy.

It appears that our policy is domestic oil at any price. Consumers and the environment are to pay whatever price is necessary to keep domestic oil satisfactorily profitable to the industry.

Mr. President, that policy must be reexamined. People are more important than high profits for oil companies in domestic markets.

The time has come for the administration to end the present system of government intervention to assure the highest possible price. A rational development plan which would minimize the cost to consumers and lower the risk to the environment must be considered.

The President's decision to have the Department of the Interior end the system of State regulation of wells in Federal territory was a step in the right direction. It makes sense from both an economic and an ecological standpoint. The increased production should help curb increases, and scientists say that a well operating at full capacity is no greater risk to the environment than a well working at half capacity.

The next step should be an end to the import restrictions rather than further offshore leasing.

Consumers would benefit from a significant price decrease. Industrial users would find it economical to switch from natural gas to oil, and the pressure to increase the price of natural gas would be decreased. Oil companies would no longer be anxious to drill in areas of high environmental risk because the price levels of oil would not justify it.

Mr. President, ending the import quota system will not endanger the national security because the quota does not now protect, and has not protected, the national security effectively. If it is ended, we will be able to turn to more serious proposals to assure a safe national petroleum reserve.

A first step would be protecting the naval petroleum reserve from those who would put them in the hands of the oil companies. The Federal Government should spend enough to prepare the reserves for immediate emergency production and delivery of oil to refineries.

A Federal oil shale corporation to develop the great oil shale reserves of the Rocky Mountains should be created. It could build production facilities which would be ready to meet a national emergency.

If either or both of these national reserves were ready to produce at a moment's notice, the Federal Government would have a lever against inflationary price increases.

The national security has not been assured in the past by high consumer prices and great environmental risks. The system must be changed for the future.

Mr. President, the recent steps taken to combat the increase in the price of oil were the smallest possible steps in the right direction. It is my hope that more of the suggestions of the experts will be tried in the future. The consumer and the environment deserve a break.

GAINS IN U.S. TRADE THIS YEAR

Mr. JAVITS. Mr. President, since it is likely that the debate on the Committee of Finance trade amendment to the social security legislation will open tomorrow, I thought Senators would be interested in the latest analysis of our trade position by the Department of Defense.

I ask unanimous consent that the article entitled "U.S. Trade Heading for Gains This Year," published in the magazine Commerce Today of November 30 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. TRADE HEADING FOR GAINS THIS YEAR

Developments in the first nine months of this year indicate that 1970 will be a year of substantial advances in U.S. foreign trade.

Exports, including military grant-aid, were running at a seasonally adjusted annual rate of $42.7 billion in January-September, 14½ percent above the actual 1969 total. The value of imports rose 9½ percent to a yearly rate of $39.4 billion.

A substantial portion of the rise resulted from higher prices, however, as inflationary pressures continued in this and other major industrial countries.

The U.S. merchandise trade surplus climbed to $3.3 billion at an annual rate in January-September from only $1.3 billion last year.

The quarterly trend showed a gradual acceleration in the export growth rate between the final three months of 1969 and the second quarter of this year. In the third quarter, however, shipments dropped slightly as aircraft deliveries declined from extremely high levels reached in April-June. The strongest import increase of the year was recorded in the first quarter, followed by a more moderate growth in April-June and a negligible advance in the third quarter.

U.S. exports benefited this year from the continued high levels of economic activity abroad, particularly in Western Europe and Japan. Pressures on productive capacity and shortages in certain product lines in important markets stimulated demand for a wide range of U.S. products. Foreign demand for farm products has also been strong.

Import activity was more vigorous than in previous periods of economic sluggishness. One reason was the shift toward a higher consumer and capital goods content and away from industrial supplies in our foreign purchases, which tended to moderate the impact on imports of cyclical fluctuations in the U.S. economy. Other factors which strengthened import demand during the present slowdown include the greater availability of foreign goods here and the increased promotional efforts on the part of both the importers and foreign producers.

GAINS IN NONFARM EXPORTS

U.S. exports of nonagricultural products rose to a seasonally adjusted total of $26.7 billion in the first nine months. The $3.7 billion or 16 percent increase in these shipments from the same 1969 period represented roughly four-fifths of the total U.S. export expansion. The falloff in nonfarm shipments in July–September, following strong gains in the first and second quarters, was due to a decline in aircraft deliveries. Contributing most to the advance so far this year have been exports of machinery, chemicals, civilian aircraft, steel, and coal.

The high rate of economic activity and the consequent pressures on domestic productive capacity in several of our major industrial markets stimulated demand for U.S. machinery of most types. Exports of machinery reached $8.4 billion, an advance of 17 percent from January–September 1969. The quarterly trend has been upward, with particularly strong gains in July–September.

Leading the rise in machinery exports have been shipments of computers and other types of office machines. The industrial countries of Western Europe plus Japan were again the largest purchasers.

Deliveries of metalworking machines increased substantially. Greater shipments of metalcutting machine tools to Canada for use in some of the automobile plants of U.S. producers there accounted for much of this advance. The growth in exports of metalworking machinery parts and accessories to the European Economic Community and Japan was also strong. Shipments of mining and well drilling machinery increased by 32 percent, reflecting vigorous mining activity and greater oil exploration in a number of countries. Exports of materials-handling equipment also gained strongly. Especially significant gains were noted in shipments to Belgium and the Republic of South Africa.

The only decline among major nonelectrical machinery exports occurred in agricultural machinery and tractors. This falloff reflected the cutback in farm machinery investment in Canada where wheat acreage was reduced drastically this year in an effort to deplete existing wheat stocks.

Following a dip in late 1969, exports of electrical machinery showed a steadily rising trend this year. From the same period a year ago, the increase in January-September amounted to 12 percent. Greater deliveries of semiconductors to Japan, Mexico, and West Germany contributed almost one-fourth of this rise. Shipments of power machinery, switchgear, and measuring and controlling instruments also advanced strongly. In contrast, exports of telecommunication apparatus, mainly radio and television broadcasting equipment, were sluggish.

Deliveries of 15 of the newly introduced jumbo jets to airlines in Western Europe and Japan contributed about $300 million to the U.S. export expansion. Since aircraft are generally sold with substantial amounts of spare equipment, exports of parts and accessories also showed a marked rise. Although sales of the "older" types of jetliners continued there was a slight cutback from last year's high levels. Deliveries of military aircraft declined sharply.

Shipments of automotive products to Canada dipped slightly below January–September 1969 levels. Much of this decline was attributed to the drop in U.S. demand for automobiles. Faced with weak markets at home, U.S. manufacturers cut back deliveries to their Canadian plants of automotive parts for assembly into cars sold mainly in this country.

Shipments of automobiles to countries other than Canada dropped sharply. A major factor in this development was the reduction in car deliveries to Mexico where efforts have been made to increase the domestic content of manufactured products by requiring greater importation of parts. U.S. exports of automotive parts to that country showed a substantial increase as a result.

U.S. EXPORTS RESPOND TO BOOM IN STEEL DEMAND ABROAD

[Millions of dollars]

	January–September 1970	
	Value	Change from January–September 1969
Iron and steel products	967	+353
Plates and sheets	280	+99
Primary forms	274	+149
Tubes, pipes, fittings	172	+22
Castings and forgings	63	+13
Bars, rods, hollow drill steel	48	+9
Iron and steel scrap	346	+134
Coal	735	+286

Although chemical exports declined in both the second and third quarters, their January-September total exceeded last year's comparable level by 18 percent. Over half of the $167 million increase in organic chemical shipments reflected greater loadings for the EEC, Japan, and the American Republics. Also advancing were deliveries of medicinals and pharmaceuticals—especially to Belgium—and plastics. Exports of manufactured fertilizers declined in response to increased production overseas.

Foreign demand for metals and related products continued strong, reflecting the high level of industrial activity in Japan and the EEC. Exports of iron and steel-mill products advanced by $353 million, with particularly large increases in shipments to the United Kingdom and West Germany. Toward the end of the period, however, deliveries turned down as markets weakened. Demand was most vigorous for the primary forms of steel products—due to shortages of smelting capacity in several important steel producing countries—and for plates and sheets.

The large, $81 million, gain in aluminum deliveries reflected the high rate of shipments in the first half of the year. The third quarter decline in these exports was probably related to the greater supply forthcoming from newly completed production facilities abroad.

The high level of steel production in Japan stimulated another large expansion in U.S. exports of coking coal. That country accounted for more than two-fifths of the $286 million gain. The EEC countries and Canada also took significantly greater quantities of coal. The sizable increase in deliveries of iron and steel scrap also reflected the vigorous pace of foreign steel activity. Exports advanced by 63 percent, again with Japan as the leading market.

Sales of pulp and waste paper expanded by two-thirds. Buoyant markets in Western Europe—especially the United Kingdom, Italy, and West Germany—contributed most to this expansion. Rising demand and higher prices expanded the value of log shipments to Japan.

FARM EXPORTS RISE

U.S. exports of agricultural commodities increased sharply in both the second and third quarters. For the entire nine month period, these shipments amounted to $5.3 billion, seasonally adjusted, $1 billion or one-fourth higher than in January-September 1969. Much of this large expansion was associated with the strong growth in foreign demand for animal feed as livestock numbers continued to rise. Reduced supplies abroad of competing feedstuffs also played a role in the export advance.

Shipments of soybeans provided a substantial part of the increase in U.S. farm exports. The $364 million or 82 percent gain, mainly in exports to Western Europe and Japan, was unusually vigorous. A sizable advance occurred also in shipments of soybean oil-cake and meal. Corn, our second largest animal feed export after soybeans, rose strongly from 1969 levels as did loadings of grain sorghum. In addition to Western Europe and Japan, Mexico was also a heavy outlet for our corn.

Greater shipments under PL–480 programs contributed importantly to the $170 million gain in wheat exports. Pakistan, Turkey, and India received significantly greater deliveries. Among our commercial markets, Japan was again the leading buyer.

The 1969 recovery in the long sluggish shipments of fats and oils continued this year. The $154 million increase, $79 million of which represented higher soybean oil exports, was mainly in response to a worldwide shortage of competing oils.

In contrast to these gains, exports of rice and unmanufactured tobacco fell to lower levels. In the case of rice, greater foreign production was the major factor. Higher U.S. prices and increased supplies abroad combinded to depress shipments of tobacco.

RISE IN CONSUMER IMPORTS

Reflecting weakness in various consumer sectors, imports of consumer goods advanced considerably more slowly than last year when the gain was over one-fifth. At a seasonally adjusted total of $9.5 billion in the first 9 months, these arrivals exceeded the comparable 1969 level by 14 percent, and accounted for two-fifths of the overall import increase. So far this year, consumer goods imports have comprised 4.9 percent of personal consumption expenditures on goods compared to the 4.4 percent ratio last year.

Heavy demand for foreign-type autos by U.S. buyers spurred a sharp acceleration in imports of these vehicles from overseas sources. Purchases from West Germany and Japan, which together comprise about three-fourths of our foreign car imports, accounted for practically all of the rise. Japan's share of the import total increased again this year, to 23 percent, while the proportion coming from Germany held even with last year after three successive annual declines. In addition to the large advance in foreign car imports, receipts of automotive engines and parts from overseas climbed strongly. Some of this rise was probably associated with the importation of components for a new U.S. subcompact car designed to compete in size and price with foreign makes.

Foreign-type autos constituted 14 percent of total U.S. car sales in the first nine months, up sharply from 10.9 percent last year.

Arrivals of autos and parts from Canada advanced but, because of sluggish demand here for U.S.-make cars, the rate of increase was much smaller than in previous years. On a quarterly basis, the import trend was uneven, with the heaviest volume concentrated in April–June.

Purchases of footwear posted another strong increase. As U.S. production declined again, foreign footwear continued to increase their share of the market. Arrivals of clothing also rose substantially. Imports of transistor radios climbed only marginally over the same period last year as arrivals fell abruptly in the third quarter following rapid advances in the first half. Purchases of television receivers picked up momentum in recent months and exceeded comparable 1969 levels by 8 percent.

Despite slackening in investment outlays, capital goods imports climbed substantially in each quarter. The nine-month total of $3.3 billion, seasonally adjusted, exceeded the comparable 1969 level by 15 percent. Due to a leveling in truck purchases, however, the rate of increase was considerably smaller than last year's advance. Imports of capital goods, excluding Canadian-built trucks, accounted for 5.6 percent of U.S. expenditures on producers' durable equipment compared to a ratio of 5 percent in 1969.

Almost all of the expansion in capital goods imports consisted of machinery. Arrivals of office machines posted a strong increase, primarily in greater purchases of electronic calculators from Japan and data processing machines from Canada. Entries of textile machines also climbed substantially, led by imports from West Germany. Receipts of transistors and other semiconductors from Mexico, Singapore, Hong Kong, and Korea continued to advance.

Entries of trucks from Canada picked up momentum after a slow start in the early months of this year. The January-September total was about even with last year's comparable period.

Imports of industrial supplies climbed 6 percent above January-September 1969 levels. Except for a dip in April-June this year, the rise has been steady since mid-1969 despite a nearly continuous downtrend in U.S. industrial production during this period.

Purchases of residual fuel oil rose particularly rapidly, reflecting greater demand by electric utilities. Short supplies of coal prompted the increased use of oil at generating plants. Receipts of crude oil fell slightly, however, due to production cutbacks in Libya and closure of a pipeline in the Near East.

Imports of iron ore rebounded strongly from depressed 1969 levels when a strike at two major Canadian mines halted production at the height of the shipping season. Imports of industrial and agricultural chemicals accelerated sharply after only a small rise last year. Greater purchases of fertilizers from Canada—mainly potassium chloride at sharply higher prices—were a major factor in the increase. Larger deliveries here of inorganic chemicals and plastic materials added to the rise in chemical imports. Arrivals of textiles continued to advance. Most of the increase represented greater imports of manmade fiber yarns and fabrics.

GROWTH RESUMES IN U.S. IMPORTS OF INDUSTRIAL SUPPLIES, FOODS

	January-September 1970		
	Percent change, 1968-69	Value (millions)	Percent change from January-September 1969
Industrial supplies		$11,148	+6
Steel	−12	1,334	+4
Crude petroleum	+9	948	−2
Fuel oil	+6	815	+21
Textile yarns and fabrics	+5	740	+9
Chemicals	+3	632	+19
Copper	−43	401	+11
Lumber	+12	392	−24
Iron ore	−11	364	+41
Woodpulp	+16	363	+1
Nickel	+4	229	+27
Aluminum	−25	189	−11
Foods and beverages	−1	4,533	+21
Coffee	−22	877	+45
Meat	+16	770	+18
Fish	+10	577	+14
Sugar		555	+18
Alcoholic beverages	+4	477	+11
Vegetables	+8	230	+24

For the second consecutive year, steel imports dropped markedly in quantity, reflecting sluggish U.S. demand, voluntary restrictions on shipments to this country by major suppliers in the EEC and Japan, and heavy pressures on capacity overseas which limited exportable supplies, particularly in Western Europe. However, mainly because of higher prices, the value of foreign steel purchases rose 4 percent over the January-September 1969 total. The shift in the composition of our steel imports toward the more expensive types—tool, alloy, and stainless grades—was relatively small. From 3.8 percent of the total in 1969, the share of these types rose (in terms of quantity) to 4.4 percent in January-September.

EXPANSION IN FOOD IMPORTS

After a small decline in 1969, purchases of foods and beverages posted an unusually strong rise of one-fifth over the same period a year ago. Most of the increase occurred in the first quarter when sharp price increases for a number of commodities boosted the import value. The second quarter rise was much less substantial and in July-September purchases dropped sharply. In January-September 1970, imported foods accounted for 4.7 percent of consumer expenditures on foods and beverages, compared to 4.4 percent in 1969.

About one-third of the increase in the value of food imports was attributed to the surge in coffee arrivals. The increase in purchases of coffee, however, was mostly due to much higher prices since the quantity imported rose only 7 percent.

Imports of meat, largely fresh or frozen beef, also rose strongly and again higher prices were a major factor. In addition to increased arrivals from the two major suppliers, Australia and New Zealand, beef imports from Canada and Mexico climbed sharply. Following a slight dip last year, sugar purchases advanced by a fifth. Greater entries of fish, vegetables, and cocoa added further to the boost in food imports.

U.S. INACTION ON GENOCIDE TREATY HAS A STRONG EFFECT ON OUR COUNTRY

Mr. PROXMIRE. Mr. President, many people have the mistaken opinion that the Genocide Convention has not yet taken effect. Apparently they believe that this convention will not take effect until it is ratified by the United States. However, this is not the case. In fact, the convention has been in force for almost 20 years.

Article 13 of the Convention on the Prevention and Punishment of the Crime of Genocide stipulated that the convention would come into force on the 90th day following the date of deposit of the 20th instrument of ratification. This occurred on January 12, 1951.

As yet the United States has not ratified this major human rights document of the United Nations. Practically speaking, this means we cannot make accusations against other nations or individuals who seem to be committing genocide. However, we are still open to the charge of genocide from other countries. A prime example of this occurred the past week. The Soviet Union, who is a party to the Genocide Convention accused the United States of being genocidal and cited for evidence, our failure to ratify the United Nations Convention on Genocide.

I fail to see how individuals in our country can say that we will not be affected by this treaty if we do not ratify it. Our inaction has left us open to the charge that we do not condemn genocide. I do hope that this recent charge will convince those skeptics that this convention has already had an effect on our country. We can no longer ignore the implications of our inaction on this major human rights document. I urge the Senate to adopt the recommendation of Committee on Foreign Relations and act favorably on this convention before the end of this session of Congress.

FOREIGN ASSISTANCE FUNDS FOR MILITARY SALES

Mr. PERCY. Mr. President, later today we will be considering the supplemental appropriations bill. The heart of the bill is foreign assistance funds for military sales to various countries. The bulk of the funds are for Israel, with assistance also designated for Cambodia, Korea, Jordan, and Lebanon, and Indonesia.

I strongly support this appropriation as a logical continuation of the Nixon doctrine, which places increased emphasis on helping other countries to become more self-reliant and less dependent on actual American manpower.

The $500 million for Israel will help finance defense sales and defense services to Israel. Israel desperately needs this assistance as Israel's foreign exchange reserves now are down to about $450 million. Israel deserves this support, for it is in our interest to help to insure a balance of power that will preserve the peace in the Middle East. The Israeli government has the support of its own people. It is willing to defend itself and has pledged that it will never ask for U.S. troops. Moreover, Israel will be repaying this assistance—$150 million in 10 years at regular rates of interest and $350 million in 20 years at 3-percent interest.

For Cambodia, the request is for $85 million. Again, the President and the Secretary of State have made a firm commitment that no American troops will ever be deployed in Cambodia. Therefore, with this appropriation, we are helping Cambodia to stand on its own feet without the need for American manpower.

The $150 million in assistance for South Korea will actually result in a saving, for it will enable us to withdraw troops from South Korea by helping the Korean Army to become strong enough to carry out more of its own defense itself.

The smaller amounts requested for Jordan—$30 million—and for Lebanon—$5 million—will help maintain moderate, stable governments in that part of the world. The preservation of such governments is vital to our hopes for peace in the Middle East.

Mr. President, I urge passage of this supplemental appropriations bill as a way to make more effective the principles of the Nixon doctrine and to reduce the possibility of further American troop involvement overseas.

Last week, I had the privilege of addressing the Israel bonds man of the year award banquet in Chicago. In this speech, I referred to some of the questions that will concern us as we consider the aid for Israel contained in the supplemental appropriations bill. I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR CHARLES H. PERCY: ISRAEL BONDS MAN OF THE YEAR AWARD BANQUET, CHICAGO, DECEMBER 9, 1970

I accept this honor, realizing that the honor should really go to the American Jewish community which contributes immensely to this country, but also recognizes and accepts its responsibility to its beleaguered co-religionists in Israel. Those of you here tonight have shown by your purchase of Israeli bonds that you are prepared to make sacrifices so that Israel may live.

I am particularly honored and pleased by the presence of Ambassador Rabin whom I met in Israel after the Six-Day War when he was Army Chief of Staff. Since he has been in Washington, we have become firm friends and have worked together on many occasions to assist Israel in its task of survival and development.

One must say "survival and development" in that order because survival must come first for a nation with enemies on every border. And it it Israel's survival which requires our daily attention. As a United States Senator, my first duty is to the security and well-being of American and Americans, and I do my best to do what is right for this country. However, I recognize that this great land of ours is not an island, that its fortunes depend not only on itself and its resources, but on the state of the world and the welfare of other responsible nations. There *is* an interdependence of the free which requires our concern for other free men and nations.

Therefore, it is in our own national interest to assist free men when they are threatened by external forces. The emphasis of the so-called Nixon Doctrine is on such assistance. And that assistance is best when it is given in time to forestall aggression against a free nation. That is why President Nixon has requested massive additional assistance for Israel now: to keep Israel so strong that her enemies will be deterred from attacking her.

I encourage and I support the half-billion-dollar assistance program for Israel. To plan for early passage of this measure, I have met personally with the President and with top Defense and State Department officials. And I predict that the Congress, both Senate and House, will approve it.

For a decade I have defied and fought the Arab boycott of American companies doing business with Israel. I have sought to explain to non-Jews the importance of Israel as an idea and as a reality. I have pressed Soviet and East European officials to allow emigration of Jews to Israel. I have worked to obtain a more liberal Export-Import Bank policy on credits for Israel, and we have been successful. I have counseled steady, consistent and unswerving support for Israel at the highest level of our government.

But, in all candor, I have not been supportive of Israel only because it is in our own national interest to do so, or because Israel is a democracy, or because Israel is a Western outpost in a hostile region, or even because Israel blocks Soviet dominance in the Middle East. All of those things are true, but for me they are not the most compelling reasons.

In the great heritage of the Judaic tradition there emerged a code of what is right and what is wrong. With very minor modification that code has been passed down the line of history for thousands of years into the Christian Era. And every child in every religious school and Sunday school is exposed to it. There *is* right and wrong; sometimes they are obvious, sometimes they are veiled.

In today's Middle East, right and wrong are highly obvious, remarkably apparent, absolutely clear. There can be no question of who is right and who is wrong when military dictators and feudal despots determine to drive a free people into the sea. Simple morality requires us to be supportive of Israel, a free people. I do what I can to preserve the free people of Israel, not for political or geopolitical reasons, but because it is the right thing to do.

So let it be said loud and clear: *this* is a moral issue!

Fortunately, Israel is not in a helpless situation. If Israel's position were helpless, the final onslaught against her would have been completed by now. On the contrary, Israel is strong.

The strength of Israel is in her leadership—Golda Meir, Yigal Allon, Moshe Dayan, Abba Eban, Yitzhak Rabin. Leaders of vision and courage!

The strength of Israel is in her incomparably effective armed forces which have amazed the world.

The strength of Israel is in the friendship and the material assistance of the United States Government which has made the decision that Israel will *not* be abandoned, but will be sustained.

The strength of Israel is in the commitment of the American Jewish community to sacrifice so that Israel may live. For generations Americans have contributed heavily for the well being of the people in the "old country", whether the old country was Italy or Greece. But never has an American ethnic community responded to need as has the American Jewish community in the past 25 years. Your own presence here tonight symbolizes the dedication of American Jews to the survival of Israel.

The strength of Israel is in the determination of her people to live. As the Lord said, "I have set before you life and death, blessing and cursing: Therefore choose life, that both thou and thy seed may live." Israel chooses life, and Israel will live.

In 1966 my brother-in-law and I were driving from Tel Aviv to Jerusalem and we gave a ride to a young girl in military uniform serving at that time under General Rabin. I asked her how she liked being in the Army at such a young age. I shall never forget her reply: "For two reasons I like it. First, the Army discipline is less strict than that of my Orthodox parents. Second and most important, I *want* to serve. You know, there are 60,000,000 of them and only 2,500,000 of us and we all must be prepared to defend our country." I am pleased to have her tonight as my special guest, and am proud to present to you now and to General Rabin for the first time, Susan Karni. Would that all soldiers were so pretty.

The late Senator Robert Taft said in 1953 that the State of Israel had put into practice its faith in liberty. Taft said that Israel had given clear evidence of its determination to resist regimentation from within and to resist physical aggression from outside. He added, and I quote, "There is little wonder today that aggressive Communism bestows upon Israel the honor of its hatred."

Senator Taft's words are even more compelling today, 17 years later, when the Soviet Union has 10,000 military men in Egypt, when it emplaces missiles targeted at Israel, when it flies cover over the Egyptian desert.

The direct intervention of the Soviet Union in the Middle East in recent years has escalated the Arab threat to Israel and has endangered the balance of power in the region. It has heightened tensions and has threatened a big-power confrontation in the area. It is extremely dangerous, not only to Israel and to peace, but also to the Soviet Union itself which has squandered billions of dollars in war materiel and brings Soviet forces to the brink of battle.

A more prudent course for the Soviet Union now that the missiles are emplaced and the Egyptian pilots trained, would be to start the withdrawal of her forces from the area, and I call on her to do so now in the interest of world peace. The Soviets have failed in their objectives of influencing Mideast oil policies, of opening the Suez Canal, and of gaining supremacy in the area. Most Arab nations are still independent of Soviet manipulation and are determined to remain so.

In consideration of Israel's will to defend herself and America's goal of peace and security for all nations in the area, it would be wise for the Soviet Union to deescalate her military role in Egypt. Surely a nation that has lost 25 million people in warfare in this century should know better than any of us the futility of war and the dangers of confrontation.

If the Soviet Union wants to help the Arabs, she should help them to develop their economies and to improve their living standards. It is no help to the Arabs to encourage their preoccupation with war when the real need of their people is for a decent life in peace.

No longer are Soviet technicians required to install and man Egypt's antiaircraft missile bases and radar. Egyptians are trained to the task. A sort of "Vietnamization" or, shall we call it "Arabization", has taken place, and now initial Soviet withdrawals would be in order.

I suggest Soviet withdrawals from Egypt without any conviction that they are imminent or even likely for some time. But I do believe that discussion of the advantages of Soviet withdrawals, in the interest of peace and indeed in the interest of the Soviet Union itself, could increase the likelihood of such withdrawals.

The benefits of Soviet withdrawals from Egypt would help reverse the new hardening of East-West relations and would cause a reduction in tension which would increase the chances for meaningful East-West cooperation at the SALT talks, in Berlin, and elsewhere. It would help avoid a head-on collision of the super powers and the possibility that a conflict would be brought on by a third party acting in an irrational manner.

As we note the Soviet presence in the Middle East and the intransigence of the Arabs, particularly the fedayeen, a great yearning for peace wells up within us, just as it does in the hearts of the people of Israel. It brings to mind the Talmudic prayer, based on the priestly benediction and older than the Christian Era, which says for Americans and Israelis alike:

"Grant us peace, Thy most precious gift, O Thou eternal source of peace, and enable Israel to be its messenger unto the people of the earth. Bless our country that it may ever be a stronghold of peace, and its advocate in the council of nations. May contentment reign within its borders, health and happiness within its homes. Strengthen the bonds of friendship and fellowship among the inhabitants of all lands. Plant virtue in every soul, and may the love of Thy name hallow every home and every heart. Praised be Thou, O Lord, Giver of Peace."

This beautiful prayer sums up our hopes for America, for Israel and for the world. It should stand as our ideal. It should inspire our efforts. It should be the goal of life.

Shalom!

SCHOOL IN A.D. 2000

Mr. McGEE. Mr. President, the White House Conference on Children opens today. In advance of that opening, the Washington Post, Sunday printed an extensive excerpt from a working paper on education being presented by a committee headed by Dr. John I. Goodlad, dean of the Graduate School of Education at UCLA.

Entitled "A Radical Concept of 'School' in A.D. 2000," this paper should begin a process of dialog about the future shape of education in this country so that 21st century man in America can experience "learning opportunities as broad as the unknown range of their talents—and a learning environment that nurtures those talents."

Mr. President, the picture of education painted in this paper is, perhaps, radical, in that it knocks down any number of notions currently held by most people about schools, teachers, students, and the entire learning process. We are not apt

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to come easily to full acceptance and support of the flexibility and experimentation required to design the future of learning, as the paper points out. But the job must be done, and the committee headed by Dr. Goodlad has proposed that the year 1976—just 6 short years away—be targeted for a nationwide dialog on this Nation's entire learning enterprise. Mr. President, I ask unanimous consent that the excerpted version of the committee's paper, as published in the Washington Post of December 13, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A RADICAL CONCEPT OF "SCHOOL" IN A.D. 2000

In a nation that speaks of inalienable rights, the right to learn must be paramount. Yet that right, in its full meaning, has been denied to many in this nation. It has been denied because of color and religion, because of poverty and infirmity and because of place of abode. And it has been denied because of our mindless adherence to unproductive teaching concepts and practices.

The right to learn is the goal we set for the 21st century. We want for our children a range of learning opportunities as broad as the unknown range of their talents—and a learning environment that nurtures those talents. We want them to have freedom, and the order, justice and peace that the preservation of their freedom demands.

Yet we scarcely know the meaning of these grand words, let alone how to give them body and substance. Clearly, then, we must engage in great experiments encouraging alternatives and diversity throughout what must become a much more varied and comprehensive educational system. This must involve (1) the reconstruction of existing schools, (2) the creation of new schools free of the present system and (3), above all, the expansion of "school" into the world.

A NARROW CONCEPT

Schools and teachers have been with us for so long that we now equate them with education and, worse, with learning. The infant learns to walk and to talk, to trust and to distrust; he learns fear and love and hate—all without benefit of school. The tragic irony is that we know all this and still equate learning with school. By age 5, the child has sat before a television set for at least a number of hours he will spend in the first three grades of school. And still we equate learning with school.

The first difficult step toward achieving our goal is acceptance of what should be obvious: School is but a part of the learning environment. Until recently, we believed that it was the most powerful part of that environment; we now know that it is not.

We have only begun to question the outworn notion that certain subjects or concepts are to be learned by all individuals, at successive stages of growth, at stipulated times, in sterile places. Reading is for the first grade, long division for the fourth fractions for the fifth and sixth. All this takes place between the hours of 9 and 3 in a big box divided into cells.

In this lockstep, as in so many other ways, we teach that each phase of life is instrumental to the next rather than of ultimate value in itself. We see the man we want the child to become rather than the child seeking to become himself. In the words of Hannah Arendt, "Man sees wood in every tree." Perhaps this is one reason why more than half of all Americans over 50 say that they find lives to be disappointing, unrewarding, unfulfilling, and find, when they come to die, that they "never had lived at all."

This is the winter of our educational discontent. Until recently, we believed that we had only to inject some new subject matter here, a heavier dose of phonics there, tighten the discipline a little, to improve both the system and society. Better schools (defined in largely quantitative terms) would mean more jobs, a brisker economy, safer cities and more aware and dedicated citizens.

Or so we thought. Dwindling confidence in these relationships reflects both declining confidence in the schools and the tenacity with which we cling to the "learning equals school" equation. Painfully, we are coming to realize that grades predict grades, that success in school begets success in more school but is no guarantee of good workers, committed citizens, happy mothers and fathers or compassionate human beings.

For a brief span of years, we believed that the sickness spread only through the schools of our great cities. Increasingly, however, we have come to understand that suburban and, to an even greater degree, rural schools do not assure the diet nor provide the vitality our children deserve. Even the middle-class school around the corner reveals ragged edges surrounding a soft center. The overall dropout rates, in barely minimal learning on the part of many who do remain in school and in growing alienation among the young of all colors and classes.

WINNERS AND LOSERS

At the root of the problem is an implicit denial of diversity. The schools have become great sorting machines, labeling and certifying those who presumably will be winners and losers as adults. The winners are disproportionately white and affluent; the losers, too often, poor and brown or black or red.

But many of the winners are losers, too. For they are shaped, directed and judged according to a narrow conception of what is proper. This process begins very early; the environment of expectations, rewards and punishments is established before mother and child leave the hospital. And in the home, infants are encouraged in their efforts to walk and talk, but their responses to sound, color and smell are ignored or stifled.

This process of channeling energy and talent is refined and perfected in the schools through a network of expectations, rules, grades, required subjects and rewards for what is wanted and the subtle extinction of the great range of talents and achievements which are not wanted.

A massive task of change lies ahead. We cannot point pridefully at those who have "made it" while half of us believe that life has passed us by.

Among many of our people there is a sense of outrage induced by the discrepancy between what is and what could be. We [the committee] share that outrage, but we have more than a little hope that a new era can be both described and created. At the core of this hope is a fresh awareness of children—of their intrinsic rather than instrumental value, of their ability to learn and of the kind of learning they could and should have going into the 21st century.

Other generations believed that they had the luxury of preparing their children to live in a society similar to their own. Ours is the first generation to have achieved the Socratic wisdom of knowing that we do not know the world in which our children will live.

All that we can predict with certainty is that the central issue of the 21st century, as it is of this one, will be the struggle to assert truly human values and to achieve their ascendancy in a mass, technological society. It will be the struggle to place man in a healthy relationship with his natural environment; to place him in command of, rather than subservient to, the wondrous technology he is creating, and to give him the breadth and depth of understanding which can result in the formation of a world culture, embracing and nurturing within its transcending characteristics the diverse cultures of the world today.

The education of 21st century man is necessarily an enabling process rather than an instructional one. It requires opening the whole of the world to the learner and giving him easy access to that world. This implies enormous respect for the child's capacity to learn, and with the granting of respect goes, by implication, the granting of freedom.

LEARNING AS AN END

When we look to education in the century to come, we see learning not as a means to some end but as an end in itself. Education will not be an imitation of life, but life examined and enjoyed. A prescribed age for beginning to learn—or for ceasing to learn—will be meaningless. So will age as a criterion for determining what needs to be learned. And so will the standard school day and academic year.

Compulsory education—or compulsory attendance, as it might better be called—will be a thing of the past. School as we know it will have been replaced by a diffuse learning environment involving homes, parks, public buildings, museums, business offices and guidance centers. Many such resources that are now unofficial, unrecognized, unstructured or unsupervised—and unused—will be endorsed and made fully available for learning. There will be successors to our present schools—places designed for people to gather for purposes of learning things together.

Children and their families will be responsible for setting educational goals and mapping the route toward them. Plentiful assistance and advice will be available, if desired, in planning highly flexible and individualized schemes for learning, but it will be left to the learner—and, when he is very young, his family—to choose among the alternatives.

The very availability of a great range of options will represent what we believe will be an important, and essential, change in our national value system. "Success" will have been redefined, and a wide range of studies, tastes, careers and "life styles" will be legitimized and praiseworthy. Boys will not be made to feel that they must grow up to be aggressive—or even affluent—men. Girls will not need to feel that domesticity is the necessary be-all and end-all of their existence; a career in science will not have higher status than a career in the creative arts. We will, in short, give substance to our longstanding but never fulfilled commitment to honor and develop the entire range of human talent.

Modern technology will help us realize our goals. The profound significance of the computer, when properly used in learning, is that it introduces an entirely new source of energy into the educational process. It is energy which is not affected by the night before, by viruses or by unmanageable children. Subjects missed this year can be picked up next year. Single subjects can be pursued intensively for periods of time governed only by the whim of the learner.

It is possible that advanced technology will return the family to center stage as the basic learning unit. Each home could become a school, in effect, connected via an electronic console to a central educational computer system, a computer-regulated videotape and microfilm library and a national educational television network. Whether at home or elsewhere, each student will have, at the touch of a button, access to a comprehensive "learning package," including printed lessons, experiments to be performed, recorded information, videotaped lectures and films.

The moment so much teaching energy is made available throughout the 24-hour span of the day to all individuals at any place, school need no longer be what we have known it to be. It may be used for other functions not fully recognized until now. It will be the place where human beings come together not for the formalities of learning subject matter but for the higher literacy going far beyond reading, writing and arithmetic.

Heavier stress will be laid on learning different forms of rationality and logic and on dealing with crisis and conflict. The individual will be helped to develop a greater consciousness of his thoughts and feelings, so that he may feel and experience life and at the same time "stand outside" his immediate experience. For 21st century man would be a sentient being with both the freedom that comes from understanding and the accompanying control of impulse.

In such an educational world, everyone will be, from time to time, both teacher and learner, but there will still be great need for teachers who, for the first time, will be free to engage in truly human tasks. No longer will they need to function as ineffective machines imparting "facts" by rote—real machines will have taken over that function. Some will spend many hours preparing a single lesson to be viewed by thousands or even millions of individuals of all ages; others will evaluate such instructional programs. Some will staff counseling centers. Others will be engaging with groups of all ages in dialogue designed to enhance human communication and understanding.

The entire educational enterprise will be directed toward increasing the freedom and the power of the individual to shape himself, to live at ease in his community and, in doing so, to experience self-fulfillment.

ACHIEVING UTOPIA

We have sketched a kind of learning Utopia; achieving it will not be easy. In fact, without massive, thoughtful social reconstruction, we will not get there at all. To stand aside—unconcerned, uncommitted and unresolved—may very well be to assure no 21st century, and least of all, no Utopia.

The first step is moral commitment. Like all moral commitments, it must be backed by resources and action. We sound a special call for full and genuine commitment to the right to learn.

The signal announcing this commitment will be the long-awaited injection of large-scale government funds into learning: for encouraging experimentation in existing schools, for the creation of experimental schools and for transcending the schools by bringing new learning into them and taking children to the range of resources outside them. For a time, at least, we must infuse these funds as though we were at war—because we are at war—with ignorance, prejudice, injustice, intolerance and all those forces crippling and restricting young and old alike.

The first phase of reconstruction involves the schools we have. Supposedly, the decade of the Sixties was one of school reform: in the curriculum, in the organization of school and classroom and in instruction. But recent studies reveal that the appearance of change far outruns the actuality of it.

Despite emphasis on the need for identifying goals, few schools have a clear sense of direction. Despite the obvious futility of "teaching" the world's knowledge, schools still emphasize the learning of facts rather than how to learn.

Despite this golden era of instructional materials and children's literature, the textbook is still the prime medium of instruction. Despite gaining knowledge about individual differences in learning, what children are to learn is still laid out by grades, years, months and even days. Despite increased insight into how learning occurs, teaching is still largely telling and questioning. In a diverse, complex society, our schools demonstrate almost monolithic conformity and enormous resistance to change; close scrutiny reveals a deep-seated impotence, an inability to come to grips with the acknowledged problems.

INVESTING IN THE UNKNOWN

The top agenda item, then, in seeking to enhance learning in the Seventies is unshackling the schools. The process must begin by decentralizing authority and responsibility for instructional decision-making to individual schools. Simply dividing large school districts into smaller districts is not the answer. Schools, like individuals, are different: in size, problems, clientele and types of communities served. They must create programs appropriate to their local circumstances. Many schools are not ready to take quick advantage of such sudden freedoms. Too long fettered by the larger system, their staffs will be timid and uncertain.

We recommend, therefore, that substantial federal funds be allocated for the deliberate development of schools whose sole reason for being is experimental. Designed to provide alternatives, such schools could provide options in the community and thus would attract a more supportive parent group. In time, such schools would provide models for replication in networks of cooperating schools seeking to learn from each other.

Such schools need not arise solely within "the system." The need to break out of established patterns has never been more critical. We need alternatives wherever we can find them. Some of the "free" schools springing up around the country offer diversity and should be encouraged to the point where their practices truly reflect their underlying philosophies.

We urge that schools be given support for abolishing the grade levels, developing new evaluation procedures, using the full range of community resources for learning, automating certain kinds of learning, exploring instructional techniques for developing self-awareness and creative thinking, rescheduling the school year and more. Most of all, we urge substantial financial support for schools seeking of the young adult. Yet we fail these * * *, from the curriculum through the structure of the school to completely new instructional procedures.

Especially needed are well-developed models of early learning. We know now that the first five years of life largely determine the characteristics of the young adult. Yet we fail these years shamefully either through neglect, through narrow, thoughtless shaping or through erratic shifts from too little to too much concern.

Two successive administrations have promised and failed to deliver on a national effort for expansion and improvement in the education of young children. A National Laboratory in Early Childhood Education suffered a crippled birth under one administration and is now starving to death under another. We need research on what we now know; thousands of adequately prepared teachers to staff nursery and play schools, and exemplary models of programs stressing cognitive, esthetic, motor and affective development.

REMAKING OUR TEACHERS

High on our list of "old business" is the overhaul of teacher education from top to bottom. The continuing debate over the value of "methods" courses, whether to have more or fewer of them, and how to regulate teacher education by legislative fiat only reveals the poverty of our approaches to the problem. Shuffling courses about is not the answer. Required are strategies which take account of the fact that pre-service teacher education, in-service teacher education, and the schools themselves, are dependent, interrelated and interacting components of one social system.

It becomes apparent, therefore, that financial resources must be directed toward those strategies that link schools seeking to change with teacher education institutions seeking to shake out of established patterns. The teacher for tomorrow's learning must be prepared in school settings endeavoring to create a new kind of tomorrow; most of today's teachers are prepared for yesterday's schools.

The tasks for the Seventies may not have the heady appeal of the slogans for the Sixties, but they have a meaty substance about them, an "action" appeal for students, teachers, parents, private foundations and all levels of government.

But we need not wait for the 1980s to get a good start on other components of our visions for 2000. In fact, some roots already are taking hold.

Schools, however reformed, is but one of the child's resources for learning. Children spend more time, perhaps learn more, for better or for worse, in the electronic embrace of television. Television, however, is but one of several powerful teachers of the electronic genre. The computer has even greater potential because of its ability to coordinate an array of devices for sight, sound, touch and even smell.

We must stop talking about the possibilities and engage in experimentation on a much broader scale. To date, educational television has teetered on the brink of disaster, its limp fare failing to compete with commercial products, especially advertising. "Sesame Street" demonstrates vigorously that this need not be. It also demonstrates that successful use of television for desirable learning by children requires substantial financial backing—for air time, for production, for evaluation and especially for research into what constitutes subject matter. Ten years from now, initial use of television to teach children numbers and the alphabet will probably appear primitive.

One of the major tasks involved in bringing electronics productively into children's learning involves a kind of research, namely, determining appropriate roles for human and machine teachers. The cant of audio-visual education insists that equipment be only an extension of human teachers. For computers, for example, to be mere aids of human teachers is to cripple both. We must recognize the fact that electronic devices constitute a new kind of instructional energy—indefatigable, relatively immune to changes in the weather and contemptuous of time of day or day of week.

The human teacher, on the other hand, is sharply limited in energy pattern, highly susceptible to chills, immobile in times of flood and snow and sensitive to time of day. Clearly, the tasks for human and machine teachers should be both differentiated and complementary.

When we come to recognize fully the characteristics and possibilities of electronic energy, most of the "givens" of schooling collapse. Learning need not take place in a box, from 9 to 3 each day, five days a week, 180 days per year. There need not be a school beginning at age 5, a grade school or a "balance" of subjects throughout the day. Nothing need be "missed" because of absence for it can be picked up tomorrow by asking the machine to retrieve whatever it wanted.

Experimentation is needed, beginining now and continuing unabated into the 21st century, to create and legitimize options for schooling. Soon it will be common practice to show a variety of cassette tapes through a home television set. Cable television promises a new set of options. And just behind both of these developments lies the home computer television terminal plugged into several video outlets, capable of playing its own records and cassettes and providing printouts of the learning and cultural options currently available in the community. Taking advantage of the alternatives must be accepted and encouraged.

One way for us to begin to grow accustomed to this nonschool freedom is to use the learning resources lying outside school much more vigorously. Children should be excused from school for blocks of time to gain

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access to a nonschool teacher, to serve as apprentice to an artisan or to practice a hobby in depth.

THE ROLE OF DRUGS

We had better begin now, because we will need all our imagination and wisdom to cope with some of the critical moral questions soon to be thrust upon us. We now know that drugs are being used deliberately, under medical supervision, to intervene in the learning processes of children. Electronic means are being used to assist in the treatment of childhood disorders. Independent of these activities, drug use, ranging from mild exploration to dangerous abuse, is now a fact of life. Who are to be judged deviant and needful of chemical or electronic treatment? What restraints are to be placed upon the use of drugs for educational, self-serving or destructive purposes?

And who is to make what decisions for whom? That question is probably the most pressing educational question both today and tomorrow. It is at the core of current discussions of accountability, voucher systems and the like in schooling. It is at the core of any minority group demands for self-determination and equality. Ultimately, it brings us into the matter of who owns the child and who is to determine his freedom. To return where we began, the right to learn means the freedom of each individual to learn what he needs in his own way and at his own rate, in his own place and time.

This interpretation of the right to learn will not be easily understood. Nor are we likely to come easily to full acceptance and support of the flexibility and experimentation required to design the future of learning. We urge our leaders at all levels to work toward public understanding and support. We recommend that celebration of this nation's 200th birthday in 1976 be taken as the occasion for a nationwide dialogue about, and assessment of, our entire learning enterprise.

ANOTHER ALLIED ATTEMPT TO EXCHANGE PRISONERS

Mr. GRIFFIN. Mr. President, last Thursday in Paris the United States and South Vietnam made another commendable effort to persuade the Communists to exchange prisoners of war held by both sides in Southeast Asia.

Ambassadors David K. E. Bruce, of the United States, and Pham Dang Lam, of South Vietnam, suggested that daily meetings be held beginning today to arrange to work out the details of such an exchange. But the Communists flatly rejected the proposal.

The terms of the exchange proposed on Thursday were certainly advantageous to North Vietnam. Hanoi was offered the opportunity to obtain release of all 8,200 of its men now held in South Vietnam in exchange for a much smaller number of United States, South Vietnamese, and other free world personnel.

If the proposal were agreed to by the Communists, the South Vietnam prisons could be cleared of all North Vietnamese held there, leaving only the captured South Vietnamese in the hands of Saigon authorities.

It is estimated that free world personnel missing in Southeast Asia number about 5,000. But how many of that number are held as prisoners by the Communists is not known. Of some 1,550 Americans listed as missing, for instance, there is reason to believe that 460 or more are in the custody of the Communists.

President Nixon is to be commended for his determined efforts to obtain the release of Americans held captive under extremely difficult circumstances in Southeast Asia. Certainly, he deserves the strong encouragement and support of all.

Mr. President, I ask unanimous consent that transcripts of statements by Ambassadors Bruce and Lam at Thursday's Paris peace talks be printed in the RECORD.

There being no objection, the transcripts were ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR BRUCE

LADIES AND GENTLEMEN: One of the proposals made by President Nixon on October 7, with the approval of the governments of South Vietnam, Cambodia and Laos, called for the immediate and unconditional release of all prisoners of war held by both sides. The President stated that the immediate release of these men would not only be a simple act of humanity but could also serve to improve the prospects for general negotiations.

This issue of prisoners of war is a humanitarian one which need not and should not await resolution of other military and political issues. It is also a matter of universal concern, as evidenced by the United Nations resolution I referred to at the last session. Clearly something can and should be done to resolve this issue on an urgent humanitarian basis. It would be particularly fitting if a first step in this direction could be accomplished during the forthcoming holiday season.

It is with this sense of urgency and importance in mind, therefore, that I associate myself with the proposal of the representative of the Republic of Vietnam for the immediate release of all North Vietnamese prisoners of war held in South Vietnam in exchange for the immediate release of Government of the Republic of Vietnam personnel held outside South Vietnam and all American and free world personnel held by your side in Indochina. Our side is ready to meet with you on a daily basis, starting tomorrow, in order that immediate progress can be made on this question.

Ladies and gentlemen, this is a specific offer put before you in all seriousness and sincerity. It offers you the opportunity to obtain the release of some 8,000 of your own men in exchange for far fewer on our side. It also offers you the opportunity to prove your claims of humanitarian concern for the prisoners you hold.

I propose that we meet here tomorrow at 10:30 for the purpose of discussing procedures by which this proposal can be put into immediate effect.

STATEMENT OF AMBASSADOR LAM

Following is English text of Government of Vietnam opening statement by Ambassador Lam at 94th plenary session of Paris meetings, December 10, 1970, as released to press.

Ladies and gentlemen, after nearly one hundred plenary sessions, no progress has been made at these meetings on any problem. If we find ourselves in an impasse, it is because you do not cease, on the one hand, using this place as a forum for propaganda and, on the other hand, setting inadmissible preconditions which are preventing all genuine negotiations from taking place.

Nevertheless, however regrettable this situation may be, it should not be a pretext for prolonging the suffering of those who are presently kept in captivity far away from their homeland and who are waiting impatiently to be reunited with their loved ones.

This is why, at a time when each family is preparing to celebrate the year-end festivities, our delegation is instructed by the Government of the Republic of Viet-Nam to put forth at today's session a concrete proposal which can be carried out immediately by both sides.

Following is the content of this proposal which has been formulated by the Government of the Republic of Viet-Nam after consultation with the allies:

In his speech on December 7, President Nixon proposed the immediate, unconditional release of all prisoners of war on both sides. The Government of the Republic of Viet-Nam strongly supported this initiative. This is a humanitarian issue which need not—and should not—await the resolution of other military and political issues. Indeed worldwide concern for this humanitarian issue is reflected in the recent United Nations resolution on this subject. The holiday season, when men's thoughts turn to good will toward their fellowmen, is an especially appropriate time for movement on this humanitarian problem. The Government of the Republic of Viet-Nam, therefore, proposes the immediate release of all North Vietnamese prisoners of war held in South Viet-Nam in exchange for the immediate release of Government of the Republic of Viet-Nam personnel held outside South Viet-Nam and all United States and free world personnel held by the other side in Indochina.

Ladies and gentlemen, no one can fail to see the humanitarian, generous and constructive aspects of the proposal which we have just made.

If today we come back particularly to this question of prisoners of war, it is solely because we are thinking of the unfortunate plight of these people who have been denied for so long the joys of their families and who must certainly suffer even more on the eve of the holiday season.

It is obvious that our proposal does not prejudice your side's position whatsoever. Everyone knows that the number of North Vietnamese prisoners of war held in South Viet-Nam outnumbers by far of the Government of the Republic of Viet-Nam personnel and of the allies who are being held by your side outside the territory of South Viet-Nam.

Besides, the release of prisoners of war which we propose does not affect in any way an overall settlement of the conflict since our proposal of today, like our previous proposals concerning the problem of prisoners of war in general, is of a purely humanitarian nature.

Lastly, the release of the prisoners of war, if it can be carried out, certainly will not fail to create a favorable atmosphere for useful discussions on other issues.

For all these reasons, we eagerly wish to have a positive response on your part in order to help these meetings at last get out of their present impasse, which has already lasted too long.

NO CHANGE IN INTERIOR'S POLICIES

Mr. DOLE. Mr. President, I was gratified today to learn of Acting Interior Secretary Fred J. Russell's intentions not to change the Department of the Interior's recent policies with regard to the protection of eight species of whales, the ban of billboards from certain public lands, and new oil pollution regulations. The safeguarding of whales through banning importation of their oil, meat, and other products became effective December 2; and strong, new regulations to ban billboards from public lands managed by the Department of Interior were adopted December 9. Until Mr. Russell's announcement, there was considerable fear that these orders might be rescinded with the change of administration within the Department. The Acting Interior Secretary has also made clear his intentions to defer to the new Environmental Protection Agency possible modification of oil-spill regulations, since such matters will now fall under this organization's jurisdiction.

Mr. Russell has firmly stated that he has no intention of changing any of the Department of the Interior policies on conservation or environmental matters which were in effect or in process on November 25, 1970, when he assumed his present duties.

I am confident that the Department's progress in these areas will continue to be enhanced under the leadership of Mr. Russell and after January under Rogers Morton. Following is the text of the Department's press release, to which I should like to call attention. I ask unanimous consent that the press release be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

Department of the Interior News Release

Some confusion has arisen regarding the Department of the Interior's position on three major conservation issues: Protection of whales and other endangered species, ban on billboards on public lands, and new regulations on oil pollution.

Here are the facts:

Whales: The move to safeguard eight species of whales by banning importation of their oil, meat, and other products was announced originally November 24, 1970, in a press release. The ban became effective when the order was published in the Federal Register December 2, 1970. (See Page 18319, et seq., of Volume 35, No. 233 of that date.)

Ban on billboards: The final adoption of strong, new regulations to ban billboards from public lands managed by the Department of the Interior was announced by the Department on December 7, 1970. See the Department's press release of that date and the formal regulations that were published in the Federal Register December 9, 1970. (See Page 18663, et seq., of Volume 35, No. 238 of that date.)

New oil pollution regulations: The Department of the Interior has deferred to the new Environmental Protection Agency regarding possible modification of oil-spill regulations, since EPA became the responsible organization in this area on December 2, 1970.

In line with the above, Acting Secretary Fred J. Russell has stated that he has no intention of changing any of the Department of the Interior policies on conservation or environmental matters which were in effect or in process on November 25, 1970, when he assumed his present duties.

THE U.S. MILITARY IN EUROPE

Mr. SYMINGTON. Mr. President, a thoughtful and constructive editorial entitled "The NATO Bargain," published in the Wall Street Journal of December 8, 1970, states, in part:

> None of this argues that the United States should continue indefinitely to station large numbers of fighting troops and their dependents, some half a million people in all, on European soil. There are in fact good reasons why the NATO ministers at this latest meeting should have taken steps that would have permitted sizable reductions over the next few years.
>
> The most important reason is the message that Russia and other Warsaw Pact nations would have received from an announcement that Western Europeans are willing to use more of their own manpower and money to defend themselves. It would have signaled a considerably greater determination to resist aggression than West Europe has so far demonstrated on its own. The postwar history of the world indicates that the Russians respect fortitude and that it is the most reliable safeguard against Soviet political miscalculations.
>
> The second important reason is the changing attitude of the American public toward the U.S. role as a policeman of the world. Vietnam has convinced many Americans, including a sizable number of Senators, that for the United States to continue to carry the burden it has in recent years is unrewarding and unfair.

It is my conviction that an increasing number of Americans would say Amen to this thinking.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The NATO Bargain

While a display of West European-American amity is gratifying in these parlous times, the bargain struck at last week's meeting of the North Atlantic Treaty Organization left something to be desired.

What it lacked was any real commitment from European NATO members to take over a larger share of the manpower role that American military forces in Europe are filling.

Instead, President Nixon gave an open-ended promise to keep United States forces in Europe at their present level unless the Communist Warsaw Pact nations agree to a mutual reduction. As their part of the bargain, the Europeans promised, with considerable fanfare, to add nearly a "billion dollars" to their NATO spending.

Europe's response is a considerable improvement over its somewhat lackadaisical "let America do it" attitude of past years. But when examined closely, it becomes less impressive. The added spending actually closer to $950 million, will be spread over five years. That is less than $200 million a year and adds less than 1% to the total military spending of the European NATO nations. Moreover, most of the added outlay will go not for improvements in combat strength but for infrastructure, such as aircraft shelters and communications systems.

The assumption thus has to be that NATO strategists still are insisting—and have won the President's agreement—that the United States should continue to supply a major complement of the troops that would defend Europe in case of an attack. Aside from the problems for the U.S. budget and balance of payments, there are some serious flaws in this logic.

No one would deny, of course, that a key plank of United States foreign policy should be that Western Europe must remain strong enough to reject any bullying that might be attempted by Russia. The Soviet power to bully any weak nation or group of nations has risen in recent years as its military spending has marched steadily upwards. Its offers of a "European security conference," which NATO is wisely treating with skepticism, are almost certainly an effort to seduce Western Europe into weakening its partnership with the United States.

Apart from political considerations, the American economic stake in a continued friendly Western Europe is larger than ever. American business has invested some $21 billion in Europe and U.S. exports there are some $18 billion annually. The North Atlantic economies are closely tied by monetary and commercial agreements that are of major importance to all parties.

All this is an argument that the U.S. cannot afford to take its military commitments to Europe lightly or to succumb too readily to domestic pressures for sharp cutbacks in military spending. It certainly cannot afford to antagonize Europe unnecessarily by adopting restrictive trade policies or by managing its monetary and fiscal affairs unwisely.

None of this argues that the United States should continue indefinitely to station large numbers of fighting troops and their dependents, some half a million people in all, on European soil. There are in fact good reasons why the NATO ministers at this latest meeting should have taken steps that would have permitted sizable reductions over the next few years.

The most important reason is the message that Russia and other Warsaw Pact nations would have received from an announcement that Western Europeans are willing to use more of their own manpower and money to defend themselves. It would have signaled a considerably greater determination to resist aggression than West Europe has so far demonstrated on its own. The postwar history of the world indicates that the Russians respect fortitude and that it is the most reliable safeguard against Soviet political miscalculations.

The second important reason is the changing attitude of the American public toward the U.S. role as a policeman of the world. Vietnam has convinced many Americans, including a sizable number of Senators, that for the United States to continue to carry the burden it has in recent years is unrewarding and unfair.

Senator Mansfield's threat to try to block defense appropriations unless Europe takes a larger share in its own defense is reflective of this attitude. European statesmen would be wise to take it seriously and plan for the possible consequences. President Nixon and the U.S. Secretaries of Defense and State could have demonstrated greater awareness of the force of the sentiment at home by trying to drive a harder bargain in Brussels.

A third reason is that European voters can never have anything better than mixed feelings about American troops being stationed on their soil. Many still perhaps remember World War II and welcome the protection but to a younger generation the troops, and the irritations that troops always cause, do not arouse friendly feelings towards the U.S. Such antipathy could become important politically in Europe and may already be more important than many European politicians.

The fourth reason is that the American troops abroad and their dependents still contribute to imbalances in American foreign payments. The direct costs of the European forces may be only about $3 billion, according to military sources, and that is not so much in relation to the total U.S. defense budget. But the share of that cost that constitutes a drain on the dollar is substantial in the balance-of-payments equation. The monetary imbalance caused by U.S. dollars piling up in foreign banks still is a serious international problem.

A U.S. military presence in Europe, in the form of a nuclear capability and even some conventional forces, may be needed for some time—particularly since new currents of political thought seem to be running. West Germany's successes in improving relations with the Soviet Union and Poland and the recent East-West commercial contacts offer new hopes for a peaceful Europe, as well as new dangers.

But the United States has problems of its own at the moment with its budget and its domestic political psychology. It can only be hoped that the Administration will take advantage of what is at least an improved attitude in Europe to try to get a stronger European commitment to NATO.

THE MEANING OF THE RED THREAT—ADDRESS BY LT. GEN. IRA C. EAKER, U.S. AIR FORCE, RETIRED

Mr. GOLDWATER. Mr. President, one of the distinguished leaders of World War II, Lt. Gen. Ira C. Eaker, speaks and writes often on America, its problems, and its relationship to the world and its problems. One of the most cogent of these presentations was given on November 17 before a symposium of the American Ordnance Association.

Today, and I say this with sadness, America is becoming divided over our role in the world: Divided over whether or not we will remain the leaders of the world, or whether we will follow other nations in falling under the leadership of some Communist nation.

To many Americans, freedom has become an unimportant factor in our way of life. Survival and the acquisition of material goods has become the only goals.

Thanks to men like General Eaker, the nature of the enemy, wherever he is and whoever he might be, is being given to the American people. So that I, as a U.S. Senator, might add my little help to his efforts, I ask unanimous consent that the paper he delivered before the symposium I mentioned be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE MEANING OF THE RED THREAT

General Holloway, Mr. Wallace, Mr. Kohler, Members of the Symposium, Gentlemen: First, my congratulations to General Cordes of the Strategic Air Command Staff for the excellence and accuracy of his briefing highlighting the quantitative aspects of the growing Soviet strategic offensive and defensive forces and the emerging Chinese Communist threat.

His presentation of the size and composition of the nuclear delivery capability, of the Red land, sea and air power cannot be dismissed as an exaggeration for the purpose of creating a bigger SAC, more U.S. strategic power, as the pacifists and doves are sometimes wont to charge.

The totals of Red missiles, bombers, and ships presented in this briefing are confirmed by similar estimates recently made by The Institute of Strategic Studies, London, The Georgetown University Center for Strategic Studies and the National Strategy Information Center, New York.

A report of the Committee on Armed Services, House of Representatives released last October 7th entitled, "The Threat," gives generally the same estimates of Red strategic forces we have heard today.

As late as November 10th, last, General Goodpaster, the NATO Commander, warned, "The Soviet forces of today constitute a concentration of military power far beyond anything the world has ever previously seen. It is a force far exceeding their reasonable defense requirements."

These assessments of the Red threat clearly indicate that the USSR is now the number one military world power, the U.S. is now a second-class power and the disparity is still growing in favor of the Reds.

My assigned task in this symposium is "The Meaning of this Red Threat."

In a dramatic speech in the House on October 10th, the Honorable Mendel Rivers, Chairman of the Armed Services Committee, after detailing the size of the Red Threat said, "Mr. Speaker, never before in the 30 years of my membership in this body have I stepped into the well of this House with greater concern for the future of this nation." I share completely Mr. Rivers' concern and I do not believe he overstated the case when he continued, "I have no doubt that the Soviets are now building a nuclear submarine base in Cuba. Mark my words well—one of these fine mornings we are going to be told by the Russians, in most unmistakeable terms, to get out of the Mediterranean."

Here are other quotes from this great speech which are of major significance, "The 7% portion of the gross national product which is now allocated to our national defense represents the smallest allocation of our gross national product to national defense purposes in 20 years. Surely no American would argue that we can put a price tag on the lives of our people. But I would rather be alive at 10% than dead at 7%."

He concluded, "The Soviet Union now has a nuclear strategic weapon capability in excess of ours and this superiority will continue to increase if we do not take dramatic action to stem the tide."

"In calendar year 1969, the United States spent a total of $7.5 billion on strategic offensive weaponry. During that same period the Soviet Union expended approximately $13 billion dollars in the same effort."

This speech should be read in its entirety by every thoughtful, concerned citizen, for Chairman Rivers is without doubt one of the best informed members of Congress on the National Security.

There are two decisive factors which give the Russians a tremendous advantage in any nuclear exchange with us. There are many more lucrative nuclear targets in the U.S. than in the USSR due to the fact that population and industry is much more concentrated here into urban areas. For example, if Russia hit the 50 largest U.S. cities it would kill 86 million Americans and destroy 55% of U.S. industry. On the other hand a nuclear attack against the 50 largest Russian cities would kill only 48 million Soviet citizens and destroy but 40% of their industrial capacity. Such attacks would result in the death of 42% of the U.S. population but only 20% of Russian.

The other dangerous inequity lies in the fact that it is U.S. policy never to deliver the first nuclear strike. The only U.S. retaliatory nuclear capability would be that which survived an enemy nuclear attack. Present estimates of our weapons survival is between 15 and 20%. This policy makes it possible for the USSR to plan their nuclear first strike against the strategic forces of the U.S. Obviously the U.S. strategic capability which survives a Red first strike will not hit the nuclear delivery capacity of the Russians, since it would be senseless to target ICBM sites which have already released their missiles.

Since President Nixon expressed grave concern, when he was a candidate, about Russia's growing strategic strength coincident with our own unilateral disarmament, and since both have accelerated since he became Commander-in-Chief, it seems appropriate to examine this phenomenon.

This is my present analysis of the Nixon defense policy.

He went to the country recently in an effort to elect a Republican Congress, by reminding our people that he expressed the hope in his Inaugural Address that we are leaving a period of confrontation with the Reds and moving into a period of negotiation. Since he became President, therefore, he has reduced our defense budgets by more than $10 billion and has not deployed a single new offensive strategic weapon, relying upon SALT (the Strategic Arms Limitation Talks) to provide for our security through negotiation. In the meantime, Mr. Nixon will continue to wind down the Vietnam War, reducing by more than half the extent and cost of that conflict and reducing our defense forces by about one million men, military and civilian.

Whether this plan will be politically effective, I cannot predict, not being a politician or political commentator. But I am certain, having spent fifty years as a Red watcher, that it will not favorably influence Kremlin policy. The USSR will never agree to return to strategic inferiority or parity at Vienna, Helsinki or anywhere else. There is no evidence that they have abandoned their plans for world domination and they know that parity is not the route to success in that area.

Instead of the period of negotiation, for which the President hopes, we shall, I believe, have a period of Red nuclear blackmail. Taking advantage of their strategic superiority, the Reds will begin to show their muscle and make hostile demands. Already since achieving superiority they have become much more aggressive. Their air and sea bases in North Africa, their missiles and fighters in Egypt, their growing naval thrusts into the Mediterranean Sea and Indian Ocean, and their missile carrying subs off our coast provide unmistakeable evidence of this.

On May 20th last their missile ships returned to Cuban waters and U.S. intelligence agencies report that Russian bombers are now using Cuban bases.

Faced then with positive evidence of Red truculence and blackmail, President Nixon will go to the American people in his own re-election bid in 1972 reminding our people and all the world that he bent over backward in an effort to support SALT. He even continued our own strategic disarmament for two years despite certain evidences of the Red strategic arms build-up. Since this effort failed, he proposes to begin at once to restore the strategic imbalance. He can point out that since we have twice the economic resources of the USSR we can and will do this without further delay. Such a campaign promise will be very effective as our people will by then have ample warning of the hazard in strategic inferiority, the loss of the credibility of our deterrent posture.

There is a terrible danger in the Nixon defense strategy as I have outlined it. The Reds may not permit our rearmament. Over the Hot Line from Moscow could come this ultimatum: "As you know, Mr. President, we now have your land-based ICBM's well covered with our SS9's. Your own Secretary of Defense has told your Congress that we can destroy 95% of your ICBM capability in a surprise first strike. The only thing we now have to fear is your Polaris and Poseidon nuclear submarines. We now order you to send these vessels into the Black Sea where we can be sure they are disarmed. You will be wise to comply, since each of your subs at sea is now followed everywhere it goes by two of our killer subs."

In such a circumstance, when the USSR has about the same strategic superiority, four to one, which we enjoyed at the time of the Cuban Missile Crisis, the President may have no alternative but to comply with the Red ultimatum, as Khrushchev responded in 1961.

With loss of our No. 1 power position will go loss of world leadership. Many fateful consequences will inevitably follow.

One early and tragic result may be the destruction of gallant little Israel. The U.S. has been the only nation guaranteeing Israel's continued status as a free nation, with the strength to enforce its pledge. This guarantee will be ineffective in the future with the U.S. a second-rate world power.

A second inevitable result will be the break-up of NATO. European leaders have realized for some time that the U.S. no longer was a dependable ally and assured protector,

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her people having lost the will and refused to provide the means for Free World leadership. This is why the leaders in Germany and France, have been recently to Moscow seeking some form of detente with the Kremlin. That also was the reason Greece and Turkey refused use of their bases to U.S. aircraft in the late Middle East crisis. Likewise it accounts for the recent defection of Canada, confirmed by her recognition of Red China.

The U.S. must now alter its strategy since its defense posture is such that its peacekeeping ability is no longer credible. When the U.S. was the No. 1 world power, so acknowledged by friend and foe, its earlier policies of massive retaliation and graduated response were effective.

A nation faced with an adversary having superior nuclear capability and strategic strength has only these options: It can strike first in a surprise attack in order to reduce the nuclear capacity of the enemy. It can await the enemy's firststrike and then retaliate by launching whatever nuclear weapons survive upon the cities of the enemy. Or it can accede to nuclear blackmail, tantamount to surrender.

Our former allies of the Free World have but two options now. They can make the best deal they can get from Moscow or they can develop their own nuclear defenses. Britain and France have a nuclear start and Germany and Japan will no doubt be making that hard decision soon.

In the past, whenever U.S. defense appropriations were reaching dangerously low levels, the Reds always took some offensive action to alarm our people and warn our leaders. The blockade of Berlin, the invasion of South Korea and the Cuban Missile Crisis were such examples. The U.S. then acted promptly to restore the credibility of its deterrent posture.

The Reds have done the same thing this time. They have never been more aggressive than since gaining strategic superiority. Their fleets in all the world's oceans, their planes, missiles and troops into Egypt, their nuclear submarines patrolling our coasts and their sub base in Cuba have given unmistakable warning. But our people have not responded as in the past.

Some defense leaders credit this apathy to an unrealistic reliance upon SALT (the Strategic Arms Limitation Talks). The recent action of the House on defense appropriations cuts the ground from under SALT. Why would Russia agree to mutual disarmament when she has Congressional confirmation that U.S. unilateral disarmament is being accelerated?

You will recall that General Cordes told us "The Soviet Union is now about to seize world technological leadership from the United States." He also pointed out that they have already spent about three billion dollars more than we have on defense oriented research and that their annual expansion in their R&D effort has been 10% a year while ours has only been 4%, hardly enough to cover rising inflation costs.

I thought his comment on Soviet Research Institute growth was especially significant in this area. "The Soviets have established a technically-oriented society. As a measure of this growth, they have nearly doubled the number of research institutes over the past 20 years and quadrupled their graduated engineers. This technical manpower force is now six times the size of ours."

Dr. John S. Foster, Director of Defense Research and Engnieering has repeatedly warned the Congress of the tremendous Red R&D effort and its dangerous consequences for us.

In Russia the scientists, engineers and technicians enjoy favored status, ranking right after the Party leaders in salary, housing, food and prestige. There are no unemployed scientists and engineers in the USSR, while we have today thousands of unemployed scientists and engineers. To me, this has ominous and obvious future consequences.

It means that the USSR will have superior strategic weapons in the future. Add this to their numerical superiority and our defenses lose their deterrent credibility entirely.

There is another grave significance to this Soviet technological superiority. They will ultimately control the markets of the world. Their consumer products will be better, cheaper and favored world-wide as were those of Britain in earlier times and as are those of Germany, Japan and the U.S. today. I foresee and fear the time when Russian technology joins the great industrial capacity of Western Europe to dominate the world's commercial markets.

The Reds also have caught this vision. That's why they are now building a vast merchant marine, able to deliver these merchandise cargoes to every people on every island and continent on earth.

There is another side to the USSR–U.S. inequity which disturbs me greatly. I have a sufficient acquaintance with history to know that more nations have fallen due to internal disorder and decay than from outside conquest. I see in our Country today many of the maladies which have been fatal to other peoples, other nations once great but which ultimately disappeared.

The apathy of our people to their defense establishment and forces passes all understanding. In 1962 there was strong popular support for President Kennedy when he ordered the Russians to get their offensive missiles out of Cuba. Contrast that reaction with the lack of popular concern when President Nixon told us that the Soviets were building a nuclear sub base in Cuba.

We also have in this country, as we all know, a large and growing group of traitors. By definition of long standing a traitor is one who gives aid and comfort to the enemy. During the Vietnam War many of our citizens, some in high places, have given aid and encouragement to the Reds, hiding behind the legal fiction that war was not declared by Congress.

When some historian of the future does the job on us which Gibbon did on Rome, I believe he will trace the beginning of our decline to our tolerance of treason. The Reds do not have that problem.

There is now much talk about national priorities. We are told that we must reduce defense expenditures in order to provide more funds for other pressing priorities. I submit that our first priority must be the national security for if that fails the other priorities do not matter. Our conquerors will take care of those.

There appears to be a considerable feeling in this country, which has been fostered by the intellectual-left, that the Reds no longer represent a serious menace since Russia and China are quarreling. I believe the USSR-ChiCom quarrel is like spats between husbands and wives. They can be bitter, but when third parties intervene, the couples promptly double up on the intruder.

Despite this heated oral controversy, I note both big Red powers have been supplying aid to North Vietnam.

In view of the present threat to our security, what should be the size and composition of our defense forces? While a detailed discussion of this subject lies outside my assignment at this symposium, I have complied such a force list and can make it available to anyone who is interested. There are some facts and conditions relating to this question pertinent to my topic "The Meaning of the Threat."

No Free World leader knows what would deter an enemy from launching a nuclear first strike. Only the rulers in Moscow and Peking know that. We do, however, have some pertinent yardsticks. Our strategic superiority has kept the truce thus far. At the time of the Cuban Missile Crisis when our strategic superiority was four or five times theirs, they were deterred.

A nation whose policy is to survive a nuclear first strike and retaliate must be sure to emphasize all defense measures including the ABM and civil defenses, especially shelter programs and ample warning devices.

An adequate force, when on the defensive must also be much larger, more extensive and more expensive than a nuclear first strike force due to the frightful destructiveness of nuclear weapons. Incidentally, I never knew of any body who ever won while on the defensive.

The frequently heard argument against the great cost of our defense system is scarcely valid since whatever it costs is but a pittance compared to what we would lose if our defenses failed.

Here I want to suggest one caution to the military.

Sometimes in the past when defense appropriations were inadequate the Armed Services have engaged in heated controversy over the sparce funds which were available. That would be fatal now when it is open season on all things military. Every military leader must put national interest above any partisan or parochial advantage. The Joint Chiefs of Staff and all subordinates in uniform must speak with one voice resolving all issues in conference and creating no inter-service rivalry headlines.

National security should never be a partisan or political issue. It is as non-partisan as safe streets and clean air. Since national security concerns every citizen, it should be a concern of every citizen.

One decisive aspect of the Red threat has not received the attention it deserves. That is the intention, plan and will of enemy leadership. Does anyone who has observed the truculence of the Kremlin during the years since World War II, when their strategic forces were inferior, doubt that they will be more difficult to deal with now that they are the World's No. 1 military power? Has anyone seen any evidence that Soviet leadership has abandoned its announced plan for World conquest?

Two things are necessary for world domination, the military power and the will or determination of national leadership to use it. Russia undoubtedly now has both.

When the U.S. was the No. 1 military power in the world this represented no menace to any people or nation on earth. Everyone here and abroad knew that our strength was defensive. Not since 1898 (the Spanish American War) has the U.S. been an expansionist nation or had an aggressive policy. Can any informed person say the same of the men in the Kremlin?

In 1914 the Kaiser and his Prussian War Lords had the will for conquest but not, as it developed, the military strength. In 1940 Hitler, Mussolini and the Japanese War Lords had the will but not the means. Now for the first time there is a nation with the strength and whose leaders obviously possess the will for conquest.

Finally, gentlemen, I have observed that some of our people misunderstand why we recommend superior U.S. military strength. Recently, for example, Senator Brooke criticized General Ryan for saying our strategic forces must be able to disarm an enemy.

Frankly, I have little interest in retaliation or how many Russians or Red Chinese are killed after a massive nuclear attack on the U.S. Everything, everyone, every institution I cherish will have been destroyed.

What I want, what this country must have, is a strategic force of such size and composition that no enemy will ever dare to launch that massive nuclear first strike. We have had such a force, it has kept the uneasy nuclear truce for two decades. We have lost it. We must never cease our effort until we get it back. That is our highest national priority.

REHABILITATION OF PHYSICALLY HANDICAPPED IS AIDED BY MOOSE HEARING SCREENING PROGRAM WHICH SALVAGES THOUSANDS OF AMERICANS FROM FRIGHTENING WORLD WITHOUT SOUND

Mr. RANDOLPH. Mr. President, for many years I have been an active and vigorous supporter of improving the economic opportunities and the physical and social rehabilitation of the physically handicapped. It is, therefore, with much gratification that I report to Members of the Congress on a little-known health program which is doing much to conserve hearing and prevent deafness in children and adults.

In 1961, I stated in the Senate that in the State of West Virginia, in November of 1960, men and women of one of the largest fraternal organizations in America joined efforts with a large electronics manufacturer in a pilot hearing screening program.

It was with personal satisfaction that I identified the fraternal group as the Loyal Order of Moose, particularly the Parkersburg, W. Va. lodge. The manufacturer referred to is the Zenith Radio Corp. of Chicago, which pledged to provide hearing screening equipment and technical advice without charge.

Today I am informed that through this volunteer program, more than 2 million men, women, and children across the Nation have had their hearing screened over the past decade. This is a truly fine record. I recall that at Parkersburg 10 years ago, we talked of our hopes for the volunteer effort. Great good has been done.

Hearing loss is one of our major health problems. More than 15 million Americans, including 3 million children, suffer some degree of deafness. Even though more people have hearing problems than suffer from heart disease, tuberculosis, and polio combined, it is one of our least publicized afflictions. And the reason, I suspect, is that for a majority of persons experiencing a hearing loss, there is no badge of identity—no crutch, no brace, no cane. Many individuals with impaired hearing who resist surgery or the use of a modern hearing aid walk the streets of loneliness, withdrawn from the lively world of sound.

Unfortunately, it is a common belief that only the older or aged person becomes deaf. This is a fallacy; hearing troubles can develop at any time in life, even before birth. You know, too, of the recent alarms raised by school and medical authorities over the deteriorating effects of electronic amplification on our young music lovers.

The Moose hearing screening program has helped confirm these alarms. Volunteer workers in Moose lodges all over the country are finding thousands of infants and children with undetected hearing impairment resulting from hidden disease or damage, and they are channeling these individuals to medical help before the loss becomes irreversible.

In the program, the one out of 10 individuals found to suffer some hearing impairment is referred for appropriate medical and rehabilitation services so that modern technology can be employed to compensate for this loss. Zenith Corp. has devised a new method of accurate testing preschoolers, called Visual and Auditory Screening of Children—VASC—which was developed and perfected at Rochester. Through this testing, the screening program is salvaging thousands of Americans from a frightening world without sound.

Mr. President, this national movement began as a pilot program in Parkersburg, a growing city on the Ohio River. It was accomplished by concerned and dedicated people, not taxes, not State funds, not Federal funds—but people pitching in to help their neighbors. At a time when we are concerned about rising taxes and the cost of medical care, and at a time when increasing numbers of Americans are discovered to have hearing losses, it is heartwarming to know of the work of an organzation pledged to aid our fellowman without the need for special fundraising drives or annual budgetary appeals.

Using special equipment loaned by Zenith Corp. and many of its hearing aid dealers, members of the Moose have been screening the hearing acuity of thousands of preschool children, students, and adults. This inspiring people-to-people program was organized a decade ago by the fraternal group's Department of Civic Affairs under the far-sighted leadership of Earle W. Horton, director of that department. Mr. Horton and his State directors have made this program the most successful of its kind in the Nation.

It is where schools have no funds or facilities for screening hearing deficiencies that the Moose have performed so nobly in offering their services to school officials. After receiving approval of local school officials, these trained volunteers spend countless hours working with educators and parents in the hope of saving children the hardship of a hearing handicap in later life.

Mr. Horton and the Moose fraternity truly believe that if in each hearing screening program only one child is detected to have a possible hearing loss, the program is worthwhile. This is a preventive program which can forestall lifetimes of loneliness, misery, discomfort, and curtailment of potential.

There are many schools today where hearing screening is not a part of the local health program, Mr. Horton reports, and the Moose organization, with its 2,200 lodges and nearly 1 million members, has a formidable task ahead of it.

Last month at Parkersburg, W. Va., Mr. Horton renewed his organization's pledge at a meeting honoring the local lodge on the eve of the 10th anniversary of the national hearing screening program.

As a Senator from West Virginia, a member of the Elkins, W. Va., Moose Lodge, and a strong advocate of this kind of people-to-people health conservation program, I was invited to participate in this commemoration. My colleagues, Representative ROBERT H. MOLLOHAN and Representative KEN HECHLER, also were present, and joined me in praising the efforts of the Moose both in the State of West Virginia and throughout the Nation.

It was at this 10th anniversary observance at Parkersburg on November 13, that I learned firsthand from Philip A. Leekley, a Zenith Corp. executive, how Moose volunteers are using his company's VASC units to communicate with 4- and 5-year-old children. This is a relatively recent development since the pilot program of 1960 and one that gives added importance to its purpose. Some of you may recall a recent episode of the television program, "Marcus Welby, M.D.," in which this remarkable communication with preschoolers was so poignantly portrayed.

By using prerecorded sound tapes with familiar phrases and by displaying colorful eye-level picture references, thousands of preschool children can be screened by volunteers. As in all the Moose projects, parents of children suspected of having a hearing loss are advised to consult their family physician.

The first hearing screening program 10 years ago attracted only several hundred children and adults. Today is it not unusual for a single group of volunteer workers to screen as many as 10,000 or more children in a specific regional program.

I am pleased to report that interest in this volunteer program continues to mount. Hundreds of newspapers, radio and television stations, and outdoor advertising firms have assisted the Moose in their ongoing efforts to attract more individuals to attend the screenings and to have their hearing tested on a regular basis. These important communicators should be applauded for their contribution in strengthening the program as the Moose move forward to their new goal of testing 3 million individuals. It is heartening to have such an effort move ahead wtihout Government, per se, being involved.

Mr. President, the Moose hearing screening program is directed toward detection of hearing impairments, so that treatment can be secured before irreversible damage occurs. I commend the many thousands of volunteers, Moose officials and officers of the Zenith Corp. for thier contributions toward a better world. The concept of the hearing screening program—early detection and treatment—is one which our Nation must adopt in all areas of health care if our citizens are to be assured a healthier and happier tomorrow.

EMERGENCY STRIKE LAWS

Mr. SAXBE. Mr. President, on December 9, Congress passed and the President signed House Joint Resolution 1413, which extends until March 1 the temporary prohibition of strikes and lockouts with respect to the current labor-management railroad dispute. I did not support the measure. The joint resolution only postpones the time when we must actively come to grips with an overall solution to the problem. The basic question in this dispute: Will the railroads give the unions the money they need, and will the unions give the railroads the

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privilege of operating at a high level of efficiency?

These and other questions were discussed in an editorial published in the Washington Post of Friday, December 11. I thought the editorial did a good job of pointing up the problems connected with House Joint Resolution 1413. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MISSING EMERGENCY STRIKE LAW

If the national railroad strike which afflicted the country yesterday were not so disruptive and costly, it would qualify as a first rate comedy. For months the country has known that an emergency was in the making, but the President did not ask for a stopgap law to prevent the strike until Monday night. Congress got into action on Wednesday, but did not pass its antistrike bill until after the strike had begun. The President signed the bill at 2:10 a.m. and Judge Pratt, clad in pajamas and robe, issued a temporary order to restrain the strike at 3:17 a.m. Meanwhile the defiant president of the Brotherhood of Railway Clerks had disappeared so that no court order could reach him, and the nation-crippling strike went merrily on through the day. What a way to run a railroad, or a nation!

In its haste, Congress sought to sweeten the bitter but necessary pill that it was administering to the four unions involved. It legislated a 13.5 per cent wage increase for the employees, which corresponds to the first installment of a 37 per cent increase in three years recommended by an emergency fact-finding board. But Congress ignored the other parts of the emergency board's proposed settlement designed, as the President noted in signing the bill, to "increase productivity and cut back the inflationary effect of the pay increase." In effect, this attempt to meet a transportation crisis through special legislation failed to prevent the strike; it put Congress on record in support of an inflationary wage settlement; and it ignored the proposed work-rule changes designed to make higher wage rates economically feasible.

Essential though it was to take away the union's right to strike in the current circumstances, it is difficult to avoid the conclusion that Congress botched the job. Virtually every member was irritated, moreover, by the disruptive effect of this special legislation on its already overburden catchup session. The basic fact is that Congress cannot legislate properly in such circumstances, and that is an overpowering argument for not letting crises of this sort go to Capitol Hill for settlement.

The chief ray of hope in the situation, therefore, is that the 92d Congress will overhaul the Railroad Labor Act so as to save itself and the country from fiascos of this kind in the future. Congress might not like the kind of legislation that the President recommended last February to deal with transportation emergencies which cannot be settled under existing law, but it has not said so. The inexcusable fact is that not a single hearing was held on the bill, and neither house did anything to initiate substitute legislation of its own. There is not much hope of meeting these occasional emergencies more satisfactorily until Congress is ready to buckle down and pass a new law to protect the public interest.

ASSESSMENT OF PRESENT SITUATION IN VIETNAM

Mr. MONDALE. Mr. President, last December 15 President Nixon made a brief report to the Nation on the situation in Vietnam. He referred in that speech to what he termed a "firsthand, candid and completely independent" report on the situation in South Vietnam by Sir Robert Thompson, the celebrated British expert on guerrilla warfare and architect of the victory over Communist insurgents in Malaya.

Sir Robert, the President announced had been "cautiously optimistic" after a 5-week trip to South Vietnam, and had reported "a winning position has been achieved . . ." The President told us that this favorable assessment was "in line" with other reports and his own thinking. However, he did not reveal Sir Robert's report beyond this brief characterization.

These Presidential remarks are particularly notable now, a year later, because Sir Robert Thompson has gone again to South Vietnam on an official mission for several weeks and again reported to the President. But his findings today have not been reported by the administration in any way to the American people, let alone in a Presidential address.

For, according to the New York Times, Sir Robert reported this time a disturbing failure to eliminate the Vietcong apparatus in South Vietnam. Such a failure undermines all other aspects of pacification and certainly belies continuing administration optimism about political realties in South Vietnam.

In a subsequent radio interview with NBC in London, Sir Robert faulted this press account as over-emphasizing "one detail" of his report, but he nonetheless publicly acknowledged that the threat of Vietcong subversion was not yet "sufficiently reduced."

We must ask, I think, what is "sufficient" after all these years, the billions of dollars, the tens of thousands of American lives.

I should add that these reports bear out an earlier account in the New York Times of October 19 that the Saigon regime was massively infiltered by Communist agents.

That, of course, is what this war has always been about. Not arms caches in Cambodia, or bombing targets in the North, or strident speeches in Washington. But who is to rule South Vietnam. Who has the political stamina to survive the military stalemate.

That is the question our men have died for—and still die for.

The whole elaborate, much-celebrated structure of "Vietnamization" rests on the political balance. In plainest terms, so long as the Vietcong apparatus remains intact, and so long as the two sides refuse a negotiated settlement, the promise of an honorable peace in Vietnam is a cruel hoax.

The American people are entitled to know in full what Sir Robert Thompson has reported to the President from both his trips.

We are entitled to know the findings of the President's Vietnam Special Studies Group, which the President, in his report to Congress last February, characterized as the main forum for determining "the factual situation" in Vietnam.

A White House spokesman has refused to comment on the Thompson report, calling it a "classified matter." The most powerful rebuttal to that position was given by President Nixon himself in his foreign policy message of February 18. He wrote about informing the public on Vietnam:

> We cannot try to fool the enemy, who know what is actually happening.
>
> Nor must we fool ourselves. The American people must have the full truth. We cannot afford a loss of confidence in our judgment and in leadership.

This is indeed an issue of basic confidence. The administration must show it has not been misleading the American people in the continued spending of lives and money. It must show it is not the captive of the facile illusions that blinded its predecessor.

Most of all, Americans must know the truth about Vietnam to prepare us for whatever trials may lie ahead. For if Communist victories are to be the outcome, we face either the challenge of accepting reality or the madness of some attempt to reverse it. In any event, the sacrifice we have made obligates our Government to tell us the truth, the whole truth, and to tell us now.

All this relates, Mr. President, to yet another striking report, a column by Stewart Alsop in Newsweek of December 7. Mr. Alsop exposes the ominous deterioration of the morale and discipline of our army in Vietnam. There may be disagreement over the reasons for this unprecedented alienation of our men from their commanders. But it is clear that we cannot go on asking our soldiers to fight and die on false pretenses about what has truly been gained in Vietnam.

Mindful of these enormous stakes, I have written President Nixon to request that he make public the Thompson reports and other official assessments of the situation in South Vietnam.

I ask unanimous consent that the letter to the President and the relevant articles from the New York Times and Newsweek be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DECEMBER 11, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am very concerned over the series of reports about Sir Robert Thompson's recent trip on your behalf to South Vietnam. Certain press stories indicated that he returned with the judgment that efforts have still failed to eliminate the threat posed by the Vietcong apparatus throughout the country.

In a subsequent interview with NBC in London, Sir Robert did criticize these press accounts as having "picked on one detail" of his report. And he called the tenor of his latest findings "encouraging and even optimistic." Yet in that same interview he publicly acknowledged that the Vietcong apparatus was not yet "sufficiently reduced," and that Vietcong subversive strength within South Vietnam was a threat which could still "overturn" the Saigon regime.

All this comes in the wake of an equally disturbing press report in October that the CIA finds the Saigon government massively infiltrated with Communist agents.

These reports raise serious questions about the whole structure of pacification and Vietnamization policies. If the future withdrawals of U.S. forces are to depend upon the real stamina of the South Vietnamese regime, the continued strength of the Vietcong infrastructure—whatever the marginal damage it has suffered—certainly casts doubt on any promise to bring all our men home in the near future, except through a genuine compromise settlement.

Moreover, so long as this potential for Communist victories in South Vietnam remains obscure to the American people, and so long as the Administration remains publicly committed to quite an opposite outcome, the stage could be set, as in the past, for some dramatic U.S. military action to try to retrieve the situation. I fear that would not only be futile, but also disastrous for the peace of our own society.

I therefore request you, Mr. President, to make public in full both the reports of Sir Robert Thompson and other official assessments of the situation in South Vietnam, including those of the Vietnam Special Studies Group, which you cited for searching and factual analysis in your Message to the Congress on Foreign Relations last February.

As you said in that Message with regard to informing the public on Vietnam:

"We cannot try to fool the enemy, who knows what is actually happening.

"Nor must we fool ourselves. The American people must have the full truth. We cannot afford a loss of confidence in our judgment and in our leadership."

Telling the plain truth about what lies ahead in Vietnam is surely the best insurance, Mr. President, against the divisiveness and recrimination we all want to avoid in trying to end this war.

Sincerely,

WALTER F. MONDALE.

[From the New York Times, Dec. 3, 1970]

EXPERT NOW GLOOMY IN REPORT TO NIXON ON VIETCONG POWER

(By Tad Szulc)

WASHINGTON, Dec. 2.—Sir Robert Thompson, the British expert on guerrilla warfare, has told President Nixon that the United States and allied intelligence and police efforts have failed to destroy the Communist subversive apparatus in South Vietnam.

His report, submitted in writing to the President at an unpublicized White House meeting on Oct. 13, appears to be in marked contrast with the relatively optimistic views on the security situation in South Vietnam that Sir Robert offered Mr. Nixon last December.

Sir Robert's findings—outlined to The New York Times today by Administration officials familiar with the report—were based on a new five-week secret mission he undertook in South Vietnam at President Nixon's request during September and October before coming to Washington to deliver his report.

The previous mission for Mr. Nixon, which also lasted five weeks, was completed last Dec. 3, when he met with the President.

In his policy speech on Vietnam on Dec. 15, Mr. Nixon told of the Thompson mission, described his findings as "cautiously optimistic," and quoted him as reporting that, "I was very impressed by the improvement in the military and political situation in Vietnam as compared with all previous visits and especially in the security situation, both in Saigon and the rural areas."

Sir Robert's recent mission, however, as well as the existence of his October report has been kept secret, reportedly because his new conclusions seem to question the validity of the pacification and Vietnamization programs, including Operation Phoenix which has been described as a code name for a secret Central Intelligence Agency operation that led to the alleged massacre at Mylai March 16, 1968.

On Oct. 14, the day after he conferred with President Nixon, Sir Robert discussed the Vietnam situation at a meeting of high level military officers and Defense Department and intelligence officials, paraphrasing in replies to questions the key points contained in his report to the President.

The main theme of Sir Robert's findings was that despite some successes in pacification, particularly in the performance by newly elected officials in South Vietnamese villages, there has been a general failure in police and intelligence efforts aimed at eliminating Vietcong apparatus in the country.

The Thompson report was said to have emphasized that success in other aspects of pacification cannot solve the basic political problem in Vietnam after the withdrawal of the bulk of American forces so long as the Vietcong apparatus remains virtually intact.

Despite continuing Administration optimism over pacification, as expressed in public statements, there are officials here with extensive experience in Vietnam who privately not only share Sir Robert's new conclusions but also argue that the South Vietnamese political and security situation is so fragile as to pose a critical threat to the Saigon Government even in the presence of "residual" American combat forces.

FOLLOWS EARLIER ASSESSMENT

Sir Robert's report followed an earlier assessment given to President Nixon by the Central Intelligence Agency that more than 30,000 Communist agents had been infiltrated into the Saigon Government, including the office of President Nguyen Van Thieu.

When The New York Times published on Oct. 19 an article based on the C.I.A. report, White House officials said that it exaggerated the extent of the infiltration and was "overly pessimistic." These comments were made, however, five days after the submission of the Thompson report declaring the allied antisubversive program to be "inadequate."

The responsibility for eradicating the underground Vietcong apparatus is vested in an agency known as Civil Operations and Rural Operations Support, or CORDS, an arm of the United States military command in Saigon. CORDS works in cooperation with the South Vietnamese military intelligence and national police.

The American agency's main antisubversive instrument is the highly controversial Operation Phoenix, composed of South Vietnamese police and military and intelligence agents, United States civilian and military personnel and operatives of the Central Intelligence Agency, who play a key role in the whole operation.

Sir Robert was said to have reported, however, that the three-year-old Operation Phoenix and related activities were not doing "their job" and had failed to break up the enemy's main effort in South Vietnam.

Other intelligence sources said that Operation Phoenix itself was infiltrated by Vietcong agents.

Officials familiar with Sir Robert's conclusions said that he was much less optimistic over the world wide aspects of the Vietnam situation than he was last year. Asked at the Pentagon meeting when the United States could leave Viet-tensified Communist shelling installations appeared to bear "not right away."

CIA SAYS ENEMY SPIES HOLD VITAL POSTS IN SAIGON

(By Neil Sheehan)

WASHINGTON, Oct. 18.—The Central Intelligence Agency has told President Nixon that the Vietnamese Communists have infiltrated more than 30,000 agents into the South Vietnamese Government in an apparatus that has been virtually impossible to destroy.

Because of this, the C.I.A. reported, as United States troop withdrawals proceed, a resurgence of Communist strength in South Vietnam can be expected.

The report to Mr. Nixon said that the secret Communist agents had included an aide to President Nguyen Van Thieu of South Vietnam, a former province chief and high officials of the police and of military intelligence.

CONFIRMATION BY OFFICIALS

While the study is not addressed specifically to the question of the President's war policy, officials of the United States Government who have read it say that it does raise questions about a key aspect of this policy—Vietnamization, or gradually giving the South Vietnamese the main burden of defending themselves against the Vietcong and North Vietnamese and thus allowing American troop withdrawals.

High White House officials confirmed the existence of the report. They contended, however, that it exaggerated the extent of infiltration and they rejected the analysis as inaccurate and "overly pessimistic."

They said that the President had read a summary of its contents and that he is understood to believe that the analysis is unwarranted because of the generally optimistic reports he has been receiving from other sources about the progress of pacification, the improved military performance of the South Vietnamese and the effects of the Cambodian incursion.

NO IMPLICATION OF FALL

The Central Intelligence Agency's analysis does not assert or imply that the South Vietnamese Government is likely to fall in the next few months, the officials who have read it said. Nor does the study discount the likelihood that the South Vietnamese Army will perform well in battle for some time to come, as occurred in Cambodia.

What the study does imply, the officials said, is that the South Vietnamese Government has little chance of enduring over the long run because of the great extent of Communist penetration.

In terms of troop withdrawals the President has so far committed himself only to reducing American men in South Vietnam to 284,000 by next May. He has indicated, however, that he hopes to make further withdrawals as his Vietnamization program continues. The President has also repeatedly stated, as did high White House officials in commenting on the C.I.A. analysis, that the Vietnamization program is going well.

Details of the top-secret study were made available to The New York Times by the Government officials who read it. The study was made last May, the officials said, and has been circulated in the White House, the Pentagon and the State Department. Information received since May—especially after the two-month attack on Communist sanctuaries in Cambodia that ended June 30—has continued to confirm the C.I.A.'s findings, the officials said.

The study was apparently based on new information about the nature and size of the Communist spy organization in South Vietnam as well as on a fresh analysis of captured documents and interrogations of prisoners and defectors during the last two to three years.

In its analysis, the Central Intelligence Agency says that early last year after a number of setbacks on the battlefield, the Communists decided to shift their long-range strategy from intense military activity to political erosion, against the day when American troop strength would no longer be a serious threat because of withdrawals.

The enemy is confident that this strategy will succeed, the analysis pointed out. It offered no contradiction.

To carry out the new strategy, the report asserts, the Communists stepped up their infiltration of secret agents into various branches of the South Vietnamese Government.

MOST NATIVES OF SOUTH

The study estimates that the enemy has infiltrated more than 30,000 agents—most of them natives of the southern part of divided Vietnam—into the armed forces, the police force and the South Vietnamese intelligence organizations charged with eradicating the Vietcong guerrillas and their North Vietnamese allies. (High White House officials said that the study gave a total of about 20,000 agents, but the officials who had read it said they were certain the figure was 30,000.)

The number of such agents is said to be growing, with a goal of 50,000. If this goal is reached, the spy organization would be 5 per cent of the South Vietnamese military and police forces. The C.I.A. study doubts, however, that the Communists achieved their goal by the end of 1969, the target date.

While the enemy operatives range from very effective to very poor, the study says, the network derives its power from the fact that the United States and the South Vietnamese Government have nothing remotely comparable.

The study describes the workings of three Communist political-action and intelligence organizations, one of which has proven so impervious to Government countermeasures that none of its important agents have been arrested. The C.I.A. refers to the relatively few arrests to tell how Communist agents have reached into army headquarters, into President Thieu's office and even into the negotiating team at the Paris peace talks.

APATHY A POSSIBLE REASON

In addition, the Central Intelligence Agency reports the failure of hundreds of thousands of South Vietnamese policemen and soldiers to report contacts by Vietcong agents. The report adds that the enemy network could not exist without the tacit complicity—whether from fear, sympathy or apathy—of the majority of South Vietnamese soldiers and policemen.

The C.I.A. cited such feelings as evidence that the Saigon Government could not command the deep loyalty of the men on whom it depends to defend itself.

Although the South Vietnamese Government is infiltrated from bottom to top, the study says, the United States and Saigon have had little success not only in penetrating the Communist organization but also in keeping agents alive in areas the Communists control.

The study offers the following assessment of the advantages of the enemy's virtual monopoly on subversion:

There is a permanent imbalance in tactical military intelligence. The enemy is usually forewarned of allied moves and the United States and South Vietnam are usually ignorant of Communist ones.

Because most Government-held areas are nominally, rather than firmly, controlled, the enemy is able to recruit selectively and to decide freely who should be assassinated for maximum political effect.

The enemy has excellent security and can thwart Government efforts to infiltrate its organization and territory. Government agents are exposed in advance and programs such as Phoenix—an effort begun in 1967 to uncover and destroy the Vietcong apparatus in the countryside—are undermined. Officials noted that the study provided the most plausible explanation yet for the continuing failure of Phoenix, a program considered vital to Vietnamization.

Penetration of non-Communist political parties and religious groups allows the Communists to take advantage of, and worsen, the chronic political weakness of the South Vietnamese Government.

The Communists can survive despite great allied military pressure. Thus, as American troop withdrawals proceed, a resurgence of Communist strength can be expected. In cutting toward its goal of 284,000 men, the United States expects to have 344,000 soldiers in Vietnam by the end of 1970—a reduction of 205,000 in two years.

Discussing the make-up of the enemy apparatus, the C.I.A. report says that the three Communist organizations that control the estimated total of 30,000 agents receive their orders from Hanoi, through the Central Office for South Vietnam, the Communist command for the South. The destruction of its headquarters was a goal of the American drive into Cambodia, but it is still operating in the jungles.

According to the C.I.A., the full-time operatives are to be distinguished from the many more tens of thousands of part-time agents and Vietcong sympathizers in South Vietnam.

The largest segment of about 20,000 full-time operatives is run by the Military Proselyting Section, whose primary aim is to undermine the morale and effectiveness of the South Vietnamese armed forces and police, according to the study.

Many of these operatives are South Vietnamese officers and noncommissioned officers. They try to recruit other soldiers to the Communist cause, foment dissent within units, perform covert assassinations, encourage desertions and defections and arrange accommodations in which Government military units, to avoid casualties, tacitly agree not to attack Communist forces. Such accommodations are a widespread practice that American military advisers have not been able to end.

NETWORK OF COURIERS

This group of 20,000 agents is supported by a large network of couriers and keepers of safe-houses, where agents can take refuge. Most keepers of these refuges are the wives or relatives of South Vietnamese soldiers and policemen, the study continues.

A second group—about 7,000 agents—is run by the Vietcong Military Intelligence Section, the study says. These agents are said to be spotted throughout all levels of the police. armed forces and civilian administration, principally for espionage. The study notes that the mission of some of the high-level agents is to try to manipulate Government policy. The Military Intelligence Section also intercepts South Vietnamese Army and police radio communications.

South Vietnamese counterintelligence has had its greatest success against these military intelligence agents, but the study cautions that the success has been a limited one. A widely publicized roundup last year probably apprehended less than half of the high-level agents working solely in the Saigon area, the study says.

The third and possibly most dangerous network of agents reported by the Central Intelligence Agency is an estimated total of 3,000 members of the Vietcong security service who permeate the South Vietnamese police intelligence service, the army intelligence and military security service, and the Central Intelligence Office, the South Vietnamese counterpart of the C.I.A. Other agents from the secret service are reported to be active throughout the non-Communist political parties and religious groups.

The Vietcong security service is reportedly a type of political and secret police with the main mission of combating infiltration or disloyalty in the Communist party, the armed forces and the population in Communist-dominated regions in the South.

The service also reportedly operates large networks of civilian informants in Government areas, draws up blackilsts in the event a Communist-influenced government takes power in South Vietnam, and selects and kills those people on the blacklists whose deaths might have an immediate psychological and political impact.

The chief mission of its 3,000 agents in the South Vietnamese structure is to keep the Communists informed of how much the Government knows about them and to block any penetration by Government.

The Vietcong security service is so efficient that none of its important agents have been apprehended, the study says.

The analysis makes the point that although sufficient data are available to estimate the size of the clandestine apparatus and how it works, both the United States and the South Vietnamese Government have not been able to obtain the kind of precise information needed to identify and arrest thousands of individual agents and destroy the network.

The South Vietnamese Government has been making greater efforts in recent months to apprehend agents, the officials who read the report said, but has not achieved meaningful progress because the penetration by the enemy is already so great.

To illustrate the omniscience of the subversive apparatus, the study gives some examples from among the relatively small number of agents who have been apprehended.

One was Huynh Van Trong, President Thieu's special assistant for political affairs. As such he was privy to the innermost workings of the South Vietnamese Government as well as to secret communications between Mr. Thieu and President Nixon. He had also participated in the Paris peace talks and had been sent on a sensitive political mission to the United States.

Another agent was a National Assembly deputy and two more were army majors who had served in the section of the police force whose mission is to prevent Communist infiltration. A fourth agent was the former assistant chief of the counterintelligence branch of the army security service. One agent was the chief medical officer of the national police, another was a former province chief and another was the former deputy police chief of Hue, the old imperial capital. The chief of the principal army communications center in Dalat was also reportedly discovered to be acting for the Vietcong.

Some agents at the bottom have turned up in deceptively useful posts. One was the chauffeur for the commanding general of the army corps that encompasses the northernmost provinces of the country. A second agent was the main servant in another general's house.

In tracing the enemy's decision to shift to a strategy emphasizing political erosion, the study said that it had been made by the North Vietnamese Politburo. In addition to ordering a reduction in fighting, the Politburo called for a cut in infiltration from North Vietnam, the Central Intelligence Agency said. Infiltration declined from about 250,000 men in 1968 to approximately 120,000 in 1969, with the rate this year reportedly running toward half the 1969 total.

AMNESTY PROGRAM USED

The Communists also shifted thousands of trained personnel from their military forces into the three political bureaucracies that penetrate the South Vietnamese Government and sent large numbers of political leaders into government territory, the study says.

These new agents enter the South Vietnamese structure by several routes, one of the most common of which is the Government's amnesty program for Communist defectors. Some Communist documents refer to the infiltration process as "the transformation of party cadres into innocent people."

There is evidence that at least several thousand false defectors entered through more than half the provinces of South Vietnam in 1969, the study says. Officials said they could not estimate what percentage of the 47,203 Vietcong defectors reported by the Saigon Government last year were actually Vietcong agents.

The study asserts that large numbers of what the Communists call "legalized cadres" are now quietly living and working in sup-

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posedly pacified districts. A legalized cadre is an agent who has acquired legitimate status in South Vietnamese society.

As an example of such cover activities, all members of a village council in an ostensibly pacified district recently were discovered to be Vietcong agents.

Although the study does not do so directly, it raises questions about the optimistic reports on pacification that Mr. Nixon has been receiving. Its implication, some officials who have read it said, is that the Communists have decided—to some extent at least—not to oppose allied pacification efforts frontally but to concentrate on infiltrating the pacifiers.

Concluding by discussing the lack of meaningful political commitment to the Saigon Government by the majority of South Vietnamese soldiers, the study remarks that during an 18-month period only 348 soldiers reported that they had been approached by the Vietcong. During this time, the Central Intelligence Agency says, it is known that the Vietcong made hundreds of thousands of approaches to military personnel.

COMMENT BY OFFICIALS

When first asked about the study yesterday, the White House declined to acknowledge its existence. Today high White House officials did so but contended that the study had been "essentially a one-man product," that it did "not represent the formal position of the C.I.A." and that it had not involved a combined analytical effort by all American intelligence services.

Under questioning, they explained that what they meant was that the analysis had been done "on a narrow basis" in the Central Intelligence Agency, but with raw material furnished by all the intelligence agencies. They also said that the analysis had been coordinated within the C.I.A., then with the rest of the intelligence agencies "on a limited basis" and lastly distributed under a Central Intelligence Agency stamp as an institutional report.

A spokesman for the agency had no comment on the study.

VIETNAM: OUT FASTER

(By Stewart Alsop)

WASHINGTON.—Obedient to his Pavlovian impulses, Senator Fulbright charged last week that the air raids on North Vietnam and the prisoner-rescue operation signaled "an expansion of the war." The chances are that the precise opposite is true. For there is a growing feeling among the Administration's policymakers that it might be a good idea to accelerate the rate of withdrawal from Vietnam very sharply.

There are two good reasons why this would be a good idea. One is that discipline and morale in the American Army in Vietnam are deteriorating very seriously. The other is that the Army has accomplished the basic mission for which it was sent to Vietnam.

As to the first point, an item of evidence is the addition to the verb "to frag" to the enlisted man's vocabulary in Vietnam. The word means to use a fragmentation grenade to cool the ardor of any officer or NCO too eager to make contact with the enemy. No doubt the number of men who have been fragged is small, but the word itself tells the story.

Much other evidence tells the same story, like the recent article in Life about an infantry company whose West Point commander had to plead with his men to go on patrol—when a commander has to plead with his men, instead of ordering them, his outfit has gone plumb to hell. That the whole Army in Vietnam is in danger of going plumb to hell is further attested by a small flood of letters from Vietnam stimulated by a couple of recent pieces in this space.

AVOID CONTACT

A sergeant, for example, writes that "leaders of small combat units like myself" are under fierce pressure from their men to do everything possible to "avoid contact with the enemy." Other letters bear witness to the bitterness of the combat soldiers who feel—with reason—that the system discriminates against them. "I am a combat infantryman, a draftee, a loser," one man wrote. "The few times we go to the rear we are treated like scum by the clerks and jerks . . . I would rather shoot my commanding officer than the enemy."

There are certain obvious reasons for the deterioration of discipline and morale. A retreat is the most difficult of military movements, partly because no one wants to be the last man killed in a war. "No one wants to be a casualty for no reason at all," writes an enlisted man, "especially when the decision to terminate the fighting over here has already been taken."

Any army, moreover, reflects the home front, and the home front has lost stomach for the war. The war was hardly mentioned in the recent campaign, and no brass bands greet the returning veteran. The Army reflects the home front in another way too. Recent witnesses before a House committee testified that between 60 per cent and 80 per cent of the enlisted men have tried the powerful Vietnam marijuana. The drug culture, in other words, has invaded the Army. A pot-smoking army can hardly be expected to be a first-class fighting force.

DREADFUL SYSTEM

There is also a less obvious reason for the deterioration—the Army's dreadful system of recruitment. Under the system, the Army entices men to enlist by promising them, almost in so many words, that they will not have to fight in Vietnam. A man who enlists before he is drafted is permitted to choose his own "MOS" or military occupational specialty. Not surprisingly, only 2.5 per cent choose the infantry.

This dreadful system has now caught up with the Army in Vietnam. The combat forces in Vietnam three or four years ago were highly professional, and very impressive. Now, as a result of the system, the combat forces are manned by bitter draftees. Almost nine out of ten (88 per cent) of the infantry riflemen are draftees.

The result is inevitable—the draftees get killed in disproportionate numbers. They make up less than a third of the men in Vietnam. But according to a study by Andrew Glass for the National Journal, confirmed by the Pentagon manpower experts as accurate, they get killed at nearly double the rate of the non-draftee enlisted men.

Is it any wonder that the draftees are bitter? Is it, in fact, any wonder that they do as little fighting as possible? And is it any wonder that those who know the score are beginning to think about pulling this nonfighting army out of Vietnam in a hurry?

Present plans call for withdrawing to the level of about 280,000 men by May, with gradual withdrawals thereafter to around 50,000 men in the fall of 1972. This "residual force" will be manned wholly by nondraftees. Its job will be to ensure continued air and firepower superiority to the South Vietnamese, thus protecting to the extent possible the huge American investment of blood and treasure in Vietnam.

This rate of withdrawal could certainly be accelerated. According to those who should know, the draw-down to the residual-force level could be completed, in an orderly fashion, by the fall of next year, perhaps by late summer. The chief argument against such an acceleration is that it would undercut our bargaining power in Paris. But surely it ought to be obvious by this time that the Communist side has not—and never has had—the slightest intention of negotiating a compromise settlement our side could conceivably accept.

There are risks, of course, in an accelerated withdrawal, but the greatest risk of all is inherent in the constant deterioration of discipline and morale in our Army in Vietnam. There is also another reason why the withdrawal could and should be accelerated.

OBJECT ACHIEVED

The object of our long agency in Vietnam has been to prevent the Communists from seizing power by force in South Vietnam. No one can predict what might happen five or ten years from now. But for the immediately foreseeable future, according to sensible men who know what they are talking about, that object has been achieved.

The Communists can still make a lot of trouble, of course. But even after an accelerated withdrawal, they simply do not have the forces or the political support to make good on their promise to rename Saigon Ho Chi Minh City—not unless we Americans are asinine enough to throw away our whole huge investment in Vietnam by withdrawing, in a fit of pique, all our support for the people who have fought on our side.

Back in 1966, Sen. George Aiken proposed that we make a "unilateral declaration of military victory," and withdraw our forces from Vietnam. In the sense that the basic American objective in Vietnam has now been achieved, that "victory" has at last been won. So it is time to take those bitter draftees in our crumbling Army out of Vietnam—and the sooner the better.

THE WELFARE REFORM PROPOSAL

Mr. BELLMON. Mr. President, probably no issue which has been before Congress has been more important, more complex, and more confused than the welfare reform proposal which the Senate will be taking up this week.

The statement by Secretary Richardson, which was printed in the Washington Post this morning, is the most clear and concise summary of this matter I have seen.

For the benefit of Senators who might have missed the article, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECRETARY RICHARDSON ON FAMILY ASSISTANCE

(By Elliot L. Richardson)

Our Nation today is facing a burgeoning welfare crisis which is costly to our states, demoralizing to our workers, and degrading to our poor.

In the last few years, the numbers of Americans added to the public welfare rolls has increased sharply and the costs of welfare have escalated even more precipitously. Some of our cities and states are facing the choice of cutting back programs or enacting confiscatory taxes. Total costs of AFDC are projected to increase *threefold* by 1976 if present trends continue.

But money and caseloads are not the major reasons the system called "welfare" has failed. No one doubts that there are many persons in great need; if the program provided hope, opportunity and dignity to those whom it tried to help, the price would be well worth it. And if it were equitable to those it does *not* help, there would be far less social cost in the form of resentment. Yet the system does just the opposite; it discriminates against the co-called working poor who comprise fully *43 per cent* of the poor; it crushes people's hopes, robs them of opportunities, and erodes their dignity.

The specific problems of welfare—the inequities between male and female-headed families, between earners and non-earners, and between states; the built-in work disincentives; the exclusion of many needy persons; the incentives for family break-up; the uncontrollable caseload and cost increases—are well known and subject to general agreement. These problems are the direct result of structural features, not an anomaly of time, place, or administration.

To correct them, the system must be completely reconstituted. It simply cannot be patched or revised to do the things we want it to do, in ways we want it to do them. To do the job efficiently, humanely, and economically, we must erect a new structure based on rational, equitable, and workable principles.

President Nixon recognized that this need is our highest domestic priority. Over a year ago he proposed that Congress end the present inefficient system by enacting a significant new program, Family Assistance. The House of Representatives responded by overwhelmingly passing the Family Assistance Plan (FAP) in April of 1970.

The core Family Assistance Plan calls for (1) nationwide, federally financed minimum floors under adult and family welfare payments, (2) more equitable treatment between those families headed by a working father and those headed by a woman by inclusion for the first time of the working poor, (3) a drastically expanded and improved system of work incentives coupled with the requirement that the able-bodied either work or undertake job training as a condition to their receiving cash assistance, and (4) national eligibility requirements and strong incentives for Federal administration of public assistance.

The FAP Bill, H.R. 16311, was referred to the Senate Committee on Finance for preliminary action amidst a general chorus of praise and support from most segments of the population. It seemed as if FAP would pass with broad support from the American people and their elected Federal representatives. During the period from April to the present, the Administration worked closely with the Senate Finance Committee to further revise and strengthen the plan. These recommendations improved the work incentives, and also began to make other public programs, such as Medicaid and and food stamps, more compatible with the Family Assistance Plan.

On November 20, the Senate Finance Committee voted not to report out the revised bill. Instead Committee members voted for a series of pretests of the plan with no commitment to an effective date for FAP itself. Without this commitment to FAP, the Administration cannot support the bill, for such a plan of pretests would effectively preclude welfare reform for at least four years: two years for implementation and review of findings from the pretest, and a minimum of two years for Congressional enactment of a bill and the Administration's gearing up for its operation. Moreover, inaction is shortsighted economy. By 1976, projections indicate that expenditures under the current system, if unchanged, will equal the costs of FAP in that year. Thus, the question is not *whether* money will be spent on welfare, but *how* rationally and equitably it will be spent.

In substantial effort to achieve real compromise between the Administration and the Congress, Senator Abraham Ribicoff, a Finance Committee member, proposed to me ten provisions which he believed would greatly enhance the chances of Senate passage of the program. We applaud the efforts of Senator Ribicoff to achieve a bipartisan compromise. At a meeting on December 3 convened by Common Cause, an organization formed to express a united concern by the private sector in areas of public policy, I presented the Arministration's response—acceptance of seven of the ten provisions, and counter proposals on two others.

Senators Ribicoff and Bennett have now introduced this compromise onto the Senate floor as a bipartisan amendment to the Social Security Bill. This amendment explicitly recognizes the national goal of providing to every family, through work or assistance, an adequate income. We know that meaningful employment is the goal of all who favor welfare reform, and we have supported an earmarking of $150 million in Labor Department funds to provide public service jobs for welfare recipients. We have suggested that recipients take jobs paying down to $1.20 per hour rather than providing no employment because all jobs at $1.60 or more an hour have been filled. There are presently over 7,000,000 jobs in our economy at less than $1.60 per hour, and we feel that the experience and skills to be gained from working, as well as the increased income from earnings and FAP supplementation, justify this position.

Thus, the major controversies have been resolved. The need for reform and the principles of change are accepted. The Ribicoff Bennett effort proves that agreement can be reached when the mutual goal is substantial and honest reform.

In these critical final days of the 91st Congress, the Senate has a proposal before it which represents fourteen months of effort, compromise, and hope. FAP is a program with broad support from all segments of our society, a plan which substitutes opportunity and dignity for the present inequitable and inefficient system. But the clock is now running out. We must act now, or this fourteen months of progress will be blotted out. For those Americans whose lives will be changed by the Family Assistance Plan, for all taxpayers, for all citizens committed to a better society, welfare reform must be passed without further delay.

FEDERAL INSURANCE GUARANTY CORPORATION IS NOT NEEDED

Mr. McGOVERN. Mr. President, the Commerce Committee has reported a bill, S. 2236, which I intend to oppose when it reaches the Senate floor for action. The measure provides for the creation of a Federal Insurance Guaranty Corporation.

The fundamental issue in the bill is whether Congress should preempt what has been a traditional State function in areas where the States have shown their ability to meet their responsibilities. No one questions the need of programs to protect the public against insurance company insolvencies. What is being questioned, however, is whether the present State programs, strongly supported by State Governors, State legislators, insurance commissioners, and the overwhelming majority of insurance companies and agents are to be replaced by a Federal insolvency program, which will, in turn, both weaken and replace State regulation of insurance.

The bill would weaken and disrupt State insurance regulations, penalize the States which have a long tradition of protecting the public against insolvency, and will also be counterproductive in that it would fail to provide an incentive to prevent insurance companies from insolvencies.

In South Dakota, the Board of Advisers to the South Dakota Insurance Commissioner, provided by our new South Dakota law, has been appointed and is functioning in an outstanding fashion. Other States also have enacted or are in the process of enacting their own regulatory legislation, and I believe that this is a healthy step. Twenty-six States today have adequate insolvency funds, and 21 States have enacted such legislation during the 1970 session alone.

I am convinced that States which do not have insurance insolvency programs today will have them by the end of the next State legislative cycle.

Mr. President, I ask unanimous consent that a table showing the State insolvency bills as of December 1, 1970 be printed at this point in the RECORD.

For the reasons I have cited I will vote against S. 2236, and I urge Senators who are truly interested in consumer protection to do likewise.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATE INSOLVENCY BILLS AS OF DECEMBER 1, 1970

A. NAIC Model Insolvency Assessment Legislation enacted or awaiting governor's signature:

Year of enactment:	State
1969	California.
1969	Michigan.
1970	Wisconsin.
1970	Iowa.
1970	Maine.
1970	South Dakota.
1970	West Virginia.
1970	Kansas.
1970	Georgia.
1970	Virginia.
1970	Idaho.
1970	Mississippi.
1970	Vermont.
1970	Arizona.
1970	Massachusetts.
1970	New Hampshire.
1970	Alaska.
1970	Florida.
1970	Rhode Island.
1970	Delaware.
1970	Ohio.
1970	Louisiana.
1970	Pennsylvania.

B. Other insolvency assessment legislation enacted by states:

Lines covered	Nature of assessment	State
Property, auto workmen's compensation	Preassessment	Maryland.
Property, auto workmen's compensation inland marine surety	do	New York.
Auto, workmen's compensation	do	New Jersey.
Workmen's compensation	do	Minnesota.
Do	do	North Carolina.
Do	do	Pennsylvania.
Do	do	Oregon.

LAST WEEK WAS ESPECIALLY NOTABLE FOR ILLINOIS

Mr. PERCY. Mr. President, two of our most talented citizens have been promoted to positions of increased prominence in the Federal Government.

I was delighted by the news of Hon. Tom Houser's appointment as a Commissioner of the FCC. I have known Mr. Houser personally and professionally, and I have known him to be a man of intelligence, sensitivity, and outstanding capability.

In his service as Deputy Director of the Peace Corps, he has distinguished himself as an able administrator with excellent judgment.

Hon. Donald Rumsfeld has also been a close friend and associate. He was, in fact, my own Representative, and he

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served Illinois and the U.S. Congress with exceptional ability and outstanding skill.

His selection as Director of OEO last year, and now his appointment as Counselor to the President are indications of his great capacity for responsibility.

I share with the people of Illinois a special sense of pride in the appointments of these dedicated public officials who have already given so much to their Nation and have such promise and potential for expanded service in the future.

H.R. 17550—THE TRADE BILL

Mr. HART. Mr. President, anyone familiar with the history, theory, and evolution of the Sherman Act immediately will recognize the importance of the pending trade bill to antitrust policy. The rallying call for proponents of antitrust legislation in the 1880's was:

> The tariff is the mother of trusts.

In fact, the major alternative considered by the Congress which passed the Sherman Act in 1890 and the Congresses immediately preceeding was the elimination of tariff and other barriers to international competition. It was believed—and rightly so—that foreign competition provided a healthy stimulus to domestic firms and that artificial trade barriers facilitated creation of domestic trusts. Hans B. Thorelli, author of "The Federal Antitrust Policy, 1954—a thorough review of the passage and early evolution of the Sherman Act—observed:

> Although the oft-heard slogan, "the tariff is the mother of trusts," unquestionably represented an overstatement, it cannot be doubted that in several instances a strongly protective tariff was at once a prerequisite and a powerful incentive to combination.

Thorelli goes on to quote Henry O. Havemeyer, a participant in organizing the infamous sugar trust, as saying:

> Without the tariff I doubt we should have dared to take the risk of forming the trust. It could have been done; but I certainly should not have risked all I had, which was then embarked in the sugar business, in a trust unless the business had been protected *as it was* by the tariff.

We cannot become captured by history or a yearning for the restoration of the good old days. Yet, if progress is to be made and backward steps avoided, a judicious evaluation of historical precedent is essential. One such precedent is the relationship of trade barriers to the decline of competition with its consequent higher prices for lower quality goods produced by a less efficient utilization of resources. Both tariffs and quotas offer domestic competitors havens from the rigors of foreign competitors or the foreign subsidiaries of domestic competitors. The dilution of competition and the erection of trade barriers have been proven to be of serious anticompetitive consequence ever since the passage of the Sherman Act.

A recent example of this relationship has been studied by the Antitrust and Monopoly Subcommittee and by a Cabinet Task Force. The Antitrust Subcommittee hearings were titled, "Government Intervention in the Market Mechanism: The Petroleum Industry." One figure from those hearings should impress anyone with the clear relationship between barriers of the type proposed by this bill and their impact on the American consumer. The Antitrust Subcommittee staff estimated that the oil import quota assessed the American public an additional $7.2 billion per year in excess prices for oil products—Government Intervention in the Market Mechanism: The Petroleum Industry, part I, page 40, hearings before the Subcommittee on Antitrust and Monopoly, March 11, 1969. The Cabinet Task Force on Oil Import Control estimated last February that oil import quotas were costing the American public $5 billion annually in 1970 and that the levy would rise to $8 billion annually by 1980 if the present system were retained—The Oil Import Question, page 124, 1970. By any measure, the end consumer cost in artificially high prices for oil products is astronomical.

Less obvious is the fact that the quota system has led to the cartelization on an international scale of the industry—an industry which cannot even assure us that there will be sufficient oil this winter to heat and light our homes or keep industry operating. To what extent has the Government erection of a trade barrier shelter led to an inefficient and high-priced industry? After listening to all sides in antitrust hearings, I suggest that if the tariff is the mother of trusts, the quota is certainly the father. The offspring is a noncompetitive and inefficient industry which is the source of continuous antitrust litigation.

Over the years, the antitrust laws have assumed the character of a constitutional charter designed to keep the lanes of commerce free of artificial restraints imposed by private sources of economic power—*Appalachian Coals, Inc.* v. *United States*, 288 U.S. 344, 1933. Mr. Justice Black captured the spirit of the Sherman Act in his opinion in *Northern Pacific Rwy.* v. *United States*, 356 U.S. 1 (1958):

> The Sherman Act was designed to be a comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade. It rests on the premise that the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic political and social institutions.

Mr. President, I suggest that the trade bill, as reported on Friday, is a serious attack upon the antitrust policy of the United States. Before passing a bill that substantially undermines so basic a policy as the antitrust laws, one would expect a full examination of these implications before congressional action takes place.

The hearings before the Committee on Finance did not explore the relationship of tariff and quota barriers to antitrust policy despite the historical relationship of high trade barriers to the creation of domestic trusts and international cartels. Before we act upon this most important piece of legislation, I would hope that the Senate would seriously examine the antitrust implications of this bill. By doing so we may begin to grasp why almost 5,000 economists have endorsed the statement of the Committee for a National Trade Policy, Inc. that this bill is an unwise step. Among the sponsors are four former chairmen of the Council of Economic Advisers. I ask unanimous consent that their statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, there is an additional reason for careful examination of the antitrust implications of this bill. There is a growing understanding by consumers that there is a direct relationship between the enforcement of antitrust policy and the quality and cost of goods and service to the consumer. Without the spur of competition, prices rise; quality deteriorates; innovation slows; and efficiency declines. The erection of trade barriers will clearly have this effect. Gov. A. F. Brimmer of the Federal Reserve Board has attempted to show the cost of the textile and show provisions of this bill in a paper recently presented before an economics seminar at the University of Maryland.

Governor Brimmer pointed out that the American consumer has not been heard from, either, in the process of bringing this far-reaching measure up for a vote, and observed:

> Few questions have been raised about the costs to consumers of imports quotas on shoes and textiles. Yet it is the American consumer who ultimately would bear the burden of such restrictions: his range of choice would be limited, his costs of clothing would rise appreciably, and further pressure would be exerted on the general level of consumer prices. Moreover, among consumers, the burden would fall most heavily on those low income groups that can least afford it.

Governor Brimmer goes on to estimate that the best evidence available suggests that this bill will cost the American consumer $1.9 billion more by 1975 for shoes and $1.8 billion more by 1975 for textiles. The sum becomes astronomical when the oil import cost to consumers is added on. How can we assess such a huge tax upon the American people without at least studying and evaluating the anticompetitive nature of this bill and its ultimate cost to the consumer? Our experience with antitrust policy indicates that it is the frontline defense in guaranteeing consumers the best quality at the lowest price with the most efficient use of our resources. Some attempt should be made to weigh the gravity of this attack upon antitrust policy.

Governor Brimmer's paper also demonstrates the less tangible, but very real, effects upon economic efficiency in industries given shelter from the rigors of competition by this bill. Drawing upon experience in the oil, sugar, and steel industries, Governor Brimmer demonstrates how the artificial shelter of quotas and tariffs rewards inefficiencies and deters the introduction of modern technology.

I ask unanimous consent that Governor Brimmer's statement be printed in the RECORD at the conclusion of my remarks, so that we will be fully aware of these implications of the bill.

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The **PRESIDING OFFICER.** Without objections it is so ordered.

(See exhibit 2.)

Mr. HART. The New York Times stated the impact of this bill upon the American consumer in even more forceful terms in its lead editorial of November 16, 1970:

> American consumers, already feeling the pangs of inflation, would have to pay still higher prices for many goods—both because less expensive imports would be restricted and because protected American industries would be able to boost their prices without fear of losing sales in the domestic market to foreign competitors. The term "protectionist" is in a sense, a misnomer; it is really an act of aggression against American consumers and many American industries and workers, as well as against other nations, including some of this country's most important allies.

As we have not evaluated this bill's impact on consumers, neither have we really assessed the impact upon the American worker, another beneficiary of the stimulus of antitrust policy. The prospect of retaliation by nations injured by this bill is more than a threat. If this bill would preserve jobs in one area of commercial or industrial activity, it is almost certain that retaliation against our exports would cost jobs elsewhere. Our largest commodity export, soybeans, will almost certainly be the target of retaliation. Our electronics, lumber, computer, automobile, agriculture, and aircraft industries might also be prime prospects for retaliation. American firms with subsidiaries in nations adversely affected by this bill would be well-advised to prepare themselves for retaliation against their foreign subsidiaries. One would hope that Congress might at least attempt to assess this cost. I am aware of no testimony on this aspect.

The major justification for the bill is the potential for preserving jobs for a national work force already paying a heavy and unnecessary toll in unemployment in the fight against inflation. But, even here, the extent of this potential hardship has not been adequately measured nor have reasonable alternatives to relieve the plight of anyone who may be unemployed because of imports been evaluated. For example, the alternative of adjustment assistance to workers dislocated by imports should be thoroughly examined as an alternative to assessing the American consumer billions of dollars of additional costs each year in purchasing textiles, footwear, and oil products. We have a precedent for this kind of legislation pursuant to the Canadian-American automotive agreement—see 19 U.S.C. section 2021, and the following. I am aware of no adequate exploration of this alternative or any other alternatives to such drastic steps as this bill proposes.

The plight of the worker in all this is still another issue that needs careful examination. In the name of protecting jobs in the textile and footwear industries, we are asked to levy the huge tax of over 3 billion dollars in increased prices upon all the other workers in America? Is this measure for the benefit of workers in the affected industries or is it really for the benefit of their employers? To what extent have employers in the textile and footwear industry built overseas plants themselves so that this measure will only be benefiting millowners who can raise domestic prices? How much will we be forced to pay in other industries which can take advantage of this bill?

It should now be recognized as a law of our political system that once government interference in the market mechanism creating subsidies—direct or indirect—takes place, it becomes so entrenched in the system as to effect every root and branch. One need only look at farm subsidies, the depletion allowance, highway subsidies, the oil import quota and public works grants to gain some idea of the effect upon our economy and political processes. Removal of these artificial impediments to the market mechanism becomes especially difficult where the subsidy is indirect, in the form of tariffs and quotas, for example, since the public finds it difficult to measure the true amount of the subsidy and the exact amount of the tax in the form of higher prices. If our objective is to preserve the jobs of people in the footwear and textile industries and to protect the national security by restricting oil imports, why don't we make a cash outlay to employees of the former and build storage tanks for the latter? In the long run, the cost will be far less than we will pay in inflated prices, less efficient industries, and antitrust violations that may be sired by tariff and quota barriers to free trade.

We do not know the answers to any of these questions. The hearings before the Antitrust Subcommittee at least show that the oil import quota primarily benefits international oil companies and is detrimental to the national health and safety, if not security. By controlling imports, international oil companies are able to maximize the return on their domestic oil and keep the price of their cheap imports at an inflated figure.

The American public is now being advised by the administration to turn down the heat 10 percent this winter, or close off rooms in their homes, or pay higher prices for all forms of fuels. They may well wonder whether the quota is not only the father of trusts but it is also the author of a form of economic insanity.

For, one moment they are told there is no shortage; next, they are told that there is a dire shortage and higher prices are needed. Then, they are told no price can rectify the shortage, so prepare to shiver in your homes and close down your industry. Following that are claims that no one should consider any attempt to evaluate objectively the natural gas supply or tamper with the oil import quota.

Finally, slight chinks in the breastworks appear after a 25-cent-per-barrel price increase. Welcome as the regulation of production on Federal leases by the Federal Government and the use of tickets for Canadian imports may be, they are at best reactions to symptoms, not the rooting out of causes. Anyone who doubts that the tariff is the mother of trusts, the quota is the father, and that trade barriers insidiously affect every root and branch of our economic and political system need only examine the oil industry—as you shiver in the one room, the administration suggests you heat at 10 percent below normal temperatures.

Mr. President, I try to be optimistic even though my track record for selling the corrective measures I have advocated over the years is far from overwhelming. Perhaps it is a strong faith in our political processes and the first amendment which leads me to believe that sooner or later the truth will surface amid the welter of conflicting claims and that the right solutions will be chosen from the complexities of alternatives. We often have had the luxury of time to debate, consider, experiment, and even backtrack. But the appearance of measures like this, coupled with numerous factors in the economy, have stilled my optimism and lead me to believe we no longer have the luxury of time if we hope to avert even more serious economic dislocations.

Our economy is in serious trouble—beset by rising unemployment and inflation. The tumble in stock prices during the past year has uncovered a market mechanism for buying and selling stocks that is badly in need of an overhaul. Investors have sustained serious losses from the collapse of the Penn-Central and the failure of brokerage houses. Pressures have built for protectionist legislation in the form of tariffs and quotas, surely a signal that the economic pinch is drawing tighter.

Enactment of this legislation can only further deteriorate the state of the economy as retaliation occurs, unemployment goes up, and prices rise. The leverage of conglomerates has begun to operate in reverse—much like the leverage of public utility holding companies depressed stock values in the thirties as the hot air escaped from those paper edifices built on the speculation of the twenties.

We have an administration whose only game plan seems to be an extended time out, while press releases try to give the appearance of great activity and resounding success. I appreciate the President's concern and the difficulty of stemming inflation without increasing unemployment. But the time has come for dealing with basic causes, not the proposal of halfhearted and ineffective temporary solutions.

The recent proposals of the Chairman of the Federal Reserve Board, including more effective antitrust enforcement, warrant serious consideration and proposals for action by the administration. Yet we do not know where the administration stands on this bill. Last July a veto was threatened; then silence ensued; now the President seems to be for textiles, against shoes, ambivalent about other industries given protection, and silent on oil. On the one hand the President has given the appearance of being seriously concerned with fighting inflation, even at the expense of those workers who have been unemployed. Yet when we are faced with a measure of such obvious inflationary impact as this bill, we find an absence of leadership from the administration. Now the President is unwilling to say what package he will accept. We do not know whether the President will sign this bill or veto this bill. There is only indecisiveness and ambiguity where a clear course of action is needed.

It all has the ring of yesteryear—a frightening and dangerous ring to anyone who has lived through a period of economic collapse and stagnation. I do not wish to be the crier of doom and gloom—but I have a strong feeling that this is not the time for press releases; unimpressive Executive leadership; paper tiger inflation alerts and other gimmicks; ignoring the concentration of economic power; papering over the serious deficiencies of the stock market and brokerage houses; and passing legislation of this magnitude in a fashion which prevents a full and fair evaluation of the overall economic, social, and political impact of this bill. The time has come for this Congress to take stock, fill a vacuum which has existed for too long and begin to plan a rational and comprehensive program to restore health to our economic system.

Mr. President, the first step in this direction is a vote against this bill. This would give Congress time to evaluate the overall economic implications of this kind of legislation. We could also be fully apprised of the antitrust implications of erecting barriers to foreign trade. This would also reflect an intention of Congress to reassert its constitutional role of regulator of interstate and forcign commerce and the protector of the public welfare. It would also make clear our strong commitment to the political, social, and economic philosophy of our national antitrust policy.

Let this serve as notice that before we impose further artificial Government restraints upon our free market system the Congress must be fully apprised of the impact upon antitrust policy and that there are no other alternatives. We do not know the impact of the bill on our antitrust policy, though history and experience indicate that it will be great. We have not explored alternatives.

I propose we examine both the impact of this bill upon antitrust policy and—if there be justification—alternatives for preventing economic blight and danger to the national security. Only then can we claim that Congress has done its job. Only then can Congress claim to have fully carried out its constitutional mandate to regulate and protect interstate commerce and provide for the public welfare. Only then can we say we have kept faith with the basic policy contained in our national antitrust laws.

EXHIBIT 1

AN APPEAL FOR FREER WORLD TRADE

The United States is faced once again with a momentous decision in its foreign-trade policy. Should our trade policy promote genuinely and consistently freer international trade in the total national interest, or government-controlled trade reflecting perversion of the national interest by the shortsighted pressures of special interests? As the world gets smaller and the stakes in freer trade get larger, the margin for allowable error in deciding this question gets progressively less.

Forty years ago, in the midst of a growing economic crisis at home and abroad, Congress enacted and the President signed the highest tariff law in the nation's history. This curbed the ability of foreign nations to sell to us and hence their ability to buy from us. Our higher tariffs induced other democracies to retaliate with higher tariffs against our goods, notably farm products and machinery. Our exports shrivelled, intensifying our unemployment and deepening the Depression. The dollar weakened. The fabric of international cooperation further unraveled. Economic depression spread. Democracy foundered in many parts of the world. These were the seeds of World War II. Over 1,000 American economists, including several signers of this appeal, protested against the ill-advised tariff legislation of 1930. They urged President Hoover to veto the bill. The bill was signed into law.

We now seem on the threshold of another massive mistake, which would seriously damage the trade agreements system that since 1934 has replaced the anarchy of the 1920's and early thirties. Even if the present crisis should pass, there are signs of new ones ahead. A clear assessment of our national needs and goals in this important policy area is necessary.

Great progress has been made in removing the tariff abominations of 1930 and establishing the foundation for continued liberalization of world trade and for sound and sustained economic growth. There is much more to be done, and no time should be lost in charting the way. Many sectors of our national economy, however, are concerned over their ability to compete in an increasingly competitive world. The rising and increasingly diversified flow of imports from developed and developing countries alike has caused growing anxiety in many U.S. industries, unions and communities fearful of job displacement by foreign goods or by the transfer of U.S. production from domestic to foreign plants. The affected industries and workers note with concern the special advantages some foreign governments give their own industries and the highly restrictive barriers they impose against U.S. access to their own domestic markets. These sectors of our economy, and many of their elected representatives, seek government controls against import competition. They say the world has changed, and that our well-established freer-trade policy must also be changed, in fact reversed.

The world economy has indeed changed. Our trade policy must keep pace. But the changes we seek should be constructive and responsible. We should seek genuinely freer world trade and orderly domestic adjustment, not yield recklessly to pique and frustration at the difficulties of this rocky road. The rules of fair international trade need to be reassessed and up-dated. Appropriate use should be made of retaliatory authority already authorized in existing legislation to counter unreasonable foreign barriers against U.S. exports. New initiatives for further trade liberalization need to be taken for many reasons—e.g., to remove inequities imposed by old and new trade barriers, provide the most open consumer access to the widest international market, and maximize access for the developing countries to the world's best export markets. The adequacy of our own domestic policies for effective adjustment by U.S. business, labor and agriculture to increasingly free trade must be meticulously reexamined and up-dated.

The record of other economically advanced countries in implementing the letter and spirit of their trade-agreement commitments has in many cases been less than impressive, and the prospect for early reform less than encouraging. Many of our own trade barriers, such as the use of American Selling Price to limit imports of certain chemicals long after the infant U.S. chemical industry had grown to resilient maturity, are still formidable. These cause considerable irritation abroad and contribute to the reluctance of other countries to liberalize substantially their own import controls on goods and capital.

Our country's response to the adjustment problems of U.S. producers and to the need for truly reciprocal liberalization of trade barriers throughout the industrialized areas of the Free World should show clear determination to solve problems at home and foster close cooperation abroad. At present, however, it seems little more than rudderless drift. The Administration's own efforts to restrict textile imports, without a coherent, constructive textiles policy that documents the need for such controls in the context of balanced government attention to the industry's needs, seem ill-advised. Congressional legislation imposing unilateral import quotas—even on textiles alone, considering the wider implications of such a move—would be as perilous to the nation's interest today as was the Tariff Act of 1930 four decades ago.

Today, as in 1930, a protectionist policy, explicitly curbing imports but implicitly cutting exports as well, would directly impair our own prosperity. Foreign countries would have less purchasing power and hence less ability to buy from us. They would also retaliate by raising tariffs or imposing further non-tariff barriers, and/or stiffening their resistance to requests that they liberalize their import policies. Prices in this country would tend to go up, reducing the real income of Americans, affecting especially those who can least afford it. Indeed the effects of new import quotas would almost inevitably be worse than the imposition of higher tariffs, impeding the private enterprise initiatives we extol so pridefully and tarnishing America as an example for others. Our leverage for getting foreign countries to reduce and hopefully remove their own import barriers and export distortions would be seriously damaged, as would other major objectives of U.S. foreign policy. Import controls would also be an unproductive and irresponsible answer to the problems and needs of industries and workers seeking government help against foreign competition. There are serious adjustment problems at home, and considerable cause for irritation at the treatment accorded our exports abroad. But the right answer does not lie in triggering a trade war. That would only make a bad situation worse.

We therefore urge Congress to reject import controls—direct or indirect, explicit or implicit. The bill reported out by the House Ways and Means Committee in August 1970 provides for and encourages such controls. If such a bill is passed by Congress, we urge the President to veto it. We urge instead a realistic foreign and domestic policy aimed at getting all countries to cooperate in furthering the expansion instead of the contraction of international trade, and at finding durable answers to the adjustment problems of U.S. industries, workers and communities.

We urge the earliest enactment of the Administration's interim trade bill as the barest minimum to continue the nation's avowed freer-trade policy in meaningful form. Beyond this, we believe the time has come for a new U.S. initiative in both the foreign and domestic dimensions of trade policy.

(1) In foreign policy, the time has come for a U.S. invitation to all the industrialized countries of the Free World to come forward with their own initiatives on how all the advanced countries together might program the dismantling of all their artificial trade barriers and distortions in accordance with a realistic timetable and the rules of the General Agreement on Tariffs and Trade. The determination of the United States to explore and, consistent with our national interest, to chart a definitive and truly reciprocal course to free trade with as many industrialized countries and regional communities as wish to take this route should be clear and convincing. The need for at least equal access to these markets by the developing countries should be adequately and appropriately recognized. Industrialized countries and regional communities not participating in such a *free-trade area* should (for as long as they remain outside) expect to be denied equal access to

the markets of those who do. The ultimate inclusion of all industrialized members of the General Agreement on Tariffs and Trade in such an agreement should be a priority objective of U.S. trade policy.

(2) In domestic policy, the time has come for an adjustment program ensuring orderly, constructive government attention to the adjustment problems and needs of industries, workers and communities seeking and needing government help against foreign competition. Workable escape-clause and adjustment-assistance provisions of the trade legislation, to deal with emergency situations, are essential components of such a program.

We urge the Administration to move quickly and resolutely to raise the sights of the nation and the world to these goals. We call on the Congress to stimulate and ensure rapid and effective Administration attention to these new initiatives. And we call on all those in the business community, the labor movement, colleges and universities and elsewhere who understand the importance and urgency of these objectives to communicate their views to the President, their respective Congressional delegations, and the public at large.

EXHIBIT 2

IMPORT CONTROLS AND DOMESTIC INFLATION

(By Andrew F. Brimmer, member, Board of Governors of the Federal Reserve System)

This paper is based on work which I initiated last spring. Several members of the Board's staff have participated at various stages of the analysis. Mr. Daniel Roxon and Mrs. Betty L. Barker did most of the statistical and trade analysis on which the paper rests. Mr. Bernard Norwood and Mrs. Helen B. Junz, respectively, provided valuable counsel with respect to U.S. trade policy and the use of imports by foreign governments to strengthen general stabilization policies. Mr. Samuel Pizer helped to coordinate work on the project.

The new drive for protection, epitomized in the proposals to impose quotas on imports of shoes and textiles, could have serious adverse effects on U.S. consumers, on workers generally, and on the economy as a whole. At the same time, the imposition of import quotas on shoes and textiles would do little to solve the basic problems plaguing those two industries. This is the lesson we should have learned from the experience of the petroleum and sugar industries which are already protected by quotas.

This latest campaign to erect barriers against imports has sparked a new round of arguments about the merits of free trade vs. protectionism, and a phalanx of industry and labor organizations has been arrayed on the side of protection. Opposition to the proposals has also been vigorous, most of it coming from importers, academic economists, and communications media. Spokesmen for the Federal Government have been heard on both sides of the issue—and with varying degrees of support for quotas on particular commodities.

However, one crucial voice—that of the American consumer—has been scarcely heard. Few questions have been raised about the costs to consumers of import quotas on shoes and textiles. Yet, it is the American consumer who ultimately would bear the burden of such restrictions: his range of choice would be limited, his costs of clothing would rise appreciably, and further pressure would be exerted on the general level of consumer prices. Moreover, among consumers, the burden would fall most heavily on those low income groups that can least afford to bear it.

These are among the main conclusions emerging from an assessment of the probable effects of import quotas on shoes and textiles which I have had underway—from time to time—since last spring. Essentially, the assessment is based on an analysis of domestic consumption and foreign trade patterns during the 1960's and a projection of demand and supply conditions to 1975. The main provisions of the proposed trade legislation (H.R. 18970) serve as the framework for the inquiry. The assumptions (and limitations) of the analysis are spelled out below, but the most important results can be summarized briefly at this point:

If quotas on footwear stipulated in the proposed bill were adopted, the extra cost to consumers would be in the neighborhood of $1.9 billion in 1975, compared with the level of expenditures that might be expected in the absence of quotas.

In the case of textiles (where apparel would be the main item affected), the extra cost to consumers might be about $1.8 billion in 1975.

In the absence of quotas on footwear and apparel, domestic prices of these commodities would probably decline by an amount large enough to result in a modest decrease in the general level of consumer prices. However, with quotas imposed, the total consumer price index in 1975 (using a base of 1969 = 100) would be almost 1 percentage point higher—and the index excluding foods and services would be about 1½ percentage points higher—than might be expected in the absence of quotas.

These estimates are obviously tentative and should be interpreted with considerable caution. Nevertheless, they do suggest the general direction and rough magnitude of the additional burdens consumers would have to sustain if the legislation is adopted and if quotas on imports of shoes and textiles were imposed as specified. Moreover, these costs would probably be close to the minimum, since quotas on other types of consumer goods might soon follow.

The evidence on which these estimates are based is presented below. First, however, it might be helpful to summarize those provisions of the proposed legislation that are most relevant to the first part of the present discussion. Other provisions are referred to at later points in this paper.

LEGISLATIVE PROPOSALS TO IMPOSE IMPORT QUOTAS

Under H.R. 18970, proposed as amendments to existing tariff and trade laws of the United States,[1] the President's authority to enter into trade agreements with foreign countries would be extended until July 1, 1973. This authority was granted originally under the Trade Expansion Act of 1962; but with the expiration of this Act three years ago, the President has not had such authority.

The President would be able to reduce the rates of duty to which the U.S. was committed on July 1, 1967[2] by not more than 20 per cent or 2 percentage points, whichever is lower. Such tariff reductions must take place in at least two stages with one year intervening between each reduction. The intention of this provision is apparently to give the President authority to compensate our trading partners for actions the U.S. may take to restrict imports under the proposed legislation.

The bill strengthens the President's powers to retaliate against foreign countries which "unreasonably" or "unjustifiably" restrict U.S. exports. Under the bill, the President would be able to impose tariff duties or other import restrictions on the products of a foreign country which is discriminating against U.S. products—whether agricultural or non-agricultural—whereas previously he could do so only in the case of agricultural products.[3] In addition, subsidies provided by a foreign country on its exports to foreign markets which unfairly affect U.S. exports to those same markets are specifically listed as "unjustifiable" discriminatory acts and as such would be grounds for U.S. retaliation.

The bill outlaws the use of tariff duties to limit imports for national security reasons; only quantitative controls can be used. This provision would prevent the President from abolishing the oil import quotas and imposing tariffs instead.

Quotas would be imposed on textiles and footwear, by country and by category. In 1971, imports of each category of textile and footwear articles in each country would be limited to the average annual quantity of such articles imported from that country during the years 1967, 1968, and 1969. Beginning in 1972, the quantities permitted by this base level formula may be increased by not more than 5 per cent of the amount authorized in the preceding year. Cotton textiles already covered by quotas under the Long-Term Cotton Textile Arrangement will be exempt from the proposed quotas. Also specific textile or footwear articles may be exempted if they cause no market disruption, if it is in the national interest to do so, if total supply from domestic and foreign sources is inadequate, or if voluntary quotas with exporting countries are negotiated. The import quotas on textiles and footwear may be extended by the President but for no more than 5 years at a time. If they are not extended, the quotas will expire on July 1, 1976.

QUOTAS VERSUS STRUCTURAL PROBLEMS IN THE TEXTILE INDUSTRY

As I stressed above, the imposition of import quotas will do little to correct the basic problems with which textile producers are confronted. The textile industry is undergoing a major structural adjustment of which the rise in imports in recent years is only one symptom—despite the attempts to associate all the difficulties of the industry with imports. In fact, curtailing imports will only delay and distort the adjustment process which is necessary for the viability of the industry in the long run.

The adjustment problems faced by an individual textile firm are determined partly by the extent to which it concentrates on a particular sector of the industry. The scope of the textile industry can be defined in at least two ways. In terms of materials, textiles include all products of cotton, man-made fibers, wool, and silk—and combinations and mixtures of these and other fibers and substances. In terms of stage of processing, textiles encompass fiber (but not the raw material in its natural state), fabrics and apparel. Fabrics may be finished materials (capable of being made into final products) or "gray goods" (requiring further processing before final use). The proposed quotas would have their heaviest impact on imports of man-made materials and manufactures—especially on apparel and fabrics.

The rise in market penetration of imported textiles reflects in part the slowness with which a traditionally small unit industry adapts to new technology. Even in industries where the average unit of production is large, the adaptation to technological change may be slow. This is illustrated dramatically

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[1] The bill was drafted and adopted by the House Ways and Means Committee in mid-August, and it cleared the House Rules Committee in early September. The full House of Representatives is expected to vote on the measure soon after the end of the election recess in mid-November. The Senate Finance Committee has adopted a bill similar to that approved by the two House Committees. The Senate as a whole is also expected to vote on the matter before the end of the year.

[2] In effect, this means the rates of duty which will exist when the final stage of the Kennedy Round tariff reductions takes place on January 1, 1972.

[3] As before, the President can also prevent a foreign country which unreasonably or unjustifiably restricts U.S. exports from receiving the benefits of U.S. trade agreement concessions.

XUM

by the time it took the steel industry to convert its facilities to the new oxygen process—partly under the spur of competition from rising imports. The lag is even more pronounced for a small unit industry such as textiles. However, that the process is underway is demonstrated by the continuing trend toward concentration in the industry and by the rate of profitability of the larger corporations.

Between 1958 and 1967, the number of firms manufacturing textiles declined sharply. For example, during this period, the number of companies producing woven cotton fabrics declined by 30 per cent; the number making synthetic fabrics dropped by 17 per cent, and the number producing items of apparel such as men's suits and shirts and women's suits and underwear decreased between 20 per cent and 35 per cent. The result was that by 1967 the 50 largest companies accounted for about two-thirds of the industry's output.

Yet, as suggested by statistics relating to the 500 largest industrial corporations in the United States, even the largest firms in the textile industry—on the average—appear to be smaller than their counterparts in other industries.—Source: *Fortune* magazine, as reported, in U.S. Bureau of the Census, *Statistical Abstract*, 1963 and 1970.

	1961	1969
Assets per employee:		
All corporations	$16,264	$21,545
Textile manufacturers	11,035	14,609
Apparel manufacturers	7,982	10,204
Sales per employee:		
All corporations	20,506	27,986
Textile manufacturers	14,572	20,195
Apparel manufacturers	12,234	15,799

In general, the largest textile firms appear to be about two-thirds to three-quarters as large as the top industrial firms in the economy as a whole. The typical large apparel manufacturers appear to be roughly one-half to three-fifths the size of their counterparts in other industrial sectors. Moreover, while the gap in terms of sales per employee was closed somewhat for apparel firms during the 1960's, the overall lag for both textile and apparel firms remains large.

In terms of profitability, the largest firms in the textile industry have continued to improve their position, compared with their counterparts in other manufacturing industries. Again, this conclusion is supported by statistical information relating to the 500 largest industrial corporations:

	1961	1969
Sales per dollar of invested capital:		
All corporations	$1.92	$2.41
Textile manufacturers	1.93	2.66
Apparel manufacturers	2.44	3.30
Return on invested capital (percent):		
All corporations	8.3	11.3
Textile manufacturers	6.1	7.9
Apparel manufacturers	8.8	11.9

Sales by textile firms per dollar of invested capital were roughly the same as those for all large corporations in 1961, and they were moderately higher in 1969. For apparel firms, reflecting the relatively smaller investment required to enter the field, sales per dollar of investment were one-quarter to one-third higher in both years. Partly for the same reason, net profits of apparel firms as a percentage of invested capital were slightly higher in both years than for large manufacturers generally—and considerably higher than for firms producing textiles, for whom the rate of return was more than one-quarter below that for all large industrial corporations.

For textile and apparel manufacturers, data on net profits after taxes as a percentage of sales give an even clearer picture of the divergent trends among large and small firms within these industries:

	1961		1969	
	All corporations	Largest firms	All corporations	Largest firms
All manufacturing	4.30	4.20	4.79	4.60
Textile manufacturing	2.09	3.00	2.85	3.20
Apparel manufacturing	1.27	3.00	2.31	3.60

For all textile and apparel manufacturers in 1961, net profits in relation to sales were about one-half to seven-tenths below the rate for all industrial firms combined. But for the largest firms in both segments of the industry, the short-fall was only 30 percent. During the 1960's, the rate of return on sales for all textile and apparel firms rose much faster between 1961 and 1969 than for manufacturing as a whole. For the largest textile and apparel producers, the rate of advance was less than that for all firms in these sectors—partly reflecting the fact that only the most successful smaller units remained active over the decade. Nevertheless, the largest textile and apparel producers in 1969 were still substantially more profitable per dollar of sales than was the average firm in the industry.

The general conclusion to be reached from an analysis of the above information seems clear: the textile industry in the United States is in the process of consolidating into larger, more profitable units. The largest firms in the industry (and the number of such firms remains large enough to assure vigorous competition) have been maintaining their profitability compared with manufacturing as a whole. Given the economies of scale afforded by a rapidly changing technology, they should achieve further improvement.

Competition from imports is only an added feature—not the major cause—of the problems currently facing the weaker units in the industry. Protection from imports will not preserve the smaller firms facing competition from the larger, more adaptable and efficient domestic enterprises. Instead, the burden of quotas designed to provide such protection will be borne primarily by the American consumer. Let me make it perfectly clear—as I will explain later—I would like to see the businesses and workers who suffer in this rapid technological shift helped by the Federal Government to make an adjustment—we cannot be indifferent to their problems.

IMPORT QUOTAS VS. STRUCTURAL PROBLEMS IN THE SHOE INDUSTRY

The shoe industry is also suffering from serious structural problems, and the imposition of import quotas would contribute little toward their solution. As is generally known, the shoe industry is a labor-intensive industry, with low wages, low productivity, a relatively low rate of investment, and with a large portion of its output concentrated in small plants.

For example, in 1967, there were about 1090 establishments in the United States producing leather footwear. Employment per establishment averaged about 200 workers. With so many producers, no single firm—or small group of firms—controlled a large enough share of the market to serve as a focal point for the industry. It is estimated that, in 1967, the largest producer accounted for about 6½ percent of domestic output; the four largest accounted for 25 percent, and the top eight accounted for 34 percent.

Within the industry—even among the larger firms—factories are usually highly specialized. Not only is production capacity likely to be geared to a particular segment of the market—such as women's vs. men's shoes—but it may be even further subdivided within these categories. This lack of diversification means that individual firms are highly exposed to short-run shifts in demand for products which are themselves subject to sharp changes in fashion. The smaller firms in particular have great difficulty in coping with such changes in styles. Moreover, the purely seasonal variation in output is also considerable.

The production process in the shoe industry necessitates great reliance on labor. In fact, a substantial number of processes in shoe manufacturing are essentially handicraft operations. The reasons for this center mainly in the unevenness of the materials employed (e.g., no two pieces of leather are identical) and the considerable variety of widths and lengths required for each shoe model. Thus, because of these constraints, technological advances have been slow, and automation has made little progress in the shoe industry.

The entry of new firms into the shoe industry is fairly easy. The amount of capital investment required is fairly modest. By long-standing trade practices, a considerable part of the machinery needed for shoe manufacturing is leased—rather than purchased—from equipment producers. The lease arrangement also normally provides for the payment of a fixed monthly rent and a payment based on the rate of production. The result is that a new firm avoids both a large initial capital investment and the high fixed overhead cost of idle equipment during periods of low seasonal activity. Consequently, while failures are frequent, new entry is also frequent, and the industry remains populated by a large number of small, high-cost firms.

Partly reflecting these characteristics, the profitability of the shoe industry historically has been low. This remains true today, but the industry did improve its relative position during the 1960's. This improving trend is evident in the following figures:

	Net profits after taxes				
	As percent of sales			As percent of net worth	
Year	Manufacturing total	Nondurable goods	Leather and leather products [1]	Nondurable goods	Leather and leather products [1]
1961	4.3	4.7	1.1	9.6	4.4
1962	4.6	4.7	1.7	9.9	6.9
1963	4.7	4.9	1.8	10.4	6.9
1964	5.2	5.3	2.6	11.5	10.5
1965	5.6	5.5	3.8	12.2	11.6
1966	5.6	5.6	3.0	12.7	12.9
1967	5.0	5.3	2.9	11.8	11.3
1968	5.1	5.3	3.3	11.9	13.0
1969	4.8	5.0	2.6	11.5	9.3

[1] Nonrubber footwear accounts for approximately ⅗ of the value of output in the industry.

In the early 1960's, net profits after taxes as a percentage of sales in the shoe industry averaged about one-third of the profit rate in nondurable goods industries and in manufacturing generally. But since the mid-1960's, the relative rate for the industry has been one-half or higher. When net profits after taxes are compared with net worth, the profitability of the shoe industry is shown to have improved even more markedly. While the rate of return on this basis in the shoe industry was about two-thirds that for all nondurable goods producers in the early 1960's, it was roughly on par with the rate for the group as a whole through 1968. Last year, the ratio declined to about four-fifths, but this was well above the proportion recorded in the early years of the last decade.

From this brief survey of the shoe industry, I conclude that—rather than adopting import quotas—efforts should be made to cope with some of the basic structural problems facing the industry. I will return to this point in a later section of this paper.

DEMAND FOR AND SUPPLY OF TEXTILES AND FOOTWEAR

To estimate the costs of the proposed quotas to the American consumer, it is nec-

XUM

essary to make a judgment about the conditions that may govern the future demand for and supply of the commodities that would be subject to the restrictions. This is an extremely difficult task, and only the roughest kind of quantitative estimate can be made. And even to do this requires one to make several highly simplified assumptions about consumer behavior and other factors that will influence the market. But even though the estimates derived below are highly tentative and show only the direction and rough magnitude of the cost to consumers of imposing import quotas on textiles and shoes, I believe it is important at least to attempt to quantify what this issue means to consumers.

The statistical information used in the analysis and the method of deriving the estimates are shown in Table 1, attached.

The analysis turns on a set of simplified assumptions about the pattern of imports and consumption of textiles and footwear in 1975. In carrying out the analysis, an examination was made of data on consumption, imports, the relationship of imports to consumption, prices of the domestically produced commodity, and prices of the corresponding import. The behavior of these variables during the decade of the 1960's was studied. But trends in the period 1965–69 were used as benchmarks for the projection of the demand for and supply of nonrubber footwear and apparel (the most important consumer goods component of the textile category) to 1975.

The tasks to be performed were (1) to estimate the domestic demand for each type of commodity in 1975, (2) to estimate the division of the supply of each type of commodity between domestic production and imports, and (3) to estimate the difference (in dollars) of meeting a larger share of demand from domestic suppliers rather than from importers.

In estimating consumption in 1975, it was assumed that per capita consumption will continue to increase between 1969 and 1975 at the same rate recorded between 1965 and 1969. As shown in Table 1, for apparel, the average annual rate of growth in 1965–69 period was 3.2 per cent, and for footwear it was 1.0 per cent. Extending these rates of change in per capita consumption to 1975, and given the Census Bureau's projection of U.S. population in 1975, total volume of consumption of apparel and footwear in 1975 was derived. This volume was then converted to dollar terms.

It was further assumed that—in the absence of the quota—the ratio of imports to consumption in 1969–75 would maintain the same annual average rate of increase that occurred in the 1965–69 period. For apparel, the rate of increase in that ratio was 10.5 per cent, and for footwear it was 18.0 per cent. By extending the rates of change in the import/consumption ratio to 1975 and applying the resulting ratio for 1975 to total estimated consumption in that year, the volume of imports, without quota, was obtained. In converting consumption and imports from volume to value terms, it was asumed that prices of both domestically produced and imported goods would remain the same in 1975 as they were in 1969. Such prices in themselves are only very rough estimates. (In other words, expenditures were expressed in 1969 prices.) It was also assumed that there were no supply constraints, either foreign or domestic.

It was assumed that—if quotas were imposed—the amount of imports authorized would be that stipulated under H.R. 18970: in 1971, imports would be held to the 1967–69 average; then, beginning in 1972, the amount authorized would be increased by 5 per cent of the amount authorized in the immediately preceding year.

Given the 1975 consumption level, it remained to determine what the dollar cost to the consumer would be if he had to shift his purchases from the cheaper foreign to the more expensive domestic products as a result of the imposition of a quota.

COST OF QUOTAS TO CONSUMERS

The above assumptions and calculations provided very rough estimates of the dollar cost to consumers of imposing quotas on apparel and footwear. For apparel, the extra cost might be in the neighborhood of $1.8 billion in 1975. In the case of footwear, it might approximate $1.9 billion. As stressed several times, these are only tentative estimates, and they should be interpreted with considerable caution. However, even if they were cut in half, they suggest that the adverse impact on consumers of putting quotas on these commodities would be considerable.

A brief discussion of recent trends in demand and supply in the two industries might help place the estimates in perspective.

The Case of Apparel:[4] In 1969, consumer expenditures on apparel amounted to about $42.3 billion, an increase of 39 per cent—or an annual average rate of about 8½ per cent—since 1965. Measured in physical volume, (measured in pounds, raw fiber equivalent) the annual average rate of increase was about 4 percent. In 1969, imports represented 7.8 per cent of total consumption (by volume), compared with 5.2 per cent in 1965. In the 1965–69 period, imports rose at an annual average rate of 15 per cent—far outstripping the 4 per cent rate of expansion of domestic production. As indicated above, the ratio of imports to total consumption rose at an annual average rate of 10.5 per cent between 1965 and 1969.

This sharp swing to imports was due to several factors, but the differential in prices between the imported and domestically produced items undoubtedly played a major role. For example, in 1969, the unit value of apparel of all kinds consumed (which can be interpreted as an average price) was $10 compared with just over $6 for the unit value of imports, adjusted to a retail basis.

Given this evidence of a strong demand for imported apparel, it seems reasonable to assume that consumers would continue to turn in the direction of foreign suppliers. If the projected rise in per capita consumption in 1975 were to be achieved—despite the imposition of a quota—the greater demand would have to be satisfied by domestic producers.

This could only be done at higher prices than would be the case if imports are not subject to a quota. As indicated in Table 1, the unit value of apparel consumption in 1975 was estimated at $9.74 without a quota and at $10.08 with a quota. In other words, prices probably would decline slightly without a quota, but the imposition of restrictions would prevent this and perhaps cause a small rise in the average price. Since it was assumed that the physical volume of consumption would remain unchanged—with or without a quota—the higher unit value resulting from a quota is translated into a higher level of consumer expenditures.

Without a quota, consumer outlays for apparel in 1975 were estimated at $52.7 billion; with a quota, outlays were estimated at $54.5 billion. This difference of $1.8 billion is the cost of the quota to consumers. This is an extra cost of about 3½ per cent.

The Case of Footwear: Imports of nonrubber footwear have grown much more rapidly than domestic output in recent years. However, the growth has been concentrated in certain types.

In 1965, domestic purchases of nonrubber footwear totaled 720,000 pairs; by 1969, the total had risen to 781,000 pairs. This was an increase of 8½ per cent, or an annual average rate of 2.1 per cent. Imports rose at an annual average rate of 20 per cent in these years and accounted for 26 per cent of total consumption (by volume) in 1969 compared with 13 per cent in 1965.

Whether consumers would have increased their purchases to this extent if less expensive imported shoes were not available is very doubtful. The recently released report of the Presidential Task Force on nonrubber footwear concluded that "from the consumer point of view, imports have opened up important new options. The extremely low-priced imports, priced often far below any comparable domestic footwear except canvas-upper, rubber soled footwear, have provided entire new lines of basic foot coverings. At the other end, there can be little doubt that styles developed abroad in the higher price ranges have also provided new consumer choices."

The imposition of quotas on imports of footwear would be highly regressive, since it would be concentrated on imports of inexpensive types. For example, in 1969, the unit value of imports (estimated at $5.32 retail) was about three-fifths the unit value of all domestic footwear consumed in that year ($8.77). In 1965, the price differential in favor of imports had been even greater, since the price of imported shoes rose much faster than the domestic product in the 1965–69 period.[5]

In the face of this experience with shoes—as in the case of apparel—it seemed reasonable to assume that consumers would continue to rely heavily on imports in the years ahead. In fact, if the rate of increase in the import/consumption ratio that prevailed in the 1965–69 period were to persist through 1975, imports could account for about 70 per cent of the domestic market for shoes in the latter year. The imposition of the quotas stipulated in the proposed legislation would hold the ratio to 24 per cent in 1975.

Thus, the public would have to meet the growth in demand from higher priced domestic sources. Without a quota, the unit value for total consumption of footwear was estimated at $6.72 in 1975—about 23 per cent below that for 1969. With a quota, the figure was estimated at $8.87—or 32 per cent higher than would be the case without a quota.

Using the estimates of the volume of consumption and unit values, the value of consumer outlays for footwear was determined. In 1969, this amounted to $6.9 billion. Without a quota, the level was estimated at $5.9 billion in 1975—despite an estimated increase of 12½ per cent in the physical volume of consumption—and reflecting the lower unit price of imports. However, with the quota imposed, domestic production would supply over 70 per cent of the total demand at unit prices almost one-third higher than the prices for imports.

Under these circumstances, the level of consumer expenditures is estimated at $7.8 billion in 1975. This is an extra cost of $1.9

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[4] This part of the discussion was restricted to apparel—and fabrics were excluded—for several reasons. In the case of cotton and man-made materials (particularly finished goods), import prices exceed domestic prices, so a small net saving might result if a quota were adopted. In the case of wool, no cost would be incurred because the quota would not be restrictive. In each of these cases, the estimates were calculated but not included because of lack of space.

[5] It has been estimated by the Tariff Commission that domestically produced nonrubber footwear is approximately twice as expensive as imported footwear. This is in the aggregate, covering all types. We have assumed, as indicated by the Tariff Commission study, that the retail markup is the same for both imported and domestic shoes, i.e., 50 per cent. This assumption is under heavy attack by the Tanners' Council which has charged that the markup on imported shoes is 75 per cent to 130 per cent compared with 50 per cent for shoes made in the U.S. Therefore, says the Council, the consumer is not really benefiting from the import of low-priced shoes. There may be some validity to this although the Tariff Commission has not been able to confirm it.

billion—or a premium of about 30 per cent—that can be assigned as the burden of a quota on footwear.

IMPACT OF QUOTAS ON THE DOMESTIC PRICE LEVEL

If quotas were applied to imports of apparel and footwear along the lines discussed above, they would add significantly to domestic inflationary pressures. This result stems from the fact that the domestically produced article—shoes or apparel—is more expensive than the equivalent imported article. In the absence of quotas, consumers are expected to increase the proportion of their total consumption devoted to cheaper imported shoes and appearel so that the average unit cost of these items would decline over the 1969–75 period. The proposed quotas, however, if imposed, would effectively freeze the import share of total consumption of footwear and apparel at about the present level, rather than allowing it to increase. Thus, the quotas would prevent the average unit cost to the consumer from declining as it would do if consumers were permitted to buy imports without restraint.

The higher unit prices resulting from the imposition of the quotas can be translated roughly into increases in the consumer price index (CPI). Using the same assumptions about the pattern of consumer demand and supply conditions discussed above—along with data on the relative importance of apparel and footwear in total consumer expenditures, the effects of quotas on the CPI were estimated. The calculations are shown in Table 2.[6]

If imports of apparel and footwear are permitted to grow freely without quotas, and if the behavior of other components of the index are held constant, under the assumptions specified above, it is estimated that the total consumer price index would decline by 0.6 per cent, and the CPI excluding foods and services would decline by 1.4 per cent, between 1969 and 1975 (1969=100). On the other hand, the imposition of quotas on imports of apparel and footwear is estimated to result in a small increase from 1969 to 1975 of approximately 0.1 per cent in the total CPI and of around 0.2 per cent in the CPI excluding foods and services (1969=100). Thus, on an index base of 1969=100, the total CPI would be 0.7 percentage points higher, and the CPI excluding foods and services would be 1.6 percentage points higher, in 1975, with a quota than without a quota, assuming no change in other items of the CPI.

Thus, it appears that the adoption of quotas, aside from their other adverse effects, would aggravate inflationary pressures as well. This general conclusion seems evident—although again it is necessary to interpret the above estimates of the effects on the CPI with considerable caution.

Looking beyond the apparel and footwear industries, there can be no doubt that protectionist devices hurt our efforts to fight inflation and undermine our efforts to raise exports. In fact, many countries have used trade policy to induce greater imports as an effective way to combat rising domestic prices, and to induce their industries to operate more efficiently. Our own experience has been that the greatest increase in our overall imports has come since 1965—and has coincided with our failure to control inflation. Excess demand with rising prices is the basic cause of our trade problem, and we cannot expect to get relief from measures that will keep prices high.

Moreover, in their concern with rising imports, proponents of quotas forget that we are still a great and effective exporting country. We have succeeded in raising exports to an annual rate of $42 billion—double the 1960–65 rate. At this rate, exports are greater than total domestic expenditures on residential structures or on automobiles and parts. When exports are so important to many sectors of our economy, especially agriculture, it would be a tragic mistake to start a round of retaliatory trade restrictions such as darkened the depression years. And if we are to make genuine progress in export expansion, we will need to achieve—and maintain—a much greater degree of domestic price stability than we have attained in recent years.

If we can achieve this objective, I would hope that at some point, perhaps before 1975, our competitive position for shoes and textiles—and certainly overall—would improve so that the sharp uptrend in imports would be moderated.

I do not believe the threat of imposing qoutas would be effective in getting other countries to lower their barriers to U.S. exports. In my view, the only policy that will achieve this in the long run is a policy that encourages greater trade flows under free competitive conditions.

AN ALTERNATIVE COURSE FOR PUBLIC POLICY

In commenting on the adverse effects of quotas on consumers, I am not suggesting that the textile and shoe industries face no problems. Quite the contrary, as indicated above, they are confronted with serious structural problems, and the sharp rise in imports in recent years has added to these. Both workers and businesses (especially the smaller firms) are being affected adversely.

For example, in the case of footwear (which must be considered a low-wage industry in the United States), foreign producers enjoy a sizable cost advantage. In mid-1969, the average wage of shoe production workers in the United States was about $2.29 per hour. In Italy, their counterparts received about $1.04 per hour, and the corresponding figures were $0.58 and $0.56, respectively, in Japan and Spain. The low foreign wages more than offset the higher output per manhour of the U.S. workers. Consequently, foreign producers of footwear could land shoes in the United States at prices well below U.S. production costs.

A similar story can be told for textiles. So, the competitive impact of imports in both industries is severe. Those employed in the industry—both workers and business enterprises—do need help. However, in my judgment, quotas are simply the wrong way to help them. Instead of pursuing that course, I think it is far preferable to adopt more effective programs to provide retraining and transitional benefits or financial assistance for those who are displaced by competitive forces over which they have no control—whether the forces originate at home or abroad.

In this connection, the provisions for adjustment assistance in the proposed quota bill point in the right direction, but they could be improved considerably. The criteria to be met in granting assistance to industries, firms, or workers hurt by increased imports are liberalized by the bill. In general, the increase in imports would no longer have to be the "major factor" causing or threatening to cause serious injury; it would only have to "contribute substantially" to the injury. In determining whether serious injury to an industry has occurred, moreover, fairly rigid rules would be established: the imported article must constitute over 15 per cent of apparent U.S. consumption, and the ratio of imports to consumption must have increased by at least 3 percentage points in the year immediately prior to the investigation and by at least 5 percentage points in the year before that; or domestic production, jobs, man-hours worked, or wages must be declining substantially; and the imported articles are sold at prices substantially below those of comparable domestic products, and foreign unit labor costs are substantially below U.S. unit labor costs.

Under these rules, many industries—which previously could not obtain relief—might qualify for assistance. While some liberalization of the criteria for assistance would be helpful, there is a real danger that the grant of protection might go too far. Under the umbrella of adjustment assistance, even some of the strongest or least efficient industries might find shelter. Moreover, it would also be preferable to consider the need for adjustment assistance apart from any proposal to impose quotas.

CONCLUDING OBSERVATIONS

In addressing myself to the question of the effects of quotas on shoes and textiles, I have attempted to show the adverse impact on consumers. The direction and rough magnitude of that impact have been indicated at several points in this discussion. But before concluding this presentation, it might be well to remind ourselves of the bad experience we have already had with quotas.

There are several items on which mandatory import quotas have been in effect for an extended period—principally petroleum and sugar—and these provide some clues to the cost of import quotas. The situation on oil imports has been intensively studied by a Cabinet Task Force on Oil Import Control, whose report was released early this year. The Task Force found that, "In 1969 consumers paid $5 billion more for oil products than they would have paid in the absence of import restrictions. By 1980 the annual cost to consumers would approximate $8.4 billion. Without import controls the domestic wellhead price would fall from $3.30 per barrel to about $2.00, which would correspond to the world price. Although we cannot exclude the possibility, we do not predict a substantial price rise in world oil markets over the coming decade." A majority of the Task Force recommended that the present quotas be replaced by a system of tariffs involving a lesser degree of protection. It seems to me that this would move us some distance in the right direction.

In the case of sugar, the policy of controlling supplies goes back to the mid-1930s, and is intended to maintain stable prices and support the domestic sugar industry. The sugar control program has many complexities, but one clear result is that the U.S. sugar price averages considerably higher than the world price. One of the reasons that the quoted world price is so low—currently about 4 cents per pound compared with a domestic equivalent price of about 8 cents per pound—is that foreign producers, after supplying their U.S. quota amount at very favorable prices, can afford to sell their residual supplies on world markets at very low prices and realize a reasonable overall profit margin. If the United States were to remove its controls on sugar imports, the price to U.S. consumers would tend to fall, the world price would rise, and a single effective price would be established at some level between the two.

In the meantime, however, quotas on oil are in effect, and consumers are paying the cost. And, sadly, the new quota proposals would prohibit the abolition of the oil import quota and its replacement with a tariff, which at least would have the virtue of allowing the total supply to rise—although at higher prices.

So, although we may have to live with the existing quotas for some time, I wonder how many of us—as consumers—would like to add others?

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[6] In making these estimates, the data on consumption and unit values presented in Table 1 were used along with information showing the approximate weights for footwear and apparel in the total CPI and in the CPI excluding foods and services. The percentage changes in the CPI, which would occur from 1969 to 1975 with and without the quotas, were thus estimated.

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TABLE 1.—DEMAND AND SUPPLY OF APPAREL AND FOOTWEAR, 1965–75

Commodity	1965	1969	Percent[1]	Projected 1975 Without quota	Projected 1975 With quota
APPAREL					
Domestic demand:					
Value of consumption (millions of dollars)	30,505	42,302	8.5	52,725	54,528
Volume of consumption (millions of pounds)	3,568	4,226	4.3	5,412	5,412
Unit value (dollar per pound)	8.55	10.01	4.0	9.74	10.08
Per capita consumption (pounds)	18.34	20.80	3.2		
Cost of quota (millions of dollars)					1,803
Sources of supply (volume, millions of pounds)	3,568	4,226	4.3	5,412	5,412
Domestic production (millions of pounds)	3,382	3,898	3.6	4,647	5,077
Imports (millions of pounds)	186	328	15.2	765	335
Unit value of imports, retail (dollars per pound)	(2)	6.14		6.14	6.14
Imports as percent of total	5.21	7.76	10.5	14.13	6.18
FOOTWEAR					
Domestic demand:					
Value of consumption (millions of dollars)	5,273	6,850	6.8	5,906	7,793
Volume of consumption (thousands of pairs)	719,729	780,741	2.1	878,697	878,697
Unit value (dollars per pair)	7.33	8.77	4.6	6.72	8.87
Per capita consumption (pairs)	3.70	3.84	1.0		
Cost of quota (millions of dollars)					1,887
Sources of supply (thousands of pairs)	719,729	780,741	2.1	878,697	878,697
Domestic production (thousands of pairs)	623,738	578,533	−1.9	264,312	669,301
Imports (thousands of pairs)	95,991	202,208	20.5	614,385	209,396
Unit value of imports, retail (dollars per pair)	3.08	5.32	14.7	5.32	5.32
Imports as percent of total	13.34	25.90	18.0	69.92	23.83

[1] Average rate of growth, 1965–69.

[2] Not available.

TABLE 2.—THE EFFECT ON THE CONSUMER PRICE INDEX IN 1975 OF IMPOSING IMPORT QUOTAS ON FOOTWEAR AND APPAREL

	1969	1975 Without quota	1975 With quota
Apparel:			
Value of consumption (millions of dollars)[1]	42,302	52,725	54,528
Volume of consumption (millions of pounds)	4,226	5,412	5,412
Unit value dollars per pound)	$10.01	$9.74	$10.08
Change in unit value from 1969 (percent)	0	−2.70	+0.70
Weight in consumer price index (percent):			
Total	7.03	7.03	7.03
Excluding food and services	17.10	17.10	17.10
Change in CPI from 1969 to 1975 (1969=100 percent):[2]			
Total	0	−0.19	+0.05
Excluding food and services	0	−0.46	+0.12
Footwear:			
Value of consumption (millions of dollars)[1]	6,850	5,906	7,793
Volume of consumption (thousands of pairs)	780,741	878,697	878,697
Unit value (dollars per pair)	$8.77	$6.72	$8.87
Change in unit value from 1969 (percent)	0	−23.38	+1.14
Weight in consumer price index (percent):			
Total	1.60	1.60	1.60
Excluding food and services	3.89	3.89	3.89
Change in CPI from 1969 to 1975 (1969=100 percent):[2]			
Total	0	−.37	+.02
Excluding food and services	0	−.91	+.04

[1] Assumes prices of both domestically produced goods and imports are same in 1975 as in 1969. Changes in unit value thus reflect changes in the quantity of imports or domestically produced goods consumed.

[2] Assuming that the behavior of all other components of the CPI are held constant between 1969 and 1975.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

SUPPLEMENTAL APPROPRIATIONS, 1971

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the supplemental appropriations bill, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the supplemental appropriations bill, which is the pending business, passed the House of Representatives Thursday evening, December 10. It was reported by the Committee on Appropriations of the Senate the following day, December 11. In the House of Representatives, budget estimates of new obligational authority totaling $1,701,836,738 were considered and new obligational authority of $1,525,365,538 was approved. Subsequent to the hearings in the House, the administration submitted directly to the Senate, Senate documents 91–114 and 91–117 containing additional budget estimates in the amount of $227,745,754. In addition to the requests submitted by the administration, the committee received urgent new requests from Members of the U.S. Senate totaling in excess of $365,000,000. Many of these requests from Senators related to legislation recently enacted, or nearing enactment. In other words, in addition to the sums requested before the House of Representatives, the committee was confronted with new requests to add almost $600,000,000 to this bill. In addition, the committee was petitioned by many of the agencies in the executive branch to restore much of the $176,000,000 reduction effected by the House of Representatives.

The bill, which has been reported by the committee, recommends new obligational authority in the amount of $2,066,277,792, and this amount is $137,392,528 over the budget estimates. I will proceed to outline to the Senate just why the committee has seen fit to make recommendations in excess of the budget estimates and I will be glad at any time to answer any questions any Senators may have.

The first item which appears in the bill as a $10,000,000 increase over the budget is under the Department of Defense and it relates to an additional amount necessary for research in the surface effects ship program. This item was not considered by the House in this bill. The funds were included in the budget for the Department of Defense for fiscal year 1971 and were denied in the regular bill. Since the committee has seen fit to recommend this appropriation at this time at the request of two members of the committee, it appears as an increase in the budget in this bill. Since $10 million has been obligated under the continuing resolution for this program, if an additional $10 million were not recommended the only option left to the Navy would be to terminate the program, resulting in the discontinuance of construction of the two test craft—the hulls of which are over 75 percent complete.

The House of Representatives had again denied the request for $34,178,000 to finance the District's share of the cost of the Washington Regional Rapid Transit System. The committee has included this sum in the bill.

Under chapter IV, Foreign Operations, the committee has concurred with the House and recommended an appropriation of $500,000,000 for military credit sales to Israel.

The request before the committee for military assistance was in the amount of $340,000,000. This amount had been approved by the House of Representatives.

The Congress has not authorized an appropriation for this item. In fact, as the committee reports this bill, no authorization bill has been reported from the Committee on Foreign Relations, but I am advised such a bill has today been ordered reported by the Committee on Foreign Relations. In view of this situation, the committee has approved the sum requested with the provision that the appropriation shall be available only upon enactment into law of authorizing legislation. In the event the appropriation bill precedes the authorization bill into law, where there is no authorization bill, this sum will not be available for obligation under the committee amendment. The $340,000,000 is for military grant assistance for the following countries:

Korea	$150,000,000
Cambodia	85,000,000
Jordan	30,000,000
Lebanon	5,000,000
Indonesia	3,000,000

In addition, $67,000,000 is made available for restoration of military assistance funds transferred.

Under the heading Economic Assistance, the committee recommends an appropriation of $195,000,000, which is an increase of $45,000,000 over the House. The bill contains $255,000,000 in new obligational authority for Cambodia. Of this amount, $85,000,000 is for military assistance, $70,000,000 for supporting economic assistance, and $100,000,000 to restore funds to other military and economic assistance programs for such places as Taiwan, Greece, Turkey, Vietnam, and Latin America. The Secretary of State advised the committee that $40,000,000 had been transferred from other military assistance programs, $50,000,000 from economic assistance programs to the military assistance program for Cambodia, and an additional $10,000,000 may have to be transferred from economic programs. The $65,000,000 economic assistance for Vietnam is to support the commodity import and land reform programs. The authorization for this appropriation is similar to the authorization for military assistance described herein—there is no authorization and, consequently, a provision has been included in the bill by the committee providing that the funds shall be available only upon enactment into law of the authorizing legislation.

Under the General Services Administration, the committee recommends an appropriation of $34,150,000, which is an increase of $20,000,000 over the House bill but the full amount of the budget estimate for additional court facilities. The facilities are required as a result of the new U.S. magistrates and for facilities for the additional district judges recently authorized. Facilities are also required for judges recently appointed under previous legislation.

The committee has approved an appropriation of $2,452,000 for the new Federal building project in San Diego, Calif.

Under the Appalachian Regional Development Program, the committee has recommended a supplemental amount of $8,500,000 as an additional amount for supplemental grants. This sum will enable the people of Appalachia to participate in the Federal Airport Programs in order to enhance air safety. Language has been included in the bill by the committee which will authorize a Federal contribution of 100 percent when the Secretary of Transportation determines that the project enhances air safety.

Under the Department of Housing and Urban Development, the committee has approved an appropriation of $25,000,000. The Houes bill contained $5,000,000 for this purpose. This item appears as a $25,000,000 increase over the budget estimate; however, in reality, it is not an increase in the budget estimate. The sum was considered in the regular Department of Housing and Urban Development Appropriation bill for fiscal year 1971, and the budget estimate of $55,000,000 was reduced to $30,000,000. The committee was advised that this is an urgent Research and Technology program in connection with housing, and, consequently, has approved the full sum.

Under the Smithsonian Institution, the committee considered a supplemental budget estimate to the Senate for $775,000 and has approved the full amount. This sum is required to repair damage to the National Museum of History and Technology, caused by the recent fire and to improve the fire detection system in the Museum.

Upon the recommendation of the distinguished chairman of the Committee on Interior and Insular Affairs of the Senate, the committee recommended an appropriation of $2,500,000 to initiate a 3-year pilot program designated as the Youth Conservation Corps. The funds are required now if the preparation is to be completed for the employment of youths during the summer months of 1971, to further the development and maintenance of the natural resources of the United States.

The committee has included in the bill $36,400,000, without a budget estimate and over the House bill, for summer programs of the Neighborhood Youth Corps type, under the authority of the Manpower Development and Training Act of 1962, and will provide approximately 75,000 training opportunities.

The committee has approved an appropriation of $250,000 under the caption "Coal Mine Health and Safety," to provide funds to the Wage and Labor Standards Administration for its responsibility under the Coal Mine Health and Safety Act of 1969.

Mr. JAVITS. Mr. President, is it convenient for the Senator to yield at this point?

Mr. BYRD of West Virginia. If the Senator will allow me, I would like to complete my statement.

Mr. JAVITS. Certainly. I was going to make a comment on that item.

Mr. BYRD of West Virginia. I am a little more than half way through, if the Senator will allow me to finish.

Under the Department of Health, Education, and Welfare, an appropriation of $43 million is recommended for mental health. Of this sum, $10 million will be used to implement the section for special community projects for narcotic addicts and drug dependent persons. An additional $30 million will be used under the provisions of the proposed Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970, as it applied to the National Institute of Mental Health. Since this act has not cleared the Congress, nor has it been signed, the funds provided are available only upon enactment into law of the authorizing legislation.

An additional $3,000,000 is provided to implement the Drug Abuse Education section and these funds will be used for grants and contracts to public and nonprofit private agencies for the development of materials and curricula dealing with drug abuse education.

Under the Department of Health, Education, and Welfare, the committee has approved an appropriation of $17,000,000 for family planning. $12,000,000 of this sum is to be used pursuant to the provisions of the Family Planning Services and Population Research Act of 1970, and $5,000,000 is to be used for family planning research pursuant to this same act.

Under the Office of Education, the committee has included $6,000,000 for carrying out the Drug Abuse Education Act of 1970, which authorizes drug abuse education projects and community education projects. This sum would be used for making grants and contracts for special education programs to establish and strengthen preventative activities at all levels in the communities of the country.

I would like to point out to the Senate that beginning on page 22 of the committee report, and for the next several pages, details are supplied as to how these funds for drug abuse, alcoholism, and family planning would be utilized.

Also under the Office of Education, the committee has included $2,000,000 for Environmental Education programs.

Under the legislative branch, Senate, language has been included in the bill by the committee which will permit Senators to fix the compensation of one position in their offices at $35,496 per annum, which is the same legislation as provided for committee staffs by the Reorganization Act of 1970.

The committee recommends an appropriation of $189,500 to renovate the cafeteria facilities in the Old Senate Office Building.

The committee has also included in the bill $1,209,000 for the restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol.

Under Operation and Maintenance of the Corps of Engineers, the committee recommended the sum of $2,000,000, authorized by the Refuse Act of 1899.

Under the Federal Water Quality Administration, an additional sum over the House bill of $3,000,000 is recommended to permit increased efforts in the control of acid mine wastes, and within the sum allowed the committee desires that $1,000,000 be earmarked for study and demonstration on the Monongahela River.

The Department of State requested the committee to include $20,000,000 as a onetime contribution by the United States for the necessary improvements and additions to its headquarters complex in New York City. This sum has

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been denied by the committee. There is no legislative authority for this special contribution.

Under the Department of Justice, U.S. attorneys and marshals, the committee has increased the sum by $7,000,000, in accordance with a new supplemental budget estimate to the Senate to promote an effective courtroom security program.

The committee has concurred with the House and recommends an appropriation of $14,150,000 for the Federal Bureau of Investigation, to provide 1,000 additional special agents and 702 additional supporting personnel.

The committee has approved $7,000,000 for the Bureau of Narcotics and Dangerous Drugs. The request under this heading was submitted directly to the Senate in Senate Document 91–114.

Subsequent to the House hearings, the administration submitted a budget estimate directly to the Senate in the amount of $100,000,000 for the Small Business Administration, to provide additional funding for disaster loans. The committee has approved this sum in full.

Under the Federal Aviation Administration operations, the House allowed $6,000,000 to be derived from the Airport and Airway Trust Fund. The committee has approved the $6,000,000, but provided that the funds be derived from the general fund of the Treasury. The committee wishes to make it abundantly clear that in the utilization of the trust fund receipts, the priorities established in the Airport and Airway Development Act be observed. The act clearly makes the funds for administration the least priority and sets forth the funding for airport grants, airway facilities, and research and development.

For facilities and equipment under the Federal Aviation Administration, the committee has allowed $60,000,000, which is an increase of $24,000,000 over the House allowance for equipment to enhance safety. There is an immediate need to expand and improve air traffic control and air navigation services to keep pace with the demand for air transports. In the last 5 years, the number of passengers on scheduled airlines has more than doubled, and forecasts indicate this rate of growth will continue in the next 5 years. It is estimated that today there are 125,000 general aviation aircraft. In 5 years, there will be more than 175,000. The additional funds provided by the committee of $24,000,000 for facilities and equipment will be used to continue to improve this program.

Under grants-in-aid for airports, the committee recommends $15,000,000 for planning grants and $100,000,000 to liquidate obligations. This $100,000,000 figure of liquidation cash is consistent with the program of $250,000,000 for fiscal year 1971 for grants-in-aid for airports.

The committee has also approved $40,000,000 for the Federal Railroad Administration, to carry out activities authorized by the Rail Passenger Service Act of 1970.

So, Mr. President, these are some of the items which were added by the Senate committee to the bill. Each Senator has before him a copy of the committee report, consisting of 68 pages, in which are outlined in detail the actions taken by the committee.

Mr. President, I want at this point to express my appreciation to the table Senator from Nebraska (Mr. Hruska), who is the acting ranking minority member, for his steadfast support, for his very helpful advice, and for the assistance which he rendered throughout the hearings and the mark-up of the bill. It is truly a pleasure and privilege to work with him. I also wish to express my gratitude to Mr. Tom Scott, the chief clerk of the Appropriations Committee, and to the other able members of the Appropriations Committee staff, for the excellent assistance they rendered to the members of the subcommittee and the full committee during our deliberations on the bill.

Mr. President, I am now prepared to yield to the able Senator from Nebraska (Mr. Hruska), but before doing so, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded—for the purpose of amendment—as original text, provided that no point of order shall be considered to have been waived by agreement to this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, after line 10, insert:

"CHAPTER II

"DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

"For an additional amount, $10,000,000."

On page 2, line 16, change the chapter number from "II" to "III".

At the top of paeg 3, insert:

"LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

"For an additional amount for 'Loans to the District of Columbia for capital outlay', $34,178,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund."

On page 4, line 17, after the word "expended", strike out "$10,612,000" and insert "$44,790,000".

On page 5, line 14, change the chapter number from "III" to "IV".

On page 6, line 3, after $340,000,000", insert a colon and "Provided, That this appropriation shall be available only upon enactment into law of authorizing legislation."

On page 7, line 18, strike out "$250,000" and insert "$500,000".

On page 7, after line 19, insert:

"For an additional amount for 'Operating expenses, Public Buildings Service', $11,350,000: Provided, That this appropriation and the 'Buildings management fund' (40 U.S.C. 490(f)), shall be available for employment of guards for all buildings and areas owned or occupied by the United States and under the charge and control of the General Services Administration or the Post Office Department (or the Postal Service), and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso to said section: Provided further, That the limitation on the amounts deposited for Administrative operations in the Administrative Operations Fund for the current fiscal year is increased by the amount of the administrative expenses appropriated herein."

On page 9, line 5, after the word "expenses", strike out "$14,150,000" and insert "$34,150,000".

On page 9, after line 10, insert:

"SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

"For an additional amount for 'Sites and expenses, public buildings projects', $2,452,000, to remain available until expended."

On page 9, after line 14, insert:

"SALARIES AND EXPENSES, OFFICE OF ADMINISTRATOR

"For an additional amount for 'Salaries and expenses Office of Administrator' including expenses of a Consumer Products Information Coordinating Center, $205,000."

On page 9, after line 18, insert:

"EXECUTIVE OFFICE OF THE PRESIDENT

"COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE ON ENVIRONMENTAL QUALITY

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses,' " $500,000.

At the top of page 10, insert:

"FUNDS APPROPRIATED TO THE PRESIDENT

"APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

"For an additional amount for 'Appalachian Regional Development Programs', $8,500,000, to remain available until expended; provided that such funds shall only be available for increasing the Federal contribution to projects under the Airport and Airways Development Act of 1970, and provided further that, when the Secretary of Transportation determines that the project enhances safety, the total Federal contribution may be 100 percent notwithstanding the provisions of Section 214(b) of the Appalachian Regional Development Act of 1965, as amended."

On page 10, line 22, after the word "technology", strike out "$5,000,000" and insert "$25,000,000".

On page 11, line 1, change the chapter number from "V" to "VI".

On page 11, line 6, after the word "resources", strike out "$500,000" and insert "$1,050,000".

On page 11, after line 10, insert:

"RESOURCES MANAGEMENT

"For an additional amount for 'Resources management', $50,000."

On page 11, after line 13, insert:

"PAYMENT TO THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION

"For reimbursement to the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for interest thereon, as authorized by the Act of September 18, 1970 (Public Law 91–403), $3,561,700: *Provided*, That the Secretary of the Interior may, in his discretion, pay directly to the tribe, or the tribal trust fund, any or all of seventy-two and eight hundred and thirty-eight one-thousandths per centum (72.838 per centum) of the foregoing amount."

On page 12, line 13, after the word "limitation", strike out "$50,000,000" and insert "$56,100,000".

On page 12, line 22, after the word "protection", strike out "$2,125,000" and insert "$1,855,000".

On page 13, line 1, after the word "Related", strike out "Agency" and insert "Agencies".

On page 13, after line 1, insert:

"DEPARTMENT OF AGRICULTURE

"FOREST SERVICE

"FOREST PROTECTION AND UTILIZATION

"For an additional amount for 'Forest land management', $300,000.

"For an additional amount for 'Forest research,' $108,000."

On page 13, after line 8, insert:

"CONSTRUCTION

"For an additional amount for 'Construction', $198,000."

On page 13, after line 11, insert:

"SMITHSONIAN INSTITUTION

"Restoration and Renovation of Buildings

"For an additional amount for 'Restoration and renovation of buildings', $775,000."

On page 13, line 23, after the word "vehicles", strike out "$250,000" and insert "$600,000".

At the top of page 14, insert:

"YOUTH CONSERVATION CORPS

"SALARIES AND EXPENSES

"For expenses necessary to carry out the provisions of the Act of August 13, 1970 (Public Law 91–378), establishing the Youth Conservation Corps, $2,500,000, to remain available until expended: *Provided*, That $1,250,000 shall be available to the Secretary of the Interior and $1,250,000 shall be available to the Secretary of Agriculture."

On page 14, line 9, change the chapter number from "VI" to "VII".

On page 14, after line 11, strike out:

"MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

"For an additional amount for 'Manpower development and training activities', $5,000,000, to remain available until June 30, 1972."

And, in lieu thereof, insert:

"MANPOWER TRAINING ACTIVITIES

"For an additional amount for 'Manpower Training Activities', $41,400,000: *Provided*, That the additional amount appropriated herein is for the Manpower Development and Training Act of 1962, as amended, and shall remain available until June 30, 1972."

At the top of page 17, insert:

"DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"Health Services and Mental Health Administration

"MENTAL HEALTH

"For an additional amount for 'Mental Health', $43,000,000, of which $10,000,000, shall be for grants for special community projects as authorized by section 1(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513); $3,000,000 shall be for grants and contracts for education projects as authorized by section 1(c) the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513); and $30,000,000 shall be for grant and contract programs for alcoholism prevention, treatment, and rehabilitation, as authorized by, and contingent upon enactment of, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 or similar legislation: *Provided* That $15,000,000 for formula grants to be allocated to the States and $10,000,000 for grants for special community projects shall remain available until June 30, 1972."

On page 18, after line 3, insert:

"Health Services and Mental Health Administration

"MATERNAL AND CHILD HEALTH

"For an additional amount for 'Maternal and Child Health', $12,000,000 for special project grants and contracts for family planning services authorized by the Family Planning Services and Population Research Act of 1970."

On page 18, after line 10, insert:

"National Institutes of Health

"NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

"For an additional amount for the National Institute of Child Health and Human Development, $5,000,000 for family planning and population research grants and research contracts as authorized by the Family Planning Services and Population Research Act of 1970."

On page 18, after line 18, insert:

"Office of Education

"RESEARCH AND TRAINING

"For an additional amount for "Research and Training", $8,000,000, of which $6,000,000 is to carry out drug abuse education and community education projects as authorized by the Drug Abuse Education Act of 1970 (Public Law 91–527), and $2,000,000 to carry out the Environmental Education Act as authorized by Public Law 91–516."

On page 19, after line 2, insert:

"Departmental Management

"OFFICE OF CHILD DEVELOPMENT

"For an additional amount for "Office of Child Development", $1,900,000."

At the top of page 20, change the chapter number from "VII" to "VIII".

On page 20, after line 2, insert:

"SENATE

"Contingent Expenses of the Senate

"INQUIRIES AND INVESTIGATIONS

"For an additional amount for "Inquiries and Investigations", $2,185,020."

On page 20, after line 7, insert:

"LEGISLATIVE REORGANIZATION

"For additional amounts for increased costs as authorized by the Legislative Reorganization Act of 1970, related costs, and for other purposes, as follows:

" 'Salaries, Officers and Employees', $878,352: *Provided*, That effective January 1, 1971, paragraph (2)(iv) of section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended (2 U.S.C. 61–1(d), is amended by deleting '$33,176' and inserting in lieu thereof '$35,946', the per annum compensation of the six expert transcribers in the Office of the Secretary shall not exceed $16,008 each, and the Secretary of the Senate may employ and fix the compensation of a Special Assistant and a Clerk at not to exceed $16,472 each in lieu of two Clerks at not to exceed $15,312 each."

On page 20, after line 22, insert:

"Contingent Expenses of the Senate

" 'Senate Policy Committees', $5,000.

" 'Miscellaneous Items', $27,510.

" 'Stationary (Revolving Fund)', $150."

On page 22, after line 4, strike out:

"JOINT COMMITTEE ON PRINTING

"For an additional amount for 'Joint Committee on Printing', $9,200."

On page 22, after line 7, insert:

" 'Joint Economic Committee', $3,750.

" 'Joint Committee on Atomic Energy', $5,000.

" 'Joint Committee on Printing', $11,700."

On page 22, after line 15, insert:

"RESTORATION OF OLD SENATE CHAMBER AND OLD SUPREME COURT CHAMBER IN THE CAPITOL

"To enable the Architect of the Capitol to make such expenditures as may be necessary to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate an the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers, $1,209,000, to be expended without regard to section 3709 of the Revised Statutes, as amended, and to remain available until expended, all under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968."

On page 23, after line 5, insert:

"SENATE OFFICE BUILDINGS

"For an additional amount for "Senate Office Buildings" $189,500, to remain available until June 30, 1972."

On page 24, line 7, change the chapter number from "VIII" to "IX".

On page 24, after line 8, insert:

"Atomic Energy Commission

"PLANT AND CAPITAL EQUIPMENT

"For an additional amount for "Plant and capital equipment", $25,500,000, to remain available until expended: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 4557, 91st Congress."

On page 24, after line 14, insert:

"DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

"Corps of Engineers—Civil

"GENERAL INVESTIGATIONS

"For an additional amount for 'General Investigations', $300,000, to remain available until expended."

At the top of page 25, insert:

"OPERATION AND MAINTENANCE, GENERAL

"For an additional amount for 'Operation and Maintenance, General', $2,000,000, to remain available until expended."

On page 25, line 10, after "(Public Law 91–224)", strike out "$20,400,000" and insert "$23,400,000".

On page 26, line 4, after the word "contingencies", strike out "$200,000, to" and insert "$300,000, of which $200,000 shall".

On page 26, line 11, after the word "marshals", strike out "$5,928,000" and insert "$12,928,000"; and, after the amendment just above stated, insert a comma and "of which $3,220,000 is for acquisition and repair of security equipment for Federal court facilities and shall remain available until expended".

On page 26, line 18, after "$14,150,000", insert a comma and "including the purchase for police-type use without regard to the general purchase price limitation for the current fiscal year of 500 passenger motor vehicles".

On page 26, after line 20, insert:

"Federal Prison Systems

"SUPPORT OF UNITED STATES PRISONERS

"For an additional amount, fiscal year 1970, for 'Support of United States prisoners', $489,000, to be derived by transfer from the appropriation for 'Salaries and expenses, Bureau of Prisons', fiscal year 1970."

On page 27, after line 8, insert:

"Bureau of Narcotics and Dangerous Drugs

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', including purchase of not to exceed two hundred and eighty-eight passenger motor vehicles for police-type use without regard to the general price limitation for the current fiscal year; and not to exceed $145,000 for payment for accommodations in the District of Columbia in connection with training activities, $7,000,000."

On page 27, after line 18, insert:

"Office of Telecommunications

"RESEARCH, ENGINEERING, ANALYSIS, AND TECHNICAL SERVICES

"For expenses necessary for the conduct of telecommunications functions assigned to the Secretary of Commerce pursuant to Executive Order 11556 of September 4, 1970, including activities authorized by 15 U.S.C. 272(f) (12) and (13), $1,000,000, to remain available until expended."

On page 28, after line 7, insert:

"Supreme Court of the United States

"SALARIES

"For an additional amount for 'Salaries, Supreme Court, $54,000."

XUM

On page 28, after line 11, insert:

"PRINTING AND BINDING SUPREME COURT REPORTS

"For an additional amount for 'Printing and binding Supreme Court reports', fiscal year 1970, $20,000.

"For an additional amount for 'Printing and binding Supreme Court reports', $63,000."

On page 28, after line 16, insert:

"CARE OF THE BUILDING AND GROUNDS

"For an additional amount for 'Care of the building and grounds', $25,000."

On page 29, line 23, after "(84 Stat. 468)", strike out "$400,000" and insert "$600,000".

On page 30, after line 3, insert:

"EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', $850,000."

On page 30, after line 15, insert:

"NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

"For necessary expenses of the National Commission on Fire Prevention and Control, authorized by Act of March 1, 1968 (Public Law 90–259), $143,000."

On page 30, after line 20, insert:

"SMALL BUSINESS ADMINISTRATION

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', $5,000,000, to be transferred from the 'Disaster loan fund.' "

At the top of page 31, insert:

"DISASTER LOAN FUND

"For additional capital for the 'Disaster loan fund', authorized by the Small Business Act, as amended, $100,000,000, to remain available without fiscal year limitation."

On page 31, line 8, strike out "$350,000" and insert "$450,000".

On page 31, line 9, change the chapter number from "X" to "XI".

On page 31, line 12, after the word "Operations", strike out "(Airport and Airway Trust Fund)"; and, in line 18, after "$6,000,000", strike out the comma and "to be derived from the Airport and Airway Trust Fund".

On page 32, line 12, after the word "Alaska", strike out "$36,000,000" and insert "$60,000,000".

On page 33, line 21, after the word "expended", strike out $50,000,000" and insert "$115,000,000"; and, in the same line, after the word "which", strike out "$10,000,000" and insert "$15,000,000".

At the top of page 35, insert:

"FEDERAL RAILROAD ADMINISTRATION

"FEDERAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

"To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, as authorized by section 601 of the Rail Passenger Service Act of 1970 (Public Law 91–518), $40,000,000, to remain available until expended."

On page 35, after line 8, insert:

"RELATED AGENCY

"INTERSTATE COMMERCE COMMISSION

"PAYMENT OF LOAN GUARANTIES

"For an additional amount for 'Payment of Loan Guaranties', $40,685,000, together with such amounts as may be necessary to pay interest."

On page 35, line 15, change the chapter number from "XI" to "XII".

On page 35, line 20, after the word "of", strike out "nine" and insert "six".

On page 36, line 11, after the word "Compliance", strike out "$750,000" and insert "including the purchase of one hundred and fifty passenger motor vehicles for police-type use, in addition to those heretofore authorized, without regard to the general purchase price limitation for the current fiscal year, but not in excess of $800 per vehicle, $5,026,000".

On page 37, line 2, after the word "service", strike out "$210,000" and insert "$960,000".

On page 37, line 7, change the chapter number from "XII" to "XIII".

On page 37, line 13, after the word "in", insert "Senate Document Numbered 91–117 and"; and, in line 14, after the word "Congress", strike out "$41,747,738" and insert "$43,130,510".

On page 38, line 3, change the chapter number from "XIII" to "XIV".

Mr. BYRD of West Virginia. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the bill before us is an example of the excellent, dedicated, and cooperative work that the Senator from West Virginia has always accorded appropriations measures as well as other measures. It is the result of many, many hours of detailed hearings and all Senators can be grateful that Senator ROBERT BYRD has the capacity and perseverance to do the very thorough and excellent job that he has done on this bill. He has made an excellent opening statement explaining the many items in this bill and I shall only refer to several of the more salient points in the measure before us.

I think it is important to reiterate that the Senate Committee on Appropriations considered budget requests for almost $600 million more than was considered by the other body. After the House had acted on this bill the Senate received budget estimates from the administration totaling almost $228 million. Added to this, the committee received from Senators budget requests totaling over $365 million, many of which related to legislation just recently enacted.

Mr. President, I would just mention briefly some of the items in this bill of special concern. As the Senator from West Virginia (Mr. BYRD) has said, a very large part of this bill comes under the foreign and military assistance categories with military sales to Israel being one-half billion dollars and military assistance grants $340 million while the committee has recommended $195 million for supporting economic assistance.

Mr. President, in his recent press conference President Nixon referred to his foreign aid program for Cambodia as "probably the best investment in foreign assistance that the United States has made in my political lifetime."

The President noted that Cambodia is a country of only 7 million people and yet they are tying down some 40,000 North Vietnamese regulars in their fight for self-determination. As the President pointed out, these are troops that would be used against American soldiers if they were not preoccupied in Cambodia.

It is a very good point. One cannot put a price on American lives. Certainly the $250 million the President has requested for Cambodia is an outstanding investment if it will save American lives, and there is every reason to believe that the President's analysis of the situation is correct.

President Nixon expressed the hope that the Congress will approve his supplemental appropriation, and I add my hope that the Congress will approve. It will be money well spent.

A very important item is the Council on Environmental Quality and the Office of Environmental Quality for which the committee has recommeded the budget estimate of $500,000. We have just gotten this organization started by appropriations in the regular bill for this fiscal year and this additional money is very much needed.

Another important item is urban research and technology for the Department of Housing and Urban Development. The officials at HUD placed first priority on this program and the committee has recommended $25 million which, if this can be held in conference, will bring the fiscal year 1971 appropriations for this item to the full budget estimate of $55 million, as $30 million was appropriated in the regular bill.

The committee has voted a major increase under the Department of Labor appropriation for manpower training activities. We have increased the $5 million House appropriation by $36,400,000 for summer programs of the Neighborhood Youth Corps which will provide 75,000 additional training opportunities.

Under the HEW item the committee has voted $43 million for mental health activities, which the House did not consider; $10 million of this to implement special community projects for narcotics addicts and drug dependent persons; $30 million of it is to carry out provisions of the proposed Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970.

One of the many items deferred by the House pending authorization but voted by the committee is $25,500,000 for the Atomic Energy Commission for plant and capital equipment. These funds will provide for new design and modification and alterations and additions to AEC facilities to improve fire protection, safety and operating conditions of the nuclear weapons and research facilities. The authorizing legislation has passed both Houses and is awaiting the signature of the President.

The committee has substantially increased Federal Aviation Administration funds for facilities and equipment. The result if the committee action will provide total appropriations of $250 million for fiscal year 1971 for investment in airways facilities.

The committee has also voted the full budget request of $40 million for the National Railroad Passenger Corps, which will get this agency off the ground. The Rail Passenger Service Act was signed on October 30, 1970, which authorizes the creation of this Corps by May 1, 1971. These funds are the initial organization and operation funds for the corporation.

One of the very important portions of this bill deals with supplemental appropriations for the Department of Justice and the judiciary. In an age when we in this Nation are very much concerned about the dual problems of controlling crime and insuring justice for those accused of committing crimes, it is vitally important to make certain that our criminal justice system has adequate funding.

XUM

I will not go into detail on all of the requests which have been made in this area and the committee's action thereon. But I would like to mention the three largest items.

This year Congress has passed several very important substantive criminal laws—especially the Organized Crime Control Act, with its antibombing provisions, and the Drug Control Act of 1970. Each of these new laws greatly expanded the duties and responsibilities of the Department of Justice. It is therefore incumbent on Congress to provide sufficient funds for the Department in order to enable it to administer these law in an effective manner.

This bill contains $14,150,000 for the Federal Bureau of Investigation. This figure represents the full budget request of the FBI for an additional 1,000 agents, 702 support personnel, and related equipment. These additional resources are especially crucial in light of the vast increase in bombing incidents during this past year. In order to curb these offenses Congress in October approved legislation authorizing the FBI to investigate any incidents of this type which occur in facilities funded by the Federal Government.

The committee has approved $7,000,000 for the Bureau of Narcotics and Dangerous Drugs to enable that office to employ 300 additional agents to investigate drug offenses in this Nation and to carry out the new duties assigned to it by the Drug Control Act of 1970.

Finally, this bill appropriates $12,928,000 for general legal activities for the Department of Justice. These funds would be used to hire 634 additional personnel—257 assistant U.S. attorneys, 152 deputy U.S. marshals, and 275 supporting staff—to serve the 61 new U.S. district judgships created by Congress in June. This figure would also permit the Department to hire 578 deputy U.S. marshals and 22 supporting staff and to acquire special equipment in order to create and maintain an effective program of courtroom security at all of the Federal courthouse installations.

In a related area, the General Services Administration has requrested $34,150,000 for additional facilities to house the newly created U.S. district judges and the U.S. magistrates. The House cut this figure to $14,150,000. Our committee has recommended restoration of the entire amount in order to insure that these newly created positions will be utilized in the most effective fashion. If adequate courtroom and office space is not available to these people, then part of the purpose Congress manifested in creating the offices will have been frustrated because they would be unable to function properly. This is especially true with regard to the magistrates program which is just getting underway and which, we hope, will have the effect of greatly speeding the criminal justice system. These facilities are greatly needed and I heartily endorse the committee's action in making this restoration.

These four items related to the administration of justice and the fight against crime are essential to implement recent legislation and meet the difficult problem facing the Nation in this area. They are only a few of the several items for this purpose in the bill. I hope that the Members will act favorably on all of them, along with the other items included in the supplemental report.

Mr. President, that concludes my statement on the supplemental bill.

I am sure that Senators will want to discuss these and many other items contained in this supplemental appropriations bill. Again, I commend the chairman, the Senator from West Virginia (Mr. BYRD), for his excellent work and his cooperation with me and other members of the subcommittee during the hearings and consideration of this bill, and I also express appreciation for the work of the committee staff.

Mr. JAVITS. Mr. President, I have a few matters about which I should like to engage the attention of both distinguished Senators.

Mr. President, I would like to congratulate Senator BYRD and the members of the Subcommittee on Deficiencies and Supplementals, together with the whole Appropriations Committee for the addition of funds for certain drug abuse programs.

When I appeared before the subcommittee I asked for $3 million for grants and contracts for drug abuse education projects under Public Law 91–513, the new Comprehensive Drug Abuse Prevention and Control Act. I am happy to see that the committee has funded this request in full. I also asked for $20 million for grants for special projects for narcotic addicts and drug dependent persons under Public Law 91–513. The committee funded $10 million for this program and while I would have liked to see the total appropriation granted, I feel that this money will mark an important first step in providing critically needed special treatment and rehabilitation programs in the drug abuse area.

The committee's actions in this area have shown its awareness of the drug problem which has so tragically affected America's young people and has indicated a national commitment to fund new innovative prevention, treatment, and rehabilitation programs to combat the drug abuse epidemic. I hope that this commitment on the part of all of us will be carried on in future appropriations measures.

I should like to question the chairman of the subcommittee on one other matter, and that is the law-enforcement education program. I thought of the possibility of seeking an additional $10 million for this program, especially in respect of helping those who are engaged in law enforcement to get a higher level of education. Such an appropriation, if made, would have to be contingent upon the authorization coming through, which I have no doubt will come through. The need is so urgent and crime is so critical a problem that I would hope very much that if the amendment is proposed, the committee would be sympathetic.

My interest in this matter was stirred by word from the John Jay College of Criminal Justice, in New York, which is part of the New York University complex and law school, which has a large program reaching approximately 5,000 students. They felt that the shortage of funds was directly harmful to policemen and others who are basically part-time students seeking to improve their education and training in the field of law enforcement.

I would not be inclined to submit any amendment unless the chairman of the committee and the ranking minority member showed some interest in it at this time. It would have to be contingent upon authorization. If they did not, I would simply wait until the authorization came through, in the hope that an additional appropriation could be passed early enough in January to benefit students in the spring semester. It really it is a collaborative thing, and I would greatly appreciate the views of the Senators on it.

Mr. BYRD of West Virginia. Mr. President, the subcommittee and the committee considered this item but deferred action thereon because, as the Senator has just pointed out, it lacks legislative authorization.

I should like the Senator from Nebraska to respond in particularity to the question that has been asked by the Senator from New York as to whether we would want to accept an appropriation contingent upon the passage of an authorization.

Mr. HRUSKA. Mr. President, this item would have provided for $35 million for the purposes described by the senior Senator from New York. We find ourselves in this position: We will have another meeting of the conference committee on the authorizing legislation this afternoon. It will be for the purpose of dealing with the authorization which we hope will approximate $650 million.

It seems to me that it would be very difficult to work an amendment of this magnitude into the present authorization, for a number of reasons; but principally, as the Senator from New York should be aware—I have an idea that he is aware—that the bulk of the authorized amount and the appropriated amount under the authority involved is pretty much under a system of what we refer to loosely as a block grant. It is not a true block grant, but we refer to it loosely in that manner. There are several parts to the authorizing legislation, and they each participate in the amount that is authorized by the authorizing legislation.

To crank into that sort of situation an item of $35 million would, of course, be very disruptive, and it would necessitate the setting aside of some of the priorities which already have been assigned. That is the practical difficulty which the committee met in considering the item that was sent to the committee for its consideration by the Senator from New York and his cosponsor.

Mr. JAVITS. Mr. President, may I ask the Senator from Nebraska whether he would think that, under all the circumstances, the committee might be interested in accepting a $10 million figure, which is less than one-third of the original request before the committee? I say that only because it bears upon the very urgent need described to me by one of the leading institutions that does this type of teaching. I will defer to the judgment of my colleagues on this subject. It is a co-

XUM

operative matter for us all, and I do not feel that any particular zealous advocacy is required of me.

I just wonder—not necessarily this minute—whether the Senator would like to think it over for a few minutes. But perhaps what we ought to do is to put some downpayment on this, so that colleges and universities can continue their programs, in view of the fact that now we will go home and we will not be able to do very much until the new semester starts.

Mr. HRUSKA. I should like to respond in this fashion, that there is already provided in the appropriation bill for the Department of Justice in the authorizing legislation funds for activities having to do with education and training and technological advice and the availability of all those things which deal with this very same topic. To ask for an additional $10 million for this purpose would mean that we would want to reconsider the entire order of priorities and the provisions that we have with due deliberation determined upon already in this same field.

I want to assure the Senator from New York that we are all aware—the Committees on the Judiciary and Appropriations, as well as the conference committee—of the necessity for education, for training, and all these things. But again, I repeat, provision has been made already to the extent that any addition would be requested. It seems to me that should be addressed to all the committees involved rather than to any one Senator for decision.

Mr. JAVITS. As I say, I do not see any particular point in pressing this matter unless it were congenial to the committee. I see great equity in the fact that we may be wasting some valuable time, in view of the fact that, I gather from the Senator, the authorization will be passed shortly. May I ask the Senator, if there is an authorization, as a result of the conference, would it be the intention of those who are on the Judiciary Committee to press for budget action and appropriations action in January, in the form of a supplemental appropriation?

Mr. HRUSKA. This Senator cannot quite understand—is it the Senator's understanding that the $35 million is included in the authorization for these purposes?

Mr. JAVITS. I gather that it is. Therefore, when I asked the question about the $10 million, I was simply raising the possibility of a small installment being appropriated at this time. I am not disposed to press it, unless it was agreed to. Does the Senator have any idea whether any effort will be made to include it in January or in early February as a supplemental appropriation?

Mr. HRUSKA. I think that would be indicated. My worksheets on this proposition, I might say, do not say that the item has been rejected or that it is without merit, but it states here "defer action." So I imagine that would be included, or we can make a fresh appraisal of the place and position that the training and education program should be accorded, and if it is thought that provision can be made for it in the authorization act and the appropriation act is inadequate, then there will be a further supplemental measure submitted for attention, as I understand it, early next year, and it could be reconsidered at that time.

Mr. JAVITS. I thank my colleagues very much. I shall not present the amendment but just express the hope because, as I say, it is something that affects us all so deeply that, at the earliest moment when we have an authorization we will be able to move to implement it with an appropriation because of the deep urgency of doing all we can about crime.

Mr. HRUSKA. The Senator from New York should be commended for his interest in this and calling it to our attention. It is a very important matter and bears heavily on the problems of law enforcement to improve the police forces of this Nation. One of the most vital component elements of the whole program lies in the field of education and training.

Mr. JAVITS. I am very grateful to my colleague from Nebraska who is so knowledgeable on this subject.

Mr. President, I have another matter to bring up, but unless someone else is ready, I should like to suggest the absence of a quorum.

Mr. HART. Mr. President, if the Senator from New York would withhold his request, I suspect that one aspect most often unacknowledged is the management of the bill now before us. Certainly it is one of the most difficult of the assignments given to any Member of this body.

While I am hesitant to delay final action on the bill, I would feel quite wrong if I failed to rise to thank the very able Senator from West Virginia (Mr. BYRD) for his management and leadership in the preparation of this bill.

Specifically, I invite attention to the inclusion by the committee of the full sum of $34 million which was requested, to provide the necessary facilities and housing to permit the administration of the new judges and magistrates.

We hear a great deal about waging war against crime. One of the least exciting aspects of that war, but one of the most critically important ones, is insuring prompt trial. If the Federal Government fails to set an example in this area, we are somewhat estopped if we point our finger at State and local governments for delay.

Chief Justice Burger recently stated that if we could bring a man to trial within 90 days of his arraignment, the dramatic reduction in crime would astound us.

Congress in the recent past has sought to respond to this by creating new Federal judges and a new magistrate system. The bill before us urges that we appropriate the full $34 million to provide the facilities which will enable these new courts effectively to function.

It is a measure of him as a lawyer, as well as a Senator, that the Senator from West Virginia, I am sure assisted by the Senator from Nebraska (Mr. HRUSKA), is also aware of the critical role the courts can play in the fight on crime, saw to it that the committee recommended full funding.

I rise merely to invite attention to this rather unexciting aspect of the bill, but more importantly to thank those two Senators for making sure that we put our money where our speeches were when we talked about arming the Federal judicial system effectively to fight crime.

Also, Mr. President, I was pleased to note that the committee added $2 million for the Corps of Engineers for the administration of the 1899 Refuse Act. This action is to be applauded as a potentially vital step in the fight against water pollution. By approving the action, the Congress can finally breathe life into a statute which has lain dormant for years but whose value as a pollution control weapon is now generally recognized.

The Refuse Act by requiring that no waste—with the exception of sewage—be dumped into navigable waters of the United States without a permit from the Corps of Engineers, provides the Federal Government with an effective preclearance mechanism for waste discharges. It further provides a valuable means for inventorying that which is dumped into our waters. These mechanisms can operate, however, only if the Corps is given adequate funds to pass on permit applications and to insure that those who do not willingly apply are made to do so. Two million dollars is the figure which the Corps itself says is necessary to initiate efforts to enforce the act effectively. It is my sincere hope that the Congress will accept the committee's recommendation and approve additional funding in that amount.

Mr. President, additionally I want to express a concern that I have been voicing since 1962, that I believe we are finishing out our appropriations bills for fiscal 1970 without providing adequately for feeding needy children.

Congressman PERKINS set forth in the CONGRESSIONAL RECORD of September 21, 1970, detailed figures on the need. We are far from meeting these figures, and everyone acknowledges that there are still hungry children.

My hope had been that this supplemental appropriation bill would be the vehicle through which we could obtain the money necessary to fund an expanded program that would furnish free or reduced price lunches to all children who need them.

However, on December 4, 1970, I asked the Deputy Assistant Secretary of the Department of Agriculture to tell me whether the Department expected to need any more money to fund the needy student school lunch program through June 30. In a letter from Secretary Olsson, dated December 7, 1970, he seeks to assure me that additional funds will not be needed. I ask unanimous consent that letter be printed in the RECORD at the conclusion of my comment.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, the Department does not assure us that we will, with presently available funds, be feeding all needy children by the end of the fiscal year—though we had been prom-

XUM

ised that this goal would be reached by last Thanksgiving.

We are merely advised that the funds already appropriated will meet the requests from the States. I am sure others in this body will join me in keeping after this basic, human objective until no child goes hungry in our schools.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
OFFICE OF ASSISTANT SECRETARY,
Washington, D.C., December 7, 1970.
Honorable PHILIP A. HART,
United States Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for your inquiry about school lunch funding. You are concerned that funds already requested may not carry the State of Michigan through the school year.

At this time we have no figures indicating our current requests are less than adequate to provide free and reduced price lunch assistance for needy students. We have requested a total of $356.5 million for this purpose, up from $134.8 million last year. Michigan should receive $9.9 million, a four-fold increase over last year's $2.3 million.

At this time we estimate that all States in the period from July through October have only obligated $52.4 million of the $356.5 million available for needy lunches. We estimate that Michigan in the period from July through November has obligated less than $1 million of its $9.9 million share.

We hope you will find these figures reassuring.

Sincerely,

PHILIP C. OLSSON,
Deputy Assistant Secretary.

Mr. BYRD of West Virginia. Mr. President, I am grateful to the able Senator from Michigan for his comments. It could be said that but for his interest expressed to the subcommittee—I may say, mainly his interest—I doubt that the full appropriation of $34 million would have been allowed for this item. So, we are indebted to the Senator from Michigan for bringing this urgent request to the attention of the subcommittee. It provides for the facilities that will be needed for additional district judges—61 in number—which have been recently authorized throughout the Nation. The country is therefore in his debt.

I also want to express appreciation to him for calling to the attention of the committee the need for $2 million for the Army Corps of Engineers for enforcement of the Refuse Act of 1899. But for the attention that was given to this matter by the able Senator from Michigan, the subcommittee would not have acted as it did in appropriating the $2 million which will constitute full funding for 6 months in connection with this item.

Mr. HART. I thank the Senator from West Virginia. I recall he counseled that the course of wisdom would be to wait until the supplemental came in on the matter of staffing the Corps of Engineers adequately. That counsel, offered a few months ago, has proved to be sound and I am grateful.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from Michigan.

Now, Mr. President, I offer two amendments, which I ask——

Mr. JAVITS. Mr. President, if the Senator will withhold just a moment, I, too, would like to speak to this item of the courts, which is, of course, critically important to New York, where we have a tremendous amount of court congestion and great difficulty with crime because of the court congestion. We had prison riots that affected not the Federal courts, but the State courts. This was because of court congestion and the delay of trials.

I join with the Senator from Michigan (Mr. HART) and other Senators in hoping that our conferees will really make a strong fight for the higher amount in the Senate amendment for the addition of court facilities.

I can only testify that it will be a great help in many areas by directly zeroing in on the crime issue.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

The Senator would be pleased to know that the committee also allowed the full amount for U.S. district attorneys, assistant district attorneys, U.S. marshals, and deputy U.S. marshals to serve the 61 new district judges throughout the country and the 13 new District of Columbia judges recently authorized.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. Mr. President, I wish to inquire about chapters 4 and 5. There is the proviso that this should be available only upon enactment into law of enacting legislation.

I wonder if the Senator could state what the effect of that legislation would be if that proviso is not accepted in conference. As the Senator knows, the bill authorizing this has not been enacted into law.

Mr. BYRD of West Virginia. Mr. President, I assure the Senator that the conferees, on the part of the Senate, insofar as I am concerned, will take a very firm stand on behalf of this proviso.

I have a feeling that the authorization bill will be enacted soon in view of the information which I have just received to the effect that the Foreign Relations Committee, so ably chaired by the distinguished Senator from Arkansas (Mr. FULBRIGHT), has ordered that authorization measure to be reported, However, great apprehension was expressed in the Appropriations Committee with respect to the lack of an authorization. It was because of this apprehension that the committee took steps to add two provisos—one dealing with the military assistance section and the other dealing with the supporting assistance section—which would make these two appropriations available only upon the enactment of authorizing legislation.

As I say, it will be my intention to stand firm with respect to these provisos. I had intended to offer two additional amendments—one to the military assistance action and the other to the supporting assistance section—which would provide that obligations incurring from funds appropriated in this bill could not exceed the total amount authorized by the authorizing legislation in the event the authorizing legislation sets a ceiling that is lower than the amount of money appropriated.

These provisos would be additional reason to the effect that the amounts finally obligated would not exceed whatever ceilings may be set forth in the authorizing legislation.

I hope that from this the able Senator from Arkansas will see that the chairman of the Subcommittee on Appropriations for deficiencies and supplementals recognize and respects the legislative process to the extent that he believes that authorization legislation should precede the appropriations. With these provisos in the legislation, I think that the Appropriations Committee has sought to guarantee to all Senators that this aspect of the legislative process to which I have referred will be honored and respected.

Mr. FULBRIGHT. I certainly appreciate the Senator's assurance about his own position, but he obviously cannot alone control the conference. If it is brought back without this proviso, the appropriations process will have succeeded in circumventing the usual legislative process—the enactment of the authorization.

Mr. BYRD of West Virginia. Mr. President, it is not the intention of the Senator from West Virginia to yield on this item. As the able Senator from Arkansas has pointed out, the Senator from West Virginia has only one vote among the Senate conferees. However, the Senate committee was unanimously in support of the proviso. I think that every effort will be made by the Senate conferees to uphold the position of the Appropriations Committee anent these provisos.

Mr. FULBRIGHT. Mr. President, I appreciate that assurance of the Senator. Knowing, however, that he does not control the conference and that this bill is being considered in the last days of this session of the Congress, there will be, of course, great pressure to enact appropriations legislation.

I remind the Senator that this Senate struggled for a long time valiantly over the Cooper-Church amendment to the Foreign Military Sales Act. The Cooper-Church amendment was a restriction similar to a restriction which the Foreign Relations Committee inserted in this bill. The military sales bill was unacceptable to the House of Representatives and the bill has apparently died in conference. Appropriating without authorization would effectively circumvent even the need for the Foreign Military Sales Act. That act has apparently gone by the board. So, there are these alternative ways of subverting the regular legislative processes.

While I applaud the Senator for his attitude, I do not believe that there is much reason to believe—and I do not believe—that this provision—the Cooper-Church amendment to the supplemental aid authorization—H.R. 19911—will stay in the legislation unless the authorization bill is actually enacted before we adjourn. What concerns me is that the conferees on the supplemental aid authorization (H.R. 19911) may not reach agreement because of the reluctance of the other body to accept the Cooper-Church prohibition against the use of U.S. ground combat forces or advisers in Cambodia.

XUM

Mr. President, it is going to be very difficult to have that foreign aid authorization bill enacted unless we stay in session continually until January 3. It is very unlikely that that bill can be enacted prior to the conference on the supplemental appropriation bill. I assume that the Senator intends to have the supplemental appropriation bill passed today and very quickly, I would imagine, come back with a conference report.

If that conference report does not have this proviso against appropriating money without authorization in it, I predict that it will be very difficult to do anything about it. I would oppose it. I will oppose it just as the Senator would oppose taking it out of there. However, in the dying days of any Congress, just before Christmas, the usual rules are suspended in practice, and the majority of the Senators are willing to go along.

I think it is most serious that a precedent of this kind could be made, that is, that legislative committees are no longer necessary for the appropriation of money. This has been the tendency for some time. We had a fight and considerable discussion about this on the Military Sales Act, as the Senator knows. In that case, as the Senator recalls, they were deleted. But the alternative was that the administration was able to go to other funds and supply them with similar types of plans.

We did not achieve our purpose in that case, although we did make the point in debate.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Nebraska for the purpose of responding to the Senator from Arkansas.

Mr. HRUSKA. Mr. President, with respect to the statement made by the chairman of the committee, it was unanimously the feeling of the Appropriations Committee in acting upon this to include the provisos. There was no discussion of approving the appropriation with the provisos deleted.

I affirm the statement made by the chairman of the committee to that effect.

Mr. FULBRIGHT. Mr. President, I am glad to hear the distinguished Senator from Nebraska say that. I only end by saying that while I realize that the attitude of the Foreign Relations Committee on the war and related subjects has been at variance with the administration in some cases, if it is used as a precedent to circumvent the legislative committees, the probabilities are that in the future it can be used to circumvent other legislative committees. Everyone interested in the traditional procedures of legislation before appropriations should consider this most seriously as to whether this procedure should be followed.

Mr. President, I wish to point out for the record that for these purposes, involving $340 million, particularly that part for Cambodia, funds already exist in other appropriated funds for foreign aid sufficient in amount to do whatever the administration had been doing in giving aid to Cambodia, which has not been authorized specifically; but with the use of contingency or discretionary funds it has been done.

We wanted to hold hearings to consider the wisdom of the policy of expanding the war into Cambodia. I did not take the position we should reject it out of hand, but that there should be committee hearings. There have been no adequate hearings at all. Here again, it is the effect of war activities of this kind which override the usual procedures of Congress, and which is why we have minimum control of our policies in this area.

Since there is money available I would have thought we could have put this over until the next Congress, which at the most would be for 2 months, including the recess, if there is a recess, until we could have hearings and act in the regular way. In the meantime there are funds available so that the emergency is not as great as it is made to appear. They do have adequate funds to do what they say they wish to do with this money.

Mr. BYRD of West Virginia. I thank the Senator for his expressions of concern. Again I assure him that I would be the last person to yield to subversion of the procedures that are traditional in this body. Of course, this body would have the last say when the conference report is before it; and I have a feeling that the sentiment of the whole Senate would be strongly in support of the position that has been expressed today by the Senator from Arkansas (Mr. FULBRIGHT).

Again I assure him that I shall do everything I possibly can, and the able Senator from Nebraska has already indicated his feeling in the matter. We have both indicated the unanimous feeling on the part of the Committee on Appropriations that these provisos should remain in the conference report when it is reported back to the Senate and the House after the conferees have met. We shall do our best to uphold the position of the Senate Appropriations Committee and the position of the Senate.

Mr. President, I therefore offer at this time two amendments, and I ask that they be stated by the clerk.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read the amendments as follows:

On page 6, line 5, before the period, insert the following: ": *Provided further*, That obligations incurred from funds appropriated herein shall not exceed the total amount authorized in H.R. 19911, or similar legislation".

On page 6, line 11, before the period, insert the following: ": *Provided further*, That obligations incurred from funds appropriated herein shall not exceed the total amount authorized in H.R. 19911, or similar legislation".

Mr. BYRD of West Virginia. Mr. President, as I earlier explained, these amendments are directed to the area of military assistance and that of supporting economic assistance, the intention being to provide that whatever amount is finally obligated will not exceed the ceiling, if there be a ceiling, placed on the amounts by the Committee on Foreign Relations in its own authorizing legislation.

Mr. President, I ask unanimous consent that the two amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. FULBRIGHT. Mr. President, one of the reasons why I am bothered both by the assumption of this broad responsibility for Cambodia, which is implicit in this particular item, and the two major strikes against North Vietnam recently, is that a most serious question is raised about what is the real trend of our policy in the Far East as well as in the SALT talks and in the Middle East.

There was an article in yesterday's Washington Post by Mr. Robert E. Hunter which raises, in a most interesting way, questions which have occurred to me in connection with these specific authorizations.

I ask unanimous consent that the article be printed as a part of my remarks at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. I am extremely concerned about the deterioration of all efforts toward negotiation and settlement of some of the outstanding difficulties and problems that confront the world today, deterioration of efforts toward negotiation and the resumption on an enlarged scale of the use of force which is closely allied with the appropriation for Cambodia. I only inject this to explain, at least partially, why this matter concerns me. It is very important to substantive problems as well as to the procedures of the Senate. I think it is very important that we liquidate some of our foreign involvements in order that we may pay attention to our domestic needs, as well as extremely important that we preserve the traditional procedures of the Senate. I do hope we can preserve our institutions during this difficult period so that, if and when we do solve the substantive problems, we will have a functioning government that will still serve the cause of democracy.

EXHIBIT 1

WHO TURNED THE COLD WAR BACK ON?

(By Robert E. Hunter)

In the past few months, we have had evidence of a basic change in the administration's view of the world, and particularly of Soviet-American relations. According to this view, the Russians are challenging U.S. naval superiority in the Mediterranean; they tried to test American will to resist new activity in Cuba; they are now dragging their feet in the strategic arms limitation talks (SALT) while they rush ahead in the arms race, and they are stalling on Berlin while they are trying to divide the Western alliance.

This amounts to an effort to view the world with the outdated and discredited attitudes of the Cold War.

Since the Cuban missile crisis and the careful elaboration of second-strike nuclear forces by the United States and the Soviet Union, we have seen truly hopeful progress toward détente in several areas of our relationship. Unlike the short-lived "Spirit of Geneva" in 1955, this détente is based on firm ground.

Both Moscow and Washington have become fully aware that nuclear war would be mutual suicide, and both have learned to accept that their relations do not have to

XUM

be dealt with as one package but can be understood and negotiated piece by piece. As a result, tensions have gone down in Europe; there is general agreement on the limits of superpower activity in the Middle East; Vietnam has been more or less isolated from U.S.-Soviet relations, and the SALT talks have got under way at long last.

Nor have various shocks to the growth of U.S.-Soviet understanding in any one part of the world had much effect in other parts. Détente continued in Europe despite the invasion of Czechoslovakia, although Western expectations of change in East Europe had to be lowered. And the SALT talks were virtually unaffected either by our invasion of Cambodia or Russian cheating in Egypt.

In short, Washington and Moscow have learned to split up their relations into separate pockets, each of which represents real conflicts of interest or, as in the case of the arms race or Middle East warfare, a real common interest to prevent disaster. This is what it means to end a cold war: no longer do contending powers have to see their relations as all-encompassing. Where negotiation or accommodation is possible, it takes place; where differences of view or interest are irreconcilable, they persist without detracting from those areas of possible understanding.

A CHANGED SITUATION

This is the situation that obtained until the early part of this year. It enshrined the most hopeful developments since World War II, and all was set for negotiations designed to strengthen understanding wherever possible and perhaps even to resolve political problems in one or more areas of the world.

This situation has now changed and, in the view of the administration, the Russians have been chiefly responsible because of new efforts to test American resolve or to exploit growing military power.

The case against the Russians is familiar to any newspaper reader. But what does he know of the case that has to be made against our government's handling of the same circumstances? It is tempting to say that this handling of events has simply been amateurish, but it is worse than that. It is nothing less than the reemergence of the attitudes and even much of the rhetoric that characterized the darkest days of the Cold War.

This autumn, the Soviet Union has been particularly dilatory in pursuing an agreement at Helsinki. Yet our role in making agreement difficult has also to be accounted for. We have to realize that the great spurt in nuclear weaponry since SALT began has taken place as much on the U.S. side as on the Soviet, with its mammoth arsenal of SS-9 rockets.

Two days after SALT began last April, we began installing Minuteman III missiles, and in June we began equipping them with multiple, independently targetable re-entry vehicles (MIRV's). Before discounting this move as simply another American bargaining counter, we should remember that Soviet *testing* of multiple warheads—mainly of the unguided "shotgun" warhead that our Polaris missiles have had for years—is among the principal factors causing us so much anguish about Russian intentions.

Even more damning, however, was the Defense Department's revelation July 9 that the Soviet Union had halted construction of SS-9s for six to nine months. It may be that the Russians were only experiencing difficulties in production of the SS-9 and its silos, but it could have been an effort to signal a de facto end to the land-based missile race in order to speed agreement at SALT.

This possibility was never tested by the administration; indeed, the fact of Soviet restraint was carefully concealed from the American public and, more particularly, from the Senate. The Senate thus debated both the Brook resolution on a MIRV moratorium and the second phase of the ABM without knowing that the Soviet Union had made no new starts on SS-9 construction since before the SALT talks began. If the Russians were trying to signal something, therefore, they would have good reason to distrust the intentions of our government.

In any event, we have surely strengthened the hand of those people in the Kremlin who do not wish the arms race to come to an end—which, in turn, has strengthened the hand of their counterparts in this country. And now we are certain to see the arms race go on to higher levels, probably including MIRVs on both sides, even if we do eventually reach agreement.

THE LINKAGE THEORY

At the same time, the administration has revived the idea of "linkage"—the theory that the entire Soviet-American relationship must be seen as a "seamless web," and that progress at SALT must parallel progress in other areas of our relationship. This is an unfortunate view that undermines the basic learning experience of the 1960s: the compartmentalizing of problems so that some, at least, can be solved.

Ending the arms race is surely the easiest feat to accomplish among all those facing us, partly because it is so much in our mutual self-interest and partly because Moscow and Washington have most of the political cards in their hands alone. Linkage, therefore, is not only likely to have little or no effect on such problems as the Middle East or Berlin; it is also likely to reduce the chances that anything positive will come out of SALT.

SALT must be seen not as a bargaining process where the Russians' supposed greater interest in reaching an agreement can be used to settle other political problems. Either Washington and Moscow will work together to end the arms race, or it simply will not end.

This was always the basic weakness in arguments that the ABM would be a "bargaining chip" at SALT. We now have the chip, yet SALT has slowed down, the arms race continues and there is new worry about the influence of Soviet military opinion within the Kremlin.

Linkage has other dimensions, as well. There have been hints from the administration that Russian cheating in Egypt has called into question whether Moscow can be trusted to keep an arms agreement. But this line of reasoning entirely misses the point.

In the first place, the Russians (or Egypt) were caught cheating, and therefore would know that they would be caught if they cheated on a SALT agreement, where the stakes would be much higher. Second, there can be no comparison between missiles for the defense of Egypt, where there are complications involving Moscow's relations with its client states, and missiles in the central arms race. And third, in both instances we are talking about self-interest, not altruism.

Quite simply, if the Russians do not find it in their self-interest to stop the central arms race, then there won't be any agreement at SALT in any case. Indeed, one has to look no further than Soviet self-interest to explain both Moscow's failure to prevent cheating in Egypt and its likely good behavior in implementing a SALT agreement.

Finally, the most telling evidence of the administration's frame of mind on linkage came after the recent raids on North Vietnam. There were hints that the raids were in line with an argument put forward by the White House earlier this year: that being unpredictable has its value. But even more, the raids were interpreted as warnings to the Russians that agreements have to be lived up to, such as the Soviet-American agreement over Cuba.

This view paralleled the President's comments in July justifying the invasion of Cambodia on the grounds of protecting Soviet awareness of U.S. will. But to anyone who appreciates both the insignificant role the Soviet Union plays in the Vietnam war and the compartmentalization of problems in the world generally, the logic of this view—not to say its politics—is beyond comprehension.

THE BASE IN CUBA

If this is the administration's attitude, should we be surprised that the Russians might try to be a bit "unpredictable" as well? This question may give meaning to the events, still not particularly clear, that took place in Cuba this autumn.

Needless to say, the stationing of a Soviet facility for servicing nuclear submarines in the Western Hemisphere would do little if anything to erode America's second-strike capability. It is true that if the Russians were able to increase their hunter-killer submarine capacity radically by having a base in Cuba, some of our Polaris submarines might be in jeopardy. But can anyone take seriously the prospect that, short of madness, the Russians will go for a true first-strike capability? As the Stockholm International Peace Research Institute has emphasized, the idea of either side's ever getting such a capability is simply out of the question.

What happened in Cuba was important, if at all, in the realm of politics and what is referred to as "will." The latter is a curious subject, and one on which the United States is strangely lacking in self-confidence. Perhaps in the 1950s there was some reason to worry that the Russians might underestimate U.S. willingness to defend its vital interests, but the Cuban missile crisis surely dispelled that view.

Most importantly, we need to realize that the Russians will ape our behavior as a great power in every way they can. After the Cuban missile crisis, they increased the size and range of their fleet. So, too, the size of their Mediterranean squadron after the Six-Day War (a squadron that is still a military nonentity compared with the U.S. Sixth Fleet) indicated that we had had a capability to intervene in that conflict and Moscow did not.

In America, we have a peculiar aversion to looking at the other side of our concern with strength. We never want to negotiate from weakness, but, then, who does? But can we distinguish between strength and superiority? If we cannot, we surely cannot expect the Russians to do so, either.

To this end, cries of anguish about the Russians turning the Mediterranean into a Soviet lake, when this is a patent absurdity, will only reinforce those people in the Kremlin who wish to match our attitude toward the role of superiority. This is the stuff of which arms races are made.

This problem applies equally in the strategic nuclear field. The Russians may be ahead of us in land-based missiles, but they are still inferior in every other form of nuclear power. Our missiles are more accurate, we have more Polaris submarines, we are working on a better ABM and we are already deploying the MIRV. In fact, in terms of the number of deliverable nuclear warheads, we have taken the lead in the arms race in the last year, not the Russians, for all of their SS-9s.

THE BERLIN ISSUE

We are also now seeing the revival of the Berlin issue as a matter of symbolic importance. Years ago, this may have been a valid exercise, since there were few understandings between ourselves and the Russians on other problems. But now these understandings do exist, particularly on the arms race but also including the need to preserve the strategic status quo in Europe.

Unfortunately, we are again looking for symbols when there are matters of substance at hand. This latest round of concern over Berlin began as a problem of reassuring ourselves that Chancellor Brandt's Ostpolitik

XUM

would not get out of hand. In addition, the West German electorate needed reassurance that the Soviet Union would have to pay a price in Berlin for the Soviet-West German treaty; and there was some value in letting the Russians know once again that the political undermining of the NATO alliance would not succeed.

But it is a long jump from these arguments to an effort to make the Berlin problem the sine qua non for considering not just Ostpolitik but also all other matters of European security and perhaps even SALT. Some linkage of issues directly germane to overall West European concerns (not just those of West Germany) may have been advisable. But by making Berlin the key—in particular, the key to the holding of a European security conference that could help legitimate East-West contacts—we are only making it more difficult to achieve progress anywhere. We have simply chosen the wrong link—the most intractable problem—to support our allies' interest in SALT and European detente.

The U.S. government also seems to be forgetting in part the simple lesson that the Communist world is no longer a monolith; linking events in Vietnam to Soviet actions elsewhere is clear evidence of this forgetfulness. But we are also misleading ourselves in seeing disturbances on access routes to Berlin as evidence of Soviet intentions. If anything, these disturbances are evidence of East German efforts to thwart Soviet moves toward easing tensions with West Europe.

Perhaps the U.S. government wishes to control the pace and the character of these Soviet moves—the other side of Brandt's Ostpolitik. By choosing to ignore differences of opinion within the Warsaw Pact, however, we are merely tempting fate within the NATO alliance and failing to exploit differences in their alliance.

The administration is also fostering a simplistic view of Soviet activity in the Middle East. It appears, unfortunately, that Dr. Kissinger's "slip of the tongue" last July is a motivation of policy—i.e. to "expel" the Russians from Egypt. Like it or not, we have to accept that the Russians are in Egypt, and elsewhere in the Middle East, to stay.

We have been particularly remiss at analyzing carefully just what has happened militarily in the Middle East. The U.S. government and others were so quick to seize upon the symbolic importance, if any, of Russian activity that a realistic assessment has not even been attempted outside of the State Department.

As a matter of fact, there has been widespread cheating on both sides of the cease-fire, even though Egypt started the process; and Gen. Moshe Dayan was reportedly able to declare, even before we extended another $500 million line of credit to Israel, that Israel's military position vis-a-vis Egypt is better now than it was before the cease-fire began.

We may have good reasons for supporting Israel. But we should not interpret every cry of dismay from Jerusalem as actually changing the balance of military advantage (in which Israel, like the United States with respect to China, considers it vital to maintain the ability to launch a successful first strike). Nor should we accept every change as new evidence of a Soviet unwillingness to help prevent war.

In this particular case, Israel did not want to negotiate and Russian-Egyptian cheating provided a welcome diplomatic opportunity for Israel. Yet can anyone really believe that the extra SAM missiles west of the canal have made it any easier for Egypt to try launching an attack across it?

NOT REALLY COLD

Whether valid or not, this is a series of agruments about the Soviet-American relationship that gets little circulation in the United States at present. Of course, we are not really being faced with a return to the worst of the Cold War, however much administration rhetoric may reflect that possibility. The mold has been broken by the more or less immutable character of the strategic arms balance and the firm understandings that the superpowers have reached on Europe.

But there could be a period in which further diplomatic progress was ruled out not so much because of the character of individual differences between the United States and the Soviet Union as because of the administration's insistence on seeing all our problems as necessarily interrelated.

To a great extent, this development represents a failure of American imagination. It should be obvious, for example, that the Soviet Union is going to be a major sea power and will play a major role in the future of the Middle East. Yet by panicking in the face of these inevitable developments, we fail to see either the limited role that naval forces play in influencing the behavior of third countries in this multipolar, nuclear world or the positive role that the Russians could be led to play in stabilizing the volatile Middle East.

In addition, we are failing to take account of new facts of power. During the 19th century and the first half of the 20th, relative balances of military power did spell the possible outcome of conflicts and changes in frontiers or economic advantage. But the role of military force promises to be much lower in the future if only because the central actors, the United States and the Soviet Union, have an ability to deter basic threats to each other's interests and appreciate their inability to change the strategic status quo in Europe—the chief prize in their competition.

SLIPPING ECONOMICALLY

Also, there are economic factors supplementing more traditional military factors in expressing a great nation's usable power, and there the Soviet Union stands to be left far behind. It will soon be a second-class economic power, outranked by Japan and the European Community.

The movement of trade may not be as obvious, romantic or compelling as the movement of military forces. But in terms of the effects that policy has on other nations, trade and economic development can at times bring far more influence than direct intervention.

This does not mean that military power can be discounted; the United States has to remain vigilant and, particularly in sea power, show due regard for remaining aspects of psychological influence that weapons still confer. But we also need to realize that the growth of Soviet military reach is essentially a paradox; it comes at a time when it promises to express a fundamental weakness rather than of growing strength. At least this is the trend of developments.

A more fundamental failure of imagination is reflected in both the rhetoric and the actions of the administration in recent months. It is our failure to realize just how little we know about the outside world, and how much it is changing.

However much we have been involved in the world, we have retained many qualities of an isolated nation—or, better, a provincial nation. Perhaps this is the lot of every great country at the flood tide of its power. It is reflected in much news coverage and analysis; in the lack of interest most Americans take in the outside world, and in the efforts we make to translate the experience of others into terms that are familiar to us.

This, indeed, is why we are so often accused of being "imperialistic"; not so much because of any particular projection of power as because of our difficulty in making the adjustments necessary in dealing as equals with foreigners. It is not surprising that a President who is the epitome of Middle America should reflect its attitudes on the world beyond our borders.

Yet is is questionable that our general ignorance of others can long persist. We are experiencing what other great powers have experienced before us: that as our power declines relative to others, even as it increases absolutely, we can no longer isolate ourselves from the impact of other societies and cultures on us.

AMBIGUITY AS A VIRTUE

We are finally leaving the age of certainty; we are in an age in which power, to be effective, must understand the value of ambiguity. Americans have never cared for ambiguity (indeed, much of what we call "polarization" in our society is really a flight from situations that are by their very nature uncertain).

But whatever power we are able to exercise in the world will depend upon our making a virtue of the ambiguity that will necessarily exist in our relations with others. In the Middle East, for example, there would be some value in blurring the nature of our day-to-day relations with Israel—even if we have a firm commitment to its ultimate security—if we wish to have tolerable relations with the Arab states and to reduce Soviet influence.

The fundamental problem for us, therefore, is to discard the lingering attitudes of the Cold War with the Soviet Union and begin fostering a greater awareness of, and appreciation for, other nations and peoples. In the process, we need to learn more about the role that diplomacy and economics can play in place of military force—indeed, that the Nixon Doctrine cannot be primarily a military doctrine, as the President's recent aid message seemed to indicate. Rather, we need to cultivate a broad spectrum of relations and behavior that reflect the changed, uncertain circumstances of today's world.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 14, line 18, insert the following: strike "$41,400,000" and insert in lieu thereof "$49,230,000".

Mr. JAVITS. Mr. President, this amendment seeks to increase the amount available for the Neighborhood Youth Corps for summer jobs by $7,830,000 to provide a total of $182,900,000—the funding level that we had last year. Last year that amount funded 414,000 jobs; this year, because of increased costs, it will fund only approximately 388,000 jobs.

Mr. President, first I wish to say I think the committee has been exceedingly thoughtful and understanding in including a $36.4 million supplemental for the program, which will provide an additional 71,000 opportunities. I am not complaining in any way but I did think it was desirable and, indeed, essential in conscience to offer the Senate an opportunity to at least go for last year's funding figure.

The reason is twofold: First, and the Senator from West Virginia (Mr. BYRD) knows better than anyone else, we have always had this last minute panic about the Neighborhood Youth Corps' summer job program in May going into June to make available more funds for the program when we could appraise very clearly the seriousness of the unemployment rates that would face the youth in the summer.

XUM

Second, we all recognize and have recognized for a long time the desirability of preplanning with some sense of preallocation of the amount available.

Even, at this early date, the proportions of an impending summer job crisis are known.

We now face 5.9 percent national unemployment—the highest level in 7½ years. Whether this level should be regarded as "acceptable" or not, the fact is that the bounds of tolerability have long been burst for teenagers, particularly those in our poverty neighborhoods, and in my opinion, the unemployment situation as to them has "hit the red line." In November, the unemployment rate among teenagers was a full 17.5 percent, with unemployment in urban poverty neighborhoods at 24.9 percent. The unemployment rate among black teenagers in poverty neighborhoods is 34.9 percent—now reaching toward one-half.

When the Congress met a year ago to consider the first supplemental appropriation, the national unemployment rate was 3.4 percent, the teenage rate was 11.6 percent, the rate among teenagers in poverty neighborhoods was 22.6 percent and black teenage unemployment was 29.3 percent.

Mr. President, every indication we have seen and every forecast of the administration indicates that we will not have a reduction by this summer adequate to be comparable even with last year. The best anybody hopes for in unemployment is that it may go down to the 5-percent level. The look for a possibility of a whole 1-percent drop to 5.9 percent by the end of this year and everybody agrees that is not on the pessimistic but on the optimistic side.

We face even in times of normal unemployment a target population among youth for summer jobs of 1.5 million youth.

The National League of Cities—U.S. Conference of Mayors has just completed an up-to-date survey at my request of next summers needs and these are the findings: In the Nation's 50 largest cities at least 330,973 opportunities will be needed in the program and in some 550 other cities 310,666 opportunities will be required, for a total need of 641,639 slots. At the projected cost of $470 per slot—which compares with $420 last year—a total appropriation of $301,570,330 would be required.

Mr. President, I ask unanimous consent that the chart and the letter may be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
December 4, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1971 needs for the summer Neighborhood Youth Corps slots. The information we have received from the fifty largest cities shows that the total number of slots these cities could effectively use this summer is 330,973.

On the basis of our contacts with a sample of smaller cities, we estimate their need and the number of slots these cities could effectively utilize to total 310,666.

Combining the figures—the total for the fifty largest cities with estimated needs for the balance of the nation, the present real need for 1971 is 641,639 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps.

Sincerely,

PATRICK HEALY,
Executive Vice President, National League of Cities.
JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 total need	1971 total need
Akron	612	765	1,200
Atlanta	2,267	1,460	3,408
Baltimore	7,000	8,000	8,000
Birmingham	1,390	1,738	2,086
Boston	2,200	2,750	3,500
Buffalo	2,845	3,557	4,268
Chicago	31,000	38,750	40,000
Cincinnatti	1,935	2,419	3,000
Cleveland	6,900	8,000	10,000
Columbus	1,100	1,378	2,000
Dade County (Miami)	2,150	2,668	8,226
Dallas	1,520	1,900	2,280
Dayton	620	775	930
Denver	800	1,000	2,100
Detroit	7,780	9,725	11,670
El Paso	719	900	1,125
Fort Worth	785	981	1,178
Gary	1,380	1,725	4,300
Honolulu	1,461	1,826	2 191
Houston	2,844	3,555	3,000
Indianapolis	650	812	2,500
Jersey City	1,275	1,584	1,993
Kansas City, Mo	1,400	2,225	4,000
Los Angeles (inc. Long Beach)	12,828	16,000	20,000
Louisville	2,605	3,256	3,500
Memphis	1,500	1,875	2,394
Milwaukee	1,925	2,406	3,000
Minneapolis	1,750	2,1880	2,735
Newark	1,480	12,000	14,563
New Orleans	8,490	10,615	5,000
New York	50,000	62,500	77,500
Norfolk	1,750	21,880	2,625
Oakland	3,857	4,821	5,785
Oklahoma City	1,270	1,588	1,000
Omaha	1,455	1,819	700
Philadelphia	4,105	12,500	12,500
Phoenix	3,285	4,106	17,000
Pittsburgh	3,915	4,894	2,500
Portland, Oreg	1,066	1,328	5,000
Rochester	1,225	1,531	1,000
St. Louis	1,834	4,000	1,500
St. Paul	683	854	1,025
San Antonio	3,742	4,678	5,514
San Diego	2,689	2,616	2,500
San Francisco	2,625	3,291	5,000
Seattle	1,496	1,500	5,000
Tampa	1,925	2,405	2,887
Toledo	700	825	990
Tulsa	420	525	850
Washington, D.C	12,805	30,000	36,000
Total need: For the 50 largest cities	214,758	296,201	330,973

1971 estimated need balance of Nation, selected smaller cities

	1971 total need
Wilmington	2,000
Fort Lauderdale	400
Winston-Salem	250
Little Rock	300
Providence	1,100
Utica	400
South Bend	450
Estimated need balance of Nation	310,666
Estimated total need for 1971 for Nation	641,639

Mr. JAVITS. Mr. President, I would really plead—I rarely say that, because it is a word which should be used sparingly—with the managers of the bill, who have been so generous—that they may see their way clear, from all the knowledge which comes from knowing in advance what we have, to go to conference with a figure which is based on very sound logic and the very deteriorating unemployment situation—to wit, the logic of taking last year's funding figure to conference.

I have talked to the Senator from West Virginia about this. He is very fair about it. He said, "Well, let us hear your case." That is my case, Mr. President. I plead only because I think we all know that we have come to an accommodation, as it were, with the summer jobs problem. We know the Senate does not have to be threatened with riots and disorders. We know it is an element of great stability and a useful thing. It is just a question of degree.

With all the rationale of a much heavier unemployment load—and we all know the likelihood is that it is not going to change too much by summer—the needs of the mayors, and the additional difficulties of the cities, I hope it would enable us at this time to be a little more forehanded by taking to conference last year's figures.

Mr. BYRD of West Virginia. Mr. President, the administration requested $5 million under this head in the supplemental bill, $3 million of which was to be used for assistance to returning veterans for participation in job training programs, and $2 million of which was to be used to assist workers who are adversely affected by import competition under the Trade Expansion Act of 1962.

The distinguished Senator from New York (Mr. JAVITS) appeared before the subcommittee and made a very splendid presentation of his request. He presented the figures that had been supplied to him by the National Conference of Mayors. The subcommittee took the matter under consideration and, of course, was sympathetic to the need as presented by the able Senator from New York.

The Department of Labor indicated that it could feasibly use $36 million for 75,000 job slots, so the subcommittee and full committee acted accordingly.

Having looked upon this appropriation with favor in previous years, I would be disposed to accept the amendment offered today by the Senator from New York to bring the amount up to the full amount of last year. Having discussed the matter with the distinguished Senator from Nebraska (Mr. HRUSKA), who is the acting ranking member of the subcommittee, may I say I am willing to accept the amendment and take it to conference.

The Senator from Nebraska has momentarily stepped off the floor and will return shortly. I would prefer that we wait until his return before we act on the amendment. Therefore, if the Senator is willing, I shall at this time suggest the absence of a quorum.

Mr. FULBRIGHT. Mr. President, will the Senator withhold that?

Mr. BYRD of West Virginia. I withhold the suggestion.

Mr. JAVITS. Mr. President, I have just talked with the Senator from Nebraska. He tells me that as long as the Senator from West Virginia has made clear his concurrence in this very noble—and I use that word advisedly—cause, it is all right with him to accept it.

XUM

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. Again, I want to say that the Senator from Nebraska has assured me of his concurrence.

Mr. JAVITS. The Senator from Nebraska is now entering the Chamber.

I just wish to repeat what I said when the Senator from Nebraska was not on the floor—that I consulted with him and he confirmed what the Senator from West Virginia (Mr. BYRD) had said about his willingness also to take the amendment to conference. I would like to tell him that I used the word "noble" referring to the conduct of both Senators. That is the only word I can use to describe the meaning of this kind of program, no matter what comes out of conference, for the youths in the ghettos of our big cities.

Mr. HRUSKA. Mr. President, if the Senator will yield, on the basis that the amount involved will bring the total amount to last year's figure, I would be willing to agree with the judgment of the chairman of the subcommittee to take the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Is there further amendment?

Mr. WILLIAMS of Delaware. Mr. President, I notice that in the bill there is a provision permitting Senators to increase the compensation of one position in their offices from $33,176 to $35,496. In addition, other salary increases are provided for.

In view of the fact that Congress ill advisedly, in my opinion, last year provided a salary increase for itself and staff employees and in view of the fact that the administration is now lecturing both management and labor, we should hold the line and prevent the wage spiral from getting out of hand. We should practice what we are preaching by striking that language from the bill.

Mr. BYRD of West Virginia. Mr. President, the committee added no moneys for the offices of Senators to implement this action. It was left up to each Senator to implement the authorization out of his present clerk-hire allowance.

It was felt by the majority of the committee that it should act to allow each Senator to exercise his own judgment in raising, if he saw fit, the salary of one person in his office to meet the ceiling which has been placed upon Senate committee staffs by the Reorganization Act.

At the present time, the ceiling which has been applied to each Senator's office by the act is $33,176; and the action taken by the Appropriations Committee, without appropriating any additional funds for the implementation of the authorization, would allow each Senator, if he chose to do so, to increase the salary of one person in his office up to the ceiling that has been established by the Reorganization Act for committee staff members—which is in excess of 35,000.

Mr. WILLIAMS of Delaware. Mr. President, the Senator knows as well as I that even though the money may not be appropriated in this bill, if salaries are increased it is going to cost the taxpayers.

The fact that this bill provides only for increasing the salary of one employee to the maximum level authorized for committee staff members simply means that very shortly it will be right up and down the line for all staff members because when you raise one, you do not single out just one; you raise them all. We have an example right here: Sometime ago, over the objections of some of us, Congress raised the committee staffs, and now we are asked to raise our own staffs. If you raise one you have to raise the other. At some point these spiraling salary increases will have to stop. At a time when we are faced with such a fear of inflation, at a time when the administration is lecturing labor in general that it should hold the line, I say that we in the Senate should start practicing what we preach and reject this proposed salary increase.

Mr. President, in looking this provision over I find that it is legislation on an appropriation bill that would be subject to a point of order. Therefore, I make a point of order on this provision, beginning with the word "provided" on page 20, line 12, down to and including line 22 on the same page, that it is legislation on an appropriation bill.

Mr. AIKEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont wish to be heard on the point of order?

Mr. WILLIAMS of Delaware. I withhold the point of order temporarily.

Mr. AIKEN. Mr. President, when this Congress permitted its own salaries to be raised 41 percent, and doubled the salary of the President to $200,000, we gave up all hope of controlling inflation. We cannot, in fairness, hold down labor costs or any other costs, so long as Congress is ready to take a 41-percent increase in its salary.

So, Mr. President, if this proposal passes, it will add, in effect, 8 to 10 percent more to the salaries of our offices, because, as the Senator from Delaware has said, if you raise the administrative assistant—I cannot raise mine, unfortunately, because she gets nothing now—but if you raise the administrative assistant 8 or 10 percent, then you have got to raise the others along with it.

This is a most unsound proposal. I would be glad to join with the Senator from Delaware in proposing that Congress cut its own salaries 10 to 15 percent, at least for the next 2 years, in order to show the country that we are concerned about inflation.

Certainly enacting this type of legislation would put us in an unfavorable position in the minds of most of the people of this country. I think this is an extremely unwise proposal. We ought to undo some of the damage we have already done.

Reducing our own pay would not amount to much, but it would be symbolic. I notice here that the bill before us provides for an increase not to exceed $16,000 per year for the Office of the Official Reporters for increases in the salaries of six transcribers and two clerks. That is little enough for them. But it is wrong to talk about putting the salaries of everybody up 8 to 10 percent. To enact this bill as now written would be simply serving notice on the people of the United States that we are not interested in controlling inflation at this time.

I commend the Senator from Delaware; I hope he gets six or eight votes for his proposal.

Mr. WILLIAMS of Delaware. Mr. President, I would hope we could carry it.

Mr. AIKEN. It is a horrible thing to do.

Mr. WILLIAMS of Delaware. I completely agree with the Senator from Vermont. It was a tragic mistake, a couple of years ago, when Congress raised its own salaries by 41 percent and raised the salaries in the executive branch from 40 to 60 percent and in one instance 100 percent, because we thereby lost our influence over labor in asking them to hold the line. I think that action was most unfortunate. I strongly opposed it at that time, and I think we are reaping part of the harvest in inflation from that bad decision now.

Certainly we should not extend the increases further. While we could say this is but one in each office, that is only 100 employees but it will also follow right on down the line with all of them if we do it, and I think such action would be most unwise, particularly at this time.

I renew my point of order, Mr. President. Would the Senator from West Virginia want me to withhold that temporarily?

Mr. BYRD of West Virginia. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia wish to comment on the point of order?

Mr. BYRD of West Virginia. No, let the Senator make his point of order, but I would like to comment on it.

Mr. WILLIAMS of Delaware. I have already made the point of order.

The PRESIDING OFFICER. The point of order is made.

Mr. BYRD of West Virginia. Mr. President, parenthetically may I say that I voted against the increase in salaries for the President, the Vice President, the Members of the Senate and House of Representatives, the judiciary, and the members of the President's Cabinet. But I am here today to defend the action of the Appropriations Committee, and I do so, at this point, by raising the question of germaneness.

I would like to state, Mr. President, that the language inserted by the House of Representatives into the House bill deals with clerk-hire allowances, stationery allowances, et cetera; and the matter which the Senate committee has attempted to insert is germane to language already in the bill when it came to the Senate, written in by the House of Representatives.

Therefore, I raise the question of germaneness; and the question should, I think, be put to the Senate: Is the Senate language germane?

Mr. WILLIAMS of Delaware. Mr. President, if the Senate wants to vote on that ruling we can do it, but I most respectfully point out that this definitely is legislation. It has been so recognized, and I would ask for a ruling

XUM

by the Chair before the question of germaneness is raised.

The PRESIDING OFFICER (Mr. Nelson). The Senator from West Virginia has raised the question of germaneness. Under rule XVI, section 4, that question must be submitted for a vote by the Senate, without debate.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the question.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the rollcall vote be taken at 2:20 p.m. today.

The PRESIDING OFFICER. Debate is not in order on this question. Does the Senator ask that there be debate until that time?

Mr. BYRD of West Virginia. No; I ask that this matter be put aside until 2:20 p.m. and that the vote then occur.

The PRESIDING OFFICER. The request is that the vote on the germaneness question take place at 2:20 p.m. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the committee considered revised supplemental estimates for Federal City College in the amount of $3,397,000 and for Washington Technical Institute in the amount of $1,296,000 for a total of $4,693,000. This request was to finance increased operational costs for these institutions and in the case of Federal City College would have permitted implementation of its third year program. I support a strong program of higher education for the District of Columbia and am satisfied that substantially all, if not all, of the request would have been recommended by the committee if current year resources had been available to finance them. As was the case, however, substantially all—$3,887,000—of the revised request was proposed contingent upon the enactment of new revenue legislation. To appropriate upon the contingency of enactment of an increased Federal payment would have been unprecedented in the District of Columbia bill, and in the opinion of the committee, unwise. It is impossible to foretell at this time the form, amount, and possible restrictions of any new revenue bill that might be enacted, although I have been advised that there is a likelihood that the House may act in the next few days the bill recommended by the House Legislative Committee.

In addition to the problems posed by contingency appropriations, the committee has noted and I should call to the attention of the Senate the fact that the District of Columbia government has identified over $13 million in overruns in the present budget. These are as follows:

Unanticipated contingencies—1971 fiscal year

[In thousands of dollars]

School transit subsidy	$900
Delegate at large election	200
Unemployment compensation	500
Public welfare—Public assistance caseload	6,300
Police department overtime	3,300
Correction's department overtime	1,000
Highways and traffic department—Street lighting rate increase and service cost increase	600
Honor America Day celebration	200
Total	13,000

In addition, there is a clearly foreseeable and unbudgeted multimillion-dollar impact of the Court Reform and Criminal Procedure Act on the 1971 budget of related District of Columbia agencies. The most substantial of these will undoubtedly fall on the Department of Corrections, where an estimate increase in 500 to 700 convicted felons by the end of the fiscal year could cause an overrun in the Department's operating budget alone of over $2.5 million. This is a committee estimate; however, a recent article from the Washington Post of November 13, 1970, is illustrative of the magnitude of the problem, which I ask unanimous consent to have printed in the Record, entitled "$15.5 Million Said Cost of Crime Act to Prison System," written by Aaron Latham.

There being no objection, the article was ordered to be printed in the Record, as follows:

$15.5 Million Said Cost of Crime Act to Prison System

(By Aaron Latham)

The District of Columbia's corrections department estimates that it will cost it $15.5 million next year to absorb the additional responsibilities placed on the prison system by the new D.C. Crime Act.

In a memorandum submitted to the city government, the department estimated that the act would almost double the population at the D.C. prison complex in Lorton, Va., in the next two years, adding 1,200 new inmates to the 1,500 already there.

To pay for this population explosion, the memorandum says, the department will need to raise its budget request from $25.3 million to $40.8 million for fiscal year 1972.

The increase is broken down into $9.2 million in additional operating expenses (largely for new employees) and $6.3 million for new equipment and new facilities.

The crime act authorized $5 million to help pay for the costs incurred by all city departments, including the courts that are expected to get most of that money. These funds have not yet been appropriated by Congress.

The crime act's provisions for new criminal procedures and an expanded local court system which go into effect Feb. 1, are expected to increase the number of prisoners sentenced for felonies. These offenders will be sent to the Lorten complex.

Another section of the crime act, which lowers from 18 to 16 the age at which juveniles charged with certain serious crimes must be tried as adults, is also expected to swell the population at the city's institutions for young felons.

To house the added youths, the corrections memorandum proposes that the prison complex take over the welfare department's Rehabilitation Center for Alcoholics at Occoquan, Va.

This Occoquan site would then be converted into a "youth center number 2" much like the existing youth center a few miles away at Lorton. The present youth center has space for about 300 inmates; the proposed second center would house another 270.

The corrections department further proposes that it be given the welfare department's juvenile security facility in Laurel, Md., which now houses juvenile offenders. This would become a third youth center to house 250 young inmates, including juveniles convicted as adults.

The corrections memo adds: "Two new community treatment centers (halfway houses) for Youth Act cases will be needed."

The Lorton reformatory, which houses older inmates with longer sentences, is also expected to add dramatically to its roll of prisoners.

"It is clear that the Lorton complex will continue to increase its population above its capacity," the department writes. "This can be partially met by the use of cell blocks to be constructed in the maximum security unit, and five relocatable dormitories in the central facility which is being proposed in the fiscal 1972 budget."

This memorandum, dated Oct. 26, serves also as a budget request.

Mr. BYRD of West Virginia. Mr. President, in summary, the committee was sympathetic to the identified needs of Federal City College and Washington Technical Institute; however, the serious overruns in the District of Columbia's 1971 budget and the indefiniteness of the size and availability of an increased Federal payment have led to a recommendation that the amounts requested not be included in the bill as reported to the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Boggs). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLLUTION CONTROL APPROPRIATION

Mr. NELSON. Mr. President, the supplemental appropriations bill now before the Senate for a vote includes $11,885,000 for four new pollution control research programs—pesticides, oil, vessel wastes, and inland lake pollution—that were authorized last April by the Water Quality Improvement Act. The bill also includes $815,000 to begin implementation of the new Great Lakes pollution cleanup demonstration effort authorized by the same act.

These funds were requested recently by the administration after a number of concerned Senators joined me last August in a bipartisan effort urging that funding be quickly undertaken for these critically important new environment programs. Supporting this effort were Senators Mondale, Hart, Javits, Griffin, Tower, Percy, Muskie, McIntyre, Pell, Bayh, Cranston, Young of Ohio, Cannon, Eagleton, Montoya, and Saxbe.

The administration is to be commended for its action shortly thereafter requesting these moneys. It is a significant beginning which I support. Further, a colloquy that the distinguished chairman of the Public Works Appropriations Subcommittee and I had on the floor during the August debate insured that our request for funds for these vital programs would receive a hearing this year, regardless of whether Congress received a supplemental budget request, and I appreciate the attention and action that was given this matter by the Appropriation Committee.

The $11,885,000 for the four new pollution control research programs breaks down as follows: $1,985,000 is for inland lake pollution control demonstration projects; $5,100,000 is for projects to develop oil spill control technology; $1,300,000 is for development of vessel waste control systems, and $3,500,000 is for a 2-year pesticide study and criteria development, an effort directed by an amendment I introduced last year that was included in the Water Quality Improvement Act.

Altogether, $59,166,000 would be appropriated of the $65 million authorized for all of section 5—the Federal Government's water pollution control research and development program—if Congress appropriates the supplemental budget request.

Were we not almost halfway into the fiscal year, I do not believe there is any question that the full authorization for each of these efforts could easily be used. And in view of the pressing nature of each of these four pollution problems, I believe it is essential that a thorough review be undertaken by the next Congress as to whether even the full $65 million level at present authorized is enough. For instance, a bill introduced by the Senator from Minnesota (Mr. MONDALE), which I have cosponsored, would authorize a badly-needed Federal effort to help save our deteriorating inland lakes, and hopefully such a program will soon be initiated.

And putting an end to pesticide pollution of our lakes and riverways, developing the technology to avoid the massive marine environment disasters we are seeing from offshore oil well drilling and tanker transportation, stopping the dumping of sewage and other wastes into our harbors and waterways from vessels are all also grave pollution control challenges which necessitate top priority attention by the Federal Government.

Also, in its justification for requesting only $815,000 this year to begin the new Great Lakes pollution cleanup demonstration effort authorized by the Water Quality Improvement Act, the administration spells out a 5-year plan for the program. A total of $20 million is authorized for this effort by the April act. In view of the monumental problems these priceless resources face, it is important that the 5-year schedule be rigidly adhered to and that the next Congress consider whether the $20 million authorization should not be significantly increased.

THE ENVIRONMENTAL EDUCATION ACT

Mr. NELSON. Mr. President, the supplemental appropriations bill is before the Senate for a vote. It includes $2 million for the recently enacted Environmental Education Act—Public Law 516. I am very much pleased that the Appropriations Committee has made the act operative by providing funds to the soon to be created Office of Environmental Education in the Office of Education. Without funding by the Congress the fate of the act would have been highly uncertain.

The Department of Health, Education, and Welfare, despite the nearly unanimous support of Congress and the administration's backing of the measure, indicated in a letter from Secretary Richardson that no funds would be requested from Congress either this year or next year. Their idea was to program discretionary funds for environmental education projects without reference to any formal request or special earmarking of appropriated funds.

The letter, which is part of the hearing record, completely ignored one of the questions asked by the chairman of the Subcommittee on Deficiencies and Supplementals Appropriation. The Senator from West Virginia (Mr. BYRD) asked the HEW spokesman, testifying on the act, to submit a statement explaining plans to fund and implement the act. The Secretary's reply dealt exclusively with funding plans. No mention was made of the Office of Environmental Education.

That is why the supplemental appropriation is so crucial. There have been numerous indications that the new office would never be officially created even though the Congress clearly stated in the legislation that this be done. The funds in the appropriations bill will go to the Office of Environmental Education. Therefore, because Congress is appropriating $2 million, implementation of the law will be mandatory.

The bill passed the Senate unanimously both in its original and final forms. The House voted in favor of it by an overwhelming margin. The number of educational and environmental groups and individuals supporting the act is phenomenal. The ad hoc environmental education study staff, established by the Commissioner of Education, has received over 100 unsolicited proposals this fiscal year from all over the Nation. This amounts to about $14 million of requests in just 5 months and demonstrates the deep interest in environmental issues by public and private schools and environmental organizations—nearly unprecedented because there have been no guidelines, requests for proposals, or a general announcement given yet and the staff did not have a legislative mandate until the President signed the bill on October 30, 1970. This is in addition to millions of dollars of proposals submitted to other units of the Office of Education.

These factors definitely reveal the keen perception of the President's Environmental Quality Council in their first annual report which stated that environmental education is "education that cannot wait."

The purposes of the act have been clearly stated in the Senate and House hearings, reports and on the floor of both Chambers. The act is not just another program to be added on top of an overladen and sprawling bureaucracy. It comes under the category of consolidation and not proliferation. The unambigous intent of the Congress is to provide the Office of Education with a means of coordinating its environmental education programs. To accomplish this an Office of Environmental Education must exist and have visibility and a high priority within the bureaucracy in order to help formulate a national strategy for environmental education. Funding that Office will accomplish the intent of Congress. These funds will allow the Office to serve a cutting edge function by supporting those developmental proposals that are most imaginative and innovative. The funding will also give the Office the opportunity to exercise a leadership role and thereby direct the disparate activities throughout the agency toward a coherent program in response to the mounting environmental crisis. This sense of direction has been sadly lacking in the Office of Education because of the lack of a congressional mandate. The act, in summary, is completely in consonance with the repeatedly expressed concerns about the environment by the President, the Secretary of Health, Education, and Welfare and the Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a report prepared by the Office of Education entitled "Education That Cannot Wait." This is a splendid report that outlines the philosophy of environmental education and represents, in my view, the sentiments of the Congress, the American people and a broad spectrum of environmentalists in this important area of national affairs. The report is not yet printed and available for general distribution but I trust it will be very shortly.

Finally, three articles on environmental education show the depth of interest in environmental issues. The first two discuss the outcome of the highly successful national conference on environmental education held at the University of Wisconsin at Green Bay. The third article is written by Dr. Irston Barnes, former President of the Audubon Naturalist Society, and underscores the historical significance of the Environmental Education Act.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EDUCATION THAT CANNOT WAIT

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OFFICE OF EDUCATION

ENVIRONMENTAL LITERACY [1]

"The basic causes of our environmental troubles are complex and deeply imbedded . . ."

"It should be obvious that we cannot correct such deep-rooted causes overnight . . ."

"We must seek nothing less than a basic reform in the way society looks at problems and makes decisions . . ."

"Our educational system has a key role to play in bringing about this reform . . ."

"It is also vital that our entire society develop a new understanding and a new awareness of man's relation to his environment—what might be called 'environmental literacy.' This will require the development and teaching of environmental concepts at every point in the educational process."

RICHARD NIXON,
President of the United States.

EARTHMANSHIP-STATESMANSHIP

President Richard Nixon, on October 30, 1970 signed the Environmental Education Act, which passed both houses of the Congress with large majorities.[2] This Act gives authority to the Office of Education, Department of Health, Education, and Welfare, to initiate, support, and coordinate a variety of efforts in environmental education.

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[1] From the President's introduction to the First Annual Report of the Council on Environmental Quality, August 1970.

The Act reflects a growing awareness of the relationships of man to his environment. Beginning slowly with the insights of the 19th Century naturalists—and developing rapidly in late years through the vigorous and widespread efforts of educators and conservationists—the public is demonstrating a concern for the environment.

The new national commitment to environmental education, however, is more than recognizing an existing problem. It offers a means both to restore the environment and to live meaningful and ecologically sound lives. Students, especially now, are finding in environmental and ecological principles and values the keys to more satisfying life goals and life styles.

Environmental education itself has received relatively little attention in the press. For most people, it is still a hazy concept. The Congress and the President have described environmental education as "reform" in American education—a way of achieving quality in living, and of preserving the quality of our environment. It is to describe and clarify this concept that the booklet "Education That Cannot Wait" is published.

PART I. FOUNDATIONS FOR ENVIRONMENTAL EDUCATION

Man and his environment

For eons, man was wholly influenced by nature. His numbers remained small, because food supply was limited and life was constantly threatened. Yet, man's searching, hunting, and escaping from dangers conditioned his responses to the environment, and led to his increasing reliance on thought rather than physical powers. Then he acquired tools and controlled fire and began to change the world about him. While his numbers were still few, his environment was extensive enough and sufficiently flexible to restore itself after his passage. To the extent that man was alert to the requirements of his surroundings, he survived. When he was careless, or passed up food supplies or ignored the signs of danger, he died. It was a long period, this Stone Age, and nature through processes of selection and survival helped shape the responses and culture of all human kind.

When man discovered agriculture and gained a relative abundance of food, he established villages and then cities. With the beginnings of civilization and the surplus of food and relative security, man grew in numbers and influence. The environment felt his weight. For the first time man began to alter his environment on a scale that nature could not quickly restore. This, in turn, had effects upon man which continue to this day.

Man, formed in ages of intimate contact with nature, reacted to crowding and stress with the instinctive aggressiveness of self-preservation. While a thin veneer of culture and newly-devised values held mankind together in what is called civilization, people continued to exploit their environment and each other to survive.

Nineveh and Babylon rose to dizzy heights and then fell into ruins because their inhabitants could not foresee environmental dangers and act in time to forestall them. Their life-support systems suffered. This included dislocations in their society, but principally they lost their forests from excessive cutting, and ruined their once productive lands through siltation of irrigation systems and accumulation of salt in fields.

The great centers of Toltec and Mayan civilizations withered for these or other ecological reasons. The story was repeated in Africa and Asia, where civilizations became unable to function for a variety of reasons or grew beyond the ability of their environment to support them. Civilizations have rarely struck a balance with their environments for more than a brief period of time.

The lessons of environmental awareness are learned slowly. In America, our teachers have included Henry David Thoreau, John Muir, Theorode Roosevelt, and Aldo Leopold. Their message is that the environment is fragile, our resources are finite. Through our great numbers and insatiable demands, and with the enormous power of science and technology, we disrupt the essential balances and inter-relations on which all life depends. Black smoke, yellow fumes, and even invisible poisons have polluted the atmosphere. Lakes and rivers die from the ecological effects of phosphates in household wastes and nitrates washed from the soil. Methyl mercury, an industrial pollutant in rivers and lakes, is poisoning many forms of life by entering the food chains. We cover the Earth with concrete and steel. For many millions of people, living has become mere existence. Many "lesser" species have become extinct, and mankind may be racing toward the same fate.

The ultimate issue, especially when considering the awesome potential of nuclear weapons, is survival.

First, however, we must learn about our relationships with nature, our dependence upon environment, the inevitable effects of our decisions and actions and vital life-support systems, and the potentials and flaws of the human spices. We must acknowledge and accept the need for new attitudes toward the world, a human philosophy of life, and life styles which improve the quality of life.

Overwhelming Technology

Man, despite the advantages and potential of his science and technology, has all too frequently used them, through ignorance as well as stupidity, to reduce the quality of the life-supporting environment. Today, there are many well known examples of technological abuses, ranging from the effects of strip mining in Pennsylvania and West Virginia to the surprising tenacity and spread of DDT. DDT, principally used on agricultural land in the United States is now found in the tissues of Antarctic penguins and Arctic snowy owls. The watertable in many areas continues to fall, not merely from pumping but because cities and highways divert rain runoff to the sea. Air pollution over the great urban and industrial areas of the world jeopardizes life and threatens long-term climatic change.

Catastrophes greater than these have been projected, and the possibilities are real. The sobering truth is: the reactions and interactions of everything mankind does are great and can never be known fully.

American Consumerism

More than two hundred million high-living Americans, almost six percent of Earth's population, consume nearly half of the world's harvest of resources. As a people, Americans consume what is assumed to be a natural birthright in land, water, air, and minerals . . . without much thought for the rights of others and with little thought for tomorrow.

Most people seem to believe that new resources will be found and corrective and recycling technologies developed to solve our problems and fill our needs. With 70,000,000 autos and trucks in the United States, the environmental burden goes far beyond exploitation of the land for the materials used in their manufacture. Autos also affect the quality of life through stress, usurpation of space, and pollution.

The vital importance of wise decision making—reflecting an understanding of the effects of technology and consumerism and the realities of the ecosystem and environment—must be recognized and understood by each one of us. If the consequences of actions, based on individual decisions on everyday matters, which collectively become national problems . . . or answers.

For example, when we purchase a detergent we should stop to consider its phosphate content. Detergents with high phosphate content overfertilize waters and contribute to the early death of ponds and lakes. When we plan to drive our car, we might stop and consider more ecologically desirable alternatives. We know that automobiles pollute the air and use oxygen. On the other hand, walking or bike riding may be more healthful, and mass transportation may be the best way to go to work in the inner city.

The problem is our present way of life. While technology has made life easier for us in many ways, it has also vastly altered the environment. Not only is quality of life reduced, but the very web of life is jeopardized. A new life style is called for, based on the requirements of living within our environment. We must develop enlightened ways of living in harmony with nature and our world. Finding the way is not merely the Government's responsibility. It is not only our neighbor's attitude and manner of living which needs alteration, it is our own.

One way to begin this new way of thinking and of living is through environmental education.

Environmental Education Defined

Today, man has the scientific and technological "know-how" to solve most if not all environmental problems. But decisions regarding man's use of his environment are seldom based on purely scientific knowledge. Virtually all human decisions are based on custom, oversight, economic feasibility, political expediency, social desirability, or religious belief. It has now become impossible to make wise decisions about the environment without an understanding of economics, history, political science, sociology, psychology, and the humanities, as well as the hard sciences. This calls for a new educational approach, environmental education, and this in turn needs to be defined.

The Environmental Education Act of 1970, landmark legislation which reflects a national commitment to the search for enlightened life styles, has provided its own definition of environmental education. The language of the Senate report explaining the Act follows:

> Environmental education is an integrated process which deals with man's interrelationship with his natural and man-made surroundings, including the relation of population growth, pollution, resource allocation and depletion, conservation, technology, and urban and rural planning to the total human environment. Environmental education is a study of the factors influencing ecosystems, mental and physical growth, living and working conditions, decaying cities, and population pressures. Environmental education is intended to promote among citizens the awareness and understanding of the environment, our relationship to it, and the concern and responsible action necessary to assure our survival and to improve the quality of life.

As stated in the Act, and in Chapter 12 of the report of the President's Council on Environmental Quality, environmental education (EE) is a process which will affect the entire continuum of American education. It is a design for reform because it will, through every aspect of formal and nonformal education, improve philosophies of life and help each citizen to acquire a new and more viable life style.

This objective was first defined by people in local communities, and has been given the highest national priority by the President and by the Congress. Survival as a culture and even as a species may depend on environmental education.

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[2] The legislation passed the House 289 to 28, and the Senate 64 to 0.

Aim of EE

Environmental education is a life-long process. It is a way of looking at life, fostering awareness of other life and of interrelationships, learning to recognize the effects (good and bad) we have on physical surroundings, and the responsibilities we must accept for the mere fact of our presence and of our activities in our environment. It should enable us to make sound ecological decisions and foresee their consequences; to make value judgments, and act accordingly. It is acceptance of life values and ways of living which minimize destruction and maximize those relationships that enhance life. It is learning how to contribute to the quality of life, and the constructive use, rather than exploitation, of the environment.

It is important to understand that EE is much more than a schoolhouse approach to ending the degradation of man-made surroundings and the pollution and destruction of the natural world. Environmental education will not simply provide an understanding of pollution problems and provide the Nation with skills to meet or solve those problems. It is not merely a course in school or a curriculum combining elements of the natural and physical sciences into a new department or specialty. Nor is it just another name for outdoor education, resource management, or conservation education.

Environmental education provides alternate ways of thinking—a synthesis—which colors and affects the humanities, languages, social sciences, history, economics, and religion as dramatically as it does the natural sciences. It will give an ecological perspective for every aspect of learning.

EE Values and Principles

If environmental education is to be successful, the philosophies developed and the life styles encouraged must be predicated on values that are personally appealing and acceptable because they are themselves satisfactory, attractive, pleasant and desirable, and are harmonious with ecological principles.

Actions consistent with ecological principles include:

Recognizing and accepting personal responsibility in decision making and stewardship toward the environment, and becoming increasingly aware and concerned about those aspects of ecology which directly come within the province of each individual. (This is in contrast to "I have my own problems" or "Let George do it" or "I'm just one person, what can I do?")

Living in the environment with minimum disturbances to the rights and habitats of other living things, consistent with the health, safety and certain basic comforts and pleasures of man as the dominant species. (This is in contrast to the thoughtless or willful destruction of living things, without regard for consequences, although hunting and fishing may be appropriate as long as they don't jeopardize the species.)

Using only such resources as are required to maintain life in a balance of health and productivity permitting reproduction of the species at an optimum level, affording ample opportunity for growth of the mind and spirit, and encouraging artistic and creative expression. (This is in contrast to capricious use of resources and "conspicuous waste" in consumption beyond the manifest needs of the individual or group.)

Making use of materials and energy in the most economic manner, balancing a supposedly desirable end against other possible ends. (This contrast with seeking immediate pleasures rather than doing without in consideration of other benefits or long-term advantages. An example is insisting on quick and speedy "muscle cars.")

These values would also include: health and safety in a pollution-free environment; privacy and quiet, with reasonable absence of persistent stress; quick, safe and pollution-free travel at moderate cost; good design in public works, reflecting freedom and openness and other human needs as well as utility and economy; employment in circumstances of dignity and with incentives; and reasonably comfortable standards of living, reflecting rewards for merit. Without question, many would also insist that living ecologically would also insure such values as reverence for life, peace, freedom from coercion and poverty, freedom in the expression of opinion and the right to learn, receiving and giving quality, value and service in business, dealing fairly and honestly in personal relationships, and having governments which are responsive and responsible to the electorate.

In summary, living consistently with ecological principles should protect and add to many important and acceptable human qualities or values.

Preserving Free Choice

All Americans should be given the opportunity through programs of environmental education to develop ecological values that will complement the political, social, economic, and religious values that have been the basis for human decision-making processes. Changes in attitudes and behaviour concerning our world and our way of life must come as expressions of individual choice, and hopefully our educational programs will provide sufficient information to create awareness of a wide range of environmentally-desirable options. Of necessity, these options must be tentative and pluralistic even after the Nation arrives at a consensus as to the more desirable environmental/ecological values and principles.

Even as the American people develop national goals, objectives and strategies in environmental education (accepting the need for evolving an enlightened philosophy of life and new life styles), our political heritage calls for two major assumptions. They are:

Educational activity must work within the framework of local democratic government, which has as its tenet the freedom of individual choice and respect for the individual person.

Efforts in environmental education will not be dogmatic with respect to existing social or religious values—or coerce behaviour—but will offer alternatives. These must be in a context of balance and perspective which will assist individuals and groups in better decision making. Diversity may be preserved within a growing sense of community.

Student Involvement

For a number of years, progressive teachers and innovators—and many responsible schools and educational systems—have addressed themselves to human problems in an ecological context. They have advocated many changes and instituted many of them on a pilot basis.

First, these innovators have declared it not unreasonable for the educational community to be held accountable for their product. They also emphasized awareness, concern and involvement with everyday, "down-to-earth" problems. To be relevant to real-life situations generally meant that course content and approaches should be issue oriented. These approaches were responsive to the needs of the times.

Educators foresaw these needs and called for educational reform years ago. They did not call forth student militancy but only hoped to meet the issues of student frustrations before it became urgent. Today, environmental and ecological approaches to domestic and world problems and to education have offered the "hope" which psychologists say must exist if energies are to be directed usefully.

The educational process needs improvement to meet the needs of youth today. The reason for this is that the modern youngster—physically maturing earlier, surrounded by birth a proliferation of fact and opinion from the mass media, and increasingly aware of conflicts between an old culture and new values—is largely excluded from decision making and meaningful participation in our society.

If educators and schools do not meet today's issues, then the Nation must look on in dismay as highly active youth take to the streets in their frustration. "Confrontation" is a phenomenon which stems directly from the belief of young people that decisions affecting the lives and their future are being made by an establishment out of touch with the realities of the human ecosystem.

Young people prefer to respond positively to the all-encompassing environmental challenge. On Earth Day—April 22, 1970—many young Americans demonstrated their concern with their environment and with society by a concerted, constructive approach. Through speakers, special studies, films, and seminars they committed themselves as individuals and as a generation to solve environmental problems and to live ecologically sound lives.

Social realities

There are numbers of obstacles to beneficial change in our culture which are largely political, social, and economic. Some of these are readily recognized and identified. They include long-accepted and self-centered life styles, the weight of crushing poverty, illness and disability which sap strength and limit opportunity, stifling living conditions and stress of the ghettos, ideological wars, and self-perpetuating power structures.

All these obstacles have been identified as ecological dislocations and learning to identify them is the first step in dealing with them.

Some obstacles escape easy identification. An example of this is organized crime, which exploits human weaknesses for profit and personal aggrandizement. Criminal syndicates are power structures which affect life goals and (jeopardize the lives) of large numbers of people. This is an ecological situation as critical as is the existence of a man-eating tiger to the life of a villager in India.

The inability of American society to deal effectively with organized crime in this century may be because the criminal syndicate represents the ultimate manifestation of competitive enterprise, unfettered and unmoderated by any social consciousness or responsibility. This could be a vestige of the era of "mountain men" and "robber barons." This philosophy is one of personal aggrandizement long featured in American folk lore and the media.

That a socio-ecological problem of this magnitude can be dealt with successfully is indicated by the increasing acceptance of social responsibility by American big business, and by public insistence on accountability.

No "Easy" Solutions

Recognizing a problem is one thing. Identifying the elements of the problem, and finding solutions, is a complex and difficult thing. There is always the danger that having identified a problem we will suppose that because we talk about it learnedly we are solving it.

One example is over-population. The population of the Nation and of the world increases rapidly because of one complex factor. All living things produce seed and offspring far beyond the possibility of the environment to support, if all live. Man has applied his talents and energies for millennia to the task of survival. As a result, more of his young live and fewer of the mature and aged die. Only now has man approached the limits of his world-wide environment.

Meanwhile, as the population crisis looms, man has gained insights as to a first alternative. There is hope, however, for there is

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evidence that the birthrate drops when society as a whole reaches a standard of living and a cultural level where there is a consensus as to optimum family size.

While some individuals practice family limitation, there are others who for religious, cultural or economic reasons have very large families. The "gulf" in value judgments between the various groups now seems to preclude the consensus which leads a culture as a whole to reduce family size.

Since ecological problems are complex, the solutions will be complex and will not be accomplished overnight. Finding a way of life that leads to harmonious relations with the environment (and with other men) will, for most individuals, require major reorientation. This calls for acceptance of new values, a growing awareness of inter-relationships and of ecology, and a recognition of personal responsibility toward all life in individual decision making.

There is an inevitable inertia which dictates to a large degree the speed with which change can be effected. As we are dealing with attitudes and behavior, we are dependent upon education to help individuals modify these traits. This requires time.

Change agents

The idea that new legislation, new laws, and tougher enforcement will solve most problems has weakened many movements in the past. After the verbal explosion that initiates and enacts such legislation comes an inevitable reaction, for there is the feeling that the battle is won, someone is doing something about the problem, and we can relax. The political-legislative route to reform may be flashy and exciting but it can be only a beginning, unless it is already a response to broad-based, long-felt needs of society.

Laying a philosophical foundation for the redirection of society is, however, an important function of political action. In accomplishing this, the responsibility turns to a number of change agents of which government is but one.

Environmental education calls for an effort at basic cultural change which will be intensive for the first two decades and in the process become an integral part of all human learning. The responsibilities of EE will be shared by national, State and local governmental units, but many change agents will be involved besides the instruments and personalities of government.

These will include the schools, business, industry and labor, museums, parks and media, peer groups, and the family.

These groups will function in response to individual leadership. The quality of that leadership will be determined in large measure by the individual's environmental literacy. It is the major challenge of EE to assure each individual of obtaining a high quality of environmental literacy.

There is no question that an environmental approach to education is underway throughout the Nation. The ethical and social foundations of EE have deep roots in the American identification of our national character with the wilderness and the frontier.

There is a dualism in America's attitude toward the wilderness. The challenge of the American wilderness stimulated a strong survival instinct in the people who faced it. For many this became an "it's nature or us" philosophy. And this became in some an attitude of "take yours while the getting is good". This approach was important to the successful settlement of the West and survival of the pioneers. It created few problems as long as numbers were small and the wilderness relatively extensive.

Poets, writers, artists, and naturalists have had an attachment for the wilderness from earliest days in America. It is notable that few of these have attempted to live exclusively in the wilderness. However, from their artistic expression have come much of the response of the conservation movement and "land ethic" which has colored American thinking for more than a century. It is this group's emotional or intuitive response to wilderness that today gives man—with his burgeoning numbers and dwindling resources—the desire and insight to find adaptive alternatives.

Concensus in leadership

Almost everyone today gives at least lip service to concern for environmental issues. Many of the issues have had extensive reviews in the news media. The public has become informed and concerned about pollution, the accumulation of solid wastes, the implications of the "population explosion," and the economics and morality of wide use of chemical poisons, herbicides and defoliants.

The more informed the individual, the more he realizes that environmental problems are really ecological problems. He knows that there is a web of life, an ecological imperative, which man affects with his activities. He may even speak learnedly at cocktail parties of the need to restore the "ecological balance."

Few people realize, however, that the issue is far broader than these statements admit. Further, the inter-relationships of life are in constant change . . . and there is infinite interchange in the effects which one form of life has on all other forms . . . and "ecological balance" is not the best expression to use in describing these dynamic processes of life. For the truth is that man lives in and is part of nature, subject to all the rules and penalties of living in nature. He is the maker and recipient of innumerable changes in the environment and he must learn to live ecologically if he is to thrive and even to survive. This is the great issue of the day.

Each of us must realize that individually and collectively we have responsibilities toward the Earth on which we live and the niche which we occupy. The living Earth has shaped us and we cannot really "live" apart from an intimate and daily relationship with our natural environment.

While some may suppose that we can be healthy in mind and body in a totally artificial and controlled environment, like hens in the wire cages of an "egg factory," such a life is unnatural, nonecological and inhuman. It is not enough to survive, we must preserve our essential human and natural heritage and develop the integrity, dignity, and potential of human beings.

This recognition—this philosophy—has increasingly been emphasized by scientists and educators in the past decade. One of these is Rene Dubos, head of the Department of Environmental Bio Medicine at Rockefeller University.

In the July 24, 1970, issue of Life, Dubos wrote:

"The problem of the environment involves the salvation and enhancement of those positive values which man uses to develop his humanness. It involves, ultimately, a social organization in which each person has much freedom in selecting the stage on which to act his life: a peaceful village green, the banks of a river, the exciting plaza in a great city. Survival is not enough. Seeing the Milky Way, experiencing the fragrance of spring and observing other forms of life continue to play an immense role in the development of humanness. Man can use many different aspects of reality to make his life, not by imposing himself as a conqueror on nature, but by participating in the continuous act of creation in which all living things are engaged. Otherwise, man may be doomed to survive as something less than human."

The environmental approach to education is growing from the roots of Aldo Leopold's "Sand County Almanac" of 25 years ago to the vast number of movements and experiments in EE at the local level in the communities and schools of the country. These innovative and pioneering efforts in EE have had a significant effect on Boards of Education, upon Representatives and Senators in the Congress of the United States, and upon the offices, commissions and departments of the Executive Branch of Government. These have responded with definitive statements and actions, with the President taking the lead.

The full implications of environmental education, and the conclusive commitment of leadership at nearly all levels in America, may be shown in these words:

Margaret Mead, anthropologist, in testimony before the House Select Subcommittee on Education considering the Environmental Education Act of 1970, said:

"I think the best structure is the continuous participation of children and high school students and college students, but particularly school children in every community, because you have a new crop of them every year, and what we need to look at now is ways of providing regenerative cycles for dealing with problems that are going to be continuous . . .

"One of our principal problems is to change the whole climate of feeling so that man ceases to see himself as against nature, as at war with nature, or in dominion over nature . . . and instead sees himself in nature."

Gaylord Nelson, Senator from Wisconsin and one of the several sponsors of the Environmental Education Act of 1970, said in testimony before the Senate Subcommittee on Education:

"Our goal must be an environment of decency, quality, and mutual respect for all living creatures . . .

"It will not, however, be possible to understand much less develop these broad national environmental policies until the relationship between man, nature, and the artificial world are totally reexamined.

"Our attitudes, values, and modes of behavior need to be modified but that cannot be accomplished until we face the new realities of a society in danger from its own environmental destruction.

"The educational process is the only way to develop that understanding and commitment . . ."

William A. Steiger, Congressman from Wisconsin, on the floor of the House in debate on the Environmental Education Act of 1970 said:

". . . It has become evident that the people of America do not possess a full understanding of their responsibilities for the maintenance of our environment. Because of this fact it is important to make certain that the Nation's people be made full aware of their interdependence with the total environment and that they gain the knowledge and concern to begin finding solutions to current ecological imbalances and to prevent future ones . . .

"Environmental education will enhance the quality of our peoples' lives by helping improve the environment and brighten their appreciation of the life support systems which make life possible."

President Nixon, in his introductory remarks to the First Annual Report of the Council on Environmental Quality, emphasized:

"The newly aroused concern with our natural environment embraces old and young alike, in all walks of life. For the young, it has a special urgency. They know that it involves not only our own lives now but the future of mankind. For their parents, it has a special poignancy—because ours is the first generation to feel the pangs of concern for the environmental legacy we leave to our children.

"At the heart of this concern for the environment lies our concern for the human

XUM

condition: for the welfare of man himself, now and in the future. As we look ahead to the end of this new decade of heightened environmental awareness, therefore, we should set ourselves a higher goal than merely remedying the damage wrought in decades past. We should strive for an environment that not only sustains life but enriches life, harmonizing the works of man and nature for the greater good of all."

The President of the United States, representing all the people and having the responsibility for meeting the needs of the Nation above any special interests, has clearly and definitively committed the Administration to EE. He has put the official seal on a broadly based and compelling philosophy: If we are to preserve our heritage, our environment, our Earth, we must change. We must become aware of our environment, show concern for our effect on the ecosystem, and be committed to making decisions which reflect positively our awareness and concern.

There is no question that man must learn to live ecologically responsible lives. There is no alternative. We have no easy out through politics. We cannot protect our environment through legal means alone. It is not even a question of first trying educational means to persuade people to live responsible lives. EE must succeed, for education has always been and must always be the instrument of constructive, evolutionary change in a free society.

A critical aspect of the American system is that power is widely dispersed. Where power and authority to act may be found in large numbers of individuals, responsibility is also broadly based. Each person who is able to take action which affects our environment—and that includes everyone, at some level—must recognize his responsibility to act wisely. Education in the home, in the school, on the job, and in society as a whole is the means to accomplish change.

Education must teach each person that he bears the responsibility and the burden to live according to ecological principles.

The nature of our society pre-exists in and is determined by the means we choose and use to attain goals. The freedoms, guarantees, and responsibilities which frame environmental education are not only the processes of democracy, they reflect the dignity and value of individual life which is their objective.

PART II. APPROACHES TO ENVIRONMENTAL EDUCATION

The Environmental Educational Continuum

Environmental education is that education which develops in man recognition of his interdependence with environment and all life, and a recognition of his responsibility in maintaining the environment in a manner fit for life and for living.

Why are so many people now concerned with the quality of the environment? Because education for many decades has failed to give priority to the study of the environment in its formal and nonformal [8] programs. During the past several years in which there has been noticeable environmental deterrioration, curricula in every educational category and at every level have been reorganized, revised, and developed anew. These curricula have given little or no recognition of the urgency of environmental problems.

A "conservation ethic"—not to mention an "environmental ethic"—has not yet been accepted by the average citizen, the industrialist, or even the educator as a concept of primary importance. Consequently, it has not yet become an essential factor in shaping national policies or education programs.

Role of Education in Environmental Improvement

In pre-industrial times the major role of education was to pass on the culture that had made the society cohesive and successful. Change was frowned upon, tradition held sway. In such societies, formal education was primarily for the young and for privileged classes that had time to explore new directions.

In post industrial times, change gained the upperhand from tradition. New information necessary for success in society proceeded to accumulate rapidly. Education became necessary for more and more people. At first this increased education was based on new factual material, but as knowledge accumulated it has become increasingly necessary for the young to acquire the process of learning rather than transmission of tradition. Adults now must continually unlearn old facts, concepts, and skills and replace them with new ones.

In today's world, education has become a life-long process. It proceeds both formally and informally through schools, private organizations, communications media, and continuing experiences. No serious or effective modification or improvement of attitudes and behavior of man towards his environment can occur without broad educational efforts at all levels of our society. People need to learn ways to perceive environmental problems and opportunities, to acquire the information for forming and evaluating alternative actions, to develop the cultural skills for living according to chosen alternatives. All of this demands a high and continuing educational input. It is the only effective way to deal with the constant and rapid change in our current cultural environment.

Educational systems must provide the learner with the skills of continuous learning, and continuing flow of information about man and his environment.

Educational Expectations

Environmental education should begin with an understanding of the basic philosophy of education. Education is more than picking up a few useful tools during one's school years. The social and vocational skills provided by education are essential. Yet almost everyone would agree that education is much more. Education is progression, a growth of mind and spirit. Education is a process, the making of personal experience out of information. It is not something imposed from without. All real education is self-education.

The truly educated man perpetuates the childlike wonder with which he first encountered life. He is excited by exploration and discovery. He is fascinated with the difficult and mysterious, and is delighted with challenge. He matches his capacities with standards of excellence. He commits himself to quality.

Education is founded upon, deals with, and strengthens many moral characteristics of man. These include personal dedication to something of worth, patience in overcoming adversity and ignorance, courage in facing the unknown and that which seems insurmountable, tolerance of others (including their ideas and life styles), and the humility to admit that after all is said and done one might be wrong.

Teachers are important, but not essential, in all aspects of education. Indeed it is often remarked that the long-term influence of an inspiring teacher is impossible to measure. On the other hand, teachers have an alarming and far reaching capacity to stifle everything which we believe constitutes education. For these reasons, teachers must themselves be well educated, show concern and even love for their students, and relate course materials to everyday life problems. One of the objectives of environmental education is to increase the number of inspiring teachers.

It is to this broad philosophy of education that EE directs itself, for environmental and ecological studies concern both a way of learning and a way of living.

Programs of Environmental Education

Programs of environmental education will involve the entire American educational system, both formal and nonformal. A formal educational system in this context is one which is targeted on specific student-teacher relationships, through specific curricula. A nonformal system is less definitive and structured and is directed toward the public at large, or particular segments of the general public.

The formal education system, from preschool through continuing education, will directly affect about 50 percent of the American population in this decade. Initially, the principal effort in environmental education should be that of developing supplementary materials that are designed for the traditional curricula such as English, biology, mathematics, and history. In addition, the development of new curricula applicable should be initiated. The approach is to infuse environmental and ecological concepts into all studies which lend themselves to changing man's life style to one of harmony with his world.

Another approach for school systems might be that of developing a special environmental curriculum through which the traditional subjects would be learned. A third approach, but less desirable at the primary and secondary level, would be the creation of a new course called environmental studies.

The challenge for formal education is the establishment of curricula with relevant ecological content, presented in a way to meet the present high motivation of students. This means that we must take advantage of all opportunities to relate learning experiences to actual environmental improvement and problem solving in the community (frequently referred to as "issue orientation").

The school must divorce itself from the traditional classroom concept and expand its frame of reference to make full use of all community resources in the curriculum. Environmental study areas, museums, libraries, local businesses and industries, and local government agencies all have a role to play in formal education.

The school administrators and teachers should orchestrate these resources into a workable curriculum, rather than concentrating on classroom materials. To accomplish this, it is imperative that a close working relationship (and frequent dialogue) be established among students, educators, businessmen, union leaders, and representatives of government at the local, State, and regional levels.

This will assist in formulating educational programs and activities that are relevant to real life issues . . . and give students the values, attitudes, and methods they will need to solve present and future problems deriving from pollution, increasing population, growing technology, resource depletion, and other environmental issues.

Nonformal education will reach important segments of the general public (and in some cases the entire population of a locality) with environmental education programs. This will be a major responsibility of local and national media, volunteer agencies, business and industry, and other private organizations.

It is essential that both local and network television, radio, film studios, newspapers, magazines, and book publishers contribute increasingly to informing the public about critical environmental problems and their possible solutions. In addition, the vast advertising and promotional resources of busi-

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[8] "Nonformal" is deemed more explicit than the commonly used adjective "informal."

XUM

ness and industry may be directed toward environmental and ecological issues.

Many private and volunteer organizations look to school facilities and personnel—as well as to the children, their parents, youth, and others directly related to the educational activities of the schools—for full utilization of the programs and activities these organizations offer. Such programs presently include square dances, spring and winter festivals, musical and dramatic productions, nature hikes and bird walks, and similar activities. In addition, museums and libraries frequently arrange for special exhibits, films or discussions of interest to general or special groups.

Increasingly, as part of a comprehensive effort in environmental education, these voluntary and private agencies may wish to orient their programs toward EE objectives and to plan them on cooperation with local schools and colleges capable of providing assistance and publicity.

It would be desirable for a national nonprofit organization to accept as its primary task the creative role of encouraging, advising, and assisting private organizations and business to orient their considerable resources in nonformal education, information, promotion and advertising toward EE objectives.

The emerging role of the local school system as participants in nonformal education should be emphasized. Everyone can recall situations in their hometowns and communities where administrative staff and teachers of local schools have contributed their talents and services, as well as the school facilities, to worthwhile community projects such as curtailing drug abuse. A vastly broadened activity of this nature is called for if all the varied educational resources of any community are to be coordinated in a nonformal EE effort.

Nonformal environmental education, sparked by local schools, may include sponsorship of seminars, briefings for businessmen and community leaders, public forums and exhibits, informational programs and contributions to media, operation of centers for volunteer activities, and development of clearinghouses for environmental information.

Correlation is the key to full utilization of community resources, and the local school system may be the best or only public agency available to carry out the responsibility.

Training Programs

The need for trained personnel in all branches of EE is critical. This includes the training of educational personnel, environmental management technicians, and orienting other professions in EE concepts.

Environmental education has emerged as the synthesis of widely diverse disciplines. For this reason, the development of educational personnel must recognize the opportunity and the unique circumstances surrounding the potentials for environmental education.

The present generation of educators faces a challenge in environmental education which is typical of this age. Frequently, students are as concerned, committed, and knowledgeable as their teachers. Through TV and other media, they may learn even faster than their teachers. This calls for a new learning-teaching style, a more informal instructional setting which is conducive to problem-solving approaches to learning, and, finally, extensive cooperation among all staff members of the school.

Teachers must be aware of environmental and ecological concepts and issues, and should be given the opportunity to develop necessary skills through in-service training programs. They should also be involved directly in the development of environmental curricula. Teacher training programs must also be redesigned to prepare new teachers for the challenge and responsibility of EE. To be effective in this new role the teacher must render support to and be supported from three areas:

Administrators and supervisors must be attuned to the new strategies required in EE. Well prepared teachers cannot work effectively if the system does not support them. This calls for a flexibility of response from the system and from individual administrators.

The librarian must be prepared to keep the teacher informed of current, as well as new and developing resources in EE. This is a necessary link between the individual school building and the local, State, and national network of dissemination.

The paraprofessional can provide valuable support both as a direct link to the community and as an informed assistant in a variety of roles within EE. Whether these individuals function as assistants in the library, in administration, in resource centers or in the classroom, they must attain basic awareness of the broad goals and objectives of EE and of the significance of their task in the total program.

Environment and the Professions

An EE dimension is also a necessity for professional education. As the Nation has begun to adopt environmental quality legislation, the legal profession is now faced with an immediate need for specialized programs in environmental law in order to cope with the resulting litigation. Certainly, those in the medical professions, the engineers, the economists, and the city planners will all need an understanding of the ecological principles that interface with their particular disciplines.

Since most professions have organized themselves into associations which hold conferences and exchange ideas in professional journals, the practicing professional can probably best be reached through his professional association.

Developing the curriculum base for the education of undergraduate and graduate degree candidates is, however, a much longer-range undertaking. Initial emphasis will be directed toward multidisciplinary change as well as the evolution of new undergraduate and graduate programs.

Environmental Encounters

Environmental education is basically encouraging and eliciting in children and others an awareness of environmental problems and ecological processes. It also fosters concern for the environment and for what is happening, and a growing sense of personal and group responsibility for the environment and for actions which affect the environment.

This may be accomplished through a series of environmental encounters, as devised by William B. Stapp of the University of Michigan, to link relevant ecological, economic, social, technological, and political factors. These encounters are meaningful environmental experiences to enhance existing instructional programs, particularly where ecological significance needs to be added to traditional subjects.

A program of environmental encounters, through both school and nonformal activities, leads to personal involvement with environmental problems or situations. This is the method of learning.

Environmental encounters also encourage respect for the environment and a personal commitment to improving quality of life. This may involve behavioral modification.

A simple and conventional encounter would be a study and work trip to a stream or other natural area. Another, and perhaps more cogent experience in environmental awareness, would involve people with different social and economic backgrounds.

Students who come from middle-class suburban homes could work as teaching assistants with younger children from socially and economically deprived inner city families. These children are frequently unfamiliar with ordinary things such as a "bookcase," or concepts such as a "circle." The students will begin to understand the problem as they develop and apply solutions.

Before the experience, the students will need brief instructions in technique. After the encounter, the students may discuss and report on the socio-ecological implications of the life style encountered.

As may be seen, an encounter is a personal experience with some aspect of the environment in a situation of challenge and where some kind of decision must be made.

Young people are learning that the role of citizen calls for them to make decisions which affect their environment. They are most likely to make wise decisions in areas in which they have had prior experience in decision making, not merely knowledge. This includes voting, buying, resisting exploitative advertising, proper land use, and asking pertinent questions (as part of the process of holding businesses and politicians accountable).

Environmental curriculums

Entirely new curricula in environmental education need to be developed for all grade levels. This would normally be a five-year process, but the need is immediate. Early attention must therefore be given to providing teachers with materials which can be integrated into current curricula.

While this immediate need is being met in part, curriculum development must begin on a conceptual framework suitable for 20 years or more of environmental education. This work will build upon the experiences, innovations, and recommendations of many educators. Neither the Office of Education nor any single State agency will evolve such a total program apart from contributions of many agencies, local schools, and individuals.

Toward such synthesis, and illustrative of the curricula and curriculum materials needed, some tentative priorities and objectives may be advanced.

Tentative priorities include

Provision of materials to be used with existing curricula for pre-school, elementary, secondary, community college, and adult education levels.

Development of materials to be used for nonformal adult education programs, including those of educational television.

Curriculum development for the secondary level, and then for other levels according to need.

Curriculum development for teacher training, including inservice training.

Tentative objectives may be considered for each of five educational levels, as follows:

Preschool and elementary. At this age level, emphasis should be given to increasing the child's perceptual level through appreciation of space and form, the more evident relationships between man and nature, and a general appreciation of nature.

Secondary. A more sophisticated understanding of ecological systems may be emphasized at this level, especially the relationship of man to his total environment. The student should also develop an increased awareness of the social, political, and economic causes of environmental problems. He will also develop at this age an understanding of the various options for remedying problems, and the implications of these options for man.

Undergraduate. Through multidisciplinary, problem-solving courses, college students should be able to relate the scientific, political, social, and economic aspects of environmental problems and to make value judgments leading to sound decisions. This will include a special emphasis on environmental/ecological concerns as they relate to

XUM

traditional courses and disciplines such as history and literature.

Graduate. Professional training through specific environmental/ecological courses, training in environmental quality control, an orientation to environmental/ecological concerns for professional students in medicine, law, public administration, etc.

Adult education. Providing supplementary and refresher course in environmental and situations to behavioral problems and decisions making which affect the environment.

Administrative response to EE

Educators need to assess the resources available and to set goals in environmental education. Judging from current public interest, there will be a popular response to EE. Administrators may assume that they will receive support from the public in efforts to tie into national programs in environmental education.

To take full advantage of the unique opportunity offered by this general interest and support, it is essential that administrators begin by identifying the few who understand this complex subject and recruit them to assist others to comprehend the problems and the opportunities. Those who best understand the problems and opportunities are distributed throughout the country in elementary and secondary school systems, on college or university facilities, in foundations, in business and labor, and in numerous voluntary organizations. Therefore, educators should be encouraged to emphasize:

Assessment of local education resources in and out of the school system.

Development of community/State/regional plans which will reflect the major needs of the regions.

To assist planning at the local level, the Office of Education recommends that early consideration be given to:

Elementary and secondary education: supplementary materials, inservice teacher training curriculum development and demonstration projects.

Preschool, middle school, and adult education: supplementary materials and teacher training.

Public awareness (becoming more observant and sensitive to ecological problems, partly through reading, listening, and reviewing of media materials on the environment), especially for 14 and above.

Environmental manpower development (vocational and technical) at institutions of higher education awarding two-year degrees. Basic environmental education courses for college freshmen and sophomores.

Introduction of environmental/ecological concepts to professionals (lawyers, engineers, city planners, etc.) who will need to relate to these ideas in continuing educational programs.

Additional areas of concern are in the development of educational personnel to reach professionals in need of environmental/ecological orientation; to develop an environmental/ecological consciousness in undergraduate and graduate students of the various professions; to assist in curriculum development and demonstration projects at the preschool, middle school, and adult level; to conduct programs of environmental awareness for preschool and elementary children; and to carry out retraining programs for environmental manpower technicians.

ROLE OF STATE AND FEDERAL AGENCIES

The techniques and curricula of environmental education cannot and should not come full blown from an agency of the Federal Government. The need for environmental education to prepare a citizenry willing and capable of protecting and preserving the environment has but recently been recognized in official actions and legislation at the national level. Indeed, environmental education has only come to the attention of a substantial part of the educational community in the past year. Much remains to be determined in both policy and techniques.

At the same time, in many local communities and in colleges and universities, important progress has been made in initiating and developing concepts of EE.

Many of the most highly innovative projects of the local level deserve being called to the attention of educators in other parts of the country. The identification and spotlighting of many of these special projects, to serve as models for national consideration, sets the stage for a major role for Federal assistance in the years ahead. This approach also encourages greater participation at the local level in the vital creative and developmental aspects of environmental education.

However, if individual communities are to achieve the recognition they deserve at the State and Federal level, it is essential to provide mechanisms that reflect their interests, needs, and resources. Recognizing this, the Office of Education has suggested that each State develop its own State commitment to environmental education.

The State Commitment to EE

Increasing the level of participation at the local level achieves two specific objectives. It emphasizes the need to develop environmental education that is relevant to the particular needs of the community, and—at the same time—it carries out the mandate of the President and Congress to decentralize governmental structure (while giving coherence to the great variety of programs of the several Federal agencies now involved in environmental education). The State commitment may, as a beginning:

Provide comprehensive State recognition and support for local models by clearly defining the support and coordination activities that can be provided them by State, national, and other organizations.

Develop carefully defined priorities within the State for local, State, and Federal funding.

Develop programs within the State to increase environmental awareness and disseminate information developed by other school systems.

Coordinate all governmental and private environment activities, such as volunteer youth projects, with formal and nonformal environmental education activities of school and colleges.

School System

Each school system within a State may originate action-oriented environmental education curricula that will involve the entire range of community resources (the school system itself, local government, community organizations, and business and industry) and, where feasible, such area resources as State and National Parks, reclaimed open space in urban areas, and community colleges and universities.

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A number of school systems within a State where there are promising programs may be designated within the State commitment as demonstration projects to serve as models.

Each school system may want to coordinate it's activities with local or area plans for environmental action and manpower training, in order to benefit from resources which may be identified in any State planning for curriculum development activties and teacher training.

Environmental actions

Programs of environmental action may be developed at the local level by community organizations, local governments and other appropriate organizations. Working together in a Community Environmental Educational Center, many individuals may be motivated, trained, and involved. Ideally, these activities would be coordinated with educational programs. For instance, an environmental action program to measure the pollution levels of a local river system could be coordinated by a State agency, with data collection by high school students as part of their curriculum and by volunteers from community organizations, and with data analysis by the students and faculty of a nearby community college as part of a manpower training program for environmental technicians.

Multiple funding

Environmental education programs should be funded from a variety of Federal, State, local, and private sources. State and local planning agencies should take into consideration all of the sources of funds and make use of those best suited for each project.

An important principle of planning should be the use of matching funds. Any organization, private or public, which seeks funds should demonstrate the ability to provide resources of its own in talent, time, and money.

Requested funds should multiply the capabilities of an existing effort. Funds should not, ordinarily, be made available for the development of an idea which has not matured to the point that personnel, materials, and objectives are clearly foreseen.

National coordination

It is necessary to create programs and working relationships between established Government agencies for the purpose of more effectively utilizing existing skills and minimizing duplication of effort. Throughout the Federal Government there is a vast wealth of well trained and experienced individuals with skills directly relevant to environmental education.

The development of a national program in environmental education will begin with the collection and analysis of State and local programs and plans, the coordination of effort and resources in Federal agencies, and research and innovative programming by a core staff in Washington. The process will involve extensive reliance on the Regional Commissioners of the Office of Education, to insure full use of the ideas and

XUM

resources at all levels of educational efforts in the Nation.

PART III. LOOKING TO THE FUTURE

A National Commitment to Environmental Education

Beginning with the recognition by many individuals that a new attitude toward the environment—one of awareness and concern—is necessary to preserve the environment, we now have a national commitment to face and resolve environmental problems through educational means.

Individual concern and action is required in a democratic society before special interests (business, labor, universities) will act responsibly and before the Government will set guidelines or impose legal sanctions. Such a consensus, elicited through the educational process, is not only necessary, it provides the knowledge and the way to accomplish the objectives of environmental improvement.

As individuals reorient their lives to ecologically consistent styles, and groups and communities work through all social and political processes to redirect formal and nonformal education toward environmental and ecological goals, we have a national movement or commitment towards change.

The President of the United States has authority to pull together a wide range of Federal programs to give a truly coordinated and national thrust to EE. The Office of Education has been designated by the Environmental Education Act as the agency to plan and recommend such overall educational programs.

Citizen of the future

Man, having spent eons in the Stone Age learning to live with his environment and being responsive to it, has subsequently spent a few thousand years attempting to live apart from his natural environment—to control it for his own purposes—and has suffered many ecological dislocations as a result. Now, entering the age of Technological Man, he has faced up to the decision of either further separating himself from nature and from his environment (thereby dehumanizing himself) or of recognizing his dual nature and learning to live within his environment (protecting and restoring his environment, rather than debasing it, through the great powers of technology).

XUM

The same skills used by man in coordinating his knowledge and abilities to put a man on the moon may now be used to restore the environment and to provide for a satisfying life for great numbers of people without further jeopardizing the biosphere of Earth.

The citizen of the future will be well aware of ecological processes, not merely as to nature as he has conceived it in the past but also with respect to man-made environments.

Environmental education enables man to retain his place as the dominant species, but it will also help him to find his place as part of a larger entity, the living Earth. Man will be highly educated in the best sense, rounded and whole, for his very life and life styles will be immensely enriched by environmental education.

[From the New York Times, Dec. 6, 1970]

EDUCATORS MEET ON ENVIRONMENT—THREE-DAY SESSION EXAMINES TEACHING OF THE SUBJECT

(By David Bird)

GREEN BAY, WIS., December 5.—Environmentalists and educators from across the country have just spent three days here in one of the first national attempts to bring environmental teaching past the point of nature study and admonitions against littering.

While the meeting, organized by the University of Wisconsin campus here, brought out the need for teaching more about the pollution that threatened today's world, it also emphasized difficulties in facing that problem headon.

The 150 participants invited to the meeting generally agreed that environmental teaching that is geared to a rural America is far out of date at a time when more than seven out of 10 Americans live in an urban setting.

"How do you teach contour plowing to children who live on the 15th floor of a high-rise apartment?" asked Dr. Robert Roth, professor of environmental studies at Ohio State University.

STUDY OF CAUSES URGED

There is a need, he said, to study the political and social causes of the environmental breakdown.

The conference was held here because the university's new Green Bay campus focuses its entire academic program on environmental problems. Joining in sponsoring the conference were the United States office of Education and the National Audubon Society.

Educators were singled out for some of the blame on the lag in environmental teaching.

"The educational establishment is a hidebound bureaucracy," said Dr. George E. Lowe, coordinator for environmental education in the Federal Office of Education.

He said that teachers were often afraid to teach programs relevant to today's environment because they might be subject to questions they could not answer.

Others noted that it was much safer to teach about a subject such as conservation of forests because that was further from immediate problems of urban blight and thus less likely to provoke difficult questions.

TEACHING CRITICIZED

Dr. James Swan, of the University of Michigan's School of Natural Resources and Institute for Social Research, said that much of today's teaching was "anti-environmental."

"We have always been taught that all growth is good," he said, "yet physical and economic growth are not compatible with pollution control. A deep seated idea in American society is personal freedom and yet personal freedom with no regard to social responsibility produces many of our environmental problems."

Dr. Swan said such attitudes could cause people to "repress their knowledge of the causes of pollution and, instead, focus their concern for the environment on finding nonthreatening methods of attacking the symptoms."

Dr. Swan also attacked the design of modern school sites as ecologically barren, with few trees and a great deal of asphalt.

CHILDREN AS DESIGNERS

"The average American school site," he said, "is developed for adult maintenance men and not children. Hopefully, in the future we will ask children to design their own school sites."

The ideas brought out at the conference stirred some frustration about how to translate them into action.

"Where do we begin? What can Miss Jones in grade 2 do?" was a plea in one of several discussion groups that met to consider how to implement new ideas.

Because this was the first National Conference on Environmental Education, the answers were preliminary and general.

Most of the suggestions for action stressed that teachers should avoid preaching the ecological message. Students, it was held should not just be compelled to memorize ecological facts; they should examine their own environments and find out what can be done about them.

[From The New York Times, Dec. 9, 1970]

ECOLOGY IS ONLY ACADEMIC PROBLEM FOR STUDENTS AT NEW WISCONSIN CAMPUS

(By David Bird)

GREEN BAY, Wis.—The problems of the environment seem far away from the sparkling new buildings on the University of Wisconsin campus on 600 rolling, wooded acres here.

But down in the valley, the Fox River is murky with the contamination of more than a dozen paper mills, and, on the campus itself, no topic gets more attention than the environment. In fact, the entire academic focus for the 4,000 students here is on ecology—on man and his environment.

There are none of the traditional departments and few of the rigid structures on this autonomous campus, which was added to the University of Wisconsin's system in 1969.

Instead a student chooses an environmental problem that forms the whole basis of his study. He then chooses courses from many fields that contribute to solving that problem. Required courses are kept at a minimum.

PRIMARY FOCUS: ECOLOGY

As Chancellor Edward W. Weidner, the chief developer of the unusual academic focus here, puts it: "Disciplines and professions are secondary, ecological problems are primary."

A student may choose an environmental problem with a scientific basis such as controlling pollution in the air or water. He may choose a problem of the social environment such as urban decay. Or it may be a problem of how to communicate with other human beings to solve ecological problems.

With the growing concern over environmental crises, this campus has drawn a wide variety of people to this northeastern Wisconsin community.

A three-day conference last week for example brought together some 150 environmentalists and educators from across the nation who used the example here in an attempt to create more relevant environmental education in the nation's schools.

PHILOSOPHY EXPLAINED

Those at the meeting—the first National Conference on Environmental Education—heard Chancellor Weidner explain some of the philosophy that guides the campus.

Much of education today, Dr. Weidner feels, is a series of "meaningless vignettes" unrelated to the problems at hand.

"You can spend a lifetime in a corner of the library studying" he says, "but that's ridiculous unless it's related to a problem that must be solved."

Dr. Weidner thinks that a professor's main role is to help the student with that problem solving.

He is especially critical of professors who bury themselves in research and "pride themselves on how they don't teach undergraduates."

"There is a euphoric religious feeling about the experimental program underlying our staff," he said.

Professors interviewed on the campus generally agreed and said that the informal seminar-type approach allowed for some class meetings to be held at the faculty member's home over coffee or beer.

Students on the campus, too, seem to welcome the idea of having a great deal of time to work on their own toward reaching their goals.

But some of them who had to compare it with took the new program somewhat for granted.

"Sure it's different from school," said one, "but this is college; it's supposed to be different, isn't it?"

Dr. Weidner feels strongly that a person should learn his own environment before he goes off to study others so that he can relate his own problems to the new experience.

Too often, Dr. Weidner said, programs in international education where American students spend some of their academic year abroad are really just means of escaping the task at home.

While they are studying at the university here students are encouraged to concentrate first on the problems at hand.

For example students here insisted that a concessionaire use returnable bottles in a beverage vending machine instead of one-way cans that would end up as waste.

They checked closely on the kind of detergent and other cleaners the university uses to make sure the substances will not end up as pollution in the river.

They recommended a change in newly installed outdoor lamps they felt were too harsh and glaring.

Although such actions may seem inconsequential, Dr. Weidner feels that an attitude of concern for the environment on campus can expand to understanding and solving problems in the larger community.

Already teams of students have gone out to study pollution in the Fox River and what can be done about it.

Other teams of students are working on how to mobilize community action to solve the problem of the river.

Dr. Weidner concedes that the environmental crisis is a very popular cause today. But he sees environmental education as not just another element. It must be an integral part, he said, because it is a "fundamental of life," he says.

"There can be no true peace or true love without environmental quality," he said. "The cardinal virtues of peace and love are integrally related to environmental quality."

[From the Washington Post, Nov. 29, 1970]

EDUCATING THE PUBLIC TO SURVIVAL'S KEYS

(By Irston R. Barnes)

Looking back on the long years of efforts by conservationists to create public awareness of the perils to the earth and to man from a degraded and polluted environment, the National Environmental Policy Act of 1969 and the recently enacted Environmental Education Act mark the crossing of a great divide. At last there are both official recognition of the problem and an expressed determination to take action.

Underlying both acts is an acknowledgment that man is, and must remain, a part of the natural world. The goal—a state of "productive harmony" between man and nature—can be reached only through an understanding of and adaptation to the ecological imperatives of the natural world. It is the purpose of the Environmental Education Act to promote such public understanding as the price of survival.

The National Environmental Policy Act embodies three achievements. It is a declared national policy to maintain and to restore a viable environment. All governmental programs are to be judged for consistency with this policy. And a Council on Environmental Quality is created to study and report on the state of the environment. The council has recently issued its first landmark Environmental Quality Report.

The Environmental Education Act is directed to the root problems of creating public understanding and stimulating citizen action to halt the degradation of the environment and to begin its restoration.

Grants are to be used to secure the development of improved curriculums, the initiation of programs in schools and colleges, the preparation and dissemination of teaching materials and information.

Very wisely, the search for educational programs is not to be limited to schools and colleges, for we cannot wait for an educated generation to grow up. It is today's adults who must change their ways and bring an early reversal of the antagonistic relations between man and nature.

Wisely again, the act does not limit its search for effective environmental education to the professional educators.

The pioneers in such education have been such organizations as the National Audubon Society, with its school clubs and its summer nature camps for training teachers and community leaders to use the outdoors for classrooms in both formal school programs and in adult community activities, and the Massachusetts Audubon Society, which first hired and trained supplemental teachers and sent them into the schools across the state.

The act is necessarily interested, not only in the problems of natural environments, but also of man-made environments, since the latter are the prevalent environments for most of our people. However, any understanding of ecological systems and of man's place on earth must proceed from a basic appreciation of the workings of nature in both natural environments and in man-altered and man-degraded environments.

In the latter, the workings of nature are not likely to be beneficent to man.

It is unfortunate that the terms ecology, environmental quality and conservation carry heavy negative connotations for many people. Perhaps this is an inevitable result of the serious and pervasive abuse which the environment has undergone in the past half-century.

However, ecology and natural history are fascinating areas of discovery; they are much more important for their positive principles and values than for any "do-nots."

Man will never live in harmony with nature until he appreciates the fundamental wisdom of natural systems, the essential rightness of the intricate ways in which nature maintains a balanced richness and diversity in life, and the human values which are lost when man is alienated from the natural world.

These truths are remote and abstract for people who are increasingly urban and have little experience with the world of nature. Yet these are the very values which have guided such volunteer organizations as the Sierra Club, the Izaak Walton League and the Audubon Societies, as they have borne the brunt of conservation education since the turn of the century.

The success of the Environmental Education Act will depend upon its role in persuading a majority of adults to take early and direct action in their neighborhoods, in their towns, in their businesses and in their personal lives to protect and restore the environment.

There is a ready-made nucleus of leaders for such local and regional action programs through organizing environmental councils of members of existing conservation organizations. Administrators of the act should make an early effort to achieve an ecumenical mobilization of this citizen's potential.

Through national and state conservation organizations, the trained leadership which is an ultimate goal of environmental education can be located and activated. Here are the channels through which educational materials and action programs can be transmitted to virtually every community.

The conservation organizations, which have worked so many years to achieve such governmental actions as the National Environmental Policy Act and the Environmental Education Act, and their thousands of members are ready and willing to move from advocacy to action.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his comments. May I say that he appeared before the subcommittee and made a splendid presentation with reference to the item. I compliment him on the excellent justification he made.

INSPECTION OF CERTAIN EGG PRODUCTS BY THE U.S. DEPARTMENT OF AGRICULTURE

Mr. AIKEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 19888.

The PRESIDING OFFICER (Mr. BOGGS) laid before the Senate H.R. 19888, an act to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes, which was read twice by its title.

Mr. AIKEN. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. AIKEN. Mr. President, this bill passed the Senate unanimously on the 2d of February 1970, and was then sent to the House. Instead of acting on the Senate bill, the House passed its own bill, which is the Senate bill with amendments. The amendments seem to be satisfactory all around.

Mr. President, I have cleared this matter with several members of the committee including the chairman.

The PRESIDING OFFICER. The bill before the Senate is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 19888) was ordered to a third reading, was read the third time, and passed.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SST CONFERENCE REPORT

Mr. NELSON. Mr. President, articles in the Sunday newspapers of December 13 allege that a filibuster over SST funds threatens to block the passage of other important pending legislation including welfare reform and social security. It is certainly true that if there is to be a sustained effort to push SST funds

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through this session of Congress, there will be a sustained effort in opposition in the form of extended debate, debate in depth or filibuster—or whatever other name one may wish to call it.

We who oppose the SST have no interest in holding up other legislation and are prepared to set aside the SST dispute until we have disposed of all other legislation.

However, we do not intend to allow the passage of SST appropriations in a conference report after having decisively defeated those same appropriations in a rollcall vote on the floor of the Senate.

It is my own view that the whole matter can easily be resolved by a motion to table the conference report and by the adoption of a continuing resolution for the Department of Transportation appropriation without SST funds.

If that motion prevails, all debate and delay will be over. The public and the conservation movement won a dramatic victory. We have no intention of giving it away.

Mr. President, the Washington Sunday Star of December 13, 1970, contains an especially well reasoned article concerning the development of the American supersonic transport.

In his article entitled, "The End of the SST," James J. Kilpatrick argues, and I believe correctly, that the Senate's rejection of further Federal funding of the supersonic transport "marks a turning point." As Kilpatrick goes on to say, the turning point may be that now Congress, along with all Americans, will think about improving the quality of our life and think about whether more speed, more power, more noise, more trash, more smog, more gadgets, have really added to the quality of life.

Mr. Kilpatrick's observations are especially timely in view of the conference committee's action in restoring $210 million to the SST programs. The Senate must not reverse the historic step for environmental quality it took in rejecting further funding of the SST.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

End of the SST: A Small Step for Mankind

It is not often, sad to say, that mankind wins a round in the unending struggle to preserve a decent quality of life. Ordinarily, in the holy name of progress, we advance headlong to the rear. But the Senate's action last week in halting further development of a U.S. supersonic transport plane is a victory that warms the heart.

A number of my fellow conservatives, notably James Burnham of National Review, will not agree with that appraisal. Some of the ablest members of the Senate, among them Jackson of Washington and Goldwater of Arizona, were bitterly disappointed by the 52–41 vote. President Nixon terms the SST's defeat a "devasting mistake."

With deference, and with regret for the economic hardship the Senate's decision will cause in certain areas, it has to be said that the Senate acted wisely. One further step should be taken, in the form of legislation barring foreign-built SSTs from the use of American airports. When that is done, this whole unfortunate misadventure will collapse.

The arguments in favor of continuing the project were persuasive, but they were never convincing. It was said that the taxpayers eventually would get their money back in royalties upon the sale of 300 to 500 SSTs over the next 30 years. It was urged that American prestige was at stake. Failure to proceed, we were told, would mean a surrender of aircraft leadership (not to mention the balance of payments) to Russia, France, and Great Britain.

On close examination, none of these arguments held up. There never was solid evidence that the airlines themselves were in any mad rush to buy the SST. It always was a doubtful proposition that Western carriers would invest in Soviet-built aircraft, and thus become dependent for spare parts upon Communist whim. Important elements of public opinion in both France and Great Britain have begun to demand a cessation of the Concorde development.

Yet these were not the issues on which the battle turned. In the end, the dominant consideration—the factor that caused an astonishing 18 senators to reverse their own positions within a year—was the quiet question that so seldom is asked: Would this project improve the quality of our life? The answer, plainly, was no.

What was involved in the prospect of a supersonic transport plane? Noise, for one thing—the ear-shattering noise of this plane on landing and takeoff. And despite the frantic rash of denials, regulations and amendments, senators could look down the road to the economic necessity of permitting flights over land at supersonic speeds; they could see millions of Americans subjected to the annoyance and the property damage caused by recurring sonic booms. All this, so that a relatively few air travelers could gain the convenience of additional speed. It never made sense.

With the Senate's action, it may now be possible for the airline industry to concentrate upon quieting and perfecting the present generation of subsonic aircraft. Perhaps the Congress, as it studies the whole problem of transportation, may now direct its attention to more urgent needs, benefiting far more taxpayers, here on our crowded earth.

But the greater significance of the SST's demise lies in the hope this action has generated: Perhaps the quiet question will now be asked in other fields. Will the construction of a particular freeway in Memphis really improve the quality of life in Memphis? Will the drilling of patricular off-shore oil wells, or the construction of particular polluting factories, truly contribute to the well-being of America? What of the marvelous computers and the data systems that invade our privacy? Are these ncessary? Really necessary?

Maybe, just maybe, the Senate's vote marks a turning point. For a long time now, we Americans have been running up the escalator, frantically seeking more speed, more power, more noise, more trash, more smog, more gadgets, but in terms of the quality of our life we have damned little to show for it. We don't have to go back to the horse and buggy, but surely we can get along for a while with the jumbo jet.

HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 19436.

The PRESIDING OFFICER (Mr. Boggs) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and town with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SPARKMAN. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Sparkman, Mr. Proxmire, Mr. Williams of New Jersey, Mr. Muskie, Mr. Bennett, Mr. Tower, and Mr. Brooke conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, the vote at 2:20 this afternoon will come on the question of germaneness. For the information of Senators, I think that I should explain what is involved in the vote.

Page 20 of the bill, beginning with line 12 and going through line 22, provides authority to raise one legislative assistant in each Senatorial office in salary from $33,176 to $35,496.

The point I made is that if a Senator raises the salary of that employee he will have to raise all of them in the Office all the way down the line.

The salaries have already been raised around 30 percent a couple of years ago, at which time Congress raised its own salaries.

I think Congress made a tragic mistake when it approved large salary increases for Members of the Congress, the legislative employees, and the executive branch. We have this problem now of telling labor that they should hold the line when we raised our own salaries so exorbitantly.

As one who unsuccessfully tried to stop that other salary increase, I think that it would be a tragic mistake to commit another error by increasing the salaries again of our own assistants. By so doing we would be telling the rest of the labor force throughout the country that they should hold the line and combat inflation but that we would not do so ourselves.

I made the point of order because in my opinion it was clearly legislation on an appropriations bill. However, before the ruling was made, and very properly so, the Senator from West Virginia raised a question of germaneness.

So, the vote at 2:20 will come on the question of whether it is germane. Those who want to strike this proposed salary increase from the bill would vote no. Those who want to retain the provision in the bill would vote aye. We should make this clear so that there would be no question as to the vote involved here.

I point out that salaries have already been raised in this same category by over $6,000 in the last few months.

Mr. AIKEN. Mr. President, if the Senator will yield, I admit that I spoke rather hastily and very impulsively a short while ago.

I expressed my opinion of this proposal to raise the salaries of, shall we say, administrative assistants. And that means to raise all employees in our offices if we want to be fair about it.

I am terribly disturbed over any contribution to inflation these days although I believe we should bring the income of other people percentagewise up to the increase we gave ourselves a year and a half ago.

Today there are more college graduates who are unable to find jobs than there have been for years. I know of one technical school that had 12 percent of last year's graduates who could not get jobs of any kind.

Layoffs are continuing, particularly in industries related to machine tools and machinery.

Bankruptcies will probably show an alltime record number this year if things continue at the rate that they have been going up to now. That involves both personal and small business bankruptcies as well as some large businesses also.

If we do not have a depression now, it is an extremely deep recession. It is not going to be cured by dumping several hundreds of millions of dollars into any one railroad or any one industrial concern or any one of a half-dozen favored industrial concerns.

We definitely need a national policy to control inflation and restore prosperity.

Prosperity has to be recovered from the ground up. It does not grow from the top down.

I feel that about the worst thing we could do at this time would be to start another round of salary raises. We cannot stop by simply raising the salary of one person in each office. We have to go on and raise the salaries of other Hill employees, and then the salaried people throughout Government. Then the salaried people in industry have to have a raise, and then the salaried people in the services industries, and so on. I think it would be awfully shortsighted to start another round of expenditures here this afternoon.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the question of germaneness be delayed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the question before the Senate is whether or not the language in the committee amendment which already has been adopted is germane.

The question, therefore, does not go to the substantive merits of the language at this point. The able Senator from Delaware (Mr. WILLIAMS) made the point of order that the language on page 20, lines 12 through 22, constitutes legislation on an appropriation bill, and it does, but the House, in acting on the bill, on page 21, beginning at line 21 and going through line 2 on page 22, wrote legislation into the appropriation bill. It legislated with respect to the compensation of clerks in the office of the Official Reporters of Debates, and it legislated with respect to telephone allowances, stationery allowances, and so on.

So the House opened the door when it legislated on the appropriation bill, and it is now in order for the Senate to insert new language with references to staff salaries, which it has done.

Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the Senate, therefore, in agreeing to the committee amendment, adopted language that was relevant to the language that already had been placed in the bill by the House of Representatives.

I maintain, therefore, that the committee language is germane.

A vote of "aye" sustains my position that the language is germane. It is a procedural vote. If the vote carries and I am sustained, then any Senator may, if he wishes, offer an amendment to strike out the committee language which has already been agreed to and to which the able Senator from Delaware has objected.

Mr. WILLIAMS of Delaware. Vote!

The PRESIDING OFFICER. The hour of 2:23 p.m. having arrived, the question is on the issue of germaneness. A point of order was raised by the Senator from Delaware (Mr. WILLIAMS) against the language on page 20, line 12, beginning with the word "provided" down through line 22, as being legislation on an appropriation bill.

The manager of the bill, the Senator from West Virginia (Mr. BYRD) has raised the question of germaneness of this language to the House-passed language. Under rule XVI, paragraph 4, and the precedents and practices of the Senate, if a point of order is made against a pending amendment to a general appropriation bill on the ground that it is legislation, and the question of germaneness to the House provisions of the bill is raised, the question of germaneness is submitted to the Senate for decision and takes precedence over the point of order which is not ruled on, and the point of order falls or the question is settled if the Senate decides that the amendment is germane to the provisions of the bill to which it is offered.

The question is, Is this language germane to the provisions of the House-passed bill embodying such language?

On this question the yeas and nays have been ordered.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. If the "nays" prevails, does that mean the item in consideration goes out of the bill?

The PRESIDING OFFICER. That is correct.

Mr. PASTORE. Mr. President, I ask unanimous consent that I may proceed for 1 minute so that I may ask a question.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. PASTORE. I would like to direct the question to the distinguished Senator from Delaware on the question of germaneness. Does the Senator from Delaware intend, if germaneness is sustained, to file a new amendment to delete this from the bill?

Mr. WILLIAMS of Delaware. Yes.

Mr. PASTORE. Are we not wasting our time? Why do we not get to the meat of the nut?

Mr. WILLIAMS of Delaware. Unquestionably, in my opinion, it was legislation in an appropriation bill and I thought this was the easiest way to proceed.

Mr. PASTORE. It is a little too indirect. I think, from a technical point of view the manager of the bill made a good argument; and many of us agree with what you say. Why not do this in one jump instead of two jumps?

Mr. WILLIAMS of Delaware. I thought I had done it the shortest way, but with the rule of germaneness we had no choice except to follow through.

The PRESIDING OFFICER. The 1 minute has expired.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), and the Senator from North Dakota (Mr. BURDICK), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from

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Oregon would vote "yea" and the Senator from Colorado would vote "nay."

The yeas and nays resulted—yeas 59, nays 26, as follows:

[No. 427 Leg.]

YEAS—59

Anderson
Bayh
Bellmon
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Case
Church
Cranston
Dodd
Eagleton
Ellender
Ervin
Fong
Fulbright
Gore
Gravel
Hart
Hartke
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Proxmire
Randolph
Ribicoff
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—26

Aiken
Allen
Allott
Baker
Bennett
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Fannin
Goldwater
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Miller
Murphy
Packwood
Pearson
Prouty
Saxbe
Schweiker
Williams, Del.

NOT VOTING—15

Burdick
Dominick
Eastland
Goodell
Harris
Hatfield
McCarthy
Mundt
Muskie
Pell
Percy
Russell
Stevenson
Thurmond
Tower

The PRESIDING OFFICER. On this question the yeas are 59 and the nays 26, and the language is held to be germane.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Beginning with the word *"Provided"* on page 20, line 12, strike out all down to and including line 22.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Delaware yield, without losing his right to the floor?

Mr. WILLIAMS of Delaware. I yield to the Senator from West Virginia.

Mr. MURPHY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Attachés will please take seats in the rear of the Chamber.

Mr. BYRD of West Virginia. Mr. President, the Senator's amendment as read by the clerk would strike out all the language on page 20 of the bill beginning with the proviso on line 12 and going through line 22. I respectfully suggest that the Senator would perhaps want to modify his amendment to strike out the language through the figure "$35,496" on line 17 of that page. Otherwise, the Senator would by his amendment—and I do not believe he intends to do that—also delete the language beginning on line 17 on page 20, which deals with the compensation of the six transcribers and two clerks in the Office of the Secretary of the Senate. I do not believe the Senator intends to do that.

Mr. WILLIAMS of Delaware. The amendment reads that way, but for the sake of getting it approved, because the first part of the amendment is what I was putting the emphasis on, I would be willing to modify the amendment to that extent.

That would change the amendment to read:

> Beginning on page 20, line 12, with the word "Provided" strike out all the language down to and including line 17, after the figure "$35,496" on line 17.

The PRESIDING OFFICER. The amendment is so modified.

Mr. BYRD of West Virginia. Mr. President, would the Senator state again where his modification would begin?

Mr. WILLIAMS of Delaware. It would begin on page 20, line 12, with the word "Provided," and strike out the following language:

> That effective January 1, 1971, paragraph (2)(iv) of section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended (2 U.S.C. 61–1(d), is amended by deleting "$33,176" and inserting in lieu thereof "$35,496",

Mr. BYRD of West Virginia. Mr. President, I ask the Senator if he will yield again, without losing his right to the floor, and suggest that he further modify his amendment so as to retain the verbiage *"Provided,* That effective January 1, 1971," and that his deletion begin, instead, with the word "paragraph" on line 13. The language "effective January 1, 1971" should remain in the bill, so as to make the increases provided in the closing language of the paragraph effective as of that date.

Mr. WILLIAMS of Delaware. That will not change the substance of what I am trying to do, and I have no objection to that suggestion.

Mr. President, I hope the Senate will adopt this amendment. I point out again what I said earlier: I think Congress made a mistake a couple of years ago when it raised the legislative and executive salaries at a time when we were asking private industry and labor to hold the line in order to combat inflation.

I invite attention to the fact that with respect to the administrative assistants in the congressional offices, on August 1, 1967, the ceiling was $24,480. On July 1, 1968, this was increased to $27,064. In February 1969 they got a 23-percent increase, to $33,176. This proposal here today would be an 8-percent increase on top of that.

Certainly at a time when we are asking everybody to hold the line this increase cannot be justified. It cannot be argued that this is only for one in each congressional office because once the salary is increased for this one employee increases will have to be made down the line. I think this amendment should be agreed to.

I am willing to vote, Mr. President.

Mr. PASTORE. Mr. President, I shall vote for this amendment, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mrs. SMITH. Mr. President, I just cannot understand why there should be a disparity between the committee staff members and the administrative assistants in our individual offices. The committee staff members, especially on many committees, have a very short period during the year in which they have to carry the load. The administrative assistants have to carry the load the entire year for the entire State.

This does not increase the appropriations. I was very careful not to ask for an increase in appropriations. All I asked for was that the limitation for administrative assistants be raised to that of the committee staff members. If the Senator wants to offer an amendment to cut the committee staff members to the point where our administrative assistants are, I will be very glad to vote with him. Otherwise, I cannot see why we should not be allowed to use the money that is allocated to our own offices as we see fit, especially since it does not go beyond the committee staff members.

So far as turning back money is concerned, I will challenge any Member in the Chamber to match what I turn back to the Treasury.

The PRESIDING OFFICER. The Chair wishes to address a question to the Senator from Delaware.

Is the understanding of the Chair correct that the Senator modified his amendment in accordance with the suggestion of the Senator from West Virginia?

Mr. WILLIAMS of Delaware. Yes. That leaves the words *"Provided,* That effective January 1, 1971," in the bill, so that it would be applicable to the remainder of the language of the bill. I have no objection to that, because it does not change the substance of the amendment I now have pending.

The modified amendment is as follows:

> On page 20, line 13, after "1971", strike out the comma and "paragraph (2)(iv) of section 105 (d) of the Legislative Branch Appropriation Act, 1968, as amended (2 U.S.C. 61–1 (d), is amended by deleting "$33,176" and inserting in lieu thereof "$35,496"."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. McCarthy), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Russell), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh) and the Senator from Illinois (Mr. Stevenson) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Goodell), the Senator from Illinois (Mr. Percy), the Senator from South Carolina (Mr. Thurmond) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND) and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 51, nays 33, as follows:

[No. 428 Leg.]

YEAS—51

Aiken
Allen
Allott
Anderson
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cooper
Cotton
Curtis
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gore
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, Idaho
Mathias
McClellan
McIntyre
Miller
Montoya
Murphy
Nelson
Pastore
Pearson
Prouty
Proxmire
Saxbe
Schweiker
Sparkman
Spong
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

NAYS—33

Baker
Bellmon
Case
Cranston
Dole
Eagleton
Fong
Gravel
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
Metcalf
Mondale
Moss
Packwood
Randolph
Ribicoff
Scott
Smith
Stennis
Stevens
Yarborough
Young, N. Dak.

NOT VOTING—16

Bayh
Dodd
Dominick
Eastland
Goodell
Harris
Hatfield
McCarthy
Mundt
Muskie
Pell
Percy
Russell
Stevenson
Thurmond
Tower

So the amendment of Mr. WILLIAMS of Delaware, as modified, was agreed to.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. PEARSON). The Senate will be in order.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I know of only two additional amendments that are to be offered. They are to be offered by the able Senator from Kansas (Mr. DOLE). The Senator from Nebraska and I have conferred and are willing to accept these amendments. I know of no other amendments. Consequently, I would hope that we could advance the bill to third reading shortly and have a vote on final passage. Mr. President, I ask for the yeas and nays on final passage so that all Senators may be on notice.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I send to the desk two amendments and ask that they be reported.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

On page 6, between lines 11 and 12, insert the following:

"Contingency Fund

"For the additional amount for contingency funds $15 million, to remain available until expended: '*Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.'

On page 6, between lines 17 and 18, insert the following:

"Excess Foreign Currencies for Pakistan

"For assistance for relief, rehabilitation and reconstruction in East Pakistan in addition to funds otherwise available for such purposes, such amounts of Pakistani Rupees as the Treasury Department determines to be excess to the normal requirements of the United States on the date of enactment of this Act, such amounts to remain available for a period of one year from the date of enactment of H.R. 19911, or similar legislation."

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, the amendments are cosponsored by the senior Senator from New York (Mr. JAVITS), my senior colleague, the senior Senator from Kansas (Mr. PEARSON).

AID has already used or earmarked $11.5 million of the Contingency Fund for various purposes, including about $5.0 million of Contingency Funds to meet immediate emergency disaster relief needs in East Pakistan. Assuming full appropriation of the fiscal year 1971 request of $15 million, prior year carryovers, and possible deobligations of prior year funds, total Contingency Fund availabilities for fiscal year 1971 will be about $20 million. It is clear that the unallocated Contingency Fund balance of $8.5 million will not be adequate to meet the longer-term reconstruction requirements in East Pakistan. Moreover, the use of these funds would totally deplete the Contingency Fund and, thus, make it impossible to meet other similar emergency and humanitarian needs which will likely arise during the remainder of fiscal year 1971. I, therefore, offer this amendment authorizing an additional $15 million for the Contingency Fund.

In addition, we can facilitate Pakistan's financing of the local cost element of the massive rehabilitation and reconstruction effort by making available our excess local currency balances, which are not needed to cover our own current expenditures in Pakistan. There is now some $100 million equivalent in restricted accounts, requiring authorization and appropriation of funds. These balances are not needed at this time to cover the ordinary and usual administrative expenses of U.S. agencies abroad, such as rents, electricity, travel, salaries of local employees, for which they are now available. Other local currency sources are available and ample funds at the rate of at least $40 million equivalent a year will continue to be generated in the future to cover this kind of expenditure. The proposed appropriation is intended as a first step toward using a maximum amount of these idle funds now to help the needy people of East Pakistan. It is not intended to limit, in any way, the use of other local currency authorities for relief and reconstruction.

The junior Senator from Kansas has cleared the amendments with the distinguished Senator from West Virginia (Mr. BYRD), the distinguished Senator from North Dakota (Mr. YOUNG), the distinguished Senator from Nebraska (Mr. HRUSKA), and the distinguished Senator from Arkansas (Mr. FULBRIGHT).

Mr. President, there are no objections to the amendments, perhaps they can be accepted at this time.

Mr. BYRD of West Virginia. Mr. President, the chairman of the subcommittee is prepared to accept the amendments. I have discussed this matter with the able Senator from Nebraska (Mr. HRUSKA) and with the able Senator from Arkansas (Mr. FULBRIGHT). We have no objection.

Mr. FULBRIGHT. Mr. President, I have discussed this matter with the Senator from Kansas. As I understand it, these are identical with the two provisions in the House bill which the Senate Committee on Foreign Relations adopted this morning in its legislation.

Of course, as the proviso says, it is not to be available until appropriated—that is as to the $15 million.

I have no objection. These are humanitarian provisions with no political overtones that I know of with regard to any policy.

While we had no hearings and had no opportunity for hearings, it is well known as to what happened in Pakistan. I can see no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. JAVITS. Mr. President, I am so pleased that our chairman has coordinated with this whole effort which I think the whole committee felt was truly humanitarian and noncontroversial and a magnificent form of aid to the terribly beleaguered people of that country.

I am very grateful that the Senators have agreed to accept the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Kansas.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

Mr. FULBRIGHT. Mr. President, I have no amendment to offer. However, there were very few Senators present on the floor when the Senator from West Virginia and I discussed this subject a little earlier. I wish to say only a few words to acquaint those Senators who were not here earlier with the problem. Page 6 of the bill contains the proviso:

> *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

The Committee on Foreign Relations approved a version of authorization legislation this morning—but it has not yet been enacted. If my understanding is correct, the chairman of the subcommittee in charge of the pending appropriation bill is committed, as other Senators are, to retaining this provision in conference. However, I wish to call the attention of Senators to the fact that if, for reasons beyond his control, the provision is not retained in conference and the conferees on the bill should come back without the proviso, and the report is approved, as I understand it under the existing law we will have a situation where very large sums of money will have been appropriated without authorization.

I only call that to the attention of all Senators so that they will know that if this precedent is set we will have very largely negatived the work of legislative committees.

We discussed this last year in another context, but this is what is involved here. I want it known that I am perfectly aware of the possibilities that this could happen because time is short. The Foreign Relations Committee acted very quickly this morning without adequate hearings. I did not vote to report the bill because I think we have not had adequate hearings and I am opposed to consideration of the substantive bill by the Committee on Foreign Relations without adequate hearings. But I wanted to alert everyone of the possibilities that this has within it to subvert the traditional procedures of the Senate.

XUM

THE FBI AND THE CAMPUSES

Mr. McGOVERN. Mr. President, it is my understanding that the bill being considered includes funding for the additional FBI agents which the administration has stated will be used in the investigation of the use of explosives on college campuses.

Last October my office sent questionnaires to 300 college presidents, student body presidents, and police chiefs to determine the views of the persons most directly affected by the administration's proposal for increased FBI jurisdiction on campus. On November 9 my office released the results of the survey. One outstanding concern was expressed in the great majority of the replies. Of 321 responses received, about 85 percent favored conditioning the presence of FBI agents on a campus on the approval or request of the college president or local police official. A majority of the replies in each of the three categories of respondants declared their endorsement of such a condition.

These replies were most often noted as the reason for this position: First, the fear that under the administration's proposal the FBI might act as a Federal police force, injecting itself into essentially local police matters without a real need for FBI assistance being demonstrated, and second, that such exercise of FBI authority would result in the exacerbation of tension on campus and the radicalization of moderate students in situations where local officials and local police are able to handle disorder.

FBI cooperation in the investigation of campus bombing may sometimes be useful and necessary.

But I share the concerns that were expressed in the great majority of replies to the survey. I would hope that the FBI would not go onto a campus without a request from local officials who find that FBI assistance will be helpful or necessary.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16913) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. McCarthy), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Russell), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. Muskie) and the Senator from Illinois (Mr. Stevenson) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Goodell), the Senator from Chicago (Mr. Percy), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Percy), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 429 Leg.]

YEAS—83

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Ellender
Ervin
Fannin
Fong
Gore
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Nelson
Packwood
Pastore
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—17

Bayh
Dodd
Dominick
Eastland
Fulbright
Goldwater
Goodell
Harris
Hatfield
McCarthy
Mundt
Muskie
Pell
Percy
Russell
Stevenson
Thurmond

So the bill (H.R. 19928) was passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon; and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Dole) appointed Mr. Byrd of West Virginia, Mr. Pastore, Mr. Holland, Mr. Ellender, Mr. McClellan, Mr. Magnuson, Mr. Stennis, Mr. McGee, Mr. Young of North Dakota, Mrs. Smith, Mr. Hruska, and Mr. Allott conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the Senate is again indebted to the distinguished Senator from West Virginia, (Mr. Byrd). The outstanding manner with which he handled the supplemental funding measure was only characteristic, however. Its approval by the Senate is a tribute that speaks louder than any words. His thorough explanation of every feature of this proposal coupled with his able and articulate advocacy for its adoption and his fine legislative skill joined to assure this great success. Senator Byrd has again performed an outstanding public service; it is an achievement which may be added to a record that is already abundant with such accomplishments.

Joining Senator Byrd was the distinguished senior Senator from Nebraska (Mr. Hruska). His splendid cooperation and assistance were indispensable. His great support for the measure assured such an overwhelming success.

Noteworthy, as well, were the efforts of the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. HART), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Delaware (Mr. WILLIAMS), and the many others who contributed with their views, observations, and amendments.

The Senate, as a whole, may be proud of another outstanding achievement obtained expeditiously and with full regard for the views of every Member.

PROGRAM

Mr. GRIFFIN. Mr. President, for the information of the Senate, I should like to ask the distinguished majority leader if he will give us such information as he can concerning the schedule for the rest of the day, the rest of the week, and the rest of the session.

Mr. MANSFIELD. Mr. President, there are two unobjected-to items on the calendar, which have been cleared, which will be laid before the Senate shortly, and then it is the intention of the leadership to call up H.R. 19911, the foreign aid authorization bill, which was ordered to be reported by the Foreign Relations Committee this morning. The reason for the urgency is that the funds for that bill are contained in the supplemental appropriation bill which has just been passed, and to preserve the integrity of the Senate, and to prevent any end runs of the Senate or the Committee on Foreign Relations, we would like to have the bill brought up tomorrow and disposed of.

Following that, the Senate will turn to the consideration of Calendar No. 1443, H.R. 17550, to amend the Social Security Act, and for other purposes.

There are some discussions going on at the present time about the status of the excise tax extension. What, if anything, will come out of that this afternoon, I do not know.

Of course, we face some serious roadblocks in addition to those which have been mentioned, one having to do with the Department of Transportation appropriation bill, which contains an appropriation for the SST, about which various suggestions, proposals, demands, requests, and whatnot, have been made.

It looks as if the Senate is in for a very interesting week, to put it mildly, and the prospects are that we may be faced with filibuster on filibuster on filibuster.

I hope that the good intentions and the reasonableness of the Members will prevail, to the end that we can face up to our responsibilities and dispose of them one way or the other. But, as of now, things do not look very good for a recess at the end of this week. As a matter of fact, it is practically out the window. But miracles do happen; Senators do get together; parties do become impartial; and sometimes what we do not expect occurs. But it is a long shot.

That is about it, plus a lot of conference reports on very important bills.

Mr. GRIFFIN. Mr. President, I thank the distinguished majority leader, and wish to say that the cooperation we have seen in connection with this supplemental appropriation bill, handled so ably by the distinguished Senator from West Virginia (Mr. BYRD), which appeared at one point to be extremely controversial, and the kind of cooperation which will permit the foreign aid appropriation to come up in the morning, so that technicalities will not be left over, display what we can do. Perhaps as the week wears on we will see that kind of cooperation developing on some of the other matters the majority leader has alluded to.

Mr. MANSFIELD. Amen. I join the distinguished assistant minority leader in thanking the distinguished Senator from West Virginia (Mr. BYRD) once again for doing his usual extraordinary job in handling a complex and complicated measure. To tell the truth, I was frankly surprised—though I should not have been—that he was able to get the matter through as expeditiously as he did, with a minimum of friction and a minimum of argument and debate, and good feeling all around once the measure was disposed of.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, did the Senator from Montana ask for a reservation of some time for the Senator from Florida for Wednesday morning?

Mr. MANSFIELD. Not yet. This was just for Tuesday.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1385 and 1386, consecutively.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCRETE INDUSTRIES—MONIER—LTD.

The resolution (S. Res. 400) to refer the bill (S. 3779) entitled "A bill for the relief of Concrete Industries (Monier), Ltd." to the chief commissioner of the U.S. Court of Claims for a report thereon was considered and agreed to, as follows:

S. RES. 400

Resolved, That the bill (S. 3779) entitled "A bill for the relief of Concrete Industries (Monier), Limited", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimants.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1376), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the resolution is to refer the bill, S. 3779, entitled "A bill for the relief of Concrete Industries (Monier), Limited", now pending in the Senate together with all the accompanying papers to the Chief Commissioner of the U.S. Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

STATEMENT

The facts of the referred bill, S. 3779, as contained in the Department of the Navy report are as follows:

"The bill would authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5.3 million to the firm of Concrete Industries (Monier), Ltd., of Australia. The bill states that this amount represents losses incurred by this firm under U.S. Navy contract numbered NEY–48950 and that this contract was awarded on July 19, 1963, to an American-Australian joint venture in which Concrete Industries (Monier), Ltd., was a secondary partner. The contract called for the construction of portions of the very low frequency (VLF) radio facility, Northwest Cape, Australia. The bill further states the losses were incurred by Concrete Industries (Monier), Ltd., when this firm satisfactorily performed the entire contract at unforeseeable expense and delay, after the primary partner of the joint venture, a Nevada corporation, became insolvent and withdrew from the joint venture. Additionally, the bill provides that no part of the amount appropriated, in excess of 20 percent, shall be paid to an agent or attorney for services rendered in connection with this claim.

"The Department of the Navy is opposed to the enactment of the bill.

"The Harold E. Holt Naval Communication Station, Northwest Cape, Australia, 750 miles north of Perth, consists of three areas:

"(*a*) A VLF area on the northern tip of the cape containing an antenna array in a six-pointed star, 8,400 feet in diameter with a 1,300-foot central tower and two concentric rings of 1,200- and 1,000-foot towers. A transmitter building, powerhouse, and pier are also included in this area.

"(*b*) An administrative and high-frequency transmitter antenna area 5 miles south of the VLF area on Exmouth Gulf. One hundred and thirty units of Navy housing and a school are also constructed in a joint Australian-United States town near this site.

"(*c*) A high-frequency receiver area 30 miles south of the administrative area.

"Work in the VLF area, the first phase, was advertised for bids in the spring of 1963 and the three low bids were as follows:

"Hardeman-Monier-Hutcherson	$34,880,000
"Harrison-Transfield	34,990,000
"Hawaiian Dredging, Pomeroy, J. Rich Steers, Bates & Rogers, S. Haunstrup & Co., Pty. Ltd.	37,940,000

XUM

"The invitation for bids required that bidders be joint ventures of one or more Australian and one or more U.S. firms, required that one of the Australian and one of the U.S. firms have accomplished large construction jobs and have experience in remote areas and required experience in construction of diesel generator powerplants and tall guyed towers.

"Since the project was a very large and difficult one, and since another bidder protested award, the Bureau of Yards and Docks (now the Naval Facilities Engineering Command) of the Department of the Navy made a careful review of responsibility before making award. On June 26, 1963, the Chief and other representatives of the Bureau met with representatives of the joint venture, including Mr. K. C. B. Millburn of Concrete Industries (Monier), and discussed the qualifications of the joint venture contractors, availability of construction equipment, sources of supervisors, workers and materials, the pier, the construction schedules, and the contractors' satisfaction with the price bid. This review, the conference, and the assurances given were satisfactory, and on July 19, 1963, the contract NBY-48950 was awarded to Hardeman-Monier-Hutcherson at the price of $34,880,000. A performance bond in the sum of $17,440,000 to assure performance of the contract was furnished by the contractor.

"The second phase of the work for the administrative high-frequency transmitter and the receiver areas, and for the housing and schools, was advertised for bids 2 years later. This work was awarded to a joint venture of Koppers-Clough on March 25, 1965, in the amount of $20,420,000. In addition to these two construction contracts, there were contracts NBY-53145 and NBY-57095 in the amounts of $5,530,924 and $1,744,000, respectively, with Continental Electronics Manufacturing Co. for the production and installation of the VLF transmitter.

"The Hardeman-Monier-Hutcherson joint venture agreement had provided participating interests as follows:

	Percent
"Paul Hardeman, S.A., a Nevada corporation	75
"Concrete Industries (Monier), Ltd.	15
"Hutcherson Bros. Pty., Ltd.	10

"Paul Hardeman, Inc., had guaranteed performance by the Nevada corporation, its wholly owned subsidiary. In May 1965 the parent and subsidiary Hardeman companies encountered serious financial difficulties, which eventually resulted in these firms going out of business. Under the terms of the prime construction contract and the joint venture agreement, each member of the joint venture is fully responsible for contract performance. Accordingly, at that time, Concrete Industries (Monier), Ltd., took over management of the work and completed the work on phase 1.

"In the summer of 1966, Monier stated that it anticipated losses of $5 million plus liquidated damages and had the Australian Government intercede with the United States. After discussions between representatives of the State Department and the Assistant Secretary of the Navy (Installations and Logistics), Navy personnel were sent to Australia to discuss the matter with the American Embassy and representatives of the Australian Government. In such discussions the Navy representatives explained the background and developments under the contract and promised expedited and fair consideration of the contractor's claims by the Armed Services Board of Contract Appeals but no extraordinary relief beyond that. Arrangements were thereafter made for the hearing of the claims in Australia and, subsequently, for partial payments on some claims before final determination of the amounts due thereunder.

"The Armed Services Board of Contract Appeals heard claims under this contract and their disposition have been as follows:

"Claim No.	Subject	Disposition
10444	T-1 steel, 125 days time extension	Allowed 119 days extencion.
11785 13188	Suspect steel, claim $2,069,000	Allowed and paid $1,341,862.
11869	Radiography, claim $1,019,500	Allowed and paid $295,000.
11870	Antenna drum hoist, claim $2,384,000	Settled for time extension (days): antenna 36; helix, 18; transmitter, 18; final, 32.
12260	Sabotage, 45 days time extension	
12266	T-7 accident, 43 days time extension	
12589	Metal trades strike, 10 days extension	
12590	Severe weather, 31 days time extension	
12183	Interference body bolts, claim $22,286	Denied.
12749	Clevises, claim $25,749	Settled $16,250.
12240	Tower erection equipment, claim $75,137	Denied.
12392	Pier, claim $2,300,000	Allowed and paid $935,000.
12998	T/H partial, claim $124, 000	
13096	Helix partial, claim $55,000	

"All told, under change orders contractors were paid $2,203,384 additional and were paid $2,588,112 under their claims, making the final contract price $39,671,496.

The Hardeman-Monier-Hutcherson joint venture has given a final release upon payment of $39,671,496 reserving (*a*) claims for extra costs of pier construction on account of adverse sea conditions by suit in the Court of Claims and (*b*) equitable relief by way of private bill in Congress. (As a result of the reservation concerning the claim for pier construction, it is noted that Monier apparently still has a legal cause of action in the Court of Claims for part of the amount sought in S. 3779.) The Department of the Navy understands that the joint venture claims a loss of $5 million under contract NBY-48950 but it has not verified and has no records to verify this amount.

The Department of the Navy opposes this bill to pay the losses on this contract since construction contractors submitting bids and agreeing to perform work for a fixed price assume large risks in the hopes of large profits. In this case the joint venture, including particularly the Australian partners, had the opportunity to examine their price after bid opening and expressly reaffirmed that price. To grant them relief from normal risks of construction would be an unfair preferential treatment in comparison with other contractors and would set a very bad precedent. Hardeman-Monier-Hutcherson were given favorable treatment in the handling of their claims, recovered substantial amounts therein, and are not entitled to further relief.

The committee, in the consideration of this legislation, believes that there are sufficient facts set forth to justify the finding that the resolution should be referred to the Chief Commissioner of the Court of Claims to report thereon, giving his findings of fact and conclusions sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, and the amount, if any, which might be due from the United States. Accordingly the committee recommends favorable consideration of Senate Resolution 400, without amendment.

Favorable action on this resolution would be in accordance with established precedents, as noted above.

HAROLD C. AND VERA L. ADLER

The resolution (S. Res. 445) to refer the bill (S. 4237) entitled "A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co." to the chief commissioner, U.S. Court of Claims, for a report thereon was considered and agreed to, as follows:

S. Res. 445

Resolved, That the bill (S. 4237) entitled "A bill for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company", now pending in the Senate together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1377), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the resolution is to refer the bill, S. 4237, entitled "A bill for the relief of Harold C. and Vera Adler, doing business as the Adler Construction Co.", now pending in the Senate together with all the accompanying papers, to the Chief Commissioner of the U.S. Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal, or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

STATEMENT

The facts in synopsis of the referred bill, S. 4237, are as follows:

"Adler bid $3,761,115 in September 1952, in response to the Government's invitation for bids on Pactola Dam, a large earth-filed dam project in the Black Hills near Rapid City, South Dakota. His bid was obviously, very low, being 23 percent under the next low bid ($4,878,468), and 38 percent under the Government's pre-bid estimate ($5,962,341). Suspecting a grave mistake in bid, Adler immediately reviewed his figures, but asked the Government to delay award. Adler very promptly advised the Government at its supervisory Denver office that he had made a mistake of $621,000, so advising the Government before award. Adler stated his bid was not acceptable without a correction to his intended bid, or the erroneous bid must be rejected.

"The Government, nonetheless, precipitously awarded the contract on October 14, 1952, thereby putting Adler's bid bond of $376,111 in jeopardy. He was told by the Government the next day to send proofs of his claimed bid errors of $621,000 to the Contracting Officer who would forward showings to the Comptroller General. The Government told Adler that the Comptroller General was the only one who could grant the relief Adler requested. Adler presented his proofs of error about October 20, 1952.

"After the proofs were forwarded from the Contracting Officer about October 31, 1952,

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to the Comptroller General, that Government officer held, in a written decision dated November 14, 1952, that the errors had been made as claimed and could be fully corrected.

"The Government representatives in Denver who received Adler's proofs of error in Denver on October 20, 1952, had (in an internal memorandum dated October 31, 1952, never disclosed to Adler) concluded on their own part that Adler had made the errors as claimed, stated that the award earlier made on October 14, 1952, was not intended to prejudice or foreclose Adler's right to have his bid errors corrected, and stated that if his errors were corrected such would be to the advantage of the Government because the resulting contract amount would still be over $500,000 under the next low bid. The Chief of the Bureau of Reclamation and the Administrative Assistant of the Department of Interior agreed with all these conclusions and recommended full correction of bid errors. But this was not revealed to Adler.

"On November 17, 1952, a Denver conference was convened by the Government, with Adler. He was not given a copy of the Comptroller General's decision. Nor was he told of the internal memorandum of October 31, 1952, or the conclusions of the Chief Assistant of the Department of Interior.

"At this November 17, 1952, conference, the Government representatives made an about face from their earlier position telling Adler that 'all we can pay' for bid corrections is approximately $485,000, leaving Adler shorted by $136,240 from having his bid corrected to accord with his known intended bid. Government representatives further demanded he must sign an Amendatory Agreement (which the government had unilaterally conceived and drafted), in which he would agree to be paid less than his known intended bid, or else his bid would be taken. This put Adler under the pressure of financial ruin if he did not sign the Amendatory Agreement. There wasn't the slightest consideration for such Amendatory Agreement. The recited consideration that the government was waiving its right to waive the construction contract was in error. There was no construction contract in existence to waive, the award being illegal and the construction contract not signed. The refusal of the Government representatives to abide by the decision of the Comptroller General was in violation of the Dockery Act.

"Nonetheless, Adler was forced on November 17, 1952 to sign under the unconscionable pressure being applied, while at the same time the government was concealing from him the fact that several government officers, in control of the events, had professed internally that they had no desire to prejudice or foreclose his rights to have his bid fully corrected as beneficial to the government. In short, the negotiating steps taken by the government were carried on in a matrix of deception by the government's representatives and their failure to reveal the truth about existing circumstances and their own intentions earlier declared unilaterally one to another about October 31, 1952. The above circumstances involving the government's unconscionable denial of $136,240, and the unjust taking thereof, constitutes Adlers Claim (a).

"His Claim (b) based on encountering radically changed conditions and his Claim (c) for breach of contract are next briefly described.

"Once Adler started performance, matters became still worse for Adler by reason of other circumstances which were to develop. Beginning about March 1954 (after construction began in November 1952), Adler had completed all of the scheduled quantity of Item 2 work. Adler began to complain as early as February 1954 as to improper classification of material as Item 2, that should have been classed as Item 3. The on-site construction engineer ignored and "buried" this communication from Adler. There never was a definitive ruling on that.

"Also the excavation situation in the main dam area (83% of the whole job) was increasingly appearing to be materially changed from what had been expected. Adler complained repeatedly. (The old version of Article 4 clause was included in this particular contract, requiring the Government to discover the situation, as well as calling for notice to be given by the contractor.) Adler made an extended written complaint charging conditions and seeking modification of his contract and a large extension of time.

"The Government failed, and continued to fail, to make any decision or finding as to what was the cause of the increase in volume of excavation in the main dam area (up 261%, or excess and unexpected cubic yardage of excavation so vast that it would take a 50-mile-long-train of gondola cars to move it, and a 77-mile-long-train of excess refill to replace in the embankment. Still other unexpected difficulties began to unfold.

"Moreover, these great excess yardages of excavation and refill had to be performed under very complex conditions not expected or represented. For example, the defendant encountered a very rough, step-like and chaotic rockscape over the lower area of the dam foundation. The drawings had not depicted this; instead they depicted this area as relatively smooth.

"Even the cutoff trench, depicted in the drawings given to bidders as having a maximum width of 150 feet, had an actual width of 300 feet to 500 feet, and with very irregular margins.

"To worsen matters yet further, the depth of actual excavation below the depth of the natural ground surface, was 2 to 3 times that shown on the drawings and specifications. In places, the actual depth of excavation below ground surface was in several places as deep as 48 feet as compared to about 7.5 feet average depth estimated from the drawings originally given the bidders.

"In fact, the drawings and specifications were misleading and defective.

"All this caused grave difficulties, and grossly increased construction costs to Mr. Adler. Not only was the work made far more expensive, but these difficulties made it impossible to perform the work in the original performance period of about 2¾ years. An entire extra year was required.

"Though Adler asked for a time extension, with a particular amount requested on June 15, 1955, the government refused to give him a timely time extension. Instead the government urged and required him to speed up the work, even to continue it into one of the most severe winters in many decades. Thus, the government unduly and wrongfully accelerated the work, at serious loss to Adler. The winter work forced upon Adler in the winter of 1955 to 1956 which was not anticipated in the original contract, was performed at only 55% efficiency, as the Contracting Officer admitted.

"The government breached its contract in many ways, including, but not limited to, failure to make a decision (as the contract required) as to whether or not there was a changed condition, and as to whether Adler was entitled to a classification of a large quantity of excavated material as Item 3 (at $1.20 per cu. yd.) instead of Item 2 (at 53c per cu. yd.). It wrongfully and unduly accelerated the work; and the drawings and specifications were misleading and inconsistent. The government was negligent and not rational in the preparation of its estimates of quantities and of conditions yet to be encountered.

"It concealed much vital information from Adler; yet at the same time demanding of him that he give a release to any claims he might have based on anything occurring before July 5, 1956, thereby denying him an opportunity for equal bargaining power.

"When Adler sought Congressional relief in 1960, Congress adopted a resolution authorizing a Congressional reference to the Court of Claims. The Bureau of Reclamation, on a retrospective review recognized with honor, that it had unconscionably forced, or overreached, Adler as Adler had stated in his 'Claim (a),' requesting full rectification of the bid error, the entire correction of which has been denied him by a sum of $136,240 wrongfully taken from him.

"As to Adler's 'Claims (b) and (c),' the Bureau of Reclamation stated that the Contracting Officer held the belief that these claims were not based on fact. Nonetheless, the Bureau of Reclamation suggested that those two claims should, if in Congress' judgment it thought such as warranted, be referred to the Court of Claims, thereby allowing an independent tribunal to judge whether the claims of changed conditions, and breach of contract for undue acceleration and other breaches, were based on fact.

"Congress did make Congressional reference in 1960 of all Adler's Claims (a), (b) and (c).

"The Court of Claims, though originally accepting jurisdiction of the Congressional reference aspect of the case in 1960 (along with accepting jurisdiction on the basis of its general jurisdiction), denied jurisdiction after the appearance of the Supreme Court's decision in *Glidden v. Zdanok*, 370 U.S. 530 (1962). That decision cast doubt on the right of the Court of Claims to consider such reference cases if the members of that court were to enjoy the status of a constitutional court, with life terms for its judges.

"In a recommended decision of the Commissioner of the Court of Claims, affirmed by the Court on April 17, 1970, the Court concluded, nonetheless, that if the matter were, in fact, before that Court on a Congressional reference, it would hold and recommend that Adler's Claim (a) for the $136,532 not yet paid him to fully rectify his bid error made known before award, be paid by Congress as an equitable obligation of the Government in a non-jurisdictional sense. This was the Court's recommendation irrespective of any releases which Adler might have given to the government, or whether they were valid.

"The Commissioner and Court also have now found as a fact that Adler's Claims (b) and (c) based on changed conditions and on undue acceleration and other breaches of contract are based on fact. The Commissioner and the Court made extensive detailed findings clearly establishing that there were radically changed conditions, and very damaging undue acceleration. It found breaches of contract based on the fact that the plans and specifications were misleading and inconsistent. It found that the government did not make an adequate investigation of the subsurface conditions resulting in its scheduled quantities for excavation and refill that were in gross error. It found Adler's costs to perform the work were severely enlarged over that which he had a right to expect from the documents bid upon. By reason of these matters for which the government, not Adler, was responsible, and coupled with the original wrong of the government's unconscionable deprivation of $136,532 of Adler's entitled bid correction, he was mired in a dire financial distress known to the government at the time it demanded from him both a general release on July 6, 1956, and a government form of release on November 20, 1956.

"Adler's financial ruin being even deeper in 1956 than it was in 1952 when the government overreached Adler unconscionably for the so-called Amendatory Agreement, it appears clear that Congress should allow an equitable payment in a non-juridical sense for all three of Adler's claims. The original wrong taints all that follows."

The committee, in the consideration of

this legislation, believes that there are sufficient facts set forth to justify the finding that the resolution should be referred to the Chief Commissioner of the Court of Claims to report thereon, giving his findings of fact and conclusions sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, and the amount, if any, which might be due from the United States. Accordingly, the committee recommends favorable consideration of Senate Resolution 445, without amendment.

Favorable action on this resolution would be in accordance with established precedents, as noted above.

ORDER FOR ADJOURNMENT FROM CLOSE OF BUSINESS TUESDAY UNTIL 9 A.M. ON WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 9 o'clock Wednesday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLAND ON WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately following the approval of the Journal on Wednesday, the distinguished senior Senator from Florida (Mr. HOLLAND) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 19911, to amend the Foreign Assistance Act of 1961 and for other purposes, be laid before the Senate and made the pending business upon its being reported.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

U.S. PARTICIPATION IN CERTAIN INTERNATIONAL FINANCIAL INSTITUTIONS

The PRESIDING OFFICER (Mr. DOLE). The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 249—INTRODUCTION OF A JOINT RESOLUTION TO EXTEND THE TIME FOR PROCLAMATION OF MARKETING QUOTAS FOR BURLEY TOBACCO

Mr. COOPER. Mr. President, I introduce a joint resolution, on behalf of myself, the Senator from Tennessee (Mr. BAKER), the Senator from Virginia (Mr. BYRD), the Senator from Kentucky (Mr. COOK), the Senator from North Carolina (Mr. ERVIN), and the Senator from North Carolina (Mr. JORDAN). The resolution reads as follows:

S.J. RES. 249

Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years, beginning October 1. 1971

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture may defer until March 1, 1971 any proclamation under section 312 of the Agricultural Adjustment Act of 1938, as amended, with respect to national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

The PRESIDING OFFICER (Mr. DOLE). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 249) to extend the time for proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971, introduced by Mr. COOPER, for himself and other Senators, was received, read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAKER. Mr. President, I commend the distinguished senior Senator from Kentucky for the introduction of the joint resolution at this time. Very few Members of the Senate, if any, have the understanding of the intricacies of the tobacco industry as does Senator COOPER.

I understand that the joint resolution was introduced in the House of Representatives today by Representative WAMPLER, from the Ninth Congressional District of Virginia, and calls for a moratorium on further action under the bill as it now exists until a further study can be made. I think this is a very practical approach to a very difficult problem.

I am happy to join the Senator from Kentucky in cosponsoring the joint resolution.

Mr. COOPER. I appreciate what the Senator has said. I will make this statement, so that the joint resolution will not be misunderstood.

It has no effect at all except to allow the Secretary of Agriculture to extend for 1 month the time in which he would ordinarily make a proclamation for marketing quotas for the next 3 years. We need this additional time to study bills which are now pending before the Senate regarding some aspects of the tobacco program and the leasing of tobacco acreage.

We also want to have time to confer with the growers throughout our States and the representatives of the tobacco industry—that is, the growing, distribution, and marketing of the tobacco—and to consider whether adjustments or modifications can be made to keep a sound tobacco program, one that will be beneficial to the growers, one that will not place heavy financial burdens upon the Treasury of the United States, and one that, in fact, may preserve the program.

THE ANTI-TRADE BILL

Mr. GRIFFIN. Mr. President, 169 years ago, in his first inaugural address, President Thomas Jefferson listed "peace, commerce, and honest friendship with all nations" as principles in "the bright constellation" which must guide this country.

If that were true in the infant days of the Republic, it is immeasurably more true now in a world that is much smaller and more complex.

We seek peace and friendship with all the peoples of the world. But such a goal is not realistic without commercial intercourse.

In this age of supersonic speed and instant communication, when space satellites link us as neighbors to distant places, we need, as never before in our history, the collateral and enduring benefits which flow from unimpeded commerce.

The British historian, Macauley, once wrote:

> Free trade, one of the greatest blessings which a government can confer on a people is, in almost every country, unpopular.

Macauley was writing of a different age and a different people long ago. But his comment astutely reflects the nature of a problem we still face today.

More than a year ago, President Nixon called upon Congress to enact new trade legislation. The proposals he submitted were designed to move our country in the direction of freer world trade without inviting retaliation against U.S. exports.

Unfortunately, the House of Representatives responded by approving a bill which would restrict, rather than expand, trade—a bill which has aroused more controversy than we have seen in many years on this subject. No less controversial are the trade policy measures approved by the Senate Finance Committee and tacked on as amendments to social security legislation.

Having returned recently from a visit to Europe, I am keenly aware that European leaders regard the trade proposals in Congress as a signal that our country may soon sink back into an old posture of protectionism. In the past, protectionism has proved to be the breeding ground of worldwide depressions.

The reaction in Europe is emphasized by a recent announcement from the Common Market's Commissioner for Foreign Trade, Dr. Rolf Dahrendorf. He revealed that the European Economic Community—EEC—has formed a special group to study possible reprisals against the United States if a restrictive trade bill is enacted by Congress. It appears likely that retaliatory measures would not be limited to controls on U.S. exports, but would also include restrictions on foreign investments.

A top Common Market official has pointed out that "there are a thousand different ways Europe could retaliate without violating international agreements."

I should like to outline some of the specific concerns I have with the legislation now pending in the Senate.

First, the bill would legislate stringent quotas on manmade fibers, textiles and apparel, on woolen textile and apparel, on shoes, on mink furskins, and on glycine. It would make existing meat quotas even more restrictive and would freeze import quotas on petroleum.

In 1953 John Foster Dulles said:

> The United States does not have in effect today a single import quota on manufactured products. We are continually using this fact in negotiations with other governments in our efforts to get them to liberalize their own trade restrictions to admit more American goods into their countries.

Much has changed since the late Secretary of State used these words. But the reasoning he used then is still sound.

History reflects that the Eisenhower administration did a magnificent negotiating job in convincing European nations of the advisability of removing quotas and exchange controls.

When President Eisenhower took office, Europe had trade restrictions against almost all manufactured items. By the time he left office most of the restrictions had been removed.

To be sure, since the formation of the European Common Market, new trade restrictions have been raised which have created new problems for us in Europe. But we should be very cautious about instituting retaliatory measures which are likely only to generate still another round of retaliation.

Second, it should not be overlooked that the imposition of import quotas would deprive many American consumers, particularly low-income families, of the opportunity to buy competitively priced foreign textiles and footwear.

For example, Andrew Brimmer of the Federal Reserve Board has estimated that by 1975 the textile and shoe quotas proposed in the legislation would cost U.S. consumers as much as $3.7 billion a year and would raise the Consumer Price Index by nearly 1 percent.

I suggest that the Special Assistant to the President for Consumer Affairs, Mrs. Virginia Knauer, might make an important contribution if she were to launch a comprehensive study of the effects of imports and import restrictions on prices in the United States.

Third, the anticipated retaliatory response of other nations, which refuse to purchase U.S. products, could eliminate many more American jobs than would be saved by the trade barriers erected under the bill. Approximately 2.7 million jobs in the United States are dependent on exports.

Michigan, for example, would feel the pinch acutely if other countries took retaliatory measures against our exports.

While it has not been noted yet in public print, it is a fact, based on recently released census figures, that Michigan rose during the years 1966 through 1969 from fifth to second rank among the 50 States in the production of manufactured exports.

New Census Bureau statistics indicate that Michigan increased its manufactured exports from $1.6 billion in 1966 to $2.6 billion in 1969. This is a proud record. By this achievement, Michigan has made a significant positive contribution to the hard-pressed balance of payments of the United States.

In those 3 short years, Michigan overtook Illinois, New York, and Ohio and now is second only to California in dollar volume of manufactured exports. While I do not have new statistics on agricultural exports, I predict that the record when available will show that Michigan is now exporting far more than the $110 million in farm products shipped abroad in 1966.

When it comes to translating export figures into jobs, the Department of Labor estimates that every billion dollars of exports supports close to 89,000 jobs. In other words, a large number of Michigan jobs would be in jeopardy if other nations retaliate by blocking out our exports.

The whole world knows Michigan as a great producer of automobiles and transport equipment. The products of Michigan are used on roads and farms throughout the world. The U.S. Department of Commerce reports that American-made cars and trucks are being exported today to 106 countries and territories.

It may come as a surprise to some that, despite the influx of foreign-made cars into the United States, American automotive exports have risen steadily. Indeed, automotive exports totaled more than $4 billion in 1969, contrasted with $1.4 billion in 1964.

It is true that auto imports have risen at a fast rate in recent years and exceeded exports in 1968 and 1969. These imports trouble auto manufacturers and workers in Michigan. But we are confident that the new U.S.-built compact cars, now selling so well, will cut deeply into the sales of foreign-made imports.

While I have stressed the importance of export markets to the auto industry, I do not wish to leave the impression that autos are my only concern. Michigan has other great and growing export industries.

For example, the Census Bureau figures reveal that in the past 3 years Michigan exports of nonelectrical machinery have increased from $298.4 million to $474.1 million; chemical and allied products, from $115.6 million to $141.6 million; fabricated metal products, from $75.1 million to $190 million; electrical machinery, from $42.4 million to $82 million; primary metal products, from $38.9 million to $109.4 million. Those are only a few items on a long list of Michigan exports, a very important list so far as the Nation is concerned.

Of course, we cannot be blind to the hardships experienced in some domestic industries because of a growing flow of imports. But import quotas are not the only or the best answer.

Secretary of Commerce Stans testified before the Senate Finance Committee that the administration's proposed modifications of the escape clause and adjustment-assistance provide "an appropriate program for the footwear industry." Similar relief can be available to the textile industry.

Under existing law, administrative authority to help industries, firms, and workers injured by imports is too limited and rigid. Indeed, such authority has been almost meaningless since its establishment in 1962.

Mr. President, I have no quarrel with provisions in the pending bill which are designed to liberalize adjustment assistance.

Under the present law, those out of work must prove that import competition was the major cause of their unemployment before relief is available. Individual firms and groups of workers seeking relief must prove the same.

Under proposed changes workers would be required to prove only that imports were a substantial cause of their unemployment. This is as it should be.

But proposed changes under the bill in escape clause provisions pose more serious problems. By relaxing the criteria for injury, the bill could lead to quotas or higher tariffs on some $6.8 billion of imports.

Furthermore, these changes would severely restrict the discretion of the President under the Trade Expansion Act to choose the most appropriate remedy in escape clause cases. If an injury finding were made by the Tariff Commission, the President would have no recourse but to require a form of import restriction unless he determined that such action would not be in the national interest.

Where an additional injury finding is made, the President would have to impose the specific import restriction remedy prescribed by the Tariff Commission unless he invoked the national interest clause.

Under proposed legislation, the President would not be free to recommend adjustment assistance—a more direct way of aiding the industry, and far less damaging to our overall trade interests.

Mr. President, I am also concerned about provisions in the pending trade bills which would lock oil quotas into the law. If these provisions were to be enacted Congress would repudiate the recommendations of the President's Task Force on oil import quotas.

While it is true that President Nixon, thus far, has not implemented the recommendations, this legislation would preclude him from doing so.

To be sure, the President's recent announcement that additional Canadian oil can be imported above present quota ceilings is welcome. I am hopeful this action will lower the cost to consumers of gasoline and heating fuels. But stronger remedies, such as those recommended by the President's Task Force, are needed.

Mr. President, let me turn briefly now to the other side of the two-way trade street—the export side. The House-passed proposal authorizing establishment of Domestic International Sales Corporations is the most significant and far-reaching concept for expanding exports to come before Congress in many years. Such corporations would be permitted to defer payment of taxes on earnings until the earnings were distributed to shareholders or reinvested in nonexport property.

This proposal is designed to place American exports on a more competitive basis with foreign producers and to dissuade U.S. companies from establishing foreign-based subsidiaries. These are laudable objectives which should be pursued if the temporary revenue losses expected as a consequence of the DISCs can be absorbed.

Aside from the DISC proposal, other export-related provisions in the House-passed bill are preferable to counterpart provisions in the Senate Finance Committee bill. The latter version unduly restricts the Presidents trade negotiating authority as well as his discretion to retaliate against unjustified restrictions on American exports.

In addition, the Senate bill does not include a House-passed provision which would permit the President to repeal the American selling price system. Repeal of this U.S. method of customs valuation could be coupled with removal by other nations of the so-called road taxes that discriminate against our larger cars. It is anticipated that such road taxes would be repealed by France, Italy and Belgium, as part of a package deal involving repeal of the American selling price system.

Overall, the Senate Finance Committee version of the trade bill is not an improvement over the House bill and does not deserve to be viewed in a more favorable light.

In its present form, the trade bill before the Senate is unacceptable. Unless substantial modifications are made, it would be fair to call this legislation the Anti-Trade Act of 1970. It could also be described as the Anti-Consumer or Anti-Worker Act of 1970, in view of the drastic consequences which could flow from its adoption.

In registering my opposition to the objectionable features of this legislation, I do not ignore or overlook the fact that it contains a number of desirable provisions.

Whether an acceptable compromise can be hammered out is very much in doubt. If not, I believe this bill should be put aside until the Congress can devise a better, more coherent trade package. This is just one more hard choice that the Senate must face the next few days.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITE HOUSE CONFERENCE ON CHILDREN

Mr. GRIFFIN. Mr. President, there is taking place in Washington this week a very important conference, the White House Conference on Children, which concerns and involves the well-being of 55 million individuals in our population—children under the age of 14.

Last evening, the President of the United States appeared before the White House Conference on Children and delivered an important address.

I ask unanimous consent to have that address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF AN ADDRESS BY THE PRESIDENT

Mr. Secretary, Mr. Mayor, Mr. Chairman, Ladies and Gentlemen:

I share with six of my predecessors, beginning with Theodore Roosevelt and most recently Dwight D. Eisenhower, the honor of having convened a White House Conference on Children, and I take special pleasure in welcoming you here this evening.

Our concern at this Conference is with the well-being of 55 million individual human beings who happen to be children under the age of 14—and who represent one-fourth of our Country's total population.

When I refer to them as 55 million individual human beings, I mean to put the emphasis precisely on that; On the fact that nothing is so intensely personal as the private world of a child, and nothing so removed from the statistical abstractions of a chart or a computer. In talking about our children, we are talking about our world—about its future—but in the most special, the most human, the most individual sense of anything we do or consider.

The refreshing little flower emblem that has been used as the symbol of this Conference is a reminder to us of one very simple and very basic truth: that the world of the child is different, and very special, and full of promise—and very much alive.

It also reminds us that whether we speak of a community of 200 people or of 200 million, the important thing to remember is that no two are alike. Because of this, what is right for one child may be all wrong for another.

Here in Washington, in government, we have a tendency to think about things in the mass—about cities of more than a million, or people over 65 or under 21, or about whole school systems or health delivery systems. Just yesterday I spent most of the day working on next year's budget—on the billions for this and the billions for that, and how perhaps a hundred million could be saved here in order to be used there, trying to balance the needs and hopes of dozens of government departments and agencies that operate thousands of programs involving millions of people.

Sometimes, after doing that, I find myself reflecting on both the necessity and the impersonality of it all. Budgets have to be made and they have to be followed because this is the way the real world operates, and governments have to deal with great masses of people because this is the way governments operate. But how far removed this can get us from the perspective of the individual person! How great a tendency there is, in government, to lose track of people as people—to get so wrapped up in charts and projections and columns of numbers that we lose sight of what ultimately it is all about!

If there is one thought more than any other that I would like to leave with you tonight, it is this: to remember that what matters is one person, one child, unlike any other, with his own hopes and his own dreams and his own fears, who lives at the center of his own separate and very pleasant world.

I am sure that each one of you is here, taking part in this great Conference, because you do care not only about children, but about the child. I hope you will help us keep the focus on that one child.

One of the special glories of America is that we *are* a nation of individuals, and individualists. We produce people, not automatons. We recognize diversity not as an evil, but as a virtue. We turn not to one institution alone, but to many, to perform the great tasks of achieving a better life for all. We recognize a role for government, for the church, the home, the school, for those voluntary agencies that are so distinctive a feature of American life—and we know that this is a case in which additional cooks enrich the broth.

There is, of course, a large and vital role government does play, and must play, in ensuring the best possible opportunity for the child.

I would like to speak briefly tonight of one government program presently being considered by the Senate—which I believe particularly deserves your support.

The great issue concerning family and child welfare in the United States is the issue of family income. For generations social thinkers have argued that there is such a thing as a minimum necessary family income, and that no family should be required to subsist on less. It is a simple idea, but profound in its consequences.

On August 11, 1969, I proposed that for the first time in America's history we establish a floor under the income of every American family with children.

We called it the Family Assistance Plan. It has in turn been called the most important piece of domestic legislation to be introduced in Congress in two generations.

In terms of its consequences for children I think it can fairly be said to be the most important piece of social legislation in our nation's history.

You know the story of this legislation. In April it passed the House of Representatives by a margin of almost two to one. Then it became mired down in the Senate.

It is still stuck, but it is not lost. There is still an opportunity for the 91st Congress to change the world of American children by enacting Family Assistance.

In these closing days of that Congress, I want to emphasize once again, unequivocally, my support for welfare reform *this year*.

In the last ten years alone the number of children on welfare has nearly tripled, to more than 6 million. Six million children. Six million children caught up in an unfair and tragic system that rewards people for not working instead of providing the incentives for self-support and independence, that drives families apart instead of holding them together, that brings welfare snoopers into their homes, that robs them of pride and destroys dignity.

I want to change all that.

The welfare system has become a consuming, monstrous, inhuman outrage against the community, against the family, against the individual—and most of all against the very children whom it was meant to help.

We have taken long strides toward ending racial segregation, but welfare segregation can be almost as insidious.

Think what it can mean to a sensitive child. To take only one example—the free lunch program—my daughter Tricia does tutoring at an innercity school, and she tells me of her deep concern each day to see the welfare children herded into an auditorium for their free lunch, while the others bring their lunches and eat in the classroom. We have got to find ways of ending this sort of separation. The point is not the quality of the lunch—in fact, the free lunch is probably nutritionally better than those the others bring. The point is the stigmatizing by separation of the welfare children, *as* welfare children.

I remember back in the depression years of the nineteen thirties, how deeply I felt about the plight of those people my own age who used to come into my father's store when they couldn't pay the bill because their fathers were out of work, and how this seemed to separate them from the others in the school. None of us had any money in those days, but those in families where there were no jobs, where there was nothing but the little that relief then offered, suffered from more than simply going without. They suffered a hurt to their pride that many carried with them for the rest of their lives.

I also remember that my older brother had tuberculosis for five years. The hospital and doctor bills were more than we could afford. In the five years before he died, my mother never bought a new dress. We were poor by today's standards. I suppose we were poor even by Depression standards. But the wonder of it was that we did not know we were poor. Somehow my mother and father with their love, with their pride, their courage and their self-sacrifice were able to create a spirit of self-respect in our family so that we had no sense of being inferior to others who had more than we had.

Today's welfare child is not so fortunate. His family may have enough to get by on. They may even have more, in a material sense, than many of us did in those Depression years. But no matter how much pride and courage his parents have, he knows they are poor—and he can feel that soul-stifling, patronizing attitude that follows the dole.

Perhaps he watches while a caseworker—himself trapped in a system that wastes, on policing, talents that could be used for helping—while this caseworker is forced by the system to poke around in the child's apartment, checking on how the money is spent or whether his mother might be hiding his father in the closet. This sort of indignity is hard enough on the mother—enough of a blow to her pride and self-respect—but think what it must mean to a sensitive child.

We have a chance now to give that child a chance—a chance to grow up without having his schoolmates throw in his face the fact that he is on welfare, and without making him feel that he is therefore something less than the other children.

Our task is not only to lift people out of poverty, but from the standpoint of the child to erase the stigma of welfare and illegitimacy and apartness—to restore pride and dignity and self-respect.

I do not contend that our Family Assistance Plan is perfect. In this confused and complex and intensely human area, no perfect program is possible—and certainly none is possible that will please everybody. But it is a good program, and a program immensely better than what we have now, and vastly important to the future of this country and especially to the neediest of our children. For the Senate to adjourn without enacting this measure would be a tragedy of missed opportunity for America and particularly for the children of America.

I have dwelt at some length on Family Assistance because of its vital and even historic importance, and because now is the time of Senate decision.

This represents one of the things the Federal Government can do to give children a better opportunity. With our stress on the Right to Read, on the first five years of life through the new Office of Child Development, on education reform, on food and nutrition, and in many other areas we are trying to meet what I believe is a great responsibility that rests upon us. I know that in the Conference you will have many new ideas for things we might do.

We shall do our best to meet our responsibility in those areas where the Federal Government can best do what needs to be done.

But I would also stress that equally and often more important is what States and communities do, and the school and the church and the family, the mass media, voluntary organizations, and each of us as individuals. For the child is not raised by government. The child is raised by his family. His character is shaped by those people he encounters in his daily life.

I think especially of the millions of Americans who give their time and their energy and their heart to volunteer activities working with children. Before becoming President I served as national chairman of the Boys Clubs of America, and I saw from the inside the wonderful work such organizations and others do, and also the spirit, the dedication, of the people who make them possible. The churches, the service organizations, hundreds, thousands of organizations all across America have helped and they can help more. Most important, they can do what government cannot do. They can give heart and inspire hope, and they can address themselves not simply to children but to that one special, precious child.

Before closing, I would like to leave with you a few very personal reflections from the perspective of this office.

A President always thinks about the legacy that he would like to leave the country from his years in office. I think often about that in terms of what I can leave for America's children. And I know that the first thing I would like to do for them is to bring peace.

I speak not just of ending the war, but of ending it in a way that will contribute to a lasting peace—so that theirs at last can be what we have not yet had in this century, a generation of peace. And I speak not only of the absence of war, but also of a peace in which we can have an open world—in which all the peoples of the world will have a chance to know one another, to communicate with one another, to respect one another.

The second thing that, as President, I would like to leave for America's children is a strong, productive, creative economy—one that can provide every family with children a floor under its income higher than what now is the ceiling for most of the world's peoples. I want to leave them an economy that provides jobs for all with equal and full opportunity, producing not for war but for peace.

Beyond this, I want America's children in the last generation of this century to have the best education, the best health, the best housing that any children have ever had anywhere, any time.

I want them to enjoy clean air and clean water and open spaces, and to restore the heritage of nature that is rightfully theirs.

Although we will always have differences here in America, I hope the government can help achieve a better understanding among the generations, the races, the religions—and among those with different values and different life-styles.

I would like to do all this, and to do it in a climate of freedom.

Edmund Burke once pointed out that for us to love our country, our country must be lovely. Patriotism literally means love of country, and I want this generation of children to develop a new sense of patriotism. We do love our country, most of us, but we know it has many unlovely features. I want these young Americans to learn to love America not because it is the richest country or the strongest, or merely because they were born here, but because America is truly a good country and becoming better—because it is a truly lovely country.

I am convinced that in my term as President so far, we have made some progress toward those goals. I think that by the end we will have made more progress.

But even if all these goals could be fully achieved, it still would not meet our duty to our children.

No matter what government does for people—no matter what we provide in the way of income or housing or food, we still will not have reached the essential element as far as a full and meaningful life is concerned.

What is most important is that every person in this country must be able to feel that he counts.

We have got to let 55 million young Americans—as well as those a little older—know what they *do* matters, that their ideas do count, that the country needs their thoughts, their creativity, their contribution.

I recall Walter Judd once said that he loved his daughter very much, and when she asked him to help with her arithmetic the easiest thing would have been to do it for her. But because he loved her, he did not do it for her but helped her learn to do it for herself.

While this Conference will and should make recommendations as to what government can do for children—about how we can make life better for them—let us remember that what is most important is to provide the opportunity for each of *them* to participate. For each child, it is not just a matter of what more government is going to do for him, but how his own life is going to be enriched so *he* can do something for his fellow man.

A sense of indentity, of pride, of self-respect—these no government can provide. Government can help to create better conditions. It can help remove obstacles to the child's development. It can mobilize research, and provide resources, and offer advice and guidance. But all these only help make success possible. The love, the understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people.

In the way we shape the character of the next generation, we test our own character as a people. In the rigor and the realism with which we approach the needs of the next generation—of each and every child in that generation—we test our devotion to humanity and our belief in ourselves.

I am confident we will meet those tests, and I am grateful to all of you here for the concern you have shown, the dedication you have demonstrated, in helping us do so. Your recommendations will receive the most careful consideration, not only because we in this Administration respect your view but also because we share your concern that the nation's children—our children—should receive the best the nation can give them.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

XUM

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 15 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, December 15, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 14, 1970:

Civil Aeronautics Board

Robert D. Timm, of Washington, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1976, vice John G. Adams, term expiring.

Office of Economic Opportunity

Frank Charles Carlucci III, of Pennsylvania, to be Director of the Office of Economic Opportunity, vice Donald Rumsfeld.

District of Columbia Court of Appeals

Hubert B. Pair, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of years prescribed by Public Law 91-358, approved July 29, 1970, and vice a new position created by said Public Law 91-358, to which office he was appointed during the last recess of the Senate.

J. Walter Yeagley, of Virginia, to be an associate judge of the District of Columbia Court of Appeals for the term of years prescribed by Public Law 91-358, approved July 29, 1970, and vice a new position created by said Public Law 91-358, to which office he was appointed during the last recess of the Senate.

U.S. Air Force

The following named officers for temporary appointment in the United States Air Force under the provisions of Chapter 839, Title 10 of the United States Code:

To be brigadier general

Col. Harold A. Strack, 555-28-3432FR, Regular Air Force.

Col. Gerrit L. Hekhuis, 513-18-2851FR, Regular Air Force, Medical.

Col. Russell G. Ogan, 196-12-6015FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. John H. Wilkins, 448-10-7649FR, Regular Air Force, Medical.

Col. Wiltz P. Segura, 437-14-7389FR, Regular Air Force.

Col. Conrad S. Allman, 577-28-5895FR, Regular Air Force.

Col. George E. Schafer, 312-18-8633FR, Regular Air Force, Medical.

Col. Lewis S. Norman, Jr., 224-52-8321FR, Regular Air Force.

Col. Edmund A. Rafalko, 026-16-2078FR, Regular Air Force.

Col. Charles J. Adams, 528-18-8385FR, Regular Air Force.

Col. John R. Kern, Jr., 195-12-5990FR, Regular Air Force.

Col. Malcolm P. Hooker, 412-26-0926FR, Regular Air Force.

Col. Gerald G. Fall, Jr., 025-12-6858FR, Regular Air Force.

Col. Ray B. Sitton, 260-22-9821FR, Regular Air Force.

Col. Colin C. Hamilton, Jr., 239-26-3415FR, Regular Air Force.

Col. Edward P. McNeff, 138-18-0859FR, Regular Air Force.

Col. Van N. Backman, 476-09-7952FR, Regular Air Force.

Col. Howard P. Smith, Jr., 255-24-3618FR, Regular Air Force.

Col. William W. Gilbert, 552-24-2248FR, Regular Air Force.

Col. Edgar S. Harris, Jr., 230-20-4927FR, Regular Air Force.

Col. Frank J. Simokaitis, 498-12-7282FR, Regular Air Force.

Col. James A. Knight, Jr., 461-24-9717FR, Regular Air Force.

Col. Harry M. Chapman, 413-22-8441FR, Regular Air Force.

Col. Robert L. Edge, 559-20-4849FR, Regular Air Force.

Col. James M. Breedlove, 404-09-6241FR, Regular Air Force.

Col. Donald G. Nunn, 471-16-0163FR, Regular Air Force.

Col. Lawrence J. Fleming, 391-16-4572FR, Regular Air Force.

Col. Howard M. Fish, 473-12-1956FR, Regular Air Force.

Col. Ralph S. Saunders, 230-05-1295FR, Regular Air Force.

Col. Thomas A. Aldrich, 455-14-9333FR, Regular Air Force.

Col. Jeanne M. Holm, 543-14-6348FR, Regular Air Force.

Col. Howard M. Lane, 422-16-1628FR, Regular Air Force.

Col. Lester T. Kearney, Jr., 452-26-9273FR, Regular Air Force.

Col. Kendall Russell, 562-54-3484FR, Regular Air Force.

Col. Keith L. Christensen, 529-18-0615FR, Regular Air Force.

Col. Alden G. Glauch, 370-03-8914FR, Regular Air Force.

Col. Edwin W. Robertson, II., 251-64-1819FR, Regular Air Force.

Col. Charles F. Minter, Sr., 257-16-5667FR, (lieutenant colonel Regular Air Force) U.S. Air Force.

Col. Herbert J. Gavin, 545-12-7697FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Andrew B. Anderson, Jr., 225-26-6387FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Eugene F. Tighe, Jr., 559-18-8235FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Abbott C. Greenleaf, 117-18-0310FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Larry M. Killpack, 529-18-4475FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Grant R. Smith, 559-01-9443FR, Regular Air Force.

Col. Henry L. Warren, 499-14-7651FR, Regular Air Force.

Col. Henry Simon, 143-16-1172FR, Regular Air Force.

Col. Milton E. Nelson, 417-24-4964FR, Regular Air Force.

Col. Donald L. Werbeck, 077-18-0925FR, Regular Air Force.

Col. Slade Nash, 545-28-5350FR, Regular Air Force.

Col. John C. Bartholf, 081-32-9395FR, Regular Air Force.

Col. Travis R. McNeil, 467-20-0153FR, Regular Air Force.

Col. Robert F. Trimble, 223-24-3737FR, Regular Air Force.

Col. Jack Bellamy, 334-20-3822FR, Regular Air Force.

Col. Harry M. Darmstandler, 309-18-5938FR, Regular Air Force.

Col. William C. Burrows, 578-22-9420FR, (lieutenant colonel Regular Air Force) U.S. Air Force.

Col. Robert C. Mathis, 466-22-0558FR (lieutenant colonel Regular Air Force) U.S. Air Force.

Col. Wilbur L. Creech, 481-24-3515FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. George A. Pappas, Jr., 138-03-9527FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Hubert O. Johnson, Jr., 450-16-4947FR, Regular Air Force.

Col. Charles E. Buckingham, 341-16-1210FR, Regular Air Force.

Col. James L. Stewart, 523-14-6138FR, Regular Air Force.

Col. Eugene W. Gauch, Jr., 156-01-8682FR, Regular Air Force.

Col. Lawrence A. Fowler, 549-20-3589FR, Regular Air Force.

Col. Evan W. Rosencrans, 188-14-0620FR (lieutenant colonel, regular Air Force) U.S. Air Force.

Col. Brent Scowcroft, 528-20-7372FR, Regular Air Force.

Col. Jesse M. Allen, 344-20-7703FR (major, Regular Air Force) U.S. Air Force.

Col. James A. McDivitt, 348-20-8618FR, (major, Regular Air Force) U.S. Air Force.

Col. Earl J. Archer, Jr., 294-22-0131FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Raymond B. Furlong, 178-20-8867FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Walter P. Paluch, Jr., 345-20-6534FR (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Lincoln D. Faurer, 208-12-8092FR (major, Regular Air Force) U.S. Air Force.

Col. James G. Randolph, 077-32-7853FR (major, Regular Air Force) U.S. Air Force.

Col. Billy J. Ellis, 436-32-2398FR (major, Regular Air Force) U.S. Air Force.

In the Marine Corps

The following-named (platoon leaders class) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to qualifications therefor as provided by law:

Arndt, Thomas G.
Bailey, Thomas A.
Bartram, Stephen J.
Dullea, Daniel J.
Elliott, Larry A.
Fredericksen, Carl W.
Griffin, William R.
Keck, David G.
Miles, Richard G.
Moore, Timothy B.
Nolan, Marshall D.
Williams, Peter K.

CONFIRMATION

Executive nomination confirmed by the Senate December 14, 1970:

Department of Justice

Louis Patrick Gray III, of Connecticut, to be an Assistant Attorney General.

HOUSE OF REPRESENTATIVES—*Monday, December 14, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the day which the Lord hath made; let us rejoice and be glad in it.—Psalms 118: 24.

Almighty and everlasting God, as we bow at the altar of prayer do Thou breathe Thy spirit upon us, fill us with life anew that we may love what Thou dost love and do what Thou wouldst have us do.

While we pray for tomorrow, we also pray for today that this day may be so well lived that every yesterday may be a dream of happiness and every tomorrow be a vision of hope.

"Lord for tomorrow and its needs
We do not pray;
Keep us, our God, from stain of sin
Just for today.
Help us to labor earnestly
And duly pray;
Let us be kind in word and deed,
Father, today.

Let us in season, Lord, be grave
In season gay;
Let us be faithful to Thy grace,
Father, today.
Lord, for tomorrow and its needs
We do not pray:
Still keep us, guide us, love us, Lord,
Through each today."

Amen.

THE JOURNAL

The Journal of the proceedings of Friday, December 11, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of United States merchant seamen through cooperation with the United Seamen's Service, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill (S. 1181) of the Senate to provide for potato and tomato promotion programs with amendments in which concurrence of the House is requested.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, December 11, 1970, he did, on Monday, December 14, 1970, sign an enrolled bill of the Senate, as follows:

S. 3867. An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

BOYS' CLUBS OF SCRANTON, PA., SING AT WHITE HOUSE

(Mr. McDADE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McDADE. Mr. Speaker, tomorrow night at the White House, an outstanding choral group, the Gleeboys, from Scranton, Pa., will entertain at the President's reception for Congress.

I am proud of this deserving honor which has been bestowed upon these fine young singers, all of whom are members of Scranton area boys' clubs. I know that my constituents in the 10th Congressional District join me and my colleagues in Congress in offering our warmest congratulations to the Gleeboys.

Now in their 21st year, the Gleeboys were featured at the 1967 Boys' Clubs of America convention dinner in Pittsburgh, where Bob Hope was honored, with President Nixon presiding as board chairman of the Boys' Clubs of America. Paul Lavalle directed the orchestra as the Gleeboys sang a parody of Mr. Hope's favorite song, "Thanks for the Memories."

Donald Thompson, a distinguished musician, will direct the Gleeboys, with Miss Marilyn Coar, an outstanding pianist, accompanying.

Members of the Gleeboys are: Patrick O'Brien, Myron Williams, Donald Stevens, Robert Kresge, Elmo and Irvin Reeder, Leo Timms, Dominick and Michael Palmitessa, Todd Bailey, Ronald Collins, John Zangardi, Kenneth and Ronald Hebron, John Cerniglia, Paul and Richard Forgione, Mark Weber, Jeffrey Weinerth, Michael Ludovici, Kenneth and Richard Levandoski, Edward Kloniecke, Russell Langan, Keith Howarth, Edward Devezza, Louis Sottile, Thomas Healey, Robert Airey, Robert Hein, Anthony Arcuri, Bruce Yankelitis, Donald Anticoli, William Manley, and William Menichello.

In addition to Mr. Thompson and Miss Coar, the boys will be accompanied by Warren C. Smith, executive director, Louis Del Prete and Vito Bruno, unit directors at the West Side and Central Boys' Clubs.

I know that all of us in Congress look forward to enjoying the White House concert. The President has chosen well, and I thank him.

THE HONORABLE L. MENDEL RIVERS MAKING SATISFACTORY RECOVERY FROM HEART SURGERY

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Illinois. Mr. Speaker, I want to take a moment to give the Members of the House some news that they all wish to hear: that our colleague, L. Mendel Rivers, is coming along quite well in his recovery from open-heart surgery.

Contrary to the impression that might have been gained by some newspaper stories over the weekend, Chairman Rivers is making progress in his recovery and his condition is as well as can be expected at this point following such surgery. He had a restful night last night and is coming along quite well.

As you all know, the chairman was operated on on Friday of last week; and the operation consisted of placing an artificial valve in the heart to replace a valve that was failing.

It is too early to say when Chairman Rivers will be back with us, but I know you will all be encouraged to hear that he is doing very well.

Those who wish to send a word of greetings to the chairman may address it to him in care of Mrs. Rivers, Parliament House, 420 South 20th Street, Birmingham, Ala. 35233.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, I know that I express the sentiments of all Members of the House this morning when I join in expressing pleasure at the announcement just made by the distinguished gentleman from Illinois (Mr. Price).

I have a strong feeling of friendship and respect for Mendel Rivers. He is in my opinion one of the great Americans of this trying period in the world's history always standing for a strong defense and a firm foreign policy. Throughout the years we have served together, the relationship between us has been very close and very, very friendly.

Again, I know I express the sentiments of all the Members of the House in saying a prayer to the good Lord, and in asking Him to treat our dear friend, Mendel Rivers, with kindness, and that his recovery to full health may be rapid.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I certainly share the sentiments that have been expressed here by others. I was disturbed earlier this morning in reading a newsstory that indicated the recovery had not been as hoped, but I have since learned that Mendel had a good night last night. I know that this is most encouraging from the medical point of view. All of us on both sides of the aisle wish him a rapid and full recovery because we need him in the Congress of the United States.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I am glad the distinguished gentleman from Illinois (Mr. Price) has given the House this report. I personally called Birmingham last night, and also called his office this morning, and I have learned that his recovery is proceeding at a heartening pace. We all rejoice in this.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the distinguished gentleman from South Carolina.

Mr. McMILLAN. Mr. Speaker, I thank the gentleman for yielding.

I know that Congressman Rivers and his lovely family will be happy to hear the expressions of the Members of the House today. I, too, join in the expressions of kindness and consideration that have been expressed by Members of the House to the gentleman from South Carolina Mr. Rivers).

We all miss Congressman Rivers' presence in this body. I guess he is about as close to me as any man in the House. We have worked together for 30 years, and representing adjoining districts, perhaps I know him more intimately than any other man in the House.

Mr. BRAY. Mr. Speaker, we were all very happy to learn that the gentleman from South Carolina, Chairman Rivers, is making progress after his recent operation. He is greatly missed, especially by those of us on the Armed Services Committee, and we are looking forward to his speedy recovery.

Mr. PELLY. Mr. Speaker, I want to join the gentleman from Illinois (Mr. Price), the minority leader, and others, and express my gratification at the report that our colleague, the gentleman from South Carolina (Mr. Rivers) is recovering in a satisfactory manner from surgery.

In my 18 years in Congress, I have always had an office close to Mr. Rivers' office, and he is a good neighbor. I might add that he is one of the hardest working Members of Congress, regularly in his office early in the morning.

During his recovery, he will be missed around the Capital. The chairman of the Armed Services Committee is a great American who stands for a strong America and for that and for his great qualities of leadership he is needed 365 days a year.

Mr. Speaker, I join in wishing Mendel Rivers a speedy recovery.

Mr. HOLIFIELD. Mr. Speaker, I join with my colleagues in wishing a speedy recovery to the gentleman from South Carolina, the distinguished chairman of the Committee on Armed Services. Chairman Rivers is needed by this great House and by this great Nation, and so we all hope that he will be back with us quickly.

From time to time Chairman Rivers and I have had our differences, but I believe that we are close together when it comes to the defense and security of the United States. On those matters he is solid bedrock. He stands fast. He is not swayed by the moods of the day or the passions of the hour, for he knows that the security of a nation needs a more enduring base of support.

So I am pleased to join with my colleagues and say to Chairman Rivers, as he recovers from heart surgery: Get well and hurry back to be among colleagues and friends who appreciate what you have done and can do for our Nation.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Illinois (Mr. Price) for bringing to the attention of the House the improved condition of the distinguished chairman of the Armed Services Committee (Mr. Rivers).

We were all concerned when this great American underwent open-heart surgery last week and it is good news to hear that he is making a normal recovery.

I had breakfast with Mr. Rivers only last Tuesday, but he would not let his friends know of this serious operation he was about to face. The chairman did not want his friends to worry about him and he carried this burden alone.

Mr. Rivers has been an inspiration to me the 4 years I have served with him and I look forward to the next 2 years we will be together.

GENERAL LEAVE TO EXTEND

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the matter spoken of a moment ago by the gentleman from Illinois (Mr. Price) and also that all Members may have permission to extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE CLEAN AIR ACT

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the 91st Congress is quickly drawing to a close. These past 2 years, Congress has produced commendable legislation—yet, we are in danger of losing the most commendable, the most progressive, the most urgently needed legislation.

The Clean Air Act is presently in conference.

The main points of contention revolve around the issue of whether or not Congress should set 1976 as the date auto manufacturers should start producing a nearly pollution-free automobile.

On October 8, it was announced that the conferees had agreed to the 1976 deadline. However, this provision is opposed by the administration and by the automobile industry; and, it seems, that some conferees have since switched to the administration's position.

Mr. Speaker, the need for the "clean car by 1976" is clear. We must put Detroit on notice that we will not tolerate pollution-spewing engines.

Thus, I again urge the conferees to follow Senator Muskie's lead and adopt the provision requiring Detroit to produce a nearly pollution-free car by 1976. We must enact this legislation, and we must enact it now.

NEXT MOVE ON PRISONERS OF WAR

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, bearing in mind it took us 2 years to work out an exchange of prisoners with North Korea during which period 19,000 of our servicemen were killed in battle. I have warned several times on this floor that we must give the prisoner-of-war issue the highest priority. Otherwise, we will find Hanoi preoccupied with its propaganda objectives at the Paris peace talks. Such is now the case.

The President warned in his news conference last Thursday that we may have to bomb North Vietnam again because of the present rate of enemy infiltration. If so, we may have to resort to some similar action to force Hanoi to negotiate on the prisoners. I have in mind placing nonexplosive silt forming devices in the Haiphong Channel, very much like the Chinese Nationalists used in stopping Japanese rivercraft in their war on the mainland. This may hasten Hanoi to the conference table since it receives 80 percent of its warmaking supplies from Communist-bloc countries via the Haiphong Channel.

Sooner or later, by some means or another, the prisoner-of-war issue will have to be resolved. The fact of the matter is that there can be no settlement of the Vietnam conflict without an agreement of the prisoner-of-war issue. Since Hanoi is very diffident on this subject, they may have reasons of their own to prolong the war. If this be true, we should tell the world about it. We have taken the blame for developments in Vietnam over too long a period without rebutting.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17867, FOREIGN ASSISTANCE APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CAMPUS VIOLENCE NOT THE SOLE RESPONSIBILITY OF THE PRESIDENT OF THE UNITED STATES

(Mr. WAGGONNER asked and was given permission to address the House

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for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, I noted with some interest over the weekend that the President had responded to the campus violence report of the Commission headed by a former Member of this body and former Governor of Pennsylvania, Mr. Scranton. I feel as the President does that this Commission placed too much responsibility on the President of the United States for that which has been happening. I say "too much." I am not going to say that he bears no responsibility. But I do agree with the President of the United States, at least to the extent that I have seen his response reported, in that I do not understand how anyone conceivably could blame solely the President of the United States for what has been happening on our college and university campuses, because there are some others who must share some of this responsibility, and I think he properly identified some of those who must share some of the responsibility for what has happened.

THE NOMINATION OF THE HONORABLE GEORGE BUSH AS AMBASSADOR TO THE U.N.

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I would like to commend President Nixon for his wisdom in nominating Congressman GEORGE BUSH to be the next Ambassador to the United Nations and I would like to commend my colleague from Texas for accepting this very challenging assignment. GEORGE and I entered the House of Representatives together 4 years ago. Since that time, I have grown to respect his ability to see that a job is done and done right the first time. I am impressed with the fact that our colleague has set as one of his priorities to obtain the respect and confidence which our country so richly deserves, from which should follow the confidence of the American people in the United Nations which has been notably absent.

GEORGE BUSH will represent us well in this most difficult task.

CONGRATULATIONS TO THE NORTH DAKOTA STATE UNIVERSITY BISON FOOTBALL TEAM

(Mr. ANDREWS of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of North Dakota. Mr. Speaker, on Saturday, December 12, the North Dakota State University Bison football team whipped the Grizzlies from the University of Montana 31 to 16 in the Camellia Bowl at Sacramento, Calif. Prior to the game, NDSU was ranked the No. 3 small college team in the Nation and Montana was No. 2, and this is the second time the Bisons have beaten Montana at this bowl game.

The victory last Saturday is, indeed, a noteworthy event, but those of us familiar with the record of success compiled by Coach Ron Erhardt's gridders are not surprised by this latest accomplishment.

This fall the Bisons completed their fourth straight unbeaten regular season, and they became the first college division team in the Nation to receive a postseason bid from the National Collegiate Athletic Association for 4 consecutive years.

This is the sixth straight year the Bisons have been ranked high in the weekly polls conducted by the national wire services.

NDSU has not lost a game in their last 30 contests and this year they won an unprecedented seventh consecutive championship of the tough and highly respected North Central Conference.

Of their last 72 football games, they have lost only four.

I know my colleagues will pardon my unabashed boasting because no one in this Chamber has a college team in his District that can match this record.

All North Dakotans are proud of the Bison's achievements on the gridiron and off the field as well. They represent the entire school's continued efforts to achieve excellence in all its endeavors.

As an alumnus of NDSU, I am proud to take this opportunity to congratulate Coach Erhardt, his staff, all the members of the team and, indeed, everyone at NDSU.

APPOINTMENT OF FORMER GOV. JOHN CONNALLY AS SECRETARY OF THE TREASURY

(Mr. BUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSH. Mr. Speaker, I have known Gov. John Connally for a long time. I strongly endorse his appointment as Secretary of the Treasury.

He was a most popular Governor of Texas. All the polls, and I looked at plenty of them, show that Governor Connally is still tremendously popular in our State—popular because he did his job well—he did it with imagination and flair. He will be an articulate member of the President's Cabinet.

He is a real leader and I know that he will be an able Secretary of the Treasury. These times call for a bipartisan approach to solve the critical financial problems. Governor Connally is a Democrat but I am sure he and President Nixon and many Members of this body in both parties see eye to eye on how we can best solve the great financial problems facing us.

I offer Governor Connally my warmest congratulations.

And then there is Mrs. Connally. Let me just add that her being here is a great big plus for the Washington scene. She is charm personified.

Mr. Speaker, I would also like to make some remarks about Secretary Kennedy.

Secretary Kennedy will be sorely missed. Through my service on the Ways and Means Committee, I was one of the lucky people who got to see this able public servant in action. He is a pro in the finest sense—and through it all he remained the thoroughly decent man that he is and always has been.

LATEST FULMINATIONS OF MEMBER OF FEDERAL COMMUNICATIONS COMMISSION

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I have just finished reading the latest fulminations of Nicholas Johnson, a member of the Federal Communications Commission.

Mr. Speaker, it seems to me the gentleman might better continue his crusade against the Nixon administration from outside a sinecure within the Federal Government.

I think all of us believe the first amendment rights are among the most precious rights of any American, and for Mr. Johnson to continue to indulge in the kind of unfounded and specious charges he has made that this administration is attempting to impose prior restraints on the broadcasting media of our country fills me with resentment.

Anyone who watched the President's press conference last Thursday and heard him before a nationwide audience answer questions of the most searching variety, and anyone who has witnessed the efforts of the administration to make known its policies in many fields will join me in the conclusion that Mr. Johnson's innuendos and wild charges are without foundation.

VACATION ROUNDTRIP FOR GI'S IN VIETNAM SHOULD BE PAID BY THE UNITED STATES

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, I am introducing today a bill that will provide for roundtrip transportation for GI's in Vietnam. I introduced this bill, and it passed the House as an amendment about 3 years ago, but it was knocked out in conference.

I think it is inexcusable that the United States of America with its great resources does not pay for a roundtrip for the GI's in Vietnam who are entitled to a Christmas vacation. Now we find that vacations will be given to those who can afford to pay for transportation, when others who will be entitled to the trip by virtue of their service, but who cannot afford to pay for a ticket, will be denied the trip and will not be able to take advantage of their Christmas vacation at home.

Mr. Speaker, this bill should pass by unanimous consent.

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NOMINATION OF JOHN CONNALLY, OF TEXAS, AS SECRETARY OF THE TREASURY

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, the President having announced the nomination of John Connally, of Texas, former Governor of Texas, and former Secretary of the Navy, to the important position of Secretary of the Treasury, I think it appropriate to say that here is a strong man, an able man, a dedicated American, who will be able to make a major contribution to the country as Secretary of the Treasury.

The position of Secretary of the Treasury, at this time of great fiscal and economic stress and mounting budget deficits, is a job that is most challenging.

It will not be possible for the new Secretary to perform miracles, but I would hope he can help dramatize the serious fiscal situation facing the Nation and help unite the country and the Congress in support of a policy of fiscal restraint insofar as reasonably possible, consistent with our best overall national interests.

Stabilization of our national economy, including a much better grip on the wholly unacceptable inflationary situation, is probably our current No. 1 national problem.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Texas yield?

Mr. MAHON. I yield to the able minority leader.

Mr. GERALD R. FORD. I join the gentleman from Texas in applauding the appointment of John Connally as the new Secretary of the Treasury. John Connally had three outstanding terms of Governor of the great State of Texas. He knows the problems from the point of view of a Chief Executive. On the other hand, John Connally was a very outstanding Secretary of the Navy, so he understands well the workings of the Federal Government as the top executive of a great Department.

I am sure that John Connally will be an equally outstanding member of the President's Cabinet as Secretary of the Treasury.

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TO ASSERT THE PRIVILEGES OF THE HOUSE WITH RESPECT TO THE PRINTING AND PUBLISHING OF A REPORT OF THE COMMITTEE ON INTERNAL SECURITY

Mr. ICHORD. Mr. Speaker, I rise to a question affecting this privilege of the House, and a I submit a privileged resolution (H. Res. 1306) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1306

Whereas, the Constitution of the United States vests all legislative powers in a Congress of the United States, consisting of a Senate and House of Representatives (Article I, Section 1);

And whereas, the said Constitution authorizes the House to determine the rules of its proceedings (Article I, Section 5);

And whereas, pursuant thereto the House enacted H. Res. 7 of January 3, 1969, as amended by H. Res. 89 of February 18, 1969, thus adopting the rules of the House, including Rule X establishing the Committee on Internal Security as a standing committee of the House, to consist of nine members to be selected by the House; and by agreement to H. Res. 251 of February 18, 1969, elected to the standing Committee on Internal Security Richard H. Ichord (chairman), Claude Pepper of Florida, Edwin W. Edwards of Louisiana, Richardson Preyer of North Carolina, Louis Stokes of Ohio, John M. Ashbrook of Ohio, Richard L. Roudebush of Indiana, Albert W. Watson of South Carolina, and William J. Scherle of Iowa;

And whereas, House Rule XI, enacted as aforesaid, names and defines the powers and duties of standing committees of the House, which includes the reference of all proposed legislation, constitutional amendments, messages, petitions, memorials, and other matters relating to the subject listed under the standing committees therein named; and commits particularly the following subject to the Committee on Internal Security, in part, as follows:

"11. Committee on Internal Security.

"(a) Communist and other subversive activities affecting the internal security of the United States.

"(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

"The Committee on Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable."

And whereas, acting pursuant to the powers and duties, the legislative purpose, and upon the subject committed to it by the aforesaid resolutions of the House, the committee met in session duly called and held on February 20, 1969, at which a quorum of the committee was in attendance, and considered a proposal submitted to the members of the committee by the said chairman as follows:

"I desire hereby to lay before the Committee a proposal for study and investigation in depth of revolutionary violence within this Nation.

"It is becoming increasingly evident that one of the gravest threats to our internal security and to the free functioning of our democratic institutions is posed by the activities of certain organizations which would effect changes in our government cr its administration by other than constitutional processes. Recent investigations of this Committee, the statements of responsible officials, Federal and State, and daily press reports, appear to me to sustain this conclusion.

"In this respect, moreover, we are faced with ever-mounting demands from the Members of the House and the public for legislative action, both for additional legislation and with respect to the examination and appraisal of the administration ard enforcement of existing law, including proposals for constitutional amendment as well.

"I need not state that the legislative problems we face on the subject of subversion are of the utmost complexity and difficulty not solely from the constitutional standpoint, but equally so from the standpoint of developing practical and effective legislation. We must find the answers to certain basic questions, among which are the following: Is additional Federal legislation necessary? What form should such legislation take? Should these statutes be essentially regulatory or penal? Can we profitably amend existing statutes in this area? What is the Federal role, as contrasted with the State role, in the exercise of the police power on this subject?

"In addition, a number of bills have already been referred to the Committee. Undoubtedly additional legislation will also be referred to it from time to time. Such legislation involves a number of subjects vital to the protection and maintenance of our internal security, including such subjects as the protection of defense facilities, the security of classified information released to industry, Federal employment security, vessel, ports, and harbor security, the protection of our armed forces during periods of undeclared war, passport security, proposals with respect to the Emergency Detention Act of 1950, etc.

"The answer to the foregoing questions, and the disposition of such legislation, will obviously require the most painstaking and thorough inquiry and understanding of the extent, character and objectives, the organizational forms, financing, and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition, and breach of peace and law, as are proper subjects of investigation as mandated by the House. Obviously, we cannot legislate in a vacuum.

"I therefore submit for your approval my proposal that, under my direction, the staff be authorized to undertake preliminary studies and inquiries, the results of which I shall, from time to time, report to the full Committee with a view toward the subsequent authorization of such full scale investigations and public hearings as to the Committee may seem desirable and necessary."

And whereas, at said meeting a resolution was adopted as follows:

"*Resolved*, That the Chairman be directed to cause staff studies and preliminary inquiries to be made with respect to the organizations and subjects herein proposed, and to report on same from time to time, with his recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted by the Committee with respect to any such organization or subject."

And whereas, pursuant to the authority hereinbefore mentioned and resolutions of the committee for such purposes duly adopted, studies, inquiries, reports, and investigations were made and hearings conducted from time to time by the committee upon the subject committed to it;

And whereas, pursuant to the authority conferred by House Rule XI, and committee resolution of February 20, 1969, aforesaid, the chairman directed staff studies to be made with respect to the financing of revolutionary violence, including for such purposes a survey to be made of colleges and universities with regard to honoraria paid to guest speakers of which the committee was advised in a memorandum delivered to its members on May 18, 1970, as follows:

"Re: Survey of colleges and universities with regard to honorariums paid to guest speakers

"I have become increasingly concerned over the past months with the financing of revolutionary groups through speaking engagements on our college and university campuses. Accordingly, I have asked the staff to prepare a list from public source material to determine the extent of speaking engagements by those persons who we know to be associated with revolutionary groups.

"Though the extent of honorariums paid to college and university speakers is not always reported in the newspapers, the limited information that is available suggests to me that honorariums may well be of significance in funding the activities of revolutionary groups. In March of this year, J. Edgar Hoover, in his testimony before the House Subcommitte on Appropriations, discussed financing and furnished the names of Black Panther speakers who appeared before secondary schools, colleges and universities during the year 1969. Attached is an excerpt from Mr. Hoover's testimony for your consideration.

"I have requested the staff to prepare, in the form of a survey, a letter to be sent to selected colleges and universities in the 50 states, requesting the voluntary participation of these schools in providing to us information with regard to speakers they have had on campus, group identification and sponsorship of speaker, the amount of honorarium paid (check or cash), to whom this money was paid and the source of funds involved.

"It appears to me that this is a logical inquiry in connection with the Committee fulfilling its mandate and I would be most appreciative of your suggestions and comments with regard to this proposed survey and its implementation."

And whereas, at a session of the committee duly called and held on June 16, 1970, at which a quorum was in attendance, the aforesaid memorandum was called for discussion, and it was duly moved and agreed that an inquiry on this subject be undertaken;

And whereas, a proposed report to the House on the results of the aforesaid inquiry, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was considered at a meeting of the committee duly called and held on October 7, 1970, a quorum being in attendance, at which amendments were made to the said report and, as thus amended, the committee agreed that the report be made to the House;

And whereas, in accordance with the rules of the House and at the direction of the committee, at a session of the House on October 14, 1970, the said report was filed with the House by the chairman of the committee designated House of Representatives Report No. 91-1607, which was referred to the Union Calendar;

And whereas, thereafter the House on October 1970, agreed to recess and went into recess from thence until November 16, 1970;

And whereas, on October 13, 1970, one day before the filing of said report and recess of the House, a complaint (Civil Action No. 3028-70) was filed with the United States District Court for the District of Columbia by Lawrence Speiser, director of Washington, District of Columbia, office of the American Civil Liberties Union, in which Nat Hentoff, John Doe, and Richard Roe were named as plaintiffs in a suit against the chairman and members of the Committee on Internal Security of the House of Representatives, the chief counsel of said committee, the Superintendent of Documents and the Public Printer, in which it was alleged that the filing and publication of the report with respect to honoraria paid to the plaintiffs and the class of persons they allegedly represented had no legitimate legislative purpose, but was being carried out by the defendants with the purpose and effect of (1) deterring colleges and universities from permitting plaintiffs to appear on their campuses as speakers and (2) punishing plaintiffs for their views by exposing them to the harassment normally associated with "blacklisting"; and the court was asked to declare the action of the defendant committee members in preparing and seeking to publish the report to be unconstitutional, and to enjoin the defendants from filing, printing, publishing, or disseminating the report and from disclosing any material or information contained in it;

And whereas, on the same day, to wit, October 13, 1970, the Honorable Gerhard A. Gesell, a judge of the United States District Court for the District of Columbia, acting upon the application of the said Lawrence Speiser for a Temporary Restraining Order, set the matter for hearing at 2 p.m. of that day and, without the service of notice on the defendant parties in interest, proceeded ex parte to enter a Temporary Restraining Order as follows:

"TEMPORARY RESTRAINING ORDER

"It appearing to the Court from the verified Complaint and the application for Temporary Restraining Order and accompanying affidavit that a Temporary Restraining Order, pending hearing and determination of plaintiff's motion for a preliminary injunction should issue, because, unless defendants (except the named Members of Congress) are restrained from printing, publishing and distributing the Report on Honoraria Paid Guest Speakers for Engagements at Colleges (a copy of which has been filed and impounded as the Court's Exhibit) which contains any list of names of individuals who have had speaking engagements at colleges or universities, plaintiffs will suffer immediate and irreparable injury, loss, damage and infringement of constitutional rights before a hearing can be had on plaintiffs' motion for a preliminary injunction;

"And the Court having concluded from the materials before the Court that the printing, publication and distribution of any such lists of names as part of said Report may be unlawful, unauthorized by Congress, serves no proper legislative purpose and infringes upon the constitutional rights of those so named;

"Now, therefore, it is so ordered, that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities.

"It is further ordered, that the 23rd day of October 1970 at 9:30 o'clock a.m., at the United States Courthouse in Washington, D.C., is fixed for the time and place of hearing plaintiffs' motion for a preliminary injunction.

"It is further ordered, pursuant to Rule 65(c) that plaintiffs post a bond in the sum of one dollar ($1.00)."

And whereas, copies of the aforesaid complaint having been served the following day upon the parties defendant, an appearance was entered by the Department of Justice on behalf of Representatives Ichord, Pepper, Edwards, Ashbrook, Roudebush, Watson, and Scherle; Donald G. Sanders, chief counsel of the said committee; Rolland Darling (Acting Superintendent of Documents); and A. N. Spence (Public Printer), and on October 20, 1970, a motion to dismiss was filed with the court on behalf of said defendants, together with supporting affidavits and a memorandum of law, from which it will appear by reference thereto that the court was fully apprised of the facts with respect to the issuance and filing of said report hereinbefore set forth, as well as points of applicable law;

And, whereas, pursuant, to its order of October 13, 1970, the said court sat on October 23, 1970, to hear arguments on plaintiffs' motion for a preliminary injunction, and after argument entered the following order:

"ORDER

"This cause came on for hearing on the 23rd day of October, 1970 upon plaintiffs' motion for a preliminary injunction and defendants* opposition thereto and during the argument on the motion, the parties to the action through their counsel having agreed that the Court could consider this matter on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record and counsel for defendants * having deferred to the Court's request that the temporary restraining order entered in this cause be extended to the close of the Court's business on the 28th day of October, 1970 in order to afford the Court the opportunity to make findings of fact, conclusions of law and to enter the final judgment in the action, it is by the Court this 23rd day of October, 1970

"Ordered that the temporary restraining order entered herein by the Court on the 14th day of October, 1970 be and the same hereby is extended to the close of the Court's business on the 28th day of October, 1970 and it is

"Further ordered that the Clerk of Court be and he is hereby directed to record in this Court's docket an entry reflecting the agreement of the parties* to this action made through their counsel that this case has been submitted to the Court for final disposition on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record."

And whereas, the court thereafter on October 28, 1970, granted permanent injunctive relief as follows:

"ORDER

"Plaintiffs' application for declaratory judgment and permanent injunctive relief having, with consent of the parties, come before the Court on affidavits, and the Court, after briefs and full argument, having filed herewith its Memorandum Opinion containing Findings of Fact and Conclusions of Law, it is

"Ordered that the Public Printer and the Superintendent of Documents be and each is hereby permanently enjoined from printing and/or distributing, or directly or indirectly causing to be printed or distributed, any copy of a Report of the House Committee on Internal Security captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities" or any portion, restatement or facsimile thereof, provided however that in the event said Report or any part thereof shall be introduced into or be mentioned during the course of proceedings of the House or of the Senate this injunction shall not apply to subsequent normal publication or distribution of the Congressional Record in full text, without special reprinting or excerpting of

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*No appearance has been entered in this action in behalf of Congressmen Louis Stokes and Richardson Preyer. They are not represented in this action by counsel.

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any portion or portions relating to said Report; and it is

"Further ordered that the complaint be and it is hereby dismissed as to all parties except the Public Printer and the Superintendent of Documents, and the Temporary Restraining Order previously entered in this case is and shall be desolved [sic] upon the service of this Order on the Public Printer; and it is further

"Adjudged and declared that said Report of the House Committee for [sic] Internal Security is without any proper legislative purpose and infringes on the rights of individuals named therein as protected by the First Amendment to the Constitution of the United States, and that any publication of said Report at public expense, except as herein provided, is illegal."

And whereas, on October 30, 1970, the said defendants, Representative Preyer joining, gave notice of appeal and filed an appeal from the aforesaid order with the United States Court of Appeals for the District of Columbia, together with motions for summary reversal of the district court's order or, in the alternative, for the expedited processing of this appeal, with memorandum in support of said motions, requesting that the court of appeals should consider and decide the case before Congress returned from recess on November 16, 1970;

And whereas, the court of appeals on November 5, 1970, in disregard of the urgencies of the situation and of the rights and privileges of the House, entered a per curiam order denying defendants' (appellants') motion for summary reversal or, in the alternative, for expedited processing of this appeal, as follows:

Before: Wright, McGowan and Tamm, Circuit Judges, in Chambers

"ORDER

"On consideration of appellants' motion for summary reversal of the District Court's Order enjoining the Public Printer and the Superintendent of Documents from printing or distributing a House document or, in the alternative, for expedited processing of this appeal, of the opposition filed with respect thereto and of the record on appeal herein, it is

"Ordered by the Court that appellants' motion for summary reversal or, in the alternative, for expedited processing of this appeal is denied.

"Per Curiam

"Circuit Judge Wright did not participate in the foregoing order."

And whereas, the said report of the Committee on Internal Security, the printing and distribution of which has been enjoined as aforesaid, was authorized to be filed with the House in accordance with the rules and practices of the House;

And whereas, the Constitution of the United States provides that each House shall keep a Journal of its proceedings and from time to time publish the same (Article I, Section 5);

And whereas, Rule XIII of the House, duly enacted as aforesaid, provides that reports of committees shall be delivered to the Clerk of the House for printing and reference to the proper calendar under the direction of the Speaker, and the titles or subject thereof shall be entered on the Journal and printed Record; and pursuant thereto the aforesaid report of the Committee on Internal Security has been so entered and referred;

And whereas, by the rules and practices of the House, the reports of committees are printed, published, and disseminated for the use of the House, its committees, and the public in accordance with such rules and the acts of Congress for such cases made and provided, particularly title 44, United States Code, section 101 et seq.;

And whereas, on order of the House, it is the duty of the Public Printer and the Superintendent of Documents to print, publish, and distribute the reports and other documents of the House in accordance with the order of the House and applicable acts of Congress;

And whereas, the printing, publication, and distribution of the aforesaid House report (91–1607) entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was duly authorized and submitted for printing to the Public Printer in the normal course of business;

And whereas, it is not the rule or practice of the House to print or publish the full text of the reports of its committees in the Journal of the House or the Congressional Record:

And whereas, the restraints and limitations upon the printing, publishing, and dissemination of the aforesaid report imposed by the court's aforesaid orders constitute an unwarranted and impermissible obstruction of the execution of the rules and practices of the House and of its legislative processes and procedures;

And whereas, it is essential to the due and effectual exercise and discharge of the constitutional functions and duties of the House, and the promotion of wise legislation, that no obstruction or impediments should exist to the publication of such reports of the House as the House may deem fit or necessary to be published;

And whereas, it is essential to the working of our parliamentary system and to the welfare of the Nation that the speech, debate, and proceedings in the Houses of Congress be made known to the country;

And whereas, it is expressly provided by the Constitution of the United States that for any speech or debate in either House the Senators and Representatives shall not be questioned in any other place (Article I, Section 6);

And whereas, the foregoing provision of the Constitution, thus succinctly stated, arose out of a time-honored struggle for liberty and was adopted from the English Bill of Rights of 1689 which declared in unequivocal language: "That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament.";

And whereas, a report of a committee of the House filed with the House is speech or debate of Representatives in the House;

And whereas, by the express provisions of the Constitution, Article I, Section 6, aforesaid, the courts are enjoined against questioning, and are denied jurisdiction to question, any speech or debate in either House and may not censor, disparage, inquire into the contents of, or otherwise question, limit, or restrain, the speech or debate of Representatives in the House;

And whereas, the speech and debate of Representatives in the House is absolutely privileged, subject only to the control of the House, and is a privilege intrinsic to the right of the House to preserve the means of discharging its legislative duties;

And whereas, it is a fundamental principal of a free constitution, incorporated in the Constitution of the United States, that the legislative, executive, and judicial powers be separated (see The Federalist, Nos. XLVII and XLVIII);

And whereas, the House of Representatives is invested with the power to prevent and punish such contempts of its authority and privileges as is necessary to preserve the means of discharging its legislative duties, and that this power rests upon its right of self-preservation to enable the public powers given to it to be exerted; a power indeed which has been recognized in the precedents of that Court by which the inferior Federal courts of the District of Columbia are bound [see Anderson v. Dunn, 6 Wheat. 204 (1821); In re Chapman, 166 U.S. 661 (1896); Marshall v. Gordon, 243 U.S. 521 (1916)]:

And whereas, the chairman of the said Committee on Internal Security has this day reported to and filed with the House a report of the said committee entitled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities" (House of Representatives Report No. 91–1752);

And whereas, at a meeting of the said Committee on Internal Security duly held and called on December 3, 1970, at which a quorum of the said committee was in attendance and voting, the said chairman was duly authorized and directed to file said report;

And whereas, said report was made in accordance with the rules of the House and upon the subject committed to said committee pursuant to the provisions and mandate of House Rule XI and resolutions of the committee duly adopted;

And whereas, the said report this day filed is upon the same subject matter as the prior report (No. 91–1607) of said committee, hereinbefore mentioned, and may be construed as a "restatement" of the whole or a part of the prior report, the printing and distribution of which was permanently enjoined by the hereinbefore mentioned order of the court dated October 28, 1970: Now therefore be it

Resolved, That—

(1) In accordance with the Rules of the House of Representatives and the acts of Congress made and provided, the Public Printer and the Superintendent of Documents shall forthwith print, publish, and distribute, and they are hereby ordered forthwith to print, publish, and distribute to and for the use of the House of Representatives, the Committee on Internal Security of said House, and those entitled to receive them, the usual number of copies of the report (No. 91–1732) of said Committee on Internal Security titled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities," which has this day been duly reported to the House.

(2) All persons, whether or not acting under color of office, are hereby advised, ordered, and enjoined to refrain from doing any act, or causing any act to be done, which restrains, delays, interferes with, obstructs, or prevents the performance of the work ordered to be done by paragraph numbered (1) hereof; and all such persons are further advised, ordered, and enjoined to refrain from molesting, intimidating, damaging, arresting, imprisoning, or punishing any person because of his participation in, or performance of, such work.

(3) Copies of this resolution shall be forthwith furnished by the Clerk of the House to the Public Printer, Superintendent of Documents, and the clerks of the United States District Court and of the United States Court of Appeals for the District of Columbia.

Mr. **ICHORD** (during the reading). Mr. Speaker, on December 8 copies of this resolution were provided to all Members of the House. Therefore, I ask unanimous consent that further reading of the resolution be dispensed with and that the resolution be printed in full in the Record.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CALL OF THE HOUSE

Mr. **EDWARDS** of California. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **BOGGS**. Mr. Speaker, I move a call of the House.

XUM

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 406]

Adair
Anderson, Tenn.
Ashley
Aspinall
Biaggi
Blackburn
Bolling
Brock
Broomfield
Burton, Utah
Button
Carey
Celler
Chisholm
Clark
Clay
Cleveland
Collins, Ill.
Colmer
Conyers
Corbett
Cramer
Daddario
Diggs
Dingell
Donohue
Dorn
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Fish
Ford, William D.
Foreman
Frelinghuysen
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Goldwater
Green, Pa.
Gubser
Halpern
Harrington
Harsha
Hébert
Horton
Jarman
Jones, Tenn.
Karth
Kee
Landrum
Langen
Long, La.
McCarthy
McCulloch
McKneally
MacGregor
May
Meskill
Minshall
Moorhead
Morse
Morton
Moss
Murphy, Ill.
Myers
O'Konski
O'Neill, Mass.
Ottinger
Pepper
Philbin
Pike
Powell
Purcell
Rivers
Roberts
Rogers, Colo.
Roudebush
Rousselot
Roybal
St Germain
Sandman
Scheuer
Shipley
Skubitz
Stanton
Steele
Steiger, Ariz.
Stephens
Teague, Tex.
Tunney
Udall
Van Deerlin
Watts
Weicker
Wolff
Wright
Wyatt
Wydler
Young
Zwach

The SPEAKER. On this rollcall 329 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TO ASSERT THE PRIVILEGES OF THE HOUSE WITH RESPECT TO THE PRINTING AND PUBLISHING OF A REPORT OF THE COMMITTEE ON INTERNAL SECURITY

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. ICHORD. Mr. Speaker, I yield myself 10 minutes.

I rise to a question of privilege in a matter affecting the rights of the House collectively, the integrity of its proceedings, and the rights of the Members in their respective capacity. See House rule XI. As you know, this question comes before us as a consequence of proceedings instituted on October 13, 1970, in the U.S. District Court for the District of Columbia to enjoin the filing, printing, publishing, and dissemination of a report of the House Committee on Internal Security (No. 91-1607), titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," which I reported to the House on October 14. On October 28, 1970, a single judge of that court, the Honorable Gerhard A. Gesell, entered a final order permanently enjoining the Public Printer and the Superintendent of Documents from printing and distributing any copy of the report, or any portion, restatement, or facsimile thereof, and declared that any publication of the report at public expense would be illegal. The order contained one exception; namely, that should the report be introduced into, or be mentioned during the course of the proceedings of the House or of the Senate, the injunction shall not apply to subsequent "normal publication or distribution of the CONGRESSIONAL RECORD in full text, without special reprinting or excerpting of any portion or portions relating to said report."

Although by the terms of this order the court excepted from its restraint a printing of the report in the CONGRESSIONAL RECORD, the effect of the order was, of course, to suppress all publication of the report. It is not the rule of the House or its practice to print the full text of committee reports in the CONGRESSIONAL RECORD. Nor are committee reports published in full text in the House Journal. Committee reports are published separately as a matter of convenience of distribution and to avoid duplication of printing. House rule XIII requires that only a reference to the title and subject of committee reports be entered on the Journal and printed in the RECORD. Reports are printed, published, and disseminated to Members of the House, to specified persons and agencies, and to the public generally, pursuant to an act of Congress, title 44, U.S. Code, section 101 et seq. The order thus runs afoul not only of the speech and debate clause—article I, section 6—of the Constitution, but obstructs the execution of other constitutional commitments to the House as well, including article I, section 5, which authorizes each House to determine the rules of its proceedings, and requires each House to publish its proceedings.

Never in the constitutional history of this Nation, or of England since the Bill of Rights was wrested from the Crown in 1689, has any court of the United States, or of England, sustained any such final restraint upon the printing and dissemination of a report of a committee of the Congress, or of the British Parliament. With only one exception has any judge or court of the United States hitherto attempted to enjoin the printing and public dissemination of a report or document of a committee of Congress. In May 1956, Judge Wilkin, likewise a judge of the U.S. District Court for the District of Columbia, issued a temporary restraining order to prevent the printing and distribution of a Senate document issued by the Senate Subcommittee on Internal Security. This order was promptly struck down by a three-judge court. *Methodist Federation for Social Action* v. *Eastland*, 141 F. Supp. 729.

In England there is not a single recorded instance where an injunction was even sought to restrain the publishing of a committee report. In an attempt to do so indirectly, on an application for the granting of a criminal information for libel against a private bookseller for printing and publishing a report of a committee of the House of Commons, the attempt was repulsed. That was the case of *Rex* v. *Wright*, 8 T.R. 292, decided in the year 1799. The justices agreed that it was impossible for a court to admit that a publication of a proceeding of either House of Parliament was libel, or that the court could inquire into a proceeding of a branch of the legislature. Subsequently in a landmark decision, *Wason* v. *Walter*, 4 Q.B. 73, decided in 1868, the court of Queen's Bench, citing Rex against Wright with approval, likewise dismissed a civil action for libel in which the defendant was charged with printing a faithful report in a public newspaper of a debate in the House of Lords which had the effect of defaming a barrister. The court held that the publication of parliamentary proceedings was privileged on the same principle as an accurate report of proceedings in a court of justice is privileged.

To justify his departure from the precedent of Methodist Federation, Judge Gesell took the position that this decision was "in effect overruled" by the recent decision of *Powell* v. *McCormack*, 395 U.S. 486 (1969). His reasoning seems to be that since the Court in Powell granted declaratory relief against legislative employees, whereas in Methodist Federation injunctive relief was denied, the Court in Powell overruled Methodist Federation. This conclusion, however, does not necessarily follow from his premise. If the ultimate question for determination in both cases was the same, there might have been some foundation for his conclusion. But the relief sought in the two cases was not only different, the claims asserted were on different subjects.

In Powell, the Court was not asked to enjoin speech nor was it asked to grant any ind of coercive—that is injunctive—relief against the House. It was asked to pronounce the rights of Powell with respect to his claim of a right to be seated. The facts were not in dispute. The House agreed that Powell met the "standing" qualifications to be seated with respect to age, citizenship, and residence as set forth in article I, section 2, of the Constitution. At issue was the question whether Powell was improperly excluded pursuant to the provisions of article I, section 5. Clause 1 of that article provides that "Each House shall be the judge of the elections, returns, and qualifications of its own Members," and clause 2 authorizes the House to "punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member." Powell was denied his seat by the House for alleged misbehavior on the basis of a vote to exclude and not to expel, although a two-thirds vote was obtained on the motion.

The Court concluded that the distinction between exclusion and expulsion was not merely one of form. Moreover, in its examination of the language, precedents, and history of the foregoing provisions, it was the Court's view that, in judging the qualifications of its Members to be seated, the House has been limited to the "standing" qualifications prescribed in section 2 of article I, Powell could not, therefore, be excluded on the basis of a constitutional commitment to the House to be the sole judge of the "qualifications" of its Members, and could not be excluded for past misbehavior pursuant to provisions which authorize only his expulsion on that ground. In so holding, the Court was indeed careful to note that it was thus by no means intruding on a constitutional commitment to the House to be the sole judge of a Member's

XUM

"standing" qualifications. See *Powell* v. *McCormack*, supra, footnote 42.

That is not the situation before us, nor was it the situation in Methodist Federation. We are dealing here with constitutional provisions having a different language, history, and precedents. In the clear terms of article I, section 6, the speech or debate of Senators and Representatives in the House "shall not be questioned in any other place." This is a direct commitment to the House, to the exclusion of the courts. Indeed, the courts are denied jurisdiction to inquire into the speech of Members in the House. In the matter before us, the fact that the report of a committee of the Congress is speech in the House is not disputed. Nor is the fact disputed that the provisions of the speech and debate clause insulates the congressional Members from suit by reason thereof, and it grants them immunity from liability for any matter contained in that speech. Nevertheless, Judge Gesell took the position that he could inquire into that speech, could make a determination that its purpose was solely the exposure and intimidation of the plaintiffs, and that he could enjoin its dissemination. To effect this purpose he was of the opinion that he could do so by enjoining the congressional employees; namely, the Public Printer and Superintendent of Documents.

In judging the validity of Judge Gesell's action, it is important to note that in Powell the Court entertained a claim against congressional employees on the ground that the action of the House in excluding Powell was unconstitutional, and that, therefore, legislative employees, that is, agents of the House participating in an unlawful activity, were not insulated by the immunity granted to their principal. In taking this position, the Court in Powell purported to act pursuant to two of its precedents; namely, *Kilbourn* v. *Thompson*, 103 U.S. 168 (1880), and *Dombrowski* v. *Eastland*, 387 U.S. 82 (1966). In Kilbourn, the Court held the Sergeant-at-Arms liable to suit and damages for imprisoning a contumacious witness, although acting on order of the House. It did so on the ground that in subpenaing the witness under the circumstances of the case, the House had acted in excess of its constitutional authority. In Dombrowski, the Court sustained a claim against a congressional employee who had allegedly engaged in a conspiracy with the chairman of the Judiciary Committee of the Senate and with Louisiana officials to seize records in violation of fourth amendment rights. It was thus the point of those cases—Powell, Kilbourn, and Dombrowski—that congressional employees may be liable or subject to suit by reason of their participation in an unlawful act of their employer or others.

XUM

On the other hand, in Methodist Federation and in the present case, the Public Printer and the Superintendent of Documents were not participating in any unlawful act, but were engaged only in privileged and lawful activities. Article I, section 5, clause 2 of the Constitution vests in each House the authority to determine the rules of its proceedings. It was pursuant to this power that the House promulgated its rule XI which creates the standing committees of the House, including the Committee on Internal Security, setting forth its legislative function as an agent of the House and requiring it to make its report to the House on the subject committed to it. It was pursuant to this constitutional authority that the House enacted its rule XIII requiring the reference and printing of reports of committees. Article I, section 5, clause 3 of the Constitution requires the House to maintain a journal and to publish its proceedings. It is pursuant to this authority and its rulemaking power that the House, together with the Senate, enacted the provisions of title 44, United States Code, section 101 et seq., which regulates the printing and dissemination of reports to the House, to other specified persons, and to the public. Now it is perfectly obvious that these constitutional powers and duties can be exercised only with the assistance of agents who must necessarily prepare, print, and disseminate these reports. It necessarily follows that by participating in this activity, the employees are neither engaging in an unconstitutional nor an unlawful action. From this we must likewise conclude that, in restraining this constitutional activity, Judge Gesell was acting clearly in excess of his powers and jurisdiction.

Surely this is a matter which directly and adversely affects every committee of the House, and every Member of the House. If the Court may undertake to inquire into the speech of the Committee on Internal Security, to censor and enjoin that speech, then it must follow that the court may similarly inquire into, censor and enjoin the printing and publication of the speech of every committee of the Congress. It may go even further. Since the speech of a committee is essentially the collective speech of individual members, the court may a fortiori censor and enjoin the printing and publication of speech in the House of individual Members of the Congress. The result, of course, is to impair communication within the House, between the House and the public, and between Members and their constituents.

Now, Mr. Speaker, I have previously detailed the proceedings which have led to this unprecedented result, and I have fully commented upon them. See CONGRESSIONAL RECORD: October 14, at 37111 and 36680; November 17, at 37799, and December 2, 1970, at 39512. I have also communicated directly with the Members in anticipation of this meeting today, and with the purpose of resolving this serious confrontation between the judicial and legislative power. I think it evident from a review of the proceedings that the restraints which have been imposed by the court upon the publication of the committee report constitutes a material obstruction of the constitutional duties of the House, violates the freedom of speech and debate accorded to Members of the House, impairs the legislative processes of the House, and is accordingly a breach of the privileges of the House. The question is whether we shall take steps to preserve our constitutional function and assert our privileges.

It was close to 300 years ago, in the year 1689 to be precise, that the Lords Spiritual and Temporal and Commons, assembled at Westminster, lawfully, fully and freely, as they said, representing all of the estates of the people, to take into "their most serious consideration the best means—for the vindicating and asserting their ancient rights and liberties." There protesting the subversion of the laws and liberties of the Kingdom, including prosecutions in the Court of King's Bench "for matters and causes cognizable only in Parliament," and other actions of the late King James which, as they said, "are utterly and directly contrary to the known laws and statutes and freedom" of the realm; declaring among their rights and liberties that "the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament," and insisting "that no declarations, judgments, doings, or proceedings to the prejudice of the people in any of the said premises ought in anywise to be drawn hereafter into consequence or example;" they in Parliament assembled at Westminster declared and enacted these rights and liberties into the statutes of the realm. (Gul. & Mar. sess. 2, cap. 2.)

Now, Mr. Speaker, we too are assembled today, representing the people of this Nation, and by the terms of the resolution which I have offered and have communicated to the Members, shall have occasion to assert the undoubted rights and liberties of Members of this House, and to vindicate those ancient rights and privileges of the House which have indeed been incorporated into the fundamental law of this free Nation.

The parliamentary privileges with respect to speech and debate, asserted by the Parliament of England, obtained the force of law when enacted into the statutes of England in 1689, and passed into the common law of the United States. It is generally agreed that the common law of the United States has derived from the laws of England, and embraces applicable statutes of England enacted before the emigration of our ancestors. See, for example, *Commonwealth* v. *Chapman*, 13 Metc. (Mass.) 68 (1848); *Fitch* v. *Brainard*, 2 Day (Conn.) 163, 189 (1805).

Three State constitutions, adopted before the Federal Constitution, specifically protected the privilege. The Maryland Declaration of Rights of 1776 provided "that freedom of speech, and debates or proceedings, in the legislature, ought not to be impeached in any other court or judicature." The Massachusetts Constitution of 1780 provided, "The freedom of deliberation, speech and debate, in either House of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoe'er." The New Hampshire Constitution of 1784 provided, "The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution, in any other court or place whatsoever." Two State constitutions of 1776, those of South Carolina and New Jersey, protected the privilege by general provisions expressly preserving English law. See *Tenney* v. *Brandhove*, 341 U.S. 367 (1951).

At the time of the adoption of the Federal Constitution, the privileges of Members of Parliament had been firmly established and were recognized as including, "first, that they are at all times exempted from question elsewhere, for anything said in their own House; that during the time of privilege; second, neither a member himself, his order H. of C. 1663, July 16, wife, nor his servants—familiares sui—for any matter of their own, may be, Elsynge, 217; 1 Hats., 21; 1 Grey's Deb., 133, arrested on mesne process, in any civil suit; third, nor be detained under execution, though levied before time of privilege; fourth, nor impleaded, cited, or subpenaed in any court; fifth, nor summoned as a witness or juror; sixth, nor may their lands or goods be distrained; and seventh, nor their persons assaulted, or characters traduced." (Jefferson's Manual, sec. III, H. Doc. No. 402, 90th Congress, second sess., at p. 118.)

These privileges thus universally acknowledged as the privileges of members of Parliament, and likewise claimed by legislatures of the States, in their essential aspects have also been expressly incorporated in the fundamental law of the United States. Article I, section 6 of the Constitution expressly provides that—

> They [the Senators and Representatives] shall in all cases, except treason, felony, and breach of the peace, be privileged from arrests during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they [the Senators and Representatives] shall not be questioned in any other place.

Behind these simple phrases, as Mr. Justice Harlan said:

> Lies a history of conflict between the Commons and the Tudor and Stuart Monarchs during which successive Monarchs utilized the criminal and civil law to suppress and intimidate critical legislators. Since the Glorious Revolution in Britain, and throughout United States history, the privilege has been recognized as an important protection of the independence and integrity of the legislature. In the American governmental structure, the clause serves the additional function of reinforcing the separation of powers so deliberately established by the Founders. *U.S.* v. *Johnson*, 383 U.S. 169, at 178 (1965), citations omitted.

This provision of the Constitution had its origin in the Committee of Detail of the Federal Convention of 1787. The initial committee draft of the clause, attributed to Randolph, provided that "the delegates shall be privileged from arrests—or restraint—personal restraint during their attendance, for so long a time before and after, as may be necessary, for traveling to and from the legislature—and they shall have no other privilege whatsoever." The latter words, "and they shall have no other privilege whatsoever," were stricken in the draft of the provision reported by the committee which read as follows:

> Freedom of speech and debate in the legislature shall not be impeached or questioned in any court or place out of the legislature; and the Members of each House shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at Congress, and in going to and returning from it.

Rutledge delivered the report of the committee of detail in the convention on August 6. On August 10 the provision was agreed to with no one to the contrary.

Then on August 20, Pinckney submitted to the convention the following proposition for reference to the committee of detail:

> Each House shall be the Judge of its own privileges, and shall have authority to punish by imprisonment every person violating the same; or who, in the place where the Legislature may be sitting and during the time of its Session, shall threaten any of its members for any thing said or done in the House, or who shall assault any of them therefor—or who shall assault or arrest any witness or other person ordered to attend either of the Houses in his way going or returning; or who shall rescue any person arrested by their order.

The committee of detail, however, did not report on this proposition, and at the meeting of the convention on September 4, Pinckney moved a clause declaring "that each House should be judge of the privilege of its own Members." Morris seconded the motion. Madison's notes of what then transpired follows:

> Mr. Randolph & Mr. Madison expressed doubts as to the propriety of giving such a power, & wished for a postponement.
>
> Mr. Govr. Morris thought it so plain a case that no postponement could be necessary.
>
> Mr. Wilson thought the power involved, and the express insertion of it needless. It might beget doubts as to the power of other public bodies, as Courts &c. Every Court is the judge of its own privileges.
>
> Mr. Madison distinguished between the power of Judging of privileges previously & duly established, and the effect of the motion which would give a discretion to each House as to the extent of its own privileges. He suggested that it would be better to make provision for ascertaining by *law*, the privileges of each House, than to allow each House to decide for itself. He suggested also the necessity of considering what privileges ought to be allowed to the Executive.

Pinckney's proposal did not come to a vote, and the only provision upon the subject which was referred to the committee on style was that previously reported by the committee of detail on August 6. The committee on style altered the language of the provision in several particulars and reported it in the language now embraced in the provisions of article I, section 6, of the Constitution. See "The Records of the Federal Convention of 1787," edited by Max Farrand, volume 2, Yale University Press, 1911; and "The Growth of the Constitution in the Federal Convention of 1787," William M. Meigs, J. P. Lippincott Co., 1900, pages 100–102.

The full extent of the privileges accorded to Members of Parliament and to Members of Congress, and the manner of proceeding upon them, have never been fully defined. The underlying reason for the failure or refusal was perhaps correctly stated by Sir William Blackstone, who said:

> Privilege of parliament was principally established, in order to protect its members not only from being molested by their fellow subjects, but also more especially from being oppressed by the power of the Crown. If, therefore, all the privileges of parliament were once to be set down and ascertained, and no privilege to be allowed but what was so defined and determined, it were easy for the executive power to devise some new case, not within the line of privilege, and under pretence thereof to harass any refractory member and violate the freedom of parliament. The dignity and independence of the two Houses are therefore in great measure preserved by keeping their privileges indefinite. (1 Comm. 164.)

Thus, a resolution introduced in the House of Representatives by Mr. Beaumont of Pennsylvania in 1837 to instruct the Committee on the Judiciary to inquire into the expediency of bringing in a bill defining the offense of contempt of the House, was not, after debate, agreed to. See Hinds', "Precedents of the House of Representatives," volume 2, section 1598.

Nevertheless, the failure to specify all privileges cannot, and has not, been construed as a denial of the existence of privileges other than those specifically set forth in the Constitution. It is evident that the failure of the Federal convention to accept Pinckney's broad proposition—that each House should be the judge of its own privileges—was neither a rejection of all privilege nor a limitation of privilege to those which are specified.

Moreover, the power of a legislative body to punish for breach of its privileges has long been recognized. This has been the fact with respect to the parliamentary practices in England, in the State governments prior to the formation of the Constitution, and in Congress following adoption of the Constitution. As was said in *Marshall* v. *Gordon*, 243 U.S. 521, 533 (1917):

> Undoubtedly what went before the adoption of the Constitution may be resorted to for the purpose of throwing light on its provisions. Certain is it that authority was possessed by the House of Commons in England to punish for contempt directly, that is, without the intervention of courts, and that such power included a variety of acts and many forms of punishment including the right to fix a prolonged term of imprisonment.

The propriety of the practice has been manifested by explicit provisions contained in some of the State constitutions enacted prior to the adoption of the Constitution of the United States. This is illustrated in the Maryland Constitution of 1776 which contained the following article:

> That the House of Delegates may punish, by imprisonment, any person who shall be guilty of a contempt in their view, by any disorderly or riotous behavior, or by threats to, or abuse of their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from the House of

XUM

> Delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to or from the House, or by rescuing any person committed by the House: and the Senate may exercise the same power, in similar cases.

Over the years, following the adoption of the Federal Constitution, similar powers have been claimed and asserted by the House of Representatives. They are set forth in Hinds', supra, volume 2, chapter LI, and I need not relate them in detail. See also, annotations to House rule IX, and section III of Jefferson's Manual, House docket No. 402, supra, respectively at pages 320 and 118.

The existence of a power in the House to take cognizance of contempts of its constitutional rights and privileges and to punish for contempt first came under review in *Anderson* v. *Dunn*, 6 Wheat. 204 (1821). The issue arose by reason of an action of trespass instituted in the Circuit Court for the District of Columbia against the Sergeant-at-Arms of the House for an alleged assault and battery and false imprisonment committed upon the plaintiff in the execution of a warrant of the House to deliver the plaintiff to the bar of the House to answer a charge of contempt arising out of an alleged attempt by the plaintiff to bribe a Member of the House. The plaintiff was found guilty of a contempt for violation of the privileges of the House, was reprimanded, and then discharged from the custody of the Sergeant-at-Arms. There was no dispute on the facts of this case, and the sole question upon the pleadings was whether the House had authority to issue a warrant of arrest under the circumstances, or whether it was illegal on its face. The judgment against the plaintiff was affirmed by a unanimous court.

Justice Johnson, who delivered its opinion, agreed that if a power to inflict punishment for contempt of either House exists, it must be a power derived from implication. Holding that such a power exists, the court said:

> But if there is one maxim which necessarily rides over all others, in the practical application of government, it is, that the public functionaries must be left at liberty to exercise the powers which the people have entrusted to them. The interest and dignity of those who created them, require the exertion of the powers indispensable to the attainment of the end of the creation. Nor is a casual conflict with the rights of particular individuals any reason to be urged against the exercise of such powers.

This power, said the court, asserted on the plea of necessity, is incidental to the grant of legislative power, and is similar to the inherent power of courts to fine and imprison for contempts as an incident of the grant of judicial power. To deny the existence of this power, said the court:

> Obviously leads to the total annihilation of the power of the house of representatives to guard itself from contempts and leaves it exposed to every indignity and interruption, that rudeness, caprice, or even conspiracy, may meditate against it.

Resting the exercise of the power to punish for contempt on the principle of self-preservation, the court then addressed itself to the question of the extent of the punishment which may be inflicted in the exercise of this power. It said the answer to the question was the least possible power adequate to the end proposed, that is, the power of imprisonment, the duration of which may not exceed the existence of the power that imprisons. Hence, said the court, imprisonment must terminate with the adjournment of the House.

Subsequent decisions have affirmed the principle established in Anderson against Dunn. Following Anderson came Chapman's case, an individual who refused to testify in a Senate proceeding and was indicted under section 102 of the revised statutes making such refusal criminal. Having been arrested under the indictment, he applied for habeas corpus. The writ was denied and its denial upheld. *In Re Chapman*, 166 U.S. 661 (1897). A novel argument was advanced in this case. Conceding that a power to try and punish for contempt was an inherent constitutional power, Chapman argued that the power was exclusively cognizable by the Senate, and that the delegation by the Senate of its authority to subject him to prosecution in the courts under the statute was a wrongful delegation and also subjected him to double jeopardy. Agreeing with him that each House of Congress possessed the essential and inherent power to punish for contempt and could not divest itself of that power, the court rejected his argument that this was a delegation of that power and that the defendant was subjected to double jeopardy.

In the next case, that of Hallet Kilbourn, a contumacious witness, imprisoned in 1876 on order of the House for 45 days in the common jail in the District of Columbia for refusal to produce certain books and papers, the court did not have occasion to pass on the extent of the power of a House of Congress to punish for contempt. Although there was some discussion on the point, it was unnecessary to reach that issue in view of the fact that the court found that the House was not acting within its authority in requiring Kilbourn's testimony. *Kilbourn* v. *Thompson*, 103 U.S. 168 (1880).

The next and, to date, the last case on this subject is *Marshall* v. *Gordon*, 243 U.S. 421 (1917). In reversing the action of the House in this case, the court had occasion clearly to define the extent of the implied power possessed by the House in the protection of its privileges through processes of contempt. The principles laid out in this case have never been questioned. Marshall, a U.S. attorney in New York, was charged on the floor of the House with misconduct in office. The House by resolution directed the Judiciary Committee to make inquiry and report concerning his liability to impeachment. While the inquiry was in progress through a subcommittee, Marshall wrote a letter to its chairman which he gave to the press, charging the subcommittee with endeavoring to frustrate the action of a grand jury probing a House Member's conduct. The House adopted a report characterizing the letter as defamatory and insulting, tending to bring the House into public contempt and ridicule, and directed its Sergeant-at-Arms to bring Marshall before the House to answer for contempt of its authority. The House issued a formal warrant for Marshall's arrest, and upon its execution by the Sergeant-at-Arms, Marshall applied for a discharge on habeas corpus. The refusal of the lower court to grant the writ was reversed by the Supreme Court on the ground that the action of Marshall in writing an insulting letter did not amount to an interference with, or obstruction of, the exercise of legislative power.

A unanimous court pointed out that a distinction must be made between the exercise of legislative power to make criminal certain acts—such as libel—according to the orderly process of law, that is by the enactment of penal statutes, and those acts which constitute a contempt and can be dealt with by the implied power of a legislative body. Without undertaking to mention inclusively the subjects embraced in the implied power of each House to punish for contempts of the body, the court said it is clear that from the very nature of the power, since it rests upon the right of self-preservation, the power embraces only "the right to prevent and punish acts which in and of themselves inherently obstruct or prevent the discharge of legislative duty or the refusal to do that which there is an inherent legislative power to compel in order that legislative functions may be performed." Said the court:

> The legislative history of the exertion of the implied power to deal with contempt by the Senate or House of Representatives when viewed comprehensively from the beginning points to the distinction upon which the power rests and sustains the limitations inhering in it which we have stated. The principal instances are mentioned in the margin and they all except two or three deal with either physical obstruction of the legislative body in the discharge of its duties, or physical assault upon its members for action taken or words spoken in the body, or obstruction of its officers in the performance of their official duties, or the prevention of members from attending so that their duties might be performed, or finally with contumacy in refusing to obey orders to produce documents or give testimony which there was a right to compel.

Surely there is no fact more basic to the exercise of the legislative function than that of speech and the public dissemination of such speech. This is evident, moreover, in their specific inclusion in the Constitution as privileged activities: Article I, section 6, clause 1, accords and expressly protects that privilege of speech; article I, section 5, clause 3, requires the House to publish its proceedings. Equally clear must be the fact that the enjoining of the printing and distribution of a committee report to the House inherently obstructs the exercise of that privilege of speech and that duty to publish. We must therefore conclude, upon the principles of the decided cases, that this act of obstruction is an act embraced within the implied power of the House to prevent and punish.

The action of Judge Gesell was clearly in excess of his authority and power. Even the dissenting member of the committee who points out that the decision

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is now on appeal concedes that many members, including several who share his philosophy on these matters, as he puts it, believes that the decision will be reversed in the Court of Appeals. He says that would obviously solve the committee's problem, but he believes that in view of the fact a district judge has found the report oversteps the boundaries of permissible governmental conduct, the House should take no action until the question is resolved in the courts. Pending disposition of the matter in the courts, he suggests that the House take no action either on the first report or upon the second.

In reply to this, I say to the Members of the House that the quality or content of the report was not an issue cognizable by the court. The court had no business entering into an examination of its contents. This is a matter of speech in the House. From the inception of our constitutional history the courts have been denied authority to question that speech. This is a privilege in the power of the House and is a positive restraint upon the proceedings of the inferior courts. Whatever is spoken in the House is subject only to the control of the House or by the electorate and we are judged every 2 years by the electorate. The privilege of speech and debate is a privilege to the Members of the House. We cannot waive that privilege. These are doctrines that have long been settled by the judgment of our ancestors, and by the rules of the Congress since its inception. See Jefferson's Manual, House Document 402, supra, at page 130. Are we to abandon our birthright? Are we to appear to acquiesce in the dissolution of our constitutional prerogatives by submitting to the further pleasure of the court on this vital issue? Is this our duty?

Let me say that we of the committee entertain no illusions as to the earth-shaking importance of either our first or second report. In the conduct of the survey, the results of which we reported, the committee proceeded with great care and discretion seeking only the voluntary cooperation of college and university administrators, refraining so far as possible from compulsory intrusion into the college and university system. At the outset the committee recognized that in thus undertaking this inquiry into a limited aspect of the financing of revolutionary violence, there were certain unavoidable circumstances which would undoubtedly diminish the committee's survey and subsequent analysis of information received. We, nevertheless, concluded that the report would have some utility in providing the committee and the House, and indeed the public, with relevant information on a limited, but important, aspect of the subject of revolutionary violence. The inquiry was clearly a matter of public concern, and this even Judge Gesell concedes.

In making this report, we were, moreover, clearly in the exercise of our own rights of speech in commenting upon matters of public concern. In publishing this report, the House is also fulfilling a constitutional duty. It is required by the terms of article I, section 5, that the House publish its proceedings. The provision was expressly included in the Constitution by the Committee of Detail because, as Ellsworth said:

> The people will call for it if it should be improperly omitted.

Wilson said:

> The people have a right to know what their agents are doing or have done, and it should not be in the option of the legislature to conceal their proceedings.

See "Drafting the Federal Constitution," a rearrangement of Madison's notes, and so forth, Arthur Taylor Prescott, Louisiana State University Press, 1941, at page 429. These rights were denied by Judge Gesell.

Hence the issue before us today is not the quality or content of the first or second report, but a graver and more fundamental issue beside which the content of the reports must appear wholly insignificant. At stake is the most basic and fundamental principle of liberty and of our Constitution, the separation of powers. While courts concededly have the power to construe the Constitution, we cannot concede that they can under the guise of construction arrogate to themselves powers which they do not possess, or that they possess a jurisdiction to invade the powers of a coordinate branch. This is particularly true where, as in the instance of the speech and debate clause, this separation of power in an exceptionally delicate area is clearly defined, and by which the courts are expressly denied a jurisdiction to intrude. For any speech or debate in either House, the Senators and Representatives "shall not be questioned in any other place." This I emphasize. What then should be our course in the face of the present act of judicial encroachment upon the legislative authority?

To answer this question, we must, of course, look to the nature, structure, and spirit of our institutions. Drawing upon Montesquieu, the founders were clearly of the opinion there can be no liberty where the legislative and executive powers are united in the same person, or if the power of judging be not separated from the legislative and executive. However, they did not construe this principle as meaning that these departments ought to have no partial agency in, or control of, the acts of each other. The Federalist, No. 47. It was their view that the degree of separation which the maxim requires as essential to a free government can never in practice be duly maintained unless these departments be so far connected and blended as to give each a constitutional control of the others. The Federalist, No. 48. For this purpose many of the controls with which we are familiar have been expressly incorporated in the Constitution.

It is evident that, in the nature of our constitutional system, one department cannot be conclusively bound in all cases and in all matters by the judgment of any coordinate branch. Said Madison in Federalist No. 48:

> It is agreed on all sides, that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident, that none of them ought to possess, directly or indirectly an overruling influence over the others, in the administration of their respective powers. It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each, against the invasion of the others. What this security ought to be is the great problem to be solved.

While the judicial branch was certainly entrusted generally as the arbiter of questions arising under the Constitution, it is likewise clear that in matters fundamental to the existence and function of a coordinate branch, it was not intended that a coordinate branch be concluded in all instances by the judgment of the court. We do not view the language of Federalist No. 78 as taking the position that any construction by the courts of the power of the legislative branch is conclusive upon the latter where such a construction cannot be "collected from any particular provisions in the Constitution." This is particularly true with respect to provisions of the Constitution which expressly commit to the legislative body the function of judging of its own particular powers and privileges, as is the case in the instance of the privilege conferred by the speech and debate clause here involved. This proposition must be asserted on natural principles of self-preservation. It is indeed a position supported and acknowledged in Anderson against Dunn, supra, and Marshall against Gordon. It is a position supported in the express power of impeachment of judges. Federalist, No. 79. It is a position supported in the debates of the Committee of Detail, which drafted article I, section 6.

In the present case we are involved in a confrontation with the judicial branch. We have paid to it a due respect in entering our appearance in the district court following the inception of the action. We have asserted our privileges and to put the court on notice. It is a point of importance that we have likewise taken an appeal to the Court of Appeals. We asked for an expedited review of the action of Judge Gesell. This was denied us. We were not accorded the respect which was in turn due to the House in the very nature of the case. Is the House meanwhile required to suffer the continued obstruction of its proceedings and business? Must it await the continued leisure, and perhaps indifference, of the appellate branch? One may only speculate as to when our appeal will be final and favorably disposed of. Matters of this kind have frequently beeen in the courts for years awaiting final result. As a matter of fact, in view of what has happened, it may well be that the participation of Members of Congress in the appeal should not be continued.

It was asked by the author of Federalist No. 51:

> To what expediency, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution?

It is apparent that there has been no wholly satisfactory answer to this question. While it was hoped that the interior structure of the Government be so contrived that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places, it was evident, he said, that each department should have "a will of its own."

Ultimately there must be cases, as the case before us, in which we must exercise this will of our own. How otherwise is the House to preserve itself? Where a court clearly disregards the precedents of its own branch, takes action which clearly obstructs and prevents the exercise of privileges essential to the discharge of legislative duty and authority; and when in the system of appellate review we are not accorded prompt relief, are we not obliged, and indeed justified, in taking such measures as may be discreet and necessary to exert that authority which is essential to the preservation of our constitutional function? A disregard of this transparently invalid injunction of Judge Gesell is no disrespect for the judicial process, see *Walker* v. *City* of *Birmingham,* 388 U.S. 307, (1967), majority and dissenting opinions. Indeed if we are to assert our constitutional duty in the premises, we are under an obligation to resist this encroachment immediately and in clear and unmistakable terms.

Under the circumstances, I did not believe it was necessary or desirable for the House to assert its authority against the judiciary on the first report. That is in the court on appeal. The judgment may be ultimately reversed if the appeal is continued or the appeal can be dropped and let matters stand where they are. However, so that the business of the House shall not be obstructed on the report, I have today filed a second report on the same subject matter. The resolution before us will order the printing of this report, including provisions that will protect the Public Printer and the Superintendent of Documents from any interference with the work, or from any action to punish or damage them as a consequence of the performance of the work. By the terms of this resolution the House will assert, demand, and insist upon its constitutional privileges, and will give the judiciary and its agents due notice of the power to be exerted and of the likely consequence of what may follow a breach of the privileges of the House.

This is not a resolution to hold either the court, or its agents, or any other person, in contempt. It is a declaration of the intent of the House, of its assertion of privilege, and an admonition that consequences may follow a breach of the privilege. This is similar to an order to a witness that his answer is required. The order is not itself a citation of contempt. See *Quinn* v. *U.S.,* 349 U.S. 155 (1955). Should this order be violated, it will then be a matter for the House to determine what course it should take.

Mr. Speaker, I think this is the most reasonable and discreet course that we may pursue. It is indeed, as the court suggested in Anderson against Dunn, an assertion of the least possible power adequate to the end proposed. It is in conformity with the obvious necessities in which we have been placed.

May I briefly explain the parliamentary situation. As I understand the parliamentary situation, the individual in the well has been recognized for 1 hour. As the mover of the privileged resolution it is my intention to control the time. However, I do wish to yield liberally to those who oppose this resolution. I want it understood that my yielding will be only for purposes of debate, because I do intend to control the previous question.

The history of the matter before us today has been fully explained to the Members by mail, by speeches, and by insertions in the Record.

On December 2 a special order was held by me, with prior invitation extended to all Members to participate in the discussion. And on December 8 copies of this resolution and the report which the resolution orders printed were furnished to each and every Member of the House. So each and every Member of the House has had ample notification of what this resolution contains.

Mr. Speaker, there have been a lot of misinformed articles, in my opinion, written about this controversy on both sides of the question. Those on the left have said that the report goes too far. Those on the right have said that the report does not go far enough. Much of this was obviously written without a reading of the report and without any consideration of the origin or the purpose of the report.

I do not believe there is any doubt about the jurisdiction of the committee over the subject of inquiry. A cursory reading of the mandate of the House Committee on Internal Security reveals that to be true. The purpose of the report has been grossly misrepresented.

The report deals with the financing of speakers of certain revolutionary organizations. Let me briefly review the history of the report.

Earlier this year, in the spring of this year, William Kunstler stated in an interview that most of the money to finance the movement comes from speaking honoraria. This was nothing new to the committee. The committee has received a great deal of information to the effect that William Kunstler, the attorney for the so-called Chicago Seven, was not making an idle statement.

After that statement was made by Kunstler the committee ordered a voluntary survey of 179 institutions of learning throughout the Nation. In that voluntary survey it was made clear to the colleges and the universities that no answer was required, no participation was required. Insofar as the names that are mentioned in the report are concerned, they were gathered from the information furnished by schools and colleges throughout the Nation voluntarily.

Now, the distinguished gentleman from Ohio (Mr. Stokes) a member of the committee, for whom I have the highest respect—and I am sure that the gentleman from Ohio will agree that I have always treated him with the utmost courtesy, I have given him every opportunity to present his arguments and to present his views—has filed a dissenting report. I think he has very competently set forth his side of the argument. There is, however, one error which I think should not go uncorrected, that is in the very first sentence of the dissenting views which states as follows:

> As my colleagues know, the original report on this subject has been enjoined from publication and distribution by anyone other than Members of Congress.

I submit that an examination of the order of Judge Gesell will reveal that only the Government Printer and the document clerk were enjoined from printing and distributing this report.

Let me be quite frank to say, Members of the House, that I have never considered this particular report to be of earth-shaking proportions, but the decision of Judge Gesell, ladies and gentlemen of the House, is of earth-shaking proportions. For the first time in the history of the English and American judicial systems, to my knowledge, a national judge has suppressed the printing of a committee report right in the face of article I, section 6, the so-called speech and debate clause of the Constitution of the United States.

Mr. Speaker, this resolution is necessary for two reasons. First, the new report could be considered a restatement of the original report. In fact (Mr. Stokes) in his dissenting views seems to say that it is just that, a restatement of the original report. Second, Mr. Speaker, this resolution is necessary, I believe, because the House has the duty to assert, protect, and defend its constitutional privileges not only for this Congress but for subsequent Congresses. Especially is this necessary in view of the fact the court of appeals in a request by the lawyers of the committee rejected very cavalierly, I would say, a request for an expedited hearing even though this matter does involve a question of separation of powers, when only a few days previously the court had granted a request for an expedited hearing in the case of the Black Panthers when they were trying to get a court order to use the facilities at Howard University. For this reason I think that this resolution is especially timely.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I do not yield. I will yield to the gentleman shortly after I finish my remarks.

The SPEAKER pro tempore (Mr. Rooney of New York). The time of the gentleman from Missouri has expired.

Mr. ICHORD. Mr. Speaker, I yield myself 5 additional minutes.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 5 additional minutes.

Mr. ICHORD. Mr. Speaker, I say to the Members of this House that it would seem to be grossly unfair and in a matter involving a conflict of power that one of the coequal powers and the aggressor power, in fact, would have the sole right to determine extent of the powers of the two coordinate bodies.

This is a case, Mr. Speaker, where the House must exercise a will of its own.

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In closing, Mr. Speaker, I reiterate that the speech and debate clause is clear and explicit. Members of the House and Senate for their speech and debate shall not be questioned in any other place—and any other place includes the courts of this land.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield for a question?

Mr. ICHORD. I will yield to the gentleman in just 1 minute.

This includes the courts as well as any other place. This has been the interpretation from the very beginning of the American and the English judicial system. The reasons for the interpretation I think are quite obvious: Members of the House and Senate must be free from harassment, they must be free to speak their minds.

In conclusion, Mr. Speaker, I say this to those Members who would vote against the resolution: Today it is a judge of one philosophy suppressing the committee report of one committee; tomorrow it may well be the judge of an opposite philosophy suppressing the report of another committee.

I urge the adoption of the resolution.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Speaker, I yield myself 3 additional minutes, and I yield to the distinguished gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I agree with the gentleman completely that the House must protect its privileges and its rights under the Constitution, so I will vote for the resolution.

My questions are two: No. 1, is this the correct procedure? Have there been precedents that the gentleman could cite for the use of such a procedure in respect to the judiciary to protect the constitutional rights of the House?

And, second, when the judicial proceeding has not finished through final action of appeal, is it timely for this resolution at this time?

Those are technical questions.

Mr. ICHORD. Mr. Speaker, I would say to the gentleman from Pennsylvania I doubt that there is any precedent as to this procedure, because this is the first time, as I stated, in debate, that this has ever occurred, a final order of a court restricting the printing of a congressional document. I think this is highly appropriate in this instance to obtain a printing of the report.

In answer to the second question of the gentleman from Pennsylvania, this procedure is timely because Judge Gesell held in his order that any restatement of this committee report is also enjoined.

This second report could be construed as a restatement of the original report. For that reason it is necessary to order the Public Printer in no uncertain terms to print the report and to enjoin all persons from interfering with the printing of the report.

Mr. FULTON of Pennsylvania. Mr. Speaker, I thank the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. STOKES) for the purpose of debate.

Mr. STOKES. Mr. Speaker, first, I thank the distinguished chairman of my committee, the gentleman from Missouri (Mr. ICHORD), for having very fairly yielded this time to me.

In response to his earlier remarks on the floor, I am very happy to say to this body that during my 2 years' tenure on this committee that the chairman of this committee has at all times been extremely fair and considerate in every respect to my particular committee assignment. For that reason I do wish to acknowledge at this time not only his fairness on this occasion, but on all occasions during my association with him.

Mr. Speaker, it is my intention at the close of debate on this matter to move to lay the resolution on the table. I do so for the reason that I concur with the distinguished chairman of this committee when he stated to this body a few moments ago that there is nothing in this report of earth-shaking consequence. There being nothing of earth-shaking consequence in the report, it seems to me that what we ought to do is to resort to the orderly judicial process in which we are now engaged with reference to this first report.

It is for that reason that I see no need for this body to go on record, and cause the kind of confrontation which may be caused by the Congress of the United States enjoining the courts from enjoining them, which is in substance the effect of this particular resolution.

Let me very briefly make reference to this prior court action which was an action for a declaratory injunction and injunctive relief.

That report contains 1,168 names which had been checked against committee resources regarding 12 organizations.

The committee isolated 65 names from the 1,168.

It is significant that in the conclusion of the report, which the Superintendent of Documents and the Public Printer were enjoined from printing—the committee report says, and I quote:

> The committee believes further, more costly probing of this matter would only add greater detail to the findings—not greater enlightenment. This report therefore concludes the committee's inquiry into the question of honoraria paid campus speakers.

The court, in making its determination in that original case relative to that report, found that no legislative purpose was set forth in that report nor were any legislative recommendations of any kind contained in that report.

There are certain basic issues that I think are presented in that report. First, there being the issue of free speech and assembly.

It was not suggested in that report. It was not suggested in that report that the speeches presented any clear or immediate danger but that the speakers were "Pied Pipers of pernicious propaganda."

It was also found by the court that the blacklisting, which the judge termed it, was compiled because these speakers were sometimes associated with organizations that were distasteful to the committee; further, that the listing of speakers was apparently done with the hope of bringing social and economic pressures against these institutions in order to ostracize the speakers and stultify further compus discussion.

The court discusses fully in that decision the speech and debate clause and its relevance to the Public Printer of this House. It discusses the separation-of-powers doctrine and the political question of justiciability. But then it said that where exposure and invasion of private rights are the result of a legislative inquiry, that the inquiry must be justified by a genuine, specific legislative need. The court cited in this case Watkins against United States, a Supreme Court decision, and I quote from that decision. It says:

> No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible.

The specific findings of the Court were that—

> If a report has no relationship to any existing or future legislative purpose and is issued solely for the sake of exposure or intimidation, then it exceeds the legislative function of Congress; and where the publication will inhibit free speech and assembly, publication and distribution in official form at Government expense may be enjoined.

I concur with this kind of judicial reasoning. As a member of this committee and knowing that the old report did not and the new report, filed with you today, does not contain any legislative purpose in it, nor does it contain a single legislative recommendation of any kind.

Mr. Speaker, at this point I ask unanimous consent to insert the Court's opinion in the RECORD at the conclusion of my remarks.

The SPEAKER pro tempore (Mr. ROONEY of New York). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Let me make this reference to the new report just filed with you, which the distinguished chairman of our committee said to you is a restatement of the prior report. There have been no hearings whatsoever conducted by our committee on this particular survey and report, not a single day's hearings.

The authority for the report is supposedly set forth at page 2 of the foreword as follows:

> That Attorney William Kunstler told newsmen after a speaking appearance at the University of Cincinnati in the spring of 1970, "We raise most of the money for our movement through speaking engagements."

The next reason set forth for taking this survey was that similar claims made by others in the Chicago conspiracy trial as well as spokesmen for the Black Panthers. The query I pose to you is where and who made such statements? Our committee conducted no hearings relative to such statements.

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Then, of course, the third reason, which we set forth therein, is testimony in March of this year by J. Edgar Hoover before the House Subcommittee on Appropriations—again testimony taken from another committee which has never been before our committee.

On the purpose of the report, if you look at page 2 of the foreword, our distinguished chairman says this to you:

> Since our committee does have the authority to ascertain for the Congress the source of financing of revolutionary organizations and movements in the United States, I ordered the committee research staff to conduct a preliminary survey of public source material regarding campus speaking appearances by radical extremists.

And further, at page 3, it says:

> It was . . . resolved that a canvass would be made of a proportion of American colleges . . . to ascertain whether honoraria might be a substantial source of revenue for the "revolutionary movement."

Now, taking that statement and looking at what the committee's findings are, beginning at page 11 of the report, and at page 15 here, the committee had undertaken this survey for a specific purpose and they say that its findings and conclusions are:

> The committee did not at this stage endeavor to ascertain whether honoraria paid as indicated herein to the speakers inured to the benefit of any organizations with which they may be associated, or that the individuals were speaking in behalf of such organizations.

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It seems to me there is only one conclusion to be drawn from that, and that is that the purpose for which the report was undertaken was a failure, and consequently the printing of such a report serves no useful purpose to this Congress.

Mr. ICHORD. Mr. Speaker, will the gentleman yield at that point?

Mr. STOKES. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, I want to clearly admit to the gentleman in the well that the first report contained very few statements going to the legislative jurisdiction, and that is true of nearly all committee reports of this House.

It is true, in view of what happened in Judge Gesell's court, that the committee did make an effort to make it very clear that the committee did have jurisdiction in this field.

I want to admit, frankly, that those statements are included in the report and very clearly show legislative jurisdiction. I think those statements do so.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, is there a legislative intent involved in this study?

Mr. ICHORD. Is the gentleman from Michigan inferring that a committee of the Congress, the Committee on Internal Security, under its mandate does not have the right even to inquire into the financing of revolutionary activities in the Nation?

Mr. CONYERS. I think that kind of answer tells me about what we are getting at.

Mr. Speaker, I want to commend the gentleman in the well. Apparently, there was not even a legislative intent.

Mr. ICHORD. Let me say, as the gentelman has been furnished a copy of the report for 6 days now, has the gentleman read the report? I think if the gentleman will read the report, he will see that there is legislative jurisdiction.

Mr. CONYERS. If the distinguished chairman will really confront this question here, the question is whether there is a legislative intent that was sought. It is not the question of whether all Members read the report or not. I suppose from the distinguished chairman's answer to the question, the answer is "No." And, if there is one, I would like to know what it is.

Mr. ICHORD. I would say to the gentleman from Michigan that there is an obvious legislative intent in this report, and I would direct the attention of the gentleman to the report itself, where the legislative intent is very clearly set out.

I would say to the gentleman from Michigan that the committee would have had the authority to use compulsory process to obtain this information. However, the committee did not choose to use compulsory process. We chose to present a voluntary survey, and the names that are shown in this report were information gathered from that survey.

Surely the gentleman from Michigan is not contending that the committee does not have the authority to inquire into the financing of revolutionaries throughout the United States.

Mr. STOKES. Mr. Speaker, will the gentleman yield to me on that point?

Mr. ICHORD. I yield to the gentleman from Ohio.

Mr. STOKES. Will the chairman agree that when our committee considered the second report, in executive session that I questioned the fact that this particular paragraph, which sets forth legislative questions, had now been inserted. At the time of questioning I said to the chairman and to the committee that this was obviously an attempt to set forth in this report some kind of legislative intent. Did not the chairman at that point agree that such was the fact?

Mr. Speaker, at this point I include the entire opinion which I have previously referred to:

[In the U.S. District Court for the District of Columbia, Civil Action No. 3028–70]

NAT HENTOFF, ET AL., PLAINTIFFS, *v.* RICHARD H. ICHORD, ET AL., DEFENDANTS

MEMORANDUM OPINION

This is a class action for declaratory judgment and injunctive relief. Plaintiffs seek to enjoin the official publication and distribution of a Report of the Committee on Internal Security of the House of Representatives. The matter is before the Court on affidavits and briefs after full argument. The parties have stipulated that the record before the Court is complete and that the case is in posture for final disposition.

Defendants in this action are the members of the House Committee on Internal Security, its Chief Counsel, the Public Printer and the Superintendent of Documents. The Report in question is entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," consisting of 25 pages. A copy of the Report as filed with the House of Representatives following the commencement of this action is in evidence. The Public Printer is presently subject to a Temporary Restraining Order issued by this Court, restraining any printing or distribution of the Report which the Chairman of the Committee has released to the press.

A foreword to the Report prepared by the Committee's Chairman states its origin:

"Early this year, I became concerned—as did many of my colleagues—with frequent news accounts of inflammatory speeches which were being made to large audiences on college and university campuses by the radical rhetoricians of the New Left promoting violence and encouraging the destruction of our system of government. At times, reference was made in these reports to the fact that the speakers who preached such a message of hate for America and its institutions often received substantial appearance fees.

"A question which persistently confronts our committee is the one of how and where revolutionary movements in the United States obtain the financing for their activities."

The Report presents the results of a survey conducted by the Committee's staff without use of any formal process. The Committee staff by correspondence obtained information from a number of institutions of higher learning, listing speakers who had appeared on their campuses and in some cases the honoraria paid them.

A list of 1168 names thus obtained, as supplemented by newspaper data was then checked against Committee sources in an effort to determine whether or not any of the speakers had been associated with one or more of 12 organizations.[1] In this fashion the Committee isolated the names of 65 individuals. The Report, after describing the procedures summarized above, listed the names of each of the individuals so chosen, their alleged associations or affiliations, and the honoraria paid them individually where that had been ascertained. The Report raised the inference, without any positive evidence or any effort to obtain such evidence, that the sums paid for the speeches might have been made available, in whole or in part, to the organizations. The Report concludes as follows:

"The committee believes that further, more costly, probing of this matter would only add greater detail to the findings—not greater enlightenment. This report, therefore, concludes the committee's inquiry into the question of honoraria paid campus speakers."

No legislation is mentioned or recommended.

When the complaint was filed, the Report was due to be released at noon on the following day. Plaintiffs sought to prevent filing, printing or any republication by a temporary restraining order. On October 13, 1970, the Court enjoined printing and distribution but refused to interfere with the filing of the Report with the House of Representatives or to enjoin any member of the Committee from discussing or disseminating the Report on or off the floor of the House.

Plaintiffs contend that the publication through the Public Printer and wide dissemination of the Report is still contemplated. This is not in dispute. The Printer has been directed initially to print 6,000 copies. Plaintiffs urge that this contemplated publication and distribution will infringe the rights of the 65 listed individuals under the First Amendment, and that it is being undertaken by the Committee without any proper legislative purpose. Plaintiffs ask that the Court enjoin the members of Congress, their agents and representatives and the Public Printer from any publication and distribution of this Report, limiting its disclosure to insertion in the *Congressional*

Footnotes at end of article.

Record and such discussion as follows in the normal process of any debate on the floor of the House.

By motion to dismiss, the Department of Justice, which appears on behalf of all defendants,[2] raises a series of objections which place in focus the difficult constitutional issues presented by this action. Defendants assert that the publication and distribution of the Report is protected both by the Speech or Debate Clause of the Constitution and by the doctrine of separation of powers. Further, defendants claim that the Report was prepared for a proper legislative purpose, but that in any event the Court is wholly without power to prohibit the printing and distribution of any report on any subject prepared by any committee of Congress for any purpose where the information contained in the report has been gathered by the committee without use of process or other legal compulsion. Thus the issues as framed relate to whether the Court has any authority to entertain the complaint in any of its aspects and, if so, the extent of relief which is appropriate under the Constitution.

Before turning to a review of the authorities, it is important to emphasize that this litigation unquestionably presents an immediate issue of free speech and assembly. The Report is exclusively concerned with speakers on college campuses who appeared there by invitation or otherwise and discussed issues of current importance in our society. It is not suggested in the Report that the speeches in any instance presented any clear or immediate danger, but simply that the speakers are "Pied Pipers of pernicious propaganda." The are listed in the so-called "blacklist" merely because they spoke and are believed to have been at some time associated with an oragnization distasteful to the Committee.

The Committee listed speakers in the report apparently with the hope and expectation that college officials, alumni and parents would bring social and economic pressures upon the institutions that had permitted these speeches in order to ostracize the speakers and stultify further campus discussion. The Report states:

"If, in a sampling of 3½% of the institutions of higher education, funds in this volume [$108,967.85] are derived by such persons, the people of the United States have a right to conclude that the campus-speaking circuit is certainly the source of significant financing for the promoters of disorderly and revolutionary activity among students. Speaking appearances are not only revenue-producing, but afford a forum where the radicalization process may be continually expanded.

* * * * *

"The committee believes that the limited sampling made is sufficient to alert college and university administrators, alumni, students, and parents to the extent of campus speaking in promoting the radical revolutionary movement . . ."

Thus, whether or not the Report was prepared pursuant to a proper legislative purpose, a matter which will be considered below, there can be no question as to its impact upon the right of free speech and assembly. This is an area that our form of government, our Constitution and decisions of the Supreme Court emphasize is entitled to the closest scrutiny and the broadest possible protection. *See, e.g., Bates* v. *City of Little Rock,* 361 U.S. 516 (1960); *West Virginia Board of Education* v. *Barnette,* 319 U.S. 624 (1943); *Abrams* v. *United States,* 250 U.S. 616 (1919) (Holmes, J., and Brandeis, J., dissenting). Recent history is full of instances where disregard for these basic freedoms has done damage to individuals and corroded our institutions. *See, e.g., Barenblatt* v. *United States,* 360 U.S. 109, 147–59 (1959) (Black, J. dissenting); Appendices 4 and 5 to Jurisdictional Statement filed in the Supreme Court in the case of *Stamler* v. *Willis* (filed herein as Plaintiffs' Exhibit 1). Plaintiffs clearly demonstrate that they are faced with irreparable injury if publication of the "blacklist" under the auspices of the Congress is allowed, and accordingly defendants must demonstrate a constitutionally protected justification for publication.

First it is suggested that the publication of this Report is protected by the Speech or Debate Clause of the Constitution. Article I, Section 6, Clause 1, of the Constitution reads in pertinent part:

"The Senators and Representatives . . . for any Speech or Debate in either House . . . shall not be questioned in any other Place."

In considering the application of this Clause to the issues here presented, it should be noted that no injunction is sought to prevent any members of the Committee or other members of the House or Senate from discussing the Report, its contents or its import on the floor of Congress. Nor is any injunction sought which will prohibit placing the Report in the *Congressional Record* for the information of all members of Congress. Plaintiffs concede and the Court so holds that under the Speech or Debate Clause there is no power in the Court to enter prohibitions of this type. The question presented is a narrower one, namely, whether the Speech or Debate Clause has been or should be interpreted to have a broader application than these privileges which it clearly grants.

The scope of the protection afforded by the Speech or Debate Clause has been considered by the Supreme Court on five occasions: *Kilbourn* v. *Thompson,* 103 U.S. 168 (1881); *Tenney* v. *Brandhove,* 341 U.S. 367 (1951); *United States* v. *Johnson,* 393 U.S. 169 (1966); *Dombrowski* v. *Eastland,* 387 U.S. 82 (1967); and *Powell* v. *McCormack,* 395 U.S. 486 (1969). These cases establish that the courts lack jurisdiction to entertain an action seeking any remedy against a member of Congress for any statement made or action taken in the sphere of legitimate legislative activity. As stated in *Powell*:

"The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions. . . . Freedom of legislative activity and the purposes of the Speech or Debate Clause are fully protected if legislators are relieved of the burden of defending themselves. 395 U.S. at 505."

The Supreme Court in *Powell* left open the question whether an action could be maintained against Congressmen to compel the seating of a member of the House, the restoration of seniority privileges, and the award of back pay. 395 U.S. at 506, f. 26. Plaintiffs contend that the discussion in *Powell,* together with such decisions as *McGovern* v. *Martz,* 182 F. Supp. 343 (D.D.C. 1960), and *Long* v. *Ansell,* 63 U.S. App. D.C. 68, 69 F. 2d 386 (1934), indicates that this Court may restrain Congressmen from publishing, filing, or distributing, except by insertion in the *Congressional Record,* a report that impinges upon First Amendment rights.

The Court is of a contrary view. Members of Congress have the same right to speak as anyone else. Their legislative activities are not limited to speech or debate on the floor of Congress. Information in this Report involves matters of public concern, and the Court will take no action which limits the use that individual Congressmen choose to make of the Report or its contents on or off the floor of Congress. No injunction is appropriate against any Congressman named defendant. This leaves for disposition the question of what relief, if any, should be granted as to the Public Printer, the Superintendent of Documents[3] and employees or representatives of the Committee.

It is claimed that the protection afforded individual Congressmen by the Speech or Debate Clause is equally applicable to the Public Printer, and any members of the Committee staff when acting at the express direction of the Committee or of Congress. Reliance is placed primarily on *Methodist Federation for Social Action* v. *Eastland,* 141 F. Supp. 729 (D.D.C. 1956), where both the Public Printer and the Superintendent of Documents were among the defendants in an action seeking to enjoin publication and distribution by a Senate Subcommittee on Internal Security of a document which named the plaintiff as a communist-front organization. A three-judge court dismissed the complaint against all defendants, apparently relying, among other things, on the Speech or Debate Clause. While the plaintiff's claim was founded on an alleged libel in the report and not, as here, on an abridgment of First Amendment freedoms, the language of the court was broad:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory or not, and whether it is or is not made after a fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think it equally clear that nothing authorizes anyone to prevent Congress from publishing any statement. 141 F. Supp. at 731."

In its application to members of Congress, this language is consistent with this Court's decision that no injunction should issue against the members of the Committee. Insofar as the court in *Methodist Federation* read the Speech or Debate Clause or the separation of powers doctrine to afford complete protection to anyone other than Congressmen, however, the decision has been in effect overruled by *Powell,* where the Supreme Court stated: "That House employees are acting pursuant to express orders of the House does not bar judicial review of the constitutionality of the underlying legislative decision." 395 U.S. at 504. *See also, Dombrowski* v. *Eastland,* 387 U.S. 82, 85 (1967); *Stamler* v. *Willis,* 415 F. 2d 1365, 1368 (7th Cir. 1969).

This case is, of course, somewhat distinguishable from *Powell* on the grounds that the report of a Committee of Congress is involved rather than congressional action affecting qualification for office. Defendants argue that the printing of a committee report by the Public Printer is a ministerial function necessary to allow Congressmen to bring their views before the Congress and the public, and hence a function insulated from judicial power. Nothing in the Constitution or the cases suggests, however, that a committee report is a necessary adjunct to speech or debate in Congress. Article I, Section 5, of the Constitution provides that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same . . . ," a mandate fulfilled by the printing of the *Congressional Record.* As previously indicated, publication of the Report in the *Congressional Record* cannot be enjoined. Additional printing of a committee report for wide public distribution and sale, however, stands on a wholly different footing. While it is printed and distributed to members of Congress pursuant to statute, 44 U.S.C. §§ 701 et seq., nothing in the Constitution compels its publication, and its further printing and public distribution is not necessary to give effect to the freedom of Congressmen to speak and debate on or off the floor. The Speech or Debate Clause does not necessarily bar an action to enjoin the Public Printer from printing a committee report for public distribution.

Defendants also argue that this Court lacks jurisdiction because the issue presented involves a "political question," and hence is

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not justiciable. This question of justiciability cannot of course, be determined by simple rules or principles. While courts have in a long series of cases found the separation of powers doctrine no bar to judicial review of congressional investigations,[4] defendants suggest that the issue in all these cases was the validity of formal congressional process. Accordingly, the Deputy Assistant Attorney General contended at oral argument that these decisions support the proposition that a Committee of Congress can print in a report anything it pleases, without interference from the judiciary, so long as the information is not gathered by compulsory process. This argument ignores the fact that the use of information, fully as much as the process by which it is gathered, may infringe constitutionally protected freedoms. *Cf. Menard* v. *Mitchell*, No. 22,530 (D.C. Cir. June 19, 1970). The decision to print and widely distribute the Committee Report involved here is no more a "political question" than the decision by the House of Representatives to exclude one of its members reviewed in *Powell*.

Apart from the total privilege afforded by the Speech or Debate Clause, the authority of a congressional committee to publish and distribute a report at public expense is not unlimited but is subject to judicial review in the light of the circumstances presented. In *Watkins* v. *United States*, 354 U.S. 178 (1957), the Supreme Court considered at length the relationship between congressional investigations and the Bill of Rights. Noting that congressional concern with alleged threats of subversion had brought about a new phase of legislative inquiry involving broad-scale intrusions into the lives of private citizens, it declared that First Amendment rights "may be invoked against infringement of the protected freedoms by law or by lawmaking." Unwilling to assume, as defendants do here, that "every congressional investigation is justified by a public need that overbalances any private rights affected," the Court emphasized that where exposure and invasion of private rights are the result of a legislative inquiry, the inquiry must be justified by a genuine, specific legislative need.

"No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible. 354 U.S. at 187."

Thus the issues here presented necessitate consideration of the legislative purpose underlying the Report, if any be shown. Judicial inquiry into the matter of legislative purpose must be undertaken with caution and great deference to the regularity of actions by a coordinate branch of government. No precise guidelines have been laid down by prior decisions concerned with this troublesome question. Congress to be sure has wide powers to investigate and report in aid of legislation, but where its activities encroach upon constitutionally protected liberties, a subordinating interest of the State must be affirmatively shown. See *Barenblatt* v. *United States*, 360 U.S. 109, 127 (1959).

Each situation must be analyzed on its own special facts. Here the Report not only fails to indicate any legitimate legislative purpose, but on its face contradicts any assertion of such a purpose. While counsel suggests that the Report could have been intended to stimulate legislation concerning the financing of "subversive" organizations, the Committee made no attempt to ascertain whether any honoraria were being channeled to such organizations, and acknowledged that no further inquiry into the matters covered by the Report was contemplated. No proposed or contemplated legislation is mentioned. Nor could the listing of names of speakers possibly be relevant to an inquiry concerning finances, and yet the list comprises the heart of this Report. The appeal is to college administrators, alumni and parents, not to members of Congress. The conclusion is inescapable that the Report neither serves nor was intended to serve any purpose but the one explicitly indicated in the Report: to inhibit further speech on college campuses by those listed individuals and others whose political persuasion is not in accord with that of members of the Committee.

If a report has no relationship to any existing or future proper legislative purpose and is issued solely for sake of exposure or intimidation, then it exceeds the legislative function of Congress; and where publication will inhibit free speech and assembly, publication and distribution in official form at government expense may be enjoined. This is such a report.

The Court recognizes that an injunction against public printing and distribution of the Report, except through the *Congressional Record*, will not prevent distribution and discussion of the so-called "blacklist." There are limits to judicial power just as there are limits to congressional committee action under our tripartite form of government.

The Court is impelled to exercise its discretion in favor of an injunction, limited though it may be, for several reasons. These are times of stress when our most cherished institutions are threatened by extremists of many different persuasions. It is in these circumstances that the right of free speech and assembly must be jealously safeguarded by all branches of government to the end that the interchange of ideas and discussion, not violence, shall fashion the future of this democracy. There are undoubtedly individuals who would destroy our institutions and form of government. If any of them are listed in this Report, our Constitution nevertheless preserves their right to speak even though their acts may be restrained. It is alien to any legitimate congressional function, as well as contrary to our most established traditions, for any Committee of the Congress to disseminate lists designed to suppress speech. Members of the Committee may speak their minds, and their words will carry added weight because of the great prestige of their high office. They cannot, however, by the mere process of filing a report devoid of legislative purpose, transform these views into official action by the Congress and have them published and widely distributed at public expense.

The Court notes the increasing tendency of the legislative branch to investigate for exposure's sake, and expresses the hope that members of Congress will by rule and attitude limit congressional inquiry to those matters amenable to constitutional legislative action. The Congress, the Judiciary, and the Executive branch properly seek remedies against violent conduct, but the marketplace of ideas cannot be closed and all branches of Government must in the last analysis depend on the common sense of citizens. This is the essence of democracy and it is in times of stress that the fundamental requirement of free speech and nonviolent assembly must be assiduously preserved wherever possible.

The action is dismissed as to all Congressmen named defendants and the Committee's Chief Counsel. The Public Printer and the Superintendent of Documents are permanently enjoined from printing or distributing the Report. The motion latterly made by plaintiffs to show cause why certain defendants should not be held in contempt of the Temporary Restraining Order is denied.

The foregoing constitutes the Court's Findings of Fact and Conclusions of Law. The Court's Order is filed herewith.

GERHARD A. GESELL,
U.S. District Judge.

OCTOBER 28, 1970.

FOOTNOTES

[1] The 12 organizations listed in an appendix to the Report are: Nation of Islam; Communist Party; National Committee to Abolish HUAC; National Mobilization Committee to End the War in Vietnam; Socialist Workers Party; [Persons] Cited for Contempt in Connection with the "Chicago Seven" Conspiracy Trial; Black Panther Party; Students for a Democratic Society; Student Non-Violent Coordinating Committee; New Mobilization Committee to End the War in Vietnam; Spring Mobilization Committee to End the War in Vietnam; and Youth International Party (Yippies).

[2] Congressmen Preyer and Stokes are not represented by counsel in this action.

[3] The Superintendent of Documents is a subordinate of the Public Printer. While the Public Printer is appointed by the President, 44 U.S.C. § 301, he is a legislative employee. Duncan v. Blattenberger, 141 F. Supp. 513, 515 (D.D.C. 1956).

[4] *See, e.g.*, Watkins v. United States, 354 U.S. 178 (1957); Barenblatt v. United States, 360 U.S. 109 (1959); United States v. Rumely, 345 U.S. 41 (1953); Stamler v. Willis, 415 F. 2d 1365 (7th Cir. 1969). In Davis v. Ichord, No. 23,426 (D.C. Cir. Aug. 20, 1970), the Court of Appeals rejected the separation-of-powers argument in an action seeking to enjoin the maintenance and use by this same Committee of an alleged "political blacklist." Dismissal of that case was upheld only on the basis that the threatened injury alleged by plaintiffs had by the time the case was decided become so improbable that the controversy was no longer "live."

[In the U.S. District Court for the District of Columbia, Civil Action No. 3028–70]

NAT HENTOFF, ET AL., PLAINTIFFS

v.

RICHARD H. ICHORD, ET AL., DEFENDANTS

ORDER

Plaintiffs' application for declaratory judgment and permanent injunctive relief having, with consent of the parties, come before the Court on affidavits, and the Court, after briefs and full argument, having filed herewith its Memorandum Opinion containing Findings of Fact and Conclusions of Law, it is

Ordered that the Public Printer and the Superintendent of Documents be and each is hereby permanently enjoined from printing and/or distributing, or directly or indirectly causing to be printed or distributed, any copy of a Report of the House Committee on Internal Security captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities" or any portion, restatement or facsimile thereof, provided however that in the event said Report or any part thereof shall be introduced into or be mentioned during the course of proceedings of the House or of the Senate this injunction shall not apply to subsequent normal publication or distribution of the *Congressional Record* in full text, without special reprinting or excerpting of any portion or portions relating to said Report; and it is

Further ordered that the complaint be and it is hereby dismissed as to all parties except the Public Printer and the Superintendent of Documents, and the Temporary Restraining Order previously entered in this case is and shall be resolved upon the service of this Order on the Public Printer; and it is further

Adjudged and declared that said Report of the House Committee for Internal Security is without any proper legislative purpose and infringes on the rights of individuals named therein as protected by the First Amendment to the Constitution of the

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> United States, and that any publication of said Report at public expense, except as herein provided, is illegal.
>
> GERHARD A. GESELL,
> *U.S. District Judge.*
>
> OCTOBER 28, 1970.

The **SPEAKER** pro tempore. The time of the gentleman from Ohio has again expired.

Mr. **ICHORD**. Mr. Speaker, I yield myself 3 minutes for the purpose of answering the question of the gentleman from Ohio.

I would say to the gentleman from Ohio that these statements were put in the report to explicitly show the jurisdiction of the committee. I believe that this is necessary in view of Judge Gesell's decision to the effect that he was enjoining the Government Printer from printing a report because there was no showing of legislative purpose.

Let us refer to the report. Let us read the statements to which the gentleman from Michigan and the gentleman from Ohio are referring.

I direct the attention of the House to page 6 of the report, at the bottom of the page:

> The national government has a deep and intimate interest in the unimpaired and free functioning of our academic institutions.

We know, I would say to the gentleman from Ohio, what is happening in the country.

I would direct the attention of Members to page 4 of the committee report, the third paragraph.

Mr. **STOKES**. Mr. Speaker, will the chairman yield at that point?

Mr. **ICHORD**. I do not yield at this time.

> In recent testimony before the Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Senate, a representative of the Treasury Department . . . testified that for a scant 15-month period (January, 1969 to April, 1970) this country suffered a total of 4,330 bombings, an additional 1,475 attempted bombings, and a reported 35,129 threatened bombings.

As the gentleman in the well knows, many of these speakers are advocating the use of violence. They are advocating the destruction of this society and all of its institutions.

Is the gentleman in the well contending that the House of Representatives, the Congress, does not have a deep and abiding interest in what goes on at these institutions throughout the country?

Mr. **STOKES**. Mr. Speaker, will the gentleman yield?

Mr. **ICHORD**. I will yield shortly.

I would also point out to the gentleman from Michigan and the gentleman from Ohio that the report contains information of the widespread destruction of ROTC facilities that are located on campuses throughout the Nation.

The **SPEAKER**. The time of the gentleman has again expired.

Mr. **ICHORD**. Mr. Speaker, I yield myself 3 additional minutes.

The report shows that there have been better than 300 bombings, thefts, and vandalism of ROTC facilities. Certainly we have an interest in those ROTC facilities. I do not think there is any doubt about the jurisdiction of this committee to inquire in this field for several reasons.

Mr. **STOKES**. Will the gentleman yield?

Mr. **ICHORD**. I yield to the gentleman from Ohio.

Mr. **STOKES**. I think that the chairman would admit to this body that the section which the chairman has just made reference to and which represents 14 pages of this report is a committee report taken from the Committee on Armed Services report of an investigation made by the Defense Department for the Armed Services Committee and which now appears as though it were a report of this committee. It is not and has not ever been considered by this committee.

There is no direct relationship whatsoever between the vandalism section of this report and the speakers who are set forth in this report for the reason that our records will not be able to detail for you the content of any speech ever made by any person who now appears in this report. I am sure that the distinguished chairman of this committee would admit these are the facts.

Mr. **ICHORD**. I would say to the gentleman from Ohio that the chairman of the House Committee on Internal Security is also a member of the House Committee on Armed Services.

Mr. **STOKES**. The gentleman from Ohio is not.

Mr. **ICHORD**. I wish to answer the question of the gentleman further. This information that is contained in the report was testified to by members of the Defense Department. I submit that the information is accurate as to the number of such incidents on our college campuses and that the extent of the damage is correct.

Mr. **PUCINSKI**. Mr. Speaker, will the gentleman yield?

Mr. **ICHORD**. I yield to the gentleman from Illinois.

Mr. **PUCINSKI**. It seems to me the colloquy now going on between the chairman of the committee and the gentleman in the well is very interesting, but it leaves the issue pending. I submit the gentleman in the well and my colleague may be in the wrong church but in the right pew. The issue here is whether or not this court, as a branch of one coequal branch of the Government, has the right to place limitations upon another section of a coequal branch of the Government; namely, the House of Representatives. That question has been tested many times.

The **SPEAKER** pro tempore. The time of the gentleman has again expired.

Mr. **ICHORD**. Mr. Speaker, I yield myself 3 additional minutes for the purpose of answering the questions of the gentleman from Illinois.

I yield to the gentleman from Illinois.

Mr. **PUCINSKI**. It seems to me that the question we ought to be resolving here is whether or not the court has the right to interfere with the publication of the report by the House of Representatives. There are reports that come by here every day that I am not satisfied with and which many Members are not satisfied with, yet we accept them. Are we saying that every time somebody is not satisfied with the procedures or the details of a report prepared by a committee of the Congress that they should go into court and enjoin that committee from issuing the report?

Furthermore, I would like to ask the gentleman from Missouri if it is not true then that this resolution now pending before us in no way interferes with the court?

The gentleman in the well said that we should not be interfering with the conduct of the courts. That is not what we are saying here.

As I understand the resolution pending before us today, we instruct not the court but the Government Printer to carry out his duties in relationship to the House of Representatives.

Mr. **ICHORD**. I would say also to the gentleman from Illinois that the resolution does contain language enjoining all persons from interfering with the printing of the report. In other words, the resolution directs the printer to print the report. On the last page of the resolution—

Mr. **PUCINSKI**. That is correct.

Mr. **ICHORD**. The last page of the resolution reads as follows:

> (2) All persons, whether or not acting under color of office, are hereby advised, ordered, and enjoined to refrain from doing any act, or causing any Act to be done, which restrains, delays, interferes with, obstructs, or prevents the performance of the work ordered to be done by paragraph numbered (1) hereof.

This, however, is not a direct confrontation with the court. If the court should, after the House passes this resolution, if it does, do so it could bring about a direct confrontation, but that would be at the instance of the court.

I agree with the gentleman from Illinois—I disagree very strongly with the gentleman from Ohio who seems to be saying that a Member of the House of Representatives does not have the duty to interpret the Constitution of the United States. I say that every Member of this House has the duty to uphold and defend and interpret the Constitution of these United States.

Article I, section 6, the speech and debate clause, is clear and explicit:

> No Member of the House shall be questioned in any other place——

The **SPEAKER** pro tempore (Mr. ROONEY of New York). The time of the gentleman from Missouri has again expired.

Mr. **ICHORD**. Mr. Speaker, I yield myself 2 additional minutes.

The **SPEAKER** pro tempore. At this point the gentleman from Missouri has 16 minutes remaining.

Mr. **ICHORD**. This is a case where the House must work its own will.

I say to Members of this House that if a Member of the Congress abuses the speech and debate clause of the Constitution, that is for this House to correct or, most certainly, for the constituents to correct. We face the constituencies every 2 years. It is certainly not for a nonelected Federal judge to correct.

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Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Can the gentleman from Missouri tell us why the circuit court refused to expedite the hearing on your appeal of Judge Gesell's decision?

Mr. ICHORD. I could not answer that question, I will say to the gentleman from New Hampshire. I have no information on that.

Mr. WYMAN. Mr. Speaker, if the gentleman will yield further, an attempt was made to expedite a court decision before the proposal which comes from the gentleman's committee today—the resolution that the gentleman now has pending before the House was presented today, was it not?

Mr. ICHORD. I would say to the gentleman from New Hampshire that our attorneys requested the court of appeals to expedite the appeal. They refused to do so, although this judge expedited an appeal on the part of the Black Panthers to use the facilities of Howard University.

Mr. WYMAN. Mr. Speaker, if the gentleman will yield further, this request to expedite the appeal was made several weeks prior to this day was it not? There was plenty of time for this appeal to have been heard and a judicial review completed prior to the gentleman from Missouri bringing this resolution to the floor of the House was there not?

Mr. ICHORD. The court was requested to expedite the hearings but the court, very cavalierly, refused to do so.

Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Ohio (Mr. ASHBROOK).

Mr. ICHORD. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. WATSON).

Mr. WATSON. Mr. Speaker, I thank our distinguished chairman for yielding this time to me just to make one or two observations concerning the important matter that we are now discussing.

I certainly appreciate the position of those who are opposed to this particular proposition and I think both in the debate here today and in the discussions we have had in committee it has been conducted on a very high plane.

Mr. Speaker and ladies and gentlemen of the House, there is one simple question that you are voting on today, and that one question is this: whether or not you are going to uphold your oath of office when you became a Member of this body to support and defend the Constitution. You are not voting on the value of this report at all. I hope you read it regardless of what decision may be made on this resolution—I hope you have read this report. The chairman of the committee said it is not "earth shaking." The gentleman from Ohio expressed similar sentiments. I would agree somewhat with that assessment, but I will tell you further it is enlightening. I think all of us would profit from reading this particular report and find out what some people are saying on the various college campuses. Perhaps it would help us to better understand the motivation for some of the irresponsible acts by some people.

Do you think it is not important to let educators and for us to know and for parents to know, as well as others, what one William Kunstler, one of the convicted conspiracy seven out in Chicago, is telling our college students. Incidentally, he said this shortly before a bank out in Isla Vista, Calif., the Bank of America, was burned by a mob on February 27, 1970.

Kunstler told a crowd at a nearby University of California, Santa Barbara, and I quote:

> Every time I speak I mention the fact that I think people ought to be in the streets and someone says that's a fine thing for a lawyer to say, or it's not very legal to raise your fist in the air, but I say this to those critics, that the natural course in every civilization has been from routine protests to resistance and ultimately if resistance does not succeed, to revolution.

That is what William Kunstler, as well as other revolutionaries is saying on many college campuses and they are receiving honorariums ranging to $2,000, from either student or institutional funds.

Now, bear in mind this—if we pass this resolution it will not silence William Kunstler. It will not silence Herbert Aptheker—the theoretician for the Communist Party, who is also a popular campus speaker. All of these people can continue speaking just as they are right now but I think this Congress and the American people are entitled to know what is being said by them on the college campuses and from what sources their financing is derived.

Let me say this—this is no effort to silence anyone. They will continue to speak just as they are right now. And may I say to my friends again I believe that this report although it is not earthshaking it indeed is enlightening. It should be read by all parents and concerned Americans.

Let me say in conclusion, my friends, that the question of what value you place on this report is left to you individually. If you say it is not worth the paper it is printed on, then that is for your consideration and your determination. Others of us believe that it is very important. But I submit that the immediate question is what value you place on the oath of office taken when you were sworn in. The question is whether you are going to support your oath of office when you became a Member of this body or whether you are going to abdicate that responsibility to the voice of a Federal judge. That is the simple question.

Mr. ICHORD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. MIKVA), for purposes of debate only.

Mr. MIKVA. Mr. Speaker, I will try to deal very conservatively with the Chairman's liberal yielding.

First of all, let me say as one who also has some misgivings about the decision of Judge Gesell in the earlier case, I do not think that the question before us is a review of that decision. That decision is being reviewed in the proper channels by the court of appeals and ultimately, if necessary, by the Supreme Court. What is being sought here, ladies and gentlemen of the House, is for us to enjoin the court—and I call your attention to page 18—from interfering in any way with a report that is not even before the court.

Ladies and gentlemen of the House, that is exactly the kind of confrontation which for 200 years statesmen have tried to avoid. This report that the committee seeks to distribute at this point is not under any legal restraint whatsoever. The decision as to the earlier report, which was restrained as far as public printing is concerned, is under appeal. The question we have to resolve today is whether our zeal to confront the judiciary on a possible overstepping of their authority is so great that we are willing to bring about the confrontation, which has to lead to exactly the kind of disaster that our statesmen in the past have tried to avoid.

If they enjoin us, then we send our Clerk over to joust their Marshals; and since the chairman of the committee was in the Navy, we will get the Navy on our side; and presumably Judge Gesell, who was in the Army, will have the Army on his side; and if we have not moved over to a two-bit anarchy by those actions, I do not know what we are. It is that kind of restraint that you are being asked to exercise today by voting "yea" on the motion to be offered by the gentleman from Ohio to lay the matter on the table.

Maybe ultimate confrontation is unavoidable; but let us not reach for it. Let us not look for the kind of situation where neither the legislative branch nor the judiciary can come out whole. I urge you to vote for the motion to lay on the table.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Missouri.

Mr. ICHORD. I do not understand the contention of the gentleman from Illinois to the effect that this would directly enjoin the courts. As a matter of fact, I would point out to the gentleman from Illinois that the American Civil Liberties Union appeared in court just a few days ago, after this report was reported a second time by the committee, and appeared before Judge Gesell——

Mr. MIKVA. Who refused to grant their motion.

Mr. ICHORD (continuing).—Who refused to grant the motion.

Mr. MIKVA. So, therefore, your own report is not under any restraint; is that correct?

Mr. ICHORD. I say to the gentleman that there will be no confrontation unless the courts choose to proceed with the injunction against the——

Mr. MIKVA. Will the chairman agree that we are enjoining the court?

The SPEAKER. The time of the gentleman from Illinois has expired. The gentleman from Missouri has 1 minute remaining.

Mr. PREYER of North Carolina. Mr. Speaker, the publication of this list of college speaker's honoraria is not in itself a matter of great significance, but Judge Gesell's decision has made it so.

Judge Gesell's decision seems to me to be clearly in error in that it violates the "speech and debate" clause of the Con-

XUM

stitution. Under this clause the courts are denied jurisdiction to question Members' speech or debate—"they shall not be questioned in any other place." It is not up to Judge Gesell to determine whether the "speech and debate" immunity has been abused by the committee; whether there is abuse, and corrections for such abuse, is a matter for the House membership or our constituents to determine, not the courts.

Nor would I rest content to let the appeal court correct Judge Gesell's decision. The principle involved is an important one. Congress should not appear to acquiesce in Judge Gesell's enjoining of the Public Printer, Congress' agent, in any way. The House has a duty to protest any judicial encroachment on the freedom of speech expressly granted to Members of the House by the speech and debate clause. We have the right—and duty—to put our best foot forward, to present the issue in cleancut fashion to the court, to put the courts on notice that we consider it of major importance, and avoid any appearance of acquiescing in any way in the eroding away of this right. This principle, of course, applies to all committees of Congress, not just the House Internal Security Committee.

We must distinguish between the wisdom of the committee's action and its legitimate power to take the action. I personally did not think the committee's action was wise in sending out the original letter to colleges requesting the information on speakers' honoraria, and so voted against this action in the committee. I did believe it important to alert the Congress and the colleges themselves to the possible use of the campus forum to raise money for radical groups, but thought it could be done by other means. But I am confident the committee had the power to take the action, and I can see no violation of the rights of free speech. The action fell within the mandate of the committee, and the facts sought were relevant to the mandate.

The basic quarrel of Judge Gesell and of some of the critics of this action is with the mandate of the committee—a question already resolved in this session of Congress by the action of Congress in setting up the committee. That mandate runs to a very sensitive area. It deals with basic principles: how to reconcile political power with personal freedom, the sovereignty of the individual with national sovereignty, the rights of free speech and assembly with the right of a nation to protect itself against revolutionary violence. In this particular instance, should the individuals and groups listed in the report have the absolute right of free speech while the committee cannot say how much they received in honoraria? Cannot a committee, like an individual, comment on the activity of such groups, and what are the proper limits of such comment? How far do the rights of assembly and free speech run when they are used to advocate revolutionary violence?

These are sensitive questions, but because they are difficult is no reason for the committee to back away from them. Our time has spawned a whole series of moral problems in which the right to security conflicts with the right to liberty and challenges us to creative solutions that give as much as possible of both but must on occasion risk our security or curb our freedom.

Mr. EDWARDS of California. Mr. Speaker, I rise to oppose passage of the privileged resolution urged upon you by my colleague from Missouri. I do so for a number of reasons. Let us look at what is happening here. A Federal judge has found that publication of this report serves no valid legislative purpose and interferes with the exercise of the first amendment freedom of those persons named in it. The judge recognized that the speech and debate clause of our Constitution prevented him from enjoining the Congressmen themselves from distributing this report, but he ruled that the speech and debate clause did not ban the court from giving the persons named in the list any relief at all, and issued an injunction against the Public Printer and the Superintendent of Documents.

This case then presents a question of law requiring an interpretation of the Constitution—a task which our system of government has placed on the courts. In this case, the courts, including in all likelihood the Supreme Court will be asked to decide whether Judge Gesell was right or wrong in his interpretation of both the first amendment and the speech and debate clause.

In the meantime, however, an injunction has been issued by a Federal district court. It is axiomatic that an injunction must be obeyed as long as it exists if it is ultimately found to have been erroneously granted. That is why I am particularly troubled by the resotion offered by my colleague from Missouri.

We have been told that no one wished a confrontation with the courts. Yet that is precisely what the passage of this resolution seeks to provoke. The order issued by Judge Gesell bars the publication of the report or any "restatement" of it. Examination of both the revised report and the language of the proposed resolution itself makes it perfectly clear that the revised report is in fact a restatement of the first report. As such, the Public Printer is presently prohibited by the court from printing the report. By this resolution, the House of Representatives would be commanding him to ignore the court's order and publish the report anyway.

This lawless course, encouraging, no, ordering, an official of the United States to disobey a court order is just no way for the Congress of the United States to behave. Moreover, the language in the resolution enjoining anyone from interfering with the printing of the revised report cannot stop the Federal courts from determining that publication of the report violates the constitutional rights of those named in it. The resolution thus, in addition to being a call for lawless action, is purely ceremonial and would make the House of Representatives look more than a little silly and more than a little hysterical at the prospect of any outside scrutiny of its conduct.

All of which brings me to the heart of the matter. What has the Committee on Internal Security done which we are asked to endorse with this resolution? The first report purported to be a study of the financing of radical groups through the honorariums paid certain campus speakers. Yet the report expressly disclaimed not only any evidence that these speakers had helped to fund radical groups but also any even minimal effort by the committee and its staff to find such a link. The sole stated purpose was to provide the people who invite campus speakers with a list of names of persons disapproved by the House Committee on Internal Security.

The revised report is no better. No new evidence on funding appears and although it adds a vast collection of charts and statistics on campus violences it shows no evidence of any link between the speakers and the violence. In one respect the revised report is even worse than the original version. It stops short of charging any speaker with violating any laws. Yet it asserts its dissatisfaction with the content of the speeches. These additions show that the report is aimed at the unpopular speech which is protected by the first amendment.

The intent behind publication is, therefore, even clearer in the second report than it was in the first. It says to the world that these 57 people have expressed opinions distasteful to the House Committee on Internal Security, but that because the Constitution prohibits the Congress from denying them a forum, the committee urges others not faced with this constitutional restriction to do the job for it. This cannot be considered a proper function of the Congress or of its committees.

The sad truth, however, is that we in the Congress have not taken the necessary steps to prevent our own committees from engaging in this kind of "blacklisting" of those whose views are distasteful or repugnant but constitutionally protected. The court has thus been forced to step into the vacuum which we have created. Whatever confrontation has occurred has been one born out of our own passive acceptance of this Committees methods and objectives.

I thus urge you, my colleagues, to refuse to join in this effort to put the Congress of the United States in the position of both endorsing this "blacklisting" and encouraging lawless disregard of a court injunction. It is the responsibility of the courts to resolve the difficult questions of constitutional interpretation which this case has raised. At the same time, it is the responsibility of the Members of this House to reexamine the mandate given this committee, so as to put an end, once and for all, to this kind of political "blacklisting."

Mr. KOCH. Mr. Speaker, I am opposed to the resolution introduced by the gentleman from Missouri (Mr. ICHORD), chairman of the House Internal Security Committee. As so often happens in debates flowing from the actions of this committee, there are those who seek to discredit the opponents of the committee as being un-American or oblivious to the dangers from which the committee allegedly seeks to protect us.

XUM

The gentleman from Missouri, in supporting his resolution, expressly refers to the guarantee of free speech given to each Member in the debate that takes place in this Congress. I speak in opposition to this resolution by referring to another guarantee of free speech that is provided by the Constitution's first amendment given to the people of this country by the Founding Fathers to defend the public from those Congresses that would seek to abridge their freedom to speak.

I too am opposed to the bombings which have taken place in this country by the nihilists who believe in violence. The very building in which my Federal office in New York City is located has been bombed twice and has been the subject of innumerable bomb threats. I believe that those engaged in these illegal acts should be apprehended and punished under the law.

I personally disagree with the statements and sentiments made by some of the people listed by Mr. ICHORD as revolutionary. But, I believe that their sentiments, even of the most extreme kind, if not coupled with illegal acts, are protected by the first amendment. Why else the first amendment?

What is very troublesome to me, and I would think troublesome to the chairman, is the fact that a number of individuals listed in the committee's first report have been removed in its second report. Does the chairman believe that the correction, if we can call it that, will ever catch up with the original libel? It is apparently the intention of the chairman to inhibit the people listed in his report from speaking on the campuses of this country. My position is that if academic freedom is to be preserved, the universities must be given the decision as to who speaks on their campuses; this is not Congress decision, and the universities should not be inhibited by the actions of the House Internal Security Committee. If I have mistaken the chairman's intentions, let him say so—but surely, he must know that his actions will have that effect.

XUM

The chairman of the Internal Security Committee protests that he is concerned about the preservation of our Republic. And yet, by submitting a resolution for the printing of the second report, he both defies and undermines our judicial system. Judge Gesell's October decision in restraining the printing of the first report has been appealed to the Court of Appeals for the District of Columbia. The decision of whether or not Judge Gesell's order was correct is a judicial one which belongs to an appellate court, not this House. Mr. ICHORD does not want to wait for the exercise of the judicial procedure, and so with his second report, since the issue is the same, he proposes a resolution circumventing the court's authority. Let us not place ourselves in the same position as the revolutionaries who cannot wait for the due process of the law to take place.

Once again I want to reiterate—and I am sorry that the tenor of this debate requires my doing so—that I believe fully in the democratic process and do not condone the destruction of property even when it is allegedly in support of an ultimately good goal. But freedom of speech is our dearest possession in this country and whenever attempts are made to limit that freedom we must rush to its defense. That imperative applies no matter whose freedom of speech is under attack.

When the House Un-American Activities Committee changed its name to the House Internal Security Committee, it, like the leopard, kept its spots.

Mr. RYAN. Mr. Speaker, the chairman of the House Committee on Internal Security has called up a privileged resolution to authorize the printing of a report entitled "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities." The committee proposes, should this resolution be passed, to have the House assert "the will of Congress that further obstruction will not be suffered." I quote from the chairman's letter to the Members of the House of December 8, 1970.

In brief, the majority of the House Committee on Internal Security do not like the decision handed down on October 28, 1970, by Judge Gerhard A. Gesell of the U.S. District Court for the District of Columbia. In that decision, Judge Gesell issued a permanent injunction restraining the Public Printer and the Superintendent of Documents from printing, publishing, and disseminating the predecessor of the report at issue here today. Judge Gesell found that the previous report was "without any proper legislative purpose and infringes on the rights of the individuals named therein as protected by the first amendment to the Constitution of the United States."

The report at issue today by virtue of the resolution before us is virtually identical to its enjoined predecessor. In fact, the chairman of the committee frankly conceded in debate that the report entitled "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities"—the subject of the resolution—is a restatement of the previous report, which was entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." In addition, the final Whereas clause of the resolution states that:

> The report is upon the same subject matter as the prior report . . . and may be construed as a "restatement" of the whole or a part of the prior report.

Thus the committee would have us, by passage of this resolution, directly confront Judge Gesell's decision. Without arguing the merits of that decision, it can very clearly be stated that there is a simple means whereby to establish whether it should be overridden: appeal through the judicial process. In fact, the case has been appealed. The decision may well be reversed, but that is a consequence to be determined in the courts.

Instead of seeking a confrontation with the judicial branch—a result passage of this resolution might well produce—the legislative branch should exhaust its legal remedies. At the least, a respect for the courts—a respect which I would think every Member would wish to engender—should preclude passage of this resolution. What is more, to pass a resolution which in effect seeks to enjoin the judiciary from interfering with the Public Printer and the Superintendent of Documents will only bring on the kind of collision which Congressmen and courts have sought to avoid throughout the Nation's history.

The chairman has argued that the court's action is in violation of the speech and debate clause of the Constitution—article 1, section 6. It should be pointed out that the court did not attempt to enjoin any Member of Congress, and it specifically stated that, if the report were introduced or mentioned during the course of proceedings of the House or of the Senate, the injunction should not apply to subsequent normal publication or distribution of the CONGRESSIONAL RECORD in full text.

There is a serious constitutional question as to whether or not the speech and debate clause applies to this situation, and that issue should be settled in the courts.

Let us look at this latest creature of the House Committee on Internal Security—the report which is the subject of the resolution before us.

Ostensibly, the committee undertook to determine the financial support derived by certain organizations by virtue of honoraria paid speakers on college campuses. Thus, the chairman's memorandum to the other committee members, of May 18, 1970, which is the basis for the undertaking of the survey, stated:

> (T)he limited information that is available suggests to me that honorariums may well be of significance in funding the activities of revolutionary groups . . .

In light of this alleged purpose of the report, it is little less than ludicrous that the report ultimately states:

> The Committee did not at this stage endeavor to ascertain whether honoraria paid as indicated herein to the speakers inured to the benefit of any organizations with which they may be associated, or that the individuals were speaking in behalf of such organizations.

In brief, as our distinguished colleague from Ohio (Mr. STOKES) states in his penetrating dissent embodied in the proposed report:

> This is a very amazing statement in light of the specifically avowed purpose of the report.

Furthermore, this report is bereft of even the basic cause-effect logic which one would reasonably expect. Figures about destruction of ROTC and armed services property—cadged from the report of another committee—are provided, and by some semantic leap, we are supposed to associate the speakers listed in the report with these statistics. Innuendo is substituted for facts.

What is the real purpose of this proposed report? Very simply, it is another episode in the history of this committee, and its predecessor—the House Un-American Activities Committee—to smear. It is a blacklist, which even includes people whose "offense" has been to oppose the war in Vietnam.

Ours is a nation which possesses "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open"—*New York Times Co.* v. *Sullivan,* 376 U.S. 255 (1964). The proposed report is, in reality, a refutation of that commitment. It is an attempt to silence those who speak out by subjecting them to guilt by association and to innuendo.

More than 50 years ago, Mr. Justice Holmes uttered a thought whose profundity has withstood the test of time and experience. In *Abrams* v. *United States,* 250 U.S. 616 (1919), that eminent Jurist wrote:

> But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes can safely be carried out. That at any rate is the theory of our Constitution.

Sadly, there are some in this country who would deny the citizenry the right to use their own innate intelligence. Rather, they would assault the first amendment, and in so doing, hope to stifle those with whom they disagree.

Again, I would quote from one of the greatest of legal and political scholars, the late Prof. Alexander Meiklejohn, who wrote, in his book "Political Freedom":

> (C)onflicting views may be expressed, must be expressed, not because they are valid, but because they are relevant. If they are responsibly entertained by anyone, we, the voters, need to hear them. When a question of policy is "before the house," free men choose to meet it not with their eyes shut, but with their eyes open. To be afraid of ideas, any idea, is to be unfit for self-government. Any such suppression of ideas about the common good, the First Amendment condemns with its absolute disapproval. The freedom of ideas shall not be abridged.

Some would have this be the land of the eyeless—the land of men who act with "their eyes shut." Thus, some condemn the educational process of exposing college youth to speakers of different beliefs and ideologies.

Certainly, I need not endorse any man's ideas; but certainly I have faith enough in my own reasoning abilities—and the intelligence of our college students—to not shrink from rhetoric.

Let me quote from another eminent Jurist, Mr. Justice Frankfurter, who, writing in *Kovacs* v. *Cooper,* 336 U.S. 77 (1949), said:

> And without freedom of expression, thought becomes checked and atrophied.

Yet some would check that freedom.

Another distinguished scholar, Prof. Charles L. Black, Jr., Luce professor of Law at Yale University Law School, has written in his notable, and noteworthy book, "The People and the Court," at page 221:

> The suppression of free speech seems quite evidently rational to all but a small fraction of humanity. The framers of the First Amendment were not foolish enough to be unaware of this. They committed our nation to take a chance on a higher rationality.

I too would "take a chance on a higher rationality." It is the most precious chance which we, as Americans, are privileged to take, for the cherishing of the first amendment is what, above all, signals the greatness of America.

To this end, I have introduced House Resolution 1281, in which the gentleman from California (Mr. Burton), Mrs. Chisholm, Mr. Conyers, Mr. Eckhardt, Mr. Fraser, Mr. Kastenmeier, Mr. Lowenstein, and Mr. Mikva have joined me. House Resolution 1281 provides:

> Resolved, that it is the sense of the House of Representatives that no committee, subcommittee, or joint committee of the House of Representatives shall impair or abridge the right of free speech in the United States, as guaranteed by the first amendment to the Constitution of the United States, by issuing, compiling, or in any way promulgating any list, statement, or any other report which condemns, categorizes, or otherwise classifies or segregates any person or group of persons on the basis of any opinion expressed by such person or group of persons unless the consent of such person or group of persons, expressly given, is first obtained.

The first amendment embodies our most cherished freedom—the right of free speech. This resolution—an end run around the judicial process—does a disservice to that freedom.

GENERAL LEAVE TO EXTEND

Mr. ICHORD. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I ask unanimous consent that all Members of the House may be permitted to revise and extend their remarks on the subject of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker, I cannot understand the arguments of the gentleman from Illinois and the gentleman from Ohio as well as the gentleman from Michigan. Apparently they are saying to this body that revolutionary speakers, many of whom are appearing on college campuses today, have the absolute right of freedom of speech, while a committee of Congress does not even have the right to comment upon how much they receive for exercising that freedom of speech.

Mr. Speaker, surely the members of this body will not acquiesce in those views. I urge adoption of the resolution, and on that motion, Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Missouri moves the previous question on the resolution.

PREFERENTIAL MOTION OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

> Mr. Stokes moves to lay the resolution on the table.

PARLIAMENTARY INQUIRY

Mr. ICHORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ICHORD. This is a preferential motion to lay the previous question on the table. What would be the parliamentary situation if the previous question is laid on the table? This is not the adoption of the resolution, but a motion with respect to the previous question.

The SPEAKER. If the motion to lay the resolution on the table is not agreed to, then the question would be on ordering the previous question. Then the next vote would be on the adoption of the resolution.

The question is on the motion offered by the gentleman from Ohio (Mr. Stokes) to lay the resolution on the table.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. STOKES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. WATSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WATSON. Mr. Speaker, if the motion to table prevails, there can be no further consideration at all of this matter. Is that not correct? Does it not apply the clincher?

The SPEAKER. If the motion to table is agreed to, then the resolution is tabled.

Mr. WATSON. Then that ends it. All right.

The SPEAKER. Does that answer the gentleman's inquiry?

Mr. WATSON. Mr. Speaker, may I make a further inquiry?

Mr. Speaker, the motion was to table a motion on the previous question, so we might have this situation. The motion was not to table the resolution. So the net effect is this: If the motion to table prevails, then this is the end of the debate, and there can be no further consideration.

The SPEAKER. The motion to table is on the resolution.

Mr. WATSON. The motion to table, may I respectfully say one further point as a parliamentary inquiry, was made on the motion by the chairman of the committee on the previous question, not on the resolution. What is the effect of it?

The SPEAKER. The Chair will state the motion to lay on the table has a higher privilege than the motion for the previous question, and this motion to lay on the table is on the resolution.

Mr. WATSON. Then that is the end of it.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 55, nays 301, not voting 77, as follows:

[Roll No. 407]

YEAS—55

Annunzio
Biester
Bingham
Brademas
Brasco
Brown, Calif.
Burton, Calif.
Celler
Cohelan
Conyers
Corman
Coughlin
Culver
Eckhardt
Edwards, Calif.
Eilberg
Findley
Fraser
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Holifield
Howard
Kastenmeier
Koch
Leggett
Lowenstein
McCloskey
Matsunaga
Mikva
Mink
Morse
Nedzi
Nix
Obey
O'Hara
Patten
Podell

XUM

Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rostenkowski
Ryan
Scheuer
Stokes
Thompson, N.J.
Vanik
Waldie
Whalen
Yates

NAYS—301

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Henderson
Hicks
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McClory
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
Watson
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NOT VOTING—77

Ashley
Aspinall
Biaggi
Blackburn
Blatnik
Bolling
Brock
Broomfield
Burke, Fla.
Burton, Utah
Button
Carey
Chisholm
Clay
Collins, Ill.
Colmer
Corbett
Daddario
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Farbstein
Feighan
Ford, William D.
Frelinghuysen
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Green, Pa.
Gubser
Halpern
Hébert
Heckler, Mass.
Horton
Jones, Tenn.
Karth
Kee
Landrum
Long, La.
McCarthy
McCulloch
McKneally
May
Meskill
Monagan
Moorhead
Morton
Mosher
Moss
Myers
O'Konski
Ottinger
Powell
Purcell
Rivers
Roberts
Rogers, Colo.
Roudebush
Rousselot
Roybal
St Germain
Sandman
Stanton
Steiger, Ariz.
Stuckey
Teague, Tex.
Tunney
Van Deerlin
Watts
Weicker
Wolff
Wyatt

So the motion to table was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Ashley for, with Mr. Hébert against.

Mr. Green of Pennsylvania for, with Mr. Long of Louisiana against.

Mrs. Chisholm for, with Mr. Edwards of Louisiana against.

Mr. Powell for, with Mr. Teague of Texas against.

Mr. McCarthy for, with Mr. Jones of Tennessee against.

Mr. Clay for, with Mr. Donohue against.

Mr. Diggs for, with Mr. Fulton of Tennessee against.

Mr. Farbstein for, with Mr. Rivers against.

Mr. Gilbert for, with Mr. Landrum against.

Mr. Roybal for, with Mr. Watts against.

Mr. Ottinger for, with Mr. Purcell against.

Mr. William D. Ford for, with Mr. Roberts against.

Mr. Wolff for, with Mr. Stuckey against.

Mr. Collins of Illinois for, with Mr. Colmer against.

Until further notice:

Mr. Biaggi with Mr. Horton.

Mr. Moorhead with Mr. Corbett.

Mr. Giaimo with Mrs. Dwyer.

Mr. Evans of Colorado with Mr. Stanton.

Mr. Dingell with Mr. Steiger of Arizona.

Mr. Dowdy with Mr. Blackburn.

Mr. Moss with Mr. Wyatt.

Mr. Blatnik with Mr. Mosher.

Mr. Karth with Mr. Broomfield.

Mr. Van Deerlin with Mrs. Heckler of Massachusetts.

Mr. Kee with Mr. Gubser.

Mr. Carey with Mr. Halpern.

Mr. Feighan with Mr. Myers.

Mr. Gallagher with Mr. Frelinghuysen.

Mr. St Germain with Mr. Burke of Florida.

Mr. Monogan with Mr. Sandman.

Mr. Tunney with Mr. Rousselot.

Mr. Daddario with Mr. Burton of Utah.

Mr. O'Konski with Mr. Button.

Mr. McCulloch with Mr. Meskill.

Mrs. May with Mr. McKneally.

Mr. Roudebush with Mr. Weicker.

Mr. HOWARD changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. ICHORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 54, not voting 77, as follows:

[Roll No. 408]

YEAS—302

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conte
Corbett
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Henderson
Hicks
Hogan
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McClory
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes

Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
Watson
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wright
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—54

Annunzio
Ashley
Biester
Bingham
Brademas
Brasco
Brown, Calif.
Burton, Calif.
Celler
Cohelan
Conyers
Corman
Coughlin
Culver
Eckhardt
Edwards, Calif.
Eilberg
Findley
Fraser
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Holifield
Kastenmeier
Koch
Leggett
Lowenstein
McCloskey
Matsunaga
Mikva
Mink
Morse
Nedzi
Nix
Obey
O'Hara
Podell
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rosenthal
Ryan
Scheuer
Stokes
Thompson, N.J.
Vanik
Waldie
Whalen
Yates

NOT VOTING—77

Aspinall
Biaggi
Blackburn
Blatnik
Bolling
Brock
Broomfield
Burke, Fla.
Burton, Utah
Button
Carey
Chisholm
Clay
Collins, Ill.
Colmer
Daddario
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Farbstein
Feighan
Ford, William D.
Frelinghuysen
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Green, Pa.
Gubser
Hagan
Halpern
Hébert
Horton
Jones, Tenn.
Karth
Kee
Landrum
Langen
Long, La.
McCarthy
McCulloch
McKneally
May
Meskill
Moorhead
Morton
Mosher
Moss
Myers
O'Konski
Ottinger
Powell
Purcell
Reifel
Rivers
Roberts
Rogers, Colo.
Roudebush
Rousselot
Roybal
St Germain
Stanton
Steele
Steiger, Ariz.
Stuckey
Teague, Tex.
Tunney
Van Deerlin
Watts
Weicker
Wilson, Charles H.
Wolff
Wyatt

So the resolution was agreed to.

The Clerk announced the following pairs.

On this vote:

Mr. Hébert for, with Mr. Green of Pennsylvania against.

Mr. Long of Louisiana for, with Mrs. Chisholm against.

Mr. Edwards of Louisiana for, with Mr. Powell against.

Mr. Teague of Texas for, with Mr. McCarthy against.

Mr. Jones of Tennessee for, with Mr. Clay against.

Mr. Donohue for, with Mr. Diggs against.

Mr. Fulton of Tennessee for, with Mr. Farbstein against.

Mr. Rivers for, with Mr. Gilbert against.

Mr. Landrum for, with Mr. Roybal against.

Mr. Watts for, with Mr. Ottinger against.

Mr. Aspinall for, wth Mr. William D. Ford against.

Mr. Purcell for, with Mr. Wolff against.

Mr. Roberts for, with Mr. Collins against.

Until further notice:

Mr. Stuckey with Mr. Brock.

Mr. Colmer with Mrs. May.

Mr. Biaggi with Mr. Burton of Utah.

Mr. Van Deerlin with Mr. McKneally.

Mr. Charles H. Wilson with Mr. Button.

Mr. Karth with Mr. Meskill.

Mr. Blatnik with Mr. Morton.

Mr. Carey with Mr. Roudebush.

Mr. Moorhead with Mr. Reifel.

Mr. Dingell with Mr. Weicker.

Mr. Rogers of Colorado with Mr. Blackburn.

Mr. St Germain with Mr. Langen.

Mr. Hagan with Mr. Broomfield.

Mr. Moss with Mr. Burke of Florida.

Mr. Kee with Mr. Mosher.

Mr. Dowdy with Mr. Myers.

Mr. Evans of Colorado with Mr. Rousselot.

Mr. Daddario with Mr. Stanton.

Mr. Feighan with Mr. Wyatt.

Mr. Gallagher with Mrs. Dwyer.

Mr. Giaimo with Mr. Frelinghuysen.

Mr. Tunney with Mr. Halpern.

Mr. Horton with Mr. McCulloch.

Mr. Steele with Mr. O'Konski.

Mr. Gubser with Mr. Steiger of Arizona.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina (Mr. McMillan), chairman of the Committee on the District of Columbia.

PROTESTANT EPISCOPAL CHURCH VESTRY ACT

Mr. McMILLAN. Mr. Speaker, I call up the bill (S. 2336) relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of the General Assembly of the State of Maryland, passed in the year 1798, entitled "An act for the establishment of vestries for each parish in the State," ("The Vestry Act," chapter 24 of the Maryland Acts of 1798) as amended by the Legislative Assembly of the District of Columbia in 1872 and 1873, and by the Congress of the United States in 1874, 1919, and 1947, be repealed, except for paragraphs 9, 28 (without the proviso clause), 29, and 32 of chapter 24, which authorize the corporate structure of the church, its ownership of property and right to sue and be sued, which are hereby retained. Nothing in this Act shall be deemed in any way to impair or otherwise adversely affect the title to property as presently held or hereinafter acquired. Hereafter the government and operations of the Protestant Episcopal Church in the District of Columbia shall be in accordance with the constitution and canons of said church.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from South Carolina is recognized.

Mr. McMILLAN. Mr. Speaker, the purpose of the bill is to do away with a law that was passed in 1798 in connection with the Episcopal Church in the State of Maryland and the city of Washington. We would like to have this bill passed for the purpose of giving these people an opportunity to bring the laws up to date and to coincide the law of the District of Columbia with legislation passed by the State of Maryland.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Iowa.

Mr. GROSS. How can the Congress clarify the laws of the State of Maryland?

Mr. McMILLAN. Part of the area of the District of Columbia, including Georgetown, was covered by laws passed 200 years ago, and the bill would make that law coincide with new legislation passed by the State Legislature of Maryland.

I would like to yield to the gentleman from Maryland (Mr. Gude), the author of the bill.

Mr. GUDE. Mr. Speaker, the Vestry Act which was adopted in Maryland in 1798 was enacted before the District of Columbia land was ceded from Maryland. When the cession was completed an identical Vestry Act was ratified by Congress for the Episcopal Church in the District of Columbia.

In 1969 the Maryland Legislature changed the Vestry Act regulating the church in Maryland. However, the Maryland Legislature can, of course, no longer control the Episcopal Church in the District of Columbia. This legislation was introduced to make it possible for the Episcopal Church, through its vestries, to conform the regulations governing their church in the District of Columbia, to the new regulations that now govern that section of the Washington diocese in Maryland. The Episcopal diocese here in the Washington metropolitan area constitutes those churches in the District of Columbia and four suburban Maryland counties. Therefore, this is an act which would make it possible for the vestries of those churches in the District of Columbia to conform their regulations to those which now governs the churches in Maryland.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Iowa.

Mr. GROSS. This measure will permanently remove any jurisdiction that the District may have over the vestry of the Protestant Episcopal Church; is that correct?

Mr. McMILLAN. The gentleman from Iowa is correct.

Mr. GROSS. It will do this permanently?

Mr. McMILLAN. The gentleman is correct.

Mr. GROSS. And there is no implied support for the Episcopal Church in this legislation?

Mr. McMILLAN. The gentleman is correct.

Mr. GROSS. I thank the gentleman.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

XUM

EXEMPTING THEATER MOTION PICTURE PROJECTIONISTS FROM PROSECUTION UNDER THE DISTRICT OF COLUMBIA OBSCENITY LAW

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 2745) to amend the law relating to obscenity in the District of Columbia to exempt certain motion picture projectionists in theaters from prosecution under the law, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 872(d) of the Act of March 3, 1901 (D.C. Code, sec. 22–2001(d)), is amended by adding at the end the following new sentence: "No person shall be subject to prosecution under this section for operating a motion picture projector in a theater to present or exhibit a motion picture described in subsection (a)(1)(B) or subsection (b)(1)(B) unless such person has a financial interest in the motion picture or in the theater in which it is shown."

Mr. McMILLAN. Mr. Speaker, I move to strike the last word.

The purpose of H.R. 2745 is to amend the law relating to obscenity in the District of Columbia (81 Stat. 738; D.C. Code, sec. 22-2001(d)), so as to exempt motion picture projectionists in theaters in the District of Columbia, from prosecution under that act for exhibiting motion pictures, when the projectionist has no financial interest either in the motion picture itself or in the theater in which it is exhibted.

NEED FOR LEGISLATION

This proposed legislation introduced by my colleague, Mr. BROYHILL of Virginia, was requested on behalf of the professional motion picture projectionists in the District of Columbia by the Moving Picture Machine Operators' Union.

Your committee is advised that by reason of the increase in the number and boldness of sex-type films being exhibited in the District of Columbia, the motion picture projectionists in the local theaters are being exposed to an ever-growing risk of arrest and prosecution for violation of the District of Columbia law relating to obscenity, which makes it a felony for a person knowingly to present an obscene motion picture or to exhibit to a minor a motion picture show which depicts nudity, sexual conduct, or sadomasochistic abuse and which is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors.

Projectionists in other jurisdictions are being arrested and prosecuted for projecting allegedly obscene films. In 1969, for example, the manager and the projectionist of a theater in Brooklyn, N.Y., were arrested and charged with showing "adults only" films to youths. The manager had supervision of the boxoffice and the door, and thus was responsible for determining who was being admitted. But the projectionist was in the projection booth, completely out of view of the theater entrance, and thus had no way of knowing who was being admitted.

Also, in California there were two instances in which projectionists were arrested and charged under the State's obscenity laws, after the Governor had signed a new law exempting them from such arrest and prosecution, but prior to the effective date thereof. Thus, in these instances the projectionists suffer the stigma of arrest, fingerprinting, being photographed for criminal records, standing trial, and possibly being convicted, in addition to the character damage incident to the entire procedure.

As for the local situation, only last month two films being exhibited at a District of Columbia theater were seized by the police on the grounds that they depicted hard-core pornography. Altogether, your committee is advised, there are about 30 cases now pending in the District of Columbia Court of General Sessions involving films, books, or photographs that allegedly violate the District of Columbia statute on obscenity. With film producers growing ever more bold in their filming of sex acts, not only natural but perverse and unnatural, it is inevitable that such arrests and prosecutions under this law must increase. And it appears not unlikely that some theater projectionists may become involved in these cases, as has already occurred in other jurisdictions.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, H.R. 2745 seeks to correct an inequity in the District of Columbia crime bill enacted in 1967. This bill will exempt only the innocent projectionist. It does not exempt the theater owners who show a pornographic film and they may still be prosecuted if the law is violated.

Projectionists are merely mechanics operating machines for an hourly wage. They have no voice in the management of the theater, no voice in the selection of the films shown, nor do they have any financial interest in the theater or the films shown. Projectionists are too busy with the mechanics of their job to view the film for obscene content. One projectionist is now doing the work that previously required two. They are not qualified as a judge of obscenity and should not be arrested for what their employer elects to show.

The operator's union is only a hiring hall for projectionists. The contract between the union and the theater is to furnish qualified projectionists. The individual is assigned to the job by the business representative when requested by the theater manager. I have been informed by the Moving Picture Machine Operators Protective Union of Washington, D.C., that projectionists do not want to show obscene films and often do not know what film is to be shown until they report to the theater. If he refuses to project the film given him, he is in violation of the labor-management contract and the labor laws.

Conditions are worsening. Filmmakers have become bolder in their filming of sex acts, not only of natural but unnatural and perverse acts. This has prompted an accelerated schedule of raids by the morals squad, Metropolitan Police Department. The prospect of the arrest and prosecution of projectionists has become increasingly more imminent. No innocent person should have to bear the stigma of a criminal record because current laws do not exempt him. Three raids have recently been made on local theaters in Washington, D.C. The films were confiscated, the manager and projectionist arrested in the raid of the Stanton Art Theater on March 7, 1968. On March 8, 1969, the charges against the projectionist were dropped on condition that the projectionist cooperate fully in the prosecution of the manager. On November 19, 1970, the Mark II Theater was raided and the film confiscated. On November 21, 1970, the Mark II was raided and a second film confiscated. The morals squad indicates that they will reserve the right to arrest projectionists at any time until the law is changed to exempt them. That change, H.R. 2745, is needed now to protect the innocent from arrest. Currently there are approximately 260 projectionists who work under the jurisdiction of the Operators Union of Washington, D.C.

Many of the individual States have realized the unfairness of arresting the projectionists. The States which have already enacted protective laws are: California, Colorado, Connecticut, Idaho, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, and Washington. Similar bills are pending in the District of Columbia, Florida, Illinois, Michigan, Missouri, Nebraska, New York, North Dakota, Oklahoma, and Texas.

The District of Columbia government has recommended enactment of H.R. 2745. It is urgently needed now to protect innocent men in Washington, D.C., from unfair arrest and prosecution as is provided in the many States that have already enacted similar legislation. I urge passage of this bill.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, it has come to my attention that in the area of law enforcement, quite often really the promoters of this type of movie in theaters or clubs are unavailable, and there is no way to reach them. The police department finds it impossible to enforce the intent of some of our laws.

Mr. Speaker, I hope when this committee goes to conference, we will be sure to investigate every possible means, so the police department will have the weapons it needs and the tools it needs for enforcement, so we do not permit

XUM

the types of obscene movies that now seem to be sweeping the country to proliferate. I am sure the chairman of the committee would agree if we do find some changes are necessary, we will make those changes in legislation in conference when and if this legislation is passed.

Mr. McMILLAN. Mr. Speaker, I thank the gentleman from Minnesota.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, I would like to ask the chairman of the committee if it is not doing considerable violence to the actual facts for him to say these projectionists have no means of knowing what is in the film. That taxes my imagination.

Mr. McMILLAN. I could not speak to what they know as to the type of film they are showing, but I know they are merely mechanics or technical engineers in the movie business.

Mr. MAYNE. Would not the chairman agree with me that if the fact is that the projectionists do not know what is in the film, they would then be able to avail themsevles of that defense in a court of law and, therefore, would not need the protection of this bill?

Mr. McMILLAN. That is what he is trying to do, stay out of court.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Even if these projectionists had the opportunity to review the films, they would not be qualified to determine what is permitted to be shown under the law today, as it is being interpreted. I do not believe that these projectionists, who are hired solely for one purpose, and who are being paid by the hour, should be required to sit in judgment as to whether the films they are showing are permitted under the law. There is nothing in the union contract which requires these projectionists to sit in judgment and decide whether they show only the films they may personally approve of.

Mr. MAYNE. Mr. Speaker, will the gentleman yield further?

Mr. McMILLAN. I yield to the gentleman from Iowa?

Mr. MAYNE. I should like to say to the gentleman from Virginia (Mr. BROYHILL) that there are projectionists in other parts of the country who are refusing to show these pornographic films, who are taking it upon themselves to try to stop the spread of pornography across this country, and who are entitled to our commendation and support. They should not be undercut by this bill which in effect encourages the showing of pornographic films by exempting those who project them.

I believe this bill in effect pulls the rug out from under every upright, law-abiding motion picture projectionist, who has tried to do something about stopping the spread of smut in this country by refusing to show such vicious films.

I speak as emphatically as I know how against this unwisely permissive legislation.

Mr. KYL. Mr. Speaker, I move to strike the requisite number of words.

I should like to ask the chairman of the committee if he can tell us how many prosecutions there have been under this act, of anyone associated with the showing of a motion picture?

Mr. McMILLAN. I do not have that information available.

Mr. BROYHILL of Virginia. If the gentleman will yield to me, Mr. Speaker, there have been three raids by the morals squad and confiscation of motion picture films being shown in the District of Columbia theaters within the past few weeks. There have been no convictions as yet, and there have been no arrests as yet insofar as the projectionists are concerned, but the morals squad has said they may arrest projectionists in the future unless we do something to change the law to protect them.

In several other States, there have been actual arrests of projectionists in theaters in the past year or two, regardless of the fact that they could not have exercised any control whatever over the nature of the films being exhibited. We are proposing this legislation merely to prevent this sort of injustice in the Nation's Capital, as has been done in a number of States.

Mr. KYL. If the gentleman would respond further, have there been any formal charges filed; and, if so, against whom?

Mr. BROYHILL of Virginia. Not against projectionists as such in the District of Columbia.

Mr. KYL. Have they been filed against the owner of theater or a manager?

Mr. BROYHILL of Virginia. I cannot answer that question.

Mr. KYL. Can the gentleman respond to this question: How does the Department determine that the motion picture which is being shown is in violation of the code?

Mr. BROYHILL of Virginia. Mr. Speaker, if I could answer that question I would have a halo around my head. I do not believe that one Member of this body can make an authoritative interpretation of the law today in that regard. That is the thrust of the problem here insofar as the projectionists are concerned. We do not know what meets the approval of the courts today and what does not meet their approval.

Mr. KYL. At the beginning of the colloquy the chairman said there was an obvious inequity because it was possible under this law to charge, or arrest, or take some action against the projectionists. I wonder if there is any inequity if in fact nobody makes such charges, or nobody tries to prosecute the cases. Perhaps what we had better be doing here, rather than concerning ourselves with the projectionists, is discussing whether or not the law we have is a viable law, whether we need a law of this nature, and if so, what kind of law we should adopt.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to my colleague from Iowa.

Mr. GROSS. A projectionist could be a willing or unwilling accessory to a violation of the law as to the showing of obscene pictures. He could be a willing accessory but this bill would make him immune to arrest.

Mr. KYL. I would assume that the gentleman is correct.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Texas.

Mr. KAZEN. Does the gentleman understand that this bill gives immunity only to the projectionists?

Mr. KYL. That was my understanding from the explanation of the bill.

Mr. KAZEN. What happens to the ticket takers and the cashiers and the other employees? Why should they not be in the same position?

Mr. KYL. I would be glad to yield to someone who has more understanding of this matter than I to answer the question.

Mr. JACOBS. Will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. JACOBS. I would like to add to the question the piano player downstairs.

Mr. KAZEN. Will the gentleman yield further?

Mr. KYL. I yield to the gentleman.

Mr. KAZEN. The only purpose of my question is to find out just exactly how many people are involved in the operation and whether or not one is involved more than another and the degree to which they are involved and what the reasoning is behind giving immunity to one person and not to another.

Mr. KYL. I am assuming from the discussion we have had, that the kind of places the police are concerning themselves with are a clandestine operation which the police must raid, and quite obviously, under most circumstances the projectionist would probably be the only one on the premises or in any position to answer.

Mr. KAZEN. You mean this bill is not applied to the owner?

Mr. KYL. I do not know what preventions have been attempted.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. BROYHILL of Virginia. The reason why ticket takers and ticket sellers are not included is because they have not been subjected to arrest anywhere, as far as I am aware, and hence we have not had any complaints as far as that particular position is concerned. The District of Columbia morals squad does take the position, however, that the projectionist could be considered liable to arrest under the 1967 act. I do not feel, and neither does the committee, that the projectionists are any more involved in the showing of these films than is the ticket taker, the ticket seller, or the customer himself. In fact, they are not as much involved as is the customer, because he knows generally what he is seeing.

Mr. KAZEN. If the gentleman will yield further, I think we are laying a very bad precedent here.

Mr. MAYNE. Mr. Speaker, I move to strike the requisite number of words. I rise in opposition to the bill H.R. 2745.

Mr. Speaker, I would like to say to my colleagues that one reason why projectionists have been included as subjects for arrest under existing law is that some of them have received special bonuses for showing this type of film. I do not think the Members of this House should, considering the shocking permissiveness toward pornography which is already tolerated in the District of Columbia at this time, go on record today as making it even easier to spread pornography throughout the District. I think we ought to draw the line and let the people of America know that we intend to do something about pornography here and now by voting down attempts to exempt pornographers of any description.

It is certainly not my intention to condemn all projectionists, because, as I said when the chairman was so kind as to yield to me, there are many decent honorable projectionists in this country who are trying to protect the youth of America by refusing to show such trash, even at the risk of losing their jobs. They are going to be undermined and it will be harder for them to have an influence in their unions and in the motion picture industry generally if this unwise exemption passes. It is going to be said, "Look. We have the projectionists exempted. So it must be all right to show these films." Now, this is a bad step in the direction of further corrupting the morals of the youth of the District of Columbia. I simply cannot understand how the distinguished chairman could come here sponsoring this step toward permissiveness toward pornography. I think all Members in the Chamber should take our stand here and now that we are not going to exempt anyone from the laws of pornography and are not going to make it easier for anyone to get out from under their present responsibility under existing law. As I said before, if projectionists are truly ignorant of the type of film being shown, then they will be able to show that as a defense under the existing law, but they should not be arbitrarily freed from all responsibility by this blanket exemption. That would be an invitation to further exploitation of every vicious tendency by encouraging the showing of pornographic films in this city.

Mr. Speaker, this bill would completely exempt motion picture projectionists as a class from prosecution under District of Columbia obscenity laws which make it a felony for a person to knowingly present an obscene motion picture or to exhibit to a minor a motion picture show which depicts nudity, sexual conduct, or sado-masochistic abuse and which is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors, the only limitation from this class exemption being that the projectionist has no financial interest either in the motion picture itself or in the theater in which it is exhibited.

I would respectfully suggest to the Committee on the District of Columbia, that rather than attempting to create this loophole in our obscenity laws, the committee should have been looking to the strenthening of these laws, and the strengthening of our law enforcement agencies' ability to cope with the offenders. I certainly take no pride in the vistas of pornographic or near-pornographic book stores and adult motion picture theaters which greet visitors to our Nation's Capital City on almost every hand, particularly near the city's two bus terminals. I have no desire to place my stamp of approval on any legislative proposal which might tend to make this beautiful city even more wide open to pornography than it is at the present time.

The present obscenity law is not unfair, as the backers of the proposed amendments claim. Probably no one in a motion picture theater—from manager on down to ticket taker, ticket seller, usher, and janitor—is as soon aware of the nature of a film as the projectionist who places that film upon the machine, runs it to correct splicing errors and repair breaks before presenting it to the public, and at least intermittently views the film during the public showing to maintain framing, focus, and light control. To claim ignorance of the film's content on the part of such a projectionist per se, and absolve the projectionists as a class from prosecution under the obscenity statutes, is a complete misreading of the facts.

If a projectionist somehow is really ignorant of the content of the film he is showing, which is truly difficult to imagine, he may plead this as a possible defense under the present law. But certainly such ignorance would be the exception, not the general rule justifying the blanket exemption provided in the proposed bill.

The committee report claims that the projectionists should be exempted because they cannot control the content of the motion pictures shown. Nonsense. Just as the American consumer can control—if he really wants to do so—the content of magazines, books, motion pictures, and so forth, placed on the market, by boycotting or withholding his purchase of such materials, so could the motion picture projectionists—especially when so thoroughly organized under trade unionism as they are here in the District of Columbia—very effectively prevent the projection of obscene motion pictures or films coming within the statute by refusing to display such pictures and by refusing employment from those who persist in exhibiting such trash.

There are responsible citizens in the motion picture industry—picturemakers, distributors, exhibitors, and their employees including projectionists—who have drawn the line and refused to do anything that would contribute to the pornographic traffic seeking to pervade every corner of America. This bill would help pull the rug out from under such upright citizens. I say no, and urge my colleagues to strengthen these men and women and those who would join them in this seemingly uphill fight, by voting to defeat the present bill.

Mr. CARTER. Mr. Speaker, would the distinguished gentleman from Iowa yield to me?

Mr. MAYNE. I am happy to yield to the gentleman from Kentucky.

Mr. CARTER. I would ask the distinguished gentleman if this is pernicious permissiveness toward pornography?

Mr. MAYNE. Well, I would accept the gentleman's definition, in recognition of his superlative command of the language.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I think it is indeed unfortunate that the gentleman from Iowa has sought to imply, if, indeed, he did not so state, that our committee or any Member supporting this legislation condones pornography any more than does the gentleman himself. I defy any Member of this House to interpret what is pornography and, therefore, illegal here in the Nation's Capital today.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the distinguished chairman of the committee.

Mr. McMILLAN. I will state to the gentleman that the committee has passed some rather restrictive laws against pornography in the District of Columbia, some of which have been stricken down by the courts, and as the gentleman knows the President vetoed the last bill we had affecting this type of showing in the District of Columbia, but, in my opinion, these people involved in showing these bad movies should be subject to such restriction. As thinking Members of the House, we do not want to do anything to increase the showing of this type picture.

Mr. BROYHILL of Virginia. I thank the gentleman from South Carolina.

Mr. Speaker, I pointed out earlier the fact that there are 260 projectionists in the District of Columbia who belong to this union. They do not all work at the same theater all the time. The union hall is called upon to supply these projectionists. They are family men. They need the job. They need the wages. They go to these theaters as employees, and they have no way of knowing what type film is going to be shown or whether that type film would be permissible under the law. We are proposing that these family men should be protected against having a criminal record or from being charged and prosecuted when, in fact, they have no control whatsoever over the type of films shown. And I say again for the record that I am no more in favor of pornography than is the gentleman from Iowa (Mr. MAYNE).

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from North Carolina.

Mr. JONAS. I do not find anything in the language in the bill that restricts it just to the 260 union projectionists in

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the District of Columbia. It is wide open. The exemption would apply to everybody ad infinitum, unless he owns a financial interest in the theater.

Mr. BROYHILL of Virginia. It is correct that the projectionist must have no financial interest in the film being shown in order to be exempt.

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, a person would be exempt who is hired specifically for the purpose of showing one of these films, even though he willingly and knowingly participated in the projection of the film?

Mr. BROYHILL of Virginia. As I pointed out, he has no way of knowing the nature of the film, nor any control over whether it should be shown or not, because he is required, under the labor-management contract, to project the film provided by the management.

Mr. JONAS. The gentleman does not know whether that is so or not. The gentleman is referring to union members. This does not restrict itself to union members. It takes care of everyone from now on into the future who does not have a financial interest in the theater.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Georgia.

Mr. O'NEAL of Georgia. What do you do if the only ones who do have a financial interest live in New York or Chicago? Who do you prosecute?

Mr. BROYHILL of Virginia. This does not affect the city of New York or Chicago, but only Washington, D.C.

Mr. O'NEAL of Georgia. But if the only ones who have a financial interest in it are nonresidents, what do you do?

Mr. BROYHILL of Virginia. The legislation does not address itself to that point.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was rejected.

A motion to reconsider was laid on the table.

REGULATING PRACTICE OF PSYCHOLOGY IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, at this time I yield to the gentleman from Washington (Mr. ADAMS), for the presentation of the next bill.

Mr. ADAMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 1626) to regulate the practice of psychology in the District of Coumbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

S. 1626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Practice of Psychology Act."

SEC. 2. The practice of psychology in the District of Columbia is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation and control in the public interest to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

SEC. 3. As used in this Act—

(A) "Commissioner" means the Commissioner of the District of Columbia.

(B) "Person" includes an association, partnership, or corporation, as well as natural persons.

(C) "Accredited college or university" means any college or university which, in the Commissioner's determination, offers either an acceptable full-time resident graduate program of study in psychology leading to the doctoral degree, or a comparable program. In making his determination concerning domestic educational institutions, the Commissioner shall accredit those institutions included in the listings of approved academic institutions published by the United States Office of Education; in determining what foreign educational institutions shall be accredited the Commissioner may take into account the published lists of recognized accrediting agencies and professional associations.

(D) "The practice of psychology" means the rendering of or offering to render to the public for a fee, monetary or otherwise, any service involving the application of established methods and principles of the science and profession of psychology. These principles and methods are concerned with understanding, predicting, and changing behavior, and include, but are not restricted to, the use of counseling and psychotherapy with groups or individuals having adjustment problems in the areas of work, family, school, and personal relationship; measuring testing, and assessing aptitudes, skills, public opinion attitudes, emotions, personality, and intelligence; teaching, doing research, or lecturing in psychology.

(E) "Psychotherapy" means the use of learning or other psychological behavioral modification methods in a professional relationship to assist a person or persons to modify feelings, attitudes, and behavior which are intellectually, socially, or emotionally maladjustive or ineffectual.

SEC. 4. All persons licensed or certified under this Act shall assist their clients in obtaining professional help for all relevant aspects of the clients' problems that fall outside of the boundaries of the psychologist's competence. All persons so licensed or certified shall make provisions for the diagnosis and treatment of relevant medical problems by an appropriate and qualified medical practitioner, and shall, in instances where a medical problem is involved, collaborate effectively with such a medical practitioner. No person licensed or certified under this Act shall administer or prescribe drugs, or perform surgery or any manual or mechanical treatment whatsoever.

SEC. 5. It shall be unlawful for any person to practice or to offer to practice psychology, or to represent himself to be a psychologist, unless he shall first obtain a license or certificate pursuant to this Act: *Provided, however,* That the following categories of persons need not obtain a license:

(A) A person bearing the title of "psychologist" in the employ of any governmental agency, academic institution, or research laboratory: *Provided,* That the services performed by such an employee, which services shall not include psychotherapy, are a part of his office or position and are provided only within the confines of the organization or are offered to like organizations.

(B) Persons providing services, exclusive of psychotherapy, to the public through governmental organizations, such as clinics, who are compensated by their employer rather than their clients. Persons coming under the exemptions established by subsections (A) and (B) may offer lecture services to the public for a fee but may not offer other psychological services to the public for a fee without having obtained a license.

(C) A student intern, or resident in psychology, pursuing a course of study or research with an accredited college, university, or training center: *Provided,* That such activities are supervised as part of his course of study, and he is designated by such title as "psychology intern," "psychology trainee," or other title clearly indicating trainee status.

(D) A person not licensed as a psychologist under the provisions of this Act employed by a licensed psychologist to assist in the performance of psychological and other services, other than psychotherapy, if such person works under the supervision of the licensed psychologist who assumes full responsibility for his acts, and if such person is not in any manner held out to the public as a psychologist.

(E) Qualified members of other established businesses or professions, recognized by the Commissioner, doing work of a psychological nature consistent with their training and with any code of ethics provided by their respective businesses or professions: *Provided,* That they do not hold themselves out to the public by title or description incorporating the words "psychological," "psychologist," or "psychology," unless licensed under this Act.

(F) A psychologist who is not licensed or certified under the provisions of this Act, but (1) who is licensed or certified under the laws of a State or territory of the United States or of a foreign country or province whose standards in the opinion of the Commissioner were substantially equivalent, at the date of his certification or licensure, to the requirements of this Act; or (2) who meets the requirements of subsections (A) and (B) of section 7; and who is employed or invited by a licensed psychologist who is a resident of or maintains a place of work in the District of Columbia to offer professional services in said District for a total of not more than sixty days in any calendar year without holding a license issued under the Act. Upon arrival in the District of Columbia, such an unlicensed psychologist shall report to the Commissioner with respect to the nature and duration of his professional activities in the District as well as the name of the person who has requested him to render services. A psychologist claiming exemption under the provisions of this section who offers professional services in the District of Columbia for more than twenty days in any calendar year shall file with the Commissioner evidence of his right to such exemption. Upon proof of that right to the satisfaction of the Commissioner, the Commissioner shall enter the name of the applicant in a register kept for that purpose and shall issue to the applicant a certificate in evidence of such registration.

SEC. 6. (A) The Commissioner shall be responsible for reviewing the application of persons seeking licensure or certification for the practice of psychology in the District of Columbia, for the granting and renewal of such licenses and certificates, for the preparation and administration of oral and written examinations, and for other matters related to the purposes of this Act.

(B) The Commissioner may appoint a Board of Psychologist Examiners. Each member of this Board shall be a citizen of the United States, licensed under the provisions of this Act, who shall either be a resident of the District of Columbia or have worked in the District of Columbia for at least two years preceding appointment to the Board. The initial appointees shall be psychologists eligible for licensure under the provisions of this Act. Subsequent appointees shall be persons licensed under the provisions of this Act.

(C) The Commissioner shall maintain: (1) a record of licenses and certificates granted and refused and of licenses and certificates revoked or suspended which record shall be available to the public: and (2) a complete record of all hearings conducted pursuant to section 13(B) in connection with the denial, suspension, or revocation of a license. A transcript of an entry in a record of hearing, properly certified, shall be prima facie evidence of the facts therein stated.

SEC. 7. The Commissioner shall grant a license to practice psychology to each applicant who submits satisfactory proof that—

(A) he is of good moral character;

(B) he holds either (1) a doctoral degree in psychology from an accredited college or university and has completed two years of postgraduate experience acceptable to the Commissioner, such two years not to include terms of internship, or (2) a doctoral degree from an accredited college or university in a field determined by the Commissioner to be related to psychology and has completed two years of postgraduate experience: *Provided*, That his experience and training are considered by the Commissioner to be comparable to the requirements set forth in (B)(1) of this subsection:

(C) he has passed an examination, written or oral or both, the scope and form of which shall be determined by the Commissioner: *Provided*, That at any given examination session all examinations shall be uniform; and

(D) his application has been accompanied by the fees required by the Commissioner.

SEC. 8. Within one year from and after the effective date of this Act, a license shall be issued without examination to any applicant who is of good moral character, who either maintains a residence or office, or participates in psychological activities as determined by the Commissioner, within the District of Columbia, who has submitted an application for license accompanied by the required fee, and who holds—

(A) a doctoral degree in psychology from an accredited college or university or other doctoral degree acceptable to the Commissioner, and has completed at least two years of postgraduate experience not including terms of internship; or

(B) a master's degree in psychology from an accredited college or university, and has engaged in psychological practice acceptable to the Commissioner for at least seven years after the attainment of his highest degree.

SEC. 9. The Commissioner may, in his discretion, grant a license without examination: (1) to any person who at the time of application is licensed or certified under the laws of a State or territory of the United States, or of a foreign country or province with standards which in the opinion of the Commissioner, were substantially equivalent at the date of such certification or licensure to the requirements of this Act, or (2) to any person who has been certified by a national examining board: *Provided*, That the Commissioner determines that the examination given by the national examining board was as effective for the testing of professional competence as that required in the District of Columbia.

SEC. 10. (a) The District of Columbia Council is authorized to make regulations to carry out the purposes of this Act but may delegate the responsibility to any Board of Psychologist Examiners which may be appointed.

(b) The Commissioner is authorized to fix, increase, or decrease from time to time fees to be charged in such amounts as may be reasonably necessary to defray the approximate cost of administering the provisions of this Act.

SEC. 11. Every person licensed or certified to practice psychology who desires to continue the practice of psychology shall annually pay the required fee for which there will be issued a renewal of licensure or certificate. The Commissioner shall provide a written reminder of the renewal date to every person licensed or registered under this Act, which reminder shall be mailed at least one month in advance of such date. A license or certificate not properly renewed as herein provided shall lapse. The Commissioner shall have the right to reinstate a lapsed license or certificate upon payment of the renewal fee plus a penalty fee. A psychologist who wishes to place his license upon an inactive status may do so by submitting notice thereof to the Commissioner. Such a psychologist may reactivate his license by payment of the renewal fee herein required unless his license has been inactive for a period exceeding five years, in which case he will be required to furnish the Commissioner evidence of his competence to continue or resume the practice of psychology.

SEC. 12. The Commissioner may refuse, revoke, or suspend licensure or certification if the person applying or the person licensed or certified be—

(A) convicted of a crime involving moral turpitude;

(B) found to be using any drug or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public;

(C) convicted of a violation of this Act as provided in section 14;

(D) determined to be a mental incompetent by a court with proper jurisdiction; or

(E) found to have committed a violation of any provision of this Act or of standards for the ethical practice of psychology to be established in regulations issued by the Government of the District of Columbia.

SEC. 13. (a) Proceedings leading toward the suspension or revocation of a license or certificate shall be begun by petition, setting forth good cause therefor, filed with the Commissioner and served on the respondent. The Commissioner may determine whether a license or certificate shall be suspended or revoked, and if it is to be suspended the duration of such suspension and the conditions under which such suspension shall terminate. Revocation of a license shall not preclude the issuance of a new license or registration after the passage of at least five years.

(B) Before the revoking, suspending, or refusing to issue a license or certificate for any cause under the provisions of this Act, the Commissioner shall give the person whose right to practice psychology is challenged an opportunity to be heard in person or by attorney, and to produce witnesses on his behalf. After such hearing, should the Commissioner decide to refuse, revoke, or suspend licensure or certification, he shall set forth in writing his reasons for so doing, and shall include detailed findings of fact.

(C) Any person aggrieved by a decision of the Commissioner under subsection (B) of this section may, within thirty days after receiving notice thereof, seek review of said decision in the District of Columbia Court of Appeals. Such review shall be subject to appeal to the United States Court of Appeals for the District of Columbia Circuit.

(D) In hearings conducted pursuant to subsection (B) of this section, the attendance and testimony of witnesses may be compelled by subpena. Any person refusing to respond to such a subpena shall be guilty of contempt of court.

SEC. 14. Any person who shall practice psychology, as defined in this Act, without having a valid, unexpired, unrevoked, and unsuspended license or certificate of registration issued as provided in this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than $500, or confined in jail for not more than six months, or both. Prosecutions shall be in the name of the District of Columbia by the Corporation Counsel or one of his assistants.

SEC. 15. The unlawful practice of psychology, as defined in this Act, may be enjoined by the United States District Court for the District of Columbia on petition by the Corporation Counsel for the District of Columbia, upon a finding that the person sought to be enjoined has committed a violation of the provisions of this Act. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of psychology, the court shall join him from so practicing unless and until he has been duly licensed. The remedy by injunction herein given may be imposed in addition to, or in lieu of, criminal prosecution and punishment as provided in section 14 of this Act.

SEC. 16. It shall be the duty of the Commissioner of the District of Columbia to enforce the provisions of this Act.

SEC. 17. In legal proceedings, no psychologist shall disclose any information he has acquired from a person consulting him in his professional capacity without the consent of such person, except only in legal actions (1) in which a psychologist is being sued by a former client or his legal representative, such as an action against a psychologist for malpractice, (2) where the validity of a will or deed of a client is placed in issue, and (3) where the mental capacity of defendant in a criminal action has been placed in issue.

SEC. 18. There is hereby authorized to be appropriated out of the revenue of the District of Columbia such sums as may be necessary to pay the expenses of administering and carrying out the purposes of this Act.

SEC. 19. If any section of this Act, or any part thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of any section or part thereof.

SEC. 20. This Act shall become effective ninety days after the date of its enactment.

With the following committee amendment:

Page 13. strike out lines 14 through 22 and insert in lieu thereof the following:

SEC. 17. Section 14–307 of title 14 of the District of Columbia Code shall apply with respect to any person licensed or certified under this Act to the same extent that such section applies to physicians and surgeons.

The committee amendment was agreed to.

Mr. ADAMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill, which has come over from the other body, and which has passed through the District of Columbia Committee, is supported by the District of Columbia government, and by the various professional societies that are involved. It is a bill to regulate the practice of psychology in the District of Columbia. It declares that the public health, safety, welfare, and interest are involved in regulating the practice of psychology, and it establishes a fee system for those who would practice. The expenses of cerification will be paid from

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those fees, so no national tax money is involved.

The reason for the regulation of the practice of psychology is that at the present time in the District of Columbia anyone, regardless of degree, training, or any other capacity who wants to hold himself out to the general public as being a psychologist, can do so.

As the Members know, a psychologist is a person dealing with human behavior, both with its changes and with the various desciplines that are involved in the study of human behavior.

The bill will exempt those who are employed by the U.S. Government, and those employed by the various universities here who are not engaged in the regular practice of psychology.

The bill is particularly directed toward quackery; that is, untrained individuals who are holding themselves out to be psychologists, and that they have some type of medical benefit to offer to the community when in fact there is no control over whether they actually have any abilities in the field, or have had any training in the field. This can cause great injury to the people if they go to someone who holds himself out to be a psychologist, and he is in fact a quack, because psychologists deal with very fundamental human emotions.

There was no dissent to this bill in the committee. It has been reported out unanimously.

Mr. Speaker, I hope that the House will pass this bill so that we will regulate psychology in the District.

I would close by simply saying that this has been done in approximately 40 additional States. I have a list of these States available for the Members if anyone wishes to know about a particular State.

Now, I will yield to my friend, the gentleman from California (Mr. Sisk).

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SISK: Page 14, after line 10, insert the following:

"Sec. 20. Section 5 of the Act of May 28, 1924 (D. C. Code, sec. 2-505), is amended by inserting after 'discharge of its duties' the following: 'and for the regulation of the practice of optometry in the District of Columbia, including the regulation of unprofessional conduct for optometrists in the District of Columbia'."

Page 14, line 11, strike out "20" and insert in lieu thereof "21".

Mr. SISK. Mr. Speaker, I offer this amendment in an attempt to update the law in connection with the Board of Optometry which was created back in 1924. For 50 years there has been no real updating or beefing up of the regulations on the practice of optometry in the District of Columbia.

Most of the States of the Union have in recent years updated their practice. This particular one-sentence amendment actually endows the present body or board with the authority to regulate at least in connection with unprofessional conduct.

May I conclude by saying that as many of my colleagues know, in the last Congress I was on the District of Columbia Committee and I was interested in a much more comprehensive bill in this area. In many of our States and certainly in my own State of California it is a highly professional practice. Many of you are aware that optometrists fit about 80 percent of all glasses for the American public. In California, we have very strict laws in connection with the regulation, education and training, and qualifications of optometrists. And the same thing is true in many other States.

The original bill which I proposed and which some of you coauthored ran into trouble because of the corporate practice and advertising in connection with medicine provisions.

The amendment I offer today does not touch either one of these controversial matters Not that I prefer it that way, but I recognize that some legislation is needed to better regulate this profession. Therefore, I want the legislative record to be clear that we are not attempting here to deal with a matter of corporate practice or these matters of advertising.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The gentleman has answered a question that I had in mind and that is that this amendment does not touch upon those things that were so controversial a few years ago when we had extensive hearings on the proposed bill to license and regulate the practice of optometry.

Mr. SISK. The gentleman is exactly right.

Mr. BROYHILL of Virginia. The gentleman has clarified that it would not involve corporate practice nor would it involve advertising and also mention something about the practice of medicine.

Some of the things that the medical profession was concerned about was that the bill at that time would permit optometrists to get into the practice of medicine, and at the same time do something in regulating the practice of medicine by ophthalmologists.

Is not the intention of this amendment or it is not the intention of the gentleman who has offered the amendment that this new regulation will permit optometrists to get into the practice of medicine in any way—or would it in any way touch on ophthalmologists and the medical profession or whatever they are doing in the practice of ophthalmology?

Mr. SISK. The gentleman is exactly right. This does not deal with that. As the gentleman knows, of course, we did attempt to deal with that question in the old bill but this amendment does not in any way attempt to do that.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the distinguished chairman of the committee.

Mr. McMILLAN. Mr. Speaker, I would like to state to the gentleman I do not believe there is any objection on our side to this amendment.

Mr. SISK. I thank the gentleman.

The SPEAKER. The question is on the amendment offered by the gentleman from California (Mr. Sisk).

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA REVENUE ACT OF 1970

Mr. FUQUA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19885), to provide additional revenue for the District of Columbia, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Minnesota (Mr. Nelsen) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19885, with Mr. Smith of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida (Mr. Fuqua) will be recognized for one-half hour and the gentleman from Minnesota (Mr. Nelsen) will be recognized for one-half hour.

The Chair recognizes the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I yield myself 5 minutes.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FUQUA. Mr. Chairman, the bill we have before us today is a rather comprehensive piece of legislation, most of it dealing with the financial matters of the District of Columbia. Our committee heard testimony from the Mayor, the Deputy Mayor, the Chairman of the City Council, and other parties interested in the financial situation of the District of Columbia and, in ways, the needs and also contingencies against the treasury of the District of Columbia.

We deliberated for some time, and the subcommittee held many days of hearings in markup, trying to assemble what we have as a bill before us today. I might point out that it has provisions in it that are not connected with the actual revenue or tax matters of the District, but they do affect the revenues of the District.

I also want to point out that at the proper time it is my intention to offer an

XUM

amendment to strike out title V and title VIII of the bill. Title V relates to the District of Columbia Department of Corrections and the transfer of the Lorton Reformatory to the U.S. Government. We feel that while this proposal has passed the House once before, there are other and additional considerations that should be taken into account relating to this legislation. We are recommending that it be considered in a separate bill in the next Congress.

The other title my amendment would strike out, title VIII, relates to the withholding of the Federal payment until such time as there is compliance with the Federal Highway Act of 1968 and 1970. We will ask that this title likewise be deleted in view of certain considerations that are being made in conference now between the House and the Senate on the 1970 Highway Act. We believe that those conferees will resolve their differences and that this particular title would not be of any constructive benefit to the bill. So at the proper time I shall offer amendments to delete those two titles from the bill.

We looked very hard at the District government. The population of the District of Columbia has declined somewhat during the past decade—from 763,956 in 1960 to 756,510 in 1970.) Yet, the financial requests of the District government have continued to increase every year, in fact the annual budget has doubled in 5 years, and for 1971 the District requested $821 million. The Congress is called upon to increase the Federal payment each year to make up the deficit since District revenues are inadequate to meet the proposed budget. We looked at sources available for tax revenues, ways that we could provide for the District to pay more of its own way, and I might point out, Mr. Chairman, that it was a very difficult situation, an almost impossible task, to find additional revenues that could be made available to the District of Columbia without severely hampering the economic situation in the District.

The fallacy of the District's request for more moneys than their anticipated revenues will yield is that it would require of the Federal Government an increase in Federal payment toward the District's expenses every time the District secures revenue increases from its own sources. This makes little or no sense to a majority of your committee, and completely disregards the District's fiscal hiatus due to the District's uncontrolled mushrooming expansion that is not justified by a declining city population.

We know that the District of Columbia is a pocket within a rather large economic area, and what happens in the surrounding area affects the District of Columbia, and what happens in the District of Columbia affects the surrounding area, and the affairs are woven very closely together, so it is important to consider how what happens in the area will affect the District of Columbia and how what happens in the District will affect the surrounding area.

We tried to find additional tax revenues. Unfortunately, it was a most difficult thing. In addition, Mr. Chairman, we have in this Congress passed an authorization establishing a little Hoover Commission. We are hopeful this Commission will review thoroughly the operations of the District of Columbia, and we hope it will be possible to have more efficiency generated within the District.

We recognize that the District of Columbia is not only a city, but also has some of the functions of a State, and while the costs of the District of Columbia may be higher than those of other cities of comparable size, it is our feeling they do exceed that which is necessary. We hope the Commission can have an opportunity to review the matter and make appropriate recommendations.

I am happy to say that the gentleman from Minnesota (Mr. NELSEN) and I have been appointed by the Speaker to represent the House on the Commission. While I cannot speak for the other Members, I can say it will be my hope that we can look very thoroughly into the operations of the District Government and hopefully come up with recommendations for more efficient operation of the Government.

Mr. Chairman, there will be some amendments offered at a later point. We have provided some tax increases and have tried to close the loopholes that exist in the present revenue-producing laws, and we have some other items we feel will help the District of Columbia to be economically viable.

In summary, H.R. 19885 provides as follows:

TITLE I—REVENUE

Section 101 increases authorized annual Federal payment to the District from $105 to $120 million.

Section 102, District of Columbia budget requests for appropriations shall be examined and reviewed by Federal Office of Management and Budget.

Section 103, District of Columbia borrowing authority extended for 2 years—from 1970 to 1972.

Section 104 permits heavy, self-unloading trucks—up to 65,000 pounds—upon payment of fees specified, estimated to produce $300,000 in revenue for highway department.

TITLE II—MISCELLANEOUS TAX MATTERS

Section 201 provides 2 percent tax on rental linens; continues 2-percent rate on all laundry; removes 4 percent sales tax on rental lines. Estimated $200,000 revenue.

Section 202 repeals real property tax exemption on housing owned by nonprofit charitable organizations if such property is aided by Federal rent supplement or interest subsidy.

Section 203 transfers to American Institute of Architects the tax exemption of the District of Columbia property already exempted by Congress to local chapter.

Section 204, to clarify the intent of Congress in the 1969 Revenue Act to conform District of Columbia capital gains and loss and depreciation provisions with Federal provisions.

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

Section 301 authorizes $6.2 million appropriation for District of Columbia medical and dental schools—Georgetown and George Washington—to permit HEW grants of not over $5,000 per medical student, and $3,000 per dental student, for fiscal years 1970 and 1971.

TITLE IV—LAND-GRANT COLLEGE FUNDS TO THE DISTRICT OF COLUMBIA

Section 401 provides they shall be shared equally by Federal City College and the Washington Technical Institute.

Section 402 exempts higher education institutions in the District from interest ceiling for borrowing moneys.

TITLE V—LORTON

To be deleted.

TITLE VI—MISCELLANEOUS

Section 601, Old Georgetown Market, deletes limit of $150,000 authorized for preservation of the market.

Section 602, exempts District of Columbia motor carriers that are regulated by ICC, from District of Columbia minimum wage provisions.

Section 603, limits future District of Columbia minimum wage orders to no more than 10 percent higher than Federal fair labor standards rates.

Section 604, provides for study by Secretary of Interior of Potomac River pollution, resources, and water, sewer and sanitation services.

Section 605, authorizes District of Columbia government to enter into leases for space, up to 20 years.

TITLE VII—DAIRY PRODUCTS

Permits sale in District of Columbia of milk and dairy products where inspection and certification are by HEW and meets HEW standards obviating duplicate District of Columbia inspection. Estimated to save the District over $200,000 annually.

TITLE VIII—HIGHWAY AMENDMENT

To be deleted.

TITLE IX—GENERAL PROVISIONS

LEGAL SERVICES FOR THE BOARD OF EDUCATION

Members of the Board of Education of the District of Columbia requested your committee to authorize the Board to employ legal counsel to represent it within and outside the public school system.

Your committee carefully considered the Board's request and is thoroughly convinced that the Board of Education needs more satisfactory legal services than it receives. Your committee believes, however, that a precedent of authorizing District of Columbia agencies to have their own legal counsel to represent them should not be established. The Corporation Counsel's Office should continue to represent all agencies of the District of Columbia. Your committee feels strongly, however, that two Assistant Corporation Counsels, preferably at general service grade 15, and a secretary, should be assigned by the Corporation Counsel to the Board of Education.

Therefore, your committee wishes to transmit to the Commissioner its recommendations in this regard. It also wishes to urge the House Appropriations Committee to increase appropriations for the Corporation Counsel's Office to provide for these three positions. This arrangement recognizes that the Corporation Counsel is the attorney for the District of Columbia and is solely responsible for prosecuting and defending all suits brought by or against the District of Columbia.

LEGISLATIVE AND GOVERNMENTAL AFFAIRS COUNSEL FOR THE BOARD OF EDUCATION

The Board of Education also requested your committee to authorize it to appoint and employ a legislative and governmental affairs counsel to be covered into the competitive service and paid at an annual rate of not less than the minimum rate for GS-15 of the general schedule under section 5332 of title 5, United States Code.

Your committee concurs with the Board of Education regarding the need for this position to enable it to better serve the education needs of the community. It should also serve the needs of the Congress and its committees to secure more expeditious handling of its requests for information.

Thus your committee wishes also to transmit its recommendations to the District of Columbia Commissioner to approve the above position as requested by the Board of Education. It is the committee's understanding that the Board of Education will request the Appropriations Committees of Congress for the funding of this position in the fiscal year 1972 budget. In the meantime, the Board has made arrangements to fund the position from Federal grants.

Your committee urges the Appropriations Committees to fund this position.

These matters were discussed in committee and it was decided to include language in the committee report expressing the committee's support that the positions be approved by the District of Columbia Commissioner and that the Appropriations Committee approve funds for the position in the fiscal year 1972 budget.

Unfortunately, when the committee report was prepared, language intended to be included in the report was inadvertently left out. I recognize and I know the committee recognizes the need for these positions and, therefore, urge the Appropriations Committee to approve the positions as suggested.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the Chairman of the Committee, the gentleman from South Carolina (Mr. McMILLAN).

PURPOSE OF THE BILL

Mr. McMILLAN. Mr. Chairman, the purpose of H.R. 19885 is to provide some additional revenue to the District of Columbia, as well as other much needed and justified legislation that hopefully may be enacted before the adjournment of the 91st Congress.

Again the Congress is faced with and asked to bail the District government out of its fiscal distress.

For the seventh consecutive year the District has come to Congress with an out-of-balance budget. The District's estimates of expenditures as submitted for fiscal year 1971 totaled $821 million, or $206 million more than its anticipated revenues. Consequently, the Appropriations Committee was required to slash $182 million from the budget and disallow over $20 million of proposed reserves when appropriating for fiscal year 1971.

Now your Committee and the Congress are asked to pick up the tab for the rest of, or most of, or some of, the disallowed budget requests, and thus finance another recordbreaking budget by the District.

Regretfully, the government of the District of Columbia continues an accelerated rate of spending, all out of proportion, in the judgment of a majority of the House District Committee members, to the city's declining population, its needs, or its ability to finance such expenditures. Few if any economies or efficiencies have been achieved in the expansion of the city government departments, agencies, and programs. Yet no other city in the Nation is annually treated so generously with hundreds of millions of Federal grants, in addition to the generous Federal payment.

The House District Committee is of the opinion that it has met all the established needs of the Nation's Capital by enacting the necessary legislation.

During the past 7 years your committee has reported and the Congress has approved five revenue acts for the District.

In these 7 years, the Congress has:

Increased the Federal payment authorization from $32 million to $105 million.

Raised various District tax rates to provide an estimated $62.4 million of additional annual revenues to the District of Columbia general fund.

Increased certain motor vehicle registration and other fees, in the Revenue Act of 1969, so as to provide an additional $6 million annually to the highway fund.

Increased the District's borrowing authority to the general fund, for capital improvements, from $75 million to $392.3 million.

Increased the District's borrowing authority for highway construction from $50.25 million to $85.25 million.

Authorized an additional $50 million of earmarked borrowing authority as the District's one-third share of the $431 million initial cost of constructing a subway and rapid rail transit system.

Authorized $50 million for construction of the Federal City College and the Washington Technical Institute—$10 million of this was an outright grant, and $40 million another additional borrowing authorization.

Authorized $40 million in Federal project grants for modernization of hospital plants and construction of health facilities, and also $40.5 million in Federal loans—at 2.5 percent interest repayable in 50 years—for institutions not having the required matching funds.

Qualified the Federal City College as a land-grant college, thereby authorizing it to receive a capital grant of $7.2 million as an endowment.

Authorized an additional $166,500,000 of borrowing authority—to be added to the $50 million authorized by the 1965 Act—thus increasing to $216.5 million as the District of Columbia's share of the regional subway and rapid transit system, the Federal contribution to which will be $1.147 million.

Provided an additional $25 million, annually to the District's revenues, through increases in the personal income tax, when enacting the police, firemen, and teachers' salary bill.

The mean average household income for 1969, as reported by the District of Columbia government, was $10,500.

During the 10 years' construction of the subway now underway, it is estimated that 12,000 to 15,000 workers will be employed with an estimated $1 billion payroll.

Congress has provided generously to the District in so many instances, through countless measures. As shown hereafter in this report, these Federal revenues, supplementing the District's own revenues, should suffice to provide an efficient and sufficient government to the people of Washington. If their government insists on living beyond its means, it must lift itself by its own bootstraps, or survive as it can do well within its available revenues.

PROVISIONS OF THE OMNIBUS BILL

REVENUE FOR THE DISTRICT

The bill provides an estimated $700,000 to $900,000 in special taxes, fees, or savings to the District government.

It provides, through increased borrowing authority to the District an estimated $783 million loan authority—$550 million to the general fund for 1971 and 1972; $72 million to the sanitary and sewage works fund; $110 million to the highway fund; and $51 million to the water fund.

Finally, it increases the Federal payment or contribution annually authorized, to the District by $15 million, to an alltime high of $120 million per year.

Your committee earlier in this Congress approved and the Congress enacted legislation giving the District an additional $8 million Federal payment toward salary increases for police and firemen, plus another $5 million Federal payment toward the new court system and the drug problem, as well as $9 million saving to the District by transferring the operation of the local zoo from the District to the Federal Government.

Admittedly, this legislation does not provide the District government with all the moneys it requested because a majority of your committee do not believe that the Congress should burden the taxpayers of the whole country with any larger share of the District's expenditures than they are now contributing.

Admittedly, the District government has confessed it has reached the "bottom of the barrel" in its own search for sources of local revenue which produced the unbelievable picture of the District requesting your committee, and the Congress, to authorize a $30 million increase in the Federal payment to the District, while the District itself would only assume to raise $1.5 million by a fuel tax increase. At the same time, the District of Columbia Council refused to raise $8.7 million by increasing the local real estate taxes, as recommended by the District Commissioner as a necessary part of his revenue needs.

The District government is unable or unwilling to finance its own increased budget in the amount of a $100 million

XUM

increase each year, and its own anticipated revenues will yield only an additional $50 million. The District would be perfectly happy to continue its merry spending, its enlarged programs, its ever-increasing personnel, mostly at the expense of the American taxpayers.

If the Congress would force the District's fiscal demands upon the citizens throughout the country by appropriating further Federal funds to bail out the District's programs, then it would be equally equitable to strap the same taxpayers with the indebtedness of any and all other U.S. cities in financial doldrums or decline.

I include the following:

DECEMBER 1, 1970.

Memo to: John L. McMillan, Member of Congress, chairman, House District Committee.

From: Paul Yates Little, consultant.

Subject: Contemporary report on the Department of Corrections (Lorton), District of Columbia.

This is a brief report on the present conditions as they exist at the Lorton Complex, the Department of Corrections of the District of Columbia.

The last report of the investigations and study of this Department was submitted on February 23, 1970.

1. The chain of command has not improved and is still ineffective. Any link in the chain of command feels free to go over any other link in the command to discuss their problems.

2. Correctional officers, both white and black, are still being frequently assaulted by inmates. It appears that the discipline of prisoners is more lenient now than during the period of our last study. Recenty, a prisoner attacked and broke the jaw of a correctional officer. This prisoner was not taken into custody under orders of the Superintendent but was allowed to "cool off" and a few hours later to voluntarily report for confinement. The correctional officer was severely injured and hospitalized. The assaulting inmate was not punished or prosecuted. Disrespect is almost total by all inmates, at all time, toward all officers; although the officers are called four letter words, they must say "thank you" to the prisoner, and call him "Sir".

3. The correctional officers are still being advised not to strictly enforce any laws or regulations. John O. Boone (the Superintendent), according to the correctional officers, is more permissive, lenient, and minimum security minded, than the Director, Kenneth L. Hardy.

4. Escapes from the institution are more multitudinous than ever. Six prisoners recently escaped from the city jail during a ball game; four prisoners escaped during a party at Lorton; and one or two prisoners escape every few weeks. Very few of these escapes are ever reported in the newspapers and are kept secret, but the copies of the escape reports are in the possession of this Subcommiteee.

5. The use of narcotics by inmates is still widespread, and there appears no effective effort by the administration to control it.

6. The practice of homosexuality and lesbianism is widespread and no efforts are being made to control it. Too, known sex deviates are not segregated.

7. There appears, yet, not to be any inventory by the supervisory personnel of eating utensils within the institution. These utensils are still being manufactured into weapons by the prisoners.

8. The prisoners do not perform even menial tasks, and they do not have a work program that is enforced.

9. Press releases from the Department of Corrections tell of the prisoners at Lorton attending Federal City College and commend them for excellent academic efforts. There are reasons to believe that very few of these prisoners actually attend a class at Federal City College. Most of them merely report "present", then, leave out the back door and attend to their personal affairs—such as crime, and return in time to catch the free bus back to the Lorton Complex. This condition is not only documented, but witnesses are ready to testify as to its accuracy.

10. The Lorton Complex is as filthy and ill-kept as ever before.

11. The Superintendent, named John O. Boone, has managed to earn the enmity of most of the correctional officers by failing to support them in cases involving discipline of inmates. No prisoner has ever been punished or prosecuted for disrespect, assault or seriously injuring any correctional officer. Instances of this kind occur frequently.

12. The various institutions within the Lorton Complex maintain schools for prisoners. These, too, are poorly attended, maintained and taught.

13. The hiring practices still require no minimum education, with a starting age of 18 years and no character or security investigation of these applicants' backgrounds. The turn-over in personnel is constant.

14. The promotions of paid personnel are still made without any enforced criteria. Some of the promotions are apparently made on the whims of the personnel officer and the applicant's immediate supervisor. The escalation and de-escalation of favored candidates' eligibility on the Civil Service registry are manipulated by giving credit for the slightest of excuses.

15. There is no criteria for placing inmates in the "Half-way Houses". These "Half-way Houses" are listed in recent press releases by the Department of Corrections in the most glowing terms. Confidential sources within the administration of the Department of Corrections state that these are "dens of thieves". These houses are the basis of daytime crime in the District of Columbia, a sort of "Dracula in reverse", in that the thieves must return to their units by sundown and are not allowed to legally leave until sunrise. A confidential source suggests that this question be pressed: "How many prisoners in the "Half-way Houses" are apprehended each year and either returned to Lorton Complex, released on bond, or resentenced for crime?" This source states that the figure is beyond belief.

16. The Department has yet to improve its out-dated bookkeeping methods of various funds kept within the Department, and they still use "self-audits". When an audit is made of a fund by the keeper of the fund, it is poor adverse interest to do so.

17. Personnel are still being hired under contracts which avoid Civil Service requirements.

18. The morale of the paid personnel is even lower than it was prior to John O. Boone being made superintendent in February, 1970. They feel they are taking their lives into their own hands when they report for work and the prisoners are better armed than the guards.

19. A full inspection or shakedown of the institution is made seldom. Contraband continues to flow freely in and about the prisoners.

20. The training of correctional officers is practically no training at all, as it is so extremely limited.

21. Visitors are still allowed physical contact with the prisoners. Connubial acts are committed, and money changes hands between visitor and prisoner in large sums. Under Boone, the Superintendent of the Department of Corrections, visiting hours are now seven nights a week, with only one guard overseeing the twenty or more visitors and prisoners at any one time. Boone, when questioned about this by one of the guards stated, "They're gonna slip it in and out anyway, so why worry about it."

22. First offenders are still mingling with hardened recidivist criminals.

23. Prisoners are allowed to be alone in enclosed cubicals with female visitors for long periods of time.

24. The administrators of the various units of the Department of Corrections are unbelievably incompetent and only with alleged training.

25. The prisoner population in the Lorton Complex is below capacity.

26. On or about November 6, 1970, Salvatore Angelona, in charge of Arts and Crafts at Lorton, was stopped and his car searched, and he was later fired for narcotics traffic.

Samuel Rosser was an associate superintendent for Programs at the Lorton Complex in the summer of 1970. He was under investigation for bringing narcotics into the prison. He was transferred to Washington, D.C., where he is still employed by the Department of Corrections, and the evidence that was found in this case was "hushed up".

During November 1970, correctional officers—Francis McGee, Glenn Brown, and Ivory Roberts—were dimissed regarding traffic in narcotics. To date no charges have been filed. The narcotics situation at Lorton Complex has not changed from the condition as described by John Ingersoll, Director of the Federal Bureau of Narcotics and Dangerous Drugs, as described in his letter, January 30, 1970, which was made a part of the report of the Committee on the District of Columbia (Union Calendar No. 384; House Report No. 91–850).

27. Theft of property owned by the Department of Corrections for the District of Columbia is continuous and on a large scale. The theft of items is by prisoners, visitors, and employees.

28. Innumerable correctional officers (prison guards) are caught sleeping on duty every night in the week, and no action is taken by the superintendent, John O. Boone, although these matters are brought to his attention by written report.

29. Excessive overtime is paid employees. The reason, given by John O. Boone, the superintendent, is that he is not allowed to hire additional employees. The overtime hours and pay result in most of the employees being exhausted.

30. On September 1, 1970, John O. Boone issued Superintendent's Order No. 4500.11. It was entitled "Resident Institutional Participation and Use of Administrative and Legal Processes to Assist in Effecting Modifications in Programs and Procedures". This merely changed the Inmates Advisory Council and established representatives from each dormitory to advise the superintendent on how to operate the institution.

31. Any person that wishes to do so, may go to the License Shop and on the license printing machine, stamp out a District of Columbia motor vehicle license plate, and then give to friends. Recently a prisoner was apprehended giving a set of plates to a visitor. The paid personnel at the Lorton Complex advised that is common practice for anyone, at any time, to prepare for himself a set of license plates. It is noted that on the Lorton Complex machine, there is not a "counter"; therefore, it is impossible to tell how many plates may be made on the machine at any given time.

32. There is attached to this report, a set of pictures taken surreptiously of lewd and lascivious girly shows that would only appeal to the prurient mind, put on for the juveniles at the Youth Center. Any com-

ment on the pictures for the youthful mind would be redundant.

33. The Department of Corrections is moving its offices to the new Potomac Building located between 6th and 7th and between G and H Streets, Northwest. They have leased the 9th, 10th, and 11th floors in full. It is estimated their rent payments will be 500% more by this action.

34. John O. Boone, Superintendent of Lorton, issued an order on March 24, 1970, notifying the prison population that a Urinalysis would be taken of all prisoners. (There is nothing like being forewarned is there?) Narcotics and contraband will never be destroyed with this type of effort.

35. On February 28, 1970, Eugene Schappel No. 112767 broke away from the hospital and climbed the tower. It took the Fire Department and Rescue Squad of several townships to get him down. Again on March 3, 1970, he attempted suicide. On March 10, 1970, he was given the freedom of the hospital and with a kitchen knife broke the lock on the Ward and attempted to climb the water tower again.

36. On March 8, 1970, Charles Parker No. 83658 was found after a Urinalysis to be under the influence of Morphine, Quinine and Codeine.

37. On March 12, 1970, Roland Henry No. 135591, better known as Roachy Henry, who has had unusual liberties granted to him by both Director Hardy and The D.C. Parole Board, and who was finally placed in prison due to our investigation for many violations of his parole, was given a Urinalysis and was found under the influence of Morphine, Quinine and Codeine.

38. The Director of the D.C. Department of Corrections has continued his creating of "super jobs". He recently hired as Associate Director, Correctional Program Administrator, one Warren H. Moore of the 3600 block of 13th Street, Northeast. One of Mr. Moore's claim to fame is that he has studied welding. This Grade 15 position pays a base of $21,515 per annum.

39. A letter was received from James Clarence Moore of the District who stated that he has been in prisons both under the supervision of the D.C. Department of Corrections and the Federal Prison. He argues that employees should at least have a better education and higher intelligence than the inmate because it is difficult to train people that are smarter than the teacher.

40. In a letter from Merrill A. Smith, Chief of the Federal Probation System, dated January, 1970, it was stated "Prison administrators and criminologists now openly acknowledge that rehabilitation programs in prison have failed." Therefore the millions offered the Department of Corrections for installing new "within the prison schools" may be a waste of money for the District of Columbia.

41. A request was made by the Special Select Subcommittee, of the D.C. Department of Corrections in the middle of December, 1969, for fingerprints of the employees on the payroll as of December 9, 1969. As of this date all the prints have yet to be received and the study remains to be completed.

42. In a letter dated February 4, 1970, from F. R. Edwards #164675 to T. P. Gallagher, he stated in part concerning Lorton Reformatory, "This place is a joke for a Federal prison. It's too bad you could not work here. Pot is the thing here. (Don't get me wrong) But if one must pull time, this is the right place." The country club atmosphere of Lorton is known far and Wide.

43. There is attached a list of major violations within Lorton system from February 3, 1970, through March 1, 1970, that is self-explanatory.

44. There is attached a list of reasons for placing the Lorton Prison under the Federal Bureau of Prisons.

45. There is attached a letter dated March 9, 1970, from the American Federation of Government Employees, giving their reasons why the Lorton Reformatory should be transferred to the Federal Bureau of Prisons.

46. In the Quarterly Statistical Report for October, November and December 1969, of the District of Columbia Juvenile Court, there was shown that in juvenile delinquency cases repeaters were an even 60%. This is contrary to the Department of Corrections' allegation that their repeaters were 25%. Thus repudiating again many of the false statements made by the Department of Corrections to the Special Select Subcommittee.

47. On March 6, 1970, Boone, the new Superintendent at Lorton, released two men from minimum security who were being held for possession of contraband and disrespect to the Security Officers.

48. On March 22, 1970, a security sergeant reported to Captain Cornwell at Lorton Virginia that as of October, 1969, "on Quarters Post #3" had found 17 different officers asleep on 32 different occasions. "This number could well be doubled if the count were to include the number of times officers were observed through the windows of the respective dormitories with their heads in reclining positions and would be awakened when the dormitory doors were opened." This shows the type of security personnel now being hired for the D.C. Department of Corrections.

49. The Department of Corrections had 80 escapees in the past two years from their Halfway Houses that have never been recaptured.

50. Request in December, 1969 for fingerprints and Criminal records of all Department of Corrections employees. After innumerable reminders to date, the complete report has not been received. District of Columbia Department of Corrections allege they hope to get the report in soon.

51. May 3, 1970, another escape from Maximum Security, #111802 Hawkins.

52. May 3, 1970, three prisoners at the Youth Center at Lorton escaped, after burning mattresses.

53. It is reported that the D.C. Department of Corrections' Director is transferring favorite personnel from Lorton to D.C. office to use up all vacancies, in anticipation of the Lorton transfer.

54. The District of Columbia Police Narcotics Squad, with other agencies are investigating Sam Rosser, Associate Superintendent for Training and Treatment, of Lorton Complex. He is to be charged with smuggling narcotics into the prison. His brother, David Rosser is a prisoner there now.

55. On March 22, 1970, D.C. Correctional Officer, L. D. Williams (one of the new "warm, uneducated bodies" recently hired) was caught with two 15 and 16 years old youths burglarizing a home in Fairfax, Virginia.

56. April, 1970, four escaped from Lorton. Three recaptured and one still unapprehended.

57. Eugene Miller, Superintendent of Women's Detention Center, resigned as of May 1, 1970.

58. The American Federation of Government Employees, AFL–CIO, Lodge No. 1550, gave a report to this Committee showing that on May 23, 1970, the prisoners rioted and destroyed $400,000 worth of buildings. Too, a copy of this report is attached. It would cost $750,000 to replace these buildings. Information was received on November 20, 1970, that none of these buildings have been repaired or rebuilt.

59. For Thanksgiving, 1970, Lorton released 180 long-term prisoners to go home for the Thinksgiving Holidays, and from past experience, it is indicated that many will not return.

60. On December 1, 1970, information was received from a usually reliable, confidential source that William Strickland, convicted of manslaughter, who was recently paroled from a long term sentence and prior to that was a chauffeur for Kenneth L. Hardy, Director of the District of Columbia Department of Corrections, had been appointed a finance officer of the Women's Detention Center, D.C. Department of Corrections in the spring of 1970. This convicted thief disappeared a few weeks ago and his present whereabouts is unknown. An audit of his accounts revealed a shortage. The combination on the safe was changed December 1, 1970. This matter is a carefully guarded secret known only by the Director and a few others. Part of the loss was made up and the Department now only admits a much smaller shortage.

COMMENT

The above discussions indicate that the District of Columbia Department of Corrections either cannot or deliberately will not change their inept, ineffectual, incompetent attitude of permissiveness and lack of security policies. Since this was brought to their attention by the Special Select Subcommittee through 11 hearings, the last one of which was January 30, 1970, it is believed that the Director is with malice, flaunting the will of Congress. It may be proven that he has openly bragged that he will dismiss every employee of the Department of Corrections that has assisted Congress in any way in its investigation of the conditions within the Department. In fact, Dr. Donald J. Sheehy, former Superintendent of the Lorton Reformatory and Counsel for the Department of Corrections, who assisted the Special Select Subcommittee, has been transferred to the District of Columbia Department of Welfare.

Every District of Columbia government agency is now frightened over the prospect of Lorton being transferred to the Federal Bureau of Prisons and should this transfer not be effective, the Congress will have lost face with these agencies and they will run rampant over the will and intent of Congress in the future.

Mr. CABELL. Mr. Chairman, as directed, the committee conducted a complete survey of the Department of Corrections complex at Lorton, Va., from October 29 to November 16, 1970.

The first section of this report will cover evaluation of existing facilities. The second section will cover results and recommendations based on the survey. The third section will cover violations of regulations enforceable by the District of Columbia Fire Department.

The report follows:

SECTION I

Response to specific questions:

1. The present organization and staffing of the fire protection program places all the responsibility and practically all of the work on the shoulders of the Fire Protection Specialist. An effective fire protection program for these reservations cannot be adequately maintained by one man.

The recommendations for an effective fire protection program as outlined in Section 2 of this report cannot be carried out with the present organization and staffing.

2. The condition of the three fire trucks is very good considering their age (two 1953 Federals and one 1956 Mack). They passed a maximum capacity flow test. The fire extinguishers, except where noted in Section 3 of this report, are adequate. Water flow for fire use from the hydrants at the Reformatory and Workhouse were inadequate.

At the Youth Center, the flow was adequate but many of the hydrants were inaccessable. Existing standpipes are adequate. The need for sprinkler systems is covered in Section 2 of this report.

3. Evaluation and recommendations for fire-fighting forces, fire brigades and location of a fire house are covered in Section 2 of this report.

4. The present method for reporting and responding to fire is inadequate. If recommendations for staffing the fire department are accepted, the on duty commanding officer of the fire department should determine when mutual assistance is needed. The legal aspects should be discussed with the D.C. Corporation Counsel.

5. Training recommendations are covered in Section 2 of this report.

6. The records and reports are inadequate and should be expanded as recommended in Section 2 of this report.

7. The D.C. Fire Department is assigned the responsibility of conducting an annual fire prevention inspection of the entire Lorton Reservation. A report is submitted to the Director, Department of Corrections, detailing violations of the D.C. Fire Department regulations and apparent violations of other D.C. Regulations.

SECTION II

Recommendations for organizing and staffing a fire protection unit at the correctional complex at Lorton, Virginia capable of administering a fire protection program that will insure a reasonable degree of safety to life and property from fire:

A new fire house should be constructed adjacent to the Reformatory. This fire house to be fully manned 24 hours a day.

The fire department should be organized under the supervision of the Director, Department of Corrections. Tihs is in accordance with nationally recognized good practice because the interest in fire protection and fire safety has to start at the top. A fire chief should be appointed to manage and supervise the fire department and a minimum crew of five (5) firemen should be on duty at all times.

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The fire chief would be directly responsible to the Director for the supervision, training, and maintenance of an efficient fire protection program.

To carry out these responsibilities, the fire chief should:

(a) Recommend appropriate fire protection regulations for the Correctional Complex to the Director. These regulations shall assign responsibility, establish policy, prescribe procedures to be followed by department hands and their subordinates in the establishment and performance of fire prevention and fire supression activities. (For your information, Appendix A is attached as a typical program you may wish to use as a guide.)

(b) Cause each building to be inspected at such intervals as the type of construction and occupancy warrant, but in no instance less than quarterly.

(c) Take appropriate action to abate all fire hazards.

(d) Enforce the appropriate sections of the D. C. Building Code, the Fire Prevention Code of D. C., and the National Fire Code.

(e) Train fire brigades in the use of first aid fire-fighting equipment.

(f) Conduct appropriate fire drills.

(g) Train all correctional officers in appropriate fire protection procedures.

(h) Establish standard operating procedures for fire-fighting operations.

(i) Cause the firefighting force to perform not less than one hour of drill each day except Sunday.

(j) Maintain fire-fighting equipment in proper condition.

(k) Maintain firehouse in proper condition.

(l) Assume command at all fires to which he responds at the Correctional Complex.

(m) Prefire plan all dormitories and other major buildings.

(n) Cause all fires to be investigated.

(o) Cooperate with Fairfax Fire Departments in accordance with mutual aid agreements.

(p) Cause each hydrant to be tested at least twice yearly and maintain appropriate records of same.

(q) Require a watch detail at the alarm desk 24 hours a day.

(r) Cause outside assistance to be summoned at anytime it is not readily apparent that the Correctional Complex firefighting force can extinguish the fire in a few minutes or at anytime it appears desirable.

(s) Cause the following records and reports to be maintained:

1. Fire alarms.
2. Daily activities (journal).
3. Personnel.
4. Inspection reports.
5. Violations (fire hazards).
6. Fire reports.
7. Injuries.
8. Property (inventory).
9. Training.
10. Maintenance of equipment.
11. Hydrant test records.
12. Hose tests records.
13. Fire investigation report.
14. Location of fire extinguishers and dates of recharge.

For your information, Appendix B is attached. These are D.C. Fire Department records and reports you may wish to use in the implementation of your overall program.

In conjunction with the above program, it should be noted that the professional on duty fireman, would be used in this total fire protection program for the inspections, lectures, instruction, and proper maintenance and testing of equipment.

It is also recommended that every building be equipped with an ionization chamber type smoke detection system connected directly to the alarm desk at the firehouse.

Whenever any construction is contemplated which would have a bearing on fire protection or fire safety, a written notification should be forwarded to the Fire Chief of the overall Correctional Complex for study and approval before any construction work is started. This notification would also apply if a building is to be changed from one type occupancy to another. Standard procedure should be established for notifying the Fire Chief when water mains are to be repaired or valves closed.

Water supply

The survey of the several water supplies at the Correctional Complex revealed some serious deficiencies. The quantity of water available at several locations was seriously inadequate. (Appendix C is attached for your information and carries the results of the fire flow tests.)

The water supply management is not properly responsive to fire protection needs. (Example: One week after the water maintenance department was requested to determine the position, closed or open, of some underground valves that may be responsible for the serious water shortage at the Commissary, Walled Unit, and Garage area, they still had not checked these valves.) Numerous hydrants, at all three reservations, are poorly located or are positioned incorrectly. The water pressures at both the Reformatory and the Work House are inadequate for effective fire service by fire brigades using streams from standpipes and hydrants. The water department and the fire department have not established proper periodic tests and inspections of valves, hydrants, etc., and therefore, do not have comparative records to assist in analyzing the causes of the deficiencies found in the current tests. The following is recommended to insure a better water supply:

1. Establish periodic test and inspection procedures for hydrants and valves. (See section 13–14, WFPA Handbook, 13th edition).

2. Correct deficiencies of water supply at the Commissary, Walled Unit, and Garage area immediately.

3. Relocate, reposition, or install hydrants in the following locations:

(a) install hydrant at lower level in rear of carpenter shop at Reformatory.

(b) install hydrant in rear of Industrial building.

(c) install additional hydrant at garage.

(d) install additional hydrant at Commisary.

(e) install hydrant in center courtyard at opposite end from auditorium at Reformatory.

(f) relocate hydrants in farm office area of Work House away from building, fifty (50) feet, if possible.

(g) reposition hydrants in R. C. A.

(h) relocate hydrants at Youth Center so that all hydrants are within fifteen (15) feet of a paved roadway.

4. Cross connect water mains at both the Reformatory and the Work House to increase reliability and waterflow.

5. Alter plans for erection of new water tower so that top of tank is raised to 400 feet above sea level (raising static hydrant pressure to 75 PSI) and that the tower is located adjacent to the Reformatory. The increased height coupled with the cross connecting of water mains would probably increase water flow to tolerable limits throughout the Reformatory.

It is recommended that fatigue tests, known as Ultrasonic Transducer, for the steel supports of water towers be made at least once each 2 years.

During the survey it was noticed that many keys were not available and in some cases could not be obtained. Some of these keys were to doors leading to the outside of buildings. In one instance, we discovered the only keys available were on the person of an employee at home on his day off. It is therefore recommended that keys to all doors, scuttles, and other openings be available at all times. It should be noted that this will be necessary in order to comply with an acceptable fire evacuation plan.

It is recommended in all buildings where there are exposed steel or wood beams that these supports be fire protected. If sprinkler system is installed in any building, protection will not be necessary unless so desired by the department.

Under Article 5D, Section 3–693 and Article 81, Section 3–6253, paragraph 2, if a proper evacuation plan is submitted and adopted the requirement for enclosed stairs and adequate egress facilities may be omitted.

If sprinkler systems are installed variances may be granted as stated in Section 3–6252B.

Reformatory

Administration Building—2 Story, Wood Joisted Brick: This building has combustible ceiling tile in all rooms and halls throughout building. Exit doors are not equipped with panic hardware. There are unprotected vent openings in the ceiling of the 2nd floor hallway into attic. All openings on 1st floor corridor are unprotected. Unprotected door opening to storage room in room #221A. Screen doors on all outside exit doors swing contrary to direction of egress. All exits are not properly indicated. No emergency white lighting system. Building not equipped with sprinkler system. Unprotected duct from bathrooms 1st floor into and through attic. Illegal electric wiring installed through same duct work. It is recommended that structural weight test be made of 2nd floor, due to the construction of cinder block and heavy steel partitions at the south end.

Gymnasium Building—1 Story, Brick and Steel: Outside exit doors not equipped with panic hardware. No second means of egress from projection booth. Projection booth port openings are not properly protected. Unprotected door openings to storage and locker rooms in rear of gymnasium.

Vocational School and Dormitory—2 Story, Wood Joisted Brick: Unprotected door openings to rooms 1st and 2nd floors. Exits not properly indicated. No emergency white lights. No interior fire alarm system. Exit doors swing contrary to direction of egress. Stairway not properly enclosed. Stairway between 2nd floor and attic non-conforming. Illegal electric wiring from outlet in hallway near room #207. Unprotected closet under stairway 1st floor. Building not equipped with sprinkler system. Unprotected opening in ceiling of 2nd floor hallway into attic.

Dining Hall Building—1 Story, Wood Joisted Brick w/exposed steel beams: Grease ducts are not properly protected. Kitchen not properly cut off from dining room. Door openings to various storerooms are unprotected. Non-conforming exit door from northeast exit corridor. Unprotected duct from large commercial baking oven. Oil burning commercial baking oven not properly flue connected. Defective and improper electric wiring to deep-fat fryers. Unprotected opening in wall between main kitchen and officers dining room. Officers kitchen not separated from officers dining room. Combustible ceiling tile installed in officers dining room. It is recommended that non-slip type floor tile be installed in main kitchen and in inmates dining room. It is also recommended that exposed steel beams and wooden ceilings be protected.

Dormitory Nos. 2, 3, 4, 5, 6, 7, 10, 11, 12, 13—1 Story, Wood Joisted Brick: At the present time these buildings have unprotected ceilings throughout. In general there is illegal electric wiring in most of these buildings. At the present time, there is work in progress: fire-proofing the ceilings of dormitories and buildings 8 and 9, and the rest of the dormitories are scheduled as fast as possible. The electric wiring is also being updated due to this program. No further recommendations will be made regarding construction in these buildings. It is recommended that the present program of fire protection be expedited.

Industrial Building—2 Story, Brick and Concrete w/exposed steel beams: This building is not equipped with automatic sprinkler system. There is an unprotected opening in the fire wall between the print shop and the clothing shop. The dark room in the print shop is of non-conforming construction. There is also a non-conforming storage room built on top of the dark room. The office in the machine shop area is of non-conforming construction, the same as the one that was destroyed by fire in the print shop area. There are no proper flammable liquid storage vaults either in the print shop area or dip tank and spray area. Improper ventilation in print shop area. Dryers and ovens in print shop are apparently not UL approved. During the survey in the license plate dip tank area, it was ascertained that the supervisor of the area, the assistant supervisor, and even the superintendent of industry did not know whether the product being used in the dipping operation was hazardous or not, and did not know the flash point of the liquid being used. It is therefore recommended that all employees working in a hazardous area with potentially dangerous substances be fully aware of any hazardous condition that may be present due to the use of said products. It is also recommended that a fire wall be constructed between the machine shop area and the dip tank and spray area. It is further recommended that rolled paper in the warehouse section be stored in the horizontal rather than the vertical position, per section 6—16 of the W. F. P. A. Handbook.

Main Garage—1 Story, Metal w/exposed steel and wood beams; Storage room not properly cut off from garage. All door openings on exit corridor are unprotected. Unprotected opening between body shop and classroom. Unit is improperly indicated through body shop. Illegal electric pigtails installed on most wall outlets. Recently constructed paint spray room in rear of garage is non-conforming as to ventilation and has no proper flammable liquids storage vault. The electric wiring on the grinder in the machine shop area is exposed and motors on various machines are installed too low to the floor and are not explosive proof. It is therefore recommended that a fire wall be constructed separating the machine shop area from the garage.

Vocational School—1 Story, Steel: Illegal and exposed electric wiring throughout building. Exit doors swing contrary to direction of egress. Non-conforming ceiling in visual aid room. It is recommended that automatic sprinkler system be installed in this building.

Vocational School Annex—1 Story, Wood Joisted Brick: No second means of egress. Unprotected openings in fire walls. Exit door swings contrary to direction of egress.

Dormitories Nos. 14, 15, 16, 17, 18, 21—1 Story, Wood Joisted Brick: Exit doors swing contrary to direction of egress. In No. 16 dormitory, illegal electric wiring installed approximately half way up center section wall.

Commissary and Dormitory—3 story, Brick and Concrete: Unprotected elevator shaft through building (the elevator was never installed in this shaft). It is therefore recommended that the elevator be installed so this shaft may be properly enclosed. Non-conforming partition installed on 2nd floor. Unprotected fan opening in wall of officers clothing room. All exits not properly indicated. Non-conforming walls in refrigeration room. All exit doors do not swing in direction of egress. It is recommended that fire wall be installed to separate basement. Inspection revealed that all walls of building are cracking and moving out-ward. It is therefore recommended that a structural engineer check this building and make whatever recommendation necessary for safety.

Engineers Warehouse—1 Story, Wood Joisted Brick: Unprotected ceiling.

Foundry Building — 2 Story, Brick and Steel: Building abandoned, no recommendations on this survey.

Cannery Building—1 Story, Frame: same as above.

Pattern Shop — 2 Story, Brick w/exposed steel and wood beams: Non-conforming storage room 2nd floor. Flammable liquid storage area in this building is totally non-conforming. In conjunction with this there is approximately 2,000 gallons of highly flammable liquids stored in this room. In so far as security of this hazardous material is concerned, there is practically none. Openings to this storage area are either flimsy thin wood doors or plain glass windows of the wood frame type. On August 21, 1968, the recommendations of the board of survey which investigated the riots and fires of April 1968 were to secure flammable liquids from the inmates. There were serious fires again in 1969, the above situation shows a total lack of concern as to where these flammable liquids are stored and as to whether the inmates can get to it or not. Proper storage facilities inaccessible to the inmates must be provided.

Landscape Office and Storage—1 Story, Frame: Due to the construction and the storage involved it is recommended that this building be torn down and replaced by a fire resistive structure. In conjunction with this, it is also recommended that the one story frame section added to No. 1 barn be torn down and storage transferred to newly built landscape building.

No. 1 Barn—2 Story, Wood Joisted Brick: Second floor overloaded with storage.

No. 1 Dormitory—1 Story, Wood Joisted Brick: Exit doors swing contrary to direction of egress.

Dormitory Office—1 Story, Wood Joisted Brick: This lean-to type addition to dormitory No. 13, besides being an office is also used for storage. Due to its unprotected ceiling it presents an exposure hazard to the windows of dormitory No. 13, directly above.

Bakery—1 Story, Wood Joisted Brick: Exit doors swing contrary to direction of egress.

Officers Assembly, Clothing Issue, Tailor Shop, and Control Cells—All 1 Story, Wood Joisted Brick: These buildings were severely damaged by fire during the recent riots and due to this damage, it is recommended that they be torn down and replaced with fire resistive structures.

School Building—1 Story, Fire Resistive: Illegal electric wire in storerooms to left of officers desk.

Recreation Building—2 Story, Brick and Concrete: Electric hot water heater apparently improperly wired.

Laundry Building—1 Story, Brick and Steel: Loading dock not cut off from check out room. Fire door between loading dock and laundry is not proper type automatic fire door.

Dormitory Nos. 19, 22, 23—1 Story, Wood Joisted Brick: Exit doors swing contrary to direction of egress. Non-conforming storage room in dormitory No. 19. Illegal electric wiring in rear of dormitory No. 19.

Dormitory No. 20—1 Story, Wood Joisted Brick: Combustible ceiling tile throughout. Exit door swings contrary to direction of egress. No second means of egress provided.

Art and Crafts and Carpenter Shop—2 Story, Wood Joisted Brick: Laundry supply room not properly enclosed. No second means of egress from arts and crafts section. It is recommended that exposed 220 volt line in arts and crafts section be disconnected. Unprotected openings in fire wall between carpenter shop and lumber storage. Lumber storage area is an exposure hazard to the windows of the floor above. This is the same type exposure hazard as Dormitory No. 13.

Electric Shop—1 Story, Wood Joisted Brick: Unprotected ceiling. Doors swing contrary to direction of egress.

Metal and Maintenance Shops—1 Story, Wood Joisted Brick: Unprotected openings in fire wall. Combustible cellotex ceiling in office areas.

Paint Shop—1 Story Brick and Steel: Non-conforming flammable liquid storage room.

Boiler Room—1 Story, Fire Resistive: Investigation of the automatic ash collection silo reveals the possibility of a dust explosion during the collection of ash from the fire boxes of the furnaces. It was noted that unburned fuel (coal dust) is drawn up and into the silo. When furnaces are dumped and coals are pulled into pits and drawn into silo, a possible ignition could occur from a burning coal. It is recommended that an examination of the process be made by a disinterested competent expert, to evaluate the hazard of this process.

Hospital—1 Story, Fire Resistive; Screen doors on exits swing contrary to direction of egress. Exposed electric conduit in XRay closet. Dead end corridor in dental wing. It is recommended that wooden shelves be replaced with metal shelves in Pharmacy storage room.

Chapel—1 Story, Fire Resistive; No interior fire alarm station in choir loft. Office being used for storage room in basement resulting in non-conforming storage room.

Training School and Business Office—2 Story, Wood Joisted Brick: Building not equipped with interior fire alarm system. All exits are not properly indicated. Exit doors

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swing contrary to direction of egress. Non-conforming storage room on 2nd floor north. Stairway not properly enclosed. Non-conforming closets under stairways.

Walled unit section

Control Building—Story, Brick and Steel: Non-conforming storage room constructed over offices.

Dining Hall and School—1 Story, Brick and Steel: Combustible ceiling title installed throughout. Unprotected door opening between dining hall and school. Kitchen not properly cut off from dining area. Non-conforming door to basement. No second means of egress from dining area.

Cellblock Nos. 2, 4 and 6—2 Story, Brick w/exposed steel beams: Buildings not equipped with sprinkler system. Exit doors swing contrary to direction of egress. Non-conforming storage areas in all buildings.

Dormitory No. 3: No recommendations.

Furniture Repair Building; 2 Sections—1 Story, Brick and Steel, and 1 Story, All Metal w/steel beams: Flammable liquid storage room is non-conforming. Non-conforming handling and stripping room. It is recommended that fire wall be constructed separating upholstery shop from paint spray section. It is also recommended that building be equipped with automatic sprinkler system. During the tour of this facility, one of the inmates was seen spraying a good distance from a spray booth. The assistant supervisor of this shop, who was traveling with us, was questioned about this hazardous practice. He indicated that the inmates had been told many times not to do this. He was further questioned as to why the inmates were not disciplined when they continued to operate in such an extremely hazardous manner. We were informed that they could not discipline the inmates. It seems to be a serious situation when inmates can do what they want with hazardous materials with very little or no supervision, and there is such a strong possibility of explosion and fire. It is strongly recommended that if inmates are not going to be disciplined that at least they be removed from the area and prohibited from working with hazardous substances.

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Youth center

Gate House—1 Story, Brick and Steel: See general recommendations.

Dining Hall—1 Story, Brick and Concrete: All exit doors swing contrary to direction of egress except main entrance doors. Unprotected opening between storeroom and loading dock. Rear exit door from kitchen not indicated. Unprotected louvered opening between dining room and wash room. It is recommended that non-slip tile be installed on floor of kitchen.

Boiler Room—1 Story, Fire Resistive: No recommendations.

Shop Building—1 Story, Wood Joisted Brick: Flammable liquids storage room not properly vented. Exit doors swing contrary to direction of egress.

Dormitory Nos. 1, 2, 3, and 4—1 Story, Wood Joisted Brick: No recommendations.

Administrative Building—2 Story, Brick and Steel: Windows onto or under fire escape are unprotected. No fire alarm system in building. Stairway not properly enclosed. Exit doors from chapel swing contrary to direction of egress.

School Building—1 Story, Fire Resistive: Unprotected opening to storeroom in gymnasium. Exposed electric wiring in fluorescent fixture in Room No. 113.

Hospital—2 Story, Brick and Steel: Exits to east and west stairways not indicated. Non-conforming storerooms constructed in Civil Defense section of basement (partitions also, are cellotex). Unprotected opening in fire wall between print shop and machine room. Non-conforming storage area in clothing issue section. Unprotected opening to the storeroom in the print shop.

Guard Tower No. 8—All frame construction: It is recommended that due to the non-conforming construction, improper electric heating, that this tower be torn down and replaced with proper structure.

Control Cells—1 Story, Brick and Concrete: Non-conforming storage room at rear of building.

Workhouse

Fire House—1 Story, Brick and Steel: Unprotected openings in fire wall into locomotive shop.

Locomotive Shop—1 Story, Brick and Steel with partial wood frame and metal with wood joist: Recommend that a proper fire resistive structure be constructed to house this valuable equipment.

Dormitory Nos. 14 and 15—2 Story, Fire Resistive: Unprotected opening in wall between steam room and stairway.

Clothing Issue and Laundry Building—2 Story, Wood Joisted Brick: This building is separated in three sections—Clothing Issue, Laundry Storage, and Laundry. Building not equipped with sprinkler system. Non-conforming wood fire escape from laundry section. Unprotected door openings in walls between all buildings.

Carpenter Shop and Paint Shop: These shops are in the basement of the Laundry and Clothing Issue Building and are properly cut off from the buildings above. There is no saw dust collector for the wood shop. Unprotected openings in fire wall between paint shop and wood shop. Non-conforming flammable liquids storage room, office, bathroom, and storeroom.

Filtration Plant—1 Story, Wood Joisted Brick: Combustible cork facing on all walls and ceiling. It is recommended that proper storage building be constructed for storage of chlorine.

Boiler Room—1 Story, Fire Resistive: No recommendations.

Engineering Maintenance Office—1 Story, Wood Joisted Brick: No recommendations.

Old Dairy Barn—1 Story, All Frame: At present this building is being used for storage of gasoline powered farm equipment and other combustible storage. It is recommended that this building be torn down as it is unsafe for this purpose.

Hay Barn—2 Story and Basement, Frame Construction; Basement, Fire Resistive: Several unprotected opening in concrete ceiling of basement.

Farm Machine Shop—1 Story, Brick and Steel: Furnace room not properly vented.

Lower Farm Office—1 Story, Wood Joisted Brick: Illegal electric wiring throughout.

Dairy Farm and Cattle Stables—1 Story, Steel: Hot water heater apparently improperly wired.

Dairy Farm Processing Building—1 Story, Fire Resistive: No recommendations.

Warehouse (near Brick Yard)—2 Story, Wood Joisted Brick: Non-conforming fire wall second floor. Two (2) unprotected openings in this wall. Unprotected stairway between first and second floors at west end.

Slaughter House—1 Story, Wood Joisted Brick and Exposed Steel: Non-conforming fire wall between compressor room and slaughter room.

SECTION III

The following as listed, are violations of regulations enforceable by the D.C. Fire Department:

1. Provide proper fire evacuation plan. Submit two (2) copies of same to Fire Marshal for approval.

Reformatory

Administration Building: Replace handrail on 2nd floor north stairway. Properly hang CO2 fire extinguisher on wall next to room #204. Repair doors to both stairways on 2nd floor to operate properly. Remove illegal electric extension cord to refrigerator 2nd floor south lounge. Remove combustible storage from north stairway, 1st floor. Replace wire glass in doors to both stairways, 1st floor. Replace cover on electric panel box in basement.

Gymnasium Building: Provide metal cans for hot carbons in projection booth. Properly tie chairs in groups of four (4) when gymnasium is used for theater or other like activity.

Vocational School and Dormitory: Remove combustible storage from attic.

Dining Hall Building: Properly clean grease ducts. Replace CO2 fire extinguisher, missing from wall near #2 freezer.

Dormitory Nos. 2, 3, 4, 5, 6, 7, 10, 11, 12, and 13: Remove illegal electric extension cords.

Industrial Building: Properly pile stock in warehouse section, as it is presently too close to ceiling to allow for proper fire fighting hose stream. Remove or flameproof window curtains in Print Shop. Clean filters in spray booth in Print Shop. Institute a procedure for better housekeeping in Print Shop area. Provide self-closing metal can for storage of oily rags in Print Shop. Remove combustible storage on top of spray booth in dip tank area. It is recommended that fire stopping be installed in wooden pallets used in stacking of piles of storage. It is also recommended that tops of columns where fire extinguishers are mounted be painted red so as to designate the location of the fire extinguisher.

Main Garage: Properly seal base of gasoline pumps and diesel pump. Repair air separator line on green gas pump and reseal electric junction box inside pump. The use of this pump is to be discontinued until above work is completed. Properly store kerosene in underground tank. Properly store acid in storage room. Discontinue use of old body shop for paint spraying.

Vocational School: Discontinue improper storage of flammable liquids.

Dormitory No. 13: Remove or flameproof curtains.

Commissary and Dormitory Building: Replace missing fire extinguishers on 1st and 2nd floors. Properly arrange stock on 1st floor so as not to block windows. Properly secure high pressure gas cylinders in refrigeration room.

Pattern Shop: Repair fire door on 2nd floor to operate properly. Properly store flammable liquids or remove from building.

Barn No. 1: Properly arrange storage on 2nd floor so as to provide proper aisles and neatness. Remove trash from 2nd floor. Remove strings from against light bulbs and replace with chain or wire.

Bakery: Clean up shoe shop in basement. Replace missing fire extinguisher in shoe shop.

School Building: Replace self-closer on door to storage room across from students men's room. Remove door holds from doors to library.

Laundry Building: Clean lint from around motors and backs of machines on south side. Recharge fire extinguisher next to storage room.

Dormitory Nos. 19 and 22: Remove illegal electric extension cords throughout.

Dormitory No. 20: Remove illegal electric extension cords throughout.

Arts and Crafts: Recharge fire extinguishers in Arts and Crafts Section. Repair automatic fire door in wall between carpenter shop and lumber storage area to operate properly.

Old Gasoline Station: Properly abandon underground gasoline storage tank.

Metal and Maintenance Shop: Recharge fire extinguisher.

Hospital: Replace missing fire extinguishers in isolation section. Reweigh C02 fire extinguisher in basement and recharge if necessary. Discontinue storing ether in refrigerator. Discontinue using ethyl chloride in treatment room.

Chapel: Remove combustible storage from behind center section altar. Replace door jamb on door to library (UL rating on this jamb was destroyed when holes were drilled to run wire through). Provide interior fire alarm instruction placards over each striking station. Repair self-closer on door to library. Remove combustible storage from mechanical equipment room.

Training School: Remove obstructions from 1st floor corridor south side.

Wall Unit

Dining Hall: Provide UL2A fire extinguisher for basement.

National Institute of Health Building: Provide metal trash cans for trash.

Furniture Shop: Properly reposition fusible links on automatic fire doors as verbally indicated to assistant supervisor of shop. Clean dust from exhaust duct. Clean excess paint from all spray booths.

Youth Center

Dining Hall: Replace missing fire doors between kitchen and officers dining room. Reweigh CO2 fire extinguisher in machine room and recharge if necessary. Mount CO2 fire extinguisher on wall outside machine room. Properly tie chairs in groups of Four (4) when building is used for theater or other like activity.

Boiler Room: Reweigh CO2 fire extinguishers and recharge if necessary. Remove combustible storage from top of electrical panels in electric panel room. Keep door between electric panel room and boiler room closed.

Dormitory No. 1: Provide proper screens for fireplaces. Remove combustible storage from mechanical room.

Dormitory No. 2: Provide proper screens for fireplaces. Remove or fireproof drapes in rooms.

Dormitory No. 3: Provide proper screens for fireplace. Remove or flameproof drapes in rooms. Repair interior fire alarm system to operate properly.

Dormitory No. 4: Provide proper screen for fireplaces.

Administration Building: Keep doors between administration and control building closed. Remove or flameproof drapes in chapel. Remove combustible storage from mechanical room in basement.

School Building: Remove obstructions from in front of rear exit from gymnasium. Repair interior fire alarm system to operate properly. Provide metal can for hot carbons in projection booth. Remove trash from rear of auditorium and from projection booth.

Hospital: Repair door to center stairway, 2nd floor, to operate properly. Repair interior fire alarm system to operate properly. Replace burned out emergency white lights in east stairway. Discontinue use of ethyl chloride in treatment rooms. Provide self-closing metal cans for rags in Print Shop and elevator control room. Remove combustible storage from Civil Defense storage room.

Guard Tower No. 8: Repair leaking roof as water is running into electric ceiling fixture.

Workhouse

Fire House: Remove illegal electric extension cord connected to water cooler.

Carpenter Shop: Provide hand pump for varsol drum.

Lock and Machine Shop: Provide self-closing metal can for rags.

Filtration Plant: Repair or replace defective vent fan in chlorine room. Properly separate chlorine from other incompatible chemicals, this includes both HTH and bottled chlorine.

Boiler Room: Remove gasoline power mower from boiler room. Remove or properly store underground 1,000 gallon diesel tank next to boiler room. Remove combustible storage from emergency generator room. Provide self-closer on fire door between boiler room and emergency generator room.

Engineering Maintenance Office: Remove or properly store underground 500 gallon kerosene tank at rear of building.

Old Dairy Barn: Discontinue storing gasoline powered farm equipment in this building.

Hay Barn: Remove or properly store underground 1,000 gallon fuel oil tank in front of building.

Farm Machine Shop: Properly secure gas cylinders. Provide self-closing metal can for rags. Give whole building a general clean-up.

Dairy Farm and Cattle Stables: Provide one (1) each UL2A fire extinguisher to be placed at each end.

Dairy Farm Processing Building: Recharge all fire extinguishers. Provide fire extinguishers in food area, UL A. B. C. type recommended.

Gas Pump in Gas Station: Repair leak in pump and properly seal base of pump with concrete.

Ware house (near Brick Yard): Properly store mattresses on 2nd floor. These mattresses are stored all the way to the ceiling. Clean trash and debris out of window well in front of building. It is recommended that large supplies of old paints stored on the 1st floor be disposed of. Investigation reveals that this paint should be well past its shelf life.

Slaughter House: Properly install oil burner. When 275 gallon tank was installed due to leak in underground tank, it was improperly hooked up.

FLOYD E. YOCUM,
Battalion Fire Chief, Training Division.
WILLIAM H. MOONEY,
Lieutenant, Fire Prevention Division.
FRED H. WHARTON,
Fire Inspector, Fire Prevention Division.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

I will not deal extensively with the dollar figures involved here in this proposal, which has been covered by the gentleman from Florida (Mr. FUQUA). There are several points I should like to mention. They deal with one or two things that are controversial.

There is a provision in this bill which will deal with financial relief for Georgetown and George Washington University Medical Schools. Many Members of this House attached their names to a proposed piece of legislation to give relief to these two schools based on information we had that they would have to close if the Congress did not respond.

We met in our committee and we found there was opposition to this bill from HEW. In their opposition HEW stated they had a nationwide study underway and they would prefer that Congress not act until the study has been completed lest an unfavorable precedent be set.

I was one of those who authored the emergency financial relief bill. In the interrogation of witnesses in committee hearings I pursued the possibility of utilizing existing emergency legislation and moneys to bring relief to these two schools. HEW representatives insisted they would try to come up with some answers to tide these medical schools and dental school over until permanent legislation was passed based on their own study.

It would not have been necessary to legislate if HEW could come up with some answers.

HEW failed to come up with those answers. HEW did try to submit an interim solution, but this was vetoed by the Office of Management and Budget. As a result, no relief was available to Georgetown or George Washington Universities through some of the measures available to the Department as provided in their national legislation such as section 772 of the Public Health Service Act.

The committee then proceeded to give consideration to the bill before it. In the legislation we now come up with—title III—HEW will have more authority to examine the books at the medical schools. They will have more authority to make the determination as to the schools' needs. And, the schools may not obtain grants under this bill and also under the Federal act—Public Health Service Act.

The allied health bill, which has passed the Interstate Commerce Committee and in the House, has some money in it to help other ailing medical schools throughout the country. But if this bill passes, these two schools will be denied the right to have it both ways. If we assist them here they will not be able to get their assistance in the other bill, or if they do, further additional aid would be denied them in this bill.

This bill will extend for only 2 years. It would seem to me, considering the safeguards we have put in here, considering the need that obviously exists and our search in our Interstate Commerce Committee for ways and means to stimulate the production of more doctors, more nurses, and more dentists, we certainly could not hold still and have these schools go bankrupt, so we have tried our best to bring out a reasonable answer. The answer is title III of this bill.

I should like to call attention to the fact that in many areas of the country we find the States are stepping in to help the privately run schools located within their borders or used by their residents. Many of the States now are giving assistance to private medical schools in one way or another to avoid having to take them over. In some cases, the States have had to take medical schools because the private schools had to close down. The State of New Jersey is an example.

In other States, where there is no medical school, some States have been helping some of the private medical schools which are located in other States in order to insure placing their resident students in a medical school.

Here in the District of Columbia these two schools are sending doctors all over the country. Many of our States have benefited because of the fact that these schools have produced doctors for other parts of the country.

I would suggest, as long as we have these perfecting amendments, on title III, it strengthens the bill. I am in total agreement that many, many, many Federal dollars have gone to these medical schools. I do not argue that point at all. It seems to me we are now faced with no other alternative but to proceed as we are doing in this bill, or face the possibility of the District Government taking over these schools.

In our Subcommittee on Health and Welfare — Interstate Commerce — of which I am a member, we plan to come up next session with legislation to try to help medical schools all over the country after we receive the report called for in the Allied Health Professions Act.

Another point I want to touch on is the Washington Technical Institute and the Federal City College. When we originally passed the land grant bill, it was our feeling that if other areas of the country were given land grant moneys in view of the fact that in most of our States the major amount of land grant money was not going into rural activities but into other activities in our larger cities, then why should we not relieve the pressure on the District of Columbia by giving them a little of this money and taking a little less of our appropriated funds through the Federal payment. When our Washington Technical School and Federal City College were set up it was my feeling and that of our committee that the vocational school more nearly qualified as a recipient of land grant moneys than the Federal City College. However, we were told that under the law that only a 4-year college could be the recipient of such funds. So, we got the Federal City College and the Washington Technical School together and talked it over with them. We have a letter of agreement which states that the Federal City College agreed to turn over to the Washington Technical Institute half of the money. Then we found out that because of the language in the law making the Federal City College the named beneficiary that the Federal City College was told they could not legally turn it over to the Washington Technical Institute. We have about one million and a quarter dollars that could have been distributed and divided in fiscal year 1971 which is available under the land grant fund. Yet our vocational school, the WIT, has not benefited by distribution of these funds contrary to the intent of Congress. Therefore we have written into this bill language that directs an equal distribution of funds for the Washington Technical School and Federal City College so that they would each be a recipient of half the money.

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There have been suggestions made, also, that there should never be two directors of extension service in a State. Indeed, there should only be one in the District of Columbia and one in a State. I support this. There is no reason in the world why there should be two directors when only one is necessary. Surely the two local colleges can agree on one. We also have 17 States that now have two land grant colleges. So this is no precedent; it is only a mechanism to make it possible for the WIT to get the money that the Congress originally intended that they have.

I would like to point out with regard to the Washington Technical School that I was out there for graduation, and 84 percent of their graduates had a job the day that they graduated. The job that they have done out there has been a commendable one. I also hope the time will come when we may change the name of this school and instead of calling it a vocational school, as we do, it could be called the Washington Institute of Technology. A degree could be granted there finally to give it the sort of image that you need for the students who may graduate. It seems to be at the present time a little bit of a deterrent to the school's image when you talk about graduating from a vocational school. I think the trend and the direction that they are going at WIT qualifies this school to move toward that other objective.

I would like to plead with this committee to give consideration in this bill to that and also to support the amendment which I put in the bill to insure the sharing of land grant funds.

And, may I say too with reference to the Federal City College that I am placing in the Record some of the newspaper accounts we have had recently which may reflect somewhat on that institution.

Mr. Chairman, I feel some of the things that have happened at Federal City College are regrettable but also feel that it takes time to grow up.

Mr. Chairman, there is another item contained in the bill dealing with dairy products. We have quite an omnibus bill here, but all parts remaining are important. It may surprise you to know that in order to bring milk or dairy products into the District of Columbia you have to pass all kinds of barriers and inspections. Now we find that the milkshed area serving the District of Columbia is having difficulty supplying the needs here. Therefore, district officials find it advisable to go outside of the area milkshed to obtain milk and milk products. The people in the District of Columbia, under the terms of this bill, instead of requiring inspections to be made by District inspectors only, that the District will accept the Federal standards set by the U.S. Department of Public Health performed by other States or local governments.

Mr. Chairman, we find here in the District of Columbia that the Health Department of the District wants the bill, the District Government wants the bill, and small businesses want the bill, and certainly the consumers want the bill.

Mr. Chairman, this provision may save $269,000 annually to a city hard pressed for revenue sources.

Mr. Chairman, I want to compliment the chairman of the committee and my colleague from Virginia (Mr. Broyhill) for agreeing to withdraw from this bill the titles referring to Lorton and to the freeze on the Federal payment. I was one of those who felt it was unwise to include those items in the bill. I am glad they have agreed to take out what I believe to be very controversial items or provisions and ones that could substantially place this bill in jeopardy of not passing. So, I am pleased that these moves have been well made. I feel that overall we have a good piece of legislation now. We are left with a bill designed to meet some of the basic needs of the District of Columbia.

Mr. Chairman, I happen to be a member appointed to the Little Hoover Commission as has been mentioned by my good and able friend from Florida (Mr. Fuqua). I was the author of this bill. My feeling is that the District of Columbia needs a thorough overhaul in its government. I think the cost of running the city may be too great. I think the present city government would admit this. However, it is sometimes a little difficult to examine your own "house," as it were. How do you go about making changes? How do you go about reorganizing the city? I think the best way for this Nation's Capital City is the Little Hoover Commission.

Mr. Chairman, I think our Commission will have the full cooperation of the Mayor, as he has so indicated, I think we will also have the cooperation of the Congress.

The city has many independent agencies that need to be looked at for possible consolidation. It is my hope that the Little Hoover Commission will do a good job in studying the problems of the District of Columbia and will come up with recommendations for city's improvement, recommendations for possible reductions in personnel, and other recommendations as to ways in which the city may increase its revenue and cut down its spending. Our discussion here today attests to the need for such a Commission.

I might point out that in the question of the consideration of taxes in the District of Columbia, we must always be aware of the metropolitan competitive situation when we are talking about sales, real estate or other taxes. If a tax is too high, we have an exodus out of the District of businesses, residents, and so forth.

Mr. Chairman, I realize that I have covered a number of subjects but I want everyone to know that while this is an omnibus bill it has been the sincere objective of our committee to look toward better answers to the problems which affect the District of Columbia. After all, we should all be most interested in seeking solutions to these problems because this is our Federal city, yours, mine, and those who live here. No matter where you live it should be our concern to make it a better city.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Iowa, but we only have 30 minutes. I have assigned my time. We shall have to be brief. However, we will soon be under the 5-minute rule later.

Mr. GROSS. But, Mr. Chairman, will the gentleman yield?

Mr. NELSEN. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. I note $120 million at the bottom of page 39. The supplemental bill was passed the other day. This is a supplemental figure, is it not?

Mr. NELSEN. Yes; this increases the authorization for Federal payment from $105 million to $120 million.

Mr. GROSS. In addition to the regular appropriations for the District of Columbia. That was cut, instead of $15 million, that was cut to $11 million some odd amount.

Does the gentleman think this figure of $120 million should be allowed to stand?

Mr. NELSEN. The figure that we have in the bill is an authorization figure that we felt had to be in the bill to meet the obligations in the District of Columbia. I do not intend to get into any argument about whether it is too high or too low, or whether the city government is too expensive in relation to what the Appropriations Committee does with it. My concern is to search for an answer here to reach an authorization amount which the Appropriations Committee can act upon. It may appropriate all or part. Perhaps in the Hoover Commission we can determine whether it is too much or too little.

Mr. GROSS. Of course, the supplemental has alredy cut this, so this would be futile to pass this.

Mr. NELSEN. I do not have our figures here in my hand, but surely the hearings and reports of both the District and Appropriations Committee will yield an answer.

Mr. GROSS. Let me ask another question, then, if I may: What is the ratio of employment per capita to the population?

Mr. NELSEN. I do not know that I can answer that, either.

Mr. GROSS. Well, is it 1 in 7, or what, of employment? One in seven in the District of Columbia?

Mr. NELSEN. It is probably close to 1 to 20. At this time I would yield to the gentleman from Texas, as I do not want to use up all the time, if the gentleman from Iowa would permit.

Mr. CABELL. I thank the gentleman for yielding, and I wish to associate myself with the remarks of the ranking minority member, particularly with reference to the change in the milk control section. Having spent 35 years in that business, I know that the U.S. Public Health Service has issued standard milk marketing regulations that for the first time established uniformity for milk supply standards in the country, and I was surprised to find out that at this time, or prior to this time, that the District of Columbia did not even adhere to all of the sanitary requirements on the sale of milk in the District of Columbia. I think they should adopt the standard milk ordinance so as to provide for a free flow of pure milk and milk products, and for full inspection as well.

Mr. NELSEN. I thank the gentleman.

Mr. Chairman, what the District Committee brings to you today is the District of Columbia revenue bill of 1970. It is an omnibus bill dealing with a number of legislative measures.

Included in this revenue bill is a provision to add $15 million in Federal payment to that which is already authorized for the District of Columbia. The $15 million will increase the Federal payment for the District from $105 to $120 per year. The formula method for determining the Federal contribution to the District of Columbia was not a matter discussed much in hearings on this bill. The revenue bill contains a Federal payment which is not tied to the Federal formula. The District government, although supporting the formula method, did not particularly urge its adoption because it would seem that the formula question can best wait to be presented, discussed, and resolved in the 92d Congress. What the District sought in this bill and in hearings before this committee was a lump sum Federal payment in addition to that which they received in fiscal year 1970. The sum provided for in this bill will, I understand, take care of the District for the current fiscal year.

The contribution of the District government to the fiscal year 1971 budget through the medium of new revenue-raising measures is very limited. Mayor Washington testified before the House District Committee last year that the District government was "scraping the bottom of the barrel" as far as finding new sources of revenue. In the revenue hearings for this fiscal year, the Mayor reiterated this position and the 1970 revenue bill bears out his statement.

Consideration was given by the District Government to raising real estate taxes in the District of Columbia. It is my understanding that the Mayor supported this measure but that the City Council did not. I believe, as a practical matter, and psychologically speaking, that this failure to act on real estate taxes had an unfavorable effect on the Congress in considering the revenue requests of the District of Columbia.

An increase in taxes in the District calls for very careful consideration because such an increase in taxes within the District boundaries, unless a like tax applies in the adjoining metropolitan areas of Maryland and Virginia, may result, not in increased revenue, but rather in decreased revenue because the tax base against which the tax is assessed tends to decline and decrease total revenue more than an increase in the assessment rate increases total revenue. To illustrate, an increase in tax on District business inventories may have the unfavorable effect of having businesses move out of the District to seek a less onerous tax rate climate existing in one of the adjoining States.

The revenue measures included in this bill will not result in any great increase in revenue to the District of Columbia. We certainly have a situation where the increased costs of operations are far outstripping the sources of revenue available to meet these soaring costs. Whatever revenue measures are included in this bill, however, were carefully and thoughtfully considered.

There is in this bill a provision which provides for a 2 percent sales tax on the rental of linen services in the District of Columbia. The amendment proposed by this section would remove the 4 percent tax on textiles for rental use and place a 2 percent tax on the cost of processing textiles which are now exempt and would return to the District additional revenue of approximately $200,000. Approximately $300,000 may be raised from a provision for special revenue-producing fees to be charged by the District for permits to operate heavy, self-unloading trucks. These fees would be deposited in the highway fund.

The District government is also authorized, by an amendment offered on the floor, to increase rates charged by the District for water and water services and in addition is authorized to establish sewer service charges at a percentage which shall not exceed 75 percent of the water rate. The amount of revenue to be derived from this amendment to section 43–1520c of the District of Columbia Code will, of course, be determined ultimately by the District government itself and, therefore, a dollar figure cannot be ascertained at this time. These funds will be deposited with the water and sewage funds.

The District government has indicated to the committee that a $15 million increase in the Federal payment will permit them to operate the rest of the year under a budget which, as I understand it, will not provide for any particular increase in services but will allow the continuation of such services as are presently offered to its residents.

SECTION 103—INCREASED BORROWING AUTHORITY FOR THE DISTRICT OF COLUMBIA

Section 103 of the revenue bill amends existing law, section 9–920(b)(1) of the District of Columbia Code, relating to the borrowing authority of the District Government to assist in financing its capital improvements programs by increasing the debt service limitation on the general fund from 6 to 8 percent for 2 years which permits the District government to have at is disposal $50 million in additional loan authority if it is needed. Operating authority for the sanitary sewage fund, the highway fund, and the water fund have also been increased, respectively, by $40 million, $34.75 million, and $16 million.

The District government during the second session of the 91st Congress indicated—and it is my understanding that OMB supports the District's action in this regard—that it wished to have introduced in its behalf legislation providing a new comprehensive mechanism for financing new capital improvements programs by shifting—on a phase basis—from direct Federal loans—the way the matter is handled now—to local District of Columbia bonds. The new method for funding the capital improvements programs would have included capital improvements programs for the higher institutions of learning in the District.

During hearings on this bill, it was readily recognized by the District government and the committee that there was insufficient time in the current session of Congress to give due consideration to this legislative request of the District. Accordingly, the existing loan authority is extended for 2 years, as contained in this bill, and an incerase in loan authority is provided for with respect to each of the capital improvements funds relied upon by the District for their various programs.

TITLE III—GEORGETOWN UNIVERSITY MEDICAL AND DENTAL SCHOOLS AND THE GEORGE WASHINGTON UNIVERSITY MEDICAL SCHOOL

The purpose of title III of this bill is to aid the private nonprofit medical and dental schools in the District of Columbia in their critical financial needs for fiscal years 1971 and 1972 through a form of Federal grant. The grant would assist the Georgetown University Medical and Dental Schools and the George Washington University Medical School to meet certain of their operating costs required to maintain quality medical and dental educational facilities and would also permit these institutions to increase the number of their students as is necessary to the health manpower service of the metropolitan area of the District of Columbia.

The problems confronting medical and dental schools throughout this country are becoming more acute day by day. The various university medical schools have always been subsidized to some extent, it appears, from the general operating funds of the university. Some of these funds have come from endowments held by the university. In the case of the two local universities, their medical and dental schools have become an almost unbearable drain on the general operating and endowment funds. According to both of these universities, they have in the last couple of years dipped into their endowment funds to the extent that the funds established for the medical schools will be virtually used up by the end of this fiscal year. The tuition charged by both of these universities to the medical and dental students, on the other hand, is well above the national average.

Private medical schools in many States are faced with much the same problem as are these two local institutions. In the case of New Jersey, as noted in the report accompanying this bill, the financial problems besetting one private institution led to its transfer to State ownership and operation. Representatives of the two local medical institutions indicated in their testimony that this is a distinct possibility unless some Federal aid is given them in the critical financial situation facing them at this time.

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Acting in response to this critical situation, many State legislatures have acted as we are acting today to aid the private medical schools within their jurisdiction. Many States have enacted some form of direct State assistance to the private medical schools within their boundaries. Of 21 States with private medical schools, nine have enacted some arrangement for direct support and three others are considering such arrangements. Twelve other States, rather than giving direct support to the private medical schools, provide support for medical education in other than their own institutions through some form of regional area compacts or, in the case of the State of Delaware, through direct contracts with other medical schools. In most of these States, whether the assistance is provided through direct assistance or through some form of regional compact, the grant to the institution is tied in to some form of formula based on the number of students attending a particular institution.

I want to assure my fellow Members that this title to the revenue bill was given thoughtful and careful consideration not only in committee but outside of the committee in trying to work an arrangement which might obviate the need for special legislation for these two private local schools. I think it might be well if I outlined to some extent the efforts undertaken in this regard.

After this legislation was introduced and hearings commenced, it became evident that while the legislation pertained to only two local medical schools the problem was prevalent throughout the Nation. Not only are many private medical schools in financial distress but also many State university medical schools. In the course of the hearings, the testimony of HEW representatives was to the effect that they could not endorse the bill because of the larger problem facing medical schools throughout the country and the precedent which might be set by giving Federal aid to these two local institutions. From the time the hearings were concluded prior to the election recess, until the matter was marked up in executive session, I personally requested HEW to determine if there was not some way the financial crisis at these two institutions could be alleviated for purposes of this fiscal year so that HEW would have an opportunity to address itself to the larger problem of aid to medical education on a nationwide basis.

HEW responded to my request and made every effort to arrive at an arrangement which would permit them to give interim assistance to these two schools for the remainder of fiscal year 1971. Meanwhile the Allied Health Professions Act was reported out of conference and signed into law on November 2, 1970—Public Law 91-519. That act recognizes that many of the medical and dental schools in this country are faced with an acute financial crisis which threatens their survival and it directs the Secretary of Health, Education, and Welfare to determine their need for emergency financial assistance and report back to the Congress on or before June 30, 1971, his determination of such needs and his recommendation for legislative and administrative action necessary to meet those needs.

Against the background of this act and what it directs the Secretary of HEW to accomplish in the next few months, the officials of HEW, nevertheless, did submit to the Office of Management and Budget a proposal that would have permitted the Secretary to give financial aid to the Georgetown and George Washington schools during fiscal year 1971 until the study and report mentioned above had been completed. Admittedly, however, the funds which would have been used were funds which might otherwise have been shared by a number of colleges and universities throughout the country in similar distress. Apparently because of this and because of the reluctance of OMB to approve such precedent-setting action by the Secretary of HEW, the proposal which might have obviated the need for legislation with respect to these two universities was not approved by OMB. The committee, it seems, and the Congress are thus faced with a situation where the officials of these medical schools have indicated that the same thing will happen in the District as happened in New Jersey and that these private medical and dental schools will probably have to be transferred to District ownership and operation if financial aid in the form of this title in the bill is not forthcoming.

Faced with this real possibility, as admitted by officials of HEW who have conducted a preliminary investigation into the matter, I introduced perfecting amendments to title III which were accepted by the committee. These perfecting amendments give more authority to the Secretary of HEW as to the financial assistance he may determine must be made in this emergency period over the next 2 years relative to these two private institutions. The amendments permit the Secretary of HEW to conduct audits of the records and operations of the schools as he may find necessary to carry out the purposes of title III so as to insure not only that there is a substantial need but that the Federal grants made are effectively and properly utilized. In addition the amendments which I introduced provide that funds granted these institutions by the Secretary of HEW will take into consideration any grants which may otherwise be made by HEW under section 772 of the Public Health Service Act which also provides emergency funding to medical and dental schools facing acute financial crisis.

This is a problem not only for the Congress faced with the consideration of what may appear to be special legislation, but to the institutions themselves faced with a real and acute financial crisis. Further it is a problem to the residents of the metropolitan area who rely upon the medical services performed by these private institutions. Finally, because of the fact that many of these graduates take up practice in virtually every State of the Union, the problem is one which may effect the national interest as a whole relative to medical services.

Title III of this bill as reported to you today is, I believe, a reasonable solution to an emergency situation. It is hoped that the Secretary of HEW in the report which is forthcoming from him in the next 6 months may present to the Congress recommendations which will resolve this problem on a national scale and will include recommendations relating to the problem facing these two schools in the District of Columbia.

We cannot permit these two schools to close down as they will have to unless they receive help. This is emergency short-term legislation which will permit these institutions to continue to operate through July 1, 1972. Hopefully, in the interim, other solutions may be found to this problem.

SECTION 401—EQUAL SHARING OF LAND GRANT FUNDS BY FEDERAL CITY COLLEGE AND THE WASHINGTON TECHNICAL INSTITUTE

Section 401 of title IV is an amendment which corrects the legislative oversight which occurred in the passage of Public Law 90-354 in 1968.

Sec. 401 of this bill would amend the District of Columbia Public Education Act of 1968 (D.C. Code, Tit. 31, Sec. 1607) so as to add the Washington Technical Institute, to the already-named Federal City College, as an entity that shall receive the benefits of the Land-Grant College Acts.

Since the passage of in 1968 Public Law 90-354 which amended the District of Columbia Public Education Act by designating the Federal City College as the land-grant college for the District, the Washington Technical Institute has not participated as a principal party with the Federal City College in the sharing of land-grant funds or in providing certain land-grant activities for the District residents, contrary to the clearly expressed intent of Congress, and despite the explicit "Statement of Cooperative Participation Between the Washington Technical Institute and the Federal City College in Land-Grant College Programs" entered into March 29, 1968, and appended hereto. That statement and agreement between the two institutions was a condition precedent to the approval of the land-grant legislation by Subcommittee No. 5 of your committee and by the full committee. Without such agreement, there would have been no such legislation.

Further, it is a fact that the Washington Technical Institute was the only institution named in the initial legislation and designated to receive the benefits of the Land-Grant College Acts, and the Federal City College was subsequently substituted for the reasons set forth in your committee's legislative report in support of the bill which became Public Law 90–354.

The colloquy between Congressman Ancher P. Nelsen, sponsor of the original legislation, and Doctors Randolph and Dennard, presidents respectively of the Federal City College and The Washington Technical Institute, with regard to the distribution of the land-grant funds, as discussed during the hearings of Subcommittee No. 4 in this Congress, are quite pertinent and are submitted for the information of the House:

Excerpts From Hearings, Subcommittee No. 4, House Committee on the District of Columbia, 91st Cong., 2d Sess., on "Revenue Proposals", pp. 207–208, 223

Mr. Nelsen. Thank you, Mr. Chairman. I want to welcome Dr. Randolph and Dr. Dennard to the hearings.

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I hope that the formula for the Land Grant moneys has been worked out. Have you any comment on that, Dr. Randolph, because early in the stages of the Land Grant Bill we were concerned about what kind of a division, and is it fair and have we mutually agreed on a plan looking out ahead?

Dr. Randolph. The position of the Board and the position of administration is that a method for sharing those funds which the Department of Health, Education, and Welfare and the Department of Agriculture have indicated to us can be shared is to be worked out between the College and the Washington Technical Institute. That position still holds and is still firm. I think our principal difficulty has been the schedules of Dr. Dennard and myself trying to find the correct hour at which we can sit down and make those decisions.

Mr. Nelsen. Now, as with the Land Grant money nationwide, I think some of us sort of felt it should be more directly associated with a technical or vocational school, but we found that under the law you had to route it through a Liberal Arts college on down. I just want to make it very clear that we want to be very sure that the Washington Technical Institute, Vocational Education, gets generous consideration, because I think this is an area that nation-wide we have found we have neglected, training people in crafts, as industry is just begging for the product of our schools. In fact, in our own State my son teaches in a vocational school or trade school and that is their experience, so I just want to make that observation.

* * * * *

Mr. Fuqua. Mr. Nelsen?

Mr. Nelsen. Yes; thank you. I wish to welcome our very competent friend, Dr. Dennard, to the hearing and congratulate him on the job he has done. I want to comment about the next to the last paragraph on page 5. There is a lot of wallop in that paragraph about what the Washington Technical Institute seeks to do, and I commend the statement because I believe it has done exactly that.

LAND GRANT FUNDS

Now, you mentioned something about your not participating in the Land Grant funds, and I ask the question, why, and what is your problem this year? Is it the budget in the current year in which you are not participating?

Dr. Dennard. I suppose the reason, Mr. Nelsen, is simply, that, with the existing agreement between the two Boards, as of today's date we have not been able to get together to decide how much of the resources are going to be allocated to the Institute for what purposes. I feel quite certain that this can be done within the next week or ten days, but as of today's date it just simply has not been done.

Mr. Nelsen. I see. It should be done in my judgment, and I hope it will be. Now, how are the Land Grant funds handled in the States? Do they go to the State treasury to be allocated or how is it handled in the States?

Dr. Dennead. In the several States the State Legislature usually designates which institutions would carry out what functions and then the moneys go into the State treasury, are either routed directly to the institution for the institution to invest them in governmental securities or they are invested in governmental securities by the Finance Department of the State, and the proceeds that accrue then go directly to the institution for Land Grant functions.

The legislative history of Public Law 90–354, approved by 3-to-1 vote of the House, setting forth the contemplated cooperative participation which was to occur between the Washington Technical Institute and the Federal City College in the land-grant college programs appears in your Committee's Report No. 1465 90th Congress, second session, House of Representatives. Pertinent parts thereof follow:

[Excerpts from House Report 1465, 90th Cong., 2d Sess., pp. 12–14]

The Federal City College as the Land-Grant College

Similar legislation was introduced in the Senate to amend the District of Columbia Public Education Act and to designate the Washington Technical Institute as the institution in the District of Columbia to receive the benefits of the Land-Grant College Acts. However, it was established in the Senate hearings that the Federal City College, offering a 4-year program, was presently developing a curriculum of courses to be offered in September, 1968; that with its graduate programs and extension, the Federal City College would provide the broad base required to carry out the intention of the Morrill Act and would be able to enter into necessary agreements with the Department of Agriculture; and that to designate the Washington Technical Institute, having less than a 4-year program, would run contrary to the long-established public policy of designating 4-year institutions in the various States as land-grant recipients. Therefore, upon the recommendations of the Departments of Health, Education, and Welfare and Agriculture, and the Bureau of the Budget, the legislation was changed to designate the Federal City College as the land-grant college for the District of Columbia.

Your Committee concurs in this recommendation and the reported bill so provides. However, your Committee was duly concerned that the Washington Technical Institute participate in the land-grant programs to the extent possible. Since the Institute was established in the District of Columbia Public Education Act, which originated in your Committee (Public Law 89–791, approved November 7, 1966, 80 Stat. 1426), as a vocational and technical school to equip students for useful employment in recognized occupations, it seemed to your Committee only appropriate that the Washington Technical Institute participate in the benefits of the land-grant programs in order best to effectuate its vocational, technical, and occupational programs.

It was developed in your Committee's hearings that in most States where only one institution is designated as the land-grant college of the State, customarily such designee, by agreement or practice, shares the programs of the land-grant activities with other institutions in the State. To this end, therefore, conferences were held between the Members of the Committee and the administrative officials of the Federal City College and the Washington Technical Institute to make certain that there would be cooperation and understanding between the two institutions as to sharing the land-grant programs.

Testimony before the Committee offered assurances that there was ample authority for cooperative arrangements among the institutions under land-grant procedures, and the following statement was made by the President of the Federal City College:

Our sister institution, the Washington Technical Institute would benefit also by having the Federal City College named the land grant college. The Federal City College would enter into a Memorandum of Participation with the Washington Technical Institute, under which the Washington Technical Institute would assume certain academic instruction and extension services in vocational and technical education. This would assure minimum duplication of instruction at the two public institutions. The Washington Technical Institute would be involved heavily in instruction in engineering and the mechanical arts. Other institutions could also be asked to participate in programs in which they have special strengths to contribute.

Subsequently, the Presidents of the Washington Technical Institute and the Federal City College entered into a statement of cooperative participation which is appended hereto and made a part of this report.

Statement of Cooperative Participation Between the Washington Technical Institute and the Federal City College in Land Grant College Programs

The Federal City College shall annually, after receiving appropriated land grant college funds. and income from the Morrill Act, based on a plan agreed to by the two Boards, share with the Washington Technical Institute in providing for young people and adults of the District of Columbia educational opportunities in certain disciplines associated with extension service careers, community service careers, mechanical arts, community development services and environmental sciences.

A. In order to effect the sharing referred to above, the following principles are established:

1. Since the Washington Technical Institute is the principal partner of the Federal City College in land grant activities, the Boards of Higher Education and Vocational Education shall cooperate to assure that there shall be a maximum participation of Washington Technical Institute in all these programs to the extent either that its resources and capabilities permit or that its

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resources and capabilities should be developed to permit.

2. The Federal City College will cooperate with the Washington Technical Institute in Cooperative Extension Service programs of the United States Department of Agriculture as agreed to and funded by the United States Department of Agriculture to the Federal City College.

B. The Boards and Administrations agree that:

1. Planning for periods of 3-4 years is essential.

2. Annually, plans will be cooperatively developed by the Administrations.

3. Annually, and before the plans are submitted to the United States Department of Agriculture and to the Department of Health, Education, and Welfare, the Boards will review the plans.

4. Annually, and before the plans are submitted to the United States Department of Agriculture and the Department of Health, Education, and Welfare and after review by the Boards, the Boards will approve the plans as follows:

(a) The Board of Vocational Education, that portion of the plan to be conducted by the Washington Technical Institute.

(b) The Board of Higher Education, the entire plan.

5. This process will be repeated annually.

6. The Board of Higher Education would yearly, after receiving appropriated land grant college funds and income from the Morrill Act endowment, transfer funds to the Washington Technical Institute to carry out the plan as approved by the Boards.

CLEVELAND L. DENNARD,
President, The Washington Technical Institute.
FRANK FARNER,
President, The Federal City College.

MARCH 29, 1968.

As an illustration of the failure of the cooperative participation contemplated by the House in Public Law 90-354, the routing of fiscal year 1970 HEW funds to the Federal City College, consistent with the enabling legislation, was accompanied by a letter from the Assistant Commissioner of the Office of Education, HEW, raising statutory questions about the legality of the Federal City College sharing land-grant funds with the Washington Technical Institute, inasmuch as only the Federal City College is named in the legislation and cautioning the Federal City College that any sharing of funds would be considered illegal. Notwithstanding the fact, as noted above, that a statement of cooperative participation appeared in the House Report accompanying the enabling legislation, the legal opinion found sharing to be illegal and suggested corrective legislation be enacted if sharing were to be effected. Any suggestion that the enforcement of any such agreement, as entered into between the two schools, by civil action should be taken would appear to be ill-advised. Accordingly, this legislative oversight, as intended by Public Law 90-354, is corrected by this legislation.

Attached hereto is a list of the land-grant colleges and universities named and located in the various States. As is noted, there are a number of States with two colleges or universities so designated.

The Public Education Act of the District of Columbia is amended by section 401 of title IV of this bill so as to provide that the Federal City College and the Washington Technical Institute will share equally in the grants obtained from the Department of Agriculture provided under the act for Extension Services in the District. Now I am aware that in most States there is one director of Extension Services; the fact that two institutes are named in this bill to share any Extension funds does not mean that there will be two directors. Rather, I am assured—at least on behalf of the Washington Technical Institute—that every effort will be made to prevent duplication of Extension Services and administrative expenses in operating the extension services. I would assume that the Federal City College would also work to this end.

Certainly Congress has every reason to expect that the Board of Higher Education, acting on behalf of Federal City College, and the Board of Vocational Education, acting on behalf of the Washington Technical Institute, will cooperate in the operation and administration of these activities within the District of Columbia. Certainly, the two Boards may act together to name a Director acceptable to both institutions who would coordinate the Extension activities emanating from each of these institutions. Meanwhile, the Department of Agriculture, since it would be passing on the requests for funds provided for under the Public Education Act of the District of Columbia, would be in a position to advise the Congress if at any time it appeared that the congressional intent that there be no duplication of services or administrative costs was not being carried out.

The list follows:

LAND-GRANT COLLEGES AND UNIVERSITIES

ALABAMA

Alabama Agricultural and Mechanical College, Normal.

Auburn University, Auburn.

ALASKA

University of Alaska, College.

ARIZONA

University of Arizona, Tucson.

ARKANSAS

Agricultural, Mechanical and Normal College, Pine Bluff.

University of Arkansas, Fayetteville.

CALIFORNIA

University of California, Berkeley 4.

COLORADO

Colorado State University, Fort Collins.

CONNECTICUT

University of Connecticut, Storrs.

Connecticut Agricultural Experiment Station, New Haven, Conn.

DELAWARE

Delaware State College, Dover.

University of Delaware, Newark.

FLORIDA

Florida Agricultural and Mechanical University, Tallahassee.

University of Florida, Gainesville.

GEORGIA

Fort Valley State College, Fort Valley.

University of Georgia, Athens.

HAWAII

University of Hawaii, Honolulu.

IDAHO

University of Idaho, Moscow.

ILLINOIS

University of Illinois, Urbana.

INDIANA

Purdue University, Lafayette.

IOWA

Iowa State University of Science and Technology, Ames.

KANSAS

Kansas State University of Agriculture and Applied Science, Manhattan.

KENTUCKY

Kentucky State College, Frankfort.

University of Kentucky, Lexington.

LOUISIANA

Louisiana State University and Agricultural and Mechanical College, University Station, Baton Rouge.

Southern University and Agricultural and Mechanical College, Baton Rouge.

MAINE

University of Maine, Orono.

MARYLAND

Maryland State College, Princess Anne.

University of Maryland, College Park.

MASSACHUSETTS

Massachusetts Institute of Technology, Cambridge.

University of Massachusetts, Amherst.

MICHIGAN

Michigan State University of Agriculture and Applied Science, East Lansing.

MINNESOTA

University of Minnesota, Minneapolis.

MISSISSIPPI

Alcorn Agricultural and Mechanical College, Lorman.

Mississippi State University, State College.

MISSOURI

Lincoln University, Jefferson City.

University of Missouri, Columbia.

MONTANA

Montana State College, Bozeman.

NEBRASKA

University of Nebraska, Lincoln.

NEVADA

University of Nevada, Reno.

NEW HAMPSHIRE

University of New Hampshire, Durham.

NEW JERSEY

Rutgers, The State University, New Brunswick.

NEW MEXICO

New Mexico State University of Agriculture, Engineering, and Science, University Park.

NEW YORK

Cornell University, Ithaca.

NORTH CAROLINA

State College of Agriculture and Engineering, Raleigh.

Agricultural and Technical College of North Carolina, Greensboro.

NORTH DAKOTA

North Dakota Agricultural College, Fargo.

OHIO

Ohio State University, Columbus.

OKLAHOMA

Langston University, Langston.

Oklahoma State University of Agriculture and Applied Science, Stillwater.

OREGON

Oregon State University, Corvallis.

PENNSYLVANIA

Pennsylvania State University, University Park.

PUERTO RICO

University of Puerto Rico, Rhio Piedras.

RHODE ISLAND

University of Rhode Island, Kingston.

SOUTH CAROLINA

Clemson Agricultural College, Clemson.

South Carolina State College, Orangeburg.

SOUTH DAKOTA

South Dakota State College of Agriculture and Mechanic Arts, Brookings.

TENNESSEE

Tennessee Agricultural and Industrial State University, Nashville.

University of Tennessee, Knoxville.

TEXAS

Agricultural and Mechanical College of Texas, College Station.

Prairie View Agricultural and Mechanical College, Prairie View.

UTAH

Utah State University of Agriculture and Applied Science, Logan.

VERMONT

University of Vermont and State Agricultural College, Burlington.

VIRGINIA

Virginia Polytechnic Institute, Blacksburg.

Virginia State College, Petersburg.

WASHINGTON

Washington State University, Pullman.

WEST VIRGINIA

West Virginia University, Morgantown.

WISCONSIN

University of Wisconsin, Madison 6.

WYOMING

University of Wyoming, Laramie.

There is considerable support from the Board of Vocational Education, the staff of the Washington Technical Institute, and the community to redesignate the Washington Technical Institute as the Washington Institute of Technology. The Board of Vocational Education, as stated in section 203 of Public Law 89–791 enacted November 7, 1966, was originally empowered to develop plans for, organize and establish the Washington Technical Institute. It is, however, not the only Board in the District of Columbia performing functions related to vocational education. In fact, many of the vocational education and adult education courses administered by the U.S. Office of Education are handled through the District of Columbia Board of Education which is the elected body operating the District public school system. There is considerable cooperation between the District of Columbia Board of Education and the Board of Vocational Education which heads the Washington Technical Institute. However, they both perform a different role in the community related to vocational education.

Meanwhile, we have in section 401 provided that the Washington Technical Institute shall become a land-grant college. It is usual for land-grant colleges to be institutions which grant or award degrees, some say a 4-year institution. This, of course, is not an ironclad rule because many institutions now named in several States as land-grant colleges were not originally degree-granting institutions. However, changing the name of the Washington Technical Institute to the Washington Institute of Technology would have the effect of permitting this institution to establish a degree-granting program, at least to the extent of 10 or 20 percent of those who finish the first 2 years in the institute. This would allow the Washington Technical Institute—as the Washington Institute of Technology—to pattern itself somewhat after the California Polytechnical Institute which in the main trains individuals in the vocations for 2 years but does have a program permitting at least a small segment of its students to continue on to obtain a degree.

The Public Education Act of the District of Columbia which established the Washington Technical Institute certainly permits it to be a degree-awarding institution. If it were to become a degree-awarding institution, certainly it would seem a change in the name would be in order; accordingly, a change in the name of the Vocational Board to the Board of Trustees for the Washington Institute of Technology would also be in order.

In conclusion, I might add that changing the name of this institution and foreseeing the day when this institution would become a degree-awarding institution will add to the prestige of this school in the District and permit it to continue on in the path it has taken in the last 3 years—that of being a respected educational institution which in June of 1970 saw 84 percent of its graduates placed with jobs and 16 percent continuing on in school at some degree-awarding institution.

FEDERAL CITY COLLEGE

I have received considerable correspondence urging support for an increase in funds for the operation of Federal City College. I, therefore, take this opportunity to insert in the RECORD an article appearing in the Washington Evening Star for December 6, 1970, concerning recent problems which the Federal City College has encountered between the existing Student Government Association and a group of students dissatisfied with the way the student government has been operated since its inception. The article goes somewhat further than discussing the problems existing at Federal City College relative to the student government association and seems to tell a great deal about the way that the Federal City College is being administered generally. This article comes on top of another article appearing in a recent issue of the Washington Post wherein a complaint was made that the records of the school were being improperly maintained and that the administration did not know, and could not tell from the existing records, how many students they had at any particular time.

Earlier this fall it was alleged that there were 2,500 applicants wishing to enroll at the Federal City College and these students were being refused admittance. Litigation involving this matter was undertaken in the U.S. District Court for the District of Columbia and it is understood that the largest number of people the plaintiffs could come up with who allegedly were denied admission was something like 280 people. Now whether in fact those 280 people were denied admission or merely might have registered with the school appears to be undetermined.

I regret that the Federal City College is having the difficulty it appears to be having in establishing itself as a respected educational and cultural institution in this city, in the metropolitan area, and in the country as a whole. Because of the many problems that the Federal City College has encountered since its organization, it is well that the District of Columbia is instituting a study concerning higher education in the District.

Certainly the Board of Education itself should consider whether an open admission policy, which I understand is in effect, should continue at this college. Perhaps a division in the college should be established, such as our general college at the University of Minnesota, which might accept to a limited extent students who might not otherwise qualify for admission. This would not operate as an alternate to the open admissions policy but a clear refinement of it.

Officials at the Federal City College would be well advised to "roll up their sleeves" and attack some of the problems now besetting their college and move on with the job of giving quality education to its students and becoming a respected educational institution.

The article follows:

DEPOSED STUDENT CLIQUE RAN FEDERAL CITY COLLEGE

(By William Delaney)

They called themselves the "Chosen Few."

And, indeed, few students at any American college have chosen—and been chosen—to wield the sort of "student power" which this tiny band has aggressively exerted throughout the two-year history of Federal City College.

Until their Student Government Association regime was toppled last month in a tense but bloodless campus coup, these elected leaders, by their own description:

Began engineering the framework for an "autonomous" student government even before the college opened. They subsequently gained control of the organization and, through it, exerted influence in matters ranging from the hiring of the president to the setting of tuition and conducting negotiations with federal agencies.

Had absolute control of the disbursing of more than $100,000 a year in college-collected student activity fees; formed their own three-business corporate enterprise on campus and, in the process, quietly ran up debts currently estimated at $16,000.

Offered a broad range of "services" to students, getting them out of jail, loaning them rent money in emergencies, and keeping campus militants "under control." Once they were able to get the District to dismiss 860 parking tickets that had been issued to students at the college.

Arranged to get jobs for two of their leaders on the FCC payroll, at about $6,000 a year, to help compensate for their unpaid hours on SGA and college-related business.

Traveled with college officials to campuses in the New York City area, being proudly displayed as examples of the sort of "student power" toward which many universities have recently been moving.

Became increasingly involved in off-campus politics, ranging from behind-the-scenes organizing in last summer's D.C. Transit boycott to working in a mayoralty campaign in Newark, N.J.

Then last month, on Friday the 13th, their two-year experiment in "student power" abruptly ended.

Faced with organized student oppositions, which accused them of everything from graft to physical intimidation of their enemies, the SGA leaders resigned and called for new elections.

When several hundred of their opponents marched on the SGA office later that day in an effort to hasten their eviction, the SGA leaders admit: "We all had guns."

That gun-toting incident, which ended peaceably, and the status of SGA's finances both are the subject of investigations announced by City College President Harland L. Randolph. He also has instituted a student reappraisal, now under way, of the entire SGA constitution.

Meanwhile, in a recent interview with The Star, key members of the ousted SGA group stoutly defended their conduct of student affairs, financial and otherwise.

And they warned that unless future student leaders at the college are granted as much freedom and autonomy as they had, it will set the stage for continual—and possibly violent—clashes between students and administration.

Until now, such demonstrations have been a rarity at the young District college, in part because most of its students are heads of households, too busy commuting between job and family and classes to have much time or taste for campus politics. ("It's the most conservative campus in the city," says one SGA leader.)

Another calming factor at the city college cited often by leaders of the revolt against the SGA is a widespread fear among students that any "bad publicity" about the almost 100 percent black campus will delight the college's "enemies" in Congress, which provides its budget.

But Carroll (Skeezie) Payne, a 29-year-old former SGA leader in the student Senate, feels the major factor in "keeping the lid on" at Federal City College was the active presence of the "Chosen Few."

"The administration said we weren't providing leadership," he snorts, adding:

"We were the leaders of that institution."

The story of their leadership—as they tell it—dates back to those formative months before the college opened, in the fall of 1968, as the first public liberal arts college in the District's history, open to all city residents regardless of financial status or past academic achievement.

Early that year, Frank Farner, the college's first president, said that in drawing up a brand-new college, he was making every effort to avoid having to hear troublesome demands for "student power."

"We're taking great pains to involve students in all decision-making," he said.

In November, when the first Student Government Association election was held, Cornelius S. Williams, then 23, emerged as president.

A cool-mannered, soft-spoken political science major, "Slim" Williams and others of the "Chosen Few" had already been shaping the new SGA in discussions with Farner and other college officials.

"We regarded student government as being just a part of the furniture at most colleges," recalls Payne.

"At most colleges," he says, "the administration decides what's good for the students and the student government carries it out. Nobody questions anything.

"We wanted something autonomous."

With complete control over the $7.50 activity fees required of each student per academic quarter, with representation on the college's official committees, and carrying the best wishes of the administration, the GSA began flexing its muscles.

And, its leaders now feel, it gradually began—with the best of intentions—sowing the seeds of financial suspicion that were later to strangle it.

Time and again, says Williams, the SGA found itself being blamed by students in situations where the college administration was unable to provide for student needs. Or, as he puts it, "We had to make up for the inefficiency of the administration to satisfy the students."

As an example, Williams cites Farner's inability to secure funds to continue a combination day-care and educational center, where parents could leave their children while attending classes.

When students complained about the center's closing, Williams says, the SGA passed the hat in an effort to secure the needed $4,000. Only about $400 was collected, "so we took the rest out of student fees."

More recently, the SGA voted $16,000 in student funds to set up a college-wide "communications system" linking the dozen or so scattered sites around town where City College classes are held. Again, Williams proudly notes, the SGA was able to provide a service where the administration had been unable to do so.

Student needs also were cited as the reason for SGA's involvement in three wholly owned business enterprises—a "Panther Shop" selling Federal City College sweatshirts and the like, a barber shop and a cafeteria, all located in the college's war-surplus main building at 425 D St. NW.

Though City College already had a franchised cafeteria operation, Williams said students were unhappy with it and appeared to support SGA's decision last year to buy out the franchise and equipment, at a cost ultimately negotiated at $16,000.

On Jan. 12, the cafeteria opened under SGA ownership—"without capital," Williams recalls. "We didn't even think of that."

By April, it was $16,000 in debt and creditors were beginning to apply pressure.

After some managerial shakeups, the cafeteria operation entered the black by summer, according to Williams, and the debt has by now been reduced to about $8,000.

The barber shop, which also opened in January, has returned some $300 on a paid-up equipment outlay of $2,500. But the Panther Shop, he adds, is still some $4,000 in the hole, due to large initial stocking of the Federal-City-College-emblazoned items.

The SGA leaders fiercely defend their role—and their admitted mistakes—in entering these businesses.

"We were revolutionary," Williams explains, "but not in the traditional sense. Black people making their own rules, their own decisions, getting financial autonomy—that, to us, was revolutionary."

SGA's entry into these business enterprises, particularly the cafeteria operation, gradually began fueling its enemies within the college, according to Claude Lumpkins, 33, the former SGA vice president representing night students.

And although Williams, Lumpkins and day-student vice president Charles Parker were re-elected rather comfortably last fall to two-year terms, they did have enemies.

Through no fault of their own, Williams says, they sowed suspicion within the campus newspaper and the athletic department when the SGA funds alloted to those activities were parceled out in dribbles—a little bit now, more later.

"Everybody was on our back" about this "piecemeal" dispersal of the activity-fee budget, he says. "Then they became unhappy and started questioning what we did with the money."

So complete was SGA's financial autonomy that its constitution did not require it to submit its financial records in an outside adult.

An administration spokesman says the SGA leaders, as far back as a year ago, requested the administration's help in setting up an accounting system. As a result, he said, an outside audit of the SGA funds was arranged early this year before the agitation against the SGA leaders began.

In addition, the spokesman said a D.C. government audit of the student funds was just beginning early last month when financial records were reportedly stolen from the SGA offices in the main college building.

College President Harland L. Randolph, voicing strict neutrality in the controversy over fund use, has since ordered a college investigation into the SGA financial operations, despite difficulties caused by the missing records.

Williams concedes: "It won't be easy. It'll take some time, but all we have to do is go to the bank and get microfilm copies of our checks and put it all back together. We can still prove there was no misuses of funds."

During the student agitation to oust the SGA leaders, Randolph maintained a hands-off attitude, according to one of his key aides because he strongly felt the leadership of the student government was an affair that should be handled by students themselves.

So powerful was the SGA, says Lumpkins, that "often we were mediating between faculty members or between the faculty and the administration on personal problems . . .

"We had in our organization people who could relate to every element in the college—the everyday neighborhood people, the psuedo-intellectuals, the drug addicts," he continued.

"We in turn offered services for all these people. Helped them get out of jail . . . Paid people's rent when they were on the verge of eviction . . . Helped faculty members who came to us when they couldn't get funds to send a student to some national convention."

Williams snickers. "They've been the very ones who turned on us," he says sardonically. "The faculty came to us for almost everything."

Lumpkins remarks "I've got a file that thick (holding his hands three feet apart) on the school budget. We know who makes what, who's not working.

"We proved to be so responsible in the first year, we never have had any real disagreement with the administration on our role," Lumpkins maintains.

If, as Payne contends, there are those at the college who are "scared" of confronting Randolph, there have also been reports that the SGA leaders occasionally used strong-arm tactics to scare their opponents.

In their interview with The Star, however, the SGA leaders denied they had ever intimidated, or attempted to intimidate, anyone by either threats or use of physical force.

Williams claims he suffered a busted lip early last month when attacked by two college staff members who objected to his veto of an activity-fund bill. So, he says, when leaders of the anti-SGA students brandished chains during their march on his office (to lock it up, they claimed), he and his colleagues were armed with guns for self-protection.

With Randolph's mediation, that confrontation was dissolved, and what Payne describes as "the most powerful student government I've seen at any college" went swiftly and quietly into exile.

Their downfall, Williams says, occurred mainly because "we didn't communicate a lot of things to students like we should have. . . .

"We covered up for the administration a lot of times."

He also feels that students, as well as some faculty members, were envious of the SGA's power, and the way it was wielded.

Last month, as the pressure against the SGA was mounting on campus, a local food wholesaler filed suit against the student government for $2,200 in allegedly unpaid bills stemming from the college cafeteria operation.

"There'll probably be a lot of those (suits)," Lumpkins says.

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"In terms of the legal problems involved, we would have to be the ones to straighten them out," he adds, noting that the SGA leaders are still listed as officers of the corporate structure controlling the student-run businesses.

Williams says he plans to resign soon as board chairman of Student Government Association, Inc., along with its other officers, and he indicated that the corporation's financial difficulties probably will be inherited by the college's new SGA leaders, when they are chosen.

"The future of the corporation," according to an administration spokesman, "will be determined by the students at the convention" which will soon be held to restructure the SGA and elect new officers.

Williams and his partners say they might, if requested by the administration, help the college straighten out the SGA's remaining financial and legal problems.

But he says the Chosen Few are "tired" of running the show at Federal City College—"and besides, we have another thing now."

The new thing is the Young Voters League, which grew out of the group's participation in such activities as the D.C. Transit boycott, and is now involved in registration of candidates for the D.C. non-voting congressional delegate race.

Williams hopes the organization will eventually be able to mobilize on a national basis, campaigning in behalf of youth-oriented, black-oriented candidates in 1972.

And he has reason for his confident outlook.

"All the student government people were smart, and we stuck together. . . . Basically, what we're interested in is politics."

"We learned," says Lumpkins, "how to run a college."

An administration spokesman appraising the college's two-year experience with student government, prefers to use the term "student involvement" rather than "student power."

"Unless you are going to be a traditional institution," he says, "you are going to have to try new ideas. Some of them will fail, but you will have many more successes than failures."

He denies Payne's contention that the college is "a wreck" in the wake of the SGA regime's departure, and says that newly elected student delegates will soon be making their own decisions as to any future limitations on student government power.

"We're staying out of that completely," he says. "The administration won't even be attending the constitutional sessions unless the students request our presence."

But Williams and Lumpkins and Payne and the other SGA trailblazers are considerably less optimistic about the future of "student involvement" at Federal City College.

When the SGA constitutional revisions are completed, Williams predicts, "those students won't be able to go to the bathroom without asking the administration . . . They're retrogressing."

And Lumpkins warns: "When students don't have the freedom and autonomy we had, you're going to have confrontations—I venture to say, every day."

TITLE VII—DAIRY PRODUCTS

This section amends the District of Columbia Milk Act enacted February 27, 1925 (43 Stat. 1005; D.C. Code. Title: 33, Sec. 301) by updating the provisions of the 1925 act and bringing it generally into harmony with legislation in effect in a majority of the States. In addition, it authorizes the importation of safe, wholesome milk into the District of Columbia without requiring an unnecessary inspection by District inspectors, where inspection and certification of the sources of supply have already been adequately accomplished by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare.

The Federal organization principally responsible for and involved in developing and setting standards for fluid milk, milk products, and Grade A dry milk products, is the U.S. Public Health Service. In connection with its responsibility for public health, the Public Health Service has coordinated its activities with the States and with industry in the development of standards for the items mentioned. Although there are some essential differences in the concepts and practices that various Federal agencies have adopted with respect to their responsibilities for setting standards for food protection, the Public Health Service in order to fulfill its responsibility in this regard has adopted an inspection concept which has been characterized as "motivation and surveillance." In line with this concept, the Public Health Service has pursued a policy of collaborating with State and local agencies and private industry in the development and maintenance of effective food protection programs.

Under the Public Health Service milk sanitation programs, the States and local agencies make the sanitary inspections, laboratory or other tests and analyses, and inspections of products. These inspection activities, however, are subject to surveillance, including inspections by the Public Health Service, to insure that the State and local inspections are being made in accordance with the appropriate standards and procedures agreed upon between the various States and local agencies and the Public Health Service.

Primarily, as noted the Public Health Service role has been accomplished through the promotion of effective State and local sanitation programs and procedures; the provision of technical assistance, training, and research; the formulation of effective standards; the control of licensing of State rating officers; and the publication of ratings in compliance with, and enforcement of, sanitary standards.

As viewed from the States, a majority of the States have enacted legislation in which their milk inspection system has been effectively collaborated with the U.S. Public Health Service system. Uniformly this has resulted in clean, wholesome milk and milk products being made available to the consumers, while insuring compliance with and enforcement of high sanitary standards of the sale and distribution of milk and milk products.

Thus, under the provisions of this bill, any milk or milk product which meets U.S. Public Health Service standards would be exempt from a special inspection by District of Columbia authorities prior to importation of the products into the District. However, there would still be periodic "spot-check" inspections of products sold in the District by District Health Department representatives, and under the bill the District would retain authority to confiscate such products as it deems unsafe for human consumption.

There are other reasons for the introduction and enactment of this bill. Among those reasons is the shortage of supply of wholesome milk for the District of Columbia as expressed by Graham W. Watt, Deputy Commissioner:

> The Washington "milk shed" is growing increasingly short of supply to furnish the needs of the District of Columbia and the remainder of the Metropolitan Area. This shortage is cumulative and will become greater because the economic factors creating the shortage are increasing. The Commissioner believes that there is now no public health reason whatsoever that would indicate the necessity of refusing to permit the sale within the District of any wholesome milk from any of the certified sources within the United States. The title further provides for the issuance of a local permit for the sale or importation into the District of any milk, cream, milk product, or frozen dessert, and for the seizure and destruction of unsafe dairy products.

In addition, Dr. Raymond L. Standard, Jr., Director of the District of Columbia Department of Health, has listed a number of changes which have taken place since 1925 which suggest reasons for the amendment of the 1925 Milk Act:

First, the State Public Health Service Program for Certification of Interstate Milk Shippers was established in 1950. This program is now operational in all contiguous States. The criteria under which the program is being conducted provide for application of the 1965 PHS Grade "A" Pasteurized Milk Ordinance and other pertinent standards thereby insuring a high quality of safe milk.

Second, State and local health jurisdictions are staffed to permit full discharge of their responsibilily under the Interstate Milk Shipment program.

Third, technological developments in the milk industry have reduced the sanitation problems incident to transportation of milk over long distances.

The present act requires on-the-spot inspections of all milk and frozen dessert sources by District health authorities. Approximately two-thirds of the milk so inspected is sold outside the District in metropolitan areas. The legislative proposal would result in reduced costs to the District of inspecting sources by authorizing acceptance of inspections of other jurisdictions. For milk and creams these products would be certified as having a sanitation compliance and enforcement rating of 90 percent or better as determined by a Milk Sanitation Rating Officer certified by the Department of Health, Education, and Welfare.

The Department believes that there is now no public health reason whatsoever that would indicate the necessity of refusing to permit the sale within the District of Columbia of any wholesome milk from any of the certified sources within the United States. The legislation is designed to permit the importation into the District of Columbia of safe and wholesome milk without previous inspection by the District Department of Public Health, where inspection and certification has already been adequately accomplished by a duly authorized Federal or State agency. In addition, a number of definitions and standards relating to milk and milk products and other obsolete provisions of the 1925 act have been

XUM

omitted from the legislation as being more suitable for revision by regulation from time to time, as necessary.

The primary responsibilities to be retained by the District would involve surveillance over two pasteurization plants and two frozen dessert plants located within the District, laboratory surveillance over the milk and frozen dessert products retailed in the District, and the issuance of permits.

There is also every reason to believe that by expanding the number of States and producers who may ship milk and frozen or other milk products into the District, there will be a very beneficial effect to consumers on the pricing of certain milk products in the District of Columbia. In addition, there are a number of small business producers and dealers in milk and milk products which may be aided by the enactment of this bill.

Finally, and more importantly because of the stringent financial situation of the District of Columbia, it is estimated that an annual saving of $269,000 commencing July 1, 1971, would accrue to the District of Columbia Public Health Department with the enactment of this bill. The provisions contained in section 701(b), making this title effective July 1, 1971, will permit the authorities in the surrounding jurisdictions adequate time to employ additional staff members to assume the inspection duties now carried on by the District of Columbia public health authorities.

This legislation is approved by the District of Columbia government, whose letter dated September 29, 1970, reporting to your committee on H.R. 19165—the separate bill whose provisions comprise title VII of the reported bill—concludes as follows:

> The major effect of H.R. 19165 is the elimination of the need to inspect dairy farms located outside the District of Columbia producing milk to be used in the District, as required by present law. The Commissioner believes that there is now no public health reason whatsoever that would indicate the necessity of refusing to permit the sale within the District of wholesome milk from any sources within the United States where inspection and certification has already been adequately accomplished by a duly authorized Federal or State agency. Other provisions of the bill will enable health authorities of the District to assure consumers that the facilities for handling and distributing milk and milk products meet desirable health standards without on-the-spot inspection and that the milk is in fact safe, free from impurities, and wholesome.
>
> The Commissioner approves in principle the objectives of both H.R. 18355 and H.R. 19165.

In addition, I support the request of the District of Columbia School Board for its own legal counsel and legislative counsel. It is my understanding that the Corporation Counsel's office will request additional positions so that a full-time assistant or assistants will be available for assignment to the District of Columbia School Board and the Superintendent's office. I also understand that the District government is giving strong consideration to the School Board's request in this regard.

No authorization is contained in this bill for the reason that it was understood that this could be taken care of in appropriation requests.

Mr. FUQUA. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi (Mr. ABERNETHY).

Mr. ABERNETHY. Mr. Chairman, from the standpoint of the fiscal situation in the District of Columbia, as well as the taxpayers of the United States, this is a rather important bill.

I regret very much that the attendance in the House this afternoon is so small. I am sure that most of the Members know very little about the bill. Unless they read the report and the hearings, which I doubt they will, between now and the time we vote, they will vote in the dark as to what the issues are.

Mr. Chairman, I am opposed to this bill. I oppose it for several reasons. One is that the various titles have no relationship one to the other. It is a Christmas tree bill, probably of the worst sort that we have ever had brought to the House. It has to do with taxation, another title with grants for colleges and universities, another title with reference to labor and wages, another title with reference to dairies, another related to highways, another with reference to Lorton, and so on down through the bill. I regret that we will not have an opportunity to vote separately on each title and that we are forced to consider the bill in its entirety; but that was the will of the committee.

By no means did this bill come out of the committee unanimously. There was a strong division in the committee, not only to certain titles of the bill but also as to the bill itself.

Now, Mr. Chairman, as to the Federal grant that has been made to the District I do not oppose any and all Federal grants. I was one of the first members of this committee to support a Federal grant to the District of Columbia years ago when it was almost impossible to get any kind of Federal grant. But I opposed this grant.

I do not know what has happened in the District government. I know it is in serious fiscal trouble. You know it is in trouble. I know it is living too high. Maybe this Commission, and our friend, the gentleman from Minnesota, who sponsored it, will find out what the trouble is. But I know one thing—they have one employee down there for almost every 13 adults in the District. And these are not low-paid employees either. They have a very, very high pay scale throughout the District. That is one of the items which has this District government in trouble. We have advanced the Federal payment from a level of about 16 percent of the District budget to about 26 percent or more. Year after year how, in fact two or three times a year in the last 2 years, we have raised and supplemented the contribution to the District budget. The District demand on the Federal Government goes up and up and never levels off.

Where is that money coming from? It comes from Minnesota. It comes from Iowa. It comes from Maryland. It comes from Mississippi and Alabama and Indiana and from all the rest of the Nation. This District payment is money we take away from our people to give to these people downtown. They have already reached, and they admit it, the bottom of the barrel so far as revenues are concerned. So, now their design is to unload their fiscal irresponsibility on the taxpayers of the States.

The committee in reporting this bill has fairly and clearly stated to you that there is no more money downtown that they can find to support the District government.

This is not a revenue bill. This is a grab into the Federal Treasury for some more Federal money. That is all it is. And they are not entitled to it.

There is another item in this bill that, for the life of me, I cannot see how in the world it got in here, and that is the item of grants at the rate—listen to me, please—of $5,000 per medical student from the Federal Treasury to Georgetown University, and $3,000 for every dental student; and $5,000 for every medical student at George Washington University. Now, why?

The gentlemen who represented these colleges came to the committee and said that they were about to close. Now, listen. Do you believe that? Do you believe that the alumni, the medical alumni alone—over 2,500 of them in this area—are so poor and so disloyal that, even if it were true that these universities were in the shape that they say they are in, they would let their medical schools close down? Do you believe the church would allow Georgetown medical school to close?

Who believes, honestly who believes that these two medical schools would close down if we do not give them money? Already they are getting the same dollars from the HEW programs that your medical schools are getting, that mine are getting. They are getting identically the same. Yours are not closing; mine are not closing. There is not as much revenue in my State as there is here in the District or in other States. But we are not here pleading poverty for our medical school. Yet we are asked to authorize $6 million in this bill to be handed over as grants to these proud and prominent private schools.

The medical students at these universities do not come altogether from Maryland, Washington, D.C., and Virginia—the Washington metropolitan area. They come from all over the United States and from foreign countries.

Why should the Federal Government, if the object of the bill is to assist the medical situation in the metropolitan area of the District of Columbia, why should we make a grant for the benefit of those who come here from Utah, Mississippi, Louisiana, or Indiana? Why? There are medical students in these schools from all over the world. Yet we are called upon, and they are included in the bill here, to give them $5,000 per year for each one of those students. I just do not think it is right.

I offered an amendment in the committee to make similar grants to all medical schools. If we are going to give to Georgetown and George Washington, let

XUM

us give it to all of them throughout the Nation. But the committee voted down the amendment. Why? I really do not know.

How did this bill get into the District Committee? It had been hawked around the Hill for over a year.

It belongs in the Committee on Interstate and Foreign Commerce, if it belongs anywhere, because therein the health, medical, and HEW bills are handled. This bill calls on HEW to make grants to the schools for what purpose? The bill says in the first paragraph "to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia." How can we increase the health manpower service to the District by educating students who come here from the 50 States and then go back home to practice? Only a few of the Georgetown and George Washington graduates remain here.

There is a secret in this language. Do you know what it is? Well, I will tell you. The Interstate and Foreign Commerce Committee, where this bill should have been, did not want anything to do with the bill. So this language about medical manpower in the District of Columbia was put in so the District Committee would have jurisdiction. Otherwise this committee would not have had jurisdiction. This is a very adroitly drawn bill. The idea was to get it into the District Committee, because they could not get it out of the Interstate and Foreign Commerce Committee. Everybody knows that.

After the bill landed in the District Committee, some of the Members who were sponsoring it got cold feet. They were concerned about it. So when the day came on to vote on the measure they could not even muster a quorum. Only three members showed up.

The matter dragged on for several months. In the meantime, the private schools lobbyists were busy as bees. They had letters and calls come in from Georgetown and George Washington alumni around the country. They turned on all the heat they could, which seemed to be enough, and out the bill came by a divided vote.

I have spoken candidly and frankly and given the Members the facts. I cannot vote for this kind of legislation. My medical school supports services in an area where the per capita income is considerably less than it is in this area, and we do not ask for any more support than we get through normal channels. Neither are we hanging on the door of Congress crying poverty and seeking a subsidy of $5,000 per student, and we are getting by. If we can do this, then so can these universities here in the District. Furthermore, if they wish to operate as private schools, then let them operate as private schools with private funds, not with funds from the Federal Treasury paid in by the taxpayers.

This bill should be defeated. I shall vote against it and I trust you will do likewise.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, by and large I am disappointed. We should be authorizing a larger sum of money in this legislation in order that the Appropriations Committee for the District of Columbia can have the latitude in picking and choosing among several meritorious programs for which the District of Columbia has indicated they need additional funds. Programs such as those which would broaden preschool education in poverty areas and expand several crime fighting programs.

But I am pleased that this legislation does include a provision which will provide a means whereby, if the local jurisdictions which are wrestling with the pollution problem in the Potomac are unable to resolve their differences, we can establish a Federal agency which can clean up the Potomac. I would hope that we can clean up the Potomac by cooperation among these several jurisdictions, but if they are unable to accomplish it, I think we will have to move to the establishment of a higher jurisdiction to achieve that end.

I would like to make another point which has to do with the Teachers' College in the District of Columbia. So many of the District institutions seem to receive a great deal of publicity and fanfare, and as a result increasing support, but I feel that the District of Columbia Council has probably erred in not considering more the needs of the District of Columbia Teachers' College. This is not the fault of the Congress that the needs of this institution have not been carefully analyzed. From the evidence I have found it appears the District of Columbia is overlooking some of the needs of this institution.

The position of the District of Columbia Teachers' College with respect to the other two public higher education institutions is that of being terribly underfunded, understaffed, underpublicized, and it exists in the most inadequate facilities of any of the 25 institutions of higher education in the District. This last comment was found in fact to be the case by the District of Columbia Commission on Higher Academic Facilities. The college, which I might add is fully accredited today, requires an appropriation to supplement its fiscal year 1971 appropriation if it is to provide for additional operating requirements and necessary capital improvements. The Teachers College has grown in the last 10 years, but sadly enough, on the actual enrollment basis, the District of Columbia Teachers College is operating at less than one-third of its need based on national average, and on a full-time equivalent basis of about two and a half times less than the national average.

This organization is training teachers to go into the District of Columbia school system, and this is the grassroots where we must attack the problem if we are ever to lick the problems in our cities. We must get good well-trained teachers on the line in the elementary and secondary schools in the District of Columbia, and I hope the District of Columbia Council will take a closer look at the needs of the institution and come to Congress with some recommenations that will strengthen this institution.

It is certainly difficult for an institution operating on a shoestring to do an adequate job. When we speak of raising the educational standards in the inner-city, working through the District Teachers College would be a means to this end. No one can deny the simple fact that better teachers yield better education, and is not this what we are seeking? The Teachers College is a hard-working institution doing a good job and has a chance of growing from its present depressed position into a position more closely in line with the other two public colleges in the District. So it is imperative that it be given fair and equal consideration by the Council along with the other institutions.

Mr. FUQUA. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I take this minute to comment on the minority views which indicate there would be a substitute bill offered on the floor. I want to express my appreciation to the committee for having removed the Lorton Reformatory provisions and the highway provisions from this bill, so that it will not be necessary to offer the total substitute.

I take this time also to announce to the Committee that, under the 5-minute rule, I will offer a simple motion to strike the provisions related to the minimum wage. These provisions are sections 602 and 603 and appear in the bill on pages 66 and 67.

Mr. NELSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, first I should like to express my appreciation to the gentleman from Florida (Mr. FUQUA), the chairman of the subcommittee, for doing such a tremendous job in piloting this legislation through the subcommittee and the full committee. No Member could devote so much time and energy to legislation such as this unless he felt a sincere interest and concern for the welfare of the Nation's Capital. I feel he is owed a debt of gratitude by every citizen of the District of Columbia as well as by the Members of this body.

Mr. Chairman, this bill has been criticized as being an omnibus bill, containing several nonprovision provisions. It was claimed that it was an improper approach.

Let us face it. There is nothing unusual about omnibus bills being considered by the House, and particularly bills that contain matters within the jurisdiction of the committee handling the legislation. We have had omnibus housing bills, omnibus farm bills, and omnibus tax bills. In fact, there is a bill being considered in conference at this time, the Federal Highway Act of 1970, that provides for an extension so far as the construction of highways is concerned, which came out of the Committee on Public Works. This bill also contains revenue provisions coming out of the Committee on Ways and Means.

In the other body, omnibus bills are somewhat par for the course. In fact, they even bypass committees over there.

I introduced a little private bill, pro-

XUM

viding for $900 of relief for one of my constituents for moving expenses. This bill passed the House, and it passed the other body. But they amended it in the Senate by adding on the subject of the *Delta Queen*.

I do not believe any of us will be surprised if before this Congress adjourns we are asked to consider an omnibus bill with social security, revision of welfare as proposed by the administration, and a rather far-reaching trade bill.

So I submit, Mr. Chairman, that we have accepted this procedure of bringing omnibus bills to the floor of the House for consideration as a matter of convenience, and not to end run around the jurisdiction of some other committee.

As this session does draw to a close, I believe it is necessary that we put some of these bills together as the only way of getting them passed by the Congress this year.

I would suggest, and I have suggested this individually to the chairman of our committee, that in the future we may find it necessary to do this even more often, because we have sometimes worked for many weeks or months on a series of minor bills, and then they would go over to the other body and be pigeonholed because the Senate is busy handling other legislation. So we find it necessary in order to get action on bills, on which we have held hearings and spent a lot of time, to put them together in an omnibus package in order to insure that we can get that legislation into conference at least.

Mr. Chairman, I submit that the main reason for criticism of this bill is not the omnibus approach, but rather the objections on the part of certain Members to certain parts of the legislation. I see nothing wrong, when a Member objects to a certain portion of the bill, to his offering an amendment to strike it out of the bill.

As has been pointed out by the gentleman from Florida (Mr. FUQUA), and the gentleman from Minnesota (Mr. NELSEN), the committee has already agreed to strike two of the most controversial sections of the bill. They are controversial, however, only because they are misunderstood.

The gentleman from Mississippi pointed out that we had given a great deal of consideration to the subject of Lorton. By the way, the Lorton proposal was not mine but was introduced originally by my colleague from Virginia (Mr. SCOTT). We held extensive hearings on that legislation, and that proposal formerly passed the House by a substantial margin only to be lost in conference. However, the distinguished chairman of the committee, the gentleman from South Carolina (Mr. MCMILLAN), in the interest of getting together in a spirit of compromise, agreed to withdraw that provision from this bill in the hope that we can consider it at a later date.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BROYHILL of Virginia. It was further pointed out by the gentleman from Florida (Mr. FUQUA)—and I hope we are correct in this understanding—that the House and the Senate conferees are now meeting on the highway bill of 1970 and have arrived at a compromise wherein they have tentatively agreed to finally adopt it in such form that the District of Columbia government will be in compliance with the law. The purpose of title VIII, my so-called highway amendment, was merely for the purpose of denying Federal funds to the District until the District of Columbia government complied with the law. Now, what is wrong with that? If they are in compliance with the law, then this title of the bill becomes unnecessary. We feel it is now unnecessary, however, for the reason I have stated. So we are willing to withdraw it from this legislation.

However, most of the other nonrevenue provisions of the bill, with the exception of one or two, are noncontroversial. One of them that was referred to by the gentleman from Maryland (Mr. GUDE), is a very necessary and desirable section of the bill, that is, section 604. I believe it will go a long way toward helping us to clear up some of the pollution in the metropolitan area of Washington. We cannot expect the Nation to comply with the laws of the Congress, the leadership of the Congress and the Federal Government, to clean up their waters when we do not meet our responsibilities here in the Nation's Capital. The condition of the Potomac River here is a national disgrace. It is not that we have been completely derelict. The fact is that we have had a very rapidly growing area here, with three States involved, if you consider the District of Columbia as a State, and we should. We must have better coordination of efforts, however, to solve this problem.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes. I am glad to yield the 2 minutes remaining on our side to our colleague from Virginia.

Mr. BROYHILL of Virginia. The gentleman from Minnesota is one of the most generous individuals I know.

Mr. Chairman, section 604 of the bill directs the Administrator of this new Environmental Protection Agency, in conjunction with the Secretary of the Interior, whomever he may be at the time, the Chief Engineer of the Corps of Engineers of the U.S. Army, and the Commissioner of the District of Columbia to study and recommend by no later than March 31 of next year a reasonable approach to this particular problem, probably the creation of a regional water and sewage entity.

At the present time, the Corps of Engineers supplies the water for the District of Columbia and a large portion of the suburbs. The District of Columbia has jurisdiction over the Blue Plains plant that takes care of the effluent of many sections of the suburbs. So, we need to coordinate these many activities and many jurisdictions into one. Then the Federal Government can better see what its responsibility is, and the individual jurisdictions can be required to fulfill their obligations and to pay for whatever services they receive—the local jurisdictions as well as the District of Columbia.

Mr. Chairman, we have waited long enough and have to do something to clean up this problem here at the doorsteps of our National Capital.

Mr. Chairman, title I of the bill pertains to revenues. The first section thereof increases the authorization for the annual Federal payment to the District of Columbia from $105 million to $120 million, or an increase of $15 million annually. I proposed this increase in subcommittee deliberations on this bill, and am strongly in support of the measure at this time.

Provision is made also to increase the District's present limit on the amount of funds they may borrow from the U.S. Treasury for capital expenditures. Prior to 1967, this borrowing was limited in a dollar amount, which was increased several times as increased need was established. In 1967, the Congress provided a new system, under which the total amount of such borrowing could not exceed in any year that amount on which the debt service would be 6 percent of the general revenues estimated to accrue to the District of Columbia General Fund—for fiscal years through 1970. Thereafter, this 6-percent limitation can apply only to the general fund revenues for fiscal year 1970. This 1970 limitation was imposed because the Congress felt at that time that the borrowing situation of the District should be reviewed and examined after 3 years of operation under this new formula. Section 103 of H.R. 19885 will increase the limit on such borrowing to that amount on which the debt servicing for any fiscal year will not exceed 8 percent of the revenues to the general fund, for fiscal years up to and including 1973. This will increase the limit on the District's borrowing for capital improvements from $405 million to some $550 million for these 3 fiscal years, or an increase of approximately $140 million. I support this increase, and hope that this expanded borrowing authority will be used in part to finance the desperately needed expansion of the facilities at the District's sewage treatment plant at Blue Plains.

In addition, the District will also be authorized to increase their borrowing limits with respect to the sanitary sewage works fund, from $32 million to $72 million, the highway fund, from $85.25 million to $110 million, and the water fund, from $35 million to $51 million. In connection with these increases in borrowing authority, the District of Columbia government will also be empowered to set the rates for water consumption charges at whatever limits they deem necessary, and the sewer charge at a rate not more than 75 percent of that set for the water use.

Section 104 of this title will increase the maximum weight limitation of 45,000 pounds now imposed on heavy, self-loading trucks in the District of Columbia to 65,000 pounds. The limit in both Maryland and Virginia is presently 65,-

000 pounds, and the District of Columbia Department of Highways and Traffic feels strongly that the existing limit of 45,000 pounds in the District is not realistic. The disadvantage of the present law in this respect has become quite evident in connection with the excavation work incident to the construction of the District of Columbia subway system, as it is adding substantially to the cost hereof, and serving no useful purpose either. For this reason, I am strongly in favor of this provision. Further, the fees for these trucks will be increased in accordance with the new weight limitations, and we are advised that this will bring in some $300,000 of added revenues per year to the highway fund.

Section 201 of the bill will affect the operation of linen rental services in the in the District of Columbia. First, the existing sales tax of 4 percent on the purchase of linens by these firms will be repealed, and in its stead there will be a new tax of 2 percent imposed on the actual rental of these linens. It is estimated that this will result in $200,000 of additional revenues to the District, and I understand that this provision is favored by the companies who will be affected by it.

Further provisions regarding revenues are included in title II of the bill. One of these will repeal the District of Columbia property tax exemptions presently extended to charitable, nonprofit corporations which own housing properties which are aided by Federal rent supplements or interest subsidies. Our committee feels that there is no reason why the District taxpayers should be required to offset such losses to the District when the construction and operation of these enterprises are being financed with Government funds. I understand that this provision will prevent the loss of slightly more than $1 million per year to the District.

Title II also clarifies the intent of Congress in the District of Columbia Revenue Act of 1969, to conform the District of Columbia laws with respect to capital gains and losses and to depreciation, to those in existing Federal law. This correction of a legislative oversight will affect only a few local entities, the principal one of which is the Potomac Electric Power Co., who at present cannot depreciate their property for the District of Columbia tax purposes as they are permitted to do under Federal revenue law. As this was our intent in 1969, I feel that the error should be corrected at this time.

The remaining provision of title II will simply exempt from taxation the property known as the Octagon House, under its new owners, the American Institute of Architects Foundation, a philanthropic organization who have restored the historic building and are maintaining it simply as a historic shrine and museum, to which the public is admitted without charge. Until this foundation acquired title to this property in 1968, it belonged to the American Institute of Architects, and was tax exempt under their ownership. District law prevents the transfer of such a real property tax exemption incident to new ownership, however, which is the reason for this logical provision in House Resolution 19885.

The revenue provisions of this bill thus will provide an increase of $15.2 million per year to the District of Columbia general fund, and an additional $300,000 annually to the District of Columbia highway fund.

I understand that in his recent request for a supplemental appropriation to the District for the present fiscal year, the District of Columbia Commissioner has requested $13 million for what he terms unanticipated contingencies, to which he states the District is committed and for which they do not have the funds, plus an additional $16.165 million for other purposes which he states should have a high priority, for a total of $29.165 million. I believe the other body has magnanimously endorsed this entire package, and has enacted a bill which would provide this entire amount in additional Federal payment.

I wish to state that it is my strong opinion that the additional $15.2 million which House Resolution 19885 will provide is more than sufficient for all the reasonable costs which will accrue to the District of Columbia government for the remainder of this fiscal year. In the first place, some of the items in the District of Columbia Commissioner's "must" list are apparently not needed at this time. For example, he cited the need for $3.3 million for police overtime pay. I am reliably informed that the need for overtime work on the part of members of the Metropolitan Police force was terminated last month, when the full contingent of 5,100 personnel were fully trained and available for duty. Hence, no need for funds for this purpose now exists if this is true.

Furthermore, since the cost figures for many of the other items in this contingencies list were for the entire present fiscal year, and inasmuch as the provisions of this bill cannot take effect until the first half of that year has expired, it follows that the need for funding for some of these items is now not more than half of what was presented. Inasmuch as the District government is not permitted to engage in deficit spending, these expenses for the first half of this fiscal year have been paid, and need for that amount of money does not exist today. As for the additional $16.165 million for other high priority purposes, this is nothing more nor less than a "Christmas tree list," and I feel it is highly doubtful that some of these items would be approved for appropriation even if all that amount of money were made available. And again, the matter of reduction of cost to the last half of the fiscal year would apply in some of these items. Such items as the proposed enrollment and program expansion at the Federal City College, the new staffing requested for social services and public assistance, and the increases in public assistance payment standards, would certainly receive very careful scrutiny, to say the least, from the Subcommittee on District of Columbia Appropriations. For these reasons, I have no hesitation whatever in stating that the increased revenues provided in this proposed legislation are sufficient for all the real and demonstrable needs of the District at this time.

I wish to state at this point that the present District of Columbia government has an overwhelming obligation to the taxpayers of this country, at this time, to adopt and practice a policy of fiscal responsibility, which has been utterly lacking since the present Commissioner-Council government for the city was created in 1967. During the 3 years which have passed since this government took office, the city's total budget has soared from $503.5 million to $860.3 million, an increase of 70 percent. This contrasts sharply with the 26.7-percent increase which was experienced over the 3 years immediately preceding this regime, during which the former Board of Commissioners practiced reasonable and effective fiscal control. Also, the District government's number of employees, which has increased by only 8.8 percent during the 3-year period immediately preceding the installation of the present form of government, has skyrocketed from 31,944 employees to 42,000 in the past 3 years, for an increase of 31 percent. And this number would have risen to 45,557 employees had the Congress not denied the District's request for such a number in fiscal year 1970, by a provision in the District of Columbia Revenue Act of 1969. It is noteworthy that whereas the former Board of Commissioners had operated the city's Executive Office with 50 employees in fiscal year 1968, the final year of their existence, the present Council-Commissioner government found it necessary to increase this force to 474 persons in fiscal year 1970.

I submit that this picture of unprecedented padding of the District government's payroll is the less comprehensible in a period when the population of the city actually has been decreasing.

At any rate, this tendency toward utter fiscal irresponsibility simply must be brought to an end. More and more, the District of Columbia Commissioner and the City Council are finding it necessary to seek a solution to their financial problems by appealing for ever-increasing appropriations of Federal funds, as though the Federal Treasury is an inexhaustible source of money. This is far from the truth, however, as the taxpayers all over the country are finding themselves taxed to the limit of their resources, to support their local governments as well as the Federal establishments. In fiscal year 1970, the expenditure of Federal tax money in the District of Columbia, not including the Federal payments to the District of Columbia water and sewer funds, amounted to the staggering total of $577.5 million. It is estimated that this figure will rise to some $635 million for fiscal year 1971, and this does not include the $15 million of addiitonal Federal payments which this bill will authorize.

I feel strongly that this picture is rapidly becoming intolerable, and that fiscal disaster for the Nation's Capital must result from a continuation of this sort of fiscal attitude on the part of the District government. I note that the Commissioner asked the District of Colum-

XUM

bia City Council twice this year to increase the city's real property tax rate—and was twice refused.

This recommended increase would have brought in an additional $8.7 million per year to the District of Columbia general fund; and I want to state that if the District of Columbia City Council felt that the citizens of the District of Columbia could not afford this increase in taxation, then certainly the citizens of this entire country cannot and should not be expected to continue to finance the Council's irresponsible extravagancies.

In view of this situation, I am enthusiastically in favor of section 102 of House Resolution 19885, which will require the U.S. Budget Office to examine and review each request in the District of Columbia budget and supplemental budget requests, before they are submitted to the Congress each year, to determine the rightful priorities of the expenditures for which the funds are requested, and to ascertain where reductions can be made in such expenditures. This is a most desirable step in the direction of fiscal sanity on the part of the District government, and I sincerely hope that it may result in substantial improvements in this grim financial picture.

Title III of the bill provides for Federal subsidies to the George Washington University Medical School and the medical and dental schools of Georgetown University, in amounts not to exceed $5,000 per year for each medical student and $3,000 for each dental student, for the fiscal years 1971 and 1972. These moneys will be administered through the Department of Health, Education, and Welfare, which shall exercise careful control over the amounts of these grants. I consider these grants to be absolutely necessary, in order to assure the continued existence of these vitally important institutions which are in dire financial straits at the present time. I shall present my views on this item of the bill more fully in a later discussion of this bill.

XUM

Title IV of the bill seeks to correct a misinterpretation of the intent of Congress in the 90th Congress, when we enacted legislation designating the Federal City College as a land grant institution and the recipient of certain Federal funds as a result of that status. At that time, it was the distinct understanding of myself and my colleagues in the House that although the Washington Technical Institute could not qualify directly for land grant funds because it is not a 4-year institution, this Institute would share equally in the land grant funds to which the Federal College has become a recipient. However, the Federal City College has refused to share any part of this money with the Washington Technical Institute, claiming that the wording of the act did not call for such a division of funds. While this was technically true, the Congress intended otherwise. In fact, I believe that the bill would never have been approved by the House had not the understanding existed that both schools would benefit equally. Hence, I feel that we should terminate this misunderstanding and carry out the original intent of the Congress.

Title IV also extends to all other private institutions of higher learning in the District of Columbia the exemption from the District of Columbia usury laws in connection with construction loans as was granted to George Washington University in Private Law 91–185, approved October 23, 1970. At that time, George Washington University was in a critical situation in regard to financing for several highly important construction projects, and had requested legislative relief from the Congress which would enable them to borrow the needed funds at the going interest rates. Hence, the enactment of that legislation was simply a matter of giving attention to the "squeaking axle," and certainly there was no intent to discriminate in any way against other such institutions of higher learning. These schools, such as Georgetown University and Catholic University, have since asked that they be extended this same exemption from the local usury laws, and certainly they are equally entitled to such exemption.

Title V of the bill as reported provides that the District of Columbia correction facilities at Lorton in Virginia be transferred to the Federal Bureau of Prisons. Extensive provisions were made as to transfer of funds, protection of employees' rights and status, preservation of existing prisoner rights as to parole, good time, and work release, and so forth. In view of the unbelievable conditions existing at Lorton, as brought out by a District of Columbia Special Investigating Subcommittee last year, there is no question whatever in my mind that the present administration of the District of Columbia Department of Corrections is totally unfit to operate this correctional facility, and certainly some change in the status quo is in order. The enactment of title V of this bill as reported would certainly have brought about a complete change in the higher echelon of command over this institution, and improvement could certainly have been expected. However, in view of our recent legislative action creating the "Little Hoover Commission" to study the entire structure of the District of Columbia government, it is my hope that this Commission may come up with a solution to these problems in connection with Lorton. For this reason, I agree with the deletion of this title from the revenue bill at this time.

Title V of House Resolution 19885 covers several miscellaneous items, the first of which is to repeal the present limit of $150,000 authorized for the preservation of the Old Georgetown Market. I favor this provision, because the House originally approved the preservation of this old landmark without limitation as to cost, and the ceiling of $150,000 which was added by the Senate has proved utterly unrealistic and at present is presenting an insurmountable barrier to the execution of this project.

Section 602 exempts District of Columbia motor carriers which are regulated by the ICC from the provisions of the District of Columbia Minimum Wage Act. The problem in this area is that the District of Columbia Minimum Wage Board has imposed an overtime provision for all motor carrier employees in the District, providing time and a half pay for all hours in excess of 40 in any workweek. The Fair Labor Standards Act, on the other hand, exempts all interstate motor carrier employees in the categories of driver, driver's helper, loader, and mechanic from overtime provisions.

This is in recognition of the fact that the operations of these carriers involve such irregular hours for such personnel that a hard and fast overtime regulation of that sort is simply not equitable. Our committee had this same issue before us several years concerning overtime for certain nonprofessional employees in local hospitals where exactly the same problem exists. We decided then that such employment should not be subject to such minimum wage overtime regulations, and I feel strongly that the same action is necessary in this instance. At this time, only two or three such motor carrier operations remain in the District of Columbia, and we understand that these may be forced to leave the city if relief from this inequity is not obtained.

Also on the subject of minimum wages, section 603 provides that in the future, the District of Columbia Minimum Wage Board may not issue any wage order calling for a minimum wage more than 10 percent higher than the existing Federal minimum wage level. At present, the Federal minimum wage is $1.60, while those in the District range from $1.60 upward to $2 per hour. For example, retail clerks are now getting $2 per hour minimum and laundry workers, who are now getting $1.80, will be increased to $2 on next January 1. The District of Columbia Minimum Wage Board apparently has no concern whatever for the competitive aspect of local businesses, although Virginia has no minimum wage law whatever and the minimum wages prevailing in nearby Maryland are not as high as those imposed on the District employers. The result has been a steady exodus of businesses from the city into the suburbs, to the detriment of the city's economy. I personally feel that the District of Columbia would be better off with no minimum wage law whatever, because it is my conviction that the laws of economics regulate salary levels more effectively and more realistically than can any governmental regulations. In the absence of such a provision in this bill, however, I am pleased to support section 603 as at least a step in the right direction.

Mr. Chairman, I am the author of section 604 of this bill, which is designed to enable the Congress to take strong and positive steps toward solving the grave problems of water supply and water pollution in the Washington metropolitan area. On September 24, 1970, with the cosponsorship of a number of my colleagues, I introduced the bill House Resolution 19454, the second section of which constitutes the language of this section of the bill, House Resolution 19885.

Briefly, this section will direct the Administrator of the newly created Environmental Protection Agency, in consultation with the Secretary of the Interior, the Chief of Engineers of the U.S. Army, and the Commissioner of the District of Columbia, to conduct a study and make recommendations with respect to the water pollution problems and the water resources of that part of the Potomac River within the Washington metropolitan area, and the establishment of an independent regional entity to control and resolve such pollution problems, to regulate such water resources, and to provide adequate facilities for water, sewer, and sanitation for the area at reasonable costs. The study shall include recommendations as to the amount of funding that would be needed to maintain such a regional entity, what functions now performed by Federal and District entities should be transferred to the area entity, and the protection of present employees who would be affected by such transfer. The Administrator of EPA shall report the findings of this study, together with his recommendations, to the Congress not later than March 31, 1971.

I regard the matter of the water resources and the pollution of the Potomac River as the most serious problem facing the Washington metropolitan area today. Not one of the sewage treatment facilities presently existing in the area is capable of providing adequate service even for today's population; and with the prospect of a continued rapid increase in the population of the area, I am deeply concerned that the efforts now being exerted toward the goal of truly adequate facilities for the future will prove woefully inadequate, just as past efforts have failed to keep these facilities abreast of current needs.

The supply division of the District of Columbia Water System, known as the Washington Aqueduct, operates under the supervision of the U.S. Army Corps of Engineers. The reservoir at Dalecarlia receives water from two intake structures, at Great Falls and Little Falls, on the Potomac River. There the water is purified, and it then becomes the responsibility of the District of Columbia Department of Sanitary Engineering to store, pump, and distribute the purified water to its consumers. At this time, this source supplies water not only to the District of Columbia, but also to Arlington County and the city of Falls Church, in Virginia. The other jurisdictions in the metropolitan area have their own systems of water supply, but all are faced with the same problem at present, which is a lack of adequate storage facilities to assure an adequate supply of water during long dry periods, when the water level in the Potomac River falls so low as to reduce the normal intake volume. A plan by the U.S. Army Corps of Engineers to solve this problem through the construction of a number of dams at various points on the Potomac has met with considerable opposition, and an answer to this problem is not yet in sight.

The entire District of Columbia Water System is operated on funds from the District of Columbia Water Fund, which consists of the revenues derived from the sale of water to the private citizens and the Federal Government for the water they consume.

Serious as the problem of water supply to the area obviously is, particularly during drought periods, the critical situation of the present pollution of the Potomac River is of far greater concern to me.

The main cause of water pollution in the Washington area is municipal wastewater. This includes raw sewage released from overloaded sewer systems, sewage treatment plant effluents, combined sewer overflows, and storm water. Combined sewers are a remnant of the past, but are found in the older sections of some cities, including the District and Alexandria. During dry weather, they convey sanitary sewage to the treatment plant, but when it rains they also function as storm drains. During a heavy rainstorm, it is not feasible to accommodate the entire combined sewer flow at the treatment plant and the excess flow, a dilute mixture of rainfall runoff and sanitary sewage, discharges into the nearest stream. About one-third of the District is on a combined sewer system.

Once considered innocuous, rainfall runoff from urbanized areas has been found to be contaminated by the washing of accumulated filth from streets, and in areas undergoing development, runoff may carry tremendous quantities of eroded soil. For example, an inch of rain falling uniformly over the District of Columbia amounts to 1.2 billion gallons of water. Half of this evaporates, and the other 600 million gallons, laden with filth from the streets, has to be disposed of, sometimes in a very short period of time, through the city's sewer system. Thus, at such times, the sewer system may be called upon to do more work within an hour or two than it normally does in an entire day. Some system for storage of this combined sewage during storms obviously must be devised, from which the sewage may be delivered for processing at slack periods at the Blue Plains plant.

The District of Columbia Water Pollution Control Plant was constructed at Blue Plains, in the southwest corner of the city, in 1938. This plant originally was designed to provide only primary treatment to the effluent, with a capacity of 130 million gallons per day. At that time, this was deemed adequate to serve a population of 1.25 million people, but the effect of the District's combined storm and sanitary sewer flows reduced this capacity at times to the equivalent of primary treatment for only 650,000 people.

This plant at Blue Plains is a regional one, serving large areas in nearby Maryland and Virginia as a result of an act of Congress in 1916. These suburban areas include parts of Fairfax and Loudoun Counties in Virginia and the major portions of both Montgomery and Prince Georges Counties in Maryland. In fact, the potential drainage area outside the District served by this facility is ten times the area of the District of Columbia itself. Thus, the vital importance of this facility, which presently is called upon to handle about 80 percent of the sewage from the Washington metropolitan area, is apparent.

In 1949, the Blue Plains plant was expanded to a capacity of 175 million gallons per day, as a belated reaction to the population growth resulting from World War II. Other improvements to the treatment processes were made in 1953 and 1955, but by that time the crucial difficulties evolving from the mushrooming population of the area in the matter of sewage treatment problems became apparent, and in 1957 the Eisenhower administration convened the first Potomac River-Washington Metropolitan Area Enforcement Conference for the purpose of determining a course of action to provide adequate facilities at Blue Plains and elsewhere, to serve the region. This conference ordered the plant at Blue Plains upgraded to provide secondary treatment.

This was done, and other improvements to this plant have been made since that time. However, the present treatment facilities are woefully inadequate.

Today, the plant at Blue Plains is capable of providing 80-percent treatment to a flow of 240 million gallons per day. However, the plant is being required to handle a flow of 260 million gallons per day, as a result of which the treatment is only 70 to 75 percent pollution removal. Inasmuch as the present standard set by HEW is for 96-percent removal, to a "near drinking water" quality, the inadequacy of the situation at Blue Plains is obvious. In fact, at present the plant at Blue Plains could accomplish 96-percent pollution removal to only 125 million gallons per day.

In April 1969, dissatisfied with the progress in the area of pollution control in the region, or more accurately the lack of such progress, the Secretary of the Interior reconvened the Potomac Enforcement Conference. The conferees represented the water pollution control agencies of Maryland, Virginia, and the District of Columbia, as well as the Interstate Commission on the Potomac River Basin and the Department of the Interior. After 3 days of hearing testimony, the conferees recessed to study the extensive data presented to them. They reassembled about one month later to issue a set of recommendations for actions to improve water quality. The most important recommendation was one calling for the construction of advanced waste treatment facilities.

In accordance with the conference recommendations, the District proceeded to implement its phased development plan for the Blue Plains site. One element of this plan was the reclamation of 51 acres of Potomac River mud flats for plant expansion to a capacity of 419 million gallons per day, which is the flow expected to occur about the year 2000. However, subsequent opposition on the part of the Department of the Interior to this reclamation proposal has rendered approval of this plan by the Corps of Engineers most unlikely. As a result, expansion of this plant to 419 million gallons per day will probably not be feasible.

In recognition of this impasse, the con-

XUM

ferees reached a compromise set forth in a memorandum of understanding, the execution of which was completed on October 7, 1970. This memorandum calls for development of the Blue Plains site to provide advanced waste treatment for 309 million gallons per day to be completed by the end of 1977. It is estimated that this project will cost some $359.3 million, and the plan is for the Federal Government to pay 55 percent of this amount, or approximately $180 million. The remaining cost will be shared by the District of Columbia, the Washington Suburban Sanitary Commission in Maryland, and Fairfax County, Va., in proportion to their respective volume inputs to the system. This will make the District's share $80 million—for the District and the Potomac interceptor—that for the WSSC some $77.45 million, and the cost for Fairfax County about $4.2 million.

These costs will be divided, of course, over the course of the next 5 years, as the actual work progresses.

Unfortunately, the beginning date for this project is presently somewhat uncertain, because the allocation of Federal funds to the State of Virginia from the Federal Water Quality Administration, which must be distributed to various projects in the State on a priority basis, is not sufficient to provide the 55 percent of Federal participation upon which Fairfax County's payment toward the first contract of this Blue Plains expansion is contingent. Hopefully, however, this difficulty may be resolved shortly.

The serious weakness in this entire plan is the fact that this expansion will bring the plant at Blue Plains to its absolute ultimate capacity. The memorandum of understanding referred to above, in fact, recognizes that the proposed Blue Plains expansion will not be adequate to serve all future flows from the areas presently tributary to the Blue Plains facility, and states that all jurisdictions must plan immediately to provide adequate treatment for flows in excess of those that can be accepted into the Blue Plains treatment facility.

The WSSC, in recognition of this fact, has retained consultants to advise it as to an overall sewerage plan including sewage treatment plantsites and capacities. This report is to be completed by February 1971, but in recognition of the urgency of need, the WSSC has already formulated a projected schedule for site selection, design, and construction of an additional regional plant and intends to pursue its completion subject to the availability of funds. The District of Columbia and Virginia will be invited to participate in financing a portion of the cost of this plant, in proportion to their allocated flow to the total plant capacity. It also is expected that the District and Virginia will share in the costs of maintenance and operation, as well as the cost of pipelines, pumping stations, and so forth.

Herein lies the cause of my great concern in regard to this whole problem of water pollution in the metropolitan area. It is obvious that the ultimate solution to this problem must involve the construction and operation of a multiplicity of treatment plants—unless the plant at Blue Plains can be expended far beyond the limits which now appear feasible—and this will be dependent upon participation between the several jurisdictional authorities, that is the District of Columbia, the States of Maryland, and Virginia, and the Federal entities of the U.S. Corps of Engineers, the Department of the Interior, and the Environmental Protection Agency. For at least the last 12 years, this hydra-headed proliferation of authority has stymied efforts toward cleaning up the Potomac River, as disagreement and dissension among the representatives of the several entities involved has resulted in the existence of inadequate facilities at the present time, and in my opinion no prospect whatever for any truly effective facilities to accommodate the burgeoning population of this metropolitan region in the years to come. In short, I believe that the programs which must be developed if the Potomac River is ever to be freed of pollution and kept in that condition, are far too extensive for the fragmented operation now involving these several governmental entities ever to accomplish.

It is this conviction which led me to conceive of the possibility of an independent regional authority, or sanitation district which might acquire the present facilities involved in the matters of water resources and water pollution control in the Washington metropolitan area, including the Dalecarlia purification plant and reservoir, the District of Columbia Water Pollution Control Plant at Blue Plains, and the other principal facilities in the area; and also operate them, expand them to meet both present and future needs, and sell these services to the various jurisdictions in the area at reasonable cost. Such a regional entity would have the obvious advantage of a single, unified authority.

I have received a great deal of support for this basic concept, from key officials in the affected agencies of the District of Columbia government, the chairman of the Virginia State Water Control Board, a substantial number of my colleagues in the Congress, and a large number of private citizens in the area.

It is my opinion that the most desirable and constructive approach to this matter will be the exhaustive study of the entire problems of water resources and water pollution control in the area, and of the feasibility and the cost of the concept of an independent regional entity, as required by this proposed legislation. The report and the recommendations resulting from this study will provide the Congress with invaluable guidelines in the formulation of legislation to end this pollution of the Potomac River, a situation which at present poses a clear and potent danger to the health of residents and visitors to the city alike.

For these reasons, I urge the support of my colleagues in this body for the enactment of this timely and vitally important legislation into law.

Section 605 of title VI provides that District of Columbia government leases on real property, which are limited by present law to 5 years' duration, be permitted for periods as long as 20 years. It is felt that this increased length of such leases may enable the District to obtain lower rentals in such negotiations.

Title VII will repeal a law which requires the Public Health Department of the District of Columbia to inspect and approve all sources of dairy products shipped into the District. This present law restricts the sources for milk in the city to the farms in nearby areas, and because of the population growth in the metropolitan area these establishments are getting fewer and fewer within a distance of the city which render these District of Columbia inspections practical. Further, all dairy farms in the country today are subject to very rigid standards imposed by the Federal Government, for which reason local regulations and inspections are really a useless duplication of effort. In view of these facts, I am glad to support this measure which will broaden the District's source of supply for milk and other dairy products, and also will save the city the cost of these duplicate inspections.

I am the sponsor of title VIII of this bill, as reported, which provides that no part of the Federal payment to the District of Columbia shall be authorized to be appropriated unless the Commissioner of the District of Columbia certifies that the District of Columbia government has complied with the provisions of section 23 of the Federal-Aid Highway Act of 1968, and any other act subsequently enacted, to the extent that the various projects in connection with the Interstate System within the District have been started and will be completed. Exception was provided with respect to such interstate projects as may be affected by court injunctions issued in response to petitions filed by persons other than the District of Columbia or an agency of the U.S. Government.

The impasse regarding the construction of the planned 29 miles of interstate highway in the District of Columbia, as an essential link in the nationwide Interstate System, not only is holding up the construction of these interstat highways themselves, but also is causing intolerable delay in the building of the Rapid Rail Transit System so desperately needed in the entire metropolitan area.

Section 23 of the Federal-Aid Highway Act of 1968 directed the Secretary of Transportation and the District of Columbia government to undertake as soon as possible the construction and completion of all routes comprising the above-mentioned 29 miles of the Interstate System as specified for the District in the 1968 Interstate System cost estimate.

More specifically, section 23(b) of this act required that the District government commence work within 30 days on the following projects, all components of the projected Interstate System:

First. Three Sisters Bridge—I-266.

Second. Potomac River Freeway—I-266.

Third. Center leg of the inner loop—I-95—terminating at New York Avenue.

Fourth. East leg of the inner loop—I-295—terminating at Bladensburg Road.

In addition, section 23(c) of the 1968

XUM

act directed the government of the District of Columbia and the Secretary of Transportation to study the three projects included in the 1968 plan but not specifically dealt with in section 23(b), listed above, and to report to the Congress within 18 months their recommendations with respect to such projects, including any recommended alternative routes or plans. These projects were the south leg and the north leg of the inner loop, and the North Central Freeway.

By midsummer of 1969, it was the conviction of the House Committee on Public Works and of the House Subcommittee on District of Columbia Appropriations that the District of Columbia government was foot-dragging and not complying with section 23(b) of the 1968 Federal-Aid Highway Act, particularly with respect to the order to begin work on the Three Sisters Bridge. Accordingly, the chairman of the District of Columbia Appropriations Subcommittee, feeling strongly that both the Interstate System in the District of Columbia and the Rapid Rail Transit System for the entire metropolitan area are equally essential and must be built, took the action of withholding some $43 million of authorized District of Columbia subway construction funds, pending assurance that the District would comply with the 1968 Highway Act. On August 11, 1969, I introduced an amendment on the floor of the House to a District of Columbia revenue bill then pending, to the effect that no part of the Federal payment to the District could be appropriated until the President reported to the Congress that the District of Columbia government had begun work on the four interstate projects named in section 23(b) of the 1968 act, and had committed itself to the completion of these projects.

This proved to be the solution to that impasse, as the President wrote the next day to the chairman of the District of Columbia Appropriations Subcommittee, stating that the District of Columbia City Council had taken the appropriate action and was then firmly committed to the completion of the four projects. This was supplemented by assurances from the Director of the District of Columbia Highway Department and the Director of the U.S. Bureau of the Budget, and the subway construction funds were released.

This was the end of that impasse, although two of the four interstate projects specified in section 23(b) are presently being held up by reason of court injunctions.

In February of 1970, however, the District of Columbia government and the Secretary of Transportation filed with the Congress the reports which section 23(c) required of them, with respect to the south leg and the north leg of the inner loop, and the North Central Freeway. Unfortunately, the two reports agreed in their findings and recommendations only with respect to one of these three projects, the south leg of the inner loop. The greatest divergence between the two reports occurred with respect to the most highly controversial of the projects; namely, the North Central Freeway.

With respect to this North Central Freeway, the Secretary of Transportation recommended consideration of a route generally in conformance with that prescribe in the 1968 cost estimate, but adapted to minimize the problem of displacement of persons. However, the District of Columbia government—or more specifically the District of Columbia City Council—in complete defiance of the fact that the transportation planning board of the Metropolitan Area Council of Governments is the officially designated planning coordinator for the Interstate System in the metropolitan area and must approve any plans whatever for these freeway routes, submitted as their recommendation a plan which the transportation planning board had rejected a year previously. Thus, the two reports were in disagreement with each other, and that of the District government with respect to the North Central Freeway was utterly unacceptable.

The truth of the matter is that the District does not want to build this North Central Freeway at all, and has no intention of doing so as long as they can find an avenue of evasion.

As a result of this situation, the Public Works Committee and the District of Columbia Appropriations Subcommittee again take the position that the District of Columbia Government is not acting in compliance with the Federal-Aid Highway Act of 1968, this time in reference specifically to section 23(c) thereof. And once again, the chairman of the Appropriations Subcommittee has found it necessary to withhold $34.2 million of authorized District of Columbia subway construction funds until this stalemate with reference to the Interstate System is resolved.

I feel strongly that this impasse is intolerable and must be settled at once. Not only do I resent the fact that the District's section of the nationwide Interstate Highway System is being delayed, in what I regard as a deliberate ignoring of the Federal interest in the Nation's Capital—but even more important, in my opinion, is this delay in the construction of the badly needed rapid transit facility for the metropolitan area. Not only is there a desperate need for this facility just as soon as it can be completed, but also the construction costs of this project are rising daily, and thus every day of delay makes the cost to the taxpayer more formidable.

For this reason, I feel that we in the Congress must take some step such as that provided in title VIII of this bill—the same step which proved instantly effective in August of 1969—and not only get this Interstate System construction off dead center, but also assure the release of this $34.2 million of District of Columbia subway construction funds, which is crucial because a much larger amount in Federal contribution toward this construction, which has been approved, cannot be appropriated until this District of Columbia share has first been appropriated, unless in the alternative we can be assured that some other means of ending this impasse is imminent. At this time, I have been given reason to believe that such a solution is in sight, and for that reason I am agreeable to striking this title from this proposed legislation at this time.

I feel it important to emphasize the fact that I have never had any wish to deny any funds which have been approved, or will be approved in the future, for the District of Columbia government; nor do I believe for one moment that this proposed title VIII would have had that effect. Identical legislation in August of 1969 did not have such a result, and yet it did serve to break the impasse existing at that time, in very short order. I am convinced that title VIII of House Resolution 19885, as reported by our committee, would have had precisely this same effect; but under existing circumstances, I am amenable to deleting this provision as apparently being unnecessary.

Mr. Chairman, in this District of Columbia revenue bill, title III deals with support for the medical school at George Washington University and the medical and dental schools at Georgetown University. These schools perform a service to many of our States, but they perform a particular service to the State of Virginia which I must mention.

The two schools of medicine in Virginia, one at the University of Virginia in Charlottesville and the other the Medical College of Virginia in Richmond, have an enrollment of about 800 medical students. These same two schools provide to the State of Virginia many of its physicians. However, the schools at George Washington and Georgetown have 135 students from Virginia. George Washington and Georgetown have 662 practicing physicians in Virginia.

The costs at the medical schools in Virginia per student are very similar to the costs of the medical students at George Washington and Georgetown. However, the State of Virginia provides State funds far in excess of the funds provided in this bill in lieu of State funds for the schools in the District of Columbia.

It is common knowledge that the expenses of medical and dental education is the highest in the country. The costs of such education at the schools here in the District are approximately $20,000 per student. These costs are similar to the costs per student at the Virginia schools. The funds in this bill are absolutely essential to allow these schools to continue in existence.

To allow these schools to fail through the lack of these funds would be a disaster to the State of Virginia and the 53 States and territories listed.

Of the 21 States with private medical schools, five States are without legislation for support of private medical schools; one of these five is the District of Columbia, if we consider it as a State body. For my colleagues' information the following States give comparable financial support to the private medical and dental schools as is contemplated in this legislation: Florida, Illinois, Kentucky, North Carolina, New York, Ohio, Pennsylvania, Texas, and Wisconsin.

For this reason, this legislation should be considered as if the Federal Government were acting as a State government.

As a concerned member of the Dis-

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trict of Columbia Committee for the health and welfare of the citizens of the metropolitan area and especially those citizens who are patients at District of Columbia General Hospital whose medical care depends to such a great extent on the physicians from these two medical schools, I support this bill. Without it a medical disaster would occur at the 29 metropolitan area hospitals. I urge passage of this legislation.

Mr. Chairman, this omnibus bill represents countless hours of diligent work on the part of myself and my colleagues on this committee. I urge the support of this body for the enactment of this proposed legislation, as amended, in its entirety.

Mr. FLOOD. Mr. Chairman, I introduced an identical bill to that of Chairman McMillan for the support of the medical and dental schools in the District of Columbia.

I share with Congressman McMillan a deep concern that the school of medicine at George Washington University and the schools of medicine and dentistry at Georgetown University receive funds to enable these schools to stay in existence.

As the Members of the House know, I have worked to see that all our medical schools benefit from the national Federal programs. These schools in the District of Columbia are at a distinct disadvantage in terms of obtaining support.

If these fine schools were in my own State of Pennsylvania, they would receive the equivalent of the funds provided in this bill. I am pleased to note that there are 75 students from the State of Pennsylvania attending these schools and that there are 666 physicians from these schools presently practicing in Pennsylvania.

I believe it to be eminently fair that the Federal Government, in place of a State government, provide funds to keep these schools in existence as a benefit to the citizens of Pennsylvania and the Nation.

I vigorously support this legislation.

Mr. FUQUA. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H. R. 19885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Revenue Act of 1970".

TITLE I—REVENUE

Sec. 101. Section 1 of Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a) is amended (1) by striking out "1970" and inserting in lieu thereof "1971" and (2) by striking out "$105,000,000" and inserting in lieu thereof "$120,000,000".

Sec. 102. The District of Columbia may not submit to the Office of Management and Budget any request for regular, supplemental, or deficiency appropriations for the District of Columbia for any fiscal year which shall cause the total amount of funds requested in the appropriation requests submitted to such Office for the District of Columbia for such fiscal year to exceed the total amount of funds, available for appropriation to the District of Columbia for such fiscal year, which are estimated by the Commissioner of the District of Columbia to be received by the District of Columbia during such fiscal year under laws in effect at the time such request is submitted to such Office. Any request (or portion thereof) for appropriations for the District of Columbia for any fiscal year which represents the difference between the amount appropriated to the District of Columbia for such fiscal year pursuant to a prior appropriation request shall not be included in determining for purposes of this section the total amount of funds requested by the District of Columbia in appropriation requests submitted to such Office for such fiscal year.

Sec. 103. Subsection (b)(1) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9–220(b)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) by striking out "in a fiscal year ending in 1968, 1969, or 1970" in subparagraph (A) and inserting in lieu thereof "in any fiscal year ending before July 1, 1973"; and

(2) by striking out "1970" each place it appears in subparagraph (B) and inserting in lieu thereof in each such place "1973".

Sec. 104. (a) No single unit motor vehicle having three or more axles and designed to unload itself shall be operated in the District of Columbia at a gross weight in excess of the weight permitted under normal operations under District of Columbia regulations unless such vehicle displays a valid special hauling permit obtained in accordance with the provisions of this section.

(b) The Commissioner of the District of Columbia or his designated agent shall, upon approval of an application from the owner of such a motor vehicle and payment of the permit fee prescribed by subsection (c) of this section, issue to the owner a special hauling permit for such motor vehicle.

(c) There shall be levied, collected, and paid for each permit year for each motor vehicle required to have a special hauling permit the following fees:

(1) $680 if such motor vehicle is first placed in service after July 1, 1970.

(2) If such motor vehicle is in operation on or before July 1, 1970, and operated at a gross weight—

(A) in excess of the weight permitted under normal operations under District of Columbia regulations but less than 50,000 pounds, a fee of $380;

(B) of 50,000 pounds or more but less than 55,000 pounds, a fee of $480;

(C) of 55,000 pounds of more but less than 60,000 pounds, a fee of $580; or

(D) of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of $680.

(d)(1) A permit year shall begin on July 1 and end on June 30. Every permit issued under this section shall expire at midnight on June 30 of the permit year, unless the Commissioner of the District of Columbia grants an extension. During the month of June, it shall be lawful to operate a motor vehicle displaying a permit issued under this section for the following permit year.

(2) When an application for a permit is received on or after January 1 of a permit year, the fee for a permit for such permit year shall be one-half of the amount otherwise provided.

(e) Proceeds from fees payable under this section shall be deposited in the highway fund created by the first section of the Act of April 23, 1924 (D.C. Code, sec. 47–1901).

(f) The Commissioner of the District of Columbia is authorized to increase, from time to time, the fees prescribed by subsection (c) of this section, taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of motor vehicles for which special permits are required by this section.

(g) The section shall take effect ninety days after the date of enactment of this Act.

TITLE II—MISCELLANEOUS TAX MATTERS

Sec. 201. (a)(1) The second proviso in section 114 (a)(6) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)(6)) is repealed.

(2) Section 125(1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring services of laundering or cleaning of the textiles;".

(b) Section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2605) is amended by adding at the end thereof the following new paragraph:

"(r) Sales of textiles to persons who are engaged in the business of renting such textiles, if the essential part of such rental business includes recurring services of laundering or cleaning such textiles."

(c)(1) The second proviso in section 201 (a)(4) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(1)(a)(4)) is repealed.

(2) Section 212(1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702 (1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring service of laundering or cleaning of the textiles;".

Sec. 202. Paragraph (h) of section 1 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801a), is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, any building—

"(1) which is financed in whole or in part with (A) a mortgage insured under section 221 (d) (3), (h), or (i) of the National Housing Act and receiving the benefits of the interest rate provided for in the proviso in section 221(d)(5) of such Act, or (B) a mortgage insured under section 237 of such Act;

"(2) with respect to which periodic assistance payments are made under section 235 of the National Housing Act or interest reduction payments are made under section 236 of such Act;

"(3) with respect to which rent supplement payments are made under section 101 of the Housing and Urban Development Act of 1965;

"(4) which is financed in whole or in part with a loan made under section 202 of the Housing Act of 1959;

"(5) which contains dwelling units constituting low-rent housing in private accommodations within the meaning of section 23 of the United States Housing Act of 1937; or

"(6) with respect to which there is an outstanding rehabilitation loan made under section 312 of the Housing Act of 1964,

shall not, so long as the mortgage or loan involved remains outstanding or the assistance involved continues to be received, be considered a building used for purposes of public charity; except that this sentence will not apply to those organizations granted an exemption under this paragraph before the date of enactment of this sentence."

Sec. 203. (a) Subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the American Institute of Architects

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Foundation, Incorporated, a nonprofit corporation organized and existing under the laws of the State of New York shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improvements thereon known as the Octagon House) which is described as lot 36 in square 170.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as (1) that property is owned by the Foundation referred to in subsection (a) and is used in carrying on its purposes and activities and is not used for any commercial purpose; and (2) the Octagon House is (A) maintained by that Foundation as a historical building to be preserved for its architectural and historical significance, and (B) accessible to the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may, from time to time, be prescribed by that Foundation. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801b), shall apply with respect to the property made exempt from taxation by this section, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47–801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47–801e).

(c) This section shall apply with respect to taxable years beginning after June 30, 1970.

SEC. 204. (a) Section 3(a)(7) of title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1557b) is amended by adding the following after the first sentence: "In the case of any taxable year beginning after December 31, 1968, the allowance for depreciation authorized by the preceding sentence shall be determined by the taxpayer in accordance with the same methods used by him in determining his taxable income for purposes of the Internal Revenue Code of 1954. Any adjustments necessary to avoid duplications or omissions in conforming such depreciation methods shall be made in accordance with the provision of the Internal Revenue Code of 1954."

(b) Sections 1 and 6 of title XI of such Act (D.C. Code, sec. 47–1583, 47–1583e) are each amended by striking out "the same as that provided" and inserting in lieu thereof "determined in accordance with the provisions".

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

SEC. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970".

SEC. 302. It is the purpose of this title to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

SEC. 303 (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") to carry out the purposes of this title. A grant under this section in any fiscal year shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of $3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

(b) There are authorized to be appropriated $6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

SEC. 304. The Secretary may from time to time set dates (not earlier than in the fiscal year for which the grant is sought) by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such additional information as the Secretary may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner as the Secretary may from time to time require to assure proper disbursement of and accounting for Federal funds paid to the Commissioner under section 303.

SEC. 305. For the purposes of section 303, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

SEC. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 307. (a) From funds received under section 303, the Commissioner is authorized to make grants to private nonprofit schools of medicine or dentistry in the District of Columbia. A grant under this section in any fiscal year to a medical school shall not exceed the product of $5,000 times the number of full-time students enrolled in such school and a grant to a dental school shall not exceed the product of $3,000 times the number of full-time students enrolled in such school.

(b) The total amount of grants made by the Commissioner under this section for the fiscal year ending June 30, 1971, may not exceed $6,200,000.

SEC. 308. The Commissioner may from time to time set dates (not earlier than in the fiscal year for which the grant is sought) by which applications for grants by the Commissioner under section 307 for any fiscal year must be filed. A grant under section 307 by the Commissioner may be made only if the application therefor—

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title;

(2) contains such additional information as the Commissioner may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the applicant as the Commissioner may from time to time require to assure proper disbursement of and accounting for Federal funds paid to the applicant under section 307.

SEC. 309. For the purposes of section 307, regulations of the Commissioner shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

SEC. 310. Grants under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 311. For purposes of this title:

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

(3) The term "nonprofit" as applied to a school of medicine or a school of dentistry means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE IV—FUNDS FOR HIGHER EDUCATION

SEC. 401. (a) Section 107 of the District of Columbia Public Education Act (D.C. Code sec. 31–1607) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5);

(3) by adding after paragraph (5) the following new paragraph:

"(6) section 108(b) of this Act,"; and

(4) by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(b) Section 109(a) (1) of such Act (D.C. Code, sec. 31–1609(a) (1)) is amended by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(c) Section 110 of such Act (D.C. Code, sec. 31–1610) is redesignated as section 111 and the following new section is inserted immediately after section 109:

"SEC. 110. Grants to the District of Columbia under the Acts referred to in section 107 and under section 109(b) and the earnings of sums appropriated under section 108(b) shall be shared equally between the Federal City College and the Washington Technical Institute."

(d) The amendments made by this section shall take effect on July 1, 1971, and shall be applicable to any earnings, on or after that date, of sums heretofore appropriated to the District of Columbia pursuant to section 108(b) of the District of Columbia Public Education Act.

SEC. 402. Any institution of higher education located in the District of Columbia and described in the first sentence of section 1201 (a) of the Higher Education Act of 1965 (other than District of Columbia Teachers' College, Federal City College, Gallaudet College, and Howard University) may borrow money at such rates of interest as the institution may determine, without regard to the restrictions of any usury law, and shall not plead any statutes against usury in any action.

TITLE V. TRANSFER OF LORTON

Sec. 501. (a) The facilities operated by the District of Columbia Department of Corrections in the State of Virginia commonly known as the Lorton Reservation and consisting of the Correctional Complex, the Minimum Security Facility, the Youth Corrections Center, and related facilities, all functions, powers, duties, and records of the Commissioner of the District of Columbia and the District of Columbia Council with respect thereto, and the care, custody, discipline, instruction, and rehabilitation of persons committed to or residing therein are transferred to the Attorney General of the United States.

(b) (1) The positions and personnel of the District of Columbia Department of Corrections (other than medical positions and personnel) who the Director of the Office of Management and Budget determines were employed in connection with any function, power, or duty transferred by this section are transferred to the Attorney General. All personnel transferred by this subsection shall continue to have the employment rights and privileges which they had on the day prior to the effective date of this title.

(2) The medical positions and personnel of the District of Columbia Department of Corrections who the Director of the Office of Management and Budget determines were employed in connection with any function, power, or duty transferred by this section are transferred to the Secretary of Health, Education, and Welfare, together with such records as the Director of the Office of Management and Budget determines relate to their functions. Such medical personnel shall continue to have the employment rights and privileges which they had on the day prior to the effective date of this title.

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(c) So much of the property, unexpended balances of appropriations, allocations, and other funds of the District of Columbia Department of Corrections as the Director of the Office of Management and Budget determines are used, held, available, or to be made available in connection with the functions transferred by this section are hereby transferred to the Attorney General or the Secretary of Health, Education, and Welfare, as appropriate.

(d) No contract for service or supplies made pursuant to authority granted by law by the District of Columbia Department of Corrections with request to the Lorton Reservation shall be invalidated by the enactment of this title.

Sec. 502. (a) All rules and regulations promulgated by the District of Columbia Department of Corrections with respect to the Lorton Reservation shall continue in force and effect until amended or repealed by the Attorney General.

(b) A person who is an inmate of the Lorton Reservation on the day prior to the effective date of this title, shall be subject to the provisions of law and the regulations governing good time allowances which were in effect with respect to him on the day prior to the effective date of this title.

(c) A person who, on the day prior to the effective date of this title, has work release privileges pursuant to the District of Columbia Work Release Act, approved November 10, 1966 (D.C. Code, secs 24–461 to 24–470), shall remain subject to the provisions of that Act until his release from custody.

Sec. 503. (a) On the effective date of this title, there shall be transferred to the Federal Prison Industries Fund such portion of the District of Columbia correctional industries fund as the Director of the Office of Management and Budget determines is reasonably attributable to the occupational programs of the Lorton Reservation.

(b) On the effective date of this title, funds previously paid into the work release trust fund by persons who are inmates of the Lorton Reservation on that date and who have been granted work release privileges prior to that date, shall be transferred to the custody of the Attorney General. Collections made after the effective date of this Act with respect to persons who have work release privileges on the effective date of this title shall be made by the Attorney General and disbursed in accordance with the individual work release plan developed under section 7 of the District of Columbia Work Release Act, approved November 10, 1966 (D.C. Code, sec. 24–466).

(c) All other funds belonging to or held for the benefit of employees of the Lorton Reservation or inmates therein shall be transferred to the custody of the Attorney General.

Sec. 504. (a) Section 937 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (D.C. Code, sec. 24–405), is amended—

(1) by striking out "the jail or in the workhouse of the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections", and

(2) by striking out "superintendent of the Washintgon Asylum and Jail for those confined in the jail, and upon the certificate of the superintendent of the workhouse for those confined in the workhouse," and inserting in lieu thereof "superintendent of the particular facility in which they are confined".

(b) The Act entitled "An Act to require that all inmates of the workhouse and reformatory for the District of Columbia shall be returned to and released in said District," approved June 10, 1910 (D.C. Code, sec. 24 406), is amended by striking out "the workhouse and reformatory for the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections".

(e) (1) The last paragraph of so much of the first section of the Act of June 5, 1920, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–418) is amended by striking out "the workhouse and the reformatory" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections".

(2) The third paragraph of so much of the first section of the Act of February 28, 1923, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–418) is amended by striking out "at the reformatory" and inserting in lieu thereof "at facilities operated by the District of Columbia Department of Corrections".

(d) The Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes," approved March 16, 1926, is amended as follows:

(1) Section 6 of such Act (D.C. Code, sec. 3–106) is amended by striking out "(b) the reformatory at Lorton in the State of Virginia;".

(2) Section 7 of such Act (D.C. Code, sec. 24–411) is amended by striking out "the reformatory at Lorton in the State of Virginia,".

(e) Section 2 of the Act entitled "An Act to create a Department of Corrections in the District of Columbia," approved June 27, 1946 (D.C. Code, sec. 24–442), is amended by striking out "the Reformatory at Lorton in the State of Virginia".

(f) Section 304 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (D.C. Code, sec. 4–134c), is amended

(1) by amending subsection (a) to read as follows:

"(a) Whenever the United States Board of Parole has authorized the release of a prisoner convicted in the District of Columbia, it shall notify the Chief of Police of that fact as far in advance of the prisoner's release as possible.", and

(2) by adding after subsection (b) a new subsection as follows:

"(c) Except in cases covered by subsection (a) of this section, the Attorney General shall give notice to the Chief of Police as far in advance as possible, whenever a prisoner who has been convicted in the District of Columbia and is under sentence of six months or more is to be released from an institution under the management and regulation of the Attorney General."

(g) The Act of June 1, 1957 (D.C. Code, sec. 24–418a) is amended—

(1) by striking out "District of Columbia Reformatory located at Lorton, Virginia, at fair market prices determined by the Commissioners of the District of Columbia," and inserting in lieu thereof "facilities under the management and regulations of the Attorney General at Lorton, Virginia, at fair market prices determined by the Attorney General,", and

(2) by striking out the last sentence thereof.

(h) The first, second, and third provisos of so much of the first section of the Act of March 2, 1911, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "WORKHOUSE" (D.C. Code, sec. 24–403), are repealed.

(i) So much of the first section of the Act of September 1, 1916, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–402), is repealed.

(j) So much of the first section of the Act of March 3, 1915, as appears under the heading "JUDICIAL" and the subheading "UNITED STATES COURTS" and relates to reimbursement of District of Columbia convicts (D.C. Code, sec. 24–424), is amended to read as follows:

"The cost of the care and custody of persons convicted of violations of laws applicable exclusively to the District of Columbia and committed to Federal penal or correctional institutions shall be charged against the District of Columbia in quarterly accounts to be rendered by the Attorney General of the United States. The amount to be charged against the District of Columbia shall be ascertained by multiplying the average daily number of such persons in the particular institution during the quarter by the per capita cost for all prisoners in the same institution for the same quarter, but excluding expenses of construction or extraordinary repair of buildings."

Sec. 505. Prosecution for violations of laws applicable exclusively to the District of Columbia which relate to violations of law in or affecting penal or correctional institutions of the District of Columbia (including the Lorton Reservation) committed prior to the effective date of this title shall not be affected by this title or abated by reason thereof and the penalties applicable to such violations shall apply to any person convicted of such a violation occurring before the effective date of this title.

Sec. 506. (a) All functions, powers, and duties exercised by the District of Columbia Board of Parole on the day prior to the effective date of this title are hereby transferred to the United States Board of Parole.

(b) There are hereby transferred to the United States Board of Parole all of the property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available, of the District of Columbia Board of Parole.

(c) The positions, members, and personnel of the District of Columbia Board of Parole are transferred to the United States Board of Parole and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of the United States Board of Parole without break in service. The former members of the District of Columbia Board of Parole and all other personnel transferred by this subsection may be assigned to such duties as the Attorney General deems appropriate, but without diminution of compensation or employment rights previously acquired.

(d) (1) The positions and personnel of the District of Columbia Department of Corrections who the Director of the Office of Management and Budget determines were employed in connection with the counseling or supervision of persons paroled or mandatorily released from the Lorton Reservation or the Women's Detention Center of the District of Columbia are transferred to the United States Board of Parole and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of the United States Board of Parole without break in service. Personnel transferred by this subsection may be assigned to such duties as the Attorney General deems appropriate, but without diminution of compensation or employment rights previously acquired.

(2) Nothing in this subsection shall affect the employment by the District of Columbia Department of Corrections of personnel assigned to or employed in connection with halfway houses or similar community based facilities of the Department of Corrections.

SEC. 507. (a) Persons convicted and sentenced in the District of Columbia prior to the effective date of this title shall be considered for parole and paroled in accordance with the applicable laws in effect in the District of Columbia on the day sentence was imposed upon them.

(b) Persons on parole in the District of Columbia on the day prior to the effective date of this title shall remain subject to all of the terms and conditions imposed upon them prior to the effective date of this title and their parole shall be subject to termination or modification in accordance with the law in effect in the District of Columbia on the day prior to the effective date of this title.

(c) Nothing in this title shall affect the validity of warrants issued by the District of Columbia Board of Parole or any member thereof prior to the effective date of this title.

SEC. 508. The District of Columbia Department of Corrections and all other agencies and officials of the District shall cooperate with the United States Board of Parole and shall furnish the Board with such information, files, and records as it may deem necessary in the performance of its duties.

SEC. 509. (a) The Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes," approved July 15, 1932, is amended as follows:

(1) Section 5 of such Act (D.C. Code, sec. 24-205) is amended to read as follows:

"SEC. 5. Any officer of a facility of the District of Columbia Department of Corrections or any officer of the Metropolitan Police Department to whom a warrant of the United States Board of Parole for the retaking of a parole violator is delivered, shall execute the warrant by taking such prisoner and returning him to the custody of the Attorney General."

(2) Sections 4, 6, 7, 9, and 10 of such Act (D.C. Code, sections 24-204, 24-206 to 24-209) are repealed.

(b) The Act entitled "An Act to reorganize the system of parole of prisoners convicted in the District of Columbia", approved July 17, 1947 (D.C. Code, sections 24-210a to 24-201c), is repealed.

(c) Title 18, United States Code, is amended as follows:

(1) Section 4202 of such title is amended by inserting "or District of Columbia" immediately after "A Federal".

(2) Section 4205 of such title is amended by inserting "or District of Columbia" immediately after "any United States".

(3) Section 5025 of such title is amended—

(A) by amending subsection (b) to read as follows:

"(b) The Director of the Bureau of Prisons may contract with the District of Columbia for the treatment, rehabilitation, or supervision of youth offenders committed to the custody of the Attorney General by courts in the District of Columbia. With respect to youth offenders convicted in the District of Columbia of violations of laws of the United States not applicable exclusively to the District of Columbia, the cost shall be paid from the 'Appropriation for Support of United States Prisoners.' "; and

(B) by repealing subsection (c).

(4) Section 5026 of such title is amended by striking out ", or of the Board of Parole of the District of Columbia,", and "respectively,".

SEC. 510. Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in this title shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 511. This title and the amendments made by this title shall be effective the first day of the sixth month following the date of enactment of this Act.

TITLE VI—MISCELLANEOUS

SEC. 601. Section 2 of the Act entitled "An Act to declare the Old Georgetown Market a historic landmark and to require its preservation in continued use as a public market, and for other purposes", approved September 21, 1966 (D.C. Code, sec. 5-807), is amended by striking out "but not to exceed in the aggregate $150,000".

SEC. 602. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36-404) is amended (1) by striking out "or" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "or", and (3) by adding after paragraph (5) the following new paragraph:

"(6) any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act."

(b) The amendments made by subsection (a) of this section shall take effect as of February 1, 1967.

SEC. 603. (a) Section 6 of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36-406) is amended as follows:

(1) The first sentence of subsection (a) of such section is amended (1) by striking out "wage order" the first time it appears and inserting in lieu thereof "wage rate within a wage order", and (2) by striking out "the wage rates" and inserting in lieu thereof "such wage rate".

(2) The first sentence of subsection (b) of such section is amended (A) by inserting "and" immediately after "occupation," the second time it occurs, and (B) by striking out ", and one or more representatives of the agency designated by the Commissioners to administer this Act".

(3) The first sentence of subsection (c) of such section is amended by inserting before the period at the end thereof the following: "and shall not exceed by more than 10 per centum the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938 on the date of such recommendation".

(4) Clause (3) of the second sentence of subsection (e) of such section is amended by striking out "District of Columbia" and inserting in lieu thereof "Washington Metropolitan region (as defined in section 6 of the Washington Metropolitan Region Development Act)".

(b) The first sentence of section 7(a) of such Act (D.C. Code, sec. 36-407) is amended by inserting immediately before the period at the end thereof the following: "except that no proposed revised wage order may be prepared which requires (1) a minimum wage rate in excess of the minimum wage rate recommended in such report or (2) if the proposed revised wage order is prepared without the recommendations of an ad hoc advisory committee, a minimum wage rate which exceeds by more than 10 per centum the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938 on the date of the issuance of the proposed revised wage order".

(c) The amendments made by this section to the District of Columbia Minimum Wage Act shall not apply to the revision of any wage order in effect under that Act on the date of enactment of this section if such wage order requires the payment, on and after such date, of a minimum wage rate in excess of the ceiling prescribed by the amendments made to section 6(e) and 7(a) of such Act. In the case of any wage order in effect under such Act on such date which requires the payment, after such date, of a minimum wage rate in excess of such ceiling, the Commissioner of the District of Columbia shall, without regard to the procedures prescribed by such Act, revise the minimum wage rates under such wage order to conform to such ceiling.

SEC. 604. (a) The Secretary of the Interior, in consultation with the Chief of Engineers of the Corps of Engineers of the United States Army and the Commissioner of the District of Columbia, shall conduct a special study of and make recommendations with respect to—

(1) the water pollution problems of the part of the Potomac River that is located within the Washington metropolitan area,

(2) the water resources of the Potomac River for such area,

(3) the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area, and

(4) the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources, and to provide such services at reasonable costs.

The study shall contain specific recommendations as to the extent and amount of funding that would be necessary to establish and maintain such an area or regional entity, recommendations as to any functions now performed by Federal and District of Columbia entities which should be transferred to such an area or regional entity, and recommendations as to provisions for protection of employees of entities that would be affected by such transfers.

(b) The Secretary of the Interior shall report to the Congress the results of the study under subsection (a), together with his recommendations, on or before March 31, 1971.

SEC. 605. (a) Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to enter into lease agreements with any person, copartnership, corporation, or other entity, which do not bind the government of the District of Columbia for periods in excess of ten years for each such lease agreement, on such terms and conditions, including, without limitation, lease purchase, as he deems to be in the interest of the District of Columbia and necessary for the accommodation of District of Columbia agencies and activities in buildings or other improvements which are in existence or are to be constructed by the lessor for such purposes, or on unimproved real property.

(b) No lease agreement entered into under subsection (a) shall provide for the payment of rental in excess of the limitations prescribed by section 322 of the Act approved June 30, 1932 (40 U.S.C. 278a); except that the provisions of this subsection shall not apply to leases made prior to the date of the enactment of this Act except when renewals thereof are made after such date.

(c) (1) Section 6 of the District of Colum-

XUM

bia Appropriation Act, 1945 (58 Stat. 509, 532; D.C. Code, sec. 1-243) is repealed.

(2) Section 12 of the District of Columbia Appropriation Act, 1959 (72 Stat. 498, 511; D.C. Code, sec. 1-243a) is repealed.

TITLE VII—SALE OF DAIRY PRODUCTS IN DISTRICT OF COLUMBIA

Sec. 701. (a) The Act entitled "An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes", approved February 27, 1925 (43 Stat. 1004-1008; D.C. Code, secs. 33-301—33-319), is amended to read as follows:

"Section 1. None but pure, clean, and wholesome milk, cream, milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government, shall be produced in, or be shipped into, the District of Columbia.

"Sec. 2. As used in this Act—

"(1) The term 'person' includes, in addition to individuals, firms, associations, partnerships, and corporations.

"(2) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agents.

"(3) The term 'District' means the District of Columbia.

"Sec. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of such permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on or before the 1st day of January of each calendar year thereafter. Application for such permit shall be in writing upon a form prescribed by the Commissioner.

"Sec. 4. The Commissioner is authorized to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of milk, cream, milk product, or frozen desert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of such permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

"Sec. 5. Nothing in this Act shall be construed to prohibit (1) the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare; or (2) the shipment into the District of milk or cream for manufacture into frozen desserts, and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

"Sec. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a consumer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

"Sec. 7. The Commissioner is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

"Sec. 8. The District of Columbia Council is hereby authorized to make from time to time all such reasonable regulations or standards consistent with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations or standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

"Sec. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

"Sec. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than $300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(b) The amendment made by subsection (a) of this section shall take effect on July 1, 1971.

TITLE VIII—INTERSTATE ROUTES AND THE FEDERAL PAYMENT

Sec. 801. No funds are authorized to be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2501a—47-2501b) unless the Commissioner of the District of Columbia has certified to Congress immediately prior to each request to Congress for an appropriation of funds under such article that the District of Columbia government has begun work on each of the highway projects on the Interstate System within the District of Columbia in accordance with the requirements of section 23 of the Federal-Aid Highway Act of 1968 and any Act of Congress enacted after that Act and has committed itself to construct and complete those projects, or, in the case of any such highway project on which the District of Columbia government has not begun work or with respect to which it has not made or carried out such commitment, the failure to begin such work or make or carry out such commitment is solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

TITLE IX—GENERAL PROVISIONS

Sec. 901. If any provision of this Act, or the application thereof any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 902. Except as provided in title V, nothing in this Act, or any amendments made by this Act, shall be construed so as to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commission of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or Council, as the case may be, in accordance with the provisions of such plan.

Sec. 903. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—REVENUE

Sec. 101. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) is amended (1) by striking out "1970" and inserting in lieu thereof "1971", and (2) by striking out "$105,000,000" and inserting in lieu thereof "$120,000,000".

Sec. 102. The Office of Management and Budget shall carefully examine and review each request of the District of Columbia for regular, supplemental, and deficiency appropriations to determine (1) the priorities of the expenditures for which each appropriation is requested, and (2) where reductions can be made in such expenditures.

Sec. 103. (a) Subsection (b)(1) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9-220(b)(1)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) in subparagraph (A), by striking out "1968, 1969, or 1970" and inserting in lieu thereof "1971 or 1972" and by striking out "6 per centum" and inserting in lieu thereof "8 per centum"; and

(2) in subparagraph (B), by striking out "1970" each place it appears and inserting in lieu thereof "1972" and by striking out "6 per centum" and inserting in lieu thereof "8 per centum".

(b) Section 214 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43-1613) is amended by striking out "$32,000,000" and inserting in lieu thereof $72,000,000".

(c) Section 402(a) of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 7-133(a)) is amended by striking out "$85,250,000" and inserting in lieu thereof "$110,000,000".

(d) Section 2(a) of the Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (D.C. Code, sec. 43-1540(a)) is amended by striking out "$35,000,000" and inserting in lieu thereof "$51,000,000".

Sec. 104. (a) No single unit motor vehicle having three or more axles and designed to unload itself shall be operated in the District of Columbia at a gross weight in excess of

XUM

the weight permitted under normal operations under District of Columbia regulations unless such vehicle displays a valid special hauling permit obtained in accordance with the provisions of this section.

(b) The Commissioner of the District of Columbia or his designated agent shall, upon approval of an application from the owner of such a motor vehicle and payment of the permit fee prescribed by subsection (c) of this section, issue to the owner a special hauling permit for such motor vehicle.

(c) There shall be levied, collected, and paid for each permit year for each motor vehicle required to have a special hauling permit the following fees:

(1) $680 if such motor vehicle is first placed in service after July 1, 1970.

(2) If such motor vehicle is in operation on or before July 1, 1970, and operated at a gross weight—

(A) in excess of the weight permitted under normal operations under District of Columbia regulations but less than 50,000 pounds, a fee of $380;

(B) of 50,000 pounds or more but less than 55,000 pounds, a fee of $480;

(C) of 55,000 pounds or more but less than 60,000 pounds, a fee of $580; or

(D) of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of $680; or

(d)(1) A permit year shall begin on July 1 and end on June 30. Every permit issued under this section shall expire at midnight on June 30 of the permit year, unless the Commissioner of the District of Columbia grants an extension. During the month of June, it shall be lawful to operate a motor vehicle displaying a permit issued under this section for the following permit year.

(2) When an application for a permit is received on or after January 1 of a permit year, the fee for a permit for such permit year shall be one-half of the amount otherwise provided.

(e) Proceeds from fees payable under this section shall be deposited in the highway fund created by the first section of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (D.C. Code, sec. 47-1901).

(f) The Commissioner of the District of Columbia is authorized to increase, from time to time, the fees prescribed by subsection (c) of this section, taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of motor vehicles for which special permits are required by this section.

(g) This section shall take effect ninety days after the date of enactment of the District of Columbia Revenue Act of 1970.

TITLE II—MISCELLANEOUS TAX MATTERS

SEC. 201. (a)(1) The second proviso in section 114(a)(6) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2601, par. 14(a)(6)) is repealed.

(2) Section 125(1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602(1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring services of laundering or cleaning of the textiles;".

(b) Section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2605) is amended by adding at the end thereof the following new paragraph:

"(r) Sales of textiles to persons who are engaged in the business of renting such textiles, if the essential part of such rental business includes recurring services of laundering or cleaning such textiles."

(c)(1) The second proviso in section 201 (a)(4) of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(1)(a)(4)) is repealed.

(2) Section 212(1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702 (1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", (D) charges for rental of textiles if the essential part of the rental includes recurring service of laundering or cleaning of the textiles;".

SEC. 202. Paragraph (h) of section 1 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47-801a), is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, any building—

"(1) which is financed in whole or in part with (A) a mortgage insured under section 221 (d)(3), (h), or (i) of the National Housing Act and receiving the benefits of the interest rate provided for in the proviso in section 221(d)(5) of such Act, or (B) a mortgage insured under section 237 of such Act;

"(2) with respect to which periodic assistance payments are made under section 235 of the National Housing Act or interest reduction payments are made under section 236 of such Act;

"(3) with respect to which rent supplement payments are made under section 101 of the Housing and Urban Development Act of 1965;

"(4) which is financed in whole or in part with a loan made under section 202 of the Housing Act of 1959;

"(5) which contains dwelling units constituting low-rent housing in private accommodations within the meaning of section 23 of the United States Housing Act of 1937; or

"(6) with respect to which there is an outstanding rehabilitation loan made under section 312 of the Housing Act of 1964,

shall not, so long as the mortgage or loan involved remains outstanding or the assistance involved continues to be received, be considered a building used for purposes of public charity; except that this sentence will not apply to those organizations granted an exemption under this paragraph before the date of enactment of this sentence."

SEC. 203. (a) Subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the American Institute of Architects Foundation, Incorporated, a nonprofit corporation organized and existing under the laws of the State of New York, shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improvements thereon known as the Octagon House) which is described as lot 36 in square 170.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as (1) that property is owned by the Foundation referred to in subsection (a) and is used in carrying on its purposes and activities and is not used for any commercial purposes; and (2) the Octagon House is (A) maintained by that Foundation as a historical building to be preserved for its architectural and historical significance, and (B) accessible to the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may, from time to time, be prescribed by that Foundation. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47-801b), shall apply with respect to the property made exempt from taxation by this section, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47-801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47-801e).

(c) This section shall apply with respect to taxable years beginning after June 30, 1969.

SEC. 204. Section 3(a)(7) of title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1557b(a)(7)) is amended by adding at the end thereof the following new sentence: "In the case of property held by any taxpayer on the first day of his first taxable year beginning after December 31, 1968, which, on such first day, was properly described in this paragraph, any reduction in the basis of such property for purposes of computing the allowance under this paragraph which resulted from the enactment of the District of Columbia Revenue Act of 1969 shall be treated as an additional depreciation deduction which shall (subject to paragraph (14)) be allowable under this paragraph ratably over such period (beginning not earlier than the first taxable year of the taxpayer which begins after December 31, 1968), not to exceed 10 taxable years, as may be agreed upon by the taxpayer and the Commissioner."

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

SEC. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970".

SEC. 302. It is the purpose of this title to to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

SEC. 303. (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") in amounts the Secretary determines to be the minimum amounts necessary to carry out the purposes of this title. The total amount of grants under this section for any fiscal year shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of $3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

(b) For the purposes of this section and section 307, in determining eligibility for, and the amount of, grants with respect to private nonprofit medical and dental schools, consideration shall be given to any grants made to such schools pursuant to the portion of the program under section 772 of the Public Health Service Act (42 U.S.C. 295f-2) relating to financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation.

(c) There are authorized to be appropriated $6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

SEC. 304. The Secretary may from time to time set dates by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such information as the Secretary may require to make the determina-

XUM

tions required of him under this title and such assurance as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner and the applicant schools as the Secretary may from time to time require in carrying out his functions under this title.

SEC. 305. For the purposes of section 303 and section 307, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

SEC. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 307. From funds received under section 303, the Commissioner shall make payments (in amounts determined by the Secretary under such section 303) to private nonprofit schools of medicine and dentistry in the District of Columbia. The total of the payments under this section in any fiscal year to a medical school shall not exceed the product of $5,000 times the number of full-time students enrolled in such school, and the total of payments to a dental school shall not exceed the product of $3,000 times the number of full-time students enrolled in such school.

SEC. 308. The Commissioner may from time to time set dates by which applications for payments by the Commissioner under section 307 for any fiscal year must be filed. A payment under section 307 by the Commissioner may be made only if the application therefor—

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title; and

(2) contains such information as the Commissioner and the Secretary may require to make determinations required under this title and such assurances as they may find necessary to carry out the purpose of this title.

SEC. 309. Payments under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 310. For purposes of this title:

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

(3) The term "nonprofit" as applied to a school of medicine or a school of dentistry means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE IV—FUNDS FOR HIGHER EDUCATION

SEC. 401. (a) Section 107 of the District of Columbia Public Education Act (D.C. Code, sec. 31-1607) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5);

(3) by adding after paragraph (5) the following new paragraph:

"(6) section 108(b) of this Act,"; and

(4) by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(b) Section 109(a)(1) of such Act (D.C. Code, sec. 31-1609(a)(1)) is amended by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(c) Section 110 of such Act (D.C. Code, sec. 31-1610) is redesignated as section 111 and the following new section is inserted immediately after section 109:

"SEC. 110. Grants to the District of Columbia under the Acts referred to in section 107 and under section 109(b) and the earnings of sums appropriated under section 108(b) shall be shared equally between the Federal City College and the Washington Technical Institute."

(d) The amendments made by this section shall take effect on July 1, 1971, and shall be applicable to any earnings, on or after that date, of sums heretofore appropriated to the District of Columbia pursuant to section 108(b) of the District of Columbia Public Education Act.

SEC. 402. Any institution of higher education located in the District of Columbia and described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (other than District of Columbia Teachers' College, Federal City College, Gallaudet College, and Howard University) may borrow money at such rates of interest as the institution may determine, without regard to the restrictions of any usury law, and shall not plead any statutes against usury in any action.

TITLE V—TRANSFER OF LORTON

SEC. 501. (a) The facilities operated by the District of Columbia Department of Corrections in the State of Virginia commonly known as the Lorton Reservation and consisting of the Correctional Complex, the Minimum Security Facility, the Youth Corrections Center, and related facilities, all functions, powers, duties, and records of the Commissioner of the District of Columbia and the District of Columbia Council with respect thereto, and the care, custody, discipline, instruction, and rehabilitation of persons committed to or residing therein are transferred to the Attorney General of the United States.

(b)(1) The positions and personnel of the District of Columbia Department of Corrections (other than medical positions and personnel) who the Director of the Office of Management and Budget determines were employed in connection with any function, power, or duty transferred by this section are transferred to the Attorney General. All personnel transferred by this subsection shall continue to have the employment rights and privileges which they had on the day prior to the effective date of this title.

(2) The medical positions and personnel of the District of Columbia Department of Corrections who the Director of the Office of Management and Budget determines were employed in connection with any function, power, or duty transferred by this section are transferred to the Secretary of Health, Education, and Welfare, together with such records as the Director of the Office of Management and Budget determines relate to their functions. Such medical personnel shall continue to have the employment rights and privileges which they had on the day prior to the effective date of this title.

(c) So much of the property, unexpended balances of appropriations, allocations, and other funds of the District of Columbia Department of Corrections as the Director of the Office of Management and Budget determines are used, held, available, or to be made available in connection with the functions transferred by this section are hereby transferred to the Attorney General or the Secretary of Health, Education, and Welfare, as appropriate.

(d) No contract for services or supplies made pursuant to authority granted by law by the District of Columbia Department of Corrections with respect to the Lorton Reservation shall be invalidated by the enactment of this title.

SEC. 502. (a) All rules and regulations promulgated by the District of Columbia Department of Corrections with respect to the Lorton Reservation shall continue in force and effect until amended or repealed by the Attorney General.

(b) A person who is an inmate of the Lorton Reservation on the day prior to the effective date of this title shall be subject to the provisions of law and the regulations governing good time allowances which were in effect with respect to him on the day prior to the effective date of this title.

(c) A person who, on the day prior to the effective date of this title, has work release privileges pursuant to the District of Columbia Work Release Act, approved November 10, 1966 (D.C. Code, secs. 24-461 to 24-470), shall remain subject to the provisions of that Act until his release from custody.

SEC. 503. (a) On the effective date of this title, there shall be transferred to the Federal Prison Industries Fund such portion of the District of Columbia correctional industries fund as the Director of the Office of Management and Budget determines is reasonably attributable to the occupational programs of the Lorton Reservation.

(b) On the effective date of this title, funds previously paid into the work release trust fund by persons who are inmates of the Lorton Reservation on that date and who have been granted work release privileges prior to that date, shall be transferred to the custody of the Attorney General. Collections made after the effective date of this Act with respect to persons who have work release privileges on the effective date of this title shall be made by the Attorney General and disbursed in accordance with the individual work release plan developed under section 7 of the District of Columbia Work Release Act, approved November 10, 1966 (D.C. Code, sec. 24-466).

(c) All other funds belonging to or held for the benefit of employees of the Lorton Reservation or inmates therein shall be transferred to the custody of the Attorney General.

SEC. 504. (a) Section 937 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (D.C. Code, sec. 24-405), is amended—

(1) by striking out "the jail or in the workhouse of the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections", and

(2) by striking out "superintendent of the Washington Asylum and Jail for those confined in the jail, and upon the certificate of the superintendent of the workhouse for those confined in the workhouse," and inserting in lieu thereof "superintendent of the particular facility in which they are confined".

(b) The Act entitled "An Act to require that all inmates of the workhouse and reformatory for the District of Columbia shall be returned to and released in said District," approved June 10, 1910 (D.C. Code, sec. 24-406), is amended by striking out "the workhouse and reformatory for the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections".

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(c) (1) The last paragraph of so much of the first section of the Act of June 5, 1920, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–418) is amended by striking out "the workhouse and the reformatory" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections".

(2) The third paragraph of so much of the first section of the Act of February 28, 1923, as appears under the heading "CHARITIES and CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–418) is amended by striking out "at the reformatory" and inserting in lieu thereof "at facilities operated by the District of Columbia Department of Corrections".

(d) The Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes," approved March 16, 1926, is amended in section 6 (D.C. Code, sec. 3–106) by striking out "(b) the reformatory at Lorton in the State of Virginia;" and redesignating clauses (c) through (k) as clauses (b) through (j), respectively.

(e) Section 2 of the Act entitled "An Act to create a Department of Corrections in the District of Columbia," approved June 27, 1946 (D.C. Code, sec. 24–442), is amended by striking out "the Reformatory at Lorton in the State of Virginia,".

(f) Section 304 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (D.C. Code, sec. 4–134c), is amended—

(1) by amending subsection (a) to read as follows:

"(a) Whenever the United States Board of Parole has authorized the release of a prisoner convicted in the District of Columbia, it shall notify the Chief of Police of that fact as far in advance of the prisoner's release as possible.", and

(2) by adding after subsection (b) a new subsection as follows:

"(c) Except in cases covered by subsection (a) of this section, the Attorney General shall give notice to the Chief of Police as far in advance as possible, whenever a prisoner who has been convicted in the District of Columbia and is under sentence of six months or more is to be released from an institution under the management and regulation of the Attorney General."

(g) The Act of June 1, 1957 (D.C. Code, sec. 24–418a) is amended—

(1) by striking out "District of Columbia Reformatory located at Lorton, Virginia, at fair market prices determined by the Commissioners of the District of Columbia," and inserting in lieu thereof "facilities under the management and regulations of the Attorney General at Lorton, Virginia, at fair market prices determined by the Attorney General,", and

(2) by striking out the last sentence thereof.

(h) The first, second, and third provisos of so much of the first section of the Act of March 2, 1911, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "WORKHOUSE" (D.C. Code, sec. 24–403), are repealed.

(i) So much of the first section of the Act of September 1, 1916, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24–402), is repealed.

(j) So much of the first section of the Act of March 3, 1915, as appears under the heading "JUDICIAL" and the subheading "UNITED STATES COURTS" and relates to reimbursement of District of Columbia convicts (D.C. Code, sec. 24–424), is amended to read as follows:

"The cost of the care and custody of persons convicted of violations of laws applicable exclusively to the District of Columbia and committed to Federal penal or correctional institutions shall be charged against the District of Columbia in quarterly accounts to be rendered by the Attorney General of the United States. The amount to be charged against the District of Columbia shall be ascertained by multiplying the average daily number of such persons in the particular institution during the quarter by the per capita cost for all prisoners in the same institution for the same quarter, but excluding expenses of construction or extraordinary repair of buildings."

Sec. 505. Prosecution for violations of laws applicable exclusively to the District of Columbia which relate to violations of law in or affecting penal or correctional institutions of the District of Columbia (including the Lorton Reservation) committed prior to the effective date of this title shall not be affected by this title or abated by reason thereof and the penalties applicable to such violations shall apply to any person convicted of such a violation occurring before the effective date of this title.

Sec. 506. (a) All functions, powers, and duties exercised by the District of Columbia Board of Parole on the day prior to the effective date of this title are hereby transferred to the United States Board of Parole.

(b) There are hereby transferred to the United States Board of Parole all of the property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available, of the District of Columbia Board of Parole.

(c) The positions, members, and personnel of the District of Columbia Board of Parole are transferred to the United States Board of Parole and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of the United States Board of Parole without break in service. The former members of the District of Columbia Board of Parole and all other personnel transferred by this subsection may be assigned to such duties as the Attorney General deems appropriate, but without diminution of compensation or employment rights previously acquired.

(d) (1) The positions and personnel of the District of Columbia Department of Corrections who the Director of the Office of Management and Budget determines were employed in connection with the counseling or supervision of persons paroled or mandatorily released from the Lorton Reservation or the Women's Detention Center of the District of Columbia are transferred to the United States Board of Parole and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of the United States Board of Parole without break in service. Personnel transferred by this subsection may be assigned to such duties as the Attorney General deems appropriate, but without diminution of compensation or employment rights previously acquired.

(2) Nothing in this subsection shall affect the employment by the District of Columbia Department of Corrections of personnel assigned to or employed in connection with halfway houses or similar community-based facilities of the Department of Corrections.

Sec. 507. (a) Persons convicted and sentenced in the District of Columbia prior to the effective date of this title shall be considered for parole and paroled in accordance with the applicable laws in effect in the District of Columbia on the day sentence was imposed upon them.

(b) Persons on parole in the District of Columbia on the day prior to the effective date of this title shall remain subject to all of the terms and conditions imposed upon them prior to the effective date of this title and their parole shall be subject to termination or modification in accordance with the law in effect in the District of Columbia on the day prior to the effective day of this title.

(c) Nothing in this title shall affect the validity of warrants issued by the District of Columbia Board of Parole or any member thereof prior to the effective date of this title.

Sec. 508. The District of Columbia Department of Corrections and all other agencies and officials of the District shall cooperate with the United States Board of Parole and shall furnish the Board with such information, files, and records as it may deem necessary in the performance of its duties.

Sec. 509. (a) The Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes," approved July 15, 1932, is amended as follows:

(1) Section 5 of such Act (D.C. Code, sec. 24–205) is amended to read as follows:

"Sec. 5. Any officer of a facility of the District of Columbia Department of Corrections or any officer of the Metropolitan Police Department to whom a warrant of the United States Board of Parole for the retaking of a parole violator is delivered, shall execute the warrant by taking such prisoner and returning him to the custody of the Attorney General."

(2) Sections 4, 6, 7, 9, and 10 of such Act (D.C. Code, sections 24–204, 24–206 to 24–209) are repealed.

(b) The Act entitled "An Act to reorganize the system of parole of prisoners convicted in the District of Columbia", approved July 17, 1947 (D.C. Code, sections 24–201a to 24–201c), is repealed.

(c) Title 18, United States Code, is amended as follows:

(1) Section 4202 of such title is amended by inserting "or District of Columbia" immediately after "A Federal".

(2) Section 4205 of such title is amended by inserting "or District of Columbia" immediately after "any United States".

(3) Section 5025 of such title is amended—

(A) by amending subsection (b) to read as follows:

"(b) The Director of the Bureau of Prisons may contract with the District of Columbia for the treatment, rehabilitation, or supervision of youth offenders committed to the custody of the Attorney General by courts in the District of Columbia. With respect to youth offenders convicted in the District of Columbia of violations of laws of the United States not applicable exclusively to the District of Columbia, the cost shall be paid from the 'Appropriation for Support of United States Prisoners.' "; and

(B) by repealing subsection (c).

(4) Section 5026 of such title is amended by striking out ", or of the Board of Parole of the District of Columbia,", and "respectively,".

Sec. 510. Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in this title shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

Sec. 511. This title and the amendments made by this title shall be effective the first day of the sixth month following the date of enactment of this Act.

TITLE VI—MISCELLANEOUS

Sec. 601. Section 2 of the Act entitled "An Act to declare the Old Georgetown Market a historic landmark and to require its preservation in continued use as a public market, and for other purposes", approved September 21, 1966 (D.C. Code, sec. 5–807), is amended by striking out ", but not to exceed in the aggregate $150,000".

Sec. 602. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–404) is amended (1) by striking out "or" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "or", and (3) by adding after paragraph (5) the following new paragraph:

"(6) any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act."

(b) The amendments made by subsection (a) of this section shall take effect as of February 1, 1967.

SEC. 603. (a) Section 6 of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–406) is amended as follows:

(1) The first sentence of subsection (a) of such section is amended (1) by striking out "wage order" the first time it appears and inserting in lieu thereof "wage rate within a wage order", and (2) by striking out "the wage rates" and inserting in lieu thereof "such wage rate".

(2) The first sentence of subsection (b) of such section is amended (A) by inserting "and" immediately after "occupation," the second time it occurs, and (B) by striking out ", and one or more representatives of the agency designated by the Commissioners to administer this Act".

(3) The first sentence of subsection (e) of such section is amended by inserting before the period at the end thereof the following: "and shall not exceed by more than 10 per centum the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938 on the date of such recommendation".

(4) Clause (3) of the second sentence (e) of such section is amended by striking out "District of Columbia" and inserting in lieu thereof "Washington Metropolitan region (as defined in section 6 of the Washington Metropolitan Region Development Act)".

(b) The first sentence of section 7(a) of such Act (D.C. Code, sec. 36–407) is amended by inserting immediately before the period at the end thereof the following: "except that no proposed revised wage order may be prepared which requires (1) a minimum wage rate in excess of the minimum wage rate recommended in such report or (2) if the proposed revised wage order is prepared without the recommendations of an ad hoc advisory committee, a minimum wage rate which exceeds by more than 10 per centum the highest minimum wage rate in effect under the Fair Labor Standards Act of 1938 on the date of the issuance of the proposed revised wage order."

(c) The amendments made by this section to the District of Columbia Minimum Wage Act shall not apply to the revision of any wage order in effect under that Act on the date of enactment of this section if such wage order requires the payment, on and after such date, of a minimum wage rate in excess of the ceiling prescribed by the amendments made to sections 6(e) and 7(a) of such Act. In the case of any wage order in effect under such Act on such date which requires the payment, after such date, of a minimum wage rate in excess of such ceiling, the Commissioner of the District of Columbia shall, without regard to the procedures prescribed by such Act, revise the minimum wage rates under such wage order to conform to such ceiling.

SEC. 604. (a) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Interior, the Chief of Engineers of the Corps of Engineers of the United States Army, and the Commissioner of the District of Columbia, shall conduct a special study of and make recommendations with respect to—

(1) the water pollution problems of the part of the Potomac River that is located within the Washington metropolitan area,

(2) the water resources of the Potomac River for such area,

(3) the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area, and

(4) the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources, and to provide such services at reasonable costs.

The study shall contain specific recommendations as to the extent and amount of funding that would be necessary to establish and maintain such an area or regional entity, recommendations as to any functions now performed by Federal and District of Columbia entities which should be transferred to such an area or regional entity, and recommendations as to provisions for protection of employees of entities that would be affected by such transfers.

(b) The Administrator of the Environmental Protection Agency shall report to the Congress the results of the study under subsection (a), together with his recommendations, on or before March 31, 1971.

SEC. 605. (a) Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to enter into lease agreements with any person, copartnership, corporation, or other entity, which do not bind the government of the District of Columbia for periods in excess of twenty years for each such lease agreement, on such terms and conditions, including, without limitation, lease-purchase, as he deems to be in the interest of the District of Columbia and necessary for the accommodation of District of Columbia agencies and activities in buildings or other improvements which are in existence or are to be constructed by the lessor for such purposes, or on unimproved real property.

(b) No lease agreement entered into under subsection (a) shall provide for the payment of rental in excess of the limitations prescribed by section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 278a), except that the provisions of this subsection shall not apply to leases made prior to the date of the enactment of the District of Columbia Revenue Act of 1970 except when renewals thereof are made after such date.

(c)(1) Section 6 of the District of Columbia Appropriation Act, 1945 (D.C. Code, sec. 1–243) is repealed.

(2) Section 12 of the District of Columbia Appropriation Act, 1959 (D.C. Code, sec. 1–243a) is repealed.

TITLE VII—SALE OF DAIRY PRODUCTS IN DISTRICT OF COLUMBIA

SEC. 701. (a) The Act entitled "An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes", approved February 27, 1925 (D.C. Code, secs. 33–301—33–319), is amended to read as follows:

"SECTION 1. None but pure, clean, and wholesome milk, cream, milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government, shall be produced in, or be shipped into, the District of Columbia.

"SEC. 2. As used in this Act—

"(1) The term 'person' includes firms, associations, partnerships, and corporations in addition to individuals.

"(2) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agents.

"(3) The term 'District' means the District of Columbia.

"SEC. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of such permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on or before the 1st day of January of each calendar year thereafter. Application for such permit shall be in writing upon a form prescribed by the Commissioner.

"SEC. 4. The Commissioner is authorized to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of milk, cream, milk product, or frozen dessert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of such permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

"SEC. 5. Nothing in this Act shall be construed to prohibit (1) the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare, or (2) the shipment into the District of milk or cream for manufacture into frozen desserts and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

"SEC. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a consumer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

"SEC. 7. The Commission is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

"SEC. 8. The District of Columbia Council is hereby authorized to make from time to time all such reasonable regulations or standards consistent with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations or standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

"SEC. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

"SEC. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than $300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(b) The amendment made by subsection (a) of this section shall take effect on July 1, 1971.

TITLE VIII—INTERSTATE ROUTES AND THE FEDERAL PAYMENT

SEC. 801. No funds are authorized to be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2501a—47-2501b) unless the Commissioner of the District of Columbia has certified to Congress immediately prior to each request to Congress for an appropriation of funds under such article that the District of Columbia government has begun work on each of the highway projects on the Interstate System within the District of Columbia in accordance with the requirements of section 23 of the Federal-Aid Highway Act of 1968 and any Act of Congress enacted after that Act and has committed itself to construct and complete those projects, or, in the case of any such highway project on which the District of Columbia government has not begun work or with respect to which it has not made or carried out such commitment, the failure to begin such work or make or carry out such commitment is solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

TITLE IX—GENERAL PROVISIONS

SEC. 901. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 902. Except as provided in title V, nothing in this Act, or any amendments made by this Act, shall be construed so as to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or Council, as the case may be, in accordance with the provisions of such plan.

SEC. 903. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. FUQUA TO THE COMMITTEE AMENDMENT

Mr. FUQUA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA to the committee amendment: Page 43, after line 10 insert the following:

"SEC. 105. Section 101 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43-1520c) is amended (1) by striking out the second sentence of subsection (a); (2) by striking out '(a)' in subsection (a); and (3) by striking out subsection (b)."

Mr. FUQUA. Mr. Chairman, the amendment which is now pending before the House is derived from a recommendation made to the Congress by the District of Columbia government. The amendment relates to revenues since, under its provisions, the District of Columbia government will be given discretionary authority to set rates for water service and for sewer service. Any increase above existing rates put into effect under the amendment would increase the funds available to the District of Columbia for the maintenance and operation of the water and sewer systems in the District of Columbia.

In transmitting the suggested amendments, the District of Columbia government represented that the present authority in the Council, to raise water rates and sewer service rates to the extent of 75 percent of any increase in the water rates, has been exhausted since the rates have reached the maximum set in law.

The pending amendment repeals present authority to the District government to increase the water and sewer service rates by the Council and writes new provisions permitting the increase of such rates by not in excess of 25 percent of the rate effective at as of any date prior to an increase.

The amendment does not change the authority of the Council to increase the sewer service rates to a level not in excess of 75 percent of the service charge rate for water. Thus the long-standing ratio between the rates for water service and for sewer service remains the same.

As represented to the committee by the District of Columbia government, such amendments are highly desirable in view of the increased costs of service and maintenance on the existing systems coupled with new construction which will be scheduled in years immediately ahead.

Under existing District water service rates, the minimum charge is $8.55 for 6 months for 3,600 cubic feet of water. Water use above that quantity is charged at the rate of 15 cents per hundred. The authority to adjust service rates is now a legislative function now under the jurisdiction of the District of Columbia Council under the terms of the Reorganization Act. It is understood, and the intent was so expressed by the District of Columbia government, that no increase in service rates for water or sewer will be made unless essential to a balancing of revenues with the operating and maintenance service costs.

District of Columbia revenues from water and sewer service charges were approximately $14.4 million for the past fiscal year. If the present rates were increased by 15 percent under the terms of the amendment, the increase would yield about $2.25 million for a total of $16.650 million.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I thought that someone on the committee in favor of this bill would surely find it necessary to answer the very serious charges made by the distinguished gentleman from Mississippi (Mr. ABERNETHY) in his criticism of this bill, but evidently it is taken for granted that the House, as usual, will be a complete pushover for what is here proposed.

Yes, I am surprised that no one made the slightest attempt to answer the gentleman from Mississippi.

I wonder if the best solution to this problem would not be to turn the District of Columbia back to the State of Maryland, let them have it, lock, stock, and barrel? I do not know whether Maryland would want it but I think it ought to be offered. I understand that the State of Virginia recaptured the land that once formed a part of the District of Columbia. Evidently the Virginians did not want the liabilities.

I am intrigued by the fact that nowhere in the report—and it is a voluminous report since it deals with a Christmas Tree piece of legislation—is there anything from the Bureau of the Budget, or any other Agency or Department of the Government. Why are there no reports concerning the expenditures proposed in this bill? Is the administration opposed or does it support these handouts of many millions of dollars to the District of Columbia and certain private institutions in the District?

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to my friend, the gentleman from Mississippi.

Mr. ABERNETHY. The executive office of the President sent a report to the committee opposing title III of the bill. That was when title III was in the former bill, and that is the provision that makes the grants to the various private universities in the area. A statement was also presented by Mr. Robert Kneipp, the Assistant Corporation Counsel for the District of Columbia, opposed to the bill. The mayor sent a statement under date of September 8 opposed to the bill.

Mr. GROSS. But none of that is contained in the report, is it?

Mr. ABERNETHY. I do not know.

Mr. FUQUA. Mr. Chairman, will the gentleman yield at this point?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. FUQUA. I think the letters that the gentleman from Mississippi is referring to were sent prior to the time this was incorporated into the bill, and substantially changed from the way it was originally introduced.

Mr. ABERNETHY. But the fact remains, and it has not been represented here, Mr. Chairman, that the administration has not given its endorsement to this bill, and neither has the District of Columbia government, they both stand opposed to it.

Mr. GROSS. The only thing I can find is a letter from the District of Columbia government.

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Mr. ABERNETHY. These letters were not represented in the committee report.

Mr. GROSS. And the District government is a party at interest in this legislation. They want every dime they can get out of the taxpayers of the rest of the country.

The gentleman from Virginia (Mr. BROYHILL) says:

> We all ought to be concerned, and deeply concerned, about the needs of the District of Columbia.

Well, what about the taxpayers of the rest of the country? They are coughing up millions and millions of dollars every year for the purpose of support of the District of Columbia. The Representatives in this House from the various States ought to have some concern for their taxpayers, as the gentleman from Mississippi so well said.

Now, with respect to the subsidizing of the private universities in the District of Columbia. How much money have these schools gotten heretofore, as a matter of grants, and other subsidies of one kind and another? How much? Is there anyone on the committee able to tell us? Could it be somewhere in the neighborhood of $27 million to Georgetown University? Could it be somewhere in the neighborhood of $12 million or $14 million to George Washington University?

No one supporting this bill seems to have any appetite for providing facts, especially with respect to spending and who gets the money.

As the gentleman from Mississippi so well said awhile ago, you are in this legislation if you vote for it, doing for the District of Columbia that which is not being done for the institutions in your own States. This is another sad commentary on the legislative process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA), to the committee amendment.

The amendment to the committee amendment was agreed to.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. FUQUA to the committee amendment: Page 54, strike out line 1 and all that follows down through and including line 25 on page 65; and on page 74 strike out line 21 and all that follows down through and including line 17 on page 75.
>
> Page 75, line 24, strike out "Except as provided in title V, nothing" and insert in lieu thereof "Nothing".
>
> Redesignate titles VI, VII, and IX as titles V, VI, and VII respectively; redesignate sections 601, 602, 603, 604, and 605 as sections 501, 502, 503, 504, and 505, respectively; redesignate section 701 as section 601; and redesignate sections 901, 902, and 903 as sections 701, 702, and 703, respectively.

Mr. FUQUA. Mr. Chairman, this is the amendment that deals with title V, relating to the transfer of Lorton Reformatory and also to title VIII, relating to the restriction on funds until certain highways are completed.

We have discussed these amendments previously, and I urge the adoption of the amendments.

Mr. SCOTT. Mr. Chairman, I rise in opposition to the amendment.

The Lorton correctional institutions, misnamed a reformatory, is in my district.

If this House is in favor of continuing permission, it should vote in favor of the amendment. If we believe in law and order and if we believe in the rehabilitation of prisoners, we should defeat the amendment and have the entire prison complex at Lorton transferred to the U.S. Bureau of Prisons.

You know, there is a group of hard-core radicals at Lorton who work together and protest when the correctional officers attempt to enforce the regulations at Lorton. They seem to be able to obtain the ear of some of the most liberal groups here in the District of Columbia, who intercede for them with the Commissioner's Office. In this manner, they are able, to a large extent, to run the Lorton penal institutions. Correctional officers are critized for attempting to maintain discipline.

I object to this amendment. In my opinion, it is against the interests of the inmates at Lorton. It is against the interests of the good people here in the District of Columbia. Certainly it is against the interests of the people of northern Virginia.

Many constituents have contacted me either in person or in writing and have asked that something be done about Lorton. The inmates have rioted, burned, and looted at Lorton. A House subcommittee that looked into the trouble recommended that these penal institutions be transferred to the Department of Justice.

I believe it should be done, and I believe the original bill, as proposed by the subcommittee, is a good bill. I believe it should be enacted without this amendment. Therefore, I urge the defeat of the amendment.

Mr. NELSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I support the amendment offered by the gentleman from Florida (Mr. FUQUA). It is my feeling that we have been up the hill and down the hill on the Lorton issue.

I point out that we now have enacted the crime bill. We have reorganized the local judicial system with the hope that we can move in the direction of a better system here in the District. To fragment the penal institutions of the District would seemingly be a mistake in view of the fact that this total reorganization package is in the making. Whether it works or whether it does not work time will tell. Let us give it time to work before the fragmentation begins.

May I go further relative to the freeze on the Federal payment that was included in the bill as reported from committee. I thought that this was a mistake. I think it has been resolved in a proper manner. Nonetheless, it has had its effect because it has prodded people to accept the idea that they must get together and proceed with a balanced transportation system. I hope the amendment will prevail.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. SCOTT. I appreciate the gentleman yielding. What has changed since the House passed the measure transferring the Lorton correctional institution?

Mr. NELSEN. I referred to the highway thing when I said it has had its effect. I say relative to the crime bill that we should give court reorganization time to begin to operate before fragmenting it. We just passed the crime bill only a few months ago, and I do hope that this amendment dropping title V will prevail.

Mr. SCOTT. Mr. Chairman, will the gentleman yield further?

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, it is my understanding that this bill is substantially, so far as the Lorton correctional institution is concerned, the same measure this House passed overwhelmingly, and which was deleted in conference with the other body. Is that correct?

Mr. NELSEN. That is correct.

Mr. SCOTT. My question is this: What has changed since the House did overwhelmingly pass this portion of the bill with regard to the Lorton correctional institution that would cause the House at this time to reverse itself?

Mr. NELSEN. The court reorganization bill has become law and that law with its attendant changes in the judiciary, will have its effect on the penal institutions hopefully so as to make them work better. My plea is to give it a chance to work.

Mr. SCOTT. But it does not relate specifically to the Lorton correctional institution.

Mr. NELSEN. It relates to law enforcement in the District of Columbia, and certainly no one could argue that the Lorton Reformatory is not part of the Court Reform Act.

Mr. SCOTT. Do you mean to say——

Mr. NELSEN. I have no further desire to debate the issue. I have stated my case. You have stated yours. I think the House will now work its will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA) to the committee amendment.

The question was taken; and on a division (demanded by Mr. SCOTT) there were—ayes 25, noes 17.

Mr. SCOTT. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the committee amendment was agreed to.

AMENDMENTS TO THE COMMITTEE AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Chairman, I offer amendments to the committee amendment.

The Clerk read as follows:

> Amendments offered by Mr. ADAMS to the committee amendment:
>
> Page 66, strike out line 8 and all that follows thereafter down through and including line 19 on page 68.

Redesignate sections 604 and 605 as sections 602 and 603, respectively.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. Mr. Chairman, I shall not take the entire 5 minutes. These are the amendments relating to the minimum wage which are referred to in the minority views on page 120 of the committee report.

Included within the bill is a provision that states overtime wages shall not be paid to truckdrivers and those who are involved in the trucking industry as helpers and as auxiliary people to the truckdrivers and the helpers. This means that those people would receive within the District of Columbia only straight-time wages.

We believe the District of Columbia should have available, as the other States do, the right to control within their area the minimum wage provisions such as is done in the States.

The second part of this amendment deals with the minimum wage provisions in the District of Columbia. The Fair Labor Standards Act provides that individual States and the District of Columbia may establish minimum wages within their area so long as these minimum wages are as high as or higher than the Federal minimum wage which is $1.60 an hour. I do not know why the committee inserted within the bill a provision which provided that the District of Columbia cannot set a minimum wage that varies more than 10 percent from the Federal minimum wage of $1.60. This would mean a man in the District of Columbia working full time at the minimum wage could not receive a gross salary of more than $3,660.80; that is, if he is working 40 hours a week and 52 weeks a year. He cannot support a family of four on that in the District of Columbia. In fact, that is about one-half of it.

I think one of the grave problems in America today is to determine how we will be able to have our people work so that we do not increase our welfare rolls, and at the same time if they are working in the so-called working poor so they will be able to earn enough money to support their families. Therefore, each city and each State should have flexibility to set minimum wages so that the working poor are able to support themselves and are not required to leave a job to go on welfare.

This is part of that total concept in my opinion. I, therefore, ask that the committee vote for this amendment which would simply strike these two provisions of the bill and would leave the minimum wage in control of the District of Columbia Minimum Wage Board, as it presently is. I do not believe this should be a part of this bill. I am opposed to it both in principle and in the theory in putting it in the bill. I hope the committee will vote against it.

The District of Columbia government, the A.F. of L. nationally, and the local labor council all support this amendment and have requested that this provision not be in the bill.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in opposition of the amendment.

Mr. Chairman, the first portion of the bill the gentleman's amendment seeks to strike out was placed in the bill to correct a misinterpretation of the act of 1966 on the part of the District Commissioner. When we passed that Minimum Wage Act of 1966, we did not intend to include people engaged in interstate commerce who are now subject to regulation by the Department of Transportation. This group has been excluded from the Federal Fair Labor Standards Act since 1938. In fact, they were exempt under the law as far back as 1935. When we passed this legislation in 1966, there was no mention in the hearing or on the floor that it would include people who are excluded from the Fair Labor Standards Act.

This interpretation can lead only to injury and violence to the economy of the District of Columbia, because all these motor carrier operators are going to be able to do in self defense is just to move across the District line and into the suburbs where these employees will be exempted by Federal law from these unfair overtime provisions.

We are not talking really about increasing a minimum wage in this connection, because all the people working in this industry now receive a great deal more than the existing minimum wage. The point here is that these employees are exempted under the Fair Labor Standards Act from an overtime provision such as is included in the District of Columbia Minimum Wage Act, which imposes an immediate 40-hour week.

If these carriers are required to pay overtime in excess of a 40-hour week, it will merely result in the lowering of the wages of these employees because such companies simply cannot adhere to a regular 40-hour workweek for all employees.

Insofar as the other section is concerned, on the minimum wage provision, the bill provides that the District Commissioner can set minimum wages in the District of Columbia up to 10 percent above any minimum wage order which is provided under the Fair Labor Standards Act. That provides a pretty good leeway, particularly when the State of Virginia has no minimum wage act and the State of Maryland imposes a minimum wage of $1.45 per hour. The District Commissioner has a rather broad authority at this time really by accident in the 1966 act. No other agency, and no other jurisdiction has authority to go beyond the Fair Labor Standards Act in setting minimum wages.

What we hope to do here is to bring some stability to the minimum wage law in the District of Columbia. The Congress sets its limitations now in the Fair Labor Standards Act. We review these from time to time. We set those rates after lengthy hearings, and lengthy consideration of the economic effects on the Nation.

As a result of this provision inserted in the law in 1966, the standards have not been raised in the District of Columbia. We have increased the minimum wages five times in a 3-year period. It has not raised the working standards, but it has caused a serious reduction of jobs in the District of Columbia. Retail establishments are flocking to the suburbs. Industry is flocking to the suburbs where more favorable wage conditions prevail.

We can help the economy of the District of Columbia by keeping these provisions in the bill, so far as the Fair Labor Standards Act is concerned. I hope the amendment will be defeated.

Mr. FUQUA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope to be brief. The subcommittee held hearings on several occasions on these matters.

It was felt that in the provisions regarding the motor vehicle carriers Congress expressed itself when, in establishing the ICC, it realized the necessity of having uniformity throughout this country and exempted these types of people and covered them under regulations of the ICC.

When Congress enacted the District of Columbia bill relating to this it was not clear whether these people were included or not, and this Board has seen fit to include these employees under this provision. It puts the motor vehicle carriers in the District of Columbia at a rather distinct disadvantage when they go outside the District.

The other item relates to the minimum wage requirements in the District of Columbia. In all the years I have been a member of this committee, when it came to consideration of salaries for schoolteachers, for policemen and firemen, and when it came to consideration of the amount of the gasoline tax, the income tax and other types of revenue-producing items, this committee has always considered what was the prevailing rate in the surrounding jurisdictions. As was mentioned several times previously, the District of Columbia is not an economic entity, but is related to the surrounding areas and is very much affected by what happens in other areas as well as what happens in the District of Columbia.

We have seen the retail sales in the District of Columbia and the number of employees decrease in the past few years. This is very important.

The District of Columbia Minimum Wage Board, while it was intended by the Congress at the time to be somewhat of a place where grievances could be brought in and ironed out, was not intended to exceed the minimum set by this Congress in the Fair Labor Standards Act.

I am hopeful that this will give some clarification and that we can try to keep the District of Columbia a viable, economic part of the Washington metropolitan area.

I urge the amendment be rejected.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I take this time to ask the chairman of the subcommittee, who brought this bill to the floor today, if there is any word, any language whatsoever in this bill, which provides for the unloading of that stadium—that creating, cracking District of

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Columbia stadium—on the taxpayers of the country?

Mr. FUQUA. Mr. Chairman, I might inform my good friend from Iowa that there is nothing in this bill or in the report relating to the stadium or any sports facility in the District of Columbia other than the fact that in the revenue portion there is a provision to pay about $350,000 a year that is necessary for the District to pick up its portion of the deficit of the interest on the bonds for the stadium.

Mr. GROSS. Why is it necessary for the taxpayers of the country to pick up the interest payments on that white elephant?

Mr. FUQUA. I appreciate the gentleman's remarks, and I hope he will support another bill I have to take care of that situation.

Mr. GROSS. You cannot get that bill here fast enough. That is the bill we ought to have here today rather than at some time in the dim, distant future.

Mr. FUQUA. If it would be germane and if the gentleman would agree with it, I would offer it as an amendment to this bill and make it a real Christmas tree.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Washington (Mr. ADAMS) to the committee amendment.

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 12, noes 36.

So the amendments to the committee amendment were rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. FUQUA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. FUQUA. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GUDE

Mr. GUDE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GUDE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. GUDE moves to recommit the bill H.R. 19885 to the Committee on the District of Columbia.

Mr. FUQUA. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 273, nays 58, not voting 102, as follows:

[Roll No. 409]

YEAS—273

Abbitt
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashley
Barrett
Beall, Md.
Bell, Calif.
Bennett
Betts
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Bray
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carney
Carter
Casey
Cederberg
Chamberlain
Clark
Clawson, Del
Cleveland
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Diggs
Dingell
Dorn
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fallon
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Gaydos
Goldwater
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hall
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
Kleppe
Kluczynski
Koch
Kyros
Latta
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Morgan
Morse
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Obey
Olsen
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Ruppe
Ruth
Ryan
Scheuer
Schneebeli
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Staggers
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—58

Abernethy
Andrews, Ala.
Ashbrook
Bevill
Brinkley
Burleson, Tex.
Camp
Chappell
Clancy
Collier
Collins, Tex.
Colmer
Davis, Ga.
Dickinson
Fisher
Flowers
Flynt
Fountain
Goodling
Griffin
Gross
Grover
Gude
Hagan
Henderson
Hunt
Jarman
Jonas
Kyl
Landgrebe
Lennon
Mayne
Mills
Montgomery
Nichols
O'Neal, Ga.
Passman
Poage
Price, Tex.
Quillen
Randall
Rarick
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schmitz
Schwengel
Scott
Sebelius
Smith, Iowa
Snyder
Thompson, Ga.
Waggonner
Watson
Whitten
Zion

NOT VOTING—102

Adair
Alexander
Anderson, Tenn.
Annunzio
Aspinall
Ayres
Baring
Belcher
Berry
Biaggi
Blackburn
Bolling
Bow
Brock
Broomfield
Burke, Fla.
Burton, Utah
Bush
Button
Carey
Celler
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Cunningham
Daddario
Davis, Wis.
Dennis
Devine
Donohue
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Ford, William D.
Foreman
Fulton, Tenn.
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gubser
Haley
Halpern
Hammerschmidt
Hanna
Hébert
Heckler, Mass.
Horton
Ichord
Jones, N.C.
Kee
King
Kuykendall
Landrum
Langen
Leggett
Long, La.
McCarthy
McCulloch
McKneally
May
Meskill
Mize
Moorhead
Morton
Moss
Murphy, Ill.
Nix
O'Hara
O'Konski
Ottinger
Patman
Powell
Pucinski
Purcell
Reifel
Rivers
Roberts
Rogers, Colo.
Roudebush
Rousselot
Roybal
St Germain
Shipley
Skubitz
Stanton
Steiger, Ariz.
Teague, Tex.
Tunney
Van Deerlin
Watts
Weicker
Wolff
Wyatt

So the bill was passed.

The Clerk announced the following pairs:

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Mr. Hébert with Mr. Adair.

Mr. Long of Louisiana with Mr. Findley.

Mr. Edwards of Louisiana with Mr. Foreman.

Mr. Evins of Tennessee with Mrs. Dwyer.

Mr. Donohue with Mr. Don H. Clausen.

Mr. Biaggi with Mr. Halpern.

Mr. Annunzio with Mr. Gubser.

Mr. Jones of North Carolina with Mr. Burke of Florida.

Mr. Moss with Mr. Hammerschmidt.

Mr. O'Hara with Mr. Wyatt.

Mr. Fulton of Tennessee with Mr. Broomfield.

Mr. Garmatz with Mrs. Heckler of Massachusetts.

Mr. Gettys with Mr. Brock.

Mr. Haley with Mr. Ayres.

Mr. Shipley with Mr. Rousselot.

Mr. St Germain with Mr. Blackburn.

Mr. Rivers with Mr. Bow.

Mr. Pucinski with Mr. Mize.

Mr. Moorhead with Mr. Horton.

Mr. Celler with Mr. Clay.

Mr. Carey with Mr. Nix.

Mr. McCarthy with Mrs. Chisholm.

Mr. Wolff with Mr. Weicker.

Mr. Teague of Texas with Mr. Burton of Utah.

Mr. Alexander with Mr. McCulloch.

Mr. Anderson of Tennessee with Mr. Belcher.

Mr. William D. Ford with Mr Button.

Mr. Hanna with Mr. Skubitz.

Mr. Roybal with Mr. Bush.

Mr. Roberts with Mr. Devine.

Mr. Murphy of Illinois with Mr. Berry.

Mr. Watts with Mr. Dennis.

Mr. Van Deerlin with Mr. O'Konski.

Mr. Ichord with Mr. Davis of Wisconsin.

Mr. Kee with Mr. Cunningham.

Mr. Aspinall with Mr. Kuykendall.

Mr. Landrum with Mr. Steiger of Arizona.

Mr. Gibbons with Mr. Morton.

Mr. Leggett with Mr. McKneally.

Mr. Farbstein with Mr. Reifel.

Mr. Patman with Mr. Meskill.

Mr. Daddario with Mr. Stanton.

Mr. Fascell with Mr. Roudebush.

Mr. Evans of Colorado with Mrs. May.

Mr. Feighan with Mr. Langen.

Mr. Baring with Mr. Purcell.

Mr. Gilbert with Mr. Collins of Illinois.

Mr. Tunney with Mr. Rogers of Colorado.

Mr. Ottinger with Mr. Giaimo.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 8298, WATER CARRIER MIXING RULE

Mr. STUCKEY, on behalf of **Mr. Staggers**, filed the following conference report and statement on the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein:

Conference Report (H. Rept. No. 91–1744)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, and 6 and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and insert in lieu thereof the following: "The exemption afforded under this subsection to the transportation by a water carrier of commodities in bulk shall not be lost by the concurrent transportation in the same vessel of other commodities. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel."

And the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and in lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 2. The amendment made by the first section of this Act shall expire at the end of the three-year period beginning on the date of its enactment. The Secretary of Transportation shall undertake a comprehensive study of the present system of economic regulation of dry bulk commodity transportation, including information on amounts actually charged for the movement of dry bulk commodities; of the effect of this Act upon the carriers to whom it applies and upon the shippers of dry bulk commodities; and what changes in the existing regulatory system, if any, could be desirable to improve competitive conditions between carriers of different modes whether or not subject to the provisions of the Interstate Commerce Act. The Interstate Commerce Commission and the Secretary of the Army are directed to cooperate fully with the Secretary of Transportation in carrying out the purposes of this Act, and to submit such independent and separate comments and views as those agencies deem appropriate. The Secretary shall transmit the results of such study to the Congress within two years after the date of enactment of this Act."

And the Senate agree to the same.

Amendment to the title:

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

Harley O. Staggers,
Samuel N. Friedel,
John D. Dingell,
William L. Springer,
Samuel L. Devine,
Managers on the Part of the House.

Warren G. Magnuson,
Vance Hartke,
Ernest F. Hollings,
Winston Prouty,
Howard H. Baker, Jr.,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments Nos. 3, 5, and 6 made conforming changes in the House bill. With respect to these amendments the House recedes.

REQUIREMENTS AS TO RATE FILING

Amendment No. 1: The bill passed by the House required that water carriers operating under the exemption contained in section 303(b) of the Interstate Commerce file rates for the movement of dry bulk commodities under section 306 of that act. Senate amendment No. 1 removes this requirement for rate filing. The House recedes.

REQUIREMENTS AS TO MIXING OF COMMODITIES

Amendment No. 2: The bill as passed by the House provided that dry bulk commodities could be mixed with other commodities without losing the exemption provided under section 303(b) of the Interstate Commerce Act. The House bill also retained the concept that a carrier could not mix more than three dry bulk commodities in a single tow, regardless of the number of barges in the tow. Senate amendment No. 2 struck out the House language permitting the mixing of dry bulk commodities with other commodities and also struck out the language contained in the House bill which limited a carrier to mixing not more than three dry bulk commodities in a single tow. The effect of the Senate amendment is to permit the mixing of not more than three dry bulk commodities in a single barge, without regard to the number of barges in a tow.

The House recedes with an amendment. Under the language of the conference agreement the House approach with respect to the requirements as to the mixing of dry bulk commodities is retained, as is the concept that a carrier cannot mix more than three dry bulk commodities in a single tow, regardless of the number of barges in the tow. The language agreed to make it clear that dry bulk commodities may be mixed with other commodities in the same tow without losing the exemption provided under section 303(b) of the Interstate Commerce Act.

EXPIRATION DATE AND STUDY

Amendment No. 4: The bill as passed by the House provided that the legislation would expire 2 years after the date of its enactment. It also required the Interstate Commerce Commission to report to the Congress on the effects of the legislation on the water carriers not less than 90 days before the expiration date of the legislation. Senate amendment No. 4 struck out the expiration date contained in the House bill making the legislation permanent. The amendment also transferred the study from the Interstate Commerce Commission to the Department of Transportation and broadened the scope of the study to include the movement of dry bulk commodities by all modes of transportation. It also required the Interstate Commerce Commission and the Secretary of the Army to cooperate in the study. A report was required within 2 years after enactment of the legislation.

The House recedes with an amendment. Under the language of the conference agreement the legislation will expire 3 years after its enactment. The Department of Transportation must report to the Congress within 2 years after such date of enactment. The study follows the broad scope outlined in the Senate amendment but the Interstate Commerce Commission and the Secretary of the Army are directed to submit such independent and separate comments and views as they deem appropriate. It also requires the Secretary of Transportation to examine amounts actually charged for the transportation of dry bulk commodities, and he has ample authority to require exempt water carriers to file such reports containing such information as he may prescribe to carry out the study.

AMENDMENT TO THE TITLE

The Senate also amended the title of the House bill to make it clear that the bill provides for more than just the amendment to section 303(b) of the Interstate Commerce Act.

The House recedes.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
Managers on the Part of the House.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SMITH of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, I am today inserting in the RECORD my thoughts regarding changes in the House rules which will be effective next session based upon the Legislative Reorganization Act of 1970. They are broken down as to the provisions affecting committee procedures and provisions affecting floor procedures.

I realize that I will not be in your chair, Mr. Speaker, nor will I at any time be the Chairman of the Committee of the Whole House on the State of the Union, nor will I be serving as Parliamentarian. Thus, the changes as they appear to me will be subject to the ruling of the Chair. I hope, however, that they will be of some help to the Members in attempting to understand all of the changes we have made.

The material follows:

LEGISLATIVE REORGANIZATION ACT OF 1970

PROVISIONS AFFECTING COMMITTEE PROCEDURES

The Rules of the House apply to Committees. Each Committee is urged to adopt its own rules, in addition to the Rules of the House.

SEC. 102—Each committee shall fix a regular meeting day—at least one meeting a month.

a. The Chairman may call any additional meetings.

b. At least three members may call a special meeting by filing a demand in writing with the clerk.

c. If the Chairman is not present at any meeting, the ranking majority member who is present shall preside.

SEC. 103—Business meetings shall be open, except when the committee, by majority vote, determines otherwise.

SEC. 104—Rollcall votes shall be made available to the public for inspection. This information shall include a description of the amendment, motion, order, etc., and the name of each member and how he voted, (whether by proxy, in person, and names of members not voting). Any record vote on a motion to report shall be printed in the report showing the total votes for and against.

SEC. 105—Reports approved by a committee shall be filed within 7 calendar days (excluding days the House is not in session), after a written demand by a majority of the members has been filed with the clerk of the committee requesting the filing of such report.

SEC. 106—There will be no proxy votes unless a committee adopts rules regarding proxies. Such rules shall provide that the proxy must be in writing and designate the person to execute it. The proxy must also specify the measure or matter for which it is given and it will apply to any amendments or motions thereto.

SEC. 107—At the time a measure is approved by a committee, if a member gives notice that he wishes to file his supplemental, minority or additional views with the clerk, he shall have at least three days to file such views, which must be in writing and signed. Reports of the committee including such views shall be so stated on the cover of the report. (Does not preclude report being filed immediately if no request is made or the filing of supplemental reports for technical errors.)

SEC. 108—Measures or matters reported by a committee (except Appropriations, House Administration, Rules and Standards of Official Conduct) may not be considered in the House unless the report has been available for three calendar days (excluding Sat., Sun., and legal holidays) prior to consideration. Hearings should also be available, if possible.

No general appropriations bill shall be considered until printed hearings *and* report are available at least three calendar days (excluding Sat., Sun., and legal holidays).

Sec. 109—If, within seven calendar days after a measure has, by resolution, been made in order for House consideration it has not been called up by the chairman of the legislative committee, the Speaker may recognize a member authorized by the committee to call it up.

Sec. 110—Except for the Committee on Appropriations, there shall be one primary expense resolution for a committee, providing funds for the expenses of that committee for the year, from the contingent fund of the House. Such resolution shall not be considered by the House unless the printed report accompanying such resolution has been available to members of the House for at least one calendar day prior to its consideration. The report shall include: (1) the total amount of funds for anticipated committee activities and programs, (2) a general statement regarding estimated foreseeable expenditures, to provide the House with a basic understanding of the committee's program, to the extent practicable.

After the adoption of one primary expense resolution, additional funds may be procured by one or more additional expense resolutions. Such an additional resolution must include the total amount of additional funds and the need for such funds. The reason for failure to procure the additional funds in the primary resolution must be shown.

The minority party is entitled, if they request, to not less than one-third of the funds provided for the appointment of committee staff personnel under such resolutions.

Sec. 111—Committees must announce hearings at least one week in advance, unless the committee determines that there is good reason to begin earlier. (Excludes Rules Committee) Such notice must also be published in the Daily Digest.

Sec. 112—Hearings shall be open to the public except when the committee, by majority vote, determines otherwise.

Sec. 113—Requires, so far as practicable, that each witness shall file in advance of his appearance, a written statement and shall limit his testimony to a brief summary of his prepared statement.

Sec. 114—The Minority may call witnesses of its choice to testify during at least one day of hearings on any measure or matter under consideration by the committee.

Sec. 115—A point of order may be made in the House by any member of the legislative committee if, in the committee, the point of order was timely made and improperly overruled or not properly considered (applies to hearing procedures of the committees).

Sec. 116—Broadcasting of open hearing by radio, TV, and photographers is permitted when authorized by a majority vote of the committee, and if media coverage is carried out in accordance with provisions of this section.

Sec. 117—All committees may sit without leave while the House is in session, except when a bill is being read for amendment under the five-minute rule. (Exempts Appropriations, Internal Security, Rules, and Standards of Official Conduct, which may continue to sit at any time.)

Sec. 118—Standing committees shall submit to the House not later than January 2nd of each odd-number year (beginning Jan. 1973) a report of its legislative review activities during that Congress. To assist the House each standing committee shall review and study, on a continuing basis, the application, administration, and execution of laws and subjects within its jurisdiction. (Exempts Appropriations, House Administration, Rules, and Standards of Official Conduct.)

Sec. 125—Conference reports shall be printed as a report of the House and accompanied by an explanatory statement prepared jointly by conferees. It shall not be considered unless such report and statement have been printed in the Record at least three calendar days (excluding Sat., Sun., and legal holidays) prior to consideration in the House. (Does not apply during the last six days of session.) Copies of the report and statement shall be available on the floor. Debate time will be equally divided between the majority and minority parties. Conferees may not include language in conference report which concerns a subject not committed to conference, nor may conferees amend any matter beyond the scope of the differing versions of the bill sent to conference.

Sec. 129—The Resident Commissioner from Puerto Rico shall be elected to standing committees just as any elected Member and allowed to vote in committee.

Sec. 201—The Secretary of the Treasury and the Director of the Office of Management and Budget shall set up and maintain a standardized data processing system for Federal budgetary and fiscal data.

Sec. 202—The Secretary of the Treasury and the Director of the Office of Management and Budget, in cooperation with the Comptroller General, shall develop, establish and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies. The Secretary of the Treasury and the Director of the Office of Management and the Budget shall submit a report to Congress on or before September 1st of each year, outlining progress made in the development of classifications.

Sec. 203—The Secretary and Director shall furnish to committees, upon request, information on the location and nature of available data on Federal programs, activities, receipts and expenditures.

Sec. 204—The Comptroller General shall review and analyze results of Government programs and make cost benefit studies. The Comptroller General shall make available to congressional committees GAO experts to assist in analyzing cost benefit studies made by Federal agencies or to assist in analyzing cost benefit studies of programs under a committee's jurisdiction.

Sec. 205—The Comptroller General shall establish a division within GAO to assist him in his responsibilities under Title II. He shall include in his annual report to the Congress information on the performance of his functions and duties.

Sec. 231—The GAO shall, upon request, assist congressional committees with their proposed legislation and committee review of Federal programs and activities.

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Sec. 233.—The GAO shall funish to all committees, upon request, copies of its reports to the Congress.

Sec. 234—The Comptroller General shall prepare a monthly list of its reports and make the list available to all committees. Upon request, a copy of these reports shall be sent to the committee.

Sec. 235—The Comptroller General may not assign an employee for full-time duty to the Congress for more than one year.

Sec. 236—Whenever the GAO makes recommendations to any Federal agency, it shall submit a written statement to the Committees on Government Operations as to action taken by such agency within 60 days.

Sec. 252—Committee reports on all measures must include five-year cost estimates for the programs contained in the legislation. (Exempts House Administration, Appropriations, Rules and Standards of Official Conduct.)

Sec. 253—Each standing committee shall review each continuing program within its jurisdiction for which appropriations are not made annually, and shall endeavor to make authorizations on an annual basis.

Sec. 302—Each standing committee may appoint six permanent professional staff members, two of which shall be selected by a majority of the minority members of the committee, if requested. Each standing committee may appoint six clerical staff members, one of which shall be selected by the minority members of the committee, if requested. All employees shall be hired and fired by a majority vote of the full committee. (Exempts Appropriations and Standards of Official Conduct)

Sec. 303—Each standing committee, with approval of the Committee on House Administration, may hire temporary individual consultants or organizations for not more than one year.

Sec. 304—Each standing committee, with approval of the Committee on House Administration, may authorize special training for professional staff members whenever the committee determines that such training will aid the committee in its duties.

Sec. 321—The Legislative Reference Service renamed the Congressional Research Service. Shall assist all committees on a regular and continuing basis in the analysis of legislative proposals and alternatives to:

a. determine advisability of enacting proposals

b. estimate probable results of proposals and alternatives thereto

c. evaluate alternative methods for accomplishing results

d. beginning of each Congress, make available each committee lists of programs and activities being carried out under existing law scheduled to terminate during that Congress within the committee's jurisdiction.

e. make available to each committee, at beginning of each Congress, list of subjects and policy areas which the committee might profitably analyze in depth

f. upon request, or on its own, make available data within each committee's jurisdiction

g. prepare summaries and digests of bills and resolutions of public, general nature introduced in Senate and House

h. upon request, prepare concise memo with respect to one or more legislative measures upon which hearings have been announced

Sec. 331—After completion of parliamentary precedents, they shall be updated at lease once every five years thereafter.

Sec. 332—The Parliamentarian shall produce a condensed and updated version of the House precedents, commencing with the Ninety-third Congress.

PROVISIONS AFFECTING FLOOR PROCEDURES

Sec. 108—Measures or matters reported by a committee (except Appropriations, House Administration, Rules and Standards of Official Conduct) may not be considered in the House unless the report has been available for three calendar days (excluding Sat., Sun., and legal holidays) prior to consideration. Hearings should also be available, if possible.

No general appropriations bill shall be considered until printed hearings *and* report are available at least three calendar days (excluding Sat., Sun., and legal holidays).

Sec. 109—If, within seven calendar days after a measure has, by resolution, been made in order for House consideration and it has not been called up by the chairman of the legislative committee, the Speaker may recognize a member authorized by the committee to call it up.

Sec. 110—Except for the Committee on Appropriations, there shall be one primary expense resolution for a committee, providing funds for the expenses of that committee for the year, from the contingent fund of the House. Such resolution shall not be considered by the House unless the printed report accompanying such resolution has been available to members of the House for at least one calendar day prior to its consideration. The report shall include: (1) the total amount of funds for anticipated committee activities and programs, (2) a general statement regarding estimated foreseeable expenditures, to provide the House with a basic understanding of the committee's program, to the extent practicable.

After adoption of one primary expense resolution, additional funds may be procured by one or more additional expense resolutions. Such an additional resolution must include the total amount of additional funds and the need for such funds. The reason for failure to procure the additional funds in the primary resolution must be shown.

The minority party is entitled, if they request, to not less than one-third of the funds provided for the appointment of committee staff personnel under such resolutions.

Sec. 115—A point of order may be made in the House by any member of the legislative committee if, in the committee, the point of order was timely made and improperly overruled or not properly considered (applies to hearing procedures of the committee).

Sec. 117—All committees may sit without leave while the House is in session, except when a bill is being read for amendment under the five-minute rule. (Exempts Appropriations, Internal Security, Rules and Standards of Official Conduct, which may continue to sit at any time.)

Sec. 118—Standing committees shall submit to the House not later than January 2nd of each odd-numbered year (beginning Jan. 1973) a report of its legislative review activities during that Congress. To assist the House, each standing committee shall review and study, on a continuing basis, the application, administration, and execution of laws and subjects within its jurisdiction. (Exempts Appropriations, House Administration, Rules and Standards of Official Conduct.)

Sec. 119—Ten minutes' of debate shall be allowed on any amendment offered on the floor which has been printed in the Record at least one day before floor consideration (applies even when a limitation on debate has been agreed to).

Sec. 120—Upon request of ⅕ of a quorum, teller votes may be taken by clerks or electronic devices, by name, for and against.

Sec. 121—Electronic equipment for recording the votes in the House will be made available through the contingent fund and may be used to record all quorum calls and record votes.

Sec. 122—Once a quorum is obtained, the call may be ended. For a period of thirty minutes from the beginning of the call, members may answer by signing a tally sheet.

Sec. 123—Ten minutes' debate on a motion to recommit with instructions shall be provided, with time equally divided between the member making the motion and a member opposed.

Sec. 124—All amendments offered shall be copied, with five copies sent to the majority table and five to the minority table. Also, one copy each to majority and minority cloak rooms.

Sec. 125—Conference reports shall be printed as a report of the House and accompanied by an explanatory statement prepared jointly by conferees. It shall not be considered unless such report and statement have been printed in the Record at least three calendar days (Excluding Sat., Sun., and legal holidays) prior to consideration in the House. (Does not apply during the last six days of session.) Copies of the report and statement shall be available on the floor. Debate time will be equally divided between the majority and minority parties. Conferees may not include language in conference report which concerns a subject not committed to conference, nor may conferees amend any matter beyond the scope of the differing versions of the bill sent to conference.

Sec. 126—Upon request of any Member, a separate vote, after 40 minutes debate, equally divided, shall be had upon any nongermane amendment added by the Senate to a House-passed bill. This procedure also applies to any motion or rule to dispose of such nongermane amendments.

Nor may House conferees agree to such an amendment unless the House first authorizes such action.

Sec. 127—The Journal shall not be read unless the Speaker so orders, or unless a motion, supported by a majority of the Members so demands.

Sec. 128—During a call of the House, the doors shall not be closed unless so ordered by the Speaker.

Sec. 331—After completion of parliamentary precedents, they shall be updated at least once every five years thereafter.

Sec. 332—The Parliamentarian shall produce a condensed and updated version of the House precedents, commencing with the Ninety-third Congress.

AFTER BUFFALO AND THE FAMILY MILK COW CAME FOOD STAMPS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, with the food stamp bill coming before the House of Representatives this week it seems in order to consider some of the historic changes in American food procurement and distribution.

Before the Plains Indians adapted their livelihood to the use of the horse, hunting the buffalo was often accomplished by the use of "Buffalo Jumps," many of which, archeologists tell us, were in use 2,500 years ago. The Indians devised a variation in a usual buffalo trail where a herd could be stampeded off of a cliff or down a sharp incline where many of the buffalo would be killed or injured as a result of the descent. Using a funnel-like terrain Indians hid along the sides and closed in behind the herd, shouting, waving robes, and created a great commotion stampeding the herd toward the narrow end of the funnel where the momentum of the buffalo running behind the leaders forced them off the cliff. The buffalo that were injured but still alive when they reached the bottom of the hill were dispatched by Indians waiting with clubs, spears, and arrows.

Everyone ate—old, young, crippled—all shared. Later horses gave great mobility to Plains Indians and they hunted vast areas for buffalo—their principal source of food.

When the buffalo were gone the Plains Indians fell into hard times.

The great fire in Chicago—then a metropolis of 350,000—legend tells us was caused by Mrs. O'Leary's cow kicking over the lantern.

In a metropolitan area in 1871, a family milk cow and chickens were common adjuncts to family living and hungry families were few.

The return of the buffalo to the Great Plains so those native Americans of the Plains can again eat their fill of buffalo is not going to happen. The return of the conditions of Chicago of the 1870's where family milk cows and chickens were common is not going to happen either. The system changed. The commercial food industry of this country has succeeded beyond all expectations so that it takes only 16 percent disposable income for us to provide the best food in the world for ourselves and our families.

But for those hungry Americans, whether they are Indians on reservations or are citizens living in cities, towns, or countryside who do not have adequate purchasing power, the system has left them behind with hunger the result.

The spectrum of these hungry Americans in a land of plenty flaunts the success we have made in producing, processing, and distributing food. The young, the handicapped, and the elderly who are malnourished receive our sympathy. But all who are hungry or malnourished should be given the opportunity to overcome this basic handicap so that other social problems can be corrected.

Through the food stamp program—simplified and broadened, we can share with our fellow Americans that food which divine providence has so generously bestowed upon this Nation. The buffalo are gone, the family milk cow is a rarity, but the Nation's hunger pockets are blights that food stamps can correct.

PRIORITIES FOR AIR SAFETY

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the Nation's air carrier airports should be built and owned by the States, with 90 percent Federal financing of construction and access transportation, and 100 percent Federal financing of site preparation necessary for navigation aids.

One month ago today, when death came to 75 fine young Marshall University football players, coaches, and prominent citizens of Huntington, W. Va., and the pilots and crew of the chartered DC-9, these wonderful people came from 12 different States in the Union—Ohio, South Carolina, Georgia, Virginia, Florida, New Jersey, Texas, Alabama, New York, North Carolina, Kentucky, and West Virginia.

The time has come in this great Nation of ours to recognize the fact that air travel and air safety are indeed national priorities of national concern. Why should any air passenger, from any State, who may be forced to fly into an inferior airport pay the price by jeopardizing his safety or his life simply because a local community is in the mountains or cannot raise the funds to reduce the margin of safety error?

In the State of West Virginia, God blessed our land with rugged mountains. It is easy and relatively inexpensive to build an airport at Dulles or down in Texas, where the land is flat and it does not cost much to move the dirt. But in West Virginia we are doubly handicapped. We neither have flat land nor do we have the local financing—even with the supplements provided by the Appalachian Regional Commission—to construct airports at the locations which reduce the margin of safety error to an absolute minimum.

It is not enough for the Federal Government to set certain safety standards for airports, aircraft or navigation aids, nor is it enough to provide 100 percent Federal financing for such items as a glide slope for the airports. Glide slope equipment is cheap—on the order of $10,000 or $20,000, while the site preparation which requires massive local funding runs up into the millions of dollars in West Virginia.

I strongly support an amendment to the supplemental appropriations bill offered by my West Virginia colleague, Hon. ROBERT C. BYRD, which has passed the Senate Appropriations Committee and is pending before the Senate. This amendment would make available $8.5 million for safety improvements at Appalachian airports and also waive the requirement that at least 20 percent of airport improvements be paid with local funds.

This is a very useful stop-gap measure. The trust fund which has been established to finance airport improvements is also a bold step forward. But we cannot stop until every passenger who boards an airplane can be guaranteed a higher degree of safety, whatever his destination or wherever he lands en route. It is inconceivable in this modern day and age that the life and safety of any air passenger could be needlessly jeopardized just because some areas of the country have difficult terrain or are unable to raise sufficient matching funds to make flying much safer than it now is.

For years now, many responsible citizens in West Virginia have advocated a single regional airport, located halfway between West Virginia's two largest cities of Huntington and Charleston. These cities are 50 miles apart and joined by an interstate highway, and both cities have airports which pilots have repeatedly condemned as unsafe and virtually impossible to improve to a level of safety which would rate them as superior airports. The Federal Aviation Administration has for 3 years strongly advocated the construction of a single regional airport, an adequate site has been selected by the FAA. Two counties, including the county in which this midway regional airport is to be located, have voted the necessary local funds, but the third county has not voted the funds so the optimum safe airport has not been built.

This is only one example of what must be done if we are to insure a higher relative degree of safety for every air passenger, no matter where he boards a plane or no matter where his home State may be. I am convinced that this higher relative degree of safety can only come if airports are built and owned by States, with 90 percent Federal financing of access transportation, and 100 percent Federal financing of site preparation and all expenses incident to the installation of necessary navigation aids.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER), is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Americans are known for their attendance at competitive sporting events. In 1969, 27,498,000 Americans attended baseball games, 36,960,000 football games, and over 4 million watched professional basketball exhibitions.

THE SIMAS KUDIRKA CASE AND A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, when the news broke out concerning the repatriation of the Lithuanian sailor, Simas Kudirka, to Soviet Russian enslavement, in total astonishment and with a sense of outrage every friend of the captive nations and every American honoring our treasured principle of political asylum whom I know, took to the phone or the pen to inquire into this unbelievable incident and to bring it to public account. Americans of Lithuanian background, the National Captive Nations Committee, the U.S. Committee for Refugees, the Ukrainian Congress Committee of America, and scores of other groups strongly protested this repatriation outrage and are still seeking an adequate account of it, as well as an enduring example of punishment for a basic violation of human rights.

THE CASE IS NOT CLOSED

We, in the U.S. Congress, commend the President for his response to this nationwide protest, in calling for an investigation and also in setting guidelines for the treatment of persons seeking asylum in the United States. However, at this stage I am not satisfied by the probes that have taken place nor by the confused testimonies that have been given. This case cannot by any stretch of the imagination be considered closed. To attribute this gross violation of human rights, as some of the participants apparently do, to a breakdown in bureaucratic communications is the height of

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folly. The significance and ramifications of this blemishing incident are too broad and too meaningful for a rationalization of this or any similar kind.

Mr. Speaker, as I have pointed out to numerous inquirers concerned with this case these past 2 weeks, this additional blemish on our national record is a repeated microcosm of the senseless repatriation of hundreds of thousands whom we sent back to the U.S.S.R. at the close of World War II. Now the U.S.S.R. got another slave back, and only the Good Lord knows whether Simas Kudirka is above the surface today. Furthermore, I wish to reiterate here that this scandal has done great damage to our image abroad, and you can rest assured that our enemies will capitalize on it heavily in their persistent anti-American propaganda.

The aspects of this case, as so far disclosed, are almost unbelievable. Did the captain of the *Vigilant* really believe the typical Russian invention of a criminal charge against Kudirka? Was the defector supposed to jump into the water before he could be assured asylum? What was the hurry in executing a stupid order that clearly contradicted the very essence of freedom we stand for? The answers given so far are not satisfactory to me and others who are closely following this case.

It amazes me, as well as others, that the President should have to set guidelines in the matter of granting asylum to any defector from the Red empire or elsewhere. By virtue of our tradition, in line with our demonstrated principles, by sheer American instinct alone, any competent American authority—no matter where, on a ship, in water, in the air, or on land, and in whatever circumstances—is obligated dutifully and automatically to extend the benefit of asylum to a defector and to hold him in custody pending further investigation.

THE STATUE IS STILL THERE

Mr. Speaker, this is what the inscription on our Statue of Liberty is all about, even if some in their training have never learned it:

Give me your tired, your poor
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me;
I lift my lamp beside the golden door.

That Presidential guidelines have to be set for behavior and a reaction that we have always considered automatic and instinctive indicate in themselves the spiritual state we are in today. The damage that has been done is great and incalculable. We are awaiting the definitive results of the probes being undertaken. In any case, an example beyond guidelines for the future—superfluous in themselves—must be set, extending from the cutter to the State Department itself. The Nation's honor demands it; the captives in the Red empire must be reassured.

THE NEED FOR A SPECIAL COMMITTEE ON CAPTIVE NATIONS

Mr. Speaker, a popular consciousness of what exists—the millions of captives in the Red empire who crave for the opportunity that Simas Kudirka unsuccessfully seized—would, I am sure, have precluded this scandal. Such a necessary consciousness will not be attained until we establish a Special Committee on the Captive Nations. Even some in the armed services will begin to understand the meaning of such a committee. Among its many other tasks, this committee could begin to extend this case to its proper conclusion, and it could also begin to investigate the alleged denials of asylum by our Embassy in Tokyo to dozens of employees at Red pavilions in Japan's Expo this past year. Our Embassy there has in significant timing just granted asylum to a Cuban defector, but what of those from captive Eurasia who sought it in the past year? No matter how one views it, the problem of defection is tied in with the problem of the captive nations, and it is high time that a special committee be created to deal effectively with these and cognate problems.

I append to my remarks the latest communication to the President on this matter by the National Captive Nations Committee and also a letter by Professor Menges of Columbia University:

NATIONAL CAPTIVE NATIONS COMMITTEE,
Washington, D.C., December 9, 1970.
The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the incredible case of the forced repatriation of the Lithuanian sailor, Simas Kudirka, has been of the deepest concern to us in this recent period. Since our early interventions to focus national attention on this outrageous incident we have followed closely the disclosures of the two inquiries into it and find, so far, that the explanations given on communications breakdown, prescribed leap into the water for asylum and the like are thoroughly unsatisfactory.

Your demand for these probes and your guidelines for the future have our highest praise. However, by virtue of the heavy damage done to our image abroad and the adverse effect of this scandal upon the captive nations, we urge that examples be made of those who, for whatever specious reason, violated both our Nation's precious principle of automatic political asylum and a basic human right. Moreover, because this and many future defections from the Red Empire are intimately tied up with the general problem of the captive nations, we also urge your support for the creation of a Special Committee on the Captive Nations in the House of Representatives in the 92nd Congress.

With warmest personal regards and best wishes, I remain,

Sincerely,
LEV E. DOBRIANSKY,
Chairman.

WASHINGTON DEPOT, CONN.,
November 30, 1970.
The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: We are deeply shocked by the act of gross violation of all human rights committed by a crew of the U.S. Coast Guard with the arbitrary extradition, upon negligent inaction on the part of certain origins of the State Department, of a Soviet radio technician who had sought asylum as a political refugee on a vessel of the U.S. Coast Guard.

We want to ask the following questions:

1. Is the U.S. still to be considered a country that grants asylum to the persecuted?
2. How and upon what orders can the crew of a U.S. Coast Guard vessel located within the territorial waters of the U.S.A. admit aboard representatives from a Soviet vessel?
3. How can this same crew tolerate the atrocious beating of the person who sought asylum and quietly look on while this act of bestiality is perpetrated on the refugee?
4. How could the same crew permit the abduction of the refugee?
5. What was the role of the Sttae Department before or during this procedure?

We hope that your good Offices will give this incredible matter of great national and international significance its foremost attention.

We belong to the Silent Majority that voted for you since it believed that you would restore a state of law and order in this country and on the international scene put an end to Western subservience to Soviet aggression and subversion.

Very Respectfully and Devotedly Yours,
Prof. and Mrs. KARL H. MENGES.

CLEANING UP THE UNITED MINE WORKERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, although nearly a year has passed since the brutal murders of Joseph A. "Jock" Yablonski, his wife, and his daughter, the wheels of justice have ground with intolerable slowness. Only within the past few days has the first of the five suspects charged with the murders been extradited from Ohio to Pennsylvania for trial.

Meanwhile, over a year has elapsed since the Department of Labor turned over to the Department of Justice and Internal Revenue Service information "for possible criminal prosecution." Nine months have elapsed since the Department of Labor went to court to void the corrupt "election" staged by the United Mine Workers of America, shortly after which the Yablonski murders occurred.

The sordid story of delay and oppression are graphically told in the following articles, including an editorial from the December 14, 1970, Washington Daily News, a press statement of December 8, 1970, by Joseph A. Yablonski and Joseph L. Rauh, Jr., and an earlier article prior to Claude Vealey's extradition which appeared in the Washington Daily News under the byline of Scripps-Howard Staff Writer Powell Lindsay. Also included are several other newspaper articles which tell the story of the uphill fight by the Miners for Democracy to combat oppression within the United Mine Workers of America.

[From the Washington Daily News, Dec. 14, 1970]

THE YABLONSKI CASE

It is almost a year since Jock Yablonski, his wife and daughter were murdered in their home at Clarksville, Pa.

It is more than a year since the Federal Labor Department officially alleged mismanagement in the United Mine Workers union and turned its information over to the Justice Department and the Internal Revenue Service "for possible criminal prosecution."

It has been nine months since the Labor Department went to court to void the union election of last December on grounds of irregularities.

It has been almost a year since a Senate subcommittee started an avowed investigation of the miners' union—but there hasn't been a hearing in six months.

Several grand juries at one time or another were reported to be looking into one or another aspects of the mine union.

Only one of five suspects in the murder case has been extradited from Ohio to Pennsylvania where the trial is to be held. And that extradition has just lately been arranged.

There have been allegations of serious misdoings within the union, many of them made by Mr. Yablonski, some of them by the Labor Department. These allegations either are true or refutable. The answer should be determined either in court or by other responsible inquiry.

Catching murder suspects and proving their guilt is sometimes difficult. In this case, the truth so far has been frustrated mainly by legal tactics. The delay in resolving the charges against the union itself is even more of a mystery.

But the questions and the suspicions are not going to go away. The courts, the Labor Department, the Justice Department and all others concerned had better have good answers—and soon.

Statement of Joseph A. Yablonski and Joseph L. Rauh, Jr.

In the name of the thousands of oppressed coal miners crying out for rescue from the tyranny of their union, we call upon President Nixon to remove Labor Undersecretary Silberman and to replace him with someone genuinely dedicated to a wholesale UMWA housecleaning. In the year since the December, 1969 "election," Mr. Silberman has compounded his pre-election refusal to act with a post-election policy that wavers between inaction and obstruction.

Mr. Silberman, first as Solicitor of Labor and then as Undersecretary, has been the architect of the do-nothing-against-Boyle policy of the Department. During the six and a half months campaign in 1969, Mr. Silberman prevented even an investigation of the crookedest election campaign in labor history. Then, guilt-ridden by the realization that Labor's failure to investigate may have contributed to the murders, he has sought to sweep UMWA corruption under the rug for fear its full impact will expose the enormity of Labor's dereliction of duty.

In the year since the December, 1969 election the Labor Department has:

1. Failed to press the suit to upset the election.
2. Resisted the efforts of Miners For Democracy to intervene in the election suit and thus press it with vigor (despite the willingness of Justice to permit the intervention).
3. Refused to petition the Court for a monitorship of the UMWA (despite Mr. Silberman's commitment to the Senate Labor Committee and the position of the Justice Department).
4. Refused to act against the continuing use of the UMWA Journal as a Boyle campaign instrument.
5. Looked the other way while the UMWA used and uses its "dual unionism" campaign to intimidate Miners For Democracy.
6. Stood by inertly as the Boyle forces repeated their illegal pattern of 1969 in the District 5 election campaign of 1970.
7. Continuously asserted that the murders were not "election-connected" despite the participation therein of a UMWA local president and the position of the federal and state authorities to the contrary.
8. Failed to get the six-year-old case against the UMWA trusteeship even to trial.
9. Refused to intervene in the suit to clean up the UMWA Welfare and Retirement Fund.
10. Permitted the UMWA to continue its practice of late filing of LMRDA reports.

This ten-point uniform and calculated refusal to take any action against America's most corrupt and tyrannical union calls for a new Undersecretary pledged to enforce the labor laws of the nation.

[From the Washington Daily News]

Answers Still Slow on Yablonski Death

(By Powell Lindsay)

Who killed Joseph A. "Jock" Yablonski the star-crossed union official who bid for and lost the presidency of the rough and tumble United Mine Workers Union? Did the killing have anything to do with the union election? Was the election an honest one?

The answers, if there are to be any answers, are slow in coming. Another winter is all but here since these questions first were raised after Mr. Yablonski was found murdered last New Year's eve.

Five suspects arrested in Ohio and charged with Mr. Yablonski's murder are still in Ohio jails fighting extradition to Washington, Pa., near where Mr. Yablonski, his wife and his daughter were found shot to death.

A Labor Department suit to void the election, in which Mr. Yablonski failed to unseat UMW president W. A. "Tony" Boyle, is bogged down in federal court here.

A Senate subcommittee investigating the union hasn't held a hearing in six months.

A newly impaneled federal grand jury here is looking into the union's financial affairs, but there is no known direct link between this investigation and the union election or Mr. Yablonski.

The FBI is still searching for the * * * "murder fund," which law enforcement officials say was used to pay off Mr. Yablonski's alleged assassins.

A year ago this week, Mr. Yablonski lost his bid to oust Mr. Boyle from the leadership of the UMW. The margin was a decisive one, but Mr. Yablonski vowed to take his charges to court in an effort to prove that the election was fraudulent.

Three weeks later the Yablonskis were found dead in their home in Clarksville, Pa.

For a couple of months thereafter, events moved swiftly. An FBI-led investigative blitz turned up five suspects, who were indicted on first-degree murder charges. The Labor Department sought to invalidate Mr. Boyle's election on grounds of irregular voting procedures.

Then the lawyers took over.

The five persons charged with the Yablonski slayings are all natives of or former residents of the hard-scrabble Kentucky-Tennessee coal mining areas. They are Claude E. Vealey, 27; Aubran Wayne Martin, 22; Paul E. Gilly, 37; his wife, Annette Gilly, 30, and Mrs. Gilly's father, Silous Huddleston, 62, president of a UMW local in LaFollette, Tenn.

TRY THEM SEPARATELY

The special prosecutor in the case, Richard Sprague of Philadelphia, plans to try them separately, beginning with Mr. Vealey.

A Cleveland, Ohio, common pleas court judge last August ordered Mr. Vealey sent to Pennsylvania to stand trial but stayed his order to permit Mr. Vealey's lawyer to appeal. The appeal is still lodged in Ohio's eighth district court of appeals.

Mr. Sprague recently said such a delay is "shocking," but Judge Jack Day, chief judge of the district's appellate court, said the court's docket is jammed. "We'll get to it (Vealey's appeal) as soon as we can," Judge Day said. Vealey can appeal an unfavorable ruling to the Ohio Supreme Court, opening the way for further delay.

A source close to the prosecution said that a conviction of Vealey and a possible death sentence for him may jolt other figures in the case into volunteering information about the source of the alleged "murder fund."

The Labor Department last March filed its suit seeking to void Mr. Boyle's election with much public fanfare. But no hearing has yet been set on the case. A Labor Department spokesman said it's another case of "crowded court dockets and lawyers using delaying tactics, filing motions and taking depositions."

A darker view is taken by attorney Joseph L. Rauh Jr., who represented Mr. Yablonski in a number of anti-Boyle lawsuits and now represents an anti-Boyle UMW faction called "Miners for Democracy."

"The Labor Department has been one big cover-up for Tony Boyle," said Mr. Rauh. "They have a guilty conscience because they wouldn't do anything during the (UMW election) campaign last year."

Mr. Yablonski had repeatedly sought Labor Department intervention in the election, but the department held that it was powerless to do so at the time.

Mr. Rauh and Yablonski backers find it bitterly ironic that the specifications of the Labor Department's suit seeking a new union election are in many respects echoes of Mr. Yablonski's campaign charges last fall: intimidation of UMW members, irregular and unlawful voting procedures, the use of union funds to promote Mr. Boyle's candidacy.

NO KNOWN LINK

The department still takes the position that there is no known link between the Yablonski slayings and the union election, a position also held by Mr. Boyle and the UMW leadership.

Meanwhile, Sen. Harrison A. Williams Jr., D-N.J., said his Senate Labor subcommittee investigators are still gathering data in the subcommittee's "on going investigation" of the UMW election and the UMW pension fund, which Mr. Yablonski charged was illegally manipulated during the election campaign in order to sway UMW pensioners to vote for Boyle.

"I am fully determined to press as intensive an inquiry as I can," said Sen. Williams. "I am not going to comment on the investigation while it is in progress. When we have all the information needed, the information itself will dictate what course we will take."

[From the New York Times, Dec. 5, 1970]

Election Battle Is Rough in U.M.W.—Coal Miners in Pittsburgh Area To Vote Tuesday

(By Ben A. Franklin)

Pittsburgh, December 4.—"Communists seek U.M.W. takeover," says the headline in Michael Budzanoski's four-page campaign newspaper, "Previous efforts failed."

Another United Mine Workers of America election campaign is under way here, and there is wide agreement that it is one of the roughest.

The incumbent president of the union's Pittsburgh-area District 5 is Mr. Budzanoski, a 54-year-old loyalist of W. A. Boyle, the mine workers' international president.

Mr. Budzanoski's predecessor, Joseph A. Yablonski, challenged Mr. Boyle for the union presidency last year and was defeated. Later, Mr. Yablonski and his wife and daughter were murdered.

The belief seems to be strong among the miners opposing Mr. Budzanoski for reelection that the 1969 campaign and the slaying were related.

CORRUPTION CHARGED

Miners for Democracy, a pro-Yablonski faction backing the campaign to oust Mr. Budzanoski, charges that the union is infested with corruption, violence, nepotism and embezzlement. Mr. Budzanoski said the killings "certainly tend to lead credence to the allegations."

District 5 comprises 69 locals in a sprawling, 10-county section of the western Pennsylvania coal fields and a sizable fraction of the union's total membership—14,000 out of about 100,000. The election will be held Tuesday.

Mr. Budzanoski's challenger is Louis Antal, 50, a former Yablonski supporter. Even Mr. Budzonoski says the dissidents may give him trouble on election day.

"There is antagonism among the vociferous young" in the district, Mr. Budzanoski said in an interview. "I have more support among the pensioners than among the active members."

Pensioners, who receive $150 a month from the union, can vote along with the workers.

According to data subpoenaed for a continuing investigation of the union by the Senate Labor Subcommittee in Washington, men on union pension here outnumber active miners by about 2,400—8,329 to 5,898.

Mr. Budzanoski disputes these figures, but his campaign strategy seems tailored to woo the crucial pensioner vote.

Rank and file voters for the first time in a U.M.W. district election have been allowed to cast absentee ballots. About 1,370 of them are already in the custody of John Seddon, Mr. Budzanoski's running mate for district secretary-treasurer.

In a televised debate with Mr. Budzanoski last night over WQED, Pittsburgh's educational television channel, Mr. Antal charged that his observers had seen Mr. Seddon earlier this week in his office "with piles of absentee ballots, a razor blade and a paste pot."

CHARGE ANSWERED

Mr. Budzanoski did not challenge Mr. Antal's description of the scene during the debate. He explained to newsmen, however, that the secretary-treasurer had been placing ballot materials in manila envelopes for safekeeping.

"You know how the glue on those envelopes never sticks, so they were pasting the flaps down," he said.

Mr. Antal maintains "that Mike Budzanoski is stealing the election from us with absentee ballots before it even happens."

In the debate last night. Mr. Antal returned Mr. Budzanoski's charge that the dissidents are Communists by charging that the district president has "Communists on his payroll" and demanding the Federal Bureau of Investigation "clean them out."

Mr. Budzanoski and Mr. Seddon are under Federal indictment for alleged falsification of union expense vouchers.

Mr. Boyle has sent a special three-man commission into the district to investigate the alleged "dual unionism" of the Miners for Democracy movement. Dual unionism, the organization of a competing group in the ranks, is a ground for expulsion from the union under the U.M.W. constitution.

[From the Wall Street Journal, Dec. 10, 1970]

DISSIDENT UMW GROUP SEEMS TO HAVE WON IMPORTANT ELECTION VICTORY IN KEY DISTRICT

PITTSBURGH.—Miners for Democracy, a dissident faction within the United Mine Workers union, appears to have scored a significant election victory in one of the UMW's key districts. The results could have far-reaching implications for the miners' union and for the coal industry, which must bargain over a new contract next fall.

Excluding absentee ballots, the vote-count from UMW District five with 69 local unions showed insurgent Louis Antal with 4,436 votes, leading district president Michael Budzanoski, who had 3,922 votes. A victory by Mr. Antal, who is a sharp critic of UMW president W. A. (Tony) Boyle, would remove from District 5 a staunch Boyle ally in Mr. Budzanoski. The district, centered in western Pennsylvania, includes about 15,000 union members, about 8,000 of whom are working.

The outcome is far from assured, however. There remain 1,192 absentee ballots to be counted, mostly from retired or pensioned miners, a group in which Mr. Budzanoski claims to have substantial strength.

The dissident faction claims that Mr. Boyle and the national leadership hasn't been responsive to demands of the union's rank-and-file members. One of its chief complaints is that the leadership hasn't pressed for rigid enforcement of the safety laws and that, in general, it is too close to leaders in the coal industry.

Others on the Miners for Democracy slate also were ahead. Joseph Daniels led incumbent secretary-treasurer John Seddon by 4,447 to 3,778, while Nick de Vince ran ahead of executive board member Francis McCallister by 4,282 to 3,925.

Mr. Budzanoski said, "It is my personal opinion that I will win through absentee ballotes and that so will Mr. McCallister." He was less optimistic about Mr. Seddon's chances. He said the secretary-treasurer has "a good chance" to win.

The election was particularly hard-fought between Mr. Antal and Mr. Budzanoski, who faced each other for the $22,000-a-year post four years ago when Mr. Budzanoski won by better than two-to-one.

Coal industry sources say it's too early to definitely assess the apparent results, but one says "this will give the dissidents a power base, and a place to speak their demands." He adds that "this is too important a district" for Mr. Boyle to ignore the big anti-incumbent vote, and that the UMW president "will be under tremendous pressure" at the bargaining table next year. The UMW chief is on record as wanting to raise daily wages to $50 and to double the employer payment to the UMW welfare and pension fund to 80 cents a ton of coal mined, up from 40 cents.

District 5 was the home district of Joseph (Jack) Yablonski, the insurgent UMW leader who was murdered in December 1969. Shortly before his death, he had sought to wrest control of the UMW from Mr. Boyle in the union's presidential election. He lost by a margin of almost two to one, but the Labor Department has sued to overturn the outcome and order a new election on the ground of alleged irregularities.

Coal industry officials suggested that the District 5 outcome might encourage other Anti-Boyle miners elsewhere. District 5 is the only one of the UMW's 23 geographic districts where all the officers are elected by the rank and file. In only four districts are any officers elected; in the rest, they're appointed by the union's international leadership and executive board. For more than six years, however, Federal suits have been pending that could give some of the districts local autonomy. Included are some West Virginia districts where anti-Boyle sentiment has surfaced in the last two years.

It will be several days before the final election outcome is known. Antal forces have insisted on seeing every request for an absentee ballot and the certified mail receipt showing that each ballot was sent to the person requesting it. They have checked one of three sub-districts, UMW officials said, and when all the receipts are checked, the counting will begin.

Each side has indicated it will contest the results, if unfavorable, and the Antal forces seem likely to zero in on the absentee ballots. A spokesman for Mr. Boyle said the UMW president wouldn't have any comment on the balloting.

[From the Washington Post, Dec. 10, 1970]

INSURGENTS LEAD UMW DISTRICT VOTE

PITTSBURGH, December 9.—A vote count showed today that 1,200 absentee ballots will decide control of the 15,000-member United Mine Workers District 5 in the bitter election battle between the established leadership and an insurgent group.

Miners for Democracy, an off shoot of last year's unsuccessful bid by murdered Joseph A. (Jock) Yablonski to gain control of the UMW's international leadership, held leads of 300 to 700 votes over the incumbent forces in the election for District 5 officers.

The absentee ballots, most of them cast by retired and pensioned miners, were expected to be counted by the end of the week. They were expected to favor the incumbents in District 5, the only one of 23 UMW districts that elects officers by vote of the entire membership.

Tallies from all 69 locals in Tuesday's election, with absentee ballots still to be counted, gave Louis Antal of the MFD in his race for District 5 president, 4,436 votes to 3,922 for incumbent Michael Budzanoski.

Other races:

For secretary-treasurer: Joseph Daniels, MFD, 4,447; John Seddon, incumbent, 3,778.

For International Executive Board member: Nick Devince, MFD, 4,282; Francis McCallister, incumbent, 3,925.

The incumbents had the support of the UMW international leadership, headed by President W. A. (Tony) Boyle.

Budzanoski would need 70 per cent of the absentee vote to win the election. He said he expected to get a majority of the absentee ballots.

Antal, who accused the incumbent leadership of tampering with ballots, said "win or lose" he would protest the absentee count to the Labor Department. He charged that absentee ballots were removed from their envelopes by election tellers.

Miners for Democracy was organized by Yablonski's attorney sons, Kenneth and Joseph, to carry on their father's fight to wrest control of the miners union from the Boyle forces.

The elder Yablonski, his wife and daughter were shot to death last New Year's Eve in their house at Clarksville, Pa. Five persons have been indicted on murder charges and face trial.

[From the New York Times, Dec. 10, 1970]

MINE REBEL LEADS IN PENNSYLVANIA—ABSENTEE BALLOTS VIEWED AS KEY TO UNION CONTEST

(By Ben A. Franklin)

PITTSBURGH, December 9.—Louis Antal, the candidate of a rebel group in the United Mine Workers of America, held a 514–vote lead here today in a bitter contest with Michael Budzanoski, the incumbent, for presidency of the union's District 5.

Still untabulated, however, were 1,200 absentee ballots cast by retired miners drawing the union's $150-a-month pension. These votes were expected to overwhelmingly favor Mr. Budzanoski, who is supported by the U. M. W. president, W. A. Boyle.

Mr. Antal, the anti-Boyle candidate of the Miners for Democracy movement, plans to challenge the validity of the absentee voting, used in this election for the first time in the union's history. The outcome of the election, therefore, may depend upon the legal challenge, which may not be settled in the courts for months.

The union's tally of balloting among about 14,000 coal miners in 10 counties of Western Pennsylvania was 4,436 votes for Mr. Antal and 3,922 for Mr. Budzanoski.

Mr. Antal is a leader of the reform movement that grew out of the union's national election last year. The rebel candidate then, Joseph A. Yablonski, was murdered with his wife and daughter at their Clarksville, Pa., home three weeks after losing to Mr. Boyle.

Mr. Yablonski had accused the Boyle organization of running a "dictatorship" marked by violence, intimidation, fraud and embezzlement. Mr. Budzanoski has been one of the strongest Boyle loyalists.

XUM

REBEL VICTORY IS FELT

Mr. Antal, meeting reporters in the reception room of the District 5 office today, and "I feel that we have won the election."

"Boyle and his henchmen was what this was all about." Mr. Antal said. "Budzanoski is just the figurehead and this is a symbolic gesture of the working miners—how they feel about the U.M.W. leadership."

Mr. Budzanoski, speaking to newsmen in his office after a nearly sleepless night, said:

"I talked to President Boyle today. He said he was disappointed that the membership let me down this way after all my hard work for them. He acknowledged the fact that the Yablonski tragedy had stirred up the men."

Mr. Boyle could not be reached for comment.

Mr. Yablonski's son, Kenneth, a lawyer for the Miners For Democracy faction in Washington, Pa., said he expected to file a formal election fraud complaint with the Labor Department by tomorrow concerning the absentee ballots and also what he described as "a number of irregularities at the polling places spotted by our observers."

The reform group had posted over 100 volunteer college students as observers at local union polling places. The students included about 20 from Columbia University.

The Labor Department last March said its own investigation of the Boyle-Yablonski election had disclosed enough evidence of illegal activity to warrant its going into Federal court to invalidate Mr. Boyle's victory and to seek a federally supervised re-run of the balloting. The department's election suit has not yet been tried.

Mr. Budzanoski and the District 5 secretary-treasurer, John Seddon, are under Federal indictment for alleged falsification of union expense vouchers. Mr. Budzanoski said today that the indictments had "helped the opposition a lot."

AMERICAN TECHNOLOGY IS BECOMING SECOND RATE

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Speaker, some of the arguments being used against the continued development of the supersonic transport are the same that are heard against other technological programs of the United States. And, if those who are so vocal in opposing the SST and other similar programs are heeded, American technology certainly will be behind that of many other nations of the world.

For example, Mr. Speaker, these same people oppose Navy ship construction, and all the while the Russians are challenging the United States on the high seas with a fleet of new, fast, and efficient vessels which is swiftly relegating America to second-class status.

These same people oppose spending for a merchant marine while Russia has as one of major goals to expand substantially its foreign trade, particularly with the Western world. A rapidly growing maritime establishment is a vital ingredient in that program.

According to a recent article in U.S. News & World Report, the Communists are outstripping us economically and militarily. Yet, those in opposition to the development of an American SST would once again relegate the United States to a second or third position by giving the Russians the opportunity to sell SST's to Japan and other foreign countries when we need economic growth for our balance-of-payment program. Why, Mr. Speaker, should we give our competition this chance and force our own airlines to buy foreign-made planes because we do not have one developed?

In space, we did not act; we reacted following the Soviet launching of Sputnik. In the development of missiles, there is evidence that Russia not only is outproducing the United States, but they are developing more sophisticated and more accurate rockets.

Japan has challenged the United States in trade and is winning.

Frankly, Mr. Speaker, the United States has taken a back seat in every industry where she once proudly led the world except in the production of commercial aircraft. And, the opponents of the SST are saying, in essence, let us go ahead and toss in the towel in this industry, too.

Their desire for more money for social programs is shared by many. But, to date far too many of these programs have proved to be wasteful gestures that have solved little.

Mr. Speaker, I say that what we need in America is employment; jobs in a free-enterprise system to rid ourselves of poverty, and the SST program is a job-producing program that not only will touch the pocketbooks of 150,000 workers, but will strengthen our commercial airplane-producing industry and keep us in the No. 1 position we have worked so hard to accomplish.

I might add that all the arguments in favor of the SST have been clearly expressed in the Senate by the senior Senator from Washington (Mr. MAGNUSON), yet his words have fallen on many deaf ears.

I urge in the strongest way, Mr. Speaker, support for the American SST program. I want America to be foremost in military, scientific, and economic positions, and the decision on the SST interties with all of these. The decision is before us now, and I intend to support the advancement of American technology.

WHO IS APATHETIC ABOUT CANCER?

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am proud to be a sponsor in the House of the legislation developed by Senator YARBOROUGH's subcommittee in the other body to create a National Cancer Authority to make a massive final attack on the most dreaded disease in the land.

Two recent news items came to my attention which I would like to share with our colleagues. One announced the creation of the Vincent T. Lombardi Cancer Research Center in memory of the great coach of the Green Bay Packers and the Washington Redskins who died of cancer at Georgetown University Hospital on September 3. The other told of a candlelight demonstration by the families and neighbors of Elizabeth Perriello who died in Alexandria, Va., last January 25, at the age of 15½ years, thinking she would soon recover from a disease which her family could not bring themselves to tell her was leukemia.

These newspaper stories indicate how cancer threatens the young and the old, the famous and the obscure, the man who has lived a rich, full life of achievement and the teenaged girl on the threshold of a life of love and happiness.

These items also show the deep faith the American people have in the power of medical research to understand the causes of cancer and to develop techniques of prevention and cure.

The newsstory notes that Elizabeth Perriello's father and neighbors have repeatedly come to Capitol Hill to request more funds for cancer research. It quotes her father as saying:

> They (Congressmen) reflect the same apathy that's shown by the public. We're not lobbying for any particular person, or a group. We're lobbying for humanity. I've suffered the loss of someone I loved very much, and I'm indignant and mad that this country is apathetic to finding a solution, when the solution can be bought with money.

Mr. Speaker, I wish to say here that it is not the Members of Congress who must bear alone the reproach of Mr. Perriello. There are many other concerned Americans in positions of great influence who contribute to our lack of adequate support for cancer research by insisting, as many Members of Congress do, that there are other medical problems that require attention and that there is no assurance that a massive research program will enable us to conquer cancer.

In this connection I wish to insert in the RECORD following my remarks, and following the two items I have mentioned, the recent newspaper columns by two distinguished writers for the Washington Star, Mr. Crosby S. Noyes and Miss Judith Randal. These are concerned and very knowledgeable journalists who caution against the legislation which Senator YARBOROUGH and I are sponsoring, caution against responding rapidly to the fervent desire of the American people for more cancer reseach and urge prolonged and thorough study before action is taken on this legislation.

These distinguished journalists are not apathetic about cancer, any more than are the Members of the Congress. But I would suggest that they and we are the victims of excessive caution in the face of a clear will of the people that we try at least to conquer cancer through research in the foreseeable future.

Mr. Speaker, ours is a democratic society and I would not want to be part of a government which could not respond to the wishes of the people in a matter such as this. We may not be able to find an early cure for cancer through the kind of clear-mission approach we adopted to put a man on the moon. But the American people are willing to try, they are willing to spend the money, and it is, after all Mr. Speaker, their money.

I would suggest that a National Cancer Authority makes good sense medically and scientifically. But much more significantly I think it makes urgent good sense in terms of democratic government and the ability of government to respond to the will of the people. I urge my colleagues to make considerations of this legislation a priority objective in the next Congress. I am convinced that the American people want this kind of legislation to combat cancer and that they are indeed "lobbying for humanity."

The articles follow:

[From the Washington Star, Dec. 10, 1970]

CANCER AGENCY PLAN QUESTIONABLE

(By Judith Randal)

It is difficult to assess the proposal made to the Senate to intensify research against cancer.

On its face, this legislation—which followed the recommendations of a Senate-financed panel of scientists and leading citizens and was introduced by lame-duck Sen. Ralph Yarborough of Texas—contains two features, one laudable and one questionable. Although the legislation stands virtually no change of passage before the coming adjournment of the 91st Congress, both features are worth examining because the bill—or one much like it—undoubtedly will be reintroduced in the 92nd Congress.

The laudable aspect of the proposal, as one panel member explained last week to the Senate Committee on Labor and Public Welfare, is its stated goal of "major progress" in treating certain forms of cancer and some progress "in all forms of cancer within a time-span of five to eight years."

Even if cancer were not second only to heart disease as the cause of death in this country, the objective would be a valid one and the suggested investment of $3 billion to $7.5 billion probably would be money well-spent. It need hardly be said that malignancy is the most dreaded of medical diagnoses.

Although treatment of its various manifestations has, by and large, improved, there still is a very long way to go. Skin cancer, for example, is about 95 per cent curable if treated early, but survival rates from breast cancer have changed little in 50 years.

The questionable aspect of the proposal is more complex. As things now stand, the government's investment in cancer research is centered at the National Cancer Institute, one of the components of the National Institutes of Health, which, in turn, are a part of the Department of Health, Education and Welfare. Under the new plan, a National Cancer Authority—separate from these jurisdictions and answerable directly to the President—would supersede the NCI.

The panelists' idea in proposing the authority was to give the cancer problem the same kind of urgency that was accorded the development of an atomic bomb by the Manhattan Project and landing men on the moon by the Apollo program. The question that must be asked, however, is whether the comparisons have been thought through.

What seems to have been forgotten, for instance, is that special independent agencies were not created to achieve these high-priority objectives. The atom bomb was given to the Corps of Engineers in the then-independent War Department, while the already existing National Aeronautics and Space Administration was charged in 1961 with building an organization to put men on the moon.

The panel obviously was thinking that an autonomous agency would be freer of fiscal constraints than one whose horizons are limited by the budget ceiling imposed on the Department of Health, Education and Welfare. However, that expectation seems naive.

Slice it any way you wish—a national cancer authority, whether in or out of HEW, would be part of the medical research mix, a fact not likely to go unnoticed by the federal Office of Management and Budget which controls the expenditures authorized by Congress and releases no more money to agencies than it deems wise.

Furthermore, if cancer is singled out for autonomy, other disorders are sure to demand equal time. Which would get independent agency status and which would not, would likely depend less on their relative importance than on the relative strengths of the various health lobbies.

There already is a certain amount of internecine warfare among health causes, and if cancer—which already gets top-priority funding at the expense of such relatively negelected disorders as arthritis—became even more privileged, the bitterness would intensify. Indeed, if any one field deserves to be singled out for favored treatment, it probably is genetics, which has a bearing on literally every disorder known to man, cancer included, and on such social problems as the population explosion as well.

Finally, it should be said that the basic research advances which fuel progress in medical technology—i.e., treatment—have a bewildering habit of coming from the most unexpected quarters, suggesting that, if the cancer endeavor were insulated from the rest of medicine by the artificial barriers that its independent status would tend to erect, important leads might go untapped.

In short, although the national cancer authority proposal is clearly well-intentioned and will be hard for politicians to resist, it should be exhaustively investigated before being put to a vote.

[From the Washington Star, Dec. 10, 1970]

WOULD CRASH PROGRAM FOR CANCER CURE PAY OFF?

(By Crosby S. Noyes)

Who can be against it?

Who can really oppose the idea of conquering cancer? What politician, scientist or ordinary citizen could disagree with a proposal for an intensive effort, patterned on NASA's crash program for putting men on the moon, aimed at ridding mankind of this dreadful disease?

The objective, certainly, is universal. It transcends any interest based on race, creed, national origin or economic status. The rich white man has as much to fear from cancer as the poor black. Leonid Brezhnev, for one, thinks that Russia and the United States should work together on the problem.

In this country, the proposals to date are hardly extravagant.

A few days ago, a 20-member panel, named by the Senate Committee on Labor and Public Welfare to study the problem of cancer research, called for the creation of a new independent agency to take on the job. This National Cancer Authority, reporting directly to the President, would take over the National Cancer Institute—now a part of the National Institutes of Health—and all efforts in the area of cancer research.

The budget of $400 million for the new agency would nearly double the funds available for such research within the next fiscal year, according to the panel's recommendations. Ultimately, the plans call for increasing this backing to between $800 million and $1 billion by 1976, or sooner if possible.

Why not indeed? As the panel points out, cancer now costs the country between $3 billion and $5 billion a year in medical costs, plus perhaps as much as 12 billion more for loss of earnings and productivity. In contrast, as Committee Chairman Ralph Yarborough observed, the nation spends less on cancer research today than it does on ballpoint pens or chewing gum.

There is, in fact, strong backing for the proposal. The panel that made it includes some highly distinguished names in the scientific and business communities. Its reception by the Senate committee was enthusiastic, with Sen. Edward Kennedy promising to introduce the needed legislation in the first session of the new Congress.

Yet, unlikely as it may sound, there also is very serious opposition to the idea of a stepped-up war on cancer. And the proposal to set up a new agency to wage it is certain to cause a major hassle among everyone interested in the area of public health.

Some of the opposition already has weighed in. Dr. Robert Marston, director of NIH, is against taking cancer research away from his agency. Other professionals are reported dismayed at the idea of concentrating so much of the available resources on a single health problem, perhaps at the expense of such things as pollution control, research on other diseases and improved health care for the poor.

Part of this opposition stems from the fairly obvious proposition that, in health research as in everything else, there never is enough money to go around. If the proposed war on cancer really means that new resources will be brought into play, no one could have many objections.

But if it turns out to be merely a diversion of available resources to a single medical objective, the objections would be well founded and the project itself could be self-defeating.

Perhaps the most serious question, however, is whether the problem of cancer research lends itself to the kind of spectacular, all-out effort that the committee is suggesting. The analogy to the moon-landing effort mounted over the last decade has an obvious appeal, but it also could prove to be cruelly deceptive.

The technology for getting to the moon, after all, already existed when President Kennedy set the goal in 1961. Once the decision was made to concentrate the necessary manpower and resources on the moon project, success was virtually assured. The only problem was in deciding whether the result would justify the effort.

The problem of cancer research is altogether different. There is absolutely no assurance that a concentrated effort—at twice, or 5 times, or even 10 times the present rate of spending—will in fact produce a cure for cancer within any foreseeable period of time. And since, as Dr. Marston points out, "cancer research profits from an interplay with other research in the diseases of men," concentration on a single objective could turn out to be an entirely wrong approach.

But also maybe not. It is almost a fundamental article of the American faith that the more money and the more brains are focused on a given objective, the sooner that objective will be reached. In this case, the faith may prove false. But unless the effort is made, who will ever know?

[From the Washington Post, Dec. 12, 1970]

CANDLES BEAM CANCER PLEA

(By William L. Claiborne)

Elizabeth Perriello was 14 when the doctors told her parents she would die of leukemia; she was 15½ last Jan. 25 when she died.

She died, her father said, "believing she had a blood disease that could be cleared up tomorrow." Her parents had made the decision not to tell her she had leukemia.

She was a happy teen-ager until the day she died, her father said. She believed she would be made well because she assumed that everything was being done to guarantee her recovery.

Last night, Elizabeth's parents and the mothers and fathers of dozens of children who have cancer, or have died of it, silently protested, in effect, that Elizabeth's assumption was wrong.

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Angelo Perriello, an American Airlines captain who lives at 9031 Greylock St., Alexandria, stepped out into the darkness last night in front of his home and slowly began placing paper bags on his porch.

He weighted them with sand and in each one placed a lighted candle, creating a pattern of luminaries that soon was duplicated in half a dozen other homes in the block.

The luminaries, which are used widely at Christmastime in some Southwestern states, stem from the Spanish tradition of placing festival lights along a roadway leading to a church and lighting them at Christmas mass.

Because of last night's rain, the Perriellos and other families placed the lights on porches. Normally, they will border driveways and streets.

In other homes in Virginia and in Maryland and Washington, families whose lives have been touched by cancer followed suit. Others have pledged to light one candle in the coming weeks.

They are members of an organization called the Candlelighters, and their purpose is to impress upon the federal government and the public their belief that not enough money is being spent on cancer research.

The organization's genesis last April was in the waiting rooms of Children's Hospital, where parents of children dying of cancer shared their most troubled moments and struck an accord of purpose.

Federal spending for cancer research in the past three years has dropped from $183 million in 1968 to $181 million in 1970, the Candlelighters found, while the costs of research have increased each year by 10 per cent.

The result, they say, is a one-third reduction in the amount of research that can be funded. This comes, they note, in a year in which 330,000 Americans will die of cancer, the disease that will kill more children than any other.

"The fact that tremendous strides are being made in cancer research is one thing," said Perriello. "But it's being done with peanuts; imagine what could be done with the kind of money that Congress could afford."

Perriello and other members of the Candlelighters have repeatedly gone to Capitol Hill to request more federal funding for cancer research They say the response has been less than enthusiastic.

"They (congressmen) reflect the same apathy that's shown by the public," said Perriello. "We're not lobbying for any particular person, or a group. We're lobbying for humanity.

"I've suffered the loss of someone I loved very much, and I'm indignant and mad that this country is apathetic to finding a solution, when the solution can be bought with money," said Perriello.

Then, acknowledging mixed feeling for those he says he has failed to impress. Perriello said, "I feel an affinity for the people who will not get behind this, because I know some day they could suffer as my wife and I have."

Not all of the 130 area families who belong to the Candlelighters are setting out luminaries, because many of them have children who don't know that they are dying of cancer of leukemia.

Perriello feels his candles can just as well burn for someone else.

"I've already lost my child, but there are many, many children whose lives are a matter of days and weeks and months. For them time is running out, and I'd be letting my child down if I did anything else," he said.

[From the Washington Post, Dec. 12, 1970]

CANCER UNIT NAMED FOR LOMBARDI

Georgetown University has established the Vincent T. Lombardi Cancer Research Center in memory of the former Green Bay Packers and Washington Redskins coach who died of cancer at Georgetown Hospital Sept. 3.

Mrs. Marie Lombardi, widow of the coach, and the Rev. R. J. Henle, president of Georgetown University, announced the establishment of the center yesterday.

In a statement, Mrs. Lombardi and Father Henle said the center will "provide a multidiscipline approach to research in the field of human cancer. It also will provide facilities of the most sophisticated nature for the diagnosis, care and rehabilitation of cancer patients."

Father Henle indicated planning for a cancer research center at the university has been in progress for nearly two years under a grant from the National Cancer Institute. Planning to determine the physical design and form of the center now is underway, he said.

Mrs. Lombardi will serve as honorary chairman of a national committee to assist in developing resources for the center. Contributions should be sent to Lombardi Memorial-Georgetown, Georgetown University Medical Center, Washington, D.C. 20007.

THE HONORABLE ROSE McCONNELL LONG

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the beginning of my service in the other body in 1936 overlapped briefly that of a great lady who had the distinction of being the beloved wife of one distinguished U.S. Senator and the mother of another.

It was a sad occasion, therefore, for me when Mrs. Rose McConnell Long passed away on May 27 of this year, and is my privilege to rise to pay tribute to her memory.

Mrs. Long was appointed to the Senate in January of 1936 to fill the vacancy caused by the tragic death of her disguished husband, the late Huey P. Long. I was elected to fill a vacancy in November of that year and consequently was her colleague until her term ended in January of 1937.

Through a long and eventful life, Mrs. Long came to embody those qualities of character and integrity which are the heart and soul of America at its best. Modest, self-effacing, kindly in word and deed, she set an example whose influence extended to all who knew her, respected her, and loved her. As the wife of one distinguished U.S. Senator, the mother of another, and herself a Senator, hers is a unique record of family service in the Senate.

To her son, the honorable and distinguished RUSSELL B. LONG, who also was my colleague in the Senate, and to all of the members of her notable family, I extend my sincere condolences in their and our loss. They will be sustained through all the years by the memory of her life and her service to Louisiana and the Nation.

As the wisdom of Solomon reminds us:

> The memorial of virtue is immortal . . . for it is known both to God and to men. When it is present, men take example of it, and long for it when it is gone; throughout all time it marches, crowned in triumph, having gotten the victory, striving for undefiled rewards.

APPROPRIATIONS FOR FOREIGN ASSISTANCE AND RELATED PROGRAMS—CONFERENCE REPORT

Mr. PASSMAN submitted the following conference report and statement on the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1745)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) "making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 18, 20, 25, 26, 27, 28, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 30, and 31 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$353,435,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$166,750,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$82,875,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$103,810,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,925,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,980,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$287,500,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$420,000,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

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In lieu of the sum proposed by said amendment insert "$51,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$200,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"PEACE CORPS

"SALARIES AND EXPENSES

"For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, $90,000,000, of which $30,000,000 shall be available for administrative expenses."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$6,476,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$5,649,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 14, 15, 17, and 24.

OTTO E. PASSMAN,
JOHN J. ROONEY,
JULIA BUTLER HANSEN,
JEFFERY COHELAN,
CLARENCE D. LONG,
JOHN J. MCFALL,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
CHARLOTTE T. REID,
DONALD W. RIEGLE, Jr.,
FRANK T. BOW.
Managers on the Part of the House.

GALE W. MCGEE,
ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
JOSEPH M. MONTOYA,
HIRAM L. FONG,
JAMES B. PEARSON,
MILTON R. YOUNG.
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

Funds appropriated to the President

Economic Assistance

Amendment No. 1: Technical assistance: Appropriates $353,435,000 instead of $310,000,000 as proposed by the House and $396,870,000 as proposed by the Senate. This amount will be distributed as indicated in amendments numbered 2, 3 and 4 below.

Amendment No. 2: Appropriates $166,750,000 for world-wide technical assistance instead of $150,000,000 as proposed by the House and $183,500,000 as proposed by the Senate.

Amendment No. 3: Appropriates $82,875,000 for Alliance for Progress technical assistance instead of $75,000,000 as proposed by the House and $90,750,000 as proposed by the Senate.

Amendment No. 4: Appropriates $103-810,000 for Multilateral organizations technical assistance instead of $85,000,000 as proposed by the House and $122,620,000 as proposed by the Senate.

Amendment No. 5: American schools and hospitals abroad: Appropriates $12,895,000 as proposed by the Senate instead of $8,600,000 as proposed by the House.

The amounts appropriated under this section shall be available solely in accordance with the allocations set forth on pages 10 and 11 of Senate Report No. 91–1370 with the exception of the sum proposed for Igud Leiluf Hanoar which the Committee of Conference has reduced by $500,000. In lieu of the $500,000 reduction mentioned above, the Committee of Conference has included $500,000 for the Hospital and Home for the Aged, Zichron-Yaakov, Israel.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would waive the 1971 and 1972 payments due on certain Public Law 480 loans from the Weizmann Institute and the Bar-Ilan University. The Committee of Conference felt it was sufficiently meritorious to include the Bar-Ilan University in the waiver of certain Public Law 480 loan repayments for 1971 and 1972. This action should not be considered as establishing a precedent for other institutions to follow.

Amendment No. 7: Indus Basin Development Fund, grants: Appropriates $4,925,000 instead of $4,000,000 as proposed by the House and $5,850,000 as proposed by the Senate.

Amendment No. 8: Indus Basin Development Fund, loans: Appropriates $6,980,000 instead of $6,000,000 as proposed by the House and $7,960,000 as proposed by the Senate.

Amendment No. 9: Supporting assistance: Appropriates $414,600,000 as proposed by the Senate instead of $375,000,000 as proposed by the House.

Amendment No. 10: Contingency fund: Appropriates $15,000,000 as proposed by the Senate instead of $12,500,000 as proposed by the House.

Amendment No. 11: Alliance for Progress, development loans: Appropriates $287,500,000 instead of $225,000,000 as proposed by the House and $337,500,000 as proposed by the Senate.

Amendment No. 12: Development loans: Appropriates $420,000,000 instead of $280,000,000 as proposed by the House and $570,000,000 as proposed by the Senate.

Amendment No. 13: Administrative expenses, A.I.D.: Appropriates $51,000,000 instead of $50,000,000 as proposed by the House and $51,125,000 as proposed by the Senate.

Amendments Nos. 14 and 15: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the Senate amendments which would allow deobligated funds from one account to be reobligated to any of the other various appropriation accounts.

Overseas Private Investment Corporation

Amendment No. 16: Overseas Private Investment Corporation, reserves: Appropriates $18,750,000 as proposed by the House instead of $37,500,000 as proposed by the Senate.

Social Development Assistance

Inter-American Social Development Institute

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would allow the Institute to commence operations and place a limitation of not to exceed $10,000,000 to be available to fund this program during the current fiscal year.

The Committee of Conference agrees that no construction of any type should be undertaken by the Institute until proper justification has been presented to and approved by the appropriate committees of the United States Senate and House of Representatives.

Amendment No. 18: Sec. 107: Makes available not to exceed $9,000,000 for research under section 241 of the Foreign Assistance Act of 1961, as amended, as proposed by the House instead of $10,000,000 as proposed by the Senate.

TITLE II—FOREIGN MILITARY CREDIT SALES

Amendment No. 19: Appropriates $200,000,000 instead of $272,500,000 as proposed by the House. According to the Senate Committee report, this item was denied, without prejudice, due to the lack of authorizing legislation. The Senate accepted the recommendation for deletion.

The Committee of Conference agrees that the credit sales program in fiscal year 1971, as provided for above, should fund a program with a credit authorization of not to exceed $235,000,000.

TITLE III—FOREIGN ASSISTANCE (OTHER)

Amendment No. 20: Conforms title number.

Peace Corps

Salaries and Expenses

Amendment No. 21: Appropriates $90,000,000 instead of $94,500,000 as proposed by the Senate. The House deleted this item on a point of order due to the lack of authorizing legislation at the time it was considered by the House. The Peace Corps is now authorized by Public Law 91–352, approved July 24, 1970.

It is also provided that of the amount appropriated above, $30,000,000 shall be available for administrative expenses instead of $31,400,000 as proposed by the Senate.

Department of the Army—Civil Functions

Ryukyu Islands, Army, Administration

Amendment No. 22: Appropriates $6,476,000 instead of $6,000,000 as proposed by the House and $6,952,000 as proposed by the Senate.

Department of State

Migration and Refugee Assistance

Amendment No. 23: Appropriates $5,649,000 instead of $5,511,000 as proposed by the House and $5,787,000 as proposed by the Senate.

Funds Appropriated to the President—International Monetary Fund

Increase in Quota, International Monetary Fund

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would provide for an increase of $1,540,000,000 in the quota of the United States in the International Monetary Fund.

The Committee of Conference has deleted the proviso which stated the appropriation shall be effective only upon the enactment of authorizing legislation. The authorizing legislation has not yet been enacted into law.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

Amendment No. 25: Conforms title number.

TITLE V—GENERAL PROVISIONS

Amendment No. 26: Conforms title number.

Amendment No. 27: Section 501: Conforms section number.

Amendment No. 28: Section 502: Conforms section number.

Amendment No. 29: Section 503: Conforms section number.

Amendment No. 30: Section 504: Deletes language proposed by the House which would would have required an audit by the Comptroller General of the United States of any project or activity financed by the International Financial Institutions funded in this bill.

Amendment No. 31: Section 505: Deletes language proposed by the House which would have required detailed justifications to be available to the Senate and House of Representatives on any project or activity financed by the International Financial Institutions funded in this bill.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the committee of conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

	Amounts
New budget (obligational) authority, fiscal year 1970	$2,710,490,000
Budget estimates of new (obligational) authority, fiscal year 1971	2,876,539,000
House bill, fiscal year 1971	2,220,961,000
Senate bill, fiscal year 1971	2,603,639,000
Conference agreement	2,534,310,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	−176,180,000
Budget estimates of new (obligational) authority, fiscal year 1971	−342,229,000
House bill, fiscal year 1971	[1]+313,349,000
Senate bill, fiscal year 1971	[2]−69,329,000

[1] Consists of a net of (1) $90,000,000 added for the Peace Corps, for which no provision was made in the House bill, (2) $295,849,000 in concessions on various increases made in the bill by the Senate, offset in part by (3) $72,500,000 reduction from the $272.5 million in House bill for military credit sales.

[2] Consists of a net of (1) $4,500,000 reduction from the Senate provision for the Peace Corps, which was not in the House bill, (2) $264,829,000 in reductions below various increases made in the bill by the Senate, offset in part by (3) $200,000,000 increase for military credit sales, for which no provision was made in the Senate bill.

Otto E. Passman,
John J. Rooney,
Julia Butler Hansen,
Jeffery Cohelan,
Clarence D. Long,
John J. McFall,
George Mahon,
Garner E. Shriver,
Silvio O. Conte,
Charlotte T. Reid,
Donald W. Riegle, Jr.,
Frank T. Bow,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Chisholm (at the request of Mr. Albert), for December 14 and 15, on account of illness.

Mr. Horton (at the request of Mr. Gerald R. Ford), for the week of December 14, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Wold), to revise and extend their remarks and to include extraneous matter:)

Mr. Schwengel, on Thursday, December 17, for 1 hour.

Mr. Price of Texas, today, for 30 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Flood (at the request of Mr. Anderson of California) for 20 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Cabell, immediately following the remarks of Mr. McMillan in the Committee of the Whole today on the District Revenue Act.

(The following Members (at the request of Mr. Wold), and to include extraneous matter:)

Mr. Scherle in 11 instances.
Mr. Horton.
Mr. Hosmer in two instances.
Mr. Wyman in two instances.
Mr. Frey.
Mr. Chamberlain in two instances.
Mr. Schmitz in two instances.
Mr. Zwach in two instances.
Mr. Price of Texas.
Mr. Pelly in two instances.
Mr. Findley.
Mr. Anderson of Illinois.
Mr. Carter.
Mr. Whitehurst.

(The following Members (at the request of Mr. Anderson of California), and to include extraneous matter:)

Mr. Rarick in three instances.
Mr. Pucinski in six instances.
Mr. Baring in two instances.
Mr. Eilberg.
Mr. Leggett.
Mr. Davis of Georgia in two instances.
Mrs. Sullivan in three instances.
Mr. Minish in two instances.
Mr. Edwards of California.
Mr. Melcher.
Mr. O'Hara.
Mr. Cohelan in five instances.
Mr. Johnson of California.
Mr. Kluczynski in two instances.
Mr. Rogers of Florida in five instances.
Mr. Ryan in two instances.
Mr. Lowenstein in five instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8663. An act to amend the Act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineers Corps of the Navy;

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto.

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid; and

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir;

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1499. An act to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma for the Chouteau family;

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham;

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock;

S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors;

S. 3785. An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational sections of title 38, United States Code;

S. 3867. An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes;

S. 4536. An act to amend the Small Business Act; and

S. 4557. An act to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 2335. An act for the relief of Enrico DeMonte;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 3571. An act for the relief of Miloye M. Sokitch;

H.R. 4239. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

H.R. 7830. An act for the relief of James Howard Giffin;

H.R. 9488. An act for the relief of Mrs. Ruth Brunner;

H.R. 10153. An act for the relief of Frances von Wedel;

H.R. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain compensation of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of residence or the State or Subdivision wherein more than 50 per centum of compensation is earned, and for other purposes;

H.R. 12173. An act for the relief of Mrs. Francine M. Welch;

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia;

H.R. 14684. An act for the relief of the State of Hawaii;

H.R. 17582. An act to amend the peanut marketing quota provisions to make permanent certain provisions thereunder; and

H.R. 17923. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Tuesday, December 15, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2614. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport; to the Committee on Foreign Affairs.

2615. A letter from the Acting Secretary of the Interior, transmitting a copy of a proposed concession contract authorizing the continuation of medical, surgical, hospital and related facilities and services for the public within Grand Canyon National Park, Ariz., for a 10-year term ending December 31, 1979, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2616. A letter from the Attorney General, transmitting a report on the award of the Young American Medals for Bravery and Service for the calendar year 1968, pursuant to the act of August 3, 1950; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ICHORD: Committee on Internal Security. Report of inquiry concerning speakers' honoraria at colleges and universities (Rept. No. 91-1733). Referred to the Committee on the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; with an amendment (Rept. 91-1733). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19774. A bill to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return; with an amendment (Rept. No. 91-1734). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19627. A bill to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income; with amendments (Rept. No. 91-1735). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19566. A bill to amend the Renegotiation Act of 1951, and for other purposes; with amendments (Rept. No. 91-1736). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19242. A bill to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves; with an amendment (Rept. No. 91-1737). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 18693. A bill to amend section 165(1) of the Internal Revenue Code of 1954; with an amendment (Rept. No. 91-1738). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 18549. A bill to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met; with amendments (Rept. No. 91-1739). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means on Ways and Means. H.R. 18251. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; with an amendment (Rept. No. 91-1740). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 6742. A bill to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies; with amendments (Rept. No. 91-1741). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee of Ways and Means. H.R. 17988. A bill to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit; with an amendment (Rept. No. 91-1742). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 17917. A bill to amend the Tax Reform Act of 1969; with an amendment (Rept. No. 91-1743). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 8298 (Rept. No. 91-1744). Ordered to be printed.

Mr. PASSMAN: Committee of conference. Conference report on H.R. 17867 (Rept. No. 91-1745). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DADDARIO:

H.R. 19951. A bill to amend title 5, United States Code, to include as creditable service for purposes of the civil service retirement system certain employment in research facilities operated under contract with the National Defense Research Committee or the Office of Scientific Research and Development, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GERALD R. FORD:

H.R. 19952. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain suede leather gloves, and for other purposes; to the Committee on Ways and Means.

By Mr. ADAMS:

H.R. 19953. A bill to authorize the Interstate Commerce Commission to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19954. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to waive the exclusionary provisions of section 212(a)(19) with respect to certain additional alien relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 19955. A bill to amend title 37 of the United States Code in order to provide certain enlisted members and commissioned officers of the Armed Forces with transportation to and from the homes of their next of kin; to the Committee on Armed Services.

By Mr. STRATTON:

H.R. 19956. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WAMPLER:

H.J. Res. 1415. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 19957. A bill for the relief of Julia Ann Lydon; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 19958. A bill for the relief of Alfredo Fugaccia and his family: Anna Maria Franchi Fugaccia (wife), Alberto Fugaccia (son), Isabella Fugaccia (daughter); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

652. The SPEAKER presented a petition of "D C" Dockery, San Luis Obispo, Calif., relative to redress of grievances; to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

LEGISLATIVE REFORM STILL BADLY NEEDED

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. CHAMBERLAIN. Mr. Speaker, one of the most comprehensive legislative reorganization acts in 24 years was passed in October of this year. Although this act has improved the rules and practices of the Congress, there is still a great need for further reform in our national lawmaking process.

I would like to include in the RECORD an editorial from the State Journal of Lansing, Mich., of December 4, 1970, which makes valid comment on the continuing need for congressional reform:

LEGISLATIVE REFORM STILL BADLY NEEDED

It is no secret that there is pressing need for congressional reform of some customs, rules and practices which not only make the process of lawmaking awkward but actually are used in blocking legislation no matter how essential it may be to the country and its citizens.

It would be naive to believe that all the needed reorganization of legislative practices is going to be achieved overnight or even in one session of Congress.

But it is certainly hoped that the 92nd Congress, which convenes next month, will take some steps to remedy obvious flaws in our national lawmaking process. The 91st Congress inched ahead in this direction by eliminating the archaic "secret vote" system in the House on important amendments. There were other minor gains, but the attempt to replace the seniority system of determining committee chairmen, for instance, was not successful.

It has been reported that the two major parties have appointed committees to study the seniority issue and will report to the party caucuses before Congress convenes. Seniority is expected to be debated by the two parties on the House floor. Meanwhile, some observers believe that the Senate will discuss the possibility of ending or severely diminishing the effectiveness of the filibuster, which now allows a minority of senators to prevent action on a bill by simply talking it to death.

We strongly endorse any change which will enable the Congress to handle more effectively the ever-growing legislative load. Furthermore, we believe that changes are possible to make Congress more responsible to the public and its wishes and therefore more democratic.

The seniority system is a good case in point. The system is a custom, not a rule, of Congress. It awards the chairmanship of each committee to the member from the majority party who has served on that committee for the longest period. He may be too old to function adequately as a leader, he may be on the opposite end of his party's position on an important issue or he may be a poor legislator, but if he has served on the committee one day longer than the rest of the members, he is chairman.

Committee chairmen are the power structure in Congress. No one, including party leaders, the Speaker of the House or even the President, can tell a committee chairman what to do. More than one essential piece of legislation has died in committee simply because the chairman of that committee was opposed to it. This often misused power is a detriment in itself and the seniority system complicates the process.

The disadvantages of the system are obvious. First, it makes it difficult if not impossible for younger members of Congress to play significant leadership roles. The median age of House chairmen now is 69 compared with 53 for all the members of that body. In the Senate, the figures are 67 for chairmen and 58 for the membership as a whole.

The seniority system also throws the weight of congressional power to the one-party states and House districts because those areas most often re-elect the same man year after year. Some candidates from such areas run for re-election without opposition in either the primary or general elections.

Something besides longevity must be the qualification for committee chairmen. Party members should have the right to pick these men who have such vast control over the legislative process.

Congressional reform has been a discouragingly slow process in the past, but this in no way changes the fact that reform must be worked at and accomplished. We hope that the 92nd Congress recognizes this and takes meaningful steps to improve the methods used to make our nation's laws.

THE REAL TED TRUEBLOOD

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, December 14, 1970

Mr. CHURCH. Mr. President, my State of Idaho is widely known by sportsmen for having some of the finest hunting and fishing in North America. Therefore, it is not surprising that Idaho is also the home of many prominent sportsmen, and no person better illustrates the outstanding qualities which make a true sportsman than my friend, Ted Trueblood.

Ted Trueblood has long been recognized as one of the Nation's leading sportsmen and outdoor writers. Few writers' articles are more widely read than his. He draws from a wealth of experience in writing his articles and books about hunting and fishing.

A native Idahoan, he now makes his home in Nampa and is an associate editor of Field and Stream magazine. The December issue of Field and Stream contains an excellent article entitled "The Real Ted Trueblood" by Peter Barrett. I ask unanimous consent that it be printed in the extension of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE REAL TED TRUEBLOOD

(By Peter Barrett)

Back in 1962, Ed Zern wrote an *Exit Laughing* column with the title, "Is There Really a Ted Trueblood?" in which he proclaimed that the man and the name were actually figments of editorial imagination. He wrote this in jest, of course, yet a lot of folks believed it. for he had touched a nerve of public wonderment

Is there *honestly* a Ted Trueblood? Can he really catch fish, or is he just a nom de plume on fishing stories? And what about those hunting articles—did he actually make those hunting articles—did he actually make all those trips over the years, or are such accounts the perpetuation of a myth foisted on the American public by a shrewd magazine publisher?

There have been times when I wished he were a myth. And others when I was very glad he wasn't. It happens that I have hunted and fished with this lanky, balding, 6-foot-2 Westerner for about 30 years and probably have been to more far-off places with him than any other individual. So I say this—he is real.

And though he does other things well besides hunting and fishing—Trueblood is also a conservationist, a superb camp cook, somewhat of a homespun philosopher, an excellent photographer, and pre-eminent as a writer, just for starters—I appreciate him most, I think, as a sportsman.

The way I first met Ted Trueblood in 1941 was ironic. Ray P. Holland was then Editor of this magazine and his son Dan was Fishing Editor. The Hollands were neighbors, and I fished with Dan frequently. When I learned that he was about to become Managing Editor, I applied for his old job. Ray Holland told me, "I've offered the job to a fellow named Trueblood from Idaho. If he turns it down, it's yours."

But Ted accepted. I decided I ought to meet this paragon and introduced myself on the phone one day. Was he *really* fit to hold this Holy Grail of jobs, I wondered? I'd soon find out, for I'd been raised in Westchester where Trueblood now lived—the county just north of New York City—and I new the fishing intimately. Some of it could be mighty demanding.

It was Ted's suggestion that we fish twenty-four hours around the clock with perhaps just a nap or two, beginning on a Saturday morning. I met him in White Plains, where he had an apartment, and we set off with his wife Ellen to fish various New York City watershed lakes and streams.

Before that crazy fishing marathon was over I knew that Field & Stream had made an excellent choice. We caught some bass and trout, but only two incidents are really clear after all this time.

The fishing was slow after lunch and we decided to see how far we could cast a fly along the shore of a lake. I had just learned about applying powdered graphite to a fly line to help it shoot through the guides, and perhaps Ted wanted to see how well it worked. By a coincidence we each had brought a Cross double-built 9-foot bass rod, a powerhouse of that day. But graphite and all, I could never quite beat Trueblood. He is still one of the finest casters I have even seen . . . and he still can outcast me.

The other incident occurred that night. Ellen was asleep on the seat of the black Chevvy coupe they had brought from Idaho. Ted opened the door quietly, pinched her leg, and said in a low, intense voice: "Rattlesnake."

Ellen achieved total levitation. Only the ceiling prevented her from orbiting. She came down fighting mad and after a suitable apology had been offered she ground out something like, "And now you two nuts can take me home."

Trueblood was a bit confused by New York at first. He even tried consulting a pocket compass when he arrived at Grand Central Station so he could find which way to head for his office, but there was too much steel around for this method to work. He was instantly at home on any sort of fishing water, however. Always curious and willing to investigate, he turned up fishing I'd often ignored.

One day we were standing on the bridge where the East Branch of the Croton River slows as it enters Diverting Reservoir. There were a few quiet rises near a mud bank. I was for ignoring them, but Trueblood kept watching.

"They're probably just sunnies," I said impatiently.

"Yes, but maybe they're *big* sunnies."

Trueblood always enjoys fishing for humble species as well as he does for the glamorous ones. So he went down, cast a dry fly to the closest fish, and soon hooked a lively brown trout about a foot long. I couldn't have been more surprised if it had been an Atlantic salmon. Ted invited me to join him and we took the remaining risers, all good trout.

That summer, Ted, Dan Holland, and I fished together a lot, unaware of the upheaval that was to come. Ray Holland resigned in September. Dan, who was in Alaska fishing, got the news of his father's leaving and quit himself, presently joining the Coast Guard. Meanwhile Ted got fired and headed south. At Raleigh, North Carolina, he joined the staff of the *News and Observer* newspaper, having been a reporter previously in Idaho and Utah. In the spring of 1942 Ted moved back to Idaho. Two years later he came East again, once more to take the job of Fishing Editor of FIELD & STREAM. He held this position for about two years and then, deciding that the commuter's life was not for him, he went back to live permanently in southern Idaho, not far from his parents' homestead farm. But though he had left New York, he hadn't left Field & Stream. Under the title Associate Editor, he has written regularly for the magazine ever since.

Ted's outdoor writing career got off to an early, if anonymous start. "Everyone has a story or two in him that's a natural," he told me recently, "and luckily I started with one in 1931, the year I got out of high school."

He sent the article, titled "A Certain Idaho Trout," to *National Sportsman* magazine and got a letter back from the late Edmund Ware Smith, who was then its editor and years later was to become a regular contributor to these pages.

Now an odd thing happened. Smith offered to buy the article but insisted that Ted Trueblood was a nom de plume "and not a very good one." So the article appeared the following spring under a name Ed Smith dreamed up—J. W. Wintring!

Was there *really* a Ted Trueblood? Not in *National Sportsman*.

The next article was bought in 1935 by *Fur, Fish & Game* and was duly published under Ted's proper byline. Now the outdoors world had seen the first of the hundreds of articles and two hard-cover books—"The Angler's Handbook" and "The Hunter's Handbook" (T. Y. Crowell, 1949 and 1954)—that were to bear his real name.

After high school Ted had attended the College of Idaho in Caldwell for about two and a half years and taken on various jobs. "I'd go down the main business street knocking on every door. Times were hard and I took anything I could get: pumping gas, working in a store—you name it."

Finally, on January 1, 1936, Trueblood got his first job as a newspaper reporter on the *Boise Capital News* in Boise. Two good things happened there. On his first day at work he met a pretty girl reporter who was to become his wife, and he got started writing regularly. A year later he worked on the *Deseret News* in Salt Lake City and began selling "back-of-the-book" short articles on camping and fishing to Field & Stream.

Trueblood's commitment to the outdoors had long since been made, by the way. He caught his first trout at an early age not far from the family farm near Homedale on the Snake River. When he was about to graduate from high school he learned that his grandfather planned to present him with a gold class ring, but Ted asked for a fly rod instead and got a 9-foot Horrocks-Ibbotson (which he still has). By the time he was 13 he'd saved money from odd jobs until he had $20 with which he bought his first shotgun—a 20-gauge Ithaca double, bored improved-full, with double triggers.

So it was entirely in character that when Ted married Ellen on July 6, 1939, he proposed honeymooning with a tent, guns, fishing rods, and cameras in near-wilderness country. He had decided to become a free-lance writer and in the next few weeks wrote two articles on fishing for chinook salmon which he mailed off to FIELD & STREAM. He and Ellen camped north of Bear Valley in mountains along the Middle Fork of the Salmon River in central Idaho, remaining for four months or, as Ted puts it, "until we ran out of every bit of food."

When he returned to civilization, Ted found that Ray Holland had bought both articles. But freelance writing wasn't to come easy yet and he was flat broke at the end of the year, so on January 1, 1940, he took a job with the Idaho Fish & Game Department. He did public relations work, made a study of an elk range, and tramped the hills taking closeup pictures of game, some of which are still used in state slide shows.

The following year, Ted joined FIELD & STREAM as Fishing Editor, and we first met . . .

One thing that has always impressed me about Trueblood is his stamina and sure-footedness in mountain country. On our first Idaho elk hunt in 1948 I would try to emulate Ted's ability to run along deadfalls, often dusted with a night's frost, where a slip meant a plunge of 5 or 6 feet among jagged limbs.

I was having a bad time of it one morning, slowing our approach to a herd of elk we suspected were bedding in a certain little pocket among lodgepole pines. Finally I called a brief halt and asked what his secret was for running deadfalls.

"No secret. You must convince yourself that you don't care, no matter how bad it looks. Anyway, all you can do is break a leg," he added with a grin.

On we went, always a couple of yards above ground, but slower and in utmost silence now. Then Ted took what for him was a fair leap from one log to another but for me was a desperate one. I didn't quite make it and fell spread-eagled on popping limbs and mud. I've wondered what would have happened if I hadn't crash landed only 20 yards from those bedded elk. They took off instantly, like quail, and a mighty bull thundered away without a shot fired.

Perhaps because I didn't break anything, that spill gave me confidence and afterwards I navigated better, profiting from my friend's philosophical outlook.

I was also glad to follow Trueblood one desperate night in the Southern Alps of New Zealand. Everything had gone wrong that day, including forgetting to bring lunch. At twilight I'd shot a tahr, but just before Ted could take a picture the carcass started to roll. The tahr bounded down the mountain for several hundred yards before disappearing. Now we'd been on this steep mountain for eighteen hours. There was just enough starshine for me to make out Ted's tan cap a couple of yards ahead. Rocks we dislodged crossing one sheer slope seemed to boom forever as they plunged into the black void.

We spent the next two hours descending a tree-choked ravine on the seats of our pants, from handhold to handhold, Ted prodding downward with his rifle butt to see if there was anything just below. Once he dropped into a pool and warned me. Groans marked our pitiful progress. Any fall among rocks was welcome—you had an excuse to rest for a moment.

When we finally got to the bottom after twenty hours of fighting the mountain, we could barely stand. Level ground was confusing.

Right then it was enough to sit on a flat rock and smoke our pipes beside a brook where we'd just drunk deeply. "Just think," Ted said presently. "Now we *know* we can make it back to the cabin."

Ted is always an optimist in the wilderness, probably because it is where he fits best. I've long noticed that this man is uneasy—maybe impatient is the better term—in city surroundings. He'll put up with a bit of sightseeing if he can't get out of it. He'll go to town to buy something, when he absolutely has to. He'll even go to dinner in some fancy place once in a while, or to a housewarming, or whatever. But I can look at him chatting amiably and know he's thinking. *Tomorrow I'll be where the fish are.*

Trueblood plans to be in the field some 200 days out of every year. Inevitably with this sort of exposure, and because he is always trying to learn, he has made endless experiments. Long ago he decided that nymphs need not be imitative so much as suggestive, and he worked up a series which fishing books refer to simply as "the Trueblood nymphs." He also created a highly effective fly for bass; a big, long bucktail which he named Integration ("because it's black and white"), and others.

Just to see if it would work, he tried catching channel cats on chunks of soap, and found he could ("Sweetheart brand seemed best"). He has thought up such novelties as a floating deer-hair crawfish bug, fished with a sinking line to keep the lure hopping about on the bottom ("where the bass often are").

Though he uses spinning gear and bait-casting tackle at times, the fly rod has long been his favorite fishing tool. He was one of the first to see the advantages of the "shooting head" 30-foot fly line and sold me on it quickly.

Teaching comes naturally to Trueblood and I think he enjoys it. For example, he has for years conducted a course in fly casting for beginners at his local rod-and-gun club. "We do it evenings for a week in early May," he told me recently. "Last year I brought along some balanced outfits, along with several extra reels holding lines of various weights to find out what would work best with rods that had been causing problems. You'd be surprised at how fast someone can learn to cast with the right weight line."

I once asked him if he had ever tried to teach writing and he made a wry face. "Over the years various would-be writers have asked for help and I've tried to give it. But they can't take criticism—they want to be told that whatever they show me is great because some silly relative thinks they're a budding Hemingway."

There was one exception, however. Back in 1955 Trueblood had a young neighbor who had been trying his hand at outdoor writing for a couple of years, with only one minor sale. They began hunting and fishing together, and became friends. One day Ted looked at an article the fellow had done and showed him where it could stand some fixing.

"He actually listened," Ted told me. "It was a rewarding experience."

The fellow then reworked his article and sold it to FIELD & STREAM. That was the first real start for Clare Conley, who is now Editor of this magazine.

Between trips, Trueblood devotes quite a bit of time to conservation work. He has long been a member of Ducks Unlimited, the Sierra Club, the Wilderness Society, the Nature Conservancy. His involvement in his home state dates to 1936 when the Idaho Wildlife Federation was organized. He started with the first meeting, later helped put across the bipartisan Fish & Game Commission in the 1938 election.

"I'm a helper, not a leader in conservation," he told me last fall. But I don't quite buy this. I remember the time he traveled to Washington, D.C. to testify in favor of the Wild Rivers bill. And I'm aware of the huge volume of gratis publicity he has written over the years in support of various causes and political candidates (like Senator Frank Church) who Trueblood feels are "friends of conservation," regardless of their party affiliation."

One of the best trips I've made with Trueblood turned out in the end to be the toughest. We decided to float the Snake River for about one hundred miles, stopping en route to hunt pheasants on the many islands beginning where the river starts to angle north in the southwestern part of Idaho, and camping when the mood struck us.

I mentioned earlier that this man is a great camp cook. One of the reasons we concentrated on pheasants (though there were side trips for valley quail and chukars too) is that broiling a couple on a spit over campfire coals is a Trueblood specialty. Every bird was superb, and the different settings along the riverbank were a delight in their remoteness.

Where the river slows to form Brownlee Reservoir we made our last camp about halfway to the dam. Now we could top off a memorable trip by taking a couple of mule deer.

We'd hoped to find them near the shore, but they were high. We got out of the boat to build a fire against the morning chill and make tea that first day, and I happened to start looking at the top of a mountain with my 10X binocular. Almost at once I spotted a small bunch of deer. I handed the glass to Ted.

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"We can get to them easily," he said in sudden excitment. "There has to be a buck in that bunch."

There was . . . after nearly four hours of hard climbing and stalking. Ted shot the buck in its bed and I popped a doe that ran past. Far below our boat looked smaller than a golf tee. What had we done?

There was a rock-strewn gully below, and we had to drag both deer past it, side-hilling and bucking brush and slipping on the short dead grass. Finally, as the light was fading, we decided there was just time to prop the deer open to cool before hurrying back to the boat before dark. At this point we were only halfway down.

Next morning, early, we went at it again. Now we had ropes but they didn't help much on the frost-slicked slopes. It took us all day to drag those miserable deer to the boat. Even so, we just made it as dusk fell—and I'm leaving out some bad parts, like the passing cowboys who wouldn't help at the last quarter mile.

Back at the boat I got out a flask of bourbon. "Well, there can't be anything wrong with our hearts," I remarked.

"I'll drink to that," Ted agreed.

This was in November of 1967. We were wracked up for five days afterward, but it had been a great hunt, perhaps the sweeter for the final shared struggle.

The following February, Ted had a serious heart attack.

He has come out of it well. I've fished with him once since the attack and hunted chukars with him the past two falls. At each visit he was remarkably stronger than the last time. I believe that because of the recovery regimen he follows, he is emerging stronger than ever. And he is still as lean as when we met.

"I think it was aggravation that brought it on," he says now. "So I'm going to cut down on things I don't enjoy—like public speaking—and concentrate more on just being outdoors whenever possible."

At 57 Ted Trueblood can still cast a long fly, and when everything goes right, take three on a covey rise of chukars. And make it look easy. That's one of the pleasures of being with him. He can miss, of course. Don't we all! But a Trueblood miss is never a conversational disaster.

By being a sportsman, he has made sportsmen of his two sons—Dan, who is the elder at 23, and Jack who is 21 and has made Ted a grandfather twice.

These days, when the phone rings too often, he and Ellen have evolved a simple solution: they pack a tent, sleeping bags, and some food and take off to enjoy the peace of the sagebrush hills for a few days.

Which reminds me of something. I phoned him person-to-person recently, as I always do, and I heard the long-distance operator stifle a chuckle.

"What the matter?" I said.

"This Ted Trueblood—is he for real?"

I told her to ring the number and see. Naturally, there was no answer.

"Mr. 'Ted Trueblood' is not there," the operator said, still skeptical.

I had a momentary impulse to tell her that Ted was probably out camping or fishing, to try and convince her that I wasn't putting her on. But then I thought, Oh, the heck with it. It was all too hard to explain.

PROBLEMS OF AN INSTITUTE HIGHWAY DURING EARLY STAGES OF CONSTRUCTION

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. DAVIS of Georgia. Mr. Speaker, the Seventh District of Georgia has been plagued for some time now with heated battles over the proposed construction route of Interstate 75 from Marietta northward.

I am certain that the problems my district has experienced in this regard are likewise common to other municipalities throughout the United States, and I would, therefore, insert at this point a letter written by Arvel O. Franz of Cartersville, which elucidates in a unique manner some of the problems an interstate highway falls heir to during its early stages of construction:

THE EDITOR,
The Tribune News,
The Herald-Tribune.

DEAR SIR: I am a road, specifically an Interstate Highway. My function is simple. It is in this culture to transport by the straightest, safest, most economical means the needs of this culture, from one major city to another major city.

My function is not to be scenic, nor to affect the towns along my way (either positively or negatively). That function is supposed to be filled by the vast network of other highways. I and my brother Interstates are probably the last major rights-of-way that will ever be acquired. If this culture continues in its present way, at some future date it may be necessary to give us two decks or to mount high speed transport on our median strips. Since we are probably the last major connecting routes, it is critically important that nothing be done to make us less than efficient.

Certainly no local selfishness nor political nor editorial pressure should be brought to bear to lengthen me or put curves in me in order to enrich those who own property at feasible sites for interchange. I do have an effect on ecology. I cannot fail to have such an effect. But if I had a sense of humor I would have to smile at the cynical statement of—who says that on one route I would disturb the water skiers (whose snarling speed boats and oily exhausts directly affect the water) or at the statement that city people deserve a quiet place to take their high-powered rifles to shoot at deer and turkey undisturbed.

If I had a sense of sympathy I might feel sympathy for the man who for twenty years has attempted to improve the ecology of his property, where Scouts have identified 53 species of birds on one Sunday morning, who girdles damaged pine trees so that great pileated woodpeckers may be capable of living. From him, one proposed route would take his row of Asiatic chestnuts whose seed are being naturalized along stream banks to support deer and turkeys, and twenty pecan trees planted nearly 100 years ago. One route would cut his property in four pieces and even a route to reach town would be denied him. But if that route were indeed best, I would have to take it.

But I am afraid that those who attempt to force it have desires that do not deal with making me the shortest, best and straightest route possible. Nor should the statement that those who own minerals are willing to accept payment for those minerals be taken as evidence that harm will not be done to the generations to whom I make those minerals unavailable.

At this point in time and space I should be forced to do the best job possible for both the present and future. If one-tenth of the energy that has been spent bickering about my location had been spent by the communities along my route in making their own areas attractive and truly efficient, in developing their own living space, parks and monuments I could go on about my business unhindered.

I wrote this in answer to a group of editorials whice appeared in last week's papers about the proposed alternate route. I have traveled Interstates in many states of the Union, and nowhere have I seen any Interstate route improve land values except for the fortunate few who own property at interchanges. If Cartersville would cooperate, improve its own house, take advantage of its own magnificent location, and transport system it would be better off to forget the Interstate.

It is true that I am in some degree selfishly motivated. The proposed alternate route will completely destroy the value of the house and property that I have worked for twenty-two years to perfect as a retirement home. If it were indeed the best route I would have to bow to the need of the culture of which I am a part.

But to hear editorial pressure brought to bear in favor of destroying that on which I have worked in favor of water skiers and deerhunters right-of-domain, particularly when I am afraid that the arguments really are based on who owns prospective interchange property, leaves me angry, to say the least.

ARVEL O. FRANZ.

AN OPEN LETTER TO YOUTH

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. BARING. Mr. Speaker, one of my Nevada constituents, Mrs. Edna M. Luichinger of Reno, has written the following article which she feels should help give troubled young people courage to embark on a proper path to help themselves and America.

I include the following:

AN OPEN LETTER TO YOUTH

While talking to some of the young people of our time, I have found they are dissatisfied with many things. I have asked them what it is they really want? They want a better world, but they want to destroy the patterns of the past.

Let them listen to this thought. This age has given them many fine things, beautiful music, beautiful art and the beautiful dance, many, many wonderful inventions and cultures. Let them not destroy these, but let them take all the good things we have given them, add the fine things they are capable of producing, and together, we will have a greater and finer world and civilization.

Strife will lead you no place, but constructive cooperation and a conference table exchange of ideas will bring the silent majority (the Establishment), to the side of the younger generation and give you the support you so sorely need and desire.

Just like a seedling grafted to an established root, you can sap the wisdom, strength and might from the knowledgeable ages before you, yet grow straight with the furor of youth. So give us a try "Young seedlings" and you shall see. . . . Let us know your plans and how you want them accomplished.

The war, none of us want. We agree on this. But, we are still at sea as to what you really want accomplished. Let the whole country know what you want, and if it is a peaceful, constructive plan, you'll be surprised how many of us will understand and help.

Take a project like clean air for example, or polluted streams. If the young generation would all band together on these two projects and really push, you'd get these things done, the pressure would be so great, you would have the Establishment carrying banners for you.

When you've gotten these accomplished, you'll go on to another project, and another, until our country would be the beautiful, free states that God intented them to be, because your work would be so constructive, that all negative and destructive forces would fall by the wayside. Then the Light of your new age could shine brightly, and light the way for generations to come.

A better life and a better world would be your success.

THE NATION'S HEALTH SUFFERS FROM UNHEALTHY PRIORITIES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. LEGGETT. Mr. Speaker, it has recently come to my attention that the University of California at Davis medical school in my district currently has 2,250 applications for next year's freshman class. The figure is expected to reach 1,500 by December 30.

The size of the class will be 52. This is all the school can handle.

The associate dean for student affairs, Dr. Alexander Barry, has expressed surprise at the large number of really good applications. But the school can only accept 2 percent of those who apply. This situation is not atypical of medical schools all across the country. It is true that the statistics are in a sense inflated, because most students apply to more than one school. But the fact remains that there are thousands of able young men who could make excellent physicians but will not have the opportunity.

Our medical care is not in such a happy state that we can afford to throw away their talents. We are the richest country in the world, but it has been many years since we ranked in the top 10 in terms of life expectancy or infant education, things are going to get a lot worse before they get better.

The immediate cause of the problem in California is a decision the voters made last June to turn down a $246 million bond issue for health sciences.

But the more enduring causes are the distortion of national priorities and the mismanagement of the national economy. If we had brought inflation under control and stimulated the economy, using wage-price controls if necessary, money would have been easier to come by for everybody. But regardless of the state of the general economy, health sciences have not been receiving the high national priority they deserve. The administration appears to be more interested in building a winning image for 1972 than in meeting the real needs of the country. Rumor has it that Dr. Roger Egeberg is about to resign in frustration from his position at the head of the Nation's health bureaucracy, but the President will probably be so involved in lobbying for the SST that he will hardly notice Dr. Egeberg's departure.

THE IMPACT OF AIRLINE EMPLOYMENT

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. SCHERLE. Mr. Speaker, in the midst of the heated national debate over the merits of America's supersonic transport, it would be well for critics and proponents alike to take note of certain facts about the air transport industry. Its contribution to the economic well-being of the country has been, and continues to be, considerable, as the article which follows so amply illustrates. This industry has grown at a phenomenally fast rate over the past two decades, achieving worldwide leadership for the United States in aviation technology and providing prosperity for millions of Americans through employment. This industry cannot, however, maintain its expansion at home and its eminence abroad unless it remains in the forefront of technological innovation. The development of the SST will insure that American aviation will continue to be first in prestige, power, and prosperity:

THE IMPACT OF AIRLINE EMPLOYMENT

During the past 20 years, expansion of airline traffic has dramatically increased the number of persons employed in air transportation and related fields. The rate of increase has been much greater than for the U.S. civilian work force as a whole, and the total air transportation payroll today is a significant factor in the nation's economy.

Only two decades ago, before the introduction of the commercial jet, the nation's airlines employed 83,000 persons. When the jets were introduced in 1958, airline employment had increased to 147,000. During the jet-age decade of the 60s, this figure more than doubled with the creation of 150,000 new jobs. During the same period, the U.S. work force as a whole increased by about 20 per cent. By the end of 1969, a total of 312,000 employees were working for the U.S. scheduled airlines.

Airline payrolls in 1969 amounted to $3.3 billion—three times higher than in 1960 and ten times higher than in 1950. The average annual airline salary in 1969 was $10,652—60 per cent higher than in 1960 and 155 per cent higher than in 1950.

But the number of airline jobs and the payroll are only part of the story. Some airports have become virtual small cities in themselves. Hotels, restaurants, car rental agencies and other businesses related to air travel have also been responsible for a considerable increase in employment. In addition, the purchase of new aircraft has been responsible for thousands of new jobs in the engine industries. For every airline employee, aircraft manufacturing, electronics and jet it is estimated that there are three other employees in related fields.

Unfortunately, the current period of inflation and business recession has put the air transport industry in a tight financial position. The Air Transport Association of America estimates that airline employment at the end of 1970 will have increased no more than one per cent over the previous year. However, payroll costs will have gone up 11 per cent or more over 1969. In 1969, 26 of the 39 U.S. scheduled air carriers reported operating losses. In 1970, the situation has further deteriorated and the airline industry as a whole is expected to register a net loss. Obviously, if this trend continues it will create serious repercussions throughout many important sectors of the nation's economy.

I am optimistic that the trend will soon be reversed. If so, the nation's airlines will likely add 200,000 more new jobs during the decade of the 70s, making a total airline work force of about a half million people. Assuming the three-to-one ratio also holds true, by 1980 some 1,500,000 persons will be employed in work related to air travel.

G. E. KECK,
President, United Air Lines.

ON RETIREMENT OF BRYCE HARLOW

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. ARENDS. Mr. Speaker, it came as no surprise to me that my good friend, Bryce Harlow, has submitted his resignation as Counselor to the President. His leaving the White House will be a great loss to President Nixon and to all of us, but we have already asked of him much more than we have the right to ask of any one man. He has already served his country for many years in several

XUM

responsible positions and in each his performance has been "above and beyond the call of duty": As an Army officer in World War II, as chief counsel of the House Armed Services Committee, as assistant to President Eisenhower, and as Counselor to President Nixon.

Bryce is one of those individuals who has an unusually high sense of duty. It was only because he felt it was his duty that he took a leave of absence from his position in private business to assist President Nixon in the area of congressional relations with which work he was uniquely qualified. Being a man of many talents, of sound judgment, and exceptional acumen, he was called upon to assume more and more responsibilities, and to better discharge them in the service of the President he was appointed Counselor, with Cabinet rank.

Frankly, I have been amazed that he has been able to carry the burden. The job has been demanding and the hours long—from early morning to late at night and sometimes into the next morning. I knew the sacrifices he and his family were making. I regret he is leaving the Government service, but I am glad for his own sake.

I first became acquainted with Bryce when he became a member of our Armed Services Committee staff. He early demonstrated not only his exceptional capacity for hard work but also a mental capacity without equal. He is knowledgeable not only in defense matters and in the law but in many areas of human endeavor. And with it all, he has a great humility. He is not a self-seeker for power and glory. He has sought solely to serve others and most of all to serve his country.

I take some pride in the fact that I had a part in his being selected by President Eisenhower to serve on his White House staff. His original assignment was in handling congressional relations. But it was not long before President Eisenhower recognized that he had in Bryce Harlow a man of many talents, and in due course he became one of the President's closest advisers in whom he had complete confidence. Not infrequently when a question arose in discussions as to how best to approach a specific problem, the President would specifically inquire as to Bryce's point of view.

Bryce Harlow is one of the finest men it has been my privilege to know. He has been of immeasurable assistance to me. He is a personal friend for whom I hold great affection and the highest regard. While he may be small in physical stature, he is a giant of a man.

FOOTWEAR IMPORT FIGURES ALARMING

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. WYMAN. Mr. Speaker, the critical situation faced by the American footwear industry resulting from floods of foreign imports is graphically portrayed by the most recent figures from the Footwear Manufacturers Association. U.S industry faced with any such staggering penetration of its market is entitled to a reasonable measure of protection and entitled to it now.

The trade bill provisions do not cut off foreign imports. They do limit them to a reasonable future schedule consisting of the high average of the 1967–69 levels unless an importing nation makes a voluntary agreement with this country for a different figure—which can be even higher.

Our manufacturers deserve—and need—a projectable future schedule so they can know and plan on the extent of imports they must face in the market. Such needed protection is neither retaliatory nor anticonsumer oriented. The alternative is wholesale loss of U.S. jobs and sharply increased unemployment in this country:

IMPORTS FIRST 10 MONTHS 1970 JANUARY–OCTOBER—AMERICAN FOOTWEAR MANUFACTURERS ASSOCIATION

With 16,088,000 pairs of nonrubber footwear imported into this country in October, the first ten months of the year showed an astounding total of 199,492,000 pairs—a 19.6% increase over the same period in 1969.

All major types of footwear showed increases when compared to last year's data:

Percent Change—10 Months 1970–69

	Percent
Men's & Boys' Leather	+13.1
Men's & Boys' Vinyl	+66.3
Women's & Misses' Leather	+25.8
Women's & Misses' Vinyl	+9.1
Children's & Infants' Leather	+23.7
Children's & Infants' Vinyl	+5.6

In the remaining two months of 1970, at least 35,000,000 more pairs of imports will bombard the American Market, bringing the final total to more than 235,000,000 pairs.

The f.o.b. value of nonrubber imported footwear for the first ten months of 1970 totaled $459,087,000—a 27.4% increase over the comparable period last year. AFMA's estimated f.o.b. value for the year 1970 will reach a catastrophic total of over $550,000,000 (one-half billion dollars), which means that at the retail level the American Market will have absorbed close to *two billion dollars' worth of imported footwear in 1970.*

While imports *flourish,* domestic production *falters* and *lags* behind 1969 production by 2.4%—a *sad* story when one considers the fact that 1969 production was the lowest in more than *ten* years. Men's shoes are running 1% behind 1969 production; Women's shoes are 3% below last year's production. Misses' shoes are 13% below last year's production and Children's shoes are averaging a *low* 17% behind 1969 production.

The facts cannot be denied. It is quite obvious that *imported footwear is flourishing at the expense of domestic production.*

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousand pairs; thousand dollars]

Type of footwear	October 1970 (pairs)	Percent change (1970/1969)	10 months, 1970			Percent change (1970/1969)	
			Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value
Leather and vinyl, total	15,032.4	+11.2	189,304.5	444,291.8	$2.35	+18.2	+25.6
Leather (excludes slippers)	8,375.5	+18.8	100,183.8	357,038.2	3.56	+21.7	+23.1
Mens, youths, boys	2,786.4	+20.9	28,078.6	126,372.0	4.50	+13.1	+18.0
Women's, misses'	4,998.1	+15.5	63,740.6	211,905.5	3.32	+25.8	+29.0
Children's, infants'	281.0	+82.9	5,478.4	8,175.6	1.49	+23.7	+16.6
Moccasins	31.6	−42.0	457.9	531.0	1.16	−16.1	−19.5
Other leather (includes work and athletic)	278.4	+31.8	2,428.3	10,054.1	4.14	+33.5	−9.6
Slippers	42.7	+64.2	235.2	610.3	2.59	−22.2	−4.9
Vinyl supported uppers	6,614.2	+2.7	88,885.5	86,643.3	.97	+14.6	+37.9
Men's and boys'	1,363.0	+79.4	13,667.0	17,282.5	1.26	+66.3	+78.8
Women's and misses'	4,681.1	−5.9	66,444.0	62,359.2	.94	+9.1	+31.4
Children's and infants'	349.4	−35.1	7,339.7	6,016.7	.82	+5.6	+22.4
Soft soles	220.7	+30.6	1,434.8	984.9	.69	−5.9	+25.7
Other non rubber types, total	1,055.9	nc	10,187.1	14,794.7	1.45	+55.4	+107.4
Wood	208.5	+16.9	3,487.2	8,915.4	2.56	+261.5	+278.5
Fabric uppers	724.7	−4.3	5,859.7	4,658.3	.79	+21.7	+22.4
Other n.e.s.	122.7	+6.5	840.2	1,221.0	1.45	+8.2	+25.5
Nonrubber footwear, total	16,088.3	+10.4	199,491.6	459,086.5	2.30	+19.6	+27.3
Rubber soled fabric uppers	4,212.2	+5.0	41,700.8	36,922.6	.89	+8.4	+29.6
Grand total, all types	20,300.5	+9.2	241,192.4	496,009.1	2.06	+17.5	+27.4

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the Association, room 302, 342 Madison Ave., New York, N.Y. 10017.

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PEOPLE BOMB A MYTH

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. ZWACH. Mr. Speaker, we are living in a period where environment and population growth are being fully considered and discussed. Some feel that our country should have a zero population growth. So that all thinking may be considered, I am inserting in the RECORD an article by Msgr. Edward O'Rourke, executive director, National Catholic Rural Life Conference.

The article follows:

PEOPLE BOMB A MYTH

(By Msgr. Edward O'Rourke)

An increasing number of Americans are concerned over the pollution of our air and water and the needless waste of our natural resources Advocates of population control are using this concern as a means to stampede us into a policy of "zero population growth." They claim that our environment and our survival are being threatened by a "population explosion."

The population explosion in the United States is a myth. During 1959, U.S. population was growing at a modest rate of 1.8 per cent per year. By 1969, this rate had fallen to 1 per cent per year. The United States with its vast agricultural and industrial productivity, has a population density which is 1/18th that of water-logged Holland and 1/7th that of mountainous Switzerland.

Furthermore, there is no evidence to support the assumption that moderately growing population causes pollution and waste of resources. Pollution and waste is the result of greed, materialism and expediency. Today, the United States has 6 per cent of the world's population but causes 50 per cent of the world's pollution.

People can cause pollution; but properly motivated, people can cure pollution. Those who demand severe reduction of the birth rate in the United States as a remedy for pollution are actually doing a disservice to the cause of conservation. They are distracting our attention from the real cause of our problem. namely, our lack of a true spirit of stewardship. If we adopt such a policy, our nation could support many times its present population. If we continue to act in a greedy, irresponsible way, even half of our present population will quickly make our environment uninhabitable.

It is true that some natural resources, such as petroleum, are unrenewable. When such a resource is exhausted, the number of people in our nation will not be so important as their ability to develop alternate resources; for example, to replace petroleum with atomic power as a source of energy.

It is also important to note that most natural resources renew themselves. Properly conserved, they will never be exhausted. Moreover, when the proper interaction among the earth's plants, animals and resources is maintained, one species' wastes becomes the other species support; for example, plants need the carbon dioxide generated by animals and animals need the oxygen released by plants; and the decaying remains of one generation of plants and animals becomes the nourishment of the next generation.

The ideal role for mankind in this intricate "web of life" is not to abstain from using plants, animals and natural resources; rather, it is to use them intelligently and responsibly. For example, a well tended farm with landscaping and properly tilled fields is more beautiful than untended land covered with a mixture of weeds and trees; a properly managed forest is much more productive, much less susceptible to forest fires than a a forest in its wild state.

Let us return to the alleged "population explosion" in the United States. The distribution of population in our nation is a greater problem than the absolute number of people. Presently, 70 percent of our population is crowded onto 2 percent of our land During the past 8 years, one out of three counties in the United States lost population. Thus, in these hundreds of counties there is a population problem, but the problem is too few, not too many people. A most constructive step, therefore, would be organized efforts to restore a more rational rural-urban population balance in our nation.

Equally serious is mal-distribution of wealth in the United States. If our great production of goods and services was more equitably shared by our citizens, we could comfortably support a much larger population. A crisis mentality over an alleged "population explosion" will only distract us from the more urgent task of observing interracial and social justice. The nation's poor have good cause to be fearful that the net result of the "zero population" push will be a worsening of their already tragic condition.

Let us now direct our attention to the most serious objection to the present campaign for zero population growth. This is a campaign against the existence of children, many millions of them. The argument is that, since someday we shall lack enough room, food and other necessities for our people, in the meanwhile, millions of wanted children should be denied the opportunity to live and eventually to enjoy eternal life. This is too great a price to pay, particularly when, as indicated above, the evidence offered for taking this desperate step is so flimsy. On the other hand, correcting the waste of resources and the maldistribution of population and of wealth would bring about only good and morally desirable results.

The fundamental lesson to be derived from a study of ecology is the folly of disregarding the laws of nature and the delicate interrelationships between mankind and nature. The true cause of our environmental crisis is our repeated resorting to unprincipled, short-range, expedient methods of accomplishing material, selfish goals. The same expediency is now being employed by the advocates of contraception, resulting in an erosion of the morality, health and esthetic values of our people. It is ironic when the same person demands that we avoid polluting our rivers and urges women to pollute their blood streams with powerful drugs contained in contraceptive pills.

There is an urgent need for a broadly based means of population control which will be in harmony with the whole human personality, and with fundamental moral, social, esthetic and cultural needs of mankind. When such means are developed there will be little resistance to their adoption by those who need and want population control.

Concern for our environment is a great cause. It is reprehensible that population control advocates have decided to "use" it in a highly illogical manner to support proposals completely contradictory to the true implications of ecology. Such a tactic should be vigorously rejected so that sincere people can get on with their important task.

COUNTERFORCE—IF DETERRENCE FAILS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. SCHMITZ. Mr. Speaker, Dr. Michael May, director of the University of California's Lawrence Radiation Laboratory at Livermore, Calif., has written a fascinating and important paper which appeared in the summer edition of the University of Pennsylvania's Foreign Policy Research Institute quarterly magazine, Orbis.

Dr. May suggests that our strategic forces be configured in such a manner that should deterrence fail, which it may, the United States will have the capability remaining to prevent the Soviets from following up their attack with steps that would lead to further destruction or domination of this country and our allies.

He suggests that our forces be kept at a qualitative and quantitative level which assures, as far as possible, our ability to prevent the Soviets from waging war further after a first strike on their part. He advocates, therefore, a counterforce posture as opposed to our present countervalue posture which aims at nothing but retaliation against Soviet cities.

Dr. May discards the simplistic and shopworn shibboleth that victory is no longer possible in the nuclear age and instead devotes his attention to various techniques which will assure against a Soviet victory. He is concerned with the prevention of successful Soviet follow-up to a first strike which would radically alter our political structure and our entire way of life.

Some of the necessary, and relatively inexpensive in themselves, procedures that Dr. May recommends we consider in order to achieve a counterforce capability are the development of the ability to undertake poststrike reconnaissance and retargeting, achievement of reload capabilities, and low-cost strategic dispersion of aircraft which would require that the Soviets strike practically all the airfields in the world should they wish to deny to our airplanes the capability of operating after a war starts.

The entire article is based on the assumption that we will not allow the Soviets to gain substantial superiority in the field of strategic weaponry—which would, of course, limit us to only the option of devastating Soviet cities, if we were even able to achieve that.

It seems to me that the entire concept of counter value, or counter city, deterrent targeting proceeds from the assumption that one prevents the enemy from waging war simply by influencing his mind per se and largely ignores the concept of destruction of the enemy means of waging war. Counter value targeting is very similar, in this sense, to the doctrine under which we have waged war in Vietnam. The "pause" doctrine, sometimes known as the "pause that refreshes", as first elaborated by Dr. Henry Kissinger back in the mid-1950's has shown itself to be absolutely worthless when facing a determined enemy.

Man is not a disembodied intellect whose actions accord only with his wishes. The material world sets extreme limitations on man's capability to achieve his designs. By ignoring this apodictic fact of reality we have waged a half-and-half war in Southeast Asia to the grave detriment of the strategic forces which protect our Nation. By counting on the enemies' mind to be influenced without the application of the military force necessary to destroy his means of waging war the United States has suffered the greatest strategic defeat in its history.

To count on the Soviets abstaining from a strike on the continental United States, or as they say, "a one act war on the American Continent," when we are purposefully assuring that we will not have the capability to eliminate their means of victory is the strategic extension of the doctrine which has cost us so heavily in Vietnam. If Soviet determination is as great as the determination of the North Vietnamese Communists how heavy will be the cost borne by the American people for the foolish and reckless implementation of the disembodied intellect theory of war?

The article follows:

SOME ADVANTAGES OF A COUNTERFORCE DETERRENCE

(By Michael M. May)

For many years U.S. leaders have been saying that we can and we would retaliate against a Soviet nuclear attack with a massive strike leading to the death of fifty to a hundred million or more people in the Soviet Union and the destruction of a large part of the Soviet industrial capacity. The threat of retaliation is designed to deter a nuclear attack in the first place.

U.S. emphasis on retaliation—so many dead, so much destroyed as the cost to the attacker—has few, if any, parallels in recent times. Of course, other factors are also new: for instance, the destructive power of nuclear weapons and the U.S. decision to retain major defense capabilities in peacetime. These factors may help to account for the nature of our statements. Still, we may ask, is this retaliatory threat the best deterrent, the most viable over the long run? Retaliation, as distinct from the furthering of U.S. goals by military means, would make little sense if deterrence failed. Does this fact detract from the effectiveness of advertising retaliation as a deterrent?

Until recently, such questions would have been superfluous, for we had overwhelming nuclear superiority over the Soviets. An American strike would not only have killed a large fraction of the people in the Soviet Union and have left much of its land devastated, it would also have assured the United States a military victory.

Do military victory and military defeat retain any meaning in the face of very high levels of destruction? In one sense they do. Even with both countries devastated, it is still possible for one to retain some significant number of deliverable weapons, to control these weapons from some surviving command post, and to demonstrate to whatever centers for decision may have survived on the other side that the weapons and control still exist. If the other side is left without weapons, the side with weapons could, at least, ensure that steps to pursue the war are not taken and that countries unharmed or only slightly damaged by the nuclear exchange assist it in its recovery attempts. It could do more, depending on its political philosophy and the methods it was willing to employ. In spite of horror and death, many survivors would regroup and attempt to help themselves and their fellow men. They would need to organize and deal with the rest of the world. Many crucial political and individual actions would be controlled by surviving military forces.

Given another definition of winning, it is true that no one would win a thermonuclear war. If we define "winning" as being better off after the war than before, neither side would win. For that matter, under that definition, no one won World War II, except possibly the Germans, who got rid of Hitler at the cost of millions of lives. The Allies, the Central European countries, Japan and China were not better off after World War II than before. In addition to the loss of lives, England and France became poorer and less powerful. The Central European countries, except for Austria, traded one master, or the threat or one, for another. The United States and the Soviet Union, while relatively more powerful in 1945, would soon become more vulnerable to war than ever before in their history, owing to the advent of nuclear weapons. Without gainsaying the necessity for stopping the advances of Nazism, it is nevertheless true that most of the people who lived then under the alternate (and sometimes simultaneous) specters of war and tyranny still do so today. That the choice in 1939–1941 was limited to such dismal alternatives is an index of the failure of foreign policies in the preceding period.

To a much greater degree today, neither side would win a thermonuclear exchange in the sense of being better off after such an exchange than before, no matter who gained the military victory. A war between the United States and the Soviet Union would be the greatest of tragedies, causing widespread death and destruction, settling, as other wars, nothing of lasting importance, unless it were the doom of Western civilization. It would likely pave the way for decades or centuries of bitterness and hostility between two people with great potential, who have no objective reason to fight. Yet, when all is said, the military victory might go to one side or the other, and the side that won would have a fundamentally different postwar future than the defeated side.

So long as we had a large preponderance of deliverable weapons over the Soviets, it was clear that, in the event of war, we could inflict far more damage on them than they on us, and that we would wind up as the military winners in the sense defined above. With the advent of parity or worse, the outcome is no longer clear. Instead, we have a choice regarding the nature and deployment of our forces. When we make this choice, we also make a choice, wittingly or not, as to what will deter potential attackers in the future.

So far, we have assumed that the levels of destruction quoted in the statements of Department of Defense officials would be sufficient to deter nuclear attack. These levels represent terrible catastrophes. It is most likely that, in the absence of crises or of any dominating political drive toward war, such levels would deter a rational opponent from attacking this country. But the question is, what will deter in a time of crisis, when every alternative looks black, or when, as with the Nazis in the 1930's, the whole momentum of a party's propaganda and other political actions leads its country toward war? Historical precedents, to the extent that they apply, give us little reason for hope on this score. Initiating World War III would be insane, but insane political leaders have appeared regularly throughout history. More often, groups of reasonably sane men have found themselves prey to war psychoses, which caused them to feel that the devastation and futility of war were lesser evils than the occurrence or continuation of some political situation. Governments, not peoples, make wars, and governments have historically been deterred more by the threat of defeat than by the threat of the partial destruction of their people.

Faced with an unavoidable degree of uncertainty regarding what will deter in the future, we can put our highest priority on the kind of massive retaliation we have spoken of to date, which places in the forefront of our stated intentions the destruction of cities; or we can put it on a counterattack aimed, insofar as our resources permit, at ensuring military victory. To oversimplify matters, considerations of cost, technology and politics permitting, we may have a choice between retaliation or an attempt at military victory. Which we choose will have major consequences, in peacetime, for hardware, strategic and tactical plans, the direction of research and development, and also the attitude our people and theirs will have toward deterrence. If war came, our choice could have even more decisive consequences.

I must emphasize that the expression "military victory," as used here, means a condition in which our remaining military forces are superior to our opponent's, to the extent that we could use them effectively in seeking to halt further destruction of our country by defensive measures or counterthreats, free the lands of allies, and prevent threats of adverse political changes backed by force of arms from being carried out in the future. Clearly, the type of forces needed will depend on the objectives sought. In my view, occupation and subjugation of the Soviet Union are not objectives to be sought, as my subsequent remarks on the specific forces we need will make clear. In that sense, I am making a case for the avoidance of military defeat rather than for military victory.

If the capability for achieving military victory or at least for preventing military defeat can be achieved, there are two major arguments for attaining it. The first is that, if war comes, such a capability will become the uppermost military consideration in, the mind of whatever surviving authority controls the forces of the United States. Retaliation will appear to be a secondary and in fact an unnecessary goal. The main usefulness of weapons, if we are attacked, will be to make sure that the attacker is prevented from following up his attack with steps that would lead to further destruction or domination of this country and its allies. We will want to do this far more urgently than we will want to carry out any previously set level of destruction against the attacker.

Thus, configuring our forces—if it can be done—in the direction of maximizing our chance of gaining the upper hand militarily would amount to configuring them the way we would want them if war occurs. The question arises whether such reconfiguration would significantly affect deterrence, and if so, how. This question is the most important one to ask concerning any configuration of nuclear forces. It is a difficult question, since its answer requires estimating other men's reactions in a time of crisis or impending crisis. Some aspects of the question are addressed in more detail later on in this article. But, at first blush, it seems unlikely that forces designed specifically to deal with a war situation will deter less well than forces aimed mainly at inflicting what we consider (without much corroboration, necessarily) to be an "unacceptable" level of damage.

The second major argument which I think militates against choosing the direction of massive retaliation against civilian targets, as advertised to date, is that such a policy, necessitating the threat of thoughtless, needless slaughter, will not be viable in the United States over the long run in peacetime. The policy holds the people of the Soviet Union or of any attacker hostages against an attack on us. Yet, these people will have had no say in initiating war; they have very little say in any action of their government. The policy was born of fear arising from the Soviet takeover in Central Europe and the terrible effects of atom bombs. It does not withstand close examination if any value is given to the lives of others, and will therefore become less and less acceptable as peace lasts longer and longer and fears recede. We may come to feel that deterrence itself is wrong because it will be associated primarily with the destruction of people who cannot be held responsible for an attack, rather than with the desire to survive and retain our freedom.

If these arguments have any weight, the first question to examine is whether a nuclear defense aimed at gaining military superiority after we are attacked is at least technically and economically feasible. The second question to examine is the likely Soviet reaction to such a policy, our reaction, and in general the stability of the new situation. These two questions are discussed below. They clearly cannot be settled without more intensive study. But the discussion may help to decide whether the original arguments have enough weight to make further studies worthwhile, and it may also help to identify some of the issues to be studied.

II

Is a nuclear defense aimed at military victory, in the sense defined above, technically feasible? More specifically, since we want to continue our second-strike policy, is such a defense possible after this country has suffered a nuclear attack?

The major goal of a military engagement is to destroy an opponent's capacity to do harm militarily while retaining enough strength to bring about peace on our terms. The highest priority, in case of nuclear war, may well be put on the destruction of the enemy's remaining nuclear capability: weapons, means of delivery, means of control. This goal held for nonnuclear wars, and it seems to me it will hold a fortiori for a nuclear war, where the weapons involved have a great deal more devastating power and, therefore, more military importance relative to the usual strategic targets. If the war proceeds to a stage where the enemy has no nuclear systems in being and where we can destroy new systems faster than he can build them, then at least the first step toward a military victory will have been taken.

Since we cannot know ahead of time which missiles and other weapons the enemy will fire in a first strike and which will remain unused, and since it will be crucial to retain in reserve as many of our own deliverable weapons as possible, post-stike reconnaissance and retargeting will loom as essential tasks. The military outcome of the war may well hinge on the relative capabilities of the two sides to carry out these tasks, especially if they start from conditions of near equality in weapons.

Post-strike reconnaissance requires the rapid visual survey of vast land areas and air space, from the time of the initial attack on. Satellites, sensor installations and airplanes should be studied with a view to their carrying out this assignment after a war starts. A reliable capability for launching satellites in wartime will be important. The use of planes will require penetration of Soviet air defenses, and being prepared for the air-ground battle that will accompany such penetration is a task likely to loom more crucial at the moment of engagement than it does now. Airplanes are the major practical means of armed reconnaissance and perhaps the only means to recognize and hit such military targets as mobile missile launchers, dispersed airplanes, and the like.

In addition to deliverable nuclear weapons, targets of significance for the military outcome of a war will include the enemy's ready capability to reload or rebuild deliverable weapons, incorporating storage sites for both weapons and missiles, mobile launchers, and auxiliary aircraft; general command and communications centers; and concentrations of conventional forces which could be used for later attack against the United States or other countries.

The destruction of general-purpose industrial centers, such as steel plants and oil refineries, would come in the lower half of the priority list. These plants would lose much of their relevance to the conflict if we succeed in establishing military dominance within a few weeks of the onset of hostilities. In the context of "winning the war," our early strikes should be reserved mainly for the destruction of military targets. The rest of our munitions should be committed with great caution, and as many as possible should be held as a continuing threat. A number of deliverable weapons held in reserve by the United States after its opponents have essentially been disarmed will play a much greater role in obtaining for us an acceptable settlement than any pre-planned level of destruction on the other side.

Nuclear strike forces sufficient in number and survivability are a prerequisite to a counterforce, or any other, targeting plan. Such forces have received a great deal of attention and work in connection with the maintenance of a second-strike retaliatory capability. Yet, I believe that we are not now taking sufficient advantage of the possible means of protecting nuclear systems. We are not doing so mainly because of a fixed bias in favor of an all-out retaliatory strike; this bias has led us to put the emphasis on weapons such as ready missiles, which have a high chance of survival for perhaps an hour, but, in view of their fixed and known locations, a much lower chance of survival on a time scale of days, weeks or months.

Submarines have the advantage over silos of being less vulnerable over long periods of time, owing to mobility and silence. They will, therefore, tend to be more of a continuing asset in a nuclear war. On the other hand, they share with fixed silos the disadvantage of not having means of their own for recognizing and attacking targets of opportunity. Survivable resupply and reload capabilities should be reviewed, especially in connection with submarines, and, if necessary, brought up to date.

The most underrated weapon in this context may be the airplane. We have kept in our mind as a model of the airplane a sophisticated and expensive heavy bomber, based in the United States and targeted for possible immediate strike against pre-selected strategic sites in the Soviet Union. But given more time, suitably designed planes could be dispersed or protected during the first days of war and then deployed to a wide variety of airstrips, both in this country and abroad. They can carry on operations from makeshift airstrips if preparations are made for such operations. Weapons and petroleum reserves can be stored in protected sites. Provision could be made for a deployment in times of crises to perhaps thousands of locations, including many abroad. Such deployment would face any potential enemy with the necessity of striking at practically all the airstrips in the world if he is to deny to our airplanes the capability of operating after the war starts. Furthermore, if the planes are suitably designed, the airstrips need not be built to as exacting specifications as they generally are now. Some of them, for instance, might be squares of leveled land which a single nuclear crater could not put out of commission, with stores and equipment kept underground in several nearby locations. The characteristics these planes, bases and support systems must have require more intensive study than they have been given to date.

The problem of communication, which has been studied carefully by the armed forces, would need to be reviewed if our defense doctrine is changed. In particular, the characteristics of its operation for long periods of time among a wide variety of stations dispersed all over the world would have to be re-examined. It will be essential to secure information about the state of the enemy and supply it swiftly to whatever authorities are making decisions in the United States. If our opponent has this information about us and we do not have it about him, a great number of human and military factors will serve to give him considerable advantage, both in military actions and in proposals and negotiations which might follow the start of hostilities. Nothing now known warrants the assumption that, following such a catastrophic event as a nuclear attack, survivors will not want to talk or communicate.

We have assumed throughout this article that the country would "exist" after an attack. This brings up the problem of the protection of our civilian population. The desirability and effectivenss of various levels of civil defense have been widely debated. For the purpose of showing that a country can exist after a nuclear attack, however, we need only make use of certain basic conclusions of civil defense studies, about which there is little debate. The country will exist to the extent that some of the people survive and can function. Something in excess of half of our population can survive heavy nuclear attacks if feasible precautions are taken. These include additional fallout shelters, especially outside the main cities, and provisions for safe storage of food, drugs, gas and oil, instruments for communications, and other tools sufficient to re-establish a rudimentary economy over widespread sections of the country with a minimum of central direction and assistance. All of this can be done at a cost which is smaller than that of most major defense systems. The arguments as to the feasibility of civil defense are concerned only with more ambitious degrees of protection.

The cost of reorienting our nuclear forces will depend on the extent of these factors and, therefore, on the extent of enemy forces. Many of the steps suggested above—particularly the improved reconnaissance and retargeting capabilities—would cost a fraction as much as a typical new strategy system. New airplanes and their bases, on the other hand, would constitute major new strategic systems. Their desirability would have to be evaluated against that of other new systems currently contemplated. The effectiveness of partial measures, such as redeployment provisions for existing planes, should be looked at carefully, since the post-nuclear strike capabilities on both sides may be sufficiently degraded that systems which are now only marginally competitive may, if they survive at all, make major contributions to military strength.

III

Would forces deployed and intended for use in a counterforce mode increase or decrease the likelihood of nuclear war?

The United States has operated on the assumption that forces which are vulnerable to a first strike contribute to instability. Under that assumption, in a time of crisis, forces which can be fairly easily destroyed tempt the other side to destroy them, and for that reason they might also tempt us to make use of them before they become useless. Thus, vulnerable forces are a provocation to military action. On the other hand, forces which are harder to destroy, so that a large fraction of them would survive a first blow, are not so provocative to attacker or defender.

To the extent that human reactions in times of crises can be guessed, that argument seems reasonable. In addition, even in the absence of crises, the invulnerability of nuclear forces should help to prevent the emergence of political situations that might lead to the use of these forces.

It has been further argued that second-strike forces would of necessity be largely countervalue forces. The argument states that it is useless to shoot at empty missile sites; if second-strike forces are to have a real deterrent value, they must be aimed at "meaningful" targets, chiefly cities and other civilian targets. This latter argument I believe to be incorrect, because what seems most meaningful now will not be so then. As we have noted above, if a nuclear war occurs, what we will want to do most immediately will be to destroy our opponent's ability to wage war further. Targets that now seem to be of only marginal priority, namely, the targets comprising his residual military capability, would assume preeminent importance, to him as well as to us.

The question which matters for the evaluation of stability is whether forces with a given degree of invulnerability provide more of a temptation to an opponent if he knows they are (1) configured to provide us with as much of a military victory as is conceivable under the circumstances, or (2) configured to destroy some given large portion of his civilian population and resources. This question is hard to resolve. Its resolution is likely to be governed by psychological considerations that are difficult to imagine before a crisis occurs. But perhaps some things can be said.

Given a special level of forces and a specified degree of invulnerability, at a particular moment in time, striking first will always confer an advantage over waiting to strike second. The advantage can be reduced by proper hardware design, but it cannot be completely eliminated. Thus, with a certain, probably not decisive, advantage to be derived from striking first, will an opponent in time of crisis move toward war more readily if our forces are targeted against his cities or against his military forces?

By destroying forces mainly targeted against his cities, he will save many of his people and will certainly not worsen his prospects for victory. This is likely to be a powerful motivation. On the other hand, by striking first against forces targeted against his own forces, he will merely make the first move in what is likely to be (if our plans and preparations are adequate) a fairly protracted conflict. He will thus gain the advantage of surprise, an advantage which neither the Soviet Union nor any other country overlooks. But whether the advantage is worth anything in the long run will depend on the outcome of a complicated, drawn-out battle, involving a necessarily poorly understood balance between various surviving elements—ABM, MIRV'ed missiles, planes, and other weapons. The relative gain of a first strike, while still eminent, is much less clearly defined.

Besides their contribution to stability in the sense of their effect on major crises and the political steps which might lead to crisis, the disposition of our forces and their possible uses should be examined from the standpoint of the direction they give to our policies and those of the Soviet Union in the absence of crisis. Does our announced doctrine of retaliating against cities and people contribute to the long-range stability of our relationship with the Soviet Union more or less than a doctrine and a deployment of similar invulnerability but aimed at military targets and those civilian targets that support them?

Either kind of nuclear war would be a major disaster with millions of casualties on both sides. Yet, countervalue strikes would most likely result in several times as many casualties as counterforce strikes. Furthermore, they would bring about these casualties immediately, whereas a counterforce war by its nature would induce delay, since it would place a high premium on the continuing availability of forces. The delay would give more time during which possible negotiations could take place and populations could be dispersed and given some degree of protection. What effect does our choosing and advertising countervalue deployment, with its emphasis on immediate destruction of cities, have on our long-range relationship with the USSR?

A major factor bearing on the answer is the attitude our people and theirs will come to take toward each other and toward deterrents and military forces in general. The nature of the threats we have made tends to give credence to Soviet claims that the leaders of the Western countries are not interested in human values as much as in a cheap solution to the security problem. Our emphasis on the capability to retaliate against people must seriously detract in the minds of the people of the Soviet Union, from what we have come to accept as traditional American attitudes toward the value of human life. In a country where millions of casualties are not a theoretical concept, our view of deterrence through the threat of such retaliation may be looked upon as a horrifying gamble on the ability of governments to preserve peace. It may, in periods of stress, help to unify the people of the USSR behind their leaders instead of permitting us to take advantage of whatever disaffection may exist along lines of politics or nationalities. Plans to win nuclear wars, in the sense defined earlier, are not as reckless with lives as those plans that seek to incinerate, in the first few minutes of such a war, as many possible of the attacker's population.

In the United States, the concept of a nuclear weapon as an awesome black box which must remain mysterious to all but a few initiates will not survive much longer, at least among the more interested and politically active groups. This shift away from superstitious attitudes is coming in part because nuclear applications have been with us for twenty-five years in the form of reactors, weapons tests and radiation sources. In consequence, an increasing number of people, as workers, students or consumers, are becoming acquainted with them. In addition, the ABM debate and the recent disclosures of Soviet strength have caused many people to become concerned about the utilization of our defense resources. I believe this concern will outlast the slogans about the military-industrial complex. Finally, the morality of defense has been brought into question, perhaps in part because of the doubtful morality of a policy which holds as many people as possible hostage for their government's actions. These underlying changes—as distinct from their current political manifestations—will affect in a lasting way the country's attitude toward defense.

As a result, something more carefully thought out, in terms of an actual conflict, than percentages of economic value punitively destroyed will have to be used as the goals and rationale of nuclear defense. The recent debate over ABM was, in all likelihood, only the opening round in the battle over our strategic forces. We will have to face the issues raised by these debates if defense is to remain politically possible in the United States. In particular, we should not avoid the question of what we would really want to accomplish with our nuclear forces, should our policies fail and war come. We may not *know* how to prevent war. War may come, not only despite everyone's wishes, but through no one's fault. If we refuse to look, during peacetime, at the consequences of the failure of deterrence, then we constrain ourselves to look at the consequences of such failure, if it indeed occurs, in wartime, when the likelihood of taking wise and farseeing decisions is greatly reduced.

The foregoing is not an argument that counterforce deployment of nuclear forces is humane. No deployment of military force is humane. It is an argument that such deployment is what would be needed in case of war, and what would avoid the purposeless massacre of immediate countercity strikes; that, therefore counterforce deployment may constitute at least as good a deterrent to war as a countercity deployment; that, in case of crisis and for a given level of invulnerability, counterforce forces are no more tempting a target to an enemy's first strike—and in the respect of forcing early actions to save lives, less tempting—than are countercity forces; and that, in the absence of crisis, holding another people hostage to an unreasoning, useless strike may corrode our will to retain a reserve of strength.

If the idea of a second-strike force aimed at military victory is to be pursued, two fairly short-range follow-up studies come to mind. One is a survey of present and immediately forthcoming Department of Defense systems with a view to appraising their continuing effectiveness after a nuclear exchange has begun, in a climate of great damage and disruption. Redundance and flexibility in our means of reconnaissance, communications and retargeting, as well as long-term survival of forces, are some of the features to be looked for in making such an appraisal.

A second is a study of the provisions the United States can make to safeguard its military flexibility within the framework of present and future arms control discussions. Maintaining the capability for an adaptable military response against foreseeable levels of attack might constitute a better criterion for what is and is not a prudent type of arms limitation than maintaining the capability to inflict some pre-set level of destruction. The first leaves us free to make use of allowed forces to meet changing military, political and technical circumstances, while the second can, by its nature, be little more than one side's conception at a certain point in time of what will deter its adversary in the future under unknown circumstances.

ACTION ON FAP NEEDED BEFORE ADJOURNMENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, in addressing the opening meeting of the White House Conference on Children last night, President Nixon made a strong plea for immediate Senate action on his plan to thoroughly revamp our current bankrupt welfare system. The President said:

> For the Senate to adjourn without enacting the measure would be tragedy of missed opportunity for America and particularly for the children of Americans.

This morning's Washington Post carries an article by Secretary of Health, Education, and Welfare Elliot Richardson, reiterating the President's plea for action on this historic piece of legislation. Mr. Richardson expresses satisfaction with compromise provisions of the Ribicoff-Bennett amendments and urges that the Senate speedily approve this constructive bipartisan initiative.

Mr. Speaker, I cannot overemphasize my concern that the other body act promptly on this measure so that it can be signed into law this year. If it is not, we are destined for an endless treadmill of larger welfare rolls, higher costs, and continued family instability, disincentive to work and social deterioration. In the month of August alone, 214,000 persons were added to the aid to families of dependent children category. This is an annual rate of almost 3 million. If this trend is permitted to continue, as the Governors who met with the President last week pointed out, the States will sink beneath an overwhelming burden of deficit.

Mr. Speaker, this legislation was supported by the majority of both parties in the House. It has similar support in the Senate. I hope, therefore, that this Congress has the wisdom and good sense not to allow the President's most important and creative piece of domestic legislation to be strangled by procedural delay or obstruction by a few.

I insert the full text of Secretary Richardson's article at this point in the RECORD:

SECRETARY RICHARDSON ON FAMILY ASSISTANCE

(By Elliot L. Richardson)

Our Nation today is facing a burgeoning welfare crisis which is costly to our states, demoralizing to our workers, and degrading to our poor.

In the last few years, the numbers of Americans added to the public welfare rolls has increased sharply and the costs of welfare have escalated even more precipitously. Some of our cities and states are facing the choice of cutting back programs or enacting confiscatory taxes. Total costs of AFDC are projected to increase threefold by 1976 if present trends continue.

But money and caseloads are not the major reasons the system called "welfare" has failed. No one doubts that there are many persons in great need; if the program provided hope, opportunity and dignity to those whom it tried to help, the price would be well worth it. And if it were equitable to those it does not help, there would be far less social cost in the form of resentment. Yet the system does just the opposite; it discriminates against the so-called working poor who comprise fully 43 per cent of the poor; it crushes people's hopes, robs them of opportunities and erodes their dignity.

The specific problems of welfare—the inequities between male and female-headed families, between earners and non-earners, and between states; the built-in work disincentives; the exclusion of many needy persons; the incentives for family break-up; the uncontrollable caseload and cost increases—are well known and subject to general agreement. These problems are the direct result of structural features, not an anomaly of time, place, or administration.

To correct them, the system must be completely reconstituted. It simply cannot be patched or revised to do the things we want it to do, in ways we want it to do them To do the job efficiently, humanely, and economically, we must erect a new structure based on rational, equitable, and workable principles.

President Nixon recognized that this need is our highest domestic priority. Over a year ago he proposed that Congress end the present inefficient system by enacting a significant new program, Family Assistance. The House of Representatives responded by overwhelmingly passing the Family Assistance Plan (FAP) in April of 1970.

The core Family Assistance Plan calls for (1) nationwide, federally financed minimum floors under adult and family welfare payments, (2) more equitable treatment between those families headed by a working father and those headed by a woman by inclusion for the first time of the working poor, (3) a drastically expanded and improved system of work incentives coupled with the requirement that the able-bodied either work or undertake job training as a condition to their receiving cash assistance, and (4) national eligibility requirements and strong incentives for Federal administration of public assistance.

The FAP Bill, H.R. 16311, was referred to the Senate Committee on Finance for preliminary action amidst a general chorus of praise and support from most segments of the population. It seemed as if FAP would pass with broad support from the American people and their elected Federal representatives. During the period from April to the present, the Administration worked closely with the Senate Finance Committee to further revise and strengthen the plan. These recommendations improved the work incentives, and also began to make other public programs, such as Medicaid and food stamps, more compatible with the Family Assistance Plan.

On November 20, the Senate Finance Committee voted not to report out the revised bill. Instead Committee members voted for a series of pretests of the plan with no commitment to an effective date for FAP itself. Without this commitment to FAP, the Administration cannot support the bill, for such a plan of pretests would effectively preclude welfare reform for at least four years: two years for implementation and review of findings from the pretest, and a minimum of two years for Congressional enactment of a bill and the Administration's gearing up for its operation. Moreover, inaction is shortsighted economy. By 1976, projections indicate that expenditures under the current system, if unchanged, will equal the costs of FAP in that year. Thus, the question is not *whether* money will be spent on welfare, but *how* rationally and equitably it will be spent.

In a substantial effort to achieve real compromise between the Administration and the Congress, Senator Abraham Ribicoff, a Finance Committee member, proposed to me ten provisions which he believed would greatly enhance the chances of Senate passage of the program. We applaud the efforts of Senator Ribicoff to achieve a bipartisan compromise. At a meeting on December 3 convened by Common Cause, an organization formed to express a united concern by the private sector in areas of public policy, I pre. sented the Administration's response—acceptance of seven of the ten provisions, and counter proposals on two others.

Senators Ribicoff and Bennett have now introduced this compromise onto the Senate floor as a bipartisan amendment to the Social Security Bill. This amendment explicitly recognizes the national goal of providing to every family, through work or assistance, an adequate income. We know that meaningful employment is the goal of all who favor welfare reform, and we have supported an earmarking of $150 million in Labor Department funds to provide public service jobs for welfare recipients. We have suggested that recipients take jobs paying down to $1.20 per hour rather than providing no employment because all jobs at $1.60 or more an hour have been filled. There are presently over 7 million jobs in our economy at less than $1.60 per hour, and we feel that the experience and skills to be gained from working, as well as the increased income from earnings and FAP supplementation, justify this position.

Thus, the major controversies have been resolved. The need for reform and the principles of change are accepted. The Ribicoff-Bennett effort proves that agreement can be reached when the mutual goal is substantial and honest reform.

In these critical final days of the 91st Congress, the Senate has a proposal before it which represents fourteen months of effort, compromise, and hope. FAP is a program with broad support from all segments of our society, a plan which substitutes opportunity and dignity for the present inequitable and inefficient system. But the clock is now running out. We must act now, or this fourteen months of progress will be blotted out. For those Americans whose lives will be changed by the Family Assistance Plan, for all taxpayers, for all citizens committed to a better society, welfare reform must be passed without further delay.

UNITED STATES LOSING LEADERSHIP IN SPACE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. FREY. Mr. Speaker, Dr. Foy D. Kohler, former Ambassador to Moscow, has just completed an intensive study of United States and Russian space programs. He concluded that drastic cuts which have been made in U.S. space and research programs coupled with increased Soviet expenditures for space seriously jeopardize U.S. leadership in science and technology.

Dr. Kohler's findings, it seems to me, are cause for alarm. There is a direct cause-and-effect relationship between the reductions in space sending and lessened scientific and technological progress. Moreover, a nation's reputation for leadership and technology is a basic factor of political power.

An excellent discussion of Dr. Kohler's findings was recently written by Mr. Howard Benedict in the Christian Science Monitor on December 9, 1970. I include Mr. Benedict's article in the RECORD at this point and commend it to the attention of my colleagues:

UNITED STATES MAY LOSE LEAD IN SPACE, FORMER ENVOY WARNS

(By Howard Benedict)

MIAMI.—The Soviet Union is accelerating its space program as a means of achieving world leadership in science and technology, according to Dr. Foy D. Kohler, former United States ambassador to Moscow, who is conducting an intensive study of U.S. and Russian space programs.

Dr. Kohler says the United States is still the leading technological power but is in danger of losing this position if it continues drastic cuts in its space and defense-research programs while the Soviets pour more and more money each year into similar efforts.

He said in an interview the U.S. gained the space-exploration lead when the Apollo 11 astronauts landed on the moon in July, 1969. Since then, he contended, the American program has gone downhill while the Russians have moved up rapidly.

Right now, he said, it is difficult to determine which nation is ahead.

LEAD ASSESSED

The Soviets, he said, lead in planetary exploration and have at least a two-year edge in the next big step into space development of a large manned orbiting station. He also warned that the Russian program is military dominated and that Moscow could have a great advantage in developing military space capability.

Dr. Kohler says: "One weakness of this country is that it does not have the same methodical persistence that the Soviets do. One of the most fundamental attributes of the Soviet regime is the ideological and practical conviction that, through the forced development of science and technology, the U.S.S.R. can achieve world leadership.

"The immediate question is whether we can today fashion a rational program in science and technology for ourselves for the future, or whether we are again to wait until some new spectacular Soviet breakthrough forces us into a crash program not of our own choosing.

"And this leads to an even more sobering question: Can we continue indefinitely to count on being able in such situations to catch up in time?"

FIRSTHAND KNOWLEDGE

Dr. Kohler was ambassador to the U.S.S.R. from 1962 to 1966 and observed much of the early development of the Soviet space program. He was deputy undersecretary of state for political affairs from 1966 to 1968.

Since then he has been a professor at the Center for Advanced International Studies at the University of Miami.

In March, 1968, the National Aeronautics and Space Administration awarded the center a $300,000 three-year grant to research the comparative impact of the U.S. and Soviet space programs on the dynamics of change within their respective societies and in their world positions.

Dr. Kohler was named principal investigator.

Additional government grants have increased the amount of money available to about $700,000. These include studies relating space exploration to such things as marine science, economic impact, and education.

Dr. Kohler discussed his work as the Soviets bask in the light of publicity from a series of recent space successes: the wresting of the manned space-endurance record from the United States, the gathering of moon soil by an unmanned spaceship, a robot rolling across the lunar surface, a spacecraft approaching Venus to arrive Dec. 15, and development of a substantial military program of reconnaissance satellites, orbiting bombs, and satellite interceptors.

Russia has a 3-to-1 lead over the United States in space launchings in 1970.

America's effort, meanwhile, is suffering from the aftereffects of last April. In addition Congress and the Nixon administration have sliced funds for space and diverted the money to earthly causes.

The National Aeronautics and Space Administration is without a successor to its former administrator, Dr. Thomas O. Paine, who resigned in September. President Nixon has been unable to find a successor.

INVESTMENT LOSS DEPLORED

Dr. Kohler deplores the fact that the United States invested $21 billion to develop a space transportation system in the Apollo program and, in effect, is ready to scrap it after a few more flights.

"The argument about, 'Why spend this money in space?' is phony," he said. "It's not spent in space. There's nobody up there to take it. It's spent on earth for salaries and materials, and it helps the economy. By cutting back we only hurt the country.

"A nation's reputation for leadership and technology is regarded as a basic political factor, a basic factor of a power potential to that nation," he said. "And other nations that don't have it take note and trim their sails accordingly."

Dr. Kohler noted that Russia generally was regarded as a technologically backward nation until it launched Sputnik 1 in 1957.

"This led to a whole era of Sputnik diplomacy," he said. "Soviet influence in the world increased by leaps and bounds, and the United States was hard put to hold its own."

EARLY COMPETITION SKETCHED

The United States watched from the sidelines as the Russians and their big rockets pioneered one space achievement after another: the first animals in space, the first unmanned craft to the moon, the first man in orbit.

But America's overall technological and management superiority, harnessed to a grand goal to land men on the moon before 1970, propelled this nation into the lead last year.

Since then, Dr. Kohler said, the United States has slowed down and the Soviets have speeded up.

Dr. Kohler said the U.S. to date has spent about $33 billion on civilian and $23 billion on military space programs. The Russians, he estimated, have spent approximately as much, although in terms of percent of gross national product (GNP), the Soviet percentage is far greater.

SOVIET COMMITMENT GREATER

"Today," he said, "the U.S.S.R. is spending more than two percent of its GNP on space, while the United States is spending less than one-half of 1 percent."

Why do the Russians trail the United States in overall technology then?

Dr. Kohler: "The Soviet leadership until recently was not particularly concerned with concrete domestic benefits from the space effort. The conquest of space as a feat in itself and as a demonstration of the high level of Soviet science appeared to be sufficiently important to justify the effort.

"So, in mass terms, they're behind in technology. In general industry they're woefully behind.

"Some of the world's greatest scientists are Russian, and they have the capability. The difference is the Soviets have the ability in their controlled system to concentrate the best of their human and material resources on priority programs. They do this and let the rest of the economy starve.

SHORTCOMINGS SEEN

"They've done this from the very beginning of the Communist regime, concentrating their best people and priorities on heavy industry and on development of weapon systems, space, and advanced science.

"For example, Russia, like the United States, has been heavily dependent on computer technology in its space program. Yet there are grave shortcomings in computer technology and hardware available for the economy as a whole."

Are there any signs the Soviets are changing their attitude about applying space technology to improve their overall technology?

Dr. Kohler: "You can read extensively in Russian literature of the leaders' concern with getting some of their advanced science and technology capability infused into the system as a whole.

"To try to cure their problem they've given the State Commission of Science and Technology enormous power to coordinate and pass out funds in research and development, specially in applied technology."

NO ROOM AT THE TOP

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. OLSEN. Mr. Speaker, thank you for the opportunity to bring to the attention of my colleagues a report prepared for me by my staff. It clearly indicates that the Bureau of Indian Affairs grossly discriminates against the Indian even though there is a clear legislative mandate dating from the 1880's requiring that the Indian be given absolute employment preference within the Bureau. The report follows:

NO ROOM AT THE TOP

(An analysis of the Bureau of Indian Affairs' employment practices—prepared by: Mrs. Donna Williss and Mr. Beverely Causey for Congressman Arnold Olsen, December 1970)

The Bureau of Indian Affairs, if nothing else, is a perfect example of bureaucratic neglect. Except for a few truly dedicated souls, the BIA bureaucracy is indifferent to the needs of the American Indian.

The goal of this report is to open the eyes of the American public to the Bureau's failure to fulfill its obligations to the Indian and to show the Indian that with the use of existing laws opportunities are available for a better life.

Let us examine a few salient facts which illustrate the tragedies of life on an Indian reservation.

1. Infant mortality after the first month of life is three times the national average,
2. Whereas the average American can look forward to a life expectancy of 66, the average Indian is faced with a life span of 44 years,
3. Suicides among Indian teenagers range from three to ten times the national average, and
4. The unemployment rate for Indians is higher than that of any other group in the U.S.

Pine Ridge Reservation is an excellent example of this abysmal situation. There, the average family income is $1910 and more than 60% of the work force is without permanent employment.

The obvious and easiest way to alleviate some of the suffering and misery of the Indian is to provide him with employment. Legislation dating from the 1880's provides that Indians shall be given absolute employment preference within the Bureau of Indian Affairs, the agency established to assist them. Yet, the Bureau itself reports (November, 1969) that only slightly more than half of its employees are Indian, with most of these relegated to the lower salary levels.

As the statistics presented in this report indicate clearly, not only does the Indian not control his own future, which was the intent of Congress, but he is being systematically discriminated against by the Bureau of Indian Affairs.

The first delegation to establish Indian employment preference (25 U.S.C. 46) was passed in 1882. It states:

"*Preference shall at all times*, as far as practicable, *be given to Indians* in the employment of clerical, mechanical and other help on the reservations and about the agencies." (emphasis added)

In 1894, Congress passed 25 U.S.C. 44, guaranteeing that:

"In the Indian Service *Indians shall be employed* as herders, teamsters and laborers and *where practicable in all* other *employments in connection with the agencies and the Indian Service*. And *it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision*." (emphasis added)

The latest Congressional affirmation of this policy was stated with the passage of the Indian Reorganization Act of 1934, also known as the Wheeler-Howard Act. This act was explicit in directing that Indians be given preference in employment without regard to Civil Service regulations. 25 U.S.C. 472 states:

"*The Secretary* of the Interior *is directed to establish standards* of health, age, character, experience, knowledge and ability *for Indians who may be appointed without regard to civil service laws, to the various positions maintained*, now or hereafter, *by the Indian office*, in the administration of functions or services affecting any Indian tribe. *Such qualified Indians shall* hereafter *have* the *preference* to appointment to vacancies in any such positions."

The intent of Congress in passing this legislation is expressed in the legislative history. The purpose of the Indian Reorganization Act was to provide the Indian with self-government and the means of obtaining

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the education and/or training necessary to assure him of an acceptable life.

Implicit in the idea of self-government is the concept that Indian preference within the Bureau would be all-inclusive. One certainly cannot control his future if he is not in the position to make policy decisions. It is a fact, then as now, that the Indian was discriminated against by his government. This legislation was designated to assist the Indian. Logically, to assist him it would be necessary for him to be given preference in promotion and training as well as initial hiring. The legislators certainly didn't intend that Indians be hired for low level positions with no possibility of advancement. Congressman Edgar Howard of Nebraska, expressed this clearly when he said:

"It should be possible for Indians to enter the service of their own people without running the gauntlet of competition with whites for these positions . . . *the Indian Service shall gradually become, in fact as well as in name, an Indian Service predominately in the hands of educated and competent Indians* . . . It does mean an opportunity to rise to high administrative and technical posts." (Congressional Record, 73rd Congress, p. 11731.) (Emphasis added.)

Senator Hastings stated in floor debate:

"Section 14 authorizes the Secretary to establish standards for employees, which of course, means doing away with Civil Service requirements. I don't object to this provision, as I believe that practical knowledge of Indians and sympathy with them will enable Indian employees to give more beneficial service." (Congressional Record, 73rd Congress, p. 9270.)

Senator Burton K. Wheeler of Montana also supported Indian employment preference. He stated during hearings:

"It (the Bureau) is an entirely different service from anything else in the United States, because these Indians own their own property. What the policy of this government is and what it should be is to teach these Indians to manage their own business and control their own funds and to administer their own property." (Hearings on S. 2755 before the Senate Committee on Indian Affairs, 73rd Congress, 2nd Session, p. 256.)

Continuing later he said:

"The bill also has a provision to open the way for qualified Indians to hold positions in the Federal Indian Service on the Indian reservations. At the present time, *by reason of civil service rules and regulations,* we find that *competent Indians are absolutely unable to take or hold positions in the Indian Service* . . . The result has been that Indians have been given no opportunity to handle their own affairs or to be trained in their own affairs. *This bill,* we think, *gives them the opportunity to which they are entitled.*" (Congressional Record, 73rd Congress, p. 11123.) (emphasis added)

In spite of obvious Congressional intent, the Bureau is no closer to becoming a "service predominately in the hands of . . . Indians" than it was thirty-five years ago. The Solicitor of the Department of Interior has ruled the above-noted laws only apply to initial hiring. Note the Bureau's Manual:

"An *Indian has preference,* by law, *in an initial appointment provided the candidate* has established proof that he is one-fourth or more Indian and *meets the minimum qualifications.*" (44 IAM 302.1) (emphasis added)

Several parts of the Manual state that promotions are to be made on the basis of equal opportunity, for example, Section 335.3.1, which states:

"It is the policy of the Bureau to fill vacancies by promotion or reassignment with the best qualified, available presons, without discrimination because of race, color, religion, sex or national origin."

Section 713.1.2 states:

"In all personnel actions such as transfers, reassignments, promotions, change to lower grade and selection for training, equal opportunity is provided. . . ."

The next subsection states:

"Promotions are to be made on the basis of merit with equal consideration to women and members of minority groups . . ." (44 IAM 713.1.2C)

The Manual also states that hiring and promotions are to be made on the basis of civil service regulations and requirements, which is completely contrary to the language of 25 U.S.C. 472. The Secretary of Interior has also almost entirely ignored that portion of 25 U.S.C. 472 requiring the establishment of job standards for Indians. Thirty-five years after the legislation was passed, standards have been established only for policemen, power plant operators and demonstration aides. The Solicitor's office has ruled the language of this section is discretionary and the Civil Service Commission's General Counsel has apparently agreed by stating the Secretary only establishes standards when Civil Service ones are inadequate, even though the law clearly demands that these standards be set.

It is obvious the Bureau of Indian Affairs is circumventing the spirit as well as the letter of the law by its actions and the Civil Service Commission is condoning the Bureau's policies.

The statistical analyses presented below were done by a qualified statistician and were based entirely on information supplied by the BIA. All tests were carried out under the assumption that Indians and Non-Indians would be exposed to the same employment opportunities, even though the law directs that Indians be given employment preference.

In November, 1969, there were 15,524 Bureau employees, including those in Alaska. Of these, 12,225 were GS employees and 3,298 were Wage Board employees.

Table I below classifies Bureau GS personnel by grade level and race.

TABLE I.—GRADE DISTRIBUTION OF GS EMPLOYEES

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1	3	0.05	0.05	3	0.05	0.05
2	159	2.80	2.85	23	.35	.40
3	1,250	21.96	24.81	177	2.71	3.11
4	1,972	31.81	56.62	414	6.33	9.44
5	907	15.93	72.55	612	9.37	18.81
6	116	2.04	74.59	108	1.65	20.46
7	377	6.63	81.22	679	10.39	30.85
8	12	.21	81.43	14	.22	31.07
9	524	9.20	90.63	2,198	33.64	64.71
10	8	.14	90.77	228	.99	65.70
11	264	4.64	95.41	923	14.13	79.83
12	134	2.36	97.77	693	10.60	90.43
13	67	1.18	98.95	327	5.01	95.44
14	47	.22	99.77	239	3.66	99.10
15	11	.19	99.96	53	.81	99.91
16	2	.04	100.00	4	.07	99.97
17	0	.00		2	.03	100.00

A glance at the table reveals shocking differences between the two groups. Note, for example, that 31.8% of the Indians are GS 4's, while only 6.33% of the Non-Indians fall into this category. On the other hand, in the GS 9 level, there are 33.64% Non-Indians and only 9.20% Indians. In looking at the cumulative percentage figures, one can see that 75% of the Indian employees have grade levels of 6 or less. Almost 80% of the Non-Indians have positions above 6. The probability of obtaining these distributions by chance is comparable to that of getting only heads on 2,500 consecutive coin tosses.

Strikingly similar results were found in the distribution of wage board employees. Of 3,559 employees, 2,545 are Indian, but Table II shows the inequitable distribution of them.

TABLE II.—SALARY LEVEL DISTRIBUTION OF WAGE BOARD EMPLOYEES

Salary level	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
Less than $5,000	68	2.6	2.67	10	0.99	0.99
To $5,499	222	8.72	11.39	12	1.18	2.17
$5,500 to $5,999	359	14.11	25.50	22	2.17	4.34
$6,000 to $6,499	265	10.41	35.91	49	4.83	9.17
$6,500 to $6,999	424	16.66	52.57	60	5.92	15.09
$7,000 to $7,999	539	21.18	73.75	167	16.47	31.56
$8,000 to $8,999	381	14.97	88.72	235	23.17	54.73
$9,000 to $9,999	96	3.78	92.50	128	12.63	67.36
$10,000 to $11,999	114	4.47	96.97	156	15.38	82.74
$12,000 to $13,999	36	1.42	98.39	79	7.79	90.53
$14,000 to $15,999	35	1.32	99.76	50	4.93	95.46
$16,000 to $17,999	6	.24	100.00	37	3.65	99.11
$18,000 to $19,999	0	.00	100.00	9	.89	100.00

Note: Sec. 5 of the appendix has similar tables for each area office.

This Table shows that 14% of the Indians earn between $5,500 and $5,999, while only 2% of the Non-Indians are in the same earning bracket. More than 32% of the Non-Indians earn more than $10,000, but only 7.5% of the Indians have reached this level. The probability of this distribution occurring by chance is one in 10.^{140} (See Section 1 of Appendix)

Complaints of many Indians that Non-Indians are often promoted to supervisory positions when Indians are available seem to be borne out by the statistics above as well as results shown in the Appendix. The probability of Indians being in as few supervisory positions as they actually are is one chance in 100,000. (See Section 2 of Appendix)

Using a 1-in-18 sample collected by the Bureau in each of the eleven area offices, on or about June 1, 1970, statistics were collected that gave for each employee his grade level, supervisory or non-supervisory status, educational level and length of time spent in the BIA.

One variable that should help explain the inequities apparent in Tables I and II is the amount of education each individual has. The Bureau often complains that educationally qualified Indians aren't available. Another possible variable is the amount of time spent in BIA service. If Indians are less qualified, the statistics should support the Bureau's claim. Taking into account the differing amounts of education, the results indicate strongly that Indians are worse off than non-Indians. (Section 2 of Appendix) The results in Section 3 of the Appendix likewise indicate that Indians are worse off with both education and time in service accounted for.

To obtain these results, the sample was divided into five educational groups, according to the highest educational level attained by the individual. The results described in Section suggest that below the college graduate level, Indians are in lower grades and less well off than their Non-Indian counterparts. At the college-degree level, there is little difference between the Indian an Non-Indian group when education alone is accounted for, but a greater difference is evident when time in BAI service is also accounted for. This seems to indicate that while Indians and Non-Indians are in the same grades, based on their educational levels, the Indians have been in the grade longer and therefore, should be in higher positions. For those employees with advanced degrees, no differences were found between the two groups.

The number of discrimination complaints recently filed by Indian employees of the Bureau proves that the Indian will no longer accept the intolerable situation within the Bureau. He wants and demands the right to take an active and formative part in the decisions affecting his existence.

An end to the discrimination within the Bureau is necessary if the Indian is to control his life. It would certainly go a long way toward ending the present, unbelievable, unemployment situation. Nothing is lacking to prevent Indian preference from becoming a reality. The legislation has been on the books for more than 80 years. The President in his message to Congress on Indian affairs on July 8, 1970, expressed his support for Indian self-determination and even proposed major legislation to accomplish this end.

All that is necessary at this point would be for the President to enforce his position and the existing laws. Step one would be to force the Secretary of Interior to establish standards for Indian employment, separate and distinct from those of the civil service, as is directed by 25 U.S.C. 472. Step two would be strict implementation of Indian preference in all phases of BIA employment.

The great White Father has a long history of promising and not delivering. Hopefully, with the President's expressed intent and the dedication of the Indians recently brought into the Bureau at policy making levels, the history of neglect and indifference will be overcome.

APPENDIX

The Statistical work done in this report was handled by Mr. Beverly Causey, a statistician with a Ph. D. in statistics from the University of Chicago. He is currently employed as a statistician.

Index to appendix

Section 1: Description of comparison between Indians and Non-Indians in terms of pay levels, G.S., and Wage Board done separately.

Section 2: description of comparisons between Indians and Non-Indians (Based on 1 in 18 sample) taking into account amount of education.

Section 3: description of comparison between Indians and Non-Indians (based on 1 in 18 sample) taking into account amount of education and time spent in BIA service.

Section 4: description of comparisons between Indians and Non-Indians (based on 1 in 18 sample) using five educational groups and taking into account education alone and education plus time in BIA service.

Section 5: description of comparison between Indians and Non-Indians in each of the 11 area offices, using GS employees alone. Tables included.

Section 6: details of statistical work done in sections 1, 2, and 3.

INTRODUCTION

The general method used for comparing Indians and Non-Indians—clarified considerably by analogy in the next paragraph—is: 1) to define a numerical indicator of how the two groups compare, with the lowest values with the most unfavorable outcomes for Indians and the highest to the most favorable; (2) under the assumption that Indians and Others are equally likely to attain supervisory levels and various pay levels investigate what the behavior of this indicator, i.e., its probability distribution, would be, and (3) according to this probability distribution find the probability that the indicator would take on a value as unfavorable to the Indians, i.e. as low, as the value that is actually experienced. When such a probability is much closer to 0 than 1, we question, according to the degree of closeness to 0, the assumption that Indians and Others are actually equally well off, and suspect that Indians must be worse off.

This method may be made clear by the analogy of a coin-tossing situation. We begin with the assumption, analogous to the assumption of (2), that for a particular coin of interest heads and tails are equally likely, i.e. each occurs with probability ½. Suppose that the coin is to be flipped 10 times. The indicator analogous to that of (1) is the number of heads obtained in the 10 flips. The probability of obtaining no heads is about .001, the probability of obtaining 1 or fewer heads is about .011. Thus if we actually obtained 1 head, we would say that so few heads would occur by chance with probability only .011, analogous to the probability of (3), so that doubt is cast on the assumption that heads and tails are equally likely, and one is inclined to suspect that heads are inherently less likely—just as, above, doubt is cast on the assumption that Indians and others are equally well off, and we suspect that Indians are worse off, when probabilities are closer to 0 than 1.

In terms of these probabilities Sections 1, 2, and 3 indicate strongly that as a whole Indians are inherently worse off with respect to supervisory and pay status, even with educational differences and lengths of time in BIA service accounted for. Section 4 indicates that the differences are greatest in the lowest educational groups and are least great in the highest, with Indians actually appearing to be slightly better off in some respects in the highest educational groups.

It should be kept in mind that extreme probabilities are most apt to show up when groups are largest. For very small data groupings, such as by individual area, little or no significant comparison between Indians and others can be obtained from our sample. For a group of 800 an extreme probability, say .0001, might appear, while for a group of 20 inherently similar to the group of 800 a somewhat indifferent probability, say .43, might be obtained. In general, a probability in our context between .10 and .90 would by most subjective standards not be considered significantly extreme, while one less than .01 or greater than .99 would almost certainly be.

SECTION 1

This section describes nationwide Indian-Non-Indian comparisons with neither education nor time in BIA service accounted for.

For the entire BIA, there were 12,225 GS employees, of which 5,691 were Indian and 6,534 were Non-Indian, as of November, 1969. Table I in the body of the paper compares the percent of the 5,691 Indians that fall into GS groupings 1, 1 through 2, . . . 1 through 17, respectively to the percent of the 6,534 Non-Indians ("Others") that fall into the same groupings.

The 12,225 GS employees were then ranked according to pay grade, rank numbers ranging from 1 for the lowest GS level to 12,225 for the highest, except that employees with equal GS levels were assigned the average of the rank numbers they would otherwise have been assigned to. For example, if there had been 4 GS 2's initially assigned to ranks number 9, 10, 11 and 12, they would also have been assigned 10½. The sums of the 5,691 Indian ranks was then computed. It was then determined that if a subset of 5,691 were picked at random from the 12,225—with each of the approximately 10[illegible] distinct subsets equally likely—there would be about one chance in 10^{750} (a probability of 10^{-750}) that the rank sum for the random 5,691 would be as small as or smaller than the experienced rank sum of the 5,691 Indians. This probability is roughly that of obtaining nothing but heads in a series of 2,500 fair coin tosses.

A similar analysis of all BIA Wage Board employees—2,545 Indians, 1,014 Non-Indians, 3,559 total—yielded an approximate probability less than 10^{-140} that the rank sum for a random sample of 2,545 from the 3,559 would be as small as the experienced Indian rank sum. (See Table II in body of paper).

SECTION 2

This section describes comparisons of Indians and Others for the 1-in-18 sample with education, but not length of time in BIA service, accounted for.

The sample was divided into 5 groups according to highest educational level attained: (1) not a high school graduate (12 years or less); (2) high school graduate (12 years); (3) high school graduate with some further schooling (between 12 and 16 years); (4) college graduate (16 to 17 years); (5) advanced degree holder (more than 17 years). Within each group we first formed a 2 x 2 cross classification counts table, with rows corresponding to Indian vs. Others, columns to nonsupervisory vs. supervisory. The tables for the 5 groups were as follows:

	Nonsupervisory	Supervisory	Percent	Nonsupervisory	Supervisory	Percent	Nonsupervisory	Supervisory	Percent	Nonsupervisory	Supervisory	Percent	Nonsupervisory	Supervisory	Percent
I	142	10	6.6	85	15	15.0	154	23	13.0	24	12	33.3	2	2	50.0
O	23	14	37.8	33	14	29.8	47	19	28.8	109	49	31.0	18	21	46.2

The percents to the right of each table denote the fractions of Indians and Others in supervisory positions.

For the first group there were 152 Indians and 37 Others, a total of 189, with 165 nonsupervisory and 24 supervisory. Suppose that a subset of 152 were picked at random from the 189. The number of supervisory persons in the random subset would be a random variable with a probability distribution; calling this random variable x_1, the expected valuble of x_1 would be 19.3015 and the variance of x_1 would be 3.3163. Moreover, we could work out the probability that x_1 would equal a particular integer. We thus could compare the probability distribution of x_1 to the actual number 10 of supervisors among the 152 Indians. The probability that x_1 would take on a value 10 or less is about .0000007. The quantity x_1, with corresponding actual value 10, represents a "numerical indicator" as discussed in the introduction.

For each of the 5 groups, numbered $i=1, \ldots, 5$, we followed the above procedure, hypothetically picking at random from the group a subset equal in size to the (known) number of Indians in the group and letting x_i denote the random number of supervisors in the group. Hence we obtained results for each of the 5 groups singly. The sum $s=x_1+x_2+x_3+x_4+x_5$—the total number of supervisors in the five subsets—would be a random variable with expected value, variance, and even exact probability distribution that we could find explicitly. The total number of supervisors among the Indians is 62; the probability that (the random) s would be 62 or less is approximately .00001. Hence we obtained a composite result, that an outcome as unfavorable to the Indians as the actual would have occurred by chance with probability about .00001.

For the first educational group we then computed for the 67 GS employees the average grade number—4.418—and subtracted this average from each of the 67 grade numbers to obtain a set of 67 "residuals" centered around zero. Thus for a GS–5 the corresponding residual would be $5-4.418=.582$. Among the 67 GS employees there were 53 Indians, so, working as above, we considered a hypothetical subset of size 53 picked at random from the 67. Three "single-group" results were based on the 67 residuals and the subset of 53, as follows.

First, the probability distribution of the (random) number x_1 of subset members with non-negative residuals, i.e. grades higher than the group average 4.418 (thus 5 or higher), was compared to the known number 8 of Indians with non-negative residuals. The probability that x_1 would be 8 or less is about .00006.

Second, we ranked the 67 members of the group as in Section 1, according to their residual values. The probability that the (random) sum of the subset ranks would be less than or equal to the (known) sum of the Indian ranks was found to be about .00009.

Third, we replaced the rank numbers by the values of the residuals themselves and did the same thing.

For each of the 5 GS educational groups, numbered $i=1, \ldots, 5$, we did as the above for the first group, picking at random from the group a subset equal in size to the number of Indians in the group and letting x_1 denote the random number of nonnegative residuals in the group. The probability distribution of the random sum $s=x_1+x_2+x_3+x_4+x_5$ was compared to the actual number 59 of nonnegative residuals among the Indians of the five groups. The probability that s would be less than or equal to 59 was found to be .0000000001. This was our first residuals-based composite result.

We then considered a weighted sum of the (random) rank sums for the subsets from each of the five groups and a similarly weighted sum of the (known) rank sums for the Indians from each of the five groups, and found the probability that the former would be less than or equal to the latter, as our second composite result.

Then we considered the (random) sum of all the subset residuals and the (known) sum of all the Indian residuals to obtain a third composite result.

A fourth result—both single-group and composite—was computed according to the Technical Appendix.

The four composite results represent four different ways of investigating the same question: namely, whether or not Indian GS levels are inherently lower or higher than other GS levels. Having completed this analysis for GS grade numbers, we did the same thing for starting pay corresponding to each GS grade—in general, therefore, not the same as the actual current pay for each sample member. Use of both GS number and GS starting pay in this fashion provides not four but eight ways of investigating the same question. Then for WG-classification employees among Wage Board employees we did the same thing for WG numbers.

From the overall sample of 816 there were 613 GS employees and 140 in the WG group.

The composite results of this section are summarized in the following table, giving probabilities that an outcome as unfavorable to the Indians as the actual would have occurred by chance if Indians and others were equally well off—"LT" denoting "less than .00000001":

	Result 1	Result 2	Result 3	Result 4
GS grade number	LT	LT	LT	LT
GS st. pay	LT	LT	LT	LT
WG grade number	0.0099	0.0016	0.0008	0.0003
Nonsupervisory and supervisory (0.00001 obtained above)				

SECTION 3

This section describes comparisons of Indians and Others for the 1-in-18 sample with both education and length of time in BIA service accounted for.

For each of the five educational groups we did for GS employees a least-squares fit of an equation $y=A+Bx^C$ where y corresponded to GS grade number and x to length of time (in years) spent in BIA service; then we computed for each sample member the residual quantity $y=(A+Bx^C)$. For the first educational group the fitted equation was $y=-.799+3.957\ x^{.14}$. Thus for a GS–5 from the first educational group with 10 years of BIA service the corresponding residual would be $5-(-.799+(3.957)(10^{.14}))=5.799-(3.957)(1.38)=5.799-5.461=.388$. In terms off these residual, we obtained the same three kinds of results as for the residuals of Section 2, with a fourth obtained according to Section 4. We did likewise with y equal to GS grade starting pay, with y equal to WG grade number for WG employees, and with y equal to 0 for nonsupervisors and 1 for supervisors for all 816 employees. The composite approximate probabilities of outcomes as unfavorable to the Indians as the actual outcomes, under the assumption of "equally well off", are as follows:

	Result 1	Result 2	Result 3	Result 4
GS grade number	LT	LT	LT	LT
GS step pay	LT	LT	LT	LT
WG grade number	0.0378	0.0036	0.0014	0.0006
Nonsupervisory-supervisory	.00062	.0342	.000005	.000004

The extremeness of the nonsup-sup probability .0342 for result 2, involving ranks, appears to be tempered by a small number of nonsupervisory Others with relatively lengthy BIA service who appear at the extreme lower end of the education group ranges of ranks, and cause the Others' ranks as a whole to be smaller, and thereby the Indian ranks as a whole to be larger, than otherwise would be expected.

SECTION 4

This section describes single-group results obtained for the 5 educational groups first mentioned at the start of Section 2.

We began with the 2 x 2 tables there (rows corresponding to Indian vs. Other and columns to nonsup vs. sup). This raw data indicates that the Indian-Other difference is greatest in group 1 and is considerably less in groups 2 and 3, and that Indians appear slightly better off than Others in groups 4 and 5. The probability levels associated with the upper right hand corners of the five tables, in the manner of Section 2, are, respectively, about .0000007, .0035, 0305, .680, and .646.

For each group we obtained the four probabilities corresponding to Section 2 and Section 3 for GS grade number, GS starting pay, WG number, and nonsupervisory vs. supervisory, as follows:

Section-result	2-1	2-2	2-3	2-4
Group 1, GS number	0.00006	0.00009	0.00007	0.000002
Group 1, GS pay	.00006	.00009	.00008	.00001
Group 1, WG number	.2217	.0529	.0518	.0491
Group 1, nonsupervisory-supervisory	[1]	[1]	[1]	[1]

Section-result	2-1	2-2	2-3	2-4
Group 1, GS number	0.0471	0.0212	0.0011	0.0005
Group 1, GS pay	.1211	.0265	.0025	.0013
Group 1, WG number	.5000	.1181	.0943	.0933
Group 1, nonsupervisory-supervisory	.0101	.2262	.000009	.000003

See footnotes at end of table.

Section-result	2-1	2-2	2-3	2-4
Group 2, GS number	.0000002	LT	LT	LT
Group 2, GS pay	.0000002	LT	LT	LT
Group 2 WG number	.0497	.0167	.0113	.0084
Group 2, nonsupervisory-supervisory	(2)	(2)	(2)	(2)
Group 3, GS number	.0001	.00002	.00009	.00004
Group 3, GS pay	.0001	.00002	.0005	.0003
Group 3, WG number	.1933	.1227	.0448	LT
Group 3, nonsupervisory-supervisory	(3)	(3)	(3)	(3)
Group 4, GS number	.8160	.3778	.2569	.2571
Group 4, GS pay	.8723	.3778	.0632	.3635
Group 4, WG number	(4)	(4)	(4)	(4)
Group 4, nonsupervisory-supervisory	(5)	(5)	(5)	(5)
Group 5, GS number	.4133	.3545	.5235	.5232
Group 5, GS pay	.6715	.3545	.7207	.7190
Group 5, WG number	(4)	(4)	(4)	(4)
Group 5, nonsupervisory-supervisory	(6)	(6)	(6)	(6)

Section-result	3-1	3-2	3-3	3-4
Group 2, GS number	.00000016	.00000003	LT	LT
Group 2, GS pay	.00000002	.00000009	LT	LT
Group 2, WG number	.0497	.0167	.0113	.0084
Group 2, nonsupervisory-supervisory	.0090	.1228	.0038	.0035
Group 3, GS number	.0032	.0006	.00005	.00002
Group 3, GS pay	.0020	.0017	.0003	.0002
Group 3, WG number	.1933	.1227	.0448	LT
Group 3, nonsupervisory-supervisory	.0887	.3858	.0507	.0497
Group 4, GS number	.0516	.0133	.0077	.0071
Group 4, GS pay	.1143	.0037	.0288	.0279
Group 4, WG number	(4)	(4)	(4)	(4)
Group 4, nonsupervisory-supervisory	.5390	.0840	.2012	.2014
Group 5, GS number	.4133	.3545	.5235	.5232
Group 5, GS pay	.4655	.4090	.6489	.6475
Group 5, WG number	(4)	(4)	(4)	(4)
Group 5, nonsupervisory-supervisory	.6462	.4662	.4424	.4431

[1] 0.0000007 obtained above.
[2] 0.0035 obtained above.
[3] 0.0305 obtained above.
[4] No cases.
[5] 0.680 obtained above.
[6] 0.646 obtained above.

It may be seen that for groups 1, 2, and 3, Section 3, non vs. sup, the rank test gives, for the reason suggested in Section 3, a probability less extreme than that for the other three tests, while for group 4 the opposite pattern has occurred. Also, little Indian-Other difference in groups 4 and 5 is indicated except in Group 4 when length of BIA service is accounted for, suggesting for that group that possibly Indians and Others tend to be equally well off, except that Indians have longer length of BIA service and thus should be better off. WG results for group 3, involving only 4 cases, would seem virtually meaningless.

GRADE DISTRIBUTION OF GS EMPLOYEES

Albuquerque Area Office

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1						
2	32	8.04	8.04	1	0.29	0.29
3	69	17.33	25.37	3	0.89	1.18
4	118	29.65	55.02	23	6.83	8.01
5	71	17.83	72.85	23	6.83	14.88
6	10	2.51	75.36	5	1.48	16.32
7	19	4.78	80.15	23	6.83	23.15
8	0	0	80.15	0	0	23.15
9	45	11.30	91.44	94	27.90	51.05
10	2	.50	91.94	3	.89	51.94
11	19	4.78	96.73	66	19.58	71.52
12	10	2.51	99.24	54	16.03	87.54
13	2	.50	99.74	23	6.83	94.37
14	1	.25	99.99	19	5.63	100.00
Total	398			337		

ALASKA AREA OFFICE

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1	3	1.21	1.21			
2	26	10.49	11.70	1	0.20	0.20
3	88	35.48	47.17	15	3.01	3.21
4	49	19.76	66.95	24	4.82	8.03
5	34	13.71	80.66	38	7.63	15.66
6	7	2.82	83.48	9	1.81	17.47
7	10	4.03	87.51	70	14.06	31.53
8	0	0	87.51	1	.20	31.70
9	15	6.05	93.56	212	42.57	74.30
10	0	0	93.56	17	3.41	77.71
11	10	4.03	97.59	55	11.04	88.75
12	3	1.21	98.80	29	5.82	94.57
13	3	1.21	100.00	20	4.02	98.59
14				7	1.41	100.00
Total	248			498		

ANADARKO AREA OFFICE STATISTICS (TOTAL EMPLOYEES, 623)

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1						
2	5	1.30	1.3	0		
3	76	19.79	21.11	6	2.50	2.50
4	114	29.68	50.79	9	3.75	6.25
5	40	10.41	61.20	21	8.75	15.00
6	3	.78	61.98	10	4.10	19.17
7	30	7.80	69.81	30	12.50	31.67
8	0	0	0	0	0	0
9	72	18.75	88.56	67	27.92	59.57
10	0	0	0	1	.41	60.00
11	23	5.98	94.54	49	20.41	80.41
12	14	3.64	98.18	22	9.17	89.58
13	3	.78	98.96	15	6.25	95.83
14	3	.78	99.74	10	4.17	99.99
15	1	.26	100.00			100.00
Total	384			240		

ABERDEEN AREA OFFICE STATISTICS (TOTAL EMPLOYEES, 1,259)

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1	0					
2	11	2.03	2.03	14	1.95	1.95
3	124	22.92	24.95	39	5.43	7.38
4	154	28.47	53.42	56	7.80	15.18
5	90	16.64	70.06	4	.56	15.74
6	9	1.66	71.72	67	9.33	25.07
7	40	7.39	79.11	1	.14	25.21
8	1	.19	79.30	283	39.41	64.62
9	60	11.09	90.39	16	2.23	66.85
10	3	.55	90.94	148	20.61	87.46
11	26	4.81	95.75	49	6.82	94.28
12	14	2.59	98.34	19	2.65	96.93
13	6	1.10	99.44	20	2.79	99.72
14	3	.55	99.99	2	.28	100.00
Total	541			718		

BILLINGS AREA OFFICE

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1	1	0.42	0.42			
2	16	6.67	7.09			
3	40	16.67	23.76	2	0.72	0.72
4	76	31.67	55.43	22	7.86	8.58
5	32	13.33	68.76	40	14.29	22.87
6	4	1.67	70.43	7	2.50	25.37
7	19	7.92	78.35	27	9.64	35.01
8	0	0	78.35	3	1.07	36.08
9	15	6.25	84.60	58	20.71	56.79
10	0	0	84.60	2	.72	57.51
11	20	8.33	92.93	58	20.71	78.22
12	7	2.91	95.84	31	11.07	89.29
13	7	2.91	98.75	20	7.14	96.43
14	3	1.25	100.00	9	3.22	99.64
15				1	.36	100.00
Total	240			280		

GRADE DISTRIBUTION OF GS EMPLOYEES—Continued

MINNEAPOLIS AREA OFFICE

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1						
2	3	3.57	3.57			
3	12	14.29	17.86			
4	14	16.67	34.53	16	13.33	13.33
5	18	21.43	55.96	14	11.67	25.00
6	3	3.57	59.53	4	3.33	28.33
7	4	4.76	64.29	9	7.50	35.83
8	2	2.38	66.67	0	0	35.83
9	9	10.71	77.38	18	15.00	50.82
10	1	1.19	78.57	0	0	50.82
11	10	11.90	90.47	22	18.33	69.16
12	2	2.38	92.85	18	15.00	84.16
13	4	4.76	97.61	12	10.00	94.16
14	2	2.38	99.99	6	5.00	99.16
15	0	0	99.99	1	.83	99.99
Total	84			120		

PORTLAND AREA OFFICE

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1						
2	6	1.74	1.74	1	0.18	0.18
3	37	10.72	12.46	12	2.21	2.39
4	59	17.10	29.56	43	7.93	10.32
5	66	19.13	48.69	77	14.21	24.53
6	33	9.57	58.26	16	2.95	27.48
7	53	15.36	73.62	62	11.44	38.92
8	3	.87	74.49	1	.18	39.10
9	36	10.43	84.92	116	21.40	60.50
10	0	0	84.92	3	.55	61.05
11	22	6.38	91.30	79	14.58	75.63
12	14	4.06	95.36	87	16.05	91.68
13	9	2.61	97.97	28	5.17	96.85
14	7	2.03	100.00	15	2.77	99.62
15				2	.37	99.99
Total	345			542		

MUSKOGEE AREA OFFICE

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1	1	0.33	0.33	0		
2	9	2.96	3.29			
3	51	16.78	20.07	5	1.92	1.92
4	66	21.71	41.78	9	3.46	5.38
5	57	18.75	60.53	24	9.23	14.61
6	9	2.96	63.49	4	1.54	16.15
7	21	6.91	70.40	28	10.77	26.92
8	2	.66	71.06	0	0	26.92
9	36	11.84	82.90	74	28.47	55.39
10	1	.33	83.23	3	1.15	56.54
11	19	6.25	89.48	39	15.00	71.54
12	19	6.25	95.73	50	19.23	90.77
13	7	2.30	98.03	14	5.38	96.14
14	6	1.97	100.00	9	3.46	99.61
15				1	.38	99.99
16						
Total	304			260		

WASHINGTON, D.C.

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1	1	0.18	0.18			
2	15	2.68	2.86			
3	90	16.08	18.94	18	1.81	1.81
4	101	18.04	36.98	49	4.93	6.74
5	102	18.21	55.19	87	8.75	15.49
6	15	2.68	57.87	27	2.72	18.21
7	101	18.04	75.91	110	11.07	29.28
8	0	0	75.91	2	.20	29.48
9	63	11.25	87.16	155	15.59	45.07
10	0	0	87.16		0	45.07
11	26	4.64	91.80	140	14.08	59.15
12	14	2.50	94.30	166	16.70	75.85
13	12	2.14	96.44	104	10.46	86.31
14	11	1.96	98.40	88	8.85	95.16
15	7	1.25	99.65	43	4.33	99.49
16	2	.35	100.00	3	.30	99.79
17				2	.20	99.99
Total	560			994		

NAVAJO AREA OFFICE

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1						
2	34	1.63	1.63	4	0.24	0.24
3	602	28.87	30.50	29	1.76	2.00
4	898	43.07	73.57	117	7.12	9.12
5	261	12.52	86.09	133	8.09	17.21
6	9	.43	86.52	11	.67	17.88
7	65	3.12	89.64	194	11.80	29.68
8	0	0	89.64	1	.06	29.74
9	126	6.04	95.68	834	50.73	80.47
10	1	.05	95.73	6	.36	80.83
11	51	2.45	98.18	181	11.01	91.84
12	25	1.21	99.38	83	5.05	96.89
13	9	.43	99.81	36	2.19	99.08
14	3	.14	99.95	13	.79	99.87
15	1	.05	100.00	1	.06	99.93
16				1	.06	99.99
Total	2,085			1,644		

PHOENIX AND SACRAMENTO AREA OFFICES

Grade	Indians			Non-Indians		
	Number	Percent	Cumulative percent	Number	Percent	Cumulative percent
1						
2	17	3.12	3.12			
3	79	14.50	17.62	14	1.91	1.91
4	136	24.95	42.57	46	6.28	8.19
5	141	25.87	68.44	84	11.46	19.65
6	12	2.20	70.64	9	1.23	20.88
7	41	7.52	78.16	52	7.09	27.97
8	4	.73	78.89	4	.55	28.52
9	60	11.01	89.90	222	30.39	58.81
10	0	0	89.90	13	1.77	60.58
11	35	6.42	96.32	117	15.96	76.54
12	14	2.57	98.89	104	14.19	90.73
13	5	.92	99.81	35	4.77	95.50
14	1	.18	99.99	30	4.09	99.59
15	0	0	99.99	3	.41	100.00
Total	545			733		

[Section 6—Technical Appendix—cannot be duplicated in RECORD.]

SECTION 7

Here we present the data used in obtaining the results of this study. For each of the 816 sample cases we list the following:

(A) Area—a number 1 to 11 indicating area office. These numbers correspond to: (1) Aberdeen, South Dakota, 95 cases; (2) Albuquerque, New Mexico, 46 cases; (3) Anadarko, Oklahoma, 47 cases; (4) Billings, Montana, 43 cases; (5) Juneau, Alaska, 75 cases; (6) Minneapolis, Minnesota, 13 cases; (7) Muskogee, Oklahoma, 40 cases; (8) Navajo, Arizona—New Mexico, 264 cases; (9) Phoenix, Arizona, 90 cases; (10) Portland, Oregon, 61 cases; and (11) Washington, D.C., 42 cases.

(B) Grade—GS– or WG– level is applicable, otherwise only a zero appears.

(C) Supervisory status—0 indicates nonsupervisory, 1 indicates supervisory.

(D) Race—0 indicates "Indian," 1 indicates "Other", these categories being defined in the introduction.

(E) Education—numbers 1 through 5 designate the 5 groups defined at the start of Section 2.

(F) Years in BIA service—to one decimal place.

The list is as follows:

(A)	(B)	(C)	(D)	(E)	(F)
1	GS-7	0	1	3	20.6
1	GS-7	1	1	2	9.3
1	GS-11	0	1	5	3.9
1	GS-11	1	0	4	28.8
1	GS-9	0	1	3	8.9
1	GS-5	0	1	2	7.2
1	GS-12	1	1	4	32.2
1	GS-5	0	0	3	11.8
1	GS-5	0	0	2	19.6
1	GS-12	1	0	3	33.2
1	GS-12	0	1	5	7.9
1	GS-5	0	0	3	7.9
1	WG-6	0	0	1	9.1
1	GS-5	0	0	2	25.3

(A)	(B)	(C)	(D)	(E)	(F)
1	WG-8	0	0	1	13.6
1	GS-3	0	0	2	11.9
1	GS-9	0	1	4	2.1
1	GS-9	0	1	4	2.8
1	GS-5	1	0	2	13.8
1	GS-4	0	0	2	10.5
1	GS-10	1	1	4	6.9
1	GS-11	1	1	2	4.6
1	GS-7	0	0	2	6.8
1	GS-4	0	0	1	1.2
1	GS-7	0	0	4	1.9
1	WG-8	0	0	1	11.1
1	GS-4	0	0	2	15.8
1	WG-8	0	0	1	11.6
1	GS-5	0	0	3	6.2
1	WG-2	0	0	1	2.5
1	GS-9	0	1	4	9.9
1	GS-3	0	1	3	2.8
1	WG-5	0	1	2	6.2
1	GS-3	0	0	2	13.6
1	GS-4	0	1	3	5.5
1	GS-4	0	1	2	21.7
1	GS-11	0	1	4	4.5
1	WG-8	1	1	1	25.3
1	GS-4	0	0	2	14.0
1	GS-5	0	1	4	.4
1	GS-12	1	1	4	14.9
1	GS-11	1	1	2	9.9
1	GS-5	0	0	1	3.3
1	GS-9	0	1	4	.9
1	GS-5	0	1	2	7.1
1	WG-10	1	0	1	30.4
1	WG-6	0	0	1	2.7
1	WG-9	0	0	2	17.0
1	GS-4	0	0	3	15.0
1	WG-8	0	0	1	7.0
1	GS-4	1	0	2	6.3
1	GS-13	1	1	5	29.7
1	GS-9	0	0	4	7.0
1	GS-9	0	1	4	2.8
1	GS-9	0	1	4	3.5
1	GS-5	1	0	2	17.6
1	GS-3	0	0	2	.4
1	GS-7	0	1	4	2.9
1	GS-3	0	0	2	1.1
1	GS-3	0	0	2	1.8
1	WG-2	0	0	2	2.0
1	WG-7	0	0	1	13.1
1	GS-5	0	1	2	5.8
1	WG-6	0	0	1	12.0
1	GS-6	0	0	2	15.9
1	GS-6	0	0	2	6.2
1	GS-4	0	0	2	.4
1	GS-11	1	1	4	6.9
1	GS-4	0	0	2	10.7
1	GS-7	0	1	2	12.6
1	GS-9	0	1	4	11.8
1	WG-10	1	1	3	10.8
1	WG-6	0	0	1	24.9
1	GS-11	1	0	3	13.9
1	GS-12	1	0	3	18.3
1	GS-5	0	0	3	14.8
1	GS-9	0	1	4	.8
1	GS-9	0	1	4	1.9
1	GS-7	0	1	4	.3
1	GS-4	0	0	2	18.8
1	WG-2	0	0	1	16.8
1	GS-5	0	1	4	.5
1	GS-5	0	0	1	3.2
1	GS-5	0	0	3	2.6
1	GS-9	0	1	4	2.8
1	GS-9	0	1	4	1.5
1	GS-9	0	0	4	16.2
1	WG-7	0	0	1	13.2
1	GS-7	0	1	4	7.8
1	WG-9	0	0	1	9.1
1	WG-2	0	0	1	6.7
1	GS-4	0	0	2	9.1
1	WG-9	1	0	1	25.0
1	WG-10	0	0	1	25.5
1	GS-4	0	0	2	10.1
2	GS-4	0	0	3	1.3
2	GS-4	0	0	3	2.2
2	GS-13	1	1	4	13.2
2	GS-4	0	0	3	4.3
2	GS-3	0	0	2	1.2
2	GS-12	1	1	2	8.5
2	GS-13	1	1	5	14.0
2	GS-4	0	0	3	3.1
2	WG-9	1	0	2	27.8
2	GS-5	0	0	3	13.8
2	GS-4	0	0	2	20.7
2	GS-4	0	1	2	11.6
2	GS-11	1	1	5	28.5
2	0	0	0	2	24.2
2	GS-4	0	0	2	6.8
2	GS-11	1	1	4	6.0
2	WG-7	0	1	2	7.3
2	WG-10	0	0	2	7.8
2	GS-7	0	1	3	.8
2	GS-5	0	0	2	5.1
2	WG-10	0	0	1	7.2
2	GS-11	1	0	4	4.3
2	WG-2	0	0	2	3.9
2	WG-5	0	0	2	24.0
2	GS-5	0	0	3	8.5
2	GS-12	1	0	4	10.0
2	0	0	0	2	8.5
2	GS-12	1	1	4	7.9
2	GS-4	0	1	2	13.5
2	GS-5	0	0	2	11.9
2	GS-12	1	1	4	13.0
2	GS-5	1	0	3	14.2
2	GS-7	1	0	2	11.9
2	GS-9	0	1	4	16.1
2	GS-9	0	1	4	16.0
2	WG-2	0	0	2	1.8
2	GS-4	0	0	2	10.2
2	GS-9	0	1	4	19.8
2	WG-5	0	0	2	27.2
2	GS-4	0	0	2	.9
2	0	0	1	1	35.6
2	GS-5	0	1	3	8.0
2	GS-4	0	0	2	7.0
2	GS-12	1	0	2	11.0
2	GS-5	0	0	2	8.4
2	GS-9	1	1	4	4.1
3	GS-15	1	0	5	16.0
3	GS-5	0	0	3	9.0
3	GS-4	0	0	3	11.0
3	GS-9	0	0	3	3.0
3	GS-11	0	1	3	15.0
3	GS-13	1	1	4	18.0
3	GS-5	0	0	3	5.0
3	GS-4	0	1	3	8.0
3	GS-6	0	1	3	14.0
3	GS-5	0	1	3	5.0
3	GS-7	0	1	3	10.0
3	GS-11	0	0	4	8.0
3	GS-9	0	1	4	4.0
3	GS-4	0	0	3	20.0
3	GS-3	0	0	2	.2
3	WG-5	0	0	2	4.0
3	GS-9	0	1	2	13.0
3	GS-4	0	0	3	3.0
3	GS-9	0	1	4	3.0
3	GS-9	0	0	5	15.0
3	GS-3	0	0	2	11.0
3	GS-9	0	1	5	1.0
3	WG-5	0	1	2	2.0
3	GS-9	0	1	5	3.0
3	GS-9	0	1	4	3.0
3	WG-5	0	0	2	4.0
3	WG-4	0	0	3	4.0
3	GS-4	0	0	2	16.0
3	GS-4	0	0	3	8.0
3	GS-4	0	0	2	3.0
3	GS-9	0	1	5	7.0
3	WG-9	0	0	2	11.0
3	WG-2	0	0	3	3.0
3	GS-11	1	1	3	18.0
3	GS-7	0	0	4	5.0
3	WG-3	0	0	2	4.0
3	GS-9	0	1	4	6.0
3	GS-4	0	0	2	6.0
3	GS-4	0	0	3	22.0
3	GS-9	0	1	4	4.0
3	GS-9	0	0	3	13.0
3	WG-9	0	0	1	22.0
3	GS-2	0	0	2	1.0
3	GS-9	0	1	4	5.0
3	GS-4	0	0	1	12.0
3	GS-4	0	0	2	11.0
3	WG-9	0	0	1	.5
4	GS-5	0	1	2	8.0
4	GS-11	0	1	4	15.0
4	GS-12	0	1	4	3.0
4	GS-14	1	1	4	32.0
4	GS-12	1	0	3	31.0
4	GS-4	0	0	3	2.0
4	GS-4	0	0	2	9.0
4	GS-4	0	0	3	9.0
4	GS-11	1	1	4	14.0
4	GS-3	0	0	2	9.5
4	GS-12	1	1	4	8.0
4	GS-12	1	1	5	7.0
4	GS-9	1	0	3	23.0
4	GS-3	0	0	3	9.0
4	0	0	0	1	9.0
4	GS-5	0	0	2	9.0
4	GS-9	1	1	3	16.0
4	GS-3	0	0	3	4.0
4	GS-11	1	1	4	12.0
4	WG-2	0	1	1	4.0
4	GS-9	0	1	3	11.0
4	0	0	1	1	21.0
4	GS-4	0	1	1	17.0
4	WG-3	0	1	1	18.0
4	GS-5	0	1	2	15.0
4	0	1	1	3	22.0
4	GS-5	0	0	3	12.0
4	GS-13	1	1	5	25.5
4	GS-12	1	1	4	9.0
4	GS-4	0	0	3	3.0
4	GS-7	1	0	2	11.0
4	WG-10	0	0	2	22.8
4	GS-4	0	0	2	17.0
4	GS-9	1	0	2	17.2
4	GS-4	0	0	3	9.0
4	GS-12	1	1	4	.5
4	GS-6	1	0	2	.6
4	GS-4	0	0	1	23.5
4	GS-11	1	0	3	12.0
4	GS-3	0	0	2	6.0
4	GS-9	0	1	4	12.0
4	GS-9	0	1	4	4.0
4	GS-9	0	1	4	1.0
5	GS-12	1	1	2	4.7
5	GS-11	1	1	3	12.2
5	GS-6	1	1	1	25.2
5	GS-9	0	0	4	2.2
5	GS-4	0	1	3	.7
5	GS-12	0	1	4	18.7
5	GS-12	1	1	1	12.7
5	GS-11	0	1	5	12.2
5	WG-10	0	0	1	2.7
5	GS-5	0	0	3	3.2
5	GS-4	0	0	2	4.7
5	GS-5	0	1	3	11.7
5	GS-3	0	0	1	2.2
5	GS-3	0	0	1	2.2
5	GS-11	1	1	4	10.2
5	GS-9	1	1	4	3.2
5	GS-9	1	1	4	4.7
5	GS-9	0	1	4	2.2
5	GS-9	0	1	4	2.2
5	GS-7	0	1	4	2.2
5	GS-7	0	1	4	1.2
5	WG-1	0	0	1	6.2
5	0	0	0	1	2.7
5	WG-7	0	0	1	5.7
5	WG-5	0	0	1	5.2
5	WG-6	0	0	1	1.2
5	WG-5	0	0	1	5.2
5	WG-5	0	0	1	1.2
5	0	0	1	3	4.7
5	GS-11	1	1	4	2.2
5	GS-3	0	0	2	1.2
5	GS-9	0	1	4	2.2
5	GS-7	0	1	4	1.7
5	GS-11	1	1	5	7.2
5	WG-5	0	0	1	1.2
5	GS-4	0	0	2	4.7
5	GS-13	1	1	5	5.7
5	GS-3	0	0	2	1.2
5	GS-2	0	0	1	2.2
5	GS-10	1	1	4	4.7
5	GS-9	1	1	4	2.2
5	GS-9	0	1	4	3.2
5	GS-9	0	1	4	2.2
5	GS-7	0	1	4	1.2
5	GS-5	0	1	4	1.2
5	WG-1	0	0	1	3.2
5	WG-4	0	1	1	4.2
5	WG-5	0	0	1	9.2
5	WG-5	0	0	1	1.2
5	WG-5	0	0	1	5.7
5	WG-5	0	0	1	1.7
5	GS-3	1	1	2	8.2
5	GS-3	0	0	2	1.2
5	GS-11	1	1	5	6.2
5	GS-9	0	1	4	2.2
5	GS-9	0	0	4	13.2
5	GS-3	0	0	2	2.2
5	GS-9	1	1	3	8.2
5	0	0	0	1	.7
5	0	0	0	1	.7
5	0	0	0	1	.7
5	0	0	0	1	.1
5	WG-7	0	0	1	7.2
5	WG-7	0	1	2	18.2
5	WG-2	0	0	2	5.2
5	GS-2	0	0	2	1.2
5	GS-9	0	0	4	30.2
5	GS-4	0	0	3	3.2
5	WG-5	1	1	1	17.2
5	GS-7	0	1	2	21.2
5	0	0	1	2	18.2
5	0	0	1	2	4.2
5	0	0	1	1	13.2
5	GS-2	0	0	1	.3
5	0	0	0	1	1.2
6	GS-14	1	1	4	19.0
6	GS-5	0	1	2	8.1
6	GS-3	0	0	3	.8
6	GS-14	1	0	4	10.1
6	GS-9	0	1	4	5.8
6	WG-10	0	0	1	6.6
6	GS-12	1	1	3	22.1
6	GS-9	0	1	4	5.8
6	GS-11	1	1	1	8.6
6	GS-4	0	0	3	17.2
6	GS-9	0	1	4	1.8
6	GS-4	0	0	2	6.3
6	GS-8	0	0	1	43.2
7	GS-15	1	1	4	21.5
7	GS-5	0	0	3	3.0
7	GS-12	1	1	4	12.0
7	GS-6	0	1	3	20.0
7	GS-7	0	1	3	6.0
7	GS-13	1	1	4	21.0
7	GS-14	1	1	4	9.0
7	GS-7	0	0	3	12.0
7	GS-4	0	0	3	5.8
7	GS-11	0	1	4	4.0
7	0	0	0	1	10.0
7	GS-6	0	0	4	16.5
7	GS-5	0	0	4	1.0
7	GS-5	0	1	3	12.0
7	GS-4	0	0	4	6.0
7	GS-5	0	0	2	11.0
7	GS-3	0	0	1	13.0
7	GS-5	0	1	2	28.0
7	GS-3	0	1	2	.5
7	GS-9	0	1	4	7.0
7	GS-4	0	0	2	7.0
7	GS-9	0	0	5	2.0
7	GS-11	0	1	5	12.0

(A)	(B)	(C)	(D)	(E)	(F)
7	GS-4	0	0	3	15.0
7	GS-5	0	0	3	10.0
7	WG-7	0	0	1	3.0
7	GS-5	0	0	2	14.0
7	GS-8	1	0	3	20.0
7	GS-11	1	1	5	3.0
7	GS-5	0	1	3	9.0
7	0	1	1	2	7.0
7	GS-11	0	1	5	16.0
7	GS-10	1	1	5	9.0
7	0	0	0	1	8.0
7	0	0	0	1	6.0
7	GS-9	0	0	4	4.0
7	GS-7	0	0	4	2.0
7	GS-2	0	0	2	2.0
7	0	0	0	1	17.0
7	GS-3	0	0	2	8.0
8	GS-11	1	1	5	28.0
8	GS-4	0	1	2	10.0
8	GS-9	0	0	4	10.0
8	GS-3	0	0	2	4.0
8	GS-5	0	0	3	9.0
8	0	0	0	1	7.0
8	0	0	0	2	.1
8	GS-4	0	0	2	4.0
8	GS-9	0	1	3	15.0
8	GS-4	0	0	3	3.0
8	WG-9	0	1	1	2.0
8	WG-5	0	0	1	2.0
8	GS-9	0	1	4	2.0
8	GS-4	0	0	2	4.0
8	GS-4	0	0	1	4.0
8	GS-4	0	0	2	8.0
8	WG-9	0	0	2	3.0
8	GS-2	0	0	1	2.0
8	WG-6	0	0	1	11.0
8	GS-4	0	0	2	6.0
8	GS-4	0	0	2	4.0
8	GS-3	0	0	1	4.0
8	GS-4	0	0	1	14.0
8	0	0	0	2	1.0
8	GS-3	0	0	2	21.0
8	GS-3	0	0	2	4.0
8	0	0	0	2	.1
8	WG-2	0	0	1	5.0
8	GS-4	0	0	1	12.0
8	GS-4	0	1	3	5.0
8	WG-8	0	1	2	5.0
8	GS-8	0	0	1	5.0
8	GS-3	0	0	2	.3
8	GS-9	0	1	4	4.0
8	GS-11	1	1	4	6.0
8	GS-9	0	1	4	8.0
8	GS-4	0	0	3	13.0
8	GS-3	0	0	1	.6
8	GS-9	0	1	4	4.0
8	GS-3	0	0	1	1.0
8	WG-5	0	0	1	10.0
8	GS-11	1	1	5	12.0
8	WG-5	1	0	1	14.0
8	WG-7	1	0	1	10.0
8	GS-5	1	1	1	16.0
8	GS-11	1	0	2	14.5
8	0	0	0	4	2.0
8	0	0	0	1	1.0
8	0	0	0	3	2.0
8	GS-4	0	0	1	16.0
8	GS-11	1	1	4	18.0
8	GS-9	0	0	4	11.0
8	GS-3	0	0	3	3.0
8	GS-11	1	1	1	4.0
8	GS-4	0	0	3	4.0
8	GS-4	0	0	1	19.0
8	GS-9	0	1	4	3.0
8	GS-3	0	0	1	19.0
8	GS-9	0	1	4	1.0
8	GS-3	0	0	2	3.0
8	GS-5	1	0	3	11.0
8	GS-4	0	0	3	12.0
8	GS-3	0	0	2	4.0
8	GS-3	0	0	1	4.0
8	0	0	0	3	.1
8	GS-4	0	0	3	5.0
8	WG-2	0	0	1	5.0
8	GS-5	0	0	1	17.0
8	GS-4	0	0	1	12.0
8	WG-7	0	0	2	1.0
8	GS-4	0	0	2	9.0
8	GS-5	0		4	.1
8	GS-4	0	0	2	4.0
8	GS-4	0	0	1	8.0
8	WG-5	0	0	2	16.0
8	GS-4	0	0	1	3.0
8	GS-9	0	1	4	1.0
8	GS-4	0	0	1	16.0
8	WG-10	0	0	1	7.0
8	WG-9	0	1	2	8.0
8	GS-4	0	0	1	18.0
8	GS-5	0	1	3	4.0
8	GS-3	0	0	2	1.0
8	GS-7	0	1	4	1.0
8	WG-6	0	0	2	1.0
8	GS-9	0	1	4	1.0
8	WG-7	1	0	2	12.0
8	GS-4	0	0	3	19.0
8	WG-10	0	1	1	19.0
8	WG-5	1	0	2	13.0
8	GS-6	0	0	3	8.0
8	GS-9	0	1	5	4.0
8	GS-3	0	0	1	3.0
8	GS-4	0	0	3	3.0
8	GS-11	1	1	2	18.0
8	GS-5	1	0	4	4.0
8	GS-4	0	0	1	8.0
8	GS-3	0	0	2	1.0
8	GS-3	0	0	2	13.0
8	WG-2	0	0	1	2.0
8	GS-9	0	1	4	2.0
8	GS-7	0	1	4	8.0
8	WG-9	0	0	1	9.0
8	GS-9	0	0	4	18.0
8	GS-3	0	0	2	1.0
8	GS-9	0	1	4	8.0
8	GS-9	0	1	4	3.0
8	GS-9	0	1	5	3.0
8	GS-5	0	0	2	28.0
8	GS-9	0	1	4	3.0
8	GS-4	0	0	2	6.0
8	GS-9	0	1	5	1.0
8	GS-9	0	1	4	13.0
8	GS-3	0	0	1	2.0
8	GS-5	0	0	2	25.0
8	WG-9	0	1	2	3.0
8	GS-3	0	0	1	1.0
8	GS-4	0	0	2	6.0
8	WG-5	0	0	1	7.0
8	GS-4	0	0	2	25.0
8	GS-3	0	0	3	3.0
8	WG-5	0	0	2	6.0
8	GS-3	0	0	1	1.0
8	WG-2	0	0	1	5.0
8	GS-9	0	1	4	17.0
8	GS-7	0	1	4	4.0
8	GS-5	1	0	2	30.0
8	GS-2	0	0	1	2.0
8	GS-4	0	0	1	15.0
8	GS-4	0	0	2	5.0
8	WG-8	1	0	2	20.0
8	WG-2	0	0	2	1.0
8	GS-9	0	1	4	3.0
8	GS-3	0	0	1	10.0
8	GS-6	0	0	3	30.0
8	GS-11	1	1	5	2.0
8	0	0	0	2	1.0
8	GS-9	0	1	4	7.0
8	GS-9	0	1	4	2.0
8	GS-3	0	0	2	11.0
8	GS-4	0	1	1	15.0
8	GS-4	0	0	2	17.0
8	WG-2	0	0	1	4.0
8	WG-2	0	0	1	16.0
8	WG-2	0	0	1	4.0
8	WG-3	0	0	2	.2
8	GS-4	0	0	3	2.0
8	GS-4	0	0	1	16.0
8	GS-4	0	0	1	1.5
8	WG-5	0	0	1	8.0
8	GS-4	0	0	3	3.0
8	GS-3	0	0	2	8.0
8	0	1	1	2	9.0
8	WG-2	0	0	2	25.0
8	GS-9	1	1	5	2.0
8	WG-9	0	0	2	22.0
8	WG-5	0	0	1	3.0
8	GS-9	0	0	4	22.0
8	0	0	0	2	1.0
8	GS-4	0	0	2	15.0
8	GS-9	0	1	4	1.0
8	GS-4	0	0	2	17.0
8	GS-4	0	0	1	9.0
8	GS-9	0	1	4	15.0
8	GS-4	0	1	3	5.0
8	GS-9	0	1	4	9.0
8	GS-4	0	0	1	10.0
8	WG-8	1	1	1	7.0
8	GS-9	0	1	5	1.0
8	GS-9	0	1	4	13.0
8	WG-2	0	0	1	4.0
8	GS-5	1	0	2	25.0
8	WG-2	0	0	1	10.0
8	WG-3	0	0	1	11.0
8	GS-9	0	1	4	16.0
8	WG-9	0	0	2	6.0
8	WG-5	1	1	2	5.0
8	GS-9	1	1	4	2.0
8	0	0	0	3	.1
8	GS-9	0	1	4	5.0
8	WG-2	0	0	1	7.0
8	GS-4	0	0	2	8.0
8	GS-5	1	0	2	11.0
8	GS-5	1	0	2	9.0
8	GS-3	0	0	3	6.0
8	WG-2	0	0	2	3.0
8	GS-3	0	0	2	3.0
8	WG-9	0	1	1	13.0
8	GS-14	1	1	4	21.0
8	GS-3	0	0	2	1.0
8	WG-4	1	0	1	15.0
8	GS-9	0	1	4	3.0
8	GS-12	1	0	3	14.0
8	GS-3	0	0	1	5.0
8	GS-11	1	1	5	2.0
8	GS-7	0	1	4	.1
8	WG-9	1	1	1	11.0
8	GS-3	0	0	2	1.0
8	GS-4	0	0	2	7.0
8	GS-9	0	1	4	4.0
8	0	0	0	2	2.0
8	GS-10	1	1	4	21.0
8	WG-5	0	0	1	8.0
8	0	0	0	2	2.0
8	GS-4	0	0	2	19.0
8	GS-4	0	0	2	20.0
8	GS-4	0	0	2	5.0
8	GS-4	0	0	2	9.0
8	WG-2	0	0	1	2.0
8	GS-4	0	0	3	4.0
8	GS-11	1	0	4	11.0
8	WG-2	0	0	1	2.0
8	GS-4	0	0	1	6.0
8	GS-3	0	0	3	3.0
8	GS-5	1	0	3	7.0
8	GS-9	0	1	4	3.0
8	GS-9	0	1	4	3.0
8	GS-9	0	1	4	3.0
8	GS-9	0	1	4	6.0
8	GS-4	0	0	3	2.0
8	WG-6	0	0	1	21.0
8	GS-3	0	0	1	2.0
8	WG-2	0	0	2	4.0
8	WG-9	0	1	2	8.0
8	WG-7	0	0	1	1.8
8	WG-8	0	0	2	1.0
8	GS-4	0	1	2	9.0
8	GS-9	1	0	4	2.0
8	GS-9	0	0	1	18.0
8	WG-8	0	0	1	7.0
8	GS-4	0	0	2	3.0
8	GS-7	0	0	2	20.0
8	GS-4	0	0	2	6.0
8	WG-3	0	0	1	6.0
8	GS-4	0	0	1	19.0
8	GS-3	0	0	1	3.0
8	GS-3	0	0	2	10.0
8	GS-11	1	1	5	14.0
8	WG-8	0	0	1	11.0
8	WG-10	0	1	3	13.0
8	GS-9	0	1	5	.2
8	GS-9	0	0	4	16.0
8	WG-5	0	0	1	6.0
8	GS-11	1	1	2	13.0
8	GS-5	0	1	3	12.0
8	GS-9	0	1	4	1.0
8	GS-9	0	1	5	2.0
8	GS-9	0	1	4	12.0
8	0	0	0	1	4.0
8	GS-4	0	0	1	17.0
8	GS-9	0	1	4	13.0
8	GS-5	0	1	3	23.0
8	GS-4	0	0	1	14.0
8	GS-11	0	1	4	7.0
8	WG-10	0	0	1	19.0
8	GS-3	0	0	2	1.0
8	WG-5	0	0	1	19.0
8	WG-5	0	0	1	7.0
8	WG-5	0	0	1	16.0
8	GS-3	0	0	2	1.0
8	GS-9	0	1	4	10.0
8	WG-11	0	1	2	9.0
8	0	0	0	2	2.0
8	WG-9	0	0	2	2.0
9	GS-14	1	1	4	22.5
9	GS-14	1	0	4	9.5
9	GS-14	1	1	4	10.5
9	GS-14	1	1	4	12.5
9	GS-13	1	0	4	18.5
9	GS-13	0	1	5	28.5
9	GS-13	1	1	4	13.5
9	GS-13	1	1	5	5.5
9	GS-13	1	1	3	14.5
9	GS-12	1	1	4	17.5
9	GS-12	1	1	4	20.5
9	GS-12	0	0	4	7.5
9	GS-12	1	1	4	7.5
9	GS-12	1	1	2	14.5
9	GS-11	1	0	4	20.5
9	GS-11	1	0	4	13.5
9	GS-11	1	0	2	7.5
9	GS-11	1	1	3	4.5
9	GS-11	1	1	4	14.5
9	GS-11	1	1	2	28.5
9	GS-9	0	1	4	11.5
9	GS-9	0	1	4	2.5
9	GS-9	1	1	4	17.5
9	GS-9	1	1	3	17.5
9	GS-9	0	1	4	3.5
9	GS-9	0	1	4	38.5
9	GS-9	0	1	4	15.5
9	GS-9	0	1	4	2.5
9	GS-9	0	1	3	35.5
9	GS-9	0	0	4	17.5
9	GS-9	1	1	5	1.5
9	GS-9	0	1	4	5.5
9	GS-9	0	0	4	25.5
9	GS-7	0	0	2	9.5
9	GS-7	0	0	3	16.5
9	GS-7	1	0	1	26.5
9	GS-7	0	1	4	1.5
9	GS-6	1	0	2	11.5
9	GS-5	0	0	2	6.5
9	GS-5	0	0	3	3.5
9	GS-5	0	1	1	5.5
9	GS-5	0	1	1	12.5
9	GS-5	0	1	3	8.5
9	GS-5	1	1	2	7.5
9	GS-5	0	1	2	18.5
9	GS-5	0	0	1	6.5
9	GS-5	0	1	4	1.5
9	GS-5	0	0		8.
9	GS-5	0	0	3	16.5

(A)	(B)	(C)	(D)	(E)	(F)
9	GS-5	1	0	4	16.5
9	GS-4	0	0	3	1.5
9	GS-4	0	0	2	4.5
9	GS-4	0	0	1	13.5
9	GS-4	0	0	3	4.5
9	GS-4	0	0	3	18.5
9	GS-4	0	1	1	12.5
9	GS-4	0	0	2	12.5
9	GS-3	0	0	3	12.5
9	0	1	0	3	11.5
9	0	1	0	1	7.5
9	0	1	1	2	21.5
9	0	1	1	1	14.5
9	0	1	1	1	6.5
9	0	1	0	1	10.5
9	0	1	1	1	12.5
9	0	1	0	1	22.5
9	0	1	0	2	10.5
9	0	1	0	2	24.5
9	WG-10	0	1	1	6.5
9	WG-9	0	1	2	3.5
9	WG-9	0	0	2	17.5
9	WG-9	0	1	2	5.5
9	WG-7	0	0	1	16.5
9	WG-7	0	0	2	19.5
9	WG-7	0	0	1	1.5
9	WG-5	0	0	1	18.5
9	WG-5	0	0	1	2.5
9	WG-5	0	0	2	5.5
9	WG-5	0	0	1	7.5
9	WG-3	0	0	2	3.5
9	WG-2	0	0	2	3.5
9	0	0	1	1	8.5
9	0	0	0	1	18.5
9	0	0	1	1	15.5
9	0	0	0	1	6.5
9	0	0	1	1	4.5
9	0	0	0	2	6.5
9	0	0	1	2	4.5
9	0	0	1	1	3.5
9	0	1	1	1	20.0
10	GS-9	1	0	3	21.1
10	GS-6	0	0	3	16.8
10	GS-14	1	0	3	36.7
10	GS-9	0	1	2	20.2
10	GS-11	0	0	3	5.9
10	GS-3	0	0	2	.1
10	GS-12	0	1	4	19.1
10	GS-7	0	1	2	14.5
10	GS-4	0	1	2	.1
10	GS-9	0	0	2	8.8
10	GS-11	0	1	5	1.6
10	0	0	1	2	1.5
10	0	0	1	2	7.6
10	GS-9	0	1	2	1.7
10	GS-7	0	1	4	4.0
10	GS-9	0	1	4	1.8
10	GS-9	0	1	4	2.1
10	GS-11	1	0	5	4.8
10	GS-3	0	1	1	10.8
10	GS-12	1	1	2	10.3
10	GS-5	0	0	2	6.5
10	GS-9	1	1	4	7.8
10	GS-4	0	0	2	1.0
10	GS-4	0	1	2	.2
10	WG-10	0	0	1	11.7
10	GS-4	0	1	2	10.7
10	GS-4	0	0	2	4.1
10	GS-5	0	1	1	23.5
10	0	0	0	2	5.1
10	GS-7	0	0	3	21.8
10	GS-7	1	0	3	7.8
10	GS-4	0	0	2	1.4
10	GS-3	0	0	2	.2
10	GS-5	0	0	2	11.9
10	0	0	0	1	8.2
10	GS-6	0	0	3	23.2
10	GS-5	0	1	1	22.0
10	0	1	1	1	8.3
10	0	0	0	1	6.2
10	GS-7	1	0	2	33.4
10	GS-12	0	0	3	27.1
10	GS-7	1	1	3	4.8
10	GS-6	0	0	3	10.4
10	GS-5	0	1	2	14.4
10	GS-4	0	1	2	1.5
10	GS-4	0	0	1	.6
10	GS-4	0	0	2	3.5
10	GS-5	0	1	4	.6
10	GS-11	1	1	4	11.8
10	GS-12	1	1	2	8.8
10	GS-5	0	0	3	34.4
10	GS-12	1	1	4	14.8
10	GS-11	0	1	5	.8
10	GS-9	1	1	4	7.2
10	GS-7	0	1	4	1.5
10	GS-9	0	1	4	4.8
10	GS-5	0	0	3	6.3
10	GS-13	1	1	4	19.0
10	GS-7	1	0	2	5.7
10	GS-5	0	0	3	.1
10	GS-7	0	1	4	2.7
11	GS-5	0	1	3	8.5
11	GS-9	0	1	2	1.0
11	GS-13	1	1	4	16.0
11	GS-4	0	0	3	8.5
11	GS-4	0	1	3	7.5
11	GS-11	0	1	4	5.5
11	GS-4	0	0	3	.3
11	GS-7	0	1	2	9.0
11	GS-11	0	1	3	13.0
11	GS-5	0	0	3	3.5
11	GS-8	0	1	1	21.0
11	GS-3	0	0	3	1.7
11	GS-9	0	0	3	19.0
11	GS-11	0	1	5	9.0
11	GS-9	0	1	4	9.0
11	GS-9	0	1	4	33.0
11	GS-9	0	1	4	2.0
11	GS-3	0	0	3	7.0
11	GS-12	1	1	4	15.0
11	0	0	0	1	12.0
11	GS-11	0	0	4	8.0
11	GS-5	0	0	2	5.0
11	GS-15	1	1	5	5.0
11	GS-14	1	1	4	7.0
11	GS-12	1	1	5	8.0
11	GS-6	0	1	2	1.5
11	GS-7	0	1	2	8.0
11	GS-13	0	1	3	25.0
11	GS-14	1	1	3	5.5
11	GS-12	1	1	2	20.5
11	GS-13	1	1	5	3.0
11	GS-5	0	1	2	2.0
11	GS-5	0	0	3	3.5
11	GS-13	0	0	4	1.0
11	GS-3	0	0	3	.4
11	GS-11	1	0	2	20.5
11	GS-7	0	1	4	1.0
11	GS-9	1	1	3	23.0
11	GS-7	0	1	2	2.5
11	GS-5	0	1	3	1.5
11	GS-11	1	1	2	20.0
11	GS-11	1	1	3	18.0

MONETARY POLICY: UNCERTAINTY AND OPERATIONS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. COHELAN. Mr. Speaker, the state of the national economy is an issue of paramount importance. The condition of the economy affects every citizen. I have consistently urged the President to take a stronger hand in dealing with our economic miseries, but he has yet to respond strongly.

The President continues to place heavy emphasis on monetary policy and while few can fault this emphasis—it should be one factor considered with other important economic variables.

In two articles Sherman Maisel, member of the Federal Reserve Board, examines the liabilities in a single emphasis of monetary policy. In his first article "Monetary Policy," he examines the content of the term "money supply" and "The Money Supply" in a longer article "Monetary Policy: Uncertainty and Operations," attempts to place monetary theory in perspective as a methodology which assists in the determination of governmental economic decisions.

I commend these articles to the readers of this RECORD:

MONETARY POLICY: UNCERTAINTY AND OPERATIONS

(By Sherman J. Maisel)

Any useful discussion of economic planning and macroeconomic policy must deal with a wide range of theoretical and institutional problems. Some of the most interesting and important of these problems arise when theoretical constructs are applied to specific policy decisions. I shall discuss some of the difficulties encountered in designing and executing monetary policy as an example of this type of problem.

Specifically, I shall briefly treat problems arising from (a) conflicts of goals; (b) incomplete models; and (c) uncertainty. In addition, I shall consider some of the methods which the Federal Reserve uses in an attempt to meet some of these difficulties.

SOME PROBLEM AREAS FOR DECISIONMAKING

Conflicts of goals

A coherent monetary policy must be oriented toward achieving both long-run and short-run goals. Long-run goals usually include an optimum growth rate for real output together with minimum levels of unemployment and a relatively stable price level. In attempting to achieve these goals, policymakers must also consider sectoral problems such as the balance of payments, impacts on major industries and geographical areas, and the distribution of income. As is well recognized, choices of trade-offs among these goals and constraints depend heavily on value judgments in the decision-making process.

In addition to these long-run policy aims, however, there may be goals which appear to be short run, but which have longer run implications for the efficiency and output levels of the economy. In the field of monetary policy some of these short-run goals are concerned with the maintenance of orderly markets and with movements of assets and liabilities among financial institutions. Avoidance of extremely sharp shifts in rates and flows, both domestic and international, may mean lower longrun costs as well as more optimum allocations of savings and capital. Some of the possibilities which must be considered in the selection and operation of monetary policies are rapid shifts of deposits from intermediaries to money market instruments, failure of financial institutions and brokers or dealers, sudden changes in demands for liquidity, and the inability of creditworthy borrowers to obtain loans because of a general decrease in confidence in the credit system. Because these and similar eventualities may be extremely costly to the over-all economy, monetary policy must be concerned with its impacts in these areas as well as on the level of spending.

Generally, short-run goals have been ignored by theorists in monetary economics. The problem is that most models deal almost exclusively with policy instruments, and cannot comprehend such forces as the impact of a sudden change in the demand for liquidity, or the difficulties raised by short-run movements in financial flows and rates of return even though these result in subsequent feedback effects on the public and eventual impacts on gross national product. Despite their absence from almost all models, economists recognize that such forces can create extreme pressures on particular types of financial institutions, and that if they become cumulative they can seriously damage or destroy the underlying financial structure of the economy, as they have in past financial panics. Relating the goal of avoiding the disequilibrating effects of such developments to other goals remains a highly judgmental and qualitative process. Thus, to a certain extent, the short-term goal of avoiding the disruptive impacts of sudden liquidity shifts can be pursued as an end in itself, and may at times take precedence over all other goals.[1]

Given the varying degrees of interrelatedness among potential goals, the monetary authority is always faced with the dilemma of having to establish priorities among them, and with accepting less than optimal values of conditions in one area in order to achieve a desired setting elsewhere.

Choosing a model for policy

All policy-makers use a model or models (implicit or explicit) to enable them to estimate the expected impact of changes in the policy variables which they control on movements in the economy and, therefore, on the achievement of the desired goals. Unfortunately, however, there is far from complete agreement on what are proper or correct models for this purpose.

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[1] For a theory of how a financial system can generate such short-run movements, see Minsky [6]. Unfortunately, there has been no successful attempt to translate the theoretical content of Minsky's work into an operational model which will assist policymakers.

There are at least three major types of strategic monetary variables which theory offers the policy-maker as significant in influencing the final goals:

(1) Monetary or credit aggregates such as: the money supply narrowly or broadly defined; deposits of financial institutions; member bank liabilities or credit; broader concepts of credit flows, liquid assets, wealth, and lending.

(2) Relative and absolute real or nominal interest rates.

(3) The general atmosphere of the credit markets and banking as reflected in expectations; demand for credit; and the amount of credit being supplied.

The movements in these strategic monetary variables in turn result from interactions of the specific instrumental policy variables controlled by the monetary authority together with decisions made by private financial institutions, the Treasury, corporations, and individuals.

There are an extremely large number of models and views which attempt to explain how and to what extent these variables influence prices and economic activity as well as how these intermediate variables are influenced by the policy variables controlled by the policy-maker.[2]

It should be recognized that much of the debate over the correct choice of a policy model is really not a debate over macroeconomic theory. We could probably build a theoretical model which all could agree on. We could do this by letting one group set down its equations, and then allowing other groups to suggest the addition of other variables and equations. Most theories could be encompassed in a single model, with a large number of variables and equations.

The present debate is really about the number of variables and the size of the coefficients on those variables which are included in the models offered to the policy-maker for his use. Few would completely rule out the possibility that variables or equations contained in the theories of others, but omitted from their own, might at some point in time add to the explanatory capacity of their preferred model. Debates occur because some assume that certain elasticities are large, others that they are small. Some drop equations because they assume that coefficiente are zero in the relevant range of variables. Thus, the policy debates center about such questions as how much should a particular monetary variable be altered at a given time if we want to achieve a specific goal? Given a particular setting for a monetary variable, what will be the effect on other goals? Because of all the well-known disabilities of econometrics and statistics, we have no certain method of choosing among the models which are offered.

Another major problem with today's models is that most theory concerned with economic policy-making remains one of comparative statics. Even dynamic econometric models rely on comparative statics for their underlying theoretical base. But policy in the short run deals with a system which is in constant disequilibrium and which is being subjected to a continuous series of shocks. We never reach, nor even approach, the equilibrium position which most theories and models are concerned with. This is not to say that comparative statics is useless in helping to analyze policy choices, but only to point out it is not a fully satisfactory procedure. For the present, it's about all we have.

Uncertainties

There are at least three major sources of uncertainty in planning. Each of these must be taken into account in the decision-making process.

The problem of selecting a model leads immediately to a first type of uncertainty. When we start to make policy, we are uncertain as to the functional relationships among variables and the values of the coefficients given by the hypothesized relationships. Knowing that our view of the world is not 100 per cent accurate, we encounter two subclasses of uncertainty of this type:

(1) First, there is uncertainty about the relationships primarily within the monetary sphere. When the monetary authority decides to alter the setting of its policy instrument variables, it cannot predict accurately the impact of these changes on the intermediate monetary variables. We have only rough estimates of the relevant monetary demand and supply functions. The relationships of open market operations, or any other monetary instrument, to the money supply or interest rates, particularly in the short run, are neither simple, direct, nor fully understood. Beyond this, most equations in the monetary sphere contain variables outside the control of the monetary authorities. The movements in these variables may or may not be affected by policy changes, but the fact that they are beyond the control of the policy-maker adds uncertainty to any decision.

(2) Another subclass or functional uncertainty is that which surrounds the relationship between the strategic monetary variables and policy goals. For example, even if we accepted a theory which assigned the dominant role in influencing spending to the money supply, there would still be uncertainty as to the value of the coefficients relating current and past changes in the money supply to the GNP, as well as in those relating changes in spending to movements in real and nominal output and employment. In addition, existing theories tell us little about the short-run impact of changes in the money supply on interest rates, liquidity, expectations, or availability of credit, all impacts which may be of considerable relevance to other policy goals of the monetary authority.

A second type of uncertainty arises from the fact that at any time the data which we must use are far from exact. This is a problem which affects our selection of both policy and strategic goals. For example, the United States data on the gross national product are available on a quarterly basis, with a lag of roughly one month for the first "preliminary" estimates and then another month for "provisional" estimates. Finally, once a year, estimates for the previous three years are reevaluated. The differences between the first and last estimates can be considerable, enough in fact to have led some observers to conclude that economic policy would have been different at certain periods in the past if policy-makers had been working with the "final" estimates instead of earlier ones.

Similar problems of "noise" exist in the monetary variables. At the time a policy decision must be taken, estimates of the monetary variables have a wide variance or a large degree of unreliability. It is difficult to decide whether to change a policy tool if the existing reading of the monetary variable is well within the normal range of error from a desired position.[3]

Some theories assign most of the responsibility for variations in spending and output to movements in the rate of change in the narrowly defined money supply. As an example, one well-known model estimates that each increase in the narrowly defined money supply (M_1) of $170 million will eventually increase GNP by $1 billion. But consider the implications of the fact that revisions between the money supply as first reported and as currently estimated average $152 million per week for 1967–69. Revisions had a range of $-1.4 billion to $+1.0 billion. Their mean deviation was over $490 million. In 1969, revisions of the estimated growth rate of the money supply in the first six months amounted to over 100 per cent. The difference between the model's estimate during the decision-making period and that which the model predicted from the revised data of the total monetary policy impact on the GNP was nearly $10 billion, or a magnitude that in many cases would encompass the difference between an inflationary and deflationary policy.

A third type of uncertainty confronting the policy-maker concerns the values of the exogenous variables beyond his immediate control. Government itself is frequently a major source of such disturbances, with major changes in predicted spending plans and revenues. Business investment is another example. Clearly, the larger the number of exogenous variables that must be included in any model, the greater the uncertainty from this source. Making more variables endogenous does not, however, solve this problem. They tend to increase—not decrease—the standard error of forecast.

These and similar sources of uncertainty are what make the choice of proper indicators of monetary policy so difficult. Any single indicator can at any time be giving a completely incorrect reading of the actual impact of monetary policy. Coefficients in policy-makers' models may be wrong, the assumed values of the data may be incorrect, the strength or weakness of exogenous variables may be improperly estimated. As a result, because of distortions introduced in the decision-making process by the vagaries of the real world, a given indicator or model at the moment of the policy decision may yield an estimate of the impact of monetary policy decisions which differs significantly, even to the point of an opposite sign, from those actual requirements which would be shown by a correct and true model.

PLANNING IN THE SHORT RUN

Having discussed how difficult it is to design monetary policy in a world of conflicting goals and uncertainty, I shall now suggest a somewhat idealized and over-simplified procedure which enables policymakers at the Federal Reserve to come fact-to-face with reality, if not to unanimous agreement. It is, of course, a truism that policy must be made no matter how great the uncertainty. Failure to alter monetary policy variables is as much a policy decision as altering them. The problem is to obtain the best possible decision given all the difficulties of the underlying situation.

The system utilized contains at least five distinct attributes. It attempts, obviously, to achieve the best possible current performance. In addition, in designing and operating it, attention has been given to the importance of maintaining a structure which can improve future performance. Such improvements are only possible if errors and mistakes are recognized and corrected. This means that existing theories and models must be constantly tested in order to develop better theories, data, and judgment for the future.

(1) There is a constant struggle and a large expenditure of effort to maintain and improve the flow of information. The knowledge sought includes both qualitative and quantitative data of the past and current situations as well as forecasts of the future.

(2) Many different models are used. Each

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[2] For a discussion of this problem, cf. Maisel [5].

[3] Cf. Davis [2].

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is under continuous study with elements being constantly revised so as to enable each to encompass the latest developments in both theory and actuality. The models are used to simulate varying policy options and possible changes in the non-policy spheres so that the sensitivity of the economy to different exogenous and policy changes may be estimated.

(3) Policy is not usually altered in response to week-to-week or short-run movements in the data. Rather longer run spans are used in order to avoid the pitfall of over-interpretation of short-run developments. Insofar as possible, attempts are made to give proper weight to the past reliability of the data.

(4) Policy is not based on a liberal acceptance of any specific fixed model. Rather it develops with the use of discussion and debate which allow for the introduction of judgment as to the economy and the model and value judgments over goals. All of these tend to be excluded (or deeply buried)in the more formal models.

(5) A variety of policy tools and several monetary variables are encompassed in the analysis and decision-making process. It is recognized that each tool may have a differing impact on each monetary variable depending on circumstances. In addition, in particular periods, both tools and monetary variables may reach limits beyond which any movement may endanger some of the desired goals. Flexibility is maintained in both plans and operations to allow switching among policy variables as indicators move outside their normal range. In practice switching appears to improve current performance. In addition, it appears proper and logical on theoretical grounds.

The models

The earlier references, Maisel [5] and Davis, [2], outline the basic type of very general models used by the Federal Reserve. In effect, the Fed has some specific policy instrument variables: open market operations, the discount rate, ceilings on interest rates paid by banks, required reserve ratios, and some policy with respect to the frequency and amount of discounts. Changes in these variables interact with demands and actions of other financial institutions—in particular, commercial banks and the Treasury—and the general public. The result of these interactions are changes in the monetary aggregates, in interest rates, and in the willingness to lend. Movements in these strategic monetary variables in turn influence total spending (the GNP) as well as particular markets and sectors of the economy.

The decision-making problem is to determine when and to what degree to alter the policy variables so as to move the economy closer to desired goals given current assumptions about the economy, exogenous variables, and the reactions to any changes in Fed policy.

In the Federal Reserve System we take as the relevant planning period the next twelve months, broken down into four quarters. The staff of the policy-making Federal Open Market Committee (FOMC) constructs a four-quarter forecast of gross national product, broken down into components. The GNP is projected based on expected movements in non-monetary forces and on specific assumptions about future monetary and fiscal policies including their impact on the monetary variables. The projections include movements in all monetary aggregates such as bank reserves, the money stock, bank credit, all financial institution assets, total credit flows and short- and long-term interest rates. These are based on the expected interaction between the movements in the GNP and the assumed monetary and fiscal policy.

Within this general type of framework, we rely on both judgmental and econometric models to assist us in evaluating alternative courses of monetary policy. Appendix I lists the contents of a typical forecast of this type. The over-all structures are based on the GNP and the flow of funds accounts. A judgmental model of spending, output, employment, and prices consists of roughly 100 variables including monetary and credit variables. Forecasts are made partly from past trends, partly from individual equations, and partly from computer models of past relationships. These projections are then checked against the logic of the large-scale econometric model and simulations made with it.

Not surprisingly, we continue to rely rather heavily on the jugdmental forecasts. In fact, when it comes to short-run policy, even the most dedicated econometricians will concede that mathematical models of the economy have a serious disadvantage. An econometrician can explain errors as stochastic disturbances, or a deviation of actual from predicted gross national product as falling within the standard error of his model. The policy-maker, however, particularly in a democracy, cannot use this language to comfort critics if he wishes to remain an effective policymaker.

Alternatives

In the actual decision-making process, to the basic projection one or two alternate courses for monetary policy are added. Staff analysis works through the interrelated movements in the monetary aggregates, interest rates, output, employment, and prices which would be expected to result from different settings of the policy instruments.

Ideally, those projection exercises can be (and to some extent are) repeated for different views on how monetary policy affects the economy. The differing results highlight the critical variables and their impact on agreed-upon policy goals. Staff resources impose practical limits on the number of exercises. Even with extremely dedicated and competent staff members, we are able to investigate only a small number of alternatives at each FOMC meeting.

It is difficult to over-emphasize the importance of considering alternative monetary policies. Without adequate presentation of the implications of alternative policies, decision-making by policy-makers becomes a largely hit-or-miss affair. If policy-makers do not consider alternatives, they are, in effect, abnegating their responsibility to make decisions. This point of view quite clearly runs counter to that which holds monetary policy-making should be largely confined to following fixed "rules" concerning monetary aggregates.

In my view, the central bank must develop policies based on its recognition of lack of knowledge of both the complete economic situation and the actual workings of the economy. Contrary to the views of some that uncertainties should lead to less flexible policies, I believe, on both practical and theoretical grounds, uncertainties require the use of more judgment and flexibility. A critical problem in using a simple rule would be what to do when the levels of the indicators are in areas with potentially large policy implications, but still well within the range expected because of the "noise" in the system. Particularly when we admit the existence of short-term goals, such as avoiding sharp fluctuations in exchange rates and the adverse impacts of sudden shifts in desired financial asset holdings, it is doubtful that any monetary authority could properly function with only a set of unchanging rules to guide them.

Group decisionmaking

The alternative models as presented by the staff are subject to analysis and debate by the policy-makiers—which in the case of the Federal Reserve System consists of either the Board of Governors with seven members or the broader Federal Open Market Committee which includes the Board plus five regional Federal Reserve Bank presidents.

This debate brings out differing theoretical interpretations and views with respect to the basic presentation. Each policy-maker adds his judgment plus any arguments he may wish to advance for theoretical concepts or coefficients different from that of the staff. These differences may be concerned with the staff's estimate of the current situation, views as to the probable future movements of exogenous variables, or as to the impact of possible policy changes on both the monetary and banking variables and on spending, output, employment, and prices.

The policy-makers may also, of course, and frequently do differ as to their views of the weight to be given to conflicting goals. Such differences encompass both the importance of specific short- versus long-run goals but also the trade-offs among prices, employment, balance of payments, residential construction, etc.

The debate among the policy-makers ends up with a decision as to the desired movements of the monetary variables over a future period. If necessary, action is taken to reset the policy variables in line with these desired movements. Policy is under constant re-examination with a semi-formal review at least weekly and a more formal and detailed examination at monthly intervals.

Similarly, revisions of the projections occur at far shorter intervals than the actual horizons used in the analysis and/or that adopted for policies. Ongoing and prospective movements in the policy variables are estimated on the basis of incoming daily data. As the data accumulate, changes in their expected future relationships are indicated and every week regular re-estimates of the policy and monetary variables are made for the next 90 days. However, the detailed projections of the GNP and all financial variables may be completely reworked as few as three times a year.

Uncertainty

How do the FOMC's decisions take account of the presence of uncertainty? There are four channels through which allowances for uncertainty are made: multiple objectives, the use of ranges, the use of proviso clauses, and the ability to adjust settings on any of a variety of policy tools.

In the formal directive and associated memoranda which result from policy meetings of the FOMC, multiple strategic goals for the intermediate monetary variables as well as over-all policy goals are laid out. The directive contains desired movements in the monetary aggregates plus ranges of bank reserves and borrowings and sensitive money market interest rates believed to be internally consistent both with respect to the monetary variables but also to the desired movement of the economy. While numbers are given for the expected movements in each variable, it is recognized that variations around each of these numbers are to be expected. As a result, it is not a matter for immediate concern if the expected relationships between policy goals, strategic goals, and the day-to-day banking and money market indicators do not work out in exact detail. The specific parameters which govern these relationships are unknown; they may vary tremendously in the short run because of the erratic behavior of the data, and because the nature and extent of all future exogenous disturbances cannot be predicted. In between meetings of the FOMC, it is the job of the Manager of the Open Market Account to carry out operations according to the directive and its associated memoranda. Given the multiple objectives and ranges, the Manager's task of dealing with uncertainty is rendered more feasible than if he were given a single objective and single-valued indicators.

Because the variances in both the data and the relationships are recognized, the Manager need only make certain that the

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general direction and, within a rather broad range, the rate of movement of the monetary variables are maintained. He has as guideposts the development of relationships in the recent past as well as historically. He must react when the estimates of the key monetary variables move too far from the desired path or when they remain above or below the targets for several weeks. But, given the Manager's close and continuing contact with the financial markets, he is allowed to use his own judgment as to how best to move to the desired path with a minimum of under- and overshooting. He is given the best technical and statistical aid available but the success of the operation to meet the targets will depend greatly on individual skill and judgment.

The existence of proviso clauses gives the Manager new instructions in case the postulated relationships deviate beyond acceptable ranges. In effect, he is told to switch his primary target if it can only be maintained at the expense of an overly large movement in one of the secondary targets. As an example, assume the Manager has had as a prime target the blending of a 3 per cent growth rate in the narrowly defined money supply with an 8 per cent growth rate in a more broadly defined money supply (such as bank credit). The blend is used partly because of knowledge that the errors is measuring the two separate concepts are likely to be less than the errors in either one and partly to encompass conflicting theories of how monetary variables influence spending. Such a monetary movement might, in the assumed case, be estimated as consistent with a 7 per cent call money (Federal funds) rate. Then depending on the directive the proviso might come into effect even if the growth rate for money was on target when the call money rate rose over 8 per cent. The proviso would require that he switch his target and instead of aiming at the growth rate in the monetary aggregates he would attempt to lower the call money rate below 8 per cent by his operations.

The logic of the proviso, or "switching rule," arises from the lack of certainty. The break in past relationships may reflect errors in the measurement of the growth in money or it might reflect a shift in the liquidity schedule, and therefore a larger demand for money. In either of these or similar cases the reported growth rate of money should be larger than initially projected. This increased growth would be in accordance with and not harmful to the ultimate policy goals. In each of these cases, the policy-maker has determined in advance that a change in targets would be proper. Model simulations indicate that such switches give better results than maintaining the original target.[4] Furthermore, any movement in the call rate above 8 per cent might threaten a short-run goal because of its impacts on confidence and financial institutions.

Such a re-ordering of targets, however, is a delicate matter. The Manager, and ultimately the FOMC, is faced with the possibility that the numbers are really accurate and the relationships have not changed so that the higher than expected short-term interest rates arise from a larger than desirable rise in spending. In such a case, since the subordination of long-term to short-term goals is costly, there may be a consequent need to undertake drastic action to "get back on the path" towards the long-run targets. A shift to allow higher than previously expected current interest rates may be necessary even if the switch to using a maximum rate rather than a monetary aggregate guide was not wrong. For example, if a sudden shift in liquidity preferences calls for a large increase in the amount of reserves supplied to the banking system via open market operations, the Manager and the FOMC have to consider the implications if liquidity preferences shift rapidly in an opposite direction within a short period. Clearly, long-run objectives must have an influence when decisions are being reached on how to deal with short-run phenomena.

The logic of the way in which policy is formed and the use of multiple objectives should be understood. No matter what the basis for operations—either monetary aggregates, money market conditions, or interest rates more broadly—the FOMC can hardly avoid making judgments at each meeting as to the appropriateness of the targets it sets. Moreover, when data do not move according to expectations and past relationships, it must make judgments as to the degree by which it may be willing to sacrifice its long-run goal in the short run, or may be willing to alter its long-run goal given the existence of uncertainties. With emphasis on the path of monetary aggregates over the longer run, monetary policy can permit unexpected shifts in the demands for goods and services to be offset by countervailing movements in interest rates and credit conditions. At the same time, because of concern with the condition of money markets over the short run, it is desirable that monetary policy be conducted in such a way that purely short-run shifts in demands for credit and money are not permitted to lead to cumulative and undesired changes in market conditions and the public's spending propensities.

The existence of policy tools other than open market operations also enables monetary policy-makers to deal more effectively with the problems caused by uncertainty and multiple goals. Reserve requirements, lending policy toward commercial banks, and interest rate regulation can be used to assist in achieving strategic and policy goals. While none of these tools is as sensitive and capable of day-to-day adjustments as open market operations, they nonetheless do enable policy-makers to influence different sectors of the monetary system and in such a way as to help in the achievement of differing goals.[5]

CONCLUSION

Let me conclude by re-emphasizing what I consider to be the important results of this examination.

Coherent monetary policy can be best achieved by forcing policymakers to (1) specify their goals clearly, (2) think quantitatively, (3) explicitly allow for the presence of uncertainty, (4) consider in some detail alternative policy paths and their implications, and (5) enable non-quantative and judgmental considerations to be expressed in the quantitative form necessary for operations. With guidelines based on these factors we can get a better idea of the trade-offs, risks, and lack of knowledge associated with different policies and differing theoretical constructs of the world.

If our objective is to minimize the difference between the target and realized values of a policy goal, it makes both theoretical and practical sense to use overlapping models and as many policy instruments as possible rather than to attempt to guess at the *right* theory or to put one's entire trust in one or a minimum number of variables. Such a procedure will tend to minimize undesirable results.

Progress is being made at constructing workable rules of thumb to guide policymakers. Even though we may not be able to get optimal solutions given the current state of knowledge, examining past policy successes and failures in light of theoretical advances should help us to avoid the worst mistakes of the past.

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FIGURE I—DESCRIPTION OF A RECENT FEDERAL RESERVE BOARD JUDGMENTAL FORECAST

A total of 106 variables were projected forward one year with estimates of the level and rate of change for each variable in each quarter of the year ahead. These variables can be classified into six groups:

GNP and National Income (22 series). Includes estimates of personal consumption expenditures, broken down into durable goods, nondurables, and services; private domestic investment, broken down into residential construction, business fixed investment, and the change in business inventories; government purchases of goods and services, divided into defense-related items, other, and state and local pruchases; corporate profits; and personal income.

Employment and Labor Force (5 series). Employment is manufacturing, armed forces, nonfarm payroll employment; total labor force; and the unemployment rate.

Physical Volume of Production (4 series). Industrial production index; capacity utilization; housing starts; and sales of new domestic automobiles.

Balance of Payments (19 series). Includes imports, exports; military expenditures; receipts and payments of investment income; corporate claims on foreigners; purchases of U.S. corporate stocks; and increase in liabilities to commercial banks abroad.

Flow of Funds (46 series). Total borrowing by type of credit instrument by sector borrowing, and sector supplying; net purchases of government securities by sector; and commercial bank assets and liability acquisitions.

Key Monetary Variables (10 series). Reserves; money supplies; bank credit; and interest rates.

From these 106 variables, a total of 187 series were constructed as the variables were expressed singly or in combination as levels, changes, ratios, and rates of change.

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[4] Cf. Piercefil [8].

[5] The tendency for real world policy-makers to use all available tools (or "instruments"), no matter what the number of goals, suggests that the conclusion reached by some writers, such as Tinbergen [10] and Mundell [7] ('we need no more instruments than there are goals'), is not applicable to a world of uncertainty. And recently Brainard [1] and Poole [9] have formally demonstrated how the presence of uncertainty can lead to operational policies quite different from those which would be followed in a world of certainty.

Monetary Policy: The Money Supply

(By Sherman J. Maisel)

Daily I am surprised by the sweeping statements reported in the press by economists, financial analysts, pundits, and others of what has happened, is happening, or will happen to the money supply, and what the results have been or will be on interest rates, jobs, prices, and the stock market.

My surprise arises because so many of these statements accept as facts what may be misconceptions, partially tested theories, errors, or wishes. Common themes of many of these pronouncements are the large differences in gross national product, prices, and interest rates that will result from rather small differences in the rate of growth of the money supply. The magnitudes involved, and the implied cause-and-effect relationships are frequently described with a confidence that rarely acknowledges the lack of certainty surrounding these matters.

I should like to draw your attention today to some of the problems involved in defining and measuring the money supply, and in interpreting the implications of changes in its rate of growth. I would not go so far as to point to the Bible and say that "the love of money is the root of all evil," for many economists and others interested in monetary policy, but I don't think it amiss to suggest that the love of money, to the exclusion of some other important facts and uncertainties of economic life, can result in incorrect and misleading conclusions.

Let me begin by making some statements which are in a considerably different vein than many current comments.

First, there is no general agreement as to what the term "money supply" means. Its meaning frequently varies with the user.

Second, if one believes that changes in the "money supply" cause movements in prices, output, and interest rates, and that more or less fixed relationships exist between the changes in money and the other quantities, then in recent months and years different definitions of money would yield substantially different results.

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Third, similarly, even with a single definition of the money supply, predicted results can vary widely depending on whether the estimates of money used are preliminary, revised, or final and on the periods used for measuring changes.

Fourth, how much the "money supply" changes in a month, quarter, or year results from decisions of millions of separate and independent units. The Federal Reserve's influence over the money supply is indirect. The links between Federal Reserve actions and the decisions of others to alter the money supply are not fully understood. Estimates of how much the money supply will change in any period given a specific course of Federal Reserve action have a considerable margin of error.

None of these four statements imply that monetary policy does not have a considerable impact upon the economy. None imply that measures of movements in various monetary aggregates or concepts of money are not useful gauges for formulating or implementing monetary policy. There is almost complete agreement that monetary policy does affect jobs, interest rates, and prices.

What these statements do imply is that any simple assertions as to how or to what extent current or lagged movements in the "money supply" cause or may cause specific movements in the very complex economic and financial world ought to be examined with care. An understanding of the lack of accuracy in the data, theories, and analysis surrounding oversimplified causal statements should lead to a better appreciation of possible errors in the analysis of current and prospective movements in the economy.

Money supply is a helpful tool to use in guiding monetary policy. However, like many useful but complicated tools, it has great potential for being misused, to the discomfort of its practitioners, as well as the economy.

THE MONEY SUPPLY AND THE ECONOMY

Economists are in general agreement that output, jobs, prices, and interest rates rise or fall in response to a wide variety of specific forces. Included among the factors which can alter the pace of economic activity are changes in the growth of the labor force, technological developments, changes in wage rates, shifts in desires to save and invest, changes in government taxes and expenditures, movements in money and credit, as well as expectations of what will happen to all of these forces.

While some analysts put more stress on a particular set of factors, few disagree that each of these forces has, at times, caused economic fluctuations. Not many economists accept the idea that movements in the economy can be described in simple terms or that one can predict accurately what will happen over the next month, six months, or several years from movements in a single variable such as the money supply. In fact, I know of no one who has been able to predict successfully how the money supply will change let alone how these changes will influence the major economic variables.

Yet as I read the daily and weekly press, see comments of experts on money and stock prices, bond prices, or the economy, I fail to note the same skepticism or agnosticism with respect to statements on these matters that I find in the technical literature. Simplified statements about money made to clarify examples or help in debates among theoreticians appear in entirely new contexts. In their new habitat they are surrounded by far more specificity and far fewer qualifications than in their original context. Each further remove of such statements from their origin seems to increase their certainty. That, in my judgment, decreases their likelihood of being accurate descriptions of what is happening or is likely to happen in the economy.

"THE MONEY SUPPLY"

Any article on money points out the diversity of elements that have served as money in the past. As our financial system has grown in complexity, the possible elements to include have expanded rapidly. Table I shows a few of the most common definitions of money currently in use. In magnitude the amounts they represent vary from the $48 billion of currency in circulation to a total of $674 billion if we include as money currency plus deposits at all financial institutions. Even this list leaves out what many would think of as obvious candidates for inclusion such as money orders, travelers checks, or debt created by the use of credit cards, which, to an increasing extent, is being monetized.

What you call "money" really depends on who you are and what you do. To the world's central banks, special drawing rights on the International Monetary Fund are "a generally accepted means of payment"—but not to any commercial bankers. Money can be one thing for a lawyer and another thing for an economist.

According to one school of thought, definitions should not be based on grounds of principle, but on grounds of usefulness in organizing our knowledge of economic relations. Thus, we should define as "money" that collection of private and public debt which yields the best predictions of changes in prices and nominal income or GNP.

Unfortunately for this approach, it frequently turns out that what seems like the best definition based on past periods does the poorest job in predicting the future.

Because of failures and dissatisfaction with the purely empirical approach to the definition of money, economics is full of theoretical debates as to what should properly be considered as money. Because of the well-known difficulties of any theory proving another wrong, these debates change few allegiances when it comes to preferable definitions of the money supply. Those who use the term "money supply" glibly are frequently unaware of or unconcerned with these basic differences and the impact they can have on current analysis.

MEASURING THE MONEY SUPPLY

In Table I, columns 2–4 give the rate of growth for each of seven definitions of the money supply for the years 1967–1969. Columns 5–7 give the annual rates of growth of more recent periods.

You might expect that if the money supply described as demand deposits and currency grows at, say, 5 percent, other monetary aggregates would also grow at or near 5 per cent. Columns 2–7 demonstrate that this is simply not the case. In 1969, for example, while demand deposits and currency were growing at an annual rate of 2.5 per cent, member bank deposits were shrinking at an annual rate of –4.2 per cent.

Even if the rates of growth are not identical, however, one might nevertheless assume that the relative rates of growth should be roughly constant. For example, we might expect that the rate of growth of currency in circulation should always bear some constant relationship to the rate of growth of currency and demand deposits. But, as columns 8–13 demonstrate, this also is not the case. When we look at year-to-year data, the rate of growth of currency fluctuates from .83 to 2.32 times the rate of growth of currency plus demand deposits. The similar ratios for currency, demand deposits, and time deposits vary from –0.61 to 2.14 even though the narrower concept makes up nearly half the second. The variance is even greater when we look at shorter periods.

Obviously, if one thinks there are close and quite exact relationships between changes in money and what happens in the economy—how one defines money is extremely important. Any forecast based on one definition of money will vary from one using another definition by the full amount of the large differences in movements among the concepts of money shown in the table.

The problems of measurement go far beyond the differences in definition. They exist within each series. The figures one sees quoted as to how the "money supply" grew over the past week, month, or quarter has an error factor (RMS) of 50 per cent or more. Therefore what should be expected to happen to some other magnitude if there were a direct causal relationship would have this great an error also.

For example, consider the implications of the fact that differences in the money supply as it was first reported for each week in 1967–69 and as it was revised early this fall had a range of minus $1.4 billion to plus $1.0 billion. The mean deviation was over $490 million. In 1969, revisions of the estimated growth rate of the money supply in the first six months amounted to over 100 per cent. The difference between one well-known model's estimate during the period when monetary policy decisions had to be made and that which the model predicted from the revised data of the total monetary policy impact on GNP was nearly $10 billion. Such a magnitude, in many cases, would encompass the difference between an inflationary and deflationary policy.

COMMONLY CITED MONETARY AGGREGATES: RATES OF CHANGE AND RELATIVE RATES OF CHANGE, DECEMBER 1966–SEPTEMBER 1970

		Annual rates of change in percent						Rates of change relative to rate of change of currency and demand deposits					
	Sept. 1970[1] (1)	1967[2] (2)	1968[2] (3)	1969[2] (4)	Dec. 1969–Sept. 1970 (5)	May–July 1970 (6)	May–Aug. 1970 (7)	1967[2] (8)	1968[2] (9)	1969[2] (10)	Dec. 1969–Sept. 1970 (11)	May–July 1970 (12)	May–Aug. 1970 (13)
1. Currency and demand deposits	206.2	6.6	7.2	2.5	4.4	1.2	4.1	1.00	1.00	1.00	1.00	1.00	1.00
2. Currency, demand deposits, plus time deposit	423.2	14.1	6.5	−1.5	10.0	11.4	14.2	2.14	.90	−.61	2.27	9.50	3.46
3. (2), minus large certificates of deposit	401.8	13.2	6.0	1.8	6.7	7.2	8.3	2.00	.83	.72	1.52	6.00	2.02
4. Net monetary liabilities of the Treasury and Federal Reserve (monetary base)	82.2	6.1	6.4	3.1	6.4	2.9	5.0	.92	.89	1.24	1.45	2.42	1.22
5. Member bank deposits (credit proxy)	308.0	11.8	9.0	−4.2	10.4	14.3	19.5	1.79	1.25	−1.68	2.36	11.92	4.76
6. Currency in circulation	48.2	5.5	7.4	5.8	6.7	6.3	5.0	.83	1.03	2.32	1.51	5.25	1.22
7. Deposits at all financial institutions plus currency in circulation	674.2	9.9	8.2	.6	8.1	(3)	(3)	1.50	1.14	.24	1.84	(3)	(3)

[1] Billions of dollars outstanding.

[2] Measured on a December-to-December basis.

[3] Not available.

These revisions arise partly because preliminary data include a large number of estimates. They also arise, however, from the fact that the actual treatment by banks and other institutions of what is considered money alters over time. When the new treatment becomes obvious, either the definition must be changed or the series revised. As an example, most definitions of the money supply include demand deposits at commercial banks adjusted for certain factors. One of these factors is usually cash items in the process of collection. But the tremendously heightened activity of American banks abroad, plus the operations of their international subsidiaries such as Edge Act corporations, taken together with the activities of foreign banks and agencies in our own domestic banking operations, added to the ever-present ability of bankers to devise new techniques of making payments, have resulted in considerable problems in estimating the amounts of cash items considered to be in collection. Changes in regulations and the estimates of these items result in significant differences in rates of monetary growth.

These difficulties, plus the yearly changes resulting for re-estimates of deposits at non-member banks and re-adjustments in the seasonal factors which give us a seasonally adjusted money supply figure, should make any commentator cautious. He who points to a particular number as representing "the" money supply at any given point in time, and who then makes sweeping judgments about the direction of Federal Reserve policy and its implications for the future is bound to find that frequently he has built a fine analytical structure on shifting sands. After the next revision in data, his theories and analysis may find their foundation surely shaken, if not removed entirely. In fact, it is not at all uncommon to find that by merely substituting later data in the analysis, conclusions drawn from earlier data might be reversed.

THE USEFULNESS OF THE MONEY SUPPLY CONCEPT

This critical view of what I believe to be uncritical uses of the money supply concept is, of course, not new. I and many others have spoken and written of this problem frequently in the past. I am, however, often asked whether I don't see an inconsistency between these observations and the fact that for the past five years I have even more frequently stressed the need for the Federal Reserve to pay more attention in its policy formulation and operations to changes in the money supply and monetary aggregates. [The term "monetary aggregates" simply reflects the fact that the theoretical and operational concepts of the money supply are so inexact. If for short-hand purposes one defines the money supply concept narrowly, one needs a broader term, i.e., "monetary aggregates," to reflect the other and more broadly based related concepts such as those shown in the table.]

The simple answer is, "No!" The Federal Reserve did in the past pay too little attention to movements in the monetary aggregates. The increased attention given to changes in the money supply have, in my judgment, improved the System's responses. Critical to progress, however, has been a recognition of the uncertainties in theory, in data, and in operations which surround the concept of the money supply. Past and future improvements require that these uncertainties be explicitly taken into account and not neglected or assumed away.

The Federal Reserve does influence the growth rate of money. Through its direct impact on bank reserves, or interest rates, and on expectations, the Federal Reserve influences bank credit, currency, bank deposits, bank and corporate liquidity, interest rates, and lending and borrowing. These changes in money and credit have an impact on how much the economy spends and on what. This spending together with supply conditions—including the price and wage actions of business, labor, and governments—in turn influence prices and employment.

The chain of causation and the amount of the relationships between Federal Reserve action and movements in money, in spending, prices, and employment, may be hidden in the shadows and far from clear, but experience shows that they do exist. This means that the Federal Reserve must manage its operations with the greatest possible skill to avoid the type of disasters which our and other economies have experienced too often in the past.

In formulating policy and conducting operations, paying greater attention to the money supply has many advantages. When considered in conjunction with movements in interest rates, sales, and output, attempts to use the money supply as a guide or target require that greater attention be paid to unexpected and undesired movements in the basic economy.

If operations are related to movements in the monetary aggregates, the impact of unwanted movements in the economy which become reflected in the demand for money and credit will not be allowed to lead automatically to too much or too little expansion in reserves and money. Instead, if for example, real demand is falling, action to maintain the growth of the monetary aggregates will cause a greater fall in interest rates than would otherwise occur. This in turn will cause a counter-depressing improvement in basic demand.

At a more technical level, operations related to the money supply allow the Federal Reserve to focus more readily on the intermediate term and the longer run or lagged effects of its actions. Even though in the short run rates of change in the monetary aggregates may be extremely erractic, for the longer period it appears to be simpler to construct probable relationships between movements in the aggregates and in spending than it is using other monetary variables.

CONCLUSION

Let me conclude by summarizing a more lengthy paper I have written on this topic. To conduct monetary policy successfully, the Federal Reserve must think in quantitative terms. It must be clear as to where it wants to go and must specify how its actions are likely to aid in reaching those goals. In formulating its plans for operations the concept of the money supply serves a useful purpose.

At the same time, the Federal must take into account the great uncertainty which surrounds this matter. We do not have a 100 per cent accurate map of the critical relationships. We have only rough ideas as to what will happen to the monetary aggregates when the Fed changes its operations. We know even less about the relationships between changes in money and changes in spending. At any time our monetary data, on which operations must be based, have a high possibility of error. Finally, we cannot be certain as to how the other major movers of the economy, such as government, households, and businesses, will react in the period ahead.

This means that in operations we must:

Constantly struggle to improve our data and knowledge;

Take explicit account of the degree of uncertainty;

Consider in detail alternative policy paths and their implications;

Enable non-quantitative and judgmental considerations to influence decisions; and

Remain flexible at any given time in the weight given to a particular tool, theory, analytical concept, or method of operation.

A PRIORITY FOR THE HOUSING ACT of 1970

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mrs. CHISHOLM. Mr. Speaker, I speak today on a matter of urgent concern for black businessmen. This week the House and Senate conferees will meet to consider the final form of the Housing Act of 1970. One of the items in the bill which will have to be considered in the section introduced by Representative MOORHEAD which is designed to provide bonding relief and additional Government contracts for minority contractors.

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I urge all of the conferees, both House and Senate, to keep this section of the House bill in the conference report. This kind of assistance is desperately needed and would be a sign of positive action by the Congress in the eyes of the black business community.

I should like at this time to include in the RECORD a copy of an article which appeared in the November issue of Minority Builder Newsletter concerning Representative MOORHEAD's proposal:

MOORHEAD LEGISLATION ARISES FROM LONG CONCERN WITH MAKING INSURANCE COVERAGE AVAILABLE TO ALL

"The construction industry has traditionally been the way up the economic ladder for ethnic groups," stated William Moorhead, Democratic Congressman from downtown Pittsburgh, as he discussed the factors that led to the introduction of his bonding guarantee bill. "But in the past, (Surety) bonds have been unavailable to members of minority groups or small contractors with limited credit," he said. "My bill will allow these men a chance to compete in the construction industry."

Moorhead's bill, formerly H.R. 15470, empowers HUD to guarantee bonds for any disadvantaged contractor on any construction contract. The bill also allocates $3 million to HUD for technical assistance in the implementation of the guarantee. Moorhead's bill has been added to the Housing Act of 1970, which will be voted on when Congress reconvenes after the November elections.

Moorhead, one of the House experts on insurance matter, was responsible for holding hearings on bonding for minority contractors in the subcommittee on Housing for the House of Representatives. He was also responsible, as a member of this subcommittee, for securing passage by the subcommittee as well as by the full committee on Banking and Currency which approved the bill in September.

BONDING PROBLEMS COME UP AT FAIR PLAN HEARINGS

Moorhead first became aware of the obstacle that bonding presented minority contractors at the FAIR Plan hearings conducted in Chicago during the Spring of 1969. Moorhead had, during the previous year, been instrumental in obtaining passage of the Urban Property and Protection Law which sponsored the Fair Plan. FAIR plan hearings were held by Moorhead to determine the impact of the plan. However, during the hearings, several contractors testified that bombing was more crucial for them than property insurance and that it was impossible for them to obtain.

THE 1969 BILLS

Moorhead listened carefully. When he went back to Washington, he was determined to get legislation passed that would help minority contractors obtain bonding. He met with Senator Birch Bayh, (D. Ind.) and eventually acted as the House sponsor for Bayh's three bills that were designed to provide bonding relief and additional government contracts for minority contractors. Moorhead stated that he felt "these bills were an extremely comprehensive attack on the problem." However, he knew that passage would take some time. He therefore introduced a fourth bill that called for SBA to guarantee bonds on all contracts to disadvantaged contractors.

WHAT HAPPENED TO THE 1969 BILLS

Of the four bills introduced, only one passed in 1969. This bill provided for affirmative action on letting HUD contracts in poverty areas. But no bonding relief was passed. Yet the need for bonding by minority contractors was urgent. Moorhead reassessed the legislative situation, and decided to introduce another bill that would have a better chance of being passed and immediately implemented. He thus turned to HUD as the guarantee agency. HR 15470, now incorporated into the Housing Act of 1970, mandates HUD to guarantee bonding on any contract to a disadvantaged contractor.

LEGISLATIVE PROSPECTS IN 1970

The Moorhead amendment to the Housing Act of 1970 stands an excellent chance of being passed. The only obstacle to passage would be a possible conflict with the Administration's Small Business Bill. This bill has incorporated Bayh's and Moorhead's bond guarantee provisions, but has named SBA as the guarantee agency. The bill has been endorsed by Senator Bayh, although he has stated that it only goes half way in solving the bonding problem. Moorhead, however, feels that HUD is better equipped to administer such a program. He also feels that HUD has a better reputation among minority contractors and would be able to obtain the confidence of the minority community in this program. HUD officials themselves, it has been stated, would like to see the surety guarantee program operate out of HUD.

THE SST—SUPERSONIC TRANSPORT: TWO VIEWS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. WHITEHURST. Mr. Speaker, it has been called an environmental monster and a taxpayer's nightmare, an unneeded extravagence, and a raid on the Treasury. In fact, it is none of these, but the supersonic transport has stirred the imaginations of proponents and opponents, generating much comment.

The reasons for not developing the plane have been given widespread publicity. Generally they include—

The great cost of development.

Need to divert Government funds to poverty and other social programs.

Lack of any apparent need for such air speed.

Sonic booms.

Danger of radiation damage to passengers.

Pollution of the upper atmosphere by jet exhausts with effects on world climate.

Destruction of the zone layer that protects against ultra-violet rays.

The SST is a public question, and these are not the kind of objections that should be swept under the rug. The public is entitled to hear and weigh these points. It is also entitled to hear the answers to them.

In the face of these objections, I wonder how many can say why an American SST is wanted.

There are certain things the SST is not being built to make sonic booms, pollute the air, change the climate, waste money, and irradiate passengers. Just as assuredly, there are certain things the SST is. It is the next generation of passenger plane.

The supersonic age is here, whether the United States builds an SST or not. They are going to fly, even over this Nation. The "Concorde" built jointly by Great Britain and France, and the Russian TU-144, both fly at 60,000 feet in the supersonic range. When put into service they will be the fastest planes in the commercial skies. To meet the competition of the airlines of Britain, France, and Russia, the airlines of America will be forced to import $12 billion worth of Concorde SST's.

The question that has to be answered is, what can we do about this situation. What is open to us, what is the best way to proceed?

OBJECTIONS TO SST

First let us consider some of these objections listed previously.

There is no basis in fact for the allegation that water deposited at high altitudes by SST's could destroy the ozone layer of the atmosphere. The problem has been carefully studied by two scientific groups, the National Research Council of the National Academy of Sciences, and the Office of Meteorological Research. They say water particles will not combine with ozone to destroy the protective shield.

Their findings also help answer the allegations of pollution and effects on the upper atmosphere. Under standard atmospheric conditions aircraft are unlikely to produce contrails below 25,000 feet, or above 60,000 feet, where the SST will fly.

The water contributions of the SST are insignificant. It has been calculated that a single large thunderstorm, the type common to the tropics, can inject as much water vapor into the stratosphere as would a fleet of 400 SST's making four flights a day. There are 3,000 to 6,000 such storms daily around the world. The insignificance of SST water contributions to the total vastness of the atmosphere allows no such dire predictions to stand. However, the problem is being carefully studied, since the subject is not a trivial one even if the supporting evidence for the charges is lacking.

But how about ordinary pollution by exhausts and smoke? Jet engines do not pollute as much as internal combustion engines. The engines for the SST will have even better pollution control equipment than the redesigned engines currently being introduced on aircraft flying today. The smokeless burner and other features are being designed into them from the start.

Let us compare the SST exhaust to the automobile. A fully loaded American SST going at top speed will be emitting the equivalent of three cars doing 60 miles per hour. If the maximum of 500 planned planes were all flying at once, they would add as much pollution as the next 1,500 cars to pass on your nearest thruway, and much less than the more numerous slower planes they replaced. Also, the American SST has from the start taken into consideration the various environmental concerns in the plane's design, unlike the Concorde or TU-144.

Looking at the facts relating to the radiation hazard reveals that SST passengers would receive little more radiation than if they were flying at the 35,000-foot level of present day jets. Indeed, at the 65,000-foot level the radiation generally is almost the same as it is at ground level in New York City, and not as great as in some areas of South America.

In time of solar flares the pilot would be ordered to fly at a lower level; military planes have been flying at these altitudes for over 30 years. Actually, time is a factor in radiation exposure. Passengers flying the Atlantic on a 2½-hour SST flight will absorb less radiation than the passenger making a 6¾ flight today. Radiation in either case is usually negligible, and it is easily avoidable when it is not negligible. The radation factor is not an argument against the SST, only a warning to observe time-tested precautions.

The sonic boom is not nonsense. A plane flying faster than sound makes a boom. There is no known way to prevent it, and therefore the SST will have to be tightly regulated. Proposed rules by the Department of Transportation are tougher than those imposed on military planes. SST's will be forbidden to fly at boom speeds over land in U.S. territory. Ships at sea will certainly hear the 2 pounds per square foot sound, the same pounds per square foot that hits the ears of a Volkswagen driver when he shuts his car door. For many years military planes have been flying at twice the speed of sound over the oceans without creating a maritime problem.

We will not escape from supersonic transport booms by preventing the United States from developing SST's. Britain, France, and Russia have their's already flying. If we keep American firms from making SST's, we will lose the business and still get the booms.

The American SST can operate from today's runways. It will take off in a shorter distance than today's 707, and it does not require runways as thick.

Regarding the need for such flying speeds; probably not one passenger in ten could do much with the 4 hours saved in crossing the Atlantic, though few would choose a 7½-hour flight if a 2½-hour one were available. The interest in speed centers on a more productive passenger haul.

The 298-passenger American SST could make three New York-London round trips in the flying time of one 747 at its cruising speed of 595 miles per hour. In actual service this would be lowered to being about twice as productive as a 747.

This kind of performance represents a vast operating savings for the airlines as well as the passengers. The economical performance of SST's will help hold down air fares as well as save time. The foreign-equipped SST airlines would have a huge competitive advantage to offer passengers the U.S. lines would not have. An alternative for the United States would be to artificially raise the prices of tickets on foreign lines, an inefficient and free-trade hampering action.

The great redeeming value of the American SST is its greater productivity, nearly twice the 747.

THE VALUE OF THE SST

Now we get to the real reason that the Nation needs to keep moving at full speed on SST development. It is purely economic. There are several different aspects of the economic situation, each important and contributing to the total picture.

In civilian plane sales we have provided very nearly all the planes flown by U.S. airlines, and 84 percent of the jets flown by free world commercial airlines. We sold $3.2 billion in commercial planes in 1966, with $1 billion in overseas sales. In 1969 we hit a high of $5.6 billion, with foreign sales rising to $2 billion.

Since then a series of blows has struck the industry. Commercial jet plane orders slipped off because of a monetary crisis in the airlines.

Congress ordered a cutback both in military and space programs.

National policy dictated that we would not sell military planes to aggressive small countries abroad. The French moved into that market with assorted sales. Today, South American countries no longer buy any U.S. combat planes. One may applaud or condemn the lose of military and space orders, but for the aerospace industry they mean that the bread and butter of millions of Americans must depend more than ever on holding and enlarging the commercial plane market.

However, in the commercial field we have been losing ground in foreign sales even when we get the business. Sound impossible? Not really; it all hinges on technology and the law of diminishing economic returns.

Today when we bring out a better subsonic jet there is less of it that is brand new. More of it can be made abroad by firms that have caught up with American technology that first developed the model.

When McDonnell-Douglas gets a contract for planes to Canada, that nation insists she will make the wings and tail. When Lockheed signs an order to supply planes to British airlines, Britain stipulates that she will install Rolls-Royce engines in them, and so on.

In short, there is less work for the U.S. companies even when they get the orders. The same thing applies to replacement parts, which are a good part of the business.

Let us briefly review the ground we have lost in some other industries due to the technology catch-up. Foreign competition is making inroads in the areas of automobiles, movies, cameras, steel, textiles, shoes, electronics, and many others.

When the United States could make electronic products others could not, we owned the world electronics market. But when other countries had a few years to study the products and production techniques, we could no longer rule the mass electronics market. By 1972 competition by Japan and West Germany will see us with an unfavorable trade balance in electronic products.

Even if nobody makes an SST the airplane situation will get worse. If the world could somehow freeze commercial plane performance at the 600 miles per hour level of the Boeing 747, it would only be a matter of time before other countries, with cheap labor, could provide equivalent planes cheaper for their airlines and ours. All they need is time to catch up with American technology if the march of our know-how is willfully arrested.

They will not only catch up, they will get ahead of us if we willfully check our own progress and they do not.

The 120-passenger Russian TU-144 made its first flight in 1968, and has a top speed of 1,550 miles per hour. It is expected to be carrying passengers and bidding for world markets in 1972.

The Concorde first flew in 1969 and has hit 1,350 miles per hour. It is expected to be ready to carry its 128 passengers in 1973.

The 298-passenger 1,780-mile-per-hour American SST is only in the form of a full scale mock-up, where it has been for some time. Even if there are no further delays, it would not be ready until 1978.

The manufacturing of aircraft has been a bright spot in the Nation's international trade picture. If that $5.6 billion trade in commercial plane sales in 1969 had gone to foreign firms, the United States would have lost another $11.2 billion in both trade balance and dollar flow. From $5.6 billion in to $5.6 billion out. If the United States fails to develop an SST, the best estimates show we will lose, in trade balance and dollar flow, $50 billion between 1978 and 1990.

We Americans can live at our present living standard only if we keep ahead in technology, and continue to offer the world better products than anyone else can make.

That is what this Nation was betting on when we joined in a series of long-term trade agreements with other nations to do away with protective tariffs. Those nations are betting they can manufacture existing products cheaper than we can. And they can do it. We're betting we can make what they can not. And we can.

Where is our advantage in making an SST if we are already years behind?

If the SST moves on its present schedule it will rule the roost for years. There are two main economic advantages.

Britain and France made a huge investment in the Concorde based on an aluminum technology. They designed their SST for about the top speed that an aluminum fuselage can endure heat caused by air friction. That speed is 1,350 miles per hour cruising, and a top speed of 1,550 miles per hour for short bursts only. The Russian TU-144 has this same limitation.

These two planes are at the limit of the known technology, and all design, systems, and engines have this limitation in mind.

One reason the United States has a later inservice date has been the development of a titanium technology for fuselages and structure to withstand the greater air friction heat at higher speeds. We have that technology today. We have successfully used it in two military planes. No one else has the ability to mass produce titanium airplanes. All our basic SST research has moved ahead with an over 1,700 miles per hour plane in mind, and a technological ceiling above 2,000 miles per hour.

A catastrophe awaits us if we fail to utilize this advantage.

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Nearly every American commercial transport airplane has grown out of design and production for the military. Thus the Government paid the manufacturing costs of research and development of the airframe, the engine, and other components.

Now for the first time a commercial transport is being developed without benefit of military research. The industry simply cannot bear the entire cost; the Government should help.

The facts on the Government assistance are these:

The SST program is being carried out as a partnership between Government, the manufacturers, and the airlines, with each sharing the risks as well as the rewards.

The cost of the prototype development phase is estimated at $1.3 billion. The prime contractors, Boeing and General Electric, will invest about $300 million. The airlines will put up about $60 million.

The Government will collect a royalty on all U.S. SST sales and will recover all of its costs plus interest when the 300th airplane is delivered. If 500 are sold, as expected by 1990, the Government will directly profit $1.1 billion on its investment. Employment from a full SST program will net between $6 and $7 billion in income taxes.

Overseas routes for 500 planes in the 1980's have already been projected. Twelve U.S. and 14 foreign airlines have already deposited $22 million to assure delivery of 112 American SST's.

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An American SST will cost an airline about $52 million at 1978 prices, compared to a 747 price of $24 million at 1970 prices. Since commercial flight began, plane owners have consistently recaptured the cost of a new plane in 5 to 6 years. As businesses the airlines would rather get full life use from their present equipment than invest in new facilities.

Therefore an in-service date of 1978 is considered by the airlines as good timing.

The SST will meet increased needs at that time and still allow the recovery from heavy investments in prior aircraft purchases. Their support of the American SST is 100 percent.

The American SST will make and save full production jobs in the 1970's and 1980's. A major aircraft manufacturer, McDonnell-Douglas, has been cited as an outstanding example of an industry which has restyled its jobs and its production methods to employ and quickly train unskilled labor. One need only walk among the laid-off workers in many cities to see that what hurts the aerospace industry makes poverty grow.

The American SST will share the wealth. Ultimately 90 percent of the fabrication work will be subcontracted. Thus far in the prototype program more than $150 million has been subcontracted out to companies in 36 States. My own State of Virginia will realize $2.5 million in the prototype program alone.

The U.S. aerospace industry, one of our best exporters, is now seriously depressed for a variety of reasons which may not soon change for the better. The industry looks to the SST to give it the lift it needs.

The economic meaning of the SST to 4 million Americans and our total economy is the big case for the aircraft. These, then, are the American SST's advantages, and why those who want it are urging that it be built.

To say more would belabor the point.

B. F. BIAGGINI COMMENTS ON RECENT DEVELOPMENTS AFFECTING THE RAILROAD INDUSTRY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. JOHNSON of California. Mr. Speaker, in the wake of recent developments affecting the railroad industry, actions which have been taken by both the executive and legislative branches of Government, as well as management and labor, the views of the head of one of the Nation's biggest transportation systems which operates not only an extensive rail network, but also features a national trucking operation, are worthy of careful consideration by all people.

This afternoon, the president of Southern Pacific Co., B. F. Biaggini, addressed the National Press Club at a meeting attended by the presidents of 12 or more other railroads.

I was privileged to hear the remarks made by Mr. Biaggini, and I thought, in view of their extreme timeliness, they should be shared with all the Members of Congress.

Accordingly, Mr. Speaker, I insert these remarks in the RECORD at this point:

REMARKS BY B. F. BIAGGINI

Good afternoon, gentlemen—members of the National Press Club and guests. I'm happy to be here this afternoon and have what I consider to be both the honor and the privilege of speaking to you about the current standing of the railroad industry.

It seems to me that we've come a long way since Abraham Lincoln said that private enterprise must build the transcontinental railway because the federal government could not. We've come a long way when, today, we find some labor leaders, some people in government and some of the general public advocating nationalization of this country's railroads.

The railroads themselves have come a long way in the brief span of slightly more than 100 years. We've bound the continent together. We've brought the miracle of fast, efficient freight service to metropolitan areas and country hamlet alike. We built a fine passenger service and have seen it displaced by a more convenient and efficient technology. We've seen the United States grow into the greatest self-contained market in the world. We've shared in the development of both import and export trade.

I doubt that any other country in the world has ever come as far so fast, with so many resultant benefits for its people. We in the railroad industry are proud of the part we've been able to play in this, and proud of the contribution we've been able to make to this nation.

But we haven't come so far as to cause me to conclude that there is any real need for, or any benefit in, thinking seriously of nationalization.

Let's review the situation. We have a major railroad system in reorganization, and we have liquidity problems for about half of the major roads because of decreases in working capital. About one-third of the major roads may show net losses this year—cause for concern, of course. But cause to abandon private ownership in transportation? Not at all.

The industry's greatest problem has been its inability to earn an adequate rate of return on its investment for any sustained period in its history. In 1969 the average rate of return on net investment was only 2.8%, compared to 12.5% for the leading manufacturing corporations, and for the 12 months ended September 30, 1970 the railroad return dropped to an alarmingly low 1.77%. By and large, this totally inadequate rate of return for the railroads has been the result of strict economic regulation and of a national policy that has actively promoted and financed the growth of other forms of transportation, while at the same time fostering unwarranted competition between railroads.

For example, since the end of World War II the federal government has spent more than $77 billion while state and local governments have expanded over $203 billion maintaining and expanding transport capacity, almost exclusively for modes of transport other than railroads. Besides these huge investments in other transportation facilities, several of the federal regulatory agencies lobby extensively for and otherwise promote the forms of transportation which they regulate.

To these results of the national transportation policy add the difficulty of making changes in rates, service and plant brought about by treating the railroads as though they are pure public utilities enjoying protected monopoly status while in fact they fight to stave off government-subsidized transportation at every turn. Rate cases, merger cases, line abandonments and matters of wasteful duplication of facilities drag on endlessly in the administrative procedures of the various commissions and in the courts.

By general definition a public utility is an organization which performs an essential service in an assigned territory. It gives up certain managerial freedom—notably in the pricing of its product or service—and is usually required to serve all comers on an equitable basis. In exchange, it is protected from competition and is permitted to earn a rate of return on its investment in plant and equipment that allows retirement of debt and planning for the future while paying an adequate return to its owners—a return, in other words, sufficient to attract private capital.

Now let's try that utility definition on the Penn-Central passenger service between New York and Washington. With shuttle planes always overhead and with good highways and turnpikes running parallel we don't get much of a fit, do we? Well, how about the Illinois Central's fine railroad freight service between New Orleans and Chicago? The Mississippi, Ohio, Missouri and Illinois rivers deepened and maintained at government expense for barge traffic and the St. Lawrence seaway bringing ocean vessels to the docks at Chicago surely ruin the monopoly picture there. What about the Southern Pacific out in California? The finest highway system in the nation and over 14,000 authorized highway carriers keep any view of monopoly completely out of focus.

The truth of the matter is that railroad monopoly is limited to the few cases where other forms of transportation either cannot or do not choose to meet the rail rates, and to a few locations where there is not enough demand for transportation to justify another mode. As soon as any substantial business begins to develop, some governmental agency dredges a harbor, deepens a creek, builds an airfield or widens the highway.

Then, to add to the list of things that contribute adversely to the railroad posture, we have the work rules and labor practices that long have been incongruous with the technology of today's railroad plant. Billions of hard-earned railroad dollars have been spent on dieselization, centralized traffic control, modern freight cars, computers and the like. Yet railroads are forced to operate with the work rules of long ago. The large sums that have been spent on improvements and modernization have made the average railroad employe's job safer and easier, yet these outdated work rules artificially keep him from producing all of the transportation he's capable of producing with modern tools and equipment.

So that's where we are today. Is it such a sad and gloomy picture that we should give up the system of private ownership and take the giant step into the unknown that is represented by nationalization of the railroads? The answer to that question lies not in the Penn Central picture as we see it. In spite of the serious problems I have mentioned, we still have strong and financially able railroads in the East, the South and the West.

Before we give up, in any unwise move unworthy of a nation that regularly solves problems of major proportions, let's examine this nationalization proposal.

First, we tried it once, in World War I. The federal government ran the railroads and managed to lose $2 million a day. In World War II the railroads stayed in private hands and set new records for efficiency in handling both troops and freight. During those war years of 1941-45 the railroads paid the federal government over $3.8 billion in income taxes alone.

I assume that those who advocate nationalization of the railroad system don't intend to steal them from their owners. It is estimated by a recent study that the cost of government takeover on the basis of fair market value of assets would be about $60 billion. Surely this isn't the kind of liability most of us would like to see our government assume when we know the pressing need for funds for other government programs.

We in the industry know that over $36 billion must be spent during the next ten years to improve plant and equipment to meet the country's transportation needs in the 1980's. These capital needs must be met no matter who owns the railroads. We know also that nationalized railroads generally pay no state, local or federal taxes, while last year our industry paid over $1 billion to all of these tax collectors. So the first result from nationalization would be a staggering expenditure for the acquisition of the properties, a continuing large commitment for improvements, and a substantial loss of tax revenues.

The Federal Railroad Administrator recently testified that interest on government purchase of the railroads, plus loss of tax receipts by state, local and federal government, would add at least $2 billion annually to the cost. He further declared that an annual operating deficit could be expected from removing the profit motive as an incentive for efficient operation as well as adding government interference in management.

Consider the record of publicly owned railways around the world. The national railroads of Western Europe and Japan operate at an average 20% deficit. That is the annual operating loss—meaning that expenses average 120% or more of income. In some cases the stated deficit doesn't include the subsidies paid for heavily losing passenger services. These publicized operating deficits also frequently don't include the large additional amounts spent for capital improvements and for research and development.

If the American railroads were to be operated on this basis and had the average 20% deficit experienced by the foreign lines, the bill to the U.S. taxpayer to cover operating losses alone would be more than $2 billion a year.

Canadian National and Canadian Pacific are virtually parallel operations. Canadian National—which the government owns—had a deficit of $24.6 million last year, while Canadian Pacific had net income of $55.8 million.

W. Graham Claytor, Jr., president of Southern Railway System, recently ticked off some interesting comparisons of 1968 statistics for his own railroad and British Railways. Let me highlight them for you: The route mileage is comparable—12,447 for the British and 10,165 for Southern—but there any resemblance ends. Southern Railway clerks earned about three times as much as their British counterparts. It took 15 times as many people to operate the British Railways. Yet the British system produced only 40% as much freight service as Southern, and its charge per ton-mile to the customer was nearly triple the Southern's. Despite higher average charges per ton-mile and larger gross freight revenues than Southern, British Railways ended 1968 with a deficit of over $217 million and paid no taxes. Southern earned $43 million and paid more than that—$50 million—in federal, state and local taxes. Enormous British passenger losses were partly responsible for this situation, but even so, the comparison is startling.

Since these are 1968 figures, I must add my own footnote: British Railways at the end of 1969 published an annual report which at last showed a modest profit. But this was only possible because a Parliamentary Act effective January 1, 1969 provided for payment of necessary subsidies *in advance*. So British taxpayers go right on making up the annual deficits as they have been doing for 22 years, ever since Britain declined to grant its railways the kind of regulation and financial relief now proposed for U.S. roads, and took the nationalization path instead.

Thanks to two recent study and business development trips to the Far East, I am more familiar with the Japanese National Railways, and I have some information for those who hear only about the famous Tokaido Line. What we read about from Japan, and what vacationers come back talking about, is the sleek blue and white "bullet train," fastest in the world. Indeed, it is a fine train, and the line itself is a masterpiece of engineering and construction, but this shouldn't obscure the rest of the Japanese National Railways picture.

I know the August 25 Wall Street Journal was right in reporting: "JNR is stuck with money-losing lines and with jammed, aging commuter trains. Politics control its rates. Couple this with increasing wage costs and a tough union, and the system's deficit soars to more than $1 a day."

Japanese National Railways' debt of over $5 billion carries annual interest charges greater than its entire income from commuter operations, which is how the bulk of its operation really would be classed in our country. Only 10 of its 245 lines are in the black. It has 12,000 miles of railroad and employs 470,000 persons—more than any other single organization in Japan and almost as many as the total U.S. railroad industry employs to operate 20 times the trackage.

The Japanese have great railroad technology, as the Takaido Line attests, and they are working hard to solve their problems. But, like the U.S. railroads, they are finding they cannot solve them by technology alone. Last spring in a symposium in Tokyo I heard Japanese railway officials talking about the problems of being forced to continue to maintain and operate unprofitable branch lines and of their inability to close little-used stations. Railway officials from Western Europe, South Africa and South America echoed many of the same complaints. While in San Francisco in October to study Southern Pacific operations, President Guibert and five vice-presidents of the French National Railroads were telling us that they now have a plan to try to make their system more self-supporting so that, hopefully, it can be freed of some of the subsidies and the frustrating political regulation which inevitably goes along with subsidy.

Almost every nationalized railroad has a "showcase" passenger train. These crack trains are seen or ridden by our tourists and business travelers abroad. Many travelers return home asking why we don't have similar trains here. The fact is that we do have—in such fine trains as the Union Pacific's domeliners and the Santa Fe's Super Chief. We had them on all American railroads until the public turned to automobiles and jet aircraft in numbers just too great to keep most of these fine passenger trains going.

We don't find these returning travelers reporting on the little 20-foot, 2-axle freight cars in most of those overseas countries. We don't find them recognizing that the American railroads provide twice the ton-miles of service generated by the national systems of Japan and all of Western Europe combined. We don't find them observing that Japan, Italy and France, for example—countries that are geographically small but extremely densely populated compared to the United States—have opted for passenger-carrying railways while, on the other hand, West Germany has chosen to accent rail movement of freight so as to make highway conditions easier for the motorist.

We don't find them particularly noting that in England, France and West Germany gasoline taxes average 48 cents per U.S. gallon, or three-fourths the price, versus 11 cents, or one-third the price, here at home—resulting in charges reaching over 80 cents a gallon which hardly encourage the European to drive. Despite this, we don't find the casual visitor aware that although rail passenger traffic in Western Europe increased in the 'fifties, it was down 15½% in the 'sixties, in significant correlation with a rapid increase in automobile ownership to a ratio of one car for less than every five persons. This is about the same ratio the United States reached in the early 'twenties, when rail travel declined here—not surprisingly—by 12½%.

We don't find them taking into account that American railroads are seeking a way to raise in this decade about $36 billion—total—to get back on their feet, but that 24 billion in tax dollars in the last year alone was spent on transport modes that compete with our railroads. And we don't find them recognizing that, while U.S. railroads recently have been operating less than 400 intercity passenger trains a day, we run 10,000 freight trains and run them pretty well—in fact, better than anyone else in the world.

Now we can't expect the layman to be abreast of all I've mentioned. But—with possible nationalization of his railroads being talked about—we can hope that he will listen to those whose business requires them to be close students of the reasons for the wide variation in transport requirements around the world.

The American railroad system moves more freight tonnage faster than any other and at lower cost. The shipper and the receiver of freight have nothing to gain and much to lose by nationalization. To illustrate, President C. B. McCoy of du Pont recently had this to say: (Quote)

"We would be prepared to support an overall national policy that states a clear objective of restoring this industry to competitive health. . . . In our judgment this is the best route to follow, for the alternative—nationalization of the railroads—is more costly and less effective." (Unquote)

Consider, if you will, the status of the freight shipper in the United States who has a variety of railroad equipment available to him on short notice at practically all times. Compare this with the status of a shipper or receiver of freight in Russia who has to request allocation of a freight car days in advance. The Russian is allowed 30 minutes to three hours, depending on type of car and lading, to load or unload his car. He must load to capacity and, when unloading, he must leave the car clean for the next user. Failure to comply with any of these regulations costs him a substantial fine.

I can't imagine why some leaders of organized labor in this country would seriously consider government ownership of the railroads or of any other part of transportation or of industry generally. American labor has been the greatest beneficiary of the American free enterprise system. Because of the great benefits that flow from this system of ours, the leaders of labor unions have achieved prominence and recognition unknown to their counterparts (if there are any) elsewhere in the world, and their memberships have become the best equipped and best paid while in service and the best cared-for in retirement.

Names like John L. Lewis, Walter Reuther, George Meany, Leonard Woodcock, Charles Luna and Lester Dennis, to mention a few, are known throughout the world. I challenge any man in this room to give me the name of the head of any nationalized industry's union in Britain, France, Germany or Japan—or for that matter, the name of any head of any labor union in Russia.

We don't have time today to go into what we might expect in industry generally if our railroads should be nationalized. But if experience in other countries is any guide, nationalization of other industries would probably quickly follow. Where other transport modes are not actually nationalized, we usually find them placed under heavy restrictions to make sure that they do not divert too much traffic from the rails which the government suddenly, in an about-face of policy, must now operate and promote.

Regulation of all transportation would expand beyond anything we complain about now. Expenditures for transport capacity would become more responsive to political pressures and less rational economically, instead of aimed at markets and competition as they should be. Under nationalization, as it was recently summed up by Alan S. Boyd, our first Secretary of Transportation and now president of the Illinois Central, "Railroads would lose a hell of a lot of money and competitive modes would have to compete against the U.S. Treasury."

As we look once again at the country's transportation needs for the next decade or two, it's clear that the railroad industry must be returned to the strength its assignment requires. The railroads are now carrying some 41% of all intercity freight. Agencies such as the Department of Transportation and the National Planning Association indicate that freight traffic will increase by 48% by 1980, and out in Southern Pacific territory we plan for a doubling of transportation demand by 1985. Think what this means. If the government pursues the policy it has in the recent past the highway system will have to be doubled, and so will the domestic waterways and airways systems. If the railroads are neglected, capacity of the other modes of transportation will have to triple in the 1975–1990 period to keep up. If we consider once more the $280 billion spent by government on transportation since 1945, we get an idea of the magnitude of the tax monies that will be required.

Economics and service requirements aside, if other forms of transportation are to be expanded while railroads are allowed to decline, we will be faced with many times the air pollution and infinitely more disturbance of the landscape that now concerns us all.

So from every standpoint it seems to be good sense to put aside any ideas of nationalization of railroads or any other transportation and to adopt policies that will permit and encourage private ownership and free enterprise to do the massive job that lies ahead. Decided changes in national transportation policy and in government treatment of transportation are required, and required soon. As alternatives to any consideration of nationalization let me suggest the following:

The unjust burden of passenger services losses must be lifted from railroads whose deficits in this area of operations have been their greatest financial problem. The National Railroad Passenger Corporation, popularly known as Railpax, is about to alleviate this chronic difficulty.

We must reform the existing pattern of transportation regulation, with deregulation as our goal. Railroads cannot survive under continued regulation which treats them as though they were monopolies while it promotes other modes. In spite of vast government expenditures the air transport industry is also in trouble, and huge subsidies are required for our merchant marine. Rigid regulation and compartmentalization of transport are national failures and must be modified.

Barriers to common ownership of different forms of transportation should be removed. Transportation companies, in the broadest sense, should be free to offer a wide range of modes and services to the users of transportation.

Railroads should be allowed more freedom in pricing their services. I propose that they be permitted general freight rates changes up or down by 6% during any calendar year without the need for administrative proceedings—this as a desirable step in the direction of deregulation.

The regulatory process should be expedited. In the meantime, specific time limits should be put on merger cases, general rate increase cases and branch line abandonment cases.

National transportation policy should encourage mergers and rationalization of the railroad plant.

Railroads should be relieved of the burden of inequitable local taxation. One bill to accomplish this has already passed the Senate and I hope that it can pass the House in this session, but time is short.

Federal assistance is required for an expanded program of highway grade crossing protection and separation. The principle of such government participation is well established for crossings on the federal highway system, but extension to all state, county and local roads is needed.

Federal assistance is required for the modernization of railroad trackage, rights of way and terminal facilities. This can be accomplished through a variety of programs involving a new Federal Transportation Fund, government guaranteed loans or tax incentives.

The government should assist the railroads in meeting their locomotive and freight car needs. There are two bills pending to accomplish this—S-4463, which calls for a National Freight Car Corporation, and S-4464, which is known as the Railroad Equipment Obligation Insurance Act. The principle followed in 4464 is well established in government guarantees of FHA mortgages and loans under Title XI of the Maritime Act. In addition, the investment tax credit which successfully operated in the sixties ought to be restored.

Federal programs of research and development should be carried out in behalf of rail transportation just as they are for other modes.

I suppose these points sound familiar to you and they should, because they're all within the scope of the ASTRO Report that was prepared by a highly competent task force headed by former Senator George A. Smathers for the Association of American Railroads. This 10-month effort, completed just before the Penn Central reorganization, is the most comprehensive study of the railroad industry's problems that has been done in many years. And its recommendations for solutions to the industry's problems are carefully and well thought-out action measures that would insure a sound railroad system to meet the transportation needs of an ever-growing nation.

The ASTRO proposals don't represent just a market basket of ideas or a letter to Santa Claus. Rather, they embrace the essential changes in national transportation policy that the nation must have if we're going to have a healthy transportation industry in this nation.

The final proposal in the ASTRO study is that railroad labor and management must make their own commitments for correction of the industry's shortcomings. With that I heartily agree. The ASTRO Report itself represents many changes in traditional positions for much of the industry. Railroad management today realizes more than ever before that ours is an interdependent industry and we must find ways to restore the ailing segments of the industry to health.

Railroad labor should be, and I believe is, concerned. If the present trend continues there can only be further reduction in jobs and security for its members. Labor's interest lies in a revitalized and vigorous industry in which it can make a real contribution to improved efficiency, capacity and service. Railroad labor leaders have recently implied that although they had always opposed nationalization it would be preferable to the situation in which the Congress has had to impose labor settlements repeatedly. This seems to me too massive a price for labor to pay to achieve goals attainable by simpler means.

Here I should like to stop, but I also want to note that the press of this country has been practically unanimous in editorially rejecting the idea of nationalization. Perhaps because its own set of difficulties has some close similarities to ours, it has displayed real appreciation of the railroad industry's problems. In spite of financial and labor troubles which have closed many great newspapers and magazines, and in the face of governmental agency opposition to such rational and efficient measures as combined printing plants, our free press still recognizes the true value of free enterprise and is apparently prepared to fight for it.

The ASTRO Report recommendations have been styled "a program of creative federal involvement." What it's really trying to say is "Let's get the legislative and regulatory bootheel off the neck of the railroad industry, and let's have a national transportation policy that will meet the needs of the 21st Century which is just around the corner." That is the thought I wish to leave with you as I ask your help in implementing and realizing these worthy goals in the national interest.

GEORGE BUSH NOMINATED U.N. AMBASSADOR

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 11, 1970

Mr. PETTIS. Mr. Speaker, it is with a great sense of pride that I salute my friend and colleague George Bush upon his nomination as Ambassador to the United Nations.

As a personal friend and next-door neighbor, one obtains an understanding

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of another's thoughts and characteristics and an appreciation of his capacities. Let me assure you that it is in the tradition of Mr. BUSH to excel whether it be on the House floor, on a tennis court, or in diverse aspects of public service. I have not the slightest doubt that his demonstrated ability will carry forward to his new endeavor and he will serve with excellence the people of the United States and the world in the quest for peace.

We all recognize the tribulations that beset this world organization, and can acknowledge that our representative faces innumerable difficulties and challenges. The intuitiveness and perspicacity that Mr. BUSH brings to his new position, to which I personally can attest, bodes well for both the United States and the United Nations in these crucial times.

TOO MANY COLLEGE STUDENTS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mrs. SULLIVAN. Mr. Speaker, for the last few years everyone—from parent, to student, to principal, to public official, to lawmaker—has been concerned with the problem of education. In the search for a solution, it seems most people have concluded that young pepole, regardless of aptitude, should receive a college education. However, in the last year or so, there are some who have begun to have misgivings about the wisdom of this course. Among those questioning this policy is KMOX—CBS radio—in St. Louis.

KMOX has been a trail blazer in the media field, being the first station to inaugurate the "talk" or "At-Your-Service" programing some 10 years or more ago. It also was one of the first to inaugurate a policy of editorializing and has written an enviable record in this regard with its earnest and well-researched editorials.

One of those recently aired was on the subject of college students and I urge my colleagues to read and consider the merits of the arguments presented by KMOX:

TOO MANY COLLEGE STUDENTS

The pressure begins early. While little girls are still in pigtails and boys still in the tree-climbing state, teachers and counselors are already talking about it, worrying about it and consulting parents about it.

The children are tested, analyzed, and criticized. What's the objective of all this attention: It's that universal madness that seems to have seized American parents in recent years . . . getting their youngsters into college.

Grade school pupils are told that certain subjects are essential for college. Junior high students are tested intensively and their scores held up to the magic standard . . . are they college material? And by the time a youngster has reached the third year in high school, the obsession has really taken hold. The last years revolve around college board tests and college applications.

Is this necessary . . . or is it even right? KMOX Radio doesn't believe it is. College and graduate schools are essential for many of our citizens who want and are capable of careers in law, medicine, engineering, the sciences and other academic fields.

But many young people would be better off going directly from high school to trade school into life's best graduate training . . . the working world. Even in today's complex society, most occupations don't require a college degree. And many young people find that they have simply wasted four years . . . and cost their parents thousands of unnecessary dollars . . . by studying literature and foreign languages when they could have been learning their life's work . . . on the job.

Our society needs mechanics, plumbers, clerks, pipe-fitters and roadbuilders . . . as well as professors, doctors, and lawyers.

And many young people would build happier, fuller, more productive lives if they were oriented in these directions in the first place. Our colleges are in trouble . . . big financial trouble. And the rest of the problem lies in the fact we are trying to educate masses of young people . . . many of whom don't belong in college in the first place. Degree standards have inevitably deteriorated for this mass production procedure.

It's time for America's schools, and America's parents, to stop this preoccupation with college as the most desirable choice for most young people. Our colleges, our youngsters, and our nation, would benefit by a more down-to-earth approach.

TRIBUTE TO BOYD CRAWFORD

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. MURPHY of Illinois. Mr. Speaker, I wish to join with my colleagues in paying tribute to Mr. Boyd Crawford, the retiring chief of staff of the Committee on Foreign Affairs of the House of Representatives, for his many years of outstanding service.

Mr. Crawford was first appointed clerk of the committee in 1939, after serving as a Member in the U.S. House of Representatives for 3 years. In 1950, he became staff administrator and has effectively performed that function under both Republican and Democratic chairmen. Mr. Crawford has served under such outstanding chairmen as Sol Bloom, Charles A. Eaton, John Kee, James P. Richards, Thomas S. Gordon, Robert B. Chiperfield, and the present chairman, THOMAS MORGAN.

In addition, Mr. Crawford has participated in numerous international and parliamentary conferences. In 1945, he was a member of the U.S. delegation to the United Nations Conference on International Organization. He has also been a delegate to the United Nations General Assembly. In addition, he has been a staff member of numerous study missions abroad for the Foreign Affairs Committee. Most recently he attended the NATO Conference which I also attended.

As a member of the Foreign Affairs Committee since 1959, I have had the privilege and pleasure to know Mr. Crawford personally and have come to appreciate and admire his talents as a professional in the field of foreign affairs. His great knowledge of the intricacies of foreign affairs obtained during his long tenure on the committee has been an invaluable asset to myself and other members of the Foreign Affairs Committee. He has served Congress and the Nation with dedication and devotion. Mrs. Murphy joins me in extending my warm wishes to Boyd and Mrs. Crawford for much happiness and contentment in the years ahead.

BETTER CARE AT LESS COST WITHOUT MIRACLES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. COHELAN. Mr. Speaker, on a number of occasions I have expressed my deep concern over the current crisis in our health delivery system. My concern extends beyond the issue of manpower shortages, although these shortages are vital components of the entire crisis. It is readily apparent that the health crisis is deeply rooted in the uncoordinated nature of our health care system. For example, it has been tragically commonplace for hospitals in the same area to construct and maintain expensive medical care units that are underutilized. The investment of scarce health dollars in underutilized equipment places major constraints on other aspects of the health care system.

A few statistics help to place the problems in graphic perspective. In less than 2 decades, it has been estimated that the costs of health care will increase fivefold It will come as no surprise to most citizens that health costs usually lead in increases in the price index. The trend in the future seems to past experiences; some estimates place the costs of health care at $200 billion by 1980.

Given these costs at times without an appreciable increase in the efficiency for health care delivery, some new directions have begun. Recently I and many of my colleagues in the House and the Senate have introduced legislation that would provide for a national health insurance plan. Such a proposal deserves serious and careful consideration.

Mr. Speaker, the people involved in health care have been attempting to reduce the rising costs of medical care. One of the more noteworthy attempts has been the increased usage of group health plans. This approach to health care has the potential for reducing the costs of health care without a reduction in services.

At this point, Mr. Speaker, I would like to insert an article by Edmund K. Faltermayer, entitled "Better Care at Less Cost Without Miracles," and I commend the reading of this article to my colleagues in the House:

BETTER CARE AT LESS COST WITHOUT MIRACLES

(By Edmund K. Faltermayer)

Our present system of medical care is not a system at all. The majority of physicians, operating alone as private entrepreneurs, constitute an army of pushcart vendors in an age of supermarkets. Most patients pay by the cumbersome "fee-for-service" or piecework method, which involves separate billing for visits to doctors, shots, x-rays, laboratory tests, surgery, anesthesia, hospital room and board, etc., etc. The American hospital system, as Herman M. and Anne R. Somers of Princeton University said in their book, *Medicare and the Hospitals*, "is largely a figure of speech," the result of a haphazard growth of isolated, uncoordinated institutions.

For a patient simply to *find* medical care can be maddeningly difficult. In poor city neighborhoods and rural areas, the supply is sometimes fatally sparse. The middle-class citizen, living in a region where doctors are statistically abundant, encounters frustrations when he seeks "access"—a suitable entry point into the medical labyrinth, where a competent person can give an accurate diagnosis of his ailment, or relay him to the proper specialist. With more and more doctors working a five-day week, access has become especially difficult on evenings and weekends. Increasingly at those hours, people are forced to resort to the overcrowded, understaffed emergency rooms of hospitals, where admissions have shot up by 250 percent in the past twenty years, and where only a third of the people waiting for attention are true emergency cases. When he is finally in what he hopes are good hands, the patient is incapable of evaluating either the quality or the quantity of the service he receives. In his ignorance he may submit to more care than is necessary—adding both to the personal risk and to the strain on an inflation-prone system.

Some of the rise in medical costs has been inevitable, because the new life-extending techniques require more manpower and equipment (see "Costly Machines to Save Lives," page 92). And some of the increase in hospital costs is unavoidable, too (see page 96). But the real propellant forcing up costs is the archaic manner in which most hospital care is arranged and paid for in the U.S. Since all the components of medical care are generally paid for on a piecework basis, doctors profit by prescribing more elaborate care than is needed.

Even when doctors have the best of motives, as a majority of them doubtless do, this lax competitive climate discourages the efficiency that comes with cost-consciousness. And even if the doctor has a conscience about wasting the money of patient, government, or insurance company, the growing menace of malpractice suits may induce him to pile on precautionary tests and treatments—which he can do without restraint. "Almost nowhere else in the economy," says Victor R. Fuchs, a leading economist at the National Bureau of Economic Research, "do technologists have as much control over demand." The only parallel, Fuchs says, is the military's control of the defense budget in time of total war.

The growth of "third party" payment of medical bills through Blue Cross, Blue Shield, and group insurance policies has provided another inflationary thrust. Until very recently the Blues and the insurance companies, which now disburse about $13 billion a year, have directed very little hard scrutiny at fees or the quantity of the services that they are buying. They have contented themselves instead with the role of a largely automatic "cost-pass-through" mechanism. In the past, some check on costs came from individual patients complaining about high bills. Doctors and hospitals had to worry about the financial hardship that the larding on of services might create. But the emergence of large, "rich," impersonal insurers has removed even these controls.

Third-party laxity has unquestionably contributed to the steep rise in hospital fees. Cost controls have always been weak in many hospitals, partly because many of the doctors have no stake in promoting hospital efficiency. Today, most of a hospital's income is provided by Blue Cross and the insurance companies, which dutifully reimburse on the basis of costs after they are incurred, rather than agreeing on a fee in advance. This type of cost-plus reimbursement in Fuchs's words, is "an open invitation to inefficiency."

The bad effects of third-party payment do not stop there. Private health insurance covers some phases of medical care more extensively than others. About 85 percent of Americans under sixty-five have at least some hospitalization insurance, and 78 percent are covered to some degree for surgeons' fees, but only 51 percent have any insurance whatever for x-rays and laboratory tests outside the hospital, and only 40 percent for visits to doctors' offices. As a result of this uneven pattern of coverage, says Walter J. McNerney, president of the Blue Cross Association, "use tends to follow prepayment." The whole pattern of medical care is warped in favor of providing treatment in those expensive hospitals. Summing up all these influences, McNerney declares that U.S. medical care is suffering from "a serious discombobulation of the principles of the free market, with no 'invisible hand' to move resources about efficiently."

HENRY J.'S NEW MODEL

Those patterns, however, are not like the laws of the Medes and the Persians—they need not stand forever. Evidence that they can be changed, with benefit for all the parties involved—doctors, patients, and insurers—is piling up. Some eight million Americans now receive medical care under plans that work well, and that are subject to the constraints of the marketplace. These "prepaid group practice" plans are not the only model for reform. Further, even these plans have not yet been brought to the degree of efficiency that they may someday reach. Nevertheless, they represent an alternative that more Americans should be able to choose. Their expansion would exert a badly needed competitive discipline under the rest of the medical system.

The Kaiser Foundation program is by far the largest of the prepaid systems. It has two million members and its own network of hospitals and outpatient clinics in California, Oregon, and Hawaii. The program began in the late 1930's when the late Henry J. Kaiser then building hydroelectric dams in remote locations, felt obligated to provide medical services for construction workers and their families. After a conventional, fee-for-service payment system proved unpopular Kaiser substituted a single fee covering all needed services, and the plan was enthusiasticaly accepted. In response to requests from hundreds of former shipyard workers, Kaiser kept the program going on the West Coast after 1945, and opened it to the general public. Today, employees of the various Kaiser companies and their families constitute only about 3 percent of the membership.

The Kaiser plan has made some notable improvements over the orthodox means of distributing medical care. To begin with, access is easy. Physicians of all major specialties are housed in large clinics in each of the regions covered by the plan. A middle-aged man with an abdominal pain can see his internist and can be referred within minutes to another specialist in the same building, which has its own x-ray and laboratories. If the patient requires hospitalization, he is sent to one of the Kaiser Foundation's nineteen hospitals, many of which adjoin the outpatient clinics.

Unlike ordinary private "health insurance," which is really sickness insurance designed to reimburse selected medical expenses under the fee-for-service system, the Kaiser program assumes broad responsibility for keeping its members sound of body. The range of services varies according to the employer group or individual member, but a fairly typical plan offered in the San Francisco-Sacramento area currently costs a total of $35.40 a month for a subscriber with two or more dependents, including the employer's contribution. This covers all professional services in the hospital, in the doctor's office, and in the home, including surgery; all x-ray and laboratory services; all preventive care, including physical examinations; and hospital care for up to 111 days per person in a calendar year. Some nominal charges are made for drugs and for doctors' visits ($1 per office visit, and up to $5 for house calls after 5:00 P.M.), and there is a $60 charge for maternity care. Some items are excluded, notably dental care, psychiatry, and nursing-home care (though some Kaiser plans offer psychiatric and convalescent care, too). For an additional monthly payment of 15 cents, hospitalization can be extended all the way to 365 days.

A REWARD FOR CUTTING COSTS

The more liberal of the Kaiser plans probably cover about three-quarters of a family's insurable medical expenses. The very breadth of the coverage provides two important benefits. On the one hand, no paid-up member need be deterred from seeking medical care for fear of the expense. On the other hand, no built-in bias exists favoring a particular *type* of care, since most types are covered anyway. A patient does not have to be admitted to a hospital for a test or a minor operation, which could be given on an ambulatory basis, solely in order to gain insurance coverage.

The Kaiser plan also provides an incentive for efficiency. The providers of medical care—the doctors and the hospitals—*share* the financial risks of illness with the patient. Members' monthly charges are set for a year, and during that period the program must operate on the revenue generated by these charges. If costs exceed revenues during that period, the Kaiser system must absorb them.

But any reduction in operating costs below management's projections swells a bonus fund that is shared by doctors and hospitals. Doctors are not paid on a fee-for-service basis, but receive a relatively stable annual income. When they render excessive treatment, they waste their own time and risk a reduction in their bonus, which, coming atop generous regular incomes, can be sizable. In 1968 the eligible doctors in Kaiser's northern California region each collected a bonus of $7,900. Since they also received regular incomes that ranged from $20,000 to $53,000, they probably fared better, on the average, than solo practitioners in the area. And because working hours are fairly regular in group practice, with members taking turns working nights and weekends according to schedules set in advance, the doctors probably lead a more pleasant life.

Even though there is no limit to the number of times a member can see a doctor, members of the Kaiser plan make slightly fewer visits to doctors than the public in general. But the most dramatic savings are in hospitalization. One 1965 study, comparing Kaiser members in northern California with the population of California as a whole, showed that the average Kaiser member spent only 69 percent as much time in a hospital. Still, the Kaiser plan has been affected by the wage inflation common to the health industry. Its nurses won a 40 percent wage increase in 1966, and its hospital workers came under the federal minimum wage law in 1967. As a result, premiums in northern California have risen about 50 percent since 1960, slightly more than the rise in the nationwide index of medical care during this period. But Kaiser's health services still cost from one-fourth to one-third less than the same package of services would cost outside the system.

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The Kaiser plan operates in the black. Counting depreciation and some other items, the program generated a total cash flow of $17,200,000 in 1968 on revenues of $216 million, enough to provide funds for expansion. Except for one recent federal grant under the Hill-Burton hospital program, the Kaiser Foundation has financed all of its expansion from its own revenues and from borrowings. Unlike most voluntary hospitals, the Kaiser hospitals have never had to fall back on rich trustees or public fund-raising programs to cover deficits or obtain funds for expansion.

PRACTICING "PURE MEDICINE"

Kaiser's experience refutes the widely held belief that if medical services are "free," or virtually free, the public will stampede to them. Neither does the evidence indicate that Kaiser has gone to the opposite extreme, cutting corners and denying needed medical care. This criticism is often voiced by doctors opposed to prepaid group practice, along with the familiar charge that group practice precludes the free choice of "family" physician, and that it renders care in an impersonal, "assembly-line" manner, which lowers the quality of medical services.

In fact, the Kaiser program makes possible an educated choice of a family physician, because the patient in a large clinic is in a position to compare doctors. The atmosphere at one Kaiser clinic, in suburban Walnut Creek, California, is a good deal less suggestive of an assembly line than the typical jammed office of a solo practitioner; the place has more the relaxed ambience of a resort inn. A study team from the Johnson Administrations' National Advisory Commission on Health Manpower gave the Kaiser program a thorough going-over in 1967, and found the quality of services to be high. One factor raising quality, according to Dr. Wallace H. Cook, the sun-tanned physician in chief of the Walnut Creek Center, is that doctors devote themselves to "absolutely pure medicine here." They have nothing to do with the billing, and they do not have to worry about the financial impact of the type of care that they prescribe on the patient, since virtually all phases of medical care are prepaid.

"Peer review," that much-evoked but little-practiced procedure for uncovering medical incompetence, is inherent in a group operation. "We constantly look over each other's charts," says Cook. An incompetent doctor can quickly lose the respect of his colleagues. In solo practice, doctors obviously can never lose their jobs no matter how incompetent they are; with only a few exceptions, licensed doctors are in business for life regardless of performance. At Kaiser, however, even doctors who have attained relatively secure "partner" status, which comes after a three-year probationary period, can be discharged. Not long ago a surgeon too inclined to use the knife was let go.

Another advantage that Kaiser physicians enjoy over their counterparts in solo practice is access to good health records. Generally, health records are in a medieval state, with incomplete data on each individual scattered in every doctor's office and hospital that he has ever visited. Most Kaiser members' medical histories are readily retrievable, and in a growing number of cases are stored on computer tapes. The eventual goal is to give each member a lifetime electronic medical file, based in part on the periodic, multiphasic testing with which the Kaiser Foundation is now experimenting on a large scale.

Probably the greatest spur to maintaining the quality of medical services is the fact that Kaiser does not have a monopoly over health care in the areas it serves. Once a year each group, and each individual within a group, has the chance to drop out of the program if he wishes. If enrollment figures are any guide, the consumers couldn't be happier. Membership has grown threefold in the last ten years, and the Kaiser Foundation is expanding about as fast as its financial resources will permit, currently at a rate of 200,000 persons a year. It has recently moved east of the Rockies to start a health plan in Denver, and to team up with a group plan in Cleveland.

By almost any measure, then, the Kaiser program represents a quantum leap ahead of the prevailing pattern of health care in the U.S. Edgar F. Kaiser, Henry J.'s son, who besides heading the various Kaiser industrial companies also serves as chairman of the health foundation, says the plan demonstrates "that it is possible, within our free enterprise system, to organize medical care on a private, financially self-sustaining basis so that the consumer is satisfied and the physician is professionally gratified by his role."

Savings on hospitalization and other medical costs are not unique to the Kaiser program. In recent years members of the Health Insurance Plan of Greater New York (HIP), the country's second largest prepaid group program with 775,000 members, have spent 20 to 25 percent less time in hospitals, on the average, than the general population in the New York City area. According to studies by the United Auto Workers, members of the U.A.W.-sponsored Community Health Association, a group-practice plan in the Detroit area, spent 45 percent fewer days in the hospital in 1966 than persons insured by Michigan Blue Cross-Blue Shield.

HOW TO AVOID APPENDECTOMIES

The experience of federal employees also testifies to the efficacy of group-practice plans. In many areas they have a choice of three forms of health insurance—Blue Cross-Blue Shield, "indemnity benefit plans" sold by insurance companies, and group practice. Those enrolled in the principal group-practice plans spend less than half as many days in the hospital as those covered by the other two methods. Because group practice stresses early diagnosis and treatment, and contains no incentives for needless surgery, federal workers also spend less time on the operating table. A study comparing federal employees and their families in group-practice plans with those covered by Blue Shield surgical benefits showed that the latter had 86 percent more appendectomies and more than two and a half times as many tonsillectomies and adenoidectomies per 1,000 persons. Under Blue Shield, female operations, e.g., hysterectomies, were 52 percent higher.

While some of the other group plans have matched or even exceeded Kaiser's cost savings, they have not enjoyed the same rapid growth in membership. Detroit's Community Health Association, whose rolls have been static for several years, is hampered in part by its "union" label that deters white-collar and other middle-class workers from joining. New York's HIP has been stalled at approximately its present membership for the past year or so, and some unions have withdrawn from the plan. HIP has been handicapped because until recently it did not own hospitals; it simply referred patients to community hospitals and paid the bill. In some cases its doctors handled HIP members along with nonmembers paying on a fee-for-service basis. As a result, HIP members have often been kept waiting, and some of them, says a spokesman for a union that recently pulled out, "felt they were being treated as second-class citizens."

Elsewhere around the country, new group-practice programs are getting under way. The main impetus is coming from teaching hospitals—which until now have remained aloof from the nitty-gritty of community health services—and some of the insurance carriers. The new Harvard Community Health Plan, which hopes to attract members from the entire Boston area, is the outgrowth of years of soul searching by the Harvard Medical School on the mission of the medical school and the hospital. Jerome Pollack, associate dean of Harvard Medical School who designed the new program, has combined some existing institutions—four community hospitals that will accept patients from the new program—with a newly opened outpatient clinic operated by the plan itself and staffed mainly with salaried physicians. With premiums set at $50 a month per family irrespective of size, the coverage will be somewhat broader than Kaiser's: patients will be eligible for fairly extensive psychiatric care, as well as convalescent car in nursing homes.

Pollack expects the plan to break even in about three years, by which time he hopes enrollment will have reached 30,000. Instead of bypassing the insurance companies, as the Kaiser program does, Pollack has enlisted their help in canvassing members from among those already signed up under existing programs. Blue Cross is expected to supply 70 percent of the members and a group of ten commercial insurance companies—including such giants in the health field as Aetna, Metropolitan, Equitable, and Travelers—will supply the rest. Pollack is aiming for a cross section of all income groups and races, in order to gain operating experience meaningful for the whole U.S. population. "We envision," he says, "something that the giant insurance companies and Blue Cross will be ale to duplicate on a large scale."

The insurance companies have been initiating some experiments of their own. As President Charles A. Siegfried of Metropolitan Life concedes, the big carriers have until recently been "standoffish" about improving the nation's medical system. For a long time, he says, there was "a fatalistic acceptance of rising costs," and "we felt we shouldn't tell doctors how to run their services." All this is beginning to change. Following a meeting in Boston last October, the Health Insurance Association of America, representing most of the commercial carriers, recommended that the companies "exert their influence to bring about soundly conceived changes" in the U.S. health system.

Metropolitan has already supplied funds for a new ambulatory care center at Washington University Medical School in St. Louis which will include a "demonstration" group-practice program. Equitable is providing most of the mortgage money for the construction of a combined neighborhood health center and nursing home that will house a new group-practice system in a Washington, D.C., Negro neighborhood. Perhaps the most deeply involved insurance company is Connecticut General, which is putting up $3,750,000 of mortgage money for a clinic and hospital at the new town of Columbia, Maryland, which will serve members of a new prepaid group-practice plan. Connecticut General, which is also providing $500,000 of development costs, will have first crack at selling the plan, but its involvement stops short of actually setting it up and running it; Johns Hopkins Medical School in Baltimore will do that.

SELLING HEALTH, FOR A PROFIT

Some insurance companies are beginning to consider actually running health systems of their own. The leading advocate is Dr. Paul M. Ellwood Jr., executive director of the American Rehabilitation Foundation in Minneapolis. The Kaiser experience, Ellwood says, proves that comprehensive health care can be provided efficiently and profitably by corporations competing for the citizens' health dollar. The Nixon Administration is sympathetic to the idea. In their statement last July warning of an impending "breakdown" in health care, Secretary of Health, Education, and Welfare Robert H. Finch and Assistant Secretary Dr. Roger O. Egeberg declared: "We will ask and challenge American

XUM

business to involve itself in the health-care industry, including the creation of new and competitive forms of organization to deliver comprehensive health services on a large scale."

While the insurance companies are the obvious ones to enter this field because of their large pools of capital, other parts of the health industry, including hospitals, groups of physicians, and drug companies, could also evolve into medical corporations. The Upjohn Co., which already operates a network of medical laboratories in addition to manufacturing drugs, is "exploring the possibilities." Ellwood sees absolutely nothing wrong, in principle, with industrial and merchandising corporations, such as I.B.M. or Sears, Roebuck, entering what is obviously destined to be a growth industry. Two nationally known conglomerates recently asked New York's HIP for information on how to run a medical system.

The one type of business involvement that Ellwood vehemently opposes is the recent spread of proprietary hospitals and nursing homes. These offer only one phase of medical care, which the owners, who in many cases include doctors, have an incentive to promote aggressively whether it is required or not. The recent, fantastic boom in nursing home stocks, large amounts of which are held by physicians raise possibilities of conflict of interest that call for governmental scrutiny.

THE POTENT MEDICAL LOBBY

The biggest obstacle in the path of a more rational medical system, whether in the form of a health-care corporation or more modest innovations, is organized medicine. Even if the insurance companies or other organizations should decide that the economics of comprehensive health care are very attractive indeed, they might still hesitate to enter the field for fear of antagonizing the medical profession. The American Medical Association has recently muted its opposition to prepaid group practice, but some state and local medical societies still fight it, sometimes viciously. Some incredibly retrograde law and regulations in seventeen states still prohibit the ownership and operation of prepaid group-practice systems by consumer-oriented groups—i.e., by those who would have the most interest in establishing them.

The legislative history of medicare and medicaid illustrate the potency of the medical lobby, as well as the danger in simply pumping more money into the existing health system. A misnomer, medicare is not a health-care program at all, but a financing mechanism under which the Social Security Administration passes out money to the insurance carriers—Blue as well as insurance companies—which in turn pay part of the medical bills for persons over sixty-five. To make medicare more palatable to the A.M.A., which had long opposed it, Congress wrote into the law a passage making clear that the financing plan would not be employed to bring about changes in the U.S. medical system. Indeed, the rather arbitrary division of medicare into Part A (hospitalization) and Part B (doctors' bills) tended to sanctify the fragmentation in the system. The law also specified that hospitals were to be reimbursed on the basis of costs rather than fixed fees, and that physicians were to be paid according to the "customary" fees in their communities.

The quantity of medicare services rendered to the aged increased roughly in line with government forecasts. The deluge that some had feared simply didn't materialize. But the inflation in hospital costs, which had already been steep, was accelerated. The same thing happened to doctors' fees. The "customary" provision, which had been intended by Congress as a sort of benign ceiling on doctors' fees, actually became a floor under all doctors' fees; before medicare went into operation in July, 1966, most doctors raised their "customary" fees to everybody, young and old, to qualify for higher medicare payments. Partly as a result, doctors' fees, which had been rising by about 3 percent a year before medicare, started shooting up by 6 percent a year.

Medicaid, of course, was an even more potent inflator. It represented an open-ended commitment by the federal government, jointly with the states, to finance through general revenues a whole range of medical services for the poor and the so-called "medically indigent," those whose incomes are too high to enable them to receive welfare payments, but who are judged too poor to pay for medical care.

There are many reasons why the cost of medical skyrocketed from $2 billion in 1966 to an estimated $5 billion in 1969, and why it could easily reach $24 billion by the mid-1970's. For one thing, its potential universe is far larger than medicare's, including all the people considered poor or near poor according to the federal government's definitions—far more than are currently receiving services. Another reason is an incredible amount of bureaucratic red tape and, until fairly recently, very little cost control by the insurance carriers. Still another is the fact that, as author Herman Somers puts it, "the availability of money doesn't produce resources where they don't exist"—in the ghetto and in rural poverty areas where the supply of doctors and medical facilities is stretched thinnest. The result was an ominous, upward pressure on costs, and outright gouging by an unscrupulous minority of doctors.

Compounding the difficulties, medicaid also missed much of its main target group, which was the young poor and near poor. To a far greater degree than its architects foresaw, it has become a device under which the aged poor have supplemented their benefits under medicare. Almost half the money is currently going to persons over sixty-five, and about two-thirds of that is going for nursing-home care, much of it of the long-term cutodial type—i.e., for sensile and infirm persons who are not convalescing from a serious illness, but have simply been "put away" until they die.

Having made the initial mistake of simply superimposing medicare and medicaid upon an inflation-prone, fee-for-service medical system and then pouring in money, the federal government is now trying to impose some cost controls. Under both medicare and medicaid, for example, the reimbursement of hospitals has been tightened up somewhat, and when new regulations take full effect, doctors' fees generally will be permitted to rise no faster than the cost of living. Like any form of price control, these measures can have only limited effectiveness. They do nothnig, by themselves, to eliminate the fundamental causes of medical inflation. And if price control becomes too strict, doctors and hospitals may turn down medicare and medicaid patients.

SOME TEMPTING HEALTH-INSURANCE PLANS

As the sorry history of medicare and medicaid makes clear, any future national health-insurance system must be coupled with measures for imposing order on the distribution of medical care. Of all the proposals being considered, the most ill conceived and most dangerous is the A.M.A.'s "Medicredit" plan for federal income-tax credits to defray families' health-insurance premiums—with credits covering 100 percent of costs for low-income groups and tapering off to zero in the highest brackets. This is strictly a financing plan. To Herman Somers, it "is a proposal to subsidize the present system on the assumption that everything in it is just jim-dandy."

Rashi Fein, professor of medical economics at the Harvard Medical School, has a tax-credit plan somewhat like the A.M.A.'s that also contains no reforms. Unlike the A.M.A., Fein admits and deplores the great waste in the present system. But he believes that only the crisis atmosphere brought about by pumping in additional money will jolt the American people into creating a more rational medical system. This is a precarious assumption.

In contrast to such views, reform is intimately and ingeniously woven into the health-insurance proposal recently presented by Daniel W. Pettengill of Aetna to the House Ways and Means Committee. Pettengill proposed extending private health insurance to everyone in the population under sixty-five, with the federal government providing a subsidy for the poor and for non-poor individuals rated as bad health risks. Washington would establish guidelines for minimum coverage, including a strong emphasis on ambulatory care that would cut down on hospitalization, and it would use its taxing powers to enforce these requirements. Thus, employers who failed to cover their workers for ambulatory care within, say, five years would lose half their present tax deductibility for health-insurance premiums.

The Committee for National Health Insurance, headed by U.A.W.'s Chairman Walter P. Reuther, has proposed a federally run health-insurance plan that would supplant medicare and medicaid. as well as most private health insurance. Two-thirds of the cost would be shared by employers and employees, in somewhat the same fashion as social security taxes, and the rest would be financed out of general federal revenues. The objective is not merely to provide complete health insurance for all but also, in Reuther's words, to disburse the money in a manner that will bring about a "restructuring" of a medical system that is now providing "unacceptable, unsatisfactory, second-rate health-care services."

The Reuther committee does not propose a governmental take-over, or even direct regulation, of doctors and hospitals, nor does it have a precise blueprint for reorganizing the private medical system. "We don't want to lock step with any existing system" such as Kaiser's, says Max Fine, the committee's executive director. "We want to encourage competition and experimentation." For a time, doctors would have the option of solo practice on a fee-for-service basis, but the plan would contain incentives to encourage the spread of prepaid group practice. While it is easy to find fault with the Reuther committee's somewhat ideological disdain for private health insurance, it is hard to question its insistence upon reshaping the medical system.

AN AGENDA FOR REFORM

A lot must be done, and done soon, to prepare the U.S. medical system for the approaching day of universal health insurance. The most important step is for the federal government, which now pays about a third of the country's medical bill, to encourage the emergence of more efficient forms of care. The Hill-Burton program, under which Washington has made available nearly $3.5 billion in grants since 1947 to build new hospitals, has largely accomplished its mission. The task now is to modify Hill-Burton, as the Nixon Administration and some Congressmen have proposed, to make grants available for the construction of ambulatory care centers, including those operated by group-practice plans. Also, it would cost nothing for the federal government to realign the various laws of the 1950's and 1960's that encourage regional planning of medical programs and facilities—laws that now overlap in scope, and carry little more than moral force—and to make effective planning a condition for all future grants and loans. The U.S. Public Health Service, which has abandoned its long-standing neutrality on the matter, has allocated $1,100,000

XUM

during the past two years to acquaint community organizations, including labor unions, with the prepaid group system. But a bigger educational effort is needed.

The private insurers, too, can exert far greater control over medical costs. In New York State, Blue Cross is shifting over to a fixed-fee method of reimbursing hospitals, with fees set for two years in advance. More such innovations are needed. The insurers must also simplify health insurance, and provide broader coverage. Walter McNerney of Blue Cross, fully aware that his system has encouraged excessive use of hospitals, believes that insurance coverage must reach 80 percent of medical costs before the bias in favor of certain types of care will disappear.

ADEQUATE CARE FOR ALL

Under the existing chaotic state of affairs, the goal of adequate care for all citizens seems utterly unattainable. Although millions of people are still denied adequate care, the proportion of our G.N.P. devoted to medicine has already climbed to 6.8 percent from 4.5 percent twenty years ago, and promises to keep right on increasing. In this situation, the public and Congress are certain to resist any proposals to shift massive new resources to medical care, especially in view of all the country's other unmet needs in such fields as housing, welfare, and urban transportation.

The only hope, therefore, is to get more value from the money spent on medical care—to remove the glaring inefficiencies, to bring the proper incentives into play, and to make a maximum effort to supplement doctors with lower-paid para-professionals, as proposed in the article beginning on page 84. If this were done, the country might save enough from the elimination of waste to do a creditable job with that same 6.8 percent of G.N.P. The strongest evidence that this is possible comes from abroad. Countries such as Sweden and Britain, which enjoy lower infant mortality rates and morbidity rates for childhood diseases than the U.S., devote only 5 percent and 4 percent of their G.N.P., respectively, to medical care.

Harvard's Rashi Fein believes that "at least 10 percent of the $63 billion we spend on medical care is wasted." Howard Ennes of Equitable Life guesses that "we're losing 40 percent of what we're putting in." One benchmark of what good care ought to cost is provided by the Kaiser program, whose services currently cost about $120 a year per person, counting the nominal fees paid by members when they receive treatment. Making allowance for services not provided, the Kaiser experience indicates that a good job could be done for the non-aged, non-poor population for about $175 per capita—or about one-third less than what this group currently spends for the unsatisfactory care its gets.

These figures show, among other things, that a majority of the population under sixty-five does not need a government subsidy to pay its medical costs, provided employers pay a generous share of private insurance premiums. They also suggest that if an efficient system existed right now, some $10 billion to $20 billion a year might be available, in the form of savings, to provide better coverage for disadvantaged groups. Assuming that it would cost even as much as 50 percent more per capita to care for the poor because of past neglect (or about $250 per person a year) $10 billion could pay all the medical bills for the approximately 35 million persons below or near the poverty line. For another $3 billion or $4 billion, medicare—which now pays 45 percent of the aged's medical bills—could be liberalized, and it could be extended to persons under sixty-five who are permanently and totally disabled.

To construct such a system would take at least five years, and require considerable capital investment and redeployment of medical manpower. But there is reason to believe that if the country has the will, good medical care for all is within our reach.

WHITE HOUSE CONFERENCE ON CHILDREN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. RARICK. Mr. Speaker, the White House Conference on Children and Youth is now actively underway in Washington.

The local papers are redundant with accounts of strange proposals and new laws to warp the contemporary status of the youth in our country. This youth progress is of course, being led by nonyouth, and as could be expected all of the weird ideas and unnatural promotions are to be financed by the taxpayers' dollars.

I include pertinent newsclippings:

[From the Washington Star, Dec. 13, 1970]

PARLEY ON CHILDREN FACES FORMAT FIGHT

The carefully structured White House Conference on Children is facing a major challenge to its planned format even before President Nixon addresses the formal opening session tonight.

Most of the leading national organizations in the child welfare and education fields, who say they are represented by nearly 1,000 of the some 4,000 conference delegates, have scheduled a caucus this afternoon to map strategy.

Blacks, Spanish-speaking delegates, women and labor delegates are also planning caucuses. And Dr. George Wiley, director of the National Welfare Rights Organization, which dominated the White House Conference on Food, Nutrition and Health a year ago, said yesterday, "We're thinking about bringing a lot of children to the children's conference." Wiley, whose organization was not invited, would give no details.

NATIONAL PRIORITIES ISSUE

The national organizations meeting this afternoon are expected to demand that Stephen Hess, the White House aide whom the President selected as conference chairman, agree to schedule plenary sessions that would bring all the delegates together at one time to deal with major issues.

Many of the organizations want the conference as a whole to take action on resolutions calling on the President to rearrange national priorities from spending for defense and such programs as the supersonic transport to social welfare needs. Specific criticism of the President's two vetoes of education bills and cutbacks in health and poverty programs also are expected.

The request to Hess for plenary or general sessions of delegates has already been made in a letter by Mrs. Richard M. Lansburgh of Baltimore, president of the Day Care and Child Development Council of America, Inc. The organization lists Mrs. Richard M. Nixon as its honorary chairman.

Mrs. Lansburgh, who is a vice chairman of one of the conference's 24 forum groups, said many delegates are participating while taking into account that "the present administration is unresponsive to reports from citizen bodies."

Delegates are also concerned, she said, that "while this conference will be allowed to move, pro forma, through a week of meetings, it will not be allowed to act as a body on issues of national social policy."

The only general meeting comprising all of the more than 4,000 delegates is the formal opening session of the conference tonight. The opening session is restricted to speeches by President Nixon and conference chairman Hess and a welcome to the city by Mayor Walter Washington.

160 IN EACH FORUM

For most of the week, delegates will meet in the 24 forum groups of about 160 persons each, spending about six hours a day discussing issues. The forums will meet in larger clusters of about 600 persons for two hours tomorrow and for two hours on Friday, the closing session of the conference. Final recommendations to the President are to be drawn up at the closing sessions.

Hess indicated yesterday he has no plans to change the conference format, which he and his staff devised. "We have created a mechanism for dealing with overriding issues," he said.

Chairmen of the 24 forums are scheduled to meet Wednesday night and determine what major issues are being emphasized in the groups. The chairmen then can go back to their forums and propose action on specific issues, Hess said. Delegates will also be asked to mark ballots listing major issues and to assign them priorities, Hess added.

Hess said the 1960 White House Conference held a plenary session which he considered ineffective. "People spent hours lining up at microphones, then delivered hundreds of monologues," he said. "Our plan is to get delegates to participate, instead of being just observers."

Among organizations seeking to reshape the conference are the National Education Association, the AFL-CIO, the National Association of Social Workers, the American Psychological Association, the National Conference of Catholic Charities, the American Psychological Association, the Urban League, the Association for Early Childhood Education and the National Organization of Women, the women's rights group.

SEPARATE PARLEYS SET

Also likely to be a point of debate at the conference is the decision made by Hess to depart from the 60-year history of White House Conferences and hold separate youth and children's conferences. Some delegates feel the youth conference was split off and scheduled next spring 1,500 miles away at Estes Park, Colo.

Last week, the 24 forums released reports containing hundreds of recommendations, including a call for creation of a national system of child advocacy to represent the interests of children, funding of experimental schools, new legal protections for children and a health insurance program for children.

Conference critics also are likely to say that the delegates are not representative of the nation's population particularly its poor. Some 1,800 delegates were chosen by governors through their state committees on children and youth; over 1,000 by professional and voluntary organizations, 535 by members of Congress and 300 by other groups.

Hess said delegate selection was aided by a computer to help insure geographic, racial and age balance for the conference. He said members of minority groups make up about 25 percent of the delegates. No funds were available to the conference to bring poor people to Washington, he said, although some organizations will have low income people in their delegations.

[From the Washington Star, Dec. 13, 1970]

HEALTH: NATIONAL PROGRAM IS NEEDED

This forum is convinced that a federally financed, national child health care program needs to be developed and established promptly, and, to be effective, must be implemented aggressively.

XUM

Prior White House Conferences, attempting to fulfill charges similar to the one we have accepted, devoted themselves primarily to information gathering. Ours is the task of closing the gap between what we know and what we do. We know a great deal more about health maintenance, prevention of illness and disability, and treatment of disease in childhood than we did when the first White House Conference was called. We know more than we did 20 years ago about the normal developmental phases of childhood and youth, physically, intellectually, emotionally. We are infinitely more aware than we were 10 years ago of the relationship between a child's health and his total environment—family income, parental education, quality of nutrition, housing, stability of family relationships. The gap between what we know and what we do is growing wider and there is increasing public uneasiness about this gap. Everything we have learned must be placed at the disposal of all children—no matter where they live or what their racial or ethnic origin or how disadvantaged the homes in which they are being reared.

Debate has been initiated among various concerned segments in the country about national health insurance programs. A number of alternative approaches have been proposed and are currently in the process of review, consideration, and reformulation. These approaches include:

An extension of Medicaid, with adherence to national standards and with provision of federal financing.

Voluntary health insurance in a variety of formats, including proposals developed by certain private carriers, one which would be financed by income tax credits, and one patterned after the Federal Employees Health Benefits Program.

Social insurance programs, several of which have been formulated as legislative proposals.

It seems to us that all of the proposed programs neglected the specialized services which many children need—services such as early case finding, special care for high-risk newborns, mental health services, services for handicapped children and child protection services.

Nor do any of the programs come to grips with the special problems of providing adequate health services to populations in rural areas where there is absence or maldistribution of resources, where geographic distances make limited resources virtually inaccessible, and where there is little economic or political power to correct these deficits.

We are aware of the contradiction of proposing a program of health care for children, since we do not perceive them as separate consumer entities, isolated from their families. We would be reluctant to further fragment services which desperately need to be bound together as an integrated whole. We do not advocate a separate health policy for children nor separate resources for health services. Our proposals for children and youth are advanced within the context of a total family health care cystem. We are special pleaders only in the sense that we feel children must come first.

In 1969, this country spent $8.4 billion for personal health care for persons under the age of 19; of this total, more than $2.2 billion was spent on government-supported programs. We are not prepared to say that higher total expenditures are called for, but it is evident to us that despite the money spent there were inequities and inadequacies in the availability of care.

We recognize that the health needs of children in poverty are more urgent and more generally neglected than those of other children. But this urgency does not mean that the needs of the poor should be met haphazardly, or in terms of sheer expedience, or in terms of sheer experience, or in any way that compromises quality.

We believe that society should take the initiative in seeing that the health needs of children are met. Children cannot speak for themselves or seek out what they need. Not all parents are able to act to safeguard the health of their children.

[From the Washington Star, Dec. 13, 1970]

ADVOCATE: TO GUARD THE CHILD'S RIGHTS

It is indisputable that a large segment of children exists whose basic needs are only partially met or totally ignored. The effect of such neglect is obvious. Unemployment among school dropouts is nearly four times that of others in the employment market. The spiraling increase in delinquency and youth crime is largely attributable to lack of proper parental control and the alienation of children and youth by the community agencies. Children from poor and lower income families, especially minority groups in ghetto areas and children of migratory workers, seldom achieve full potential because of cultural and environmental handicaps. Permissiveness and affluence have produced a significant force of dissident youth whose conduct ranges from harmless idleness to gross drug abuse and violent disruption.

While many factors contribute to the plight of such children and youth, certainly one significant cause is the absence of a person or agency responsible for securing the basic rights guaranteed them under our Constitution.

Some limited child advocacy now exists. Included are representation by lawyers in juvenile and family court proceedings and in some other legal, or quasi-legal areas; the services of a school social worker or counselor; the protective services of a child welfare worker to an abused or neglected child. Some organizations also represent child interests in broad terms by fostering improved child care programs, increased health service, better schools and needed protective legislation. And some institute legal class actions to improve the lot of a whole segment of children.

While these services for children are both useful and necessary, they do not meet the day-to-day wants of the individual child in his own environment, nor are they designed to do so. Services meet fragmented needs of the child but rarely his total needs; and such split responsibilities also lead to limited coordination of efforts and poor follow-up.

Every child, because of his immaturity and legal disabilities, requires a skilled, experienced, and dedicated advocate whenever his liberty or health are jeopardized, whenever he is deprived of a home, school, medical care, property, rights, entitlements or benefits or is subjected to involuntary treatment.

Such situations occur not only in the context of a juvenile court petition for delinquency, dependency or neglect. A child often needs protection from, or assertion of rights against, his family, agencies of government, or private individuals, institutions, and organizations.

This forum believes an independent representative for children, a Child Advocate, is urgently needed, and should be created in each community.

The Child Advocate, as we conceive him, differs from any existing person or service; he is exclusively committed to the interest and welfare of children. He is an advocate for individual children who seek his help, or who come to his attention; and an advocate for procuring non-existent child care services, and for improving those which already exist.

It should be stressed that the advocate does not duplicate or supplant existing services. For example, he is not a lawyer to displace the public defender, court-appointed counsel, or the parent-selected attorney in juvenile court matters. Yet he may perform or purchase such service where it is non-existent or ineffective, or where his client, the child, is dissatisfied and requests other representation.

He does not institute class litigation on behalf of children and families if OEO or other legal services are available for this purpose, except where such service is unresponsive to his client's needs.

He does not assume the role of the teacher, school counselor, principal, or other school official in prescribing school programs or curricula. When the child fails to learn because the school program is meaningless to him, or where he is suspended or expelled, the Advocate may negotiate with the school on behalf of his client, the child. He does not encroach upon the domain of the medical or mental health specialist or marriage or child guidance counseling service in child health problems, but he sees that these services are available to his client, the child.

He does not interfere in legitimate parent-child relations, but he may seek help for the child, even to removal of the child from parental care, where persistent abuse or neglect occurs.

He does not impede the lawful functions of the police in their dealings with child and family problems, but he will intercede with the police on behalf of individual children; to prevent unnecessary detention, to avoid court referral where possible, to foster better police-child-family relations, and to preserve human dignity and promote respect for law.

We conceive the Child Advocate as a full-time, salaried individual responsible for children in a designated geographic area. Despite the broad duties described. the Advocate is not, nor need he be, a "superman," one who is all things to all people. Rather, he is foremost an emphathetic child-oriented administrator whose professional qualifications are less important than practical and energetic zeal for the well-being of the children for whom he is responsible.

Despite his principal role of advocacy, the Child Advocate is not without the power to achieve his ends where persuasion may fail.

First, the Child Advocate is supported by a representative council, the members presumably committed to the betterment of the Child's lot. When informed that a given community agency's policies make it less helpful and responsive than it should be, the council should be able to marshall public opinion to bring about change.

Second, through funds available to the Child Advocate for purchase of services, he may demonstrate the need for, and benefits to, the community by providing a given form of presently non-existent assistance. In this fashion he may create a demand for a locally established and funded form of such service.

Third, by appeal to such legal aid as may exist in the community (OEO) Legal Services, legal aid societies, ACLU, Family Law Committee of the bar association, etc., class litigation, actions for declaratory judgments and similar suits may be instituted to reform existing public agency practices.

Finally, through the local Child Advocate's affiliation with his national office, he may report any local deficiencies or abuses of federally funded child care programs so that these may be corrected.

[From the Washington Sunday Star, Dec. 13, 1970]

SCHOOLS: STRUGGLING THROUGH A MAZE OF MYTHOLOGY

Some examples of educational "myths" assembled and attacked by one of the forum groups:

"Children Have To Go To School To Learn." Although most of us pay lip service to the notion that learning can take place virtually anywhere and anytime, our worshipful attitude toward formal schooling reveals a refusal to explore alternatives which maximize learnng outside the classroom.

A spoof in Phi Delta Kappan entitled "Harry, the Crawler," suggested what our

XUM

future might be like if we continue to permit our educational system to evolve into a sprawling labyrinth of requirements and prerequisites: children would eventually have to attend and graduate from Crawling School before we would recognize their ability to successfully meet all of the requirements of "Crawling 101."

Consider the extraordinary amount of learning which takes place during a child's first four years, most of which is beyond the purview of any classroom or educational institution. The article takes on added force if we consider how poorly we utilize learning which takes place outside the classroom at all age levels; daily lessons taught by the media, where a child's attention is stronger than it is for most teachers; the stories told by Aunt Emma about life on the other side of the state (or on the other side of the world); the lessons of siblings and the learning effects of unsupervised play, the experiences of summer camp, field trips, and the indispensable "survival skills" learned by the ghetto child outside the classroom.

The growing number of schools dedicated to the amplification and use of "non-formal," out-of-class experiences as the central core of their curricula indicates that educators are beginning to recognize the potential of these largely untapped sources of learning. In these preliminary attempts, they are seeking alternatives which will enable them to capitalize on all experiences relevant to the child's world. The World of Inquiry School in Rochester, N.Y.; The Urban School in San Francisco; Project Gold Mind in Woodland, Calif.; Metro in Chicago; and the Parkway Project in Philadelphia are a few examples of schools where the entire community is made a learning resource for the children.

"Teachers Know and Children Don't." One of our most destructive educational myths is that "teachers know and children don't." This myth's psychological consequence is the preservation of an authoritarian school mode, which runs counter both to the democratic ideal of encouraging students to think for themselves and to learning theories which indicate that as students grow older they depend more on their peers for information than their elders.

The educational consequence of this myth is teacher-oriented rather than student-oriented schools. Historically, the teacher has been the focus of learning because he was the primary source of knowledge about the outside world. Today the proliferation and diffusion of information has placed the role of teacher in a different context. The availability of knowledge through visual media as well as the abundance of leisure time for travel and enjoyment of cultural events have broadened the horizons of most students, reducing the teachers monopoly on information. And the rapidity with which the known world now changes provides new perspectives and reduces the "stability" of previous knowledge, so that a teacher may frequently have difficulty keeping up with changes in our society—changes about which students may be the most informed sources.

One alternative which might help us break out of the authoritarian mold, already in experimental use, is cross-age teaching. Such an alternative may offer tutorials to seventh and eighth grade students as well as fourth, fifth, and sixth grade students in an attempt to: (1) increase the academic achievement of both younger and older students by providing individualized help for the younger and reinforcing learning for the older; (2) enhance the socialization process of the younger child by encouraging interpersonal relationships with older children; (3) enhance the socialization process of the older child; and (4) improve the self-image of both the younger and older child.

Our search for new ways to involve the student as teacher in the learning process must not diminish the status of the teacher. We envision the role of the teacher taking on a new importance, as children become aware of the value of the special perspectives and judgment of the oldest "student" in the classroom.

"You Can't Change Education Without More Money." Many of us believe that it is impossible to make major changes without large infusions of money. Change then becomes wholly dependent upon grants *from* the state or federal governments. Another major problem in counting on large sums of money to effect change is a dependency which jeopardizes the innovation if funding is removed.

Clearly, changes in the educational structure which do not require additional resources are more favorably received, and are more likely to be continued. The easiest way to avoid major recurrent costs is through the reallocation of resources. Most schools still operate on the rather rigid fixed budget which, in a hypothetical case, might allow for 10 teachers at the rate of $10,000 a year. Suppose a superintendent wishes to hire an "expert" in a particular field whose current position pays much more than the $10,000 per teacher limit. By employing paraprofessionals at lower salaries to perform routine functions, the superintendent can hire an expert teacher at a competitive salary, while improving teaching staff who now have more time for self-enrichment, individual instruction and tutoring, and lesson preparation.

Another budgetary option which requires no additional resources might be called a "squeeze-offset" approach. This strategy assumes that 100 percent of any present budget is not necessary for successful performance. The resources are arbitrarily reduced to 90 percent with no reduction in the task. The remaining 10 percent becomes available for new programs.

We must realize that the greatest costs in any major educational innovation are costs of transition from the old system to the new; at the same time we must prepare ourselves for self-sufficiency. Imaginative use of present resources helps ensure that, once "seed money" has dried up, continuance of the program is possible.

"Local School Boards Control Education." One of the most popular misconceptions about the process of educational reform is that local school boards control American education. Studies both in large cities and the suburbs indicate that school board members have neither the information nor the facility, much less the authority to control policy. Policy decisions rest largely with school professionals. School boards are authorized to make final determinations about budgetary and policy matters that too often have already been decided either by state law or teacher contract. When they do strike out on their own, they are subject to conflicting and divisive pressures.

No one comes to the school board to praise its decisions; people only come to petition and complain. Parents' organizations petition for better bus service, teachers' organizations petition for higher salaries, students petition for more rights, and politicians attack the schools for the manifestations of these conflicting pressures.

Caught in the middle of these competing forces, out of bewilderment the school board members often reject all suggestions for change. Under such conditions, it is tempting for school board members to insulate themselves completely and make their decisions arbitrarily.

Considering that school boards have to prepare budgets without any real control over referendum votes or the local tax bases which provide their monies, one becomes aware of the awesome juggling act which school boards are normally forced to perform. They must somehow match uncertain resources to growing demands from all quarters to produce an effective educational program.

Unfortunately, when a coordinated educational program is now required more than ever to foster the kinds of change which will sustain our society, the local school boards can hardly be said to control local education. If anything, they are yet another factor in an anarchic situation. What is needed is the strengthening of the local school board, so that parents, teachers, and students have an equal voice in setting priorities.

[From the Washington Sunday Star,
Dec. 13, 1970]

A Sampling of Topics for White House Conference—Families: The Isolation of the Children

America's families and their children are in trouble, trouble so deep and pervasive as to threaten the future of our nation. The source of the trouble is nothing less than a national neglect of children and those primarily engaged in their care—America's parents.

We like to think of America as a child-oriented society, but our actions belie our words. A hard look at our institutions and way of life reveals that our national priorities lie elsewhere. The pursuit of affluence, the worship of material things, the hard sell and the soft, the willingness to accept technology as a substitute for human relationships, the imposition of responsibility without support, and the readiness to blame the victims of evil for the evil itself have brought us to the point where a broken television set or a broken computer provokes more indignation and more action than a broken family or a broken child.

Our national rhetoric notwithstanding, the actual patterns of life in America today are such that children and families come last. Our society expects its citizens first of all to meet the demands of their jobs and then to fulfill civic and social obligations. Responsibilities to children are to be met, of course, but this is something one is expected to do in his spare time. But when, where, and how? In today's world, parents find themselves at the mercy of a society which imposes pressures and priorities that allow neither time nor place for meaningful activities, and relations between children and adults which downgrade the role of parent and the functions of parenthood, and which prevent the parent from doing the things he wants to do as a guide, friend, and companion to his children.

The frustrations are greatest for the family of poverty, where the capacity for human response is crippled by hunger, cold, filth, sickness, and despair. No parent who spends his days in search of menial work and his nights in keeping rats away from the crib can be expected to find the time—let alone the heart—to engage in constructive activities with his children or serve as a stable source of love and discipline.

For families who can get along, the rats are gone, but the rat race remains. The demands of a job, or often two jobs, claim mealtimes, evenings, and week-ends as well as days; the trips and moves necessary to get ahead or simply hold one's own; the ever increasing time spent in commuting, parties, evenings out, social and community obligations—all the things one has to do to meet so-called primary responsibilities—produce a situation in which a child often spends more time with a passive babysitter than a participating parent.

And even when the parent is at home, a compelling force cuts off communication and response among the family members. Although television could, if used creatively, enrich the activities of children and families, it now only undermines them. Like the

XUM

sorcerer of old, the television set casts its magic spell, freezing speech and action and turning the living into silent statues so long as the enchantment lasts. The primary danger of the television screen lies not so much in the behavior it produces as the behavior it prevents—the talks, the games, the family festivities and arguments through which much of the child's learning takes place and his character is formed. Turning off the television set can turn off the process that transforms children into people.

In our modern way of life, children are deprived not only of parents but of people in general. A host of factors conspire to isolate children from the rest of society. The fragmentation of the extended family, the separation of residential and business areas, the disappearance of neighborhoods, zoning ordinances, occupational mobility, child labor laws, the abolishment of the apprentice system, consolidated schools, television, separate patterns of social life for different age groups, the working mother, the delegation of child care to specialists—all these manifestations of progress operate to decrease opportunity and incentive for meaningful contact between children and persons older, or younger, than themselves.

And here we confront a fundamental and disturbing fact: children need people in order to become human. The fact is fundamental because it is firmly grounded both in scientific research and in human experience. It is disturbing because the isolation of children from adults simultaneously threatens the growth of the individual and the survival of the society. The young cannot pull themselves up by their own bootstraps. It is primarily through observing, playing, and working with others older and younger than himself that a child discovers both what he can do and who he can become—that he develops both his ability and his identity. It is primarily through exposure and interaction with adults and children of different ages that a child acquires new interests and skills and learns the meaning of tolerance, cooperation, and compassion. Hence to relegate children to a world of their own is to deprive them of their humanity.

Yet, this is what is happening in America today. We are experiencing a breakdown in the process of making human beings human. By isolating our children from the rest of society, we abandon them to a world devoid of adults and ruled by the destructive impulses and compelling pressures both of the age-segregated peer group and the aggressive and exploitive television screen. By setting our priorities elsewhere and putting children and families last, by claiming one set of values while pursuing another, we leave our children bereft of standards and support and our own lives impoverished and corrupted.

This reversal of priorities, which amounts to a betrayal of our children, underlies the growing disillusionment and alienation among young people in all segments of American society. Those who grew up in settings where children and families still counted are able to react to their frustration in positive ways—through constructive protest, participation, and public service. Those who come from circumstances in which the family could not function, be it in slum or suburb, can only strike out against an environment they have experienced as indifferent, callous, cruel, and unresponsive.

We do not condone the destruction and violence manifested by young people in widely disparate sections of our society; we merely point to the roots of a process which, if not reversed, will continue to spread.

The failure to reorder our priorities, the insistence on business as usual, the continued reliance on rhetoric as a substitute for fundamental reforms can only have one result: the far more rapid and pervasive growth of alienation, apathy, drugs, delinquency, and violence among the young and not so young in all segments of our national life. We face the prospect of a society which resents its own children and fears its youth. Surely this is a road to national destruction.

This is not the road for America. Our society still has the capacity and the value commitment necessary to reverse the trend. What is needed is a change in our patterns of living which will once again bring people back into the lives of children and children back into the lives of people.

[From the Washington Star, Dec. 14, 1970]

Delegate Group Raps Child Conference Chiefs, Seeks New Format

Organizers of the White House Conference on Children were facing a revolt today by a significant minority of delegates who have "condemned" them for inadequate citizen participation in planning the session and have demanded a basic change in conference format.

Stephen Hess, the conference chairman who is also a White House aide, said last night he would meet today with representatives of the Council of National Organizations for Children and Youth, the sponsors of a special caucus that has criticized the planning.

The council is an umbrella group for some 500 education, welfare and social organizations, ranging from the American Legion, Boy Scouts and the American Humanist Association to the AFL–CIO, the National Education Association and the Urban League.

With about 600 persons present, most of them also among the same 4,000 convention delegates, the organization's caucus voted, with few objections, to demand a plenary conference session to "express judgments on issues of national social policy."

The resolution, introduced by Lawrence C. Feldman, executive director of the Day Care and Child Development Council of America Inc., said that if Hess does not provide for a plenary session Thursday the protesting organizations are "ready to move outside the conference."

While Hess had no immediate comment on the action, another conference staff officer, who said he was speaking for himself, criticized the dissenters. "These organizations are just concerned with maintaining stifling institutions and agencies," said Dr. David Gottlieb, the conference's research director.

Dr. Gottlieb, a sociology professor, at Pennsylvania State University, said the conference is attempting to develop new alliances of persons and groups concerned about children and to critically review institutions. "Here is an opportunity to get together and on the first day these groups are declaring war," he said. "They're actually declaring war on children."

The other resolution, introduced by AFL–CIO representatives and passed by the caucus, "condemned" the organizers for their "refusal to invite active citizen participation and consultation" in planning the conference. Miss Alberta L. Meyer of the National Committee for Children and Youth, an organization that grew out of the 1960 White House conference, said Hess had acted "autocratically and arbitrarily" in excluding established groups from conference planning.

The organizations object to the conference format which calls for bringing all 4,000 delegates together only at the formal opening session addressed last night by President Nixon. From then through Friday, the conference is divided into 24 forums of about 160 persons each, but meets today and Friday in larger groups of about 600 delegates.

Dissident delegates, reviewing position papers drawn up for the conference, repeatedly criticized them for not demanding strong federal action and increased spending in the child, family and welfare fields. The papers were also criticized for omitting specific evaluations of the Nixon administration's record in the social welfare and education fields.

At the opening session last night, Hess assured delegates their recommendations will be considered by the administration, which plans to submit to Congress in January a $300,000 budget request to fund a "follow-up" office, which will report on action taken on recommendations.

He also said forum groups will be coordinated in a general way, so that overriding issues can be concidered and voted on by all. Delegates will also vote by ballot on a list of priority issues, he added.

VANDALISM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. EILBERG. Mr. Speaker, widespread vandalism among abandoned housing has become a very serious problem. In Philadelphia alone it has been estimated there are 20,000 abandoned housing units. Responsibility of ownership continues, however, in the owner of an abondoned house. A recent court decision in Philadelphia authorized the legal abandonment of such a unit.

It is obvious that the cities need help from the Federal Government, because they simply cannot raise the money to do the job alone. We must do a better job in Washington to help the cities in this very serious crisis.

Enclosed for the attention of my colleagues is a recent article which appeared in the Philadelphia Sunday Bulletin of December 13, which highlights the problem:

Judge Shoyer Deplores Vandalism, Permits Heirs To Abandon House

(By Harmon Y. Gordon)

The widespread vandalism of housing in Philadelphia was given judicial recognition last week when the heirs of an insolvent estate were permitted to legally abandon a boarded worthless house.

"The current situation," Orphans' Court Judge Kendall H. Shoyer said, "recalls the Depression of the '20's and '30's, aggravated now by widespread and seemingly unpreventable vandalism."

The house at 254 W. Wensley st., near 2d and Ontario st., Kensington, was owned by Fritz Alfred Ulbricht, a former Sears and Roebuck Co. worker, who died Nov. 3, 1969. Ulbricht left no will. His "estate" consisting of $712.94 in cash and the house which was declared "no value," was to go to brothers and sisters.

HEIRS FILE PETITION

Ulbricht's nine-month hospitalization and funeral expenses, debts and administration costs totaled $2,512.30 which were paid by his brothers and sisters.

In October, the heirs filed a petition to abandon the two-story row brick house which has been vandalized, boarded up and produced no income.

Judge Shoyer found that neither the Philadelphia Housing Development Corporation nor the Housing Authority was interested in the property and would not accept title to it as a gift.

No one would take it as a gift, the judge said.

XUM

ASSESSED AT $2,500

The assessment of $2,500 is so low, he said, that the heirs sought no reduction from the Board of Revision of Taxes.

But the owners, he noted, are responsible for real estate taxes which fall due January 1 of each year.

To escape liability for taxes on the house, the judge said they would have to pay a "straw man"—a legal ghost—to take title.

"They will thus transfer a personal problem to the community which has created the problem by its failure to come forward with effective measures to check the decline of residential real estate," said Shoyer.

STOPGAP REMEDIES

"Stopgap rehabilitation remedies to date have been no more effective than a band-aid on a cancer and have been severely criticized as futile and inadequate by the recent investigating grand jury," the judge said.

A local realtor testified that it would cost more than the property is worth to make it livable, Shoyer said.

"It is the same tragic situation that is constantly being repeated in the old neighborhoods of every large city in America" Shoyer said.

Bernard C. Meltzer, real estate writer for The Bulletin, reported on Oct. 16, Shoyer said, that 100,000 housing units were abandoned in New York City between 1965 and 1968.

And in Philadelphia Meltzer said the comparable figure is 20,000, the judge noted.

FIDUCIARIES ACT

Judge Shoyer relied on a provision of the Fiduciaries Act of 1949 which says that "when any property is of no value to the estate, the court may authorize the personal representatives to renounce his right to administer it." He cited several Supreme Court decisions to backstop his ruling.

"No one has to accept an inheritance" Shoyer said, "and no law prohibits an heir from abandoning an unwelcome fee after he has determined that to hold on to it would incur a never ending expense.

"It is obvious from the petition and the testimony that the proposed abandonment is not detrimental to the creditors or to the next of kin of the decedent," said the judge as he decreed the property legally abandoned.

BREAKTHROUGH IN CANCER DRUG DEVELOPMENT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Sun Times recently carried an article which shows the exciting research that continues to go on in Israel's renowned Weizmann Institute.

I am pleased to place in the RECORD today the Sun Times article because it brings into proper perspective the efforts being made by the Weizmann Institute.

The article follows:

ISRAELI INSTITUTE CLAIMS CANCER DRUG PRIORITY

REHOVOT, ISRAEL.—Israel's Weizmann Institute of Science pioneered research on a possible anti-cancer drug for which Princeton University has claimed credit, an Israeli scientist said Sunday. The drug has been produced in this country for more than a year, he added.

The scientist, Michael Inbar, a researcher on the Weizmann Institute team of Prof. Leo Sachs, said he was puzzled by reports quoting Princeton Prof. Max Burger as saying he had extracted from plants a drug that might inhibit the runaway growth of cancerous cells and restore them to their normal function.

Inbar said that the drug, concanavalin A, is a chemical compound known to scientists since 1919, but that its anticancer possibilities were first discovered at the Wiezmann Institute in 1968.

Inbar said Burger visited the Weizmann Institute a year ago and worked with the Sachs team on one project using the drug.

Sachs and his team have published five papers in international scientific journals on their research with the drug since then, detailing its effects on cancerous tumors in laboratory tissue cultures and in hamsters, Inbar said.

As a result of their research, the Israeli subsidiary of America's Miles Laboratories has been producing the drug, also known as con A, for 18 months and exporting it to cancer researchers around the world, he said.

FOOD STAMPS AND THE RIGHT TO STRIKE

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. O'HARA. Mr. Speaker, there are many features of our free system of government which distinguishes us from dictatorships. We have the right of a free press and free assembly. We have free speech. We have the right of private ownership of property.

We also have the right to strike, to withhold our labor. This is something which is not permitted in Communist Russia, nor in any other totalitarian system in the world. The right to strike is a uniquely free right which only a free society permits. In a Communist land any group of working people who strike are sent to prison labor camps, sent to Siberia, or shot. We pride ourselves in America in our free system. Part of that pride is the right we bestow on free men to the right to refuse to work at what they regard as intolerable working conditions. Anything less than the full exercise of this freedom is a step toward totalitarianism.

It is, therefore, strange that the right to strike is now under attack disguised as an attack on the use of food stamps during a labor dispute. We now see people who are openly advocating a doctrine which says that strikers can be starved into submission. I consider such a doctrine of bargaining by hunger as totally alien to our American system.

No labor dispute is pleasant. A strike is no picnic. But a strike is the American way. The right to withhold a person's labor is as American as the right to make a profit and the right to set a fair price for one's products. The purpose of a strike is the right of a working man or woman to set the price for their labor. The right to strike is the very essence of the free system of collective bargaining.

The Congress has voted billions upon billion of dollars to provide food for the hungry of the world. We feed the prisoners in our Federal prisons and in our local and State jails. We speed food to the needy wherever they happen to be. Most of the time we do not stop to ask the politics of the hungry, we do not question the religious faith of those with outstretched hands. I consider it a grave departure from the American system to now say that an American striker should be denied the right to have food which his own taxes have helped to pay for.

Much of the antagonism against strikers comes from people who have never worked a day in a factory, never suffered the long, dreary hours at a job paying substandard wages, never faced the cries of children for shoes, never heard the knock of creditors at the front door. Strikers are human beings. They strike as a last resort. They strike because they are free men and refuse to work for what they regard as inadequate wages, hours, and working conditions. Those who rant and rave against strikers without knowing the facts in a particular dispute, without understanding what the pay scale is, have no right to condemn strikers.

When we say to an American striker that he must go hungry and be starved back to the job he left, we are telling that American workman he is no longer a free man. We are telling him the system will starve him into submission if it cannot gain its way in any other manner.

Let us compare the financial power and might of labor unions and corporations. For starters, let us compare the UAW and General Motors. The UAW had a strike fund of $120 million, part of which was made liquid by temporary short-term loans from other major unions. Now, $120 million seems like a lot of money, but this strike fund was depleted at the rate of $20 million a week in strike benefits to 400,000 workers in weekly payments of between $30 and $40 a week. Now compare this with General Motors—the largest, wealthiest corporation in the whole wide world. GM has assets of $24 billion—20,000 times greater than the entire strike fund of the UAW.

Or consider the total assets of all the unions in the United States. According to the U.S. Statistical Abstract for 1970—page 240—the total assets of all labor bodies in the United States amount to $2,354,800,000. Broken down this comes to $1,037,600,000 for national unions, $171,900,000 for intermediate groups, and $1,145,300,000 for local unions. This figure of $2.3 billion is a lot of money, but it represents the total financial organizational strength of roughly 20 million organized workers in the United States.

Corporate power in the United States is many times greater than the financial power of American unions. Again the Statistical Abstract—page 476—cites corporate assets for 1970 as $554 billion for some 200,000 corporations. The largest 102 corporations with assets of $1 billion or more have total assets of $267.7 billion—or 48 percent of the total—and net profit for these 100 largest corporations comes to $3.6 billion, which amounts to 53 percent of the profit earned by all U.S. corporations in 1970.

Now I ask my colleagues if these huge and wealthy corporations are about to

XUM

be swallowed up by the puny financial power of the American labor unions. Granted a shutdown of a company's operations can be uncomfortable, but whatever strikes have occurred in major industries in the United States have not reduced the ability of U.S. companies to make a neat profit.

In terms of comparable resources and strength to withstand a strike there is no question that the major corporations in the Nation can weather a strike far better than can the working men and women of the Nation who work for them.

It is a piece of common current fiction to imagine that workers in industry are rich. Even after the General Motors settlement, the going wage for an average UAW member is only $4.55 an hour. This is not a lush wage. Workers are not basking on the sands of Bermuda at these wages. Many autoworkers are not able to afford even the products of their own hand. Their yearly wage does not permit them to earn the wherewithal to buy a new car.

In this connection I insert at this point the UAW's position paper on "Wage Equity" which debunks many of the current myths about how much money factory workers make and what it can buy. It is an eloquent document, and while the new wage rates make some of this outdated, the same facts apply to workers who are currently trying to negotiate new earning levels and who would be most penalized by forcing strikers to starve during a wage dispute:

UAW POSITION PAPER—WAGE EQUITY

What the inadequate pay of the average auto worker today means in actual experience was poignantly expressed in a letter sent by the wife of an auto worker to our late President, Walter Reuther, on March 4, 1970, just a few weeks before his tragic death. She wrote to Mr. Reuther in part:

"DEAR MR. REUTHER, After reading the March issue of Solidarity, I feel compelled to express my views to you. I feel my views are shared by many other . . . worker's wives. On the front page there is an article stating that the Department of Labor feels a 4 member city worker's family needs $10,077 per year to live modestly. [Note: This was the cost of the BLS budget at prices prevailing in the spring of 1969.]

"As a . . . family with 6 children (my husband is a spray painter . . .) we made the monumental sum of $7,737.88 last year. Federal withholding was $1,500.14, state withholding was $265.56, F.I.C.A. was $371.42 and union dues were $101.87. This leaves a 'take-home pay of $5,498.89. (Our withholding figure is larger than normal because we claim no dependents. Getting a large sum back from the government is the only way we can pay dentist bills and other 'unexpected' expenses, because . . . wages do not allow us to budget for such things as dentists.)

"I would like to briefly show you our problem and that of most other . . . families.

"House payments	$138.25
Home improvement loan	54.00
Car payment	75.00
VA life insurance	12.80
Gas and lights (paid in equal payments of $44.00 per month for a year)	44.00
Telephone	7.00
Rubbish removal	3.00
Water bill per month (sometimes it's more)	9.00
Hot lunch for 6 children	35 .00
Per month	378.05
Per year costs	4,536.60

"Over and above the aforementioned expenses (all of which must be considered necessities) we had in 1969:

"Dentist	$318.00
Drugs (thank God and the UAW for the group health plan)	132.83
Total	450.83
Necessities	4,536.60
Medical	+450.83
Total	4,987.43
Car insurance	+165.00
Total	5,152.43
Take home pay 1969	5,498.89
Less expenses	5,152.43
Balance	346.46

"I would like you to ask . . . [the head of the company] how he would like to feed & clothe 8 people, plus gas money to go to and from work on $346.46! You will note there is no figure for (ha, ha) entertainment.

"It's pretty bad when a . . . worker with 12 years seniority, working all year, qualifies for Federal food stamps, which we do, but we do not partake in the program because we both feel we should make it on our own, therefore I work as a real-estate salesman and count on the grandparents for clothing as birthday and Christmas gifts . . . I am not criticizing the union because without all the benefits you have obtained for us, we could never make it. After working as hard as we do all year, and still having to scrounge for food money it gives one a feeling of utter futility . . .

"*Please*, when you are bargaining for the new contract, don't forget a *substantial* raise in pay! I can verify all the above figures, I have not padded them by even a penny. Use them in your bargaining if you feel they would be helpful. I read an article the other day which stated the average White House Dinner costs $35 per guest. Makes me sick when I realize $35 has to feed 8 of us for 2 weeks, sometimes longer . . .

"Anyway, in closing let me say I am extremely grateful for union-won benefits like paid medical etc., but please don't forget we could sure use some added hourly pay."

Even with the withholding tax rebate, this family has a difficult problem making ends meet. Simply put, it needs more income.

As we have said, General Motors is a wealthy and highly profitable corporation which can well afford the cost of meeting the needs of its workers and their families to live in decency and comfort on the proceeds of one person's straight-time pay. The clearest proof on GM's ability to do that can be summed up in two simple facts.

1. Over the long term GM's profit rate on its U.S. operations has been approximately double the average of all U.S. manufacturing companies. In the whole 23-year period from 1947 through 1969, GM's before-tax U.S. profits, totaling $44.1 billion, represented a rate of return on U.S. investment of 43.9 percent, more than double the 21.3 percent rate of all U.S. manufacturing; and its after-tax U.S. profits totaling $21.4 billion, represented a rate of return of 21.4 percent, not quite double the 11.9 percent rate of all manufacturing.

2. GM's U.S. profits per hourly worker in its U.S. plants have also been extremely high, ranging in the past seven years from $6,589 per worker in one year to $8,807 per worker. In 1969 they were $6,676 per hourly worker, representing 70 cents of profit for every dollar of hourly payroll.

Mr. Speaker, we can argue to doomsday whether a particular wage is a living wage or not. Frankly, I do not consider a person working in an automobile factory earning $4.55 a hour to be on easy street. When you take into account the humdrum pace of a factory assembly-line, any person who earns $4.55 a hour earns every penny, even if he gets a 30-minute coffee break during an 8 hour shift.

Yet there are people seriously under the impression that a strike is an easy thing for a worker to endure, that life for strikers is easy, that food stamps are frosting on the cake. It is not so. Food stamps have helped thousands upon thousands of needy families stave off hunger and malnutrition. Families with a weekly income of $40 strike benefits have barely enough to pay their utility bills, pay their mortgage or rent, or pay for the gas to operate whatever family vehicle they have. A $40 strike benefit—and strike benefits are the rare exception in labor disputes—plus a weekly supply of food stamps is not luxury fare for any family.

The U.S. taxpayer pays for food stamps, and American workers are taxpayers, too. In fact, the blue-collar worker pays more than his fair share of taxes and during a strike to improve his economic position he certainly has a right to get some share of the food resources of this Nation which his own tax dollars have made possible.

A feature article on "Food Stamps and Strikers" appeared recently in the UAW Washington report and was written by the staff of Press Associates in Washington. It enumerates the many reasons why food stamps should be given as freely to American working men and women as to any other needy group in our free society:

FOOD STAMPS AND STRIKERS

It is characteristic of much American legislation to lay down noble principles and then to accompany these with all sorts of amendments that take a good deal of the nobility out of it.

This was true of the Taft-Hartley Act, which echoed the noble purpose of the original Wagner Act in proclaiming that it was the policy of the U.S. Government to encourage unions and collective bargaining and then set up conditions that weakened that policy considerably.

It was true of the "Full" Employment Act, which ended up only encouraging the provision of useful employment opportunities, a far cry from the original concept of the "right to a job" of every American.

Currently we have a food stamp program that calls for the use of America's vast agricultural surpluses "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households."

Yet, conservative interests have long been trying and are still trying to water down this concept notably in cases where poor people happen to be strikers. By a twist of really mean-spirited logic the "health and well-being" of strikers who happen to be poor is cast aside in favor of support for great corporations who would just as soon see their strikers starve and so be forced to accept sub-standard contracts.

Right now an effort to bar otherwise eligible strikers from buying food stamps for their "health and welfare," including above all that of their children, is in progress in the automobile strike. The Chamber of Commerce of the United States wants to keep food stamps from strikers; a number of Michigan newspapers and friends of General Motors would like to do the same.

The renewal legislation, as reported out by

XUM

the House Agricultural Committee—an enemy of food stamps to begin with—is a harsh bill. It is true that it specifically says that an eligible worker shall not be denied food stamps because he is on strike. But it does make it a great deal harder for a striker to become eligible for food stamps than at present.

He would be ineligible for food stamps if he refused another job at the $1.60 minimum wage, a condition even harsher than that under the Unemployment Compensation Act. In addition, tougher financial conditions would be called for. Such a bill, if approved, would be a serious blow to many thousands of automobile workers on strike at GM and would eventually affect many other strikers in other industries.

On top of the House Committee action, there is strong likelihood of the introduction of an amendment which would deny in specific language the right of eligible strikers to buy food stamps. Such a move was defeated in the House two years ago through the intervention of Rep. Leonor Sullivan, Missouri Democrat. Mrs. Sullivan is exposed again to fight off any such more.

In any event, the answers to the anti-union forces that have been used in the past to defeat the anti-striker move are still valid.

The very purpose of the food stamp program—"to safeguard the health and well-being" of Americans who need the program—would be defeated. There can be no possible moral justification to deny needed food to men, women and children no matter what the circumstances.

We feed the hungry of other countries and the victims of disasters without asking about their politics; we feed the men and women in our prisons and don't deny food stamps to their families at home; we feed prisoners of war and even have strict international codes to make sure that they are properly fed.

Of the utmost importance is the fact that to deny strikers food stamp rights because they are on strike would be in complete contradiction of the National Labor Relations Act which guarantees workers that very right and protects it through the National Labor Relations Board. The "right to strike" is not an idle phrase; it would be made so if strikers were punished in food stamp legislation.

Corporations argue that it is their tax dollars that are being used to support a food stamp program which "takes sides" against them in a strike situation; workers are taxpayers and are still taxpayers—strike or no strike—and to deny them rights given to other citizens who are in need would indeed be "taking sides" against them.

If food stamps, in the name of impartially are to be denied strikers, are corporations to have their government contracts cancelled or denied them in the name of that same impartially?

Finally, the whole purpose of modern labor lab is to calm rather than exacerbate conflict between employer and employee. Sooner or later strikes come to an end. Are good labor relations to be encouraged through the denial of needed food to workers and their families? Is hunger a weapon that a modern employer really is willing to use?

Whatever the answer, Congress should make sure that the answer is "No." It spoke to that effect two years ago. It should repeat that answer this year in no uncertain terms.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

UNITED NATIONS—CREATURE OF THE INVISIBLE GOVERNMENT OF MONETARY POWER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. RARICK. Mr. Speaker, this week Congress is to consider House Joint Resolution 1146, authorizing a $20 million grant to the U.N.O. for the purpose of expansion of its headquarters in New York City. This grant is in addition to all other assessments against our country by the United Nations and represents 20 percent of the $80 million cost of the expansion. The remaining $60 million is planned to be derived as follows:

Five million dollars from the UNICEF fund, derived by selling Halloween candy and Christmas cards, supposedly to be able to help disadvantaged children.

Twenty million dollars from the city of New York, whose mayor professes that his city is in such financial distress that it is necessary to lay off city employees.

Twenty-five million dollars from the regular U.N. budget assessed against the 127 member nations.

More and more people are becoming disenchanted at the United Nations and are taking a second look. Most people support the idea of an international body working for world peace so long as its operations do not deny us our national sovereignty. However, more and more people are aware that while the United Nations has not achieved peace it is infringing upon our national sovereignty and as such constitutes a clear and present threat to the liberties of our individual citizens. Most, upon learning the truth, are fearful of what they find and are organizing to extricate the United States from this trap.

Noteworthy, among many such distinguished constitutional Americans, is Lt. Col. Arch E. Roberts, AUS, retired, who on December 8, 1970, addressed a conference with members of the Wisconsin State Legislature at Waukesha, Wis.

I include Colonel Robert's speech, "Invisible Government of Monetary Power"; his proposed bills for State legislatures, drafted by two nationally recognized constitutional authorities, Mr. T. David Horton, of Battle Mountain, Nev., and the late Mr. John Janney; and several pertinent newsclippings which follow:

[From the Washington Post, Sept. 10, 1969]

U.N. BUILDING PLAN FUNDED

UNITED NATIONS.—A $10 million investment by the United Nations Development Program has cleared the way for construction of a major addition to the U.N. headquarters building in New York.

Approval came in a 24–4 vote at a special meeting of the program's governing council on Tuesday. It had been strongly urged by the United States, which has pledged to provide $20 million of the estimated $80 million cost of the new building.

New York City will furnish $20 million for the project in addition to the $12 million value of the land on which the seven-story addition is to be located. The regular U.N. budget will supply $25 million of the cost and the U.N. Children's Fund $5 million.

In recent years the U.N. Secretariat has been increasingly cramped for space, and both the Development Program and UNICEF have had to rent quarters in private buildings. The new seven-story addition will cost more than the 38-story secretariat building, completed in 1951 for a little over $65 million.

INVISIBLE GOVERNMENT OF MONETARY POWER

(Address by Lt. Col. Arch E. Roberts)

It is appallingly clear that America the beautiful has fallen into the hands of political madmen!

Our citizens are exploited by coercive domestic policy at home, our sons are betrayed in "no-win" military adventures, and our national honor is compromised all over the globe.

This strategy of defeat has led America to the brink of economic collapse, has generated violence in our schools and revolution in our cities, and has resulted in a shocking decay of the American morality.

We believe that these symptoms of decline are interrelated, and that they are inspired by a heretofore invisible government of monetary and political power.

We therefore recommend a public investigation of the men and the system behind "Revolution U.S.A.", and ask the State legislature to enact laws which will neutralize those who secretly promote nihilistic doctrine in this nation.

The Committee to Restore the Constitution, and those affiliated with us, are determined to expose a concealed plan to transform the United States into a soviet America.

Not satisfied to merely unmask the conspiracy, we further propose a practical, attainable solution to this threat to the freedoms of person and property guaranteed to the people by the Constitution.

Let us now sketch the parameters of the problem and outline an approach to its solution.

For the purpose of illustration we refer to the grave situation of revolution in America.

There are few here who would slight the obvious threat to life and property posed by revolutionary violence. It is clear that you and I are exposed to a rising tide of revolt which, unless reversed, will engulf every institution of freedom in this land.

"Revolution U.S.A." has become a crisis of major, and perhaps fatal, proportions.

Most of us are, however, satisfied to identify the bomber and the police killer as the instigator of revolution. This faulty reasoning fails to consider the fact that revolutions cost money, lots of money.

It must be obvious to the most casual observer that the financing of "Revolution U.S.A.", and the intellectual leadership of it, cannot originate within the ranks of the poor, the student, the black, or the working class, as we have been led to believe.

Instead of directing our fear and anger at the street people (who are, of course, our sons and daughters) we must have the wit and the courage to seek out the concealed base of power for this fratricidal conflict—a civil war which threatens to tear our nation apart. When we do, we will find that today's hostilities had their beginnings at the turn of the century.

In 1905 an ambitious and morally degenerate group of financiers and industrialists fixed upon a long range plan which would ultimately deliver control of America and the world into their hands.

The basic objective of their plan was to dismantle the Constitution of the United

XUM

States and erect in its place a world government covenant which the Financial/Industrial cartel would command.

To achieve their objective the conspirators adopted an operational procedure of Infiltration, Subversion, and Rebellion aimed at the religious, economic, and social disciplines of the existing order. By massing their wealth and influence to secretly sponsor nihilistic doctrine, they felt that they could capture the intellectual leadership of church and college. Domination of pulpit and professorial chair, they reasoned, would lead to mastery of the entire spiritual-educational process, the corruption of mass-communication media, and the creation of a fractured, rudderless society which would serve their purpose.

Achieving political authority was an obvious prerequisite to success. The cartel therefore, in 1912, forced a major penetration of the United States political structure and elevated Woodrow Wilson to the Presidency.

Quick to capitalize on this advantage the conspirators in the closing days of the 1913 Congress, affected passage of three legislative acts which emasculated the Constitution and established a political power base for succeeding operations. These acts were:

a. the Sixteenth Amendment to the Constitution.

b. the Seventeenth Amendment to the Constitution.

c. the Federal Reserve Act.

Of these three legislative actions by Federal Agents, all of which had the effect of emasculating the Constitution, the most ominous was the creation of a central bank in America. The Federal Reserve Act surreptitiously granted to the conspirators the authority to manipulate the public credit of the United States for private profit.

To appreciate the enormous lien placed upon the American people by such banking manipulation of public credit it must be noted that when the Federal Reserve Banks were set up and began operations on November 15, 1914, their total assets were listed at $143,000,000.00. On December 23, 1949, testimony before the House Banking and Currency Committee showed that the Federal Reserve Banks listed assets in excess of $45,000,000,000.00 The percentage of profits is so fantastic that it would take an economist from Rockefeller's University of Chicago to compute it.

Congressman Wright Patman, House Banking and Currency Committee, in a letter dated April 14, 1952, stated:

"The Open Market Committee operations is the most important function of the entire Federal Reserve system. It", he said, "provides either hard money or easy money. It makes conditions good or bad. It determines whether or not we will have a depression in this country or whether or not our country will remain prosperous."

"All central (private) banks", said Mr. Eustace Mullins in his book, *The Federal Reserve Conspiracy*, "have the power of issuing currency in their respective countries. Thus, the people do not own their own money in Europe, nor do they own it here. It (Federal Reserve Bank notes) is privately printed for private profit. The people have no sovereignty over their money, and it has developed that they have no sovereignty over other major political issues such as foreign policy."

Upon this irresistible and unchallengeable base of political and monetary power, the conspirators established a brain trust which was to be shaped into an instrumentality for global conquest. The organization was named the Inquiry and was formed around a nucleus of members drawn from the Intercollegiate Society, a socialist-oriented group of American intellectuals.

The Inquiry, in 1914 began recruiting and training an "intellectual elite" who, under the guidance of their hidden sponsors, prepared the Covenant of the League of Nations. The League of Nations was, of course, the long-sought world government envisaged by the Industrial/Financial conspiracy.

When the United States Senate, in 1918, refused to ratify the League of Nations for a world government, the Inquiry was reorganized, and in 1919, named the Council on Foreign Relations.

The headquarters of the C.F.R. is at Harold Pratt House, 58 East 68th Street in New York City, which is, of course, the financial center of the world.

Twenty-six years were to elapse before the secret government of monetary power, through its instrument, the Council on Foreign Relations, would reach its long-range goal of world government.

The propaganda climate generated during World War Two provided the opportunity, and on July 28, 1945 a refurbished League of Nations Covenant with a new title—the United Nations Charter—was ratified by a subverted United States Senate and the Constitution of the United States passed into history.

There is a popular and widely promoted myth that the United Nations sprang from the minds and hearts of the People, represented by fifty peace-minded nations meeting at San Francisco. Like most of the political pablum fed to Americans via television, radio, and press, this concept, too, is false.

The historical fact is that the United Nations Organization, lineal descendant of the star-crossed League of Nations, was spawned two weeks after Pearl Harbor in the office of Secretary of State Cordell Hull.

In a letter to President Franklin D. Roosevelt dated December 22, 1941, Secretary Hull, at the direction of his faceless sponsors in the Council on Foreign Relations, recommended the founding of a Presidential Advisory Committee on Post War Foreign Policy.

All research, interdepartmental government agency coordination, and international cooperation concerning this United Nations planning commission was set up in the Department of State "or under its leadership."

In addition to himself as chairman, Cordell Hull listed the following members for his U.N. brain trust:

Mr. Norman H. Davis, President, Council on Foreign Relations.

Mr. Sumner Wells, Under Secretary of State, Vice Chairman; Member, Council on Foreign Relations.

Mr. Myron C. Taylor, Member, Council on Foreign Relations.

Mr. Dean Acheson, Assistant Secretary of State; Member, Council on Foreign Relations.

Mr Hamilton Fish Armstrong, Editor of Foreign Affairs, official publication, Council on Foreign Relations.

Mr. Adolf A. Berle, Jr., Assistant Secretary of State; Member, Council on Foreign Relations.

Mr. Asaiah Bowman, President, Johns Hopkins University; Member, Council on Foreign Relations.

Mr. Benjamin V. Cohen, General Counsel, National Policy Committee; Member, Council on Foreign Relations.

Mr. Herbert Feis, Department of State Advisor on International Relations; Member, Council on Foreign Relations.

Mr. Green N. Hackworth, Department of State Legal Advisor.

Mr. Harry C. Hopkins, Chief of State Division of Commercial Policy.

Mrs. Anne O'Hare McCormick, Editorial Staff, the New York Times.

Dr. Leo Pasvolsky, Special Assistant to the Secretary of State; Chief, Division of Special Research; Member, Council on Foreign Relations.

In an obituary dated May 18, 1953, Time magazine credited Leo Pasvolsky with being "the architect" of the United Nations Charter.

On page 287, Senate Document No. 87, Review of the United Nations Charter, released January 7, 1954, we find the official view of the United Nations Treaty held by elected officials in Washington.

"The Charter (of the United Nations) has become 'the supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding."

It is now clear that Federal agents, acting under what they assert to be a legal use of the limited powers enumerated in the Constitution, have negotiated with foreign government and special interests in an attempt to coerce these United States into a United Nations Treaty which, if valid, would surrender to these foreign government and private interests the rights and liberties assured to the people under the United States Constitution.

The conclusion is inescapable:

Our elected and appointed agents in judicial, legislative, and executive office now conduct our affairs in consonance with the provisions of the U.N. Charter.

Americans, of course, have been assured that the constitutional legality for the United Nations Treaty is found in Article VI of our Constitution.

A treaty, however, cannot authorize what the Constitution forbids.

No Federal agent has the power or the authority to modify or to dissolve the Constitutional Compact.

It must be said, too, that the Supreme Court cannot declare a statute of Congress "unconstitutional". The Court can exercise only the judicial power conferred upon it by the Constitution. It can no more "unmake" a legislative act that it can make one.

To strike down a legislative act requires legislative power. No court has such power.

The ordinary citizen also lacks the power to overturn breaches of the Constitution.

Only a State, acting in its highest sovereign capacity can repudiate unauthorized acts of its agents.

Therefore, the proper party to now challenge the validity of the United Nations Treaty, and other ultra vires acts of the Congress, is a party to the Constitutional Compact, a sovereign State.

The sovereign power of the State, through its legislative apparatus, can legally clarify this question of attempted usurpation of governmental power.

Attempts by Federal agents to exceed the limited powers of the Constitution are void and, in law, are no acts at all.

However, when the State fails to repudiate the unauthorized acts of its agents, a presumption arises that the State has approved. The vitality that is thus given to the purported act of the Agent arises from the power of the State in question. The power does not come from the limited agents who had no power to act.

The reason that the People of each State have been burdened with the acts of Federal agents in their surrender of the powers of government is because the State has not repudiated the attempts of its Agents to act beyond their authority. These acts had the effect of "law", not by reason of any nonexistent authority of the Federal agents, but because of the authority that the State gave to those acts by failing to challenge the attempts of its Federal agents to exceed their authority.

The emasculation of our Constitution by the so-called United Nations Treaty agreement, the Federal Reserve Act, and other ultra vires acts, most certainly was not authorized by the parties to the Constitutional Compact. Lacking this authority, it is against the law. Being unlawful, it must be put down.

XUM

In this respect, State officeholders have a positive duty to enforce the provisions of the Constitution. It is a continuing obligation and may not be met merely by an empty oath taken upon accepting public office.

The language of Article VI, paragraph 3, United States Constitution, ". . . shall be bound by Oath or Affirmative to support this Constitution . . ." imposes a continuing duty upon these officeholders as long as they continue in office.

Therefore, in conformity with these duties and obligations, I propose that the legislators of this State now do what is necessary to defend the Constitution and to protect the rights of the People.

The limits of authority given by the Constitution must be enforced and violations of those limits must be punished.

Events in Washington and in the State disclose a systematic attack upon the liberties and freedoms guaranteed to the People under the Constitution. I, therefore, suggest that the legislators of the State appoint a special committee comprising members of the House and Senate, to investigate the legality of the action of Federal agents with regard to certain ultra vires acts which have had the effect of amending the Constitution without the knowledge or consent of the State or its People.

Such State committee must determine whether there is any change made under the United Nations Treaty and other acts which deprive the State or its People of rights and privileges, or would involve any change in the provisions of the Constitution of the United States or of the several States.

And I suggest that this Committee inquire into what measures may be taken by the State to enforce the Constitution of the United States within the borders of the State, and to punish any infraction thereof resulting from unlawful attempts to use authority by any agency of government not sanctioned by the Constitution of the United States.

Those who occupy executive, legislative, and judicial office at the Federal level of government have demonstrated that they are unwilling or unable to defend the freedom, the proper interest, and the security of the People of the United States and of the several States.

The Financial/Industrial cartel remains invisible and unchallenged in their continuing, long-range conspiracy to overthrow the Constitution and erect upon the ruins of the American civilization a world government covenant which they command.

The manipulators of monetary power, controlling the American economy through the Federal Reserve System, have created a deepening depression so as to coerce Americans into accepting life in their "industrialized society", a soviet America.

They use their vast power over information media and tax-free funds to inspire and support the promotion of nihilistic doctrine so that resulting anarchy will topple our institutions of freedom.

And, they secretly direct a policy of permissiveness in America thus creating a fractured, rudderless society which will serve their one world government scheme.

Effective resistance to tyranny by an invisible government must now, therefore, begin at the source of all governmental power—the American citizen acting through his State legislature.

To initiate corrective legislative action I respectfully invite your attention to two proposed State statutes included in the packet of background information provided to each person attending the conference:

Exhibit 1. A bill to investigate the legality of the actions of Federal agents with regard to the United Nations and to provide means for the enforcement of the Constitution of the United States in relations thereto.

Exhibit 2. A bill to provide for enforcement of the Constitution of the United States with regard to the so-called United Nations Organization.

If it is your desire to explore this proposal further, I will be happy to answer questions to the best of my ability.

Thank you for your attention.

EXHIBIT 1

(A bill to investigate the legality of the action of Federal agents with regard to the United Nations and to provide means for the enforcement of the Constitution of the United States in relation thereto)

Whereas, the State of -------------------- at the time of its admission into the Union of the States as attested by its ratification of the agreement known as the Constitution of the United States, assumed all obligations to the People of --------------------, and to the People of the several States that were parties to the same agreement, to insure that all provisions of the Constitution of the United States shall be respected and enforced within the boundaries and under the jurisdiction of the State of --------------------; and

Whereas, three Federal agencies of government were created by Article I, Article II, and Article III of that compact, and

Whereas, it appears, under what has been asserted to be a legal use of these limited and enumerated delegated powers, that certain of these Federal agencies have purported to negotiate with foreign governments and to coerce these States, as so united, unto an agreement which would constitute a surrender to foreign governments of the rights and liberties assured to the People under the Constitution of the United States, and to surrender the powers of government which this Constitution guarantees to preserve to our People:

Be it enacted by the General Assembly of the State of -------------------- that:

1. A Special Joint Committee of the Legislature of this State, comprised of four members elected by and from the House of Representatives and four members from the Senate be chosen and elected by the members thereof in session.

2. Such Committee shall be authorized and directed to investigate the question of whether the agreement which is represented to be entered into by Federal agencies acting as representatives of these United States with regard to the so-called United Nations Organization be within the power and authority granted to said agencies under the Constitution of the United States.

3. The Committee shall be further authorized and directed to investigate the question of whether this purported agreement affects the State of ----------------, or relates to the relinquishment of any of the laws or rights affecting the State of --------------------, or its People, and whether there is any change proposed to be made which would deprive the State of -------------------- or its People of rights and privileges, or would involve any change in any of the provisions of the agreement known as the Constitution of the United States without the consent of the government of the people of this State or of the several States.

4. The Committee shall inquire into what measures may be taken by this State to enforce the Constitution of the United States and to punish any infractions thereof that may appear to be sanctioned by any unlawful use of purported authority by an agency not sanctioned by the Constitution of the United States.

5. Said Committee shall report its findings to each House of the State Legislature of ---------------- not later than two months following the passage of this Act.

6. The sum of $100,000.00 shall be appropriated for the uses and purposes of said Committee.

EXHIBIT 2

(A bill to provide for enforcement of the Constitution of the United States with regard to the so-called United Nations organization)

Whereas, by agreement with her sister States, the State of ------------------ is duty-bound to enforce the Constitution of the United States within her borders; and

Whereas, as the Legislature of this State has inquired into the question of whether certain purported agreements made by certain Federal agencies created by the Constitution of the United States; and

Whereas, authority for said purported acts was not granted under the terms of the Constitution of the United States; and

Whereas, said agreements purported to abridge rights and liberties of this State and her People, without lawful authority:

Be it enacted by the General Assembly of the State of --------------------, in conformity with the State of ---------------- to her People and to her sister States, and in further conformity with the oath of office taken by the governmental officials thereof, that:

1. Those purported treaties and agreements relating to the United Nations Organization, now sometimes referred to as the United Nations, are beyond the authority granted to the agencies purporting to make these treaties and agreements and are, therefore, null, void, and of no effect within the jurisdiction of this State, and any attempt to enforce the provisions of any of said treaties or agreements within this State is unlawful.

2. Any person who shall commit an act of violation of the provisions of this statute shall be guilty of a felony and, upon conviction thereof, shall be fined not less than $2,000.00 nor more than $10,000.00, or confined in the State Penitentiary not less than three years nor more than twenty years, or both.

3. Any State officeholder, or any Member of the United States Congress from the State of --------------------, who shall attempt to violate the provisions of this Act shall, by that attempt, automatically vacate his office, and any citizen of this State may bring quo warranto proceedings, in the county in which said offender last resided or was last known to be, to force the abandonment of any pretext of filling said office by the person so disqualified.

4. Any person aggrieved by a State officeholder or by any other person acting in violation of the within Statute shall retain his private action against the offender and all of his aiders, advisors, and abettors, jointly and severally, and shall recover triple costs, besides double damages, which no jury, or Court sitting without a jury, shall assess at less than $2,500.00.

5. Any person convicted of any criminal offense under the provisions of this Statute shall be incapable of receiving pardon, and shall be incapable of receiving parole or suspension of sentence of confinement.

6. Any person being a defendant in a civil action brought under the provision of this Statute, who shall have had judgment rendered against him which has become final by the expiration of time for appeal or by final determination of an Appellate Court, shall be denied all exemptions from execution under said judgment.

7. Each representative of this State in the House of Representatives of the United States and in the Senate of the United States, before his election to office may be certified, shall be sworn in the County of

XUM

his residence in this State, by Oath or Affirmation, to be bound to support the Constitution of the United States, and for breach of this Oath shall be punished as provided by any or all of the provisions of paragraphs 2 through 6 above.

[From the New York Times, Dec. 13, 1969]

Soviet and West Said To Plan "Think Tank" on World Issues

A report in the weekly magazine Science says that Soviet and Western representatives have been holding secret discussions on the establishment of a large-scale, internationally staffed "think tank" to study the problems of industrialized societies.

The report, made public yesterday, said "concrete action to set up the proposed institution might possibly come early next year."

The two principals in the deliberations have been Dzherman M. Gvishiani, a first deputy chief of the Soviet State Committee for Science and Technology, and McGeorge Bundy, president of the Ford Foundation, the magazine said.

The report, under a Paris dateline, was from Dan S. Greenberg, the European correspondent of the magazine. Science is published by the American Association for the Advancement of Science.

The magazine said Mr. Gvishiani is the son-in-law of Premier Aleksei N. Kosygin, and is widely regarded as an influential "bridge-builder" to the West. Mr. Bundy became involved in the deliberations in 1966, after leaving his post as President Johnson's special assistant for national security affairs.

Mr. Bundy could not immediately be reached for comment on the report, but a Ford Foundation spokesman confirmed that Mr. Bundy and Mr. Gvishiani had met in the Soviet Union during the summer.

The report said others who took part in the discussions included Sir Solly Zuckerman, chief scientific adviser to the British Government; Aureilio Peccei, an executive of Italy's Olivetti Corporation, and also West German and French representatives.

The article quoted a source as having said that the institution would be concerned with developing techniques that might be universally employed in dealing with such common problems as pollution, transportation, housing and education.

[From the Rocky Mountain News, Denver, Colo., Oct. 19, 1969]

Bundy: United States Needs New Constitution

South Hadley, Mass.—McGeorge Bundy, president of the Ford Foundation, suggested Saturday the United States may need a new Constitution to meet the crisis in the nation.

Bundy made the suggestion in remarks prepared for delivery at the inauguaration of David B. Truman as president of Mount Holyoke College, a private girls' school.

Bundy, who was a special adviser to President John F. Kennedy and Lyndon B. Johnson, said the conflict in the nation over the "American dilemma—the persistent gulf between our ideals of individual dignity and equal opportunity, and the centuries of behavior which has assumed and enforced both the denial of personal worth and the practice of intense discrimination"—is "sharper, more bitter, more violent and even perhaps more dangerous than anything we have known since the Civil War."

He said that to resolve this conflict requires minimum governmental reforms that would include a radical reconstruction of the executive and congressional branches of the federal government and of state and local governments.

"It is not unthinkable that this country may need a new constitution," Bundy said, adding that if he had to vote on that question today he would vote no "because I believe that we very likely could not do better, even now, than our forefathers."

Bundy said that governmental "transformation of the magnitude I am describing will come only when there is a new politics that learns how to engage an effective majority for a level of social and political change that has no precedent in our history.

"I find my own hope in the rising generation," Bundy said, quickly excluding what he called "the apocalyptic fringe which has renounced politics for force and substituted childish shock for dialogue."

[From the Montrose (Calif.) Ledger, Nov. 29, 1970]

UN Panel Doesn't Want To Hear Objections to World Government

(By Jo Hindman)

Tactics employed by a roving United Nations panel exposes the type of pressure being exerted to promote internationalism instead of Americanism in the U.S.

The President's Commission for the Observance of the 25th Anniversary of the United Nations conducted its first hearing at Atlanta, Ga. Branded by citizens as "farcical," that meeting was followed by others at St. Louis, Des Moines, Rochester, N.Y. with one to go at San Francisco next January, 1971.

Chaired by U.S. Senator-elect the Portland (Ore.) daylong Nov. 18 hearing exposed the commission's methodology of bias. Press releases invited public officials, private citizens and representatives of organizations to testify, but obviously the purpose of the series is to collect feedback from the UN's own propaganda. The slanted findings then are to be used as a base in preparing for the President a report designed to prop the sagging UN.

An observer sent by UN from San Francisco, the commission's next stop, stated enigmatically that she came to learn "how to avoid the errors" made at the Portland meet.

Welcomed affably by the UN panel at Portland were witnesses who proposed: that Communist Red China be granted UN membership, which means that anti-Communist Nationalist China would be expelled from the UN to make room for the Communists. Also requested was repeal of the U.S.-protecting Connally Amendment; ratification of the Genocide Treaty; and mandatory UN membership, to be "not an option but an obligation upon every nation," and so forth.

Panel members plucked eagerly at witness proposals that fell in line with the UN agenda at the Stockholm, proceedings slated for 1972, such as coastal estuaries "which will be a prominent item of business," also United Nations control of the sea and seabeds.

STACKED DECK

The Portland audience was swelled by numerous rejected witnesses, notably individuals with local reputations for promoting USA Constitutional Government rather than observance of the UN's global rule. One who applied early when an abundance of hearing time was available observed that although she was shut out, due allegedly to lack of time, another witness, pro-UN, claimed to have been summoned by a phone call from the arrangements committee to testify.

Procedure required (1) witness to identify self in writing with request to be heard, (2) written copies of remarks.

Two presentations in the morning session critical of the UN proceeded from witnesses who filed their written briefs after, not prior to oral delivery of their remarks. UN panel members made no attempt to conceal suspicion and hostility toward those viewpoints which had slipped through the screening set up by the local arrangements committee.

The National United Nations Research Assn.—perhaps given time due to the words "United Nations" in its title—proved astonishingly critical. NUNRA blasted UN's Katanga military war in the Congo, UN's economic war against Rhodesia: cited as dangerous the weighted vote conceded to the Soviets, and the Communist control of UN military operations. NUNRA urged the UN Commission to support a complete review and legislative correction of the United Nations organization.

Recommendations of the second witness (yours truly) who also pierced the UN screening net, called for abrogation of the United Nations Charter and eviction of the UN headquarters from the United States of America.

THE MORAL ROT OF OUR TIMES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. SCHMITZ. Mr. Speaker, again and again we are told today that—though clearly we do have some problems in this country—we are still great as a nation and as a people, and should take special pride in the high degree of education and sophistication of our young people. Were it not for their idealism, it is said, we would not even recognize the problems and therefore would not be so far along the road to solving them.

Yet actually almost no one in America today—liberal or conservative, young or old, sophisticated or unsophisticated—really believes that we are healthy. But few dare confess openly how sick we have become.

The one major exception to this generalization consists of the would-be-destroyers of America. They trumpet the facts of our sickness from the housetops—but then, in a hideous and consummate perversion of the truth, they ascribe the cause and affix the blame to all that remains in America that is still healthy.

They point to the consequences of our failure to win the war in Vietnam—and turn the blame on anyone who does not want to lose it. They point to the consequences of parents who thought material goods sufficient to meet all the needs of their children—and turn the blame on those who still uphold spiritual and religious values. They point to the rising VD rate—and turn the blame on everyone who still stands for and practices sound sexual morality and opposes amoral sex education in the public schools.

The destroyers are happy with the decline of America and hope to hasten it. But we who would save our country must not, in opposing them, simply pretend that all is well. A Nation which persistently and increasingly violates fundamental moral law, dropping one by one all its defenses against the darkest impulses which move the human spirit, ultimately need no destroyers for it will most assuredly destroy itself.

The antilife campaign in America, discussed in previous newsletters of mine, is one very striking illustration of the moral rot of our times. Another is the prevalence and increasingly widespread acceptance of the most revolting kinds of pornography, with the virtual blessing of the Federal courts.

XUM

I have been shown some of this material, which is being mailed in great quantities to my constituents and throughout the Nation. It is hard to imagine how human degradation could go much further. But if we continue with our present policy of filthy speech on demand, we will find out how much further it can go.

The very least we ought to do, legislatively, is to use the power the Constitution gives Congress over the jurisdiction of all Federal courts, to remove the whole field of State and local antipornography laws and their enforcement from Federal court jurisdiction. This would transfer it to State judges, who have been somewhat less inclined than their Federal counterparts to let the pornographers run wild, and in many States are subject to periodic election by the people, and to recall. I will introduce a bill for this purpose early next year.

In view of the availability of this obvious remedy to an obvious evil, it is an astonishing and deeply disturbing fact that almost no one in Congress has yet seriously proposed adopting it. Such feeble steps in this direction as have been taken have remained quietly buried in committee. Even the serious consideration of this action by Congress would probably in itself apply sufficient pressure on the Federal courts to induce them to begin allowing the enforcement of the antipornography laws. But so long as we simply go on denouncing pornography without taking any specific action against it, we are only adding the moral corruption of hyprocrisy to the other moral corruptions of our time.

The next time we hear about how idealistic and morally responsive our young people and their teachers and leaders are today, we should ask what they are doing about the fact that we now live in a country where it is illegal for a child to pray in school, while obscenity may be hawked in the neighborhood bookstore or movie theater with almost complete impunity.

TIMELY COMMENT ON THE INTERNAL SECURITY COMMITTEE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. EDWARDS of California. Mr. Speaker, in line with my remarks earlier on the efforts of the chairman of the House Internal Security Committee to thwart a Federal district court injunction, I include in the extention of remarks the following editorial from today's New York Times:

A LIST IS A LIST

Law and order are being badly served by Representative Richard H. Ichord, who, as chairman of the House Internal Security Committee, has announced his intention to publish a new version of his "radical and/or revolutionary" blacklist of campus speakers. Along with that list he plans to offer a resolution to prohibit the courts from interfering with its public distribution. A Federal Court injunction against such distribution, at public expense, is currently in effect, but has been appealed by the Justice Department. Representative Ichord apparently prefers not to wait for a judicial decision.

Entirely apart from the legal issue, the un-American nature of the use of blacklists remains the overriding objection to the committee's action. The very label of "radical and/or revolutionary" as a means of characterizing conveyors of ideas illustrates the danger of this form of vigilantism. The fact that the revised list is intended to be more palatable is proof of the committee's inability to comprehend the principles at stake.

There is no way of improving a blacklist by deleting a few victims—any more than the committee would be rendered acceptable by the removal of a few of its members. Nothing was gained by changing the committee's original designation as the guardian of "un-American activities"; nothing is gained by providing a "better" list. The answer is simply—no list and no committee.

SUBSONIC AIRLINER MAKES SUPERSONIC TRANSPORT UNNECESSARY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. PUCINSKI. Mr. Speaker, Don Kirkman, Scripps-Howard science writer, has performed a notable public service by calling our attention to the fact that the National Aeronautics and Space Administration is now conducting experiments on development of a new subsonic airliner that may by 1980 carry a majority of the Nation's domestic air travelers.

This subsonic transport would fly at 35,000 feet and at a speed of about 650 miles per hour—just a fraction under the speed of sound—or about 120 miles per hour faster than present airliners.

In a report published by Mr. Kirkman in today's Washington Daily News, he points out that the new subsonic carrier would not generate sonic booms and would have engines sufficiently quiet to meet noise standards acceptable to the human ear.

Mr. Speaker, I submit that this report by Mr. Kirkman deserves the widest circulation. Surely, in the light of his revelation, the Congress would be wise to hold up any further appropriations for the development of the SST, at least until such time as we have a full report on this NASA project.

I cannot see how anyone can in good conscience vote to provide $210 million this year for continued SST development. We know from debate here on the floor that it is contemplated the taxpayers will spend somewhere around $1½ billion to develop the two SST prototypes and then another $3 to $4 billion to start the production rolling of SST's for sale around the world.

Mr. Speaker, last week I said that the United States would have to sell no less than 300 SST's at a cost of no less than $60 million apiece before we could get one penny of the taxpayers' money back on our initial investment.

I can think of nothing more foolish for the Congress to do than to commit itself to this extraordinary expense in development of an SST when NASA is now developing an aircraft transport that will do everything that the SST can do and do with out sonic booms, or without excessive noise, or without any of the dangers to our ecology that has been predicted about SST performance at higher altitudes.

In view of Mr. Kirkman's report, I submit it is unconscionable for the Congress to appropriate another penny for the SST until we have had a full report on this NASA project.

Mr. Kirkman's article follows:

SUBSONIC AIRLINER IS ON WAY

(By Don Kirkman)

National Aeronautics and Space Administration scientists and engineers are conducting experiments on development of a new subsonic airliner that may by 1980 carry a majority of the nation's domestic air travelers.

NASA sources say this airliner, called the Advanced Technology Experimental Transport, probably will not be as controversial as the proposed multi-million dollar Supersonic Transport because its development would cost much less and the plane itself wouldn't cause sonic booms or pollute the atmosphere, as critics charge the SST would do.

As now conceived, the ATET would fly at 35,000 feet at a speed of about 650 miles per hour (a fraction under the speed of sound), or about 120 miles per hour faster than present airliners.

QUIETER ENGINES

The ATET also would have quieter jet engines, cause less air pollution and use fuel more economically, NASA planners say. How many passengers ATET would carry as yet hasn't been determined.

"The basic idea of the ATET is to have an airliner that will fly at the maximum possible speed without causing a sonic boom, an airliner that would carry a heavy share of the nation's coast-to-coast and interstate airline passengers," a NASA source explained.

The ATET, then, is viewed as the "ultimate" subsonic passenger airliner, which manufacturers would build after they shut down their Boeing 747, McDonnell Douglas DC-10 and Lockheed 1011 production lines.

The first experiments toward development of the ATET are just beginning, NASA's Gerald G. Kayten, director of the ATET program told the Washington Daily News and other Scripps-Howard newspapers. They involve testing one of the ATET's most important components, a new-style wing that would enable the ATET to fly at speeds close to the sound barrier.

LAST FIVE YEARS

Preliminary research for this new "supercritical" wing has been carried out over the last five years by NASA aerodynamicist Dr. Richard T. Whitcomb. In wind tunnel tests at NASA's Langley Research Center, Hampton, Va., he showed the supercritical wing permits smooth flight near the sound barrier and eliminates the buffeting airliners presently encounter.

The key to this success is a wing design with a flattened top wing surface, a curved bottom, and a downward curl of the wing's trailing edge which eliminates most of the shock wave conventional wings encounter.

TRIBUTE TO BOYD CRAWFORD

SPEECH OF

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1970

Mr. BINGHAM. Mr. Speaker, I am delighted to join in the many resounding

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and well deserved tributes to Boyd Crawford upon his retirement.

I have the unusual distinction of having known Boyd Crawford "from the other side of the witness table" when I appeared before the Foreign Affairs Committee as Acting Administrator of the Technical Cooperation Administration, point 4 in 1952.

He was then, as he has always been since, kindly and considerate. He set the tone for what has always been a remarkably nonpartisan staff.

My wife and I join in wishing to Boyd and Mrs. Crawford many years of happiness in well-earned retirement.

OPERATION KEELHAUL REVISITED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. RARICK. Mr. Speaker, the tragic incident of U.S. officials forcefully repatriating the defecting Lithuanian seaman, Simas Kudirka is not without precedent.

The Polish Freedom Fighters report a similar incident involving a defecting Polish seaman, Mr. Lewandowski some 3 years ago.

Previous international harm to our image as a humanitarian refuge to escapees from tyranny followed World War II. At that time thousands of Russians and other Iron Curtain nationals who had been liberated from German prison camps or defected to the West were forcefully repatriated by U.S. authorities in what is recorded in history as Operation Keelhaul. The fate of those forced to return behind the Iron Curtain against their will was undoubtedly the same as the fate that awaited Kudirka—death or the concentration camp.

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By every measure of humanity, Operation Keelhaul is the darkest blot on the history of the American people. Unfortunately, many Americans do not know of the incident and few understand it or know who ordered it. It is tragic to the point of disbelief—mainly because the facts are hidden.

Legal steps under the Public Information Act to gain public access to the files of Operation Keelhaul here in Washington were recently concluded unsuccessfully. Twenty-five years after World War II, the President and his executive branch of Government maintain that the Operation Keelhaul documents must be continued as "Top Secret" and suppressed from public view. The Federal courts have sustained the Executive and denied public access. Book burning without the fire for the obvious purpose of affecting history.

Who, and what facts are being protected from the American people? Why? To shield Russians or Americans?

Most were proud of President Nixon's announcement that as a national policy we offer asylum to all who seek escape to freedom. While deplorable that a President had to await the public indignation of the Kudirka incident to act, there is more that our Executive can do to reassure oppressed people behind the Iron Curtain of our sincerity in offering asylum to oppressed people.

President Nixon can order the release of the Operation Keelhaul files and documents so that our people know the full story behind that atrocity.

A related news clipping, an article by Thomas A. Lane, and a letter from the Anti-Communist Confederation of Polish Freedom Fighters in U.S.A., follow:

[From the Evening Star, Dec. 7, 1970]

DEFECTOR RULING LAID TO ADMIRAL; ELLIS UNADVISED BY STATE DEPARTMENT, REPORT SHOW

(By Garnett D. Horner)

Rear Adm. William B. Ellis, commander of the Coast Guard's 1st District at Boston, acted on his own when he ordered the return of a defecting Lithuanian seaman to Soviet hands Nov. 23, reports made public by the White House indicated today.

The reports from the Transportation and State Departments on what President Nixon has called an "outrageous" incident also made clear that the Coast Guard and Ellis did not have adequate policy guidance from the State Department.

The Coast Guard report said the order for the return of the seaman, Simas Kudirka, was issued by Adm. Ellis to the Vigilant's skipper, Cmdr. Ralph Eustis at about 5 p.m.—several hours after the defection, and hours before the Soviets were allowed to take back the seaman.

CONFERENCES FOLLOWED

It said the orders from Ellis were that "the Soviets should be informed that the defector was on board CGC Vigilant, and, if the Soviets requested that the defector be returned, he should be returned to the Soviet vessel."

After this, there were a series of conferences between Eustis and the defector, between Eustis and representatives of the Soviet ship, between Eustis and Capt. Fletcher W. Brown, chief of staff under Ellis, and between Brown and Ellis.

"At approximately 6:30 p.m.," the Coast Guard report said, "Rear Adm. Ellis issued orders through Capt. Brown which reiterated his previous orders."

It added that "Capt. Brown also specifically told Cmdr. Eustis that he should take all precautious to prevent an incident from occurring."

The only advice from the State Department to the Coast Guard came before the seaman actually defected. At that time the only word from the Vigilant had been that a crewman of the Sovietsaya Litva, a Soviet fishing vessel, might attempt to defect to the cutter Vigilant.

MIDAFTERNOON MESSAGE

Edward L. Killham of the State Department's office of Soviet Affairs informed the Coast Guard at about 3:15 p.m. that "the possible defector should not be encouraged and noted the possibility of an attempted provocation," both reports said.

However, Killham asked that the State Department be kept informed of developments, noting that if the man actually tried to defect the handling of the case "would be determined by the circumstances."

Killham also advised the Coast Guard, the two reports agreed, that "when the defection had taken place and the man was on board the Vigilant," the department would be in a position to offer detailed guidance.

The State Department received no further information until 7:45 p.m., when the duty officer at Coast Guard headquarters here advised a State Department watch officer that "the man in question had come aboard the Vigilant, requested to stay, and is being returned at this time at written request of his ship's master."

Actually, the defecting seaman was not returned to the Russian ship until approximately 11:55 p.m. that evening, after being beaten, wrapped in a blanket and bound by other Soviet sailors the reports today said.

The Vigilant had been moored beside the Sovietskaya Liva off Martha's Vineyard for a meeting between representatives of the U.S. fishing industry and the Soviet fishing fleet to discuss Russian fishing activities in the area.

It appeared from the reports that the Adm. Ellis and Capt. Brown were influenced by fear of creating an incident that would jeopardize results of the fishing conference. The conference was said to have gone well.

The State Department report noted that a Mr. Dubs, of the State Department of Soviet Affairs Office, told a Coast Guard official the day after the incident that "the department considered the return of the seaman unfortunate, but that he could appreciate that many thoughts had run Eustis' mind, including the questions of the negotiations that were in train."

One of the factors said to have upset Nixon was that the White House was not notified of the incident in time to do anything about it. Actually, the President did not hear of it until the following weekend—some four or five days after it happened.

The only reference in the Coast Guard report to notification of the White House was that on the morning of Nov. 24, the day after the incident, the Transportation Department's Office of Public Affairs advised the office of Herbert G. Klein, director of communications for Nixon, of the incident.

NO POLICY GUIDANCE

The Coast Guard report emphasized that before the incident the Coast Guard had not received from the State Department general policy guidance regarding defectors, although such guidance had been furnished by the State Department to other U.S. military services and embassies.

Strictly on a local basis, the report said, the Coast Guard in Miami had been given instructions by State Department officials concerning actions relative to refugees from Cuba.

"When this incident arose," the Coast Guard report said, "the State Department did not inform the Coast Guard of the existence of these general guidelines relating to defectors."

For its own part, "the Coast Guard did not retain the defector on board the Coast Guard cutter pending receipt from the State Department of specific guidance and the Coast Guard did not notify in a timely fashion the State Department of subsequent developments."

Both reports also noted there was "inadequate understanding" on the best means of communications between the Coast Guard and the State Department on refugee and defector cases."

NIXON ISSUES ORDER

To prevent such an incident from happening again, Nixon has ordered that no would-be defector be returned except on guidance from the State Department after consulting the White House. He also has ordered the establishment of direct communication links between Coast Guard and State Department operation centers and the White House.

The first word from the Vigilant of a possible defection came in a radio message to district headquarters at Boston at 12:43 p.m. Nov. 23 reporting:

"Estimate with 80 percent probability that one crewman from Soviet mother ship will attempt defection to Vigilant. Defection was not enticed. Crewman spoke in broken English to operations officer that he wished asylum. Same man later indicated to executive officer that water not too cold and that he would swim."

Capt. Brown telephoned Rear Adm. Hammond, chief of the Coast Guard office of operations at headquarters here, at 1:15 p.m. relaying the gist of the message.

Adm. Hammond then asked Capt. Dahlgren, chief of the Coast Guard intelligence staff, to contact the State Department for possible instructions.

Capt. Dahlgren, the Coast Guard report went on, contacted Capt. David Webb, a Coast Guard officer detailed to the Science and Technology office of the State Department, and asked him who in State should be contacted regarding the matter. At about 2 p.m., after receiving some names from Webb, Dahlgren decided he should contact the office of Soviet Union affairs. Dahlgren reached Killham of that office at 2:45 p.m., who advised that he would call back after studying the Vigilant's message.

Since the Vigilant's message indicated that the defector expected to jump into the water, Killham advised that if the man were swimming between the ships "he might be considered a mariner in distress and rescued in accordance with the Coast Guard's traditional role."

But instead of swimming, the defector apparently went aboard the Vigilant with a group of Soviet officers invited aboard after the close of the fishing talks, the report indicated. The report mentioned no contact between the district office at Boston and Coast Guard headquarters here between the time of the Vigilant's first message relayed to Washington at 1:15 p.m. reporting that the defector was being returned to the Soviet vessel.

The report said Capt. Dahlgren called Capt. Brown at 3 a.m. the following morning and requested the latest information regarding the situation.

RUSSIANS USE MEGAPHONE

Brown then reported that at approximately 4:30 p.m. the defector had jumped from the Soviet vessel to the Vigilant. (Other sections of the report had indicated that he might have come aboard with other Soviet visitors instead of jumping.) At about 5 p.m., Brown said, a message from the Russian vessel to the Vigilant by voice megaphone said in effect "We are missing a crewman and know he is on board your ship."

Cmdr. Eustis had not been able to contact his superior officers in Boston, so, through radio telephone, he contacted Ellis, who was at home on sick leave.

The admiral told Eustis the Soviet vessel's commander should be informed that the defector was aboard the Vigilant.

At one point Ellis told Eustis: "In view of the nature of present arrangements with them and in the interest of not fouling up any of our arrangements as far as the fishing situation is concerned, I think they should know this and if they choose to do nothing, keep him on board, otherwise put him back."

FEARS FOR LIFE

In a later radio conversation, the Vigilant advised Boston headquarters that the "defector is definitely in fear of life," and asked for more instructions. Capt. Brown then came on the phone and Eustis told him that he believed the Soviet seaman "is sincere in his intentions to defect to this country."

Eustis added that "the political situation is tense at this time," and that the fishing conference had gone "pretty well until this situation arose."

Later, after talking with Adm. Ellis, Capt. Brown ordered that "the man is to be returned to the Russian vessel" if the Soviets say they want him back.

Cmdr. Eustis, obviously reluctant to return the man, told Capt. Brown that the Soviet officers had not yet requested the defector's return. He said the situation appeared to raise the possibility of "individual rights at stake." He said he believed the defector's life probably would be in jeopardy if he was returned.

RETURN ORDERED

Capt. Brown replied, "You are directed to get a positive directive from the master of the vessel as to whether he wants individual returned aboard . . . if his reply in the affirmative, the individual will be returned to the vessel."

Later in the same conversation Brown told Eustis, "You ordered to take all necessary precautions to preclude any type of incident from occurring."

The Coast Guard report says Eustis asked the defector to return to the Soviet vessel, but he refused to do so.

Eustis then told the the Russians that they could send Soviet crewmen aboard the Vigilant to apprehend the defector. They sent six men. The account continued:

"A scuffle occurred while the four were apprehending Simas on the flight deck of CGC Vigilant.

"Simas broke free from the Soviets and appeared to jump from the flight deck into the water.

SHIPS SEPARATE

"At the time, Cmdr. Eustis, fearful of crushing Simas between the two ships as they worked together while they were moored, decided to unmoor from the Soviet vessel. In so doing some damage occurred to the Vigilant's communication antennas. . . .

"Later information indicates that Simas never did go overboard from Vigilant but actually swung from the flight deck to the main deck. . . .

"Simas was again apprehended by the Soviet party on the main deck. At this time he was beaten by the apprehending party and finally securely wrapped in a blanket and bound by rope.

"Simas and the Soviet apprehenders were returned to the Sovetskaya Litva by a Vigilant small boat (where he) was subjected to additional physical punishment."

OF SLAVERY, ASYLUM, AND DEATH

(By Thomas A. Lane)

WASHINGTON.—We must in all honesty blame President Nixon for the brutal seizure of a Lithuanian refugee sailor on the U.S. Coast Guard Cutter Vigilant and for his forcible return to a Soviet ship. The President of course did not know of the incident until too late to save the man; but he had set the false course of American foreign policy which led to this tragic betrayal of freedom.

The U.S.S. Vigilant lay alongside a Soviet ship off Martha's Vineyard for discussion of a fishing treaty when a Lithuanian radio operator on the Soviet ship crossed to the U.S. ship and asked for asylum. He should have been just as free as any refugee who successfully passed the Berlin Wall to asylum in West Berlin. But he was not—such is the cowardly caste of U.S. diplomacy.

Someone—apparently in the State Department—decided that the refugee should be returned to the Soviet vessel to avoid disrupting the treaty negotiations. This was an incredibly cruel decision for any American to make who knew the quality of Soviet justice. He was imposing a death sentence on the man who made a break for freedom.

The Captain of the Vigilant knew that he could not order his American seamen to carry out this heartless directive. He therefore allowed Soviet sailors to come aboard the Vigilant and take the Lithuanian back to the Soviet ship. The U.S. crew had to stand by while the desperate man was brutally mauled and subdued.

It is incredible that the Captain of the Vigilant did not immediately grant the requested asylum to the refugee sailor. Apparently in the Nixon administration too, our representatives are not allowed to act in accordance with law and common sense but must refer all questions to Washington.

It was clearly no responsibility of any American that the Soviet seaman had escaped from his ship. It is the responsibility of regimes which operate slave societies to guard their slaves. There is no reason for free men either to share the duty of slave guard or to amend the errors of the slave masters.

When political refugees from these slave societies escape to American soil they expect to be *free*. They must be free! There can be no possible excuse for denying them the sanctuary they have reached. Every diplomat and every military man in government service should know this as his first general order. When the President has not imbued his whole administration with this spirit, he has failed to set a proper course for American diplomacy.

Perhaps the State Department was confused by its policy of not giving asylum in our embassies abroad. It should not have been. The embassy is an enclave on foreign territory. In the slave states, our embassies would be overwhelmed with refugees and would have no way to transfer them to the United States. The practical impossibility of giving asylum is the basis for limiting it in this special case.

The refugee who escapes to an American ship should be as free as though he had reached U.S. soil. No foreign power can then deny his freedom. It is incomprehensible that any American diplomat could be confused about the matter.

As for the treaty, our obsequious behavior will cost us points in the negotiatin. If we are so weak and confused on such an issue, Soviet negotiators will demand and get all the advantages they seek in the treaty. Our treaty interests would have been better served if we had forthrightly granted asylum to the Lithuanian sailor.

This sorry affair is part of a greater tragedy—the failure of President Nixon, despite all his experience, to deal realistically with the Soviet enemy.

ANTI-COMMUNIST CONFEDERATION
OF POLISH FREEDOM FIGHTERS IN
U.S.A., INC.,
Salem, Mass.

To the President of the United States,
RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: Two days ago, as a result of a misunderstanding and the mistaken tactics of the State Department, an unusual scandalous case came up when a Lithuanian seaman, begging for the right to secure asylum in the U.S.A., and being held by the U.S.A. Coast Guard, not only was rejected but also handed over in a rough manner into the hands of communist bandits, and when they got him they had beaten him unmercifully until he lost consciousness. And, today, if he is still alive, then certainly he must be suffering it out in a communist jail.

I am writing upon this subject, in order that I might add something to this scandulous report, just one more fact, since three years ago a similar scandal had occurred in Boston with a Polish seaman involved.

I was an eye-witness to this latter happening, and, from the location where I was at that time I immediately communicated with the television station, WHDH in Boston and with the Boston Globe newspaper, to where we personally had transported the Polish seaman (Mr. Lewandowski) who gave the facts that, the Polish as well as the Russian trawlers, were the ones who, having made a good catch of fish, later on had tried to sell it to the American market, which, if it had succeeded would have taken away work from the American seamen, and, in addition the trespassers were spying on us for the cause of communism.

This information we had given to the television station, WHDH and to the Boston Globe, since, we tried at first to reach the airwaves of the radio station WEEI, and, instead we were cut off by Paul Benziquen.

For permission to remain here in the U.S.A. and to demand the right of asylum, Mr. Lewandowski had begged the police department in Salem, Mass., from where we were connected with the Immigrant-Bureau in Boston, and, there we spent six long hours, before we had communicated with the State Department in Washington, and then the decision was made there that Mr. Lewandowski would have to be deported.

I was also a witness of this scandal and I had seen with my own eyes at the East Boston port, how the Polish seamen halfway across the bridge, between the landing and the ship that, not only they had beaten him but that they were also kicking him, i.e. Mr. Lewandowski, who crying bitterly, defended himself and refused to be carried away into the hands of the communists.

From the Immigration Bureau we were transported to the port in a police-car, with the assistance of two inspectors, and, I must add, that at the moment when we entered the police car, neither I nor Mr. Lewandowski did not know where we were being taken, but, when I asked where we were being driven, a reply was given that Mr. Lewandowski was going to be deported, but, neither I nor the seaman with us could not believe that such a thing would happen.

We were very frightened, when we reached the port, and, here we saw several inspectors (without uniforms, but, two of them were armed) and they were waiting for our arrival.

When we were informed that Mr. Lewandowski is being deported and must return to his native land aboard a Polish ship, which was anchored at the East Boston seaport, then I and Mr. Lewandowski replied in the negative. In the meantime, when I and Mr. Lewandowski would prefer to jump into the ocean rather than to be handed over to the communist-police, then, several rough policemen in civilian style went up to Mr. Lewandowski and with force he was taken out of the police car.

Our threats of jumping into the ccean were of no avail; three burly inspectors, American, forcibly led him towards the landing-plank, and while he was standing at half-distance between the land and the ship, and there, I stood frozen and the several inspectors who were involved in the scene, were shocked at what we saw, that Mr. Lewandowski, while stubbornly refusing to be hauled away to the ship, was immediately beaten and kicked by the Polish seamen, those communist bandits.

Crying loudly and shouting for help, Mr. Lewandowski was not helped by anyone, instead he was forcefully being deported, and, like the Lithuanian seaman, he was given a severe beating. In such an inhuman and miserable manner human rights and international laws of free asylum were transgressed.

We must add here, that neither WMDH nor the Boston Globe, nor Station WEEI, would not release the facts to the public, although I personally had given them all the information they might have been seeking.

This happened three years ago, and the Salem Police Station as well as the Immigration Bureau in Boston, must have the report in their files, and it would be proper if today the case of the Lithuanian seaman were compared to the refusal of asylum to the Polish seaman, also.

In the name of the Anti-Communist Confederation of the Polish Freedom Fighters in the USA, Inc., we beg of you, Mr. President, to intervene in this case and we believe that you will not refuse our plea.

In the service of God, Freedom and Country.

Jozef Mlot-Mroz,
President.

SUPPORT FOR MEDICAL SCHOOLS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. CARTER. Mr. Speaker, the schools of medicine at the University of Kentucky and the University of Louisville are among the outstanding schools in the country and these schools provide the greater part of the medical manpower for the State of Kentucky. However, due to the great need for physicians in Kentucky, 35 residents of Kentucky have applied for enrollment in the Georgetown University and the Georgetown University Schools of Medicine. Further, there are approximately 26 physicians graduates of Georgetown and George Washington practicing in Kentucky.

The funds requested in this bill are support funds that I believe to be proper.

In my State of Kentucky the costs of the schools of medicine are for the major part borne by the State of Kentucky.

The shortage of physicians throughout the nation is a great concern to all members of Congress. The closing of these two schools would be a loss to the Nation that it can ill afford in its desperate need for additional physicians.

I have no hesitation in supporting this legislation.

FARMER ON BOTTOM RUNG OF ECONOMY LADDER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. ZWACH. Mr. Speaker, Franl LeRoux, in his book, "1961 to 1970, the Farmers' Worst Nine Years," points out that by almost every conceivable business standard, these years have been the worst for the American farmer than any other period in history.

He points out that the farmer has had:

The lowest share of gross national product;

The lowest return on gross sales;

The lowest return on total capital investment;

The lowest return on capital investment per farm;

The lowest share of the consumer dollar;

The lowest share of the retail food dollar;

The lowest level of parity of income;

The lowest return for farming versus all other major businesses;

The lowest return for farmers versus government salary increases.

We must strive to increase the parity of farm prices if we hope to keep this vast segment of our economy from complete financial ruin. We must do all that can be done here in Washington.

HOUSE OF REPRESENTATIVES—*Tuesday, December 15, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

***The people who walked in darkness have seen a great light.*—Isaiah 9: 2.**

Almighty God, who by the birth of the Babe of Bethlehem has given light to those who sit in darkness, love to those who would live with ill will in their hearts, and life to those who walk through the valley of the shadow of death: Grant that in Thy light we may see light clearly, in Thy love may we possess love fully, and in Thy life may we learn to live all our lives.

Guide the citizens of our Nation in the ways of righteousness and the people of the world in the paths of peace. May good will live in all our hearts binding us together in the bond of true brotherhood, to the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 16498. An act to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes; and

H.R. 19886. An act to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 19928. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19928) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Byrd of West Virginia, Mr. Pastore, Mr. Holland, Mr. Ellender, Mr. McClellan, Mr. Magnuson, Mr. Stennis, Mr. McGee, Mr. Young of North Dakota, Mrs. Smith, Mr. Hruska, and Mr. Allott to be the conferees on the part of the Senate.

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The message also announced that the Senate insists upon its amendments to the bill (H.R. 19436) entitled "An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Sparkman, Mr. Proxmire, Mr. Williams of New Jersey, Mr. Muskie, Mr. Bennett, Mr. Tower, and Mr. Brooke to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 380) entitled "An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968)," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. McGovern, and Mr. Fannin to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 704) entitled "An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act," agrees to conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Pell, Mr. Byrd of West Virginia, and Mr. Cooper to be the conferees on the part of the Senate.

The message also announced that Mr. Stevens was appointed a conferee on the bill (H.R. 17809) entitled "An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes" in lieu of Mr. Boggs, excused.

RESIGNATION FROM COMMITTEE ON WAYS AND MEANS

The **SPEAKER** laid before the House the following resignation from the Committee on Ways and Means:

> Washington, D.C.,
> *December 15, 1970.*
>
> Hon. John W. McCormack,
> *Speaker, U.S. House of Representatives, Washington, D.C.*
>
> Dear Mr. Speaker: I am submitting herewith my resignation as a member of the Ways and Means Committee. I am advising Chairman Mills so that he may make the proper arrangements.
>
> I take this opportunity to tell you how much I have enjoyed your friendship and your leadership in the House, and I thank you for your many kindnesses to me.
>
> With best personal regards, I am,
> Sincerely yours,
> Jacob H. Gilbert,
> *Member of Congress.*

The **SPEAKER**. Without objection, the resignation will be accepted.

There was no objection.

PRIVATE CALENDAR

The **SPEAKER**. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GEORGE F. MILLS

The Clerk called the bill (H.R. 15415) for the relief of George F. Mills.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF H.R. 17968 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called the resolution (H. Res. 108), referring H.R. 1390 to the Chief Commissioner of the Court of Claims.

There being no objection, the Clerk read the resolution as follows:

H. Res. 108

Resolved, That H.R. 1390 entitled "A bill to compensate certain silver dealer claimants by authorizing the sale of silver bullion," now pending in the House of Representatives, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims; and the Chief Commissioner of the Court of Claims shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress whether the claims of the silver dealers listed therein are legal or equitable in character and the amount, if any, which may be legally or equitably due to each claimant from the United States to be satisfied by the sale of silver bullion, as provided in section 2 of the bill.

With the following committee amendment:

Page 1, lines 1, 2, and 3: Strike "H.R. 1390 entitled 'A bill to compensate certain silver dealer claimants by authorizing the sale of silver bullion' " and insert "H.R. 17968 entitled 'A bill to provide compensation to certain silver-dealer claimants by authorizing the sale of silver bullion'."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MARIA DE CONCEICAO BOTELHO PEREIRA

The Clerk called the bill (H.R. 12990) for the relief of Maria de Conceicao Botelho Pereira.

Mr. **BOLAND**. Mr. Speaker, I ask unanimous consent that the bill H.R. 12990, Private Calendar No. 262, be recommitted to the Committee on the Judiciary.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DRAGO MIKLAUSIC

The Clerk called the bill (H.R. 1508) for the relief of Drago Miklausic.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MATYAS HUNYADI

The Clerk called the bill (H.R. 3436) for the relief of Matyas Hunyadi.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

A. HUGHLETT MASON

The Clerk called the bill (H.R. 5017) for the relief of A. Hughlett Mason.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 5943) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CHARLES ZONARS

The Clerk called the bill (H.R. 7955) for the relief of Charles Zonars.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARCOS ROJOS RODRIGUEZ

The Clerk called the bill (S. 1187) for the relief of Marcos Rojos Rodriguez.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 2514) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudcie.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 79) favoring the suspension of deportation of certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PHILIP C. RILEY AND DONALD F. LANE

The Clerk called the bill (H.R. 11676) for the relief of Philip C. Riley and Donald F. Lane.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to request of the gentleman from Iowa?

There was no objection.

ROBERT L. STEVENSON

The Clerk called the bill (H.R. 15864) for the relief of Robert L. Stevenson.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARION OWEN

The Clerk called the bill (H.R. 15865) for the relief of Marion Owen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM E. CARROLL

The Clerk called the bill (H.R. 16276) for the relief of William E. Carroll.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARLO BIANCHI & CO., INC.

The Clerk called the bill (H.R. 17853) for the relief of Carlo Bianchi & Co., Inc.

There being no objection, the Clerk read the bill as follows:

H.R. 17853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carlo Bianchi and Company, Incorporated, the sum of $149,617.36 as determined by the Court of Claims in its judgment entered May 9, 1962 (157 Ct. Cl. 432), in favor of said Carlo Bianchi and Company, Incorporated, as the amount due it in satisfaction of its claims against the United States based upon the additional costs incurred by it because of changed conditions and delays suffered during the construction of a tunnel in connection with the performance of a contract numbered W–30–180–eng–398 with the Army Corps of Engineers in Steuben County, New York, in the period from July 1946 to July 1949. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That jurisdiction is hereby conferred upon the Corps of Engineers Board of Contract Appeals to reconsider the claim of Carlo Bianchi and Company, Inc. for additional costs incurred because of changed conditions and delays suffered during the construction of a tunnel in connection with performance of contract numbered W-30-180-eng-398 with the Army Corps of Engineers in Steuben County, New York. Application for reconsideration of the claim as provided in this Act shall be made within one year of the effective date of this Act, and in connection with such reconsideration the Corps of Engineers Board of Contract Appeals is authorized and directed to consider all evidence previously considered by the Board in connection with the claim and all evidence presented to the Court of Claims in connection with the proceedings of that Court in the case of *Carlo Bianchi and Company, Inc.* v. *The United tSates,* No. 466–54 (144 Ct. Cl. 500, 157 Ct. Cl. 432), together with any additional evidence which may be submitted to the Board in accordance with its rules."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES E. MILLER

The Clerk called the bill (S. 878) for the relief of James E. Miller.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that bill be passed over without prejudice

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The Clerk called the bill (H.R. 14703) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

IRENE SADOWSKA SULLIVAN

The Clerk called the bill (S. 1785) for the relief of Irene Sadowska Sullivan.

There being no objection, the Clerk read the bill as follows:

S. 1785

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That notwithstanding any provisions of title II of the War Claims Act of 1948, as amended (50 U.S.C. App. 2017–2017p), limiting the period within which claims may be filed thereunder, including section 211 of such Act (50 U.S.C., App. 2017j), the Foreign Claims Settlement Commission of the United States is authorized and directed (1) to receive, consider, and act upon any claims of Irene Sadowska Sullivan, of Scottsdale, Arizona, filed within six months after the date of enactment of this Act, relating to the loss of a tenement building owned by her father, a United States citizen, in Warsaw, Poland, as if such claims had been filed within the time and in the manner provided in such Act, the said Irene Sadowska Sullivan having filed a valid claim relating to such building prior to the date of expiration of the general war claims program, but not having been able to complete her documentation of such claim until after such date; and (2) to certify to the Secretary of the Treasury its determination as to the amount of any award to which the said Irene Sadowska Sullivan would have been entitled on the basis of such claims if they had been filed within the time and in the manner provided in such Act.

Sec. 2. Upon receipt by the Secretary of the Treasury of the certification described in the first section of this Act, the Secretary shall pay, out of any money now or hereafter deposited in the War Claims Fund, to the said Irene Sadowska Sullivan, the amount of any award so certified by the Commission: *Provided,* That not part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM R. KARSTETER

The Clerk called the bill (H.R. 11895) for the relief of William R. Karsteter.

There being no objection, the Clerk read the bill as follows:

H.R. 11895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Karsteter, of Redlands, California, the sum of $900 in full settlement of all his claims against the United States arising out of the arrangements made by the United States Army Transportation Corps for the moving of his household possessions from Paris to England in 1956 and 1957 in connection with his transfer of employment from the Joint Construction Agency (Department of Defense, United States European Command) to the Headquarters of the Third Air Force.

Sec. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$900" and insert "$884.55".

Page 2, line 4, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

CAPT. CLAIRE E. BROU

The Clerk called the bill (H.R. 14235) for the relief of Capt. Claire E. Brou.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. That concludes the call of the Private Calendar.

FIXING THE TIME OF ASSEMBLY OF THE 92D CONGRESS

Mr. ALBERT. Mr. Speaker, I offer a privileged joint resolution (H.J. Res. 1416) fixing the time of assembly of the 92d Congress, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The Clerk read the joint resolution as follows:

H.J. Res. 1416

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Ninety-second Congress shall assemble at noon on January 21, 1971.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FIXING THE TIME OF FILING OF THE PRESIDENT'S ECONOMIC REPORT TO THE CONGRESS AND THE JOINT ECONOMIC COMMITTEE'S REPORT THEREON

Mr. ALBERT. Mr. Speaker, I offer a joint resolution (H.J. Res. 1417) fixing the time the President shall transmit the Economic Report to the Congress and fixing the time the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 1417

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 1, 1971, the Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5 (b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 10, 1971.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state that Members will not be recognized to make 1-minute speeches today but the Chair will recognize Members to extend their remarks and for 1-minute speeches when the Member yields back the balance of his time.

APPOINTMENT OF CONFEREES ON H.R. 19928 SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Mahon, Rooney of New York, Passman, Evins of Tennessee, Boland, Natcher, Flood, Steed, Mrs. Hansen of Washington, Messrs. Bow, Jonas, Rhodes, Michel, Conte, and Davis of Wisconsin.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19590, DEFENSE DEPARTMENT APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Mr. RHODES reserved all points of order on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 6778, TO AMEND THE BANK HOLDING COMPANY ACT OF 1956

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the managers on

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the part of the House have until midnight tonight to file a conference report on H.R. 6778, to amend the Bank Holding Company Act of 1956, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 91-1747)

The committee of conference on the disagreeing votes of the two House on the amendment of the Senate to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Bank Holding Company Act Amendments of 1970".

TITLE I—BANK HOLDING COMPANIES

SEC. 101. (a) Section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 (a)) is amended to read as follows:

"SEC. 2 (a)(1) Except as provided in paragraph (5) of this subsection, 'bank holding company' means any company which has control over any bank or over any company that is or becomes a bank holding company by virtue of this Act.

"(2) Any company has control over a bank or over any company if—

"(A) the company directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the bank or company;

"(B) the company controls in any manner the election of a majority of the directors or trustees of the bank or company; or

"(C) the Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank or company.

"(3) For the purposes of any proceeding under paragraph (2)(C) of this subsection, there is a presumption that any company which directly or indirectly owns, controls, or has power to vote less than 5 per centum of any class of voting securities of a given bank or company does not have control over that bank or company.

"(4) In any administrative or judicial proceeding under this Act, other than a proceeding under paragraph (2)(C) of this subsection, a company may not be held to have had control over any given bank or company at any given time unless that company, at the time in question, directly or indirectly owned, controlled, or had power to vote 5 per centum or more of any class of voting securities of the bank or company, or had already been found to have control in a proceeding under paragraph (2)(C).

"(5) Notwithstanding any other provision of this subsection—

"(A) No bank and no company owning or controlling voting shares of a bank is a bank holding company by virtue of its ownership or control of shares in a fiduciary capacity, except as provided in paragraphs (2) and (3) of subsection (g) of this section. For the purpose of the preceding sentence, bank shares shall not be deemed to have been acquired in a fiduciary capacity if the acquiring bank or company has sole discretionary authority to exercise voting rights with respect thereto; except that this limitation is applicable in the case of a bank or company acquiring such shares prior to the date of enactment of the Bank Holding Company Act Amendments of 1970 only if the bank or company has the right consistent with its obligations under the instrument, agreement, or other arrangement establishing the fiduciary relationship to divest itself of such voting rights and fails to exercise that right to divest within a reasonable period not to exceed one year after the date of enactment of the Bank Holding Company Act Amendments of 1970.

"(B) No company is a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

"(C) No company formed for the sole purpose of participating in a proxy solicitation is a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation.

"(D) No company is a bank holding company by virtue of its ownership or control of shares acquired in securing or collecting a debt previously contracted in good faith, until two years after the date of acquisition.

"(E) No company is a bank holding company by virtue of its ownership or control of any State chartered bank or trust company which is wholly owned by thrift institutions and which restricts itself to the acceptance of deposits from thrift institutions, deposits arising out of the corporate business of its owners, and deposits of public moneys.

"(F) No trust company or mutual savings bank which is an insured bank under the Federal Deposit Insurance Act is a bank holding company by virtue of its direct or indirect ownership or control of one bank located in the same State, if (i) such ownership or control existed on the date of enactment of the Bank Holding Company Act Amendments of 1970 and is specifically authorized by applicable State law, and (ii) the trust company or mutal savings bank does not after that date acquire an interest in any company that, together with any other interest it holds in that company, will exceed 5 per centum of any class of the voting shares of that company, except that this limitation shall not be applicable to investments of the trust company or mutual savings bank, direct and indirect, which are otherwise in accordance with the limitations applicable to national banks under section 5136 of the Revised Statutes (12 U.S.C. 24).

"(6) For the purposes of this Act, any successor to a bank holding company shall be deemed to be a bank holding company from the date on which the predecessor company became a bank holding company."

(b) Section 2(b) of such Act is amended—

(1) by inserting "partnership" after "corporation";

(2) by striking out "(1)";

(3) by striking out ", or (2) any partnership"; and

(4) by adding after the period a new sentence as follows: " 'Company covered in 1970' means a company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date."

(c) The first sentence of section 2(c) of such Act is amended to read as follows: " 'Bank' means any institution organized under the laws of the United States, any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands which (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans. Such term does not include any organization operating under section 25 or section 25(a) of the Federal Reserve Act, or any organization which does not do business within the United States except as an incident to its activities outside the United States."

(d) Section 2(d) of such Act is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)"; and

(2) by striking out the period and inserting in lieu thereof the following: "; or (3) any company with respect to the management or policies of which such bank holding company has the power, directly or indirectly, to exercise a controlling influence, as determined by the Board, after notice and opportunity for hearing."

(e) Section 2 of such Act is further amended by adding at the end thereof a new subsection as follows:

"(i) The term 'thrift institution' means (1) a domestic building and loan or savings and loan association, (2) a cooperative bank without capital stock organized and operated for mutual purposes and without profit, or (3) a mutual savings bank not having capital stock represented by shares."

SEC. 102. Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended—

(1) by adding at the end of subsection (a) a new sentence as follows: "For the purpose of the preceding sentence, bank shares acquired after the date of enactment of the Bank Holding Company Act Amendments of 1970 shall not be deemed to have been acquired in good faith in a fiduciary capacity if the acquiring bank or company has sole discretionary authority to exercise voting rights with respect thereto, but in such instances acquisitions may be made without prior approval of the Board if the Board, upon application filed within ninety days after the shares are acquired, approves retention or, if retention is disapproved, the acquiring bank disposes of the shares or its sole discretionary voting rights within two years after issuance of the order of disapproval.";

(2) by adding at the end of subsection (b) a new sentence as follows: "In the event of the failure of the Board to act on any application for approval under this section within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."; and

(3) by adding at the end thereof the following new subsection:

"(e) Every bank that is a holding company and every bank that is a subsidiary of such a company shall become and remain an insured bank as such term is defined in section 3(h) of the Federal Deposit Insurance Act."

SEC. 103. Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended—

(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

(2) after two years from the date as of which it becomes a bank holding company, or in the case of a company which has been continuously affiliated since May 15, 1955, with a company which was registered under the Investment Company Act of 1940, prior to May 15, 1955, in such a manner as to constitute an affiliated company within the meaning of that Act, after December 31, 1978, or, in the case of any company which becomes, as a result of the enactment of the Bank holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, after December 31, 1980, retain direct or indirect ownership or control of any voting shares of any company which is not a bank or bank holding company or engage in any activities other than (A) those of banking or of managing or controlling banks and other subsidiaries authorized under this Act or of furnishing services to or performnig

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services for its subsidiaries, and (B) those permitted under paragraph (8) of subsection (c) of this section subject to all the conditions specified in such paragraph or in any order or regulation issued by the Board under such paragraph: *Provided*, that a company covered in 1970 may also engage in those activities in which directly or through a subsidiary (i) it was lawfully engaged on June 30, 1968 (or on a date subsequent to June 30, 1968 in the case of activities carried on as the result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and (ii) it has been continuously engaged since June 30, 1968 (or such subsequent date). The Board by order, after opportunity for hearing, may terminate the authority conferred by the preceding proviso on any company to engage directly or through a subsidiary in any activity otherwise permitted by that proviso if it determines, having due regard to the purpose of this Act, that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices; and in the case of any such company controlling a bank having bank assets in excess of $60,000,000 on or after the date of enactment of the Bank Holding Company Act Amendments of 1970 the Board shall determine, within two years after such date (or, if later, within two years after the date on which the bank assets first exceeded $60,000,000), whether the authority conferred by the preceding proviso with respect to such company should be terminated as provided in this sentence. Nothing in this paragraph shall be construed to authorize any bank holding company referred to in the preceding proviso, or any subsidiary thereof, to engage in activities authorized by that proviso through the acquisition, pursuant to a contract entered into after June 30, 1968, of any interest in or the assets of a going concern engaged in such activities. Any company which is authorized to engage in any activity pursuant to the preceding proviso or subsection (d) of this section but, as a result of action of the Board, is required to terminate such activity may (notwithstanding any otherwise applicable time limit prescribed in this pargaraph) retain the ownership or control of shares in any company carrying on such activity for a period of ten years from the date on which its authority was so terminated by the Board.";

(2) by striking out "period" in the last sentence of subsection (a) and inserting in lieu thereof "two-year period";

(3) by striking out that part of the text of subsection (c) which precedes the first numbered paragraph and inserting in lieu thereof the following: "The prohibitions in this section shall not apply to any bank holding company which is (i) a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, or (ii) a company covered in 1970 more than 85 per centum of the voting stock of which was collectively owned on June 30, 1968, and continuously thereafter, directly or indirectly, by or for members of the same family, or their spouses, who are lineal descendants of common ancestors; and such prohibitions shall not, with respect to any other bank holding company, apply to—";

(4) by striking out paragraph (8) of subsection (c) and inserting in lieu thereof the following:

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern;";

(5) by striking out paragraph (9) of subsection (c) and inserting in lieu thereof the following:

"(9) shares held or activities conducted by any company organized under the laws of a foreign country the greater part of whose business is conducted outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest;";

(6) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon, and by adding after paragraph (10) the following:

"(11) shares owned directly or indirectly by a company covered in 1970 in a company which does not engage in any activities other than those in which the bank holding company, or its subsidiaries, may engage by virtue of this section, but nothing in this paragraph authorizes any bank holding company, or subsidiary thereof, to acquire any interest in or the assets of any going concern (except pursuant to a binding written contract entered into before June 30, 1968, or pursuant to another provision of this Act) other than one which was a subsidiary on June 30, 1968;

"(12) shares retained or acquired, or activities engaged in, by any company which becomes, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, or by any subsidiary thereof, if such company—

"(A) within the applicable time limits prescribed in subsection (a)(2) of this section (i) ceases to be a bank holding company, or (ii) ceases to retain direct or indirect ownership or control of those shares and to engage in those activities not authorized under this section; and

"(B) complies with such other conditions as the Board may by regulation or order prescribe; or

"(13) shares of, or activities conducted by, any company which does no business in the United States except as an incident to its international or foreign business, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest.

In the event of the failure of the Board to act on any application for an order under paragraph (8) of this subsection within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted. The Board shall include in its annual report to the Congress a description and a statement of the reasons for approval of each activity approved by it by order or regulation under such paragraph during the period covered by the report."; and

(7) by redesignating subsection (d) as subsection (e), and by adding after subsection (c) a new subsection as follows:

"(d) To the extent that such action would not be substantially at variance with the purposes of this Act and subject to such conditions as it considers necessary to protect the public interest, the Board by order, after opportunity for hearing, may grant exemptions from the provisions of this section to any bank holding company which controlled one bank prior to July 1, 1968, and has not thereafter acquired the control of any other bank in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

SEC. 104. (a) Section 11(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)) is amended—

(1) by striking out "this Act" the first two times it appears and inserting in lieu thereof "section 3";

(2) by inserting "approved under section 3" in the second sentence immediately before "shall be commenced"; and

(3) by inserting "approved under section 3" in the last sentence immediately before "in compliance with this Act".

(b) Section 11(c) of such Act (12 U.S.C. 1849(c)) is amended by striking out "pursuant to" and inserting in lieu thereof "under section 3 of".

SEC. 105. With respect to any proceeding before the Federal Reserve Board wherein an applicant seeks authority to acquire a subsidiary which is a bank under section 3 of the Bank Holding Company Act of 1956, to engage directly or indirectly in a nonbanking activity pursuant to section 4 of such Act, or to engage in an activity otherwise prohibited under section 106 of this Act, a party who would become a competitor of the applicant or subsidiary thereof by virtue of the applicant's or its subsidiary's acquisition, entry into the business involved, or activity, shall have the right to be a party in interest in the proceeding and, in the event of an adverse order of the Board, shall have the right as an aggrieved party to obtain judicial review thereof as provided in section 9 of such Act of 1956 or as otherwise provided by law.

SEC. 106. (a) As used in this section, the terms "bank", "bank holding company", "subsidiary", and "Board" have the meaning ascribed to such terms in section 2 of the Bank Holding Company Act of 1956. For purposes of this section only, the term "company", as used in section 2 of the Bank Holding Company Act of 1956, means any person, estate, trust, partnership, corporation, association, or similar organization, but does not include any corporation the majority of the shares of which are owned by the United States or by any State. The term "trust service" means any service customarily performed by a bank trust department.

(b) A bank shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition or requirement—

(1) that the customer shall obtain some additional credit, property, or service from such bank other than a loan, discount, deposit, or trust service;

(2) that the customer shall obtain some additional credit, property, or service from a bank holding company of such bank, or from any other subsidiary of such bank holding company;

(3) that the customer provide some addi-

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tional credit, property, or service to such bank, other than those related to and usually provided in connection with a loan, discount, deposit, or trust service;

(4) that the customer provide some additional credit, property, or service to a bank holding company of such bank, or to any other subsidiary of such bank holding company; or

(5) that the customer shall not obtain some other credit, property, or service from a competitor of such bank; a bank holding company of such bank, or any subsidiary of such bank holding company, other than a condition or requirement that such bank shall reasonably impose in a credit transaction to assure the soundness of the credit. The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purposes of this section.

(c) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (b) of this section and it is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as possible, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and subpenas to that end may be served in any district by the marshal thereof.

(d) In any action brought by or on behalf of the United States under subsection (b), subpenas for witnesses may run into any district, but no writ of subpena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the prior permission of the trial court upon proper application and cause shown.

(e) Any person who is injured in his business or property by reason of anything forbidden in subsection (b) may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without regard to the amount in controversy, and shall be entitled to recover three times the amount of the damages sustained by him, and the cost of suit, including a reasonable attorney's fee.

(f) Any person may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by reason of a violation of subsection (b), under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity and under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

(g) (1) Subject to paragraph (2), any action to enforce any cause of action under this section shall be forever barred unless commenced within four years after the cause of action accrued.

(2) Whenever any enforcement action is instituted by or on behalf of the United States with respect to any matter which is or could be the subject of a private right of action under this section, the running of the statute of limitations in respect of every private right of action arising under this section and based in whole or in part on such matter shall be suspended during the pendency of the enforcement action so instituted and for one year thereafter: *Provided*, That whenever the running of the statute of limitations in respect of a cause of action arising under this section is suspended under this paragraph, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within the four-year period referred to in paragraph (1).

(h) Nothing contained in this section shall be construed as affecting in any manner the right of the United States or any other party to bring an action under any other law of the United States or of any State, including any right which may exist in addition to specific statutory authority, challenging the legality of any act or practice which may be proscribed by this section. No regulation or order issued by the Board under this section shall in any manner constitute a defense to such action.

TITLE II—PROVISIONS RELATING TO COINAGE

Sec. 201. Section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended to read as follows:

"Sec. 101. (a) The Secretary may mint and issue coins of the denominations set forth in subsection (c) in such quantities as he determines to be necessary to meet national needs.

"(b) Any coin minted under authority of subsection (a) shall be a clad coin. The cladding shall be an alloy of 75 per centum copper and 45 per centum nickel, and shall weigh not less than 30 per centum of the weight of the whole coin. The core shall be copper.

"(c) (1) The dollar shall be 1.500 inches in diameter and weigh 22.68 grams.

"(2) The half dollar shall be 1.205 inches in diameter and weigh 11.34 grams.

"(3) The quarter dollar shall be 0.955 inch in diameter and weigh 5.67 grams.

"(4) The dime shall be 0.705 inch in diameter and weigh 2.268 grams.

"(d) Notwithstanding the foregoing, the Secretary is authorized to mint and issue not more than one hundred and fifty million one-dollar pieces which shall have—

"(1) a diameter of 1.500 inches;

"(2) a cladding of an alloy of eight hundred parts of silver and two hundred parts of copper; and

"(3) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."

Sec. 202. For the purposes of this title, the Administrator of General Services shall transfer to the Secretary of the Treasury twenty-five million five hundred thousand fine troy ounces of silver now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) which is excess to strategic needs. Such transfer shall be made at the value of $1.292929292 for each fine troy ounce of silver so transferred. Such silver shall be used exclusively to coin one-dollar pieces authorized in section 101(d) of the Coinage Act of 1965, as amended by this Act.

Sec. 203. The dollars initially minted under authority of section 101 of the Coinage Act of 1965 shall bear the likeness of the late President of the United States, Dwight David Eisenhower, and on the other side thereof a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon.

Sec. 204. Half dollars, as authorized under section 101(a) (1) of the Coinage Act of 1965, as in effect prior to the enactment of this Act may, in the discretion of the Secretary of the Treasury, continue to be minted until January 1, 1971.

Sec. 205. (a) The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value, the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to offer these coins to the public in the manner recommended by the Joint Commission on the Coinage at its meeting on May 12, 1969. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section.

Sec. 206. The last sentence of section 3517 of the Revised Statutes, as amended (31 U.S.C. 324), is amended by striking the following: ", except that coins produced under authority of sections 101(a) (1), 101(a) (2), and 101(a) (3) of the Coinage Act of 1965 shall not be dated earlier than 1965".

Sec. 207. Section 4 of the Act of June 24, 1967 (Public Law 90–29; 31 U.S.C. 405a–1 note), is amended by adding at the end thereof the following new sentence: "Out of the proceeds of and at the time of any sale of silver transferred pursuant to this Act, the Treasury Department shall be paid $1.292929292 for each fine troy ounce."

Sec. 208. Section 3513 of the Revised Statutes (31 U.S.C. 316) and the first section of the Act of February 28, 1878 (20 Stat. 25; 31 U.S.C. 316, 458) are repealed.

Sec. 209. Coins produced under the authority of section 101(d) of the Coinage Act of 1965, as amended by this Act, shall bear such date as the Secretary of the Treasury determines.

And the Senate agree to the same.

Wright Patman,
William A. Barrett,
Leonor K. Sullivan,
Henry Reuss,
William B. Widnall,
Albert W. Johnson,
J. William Stanton,
Managers on the Part of House.

John Sparkman,
William Proxmire,
Harrison Williams,
Wallace F. Bennett,
John G. Tower,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for minor and nonsubstantive provisions, and technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

GENERAL STATEMENT

Early in this Congress, on February 17, 1969, a bill H.R. 6778, was introduced which was designed to bring under the coverage of the Bank Holding Company Act of 1956 all one bank holding companies.

In the late 1960's, a large number of banks

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began converting themselves into one bank holding companies in order to avoid regulation by the Federal Reserve Board under the Bank Holding Company Act. In addition, many significant nonbank corporations, including major conglomerates, began acquiring one bank, thus mixing banking and nonbanking in complete contravention of the purpose of both Federal banking laws going back to the 1930's and the Bank Holding Company Act of 1956.

This wave of one bank holding company creations alarmed many people on Capitol Hill, in the Administration, at the Federal Reserve Board and significant professional observers of the American economic system. Indeed, President Nixon stated on March 24, 1969, that:

"The Secretary of the Treasury, with my approval, has today transmitted to the Congress proposed legislation on the further regulation of bank holding companies.

"Legislation in this area is important because there has been a disturbing trend in the past year toward erosion of the traditional separation of powers between the suppliers of money—the banks—and the users of money—commerce and industry.

"Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.

"The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely on its independence. Banking must not dominate commerce or be dominated by it.

"To protect competition and the separation of economic powers, I strongly endorse the extension of Federal regulation to one bank holding companies and urge the Congress to take prompt and appropriate action."

H.R. 6778, as originally introduced, in addition to plugging the so-called one bank loophole, accomplished a number of other important objectives for tightening the present Bank Holding Company Act:

(1) It removed the partnership exemption;

(2) It provided that the Federal Reserve Board could find actual control of a bank by a company even though that company controlled less than 25 percent of the stock of the bank;

(3) It retained the 1956 definition of what constituted a permissible bank-related activity for bank holding companies to engage in;

(4) It contained no grandfather clause exemption;

(5) It contained an anti-tie-in provision applying to all insured banks, whether or not it is part of a holding company system; and

(6) It removed the exemption in the 1956 Act for bank stock held in trust by a bank.

It is interesting to note that after almost two years of detailed, thorough and protracted consideration of this legislation by both the House of Representatives and the Senate, the version of the bill that is now being presented by the conferees to the House for consideration is substantially similar to the bill originally introduced in February of 1969.

The amended H.R. 6778 being presented here as agreed to by the House and Senate conferees eliminates the partnership exemption; authorizes the Federal Reserve Board to find actual control of a bank where a company holds less than 25 percent of its stock; essentially retains the 1956 standard for determining what bank-related activities a bank holding company may engage in; subjects to potential Federal Reserve Board jurisdiction under the Bank Holding Company Act one bank holding companies, no matter when created; contains an anti-tie-in provision covering all banks, bank holding companies and subsidiaries of bank holding companies; gives to nonbank competitors of bank holding companies standing to challenge before the Board and in the courts applications filed under the Bank Holding Company Act; and removes the exemption in the future for substantial blocks of bank stock held by bank trust departments with sole power to vote that stock.

Because of the complexities of this legislation and the rather complicated legislative history of the bill over the last two years, it seems appropriate to set forth in particular detail the explanation of the bill agreed to by the conference.

The major points to be discussed are (1) the bank-related activities language, also known as the language of Section 4(c)(8) of the Bank Holding Company Act; (2) exemptions that are or may be granted from the Act; (3) the anti-tie-in provisions; (4) the provisions relating to standing for competitors and others; and (5) the coinage provisions.

Bank related activities—Section 4(c)(8)

The House passed H.R. 6778 containing a rewritten section 4(c)(8) test which permitted a bank holding company to engage in any nonbanking activity that is "functionally related to banking" and also could be reasonably expected to produce certain enumerated public benefits that would outweigh enumerated adverse effects. In addition, in order to more carefully define the above-stated test, the House bill contained a list of six specific activities which were either prohibited to bank holding companies or which they could engage in only to a limited extent.

The Senate bill, on the other hand, contained the "functionally related" and public benefits test in a similar form to the House bill, but, significantly, failed to include any list of specific activities prohibited to bank holding companies or in which their participation is limited.

Since section 4(c)(8) is the exclusive authorization for bank holding companies to conduct nonbank businesses except in the few instances where a specific activity is authorized elsewhere in this statute (e.g. Section 4(c)(1)(B), which authorizes a safe deposit business) or in other relevant statutes, this was a crucial issue in resolving all of the differences over this important piece of legislation.

Because of this very important difference in the two versions of H.R. 6778, it became very difficult for the conference to resolve this issue. The problem was resolved by inserting substitute language for the pertinent provisions of both versions of H.R. 6778.

Aside from the question of applying the Bank Holding Company Act of 1956 to one bank holding companies—the basic issue presented to the Congress by the dramatic growth of one bank holding companies in the last few years—the most important and controversial issue was over the question of whether to retain or substantially change the 1956 definition as to what the Federal Reserve Board could permit regulated bank holding companies to engage in outside their strictly banking activities. The 1956 Act provided in Section 4(c)(8) the following language (describing nonbanking holdings not prohibited by the Act):

"(8) shares of any company all the activities of which are or are to be of a financial, fiduciary, or insurance nature and which the Board after due notice and hearing, and on the basis of the record made at such hearing, by order has determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of this section to apply in order to carry out the purposes of this Act."

The language agreed to by the conferees for amending Section 4(c)(8) reads as follows:

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing, has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In orders and regulations under this subsection the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

As can be seen by comparing the language of the present Act with the language agreed to by the conferees, seven specific changes were made. Discussing these changes in the order of which they appear in Section 4(c)(8), the first change was to remove the word "all." No great significance should be attached to the removal of this word. Whether the word "all" is in the sentence or not seems of little importance, since the Board must find that the activities of the company must meet the tests stated elsewhere in Section 4(c)(8) in order for the Board to approve them as a proper activity to be carried on by a subsidiary of a bank holding company.

The next change made in Section 4(c)(8) was to delete the phrase "of a financial, fiduciary, or insurance nature". Tracing the history of this phrase through the legislative process prior to the conference action, it is not revealed very clearly what the various contending forces had in mind by deleting the phrase (as in the House Committee reported version and the Senate version) or modifying it (as in the version that passed the House and the Administration version introduced by Congressman Widnall and Senators Sparkman and Bennett on March 24, 1969). It would be virtually impossible to fairly attribute any clear or precise intention to Congress in finally deleting the "financial, fiduciary or insurance" language.

It should be pointed out, however, that the report of the Senate Banking and Currency Committee on H.R. 6778 seems to concur with the view of the House conferees in agreeing to delete the "financial, fiduciary and insurance" language as being redundant and having little substantive effect independent of the specific tests to be applied in determining whether a particular nonbank activity should be permitted under the tests set forth in section 4(c)(8). The Senate report states in regard to the deletion of the "financial, fiduciary or insurance" language from the Senate version:

"The deletion of these shall not be construed as indicating the Committee's intent that these activities be no longer permitted. To the contrary, *these* activities are 'functionally related to banking' and *are included* under the new provision adopted by the Committee *to the full extent they were permitted under the existing act,* and to such additional extent as the Board may find it desirable under the new criteria established." [Emphasis supplied.]

Of course, as discussed below, the new criteria of "functionally related to banking", referred to by the Senate report, was re-

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jected by the conferees. Therefore, the activities permitted under the section 4(c)(8) language as adopted by the conference are the same whether the words "financial, fiduciary, or insurance" appear in the text or not.

Another strong indication that no substantive significance should be attached to the deletion of the "financial, fiduciary or insurance" language is found in a statement in the Prevailing Views signed by a majority of the House Banking and Currency Committee and appearing in the House Committee report on H.R. 6778. In these Prevailing Views supporting the position of changing the "closely related" language of Section 4(c)(8) to the "functionally related" test first suggested by Chairman William McChesney Martin of the Federal Reserve Board, Chairman Martin is quoted in support of this change. Following this quotation, the Prevailing Views state:

"A majority of the Committee agreed [with Chairman Martin's position] and rewrote Section 4(c)(8) of the 1956 Act accordingly, *utilizing the key words of Chairman Martin. The rewritten proposal in pertinent part provides that* with Federal Reserve Board approval *a bank holding company may retain or acquire shares in any company performing any activity that* the Board has determined *'is functionally related to banking* in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.'" [Emphasis supplied.]

Although H.R. 6778 as reported from the House Banking and Currency Committee with the support of those signing the Prevailing Views deleted the term "financial, fiduciary, or insurance", the Prevailing Views gave no significance to that deletion, those views stressing that the key words were "functionally related". This certainly is consistent with the feeling of those who supported the substantial amendments to the Committee-reported bill which were adopted on the floor of the House.

In light of the above discussion, any attempt to attach great significance to the deletion of the "financial, fiduciary or insurance" language would not be consistent with the legislative history which clearly indicates that Congress intended no great significance to be given to this deletion from present law.

The third change in Section 4(c)(8), replacing the language "due notice and hearing" with "due notice and *opportunity* for hearing", was made at the recommendation of the Federal Reserve Board so that the Board would not be required to hold hearings in all cases involving Section 4(c)(8) applications, but should hold hearings in all cases where a contest is raised.

The inclusion of the term "(by order or regulation)" was made to indicate that the Board could act under Section 4(c)(8) either by order in specific cases or by regulation in a general classification or category of cases in order to provide maximum flexibility as a procedural matter in administering this section.

Another change made in the existing Section 4(c)(8) is the deletion of the phrase "the business of". This deletion was made after consideration of the Federal Reserve Board's suggestion that it be deleted, because prior interpretations of the Board indicated that the retention of this term could lead to continued interpretation encouraging tie-in arrangements which Congress clearly intends to prohibit under these amendments to the Bank Holding Company Act. Under previous rulings of the Board, the term "the business of" had been interpreted as meaning that there had to be some specific business relationship between a customer of a bank subsidiary of a holding company before the Board would allow a business relationship between the customer and a nonbank subsidiary of the same holding company. The reasoning to which the conferees directed their attention in eliminating the term "the business of" was well stated in a letter from Chairman Arthur Burns of the Federal Reserve Board, dated November 23, 1970, directed to the attention of the Conference during its deliberations. The letter states in pertinent part:

"If the conferees prefer to keep 'closely related' in the language of the statute, our objective would be served by changing the words 'the business of banking or of managing or controlling banks' to read 'banking or managing or controlling banks'. We have in mind indicating that a nonbank subsidiary's activities should be related to banking (or managing or controlling banks) generally, rather than to the specific business carried on by the subsidiary banks of the particular holding company involved."

The above reason stated by Chairman Burns for deleting the term "the business of banking" states very well the clear intention of the Conference in deleting that term.

Another change made in Section 4(c)(8) from the language of present law is to remove the last clause of that provision, "and as to make it unnecessary for the prohibitions of this section to apply in order to carry out the purposes of this Act." This, it is clear without any question, was removed because it adds absolutely nothing to the meaning of the provision and has almost never been considered by the Board in its interpretations to have any significance in interpreting Section 4(c)(8). Therefore, it is redundant and was eliminated.

A significant change in Section 4(c)(8) agreed to by the Conference is the addition of two completely new sentences to the current section. These sentences read:

"In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In orders and regulations under this subsection the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

The factors to be considered by the Board under the so-called public benefits test quoted above in authorizing bank holding company ownership or control of companies already found by the Board in a proceeding to be closely related activities to banking under Section 4(c)(8) (as well as in determining whether it is necessary to terminate the authority to engage in certain activities conferred on bank holding companies by the proviso in new Section 4(a)(2)), include the dangers of undue concentration of resources, decreased or unfair competition, conflicts of interest and unsound banking practices.

The danger of undue concentration of economic resources and power is one of the factors which led to the enactment of this legislation, and constitutes a significant threat to the continued healthy evolution of our free economy. American trade has always operated on the principle that relationships between businessmen, large and small, should be founded on economic merit rather than monopoly power. Our national policies of limited governmental regulation and interference in trade and commerce, however, do make it possible for undue concentrations of resources and economic power to override fundamental fairness and economic merit when responding to the profit motive. This possibility is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy. The dangers may be more pronounced where resources are more easily capable of being marshalled, or where the course of business is likely to lead to the constant realization of the existence of power by buyers and sellers in the marketplace. The dangers of undue concentration of resources include, but are not limited to, specific competitive effects, which are themselves relevant factors under the Act. It should be clear that this legislation directs the Board to consider all reasonable ramifications of the concentration of resources in fulfilling its responsibilities under Section 4.

The Board is also directed to examine the possibility of decreased or unfair competition when considering the merits of bank holding company activities. Where a bank holding company seeks to engage in related activities through acquisition, in whole or in part, of a going concern, the elimination of existing competition will be an important negative factor, for other subsidiaries of the bank holding company, or the company itself, may already be providing the products and services in the market served by the company to be acquired. In such circumstances, where the possible benefits to the public of bank holding company activity are already being provided, the elimination of an independent competitive alternative will weigh heavily in the balance against approval. In view of the great variety of products and services which are presently being provided by banking subsidiaries of bank holding companies, the Board will have to carefully scrutinize a number of markets and submarkets for competitive effects.

Equally important will be adverse competitive effects which may result from a bank holding company's acquisition of a going concern with which it may not presently compete. One of the asserted justifications for permitting bank holding companies to engage in activities that the Board has determined independently to be closely related to banking, is to permit the introduction of new innovative and competitive vigor into those markets which could benefit therefrom. Where a bank holding company enters a market through acquisition of a major going concern, it may not have the incentive to compete vigorously, thereby bringing the possible benefits into play, as it would immediately succeed to what it might consider its fair share of the market. On the other hand, where a bank holding company enters a new market *de novo*, or through acquisition of a small firm, as opposed to acquisition of a substantial competitor, its desire to succeed in its new endeavor is more likely to be competitive. This legislation specifically emphasizes the importance of the manner in which a bank holding company may enter new activities. Such considerations will be particularly important in the context of expansion by bank holding companies into new geographic markets.

Other competitive effects that the Board must consider in connection with Section 4(c)(8) applications will include the potential dangers of tie-ins and reciprocity. Tie-ins occur where a customer is forced or induced to accept other products and services along with that product which he seeks. Such tie-ins may result from actual coercion by a seller or from a customer's realization that he stands a better chance of securing a scarce and important commodity (such as credit) by "volunteering" to accept other products or services rather than seeking them in the competitive market place. In either case, competition is adversely affected, as customers no longer purchase a product or service on its own economic merit.

Reciprocity, which involves the induced provision of products and services by the customer rather than his acceptance of other products and services, may also come about in these involuntary or "voluntary" manners.

Section 106 of the bill, which has come to be known as the anti-tie-in section, will largely prevent coercive tie-ins and reciprocity. But the dangers of "voluntary" tie-ins and reciprocity are basically structural and must be dealt with by the Board in determining the competitive effects of bank holding company expansion into fields closely related to banking when considering applications under Section 4(c)(8). These will be difficult questions, for assurances of good faith and the intention not to engage in tie-ins and reciprocity by the applicant bank holding companies will largely be irrelevant to the just as serious dangers of "voluntary" tie-ins and reciprocity. The Board must, in any case, consider these problems in carrying out its responsibilities under the Act.

The Board must also consider adverse competitive effects which may result from bank holding company activities in a given industry where its subsidiary banks hold substantial voting control over other competitors in their trust departments. Similarly, shareholder, director and officer interlocks between bank holding companies and other competitors in a field which a bank holding company seeks to enter should be analyzed for any possible adverse competitive effects. These possible effects, and those discussed above should not be considered an exhaustive list. It is probable that other types of competitive effects will arise, and this legislation gives the Board ample authority, and indeed the responsibility, to take them into consideration.

In interpreting the public benefits test, special mention should be made of the inclusion of the "unfair competition" factor in the bill as agreed to by the Conference. This factor was included in the House passed bill, but was not in the Senate version. The conferees agreed to include the "unfair competition" factor in the final version.

Unfair competition is a broad legal concept having its origin in the common law. It is also found in a significant number of state and Federal statutes. It is an important factor for the Board to consider in its broadest context, especially in light of the testimony concerning the potential for unfair competition to be carried on by bank holding companies against small independent businesses. Some, but by no means all, of the kinds of problems that the Board should consider in giving weight to this factor are the potential for (a) intimidation of customers to cause them to refrain from buying a competitor's products; (b) commercial espionage with the purpose of procuring confidential information that could be used unfairly in competing with a nonbank competitor (this is peculiarly applicable to banking institutions since they deal to a very great extent with confidential information obtained from customers); (c) including breach of contract; (d) enticing away competitor's employees in order to cripple his business; (e) price discrimination; (f) selling a service below cost or offering a service for no cost in order to obtain a business for another subsidiary; (g) harassing practices such as intimidating customers and/or competitors.

In addition to the competitive factors discussed in detail above, the Board must also consider the potential for conflicts of interest or unsound banking practices that are likely to arise from permitting a bank holding company to engage in a particular bank-related activity given the circumstances of its existing operations. The Board should look carefully at these factors, as well as the competitive factors.

In connection with the overall application of the public benefits test, it is important to emphasize that the bank holding company making application under Section 4(c)(8) must bear the burden of proof in showing that its carrying on of a particular nonbank activity would produce benefits to the public that outweigh any adverse effects. This was made very clear in the Senate report which stated:

"He [the Assistant Attorney General, Antitrust Division] concluded that such a provision would '* * * permit banks to demonstrate now or in the future that their entry into these activities in a given manner would be in the public interest.' Later he stated that the approval of a particular application would be '* * * dependent upon an affirmative finding of public benefit by the regulatory authority, which suggests that bank holding companies seeking to engage in given activities bear the burden of demonstrating positive benefits therefrom.'"

The above discussion describes in some detail each individual change made in Section 4(c)(8) as compared with existing law. What has not been discussed is how in an overall sense this key provision is to be interpreted by the Federal Reserve Board.

The basic content and the essential test found in the 1956 Act, that is that an activity must be "so closely related to banking or managing or controlling banks as to be a proper incident thereto", is retained in the new Section 4(c)(8). It is clear from the legislative history of this bill that at every stage, including in the House Committee, on the House Floor, in the Senate Committee on the Senate Floor, attempts were made to significantly broaden Section 4(c)(8) by the adoption of a new test. One such attempt was the so-called Administration proposal which was to rewrite section 4(c)(8) to read in pertinent part, "to be financial or related to finance in nature or of a fiduciary or insurance nature. . . ." Another proposed standard being advocated by the Federal Reserve Board, beginning with Chairman Martin's testimony before the House Committee, and continually supported before the Senate Committee and to Members of the Conference by Chairman Burns of the Federal Reserve Board, as well as by various spokesmen for the Administration and the banking industry, was the so-called "functionally related" test. The "closely related" test was characterized by these and other witnesses as being too narrow, too rigid and too confining. They strongly and repeatedly urged that a new, broader test be adopted.

It is clear that all who advocated adoption of the "functionally related" test regarded it as a more liberalized and expansive granting of discretion by the Congress to the Federal Reserve Board, designed to indicate an approval of the desire by advocates of the change to allow bank holding companies to engage in certain activities which have not been considered traditional banking activities and which heretofore have not been permitted by the Federal Reserve Board under the existing law. The following are a few illustrations of such references out of many that could be cited:

In a letter to Chairman Sparkman of the Senate Banking and Currency Committee on June 2, 1970, Comptroller of the Currency William B. Camp states, "This is in reference to Senator Proxmire's request during our testimony on May 15, 1970, for specific instances of desirable bank holding company activities now restricted by the 1956 Act which could properly be permitted under the expanded statutory standard, such as the one contained in S. 1664.

"Dr. Burns, in his testimony on May 14, 1970, listed those activities which the Board feels might be appropriate as holding company subsidiaries and intimated that some broadening of the *present standard* was necessary before the Board could fully implement this list. . . . The Board apparently feels, and we agree, that a broadening of the present definition is *necessary* in order to permit approval of a significant number of the activities listed above as desirable." [Emphasis added]

In testimony presented on behalf of the Association of Registered Bank Holding Companies (Senate Hearings at page 956 and 957), Mr. J. Harvie Wilkinson, Jr., stated:

"Under the present language of § 4(c)(8) of the Act, which would be continued by S. 1052, the Board has the discretion to determine what activities of a financial, fiduciary or insurance nature are 'so closely related to banking' . . . 'as to be a proper incident thereto' and therefore permissible for bank holding companies. Former Federal Reserve Board Chairman Martin testified before the House Banking Committee that the phrase 'so closely related to banking' was 'unnecessarily constricting' and suggested that the 'functionally related' language contained in H.R. 6778 be substituted. We are delighted that Federal Reserve Chairman Burns endorses this approach and that it is acceptable to the Justice Department. We agree that the present language of § 4(c)(8) is very restrictive and *does not give the Board sufficient discretion to keep pace with the development of new banking services.* Our amendment [the functionally related language] is set forth in Exhibit 3." [Emphasis added]

In the final analysis, the broader "functionally related" test was rejected and, with the changes discussed in detail above, essentially the "closely related" test of the 1956 Act was agreed to by the conferees.

How would one define the test that has been agreed to by the Conferees for the guidance of the Federal Reserve Board and the courts? Chairman Martin of the Federal Reserve Board, in testifying before the House Banking and Currency Committee on this bill, stated:

"On the basis of the language of the statute and its legislative history, the Board has interpreted the Section 4(c)(8) exemption to mean that there must be a direct and significant connection between the proposed activities of the company to be acquired and the business of banking, or of managing and controlling banks, as conducted by the bank holding company or its banking subsidiaries."

With the elimination of the term "the business of", as discussed above, the first sentence of the new Section 4(c)(8) should be interpreted to mean that there must be a direct and significant connection between the activities of the company proposed to be acquired and banking as generally carried on, or between the activities of the company proposed to be acquired and managing or controlling banks as generally carried on. Under the new language of section 4(c)(8), there no longer need be a relationship between the particular activities of the company proposed to be acquired and the business of the particular bank holding company seeking approval of an acquisition under section 4(c)(8). In other words, under the new section 4(c)(8) there must be a direct and significant connection between the proposed activities and the kinds of activities that banks generally now carry on, i.e., closely related to banking in general.

The agreement reached by the Conferees with respect to the provisions of section 4(c)(8) of the Act perhaps gets closest to the basic issue of how the Conferees decided to continue delineating between banking and commerce. The decision of the Conferees to reject the "functionally related test" advocated by those witnesses who argued for a more liberal and expansive approach by the Federal Reserve Board in authorizing nonbank activities for bank holding companies is intended to be construed to mean that the Congress was not convinced that such expansion and liberalization was justified. Consequently, the Congress intends that those activities which the Board and other witnesses claim would have been permitted under the "functionally related test", are not authorized by our decision to retain the "so closely related" test, which is considerably less expansive and liberal than the rejected "functionally related test". The significance of the Conferees' decision regarding the language finally adopted for section 4(c)(8) is enhanced by the fact that the Congress, for the first time since the enactment of the Bank Services Corporation Act, has examined and reaffirmed its determination to keep bank holding companies in banking and in only those areas which are so closely related to banking as to be proper incident thereto.

Another important question is the relationship between the "closely related" test and the public benefits test found in the second sentence of the newly written Section 4(c)(8). The effect of section 4(c)(8) as a whole is to establish, in effect, two tests for the Federal Reserve Board to use in deciding cases under section 4(c)(8). First, the Board must determine whether the particular activity sought to be engaged in is "so closely related to banking or managing or controlling banks as to be a proper incident thereto." And, secondly, in determining whether a particular activity is "a proper incident" to banking or managing or controlling banks, the Board must determine whether the public benefits outweigh the adverse effects, such as the ones enumerated in the second sentence of section 4(c)(8). Even if the activity is found by the Board to be closely related to banking, it must also determine whether it meets the public benefits test. In that sense, the Board may find in a particular case that it cannot approve a proposed activity for a specific bank holding company because it fails to meet the second test even though it may determine that it is closely related to banking.

In this sense, then, the new section 4(c)(8) may be considered to be a more difficult standard than that found in the present law. This is so because under the previous language of section 4(c)(8) there was no public benefits tests. Therefore, there may be circumstances where the Board would turn down an application under the second test—the public benefits test—that it would have had to approve under the old test because the only significant element in that standard was the "closely related" one. Now both tests must be met.

Exemptions

From the beginning of the consideration of this bill, great attention and concern has been directed at the problem of existing exemptions to the Bank Holding Company Act, as well as exemptions proposed by various groups in order to meet special problems that they claimed existed. Of course, to the greatest extent possible, laws should apply generally to all within a class intended to be covered, with as few specific exemptions as possible permitted.

The specific exemptions agreed to by the conferees can be briefly summarized as follows: (1) retention of the exemption from Section 4 of the Act for labor unions and agricultural and horticultural organizations (in the Senate version); (2) exemption from Section 4 of the Act for any company controlling a bank 85 percent or more of whose voting shares was collectively owned on June 30, 1968, and continuously thereafter by members of the same family (in the Senate version); (3) exemption for any federally-insured trust company or any mutual savings bank which owns one bank if owned on the date of enactment of the bill and such ownership is authorized by state law (in the Senate version); (4) exemption from coverage of the Act for any company which is chartered as a bank but which does not make commercial loans (in the Senate version); (5) exemption from the Act, subject to Federal Reserve Board approval and conditions, for any company controlling a bank operated for the purpose of facilitating transactions in foreign commerce if the Board determines that such control is not at substantial variance with the purposes of the Act and would be in the public interest (agreed to as in Senate version but similar provision in House version); (6) exemption from regulation under section 4 of the Act for (a) any company the greater part of whose business is conducted outside of the United States and (b) any company doing no business in the United States, in both situations as long as such business is an incident to foreign business, if the Federal Reserve Board finds that the exemption would not be substantially at variance with purposes of the Act and is in the public interest (in substance in both versions of H.R. 6778); (7) exemption from coverage of the Act for any bank controlled through a company wholly owned by thrift institutions, if the bank restricts itself to the acceptance of deposits from thrift institutions, deposits in connection with the corporate business of its owners and deposits of public monies (in the House version). The bill also continues two exemptions found in the 1956 Act relating to the underwriting of bank stock and proxy solicitations.

It will be seen that many of the exemptions outlined above are neither permanent nor automatic, since the Board has the authority to withdraw, modify or condition the exemptions in order to conform them to the purposes of the Bank Holding Company Act and be consistent with the public interest. Others apply to a very small number of special cases that, it is felt, require special treatment. The Board should interpret these exemptions as narrowly as possible in order that all bank holding companies which should be covered under the Act in order to protect the public interest will, in fact, be covered.

In addition to these specific exemptions, two categories of one bank holding companies not covered under existing law may continue to operate in the future without being covered by the Act under certain circumstances set forth in the Act as being amended. One such amendment, which becomes Section 4(d) of the new Act, was adopted to cover situations existing with respect to one bank holding companies that have controlled over a long period of years one small bank, usually in a small town where some particular hardship may be created if the holding company were forced to divest itself of its bank.

No similar provision was contained in the House version of H.R. 6778. On the other hand, the Senate version contained a provision (not in the House bill) that would have exempted from section 4 of the Bank Holding Company Act any one bank holding company in existence when the bill is enacted if (1) the net worth of the subsidiary bank does not exceed $3 million or (2) the net worth of the subsidiary bank is not greater than $50 million and is less than 25 percent of the net worth of the entire company. This provision is not included in the conference substitute. Instead, the substitute would authorize the Federal Reserve Board to grant exemptions for one bank holding companies formed before July 1, 1968, if such action would not substantially be at variance with the purposes of the Act, and it is determined that the exemption is justified in any one of three kinds of situations.

First, exemptions are authorized to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or the communities they serve.

The conferees were reminded that some one bank holding companies came into existence even before the Bank Holding Company Act of 1956 was enacted, and little or no evidence exists that any harm has resulted from these long-standing affiliations. In one example the affiliation of a large manufacturing company with a small local bank resulted from a successful effort in the 1920's to save the bank from failure. Another instance was a bank acquired in the 1930's by a private school located in the same town, which also controls large non-banking business activities. A grandfather clause that freezes the grandfathered company into the lines of business it was in on the grandfather date would have forced such companies to divest themselves of their bank, since it is clearly more important to these companies to have the right to expand into new non-banking lines than it is to keep their bank. In most instances where a large nonbank enterprise owns a bank, particularly where it acquired the bank in recent years, the bank can be sold without hardship. Thus, this exemption is not intended to apply to that type of situation. The conferees recognize that the equities are far stronger in favor of special consideration where the relationship has existed over a long period of years.

Reinforcing this equity argument in some cases is the possibility that if the company were forced to sell the bank, it could not find a local buyer. Other things being equal, it is clearly preferable to maintain local ownership of small community banks. Accordingly, the conference substitute would authorize exemptions where necessary to avoid the forced sale of a small, locally-owned bank to purchasers who are not representative of community interests. However, the Board should examine carefully the question of whether there is a good faith effort made to dispose of the bank to purchasers representative of community interests so that the question of a forced sale is a real problem.

Finally, it seems unlikely that a bank that is quite small in relation to the overall size of the parent holding company could be used in any meaningful way to advance the interests of other affiliated companies. There would seem to be no real threat, therefore, that retention of the bank would contribute to undue concentration of economic power in the holding company system. Where the bank is also relatively small in terms of the banking market it serves—so that there is no possibility of its achieving a dominant position that would lead to the kinds of involuntary tie-ins that Assistant Attorney General McLaren has warned against in his testimony on this legislation—exemption from the divestiture requirement may also be justified. This is the third situation in which the conference substitute would authorize exemptions.

Exemption under this third clause requires among other things that a retained bank be "so small in relation to the banking market to be served as to minimize the likelihood that the bank's power to grant or deny credit be influenced by a desire to further the holding company's other interests."

Committees of Congress have in recent years been seriously concerned about the basic dangers of monopoly power often enjoyed by banks in local markets. Such power rests on a number of considerations, including regulatory policy, scarcity of alternatives, and the difficulties that borrowers tend to have in shopping around for credit or finding alternative banking services.

If a bank which is owned by a holding company has a substantial position in a local market, and thus has power in that market, it may be tempted to try to use that power to further the interests of other holding company subsidiaries, either through reciprocal arrangements or by conditioning the availability of credit or services on the use of some other products or services offered by other subsidiaries of the holding company.

In addition, even without affirmative action or coercion by the bank or holding company, the mere existence of market power may influence potential customers of the bank to choose to deal with other holding company affiliates in order to increase their chances of obtaining credit on favorable terms from the bank.

The question of whether a bank is "small in relation to its market" must depend primarily on the structure of the local banking market involved, for these considerations reflect its market power. A bank which is small in absolute terms may nevertheless be substantial in a small or isolated market where other alternatives are not conveniently available. This is a point that the Supreme Court stressed in its recent *Phillipsburg* decision and should be applied by the Board in enforcing this provision.

The most appropriate way to deal with the issue of the size of a bank in relation to its market is to use the type of market share analysis developed by economists and already applied by the Board and the courts in bank acquisition cases. In most cases, a bank with more than 10 percent of the bank deposits in its local market cannot be regarded as being "small in relation to its market". Of course, even a bank with less than 10% of a very large metropolitan market may be a large bank in absolute terms, and, in these circumstances, its retention by a large non-bank-related enterprise would be likely to be "substantially at variance with the purposes of this Act", and would thus not be entitled to an exemption under this provision.

The Board faces a difficult problem in administering this provision. If, for example, it authorizes an exemption for a company which acquired its bank forty years ago, the Board may find it difficult to resist applications for exemptions in the case of more recent acquisitions. We recognize that the Board may have to draw an arbitrary line—for example, limiting the first stated exemption to relationships in existence for fifteen years or more—in order to keep this exemption from becoming such a large loophole that it would be substantially at variance with the purposes of the Bank Holding Company Act. Such lines must be drawn if the prohibitions in the Act against combining bank and nonbank businesses in a holding company system are to be effective; the exemptive authority must not become the basis for wholesale exemptions that would undermine the Act and place those companies that must comply with it at an unfair competitive disadvantage.

The Board is authorized to make these exemptions "subject to such conditions as it considers necessary to protect the public interest." For example, the Board should make sure that an exemption granted to a company that owns a small bank will terminate if the bank later exceeds the applicable size limit. And an exemption based on inability to find a local buyer should terminate whenever such a buyer appears who is prepared to purchase the bank on reasonable terms.

Grandfather clause

The conference also agreed that, in lieu of a grandfather clause provision which would have completely exempted certain bank holding companies from coverage under the Bank Holding Company Act either because they became a one bank holding company prior to a certain date (in the case of the Senate bill, prior to July 1, 1968), or a combination of a date and the size of the bank holding company and its subsidiary bank (in the case of the House bill, prior to May 9, 1956, with banking assets of less then $30 million and nonbank assets of less than $10 million), it would substitute a somewhat different kind of provision.

This provision brings under the potential coverage of the Act all bank holding companies regardless of size or date of creation.

Section 4(a) would permit a company brought within the provisions of the Act in 1970, as amended, to engage in those activities which were permitted on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June, 1968, of another company engaged in such activities at the time of the acquisition), provided the activities have been continuously engaged in since June 30, 1968, or such subsequent date. However, the right to engage in these activities, which are in addition to activities otherwise permitted under the Act, is not absolute.

The conference committee was greatly concerned that certain activities permitted by this exemptive provision could result in detriment to the public interest, and thereby defeat the purposes of the Act. It was further recognized that this potential detriment was more likely to occur in the case of a bank holding company owning a bank with substantial assets than in the case of banks with relatively small assets. Indeed, the principal justification for providing a grandfather clause was to protect the traditional small town bank holding company which some felt provided a special service to the community. Accordingly, the amended provision permits flexibility in determining which activities the Board will allow to be continued and which must be terminated.

With respect to bank holding companies which control bank assets in excess of $60 million, the Board is required under the Act to reach a determination, within two years of the enactment of these amendments, as to whether the benefits of the grandfather clause are to be accorded to each such company. A decision by the Board to withdraw these benefits is required by the Act unless it can be established that there would not be undue concentration of resources, decreased or unfair competition, conflicts of interest or unsound banking practices, if the company were to retain control of one or more of the affiliates in question. With respect to all one bank holding companies, the Board, at any time, may terminate the exemption using the same test.

This test is similar to the second test required to be used by the Board in applications under the new section 4(c)(8) of the Act, the so-called public benefits test. An analysis similar to that outlined in the discussion above concerning the meaning of this public benefits test should be made by the Board in determining whether to continue exemptions from the Act under the provisions of this section.

The fact that the statute requires the Board to act within two years concerning the exemptions involving one bank holding companies controlling banks with over $60 million in assets in no way implies that the Board should feel restrained from pursuing determinations on exemptions for holding companies each of whose banks have assets of less than $60 million.

Thus, the Board is required to conduct continuing surveillance over the privilege accorded to certain bank holding companies to conduct activities which are otherwise prohibited by the Act. This gives the Board flexibility, while providing safeguards against abuses which the Act is designed to prevent. It is recognized that these exemptive privileges could defeat the purposes of this Act, and therefore it was determined to permit them only when it was clearly in the public interest to do so.

Therefore, the Board should within a reasonable amount of time examine all one bank holding companies created prior to July 1, 1968, to determine whether, under the stated test, any of them are entitled to exemptions from the Act. Congress merely wishes the Board to take expeditious action in the immediate future on the larger and, therefore, potentially more dangerous one bank holding companies created before June 30, 1968, before examining the propriety of continuing the exemption for the under $60 million category.

Also, the Board should give no presumption of entitlement to exemption to a one bank holding company in the future, even though the Board has initially made a determination to allow the exemption to stand.

Determinations made by the Board under this provision require the consideration of public interest criteria with respect to a given bank holding company and an adjudication of facts relative to the operation, service area, competition, etc., in question, and the characteristics of that bank holding company and the nature of the activity concerned. The Board should also consider the size of the bank in relation to the assets of the holding company, as well as the size of the bank in relation to the other banks in the market area, and the scope of the activities of the nonbank affiliate in the market area of the bank.

Proceedings with respect to bank holding companies with bank assets in excess of $60 million should be initiated promptly by the Board and a determination must be made within two years. Proceedings permitted with respect to companies with bank assets of less than $60 million may be initiated by the Board either on its own motion or on the motion of any party in interest upon good cause shown. Since the issues in both types of proceeding would be basically factual, and the Board's order may have a significant impact on the business of a given bank holding company or on the competitors of the bank holding company affected by the order, fundamental fairness requires that such proceedings be conducted through the established adjudicatory process, including adequate notice, opportunity for hearing, and a determination made by order of the Board.

The Board must decide whether to terminate or not to terminate the authority in accordance with the record before it and fully substantiate its finding by relying on the record. The Board may order the termination of such an activity in whole or in part or with respect only to certain activities and not with respect to others. Further, with respect to any activities that the Board may sanction to be continued, the Board shall by its order impose such terms and conditions on the continuation of that activity so as to provide safeguards against future dangers which may arise from the conduct of that activity. Further, the Board under this provision has continuing authority to review its prior decisions and, after further proceeding hereunder when appropriate, terminate activities, even though it had previously sanctioned their continuation. Nothing in this provision would prohibit the Board, after careful consideration and experience in dealing with specific cases under this provision, from establishing general guidelines for determining whether to terminate exemptions.

One further point related to the matter of exemptions should be made. The House receded to the Senate concerning the question of how such exemptions from the Act permitted by the Board or otherwise permitted by the Act would be terminated under certain circumstances. Any one bank holding company in existence before June 30, 1968 whose exemption has not been terminated by the Board under Section 4(a) would not be permitted to retain its exemption under any circumstance if it attempted to carry on a new activity subsequent to June 30, 1968 not permitted under the Act. Likewise, it would not be permitted to retain its exemption if it acquired a going concern engaged in an activity not permitted under the Act but was being carried on by the holding company prior to June 30, 1968. In ad-

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dition, certain Senate provisions were agreed to by the conference permitting a reasonable amount of flexibility in changing corporate structure and permitting new acquisitions by one bank holding companies being covered by the Act for the first time if they elect to divest themselves of their banks (thus giving up their status as bank holding companies) within the 10-year divestiture period provided for in this legislation. This flexibility, however, is subject to conditions which the Board may prescribe. The Board, under these provisions, should not permit any acquisitions or other structural changes in one bank holding companies electing to divest themselves of their bank within 10 years which are contrary to the purposes of the Act.

Anti-tie-in provisions

H.R. 6778, as originally introduced, contained an anti-tie-in provision. However, this provision was not included in the bill when it was referred to the Senate. The Senate version did contain an anti-tie-in provision which was agreed to in the conference. The Senate anti-tie-in provision provides the following.

It prohibits a bank from providing any credit, property, or service for a customer on the condition that he obtain from the bank some additional credit, property, or service, or that he provide to the bank some additional credit, property, or service. Exempted from this prohibition are transactions exclusively involving two or more of four specified traditional banking services—loans, discounts, deposits, or trust services.

It prohibits any subsidiary bank from providing any credit, property or service for a customer on the condition that he must obtain from, or provide to, the holding company or any other subsidiary thereof some additional credit, property or service.

It prohibits any requirement that the bank's customer must not obtain some other credit, property or service from a competitor of the bank, its parent, or a sister subsidiary, other than a reasonable requirement to assure soundness of credit.

It authorizes the Board to provide exceptions to the prohibition, the Department of Justice to enforce the prohibitions and private parties to sue if injured by a violation of the prohibition. For purposes of this anti-tie-in provision the term "company" includes "person".

The House conferees agreed to this provision, particularly because of the necessity for protecting small independent businessmen from unfair and predatory business practices by banks, bank holding companies and subsidiaries thereof. This provision covers all insured banking institutions, as well as bank holding companies.

The Senate conferees assured the House conferees during the conference on one very important point that the House conferees felt was not clear either from the language of the Senate anti-tie-in provision or from the legislative history of this provision in the Senate.

The Senate anti-tie-in provision was amended on the Floor of the Senate to exclude from its coverage certain specific so-called traditional banking services, i.e. loans, discounts, deposits and trust services. The Senate conferees stated in response to questions put by the House conferees that this exemption only applied where all of the components of a particular transaction fell into the category of loans, discounts, deposits and trust services. If any of these traditional banking services were tied to another service offered by a bank, a bank holding company, or another subsidiary of a bank holding company, the exemption would not apply.

In addition, the Senate conferees assured the House conferees that, even within the four exempted traditional bank services, nothing in the Senate anti-tie-in provision exempted them from coverage under the provisions of existing antitrust law dealing with tie-ins.

Standing for competitors and others

Another major provision of H.R. 6778, which was in the Senate version but not in the House version, was the provision giving standing to competitors of bank holding companies to enter proceedings as parties in interest before the Board and in the courts. This provision allows a present or potential competitor the right to join as a party in interest before the Board and to appeal any decision of the Board if it renders a decision adverse to him in any proceeding before the Board where an applicant seeks authority to acquire a banking subsidiary under Section 3, to engage in a nonbanking activity pursuant to Section 4 or to engage in a business practice otherwise prohibited under the anti-tie-in provision.

While it is understood that the Board has in recent years taken a properly liberal attitude concerning the right of competitors of banks and bank holding companies to have standing before the Board in its proceedings, this provision is intended to state that position in the law. It is not in any way to be interpreted, however, to restrict the participation of interested parties in proceedings before the Board only to those types of proceedings enumerated in the standing provisions of this legislation.

If it would be appropriate to allow the entrance of interested parties in other proceedings held in connection with subjects covered by this legislation, or if standing is given under other provisions of Federal law, including but not limited to the Administrative Procedure Act, the provisions of this legislation are in no way intended to narrow the right to standing. In other words, the broadest possible forum should be allowed for adversary proceedings to take place in order that all issues may be aired completely.

More specifically, this provision does not limit the standing of any party in any proceeding before the Board, who, under the holdings in recent Supreme Court decisions (*ADAPSO v. Comptroller of the Currency* and *Arnold Tours v. South Shore National Bank*) would be deemed to be affected by the result in that proceeding, and which party's interests are relevant to the purposes of the Act.

Title II—Provisions relating to coinage

The House receded to the Senate and accepted an amendment related to U.S. coinage.

All but one of the provisions of this amendment have been passed by the House in the form of H.R. 14127 on October 15, 1969.

This legislation, incorporated as Title II of the conference bill, provides that (1) there would be a phasing out by January 1, 1971, of the use of silver in half dollars and the authorization of a cupro-nickel 50-cent coin of the same composition as the quarter and the dime; (2) a new cupro-nickel clad coin of $1 denomination is authorized to be minted for general circulation, bearing the likeness of the late President of the United States, Dwight David Eisenhower, and, on the other side, a design emblematic of the symbolic Eagle of Apollo 11 landing on the moon; and (3) machinery is established for the orderly and equitable sale to the public, at market value, of approximately three million silver dollars remaining in Treasury vaults, mostly rare and numismatically valuable coins from the old Carson City Mint. These approximately three million valuable silver dollars will be offered to the public in a manner recommended by the Joint Commission on the Coinage at its meeting of March 12, 1969. At that time the Joint Commission on the Coinage agreed to an auction procedure for the sale of these rare silver dollars by the General Services Administration. Under this procedure, the GSA would establish a minimum price for each class of rare coin. An individual could bid for a coin at that minimum price or at a price in excess of the minimum price established by GSA.

In addition, Title II, Section 203, of the conference bill provides for the minting of 150 million of the new $1 pieces to be 40 percent silver content. To help accomplish this purpose, 25½ million fine troy ounces of silver would be transferred to the Treasury from the defense stockpile to be used exclusively for the special silver coins.

It is understood by the conferees that 130 million of the new silver coins will be manufactured and sold as uncirculated commemoratives and 20 million of them as proof coins, under administrative arrangements through the Treasury Department assuring their widest possible distribution among citizens interested in acquiring a few each.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
HENRY REUSS,
Managers on the Part of the House.

APPOINTMENT OF JOHN CONNALLY AS NEW SECRETARY OF THE TREASURY

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ARENDS. Mr. Speaker, it would be difficult to recall an instance where a Chief Executive has shown more inspired bipartisanship than President Nixon has with his appointment of John Connally as his new Secretary of the Treasury. When one considers that Mr. Connally is a lifelong active member of the Democratic Party who did not support President Nixon in 1968, then one is forced to the conclusion that this is a remarkable—and admirable—appointment.

In a word, President Nixon has shown statesmanship in his willingness to appoint a stanch Democrat to such a key position in his administration. No less should be said for former Governor Connally who has also demonstrated true bipartisanship in his willingness to accept this position.

It is quite obvious that President Nixon and Secretary-designate Connally are setting examples of leadership that deserve to be followed. What this appointment says is that the need for a strong national economy should be above politics. That the need of every American for a decent job and a decent standard of living is a need that transcends politics.

Mr. Speaker, the President has taken a giant new stride in his efforts to bring us together.

CALL OF THE HOUSE

Mr. KYL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll; and the following Members failed to answer to their names:

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[Roll No. 410]

Adair
Aspinall
Ayres
Baring
Blackburn
Blanton
Bolling
Brock
Burke, Fla.
Burton, Utah
Button
Byrnes, Wis.
Chisholm
Clark
Clay
Cramer
Cunningham
Daddario
Daniel, Va.
Dorn
Dowdy
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Ford, William D.
Foreman
Forsythe
Fraser
Giaimo
Gilbert
Goldwater
Gray
Hébert
Heckler, Mass.
Horton
Jarman
Karth
Kee
Long, La.
Lowenstein
Lujan
McCarthy
McCulloch
McDade
McKneally
May
Meskill
Miller, Calif.
Mize
Moorhead
Morton
Moss
Murphy, Ill.
O'Konski
Ottinger
Patman
Pollock
Powell
Pryor, Ark.
Purcell
Reifel
Rivers
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roudebush
Scheuer
Stokes
Thompson, N.J.
Tunney
Weicker
Wolff

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CAPT. CLAIRE E. BROU

Mr. COLMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14235), for the relief of Capt. Claire E. Brou.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. HALL. Mr. Speaker, reserving the right to object, do I understand that this bill which was just passed over by unanimous consent under the Private Calendar is being called up again, and if so is it with or without amendment?

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, with reference to my colleague's question, the gentleman who objected to this matter when it was on the Private Calendar and while I was unavoidably detained in the Rules Committee trying to get the final bills on the calendar considered so that we could adjourn this Congress at some time—I was not here to make my position and the position of the claimant clear. When I spoke to my friend and colleague the gentleman from Tennessee (Mr. DUNCAN), who had objected, he very graciously advised me that if I was able to get the bill up again he would not object.

I should like to say a word with reference to the amount. The Senate Judiciary Committee reported this bill out with a provision for $100,000. The House committee reported the bill out with a provision for $200,000.

Mr. Speaker, this claimant is suffering. She is now, as I advised my friend, in London seeking further assistance, having suffered this unfortunate incident. In order to get the matter disposed of, I intend to offer an amendment, if I am permitted to do so, to reduce the amount in the House bill to $100,000 to bring it in line with the Senate bill.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement.

PARLIAMENTARY INQUIRY

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALL. Would such an amendment be in order in this case to reduce the amount as suggested by the gentleman from Mississippi?

The SPEAKER. An amendment would be in order.

Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, under the reservation, I recognize, having studied this report in detail, that this is one of the disasters of modern medical times. There is a real reservation in my mind as to whether it should be settled in this manner, seeking unanimous consent, or not; because, in fact, there is no proof that the cerebrovascular accident suffered by this worthy servant of the armed services, Captain Brou, was caused by any malfeasance, negligence, or otherwise, on the part of the armed services.

Be that as it may, because she is grasping at a last straw and seeking to rehabilitate herself—and we pray for success—and in view of the gentleman's intended amendment, I shall withdraw my reservation.

Mr. COLMER. I thank my good friend, the gentleman from Missouri (Mr. HALL), for whom I have the highest regard.

As my friend knows, like he, I am no reckless spender. But I can assure him that this is a most meritous case. Otherwise, I would not propose it.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill as follows:

H.R. 14235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Claire E. Brou (Retired, United States Air Force (FR 3195973)), of Ocean Springs, Mississippi, the sum of $200,000 in full settlement of all her claims against the United States arising in connection with injuries she sustained in April 1968, while undergoing a diagnostic study at the Walter Reed Army Medical Center. Such injuries left her partially paralyzed and permanently disabled.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, line 4, strike "in excess of 10 per centum thereof."

Page 2, after line 11, add the following:

"SEC. 3. The payment of the amount provided for in this Act shall not be interpreted as interfering with or barring any rights of the said Claire E. Brou to compensation or benefits as a retired officer or accruing to her by reason of her military service, and its acceptance by her shall be in addition to any such rights to compensation or other benefits from the United States."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. COLMER

Mr. COLMER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLMER: On page 1, line 7, strike out "$200,000" and insert "$100,000".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 17809, PAY SYSTEM FOR PREVAILING RATE EMPLOYEES

Mr. DULSKI submitted the following conference report and statement on the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1746)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That (a) subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"§ 5341. Policy

"It is the policy of Congress that rates of pay of prevailing rate employees be uniformly fixed and adjusted and be based on principles that—

"(1) there will be equal pay for substantially equal work for all employees who are working under similar conditions of employment in all agencies within the same wage area;

"(2) there will be relative differences in pay within a wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

"(3) the level of rates of pay will be maintained in line with prevailing levels of comparable work within a wage area; and

"(4) the level of rates of pay will be maintained so as to attract and retain qualified employees.

"§ 5342. Definitions; application

"(a) For the purpose of this subchapter—

"(1) 'agency' has the meaning given it by section 5102 of this title;

"(2) 'prevailing rate employee' means—

"(A) an individual employed in or under an agency in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or laboring experience and knowledge as the paramount requirement;

"(B) an employee in the Bureau of Engraving and Printing whose duties are to perform or direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations;

"(C) an employee of a nonappropriated fund instrumentality described by section 2105(c) of this title who is employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, and any other individual, including a foreman and a supervisor, in a position having trade, craft, or laboring experience and knowledge as the paramount requirement; and

"(D) an employee of the Veterans' Canteen Service, Veterans' Administration, excepted from chapter 51 of this title by section 5102(c)(14) of this title; and

"(3) 'position' means the work, consisting of duties and responsibilities, assignable to a prevailing rate employee.

"(b) This subchapter applies to all prevailing rate employees and positions in or under an agency. All such employees employed within the United States shall be bona fide residents of the United States, unless the Secretary of Labor certifies that no bona fide resident of the United States is available to fill the particular position. This subchapter does not apply to employees and positions described by section 5102(c) of this title other than by paragraphs (7), (8), and (14) of that section.

"§ 5343. Prevailing rate determinations; wage schedules

"(a) The pay of prevailing rate employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates. Subject to section 213(f) of title 29, the rates may not be less than the appropriate rates provided by section 206(a)(1) of title 29. To carry out this subsection—

"(1) the Civil Service Commission shall define the boundaries of individual local wage areas and designate a lead agency for each local wage area;

"(2) a lead agency, on order of the Commission, shall conduct a wage survey within the local wage area, collect and analyze wage survey data, and develop and establish wage schedules; and

"(3) the head of each agency having prevailing rate employees in a local wage area shall fix and adjust the rates of such employees in that area in accordance with the wage schedules established by the lead agency in that area.

"(b) The Commission shall order full-scale wage surveys every second year with interim surveys in alternating years. The Commission may order more frequent surveys when conditions so suggest.

"(c) The Commission, by regulation, shall prescribe practices and procedures for conducting wage surveys, analyzing wage survey data, and developing and establishing wage schedules. The regulations shall provide—

"(1) that wages surveyed be those paid by private employers in the local wage area for similar work performed by regular full-time employees;

"(2) for participation at all levels by representatives of employee organizations in every phase of providing an equitable system for fixing and adjusting the rates of pay for prevailing rate employees, including the planning of the surveys, the drafting of specifications, the selection of data collectors, the collection and the analysis of the data, and the submission of recommendations to the head of the lead agency for wage schedules and for special wage schedules where appropriate;

"(3) for requirements for the accomplishment of wage surveys and for the development of wage schedules;

"(4)(A) that a lead agency, in making a wage survey, shall determine whether there exists in the local wage area a sufficient number of comparable positions in private industry to establish wage schedules for the principal types of positions for which the survey is made, and that the determination shall be in writing and shall take into consideration all relevant evidence including evidence submitted by employee organizations recognized as representative of employees in the area; and

"(B) that, when it is determined that there is an insufficient number of comparable positions in private industry to establish the wage schedules, the lead agency shall establish the wage schedules on the basis of local private industry rates and rates paid for comparable positions in private industry in the nearest wage area that it determines to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the wage survey is being made;

"(5)(A) that each grade of a wage schedule have 4 steps, the first step at 96 percent of the prevailing rate, the second step at 100 percent of the prevailing rate, the third step at 104 percent of the prevailing rate, and the fourth step at 108 percent of the prevailing rate, except that a special wage schedule under paragraph (6) of this subsection shall have not less than 4 steps;

"(B) that, with satisfactory work performance of an acceptable level of competence as determined by the head of the agency, an employee advance automatically to the next higher step within the grade at the beginning of the next pay period following the completion of—

"(i) 26 calendar weeks of continuous service in step 1;

"(ii) 78 calendar weeks of continuous service in step 2; and

"(iii) 104 calendar weeks of continuous service in step 3; and

"(C) that the benefit of successive step increases is preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency;

"(6) for special rates and schedules including, but not limited to, supervisory schedules and industry oriented schedules, as appropriate;

"(7) for equal rates of pay for the same work in the same local wage area;

"(8) for pay distinctions in keeping with work distinctions, with proper differentials as determined by the Commission for duty involving unusually severe working conditions or unusually severe hazards;

"(9) rules governing the administration of pay for individual employees on appointment, transfer, promotion, demotion (including retention of pay rates as appropriate), and other similar changes in employment status; and

"(10) for a continuing program of systems maintenance and improvement designed to keep the prevailing rate system fully abreast of changing conditions, practices, and techniques both in and out of the Government of the United States.

"§ 5344. Effective date of wage increase; retroactive pay

"(a) Each increase in rates of basic pay granted, pursuant to a wage survey, to prevailing rate employees is effective not later than the first day of the first pay period which begins on or after the 45th day, excluding Saturdays and Sundays, following the date the wage survey is ordered to be made.

"(b) Retroactive pay is payable by reason of an increase in rates of basic pay referred to in subsection (a) of this section only when—

"(1) the individual is in the service of the Government of the United States, including service in the armed forces, or the government of the District of Columbia on the date of the issuance of the order granting the increase; or

"(2) the individual retired or died during the period beginning on the effective date of the increase and ending on the date of issuance of the order granting the increase, and only for services performed during that period.

For the purpose of this subsection, service in the armed forces includes the period provided by statute for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia after he is relieved from training and service in the armed forces or discharged from hospitalization following that training and service.

"(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of this title, an increase in the rate of basic pay referred to in subsection (a) of this section is effective on the date of the issuance of the order granting the increase. However, for an employee who dies or retires during the period beginning on the effective date of the increase and ending on the date of the issuance of the order granting the increase, the amount of the insurance is determined as if the increase under this section were in effect for the employee during that period.

"§ 5345. Retained rate of pay on reduction in grade

"(a) Under regulations prescribed by the Civil Service Commission, and subject to the limitation in subsection (b) of this section, a prevailing rate employee—

"(1) who is reduced in grade from a grade of a wage schedule;

"(2) who holds a career or a career-conditional appointment in the competitive service, or an appointment of equivalent tenure in the excepted service or in the government of the District of Columbia;

"(3) whose reduction in grade is not (A) caused by a demotion for personal cause, (B) at his request, (C) effected in a reduction in force due to lack of funds or curtailment of work, or (D) with respect to a temporary promotion, a condition of the temporary promotion to a higher grade;

"(4) who, for 2 continuous years immediately before the reduction in grade, served (A) in the same agency, and (B) in a grade or grades higher than the grade to which demoted; and

"(5) whose work performance during the 2-year period is satisfactory or better;

is entitled to basic pay at the rate to which he was entitled immediately before the reduction in grade (including each increase in rate of basic pay granted pursuant to a wage survey) for a period of 2 years from the effective date of the reduction in grade, so long as he—

"(A) continues in the same agency without a break in service of 1 workday or more;

"(B) is not entitled to a higher rate of basic pay by operation of this subchapter; and

"(C) is not demoted or reassigned (i) for personal cause, (ii) at his request, or (iii) in a reduction in force due to a lack of funds or curtailment of work.

"(b) The rate of basic pay to which a prevailing rate employee is entitled under subsection (a) of this section with respect to each reduction in grade to which that subsection applies may not excede the sum of—

"(1) the minimum rate of the grade to which he is reduced under each reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey); and

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"(2) the difference between his rate immediately before the first reduction in grade to which that subsection applies (including each increase in rate of basic pay granted pursuant to a wage survey) and the minimum rate of that grade which is 3 grades lower than the grade from which he was reduced under the first of the reductions in grade (including each increase in the rate of basic pay granted pursuant to a wage survey).

"(c) Under regulations prescribed by the Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of a wage schedule from a position not subject to this subchapter is entitled to a retained rate of basic pay.

"(d) The Commission may prescribe regulations governing the retention of the rate of basic pay of an employee who together with his position is brought under this subchapter. If an employee so entitled to a retained rate under these regulations is later demoted to a position under this subchapter, his rate of basic pay is determined under subsections (a) and (b) of this section. For the purpose of those subsections, service in the position which was brought under this subchapter is deemed service under this subchapter.

"§ 5346. Job grading system

"(a) The Civil Service Commission, after consulting with the agencies and with employee organizations, shall establish and maintain a job grading system for positions to which this subchapter applies. In carrying out this subsection, the Commission shall—

"(1) establish and define individual occupations and the boundaries of each occupation;

"(2) establish job titles within occupations;

"(3) develop and publish job grading standards; and

"(4) provide a method to assure consistency in the application of job standards.

"(b) The Commission, from time to time, shall review such numbers of positions in each agency as will enable the Commission to determine whether the agency is placing positions in occupations and grades in conformance with or consistently with published job standards. When the Commission finds that a position is not placed in its proper occupation and grade in conformance with published standards or that a position for which there is no published standards is not placed in the occupation and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate occupation and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"(c) On application, made in accordance with regulations prescribed by the Commission, by a prevailing rate employee for the review of the action of an employing agency in placing his position in an occupation and grade for pay purposes, the Commission shall—

"(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of the position;

"(2) decide whether the position has been placed in the proper occupation and grade; and

"(3) approve, disapprove, or modify, in accordance with its decision, the action of the employing agency in placing the position in an occupation and grade.

The Commission shall certify to the agency concerned its action under paragraph (3) of this subsection. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of—

"(1) the Chairman, who shall not hold any other position in the Government of the United States or the government of the District of Columbia, and who shall be appointed by the President for a 4-year term at a rate of pay equivalent to the maximum rate for the General Schedule;

"(2) the head, or his designee, of each of the 4 Executive agencies (other than the Civil Service Commission), and military departments designated by the Chairman of the Civil Service Commission from time to time as having the largest number of prevailing rate employees;

"(3) an employee of the Civil Service Commission, appointed by the Chairman of the Civil Service Commission; and

"(4) 5 representatives, appointed by the Chairman of the Civil Service Commission, from among the employee organizations representing, under exclusive recognition of the Government of the United States, the largest numbers of prevailing rate employees in the service of the Government of the United States.

"(b) In making appointments of representatives of employee organizations under subsection (a)(4) of this section, the Chairman of the Civil Service Commission shall appoint, as nearly as practicable, a number of representatives from a particular employee organization in the same proportion as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees in the Government of the United States and the government of the District of Columbia. However, in any case there shall not be more than 2 representatives from any one employee organization nor more than 4 representatives from a single council, federation, alliance, association or affiliation of employee organizations.

"(c) Every second year the Chairman of the Civil Service Commission shall review employee organization representation to determine adequate or proportional representation under the guidelines of subsection (b) of this section.

"(d) The representatives from the employee organizations serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.

"(f) The Committee shall meet at the call of its Chairman. However, a special meeting shall be called by the Chairman if a majority of the members makes a written request to the Chairman to call a special meeting to consider matters within the purview of the Committee.

"(g) Members of the Committee (other than employee organization representatives and the Chairman) serve without additional pay. Employee organization members are not entitled to pay from the Government of the United States for services rendered to the Committee.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible solely to the Committee.

"§ 5348. Crews of vessels

"(a) Except as provided by subsection (b) of this section, the pay of officers and members of crews of vessels excepted from chapter 51 of this title by section 5102(c)(8) of this title shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and practices in the maritime industry.

"(b) Vessel employees of the Panama Canal Company may be paid in accordance with the wage practices of the maritime industry.".

(b) The analysis of subchapter IV of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IV—PREVAILING RATE SYSTEMS

"5341. Policy.
"5342. Definitions; application.
"5343. Prevailing rate determinations; wage schedules.
"5344. Effective date of wage increase; retroactive pay.
"5345. Retained rate of pay on reduction in grade.
"5346. Job grading system.
"5347. Federal Prevailing Rate Advisory Committee.
"5348. Crews of vessels.".

Sec. 2. Section 2105(c)(1) of title 5, United States Code, is amended by inserting "(other than subchapter IV of chapter 53 and section 7154 of this title)" immediately following "laws".

Sec. 3. Section 5337 of title 5, United States Code, is amended—

(1) by striking out the words "to which this section applies" wherever they appear in subsection (b) and inserting "to which that subsection applies" in place thereof; and

(2) by adding at the end thereof:

"(c) Under regulations prescribed by the Civil Service Commission consistent with the provisions of subsections (a) and (b) of this section, an employee who is reduced to a grade of the General Schedule from a position to which this subchapter does not apply is entitled to a retained rate of basic pay.".

Sec. 4. Section 5541(2)(xi) of title 5, United States Code, is amended to read as follows:

"(xi) an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of this title, or by a wage board or similar administrative authority serving the same purpose, except as provided by section 5544 of this title;".

Sec. 5. The first sentence of section 5544(a) of title 5, United States Code, is amended to read as follows: "An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title, or by a wage board or similar administrative authority serving the same purpose, is entitled to overtime pay for overtime work in excess of 8 hours a day or 40 hours a week.".

Sec. 6. Section 6101(a)(1) of title 5, United States Code, is amended by inserting "other than an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under section 5343 of this title or by a wage board or similar administrative authority serving the same purpose" immediately preceding the period of the end thereof.

Sec. 7. (a) Section 6102 of title 5, United States Code, is repealed.

(b) The analysis of chapter 61 of title 5,

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United States Code, is amended by striking out—

"6102. Eight-hour day; 40-hour workweek; wage-board employees.".

Sec. 8. Section 7154(b) of title 5, United States Code, is amended by striking out "subchapter III of chapter 53" and inserting "subchapters III and IV of chapter 53" in place thereof.

Sec. 9. (a) An employee's initial rate of pay on conversion to a wage schedule established pursuant to the amendments made by this Act shall be determined under conversion rules prescribed by the Civil Service Commission. The amendments made by this Act shall not be construed to decrease the existing rate of basic pay of any present employee subject thereto.

(b) The amendments made by this Act shall not be construed to affect agreements presently in effect as a result of negotiations between departments and agencies of the Government of the United States, or subdivisions thereof, and organized employees. It is the intent of this Act that through negotiations between the Commission, the heads of those agencies referred to in clauses (i)–(viii) of section 5102(a)(1) of title 5, United States Code, and the organized employees, that, in due time, wherever feasible, all prevailing rate employees be covered by the amendments made by this Act.

Sec. 10. The provisions of sections 1–9 of this Act are effective on the first day of the first pay period which begins on or after 90 days after the date of enactment of this Act except that, in the case of those employees referred to in section 5342(a)(2) (C) and (D) of title 5, United States Code (as amended by the first section of this Act), such provisions are effective on the first day of the first pay period which begins on or after one hundred and eighty days after such date of enactment or on such earlier date (not earlier than ninety days after such date of enactment) as the Civil Service Commission may prescribe.

And the Senate agree to the same.

Thaddeus J. Dulski,
David N. Henderson,
Morris Udall,
Robert J. Corbett,
Managers on the Part of the House.

Gale W. McGee,
Ralph Yarborough,
Jennings Randolph,
H. L. Fong,
Ted Stevens,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute text. The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the House bill and the Senate amendment and that the Senate agree to the same.

Except for technical drafting changes, the differences between the House bill and the conference substitute are explained below.

DIFFERENCES BETWEEN THE TEXT OF THE HOUSE BILL AND THE CONFERENCE SUBSTITUTE

Nonappropriated fund employees

The House bill, under section 5342(a)(2)(C), defines "prevailing rate employee" for purposes of this legislation to include "an employee of a nonappropriated fund instrumentality".

The conference substitute restricts the definition in this particular case to an employee of a nonappropriated fund instrumentality employed in a recognized trade or craft, or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation, or as a foreman or a supervisor in a position having trade, craft, or laboring experience and knowledge as the paramount requirement.

The broad definition in the House bill would require employees in executive, clerical, managerial, and merchandising positions to be paid under prevailing rate procedures which would be inconsistent with the practice ordinarily used in wage board systems. The executive and management employees have had their rates of pay based on rates comparable to the rates paid under the General Schedule. The conference substitute will permit the continuation of the existing practice and will apply the provisions of the bill only to employees under the trades, crafts, and labor occupations.

The House bill includes a specific requirement, in the second sentence of the new section 5343(a), that the pay of prevailing rate employees of nonappropriated fund instrumentalities located within the several States or the District of Columbia, and of the Veterans' Canteen Service, be fixed and adjusted in accordance with prevailing rates determined by a survey of wages paid to employees in a representative number of retail, wholesale, service, and recreational establishments in the local areas engaged in activities similar to those of the instrumentality or the Canteen Service.

The conference substitute omits the particular sentence involved but includes provisions in paragraph (6) of the new section 5343(c) of the conference substitute which authorizes special industry oriented schedules. It has been the practice under the wage board system to establish special industry oriented schedules for employees who perform printing and lithographing services, motion picture service, and officers and members of crews of vessels. Paragraph (6) of the conference substitute is intended to authorize the establishment of a special wage schedule for nonappropriated fund employees and, if appropriate, to permit such special schedule to be based on a special survey of rates paid to employees in retail, wholesale, service, and recreational establishments.

Also, the conference substitute, by omitting the reference to instrumentalities located within the several States or the District of Columbia, makes it clear that the provisions apply to United States citizen employees overseas.

Within-grade steps

The House bill requires, under section 5343(c)(5), that the regulations to be issued by the Civil Service Commission provide that each grade of a wage schedule have 5 steps, the first step at 96 percent of the prevailing rate with graduated increases to 112 percent of the prevailing rate for the 5th step.

The conference agreement provides that each grade of a wage schedule have 4 steps except that special wage schedules established under paragraph (6) of the new section 5343(c) shall have not less than 4 steps. The language of the conference agreement removes any question that may exist against continuing the current practice under which special wage schedules for supervisors are established with 5 within grade steps.

Night differentials

The House bill, under section 5343(c)(8)(B) and (C), provides for a nationwide uniform 7½ percent night differential for the three o'clock shift, and a 10 percent night differential for the eleven o'clock shift.

The conference agreement does not contain comparable provisions.

Effective date

The House bill, under section 9(c), provides an effective date as the first day of the first pay period which begins on or after the one hundred and eightieth day after date of enactment, or on any earlier date that the Civil Service Commission may prescribe, which is at least ninety days after the date of enactment.

The conference agreement, under section 10, provides an effective date as the first day of the first pay period which begins on or after ninety days after the date of enactment except that it is one hundred and eighty days in the case of nonappropriated fund employees and Veterans' Canteen Service employees.

Premium pay

The House bill, under section 10, provides nonappropriated fund employees and Veterans' Canteen Service employees with a 25 percent additional premium pay for Sunday work, and double pay for holiday work.

The conference agreement does not contain comparable provisions.

Thaddeus J. Dulski,
David N. Henderson,
Morris Udall,
Robert J. Corbett,
Managers on the Part of the House.

REVISED EDITION OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 236) authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—analysis and interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, reserving the right to object, on December 7, if my memory serves me well, Senate Joint Resolution 236 was on our list of suspensions to be considered as item No. 26 for that day. I asked that it not be brought up, and I appreciate the courtesy and comity of the gentleman for not calling it at that time, until it could be determined whether or not this request, which is basically for updating the Constitution annotated with the Supreme Court citations through the October 1971 term of that body, is to be prepared by the Library of Congress. It does many other things at considerable expense, which I understand will primarily be recouped into the Treasury by sale of the document and its supporting and automatically updating services over the next 10-year period.

My question at that time, which has still not been answered—and I would ask it again of the distinguished gentleman from Pennsylvania in order to make a legislative record about the value of this is: What will it cost the taxpayers? Why do we need it? More basically why do we need this in addition to the printed code and statutes that is supplied to everyone, which is updated on a weekly basis as a living service? I refer to mine very often.

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The legislative assistant is very proud of it and keeps it updated. For the life of me, I cannot see why we should spend another $179,000 of the taxpayers' money, in addition, unless there is some value to the depository libraries.

Mr. Speaker, I yield to the gentleman from Pennsylvania for an answer.

Mr. DENT. For the information of the gentleman and other Members of Congress, what we are trying to do is establish a permanent authority for the printing of an annotated copy of the Constitution. It has been done in a haphazard fashion since 1915. While it is true we do get an updated congressional report, there is a demand throughout the country for this particular publication. It was printed the last time in 1964. The Government Printing Office sold 18,516 copies at $15.50 each, for a total of $286,998. The entire cost, including the printing, preparation, revision, and pocket supplements for this proposed printing would be $204,854. Out of the number of copies that will be printed, there will be 1,500 copies as a Senate document, 4,870 additional copies, of which 2,634 copies will be for the use of Members of the House, each Member receiving six copies, 1,236 copies for the use of the Senate, 12 per Senator, and there will be 1,000 copies for the Joint Committee on Printing, as well as the number of copies to be sold. It is anticipated, of course, that the price will go up, and also it is anticipated by the committee that the full cost of the preparation and printing of this will be returned to the Treasury by sales, because of a huge demand throughout the country for this particular publication.

Mr. HALL. Mr. Speaker, I would further ask the gentleman if the copy I hold in my hand is the pocket supplement to which the gentleman refers.

Mr. DENT. It is similar.

Mr. HALL. However, this, of course, was last printed—according to the flyleaf here—as House Document No. 190 in the first session of the 89th Congress, and presented by our colleague from Texas (Mr. BURLESON) and its price is only 15 cents.

Mr. DENT. That is right.

Mr. HALL. The basic text, with the frequent annotations, is the one the gentleman refers to as costing $15, which will be supplied to depository libraries around the Nation and the world; is that correct?

Mr. DENT. That is right. It is further to be noted that this particular printing provides for pocket insertions which will be updated every 2 years. At the end of 10 years, which has been the normal printing time, a complete library will be contained within this particular annotated copy of all the decisions and changes in constitutional provisions.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, further reserving the right to object——

The SPEAKER. The Chair had agreed to recognize the gentleman from Pennsylvania for not long debate. The Chair, of course, has no control over that.

Mr. HALL. Of course not.

The SPEAKER. But the Chair calls the attention of the gentleman from Pennsylvania to the observation the Chair made.

The gentleman from Missouri reserves the right to object.

Mr. HALL. Mr. Speaker, I am of the opinion that the testimony before the House by the gentleman from Pennsylvania does indicate a need for updating. I am not at all sure that his urgent plea for including the exceptionally large number of Supreme Court decisions which have altered prior interpretations of the Constitution is of great public interest or value. But nevertheless, in view of his persuasive manner and in view of the haste of the Chair, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 236

Whereas the Constitution of the United States of America—Analysis and Interpretation, published in 1964 as Senate Document Numbered 39, Eighty-eighth Congress, serves a very useful purpose by supplying essential information, not only to the Members of Congress but also to the public at large;

Whereas such document contains annotations of cases decided by the Supreme Court of the United States to June 22, 1964;

Whereas many cases bearing significantly upon the analysis and interpretation of the Constitution have been decided by the Supreme Court since June 22, 1964;

Whereas the Congress, in recognition of the usefulness of this type of document, has in the last half century since 1913; ordered the preparation and printing of revised editions of such a document on six occasions at intervals of from ten to fourteen years; and

Whereas the continuing usefulness and importance of such a document will be greatly enhanced by revision at shorter intervals on a regular schedule and thus made more readily available to Members and Committees by means of pocket-part supplements: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress shall have prepared—

(1) a hardbound revised edition of the Constitution of the United States of America—Analysis and Interpretation, published as Senate Document Numbered 39, Eighty-eight Congress (referred to hereinafter as the "Constitution Annotated"), which shall contain annotations of decisions of the Supreme Court of the United States through the end of the October 1971 term of the Supreme Court, construing provisions of the Constitution;

(2) upon the completion of each of the October 1973, October 1975, October 1977, and October 1979 terms of the Supreme Court, a cumulative pocket-part supplement to the hardbound revised edition of the Constitution Annotated prepared pursuant to clause (1), which shall contain cumulative annotations of all such decisions rendered by the Supreme Court after the end of the October 1971 term;

(3) upon the completion of the October 1981 term of the Supreme Court, and upon the completion of each tenth October term of the Supreme Court thereafter, a hardbound decennial revised edition of the Constitution Annotated, which shall contain annotations of all decisions theretofore rendered by the Supreme Court construing provisions of the Constitution; and

(4) upon the completion of the October 1983 term of the Supreme Court, and upon the completion of each subsequent October term of the Supreme Court beginning in an odd-numbered year (the final digit of which is not a 1), a cumulative pocket-part supplement to the most recent hardbound decennial revised edition of the Constitution Annotated, which shall contain cumulative annotations of all such decisions rendered by the Supreme Court which were not included in that hardbound decennial revised edition of the Constitution Annotated.

SEC. 2. All hardbound revised editions and all cumulative pocket-part supplements shall be printed as Senate documents.

SEC. 3. There shall be printed four thousand eight hundred and seventy additional copies of the hardbound revised editions prepared pursuant to clause (1) of the first section and of all cumulative pocket-part supplements thereto, of which two thousand six hundred and thirty-four copies shall be for the use of the House of Representatives, one thousand two hundred and thirty-six copies shall be for the use of the Senate, and one thousand copies shall be for the use of the Joint Committee on Printing. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, newly elected subsequent to the issuance of the hardbound revised edition prepared pursuant to such clause and prior to the first hardbound decennial revised edition, who did not receive a copy of the edition prepared pursuant to such clause, shall, upon timely request, receive one copy of such edition and the then current cumulative pocket-part supplement and any further supplements thereto. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, no longer serving after the issuance of the hardbound revised edition prepared pursuant to such clause and who received such edition, may receive one copy of each cumulative pocket-part supplement thereto upon timely request.

SEC. 4. Additional copies of each hardbound decennial revised edition and of the cumulative pocket-part supplements thereto shall be printed and distributed in accordance with the provisions of any concurrent resolution hereafter adopted with respect thereto.

SEC. 5. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of this joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 17755, DEPARTMENT OF TRANSPORTATION AND OTHER AGENCIES APPROPRIATIONS, 1971

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. YATES. Mr. Speaker, reserving the right to object—and I shall not

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object—the conferees have cut $80 million out of this appropriation. The Secretary of Transportation, in a letter to the chairman, has stated that any significant reduction in fiscal year 1971 SST funding would increase the program cost on a 2-to-1 ratio. In other words, by cutting the $80 million, the program costs will be increased by $160 million at the end of the program.

I hope the gentleman from Massachusetts, in his explanation of what the conferees did, will make clear to the House how the strange sleight-of-hand compromise reached by the conferees would work; namely, how a $80 million reduction will result in a $160 million cost overrun.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, I would merely call attention of the House to this morning's CONGRESSIONAL RECORD, page 41474. I placed in the RECORD an article on a subsonic carrier which the National Aeronautics and Space Administration is developing, which will do everything that the supersonic transport would do at substantially less cost; without the expenditure of $3 billion or $4 billion; without creating sonic booms, and without endangering the outer atmosphere at excessive altitudes.

I invite my colleagues to read this article—it is on page 41474 of this morning's RECORD—before making a decision on this matter.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Iowa.

Mr. GROSS. So what is being offered here by way of an $80 million cut, as a result of the conference, is in the nature of a SOP so far as the SST is concerned.

Mr. PUCINSKI. What is being offered here, as I understand, is a $210 million additional appropriation which will ultimately become $1.5 billion and which will ultimately become $4 billion or $5 billion to develop a supersonic transport to serve less than 2 percent of the flying public of America. As the article I referred to points out, NASA is developing a new subsonic carrier which it estimates will by 1980 carry the majority of air travelers in America. So we are arguing about spending another $210 million on the SST boondoggle, even though we have reason to believe it will never be certificated and which the British have been trying for years to get out from under, but they cannot. This is an agreement to spend another $210 million here on the SST, and that is all it is.

Mr. GROSS. It is a $80 million reduction from the figure that the House approved, which I say again is in the nature of a SOP to those of us in the House of Representatives who are opposed to further construction of the SST, at least at this time.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. YATES. The gentleman is exactly right. Earlier this year the Department of Transportation appeared before our committee and stated that as a result of the $30 million reduction in SST funding last year there would be an additional cost overrun of $76 million on the SST. That is why the Secretary of Transportation in commenting upon what the conference reduction was likely to be, said that any reduction below $250 million would result in twice the amount of the reduction. So there will be $160 million in addition to this program overall rather than a $80 million reduction.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. PUCINSKI. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Clerk will read the statement of the managers on the part of the House.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 11, 1970.)

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

Mr. BOLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, nothing significant is to be gained by voting $210 million for the SST instead of $290 million. An appropriation of $210 million still keeps the SST alive; it will still be built and will cost no less in the long run. A year from now we will be urged to go ahead with the SST on the ground that we have put $918 million instead of $998 million into it. The foot in the door will be a size 9 instead of a size 10, but it will still be a foot in the door.

As a matter of fact, the voting of $210 million instead of $290 million will probably subject the SST to greater eventual cost inflation as a result of the longer stretch-out. The small sum also detracts from the argument that the SST is needed to provide employment. The unemployment facing the United States is temporary unemployment—or should be. And any justification of the SST that it is needed to provide jobs should rest on jobs needed in the near future, not the distant future. What we need is full employment gotten from producing things we need rather than a plane that may pollute the upper atmosphere; may make so much noise that it will not be allowed to fly over the United States; may require such take-off and landing distance that few airports can handle it; will cost the taxpayers billions of dollars; will bleed the airlines; and will price its rides so high that only the rich can afford to travel in it.

The Senate-House conference agreement—a cut from $290 million to $210 million—is reminiscent of the surgeon who cuts off a toe when the foot is infected, then cuts off the foot when the infection spreads to the leg. The whole job of amputating the SST should be done this year. It will be less painful and less costly than postponing it until later.

Mr. BOLAND. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, when the time comes there shall have to be a motion to concur with the Senate amendments with respect to an aspect of this bill which puts up $28 million for the purpose of placing armed guards on airplanes in order to prevent them from being hijacked and to prevent air piracy.

This $28 million under the conference report is to be taken from the Airport and Airways Trust Fund.

Mr. Speaker, the Members of the Committee of the Whole House on the State of the Union will recall that H.R. 19444 came up before this body and was passed. However, H.R. 19444 came from the Committee on Ways and Means and included a one-half of 1 percent addition to the tax which builds up the trust fund. So, the amount would be raised from 8 to 8.5 percent.

Now, what happened here is that H.R. 19444 never got any further. It passed this body but it did not pass the Senate. That bill never went to the Interstate and Foreign Commerce Committee because it proposed a tax.

So, what we have here is a bill coming back to us, at least a conference report suggesting a motion to concur with the Senate amendment that completely removes the question of policy; that is, whether or not to tamper with the trust fund, from the proper committee of the House which deals with such matters and that is the Committee on Interstate and Foreign Commerce upon which I serve.

What we have, then, is a raid on that fund with neither a bill in the Senate to support it nor a bill in the House to support it, and a proposal which has never been before this House.

You will recall that H.R. 19444 avoided the Committee on Interstate and Foreign Commerce because it dealt with a tax and, therefore, it would not go into the trust fund which we have established under Public Law 91-258. But, now, we would raid this fund without putting any more money in it, in a program that I feel is, from the standpoint of efficacy, very questionable. But beyond the question of the merits, if we permit a conference committee to write policy with respect to the use of the Airport and Airways Trust Fund, then we absolutely avoid the ordinary processes of the House and of the Senate or considering these policies within the proper committee to make the determination as to whether or not such funds should be so diverted.

Mr. Speaker, this is an act in haste. This is an act which is put together as a last-minute effort to pay for the forces on the airplanes which has not been in any way considered by any appropriate committee of either the House or the Senate.

XUM

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from California.

Mr. McFALL. Mr. Speaker, I would like to discuss this with the gentleman. I believe that we are both attempting to accomplish the same purpose, to explain to the House what the reasoning was of the members of the subcommittee in putting this money in.

The Senate bill put it in with language that said that it would not be spent until the legislation which has already passed the House, as the gentleman has described, of providing for these guards on airliners, and providing the tax, would be passed.

Mr. ECKHARDT. That is correct.

Mr. McFALL. The money would come out of the trust fund in that case if the legislation is passed. What we have done is take out of the Senate language the requirement that the legislation be passed, but still allowed to stay in the portion that authorizes it to come from the trust fund. We felt the time is now to provide these air carrier guards, and if we should take this money from the trust fund, and if the legislation is passed, then it would be put back in the trust fund.

We feel that it is essential that the House has spoken, and that the House believes it is essential to provide these guards, and we have provided to do it in this way.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLAND. Mr. Speaker, I yield 4 additional minutes to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman for the lucid explanation, but I would like to point out one thing about it. The House never agreed to use the trust fund. The question of policy as to whether or not the trust fund should be depleted is an entirely different question of policy than the question of whether or not the trust fund should be used as a repository of tax funds which are then in turn spent, and replenished.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the distinguished gentleman from Ohio.

Mr. BOW. Mr. Speaker, I quite agree with the gentleman from Texas that we must protect the trust fund, but it seems to me when we were in conference on this matter that the legislation to which the gentleman referred provided it could be used for safety, and it was my impression that by stopping hijacking and trying to prevent hijacking, contributes to safety in the air. It seems to me that when we have hijacking in the air we have an unsafe situation, so that the use of these funds for safety purposes, as far as preventing hijacking, was within the purview of the act.

Mr. ECKHARDT. Let me say this: I am as much defending the jurisdiction of the Committee on Interstate and Foreign Commerce, rather more so, than defending the question I am raising here. If this bill had originally been a bill which did not tax, but affected the fund itself, the bill would have gone to the Committee on Interstate and Foreign Commerce to determine policy with respect to the use of trust fund moneys. The only reason it escaped the purview of the Committee on Interstate and Foreign Commerce was by the tax gimmick, and because there was a tax, the fund would not practically be affected.

I have serious misdoubts about the policy question not being decided by the two committees.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding. I think the gentleman has made a good point. If these funds are to be provided they ought to come from the general Treasury, not from the airways and airport bill that passed the House. Nowhere in the language of the bill passed by the House does it provide that we pay for guards on the planes, and there is a serious question in our minds whether there should be a specific tax earmarked for that purpose. It ought to be borne by the public as a whole, not by the users of airlines. It ought to come out of the Treasury, not the trust fund.

Mr. ECKHARDT. That is right. That is what the Senate bill provided for originally. The Senate bill said it will come from the general revenues. The bill we passed over here said it would come from a special tax, but neither the Senate committee nor the Committee on Interstate and Foreign Commerce of the House said the trust fund should be depleted. It came in as a conference committee proposal, and that is the only basis for it; it has never been heard by either of the committees on the Senate side, or on the House side.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I suggest to both of the gentleman from Texas that I agree with the gentleman from Ohio, the ranking member of the Committee on Appropriations. Nothing in the bill that the Interstate and Foreign Commerce Committee passed nor the bill that came out of the Ways and Means Committee indicated the specific nature of the safety devices for which the trust funds would be expended, and certainly the use of armed guards as a preventative for highjacking would indicate that we are using this money for safety on the airlines. That certainly is within the spirit or the legislation to which the gentleman has referred.

Mr. BOLAND. Mr. Speaker, the issue is a relatively simple one. This House passed overwhelmingly some weeks ago the bill H.R. 19444 and the stated purpose of that bill was to provide that the amounts in the trust fund should be available, as provided by appropriations acts, to pay those obligations of the United States incurred before July 1, 1972, for the training, salaries, and other expenses of guards having the same powers as U.S. marshals to accompany aircraft operated by air carriers which are U.S. citizens.

The simple fact of the matter is that the bill passed the House, and I would think the protest comes too late from both of the gentlemen from Texas, because I do not recall any objection the day that this bill was on the floor. The gentleman who is now in the chair was handling the bill, and the gentleman from Wisconsin (Mr. BYRNES) agreed to it.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. The fact of the matter is that we are now training over 2,500 guards. The cost to provide for 2,500 guards on aircraft and also to survey passengers at the various airports is going to run around $28 million. The bill that the gentleman from Arkansas (Mr. MILLS) presented to this House some weeks ago provided for a one-half of 1 percent increase in passenger taxes.

The question here is whether or not the people who use the airways are going to pay for this safety or are the funds going to be taken out of the general funds of the Treasury, thereby assessing that cost upon the people who never ride the airways. There are millions of people in the United States who never have and who never will fly in passenger aircraft. Why should they pay for security guards?

So it is the contention of this committee that this money ought to come out of the trust fund.

How much money is in the trust fund? As of June 30, 1971, I think the receipts will amount to around $612 million. So should we permit the $612 million to remain there unused and take the $28 million out of the general fund as some would suggest? I do not feel that we should make all of the taxpayers pay for the services that we are giving to those who only fly commercial aircraft.

It is that simple, and I submit that what the committee recommends here is the proper action to take.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. ECKHARDT. The gentleman mentions that I did not raise this question at the time of the previous bill. If he will look at the RECORD of September 30, 1970, at page 34325, there is a statement I made at that time on that point in an exchange discussion with Mr. MOSS, who also raised the point. What we were raising at that time was what ultimately happened here. We were suggesting that the trust fund was subject to a raid. But at that time the raid was not quite obvious, because it was said that the one-half of 1 percent would replenish the trust fund. Now we are confronted with the situation that is an absolute and direct raid of the trust fund, and which is a matter wholly subject to the jurisdiction of both the Committee on Interstate and Foreign Commerce and the Committee on Commerce in the Senate.

Mr. BOLAND. Mr. Speaker, the gentleman has made his point, and I hope I made my point.

Once again let me say that as of the end of the current fiscal year, the user tax receipts in that trust fund will amount to better than $600 million. Again, how do you want to pay the security guards? Should they be paid out of the trust fund, or should those who do not fly airliners pay the cost of airway safety for those who do fly? It is really that simple.

The airline industry and the commercial carriers are opposed to taking anything out of the Airport and Airway Trust Fund except grants-in-aid for airports, and facilities and equipment. They do not want us even to touch operations, when the basic law establishing the Airport and Airway Trust Fund clearly provides that money shall be used out of the trust fund for the purpose of paying for certain operations of the FAA. It clearly says so.

I would suggest that some members of the other body and some of the Members of this body read the basic act. If we were violating the sanctity of the trust fund, that would be a different matter. But the basic law specifically provides for funding these operations out of the Airport and Airway Trust Fund, and that is the reason why the committee came to the conclusion that it did.

Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Illinois (Mr. YATES).

(Mr. YATES asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. YATES. Mr. Speaker, I was very much impressed by the argument of the gentleman from Massachusetts on the last issue that was presented. He said:

> There are millions of people who will not fly the airways. Why should they pay for costs in connection with it?

There will be millions of people who will not fly the SST. Why should they pay for it in their taxes?

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. YATES. I am delighted to yield to the gentleman from Massachusetts.

Mr. BOLAND. I know the gentleman is going to contest the SST program. However, the SST is not going to be paid for by the taxpayers of the United States. The gentleman from Illinois (Mr. YATES) is completely familiar with the record. It is the judgment of those who support this program, that if we sell 300 of the SST's, we will get the entire $1,300,000,000 back that we will spend for research and development, and that is the only extent to which this Government is being committed. Any number above 300 will bring a royalty, and if we sell 500 of the planes, we will get approximately $1 billion back in royalties.

The gentleman will dispute this, I know. He has done it well in the subcommittee; he has done it well on the floor of the House; he has done it well on the radio, television, and in the newspapers. But that is our contention. The gentleman can disagree, if he wishes.

Mr. YATES. Of course, the gentleman knows very well that it is a long road to the time when the Government will begin to be paid, especially if the Government has to make available the $3 or $4 billion which will be needed to produce the plane. That is the only way the Government will get the royalties, if the royalties ever come in.

Mark my words, the Department of Transportation is going to ask the taxpayers to advance that $3 or $4 billion, and it must be advanced before you ever get the first royalties from any kind of sale of the plane.

But I am here today to talk about this conference report, this strange, this perplexing, this sleight-of-hand conference report, which cuts appropriations at this time only to have the cut restored and doubled at the end of producing the prototype. To my mind, it is worse than the original action of the House in voting the whole appropriation, because striking the entire appropriation is much better than handling the program on this kind of piecemeal basis that will satisfy nobody.

Mr. Speaker, pity the poor taxpayers. To this outrageously expensive program, the conferees by their action have added another $180 million in cost overruns. The $80 million cut by the conference for this fiscal year will require an additional $180 million at the end of the program to complete the prototype. The same tricky procedure took place this year. We cut the program by $30 million last year, and the Department of Transportation came before our committee and said that as a result of our action, another $76 million had to be added to the program in order to complete it. Thus, Mr. Speaker, instead of the $750 million limitation on Government funds placed on this program by President Kennedy when he launched it in 1963, it will be exactly twice what President Kennedy said the Government was going to spend on the program.

We now have a program that will cost $1,500,000,000—exactly twice.

The conference report is equally unsatisfactory to the contractor. To a finely tuned production schedule for an extremely difficult and innovative new aircraft, the conferees have brought by their action disruption and chaos. The production lines will have to be extended in time and the subcontracts renegotiated.

With the subcontractor and the contractor and the suppliers and, yes, the Members of Congress who voted for this program because they wanted to maintain employment, this action of the conferees in their report and the $90 million cut will certainly cause layoffs.

These are not only my views. These are the views of the Secretary of Transportation, Mr. Volpe. In a letter this year on December 9, to the chairman of the committee, this is what Secretary Volpe said would result from the action of the conferees:

> While it is possible to direct severe program reductions—those below $250 million level—conferees should be aware that in essence this would destroy the prototype program as we know it today. Since this is such a drastic reduction of program support by all previous Congresses, we have not analyzed the impact in quantitative details, however, the following points should be understood:
>
> 1. The contracts would have to be renegotiated and it is obvious that the Government's share of the cost would increase significantly.
>
> 2. All subcontracts would be terminated and it is doubtful that other subcontractors could be assembled in light of the depressed situation of our aerospace industry today.

To add insult to injury, the conferees said in the report to the Department and to the contractor—and this is in the report in essence—that this $80 million cut will be made now and we will review to see if we should restore the funds later on. Surely, Mr. Speaker, this is yo-yo financing of the worst kind.

It will be argued that those of us who are opposed to the program want this kind of chaos, this kind of disruption. We do not want this kind of frenetic disruption. We want to bring this program to an end, but we want it killed quickly and cleanly, not in the messy, lingering, painful fashion recommended in this report by the conferees.

Mr. Speaker, this is the time to stop this program—now—before the Government plunges into the second half of its $1,500,000,000 expenditure on these prototypes.

This is the time to stop this program—now—before we tie the Government inevitably to the additional $3 or $4 billion, which will be needed to produce the SST and to pay the royalties the chairman of the subcommittee alluded to.

This is the time to stop the program—now—when the Government is faced with $15 billion in deficit this year.

This is the time to stop this program—now—so that the funds desperately needed for more vital programs will be made available for other purposes.

Mr. Speaker, programs like the drug abuse program, which has been allocated for this fiscal year the amount of $154 million, are the programs I refer to. That is a meager amount which is supposed to take care of all aspects of the drug problem including law enforcement, treatment, rehabilitation, education, training, and research. Is that more important than the SST program? Talk about priorities. The amount allocated for the drug program is only two-thirds of this year's allocation for the SST.

Mr. Speaker, the few hours saved in time by the SST is not the answer to what the American people want in air transportation. They want safety above everything else. They want to eliminate air crashes like the one that took place at Huntington, W. Va., when the Marshall University football team was killed, when the plane crashed into an airport that did not have adequate facilities. That is where the money should go. The American people want to avoid being stacked up in the skies, and they want to be enabled to land. They do not want to be lined up on the airfield unable to take off for long periods of time. The SST will not help that situation.

As a matter of fact, the SST, hurtling through the skies in its time-saving flight, will have to take its place in the stacks of planes in the congestion around the country's major airports, waiting for its chance to land.

Mr. Speaker, earlier this year, on April 22, Members of the Congress joined with students all over the country in celebrating Earth Day. On that day millions of people all over the country expressed their concern about what was being done in this country to degrade the environment.

There was a feeling of rebirth and dedication on that day, of seeking to bring an end to the pollution of our streams and our waterways, of the pollution of our skies and of the air we breathe, of bringing an end to the noise and to the bedlam that surrounds us in our daily activity. Those who supported the principles of that day oppose the SST program. They consider the SST to be an instrument for further polluting the quality of life on this earth.

Yes, the SST will bring speedier flight, but it will bring an infernal racket. It will bring sonic boom. It will bring possible pollution of the upper atmosphere, the laying of a permanent cloud cover which may alter the temperature of the earth. The Nation's environmental scientists have warned about this.

Mr. Speaker, those who call the SST a step forward ought to take another look at the program. If this is progress we should want no part of it.

Little has been said about the sonic boom. The administration has lulled the Nation into complacency by saying the SST will not fly supersonically over populated areas in this country. That is true today. But that assurance is certainly subject to jeopardy if the SST ever flies, because it is not created for subsonic flight. Requiring it to do so will reduce its earning power. Its economic viability depends upon its full speed. The pressure will be enormous to permit supersonic flight with the boom over land, let us hope and pray that day will never come.

There has been little objection thus far to booms being sounded over the ocean. Now there has been brought to my attention the protest of distinguished oceanographers and marine students and scholars, and it seems to me their view must be given consideration. I attach their views and their names hereto:

Oceanographers and Marine Scientists Warn Against Repeated SST Sonic Booms Over the Atlantic Ocean

More than 35 oceanographers and marine scientists from world-famous oceanographic and marine research institutes have gone on record as having serious concern for the wildlife of the North Atlantic Ocean—if hundreds of supersonic transport planes (SSTs) inflict sonic booms on this ocean night and day for decades.

The views of these marine naturalists were solicited on Nov. 28, 1970, by the Citizens League Against the Sonic Boom, and their replies in the form of signed letters of protest were received a few days later. The signed protests read as follows:

TO WHOM IT MAY CONCERN

As one who has been concerned with the oceans and ocean ecology for many years, I wish to protest the assumption by aviation administrators and airline officials that it is permissible to inflict SSTs' sonic booms on a considerable fraction of the North Atlantic, day and night, year after year, for decades. At present no adequate answers are available to questions as to the possible harm of such booms, known to be startling to men and animals, to life above and below the surface of the ocean.

The names of the signers are indicated on the attached list. Included are some of the world's ranking experts on oceanography, ocean ecology, marine biology, animal physiology, etc.

LIST OF PERSONS SIGNING THE LETTERS OF PROTEST

Abbreviations: MBL: Marine Biological Laboratory, Woods Hole, Mass. WHOI: Woods Hole Oceanographic Institute, Woods Hole.

Dr. Eric G. Ball, Trustee of MBL; also Member of faculty of Harvard Medical School, Boston, Mass.

Dr. Lincoln Baxter, II, Applied Physicist in Dept. of Applied Oceanography, WHOI.

Dr. Francis G. Carey, Assistant Scientist in Dept. of Biology, WHOI.

Dr. Francis D. Carlson, Member of Executive Committee of Board of Trustees, MBL.

Dr. Melbourne R. Carriker, Director of Systematics-Ecology Program, MBL.

Prof. James F. Case, Instructor in Dept. of Experimental Invertebrate Zoology, MBL; also Professor of Biology, Univ. of California, Santa Barbara, California.

Prof. Roderick K. Clayton, Instructor in Dept. of Physiology, MBL; also Professor of Biology, Cornell Univ., Ithaca, N.Y.

Dr. Nathaniel Corwin, Analytical Chemist in Dept. of Biology, WHOI.

Dr. Sears Crowell, Member of Executive Committee of Board of Trustees, MBL.

Assist. Prof. Gary L. Freeman, Instructor in Dept. of Embryology, MBL; also Assistant Professor of Biology, Univ. of California, San Diego, California.

Assist. Prof. Jonathan P. Green, Instructor in Dept. of Experimental Invertebrate Zoology, MBL; also Assistant Professor of Biology, Brown Univ., Providence, R.I.

Assoc. Prof. Michael J. Greenberg, Instructor in Dept. of Experimental Invertebrate Zoology, MBL; also Associate Professor of Biology, Florida State Univ., Tallahassee, Fla.

Dr. Robert R. L. Guillard, Associate Scientist in Dept. of Biology, WHOI.

Dr. George R. Hampson, Research Associate in Dept. of Biology, WHOI.

Prof. J. Woodland Hastings, Member of Executive Committee of Board of Trustees, MBL; also Professor of Biology, Harvard Univ., Cambridge, Mass.

Dr. Arthur G. Humes, Acting Resident Systematist, Systematics-Ecology Program, MBL.

Dr. Columbus O'D Iselin, Henry Bryant Bigelow Oceanographer and Acting Chairman of Dept. of Theoretical Oceanography and Meteorology, MBL.

Prof. Antone G. Jacobson, Instructor in Dept. of Embryology, MBL; also Professor of Biology, Univ. of Texas, Austin, Tex.

Dr. Bostwick H. Ketchum, Associate Director, WHOI.

Dr. Andrew Konnerth, Jr., Research Associate in Dept. of Biology, WHOI.

Dr. Charlotte P. Mangum, Instructor in Dept. of Experimental Invertebrate Zoology, MBL; also Associate Professor of Biology, William and Mary College, Williamsburg, Va.

Dr. Raymond P. Markel, Research Associate, Systematics-Ecology Program, MBL.

Dr. Lawrence R. McCloskey, Research Associate, Systematics-Ecology Program, MBL.

Prof. Clark P. Read, Member of Executive Committee of Board of Trustees, MBL; also Professor of Biology, Rice University, Houston, Texas.

Dr. Sumner Richman, Instructor in Dept. of Marine Ecology, MBL; also Dept. of Biology, Lawrence Univ., Appleton, Wisc.

Dr. Melvin A. Rosenfeld, Manager of Information Processing Center, WHOI.

Dr. Howard L. Sanders, Senior Scientist in Dept. of Biology, WHOI.

Dr. Rudolph S. Scheltema, Assistant Scientist in Dept. of Biology, WHOI.

Dr. Elizabeth H. Schroeder, Research Associate in Dept. of Physical Oceanography, WHOI.

Dr. Lawrence B. Slobodkin, Instructor in Dept. of Marine Ecology, MBL; also Dept. of Biology, State Univ. of New York, Stony Brook, N.Y.

Prof. Malcolm S. Steinberg, Trustee and Instructor in Dept. of Embryology, MBL; also Professor of Biology at Princeton Univ., Princeton, N.J.

Prof. Maurice Sussman, Instructor in Dept. of Physiology, MBL; also Professor of Biology, Brandeis Univ., Waltham, Mass.

Dr. Albert Szent-Györgyi, Director of Institute of Muscle Research, MBL; also Consultant in Dept. of Physiology.

Dr. Andrew G. Szent-Györgyi, Trustee and Instructor in Dept. of Physiology, MBL; also Professor Biology, Brandeis Univ., Waltham, Mass.

Dr. Ralph F. Vaccaro, Associate Scientist in Dept. of Biology, WHOI.

Dr. Walter S. Vincent, Trustee of MBL; also Univ. of Pittsburgh, Pittsburgh, Pa.

Dr. Stanley W. Watson, Associate Scientist in Dept. of Biology, WHOI.

Prof. E. O. Wilson, Instructor in Dept. of Marine Ecology, MBL; also Harvard Univ., Cambridge, Mass.

Prof. David A. Yphantis, Instructor in Dept. of Physiology, MBL; also Professor of Biochemistry and Biophysics, Univ. of Connecticut, Storrs, Conn.

Mr. BOLAND. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, the distinguished ranking minority member of the Subcommittee on Transportation Appropriations.

Mr. CONTE. Mr. Speaker, I want to take this opportunity to commend my distinguished colleague from Massachusetts for his able presentation of the conference committee action on the Department of Transportation appropriation bill.

I shall confine my remarks to a very few brief comments in regard to the bill of special interest to me.

In regard to the SST, I believe we have whipped this issue backward and forward. I will say here today what I said in conference. Three of us signed the report with the exception of the SST, but as I said in conference we could take a vote in 10 seconds, for everyone knows how he is going to vote. Everything which has to be said upon it has been said. I am sure every Member has made up his mind.

In fact, this House, by a 39-vote margin, instructed the conferees to come back with a figure of $290 million rather than $210 million. Therefore, what we say here today, will fall on deaf ears.

So I will concentrate on some other items.

The $28 million was discussed here, to be set aside to meet the growing danger resulting from hijacking and sabotage and other activities endangering the security of civil aviation. I am sure I speak for all of us here when I say that this is a most serious problem which must be dealt with swiftly and effectively. Hopefully these funds will enable all people to use the Nation's airways and to do so with confidence and peace of mind, to which they are entitled.

I agree wholeheartedly with the chairman of the committee on this, and with the conference committee. There was a unanimous vote that this money should come out of the trust fund. H.R. 19444, which bill was passed by the House on September 30, 1970, was most explicit on this point.

The gentleman from Illinois (Mr. YATES) says he does not see why the SST should come from funds of the general taxpayers. Likewise, why should the general taxpayers pay for the safety of people who use the airways? I use the airways every week. I am taxed an excise tax. This should go to provide for my safety and for the safety of other people who use the airways.

In regard to the highway beautification program, the conference members placed an obligational limit of $8.5 millin on the program for this purpose. The only reason we limited it to $8.5 million was that the new authorization bill is still in conference. I am certain, considering the discussion we had in the conference and the discussions I have had with the chairman, that when the authorization bill is finally passed by the House and Senate, is out of conference and signed by the President of the United States, if the Department of Transportation comes up with a supplemental bill, we will give serious consideration to raising this limitation, which I feel should be raised.

The House limited the contract authorization for urban mass transit to $214 million. In conference we comprised this limitation to $600 million.

The reason why this was not increased in the full amount of $860 million in the bill is that 6 months of the fiscal year have already gone by, and we felt after discussion all that could be spent in the remaining 6 months of the fiscal year would be $600 million.

I know many Members of the House have spoken to me on this particular item and they are very pleased with this $600 million figure for UMTA.

Mr. Speaker, section 307 is a very important provision, which further prohibits further construction on the Miami jetport or the construction of any other facility in the Everglades National Park until the Department of the Interior and the Department of Transportation study and approve an airport site that will not have any adverse environmental effects on the ecology of the Everglades. This action will help to protect this natural resource and will assure that it will not be subjected to future depredations. At the same time a search for a future airport site to meet the needs of south Florida will be continuing.

Mr. Speaker, with the exception of item 4, I hope the conference report will be approved.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I know the Members of the House recognize the fact that this is a conference report and that there are more programs in it than just the SST. The conferees have brought back a bill with total appropriations of $7,093,636,668. This figure is $159,327,832 below the budget estimates.

With respect to new obligational authority, the conference agreement provides $2,608,134,605, which is a reduction of $133,692,832, or about 5 percent, from the budget estimates. Other comparisons with the conference agreement are shown on page 11 of House report 91–1730 under the statement of the managers on the part of the House.

With respect to the conference agreement, although it is not stated in every instance in the report, it was clearly the intent of the conferees that the positions provided over the House allowance should be proportionate to the additional funds agreed upon.

Mr. Speaker, the SST is certainly the single program included in the scope of the bill which has received the most publicity. It was also the most difficult item to reach agreement on in the conference. The House had originally provided the full $289,965,000 requested for the SST program, and the other body had not provided any funds.

Under the conference agreement, $210 million will be appropriated for the continued development of the SST. I, personally, do not feel that it is wise to reduce this program at this time. There is no question about the fact that, when reductions are made and funding is pushed into later years, costs are going to increase. Nevertheless, if we were going to get final action on an appropriation bill for the Department of Transportation, there had to be some agreement reached in conference on the SST. It was my feeling, and the feelings of a majority of the House conferees, that $210,000,000 was the absolute maximum to which the Senate would agree. This will provide enough funds to continue the prototype development program.

While the SST is the most controversial item in the bill, there are many other important programs whose funding levels will be greatly affected by the final action on this bill. Based on the conference agreement, the total appropriations in the bill, not counting the funds for the SST, will be $6,883,636,668, or nearly $7 billion.

What this means is that a vote for the conference report is also a vote for:

A $600 million urban mass transportation program, or almost a 200-percent increase in this program over the current level;

Funds for 2,265 additional air traffic controllers;

The sum of $190 million for additional facilities and equipment to help meet the growing air traffic congestion and aviation safety problems;

The sum of $4.35 billion for additional highway construction;

Additional funds for highway safety;

The sum of $50 million in subsidy payments to air carriers to help make air transportation available to certain smaller communities that would not otherwise be served;

The sum of $330 million for the Federal share of the Washington, D.C., subway system; and

Funds for many other needed transportation programs.

So, Mr. Speaker, I would hope that the Members of the House will vote to provide the funds needed to continue our Nation's transportation programs by agreeing to this conference report.

Under leave to extend, I place in the RECORD a summary table showing the actions of Congress on the bill:

COMPARATIVE STATEMENT OF ESTIMATES AND AMOUNTS APPROVED FOR 1971

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

						Conference action compared with—			
Agency and item (1)	[1] New budget (obligational) authority fiscal year 1970 (2)	Budget estimates of new (obligational) authority fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New obligational authority recommended in Senate bill (5)	Conference action (6)	New obligational authority 1970 (7)	Budget estimate 1971 (8)	House bill (9)	Senate bill (10)
TITLE I									
DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Salaries and expenses	$12,541,000	[2] $19,510,000	$17,230,000	$17,840,000	$17,535,000	+$4,994,000	−$1,975,000	+$305,000	−$305,000
Transportation planning, research, and development	11,000,000	22,000,000	14,500,000	14,500,000	14,500,000	+3,500,000	−7,500,000		
Grants-in-aid for natural gas pipeline safety		1,000,000		1,000,000	500,000	+500,000	−500,000	+500,000	−500,000
Consolidation of department headquarters	4,520,000	[3] 4,845,000	4,845,000	4,845,000	4,845,000	+325,000			
Civil supersonic aircraft development	85,000,000	289,965,000	289,965,000		210,000,000	+125,000,000	−79,965,000	−79,965,000	+210,000,000
Total, Office of the Secretary	113,061,000	337,320,000	326,540,000	38,185,000	247,380,000	+134,319,000	−89,940,000	−79,160,000	+209,195,000
Coast Guard									
Operating expenses	415,967,258	426,740,000	423,500,000	423,500,000	423,500,000	+7,532,742	−3,240,000		
Appropriations for debt reduction	131,370	137,063	137,063	137,063	137,063	−5,693			
Subtotal, operating expenses	415,835,888	426,602,937	423,362,937	423,362,937	423,362,937	+7,527,049	−3,240,000		
Acquisition, construction, and improvements	67,700,000	100,000,000	90,000,000	100,000,000	94,000,000	+26,300,000	−6,000,000	+4,000,000	−6,000,000
Retired pay	58,750,000	64,530,000	64,530,000	64,530,000	64,530,000	+5,780,000			
Reserve training	27,350,152	10,000,000	25,900,000	25,900,000	25,900,000	−1,450,152	+15,900,000		
Research, development, test, and evaluation	14,500,000	24,000,000	19,500,000	23,000,000	22,500,000	+8,000,000	−1,500,000	+3,000,000	−500,000
Oil pollution fund (S. Doc. 91–104)		35,000,000		35,000,000	20,000,000	+20,000,000	−15,000,000	+20,000,000	−15,000,000
Total, Coast Guard	584,136,040	660,132,937	623,292,937	671,792,937	650,292,937	+66,156,897	−9,840,000	+27,000,000	−21,500,000

Footnotes at end of table.

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COMPARATIVE STATEMENT OF ESTIMATES AND AMOUNTS APPROVED FOR 1971—Continued

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item (1)	[1] New budget (obligational) authority fiscal year 1970 (2)	Budget estimates of new (obligational) authority fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New obligational authority recommended in Senate bill (5)	Conference action (6)	Conference action compared with— New obligational authority 1970 (7)	Conference action compared with— Budget estimate 1971 (8)	Conference action compared with— House bill (9)	Conference action compared with— Senate bill (10)
TITLE I—Continued									
DEPT. OF **TRANSPORTATION—Con.**									
Federal Aviation Administration									
Operations	$845,647,000	$951,885,000	$923,885,000	[4] $951,885,000	$951,885,000	+$106,238,000		+$28,000,000	
Facilities and equipment	224,000,000	190,000,000	190,000,000	190,000,000	190,000,000	−34,000,000			
Research and development	41,280,000	47,500,000	45,000,000	47,500,000	45,000,000	+3,720,000	−$2,500,000		−$2,500,000
Operation and maintenance, National Capital Airports	10,150,000	10,600,000	10,500,000	10,500,000	10,500,000	+350,000	−100,000		
Construction, National Capital Airports	1,900,000	11,000,000	4,000,000	4,000,000	4,000,000	+2,100,000	−7,000,000		
Grants-in-aid for airports	50,000,000					−50,000,000			
Limitation on obligations		[5] (100,000,000)	(220,000,000)		(250,000,000)	(+250,000,000)	(+150,000,000)	(+30,000,000)	(+250,000,000)
Total, Federal Aviation Administration	1,172,977,000	1,210,985,000	1,173,385,000	1,203,885,000	1,201,385,000	+28,408,000	−9,600,000	+28,000,000	−2,500,000
Federal Highway Administration									
Office of the Administrator, salaries and expenses:									
Appropriation	1,813,183	[6] 525,000	500,000	525,000	512,500	−1,300,683	−12,500	+12,500	−12,500
Trust fund limitation (transfer)	(13,865,869)	(14,956,000)	(14,721,000)	(14,826,000)	(14,773,500)	(−907,631)	(−182,500)	(+52,500)	(−52,500)
Bureau of Public Roads: Limitation on general expenses	(63,369,913)	[7] (77,913,000)	(68,488,000)	(70,433,000)	(69,460,500)	(+6,090,587)	(−8,452,500)	(+972,500)	(−972,500)
Federal-aid highways (trust fund—appropriations to liquidate contract authorization)	(4,419,279,000)	(4,360,000,000)	(4,350,340,000)	(4,352,390,000)	(4,351,365,000)	(−67,914,000)	(−8,635,000)	(+1,025,000)	(−1,025,000)
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization	(40,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(−5,000,000)			
Highway beautification:									
Appropriation	1,100,000	800,000	500,000	500,000	500,000	−600,000	−300,000		
Appropriation to liquidate contract authorization	(5,000,000)	(20,000,000)	(16,500,000)	(16,500,000)	(16,500,00)	(+11,500,000)	(−3,500,000)		
Limitation on obligations	(16,100,000)	[8] (8,552,000)	(5,500,000)		(8,500,000)	(−7,600,000)	(−52,000)	(+3,000,000)	(+8,500,000)
Motor carrier safety	2,510,301	4,118,000	3,443,000	3,718,000	3,580,500	+1,070,199	−537,500	+137,500	−137,500
Forest highways:									
Appropriation to liquidate contract authorization.	(25,000,000)	(20,000,000)	(15,000,000)	(20,000,000)	(17,500,000)	(−7,500,000)	(−2,500,000)	(+2,500,000)	(−2,500,000)
Limitation on obligations	(18,000,000)	[8] (33,000,000)	(22,500,000)	(33,000,000)	(27,750,000)	(+9,750,000)	(−5,250,000)	(+5,250,000)	(−5,250,000)
Public lands highways:									
Appropriation to liquidate contract authorization.	(7,000,000)	(15,000,000)	(13,000,000)	(15,000,000)	(14,000,000)	(+7,000,000)	(−1,000,000)	(+1,000,000)	(−1,000,000)
Limitation on obligations	(8,000,000)	[8] (16,000,000)	(10,000,000)	(16,000,000)	(13,000,000)	(+5,000,000)	(−3,000,000)	(+3,000,000)	(−3,000,000)
Chamizal Memorial Highway	4,000,000					−4,000,000			
Total Federal Highway Administration	9,423,484	5,443,000	4,443,000	4,743,000	4,593,000	−4,830,484	− 850,000	+150,000	−150,000
National Highway Safety Bureau									
Traffic and highway safety:									
Appropriation	30,171,665	[10] 53,075,000	40,435,000	47,601,000	42,935,000	+12,763,335	−10,140,000	+2,500,000	−4,666,000
By transfer	(2,071,221)	(2,611,000)	(2,611,000)	(2,611,000)	(2,611,000)	(+539,779)			
State and community highway safety:									
Appropriation to liquidate contract authorization	(30,000,000)	(61,000,000)	(51,000,000)	(51,000,000)	(51,000,000)	(+21,000,000)	(−10,000,000)		
Limitation on obligations	(70,000,000)	[8] (80,000,000)	(70,000,000)	(80,000,000)	(75,000,000)	(+5,000,000)	(−5,000,000)	(+5,000,000)	(−5,000,000)
Total, National Highway Safety Bureau	30,171,665	53,075,000	40,435,000	47,601,000	42,935,000	+12,763,335	−10,140,000	+2,500,000	−4,666,000
Federal Railroad Administration									
Office of the Administrator, salaries and expenses	1,135,000	1,600,000	1,395,000	1,395,000	1,395,000	+260,000	−205,000		
Bureau of Railroad Safety	4,333,000	4,550,000	4,500,000	4,500,000	4,500,000	+167,000	−50,000		
High-speed ground transportation research and development	11,000,000	21,688,000	(9)	21,688,000	18,000,000	+7,000,000	−3,688,000	+18,000,000	−3,688,000
Railroad research	300,000	1,500,000	900,000	1,005,000	950,000	+650,000	−550,000	+50,000	−55,000
Total, Federal Railroad Administration	16,768,000	29,338,000	6,795,000	28,588,000	24,845,000	+8,077,000	−4,493,000	+18,050,000	−3,743,000
Urban Mass Transportation Administration									
Salaries and expenses	1,600,000	4,000,000	3,200,000	3,450,000	3,325,000	+1,725,000	−675,000	+125,000	−125,000
Research, development, and demonstration				20,000,000	6,000,000	+6,000,000	+6,000,000	+6,000,000	−14,000,000
Urban mass transportation fund	[11] 214,000,000					−214,000,000			
Limitation on commitments		[8] (850,000,000)	(214,000,000)		(600,000,000)	(+600,000,000)	(−250,000,000)	(+386,000,000)	(+600,000,000)
Total, Urban Mass Transportation Administration	215,600,000	4,000,000	3,200,000	23,450,000	9,325,000	−206,275,000	+5,325,000	+6,125,000	−14,125,000
St. Lawrence Seaway Development Corporation									
Limitation on administration expenses	(652,000)	(700,000)	(700,000)	(700,000)	(700,000)	(48,000)			
Total, title I Department of Transportation	2,142,137,189	2,300,293,937	2,178,090,937	2,018,244,937	2,180,755,937	+38,618,748	−119,538,000	+2,665,000	+162,511,000

Footnotes at end of table.

						Conference action compared with—			
Agency and item	[1] New budget (obligational) authority fiscal year 1970	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in House bill	New obligational authority recommended in Senate bill	Conference action	New obligational authority 1970	Budget estimate 1971	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II									
RELATED AGENCIES									
National Transportation Safety Board									
Salaries and expenses	$5,478,474	$6,120,000	$6,000,000	$6,000,000	$6,000,000	+$521,526	−$120,000		
Civil Aeronautics Board									
Salaries and expenses	11,395,100	11,134,000	11,134,000	11,134,000	11,134,000	−261,100			
Payments to air carriers	33,500,000	27,327,000	27,327,000	58,300,000	50,000,000	+16,500,000	+22,673,000	+$22,673,000	−$8,300,000
Total, Civil Aeronautics Board	44,895,100	38,461,000	38,461,000	69,434,000	61,134,000	+16,238,900	+22,673,000	+22,673,000	−8,300,000
Interstate Commerce Commission									
Salaries and expenses	27,742,660	25,600,000	27,000,000	27,000,000	27,000,000	−742,660	+1,400,000		
Payment of loan guarantees (S. Doc. 95)		3,313,500		3,216,668	3,216,668	+3,216,668	−96,832	+3,216,668	
Total, Interstate Commerce Commission	27,742,660	28,913,500	27,000,000	30,216,668	30,216,668	+2,474,008	+1,303,168	+3,216,668	
Washington Metropolitan Area Transit Authority									
Federal contribution	126,112,000	[12] 368,039,000	[13] 330,028,000	[13] 330,028,000	330,028,000	+203,916,000	−38,011,000		
Total, title II, related agencies	204,228,234	441,533,500	401,489,000	435,678,668	427,378,668	+223,150,434	−14,154,832	+25,889,668	−8,300,000
Total, titles I and II, new budget (obligational) authority	2,346,365,423	2,741,827,437	2,579,579,937	2,453,923,605	2,608,134,605	+261,769,182	−133,692,832	+28,554,668	+154,211,000
Consisting of—									
Appropriations:									
Fiscal year 1970	(2,132,365,423)					−2,132,365,423			
Fiscal year 1971	(214,000,000)	(2,553,816,437)	(2,429,579,937)	(2,303,923,605)	(2,458,134,605)	+2,244,134,605	(−95,681,832)	(+28,554,668)	(+154,211,000)
Fiscal year 1972		(188,011,000)	(150,000,000)	(150,000,000)	(150,000,000)	(+150,000,000)	(−38,011,000)		
Memorandums:									
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(4,489,890,000)	(4,485,365,000)	(−40,914,000)	(−25,635,000)	(+4,525,000)	(−4,525,000)
Appropriation for debt reduction	(131,370)	(137,063)	(137,063)	(137,063)	(137,063)	(+5,693)			
Grand total	(6,872,775,793)	(7,252,964,500)	(7,060,557,000)	(6,943,950,668)	(7,093,636,668)	(+220,860,875)	(−159,327,832)	(+33,079,668)	(+149,686,000)

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[1] Includes Public Law 91-305 2d supplemental, 1970 $29,585,793 (indefinite appropriations) in title III.

[2] Reflects decrease of $610,000 (H. Doc. 91-333).

[3] Includes $595,000 contained in H. Doc. 91-333.

[4] Includes $28,000,000 increase (S. Doc. 91-103).

[5] No limitation proposed. February 1970 budget document indicated an estimated $220,000,000 obligational level. This estimate was subsequently revised to $100,000,000.

[6] Excludes $2,225,000 considered under "Traffic and highway safety" (H. Doc. 91-333).

[7] Includes $289,000 by transfer from "State and community highway safety" (H. Doc. 91-333).

[8] No limitation proposed.

[9] Deferred; lacks authorization.

[10] Includes $2,225,000 transferred from "Office of the Administrator" (H. Doc. 91-333).

[11] Advance funding for 1971.

[12] Includes $188,011,000 advance for 1972.

[13] Includes $150,000,000 advance for 1972.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. The gentleman from Illinois (Mr. PUCINSKI) was on his feet and I shall yield to him first.

Mr. PUCINSKI. I certainly want to join in congratulating the distinguished chairman for the work they did and I particularly want to thank him for increasing the authorization and appropriation for the mass transit systems. But I was merely wondering if in urging the $210 million for further development of the SST if the committee is aware of the supersonic transport that NASA is now developing? Has this in any way figured in the decision to proceed with funding the SST, despite the fact that the supersonic NASA transport will do practically everything that the supersonic transport will do at vastly less cost and without affecting the atmosphere, without the sonic boom and excessive noise?

Mr. BOLAND. The gentleman from Massachusetts is familiar with the research and development effort being conducted by NASA. I serve on another subcommittee that funds the NASA operations and, in my judgment, that particular research and development effort has nothing to do with the SST.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I shall be glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Has the Senate acted on this conference report?

Mr. BOLAND. No. The Senate has not acted on the conference report.

Mr. GROSS. Having once turned it down, is there any assurance that they will accept, the Senate as a whole, the SST proposal?

Mr. BOLAND. Well, I would hope that those who consider themselves to be the enlightened and liberal Members of the Senate would not attempt to use obstructionist tactics to bar a vote on this conference report. This conference report, as I have said, includes many, many programs in which a large number of the Members in the other body are interested, just as we are here. I would hope, therefore, that the Members who oppose the SST will give the Senate an opportunity to vote on the $210 million. I do not think they ought to press their opposition so as to preclude the Senate's voting on this conference report.

Mr. ANDREWS of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. Yes; I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I think the gentleman from Massachusetts has made an excellent statement as to what is contained in this bill and I support the vast majority of these programs. However, the only way to eliminate the $210 million for the SST is to recommit this conference report. The conference can then retire only those funds necessary to close out the project. I intend to offer just such a motion so we can end this misbegotten venture once and for all.

Mr. BOLAND. I will state to the gentleman from North Dakota that that comes as no surprise to me, knowing the position of the gentleman on this subject.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois.

Mr. YATES. I was just going to say, Mr. Speaker, that those of us who are opposed to the SST are not opposed to the remainder of the conference report and we do not intend to try to hold up approval of the conference report. We intend, however, to try to get a vote on the SST itself and hopefully to send the conferees back to conference with instructions to strike the funds for the SST.

Mr. BOLAND. Mr. Speaker, I admire the attitude of the gentleman from Illinois (Mr. YATES). I recognize his opposition, and I respect the fact that he does not intend to delay a vote on this particular conference report. I only wish the gentleman had some influence with the Members of the other body so that he could persuade them to agree to a vote on this conference report.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I can appreciate the predicament that the committee is in, in paying for the armed guards, because they are employed, they are at work, they are rendering a service, and at least the Congress has approved the principle of this. The disagreement is on whether it should come out of the trust fund or out of the general revenue. Now, I think the situation we face now is a little better than it was originally. If the other body had passed the bill that passed the House, there would be a tax for a specific purpose, and I think it would be the first time in aviation history when that would be provided, but now take it out of the trust fund instead of the general revenue. I think we are all concerned as much as anything about the jurisdictional question, and if it is approved it ought not be taken as meaning a permanent closure, but one that ought to be resolved promptly on the jurisdictional question the next time.

Mr. BOLAND. I appreciate the remarks of the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. REUSS. Mr. Speaker, this $210 million "compromise" SST program is worse than the one we had before. It is going to cost more, it is going to take longer, and there is an even smaller chance that the Government will ever get its money back.

HIGHER COST

The Transportation Department itself admits that the $80 million cut agreed to by the conferees will result in higher costs in the long run. Secretary Volpe, in a December 9 letter to Senator JOHN STENNIS, said that any significant reduction in fiscal year 1971 SST funding "would increase program costs on a 2-to-1 ratio." That means a cost increase of $160 million, which would bring the Government's share for two prototypes to $1.5 billion.

Furthermore, the Transportation Department's white paper on fiscal year 1971 SST funding—attached to the Volpe letter—says that if any amount less than $250 million is provided for this year, the Government would have to renegotiate its contracts with Boeing and GE, and "the Government's share of the cost would increase significantly."

DELAYS

The $80 million cut will also mean a delay in getting the SST on the market. DOT has not provided estimates of the length of the delay, but there have been reports in the press that it could be as long as 2 years, postponing the scheduled introduction date from 1978 to 1980.

LOSS OF SALES

DOT admitted in the Senate hearings—page 1506—that any delay that postponed the introduction of the SST into commercial service beyond 1978 would have a "drastic" impact on sales. The delay would allow advanced versions of the Concorde to be marketed, DOT said, and "could easily result in such a lead for the British and French that the Government and manufacturers would never break even."

The Transportation Department has been predicting an SST market of 500 planes. With this, they say, the Government will get all its money back plus 4.3 percent interest. And even if only 300 planes are sold, they say, the Government will still get its money back. But what if sales are drastically reduced? The answer is easy—the American taxpayer is going to be left holding the bag.

The Transportation Department itself has made the most telling comment on this $210 million compromise figure. In their white paper, DOT says that any figure below $250 million "would destroy the prototype program as we know it today."

And in this week's Aviation Week, H. W. Withington, Boeing's SST director echoes DOT's prediction:

> With any significant reduction, you cannot have a practical two-prototype program. Maybe you could have a research program of some kind.

Mr. Speaker, to vote this money today is simply to prolong the agony. If the money slips through this year, there will be another fight next year, and the year after that, and the year after that. The controversy over the SST is not going to go away. The people of this country are overwhelmingly opposed to it. You could not go to any streetcorner in this country—except maybe in Seattle—and find more than a handful of people who would say a good word about it.

It is time we showed the people of this country that the system does work—that Congress does listen—and that we are not going to plague them any longer with this environment-despoiling, tax-gobbling monster.

Mr. PICKLE. Mr. Speaker, the issue of the SST, often approached with more emotion than reason, has weighed heavily in my thoughts for a long time. The issues here are complex and a vote either way on this project was not an easy vote to cast.

Usually conferees simply would draw a line down the middle—somewhere between $0 and $290 million in this case. But this is not possible here. The sum of $100 million has already been spent, and an additional $80 million would be required to shut down the program. The Senate figure, then, was unrealistic.

Another $110 million would keep the program running full speed. Presumably, the conferees will come up with a figure somewhere between $180 million and $290 million.

But most important of all, of course, is the issue of the SST itself. I fully realize the possible environmental problems that may arise from supersonic transport. I am also aware, however, that the facts on those problems are not yet gathered in full by any means.

The SST program is a research program. The "fleet" of SST's is in the form of two experimental prototypes. Further, accompanying the SST project is a research program on the possible effects of the SST on the environment. This is a responsible program, and I was much encouraged by the fact that it is the Office of Supersonic Transport itself which took the initiative in raising the key issues affecting the SST in the report to Congress which accompanied this bill.

Raising the issues, however, is not the same as making final judgments. We do not know those final judgments. We cannot ever know them unless we continue to do research in this area.

I do realize that we must resolve the noise question as well as the pollution question. Unless it can be positively shown that the plane would not create havoc in the world of sound and that it would not pollute the stratosphere, we cannot allow this plane to fly. But I do not think we should be "steamrollered" or "bandwagoned" into making a judgment when the facts are not yet in.

The developers of the SST are aware of the possible environmental problems, but they are working on them and think they can conquer them. I think they deserve the chance to try—especially since I firmly believe the SST will come.

It may be that we are just a little bit ahead of our time, but in the years ahead, as the world grows ever smaller and more integrated, more rapid transportation will be a growing necessity.

I would like to see this program developed as my committee first envisioned it—responsibly, and while we still have time to care and to do the extra research necessary to protect our environment—not later in a hurry-up, catch-up job where this extra research may get shuttled aside.

Mr. BOLAND. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER pro tempore (Mr. MILLS). Without objection, the previous question is ordered.

Mr. YATES. Mr. Speaker, I object. I was on my feet, and I request a rollcall on ordering the previous question.

The SPEAKER pro tempore. The gentleman from Illinois wants a rollcall on ordering the previous question?

Mr. YATES. I do, Mr. Speaker, on the ground that a quorum is not present. I make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, as I understand, in order to have specific instructions given to the conferees it is necessary that the previous question be voted down; is that correct? I mean on the motion to recommit?

The SPEAKER pro tempore. The Chair will state that the gentleman from Illinois is in error. The previous question on the conference report has to be ordered before there can be a motion to recommit.

Mr. YATES. Then, Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The question is on ordering the previous question.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. ANDREWS OF NORTH DAKOTA

Mr. ANDREWS of North Dakota. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. ANDREWS of North Dakota. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

Mr. YATES. Mr. Speaker, as I understand it, the gentleman from North Dakota has filed a motion to recommit. In view of the fact that the previous question has not been ordered——

The SPEAKER pro tempore. The previous question on the conference report has been ordered.

Mr. YATES. But it has not been ordered on the motion to recommit, Mr. Speaker, because I would object to it.

The SPEAKER pro tempore. The Chair will state that the Clerk has not reported the motion to recommit as yet. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ANDREWS of North Dakota moves to recommit the conference report on H.R. 17755 to the Committee of Conference.

Mr. BOLAND. Mr. Speaker, I move the previous question on the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 205, nays 185, not voting 43, as follows:

[Roll No. 411]

YEAS—205

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson,
 Calif.
Anderson, Ill.
Annunzio
Arends
Ashbrook
Ayres
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Blanton
Blatnik
Boggs
Boland
Bow
Bray
Brinkley
Brock
Brooks
Brown, Ohio
Broyhill, Va.
Buchanan
Burleson, Tex.
Cabell
Camp
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen,
 Don H.
Clawson, Del
Collins, Tex.
Colmer
Corbett
Corman
Cramer
Daniels, N.J.
Davis, Ga.
Delaney
Denney
Devine
Dickinson
Dorn
Downing
Edmondson
Edwards, Ala.
Erlenborn
Fascell
Feighan
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Gray
Grover
Gubser
Hagan
Haley
Hall
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Henderson
Hicks
Holifield
Hosmer
Hull
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keith
Kluczynski
Kuykendall
Landgrebe
Landrum
Lennon
Lloyd
Lukens
McClory
McClure
McDade
McEwen
McFall
McMillan
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Meeds
Mills
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morton
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Perkins
Philbin
Pickle
Pirnie
Poage
Pollock
Price, Ill.
Price, Tex.
Quillen
Randall
Rarick
Roberts
Rooney, N.Y.
Roudebush
Rousselot
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schmitz
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Snyder
Springer
Staggers
Steed
Stephens
Stratton
Stubblefield
Stuckey
Taft
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Ullman
Van Deerlin
Waggonner
Ware
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson,
 Charles H.
Winn
Wright
Wyatt
Wyman
Young

NAYS—185

Addabbo
Anderson,
 Tenn.
Andrews, Ala.
Andrews,
 N. Dak.
Ashley
Barrett
Bennett
Bevill
Biaggi
Biester
Bingham
Brademas
Brasco
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey
Celler
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Cowger
Crane
Culver
Davis, Wis.
de la Garza
Dellenback
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Farbstein
Findley
Fish
Fraser
Frelinghuysen
Fuqua
Galifianakis
Gallagher
Gaydos
Gibbons
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gude
Halpern
Hamilton
Hammer-
 schmidt
Harrington
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Howard
Hungate
Hunt
Hutchinson
Jacobs
Jones, Tenn.
Karth
Kastenmeier
King
Kleppe
Koch
Kyl
Kyros
Latta
Leggett
Long, Md.
Lowenstein
Lujan
McCarthy
McCloskey
McDonald,
 Mich.
Macdonald,
 Mass.
Madden
Matsunaga
Mayne
Melcher
Michel
Mikva
Miller, Ohio
Minish
Mink
Minshall
Monagan
Morgan
Morse
Mosher
Myers
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pettis
Pike
Podell
Poff
Preyer, N.C.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
Saylor
Scheuer
Schneebeli
Schwengel
Smith, Calif.
Smith, Iowa
Stafford
Stanton
Steele
Steiger, Ariz.
Steiger, Wis.
Sullivan
Symington
Talcott
Taylor
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Widnall
Wold
Wydler
Wylie
Yates
Yatron
Zablocki
Zion
Zwach

NOT VOTING—43

Aspinall
Baring
Blackburn
Bolling
Burke, Fla.
Burton, Utah
Button
Chisholm
Cunningham
Daddario
Daniel, Va.
Dowdy
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fallon
Ford,
 William D.
Forsythe
Giaimo
Gilbert
Hébert
Horton
Kee
Langen
Long, La.
McCulloch
McKneally
MacGregor
May
Meskill
Miller, Calif.
Moss
O'Konski
Ottinger
Powell
Purcell
Reifel
Rivers
Rogers, Colo.
Stokes
Tunney
Weicker
Wolff

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rivers for, with Mr. Edwards of Louisiana against.

Mr. Hébert for, with Mr. Moss against.

Mr. Long of Louisiana for, with Mr. William D. Ford against.

Mr. Evins of Tennessee for, with Mr. Ottinger against.

Mr. Fallon for, with Mr. Stokes against.

Mr. Kee for, with Mrs. Chisholm against.

Mr. Miller of California for, with Mr. Wolff against.

Mr. Giaimo for, with Mr. Forsythe against.

Mr. Dowdy for, with Mr. Gilbert against.

Mr. Rogers of Colorado for, with Mr. Powell against.

Mr. Meskill for, with Mr. Evans of Colorado against.

Mr. Blackburn for, with Mr. Horton against.

Until further notice:

Mr. Daniel of Virginia with Mr. Burke of Florida.

Mr. Baring with Mr. Burton of Utah.

Mr. Aspinall with Mr. Cunningham.

Mr. Tunney with Mr. Button.

Mr. Purcell with Mr. Weicker.

Mr. Daddario with Mr. O'Konski.

Mr. Langen with Mr. McCulloch.

Mr. McKneally with Mr. Reifel.

Mrs. May with Mr. MacGregor.

Mr. SYMINGTON, Mr. DINGELL, and Mr. KING changed their votes from "yea" to "nay."

Mr. HALEY and Mr. HANNA changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the conference report.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 320, nays 71, not voting 42, as follows:

[Roll No. 412]

YEAS—320

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson,
 Calif.
Anderson, Ill.
Anderson,
 Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bow
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen,
 Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier

Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Erlenborn
Esch
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson

Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Lennon
Lloyd
Lujan
Lukens
McClory
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Meeds
Michel
Miller, Ohio
Mills
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff

Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reifel
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Van Deerlin
Vigorito
Waggonner
Wampler
Ware
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wydler
Wyman
Yatron
Young
Zablocki
Zion

NAYS—71

Andrews, N. Dak.
Barrett
Bennett
Bingham
Brademas
Brasco
Brown, Calif.
Byrne, Pa.
Celler
Conyers
Crane
Davis, Wis.
Dingell
Duncan
Edwards, Calif.

Eilberg
Eshleman
Farbstein
Fish
Gallagher
Green, Pa.
Gross
Halpern
Harrington
Helstoski
Jacobs
Kastenmeier
Kleppe
Koch
Latta
Leggett

Long, Md.
Lowenstein
McCarthy
McCloskey
Madden
Matsunaga
Mayne
Melcher
Mikva
Minish
Nedzi
Obey
Ottinger
Podell
Pryor, Ark.
Rarick

Rees
Reid, N.Y.
Reuss
Rosenthal
Roybal
Ryan
St Germain
Saylor

Scheuer
Schmitz
Schneebeli
Schwengel
Steele
Steiger, Ariz.
Steiger, Wis.
Thompson, N.J.

Tiernan
Udall
Vander Jagt
Vanik
Waldie
Wylie
Yates
Zwach

NOT VOTING—42

Aspinall
Blackburn
Bolling
Burke, Fla.
Button
Chisholm
Cramer
Cunningham
Daddario
Diggs
Dowdy
Edwards, La.
Evans, Colo.
Fallon
Ford, William D.

Giaimo
Gilbert
Hébert
Horton
Kee
Keith
Langen
Long, La.
McCulloch
McKneally
May
Meskill
Miller, Calif.
Moorhead
Moss
O'Konski

Pollock
Powell
Purcell
Rivers
Rogers, Colo.
Stokes
Symington
Tunney
Ullman
Weicker
Wolff

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rivers for, with Mr. Edwards of Louisiana against.

Mr. Hébert for, with Mr. Gilbert against.

Mr. Long of Louisiana for, with Mr. Wolff against.

Until further notice:

Mr. Aspinall with Mr. McCulloch.
Mr. Miller of California with Mr. Horton.
Mr. Kee with Mr. Blackburn.
Mr. Fallon with Mr. Diggs.
Mr. Giaimo with Mr. Stokes.
Mr. Moss with Mrs. Chisholm.
Mr. Tunney with Mr. Button.
Mr. Moorhead with Mr. Weicker.
Mr. Dowdy with Mr. O'Konski.
Mr. Evans of Colorado with Mr. Langen.
Mr. William D. Ford with Mr. Keith.
Mr. Purcell with Mr. Burke of Florida.
Mr. Olsen with Mr. Cramer.
Mr. Rogers of Colorado with Mr. Meskill.
Mr. Daddario with Mr. Cunningham.
Mr. Ullman with Mr. Pollock.
Mr. Symington with Mrs. May.

Mr. REID of New York changed his vote from "yea" to "nay."

Mr. RUPPE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 6: On page 5, line 1, insert:

"That not to exceed $15,000 shall be available for the investigative expenses of a confidential character, to be expended on the approval and authority of the Commandant and his determination shall be final and conclusive upon the accounting officer of the Government: *Provided further*,".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 12:

On page 7, line 10, insert "and arms and ammunition;".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 14: On page 7, line 11, insert:

"That $28,000,000 of the foregoing amount shall be available only upon enactment into law of H.R. 19444, 91st Congress, or similar legislation: *Provided further*,".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

Mr. ECKHARDT. Mr. Speaker, I make a point of order on amendment No. 14.

The SPEAKER. The gentleman will state his point of order.

Mr. ECKHARDT. Mr. Speaker, I make the point of order that the receding from the position of the House and concurring with the Senate has the effect of attaching positive legislation to an appropriation bill in violation of rule 21, paragraph 2, and other provisions.

Mr. Speaker, may I be heard briefly on my point of order?

The SPEAKER. The Chair will hear the gentleman.

Mr. ECKHARDT. Mr. Speaker, the bill H.R. 19444, which passed this body, purported to enact positive legislation providing that certain funds be taken from the airway trust fund, and expended for the purpose of guards on airplanes. It also provided that a one-half percent tax be appropriated to replenish such funds. That bill was reported out of our committee. This is an attempt to put into an appropriation bill a provision similar to that bill. It would in effect amend Public Law 91–258, and would provide for the expenditure of money directly out of the trust fund without replenishing the fund. The provision contained in the Senate amendment to this bill recognized that such appropriation was not in order unless H.R. 19444 was passed. That is, on page 7, the amendment that the Senate placed upon H.R. 17755 provides as follows:

That $28 million of the foregoing amount shall be available only upon enactment into law of H.R. 19444, 91st Congress, or similar legislation.

The provision contained in this motion to concur would provide that the managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $28 million of the appropriation for operations shall be derived from the airport and airways trust fund for combating hijacking.

So in effect this constitutes an amendment on H.R. 17755, an appropriation bill which alters existing law, Public Law 91–258.

I cite here the provisions of the rules, summary of the decisions on page 431 of the House Rules Manual, which says——

On page 433 it says:

> A paragraph which proposes legislation being permitted to remain may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation.

Then it further states that where a Senate amendment proposes legislation the same principle holds true—citing Cannon's precedents, volume 4, paragraphs 3836 and succeeding provisions.

The reference to the language is apparently to the case in which Mr. Franklin Bennett of New York raised the point of order against the section and after debate, the chairman ruled.

In this case it is readily admitted the facts are not precisely in point, but the basis for the amendment is clearly that you may not take away from a committee of the House a matter which is properly assigned to it.

The decision on page 630 of the precedents says:

> First, any ruling that the matter could not be added inasmuch as general appropriations bills carry the appropriation necessary to maintain the government and only appropriations already authorized by existing law, it is of the highest importance that they should not be impeded or jeopardized by differences in the House or differences between the House and Senate or differences between the two Houses.

It further goes on to make the general arguments that these matters should go to the appropriate committees of both Houses.

This matter has gone neither to the Interstate and Foreign Commerce on the House side, nor to the Commerce Committee on the Senate side.

Mr. BOLAND. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The gentleman is recognized.

Mr. BOLAND. Mr. Speaker, the motion is, I believe, germane to the Senate amendment.

The bill, H.R. 19444, referred to in the Senate amendment, would authorize expenditures from the airport and airways trust fund.

In this motion it would do likewise, and on that basis, I submit the motion is germane to the Senate amendment. Indeed, the Senate did put in $28 million subject to authorizing legislation which the committee concedes is legislation in itself.

So the matter before the House is legislation relative to the subject.

There is no question about the amendment being legislation, but I submit that the House can legislate further, since this is in the bill, and the action of the Subcommittee on Appropriations for the Department of Transportation refers to the Senate amendment.

The SPEAKER. The Chair is prepared to rule.

The Chair recognizes that the Senate amendment is legislation on an appropriation bill not authorized by law.

However, the conferees did not agree to it in conference, but reported it back in disagreement. The Senate amendment is not subject to a point of order in the House. The Chair calls attention to volume VII of the Cannon's Precedents, section 1572, the syllabus of which reads as follows:

> Senate amendments interdicted by clause 2, rule XXI, are not subject to a point of order under the rule providing for a separate vote on such amendments when considered in the House, as the rule applies to conferees and their reports only.

The Chair overrules the point of order. The Clerk will report the motion.

The Clerk read as follows:

> Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:
>
> "That $28,000,000 of the foregoing amount shall be derived from the Airport and Airway Trust Fund for combating highjacking, sabotage and other activities endangering the security of civil aviation: *Provided further,*".

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I should like to be heard briefly against the motion to concur. Of course, the gentleman from Texas concedes the ruling of the House, specifically on the provision that was read from volume 7, section 1572. But I would submit that the effect of this receding from the position of the House and agreeing to the position of the Senate is to remove the matter altogether from consideration of the Committee on Interstate and Foreign Commerce. We have had a very easy relationship between the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means with respect to the trust fund. In all instances questions of money incoming by way of taxation have been handled by Ways and Means.

Money which is outgoing, the use of funds under the trust fund, has been subject to the jurisdiction of the Committee on Interstate and Foreign Commerce.

We run into a situation here where neither the Commerce Committee in the Senate nor the Senate itself nor the Interstate and Foreign Commerce Committee in the House nor the House itself has proposed a provision which we have sought to agree with. The provision is quite different from what we did agree with by vote, because the provision we agreed with by vote obtained the money from tax sources, that is, from ticket sources. The provision here is to drain the fund which has been a special jurisdiction of the Interstate and Foreign Commerce Committee. Therefore, I would submit to the Members that we should not recede from that position, and if we do, we create a very bad precedent by which the Senate, which either by an act which would be improper if it were put in as an amendment to an appropriations bill, or the Senate does not even need to act. Conferees for the Senate write the legislation for us, and we then rapidly recede, without the Senate even suggesting to the conferees that our decision is correct. We are permitting the conferees from the Senate to decide matters that should be decided, at least initially, and should be subject to the recommendation of the great Committee on Interstate and Foreign Commerce. Therefore, I urge a "No" vote with respect to the question of receding on this point.

Mr. BOLAND. Mr. Speaker, the position that the gentleman from Texas (Mr. ECKHARDT) takes, he took on September 30 this year when the bill H.R. 19444 was before the House. The title of that act is "To authorize for a temporary period the expenditure from the airport and airway trust funds of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising."

Mr. Speaker, that bill passed the House by a vote of 323 to 17.

In my opening remarks and in my exchange with the gentleman from Texas, I indicated that I did not recall anyone raising the question that day. I want to apologize to the gentleman from Texas. Indeed he did.

I think he raised it in a very fine manner, but I believe anyone who voted for that bill, on that day, believed he was voting for legislation which would direct that the payments for air security guards would be taken out of the airport and airways trust fund, because H.R. 19444 clearly establishes the taking of that money out of the trust funds to pay for this program.

Mr. Speaker, let me say again that we are putting into the trust fund, as a result of the airport and airway trust fund legislation which was passed some time ago, approximately $612 million in user tax receipts in the current fiscal year. I just happen to believe that this operation, which helps to provide for the safety of those who are passengers in commercial airlines, ought to be paid for by the people who use the service. It should not be paid by the people who never fly the airlines. Consequently, the money should not be taken out of the general fund.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield for a question?

Mr. BOLAND. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, will the gentleman not agree that the question whether or not funds should be used, say, for instance, for safety with respect to equipment at the airport or for guards is quite a different question from the question of whether or not there should be added certain funds to provide for guards.

Mr. BOLAND. Personally, I do not see that much of a distinction. I happen to believe that the providing of security guards traveling on commercial airlines to prevent hijacking does in a way preserve safety in the air for those who are passengers on the aircraft, and I think they are the people who ought to pay for the program.

I might also point out that the basic legislation establishing the Airport and Airway Trust Fund does include particular language indicating the activities for which moneys can be paid out of the trust fund. Let me quote to the gentlemen from pages 33 and 34 of Public Law 91-258, that the gentleman himself referred to. That legislation indicates that money shall be paid out of the trust fund for planning, research and development, construction, or operation and maintenance of air traffic control, air navigation, communications, or supporting services. So, there are a number of activities which will be paid for out of the Airport and Airway Trust Fund.

What is the opposition of the commercial aircraft industry and the commercial transport industry? They are opposed to taking any money out of the Airport and Airway Trust Fund unless those moneys are directly funneled into facilities and equipment and grants-in-aid to airports. That is purely and simply the opposition.

But the basic legislation quite clearly and quite emphatically provides that certain other activities of the Federal Aviation Administration should be funded out of the Airport and Airway Trust Fund. Let me say that those who believe this fund should be so sanctified that we should pay for only facilities and grants-in-aid to airports completely forget that the largest item—and I would like to have Members of the House listen to this—in the entire Federal Aviation Administration budget is operations. Operations run over $900 million. What are we providing for in operations? We are providing for air traffic control, air navigation and communications.

I just do not follow the reasoning of those who oppose taking the money out of the Airport and Airway Trust Fund.

Mr. ECKHARDT. Mr. Speaker, if the gentleman will yield further, the gentleman's statements are not points I wish to raise questions of substance against. The point I am making is not about any viewpoint anybody should have outside Congress, but rather who should decide this issue, whether it should be decided by conferees between the House and the Senate or by the Committee on Interstate and Foreign Commerce with respect to these priorities.

Mr. BOLAND. I can only respond to the gentleman by saying I thought the House made a decision on this matter on September 30 of this year when H.R. 19444 passed the House by a vote of 323 to 17.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California.

Mr. CORMAN. I wish to ask the gentleman if it is true that the situation we have, as we are here appropriating the funds, is that we did not increase the tax to cover the expenditure? Is that what we are doing?

Mr. BOLAND. That is exactly what we are doing.

Mr. CORMAN. I am going to support this conference report, although reluctantly, because when we heard the testimony as to the need with respect to that trust fund it was clear we ought to increase the tax to cover the additional expense. I realize that this is beyond the capacity of the House conferees to do.

Obviously we need to pay for the training and salaries of these guards, but we ought not mislead ourselves. We do need the money.

I hope, very early in the next session, this House, with the concurrence of the other body, will go ahead and increase that tax, because we need the money badly.

Mr. BOLAND. I believe the gentleman from California (Mr. CORMAN) makes a good point, and I would not disagree for a moment.

We did pass H.R. 19444 in the House. It is over in the other body. The other body ought to take it up and pass it. Let the other body pass the legislation which permits taking money out of the trust fund to pay for security guards. It is that simple. We should not be forcing those who do not ride the airlines to pay for the costs of safety in the air.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Texas.

Mr. PICKLE. The fact is that the other body has not acted on that legislation. That is not going to be legislation, so, as a committee, you are faced with the problem on how to pay for these guards.

I make the point, in line with what the gentleman from Texas said, when we passed the airways trust fund there was no discussion that we would use those funds to pay for skyjacking. That was never brought up. It was never mentioned in any part of the bill.

I believe it is stretching the legislative prerogative to say now that the basic legislation would include that. It ought to be specifically included by the Committee on Interstate and Foreign Commerce. That is where it ought to be decided, in time.

Mr. BOLAND. It is possible that, perhaps, there ought to be some clarification of the language.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to my colleague from Massachusetts.

Mr. CONTE. I will support my chairman, and there are two points I wish to make.

Certainly, when we passed the trust fund we provided that supporting services would come out of the trust fund. It was agreed by all the conferees of both the Senate and the House that these security guards of the airlines were providing supporting services to the users of the air.

Why should the ordinary taxpayer who does not want to fly an airplane, who has never been a passenger in an airplane, have to foot the bill for the safety of the people who want to use the airplanes?

Second, you have had your day in court. This issue was debated on the floor of the House and you were beaten. You were beaten 323 to 17.

The law is very clear. When we passed the law for the air guards we said that the amounts in the trust fund shall also be available as provided by appropriation acts to pay those obligations of the United States incurred before July 1, 1972, for the training, salaries and other expenses of guards, with the same powers as U.S. marshals, et cetera.

So you have had your day in court. We have met the issue. The House passed upon it by saying that this should be paid out of the trust fund. I therefore support the chairman.

Mr. BOLAND. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and on a division (demanded by Mr. ECKHARDT) there were—ayes 63, noes 7.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 19, line 1, insert:

PAYMENT OF LOAN GUARANTIES

For payments required to be made as a consequence of loan guaranties made by the Interstate Commerce Commission under section 503 of the Interstate Commerce Act, as amended (49 U.S.C. 1233), $3,216,668, together with such amounts as may be necessary to pay interest.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 21, line 23, after "Everglades" insert "and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: Page 22, line 1, after "Everglades" insert "*Provided*, That nothing in this section shall affect the availability of such funds to carry out this study."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

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GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report and include pertinent extraneous matter and tables.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REQUEST FOR APPOINTMENT OF CONFEREES ON S. 1181, PROVIDING FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. SISK. Mr. Speaker, by direction of the Committee on Agriculture, I ask unanimous consent to take from the Speaker's table the bill (S. 1181) to provide for potato and tomato promotion programs, with Senate amendments to the House amendments thereto, disagree to the Senate amendments to the House amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, I object.

REQUEST FOR PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on S. 2193, the occupational safety and health bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. SCHERLE. Mr. Speaker, I object.

ELMER M. GRADE

Mr. RAILSBACK. Mr. Speaker, by direction of the Committee on the Judiciary and pursuant to rule XX of the Rules of the House of Representatives, I move to take from the Speaker's table the bill (H.R. 6114) for the relief of Elmer M. Grade, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. The gentleman from Illinois is recognized for 1 hour.

GENERAL LEAVE TO EXTEND

Mr. RAILSBACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks and to include extraneous matter on this motion.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RAILSBACK. Mr. Speaker, I want to first of all express my appreciation for the efforts of my friend and colleague the gentleman from Ohio and ranking minority member of the Judiciary Committee, WILLIAM M. MCCULLOCH, who is unable to be here today. He has earned the praise of several Members of the other body and of his colleagues in the House for his efforts in trying to avoid having the House cause an unnecessary and premature death for the *Delta Queen*.

My colleagues have received a communication bearing the skull and crossbones and making the claim that the proponents of the pending motion are motivated merely by sentiment and that the facts are against us. I would remind my colleagues that this body prides itself on being a reasonable force and institution and I submit with all sincerity that the facts are with us and that reasonable men will agree with us that both the facts and the proper sentiment favor the approval of the pending motion.

H.R. 6114 was passed by the House on October 6, 1970. It is a private bill for the relief of Elmer M. Grade and was introduced by the gentleman from Virginia (Mr. BROYHILL). It was considered by subcommittee No. 2 of the Judiciary Committee and it is the Judiciary Committee which has caused the motion now pending to be brought to the floor. When the Senate considered the House-passed bill, it added an amendment which under its rules was proper and in order. The amendment was simply to provide a 3-year reprieve for the *Delta Queen* so that she can continue to operate as in the past while a replacement can be constructed and readied for use.

The other body has twice passed legislation designed to save the *Queen* and the House, as Members will recall, included a provision in the merchant marine bill, Public Law 91–469, which could enable the owners of the *Delta Queen* to obtain a Federal subsidy to help construct a replacement. That was the will of the House and it continues. But what we are asking now is that in the interim period of *Delta Queen* be permitted to continue operation. This is in harmony with earlier action of the House and I urge my colleagues to support this motion.

I would like to point out a few facts which should be considered in light of the arguments presented by the opponents of the pending motion. The ship fire disasters they have cited in every instance, save one, involved deep draft, ocean-going vessels.

In the one instance which might fairly be analgous to the *Queen* the river steamboat *Stonewall* on the Mississippi River had a disastrous fire. But this fire occurred over 100 years ago, on October 27, 1869. Furthermore she was carrying a load of hay as well as passengers and a match was thrown into the hay causing the fire. Regulations were later issued to require covering of hay with tarpaulins. But the *Queen* was not even built when this fire occurred and she does not carry hay. Furthermore she contains safety equipment not even in existence 100 years ago.

Actually, based upon her record of 43 years' operation without a single passenger fatality or significant accident or fire, we would have to admit that her record could in no way require the retirement of this stern-wheeler.

We find that every part of the ship, every compartment and public room has a sprinkler system. The boilers have water tubes rather than fire tubes. The boiler room is equipped with an automatic release carbon dioxide fire control system and there are various alarm systems and fire extinguishers throughout the steamer.

But more important to the consideration of this motion is the promise of the owners of the *Delta Queen* that they are willing to go an extra mile and take even further precautions for safety. In a letter sent to the gentleman from Ohio (Mr. MCCULLOCH) they listed seven major safety improvements they will make to the *Queen* in the event they are permitted to operate her for 3 additional years.

If there should be a fire because it is a river boat, the *Delta Queen* is never more than a few hundred yards from shore and a simple maneuver of the ship's course would run her aground. Surprisingly, the rivers she travels are no deeper than her middle deck. Furthermore, unlike ocean liners, the *Delta Queen's* staterooms open directly to outside decks and there are no longer enclosed corridors where passengers or crewmembers could be trapped. In short, even in the event of an unlikely fire, the danger seems minimal.

I submit to my colleagues that we are discussing what is probably the safest river steamboat ever constructed. What is proposed is only a 3-year extension for this one vessel only, in order to permit the continued operation of the *Delta Queen* during the time a new boat can be constructed under the terms of the recently passed Merchant Marine Act (Public Law 91–469).

Mr. Speaker, I revise and extend my remarks by including extraneous matter, as follows:

STATEMENT BY GREENE LINE STEAMERS, INC. WITH REGARD TO SAFETY FEATURES AND PRECAUTIONS NOW EXISTING AND PLANNED IF THE DELTA QUEEN IS EXEMPTED FROM PUBLIC LAW 89–777

1. EXISTING AND PLANNED FIRE SAFETY CONSTRUCTION DETAIL

A. The hull of the Delta Queen is triple galvanized wrought steel with five watertight and fireproof steel bulkheads. The superstructure is largely oak, ironwood, walnut, teak, mahogany and cedar.

B. The overhead and bulkheads of crew's quarters within the hull have been treated with Albi 107A fire retardant intumescent paint. In most cases, two coats have been applied, but in some cases three coats and four have been provided. The manufacturer's specification for Albi 107A is that it meets Class A flame spread requirements (0–25 maximum) and two coats equal the U.L. ratings for "non-combustible wood".

C. Passenger staterooms 101–02–03–04–05–06, 239, 240, 339 and 340 have all been treated throughout with two or more coats of Albi 107A.

D. The Cabin Deck passenger lounges, both forward and after, have been treated with two or more coats of Albi 107A also.

E. If the Delta Queen is exempted, the overhead and bulkheads of all passenger

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staterooms will be treated with Albi 107A or equivalent fire retardant intumescent coating so that the flame spread requirements of 0–25 and up to 30 minutes exposure without evidence of significant progressive combustion and smoke developed ratings of 0–5, based on standard ASTM test method E–84–61 T rating.

F. In the event the vessel is exempted, the boiler room area will be substantially, remodeled to eliminate the use of wood wherever practical and other exposed surfaces will be treated with Albi 107A. The recommendations of independent fire safety experts will be followed in the introduction of insulating foams. In addition, an emergency exit will be provided from the boiler room and a fire retardant suit and fire blanket for boiler room will be provided for rescue use.

G. The Delta Queen main dining room is presently supplied with a steel ceiling and virtually fireproof ironwood decking. We will treat the wall surfaces with fire retardant Albi 107A and/or substitute fireproof materials so that this public room is fireproof.

H. The galley is presently treated with Albi 107A, asbestos and steel but since it is a critical area, we will replace the ceiling and other critical surfaces with fireproof materials. We will replace the wooden doors with steel or other fireproof materials and make such other changes as practical to fireproof the galley.

I. Flammables and paints presently aboard the Delta Queen are stored in fireproof lockers and containers but their location and automatic fire detection is subject to improvement. We will relocate all of these materials in an all-steel area equipped with automatic fire detection and smothering equipment so that a fire spreading from these materials to other sections of the boat will be virtually impossible.

J. The original design of the Delta Queen provides that all passenger staterooms on the two upper decks have doors opening directly on outer decks. There are four exterior stairways leading down and egress during an emergency could be achieved quickly and without confusion due to the simple layout of the boat.

The Cabin Deck level contains 36 staterooms, of which only 12 passenger cabins will open on the inside when the Delta Queen is revamped for extended service. The inside areas are protected with double and triple coats of fire retardant paint and a total of six exits to outer decks are provided from this lounge. Egress in an emergency would be quick and efficient due to the large number of exits and the fire retardant treatment of the surfaces.

K. Drapes, upholstery, bedspreads, carpeting and other fabrics will be replaced where practical or treated when appropriate to be fire retardant. At the present time, all carpeting is either wool or non-flammable synthetic and meets Coast Guard requirements. All furnishings purchased henceforth will be either fireproof or fire retardant in character consistent with availability.

2. FIRE DETECTION AND AUTOMATED CONTROL

A. The Delta Queen is presently equipped with a 25-station ADT manual fire alarm system with an annunciator in the engine room. This system will be replaced by an automatic fire detection and alarm system with annunciators on the bridge and in the engine room. The detectors will include units for detection by flame, thermo rate-of-rise and fixed temperature, and smoke.

The areas to be covered include: dining room, all lounges, the rudder room, paint locker, oil storage, officers store area, fuel tank areas, linen rooms, mess rooms and all crew's quarters.

In addition, new manual fire alarm stations will be installed on all outside decks and inside deck areas.

There will be an emergency power supply and a power failure annunciator so that even in the event that power is temporarily lost, the entire alarm system will remain functional. This system is of the type approved by the U.S. Coast Guard and specified and installed by fire safety engineers throughout the U.S. and the world.

B. The vessel is presently equipped with automatic fire sprinkler heads in all passenger and crew areas. There are more than 250 sprinkler heads and according to independent fire sprinkler experts, our vessel is adequately protected in terms of head distribution and water supply. The system is tested and bled regularly.

We presently have a main sprinkler pump and an auxiliary standby. They are both operated by steam and keep the lines of the sprinkler system under constant pressure. We will install an additional emergency automatic sprinkler system pump powered by diesel electric. This emergency pump will operate in the event that we lose steam pressure.

According to the National Automatic Sprinkler and Fire Control Association "Maritime regulations in virtually every country in Europe require automatic sprinklers on all passenger vessels. American regulations do not require such protection."

The Association further states:

"If the Delta Queen is sprinklered throughout and the system is maintained and tested, it would be our view that the Delta Queen would be safer than any unsprinklered vessel regardless of the combustibility of its superstructure.

"If the Delta Queen is completely sprinklered and if the system has been adequately tested, inspected and periodically flushed, there is no reason to take this ship out of service from a fire safety standpoint."

Attachments to this paper include a letter from the National Automatic Sprinkler and Fire Control Association as well as a letter from Mather and Platt and a document describing safety protection on the Queen Elizabeth II.

A semi-automatic CO_2 tank system is permanently installed in the boiler room so that in the event of a fire originating in this area, the entire compartment can be flooded with CO_2 within seconds. Further, we would install, if practical, additional automatic fire control equipment in the boiler room for complete redundancy in systems approach.

C. Strategically located throughout the Delta Queen are both foam and CO_2 hand fire extinguishers. Our Coast Guard Certificate requires 25 such extinguishers and we voluntarily carry extras located strategically throughout the boat.

D. Fire hydrants and hoses are located throughout the vessel both on exterior decks and in all interior compartments. The fire hydrant system is maintained under constant pressure with a main and standby pump. We will add an emergency diesel electric fire pump to augment the existing steam pumps.

3. SURVEILLANCE COMMUNICATIONS AND VOLUNTARY CONTROL

A. A complete paging system covering all areas of the vessel is provided with microphones in the Steward's area, the Purser's office, and on the bridge. An emergency power supply and standby amplification will be provided for complete redundancy in electronic control in the event of a power failure or other emergency.

B. The 12-station telephone system which now exists for conducting ship's business will be substituted for an old style battery powered and magneto ringer system provided for pilot house and engine room communications. A new power supply for emergency use will be added. In addition, a new and expanded dial telephone system will be installed for improved communications to conduct ship's business.

C. A complete new passenger information system will be installed which will include posted instructions regarding egress and emergency procedures, additional signs and illuminated emergency equipment and additional audible signaling devices. Life jackets are presently installed in marked containers in various exterior locations plus one life preserver under each bunk in protective polyethylene bags. A regular program of passenger instruction and life jacket usage will be instituted at the beginning of each cruise.

D. At the present time, the Coast Guard only requires two life rafts on the roof of the Delta Queen and one rescue boat with flotation compartments in davits in the starboard mid-ship area. We will voluntarily add inflatable life rafts of the semi-automated type so that more than adequate capacity for passenger evacuation is available. With only 5½ to 7 feet freeboard from the main deck to the water, access to life rafts is easy and relatively safe even in an emergency. Unlike an ocean vessel, the Delta Queen experiences little or no water movement and even an inexperienced swimmer would be safe in the water with a life jacket on and could make his way to the nearby shore with a minimum of assistance.

E. Crew fire drills are now conducted at the beginning of each cruise so that all employees are aware of their duties during an emergency and the location of emergency equipment. They man the fire hydrants, control egress routes and a three-man emergency squad is designated to be equipped with firefighting and rescue apparatus and specially trained to carry out key roles in an emergency.

F. If the Delta Queen is exempted, we will appoint a fire safety expert and authorize him to operate independently to inspect and direct fire safety and other emergency procedure and systems aboard the Delta Queen.

G. We will voluntarily disclose to our prospective passengers before ticketing that the Delta Queen does not meet modern ship construction standards for fire safety and deep sea construction. Further, each passenger will receive written material upon his embarkation so that he has full information about emergency procedures and fire safety measures. Further, he will be instructed on his participation in matters of fire safety and emergency. We will advise invalids and handicapped people that we will not accept their passage if, in our opinion, they do not have the physical capability to actively participate in emergency procedures.

4. VESSEL MACHINERY AND STRUCTURAL IMPROVEMENTS

A. We will replate approximately ⅓ of the hull structure which either has or is approaching the 25% wastage level. Such hull work will be done "crop and renew" and meet Coast Guard standards.

B. We will install a bowthruster to substantially improve the maneuverability of the Delta Queen in making landings, locks and midstream maneuvering. The bowthruster will substantially increase our ability to avoid other vessels and make fast changes in direction when required.

C. We will install a 100% diesel electric standby generator to take over the ship's electrical system in the event of steam failure or technical breakdown in other sections of the electrical system.

D. We will install standby electric pumps for fuel, automatic sprinkler supply and fire hydrant supply so that in the event of steam loss we can operate from diesel electric power.

E. We will remodel, restore and repair as necessary to maintain in adequately safe condition all physical sections of the vessel and such machinery as required for peak operation. This is an on-going part of out vessel operation and has been carried on during the past three years on an accelerated level to upgrade the vessel as much as practical. Typical examples of major improvements are:

a. Oil fire galley stoves were replaced with modern electrical equipment immediately after the passage of the 1966 Safety-at-Sea Law.

b. Intumescent fire retardant coatings were applied to crew quarters, passenger lounges, and many of the individual passenger staterooms.

c. New and additional communications equipment was added during the past three years.

d. Major rebuilding of steam plant machinery has greatly improved the reliability of the boat during the past three years.

5. THE DELTA QUEEN IS INHERENTLY A SAFE BOAT

The Delta Queen was designed and built to standards approved by the U.S. Coast Guard prior to 1936 but that does not mean it is an unsafe vessel. The U.S. Coast Guard standards are arbitrary and presently primarily the thinking of that agency and not other fire safety experts in this country and in other parts of the world.

Great Britain in particular has an extensive and superb record for passenger ship safety. Until the QE II, their basic construction method was similar to the Delta Queen. The Queen Mary and the Queen Elizabeth were built in the same ship yards as the hull of the Delta Queen and on the same general construction principles. So were more than 300 other British passenger vessels which have never had a serious fire.

The British approach is to build a vessel with basic compartmentation of fireproof materials and to use wood and other combustibles for trim and decor. Then elaborate fire detection and both manual and automatic fire extinguishing systems are used to control a fire if one starts.

The British philosophy, and for that matter the philosophy of most fire safety experts, is that no matter how fireproof the basic construction is, it is still necessary to provide a method of extinguishing the flames since the contents of the structure cannot be guaranteed fireproof. Passenger clothing and effects are flammable as are cargo and fuel. The U.S. Coast Guard philosophy of containment only does not provide complete fire safety. The huge fire in the McCormick Place in Chicago was a result of a totally fireproof building with flammable contents and no method of extinguishing the flame. Disastrous fires on totally fireproof ships have occurred because accumulated paint, cargo and personal effects burn regardless of the basic structural material.

Fires have occurred on all-steel U.S. passenger vessels and they have been successfully contained due to the basic structure of the vessel. However, fire fighting crews were hampered by heat and uncontrollable combustion within the contained areas. Smoke and toxic fumes presented a real danger to passengers and fire fighting crews.

In Britain's QE II they conformed to U.S. standards in construction, but in addition installed both elaborate fire detection and automatic fire sprinklers throughout. Not only did they build the world's safest vessel, but they were able to enhance its warmth and appearance so it did not have the all-steel, glass and asbestos appearance of the *S.S. United States,* now retired due to lack of passenger appeal.

6. THE DELTA QUEEN AND GREENE LINE STEAMERS, INC. HAVE AN EXCELLENT SAFETY RECORD

In 80 years of operating more than 28 passenger riverboats, Greene Line Steamers, Inc. have never had a serious fire or an accident causing loss of life.

All of the vessels operated by Greene Line Steamers, Inc. have been built largely of wood and the officers and employees of the company are well aware of their responsibilities to operate a safe and efficient vessel.

WQUA EDITORIAL, JUNE 9, 1970

For a good many years the five cities was one of the traditional stops made by the passenger steamer Delta Queen as the historic vessel made its annual journey upstream to the Twin Cities. With construction of Rock Island's flood protection wall we are no longer one of the shore stops for the cruising passengers but the Queen still attracts attention as it passes through. There is legislation which will apparently end these revisits from the historic Mississippi River past. The problem is boats like the Queen can't be economically built to meet new Federal standards, and the standard of requiring all steel construction is due to put the Queen out of commission this fall. Owners of the Queen found out the realistic way, by taking bids, how expensive it would be to replace their vessel with one produced by today's methods and satisfactory to the law. The law was intended for ocean going ships that do most of their traveling out of sight of land, not between two river banks in the heart of America. A Mississippi or Ohio River cruise on the Delta Queen is probably the most relaxing form of transportation available and has proven to be a popular trip for thousands of persons who long to get away from the hustle of everyday activity. It is possible for the Queen to be exempted from the legislation which threatens its life. We would hope those in Washington who have this power will keep a bit of old man river's history alive.

WILL CONGRESS SAVE THE "DELTA QUEEN"?

(By Jenkins Lloyd Jones)

Unless Congress does something between now and November 2, the *Delta Queen,* the last real packet on the Mississippi River system, gets the ax from Uncle Sam.

The reason is ridiculous A government agency has decreed that the "safety-at-sea" regulations, which outlaw any ship carrying more than 50 overnight passengers if it is not built entirely out of steel, must apply to riverboats as well.

For four years the *Delta Queen* has been operating under a temporary congressional reprive. The *Queen's* hull is steel. But its superstructure, in the tradition of riverboats, is wood. The noble curved staircase is mahogany trimmed with brass. The deck is hand-pegged ironwood. The 28-foot stern wheel is made of planking, and the cabins are panel in oak.

The Greene Line of Cincinnati, which sends the *Delta Queen* on cruises down the Ohio and Mississippi and up the Tennessee and Cumberland, had made a valiant effort to meet the government demands.

Only two shipyards even bid on plans for an all-steel, diesel-electric monstrosity. The estimated cost was $10 million. Not many American river-lovers could afford the fares necessary to amortize such an investment.

The safety-at-sea regulations were designed to protest passengers hundreds of miles from land and hours from help. A riverboat runs betwen river banks. Sure, there's some fire danger in a wooden superstructure. There is also a little danger in stacking up ten 707s over O'Hare on a night when the birds are walking. There's some danger in walking the streets of Washington in daylight.

To knock off the *Delta Queen* because of a law designed for ocean liners would be like pulling down the Tower of London because it doesn't meet city fire escape regulations for public places.

No one would think of allowing passengers to hang on the outside of a New York City bus, but people hang all over San Francisco's wonderful cable cars. If we are going to keep any flavor in America, somewhere there must be an area of common sense.

The *Delta Queen,* as all river buffs know, was not born to the inland rivers at all. She started life in 1926 on the overnight Sacramento-San Francisco run. Still, she looks like a riverboat except to us purists who would prefer the pilot house farther aft behind twin smokestacks abreast. She has a calliope, so she's really a hybrid of the *Eclipse* and the *Cotton Blossom.*

The *Delta Queen* goes eight miles an hour. She would drive the jet set bats. In his *Life on the Mississippi* Mark Twain claims that he served as pilot on the John J. Roe, a boat so slow that they changed watches three times in a five-mile stretch. When the boat finally sank, he swore it was five years before the owner heard of it.

Even the *Robert E. Lee,* in its record-breaking 1870 race with the *Natchez,* took three days, 18 hours and 14 minutes to run the 1,218 miles from New Orleans to St. Louis.

The river is not for speed, but for an experience unlike any other travel adventure. On a boat breasting a stiff current, go-go types glare at the banks and chew their nails. River-lovers are relaxed. Steamboat Capt. Fred Way puts it this way:

"They exist on a continent of their own, secure and steadfast; the boat is stationary; the shores do the moving, advancing, sliding by, retreating. The mountains slide apart and close again. You will wonder as you step ashore, suitcase in hand, whether you are entering the world of reality or departing from it."

I never rode the *Delta Queen,* although I've been aboard her at Cincinnati and New Orleans. But once I helped pilot 600 feet of gasoline barges from Louisville to Baton Rouge, and by the time the five days ended I was a mainline addict.

The Ohio and the Mississippi above Alton are a series of beautiful slackwater lakes divided by dams and locks. But the lower Mississippi is a fractious beast for which charts are useless—gnawing at Tennessee, building up Arkansas, eating islands, piling up reefs, cutting new chutes, leaving isolated oxbows.

Most of the time you float through utter wilderness, for the flood plain between the levees is chancy land, given over to cypress and cottonwood, mysterious pools and Spanish moss. Beyond the levees there may be cities and super roads and locomotive horns and people standing in line.

THE BALLAD OF THE DELTA QUEEN

(EDITOR'S NOTE: Following the example of Oliver Wendell Holmes, who wrote "Old Ironsides" in an effort to save the frigate "Constitution" from destruction, Hugh Ferguson, 3811 N. Lincoln Ave., Davenport, wrote this poem on behalf of the overnight passenger boat, "Delta Queen," which will soon be banned from river travel because it does not comply with federal regulations governing ocean-going vessels):

Romance is gone from the river.
Who needs romance? ye say.
Well, Son, the young man and the old man,
and all those in b'tween;
And tonight I sigh for the mournful cry
of the gallant Delta Queen.
Oh, the gallant Delta Queen.
The Delta Queen? A ship. Lad,
maybe fairest in the land.
Like our nation young and proud,
fair bustin' at the seams,
she was sort of a treasured symbol, Son
of all our hopes and dreams.
Our sweetest hopes and dreams.
No more she'll roam the river,
no night will hear her cry.
The Potomac sages shield us,
and so we let her die.
Aye, we let her die.
"Break her up! She's slow, unsafe!"
Unsafe? Life holds no guarantee
that you or I will not soon die,
be it air, on land or sea.
Whether air or land or sea.

Slow? Sure, I guess she's slow;
(Like a white swan all apreen.)
if you must be always on the go
don't ride the Delta Queen.
No, not the Delta Queen.

Our air is foul'd; our land is paved—
whole states that once were green.
The sky is rent with the banshees howl,
'course, they're safer than the Queen.
Ah, safer than the Queen.

She's proud, she's fair, she's much I love;
her splendid voice is true.
And when she speaks, the hills above
resound her song anew.
Her lovely song anew.

No more let "harpies of the shore"
pluck out what we hold dear!
Rise up and shout, a thousand score!
Let pride rule over fear.
May pride rule over fear!

Aye, romance is gone from the river;
no more we'll lock her through.
For the Delta Queen is dying, Lad,
and so is part of me, and you.
And part of me, and you.

Mr. ZION. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Indiana.

Mr. ZION. Mr. Speaker, I want to compliment the gentleman in the well for his excellent presentation on the safety of the *Delta Queen*. The *Delta Queen* plies the Ohio River just south of my district. I have six counties that border along the Ohio River, and I have frequently been a passenger on the *Delta Queen*.

The *Delta Queen* has contributed considerably to the economy of southern Indiana, and northern Kentucky, as a result of the tourists who come to see this grand old riverboat, the last of its line.

Mr. Speaker, I can assure the Members, having been a passenger on the *Delta Queen* on numerous occasions, that it is indeed safe, and it is indeed a very important part of Americana, and that any effort we in this body can make to keep the proud *Queen* afloat is well worth the effort.

Mr. RAILSBACK. I thank the gentleman.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I yield to my colleague, the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I thank the gentleman for yielding, and I want to indicate my strong support for the action which the gentleman from Illinois (Mr. RAILSBACK) has initiated here today.

Mr. Speaker, it is true of course that the Congress has responsibility for enactment of laws which are designed to protect the lives of our citizens—including safety measures affecting watercraft.

In the case of vessels having accommodations for 50 or more overnight passengers, very stringent legislation was enacted by the Congress in 1966—following a fire which occurred on the SS *Yarmouth Castle* in the Atlantic Ocean—near the Bahamas—with a dreadful loss of some 90 lives.

In response to the kind of demand which follows such a disaster, the Congress did act, and its legislation which, as I say, is most stringent, would permanently decommission the *Delta Queen* from its traditional service along the Ohio, Mississippi, Tennessee, and Cumberland Rivers.

The general legislation which would forever bar the *Delta Queen* from its traditional service may have valid application with regard to new ships—and possibly other types of watercraft operating on the oceans and other open waters. But when applying the law to the *Delta Queen*, it appears that the only result would be to put it out of business.

I reject the suggestion that our decision today might tag us as irresponsible if this legislation is enacted—and a fire subsequently breaks out on the *Delta Queen*, any more than I would want us to assume responsibility because we provide funds for new housing with the risk that some of the houses will burn with loss of life to the occupants.

Mr. Speaker, in addition to the accidents which can occur from fire, there are many other types of losses which are experienced by ships at sea and on the inland waterways. I need only recall the disasters of the *Titanic*, the *Andrea Doria*, and the SS *Eastland*—which capsized while tied to a pier in the Chicago River—with losses of hundreds of lives. These ship disasters had nothing whatever to do with fires on board.

I might also recall that the fire which occurred in the LaSalle Hotel in Chicago—a fireproof structure—with a terrible loss of life—was unrelated to the materials used in the construction of the building itself. The disaster resulted primarily because of the inflammable interior decorations, as well as the system of drafts which permitted this fire to spread and to snuff out many lives.

The *Delta Queen* is not made entirely of wood, nor is it without safety devices for preventing fires. It has a safety record which would rebut any charges that this is a firetrap or inherently dangerous to those who choose to enjoy its advantages.

Indeed, Mr. Speaker, I am convinced that the human element is more essential in preventing a fire than are sophisticated mechanical devices—including fireproof materials. I am convinced that on this unique ship the human element will observe greater precautions than would be the case if such a vessel were commonplace in our Nation.

Mr. Speaker, this is virtually the last of the riverboats. It is a part of Americana that I want to see preserved, and I am casting my vote and my support today in behalf of the *Delta Queen*—to give it at least 3 more years of life, with the expectation that a permanent accommodation can be made to preserve it for this and future generations of Americans.

Mr. McCULLOCH. Mr. Speaker, I rise in support of the motion to go to conference on H.R. 6114. If I may, Mr. Speaker, I would like to discuss briefly some of the legislative history surrounding the amendment made by the other body.

On November 2, 1970, the last overnight passenger steamboat in America—the *Delta Queen*—was involuntarily retired from servicing the Ohio and Mississippi River systems. The law that retired this historic riverboat was enacted in 1966 following two disastrous ship fires in the Atlantic Ocean. This law was enacted to rid the seas of unsafe ships and to insure the financial responsibility of the carriers calling at U.S. ports. Inadvertently, it seems, that this legislation was made broad enough to encompass passenger vessels carrying overnight passengers operating on our inland rivers. For the purpose of safety standards, the *Queen* was placed in the same category as deep-draft vessels traveling on the high seas. Unless this Congress intervenes 160 years of paddlewheel history will have ended.

Originally designed and built in 1926, the *Delta Queen* is the most luxurious paddlewheel passenger boat ever built and also the safest. Every compartment and public room is equipped with automatic sprinklers and other safety devices such as fire extinguishers, fire hydrants, fire alarms, and emergency tools that are strategically located throughout the vessel. Unlike ocean vessels, most of the *Queen*'s staterooms open directly onto the outside deck. There are no enclosed corridors where passengers or crew could be trapped.

I believe that the Congress has the duty, indeed the responsibility to look into this type of small business which has become all but extinct. It hardly need be said that the riverboat business is not what it was 50 years ago when hundreds of vessels, similar to the *Delta Queen*, plied the same trade routes. However, many Americans have discovered that riding on a riverboat can be a most satisfactory experience. Mark Twain said it this way:

> One cannot see too many summer sunrises on the Mississippi. They are enchanting. First there is the eloquence of silence; for a deep hush broods everywhere. Next there is the haunting sense of loneliness, isolation, remoteness from the worry and hustle of the world. . . . And all this stretch of river is a mirror, and you have the shadowy reflections of the leafage and the curving shores and the receding capes pictured in it. Well, that is all beautiful; soft and rich and beautiful; and . . . you grant that you have seen something that is worth remembering.

Mr. Speaker, since April 1969, there have been over 20 separate bills introduced in the House of Representatives that would totally exempt the *Delta Queen* from the applicable provisions that retired her Nov. 2, 1970. To date, these bills have received no attention and there is no action scheduled. In May of this year, the House passed H.R. 15424, amendments to the Merchant Marine Act of 1936. After this bill passed the House it was referred to the Senate Committee on Commerce, wherein it was amended to provide a permanent exemption for the *Delta Queen*. With little or no opposition this total exemption passed the Senate. When it became apparent that this bill would be the subject of a conference, I sent each Member of the House a letter requesting cosignatures to a letter which I sent to the chairman and ranking minority member of the Merchant Marine and Fisheries Committee, asking their support for the *Delta Queen* amendment. The number of responses to this letter, Mr. Speaker, was substantial. With very little prompting and shortly

XUM

after I sent the letter, 190 Members of the House requested that their names be made part of the letter to be sent to the Merchant Marine and Fisheries Committee. Many other members called to inform me of their support, but for one reason or another, did not want to sign the letter. However, they indicated that they would support the *Delta Queen* if it came to a vote on the floor. Unfortunately, the *Delta Queen* exemption was deleted in conference and consequently, the House was not permitted to express its will on this issue.

However, the conferees did agree that there be early and expedited hearings to facilitate the replacement of the overnight service currently provided by the *Delta Queen* and that they would support legislation that would assist in the building of a replacement for the *Delta Queen*. Pursuant to the wishes and instruction of the conferees a construction-subsidy bill has been introduced in the House by the gentleman from Pennsylvania (Mr. CLARK).

In the meantime, the historic sternwheeler has discontinued operation and is presently moored at New Orleans, in effect, out of business. Greene Line Steamers, Inc., which operates the historic riverboat is a small business and although it has operated riverboats for many years, it presently operates only one, the *Delta Queen*. The owners of the vessel in 1968 believed that they could design and construct a duplicate of the *Delta Queen*. To their dismay and to the dismay of many, the owners and operators of the *Queen* learned that with the rise in the cost of construction, material, and labor under competitive bidding, a new vessel to replace the original *Queen* would cost in excess of $10 million instead of the estimated $4 million to $6 million. This new dollar figure is believed by all to be prohibitive for such a small business as Greene Line Steamers, Inc.

The construction subsidy which the conferees recommended would enable the Greene Line Steamers, Inc., to build in the United States a duplicate of the *Delta Queen*. However, passage of this legislation and the actual construction of a new vessel will take time. For this reason, the Senate passed a bill which would permit the *Delta Queen* to operate until November 1973. This business, like any other business, cannot be turned on and off as if it were a water fountain. It has taken years to build the river travel business to what it is today, and, if Congress were to turn it off for 3 years, it would place an unfair burden on the owners and operators of this overnight passenger service on our inland rivers.

I am of the firm opinion that the *Delta Queen* is safe for travel on our inland rivers. In a letter which I received from the President of the Greene Line Steamers, Inc., dated November 25, 1970—which I would like to submit for the RECORD—it is pointed out that this company has an unblemished 80-year safety record. And if this 3-year exemption is granted they have assured me that they will voluntarily take extra safety precautions in excess of Coast Guard requirements. When you consider this exceptional safety record, plus the extra safety precautions that will be taken if she is exempted for 3 years, and the great historic value of the *Delta Queen* itself, I am of the opinion that favorable consideration of H.R. 6114 is amply justified.

Presently, by act of Congress, the *Delta Queen* is categorized with oceangoing vessels. The *Queen*, for example, only travels the rivers: the beautiful Ohio, the scenic and historic Mississippi and Tennessee. For 9 months of the year she travels our western river system—from St. Paul in the North to New Orleans in the South, from Pittsburgh in the East and to the Gateway of the West—St. Louis, touching ports in 16 States.

The *Delta Queen* is never more than a few hundred yards from any shore and should an emergency arise, all the captain need do would be to hit the rudder and she could be run aground probably before the lifeboats hit the water.

I might add, Mr. Speaker, that the *Delta Queen* presently meets certain Coast Guard safety standards and I think it should be noted that the waters in which she travels is no deeper, at its deepest point, than her middle deck. For these reasons I believe this type of watercraft is very much distinguishable from those oceangoing vessels which the 1966 legislation sought to regulate for greater safety of life on the high seas.

We are all aware of the great public support behind this last of the sternwheelers. I have received, as I am sure many of the Members have, thousands upon thousands of signatures from people across the country urging that Congress grant a stay of execution for the last of the mistresses of Old Man River and 196 editorials supporting the *Delta Queen* have appeared in 147 newspapers across the country. This represents 134 cities in 31 States, and 13 State Governors have publicly stated their desire to see the *Delta Queen* exempted. Eighteen individual cities and two State legislatures issued resolutions, proclamations and circulated petitions to save the *Delta Queen*.

This great sternwheeler is very much a part of Ohio's heritage. Its home port is Cincinnati, the "Queen City" of the Middle West. A picture of the *Delta Queen* appears at each State roadside park in Ohio and this historic riverboat is the No. 1 tourist attraction in Cincinnati and has been for nearly half a century.

Mr. Speaker, as to the private claim matter of H.R. 6114, it is the same as passed the House on October 1, 1970. The other body amended this bill by adding thereto a provision that would extend the operating authority of the historic steamboat, the *Delta Queen*, to November 1, 1973. Under Public Law 89–777 (80 Stat. 1356 et seq.), as amended by Public Law 90–435 (82 Stat. 449), the *Delta Queen*—the last overnight paddlewheel steamboat in America—discontinued operations on November 2, 1970.

This legislation does not provide for a total exemption from the safety-at-sea law, Public Law 89–777. This amendment does not involve any expenditure of Federal funds. Rather, it allows time for implementation of recommendations made by the conferees to H.R. 15424, an act to amend the Merchant Marine Act of 1936, Public Law 91–469. This 3-year extension would permit the *Delta Queen* to operate while a replacement is being built for her and give the Congress time to hear and decide how to assist in saving the last symbol of a bygone era.

Perhaps Ben Lucien Burman who spent his life traveling on the Mississippi and authored such books as "Steamboat Round the Bend" said it best by stating very simply that:

> When the last steamboat, the *Delta Queen*, is gone America will never be quite the same.

Mr. Speaker, I include material, pertinent to this subject, in the RECORD, as follows:

GREENE LINE STEAMERS, INC.,
November 25, 1970.

Hon. WILLIAM MCCULLOCH,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MCCULLOCH: All of us with Greene Line Steamers deeply appreciate your determination and extensive efforts to obtain a three-year reprieve for our passenger riverboat Delta Queen. We want to reassure you that your confidence in the Delta Queen and its officers and crew is fully justified. Our company has an unblemished 80-year safety record with 28 steamboats. For extra safety, we will voluntarily take extra safety precautions in excess of Coast Guard requirements if the Delta Queen is granted a three-year reprieve.

When the Delta Queen was built, it was the safest vessel of its type ever constructed. Original equipment included numerous fire hyrants, a fire alarm system and a complete automatic sprinkler system covering every compartment. We have made numerous additional improvements over the years by adding both manual and automatic CO_2 and foam fire extinguishers plus NASA recommended fire retardant coatings in crew quarters and passenger lounges.

The following are the major safety improvements we will make this winter if the Delta Queen is granted a three-year reprieve:

1. Replate major sections of the hull—last winter's sonic testing indicated that approximately ⅓ of the hull plates had reached or were approaching a wastage factor of 25%. Avondale Shipyards, New Orleans, has estimated the cost of replating at $60,000.

2. Standby/emergency diesel electric power—to augment our steam power and for emergency use, we will install a diesel electric generator that will power lights, pumps and communications even if steam power fails.

3. Emergency electric pumps—for emergency operation of critical bilge pumps, sprinkler system, fire hydrants and fuel system.

4. Automatic fire detection and warning system—NASA and fire experts recommend electronic detection and warning systems to greatly improve control of fire and give earlier warning for safety of passengers.

5. Fire retardant coatings—as a result of our extensive discussions with NASA and independent fire consultants, we have selected several fire retardant coatings and materials which, when applied to wood surfaces in staterooms and public areas, will greatly reduce the combustibility and flame spread characteristics of the surfaces. This will provide greater containment and make control easier as well as greatly extend the time available for safe evacuation of the areas. Fire experts are now recommending these coatings for use on even all steel surfaces

XUM

which cannot prevent combustion when conventional paint ignites.

6. Improved communications and education—we will improve communications system and passenger information for maximum protection of passengers in an emergency. We will also engage on a regular basis a fire and safety officer to inspect and instruct our officers and crew in the use and maintenance of safety equipment.

7. General maintenance and repair—for normal repairs and preventive maintenance, we each year allocate between $100,000 and $250,000 to inspect, repair and/or replace equipment and physical facilities as necessary.

We estimate that total layup repairs and safety improvements during the 1970–71 winter to meet the above commitments will be between $250,000 and $400,0000. We are happy to make this kind of an investment for maximum security and protection of our passengers.

When you consider our exceptional safety record plus the improvements we promise to make and the great historic value of the Delta Queen itself, we believe that the favorable consideration of HR 6114 is amply justified.

Sincerely,

William Muster.

Mr. RAILSBACK. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. Celler).

Mr. CELLER. Mr. Speaker, the effect of the law is to require all vessels which haul passengers overnight or longer to be constructed of fire-resistant material. The *Delta Queen* is a riverboat plying the Mississippi River and its tributaries. The hull is steel, but the decks and interiors are teak, mahogany, ironwood, and oak. The carved staircase is mahogany trimmed in brass.

The *Delta Queen* is a stern-wheeler. At one time there were hundreds of boats like this plying our rivers and streams on overnight service. But the *Delta Queen* is the last of them, and we have this final opportunity to save the vessel.

This is not a static museum display, but an actual service performed by an authentic representative of the past.

The vessel's wooden area constitutes the part which runs afoul of the 1966 law. But steps have been taken to minimize the fire hazard. The wood surfaces have been coated with fire-resistant substances, and a sprinkler system has been installed. Granted, there is a certain amount of risk in the operation of the vessel, but there is a certain amount of risk involved in any transportation, regardless of the mode of the character of equipment used.

Great history has been made by our riverboats, and particularly the paddlewheelers, which occupy a very important page in American annals. We remember Mark Twain's remarkable tales of the Mississippi riverboats, and we all recall the famous comic opera by Oscar Hammerstein II and Jerome Kern, "Showboat," which pointed out the romance of these riverboats, out of which came the famous songs, "Old Man River," and "The Man I Love."

You know, life without a bit of romance is listless and lacks luster. The 747's, the SST's and the jets, the lunar orbits and the satellites, make us aware of progress indeed, but dull our vision for the refinements and cultures of life. We need to be jerked back sometimes to less mundane events. We do not live by bread alone.

The *Delta Queen* reminds us of our glorious past when journeys were not so swift and allowed of contemplation and reflection. There was no desire—"just to get there."

Let us revive a bit of drama in our drab lives and permit the *Delta Queen* to sail.

Incidentally this bill has the support of our distinguished colleague, the gentleman from Ohio (Mr. McCulloch), who is now in the hospital undergoing some routine tests. He has set his heart on the passage of this bill. I am very anxious to please him in that respect and I am sure you, too, my colleagues, are very anxious to please him, aside from the merits of this bill, by passing it.

You know that faith and loyalty can lift man to great heights. And I want to show my faith—I want to show my loyalty to Bill McCulloch, who was not able to be here, by passing this bill which he wants so much to see passed by this House.

Mr. Speaker, I remember the words in the play "As You Like It":

Master, go on and I will follow Thee:
To the last gasp, with truth and loyalty.

And in that way I do want to follow our colleague, Bill McCulloch, of Ohio.

Mr. RAILSBACK. Mr. Speaker, I yield to the distinguished gentleman from Maryland (Mr. Garmatz), 5 minutes for purposes of debate only.

Mr. GARMATZ. Mr. Speaker, I rise in opposition to the motion.

Although I have given my views to the Members of the House previously, I would like to summarize the reasons why the Members of this House should not permit the *Delta Queen* to continue operations as an inland river overnight passenger boat.

I recognize that there is considerable sentiment supporting the continued operation of this wooden riverboat. The sentiment seems to be that the *Delta Queen* is a link with our past, and we should preserve this link to remind us of the good old days. The House, however, should vote on the facts and not on sentiment. The facts are, as I have repeatedly stated in the past, that:

The boat is a firetrap.

It is made largely of wood.

Wood burns.

The SS *Yarmouth Castle*, made largely of wood, burned recently with a loss of 90 lives.

The SS *Morro Castle*, made largely of wood, burned with a loss of 134 lives.

The Canadian passenger boat *Noronic*, made largely of wood, burned while tied to a dock in Toronto, with a loss of 118 lives.

The General *Slocum*, made largely of wood, burned in New York Harbor, with the bow on the beach but the stern in deep water, with a loss of more than 1,000 lives.

In earlier years, the river steamboat *Stonewall* on the Mississippi River, made largely of wood, burned with a loss of 209 lives, in an accident in the Mississippi River—where the *Delta Queen* operates—where the pilot could not reach the banks as the boat went aground on a shoal 150 yards from the bank.

It is against the law of the land to operate such a wooden passenger boat.

The Department of Commerce, which houses the Maritime Administration, opposes continued operation of the boat, in the interest of safety.

The Department of State opposes continued operation of the boat, in the interest of safety.

The Coast Guard, which has responsibility for maritime safety, opposes the continued operation of the boat, in the interest of safety.

Sentiment has its place, but the facts concerning the *Delta Queen* make clear that the Congress should not gamble with the lives of passengers. We have charged the executive departments with certain public safety. The agencies concerned with the *Delta Queen* say it is not safe to operate her further. The Congress should not substitute its judgment for the technical agencies on whom we rely for guidance concerning public safety.

I hope the *Delta Queen* never burns, but if it does, the blood will be on the Congress, not on the expert agencies which told us to stop the operation. I do not see how any Member in good conscience can vote on this issue on the basis of sentiment instead of facts. Too many lives are at stake.

There is another aspect of this *Delta Queen* issue which disturbs me. By a vote of 307 to 1, the House passed the bill leading to the Merchant Marine Act of 1970. By a vote of 343 to 4, the House accepted the conference report and the statement of the managers on the part of the House following the conference with the Senate on this legislation. During that conference with the Senate, it was agreed by all Members, House and Senate, not to permit the *Delta Queen* to continue to operate. Now, if the conference system of the Congress is to have validity, I think the House should vote down the Senate's attempt to make an end run around that conference agreement.

The *Delta Queen* should not be permitted to operate further as an overnight passenger boat. I hope you agree with me and will vote to support existing law, expert advice, and previous action by the Congress—all of which are against continued operation of the *Delta Queen*.

Mr. Speaker, on October 4, 1970, this year, I received a letter from the president of Delta Queen Steamship Co., in which he said:

Dear Mr. Chairman: Although we were deeply disappointed that the Delta Queen amendment was rejected in conference, we were most pleased by the unanimous decision of the Committee to recommend to the Congress that a construction differential subsidy be authorized for a vessel to replace the Delta Queen.

As operators of the Delta Queen, we are only too well aware of the operational and safety limitations of our 44-year-old paddlewheeler. It has always been our intention to retire her into active, but less demanding service as soon as we could build a new vessel.

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Mr. Speaker, the measure that is before the House today will extend the operation 3 more years. The operators have had 4 years in which to build a new vessel, but it does not appear that they are interested in building a new boat. I spoke to Mr. Muster after the conference report. A bill was introduced by the gentleman from Pennsylvania (Mr. Clark), chairman of the Coast Guard Subcommittee. We stated in the conference that we would do everything possible to help get this bill through and see that they would get a subsidy for a new *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. Hungate) for purposes of debate only.

Mr. HUNGATE. I thank the gentleman for yielding.

Mr. Speaker, following a number of disasters, in 1966 legislation was passed to provide safety regulations for the protection of commercial boat passengers.

All boats were given 2 years in which to comply with the new regulations.

In 1968, a bill was passed granting the *Delta Queen* a special exemption for 2 more years. I sponsored and supported that legislation because of the following testimony from the executive vice president of the firm owning the *Delta Queen*:

SEPTEMBER 27, 1967

Mr. Muster. We asked Congress for sufficient time to build a new vessel that would meet the safety regulations. As a result, the act was amended before passage to allow the Delta Queen to operate until November 1, 1968. Now after endless hours of planning and hundreds of drawings our new boat is designed and on paper. Coast Guard approval on design and fire retardant materials is expected soon and construction can begin in a couple of months. Our new boat is estimated to cost $4 million. . . .

I would like to reiterate our urgency in this matter. We only have 1 year to build this boat if we start in January. Therefore it is imperative for our success in this project that the legislation to enlarge the financing guarantee be passed in this session of Congress.

Question. Has the operation of the Delta Queen been profitable?

Mr. Muster. During the last 5 or 6 years it has been increasingly profitable each year and is operating now very successfully.

Our projections show that the *Delta Queen* successor can operate and break even at about 60 percent of capacity. It may be even a little lower than that. We may be able to get it down to about 55 percent. On that basis, if we were to operate, as we are now, about 92 to 95 percent—really it is just a shame how much money we could make.

I would direct your attention to the hearings held by the Committee on Merchant Marine and Fisheries on September 27, 1967, pages 47 through 71, in which you will find the following:

WILLIAM N. MUSTER, EXECUTIVE VICE PRESIDENT, GREENE LINE STEAMERS, INC.

Public Law 89–777, which was passed last year, has caused a serious financial problem within our company. We must build a new riverboat and that requires a great deal of capital. The new law was enacted partly as a result of the *Yarmouth Castle* disaster and one of its principal purposes was to improve the standards of ship construction for greater safety of life at sea. We were sympathetic with the desire of Congress to rid the seas of unsafe ships and insure the financial responsibility of the carriers calling at U.S. ports. But we did not expect the *Delta Queen* to be put in the same class as deep-draft passenger vessels on the high seas. We asked Congress for sufficient time to build a new vessel that would meet the safety standards of the present maritime regulations. As a result of the act was amended before passage to allow the *Delta Queen* to operate until November 1, 1968. Now after endless hours of planning and hundreds of drawings, our new boat is designed and on paper. Coast Guard approval on design and fire retardant materials is expected soon and construction can begin in a couple of months. Our new boat is estimated to cost $4 million. We don't have the $1 million required for the down payment. If we could get the same insurance privileges as deep-draft passenger vessels, we would only need a downpayment of $500,000. This we can do.

The Chairman. On page 2 you say, "Our new boat is designed and on paper. What kind of boat would it be, roughly? Would it be paddlewheel?"

Mr. Muster. The vessel is designed at this point for two final alternatives. They must meet Coast Guard approval. Alternative 1 is a paddlewheel. Alternative 2 is what is known as a Voight-Schneider propeller. The Voight-Schneider is perhaps the most practical for our purposes. However, regardless of the propulsion the boat will look like an oldtime river boat. It will be designed visually as a river boat with the filigree and the decoration of some 50 to 75 years ago.

The Chairman. You mention here if there is delay in getting this bill passed you will not meet our deadline. When is your deadline?

Mr. Muster. November 1, 1968.

Mr. Pelly. Has the operation of the Delta Queen been profitable?

Mr. Muster. During the past 5 or 6 years it has been increasingly profitable each year and is operating now very successfully.

Mr. Pelly. Do you have any forms of recreation, such as gambling devices, which help with profits?

Mr. Muster. We would like to. I am afraid there are a few problems involved. No, other than bingo.

Our projections show that the Delta Queen successor can operate and break even at about 60 percent of capacity. It may be even a little lower than that. We may be able to get it down to about 55 percent. On that basis, if we were to operate, as we are now, at about 92 to 95 percent—really it is just a shame how much money we could make.

Mr. Pelly. Would this new vessel be air-conditioned?

Mr. Muster. Yes, sir.

We have 3-day, 7-day, 10-day and 20-day cruises.

Mr. Pelly. Passengers go ashore at various cities.

Mr. Reinecke. Have you applied for a loan to various private agencies?

Mr. Muster. We have talked to several companies. All of them are interested because the mortgage insurance would make the loan prime and 100 percent guaranteed. I see no difficulty in getting a company to provide the money.

Mr. Reinecke. You do not have any commitments even subject to the Federal Mortgage Act.

Mr. Muster. Verbal, yes. Several verbal proposals. They want to do it. We have not actually attempted to get any firm commitments at this time.

Mr. Reinecke. The $4 million figure, is that based on a shipbuilder's contract or your estimates?

Mr. Muster. We have had estimates from Avondale, from Todd, and from one other, I think it was St. Louis Ship. The estimates do indicate that the price will be right in that bracket or a little less—we hope a little less.

Mrs. Sullivan. How old is the present Delta Queen?

Mr. Muster. It was constructed in 1928 in Sacramento, Calif.

Mr. Muster. The Delta Queen many, many years ago, actually, I believe 1948, was brought to the western river system and the rates at that time were very low to accommodate what was a marginal business.

Mr. Muster. May I add one thing, Mr. Chairman?

The Chairman. Yes; you may.

Mr. Muster. I would like to reiterate our urgency in this matter. We only have 1 year to build the boat if we start in January. Therefore, it is imperative for our success in this project that the legislation to enlarge the financing guarantee be passed in this session of Congress. (Sept. 1967)

ROBERT J. CORBETT, M.C., 18TH DISTRICT OF PENNSYLVANIA

Since the Delta Queen must, under Public Law 89–777, be retired November 1, 1968, and since the next session starts in February of 1969, only about 18 months remain to finance and construct a new boat. The company informs me that its marine architects are now on the final drawings after three major revisions, and must start construction by the first of the year. It must have approved financing before it starts construction so that if the law is not amended in this session of Congress it will not be able to meet its deadline and provide service in the 1969 season. H.R. 13053, then, does not seek to waive any safety regulations in an attempt to "save" the Delta Queen; it is aimed at facilitating the financing of a replacement and encourage others to enter the business of river steam boating. A similar measure (S. 2211) has been introduced into the Senate by Senators Randolph and Young.

Clearly the exemption of an excursion boat from safety regulations is not germane to the private bill for the relief of Elmer M. Grade to reimburse him for $900 in moving expenses. Since the *Delta Queen* bill was rejected by the appropriate committees of Congress, the Senate then grafted this bill onto the private bill for Elmer M. Grade, and returned it to the House Judiciary Committee. That committee, of which I am a member, has held no hearings on this bill. I am advised that the State Department, the Department of Transportation, and the Coast Guard are adverse to its passage.

Many efforts are being made to preserve the "historic vessel," the *Delta Queen* and the sort of Mark Twain river heritage it represents. The fact is that Mark Twain had been dead 18 years before this boat was built in Sacramento, Calif., for service on the west coast. In fact, I was built 6 years before this boat, yet hopefully I am not yet an historic relic. The *Delta Queen* never saw the Mississippi River until 1948, 3 years after the end of World War II and 38 years after the death of Mark Twain.

Nothing in existing legislation would prevent this historic shrine from continuing to sail the rivers if it did not make overnight cruises or if on those overnight voyages, it simply carried under 50 passengers.

I understand that the present estimated cost of replacement of the boat is in the neighborhood of $10 million and that a subsidy on the order of $5 million will be sought for this private boat company in separate legislation.

It will be interesting to see how many Members who would not vote $20,000 to

XUM

preserve a family farm will vote $5 million for one private boat company so that those with enough wealth and time to take 2 weeks going from Cincinnati to St. Louis can play bingo.

It will be interesting to see how many of those who voted against President Nixon's welfare reform package, including $1,600 a year to needy families of four, will vote for a subsidy of $5 million to a privately owned excursion company.

It will no doubt command nationwide admiration to see that the Judiciary Committee, which required 18 months to act on an anticrime bill and which over a period of months has been unable to reach any decision regarding Mr. Justice Douglas, can nevertheless in something like 30 days take a House bill that has been amended by the Senate to include the merchant marine, bring it back to the Judiciary Committee, and get it enacted.

Mr. Speaker, I thank the gentleman for yielding.

I commend the gentleman from Illinois for his efforts to work out any reasonable compromise which will be in the public interest that would protect history and the public.

Mr. RAILSBACK. Mr. Speaker, if the gentleman would yield, I compliment the gentleman for his efforts to try to resolve this matter.

Mr. HUNGATE. I only regret that we cannot be more successful.

Again I thank the gentleman.

Mr. RAILSBACK. Mr. Speaker, I yield the gentleman from Pennsylvania (Mr. CLARK) 4 minutes for the purposes of debate only.

Mr. CLARK. Mr. Speaker, I am most pleased to have this opportunity to tell the Members directly what the facts are on the issue of the continued operation of the *Delta Queen*. The question has been debated long enough in the press.

You have undoubtedly received much correspondence on the *Delta Queen*. Therefore, I will not repeat all the facts and reasons why we should let the law stand as it is, which is to prohibit the continued operation of the *Delta Queen* as in the past because it does not meet safety requirements. I do think, however, the Members should know the most important facts and reasons why this law should not be changed.

As Chairman GARMATZ said in his letter to all Members on December 1, 1970, the issue should be decided on facts and not on sentiment. In brief, he stated that the boat was a fire trap because it is made largely of wood, and wood burns, and more than 1,500 passengers have died as a result of the burning of wooden ships. He also attached a letter, dated September 2, 1970, from the Coast Guard to the chairman of the committee on Merchant Marine and Fisheries, which has jurisdiction of this matter. In this letter, the Coast Guard categorically opposes either an extension, or an exemption, of the law for the *Delta Queen*.

In a subsequent letter to the Members of the House, supporters of the *Delta Queen* purported to rebut the facts which Chairman GARMATZ advanced why the *Delta Queen* should not continue to operate as an overnight passenger riverboat as she had in the past.

It would serve little purpose at this time to comment on each of the items in that subsequent letter because most of them are irrelevant. But, I would like to give my views on the principal points at issue.

First, may I say that the issue on the continued operation of the *Delta Queen* has finally been joined. Both sides now agree that the issue is safety. The issue is not nostalgia, history, tradition or sentiment. The issue is safety. The Congress must decide on the basis of the facts whether it should gamble with the lives of hundreds of passengers on this wooden riverboat.

Let us look at the facts whether the boat is safe, or can be made safe.

What do you think the owners of the *Delta Queen* say about the present condition of the boat? In a letter to Chairman GARMATZ on October 4, 1970, the owners state:

> As operators of the *Delta Queen*, we are only too well aware of the operational and safety limitations of our 44-year-old paddlewheeler.

Not even the owners, therefore, think the boat is safe.

The friends of the *Delta Queen* in their recent letter to the members say that "today the *Delta Queen* can meet Coast Guard requirements." This is not so.

In a letter to Chairman GARMATZ on December 1, 1970, Adm. Chester R. Bender, commandant of the Coast Guard, said that when the *Delta Queen* was last drydocked in December 1969, the Coast Guard issued a deferred requirement to replace 35 hull plates, until November 2, 1970, when the ship could no longer operate under existing law. The commandant estimated that the cost of renewing these hull plates would be about $175,000.

It should be understood that this cost is for repair of one known defect. This cost has nothing to do with the cost for proposed improvement of fire prevention standards. Therefore, the owners would have to spend at least $175,000 before they could begin to make any of the improvements to attempt to improve—not meet—fire standards. Since the owners have been talking about spending $500,000 to upgrade the riverboat, it is clear that almost 40 percent, or more, would have to go for work totally unrelated to fire standards.

The friends of the *Delta Queen* have also stated that the owners would make extensive improvements including NASA-tested materials and techniques.

Listen to what Secretary Volpe, whose Department has jurisdiction of the Coast Guard, had to say about NASA's new fireproofing product, Fluerel, on which the owners of the *Delta Queen* rely. The Secretary said quote:

> The product failed the standard incombustibility test on several counts.

He then enumerated the counts on which the NASA fireproofing product as it would be applied to the *Delta Queen* failed to meet the incombustibility test. On the same point, listen to what the Coast Guard said in a letter to our committee, dated September 23, 1970, on the owner's proposed fire prevention improvements:

> In summation, collective implementation of the owner's proposals would have a beneficial effect on the *Delta Queen's* safety *but this would still fall* far short *of established standards.* (Emphasis supplied.)

Next, the friends of the *Delta Queen* attempt to explain away previous disasters by burning of wooden ships. They say that on U.S.-flag vessels during the last 7 years there have only been a total of four passenger fatalities.

I would make two important comments on this observation. First, we have had so few fatalities in recent years because the United States, largely through the efforts of the House Merchant Marine and Fisheries Committee, has insisted that safety standards, particularly with respect to fire standards, be so improved as to reduce to an absolute minimum the risk of loss of life due to fire aboard a U.S. passenger vessel.

Second, the friends of the *Delta Queen* have failed completely to erase the horrible results of the previous accidents I cited to you. We have lost more than 1,500 passengers as a result of burning of wood ships. The *Delta Queen* is a wooden boat. Wood burns.

One more point bears emphasis. I inspected the *Delta Queen* in September, 3 days before we went to conference on this point. I then told our House-Senate conference committee on the maritime bill that most of the passengers on this riverboat were elderly and many were on crutches and in wheelchairs, or apparently infirm making it unlikely, therefore, they could be evacuated safely after fire. And, I concluded after inspection of the *Delta Queen*: "It is a fire trap."

On the basis of these facts on safety, it seems to me the Congress should not gamble with the lives of prospective passengers. I hope you agree with me and will vote to support existing law, expert advice, and previous action by the Congress—all of which are against continued operation of the *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, in deference to the gracious action of the Speaker in recognizing the gentleman from Illinois on the matter of the *Delta Queen*, we have agreed to confine our speaking on the subject to a minimum, so I hope this will close this debate.

As ranking member on the majority side of the Committee on Merchant Marine and Fisheries, I was interested, and instrumental, in helping to pass the safety-at-sea law, the law which has stopped the *Delta Queen* from continuing to operate on our inland waters. Never during the consideration of this act did we discuss bringing the riverboat under this act.

I was not a member of the conference committee when the riverboat was included along with all the ships at sea, and the House was not informed of this when the report was brought back for approval. It came as a shock, therefore, when the operators of the *Delta Queen* came to the House to seek relief from the law that applied to ships at sea.

The *Delta Queen* was given a 2-year extension to operate. The extension was until November 2 of this year. During

XUM

this time the operators did attempt to build a new boat. Plans were drawn and shipyards were contacted. The company thought that a replacement could be built for around $4 million, but the best estimate they received from the shipyards when they were shown the plans was a replacement cost of something like $10 million or more. It simply was not economically sound to replace it and operate a riverboat costing $10 million.

Now the recommendation has been made, and included in the conference report that passed the House sometime ago, which would replace all of our ships, and to build a private riverboat with a Government subsidy. Well, I do not believe that the Congress will subsidize a private group to build and operate a private riverboat, because through all of these years we have been told that subsidies were given to ships solely because of defense purposes and defense needs. Therefore, I do not believe such a bill, as is now pending in the Committee on Merchant Marine and Fisheries, has a ghost of a chance.

I just want to mention several things here about the *Delta Queen* and its safety. We know that it contains wood, but the hull is triple galvanized wrought steel. Her superstructure and her paddlewheel are made of various hardwoods with reinforcing steel.

She is steampowered with a 2,000-horsepower engine and water tube boilers, fueled by Bunker C oil. Every compartment—and I am repeating this—every compartment and public room is equipped with automatic sprinklers under constant pressure, with automatic alarms and many other safety devices.

Mr. Speaker, the Coast Guard has passed this boat for inspection for everything except the fact that under the safety-at-sea law she has a wooden superstructure.

I say that this company has done everything possible to make this riverboat as safe as is humanly possible. I have asked this question—and I have not gotten an answer that is substantial—If the *Delta Queen*, carrying less than 190 passengers, is forbidden to run on our rivers because the passengers stay aboard overnight, then why are we allowed to run excursion boats that have wooden superstructures that carry 1,000 to 2,000 people and why do they not come under this law?

I think the *Delta Queen* should be exempted from the safety-at-sea law. The provision that is made in this private bill does not call for exemption, but merely for an extension of time.

I ask that it be sent to conference.

Mr. GARMATZ. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I am glad to yield to the chairman.

Mr. GARMATZ. There is something in the Senate report. It says that the testimony before the committee indicates there are only two such vessels operating on the inland waters of the United States. There is the *Delta Queen* which is operating on the Ohio River and the SS *South America* operating on the Great Lakes. On the effective date of this act, which was November 1, 1968, it is expected that the Coast Guard will reinforce its existing regulations for these vessels and require whatever traditional safety standards may be considered necessary for the operation of these vessels in the interim period.

So it does mention the *Delta Queen* and the SS *South America*.

Mrs. SULLIVAN. If I may say so to the gentleman, that was in the report, but there was no discussion of that on the floor at the time. I would think it referred to traditional safety standards which the *Delta Queen* had complied with.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TAFT).

Mr. TAFT. Mr. Speaker, I support the motion of my friend and colleague, the gentleman from Illinois.

I want to commend the gentleman from Ohio (Mr. MCCULLOCH) for the fine points put up on this issue.

My initial interest in this vessel comes from the fact that its home city is the port of Cincinnati. In the past few weeks, as the plight of the *Delta Queen* has been brought to the attention of the Nation, I have found support for this boat is not limited to our area or indeed even to the Nation. Rather it is, indeed, nationwide and even international. My office has received letters, telegrams, and phone calls from concerned citizens in many States, all of them containing one message: Save the *Delta Queen*. I ask you to do just that—save the *Delta Queen*.

Recently we all received a letter from the distinguished chairman of the Merchant Marine and Fisheries Committee, imploring us to separate facts from sentiment on this issue. Unfortunately, he did not present us with all of the facts, but only those which supported his case against operating the *Queen*. Before discussing additional pertinent facts, I would like to say a few words about the sentiments involved.

I do not deny that all of us who favor the exemption for the vessel are somewhat moved by the sentimental fact that she is the last overnight paddlewheel steampacket traveling on our inland water today. We would not play down the broad public interest in this vessel, or that she is a link with a very colorful part of our Nation's heritage. But there are facts and arguments other than sentimental ones which should be considered.

It has been said that the boat is made largely of wood and therefore in the opinion of the chairman is a firetrap. This simply is not true. The hull of the *Queen* is made of steel not wood. While the superstructure is, in fact, wood, there are many features which were installed strictly for the safety of the vessel. First there is a full coverage, pressure sprinkler system, which would be instantly triggered if there is a fire on board. Secondly, a fire retardant coating has been applied to nearly every surface as an added safety feature Further, it has been found that the most frequent cause of fires in the older riverboats was the malfunctioning of fire tubes in the boiler. The *Delta Queen* has taken the safety precaution of installing water tubes not fire tubes in the boiler, and the boilerroom is equipped to provide for the automatic release of carbon dioxide foam in the event of fire.

When the *Delta Queen* anchors, she is never more than a few hundred yards, or a few minutes from the shore. This clearly distinguishes her from oceangoing vessels, those for whom the Safety at Sea Act was intended. Finally, nearly all staterooms open onto outside corridors so if there was a fire, passengers would have ready access to the corridors, and would not be trapped in their rooms.

We have been assured that the owners of the *Queen* are ready and willing to spend between $250,000 and $400,000 to add even more safety devices to the stern-wheeler. They would put in a new sprinkling system with an addition detection system for fire, smoke, and other products of combustion.

An annunciator would be placed at the bridge which would alert the crew to any emergency in these areas even before the sprinkler system was triggered by combustion.

Finally, the company plans to pay a Coast Guard officer, on a per diem basis, to travel on the boat on a regular schedule to insure the consistent operation of the protective safety devices.

Mr. Speaker, this body has never had the opportunity to fully discuss and to vote on the *Delta Queen* exemption. The Senate has dealt with it separately on two occasions. In both instances an exemption was agreed to. I hardly believe the Senate would have OK'd a firetrap. I am hopeful that the House will have the opportunity to finally consider this question.

In considering the future of the *Delta Queen*, I urge you to consider the existing safety features which have been placed on the vessel. I ask you also to consider the additional precautionary measures which the owners are prepared to take to further enhance the safety of the boat. I would not be here today, nor would my distinguished colleagues of like mind, if we felt that the *Delta Queen* was "a floating fire trap." She is far from that. She is the remnant of a glorious, exciting segment of America's past, but she is also a vessel which is and will be adequately equipped with safety features.

My request of you today is that you consider both the sentiment and all of the facts pertinent to the *Delta Queen*. I then urge you to favor an exemption for this grand lady of our rivers.

I include the following fact sheet:

"DELTA QUEEN" FACT SHEET

LAW AND LICENSE

The *Delta Queen* is submitted for U.S. Coast Guard annual inspections and three periodic reinspections every year. She has passed every inspection and received a license from the U.S. Coast Guard every year.

Today, the *Delta Queen* can meet Coast Guard requirements and receive a license to operate on the Ohio, Mississippi, Tennessee and Cumberland Rivers as a riverboat carrying 49 overnight passengers and more than 1,000 deck passengers, but she does not meet Safety at Sea requirements for carrying more than 50 overnight passengers due

XUM

to the presence of non fire-retardant construction of superstructure.

CONSTRUCTION

The *Delta Queen* hull is *triple galvanized wrought steel*. Her superstructure and paddlewheel are made of various hard woods with reinforcing steel. She is steam powered with horizontal cross-compound 2,000 horsepower engines and *water tube boilers* fueled by Bunker C oil. 1,650 gross tons; *285 feet long overall;* 58 foot beam; 7½ foot draft.

Every compartment and public room is equipped with automatic sprinklers under constant pressure with automatic alarms and other safety devices. Fire hydrants, fire alarms, fire extinguishers and emergency tools are strategically located throughout the vessel

SAFETY FEATURES

The Queen has hydraulically assisted steering, VHF and long wave ship-to-shore radio-telephone, radar navigation, remote-controlled carbon-arc searchlights, automatic CO_2 boiler room fire protection, public address system, telephone communications, emergency lights, all-electric galley, auxiliary motor boat and an emergency diesel pump.

Extensive areas of the boat have been treated with fire-retardant intemescent coatings. The electrical system has been converted to alternating current with major changes in protective devices and cabling.

Weekly fire drills include not only the training of each crew member but the testing of all fire-fighting equipment and passenger instruction for emergencies.

Night watchmen punch Detex clock stations throughout the entire vessel every 20 minutes. The emergency squad is always on call.

SAFETY RECORD

The *Delta Queen* has never taken a passenger life in 44 years of operation. Greene Line has operated 28 steamboats without a loss of passenger life for 80 years.

IMPROVEMENT

If permitted to operate during the next three years, the owners will add emergency diesel electric power, emergency pumps for sprinklers, fuel and fire hydrants, automatic fire detection system, emergency communications system and extensively apply fire retardant coatings and materials to greatly reduce the combustibility of the surfaces and extend the time available for safe evacuation of the areas.

In addition, the company will engage a special safety officer to regularly inspect and instruct the crew in the use and maintenance of safety equipment.

PROGRAM

The owners have spent $500,000 in the last three years for restoration. repair and upgrading of the *Delta Queen*. They will spend more than $250,000 again this winter and probably each year thereafter if permitted to continue operation.

INSURANCE

The *Delta Queen* is insured by Steamship Mutual, British Underwriters, Mutual Marine, Lloyds of London and Emmco Through A. W. Shell & Company, Cincinnati, Ohio. $800,000 hull insurance against all risks and over $4,000,000 liability.

The Shell Company says "The *Queen* has always been an insurable risk. Both British and American Underwriters see *Delta Queen* as no different from hundreds of British ships with wood and sprinklers such as the *Queen Elizabeth II.*"

ECONOMICS

During the past seven years, the *Delta Queen* has met or exceeded its sales goals and has delivered a reasonable profit before allowances for capital improvements and excessive costs and write-offs incurred as a result of the Safety at Sea legislation.

NATIONAL REGISTER

The steamer *Delta Queen* was officially listed June 22, 1970 by the Department of Interior in the National Register of Historic Places under the provisions of the Historic Preservation Act of 1966. (Federal Register, August 4, 1970).

The Secretary of the Interior is authorized to designate and protect properties worthy of preservation for their historic value.

RIVERBOAT FIRE SAFETY RECORD

There has not been a single passenger life lost in a riverboat fire in over 60 years. The last time it happened, a drunk under ship-arrest set the brig on fire and burned himself to death. In the process, the vessel also burned, but all 1200 passengers got to safety when the boat—the excursion steamer J. S.—pulled into the bank near Winona, Minnesota in 1910.

ARGUMENTS USED AGAINST "DELTA QUEEN" AND THE FACTS

The *Delta Queen* is made largely of wood.

Fact: That is true (see construction).

Wood burns.

Fact: Only if you assume that wood is untreated, unprotected, and that no fire-fighting attempt is made.

The boat is a fire trap.

Fact: Not true. There is no record that any agency or department has made such a statement. The Coast Guard has only stated that the *Delta Queen* fails to meet the law.

It is against the law of the land to operate such a wooden passenger boat.

Fact. It is against the law to operate such a boat with 192 passengers overnight. It is not against the law to operate such a boat with 49 overnight passengers or more than 1,000 deck passengers.

The Department of Commerce opposes continued operation of the boat in the interest of safety.

Fact: The Department of Commerce did state opposition of the *Delta Queen* bill in hearings in 1968. However, since the Chairman has not permitted hearings on the present bill and since the owners of the *Delta Queen* have offered to make extensive improvements including NASA-tested materials and techniques, the present Department of Commerce position is not known.

The Department of State opposed continued operation of the boat in the interest of safety.

Fact: Not true. The Department of State says "We explained that our objection was based on the fact that the implementation of the safety standards established by PL 89–777 with respect to foreign ships involves a potential inconsistency with our obligations under the Convention for Safety of Life at Sea and that amendment of the law to exempt any U.S. flag ship from compliance with those standards would be damaging to our moral position in applying the law to foreign ships. However, we have suggested that, if the Congress wishes to permit the *Delta Queen* to continue in operation, this objective could be accomplished in a manner that would be less prejudicial to our position with foreign countries."

The Coast Guard opposes continued operation of the boat in the interest of safety.

Fact: True. The U.S. Coast Guard says, "In the interest of maritime safety, the Department opposes the enactment of this bill. However, if the Congress does proceed with this legislation, it is noted subsection (c) relates to vessels subject to requirements of the International Convention for the Safety of Life at Sea, 1960, it does not apply to domestic inland vessels; therefore, no change to this subsection is necessary."

Congress should not substitute its judgment for the technical agencies on whom we rely for guidance concerning public safety.

Fact: Even though the *Delta Queen* has an unblemished safety record, NASA scientists, after visiting the boat, made extensive recommendations to apply space age technology to make the *Delta Queen* even safer. They recommended fire retardant paints, electronic detection systems and many other safety concepts which the owners are prepared to implement (see improvements). One section of Safety at Sea law states that U.S. vessels must be built of fire retardant materials, and another section states that foreign vessels meet international standards (SOLAS) which allow wood and other combustibles providing such spaces are outfitted with automatic sprinklers and fire detecting equipment. Therefore, the *Queen* with wood and sprinklers must discontinue because she flies the U.S. flag while foreign vessels continue to call on U.S. ports and carry U.S. passengers with Coast Guard approval.

It was agreed by the House and Senate Merchant Marine Conference Committee not to permit the *Delta Queen* to continue to operate.

Fact: True, but this committee also strongly recommended that the Congress appropriate a subsidy to build a new riverboat and keep this industry alive—no action to date. Therefore, Senate and House members have now offered H.R. 6114 for a three-year extension in order to keep the *Queen*, allow time to grant a subsidy as suggested by the Chairman, and thus keep the riverboat industry alive.

Existing law, expert advice and previous action by the Congress are against continued operation of the *Delta Queen*.

Fact: Existing law—true, however, Congress has seen fit twice to extend the *Queen* beyond the law because she is a riverboat and not an ocean-going vessel. Expert advice—partially true. NASA thinks there are workable, practical solutions to improving fire safety on the present vessel. The Coast Guard and Department of State issued qualified statements and made suggestions for passing previous bills due to the *Queen* being a domestic inland vessel. Previous action—favorable. (A) Congress has passed two laws to continue the *Queen*. (B) The Senate voted 68 to 1 this year to exempt the *Queen* from Safety at Sea permanently, not just for a few years. (C) 92 Democrats and 98 Republicans of the House of Representatives just recently recommended acceptance of the Senate amendment to H.R. 15424 to permanently exempt the *Queen* from Safety at Sea.

Ship Disasters Compared to the *Delta Queen* problem.

Fact: On U.S. flag vessels (including *Delta Queen*) during the last seven years there have only been a total of four passenger fatalities and these include accidental deaths and suicides. None of them were on the rivers.

Yarmouth Castle, November 13, 1965: When the Coast Guard authorized remodeling the *Yarmouth Castle,* they dictated that sprinklers should be installed in passenger areas only.

The fire that destroyed the *Yarmouth Castle* started in storeroom 610, in the crew areas where no sprinklers were installed. Before manual fire fighting equipment could be engaged, the fire was out of control and the vessel doomed. British experts say that "partial protection, such as this, sooner or later leads to disaster."

Morro Castle, September 18, 1934, 124 passenger lives lost: A unique series of incidents led to the *Morro Castle* fire. The Master of the vessel died of a heart attack shortly before the fire after a passenger was injured when tripping over fire fighting equipment. The acting Master capped hydrants and removed spanners and fire hoses so that nobody else would be injured. When fire broke out, equipment was unavailable and crew members incapable of containing fire. The acting Master failed to send an SOS and even reversed the direction of the vessel so that

XUM

the fire was blown into previous unendangered areas.

Noronic, September 17, 1949, 118 passenger lives: The *Noronic* fire occurred in early morning hours while the boat was tied up. The Board of Inquiry later cited the Master for blatant negligence in not having officers and crew on duty when passengers were aboard even though the ship was tied up to the dock. Such negligence of command is unique to the *Noronic* disaster and to compare it to the *Delta Queen* unfairly impunes the officers and crew of the *Delta Queen.*

General Slocum, June 15, 1904 1,030 passenger lives lost: Although the *General Slocum* was operating on New York's East River as an excursion vessel, it was designed and built as a deep-draft vessel capable of operating on the high seas. When fire broke out and panic ensued, the vessel was beached in relatively shallow water but it was a 40 foot drop even from the stern to the river. The life preservers had not been inspected and were so rotten they fell apart. Fire hoses were rotten and burst when water pressure was applied and there was substantial indication of negligence in command. Similar disaster could not happen aboard the *Delta Queen* because it is a true river boat of only 7½-foot draft and if beached it would be in very shallow water and even the stern would be within 50 feet of shore. Life preservers and fire hoses are inspected regularly by the U.S. Coast Guard and all fire fighting equipment aboard the *Delta Queen* is exercised and tested at least once a week.

Stonewall, October 27, 1869, 209 passenger lives lost: If you really want to reach back into history, go to October 27, 1869 when the Mississippi riverboat *Stonewall* caught fire. It was a match thrown into a bale of hay. The Pilot panicked and drove the boat up on a sandbar instead of heading for the other shore, where he could have easily made land.

Island Queen, 1947, 19 Crew members lost: A riverboat tied up for repairs or winter layup is more vulnerable to accident and fire than one which is operating simply because a fire can get started and out of control due to lack of organized fire-fighting personnel. In the case of the *Island Queen,* a welder mistakenly welded on a fuel tank that had not been gas free and a violent explosion resulted. There were no passengers aboard and such repair work is no longer permitted in shipyards and uninspected vessels.

REBUTTAL OF CHAIRMAN GARMATZ' LETTER, DATED DECEMBER 1, 1970

Mr. Garmatz states in his letter of December 1, that those who support a three-year extension of operation of the *Delta Queen* do so because it is a link with the past.

This is true—there is some sentiment involved—but the safety factor is not overlooked. Fact is that although it does not meet the safety standard approval of the Coast Guard the *Delta Queen* is equipped with safety equipment in excess of what is required by present law. Moreover, the owners of the *Delta Queen* promised to add even more safety equipment should Congress grant the extension. Safety and Sentiment are not inconsistent.

With regard to the ships mentioned in Mr. Garmatz's letter the following facts were omitted.

1. The S.S. *Yarmouth Castle*—the fire broke out in a crew area. The Coast Guard which has the responsibility for maritime safety indicated earlier that that particular area—the crew area—did not have to be covered wtih a sprinkler system.

2. The S.S. *Morro Castle*—Contrary to the *Delta Queen* this vessel is an ocean-going, deep draft vessel. Fire broke out while the vessel was in the middle of the ocean. There was no way to reach the ship in time to assist her or her crew. This is an example of complete isolation on the ocean which can not be even closely related to the *Delta Queen.*

3. The *General Slocum*—This was an excursion boat of ocean-vessel type construction. The fact that the boat was beached is correct but the letter fails to mention that the fire broke out on the bow of the ship. Since *General Slocum* was of deep draft ocean-going construction, it made its bow over 40 ft. high—which accounts for most of the deaths for the people jumped 40 ft. off the beached bow to escape the fires. The *Delta Queen's* bow is only a few feet high.

The *Delta Queen* and the *General Slocum*—under the law would still qualify to be operated as an excursion type vessel.

Facts to be added to:

1. *Yarmouth Castle*—U.S. Coast Guard ruled that only passenger area needed to be protected with sprinkler system—it did not provide one for the crew quarters.

2. The *Morro Castle*—the disaster occurred on high seas after Captain died of heart attack. The firefighting equipment had been removed—no fire drills had been exercised and the Court condemned officers for not sending S.O.S. until fire had completely engulfed the ship.

3. *General Slocum*—carried deck passengers who could not get life preservers because they were all rotten—hoses burst and no fire drills were carried out.

4. The Canadian passenger vessel *Narconi*—The fire occurred at 2:30 a.m. The Captain and the owners were condemned on seven charges of negligence. Only 15 crew members were on board ship while passengers were aboard. There was no plan to arouse passengers—its crew was not trained in firefighting technique and emergencies and no fire detection or control was on duty.

Facts were taken from the following sources:

The Waterways Journal in St. Louis, Missouri.

Frederick Way of Sewickly, Pa.

Steamboat Bill Peterson—Iowa.

Ship Disasters—a book listing all disasters of ships.

The riverboat *Stonewall* is the only ship mentioned in Mr. Garmatz's letter that can be fairly compared with the *Delta Queen.* The fire broke out on October 27, 1869, over a hundred years ago. Cause of the fire was attributed to a lighted match which was carelessly thrown into the steamboat's cargo—which was hay.

After that incident—protective fire laws were passed to require all hay cargo to be covered with tarpaulins. Since the passage of such laws, no fire resulted from this type of situation.

To compare the riverboat *Stonewall* with the riverboat *Delta Queen* is unfair. The *Delta Queen* does not carry cargo of any type. It is strictly a passenger boat—"passengers are the safest type of cargo"—since one would easily spot something before it got out of hand.

In the last one hundred years there has been no steamboat fire on the river involving passengers or loss of lives.

Since the steamboat *Stonewall* there have been over 18,000 riverboats plying the rivers. Of those, the *Delta Queen* is the only such riverboat to have an automatic sprinkler system and many other fire preventive equipment.

Fact: The *Eagle,* a Coast Guard sailing vessel which was confiscated from the Germans in World War II and built in 1938, is based in New London, Connecticut. The *Eagle* sleeps over 200 below deck in *cloth* hammocks. A situation which does not meet the standards of the Safety-At-Sea law. In spite of this, the Coast Guard still operates the ship frequently on training missions. It carries cloth sails, has a wooden deck and wood paneling. Its crew has no choice of refusing to sail on the *Eagle* since it is under military order.

Fact: Not a single passenger life has been lost in 68 years on the Mississippi and Ohio river system due to riverboat fire accidents.

The only riverboat fire in 100 years occurred in 1902 near Cairo, Illinois. The *City of Pittsburgh* burned due to a passenger throwing a match on a bail of hay. However, several hundred passengers were evacuated to the shore.

Mr. RAILSBACK. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I want to take this opportunity to express my strong support for permitting the historic *Delta Queen* to continue her operations.

The distinguished gentleman from Ohio (Mr. MCCULLOCH) is to be commended for his leadership role in the fight to save the *Delta Queen* and I wish to express my regret that, due to illness, he is unable to be on the floor today. I trust he will be able to rejoin us at an early date.

In his absence, the gentleman from Illinois (Mr. RAILSBACK) has offered the motion to save the *Delta Queen* and it should have unanimous support in this Chamber this afternoon. The *Delta Queen* has been operating for 43 years without a single passenger fatality or significant accident or fire. This record merits a relatively short exemption from the provisions of the 1966 maritime safety law.

It is vital that America deal wisely with her heritage from the past. The Mississippi riverboat played an important role in the development of our Nation and we must not permit the inflexible application of law to destroy the last remaining example of a great tradition.

The safety law now being used to force the *Delta Queen* to lie at anchor was never meant to apply to the riverboat. Our approval of the McCulloch proposal will permit the last paddlewheel passenger boat from being mistakenly legislated out of existence.

I also wish to take this time to express my appreciation to the gentlewoman from Missouri (Mrs. SULLIVAN) who also has helped lead the fight to save the *Delta Queen.* I am confident the motion to send this issue to conference will prevail.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. STUBBLEFIELD).

Mr. STUBBLEFIELD. Mr. Speaker, I wish to join other Members of the House who are today speaking on behalf of the amendment to H.R. 6114, which would extend for 3 years the operating authority of the *Delta Queen.* I share the sentiment of many of you with respect to the great role played by the inland rivers in our history and the important part acted out by the steamboats. The *Delta Queen* is a vital and significant living link with our past and, as such, I have supported efforts to preserve this important part of our country's heritage. The legislation before us today, as you know, is a compromise with an earlier Senate amendment which would have granted an indefinite exemption from Public Law 89-777 for the *Delta Queen*. The extension of 3 years presently at issue would enable the owners of the *Delta Queen* to offer overnight passenger service, under Coast Guard supervision, while making arrangements to construct a replacement to comply with fire safety requirements of Public Law 89-777. Mr. Speaker, I hope a conference on H.R. 6114 can be arranged and that the conferees can agree to retain this amendment.

Mr. GARMATZ. Mr. Speaker, will the gentleman yield?

Mr. STUBBLEFIELD. I yield to the distinguished chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. I want to say this to the gentleman from Ohio. I sent him a letter and in that letter I stated that not one agency of the U.S. Government was in support of extending time on the *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, everyone around here is saying what the Coast Guard thinks. I have been having a little experience lately with the Coast Guard and I want to tell you how they think. We had a little matter under consideration yesterday about releasing the pictures of Simas Kudirka, the would-be defector, and his wife. I consulted with the man from the Coast Guard—and, incidentally, may I say we are going to release these pictures tomorrow—I said, "Do you have any objection to our releasing the picture?" He said, "Yes, we have objection." I said, "What is your objection?" He said it would be an invasion of Mr. Kudirka's privacy. I said, "The fact that he had the stuffings kicked out of him on a Coast Guard vessel, would that have anything to do with invading his privacy?" You know, they have not answered that yet.

The facts are, Mr. Speaker, that this bureaucratic outfit—and you try to talk to them sometime and you will know what I am talking about—say that this boat is going to have to be retired or replaced with a boat made of steel. Well, we had a nursing home in Ohio that was fireproof. It did not burn. However, someone threw a cigarette down on some fireproof carpeting and it did not burn. It just smoldered and made a lot of poisonous gas which killed 26 people. People can get killed in many ways. But I say I had rather ride on a boat that has an automatic sprinkler system that has some wood on it than I would on a steel boat that did not have an automatic sprinkler system and take my chances.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, following the disastrous Apollo 204 fire on January 27, 1967, which took the lives of those outstanding astronauts Virgil I. Grissom, Edward H. White, and Roger B. Chaffee, I was privileged to serve on the Subcommittee on NASA Oversight, chaired by the gentleman from Texas (Mr. TEAGUE) which made an extensive investigation on the causes of that accident and steps which could be taken to prevent similar accidents caused by fire. The subcommittee went into great detail concerning the flammability of materials within the spacecraft. As a result of this, space suits of the astronauts and their personal equipment and all nonmetallic material attached to the spacecraft have now been replaced or treated with nonflammable materials and substances. Consequently as a result of these developments, the owners of the *Delta Queen* had a contractor go through the *Delta Queen* and develop a proposed fire hazard and protective program for their vessel based on NASA's recommendations. This program was then reviewed by NASA experts, who provided further recommendations for specific materials and the way that they are chemically treated or replaced.

This winter the owners of the *Delta Queen* will spend $400,000, of which a very large portion—about $250,000—is being spent specifically on installing safety equipment and making the furnishings and equipment aboard the *Delta Queen* fire resistant.

The great lessons we have learned in our space program are being applied to protect the safety of passengers on the *Delta Queen*.

Therefore, I urge a favorable vote.

Mr. GARMATZ. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Maryland.

Mr. GARMATZ. Mr. Speaker, was the gentleman speaking about the tests of NASA?

Mr. HECHLER of West Virginia. Yes, I was.

Mr. GARMATZ. Here is what Mr. Volpe says about these particular tests:

> Listen to what Secretary Volpe, whose department has jurisdiction of the Coast Guard, had to say about NASA's new fireproofing product Fluerel, on which the owners of the *Delta Queen* rely. The Secretary said quote:
>
> "The product failed the standard incombustibility test on several counts."
>
> He then enumerated the counts on which the NASA fireproofing product as it would be applied to the *Delta Queen* failed to meet the incombustibility test. On the same point, listen to what the Coast Guard said in a letter to our Committee, dated September 23, 1970, on the owner's proposed fire prevention improvements, quote:
>
> "In summation, collective implementation of the owner's proposals would have a beneficial effect on the *Delta Queen's* safety *but this would still fall far short of established standards.*" (Emphasis supplied.)

Mr. HECHLER of West Virginia. Mr. Speaker, I would point out to the gentleman from Maryland that I have seen these products demonstrated. I have seen them held up to a blowtorch, and the blowtorch will not even go through the material. I have seen these materials subjected to the highest intensity of fire, fed by molotov cocktails, and the result, after the fire, has shown that these materials are fire resistant.

Now, of course, any nonmetallic substance can be placed in a high-intensity oven over long periods of time, and it will not withstand these temperatures as well as pure metal. But I submit that beta cloth and fluorel are excellent demonstrations of how the knowledge learned in our space program to protect the astronauts may be utilized to protect the passengers' safety on the *Delta Queen*.

I am from Huntington, W. Va., and I would not vote for this bill if I felt personally there might be danger of fire which would threaten the lives of the *Delta Queen* passengers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAILSBACK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, upon returning from overseas duty during World War II, I had the privilege of serving as a river pilot with the military on the Mississippi and Ohio Rivers. This afternoon's discussion of the *Delta Queen* brings back many happy and cherished memories of my days as a riverboat captain.

The *Delta Queen* is the last of a great American tradition. Built in 1926 as a replica of the splendid steamboats which plied the Mississippi and her tributaries continuously in the 19th century, the *Queen* is the last functioning specimen of her type. She is scion and symbol of the rich riverboat heritage of our region. Plying their trade up and down the western waters which were the lifestream of the American frontier, proud paddlewheelers like the *Delta Queen* brought a wealth of commerce and culture to the entire Midwest. These steamboats made the Mississippi, the Missouri, and the Ohio Rivers living highways of history. The *Queen* herself is a vital, pulsating, moving museum of that history. She serves the residents of 17 States and travels more than 4,000 miles between Cincinnati and New Orleans every year.

Despite her far-reaching travels, however, the *Queen* is not a deep-sea vessel. The regulations from which she has been, and should continue to be, exempted are not really applicable to a ship of this type. They were designed by the Coast Guard primarily to protect passengers on oceangoing vessels with limited access to land. The *Delta Queen* operates exclusively as a riverboat. She puts into shore every night and is never more than a half mile from land.

Moreover, the owners of the steamboat have recently expended considerable sums to improve the safety of the *Queen*. During the 1969 layup season, they spent $150,000 to repair hull, boilers, and auxiliary equipment. Obsolete open-fire kitchen equipment has been replaced, and the bulkheads, decks, and overheads have been fireproofed. The owners will spend an additional $250,000 this winter to further upgrade the vessel. In view of these extenuating conditions, it is my belief that the *Queen* can be exempted from the regulations without unduly jeopardizing the safety of her passengers. As a former river pilot, I can assure you of my concern for the safety of the passengers on the riverboat.

It would be a great misfortune to all the people of our region if we were to lose the *Delta Queen*. If I may paraphrase the British national anthem, "May God, and Congress, save the *Queen!*"

I include the following:

Statement by William Muster

I'm hooked on the Delta Queen . . . an antique river steamboat with a big red paddlewheel. Until the new Safety-at-Sea law threatened her existence in 1966, the D.Q. was just a fascinating side venture—but now it's an obsession.

From the decks of the Delta Queen, I've discovered a part of our land that few Americans know . . . a beautiful wilderness hidden from the highway and only vaguely seen from the air. I have first-hand proof that we are cleaning up our rivers, rebuilding our urban waterfronts, developing small boat marinas and converting the river system into a giant recreation facility.

I know that some day passenger riverboats will come back, too. Modern, diesel-powered cruisers operating from city to city, just as they do in Europe today . . . just as the old steamboats did during 160 years of American history.

I see the Delta Queen as our last living link between Mark Twain's steamboat era and a vast new river transportation and recreation industry. She can never be duplicated and that is appropriate, for there must be progress. But for a law to destroy this famous boat is to obliterate history by edict. All her grandeur and dignity dies when the steam is shut off and her big paddlewheel is stilled.

In San Francisco, you can ride up the hill in an airconditioned diesel bus or you can cling, somewhat precariously, to a quaint piece of history—the cable car. I see the role of the Delta Queen in much the same way. Build all-steel diesel riverboats for those who want more comfort and more safety. But keep the Delta Queen for those who want to cling to a bit of history.

There's a place in America for both.

Delta Queen Fact Sheet

LAW AND LICENSE

The Delta Queen is submitted for U.S. Coast Guard annual inspections and three periodic reinspections every year. She has passed every inspection and received a license from the U.S. Coast Guard every year.

Today, the Delta Queen can meet Coast Guard requirements and receive a license to operate on the Ohio, Mississippi, Tennessee and Cumberland Rivers as a riverboat carrying 49 overnight passengers and more than 1,000 deck passengers, but she does not meet Safety at Sea requirements for carrying more than 50 overnight passengers due to the presence of non fire-retardant construction of superstructure.

CONSTRUCTION

The Delta Queen hull is triple galvanized wrought steel. Her superstructure and paddlewheel are made of various hardwoods with reinforcing steel. She is steam powered with horizontal cross-compound 2,000 horsepower engines and water tube boilers fueled by Bunker C oil. 1,650 gross tons; 285 feet long overall; 58 foot beam; 7½ foot draft.

Every compartment and public room is equipped with automatic sprinklers under constant pressure with automatic alarms and other safety devices. Fire hydrants, fire alarms, fire extinguishers and emergency tools are strategically located throughout the vessel.

SAFETY

The Queen has hydraulically assisted steering, VHF and long wave ship-to-shore radiotelephone, radar navigation, remote-controlled carbon-arc searchlights, automatic CO_2 boiler room fire protection, public address system, telephone communications, emergency lights, all-electric galley, auxiliary motor boat and an emergency diesel pump.

FEATURES

Extensive areas of the boat have been treated with fire-retardant intumescent coatings. The electrical system has been converted to alternating current with major changes in protective devices and cabling.

Weekly fire drills include not only the training of each crew member but the testing of all fire-fighting equipment and passenger instruction for emergencies.

Night watchmen punch Detex clock stations throughout the entire vessel every 20 minutes. The emergency squad is always on call.

SAFETY RECORD

The Delta Queen has never taken a passenger life in 44 years of operation. Greene Line has operated 28 steamboats without a loss of passenger life for 80 years.

IMPROVEMENT

If permitted to operate during the next three years, the owners will add emergency diesel electric power, emergency pumps for sprinklers, fuel and fire hydrants, automatic fire detection system, emergency communications system and extensively apply fire retardant coatings and materials to greatly reduce the combustibility of the surfaces and extend the time available for safe evacuation of the areas.

In addition, the company will engage a special safety officer to regularly inspect and instruct the crew in the use and maintenance of safety equipment.

PROGRAM

The owners have spent $500,000 in the last three years for restoration, repair and upgrading of the Delta Queen. They will spend more than $250,000 again this winter and probably each year thereafter if permitted to continue operation.

INSURANCE

The Delta Queen is insured by Steamship Mutual, British Underwriters, Mutual Marine, Lloyds of London and Emmco Through A. W. Shell & Company, Cincinnati, Ohio. $800,000 hull insurance against all risks and over $4,000,000 liability.

The Shell Company says "The Queen has always been an insurable risk. Both British and American Underwriters see Delta Queen as no different from hundreds of British ships with wood and sprinklers such as the Queen Elizabeth II.

ECONOMICS

During the past seven years, the Delta Queen has met or exceeded its sales goals and has delivered a reasonable profit before allowances for capital improvements and excessive costs and write-offs incurred as a result of the Safety at Sea legislation.

NATIONAL

The Steamer Delta Queen was officially listed June 22, 1970 by the Department of Interior in the National Register of Historic Places under the provisions of the Historic Preservation Act of 1966. (Federal Register, August 4, 1970).

REGISTER

The Secretary of the Interior is authorized to designate and protect properties worthy of preservation for their historic value.

RIVERBOAT FIRE SAFETY RECORD

There has not been a single passenger life lost in a riverboat fire in over 60 years. The last time it happened, a drunk under ship-arrest set the brig on fire and burned himself to death. In the process, the vessel also burned, but all 1200 passengers got to safety when the boat—the excursion steamer J.S.—pulled into the bank near Winona, Minnesota in 1910.

Mr. RAILSBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. Schwengel).

Mr. SCHWENGEL. Mr. Speaker, today the House has an opportunity for the first time to vote on the issue of the *Delta Queen*.

There is no need to go into great detail about the issue. It has received wide public attention. Suffice it to say that the House now has an opportunity to vote on whether an authentic part of our heritage will be allowed to continue in operation until a substitute can be constructed.

Had the Members of this House been in any town along the upper Mississippi River this fall they would have been struck by the affection held for the *Delta Queen* by our people. Thousands of people lined the riverbank to get a glimpse of the majestic vessel.

My office has received petitions and letters from about 10,000 people asking that the *Delta Queen* be allowed to continue to operate. What they cannot understand is why the House has not had an opportunity to vote on this issue.

In a letter I received this morning, the chairman of the Merchant Marine and Fisheries Committee indicates his displeasure at the procedure used to bypass his committee on this issue.

His concern is understandable. Action we are taking today is not done often or without good reason. The simple fact is that many of us feel the entire membership of the House of Representatives has not had an opportunity to vote on the issue before us. We have been denied that opportunity.

Today we can work our will and I strongly urge Members of the House to vote for extension of the authority needed to permit the continued operation of the *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. Culver).

Mr. CULVER. Mr. Speaker, I congratulate the gentleman for his role in bringing this matter before the House today, and also would like to express my appreciation to the gentleman from Ohio (Mr. McCulloch), for his long and persistent support of this motion, and on this important subject that we are considering, and above all to extend my respect and admiration to the gentlewoman from Missouri (Mrs. Sullivan) for her long and dedicated work on behalf of this cause.

I rise in support of the motion made by the gentleman from Ohio to send H.R. 6114 to conference. As Representative from Iowa's Second Congressional District, which borders on many miles of the Mississippi River, I am particularly concerned that the *Delta Queen* continue to provide enjoyment as part of our rich heritage in this region of America.

In my judgment, the *Delta Queen* should never initially have been covered by the Safety At Sea Act. Safety requirements are needed for ocean-going vessels that are not essential for boats that are navigated on inland waters. The dangers that the two face are vastly different, the speeds they travel are not the same, and the distance they operate from shore is not the same.

XUM

It is important that the *Delta Queen* be allowed to continue to pass through the water ways of our country. For its historical value as the last remaining overnight paddlewheel passenger steamboat in the United States is indeed significant. It is representative of a form of travel that played a significant role in the development of our country as well as being representative in a more general way of an important era in U.S. history.

The enjoyment that the *Delta Queen* provides for the people who ride on it supplies another imperative for saving it. I have been aboard the *Delta Queen* in past years and had the pleasure of participating in a boat race in October between the *Delta Queen* and the *Julie N. Dubuque*, a passenger steamer operating out of Dubuque, Iowa. I rode on the *Julie N.* In its unsuccessful attempt to best the *Delta Queen* in a short race on the Mississippi. It was a most memorable experience none of us could possibly forget.

The *Delta Queen* is a safe boat. Many experts on the safety of ships and shipping maintain that an adequate sprinkling system is perferable to a steel superstructure on the high seas on the theory that even with a steel superstructure some parts of the ship, for example the paint, can burn and it is safer to be able to put the fire out quickly. If the sprinkling ship concept is sufficient for many boats on the high seas, it seems to me that it should be sufficient for the *Delta Queen* on inland waters.

The *Delta Queen* has many safety features in addition to its sprinkling system—the use of two and three coats of Albi 107 a fire retardant paint to achieve a rating of noncombustible wood, a semiautomatic carbon dioxide tank system in the boiler room, numerous foam, and carbon dioxide hand fire extinguishers, fire hydrants, and hoses throughout the vessel.

The examples of wood ships that have burned are distinguishable from the case of the *Delta Queen*. In no case was there a complete sprinkling system. In some of the cases, either the crew was not adequately prepared for an emergency or the emergency equipment was in bad repair. This is not the case with the *Delta Queen*—The Coast Guard thoroughly checks the equipment four times a year and fire drills are held regularly.

The Greene Line has an unblemished 80-year safety record—The *Delta Queen* has been operated for 44 passenger years with no loss of life. The Coast Guard has year after year granted the *Queen* a license to operate and would in all likelihood now as it has in the past grant her a certificate to carry 49 overnight passengers or 1,000 day passengers. The *Delta Queen* this year alone has had one general inspection and three quarterly inspections of safety equipment by the Coast Guard, passing all four.

The certificate issued by the Coast Guard to the *Delta Queen* reads, in part:

> The *Delta Queen* is . . . in conformity with the appropriate vessel inspection laws and the rules and regulations proscribed thereunder. Moreover, if this three year exemption is granted the *Delta Queen* owners have indicated that they plan to provide for extra safety precautions in excess of Coast Guard requirements.

I realize that the *Delta Queen* exemption is proper subject matter for the Merchant Marine and Fisheries Committee. The permanent resolution of the *Delta Queen's* fate—whether she will receive the subsidy discussed in the conference committee report—will go through that committee. This motion we are considering today is the last chance we will have to save the *Delta Queen* in the interim. And as a practical matter, not to save her in the interim may be to lose her forever since the *Delta Queen's* river travel business, like other businesses, cannot be turned on and off at will. Also, I would point out that 190 Members of the House have signed a "dear colleague" letter supporting a total exemption for the *Delta Queen*.

We simply cannot ignore what the Mississippi and the *Delta Queen* have to offer to our own States and to the American people—so that everyone might have the experience which inspired Mark Twain to write:

> The face of the water, in time, becomes a wonderful book—a book that was a dead lanuage to the uneducated passenger, but which told its mind to me without reserve, delivering its most cherished secrets as clearly as if it uttered them with a voice. And it was not a book to be read once and thrown aside, for it had a new story to tell every day.
>
> Throughout the long twelve hundred miles, there was never a page that was void of interest, never one that you could leave unread without loss, never one that you would want to skip, thinking you could find higher enjoyment in some other thing. There never was so wonderful a book written by man.

I urge the support of this motion. The Mississippi River was the center of life for generations of Americans, and those us who live on or near the river continue to find it a source of beauty and inspiration. The *Delta Queen* is a part of this heritage which must not be lost.

Mr. DENNIS. Mr. Speaker, we deal here with an attractive bit of the American part, which we hope to extend and to continue, for 3 years, at least, into the American future.

Many of us will recall Huckleberry Finn and Jim climbing aboard the *Gloria Scott*. Abraham Lincoln had a favorite story about the steamboat on the Saugamon—every time the engineer used his steam to blow the whistle it stopped the boat. Lincoln himself, later on, was employed as counsel for the Rock Island Bridge Co., which was sued by the packet ship *Effie Afton*, which ran into one of the abutments of the Rock Island Railroad Bridge. This was important litigation in its day—pitting the steamboat interest against the railroads—and it established the right of the railroads to bridge the Mississippi River, and thus led, ultimately, to the demise of the river steamers, of which the *Delta Queen* is virtually a lone survivor.

The *Delta Queen* has operated and with great pleasure to its passengers, in safety for 43 years. It is always possible, of course, that she, like any other mode of transportation, may meet disaster. Life cannot be made safe or sure by legislative or bureaucratic process. On the airlines and on the highways we have all too frequent disasters, in which large numbers of lives are lost. No one seeks to discontinue the airline or the automobile. It would appear probable that the *Delta Queen* is a good risk by comparison. Despite the bureaucrats and the modern lack of interest in history or in romance, it appears, as nearly as human ability can foretell, to be a reasonable risk we take in preserving for 3 more years a grand old river steamer which has already operated with safety and success for 43 years.

Mr. MAYNE. Mr. Speaker, I rise in support of the motion proposed by the distinguished Congressman from Illinois (Mr. RAILSBACK). I certainly have no quarrel with the U.S. Coast Guard in its pressing for termination of the *Delta Queen's* passenger runs. The Coast Guard is carrying out its mandate under the laws and regulations, as set by those higher in command in the Congress, the White House, and the Treasury Department. If any criticism can be laid at the feet of the Coast Guard, perhaps it is that the Coast Guard goes by the book a bit too much, and is so hidebound by laws and regulations that it sometimes goes far beyond what Congress or the President intended, and unwisely inhibits the right of a commander on the scene to exercise initiative, commonsense, and good judgment. The present harassment of the *Delta Queen* is a very pertinent example of the petty tyranny which can result from too slavishly going by the book.

Surely it is a constitutional function of the Congress to provide for the general welfare and an increasing proportion of our legislative work is dedicated to that goal. But our Founding Fathers made it clear that they wished no overly paternalistic state. In general welfare, we must not forget that the preamble of our Constitution also states a mandate of even greater importance to secure the blessings of liberty. Overzealousness in protecting the individual from all possible sources is very apt to deprive him of the blessings of liberty. There must be a commonsense compromise in seeking both goals of liberty and welfare.

The motion before the House is such a compromise. It enables the continuation of operation of the steamboat *Delta Queen* for the 3-year period which it will probably take to enact a subsidy, construct and get into operation the substitute vessel proposed by the distinguished chairman of the House Merchant Marine and Fisheries Committee (Mr. GARMATZ). The owners, of course, would be required to take such safety precautions on behalf of the *Delta Queen's* passengers as the Coast Guard finds necessary, short of discontinuance of operation. If passengers come aboard, seeking to regain some of the thrill of riding this historic riverboat, and to sense some of the flavor of a colorful era in our Nation's history, then they are on notice that there is some possible hazard as opposed to passage on some boat still in drawing stages and not yet in operation.

This is a fair and reasonable compromise motion, and it deserves the support of every Member. Our paternalistic Government has too often moved to correct some exaggerated potential threat to health or safety, and in the bureaucratic rush to comply has destroyed more than has been accomplished. Some of our country's most historic landmarks have been razed in the name of progress. We are fortunate indeed that this trend has been resisted in the case of such edifices as Mount Vernon, Independence Hall, Lee Mansion, Monticello, and Woodlawn which wisely have been preserved, notwithstanding the undoubted fact that they present considerable fire hazards to visitors. Nor should the Washington Monument be toppled merely because it is some hazard to air navigation. Yet if the "welfare" of the individual were the only concern, these shrines too would be obliterated. Instead, reasonable precautions should continue to be taken, without destroying the esthetic, historic, and traditional values of these hallowed landmarks. Certainly similar reasonable precautions can be taken short of the premature retirement of the *Delta Queen*.

The *Delta Queen* represents something of real value, to be preserved, not destroyed in the name of progress or of welfare. I urge my colleagues to vote for the motion to instruct the conferees to accept the Senate amendment continuing operation of this grand old vessel at least until such time as a substitute ship is in operation.

Mr. GRAY. Mr. Speaker, I rise in support of the pending motion that will have the effect of saving for 3 years the historic riverboat the *Delta Queen*.

Mr. Speaker, I have the honor of representing a congressional district that is bordered on one side by the beautiful Ohio River and the mighty Mississippi on the other. The *Delta Queen* has been running these two rivers for many years and is part of our rich and historic past. The unreasonable regulations imposed on the *Delta Queen* were meant to apply to ocean-going vessels. The *Delta Queen* is equipped with the most modern fire prevention and detection devices. Any mode of travel carries some risk—we only need to look at the more than 50,000 persons killed on the highways of America last year, the hundreds killed in airplane crashes to point out that with our best efforts for safety, there will be some accidents. The *Delta Queen* passengers are going to board this historic boat with full knowledge that it is a wooden superstructure, but carries every fire preventive measure for their protection. It is the people who want to use this boat that have petitioned me and other Members of Congress to save it.

In voting today to save the *Delta Queen*, you are merely carrying out the wishes of the public who are willing to take the risks involved in keeping this historic vessel in use at least until a new replacement can be constructed.

Mr. Speaker, in closing, I would again urge my colleagues to preserve this boat. This 44-year-old vessel has been brought up to maximum safety standards and represents a part of our historic past which should be preserved as long as possible.

Mr. MILLER of Ohio. Mr. Speaker, I support the motion before us to send H.R. 6114 to conference as amended by the Senate to provide for a 3-year extension of the operating authority for the riverboat, *Delta Queen*.

As a cosponsor of one of 20 bills introduced in this Congress to totally exempt the *Queen* from the provisions of the 1966 Safety at Sea Act, I feel this amendment is a workable compromise to continue the operation of this historic vessel until a suitable solution is reached.

Earlier this session the Senate saw fit to provide for a permanent exemption of the *Queen* by amending the House-passed Merchant Marine Act. Despite widespread support of the provision, House conferees deleted it from the bill. However, the Senate has again risen to save the *Queen* by amending a previously passed House measure to bring the *Queen* out of retirement and offer a reasonable time in which a replacement can be built and for the Congress to decide how to assist in preserving this remnant of our great heritage.

This body was earlier denied the opportunity to express its will on this matter. I now urge us to join our colleagues in the Senate to save the *Queen*.

Mr. SYMINGTON. Mr. Speaker, I rise in support of the motion and its objective to extend the river life of the *Delta Queen*.

The technical arguments have been made. I would like to place the matter in another perspective.

A survey of national landmarks and their wanton destruction over the years to pave the way for "progress" reveals our tragic disregard for our own history and the serviceable traces of it, to say nothing of the decorative and nostalgic. In the latter category is the U.S.S. *Constellation* which, 6 years ago, was reduced to a rotting hulk off Baltimore. One day I read of this in the same newspaper which carried the story of a U.S. grant of $12 million to the Government of Egypt for the preservation of the ancient monument Abu Simbel from the waters of the Aswan Dam. I could not understand the logic of this juxtaposition of generosity and neglect. Mindful that my efforts would not rival O. W. Holmes' "Aye, tear her tattered ensign down," I wrote the following lines:

On reading of plans to preserve an Egyptian monument (3000 B.C.) and to abandon an American ship (The Constellation, 1798 A.D.)—

America would pace
The million dollar race
To lift a pharoah's face
As if we need him,
While soberly we've shunned
To use a federal fund
To save a ship that gunned
The way to freedom.

So worldly we've grown
We're propping up a stone
Ordered from the throne
When men were chattel,
While screams the lonely gull
And weeds embrace the hull
That never knew a lull
In freedom's battle.

Unmastered and unmanned
She sinks in sight of land
Without a helping hand
Much less a prayer.
Let's take her out to sea,
And cut the lady free,
To don a wave and be
With men who care.

The keel of the *Constellation*, as you know, was laid before that of the *Constitution*. She was the first ship to fly the American flag and as such to force a foreign ship, *L'Insurgente*, to strike her colors. As Chief of Protocol, I suggested that Federal funds be used to raise her, refit her and cause her to lie in the Potomac in the sight of the Presidents she served. This suggestion was met with robust opposition by members of the Maryland Legislature who then proceeded with their plan of refitting the *Constellation* and bringing her to port at Fort McHenry. I was proud to have played an indirect part in the new attentions paid the ship.

The matter before us today is no less significant and in some sense even more deserving of congressional intervention. Doubts as to authenticity which occasionally plague the custodians of the *Constellation* cannot be raised against the *Delta Queen*. Again, no Federal fund is asked, merely permission to let the ship be. Finally, she is not a ship of war but of peace, of trade, of commerce and culture. Majestically, she represents a part of America we would struggle in any fashion to preserve. It was Lincoln who said that no foreign enemy, "could by force take a drink from the Ohio River or make a track on the Blue Ridge in the trial of a thousand years." But he would join his fellow Illinoisan, TOM RAILSBACK and others, today, I should think, in hoping that the *Delta Queen* and more like her would ply the waters of the Ohio and the Mississippi as a symbol of serenity joining the past with the future. In 6 years time we celebrate the Nation's 200th birthday. My hope would be that the *Delta Queen* could serve as the flagship of a fleet of river boats to carry Americans and tourists from foreign lands along our great waterways, touching at the great river cities with appropriate welcomes and opportunities to see America's heartland in that way. As the cosigners of the Mayflower compact would have agreed, a good journey begins with a ship. Let us not lose the one we have. Congress save the *Queen*.

Mr. SCHWENGEL. Mr. Speaker, today the House has an opportunity for the first time to vote on the issue of the *Delta Queen*.

There is no need to go into great detail about the issue. It has received wide public attention. Suffice it to say that the House now has an opportunity to vote on whether an authentic part of our heritage will be allowed to continue in operation until a substitute can be constructed.

Had the Members of this House been in any town along the upper Mississippi River this fall they would have been struck by the affection held for the *Delta Queen* by our people. Thousands of people lined the riverbank to get a glimpse of the majestic vessel.

My office has received petitions and

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letters from about 10,000 people asking that the *Delta Queen* be allowed to continue to operate. What they cannot understand is why the House has not had an opportunity to vote on this issue.

In a letter I received this morning, the chairman of the Merchant Marine and Fisheries Committee indicates his displeasure at the procedure used to bypass his committee on this issue.

His concern is understandable. Action we are taking today is not done often or without good reason. The simple fact is that many of us feel the entire membership of the House of Representatives has not had an opportunity to vote on the issue before us. We have been denied that opportunity.

Today we can work our will and I strongly urge Members of the House to vote for extension of the authority needed to permit the continued operation of the *Delta Queen*.

Mr. RAILSBACK. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Boggs). The question is on the motion offered by the gentleman from Illinois.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GARMATZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 295, nays 74, answered "present" 1, not voting 63, as follows:

[Roll No. 413]

YEAS—295

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Baring
Beall, Md.
Bell, Calif.
Betts
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins, Tex.
Colmer
Conable
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Davis, Ga.
Davis, Wis.
Delaney
Denney
Dennis
Derwinski
Devine
Dickinson
Donohue
Dorn
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Foreman
Forsythe
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Martin
Mathias
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
Passman
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Rousselot
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schmitz
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waggonner
Waldie
Wampler
Ware
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—74

Andrews, Ala.
Bennett
Biaggi
Boland
Brasco
Brotzman
Broyhill, N.C.
Camp
Chappell
Clark
Conte
Conyers
Daniel, Va.
Daniels, N.J.
de la Garza
Dellenback
Dent
Diggs
Dingell
Dulski
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Flowers
Foley
Fountain
Frey
Friedel
Fuqua
Galifianakis
Garmatz
Goodling
Green, Pa.
Grover
Halpern
Hathaway
Helstoski
Henderson
Hosmer
Hungate
Jacobs
Jones, N.C.
Keith
Koch
Lennon
McFall
Mailliard
Marsh
Mills
Minish
Mink
Mosher
Murphy, N.Y.
O'Hara
Olsen
O'Neal, Ga.
Patten
Pelly
Rarick
Rhodes
Robison
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roybal
Ruppe
Ryan
Schneebeli
Sebelius
Smith, N.Y.
Taylor
Thompson, N.J.
Vigorito

ANSWERED "PRESENT"—1

Harrington

NOT VOTING—63

Aspinall
Ayres
Barrett
Belcher
Berry
Blackburn
Bolling
Burke, Fla.
Burton, Utah
Bush
Button
Carey
Chisholm
Collins, Ill.
Cramer
Cunningham
Daddario
Dowdy
Downing
Dwyer
Eckhardt
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Feighan
Ford, William D.
Giaimo
Gilbert
Hanna
Hansen, Wash.
Hawkins
Hébert
Holifield
Horton
Karth
Kee
Kleppe
Langen
Long, La.
McCulloch
McCarthy
McKneally
May
Meskill
Mize
Moorhead
Morton
Moss
O'Konski
O'Neill, Mass.
Ottinger
Patman
Powell
Purcell
Reifel
Rivers
Stokes
Tunney
Weicker
Wilson, Bob
Wilson, Charles H.
Wolff

So the motion was agreed to.

The Clerk announced the following pairs:

Mr Hébert with Mr. Ayres.
Mr. Rivers with Mr. Bob Wilson.
Mr. Edwards of Louisiana with Mr. Belcher.
Mr. Long of Louisiana with Mr. O'Konski.
Mr. Wolff with Mr. Reifel.
Mr. Aspinall with Mr. Horton.
Mr. Moorhead with Mr. Kleppe.
Mr. Kee with Mr. Burke of Florida.
Mr. Fallon with Mrs. Dwyer.
Mr. Giaimo with Mr. Stokes.
Mr. Moss with Mrs. Chisholm.
Mr. Tunney with Mr. Meskill.
Mr. Dowdy with Mr. Blackburn.
Mr. William D. Ford with Mr. Mize.
Mr. Karth with Mr. Weicker.
Mr. Daddario with Mr. Hawkins.
Mr. Charles H. Wilson with Mr. Berry.
Mr. O'Neill of Massachusetts with Mr. Langen.
Mr. Downing of Virginia with Mr. Button.
Mr. Evins of Tennessee with Mr. McKneally
Mr. Purcell with Mr. Burton of Utah.
Mr. Hanna with Mr. Morton.
Mrs. Hansen of Washington with Mr. McCulloch.
Mr. Carey with Mr. Bush.
Mr. Holifield with Mrs. May.
Mr. Eckhardt with Mr. Colmer.
Mr. Farbstein with Mr. Collins of Illinois.
Mr. Barrett with Mr. Gilbert.
Mr. Patman with Mr. Ottinger.
Mr. Feighan with Mr. McCarthy.

Mr. BURTON of California changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. Celler, Donohue, and McCulloch.

FOR THE RELIEF OF ATKINSON, HASERICK & CO., INC.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc., which is on the Private Calendar, No. 228.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. KYL. Mr. Speaker, reserving the right to object, may I ask the gentleman from Massachusetts if this has been cleared with the committee members on this side of the aisle?

Mr. PHILBIN. Yes; it has been cleared.

Mr. KYL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts (Mr. Philbin)?

There was no objection.

The Clerk read the bill as follows:

H.R. 10534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

Atkinson, Haserick and Company, Incorporated, a Massachusetts corporation, the sum of $17,977.14 in full settlement of all its claims against the United States for repayment of excessive customs duties collected by the Bureau of Customs on the following entries of spindles and parts thereof:

Entry No.	Entry date	Port of entry
DCE 791	Aug. 15, 1960	Norfolk, Va.
N 81	Aug. 2, 1960	Do.
144	July 8, 1960	Do.
1033	Aug. 29, 1960	Do.
N 949	May 3, 1960	Do.
5892	May 31, 1960	Do.
N 421	Nov. 25, 1960	Do.
N 1006	May 17, 1960	Do.
2958	Dec. 15, 1960	Do.
DCE 3860	June 6, 1961	Charleston, S.C.
4039	June 23, 1961	Do.
DCE 108–WRE 1180	July 14, 1961	Do.
326	July 20, 1961	Do.
531	Aug. 18, 1961	Do.
DCE 1479	Sept. 12, 1961	Do.
DCE 900	Sept. 21, 1961	Do.
DCE 902	do	Do.
DCE 1091	Oct. 11, 1961	Do.
DCE 1270	Oct. 27, 1961	Do.
DCE 1297	Oct. 30, 1961	Do.
DCE 1669	Nov. 14, 1961	Do.
DCE 2131	Dec. 27, 1961	Do.

The amount stated in this Act is to be paid in settlement of the claims of the said Atkinson, Haserick and Company, Incorporated, based on a redetermination of duties based on the rate that should have been applied to such entries consistent with a decision by the United States Customs Court as to similar entries of spindles and parts thereof in the case of Atkinson, Haserick and Company, Incorporated, versus United States (52 Cust. Ct. 215, C.D. 2463 (1964)). No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. PHILBIN. Mr. Speaker, this bill provides for payment equal to refund on entries of certain spindles in accordance with a ruling of the Customs Court that the spindles should have been entered at a rate of 10 percent ad valorem rather than the 20 percent paid by the company.

In its report to the committee, the Treasury Department indicated that its records of the entries concerned in the bill had been destroyed. Accordingly, at the hearing a witness representing the company indicated that the company had reviewed is own records and secured evidence establishing the amounts that were overpaid.

The committee in its deliberations considered the affidavit in behalf of the company's vice president setting forth the amount of reimbursement sought in connection with each entry. This letter was forwarded by the committee to the Treasury Department which agreed with the amounts found in the Bureau's records, with the exception of one item relating to a payment of $1,511.59 for merchandise other than spindles.

The committee, which had extended hearings, carefully considered all of the information submitted and concluded that the bill provides for an equitable adjustment in view of all the circumstances in the case.

To allow the Customs Bureau to be the beneficiary of funds representing overcharge for customs duty on spindles would be unjust and not in accordance with equitable principles as determined by a court of justice, which passed upon the basic issues of this measure.

The bill was also unanimously reported by the House Judiciary Committee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. GROSS. Mr. Speaker, reserving the right to object, can the distinguished gentleman from Mississippi give us any indication of what rules are proposed to be filed by midnight tonight?

Mr. COLMER. I will be glad to do so if the gentleman will yield.

Mr. GROSS. I yield to the gentleman.

Mr. COLMER. Mr. Speaker, this is the usual procedure followed by the Rules Committee of getting until midnight to file reports.

Mr. GROSS. In response; may I say to the gentleman I understand that his request is the usual procedure, but these are unusual times in the House.

Mr. COLMER. Yes, sir; and if my friend will bear with me further—if the gentleman will yield?

Mr. GROSS. Yes; of course I yield to the gentleman.

Mr. COLMER. The purpose of making the request as I did was to expedite the situation in view of the unusual times that we are in.

I will say to the gentleman from Iowa that the following four bills were reported by the Rules Committee to the floor of the House:

First, the United Nations addition;

Second, the so-called firefighter bill;

Third, the education integration bill; and

Fourth, the bill dealing with certain privileges to be granted to the Speaker of the House upon his retirement.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON S. 3619, FEDERAL PROGRAMS FOR RELIEF FROM EFFECTS OF MAJOR DISASTERS

Mr. BLATNIK, on behalf of Mr. JONES of Alabama, filed the following conference report and statement on the bill (S. 3619), to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91–1752)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3619) to revise and expand Federal programs for the relief from the effects of major disasters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Disaster Relief Act of 1970".

TITLE I—FINDINGS AND DECLARATIONS; DEFINITIONS

FINDINGS AND DECLARATIONS

SEC. 101. (a) The Congress hereby finds and declares that—

(1) because loss of life, human suffering, loss of income, and property loss and damage result from major disasters such as hurricanes, tornadoes, storms, floods, high waters, wind-driven waters, tidal waves, earthquakes, droughts, fires, and other catastrophes; and

(2) because such disasters disrupt the normal functioning of government and the community, and adversely affect individual persons and families with great severity;

special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency welfare services, and the reconstruction and rehabilitation of devasted areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing major disaster relief programs;

(2) encouraging the development of comprehensive disaster relief plans, programs, and organizations by the States; and

(3) achieving greater coordination and responsiveness of Federal major disaster relief programs.

DEFINITIONS

SEC. 102. As used in this Act—

(1) "major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(2) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(4) "Governor" means the chief executive of any State;

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(5) "local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(6) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross; and

(7) "Director" means the Director of the Office of Emergency Preparedness.

TITLE II—THE ADMINISTRATION OF DISASTER ASSISTANCE

FEDERAL COORDINATING OFFICER

SEC. 201. (a) Immediately upon his designation of a major disaster area, the President shall appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area.

(b) In order to effectuate the purposes of this Act, the coordinating officer, within the designated area, shall

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the Director;

(3) coordinate the administration of relief, including activities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations which agree to operate under his advice or direction, except that nothing contained in this Act shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (33 Stat. 599); and

(4) take such other action, consistent with authority delegated to him by the Director, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

EMERGENCY SUPPORT TEAMS

SEC. 202. The Director is authorized to form emergency support teams of Federal personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to section 201(b) of this Act. Upon request of the Director, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the discretion of the Director, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Director may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

COOPERATION OF FEDERAL AGENCIES IN RENDERING EMERGENCY ASSISTANCE

SEC. 203. (a) In any major disaster, Federal agencies are hereby authorized, on direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government to State and local governments for use or distribution by them for the purposes of this Act; and

(4) performing on public or private lands or waters any emergency work essential for the protection and preservation of life and property, including—

(A) clearing and removing debris and wreckage in accordance with section 224;

(B) making repairs to, restoring to service, or replacing public facilities (including street, road, and highway facilities) of State and local governments damaged or destroyed by a major disaster, except that the Federal contributions therefor shall not exceed the net cost of restoring each such facility on the basis of the design of such facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards;

(C) providing emergency shelter for individuals and families who, as a result of a major disaster, require such assistance; and

(D) making contributions to State or local governments for the purpose of carrying out the provisions of paragraph (4).

(b) Emergency work performed under subsection (a)(4) of this section shall not preclude Federal assistance under any other section of this Act.

(c) Federal agencies may be reimbursed for expenditures under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(d) The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this section.

(e) In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

(f) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency, with or without reimbursement, to utilize its available personnel, equipment, supplies, facilities, and other resources in accordance with the authority herein contained. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

(g) The President, acting through the Office of Emergency Preparedness, shall conduct periodic reviews (at least annually) of the activities of Federal and State departments or agencies providing disaster assistance, in order to assure maximum coordination of such programs, and to evaluate progress being made in the development of Federal, State, and local preparedness to cope with major disasters.

(h) The Director of the Office of Emergency Preparedness is authorized and directed to make in cooperation with the heads of other affected Federal and State agencies, a full and complete investigation and study for the purpose of determining what additional or improved plans, procedures, and facilities are necessary to provide immediate effective action to prevent or minimize losses of publicly or privately owned property and personal injuries or deaths which could result from fires (forest and grass), earthquakes, tornadoes, freezes and frost, tsunami, storm surges and tides, and floods, which are or threaten to become major disasters. Not later than one year after the date of enactment of this subsection, and from time to time, the Director of the Office of Emergency Preparedness shall report to Congress the findings of this study and investigation together with his recommendations with respect thereto.

USE OF LOCAL FIRMS AND INDIVIDUALS

SEC. 204. In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals who reside or do business primarily in the disaster area.

FEDERAL GRANT-IN-AID PROGRAMS

SEC. 205. Any Federal agency charged with the administration of a Federal grant-in-aid program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for the duration of a major disaster proclamation, such administrative procedural conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the disaster.

STATE DISASTER PLANS

SEC. 206. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for preparation against major disasters, and for relief and assistance for individuals, businesses, and local governments following such disasters. Such plans should include long-range recovery and reconstruction assistance plans for seriously damaged or destroyed public and private facilities.

(b) The President is authorized to make grants of not more than $250,000 to any State, upon application therefor, for not to exceed 50 per centum of the cost of developing such plans and programs.

(c) Any State desiring assistance under this section shall designate or create an agency which is especially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President, which shall—

(1) set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster, including provisions for emergency and long-term assistance to individuals, businesses, and local governments; and

(2) include provision for the appointment of a State coordinating officer to act in co-

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operation with the Federal coordinating officer appointed under section 201 of this Act.

(d) From time to time the Director shall make a report to the President, for submission to the Congress, containing his recommendations for programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

(e) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining, and updating State disaster assistance plans, except that no such grant shall exceed $25,000 per annum to any State.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

Sec. 207. (a) In providing relief and assistance following a major disaster, the Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Director finds that such utilization is necessary.

(b) The Director is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Office of Emergency Preparedness and the services of the coordinating officer upon compliance with regulations promulgated by the Director under sections 208 and 209 of this Act, and such other regulations as the Director may require.

DUPLICATION OF BENEFITS

Sec. 208. (a) The Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss suffered as the result of a major disnot preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Director determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

NONDISCRIMINATION IN DISASTER ASSISTANCE

Sec. 209. (a) The Director shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to a major disaster.

(b) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Director, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

DISASTER WARNINGS

Sec. 210. The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2281(c)), for the purpose of providing needed warning to governmental authorities and the civilian population in areas endangered by imminent major disasters.

PREDISASTER ASSISTANCE

Sec. 221. If the President determines that a major disaster is imminent, he is authorized to use Federal departments, agencies, and instrumentalities, and all other resources of the Federal Government to avert or lessen the effects of such disaster before its actual occurrence.

EMERGENCY COMMUNICATIONS

Sec. 222. The Director is authorized during, or in anticipation of, an emergency to establish temporary communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

EMERGENCY PUBLIC TRANSPORTATION

Sec. 223. The Director is authorized to provide temporary public transportation service to meet emergency needs in a major disaster area. Such service will provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

DEBRIS REMOVAL

Sec. 224. (a) The President, whenever he determines it to be in the public interest, is authorized—

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters.

(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.

FIRE SUPPRESSION GRANTS

Sec. 225. The President is authorized to provide assistance, including grants, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

TEMPORARY HOUSING ASSISTANCE

Sec. 226. (a) The Director is authorized to provide temporary housing or other emergency shelter, including, but not limited to, mobile homes or other readily fabricated dwellings for those who, as a result of such major disaster, require temporary housing or other emergency shelter, except that for the first twelve months of occupancy no rentals shall be established for any such accommodations, thereafter rentals shall be established, based upon fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Notwithstanding any other provision of law, any such emergency housing acquired by purchase may be sold directly to individuals and families who are occupants thereof at prices that are fair and equitable. Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided by State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. However, the Director may elect to provide other more economical and accessible sites at Federal expense when he determines such action to be in the public interest.

(b) The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser. The President is authorized for the purposes of this subsection and in furtherance of the purposes of section 240 of this Act, to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

SMALL BUSINESS DISASTER LOANS

Sec. 231. In the administration of the disaster loan program under section 7(b)(1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration—

(1) to the extent such loss or damage or injury is not compensated for by insurance or oterwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such

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property to is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

FARMERS HOME ADMINISTRATION EMERGENCY LOANS

Sec. 232. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of loss or damage, resulting from a major disaster as determined by the President, or a natural disaster as determined by the Secretary of Agriculture—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, except that this clause (A) shall apply only to loans made to cover losses and damage resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan, except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

LOANS HELD BY THE VETERANS' ADMINISTRATION

Sec. 233. (1) Section 1820(a)(2) of title 38, United States Code, is amended to read as follows:

"(2) subject to specific limitations in this chapter, consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, security or other provisions of any note, contract, mortgage or other instrument securing a loan which has been guaranteed, insured, made or acquired under this chapter;"

(2) Section 1820(f) of title 38, United States Code, is amended to read as follows:

"(f) Whenever loss, destruction, or damage to any residential property securing loans guaranteed, insured, made, or acquired by the Administrator under this chapter occurs as the result of a major disaster as determined by the President under the Disaster Assistance Act of 1970, the Administrator shall (1) provide counseling and such other service to the owner of such property as may be feasible and shall inform such owner concerning the disaster assistance available from other Federal agencies and from State or local agencies, and (2) pursuant to subsection (a)(2) of this section, extend on an individual case basis such forbearance or indulgence to such owner as the Administrator determines to be warranted by the facts of the case and the circumstances of such owner."

DISASTER LOAN INTEREST RATES

Sec. 234. Any loan made under sections 231, and 232 of this Act shall not exceed the current cost of repairing or replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any loan made under sections 231, 232, 236(b) and 237 of this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

AGE OF APPLICANT FOR LOANS

Sec. 235. In the administration of any Federal disaster loan program under the authority of section 231, 232, or 233 of this Act, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

FEDERAL LOAN ADJUSTMENTS

Sec. 236. (a) In addition to the loan extension authority provided in section 12 of the Rural Electrification Act, the Secretary of Agriculture is authorized to adjust and readjust the schedules for payment of principal and interest on loans to borrowers under programs administered by the Rural Electrification Administration, and to extend the maturity date of any such loan to a date not beyond forty years from the date of such loan where he determines such action is necessary because of the impairment of the economic feasibility of the system, or the loss, destruction, or damage of the property of such borrowers as a result of a major disaster.

(b) The Secretary of Housing and Urban Development is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Department of Housing and Urban Development or its predecessor in interest, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage (as a result of a major disaster) to property or facilities securing such obligations. The Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

AID TO MAJOR SOURCES OF EMPLOYMENT

Sec. 237. (a) The Small Business Administration in the case of a nonagricultural enterprise, and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster and which is no longer in substantial operation as a result of such disaster, a loan in such amount as may be necessary to enable such enterprise to resume operations in order to assist in restoring the economic viability of the disaster area. Loans authorized by this section shall be made without regard to limitations on the size of loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(b) Assistance under this section shall be in addition to any other Federal disaster assistance, except that such other assistance may be adjusted or modified to the extent deemed appropriate by the Director under the authority of section 208 of this Act. Any loan made under this section shall be subject to the interest requirements of section 234 of this Act, but the President, if he deems it necessary, may defer payments of principal and interest for a period not to exceed three years after the date of the loan. Any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

FOOD COUPONS AND DISTRIBUTION

Sec. 238. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households, pursuant to the provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 203 of this Act.

(b) The President, through the Secretary of Agriculture is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in a major disaster area.

LEGAL SERVICES

Sec. 239. Whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the Director shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and States and local bar associations.

UNEMPLOYMENT ASSISTANCE

Sec. 240. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed to maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment.

COMMUNITY DISASTER GRANTS

Sec. 241. The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of property tax revenue (both real and personal). Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. The grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the two tax years following the major disaster but only if there has been no reduction in the tax rates and the tax assessment valuation factors of the local government. If there has been a reduction in the tax rates or the tax assessment valuation factors then, for the purpose of determining the amount of a grant under this section for the year or years when such reduction is in effect, the President shall use the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction, in order to deter-

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mine the property tax revenues which would have been received by the local government but for such reduction.

TIMBER SALE CONTRACTS

SEC. 242. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than $1,000 for sales under one million board feet, (2) of more than $1 per thousand board feet for sales of one of three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) If the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding contrary provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, when he determines it to be in the public interest, and acting through the Director of Emergency Preparedness, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

MINIMUM STANDARDS FOR RESIDENTIAL STRUCTURE RESTORATION

SEC. 243. No loan or grant made by any relief organization operating under the supervision of the Director, for the repair, restoration, reconstruction, or replacement of any residential structure located in a major disaster area shall be made unless such structure will be repaired, restored, reconstructed, or replaced in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable building codes and specifications.

FEDERAL FACILITIES

SEC. 251. The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes. In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.

STATE AND LOCAL GOVERNMENT FACILITIES

SEC. 252. (a) The President is authorized to make contributions to State or local governments to repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster, except that the Federal contribution therefor shall not exceed 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards.

(b) In the case of any such public facilities which were in the process of construction when damaged or destroyed by a major disaster, the Federal contribution shall not exceed 50 per centum of the net costs of restoring such facilities substantially to their prior to such disaster condition and of completing construction not performed prior to the major disaster to the extent the increase of such cost over the original construction cost is attributable to changed conditions resulting from a major disaster.

(c) For the purposes of this section "public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, other than one used exclusively for recreation purposes.

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSISTANCE

SEC. 253. In the processing of applications for assistance, priority and immediate consideration may be given, during such period, not to exceed six months, as the President shall prescribe by proclamation, to applications from public bodies situated in major disaster areas, under the following Acts:

(1) title II of the Housing Amendments of 1955, or any other Act providing assistance for repair, construction, or extension of public facilities;

(2) the United States Housing Act of 1937 for the provision of low-rent housing;

(3) section 702 of the Housing Act of 1954 for assistance in public works planning;

(4) section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities; or

(5) section 306 of the Consolidated Farmers Home Administration Act.

RELOCATION ASSISTANCE

SEC. 254. Notwithstanding any other provision of law, no person otherwise eligible for any kind of relocation assistance payment authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to reoccupy property from which he was displaced by such disaster.

TITLE III—MISCELLANEOUS

TECHNICAL AMENDMENTS

SEC. 301. (a) Section 701(a)(3)(B)(ii) of the Housing Act of 1954 (40 U.S.C. 461(a)(3)(B)(ii)) is amended to read as follows: "(ii) have suffered substantial damage as a result of a major disaster as determined by the President pursuant to the Disaster Relief Act of 1970".

(b) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706c(b)(2)) is amended by striking out of the last proviso "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950)" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(c) Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by striking out "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950), as amended" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(d) Section 221(f) of the National Housing Act (12 U.S.C. 1715l(f)) is amended by striking out of the last paragraph "the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(e) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, as amended; 20 U.S.C. 241–1(a)(1)(A)), is amended by striking out "pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "pursuant to section 102(1) of the Disaster Relief Act of 1970".

(f) Section 16(a) of the Act of September 23, 1950 (79 Stat. 1158; 20 U.S.C. 646(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(g) Section 408(a) of the Higher Education Facilities Act of 1963 (20 U.S.C. 758(a)) is amended by striking out "section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(h) Section 165(h)(2) of the Internal Revenue Code of 1954, relating to disaster losses (26 U.S.C. 165(h)(2)), is amended to read as follows:

"(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1970,".

(i) Section 5064(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5064(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(j) Section 5708(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5708(a)), relating to losses caused by disaster, is amended by striking out "the Act of September 30, 1950 (42 U.S.C. 1855)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(k) Section 3 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is amended by striking out of the last sentence "section 2 of the Act of September 30, 1950 (64 Stat. 1109), as amended (42 U.S.C. 1855a)" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(l) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to the Act of September 30, 1950 (64 Stat. 1109), or any provision of such Act, such reference shall be deemed to be a reference to the Disaster Relief Act of 1970 or to the appropriate provision of the Disaster Relief Act of 1970 unless no such provision is included therein.

REPEAL OF EXISTING LAW

SEC. 302. The following Acts are hereby repealed:

(1) the Act of September 30, 1950 (64 Stat. 1109);

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(2) the Disaster Relief Act of 1966, except section 7 (80 Stat. 1316); and

(3) the Disaster Relief Act of 1969 (83 Stat. 125).

PRIOR ALLOCATION OF FUNDS

SEC. 303. Funds allocated before the date of enactment of this Act under a Federal-State Disaster Agreement for the relief of a major disaster as defined in the Act of September 30, 1950 (Public Law 875, Eighty-first Congress), and not expended on the date of enactment of this Act may be used by the State to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of debris from community areas, but not to exceed the amount that such expenses exceed the salvage value of such debris, or in otherwise carrying out the purposes of such Act of September 30, 1950, or this Act.

EFFECTIVE DATE

SEC. 304. This Act shall take effect immediately upon its enactment, except that sections 226(b), 237, 241, 252(a), and 254 shall take effect as of August 1, 1969, and sections 231, 232, and 233 shall take effect as of April 1, 1970.

And the House agree to the same.

ROBERT E. JONES,
JIM WRIGHT,
HAROLD T. JOHNSON,
DON H. CLAUSEN,
FRED SCHWENGEL,
Managers on the Part of the House.

BIRCH BAYH,
WILLIAM B. SPONG,
THOMAS F. EAGLETON,
ROBERT DOLE,
EDWARD J. GURNEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

The bill as passed by the Senate establishes an entirely new basic Federal disaster relief law and repeals all of the major substantive provisions dealing with this subject which are presently on the statute books. The House amendment, by a series of cut-and-bite amendments, retained all of the existing provisions of law but expanded them and tied them together through uniformity of definition and otherwise. The proposed conference substitute adopts the approach of the Senate bill and provides for a new basic law and the repeal of existing statutes on the subject.

TITLE I

Short title

Senate Bill

This section provided that the Act may be cited as the "Disaster Assistance Act of 1970".

House Amendment

This section provided that the Act may be cited as the "Disaster Relief Act of 1970".

Conference Substitute

The same as the House provision.

Findings and declaration

Senate Bill

The Congress would find and declare that because major disasters cause loss of life, human suffering, loss of income, property loss and damage and because such disasters disrupt the normal functioning of government and the community special measures are required to expedite assistance and emergency welfare services and reconstruct and rehabilitate devastated areas.

The Congress would under this Act provide orderly and continuing means of alleviating suffering and damage by (1) revising and broadening existing major disaster relief programs (2) encouraging development of comprehensive State disaster plans and (3) achieving greater coordination and responsiveness of Federal major disaster relief programs.

House Amendment

No comparable provision.

Conference Substitute

The conference substitute is essentially the same as the Senate provisions with minor clarifying amendments to more clearly express the intention of Congress.

Definitions

Senate Bill

Definitions in this section are the same as P.L. 875, 81st Congress, except for the addition of the words "tornado, highwater, wind-driven water, and tidal wave" to the definition of "major disaster."

House Amendment

Amends the definition of the term "major disaster" in Public Law 81-875 to require that Governors certify a need for "Federal disaster assistance" rather than just assistance under Public Law 81-875. The amendment also deletes a reference to the Board of Commissioners of the District of Columbia since that Board no longer exists.

Amends the definition of the term State to include the District of Columbia.

Deletes the reference to the District of Columbia in the definition of local government.

Conference Substitute

Except for minor clarifying amendments, this is the same as the provisions of the Senate bill.

Federal coordinating officer

Senate Bill

Section 201 provides for the presidential appointment of a Federal Coordinating Officer for the designated disaster area. The duties of this officer would include but not necessarily be limited to these functions: 1) initial appraisal of the relief most needed, 2) establishment of field offices, 3) coordination of relief distribution activities, and 4) supervision of emergency support teams and other actions to assist local citizens and officials to receive aid.

House Amendment

No comparable provision.

Conference Substitute

This is essentially the same as the Senate provisions, expanded however to include the Salvation Army and the Mennonite Disaster Service, as well as the American National Red Cross as among those agencies whose activities would be coordinated with a disclaimer that nothing in the Act is to limit or affect the responsibilities of the Red Cross under the Act of January 5, 1905, as amended.

Emergency support teams

Senate Bill

Section 202 would authorize the Director to form emergency support teams and personnel to assist the Federal Coordinating Officer in carrying out his responsibilities as defined under section 201.

House Amendment

No comparable provision.

Conference Substitute

This is essentially the provisions of the Senate bill with amendments to require the support teams to be of Federal personnel and to specifically authorize the head of any Federal department or agency to detail to temporary duty with these emergency support teams, either on a reimbursable or nonreimbursable basis, personnel within the jurisdiction of his department or agency.

Cooperation of Federal agencies

Senate Bill

This section would authorize Federal agencies to assist disaster areas in several ways, including: the utilization or lending of personnel, facilities, supplies, equipment, and other resources except extension of credit, with or without compensation, to State and local governments; the distribution of medicine, food and other consumable supplies and the rendering of emergency services through relief and disaster assistance organizations; the donation or lending of Federal surplus equipment and supplies; and the performing on public or private lands or waters of any emergency work essential for the protection and preservation of life and property.

Such emergency work would include clearing and removing debris and wreckage. It would also include making repairs, or restoring to service, damaged or destroyed public facilities belonging to State and local governments, except that the Federal contribution would not exceed the net cost of restoring such facilities to their predisaster capacity.

Assistance by Federal agencies would also provide for emergency shelter for individuals and families who require such assistance because of a major disaster.

Federal agencies could also make contributions to State or local governments for the purpose of carrying out the types of assistance authorized under section 203(a)(4).

Emergency work performed under section 203(a)(4) would not bar additional Federal assistance under any other section of the Act.

Federal agencies could be reimbursed for services and supplies under section 203(a) from funds appropriated under this Act. Any funds paid to Federal agencies for services or supplies furnished under the provisions of this section would be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

The Federal Government would not be liable for any claim based on the exercise or performance, or failure to exercise or perform, of a Federal agency or employee in carrying out the provisions of this section.

Any Federal agency designated by the President to exercise authority under this Act could establish and fund the necessary expenses of special groups, interdepartmental or otherwise, which it deemed appropriate to assist in carrying out Federal disaster preparedness and assistance laws.

Any Federal agency carrying out the provisions of this Act could accept and utilize facilities, funds, and services furnished by State or local governments or their personnel, and such Federal agency could temporarily employ additional personnel without regard to civil service laws and could contract or incur obligations on behalf of the United States for acquisition or rental of equipment, services, materials or supplies for shipping, drayage, travel and communications, and for supervising and administering such activities. Such obligations, including those for employment of temporary additional personnel could be incurred by a Federal agency in whatever amount the President made available to it.

The President would further be authorized to coordinate the activities of Federal agencies providing disaster assistance, direct any Federal agency to utilize its funds, personnel, equipment, supplies, facilities, and other resources, prescribe such rules and regulations as may be necessary, and exercise any power or authority conferred on him by any section of this Act either directly or through whatever Federal agency he designates.

Finally, through the Office of Emergency Preparedness, the President would periodically review the disaster assistance activities of Federal and State departments and agencies, in order to assure maximum coordination, and to evaluate progress in the development of Federal, State and local preparedness to cope with major disasters.

House Amendment

Revise section 3(d) of Public Law 81-875 to provide that Federal contributions for permanent repair or replacement of public facilities of State and local governments shall not exceed the net cost of restoring such facilities, using the basis of design of the facilities as they existed immediately prior to the disaster, but in conformity with current codes and specifications.

Revises section 4, Public Law 81-875 to add the Salvation Army as a private relief organization authorized to distribute needed supplies in a disaster area.

Provides for the Director, OEP, to study and investigate what can be done to provide effective action to prevent or lessen losses of property and personal injury or deaths which could result from forest or grass fires, earthquakes, tornadoes, freezes and frosts, tsunami, storm surges and tides and floods which are or threaten to become major disasters. A report of the study and investigation to include recommendations should be submitted to the Congress no later than one year after enactment.

Conference Substitute

This is essentially the same as the provisions of the Senate bill, expanded to include the Salvation Army and the Mennonite Disaster Service, specifically, in the provision dealing with the disposition of certain medicine, food, and supplies and the rendering of emergency assistance, and to restrict the donation of certain equipment and supplies to State and local governments for their use or disposition in carrying out the purposes of the Act. It also authorizes emergency work including the making of repairs to, restoring to service, or replacing public facilities (including street, road, and highway facilities) of State and local governments damaged or destroyed by a major disaster, except that the Federal contribution therefor shall not exceed the net cost of restoring each such facility on the basis of the design of the facility as it existed immediately before the disaster, such restoration to be in conformity with current codes, specifications, and standards. The provisions of subsection (e) of this section of the Senate bill have been eliminated as unnecessary. The requirements in the House amendment of an investigation and study to determine what additional improved plans, procedures, and facilities are necessary to prevent or minimize property loss or damage and personal injuries and deaths from fires (forest and grass) earthquakes, tornadoes, freezes and frosts, tsunami, storms, surges, tides, and floods have been added to this section.

Use of local firms and individuals

Senate Bill

Section 204 provides that in expending Federal funds for debris clearance, distribution of supplies, reconstruction and other major disaster assistance activities carried out by contract with private organizations, firms or individuals, preference should be given in awarding such contracts to residents and persons who do business primarily in the disaster area.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill.

Federal grant-in-aid programs

Senate Bill

Any agency administering aid to disaster areas would be authorized to waive the conditions, except matching provisions, for receipt of Federal grant-in-aid programs as would otherwise prevent the giving of assistance for the duration of the disaster proclamation, if inability to meet such conditions resulted from the disaster.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill. Limited, however, to a waiver of administrative procedural conditions rather than all conditions for assistance.

State disaster plans

Senate Bill

This section provides for the formulation by the States of comprehensive plans and programs for preparation against major disasters and their losses. Grants up to $250,000 would be made by the President to any applicant State on a matching basis for no more than half the cost of developing such plans and programs and up to $25,000 per annum would be made available to update and improve the developed plans.

To be eligible for a planning grant, a State would have to establish or designate an agency which would be responsible for developing and administering its disaster relief plan and program.

The resultant plan should include a comprehensive and detailed State program for preparation against and relief following a major disaster and include provisions for the appointment of a State coordinating office to assist the Federal coordinating officer appointed under section 201 of this Act.

From time to time, the Director would prepare a report to the President, for submission to the Congress, containing his recommendations for the Federal role in implementing, funding, and coordinating disaster relief activities.

House Amendment

Amends section 8(c) of Public Law 91-79 to eliminate the cutoff date for State plans and provides that plans developed under this section shall be applicable to local governments as well as individuals.

Further amends section 8 of Public Law 91-79 by authorizing matching grants to States up to $25,000 per annum for purposes of improving, maintaining, and updating State disaster assistance plans.

Conference Substitute

This is the same as the Senate provision except for a clarifying amendment.

Use and coordination of relief organizations

Senate Bill

The Director would be authorized to make agreements with relief or disaster assistance organizations, including but not limited to the American National Red Cross, the Salvation Army, the Mennonite Board of Missions and Charities, to help the distribution of food, clothing, medicine and other supplies, and the restoration rehabilitation or reconstruction of community services and facilities. The Director would be authorized to make agreements with organizations which would allow the Federal coordinating officer to coordinate all relief activities of private agencies in a given disaster area. Such agreements would have to include provisions for compliance with regulations promulgated under Sections 208 (Duplication of Benefits) and 209 (Nondiscrimination).

House Amendment

No comparable provision.

Conference Substitute

This is essentially the same as the provisions of the Senate bill except for amendments to specifically include in both subsections the Salvation Army and the Mennonite Disaster Service.

Duplication of benefits

Senate Bill

The Director would be required to ascertain that no person or business would be receiving aid from more than one source for the same disaster damage. No person or business could receive assistance from the government for any loss compensated by insurance, but partial compensation for a loss would not preclude additional Federal assistance for such part of the loss not compensated for otherwise. The Director would be required to determine whether any person had received duplicate benefits. Whenever the Director determined that a person or business had received assistance from more than one source which exceeded the amount of the loss, he would direct that person or business to reimburse the Federal Government for the part he deemed excessive but not in excess of the amount of Federal assistance received.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provisions.

Nondiscrimination in disaster assistance

Senate Bill

The Director would be required to issue regulations forbidding discrimination by race, color, age, sex, nationality, religion or economic status in providing disaster relief supplies and services. Any relief organization participating in the distribution of assistance or supplies under section 207 must comply with these regulations relating to non-discrimination.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provision.

Advisory personnel

Senate Bill

The Director would be authorized to assign advisory personnel to the chief executive officer of a State or local government upon the request by such executive officer, in order to insure full utilization of relief and assistance resources and programs.

House Amendment

No comparable provision.

Conference Substitute

Does not contain this provision.

Disaster warnings

Senate Bill

The President would be authorized to provide needed warning to governmental authorities and civilian population in areas endangered by imminent natural disasters.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provision.

Predisaster assistance

Senate Bill

The President would be authorized to utilize Federal resources to assist States or local governments in preparations for an imminent major disaster to avert or lessen its effects.

House Amendment

Permits the President to take effective action to avert or lessen the effects of a catas-

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trophe which threatens to become a major disaster. It is not necessary for the President to declare a major disaster before assistance can be provided under this section.

Conference Substitute

Same as the provisions of the House amendment.

Emergency communications

Senate Bill

The Director would be authorized to establish emergency communications in any major disaster area which would be made available to State and local government officials and other persons as he saw fit.

House Amendment

No comparable provision.

Conference Substitute

Essentially the same as the Senate provision, restricted, however, to the establishment of temporary communications during or in anticipation of an emergency.

Emergency public transportation

Senate Bill

Emergency public transportation to governmental offices, supply centers, stores, post offices, schools, and major employment centers would be authorized in a major disaster area where regular public transportation had been disrupted in order that the community's normal pattern of life could be resumed as soon as possible.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provision, restricted, however, to authority to provide temporary public transportation service.

Debris removal

Senate Bill

The President would be authorized to make grants to State and local governments for removal of debris from private lands or waters whenever he determined it to be in the public interest: except that these benefits would not be available unless State or local governments arranged unconditional authorization for the removal of debris and agreed to indemnify the Federal Government for any claims resulting from this debris removal. Payments could also be made to remove debris from community areas which included an individual's private property.

House Amendment

Authorizes the use of Federal agencies to clear debris from publicly and privately owned lands and waters, when determined to be in the public interest. Authorization is also provided for grants to any State for similar debris clearance. A requirement is imposed that State and local governments must arrange to provide unconditional authorizations for the removal of such debris and that the Federal Government be indemnified against claims arising from such removal.

Conference Substitute

Same as the provisions of the House amendment.

Fire suppression grants

Senate Bill

The President would be authorized to make grants to any State in order to assist in the suppression of fires on publicly or privately owned forest and grass lands which threatened such destruction as would constitute a major disaster.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate provisions.

Temporary housing assistance

Senate Bill

The Director would be authorized to provide necessary shelter for owners or tenants whose places of residence had been made uninhabitable by a major disaster. Dwelling accommodations necessary for this purpose, including mobile homes, could be purchased or leased, and in turn could be rented or sold outright to the disaster victims to provide them with suitable housing. The housing would be placed by the State or local government or by the owner or occupant on sites complete with utilities without charge to the United States. The Director could decide in the public interest to provide more economical and accessible sites at Federal expense.

After an initial 90 days of occupancy rentals could be established. These rentals could be compromised, adjusted or waived for a period of not to exceed one year from date of occupancy according to the financial ability of the occupants, but in no case could the family's monthly housing expense be required to be more than one-fourth the family's monthly income.

The Director would be further authorized to provide grants as temporary assistance in the form of mortgage or rental payments to individuals who had suffered severe financial hardship caused by a major disaster and who had received written notice of dispossession or eviction from their residence because of foreclosure of a mortgage or lien, cancellation of a contract of sale, or termination of an oral or written lease. This assistance could be furnished for not in excess of one year or until the individual's financial hardship ended, whichever was the lesser. In addition the Director would provide reemployment assistance services to individuals who were unemployed as a result of a major disaster.

House Amendment

Revises section 3(d) of Public Law 81-875 to provide that no rental shall be charged for the first 12 months for temporary housing and after the rentals to be charged based on fair market value adjusted to take into consideration the financial ability of the occupant to pay.

Provides that, notwithstanding any other provision of law, such temporary housing including, but not limited to mobile homes or other readily fabricated buildings which were purchased under proper disaster authorities for disaster victims requiring accommodations may be sold directly to disaster victims who are occupants at fair and equitable prices.

This section would authorize the President to provide financial assistance in the form of mortgage or rental payments to individuals or families who had suffered financial hardship caused by a major disaster, and who had received written notice of dispossession or eviction from their residence. The assistance could be furnished for not in excess of one year, or for the duration of the financial hardship, whichever is the lesser.

Conference Substitute

This provision would authorize the Director to provide temporary housing or other emergency shelter, including mobile homes, for those who as a result of a major disaster require temporary housing or other emergency shelter. For the first 12 months of occupancy, no rental shall be established. Thereafter, rentals will be based on fair market value of the accommodations being furnished, adjusted to take into consideration financial ability of the occupant. Emergency housing which is acquired by purchase may be sold directly to the occupants at prices that are fair and equitable. Any mobile home or readily fabricated dwelling is to be placed on a site complete with utilities provided by State or local government or by the owner or occupant of the site without charge to the United States. The Director may elect to provide other more economical and accessible sites at Federal expense if he determines it to be in the public interest. Further, the President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments in the same manner as is provided in the House amendment. The President is authorized for the purposes of this provision and in furtherance of the purposes of section 240 of this Act to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

Small business disaster loans

Senate Bill

This section would amend Section 7(b)(1) of the Small Business Act to provide that in the case of property loss or damage as the result of either a major disaster declared by the President or a disaster as determined by the Administrator of the Small Business Administration, the S.B.A. could make loans for the repair, rehabilitation or replacement of such property without regard to whether the necessary financial assistance is otherwise available from private sources.

S.B.A. could refinance any mortgage or other lien outstanding against a home or business which had been totally destroyed or substantially damaged by such a disaster if the refinancing was for the purpose of repairing, rehabilitating or replacing the damaged or destroyed property. This refinancing could be provided even if financial assistance was otherwise available.

The section would further provide that the principal of any disaster loan in excess of $500 could be cancelled in an amount not in excess of $2500. Payments of interest or principal could be wholly or partially deferred during the first three years of the term regardless of the ability of the borrower to make payments.

Section 231(b) would amend Section 7 of the Small Business Act to authorize the S.B.A. to make a loan to a small business concern located in an area affected by a disaster, if the S.B.A. determined that the concern had suffered a substantial economic injury as a result of such a disaster.

House Amendment

Amends section 6 of the Disaster Relief Act of 1969, concerning the disaster loan authorities of the Small Business Administration by:

(1) Including as eligible for SBA disaster loans, such injury, loss, or damage which may result from a disaster when determined by (a) the Secretary of Agriculture; (b) the Administrator of the Small Business Administration; and (c) the President.

(2) Providing for standardizing the interest rates on loans. [even though assistance may be available from private sources.] The maximum allowable interest rate would be 6 percent.

(3) Providing that loans shall not be denied on the basis of the age of the applicant.

(4) Providing that such loans may not exceed the current repair or replacement cost of the disaster loss.

(5) Providing that in cases of hardship resulting from Presidentially determined disaster, the borrower may cancel the principal of any loan in excess of $500, up to $2,500.

(6) Provide for refinancing of mortgages and loans.

(7) Provide for loans without regard to whether private sources are available for such loans.

Conference Substitute

In the administration of the disaster loan program under section 7(b) (1), (2), and (4) of the Small Business Act in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster determined by the Small Business Administrator, such Administrator—

(1) to the extent the loss, damage, or injury is not compensated for by insurance or otherwise (A) shall on that part of the loan in excess of $500 cancel the principal, except that the total amount so canceled is not to be more than $2,500. This clause, however, is to apply only to loans made to cover losses, damages, and injuries resulting from major disasters determined by the President, and (B) may defer interest or principal payments or both in whole or in part during the first three years of the term of the loan, these deferred payments, however, are to bear interest at the rate determined under section 234 of the Act;

(2) to the extent it is not compensated for by insurance or otherwise, may grant any loan to repair, rehabilitate, or replace property damaged or destroyed, whether or not financial assistance is otherwise available from private sources;

(3) may, in the case of total destruction or substantial damage of a home or business concern, refinance mortgages or other liens outstanding against that property if it is to be repaired, rehabilitated, or replaced with the limitation that the amount refinanced is not to exceed the amount of the physical loss sustained and that this refinancing is to be subject to the provisions of clauses (1) and (2) of this section.

Farmers Home Administration agency loans

Senate Bill

In the case of loss or damage to property, including household furnishings, resulting from a major disaster, the Secretary of Agriculture would be authorized by this section to make loans for the repair, rehabilitation or replacement of such property, and in the case of the total destruction of or substantial damage to a home or business concern resulting from a major disaster, to refinance any mortgage or other lien against such property for the purpose of repairing, rehabilitating or replacing the destroyed or damaged property.

To the extent such loss or damage was not compensated for by insurance or otherwise, the Secretary could, on the part of any loan of refinanced mortgage or lien in excess of $500, cancel not to exceed $2,500, and also could defer interest or principal payments, or both, during the first 3 years of the loan whether or not the borrower had the ability to make such payments.

House Amendment

Provides the same amendments for Farmers Home Administration as for the Small Business Administration.

Conference Substitute

This would provide the same benefits in the case of the Farmers Home Administration emergency loans as are provided in the conference substitute in the case of Small Business Administration loans.

Loans held by the Veterans' Administration

Senate Bill

This section would amend section 1820(a) (2) of title 38, United States Code, to authorize the Administrator of the Veterans' Administration to agree to the modification of the terms of any loan made or acquired by him on any residential property securing such loan which was lost, destroyed or damaged as the result of a major disaster. The section also would direct the Administrator in major disaster areas to provide the owner of such property with counseling and other services, to inform him of disaster assistance available from other Federal, state or local agencies and to extend such forbearance on an individual case basis as he determined to be warranted by the facts of the case.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill.

Disaster loan interest rates

Senate Bill

Any disaster loan made by a Federal agency under Sections 231, 232, 236(b), 237 or 241 of this Act would be at an interest rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on 10–12 year U.S. obligations less not to exceed 2% per year. Section 234(b) would make this same rate applicable to all disaster loans under Section 7(b) of the Small Business Act.

House Amendment

The House provision relating to the disaster loan program under the Small Business Act and the emergency loan program under the Consolidated Farmers Home Act of 1961 each contains a provision that a loan made under those sections is not to exceed the current cost of repairing and replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any such loan is to bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years, reduced by not to exceed 1 per centum per annum but in no event is any such loan to bear interest at a rate in excess of 6 percent per annum.

Conference Substitute

The provisions of the conference substitute are the same as those of the House amendment but made applicable to sections 231, 232, 236(b), and 237 of the Act and with the reduction in the interest rate not to exceed 2 percent per annum as contained in the Senate bill rather than 1 percent as contained in the House amendment, retaining, however, the ceiling of a 6 percent interest rate on such loans.

Age of applicant for loans

Senate Bill

All applicants for Federally administered disaster loans must be considered without discrimination because of age.

House Amendment

Provided in the case of S.B.A. and the Farmers Home Administration loans that they are not to be denied on the basis of the applicants age.

Conference Substitute

Same as the Senate provision.

Federal loan adjustments

Senate Bill

The Secretary of Agriculture would be authorized to extend maturity dates of REA loans to a period not beyond forty years and to readjust payment schedules of borrowers from the Rural Electrification Administration, if the borrowers were unable to make payments because of disaster damage. The Secretary of HUD would be authorized to refinance any note or other obligation which could not be paid because of disaster damage. The interest rate could be reduced to a rate specified pursuant to section 234. The maturity date could be extended to a period not exceeding 40 years. The Secretary could suspend payment of interest and principal and extend maturity of loans which might cause financial hardship.

House Amendment

No comparable provision.

Conference Substitute

Same as the provisions of the Senate bill.

Aid to major sources of employment

Senate Bill

The S.B.A. or the Farmers Home Administration would be authorized to make loans to industries and businesses which were a major source of employment in a disaster-stricken area and which were no longer in substantial operation. Loans authorized by this section would be made without regard to limitations on the size of loans which might otherwise be imposed by law, regulation or other means. Loans could be at interest rates prescribed in section 234 but, the Administrator would be authorized to defer payments of principal and interest for up to three years.

House Amendment

No comparable provision.

Conference Substitute

Same as the provisions of the Senate bill, amended to make it clear that deferred payments are to bear interest at the rate determined under section 234 of the Act.

Food coupons and distribution

Senate Bill

The President would be authorized to distribute food stamps and surplus commodities to low-income households which were not able to purchase adequate amounts of nutritious food because of a major disaster. Such distribution of food stamps and commodities would be carried out pursuant to legislation now governing the handling of these matters. The President would be authorized to make coupon allotments and surplus commodities available to such households for as long as he determined necessary. He could take into account such factors as the effect of the disaster on the earning power of the recipient households.

House Amendment

No comparable provision.

Conference Substitute

Same as the provisions of the Senate bill.

Legal services

Senate Bill

The Director would be authorized to provide needed legal services to low-income individuals, with advice and assistance of appropriate Federal agencies and State and local bar associations.

House Amendment

No comparable provision.

Conference Substitute

Provides that whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the Director shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations. The conferees intend the authority granted by this section to be confined to the securing of benefits under this Act and claims arising out of a major disaster.

Unemployment assistance

Senate Bill

The President would be authorized to provide assistance to those individuals unemployed as a result of a major disaster who were not receiving unemployment compensation or private income protection insurance. Any assistance provided under this section could not exceed the number of payments such an individual would have received if he had been qualified for State unemployment compensation payments.

House Amendment

Makes permanent law the comparable provision of the Disaster Relief Act of 1969 on this subject.

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Conference Substitute

Same as the provisions of the Senate bill.

Assistance to communities for loss of tax revenue

Senate Bill

$100,000,000 would be authorized for a Community Disaster Loan Fund to be established in the Treasury. This Fund would provide loans to local governments for use for three purposes: 1) meeting interest and principal payments and outstanding bonded indebtedness, 2) paying the local share of Federal grant-in-aid programs necessary for restoration of the disaster area, and 3) providing and maintaining essential public services, such as fire and police protection. To qualify for this kind of loan, a local government would have to have suffered a loss of more than 25% of its tax base or such a substantial amount that it could not otherwise meet payments on its obligations, its matching shares or its essential public services. For the first two years these loans would be interest free. The term of such loan may be of such duration as necessary but not to exceed 20 years.

Loans would be made at interest rates specified in Sec. 234. The President would be authorized to defer initial payments on such loans for five years or half the term of the loan, whichever is less.

Loans for any year could not exceed the difference between the average annual tax received by the local government for the three years preceding the disaster and the accrued property tax revenue for each of the three years following the disaster.

Reduction of tax rates and tax assessment valuation factors in effect at the time of the disaster would be prohibited during the three-year period after the disaster. Such sums as the President might determine necessary could be transferred to the Fund from disaster relief appropriations. Interest and principal payments on loans, as well as any other moneys, property or assets derived from operations of this section would be deposited in the Fund.

This Fund would furnish moneys for all loans, expenses and payments for operations under this section. At least once each fiscal year any interest on the average amount of appropriations accumulated as capital in the Fund, less the average undisbursed cash balance in the fund during year, would be paid into the Treasury as miscellaneous receipts. The rate of such interest could not exceed that charged for loans from the Fund. The Secretary of the Treasury could defer interest payments but interest would be charged on such deferred payments. Should the President at any time determine that the moneys in the Disaster Loan Fund exceeded present or any reasonable prospective requirements, he could transfer the excess to the general fund of the Treasury or to his disaster relief appropriations.

House Amendment

This section would authorize the President to make grants to any local government, which, as a result of a major disaster has suffered a substantial loss of property tax revenue (both real and personal). The limitations placed upon these grants are: (1) They may only be made for the tax year in which disaster occurred and for each of the following two tax years. (2) The grant shall not exceed the difference between the annual average of all property tax revenues received during the three tax year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received for the tax year in which the disaster occurred and for each of the two succeeding tax years. (3) There must be no reduction in tax rates and tax assessment evaluation factors of the local government. If, however, there has been such a reduction, a grant may still be made for the year or years when such reduction is in effect, but, the President shall use the tax rates and tax assessment factors in effect at the time of the disaster without reduction in order to determine revenues which would have been received. These revenues will then be used in calculating the difference as the basis of determining the grant instead of the actual revenues.

Conference Substitute

Same as the provisions of the House amendment.

Timber sale contracts

Senate Bill

The Secretary of the Interior and the Secretary of Agriculture would be authorized by subsection (a) to reimburse timber sale contractors or to arrange for road and trail construction and restoration costs incurred in restoring roads, previously authorized by contracts for the purchase of timber, which had been damaged by major disasters. If the estimated cost of such additional construction would exceed (1) $1,000 for sales under one million board feet, or (2) $1 per thousand board feet for sales of one to three million board feet, or (3) $3,000 for sales over three million feet, the increased cost would be borne by the United States.

If the Secretary determined that damages were so great that restoration, reconstruction or construction would not be practical under the above-cited sharing arrangement, subsection (b) would authorize him to cancel the contract.

Whenever the Secretary of Agriculture determined that the sale of timber from national forest would assist in construction of a damaged area, or would assist in sustaining the area's economy, or was necessary to salvage the value of the damaged timber, subsection (c) would authorize him to reduce to 7 days the required minimum period of advance notice of sale.

Subsection (d) would authorize the Director to make grants to States or political subdivisions to remove damaged timber from privately owned lands, and such States or political subdivisions in turn would be authorized to reimburse the actual expenses of persons who remove damaged timber but not in excess of the salvage value of the timber.

House Amendment

Would continue in effect as permanent law comparable provisions in the Disaster Relief Act of 1969.

Conference Substitute

Same as the Senate provision.

Public land entryman

Senate Bill

The Secretary of the Interior would be authorized to give any public land entryman additional time to comply with requirements of law in connection with a public land entry in any State affected by a major disaster if the Secretary found that because of a major disaster the entryman was unable to comply with such requirement.

House Amendment

Would repeal, effective December 31, 1970, the comparable provision in the Disaster Relief Act of 1969.

Conference Substitute

Contains no provision on this subject matter.

Minimum standards for structure restoration

Senate Bill

Subsection (a) would require that minimum standards of safety, decency and sanitation, as prescribed in regulations by the Secretary of Housing and Urban Development, and current building codes and specifications, be applied to the building, repair or rehabilitation of any residential structure in a major disaster area carried out with the aid of loans or grants from Federal agencies or relief organizations. The Secretary would further be authorized to consult with other officials in Federal, State or local governments to carry out the purpose of the section and to have the necessary flexibility to be consistent with requirements of other applicable building regulations, codes and programs.

House Amendment

No comparable provision.

Conference Substitute

Provides that no loan or grant made by a relief organization operating under the supervision of the Director of OEP for repairing, restoring, reconstructing, or replacing a residential structure in a major disaster area is to be made unless the structure will be so repaired, restored, reconstructed, or replaced in accordance with the applicable standards of decency and sanitation and in conformity with applicable building codes and specifications.

Federal facilities

Senate Bill

Upon the President's determination that repair, reconstruction, restoration or replacement of facilities owned by the United States was so important and urgent that it could not reasonably be deferred pending enactment of specific authorizing legislation or the making of an appropriation, he could authorize any Federal agency to repair, reconstruct, restore or replace any facilities damaged or destroyed in a major disaster that were under its jurisdiction. This work could begin notwithstanding a lack or insufficiency of funds where such lack or insufficiency could be remedied by the transfer, in accordance with law, of funds appropriated for another purpose.

House Amendment

No comparable provision.

Conference Substitute

Same as the provisions of the Senate bill.

State and local government facilities

Senate Bill

The President would be authorized to make contributions to States or local communities for repairing, restoring, reconstructing or replacing damaged portions of public facilities belonging to State or local governments, including flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, airport, non-Federal-aid street, road or highway, and any other essential facility damaged by a major disaster. Such Federal contribution could not exceed 50% of the net cost of restoring such facility to its predisaster capacity and in conformity with applicable codes and specifications.

The President could also make contributions to States or local governments in amounts not in excess of 50% of the net cost of restoring such public facilities, which were in the process of construction when damaged or destroyed, to substantially their condition prior to the disaster and of completing construction not performed before the disaster to the extent that the increase in cost over the original construction cost was attributable to changed conditions caused by the disaster.

House Amendment

Revises section 3(d) of PL 81-875 to provide that Federal contributions for permanent repair or replacement of public facilities of State and local governments shall not exceed the net cost of restoring such facilities, using the basis of design of the facilities as they existed immediately prior to the disaster, but in conformity with current codes and specifications.

Conference Substitute

Same as the provision of the Senate bill, except that the Federal share is increased from 50 to 100 percent of the net cost of restoring the facility on the basis of the design of the facility as it existed immediately

XUM

prior to the disaster and in conformity with applicable codes and specifications, and the definition of the term "public facility" contained in the Senate provision is revised to eliminate the concept of "essential public facility" and to replace it with the more specific language of "public building, structure, or system, other than one used exclusively for recreation purposes".

Priority to certain applications for public facility and public housing assistance

Senate Bill

The President by proclamation would prescribe a period not to exceed six months during which processing of applications for assistance would be given priority and immediate assistance under the following Acts: Title II of the Housing Amendments of 1955, or any other act providing assistance for repair, construction or extension of public facilities; the United States Housing Act of 1937 providing low-rent housing; Section 702 of the Housing Act of 1954 providing assistance in public works planning; Section 702 of the Housing and Urban Development Act of 1965 providing grants for public facilities; or Section 306 of the Consolidated Farmers Home Administration Act.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill.

Relocation assistance

Senate Bill

This section would provide that no person otherwise eligible for relocation assistance payments under the Housing Act of 1949 would be denied eligibility as a result of a Presidentially declared major disaster.

House Amendment

The House had a similar provision.

Conference Substitute

Provides that, notwithstanding any other provision of law, no person otherwise eligible for any kind of relocation assistance payment authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to reoccupy property from which he was displaced by such disaster.

Technical amendments

Senate Bill

Makes various technical amendments in existing laws required by the adoption of the Disaster Relief Act of 1970.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill except for technical amendments.

Repeal of existing law

Senate Bill

Repeals, three existing disaster laws: the basic 1950 Act (64 Stat. 1109), the Disaster Relief Act of 1966 (80 Stat. 1316) except for Section 7 (Higher Education Facilities Assistance in Disaster Areas) and the Disaster Relief Act of 1969.

House Amendment

No comparable provision.

Conference Substitute

Same as the Senate bill.

Authorization of appropriations

Senate Bill

Except as provided in sections 206 and 241, such sums as may be necessary would be authorized to be appropriated as would be necessary to carry out the provisions of this Act.

House Amendment

No comparable provision.

Conference Substitute

Does not contain this kind of authorization since the Act itself authorizes whatever sums are needed to carry it out. Provides instead that funds allocated before the date of enactment of this Act under a Federal-State Disaster Agreement for the relief of a major disaster as defined in the Act of September 30, 1950 (Public Law 875, Eighty-first Congress), and not expended on the date of enactment of this Act may be used by the State to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of debris from community areas, but not to exceed the amount that such expenses exceed the salvage value of such debris, or in otherwise carrying out the purposes of such Act of September 30, 1950, or this Act.

The inclusion of this provision is for emphasis only. It is not in any way to be construed as indicating that funds heretofore authorized for expenditure or that agreements, contracts, claims, or other obligations of any kind presently in being are in any way to be affected by the enactment of this Act.

Effective date

Senate Bill

The Act would take effect immediately upon enactment, except that sections 226 (c), 237, 241, 252(a), and 254 would take effect as of August 1, 1969.

House Amendment

Provides that the benefits of this act, and the amendments made by this act, shall apply to those Presidentially declared major disasters, and those disasters and natural disasters as determined by the Secretary of Agriculture and the Administrator of the Small Business Administration which occurred on or after December 1, 1968. In the case of any such disaster which occurs on or after December 1, 1968, and before the date of enactment of this act, the eligible applicant for assistance shall elect to receive such assistance either under this act (including the amendments made by this act) or under the law applicable to such disasters which occurred prior to December 1, 1968.

Conference Substitute

Same as the provisions of Senate bill.

Robert E. Jones,
Jim Wright,
Harold T. Johnson,
Don H. Clausen,
Fred Schwengel,
Managers on the Part of the House.

CONFERENCE REPORT ON H.R. 18515, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. FLOOD. Mr. Speaker, I call up the conference report on the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentlemen from Pennsylvania?

There was no objection.

The Clerk read the statement.

Mr. FLOOD (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The **SPEAKER.** The gentleman from Pennsylvania is recognized for 1 hour.

Mr. FLOOD. Mr. Speaker, I am happy to report that the conference report we bring to the House has the unanimous support of the House managers. All signed the report and all signed without reservation. This is readily understandable—it is a good report. If adherence to the House position is a measure of merit, it is an excellent report. We were even accused of violating the rule of comity—whatever that is—in our resolute insistence on a much better than even break with the other body.

The House bill totaled $18,824,663,000 to which the other body added $414,851,000. In conference this increase was reduced by $270,121,500, to an increase of $144,729,500. However, the increase of $144,729,500 includes two items that were not considered by the House because there were no budget requests at the time the House acted. These are the Corporation for Public Broadcasting for which $23,000,000 is included in the conference report, and activities under the Federal Coal Mine Health and Safety Act for which $5,140,000 is included. I feel certain we would have carried very close to these same amounts in the House bill if they had been considered at the time we acted. Thus, for comparability these amounts should be deducted from the $144,729,500. This makes the conference agreement slightly less than $116 million over the House bill, or an increase of substantially less than 1 percent. Also, you will note, Mr. Speaker, this shows that the Senate gave up over two-thirds of the net amount by which they increased the bill over the House.

Now with regard to the President's budget. You cannot talk about appropriations for anything around here without someone raising the question of how much can it be without running the risk of a Presidential veto. I am not as worried about Presidential vetoes as some people, but it is a matter to be considered, of course. The Senate bill was $480,137,000 over the President's budget—half a billion is a pretty substantial increase even in the Labor-HEW bill. The appropriations provided by the conference report total $18,969,352,500 or only $210,015,500 over the President's budget, an increase of just over 1 percent. This the President may not relish, but I do not think he will find it too distasteful, especially since most of the increase is in the health area and, according to what he said in his last press conference, this is an area that he is going to emphasize.

Mr. Speaker, I do not think it is necessary for me to discuss the individual Senate amendments, of which there are 67. The conference report and the explanation of it in the statement of the managers were filed in the House last Friday and have been available to Members in printed form for a little for 3 days. In addition we have prepared a detailed table showing pertinent statistics concerning every appropriation item in the Departments of Labor and Health, Education, and Welfare appropriation bill. Mr. Speaker, I ask unanimous consent to place that table in the Record at this point.

The **SPEAKER.** Without objection it is so ordered.

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DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL 1971 (H.R. 18515) NEW BUDGET (OBLIGATIONAL) AUTHORITY

CONFERENCE SUMMARY

		1971				Conference agreement compared with—			
Agency and item	1970 enacted[1]	Budget estimate[2]	House bill	Senate bill	Conference agreement	1970	Budget 1971	House	Senate
DEPARTMENT OF LABOR									
Manpower Administration									
Manpower development and training activities	$705,765,000	$747,494,000	$744,494,000	[3] $1,546,694,000	[4] $1,504,794,000	+$799,029,000	+$757,300,000	+$760,300,000	−$41,900,000
Manpower Administration, salaries and expenses	36,081,800	43,667,000	42,165,000	42,165,000	42,165,000	+6,083,200	−1,502,000		
Trust fund transfer		(16,835,000)	(16,835,000)	(16,835,000)	(16,835,000)	(16,835,000)			
Bureau of Apprenticeship and Training, salaries and expenses	7,077,000	6,958,000	6,958,000	6,958,000	6,958,000	−119,000			
Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities	187,930,000	200,100,000	200,100,000	200,100,000	200,100,000	+12,170,000			
Bureau of Employment Security, salaries and expenses									
Trust fund transfer	(20,799,200)	(5)	(5)	(5)	(5)	(−20,799,200)			
Grants to States for unemployment compensation and employment service administration	(665,772,000)	(717,700,000)	(717,700,000)	(717,700,000)	(717,700,000)	(+51,928,000)			
Unemployment Insurance Service, salaries and expenses		(4,274,000)	(4,274,000)	(4,274,000)	(4,274,000)	(+4,274,000)			
Total, Manpower Administration	936,853,800	998,219,000	993,717,000	1,795,917,000	1,754,017,000	+817,163,200	+755,798,000	+760,300,000	−41,900,000
Labor-Management Relations									
Labor-Management Services Administration, salaries and expenses	13,140,000	17,169,000	16,500,000	16,700,000	16,600,000	+3,460,000	−569,000	+100,000	−100,000
Wage and Labor Standards									
Wage and Labor Standards Administration, salaries and expenses	14,146,600	45,925,000	45,000,000	45,531,000	45,212,500	+31,065,900	−712,500	+212,500	−318,500
Wage and Hour Division, salaries and expenses	28,218,000	(6)	(6)	(6)	(6)	−28,218,000			
Employees' compensation claims and expenses	60,116,000	109,800,000	109,800,000	109,800,000	109,800,000	+49,684,000			
Total, Wage and Labor Standards	102,480,600	155,725,000	154,800,000	155,331,000	155,012,500	+52,531,900	−712,500	+212,500	−318,500
Bureau of Labor Statistics									
Salaries and expenses	24,673,000	27,578,000	26,150,000	26,150,000	26,150,000	+1,477,000	−1,428,000		
Bureau of International Labor Affairs									
Salaries and expenses	1,527,000	1,490,000	1,490,000	1,490,000	1,490,000	−37,000			
Special foreign currency program		75,000	75,000	75,000	75,000	+75,000			
Total, Bureau of International Labor Affairs	1,527,000	1,565,000	1,565,000	1,565,000	1,565,000	+38,000			
Office of the Solicitor									
Salaries and expenses	6,596,000	5,884,000	5,884,000	5,884,000	5,884,000	−712,000			
Trust fund transfer	(162,000)	(157,000)	(157,000)	(157,000)	(157,000)	(−5,000)			
Office of the Secretary									
Salaries and expenses	6,149,000	10,402,000	9,752,000	9,812,000	9,812,000	+3,663,000	590,000	+60,000	
Trust fund transfer	(604,000)	(595,000)	(595,000)	(595,000)	(595,000)	(−9,000)			
Federal contract compliance and civil rights program, salaries and expenses	1,116 000	(7)	(7)	(7)	(7)	−1,116,000			
Trust fund transfer	(630,000)	(7)	(7)	(7)	(7)	(−630,000)			
Total, Office of the Secretary	7,265,000	10,402,000	9,752,000	9,812,000	9,812,000	+2,547,000	−590,000	+60,000	
Total, Department of Labor	1,092,535,400	1,216,542,000	1,208,368,000	2,011,359.000	1,969 040,500	+876,505,100	+752,498,500	+760,672,500	−42,318,500
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Food and Drug Administration									
Food and drug control	76,345,732	89,549,000	89,549,000	90,399,000	89,549,000	+13,203,268			−850,000
Environmental Health Service									
Air pollution control	103,457,575 (110,207,575)	106,003,000	106,003,000	110,503,000	107,753,000	+4.295,425	+1,750,000	+1,750,000	−2,750,000
Environmental control	56,663,010	[8] 55,920,000	52,580,000	62,000,000	58,720,000	+2,056,990	+2,800,000	+6,140,000	−3,280,000
Office of the Administrator	6,697,069	4,775,000	4,244,000	4,244,000	4,244,000	−2,453,069	−531,000		
Total, Environmental Health Service	166,817,654 (173,567,654)	166,698,000	162,827,000	176,747,000	170.717,000	+3,899,346	+4,019,000	+7,890,000	−6,030,000
Health Services and Mental Health Administration									
Mental health	354,220,662 (361,345 662)	346,656,000	368,516,000	390,516,000	379,516,000	+25,295.338	+32,860,000	+11,000,000	−11,000,000
Saint Elizabeths Hospital (indefinite)	14,917,000	14,823 000	14,823,000	14,823,000	14,823,000	−94,000			
Health services research and development	42,593,000 (42,772,000)	57,403,000	57,403,000	57,403,000	57.403,000	+14,810,000			
Comprehensive health planning and services	206 810,000 (218,049,000)	247,176,000	247,178,000	250,000,000	247 178,000	+40,368,000			−2,822,000
Trust fund transfer	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)				
Maternal and child health		[9] 255,339,000	255,339,000	255,659,000	255,659,000	+255,659,000	+320,000	+320,000	
Regional medical programs	96,605,000 (99,248,000)	96,502,000	96,502,000	115,000,000	106,502,000	+9,897,000	+10,000,000	+10,000,000	−8,498,000

Footnotes at end of table.

Agency and item	1970 enacted [1]	1971				Conference agreement compared with—			
		Budget estimate [2]	House bill	Senate bill	Conference agreement	1970	Budget 1971	House	Senate
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued									
Health Services and Mental Health Administration—Continued									
Communicable diseases	$41,167,220	$41,538,000	$41,938,000	$50,000,000	$43,938,000	+$2,770,780	+$2,400,000	+$2,000,000	−$6,062,00
Medical facilities construction	176,396,820	89,321,000	181,521,000	[10] 205,224,078	[10] 196,521,000	+20,124,180	+107,200,000	+15,000,000	−8,703,078
Contract authorization				(30,000,000)	(30,000,000)	(+30,000,000)	(+30,000,000)	(+30,000,000)	
District of Columbia medical facilities	8,500,000 (10,000,000)			([11])	([11])	−8,500,000			
Patient care and special health services	78,962,268	79,889,000	79,889,000	79,889,000	79,889,000	+926,732			
National health statistics	9,366,090	9,918,000	9,668,000	9,668,000	9,668,000	+302,000	−250,000		
Retired pay of commissioned officers (indefinite)	16,700,000	19,501,000	19,501,000	19,501,000	19,501,000	+2,801,000			
Office of the Administrator	10,845,000	11,812,000	11,812,000	11,812,000	11,812,000	+967,000			
Total, Health Services and Mental Health Administration	1,057,082,970 (1,079,768,970)	1,269,880,000	1, 384,090,000	1,459,495,078	1,422,410,000	+365, 327,030	+152,530,000	+38,320,000	−37,085,078
Consisting of—									
Definite appropriations	1, 025,465,970	1,235,556,000	1,349,766,000	1,425,171,078	1,388,086,000	+362,620,030	+152,530,000	+38,320,000	−37,085,078
Indefinite appropriations	31,617,000	34,324,000	34,324,000	34,324,000	34,324,000	+2,707,000			
National Institutes of Health									
Biologics Standards	8,237,000 (8,239,000)	8,640,000	8, 838,000	8,838,000	8,838,000	+601,000	+198,000		
National Cancer Institute	180,848,563 (190,486,063)	202,383,000	227,383,000	235,383,000	230,383,000	+49,534,437	+28,000,000	+3,000,000	−5,000,000
National Heart and Lung Institute	160,634,000 (171,377,500)	171,747,000	178,479,000	203,479,000	193,479,000	+32,845,000	+21,732,000	+15,000,0000	−10,000,000
National Institute of Dental Research	28,754,331 (30,808,831)	34,563,000	35,257,000	36,257,000	35,257,000	+6,502,669	+694,000		−1,000,000
National Institute of Arthritis and Metabolic Diseases	131,761,000 (140,841,000	132,152,000	138,339,000	140,339,000	138,339,000	+6,578,000	+6,187,000		−2,000,000
National Institute of Neurological Diseases and Stroke	97,319,000 (103,891,000)	96,972,000	100,807,000	115,807,000	105,807,000	+8,488,000	+8,835,000	+5,000,000	−10,000,000
National Institute of Allergy and Infectious Diseases	97,551,000 (100,486,500)	99,219,000	102,249,000	102,749,000	102,249,000	+4,698,000	+3,030,000		−500,000
National Institute of General Medical Science	148,294,274 (159,972,274)	148,376,000	166,072 000	171,072,000	166,072,000	+17,777,726	+17,696,000		−5,000,000
National Institute of Child Health and Human Development	76,095,000 (77,192,000)	93.303,000	94,436,000	94,436,000	94,436,000	+18,341,000	+1,133,000		
National Eye Institute	22,836,000 (24,342,500)	25,686,000	30,986,000	30,986,000	30,986,000	+8,150,000	+5,300,000		
National Institute of Environmental Health Sciences	17,573,000 (18,328,000)	19,843,000	20,620,000	21,620,000	20,620,000	+3,047,000	+777,000		−1,000,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	2,791,000 (2,954,000)	2,664,000	3,582,000	3,582,000	3,582,000	+791,000	+918,000		
Health manpower	212,963,096 (234,718,096)	242,234,000	260,934,000	332,650,000	275,934,000	+62,970,904	+33,700,000	+15,000,000	−56,716,000
Dental health	10,942,869 (11,840,869)	10,954,000	10,954,000	11,014,000	11,014,000	+71,131	+60,000	+60,000	
Research resources		63,701,000	66,201,000	66,801,000	66,201,000	+66,201.000	+2,500,000		−600,000
General research and services	68,026,000 (76,658,000)	([12])	([12])	([12])	([12])	−68,026,000			
Construction of health educational, research, and library facilities	126,100,000	126,100,000	126,100,000	150,000,000	141,100,000	+15,000,000	+15,000,000	+15,000,000	−8,900,000
National Library of Medicine	19,372,000 (19,682,000)	19,769,000	19,769,000	22,233,000	20,769,000	+1,397,000	+1,000,000	+1,000,000	−1,464,000
Buildings and facilities	1,615,000 (1,900,000)					−1,615,000			
Office of the Director	7,541,341	8,206,000	8,206,000	8,206,000	8,206,000	+664,659			
Scientific activities overseas (special foreign currency program)	3,455,000	32,444,000	32,444,000	32,444,000	32,444,000	+28,989,000			
Payment of sales insufficiencies and interest losses	957,000	3,083,000	3,083,000	3,083,000	3,083,000	+2,126,000			
General research support grants	(57,677,000)	(45,977,000)	(60,700,000)	(60,700,000)	(60,700,000)	(+3,023,000)	(+14,723,000)		
General research and services				[13] 15,000,000					−15,000,000
Total, National Institutes of Health	1,423,666,474 (1,511,770,974)	1,542,039,000	1,634,739,000	1,805,979,000	1,688,799,000	+265,132,526	+146,760,000	+54,060,000	−117,180,000
Office of Education									
Elementary and Secondary Education				[14] 70,400,000					−70,400,000
Social and Rehabilitation Service									
Grants to States for public assistance	7,498,304,000	8,651,950,000	8,651,950,000	8,651,950,000	8,651,950,000	+1,153,646,000			
Work incentives	102,000,000 (120,000,000)	170,000,000	120,000,000	98,000,000	98,000,000	−4,000,000	−72,000,000	−22,000,000	
Assistance to repatriated U.S. nationals	600,000 (700,000)	([15])	([15])	([15])	([15])	−600,000			
Rehabilitation services and facilities	463,398,000 (464,783,000)	571,640,000	566,640,000	579,140,000	570,390,000	+106,992,000	−1,250,000	+3,750,000	−8,750,000
Mental retardation	33,870,000 (37,000,000)	([16])	([16])	([16])	([16])	−33,870,000			
Maternal and child health and welfare	277,903,000 (282,367,000)	([17])	([17])	([17])	([17])	−277,903,000			
Programs for the aging	27,759,000 (28,360,000)	32,000,000	32,000,000	34,650,000	33,650,000	+5,891,000	+1,650,000	+1,650,000	−1,000,000
Juvenile delinquency prevention and control	10,000,000	15,000,000	15,000,000	15,000,000	15,000,000	+5,000,000			
Research and training	58,704,000 (60,000,000)	81,435,000	75,435,000	79,435,000	76,435,000	+17,731,000	−5, 000,000	+1,000,000	−3,000,000
Cooperative research or demonstration projects	11,219,000 (11,500,000)	([18])	([18])	([18])	([18])	−11,219,000			
Social and rehabilitation activities overseas (special foreign currency program)	2,000,000	7,000,000	4,000,000	4,000,000	4,000,000	+2,000,000	−3,000,000		
Salaries and expenses	33,502,528	37,439,000	35,067,000	33,000,000	34,067,000	+564,472	−3,372,000	−1,000,000	+1,067,000
Trust fund transfer	(360,000)	(390,000)	(390,000)	(390,000)	(390,000)	(+30,000)			
Total, Social and Rehabilitation Service	8,519,259,528 (8,548,516,528)	9,566,464,000	9,500,092,000	9,495,175,000	9,483,492,000	+964,232,472	−82, 972,000	−16,600,000	−11,683,000

Footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL 1971 (H.R. 18515) NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

CONFERENCE SUMMARY—Continued

		1971				Conference agreement compared with—			
Agency and item	1970 enacted [1]	Budget estimate [2]	House bill	Senate bill	Conference agreement	1970	Budget 1971	House	Senate
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued									
Social Security Administration									
Payments to social security trust funds		$2,599,886,000	$2,599,886,000	$2,599,886,000	$2,599,886,000	+$2,599,886,000			
Payments to trust funds for health insurance for the aged	$1,545,413,000	(19)	(19)	(19)	(19)	−1,545,413,000			
Payments for military service credits	105,000,000	(19)	(19)	(19)	(19)	−105,000,000			
Payments for special benefits for aged	364,151,000	(19)	(19)	(19)	(19)	−364,151,000			
Special benefits for disabled coal miners	10,000,000		(20)	(20)	(20)	−10,000,000			
Limitation on salaries and expenses	(943,559,239)	(997,461,000)	(997,461,000)	(997,461,000)	(997,461,000)	(+53,901,761)			
Limitation on construction		(2,800,000)	(2,800,000)	(2,800,000)	(2,800,000)	+2,800,000)			
Total, Social Security Administration	2,024,564,000	2,599,886,000	2,599,886,000	2,599,886,000	2,599,886,000	+575,322,000			
Special Institutions									
American Printing House for the Blind	1,404,000	1,476,000	1,557,000	1,517,000	1,517,000	+113,000	+$41,000	−$40,000	
National Technical Institute for the Deaf	2,851,000	19,744,000	19,744,000	19,744,000	19,744,000	+16,893,000			
Model Secondary School for the Deaf		2,432,000	2,432,000	4,432,000	2,432,000	+2,432,000			−$2,000,000
Model Secondary School for the Deaf, salaries and expenses	429,529	(21)	(21)	(21)	(21)	−429,529			
Model Secondary School for the Deaf, construction	351,000	(21)	(21)	(21)	(21)	−351,000			
Gallaudet College		7,150,000	6,870,000	7,225,000	7,097,000	+7,097,000	−53,000	+227,000	−128,000
Gallaudet College, salaries and expenses	4,512,945	(22)	(22)	(22)	(22)	−4,512,945			
Gallaudet College, construction	1,106,000	(22)	(22)	(22)	(22)	−1,106,000			
Howard University		36,185,000	36,185,000	36,185,000	36,185,000	+36,185,000			
Howard University, salaries and expenses	21,391,003	(23)	(23)	(23)	(23)	−21,391,003			
Howard University, construction	30,410,000	(23)	(23)	(23)	(23)	−30,410,000			
Freedmen's Hospital	10,168,000	(23)	(23)	(23)	(23)	−10,168,000			
Total	72,623,477	66,987,000	66,788,000	69,103,000	66,975,000	−5,648,477	−12,000	+187,000	−2,128,000
Office of Child Development		11,455,000	5, 917.000	[24] 405,417,000	5,917,000	+5,917,000	−5,538,000		−399,500,000
Departmental Management									
Office of Civil Rights	5,913,500	7,927,000	7,927,000	8,874,000	7,927,000	+2,013,500			−947,000
Trust fund transfer	(856,000)	(947,000)	(947,000)		(947,000)	(+91,000)			(+947,000)
Departmental Management		37,070,000	35,100,000	35,100,000	35,100,000	+35,100,000	−1,970,000		
Transfers		(5,855,000)	(5,725,000)	(5,725,000)	(5,725,000)	(+5,725,000)	(−130,000)		
Office of the Secretary, salaries and expenses	6,629,000	(25)	(25)	(25)	(25)	−6 629 000			
Trust fund transfer	(398,000)	(25)	(25)	(25)	(25)	(−398 000)			
Office of Community and Field Services, salaries and expenses	5,304,900	(25)	(25)	(25)	(25)	−5,304,900			
Transfers	(2,325,000)	(25)	(25)	(25)	(25)	(−2,325,000)			
Office of the Comptroller, salaries and expenses	11,812,700	(25)	(25)	(25)	(25)	−11,812,700			
Trust fund transfer	(2,060,000)	(25)	(25)	(25)	(25)	(−2,060,000)			
Office of Administration, salaries and expenses	5,734,200	(25)	(25)	(25)	(25)	−5,734,200			
Trust fund transfer	(350,000)	(25)	(25)	(25)	(25)	(−350,000)			
Surplus property utilization	1,401,500	(25)	(25)	(25)	(25)	−1,401,500			
Office of the General Counsel, salaries and expenses	2,695,900	(25)	(25)	(25)	(25)	−2,695,900			
Transfers	(1,396,000)	(25)	(25)	(25)	(25)	(−1,396,000)			
Total, departmental management	39,491,700	44,997,000	43,027,000	43,974,000	43,027,000	+3,535,300	−1,970,000		−947,000
Total, Department of Health, Education, and Welfare	13,379,851,535 (13,526,649,035)	15,357,955,000	15,486,915,000	16,216,575,078	15,570,772,000	+2,190,920,465	+212,817,000	+83,857,000	−645,803,078
Consisting of—									
Definite appropriations	13,348,234,535	15,323,631,000	15,452,591,000	16,182,251,078	15,536,448,000	+2,188,213,465	+212,817,000	+83,857,000	−645,803,078
Indefinite appropriations	31,617,000	34,324,000	34,324,000	34,324,000	34,324,000	+2,707,000			
RELATED AGENCIES									
National Labor Relations Board	39,038,950	37,930,000	39,430,000	39,430,000	39,430,000	+391,050	+1,500,000		
National Mediation Board	2,353,000	2,394,000	2,394,000	2,394,000	2,394,000	+41,000			
Railroad Retirement Board:									
Payment for military service credits	19,206,000	19,969,000	19,969,000	19,969,000	19,969,000	+763,000			
Limitation on salaries and expenses	(16,462,000)	(16,740,000)	(16,740,000)	(16,740,000)	(16,740,000)	(+278,000)			
Federal Mediation and Conciliation Service	9,027,000	9,508,000	9,508,000	9,508,000	9,508,000	+481,000			
United States Soldiers' Home (trust fund appropriation):									
Operation and maintenance	9,529,000	9,822,000	9,822,000	9,822,000	9,822,000	+293,000			
Capital outlay	170,000	128,000	128,000	128,000	128,000	−42, 000			
Office of Economic Opportunity	1,948,000,000	2,080,200,000	2,046,200,000	[26] 900,400,000	[27] 1,323,400,000	−624,600,000	−756,800,000	−722,800,000	+423,000,000
Federal Radiation Council	132,000	144,000	144,000	144,000	144,000	+12,000			
President's Committee on Consumer Interests	470,400	810,000	810,000	810,000	810,000	+339,600			
National Commission on Product Safety	1,488,200					−1,488,200			
President's Council on Youth Opportunity	300,000	300,000	300,000	300,000	300,000				
Cabinet Committee on Opportunities for Spanish-Speaking People	537,000	675,000	675,000	675,000	675,000	+138,000			
Payment for the Corporation for Public Broadcasting	15,000,000	[28] 22,500,000		27,500,000	23,000,000	+8,000,000	+500,000	+23,000,000	−4,500,000
Consisting of—									
Definite appropriations	(15,000,000)	(20,000,000)		(22,500,000)	(20,000,000)	(+5,000,000)	(..........)	(+20,000,000)	(−2,500,000)
Indefinite appropriations		(2,500,000)		(5,000,000)	(3,000,000)	(+3,000,000)	(+500,000)	(+3,000,000)	(−2,000,000)
National Credit Union Administration		500,000		500,000			−500,000		−500,000
Total, related agencies	2,045,251,550	2,184,880,000	2,129,380,000	1,011,580,000	1,429,580,000	−615,671,550	−755,300,000	−699,800,000	+418,000,000
Consisting of—									
Definite appropriations	2,045,251,550	2,182,380,000	2,129,380,000	1,006,580,000	1,426,580,000	−618,671,550	−755,800,000	−702,800,000	+420,000,000
Indefinite appropriations		2,500,000		5,000,000	3,000,000	+3,000,000	+500,000	+3,000,000	−2,000,000
Grand total, appropriations	16,517,638,485 (16,664,435,985)	18,759,377,000	18,824,663,000	19,239,514,078	18,969,392,500	+2,451,754,015	+210,015,500	+144,729,500	−270,121,578

Footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL 1971 (H.R. 18515) NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

CONFERENCE SUMMARY—Continued

Agency and item	1970 enacted [1]	1971				Conference agreement compared with—			
		Budget estimate [2]	House bill	Senate bill	Conference agreement	1970	Budget 1971	House	Senate
Grand total—Continued Consisting of—									
Definite appropriations	$16,486,021,485	$18,722,553,000	$18,790,339,000	$19,200,190,078	$18,932,068,500	+$2,446,047,015	+$209,515,500	+$141,729,500	−$268,121,578
Indefinite appropriations	31,617,000	36,824,000	34,324,000	39,324,000	37,324,000	+5,707,000	+500,000	+3,000,000	−2,000,000
Grand total, contract authorizations				30,000,000	30,000,000	+30,000,000	+30,000,000	+30,000,000	
Grand total, new budget (obligational) authority	16,517,638,485	18,759,377,000	18,824,663,000	19,269,514,078	18,999,392,500	+2,481,754,015	+240,015,500	+174,729,500	−270,121,578

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[1] Includes supplemental appropriations. 1970 appropriations are adjusted to reflect the limitation contained in section 410 of Public Law 91-204. Where a 1970 appropriation has been reduced in the administration of this limitation, the amount carried in the act is shown in parentheses directly under the reduced figure.

[2] Includes an amendment contained in S. Doc. 91-97 and a proposed supplemental for fiscal year 1971 contained in H. Doc. 91-404.

[3] Includes $802,000,000 for work and training activities previously contained in Office of Economic Opportunity budget estimates.

[4] Includes $760,100,000 for work and training activities previously contained in Office of Economic Opportunity budget estimates.

[5] Included under "Manpower Administration, salaries and expenses" and "Unemployment Insurance Service, salaries and expenses" in the 1971 estimates.

[6] Included under "Wage and Labor Standards Administration, salaries and expenses" in the 1971 estimates.

[7] Included under "Manpower Administration, salaries and expenses," "Wage and Labor Standards Administration, salaries and expenses," and "Salaries and expenses," Office of the Solicitor in the 1971 estimates.

[8] Includes budget amendment of $5,140,000 (S. Doc. 91-97) which House did not consider.

[9] Formerly budgeted under "Maternal and child health and welfare" and "Salaries and expenses," Social Rehabilitation Service.

[10] Includes $15,000,000 for District of Columbia medical facilities.

[11] $15,000,000 included under "Medical facilities construction".

[12] Included under "Research resources" in 1971 estimates.

[13] To support NIH research activities at the laboratory and supporting facilities at Fort Detrick Frederick, Md.

[14] Follow Through program previously contained in Office of Economic Opportunity budget estimates.

[15] Included under "Grants to States for public assistance" in the 1971 estimates.

[16] Included under "Rehabilitation services and facilities" in the 1971 estimates.

[17] Included under "Maternal and child health," Health Services and Mental Health Administration, "Grants to States for public assistance," and "Office of Child Development," Office of the Secretary in the 1971 estimates.

[18] Included under "Research and training" in the 1971 estimates.

[19] Included under "Payments to social security trust funds" in the 1971 estimates.

[20] Open-ended; obligations authorized to be charged to subsequent appropriations.

[21] Included under "Model Secondary School for the Deaf" in the 1971 estimates.

[22] Included under "Gallaudet College" in the 1971 estimates.

[23] Included under "Howard University" in the 1971 estimates.

[24] Includes $398,000,000 for Headstart program previously contained in Office of Economic Opportunity budget estimates.

[25] Included under "Departmental Management" in the 1971 estimates.

[26] Reflects transfer of work and training activities to the Department of Labor and child development programs to the Department of Health, Education, and Welfare.

[27] Reflects transfer of work and training activities to the Department of Labor.

[28] Proposed supplemental for fiscal year 1971 (H. Doc. 91-404) which House did not consider.

Mr. YATES. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. YATES. Can the gentleman tell me how much has been approved by the conferees under the Hill-Burton Act for construction of hospitals and related facilities?

Mr. FLOOD. I cannot say the exact figure from the top of my head, but the staff will locate it for me in a very few seconds. It is close to $200,000,000.

Mr. GROSS. While that information is being looked up, will the gentleman yield to me?

Mr. FLOOD. I yield to the gentleman from Iowa.

Mr. GROSS. I have enjoyed the gentleman's presentation very much.

Mr. FLOOD. We always enjoy each other's remarks, even though we have differing opinions on many things.

Mr. GROSS. Stripped to the running gears, this conference report is $144.7 million above the figure as the bill left the House; is that correct?

Mr. FLOOD. Quite correct. May I say to my friend, if I knew the proper tribunal to apply to I would ask that this be declared a minor miracle.

Mr. GROSS. Then I would hope for a major miracle.

Mr. FLOOD. Now, to return to the question raised by my friend from Illinois. To the gentleman from Illinois I say, the figure is $196,521,000, if you include the amount of $15,000,000 earmarked for the District of Columbia under the authority in the District of Columbia Medical Facilities Construction Act of 1968.

Mr. YATES. I thank the gentleman for giving me this information.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the distinguished ranking minority member of the subcommittee, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, in further answer to the gentleman from Illinois, beyond the $196 million for Hill-Burton we also accepted Senate language which would provide for $30 million additional for public hospitals.

Mr. Speaker, I agree with the distinguished chairman of the Labor-HEW Subcommittee that the House conferees did a good job in persuading the Senate conferees to give up over two-thirds of the unbudgeted amounts added to this bill by the Senate. I would, however, like to add a couple of points to place this conference report in better perspective.

First, as I mentioned the other day, this bill is really a much greater increase over the President's budget than the $210 million which shows on the surface. Neither the House nor the Senate adopted the provision requested in the budget which would limit Federal payments for administration, staff training, and social services in connection with welfare programs to a 10-percent increase over the 1970 payment. Failure to include this limitation adds another $217 million over the President's budget. So we are really talking here about an appropriation bill which is more than $425 million over the current budget request, although to be perfectly kosher we should anticipate another budget amendment to take care of this $217 million that will be required before the end of this current fiscal year.

Second, the appropriations in this bill exceed the 1970 appropriations by almost $2.5 billion. That is an increase of about 15 percent, about $1.1 billion of that increase is for public assistance, including medicaid. We already know that the amount in the budget request for public assistance is inadequate based on estimates which are coming in from the States, and that there will have to be a substantial supplemental appropriation for 1971. Exactly how large it will be, we do not know as yet. I bring this up to emphasize that the $2.5 billion increase in this bill is by no means the full amount which we are going to appropriate in fiscal year 1971 for the agencies covered by this bill.

Another $585 million of the increase is for payments to the social security trust fund, mainly for the medicare program. This is also something over which we have little or no control. It arises, of course, from the increase in the cost of medical care which we have been experiencing in the past several years.

There is a lot of money in this bill for health programs. Funds for the programs of the Public Health Service will increase by almost $430 million. That is for more health facilities, training of more doctors, dentists, nurses, and other professionals, more medical research, the operation of mental health centers, the rehabilitation of narcotic addicts, and so on.

Some of the other increases in this bill are $73 million for vocational rehabilitation, $34 million for Headstart, $8 million for the Corporation for Public Broadcasting, $6 million for programs for the aging, and $49 million for manpower training programs administered by the Labor Department. There are others which I will not take the time to list.

While I do not agree with everything in it, I think it is the best bill we are likely to get under the circumstances, and I urge the adoption of the conference report.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. BEALL).

Mr. BEALL of Maryland. Mr. Speaker, I recognize the fact that the conferees have labored mightily here to produce a conference report on this very important bill, but I would suggest there has been perhaps an oversight with respect to Amendment No. 40 which was adopted in the Senate. Amendment No. 40, adopted in the Senate, provides for $15 million for the conversion of Fort Detrick in Frederick, Md., for use by the National Institutes of Health under the Department of Health, Education, and Welfare for research into the causes of various diseases with which we are stricken these days. Fort Detrick, as many of you know, was formerly the principal base for the biological warfare research that was performed by the Department of the Army. As we all know, President Nixon last year decided that it was no longer a proper function of the Department of the Army or, as a matter of fact, of this country to be involved in the development of biological warfare agents. Therefore, it has been declared surplus.

I would suggest that the facilities at Fort Detrick are unique in this Nation. For 30 years scientists there have been accumulating knowledge on the causes of diseases and ways of preventing them and on the development of antibiotics that will cure rare diseases.

I would suggest also at Fort Detrick there exists today a facility that can be used by other departments of our Government in the search for cures for diseases with which we are afflicted.

It is in the best interests of our economy, we believe, if the Congress of the United States decided it would take unto itself the responsibility for breaking down the barriers existing between the administrative branches of the Government and say to the Department of Health, Education, and Welfare we think this is a proper function in which you should be engaged and we think it is proper to save money and not have to build another facility somewhere else but, rather, use the existing facility we have to fight disease and at the same time to use the services of a group of valuable scientific personnel who will be otherwise lost to the U.S. Government.

Mr. Speaker, I point out that there are 1,228 acres involved at Fort Detrick and that there are over 1 million square feet of floor space of research facilities and that the value of this property is $175 million. If it is not picked up by another agency, it is going to go to waste. I think it is a shame that it has not been used at this time.

Mr. Speaker, I include a detailed explanation concerning the Detrick Laboratories:

The Detrick Laboratories: A National Resource—Why Waste It?

An existing physical plant, modern, ultrasafe, with many unique facilities; an existing research team, with unique experience and capabilities—why lose them?

Demonstrated competence in achieving critical national defense goals; unlimited potential for solving current national health and environmental problems—let's use it!

On November 25, 1969 President Nixon announced that the United States would no longer engage in research, production and stockpiling of offensive biological weapons. Several months later the Department of Defense announced that the Fort Detrick site of the Army's Biological Defense Research Center was surplus to the Army's needs.

As a result of these two announcements, the Fort Detrick research staff is being disbanded and by June 30, 1971 the laboratories will be closed.

The nation cannot afford to allow this research facility, a national resource, to be put into mothballs and be wasted. It cannot afford to let an integrated, multidisciplinary research team of unique capabilities and experience be broken up.

What do leaders in the field of science have to say about Fort Detrick, its research staff and the necessity for creating a health and environmental research facility here? Three examples may be cited.

"As a result of President Nixon's decision to renounce biological warfare, one of the nation's largest collections of microbiologists, plus assorted other scientific personnel at the Army's Fort Detrick, Maryland, have been left in a state of uncertainty about the future. Detrick's personnel and laboratories represent such an important scientific resource for the containment and study of infectious materials, that the key question seems to be not whether Detrick, but whither?" Andrew Hamilton, writing in the official journal of the American Association for the Advancement of Science, *Science* 166:3912:1490, 19 December 1969.

"Well, we know that Fort Detrick is [a] major research center. . . . We have figures on the number of professional people employed there. . . . It is certainly a very considerable research establishment, with people professionally qualified in many of the important areas related to microbiology, biochemistry, and public health. . . . I would think that we desperately need some national center where even the apparently most innocuous chemicals would be given thorough-going tests before being introduced into our ecosystem and bodies. . . . What better way to do this than to convert an already established center? I think it would be most appropriate . . . to have a taxpayer-supported facility that will give the people honest answers regarding the toxicology of chemicals that are to become a part of their environment." Dr. Arthur W. Galston, testifying before the Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, 2 December 1969.

"Microbiological research must be expanded in programs of public health research for defense against our natural enemies. In fact, the public health bureaucracy has refused to give prudent thought to the recurrence of major pandemics of human disease . . I would like to put in a counter-bid for the utilization of Fort Detrick, . . . and that is simply to open it up. . . . We need open, public research that is available to the international community for defenses against biological attack, both natural and potential from other sources. . . . I think we could have this staff in situ change its assigned mission very, very slightly, indeed, but open it up as an international laboratory." Professor Joshua Lederberg, testifying before the Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, 2 December 1969.

Thus, one of the Nation's leading scientific journals, a nationally recognized botanist and lecturers at Yale University and the 1958 Nobel laureate in physiology and medicine, all agree on the value of Detrick's laboratories and personnel. Why? Because they recognize (i) the excellence of the existing physical plant, (ii) the well-rounded competence of the research team, (iii) the team's record of past accomplishments, and (iv) the superb, and in many instances unique, potential of the laboratory and staff for contributions to the solution of current urgent national health problems. Let's take a look at these four items.

THE PHYSICAL PLANT

Location: The Detrick laboratories are located on 1,229 acres of Federally owned land in Frederick County, Maryland, adjacent to the city of Frederick, 45 miles west of Baltimore and 45 miles north of Washington, D.C., on the I-70 research corridor.

General Description: Technical facilities and accompanying support facilities occupy about 400 acres. The remaining acreage would be available for possible future expansion or as an outdoor area for ecological and environmental research. The complex has its own water purification, sewage decontamination, and sewage disposal plants. The existing technical facilities encompass 1,850,000 square feet of modern, safe, and, in some cases, unique research laboratories.

Costs: The existing facilities represent an initial investment of 84 million dollars. Current replacement cost of these facilities is conservatively estimated at 175 million dollars.

Research Facilities: There are nine major modern laboratory complexes and a number of smaller laboratory facilities. Each complex consists of numerous research suites, animal holding and service areas, office space, and in several cases conference rooms complete with projection equipment. The research suites generally all possess biological containment hoods. Several of these hoods are extremely complex containing automated conveyor systems, constant temperature waterbaths, incubators, refrigerators, deep freezes, and nitrogen atmosphere systems. Four pilot-plant facilities provide for the moderate to large-scale production of bacteria, viruses, tissue cell cultures. Seven systems and individual chambers are available for aerosol research on such diverse subjects as airborne human disease and airborne chemical air pollutants. Two of the latter facilities are unique: the 1,000,000-liter test sphere and the sunlight aerosol laboratory.

Hazardous Operations and Safety: The Detrick laboratories and staff long have been recognized world leaders in the design, development, and application of techniques and equipment for the safe conduct of hazardous operations. A laboratory design criteria manual, compiled by Detrick from its 27 years of accumulated experience, has served as the basic design guide for such diverse facilities as the NASA Lunar Receiving Laboratory, the National Cancer Institute's Emergency Virus Isolation Facility, the USDA's National Animal Disease Laboratory, and a special Virus Laboratory of the National Drug Company. Based on statistics of the National Safety Council, of which Detrick is a long-time member, Detrick's past safety record is equal to or better than *any* all-industry average, 8 to 14 times better than that for *all* Civil Service employees, and 20 to 50 times better than many single industry averages.

Suitability: The quality of the existing laboratories is unsurpassed. They are located in an area where (i) housing is more than adequate, (ii) school facilities, including a community college, are considered good, (iii) commuting time is minimal, and (iv) a variety of educational, recreational and cultural facilities are within the immediate vicinity. In short, area conditions are conducive to obtaining and retaining a competent professional staff.

THE RESEARCH TEAM

Make-Up: Although it has been reduced by about 25% as a result of the past year's reductions in force and resignations, the Detrick research team still includes more than 300 degree-holding scientists and engineers. These include specialists in nearly every major scientific discipline, including bacteriology, virology, immunology, plant pathology, plant physiology, chemistry, biochemistry, physics, biomathematics, human and veterinary medicine, ecology, and epidemiology, all types of engineering, and science administration. In addition, this degree-holding group is supported by a substantial number of biological science, physical science, and engineering technicians that represent an irreplaceable fund of accumulated research-support experience. A detailed breakdown of the Detrick degree-holding professional community is shown in Table 1.

Interdisciplinary Approach: The successful past achievement of Detrick's assigned national defense goals required, by the very nature of the work, the development of the interdisciplinary approach to scientific and technical problems. In fact, in its 27 years, the Detrick professional community can be said to have pioneered in the cooperative solution of tough scientific problems—in "team" research. Although this team effort has been devoted to national defense problems in the past, this team concept is equally applicable to the solution of current urgent national priorities in the fields of human health and environmental quality. Most important, the team research attitude is not a commodity that is readily purchaseable on the open market; the attitudes, understanding, and cooperation necessary to efficient and effective team research are not readily available.

National and International Involvement: Since 1946, when wartime restrictions on open publication were removed, Detrick scientists and engineers have published over 1,400 articles in scientific and technical journals. In the past decade, Detrick has sponsored or co-sponsored six scientific symposia on widely diverse subjects. Most of the Detrick staff are members of one or more professional societies, and, annually, many of the staff participate in regional, national, and international meetings of the various societies. The last Scientific Director at Detrick was a past president of the American Society for Microbiology, and many other staff members have served their societies as officers, board members, and committee chairmen.

Research Support: The size and depth of the Detrick multidisciplinary research team demands quality research support in the fields of experimental animal husbandry, computer sciences, technical information, operations research, and mathematics and statistics. At Detrick, such support has been developed, is available, and has provided outstanding scientific results in terms of acceptance by the worldwide scientific community. The Detrick Animal Farm has supplied laboratory animals of outstanding quality not only to Detrick research facilities but also (because of the shortage of quality animals from commercial sources) to such diverse research groups as the USPHS National Center for Disease Control, the SEATO Laboratories in Bangkok, the William Hooper Foundation in San Francisco, and numerous other government agencies, universities, and private organizations. The value of automation was recognized at Detrick as early as 1949, and its computerized technical information systems, which became operational in 1964, were among the first in the Nation and continue to lead the state of the art. Its automated chemical and biological data management system that became operational in March 1970 is widely believed to be the finest chemical retrieval system per dollar currently available anywhere. With the exception of major facilities such as the Library of Congress and the National Library of Medicine, the Detrick Technical Library holdings, which include over 50,000 books and monographs, 40,000 technical reports and over 1,000 scientific journals in medicine, microbiology and related fields, are among the most complete available.

PAST ACCOMPLISHMENTS

A rather good-sized book would be required to detail and evaluate Detrick's contributions to science and technology over the past quarter century. For example, a series of three articles currently running in a national journal presents only the highlights of such Detrick contributions in just three scientific disciplines (*Ordnance* 55 (302):118–122, 1970. *Ordnance in press. Ordnance in press*). Thus, no attempt will be made here to be either all-inclusive or detailed in presentation. Rather, emphasis will be placed on some representative contributions that demonstrate Detrick's potential for research in areas of current national concern.

Immunology: Research and development at Detrick has resulted in the development, experimental evaluation of, and methods for the production of a number of vaccines and toxoids to protect people against infectious diseases and toxic products. These include: (i) anthrax, an occupational hazard for cattlemen, livestock breeders, veterinarians, and employees in wool-processing mills, (ii) botulinum toxin, one of the most poisonous substances that occurs in nature in improperly processed foods, particularly home-canned products, (iii) Q fever, a disease that affects veterinarians, dairy workers, farmers, and personnel in diagnostic laboratories, stock yards, and meat rendering and packing plants, and (iv) tularemia, better known as "rabbit fever." Reliable vaccines and toxoids resulting from Detrick work have been made available to qualified clinical and investigators worldwide through the auspices of the Investigational Vaccines Program run by the USPHS's National Center for Disease Control, Atlanta, Georgia. In fact, Detrick was instrumental in initiating the program.

Aerobiology and Airborne Infection: Detrick may well be called the father of modern aerobiological research. Its scientists have made numerous and fundamental contributions in techniques, equipment, and experimental design that were instrumental in making aerobiology and airborne infection the quantitative sciences they are today. Detrick's expertise in these fields is widely recognized, and its research staff frequently has been asked to participate in studies with other government agencies, universities, and the like. Representative examples of the latter include:

Collaborative studies with The National Cancer Institute on mouse leukemia virus, a disease that often occurs in mouse colonies maintained for cancer research. The occurrence of this disease in the mouse colonies not only can confound experimental results but also may ruin months or even years of scientific study.

Those perennial problems the "flu," the "common" cold, and related respiratory diseases are responsible for more absenteeism than all other infectious diseases combined. Detrick scientists have participated in studies of some of these diseases with National Institutes of Health and Baylor Medical College investigators since 1963. These studies have uncovered much about the nature and transmission of these diseases, and studies currently in progress could lead to the development of a relatively inexpensive and broad-scale treatment for these diseases.

Studies with the National Institute of Allergy and Infectious Diseases on Marek's disease, a highly contagious, paralytic, and tumor-producing disease of domestic fowl long of major economic importance in the poultry industry.

Cooperative field studies with the University of Arizona on coccidioidomycosis, a fungal disease endemic in the southwestern U.S., where its infectivity for long-time residents and cattle approaches 70 and 80%, respectively.

Numerous other studies have been carried out on such diverse diseases as tularemia, botulinum food poisoning, Rocky Mountain spotted fever, Q fever, respiratory anthrax, psittacosis, and yellow fever, several of which are of public health importance.

Standards Development: Developed irradiated safe nonliving reagents for the serological diagnosis of some virus diseases of man, thus making it possible for such diagnostic tests to be performed in public health laboratories and hospitals not equipped for hazardous operations. Developed and evaluated time-and-temperature standards for the safe disposal of contaminated air, trash, and sewage. Designed and tested a series of prototype containers for the safe shipment of biological hazardous materials, and established performance standards for these containers that are now under active consideration for incorporation into U.S. public law. Developed a standard automated method for diagnosing syphilis in human specimens that makes it possible for one trained technician to perform between 150 and 200 tests per day with a high degree of reliability, a substantial improvement over older methods.

POTENTIAL FOR SOLVING CURRENT URGENT NATIONAL PROBLEMS

The inherent characteristics of the existing Detrick plant and the existing Detrick research team, together with the record of their past accomplishments, provide unequivocal evidence of their potential for solving current urgent national health and environmental problems. Moreover, this is re-inforced by the testimony of representatives from many other government agencies with current unfillable or potential future responsibilities in these fields.

In recent months, Detrick has been visited by representatives from a number of government agencies. All have indicated that work for their agencies could be done in Detrick facilities with little or no modification required. These agencies have included: Technical Services Division, Consumer Marketing Service, USDA; Food and Drug Administration; a panel from Dr. Emil M. Mrak's Advisory Committee on Pesticides and Their Relationship to Environmental Health; Veterinary Biologics Division, USDA; Federal Water Pollution Control Administration, Department of Interior; Environmental Health Service, USPHS, DHEW; National Cancer Institute and National Institute of Allergy and Infectious Diseases, NIH, DHEW; Communicable Disease Center, USPHS, DHEW; and Consumer Protection Division, USPHS, DHEW.

Members of the Federal Legislative Branch who have visited Detrick recently and are familiar with its personnel and facilities include: Mr. Mark Mathis, Assistant to Senator Charles McC. Mathias; Miss Mary Jo Sottille, Counsel to Congressman L. Mendell Rivers; Senator-elect J. Glenn Beall; Senator Thomas J. McIntyre; Senator Joseph D. Tydings; and Senator Margaret Chase Smith.

What are some of the areas in which Detrick can make contributions? The simple fact of the matter is that Detrick can provide research facilities and a proven staff for work in almost any field of biomedical and environmental interest to existing or new Federal agencies that currently lack either the personnel or facilities to pursue assigned programs. A few representative examples follow:

XUM

Interpretation and elucidation of the National Institutes of Health program published in the Congressional Record supporting Senate amendment No. 837—or the Tydings-Mathias amendment explained

NIAID

1. "Slow Virus" Disease Research: Slow viruses cause diseases in which the incubation period (time from infection to clinical symptoms) may be several years in duration. A number of good animal models of such diseases are now available for study. There are several human diseases such as multiple sclerosis, which cause chronic degeneration of the nervous system, that are suspected of being caused by slow viruses. Laboratory investigation of animal models of slow virus diseases are severely restricted to laboratories that have extensive holding facilities for infected animals. In this type of research it is not uncommon to hold animals for 2 or 3 years after they've been infected with a virus. Fort Detrick has some of the best animal holding facilities in the world and because of this, would be in a good position to significantly contribute to the understanding and eventual control of these diseases.

2. Hazardous Virologic Research: The Fort Detrick laboratories are known the world over for their facilities designed to reduce and eliminate the hazard to scientists working with extremely virulent microorganisms. These laboratories pioneered the present day concepts for containment of biohazards. There are many diseases, on which further research is needed, that represent a real danger to the investigator if studied in ordinary laboratory facilities. Among these are viral encephalitis (recent outbreaks have occurred in Texas, Florida, Wisconsin, Illinois, New Jersey, Pennsylvania, and California), hepatitis (worldwide distribution) and highly fatal group of diseases known as hemorrhagic fevers. These diseases can only be studied in laboratories that provide maximum protection to the investigators. All of the above mentioned diseases have been responsible for laboratory infections among personnel involved in research.

3. Other Research Requiring Special Facilities: Many respiratory diseases represent a major health problem in the U.S. today. A research program with the ultimate goal of controlling these diseases in man must necessarily include studies in airborne infection (aerobiology). Aerobiology requires the use of highly sophisticated equipment that in many cases is only available at Fort Detrick. The technology and trained personnel at Detrick could be immediately applied to this group of diseases. The aerobiological approach would be applied to understanding the natural transmission of these diseases, to methods of immunization, and to the administration of antiviral drugs.

NINDS

1. Relocate the Patuxent Laboratory: The reasons for relocating the slow virus research program has been outlined under NIAID item 1, above.

2. Relocate animal holding facilities: See NIAID item 1, above.

3. Epidemiological and infectious disease studies: See NIAID item 1, above.

4. Genetic Engineering Research: According to Dr. Joshua Lederberg, Nobel laureate, it has been estimated that at least 25%, and perhaps one-half of our total health care burden has a genetic basis. Consequently, it is of vital importance to the health of the Nation to explore all avenues for correction of these genetic deficiencies. The knowledge, skills, and facilities of a group of geneticists and tissue culture specialists already assembled at Detrick, should now be utilized to explore the curing and prevention of hereditary diseases by genetic therapy. This involves the substitution of correct genetic information for faulty genes.

DBS

1. Vaccine Studies: Research on viral vaccines often requires the large-scale production of cells, or a large number of embryonated eggs, for use in the preparation of vaccines. The tissue culture pilot plant and the virus pilot plant already at Detrick can supply these facilities. The tissue culture pilot plant has the capability for growing cells under a variety of conditions which will meet any viral production need. Figure 2 shows a typical array of infection tanks. The virus pilot plant is typified by the virus egg line seen in Figure 2. Here it is possible to use embryonated eggs to grow large quantities of viruses which cannot be produced by any other method.

NIAMD

1. Large-Scale Pilot Plant Production of Bacteria:

(a) Bacterial Pilot Plant: A vital need exists for substantial quantities of highly infectious bacterial cells, their toxins and metabolites. Universities and medical schools tend to avoid basic studies on highly infectious agents because the facilities and equipment are not available for their production without hazard to personnel. The Bacterial Pilot Plant, Figure 3, could produce and supply pathogenic materials on request to universities and medical schools throughout the country. A more specific example is: The National Institute of Arthritis and Metabolic Diseases is interested in studying the Streptococcal cell as it relates to arthritis. Production, purification, and concentration of the organism constitute the hazardous operations which would be performed here.

(b) Simulant Pilot Plant: This facility can be used for the production of substantial quantities of bacteria which are noninfectious to man. In the past, this facility has continuously supplied pound-quantities of such organisms as *Bacillus globigii, Serratia marcescens,* and *Escherichia coli* to universities throughout the country.

2. Tissue Culture: A highly qualified team of tissue cell culture investigators utilizing specially designed laboratories and equipment are available for basic research on the nutrition and physiology of human cells and tissue. These investigators can study genetic and biochemical interactions in human tissues.

NIDR

1. National Caries Program: Fort Detrick has a large number of professional bacteriologists, biochemists and chemists that could be utilized immediately in a dental caries research program. The laboratory space and equipment are also available. The animal farm at Fort Detrick has the capacity to quarantine and condition 4,000 monkeys yearly for use in dental caries research.

2. Viral Etiology of Oral Lesions: Viruses can cause diseases of the mouth such as cold sores. There is a need for expanded research in this area since at least one group of these viruses may be involved in causing cancer.

NEI

1. Laboratory for Animal Models of Eye Diseases:

2. Laboratory for Ocular Tissue Research:

3. Tissue and Organ Culture Research:

The above areas of research are self-explanatory and the facilities at Fort Detrick would be well adapted for this type of research.

4. Ocular Toxicology: Very little is known today regarding the effects of air pollutants and other eye irritants on vision. Since a common method of introducing contaminants in to the eye is by way of aerosols, the aerobiology training and facilities at Fort Detrick could make a unique contribution in this field.

NICHHD

1. Gerontological Research: Only recently has emphasis been placed on understanding the process of aging. Research in this area involving animals necessarily requires holding the animals for extended periods of time. Again, the extensive animal holding facilities at Fort Detrick would make this laboratory uniquely qualified to embark in this kind of a research program.

NCI

1. Engineering and Consultation for Containment of Biohazards: Fort Detrick is without doubt the most qualified laboratory in the world regarding the problem of containing infectious organisms that might be dangerous to the laboratory investigator. These laboratories are best equipped to evaluate the hazard involved in an operation and to design facilities that will reduce or eliminate the risk. The technical know-how in biohazard research developed at Fort Detrick has been utilized by many government agencies including HEW, NASA, and DOT. Fort Detrick has been instrumental in the design of research facilities in universities. The pharmaceutical industries individually and as a group have repeatedly asked for assistance from Fort Detrick on biohazard problems.

2. Tissue Culture-Virus Production: Tissue Culture Pilot Plant: This facility could be used to produce and supply substantial quantities of "cancer" viruses to universities, medical schools, and research institutes throughout the country. In this complex the capability exists for growing cells either on the surface or submerged within fermentation tanks; moreover virus production can be performed on either surfaces or in fermentation tanks. A typical array of infection tanks is illustrated in FIGURE 3.

3. Large-Scale Production of Suspect Viral Tumor Agents: In an attempt to link cancer to viruses the Special Virus Cancer Program has enlisted the support of many contractors all over the United States. When new viruses become suspect as causes of tumors in man there is a need for large-scale production of the virus so that quantities can be shipped to many of these contractor laboratories for additional research. The facilities described in DBS item 1, above, would be applicable to this kind of production.

4. Purification of Viral Reagents: The large-scale virus production facilities at Fort Detrick also includes the necessary equipment for purifying the product. In addition to the equipment, the Fort Detrick staff has well-qualified biochemists and virologists trained in methods of purification. In this field, Fort Detrick has been involved in active research for many years.

Central Support Services:

The above research programs would be supported by the following central services that are presently part of the Fort Detrick complex:

Animal Farm: The Fort Detrick animal farm can produce 100,000 guinea pigs, 1,000,000 mice, 55,000 litters of baby mice and 2,500 rabbits yearly. The production facilities are highly automated to reduce labor costs and these laboratory animals are considered among the best available.

Fort Detrick has computers which can be applied to data analysis and information storage, retrieval and dissemination.

The Fort Detrick Technical Library is among the most complete available anywhere.

At Fort Detrick there is an engineering staff and machine and model shops that can design and fabricate special equipment for research use.

The sewage disposal system at Fort Detrick has been uniquely designed for handling highly contaminated waste with no risk to the surrounding community.

XUM

TABLE I.—FORT DETRICK PROFESSIONAL COMMUNITY, NOV. 9, 1970

	PH. D.	M.D.	D.V.M.	M.S.	B.S.	Total
Microbiology:						
Bacteriology	10			7	14	31
Virology	11			2	5	18
Immunology	5			4	6	15
Aerobiology	6		1	10	19	36
Industrial	2			5	10	17
Other	2	1	1	3	8	15
Biology science administration	3				2	5
Biology/entomology	1			3	4	8
Plant sciences:						
Plant pathology	9			2		11
Plant physiology	5					5
Other	2			1	5	8
Physical science:						
Physical scientist	3			4	4	11
Chemist				3	8	11
Biochemist	9			3	8	20
Physicist				1	8	9
Other					2	2
Math statistician	2			2	4	8
Medical doctor		1				1
Doctor veterinary medicine			4			4
Engineering:						
Mechanical				1	22	23
Chemical				2	16	18
Other				1	9	10
Biology laboratory technician					9	9
Physical science-engineer technician					6	6
Attorney					1	1
Administration				5	15	20
Total	70	2	6	59	185	322

Note: Includes only those technicians with degrees.

The following section contains expanded examples of the types of research that could be initiated immediately by the Fort Detrick Research Team at these facilities if the Tydings-Mathias amendment funds were made available.

Cancer research

Another immediate area where an intense research effort is now being concentrated is in the attempt to eliminate cancer as a major disease. Senator Yarborough has stated that the goal of biomedical research is the "elimination of cancer as a major disease by 1976." Further, Dr. Carl G. Baker, the new director of the National Cancer Institute was quoted in *Biomedical News* as saying "Viral oncology is breaking wide open," "We may have a shortage of virologists in this country if cancer research continues to consume them at the current rate." "The virus cancer link looks like it is holding up. The new work is giving us a whole new approach to blocking the cancer process." Dr. Frank J. Rauscher, Scientific Director of N.C.I., has been quoted by *Biomedical News* as saying "We think we are close."

Of the individuals who hold degrees in microbiology, many are currently engaged in, or extremely capable of research in the field of virology. The Fort Detrick talent bank from which potential cancer researchers could be drawn include: virologists engaged in the study of disease transmission (epidemiology); virologists who study the relation between the virus and the infection of man (pathologists); and virologists who seek answers to the riddles of life itself by solving and finding the meaning of the complicated virus molecular structures. In addition, potential cancer research at Fort Detrick can be ably supported by resident scientists in the fields of biochemistry, physical chemistry, physics, and genetics. Furthermore, the facilities exist for the safe, large-scale growth and production of cancer viruses. The importance of this capability is second to none, since answers to the secrets held by cancer-producing viruses can only be unlocked by studies with large amounts of the viral agent. In addition the capability for the production of experimental vaccines for large-scale testing must be available once a specific cancer-producing virus is isolated and analyzed.

All these important factors are now available at Fort Detrick. Not only is this facility available for immediate full-scale utilization into these problems, but in a small way some of these problems are currently being investigated by Fort Detrick scientists in cooperation with colleagues at the National Institutes of Health.

Infectious diseases

Modern biomedical research has become so complex that it now requires teams of scientists and engineers with varied backgrounds and experience to achieve research goals. The professional staff at Fort Detrick includes the variety of scientists and engineers to fulfill this requirement. Among these are virologists, bacteriologists, immunologists, geneticists, molecular biologists, biochemists, biophysicists, ecologists, epidemiologists, bioengineers and statisticians. This family of scientists is one of the most important assets of Fort Detrick. It provides the basis for the contention that these laboratories have considerable flexibility in dealing with a wide variety of biomedical research programs. Secondly, the team approach can be effectively applied to selected research problems which will surely improve the chances of success.

Fort Detrick facilities have been expressly designed for infectious disease research. The research team has had over a quarter of a century experience in this type of research. Effective utilization of Fort Detrick's resources in this field require nothing in the way of facilities modification or research staff supplementation. Just how the immediate utilization of the Detrick team in this important area of biomedical research can be shown by the following example. If Fort Detrick were assigned the role of investigating human respiratory disease such as influenza, the common cold or pneumonia this would require the services of many different types of scientists. Virologists and bacteriologists would be needed to grow and study the organisms that cause these diseases. Since these diseases are often transmitted through the air, engineers would be needed for the continuing design of equipment for studying these airborne diseases. The biophysicists would examine the effects of the environment on airborne particles and the physical factors involved in the penetration of the respiratory tract. Pathologists, immunologists and biochemists would direct these efforts to the changes that occur as a result of infection. In other words many scientists with different specialties would bring the pieces of the puzzle together to create the picture.

Another current situation which would demand the expertise of such an assembled research team is the immediate problem of that world-wide resurgence of the cholera organism.

Against a gauntlet of infectious diseases, protective measures for the mass population must be developed which are painless and inexpensive. Russian scientists have made great strides in developing a vaccination method whereby protection is realized by inhalation of vaccine organisms. The research team at Detrick, having in its midst, the equipment and know-how in the field of aerobiology, would be a prime candidate for the development of such techniques for vaccine advancement.

Items not covered specifically in the Mathias amendment

A. Epidemiology and Ecology Studies: Ecological studies require a multidisciplinary scientific team effort. As indicated previously, such a team is already assembled at Fort Detrick and work could begin immediately without any modification of existing facilities or change in the research staff. In fact, much of the research at Detrick for the past 27 years has been the ecology of diseases which includes (1) the susceptibility of various animals to disease organisms, (2) the study of the disease process in animals, and (3) the growth of microorganisms in artificial medium, tissue culture, embryonated hen's eggs, etc. A few examples of the kinds of ecological studies Detrick personnel could undertake immediately are:

(1) Develop instruments for the *rapid* detection of air or water pollutants that exceed acceptable limits and pinpoint the source.

(2) Develop and produce, in existing facilities, microorganisms which are capable of biodegrading solid and liquid waste.

(a) Examples of existing biodegradation of this type can be found at most modern sewage disposal plants.

(b) One example of the tremendous untapped potential of biodegradation would be the utilization of microorganisms which metabolize petroleum to remove oil spills from our coastal waters. Although much research is going into this field, Detrick has, in addition to the research talent, the facilities and expertise to produce large quantities of the microorganisms in its pilot plant and then freeze-dry them so they would be available for instant use.

(3) Study the effect of various air pollutants on health and determine whether the inhalation of these airborne particles increases the susceptibility of man or other animals to respiratory diseases such as influenza, the "common cold", or lung cancer.

(4) Study the long-term effect of soil pollutants such as pesticides on animal health, behavior, and reproductive capacity.

(5) Study the ecology of human, other animal, and plant diseases that are presently a menace in the USA or pose a very serious threat of being accidentally introduced from foreign countries. It should be pointed out that many diseases of animals can be readily transmitted to humans when environmental conditions are suitable.

(a) Diseases which threaten the lives of man include Rocky Mountain spotted fever, viral encephalitis, influenza, smallpox, yellow fever, cholera, malaria, staphylococcal and streptococcal diseases, and lassa fever. The latter disease is found in Africa and is extremely lethal. While studying the disease at Yale University a world famous scientist, Dr. Jordi Casals, nearly died of lassa fever. His chief technician was killed.

(b) Animal diseases of importance include hog cholera, "swamp fever" of horses, respiratory diseases of cattle which may cause abortion or death, foot and mouth disease, inderpest, Rift Valley fever, etc.

(c) Important plant diseases include rice blast, wheat stem rust, corn leaf blight, cotton root rot, etc.

All of the above mentioned diseases are not now readily controlled and in many instances their ecology is poorly understood. Fort Detrick has excellent animal holding facilities equipped with a unique air filtration system which can be used for containing a wide range of animal species. It would be of particular interest to study the susceptibility of wild and domesticated animals and insects in the USA to certain diseases endemic in other parts of the world. This would give some indication of the potentiality of an outbreak should the disease be accidentally introduced.

B. Vaccine Production and Methodology:

(1) Vaccines for typhus fever and psittacosis are not being manufactured commercially and available stocks are on the verge of exhaustion. We are capable of producing these vaccines which are *not* commercially feasible for private industry.

(2) Production facilities and manpower are available for emergency vaccine production in those cases where the private sector, for reasons of cost or facilities, cannot handle the job.

(3) Fort Detrick would be able to assist the private sector in the technology for handling dangerous organisms, and, if necessary, to actually handle these organisms which industry could not.

(4) Supply universities and research institutes with substantial amounts of research material. An example is the research on the chemistry of substances responsible for several kinds of food poisoning. Detrick has developed the methods for isolating the causitive chemicals in three different kinds of poisoning and has superior production facilities for preparing them. Virtually all of the chemical and physiological studies that have been carried out in this country on Botulism, Staph food poisoning, and shellfish poisoning were made possible because of gifts of these materials to the investigators by Detrick researchers.

C. Technical Consultation: Detrick can provide technical consultation, equipment, and assistance to other countries involved in disease outbreaks which represent a threat to their health and economy. It is distinctly in the interest of our nation to assist any country, especially those neighboring the USA, confronted with an outbreak of disease in order to prevent a similar episode from occurring here.

Mr. GUDE. Mr. Speaker, will the gentleman yield to me?

Mr. BEALL of Maryland. I am glad to yield to my colleague from Maryland.

Mr. GUDE. I would like to join in the remarks of my colleague from western Maryland.

Converting the biological warfare facilities at Fort Detrick to a medical research installation is probably the best example of beating our swords into plowshares that we have. We have a great, golden opportunity here to take a research facility which has been directed toward warfare and destruction and to convert it with the great team of technical and professional personnel they have there to an institution devoted to ridding society of some dreadful diseases. I would hope we could move forward with this proposal and that the delay received as a result of this conference report will be overcome next year.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. These $19 billion appropriation bills give me concern in this respect, as to whether there is going to be any money in the retirement fund, if I should get around to retirement; and if there is any money, whether it will be worth anything.

Mr. MICHEL. Well, of course, the gentleman from Iowa serves on the committee which has to do with funding the Federal civil service retirement fund.

Mr. GROSS. Of course, the Appropriations Committee has to do the funding.

Mr. MICHEL. But, we do not have that particular item in this bill.

However, I will say to the gentleman from Maryland that some of the questions presented to the committee involved the fact that if we summarily took over this facility, as the gentleman said a facility in excess of 1,200 acres, we would automatically be adding 700 persons to the NIH operations. I do not think on the strength of an amendment added to the bill on the Senate floor, with no hearings held on the matter by our subcommittee or the comparable committee in the other body, that we ought to act in that speedy manner in this instance in taking over that facility, as good as is the argument which the gentleman from Maryland makes.

We do have some people downtown, particularly in NIH and the Department of Health, Education, and Welfare and we shall ask them to take a good look at this and study this and come prepared before our subcommittee next spring when they testify as to the validity of the gentleman's claim and it could be that we could act favorably at that time or at least explore it fully.

Mr. BEALL of Maryland. I appreciate the concern of the gentleman from Illinois and the fact that he assures me that a study is to be made, but during that time it is possible that this facility and this personnel would be disbanded and probably the recommendation of HEW would be to build a new facility rather than to use the old facility.

Mr. MICHEL. We hope that will not be the case. However, I am sure that there will be an opportunity for a hearing to explore all avenues next year when we hold our regular hearings. I think that the gentleman makes a very persuasive one, and that he is to be commended for his efforts on this matter.

Mr. HULL. Mr. Speaker, as a member of the conference committee on H.R. 18515, I urge adoption of the conference report. This legislation will provide for over $18.969 billion in new budget—obligational—authority during fiscal year 1971. This represents an increase of over $2.451 billion in the amount which was appropriated for fiscal year 1970.

In dealing with the Senate and House bills, the conferees were faced with difficult decisions in assigning priorities. There are many legitimate demands on the Federal budget in this legislative area.

I believe that the final product is something of which the Congress can be proud. While we would have liked to provide for programs at a higher level in most instances, it was absolutely necessary to make adjustments to have a bill which was fiscally responsible in light of present fiscal conditions.

The conference report represents a compromise of both House and Senate positions. As proposed, the report represents an increase of $144.729 million over the House-passed bill and a decrease of $270.121 million from the Senate version. I urge adoption of the conference report.

Mr. FLOOD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: On page 2, strike lines 3 through 7 and insert the following:

"MANPOWER TRAINING ACTIVITIES

"For expenses, not otherwise provided for, necessary to carry into effect the Manpower Development and Training Act of 1962, as amended, and title I, parts A, B, and E of the Economic Opportunity Act of 1964, as amended, $1,546,964,000: *Provided*, That the amount of $744,694,000 appropriated herein for the Manpower Development and Training Act of 1962, as amended, shall remain available until June 30, 1972: *Provided further*, That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of programs authorized under the provisions of subsection 123 (a) (5) and (8) of the Economic Opportunity Act of 1964, as amended, shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act: *Provided further*, That this appropriation shall not be available for contracts made under title I of the Economic Opportunity Act extending for more than twenty-four months: *Provided further*, That all grants agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964 and for the purchase of real property for training centers."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: Strike out the sum of $1,546,694,000 proposed by said amendment and insert in lieu thereof "$1,504,794,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: On Page 12, line 8, strike "$89,549,000" and insert the following: "$90,399,000, of which $1,000,000 shall be available only for carrying out the provisions of the Flammable Fabrics Act, the Child Protection and Toy Safety Act, and such other product injury control programs of the Department of Health, Education, and

Welfare that are now in or may be transferred to the Food and Drug Administration."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: Strike out the sum of $90,899,000 proposed by said amendment and insert in lieu thereof "$89,549,000".

The motion was agreed to.

The **SPEAKER.** The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: Page 17, line 15, insert "*Provided further*, That the Secretary is authorized to issue commitments for direct loans to public agencies in accordance with section 627 of the Public Health Service Act which shall constitute contractual obligations of the United States, the total of such outstanding commitments not to exceed $30,000,000 at any given time; to sell obligations received pursuant to such commitments as provided in section 627, and the proceeds of any such sale shall be used to make a direct loan pursuant to the outstanding commitment under which the obligations were received."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein.

The motion was agreed to.

The **SPEAKER.** The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 59: Page 34, line 14, insert the following:

"OFFICE OF CHILD DEVELOPMENT

"For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, and for the conduct of the Project Headstart program under section 222(a)(1) of the Economic Opportunity Act of 1964, $405,417,000, of which $398,000,000 is for Project Headstart."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"OFFICE OF CHILD DEVELOPMENT

"For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, $5,917,000."

The motion was agreed to.

The **SPEAKER.** The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: On page 37, line 9, insert the following: "the National Technical Institute for the Deaf, the Model Secondary School for the Deaf".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein.

The motion was agreed to.

The **SPEAKER.** The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 66: Page 44, line 18, insert the following:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, as amended, for expenses of the Corporation, $22,500,000 to remain available until expended: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 396(k)(2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, requests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein with an amendment, as follows: In lieu of the sum of $22,500,000 proposed in said amendment insert "$20,000,000"; and

In lieu of the sum of $5,000,000 proposed in said amendment insert "$3,000,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report just agreed to.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT ON H.R. 17867, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 14, 1970.)

Mr. PASSMAN (during the reading of the statement). Mr. Speaker, I ask unanimous consent that further reading of the statement may be dispensed with and that it be printed in the Record.

The **SPEAKER.** Without objection, so ordered.

There was no objection.

Mr. PASSMAN. Mr. Speaker, may I take a moment to comment on the figures contained in the conference agreement. As the figures appear they are indeed misleading and reflect that the conference agreement was not as favorable to the House position as to the Senate position. That is not true. May I direct the attention of the House to the explanatory notes which appear at the end of the table in the statement of the managers on the part of the House.

The net figures reflected in the conference summary include $200 million for military credit sales which was not included in the Senate bill. This creates a distortion, and of course the $90 million for the Peace Corps which was not included in the House bill creates another distortion.

If we use factual figures which reflect the total change from the House position as provided in the bill as passed by the House, and the total change from the Senate position we find that we are $458,349,000 over the original House bill, but $469,329,000 below the Senate bill. To make these figures work out factually we have to take into account that the House bill provided $272,500,000 for military sales, whereas the Senate bill provided only zero. But if you will take title I only, it reflects that the conference report before you is $295,235,000 over the original House bill, but $264,215,000 below the Senate bill. It would appear that we did not divide down the middle on title I, but there were some additions made by the Senate dealing with supporting assistance and the development loan fund which bordered on an emergency. So, in the overall, this is one of the reasons for the difference. But on title II we had to work from $272,500,000 against zero, so this is a distortion.

Mr. Speaker, the total budget request for all three titles amounted to $2,876,539,000. The conference report before you calls for $2,534,310,000, which makes a reduction below the budget request in the amount of $342,229,000.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. Shriver).

Mr. SHRIVER. Mr. Speaker, all minority members of the conference signed this report, and I urge its adoption by the House today. The total budget authority for fiscal 1971 included in this conference report is $2,534,310,000. This represents a net reduction of $176.2 million below last year's appropriation, and $342.2 million below the budget request.

The House conferees succeeded in reducing increases made by the Senate by $270 million. This reduction was offset by the inclusion of $200 million for foreign military sales, for which the Senate had made no provision. Two items for which the House conferees agreed to higher Senate recommendations were supporting assistance and the contingency fund, both of which are important to the President's Vietnamization and Nixon doctrine programs. In most other items, the differences between the House and Senate figures have been split.

The report also includes $1.54 billion for an increase in the quota of the United States in the International Monetary Fund. This amount is considered a change of assets, and is not included in the total for new obligational authority.

Mr. Speaker, the minority members of the subcommittee support this conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Iowa.

Mr. GROSS. The bill is still $313 million above the House bill; is it not?

Mr. PASSMAN. The gentleman is correct. But if the gentleman will look through the report, he will observe that we yielded $90 million for the Peace Corps which was not funded at all in the House bill and was added in by the Senate. In addition, we had $272,500,000 in military credit sales in the House bill and the Senate had zero. If you will refer to the figures I just used, you will find that that is what has distorted the normal figure comparisons. The explanation appears on page 7 of the conference report. Yes, it is higher than the House bill, but it was the very best compromise we felt we could reach. The gentleman from Kansas has said he believes this bill is a good bill, if there is such a thing as a good bill in this area. But it is $342 million-plus below the budget and $176.2 million below last year's appropriation.

Mr. GROSS. The gentleman has spoken of the Peace Corps. I note that the conferees provided it with $90 million, with $30 million for administrative expenses.

Mr. PASSMAN. That was because the Senate added the item. As far as I am concerned, you could abolish the Peace Corps, and with it one of the worst organizations in Washington. If there ever was an unnecessary program that should be stopped, it is the Peace Corps, and I advise all Members to check into it and stop yielding to pressure from some youngster back home about the greatness of the Peace Corps. It is the worst agency ever created by the Federal Government, in my opinion. These youngsters have been invited out of, I believe, nine nations for various reasons. Leaders in one nation said, "Get out. You are corrupting our youth." The record is there. Rather than listening to appeals about the goodness of it, the people should go to the record.

Yes, we had to yield on that. I did so reluctantly.

Mr. GROSS. I certainly concur in what the gentleman has had to say about winding up the dubious career of the Peace Corps, and I was in hopes that the committee would do just that.

Mr. PASSMAN. I had that desire, but I did not have the votes to sustain me. I would bring them all home as soon as we could provide transportation. In my opinion, it would be a great service to this country.

Mr. GROSS. The expenditure of one-third of the total appropriation in any other agency for administrative expenses would be considered unconscionable.

Mr. PASSMAN. It is ridiculous, and the gentleman has well described it again. There is a lot of appeal to the Peace Corps, but those who make the appeals for the youth to go abroad do not know the facts.

Certainly there are some nice youngsters in the Peace Corps but I am speaking of the rank and file. The way to ascertain the facts on the Peace Corps is to amend the law whereby the volunteers would have to serve in the Army before being eligible to serve in the Peace Corps. I do not have to elaborate, just use your imagination for the answer.

Furthermore, this outfit has cost the overburdened American taxpayer approximately $1 billion. Can you put your finger on any substantial tangible results for this astronomical expenditure?

I have had my say, it is the way I feel and my statements are substantiated by facts. I question if I could ever in good conscience bring out another bill with the Peace Corps in it.

I thank the gentleman for his contribution.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will state that there are five amendments in disagreement.

Mr. HALL. I want a vote on the acceptance of the conference report, to which I object violently, and I object to the vote on the ground that a quorum is not present and, I repeat, I make a point of order that a quorum is not present.

The SPEAKER. The Chair will count. Will the gentleman withhold his point of order?

Mr. HALL. No, Mr. Speaker, I will not withhold the point of order. I insist on my point of order. The point of order has been properly made.

The SPEAKER. Will the gentleman indulge the Chair? There are quite a few Members at the White House, and it would be the purpose of the gentleman from Texas if the gentleman from Missouri will withhold his point of order, to ask that further proceedings on the conference report and the amendments in disagreement be postponed until tomorrow, because there are many Members at the White House with their wives.

Mr. HALL. The only question of the gentleman from Missouri is: Why was this not considered before the conference report was called up?

Mr. Speaker, under those circumstances, and with that understanding and for no other purpose, I will yield until the gentleman from Texas makes his request.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that further proceedings on the conference report be postponed until tomorrow and that this be the first order of business on tomorrow.

Mr. GROSS. Mr. Speaker, reserving the right to object, when this is followed up in the morning, will the distinguished gentleman who wants to put this over give us any kind of assurance that the rollcall vote will be available, or will somebody put on a quorum call and then we would not go on record on the vote?

Mr. MAHON. It would be the purpose of the committee to have the rollcall on the conference report, and I would cooperate with the gentleman in securing a rollcall.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I join the gentleman from Texas in making the commitment with the gentleman from Texas that to the degree we can control it, that will be the case.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. HALL. Mr. Speaker, further reserving the right to object, it seems exceedingly strange that we draw out the meeting of the House of Representatives day after day and give the Committee on Rules permission to file more and more reports when Christmas is coming and we are dangling at the call of the leader of the other body, whereas with any kind of leadership—which this demonstrates none of—this would not be the case, but we are to continue to Christmas, and now there is even talk of coming back in session after Christmas to complete the business that should have been long since acquitted by any Congress of the United States.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Accordingly, the matter is postponed until tomorrow, when it will be the first order of business.

CONFERENCE REPORT ON THE POISON PREVENTION PACKAGING ACT OF 1970

Mr. STUCKEY, on behalf of Mr. STAGGERS, filed the following conference report and statement on the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1755)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. This Act may be cited as the "Poison Prevention Packaging Act of 1970".

SEC. 2. For the purpose of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is—

(A) a hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f));

(B) an economic poison as that term is defined in section 2a of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a));

(C) a food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

(D) a substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a house.

(3) The term "package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 4(a)(2) of this Act, also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include—

(A) any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(B) any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

(4) The term "special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

(5) The term "labeling" means all labels and other written, printed, or graphic matter (A) upon any household substance or its package, or (B) accompanying such substance.

SEC. 3. (a) The Secretary, after consultation with the technical advisory committee provided for in section 6 of this Act, may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging of any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider—

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4) the nature and use of the household substance.

(c) In carrying out this Act, the Secretary shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(a)(2) of this Act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the Secretary may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

SEC. 4. (a) For the purpose of making any household substance which is subject to a standard established under section 3 readily available to elderly or handicapped persons unable to use such substance when packaged in compliance with such standard, the manufacturer or packer, as the case may be, may package any household substance, subject to such a standard, in packaging of a single size which does not comply with such standard if—

(1) the manufacturer (or packer) also supplies such substance in packages which comply with such standard; and

(2) the packages of such substance which do not meet such standard bear conspicuous labeling stating: "This package for households without young children"; except that the Secretary may by regulation prescribe a substitute statement to the same effect for packaging too small to accommodate such labeling.

(b) In the case of a household substance which is subject to such a standard and which is dispensed pursuant to an order of a physician, dentist, or other licensed medical practitioner authorized to prescribe, such substance may be dispensed in noncomplying packages only when directed in such order or when requested by the purchaser.

(c) In the case of a household substance subject to such a standard which is packaged under subsection (a) in a noncomplying package, if the Secretary determines that such substance is not also being supplied by a manufacturer (or packer) in popular size packages which comply with such standard, he may, after giving the manufacturer (or packer) an opportunity to comply with the purposes of this Act, by order require such substance to be packaged by such manufacturer (or packer) exclusively in special packaging complying with such standard if he finds, after opportunity for hearing, that such exclusive use of special packaging is necessary to accomplish the purposes of this Act.

SEC. 5 (a) Proceedings to issue, amend, or repeal a regulation prescribing a standard under section 3 shall be conducted in accordance with the procedures prescribed by section 553 (other than paragraph (3)(B) of the last sentence of subsection (b) of such section) of title 5 of the United States Code unless the Secretary elects the procedures prescribed by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, in which event such subsection and subsections (f) and (g) of such section 701 shall apply to such proceedings. If the Secretary makes such election, he shall publish that fact with the proposal required to be published under paragraph (1) of such subsection (e).

(b)(1) In the case of any standard prescribed by a regulation issued in accordance with section 553 of title 5 of the United States Code, any person who will be adversely affected by such a standard may, at any time prior to the 60th day after the regulation prescribing such standard is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his standard, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original standard, with the return of such additional evidence.

(3) Upon the filing of the petition under paragraph (1) of this subsection the court shall have jurisdiction to review the standard of the Secretary in accordance with subparagraphs (A), (B), (C), and (D) of paragraph (2) of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under paragraph (2) of this subsection, the court shall also review the Secretary's standard to determine if, on the basis of the entire record before the court pursuant to paragraphs (1) and (2) of this subsection, it is supported by substantial evidence. If the court finds the standard is not so supported, the court may set it aside.

(4) With respect to any standard reviewed under this subsection, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title 5.

(5) The judgment of the court affirming or setting aside, in whole or in part, any such standard of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

SEC. 6. (a) For the purpose of assisting in carrying out the purposes of this Act, the Secretary shall appoint a technical advisory committee, designating a member thereof to be chairman, composed of not more than eighteen members who are representative of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Secretary shall consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(b) Members of the technical advisory committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of sub-

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sistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Sec. 7. (a) Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (p)) is amended—

(1) by striking out "which substance" in the part preceding paragraph (1) and inserting in lieu thereof "if the packaging or labeling of such substance is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970 or if such substance"; and

(2) by adding the following after and below paragraph (2):

"The term 'misbranded hazardous substance' also includes a household substance as defined in section 2(2)(D) of the Poison Prevention Packaging Act of 1970 if it is a substance described in paragraph 1 of section 2(f) of this Act and its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.".

(b) Section 2z(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(z)(2)) is amended by striking out the period at the end of paragraph (h) of such section and inserting in lieu thereof "; or" and by adding at the end thereof a new paragraph as follows:

"(i) if its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(c) Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof a new paragraph as follows:

"(n) If its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(d) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof a new paragraph as follows:

"(p) If it is a drug and its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

(e) Section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(2)) is amended by striking out "and (h)" and inserting in lieu thereof ", (h), and (p)".

(f) Section 602 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amended by adding at the end thereof a new paragraph as follows:

"(f) If its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970."

Sec. 8. Whenever a standard established by the Secretary under this Act applicable to a household substance is in effect, no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the standard established under section 3 (and any exemption therefrom and requirement related thereto) of this Act.

Sec. 9. This Act shall take effect on the date of its enactment. Each regulation establishing a special packaging standard shall specify the date such standard is to take effect which date shall not be sooner than one hundred and eighty days or later than one year from the date such regulation is final, unless the Secretary, for good cause found, determines that an earlier effective date is in the public interest and publishes in the Federal Register his reason for such finding, in which case such earlier date shall apply. No such standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation.

And the House agree to the same.

Harley O. Staggers,
John E. Moss,
John M. Murphy,
Hastings Keith,
Managers on the Part of the House.

Warren G. Magnuson,
P. A. Hart,
Frank E. Moss,
James B. Pearson,
Charles E. Goodell,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the bill struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

The conference substitute is identical to the bill as amended by the House except for the provision in section 4(a) authorizing manufacturers (or packers) of household substances subject to special packaging requirements to package such substances in packages not complying with such requirements for the purpose of making such substances readily available to the elderly and handicapped unable to use such substances in packages complying with such requirements.

In section 4(a), as amended by the House, the manufacturer (or packer) of a household substance subject to a special packaging requirement was given similar authority to package such a substance in noncomplying packages if he also packaged such substance in at least one package size complying with such standard and if the noncomplying packages were labeled to show that there were complying packages which should be used in households with young children. Thus, under the House version, most of the packages used in the marketing of such substances could be noncomplying packages. Complying packaging could have been the exception to general marketing practices.

Section 4(a) of the conference substitute is designed to make substances subject to special packaging requirements available to the elderly and handicapped in packages which do not unnecessarily hinder them in their use of such substances. A manufacturer (or packer) is permitted under such section to use for such a substance one size of packaging which does not meet the special packaging requirements if he also supplies the substance in packaging which complies with the requirements. In addition, the noncomplying packaging must be labeled to show it is not for households with young children.

It is expected that specially packaged substances will be the rule rather than the exception for substances regulated under this legislation. Also, it is expected that manufacturers (or packers) will not exact a premium price for specially packaged substances and will make every effort to assure the adequate distribution and advertisement of specially packaged substances so that the public will become acquainted with special packaging and familiar with its operation. Since the purpose of this section is to assist the elderly and handicapped, it is expected that the manufacturers (or packers) will use noncomplying packaging only when the required special packaging is of a kind that will create significant difficulty in use for the elderly and handicapped, and that manufacturers (or packers) will in using noncomplying packaging choose package sizes most likely to be used by the elderly and handicapped.

Although it has been pointed out that the majority of households do not contain young children, it was felt that, in order to adequately protect young children, the marketing in complying packaging of substances subject to special packaging requirements had to be made the general marketing practice.

Section 4(b) of the conference substitute is identical to the House amendment and provides that in the case of household substances which are dispensed only upon prescription such substances (if subject to special packaging requirements) may be dispensed in noncomplying packages only when directed in the prescription or when requested by the purchaser.

Section 4(c) of the conference substitute is the same as section 4(b) of the House version and authorizes the Secretary to require exclusive use of special packaging for substances if (1) he determines that the substance is not being supplied by the manufacturer (or packer) in popular sizes of special packages; and (2) after giving the manufacturer (or packer) an opportunity to comply with the purposes of this Act, he finds, after opportunity for hearing, that exclusive use of special packaging is necessary to accomplish the purposes of this Act.

The legislation as passed by the Senate contained a special provision (section 3(e)) authorizing the Secretary to exempt categories of substances subject to special packaging requirements. That special provision was not contained in the House version and is not contained in the conference substitute because the Secretary may provide such exemptions while prescribing such special packaging requirements. In addition, if the Secretary wishes to make such an exemption after he has prescribed special packaging requirements, he may use the informal rulemaking authority provided in section 5 of the conference substitute to amend the regulation prescribing such requirement.

Harley O. Staggers,
John E. Moss,
John M. Murphy,
Hastings Keith,
Managers on the Part of the House.

A COMPETENT PROFESSIONAL NEW YORK ENGINEERING FIRM REPORTS THE TRUTH: COSTLY EXTENSION OF THE CAPITOL'S WEST FRONT IS NOT NEEDED TO PROTECT THE BUILDING FROM COLLAPSE

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, as the frustrations of this lameduck session build up, there is very little good news for Members of Congress still pinned down here in Washington. That is why I am particularly happy to be able to convey one piece of good news to my colleagues this morning that will not only be welcome but very reassuring.

The Capitol will not fall down on us while we stay here in lameduck session.

That fact has now been clearly substantiated by a professional and impartial firm of engineers in New York City, Praeger, Kavanagh, and Waterbury. This is the firm selected by a group of deans of schools of engineering at the suggestion of the gentleman from Illinois (Mr. YATES) in an effort to resolve the long controversy that has existed over the proposed west front extension, and that ended last year in an appropriation impasse between the House and the Senate.

After that impasse developed everybody agreed that nobody really wanted the costly, garrish $60 million west front extension idea that has been kicking around here for years, but they claimed it was the only way technically possible for us to prevent the Capitol from collapsing around our heads from the pressures of 170 years of aging and weathering.

To resolve this technical question the matter was turned over to the New York firm. Now they have completed their report and its conclusions, printed in the Washington Post for December 9, are that the Capitol is in good shape, needs no extension to preserve it, and can be adequately restored for only $15 million, a saving to the taxpayers of about $45 million.

Mr. Speaker, this report is expected to be submitted to the Architect of the Capitol within the next couple of weeks. I hope we will have it available in final form before the end of the 91st Congress, and I also hope—let me be very frank—that prior publication of the basic findings of this report will not result in any alteration of its conclusions before the document is submitted to the Architect's office.

As one who has led the fight now for 4½ years to prevent this costly and unnecessary destruction of our Nation's No. 1 historic shrine, I am delighted to see that we have finally won our battle.

I trust, too, that, with the formal receipt of this report, the model which is now cluttering up the center of statutory hall will have vanished as an untimely and irrelevant anachronism, by the time the 92d Congress convenes.

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PUBLIC REVENUE SHARING

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the New Orleans Times-Picayune published an editorial the other day under the title, "Public Revenue Sharing" which incisively states my position on this subject. It is, you will find, a particularly persuasive argument and, though it deals with the justification insofar as my State of Louisiana is concerned, it applies to all other States with equal logic.

I would like to make this editorial a part of the RECORD today and commend it to the attention of every Member.

PUBLIC REVENUE "SHARING"

Murray L. Weidenbaum is authority for the announcement that the national administration "revenue sharing plan" will be revised in 1971 to give more money to local government.

Mr. Weidenbaum is the assistant secretary of the treasury for economic policy. His comments were made in Atlanta, where the National League of Cities is holding its 47th annual congress.

With full consideration of the needs of all states, we believe that the first place where the federal government should increase sharing its revenues is Louisiana. Specifically, it should share with this state and with others bordering offshore oil fields the very substantial revenue from those fields.

States in which there are oil-producing grazing lands, national forests, parks or other territory owned by the federal government share with Washington the royalties received from mineral production.

We know no reason why states touching the Atlantic and Pacific oceans and the Gulf of Mexico should not have the same treatment. They perform many costly services for the workmen and families of workmen who produce minerals from water bottoms off the coasts, just as states like Montana, New Mexico, Colorado and Wyoming perform many services for their workmen who produce oil from federal grazing lands, national forests and parks. These states receive federal compensation for these services in the form of a share of the minerals revenue.

Louisiana provides education, roads, police and fire protection, health services, welfare services, insect control, library service, recreation, stream and air pollution control, agricultural services, enforcement of fishing and wildlife regulations, soil and water conservation, local flood control and many other services for residents of coastal areas who come and go from the offshare rigs, and for their wives and children.

Considering that all these services are provided at the expense of the state, it seems to us that there are innumerable, compelling reasons why the revenue received by the federal government from offshore oil production should be shared with Louisiana.

Certainly the coastal states should receive what is justly due them. Louisiana isn't asking or expecting more than its fair share.

THE SENIORITY SYSTEM: A PROPOSAL FOR ITS ABOLITION

The **SPEAKER** pro tempore (Mr. BOLAND). Under a previous order of the House, the gentleman from California (Mr. MCCLOSKEY) is recognized for 60 minutes.

(Mr. MCCLOSKEY asked and was given permission to revise and extend his remarks and include extraneous matter.)

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLOSKEY. Mr. Speaker, I rise today to propose a change in one aspect of the seniority system under which the House has operated since 1911. Under the present system, the majority party traditionally names as chairman of each standing committee that majority member who has served the longest period of time on such committee. This procedure is technically referred to as an "election," but the custom and tradition of the Democratic Party, at least, has been to automatically confirm the senior member as its chairman, whether or not such chairman be inept, incompetent, or approaching senility.

In a recent letter to a colleague, one House committee chairman referred to the seniority system quite accurately when he said:

> Each one of us will be protected, in whatever present position on Committee we have, by automatic reassignment each new 2-year term of Congress.

The essence of the system is thus protection of a chairman, even though that chairman be overage, incompetent, or merely unable to work the 12-hour day which is often required of a responsive and responsible committee chairman.

The gravest defect in the system, however, lies in its insulation of a chairman from the duty to account for his actions.

If a chairman is protected by automatic reassignment every 2 years, it is clear he is no longer accountable to his colleagues for the quality of his performance, the wisdom of his leadership, or the workload of his committee. He may be arrogant, slothful, negligent, or infirm; nevertheless, his position of chairman remains secure. If the bills awaiting consideration by his committee are never heard, if hearings are cursory and incomplete in nature, if witnesses expressing all shades of opinion are not called or permitted to testify, who can complain? The chairman is the key to the whole legislative process. It is his management and leadership ability which determine the ultimate craftsmanship of the laws we ask the Nation to respect and obey.

That the chairman should often be the most senior member is not subject to challenge. The evil of the system is that the senior member must be chairman under the system. Other things being equal, I believe most of us would recognize that a member of 10 years' experience should have preference over a member with 5 years of experience.

To require that the member with the longest continuous service also be the chairman, however, is to invite incompetence. Who amongst us would not stay beyond our declining physical and mental capabilities if we are assured that survival alone will one day give us power? Who amongst us will willingly retire and give up power once it is attained through patient service? We suggest the retirement of elder justices such as Justice Douglas, but few of us choose to retire once the privileges of power are irrevocably in our grasp. It is not human nature to do so.

The legislative process in the United States may be one of the most important processes in the world today. We deal with appropriations of over $200 billion a year; we approve or disapprove of foreign aid, military and economic, to nations around the world. We have before us next year the review and reformation of some of our most important national policies, nearly all of which are acknowledged to be either failures or badly in need of substantial overhaul—welfare, housing, agriculture, trade, education, land use, and energy, not to mention the allocations of our defense expenditures between strategic and tactical arms and continued involvement in Indochina.

These problems are immense, and on our ability to respond with careful judgment may well rest the peace of the world as well as our own domestic tranquility. In seeking to solve these problems, it seems important above all else that our procedures permit careful, thorough work. Our committee system is set up for precisely this purpose, to allow each of us to specialize in a few particular aspects of legislative purview. An essential part of careful, thorough work, however, is that the leadership be the best that can be found.

Generally, we as a Nation are committed to the election process as the means of designating our leaders.

The process of election, after all, is at the very heart of the democratic process. It is our own election which entitles each of us to represent our own one four-hundred-thirty-fifths of the American people; it is our future election which makes us accountable to our constitutents for the caliber of our work here on their behalf.

We elect our Speaker, our majority and minority leaders, our clerks, doorkeepers, caucus and conference officers.

Stockholders of corporations elect their directors; the directors elect corporate officers. This is true whether the corporation's assets are $200 or $200 million.

How possibly, then, can we abandon the election process when it comes to the designation of the 21 individuals who are perhaps most responsible for the success or failure of our collective efforts in handling a $200 billion budget?

Significantly, the average age of the chief executives of the top 100 U.S. corporations is 58; last year the average age of 10 of our most powerful committee chairmen was 74, and three were over 80.

This is not a partisan matter, nor should it be one of ideology or political philosophy. The legislative process is one of hard work, exhaustive study and effective leadership. Most of our final work products, the bills that ultimately are enacted into law, are the results of cooperation and compromise between Democrats and Republicans, liberals and conservatives.

The abandonment of our own rules of election in the House, however, is a partisan matter, established and pursued solely by the Democratic Party.

Last year, when the 91st Congress convened, the committee chairmen of five committees—Ways and Means, Appropriations, Armed Services, House Administration and Rules—were named by two voice votes on the first day, January 3.

Over 3 weeks later, on January 29, the chairmen of the remaining 16 committees were elected, this time by a single voice vote. The record discloses no dissenting votes against these elections, and it is my recollection that none were cast.

These so-called elections in fact amounted to no more than automatic reassignments by the majority party. No real elections were ever held. As was pointed out in the letter I have previously referred to, from our distinguished colleague, **Chet Holifield**, to our equally able colleague, **Robert Leggett**, the seniority system requires that the selection be automatic.

In following this procedure, the majority party has not followed the rules of the House. It has actually subverted the rules of the House which specify that the chairman shall be elected. Rule X of the House, section 3, provides:

> At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof . . . in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.

This rule was adopted on April 5, 1911, and replaced the earlier rule of Jefferson's Manual, section 11:

> Standing committees . . . . are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House.

Therefore, since the very inception of Congress, itself, it seems clear that committees were either to elect their own chairman or the House was to elect them. It was the abandonment of this power to Speaker Cannon and the latter's abuse of such power which led to the House revolt of 1910 and 1911.

It seems important to note, then, as a first point, that to abandon the seniority system would not represent a change in House rules; it would actually be a return to both the language and the spirit of the House rules to require that committee chairmen actually be elected by the House.

Missouri Congressman, Champ Clark, Speaker of the House for the 62d through the 65th Congress, referred to seniority in his autobiography as follows:

> Of course no party will ever make committees solely by the rule of seniority—which would be exceedingly unwise and would end in disaster—but that seniority has always been and always will be an important factor in making committee assignments is absolutely certain and no mortal man can give any philosophic or tenable reason why it should not be. Other things being equal, why should not length of service count in a member's favor?

The key phrase is "other things being equal." As I have mentioned earlier, where capabilities are equal, I believe we would accept Champ Clark's suggestion that seniority should prevail.

However, by the end of Speaker Clark's tenure, seniority, in the Democratic Party at least, had become a fixture and it has remained so to this day, whether or not the senior member's capacities are even remotely comparable to those of his junior colleagues. Therefore, if the seniority system is to be changed, the challenge lies with the Democrats in the House. As Chairman **Holifield** pointed out in his letter, the rules can be changed if and when we have the votes of a majority of the Members. I want to propose to my Democratic colleagues today a specific plan to meet that challenge.

The Republican Conference has before it a proposal to restore the principle of election rather than automatic reassignment. On October 13, our distinguished minority leader, specifically speaking for the Republican leadership, stated that the leadership would urge the adoption of this principle at the organizing meeting of the conference for the 92d Congress.

The recommendation which the Republican leadership supports is as follows:

> The Republican Committee on Committees will select the Member it believes should be the chairman or ranking Member of each committee, and each name will be submitted separately to the Republican conference. There a secret vote will be taken on the nomination. If the nominee is rejected by the conference, the Committee on Committees will be charged with submitting another name to the conference.

It is reasonably clear that the conference will adopt the leadership recommendation, particularly since four out of five of the Republican Members of the 91st Congress who answered a questionnaire on this subject last spring indicated their desire that there be some degree of change in the present seniority system.

As President Nixon recently pointed out, however, the Republican Party is essentially a minority party. We have been privileged to control the House of Representatives for only 4 years of the last 38. Therefore, if the change is to occur, it must be with the participation of at least a substantial segment of the Democratic Party in the House.

A PROPOSAL TO END SENIORITY

I would, therefore, like to humbly recommend to my Democratic colleagues the following plan for ending the seniority system once and for all.

It is my understanding that there is a reform-minded group called the Democratic Study Group. This group, or some other appropriate group, committee or task force, might well provide the means of developing a slate of proposed chairmen for recommendation to the Democratic caucus. It is possible that such slate might include all or nearly all of the men known to be "most senior," but in any event the Democratic caucus would then truly elect its choices for the committee chairmanships.

In view of the penalties which have sometimes befallen those who oppose committee chairmen, it might be appropriate that such elections be conducted by secret ballot in the same way that the Republican Party proposes. Following such election, should the result be other than unanimous, those dissenting from the choice of the Democratic caucus might then wish to propose to the full House, when we convene in January, their alternative candidates for the committee chairmanships. Since the House has the right to conduct its proceedings in secrecy, when desirable, it is possible that our joint leadership might wish to conduct a secret ballot of the full House for the ultimate selection between the two Democratic candidates tendered.

I propose this plan as being a return to both the spirit and intent of the present rules of the House and one which will give the reform-minded Democrats a chance to display the same courage

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they have displayed on other occasions during these past 2 years.

So that my colleagues might have the benefit of opinions other than my own, I would like to supplement these remarks with copies of the correspondence to which I alluded earlier, together with some comments from representative editorial writers, as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., November 23, 1970.

Hon. Robert Leggett,
House of Representatives, Cannon House Office Building, Washington, D.C.

Dear Bob: This is in response to your letter of November 20th.

I made the announcement at the Tuesday, meeting of the delegation that Committee assignments would be one of the three subjects *discussed* at the midweek special meeting. Jeff's seat was not filled nor the nominee selected at the midweek meeting. The matter was *discussed.*

On the Appropriation Committee, the North-South tradition was established at the time two seats became available. Harry Sheppard was serving as our sole Democratic member at that time. Our delegation set the precedent by selecting Jack Shelley from the North. When the Sheppard vacancy occurred, no members from the South would leave their positions of seniority on their committees to claim the seat. The matter was discussed at some length and I stated at that time that under the circumstances (no southern claimant) I would support Jeff. But, I clearly stated that my support of Jeff was not to be considered a precedent for the future.

I do not agree that a seat on Appropriations is less important to California than seats on the committees you mentioned. Quite the contrary.

California's *is* one state—it is one of the largest and will be the largest in 1973. Because we do and will have such a large number of members, we can claim two seats on most of the most important Committees. I believe it is a fair principle because of the length, population density, and other factors, for us to distribute as widely as possible our representation from our State on the important committees. This *is* and *has been* a well accepted principle in our delegation.

The principle of seniority is an even longer established principle not only in our delegation but in the Congress. More important, it is an accepted principle in the Committee on Committees by the fifteen regional members who vote on committee assignments. Jim Corman cannot serve our members without going along with this powerful procedure in assignment of nominees.

I understand completely the seniority arguments both pro and con. It is unnecessary for us to debate the esoteric merits of the principle.

It is necessary for Jim, and for me as your Dean, to play the game according to the principles which are now in being and which are now supported by the majority of our House members.

I grant freely the right of each member to disagree with the present rules of the game. They are free to change and upset the present rules *when* and *if* they can obtain the majority of the votes.

In the meantime, each one of us will be protected, in whatever present position on Committee we have, by *automatic re-assignment* each new two-year term of Congress. (I note that you are on the ninth rung from the bottom on the Armed Services ladder.) Starting on that basis of position security, we can claim, if we desire, other assignments to other committees on the basis of our term seniority.

Jim must, under the system, carry the continuing major load of securing new assignments for old and new members with my help and such personal influence as I have. We also need all the assistance and co-operation we can get from every member.

I am most anxious to maintain the cohesiveness and harmony of our delegation, not for my own ambition be it selfish or noble. I believe that we are stronger in helping each member reach his goal if we present a united effort than we would be if we are bickering and biting at each other. Many delegations have diminished and depleted their collective power by such disunity.

We may not like the principle of seniority, but each of us has

(1) received our assignment originally by the help of senior members. (Believe me the assignments were not obtained by the process of immaculate conception.)

(2) We have advanced up the committee ladder under the seniority system.

Incidentally, I was here eighteen years before I became the alternate Chairman of the Joint Committee on Atomic Energy. I was here for twenty-eight years before election as Chairman of the House Committee on Government Operations. For twenty-four of those years I served next to and below William Dawson. For the past six years I have carried the load of Chairman without the title or power of the Chairmanship. If anybody knows the faults of seniority, I believe I do.

But, my good friend, it's the only game in town and if we want to play in the game, we have to play according to the rules. If the rules of the game are too distasteful, we can take our chances of accepting their protection and bucking them at the same time.

When I first came to D.C. in 1943, Sam Rayburn told the class of newly elected Congressmen, "Boys, if you want to get along, go along." As the years have passed by I have repeated that admonition to myself many times when frustration was about to overwhelm me.

You are a great guy, Bob, and I like you or I would not have spent over one-and-a-half hours on Saturday afternoon handwriting this letter for my secretary to type Monday morning. As George Washington was prone to end his letter,

I beg to remain, as ever, your obedient servant,

Chet Holifield.

November 20, 1970.

Hon. Chet Holifield,
Rayburn Building,
Washington, D.C.

Dear Chet: I was sorry I didn't know the agenda for our Delegation meeting yesterday included anything but the Majority Leader nominees and the Chairman of the State Central Committee issue.

I was surprised to learn that Jeff's seat on the Appropriations Committee was filled without debate. I am sure we are all aware of the fact that there was some talk about a North-South seat on the Appropriations Committee at the time that Jeff was appointed but on examination this appears to be a very short-lived tradition indeed.

As you recall Harry Sheppard served on the Appropriations Committee with distinction for a great number of years since the 30s. It was not until the 83rd Congress that California was entitled to a second seat and then Jack Shelley was appointed and he served on the committee for a little over 10 years.

At the time Shelley was appointed there were only a dozen Democrats representing California in the Congress and double committee assignments were rare indeed. Since that time we have had double assignments on Public Works, Interstate and Foreign Commerce, Government Operations, Armed Services and Interior and it would seem to me that there is much more reason to have North-South seats on many of these committees where the committee work is not nearly as splintered as it is on the Appropriations Committee

I don't believe it is a life and death matter that any Member be appointed to any particular committee. Certainly I make this point with some trepidation. However, I think California is one state; I think it would be ridiculous to rotate Chairmanship of our Delegation North and South or the appointments to Rules Committee or Ways and Means.

In short, I think we have a holdover tradition that has been observed more in the breach than in the respect. I do not believe it in the interest of our Delegation that we have North-South positions on any committee.

I would therefore request that this matter be referred to the Delegation for further discussion.

I believe any election to the committee would be premature until Jeff's departure actually leaves a vacancy.

Most respectfully and sincerely,
Robert L. Leggett,
Member of Congress.

[From the Washington Post, Feb. 17, 1970]

Who Will Abolish Seniority?

The move to unseat Speaker McCormack with a vote of no confidence in the House Democratic caucus tomorrow appears to have evolved into a campaign for modernization of the House. In the view of Representative Waldie, who is spearheading the attack upon the Speaker, the two causes seem to merge into one. But other more experienced members are more inclined to strike a blow now at seniority and similar defects in the system, while leaving the fate of the Speaker to a more propitious moment. Herein lies the greatest hope for rescue of the House from its lamentable stagnation.

It is true that the 78-year-old Speaker has become a symbol of the organizational and procedural hardening of the arteries which afflict the House. Probably it is also true that the chance of achieving effective reform will be meager so long as he is in the driver's seat. But a change of pilots would not alone bring about the modernization that is so urgently needed. A far more serious drag on the House as a legislative body is the control of many of its major committees by conservative Southern Democrats in their seventies. As Representative Lowenstein said on Meet the Press on Sunday, "Even societies that worship their ancestors don't automatically put their ancestors in charge of their Armed Services Committees and what-not."

Probably the most practical maneuver at the moment is that sponsored by the Democratic Study Group, which wants a carefully selected committee to review the seniority system and other organizational defects with a view to action at the beginning of the next Congress. Representative Bolling, who seems to be the most influential member of this group on this subject, has sought for years to show his colleagues that they do not need to choose between the existing confusion and a return to the dictatorship that existed prior to 1910 under Speaker Joe Cannon. There is a sensible middle ground—assignment of the ultimate power to select committee chairmen to the caucus of the party in power, from nominations made by the Speaker without regard to seniority.

In our view, the Democratic caucus could greatly enhance its standing before the public by moving in this direction. If it fails to do so, it may drop a momentous issue into the lap of the Republicans. Representative McCloskey has pointed out how vulnerable the Democrats are to a campaign against senility in the House and suggested that the Republicans could capture the enthusiasm of the younger voters by promising to abolish seniority in the House if a Republican majority is returned in November. A campaign on who could most effectively relieve Congress of the incubus of the seniority system would be welcomed with open arms.

Many Democrats may be inclined to rebuff

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any suggestions of reform when the issue arises tomorrow to save the face of the Speaker. But they should be fully alert to the risk they would take upon themselves by leaving this enormously popular issue to the Republicans.

[From the New York Times, Dec. 8, 1970]

STAMPING OUT SENIORITY

(By Tom Wicker)

WASHINGTON, Dec. 7—Back in 1961, almost before he had had time to take the oath of office, President John Kennedy was plunged into what is still remembered around here as one of the great legislative battles of that or any other year. The result was that Mr. Kennedy and progressive Democrats won control of the powerful House Rules Committee by expanding its membership; but neither in 1961 nor in later rules amendments was there a change in the fundamental power of the Rules Committee—which is to send legislation to the House under certain rules of procedure, or to withhold it from the floor.

In case anyone had forgotten the latent powers of the committee, it reverted to its old style last week when one of the members of the usual majority, Richard Bolling of Missouri, turned up missing. By 7–7 tie votes, the committee refused to permit the House to vote on an important consumer bill, or on giving real teeth to the Equal Employment Opportunities Commission, although both measures had passed the Senate and had much support in the House.

The difference between procedural reform and political control was seldom better shown. Both are important, and Senator Fred Harris of Oklahoma, the latest of a distinguished line of Quixotes who have sought to change things in the Senate, is proposing quite a bit of each. He is circulating a memorandum suggesting, for instance, a more representative Democratic Steering Committee, more equitable ratios of progressive Democrats to conservatives on committees, and even a vote among Democrats as to whether Harry Byrd of Virginia, elected as an independent, should be in the party caucus.

These are matters of control. The Harris memo also proposes the important procedural reform of limiting debate. But the main point of the memo goes to what Mr. Harris and others consider the heart of the problem in the Senate—the seniority system. Since the practice of assigning committee chairmanships by seniority is not a rule but a rigid custom, and since the powers of committees and chairmen would not be affected, this may seem only a matter of political control; it would nevertheless have a profound and probably lasting effect on Senate procedure.

It would have that effect because chairmen wield such immense practical power over what the Senate can and cannot do; and while that power would not be diminished, chairmen would be called to account for its use—which they are not now.

The proposal would have the Democratic caucus ratify, at the beginning of each Congress, the list of chairmen submitted to it by the Steering Committee. In most cases, that list would be made up of the senior men; in most cases, they would be routinely approved; but the occasional exceptions could be of vital importance, and the sure knowledge that the caucus would review and pass upon their records would have chastening effect on chairmen tempted to act autocratically.

A rule for the mandatory retirement of any chairman reaching a certain age (although he could remain a member of the committee) might also be proposed to the whole Senate. It would be most unlikely to pass, but it would serve to put members of both parties on record and would at least bring the issue into open discussion on the floor.

There is not much doubt that reform would be a popular public move; Congressional elders have been losing recent elections wholesale, and many politicians and reporters observed in this year's campaign the public's obvious impatience with unresponsive and indifferent political institutions. Last week's SST vote was a startling example of what well-directed public pressures can achieve, and John Gardner's national Common Cause organization, for one, is reported ready to push the seniority issue. Besides, the number of younger Senators, hungry for a greater role, has increased.

Moreover, Republicans in the House are officially pledged to something like the seniority reform Mr. Harris proposes, and if they follow through there will surely be pressure on the Democrats to move, too. And once the question arises among Democrats in the Senate, seniority is likely to become an issue in the brewing fight between Senators Robert Byrd of West Virginia and Edward Kennedy of Massachusetts for Mr. Kennedy's post as assistant leader.

And since most of the Democrats' potential Presidential candidates are Senators who bill themselves as progressives, wouldn't they have to back the reform? The thing might just prove catching.

CONGRESS: THE HEAVY HAND OF SENIORITY

"All things are changing," Republican Leader Hugh Scott told his Senate colleagues not long ago. "And we are changing with them. *Omnia mutantur, et nos mutamur in illis.*" Right on, Senator Scott! Congress may be changing, but at what a pace. About as often as the planet Pluto swings around the sun, Congress does indeed bestir itself, examines the archaic rules by which it conducts the nation's business and gently blows away some of the accumulated dust of more than 180 years. But never enough to disturb one tradition—the hallowed rule of seniority—that has often prevented Congress, whether liberal or conservative, Democratic or Republican, from working effectively to represent the will of the electorate.

The effect of the seniority system on the Federal Government can be explained by three facts: 1) most of the real work in Congress is done in and by committees; 2) the chairmen of these committees have vast, often dictatorial influence over the legislation that falls within their realms; 3) with almost no exceptions, these chairmen have gained their exalted positions for the simple reason that they have been on their committees longer than anyone else in the majority party, which, of course, always controls the committees. The seniority rule thus gives the U.S. the peculiar distinction of having the only legislative gerontocracy on the globe.

A GREATER DEGREE

Consider the results: twelve of the 16 Senate committee chairmen are 65 and over; five of these are in their 70s, and one is 80. Fourteen of the 21 chairmen in the House of Representatives are 65 and over, seven in their 70s, two in their 80s. The figures are comparable for the Republicans and will be about the same in the new Congress, despite the death, retirement, or defeat in the recent elections of several powerful patriarchs.

Admittedly, age is not an automatic disability. Some statesmen—like Churchill or De Gaulle—come into their own when those around them are heading for the nursing home and the checkers table. But one does not have to join the youth cult to suggest that length of tenure should not be the sole criterion for choosing the men who help determine the country's future.

Despite some restraints instituted in recent years, chairmen on many committees still control the agenda and can bring up a bill at their own convenience. In some committees a chairman can refuse to bring up a bill altogether. Mississippi's James Eastland, 66, chairman of the Senate Judiciary Committee and one of the most notorious racists in the upper body, has often ignored and sometimes killed civil rights bills by that method. Through similar control of procedures, Wilbur Mills, the Representative of a rural Arkansas constituency, has as much as or more power than the President in determining changes in tax, welfare and Social Security laws, simply because primeogeniture has given him the chairmanship of the House Ways and Means Committee (even his opponents, however, concede that he is able and conscientious).

Control of the agenda is only the beginning of the chairman's powers. He rewards his supporters and punishes those who vote against him by granting or withholding favors. He can even reward or punish their constituents by influencing the allocation of federal grants and the placement of installations. Since charity begins at home, he can almost always point to the many benefits seniority has brought his own district.

MARGINAL ROLE

The congressional seniority system is thus the last and most important stronghold of a near-medieval system of fealty. The House Armed Services Committee, for example, is subdivided into 21 other committees, each with great if somewhat lesser power than the whole, and each with a great if somewhat lesser chairman. While he owes allegiance to his chairman, the head of a subcommittee still has considerable power of his own and considerable authority over those under him. As a result of so much power being concentrated at the top, there is virtually none at the bottom. In the House, where the seniority system is most oppressive, a new member is virtually impotent. Whatever his talent or promise, he must resign himself to a marginal role in Congress for his first few terms. "The damage you never see is the worst," says Columbia University Pilosopher Charles Frankel, who watched Capitol Hill from 1965 to 1967 as Assistant Secretary of State for Educational and Cultural Affairs. "Young, bright Congressmen come to Washington full of ideas and interest, and shortly become discouraged."

Many of the men who run Congress are stodgy and opposed to new ideas. But their age is only part of the problem. To get to the top they must be elected over and over again: generally those constituencies that give such automatic approval are in rural, one-party districts or are dominated by big-city machines. In either case their Congressmen are unlikely to be responsive to change and sensitive to the strong currents that buffet junior and more vulnerable colleagues from swing districts.

There are, to be sure, significant arguments in favor of seniority. It provides stability and expertness, it eliminates the possibility that outside pressure groups or cliques could elect complaint chairmen, and it guarantees access to power to representatives of minority groups—if they will only wait their turns. Without the seniority system, for example, it is doubtful that Harlem's flamboyant Adam Clayton Powell could ever have become head of the powerful House Education and Labor Committee. Moreover, it is by no means true that senior Congressmen are all incompetent or senile. One case in point is Carl Hayden, who was an able chairman of the Senate Appropriations Committee for most of his 41-year tenure, until his retirement in 1968 at the age of 91. Sometimes, too, a good chairman, secure in his fortress of seniority can use his position to kill or modify a popular but unwise measure that colleagues support. Over the years, New York's Emanuel Celler, 82, chairman of the House Judiciary Committee, has quietly smothered several injudicious anti-subversive and anticrime bills.

Still, the price of these boons is exorbitant. No other American institution respects seniority the way Congress does. "Of all the

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institutional failings of American Government," says Political Scientist James Mac Gregor Burns, "the seniority system of Congress is by far the most serious."

SEVERAL ALTERNATIVES

Paraphrasing Churchill, House Majority Leader Carl Albert admits that the seniority system may be "the worst possible system—except for all the alternatives." Albert notwithstanding, several alternatives, have been proposed by angry congressional juniors. One plan would give a party caucus the authority to choose a chairman (or for the minority party, the ranking member) from the party's three most senior members on a committee. Even such a limited change might have dramatic impact. Thus Stuart Symington, a Viet Nam dove, could be chosen to replace the hawkish John Stennis as chairman of the Senate Armed Services Committee, and James Eastland could be bumped for Sam Ervin Jr., a scholarly constitutionalist, as head of the Senate Judiciary Committee. Obviously, the system would not always benefit one faction; it could work to advance conservatives as well as liberals.

The proposal would probably have less impact on the House, however, where committees are much larger and where the Democrats have no fewer than four of the 65-and-over set patiently waiting to take the place of Chairman L. Mendel Rivers, 65, on the Armed Services Committee. But the plan would at least give the rank and file some leeway in picking its leaders. More important, it would put a chairman on notice that he held his post by approval and not by right.

A second proposal would give the Speaker of the House authority to choose chairmen from the entire membership of the majority. Since he is chosen by all members of his party, the theory goes, the Speaker would be sensitive to their needs and demands. Instead of the system of divided responsibility that now prevails, one man could be charged with leadership. In fact, this was the system used by the House until 1910, when Congressmen revolted against the authocratic rule of Speaker Joseph Cannon. Better 21 dukes than one monarch, opponents might well argue.

A third suggestion would put the choice of chairmen up to the caucus, which could choose from any of its members. This would be the most democratic method and, in theory anyway, would allow choices to be made on merit alone. The principal objection to this plan is that it could lead to all sorts of unseemly plotting and bargaining; conceivably, it might take Congress weeks to organize itself after every election.

Still a fourth plan would either set an age limit, 65 say, for any chairman, or limit his tenure in the post. (A dethroned chairman could still remain in Congress, of course, since the Constitution, which sets a minimum age of 25 for Representatives, 30 for Senators, does not provide a maximum.) Most other institutions have mandatory retirement ages; only last month Pope Paul VI ruled that cardinals over 80 could henceforth neither hold "Vatican Office" nor vote in a papal election. If chairmen were forced to step down at 65, three-fourths of the Senate chairmen and two-thirds of the House chairmen in the current Congress would have been replaced. William Colmer, 80, an unreconstructed Southerner, for example, would have given way to Richard Bolling, 54, a liberal from Missouri, as head of the House Rules Committee. The same plan, however, would have pushed aside George Mahon, 70, the able chairman of the House Appropriations Committee, for Jamie Whitten, a Mississippian who is best known as a regular sponsor of anti-Negro measures.

OTHER FAULTS

In both House and Senate, younger members are vigorously pressing for changes in the seniority system in the 92d Congress. Indeed, Republican House elders, who have no chairmanships and no immediate prospects, are likely to acquiesce to the recent recommendation of a G.O.P. study group. Under this scheme, the Committee on Committees would nominate top-ranking committee members, and the caucus—all the Republicans in the House—could either accept the choice or demand another. The Democrats, however, have yet to come up with a reform plan that would appeal to their veteran Congressmen.

An end to the oppressive rule of seniority would not cure all the ills that plague Congress; to a great extent, Congress is still the legislative body designed for and by 18th century rural gentry. Research staffs are often inadequate. There is far too much duplicated effort and far too little concern for even the rudimentary lessons of modern management. While it has appropriated millions for computers for the executive agencies, the House is only now buying itself one so that it can understand where all the federal billions are going. The Senate apparently feels that adding machines are enough. Compared to the seniority system, however, other faults seem small. No great improvement can be expected so long as power is placed in the hands of men for no other reason than that they endure.

TIME TO ACT

The seniority system is a custom, not a rule, of Congress. It awards the chairmanship of each committee to the member from the majority party who has served on that committee for the longest stretch of time. He may be approaching senility, he may be diametrically opposed to his party's position on national issues, he may not have had a new idea since World War II. But if he has served on the committee one day longer than other members, chairman he will be.

It is a strangely illogical system. The party that organizes the Senate or the House earns that privilege by the time-honored principle of majority rule. But the party members are not allowed to choose their own committee chairmen by majority rule.

Committee chairmen are the power structure in Congress. Neither the party leaders, nor the Speaker of the House, nor the President of the United States can tell a chairman what he must do. Once entrenched in power, a committee chairman can be totally unresponsive.

The practical consequences are known to everyone in or out of Congress who has tried to move that body toward significant social change. Whether working for civil rights or peace or food for the hungry, advocates all too often encounter a committee chairman who is wholly unresponsive, even to fellow members of Congress, because their opinions of him cannot affect his grip on power.

In January, for the first time ever, seniority will be officially debated by the two parties in the House. (The Senate is not yet ready for this step.) Representatives will meet shortly before the new Congress convenes in January and consider whether and how to change the seniority system.

The likelihood of some change is good. Both parties appointed committees to study the issue this year. Their reports will be taken up in the party caucuses, the traditional separate meetings that Democrats and Republicans hold before a new Congress convenes. (The caucuses are also known as the Democratic and Republican Conferences.)

THE NEED FOR CHANGE

No other parliamentary body in the free world employs the seniority system. No legislature in the 50 states employs it.

The system places overwhelming power in the hands of aging men, and makes it virtually impossible for younger men to play significant roles of leadership. In the early 1800's Henry Clay served brilliantly as Speaker of the House, beginning at the age of 33. Contrast that with the situation today in which the Speaker is retiring at the age of 79 and the median age of House chairmen is 69 compared with 53 for all members of the House. Comparable figures for the Senate are 67 for chairmen and 58 for the Senate as a whole. Some men and women are superbly vital in their 70's but others are not—and the business world normally expects its executives to retire at 65.

The chairman of a House committee who died recently at the age of 84 missed more than one-third of the roll-call votes in the House for the last four years. The infirmities of age made it utterly impossible for him to function effectively.

Sen. Richard Russell, chairman of the powerful Appropriations Committee, is 73, suffers gravely from emphysema and it is generally acknowledged that his physical disabilities make it impossible for him to exercise vigorous leadership. His term runs until 1973, which will be his 40th year in the Senate. The Senator is a relative youngster compared to recent Appropriations chairmen in both houses; four of the last five served to age 91, 85, 84 and 75. The present House chairman is 70.

The seniority system throws the weight of Congressional power to the one-party states and House districts, since those areas reelect the same man year after year. Some candidates from such districts run for reelection without any opposition in either a primary or general election. Their constituents value their seniority, but the country may suffer.

The chairman of the House Agriculture Committee, W. R. Poage, age 71, is a Texan from a district where the Republicans don't even bother to run a candidate against him. He is interested almost exclusively in farm programs and has shown little concern for major issues that affect the rest of the nation. He has the food stamp program in his committee's jurisdiction and has consistently held up action on this important program.

Of the 23 House chairmen, 11 are Southerners and 7 are from one-party districts in the East. If the Republicans were the majority party, 11 chairmen would be from safe districts in the Midwest.

In both the House and Senate, Southerners have an undue proportion of chairmanships in view of their share of the total Democratic membership in the House and Senate:

	House	*Senate*
Percent of chairmen who are Southern	48	55
Percent of members who are Southern	36	37

A study published in 1969 showed that more than one-third of 114 Democratic committee and subcommittee chairmen in the 90th Congress voted more often with the Republican party position than with their own party.

THE SOLUTION

Something more than longevity should be the qualification for committee chairmen. Party members should have the right to pick the chairmen, and the selection should be made in public session, not behind closed doors.

Common Cause members should let their Representatives know, before January, that now is the time to change the seniority system.

WHAT TO DO

Write your Representative, before January, telling him why you think the seniority system should be changed.

It is particularly important to convince the 56 new members of the House of the need for change. Congressional oldtimers may have their minds made up. The newcomers probably do not. Hearing the views of their constituents can have a real impact

XUM

The new Congressmen won't have offices in Washington until January, so letters and phone calls should go to their district offices.

If your Representative has been re-elected to Congress, write him at the House of Representatives, Washington, D.C. 20515. If you aren't sure of the name of your Congressman, call the news desk of your local paper and ask for his name.

Contacting Congressmen should be only part of the strategy. Congressmen pay close attention to their local newspapers. Common Cause members should encourage editors to run stories on the seniority issue and to editorialize for change.

Use letters to the editor and listener participation programs on the radio to make the point that the seniority system must be changed.

Get your clubs, lodges and unions to discuss Congressional reform and to pass resolutions on the seniority issue. See that these are publicized in your local paper and sent to your Representative. Let your voice be heard!

[From the Sacramento (Calif.) Bee]

SENIORITY SHOULD NOT BE SOLE TEST

The California Democratic delegation in the House of Representatives has a chance to strike a blow against the ironclad seniority system in Congress by naming a member to the House Appropriations Committee on the basis of experience rather than time spent in Washington.

A seat on the committee is being vacated by Rep. Jeffrey Cohelan, D-Berkeley, who was defeated in his bid for re-election.

Rep. Chet Holifield, D-Los Angeles, committee chairman, tentatively awarded the position to Rep. Edward Roybal, D-Los Angeles, on the basis he is from Southern California and is the most senior man who had expressed interest in it.

This decision is being protested by younger delegation members who are campaigning to reform the House away from its strict reliance upon the seniority system.

Holifield commented:

"When I first came to DC in 1943, Sam Rayburn told the class of newly elected congressmen: 'Boys, if you want to get along, go along.' As the years have passed I have repeated that admonition to myself many times when frustration was about to overwhelm me."

With all due deference to the many years of good service in Congress Holifield has given, it should be pointed out the times are changing.

No longer is it right nor publicly acceptable just "to go along."

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I would like to commend the gentleman from California for the great contribution he has made in this area. He has served on the Republican Task Force, and he has done a great deal of study in the area of congressional reform. The subject we are discussing is of great concern to my constituents and to all Americans. They know that the seniority system has become the major stumbling block to responsive and effective performance by the legislative branch.

The seniority system is not written on stone. It developed as an alternative to great power in the Speaker, power which was perhaps not bad in itself, but like the power of seniority, came to impede or frustrate the will of the House. The U.S. Congress is the only legislature in the free world to operate under a strict seniority system. None of the 50 States selects its legislative leaders by this system. Our States have not cared to imitate our example because seniority as a system of selecting leaders is out of tune with modern principles of democracy and modern standards of merit.

There is no shortage of suggestions to remedy the problem. My own preference is for election of committee leadership by committee members, by secret ballot. As the gentleman from California has pointed out (Mr. McCLOSKEY), this system has roots in the rules followed in the past. At the very least, we must change to a system that will allow members to express a vote of confidence or a veto of leadership choices by secret ballot. This would permit the retirement from leadership of those least able to lead.

When we had a congressional reform bill here during the summer, there was a great deal of optimistic speculation that rule changes would point Congress in the direction of the 20th century context. But I believe the gentleman from California has touched on the nub of the problem: Regardless of how we change the rules of the House, this great institution cannot respond as it must without leaders of outstanding energy and initiative, as well as experience and judgment.

There are many Americans who fear that our democratic institutions are not equal to the problems and pace of modern society. So long as we cling to the seniority system, we are not giving those institutions a chance.

I thank the gentleman for yielding.

Mr. McCLOSKEY. Mr. Speaker, I thank my Republican colleague from Maryland. Would the gentleman agree that the matter lies now not in the hand of the Republican Members of the Congress, but only in the Democratic Members who can change the system presently used, and comply with the rules of the House?

Mr. GUDE. I would hope that initiative would come from the Democratic Party. I would perceive that if it is not possible that they could do this in their Democratic caucus, that we should take the initiative and attempt to alter the rules of the House in some manner to bring this about, but I do feel that the responsibility lies in the hands of the majority party.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from California.

Mr. WALDIE. Mr. Speaker, I join in the commendations to the gentleman for the work he has done in the past on this matter, and for the proposal that he has made to the House in this instance. I will ask a question or two concerning that proposal, but before I so do I would like at least to state my own position on the seniority system, which may make the questions I shall ask more understandable:

My primary objection to the seniority system is that it has resulted in the diffusion of power in the legislative branch where the committee chairmen, because of the seniority system, have presided over autonomous enclaves in the exercise of the powers of their committee. That diffusion of power has I think two damaging consequences to this institution, and to its ability to provide solutions to the problems confronting the Nation.

The two damaging consequences are, in the first instance, because of the diffusion of power you are unable to assess responsibility for its abuse by committee chairmen or, for what is more commonly the case, their failure to exercise power constructively, which equally is an abuse.

It seems to me the second damaging consequence to this institution resulting from the diffusion of power involves the relationship of the supposed equality that is supposed to exist between the legislative and executive branches. There has been an enormous concentration of power in the executive branch and as a result the lack of concentration of power in the legislative branch has made it unequal to its constitutional task of representing a check and balance against the executive branch.

I would then suggest a proposal in terms of a solution to the seniority system problem—a proposal that I suspect would not be widely supported by many of my colleagues—that we concentrate this power that it is now diffused by the seniority system into the Speaker of the House of Representatives and that he have the power to appoint committee chairmen on any criteria that he deems proper and responsible and that his decision as to the appointment of committee chairmen then be approved or disapproved by the caucus of the majority party.

And I answer, anticipating a criticism that this would be a return to the Cannon system that brought about the revolt that diffused the power—and I answer to that argument that the situation is not at all analogous to that today in my view to what existed in the Cannon era. And it is not analogous in two primary respects.

First, the ability to discern abuses of power on the part of the press which is after all the primary guardian of the ethics and the interpreter of the responsible nature of actions of Congressmen and Senators—that responsibility can better be performed in this modern era than it was performed during the Cannon era. So abuses of this concentrated power would be more quickly detected and the abuses more quickly be assigned as to responsibility.

A second material distinction between this era and the Cannon era that causes that historical example not to be analogous, is that the executive branch today is overwhelmingly more concentrated in its power and the equality of the two branches therefore is far more out of balance than was the case in the Cannon era.

I would suggest, then, a concentration of power in the Speaker as a means of solving the seniority problem, bringing about easier assessibility of blame for abuse of power and more ready accountability as well as bringing about a better balance of power between the executive and legislative branches.

As a direct question as to your proposal, let me ask—rather let me preface my question—do I understand your proposal to be that if the majority party in caucus selected a slate of committee chairmen that a group of minority members of the majority caucus—meaning my type of

XUM

Democrat perhaps—disagrees with—that that group then comes to the floor of the House of Representatives with an alternative slate and asks for the adoption of that slate of committee chairmen?

Is that essentially your proposal?

Mr. McCLOSKEY. The election would be of the chairmen of the 21 standing committees.

Mr. WALDIE. But is it your proposal that the members of the majority caucus who are disappointed in the outcome of the caucus vote bring their disappointment to the floor and ask for support from the minority in support of their candidates?

Mr. McCLOSKEY. That is precisely my proposal.

I think the minority party would understand and agree that with 255 Democrats in the House and 180 Republicans—the chairman, no matter what his seniority, should come from the Democratic Party that controls the House.

Mr. WALDIE. I acquiesce in that principle that the majority party should have the committee chairmen.

Let me ask you one further question. Why in your proposal do you suggest that the initiative come from dissident Democrats who are outvoted in their caucus? Could not the initiative—since the majority of the votes after all must come from the minority side of the aisle—should not the initiative come from them also?

Mr. McCLOSKEY. I think it would be improper that the initiative of replacing an incompetent chairman should come from a Republican.

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I would suspect, however, that the 180 Republican Members of the House in the 92d Congress would like to at least have a choice.

The reason I propose the plan I do is that for 59 years it has been impossible for Republicans or members of the minority party to have a choice because the Democratic Party, instead of permitting an election, has made automatic the reassignment of chairmen based solely on seniority so that the election itself is a myth.

Mr. WALDIE. Though I thoroughly disagree with what has happened on the part of my party in the exercise of their responsibility in that regard and agree with your description of it entirely, there was nothing at any time to prevent a Republican from standing on the floor at the time these committee chairmen were proposed to the House and to propose in lieu thereof his own candidates for that position.

Mr. McCLOSKEY. You are absolutely correct. We could have at any time, and we can in the 92d Congress. It is quite clear that when we do so, however, the Democratic caucus will have already locked itself into an automatic reassignment and that our votes will be merely an exercise in futility.

The Democrat who votes with us votes at his peril. This is one of the insidious aspects of seniority, that anyone who rises to challenge it faces the loss of committee assignment, faces the loss of trips, faces the loss of having his bills heard by that committee chairman, perhaps even the loss of the budget of his subcommittee. These penalties that inhibit a challenge to the seniority system as it exists today obviously fall far more heavily on the Democratic Members than they do on the Republicans.

It would be a moot question for us to raise the question of an alternative selection of committee chairmanship. For this reason I have suggested that it should come from the Democratic Party.

Mr. WALDIE. You are suggesting that it come from the Members of the Democratic Party. But the implementation of that proposal must come from your side of the aisle, because it is quite obvious that the minority we are talking about does not have the votes or they would have had them in the caucus. So the only way such a change could be brought about would be if the Republican crosses over and elects the Democratic chairman.

Mr. McCLOSKEY. That is correct. As I count the Members, in the case of a chairman, say, who is obviously senile or incompetent, it would take 38 Democrats with 180 Republicans to elect another member of that committee as its chairman.

Mr. WALDIE. As a Democrat would that give you concern?

Mr. McCLOSKEY. I beg the gentleman's pardon?

Mr. WALDIE. As a Democrat would that give you concern?

Mr. McCLOSKEY. If I were a Democrat—it would be difficult for me to place myself in those particular shoes.

Mr. WALDIE. In conclusion, I would like to say to the gentleman from California I am quite sincere in my commendation of your efforts. Your efforts are bringing this matter to public discussion and public debate. After all, I am totally convinced that the seniority system will never be changed within the House of Representatives. It is not a self-starting matter. There are too many vested interests in the system to realistically expect Members to place the public interest in reform ahead of their own self-interest. That is sad, but I believe, true.

It will be changed only if the public insists, and they will insist as they learn the disabilities that accrue to them as a result of these failures, and your efforts are helping in that process.

Mr. McCLOSKEY. I thank the gentleman. I do not think it passes unnoticed that the gentleman's efforts a year or so ago have had some result here in the Congress itself.

I would like to say in response to the gentleman's comments on the alternative proposal of the Speaker naming the committee chairman that this would not particularly bother me either, because it recognizes the principle of accountability. The evil of the system arises from the lack of accountability, that once a man is chairman, he will remain chairman so long as he is reelected to Congress, regardless of his performance. That is the true evil of the system.

The proposal that the Speaker shall nominate or select the chairman does have the virtue that if he selects as chairmen those who are incompetent, the following Congress has the opportunity of electing a new Speaker. This could have been one reaction to Speaker Cannon's apparent autocracy in 1910 and 1911.

I made the proposal I did because we are now faced with the convening of the 92d Congress, whose problems will rank certainly among the greatest any Congress of the United States has ever faced. We will have to be responsible and responsive to a rapidly changing set of circumstances and problems.

For the 92d Congress, it seems to me the rules are already in existence for the House of Representatives which would permit the election of committee chairmen, and to follow those rules would be a simpler alternative than to change the rules of the House. I fully recognize that if the Democratic caucus wished to change the rules of the House of the 92d Congress, it could do so. But if it is unable to do so in caucus because a majority of the Democratic Members are not prepared to change the rules, then I suggest this alternative.

The way the House is organized is every bit the responsibility and the privilege of the Democratic Party, but if a minority of the Members on the gentleman's side is insufficient to achieve a rule permitting the Speaker to appoint committee chairmen, then I suggest this other alternative, where 180 Republicans might be able to join with a minority of Democratic Members and select the ablest men to chair these 21 committees.

Mr. WALDIE. If the gentleman will yield further, this is an extreme proposal, but it is not a proposal I reject out of hand. I trust that option will not occur for the Democrats, because I am hopeful, for my part, that we will enact rules that will not make the situation that presently exists as deplorable as it now is.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I just want to inquire of my friend, the distinguished gentleman from California, whether the proposal he now describes is extreme because it is now coming from a Republican, or whether it struck him as extreme as when he and I proposed something very similar 6 months ago?

Mr. WALDIE. Mr. Speaker, if the gentleman will yield further, our proposal is somewhat different. We suggested, or at least I suggested, that if the gentleman from California in the well were to be nominated as a Speaker of the House of Representatives, and if the Democratic Party candidate for that position were not as committed to reform as is the gentleman in the well, then we would consider casting our vote for the gentleman in the well.

Mr. McCLOSKEY. I am complimented, but I want to make very clear that at this point I am not saying I think any of us during our first two terms in the Congress would want to be chairmen, or that the experience and wisdom of other Members of Congress is not a very important aspect of our deliberations. I mean to suggest in my remarks here today nothing that would depreciate from the principle, other things being equal, that seniority is something to be properly respected, and that as between a Member with 20 years in the House and a Member with 10 years in the House, given equal capacities and abilities, we should follow the seniority system.

But the present system has led us into chaos, and it is inconceivable that the major legislative body in the world should be alone in following a rule which automatically takes the oldest surviving Member and make him chairman. I can conceive of no other body—corporate, armed services, municipal government, or State government—that follows this system.

Mr. LOWENSTEIN. Mr. Speaker, if the gentleman will yield further, does the gentleman imply that the House erred in electing Henry Clay as Speaker when he was, in fact, a rather junior Member?

Is the gentleman in his modesty about his own qualifications suggesting perhaps that Henry Clay's achievements as Speaker be retroactively downgraded?

Mr. McCLOSKEY. I know Henry Clay was 33 years old when he was elected Speaker. I do not know his experience before then. I can conceive how a Member, elected at age 25, with 8 years' experience, might well know enough to be a committee chairman or even Speaker in the early days of the 19th century.

Mr. RIEGLE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Michigan.

Mr. RIEGLE. Mr. Speaker, it may well be that the gentleman from California in the well now is already too old to serve as a committee chairman. I rise to commend the gentleman's initiative in bringing this vital issue before the House today, and to say I agree in the main with what he has said. Certainly I agree fully with the concern the gentleman expresses about continuing to use the seniority system as the method for picking our committee chairmen in the House.

If I may, I would like to respond to a point or two made by the gentleman from California (Mr. WALDIE) on the other side of the aisle with respect to his suggestion that the Speaker ought to select the committee chairmen. I am wondering why it is logical to assume that the Speaker would be all-knowing on the question of who ought to be selected as chairman or who the best man was for each individual committee. It would seem to me the people who would have the best insight and who could perhaps exercise the best judgment as to who ought to be committee chairmen are, in fact, the Members who have actually served on the committees, and who ought to be able to express a collective judgment equal to, or better than, a single man—and I speak, of course, primarily of the carryover Members. So why not have the House as a whole participate in this process, because only the returning Members have had a chance to perform on the committees and to see their colleagues perform, and can bring together that collective judgment. I do not think any one man in the House, be he Speaker or anyone else, can duplicate that, because there is just too much to know.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Speaker, in response to the inquiry of the gentleman, my own point of view is that power as presently exercised in this system is exercised by a committee chairman as to whom it is impossible to assess responsibility or accountability for his actions.

The solution of the problem, then, would seem to be to concentrate the power.

To permit the committee to elect its own chairman would only further diffuse that power. The members of that type of committee would really have a little enclave operating in and of itself and would further isolate themselves from the accountability of the whole House.

I would not find that consistent with my personal view.

Mr. RIEGLE. It seems to me that the abuse which we are trying to correct now is an abuse of what the Member in the well calls automatic reassignment, the automatic reassignment of the senior Member as chairman. There is probably no more excessive abuse we can think of, that being the least logical way of selecting a committee chairman.

Mr. WALDIE. That is only a description of the machinery that permits the automatic accession to power. The abuse is there is no way of assessing responsibility for the actions or accountability for the actions.

Mr. RIEGLE. If I may suggest one more question to the gentleman from California (Mr. WALDIE) who is on his feet. The gentleman suggested earlier that he thought the press might have sufficient power today, as opposed perhaps to times past, to correct any abuse of power by the Speaker in selecting second-rate committee chairmen. I really wonder if that is so, when in fact the press today has been as unable as we have been to correct the abuse of the present seniority system. I just wonder if that is a fair burden to place there. I am not sure they can get that job done, when we ourselves cannot get it done. It seems to me they probably cannot be expected to correct the abuses which might occur under the system the gentleman has advocated.

Mr. WALDIE. I have just one final comment. I do not want to monopolize the time. I know many Members desire to speak.

I join in my colleague's regret with respect to the failure of the press to interpret to the public the damage done to the public by the seniority system. I believe it has been a massive failure on the part of the press; a failure which is being overcome, hopefully, it seems to me at least, in the past several years.

I am optimistic, is the only answer I can give to the gentleman.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from California.

Mr. REES. I wish to congratulate the gentleman, my colleague from California, for calling a special order on what I consider to be a terribly important issue, really related to the survival of our system, not just here in the Congress but throughout the country.

I believe that if we have problems in 1970 they have to be met by minds which are dealing with the problems of 1970 and not the problems of 1932 or 1938 or 1948.

I served with the gentleman from California (Mr. WALDIE) in the California legislature, and we had no seniority system, and it worked very well. The speaker would appoint the chairman, and he would appoint the members of committees.

The speaker really could not afford to appoint a "ringer," because if he appoints a bad chairman it would accrue to him; he would have the blame. So the speaker at all times was trying to appoint those people as chairmen who could do the job.

For example, I was chairman of the Committee on Banking and Currency the first year I was on the committee. They say this might be wrong, but I believe I was a good chairman.

Other members had been chairmen of some committees for 10 or 15 years. They also did a good job. But it was a mixture.

It also meant that a younger member could come into the legislature, and if that younger member were interested in an area of public policy, that younger member could go into the area of public policy, show an interest in it, and be given a subcommittee chairmanship, so as to be able to get out to do something about the problem. He did not get a staff. Most of the work was work he had to do himself.

In my second year in the legislature, in the year 1956, I was appointed the chairman of a special subcommittee of three to look into the health effects of air pollution. Some of the first material gathered nationally on the effects of air pollution on health was gathered at that committee meeting.

We did not have staff, but we knew the doctors we could call. We knew some of the studies that were going on. I believe we had very excellent committee hearings.

We had two smog alerts during the series, so we did receive a great deal of publicity.

I believe, as a result, people became more concerned about air pollution. We were able to draw up what, up to that time, was the most progressive air pollution law in America.

I do not believe this could be done here in the Congress of the United States because all power is concentrated on the basis of seniority.

You will find some chairmen who are chairmen not only of their full committee, but they are chairmen of the joint committee and of three or four subcommittees. If you look at positions within the party caucuses, you will find that they are also on the board of directors of various party caucuses. This power is guarded very carefully. I remember in my first term here a junior Member went into the problem of the inhumane treatment of animals to be used later for experiments. He got some good publicity on that, and afterwards the committee chairman jumped on the issue and put in a bill. The junior Member soon found himself out in the cold. That is the problem.

If you want to come here and do a job, even though it does not threaten anyone or get into anyone else's jurisdiction, they say that this is a potential threat and they do not allow you to do it.

The biggest fights I have seen here are not on the issues of Vietnam or civil rights but on committee jurisdiction where you see 70-year-old chairmen cutting each other's throats because they think that one is taking jurisdiction away from the other chairmen.

I know that this situation has to be defused. On our democratic side we see the power is concentrated there in 20 or 30 elderly Members who are not ready to give away any of that power or to share it with anyone. That is the frustration I find as a Member of Congress 45 years of age. I think I am somewhat in tune with 1970 and its problems. I did not want to become a Congressman because it beat heavy lifting or some such thing as that. I became a Congressman because I wanted to do a job because I am very much concerned with what is happening in this country and I feel I have something to give.

Mr. McCLOSKEY. I agree with the gentleman and submit that it will only take 38 like-minded Democrats to change this system on the first day of the 92d Congress. If we can obtain such an agreement between enough Democrats and Republicans, we can vote out this system either through a change in the rules to permit the Speaker to appoint committee chairmen or to have other rules adopted which will change it.

Mr. REES. As you know, I am very much in favor of changing the basic ground rules of what we can do in the first 2 or 3 days. The first 2 or 3 days of this next session we can change the rules of the House and of our own caucus in regard to seniority.

Now, Mr. Speaker, I would like to make a few short comments.

As you know, Congressman CONABLE of New York has done a very excellent job in trying to loosen up the Republican seniority rules. We have a committee on our side headed by Mrs. JULIA HANSEN who expects to come up with some recommendations around Christmas time. We hope we will get those recommendations before we come back here to start the 92d Congress. I do hope that our committee will come up with some very strong rules. As you know, the Democratic Party has the power and can vote to come up with new rules on seniority. It is far tougher to come up with new rules on seniority when you have the power than when nothing is actually being lost. It is far easier on your side to come up with rules, because the power is not being lost.

Now, Mr. Speaker, I would like to insert at this time five different suggestions which I have as to where we might change the Democratic caucus. I will not read them all but only the titles and then ask that they be inserted in the RECORD.

First, in order to spread the base of responsibility among more members of the democratic caucus, there should be a limitation on the number of leadership positions any one member can hold.

Two, a democratic committee on committees, separate and apart from the democratic members of the Ways and Means Committee, should be elected by the democratic caucus at the beginning of each congressional session.

Third, committee on committees appointments should be referred back to the democratic caucus for specific ratification, especially of each chairman.

Four, the structure of the democratic caucus should be strengthened and the base of participation should be broadened.

Five, Members holding leadership positions should have the responsibility of supporting caucus policies.

These are five positions on these matters that I will send over the seniority committee, and probably the first day of the session I will have them drafted into specific amendments to the rules of the democratic caucus.

Again I congratulate the gentleman for having this special order. I think he will find a great deal of cooperation from all of us in changing the basic ground rules on seniority and on who will be able to participate in this body.

IN ORDER TO SPREAD THE BASE OF RESPONSIBILITY AMONG MORE MEMBERS OF THE DEMOCRATIC CAUCUS, THERE SHOULD BE A LIMITATION ON THE NUMBER OF LEADERSHIP POSITIONS ANY ONE MEMBER CAN HOLD

Currently there is too much responsibility and power concentrated in the hands of too few Members. This situation has come about mainly because of the slavish adherence to the principle of seniority. This is in direct contrast to the Republican side of the aisle which has limited the number of leadership positions any one Member can hold.

In the House no Member should be allowed to retain more than one chairmanship, whether that be the chairman of a full standing committee, subcommittee, or ad hoc committee.

At present some senior Members hold up to five chairmanships. In order to best utilize the talents of all Members, the responsibilities should be spread out. Chairmen could then concentrate their talents on one chairmanship, and in the long run do a more thorough job of serving.

There should also be an effort to limit leadership positions within the caucus. The caucus steering committee, research committee, and congressional campaign committee, as well as the committee on committees, should be devoid of multiple memberships. There could be elections to these committees by whip district, as in the case of the committee on committees, again with the possibility of devising formulas to allow adequate representation for new Members and for the smaller States.

There should be regular meetings of these committees, and all caucus members should be advised of the meetings, which would be open to caucus members.

A DEMOCRATIC COMMITTEE ON COMMITTEES, SEPARATE AND APART FROM THE DEMOCRATIC MEMBERS OF THE WAYS AND MEANS COMMITTEE, SHOULD BE ELECTED BY THE DEMOCRATIC CAUCUS AT THE BEGINNING OF EACH CONGRESSIONAL SESSION

The election of a separate committee on committees would, first, spread the base of responsibility among Democratic members and, second, give the Democratic caucus greater control over the selection of members of the committee.

Generally, the members of the Ways and Means Committee are senior Members of Congress who desired to serve on that committee because of its importance in dealing in such areas as taxes, social security and medicare, and trade and tariff policy. There is no reason why those committee members should have jurisdiction over selection of members to other committees. The appointment of Democrats to House standing committees is incidental to their primary committee policy duties.

A committee on committees should be newly appointed every new session of Congress, and an effort should be made to have a broad spectrum of representation. This is not possible with the present setup because the seniority positions of incumbent members are jealously guarded and membership on the Ways and Means Committee is static, changing only with the defeat or death of a member.

Members of the committee on committees could be elected on a one-man one-vote whip zone basis. In order to spread the base of representation, an additional member might be elected by the freshman class. Other such additions might be made as, for example, giving small States specific representation inasmuch as whip zone elections might tend to work in favor of large States.

COMMITTEE ON COMMITTEES' APPOINTMENTS SHOULD BE REFERRED BACK TO THE DEMOCRATIC CAUCUS FOR SPECIFIC RATIFICATION

While technically all appointments to committees, chairmanships, and rank in committees are approved by the caucus, the action is pro forma.

The Democratic caucus should be required to have a specific vote on all recommendations of the committee on committees for committee chairmanships, as these positions are leadership positions and directly affect every member of the caucus.

Any member of the caucus should also have the right to call for a specific caucus vote on any appointment to a standing, factfinding, or joint committee.

The recommendations of the committee on committees should be made available 3 days in advance to all caucus members.

If a proposed chairman or committee assignment is turned down by the caucus, the matter would then be referred back to the committee on committees for further consideration and alternate recommendations.

The caucus rules should specify that in its deliberations the committee on committees need not make its recommendations solely on the basis of members' length of service.

THE STRUCTURE OF THE DEMOCRATIC CAUSUS SHOULD BE STREGTHENED AND THE BASE OF PARTICIPATION SHOULD BE BROADENED

At present, the structure of the causus is practically nonexistent. The committees which do exist do not meet, and the purposes of the committees are vague.

There should be the following committees:

Steering committee.—This committee

should direct the overall activity of the caucus. Emphasis should be placed on the approach to issues pending before the Congress. The steering committee would act as a policy committee.

Research committee.—This committee's responsibility would be to develop new policy positions on issues on a long-term basis; position papers on future policy should be developed. The committee would also retain its present duty of researching current issues.

Campaign committee.—The Democratic Campaign Committee would be part of the formal structure of the caucus. The committee should be broadened in scope somewhat along the lines of the equivalent Republican counterpart. Emphasis should be on full time fund raising, services to members in developing campaigns and analysis, bulk purchase of media, and ongoing production of newsletters, questionnaires and press releases. There should be strong liaison with the Senate Campaign Committee and the Democratic National Committee in order to coordinate activities and eliminate duplicated effort.

As mentioned in the proposal to broaden the base of responsibility, every effort should be made to avoid overlapping memberships on the steering committees of these three committees.

MEMBERS HOLDING LEADERSHIP POSITIONS SHOULD HAVE THE RESPONSIBILITY OF SUPPORTING CAUCUS POLICIES

Under the present rules of the caucus, all members must follow the decision of the caucus on the appointment of party leadership positions, such as Speaker. A member not adhering to caucus recommendations would cease to be a member of the caucus and would, in all probability, lose his committee assignments and seniority.

The rules do not impose any such discipline with regard to policy positions of the caucus. Policy positions on issues are taken by the caucus, but a member who disagrees is not held accountable if he merely states that the position is contrary to his commitments to his constituents' best interests.

This is wise. The Democratic Party is a broadly based party, and a requirement of slavish adherence to policy would be destructive.

A higher level of duty, though, is required of those who have been elected by the caucus to assume leadership and policymaking positions. These would include the offices of Speaker, floor leader, whip, and the chairmen of the standing committees.

If 60 percent of the caucus members support a policy position, but a member in a leadership position does not support that policy, the matter should then automatically come before the next regular caucus for discussion.

Inasmuch as the caucus has the power to appoint individuals to leadership positions, it should also have the power to remove them from those positions if it so chooses. Any action or nonaction on the matter by the caucus would be at its discretion.

Mr. RIEGLE. Mr. Speaker, will the gentleman yield further?

Mr. McCLOSKEY. I yield further to the gentleman from Michigan.

Mr. RIEGLE. I might just say in response to what the gentleman from California (Mr. REES) just said—and I shall try to be brief—that if there is anything sadder than an 82-year-old committee chairman in the House it is a man who lives to be 78 and is serving on a committee, who is fourth ranking on that committee, and is in poor health. We will suppose that he has been here for 35 years. He faces the hope that perhaps within 10 or 15 years he can become a committee chairman. Regardless of his ability, he cannot become a committee chairman unless he can outlive his senior colleagues on that committee. And so the Member in question is caught between the terrible pressures of the seniority system on the one hand and failing health on the other.

Mr. Speaker, I think it is important for the public to know that around the floor of this House, out of sight of the galleries, is oxygen equipment, stretchers, and other emergency medical facilities which can be brought onto the floor of the House very quickly in order to revive a senior Member or any other Member that may require emergency medical attention. I say this not in a disparaging way because clearly such emergency equipment is needed and should be available, but the fact of the matter is the seniority system has created yet another abuse. That is that no one wants to retire from the House of Representatives because it forecloses any opportunity to become a committee chairman and thus most members undertake to stay on as long as possible and try to outlive everyone else, so that he might someday become the chairman of his committee. We have men now serving here in the House who, 10 or 15 years ago, were in good health, were mentally alert and were men who should have been elected committee chairmen at that time. But, Mr. Speaker, 15 years has passed and they are still not senior men at this time and sadly, time takes its toll on all of us—and we face the cruel irony that a man may finally become chairman at a point when he has lost his capacity to serve effectively. They were not able to occupy a position of leadership at the time when their abilities were at their peak. And now, if they ever do get into that position of leadership they will probably be in their 70's or 80's.

Thus, we have the problem of each Member having to outlive his senior colleagues if he is going to ascend to a position of leadership on the committee or become committee chairman.

The fact of the matter is, a new man can come to the House when he is 35, and can serve here for 20 years. At that point he can be the best qualified man on his committee, the man who possesses the greatest leadership, skill, energy and so forth but yet that man may have to wait an additional 22 years until he's 77 before he can finally become a committee chairman. This is wrong. It does not make sense. It underutilizes our manpower here in the Congress, destroys initiative, keeps elderly men here struggling up the seniority ladder when they should retire, and tends to produce a subpar congressional performance by the body as a whole.

Mr. Speaker, the main reason the United States is so troubled today is the fact that the Congress has not been able to deal effectively with our national problems. And the main reason the Congress has failed to get the job done is the seniority system, and the fact that we have not been willing to identify our most able men and give them proportional work responsibility.

Mr. Speaker, I again salute the gentleman from California (Mr. McCLOSKEY), for taking this special order because I think the gentleman is exactly right. If the Congress is going to help move the country ahead, we have to proceed first with respect to selecting the leadership of our committees in such a way that our most able men and women can serve as our committee chairmen. Unless we get past that present bottleneck, there is no way the Congress can come to grips with the urgent problems of the seventies.

Mr. McCLOSKEY. I thank the gentleman from Michigan for his contribution.

Mr. Speaker, I was impressed with the letter which the press made available to us, from the gentleman from California, CHET HOLIFIELD, dated November 23, 1970, wherein he pointed out the fact that it was 28 years before he was able to become chairman of the House Committee on Government Operations, and then only when his 83-year-old predecessor passed away.

The Members may recall that we had before us earlier this year an attempt to give some of the powers of the chairman of the Government Operations Committee to the gentleman from California (Mr. HOLIFIELD) who was then acting as chairman.

We have created a situation wherein we require the employees of our executive branch to retire at age 65 and we strongly suggest that justices retire at the age of 70.

The gentleman from California (Mr. REES) pointed out the fact that the California legislature does not follow the seniority system. One of the documents I have points out the fact that not one of the legislatures of the United States follows the seniority system. This body alone follows this archaic system.

Mr. Speaker, we express some dismay on the Republican side of the aisle because we cannot change that system unless there is leadership on the other side of the aisle cooperating to do the job. This is the main purpose of this presentation today.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Of course, one aspect of the general problem is the vesting in committee chairmen, however selected, of powers that are inconsistent with the functioning of Congress as a democratic or representative body. In short, committee chairmen are not autocrats, or, more accurately, ought not to be given the authority of autocrats.

Whatever happens about the method of picking committee chairmen, we also ought to look into how the committees do their business.

On the general question of seniority, it is strange to realize how even in this discussion our thinking is limited—in a sense, we are trapped—by the context we operate in the House. For instance, right now in this room there are people who would be, in any rational scheme of leadership selection, not only committee chairmen, but spokesmen for this body and for their parties in the country, but that cannot occur in the normal course of events.

As I have had occasion to remark before, even societies that worship their ancestors, do not automatically make them chairmen of all their standing Committees. Even Edward VII, when he finally inherited the British Crown, did not acquire with it tsarlike control over the legislative processes. But here we vest in inherited chairmanships imperial authority. And we are supposed to be—we are—the highest elective body of the greatest democracy on earth. The whole thing simply makes no sense. And it makes less than no sense for those Members who come from marginal areas to provide the votes without which their areas—and they themselves—could not be discriminated against in matters so vital to the interests of these areas.

So I would like to say as a lameduck singing his swan song, that I think the proposal of the great representative from California is a very sound one. It is inexplicable that those of us who represent the main stream of the Democratic Party, and who get elected in marginal on Republican districts, who represent the Roosevelt and Kennedy tradition that has made the Democratic Party great and made it the majority party in the country—that we should provide the tools to put into dominant positions men who could never get elected in the districts which we represent and whose social and political philosophies are so different from ours.

I do not want to drive anyone out of the Democratic Party. Both parties are coalitions, and there must be room in both for widely varying viewpoints. But I can't see why those of us who represent 75 or 80 percent of the Democratic Party should put into powerful offices people who 90 percent of the time represent the views of perhaps a quarter of our party. It doesn't seem unreasonable to me that committee chairmanships be shared more proportionally among the various points of view that make up the Democratic Party.

Furthermore, it would be very useful if a coalition on some issues could be developed here among members of both parties who share a sense of urgency about the necessity of bringing about some procedural reforms in this and other institutions—a coalition for social change through democratic process. We have long lived with a coalition for nonchange. Why should that be the only bi-partisan coalition that operates effectively?

But I must ask the gentleman in the well what on earth gives him the notion that he could produce anything close to half of the Members on his side for this kind of coalition? How many Republicans would in fact be prepared to take independent positions on these questions in the face of the attitudes and policies of the current Republican national administration?

Mr. McCLOSKEY. I am attacking only one problem here and that is the seniority system.

The reason I think that we Republicans can assist those Democrats who are concerned about this is that we sent out a questionnaire last spring to the entire Membership of the Republican Members in the House and four out of five responded and said they felt the seniority system should be changed.

I find it very difficult for a party that calls itself democratic to be clinging so strongly to the undemocratic process of denying the right of election. We do a lot of talking about "one-man one-vote" in the House of Representatives and this is a matter of debate throughout the Nation; Yet here in the House of Representatives we ourselves are denied even the right to vote on who are to be our leaders on 21 of our most important committees.

Mr. LOWENSTEIN. One last question. I would like to know if you think it is remotely conceivable that if those of us who feel as we do on the Democratic side were to join in an effort of this kind—if we were to nominate a more liberal or independent Democrat—that any substantial number of Republicans would cross party lines to vote for that candidate?

Mr. McCLOSKEY. On the basis of the ratio, of adding any Republicans by the probable makeup of the 180 Members that we will have in the 92d Congress, 130 at least might be moved to vote for the ablest man should there ever be 88 Democrats courageous enough to vote for the ablest member rather than the most senior member.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I thank the distinguished gentleman from California for initiating this discussion.

I must concur in the skepticism that is implicit in the remarks of the gentleman from New York that we can come to any agreement across party lines on the selection of committee chairmen. But I think the proposal is a serious one and worthy of consideration.

I would only like to make two comments.

First I think it is likely that a Democratic caucus will have before it a proposal that will bear a striking similarity to the proposal that you will have before the Republican conference.

As I understand it, the recommendations that are likely to be made next week by Mrs. Hansen's committee do provide for a caucus election of committee chairmen.

The second point that I would like to make is that I, personally, would strongly favor giving the Speaker a kind of reserve power, if you will, to name a committee chairman if he felt that the incumbent chairman was not providing sufficient cooperation in the workings of the House. I think that just having that power would assure much better cooperation.

Mr. Speaker, I want to commend and again thank the gentleman and ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FRASER. Mr. Speaker, last summer we took a historic step toward reforming some of the outmoded practices and procedures which beset the House of Representatives when we adopted the Legislative Reorganization Act of 1970 which, among other improvements, will eliminate some of the secrecy which pervades operations of the House.

Next month we will have the opportunity to take another historic step toward making the House the kind of responsive national legislative body envisioned by the Founding Fathers. I refer, of course, to proposals for modifying the seniority system which will come before the Democratic and Republican caucuses at the beginning of the 92d Congress.

The evils of the seniority system are numerous and they are pervasive. The present system values longevity over ability and vests extraordinary power in the hands of a few committee chairmen.

The Democratic Study Group has been in the forefront of efforts to abolish the system of absolute seniority which now prevails to the detriment of the House of Representatives.

On February 9 of this year, DSG initiated the proposal calling for creation of a committee of the Democratic caucus to review the seniority system and recommend changes. A similar effort was launched on the Republican side, and in March both the Democratic caucus and the Republican conference established committees to review the seniority system in their respective parties.

In one sense, these efforts have already been successful because for the first time Members of the House are talking about "how" rather than "whether" to modify the seniority system. The Republican seniority committee has already made its recommendations and the Democratic seniority committee is scheduled to report its recommendations within the next week.

But the real test is whether the various proposals will bring about the kind of changes which are so desperately needed. I believe that we have an obligation to the Nation and to our respective parties to adopt substantive reform—not merely the appearance of reform.

We must provide mechanisms to make committee chairmen and ranking members responsive to their caucuses and we must provide equitably for committee assignments and leadership roles for more members. While meaningful reform of the present procedures must include many elements, the greatest need is for a separate and automatic caucus vote on each chairmanship. The Republican seniority task force has already recommended such a change and I would hope the Democratic seniority committee will meet this basic problem as forthrightly; for, as a practical matter, the present method of reporting committee assignments and chairmanships to the Democratic caucus does not permit a separate vote on each nominee for a

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committee chairmanship. Instead, by reporting an omnibus resolution covering all chairmen and most committee assignments, the Committee on Committees of the Democratic caucus precludes separate consideration of its designees for the highest posts. Thus, seniority has become the only test of qualification for chairmanship.

The present practice of rigidly observing seniority in the selection of chairmen is not as old as many of us have thought. A recent study by the Democratic study group which I append to the end of my remarks points out that the inflexible character of the system is only 25 years old. The "inflexible" system has on occasion given way to sanctions voted by the caucus. Members have been stripped of their seniority for improper conduct and for opposing their party's candidate for President.

However, the present system often does not permit us to select the most able and experienced Members as chairmen of committees. Length of continuous service, the present test, may bear some relation to a Member's ability and performance, but it also testifies to a Member's assiduousness in cultivating the voters back home and often the one-sided political alinement of the district.

Senior committee members are sometimes defeated and the 1970 elections have provided current examples of this process.

But generally, committee chairmen reign until they die or retire on their own volition. To their credit, some do voluntarily retire. But we must recognize that under the present system there is no other way a chairman will relinquish his reins.

While modestly granting that the electoral process does yield some judgment about personal ability, it strikes me that this aspect of electoral politics should be reinforced. Voters are passing primarily upon the incumbent's performance as a Congressman generally, not upon his committee work specifically.

I am sure we agree that election of Congressmen is the best test of who should serve in this body. Certainly election rather than ratification of committee leadership would be the best way to assure that the persons who lead the committees of the House of Representatives on behalf of the Democratic Members represent the interests of their party and its constituents. In sum, a separate and automatic vote on each chairman is the key to party responsiveness and the restoration of effective leadership.

There are a series of other reforms of the seniority system which also should be adopted. The Speaker should be allowed to nominate a candidate for committee chairmanship where he determines he is unable to work with the incumbent chairman, subject of course to ratification by the caucus. No Member should be permitted to chair more than one committee or subcommittee or to serve indefinitely as chairman. The present system concentrates enormous power in the hands of a few of our colleagues. It prevents subcommittee chairmen from devoting as much time as may be necessary to their subcommittees. It permits a single Member to dominate a committee for decades; and it denies qualified men and women an opportunity to participate more fully in the legislative process by preventing them from ascending to subcommittee posts.

There should also be a change in the Committee on Committees. As presently constituted, that committee does not fairly reflect the views of the majority of the House. Seven of its 15 members represent Southern and border States. A vast majority of the committee has served in the House over 10 years. Only four of its members were first elected to the House in the 1960's.

Further, the operations of the Committee on Committees are often arbitrary. Zones do not follow a logical pattern. A zone representative has the power to blackball a qualified member from a given committee. Reform in this area might be accomplished by shifting jurisdiction to a new Committee on Committees, by expanding the present committee by the addition of other members broadly representative of the Democratic Party in Congress, or by setting specific guidelines for appointment of committee members by the Committee on Committees.

Both in and out of Congress today there exists great depth of feeling that the present method of designating committee chairmen must be scrapped and that steps must be taken to open up key leadership posts to the most able among us rather than the most senior.

I know this feeling exists among the members of the Democratic study group, 81 of whom sponsored the resolution creating the Democratic Seniority Committee.

Democratic study group seniority report of February 25, 1970, follows:

THE SENIORITY SYSTEM IN THE U.S. HOUSE OF REPRESENTATIVES [1]

The seniority system in the House of Representatives has again become a subject of public debate and concern, primarily as a result of its importance to and involvement with the issue of Congressional reform but also as a result of efforts to make it an issue in this year's election campaign. Because it is the subject of many myths and much misinformation on the part of both defenders and critics, DSG has prepared this special "fact sheet" report to provide a general overview and factual perspective of the seniority system. Specifically this DSG Special Report is designed to set forth the facts regarding development of the seniority system, summarize the arguments for and against the present system, and outline the various alternatives and modifications which have been suggested.

BACKGROUND

Contrary to widespread belief, the seniority system in the House of Representatives is a relatively recent development which has no legal or constitutional basis. It is neither a law nor a rule of the House. It is a custom which has become rigid and absolute in recent years—primarily since World War II.

While the origins of the seniority system are usually attributed to the 1910 revolt against Speaker Cannon, seniority had for many years been one of the prime factors involved in appointments of committee chairmen. Prior to 1910, Speakers not only named the chairmen of each committee but committee members as well—both majority and minority. In making these appointments, Speakers generally followed seniority. For example, a recent study of seniority in the House indicates that from 1880 to 1910 Speakers appointed 750 chairmen, following seniority in 429 instances and violating seniority 321 times.

Following the revolt of 1910, a Committee on Committees procedure, similar to that in effect today, was established to handle Democratic committee assignments and selection of committee chairmen. Over the next three decades, the rule of seniority gradually took hold. Nonetheless, it was still frequently ignored. The same study, for example, shows that of 900 appointments from 1910 to the end of World War II, seniority was followed 676 times and violated 224 times.

But unlike the decade prior to 1910, seniority violations after the revolt were more often compensated by naming the Member whose seniority had been violated to chair another committee or appointing him to some other position. Prior to 1910, 40% of seniority violations were uncompensated while only 12% were uncompensated in the period from 1910 to the end of World War II. Most of the post-1910 violations involved application of the norm that no Member should chair more than one committee, however, some also involved party policy decisions, especially in the period prior to 1919.

Since World War II, the rule of seniority has become virtually absolute, primarily because the Reorganization Act of 1946 reduced the number of committees from 48 to 19, thereby eliminating the array of minor committees used to compensate seniority violations. In fact, the only real seniority violation involving the appointment of committee chairmen in the past two decades was the removal of Adam Clayton Powell as Chairman of the Education and Labor Committee in 1967.

As mentioned, many of the seniority violations following the 1910 revolt involved party policy decisions. An insight into how the system worked following the revolt has been provided by former Secretary of State Cordell Hull who as Congressman from Tennessee during that period served as a member of the Democratic Committee on Committees which then as now handled Democratic Committee assignments and designation of committee chairmen.

Writing in his memoirs, Hull gave the following description of the work of Committee on Committees in making committee assignments for the 62nd Congress:

"We were determined to strip each committee of every possible vestige of special privilege and so to mold such committees as those on Agriculture, Labor and the Judiciary that they would join in securing maximum recognition by legislative actions for classes of American citizens who had been long neglected or discriminated against by numerous policies of the government . . .

"If we had the least doubt about a prospective member's attitude we sent for him beforehand, cross-examined him and pledged him unequivocally to do teamwork. We turned down William Sulzer as chairman of the Military Affairs Committee because he was extravagant. Edward Pou of North Carolina was removed from the Ways and Means Committee and Claude Kitchin, from the same state, substituted for the reason Pou had once voted for a tariff on lumber (Pou recovered to become Chairman of Rules in 1917 and 1931–34). All this was a tremendous job, but we accomplished it in good time, and thus made up the committees of the House. The result was an effectively working organization along progressive lines."

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[1] There are actually two seniority systems in the House, one dealing with committee assignments and selection of committee chairmen and the other pertaining to assignment of office space, patronage, parking, and other household items. This DSG Special Report deals only with the former.

It is also noteworthy that there were more seniority violations in the appointment of committee chairmen in the 10 years following the 1910 revolt than in the preceding 10.

Following is a chart of seniority violations in the appointment of chairmen since 1881 based primarily on data in the study referred to earlier. (See Polsby et al., "The Growth of the Seniority System in the U.S. House of Representatives." *American Political* science Review. Vol. LXIII. No. 3, September 1969, pp. 787–807.)

VIOLATIONS OF SENIORITY IN APPOINTMENT OF COMMITTEE CHAIRMEN, U.S. HOUSE OF REPRESENTATIVES—1881-1969[1]

Congress	Year	Speaker and party	Seniority followed	Seniority violated	Total committees
47	1881	Keifer (R)	2	37	39
48	1883	Carlisle (D)	8	30	38
49	1885	do	21	19	40
50	1887	do	20	21	41
51	1889	Reed (R)	20	27	47
52	1891	Crisp (D)	12	35	47
53	1893	do	25	24	49
54	1895	Reed (R)	13	39	52
55	1897	do	36	16	52
56	1899	Henderson (R)	42	15	57
57	1901	do	49	8	57
58	1903	Cannon (R)	43	11	54
59	1905	do	51	8	59
60	1907	do	45	13	58
61	1909	do	42	18	60
62	1911	Clark (D)	25	27	52
63	1913	do	33	20	53
64	1915	do	50	6	56
65	1917	do	45	10	55
66	1919	Gillett (R)	35	22	57
67	1921	do	44	15	59
68	1923	do	40	17	57
69	1925	Longworth (R)	37	22	59
70	1927	Longworth (R)	43	1	44
71	1929	do	38	7	45
72	1931	Garner (D)	27	18	45
73	1933	Rainey (D)	38	7	45
74	1935	Byrns [2] (D)	32	13	45
75	1937	Bankhead (D)	42	4	46
76	1939	Rayburn (D)	37	9	46
77	1941	do	39	7	46
78	1943	do	34	11	45
79	1945	do	37	9	46
80	1947	Martin (R)	9	4	13
81	1949	Rayburn (D)	19	0	19
82	1951	do	18	0	18
83	1953	Martin (R)	17	1	18
84	1955	Rayburn (D)	19	0	19
85	1957	do	19	0	19
86	1959	do	19	0	19
87	1961	Rayburn [2] (D)	20	0	20
88	1963	McCormack (D)	20	0	20
89	1965	do	20	0	20
90	1967	do	20	1	20
91	1969	do	21	0	21

[1] Data from 1881 to 1963 is from the previously cited article by Polsby, Gallagher and Rundquist. Data from 1963 on is from DSG.

[2] Byrns died in office and was succeeded by Bankhead; Rayburn died in office and was succeeded by McCormack.

Note: (R) Republican; (D) Democratic.

THE PRESENT SYSTEM

Structurally, the present system of selecting committee chairmen is similar to that established following the revolt of 1910. All Democratic committee assignments, including designation of chairmen, are made by the Democratic Committee on Committees which consists of the Democratic members on the House Ways & Means Committee.[2] The Committee on Committees follows the custom of seniority without exception in designating committee chairmen.

The work of the Committee on Committees is subject to approval of the caucus. However, the caucus has altered a decision of the Committee on Committees on only one occasion in recent times, primarily because there has been no opportunity to do so. The lack of opportunity is a result of the fact that for many years the Committee on Committees was permitted to reports its recommendations directly to the House, where they received *pro forma* approval, rather than returning to the Democratic Caucus for consideration and approval of its actions.

In 1965 DSG won re-instatement of the practice of having the caucus review the recommendations of the Committee on Committees, and in 1969 this review resulted in the stripping of seniority from Rep. Rarick of Louisiana for supporting an opposition presidential candidate in the 1968 election. The disciplining of Reps. Williams of Mississippi and Watson of South Carolina for the same offense during the 1964 elections was accomplished by the caucus instructing the Committee on Committees before it met rather than altering its recommendations afterwards during the review process.

Theoretically, then, the present system now does provide the caucus with an opportunity to consider the fitness, performance and acceptability of individual chairmen. In practice, however, there is no realistic opportunity for such consideration because Committee on Committees' recommendations designating committee chairmen are handled as part of one large resolution covering the committee assignments of all Democratic Members.

Thus even with caucus review, what exists, for all practical purposes is an automatic system where seniority is sovereign and inviolate in the selection of committee chairmen.

ARGUMENTS FOR AND AGAINST THE PRESENT SYSTEM

Following are the main arguments which are made in defense of and in opposition to the seniority system as it exists today:

Arguments for the seniority system

There are no workable alternatives for the seniority system.

The seniority system assures capable and experienced leadership. It guarantees that chairmanships go to the members who have had the greatest opportunity to master the complicated procedures of the House and the subject matters of their committees. This experience is particularly useful in giving a chairman the greatest perspective on programs and proposals. An experienced chairman can help the committee avoid the pitfalls of approaches which have been previously tried and found unsuccessful.

The present system avoids competition among committee members for the chairmanship. It thereby fosters cooperation since members are more likely to work together effectively when they are not campaigning against each other.

The seniority system eliminates pressure group influence in the selection of the committee chairman with jurisdiction over the area of their interests.

The seniority system works. It assures that when one chairman leaves office, he will be succeeded by the Number Two man on the committee who has been anticipating the day he would become chairman and has therefore been learning the job and its responsibilities. Thus, the system fosters stability and prevents the deleterious effects of selecting a chairman who is unprepared for the job.

The present system guarantees that the most expert politicians will become committee chairmen. Seniority in the House presupposes political acumen. The member with the greatest seniority has proven skill in getting reelected. This skill is extremely useful in evaluating proposals before the Congress to determine the sentiment of the voters and the effect of enactment upon the reelection prospects of party members.

The seniority system as it now operates permits great independence on the part of committee chairmen since they are not held to the test of party responsibility. This independence prevents the emergence of a strong and autocratic Speaker. Further, it allows a chairman to make decisions based on his own best judgment as a result of his familiarity with the circumstances. Because the present system grants a chairman wide discretion, he need not act on the basis of current political fashion but may take a long range view and better serve the needs of the country.

While the present system does produce an occasional bad chairman, other proposed systems would have the same result. In addition, the other proposed systems would curb the autonomy of the chairman and would prevent a chairman from acting his conscience without fear of reprisal from the Speaker or the caucus.

Seniority helps to insulate the Congress from encroachments by the White House and other quarters. At present, a President will not seek dismissal of a committee chairman who does not support his program since such an effort would be futile. However, nonautomatic chairmanships would open the door to interference in Congressional affairs by the Chief Executive, especially where he is a member of the majority party.

The seniority system provides the best opportunity for a member of a miniority group to become a committee chairman. If a member starts out young enough and continues to be reelected to Congress, he will eventually become a committee chairman automatically. If chairmen were chosen by another method, it would be more difficult for blacks, women and other minority representatives to assume the post of chairman.

The seniority system provides the best opportunity for flexibility and compromise in fashioning new legislation. Because, in effect, committee chairmen are not now bound to a party platform or accountable to the caucus, they are freer to compromise with the minority members of their committees. This increases the possibility of passing legislation.

There is no need for outside control over committee chairmen because committee

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[2] The Republican system differs in that its Committee on Committees consists of one member from each state that has Republican representation in the House. Each member casts a weighted vote equal to the number of representatives from his State. Otherwise the GOP system is generally similar

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members themselves can spur or veto an unresponsive or obstructionist chairman.

Automatic selection of committee chairmen promotes peace and harmony within ranks of the party. The seniority system thus avoids the politicking, logrolling and factionalism that would accompany any other system.

The seniority system stablizes committee membership by discouraging members from switching committees. This enhances the effectiveness of the committee in handling legislation since not only the chairman, but also many committee members, are familiar with the subject matter.

A chairman's age is not a valid consideration since age alone does not cause diminution of mental vigor, alertness and leadership ability. Nor does it mean that a man become more conservative or lose touch.

ARGUMENTS AGAINST THE SENIORITY SYSTEM

The seniority system has fragmented and diffused power in the House, thereby crippling effective leadership and making it impossible to present and pursue a coherent legislative program. In 60 years time, the pendulum has swung from one extreme where virtually all power was lodged in one man, the Speaker, to the other extreme where power is scattered among dozens of powerful committee and subcommittee chairmen. Thus, as George Galloway notes in *Congress at the Crossroads*, "If the chairmen of committees owe their places not to their political parties but to the accident of tenure, then they can follow their own inclinations on legislative matters and disregard the platform pledges and legislative program of party leaders."

The seniority system not only allows chairmen to be unresponsive to their party and the leadership, it also has permitted certain chairmen to obstruct, distort and emasculate party programs and policies with impunity. Thus over the past two decades, a small handful of powerful chairmen have been allowed to prevent Congress from responding to the nation's needs until the problems became searing crises. The classic example of such obstructionism is former Rep. Howard W. Smith of Virginia who, as chairman of the Rules Committee from 1955 to 1967, personally killed or blocked civil rights, housing, education, health, welfare and other needed social legislation for years.

The seniority system gives the power of the Democratic Party in Congress to those most opposed to Democratic programs and policies. DSG voting studies show that one of three Democratic committee and subcommittee chairmen vote against Democratic programs and against the majority of their Democratic colleagues more frequently than does the average Republican. In fact, opposition by Democratic chairmen was responsible for half of the major defeats suffered by the Democratic majority during the 90th Congress. Similarly, rigid Democratic adherence to the seniority system has, in the past 15 years, resulted in giving committee and subcommittee chairmanships to 59 Members who in 1956 signed the "Southern Manifesto" pledging that they would employ "every available legal and parliamentary weapon" at their disposal to reverse the Supreme Court's school desegregation decision and defeat all civil rights legislation coming before Congress.

The seniority system undercuts moderate and progressive political candidates in the South. As long as national Democrats in Congress give committee chairmanships to diehard opponents of Democratic programs and principles and permit them to defy and obstruct those programs and principles, Southern voters have no reason to elect moderate or progressive candidates. Thus Southerners loyal to the programs and principles of the Democratic Party have been defeated and run out of politics altogether.

The present system gives undue Democratic power to a region which votes overwhelmingly against Democratic Presidential candidates. In 1968 every Southern and border state except Texas voted against the Democratic Presidential candidate. In 1964, only six states in the nation voted against the Democratic candidate—all Southern except one, the home state of the GOP candidate.

The seniority system has resulted in a steady increase in the average age of committee chairman. One hundred years ago the average chairman was in his forties—today he is 70 years old. There are only three chairmen under 60 years of age in the 91st Congress; of the remainder, eight are in their sixties, seven are in their seventies, and three are in their eighties. Thus, at a time when other American institutions—colleges, corporations, etc.—are turning over the reins of leadership to younger men, the leaders of Congress have been getting older. Thus the system aggravates the tensions and strains in the society at large, especially when it produces powerful chairmen who are hostile to change and dedicated to protecting and preserving the status quo.

The seniority system maintains the same individuals in power too long. For example, eight of the present chairmen have held their chairmanships for more than 12 years and three have been chairmen for 22 years. The remaining chairmen have held their posts for less than 10 years, however, their predecessors held their chairmanships for an average of 15 years each. Thus the average chairman can expect to hold power for at least a full decade and frequently longer.

The rule of absolute seniority results, on occasion, in the selection of mediocre, senile or otherwise incompetent chairmen and preserves them in office. Ironically, Members of Congress become committee chairmen about the time in life when most other Americans are forced to retire. If the same retirement rules were applied in Congress, all but five of the present 21 chairmen would have been forced to retire long ago—some more than 10 and 15 years ago.

The system permits committees to become personal fiefdoms of strong chairmen and special interests.

The system denies competent younger men a chance to exercise their leadership talents at the time in life when they are most able to meet the rigors of the job. It is therefore wasteful and inefficient.

The seniority system produces chairmen who are generally unrepresentative of America at large and are therefore unresponsive to its needs. Only those who get re-elected time after time can reach the top of the seniority ladder and become chairmen. Thus the system favors members from static one-party Southern districts and safe machine-dominated big-city districts, and tends to deny power to members who represent other sections of the country, especially those sections which are changing and are more politically competitive.

ALTERNATIVES AND MODIFICATIONS

Numerous proposals have been made for changing the present absolute system of selecting committee chairmen solely on the basis of seniority.

These proposals fall into two general categories:

Alternatives, which would involve discarding the present system and selecting chairmen on some other basis; and

Modifications, which would retain the present system insofar as possible while making only those changes necessary to correct major shortcomings.

The alternatives would not necessarily eliminate seniority as a factor in selecting chairmen, but would leave the matter totally to the discretion of the nominating authority.

The principal modifications, on the other hand, are based specifically on continuation of seniority as the dominant—but not the *only*—factor in selecting chairmen. These modifications are designed to provide an opportunity for consideration of factors other than seniority and introduce an element of flexibility and choice into the present rigid system while retaining the advantages and benefits the seniority system provides.

The main thrust of the major proposals, both alternatives and modifications, is not to eliminate the seniority system but to assure that committee chairmen will be responsive to their party caucus and the leadership regardless of how chairmen are selected—whether on the basis of seniority, drawing straws, or the color of their eyes.

Following are some of the major alternatives and modifications which have been proposed:

Use the seniority system to *nominate* chairmen subject to majority approval by the caucus. This proposal would entail a separate vote in the caucus on the chairman of each committee. If the senior member of a particular committee failed to receive majority approval, the caucus would consider the next most senior member, and so on until a chairman acceptable to the majority was elected. This modification would preserve seniority as the dominant factor in selecting committee chairmen, while providing for automatic and separate consideration of each potential chairman's fitness and acceptability without becoming involved in campaigns for various chairmanships.

Have the caucus elect committee chairmen from among the three most senior members of each committee. Like the first proposal, this modification would maintain seniority as the dominant factor in selecting committee chairmen while providing a mechanism for considering the fitness and acceptability of the most senior candidate and possibly by-passing him.

Authorize the Speaker to *nominate* chairmen subject to approval by a majority of the caucus. This would represent a compromise between today's system and pre-1910 days when the Speaker alone *appointed* all committee chairmen. Supporters of this proposal claim it would permit the most effective leadership while protecting against abuse and autocracy by subjecting the Speaker's decisions to caucus approval. Should the caucus reject one of the Speaker's nominations, he would continue making nominations until an acceptable chairman was found.

Authorize the majority members of each committee to nominate their chairman subject to caucus approval. This proposal is usually criticised on grounds that committee members would be under too much pressure to vote for the present chairman. Such a system would also be severely influenced by unbalanced committee make-up resulting from past decisions in making committee assignments.

Authorize the members of each committee—both majority and minority—to select their own chairmen subject only to approval of the whole House, which would probably be *pro forma*. This alternative is criticised on the same grounds as the preceding proposal, plus on grounds that it would introduce cross-party alliances into the selection process and totally eliminate any vestige of party responsibility by making chairmen primarily responsive to the alliance which elected them.

Establish a new special committee to *nominate* chairmen subject to majority approval by the caucus. This proposal would retain the present Committee on Committees for consideration of all committee assignments other than selection of committee chairmen. The new special committee could be elected by the caucus, or could consist of the majority Members of an existing committee, such as Rules, or could be made up automatically of the sixth, seventh or eighth ranking Member of each standing committee. The latter would result in a 21-man committee which would change somewhat every two years and which would consist of middle-rank Members who could bridge the gap between senior and junior Members, but who would still be senior enough to tend to follow seniority in their decisions.

There are also three other frequently-mentioned proposals for modifying the present system. These proposals, however, all merely limit the length of time a Member may serve as chairman without touching the problem of making chairmen more responsive to the caucus and the leadership. They are as follows:

Set an age limit and require chairmen to give up their chairmanships when they reach that age.

Set a limit on the number of years a member can serve as chairman and require that after serving as chairman the Member leave the committee entirely and begin service on some other committee.

Rotate the chairmanship among the top three members every two years. Thus the senior Member would be able to serve as chairman only two out of every six years.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman.

Mr. HATHAWAY. Mr. Speaker, I have taken a great interest in the revision of the seniority system, and I agee with most if not all of the suggestions that have been made here today.

Regardless of what system we come up with we are going to have committee chairmen and subcommittee chairmen and they are going to have the powers that the committee chairmen and subcommittee chairmen enjoy today.

And you know we may get some arbitrary and capricious actions on the part of those who are selected by any new method if we abolish the seniority system altogether. So, I think the real answer is for us on a bipartisan basis, to try to come up with some uniform committee rules that will dilute the powers of the individual chairmen and subcommittee chairmen so that members of the committee will have a lot more to say.

The adoption of uniform committee rules to restrict the opportunities of chairmen to act arbitrarily and without consultation would serve to emphasize the fact that the committee, and not the chairman, is sovereign.

The adoption of regularized procedures for committee operation and new rules to dilute some of the potentially dictatorial powers of committee and subcommittee chairmen can take the sting out of seniority and ameliorate the basic inadequacies of a system which makes duration of service the primary qualification for leadership positions.

The seniority system is one of the most archaic aspects of congressional organization. It diffuses legislative power among men who, as George Galloway points out in Congress at the Crossroads, "owe their places not to their political parties, but to the accident of tenure." Moreover, the system does nothing to guarantee that the leadership will be in the hands of people of superior ability, competence or fitness. It allows Members to rise to the apex of power through committee chairmenships awarded not on the basis of demonstrated ability, but on the basis of longevity of service on Capitol Hill. This is an anomaly in a nation which prides itself on its democratic system. Not only is it undemocratic, it is nonsensical. The law of the jungle is more sensible: survival of the fittest. Congress operates on the basis of survival, period. Yet, there would appear to be little if any relationship between the ability to chair a committee effectively and the ability to be reelected over and over again.

Another serious flaw in the seniority system is that it can produce chairmen who are unrepresentative of the times and their party.

A recent study of 30 key votes which reflected the national Democratic position of the 90th Congress showed that Democratic committee and subcommittee chairmen were themselves responsible for one-half of the 17 defeats experienced. And it showed that of the 75 House Democrats who voted in opposition more often than in support of the national Democratic position, 42 Members were part of the leadership. The tremendous impact of this deterrent to legislative progress can be but suggested by the realization that the 30 issues which formed the basis of the study were decided by record votes. How many other issues never made it to the House floor because of the opposition of committee chairmen?

A related problem concerns age and tenure. At a time when nearly all other American institutions are entrusting the mantle of leadership to younger men, the leaders of Congress have been getting older. Currently, there are more than a dozen committee chairmen in the House and Senate who are over 70; about half of these are over 75 and several of these are over 80. And some regardless of age have held their leadership positions for as long as 22 years.

The objection to this situation is assuredly not that all older Representatives are unable to shoulder the double daily burden of running a committee and attending the legislative business of their own congressional districts—some of the ablest men in Congress have passed their 70th birthdays. Rather it concerns the rationale that the congressional committee can only function properly if it is constantly fed with new concepts, new ideas, new initiatives. Older and/or long entrenched leaders are not as apt to accept such innovation.

In a society where the average age is 27.7 years, it strikes many people as incongruous that the median age of their "Representative" congressional leadership should be 70. A legislative system cannot help but aggravate the strains and tensions of society when it produces leaders who are wary of change and dedicated to the protection and preservation of the status quo.

Faced with crises in the environment, in the cities, in the economy, Government must be flexible to meet these new challenges. The rule of seniority is the antithesis of this; it is inflexible and rigid. It must be modified.

Mr. McCLOSKEY. I share that recommendation. What we are talking about here is really a crisis in leadership and the process of selecting leadership. If we are going to meet the problem and ameliorate the defects that beset us, it will take leadership on our part, both on your side and on our side of the aisle, to come up with some sort of coalition so that effectively, on the first day of the 92d Congress, we can reach an agreement on a bipartisan basis either on a change of rules or in the execution of the rules through the election of committee chairmen.

I would hope that when we talk about leadership, we will do more than just talk, that we will get together, act, and exert leadership in those days that intervene between now and January 21st when the Congress reconvenes.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding. I wish to commend the gentleman for taking this time on one of the great problems that faces the Congress, the problem of seniority. I believe the gentleman is correct in saying that this is only one of the problems. I have been here myself for 6 years, and I have felt that I might be able to contribute something, but, as with other Members who have about the same amount of seniority that I have, I am constantly told that we are too young, that we have not been here long enough, and that we need a little more seasoning. I am a grandfather. I will not get much more seasoning than I now have. I would like to be able to contribute something before my time is up. There are other considerations, and I think that we should keep these in mind, also.

Committee jurisdiction is something that is not proper in the House of Representatives. Many changes need to be made in it. I believe our committee structure is in need of repair. I believe we need some different committees. The gentleman from Arkansas is proposing a Committee on the Aging. I believe that is an important enough problem for Americans that it should be the concern of one committee. I have been proposing a Standing Committee on Transportation, placing transportation under one committee to work toward solving the problems relating to the movement of people in this country. A committee would have jurisdiction over that matter.

I believe committee power is another problem that we should be looking at. I believe it is unfair to the people in the country to have a Committee on Rules which can thwart not only the wishes of the administration, the wishes of the people of the country, but the wishes of the House itself. So I believe the gentleman is correct. There are many more than just the handful of us here today. It is those of us who have been here a short time, those of us who can look forward toward many more years of service, the people of his district being willing, who will have to make these moves and get together.

We will have to forget party lines, as the gentleman has said, and get together for what we think is in the best interests of the long-range future of this country.

I commend the gentleman and thank him.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Maryland.

Mr. GUDE. It seems to me that this discussion may have come full circle. An earlier thought returns to me that where this Congress heads depends upon its leadership, the leadership of the chairmen and the leadership of the Speaker. Tonight we are speaking of the leadership of the committee chairmen. If we get new leadership in those committees where it is most needed through a change from the seniority system, I think many of the problems that the gentleman just outlined are going to be solved or at least attacked on a more rational basis. Much of the inertia of the Congress can be traced to tired leadership under the seniority system.

Mr. McCLOSKEY. I agree with the gentleman. If, for example, the chairman knew he would be answerable to the members of his committee and to the other Members of this body for his performance, I suspect that he would not be arrogant, he would not be negligent, that he would give fair hearing to these great issues before us.

The evil of the system is that he is not accountable in any way whatsoever.

Mr. GUDE. Accountability is the essence of the problem with the seniority system. In effect, we have 21 kings.

Mr. RIEGLE. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. BOLAND). The time of the gentleman from California has expired.

Mr. RIEGLE. I might say to my friend, the gentleman from New York, who is probably my favorite lameduck, that if the Democratic Party or a group within the Democratic Party were to single out the worst existing committee chairman and select the most able man on that committee as an alternative candidate for chairman, as a test case in the new Congress, and barring a change in the seniority rule, I think there is a good chance that such a move would probably produce many Republican votes in a showdown on the House floor.

Whether it would be 180 or 150 or 75 Republican votes for the most able man, we would have to wait and see, but I think that might be an interesting way to find out how many votes there are. I think if the least responsible chairman were challenged by the most able man on that committee, I think there is a very real possibility he might be elected by the House as a whole.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I am puzzled as to how the gentleman would make the determination as to who the least able chairman is.

Mr. RIEGLE. I have great faith in the ability of the gentleman and his colleagues around him right now to make that determination.

Mr. MINISH. Mr. Speaker, I wish to commend the gentleman from California (Mr. McCLOSKEY) for reserving this time to discuss the important questions of congressional reform and the seniority system. This most useful exchange of ideas can serve as a basis for meaningful reform when the 92d Congress convenes next month.

As an original cosponsor of the Legislative Reorganization Act of 1970, I was gratified by the recent enactment of that measure. While the final version of that legislation did not provide as comprehensive reform in all areas as I had favored, nevertheless it did represent a worthwhile start in the effort to modernize the legislative branch of our Government.

Among the most important provisions of the Reorganization Act were the sections to provide for the recording of teller votes, to make committee votes public, and to open committee meetings to the public. Other meritorious reforms include additional time for the filing of minority and supplemental views to committee reports, a strengthening of the rights of the minority party, an expansion of the Legislative Reference Service, and more time for Members to study legislation before voting.

Unfortunately, the Legislative Reorganization Act did not deal with the pressing issue of the seniority system under which a Member of Congress rises in position on his committee according to the amount of time he has served on that committee. This system, with all its shortcomings, has produced many outstanding chairmen of various committees. As but one example, I would point to the chairman of the Banking and Currency Committee, on which I am privileged to serve. No Member of Congress has served his country more diligently or with more genuine concern for the public good than WRIGHT PATMAN, of Texas.

The seniority system does facilitate the selection of chairmen who have had the greatest opportunity to master the complicated procedures of the House and the complex subject matters of their committees. It also fosters cooperation among members of committees since members are more likely to work together effectively when they are not campaigning against each other.

On the other hand, Mr. Speaker, Edmund Burke once said:

Reform in order to preserve.

Obviously we must, from time to time, reform our accepted and longstanding practices in order to make our institutions more responsive to the needs of the day. In recent years, the seniority system has resulted in fragmented and diffused power in the House, with committee chairmen uncommitted to any coherent and unified legislative program. Moreover, the system denies competent younger Members the opportunity to exercise their leadership talents to the benefit of the country.

Numerous proposals have been advanced for altering the present system of selecting committee chairmen solely on the basis of seniority. A few of these are: Selecting the chairman from among the three most senior members of the committee. rotating the chairmanship among the three senior or among all members of the committee, electing the chairman from among members of a committee either through the committee itself or the party caucus, authorizing the Speaker to nominate chairmen who would be passed upon by the party caucus.

Mr. Speaker, a workable alternative must be found for the seniority system, in order to insure that the Congress will continue to function as a viable institution in the second half of the 20th century.

Mr. EDWARDS of California. Mr. Speaker, first may I commend my colleagues for their efforts to reform the seniority system under which this House now operates. It is an act of high courage, considering the political risks involved, and of great service to the American people.

As one writer recently noted, the seniority system as it has evolved since World War II has given the United States the "peculiar distinction of having the only legislative gerontocracy on the globe." The same writer, Gerald Clarke, of Time magazine, also rightly observed:

> No great improvement in the operation of Congress can be expected so long as power is placed in the hands of men for no other reason than that they endure.

The seniority system is, in the opinion of many, the most serious institutional failing in American Government. It was created by fiat, evolved by accident and has all but paralyzed this great institution. The time for reform is long past due.

I have always held that the test of leadership in Congress as elsewhere in our society should be ability and integrity, not age. Age in itself is not a liability; experience and maturity are important facets of leadership. But age alone should not be the sole basis for leadership. Even the most primitive systems of government protected themselves against senility.

My colleagues have and will discuss at length the evils of a system that chooses its leaders for no other reason than that they endure—the diffusion of power, the lack of accountability, the loss of party control over its members, to name but a few. We need to look no further than our noses to find examples of how power has miscarried in the present gerontocracy, this system of all power to the aged and none to the young and inspired. Even those of us—myself included—who risk losing future power and privilege by ending this abysmal system, know, when we can put our selfish interests aside, that the system must be changed, will be changed, either by us or by forces beyond our control. The times call for change, and when institutions cannot meet the challenge of the times, they die.

Several good proposals for change have been advanced. If the two-party system has any value at all, I believe the majority party should be able to retain control of its members in the House—that is, House committee chairmen should be held accountable to the party caucus. Only in this way can the will of the party be exercised. The simplest and most direct way to accomplish that goal, it seems to me, is to have the caucus vote

XUM

on all committee chairmanships. No chairman could then look upon his position as a matter of right until death or retirement. Committee chairmen would be held accountable to the party each year and thus would be forced to heed the will of the party or step aside.

Each chairmanship should be approved by vote of the caucus, taking the senior member of the majority party first, and if he is rejected, the next most senior member, and so on, until a chairman is elected. In this way the advantages of tenure—stability, experience and know-how—would be preserved, while the disadvantages of party infighting would be kept at a minimum. This seems to me a reasonable solution, and one which I hope my Democratic colleagues will endorse. But whatever solution is finally deemed acceptable, let us be of one mind at this point that change is imperative. And let us search diligently for the best alternative.

PERSECUTION OF SOVIET JEWRY

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 5 minutes.

Mr. STEELE. Mr. Speaker, the mistreatment and persecution of Jews in the Soviet Union has recently reached alarming proportions. The religious and cultural harassment of yesterday has deteriorated to the point of physical detention, arrests, imprisonment, and trials on trumped-up charges which have all the earmarks of the Stalin era.

At this very moment a trial is taking shape against 34 Jews in the Soviet Union who have been under arrest for several months on the alleged charge of attempting to hijack a plane in order to leave the country for Israel. The trial had been scheduled for last month, but because of protests in many countries of the free world it was postponed temporarily and is now believed scheduled for December 15.

It is a known fact that the Jews of the Soviet Union, who number some 3 million, are not allowed to practice their religion, to teach their children in their faith, or to pursue their cultural and spiritual heritage. The number of synagogues which numbered several thousand in pre-Communist Russia has now dwindled to less than 100. Prayer books in Hebrew are not published nor allowed to be imported for use in the synagogues. Religious education of the young is forbidden.

But most deplorable of all is the fact that the Soviet Government will not permit the emigration of those Jews who wish to go to Israel where they can settle among their people and live as Jews practicing their faith in their traditional manner. This is a denial of the most elementary principles of freedom and human rights. The Soviet Union denies all charges of anti-Semitism, but its actions against the Jewish minority speak louder than words and the whole free world deplores such activities against a small and defenseless group.

Obviously, the Soviet Union is pursuing a policy of repression against its Jewish minority in order to discourage all feelings of Jewish identity and every desire for emigration to Israel. This is in line with its anti-Israel and pro-Arab policy which finds its strongest expression in Stalin-type show trials aimed to bring fear into the hearts of every Jewish man, woman, and child in Russia.

It is truly amazing that more than a half century after the Communist revolution, the Soviet Union, which still clings to the fiction of being the spokesman and protector of the rights of all oppressed and downtrodden nations, has found it necessary to conduct circus trials and to bring charges against a helpless people whose only crime is its desire to live in freedom, to worship its God, and to live by the precepts of its faith and tradition.

To all freedom-loving people Moscow's decision to go through with a show trial against 34 innocent people will only be taken as proof that the spirit of Stalin and Hitler is not dead. The Kremlin will not frighten the Jewish minority in Russia into silence, or suppress their spirit, or stop them from yearning for Zion and the practice of their faith. What the trial will achieve will be to further blacken the name and reputation of the Soviet Union and its leaders in the eyes of the world.

The U.S. Government has on numerous occasions in the past protested in the United Nations and other forums against the denial of human rights and elementary decency in the treatment of Jews in the Soviet Union. I believe that continued protests to Moscow, vigorous diplomatic efforts, and condemnation by the United Nations aimed at alleviating the suffering of Soviet Jewry are very much in order. I shall be ready at all times to support such efforts by our Government. It has been our traditional policy to speak up for the persecuted and the oppressed, but it is incredible that at this stage in the 20th century it should still be necessary to condemn a major power for the mistreatment of its own citizens.

THE VICTIMS IN NEW YORK CITY: THE WELFARE FAMILIES AND THE TAXPAYERS

(**Mr. KOCH** asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Saturday, December 12, I visited with a number of community leaders at a hotel in my district where some 75 welfare families are being sheltered. The word sheltered really is inappropriate because the conditions under which these families are living, including more than 100 children, are among the most wretched I have ever seen. As I inspected some of the rooms and talked with the women and the children, I thought how can we in this day and age treat our fellow human beings this way? The rooms were small and filthy with as many as five people—two adults and three children—sleeping in a single room measuring approximately 10 by 12 feet and punctuated by gaping rat holes, peeling ceilings, and broken plumbing. In one room a husband and wife and infant child slept in a double bed while their two other children slept head to toe on a single narrow cot.

The people I spoke with told me of almost daily fires in the hotel, causing evacuations in the middle of the night. One family said they slept with their clothes on because of the danger. By chance, I tried one emergency fire exit door and found it to be nailed shut.

Many of the families quartered in these welfare hotels had been living in their own apartments at reasonable rentals for New York City but were forced to move from their dwellings by fire or by a modest rent increase that placed their rentals over the limit established by the social services department. I inquired as to the rents being paid by the city for the various hotel accommodations and was appalled to learn that the weekly rent for a family is computed on the basis of $5 a day per person and that the rents per family ranged from $260 to $400 a week. This is a weekly rental not a monthly rental. These high costs are acceptable to the social services department because hotel accommodations are classified as emergency housing.

But the so-called emergency quarters have for some become permanent homes in which they have been required to live for as long as 6 months. Each of the families with whom I spoke had been seeking permanent housing elsewhere and their histories were always the same. Let me illustrate: one woman with four children had gone to a real estate broker and found a five-room apartment in the city to rent for $200 a month. The rent paid by the city of New York to the hotel for housing this family is $1,200 a month for two small rooms on separate floors. The city of New York would not approve the proposed $200 a month for the five-room apartment; the family's caseworker said that the maximum that could be approved for a family of five was $165 a month. And so, the city of New York continues to pay the hotel $1,200 a month for two rooms on separate floors, rather than provide this same family a decent five-room apartment that would cost the city only $200 per month. The moneys used by the city of New York for welfare are to a great extent furnished by the State of New York and the Federal Government. This matter is so crucial and because it involves large amounts of State funds, I have written to Gov. Nelson Rockefeller urging his intercession.

Equally, if not more deplorable, is the fact that more than 100 school-age children in that single hotel which I visited are not enrolled in schools. The parents that I spoke with want their children to attend school but have not received any help in enrolling these children in the local public schools. Most of the families in the hotel lived in other parts of the city before they were forced to move to the hotel. They have not, in some cases, the subway fare, the clothing, nor the stamina needed to make the effort to take these children by subway to the schools in other boroughs.

The effect of this kind of maladmin-

XUM

istration by the city of New York on the welfare system is double edged. The welfare recipient is not helped but on the contrary is degraded and embittered. What must such a person think when handed a $400 check each week to turn over to a hotel keeper for the most squalid of accommodations when, as one mother told me she has not had clothes for herself or her children for months because when she went back to her burned out apartment everything had been looted? She worries each night that her children will be bitten by rats in this $1,200 per month accommodation furnished to her by the city. Is it any wonder that crime increases in the city? The question that should be asked by those concerned is "Who is the real criminal?"

And on the other hand, many hard working taxpayers in the city of New York and the rest of the country say, and understandably so, "we live with our families in decent apartments for which we pay $200 a month rent and our children go to school, and then there are those welfare people living in hotels at a cost of $1,200 a month to the taxpayers where the children run wild and are truants from school."

Both taxpayers and welfare recipients alike have become embittered and are filled with hate, fear, and recriminations against one another. In my judgment it is those who administer the welfare program in such a wasteful manner that are in great part responsible for this.

Mr. Speaker, I intend to pursue this matter and will keep our colleagues informed of developments.

At this time I would like to insert for printing in the RECORD my letters of December 14 addressed to Governor Rockefeller and Harvey Scribner, Chancellor of the Board of Education of the city of New York. I am also including a report carried in the New York Times on December 13, 1970, of my visit to the Broadway Central Hotel. In addition, because I believe them to be pertinent and because they are so timely, I also am appending two articles which appeared in the Village Voice of December 19, 1970.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 14, 1970.
NELSON A. ROCKEFELLER,
Governor, the State of New York, State Capitol, Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: On Saturday, December 12 I visited the Broadway Central Hotel with a number of community leaders representing Community Planning Board No. 2 in Greenwich Village. The purpose of the visit was to make an on-the-site inspection to inquire into the living conditions of families placed there by the Department of Social Services of New York City including the circumstances surrounding the death of a four year old boy placed in the hotel with his family by that department. You may have seen the New York Times story of December 13 reporting on the visit. For your convenience, in the event you did not see the story, I enclose a copy. The known facts concerning the death of the child are described in that article.

It is my understanding that the wretched living conditions existing in the Broadway Central Hotel and the outrageous rentals paid by the City of New York for these alleged temporary quarters are duplicated in many other hotels throughout the City. Federal and State monies are obviously being wasted by the City of New York by its Human Resources Administration. Many children in these hotels who are of school age are not attending school and the City of New York knowingly permits that situation to continue. Deputy Mayor Richard Aurelio was informed by Community Planning Board No. 2 of these conditions many weeks ago and has not taken effective action to remedy the situation.

The Chairman of Community Planning Board #2 and I request that you meet with us as soon as possible to discuss measures which the State of New York could take to remedy this outrageous situation, so costly in terms of human dignity to welfare recipients as well as financially burdensome to the tax payers of the City and State. Adequate welfare assistance for these families and others similarly situated must be provided, but to shelter these families in flophouses and under the most wretched of physical circumstances at a cost to taxpayers of as much as $1200 per month for a family is neither helpful to these families nor acceptable to their fellow citizens bearing the tax burden.

I would appreciate your having your secretary call my New York Office to arrange an appointment for the officers of Community Planning Board #2 and me to meet with you so that we may give you further details on our inspection, conclusions and recommendations.

Sincerely,
EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 14, 1970.
HARVEY SCRIBNER,
Chancellor, Board of Education,
Brooklyn, N.Y.

DEAR MR. SCRIBNER: As you know this past weekend I visited the Broadway Central Hotel to examine the horrifying conditions which the Department of Social Services considers "emergency housing" for welfare families, and for which it pays exorbitant rents.

During my visit to this wretched hotel, almost all of the mothers wtih whom I spoke told me that their children were not attending school. This is a matter of grave concern; not only is the City wasting huge amounts of money on those welfare hotels but it would seem that there is tragic waste of potential human resources as well, insofar as many of those poor welfare children are getting no education whatsoever.

I would like to know the dimensions of this problem and have several questions that I would like to have answered. First, how many school age children are in the Broadway Central, how many such children are being housed in welfare hotels city-wide and how many are not attending school?

I have been advised that there may be as many as upwards of 200 children in the Broadway Central alone and approximately 1,060 children registered in some 40 welfare hotels located within School District 2. If this is the case, it would appear that the school absenteeism is truly an enormous problem and it leads directly to another question.

As I understand it, the formula by which the City receives state funds for its school system is based on weighted average daily attendance, meaning that any children regularly out of school are in effect depriving the City of educational funds.

Obviously the rate of truancy for children in these welfare hotels is high, and I would like to know if you are able to estimate how much money the City is losing as a result.

Of course, one must also question why these children are not attending school for the welfare mothers want their children in school. Does not this situation in fact constitute a violation of the law and is not this violation the responsibility of the members of the Department of Social Services?

It is my understanding for example that there is a truant officer at the Broadway Central Hotel, but if so, what is she doing?

I would appreciate your earliest possible response to these questions as well as your recommendations on how to deal with these problems. The waste of funds spent on rentals is bad enough; to simultaneously deprive these children of an education is tragic.

Sincerely,
EDWARD I. KOCH.

[From the New York Times, Dec. 13, 1970]

STATE ACTION ASKED ON "WELFARE HOTELS"

(By Grace Lichtenstein)

Representative Edward I. Koch inspected the Broadway Central Hotel yesterday and then said that he and Greenwich Village community leaders would ask for a meeting with Governor Rockefeller on what he said were the "outrageous" conditions in the city's "welfare hotels."

Charging that previous discussions with Deputy Mayor Richard R. Aurelio and other city officials had produced no improvements, Mr. Koch said he would approach the Governor because the state contributed more money for welfare than the city did.

The city says that it has moved families on welfare into a number of hotels because it could not find suitable housing for them after they were burned out or otherwise forced from their homes.

Mr. Koch also accused Mayor Lindsay of having raised a "phony issue" regarding how much the city can pay in rent for welfare families in regular apartments. The rent for such families, according to city officials, is limited, with few exceptions, to $200 a month. However, hotels are considered "emergency" housing, a category for which there is no rent ceiling.

There are no Federal or state regulations setting such limits, Mr. Koch said yesterday, "so if there are restrictions they are of the city's own making."

Accompanied by members of Community Planning Board Two, Mr. Koch spoke to several families in the rundown hotel at 673 Broadway, in Greenwich Village, where a 4-year-old boy was found dead Monday morning at the bottom of a stairwell. The boy, Gerald Wilmore, apparently fell from the fifth floor, where he shared a room with six brothers and sisters. His mother was living on the floor below because the hotel did not have two adjoining rooms for the family.

One woman, Mary Johnson, said that the hotel was charging $271.95 a week for two small rooms on the fifth floor that she shared with her hubsand and their six children. Standing beneath the peeling paint and exposing pipes in one of the rooms, Mrs. Johnson said she had been at the hotel for five weeks.

Her children were not enrolled in schools, Mrs. Johnson said, because they had no winter clothes. Pointing to her 8-year-old son Ernest, who was sitting on a cot rolling his head back and forth in an apparent trance, Mrs. Johnson said he suffered from lead poisoning and had recently been hospitalized with pneumonia. Her husband was too ill to work and she herself suffered from asthma, she added.

FIRE EXIT LOCKED

Another woman, Inez Brown, told Mr. Koch that there had been eight fires in one night at the hotel the previous week. She complained that the door and window at the bottom of the staircase, labeled as a fire exit, were kept locked.

The hotel manager, Leo Tencer, showed visitors the locked door, saying "the Fire Department knows about it."

Mrs. Brown said the hotel was full of rats. She herself had chased one "larger than a kitten" from underneath the refrigerator in one of the two rooms her family occupied, she said. Mr. Tencer said he did not know of any rats in the building.

Mrs. Brown said the hotel was charging $399 a month for the two rooms, on separate floors, that she occupied with her four children. When she found a permanent apartment Friday on Staten Island for $200 a month, she said, a city caseworker told her the family was not large enough to qualify for such a high rent.

[From the Village Voice, Dec. 10, 1970]

Housing: the Crime With Victims

(By Jonathan Black)

"Will the following defendants please come forward: Mayor John V. Lindsay; the *Honorable* Albert A. Walsh; New York City Housing Chairman Simeon Golar; Mother *Innocent* Migliore; President of the Bowery Savings Bank John Larsen . . ."

There were 10 names. When Durie Bethea had finished reading them, she looked up from her microphone. No one was rising from the audience. She rubbed her hand across her pale-blue Free Bobby sweatshirt. She smiled at the cheers. Then she coiled around the microphone and said, "The defendants have failed to appear. They are in contempt of the court of the people."

I was 16 when I read Irving Stone's "Clarence Darrow for the Defense." I shivered with each new client. I thrilled at his epic monologues to the jury, at his startling triumphs in court. When Darrow got William Jennings Bryan to admit on the witness stand that the Creation could have lasted one day or 1000 days, I was sold. Lawering for me.

The five judges took turns reading the indictment. Next to Durie was Iris Morales, wearing the purple beret of the Young Lords Party. Next to Iris was I-Liang Lee wearing the black beret of I Wor Kuen, the militant Chinese youth group. Jane Benedict from the Metropolitan Council on Housing sat on the other side of Durie. She had gray hair, a gray dress, and no beret. The fifth judge was Enrique Nazario from the Movement for Puerto Rican Independence.

"The people will call its first witness," said Iris Morales. A woman walked down the aisle to a microphone. "I live on East 4th Street," she said. "I live in one apartment with four other families. Me and my two children sleep in one bed. I don't sleep so much. I stay up all night because there are rats in the bed. We have one bathroom outside in the hall, but last week I found a dead drug addict out there, so now we use a pail. . . ."

"How do you qualify as a people's witness?" asked one of the prosecutors, Leroy Benton of the Tenant Strike Committee. "I qualify as a witness," said another woman, "because I've been kicked around by the city for 15 years. I have been literally put in the street. I have been placed in a welfare hotel where I lived for nine years with my children. Those hotels are traps. There is no way out. You cannot save a penny. You starve. I went to Operation Move-In, and within a week we had liberated a building. We put in plumbing, toilets, doors, windows. We built that house. If they throw in tear gas to get us out, we'll throw it back. If they dig us a hole, we'll fill it up. The only way to get us out of that building is to kill us, and if it comes to that we are *ready* to die!"

Iris Morales looked down from the bench: "If you are ready to die, take a couple of them with you. Do not die alone."

Have you ever been in part 1-a of the Criminal Courts at 100 Centre Street? It is an arraignment part. People who have been arrested are brought there from jail and a judge determines their bail. It looks more like a bus terminal than a court. It is a little noisier than a bus terminal. And a little more crowded. Every few minutes a guard points angrily at a spectator and shouts, "Put away that reading material!" Doesn't the fool know this is a court? There are no flashbulbs popping in 1-a, no reporters, scribbling. If a case is important, there'll be time enough for news coverage when trial rolls around, maybe in six months. That is if the defendant is the one out of the 10 whose case ever gets to trial. And there is a nice legal aid lawyer, learning all about the courts. His client already knows. The lawyer looks at some pieces of paper; a few words in the ear of his client, a few words in the ear of the lawyer, a few words to the judge, "thank you, Your Honor," so the next man doesn't also get screwed. Part 1-a is a court. See the judge. See the people. See the people come from jail. See the people go back to jail. See the lawyer shake his head. Can you find the real criminal? What is missing in this picture?

"Please tell the court your name."

"Juanita Kimble."

"Where do you live?"

"130 Morningside Drive."

"Do you have a lease?"

"No."

"Do you pay rent?"

"I offer Columbia my rent—$140.28—and they don't take the check. But I'm not moving. I was first living at . . . 10 children . . . no heat, refrigerator, front door . . . then I was living at . . . rats, no plumbing, no . . . then I was living . . . Now I have a clean elevator building, an eight room apartment, right here at Columbia. I'll go to jail before I move. From nothing to nothing. It don't make no difference. There's a woman just said she and her family's got no place to live. Sister, come on over! There's a nine-room apartment next to mine, we'll break in and go to jail togther. We don't have to ask—let's take it!"

In the middle of the cheers and whistles and shouts of "right on!" Durie Bethea speaks solemnly into the microphone: "This court commends the sister for a revolutionary act."

I have been to the trials of Black Panthers. The District Attorney says the Panthers are part of a conspiracy. The Panthers say it is a pig frame-up. The jury sits in its box and looks at the accused. The judge looks. The accused is guilty under the law. The people are the law. The law is the people. The glass in a New Haven courtroom is bulletproof, and the clock is permanently stuck. The judge has had his time. When will the accused have his? When will someone fix the clock? The master control is broken in the basement, I am told.

"There are 22 vacant apartments, parquet floors, tile baths, an elevator. It's just beautiful. That's why I became a squatter . . . Tell me it's illegal."

I have friends who are lawyers. Most of them file papers. Sometimes they work out deals with district attorneys and charges are reduced. Sometimes the lawyers greet each other in the familiar halls of 100 Centre Street. Sometimes they work into the late hours, devising motions for their clients. If I had a nickel for every motion, I'd be a rich man. One of my friends has just completed the defense of William Maynard. William Maynard spent three years in the Tombs waiting for trial. Now the people will decide if he is innocent.

"Mi problema es . . ."

In law school I learned what a criminal was. It was a person who had the "mens rea" and who had committed the "actus reus." On the whole, you had to have done something. Drowning a man is a crime. Watching a man drown is not. Starving a man is criminal. Letting a man starve is not. The law, after all, is very practical. It would be very confusing any other way. It would be confusing if the accused and his attorney started talking about the judge in Latin. Or Spanish.

"We will now observe a minute of silence for the murder of Fred Hampton and Julio Roldan.

Julio Roldan died waiting for trial.

There was a trial Sunday. At Wollman Auditorium at Columbia University. About 1000 people were there. The trial lasted about six hours. Some people who called themesives The People tried some other people whom they called the criminals. The court was a little bit biased. The charges were housing crimes. The indictment had 13 counts. The criminals didn't have a chance.

[From the Village Voice, Dec. 10, 1970]

Family on Welfare: Living on the Last Of the False Promises

(By Mary Breasted)

"Well, you feel like, you know, it's your last hope and there's nothing else. And I figured that I worked for so many years and I paid taxes. And they say it's tax money."—Mrs. B., on welfare.

Mrs. B.'s last hope had kept her living in hotels all summer, crowded first into two rooms at the Hotel Earle with five of her six children and then in two larger rooms at the Hamilton Hotel on 73rd Street just off Broadway. In the Earle she had shared a couch and one double bed with her young brood. In the Hamilton they were given more beds but had to endure such unpleasant conditions that they could bear it for only five days.

Mrs. B. decided to defy the wishes of the people in the Department of Social Services. She called me before she moved out. "You got to come up here and see this place before I go," she said. "I need a witness."

From the outside it looked like a sturdy building, the kind of place that was once comfortably functional, if never glamorous. A small crowd milled around in the lobby. Children passed in and out. Young black men wearing colorful suits with matching ties plus cool shades stood looking implacably with-it outside the entrance.

Some fuses had blown, and the building was briefly pitch black inside, so its occupants had come to the lobby a little frightened and were making nervous talk like passengers on a stalled subway.

The lights soon went on again, showing every corner of Mrs. B.'s unendurable two rooms with merciless clarity. In the bedsprings were great caverns, homes for mice or rats, ragged at the edges as if they'd been gnawed in a hurry. Strange little holes in the mattress covers had been stuffed with pieces of newspaper, but bugs still passed easily through them. Cockroaches crouched in neat lines along the top of the molding. In the closet was the smell of mildew. One whole closet wall was damp, and the discolored paint betrayed a leak. Also in the closet were some strange white bugs I'd never seen before. Mrs. B's oldest boy said they were waterbugs, but they looked like wide white cockroaches, albino cockroaches. The bathroom was flooded by a leak from the toilet pipe. There was no hot water. Two window halves were completely out and boarded up with plywood. On balconies below, garbage lay thickly strewn. And the hallways and stairways smelled putrid. Each landing had its own particular odor, vomit on one, rotting garbage on another. Smells of a medieval city with open sewers.

Mrs. B. stood in the middle of the front room with a faint, ironic smile on her face. Her husband and son were pointing out the worst features of the rooms, so she didn't have to say anything at all. Mr. B. went on about how one of the children's beds had been virtually brown with cockroaches the night before. "You should have seen this woman!" he ranted. "She cried *all night long!* I told her, 'You can *not* stay here. You have got to get out of here, woman!' "

As her husband and son carried out the boxes containing her meager belongings, Mrs. B. sat listlessly smoking a cigarette, looking as though she did not even care whether she remembered to pack every last possession. A plump woman, who wore her hair cropped close to her head, too short to constitute a real Afro. With her small ironic

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smile and a habit of casting her eyes down when she seemed most desperate, she had the look of a slave, a slave who had learned to utter every disparagement of her master in a soft undertone. Though she was in the process of walking out of a hotel that had been picked by her caseworker's supervisor, she gave no hint of a defiant nature. She seemed, rather, the personification of passive despair—which was probably why she had gotten such heartless treatment from the Department of Social Services.

Mrs. B. was living in the Hotel Earle on Waverly Place when I first met her, and as she seemed to be one of the most unfortunate victims of the welfare system, I decided to follow her life for several weeks and write about what I saw. During my two years as a Vista volunteer in Spanish Harlem, I had developed some theories about the welfare system, and I wanted to observe one welfare mother closely to test them out. When you set out to study someone's life that way, you are apt to get your theories confirmed. Thus what I discovered would not hold up in a sociology textbook: in other words, my theories *were* confirmed.

These were: women on welfare would much rather be self-supporting, preferably by their own labors; welfare families are cruelly dependent upon the whims of their caseworkers; the Department of Social Services is subsidizing expensive, shabby housing; the life of the welfare mother, like the life of any poor woman, is hard work because everything from washing diapers to arranging for a night out on the town is more difficult when you are poor; no one can live on the New York City welfare budget for long without being driven to clandestine cheating with other sources of income, whether these be the numbers game or an obliging man; getting off of the welfare rolls once you are on them is nearly impossible; and finally, summing them all up, welfare is a cruel trap.

The welfare mothers I knew in East Harlem were quite candid about their cheating once they trusted me. One would tell me she had just won a neat sum in the numbers game, and she intended to buy new furniture with it. Another would confess that she just couldn't bring herself to mention her insurance policy the day she had finally applied for public assistance.

But for every story of their deception, there was a comparable tale of the merciless treatment meted out upon them by hardened caseworkers. There was the woman who had been put on "restricted rent" (where the rent check is made out in hers and the landlord's name and signed by both) because she had once spent her entire monthly check on a funeral for one of her children. She hadn't wanted the child buried in Potter's Field. There were countless tales of checks lost in the mail or stolen out of mailboxes by junkies—with impervious caseworkers refusing to issue second checks. There were times when I saw furniture ruined by leaky pipes and witnessed the fury of women who could not persuade their caseworkers to issue new furniture allowances. And there were apartments with numerous violations on record with the Rent Commission which the Department of Social Services went on paying for month after month despite the existence of a law under which the Department could institute a rent strike, keeping our tax dollars from a negligent landlord and bringing him to court. Never once did I see that law used.

Yet for all their martyrdom, welfare mothers in East Harlem did not always invite sympathy. Their harsh problems had made them abrasive, and when they wanted to they could raise bloody hell in the local welfare centers. They lived among people whose final furies were fought out in fierce street battles, and they could so frighten the Social Services employes that they would end up suffering the worst caseworker revenge, going to Bellevue for 30 days of psychiatric observation. One of my best friends in East Harlem stabbed her boy friend in the neck just before Easter one spring because he had spent all his paycheck when she had been counting on a portion of it to buy her children Easter presents. She barely missed his jugular vein, and it was only because he appeared in court and said he didn't want to press charges that she escaped a stiff jail sentence. She was a cheerful, witty woman much of the time, but no one liked to be in her bad graces. Second generation welfare, she could skillfully manipulate her anger to draw money from her caseworker when she desperately needed it before the regular check day.

Her friends could be equally explosive when driven by extreme want. They all seemed to live locked into a horrible dependency that forever frustrated them but kept them far enough from starvation to dangle the hope that some day they might master their own destinies.

And after all, they had no choice. They could not leave New York. They either could not abide their men or could not be abided by them. At least they had shelter and food for their children, which was more than you could say for what they'd be getting in Mississippi or wherever their parents and grandparents had fled from. To a middle-class citizen with the good fortune of having been born into a family that made sure he or she went to college, they seemed to have nothing to look forward to, utterly no chance of a change. But they couldn't live without hope, and they bet on the numbers every day. They also harbored wild hopes that their children would do so well in school that they would make it out of the ghetto. One mother patiently tended her teenage daughter's illegitimate baby so her girl could continue in school, still boasting of her daughter's good grades.

Klok Realty in the Bronx had advertised vacant six-room apartments in the Daily News. Klok was one of the real estate offices to which large welfare families were sent, and Mrs. B. had been there often. They never had anything for her, she said, unless it was an apartment in the same run-down condition as the one in the Bronx that she'd been evicted from at the end of May. (She had tried to start a rent strike, but too many families had gone on paying the rent, despite terrible leaks, bad heating, an intermittent water supply, and dangerous lead-base paint on the walls. Four other families were evicted along with the B's., and the Department of Social Services then sent Mrs. B. to the Earle.)

The Department of Social Services had told her they woud pay a maximum of $189 for her monthly rent—although they were paying nearly $1000 a month to keep her in the Earle.

One afternoon I went with her to the Klok real estate office in the Bronx. I timed the trip—we left the Earle at 2.30 and walked into Klok at 3.40. About 10 people were seated in the front room. The chairs were arranged in neat rows, and if there hadn't been a sign outside the place, it might have been mistaken for a small welfare center, or an employment office, or even a clinic—for any one of the over-crowded service centers where the poor have learned to wait long hours in rows of chairs.

Mrs. B. was kept waiting only about half an hour. She sat quietly much of the time, although the other women spoke to her and anyone else who would listen about their troubles in finding apartments. A tall, pretty black woman came in carrying a sleeping child. One of the real estate people popped her head out a door to ask the tall woman how she had liked the apartment. "It's worse than where I am now," she said, looking incredulous. The women seated around her nodded their heads and made small knowing murmurs.

Eventually a woman with "Stella" pinned to her dress called Mrs. B. into her office. Stella had hair dyed reddish blond, which made her look like an aging actress. She gave Mrs. B. a huge warm smile, asking her how large a place she wanted.

Six rooms.

"For you and who else?" Stella's eyes looked shrewd.

"Me and my six kids." Mrs. B. kept her eyes cast down.

"Welfare?"

"Unhuh."

"How high will they go?"

Mrs. B. gave the figure, and Stella searched through a collection of small papers. Well, too bad, she couldn't find anything. Maybe Mrs. B. should call up in a few days.

Another hour's ride back down to the Earle. The Department of Social Services people knew that Mrs. B. wanted to live in the Bronx where she had spent most of her life, yet they had housed her in a hotel in the Village. If you asked Mrs. B. about that, she just shrugged, seeming no longer surprised by any of the bureaucratic irrationalisms she suffered under.

But after that trip to the real estate office, she smiled her ironic smile and said her life on welfare had turned out to be just as much work as her life of legitimate labor.

"It's like living in a prison camp, I'm finding out," she remarked a few days later. She was learning, she said, that the Social Services people wanted her to report all her apartment-hunting efforts to them—and then didn't seem to believe her when she came back without having found a place. "Like when you went the other day and they said they was none available? Well, that is not acceptable. You have to get a slip from them."

The New York City Department of Social Services carries on its more difficult disputes with clients in a hearing procedure run by employes of the State Department of Social Services. These procedures, roughly comparable to the arbitration you can request in a civil case if you don't want to go through small claims court, are carried on in a big old shabby building near the Brooklyn Museum. The very location of the Fair Hearing Office, as it is called, is enough to discourage the troublesome welfare client. Its entrance at 95 Rockwell Place is unobtrusively small, and no helpful sign is visible over the door from any distance down the street.

Mrs. B. was scheduled to appear there on September 15, the date she and the supervisor of her unit were to debate the handling of her restaurant allowance during the month of August. On August 1 her "case" had been transferred from a Bronx office to the Amsterdam Center on 30th Street, where all the hotel cases in Manhattan are handled. The Amsterdam people had decided that Mrs. B's family shouldn't get the $3 a day per person for eating out because the Earle's management told them her rooms had cooking facilities. Mrs. B. strenuously denied this, but the Amsterdam people believed the management, never bothering to visit Mrs. B. and see for themselves. (Eventually a small ice box and a hot plate, still warm from someone else's room, were installed in her place, but Social Services regulations still allow for a partial restaurant allowance when a hot plate is the entire stove.)

Mrs. B.'s unit supervisor, a small blonde woman with a pleasant face, arrived at Rockwell Place with her husband and two lawyers, one representing the department and one representing her. She smiled sweetly at Mrs. B., a display of friendliness which chilled you when you heard Mrs. B. say the woman had hung up on her several times during the previous week.

I was not allowed to sit in on the hearing, but before it began I heard one of the

XUM

lawyers say that Mrs. B. was ready to drop her complaint because the supervisor had found her an apartment. The lawyer kept saying there was no coercion involved, but the hearing officer was not favorably impressed. Curtly he said he was there to settle the restaurant allowance matter, not to decide a housing question.

Mrs. B. came out of the hearing convinced her supervisor had tripped herself up with conflicting versions of events. A nice little leaflet given to her to explain the process told her she would learn the decision in two weeks. But as of this writing she has not yet learned the outcome of the hearing. All that can happen in her favor in any case is an order from the State Department of Social Services directing the City Department to issue the back payment of the restaurant allowance. If that doesn't happen she can go to court, but obviously it wouldn't be worth the price of a lawyer.

Mrs. B. found an apartment finally in a building just five doors down from the place she was evicted from last spring. It has only four rooms, but they are large rooms, and along with them she'll be getting a front and back yard for her children.

If the Welfare people hadn't moved her way down to the end of town last May, she might have found the place sooner, and they could have saved themselves hundreds of dollars in hotel bills. They also could have saved her and themselves some valuable apartment-hunting time if they had not dropped her restaurant allowance. For several weeks when she was without it, she lived literally from hand to mouth, worrying desperately about her baby food supply one weekend, not knowing how she would feed her children a dinner another evening. Every subway token was precious, and she used each to carry her to friends or relatives who would lend her money.

Mrs. B's father had taken her in after her brief stay in the Hamilton. He was already sharing his small superintendent's apartment with her oldest daughter and his second wife, so when she and the rest of the brood arrived, his three-bedroom place served as home for 10 people.

Her father blamed her plight on her husband, the kind of city-raised black man whose pride had turned to bitterness. He preferred hustling to regular jobs. Once a prosperous numbers runner, he had gotten burned by the detectives who had earlier accepted his bribes. He told me often that he could not bear to be around his wife, watching her suffer, and he never seemed to see himself as contributing to her troubles. He would disappear for days on end, but he always seemed to appear when she needed him most desperately, when she was trying to get an icebox at the Earle, for instance, or to summon the energy to move out of the Hamilton. He did seem to want to make her life easier, but in the end he left her stranded and dependent upon an indifferent bureaucracy.

If her father had not taken her in after that brief stay in the Hamilton, Mrs. B. might still be living like a miserable nomad in some hotel. Scores of women like her are housed in such places as the Hamilton and the Broadway Central, their children wandering the halls with junkies, their days spent in a mean struggle to stretch their meager allotments.

Mrs. B. was one of the lucky ones. But she, like the rest of the welfare mothers, is living on the last of the false promises, the end of a series of empty reparations that began with the pledge to give every freed slave a plot of 40 acres and a mule.

APPOINTMENT OF JOHN CONNALLY AS SECRETARY OF TREASURY

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOW. Mr. Speaker, in appointing John Connally as Secretary of the Treasury, President Nixon has made an excellent choice. Governor Connally is an experienced and highly respected man who can be expected to implement the expansionist economic policy which the President has announced is the goal of his administration.

However, Mr. Connally's appointment is also important as a symbol that the President is trying to end the divisions in this country. President Nixon's decision to bring a Democrat into the highest councils of his administration cannot have been made easily. That the President was willing to rise above partisanship and make this appointment is a clear sign that he is trying to bring us together.

I would suggest to my colleagues—both Democrats and Republicans—that we accept this appointment in the spirit in which it was made.

The administration has set a fine example of a bipartisan approach in a critical area. I hope we can all profit by that example.

As ranking minority member of the Appropriations Committee, I look forward to working with Governor Connally when he becomes Secretary of the Treasury.

WHO WILL EVER FORGET "THE SHOE"?

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HECHLER of West Virginia. Mr. Speaker, one of the finest young men we got to know at Marshall University was Ted Shoebridge, Jr., star quarterback of Marshall's football team. "The Shoe" literally rewrote the record book at Marshall.

The Sunday, December 1, Huntington, W. Va., Herald-Advertiser published a very moving letter from Mr. and Mrs. Ted Shoebridge Sr., of Lyndhurst, N.J. The letter is written with such wonderful depth and sincerity that I want my colleagues to share these words from the parents of a Marshall student whose life meant so much to us:

DON'T FORGET "THE SHOE"

EDITOR, HERALD-ADVERTISER:

It is not easy for us to find the proper words at this time of our great sorrow and grief to say what we want to say, but we will try.

We came to Huntington to visit our son and see the team play in the first year of his college career and felt strange and alone in a different community other than our own. But when we left from that very first visit we had met and made so many friends that we anticipated each and every new visit as going to our "second home." We had never met friendlier, nicer people in our whole lives. We came back to Jersey and told everyone of the wonderful people in Huntington, who accepted us with so much friendliness and kindness.

We are simple people, but know the value of sincerity in other people. We treasure most the love and friendship of Carol and David Mandt, who accepted us into their home and acted as foster parents for us to our son while he was away from home. There are many names we could mention but it would take pages and pages, these people know who they are and we say again, "Thank you."

This tragic accident not only took away our wonderful son, but took away from us the friendship of all those wonderful people on the plane. We knew and loved them all, fellow teammates of Ted's, coaches, trainers, doctors, friends and followers of the team. We cannot comprehend why this happened to such people. We will try to understand God's workings and try with all our hearts not to turn away from Him, but to realize there must have been a reason for this tragedy.

We want to thank all the many people who sent cards, letters, and words of encouragement. It was a great comfort to us to know that our son Ted touched so many people's lives and that people we did not know got much pleasure out of his short career at Marshall. We hope you are as proud of him as we are of his achievements at Marshall.

We hope all the youngsters who looked up to him will remember him and carry with them this motto that he believed in so much. He always said the secret of the game is to do one's best, persist and endure, and as someone said. "To strive, to seek, to find, and not to yield."

God bless each and every one of Ted's educators, friends, and followers. We will never forget Huntington, and hope Huntington will never forget a boy named Ted Shoebridge, "The Shoe."

Mr. and Mrs. TED SHOEBRIDGE, Sr.
LYNDHURST, N.J.

Mr. Speaker, I vividly recall the occasion last year—Ted Shoebridge's first year as varsity quarterback—when Marshall was faced with a 27-game losing streak on the gridiron. Facing a favored foe, Bowling Green University, the football squad and the students built up sentiment to a fever pitch for the homecoming game prior to which I was honored to serve as grand marshal of the homecoming parade. Ted Shoebridge's arm almost singlehandedly passed to victory over Bowling Green to break the winless streak.

Then this year, "The Shoe" was joined on the varsity by another Lyndhurst, N.J. standout, Marcelo Lajterman, who as a freshman had kicked a 52-yard field goal in helping defeat the University of Kentucky yearlings. I watched with awe in the stands at Fairfield Stadium this year as this talented sophomore punter and soccer-style place-kicker booted a 47-yard field goal against Western Michigan.

We will miss "The Shoe," and Marcelo, and so many other wonderful young people—including Art Harris, sophomore back from Passaic, and Kevin Gilmore, senior back from Harrison, N.J. It is such a poor understatement to say we will miss them, and it would be better to say that we shall always remember them and derive inspiration from all that they represented.

Here are some of the many records set by Ted Shoebridge in his career at Marshall University:

Most passing yardage	2,620
Total offense (yards)	2,870
Passes attempted	438
Pases completed	182
T.D. pases	16

SINGLE SEASON

Most passing yardage, 1,620 in 1969.
Total offense, 1,756 in 1969.
Passes attempted, 226 in 1969.
Passes completed, 104 in 1969.
T.D. passes, 13 in 1969.

SINGLE GAME

Yards gained passing, 312 (against Ohio University, 1969).

Passes attempted, 43 (against Toledo University, 1970).

Most touchdown passes, three (against Ohio University, 1969).

Marshall University did not keep an accurate set of kicking records but it is believed Marcelo Lajterman set the following school records in 1970:

Field goals attempted, 19.

Field goals made, 7.

Longest F.G., 47 yards (against Western Michigan).

Most points kicking, 36 (15 of 16 extra points and 7 FGs).

Mr. HELSTOSKI. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. HECHLER of West Virginia. Mr. Speaker, I gladly yield to my friend from New Jersey, who represents Lynhurst, the hometown of those great Marshall athletes, Ted Shoebridge and Marcelo Lajterman, whose brilliant lives were sadly ended with the plane tragedy on November 14, 1970.

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, the tribute of the gentleman from West Virginia (Mr. Hechler) to the young men from New Jersey who lost their lives in the Marshall University air disaster is most thoughtful.

Two of the young men—Ted Shoebridge, Jr., and Marcelo Lajterman—were residents of my congressional district and the disaster of November 14 dropped a curtain of sadness and shock over their hometown of Lyndhurst.

As Mr. Hechler noted Ted and Marcelo, because of their accomplishments as men, bequeathed to the people of Marshall University and its surrounding areas a legacy for which their loved ones can always be proud.

Marcelo and Ted also left that legacy to the people of Lyndhurst and its surrounding areas for both, before entering Marshall University, had established themselves at Lyndhurst High School and in the community as young men with special athletic talents, high academic standards, friendliness, decency, and good citizenship.

At Lyndhurst High School, Ted Shoebridge was a three-sport man—football, baseball, and basketball. He earned nine varsity letters. Mr. Hechler has spelled out clearly Ted's deeds in football at Marshall University, but Ted also excelled in baseball as a fine defensive catcher and hitter. So much so that the Philadelphia Phillies of the National Baseball League had directed their scouts to sign him to a contract at all costs upon his graduation from college.

Marcelo Lajterman was a native of Argentina who came to Lyndhurst with his family several years ago. He quickly endeared himself to his fellow students, school faculty members and the people of Lyndhurst because of his warm personality and quiet friendliness. As at Marshall University, Marcelo was Lyndhurst High's place and point-after-touchdown kicker. He excelled in his specialty and, if he chose, had a bright professional football career before him.

Recently, Mr. Joe Cipolla, athletic director at Lyndhurst High School, told me that Ted and Marcelo were two of the finest boys he ever had the privilege of coaching. He said:

> They were headed for success in whatever field of endeavor they chose—sports, a profession or a business career. Ted and Marcelo were leaders with determination, ability and compassion.

Ted and Marcelo are missed, but the memories of them always will be with the people they were associated with in so many areas of endeavor and friendship. They bequeathed to all, and particularly young people, a legacy of goodness and achievement.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States produces over half of the world's output of soybeans. The 1968 production in the United States was 29,384,000 metric tons compared to the world total of 43,125,000 metric tons.

OF FRIENDS AND ENEMIES

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in the December 1970 Air Line Pilot magazine, there is an excellent article by Robert Serling, veteran newsman, author, and aviator industry observer.

Those "opponents" of the SST and general progress in aviation would do well to read and digest the following:

Of Friends and Enemies

Anyone who loves aviation has a right to be concerned today. I've been writing about airplanes since 1946. That's almost 24 years. In that quarter of a century, I can't remember when aviation was going through a more critical stage or when it had so many enemies, and I don't mean constructive critics or legitimate opponents. I'm using the word enemy as we'd regard anyone who was at war with us. I'm thinking about cheap politicians who use air safety to get their names into the papers; about a certain section of the news media—uninformed, ignorant, biased—that slants, sensationalizes, twists and distorts, and about those who have made a scientific and political football out of ecology and environment.

I don't know what kind of black eye aviation has gotten in other countries. I do know what's happened in this country, to cite one example, to the supersonic transport. Maybe many of you are opposed to the SST. If so, I trust your opposition is based on fact, sincerity and technical knowledge. If that is so, I salute your integrity and I respect your viewpoint.

I only wish this was the case in the United States, where 90% of anti-SST propaganda is based on misinformation, unproven theories, deliberate scare talk, phony and false ecology issues, and so-called technology claims that are the product not of scientific research, but prejudged bias and/or unreasoned fear.

All of this is compounded by that portion of the news media that has consistently and persistently covered the supersonic transport controversy with a lack of fairness so blatant that it has made a mockery out of the word objectivity. This coverage is personified by the newspaper that gives prominent display to virtually every anti-SST story or report, and either buries virtually every pro-SST story back in the want ads, or ignores the story outright.

The attitude of press, politicians and public toward the SST is, to me, symptomatic and symbolic of what's happening to aviation's reputation and goodwill. I blame the first two more than the third, because the public formulates its views on the basis of what it reads, sees or hears. Who can blame the layman for being critical, questioning or cynical when he's fed a steady diet of negative poison from the well-meaning but occasionally off-target crusading of a Ralph Nader to the political hacks who think they can get votes by making the SST in particular and aviation in general a whipping boy for everything that's wrong with our society; from those fast-buck writers who figure it's easier to sell an air safety book that attacks, libels and sensationalizes to our friends the airborne ambulance chasers, who'd sue the Lord himself if a crash was nothing but an act of God; and from the new breed of biased reporters who regard aviation as a synonym for the establishment to those real-estate developers putting up homes near airports and then telling the residents to organize noise protest committees.

Enemies? We've got 'em in large, deadly and very effective numbers. But among them, I'm afraid, we can include ourselves. In a sense, we're our own worst enemies because we play into the hands of those who for personal gain would hurt aviation. Passing the buck in air safety is just one way to play into their hands: Airline management, when it treats safety information and discussion as it did in the days when an airline PR man went out to a crash scene armed with white paint to obliterate company identification from the wreckage before the photographers got there; pilots, when they defend colleagues they know don't deserve defending, when they tolerate airmen they know are marginal, careless, unstable; government agencies, when they try to duck responsibility for fear of criticism; crash investigators, when they take the easiest way out (a verdict of pilot error) without trying to find out why a pilot made a mistake; manufacturers, anytime they assume something is safe without making damned sure, and any nationality, government or airline that looks on safety problems or fatal accidents as an affront to national pride and conducts its investigation mainly with a broom for sweeping the unpleasant truth under a rug. All of these, too, are enemies of aviation.

I've just finished reading a new biography of an aviation pioneer, a man who happened to be a writer as well as a pilot: Antoine De Saint Exupery. This quote is from the final chapter, which sums up the life and work and times of this pilot/poet:

"Saint Ex's generation was the first to discover a radical, new and awful truth—that the size of our planet is limited. Nay, that the earth is relatively small. The astronomers had already guessed it, but it took the airplane to bring this sobering truth home to the general public. An ocean ceases to be vast when it can be overflown in half a day, and even a large continent like America shrinks when it can be crossed in a matter of hours. Saint Ex, precisely because he WAS a flyer, understood this instinctively. Our Planet, he knew, was shrinking and far faster than is generally realized. This is the price man has had to pay for speed."

What Saint Exupery felt and thought and wrote in the 30's and 40's is even more true and appropriate today. I think one of the reasons I've been so proud to be a part of aviation is that aviation literally is the first of man's enterprises that laughs at boundaries—not only geographical boundaries, but

XUM

emotional and mental boundaries. A long time ago, H. G. Wells wrote a novel called "The Shape of Things to Come." In it, he predicted that world peace would come about through a brotherhood of airmen—not theologists or statesmen or scientists or writers—but airmen. This great British novelist sensed that the one profession capable of sublimating man's inherent capability for greed, selfishness, narrowness of vision and confining provincialism, was that of the airman. The one man who realized that a shrinking world couldn't afford such capability.

I see the truth of that in the past few months when reaction to brutal, vicious skyjackings and wanton destruction of magnificent aircraft was a reaction based not on nationalism or political views, but a kind of closing of ranks against a common enemy.

We in the United States suffer from a kind of narrow provincialism. We are justifiably proud of the Wright Brothers, forgetting, perhaps, that the theories of an Italian named da Vinci were a couple of centuries ahead of Wilbur and Orville.

We are justifiably proud of our lead in commercial transport development, forgetting, I'm afraid, that we don't hold any monopoly in such development. The British were ahead of us in jet propulsion. The Comet, not the 707 or DC–8, was the pioneer of jetliners.

The Germans built a successful all-metal transport before we got around to the Ford Trimotor. In the early 20's, when we were still carrying passengers and mail in Curtiss Jennies, European airlines were offering scheduled service in luxurious cabin aircraft, with meals and flight attendants and well-upholstered seats. When the U.S. did not have a single scheduled airline, Britain was operating 23 flights a day across the Channel.

Most of today's aviation terms are French derived, and it might be recalled that the early French air mail pilots were just as brave and trail blazing as our own.

I'm not casting aspersions on our own achievements, but I hope every American realizes that aviation always has been international. Do you know, for example, who first thought up the basic ingredients for such terms as DME, ILS, all-weather landings and a few other air safety gimmicks? The same Frenchman I mentioned earlier: Saint Ex, back in the 30's and early 40's.

If air travel is no longer national but international, if technological advancements are international, not national, so is air safety an international problem—one that overflies artificial boundaries that are just lines on a map. When a bird goes down, anywhere in the world, it is of concern to all in aviation; not only the lives lost, but the reasons for the accident, the explanation, the reforms, the cures and the lessons learned. Aviation in 1970 is that closely knit and its mutual problems are that tightly interwoven.

A few years ago a Pan American 727 crashed in East Germany and the Communists removed most of the wreckage before any western investigators could attempt to find the how and the why. As far as I know, that crash is still unsolved. This is nationalism and provincialism in its narrowest and deadliest sense. And it's not limited to the Iron Curtain. I know of one fatal 707 crash that occurred in a European country. That country resented the presence of American technical experts and kept the results of its own investigation buried for years under what could only be called a rug of national pride.

I'm told by friends in government and the airlines, that things have improved. There is wider dissemination of safety information, more cooperation and closer communications among the international aviation family. I hope so, but I hope there will be more, whether it's in the development of better navaids or a solution for skyjackings and sabotage.

I think anyone would concede that the U.S. airline and aircraft manufacturing industries are about as hotly competitive as any thing can get—but not in safety. When any airliner crashes, the effects of the tragedy are never confined to just the airline involved. In 1960, when the Electra was having its problems, Boeing and Douglas worked with Lockheed to solve the mystery. This is how it should be throughout the world, free and communist, as well as the United States.

All of us in every phase and every segment of aviation have so much to be proud of. Maybe, because of our jobs, in which we may have to work from a rather negative attitude, we tend to forget how many steps forward have been taken, compared to the few steps backward. Indulge in a bit of nostalgia, if you will.

Go back just 40 years—only half the span of a man's life: When the average passenger load was far less than the number of stewardesses working a 747 flight; when the scheduled airlines had a fatality rate 1,500 times higher than the railroads, and 900 times above that of buses; when the total passengers carried throughout the world over the entire year wouldn't equal the number carried everyday by just one major airline.

Go back 40 years ago when there was no such thing as an instrument-rated pilot, reversible props, wing flaps, approach lights, anti-icing equipment; when a copilot could be hired at 10 a.m. and be sitting in the right seat on a scheduled flight at 2 p.m. the same day; when the president of one major U.S. airline insisted on traveling by train because he was afraid to fly; when a stewardess was trained in just three hours; when 50 consecutive hours without an engine malfunction were considered the height of mechanical efficiency, and when an altitude of 8,000 feet was like nudging outer space.

Yes, I get nostalgic when I think of what it was like 40 years ago. And that's why I can get mad when I hear our enemies, our critics, our scoffers and our doubters whine that supersonic travel is not needed and may be technologically impossible; when I hear that the 747 is too damned big and full of bugs.

If we had today's enemies 40 years ago, aviation never could have achieved what it did in 1970's atmosphere of repression and criticism based largely on ignorance.

That we have had 40 years of incredible progress does not mean we can sit back and just wait for progress to continue on its own. Nor is there any such animal as unilateral progress in aviation. We are too dependent on each other in this age of technology. No one company, no single nation owns a copyright on progress. Our goals are just as mutual as our problems and our enemies are external or within ourselves. If I have one message, it is: Recognize the internationalism of aviation.

Stuart Tipton of the Air Transport Association once defined safety as the art of reducing risk to the smallest chance of occurrence. That isn't an American definition. It isn't British or French or Italian or Scandinavian or any other nationality. It is a definition that can be the slogan, the ultimate aim of that brotherhood H. G. Wells dreamed about . . . a brotherhood of airman, to whom Safety is Truth, and Truth is Safety.

INDICTMENT OF UNIVERSITIES EXAMINED

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, during this past campaign there were many strident voices across the land crying for the scalps of college and university administrators. The academic community was denounced as a bunch of starry-eyed weaklings incapable of meeting their obligations and insensitive to the growing mood of frustration on the part of middle America. No one denies that this is a crisis period for American campuses. It is, as it is for the whole of our society. But let us put the situation in perspective. On November 15, a letter to the editor from Syracuse University Chancellor John E. Corbally, Jr., appeared in the New York Times. I think it deserves to be reprinted here. I commend it to all my colleagues:

[From the New York Times, Nov. 15, 1970]

INDICTMENT OF UNIVERSITIES EXAMINED

To the Editor:

Now that the election is behind us, we can take a dispassionate look at the implications of the indictments aimed at universities by some highly placed governmental leaders and politicians.

In trying to make a case that our institutions of higher education are riddled with dissent and led by a group of weak and ineffectual administrators, these spokesmen were neglecting the facts. Most campuses were entirely peaceful this fall. Nearly every institution of any size has well developed plans to cope with violence and disruption should they occur.

But the problems generated by this fall's campaigns lie less in distortion of facts than in the further breach that is created between two great and interdependent sets of institutions—governments and universities—each of which must respect and cooperate with the other if the Republic is to prosper.

Governments are obviously our prime source of solution for the array of problems—social, economic, cultural—which must be dealt with in the decades ahead. No other instruments at our command can muster the power and the resources to deal with these problems.

The talents of the professionally and technically skilled are being called upon by governments, as never before in history, to participate in addressing all our urgent needs. Yet governments are utterly dependent on the universities for those highly skilled people whom they require, as well as for the production of new knowledge.

Creating the impression that universities are embroiled in chaos, that they are marginal institutions which threaten the welfare of the country, is hardly the way to move toward increasingly productive associations between government and the universities.

Anyone intimately connected with institutions of higher education agrees that considerable internal reform is required. Universities and colleges are now facing up to many issues which they have failed adequately to address in the past.

They have not been as interested in reaching the disadvantaged as should have been the case. They have been too bound by the disciplines; too constrained by tenure; too unwilling to broaden the base of university governance.

While they must never lose sight of their central educational role of their responsibility to generate new knowledge, these functions must be carried out with a keener eye on the needs and nature of the "real world." Universities must be addressing these "reform" questions more actively than any social agency, including governments.

One of the surest ways to keep in contact with reality is for universities, in consultation with governments, to find new creative routes to exchanges of knowledge and experience. We must be innovative in developing arrangements which will allow government officials to share their knowledge with the campus. We must encourage faculty and students to relarge their interests to the great issues with which governments grapple.

Over twenty year ago, Felix Frankfurter wrote: "That our universities have grave shortcomings for the intellectual life of this nation is now a commonplace." This fact is still unhappily true. But great leadership both from the universities and from our public offices can help to identify the shortcomings and inspire the best, the most creative in all of us.

If such leadership is forthcoming, we can hope for an era of fresh creativity in the universities which will inevitably generate a like era in government.

JOHN E. CORBALLY, Jr.,
Chancellor, Syracuse University.

REGARDING THE WHITE HOUSE CHILDREN'S CONFERENCE

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, last night as I listened to the news and this morning when I read the news on the report of the President's speech to the White House Conference on Children, I was thrilled, pleased, and very satisfied with his renewed vigor and determination to come to grips with some very basic problems of people.

Mr. Speaker, the President rightly called for immediate and early action by the other House on his proposal to bring about a change for the problem of the needy who are not now being cared for under the present laws. Rightfully, he observed that "for the Senate to adjourn would be a tragedy of missed opportunity for America and particularly for the children of Americans." He continued by reminding us that in terms of its consequences for 55 million Americans under 14 years of age, "I think it can fairly be said to be the most important piece of social legislation in the history of this Nation."

One of the most potent arguments the President gave, dealt with "pride, dignity, and self-respect." He spoke of his deep hope for a lasting peace; in that he wants youth to love an America that deserves their love "because it is a truly lovely country."

The President also gave a most potent argument when he said:

> Six million children caught up in an unfair and tragic system that rewards people for not working instead of providing the incentives for self-supporting and independence, that drives families apart instead of holding them together, that brings welfare snoopers into their homes, that robs them of pride and destroys dignity.

Mr. Speaker, so that this magnificent address may be in the permanent RECORD, and so that all who read the RECORD may have the benefit of it, I have asked for this permission to put it in the RECORD as it was given at the meeting last night:

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE WHITE HOUSE CONFERENCE ON CHILDREN, WASHINGTON, D.C.

Mr. Secretary, Mr. Mayor, Mr. Chairman, Ladies and Gentlemen, I share with six of my predecessors, beginning with Theodore Roosevelt and most recently Dwight D. Eisenhower, the honor of having convened a White House Conference on Children, and I take special pleasure in welcoming you here this evening.

Our concern at this Conference is with the well-being of 55 million individual human beings who happen to be children under the age of 14—and who represent one-fourth of our Country's total population.

When I refer to them as 55 million individual human beings, I mean to put the emphasis precisely on that; On the fact that nothing is so intensely personal as the private world of a child, and nothing so removed from the statistical abstractions of a chart or a computer. In talking about our children, we are talking about our world—about its future—but in the most special, the most human, the most individual sense of anything we do or consider.

The refreshing little flower emblem that has been used as the symbol of this Conference is a reminder to us of one very simple and very basic truth: that the world of the child is different, and very special, and full of promise—and very much alive.

It also reminds us that whether we speak of a community of 200 people or of 200 million, the important thing to remember is that no two are alike. Because of this, what is right for one child may be all wrong for another.

Here in Washington, in government, we have a tendency to think about things in the mass—about cities of more than a million, or people over 65 or under 21, or about whole school systems or health delivery systems. Just yesterday I spent most of the day working on next year's budget—on the billions for this and the billions for that, and how perhaps a hundred million could be saved here in order to be used there, trying to balance the needs and hopes of dozens of government departments and agencies that operate thousands of programs involving millions of people.

Sometimes, after doing that, I find myself reflecting on both the necessity and the impersonality of it all. Budgets have to be made and they have to be followed because this is the way the real world operates, and governments have to deal with great masses of people because this is the way governments operate. But how far removed this can get us from the perspective of the individual person! How great a tendency there is, in government, to lose track of people as people—to get so wrapped up in charts and projections and columns of numbers that we lose sight of what ultimately it is all about!

If there is one thought more than any other that I would like to leave with you tonight, it is this: to remember that what matters is one person, one child, unlike any other, with his own hopes and his own dreams and his own fears, who lives at the center of his own separate and very personal world.

I am sure that each one of you is here, taking part in this great Conference, because you do care not only about children, but about the child. I hope you will help us keep the focus on that one child.

One of the special glories of America is that we *are* a nation of individuals, and individualists. We produce people, not automatons. We recognize diversity not as an evil, but as a virtue. We turn not to one institution alone, but to many, to perform the great tasks of achieving a better life for all. We recognize a role for government, for the church, the home, the school, for those voluntary agencies that are so distinctive a feature of American life—and we know that this is a case in which additional cooks enrich the broth.

There is, of course, a large and vital role government does play, and must play, in ensuring the best possible opportunity for the child.

I would like to speak briefly tonight of one government program presently being considered by the Senate—which I believe particularly deserves your support.

The great issue concerning family and child welfare in the United States is the issue of family income. For generations social thinkers have argued that there is such a thing as a minimum necessary family income, and that no family should be required to subsist on less. It is a simple idea, but profound in its consequences.

On August 11, 1969, I proposed that for the first time in America's history we establish a floor under the income of every American family with children.

We called it the Family Assistance Plan. It has in turn been called the most important piece of domestic legislation to be introduced in Congress in two generations.

In terms of its consequences for children I think it can fairly be said to be the most important piece of social legislation in our nation's history.

You know the story of this legislation. In April it passed the House of Representatives by a margin of almost two to one. Then it became mired down in the Senate.

It is still stuck, but it is not lost. There is still an opportunity for the 91st Congress to change the world of American children by enacting Family Assistance.

In these closing days of that Congress, I want to emphasize once again, unequivocally, my support for welfare reform *this year.*

In the last ten years alone the number of children on welfare has nearly tripled, to more than 6 million. Six million children. Six million children caught up in an unfair and tragic system that rewards people for not working instead of providing the incentives for self-support and independence, that drives families apart instead of holding them together, that brings welfare snoopers into their homes, that robs them of pride and destroys dignity.

I want to change all that.

The welfare system has become a consuming, monstrous, inhuman outrage against the community, against the family, against the individual—and most of all against the very children whom it was meant to help.

We have taken long strides toward ending racial segregation, but welfare segregation can be almost as insidious.

Think what it can mean to a sensitive child. To take only one example—the free lunch program—my daughter Tricia does tutoring at an inner-city school, and she tells me of her deep concern each day to see the welfare children herded into an auditorium for their free lunch, while the others bring their lunches and eat in the classroom. We have got to find ways of ending this sort of separation. The point is not the quality of the lunch—in fact, the free lunch is probably nutritionally better than those the others bring. The point is the stigmatizing by separation of the welfare children, *as* welfare children.

I remember back in the depression years of the nineteen thirties, how deeply I felt about the plight of those people my own age who used to come into my father's store when they couldn't pay the bill because their fathers were out of work, and how this seemed to separate them from the others in the school. None of us had any money in those days, but those in families where there were no jobs, where there was nothing but the little that relief then offered, suffered from more than simply going without. They suffered a hurt to their pride that many carried with them for the rest of their lives.

I also remember that my older brother had tuberculosis for five years. The hospital and doctor bills were more than we could afford. In the five years before he died, my mother never bought a new dress. We were poor by today's standards. I suppose we were poor even by Depression standards.

But the wonder of it was that we did not know we were poor. Somehow my mother and father with their love, with their pride, their courage and their self-sacrifice were able to create a spirit of self respect in our family so that we had no sense of being inferior to others who had more than we had.

Today's welfare child is not so fortunate.

His family may have enough to get by on. They may even have more, in a material sense, then many of us did in those Depression years. But no matter how much pride and courage his parents have, he knows they are poor—and he can feel that soul-stifling, patronizing attitude that follows the dole.

Perhaps he watches while a caseworker—himself trapped in a system that wastes, on policing, talents that could be used for helping—while this caseworker is forced by the system to poke around the child's apartment, checking on how the money is spent or whether his mother might be hiding his father in the closet. This sort of indignity is hard enough on the mother—enough of a blow to her pride and self-respect—but think what it must mean to a sensitive child.

We have a chance now to give that child a chance—a chance to grow up without having his schoolmates throw in his face the fact that he is on welfare, and without making him feel that he is therefore something less than the other children.

Our task is not only to lift people out of poverty, but from the standpoint of the child to erase the stigma of welfare and illegitimacy and apartness—to restore pride and dignity and self-respect.

I do not contend that our Family Assistance Plan is perfect. In this confused and complex and intensely human area, no perfect program is possible—and certainly none is possible that will please everybody. But it is a good program, and a program immensely better than what we have now, and vastly important to the future of this country and especially to the neediest of our children. For the Senate to adjourn without enacting this measure would be a tragedy of missed opportunity for America and particularly for the children of America.

I have dwelt at some length on Family Assistance because of its vital and even historic importance, and because now is the time of Senate decision.

This represents one of the things the Federal Government can do to give children a better opportunity. With our stress on the Right to Read, on the first five years of life through the new Office of Child Development, on education reform, on food and nutrition, and in many other areas we are trying to meet what I believe is a great responsibility that rests upon us. I know that in the Conference you will have many new ideas for things we might do.

We shall do our best to meet our responsibility in those areas where the Federal Government can best do what needs to be done.

But I would also stress that equally and often more important is what States and communities do, and the school and the church and the family, the mass media, voluntary organizations, and each of us as individuals. For the child is not raised by government. The child is raised by his family. His character is shaped by those people he encounters in his daily life.

I think especially of the millions of Americans who give their time and their energy and their heart to volunteer activities working with children. Before becoming President I served as national chairman of the Boys Clubs of America, and I saw from the inside the wonderful work such organizations and others do, and also the spirit, the dedication, of the people who make them possible. The churches, the service organizations, hundreds, thousands of organizations all across America have helped and they can help more. Most important, they can do what government cannot do. They can give heart and inspire hope, and they can address themselves not simply to children but to that one special, precious child.

Before closing, I would like to leave with you a few very personal reflections from the perspective of this office.

A President always thinks about the legacy that he would like to leave the country from his years in office. I think often about that in terms of what I can leave for America's children. And I know that the first thing I would like to do for them is to bring peace.

I speak not just of ending the war, but of ending it in a way that will contribute to a lasting peace—so that theirs at last can be what we have not yet had in this century, a generation of peace. And I speak not only of the absence of war, but also of a peace in which we can have an open world—in which all the peoples of the world will have a chance to know one another, to communicate with one another, to respect one another.

The second thing that, as President, I would like to leave for America's children is a strong, productive, creative economy—one that can provide every family with children a floor under its income higher than what now is the ceiling for most of the world's peoples. I want to leave them an economy that provides jobs for all with equal and full opportunity, producing not for war but for peace.

Beyond this, I want America's children in the last generation of this century to have the best education, the best health, the best housing that any children have ever had anywhere, any time.

I want them to enjoy clean air and clean water and open spaces, and to restore the heritage of nature that is rightfully theirs.

Although we will always have differences here in America, I hope the government can help achieve a better understanding among the generations, the races, the religions—and among those with different values and different life-styles.

I would like to do all this, and to do it in a climate of freedom.

Edmund Burke once pointed out that for us to love our country, our country must be lovely. Patriotism literally means love of country, and I want this generation of children to develop a new sense of patriotism. We do love our country, most of us, but we know it has many unlovely features. I want these young Americans to learn to love America not because it is the richest country or the strongest, or merely because they were born here, but because America is truly a good country and becoming better—because it is a truly lovely country.

I am convinced that in my term as President so far, we have made some progress toward those goals. I think that by the end we will have made more progress.

But even if all these goals could be fully achieved, it still would not meet our duty to our children.

No matter what government does for people—no matter what we provide in the way of income or housing or food, we still will not have reached the essential element as far as a full and meaningful life is concerned.

What is most important is that every person in this country must be able to feel that he counts.

We have got to let 55 million young Americans—as well as those a little older—know what they *do* matters, that their ideas do count, that the country needs their thoughts, their creativity, their contribution.

I recall Walter Judd once said that he loved his daughter very much, and when she asked him to help with her arithmetic the easiest thing would have been to do it for her. But because he loved her, he did not do it for her but helped her learn to do it for herself.

While this Conference will and should make recommendations as to what government can do for children—about how we can make life better for them—let us remember that what is most important is to provide the opportunity for each of *them* to participate. For each child, it is not just a matter of what more government is going to do for him, but how his own life is going to be enriched so *he* can do something for his fellow man.

A sense of identity, of pride, of self-respect—these no government can provide. Government can help to create better conditions. It can help remove obstacles to the child's development. It can mobilize research, and provide resources, and offer advice and guidance. But all these only help make success possible. The love, the understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people.

In the way we shape the character of the next generation, we test our own character as a people. In the rigor and the realism with which we approach the needs of the next generation—of each and every child in that generation—we test our devotion to humanity and our belief in ourselves.

I am confident we will meet those tests, and I am grateful to all of you here for the concern you have shown, the dedication you have demonstrated, in helping us do so. Your recommendations will receive the most careful consideration, not only because we in this Administration respect your view but also because we share your concern that the nation's children—our children—should receive the best the nation can give them.

DEPARTMENT OF DEFENSE APPROPRIATION—CONFERENCE REPORT

Mr. **MAHON** submitted the following conference report and statement on the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1759)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 16, 19, 21, 23, 25, 27, 30, 32, 33, 34, 36, 38, 40, 41, 46, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 10, 12, 22, 24, 43, 44, 45, 47, 50, 51, 54, and 56 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert "$7,842,450,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,368,600,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,426,700,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,988,350,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$85,200,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$107,500,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,268,687,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,729,410,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendments insert "$6,157,136,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,017,900,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,465,400,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,377,200,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,600,200,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,137,900,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,744,100,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$443,600,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further*, That nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "or Cambodia: *Provided*, That nothing contained in this section shall be construed to prohibit the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

SEC. 845. After June 15, 1971, no part of the funds in this Act shall be available to support in excess of 138,000 personnel of the Department of Defense (military and civilian) assigned to activities managed under the Intelligence and Security Program of the Department of Defense."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 14, 15, 18, 26, 29, 31, 48, 49, and 53.

GEORGE MAHON,
ROBERT L. F. SIKES
(except as to amendment No. 20),
JAMIE L. WHITTEN,
GEORGE W. ANDREWS
(except as to amendment No. 20),
DANIEL J. FLOOD,
JOHN M. SLACK,
JOSEPH P. ADDABBO,
WILLIAM E. MINSHALL,
JOHN J. RHODES,
GLENN R. DAVIS,
LOUIS C. WYMAN
(except as to amendment No. 20),
FRANK T. BOW,
Managers on the Part of the House.

ALLEN J. ELLENDER,
RICHARD B. RUSSELL,
JOHN L. MCCLELLAN,
JOHN STENNIS,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—MILITARY PERSONNEL

Military personnel, Army

Amendment No. 1: Appropriates $7,842,450,000 instead of $7,822,450,000 as proposed by the House, and $7,861,750,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $505,391,000 instead of $485,391,000 as proposed by the House, and $524,691,000 as proposed by the Senate.

Military personnel, Navy

Amendment No. 2: Appropriates $4,368,600,000 instead of $4,360,100,000 as proposed by the House, and $4,377,100,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $221,465,000 instead of $212,965,000 as proposed by the House, and $229,965,000 as proposed by the Senate.

Military personnel, Marine Corps

Amendment No. 3: Appropriates $1,426,700,000 instead of $1,422,700,000 as proposed by the House, and $1,430,600,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $101,225,000 instead of $97,225,000 as proposed by the House, and $105,125,000 as proposed by the Senate.

Military personnel, Air Force

Amendment No. 4: Appropriates $5,988,350,000 instead of $5,973,350,000 as proposed by the House, and $6,002,425,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $398,760,000 instead of $383,760,000 as proposed by the House, and $412,835,000 as proposed by the Senate. The conferees are in agreement that a reduction of $16,075,000 shall apply proportionately to Communications and Intelligence as proposed by the House.

Reserve personnel, Air Force

Amendment No. 5: Appropriate $85,200,000 instead of $86,200,000 as proposed by the House, and $84,200,000 as proposed by the Senate.

National Guard personnel, Air Force

Amendment No. 6: Appropriates $107,500,000 instead of $108,500,000 as proposed by the House, and $106,500,000 as proposed by the Senate.

TITLE III—OPERATION AND MAINTENANCE

Operation and maintenance, Army

Amendment No. 7: Provides $3,634,000 for emergencies and extraordinary expenses as proposed by the Senate instead of $4,000,000 as proposed by the House. This action is associated with amendment number 48.

Amendment No. 8: Appropriates $6,268,687,000 instead of $6,269,011,000 as proposed by the House, and $6,228,687,000 as proposed by the Senate.

The House agrees to the Senate increase of $1,700,000 for civilian personnel and the increase of $8,000,000 for Automatic Data Processing operations. The conferees agree to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by the House and deleted by the Senate.

Operation and maintenance, Navy

Amendment No. 9: Appropriates $4,729,410,000 instead of $4,731,910,000 as proposed by the House, and $4,685,410,000 as proposed by the Senate.

The House agrees to the Senate increases for civilian personnel and headquarters operations of $500,000 and $7,000,000 respectively. The Senate recedes from its decrease of $4,000,000 for the Antarctic Operation. The conferees agreed to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by House and deleted by the Senate.

Operation and maintenance, Marine Corps

Amendment No. 10: Appropriates $402,743,000 as proposed by the Senate instead of $399,943,000 as proposed by the House.

The House agreed to the Senate increase of $1,500,000 for civilian personnel and $1,300,000 for Marine Corps headquarters operations.

Operation and maintenance, Air Force

Amendment No. 11: Appropriates $6,157,136,000 instead of $6,167,136,000 as proposed by the House and $6,093,236,000 as proposed by the Senate.

The conferees agreed to the House allowance of $23,900,000 for the retention of five Air Force reserve units and the conferees agree to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by the House and deleted by the Senate.

Operation and maintenance, Air National Guard

Amendment No. 12: Appropriates $343,600,000 as proposed by the Senate instead of $337,600,000 as proposed by the House. The House agreed to the Senate increase of $6,000,000 for aircraft fuel and oil and other operational costs.

National Board for the Promotion of Rifle Practice, Army

Amendment No. 13: Appropriates $100,000 as proposed by the House instead of $65,000 as proposed by the Senate.

TITLE IV—PROCUREMENT

Procurement of equipment and missiles, Army

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $2,908,500,000 instead of $2,933,100,000 as proposed by the House, and $2,930,000,000 as proposed by the Senate.

Under Aircraft, the conferees agreed to the amount of $62,000,000 for LOH helicopters as proposed by the Senate instead of $64,200,000 as proposed by the House; the amount of $2,100,000 for OV–1 aircraft modification as proposed by the Senate instead of $3,500,000 as proposed by the House; and the amount of $8,000,000 for avionics/armament spares as proposed by the Senate, instead of $10,300,000 as proposed by the House.

Under Missiles, the conferees agreed to the amount of $51,900,000 for the XMIM–72A Chaparral Missile as proposed by the Senate instead of $76,400,000 as proposed by the House.

The conferees agreed to provide a total of $58,200,000 for the XMIM–23B Improved Hawk missile, instead of $43,200,000 as proposed by the House and $81,400,000 as proposed by the Senate, with the understanding that no fiscal year 1971 production would be contracted for, with the added funds used to stretch out the production already under contract. This action will provide sufficient time for necessary tests of this missile scheduled during fiscal year 1971.

The conferees agreed to the amount of $8,800,000 for Nike-Hercules modifications as proposed by the Senate instead of the $3,000,000 as proposed by the House.

The conferees agreed to the amount of $34,900,000 for the initial production of the XMGM–52A Lance missile as proposed by the Senate. The House had provided no funds for this purpose.

The conferees agreed to the amount of $5,300,000 for XMGM–31A Pershing missile modifications as proposed by the Senate instead of the $10,300,000 as proposed by the House.

The conferees agreed to the amount of $15,000,000 for the Land Combat Support System (LCSS) and $5,000,000 for LCSS spares as proposed by the Senate. The House had provided no funds for this purpose. The conferees also agreed to provide $1,700,000 for LCSS modifications as proposed by the House. The Senate had deleted the funds requested for such modifications.

Under Weapons and Combat Vehicles, the amount of $12,000,000 for the M577A1 Tracked Command Post Carriers as proposed by the Senate was agreed to by the conferees instead of $2,800,000 as proposed by the House.

The conferees agreed to delete the amount of $6,400,000 for the Chaparral missile carrier, and the amount of $1,300,000 for the Vulcan Gun Shop Test, as proposed by the Senate, instead of funding these items in those amounts as proposed by the House. The conferees also agreed to provide $23,900,000 for M16A1 rifles as proposed by the Senate instead of $27,100,000 as proposed by the House.

Under Tactical and Support Vehicles, the conferees agreed to provide the amount of $28,800,000 for the XM705 1¼ ton truck and $1,100,000 for XM705 truck initial spares. The House had not allowed these funds. None of the funds made available for the XM705 1¼ ton truck are to be obligated for that purpose until after the evaluation of the modified M715 truck is completed and a determination made that the latter vehicle will not essentially meet Army requirements. If it is determined that the modified M715 truck will essentially meet those requirements, the funds provided for the XM705 truck may be used for termination of the existing XM705 production contract, and funding of the initial procurement of the modified M715 truck.

Under Communications and Electronics Equipment, the conferees agreed to the amount of $9,300,000 for STARCOM Communications (Other) as proposed by the Senate, instead of $10,800,000 as proposed by the House; and the amount of $53,000,000 for Defense Communications Planning Group projects as proposed by the Senate instead of $78,000,000 as proposed by the House.

The conferees agreed to delete the amount of $600,000 for the RC–292 Antenna Group and $1,100,000 for the SB–22 Switchboard as proposed by the Senate. The House had funded these items in those amounts.

The conferees agreed to restore the $4,000,000 House reduction for the RATAC Field Artillery Radar Sets as proposed by the Senate with the understanding that any future procurement of this equipment shall be from a domestic producer.

The conferees also agreed to the amount of $11,400,000 for miscellaneous items under $500,000 as proposed by the Senate instead of $14,400,000 as proposed by the House.

Under Other Support Equipment, the conferees agreed to the amount of $800,000 for the LCM landing craft and $4,400,000 for the LCU landing craft as proposed by the Senate. The House had not provided funds for those purposes.

The conferees also agreed to the deletion of $16,500,000 for a classified project as proposed by the Senate. The House had allowed those funds.

Under Production Base Support, the conferees agreed to the amount of $182,500,000 for provision of industrial facilities as proposed by the Senate instead of the $187,100,000 as proposed by the House.

Amendment No. 15: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment to authorize the transfer to this appropriation of $50,000,000 from the Army stock fund.

Amendment No. 16: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Procurement of aircraft and missiles, Navy

Amendment No. 17: Appropriates $3,017,900,000 instead of $3,005,800,000 as proposed by the House and $3,127,900,000 as proposed by the Senate.

Under Aircraft, the conferees agreed to the amount of $112,500,000 for twelve A–6E Intruder Attack Aircraft and $11,400,000 for A–6E aircraft initial spares as proposed by the Senate, instead of the $72,500,000 for six A–6E aircraft as proposed by the House. The House had provided $5,700,000 for A–6E aircraft initial spares to support only six aircraft.

The conferees agreed to the amount of $64,000,000 for the AV–8A Harrier (V/STOL) attack aircraft as proposed by the House, instead of the $96,200,000 as proposed by the Senate. The agreement of the Committee of Conference is based on the procurement of these eighteen aircraft in the United Kingdom.

The conferees agreed to the amount of $23,000,000 for the E–2C Hawkeye Early Warning Aircraft, in addition to the $20,000,000 in advance procurement funds provided in the bill for fiscal year 1971, instead of the $92,300,000 as proposed by the Senate. The House had deleted the latter amount. The $43,000,000 total thus provided for long leadtime items is in full accord with the current Department of Defense plan to award a production contract for eleven such aircraft in fiscal year 1972. The action of the conferees should in no way be construed as an effort to delay this important program.

The conferees also agreed to the amount of $72,000,000 for Variable Avionics Shop Test (VAST) equipment as proposed by the Senate, instead of the $28,600,000 as proposed by the House.

Amendment No. 18: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment to authorize the transfer to this appropriation of $100,000,000 from the Defense Stock Fund.

Amendment No. 19: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Shipbuilding and conversion, Navy

Amendment No. 20: Appropriates $2,465,400,000 instead of $2,694,400,000 as proposed by the House, and $2,276,900,000 as proposed by the Senate.

The conferees agreed to the amount of $166,000,000 for an additional SSN–688 class nuclear attack submarine above the President's budget, and $22,500,000 in advance procurement funds above the President's budget for another SSN–688 class submarine to be funded in fiscal year 1972, as proposed by the House. The conferees also agreed not to provide other funds above the President's budget in the following amounts and for the listed purposes:

AS submarine tender	$102,000,000
AD destroyer tender	103,000,000
Service craft	24,000,000

The Senate had not allowed any of the funds provided by the House for Shipbuilding and Conversion, Navy, above the President's budget.

Amendment No. 21: Makes funds available for obligation until June 30, 1975, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Other procurement, Navy

Amendment No. 22: Appropriates $1,487,300,000 as proposed by the Senate instead of $1,443,400,000 as proposed by the House.

Under Ship Support Equipment, the conferees agreed to the amount of $900,000 for Submarine batteries as proposed by the Senate instead of $4,200,000 as proposed by the House; the amount of $4,900,000 for SHORTSTOP electronic warfare system ship alterations as proposed by the Senate, instead of no funds as allowed by the House

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for that purpose; and the amount of $500,000 for small boats as proposed by the Senate instead of $1,800,000 as proposed by the House.

Under Communications and Electronics Equipment, the conferees agreed to the amount of $2,400,000 for the AN/SPS-40 radar set as proposed by the Senate, instead of no funds as allowed by the House for that purpose. The conferees agreed to delete the $4,000,000 allowed by the House for miscellaneous items, as proposed by the Senate.

Under Aviation Support Equipment, the conferees agreed to the amount of $4,000,000 for the CBU-55/B (Fuel Air Explosive) cluster bombs. The House had allowed no funds for that purpose.

Under Ordnance Support Equipment, the conferees agreed to the amount of $14,500,000 for the MK-46 torpedo as proposed by the Senate, instead of no funds allowed for that purpose as proposed by the House; the amount of $110,600,000 for the MK-48 torpedo as proposed by the Senate, instead of $80,600,000 as proposed by the House; and the amount of $30,800,000 for Ordnance Replenishment spares as proposed by the Senate, instead of $34,100,000 as proposed by the House.

Amendment No. 23: Makes funds available for obligation until June 30, 1973 as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement, Marine Corps

Amendment No. 24: Appropriates $175,900,000 as proposed by the Senate instead of $171,700,000 as proposed by the House.

The conferees agreed to the amount of $4,200,000 for the XM705 1¼ ton truck as proposed by the Senate. The House allowed no funds for that purpose. The same understanding with respect to this truck set forth under Procurement of Equipment and Missiles, Army, will prevail under this appropriation.

Amendment No. 25: Makes funds available for obligation until June 30, 1973 as proposed by the House, instead of "available until expended", as proposed by the Senate.

Aircraft procurement, Air Force

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $3,219,300,000 instead of $3,203,000,000 as proposed by the House, and $3,201,300,000 as proposed by the Senate.

Under Aircraft the conferees agreed to the amount of $9,200,000 for F/RF-5A/B aircraft as proposed by the Senate, instead of $10,300,000 as proposed by the House.

The conferees agreed to provide the amount of $18,000,000 for the International Fighter Aircraft, instead of the $30,000,000 provided by the House. The Senate had allowed no funds for that purpose. The action of the conferees does not constitute a full production decision on this aircraft.

Under Modification of Inservice Aircraft, the conferees agreed to the amount of $99,000,000 for modification of B-52/FB-111 aircraft to accommodate the Short Range Attack Missile (SRAM), as proposed by the Senate, instead of $71,300,000 as proposed by the House.

The conferees also agreed to the amount of $14,000,000 for Additional SEA Requirements as proposed by the Senate, instead of $17,000,000 as proposed by the House.

Under Aircraft Spares and Repair Parts, the conferees agreed to the amount of $31,000,000 for F-111 aircraft initial spares as proposed by the Senate, instead of $19,800,000 as proposed by the House. In addition, the conferees agreed to the amount of $399,400,000 for replenishment spares as proposed by the Senate, instead of the $405,900,000 as proposed by the House.

Amendment No. 27: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Missile procurement, Air Force

Amendment No. 28: Appropriates $1,377,200,000 instead of $1,372,300,000 as proposed by the House and $1,380,400,000 as proposed by the Senate.

Under Ballistic Missiles, the conferees deleted the amount of $3,200,000 for LGM-30F/G Minuteman II/III Operational Base Launch Program as proposed by the House instead of allowing that amount for that purpose as proposed by the Senate.

Under Other Missiles, the conferees agreed to the amount of $99,500,000 for the AGM-69A Short Range Attack Missile (SRAM) as proposed by the Senate, instead of the $50,000,000 as proposed by the House. The conferees also agreed to the amount of $10,800,000 for SRAM initial spares as proposed by the Senate, instead of the $5,400,000 as proposed by the House.

Amendment No. 29: Reported in technical disagreement. It is the intention of the managers on the part of the House to offer a motion to recede and concur in the Senate amendment to authorize the transfer to this appropriation of $50,000,000 from the Defense Stock Fund.

Amendment No. 30: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Other procurement, Air Force

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $1,338,700,000 instead of $1,381,200,000 as proposed by the House and $1,345,100,000 as proposed by the Senate.

Under Munitions and Associated Equipment, the conferees agreed to the amount of $731,000,000 as proposed by the Senate, instead of the $752,900,000 as proposed by the House.

Under Electronic and Telecommunications Equipment, the conferees agreed to the amount of $5,000,000 for cryptographic equipment as proposed by the Senate, instead of the $9,000,000 as proposed by the House.

The conferees agreed to delete the $6,400,000 for the Minuteman Operational Base Launch Program as proposed by the House instead of allowing such amount for that purpose as proposed by the Senate.

The conferees agreed to delete the amount of $800,000 for Elimination of Compromising Emanations as proposed by the Senate instead of allowing such amount for that purpose as proposed by the House.

The conferees also agreed to the amount of $5,000,000 for Training Equipment as proposed by the Senate, instead of $5,800,000 as proposed by the House; the amount of $41,000,000 for spares and repair parts as proposed by the Senate, instead of $44,200,000 as proposed by the House; and the amount of $11,400,000 for Class V Modifications as proposed by the Senate, instead of the $13,200,000 as proposed by the House.

The conferees further agreed to a general unspecified reduction of $10,000,000 as proposed by the Senate. This reduction was based on the fact that there are prior year balances available in that amount which can be used to fund fiscal year 1971 programs.

Amendment No. 32: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement, Defense Agencies

Amendment No. 33: Appropriates $38,910,000 as proposed by the House instead of $45,310,000 as proposed by the Senate. The conferees agreed that the funding of $6,400,000 for the procurement of automatic data processing equipment for the World-Wide Military Command and Control System would be deferred until the General Accounting Office has reported on the feasibility and cost of the system.

Amendment No. 34: Makes the sum appropriated for Procurement, Defense Agencies available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

TITLE V—RESEARCH DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army

Amendment No. 35: Appropriates $1,600,200,000 instead of $1,608,500,000 as proposed by the House and $1,589,700,000 as proposed by the Senate. The Conference agreement includes $15,300,000 for the Pershing Missile System as proposed by the Senate instead of $11,500,000 as proposed by the House. A total of $6,000,000 is provided for Electrical Power Sources as proposed by the Senate instead of $4,000,000 as proposed by the House.

The conference agreement provides for a general reduction of $14,100,000 instead of specific reductions in low priority programs totaling $24,600,000 as proposed by the Senate.

Amendment No. 36: Makes the sum appropriated for R.D.T.&E., Army available for obligation until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, Navy

Amendment No. 37: Appropriates $2,137,900,000 instead of $2,156,200,000 as proposed by the House and $2,130,500,000 as proposed by the Senate. The Conference agreement provides $3,500,000 for the LAMPS Destroyer Helicopter System as proposed by the House instead of $10,500,000 as proposed by the Senate.

The conferees are in agreement on a general reduction of $18,300,000 instead of specific reductions in low priority programs totaling $32,700,000 as proposed by the Senate.

Amendment No. 38: Makes the sum appropriated for R.D.T.&E., Navy available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, Air Force

Amendment No. 39: Appropriates $2,744,100,000 instead of $2,701,100,000 as proposed by the House and $2,744,800,000 as proposed by the Senate.

The Conference agreement includes:

(1) No funds for the Subsonic Cruise Armed Decoy program, as proposed by the House, instead of $10,000,000 as proposed by the Senate.

(2) $61,000,000 for Minuteman Rebasing as proposed by the Senate instead of $27,000,000 as proposed by the House. The sum provided deletes the amounts requested for the Mobile Minuteman and Hard-Point Defense concepts, as stated in the Senate Report.

(3) $87,000,000 for the Airborne Warning and Control System as proposed by the Senate instead of $63,500,000 as proposed by the House.

(4) $10,500,000 for the Minuteman Operational Base Launch program instead of no funds as proposed by the House and $19,800,000 as proposed by the Senate. The sum provided is only for equipment at Vandenberg Air Force Base and the Western Test Range needed for range improvement and not related only to the Minuteman Operational Base Launch program.

In deleting funds requested for the Minuteman Operational Base Launch Program, the conferees are in agreement that if a firm decision is made that such firings are required and will be conducted, consideration will be given to a budget request in a future fiscal year.

(5) A general reduction of $25,000,000 instead of specific reductions in low priority programs totaling $43,600,000 as proposed by the Senate.

Amendment No. 40: Makes the sum appropriated for R.D.T.&E., Air Force available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, Defense agencies

Amendment No. 41: Makes sum appropriated for R.D.T.&E., Defense Agencies, available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Amendment No. 42: Appropriates $443,600,000 instead of $438,900,000 as proposed by the House and $445,100,000 as proposed by the Senate.

The amount of $3,500,000 is approved for Climate Modification Research (Nile Blue) as proposed by the Senate.

The conferees restored the $1,500,000 reduction in the laser program which was proposed by the Senate.

The conferees agreed to a $3,000,000 general reduction for the Defense Atomic Support Agency.

Emergency fund, defense

Amendment No. 43: Deletes specific transfer authority as provided by the House which is now covered in Section 836.

TITLE VI—COMBAT READINESS, SOUTH VIETNAMESE FORCES, DEFENSE

Amendment No. 44: Appropriates $300,000,000 as proposed by the Senate instead of $358,500,000 as proposed by the House.

The conferees strongly favor the Vietnamization program of the Department of Defense but believe that the $600,000,000 in transfer authority provided under Section 836 of the bill could be used to provide for any additional requirements for this program. If additional funds are required above that which would be obtained under the transfer authority, the President can submit a supplemental request to the Congress.

Amendment No. 45: Deletes transfer authority of $150,000,000 which was proposed by the House. All transfer authority is included under Section 836 as general authority.

TITLE VII—SPECIAL FOREIGN CURRENCY PROGRAM

Amendment No. 46: Makes the appropriation for the Special Foreign Currency Program available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

TITLE VIII—GENERAL PROVISIONS

Amendment No. 47: Section 807. Imposes a ceiling of $136,700,000 as proposed by the Senate instead of $134,400,000 as proposed by the House on funds available for the schooling of minor dependents of military and civilian personnel stationed in foreign countries.

Amendment No. 48: Section 807. Reported in technical disagreement. The Managers on the Part of the House will offer a motion to concur in the Senate language authorizing rest and recuperation trips for dependents of senior advisers in Vietnam who voluntarily extend their tour of duty.

Amendment No. 49: Section 836. Reported in technical disagreement. The Managers on the Part of the House will offer a motion which will provide general transfer authority between appropriations totaling $600,000,000 instead of specific transfer authority of $600,000,000 as proposed by the House and general transfer authority of $700,000,000 as proposed by the Senate.

The Committee of Conference is in agreement that all transfers made under this authority shall be considered to be matters of special interest to the Committees on Appropriations under the reprograming procedures.

Amendments Nos. 50, 51, and 52: Section 838. (1) Imposes a limitation of $2,500,000,000 on funds available to support Vietnamese and other free world forces in support of Vietnamese forces and local forces in Laos and Thailand. (2) Limits payments to members of free world forces to the amounts which can be paid for equivalent services to members of the Armed Forces of the United States. (3) Limits U.S. financed military support of Governments of Laos and Cambodia by free world forces to actions designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Amendment No. 53: Section 842. Reported in technical disagreement. The managers on the part of the House will offer a motion which will restrict the period of availability of balances in Procurement and Research, Development, Test, and Evaluation appropriations, as proposed by the House, and provide for the merger of the old balances with appropriations in this bill; and will repeal Section 642 of the Defense Appropriation Act of 1970, which was to have accomplished the purposes of this section but which proved to be ineffective, as proposed by the Senate.

Amendment Nos. 54 and 55: Section 843. Provides that none of the funds appropriated in this bill shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia except in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Amendment No. 56: Section 844. Updates citation as proposed by the Senate.

Amendment No. 57: Section 845. Deletes prohibition inserted by the Senate on the use of funds for research not directly related to a specific military function or operation.

Amendment No. 58: Section 846. Changes section number and inserts language proposed by the Senate limiting the number of military and civilian personnel in intelligence operations in the Department of Defense to 138,000.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1970	$72,667,032,144
Budget estimates of new (obligational) authority, fiscal year 1971	68,745,666,000
House bill, fiscal year 1971	66,806,561,000
Senate bill, fiscal year 1971	66,417,077,000
Conference agreement	66,595,937,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	−6,071,095,144
Budget estimates of new (obligational) authority, fiscal year 1971	−2,149,729,000
House bill, fiscal year 1971	−$210,624,000
Senate bill, fiscal year 1971	+178,860,000

George Mahon,
Robert L. F. Sikes
(except as to amendment No. 20),
Jamie L. Whitten,
George W. Andrews
(except as to amendment No. 20),
Daniel J. Flood,
John M. Slack,
Joseph P. Addabbo,
William E. Minshall,
John J. Rhodes,
Glenn R. Davis,
Louis C. Wyman
(except as to amendment No. 20),
Frank T. Bow,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: Mr. Burke of Florida (at the request of Mr. Gerald R. Ford), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Feighan (at the request of Mr. Flowers), for 30 minutes, on December 16, and to revise and extend his remarks and include extraneous matter.

Mr. Steele (at the request of Mr. Kyl), for 5 minutes, today and to revise and extend his remarks and include extraneous matter.

Mr. Abbitt, tomorrow, for 30 minutes, to revise and extend his remarks and include extraneous matter.

Mr. Lowenstein (at the request of Mr. Flowers), for 60 minutes, on December 16, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Kyl) and to include extraneous material:)

Mr. Gross.
Mr. Hall.
Mr. Wyman in two instances.
Mr. Reid of New York.
Mr. Pettis.
Mr. Talcott in three instances.
Mr. McDonald of Michigan in two instances.
Mr. McDade.
Mr. McCloskey.
Mr. Esch.
Mr. Bush.
Mr. Schmitz in two instances.
Mr. Broomfield.
Mr. Chamberlain.
Mr. Belcher.

Mr. Zwach in two instances.

Mr. Wyatt.

(The following Members (at the request of Mr. Flowers) and to include extraneous matter:)

Mr. Dent in two instances.

Mr. Jacobs.

Mr. Rarick in three instances.

Mr. Diggs.

Mr. Melcher.

Mr. Marsh in two instances.

Mr. Edwards of California.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Dingell.

Mr. Rodino in two instances.

Mr. Hagan in two instances.

Mr. Kyros in two instances.

Mr. Eilberg in three instances.

Mr. Dulski in six instances.

Mr. Flowers in three instances.

Mr. Yatron.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did, on December 14, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals;

H.R. 8663. An act to amend the Act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineers Corps of the Navy;

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto;

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, Pera Pretty Paint Not Afraid.

H.R. 18012. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; and

H.R. 19846. An act to amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Wednesday, December 16, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2617. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the annual report of the Department of Defense on its disposition of foreign excess personnel property for fiscal year 1970, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2618. A letter from the director, National Legislative Commission, The American Legion, transmitting the proceedings of the 52d Annual Convention of The American Legion (H. Doc. No. 91–427) to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee of Conference. Conference report on H.R. 17809 (Rept. No. 91–1746). Ordered to be printed.

Mr. PATMAN: Committee of Conference. Conference report on H.R. 6778 (Rept. No. 91–1747). Ordered to be printed.

Mr. WATTS: Committee on Ways and Means: H.R. 6562. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes; with an amendment (Rept. No. 91–4748). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia: Report on Investigation and Study of the Redevelopment Land Agency (Rept. No. 91–1749). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. New softwood lumber standard and its impact on small business (Rept. No. 91–1750). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Impact of the energy and fuel crisis in small business (Rept. No. 91–1751). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee of conference. Conference report on S. 3619; with amendment (Rept. No. 91–1752). Ordered to be printed.

Mr. EVINS of Tennessee: Select Committee on Small Business. Organization and operation of the Small Business Administration (Rept. No. 91–1753). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 2162 (Rept. 91–1755). Ordered to be printed.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1307. Resolution providing for the consideration of H.R. 19446, a bill to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes (Rept. No. 91–1754). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1308. Resolution for consideration of House Joint Resolution 1146. Joint Resolution, authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States (Rept. No. 91–1756). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1309. Resolution providing for the consideration of House Resolution 1238. Resolution relating to the Speaker of the House of Representatives in the 91st Congress (Rept. No. 91–1757). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1310. Resolution providing for the consideration of S. 578. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; (Rept. No. 91–1758). Referred to the House Calendar.

Mr. MAHON: Committee of conference. Conference report on H.R. 19590 (Rept. No. 91–1759). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 19959. A bill to provide an additional period of time for review of the basic national rail passenger system; to postpone for 6 months the date on which the National Railroad Passenger Corporation is authorized to contract for provision of intercity rail passenger service; to postpone for 6 months the date on which the Corporation is required to begin providing intercity rail passenger service; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Illinois (for himself, Mr. Arends, Mr. Bray, Mr. Hall, Mr. Bennett, Mr. Stafford, Mr. Nedzi, and Mr. McClory):

H.R. 19960. A bill to establish the geographical areas of the Continental U.S. Armies and for other purposes; to the Committee on Armed Services.

By Mr. STAGGERS (for himself, Mr. Macdonald of Massachusetts, Mr. Springer, and Mr. Broyhill of North Carolina):

H.R. 19961. A bill to amend the Communications Act of 1934 in order to prohibit the carriage of liquor advertising by broadcasting stations and community antenna television systems; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 19962. A bill to make requirements with respect to the disclosure of marital status the same for men and women in matters relating to voting qualifications in Federal elections; to the Committee on House Administration.

By Mr. MILLER of California:

H. Res. 1311. Resolution authorizing reprinting of House Report 91–1673; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HELSTOSKI introduced a bill (H.R. 19963) for the relief of Tadeusz M. Krystyniak; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

653. The SPEAKER presented a petition of the National Council on Indian Opportunity, Okmulgee, Okla., relative to establishment of the position of Assistant Secretary of the Interior for the Administration of Indian Affairs and Territories; to the Committee on Interior and Insular Affairs.

XUM

SENATE—*Tuesday, December 15, 1970*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who hast loved us from the beginning and will love us to the end, we thank Thee for Thy mercies which are new every morning; for rest for our weariness, for strength for our weakness, and for the reinforcement of mind and spirit Thou dost impart. Give us grace to lift high the rich opportunities and solemn responsibilities of these hours. Teach us that it is better to give than to receive, better to forget ourselves than to put ourselves forward, better to minister than to be ministered unto. Illumine the minds and guide the judgments of all in the high service of this Government. Bless our coming in and our going out, our thoughts, our words, our works. Let this day begin in praise to Thee and end with hearts at peace with Thee.

Now unto the King eternal, immortal, invisible, the only wise God, be glory and honor forever and ever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 14, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes during the period for the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is anticipated that we will be coming in at that hour every day this week and very likely on Saturday also.

A definite judgment will be made after I have had a chance to talk this over with the distinguished minority leader and he has had a chance to discuss it with the Republican conference at lunch today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SALE OF THE PASSENGER VESSEL "ATLANTIC" TO AN ALIEN

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on H.R. 16498.

The ACTING PRESIDENT pro tempore laid before the Senate H.R. 16498, a bill to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

REPEAL OF SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 380.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968) and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore (Mr. METCALF) appointed Mr. JACKSON, Mr. MCGOVERN, and Mr. FANNIN conferees on the part of the Senate.

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 704.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the amendment of the House of Representatives to the bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purpose of said act, which was to strike out all after the enacting clause, and insert:

> That section 2(b) of the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a) is amended to read:
>
> "(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than $1,000,000 shall be appropriated annually through fiscal year 1974."

Mr. MANSFIELD. I move that the Senate disagree to the amendment of the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore (Mr. METCALF) appointed Mr. PELL, Mr. BYRD of West Virginia and Mr. COOPER conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE MESSAGE OF SON TAY

Mr. PACKWOOD. Mr. President, the raid at Son Tay is now history. The commentators have dissected that event meticulously. Every possible angle has been explored. Some have damned it—as many have lauded it. But perhaps a fundamental question has been ignored in the flurry of political posturing which followed the incident.

Why—really—was the raid ordered? Aside from manufactured rumors about devious political manipulation, the answer is simple. The raid was designed to free American prisoners: men held incommunicado for almost 6 years. Whether we agree with the tactics employed by the President or not, Members of this body are unanimous in encouraging efforts to secure the early release of these brave men.

Despite the failure of this one exercise, the principle remains inviolate. America will not—it cannot—retreat from our demand that Hanoi cease treating our men as criminals; that they observe the basic canons of human decency; that, at the very least, they publish the names of those they detain.

We may disagree about methods to be used in securing the release of our men; but we are firm in our conviction that

XUM

they must be properly treated and eventually released.

ORDER OF BUSINESS

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 493. Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional amendments (Rept. No. 91–1438).

By Mr. TALMADGE, from the Committee on Finance, with amendments:

H.R. 15911. A bill to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes (Rept. No. 91–1439).

By Mr. DOLE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 19402. An act to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library (Rept. No. 91–1440).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans (Rept. No. 91–1441).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S.J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971 (Rept. No. 91–1442).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1681. A bill for the relief of Dennis Yiantos (Rept. No. 91–1443).

By Mr. FULBRIGHT (for Mr. LONG), from the Committee on Finance, with amendments:

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury (Rept. No. 91–1444).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. LONG, from the Committee on Finance:

Jefferson Banks Young, of Virginia, to be a member of the U.S. Tariff Commission.

ESTABLISHMENT OF WORKING CAPITAL FUND FOR THE DEPARTMENT OF THE TREASURY—AMENDMENT

AMENDMENT NO. 1107

Mr. HOLLINGS (for himself and Mr. THURMOND), submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury, which was ordered to lie on the table and to be printed.

EXTENSION OF PERIOD FOR FILING CERTAIN MANUFACTURERS CLAIMS FOR FLOOR STOCKS REFUNDS—AMENDMENT

AMENDMENT NO. 1108

Mr. HOLLINGS (for himself and Mr. THURMOND) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 17473) to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reductions Act of 1965, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 1106

Mr. CURTIS submitted amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 1109 AND 1110

Mr. METCALF submitted two amendments, intended to be proposed by him, to House bill 17550, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1111

Mr. HARRIS. Mr. President, recent weeks have witnessed lively interest in the administration's proposed family assistance plan, and the effect that program may be expected to have on welfare recipients, taxpayers, and State, local, and Federal Government units. Throughout the discussions little has been said of the possible effect on the men and women employed in our public assistance programs. In August, Senator MCGOVERN offered a preliminary proposal to protect the rights and benefits of the workers involved.

Mr. President, the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Montana (Mr. METCALF), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), and I propose language to protect those workers even more fully, by the following amendment to amendment No. 1097 to H.R. 17550, an act to amend the Social Security Act.

I ask unanimous consent that at this point the amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. BELLMON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 1111) is as follows:

AMENDMENT NO. 1111

On page 43, strike out everything beginning with the word "Whenever," on line 13, and on page 44 strike out lines 1 through line 20, and insert in lieu thereof:

"Employee Protection

"(a) Employee protections where state programs are federalized—Notwithstanding any other provisions of this Act, it shall be a condition of the making of payments by the Secretary for any State or of the performance by the Secretary of any functions of or for any State and a condition of the making of any agreement between the Secretary and any State pursuant to any Section of this Act that any employees of any State or political subdivision, agency or instrumentality of any State affected by the making of such payments by the Secretary or by the performance of such functions by the Secretary or the making of such agreements that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of such employees. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits, (including continuation of pension rights, credits, and benefits) under collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against worsening of their positions with respect to their employment; (4) assurances of employment by the Secretary to such employees and priority of reemployment for employees subsequently terminated or laid off; (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide compensation and benefits less than those applicable to such employees prior to the date of their employment by the Secretary. Any agreement between the Secretary and a State shall specify the terms and conditions of the protective arrangements, accompanied by a certification by the Secretary of Labor that the arrangements comply with the requirements of this Section.

"(b) Employee protection under State administration of Federal grants or payments to States—Whenever under any Section of this Act or under Title 42 of the United States Code recipients of payments or persons of low income are trained and used as community aides in providing services to applicants or recipients, or whenever nonpaid or partially paid volunteers are used for such purpose, the use of such recipients or low income persons or volunteers shall not result in the displacement of any persons employed by a State or political subdivision or agency or instrumentality of a State in the furnishing of such services.

AMENDMENT NO. 1112

Mr. MATHIAS. Mr. President, I submit an amendment intended to be proposed by me to the bill (H.R. 17550) which embodies a revised version of my bill, S. 611, the Interstate Taxation Act.

This sorely needed legislation is so long overdue that I believe we would be remiss in our obligations to our Nation's commercial life if we were to allow another Congress to adjourn without its enactment.

Early in this Congress the House of Representatives passed an Interstate Taxation bill, H.R. 7906, which is similar to the amendment that I am proposing. This measure passed the House by a vote of 311 to 87. As is shown by the debate in the other body, the House bill has widespread support, both from the business community and from substantial segments of labor, including such diverse groups as the National Association of Manufacturers, the International Ladies Garment Workers Union, the National Association of Wholesalers, the U.S. Chamber of Commerce, the National Food Brokers Association, the Magazine Publishers Association, the Printing Industries of America, the American Association of Nurserymen, the Advertising Federation of America, and literally hundreds of other associations. However, despite the crying need for this legislation, the Interstate Taxation Act has regretfully reposed in the Senate Committee on Finance.

Almost 3 years ago in the 90th Congress the House also sent us an Interstate Taxation Act, H.R. 2158, which likewise had overwhelming support both from business and from labor and which passed that body on May 22, 1968, by a vote of 284 to 89. H.R. 2158 also languished in the Senate Finance Committee and was not considered by this body.

Mr. President, our failure to consider interstate tax legislation is especially distressing in view of the more than 10 years that have now passed since Congress enacted Public Law 86–272, which gave us a mandate to remove the chaos and confusion from the system of taxing interstate commerce. Here in the Senate that statute was originally sponsored and championed by the late Senator Harry Byrd when he was chairman of the Senate Committee on Finance. Under the terms of Public Law 86–272, the Committee on the Judiciary of the House of Representatives and the Committee on Finance of the U.S. Senate were called upon to make complete studies of all matters pertaining to the taxation of interstate commerce and to make appropriate recommendations to their respective Houses. Although the House of Representatives has been diligent in carrying out its obligations under Public Law 86–272, the Senate has not yet acted.

For a number of years during the course of my service in the House of Representatives, I was privileged to serve as a member of the Special Subcommittee on State Taxation of Interstate Commerce of the House Committee on the Judiciary. As a result, I was one of the authors of the original legislation that first passed the House. I believe that the studies and investigations conducted by our subcommittee were among the most thorough of any conducted in the entire history of the Congress. The reports and hearings of the subcommittee occupy a total of eight full volumes. These publications by now have become the definitive work in this field.

When we conducted our study, the number of jurisdictions taxing interstate commerce was already staggering. There were in effect on a State level, 38 different sets of corporate income tax laws, 39 sales and use tax systems, 37 capital stock tax laws, and eight different sets of State gross receipts tax laws. The local tax picture was even more staggering—with more than 2,300 cities, counties, parishes, towns, and villages imposing sales and use taxes on interstate commerce, more than 1,000 local governments imposing gross receipts taxes, and more than 100 local governments imposing full-fledged corporate income taxes. Today, the number of States, cities, counties, and other jurisdictions imposing each of these forms of taxes is even greater and the taxes themselves have grown even more complex and more burdensome.

Mr. President, it is appalling that while we continue to allow our economy to become Balkanized, Europe is making historic strides toward a common market. During the 10-year period that we have delayed in carrying out the mandates of Public Law 86–262, commercial horizons in the United States have become more and more restricted by State taxation. Yet, during this same period Europe has made every effort to catch up and to close the technological gap between the European economy and our economy by pooling the resources of European business and industry.

The ingenuity of each State's taxing officials in seeking not only what is Caesar's, but also what can be grabbed for Caesar across State lines, is building barriers at interstate borders which bar business from the full benefits of our great continental markets. There is no doubt that the State statutes, regulations, and tax rules now in force or in contemplation in every one of the 50 States are seriously burdening American business—particularly small business—without any significant increase in the net revenue of the several States.

This is not the first time in American history that this has occurred. Things got so bad in the years just after the Revolution that Baltimore merchants had to pay Virginia taxes for the privilege of sailing through the Virginia Capes at the mouth of Chesapeake Bay. The tax rivalry became so general that an informal meeting of State representatives at Mount Vernon was adjourned to the State House in Annapolis and finally became the immortal Constitutional Convention on 1787.

The writing of the Constitution and the forging of the Union put an end to the ambitions of the States to erect customs houses at interstate boundaries, and established the principle of free trade among the States which shaped and promoted the growth of the "American common market" for 150 years.

Today, however, the press for costly State services and the resultant search for State moneys, coupled with the spectacular growth of interstate business, have tempted the States to try to reach activities and transactions to which they have only a shadowy claim at best. As a consequence, the files or the wastebaskets of thousands of businessmen, especially in smaller businesses, are filled with tax notices, tax forms, tax questionnaires, and other redtape. They constitute a mountain of paperwork if they are all filled out, computed, signed, and returned whether or not a tax liability is generated. They are a time bomb in the file if they are ignored, neglected, or carelessly executed.

To illustrate the nature of this problem, let us consider some potential tax burdens that can now face a small company in my own State of Maryland, which ships goods across State lines. Even though the Maryland company has all of its property in Maryland, and even though all of its employees are residents of Maryland, the company can become liable for taxes imposed by thousands of jurisdictions beyond Maryland's borders.

To begin with, we might first consider some of the liabilities that the Maryland company could encounter in Alabama—simply choosing that State because it is first on the alphabetical list.

Suppose, for example, that the Maryland company has potential customers in Alabama but no assets and no employees there. Instead, the only contact that the Maryland company has with Alabama comes from the fact that it is represented there by a completely independent contractor—a broker, commission agent, or some other type of representative who is self-employed and who represents more than one principal. If the Maryland company's Alabama representative is effective in selling to customers in Alabama, the tax effects on the Maryland company can be simply enormous. In this one State alone, the Maryland company can be called on to file more than 175 separate sales- and use-tax returns in order to comply with the individual laws of cities, counties, and police jurisdictions.

Many businessmen ask whether companies can afford the facilities necessary to comply with these kinds of requirements. The special subcommittee was especially interested in this question, and we went to great lengths to ascertain the extent to which compliance is both possible and practical. We studied the actual practices of thousands of companies. Our findings documented the fact that as a practical matter most companies simply cannot and do not comply with the tax laws of jurisdictions in which they do not actually maintain premises for the conduct of their business.

Likewise, the State and local tax collectors do not effectively enforce tax laws in an evenhanded manner against out-of-State companies which do not maintain business locations in that State. Our extensive study indicates that in the sales tax area interstate companies are not complying with State requirements in some 96 percent of the cases in which they are liable for a tax, but do not have a business location in the taxing State. In the income tax area there is noncompliance in some 98 percent of such cases.

XUM

Now, this matter of nonenforcement and noncompliance with State tax laws has broad ramifications. In order to understand how great is the need for Federal legislation in this area, one must first realize the disastrous effects which nonenforcement and noncompliance have on our economy.

First, such widespread noncompliance has serious moral and ethical implications. It is clear to all of us that the reason why the business community is not complying with the present requirements is essentially because the requirements are so complex as to be unworkable. Nevertheless, the very fact that the system is unworkable makes of it a breeding ground for inequities and fosters an unwholesome disrespect for law in general. Obviously, all of society suffers from tax laws which can neither be enforced by the tax collector nor complied with by the taxpayer.

Second, the widespread noncompliance with interstate tax requirements has a profound economic significance of which many of the operators of small business are unaware. That is why I said that this problem has become a kind of time bomb which can explode in any future day, month or year on the countless number of companies which are presently not complying.

It is important to recognize that the great majority of State and local tax laws do not contain any statutes of limitation with respect to persons who have not filed tax returns. Instead, back liabilities simply accumulate and never die.

For example, in the celebrated Northwestern case, which gave rise to the enactment of Public Law 86–272, the unfortunate taxpayer found himself liable for back taxes over a period of 16 years in a situation in which the business community had complacently assumed that no liability in fact existed. Thus, if a company has customers in a number of States but did not file tax returns last year, or in preceding years, it will have not one, but a number of swords of Damocles hanging continuously over its head. At any point in the future, it can indeed be confronted by an army of tax auditors, each asserting deficiency assessments, interest, penalties, and, in some cases, criminal sanctions for the entire period in which the company has been in noncompliance.

The liabilities of those companies that are singled out as special targets for enforcement by the tax collectors in the future may be so staggering as to drive such companies out of business. This is a result, I believe, which we in Congress have a special obligation to avoid. For that reason I am strongly urging that we in the Senate enact the Interstate Taxation Act as quickly as possible.

The amendment which I am submitting today would both remedy the present system, as well as remove the threat of back liabilities. It reaffirms the basic principles of our American common market by providing standards which are both reasonable and practical—standards which can be complied with by the taxpayer and enforced by the tax administrator.

Let me review in brief some of the major provisions of the proposed Interstate Taxation Act embodied in my amendment.

First, part A of the act would establish firm jurisdictional standards applicable to four types of taxes: corporate income taxes, capital stock taxes, sales taxes, and gross receipts taxes. Under these standards, a company would generally not be liable unless it maintains what the bill refers to as a "business location" within the taxing jurisdiction. As defined by the act, the term "business location" includes the ownership or leasing of real estate, the maintenance of an inventory, or the maintenance of a full-time local employee whose duties consist of more than the mere solicitation of orders.

In my original bill, S. 611, as well as in H.R. 7906, as passed by the House, corporations which earn more than $1 million annually were excepted from this jurisdictional protection. In the amendment which I am introducing today, this exception has been removed.

Thus, under part A, for example, a company which has all of its property, all of its inventory, and all of its employees in one State cannot be required to pay a tax to any other State, even though it sends traveling salesmen into other States, or is represented in other States by independent contractors.

Under part B of my proposal, a company which does have a business location in more than one State, but which earns less than $1 million of net income annually, is given the option of using a Federal formula to determine what portion of its income is to be taxed by each State. Under the optional formula, liability is determined on the basis of the percentage of tangible property owned in each State, and the percentage of wages paid to employees in each State. As a practical matter, the Federal formula would tend to attribute the company's income to the company's home State. At the same time, since the formula is optional, the taxpayer can choose the State formula if the State formula results in a lower tax.

Part C establishes uniform standards in the sales and use tax area. It makes it clear that a particular sale cannot be taxed by more than one State. It excludes interstate freight charges from the measure of the tax and provides an exemption for the household goods—including automobiles—of persons who change their State of residence. In addition, it would relieve an interstate seller of all liability for any interstate sale made to a purchaser who is registered with the taxing State. Thus, as a practical matter, the seller would generally not have to collect a sales or use tax on sales made to business firms which have establishments within the taxing State.

Part D recognizes the existence of a number of interstate tax problems which would not be resolved by the other titles. It provides for continued congressional scrutiny in these problem areas, and calls upon congressional committees to make specific recommendations if the States do not resolve these problems on their own initiative.

Finally, part E of the bill contains definitional and miscellaneous provisions, one of which is especially significant in the matter of liabilities for past years which I discussed previously. Under section 525 of title V, there is a total forgiveness for all unassessed taxes for all back years in which the taxpayer did not have a business location in the State. This section will, in effect, defuse the time-bomb which is currently in danger of exploding at any time for interstate companies all over the United States.

Although part E embodied in my amendment today is substantially the same as in H.R. 7906, and the corresponding title of my bill, S. 611, it contains an additonal significant provision relating to the income taxation of affiliated corporations. Under this provision, which appears in section 753, a State may not require a corporation with a business location within its border to combine or consolidate its income for income tax purposes with any other corporation which does not have a business location within the taxing State. This provision was originally proposed by our colleague, Senator RIBICOFF, the distinguished junior Senator from Connecticut. I have included it in my amendment because it corrects an inequity in the present system that arises in States' attempt to use the consolidation device as a means of taxing income that would otherwise be beyond their jurisdictional reach.

I am strongly convinced that in its entirety my amendment will restore an atmosphere of free trade within the United States of the type originally envisioned by our Founding Fathers. The results will be beneficial for the economies of all of the States and for the Nation as a whole. In an immediate sense no State will stand to gain or lose a significant amount of revenue under this proposal. Yet, in the long run, since the proposal will stimulate our national economy, the results will be reflected in increased revenues to all of the States. Under the circumstances, I wholeheartedly urge all of my colleagues in this body to support this amendment when H.R. 17550 is considered by us.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1113

PRESCRIBED DRUG UNDER MEDICARE—HOW MUCH LONGER DO WE ASK THEM TO WAIT?

Mr. MONTOYA. Mr. President, 5 years ago Congress passed what must truly stand as one of the most important pieces of social legislation ever to be enacted by this National Legislature. The program to which I refer, and which I believe merits this distinction, is the program of health insurance for the aged, or medicare as it is popularly known. Few other amendments to the Social Security Act have been as far-reaching as the amendments in 1965 which gave birth to this program of improved economic security for 20 million older Americans. It is still a matter of the greatest satisfaction for me to have had the opportunity to vote in favor of medicare's triumphant passage.

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As I recall, however, several Members of this body were deeply concerned, at the time of the debate over medicare, about a major gap in the coverage provided by the program then under consideration. Medicare held the promise of providing important health insurance protection against the costs of hospitalization and the services of physicians. Diagnostic tests and therapeutic services of various kinds would also be covered by the new program. But prescribed drugs, which the older person may also require, were excluded from coverage, unless provided as part of the services rendered to inpatients of hospitals or extended care facilities.

Before the Committee on Finance, and during the debate on medicare, several Senators pointed out the fact that the proposed new program contained no outpatient prescribed drug benefit. Some Senators prepared amendments to close this gap in comprehensive insurance protection for older people. But these amendments were not offered, after the administration requested additional time to study ways of including outpatient drugs under medicare. Assurances were given, at that time, that the matter would receive prompt attention and that Congress would have an opportunity to act quickly on the question of drug coverage.

A study amendment, offered by the senior Senator from New York (Mr. JAVITS), was adopted by the Senate during the debate in the hope of drawing the administration's attention to the concern of Senators over this matter. This study amendment was not agreed to in the conference, although assurances were again provided that the question of drug coverage would receive immediate examination by the various advisory groups available to the Department of Health, Education, and Welfare on social security matters.

By the end of 1966, it appeared that no proposals for drug coverage would be forthcoming from the executive branch, so the Senate, as part of a tax credit measure, adopted a program of drug benefits under medicare. This provision also failed conference agreement on the pretext that new social security proposals would be offered by the President early in 1967.

In his message to Congress on January 23, 1967, the President indicated that the question of drug coverage—2 years after the Senate expressed its initial concern over the omission—deserved "prompt attention." The Secretary of Health, Education, and Welfare was directed to immediately undertake a study of the entire problem. The administration itself offered no specific proposals in its legislative program to provide drug coverage. Time and again, throughout 1967, representatives of the Department were asked about their conclusions and recommendations in the drug benefit area. Each time the response was the same—we need more time to study the matter further.

It seemed to me that no action for older people in this area would occur, if we waited on the Department of Health, Education, and Welfare. For this reason, I and other Senators offered a specific proposal to provide drug benefits as part of the supplementary medical insurance portion of the medicare program. My amendment was just narrowly defeated on the floor of this Chamber, in large measure because of another amendment offered by the senior Senator from Indiana (Mr. HARTKE) which had been adopted by the Committee on Finance. This amendment, as you all remember, directed the Department to undertake a study of the entire question once again.

The Department, pursuant to the congressional directive, established a task force on prescription drugs which thoroughly studied all sorts of issues relating to drug insurance and other pharmacy issues. Its final reports, along with its numerous other reports, are voluminous. But the task force clearly called for the enactment of a drug program under medicare, a conclusion which Senators had arrived at 4 years earlier. The final report of the task force was issued in February 1969.

Now with all this information available, with hundreds of thousands of dollars spent to conclude that a drug program was immediately needed, the new administration took its first step in dealing with the matter of drug coverage. Believe it or not, in March of last year, HEW Secretary Finch named a 17-member review committee to study the study. Once again, the Nation's 20 million older people were told to wait for more advice, for more delay, for more study before someone had the courage to get on with the problem of providing this badly needed drug coverage.

In the review committee's final report, published in July of this year, the following conclusion is drawn:

> One of the most significant findings of the Task Force on Prescription Drugs provided: "In order to improve the access of the elderly to high quality health care, and to protect them where possible against the high drug expenses which they may be unable to meet, there is need for an out-of-hospital drug insurance program under Medicare." It is further concluded that such a program be both economically and medically feasible and should be instituted. The Review Committee concludes, with only one dissent, that the Secretary of Health, Education, and Welfare should recommend an Administration decision for an out-of-hospital drug insurance program under medicare.

The administration has not followed this recommendation, except to suggest that more technical studies are needed to formulate specific legislative proposals. This, after 5 years, has a familiar ring.

Mr. President, I for one, no longer think older Americans can be asked to continue to assume the burdens of large drug expenses, while two administrations have done nothing to alleviate their plight. Congress must devise and enact a program which has been delayed half a decade.

As the Senators know, I have offered a number of legislative proposals which would establish a drug benefit under medicare. In each case, I have made it very clear that I am perfectly willing to revise my proposals in an effort to achieve the basic objective. There is no pride of authorship at stake here. There is no one wedded to eternal principles regarding prescription drug insurance. There is only need to help the elderly and to help them now.

I have worked long and hard to develop the broadest possible consensus of opinion regarding the best type of drug program that fits the needs of the aged and can be integrated into the existing medicare program. And, after much discussion with consumers, representatives of the profession of pharmacy and others, I am now prepared to completely revise my earlier proposals in an effort to do in Congress what should have been done years ago.

Mr. President, it is my intention to offer this amendment to the social security proposals now before the Senate. I would like to describe the new amendment at this point and ask unanimous consent to include a copy of it in the RECORD at the conclusion of my remarks. This will provide every Senator with an opportunity to review its provisions before it is called up for a vote. I can assure each of my colleagues that any suggestions they may have to improve upon the amendment will receive careful consideration.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD, as requested by the Senator from New Mexico.

(See exhibit 1.)

Mr. MONTOYA. Let me now look at the new proposal. The first major revision in the new amendment is to establish outpatient drug benefits as part of the program of hospital insurance for the aged, or under part A of title 18 of the Social Security Act. There are several reasons for this change. First, it permits this new program to build upon the medical vendor concept now applicable under the part A program. Drug benefits become, in a sense, another service benefit provided for under medicare, rather than an indemnification of costs incurred by the patient. Under my proposal, community and other qualified pharmacies would enter into agreements with intermediaries or other agencies to provide full-range pharmaceutical services for medicare recipients. In this way, patients would be relieved from claims record and filing responsibilities. What is more, numerous exchanges of small amounts of program benefits would be eliminated in favor of consolidated and more orderly transactions between the vendors and the intermediaries or other agencies. By shifting the basis for administration of the program, high administrative costs associated with my previous indemnification proposals can be substantially reduced.

Beneficiaries would incur initially a $1 per prescription for all prescriptions filled under the program. In the past, I have generally objected to the use of a copay system of cost sharing as part of a drug benefit proposal. The reason for this has been my concern for concentrating program funds in an effort to indemnify only very high risk patients. I have changed my position for two reasons: First, because of my willingness to shift to a service-benefit concept utilizing vendors of pharmaceutical services and, second, because there remains some correlation between the number of prescriptions required and drug expenditures incurred by older people. Another advantage of a copay system, as opposed to some initial deductible coupled with a percentage coinsurance, is the fact that everyone knows in advance the patient's liability at the time the services are provided. My new amendment contains a mechanism for adjusting the amount of the copay borne by the beneficiary as the general level of prescription prices rise in future years. This is consistent with the other sliding cost-sharing provisions now incorporated in the rest of the hospital insurance program.

As the Senators can see, I have incorporated into the amendment a number of the administrative features of a drug benefit program which Government study groups, representatives of pharmacy, and others have urged as part of any new program. I have not, however, restricted coverage to any particular class of drugs, such as those associated with only long term health conditions. This is, I believe, irrational and inconsistent with sound insurance concepts or good patient care.

The new amendment retains many of the features of the formulary systems contained in earlier drug benefit programs proposed in the Congress. Basically, a formulary is simply a list of drugs, organized in such a way as to assist the prescriber in making sound and rational decisions regarding which drugs to prescribe for his patients. In the case of most drug benefit proposals, which make use of a formulary system, inclusion of a drug in such a list provides the initial basis upon which benefit payments are determined.

As contained in my amendment, the formulary would consist of drugs recognized by experts as appropriate and proper for use in treating the myriad conditions which befall older people insured under the medicare program. These drugs would be listed according to their diagnostic, prophylactic, therapeutic, or other uses in modern pharmaceutical therapy. Since I am speaking about drugs, and not necessarily about products at this point, such lists can provide the kinds of information that will permit physicians and others concerned with the program to recognize the similarities among the different drugs available to prescribers in particular situations. The names of individual products and the sources of these various drugs would also be provided, in order that prescribers might recognize the wide range of items available to him in making drug choices. In short, the principal purpose of the formulary is to provide a rational basis for determining which drugs are covered by the program and for which benefits may be paid.

Reimbursement under the proposed amendment would be limited to the maximum allowable cost established for each drug listed in the formulary. For drugs not listed, patients would pay for prescriptions in the same manner as they now do under medicare, out of their own pockets. The maximum allowable cost for any one drug would be determined in the following manner.

The formulary committee would examine the amount or amounts at which drugs in the formulary, in given strengths, quantities and dosage forms, are generally available for sale to the ultimate dispensers of such medications, that is, community pharmacies or other providers of pharmaceutical services in the community. In the case of single source products listed in the formulary, only one amount is likely charged, although variations may exist because of discount, promotional or other purchase considerations. In the case of multiple-source products, on the other hand, prices, as the Senators know, may range by as much as several thousand percent, depending upon which suppliers' products are considered. In arriving at an amount for these drugs, the formulary committee is directed not to consider the drugs of suppliers the prices of which vary significantly from the amount or amounts at which the lowest or lower cost versions of the same drugs are available, provided that these reference products have been determined to be of proper quality and otherwise generally available.

As a result, a cost range for a particular drug can be developed with the price of the most expensive of those drugs acting as the ceiling with respect to this element of benefit liability under the program. A supplier of a version of the drug, the price of which is higher than this ceiling, may believe that his brand of the drug possesses distinct therapeutic advantages over other versions of the same drug. If so, the manufacturer may petition the formulary committee to recognize the price of its version of the drug within this cost range. The committee will, however, ask for and expect to receive from the petitioner scientific or other information that would establish this claim on the part of the manufacturer.

The actual maximum allowable cost to which providers would be entitled would also include a professional fee component designed to cover the costs of the pharmaceutical services rendered in connection with the program. Under the amendment, participating pharmacies would be required to file with fiscal intermediaries their usual and customary fee associated with the provision of services to the aged. These fees would be ranked from lowest to the highest. The highest 10 percent would be reduced to the 90th percentile and no fee above the 90th percentile would be recognized by the program. Pharmacies submitting fees falling between the 50th and 90th percentile would be required to submit financial data to justify the fee filed and all fees substantiated in this manner would be recognized.

Fees falling below the 50th percentile would be automatically recognized, unless the participating pharmacy is in the top 20 percent in medicare prescription volume within the State or intermediary area of responsibility. Pharmacies in this group would be asked to supply financial data justifying their fee regardless of the amount filed. Pharmacies not filing fees would be paid the lowest fee filed. The amendment provides that this usual and customary fee structure be reviewed by the intermediary when, in its judgment, such review is warranted, except that such a review, including refiling, must occur at least once annually.

As the Senators may recognize, this fee system is one which has been adopted by the State of Kansas as part of its medicaid prescription drug program. It has the advantage over fixed fee approaches, in that individual differences in the services provided and costs incurred by different pharmacies in different locations can be given recognition. At the same time, it provides a means for anticipating prospectively the costs of pharmaceutical services that would be provided beneficiaries during the course of the year.

Reimbursement, in the case of any one prescription, would be the lesser of the maximum allowable cost established for a drug—the amount generally charged the ultimate dispenser plus the fee—or the actual, usual or customary charge at which the dispenser sells or offers such a dispensed prescription to the public. In the case of nonlegend drugs, the reimbursement would be those charges which do not exceed the usual or customary price at which the drug is offered to the public, plus a reasonable billing allowance to be established by the Secretary.

The amendment (No. 1113) is as follows:

EXHIBIT 1

AMENDMENT NO. 1113

At the end of part A to title II of the bill, insert the following new section:

"COVERAGE OF DRUGS

"SEC. —. (a) Section 226 (b) (1) of the Social Security Act is amended by striking out 'and post-hospital home health services' and inserting in lieu thereof 'post-hospital home health services, and qualified drugs'.

"(b) Section 1811 of the Social Security Act is amended by inserting 'and qualified drugs' after 'related post-hospital services'.

"(c) Section 1812 (a) of the Social Security Act is amended—

"(1) by striking out 'and' at the end of paragraph (2);

"(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof '; and'; and

"(3) by adding after paragraph (3) the following new paragraph:

" '(4) qualified drugs.'.

"(d) (1) Section 1813(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

" '(4) The amount payable for qualified drugs furnished an individual pursuant to any one prescription or certification and purchased by such individual at any one time shall be reduced by an amount equal to the applicable prescription copayment.'

"(2) Section 1813 of such Act is further amended by adding at the end thereof the following new subsection:

" '(c) (1) Subject to paragraph (2), the prescription copayment which shall be applicable for the purposes of subsection (a) (4) shall be $1.

" '(2) The Secretary shall, between July 1 and October 1 of 1975, and of each year thereafter, determine and promulgate the drug copayment which shall be applicable for the purposes of subsection (a) (4) during the succeeding calendar year. Such copayment shall be equal to $1 multiplied by the ratio of (A) the average per capita costs for qualified drugs during the calendar year preceding the year in which the determination is made to (B) the average per capita costs for qualified drugs during the calendar year 1973. Any amount so determined which is not a multiple of $0.10 shall be rounded to the nearest multiple of $0.10 (or, if it is midway between two such multiples, to the next higher multiple of $0.10). The average per capita costs for qualified drugs for any calendar year shall be determined by the Secretary on the basis of the best information available to him (at the time the determination is made) as to the amounts paid under this part for qualified drugs furnished during such year, by providers which have agreements in effect under section 1866, to individuals who are entitled to hospital insurance benefits under section 226, plus the amount which would have been so paid but for subsection (a) (4) of this section.'

"(e) Section 1814(a) of the Social Security Act is amended—

"(1) by striking out 'and' at the end of paragraph (6);

"(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof '; and'; and

"(3) by inserting after paragraph (7) the following new paragraph:

" '(8) with respect to drugs or biologicals furnished pursuant to a physician's prescription, such drugs or biologicals are qualified drugs as defined in section 1861(t) and the provider has such prescription in his possession, or some other record of such prescription that is satisfactory to the Secretary or, with respect to drugs or biologicals not requiring a physician's prescription but determined by the Formulary Committee to be of a lifesaving nature, such drug or biological is a qualified drug as so defined and the provider has in his possession a physician's certification that it is medically required by such individual.'

"(f) Section 1814 of the Social Security Act is amended by adding at the end thereof the following new subsection:

" 'Limitation on Payment for Qualified Drugs

" '(g) Payment may be made under this part for qualified drugs only when such drugs are dispensed by a licensed pharmacy defined in section 1861(z–1) of this Act and which is a provider of services for purposes of this part; except that payment under this part may be made for drugs dispensed by a physician where the Secretary determines that such drugs were required in an emergency or that there were no pharmaceutical services available from providers of services in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a provider of services for purposes of this part with respect to the dispensing of such drugs.'

"(g) The second sentence of section 1816 (a) of the Social Security Act is amended by striking out clause (1) and inserting in lieu thereof the following: '(1) to provide consultative services to institutions, agencies, or establishments to enable them to establish and maintain fiscal records necessary for purposes of this part and otherwise to qualify as providers of services for such purposes, and'.

"(h) Part A of title XVIII of the Social Security Act is further amended by adding at the end thereof the following new sections:

"FORMULARY COMMITTEE

" '(SEC. 1818 (a) (1). There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians and which shall consist of two officials of such Department designated by the Secretary, and of seven individuals (not otherwise in the regular full-time employ of the Federal Government) who are of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

" '(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

" '(b) Appointed members of the Fomulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5073 of title 5, United States Code, for persons in the Government service employed intermittently.

" '(c) (1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

" '(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

" '(d) (1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

" '(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

" '(3) The Formulary shall contain an alphabetically arranged listing, by established name, of those drugs and biologicals that shall be deemed qualified drugs for purposes of the benefits provided under section 1812 (a) (4):

" '(4) publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its established name and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various quantities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

" '(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formulary.

" '(e) (1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. In any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

" '(2) The Formulary Committee shall establish such procedures, as may be necessary to determine the propriety of the inclusion or exclusion, in the Formulary, of any drug, including such data and testing as it may require of a proponent of the listing of a drug in the Formulary.

" '(f) (1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating compounding, or processing such product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

" '(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary, may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

" '(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

" '(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812 (a) (4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities.

" 'MAXIMUM ALLOWABLE COST FOR QUALIFIED DRUGS

" 'SEC. 1819. (a) For purposes of this part, the term "maximum allowable cost" means the following:

" '(1) When used with respect to a prescription legend drug, such term means the lesser of—

"'(A) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"'(B) the actual, usual, or customary charge at which the dispenser sells or offers such drug to the public.

"'(2) When used with respect to a prescribed non-legend drug such term means those charges which do not exceed the usual or customary price at which the dispenser offers or sells the product to the general public, plus a reasonable billing allowance.

"'(b)(1) The Formulary Committee shall establish an amount or amounts at which such drug is generally available for sale (to establishments dispensing drugs) in a given strength or dosage form; and in any case in which a drug is so available and so sold by more than one supplier, the Formulary Committee shall exclude, in determining the maximum allowable cost, the amounts for such drugs of such suppliers as are sold at prices which vary significantly from the amounts for the lowest or lower cost drugs which have been determined to be of proper quality and which are generally available. If a particular drug in the Formulary is available from more than one supplier, and such drug as available from one supplier possesses distinct therapeutic advantages (as determined by the Formulary Committee on the basis of its scientific and professional appraisal of information available to it, including information and other evidence furnished to it by the supplier of such drug), then the amount recognized by the Formulary Committee of such supplier's drug shall be the price at which it is generally available to establishments dispensing drugs.

"'(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which is not included in the Formulary.

"'(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"'(c) (1) Any licensed pharmacy, which is a provider of services for purposes of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary, a statement of a free for the purpose of establishing the maximum allowable cost as defined in (a) above. Such fee shall include such costs, including the costs of professional services and a fair profit, which are reasonably related to the provision of pharmaceutical service rendered to persons entiled to receive benefits under this part.

"'(2) Any licensed pharmacy shall, except for subsection (a) (1) (B) above, be reimbursed, in addition to any amounts provided for in subsection (b) above, the amount of the fee filed in (1) above, except that no fee shall exceed the largest fee filed by 90 per centum of such licensed pharmacies.

"'(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require in a form and at a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the 50th and 90th percentile of all fees filed by participating pharmacies or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters has been among the highest 20 per centum by prescription volume of all pharmacies participating in the program in a State or intermediary area.

"'(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above.'.

"(i) Section 1861 (t) of the Social Security Act is amended—

"(1) by inserting ', or as are approved by the Formulary Committee' after 'for use in such hospital'; and

"(2) by adding at the end thereof the following new sentence: 'The term "qualified drug" means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (4) is dispensed (except as provided by section 1814(g)) by a pharmacist from a licensed pharmacy, and (5) which is generally available for sale to establishments dispensing drugs in an amount or amounts equal to or lesser than the amount or amounts established by the Formulary Committee pursuant to section 1819B.'

"(j) Section 1861(u) of the Social Security Act is amended by striking out 'or home health agency' and inserting in lieu thereof 'home health agency, or licensed pharmacy'.

"(k) Section 1861(v) of the Social Security Act is amended—

"(1) by striking out 'The reasonable cost' in the first sentence of paragraph (1) and inserting in lieu thereof 'Except as provided in paragraph (8), the reasonable cost'; and

"(2) by adding at the end thereof the following new paragraph:

"'(8)(A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1819 of this Act.'

"(l) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"'Licensed Pharmacy

"'(z-1) The term "licensed pharmacy" (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title.'

"(m)(1) The first sentence of section 1866 (a)(2)(A) of the Social Security Act is amended by striking out 'and (ii)' and inserting in lieu thereof the following: '(ii) the amount of any copayment required pursuant to section 1813 (a) (4), and (iii)'.

"(2) The second sentence of section 1866 (a)(2)(A) of such Act is amended by striking out 'clause (ii)' and inserting in lieu thereof 'clause (iii)'.

"(n) The amendments made by this section shall apply with respect to items and services furnished on and after the 1st day of January 1973."

AMENDMENTS NOS. 1114 THROUGH 1116

Mr. HARRIS. Mr. President, I submit a series of amendments intended to be proposed by me to H.R. 17550 and ask that they be printed. These amendments are offered as amendments to the social security cash benefits provisions of H.R. 17550.

One amendment restores House language amending present law which requires social security disability benefits to be reduced when workmen's compensation is also payable and when the combined payments exceed 80 percent of average current earnings before disablement. The House bill calls for reduction in benefits by the amount by which the combined payments under both programs exceed 100 percent of average current earnings before disability.

The second amendment amends the financing provisions for the increase in social security benefits voted by the committee. The financing plan provided for in this amendment is one which I offered in committee and which is explained in full detail in my separate views in the report to the bill.

The third amendment basically restores the House language to the automatic adjustments in benefits provided for as a result of cost-of-living increases. This amendment is also discussed in full detail in my separate views and primarily provides for the deletion in the committee bill of a provision requiring automatic adjustment in the tax rates in addition to automatic adjustments in the wage base, which was the only automatic adjustment that would occur under the House bill.

I intend to call these amendments up for consideration at the appropriate time in the Senate's consideration of H.R. 17550.

The PRESIDING OFFICER (Mr. ALLEN). The amendments will be received and printed, and will lie on the table.

AMENDMENT NO. 1117

Mr. JAVITS submitted an amendment, intended to be proposed by him, to House bill 17550, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 1118 AND 1119

Mr. JAVITS. Mr. President, I submit today two amendments to the Ribicoff-Bennett proposed Family Assistance Act (amendment No. 1097 to H.R. 17750).

The amendments are designed merely to attempt to effect changes in the act consistent with the administration's own proposal, which has now been embodied in the Ribicoff-Bennett amendment.

First, I urge that families headed by full-time working males who qualify for Federal assistance under the proposed Act—"the working poor"—be made eligible for State supplementary payments under the act, as they are for the Federal cash payment. This is an essential step if we are to effect any true reform of the welfare system and provide an incentive to work for hundreds of thousands of recipients. In this amendment I am joined by the Senator from Oklahoma (Mr. HARRIS) and the Senator from South Dakota (Mr. MCGOVERN).

Second, I propose that there be included in the child care provisions of the bill, a clear statement to ensure that the developmental needs of the child, as well as the economic needs of the parent, will be respected as that program is administered. This amendment would merely write into law the objectives expressed by the administration.

While I am proposing these additions to the Ribicoff-Bennett proposal, I wish to indicate my general support for that proposal. I regard it as essential legislation for this session of the Congress.

I shall now outline each of these proposals in more detail.

SUPPLEMENTATION FOR THE WORKING POOR

In his statement of June 10, 1970, President Nixon indicated that one of the four fundamental principles upon which the Family Assistance Act is based is "equity to provide assistance to working poor families."

The Family Assistance Act quite commendably meets this objective in part by making the working poor—families headed by full-time working males, but whose incomes are below the poverty line—eligible for the basic $1,600 Federal cash payment for a family of four.

However, under the administration's original proposal and under the Ribicoff-Bennett amendment as well, working poor families would not be eligible for the supplementary payments which States will be required to maintain with Federal assistance under the act. The proposal requires States to supplement the $1,600 payment by an amount providing a total Federal-State benefit payment no less than the maximum amount—up to the poverty level—which that family would have received in that State in November 1970. The bill provides that the Federal Government pay 30 percent of the cost of the supplemental payments.

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When he appeared before the Senate Committee on Finance on July 21, 1970, Secretary of Health, Education, and Welfare Elliot Richardson noted three undesirable consequences of the exclusion of the working poor under the current aid to families with dependent children program. He noted that:

First, the exclusion constitutes a basic inequity, since working poor families may have financial need equal to that of families in which there is no full-time working male, yet they are unable to receive Federal public assistance under current law. As the Secretary noted:

> This unwise and unjust public policy has had predictable results in terms of social tensions. First, an understandable discontent has been generated among those who are excluded and who see others no worse off than they being assisted. Second, ominous racial overtones have developed since current AFDC recipients—those who are helped—are about 50 percent nonwhite, while the working poor—those who are excluded—are about 70 percent white. This country can no longer afford to have one of its most important and needed anti-poverty efforts viewed by many of its citizens as a divisive, unfair and arbitrary failure. Such a view does not help to bring us together, does not promote understanding among people, and does not help to restore public confidence in the wisdom of social policies.

Second, he pointed out that the exclusion produces an incentive for male heads of households to work less, rather than more. He noted that the current welfare program includes, in a number of States, the "AFDC unemployed fathers" program under which families headed by a father working no more than 30 hours per week—or for 35 hours, at each State's option—are eligible. Thus a father who is on welfare is better off if he works no more than 30 hours a week. If he works more than that, he is suddenly no longer "unemployed" and he loses assistance.

Third, he noted that the exclusion of the working poor has provided encouragement for families to dissolve or for couples never to marry. In situations in which a full time workingman is not making as much as the mother of his children could receive in welfare benefits, the couple is financially better off if the man leaves home. In fact, according to statistics provided by the Department of Health, Education, and Welfare, it is estimated that more than 18 percent of the fathers of families currently on AFDC are "absent from the home" by reason of desertion.

Mr. President, these considerations cited by the Secretary which have prompted the administration to include the "working poor" under the basic Federal payment apply equally in respect to the supplemental payments.

As I noted, under the Family Assistance Act, the States are required to supplement up to the level provided in November 1970.

The result of this requirement will be that in more than 35 States at least $400 for a family of four will be added to the $1,600 Federal payment and in 22 of those States an additional $900 will be provided for a family of four.

As a result, a male headed family will be better off if he leaves his family since the mother of his children would be eligible to receive the supplemental payment but he would not.

The fact is however, that under the Ribicoff-Bennett proposal—as under the House bill—the States would be required to include the AFDC-UP program—with 30 percent Federal sharing therein—affording limited assistance to a male headed family if he works no more than 30 hours—and in some cases 35 hours per week.

If he works more hours than that and remains in the home, then his family is no longer eligible for assistance.

Mr. President, the result is that under the Ribicoff-Bennett proposal—we will be perpetuating a disincentive to work. In fact, a "notch" is created. For example, in a State having an income standard of $2,500 for a family of four a male head of a household would be eligible for a total Federal-State payment of $3,673 if he worked under 30 hours, but $3,624 or $49 less if he worked 40 hours. Unless the amendment which I have proposed, the same male head would be eligible for $4,088, providing a greater incentive to work.

The proposed amendment permits him to work full time and to continue to receive both family assistance and supplemental payments at the levels accorded to a female headed family.

Mr. President, the administration has recognized this "notch" problem. When members of the Senate Committee on Finance pointed out during the hearings that continuation of the AFDC-UP program without including the working poor, would effect a work disincentive and represented a basic inequity, Secretary Richardson indicated that the administration would eliminate the problem by eliminating the coverage of the AFDC-UP program under the bill. However, recognition of the need to provide some assistance to male headed families has forced reinstatement of the AFDC-UP programs, which the administration again now supports.

Mr. President, when Secretary Richardson appeared he indicated cost as his main objection to including the working poor in the supplemental. He estimated a total net cost of $1 billion based on an estimate that approximately 1,861,300 families would become eligible for such assistance.

However, actual experience strongly suggests that the estimates made by the Department are greatly inflated.

As Mayor John Lindsay of New York noted in his testimony of August 24, 1970, before the Senate Committee on Finance—based upon a study of the working poor programs conducted in New York City—we can expect that only approximately one-third of the eligible working poor families can be expected to claim benefits. The mayor noted that the participation rates in the other States which have working poor programs—Pennsylvania, Massachusetts, Illinois, New Jersey, and Rhode Island—are even lower.

Accordingly, it is reasonable to project a net cost of no more than $400 million under this amendment.

Mr. President, while we would be increasing eligibility under this amendment we would be including a group which would soon work its way off the welfare rolls.

As noted by Assistant Secretary of Labor Jerome M. Rosow in the Wall Street Journal, March 30, 1970:

> One fact to bear in mind about the working poor is that they are not likely to become long-term recipients of assistance payments. Because of rising wage scales due to increased productivity, about 200,000 of the working poor rise above the poverty line each year. Upgrading efforts on the part of the manpower agency will increase this movement to self-efficiency.

With respect to the ability of the States to assume any additional costs arising from the inclusion of the working poor, I wish to point out that the amendment provides for a full Federal assumption of the costs of including the working poor.

Mr. President, I consider this particular amendment to be of especially high priority because it attempts to deal with one feature of the proposed Family Assistance Act which is completely inimical to the stated objectives of the act: providing incentives to work, equitably including the working poor, treating male and female families alike, and strengthening family stability.

Mr. President, I hope that the Senate will deal with so clear an inequity. It seems to me to be highly questionable to provide so many work requirements in this bill on the one hand, and yet fail to go all the way in providing work incentives.

The poor have a tremendous pride and dignity and really want to do everything they can to avoid a welfare existence. However, we must design a structure which respects that desire.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the text of my amendment together with a statement provided by the Department of Health, Education, and Welfare indicating that there are some 1,861,300 families that would be covered by the amendment which I have proposed, detailed by State, and a table, also prepared by the Department of Health, Education, and Welfare, showing expected levels of supplementation by State.

The **PRESIDING OFFICER** (Mr. ALLEN). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and statement will be printed in the RECORD.

The amendment (No. 1118) is as follows:

AMENDMENT NO. 1118

On page 26, beginning with the word "other" on line 12, strike out all before the period on line 15.

On page 35, line 17, insert "(other than families referred to in paragraph (3))" after the word "families".

On page 36, between lines 2 and 3 insert the following:

"(2) The Secretary shall pay to any State which has in effect an agreement under this part, for each fiscal year, an amount equal to 100 per centum of the total amount expended during such year pursuant to its agreement as supplementary payments to families in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed, not counting so much of the supplementary payment made to any family as exceeds the amount by which (with respect to the period involved)—

"(A) the family assistance benefit payable to such family under part D, plus any income of such family (earned or unearned) not disregarded in determining the amount of such supplementary payment, is less than

"(B) the applicable poverty level as promulgated and in effect under subsection (c)."

On page 36, line 3, strike out "(2)" and insert in lieu thereof "(3)".

The table, presented by Mr. JAVITS, is as follows:

WORKING POOR FAMILIES ELIGIBLE FOR FAMILY ASSISTANCE BY STATE, 1971

[Data in thousands]

State	FAP only families[1]	Working poor families[1]	Working poor recipients[1]
Total	2,078.4	1,861.3	10,807.4
Alabama	93.1	66.9	361.9
Alaska	3.0	3.0	13.3
Arizona	17.0	17.0	119.4
Arkansas	40.3	35.8	222.0
California	96.2	96.2	561.6
Colorado	42.2	42.2	267.1
Connecticut	10.1	10.1	41.7
Delaware	3.6	3.6	30.5
District of Columbia	1.3	1.3	5.0
Florida	60.0	60.0	370.0
Georgia	92.2	54.1	403.4
Hawaii	5.0	5.0	21.8
Idaho	6.7	6.7	28.7
Illinois	37.0	37.0	223.8
Indiana	31.3	31.3	176.5
Iowa	20.6	20.6	123.3
Kansas	11.6	11.6	62.1
Kentucky	46.7	46.7	261.8
Louisiana	129.3	89.9	514.2
Maine	12.5	12.5	90.8
Maryland	16.7	16.7	85.3
Massachusetts	8.2	8.2	50.3
Michigan	39.4	39.4	219.2
Minnesota	31.0	31.0	174.6
Mississippi	116.4	89.9	525.0
Missouri	43.8	35.2	183.4
Montana	6.7	6.7	28.7
Nebraska	24.8	24.8	125.1
Nevada	3.7	3.7	16.7
New Hampshire	2.7	2.7	18.4
New Jersey	13.2	13.2	73.4
New Mexico	12.9	12.9	98.9
New York	70.9	70.9	400.7
North Carolina	119.2	119.2	754.6
North Dakota	15.4	15.4	76.6
Ohio	58.9	58.9	337.7
Oklahoma	24.8	24.8	140.2
Oregon	7.3	7.3	47.3
Pennsylvania	77.1	77.1	444.2
Rhode Island	1.0	1.0	1.4
South Carolina	83.4	70.9	372.2
South Dakota	23.0	23.0	79.7
Tennessee	80.4	69.4	462.9
Texas	183.4	174.1	968.0
Utah	3.3	3.3	21.1
Vermont	2.7	2.7	18.8
Virginia	41.4	41.4	265.9
Washington	19.4	19.4	109.6
West Virginia	26.2	25.6	163.6
Wisconsin	12.3	12.3	103.5
Wyoming	2.7	2.7	11.5
Guam	.1	.1	.5
Puerto Rico	150.0	105.8	529.0
Virgin Islands	.1	.1	.5

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[1] Assumes all eligibles participate.

Source: Department of Health, Education, and Welfare.

State supplemental payment to an eligible family of four with no other income[1]

Alabama	0
Alaska	$620
Arizona	602
Arkansas	0
California	1,052
Colorado	768
Connecticut	2,000
Delaware	188
District of Columbia	1,327
Florida	5
Georgia	0
Hawaii	1,508
Idaho	1,328
Illinois	1,556
Indiana	200
Iowa	1,315
Kansas	1,244
Kentucky	356
Louisiana	0
Maine	416
Maryland	752
Massachusetts	1,772
Michigan	1,532
Minnesota	1,868
Mississippi	0
Missouri	0
Montana	829
Nebraska	800
Nevada	116
New Hampshire	1,304
New Jersey	2,564
New Mexico	592
New York	2,156
North Carolina	319
North Dakota	1,532
Ohio	716
Oklahoma	620
Oregon	1,087
Pennsylvania	2,012
Rhode Island	1,460
South Carolina	0
South Dakota	$1,712
Tennessee	0
Texas	173
Utah	728
Vermont	1,856
Virginia	1,245
Washington	2,252
West Virginia	53
Wisconsin	776
Wyoming	800

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[1] Under H.R. 16311 as amended June 1970. Based on April 1970 AFDC payment levels.

Source: Department of Health, Education, and Welfare.

DEVELOPMENTAL CHILD CARE

Mr. JAVITS. Mr. President, I submit a second amendment to the Ribicoff-Bennett proposed Family Assistance Act (amendment No. 1097 to H.R. 17550).

The purpose of my amendment is to write into the child care provision of the Family Assistance Act a clear statement that the services will respect the developmental needs of the child as well as the economic needs of the parent.

Under the Family Assistance Act, 100 percent Federal financing will be made available through grants to any public or nonprofit private agency or organization for the costs of projects for the provision of child care to enable individuals registered under the act and individuals likely to become eligible for benefits under the act to undertake or continue manpower training or employment.

The administration's plans call for the expenditure of $386 million for this purpose for the 1st year of operation; it is estimated that 300,000 school age children would be able to receive services after school, and during the summer months and that 150,000 preschool children could receive full day services.

In testimony before the Senate Committee on Finance on April 20, 1970, former Secretary of Health, Education, and Welfare, Robert Finch, affirmed that:

> We know that the child of poverty needs far more than custodial care if developmental defects are to be overcome. It is this type of child care that is contemplated by the President's recommendations.

Similarly, the report of the House Committee on Ways and Means noted—at page 37:

> Your committee believes that well-designed child care programs in addition to benefiting parents by freeing them for work can also be of great benefit to the child and can help to break the cycle of poverty. Child care for the preschool child should provide for child development through the provision of health, educational and other necessary services.

Despite these statements and all good intentions, there is nothing in the legislation to express fully the idea that in conducting the programs under this part the Secretary is to give at least equal priority to the developmental needs of the child as well as to the needs of the parents to engage in employment and training. Thus there remains the possibility that efforts to provide more child care "slots" to reduce welfare dependency will prompt the evolution of an inferior

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custodial system of child care for welfare mothers.

Under paragraph 3 of section 436, the major provision for child care, the Ribicoff-Bennett bill follows the House passed bill in providing:

> Such projects shall provide for various types of child care needed in light of the different circumstances and needs of the children involved.

Mr. President, I submit that if meeting needs of the child are to be a major purpose of child care under the act, then a stronger statement as to those needs should be included.

Under the amendment which I propose, the following language would be substituted for the paragraph, 3, which I have cited:

> The Secretary of Health, Education and Welfare shall take such measures as may be necessary to assure that each child receiving care under any project receiving assistance under this section will receive such educational, health, nutritional, and related services, as may be necessary to help such child to achieve his full potential.

Mr. President, we consider this important legislation at the very time that the White House Conference on Children has met to consider the means of advancing child development in the remainder of 20th century. In the call of the conference, the following objective is stated:

> To enhance and cherish the individuality and identity of each child through the recognition and encouragement of his or her own development, regardless of environmental conditions or circumstances of birth.

It would be ironic if in this legislation—which is so geared to reducing welfare dependency—we left open the possibility of creating a new generation of welfare clients who missed the developmental opportunities of childhood while in the hands of a custodial child care system.

Mr President, taking the administration at its word—which I do—this amendment will not add any expense to the cost of the child care provisions. However, if this step is not taken, it may well result in the deferred cost of future welfare generations.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and will lie on the table.

AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT

AMENDMENT NO. 1120

Mr. GRAVEL proposed an amendment to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, which was ordered to be printed.

ADDITIONAL STATEMENTS OF SENATORS

A TRIBUTE TO GEORGE MASON ON BILL OF RIGHTS DAY

Mr. TOWER. Mr. President, today is recognized as Bill of Rights Day. The first 10 amendments to the Constitution make up the basis for the individual freedoms we cherish so highly in our Nation and for which we strive daily to protect. It is these basic individual freedoms that have attracted so many to our shores over our Nation's brief history. All Americans should be particularly thankful to be fortunate enough to live in a land which ascribes such importance to individual freedoms.

I believe it is also important for us to recall that we have these freedoms because these men who were instrumental in the founding of our Nation aspired to have these freedoms clearly stated in our Constitution. Among these was George Mason, whom I single out today for particular recognition. Once nearly forgotten by history, it was Mason who authored the Virginia declaration of rights, and it was this significant work which later served as a model for the Bill of Rights as we know it today.

To George Mason, and to all our Founding Fathers, we owe a debt of gratitude. We can pay this debt through daily work to protect our individual freedoms and to use them justly.

THE HUMAN DIMENSION IN SOIL CONSERVATION

Mr. McINTYRE. Mr. President, very often we think of the magnificent work of the Soil Conservation Service and the National Association of Conservation Districts in terms of acres of land saved, watersheds drained, or other resources protected.

All of these rather cold figures are important to judge the continuing progress of our soil conservation efforts. But, soil conservation is not all numbers on a page, it has a very human dimension. The National Association of Conservation Districts under the leadership of its current president, John S. Wilder of Tennessee and those who lead in the States such as John W. York, the New Hampshire president of Exeter, N.H., works hard to see that the human dimension is not forgotten.

The most recent edition of the "Tuesday Letter," the excellent voice of the national association, has an able recitation of the continued need to relate the human needs to the conservation needs. The article was written by Layle Bauer of Kansas, who is treasurer of the national association.

I ask unanimous consent that the article be reprinted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DISTRICTS NEED TO ORIENT THEIR PROGRAMS TOWARD PEOPLE AND THE QUALITY OF LIFE

That's the message Lyle Bauer of Harper, Kans., NACD Treasurer, has been carrying to conservation district leaders around the country. It's an important message that deserves wide attention, and the major points are reproduced below.

CONSERVATION DISTRICTS AND THE ENVIRONMENT

In connection with every action and activity contemplated by the district, it seems to me each district official ought to ask himself this question:

What will it do for the quality of living—not only in my district, but in my section of the country?

I would suggest further that we need to reexamine the long-range programs of our districts and revise them with a new dimension in mind. It seems to me that if districts are really going to serve their communities during the rest of this century, district leaders need to shape their goals and their work deliberately toward those resource activities which will clearly improve the quality of living in their communities.

The new dimension in district affairs is the human dimension. It means acting with the well-being of people in mind instead of operating primarily for the protection of resources. It means thinking in terms of the long-range needs and benefits of the whole community rather than in terms of individual farms and watersheds.

Let's look at some of the ways district leaders can contribute either through the application of their own know-how, or by bringing to bear the expertise of agencies cooperating with districts, or both

1. *Districts can help in the control of water pollution* that has its sources in the erosion process, whether the erosion takes place on farmlands, construction sites, roadsides, strip mines, or stream banks. Sediments produced by erosion are the most extensive pollutants of surface watersheds.

2. *Districts can help in controlling water pollution* that has its sources in runoff from feedlots and farmlands—runoff that carries animal wastes as well as a variety of chemicals including pesticides, herbicides, insecticides, and fertilizers.

3. *Districts can help in the control of air pollution* that has its sources in soil blowing (dust storms) or in the malodorous fumes sometimes generated in farming or livestock operations.

4. *Districts can help with beautification* through healing work on ugly landscapes; through planting programs of attractive trees, shrubs, and grasses; through the identification and protection of particularly scenic streams and vistas; through roadside beautification projects; and in dozens of other ways.

5. *Districts can help with the development of recreational facilities*—through cooperation with private landowners in establishing fishing, swimming, boating, hiking, riding, picnicking, and other recreational attractions. The district can help also in connection with the development and management of such public recreational facilities as local parks, town forests, camp grounds, nature trails, and lakes.

6. *Districts can help with the protection and preservation of unique areas* that may be threatened by neglect, commercial exploitation, erosion, or pollution. These areas may include stream and lake shores, estuaries, historic sites, irreplaceable sections of Class I farmland, waterfowl breeding grounds, or unusual stands of timber.

7. *Districts can help with solid waste disposal* through the identification of sites suitable for use as sanitary landfills.

8. *Districts can help with waste land use, zoning, and resource development* by calling in experts on soils, forests, water, fish, wildlife, recreation, education, economics, and planning.

THE PRESIDENT'S STATE OF THE ECONOMY REVIEW

Mr. SCOTT. Mr. President, much has been said and written about President Nixon's recent state of the economy review.

The Christian Science Monitor has editorialized on this presenation. It is another interesting point of view that warrants consideration. I commend this to the Senate and ask unanimous consent that it be printed in the RECORD.

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There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Getting After the Economy

The case is building for the United States to adopt a more activist incomes, or wage-price policy.

Last Friday President Nixon took two welcome steps in that direction. He announced that oil import quotas would be relaxed, in an attempt to moderate oil prices by increasing the domestic supply. And he warned that the government might get tough with the wage-price spiral in the construction industry by limiting wages in government contracts.

Then on Monday, Federal Reserve Board chief Arthur Burns went the President one better and listed a number of specific steps the government might take to dampen inflation. Heading the list were the formation of a wage-price review board with strong investigatory but not enforcement powers.

Both men gave a state-of-the-economy review that was alike in many respects. Both praised progress to date in sobering up the economy. Mr. Burns, for example, dwelt on the ending of the heady speculative stock market during the previous administration, when in 1967 and 1968 average Big Board stock prices rose 40 percent, while earnings rose only 12 percent. And he talked about the virtues of the new cost-cutting psychology, which has helped boost productivity to a 5 percent rate at present.

This is conservative business talk, of course. It reflects an economic outlook most comfortable with moderation and restraint. It is what one would expect of the President and his friend and former adviser, Mr. Burns, who like to talk of letting the "market place" correct itself.

And yet, Mr. Burns as well as many liberal economists are deeply concerned that, even though the economy has been sobered into recession, the inflationary pressures of rising wages are not slackening. The average wage rate increase this year has been about 7 percent, the same as last year. Major settlements this fall have run about 10 percent.

Mr. Burns looks northward to Canada, where steadily worsening unemployment (now over 6.5 percent) has not cut back wage trends, for a sign that the traditional idea of getting an economy into line by stunting business growth and increasing unemployment may no longer work.

Mr. Burns is afraid that the new expansionary drive the President has announced (and which Mr. Burns has said the Federal Reserve will go along with) might undo the moderate business psychology won in the past two years, without stemming inflation, unless a stronger incomes policy is adopted.

We hope Mr. Burns may be publicly preparing the way for future presidential actions.

THE PRESIDENT'S NEWS CONFERENCE

Mr. GOLDWATER. Mr. President, last Thursday night the President held what I am sure the press will say was a relatively rare press conference.

That press conference proved several things. First of all it proved that press conferences can develop news of real importance. The President did, indeed, make news.

Second, it proved that the President does not fear the press. Third, it proved that the press, like the law, can sometimes be "an ass," as Mr. Bumble once noted.

As a result of these things, both sides perhaps made their points. The press side, that the President should hold more press conferences, appears valid largely because of his superb performance. But those who feel the press is biased against the President can also make that point, because there were clearly some questions asked, not for the purpose of gaining information but for the purposes of embarrassing or putting on the spot.

For instance, Mr. President, what fairminded person would really expect the President to answer the following questions:

> Mr. President, as a lawyer and as his immediate superior, do you approve of the following actions of F.B.I. Director J. Edgar Hoover? One accusation which has been made public—accusing two men of conspiring to kidnap Government officials and/or blow up Government buildings as an antiwar action before any formal charges had been made and a trial could be arranged for those gentlemen. And continuing to call the late Martin Luther King a liar. Do you approve of those actions?
>
> Mr. President, at a previous news conference you said that what happened at Mylai was a massacre. On another occasion, you said that Charles Manson is guilty. On another occasion you mentioned Angela Davis by name and then said that those responsible for such acts of terror will be brought to justice. My question concerns the problem of pretrial publicity and the fact that it could jeopardize a defendant's right at a trial. How do you reconcile your comments with your status as a lawyer?
>
> Mr. President, in the light of the firing of Secretary Hickel and the Goodell case, could you tell us how much dissent you will tolerate in your Administration and in the Republican Party?"

These are just plain silly questions. In addition, some others come pretty close. There is, it seems, a great desire on the part of the press to get the President to confess, to admit error. For instance, these questions were asked:

> Mr. President, another question about confidence, if I may, involving you. There seems to be a feeling in some quarters, not just among blacks and students but also among some of your natural Republican allies, some voters, and, certainly, as you may have noticed, some columnists, that you have yet to convey a sufficiently sharp and clear sense of direction, vision and leadership on many matters to end the divisions in this country as you said you hoped to do two years ago and as your own Scranton Commission on Campus Unrest has urged you to do. Do you recognize this as a problem for yourself and for the country and, if so, what can you do about it and what will you do about it?"
>
> With unemployment and inflation rising, do you think it's fair to say that your economic policies have not worked, and do you plan any quick changes?
>
> Mr. President, back to the economy for a moment. At your first news conference, you ruled out exhorting, to use your word, labor and management to follow certain guidelines, saying that they would follow their organization's desires in any case. Now, since then, you've taken some small steps toward bringing Presidential influence to bear on wages and prices through the inflation alert and the steps you took the other night in your N.A.M. speech. In the light of that, do you consider your initial remarks about wage-price guidelines a mistake in controlling inflation?

Other questions, I think, were undoubtedly designed primarily to put the President on the spot, not to elicit information.

Now, I will grant that if the President is not prepared for this kind of approach, he should not call a press conference.

But the question is, Is it the duty of the press to try to put the President on the spot or is it the duty of the press to seek valid information so that it can inform the people?

Last Tuesday morning a group of about 25 White House reporters met ostensibly to see how they could get the President to agree to hold more press conferences, and also to see if they could make the press conferences more meaningful.

What appears to have come out of that meeting, however, is a further determination by some members of the press to seek to embarrass the President with loaded questions and questions that really do not deserve reply.

This kind of mass journalistic plotting would really seem to be beneath the dignity of the members of the Washington press corps, and I, frankly, am shocked by it.

Doing a job on the President surely is not the way to meet one's responsibilities to the public.

Finally, I should like to make a point in defense of the President's decision not to hold as many press conferences as the press would like.

For the press, a press conference is a cheap way to get a story. It takes no digging and maybe does not even take the energy to think up a significant question.

But for the President it is an exercise in mental gymnastics. He must be prepared for a wide range of questions on every conceivable subject, relevant and irrelevant. He must spend the better part of a day boning up on facts and even then there is no way to know them all. He must be prepared to couch his replies in such a way that they do not embarrass the Nation, the President's party or himself.

If once you put your foot in your mouth at such a press conference, the press never lets you take it out. Finally, the President has no right to expect forthright, honest questions; he must be prepared for the curves and the spitballs as well as the slow, fast ones.

I ask, do we really want our President regularly to have to spend hours of time boning up for press conferences? Is this what we want when we vote for a President? Do we regularly wish to risk national and internal embarrassment because he might not have the answer to one of the curves, or because his memory betrays him for a second, or because what he says is misinterpreted?

I think these are questions that deserve serious consideration by the press and by the President.

The right of the press to print the truth when it finds it is absolute. The right of the press to ask unfair questions or to receive answers to every question is a little less so.

FAMILY ASSISTANCE PROGRAM

Mr. WILLIAMS of New Jersey. Mr. President, the Senate is scheduled to take up as an amendment to the social

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security bill, the administration's proposal for a family assistance plan. We will be considering the compromise approach introduced by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Utah (Mr. BENNETT).

I believe it is extremely important to the well-being of this country for the Senator to approve the FAP, and to have it enacted. I want to make unmistakably clear my own, strong support for the Ribicoff-Bennett plan.

The FAP has gone through numerous substantive changes during its journey through the House and through the Senate Finance Committee. At various times, I had strong reservations about it, particularly in view of its potential effect upon New Jersey.

At one time it appeared that New Jersey would not benefit from any increase in Federal funds under the plan and very probably would have received less Federal welfare subsidies than it does currently. This was true because New Jersey has been a leader among the States in instituting welfare reforms, and our State system already incorporates many of the more progressive features found in the FAP.

Unfortunately, many States have not been as aggressive as New Jersey in instituting new programs for the needy. It has been clear from the inception of the FAP that this plan would have its greatest impact in those States which currently do the least in behalf of their indigent citizens.

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Conversely, the impact would be less in States like New Jersey, which are leaders in this field. New Jersey is currently one of the very few States which provide assistance to the "working poor" as well as to the unemployed. In addition, its level of assistance is well above the proposed national minimum, and New Jersey is one of the States that already provides a work incentive by permitting AFDC recipients to retain a portion of their earnings. New Jersey also has a requirement for recipients to accept suitable work or training, if available.

However, I believe the latest version of the FAP would provide some relief for New Jersey. In that regard, I wish to note that I received last Friday a letter from New Jersey Gov. William T. Cahill urging me to support the FAP. I am confident that Governor Cahill would not have written such a letter if he felt this plan was detrimental to our State.

On the other hand, the Governor believes, and I do also, that the Ribicoff-Bennett version of FAP would help New Jersey somewhat. I have been informed by the administration that it would provide New Jersey with $18 million in additional Federal aid during its first year of operation. It would be a very great improvement for many other States.

There can be no doubt that our current welfare system is morally and financially bankrupt. In most urban States that system has resulted in a crisis that is threatening to wreck the finances of State governments.

The current system does no more than to perpetuate the infamous welfare cycle, keeping an ever-growing number of our citizens locked into perpetual poverty and dependence. Its costs are increasing at a staggering rate, while it is producing less in the way of positive solutions.

During fiscal year 1970, the total amount of funds appropriated for the welfare system in New Jersey came to $37.4 million more than during fiscal year 1969, and the number of welfare recipients increased by 33 percent. In the current fiscal year, appropriations increased by $16 million over last year, and the number of recipients is up by 22 percent.

Governor Cahill also estimates that next year appropriations will increase by $100 million, and the number of recipients will increase by 38 percent.

These figures represent a tragic waste in both our public treasure and in human resources. And, behind the statistics are the stories of millions of meaningless and miserable lives.

We must eventually stop the upward spiral in caseloads and costs.

We must break the welfare cycle that keeps millions locked in misery.

We must insure the basic necessities of life for every citizen.

And, we must do our utmost to help every citizen lead a productive, rewarding life.

Mr. President, the FAP is not perfect. It has many features about which I am uneasy, such as the $1.20 minimum wage.

It will not be an overnight panacea, by any means. But, the plan that has emerged after a year of careful scrutiny by the Congress, and refinement and revision by the administration, is at least a start in a new direction.

FAP, at the very least, offers hope.

It offers hope that every person in the country, regardless of where he lives, will have at least the minimum needed to sustain life.

It offers hope that, in time, we can reverse the increasing drain on our local, State, and National treasuries.

And it offers hope that millions of Americans who now face nothing more than a life on welfare, will eventually find themselves able to hold their heads up as productive members of society.

The Senate has a chance to make the first meaningful reform in hundreds of years in our system of public assistance. We should not lose that chance.

SHEEP KINGS IN COW COUNTRY

Mr. HANSEN. Mr. President, on December 6, 1970, an article entitled "Sheep Kings in Cow Country," was published in Empire magazine. I commend the article, written by Zeke Scher, to the Senate for two reasons.

First, the article recounts the history of the Warren Live Stock Co., which was founded in 1883 by Francis E. Warren, one of the most distinguished and dedicated Senators in the history of our Nation.

Senator Warren was born in Massachusetts in 1844 and won a Medal of Honor for his heroism during the Civil War. He came to Cheyenne in 1868, during the first year of the city's existence to manage a mercantile store. He became involved in real estate and ranching. He was a sheepman, and today the Warren Live Stock Co. is the largest sheep operation in the State of Wyoming.

Senator Warren's success in business was only exceeded by his success in the political arena. He served as treasurer and then as Governor of the Territory of Wyoming. In 1890, he was elected the first Governor of the State of Wyoming. Shortly thereafter he resigned to become Wyoming's first U.S. Senator. He was elected to seven terms in the Senate and held the record for length of service in this body until recently, when our good friend Carl Hayden surpassed Senator Warren in this category. However, his dedication, intelligence, and effectiveness rather than his length of service remain as his contribution to this body and the Nation.

Second, I recommend the article to the Senate because it reflects the strength of the American way of life. In 1890, as Senator Warren began his national career, a young Basque immigrant arrived in Montana. Today the son of that immigrant, Paul Etchepare, controls the destiny of the Warren Live Stock Co.

Paul Etchepare and his family are a fine example of the success to be earned in America through diligence and hard work. In 1963, the TPL Corp. purchased Warren Live Stock Co. from the heirs of Senator Francis Warren. Since that time, Paul Etchepare has continued and enhanced the image of the Warren Live Stock Co. as an important part of the State of Wyoming. He contributes to the cultural and community life of the State as well as to its economic life by carrying on in the finest tradition established by Senator Warren and his family.

Mr. President, I believe that all Senators will be interested in and benefited by the article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHEEP KINGS IN COW COUNTRY

(By Zeke Scher)

Newspapers throughout the Rocky Mountain Empire on Monday, Nov. 25, 1929, headlined the death in Washington, D.C., of "Mr. Wyoming," the dean of the U.S. Senate. Beside an eight-column banner story on page one of The Denver Post was a So-the-People-May-Know commentary by Editor F. G. Bonfils, which began:

"Francis E. Warren, noblest senator of them all, has been called for higher duties in the great beyond as a reward of merit for his 37 years of intelligent, honest and patriotic services to his state, his West and to his country."

From 1868 to 1929—from territory through statehood—Warren to a great extent forged the Wyoming that exists today. A mountain, an Air Force base, avenues and schools were named for him. The services for "the veteran of the rugged pioneering days of the West who came to Washington to serve longer in the U.S. than any man in history"—as the national wire services reported—were held before President Hoover in the Senate Chambers.

There was another elaborate ceremony with all military honors—Warren won a Congressional Medal of Honor for heroism at the siege of Port Hudson, La., while a teen-age volunteer in the Civil War—at the burial in Cheyenne. His son-in-law, Gen. John J. Pershing, commander-in-chief of the American Expeditionary Forces in France during World War I, was among the mourners.

Warren was a sheepman. That could shatter the romantic image that surrounds a great man of the West. Decades of movies and novels have fostered the notion that heroic cattlemen won the West. Sheepmen weren't supposed to be glamorous.

But Warren rode the range when sheep far outnumbered cattle in Wyoming. And to this day, despite a severe retrenchment in sheep population, Wyoming is the only state that has more sheep than cattle (1.9 million to 1.4 million).

Warren almost 90 years ago began what is today Wyoming's largest sheep operation, the Warren Live Stock Co. of Cheyenne. (It was the largest in his time, too, running nearly 100,000 head in the years around 1890. The current outfit is about 75,000).

Born in Hinsdale, Mass., June 20, 1844, Warren seemed destined for a farming life when the war started and he joined the 49th Massachusetts Volunteers at 18. After the war he became a railroader. While foreman of a construction crew in Iowa, a friend offered him the job of managing a mercantile store in a new rail stop in the Dakota Territory.

He accepted the job and in 1868 arrived in the wild pioneer village called Cheyenne. Business became his business, and he did well. He expanded into real estate and ranching. Politics came naturally, and in 1876 he was named treasurer of the Wyoming Territory, which had been carved away from the Dakota.

A life-long Republican, Warren's fortunes in the political ring bounced like a ball. Republican President Arthur appointed him territorial governor in 1885; Democrat Grover Cleveland removed him in 1886; Republican Benjamin Harrison put him back in 1889.

The new state of Wyoming made Warren its first elected governor in 1890 but he quickly exchanged that title the same year for U.S. senator, winning the first of seven terms.

One of Wyoming's first corporations was formed Oct. 13, 1883, and Warren was the organizer. He named it the Warren Live Stock Co. and as chief stockholder elected himself president. He managed it through perhaps its roughest times, even while a senator.

A lengthy printed report on company affairs annual meeting of stockholders scheduled for Jan. 8, 1885. Assets were listed at $491,512 including 24,023 sheep, 1,908 cattle and 460 horses, plus 270,868 acres of land owned or controlled.

Warren's enthusiasm and optimism for Wyoming shone through:

"The success of live stock raising in Wyoming is admitted by all. Wyoming ranges for winter and summer pasturage surpass those of any state or territory in the Union, and the facilities for employment of aggregated capital have been fully demonstrated.

"Live stock raising is the safest and most remunerative industry now known to the American people. The Warren Live Stock Co. has assured success in store for it, judging from the experiences of the past and reasonable expectations of the future."

Warren's appraisal of the business was accurate. By 1892 the company listed assets of $814,445 with 93,000 head of sheep. The company records of the period are replete with big deals, such as an 1889 purchase of 25,027 sheep for $29,053 from two ranchers at Wagon Mound, N.M., with the sheep being trailed north across Colorado to Wyoming. (Sheep—over 1 year old—then cost about $1.50 each; lambs—under 1 year—only 60 cents.)

But then came the national economic panic of 1893.

Exceptionally well-preserved company minutes, dating from the articles of incorporation, quoted Warren at a July 12, 1894, meeting as saying the firm was "in need of funds to meet maturing obligations with no sure prospects of securing the same." A month later Warren agreed to the appointment of a receiver by the District Court after a creditor sued on a $4,500 debt. A Cheyenne newspaper headlined the story: "How It Came About."

Warren explained that in the one year—1893—the bottom fell out of wool and sheep prices and the company lost $233,500. He said Congress aggravated the situation by removing wool imports from the tariff bill. The Warren wool clip for 1894 brought $13,000, compared to the previous year's $45,000. Meat shipments wouldn't bring enough at the markets to pay the expenses of shipping.

"The company has made a stout fight, and if its line of credit had not been too rapidly narrowed, it could have maintained itself until improved conditions carried it through," he said. "But creditors wanted their money, and they had a right to demand it."

The receivership lasted 17 months, and the company weathered the storm. Newspapers of that day frequently injected editorial comment into their news items, and the Cheyenne *Daily Sun-Leader*, in detailing the dissolution of the receivership, said:

"Without Senator Warren's high standing and broad acquaintance East as well as West, the company's indebtedness could not of course have been so successfully funded. Mr. Warren's signal ability, integrity and energy are well known in eastern financial circles as well as here at home, and his efforts have therefore been generously aided and success has crowned his persistent, heroic struggle."

The settlement of all debts had been 100 cents on the dollar. The fiscal battle was a costly but gratifying experience for the man who one day would wield vast power over U.S. government funds as chairman of the Senate Appropriations Committee and would as a result give the sparsely settled state of Wyoming a national stature without precedent—before or since.

As Governor Warren was preparing to embark on his senatorial career that summer of 1890, a 17-year-old Basque sheepherder from the French side of the Pyrenees Mountains was riding a train across the United States to a job in Montana. He too would have a role in the future of the Warren Live Stock Co.

The traveler, John Etchepare, could speak no English. A travel agent in New York City met him at the boat, pinned on a tag with directions and sent him on his way west. He was supposed to be a sheepherder for a Frenchman at Deer Lodge, Mont. But on his arrival he was put to work cutting timber.

He wasn't a lumberjack for long. One day in the mountains near Deer Lodge he heard some "beautiful music"—a distant tinkle of sheep bells. He slammed his ax into a stump and followed his ears to the music. There he met another Basque who was herding for partners Peter Pauly and Charles E. Williams, a Montana state senator who for 25 years was president of the Montana Wool Growers Association. Etchepare joined them as a sheepherder (immigration laws, which would now prevent such hopping around by aliens, were somewhat looser in the 1890s).

For seven years Etchepare worked in western Montana, saving the meager sums a sheepherder received in those days. In 1897, with aid from employer Williams, he obtained a small band of sheep, trailed them some 500 miles to the Missouri River country of northeastern Montana and started ranching on 1,800 acres near Glasgow.

In 1903 the "successful" rancher returned to France briefly to marry his childhood sweetheart. It was on another trip to visit relatives—on Jan. 25, 1911—that a son, Paul, was born at Ustaritz in the French Pyrenees. From that humble beginning in a small European village would come 50 years later the president and owner of the Warren Live Stock Co.

The Etchepare ranch grew to 100,000 acres and more than 10,000 sheep. Young Paul graduated from Glasgow High School and enrolled in Montana State College in Bozeman. But economic hard times of the Depression—and his father's poor health—brought him back to the ranch.

John Etchepare died in 1937, the ranch was sold and Paul went to Helena to be secretary of the Montana Wool Growers Association. He left in 1941 to be manager of Deer Lodge Farms, a purebred Rambouillet sheep operation. Swift & Co. officials were among the owners and they brought Etchepare to the firm's agricultural research division in Chicago.

Paul wanted to return to the West and in 1946 he left Swift and joined Wilkins & Co., a Denver cattle feeding, wool brokerage and ranching firm. In 1948 he helped organize Western Ranches Co., heading it two years, and in 1950 formed a partnership with Frank Kemp Jr., former Colorado legislator, to deal in real estate and livestock.

Etchepare was building a wide reputation in the livestock industry. He was chosen a director of the Western Wool Handlers Association, and in 1955 was named president of the National Lamb Feeders Association. His expertise on ranch operations led to his selection in the early 1960s by the Warren family to appraise the Wyoming company's holdings.

A short time after the appraisal Etchepare himself was approached as a possible purchaser. The Warrens—the senator's grandson, Francis Warren II, was president—wanted to sell—for cash. Etchepare, perhaps better than anyone, knew that the price amounted to a lot of cash, considerably more than he had in his Denver savings account. But he also knew the cash asking price was a tremendous bargain.

He went searching for partners who would want to gamble some $9.5 million on the 334,000-acre Warren outfit that spread over two counties in southeastern Wyoming and three in northern Colorado. Kemp chose not to join in the deal and the partners of 12 years dissolved their association. Etchepare found his "gamblers" in Emmett Elizondo of Grand Junction, Colo., largest sheep operator in Utah and Colorado, and Michael R. Furbush, banker-attorney then of Denver and now Las Vegas, Nev.

The purchase was announced July 25, 1963, by President Warren. The 80-year-old company had been sold to a Colorado group known as the TPL Corp., headed by Etchepare who reported plans to winter 35,000 sheep.

What wasn't announced was that Paul Etchepare, after 16 years in Denver, would pull up stakes and move to Wyoming. As a condition of their entering into the deal, the partners insisted that Etchepare himself manage the big sheep business.

The son of a Basque sheepherder agreed to try and fill the shoes of Senator Warren and his descendants. Like his predecessors, Etchepare would make a major impression on the cowpoke state.

SENATOR HRUSKA AND THE PORNOGRAPHY HEARINGS

Mr. ERVIN. Mr. President, the Washington Post of December 1, 1970, published a column by Mr. Jack Anderson which contained several comments about the subject of pornography and the distinguished Senator from Nebraska, Roman Hruska. Senator Hruska answered Mr. Anderson's allegations in detail in the Congressional Record of December 2, 1970; however, I feel I should mention one issue which Mr. Anderson mistakenly raised concerning the lack of pornography hearings by the Constitutional Rights Subcommittee of which I am chairman.

Many pornography bills have been introduced in the Senate. Two of them, S. 1705 and S. 1706, were referred to my Subcommittee on Constitutional Rights; two, S. 1077 and H.R. 11032, were referred to the Criminal Laws Subcommittee; and five, S. 2929, S. 2930, S. 2073, S. 2074, and S. 2676, were referred to the Juvenile Delinquency Subcommittee.

The Senator from Connecticut (Mr. DODD), chairman of the Juvenile Delinquency Subcommittee, and I had a conversation about these bills last year. We decided that they all involved serious constitutional questions and should be the subject of extensive hearings before the subcommittees acted formally on them. Also, we decided to have our two subcommittees hold joint hearings on all the bills referred to our subcommittees.

As Mr. Anderson says, the pornography hearings were never held by the subcommittees, but there is no single reason for this. Actually, Senator DODD and I both suggested several dates and prepared witness lists, but we could never finally get together for a definite time. Also, Senator DODD suffered a heart attack, and he was running for re-election last year. These factors alone made it difficult enough to hold joint hearings because of the length of time he had to be away from Washington. But even more importantly, both subcommittee staffs were busy last year with hearings and work on many different bills and subjects. Actually, my Subcommittee on Constitutional Rights had to cancel its major investigative hearings of the year on computer data banks and privacy because I had to be on the Senate floor discussing the equal rights for women amendment.

While it is true that Senator HRUSKA was a member of both of these subcommittees, to my knowledge he did absolutely nothing to prevent these subcommittees from holding hearings on pornography. Actually, I knew Senator HRUSKA was a cosponsor of Senator Dirksen's bill S. 2074, so I always assumed he would welcome hearings. Additionally, my staff informed me that Senator HRUSKA had Malcolm Hawk of his staff to request the Subcommittee on Constitutional Rights to hold hearings on pornography. Of course, the staff was not able to comply with this request because of the factors mentioned above.

Mr. Anderson says specifically in his column that the pornography hearings were held up at Senator HRUSKA's request. This could not possibly be true because he would have had to request this of me. He never did. So, as far as the Constitutional Rights Subcommittee is concerned, I am sure that Mr. Anderson is glad to have the truth about Senator HRUSKA and the pornography hearings from the only member of the Constitutional Rights Subcommittee that could give it to him. And I know that Mr. Anderson will want to correct his mistake in a later column.

BUREAUCRATS SHOULD FOLLOW LAWS, NOT MAKE THEM

Mr. GOLDWATER. Mr. President, last week I disclosed the shocking failure of a Federal hearing examiner to afford the State of Arizona with the barest standards of civilized fairness during the course of a welfare compliance proceeding involving the welfare payments of 82,000 Arizona citizens. There are numerous grounds on which the Government examiner violated Federal law and the U.S. Constitution.

He refused to consider and rule upon the legality of regulations issued by the Department of Health, Education, and Welfare even though a Federal statute clearly required him to do so. He did not even make findings on all material issues of fact, such as the question of how many welfare recipients and how much money were affected by the issues in controversy. Nor did he state what might be an appropriate means of enforcement in the event his superiors determined any sanction was necessary. And he conducted the entire proceeding under the unconstitutional guise of withholding Federal funds for all aspects of the State cash benefits program.

Mr. President, these lapses cast an unconstitutional and illegal pallor over the entire hearing and serve as reason enough for declaring the first proceeding null and void. But compounding this error was the stubborn refusal of the hearing officer to apply the obvious intent of Congress as spelled out in the welfare law.

Frankly, it is my impression that this bureaucratic official acted as if Congress did not even exist. In fact, he displayed what has become an all too prevalent bureaucratic attitude that holds agencies can write the law by administrative fiat. It is my purpose today to expose this aspect of the Arizona welfare crisis and to take the middle-level bureaucracy to task for attempting such a flagrant invasion of the constitutionally assigned powers of Congress.

For make no mistake about it. What has happened in this instance does not involve merely a struggle between one State and the Federal Government. This conflict is present, of course, and the defense of States rights is very much at stake. But beyond the conflict between Arizona and HEW is an equally important dimension which affects each Member of this Chamber.

Will we sit by while a few middle management Government employees take it upon themselves to rewrite the laws passed by Congress? Will we complacently allow Government workers to contradict and deny the intent of Congress by issuing regulations which implement their own policy but stray from the true purposes of Congress?

In other words, we must ask ourselves, "Who really writes the law?" Are we ready to turn this function over to employees of Government agencies or are we prepared to insist that it is Congress who sets the policies and standards which shall guide the Government's programs?

Let me get down to specifics. There are three issues remaining in difference between Arizona and the Department of Health, Education, and Welfare. One involves the decision of Arizona to discontinue the welfare payments of recipients who depart from Arizona for more than 3 consecutive months. The second raises the question of whether Congress intends the States to use "net" income or "gross" income in calculating the base income of welfare applicants. And the third relates to the demand by HEW that Arizona establish an advisory committee made up of a substantial number of people on welfare and their representatives.

Turning first to the residency issue, we should note HEW does not even purport to be carrying out the will of Congress. Rather someone along the line set himself up as a junior Supreme Court by deciding the Constitution demands that once a person qualifies for welfare aid in a State he can continue to get that aid indefinitely after he leaves.

There is absolutely no judicial decision announcing this rule, but HEW is trying to jam it down the throat of Arizona as if it is a well settled principle of law. The HEW employees claim they are responding to the decision of the Supreme Court in *Shapiro* v. *Thompson*, 394 U.S. 618, but this case is not on point at all.

It is true the Shapiro case related to welfare assistance and the effect of State residency requirements. But Shapiro was exclusively devoted to the denial of benefits to newcomers of a State, not individuals who leave a State.

In fact, if the rule of Shapiro would be applied according to the interpretation HEW gives it, this case would represent the strongest reason for rejecting the HEW regulation and upholding the State one.

What happened in the Shapiro case is that the Supreme Court held the denial of welfare benefits to residents of less than 1 year creates an improper classification which denies them equal protection of the laws. Citizens who resided in the State less than a year were denied welfare aid, and citizens who resided more than a year were granted it. In the view of the Court, this classification penalized the free movement of citizens across State lines; and, since it was not shown to serve any compelling governmental purpose, it was unconstitutional.

There are two important aspects of this decision which distinguish it from the distorted interpretation HEW has developed. First, the State laws considered in Shapiro made the difference between the ability of needy families to receive any aid or none at all. Second, the Court repeatedly stated its decision applied to "newcomers" or "new residents" who entered a State. There was no consideration of people who left a State.

With these facts in mind, it is apparent HEW's administrative "judges" have erred in flip-flopping the Shapiro case on its head. What HEW has done is to take a holding designed to protect newly arrived citizens and applied it to individuals who leave the State—exactly the opposite situation from the one the case was intended to cover.

To me, the Supreme Court's decision would reasonably mean that a citizen leaving one State would become eligible to apply for and receive benefits in the new State he entered. All he has to do is entertain an intent to remain in the State he enters. For someone who is absent from his former State for 3 consecutive months, this should not be a difficult thing to do.

But instead of pursuing this direct and

commonsense interpretation, HEW has performed legal gymnastics by determining it is the State from which a person has departed that must continue his payments.

It would be reasonable to understand if HEW was seeking to persuade the new State where the applicant is actually living to provide benefits to him. But, instead, HEW is going after the State where an applicant used to live and from which he has been absent for 90 consecutive days.

This directive greatly enhances the opportunities for fraud and thereby adds to the administrative burdens on our already overtaxed State welfare authorities. If a person can easily be eligible for welfare benefits in more than one State at the same time, then every State where the individual holds a past or present connection will find it necessary to regularly communicate with each other before making any payment. Otherwise, it will be impossible to know if double payments are being made.

The need to safeguard against fraud is certainly a compelling State interest, as is the purpose of preventing the dilution of funds needed for assistance to citizens of the State who have not left and are wholly unable to receive benefits in any other State.

Let us remember, if HEW is correct in its contention the Shapiro decision holds "that durational residence requirements in public assistance programs are unconstitutional," then persons who leave Arizona will not lack the means to subsist. They can obtain assistance in their new State. And, so long as they can fall back on welfare assistance somewhere, their mitigation to other States will not be unreasonably impeded.

Thus, if the Arizona physical presence statute is construed to carry with it a purpose of withholding assistance only from those who can establish their eligibility in another State, it can in no way run afoul of the Supreme Court's ruling. Similarly, the statute might be construed to discontinue assistance only to persons who have actually lost their residence in Arizona.

Accordingly, there are at least two grounds on which the Arizona statute can be found to be perfectly compatible with the Constitution and welfare law. In the first place, the courts have never ruled on the question of individuals moving out of a State; and until they do, no one can state with certainty how the judiciary will determine the matter. For a bureaucrat to put the State of Arizona at the mercy of his own construction of judicial law is downright monstrous, and this issue could well be dropped by the Government. In the second place, even if the Supreme Court does mean for the same test to apply to a law affecting absent claimants as it does to one affecting newcomers, it would be simple to construe the statute in a constitutionally permissible manner by limiting its scope to persons who can receive aid in another State or who have become a resident of another State.

This brings me to the remaining two issues. Once again, I must protest the tortured logic of the Government's position.

Take the controversy over the correct test to use in determining the actual need of welfare applicants. Here we have a set of regulations which solely affects employed persons. But the differences between them hide one of the most basic questions of philosophy surrounding the whole welfare program—are we ever to help people off welfare or is the system designed to perpetuate a lifetime of reliance on public aid?

HEW claims the proper way to decide whether an employed person is still in need of public assistance is to first deduct the Federal allowances from his "gross" income and then to deduct his work expenses. Arizona contends his "net" income should be calculated before deducting the Federal disregards. The welfare act itself says the State shall make the Federal deductions from "earned" income.

Who is right in this strange linguistic contest? Well, I believe there is no question but that the State is correctly interpreting Federal law.

Here is why. If we use the sequence of deductions put forth by HEW, there will be a double exemption given to part of an individual's income. The same amount will be deducted twice.

For example, we can examine the case of a person with an income of $300 a month. This is about the minimum wage level. In determining his degree of need, Arizona would first deduct any expenses reasonably attributable to earning his income, let us say $40. This leaves $260 from which Arizona would next subtract $30 a month as required by Federal law. We now have $230 left over, of which Arizona would disregard one-third. The remaining sum, which in this case is $153, would determine whether the individual's earnings were low enough for him to receive continued welfare assistance and, if so, the amount of that assistance. The important thing to note is Arizona has subtracted his expenses before making any other calculations.

Now, HEW would turn things around and deduct his expenses last. In this example, HEW would deduct the Federal allowance of $30, then take one-third off of the remainder, and finally subtract the expenses. The sequence would be $300 minus $30, minus the one-third allowance of $90, minus the work expense of $40. As a result, the person's original income is reduced to $140. His income would appear to be $13 lower each month under the Federal test than it would under the State one.

And yet, the same deductions are made in each instance—the $30 disregard, the one-third disregard, and the work expenses. But the Federal standard distorts the result and keeps people locked onto the welfare rolls because it deducts the same income twice. HEW would always deduct an extra one-third of the work expenses. This would occur once when the regular one-third allowance is subtracted. Then when the work expense itself is deducted, the same amount would be disregarded a second time.

Mr. President, it is my belief Congress did not intend anything so ridiculous. The law is quite clear the $30 per month allowance is to be subtracted before the one-third allowance so that it will not be deducted twice, and I think Congress wished the same commonsense approach to be followed in disregarding an individual's work expenses.

The HEW regulation is so illogical it would allow persons with above average incomes to receive welfare aid. Take a self-employed individual whose total income is $3,030 a month. If his work expenses come to $2,000, so that his true net income is $1,000 a month—or $12,000 a year—he nevertheless would be considered to be poverty stricken by HEW. In fact, under the HEW formula, his income would be zero.

Yes, zero. HEW would subtract $30 from $3,030, then deduct $1,000 as the one-third allowance, and then take off another $2,000 for his work expenses. The result is zero.

The Arizona test is more realistic because it would show the individual's remaining income to be $667 a month, taking him out of the welfare category, as he should be.

Mr. President, the faults of HEW's regulation are so obvious and extreme, I must wonder how anyone could ever have dreamed it up. The only answer I have is that some employee of HEW felt it would suit his own predetermined policy, regardless of its logic. In my view, this guideline should be shot down quickly and its author reprimanded for all the crisis he has created over a ridiculous, illogical practice.

This leaves but one regulation in question. It, too, lacks any plausible basis under the law.

Here the Government is trying to force upon the State the establishment of an advisory committee consisting of people on welfare and their representatives. The welfare recipients themselves are supposed to sit down with State authorities and be allowed to participate in policy development and program administration of the dependent children program.

But nowhere in the welfare law is there any such requirement. After a thorough examination, I can report there is no provision of law which specifically or impliedly requires the establishment of advisory committees under the cash assistance programs.

It is my feeling that if Congress had wanted the States to set up advisory committees it would have said so in plain language. This construction is fortified by four sections of law I have uncovered in which Congress has referred to advisory committees in a permissible, not mandatory, manner. These provisions were first added to the Social Security Act in 1968, and they probably have been overlooked by the HEW employees who drafted their inconsistent regulation.

The language is the same in each instance and it simply states that a State plan for aid to each program must provide for the use of volunteers "in assisting any advisory committees established by the State." This reference appears in the law under the old age, blind, disabled, and dependent children programs—Social Security Act, sections

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2(a)(5)(B), 402(a)(5)(B), 1002(a)(5)(B), and 1402(a)(5)(B).

In no case does the law say a State has to create an advisory panel under these four programs. It merely requires that if the State should establish one, it must provide for volunteer help to it.

The clincher in finding congressional intent is the entirely different choice of words Congress used when it wanted to create advisory panels for the Day Care program. In this instance, Congress stated plainly that the Secretary of Health, Education, and Welfare should find each State plan provides, with respect to day care services, for an advisory committee—Social Security Act, section 422(1)(C).

It is especially significant this language was included in the same statute—Public Law 90–248—by which Congress added references to advisory bodies under the cash benefits programs. The fact Congress spelled out its wish to establish advisory committees for day care services, but chose to speak in permissive terms in the case of all other programs, creates a strong indication of Congress' meaning.

However, the lack of any specific grant of authority from Congress has not by any means deterred HEW. The Government bureaucrats rely upon a vague section of law which reads:

> A State plan for aid and services to needy families with children must—
>
> (5) provide * * * such methods of administration * * * as are found by the Secretary to be necessary for the proper and efficient operation of the plan * * * (Social Security Act, section 402(a)(5).)

XUM

Mr. President, I have already proven it would be a violation of congressional intent should HEW seek to require the establishment of advisory committees. But even had Congress not expressed its will, section 402 would not lend HEW one bit of support in this matter.

The section expressly restricts the Government to issuing rules which are "necessary." There has never been any finding, or statement of reasoning, however, by HEW which asserts advisory committees are "necessary" to the operation of the dependent child program. The most HEW has come up with is that it would be of "considerable assistance."

Accordingly, the Government is without a leg to stand on in its effort to put this regulation across.

In summary, Mr. President, I believe the HEW regulations are ill-considered and unfounded interpretations of the welfare law written by Congress. To my way of thinking, someone in a chair of authority at HEW should be quick to see the errors in the Government's position and this deplorable exercise in administrative lawmaking should be nipped at the bud.

In my book, bureaucrats should follow the law, not make it.

EFFECTIVENESS OF THE F-111 WEAPONS SYSTEM

Mr. TOWER. Mr. President, I wish to affirm again today my belief that the F-111 weapons system is vital to the continued effectiveness of our national defense. Recently the capability of the aircraft was demonstrated at the Strategic Air Command combat competition at McCoy Air Force Base in Orlando, Fla. Two FB-111's captured the top positions in the competition. For the first time in the history of the competition, an aircraft weapons system won before the aircraft had become entirely tactically operational.

In order to point out to the Senate the potential of the aircraft as a part of our defense system, I ask unanimous consent that an article about the competition published in the Omaha World-Herald, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UGLY DUCKLING PACES SAC BOMBERS

(By Howard Silber)

ORLANDO, FLA.—An ugly duckling was transformed Thursday into the beautiful bird of the Air Force.

The transformation began Sunday when two FB111 bombers were entered in the Strategic Air Command combat competition which was flown from McCoy Air Force Base here.

It ended with an announcement Thursday that the controversial plane had won an important part of the contest.

The FB111, which closely resembles and has shared many of the problems of the trouble-plagued F111 fighter-bomber, was declared the winner of the SAC bombing trophy.

The two swing-wing SAC planes competed against 27 SAC B52s and two Vulcan bombers of the British Royal Air Force in a test of precision bombing that was scored by radar.

FB111 VICTORY

The two-man FB111 crew of Lt. Col. Robert S. Russell, Paterson, N.J., and Maj. Arben R. Ely, Portland, Ore., scored the highest point total.

SAC's FB111 unit, the Ft. Worth-based 340th Bomb Wing, could not compete for the big prize, the Fairchild Trophy, because it does not yet have tanker aircraft, and an exercise in tanker navigation is one of the requirements.

In fact, the FB111 will not officially become part of the deterrent force until the middle of next year. The current mission of the 340th is testing the new bomber and training crews to fly it.

UNPRECEDENTED

The entry of the FB111 in the competition was unprecedented in that the contest which began in the 1950s had never before been opened to aircraft which were not available for tactical use.

SAC did not deny that the FB111 was entered in the hope that it would win at least part of the competition and, thus, begin to overcome a serious image handicap.

The bombing trophy victory was a big plus for an aircraft which has encountered many minuses, including the grounding of the entire fleet of more than 400 F111s and FB111s for the most rigid testing program ever undertaken by the Air Force.

The planes were grounded after a series of crashes.

OVER THE HUMP

Gen. John D. Ryan, Air Force chief of staff and a defender of the plane, arrived here shortly after the announcement was made. "We are over the hump," he said. "This is going to be a real fine airplane for us."

Gen. Bruce K. Holloway, SAC commander-in-chief, was equally enthusiastic. "The FB111 is working very well," he said. "It represents significant technical advances in electronics and bombing and navigation systems."

The SAC chief was an early project officer for the TFX, which became the F111 and the SAC variant, the FB111.

HAPPY CREW

Perhaps the greatest enthusiasm was demonstrated by the two 35-year-old members of the winning crew. Russell and Ely were assigned to fly an airplane which is regarded by some persons and, the said, even their wives—as unsafe and unreliable.

But they insisted that the plane has been maligned.

"It is simply magnificent," said Russell. "It does just about everything for you. It is the only plane that SAC has that can do the job."

Russell said that by "the job" he meant the penetration of Soviet air defenses.

"Structurally it is small. It isn't seen easily on radar. It flies very low and very fast," Russell explained.

The FB111 can move in on a target at a level of 200 feet above the terrain—too low to be readily tracked by radar, the pilot said.

Ely, the navigator-bombardier, described the plane as "the finest there is from the standpoint of being capable of doing what it was designed to do."

Present plans call for SAC to receive 70 operation planes along with a few spares and training aircraft.

ROBERT W. BENNER, FORMER MARYLAND DELEGATE

Mr. MATHIAS. Mr. President, Members of Congress are, or ought to be, acutely aware of the great contributions made to the Nation by our colleagues in State legislatures. While we exercise the delegated power authorized by the Constitution, they are dealing day by day with the life and death—dollars and cents—blood and tears—aspects of the lives of the American people.

Since a typical State legislative constituency is generally less populous than that of Congress, and since at least 48 State capitals are closer to those State constituencies than is Washington, State legislators are able to be in closer and more immediate contact with the people whom they represent. This is a privilege, but it is also a challenge of the highest order. In the State of Maryland, we have a fine record of public service in the legislature, but none finer than the record of Robert W. Benner. When he was chosen to be a member of the House of delegates, he brought with him the knowledge, experience, and maturity gained from a lifetime of prior public service. But, even more important, he brought with him a sense of dedication and humility.

It was my honor to join with him in several instances in projects affecting the needs of the people he represented and I can personally testify to the forceful and vigorous character of his advocacy. He also understood the educational role, implicit in public service, and was alert to national developments which needed translation into thought or action at the local level. One of his significant interests was the creation of a center for senior citizens to fill a growing need in the changing social and economic patterns of the seventies. His death on December 3 is a loss that will be felt by his friends and neighbors, together with the wider community which knew, admired, and respected him.

His biography, as it appears in the Maryland Manual, follows:

Robert W. Benner, Republican, Calvert County, Maryland; born in Doylestown, Pa., June 17, 1901. Attended Washington, D.C. public schools; George Washington University; American Institute of Banking; Wisconsin School of Accountancy. Real estate broker. Retired staff assistant to U.S. Secretary of the Treasury and economic advisor to U.S. Small Business Administration. Vestryman, All Saints Episcopal Church, Sunderland. Chairman, Calvert County Area Redevelopment Committee. Charter member and director, Calvert County Chamber of Commerce. Member, Calvert County Board of Trade. Chairman, Calvert County Blood Program. President of Board, Calvert County Nursing Center, Inc. Member, Kappa Alpha; Masons. Married. Member of the House of Delegates since 1963.

SCIENTISTS, SATURDAY NIGHT, AND THE SST

Mr. GOLDWATER. Mr. President, earlier this month in the debate on the supersonic transport appropriation, I commented on half-truths and untruths emanating from a certain segment of the scientific community relative to what effect the development of the SST might produce. Since that time, the distinguished Senator from Illinois (Mr. Percy) has sought to refute my remarks by placing in the Record the names of six scientists who unanimously opposed this Nation's research and development project in the field of supersonic transportation.

Senator Percy assures us that the men he named are highly reputed in the scientific community and seems to think that this fact alone is sufficient evidence that some prominent scientists have not been acting—in my own words—like "some girls on a Saturday night."

With all due respect to the renown of the scientists mentioned by the gentlemen from Illinois, I feel I must point out that they are representative of the left-wing spectrum of the scientific community which sparked the drive against the SST and from which we heard all those ridiculous claims that a vote for the SST was a vote for skin cancer, for the possible melting of the polar ice cap, for the final, and fatal pollution of the earth's atmosphere, to name just a few.

For all the renown of the men mentioned by Mr. Percy, I should like to point out that they represent that part of the scientific community which has been so wrong so often in its predictions of what the United States could or could not accomplish technologically and in predicting the possible result of American efforts.

The scientists most active in opposing the SST were also active in opposing Senate passage of the ABM, which they said we could not build successfully. Needless to say, they were 100-percent wrong.

Also, the scientific enemies of the SST include some scientists who were doubtful some years ago that we could even travel beyond the speed of sound without dire consequences. And this is the part of the scientific community also from which technological opposition to the development of the H-bomb came. The argument then was similar to the one used against the ABM—that it could not be perfected without tremendous danger to the entire world.

All of this brings me to the point of my remarks this morning. It is to place in the Record a statement endorsing the SST which was prepared by Dr. Edward E. David, Jr., the President's science adviser, and signed by 34 prominent and responsible American scientists. I did not want Senators to be left with the feeling that all the important brains in the scientific community were represented by Senator Percy's six names. I ask unanimous consent to place in the Record a news release from the Department of Transportation listing those members of the scientific community who believe that the Senate action denying funds for the SST represents the wrong approach in dealing with technology.

There being no objection, the news release was ordered to be printed in the Record, as follows:

Scientists Endorsing SST

The following statement, prepared by the President's Science Adviser, Dr. Edward E. David, Jr., has been endorsed by a group of distinguished American scientists who opposed the action of the United States Senate in denying funds to continue experimental work on the Supersonic Transport Aircraft:

"The recent Senate Action denying funds for experimental work on the Supersonic Transport represents the wrong approach in dealing with new technology. Our society must not suppress technological advances, but through research, development, and experimentation make sure that those advances are obtained without undesired side effects. Instead of canceling work on the SST, we should mount a vigorous program of experimentation aimed not only at solving the technical problems of economic supersonic transportation but also at assuring no undesirable effects."

The following eminent scientists have expressed individual support for this statement (affiliations are given for identification purposes only):

Dr. Harold M. Agnew, Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. Ernest W. Anderson, Iowa State Univercity, Ames, Iowa; Dr. Charles A. Barth, University of Colorado, Boulder, Colorado; Dr. Raymond L. Bisplinghoff, National Science Foundation, Washington, D.C.; Dr. Robert A. Charpie, Cabot Corporation, Boston, Massachusetts.

Also, Seymour J. Deitchman, Institute for Defense Analyses, Arlington, Virginia; Dr. Stark Draper, MIT Instrumentation Laboratory, Cambridge, Massachusetts; Dr. Eugene Fubini (formerly IBM), Washington, D.C.; Dr. Thomas Gold, Cornell University, Ithaca, New York; Dr. Robert Milton Howe, University of Michigan, Ann Arbor, Michigan.

Also, Dr. Richard H. Jahns, Stanford University, Stanford, California; Dr. William W. Kellogg, University of Colorado, Boulder, Colorado; Dr. Winston E. Koch, Bendix Corporation, Detroit, Michigan; Dr. Eric B. Kraus, University of Miami, Coral Gables, Florida; Dr. Paul W. Kruse, Jr., Honeywell, Inc., South Hopkins, Minnesota.

Also, Dr. Helmut D. Landsberg, University of Maryland, College Park, Maryland; Dr. Frank T. McClure, Johns Hopkins University, Silver Spring, Maryland; Dr. William G. McMillan, Jr., The Rand Corporation, Santa Monica, California; Dr. Ruben F. Mettler, TRW, Inc., Redondo Beach, California; Dr. Rene H. Miller, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Also, Dr. Wilbur R. Nelson, University of Michigan, Ann Arbor, Michigan; Dr. William A. Nierenberg, Scripps Institution of Oceanography, La Jolla, California; Frank A. Parker, Jr., Research Analysis Corp., McLean, Virginia; Dr. Walter O. Roberts, Univ. Corp. Atmospheric Research, Boulder, Colorado; Dr. Leonard S. Sheingold, Corporate-Tech. Planning, Inc., Waltham, Massachusetts.

Also, Dr. Chauncey Starr, University of California, Los Angeles, California; Karl V. Steinbrugge, Pacific Fire Rating Bureau, San Francisco, California; Dr. Henry S. Stillwell, University of Illinois, Urbana, Illinois; Dr. C. Guy Suits, Crosswinds, Pilot Knob, New York; Dr. Edward Teller, University of California, Berkeley, California.

Also, Dr. Frederick E. Terman, Stanford University, Stanford, California; Dr. Milton J. Thompson, University of Texas, Austin, Texas; Dr. G. L. Von Eschen, Ohio State University, Columbus, Ohio; and Dr. Eric A. Walker, Pennsylvania State University, University Park, Pennsylvania.

GROWTH FOR THE FUTURE

Mr. MATHIAS. Mr. President, George Romney is as well known throughout America for his commonsense approach to business problems as he is for distinguished service as a former Governor of Michigan and as Secretary of Housing and Urban Development in the Nixon Cabinet. His analysis of the current status of our housing industry commands attention and respect.

It is worth noting that Secretary Romney's warning of the danger to our housing industry from inflationary pressures was underscored and confirmed by a speech delivered the same day by Dr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System. Both of them saw the problem in realistic terms, and neither offered any easy, attractive cure-alls.

It is our responsibility to study closely Secretary Romney's frank assessment that the housing industry suffers at present from an absence of either effective internal discipline or absolute governmental authority, as well as his strong advocacy of the former. We need to consider all the reforms he recommends, including his call for a strengthening of our competitive enterprise policies which traditionally have underscored our unprecedented economic growth. I ask unanimous consent that Secretary Romney's speech be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Speech by George Romney

Our nation confronts problems of unprecedented magnitude because our progress has been unprecedented in its magnitude.

As Walt Whitman pointed out in "Leaves of Grass," "It is provided in the essence of things that from any fruition of success, no matter what, shall come forth something to make a greater struggle necessary."

Our tremendous success as a nation is one reason we face unprecedented problems of great complexity in our cities and rural areas, in our economy and in our social relationships.

The magnitude of our success, together with our past failures to use our proven American formula for progress, are in my opinion primary reasons for the crises we face at home and abroad.

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What is the American formula for progress? It is the adoption of basic policies by the Federal Government that will maximize private effort in achieving national goals. It was the adoption of the Homestead Act that accelerated settlement of the continent. It was the Morrill Act establishing land grant colleges that stimulated private effort to produce miracles of agricultural output. It was the policy of competition and the unique economy it gave us that produced the first nation in the history where only a minority of the people are poor. It was the policy of government insurance of mortgages that expanded home ownership.

In recent decades, as new problems arose from our "fruitions of success," we have failed to use the American formula for progress. Instead of adopting national policies that would maximize private effort, we adopted what Elliot Richardson has dubbed the "Washington Syndrome."

That's the simple-minded theory that problems just disappear when the Federal Government throws enough money and statute books at them through new government programs. Just from 1960 to 1968, the number of Federal domestic grant-in-aid programs jumped from 45 to over 435. When this Rube Goldberg bureaucratic creation didn't work, we began to add planning requirements. Planning programs have increased from 9 in 1961 to 39 at present and more are under Congressional consideration.

No wonder the President thinks it's time to quit putting good money into bad programs. What we need instead is a set of sound, up-to-date policies—not just a collection of programs or regulations.

In the department I head we are vitally interested in the development of effective government policies relating to housing, to the economy, and to community development, environment and growth.

Many of you are aware that the Congress in 1949 established the goal of a decent home and a suitable living environment for every American family. Well, we're a long way from achieving that goal, and we'll never get there unless we improve some of our policies that relate to housing. This isn't as easy as it sounds.

Our Department has instituted Operation Breakthrough to try to overcome some of the barriers that prevent us from producing a volume of housing sufficient to meet our current and rapidly expanding needs. It's true that this operation is calculated to stimulate new methods of building technology that will help us produce the tremendous volume of housing we will need in the coming years. But, that's only a part of the problem. It also aims at finding ways to adopt policies that will maximize private effort by unifying the fragmented market and cutting through the red tape that stands in the way of real housing progress.

Before you move into that new house, you should realize that the producer has not only had to contend with erecting the type of dwelling you'll be willing to buy—with the most attractive styling, the best features and arrangement, and at a price you can afford. More than that, he's also had to contend with the building code of a local jurisdiction, which may differ substantially from the code of a jurisdiction nearby, where he just finished another house. He also has had to deal for the land and get assurance of adequate utility service and curb and gutter. He must arrange for financing. All of these add to the cost of your house.

Just two months ago one of your member publications (*Automation in Housing*, October, 1970) carried an article clearly illustrating the building code problem. It quoted 1969 statistics of the National Commission of Urban Problems indicating that excessive code requirements added some $1800 to the cost of a $12,000 home excluding the lot. That's just one example of what we're up against.

One of the greatest factors inhibiting the production of housing has been the state of our inflated economy. And lest you might think I'm out of my area when discussing this subject, let me say that there is a direct relationship between inflation and housing production. Our economy has been in an inflated condition largely because of earlier out-moded economic policies.

In fact, this Administration inherited an inflationary economy that had grown out of the lack of a sound approach to economic problems.

At the risk of oversimplifying, let me say this about inflation. One basic cause of an inflation is an increasing demand for goods and services. More than enough money is available to buy less than enough goods. This is demand-pull inflation.

Demand-pull inflation can and does stimulate excessive increases in wages and prices as labor and management seek protection from such inflation. But there is also a form of wage-price or price-wage inflation that results from the lack of economic discipline.

Basically there are only two forms of effective economic discipline—competition or absolute authority. In this country we adopted the policy of competitive discipline. It worked miracles because it maximized private effort. But over recent decades we have permitted the discipline of competition to erode so that we now have neither the effective discipline of competition nor absolute authority.

Perhaps this is what the French economist, Michel Garibal, had in mind in his New York Times article of December 3 entitled, "A Warning to the Dollar." The key paragraph said, "The impression grows that, even if they wanted to, the Americans are no longer in a position to modify a policy that is getting out of control as they sink gradually into the 'permissive society.' This bodes ill, in the eyes of Europeans."

The deficiency of competitive discipline has been greatest in the collective-bargaining area, but it is also a growing factor in the pricing area.

In any event, with the erosion of our national competitive enterprise policies, we are now experiencing genuine "cost-push" inflation.

The worst type of inflation occurs when both causes operate simultaneously and that is what the Nixon Administration inherited.

Over the past two years various monetary and fiscal measures by this Administration have contributed to stabilizing the feverish rise of the rate of demand-pull inflation. Consequently, we have seen a recent lowering trend in interest rates.

But we still haven't found an effective way to gain control over the rising costs of land, labor and materials. The White House has just issued its second inflation alert, identifying specific corporate, union and governmental moves in the automobile, oil and rail industries that have contributed to rising inflation. But the cost-push phase of inflation has not been halted. We need to strengthen our competitive enterprise policies if we are to cure in a fundamental way the wage-price spiral of cost-push type inflation.

Just as competition made our economy the strongest, most productive, and most technologically advanced in the world, so too it is only the discipline of competition that will assure a continuation of our pre-eminent position. Again, the only other effective form of economic discipline is absolute authority—private or public. I am unalterably opposed to that except in the case of public utility type industries. We need, therefore, to strengthen our competitive environment in all our markets—both domestic and international. If we shrink from doing so, it is only a question of time before we will lose the economic base for our position of world leadership.

The serious weakening of competitive enterprise policies that undergird our free market economy is illustrated by the drastic increases that have been achieved in contract settlements. I believe it is essential to strengthen competitive policies, and to strengthen them in ways that reflect the major differences among the different basic types of industries and unions.

Furthermore, our present labor laws promote conflict, rather than cooperation, within enterprises. This is wrong. A company and its employees ought to work together as members of the same enterprise team, competing with other labor-management teams in other enterprises in achieving and sharing greater progress with consumers.

Our labor laws now encourage industry-wide or nation-wide monopolies in collective bargaining. Excessively powerful employer combines and excessively powerful labor unions in basic industries skim the cream off our economic progress. They fight with each other to get what each one wants—and too often the consumer gets it taken out of his pocketbook.

In the case of the construction industry, the fudamental problems are the imbalance currently existing at the bargaining table; the restrictions that unions are now able to impose on introduction of new products and the new technology; the closed nature of the construction unions; and, obsolete laws such as the Davis-Bacon Act.

I have been concerned for some time. But lately this concern has turned to alarm at the soaring inflationary wage settlements being negotiated by the construction trade unions.

In the third quarter of this year, the average construction wage settlement provided a first year increase of 22%. That's almost 2½ times the amount provided in manufacturing settlements, whose 9% increase could be called anything but modest.

The contracts from these settlements are having a direct effect on the cost of most heavy construction projects where union labor predominates, and a spillover effect on less unionized areas such as housing.

These high labor costs—together with other inflationary factors—have had the effect of pricing a steadily increasing percentage of families out of the housing market. Now most middle-income families find a new home beyond their reach, and Congress has just passed the first subsidy program to help them.

As President Nixon said in his speech to the National Association of Manufacturers three days ago, "The time is now for the construction trades and the construction industry to face up to reality—a reality where strikes and costs are limiting its own future. The Federal stake in the construction industry is enormous. Unless the industry wants government to intervene in wage negotiations on Federal projects to protect the public interest, the moment is here for labor and management to make their own reforms."

In the same speech the President proposed what could be a major step toward restoring competitive discipline in the construction industry. He called for more consolidated bargaining on an area or regional basis, and directed the Construction Industry Collective Bargaining Commission to study the possibility of appropriate legislation.

Since the fragmented construction industry, with its many small independent contractors in each community, is not suited to the traditional pattern of collective bargaining, new legislation could bind unions to bargaining with groups designated by the several employers. Contractors not a party to such bargaining negotiations could be prevented from hiring strikers or otherwise aiding the union position.

A number of additional approaches that could lead to an improvement of this frustrating situation have been suggested. These include the following:

First, new legislation is needed to keep trade unions from preventing introduction of new products or techniques and perhaps to restrict picketing of producers or sellers of such new products.

Second, we need legislation to change the restrictive practices on the entry of qualified workmen into the construction industry. This is vital to the success of any program to control inflationary wage costs in that industry.

Third, obsolete laws such as Davis-Bacon should either be repealed or modernized.

These suggestions deserve careful study. Actions such as these would be in the interest of workers, unions, employers, stockholders and customers. For some time now, we have been drifting because of outmoded, ineffective policies—a drift that, if continued, will produce pressures leading ultimately to some form of absolute authority.

For I cannot emphasize too strongly: there are only two basic ways to discipline an economy—if not by competition, then by absolute authority, public or private. And in America, absolute authority—if it comes—can only come from government.

If that happened, it would kill the competitive enterprise system composed of free labor and free management. We must not allow that to happen.

In commenting on the need for modern policies for community development, environment and growth, let me quote the words of President Nixon as he called for the development of a national growth policy.

"Our purpose will be to find those means by which Federal, State and local government can influence the course of urban settlement and growth so as positively to affect the quality of American life. In the future, decisions as to where to build highways, locate airports, acquire land or sell land should be made with a clear objective of aiding a balanced growth."

This continent was opened to settlement from sea to sea in the 19th century as private investment followed public encouragement and initiatives. But in this century the government has largely refrained from this sort of involvement. There has been a lack of national goals and national policies to achieve them.

The urbanization of America has grown largely out of individual and corporate investment decisions. Recent patterns of national growth have been characterized by metropolitan sprawl, deterioratiing central cities, and declining small communities and rural areas.

The role of the Government has been to react to the initiatives of the private sector. Too often this role has taken on a patchwork aspect and contributed to the haphazard and costly development rather than to shaping our growth.

Local governments also have followed a similar pattern with the result that streets and sewers, for example, have been installed by localities *after and where* private development had already occurred. And invariably this has been at a greater cost and without regard to other development in a rapidly urbanizing area.

In other words, what we have had for the past several decades is non-policies. We have reacted when we should have acted.

These non-policies have contributed to a fragmentation of governmental responsibilities among small units of government. In the average Standard Metropolitan Statistical Area there are 91 government units. Think of it! An overall metropolitan problem might end up with 91 separate approaches. But even that high figure pales into insignificance when you realize that the Chicago SMSM—the most complex of all—contains 1,113 separate autonomous units of government!

The Federal Government has reacted, there's little question about that. But Federal response to these problems has taken an *ad hoc* form and has resulted in a proliferation of categorical grant and planning programs. In the current fiscal year, for instance, there will be $27.6 billion in assistance to State and local governments through over 400 categorical programs and 39 planning programs.

Now it's a simple matter for us to look back critically, and often smugly, from our present position and say, "This is what we *should* have done." The important consideration is, what should we do *now*?

The record of our past responses demonstrates the need for a national policy for community development, environmental protection, and economic development and growth. But we must insure first that the policy is the result of a partnership among various levels of government and between government and the private sector, and, second, that it strengthens state and local governments.

Private investment will and should continue to play the dominant role in shaping our environment. I am unalterably opposed to suggestions that this be changed. But public policy and investment—whether Federal, State or local—should take the lead. And that policy leadership should be according to a rational development-planning process that recognizes the realities of private investment decision while reflecting broader public objectives.

The policy should also be a balanced strategy permitting both the influencing of private investments and the setting of priorities in the investment of public resources. It should establish a planning and development framework which recognizes present social and economic trends. It should bring into balance metropolitan and non-metropolitan population growth. It should organize and rationalize suburban growth. It should recognize that suburban living is clearly the increasing choice of a majority of Americans. It should stimulate communities that show growth potential. And it should effect a change in the trends toward the increasing isolation and concentration of minority groups and the poor in metropolitan centers and older communities, polarization of the races, and hardening resistance to equal housing opportunity.

Building a nation is something like building a house.

I once saw a house that had been built haphazardly over a number of years. As the family grew, new rooms were tacked on without regard to any overall plan. To get to the bathroom from a certain bedroom one had to go through the living room and kitchen.

That house was not unlike some areas in our country. But a well-planned house can be a thing of beauty and order—and so can a well-planned community and nation.

A great challenge for us today is to provide for orderly national growth. This will require national policies of community development, environment and growth that will strengthen state and local governments and maximize private effort.

I believe we will rise to this challenge—to plan and build a nation whose communities and environment will enhance the quality of life for all Americans—just as we previously met the challenge of conquering the continent and creating an affluent society.

THE SOVIETS AND THE SST

Mr. GOLDWATER. Mr. President, when we were debating the commercial aspects of an American research and development program for a supersonic transport, the critics of the SST were always quick to scoff at the idea that the Soviet Union wanted to produce such an aircraft for export.

The opponents of the SST program seem to believe that Russia's efforts in this direction were primarily a prestige gambit to equal the British-French Concorde. There was never any tendency to take seriously claims that the Soviet Union is out to capture a big chunk of the commercial aircraft market, not only in Western Europe but in the United States.

For those who still wish to doubt, I call attention to the fact that Aviation Week and Space Technology magazine, published by McGraw-Hill, has published two four-color ads this year from the Soviet Aviaexport Organization. One of the advertisements was promotion for the YAK-40 STOL in the international market and the second advertisement offered the Russian TU-154 trijet airbus.

Mr. President, this activity in the American commercial aviation market is surprising and significant in itself. But the clincher will come on December 28 when Aviation Week & Space Technology is scheduled to run its third Soviet plane advertisement. It will feature—guess what: the TU-144, or the Soviet offering in the world's supersonic transportation race.

SHOW TRIALS OF JEWS IN SOVIET UNION BEGIN TODAY

Mr. SCHWEIKER. Mr. President, according to news reports from the Soviet Union, today is the start of trials in Leningrad of 33 Soviet Jews accused of anti-Soviet activities.

These trials, Mr. President, represent in my opinion the latest chapter in the long, bitter Soviet campaign to oppress the Jews of the Soviet Union and to crack down on those Jews, especially the young, who have come forth in recent years to demand their human rights.

This past summer 12 persons, nine of them Jews, were arrested as they boarded an airplane in Leningrad. They were charged with treason, for attempting to leave the country, and hijacking. In an obviously well-coordinated raid, other Jews throughout the Soviet Union that same day had their homes searched, were rounded up for police questioning or were actually arrested. These persons have been active in the new movement among Soviet Jews to seek emigration visas to Israel and to press for their full religious and cultural rights within the Soviet Union.

Now these persons, and others arrested since the summer for similar reasons, are facing trial in the Soviet Union in a "show" atmosphere.

Mr. President the plight of the Soviet Jews, and the denial to them of basic religious, cultural, and political rights, should be a concern touching all of us in this Nation. We must voice our concern once again with this problem and remind the Soviet Union that at these forthcoming show trials the eyes of the world will be focused on Leningrad.

Mr. President, on November 24, I was privileged to address a mass meeting, protesting these Soviet trials, held at the National Cathedral in Washington. Some

2,000 persons attended, and I was honored to share the platform with many distinguished national leaders, including the distinguished Senator from New York (Mr. Javits) and the distinguished Senator from Connecticut (Mr. Ribicoff). Since my remarks at that time deal further with the Soviet Jewish problem, I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Schweiker

It is a real honor for me to take part this evening in this historic gathering. We have come together, as people of many different faiths, to this great National Cathedral in our Nation's Capital. We are here to show that we, as Americans of all religions and creeds, believe in justice and freedom for the oppressed Jewish community of the Soviet Union.

Today in the Soviet Union, Jews, especially young Jews, are standing up to demand their own rights. They will no longer let themselves be assimilated into the monolith of Soviet society. They want to live as Jews, with their religious observances and their cultural heritage given respect and freedom. And many of them have applied to leave the Soviet Union and emigrate to Israel, an act which exposes them to the risk of a prison sentence.

A few years ago, a well-known book was published, calling the Jews in the Soviet Union, "The Jews of Silence," which, at that time, they may have been. But today they are raising their voices, and their brethren in this country and around the world are doing it too. In my home state of Pennsylvania there have been many public demonstrations in recent months, and I am sure there will be more meetings in the future. I am proud to join in this effort, lending my voice to the many that are being raised in Pennsylvania in this community and across the Nation.

The time to raise our voices is right now. There are reports that the Soviet Union may be planing "show trials" in Leningrad for 50 Jews who were rounded up this summer and accused of anti-Soviet activities. What were these anti-Soviet activities? In most cases, these people simply went and asked for visas to leave the Soviet Union.

We in America are, fortunately, far removed from this type of oppression. Our national life has always afforded us the freedom of religion. It was this religious freedom that brought my ancestors, the Pennsylvania Dutch Schwenkfelder sect, to this country in the 1700's. But we cannot be complacent. The history of other countries compels us to be on guard for injustice and oppression, based on religion. The Jewish experience in Europe—from medieval times up to modern times—should be warned enough for us about what is happening now, inside the Soviet Union. Injustice and oppression are what they are, wherever they exist and whoever are their victims.

I call upon the Soviet Union to cease its harassment of Jewish citizens, and permit all those Jews to emigrate who desire to do so. For the Jews that will remain, the Soviet Union must improve the religious and cultural climate for them. It is time that the Soviet Union joined us on the side of humanity and on the side of mankind.

Mr. SCHWEIKER. In addition, Mr. President, this morning's Washington Post featured a most timely article on the recent visit to the Soviet Union by Lawrence Speiser, Washington director of the American Civil Liberties Union. The purpose of Mr. Speiser's visit was to try to assist and meet with the Jewish prisoners and their families involved with these trials.

The article describes Mr. Speiser's first-hand experiences and observations in the Soviet Union on the eve of these trials. Unfortunately, the article describes both the mood of life in the Soviet Union for its Jewish community on the eve of these trials, and the obstacles Mr. Speiser encountered when he tried to be of help. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Concern for Russian Jews

(By Michael Kernan)

Lawrence Speiser failed in his attempt to attend the Leningrad trial of several Jews accused of hijacking a plane, but he got a close look at the nervous life that some Jews lead in the Soviet Union.

Speiser, Washington director of the American Civil Liberties Union, flew to Leningrad last month at the request of B'nai B'rith, a Jewish cultural organization.

"The date of the trial was changed while I was in the air," he said, "and set for Dec. 15. I decided to try and see as many families of the arrested people as I could, to let them know that a lot of people on the outside were watching these events."

The events he spoke of came with a rapidity that suggested careful organization.

On June 15 while a scheduled 12-seater plane waited at Leningrad's Smolny Airport, 12 persons were arrested before they could board. The charge was treason, which in Russia can be an attempt to flee the country.

Within the hour, Speiser said, about 40 homes were searched—with search warrants—from Riga to Kharkov. In some cases the searches of one-room flats took 12 hours. Arrests followed, some as far away from Leningrad as Odessa. The charges, reduced later from treason to anti-state activities, apparently were connected with the fact that all those arrested had tried to promote Jewish cultural identity, defying government efforts at "Russification."

There was some suspicion, in fact, that the plane incident had been an entrapment, because eight of those arrested were Jews from Riga who already had been turned down for exit visas. They had planned to take the plane and abandon it at the Soviet border.

"I speak no Russian or Yiddish," said Speiser, "but I had some things written out phonetically. The first thing was the phones; it took me two hours to figure out how a pay phone works there. Then I called the families of the arrested men, and they hung up immediately. I kept trying, and after three or four calls I got through."

His first meeting was with a prisoner's wife and English-speaking friend by the statute of Pushkin on the Arts Circle. Next there was a two-hour walk on Mars Field, a Leningrad park. The following night he met six prisoners, relatives in the warmth of an apartment reached by dizzying indirection via subways.

"It was a two-room flat," Speiser said, "so small we sat with our knees touching. We talked in soft voices. They always kept a record player or radio on. Some of the wives were as young as 22, and they had their children there, never more than two in a family."

Speiser flew to Moscow to see high officials in the Ministry of Interior Affairs, which was running the show, but he had no luck. Meanwhile, he became increasingly candid about his interest in the fate of the Jews to be tried.

At first he had no trouble extending his visa to Dec. 18 and changing his itinerary to return to Leningrad for the trial on Tuesday. But Friday night, when he returned to his hotel, his Intourist guide, who had been waiting eight hours for him, took him to the deputy Intourist director, who said the extension was impossible.

Made cautious by this brusque efficiency, Speiser instead took the plane to New York that night.

ARTICLE II AND III OF GENOCIDE CONVENTION IS NECESSARY TO UNDERSTAND THE INTENT OF THE TREATY

Mr. PROXMIRE. Mr. President one of the many arguments used against the Genocide Convention is that it is vague and does not define genocide.

This argument is invalid. A review of articles II and III of the Genocide Convention shows that the convention does make itself clear.

Article II states that genocide means "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." This article then lists the acts which the treaty considers to be acts of genocide. This list includes, "killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, and finally forcibly transferring children of the group to another group."

This seems perfectly clear. The person or country who accused someone of genocide would have to prove that one of the above acts was committed with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group."

Article III lists the acts relating to genocide that shall be punishable under this convention. The list includes, "genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and complicitly in genocide." Again the burden of proof is on the accuser.

I hasten to add that if someone accuses an American citizen of genocide, that citizen, if he were in this country, would have the normal protection of our court system at his disposal.

Mr. President, the time has come for us to act on the merits of this convention, not the false and misleading rumors which surround it. The Senate should have the opportunity to debate this convention in the full public view. I again urge the Senate to follow the leadership of the Committee on Foreign Relations and take favorable action on this convention in the near future.

TOBACCO INDUSTRY CONTESTS FCC ACTION ON ANTISMOKING MESSAGES

Mr. COOK. Mr. President, I am delighted to see the tobacco industry go into Federal court contesting the FCC's action in regard to antismoking messages. As Horace Kornegay, president of the Tobacco Institute, so aptly put it

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such action makes "a mockery of the fairness doctrine."

How far can the FCC violate the first amendment?

I ask unanimous consent that the institute's release on its court action be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD as follows:

RELEASE FROM THE TOBACCO INSTITUTE, INC.

The cigarette industry today went to court to protest as "unconstitutional and illegal censorship" the Federal Communications Commission ruling on anti-smoking messages.

Horace R. Kornegay, president of The Tobacco Institute, called the decision "a mockery of the Fairness Doctrine," which he said is designed to insure access to the airwaves for both sides of a controversial issue. "The FCC action," he said, "guarantees a continuation of distorted, misleading and massive propaganda, and is a disservice to the American people and to the concept of fairness."

The FCC told radio and television stations that in effect they would be rendering a public service by continued broadcasting of free anti-smoking commercials after January 1, 1971 even though cigarette advertising will be barred from the airwaves after that date. The FCC also ruled that the smoking issue is no longer "controversial" and therefore, cigarette companies do not have the right to reply to the anti-smoking attacks.

In a petition filed today, three cigarette makers stated that the Federal Communications Commission's new ruling is a violation of the free speech provisions of the First Amendment of the U.S. Constitution, that it is not authorized by the Federal Communications Act, and that it consitutes illegal censorship.

Kornegay said that the suit was brought by Larus & Brother, Philip Morris and R. J. Reynolds in the U.S. Court of Appeals for the Fourth Circuit, located in Richmond, which has jurisdiction in the area in which these companies are incorporated or in which they maintain their corporate headquarters.

Kornegay said he has been informed that other major cigarette manufacturers are preparing petitions to intervene in the case. He said he has instructed counsel for the Institute itself to also intervene.

"There is no rational basis to single out the smoking issue for special treatment," he said. "If the FCC can rule that this issue is non-controversial, what is to prevent its ruling someday that any other public issue has suddenly become non-controversial?"

Kornegay warned that if the FCC's decision were upheld, the FCC could require broadcast licensees to make a one-sided presentation with respect to other controversial issues while foreclosing the right of the other side to reply.

EARLY RETIREMENT OF FEDERAL EMPLOYEES

Mr. CASE. Mr. President, on December 14 I introduced S. 4584 to permit the early retirement of Federal employees during major reductions in force by a Federal department or agency.

I am pleased to have the support of the National Federation of Federal Employees for the bill and ask unanimous consent that a letter from NFFE President Nathan T. Wolkomir be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION
OF FEDERAL EMPLOYEES,
Washington, D.C., December 11, 1970.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: I understand that you propose to introduce in the Senate a bill which will permit the early retirement of certain Federal employees when the departments or agencies are undergoing major reductions in force.

The bill would give employees with long service the opportunity to retire when the departments or agencies are having major reductions in force and allow the retention of employees who wish to continue to work. There is a real need for such legislation Major reductions in Department of Defense installations have been severe and for many employees the hardship of being without employment after years of Government service is a heavy catastrophe. The National Federation of Federal Employees supports wholeheartedly the objectives of your proposed bill.

The rise in national unemployment makes imperative the need for immediate legislative action and you are to be commended for your interest and initiative in the matter.

I would like to add that the legislative record should reflect that agency management should not use this bill except for the objectives intended and that any attempt to use the legislation as a device to get rid of a certain employee or employees will not be tolerated.

Thank you for giving me the opportunity to express my views on the proposed legislation.

With kindest regards, I am

Sincerely yours,

N. T. WOLKOMIR,
President.

TRADE LEGISLATION

Mr. TALMADGE. Mr. President, I wish to speak on the trade provisions of H.R. 17550. The Committee on Finance voted on two separate occasions to approve the motion made by myself and the Senator from Wyoming (Mr. HANSEN) to attach major provisions of the trade bill, H.R. 18970, passed by the House of Representatives, to the social security amendments.

The proposed trade legislation has been the subject of gross distortion. It has been subjected to some of the worst misrepresentation and the most sensational attacks that I have seen directed against any legislation during my entire career in the Senate.

We have been told that the trade legislation reported by the Finance Committee is another Smoot-Hawley protectionist tariff act. We have seen raised the specter of another great depression. We have been warned that the bill would increase consumer prices by billions of dollars.

None of these charges have been substantiated. I do not believe they can be substantiated. In any event, they are in no way related to the real issue involved in this legislation. We have not read much about it or heard much about it, but the compelling purpose of the trade bill is the protection of American jobs.

In my judgment, this legislation is not only imperative—it is very timely. It comes at a time when the U.S. economy is already in a sad state of disarray and when unemployment is already a matter of grave concern.

The time is late. Time is running out for the textile workers of this country. I shall not speak long for I am anxious that the Senate be given an opportunity to vote, to stand up and be counted on the issue of protecting the jobs of American workers.

I shall not go into all of the arguments which show clearly that we must have a trade bill or face economic disaster. These arguments have been made many times on the floor of the Senate. Each time we have pointed out the debilitating effect of textile imports upon the overall American economy.

We have shown what it has cost us in deficits in our balance of payments and in the tremendous drain upon our gold reserves. My good friend, the junior Senator from South Carolina (Mr. HOLLINGS), made an eloquent and scholarly speech on the Senate floor on December 4 in which he gave an extremely thorough analysis of the trade bill and justification for this legislation.

I shall confine my remarks to one basic issue which has been largely ignored in the national debate on trade legislation—the issue of jobs.

The forgotten man in the trade legislation debate is the textile worker, the shoeworker—the man who is trying to make a living for himself and his family.

It is a strange and sad commentary of our times that the man who all too often is glorified and exalted is the man who demands something and creates a disturbance in so doing.

Under this strange new dogma, it is considered dull and mediocre to be a working man, drawing a modest wage, and trying to be a good citizen. The man who demonstrates, breaks the law and demands a handout, by some perverse twist of logic, is somehow considered a noble American.

Meanwhile, the textile worker keeps punching the clock, going to work—when there is work, and hoping that he will not be out of a job soon. This is the forgotten man in American life. This is the man on whom we need to focus our attention in debate on the trade legislation.

This man has never been to Washington. He would never think of participating in a wild street demonstration or taking the law into his own hands. I doubt that he will ever be fully recognized by the national news media. His only claim to fame is that he is part of the American labor force.

Mr. President, I for one think this is a great tribute. I know of no more important force in the American economy than the working man.

To find out anything about the plight of textile workers who are unemployed or the men and women who have been put on short hours, we must look to local papers of North Carolina, the textile town newspapers of South Carolina, the smalltown weeklies of Georgia, or the trade papers.

News clippings from these papers show the same story being enacted all through the textile-producing section of the country.

The Charlotte News reported that Shelby Mills closed down half its plant in Shelby, N.C., permanently laying off

150 workers. Other layoffs are planned in the near future. Management says "imports are hurting the industry, and hurting it badly."

In Wilton, N.H., the story is repeated. A company spokesman said:

> We have withstood the challenge of low wage imports for the last 19 years while every other textile mill of our same type closed its door. Every appeal to our federal government from our own mill, from New England textile leaders, and from national textile leaders has been ignored and overlooked by those who could have given aid to our industry. We can no longer bridge the wage gap between ourselves and foreign imports and maintain a profit-making business. Therefore, our regretful decision to announce the phasing out of our production and business.

The closing of the Wilton plant put 125 employees out of work.

The Charlotte Observer reports the same story in Gastonia, N.C. The closing of the Burlington Mill there displaced 185 workers. Here again imports are cited as a major factor.

Mr. President, I ask unanimous consent that the articles regarding these closings be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Charlotte News, Apr. 21, 1970]

SHELBY MILLS LAYING OFF 150 WORKERS

SHELBY.—Faced with competition from foreign imports, Shelby Mills is closing about half its spun synthetic yarn division here and permanently laying off about 150 workers.

The closing affects only the section of the plant making short staple synthetic yarns used in weaving and knitting dressgoods and other lightweight fabric, a company spokesman said.

The spokesman was V. O. Roberson Jr. of Greenville, S.C., vice president in charge of manufacturing for United Merchants and Manufacturers Inc. The firm, one of the nation's largest textile companies, owns the two Shelby Mills plants here.

Roberson said that in the affected plant, the section making synthetic yarns for the carpet, drapery, and upholstery trades will continue and be expanded slightly.

The second plant, which makes fiberglass fabric used in draperies, will not be affected by the shutdown, he added.

The layoff announced will affect about a fourth of the 650 to 700 Shelby Mills employees.

Roberson dispelled rumors that the whole Shelby Mills operation here might be closed. "We have no idea of phasing out the Shelby plants completely," he stated.

Explaining the closedown and layoffs, Roberson said, "Imports (of synthetics) are hurting the industry and hurting it badly.

[From the Charlotte Daily News Record, Mar. 23, 1970]

ABBOTT PLANS SHUTDOWN OF WEAVING MILL

(By Frank Stuart)

NEW YORK.—Abbott Worsted Mills, the nation's last small vertical producer of men's worsted and blend fabrics, will close its weaving mill soon, blaming competition from fabric imports.

When it completes orders now on its books in four to six months, the weaving operation at Wilton, N.H., will shut. Abbott's sales office at 1290 Avenue of the Americas will close July 1.

The company will continue to operate its Hillsborough unit, also at Wilton, which does wool combing, synthetic tow to top converting and dyeing.

Abbott's importance to the men's clothing market rested in its small size. With only 48 looms this weaver was set up to produce fancy fabrics in small quantities that are not economically feasible for the nation's big volume producers.

It also was able to deliver a fabric in a far shorter lead time than the textile giants producing worsteds.

The mill's specialty was top-dyed fancy worsteds and Dacron polyester and worsted blends for the natural shoulder suit market. It also turned out some specials for other suit producers who needed quick fill-ins on patterned goods.

Speaking for the company in Wilton, Francis Gros Louis explained the recent growing influx of Japanese top-dyed polyester and worsted blends was a significant factor in the mill's decision to close. Earlier the mill was able to withstand pressure from worsted imports because it did not face this same competition in the blends which formed an appreciable part of its production.

There are three small worsted weavers remaining in Massachusetts and Rhode Island which operate mostly on commission work given them by various men's and women's wear sellers and a few small units producing worsted and blend uniform cloths.

In a statement to its 125 employes at its Wilton, N.H., plant, the company said, "We have withstood the challenge of low-wage imports for the past 19 years while every other textile mill of our same type closed its doors.

"Every appeal to our Federal Government from our own mill, from New England textile leaders and from national textile leaders has been ignored and overlooked by those who could have given aid to our industry.

"We can no longer bridge the wage gap between ourselves and foreign imports and maintain a profit-making business. Therefore, our regretful decision to announce a phasing out of our production and business."

BURLINGTON CLOSING GASTON MILL

GASTONIA.—About 185 employes of the Modena plant of Klopman Mills here will have to find new jobs in three to four weeks.

The plant is part of the Burlington Industries division that spins cotton-polyester yarns used in making fabric for shirts, ladies' wear, men's wear and uniforms. It will be phased out of operation in about a month, Reid A. Cooke, director of personnel for the Klopman Division said Thursday.

Cooke, who noted that Burlington recently closed a plant in Greensboro which was not in the Klopman division, said the move here is due to poor markets brought about by general economic conditions in the textiles, aggravated by excessive foreign imports. Another factor is styling changes which affected markets for polyester-cotton yarn manufactured at the Modena plant, he said.

"We really don't think this will affect the economy in this area," he said. "In fact, we have some plants that would run seven days a week if we could get the people to work."

The Klopman official said the plant closing here does not represent a mass trimming down throughout the division. "It is an isolated incident," he said.

Whitaker said no plans have yet been made regarding future use on disposition of the plant building, which has been an east Gastonia landmark since it was built in 1895.

The plant, which manufactured tire cord for about 25 years, was sold to Ranlo Manufacturing Co. in 1920 and Burlington bought it in 1941.

It became a unit of the Klopman Mills Division in 1957.

Mr. TALMADGE. I could go on and on citing examples of mill closings, of layoffs, of displaced workers. Secretary of Commerce Stans testified before the Senate Finance Committee that we are losing 100,000 jobs per year in the textile and apparel industries because of imports.

I would like to discuss in more detail one example in my own State to show what foreign textile imports can do to a community.

The town is Aragon. Aragon Mills in Polk County, Ga., was no longer able to produce and compete with low-wage foreign textiles. Because of depressed conditions in a textile industry besieged with imports, Aragon Mills closed its doors last September. Almost 500 men and women were put out on the street, without a job.

What happened in Aragon is illustrative of the 6,300 textile jobs lost in Georgia in the past year. At one point during the year, textile unemployment reached a high of 9,000. What happened in Aragon, what has been taking place in Georgia and in many States throughout the country, is the story of people. These are people who were trying to hold down a job, make a decent living, support their families, and educate their children.

Suddenly, often without much warning, they have been added to the Nation's swelling unemployment rolls.

Aragon, Ga., is a small town of 1,200 people. The town had always been heavily dependent on the mill, which had been in operation for 70 years.

Aragon, and Polk County, today, because of the loss of 500 jobs in one fell swoop, is an area that the Economic Development Administration listed in October as "an area of substantial unemployment."

Aragon is a town where people were literally driven to the food stamp program and other forms of public assistance. It is a town where unemployment compensation became the order of the day. It is a town driven to joblessness at a time when the Federal Government is spending billions to combat unemployment and additional billions on welfare for some 12,200,000 Americans.

As can be expected, some of the former employees of Aragon Mills have found jobs. Others have not. Some former employees now travel 60 to 120 miles a day to get to new work. Others have no transportation.

Let us look closer at some of the individual cases involved here.

To get a better idea of the human tragedy involved in the closing of textile mills, my office has contacted some of these individuals personally.

Take the case of a man we shall call Mr. Jones, in order to respect his privacy. Mr. Jones is 53 years old. He had what was considered a good job at the textile mill. He was a senior mechanic. Mr. Jones was fortunate. He was able to get another job with the State highway department. However, in order to continue to work he was forced at age 53 to take a sizable pay reduction. Fortunately, for him, most of his children are grown. He only has one living at home.

Now let us look at another case of a lady who is not quite so fortunate. Miss Brown, a 45-year-old lady who has never been married, has always lived at home and worked to support her mother and father. Miss Brown worked for the textile mill for more than 20 years. She has lived within walking distance of the mill and has never owned an automobile. When the mill closed, she looked elsewhere. There are no jobs nearby. There was a job available in a distant town, but Miss Brown cannot drive and had no transportation to the job. She is presently unemployed.

Let us take a look at another example. Mrs. Smith had worked in the textile plant for 19 years. Her husband still works there. He is one of the last 16 employees kept on for maintenance, but he knows his job will terminate soon.

Mrs. Smith has worked hard all her life to raise three children. Mrs. Smith managed to put a daughter in college. She is trying to help that daughter stay in college, but it is only because of a scholarship that she is able to be there at all. Here is what Mrs. Smith said:

> I'm taking home $51 a week at my new job. I drive 35 to 40 miles a day. At my job in the mill here, I was taking home $100 to $103 a week. Textiles is all I know, and it's hard for all of us in this town to adjust to other jobs. About 30 to 40 per cent of the people at the plant had a good amount of seniority. But most of all there were so many women here who made good livings. They were close to home and were able to cook supper after they got off work. Now I drive six people to my new job. It's late when we get home and have to start cooking. I wish there were some way we could get our plant back or get a good industry in this town.

Mrs. Smith insists that she does not want a handout. She said:

> If you have ever been to Aragon, you know most of us here are pretty independent.

The Mrs. Smiths of my State do not want a handout. They do want guaranteed incomes. They just want an opportunity to work and make a living and be productive citizens. They have a right to feel that the government is on their side, and not working at cross-purposes to them.

It must have been ludicrous for people who have lost their jobs because of foreign imports to see the Congress enact a $9.5 billion bill last Thursday for manpower training and to provide public service jobs for those who cannot find work in private industry.

I can see how this would be hard to understand, when the Government does not act to protect a basic American industry that is capable of providing thousands of more jobs, if given the chance.

Where is the logic in trying to protect the American worker with a minimum wage and then have him done out of a job because of unlimited textile imports from countries that produce goods at an hourly wage of 11 to 45 cents an hour, under conditions that would be illegal in the United States?

Where is the logic in putting through a multi-billion-dollar manpower development and make-work program when the government itself persists in pursuing a policy of job-destruction?

I hope that Members of the Senate will consider the forgotten American. I hope Senators will not forget that the basic and overriding issue in this debate is jobs.

The Senate, to its great credit, has voted for the past two years in favor of American jobs on this issue. In 1968, the Senate voted 55 to 31 for import quotas on textiles. Last year, the Senate passed a similar measure, 65 to 30. These were strong votes that reflected deep concern for American jobs that are being swept away by foreign imports.

We have had a similar significant showing from the House of Representatives. This year a sizable majority, 256 Members, of the House signed bills calling for controls on textile and footwear imports.

Last Thursday night, on national television, the President of the United States said the key question on the trade bill is jobs. He said his primary concern is saving jobs in America.

That is my concern. That is the purpose of this legislation.

We have had a tremendous show of force and mounting concern about the import problem. The time has now come to stop just talking about protecting American jobs and just lamenting unemployment.

We have now an opportunity to do something about it. We can act through this legislation to protect millions of American jobs and an industry that is second only to steel in terms of national security.

I hope the Senate will do so.

LAKE POLLUTION CONTROL

Mr. MONDALE. Mr. President, I wish to address myself to the funding of section 5 of the Water Quality Improvement Act of 1970, providing for research and development in lake pollution control, in the supplemental appropriations bill.

I have long been interested in these programs, and I appreciate the attention which the committee has given the budget request.

The report of the Senate Public Works Committee on the Water Quality Improvement Act stated, with reference to the inland lakes research provision:

> The committee expects that funds to implement the provision of this new research directive shall be made available from the general section 5 authorization and that implementation of this area of research will receive a high priority.

Since this act was signed into law after the Interior Department's budget request was formulated and after the House had begun its work, neither the administration's request nor the House appropriations bill took into consideration this particular section authorizing $65 million a year for this and the eight other research and development subsections.

In August, during the Senate committee and floor consideration of the public works appropriations bill, I joined with the Senator from Wisconsin (Mr. NELSON) and a bipartisan group of 15 other Senators in expressing concern that no funds had been requested for these vital programs.

I was most appreciative of the favorable comments of the distinguished chairman of the Public Works Subcommittee, the Senator from Louisiana (Mr. ELLENDER) in colloquy with Senator NELSON on the Senate floor during the August 21 debate.

The supplemental budget for the four new pollution control research programs in section 5 was sent up in September, requesting $11,885,000, including $1,985,000 for inland lake programs. For all of section 5, the U.S. water pollution control research and development program, $65 million was authorized, and $59,166,000 has been requested by the administration in the supplemental. I appreciate the committee's action in appropriating the full budget request for inland lakes, and $59 million for all of section 5, and I applaud the Senate's approval.

I feel very strongly that our inland lakes are one of our Nation's most precious resources. I also feel that the problems of inland lakes have received insufficient attention to date, even compared to the attention which has been paid to the pollution of rivers and streams. This research and development authorization with the explicit provision for inland lakes research is a major breakthrough in this respect and represents the first Federal effort toward the needs of out Nation's community lakes.

The President's Council on Environmental Quality has called eutrophication—enrichment and aging—the Nation's single most difficult water pollution problem.

In my State, we have substantial need for these programs to reduce pollution and eutrophication in the community lakes around which many of our towns and cities are built. In Minneapolis and many other communities, hundreds of thousands of citizens and their children live beside endangered community lakes. We have several research programs underway under the auspices of the State Pollution Control Agency, universities, and other agencies. The researchers have told me of their hopes for such programs as shore line management, algae harvest, and control of eutrophication. These programs need to be better supported and expanded to meet the increasing need.

I also urge continuing support of the proposed 5-year, $20 million Great Lakes demonstration programs in pollution control, of which this year's committee figure of $815,000 is a beginning. As Minnesota and other States gear up to meet increasing pollution, the full 5-year figure, and perhaps more, will be needed to preserve the largest body of fresh water in the world.

In April I also introduced the Clean Lakes Act of 1970, which would increase operational grants for pollution control for inland lakes, through aid for: waste treatment facilities, eutrophication prevention, shoreline improvement, Federal technical assistance, and Federal assistance in enforcement in affected lakes. I will look forward to cooperating with the Public Works Committee in our further efforts to protect and improve our inland lakes.

I ask unanimous consent that a table on this subject be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL WATER QUALITY ADMINISTRATION PROPOSED FISCAL YEAR 1971 SUPPLEMENTAL REQUEST

[Dollars in thousands

	Current program		Extension of current program		New program		Total	
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amoun
Research and development:								
Sec. 5(i), Oil pollution	4	$1,400			13	$5,100	17	$6,500
Sec. 5(j), Vessel wastes	1	300	5	$1,300			6	1,600
Sec. 5(l), Pesticides	8	700	36	3,000			44	3,700
Sec. 5(h), Lake pollution	22	1,400	2	1,985			24	3,385
Sec. 12, Hazardous materials	1	100	6	1,100			7	1,200
Sec. 14, Acid mine wastes	10	1,200			9	2,300	19	3,500
Sec. 15, Great Lakes	1	2,900			1	15	2	2,915
Sec. 20, Alaska villages	11	1,200					11	1,200
Planning, assistance, and training:								
Sec. 5(g)(1), Operator training	11	220			7	1,028	18	1,248
Sec. 5(g)(2), Manpower planning	3	160			1	72	4	232
Sec. 5(1), Pesticides	1	20			10	500	11	520
Sec. 5(m), Estuarine and oceanographic	9	400	10	500			19	900
Sec. 11, Oil pollution	8	100			49	670	57	770
Sec. 12, Hazardous materials	3	100			25	335	28	435
Sec. 13, Vessel wastes	1	20	2	150			3	170
Sec. 15, Great Lakes					4	800	4	800
Sec. 16, Undergraduate training					1	345	1	345
Sec. 21, Federal activities	65	1,158	77	600			142	1,758
Sec. 109, Financial study					3	300	3	300
Sec. 18, Training								
Enforcement: Sec. 11 and 12, Oil and hazardous materials					14	100	14	100
Executive direction and support: Sec. 22, Administration	148	2,000	30	200			178	2,200
Total	307	13,378	168	8,835	137	11,565	612	33,778

Supplemental: 305 positions, $20,400.

FEDERAL WATER QUALITY ADMINISTRATION SUPPLEMENTAL REQUEST

[In thousands of dollars]

	Research and development		Planning, assistance, and training		Enforcement		Executive direction and administrative support		Total	
	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amount	Positions	Amoun
Oil and other hazardous materials	19	$6,200	74	$1,005	14	$100			107	$7,305
Sec. 5(1)	13	5,100							13	5,100
Sec. 11			74	[1] 1,005	14	[1] 100			88	1,105
Sec. 12	6	1,100							6	1,100
2. Vessel wastes	5	1,300	2	150					7	1,450
Sec. 5(j)	5	1,300							5	1,300
Sec. 13			2	150					2	150
3. Training			9	1,445					9	1,445
Sec. 5(g)(1)			7	1,028					7	1,028
Sec. 5(g)(2)			1	72					1	72
Sec. 16			1	345					1	345
Sec. 18										
4. Federal licensing and permit certification			77	600					77	600
Sec. 21			77	600					77	600
5. Pesticides	36	3,000	10	500					46	3,500
Sec. 5(1)(1, 2)	36	3,000	10	500					46	3,500
6. Great Lakes	1	15	4	800					5	815
Sec. 15	1	15	4	800					5	815
7. Mine wastes	9	2,300							9	2,300
Sec. 14	9	2,300							9	2,300
8. Lake and estuarine and oceanographic pollution	2	1,985	10	500					12	2,485
Sec. 5(h)	2	1,985							2	1,985
Sec. 5(m)			10	500					10	500
9. Financial study			3	300					3	300
Sec. 109			3	300					3	300
10. Executive direction and support							30	$200	30	200
Total	72	14,800	189	5,300	14	100	30	200	305	20,400

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[1] Also includes support for sec. 12.

WHAT EXPORTS MEAN TO THE 50 STATES

Mr. MONDALE. Mr. President, the fear of nearly every economist and businessman—not to mention millions of farmers and workers—is that a protectionist trade bill will do severe damage to our exports.

We have known for some time that these exports are running now at an annual rate of nearly $43 billion, but we have had difficulty in translating this figure to something meaningful with respect to the individual 50 states.

Now, however, we have fresh data to point to the contribution which manufacturing exports make to each State. Together with the recent data from the Department of Agriculture showing the State-by-State value of agricultural exports, these figures can provide a vivid demonstration to any Senator of what exports mean to his State.

I hope this gives cause for every Senator to consider how far he wishes to go in jeopardizing these millions of dollars worth of agricultural and manufacturing exports to a short-sighted cause of protectionism.

I ask unanimous consent that the data for manufacturing and agricultural exports from the Department of Agriculture and the Bureau of Census be printed in the RECORD.

There being no objection, the data were ordered to be printed in the RECORD, as follows:

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TABLE 11.—LEADING STATES FOR AGRICULTURAL EXPORT SHARES, FISCAL YEAR 1970

[In millions of dollars]

Commodity	United States	Leading 10 States by rank										10 high States	All others
		1	2	3	4	5	6	7	8	9	10		
All commodities	6,646.3	Ill. 650.0	Calif. 555.6	Iowa 504.8	Tex. 421.6	N.C. 406.4	Kans. 314.0	Ind. 304.5	Ark. 295.7	Minn. 275.6	Nebr. 270.3	3,998.5	2,647.8
Soybeans	1,069.0	Ill. 211.5	Iowa 166.9	Ind. 100.4	Ark. 83.0	Mo. 78.4	Minn. 72.7	Ohio 65.1	Miss. 48.2	La. 29.2	Tenn. 27.4	882.8	186.2
Feed grains	995.3	Ill. 232.5	Iowa 135.4	Nebr. 100.4	Ind. 95.2	Tex. 79.7	Minn. 52.3	Kans. 51.5	Ohio 42.7	Mo. 25.3	N.C. 19.9	834.9	160.4
Wheat and flour	941.6	Kans. 183.6	N.Dak. 155.4	Okla. 71.5	Mont. 67.8	Wash. 59.3	Nebr. 51.7	Tex. 41.4	S.Dak. 33.0	Idaho 32.1	Ill. 29.2	725.0	216.6
Tobacco, unmanufactured	539.6	N.C. 293.6	S.C. 57.4	Va. 47.8	Ky. 45.0	Ga. 40.6	Tenn. 16.3	Fla. 9.9	Md. 9.4	Pa. 8.9	Wis. 3.1	532.0	7.6
Cotton, including linters	352.4	Tex. 101.4	Miss. 46.3	Calif. 46.1	Ark. 39.7	Ariz. 22.5	La. 16.9	Ala. 16.3	Tenn. 14.9	Mo. 11.4	Okla. 10.1	325.6	26.8
Fruits and preparations	341.3	Calif. 194.8	Fla. 70.2	Hawaii 15.7	Ariz. 10.8	Wash. 8.7	Tex. 7.5	Oreg. 6.8	Mich. 6.1	N.Y. 4.8	S.C. 2.5	327.9	13.4
Protein meal	322.6	Ill. 62.6	Iowa 49.4	Ind. 29.7	Ark. 24.7	Mo. 23.2	Minn. 22.5	Ohio 19.3	Miss. 14.4	La. 8.7	Tenn. 8.1	262.6	60.0
Rice	321.7	Ark. 87.1	Tex. 76.2	Calif. 75.4	La. 73.2	Miss. 8.9	Mo. 0.9					321.7	0
Tallow, lard, etc	213.1	Iowa 30.7	Nebr. 22.2	Calif. 15.3	Tex. 13.9	Minn. 12.5	Ill. 9.8	Mo. 9.3	Colo. 9.1	Kans. 9.1	Wis. 8.2	140.1	73.0
Vegetables and preparations	209.0	Calif. 58.5	Mich. 19.4	Wash. 18.7	Fla. 17.8	Idaho 16.8	Tex. 10.5	N.Y. 8.5	Hawaii 6.3	Ariz. 6.0	Oreg. 5.9	168.4	40.6
Hides and skins	157.3	Iowa 18.2	Nebr. 18.1	Tex. 13.4	Calif. 13.0	Minn. 8.2	Colo. 7.5	Kans. 7.2	Mo. 7.0	Ill. 6.3	Wis. 5.8	104.7	52.6
Meats and products (excluding poultry)	140.0	Iowa 25.2	Nebr. 10.8	Minn. 8.9	Ill. 7.6	Calif. 7.4	Tex. 7.3	Mo. 5.7	Ohio 5.6	Wis. 5.3	Kans. 4.9	88.7	51.3
Soybean oil	138.7	Ill. 27.4	Iowa 21.7	Ind. 13.0	Ark. 10.8	Mo. 10.2	Minn. 9.4	Ohio 8.4	Miss. 6.3	La. 3.8	Tenn. 3.6	114.6	.4.1
Dairy products	108.9	Minn. 35.2	Wis. 18.1	Iowa 9.4	N.Y. 8.3	Calif. 5.8	Pa. 3.8	Mich. 3.5	Ohio 3.2	Idaho 2.7	S. Dak. 2.7	92.7	16.2
Nuts	60.1	Calif. 53.2	Ga. 2.3	Ala. .8	Texas .8	Oreg. .7	N.C. .5	Okla. .4	La .4	Va. .3	Fla. .2	59.6	.5
Poultry products	55.5	Ga. 7.5	Ark. 7.3	Ala. 6.0	N.C. 5.8	Miss. 3.6	Texas 3.5	Md. 3.2	Calif. 2.8	Del. 2.5	Va. 1.4	43.6	11.9
Cottonseed oil	54.1	Texas 15.6	Miss. 7.1	Calif. 7.1	Ark. 6.1	Ariz. 3.5	La. 2.3	Ala. 2.5	Tenn. 2.3	Mo. 1.7	Okla. 1.6	50.1	4.0
Flaxseed	16.6	N. Dak. 8.7	S. Dak. 4.3	Minn. 2.9	Texas .6	Mont. .1						16.6	0

Source: "Foreign Agricultural Trade of the United States," U.S.D.A. October, 1970.

TABLE 12.—VALUE OF EXPORT SHARES OF AGRICULTURAL COMMODITIES, BY REGIONS AND STATES, AND TYPE OF EXPORT, UNITED STATES, FISCAL YEAR 1970

[In millions of dollars]

Region, State, and type of export	Wheat and flour	Rice, including paddy	Total feed grains [1]	Cotton, including linters	Soybeans	Flaxseed	Soybean oil	Cotton-seed oil	Protein meal	Tobacco, unmanufactured	Fruits and preparations	Vegetables and preparations	Dairy products	Meats and products, excluding poultry	Hides and skins	Poultry products	Lard and tallow (edible and inedible)	Nuts and preparations	Other	Total
New England										2.8	1.4	2.0	1.9			1.5	1.0		1.1	11.7
Government program										.1			1.5						.2	1.8
Commercial										2.7	1.4	2.0	.4			1.5	1.0		.9	9.9
Maine											.2	.9				1.4	.4		.3	3.2
Government program																				
Commercial											.2	.9				1.4	.4		.3	3.2
New Hampshire											.1						.2		.1	.4
Government program																				
Commercial											.1						.2		.1	.4
Vermont											.1		1.9				.2		.2	2.4
Government program													1.5						.2	1.7
Commercial											.1		.4				.2			.7
Massachusetts										.8	.9	.6					.1		.2	2.1
Government program																				
Commercial										.8	.9	.6					.1		.2	2.1
Rhode Island												.1								.1
Government program																				
Commercial												.1								.1
Connecticut										2.0	.1	.4				.1	.1		.3	3.0
Government program										.1										.1
Commercial										1.9	.1	.4				.1	.1		.3	2.9
Middle Atlantic	12.2		13.3		2.0		.3		.6	8.9	7.9	13.8	12.1	7.8	7.8	1.1	10.5		9.9	108.2
Government program	5.0		.9				.2			.4			8.8				.4		1.5	17.2
Commercial	7.2		12.4		2.0		.1		.6	8.5	7.9	13.8	3.3	7.8	7.8	1.1	10.1		8.4	91.0
New York	4.7		2.7		.1						4.8	8.5	8.3	1.8	2.3		2.5		3.6	39.3
Government program	1.9		.2										5.7				.1		.8	8.7
Commercial	2.8		2.5		.1						4.8	8.5	2.6	1.8	2.3		2.4		2.8	30.6
New Jersey	.9		1.1		1.2		.2		.4		1.1	4.0		1.3	1.8		2.2		1.4	15.6
Government program	.4		.1				.1										.1			.4
Commercial	.5		1.0		1.2		.1		.4		1.1	4.0		1.3	1.8		2.1		1.4	14.9
Pennsylvania	6.6		9.5		.7		.1		.2	8.9	2.0	1.3	3.8	4.7	3.7	1.1	5.8		4.9	53.3
Government program	2.7		.6				.1			.4			3.1				.2		.7	7.8
Commercial	3.9		8.9		.7				.2	8.5	2.0	1.3	.7	4.7	3.7	1.1	5.6		4.2	45.5
East North Central	89.6		395.9		391.5		50.7		115.9	6.6	8.6	30.7	27.4	26.2	23.0	1.5	35.0		121.4	1,324.0
Government program	36.5		24.9				30.5			.4		.1	19.0				1.5		10.8	123.7
Commercial	53.1		371.0		391.5		20.2		115.9	6.2	8.6	30.6	8.4	26.2	23.0	1.5	33.5		110.6	1,200.3
Ohio	23.6		42.7		65.1		8.4		19.3	2.2	.7	2.6	3.2	5.6	5.0	.4	7.5		18.8	205.1
Government program	9.6		2.7				5.1			.2			2.6				.3		1.9	22.4
Commercial	14.0		40.0		65.1		3.3		19.3	2.0	.7	2.6	.6	5.6	5.0	.4	7.2		16.9	182.7
Indiana	20.8		95.2		100.4		13.0		29.7	1.3	.5	1.6	1.3	4.4	2.8	.6	5.0		27.9	304.5
Governmental	8.5		6.0				7.8			.1			1.0				.2		2.3	25.9
Commercial	12.3		89.2		100.4		5.2		29.7	1.2	.5	1.6	.3	4.4	2.8	.6	4.8		25.6	278.6
Illinois	29.2		232.5		211.5		27.4		62.6		.2	1.9	1.3	7.6	6.3	.1	9.8		58.6	650.0
Government program	11.9		14.6				16.5						.2				.4		4.2	47.8
Commercial	17.3		217.9		211.5		10.9		62.6		.2	1.9	1.1	7.6	6.3	.1	9.4		55.4	602.2
Michigan	15.1		13.7		11.3		1.5		3.4		6.1	19.4	3.5	3.3	3.1	.1	4.5		8.6	93.6
Government program	6.1		.9				.9					.1	2.6				.2		1.0	11.8
Commercial	9.0		12.8		11.3		.6		3.4		6.1	19.3	.9	3.3	3.1	.1	4.3		7.6	81.8

Footnotes at end of table.

Region, State, and type of export	Wheat and flour	Rice, including paddy	Total feed grains [1]	Cotton, including linters	Soybeans	Flaxseed	Soybean oil	Cotton-seed oil	Protein meal	Tobacco, unmanufactured	Fruits and preparations	Vegetables and preparations	Dairy products	Meats and products, excluding poultry	Hides and skins	Poultry products	Lard and tallow (edible and inedible)	Nuts and preparations	Other	Total
Wisconsin	0.9		11.8		3.2		0.4		0.9	3.1	1.1	5.2	18.1	5.3	5.8	0.3	8.2		6.5	70.8
Government program	.4		.7				.2			.1			12.6				.4		1.4	15.8
Commercial	.5		11.1		3.2		.2		.9	3.0	1.1	5.2	5.5	5.3	5.8	.3	7.8		5.1	55.0
West North Central	466.1	0.9	385.8	11.4	371.4	15.9	48.2	1.7	115.2	.5	.4	7.4	52.9	59.5	62.5	3.2	8 .5		170.9	1,863.4
Government program	189.6	.4	24.2	3.7			29.2			.1			41.1		.2		3.8		28.5	320.8
Commercial	276.5	.5	361.6	7.7	371.4	15.9	19.0	1.7	115.2	.4	.4	7.4	11.8	59.5	62.3	3.2	85.7		142.4	1,542.6
Minnesota	21.7		52.3		72.7	2.9	9.4		22.5			2.7	35.2	8.9	8.2	1.3	12.5		25.3	275.6
Government program	8.8		3.3				5.7						27.1				.5		4.4	49.8
Commercial	12.9		49.0		72.7	2.9	3.7		22.5			2.7	8.1	8.9	8.2	1.3	12.0		20.9	225.8
Iowa	.9		135.4		166.9		21.7		49.4			.2	9.4	25.2	18.2	.5	30.7		46.3	504.8
Government program	.4		8.5				13.1						7.6		.1		1.3		3.0	34.0
Commercial	.5		126.9		166.9		8.6		49.4			.2	1.8	25.2	18.1	.5	29.4		43.3	470.8
Missouri	19.8	.9	25.3	11.4	78.4		10.2	1.7	23.2	.5	.4	.3	1.3	5.7	7.0	1.1	9.3		19.8	216.3
Government program	8.0	.4	1.6	3.7			6.2			.1			.9				.4		2.0	23.3
Commercial	11.8	.5	23.7	7.7	78.4		4.0	1.7	23.2	.4	.4	.3	.4	5.7	7.0	1.1	8.9		17.8	193.0
North Dakota	155.4		2.9		2.9	8.7	.4		3.7			.7	.1	.4	.8	.1	1.0		17.9	195.0
Government program	63.3		.2				.2												6.2	69.9
Commercial	92.1		2.7		2.9	8.7	.2		3.7			.7	.1	.4	.8	.1	1.0		11.7	125.1
South Dakota	33.0		18.0		6.0	4.3	.8		3.2				2.7	3.6	3.0	.1	4.7		8.0	87.4
Government program	13.4		1.1				.5						2.2				.2		1.7	19.1
Commercial	19.6		16.9		6.0	4.3	.3		3.2				.5	3.6	3.0	.1	4.5		6.3	68.3
Nebraska	51.7		100.4		25.7		3.3		7.6			3.2	2.4	10.8	18.1	.1	22.2		24.8	270.3
Government program	21.0		6.3				2.0						1.9		.1		1.0		3.2	35.5
Commercial	30.7		94.1		25.7		1.3		7.6			3.2	.5	10.8	18.0	.1	21.2		21.6	234.8
Kansas	183.6		51.5		18.8		2.4		5.6			.3	1.8	4.9	7.2		9.1		28.8	314.0
Government program	74.7		3.2				1.5						1.4				.4		8.0	89.2
Commercial	108.9		48.3		18.8		.9		5.6			.3	.4	4.9	7.2		8.7		20.8	224.8
South Atlantic	17.0		55.3	20.7	78.6		10.2	3.1	23.3	459.1	76.3	26.5	1.0	9.0	6.4	21.9	9.8	3.4	83.0	904.6
Government program	7.0		3.5	6.7			6.2			11.7			.9				.4		3.5	39.9
Commercial	10.0		51.8	14.0	78.6		4.0	3.1	23.3	447.4	76.3	26.5	.1	9.0	6.4	21.9	9.4	3.4	79.5	864.7
Delaware	.9		4.4		4.5		.6		1.3			.8		[2].6	[2].5	2.5	[2].8		1.7	18.6
Government program	.4		.3				.4												.1	1.2
Commercial	.5		4.1		4.5		.2		1.3			.8		.6	.5	2.5	.8		1.6	17.4
Maryland	2.8		10.0		6.5		.8		1.9	9.4	.3	1.4	.3	(3)	(3)	3.2	(3)		3.7	40.3
Government program	1.2		.6				.5			.3			.3						.3	3.2
Commercial	1.6		9.4		6.5		.3		1.9	9.1	.3	1.4				3.2			3.4	37.1
Virginia	3.8		4.9	.1	8.6		1.1		2.6	47.8	.6	1.3	.7	2.9	1.0	1.4	2.4	.3	8.1	87.6
Government program	1.5		.3				.7			1.4			.6				.1		.4	5.0
Commercial	2.3		4.6	.1	8.6		.4		2.6	46.4	.6	1.3	.1	2.9	1.0	1.4	2.3	.3	7.7	82.6
West Virginia			.2							.4	.4	.1		.2	.3	.3	.4		.3	2.6
Government program																				
Commercial			.2							.4	.4	.1		.2	.3	.3	.4		.3	2.6
North Carolina	4.8		19.9	3.5	23.2		3.0	.5	6.9	293.6	.9	2.6		1.6	.8	5.8	1.6	.5	37.2	406.4
Government program	1.9		1.3	1.1			1.8			7.3									1.3	14.8
Commercial	2.9		18.6	2.4	23.2		1.2	.5	6.9	286.3	.9	2.6		1.6	.8	5.8	1.5	.5	35.9	391.6
South Carolina	1.9		3.8	7.2	20.7		2.7	1.1	6.1	57.4	2.5	1.3		.6	.5	.6	.5	.1	10.8	117.8
Government program	.8		.2	2.4			1.6			1.4									.6	7.0
Commercial	1.1		3.6	4.8	20.7		1.1	1.1	6.1	56.0	2.5	1.3		.6	.5	.6	.5	.1	10.2	110.8
Georgia	1.9		9.3	9.6	10.7		1.4	1.5	3.2	40.6	1.4	1.2		1.9	1.4	7.5	2.1	2.3	9.7	105.7
Government program	.8		.6	3.1			.8			1.0							.1		.6	7.0
Commercial	1.1		8.7	6.5	10.7		.6	1.5	3.2	39.6	1.4	1.2		1.9	1.4	7.5	2.0	2.3	9.1	98.7
Florida	.9		2.8	.3	4.4		.6		1.3	9.9	70.2	17.8		1.2	1.9	.6	2.0	.2	11.5	125.6
Government program	.4		.2	.1			.4			.3							.1		.2	1.7
Commercial	.5		2.6	.2	4.4		.2		1.3	9.6	70.2	17.8		1.2	1.9	.6	1.9	.2	11.3	123.9
East South Central	11.3	8.9	18.6	77.7	102.7		13.4	11.9	30.5	61.7	.3	1.9	1.8	7.9	6.6	10.4	9.4	.9	37.9	413.8
Government program	4.6	3.8	1.2	25.6			8.1			5.7			1.4				.5		4.9	55.8
Commercial	6.7	5.1	17.4	52.1	102.7		5.3	11.9	30.5	56.0	.3	1.9	.4	7.9	6.6	10.4	8.9	.9	33.0	358.0
Kentucky	3.7		11.6	.2	13.0		1.7		3.8	45.0		.2	.1	1.7	1.1		1.8		8.5	92.4
Government program	1.5		.7	.1			1.0			4.4							.1		.7	8.5
Commercial	2.2		10.9	.1	13.0		.7		3.8	40.6		.2	.1	1.7	1.1		1.7		7.8	83.9
Tennessee	4.7		3.9	14.9	27.4		3.6	2.3	8.1	16.3		.5	1.5	3.5	2.8	.8	4.2		9.5	104.
Government program	1.9		.3	4.9			2.2			1.3			1.2				.2		1.2	13.2
Commercial	2.8		3.6	10.0	27.4		1.4	2.3	8.1	15.0		.5	.3	3.5	2.8	.8	4.0		8.3	90.8
Alabama	.9		2.3	16.3	14.1		1.8	2.5	4.2	.4	.3	.8		1.2	1.1	6.0	1.5	.8	5.5	59.7
Government program	.4		.1	5.4			1.1										.1		.7	7.8
Commercial	.5		2.2	10.9	14.1		.7	2.5	4.2	.4	.3	.8		1.2	1.1	6.0	1.4	.8	4.8	51.9
Mississippi	2.0	8.9	.8	46.3	48.2		6.3	7.1	14.4			.4	.2	1.5	1.6	3.6	1.9	.1	14.4	157.7
Government program	.8	3.8	.1	15.2			3.8						.2				.1		2.3	26.3
Commercial	1.2	5.1	.7	31.1	48.2		2.5	7.1	14.4			.4		1.5	1.6	3.6	1.8	.1	12.1	131.4
West South Central	119.4	236.5	86.6	168.1	122.8	.6	15.9	25.9	37.0		8.2	11.7	1.4	10.6	18.2	11.8	19.2	1.7	90.4	986.0
Government program	48.7	101.1	5.4	55.4			9.5						1.2				.8		21.5	243.6
Commercial	70.7	135.4	81.2	112.7	122.8	.6	6.4	25.9	37.0		8.2	11.7	.2	10.6	18.2	11.8	18.4	1.7	68.9	742.4
Arkansas	5.6	87.1	.7	39.7	83.0		10.8	6.1	24.7		.5	.5		.7	.8	7.3	1.0	.1	27.1	295.7
Government program	2.3	37.1		13.1			6.5												5.7	64.7
Commercial	3.3	50.	.7	26.6	83.0		4.3	6.1	24.7		.5	.5		.7	.8	7.3	1.	.1	21.4	231.0
Louisiana	.9	73.2	.6	16.9	29.2		3.8	2.6	8.7		.1	.4	.1	.6	.9	.8	.7	.4	14.1	154.0
Government program	.4	31.4		5.6			2.3						.1						3.8	43.6
Commercial	.5	41.8	.6	11.3	29.2		1.5	2.6	8.7		.1	.4		.6	.9	.8	.7	.4	10.3	110.4
Oklahoma	71.5		5.6	10.1	3.3		.4	1.6	1.0		.1	.3	.9	2.0	3.1	.2	3.6	.4	10.6	114.7
Government program	29.1		.4	3.3			.2						.8				.2		3.4	37.4
Commerical	42.4		5.2	6.8	3.3		.2	1.6	1.0		.1	.3	.1	2.0	3.1	.2	3.4	.4	7.2	77.3
Texas	41.4	76.2	79.7	101.4	7.3	.6	.9	15.6	2.6		7.5	10.5	.4	7.3	13.4	3.5	13.9	.8	38.6	421.6
Government program	16.9	32.6	5.0	33.4			.5						.3				.6		8.6	97.9
Commercial	24.5	43.6	74.7	68.0	7.3	.6	.4	15.6	2.6		7.5	10.5	.1	7.3	13.4	3.5	13.3	.8	30.0	323.7
Mountain	140.5		20.0	28.4		.1		4.4			12.2	31.6	3.6	8.7	15.3	.5	17.9	.1	28.6	311.9
Government program	57.2		1.3	9.3								.1	2.8				.9		7.0	78.6
Commercial	83.3		18.7	19.1		.1		4.4			12.2	31.5	.8	8.7	15.3	.5	17.0	.1	21.6	233.3
Montana	67.8		1.6			.1						.6		.7	.9		1.1		7.4	80.2
Government program	27.6		.1														.1		2.8	30.6
Commercial	40.2		1.5			.1						.6		.7	.9		1.0		4.6	49.6
Idaho	32.1		1.1								1.0	16.8	2.7	.9	1.7		2.0		5.9	64.2
Government program	13.0		.1									.1	2.1				.1		1.5	16.9
Commercial	19.1		1.0								1.0	16.7	.6	.9	1.7		1.9		4.4	47.3
Wyoming	2.9		.3									1.0		.2	.2		.1		.5	5.2
Government program	1.2																		.1	1.3
Commercial	1.7		.3									1.0		.2	.2		.1		.4	3.9
Colorado	27.3		8.2								.1	5.9		4.3	7.5	.2	9.1		6.3	68.9
Government program	11.1		.5														.4		1.2	13.2
Commercial	16.2		7.7								.1	5.9		4.3	7.5	.2	8.7		5.1	55.7
New Mexico	2.9		3.9	5.8				.9				.9		.7	1.5		1.6	.1	1.8	20.1
Government program	1.2		.3	1.9													.1		.3	3.8
Commercial	1.7		3.6	3.9				.9				.9		.7	1.5		1.5	.1	1.5	16.3
Arizona	2.8		4.8	22.5				3.5			10.8	6.0		1.1	2.2		2.5		5.7	61.9

Footnotes at end of table.

TABLE 12.—VALUE OF EXPORT SHARES OF AGRICULTURAL COMMODITIES, BY REGIONS AND STATES, AND TYPE OF EXPORT, UNITED STATES, FISCAL YEAR 1970—Continued

[In millions of dollars]

Region, State, and type of export	Wheat and flour	Rice, including paddy	Total feed grains [1]	Cotton, including linters	Soybeans	Flaxseed	Soybean oil	Cotton-seed oil	Protein meal	Tobacco, unmanufactured	Fruits and preparations	Vegetables and preparations	Dairy products	Meats and products, excluding poultry	Hides and skins	Poultry products	Lard and tallow (edible and inedible)	Nuts and preparations	Other	Total
Mountain—Continued																				
Arizona—Continued																				
Government program	1.2		.3	7.4													.1		.9	9.9
Commercial	1.6		4.5	15.1				3.5			10.8	6.0		1.1	2.2		2.4		4.8	52.0
Utah	3.8		.1								.3	.4	.9	.7	1.2	.3	1.4		.9	10.0
Government program	1.5												.7				.1		.2	2.5
Commercial	2.3		.1								.3	.4	.2	.7	1.2	.3	1.3		.7	7.5
Nevada	.5			.1										.1	.1		.1		.1	1.4
Government program	4.																			.4
Commercial	.9			.1										.1	.1		.1		.1	1.0
Pacific	85.5	75.4	19.8	46.1				7.1	.1		226.0	83.4	6.8	10.3	17.5	3.6	20.8	54.0	66.3	722.7
Government program	34.8	32.2	1.2	15.2								.2	5.6				.9		8.6	98.7
Commercial	50.7	43.2	18.6	30.9				7.1	.1		226.0	83.2	1.2	10.3	17.5	3.6	19.9	54.0	57.7	624.0
Washington	59.3		1.4								8.7	18.7	1.0	1.8	2.6	.4	3.3		9.8	107.0
Government program	24.1		.1									.1	.8				.1		2.4	27.6
Commercial	35.2		1.3								8.7	18.6	.2	1.8	2.6	.4	3.2		7.4	79.4
Oregon	18.8		.7								6.8	5.9		.9	1.6	.4	1.9	.7	3.8	41.5
Government program	7.6																.1		.7	8.4
Commercial	11.2		.7								6.8	5.9		.9	1.6	.4	1.8	.7	3.1	33.1
California	7.4	75.4	17.7	46.1				7.1	.1		194.8	58.5	5.8	7.4	13.0	2.8	15.3	53.2	51.0	555.6
Government program	3.1	32.2	1.1	15.2								.1	4.8				.7		5.5	62.7
Commercial	4.3	43.2	16.6	30.9				7.1	.1		194.8	58.4	1.0	7.4	13.0	2.8	14.7	53.2	45.5	492.9
Hawaii											15.7	.3		.2	.3		.3	.1	1.7	18.6
Government program																				
Commercial											15.7	.3		.2	.3		.3	.1	1.7	18.6
Alaska																				
Government program																				
Commercial																				
United States	941.6	321.7	995.3	352.4	1,069.0	16.6	138.7	54.1	322.6	539.6	341.3	209.0	108.9	140.0	157.3	55.5	213.1	60.1	609.5	6,646.3
Government program	383.4	137.5	62.6	115.9			83.7			18.4		.4	82.3		.2		9.2		86.5	980.1
Commercial	558.2	184.2	932.7	236.5	1,069.0	16.6	55.0	54.1	322.6	521.2	341.3	208.6	26.6	140.0	157.1	55.5	203.9	60.1	523.0	5,666.2

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[1] Includes corn, sorghum grains, barley, and oats.

[2] Includes Maryland.

[3] Included with Delaware.

TABLE 13.—VALUE OF EXPORT SHARES OF AGRICULTURAL COMMODITIES, BY REGION AND STATE, UNITED STATES, FISCAL YEARS 1954, 1960, 1966, 1968, AND 1970

[In millions of dollars]

Region and State	1954	1960	1966	1968	1970
New England	16.0	25.4	34.3	22.3	11.7
Maine	3.9	11.2	14.8	6.3	3.2
New Hampshire	.8	1.0	1.2	1.1	.4
Vermont	1.2	1.4	1.9	1.5	2.4
Massachusetts	4.2	4.8	6.1	4.9	2.6
Rhode Island	.4	.5	.3	.3	.1
Connecticut	5.5	6.5	10.0	8.2	3.0
Middle Atlantic	91.4	137.0	181.4	146.6	108.2
New York	46.4	65.4	81.3	62.8	39.3
New Jersey	12.5	18.5	21.9	18.8	15.6
Pennsylvania	32.5	53.1	78.2	65.0	53.3
East North Central	426.0	702.9	1,395.4	1,181.9	1,324.0
Ohio	83.1	129.5	218.7	194.1	205.1
Indiana	77.7	135.0	317.3	251.5	304.5
Illinois	165.1	302.8	666.0	585.3	650.0
Michigan	51.7	76.8	110.4	92.4	93.6
Wisconsin	48.4	58.8	83.0	58.6	70.8
West North Central	524.7	998.1	1,785.3	1,578.9	1,863.4
Minnesota	87.4	156.5	240.5	226.3	275.6
Iowa	103.8	211.0	426.1	392.3	504.8
Missouri	81.0	150.9	204.3	174.1	216.3
North Dakota	54.8	85.7	205.6	165.6	195.0
South Dakota	31.6	33.1	84.3	95.1	87.4
Nebraska	72.8	135.4	232.3	229.5	270.3
Kansas	93.3	225.5	392.2	296.0	314.0
South Atlantic	497.6	617.0	777.4	841.4	904.6
Delaware	7.3	11.2	17.7	14.7	18.6
Maryland	15.3	25.5	40.9	35.1	40.3
Virginia	42.1	58.3	78.6	79.7	87.6
West Virginia	3.5	5.8	6.4	5.7	2.6
North Carolina	217.2	251.7	306.0	366.2	406.4
South Carolina	76.0	81.4	97.7	106.9	117.8
Georgia	79.4	92.0	112.6	132.0	105.7
Florida	56.8	91.1	117.5	101.1	125.6
East South Central	255.4	336.5	379.2	390.5	413.8
Kentucky	31.9	45.6	73.6	69.2	92.4
Tennessee	55.1	93.9	111.7	101.9	104.0
Alabama	57.5	62.5	57.2	55.6	59.7
Mississippi	110.9	134.5	136.7	163.8	157.7
West South Central	551.8	834.5	975.9	1,076.1	986.0
Arkansas	118.3	184.1	204.8	254.8	295.7
Louisiana	78.5	76.0	98.9	155.2	154.0
Oklahoma	57.5	105.1	181.8	114.9	114.7
Texas	297.5	469.3	490.4	551.2	421.6
Mountain	185.0	283.1	365.2	344.8	311.9
Montana	46.9	65.4	126.6	107.1	80.2
Idaho	26.8	46.6	80.9	66.2	64.2
Wyoming	3.4	6.9	5.2	7.8	5.2
Colorado	28.5	59.4	56.9	62.8	68.9
New Mexico	16.0	24.6	22.5	23.5	20.1
Arizona	53.7	65.6	55.6	61.1	61.9
Utah	9.4	13.4	17.1	14.5	10.0
Nevada	.3	1.2	.4	1.8	1.4
Pacific	356.8	528.0	654.2	629.9	722.7
Washington	63.6	93.6	154.6	152.2	107.0
Oregon	26.9	42.3	64.6	48.8	41.5
California	266.3	392.1	415.2	413.3	555.6
Hawaii	(1)	(1)	19.8	15.6	18.6
Alaska					
Other	31.2	54.3	132.6	102.7	
United States	2,935.9	4,516.8	6,680.9	6,315.1	6,646.3

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[1] Not available.

TABLE 1.—VALUE OF EXPORT SHIPMENTS (ESTIMATED AND REPORTED) BY MANUFACTURING ESTABLISHMENTS FOR GEOGRAPHIC AREAS AND MAJOR INDUSTRY GROUPS, 1969

[In millions of dollars. Value f.o.b. producing plant]

[Ranges: (S) Less than $1,000,000; (T) $1,000,000 but less than $5,000,000; (U) $5,000,000 but less than $10,000,000; (V) $10,000,000 but less than $25,000,000; (W) $25,000,000 but less than $50,000,000; (X) $50,000,000 but less than $100,000,000; (Y) $100,000,000 but less than $200,000,000; (Z) $200,000,000 or more. Blanks represent zeros]

Geographic area	Total exports		Food and kindred products (SIC 20)		Tobacco manufactures (SIC 21)		Textile mill products (SIC 22)		Apparel and other textile mill products (SIC 23)		Lumber and wood products (SIC 24)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
United States, total	29,210.0	20,403.3	2,160.0	1,141.5	666.8	457.0	428.9	52.5	226.2	(V)	512.2	61.7
New England	1,790.4	1,093.4	48.4	3.8	(S)		40.1	2.5	(V)	(S)	(V)	
Maine	77.0	33.9	(U)				(T)		(S)		(V)	
New Hampshire	73.8	41.0	(T)				(T)		(S)		(T)	
Vermont	51.9	32.4	(T)	(S)					(S)		(T)	
Massachusetts	817.8	534.9	26.5	3.2			(V)	(T)	(U)	(S)	(T)	
Rhode Island	110.3	48.9	(T)				(U)		(S)		(S)	
Connecticut	659.4	402.5	(U)	(S)	(S)		(U)	(T)	(T)		(T)	(S)
Middle Atlantic	5,311.9	3,608.8	271.4	97.7	30.4	1.9	(X)	(T)	(X)	(T)	(W)	
New York	2,295.7	1,561.7	110.6	41.5	(S)		(V)	(S)	(W)	(T)	(V)	
New Jersey	1,113.9	756.7	77.2	39.7	(T)		(V)	(S)	(V)	(S)	(T)	(S)
Pennsylvania	1,902.2	1,280.4	83.5	16.5	28.5	1.9	(W)	(S)	(W)	(T)	(V)	
East north-central	9,078.2	6,712.5	396.9	181.8	(U)		(V)	(T)	(W)	(V)	(X)	(S)
Ohio	2,337.6	1,716.8	57.5	8.8	(T)		(U)	(T)	(T)		(U)	
Indiana	998.5	677.3	58.3	32.0	(T)				(T)		(U)	
Illinois	2,343.4	1,753.1	177.2	103.2	(S)		(T)		(U)		(U)	
Michigan	2,613.1	2,018.1	50.2	18.7	(S)		(T)	(S)	(V)	(V)	(V)	
Wisconsin	785.3	544.5	53.5	19.1			(T)		(T)		(V)	(S)
West north-central	1,899.4	1,300.7	312.0	187.1	(S)	(S)	(T)	(T)	(U)	(S)	(V)	
Minnesota	492.2	353.7	66.3	35.9			(T)	(T)	(T)	(S)	(T)	
Iowa	412.0	305.8	95.4	65.0					(S)		(T)	
Missouri	633.5	416.4	53.5	24.1	(S)	(S)	(T)	(S)	(U)	(S)	(U)	
North Dakota	6.8	3.1	(T)	(T)								
South Dakota	12.7	5.0	(U)	(T)							(S)	
Nebraska	100.5	61.3	42.4	26.2					(S)		(S)	
Kansas	241.4	155.4	41.9	30.8					(S)		(S)	
South Atlantic	3,160.7	1,985.2	225.4	87.3	579.4	443.1	262.2	38.6	(W)	(T)	(X)	(T)
Delaware	124.0	96.6	(U)		(T)		(S)		(S)		(S)	
Maryland	361.9	237.4	31.0	9.8			(T)		(T)		(T)	
District of Columbia	14.1	9.0	(T)									
Virginia	581.2	393.6	48.4	29.1	193.7	155.3	35.5	19.7	(T)		(V)	
West Virginia	234.9	179.6	(T)	(S)	(T)		(S)		(S)		(T)	
North Carolina	739.0	433.6	(V)	(S)	362.0	285.7	117.5	14.0	(V)	(S)	(V)	
South Carolina	253.5	125.9	(U)	(S)	(T)	(T)	(X)	(T)	(U)		(V)	(S)
Georgia	427.9	238.5	45.1	16.7	(T)		(W)	(T)	(V)	(T)	(V)	(T)
Florida	425.5	271.0	52.6	25.2	(V)	(S)	(S)		(T)		(V)	(S)
East south-central	1,315.6	826.3	129.6	71.7	49.2	12.0	37.0	3.6	(W)	(T)	53.9	2.6
Kentucky	345.4	226.0	15.5	1.3	43.6	12.0	(T)		(T)	(S)	(U)	(T)
Tennessee	471.5	296.7	76.8	56.6	(T)		(V)	(S)	(V)		(V)	
Alabama	317.8	191.9	17.0	2.8	(T)		(V)	(T)	(U)	(S)	(V)	
Mississippi	180.8	111.7	20.0	11.0			(T)	(T)	(U)		(V)	(T)
West south-central	2,225.9	1,719.7	361.5	272.2	(S)		(U)	(T)	(V)	(S)	(W)	(S)
Arkansas	204.0	141.0	(Y)	(Y)			(T)	(T)	(T)		(V)	(S)
Louisiana	396.4	308.8	70.7	52.9					(T)	(S)	(V)	
Oklahoma	157.7	111.6	(V)	(V)			(S)		(T)		(T)	
Texas	1,467.8	1,158.4	146.2	97.0	(S)		(T)		(U)		(V)	
Mountain	441.7	288.7	52.1	18.7					(T)		(V)	(S)
Montana	13.7	3.7	(T)	(S)							(U)	
Idaho	34.8	10.4	9.2	2.1							(U)	(S)
Wyoming	(T)	(S)	(T)								(S)	
Colorado	157.0	111.0	24.6	13.4					(S)		(T)	
New Mexico	16.3	8.4	(T)	(S)							(T)	
Arizona	156.8	120.4	(U)	(T)					(S)		(T)	
Utah	48.2	25.9	(U)	(S)					(S)		(S)	
Nevada	(V)	(U)	(T)									
Pacific	3,973.4	2,862.8	363.5	223.5	(S)		(T)		(V)	(S)	185.6	55.5
Washington	954.5	778.0	44.2	27.0			(S)		(T)	(S)	(X)	(V)
Oregon	240.5	142.8	(W)	(V)			(S)		(S)		81.9	24.8
California	2,720.6	1,899.4	277.8	179.3	(S)		(T)		(V)		(W)	(U)
Alaska	(W)	(W)	(T)								(T)	
Hawaii	(V)	(V)	(V)	(T)					(S)		(S)	

Geographic area	Furniture and fixtures (SIC 25)		Paper and allied products (SIC 26)		Printing and publishing (SIC 27)		Chemicals and allied products (SIC 28)		Petroleum and coal products (SIC 29)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
United States total	43.8	(T)	790.0	643.8	298.9	166.9	3,049.0	2,344.4	434.3	431.0
New England	(T)	(S)	67.4	50.9	17.1	7.3	87.1	58.9	(S)	
Maine			20.1	15.9	(S)		(T)	(T)		
New Hampshire	(S)		(U)	(U)	(S)		(T)	(S)		
Vermont	(S)		(T)	(S)	(S)					
Massachusetts	(T)		28.7	20.7	(U)	(T)	37.9	23.8	(S)	
Rhode Island			(S)		(S)		7.5	4.7		
Connecticut	(T)	(S)	(U)	(U)	(U)	(T)	38.0	28.1		
Middle Atlantic	(U)		72.1	40.9	134.1	96.0	687.1	511.0	59.7	59.3
New York	(T)		24.6	10.8	113.0	88.8	178.8	126.0	2.4	2.4
New Jersey	(S)		22.6	15.2	(U)	(T)	322.0	240.3	26.9	26.8
Pennsylvania	(T)		24.8	14.8	(V)	(U)	186.1	144.6	30.3	30.0
East north-central	(U)	(S)	71.5	34.5	80.1	47.1	481.6	334.4	23.5	22.8
Ohio	(T)	(S)	21.0	12.1	18.7	10.2	122.3	82.1	5.7	5.6
Indiana	(T)		(T)	(S)	(U)	(T)	64.3	43.9	1.6	1.5
Illinois	(T)		(V)	(T)	44.4	30.7	139.6	91.8	14.5	14.3
Michigan	(T)		13.4	7.0	(T)	(S)	141.6	110.7	1.4	1.4
Wisconsin	(S)	(S)	21.5	12.3	7.1	4.0	13.6	5.9		

TABLE 1.—VALUE OF EXPORT SHIPMENTS (ESTIMATED AND REPORTED) BY MANUFACTURING ESTABLISHMENTS FOR GEOGRAPHIC AREAS AND MAJOR INDUSTRY GROUPS, 1969—Con.

[In millions of dollars. Value f.o.b. producing plant]

[Ranges: (S) Less than $1,000,000; (T) $1,000,000 but less than $5,000,000; (U) $5,000,000 but less than $10,000,000; (V) $10,000,000 but less than $25,000,000; (W) $25,000,000 but less than $50,000,000; (X) $50,000,000 but less than $100,000,000; (Y) $100,000,000 but less than $200,000,000; (Z) $200,000,000 or more. Blanks represent zeros]

Geographic area	Furniture and fixtures (SIC 25)		Paper and allied products (SIC 26)		Printing and publishing (SIC 27)		Chemicals and allied products (SIC 28)		Petroleum and coal products (SIC 29)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
West north-central	(T)		15.0	7.0	14.4	3.4	93.4	55.4	3.7	3.6
Minnesota	(S)		9.0	5.7	(T)	(S)	(V)	(V)	(S)	(S)
Iowa	(S)		(T)		(T)	(S)	7.7	3.6		
Missouri	(S)		3.9	1.2	6.2	2.2	51.5	33.2	2.0	2.0
North Dakota					(S)				(S)	(S)
South Dakota					(S)					
Nebraska	(S)		(S)		(S)		(T)	(T)		
Kansas	(S)		(S)		(T)		139.2	6.4	(T)	(T)
South Atlantic	(V)	(S)	261.1	239.9	22.9	10.4	603.1	467.9	(T)	(T)
Delaware			(T)		(S)		(W)	(W)	(T)	(T)
Maryland	(T)	(S)	(U)	(T)	(T)	(T)	39.7	24.9	(S)	(S)
District of Columbia			(S)		10.8	9.0				
Virginia	(T)		15.6	12.5	(T)	(S)	143.1	108.6		
West Virginia	(S)		(S)		(S)		142.0	123.1		
North Carolina	(U)	(S)	(V)	(V)	(T)		(W)	(W)		
South Carolina	(S)		46.2	43.9	(S)		51.9	35.0	(S)	(S)
Georgia	(S)		81.1	75.8	(T)		51.4	41.5		
Florida	(S)		91.5	87.8	(T)		81.8	64.3		
East sourth-central	(T)	(S)	72.5	63.8	(U)	(S)	324.7	255.7	(T)	(T)
Kentucky	(S)		(T)	(S)	(T)	(S)	66.2	44.0		
Tennessee	(T)	(S)	(U)	(U)	(T)	(S)	146.9	103.3		
Alabama	(S)		14.1	10.6	(S)		88.6	78.8		
Mississippi	(T)		(W)	(W)	(S)		22.8	18.6	(T)	(T)
West south-central	(T)		48.1	39.4	(U)	(S)	607.6	547.1	249.2	248.2
Arkansas	(S)		(U)	(U)	(S)		(U)	(T)		(S)
Louisiana	(S)		22.3	19.0	(S)		163.7	147.5	55.9	55.7
Oklahoma	(S)		(S)		(S)		(T)	(T)	(U)	(U)
Texas	(T)		(V)	(V)	(T)	(S)	432.3	392.2	185.3	184.6
Mountain	(S)		(U)	(T)	(S)	(S)	23 2	16.2	(S)	(S)
Montana			(S)		(S)					
Idaho			(T)	(T)	(S)		(U)	(T)		
Wyoming					(S)				(S)	(S)
Colorado	(S)		(S)		(T)		(U)	(S)		
New Mexico					(S)		(U)	(U)		
Arizona			(S)	(S)	(S)		(S)			
Utah			(S)	(S)	(S)	(S)	(T)	(S)		
Nevada					(S)		(T)	(T)		
Pacific	(T)		176.8	162.8	(V)	(T)	139.2	97.0	89.2	88.8
Washington	(S)		110.1	105.8	(T)		(U)	(T)	(T)	(T)
Oregon	(S)		14.7	12.9	(S)		(T)	(T)		
California	(T)		(V)	(V)	(V)	(T)	127.7	92.5	85.8	85.4
Alaska			(W)	(W)	(S)					
Hawaii					(S)				(T)	(T)

Geographic area	Rubber and plastics products, n.e.c. (SIC 30)		Leather and leather products (SIC 31)		Stone, clay, and glass products (SIC 32)		Primary metal industries (SIC 33)		Fabricated metal products (SIC 34)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
United States, total	387.8	295.8	69.0	20.1	341.6	247.3	1,782.0	1,377.3	1,180.6	935.9
New England	37.1	24.4	20.1	5.7	24.9	20.4	49.5	28.9	68.0	48.9
Maine	(T)	(S)	5.7	1.6	(S)		(T)	(T)	(S)	(S)
New Hampshire	(T)	(T)	(T)	(T)	(S)	(S)	(S)	(S)	(T)	(S)
Vermont	(S)	(S)			(S)		(S)	(S)		
Massachusetts	22.7	16.2	(U)	(T)	18.3	16.3	19.7	12.4	31.6	23.6
Rhode Island	1.9	0.6	(S)		(T)	(T)	10.2	7.0	2.7	1.3
Connecticut	6.5	3.5	(S)		3.5	2.3	16.6	7.7	32.2	23.4
Middle Atlantic	63.7	46.1	16.2	3.1	89.9	68.4	501.1	392.7	223.3	172.7
New York	17.9	12.0	(U)	(T)	33.1	26.6	101.4	78.4	75.8	58.5
New Jersey	22.3	16.3	(T)	(S)	20.4	14.5	71.6	59.9	43.2	31.8
Pennsylvania	23.3	17.9	(T)	(S)	36.4	27.3	328.0	254.4	104.2	82.4
East north-central	152.2	120.0	13.8	7.3	95.1	70.6	512.4	348.6	557.8	462.4
Ohio	83.4	66.8	(T)	(S)	41.1	31.4	180.8	127.0	151.7	124.4
Indiana	23.0	17.9	(S)		6.3	2.3	111.3	76.5	49.0	39.7
Illinois	27.8	21.1	(T)	(S)	17.1	11.2	93.6	59.3	135.0	108.6
Michigan	13.2	9.2	(U)	(U)	27.1	23.7	109.4	78.7	190.1	165.7
Wisconsin	6.6	5.0	(T)	(S)	3.3	1.9	17.1	7.1	31.8	24.0
West north-central	29.6	24.8	(T)		20.7	14.4	26.9	15.6	52.7	39.8
Minnesota	(T)	(S)	(S)		(T)		(T)	(S)	6.5	3.4
Iowa	12.7	11.4			(S)		(V)	(U)	10.9	8.8
Missouri	5.0	3.7	(T)		15.5	13.4	11.3	6.9	27.6	22.3
North Dakota										
South Dakota	(S)	(S)							(S)	(S)
Nebraska	(T)	(T)			(S)	(S)	(S)		(T)	(T)
Kansas	(U)	(U)			(T)	(S)	(T)	(S)	3.9	2.7
South Atlantic	24.2	17.3	(T)	(S)	43.6	29.4	158.4	132.7	59.0	43.2
Delaware	4.5	4.0	(S)	(S)	(S)	(S)	(T)	(T)	2.7	2.5
Maryland	(T)	(S)	(S)		7.7	6.1	102.4	90.4	9.2	6.5
District of Columbia										
Virginia	6.5	5.4	(S)		4.0	2.5	(U)	(T)	5.7	3.8
West Virginia	(S)	(S)	(S)	(S)	12.5	9.3	33.6	26.3	6.0	4.9
North Carolina	(T)	(S)	(S)		(T)	(S)	(U)	(T)	13.4	11.0
South Carolina	(U)	(U)			5.9	4.6	(T)	(T)	2.0	1.1
Georgia	(T)	(S)	(S)		4.7	2.6	(T)	(T)	8.3	5.7
Florida	(S)	(S)	(S)		5.4	3.4	(T)	(S)	11.3	7.7
East south-central	27.1	22.7	(T)		28.2	22.9	102.7	78.4	60.9	49.4
Kentucky	(T)	(T)	(T)		10.8	9.9	(V)	(U)	14.1	11.2
Tennessee	7.8	6.2	(T)		(V)	(V)	17.0	11.8	27.6	23.5
Alabama	(V)	(V)	(T)		(T)	(T)	74.7	60.2	9.4	6.5
Mississippi	(T)	(T)	(S)		(T)	(T)	(S)	(S)	9.6	8.2

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Geographic area	Rubber and plastics products, n.e.c. (SIC 30)		Leather and leather products (SIC 31)		Stone, clay, and glass products (SIC 32)		Primary metal industries (SIC 33)		Fabricated metal products (SIC 34)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
West south-central	20.3	17.2	(T)		17.1	10.2	117.8	102.5	72.7	58.8
Arkansas	2.3	1.4	(T)		(S)		(T)	(T)	4.2	3.1
Louisiana					8.4	7.3	(V)	(V)	7.1	5.2
Oklahoma	8.5	8.0			(T)	(T)	(T)	(S)	17.6	15.2
Texas	9.4	7.8	(S)		(U)	(T)	96.8	85.1	43.6	35.3
Mountain	(U)	(U)	(T)	(T)	3.6	1.3	35.3	27.7	12.4	10.2
Montana					(S)	(S)	(T)	(T)		
Idaho					(S)		(S)			
Wyoming										
Colorado	(U)	(U)	(T)	(T)	(S)		(U)	(U)	4.8	3.9
New Mexico					(S)		(T)	(T)		
Arizona					(S)		(U)	(T)	(S)	(S)
Utah	(S)	(S)			(S)	(S)	(U)	(T)	(U)	(U)
Nevada					(S)	(S)	(U)	(U)		
Pacific	23.3	16.6	(T)		18.2	9.7	275.0	249.9	72.1	49.8
Washington	(S)				(T)	(S)	(V)	(V)	(V)	(S)
Oregon	(S)				(S)	(S)	(V)	(V)	(T)	(S)
California	22.9	16.6	(S)		16.1	9.3	118.2	99.3	63.6	44.1
Alaska										
Hawaii			(S)		(S)				(T)	(T)

Geographic area	Machinery, except electrical (SIC 35)		Electrical equipment and supplies (SIC 36)		Transportation equipment (SIC 37)		Instruments and related products (SIC 38)		Miscellaneous manufacturing industries (SIC 39) Ordnance and accessories (SIC 19)	
	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data	Estimated total	Reported data
United States, total	6,021.1	4,602.2	2,480.0	1,996.5	6,174.4	4,532.0	1,086.8	751.1	1,076.4	321.6
New England	411.2	275.0	239.4	191.1	332.2	207.4	183.5	128.2	123.6	20.1
Maine	(T)	(S)	10.4	9.5	(U)	(T)	(S)	(S)	(T)	(S)
New Hampshire	23.6	15.1	13.2	9.3	(S)	(S)	(T)	(T)	(T)	
Vermont	(V)	(V)	(V)	(V)	(T)	(U)	(T)	(S)	(U)	(U)
Massachusetts	212.0	152.5	150.2	122.7	(X)	(W)	121.3	91.5	42.9	10.5
Rhode Island	31.6	23.1	(U)	(T)	(T)	(S)	(T)	(T)	(W)	(T)
Connecticut	123.9	71.4	44.9	32.4	(Z)	(Y)	52.7	33.0	42.0	16.4
Middle Atlantic	1,134.3	862.0	586.9	462.7	523.0	325.9	490.3	365.2	245.0	95.6
New York	552.5	437.6	279.7	225.2	196.3	101.8	370.3	290.1	145.9	56.1
New Jersey	152.3	98.5	115.3	82.0	130.5	101.0	36.6	20.5	33.9	7.5
Pennsylvania	429.4	325.9	191.8	155.5	197.0	123.2	83.4	54.6	65.2	32.0
East north-central	2,712.3	2,117.8	730.5	586.0	2,737.5	2,148.0	203.1	131.7	202.8	86.7
Ohio	644.0	480.8	173.2	139.4	747.5	594.8	32.5	21.6	34.7	9.8
Indiana	180.7	126.9	114.9	84.5	318.9	231.9	19.7	14.8	25.9	2.6
Illinois	1,033.2	863.0	300.2	245.6	130.8	89.8	117.5	80.0	76.5	35.0
Michigan	474.1	347.9	82.0	69.9	1,417.5	1,138.3	17.7	8.1	34.9	21.4
Wisconsin	380.1	299.2	60.1	46.6	122.8	93.2	15.4	7.4	30.6	17.8
West north-central	544.3	426.6	120.6	97.0	507.8	376.5	43.6	27.8	78.4	18.0
Minnesota	243.3	203.7	19.7	13.4	(X)	(W)	27.5	19.9	25.8	7.0
Iowa	173.5	138.1	68.1	61.4	6.7	3.4	(T)	(S)	14.5	4.7
Missouri	65.9	41.8	26.0	18.3	314.0	241.8	5.9	2.6	26.9	2.0
North Dakota	(T)	(T)								
South Dakota	(T)	(S)	(S)	(S)						
Nebraska	(V)	(V)	(T)	(T)	(U)	(T)	(U)	(T)	(U)	(S)
Kansas	32.8	21.5	(T)	(T)	125.1	80.8	(S)		(U)	(T)
South Atlantic	231.9	163.9	158.6	122.9	277.4	146.0	31.4	15.4	79.2	19.7
Delaware	(T)	(T)	(S)	(S)	(W)	(W)	(S)			
Maryland	38.1	26.8	42.0	33.8	56.2	28.4	(T)	(T)	(U)	(T)
District of Columbia										
Virginia	25.3	18.3	38.3	32.6	(W)	(T)	(T)	(S)	(U)	(S)
West Virginia	(T)	(T)	(T)	(T)	(T)	(T)	(S)	(S)	(V)	(U)
North Carolina	52.6	35.6	29.6	21.0	8.4	3.5	10.1	5.8	(U)	(T)
South Carolina	22.0	12.1	11.6	8.8	(T)	(T)	4.0	1.7	5.9	2.1
Georgia	26.5	18.0	10.6	8.2	94.7	55.3	(T)	(T)	11.0	3.5
Florida	60.9	50.2	21.3	15.1	35.9	12.9	4.9	2.3	(W)	(S)
East south-central	155.7	113.2	69.5	48.7	117.2	68.0	8.4	3.4	33.5	3.3
Kentucky	58.9	41.9	34.5	26.4	(X)	(X)	(T)	(T)	(T)	(T)
Tennessee	65.9	53.2	22.8	14.7	22.5	7.8	(T)	(T)	(V)	(S)
Alabama	18.8	11.8	5.7	3.8	16.3	1.6	(S)	(S)	(V)	(S)
Mississippi	12.0	6.4	6.3	3.9	(V)	(T)	(T)	(S)	(T)	(S)
West south-central	303.4	241.1	115.4	98.0	173.8	72.1	16.0	5.7	47.0	3.3
Arkansas	7.8	3.6	(U)	(T)	(T)	(S)	(U)	(T)	(U)	(S)
Louisiana	9.6	5.4	(T)	(S)	(V)	(S)	(S)		(V)	
Oklahoma	68.6	57.3	3.7	1.8	(V)	(T)	(S)		(T)	(S)
Texas	217.4	174.9	105.3	93.2	138.6	65.8	(U)	(T)	(W)	(T)
Mountain	121.1	98.5	88.0	80.3	19.2	2.8	(V)	(V)	19.8	3.1
Montana										
Idaho	1.4		(S)	(S)	(T)	(S)			(S)	(S)
Wyoming										
Colorado	55.6	47.1	24.6	22.7	(U)	(T)	(T)	(T)	(T)	(S)
New Mexico			(S)		(S)	(S)	(S)	(S)	3.0	
Arizona	(X)	(W)	(X)	(X)	(T)	(S)	(V)	(V)	(U)	(T)
Utah	(V)	(U)	4.4	4.0	(U)		(S)		(T)	(S)
Nevada										
Pacific	408.1	301.9	367.2	308.3	1,483.5	1,184.6	88.9	58.4	245.9	54.2
Washington	24.7	17.7	(T)	(T)	(Z)	(Z)	(S)	(S)	(V)	(S)
Oregon	(V)	(V)	(W)	(W)	16.0	9.4	(V)	(U)	(T)	(S)
California	363.1	269.5	327.6	272.6	(Z)	(Z)	76.4	48.3	(Z)	(X)
Alaska										
Hawaii	(S)	(S)							(S)	

Note: See text and summary table for explanation of terms used and the methodology followed in deriving these estimates. Detailed figures may not add to totals because of independent rounding and because U.S. total figures include small export values (less than 0.1 percent of the total) undistributed by State. The figures shown for geographic division and State totals include data for all component industry groups whether or not separate figures are shown for the individual industry groups comprising the total. In some instances, data are withheld to avoid disclosing information relating to the operations of individual companies. In such cases, the value of exports is expressed in terms of the ranges listed below. For tables 1 and 2, when the reported State or division figure can only be shown in a range, the related total estimate is considered of equal quality and is also shown in a range. When blank is reported, the related total estimate in tables 1 and 2 is also shown in a range.

Source: "Survey of the Origin of Exports of Manufacturing Establishments in 1969," U.S. Department of Commerce, December 1970.

XUM

PUBLIC ASSISTANCE PROGRAMS

Mr. KENNEDY. Mr. President, recent public debates about our Nation's public assistance programs have generated widespread interest in the need to make major references to the welfare system.

The bulk of recipients on the welfare rolls have complained for many years, that the system fails to meet their needs. Sadly, the general public has paid scant attention to their pleas. The poor are not powerful. They fail to be accepted as "deserving factors" of the economy because myth, prejudice, and indifference effectively isolate them from those who are not poor.

I am intrigued now by what may become the public's call to "do something" about welfare because of the increasing number of new "members" added to the rolls.

As Dexter Eure recently wrote in his column in the Boston Globe:

> Welfare recipients have increased considerably because the electronic industry has had to lay off engineers, scientists and other plant employees.

Layoffs in other industries, especially those that are defense oriented, have also contributed to the rise in "middle class" people on welfare.

Perhaps this is a condition that will parallel the Nation's reaction to the problem of narcotic abuse. For, not until widespread misuse of drugs filtered beyond the Nation's ghettoes, was there a public demand to bring an end to that problem.

It may be that these new members added to the welfare rolls will stir public conscience sufficiently to attack the "welfare mess" and meet the needs of those who have all along told us that the welfare system is a shambles.

Mr. President, I believe that Dexter Eure draws attention to a vital aspect of welfare problems. His insight into this grave social concern is placed in reasonable perspective in the Boston Globe column headed "Welfare Finds New Allies."

I ask unanimous consent that Mr. Eure's column, from the Boston Globe of December 1, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WELFARE FINDS NEW ALLIES

(By Dexter D. Eure)

Not too long ago some employees of "Golden Horseshoe" companies on Rte. 128 expressed unsympathetic remarks about people on welfare. Many contended they were overburdened with taxes because of "chiselers" riding welfare gravy trains.

Today welfare recipients, especially in the towns bordering Rte. 128, have increased considerably because the electronic industry has had to lay off engineers, scientists and other plant employees.

A young housewife in Needham, commenting about her engineer husband being out of work for seven weeks said: "We never dreamed that the welfare benefits were so insufficient. We just weren't able to keep our car, and may lose our home if work isn't found soon."

In Massachusetts, 53,600 manufacturing jobs were lost within the past year because of cutbacks in defense and space programs. The electronic industry has been particularly hard hit. Consequently, the entire country is beginning to have greater awareness of the plight of those unable to find employment, and the disadvantaged who depend solely on the welfare system.

Probably now it is better understood why some poor people have pleaded for special needs that were not being taken care of. Newcomers forced onto welfare find themselves in a position to repudiate some of the widespread myths about public assistance. In the past, too few of us gave a damn when the "other fellow" was involved in an unfortunate predicament.

Our basic unconcern finds a parallel in attitudes after the disasters in Peru and East Pakistan. Tragedies of this magnitude certainly have to penetrate the conscience of the world. Since the United States is the richest nation, its citizens should care more. Yet, of the 20 national Red Cross societies, the Chinese Communist Red Cross led the list in cash donations for the victims. It pledged $1.24 million (for the first week), which was more than half the total amount pledged by all others.

An elderly gentleman sitting in a Grove Hall cafeteria commented: "Wouldn't it really tell the world about our concern if the President appeared on TV and asked all Americans to contribute one dollar to the horrible disaster. I believe that every student throughout this land would pitch in for it."

Public assistance similarly should be thought of as an answer to human needs. Everyone on welfare, whether crippled, elderly, blind, unemployed or underemployed, needs help.

No one wants to see new members added to the unemployment lists, but, with the new "club members," it is possible that the plight of the poor may be dealt with more urgently, more favorably.

A first priority should be to attempt to meet the subsistence necessary for human dignity. Next, an environment should be created to eliminate those trapped in poverty.

Those of us who have never had the misfortune to be hungry, out of work, or victim of horrible disaster, we're lucky. Isn't it about time that we all became concerned about a brother's welfare.

ADDRESS BY SENATOR CHURCH BEFORE PACIFIC CHAPTER, UNITED NATIONS ASSOCIATION

Mr. BAYH. Mr. President, I ask unanimous consent that a very thoughtful speech by the distinguished Senator from Idaho (Mr. Church) be printed in the Record. The Senator, a member of the Foreign Relations Committee, calls for a strengthening of the U.N. as a force in world affairs and wisely points out that it is not the U.N. that has failed in Indochina but the nations involved in that tragic conflict themselves.

There being no objection, the address was ordered to be printed in the Record, as follows:

DOES THE UNITED NATIONS HAVE A FUTURE?

(By Senator Frank Church)

Anniversaries are usually occasions for sentiment and ceremony. Both have their place but, when it comes to the serious discussion of international affairs, they are of limited value. Sentiment is not idealism—although it is often mistaken for it—and ceremonial incantation is a poor substitute for rational analysis. In its twenty-five years' history the United Nations has probably inspired more laudatory peroration than any political institutions in the history of man. Nonetheless, the organization is not prospering. It has fallen short of the hopes which attended its creation: it shows little capacity for tempering existing conflicts: and its future as a peace-keeping organization has never been more in doubt.

I recall the words used by Secretary General U Thant five years ago in his report on the state of the United Nations prior to the opening of the 21st General Assembly, his analysis is still distressingly accurate. "Generally speaking," the secretary general said, ". . . the powerful nations have not, during this period, shown themselves able to rise above the suspicions, fears, and mistrust that spring from their different ideologies and from their different conceptions of the best interests of the rest of the world: nor the rich nations above their concern for the continuation of their own prosperity: nor the poor nations above the dead weight of their chronic poverty and their anachronistic social structures."

Perhaps, on this twenty-fifth anniversary we can perform a greater service for the U.N. by assessing its important failures than by eulogizing its limited accomplishments. In this spirit I come before you today not to praise the United Nations—which is hardly warranted—nor to bury it—which would be premature—but, as best I can, to analyze its past and estimate its future.

I. What the U.N. can do—and what it cannot do:

As far as international relations is concerned, the progress of civilization can be measured by the movement from force to diplomacy to law. In the nineteenth century the European states had considerable success in solving many of their problems by diplomacy rather than war. By the end of the century they were even experimenting with law, as evidenced by the creation of The Hague Arbitral Tribunal and the actual use of arbitration for the settlement of some important disputes, especially between Great Britain and the United States. These fragile achievements in the international civilization were shattered in the calamity of the two world wars.

After each of these wars, it was thought worthwhile to try to build something new under the sun. There was, after all, no tried and true system to fall back upon. The old concert of Europe lay in ruins and the balance-of-power system seemed utterly discredited. Under the circumstances it seemed logical to try to take a great leap forward in the progress of civilization, from the rule of force to the rule of law, from the unregulated balance of power to a world security community.

The first experiment failed outright. Disowned by its American sponsor, and consigned to a hostile world environment, the League of Nations was to all intents and purposes dead before the Second World War began. Nonetheless, the nations saw fit to try the audacious experiment again, and when the United Nations Charter was signed at San Francisco in 1945, new hopes were born. The world dared hope, as President Wilson had expressed it twenty-five years before, that a "living thing" had been born, a document both "practical" and "humane," with "a pulse of sympathy in it" and "a compulsion of conscience throughout it."

From the start, however, the UN charter was a two-faced instrument. On the one sides, the members agreed to "refrain in their international relations from the threat or use of force"[1] and to "accept and carry out the decisions" of a security council[2] vested with full organic authority to determine the evidence of any threat to the peace and to take any action it saw fit to "maintain or restore" the peace.[3] On the other side, the charter also gave the great powers the right of veto in the security council, which in effect put them above the law of the charter, enabling each to determine for itself when and whether it would permit peace enforcement procedures to be used. The char-

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Footnotes at end of article.

ter also recognized "the inherent right of individual or collective self-defense,"[4] acknowledging that wars might still occur outside of the jurisdiction and control of the world body. The charter is thus ambivalent, looking ahead with one face toward an authentic world security community, looking back with the other toward traditional methods of national self-help and the unregulated balance-of-power.

This ambivalence was not an accident or an oversight. The "Founding Fathers" at San Francisco never intended the peace-enforcement procedures of the charter to apply against the great powers emerging victorious from the war, or under any circumstances in which the great powers were not united. It was hoped, if not assumed, in 1945—at least by the United States—that the victors of World War II would remain united in support of the peace. When President Roosevelt returned from Yalta in early 1945, he said that the allies had achieved unity "in spirit and in purpose" in their planning for the postwar world. The UN charter was built on that premise, and the framers did not expect it to function on any other basis. By constituting a security council with organic powers to enforce peace, the framers bet on the postwar unity of the great powers; by giving them the veto, they hedged that bet, and they did it with their eyes wide open. The veto was not something that was slipped into the charter by inadvertence; it was inserted quite deliberately, at the insistence of the great powers, and in full awareness of its implications.

In the last few years many people have lost faith in the U.N. because it has failed to bring peace in either Southeast Asia or the Middle East. There are ample grounds for criticizing the U.N.'s performance—or lack of it—in both of these areas, but it is neither fair nor historically accurate to condemn the U.N. for its failure to do things it was never equipped to do in the first place. The conflicts in Southeast Asia and the Middle East both involve the great powers, directly in one case, by proxy in the other. This being so, the U.N. is not failing *unaccountably* to practice collective security; it is failing exactly as its framers intended it to fail when the great powers came into conflict. It is unfortunate that so many exultant speeches have been made since 1945 celebrating the U.N. as if it were, or easily could become, a genuine world security community. These statements have given rise over the years to extravagant hopes and unnecessary disappointments.

But if the United Nations cannot be considered a success as a collective security system, neither can it be considered a failure as one. It is not the U.N. which has failed in Indochina and the Middle East; it is the nations which are fighting there who have failed, because they—and they alone—have had the power to make war or peace. As one U.N. ambassador has pointed out: "There is nothing fundamentally wrong with the United Nations—except perhaps its members."

When then is the U.N. if it is not a collective security system? What can it do if it cannot enforce peace through collective action? What indeed is it good for, if it is good for anything at all? The answer, I think, is that the U.N. is a *potential* collective security system with certain attributes of an authentic security community. It prohibits aggression in principle and deprives states of the legal right to use force at their own discretion. It makes the illegitimate use of force a matter of concern for the world community, and provides—at least in theory—for collective peace enforcement, and—as far as immediate problems are concerned—although it is true that the Security Council cannot function in matters over which the great powers are at odds, it can function in matters over which they are not at odds, or over which they have the will to compose their differences.

It is at this point that cynicism about the U.N. contributes to the further, and unnecessary, weakening of the organization. Disappointment over the U.N.'s failure to do what it could not do in the field of collective security has caused us to overlook its useful possibilities in other fields. Many governments, including our own, have been treating the U.N. with ill concealed contempt, as if it were nothing more than a forum for the windy propaganda of powerless mini-states. There is of course truth in the charge, but the organization is what its members make of it. Its demoralized state is in large part the result of its members' neglect and contempt. As a result of these attitudes, we are passing up opportunities to make effective use of the U.N. in areas other than collective peace enforcement, such as economic assistance, the mediation of disputes, and policing and oversight of peace settlements. Most important of all, we are not even trying to use the U.N. for peace enforcement in those few instances, such as the Middle East, where there is at least a possibility of bringing the great powers together to make the Security Council function.

The decline of the confidence and respect for the United Nations has been particularly acute in the United States, except for a few occasions—such as the Korean war, which was fought in the name of the United Nations, and the relatively successful peacekeeping missions in the Congo, Cyprus and the Middle East after the 1956 war—the decline of American regard for the UN has been steady and steep. Relations soured over the "article 19" crisis of 1964, when the Soviet Union and France refused to meet their assessments for the UN peace forces in the Middle East and the Congo. Lack of sympathy at the UN for American policy in Vietnam made for abrasive relations during the Johnson administration. The Secretary General's abrupt withdrawal of the United Naions emergency force from Egypt in 1967 led to further irritation. The present American attitude toward the UN, however, as Richard N. Gardner has pointed out, is "less irritation than indifference. The Nixon administration pays little attention to it in the conduct of foreign policy, and American leadership in the whole body has declined to an all-time low."[5]

While the great powers have kept the great issues, ranging from the Indochina war to the Soviet invasion of Czechoslovakia, out of the UN, the small Afro-Asian countries have filled the vacuum with their own special concerns. Unfortunately, they have done so copriciously and ineffectively. Ganging up to form parliamentary majorities which in fact represent only a fraction of the world's population and virtually none of its military power, they pass resolutions on matters of racial inequality, wealth-sharing and anticolonialism. Many of these have merit but their primary characteristic is utter futility.

Still, the United Nations does not seem likely to die any time soon. As Professor Lincoln Bloomfield of the Massachusetts Institute of Technology has commented, the chief danger is that it will "settle into a condition of permanent invalidism . . ."[6] The real question is not whether the UN will soon go the way of the League of Nations but whether it can be strengthened into a pertinent and constructive influence upon international relations, and whether its once bright promise as the international core of a civilized system of world order can be revived at least to the status of a realistic hope.

I do not know whether the UN is going to be cured of its invalidism—I truly do not know—and I am not going to make any hollow, hopeful anniversary predictions. I do, however, have some thoughts about practical steps we might take to strengthen the UN in the immediate future.

Footnotes at end of article.

II. Reforms and innovations:

It seems to me that the first essential reform for strengthening the United Nations would be the universalization of its membership. This would mean the admission of all of the divided countries to separate but full membership in the UN: East and West Germany, North and South Korea and North and South Vietnam. Communist China could be admitted as the legal government of China, with a permanent seat on the security council, while Taiwan would be granted separate membership. All of these admissions could be arranged in a "package deal," without prejudice to the possibility of subsequent reunification of any of these divided states. The admission of these countries would make the UN a genuine world organization for the first time; it would bring in two major nations which have been "second-class" citizens of the world community: China and Germany; and it would represent a solid first step toward a goal which the United States Government has frequently said it favors: bringing China out of her isolation into the international community.

Another desirable reform would be the narrowing of the gap between voting power in the general assembly and real political, military and economic power. However indignant we may feel about racial injustice in South Africa and Rhodesia, or the Portuguese Colonise in Africa, it cannot be denied that the fruitless debates and impotent resolutions on these issues which have been thrust upon the general assembly by majorities composed of small and powerless nations have cast discredit on the UN as a whole, reinforcing its image as a futile and irrelevant debating society.

To alleviate this distortion, professor Bloomfield has put forward an ingenious proposal for "weighted voting—weighted, that is, according to the size and power of the members—but without actually amending the charter." He suggests that the United States unilaterally commit itself to accept as binding all recommendations and judgments of the general assembly adopted by votes which represent a real majority of the world's units of power and population as measured by a system of weighted voting which we ourselves would devise. The purpose of this innovation would be to set an example which other members might see fit to follow.[7]

Another proposal, made by Richard Gardner, would serve the same purpose of narrowing the gap between voting power and real power in the general assembly. Mr. Gardner suggests that greater use be made of special small committees on such matters as peacekeeping finance. These committees would be constituted to give the large and middle-sized countries greater representation than they have in the general assembly as a whole. In order to make this committee system effective, the general assembly would have to agree that resolutions would be regarded as adopted only when approved by both the small committee and the general assembly as a whole. The effect, as Gardner points out, would be the introduction of *de facto* bicameral system.[8]

The Security Council might also be reformed to reflect more realistically the size and power of its non-permanent members. Mr. Gardner suggests an arrangement under which five of the 10 elective seats on the Security Council would be reserved for the "middle" powers—such as Japan, India, Italy, Brazil and Indonesia.

Concrete steps could also be taken to strengthen the UN's peacekeeping machinery, notably by establishing a permanent fund for the financing of the emergency forces. Ambassador Yost has even suggested that we contemplate reviving some of the original provisions of the charter for collective peace enforcement. Specifically, he thinks we might eventually reactivate the military staff committee to which the framers of the charter attached so much importance[9] and arrange at long last for the negotiation of those "special agreements"[10] between the member states and the Security Council which were meant to provide the UN with armed forces and other facilities on a permanent basis.[11]

If the nations have any interest whatever in the rule of law in international relations, they can show that interest by reactivating the long-neglected and now idle international court of justice. For a symbolic start, the United States should repeal the Connally amendment, under which we have made ourselves the sole judge of what is a matter of domestic jurisdiction and, therefore, outside of the court's purview. The Connally amendment has a reciprocal effect: reserving to ourselves the right to exclude any matter we wish from the international court's jurisdiction, we thereby accord the same privilege to other nations.

Repealing the Connally amendment is not a panacea, because there are other available means of avoiding the court's jurisdiction, nor does the existence of the Connally amendment stop us from using the court if we wish to. The major reasons for the court's idleness are the general decline of respect for international law, and the worldwide cynicism about international institutions which we have noted.

Here too the United States could take a constructive lead if it wished to. We have always regarded the introduction of law into international politics as one of the major objectives of our foreign policy. Prior to World War II we had an excellent record of treaty compliance, and prior to World War I we had joined with Great Britain to set a civilized example through a series of arbitrations of disputes ranging from the "Alabama" claims arising out of our Civil War to the Canadian-Alaskian boundary and the protection of fur seals in the Bering Sea. The international court of justice is a far better institution for international adjudication than the *ad hoc* tribunals of the late nineteenth century. All that is lacking is the will to use it and the willingness, if necessary, to submit to an adverse judgment, which is the essence of a commitment to the rule of law.

Granting as we must the serious disabilities of the UN in the political and military field, we may still find opportunities for international community building through social, economic and scientific enterprises. In the words of one leading advocate of the "functional" approach, as it is called, a peaceful world society is "more likely to grow through doing things together in workshop and market place rather than by signing pacts in chancelleries."[12] This may be overstating the possibilities but, aside even from their intrinsic merits, practical economic social and scientific projects carried out under international auspices can contribute to the development of new attitudes, of the state of mind which makes a community. When political antagonisms seem intractable, we can circumvent them by seeking out opportunities for practical international cooperation in nonpolitical fields. The assumption and hope of the "functional" approach are that cooperation in nonpolitical fields, by circumventing ideology and national rivalries, can have important political consequences.

There are many areas of prospective cooperative effort of this kind, including the exploration and use of the seabed, population control, and protection of the environment. The words "science and technology" do not even appear in the United Nations charter, but as it becomes clear that the threat to human survival arising from pollution and the destruction of resources is hardly more remote than that from nuclear weapons, the U.N. is confronted with the opportunity to perform tasks which, through unforeseen at San Francisco, may well be as important as preventing a third world war. To begin to meet this challenge, the general assembly could establish a new committee on science and the environment and a new department with the same responsibilities might be established in the secretariat. Both of these new organs would require the services of highly trained scientists, environmentalists and population experts. In 1968 the general assembly voted to convene a conference in 1972 on the world environment. The conference may of course confine itself to making declarations, but, with serious effort and careful preparation on the part of the participants, it could initiate constructive new programs of international cooperation.

There are two other areas—those of economic aid and volunteer services in developing countries—which provide opportunities for "functional" cooperation among political antagonists.

The World Bank, its soft loan affiliate, the international development association, and the Asian and inter-American development banks are all going concerns. All that they lack for effectiveness as international aid agencies is sufficient capital and the enthusiastic support of the rich nations of the world. The United States could set an example of international responsibility by undertaking, without conditions, to channel most or all of its economic aid to developing countries through these international agencies.

Whatever its original conception, bilateral aid has become one of the means by which rich nations try to buy influence—influence conceived as power. It has become one of the tools with which the superpowers try to expand or defend their dominant positions and has rightly been called "welfare imperialism." An internationalized aid program would require the superpowers to convert their aid programs from weapons of the cold war to a practical program of international community building. The "welfare imperialism" which is so damaging to both donor and recipient would—or could—give way to a new concept—the concept of a community acting to meet its common and rightful responsibilities toward its own less privileged members.

No less promising and more likely of early achievement than the internationalization of aid is the creation of a United Nations volunteer service similar to the American Peace Corps. There are already many thousands of volunteers from a great many countries serving in most of the developing nations in such fields as agriculture, education, health, small industry, housing, public administration and family planning. In a great many cases volunteers from different countries are working together on specific projects. Spontaneously and successfully. By available accounts proposals for formal internationalization elicit great and widespread enthusiasm from the volunteers themselves. Drawing on the idealism of young people—and a surprising number of older people—from diverse societies with diverse ideologies, an international volunteer service is one of the more promising and more feasible of existing opportunities for community building through practical, nonpolitical action.

These proposed activities, I am well aware, fall far short of the needs of a world beset with overwhelming problems of violence and human misery. Recognizing the gap between the prescription and the problem, I am not inclined to worry about it too much, if only because every step forward, however modest, will be an ascent to a new plateau, from which, almost surely, new vistas will come into view, providing us with fresh opportunities now beyond our grasp.

III. Enforcing peace:

In its major field of responsibility—peacekeeping—the United Nations has one surpassing and indispensable requirement: The trust and confidence of its leading members, especially the United States and the Soviet Union. With this trust the UN can be made to function as an effective collective security system despite the veto and other procedural disabilities. Without it even the most ingenious organizational improvements will be of marginal utility. As Lester Pearson has commented, man's ability to transform the world is limited only by "faintness of heart and narrowness of vision."

Recognizing that the United Nations—and I am now speaking primarily of the security council, which has the "primary responsibility for the maintenance of international peace and security"[13]—can only function in the field of peace enforcement in cases where the superpowers share some common interests, all we can presently hope to do is to seek out those cases where their views are reconciliable and, in those cases, make every possible effort to bring about settlements through the procedures of the Security Council. In other cases, such as the war in Indochina, where the two superpowers are on opposite sides, it is virtually impossible to bring the U.N. into the situation in any way except as a propaganda forum—and, in that case, it is probably better not to bring it in at all.

Today, the one conflict area in which the basic, long-term interests of the Soviet Union and the United States do seem sufficiently close to permit of a peaceful settlement through the United Nations is the Middle East. We have heard a great deal, I am aware, about Soviet designs for domination in that part of the world, but a careful examination of Soviet behavior suggests a policy which is both more conventional and more cautious than we have been encouraged to believe. The Russians, no doubt, derive gratification from their role as a naval power in the Mediterranean, and they also aspire, no doubt, to maximize their "influence" in the Arab countries. This, however, is rather conventional behavior for a great power, and it is not markedly different from our own.

The Russians, it will be remembered, were among the first to recognize the State of Israel when it came into existence in 1948; they have intermittently restrained their Arab clients from reckless action; and they were a party to the Security Council resolution of November 1967, which calls, among other things, for the "termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area."

It appears to me that the basic interest of the United States and the Soviet Union in the Middle East are not so far apart as to prevent cooperation toward a peaceful settlement arranged through the procedures of the U.N. Security Council. The major consideration, from the standpoint of those of us who are interested in building the United Nations into an effective peacekeeping organ, is to bring about a middle eastern settlement through the Security Council and, in so doing, to create a valuable precedent for the future.

We could not of course allow the legitimate, vital interests of either Israel or her Arab neighbors to be sacrificed solely for the purpose of achieving a solution through the United Nations. Israel, for its part, is entitled to assurance of her survival and security; the Arabs, for their part, are entitled to the restoration of occupied territories and an equitable settlement of the refugee problem. Although implementation of these principles in detail would be difficult, there is sufficient possibility that the

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Footnotes at end of article.

United States and the Soviet Union could find common ground to justify a major American initiative toward the achievement of an agreement implementing the provisions of the Security Council resolution of 1967. Through the initiative of Secretary of State Rogers, the administration has already taken a commendable lead in this direction; one hopes that they will not be deterred by the stubbornness of the parties and the criticism which has always arisen when a calculated risk runs into unforeseen, and unforeseeable, difficulties. Even if the entire experiment turns out to be a failure, it is still worth taking a chance on Soviet-American cooperation in the United Nations. If the experiment fails, no one will be any worse off than before. If it succeeds, the U.N. will be a stronger and more promising institution.

The United Nations might also play a useful role in the oversight and policing of a general Indochina peace settlement. It could perform these services through a revived International Control Commission and, possibly, through the use of peacekeeping forces comparable to those which have served in the Congo and the Middle East.

None of these approaches is certain of success. None, I suppose, could meet prevailing standards of feasibility in the making of foreign policy. Nonetheless, it seems to me that the attempt to build effective international institutions for the management of mankind's common problems, especially those relating to the maintenance and enforcement of peace, should be the major concern of American foreign policy over the decades ahead. In the exceedingly dangerous world in which we live it is not sufficient to rely in our policymaking on the guidelines of a narrow pragmatism. With the human race endangered as never before in its history, it is scarcely relevant to ask how likely we are to succeed in deciding whether to orient our policy toward the long-term goal of building an international community. However small the chances of success, there is really nothing else worth striving for. By extension of the same reasoning, the United Nations, despite all its faults, deserves a place at the center of our foreign policy and not, as at present, at the far periphery. We owe it our support, not for what it is, as Camus would have said, but for our own best conception of what it may someday become.

FOOTNOTES

[1] Article 2, paragraph 4.

[2] Article 25.

[3] Articles 39–42.

[4] Article 51.

[5] Richard N. Gardner, "Can the United Nations be Revived?" Foreign Affairs, Vol. 48, No. 4, July 1970, p. 661.

[6] Lincoln Bloomfield, "Some Thoughts on What a United States Commission on the United Nations Can Accomplish," unpublished memorandum, July 22, 1970, p. 3.

[7] Bloomfield, "Some Thoughts on What a United Commission on the United Nations Can Accomplish," p. 5.

[8] Gardner, "Can the United Nations be Revived?" p. 666.

[9] Article 47.

[10] Charles W. Yost, "World Order and American Responsibility," Foreign Affairs, October 1968, p. 8.

[11] Article 43.

[12] David Mitrany, A Working Peace System (London and New York: Royal Institute of International Affairs, 1946), p. 5.

[13] Article 24, paragraph 1.

INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. KENNEDY. Mr. President, I support H.R. 18306, a bill authorizing increases in the U.S. participation in certain international financial institutions. I have listened with considerable interest to the discussions which have taken place on the floor of the Senate. I commend the able chairman of the Foreign Relations Committee (Mr. FULBRIGHT) and the senior Republican member of that committee, the distinguished dean of the other side of the aisle, the senior Senator from Vermont (Mr. AIKEN), and their presentation of the proposal to increase the resources of the Asian Development Bank, the International Monetary Fund, the Inter-American Development Bank, and the World Bank. This clearly is not a partisan issue and the letter from the President on December 4 is only the most recent evidence of the concern which every Chief Executive of the United States since Harry S. Truman has had in assuring the adequacy of the resources of the international financial institutions.

I have listened with equal intensity to views of Senators who are critical of the bill and critical of the institutions whose resources are affected by this legislation. It would appear to me that this legislation should be supported for all the reasons which the distinguished chairman of the Committee on Foreign Relations has stated.

Surely no one can take exception to the strengthening of the international monetary system attempted by the IMF. Nor have I heard any statement on the floor of this Chamber which would indicate disagreement with the relatively small increase in the U.S. participation in the World Bank. Essentially, concern has been expressed over increases in the resources of the IDB and the ADB. I would like to address myself specifically to the criticism leveled at the IDB because I believe that the increase in it's resources is fundamental to our commitment to the nations of Latin America.

The IDB first was called for by Cordell Hull in 1941 and time after time was the first recommendation of Latin American economic and political study groups. Finally, the IDB entered life under the auspices of President Eisenhower and received its first major funding under President Kennedy. It was and is a keystone of the Alliance for Progress. It received an additional major infusion of resources under President Johnson, and now the current administration is seeking to further strengthen this institution. The Washington Post, in an article about the IDB a year ago, described the bank as a "controversial success" and indeed it has been controversial as demonstrated by this debate, but I also insist that it has been and is a success.

The IDB has been criticized because it is a multilateral institution, and because it is a borrower's bank.

Without criticizing bilateral aid, I would share the view of the Peterson Commission that:

> More reliance on international organizations should be built into all U.S. policies relating to international development. * * * A predominantly bilateral U.S. program is no longer politically tenable in our relations with many developing countries, nor is it advisable in view of what other countries are doing in international development.

Mr. President, I believe that if we insist on an exclusive bilateral approach to our relations with the developing world in the face of this and other international study report, it would be both unwise and contrary to the best interests of this Nation.

Perhaps the cardinal sin with which the IDB is charged is that it is a borrower's bank. The principal control does lie with potential borrowers, however, the United States holds 42 percent of the voting powers on conventional loans and with regard to the social progress trust fund our vote is final. The Cassandras expected any delegation of control to borrowers to presage a wholesale economic fiasco, but the 10-year history of the Bank proves the contrary.

Mr. President, the Inter-American Development Bank is improving its procedures and is fast becoming a model for the creation of other regional banks. Unquestionably it has become one of the foremost elements in Latin American development during the past decade. Felipe Herrera, who has now turned over the bid to the eminent and respected statesman of the Republic of Mexico, Antonio Ortiz Mena, must be credited with piloting the Bank from a doubtful experiment a decade ago to an ongoing and internationally recognized leader in the development process.

Mr. President, between 1961 and 1969, the Inter-American Development Bank approved some 600 loans totaling \$3½ billion of which 60 percent involved soft loans at concessional interest rates. It also should be noted that for every dollar loaned by the Bank, the Latin American borrowers contributed approximately \$2, mainly in local currencies. Thus, nearly \$10 billion in resources were generated by the Bank during that period for social and economic development.

The IDB's reserves to secure the nearly \$1 billion of bonds issued by the Bank have risen to the \$100 million mark. It has been able to raise a substantial amount of its resources in the capital markets of the world, and its bonds are AAA-rated.

From its beginning, the Bank also has been an innovator in lending techniques, and in its approach to lending as an instrument to bring about social change. Its first loan was to be for potable water to a city in Peru. At Punta del Este (Uruguay), Che Guevara laughingly called the IDB the "Bank of Bathrooms." But the Bank's investment in some 3,600 water systems and 360 sewerage systems has paid tremendous dividends in the health and well-being of Latin American citizens.

The Bank has funneled 20 percent of its loan portfolio into agriculture, 18 percent into industry, 29 percent into transportation, ports, electric power and telecommunications, 23 percent into urban development and sanitary installation and 6 percent into higher education.

In the field of housing the Bank made loans of \$323 million to 14 housing agencies to provide housing units for 2.2 million persons. By the end of 1969, 255,000 housing units were completed and the remaining 72,000 units were under construction.

XUM

Mr. President, I believe it is important to note that the IDB Board of Governors recently adopted additional policies which will go further toward bringing development assistance to those in most need. The Latin American nations have endorsed a policy of providing the least developed countries in the hemisphere first priority on the loan resources of the fund for special operation—the so-called soft loan window of the bank. As a result, the more advanced nations undoubtedly will make greater use of the bank's conventional loan with the correspondingly higher interest rates. This action is a recognition by the Latin American nations of the interdependence of the nations in the hemisphere and of the cooperative spirit that is vital to the Latin American development process—a process in which we are inextricably involved and upon which the future of 270 million persons depend.

Mr. President, let me comment also on the question of priorities raised by my colleagues who oppose this measure. They accurately point out the existence of unmet needs in this Nation and question whether we can afford the expenditure of funds for foreign assistance of any sort. I believe that to meet our responsibilities we can and must do both.

I would caution that the United States already is extending a far smaller portion of its gross national product to foreign assistance than many other developed nations and also has provided a smaller portion of that assistance to multilateral agencies. To avoid the disastrous widening of the gap between the have and have-not nations, we must maintain our commitment to move mankind toward peace and prosperity. To drop out from the struggle of the developing nations would be to inestimably add to the economic despair and emptiness that now marks the lives of those who are forced into the favillae of the world.

It has been observed by Sol Linowitz that:

> During the next 60 seconds, 200 human beings will be born on this earth. 160 of them will be colored—black, brown, yellow, red. About half will be dead before they are a year old. Of those who survive, approximately half will be dead before they reach their sixteenth birthday.
>
> The survivors who live past sixteen will have a life expectancy of about 30 years.
>
> They will be hungry, tired, sick most of their lives. Only a few of them, if that many, will learn to read or write.
>
> They will till the soil, working for landlords, living in tents or mud huts. They—as their fathers before them—will lie naked under the open skies of Asia, Africa, and Latin America—waiting, watching, hoping.

These are our fellow human beings in a world that is drawn close by communication and technology. We cannot afford the luxury of closing our eyes to these people. To do so would be to discard our own heritage as well.

Mr. President, I respectfully urge the passage of H.R. 18306. I ask unanimous consent to have printed in the Record several articles on the IDB, the conclusions of the past President's report to the 11th meeting of the Board of Governors of the Inter-American Development Bank in Punta del Este this year, and a table showing the percentage of each country's GNP spent on development assistance.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 3, 1970]

Herrera's Bank Leadership

As your editorial of Nov. 27 suggests, the end of the presidency of Felipe Herrera at the Inter-American Development Bank marks, more than most such changes, the end of an era. During the years of its existence, the IDB has come in for a fair share of criticism, based mainly on the allegation (noted by you) that its policies were "political," and on the charge that it was dominated by Herrera. Faults there may have been; but the IDB has been a highly important factor in development, and in the maintenance of good relations among the nations of the Americas. And Herrera has been the imaginative as well as undisputed leader, with qualities which have enabled him to take the desires of all for a "slice of the pie" (hardly a feeling unique to Latin America, if one considers, for example, American public works legislation, not to speak of the quotas proposed in the pending Trade Bill) and turn them into useful developmental projects.

Its achievements are the more notable when one considers the circumstances under which the IDB was born. It is worth recalling that Latin America had pressed for such a bank for years, if not decades, without chipping away the resistance of the U.S. Treasury, until the Lebanon crisis of 1957 elicited the proposal for a Middle East Development Bank—after which the American attitude toward Latin American initiatives for a similar institution came 180 degrees about overnight. When the IDB came into existence, older instituions regarded it with a mixture of amusement and distrust. Its *raison d'etre* was questioned; its competence doubted. And its now commended ventures into the field of social development had long been thought unsuitable for the image of a respected international institution on Wall Street and in the City of London.

The IDB has not only done a needed job in promoting Latin American economic development. It has pioneered for a variety of development institutions. It has effectively administered the Social Progress Trust Fund. It has been a model for other regional development banks, for Asia, for Africa. It has been the first to seek and to administer funds from donor nations, bringing together the merits of bilateral and multilateral lending. It has sponsored organizations like ADELA, an association of private and public entities now emulated in Asia. It has, not least, jolted its older and bigger sister institutions out of what was for a while threatening to be the complacency of stagnation.

How much all of this is due to Felipe Herrera cannot be said by an outsider. That he has had a more than considerable influence on IDB decisions is recognized by friend and foe alike. The achievements of the IDB in Latin America, and its seminal influence owe much to him. I believe that that means the United States, in its relations with the Western Hemisphere, is also much in his debt.

Seymour J. Rubin.

Washington.

[From the New York Times, Nov. 30, 1970]

Hemisphere Bank's Chief: Antonio Ortiz Mena

Mexico City, November 29.—Antonio Ortiz Mena is credited at home and abroad with furnishing the principal guidance for Mexico's economic development during the last decade.

The newly elected president of the Inter-American Development Bank, turning his attention to hemispheric matters, said today that Chile, which has a new socialist-oriented Government, had the right to borrow from the bank under "the same conditions as other member countries." As Mexico's Secretary of Finance for 12 years during two successive presidential administrations, Mr. Ortiz Mena enunciated a doctrine of "stabilizing development" that guided the sustained growth of Mexico's economy at an annual rate of more than 6 per cent.

This has been one of the best growth performances in the world, and it has been achieved in Mexico with rock-hard stability of the peso, liberal use of foreign capital and an impressive increase of domestic savings and investment.

The Mexican record has established Mr. Ortiz Mena's credentials as a public financier with expertise in the economic and social problems of developing countries .

Mr. Ortiz Mena who will head the second largest international lending institution after the World Bank, is widely known and respected on Wall Street, in European capital markets and throughout Latin America.

Mr. Ortiz Mena's status in Latin America is based not only on long participation as Mexico's spokesman in regional economic conferences and institutions, but also on his pursuance of policies promoting Mexican ownership of key economic enterprises in a region where economic nationalism is running strong. He has been a director of scores of public and private enterprises and is reputed to be a millionaire.

He owns a house in the elegant Polanco section of this capital, facing Chapultepec Park, where 18th-century French decor provides an opulent setting for large social affairs and dinners attended by such visitors as David Rockefeller, chairman of the Chase Manhattan Bank or Eugene R. Black, * * * as well as leading figures of Mexican society.

Another family home at Cuernavaca, in a warm valley west of Mexico City, is Mr. Ortiz Mena's weekend retreat. There he and his wife, Marta Salinas de Ortiz Mena, frequently bring together many of their 17 grandchildren. Five of the six Ortiz Mena children are married.

Although involved in public administration and banking since graduating from the National University here with a law degree in 1932, Mr. Ortiz Mena does not consider himself a technocrat.

"Anyone who has been an active agent in public life in Mexico for 18 years and were a technocrat without also being a politician would be lost," he said, in his soft calm voice.

Before Mexico's governing Revolutionary Institutional party settled on Luis Echeverria Alvarez, former Secretary of Government, as its presidential candidate—he was elected and will take office Dec. 1—Mr. Ortiz Mena was considered a possible candidate.

Mr. Ortiz Mena, son of mining engineer in Chihuahua who moved to the capital when the revolution broke out, born in Parral, Chihuahua, on April 16, 1908, one of 10 children.

In addition to law and economics, Mr. Ortiz Mena studied philosophy. He enjoys Bach fugues, and visits Italy to see da Vinci, Raphael and Tintoretto paintings. His taste is for Renaissance not Impressionistic or abstract, and he likes to recite from Shakespeare.

Address by the President of the Bank, Mr. Felipe Herrera to the Eleventh Meeting of the Board of Governors of the Inter-American Development Bank, Punta del Este, April 1970

V. Final Considerations

A number of different comments have been made throughout this review, some in ref-

XUM

erence to our organization, particularly as viewed in the perspective of the decade now ending; others connected with Latin American problems in which we are deeply concerned for both institutional and professional reasons; and still others designed to place the Bank and Latin America within their proper and essential context of inter-American and international relations in general.

I should like to sum up some of these views to present the following conclusions:

First: Following a decade of intensive activity, acting against the changing and dynamic backdrop of Latin American conditions, the role of the Inter-American Development Bank can be described in the words I used in beginning my term as its President: "At the same time that it is a bank, it is something more than a bank". On that occasion, I said: "The different motivations that will influence the activities of the Inter-American Development Bank, and the nature of the general setting in which it will have to act, indicate how complex our institution will be. It is a banking organization, specialized in the regional financing of economic development projects. However, at the same time that it is a bank, it is something more than a bank. We are a bank . . . in that our transactions and loans must adhere closely to the principles of profit and soundness, and in that the Institution must in its initial stage place efficiency ahead of any other consideration. However, we are more than just a bank if we consider that our ultimate objective is to accelerate the development of all of Latin America; if we remember that part of our resources will come not only from private capital markets, but from individual taxpayers of the Americas, whether of modest or great means; . . . if we try to orient our activity toward undertakings of great collective value, such as the creation of the Latin American Common Market; if we strive to promote the use of planning techniques for economic development; if we are convinced that . . . we . . . should face the many problems existing in the fields of education and health in our countries."

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We have mentioned that, in setting up a sound and efficient financial mechanism capable of institutional expansion and at present equipped with the necessary human and financial resources, we have not neglected our ultimate mission, of functioning as a great regional public service irrevocably committed to promoting the utilization and expansion of all those forces and factors that can accelerate Latin America's attainment of full historical maturity. This characteristic is the source of the "mystique" that envelops our institution. In the Bank we have succeeded in forging a financial, human and political inter-American undertaking at the technical service of our people in their collective search for the "common good" of our societies and our great hemispheric homeland.

Second: The Bank is exerting a strong influence on capital formation in the hemisphere. We have pointed out that a substantial part of this process is financed with funds generated by the efforts of our own people and by the mechanisms guiding the productive forces in our communities. Yet over and above an automatic accounting of the direct, and even the indirect, contribution to progress in our countries, our presence and our technical action are influencing the building of societies that must adapt at an ever more rapid rate to the contradictions inherent in the world today resulting from the intrinsic imbalance between the evolution and history of mankind and the advances made in physical and natural sciences.

We realize that in this task events tend to overtake us and that we no sooner evolve what we believe to be a proper solution to a new challenge, than it eludes us and becomes magnified out of all proportion, like a desert mirage that deludes the traveler into thinking he is nearing a restful and tranquil oasis. Our duty is to carry on this task of Sisyphus in the firm conviction that each step we take is contributing to the progress of the hemisphere. We were concerned with the need for modernizing our agriculture and adopting new techniques, only to discover that such innovation was counterproductive unless the surplus labor force could be employed in other activities; we supported national industrialization, only to realize that this process required adaptation to more refined technical procedures, stiffer competition and the demands of growing markets which also needed to be integrated; we participated in establishing an infrastructure of roads, ports, electricity and urban works, only to find that tthe permanence and progressiveness of this effort depended on the extent to which it could be extended beyond the national to the multinational sphere; we took up the problems of housing and sanitation in our cities, only to learn that urban development could not be isolated from the general context of the economy but must be supported by a sound productive base; we tried to help our universities to absorb the heavier quantitative and qualitative pressures of a continent with a growing majority of young people, only to become aware of the fact that coverage of contemporary science and technology was meaningless if it failed to relate to an over-all solution to the problem of manpower utilization on many complex levels.

Emphasis has been placed on our position as the "Bank of the University", the "Bank of Integration" and the "Bank of the National Development Agencies"; we might perhaps encompass all these definitions by shouldering the difficult task of functioning as a "Bank of Ideas" which aims to make its diverse resources and experience available to those who are ultimately responsible for shaping their own destiny.

Third: The progress achieved by the regional countries during the past decade has been substantial and, in some cases, spectacular. But it should be made clear that such progress has tended to concentrate in the more modern and dynamic sectors of our societies. Internal imbalance between the more favored groups and the great marginal masses persists, and the problems of urban overcrowding and insufficient employment capacity are becoming more acute. However, perhaps the most important result of our endeavors has been the definite progress of the Latin American nations toward establishment of the fundamental conditions required for development from the socio-cultural, institutional and technical standpoints, as well as in terms of manpower supply, ability, experience and skill in management of development policies.

Although international cooperation will continue to be necessary in the years ahead, and to an even greater extent than in the past, changes are already taking place in its implementation. The concepts of multilateral cooperation are gaining ground in the world of the seventies. Within the framework of this new strategy we must improve our own capacity for service along institutional and operational lines.

In this respect we must, of course, avoid the arrogance of considering ourselves to be more efficient than our governments or their people or wiser than those who may have had to attain goals more complex than ours. The Bank should at all times be responsive to the needs of its own countries and to the new prospects opening up in the world today. This approach will be more necessary than ever in an international situation of unresolved tensions, of continuing maladjustment of men to their social and natural environment, where new demands are being made by new generations.

We must therefore, while increasing our technical capacity, maintain an open sociological and historical perspective with regard to the changes occurring in a Latin America where dynamic expansion is now an established fact. We are wholly convinced that, regardless of the turn of future events, our societies will increasingly call for greater organization, better use of production factors and, particularly, an increased capacity to generate the financial and technical resources required by the world of tomorrow. Since channeling of this process is essentially a political problem, we must follow as closely as possible the wishes of our own people in shaping their collective destinies, although it is not in our power to provide ultimate solutions, even had they not become obsolete in the changing circumstances of this latter part of the twentieth century. Within this framework of international cooperation, in which we perform an important role, the transfer of knowledge and experience from other areas and of financial resources that can serve to enrich our own economic development will become increasingly more selective.

Fourth: We would like to stress that, since the IDB evolved in this decade in response to economic and social development problems of the hemisphere and new factors in inter-American relations, it has consistently been marked by a "cosmopolitan" approach. We can state, without fear of contradiction, that our organization, operating on the basis of constructive inter-American participation and influenced by a Latin American mystique, is also motivated by a strong sense of international awareness.

For this reason our organization, while designed as a factor of regionalization and of the struggle to overcome our underdevelopment, has remained receptive to the major trends and ideas of the contemporary world. Indeed, such a stance was inevitable. For when Latin America strives for national and regional growth it does so with the aim of securing a more influential position in the international sphere, vis-à-vis the great centers of power in the industrialized world, and to what we hope will prove to be an increasingly fruitful and educational coexistence with other groups of developing nations. Moreover, many of the difficulties restricting our development are caused by outside factors, particularly those deriving from trade relations that have not yet reached the equitable level to which we all aspire.

Fifth: In view of the foregoing remarks, we feel it would be presumptuous on our part and historically meaningless to initiate the 1970's by attempting at this time to provide any final evaluation of past achievements or to prescribe any rigid course of action for the future. The unconventional nature of many of our activities, most of which have, over the years, proved sound, oblige us, first of all, to *consolidate* our original aims, while at the same time freely discarding or improving upon those experiments which events have shown to be misdirected or in which our efforts may have been disproportionate to the benefits generated. Fortunately, in contrast to the situation a decade ago when the experience of others that could be drawn upon was conventional in nature and based on concepts that were inoperative or merely imitative within our own frame of references, we now have the advantage of our own fund of experience to help us to review many of the basic premises of international economic cooperation, a review from which we can benefit greatly.

Sixth: Although we will leave for the closing session a further examination of possible bases for strengthening our activities as we begin a new decade, with particular attention to observations made by the Governors during this Meeting, I believe we might suggest at this point the following guidelines for future action:

(a) The average of the first nine years of IDB credit activities shows that we have been able to commit funds amounting to an annual total of $400 million. As mentioned, last year this average rose by 50 percent. In the current year we expect to maintain, and even show a reasonable increase, in the 1969 volume of credit.

If the Governors approve the increase in resources as submitted to them for consideration, and the pertinent resolution is duly ratified by the national congresses, as has been the case whenever the Inter-American Bank has requested an increase in its funds, we see no obstacle to programming for the next five-year period a total IDB investment in the hemisphere amounting to $4 billion, that is, double the rate of our operations in the decade now closing.

(b) The Bank should accentuate its positive steps over the past two years in its capacity as the "Bank of Latin American Integration". In addition to financial resources, I believe we have acquired the experience and technical knowledge needed to promote a larger volume of financing for regional projects. This will reinforce the effectiveness of our role in the "irreversible" trend toward integration of the hemisphere. We must, consequently, intensify our technical and financial participation in multinational projects, by investments in physical infrastructure, the promotion of industries for an expanded market and the expansion of financing for inter-Latin American exports The Bank must also further emphasize the regional context of its work in the fields of education, science and technology and, in general, the training and preparation of our human and institutional resources.

(c) We must strengthen our action in *agriculture*, directing efforts toward the introduction of new agrarian techniques in the hemisphere and taking into consideration new experiences deriving from the "*green revolution*." We must place similar or greater emphasis on substantially stronger support for the *industrial sector*, extending our traditional financing for small and intermediate industries at the local level to include industrial economics of scale, which are the very basis for modernization of our productive system. In this same context it will be useful to continue to explore the possibilities and prospects of a subsidiary provided with sufficient resources and flexibility to meet the demands of Latin American industrial enterprises.

(d) Within a comparatively short span we must be in a position to undertake operations in fields for which preparations have already been made, such as the *fishery and tourism industries* and rational development of the *forestry industry*.

(e) We must continue and intensify our *social investments*, in accordance with the new criteria established for urban growth, which should also be considered irreversible. In this area special consideration must be given to population, employment and marginality problems. The foregoing will entail not only the use of financial resources, but also more vigorous assistance in the necessary research and planning work which this challenge demands from the Latin American countries.

(f) We must strengthen our position as the "Bank of the Latin American University", continuing to seek formulas for cooperation in the new science and technology policies of the member countries. In this field we must assign due importance to studying and rationalizing the use of natural resources.

(g) We must strengthen our technical cooperation, preinvestment and institutional and managerial development efforts which enable the countries to make better use of their own potential in behalf of common progress.

Seventh: The areas of concern outlined will require us to define even more precisely appropriate development financing policies for the seventies. To this end, cooperation with other international financing sources and improved technical liaison with the domestic efforts of the countries themselves are more vital than ever.

The broader sphere of responsibilities proposed will also require us to step up our continuing efforts to adapt the operational and technical machinery of the Bank. Even though our technical units are operating with positive efficiency, as demonstrated by the results described in the respective reports, this will call for a strengthening of our personnel. In this respect, we must not neglect our direct contacts with the member countries through our regional offices and experts in the field.

Mr. Chairman, Distinguished Governors: In concluding this address, I call upon the Governors to express their concerns, in accordance with the tradition at these Meetings, so that we may chart new courses of action that will help us to weather the journey ahead that begins today in Punta del Este.

The inspirational spirit of the Republic of Uruguay present here today to lend itself to the cause of the Americas is best symbolized by the immortal figure of Artigas, of whom his compatriot Juan Zorrilla de San Martin said:

"You will not find in the history of the continent a more classic or more Homeric figure than that offered by the history of our homeland. The venerable Artigas, despite an urban and patrician background, desptie an independent social position and an education and culture remarkable for his day, was devoted to the people and to the people alone. He believed in them, never doubting their powers or their virtues, implicitly trusting in native democracy. Artigas believed in the people, in the cosmic, partly chaotic mass that could nonetheless be brought to fulfillment by the creative word. He spoke that word and from this genesis there came forth the new fatherland, republican from birth."

Official development assistance as percent of GNP[1] *(1968)*

	Percent
Australia	0.57
Austria	0.20
Belgium	0.42
Canada	0.28
Denmark	0.21
France	0.72
Germany	0.42
Italy	0.23
Japan	0.25
Netherlands	0.54
Norway	0.29
Sweden	0.28
Switzerland	([1] 0.10)
U.K.	0.42
U.S.	0.38
Total	0.39

[1] Parentheses indicate estimates. Source: OECD, DAC.

SOVIET PERSECUTION OF JEWS

Mr. BAYH. Mr. President, ominous news reports from the Soviet Union indicate that prominent Jewish citizens are defendants in political trials reminiscent of the "Great Terror" era of Soviet history. During the past 6 months, from Leningrad to Tbilisi, the KGB has arrested 34 Jews in an apparent attempt to quell expressions of discontent voiced by a new generation of young Jews who reject their government's intransigence and unwillingness to grant exit permits to thousands of their fellow Jews desiring to join their relatives in Israel and protesting the Kremlin's policy of intellectual repression.

Already many of these Soviet Jews, such as those arrested in Riga, have "confessed" their anti-Soviet activity. Such stories bear the stamp, and raise the specter, of Stalin's infamous "show trials" of 1936–40 when thousands of Jews and hundreds of thousands of other loyal party members were executed by the NKVD. In 1949 a new wave of terror swept the Soviet system bringing with it the arrests of large numbers of Jewish cultural and public figures including most of the members of the Jewish Anti-Fascist Committee. A government crackdown on the Yiddish culture itself ensued, with the closing of Jewish theaters and the shutdown of the Yiddish periodical press. The British Sovietologist Robert Conquest tells us that these moves resulted in the "Crimean Affair," which saw the execution over nearly 600 Yiddish cultural figures. This dark chapter of Soviet anti-Semitism culminated in the well-known "Doctors' Plot" of 1952–53 which witnessed the heinous extent of Stalin's paranoia. Of this bloody episode in Soviet history, Mr. Conquest informs us that Russia's leading physicians were arrested and tortured into confession that they had ploted to poison the Soviet leadership.

Mr. President, is this what is now going on in the Soviet Union? Will Soviet Jews, whose only crime is their fierce desire to remain Jewish, be again subjected to the barbarities of the Stalin era? Is history repeating itself—once more? Surely the Kremlin leaders must realize that the Iron Curtain can no longer conceal the acts of blatant persecution against the Soviet Jewish minority.

In order to discourage a tragic recurrence of these policies of liquidation, steps should be taken by the President, the Senate, and the people of our country to demonstrate the grave concern which we feel for the persecution of Soviet Jewry. With 1971 designated by the United States as the "International Year to Combat Racism and Racial Discrimination" it would be highly fitting for the President to submit to the Senate Foreign Relations Committee the Human Rights Declaration's Convention on Racism and Racial Discrimination. Consent to the ratification of this convention would formally register the American public's approval of the very principles which the Soviet Government is flagrantly violating in their repression of Soviet Jewish citizens. Although the harsh realities of international politics may limit the extent of U.S. intercession in behalf of those Jews persecuted by Soviet policies of intellectual, cultural, and political repression, our actions will clearly indicate the intensity of American disgust and outrage. Another avenue of protest is through the United Nations itself.

With the Simas incident already blemishing the idea of America as a haven for refugees from political repression, we can ill-afford to remain silent while another travesty of human dignity occurs. To remain passive when such grave injustices are being dealt to the principle of political tolerance, condones yet another betrayal of our national

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ideals. I call upon the Soviet Union to honor its commitment to the U.N. Charter "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women." The brutal persecution of Soviet Jewry must cease. International morality demands that the Soviets should stop this abrogation of human rights.

TRILLION DOLLAR GROSS NATIONAL PRODUCT

Mr. GRIFFIN. Mr. President, needless to say, those of us in the Senate have been preoccupied with much pressing business.

So preoccupied, in fact, that many may have overlooked a very important moment in the history of the 20th century.

At 2 minutes past noon today, the annual gross national product of the United States reached the $1 trillion mark.

President Nixon observed the occasion by unveiling a new GNP clock that records the estimated annual rate of GNP minute by minute.

While the President was officiating at the ceremony, the GNP jumped $5 million. Presumably in the short time I am taking to comment on the occasion in the Senate, another $5 million worth of goods and services, or more, are being produced.

This is an occasion for appreciation of the American free enterprise system, and the democratic Republic from which it has sprung, for having brought forth the most productive society in the history of the world.

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THE NEED FOR UNIVERSAL CHILD CARE AND DEVELOPMENT

Mr. BAYH. Mr. President, on December 10, I announced my intention of introducing at the opening of the 92d Congress a bill designed to provide for universal child care and development. The Wall Street Journal of Monday, December 14, provides additional supporting data that highlights the urgency of a universal child care and development program. Specifically, the Journal cites data that clearly show the revolutionary increase in housewife participation in the labor force. For example, the percentage of married women who are either holding down jobs outside the home or seeking such jobs has increased from 22 percent in 1948 to 30.2 percent in 1958 to 39.6 percent in 1969. It is anticipated that the 1970 figures will show that 40 percent of all American wives are in the labor force.

Yesterday morning I had the honor of speaking to some 1,200 conferees from eight of the White House Conferences on Children Forums. I spoke of our massive failure to turn our national priorities away from the sterile concentration on militarism and toward such constructive purposes as child care and education—which is no less than the task of "making human beings human." Unless we do make a real, rather than merely arhetorical, change in our priorities, there will be a far more rapid and pervasive growth of alienation, apathy, drugs, delinquency, and violence among the young who are the hope of America.

I believe that it is particularly appropriate that those involved in the White House Conference on Children be aware of the meaning for child development of the statistics provided in the Journal article. I urge all participating in the conference and all who may be charged with translating the findings of the conference into law to be aware that a society in which 40 percent of married women are in the labor force is a society that simply cannot ignore its responsibility for a universal child care and development program. If the pressures of American society demand that its wives and mothers work outside the home, then American society must shoulder the responsibility for assuring that children do not suffer as a result of being denied the supervision and loving care of their mothers.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Everybody laments inflation. Nobody likes to be paying higher prices all the time. It is a rare day, though, when you hear somebody complain about his income going up. Yet higher wages and salaries are the very stuff of which higher prices are made. And thus far in the whole inflation whirlwind the incomes are running way ahead of the prices. This is not the case for every individual, of course, but for people in general it is true beyond a doubt. And it is something that should be pondered by those who expect inflation's wind to stop blowing any time soon.

At the beginning of the 1960s only a thin 14% of the families in this country had a yearly income of as much as $10,000. Last year saw 46% of the families in that category. Families making $8,000 or more (only 25 in 1960) soared to 60% last year. These are whopping increases. And further gains are certain to show up when 1970 figures are out.

There are several yardsticks of personal earnings. The record of a decade for three of them is tabulated below, along with the rise in the cost of living over the same period. The current family income is an estimate arrived at by adding a conservative 5% to the 1969 figure. Weekly and hourly pay figures cover all non-farm workers. The cost-of-living yardstick is the official index of consumer prices (1957–59 equals 100).

Yardsticks	1960	Now	Percent up
Median year family income	$5,620	$9,900	76
Average weekly pay	80	121	51
Average hourly pay	2.09	3.28	57
Cost of living	103.1	136.6	32

Some of the weekly pay gains have been far above the average, of course. Construction workers now average more than $200 weekly. That's a leap from $113 in 1960.

But the barometer to watch is family income. As a swelling army of housewives moves into the money-earning labor force, the husband's paycheck becomes an increasingly invalid yardstick of family buying power. The image of the typical housewife tending to her knitting and cooking while her spouse brings in all the cash is fading fast. The two-paycheck family grows apace.

Some 36 of every hundred people on non-farm payrolls today are women. In state and local governments, a field of sharply rising employment, the figure is 44.

Women aren't just in service jobs. In manufacturing where non-heavy work is involved (and machines do more of the heavy work every day) they are going strong—often outnumbering men. In the manufacturing of radio and TV receiving equipment, 53% of the workers are women. In the making of apparel and other textile products, women account for 80 of every 100 people on the job.

In general merchandise retail stores, 69% of the people at work are women, and in variety stores the figure is 78%. In the services in general, of course, the ladies are all over the place. Of all the people on bank payrolls, 63% are women. And in hospitals 81% are women.

The table below traces the revolutionary rise in housewife participation in the labor force. The participation rate figures show the percentage of married women either holding down jobs outside the home or else seeking such jobs.

[In percent]

	Rate
1948	22.0
1950	23.8
1952	25.3
1954	26.6
1956	29.0
1958	30.2
1960	30.5
1962	32.7
1964	34.4
1966	35.4
1968	38.3
1969	39.6

The 1970 participation rate figure is not yet available, but all indications are that it will show more than 40% of American wives in the labor force for the first time in history.

The recent pattern of steep wage increases, and their impact on buying power, is well known. But wholly new paychecks for a family can have an even bigger impact. When Mr. Jones gets an 8% wage increase, that's one thing. But when, in addition, Mrs. Jones steps out and lands a steady money-paying job, there is a much sharper step-up in total cash flow to the family coffers.

There are some 18 million married women in the labor force today. That's almost double the 10 million of barely 15 years ago in 1955. And this is a much bigger thing than mere population growth. Population has increased only 24% since 1955.

Teen-agers, too, are contributing increasingly to family finances. Just how big the contribution is is hard to estimate, but it is a matter of record that there are nearly half-again as many 16-to-19-year-olds at work in paying jobs today than there were ten years ago. Latest count puts the country's junior paycheck drawers around six million, compared to just over four million in 1960.

The teen-age labor force has expanded 25% just since 1965, compared with a growth of only 10% in the adult labor force.

The current recession or economic slowdown, despite all the publicity attending it, and despite the undoubted hardship it has brought to the many who have lost their jobs, has had only the most negligible impact upon the massive flow of overall personal income in this country. As of the latest tally (October) such income was placed at an annual rate of just under $810 billion. A year ago it was around $767 billion.

As nearly any retailer will tell you, the consuming public, despite the high incomes, has shown some restraint in buying over the past year or so. Recessionary periods always affect consumers this way. Unemployment headlines make them nervous. But rarely has so much money been stashed away for future buying.

Latest figures show the public saving 7.6% of disposable (after taxes) income. You have to go back nearly 20 years to 1952 to find a year in which people saved that much of what they earned. The saving rate in 1969 was 6%.

When consumers shake off their recession jitters, they can be expected to step up their spending. Or at least they always have in the past. Keeping any kind of lid on prices in the period ahead, no matter what the fiscal or monetary policies, is not going to be easy. There is already an awful lot of steam in the kettle.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending business, H.R. 19911, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Special Foreign Assistance Act of 1971".

SEC. 2. There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed—

(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;

(2) $100,000,000 for economic and military assistance program to replace funds which were transferred by the President for use in Cambodia;

(3) $150,000,000 for additional military assistance for the Republic of Korea;

(4) $30,000,000 for additional military assistance for Jordan;

(5) $3,000,000 for additional military assistance for Indonesia and $10,000,000 to replace funds transferred from other programs for use in Indonesia;

(6) $5,000,000 for additional military assistance for Lebanon;

(7) $65,000,000 for additional supporting assistance for Vietnam; and

(8) $17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past years' programs.

SEC. 3. The President is authorized until June 30, 1972, to transfer to the Republic of Korea such defense articles located in Korea and belonging to the Armed Forces of the United States on July 1, 1970, as he may determine, except that no funds heretofore or hereafter appropriated under this Act or the Foreign Assistance Act of 1961 shall be available for reimbursement to any agency of the United States Government for any transfer made pursuant to this section.

SEC. 4. Except as otherwise provided in this Act, any assistance furnished out of funds appropriated under section 2 of this Act and any transfer made under section 3 of this Act shall be furnished or transferred, as the case may be, in accordance with all of the purposes and limitations applicable by statute to that type of assistance or transfer under the Foreign Assistance Act of 1961 (including the provisions of section 62 of such Act, as added by section 7 of this Act).

SEC. 5. (a) Section 451(a) of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended—

(1) by striking out "for the fiscal year 1971 not to exceed $15,000,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed $30,000,000"; and

(2) by striking out the period at the end thereof and inserting the following: ": *Provided*, That, in addition to any other sums available for such purpose, $15,000,000 of the amount authorized for the fiscal year 1971 may be used only for the purpose of relief, rehabilitation, and reconstruction assistance for the benefit of cyclone, tidal wave, and flood victims in East Pakistan.".

(b) Excess foreign currencies held in Pakistan not allocated on the date of enactment of this section are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

SEC. 6. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall be construed as a commitment by the United States to Cambodia for its defense.

SEC. 7. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 652. LIMITATION UPON ADDITIONAL ASSISTANCE TO CAMBODIA.—The President shall not exercise any special authority granted to him under sections 506(a), 610 (a), and 614(a) of this Act for the purpose of providing additional assistance to Cambodia, unless the President, at least thirty days prior to the date he intends to exercise any such authority on behalf of Cambodia (or ten days prior to such date if the President certifies in writing that an emergency exists requiring immediate assistance to Cambodia), notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which said authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President, has the pending business been laid before the Senate?

The ACTING PRESIDENT pro tempore. The bill has been laid before the Senate.

Mr. SPARKMAN. Mr. President, it does not give me any pleasure to present a $550 million foreign aid bill to the Senate only 10 days before Christmas. This is not a bill drawn up in keeping with the generous spirit of giving that marks this season but is an urgent bill needed to insure the continued withdrawal of our troops from Vietnam. It is designed to lessen America's presence and involvement abroad—not increase it. Let me explain briefly the recommendations made by the Foreign Relations Committee.

The purpose of the bill pending before the Senate is to authorize the $535 million in additional appropriations for foreign aid requested by the President. Of this sum, $195 million is for supporting assistance and $340 million is for military assistance.

Of the $340 million for military assistance, $185 million is for Cambodia, $100 million to pay back programs from which funds have already been borrowed for aid to that country, and $85 million in new aid. In addition, the bill contains $150 million for Korea, $30 million for Jordan, $13 million for Indonesia, $5 million for Lebanon, and $17 million to make up for unanticipated shortages in recoveries from prior year programs.

The greater part of the military aid for Cambodia will be used to provide items of an operational nature. About 70 percent will be used for ammunition. A significant number of carbines, rifles, machineguns, and mortars are also included, as is communications equipment. Some funds will also be used to support the helicopters and tactical fighters which have already been provided.

There was little discussion in the committee of the funds requested for Vietnam, Korea, Jordan, Indonesia, and Lebanon and the request for additional assistance to compensate for shortages in anticipated recoveries from past years programs. Most members of the committee felt that the amounts requested should be authorized, although some members expressed regret that time was not available to examine in detail the implications of some of the authorizations, including, in particular, additional assistance to Korea as part of what the President termed in his message "Korea's major 5-year program to modernize its defense forces." The committee will go into the programs and policies in much greater detail in connection with next year's aid program. Most of the committee's attention was directed to the question of assistance to Cambodia.

The supporting assistance and military assistance requests contained in the pending bill will also permit the restoration of funds transferred from other country programs to meet the emergency needs resulting from the situation in Cambodia. Although the President's message to Congress of November 18, submitting the supplemental program, included a request for $500 million for Israel, that item does not appear in this bill because authorization for that purpose is already provided in the Defense Procurement Act.

The bill would authorize a total of $195 million in supporting assistance, $60 million of which is to pay back funds transferred by Presidential determination for use as military aid to Cambodia. The new authorization of $135 million in supporting assistance will be used in Cambodia and Vietnam—$65 million in Vietnam and $70 million in Cambodia. The supporting assistance for Vietnam consists of an additional $50 million to support the regular commodity import program and $15 million to implement the land reform program in Vietnam. The need for additional funds for the commodity import program results from the fact that the progressive reduction of U.S. forces in South Vietnam and the corresponding assumption of greater defense expenditures by the South Vietnamese Government have together placed a heavy budgetary strain on that country. The inflationary pressures resulting will have an impact on import requirements, while at the same time the South Vietnamese Government is faced with a loss of dollar exchange as a result of the reduction in department of Defense expenditures. The additional funds needed for land reform result from the fact that the program has been accelerated following the passage of legislation this spring by the Vietnamese legislature. While the U.S. contribution will finance commodity imports, the local currency proceeds will assist the South Vietnamese in meeting the initial piastre costs of the land reform program.

The $70 million of economic assistance for Cambodia will be used to finance essential imports, such as vehicles, machinery, textiles, and cement for the balance of this fiscal year and to fund commodity imports for the early part of the next fiscal year.

H.R. 19911 also authorizes an additional appropriation of $15 million for the contingency fund, as well as the authorization for use of local currency held by the United States, to provide assistance for East Pakistan in the wake of the recent disaster there.

The committee has added several safeguard amendments to this bill. These amendments specify that no funds may be used to finance the introduction of U.S. ground combat troops into Cambodia or to provide U.S. advisers for Cambodian military forces; that U.S. military and economic assistance shall not be construed as a commitment by the United States to defend Cambodia; and that in the future the President shall not exercise the emergency authority of the Foreign Assistance Act to provide assistance to Cambodia, above that approved in this bill, unless he notifies the Congress at least 30 days before he intends to exercise that authority; in case of emergency, at least 10 days before action.

These amendments illustrate the committee's concern over Cambodia and the possibility that giving aid may lead to direct involvement, as it did in Vietnam. The committee does not want to see the mistakes of Vietnam repeated in Cambodia. One way to prevent that is to insure that military and economic assistance will not be accompanied or followed by U.S. troops or American military advisers. The amendment adopted by the committee is designed to close the door on that possibility.

The Secretary of State and the Secretary of Defense stated in their testimony before the committee that there was no intention of reintroducing U.S. ground forces into Cambodia or of using U.S. military advisers or trainers in Cambodia, and at his press conference on December 10 the President, when asked whether he could foresee "any circumstances whatever under which he would use ground troops in Cambodia," replied: "None whatever." The amendments added to the bill by the committee only restate the stated policy of the administration, and will strengthen hands of executive branch officials in resisting pressures for further U.S. involvement.

Passage of this bill will show that the United States is willing to help the people of Cambodia to defend their own country by providing them with the necessary arms, equipment, training and related economic assistance—but in that it draws the line at direct involvement with advisors or troops. Cambodia had, after all, been subjected to an unprovoked invasion by North Vietnamese and Vietcong forces armed and equipped by China and the Soviet Union among others.

Given Cambodia's geographic location immediately to the west of South Vietnam, were Cambodia to be taken over by North Vietnamese and Vietcong forces at a time when the United States was reducing its forces in South Vietnam, the rate of withdrawal of those forces would obviously be imperiled and the task of South Vietnamese forces in taking over combat responsibility from the United States made far more difficult.

In these circumstances, most members of the committee were of the view that military and economic assistance to Cambodia seems justified in the national interest. But there was a unanimous and strong conviction on the part of members of the committee that U.S. military personnel should not become involved in Cambodia. In Vietnam, military advisers were followed by thousands of other military advisers and finally by combat forces to protect advisers. Under no circumstances should this pattern be repeated. The assignment of any military advisers to Cambodia, even for the limited purpose of administering our military assistance program, would be viewed by the committee with considerable foreboding.

Mr. President, it is unfortunate that this request could not be put over for consideration immediately after the convening of the new Congress. But urgent matters can be postponed only so far and then they must be faced. I wish that the administration had come to the Congress last summer, when it was obvious that Cambodia would need large amounts of U.S. aid to survive. But, instead of coming to Congress, the administration used the emergency authority in the Foreign Assistance Act to give Cambodia $100 million in military aid.

Some have said, "Why not let them continue borrowing from other programs until the Foreign Relations Committee can give this matter more thorough consideration? Surely they can find the money to go on for two more months or so in the same way." But the fact of the matter is that the continued borrowing from other aid programs to get money for Cambodia will greatly damage the carefully planned aid program for South Vietnam, and other countries from which the money was taken. I believe that the administration did the right thing in coming to Congress now rather than waiting until next year.

I repeat that I wish it might have been feasible to wait until Congress reconvened in the new year, when we would have had an opportunity to hold hearings and to look more carefully into the many factors that are involved, and then to take more time in deliberating on the various features of the bill.

However, as I have explained, it was an emergency situation. The matter was urgent, and I repeat that I believe the administration did the right thing in coming to Congress now, rather than waiting until next year.

Mr. President, I believe that this bill is in the interests of the United States, and that it will help insure the continued withdrawal of American troops from Southeast Asia. I urge that the Senate approve it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the substitute amendment.

Mr. WILLIAMS of Delaware. Mr. President, I wish to commend the Senator from Alabama for his recitation. I agree with him and with the committee position.

Our experience has been that far too often as military aid is made available to a country, the next step is to send advisers into that country to advise it as to how it can use the arms. Sooner or later we have military to support the advisers, and then military to support the military, and we become involved. That is the way we have become involved in Vietnam and other areas.

While I do not question for a moment the statement that they are not going to put troops into Cambodia, the committee decided to put this language in to make sure it carries out the intent that no commitment of ground troops will be made to Cambodia, and it continues by stating that the contribution of this military aid "shall not be construed as a commitment by the United States to Cambodia for its defense."

Mr. President, I think this is wise. It is in line with what the Secretary of State told our committee, and he said he had no objection to this language being put in.

However, since there were a billion dollars in the original budget request, with $500 million authorized for Israel preceding this, and since this measure carries the authorization for the remaining $500 million which involves Cambodia. I wonder, if we should not make sure that our position will be consistent by inserting after the word "Cambodia" the words "or Israel." The same administration request did carry $500 million for Israel, although that is not in this particular bill, but it was in the appropriation bill acted upon yesterday to which this measure has reference. We were told in our committee that there is definitely no plan to get involved with American personnel either in Cambodia or in Israel, but so

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that there will be no misunderstanding I think it would be well, since we are putting some language in the bill, to amend it to cover both situations so that the American people will know that this is not a commitment or will not lead to our getting further involved in either Southeast or the Mideast.

I happen to be one who has questioned several times in the past 4 or 5 years—in fact, I raised the question long before we had problems facing us in either Cambodia or Israel, or, for that matter, in Vietnam—the fact that we have been delegating to the President of the United States, to Presidents Eisenhower, Kennedy, Johnson, and Nixon, the authority whereby they can distribute hundreds of millions of dollars worth of American arms to the country of their choice.

That authority has been delegated to the President with no strings attached. The question was raised after the incident in Cambodia that perhaps he had exceeded his authority or usurped the power of Congress. He had not; he was only using the authority which Congress had previously delegated to him. As I have said, if Congress does not want to delegate this authority we should have retained the control right here in Congress, but since we did not do that, having delegated the authority, it has now reached the point where we are restricting that authority country by country.

If we are going to do it country by country, so that there will be no misunderstanding, I think we should amend the bill to include both countries involved in this billion dollar request so that we will not be leaving anything to chance, or any thought that Congress, by making the restriction in only one area, feels it is all right to go into the other area.

I wonder if the Senator from Alabama would be willing to accept that slight modification and include Israel in the limitation?

Mr. SPARKMAN. Would the Senator repeat the exact words? I know I discussed this with him earlier.

Mr. WILLIAMS of Delaware. The section I am discussing is on page 7. It reads:

> In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia.

I would insert the words "or Israel," and then continue: "or to provide United States advisors to or for Cambodian or Israeli military forces in Cambodia or Israel."

That is on line 5.

Then, on line 9—beginning with line 6, but the correction would be on line 9 so that it would then read—"military and economic assistance provided by the United States to Cambodia or Israel and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia or Israel for its defense."

It merely carries out the expressed commitment that was made to our committee on both of these countries at the same time, at the same hearing, with the Secretary of State.

Mr. SPARKMAN. Mr. President, the able Senator from Delaware spoke to me about this amendment a short time before we started, and I discussed it with him.

I will say to the Senator from Delaware, as I said to him then, that I hope he will not insist upon this amendment. There is a reason for inserting Cambodia. It is based upon the fact that, in the past, American ground forces actually have been sent into Cambodia. Earlier in the year, we had the Cooper-Church amendment, which forbade that in the future. The Senate voted for that amendment.

This is a restatement of the Cooper-Church amendment to forbid the use of ground forces in Cambodia. The committee agreed to it. My understanding is that the administration was opposed, as I recall, to the Cooper-Church amendment. While they have not given us a positive endorsement, it is my understanding that the administration is not opposing the amendment we have written into the bill, which is a restatement of the previous amendment.

At no time have we inserted troops into Israel, nor has there been any proposal at any time that we do so. Israel has said, time after time, that she does not want any foreign troops.

Furthermore, this assistance to Israel is not the same kind of assistance we are giving to Cambodia. Cambodia is being given, I might say, the tools of war. The provision that was included in the bill that was passed by the Senate just yesterday, I believe, provided the aid for Israel. It is a line of credit to enable the Israelis to buy arms that we are willing to sell them—payable in good, hard money—and we know from the past record that Israel will pay. This is just a line of credit.

The two are not similar in any way whatever, and I do not believe that this kind of language should be written in as to Israel or any other country that is included in this bill. Israel actually is not included in this bill, but I do not believe it should be written in.

I do hope that the Senator will not insist upon the amendment.

Mr. WILLIAMS of Delaware. I point out to the Senator that this committee language reads, "or any other act."

Mr. SPARKMAN. I am not questioning that part of it.

Mr. WILLIAMS of Delaware. I raise this question and suggest that Congress should be more careful in delegating to the President the authority to distribute these arms which can be sold at reduced prices, can be sold at regular prices, can be sold for credits which may or may not be paid, as the terms are set, and can even be given away. The President has the authority to give these arms under acts that have been approved by Congress where we delegated to him that authority.

I raised this question long before the problems ever developed either in Cambodia or in Israel—or in Southeast Asia, for that matter—because I think it has been a loose practice and somewhat irresponsible on the part of Congress to delegate this authority, particularly since after the President exercised this authority he was subject to much criticism by Congress on the assumption that he had usurped the powers of Congress.

Neither President Johnson nor President Nixon usurped the powers of Congress. They only exercised the authority Congress gave them because we did not want to face up to our own responsibilities. It is much easier to delegate the authority to the President to make these commitments to make these arms available to the countries and to furnish the advisers; and then, when we become involved, if it works out badly Congress can criticize him for getting us involved. Congress washes its hands. We cannot do that. We do have a responsibility, and we should stop delegating to the President this responsibility.

The Secretary of State, in testifying before our committee, did tell our committee, as the chairman has pointed out, that he had no objection if the committee wanted to write this into the bill. He said it had no effect because they were not going to do it anyway.

I asked the Secretary of State whether there was any reason why we should single out Cambodia and write it into the bill when at the same time another country is getting about twice as much as Cambodia. I asked him, "Why not write it in for both?"

His reply was that it made just as much sense to write it in for both if we are going to write it in at all.

The Senate is proceeding on the premise that it wants to make sure that they keep their words, and the implication is that Congress is not sure that they will. If we are going to make sure of it, then let us make good and sure for Israel as well as Cambodia, because I do not want to see us become disengaged in one area of the world and become engaged in another, and I know that the Senator from Alabama does not want that either.

This amendment I offer merely carries out the intention of the committee and the intentions of the administration. I cannot see any reason why there would be any objection to this, because surely no one in Congress has any intention of ever getting involved. I think it would be well to include both countries, for they are the two major trouble spots. There would then be a clear understanding that we are not going to become involved in either area.

I hope the Senator will accept this amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. Mr. President, I think the Senator from Delaware is correct in the principle. The principle is that our troops should not be committed to war by the Executive—any Executive—without the consent of Congress, except under certain conditions.

Mr. WILLIAMS of Delaware. That is correct.

Mr. COOPER. To protect U.S. troops, to protect our country if it is attacked, and to act in some border line situations where the security of our country

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is at stake. But I believe there is a practical distinction between the case of Cambodia and that of Israel.

I was to make it clear that I hold to my position, which I have held for a long time, that I do not believe that any President is empowered by the Constitution to commit troops to war, except in those emergency situations where the security of the United States or of U.S. forces must be protected, without the consent of Congress. As a practical matter, our forces are in Vietnam in war, our forces have been in Cambodia, and with the war proceeding in Cambodia, between Cambodian forces, South Vietnamese forces, North Vietnamese forces, and the Vietcong, and with the flowing tide of battle, there persists always the chance that U.S. troops could be introduced into Cambodia.

Once U.S. forces are introduced, it is likely that the United States would be engaged in war for a long time until the war is ended or retreat ingloriously. That situation does not exist in Israel. We do not have any troops in Israel or in any contiguous lands. We do have naval forces in the Mediterranean. There is no immediate danger or probability of U.S. forces becoming engaged in war in Israel as in Cambodia. There is a distinction.

A second point is that the administration has made a case that military assistance in the form of materiel and economic assistance to Cambodia are directly needed for the protection of our own troops. As long as Cambodia is in the hands of Cambodian forces it does give protection to our flank and that need is urgent.

While I supported with the Senator from Idaho (Mr. CHURCH), the amendment last summer upon which there was so much debate, that has all gone by and the war is proceeding in Cambodia. I think there is a need to protect our troops in Vietnam by protecting their Cambodian flank without sending our forces into Cambodia. It seems to me that military assistance is the best way to accomplish our aims. The limitation which the committee adopted—the amendment which Senator CHURCH and I offered—should be maintained applicable now, only to the most dangerous area in Vietnam and Cambodia.

There is a practical difference at this time between Cambodia and Israel which will lead me to oppose the Senator's amendment even though I agree that his principle is correct: that the executive should not commit U.S. forces without the consent of Congress.

Mr. WILLIAMS of Delaware. I thank the Senator and I appreciate his position. I suggest that had the Cooper-Church amendment been approved by Congress a couple of years before we got involved in Cambodia it would have been much better than it would have been to wait until after we got involved. I had raised this question several years before but one paid any attention to it——

Mr. COOPER. I did.

Mr. WILLIAMS of Delaware. But as the Senator knows from serving on the committee, I raised this question before the Cambodian incident ever came into the mind——

Mr. COOPER. I remember when the Senator raised it on the question of delegation of the power of the President to furnish military assistance.

Mr. WILLIAMS of Delaware. That is correct.

Mr. COOPER. I agree that he has acted, not as was characterized, with a loophole in Cambodia, but acting under authority of Congress.

Mr. WILLIAMS of Delaware. The Senator is correct, but I thought if we could have adopted this policy before the act it would have been better than after. That was the only question, and I so stated at the time when the so-called Cooper-Church amendment was being discussed. Then the incident had happened. We were in Cambodia. The President was making arms available to Cambodia under authority delegated by Congress, and Congress only proposed to stop after the act. We are not debating that now. But I think it would be well to spell out here today a policy on any other country where we are not involved. I do not think that we should be delegating this authority to the executive branch; but let us face it, the request that came down a couple of weeks ago was for $1 billion, half to go to the Mideast area. We are not involved there as yet. There is a difference, as was pointed out by the Senator from Kentucky. There is quite a difference. Cambodia is more of a threat than is Israel. No one in this Congress and no one in the administration has suggested that we plan to get involved in Israel, but that is the time to take the action and state our position, not after we get involved.

I am not in favor of our country's getting involved in the Mideast area any more than I am for involvement in Southeast Asia.

Let us state the position of Congress before the act. I can appreciate the difference of opinion regarding this point, but if we do decide not to restrict the President in the Mideast area then if later—God forbid that it happen—but if later it does develop and we got involved there, then let us make sure that no one in this Congress rises to criticize whoever may be in the White House because we will have delegated him authority to use his best judgment. Either rely on his judgment or face up to our own responsibility. Here we are exercising our judgment as far as Cambodia is concerned that we do not get involved. I cannot see any point in separating the two countries because they are both hot areas now at this particular time; we all recognize that.

Mr. CHURCH. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CHURCH. Mr. President, I appreciate the principle which underlies the amendment the Senator has offered: American forces should not be sent into battle in a foreign land by decision of the President alone. That is constitutionally the responsibility of the Congress, a principle I wholeheartedly endorse.

This was the philosophical basis for the Cooper-Church amendment offered earlier in this session, and it poses a question that must squarely be faced by the Senate in the years to come. I believe, however, that the best way to face that question is to thoroughly probe the whole perplexing problem of Presidential power and congressional power with regard to the making of war.

As the Senator knows, such a bill, offered by the distinguished Senator from New York, is now before the Committee on Foreign Relations. It is anticipated that the question will be thoroughly examined in the coming session of Congress. I hope that after the careful consideration the committee will give this question, we can bring to the floor a resolution that will help clarify for the future the role of Congress, and the role of the President, in the matter of initiating a foreign war. That is the best approach to resolving this vexatious constitutional question.

However, I would take issue with the Senator when he suggested a few minutes ago, that the action of the committee taken in connection with the pending bill is an implicit criticism of the President.

Mr. WILLIAMS of Delaware. No, no, I did not intend that.

Mr. CHURCH. Well, then, I am happy to say that the attitude of the administration appears to have changed from what it was during the long and difficult and often vituperative debate on the Cooper-Church amendment last summer.

Only last night at the White House, the President told me that he did not take exception to the action of the committee in writing in the restrictions contained in the language of the pending bill. I can only conclude, therefore, that the administration's position has now changed, and that the President is willing to accept statutory restrictions designed to prevent the introduction of American personnel into Cambodia, and to avoid the pattern that developed in Vietnam where money came first, then personnel, followed by troops.

That is the reason we have taken this action, to fortify the President's own resolve not to permit Cambodia to become another Vietnam. Since we are involved in an existing war and since we face an urgent question, namely, to prevent that war from expanding further throughout Southeast Asia and to widen America's involvement in it, the action taken by the committee not only reasserts the principle of the Cooper-Church amendment, but does so in a way that has now become acceptable to the administration.

We have won our fight at the end of this long year. Rather than amend the bill in such a way as to insure its defeat—this is the opinion of the Senator from Idaho—we should seize the victory now and then proceed next year to a thorough examination of the broader constitutional question as to how the power lies divided between the President and Congress in the matter of making war. I will then give full endorsement and support, so far as I am able, to the valid principle that undergirds the amendment offered by the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator from Idaho. As a member of the committee he has been consistent

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on this point throughout. There is no question about that. I respect his views, and I agree with him substantially, as he knows, but I cannot see how Congress can say we trust the judgment of the President in the Mideast but will not trust him to make the decisions in Asia. That is not consistent. We have just as much responsibility in one area as in the other.

I believe it would have been better had we taken such action regarding Asia years earlier, before the fact, and that is what I am trying to do in this instance.

The Senator is correct. The Secretary of State, while he did not ask for the language in the committee bill—perhaps he may have felt it would have been just as good had it been left out—said he had no objection to including it because that was definitely their policy. In answer to my question he made the same emphatic statement regarding Israel, too. Israel is getting $500 million for military aid under the same administration request.

I do not want to leave the inference that we have a different policy for the Mideast area. I did not see our getting involved in Cambodia; none of us did. It is not a question of getting involved only in Israel; it could be Timbuctu or any other country. I have always argued that there is great danger in delegating to any President the power to distribute hundreds of millions of dollars worth of arms throughout the world to countries of the President's choice. Then after giving or selling or furnishing the arms, as the Senator points out, next would come advisers to show them how to use them. Then comes the rest of the military to protect the advisers. Before we know it we have another Vietnam.

I think we should profit by the lessons and the experience of Vietnam. It has been a costly lesson. Perhaps that can be one of the good things that can come out of our involvement in that area. It might teach us how to deal with and stay out of wars in the years to come.

That is the point involved here. This is not singled against any country. The committee amendment on Cambodia immediately before us deals only with one country. Israel also gets $500 million for military supplies. We cannot get away from the fact that the problems in the Mideast are a danger with which we are confronted. We cannot dodge those questions. As we furnish arms to one side and as Russia furnishes arms to the other there can be a spark at some point that will ignite the situation. I think it is the responsibility of any President—whether this administration or the next one—to come before Congress before we get committed in any area with ground troops.

My only difference with the committee action is that it does not go far enough. I do not want to make any exceptions.

That is the only reason I am offering this amendment. These are the only two hot spots involved at this time. I want to make very sure that the making available of arms in either of these areas does not constitute our pledge for future commitments.

That is all I am asking for. I think that to make an exception in one area and not in another would lead to some misunderstanding.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SPARKMAN. Mr. President, the Senator makes the point there of what would be the general coverage. The Senator will recall that in 1967 we wrote into the foreign aid bill of that year—and the Senator from Delaware was instrumental in doing this—the provision that reads as follows:

> The furnishing of economic, military, or other assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use the Armed Forces of the United States for the defense of any foreign country.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. SPARKMAN. That is the law today. It has been the law since we wrote it into law in 1967.

So, there is a general provision. It happens that I have mentioned, and that others have mentioned, the fact that Cambodia is singled out because of the peculiar situation it represents because of the insertion of ground forces there within the last several months.

Mr. WILLIAMS of Delaware. Mr. President, the Senator is correct. I am familiar with that. I supported it at the time. But it did not keep us from getting involved in Cambodia. We did get involved.

Mr. President, I send to the desk my amendment and as that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows: The Senator from Delaware (Mr. Williams) proposes an amendment as follows:

> On page 7 line 4 after the word "Cambodia" insert "or Israel".
>
> On line 5 after the word "Cambodian" insert "or Israelian" and at end of sentence line 5 after "Cambodia" insert "or Israel".
>
> On page 7 line 7 after the word "Cambodia" insert "or Israel" and on line 9 after "Cambodia" insert "or Israel".

CALL OF THE ROLL

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FULBRIGHT. Mr. President, I object.

The PRESIDING OFFICER (Mr. Gravel). Objection is heard. The clerk will resume the call of the roll.

The assistant legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 430 Leg.]

Allen
Baker
Boggs
Byrd, W. Va.
Church
Cooper
Dole
Ervin
Fulbright
Goldwater
Gravel
Holland
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
McIntyre
Packwood
Ribicoff
Scott
Sparkman
Talmadge
Williams, N.J.
Williams, Del.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Virginia (Mr. Spong), the Senator from Illinois (Mr. Stevenson), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Goodell), the Senator from Maryland (Mr. Mathias) and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Vermont (Mr. Prouty) is detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. KENNEDY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

Thereafter, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Brooke
Burdick
Byrd, Va.
Cannon
Case
Cook
Cotton
Cranston
Curtis
Eagleton
Eastland
Ellender
Fannin
Fong
Griffin
Gurney
Hansen
Harris
Hart
Hollings
Hruska
Jackson
Jordan, N.C.
Magnuson
McClellan
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Russell
Saxbe
Schweiker
Smith
Stennis
Stevens
Symington
Thurmond
Tower
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. Gravel). A quorum is present. The Senator from Idaho is recognized.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CHURCH. First of all, I wish to make clear that at the conclusion of my remarks, it is my intention to move to lay on the table the amendment offered by the distinguished Senator from Delaware, and I now put the Senate on notice of that intention.

I yield now to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I thank my colleague very much. I was very pleased to hear his plan. I think that is the right thing to do—and I say this is without the remotest disrespect for the Senator from Delaware, or even in any sense by way of disagreement with his bringing up this particular matter, which, as he has explained, it is cer-

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tainly logical for him to do, given his past position.

I should like to state why I think this procedure, in this particular case, is essential.

Israel has never sought troops from the United States. It has rebutted any idea that it has wanted them, or ever would want them, or any other foreign troops. Indeed, the people of Israel do not even want on their own soil, right or wrong—and sometimes I do not agree with them—any United Nations contingent with respect to peacekeeping.

Second, Mr. President, the credits for Israel are not in this particular bill.

Third, and very important, the introduction of this idea into the already very tense Middle East situation, even the indication that the Senate of the United States thought about this possibility, I think would have an adverse effect upon the peace negotiations.

The PRESIDING OFFICER. The Senate will be in order. The Senator from New York will suspend until order is restored. The Senator is entitled to courtesy from all other Senators.

The Senator may proceed.

Mr. JAVITS. The nationalistic feelings and the concept of the hegemony of the Arab peoples are so critical a fact, I would think it would be most unfortunate to introduce this new concept of U.S. troops—even by negation—into the equation. It could upset the fragile situation there, which may be moving toward peace talks.

I think the amendment would be roundly defeated, but I think it would be most unfortunate if the Senate were put in the position of negativing the fact that we do not expect any ground troops or any other military forces to be put into Israel, because the converse, which would be widely advertised immediately in every Arab country, is that having voted the amendment down, there is a possibility that we do it later—or that the administration might be contemplating the idea.

I think this would be very harmful to what I consider to be one of the dearest objectives of our country and myself, and I think most other Senators. That is to attain peace in the Middle East. I do not think all of us—certainly not I—are nearly as concerned about the detailed terms as that the parties shall make peace. Because I deeply feel that this would only be used as a propaganda weapon in a highly sensitive situation, I am very gratified that Senator CHURCH, who was the author, with Senator COOPER, of the basic Cambodia amendment, will move to table.

Because of the connotations which could be placed on any action we take on the merits, it is a justifiable remedy.

Mr. CHURCH. Mr. President, I appreciate the remarks of the distinguished senior Senator from New York.

It is in fidelity to a most valid principle that the Senator from Delaware has offered his amendment—the principle being that no American troops ought to be sent into a foreign land to do battle without the consent of Congress. I agree with that principle. I have often spoken for it, and I believe that the Senate is in the process of reinstating the principle. One step in that process is the limitation written by the committee into the pending bill, a limitation which prohibits the use of any funds in this or any other act for the purpose of introducing American ground combat troops, or other American military personnel, into Cambodia.

In opposing the amendment of the distinguished Senator from Delaware, I want to take cognizance of the validity of the underlying principle and point out to the Senate that it is the intention of the Committee on Foreign Relations, in the coming session, to address itself most seriously to the difficult constitutional question of where the line is to be drawn between the powers of the President and the powers of Congress in the matter of making war. The distinguished Senator from New York has introduced a bill which will undertake to define the constitutional division of power in this field. The Committee on Foreign Relations has no item on its agenda of greater importance.

This is an extremely complicated constitutional question. It should be taken up in an orderly way, and no action should ensue without the benefit of the most exhaustive hearings. That is the first reason why I oppose the amendment offered by the Senator from Delaware. There are others.

The bill before the Senate authorizes a new program of supplemental military and economic assistance, to certain countries that are specified in section 2 of the act. Israel is not among them. Congress has already authorized a special aid package for Israel. If Congress had desired to impose limitations on the possible introduction of American troops or other personnel into Israel, the time to have done so was when the authorization bill pertaining to Israel was before it.

So the second reason why I oppose the amendment offered by the distinguished Senator from Delaware is that it is untimely, and it relates to a bill that has nothing to do with authorizing any new program for Israel.

In saying this, Mr. President, I, too, want to take note of the fact that Israel has not now, and never in the past, asked for American troops or American personnel. It is not anticipated that Israel will do so in the future. This, it seems to me, could be regarded as still another reason for turning down the amendment now before the Senate.

Let me emphasize the coverage of the pending bill. The coverage is set out in section 2, which begins on page 4, and I will read it into the RECORD:

> There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed—
>
> (1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;
>
> (2) $100,000,000 for economic and military assistance programs to replace funds which were transferred by the President for use in Cambodia;
>
> (3) $150,000,000 for additional military assistance for the Republic of Korea;
>
> (4) $30,000,000 for additional military assistance for Jordan;
>
> (5) $3,000,000 for additional military assistance for Indonesia and $10,000,000 to replace funds transferred from other programs for use in Indonesia;
>
> (6) $5,000,000 for additional military assistance for Lebanon;
>
> (7) $65,000,000 for additional supporting assistance for Vietnam; and
>
> (8) $17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past years' programs.

That is the scope of the bill. No part of it relates to Israel. Therefore, the amendment offered by the Senator from Delaware is not relevant. It would be most inappropriate to attach it to this bill.

Finally, let me reiterate the wise comment made by the senior Senator from New York a few moments ago. If we proceed to a vote on the merits of this amendment, the world will interpret the result, one way or the other, in a manner most unfortunate for the United States, especially at a time when tensions are running high and efforts are being made by the United States to bring about a negotiated settlement of the crisis in the Middle East. We would be acting irresponsibly, in my judgment, if we were to interject the question, or raise the specter of American troops intervening in the Middle East. I see no way to vote upon the merits of this question, regardless of the result, without interjecting that issue.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HOLLAND. It seems to me that this amendment, as drafted now, would prefer both Jordan and Lebanon to Israel, aside from the facts which have been mentioned by the distinguished Senator from Idaho, because the pending bill allows $30 million for additional military assistance for Jordan and $5 million for additional military assistance to Lebanon. They are the only two countries in the Middle East which are mentioned in this bill.

If this unfortunate amendment should be adopted, it would make it appear that we reserve the right to send our troops into Jordan and into Lebanon and simply preclude their being sent into Israel. I am not in favor of their being sent into Israel or Jordan or Lebanon.

I do not think that we should in any way in this bill commit ourselves for or against any subject not now before the Senate. But I certainly would feel that this amendment, as suggested, would put us in the very unfortunate position of seeming to prefer Jordan and Lebanon to Israel which is not even mentioned in the bill. I wonder whether the Senator has any thoughts in connection with that suggestion of mine.

Mr. CHURCH. It is true that this aid includes two Middle Eastern countries. The request follows on the action of Congress in authorizing a sizable special aid program for Israel. I agree with the Senator from Florida that if we were to accept the amendment offered by the Senator from Delaware, one of the interpretations that could be given to that action is that which he describes, and it would be most unfortunate.

Mr. FULBRIGHT. Mr. President, will the Senator from Idaho yield?

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Mr. CHURCH. I yield.

Mr. FULBRIGHT. One thing that bothers me about the Senator's proposal to table the amendment is that it would indicate an attitude, which is not usual in the Senate, of tabling amendments on subjects which have not been debated at any length at all. As a matter of fact, the bill was passed by the Committee on Foreign Relations yesterday morning and we had very limited hearings on it. The only hearings at all were with administration witnesses because there was the urgency of time. We were told that it was essential to get the bill out for many reasons not particularly related to the merits of the bill.

Minimum consideration has been given to any item in the bill—not only the question that the Senator from Delaware raises but also the Cambodian program and the Korean program. The bill authorizes the beginning of a 5-year program on which there was no testimony given by administration witnesses, other than a passing reference.

This whole procedure, it seems to me, is inimical to reasonable consideration, to deliberate consideration, by the Senate.

I would hope that we would not proceed on all these bills at the last minute, in a Congress which is so urgently interested in adjourning, by the procedure of tabling motions which cut off debate and prevent votes on the merits.

I think that the Senator from Delaware is entitled to a vote on his amendment. He makes a motion in good faith. His motion is inconsistent with the often expressed views that this country does not wish to enlarge its foreign commitments. Many members of the committee and the Senate have been saying that we have been overcommitted for the past several years, beginning before this administration came in. We see the result in our own economy. We hear the Governors of the States—not all the States, but the Governors who have been recently meeting in Sun Valley, Idaho—I believe they are Republican Governors—stating that their States are in desperate condition. These matters are all related to the question of enlarging our foreign commitments?

Aside from the merits, I very much oppose the procedure of tabling this motion, anticipating that if this motion is tabled, then the next one will be, and I know that there will be other motions as well. It is very important that we vote on a bill on which there have been no real hearings, no hearings enabling those who have different views from the administration to express themselves, who have different views other than the Secretary of Defense and the Secretary of State. This is a denial of what has formerly been said to be a virtue of the Senate—to give serious deliberation to matters of greatest importance. So I really deplore the fact that the Senator wants to dispose of this amendment by a tabling motion, which would not enable the Senator from Delaware or other Senators to have their amendments voted on the merits, Senators who, I believe, share my view that we should not continue to expand our foreign commitments, both with money and with men, all over the world.

I am opposed to the procedure more than the substantive motion itself. I do not see any reason why the Senate should not go on record as saying whether it wishes to leave open the question of possible intervention with manpower in this or any other country.

I certainly think there would be nothing wrong in adding Israel, Lebanon, or Jordan. If the Senator from Delaware wishes to amend his motion to include Lebanon and Jordan, that would take care of the comparison raised by the Senator from Florida. It would be easy to include those two countries, since they are mentioned, but I do not think that is a very important distinction.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. Before I yield to the Senator from Delaware, I want to make it clear that it is not the intention of the Senator from Idaho to proceed with a series of tabling motions designated to cut off debate on other amendments that may be offered to the bill. Nothing I have said indicated any such intention, a point I want to make clear to the distinguished chairman of the committee.

There are special reasons, at least two, in my judgment, why we should proceed to a determination on the pending amendment by way of a tabling motion. First, from the standpoint of pure logic, if we are going to apply the principle that underlies this amendment; namely, that American troops should not be introduced into battle in a foreign land without the consent of Congress, then it is pointless to limit the application of that principle to Israel. If we are going to extend it beyond Cambodia, as contained in the present bill, for which there is special justification and timeliness, then, logically, why not apply it everywhere else.

There would be no reason, then, to limit extension to Israel. The distinguished chairman has stated, why not apply it to Lebanon? Well, why not? Why limit it to the countries of the Middle East? Is there no possibility of war erupting in Africa or Latin America, or some other part of the world? The logical progression of the argument would lead us to relate it to all countries everywhere. That is the very question that the committee is going to take up in the coming year; that is, the question of the constitutional division between Congress and the President of the power to make war. This is an extremely complicated question. It needs to be treated in the normal legislative manner, with full hearings, extended deliberation, and careful thought. That is one reason we should not proceed to the adoption of this amendment.

The second reason I submit is this: It would be most unfortunate to have this vote, at this time, on the merits of the amendment, because of the impact it would have on the delicate situation in the Middle East.

But we are faced with the amendment. It has been offered by the Senator from Delaware. The best way to deal with it, for the reasons I have tried to explain, is by way of a tabling motion. Still, I see no reason why tabling motions should be made with respect to other amendments. I certainly am not any part of a design to curtail discussion on the bill before us.

Now I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator from Idaho for yielding. I appreciate his position and I respect his right to make a motion to table. That is according to the rules of the Senate, although I would prefer to have a vote straight on its merits, I point out to the Senator and to the Senate again that section 6 refers not just to the money in the bill before us but refers to the language, "or for any other act." So it does go beyond this bill.

The reason I mentioned Israel by name was that, in the President's message, $500 million was requested for Israel, $255 million for Cambodia, and the balance for other small countries. I just thought it would be better to state our policy before the act rather than after the act.

As I mentioned earlier with respect to the so-called Cooper-Church amendment, I think it would have been most fortunate for the country if Congress had approved of something like that years before we got involved in Vietnam.

I have been concerned for years, as the Senator knows—and I raised this matter in committee—concerning the delegation of such broad powers to this President or to prior administrations whereby they could distribute these arms throughout the world, to be followed by advisers on how to use the arms, to be followed by military personnel.

We all agree that is how we got involved in Vietnam.

Whether we settle this matter today or not, I am glad that the committee is going further into the question next year. I think it is a matter that is long overdue for study.

Mr. President, I will not debate this matter further. With the permission of the Senator from Idaho, I ask unanimous consent that there be printed in the RECORD section 6, as contained in the bill, followed by section 6 as it would read if my amendment were adopted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 6 OF PENDING BILL

SEC. 6. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

SECTION 6, AS IT WOULD READ, WITH AMENDMENTS OF SENATOR WILLIAMS OF DELAWARE

SEC. 6. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia or Israel, or to provide United States advisers to or for Cambodian or Israel military forces in Cambodia or Israel.

(b) Military and economic assistance provided by the United States to Cambodia or Israel and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia or Israel for its defense.

Mr. CHURCH. Mr. President, if there is no further comment, I move to table the amendments offered by the Senator from Delaware. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to table the amendments of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, a point of order. The Senate is not in order. We cannot hear the proceedings.

The PRESIDING OFFICER. The clerk will suspend until we have order.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from Georgia (Mr. Russell), the Senator from Virginia (Mr. Spong), the Senator from Illinois (Mr. Stevenson), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough), are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson), and the Senator from Rhode Island (Mr. Pell), would each vote "yea."

Mr. SCOTT. I announce that the Senator from New York (Mr. Goodell), the Senator from Maryland (Mr. Mathias) and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), and the Senator from Vermont (Mr. Prouty) are detained on official business.

If present and voting, the Senator from New York (Mr. Goodell), the Senator from South Dakota (Mr. Mundt) and the Senator from Illinois (Mr. Percy) would each vote "Yea."

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 60, nays 20, as follows:

[No. 431 Leg.]

YEAS—60

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Eagleton
Eastland
Ellender
Fong
Harris
Hart
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
McGee
McIntyre
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Young, Ohio

NAYS—20

Bennett
Burdick
Cotton
Curtis
Dole
Ervin
Fannin
Fulbright
Gravel
Gurney
Hansen
Hruska
Jordan, Idaho
Mansfield
McClellan
Metcalf
Miller
Saxbe
Williams, Del.
Young, N. Dak.

NOT VOTING—20

Dodd
Dominick
Goldwater
Goodell
Gore
Griffin
Hartke
Hatfield
Mathias
McCarthy
McGovern
Mundt
Pell
Percy
Prouty
Russell
Spong
Stevenson
Tydings
Yarborough

So, Mr. Church's motion to lay on the table the amendments of Mr. Williams of Delaware was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 14, 1970, the President had approved and signed the following act:

S. 2224. An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Eagleton) laid before the Senate a message from the President of the United States submitting the nomination of Leonard J. Saccio, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Colombia.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911), to amend the Foreign Assistance Act of 1961.

Mr. GRAVEL. I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 4 strike out lines 18 through 20 and renumber the subsections accordingly.

The language proposed to be stricken reads as follows:

(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;

Mr. GRAVEL. Mr. President, I yield to the Senator from Mississippi without losing my right to the floor.

Mr. STENNIS. I thank the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I do not think I shall take more than a few minutes. I wish to address a question to the Senator from Alabama. I direct the attention of Senators to this question because it is a matter of some importance.

I wish to direct the attention of the Senator from Alabama to page 7 of the bill as now printed, and that part that provides, beginning with line 1: "none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia."

My question to the distinguished Senator from Alabama is as to his interpretation of this limitation on the President about financing the introduction of U.S. ground combat troops into Cambodia.

Is that language intended to be a prohibition on the President's going into Cambodia with U.S. combat troops to meet a situation like the sanctuary battle that we had last June and July, which proved to be directly connected with the arsenal, the armory, and everything else that goes to make war on our men in South Vietnam, and which proved to be beneficial? Would the Senator from Alabama speak to that point?

Mr. SPARKMAN. As I recall, when the President announced that we were going into Cambodia, he gave us the reason that it was to protect American troops—American people, American citizens who are in South Vietnam. It was for that purpose. The sanctuaries imperiled those citizens and that was his purpose for going in there.

I may say that in the committee discussion I raised the question as to whether or not this language would permit the use of American forces to protect American lives in South Vietnam, as was done before. I shall be very glad to check on this, but, as I recall, the answer was that that would be a presidential power, that he would be exercising his own powers, and that this language did not prohibit that.

The distinguished Senator from Idaho (Mr. Church), a few minutes ago, said something about the constitutional powers question still being unresolved. We all admit that. I would be very glad if the Senator from Idaho would say something on this.

Mr. CHURCH. I thank the Senator.

Mr. President, the question of the distinguished chairman of the Committee on Armed Services goes to the heart of the debate that took place this spring and summer on the Cooper-Church amendment. Since we had much time—7 weeks—to explore the question, we discussed it at considerable length.

XUM

In the course of the debate, it was recalled that in times past the President had invoked his constitutional authority as Commander in Chief to order rescue operations, to take precautionary action to protect American troops in the field threatened with an imminent enemy buildup that posed a serious danger to them, and that, within the framework of past precedent, there is an area of discretionary action open to the President as Commander in Chief.

The exact definition of that power has never been attempted in the past. Congress has never undertaken to define it with precision. The best answer must rest upon the precedents.

However, I would not want it to be thought that writing this language into the bill has little or no effect. Far to the contrary. No one has contended, based on the precedents, that the President can make general war or deploy an army in a foreign country on his authority as Commander in Chief.

This language would clearly prevent the deployment, for an extended period of time, of a substantial number of American troops in Cambodia. If the President intended to do that, the money is not made available for that purpose, and it would be necessary for him to return to Congress and ask our consent. But it is true that, as Commander in Chief, within a limited area, the President has power to initiate action designed to protect American troops in the field.

Mr. STENNIS. If I may ask the Senator this question, with reference to the battle of the sanctuary, the areas that the President invaded this summer, to destroy ammunition, and so forth, would the Senator think that his language prohibits a repretition of that if the facts are similar and conditions are pressing?

Mr. CHURCH. If there were a particular concentration just over the border which constituted a serious, imminent threat, that could be suddenly struck and destroyed, that might fall within the President's powers as Commander in Chief. However, I could not say to the Senator that undertaking an extended invasion of Cambodia with a large American expeditionary force for six or eight weeks falls within the scope of his power under the Constitution as Commander in Chief.

This whole question was fully explored in the course of the earlier debate.

From a conversation I had with the President last evening, it is my understanding now that he no longer takes exception to the limiting language. He feels it conforms with his own policy in Cambodia. He says he has no intention of sending back troops. He no longer persists in objecting to language of this kind. I could not say, however, that this prohibition in the bill would not preclude an invasion of Cambodia on the scale that took place and for the length of time that occurred last summer. I feel it would.

Mr. STENNIS. On that point right there, the Senator understands that no President, no Commander in Chief, no Army field commander, can tell how long it would take to carry out an objective. They go into the unknown. Also it takes time to prepare for such an attack on a sanctuary. So the President and his advisers might have to have 3 or 4 weeks, or even longer, to prepare. It is a deliberate act. It is not an extreme, rash act.

So the Senator would not preclude, then, a bona fide effort, the planning of an attack, an invasion, technically, of the country to clear out and clean out a sanctuary that was an imminent threat to our men in South Vietnam?

Mr. CHURCH. I would say, in reply to the Senator that, in the first place, there would be nothing to preclude whatever any planning on any military mission. Yet, on the basis of precedents, the President's power as Commander in Chief to undertake military action is strictly limited to actions restricted both in scope and time, and which are directly related to the need to protect American troops in the field.

Mr. STENNIS. While I am on that, the Senator does recognize that it takes time, and cannot always be foretold exactly?

Mr. CHURCH. Yes, I appreciate that there is no way to foretell precisely the length of an intervention.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from Vermont for an observation.

Mr. AIKEN. Mr. President, I do not think the Committee on Foreign Relations now takes a position much different than it took last spring. If an incursion is necessary for the safety of our men, there would be no objection, but an invasion, which, as stated by the Senator from Mississippi, would require a long time in preparation and probably a long time to carry out, would have to be reported back to the Senate before it was undertaken. The committee did make a sharp distinction between an incursion and an invasion.

Several Senators addressed the Chair.

Mr. GRAVEL. I yield to the Senator from Alabama.

Mr. SPARKMAN. May I say that I did not understand that the Senator from Mississippi was speaking of an invasion. The term "incursion" was used, I think, in referring to it. But I think it is the objective that is controlling—in other words, the protection of American lives.

Mr. STENNIS. The Senator is correct, and my question was based on the incursion or the thrust, rather than a large scale invasion.

Mr. SPARKMAN. To protect American lives.

Mr. STENNIS. Primarily to protect the lives of our soldiers, our military men. I did make the point that sometimes it took weeks even to plan an incursion and get ready for it.

Mr. SPARKMAN. I wish to say that there is nothing in here that intends to limit the President's constitutional powers to act in an emergency in order to protect American lives.

Mr. STENNIS. I appreciate the Senator's answer; and, if I may respond quite briefly to the Senator from Idaho, Mr. President, I do not think it is definitely known, according to the precedents of history or according to this debate, just what the extent of the President's powers as Commander in Chief is. I think it depends greatly on the circumstances. I do not want any hard law here that would create any cloud or any doubt in any President's mind as to what his responsibilities are. I want to leave him with the responsibilities as well as the powers. If we do not leave the powers and the responsibilities with him, then it is not his fault or he is not to blame, and we have no head of State to that extent.

Mr. SPARKMAN. There is no effort here to limit the President's emergency powers or his constitutional powers.

Mr. STENNIS. Yes. That is why I am so concerned about this. The point first came up, as far as written law is concerned, in the military procurement bill. The battle of the sanctuaries was on then, and we put language in there that was approved by this body, that he would not be restricted as long as it was tied to our men and their safety in the drawdown. The battle over that language is going on now in appropriation bills and elsewhere, as well as here.

It seems to me that the colloquy has made it clear that this language does not take any of the responsibility nor the power away from the President of the United States to do what he thinks is reasonably necessary, within reasonable limitations of time, in destroying arsenals, armories, armies, or anything else that is in close proximity to our borders, which we have designated by the general term "sanctuaries," as in the past.

Mr. CHURCH. Mr. President, may I make one observation? Will the Senator yield for that purpose?

Mr. STENNIS. I yield.

Mr. CHURCH. It is perfectly true that it does not lie within the power of this body, even if we were to harbor an intention to do so, to curtail the constitutional powers of the President as Commander in Chief.

What we seek to do here is assert congressional powers over the spending of the public money. That is within our authority. It is clear, as far as my evidence indicates, that the President is now willing to acquiesce in a limitation of this kind imposed upon the funds made available in this bill and in other bills, vis-a-vis Cambodia.

It follows that if the President were later to decide that it is in the national interest to repeat an extended, full scale military invasion of Cambodia, he would come back to Congress and ask our consent.

We are exercising our power. I recognize that it is not within our reach to undermine such constitutional powers as vest in the presidency in the role of Commander in Chief.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. GRAVEL. Mr. President, I should like to make the point here that I agree wholeheartedly with the interpretation of the Senator from Mississippi. I agree to some degree with the interpretation of the Senator from Idaho. But I think the only binding protection, which is more in line with the views of the Senator from Mississippi, would be that the

XUM

President really can do what he wishes under this piece of legislation. He can say one thing one day, and yet the circumstances may be different 6 months later or three months later; so the only way to get to the heart of the matter is to go where the power is, and that is where the money is. Anything else is rhetoric.

My amendment goes to that point. The effect of the amendment is to eliminate all additional funds authorized for Cambodia. That includes $85 million for additional military assistance, and $70 million for special economic assistance—a total of $155 million.

The amendment does not affect the $100 million which the President has already taken from other sources to fund the Cambodian program up to this point.

It is unwise for Congress, in a lame duck session, which we were told would not take up any new matters, to be asked to endorse an open-ended commitment to a new regime in Southeast Asia. The fact that the President has already taken money from aid programs to Taiwan, Greece, and Turkey to finance the expanded war in Cambodia is a responsibility which must be his, and Congress should not, without much more thorough debate than is possible today, endorse what the President has done on his own authority and his own judgment.

We come to the fundamental point of the Tonkin resolution of some years back. And this is not a Tonkin resolution; it is much more serious, because we are not talking about the philosophical intent of this body; we are talking about what we are actually willing to put up money to do.

Up to this point, we have a Presidential policy in Cambodia, not a national policy. In fact, when the President took this action, we almost had a revolution, which certainly, in my mind, demonstrates the unpopularity among the people of that policy.

So at this point in time, we have a Presidential policy. If we vote for these funds today, we would now make it a congressional and a national policy.

Several Senators addressed the Chair.

Mr. GRAVEL. I am happy to yield to my colleague from Kansas.

Mr. DOLE. Mr. President, I find the views of the Senator most interesting. I think perhaps we are all concerned about the war in Southeast Asia, but let me say initially that right now the President is 15,000 ahead on his Vietnamization program. Over 200,000 troops have been withdrawn from Southeast Asia in less than 2 years.

I would ask the Senator from Alaska, since the President has stated that aid to Cambodia is vital to the Vietnamization program, does he suggest that we stop the Vietnamization program, and send more troops to Southeast Asia? What is his alternative?

Mr. GRAVEL. My alternative is very simple. The point the Senator raises is that the President says this money is vital to extricating our troops from South Vietnam. I say he is wrong. I say we can get our troops out of South Vietnam without spending another penny in Cambodia. The only cost we would have to incur would be the cost of bringing them back efficiently, quickly, and safely.

The Senator cannot tell me that as we withdraw our troops, hordes of invaders are going to come rushing over from Cambodia to South Vietnam, and seek out our troops in particular. Is that what the Senator is suggesting?

Mr. DOLE. I think we have made some rather great sacrifices in Indochina under three Presidents, Kennedy, Johnson, and Nixon. The Senator from Alaska is apparently suggesting that we made a mistake in the first instance, that we should just "bug out" of South Vietnam and not concern ourselves with the future of Indochina, but turn it over to the Communists. The Senator from Kansas does not share that view.

In addition, I would guess that if I had a choice, I would rather send dollars than more American men.

Mr. GRAVEL. The pattern of history is that we start out with dollars and then we send men. What we are trying to do is to reverse the pattern of history. What the Senator is saying is that we are going to "bug out" and give Cambodia to the Communists. I do not know whether Cambodia will survive under its present regime or will fall to the Communists.

Under the same logic, we should invade Chile today. We should be sending arms to somebody in Chile to combat the Communist government that came into power there.

It also seemed ridiculous to me, in attending the White House last night, that I should see a tea service, a gift from President Ceausescu of Romania to the President of the United States, on display in the White House, as Romania also has a Communist government.

It is a Communist canteen. If we are spending money and arms to kill Communists because they are Communists, how can we reconcile the idiocy of sending aid to Communist flood victims, of accepting gifts and talking to these people? Either you believe one thing or not. You have to be consistent.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from California.

Mr. MURPHY. The Senator made an observation that the pattern established was that first we send the money and then we send troops and that this is wrong. Does the Senator mean that in World War II we should have let Hitler take over all of Europe?

Mr. GRAVEL. The Senator from California——

Mr. MURPHY. May I finish?

Does the Senator mean that in World War I we made a mistake to go in and fight for the principles of freedom?

The Senator spoke of a national revolution. I think the Senator was a little exercised when he used that term. I do not think we were on the verge of a national revolution. I know this. I know that a great number of people oppose the war in South Vietnam—and I opposed it at the outset. I have opposed the conduct of that war from the beginning. I have said the war should have been won, and it could have been won, just as I said the war in Korea should have been won, and it could have been won. Some new policy was foisted upon our great Nation by which we destroy nationalism by nobody winning. We were finally given the choice of being prepared to fight for 20 years or 40 years or withdrawing immediately.

Either we believe in the principles of self-determination, believe in the promises made by a whole list of American Presidents of both parties, that we, as a large, strong nation, will do whatever we can to preserve the freedom of smaller nations, or we do not believe that.

I do not think that if we withdrew there would be any great hordes. They do not need any hordes. The country will go under Communist influence immediately. They started the trouble. This is where it began. They came from the north.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. GRAVEL. What does that have to do with Vietnam?

Mr. MURPHY. It has a great deal to do with it, if the Senator will follow me patiently for a moment.

First of all, this President was part of a team which turned down originally the suggestion of sending combat troops into Southeast Asia, under the plan proposed to President Eisenhower, when President Nixon was Vice President. That was turned down. Later, the decision was made to send in troops, a few at first, then a few more. I grant the distinguished Senator from Alaska they gradually grew until ridiculous numbers were sent there.

Now we have gone past that situation. We find the war being wound down to a halt. We find that the present President has a plan that appears to be working.

From the outset, I objected to the restrictions being put on the President. I do not know what the division of powers should properly be. So far as I can find out from the debate on the Cooper-Church amendment, it has never been established. What we are attempting to do is to tie into this bill a restriction that would tie the hands of the President to some degree, greater or lesser, depending upon the circumstance. We must remember that he does not make the circumstance; the enemy will make the circumstance. If the enemy should decide to call it off and go home, we would not be wasting our time in this lengthy discussion.

Does the distinguished chairman of the Committee on Armed Services question the intent of the language? There seems to me some grounds for misunderstanding. Is it not in the best interest either to make the language absolutely clear and vote it up or down on the merits or to say it is unclear and take it out, until such time as the present situation is finalized and we can sit down, calmly and coolly, and decide exactly what the powers of the President of the United States should be?

The distinguished Senator referred to a national revolution. This was the basis of an entire organized propaganda effort

XUM

that had been put together by those who had opposed, by those who for months and years had said, "get out of Vietnam." They did not say, "surrender," but that is what they should have said, if they had the courage. That is what it would be. It would be turning these people over to the Communists. It was not a national revolution. It was a group of students who were misled by some professional organizers.

Mr. GRAVEL. With due reference to the Senator, I have yielded for a question, and I will entertain a question on the amendment and will be happy to answer one. Please give me a question.

Mr. MURPHY. After the explanation offered most sincerely by the Senator from California, does my distinguished colleague still feel that it is proper in any way to tie the hands of the President of the United States, who is doing such a good job in getting us out of Vietnam, who is ahead of schedule, who got us out of Cambodia right on schedule, as he promised? Does my distinguished colleague feel that it is necessary to tie the President's hands further, to indicate that we doubt his honesty, that we doubt his intention, and that we doubt his ability?

Mr. GRAVEL. First of all, we are not tying his hands. If he wants to continue his presidential policy of expanding the involvement in Southeast Asia into Cambodia or any other country in that area of the world, he can do it.

As I understand it, there is another $150 million, or a total of $250 million, that he can grab on to. He already has spent $100 million to wage the war in Cambodia without our approval.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. MURPHY. Does the Senator believe that the incursion into Cambodia was successful, was proper, now, in retrospect?

Mr. GRAVEL. In retrospect?

Mr. MURPHY. Yes.

Mr. GRAVEL. I think it was idiocy, total idiocy.

Mr. MURPHY. In other words, the Senator feels that it was a mistake to have gone into Cambodia?

Mr. GRAVEL. A gigantic mistake.

Mr. MURPHY. Then, the Senator and I, of course, are in complete disagreement.

Mr. GRAVEL. There was never any doubt in my mind that we were in disagreement.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. COTTON. I should like to ask the Senator a question. This is not an argumentative question. Rather than discuss all the aspects of the Indochina conflict, I want to make sure I understand exactly the magnitude of the amendment before I vote on it.

Am I correct in my understanding, one, that the Senator's amendment covers all appropriations, past or present——

Mr. GRAVEL. No, the Senator is not correct in that.

Mr. COTTON. I have not finished. For either military or economic assistance to Cambodia, except the $100 million which the President already has spent and which is being replaced?

Mr. GRAVEL. Let me restate it.

The amendment strikes out $85 million for military assistance and $70 million for special economic assistance. It leaves in the $100 million which the President already has spent, because he has robbed Peter to pay Paul. Now we want to pay back Peter. That is according to the policy already set by the Senate and Congress. This money came from Taiwan, Greece, and other funds. So we will put that money back so that we do not interrupt existing national policy or be dependent on policy now, of the $155 million which we are asked to give to the administration, for aid to Cambodia, or to support future incursions, whatever may be the case, in my mind.

Mr. COTTON. The Senator's amendment is to the language on page 7, and that has been discussed at length; but the fact remains that it only affects what we loosely call foreign aid, but actually is military or economic assistance ordered by Congress for Cambodia, and does not affect the President's use of any other funds that he has, for instance, in the Pentagon, for military purposes.

Mr. GRAVEL. No, it does not, as I understand it.

Mr. COTTON. That is the only limitation.

Mr. GRAVEL. That is the only limitation.

Mr. COTTON. The effect of the Senator's amendments to extend it over a larger proportion of the so-called military and economic assistance funds.

Mr. FULBRIGHT. Mr. President, will the Senator from Alaska yield for a comment?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. I think the Senator is quite correct. The President has rather wide discretionary power with regard to the funds, which he has used. I will refer to those specifically later. He has used this $100 million. We passed a new appropriation for foreign aid and there will still be substantial funds there.

I support the motion of the Senator from Alaska on the, in a sense, very narrow ground that authorizing new money will be interpreted, as an endorsement of a policy. The Senator's amendment will not have any serious effect on the availability of dollars for the President's use, assuming he takes full responsibility, as the Senator from Alaska has said, for implementing his policy. But we will reserve, if we support the Senator's amendment, our position on the question of policy until we have an opportunity to have hearings and consider the matter. The Senator realizes that there have been no hearings on this bill, other than statements of the administration's position, because there was no time.

The Senator is quite right. There are many other sources of funds to support the President's policy for the next 2 or 3 months, or until the end of the year, if he chooses to use his discretionary power.

Mr. COTTON. The chairman of the committee and the Senator from Alaska confirm my impression. But, be it remembered, for a rather extended period of months under the Johnson administration, we were not told quite how much money was going into the hostilities——

Mr. FULBRIGHT. The Senator is correct.

Mr. COTTON. Because there were various sources from which it came and various purposes for which it was being provided.

Mr. FULBRIGHT. The Senator is correct.

Mr. COTTON. But the effect if the amendment of the distinguished Senator from Alaska is added is to clearly forbid the use of what we loosely call foreign aid by the President for military operations in Cambodia. It obviously does not even compel the President, as a practical matter, to come back to Congress immediately for an authorization, after sending troops over there. In other words, unless he has to have some money appropriated by Congress he, like any other President, unless he chooses to do so, need not come immediately to the Congress for money.

Mr. FULBRIGHT. The Senator is quite correct. Of course, if it goes on long enough, the money would run out. I have a memorandum which I shall place in the RECORD later, prepared very carefully by the committee staff, showing the sources from which the President can get money to carry on this assistance program.

Last spring, we had a hearing on aid for Cambodia. There has never been any specifically authorized amount for aid to Cambodia but at that time we allocated $7 million for AK47 rifles and minor amounts of other equipment for which they used other funds. I reiterate that there is no way to prevent this. But by giving a congressional endorsement, by voting this amount, we endorse a policy which is significant to me: Do we really want to go down the line of assuming responsibility for the economic and military viability of Cambodia? That may be oversimplifying the case, but there is, I think, an important policy question involved. It is not a question of going into a sanctuary and then out, or something of that kind. It is the assumption, I believe, of a major new responsibility for another country. I think that kind of decision deserves both hearings and reasonable debate by the Senate before it votes on it. The only position I have taken on that question is that it should be deferred, deferred until the new Congress, and then we can have hearings. It is unwise and improvident to act suddenly with very little discussion on a matter of this importance.

Mr. COTTON. It is only by inference that Congress is taking the position that the President cannot use aid funds to support troop movements into Cambodia as a declaration of general policy; is that not correct?

Mr. FULBRIGHT. Yes.

Mr. COTTON. If the amendment of the distinguished Senator from Alaska is

XUM

adopted, it still is confined to military and economic aid funds and does not extend to any other source of funds; is that not correct?

Mr. FULBRIGHT. That is correct.

Mr. GRAVEL. That would be correct.

Mr. COTTON. Does it have the effect of preventing the assignment of general funds in the hands of the AID organization for use in Cambodia?

Mr. FULBRIGHT. As I say, the President has $100 million already from those same funds. Passing the pending bill without the amendment offered by the Senator from Alaska will be interpreted as affirmative approval by the Congress of the policy of assuming responsiblity for the military and economic viability of Cambodia.

It is a rather important assumption. I have thought, for the last year or so, that Congress wished to curtail the expansion of our foreign commitments in support of this or that country.

Mr. COTTON. I am thoroughly in accord with that view. I have regretted bitterly having voted for the Gulf of Tonkin Resolution——

Mr. FULBRIGHT. So have I.

Mr. COTTON. We can draw our own conclusions about whether this is a declaration of policy and how broad it is.

Mr. FULBRIGHT. That is right.

Mr. COTTON. But the facts are, it is confined to aid funds.

Mr. FULBRIGHT. That is right.

Mr. COTTON. This is an illuminating explanation and I thank the Senator for it.

Mr. SYMINGTON. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I am happy to yield to the Senator from Missouri, without losing my right to the floor.

Mr. SYMINGTON. The problem, as I see it, first there was a plan to win the war—then get out of it. We found out we were actively engaged in Cambodia. No one knew in Congress, let alone the people, knew the extent we were engaged in Laos. All of a sudden, without the knowledge of anyone in Congress, and without the knowledge of some high people in the military, we invaded a country. There was an uproar about invading that country. Later, we got out of that country with ground troops.

But again, we now have a policy of destroying countries, even though we admit no military activity is possible.

We have destroyed a large part of South Vietnam.

We have destroyed a large part of Laos. Now we are destroying a large part of Cambodia.

In the doing of all this, we are becoming the most unpopular people in the world.

When we got into this Cambodian situation, we had no treaty, no agreement—no nothing. We just go in with planes and troops.

We spend over $100 million of the taxpayers' money in supporting that country. We are now killing people in Cambodia by air attacks; and at the same time we are trying junior officers in this country for killing civilians in South Vietnam.

This is all getting cloudy to me; and I think it is getting cloudy to the people of this country.

Inasmuch as we have no arrangement with the Cambodians, no treaty, and no agreement, I do not see why it makes sense to give them certain forms of aid. But much we have already given. We are now bailing ourselves out with this bill.

There are three ways to do this today without additional money.

The first is through the aid program. There is already a lot of money here to provide assistance to Cambodia.

The second is to proceed with what we have already been doing, taking money away from countries. It is a little difficult, as a former businessman to rationalize the propriety of this action or the position of the Senate in so doing. But it has already been done to the tune of over $100 million. Money has been taken for Cambodia that was approved to go to other countries; and now being used in Cambodia not only without the approval of the Senate, but also without even the knowledge of the Senate.

Finally, section 502 of the bill contains $300 million of equipment that could be used, not 1 cent of which has been tapped. All of that money can be used to take our military equipment and put it in Cambodia.

We are placing hundreds of millions of dollars, if not billions of dollars, of military equipment, all over the world in countries with which we do not even have treaties.

That is why I think there is a lot of merit in trying to put a cork in this bottle, so as to prevent the money of our taxpayers being used all over the world in such ways.

If we have to put up more money, that should not be done before Congress has more knowledge of it.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. COTTON. Mr. President, I do not do much talking on the floor. I have been much interested in the comments of the Senator from Missouri.

The Senator from New Hampshire has never constituted himself as a military expert. He has perhaps not been quite as self-assertive as he might have been.

Mr. SYMINGTON. Mr. President, the Senator from New Hampshire is a very wise gentleman, and he has my respect in many fields.

Mr. COTTON. Mr. President, I thank the Senator from Missouri.

To me it is an oversimplification of the whole problem. It has been amply demonstrated that the war cannot be won militarily. I see only two obligations of the United States in Vietnam.

One is the obligation not to leave South Vietnam entirely without doing everything we can to bring our prisoners of war with us. We drafted them. We took them over there. They have not been brought home.

The second is the obligation we assumed. Perhaps we should not have assumed it, but we did. We did it by our action in encouraging the South Vietnamese by fighting by their side. We encouraged them to fight. We encouraged them to take a position which might lead to serious retribution upon them in the event of failure.

The second duty is, for a reasonable time, to try to furnish means of escape and evacuation should the government fall and should a massacre follow for which we would be partially responsible.

In other words, we could dig in at the ports on the coast of South Vietnam and stop ranging up and down the country having our legs blown off by booby traps, and simply dig in there under Navy protection, under air protection and say, "Here we stay until the prisoners of North Vietnam are opened to the International Red Cross so that we can take our prisoners with us; and here we stay long enough, so that if South Vietnam should prove unable to defend itself and should there be a probability or possibility of a massacre following an invasion, we could furnish at least a sanctuary for a reasonable number as we did with the millions of Catholics who were driven from North Vietnam to South Vietnam upon the division of that country."

That is the feeling of the Senator from New Hampshire. I cannot see it as a declaration of policy. However, I can see it as a simple prohibition, which is what it says, of the use of foreign aid money to take American troops again into Cambodia.

Mr. SYMINGTON. Mr. President, we were talking about Cambodia, not Vietnam.

I believed, and said so from the beginning, that the invasion of Cambodia was wrong. I thought it was wrong politically, wrong militarily, and wrong economically.

What a guerrilla wants is space. He wants space in which to operate. He wants to hit quickly, and then run. We have, by invading Cambodia, more than doubled the space in which the enemy can operate.

In any case, after careful staff investigation, we found that of the money involved—the administration has already spent some $108 million. We constantly give these blank checks to do various things. Whether this is right or wrong, the administration ought to come here and ask Congress before spending these millions.

The money is already there. Why give them more?

We have Communist rifles, therefore want money for ammunition for those AK-47's.

We also have hundreds of thousands of rifles that are relatively obsolete to our forces that they can use. We have also the money in the aid program, and the diversions that have already been made.

That is the way they obtained the $108 million already. They asked for money for Turkey and Greece, and they did not put it there, but put it in Cambodia; all this without the knowledge of Congress.

That is my point. What really is our position when it comes to fighting in countries with which we have no agreement, let alone a treaty? What, if any, control does the Senate have over such expenditures?

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. CHURCH. Mr. President, I appreciate the Senator's yielding, particularly in view of the fact that I wish to speak in opposition to the amendment. He has graciously consented to yield to me so that I can meet a luncheon commitment.

I intend to speak very briefly. I wish to place my position on the RECORD. I do so reluctantly because I have grave misgivings about the whole Cambodian adventure. And I think that I speak with some credentials as a long-time opponent of our war policy in Southeast Asia.

With all deference to other Members of the Senate, I know of no Member of this body whose opposition to the war goes back any farther than my own. When the Cambodian incursion took place I immediately spoke up against it. I thought it was a mistake then, and I think the same now. But, Mr. President, we cannot have it both ways. We opponents of this policy have laid down a series of demands upon the executive branch of Government. I submit that nearly all of these demands have been met.

We said, 6 months ago, when the Cambodian invasion first took place, that the President should have come to Congress and secured our consent before involving us in an extension of the war in another country. That was what the debate centered on for 7 weeks on the floor of the Senate, as we considered the ramifications of the Cooper-Church amendment.

I suggest, Mr. President, that the lesson of that debate has not been lost upon the present incumbent in the White House. This time he came to Congress. He asked for our authorization of this supplemental aid program, which, I might add, does establish a policy, a policy that has been well described by the distinguished chairman of this committee when he said that we are here asked to consent to a policy of economic and military assistance to Cambodia. I have said, in the course of hearings, that this bill represents nothing more than a substantial down payment on that policy which could extend into the future for a number of years.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a clarification?

Mr. CHURCH. I am happy to yield.

Mr. FULBRIGHT. Does this mean that since they have asked us for approval, then the Senator approves, our assuming the responsibility for Cambodia?

Mr. CHURCH. I will get to that point.

Mr. FULBRIGHT. The Senator said he opposed the amendment of the Senator from Alaska.

Mr. CHURCH. Yes, I am going to explain why.

Mr. FULBRIGHT. Even though the Senator disapproves?

Mr. CHURCH. I am just laying the groundwork for my argument.

Mr. FULBRIGHT. I became confused in the labyrinth.

Mr. CHURCH. Mr. President, as I was saying, we asked that this matter be brought to Congress; it now has been brought to Congress. We ask that the integrity of the committee system be respected and that no effort be made to take this matter out of the hands of the Committee on Foreign Relations; and the integrity of the system has been respected. We have had both the Secretary of State and the Secretary of Defense before us testifying on this particular program.

If the long debate on the Cooper-Church amendment meant anything at all, it means that we insisted on our right to impose limitations on the spending of public money in a foreign country even in the course of ongoing war. This supplemental bill contains just such a provision. The only difference is that today the President of the United States is willing to accept the limitations on the spending of the money. Six months ago he was not so willing.

Those who supported the earlier Presidential position, exulted when the Cooper-Church amendment, as approved by the Senate, languished in conference, when it died, when its bones were interred with foreign military credit sales bill. One columnist went so far in his exultation as to say that the whole debate had been "the biggest nonevent of the year."

I suggest, however, that the corpse is showing new life. It first reemerged in the military appropriations bill when, on the request of the distinguished Senator from Kentucky (Mr. COOPER) and myself, the Committee on Appropriations wrote language into the military appropriations bill restricting use of any funds contained in that bill for the purpose of introducing American combat troops into Cambodia.

It has emerged again in even broader form in this bill because the Foreign Relations Committee has written language that covers not only the introduction of ground combat forces but also other military personnel, including instructors, advisers, technicians, and so on.

Moreover, this amendment is written in such a way that it is not limited to the scope of this aid program. It applies to any money in any bill approved by Congress. It is a general restriction on the use of all public money.

I am not standing here to claim victory, but it is significant to note the considerable progress we have made.

Those who support the pending amendment say we need more time, that it is a very serious policy question, that we should put it over until next year, and in the meantime the President can use other money without restriction and without the assumption of any responsibility on the part of Congress. That is a curious argument, especially when it comes from those who have said previously that Congress should exercise the power it possesses.

This is precisely what we have done in the pending bill. I said a moment ago that the original incursion into Cambodia was a mistake. I reassert it now. When we invaded Cambodia last spring only one-tenth of that country was in Communist hands. Today more than one-half of that country is in Communist hands. Presently there is chaos in Cambodia. The only highway open is highway one which links Phnom Penh with Saigon, and that highway is guarded by the South Vietnamese army. Every other highway is blocked, the waterways are blocked, the railroads are blocked, and the bridges blown. Economically, the rice cannot be transported, and the rubber plantations are down. Politically, the government is a prisoner in its own capital; it cannot confidently claim control that extends much beyond the airport. This chaos is the end product of what the President once described as the most successful single operation of the war. In essence, Cambodia, as a country, is a wreck.

Yes, our military invasion of Cambodia was a mistake. I said so then and I say so now. But I will not stand on this floor and say we have no responsibility for what has happened in Cambodia. We have responsibility. We were a part of what brought on that wreckage. Oh, to be sure, the enemy was there, too. The enemy also has responsibility for the present state of affairs in Cambodia, and so does the Lon Nol government which deposed Sihanouk, who up to that time, had kept the country on the razor's edge of neutrality. It impresses me not to hear Senators disparage the neutrality as one which enabled the enemy to maintain sanctuaries along the Cambodian border.

It was a neutrality, after all, that kept the country in peace, the people in peace, the economy intact. The Sihanouk policy kept violence and tragedy away from the people of Cambodia. That peaceful era has ended.

The United States bears part of this responsibility, as do the North Vietnamese, as does the present Lon Nol regime, and all those who have participated in bringing down this curtain of sorrow on the Cambodian nation.

That is the first reason why I oppose the amendment, because now, having taken part and assumed responsibility, we have to pay a price for the policy. This is a part of the price we must pay.

No other Senator has longer desired seeing this country leave Indochina than the Senator from Idaho. Yet, there is a price we must pay to leave.

Mr. President, we cannot pursue a mistaken policy for years, we cannot involve ourselves in a war that has cost more than 50,000 American lives and 300,000 American wounded, and end it all without paying a heavy price. There is no cheap way out of Southeast Asia. I have yet to hear a Senator argue convincingly that, in the present circumstances, the situation in Cambodia does not affect the prospect for an orderly extrication of American forces from South Vietnam.

If the present wreckage leads to a total collapse, as it well might without the assistance this bill extends, then the prospects for the further extrication of American troops from South Vietnam will be clouded, indeed.

So, I submit, it would be a posture of irresponsibility to pretend that there is no price to pay for the mistakes of the past.

I support this bill with the protections we have written into it, because it will expedite the continued withdrawal of American forces from Southeast Asia. I support the bill because it is, in part,

XUM

a discharge of a responsibility we assumed for the tragedy that has taken place in Cambodia. And I think that such prospects as there are today for the successful disengagement of U.S. forces from Southeast Asia, depend, in substantial measure, upon the passage of this bill. We critics have it both ways.

For these reasons, I shall oppose the amendment offered by the distinguished Senator from Alaska.

Mr. GRAVEL. Mr. President, I wish my colleague could be persuaded to alter his view and support my amendment; or, failing that, then my supporting the bill as it is, because I would be willing to accept within the bill the concept of the Cooper-Church amendment. I just do not feel that it is enough. I think circumstances could change tomorrow and the President could do what he wanted.

Mr. CHURCH. May I say to the Senator that I must respectfully disagree with that conclusion. It certainly does not follow from the language written in the bill that the President could do what he wanted in Cambodia, because the bill clearly does not furnish the President with money to introduce American troops or other American personnel into Cambodia. It does not follow that the President could do as he wants.

Mr. GRAVEL. If the bill does not provide money for that purpose, he obviously used some money before this measure came down the pike. Where did he get that money, and could he not get it from that source?

Mr. CHURCH. The answer is this: Before this bill came along, he had discretionary authority to use money in the foreign aid bill and the military appropriations bill. If this bill passes, as presently written by the committee, the President will no longer have that authority, because the bill provides that no money contained either in this bill or any other bill—no appropriated money from any source—can be used for the purpose of introducing American troops or other American technical personnel into Cambodia.

We are exercising the power of the Congress. We are limiting the use of the money. We are restricting this aid program to financial assistance for Cambodia and to military equipment and supplies.

Mr. GRAVEL. Could I ask my colleague—I know he shares my view in this regard—why we have to do even that? Why do we have to spend $255 million in Cambodia?

Mr. CHURCH. The answer to that question is the one I just made. We have assumed an obligation in Cambodia that we cannot walk away from.

Mr. GRAVEL. How did we assume this obligation?

Mr. CHURCH. By invading Cambodia.

Mr. GRAVEL. That was a Presidential act.

Mr. CHURCH. Yes.

Mr. GRAVEL. So what we are doing here is endorsing presidential policy, and until we do it remains only presidential policy. This goes to the heart of the argument I am making. If we vote this money, we say, "Mr. President, we think you are wrong, but we go along with it." I say let us not go along with it. That is what is important.

Mr. CHURCH. Let me say, first of all, that this bill, in its present form, does not constitute an endorsement of past Presidential decisions. It is a reaffirmation of the Cooper-Church amendment, which the administration strongly opposed for 7 weeks, during the time the Cambodian invasion took place. On the other hand, once the President has acted and the Nation has acted, all of us have a responsibility to bear. We cannot say that we did not invade Cambodia, or that it was the President's fault, and turn and walk away, as though the Nation itself were not involved.

Mr. GRAVEL. What would happen? Suppose we did that?

Mr. CHURCH. I suggest to the Senator that, based upon the evidence and the testimony presented, the following could happen: Cambodia is presently in a very precarious fix. If nothing is done—no financial assistance extended, no weapons or equipment furnished—it is quite likely that all of Cambodia could quickly fall into enemy hands.

Mr. GRAVEL. What effect will that have?

Mr. CHURCH. That would have a direct bearing on our position in South Vietnam. It would have a bearing upon the continued withdrawal of American troops and the rate of their withdrawal. It could profoundly affect such prospects as there are today for a successful completion of the President's withdrawal program.

Mr. GRAVEL. That is only based on the fact that the rate of withdrawal is dependent on success in thwarting Communist forces in Vietnam, North or South.

Mr. CHURCH. It is not so——

Mr. GRAVEL. Following that same logic, if situations change and the South Vietnamese turn out to be a lot weaker, and the North Vietnamese a lot stronger, 3 months from now, what would be the Senator's view if the President then felt that we could not continue to withdraw, that we had to increase for a period of time—only for a period of time? We have taken one step forward so that later we can take two steps backward. What would be the Senator's view toward that escalation?

Mr. CHURCH. The Senator from Alaska knows my view well. I strongly disfavored our going there in the first place. I have opposed the war policy consistently for 7 years. I have long advocated the disengagement of American troops from Vietnam in an orderly way. I would oppose any kind of escalation of the war in Vietnam.

My only purpose in supporting the bill in its present form is that I think it will help to expedite the withdrawal of American military forces from Southeast Asia.

Mr. GRAVEL. I do not question the Senator's sincerity of view that the bill will do that. I merely wonder why the Senator from Idaho could not support me in getting on a basis where we have no legal reason for being there other than a decision by the Chief Executive sometime last spring when he decided he would have an invasion. Now we are accepting that. We can accept it thus far, as I have done, by paying $100 million. The President has already used that money. He has disrupted other aid programs. We will pay that amount. We have an obligation to follow along.

Now we have the testimony by Secretary of Defense Melvin Laird, when he came before the subcommittee, asking for $155 million more, and saying it is just for this year; that next year more will be needed, because the situation seems to be getting worse, not better. So when shall we stop pouring money into that area?

If we have a $1 billion commitment, the decision comes about for twofold reasons. We have to send our troops in to save the money in question. So the administration will come back and ask for a change in the Cooper-Church amendment. I want to emphasize the Cooper-Church aspects. I have read nothing publicly; I understand that the Senator from Idaho has received private word from the President in that regard. I submit that that is a different method of transmitting information than a policy statement on the subject.

Mr. CHURCH. Let me say to the Senator, that whatever he or I might have thought of President Nixon's decision to send American troops into Cambodia, it happened, and certain consequences flowed from that action.

One of them was the virtual destruction of Cambodia. I suggest to the Senator that this military and economic aid program flows from a responsibility we assumed when American troops entered Cambodia and the second Indochina war began in earnest.

With respect to the Senator's argument that this is a downpayment on a continuing program, I agree. That was a point I tried to make in the questions I asked during the course of the committee hearings. But as Congress authorizes the program in the first place, so all extensions of the program must be brought back to Congress. The bill, as it is presently written, cannot lead to the introduction of American personnel into Cambodia, nor to the introduction of American troops, unless the President comes back to Congress and secures our consent.

Mr. GRAVEL. I think the Senator from Missouri made a fine point in that respect. I do not totally buy that, because I think when we have planes flying over Cambodia and dropping bombs and napalm, that is an involvement. It is a more sophisticated one, because, in our state of civilization, we now have airplanes, but it is a total involvement.

We are going to pay them to butcher themselves. We are going to give them top cover, so that they can butcher themselves effectively and efficiently.

Mr. CHURCH. I agree that we have become involved in Cambodia. It is a most regrettable outcome following after the President's decision to invade Cambodia.

But the real question is: What do we do now? What do we do, given the present set of facts? This is the question w face.

XUM

If Cambodia were suddenly to collapse, which is a real possibility without this financial and military assistance, then the problem confronting us in South Vietnam will be greatly complicated. The prospects for extricating the rest of the American troops will worsen.

Mr. GRAVEL. I really do not see——

Mr. CHURCH. And nothing is more important than to get on with a full and complete military disengagement from Southeast Asia.

Mr. GRAVEL. Apparently the Senator and I have a fundamental difference in our view toward the war. Because if Cambodia falls, if, even with $110 million, or $250 million, or $300 million, or a billion dollars, it still falls the minute we pull away, it must mean that there was no basic support for that form of government, for what was going on, for what we are backing up. So if we take away our support, and they fall, what is proven? What is proven is that our whole presence in Southeast Asia was wrong; and maybe that is what we are psychologically afraid of seeing at this point in time, that we are totally in the wrong, and the proof is at our doorstep; and Vietnamization is just rhetoric.

What we are talking about is turning the rheostat down to 300,000 troops and leaving them there for 10 years. Mr. President, we cannot afford to do that.

Mr. CHURCH. Mr. President, first of all, let me say to the Senator that I agree with him on the mistaken character of the war policy. I have said so many times; I have no reluctance to say so again.

Mr. GRAVEL. How do we correct our mistakes, I ask my colleague?

Mr. CHURCH. I say there is no way for a nation simply to walk away from its mistakes.

Mr. GRAVEL. France did it in Algeria.

Mr. CHURCH. No, France paid a price, and a price will be paid by us for our withdrawal from Vietnam.

The next question is whether or not Vietnamization is a hoax. The Senator from Alaska may feel that it is a hoax. I can understand some of the reasons why. I, myself, felt very skeptical about the Vietnamization program in the early days. I too, believed that it might be simply tokenism.

But, Mr. President, those days have passed, and the size of the withdrawals that have taken place is very substantial By the first part of May of the coming year, nearly half of the American expeditionary force will have been withdrawn from Vietnam, and this within a period of 2 years. The average rate of withdrawal has been 2,500 men a week. That evidence cannot be dismissed as tokenism.

My interest is to see this withdrawal continue.

Mr. GRAVEL. Could I make a statement on that last point?

Mr. CHURCH. Yes.

Mr. GRAVEL. I do not think it is tokenism. It never was. I think there is a calculated policy of this country to arrive at a level of involvement which is considerably less than that of the prior administration, but which will be sufficient to give us an anchor to go on for decades.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CHURCH. Either history will prove the Senator from Alaska right, or history will disclose that the United States continued to wind down its participation in the war and ultimately disengaged. I cannot predict the future. I can only look to past performance, to the substantial withdrawals which have already taken place. I can only cite the testimony given us by spokesmen for the administration, who pledged the continued withdrawal of American forces after May, and indicated that the eventual goal is to bring our forces cut entirely.

Mr. GRAVEL. If that is the goal, why could that not physically be done in a short period of time? Why?

Mr. CHURCH. The Senator knows that it could physically be done in a short period of time.

Mr. GRAVEL. It could.

Mr. CHURCH. Yes.

Mr. GRAVEL. Yes; it could. So why is it not done in a short period of time? That becomes the question. Is there a purpose for stringing it out?

Mr. CHURCH. Yes; there is a purpose. We can argue about how long this schedule should be extended. I am sure the Senator really does not want to place me in the role of supporting the time schedule the administration has been following. I have said in the past I thought it could be done more quickly.

It has to be done, however, over a sufficient period of time to permit an orderly transfer of responsibility on the battlefield; if we withdraw our forces as quickly as it is physically possible to withdraw them, the Senator knows what would happen. He knows the chaos and collapse that would occur, because our Army has been too large; it has played too central a role in this war to be suddenly jerked out.

It really avails us little to discuss the relative merits of a timetable which would bring the American forces out by the end of this year, by the end of the following year, or in 6 months. The truth is that if we took all the bills introduced this year setting timetables and deadlines, put them in a paper sack and jumbled them all together, and threw the contents out on the table, the average schedule represented by those bills would come out little different from the schedule that has actually been in effect. As I have said, the average withdrawal has proceeded for nearly 2 years at the rate of 2,500 men a week.

We may win many arguments with the President. We may impose statutory restrictions and make them stick. But there is one argument we will never win with the President and that is an argument over timetables, as long as he is making reasonable progress in withdrawing troops. That is why the heat has gone out of this debate on the war. That is why the Vietnam issue, so-called has been defused—because the American people generally feel that the President is in the process of taking us out of the war, and his schedule is at least sufficient to satisfy them that it is reasonable. That is an argument we are not going to win. Why persist in it?

The larger point here is that by putting restrictions in this bill on the use of money, we are reestablishing senatorial participation in the formulation of foreign policy. We are bringing Congress back into the role that the Constitution intended us to play. We are taking the necessary statutory precautions to see to it that Cambodia does not become another Vietnam.

We have won the victory on this long fight for the Cooper-Church amendment. The victory is in this bill. I think it is a historic victory. I know of no time in the history of the United States, in any other war, when Congress has ever imposed a statutory restriction upon the use of public money to prevent that war from broadening beyond the point that we feel serves the interests of the United States.

Instead of finding extreme—if I may say—reasons for voting down any money to Cambodia and permitting what might very likely be the precipitate collapse of that country, with all its adverse consequences upon the prospects for withdrawing American forces from South Vietnam, we had best look to what we have accomplished here. Constitutionally speaking, we have accomplished a great deal, indeed.

That is the reason why I feel constrained to oppose the Senator's amendment, and I do so knowing how sincerely he feels about it and how strongly he is motivated. I honor him completely. He has been a valuable ally in the long fight we have waged against the war policy over the years. I just have to disagree with him on this issue.

Mr. GRAVEL. I can appreciate that view.

If the victory of the Cooper-Church amendment—and that victory, let me say, is the interpretation of a remark by the President to the Senator from Idaho at a Christmas party—if the price for that victory is the legalization and the undertaking of the Cambodian affair, the expansion of the war in Southeast Asia, and our agreeing to that as a part of national policy, then all I can say to my colleague, who has labored hard in that vineyard, is that that price, to my mind, is too much to pay.

Mr. CHURCH. If I shared with the Senator the same interpretation he places upon this bill, I would vote not only in favor of his amendment but against the bill as well.

Mr. GRAVEL. I thank the Senator.

Mr. President, I yield to the Senator from South Carolina, without losing my right to the floor.

Mr. THURMOND. Mr. President, military assistance to Cambodia is absolutely essential for the protection of our troops in Vietnam and for the continued success of the Vietnamization and withdrawal programs. It is inconceivable that my colleagues would consider otherwise, especially since it has been conceded that no U.S. ground troops will be used in Cambodia.

The $155 million in military and economic aid to Cambodia is little enough to protect the great investment and sacrifice our Nation has made in Southeast Asia to stop Communist aggression. Military assistance to our allies has

XUM

proven to be one of our best assets for the free world for the past 25 years. It would be incomprehensible to me for my distinguished colleagues to object to this minimum military assistance of $85 million when the chips are down and the protection of American lives is involved.

President Nixon has advised that in his opinion aid to Cambodia is probably the best investment in foreign assistance that the United States has made in his political lifetime. If this aid is not approved, it will be one of the greatest mistakes in my political lifetime.

Mr. President, the freedom-loving people of Cambodia are fighting desperately for their survival. A small, sparsely trained and poorly equipped Cambodian Army is tying down 40,000 trained North Vietnamese regulars. If these brave Cambodians are allowed to be defeated while we hold our hands, then the 40,000 North Vietnamese regulars would be available to kill Americans in South Vietnam. It would be questionable then whether or not the withdrawal plan could continue as planned.

Mr. President, section 2(1)(2), entitled "Assistance to Cambodia," on page 3 of the report of the Committee on Foreign Relations, in the supplemental foreign assistance authorization, sets out in more detail the reasons for this aid to Cambodia and why it is so essential. I ask unanimous consent to have page 3 of the report printed at this point in the RECORD.

There being no objection, page 3 of the report was ordered to be printed in the RECORD, as follows:

SECTION 2(1)(2)—ASSISTANCE TO CAMBODIA

Section 2(1) would authorize an additional $155 million in aid to Cambodia in fiscal year 1971, $85 million in military assistance and $70 million in economic assistance. Through use of the emergency authority in the Foreign Assistance Act the President has already used funds appropriated for other countries to give Cambodia $90 million in military assistance this fiscal year and will soon allocate an additional $10 million, for a total of $100 million. Of that amount, $40 million came from military aid programed for other countries and $60 million was taken from supporting assistance funds destined primarily for South Vietnam. Thus, when the additional authorization is included the overall fiscal year 1971 military assistance program for Cambodia is $185 million.

Total fiscal year 1971 Cambodia MAP	$185,000,000
Transfers from other MAP	40,000,000
Transfers from other FAA programs	60,000,000
Total transfers	100,000,000
Supplemental fiscal year 1971 funds required	85,000,000

The greater part of the fiscal year 1971 military assistance program for Cambodia will provide items of an operational nature. According to the Secretary of Defense, about 70 percent will be used for ammunition, mostly for small arms and mortars. A significant number of carbines, rifles, machineguns, and mortars are also included, as are communications equipment and support for the few helicopters and tactical fighters which have been provided.

As to the $70 million in economic aid recommended for Cambodia, the invasion and occupation of the northern and eastern areas of Cambodia by the North Vietnamese have placed severe strains upon the economy of the country. Rubber exports have been sharply reduced, the tourist trade has been brought to a standstill, and rice exports have been jeopardized. The internal movement of goods is subject to harassment and transportation facilities are limited because of increased military activity. Tax collection is impossible in much of the countryside. The cost of supporting an army which has almost quadrupled in size in a few months are considerable. The meager resources of the country have been diverted to repair roads, bridges, and other installations destroyed or damaged by the fighting.

About half of the $70 million contained in the bill for economic assistance to Cambodia will be used to finance essential imports such as vehicles, machinery, textiles, and cement for the balance of this fiscal year, and about half will be for the funding of the pipeline of commodities for the early part of the next fiscal year. The Cambodians are trying to develop a multilateral foreign assistance effort. They have already sought advice from the International Monetary Fund on internal measures which can mobilize domestically part of the costs of their requirements. The committee hopes that the Executive Branch will exert every effort to internationalize the Cambodian aid effort.

Mr. THURMOND. Mr. President, I strongly urge my colleagues to approve the $155 million foreign aid assistance to Cambodia. To do otherwise, would break the faith with our courageous Armed Forces in South Vietnam and risk defeat when an honorable end to the war is within our grasp.

I thank the distinguished Senator from Alaska for yielding.

Mr. GRAVEL. I should like to ask a question of the Senator.

What is his definition of an honorable end to the war?

Mr. THURMOND. An honorable end to the war, as it is now, is getting out without being defeated, and preserving the South Vietnamese Government which gives the people the right to control their Government and not have it dominated by the government of another nation—to wit: North Vietnam.

Mr. GRAVEL. So it is without being defeated. Could I interrupt——

Mr. THURMOND. That is part of it. I said without being defeated, and preserving the freedom of the people of South Vietnam.

Mr. GRAVEL. Do we have freedom in Cambodia? Is there an elected government? Is that how Lon Nol is there? If we are going to spend money to help this Government, obviously it must be in line with that.

Mr. THURMOND. In Cambodia, as the Senator knows, the head of the Government was either Communist or inclined to the Communists, and the people got disgusted with him, and they took over when he left the country.

My information is that since then the people are much happier under the present Government than they were under the previous leader, and they feel that now they have a prospect of having freedom, which they truly did not have under the previous leader of the Government.

Mr. GRAVEL. According to the thesis the Senator has just expounded, we are involved in Vietnam, and unless we can extricate ourselves without defeat and assure that the existing Government there will sustain itself—those seem to be the second quid por quos the Senator has established—we must remain committed there. Is that a correct interpretation of the Senator's remarks?

Mr. THURMOND. It would certainly be my hope that that would be the case; because we cannot, will not, be defeated there.

The next is, we cannot allow the 45,000 men who have been killed there and the hundreds of thousands more who have been injured and maimed—some of them for life—to have died or been injured in vain.

Mr. GRAVEL. Pursuing the logic of the Senator's——

Mr. THURMOND. Therefore, as I see it, it is essential that the people of South Vietnam be allowed to choose their own government. They did that in elections recently and they got their freedom. The Communists have not taken them over.

To me, as I see it, if the Communists take over South Vietnam they will then take over Laos, Cambodia, Thailand, and then I think Burma would be next, and then India might be taken over. I think it would then only be a matter of time until the Philippines would be attacked as well as Australia and New Zealand. It might then conceivably not be too long until the Communists would be at the beaches of Hawaii.

Mr. GRAVEL. But they are already on the beaches of this continent. They are in Cuba.

Under the Senator's thesis, would it not be proper to have a punitive strike into Cuba right now and get those Communists out of there; and then go down to Chile and get those out, too? Would that not be a normal extension of the logic the Senator is expounding?

Mr. THURMOND. I would not say that.

Mr. GRAVEL. Then why should we be concerned——

Mr. THURMOND. Way back in 1962 I——

Mr. GRAVEL. With the Communists in Burma any more than we should be with the Communists in Cuba?

Mr. THURMOND. I did favor, way back in 1962, this country's previous commitment providing for air cover for Cubans to retake their own country, which they could have done if we had not withdrawn the air cover which President Kennedy had promised.

Mr. GRAVEL. The Cubans——

Mr. THURMOND. Wait a minute. The Senator asked a question. The Cubans were ready to retake their country. They were planning on this air cover, which the President of the United States withdrew at the last minute. I was in favor of backing those Cubans with air cover to retake their own country. I wish to see communism removed from Cuba as soon as possible. I think it was a great mistake that President Kennedy made in 1963 with the Cuban missile crisis, when he agreed that if they were to remove their missiles—and they were Communist missiles. Mr. Khrushchev admitted that—

XUM

we would not disturb communism in Cuba. I think that was a great mistake.

Again, at that time, I would have favored, if necessary, going in and cleaning communism out of Cuba. But under the present situation that should be handled in another way. I have a feeling that the Cubans may try to retake their own country. They are working on it now. We read in the newspaper a few days ago about a statement from one of their leaders that the assault will probably not be launched from this country. They would do it on their own.

In my judgment, there is danger to this country to have communism in Cuba. I think that any reasonable assistance we can give the Cubans to retake their own country would be worthwhile.

Mr. GRAVEL. Then, in the Senator's mind, would not that $155 million proposed to be spent on the other side of the world be better spent on this continent? If we are going to do that, what is the difference between a Chilean, a Cambodian, or a North Vietnamese Communist and a South American Communist? Wherever there is a threat of communism, do we have to prostrate ourselves before it in total fear? Why not do it efficiently and hit the ones who are closest? Why reach way over there?

Mr. THURMOND. I would not only favor giving equipment and help to the Cubans to retake their own country, and provide them with supplies and equipment, but I would also favor making sure that Southeast Asia not become dominated by communism. If Southeast Asia does go Communist, then other countries will follow in other parts of the world and, before we know it, the United States would be encircled completely by communism.

I hope that one of these days some of the people taking a different view will understand the true motives of communism, that it is the desire of communism to dominate the world—to communize the world. That is the goal that Russia is working on and is dedicated to every day. Red China has the same goal but it does not have the power or the means. Soviet Russia is a powerful nation militarily. They now have 1,200 intercontinental missiles to our 1,054. They have about two times as many submarines as we do, and twice the number of bombers. Russia has become a very powerful nation militarily. That is the reason I have urged in the Armed Services Committee and on the floor of the Senate that we keep our Nation prepared. We must have military superiority. Former Secretary McNamara brought us down to a parity and then below a parity. President Nixon has said that he favored military superiority when he was running for President and I hope that we can regain that military superiority. Otherwise our nation is in jeopardy.

Mr. GRAVEL. Going by the Senator's theory of superiority, would it be fair to say, then, that the United States for the past 2 years has had a preponderance of superiority in the Southeast Asia theater, with a total fleet, with command of the waters, with command of the air, with numerical superiority in forces that can match the training and equipment of any other force? Could the Senator explain to me, right along with his thesis, why we have not been successful in fighting communism in Southeast Asia, why we have no victory?

Mr. THURMOND. I can answer that for the Senator.

Mr. GRAVEL. Why is it that we go into Cambodia with 10 percent of its territory occupied by the Communists, then we come out, and now it is 50 percent occupied by the Communists? We are telling ourselves that we are winning, or doing the right thing. Why is it we cannot win? Why?

Mr. THURMOND. We have not had a victory in South Vietnam because it has been a defensive war. Our troops have been fighting with one hand behind their backs.

Mr. GRAVEL. Why do we not make it an offensive war? Let us make it an offensive war.

Mr. THURMOND. We have had the power to win. We should have won. If we had been permitted to use our air and sea power and gone on the offensive, the war would have been over long before this.

Mr. GRAVEL. Why cannot we do that now?

Mr. THURMOND. I wish we could.

Mr. GRAVEL. Why do we not, then?

Mr. THURMOND. It would suit me if we would do it. I would like to see our country win the war. If the United States does not win this war in Vietnam now, we will probably fight again. We are fighting in Vietnam now because we did not win in Korea. That was important. No, we did not win that war. That was a great mistake. But President Nixon inherited this situation and he has been trying to deescalate the situation. He has been trying to bring about the Vietnamization program, which means mainly this: that we will provide the equipment and the supplies to train the South Vietnamese and let them fight their own ground war.

If we had used our air power and our sea power, we could have resolved this war, in my judgment, within 60 days, following with a mopping up operation in 6 months, and this war would have been over years and years ago. We never should have sent the amount of ground troops that President Johnson sent to Vietnam. Air power should have been used. Sea power should have been used. In that way, we could have won a victory and wound up the war victoriously.

I wish to thank the Senator from Alaska very much.

Mr. DOLE. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. Let me say to the Senator from South Carolina that the pleasure is mine.

Mr. President, I am glad to yield to the Senator from Kansas, without losing my right to the floor.

Mr. DOLE. Mr. President, I commend, in part, the Senate Foreign Relations Committee for reporting the Cambodian authorization. I am still of the opinion that perhaps restrictions or so-called restrictions are meaningless insofar as they attempt to circumscribe the powers or the constitutional powers of any President.

Therefore, I repeat as I have so many times, that we cannot amend the Constitution by statute or can we impugn the powers of the President. But I would point out to the Senator from Alaska that to be consistent, if the Senator feels we should delete aid to Cambodia, then perhaps we should also knock out the so-called restrictions contained in section 6 with reference to advisers and introduction of ground combat troops into Cambodia.

The Senator from Kansas is of the opinion that the Senate Foreign Relations Committee, in an effort to compromise with the Executive; approved the authorization which the Senator from Alaska seeks to delete. And in the process it wrote in certain restrictions which I believe constitute a fair compromise.

The Senator from Alaska has made many statements about Vietnamization being rhetoric, but I am not certain what rhetoric means. However, I would remind the Senator from Alaska that when he came to the Senate and when I came to the Senate there were about 543,000 Americans in South Vietnam. The troop level now is about 343,000 Americans. President Nixon's Vietnamization progress is about 3 weeks ahead of schedule, and such reductions in troop levels indicate to me a significant withdrawal of American forces. They indicate some success in Southeast Asia. They indicate a winding down of the war.

Perhaps what the Senator from Alaska is suggesting—and I am not certain what the Senator from Alaska is suggesting—is that by inference we should substitute men for dollars.

I am pleased that the Senator is not going to sue the Cambodian Government for the return of the $108 million, and I am pleased to spend the $155 million if it means that we can keep the Vietnamization program on schedule.

Hopefully the Senator from Alaska would support the President in his efforts to wind down the war in Southeast Asia, a war that President Nixon inherited, to end a war which has dragged on too long. As the Senator from Idaho pointed out earlier, we just do not walk away from Southeast Asia. There is no easy way out of Vietnam.

I concur in those statements.

I have no quarrel with an effort to strike out anything in the bill. However, to be consistent, if the Senator from Alaska's suggestion is that we cannot aid the Cambodian Government indirectly through dollar grants so that they can protect themselves, then perhaps we should delete any restrictions contained in H.R. 19911 to make sure that we can protect the American forces and complete our withdrawal.

Mr. GRAVEL. Mr. President, I do not object to giving them something with which to support themselves.

I do not think we should relish the idea of giving them ammunition with which to butcher themselves. If they want to do that, that is their business. If we want to give them the arms with which to butcher themselves under the guise that we have to do so in order to protect ourselves in South Vietnam, then we part company. Then we get into the argument of Vietnamization. That is supposed to mean that we are for ending the war.

I felt that way until the President moved into Cambodia. Then I came to a rude awakening. It dawned on me that we are not going to end the war in Vietnam. We are not going to walk away from it. We are going to restructure it based upon a truth that became apparent to all policymakers, that we cannot get out in a year. This will be a 10-year deal. It will not be until we kill them off and wipe them out in North Vietnam and then walk out with nothing left in Vietnam. That could be done this afternoon with a couple of atomic bombs or with H-bombs.

We have 310,000 troops in Europe. The reason that we have them there is that we want to defend Europe. We have a commitment there. We probably have. I do not want to discuss that.

The suggestion for Vietnam is that we level off at about 300,000. That will probably be the right mix to keep the war going for a long time.

The point was made earlier that the public's enthusiasm has been defused because we have withdrawn our troops to a certain level. I predict that the public's level of enthusiasm will be rekindled when we reach a total comprehension of what is going on.

Let me quote what is going on.

Mr. DOLE. From what?

Mr. GRAVEL. Let me quote from our Secretary of State in a hearing on December 10, 1970, before the Foreign Relations Committee. I refer to the Secretary of State of the United States of America in talking about our involvement in Southeast Asia, or more particularly Vietnam.

XUM

Mr. DOLE. Mr. President, will the Senator from Alaska identify when the statement was made and under what circumstances?

Mr. GRAVEL. Mr. President, I am reading from the U.S. Senate report of proceedings "three" of "five" of a hearing held before the Committee on Foreign Relations on S. 4542, a bill to amend the Foreign Assistance Act of 1961.

Mr. DOLE. The statement was made recently.

Mr. GRAVEL. The Senator is correct. It was made before the committee. That is the point. The statement was made recently, not 5 years ago and not during the Second World War.

Secretary Rogers said:

> At the present time we have a vital interest in Southeast Asia because we have been involved in a war that we have not been able to get out of. We have not been able to figure out either how to win it or how to extricate ourselves from it.

If that is not an admission of being nowhere, I do not know what it is.

Mr. DOLE. Was that the full extent of his testimony?

Mr. GRAVEL. Mr. President, if the Senator cares, I could read all of the testimony.

Mr. DOLE. It might be well to put it in the RECORD.

Mr. GRAVEL. I could put it all in the RECORD.

Mr. DOLE. That would be too expensive.

Mr. GRAVEL. He goes on. Probably he said a lot of other things. But this is what brought itself forcefully to my attention. I think it is very significant. He says we are there because we are there and no one knows how to get out.

Let me add something further in this regard. I went to a policy briefing at the State Department last week. It was unbelievable. Actually I thought I was in the Pentagon and not in the State Department, because we were playing soldiers.

The point made was that we have to increase our commitments in order to decrease our commitments.

That is unbelievable. That is the way that Hitler ran Germany.

They are making bold statements and using words that are totally unrelated to the actual facts.

The facts are that since last year we went from nothing up to $255 million, and we now have the $155 million that the Senate proposes to assent to today. I hope that it does not. We have gone in one year from nothing to $255 million.

It is a war. It is not aid to Bolivia or to Brazil. It is pouring money right into a hot war.

Mr. DOLE. Mr. President, it is a war with whom? It is a war with 40,000 North Vietnamese and 10,000 Vietcong. If the 50,000 were not tied down in Cambodia, they might be in South Vietnam killing Americans.

Mr. GRAVEL. That is correct.

Mr. DOLE. So the Senator is saying that we should let them kill and wound Americans.

Mr. GRAVEL. No, I say we should bring the Americans home and then they will not be killed. We should stop putting them in a position of being prisoners. We should stop putting them in a position of being killed. Then they will not be killed. Why deal with rhetoric when decision is called for?

Mr. DOLE. Mr. President, I do not share the view of the Senator from Alaska.

Let the record be clear that since the Cambodian incursion our casualties have dropped, so we have had many hundred fewer American deaths and many hundred and many thousand fewer American casualties because of Cambodia. The sanctuaries were cleared out.

I cannot believe the Senator is serious in suggesting that we leave the Lon Nol government helpless, that we turn loose the 50,000 Communists.

Mr. GRAVEL. Who is the Lon Nol government that we cannot leave them helpless? Who are they?

Mr. DOLE. I am emphasizing the 50,000 Communists being tied down by the Lon Nol government.

Mr. GRAVEL. So the Senator's logic is generalship. We are talking about moving soldiers here and there, and we are going to put so many soldiers in to tie up so many of the enemy over here in order to kill less over there. Is that the Senator's argument?

Mr. DOLE. No. Perhaps the Senator should listen more closely.

Mr. GRAVEL. I am happy to.

Mr. DOLE. The Senator from Kansas is talking about extricating our Nation from South Vietnam. The Senator from Kansas is discussing the Vietnamization program initiated by President Nixon less than 2 years ago. I would say to the Senator from Alaska, with all respect, that President Nixon did not start the war in South Vietnam.

Mr. GRAVEL. I never said he did. That is not a point in the argument.

Mr. DOLE. I did not say he did. The Senator read a statement about our being in South Vietnam. I say that our presence there is not because of anything said by Secretary Rogers, or anything done by Secretary of Defense Laird, or done by President Nixon.

Every Senator wants to extricate American troops from South Vietnam. How do we do that? I believe we can expedite it and keep the Vietnamization program on schedule by going to the aid of Cambodia. I suggest we keep the Vietnamization program on schedule, and in the interest of that schedule that the Senate should act affirmatively on the proposal of the Committee on Foreign Relations and defeat the amendment of the Senator from Alaska.

In the alternative, if the Senator from Alaska wants to be consistent, in addition to striking out the words he suggests in his amendment, he should strike out the restrictions in other parts of the bill pertaining to military troops and advisers.

But in any event, as I understand it, under this proposal our Government still has the right to provide mercenaries in Cambodia and the right to conduct air combat operations over Cambodia and to put live artillery shells into Cambodia and perhaps the necessary military acts.

Mr. GRAVEL. That is something I had not thought of. It is interesting to me that someone like the Senator, who is close to the administration, would talk about mercenaries. Can I conclude that if we pass the $155 million the administration is going to hire mercenaries; or maybe they are going to bring the South Korean division from South Vietnam and move it into Cambodia. Could that be done?

Mr. DOLE. It could be done whether the Senator's amendment prevails or not. I would rather have mercenaries fighting in Cambodia than Americans.

Mr. GRAVEL. Why have anyone fighting? What is the purpose of it? Why should there be the killing? Why should we be for butchery for the sake of butchery?

Mr. DOLE. The Senator uses the word "butchery" as if it were some game being played in Cambodia, as if all the people in Cambodia shared the same ideology.

Mr. GRAVEL. Lon Nol supposedly has the same ideology as the Senator and I. He took power through a coup that claimed to have the same ideology as the Senator and I.

Mr. DOLE. There are about 50,000 North Vietnamese and Vietcong Communists in Cambodia.

Mr. GRAVEL. How many Communists are in Chile? Why not move into Chile? That is a country where a Communist was elected. Why not use the same logic? Let us send in troops and clean it out.

The basis of the Senator's logic is that we are involved in Southeast Asia to fight Communists. If it is worth it there, why not do it here? Why is the Senator not for it here?

Mr. DOLE. It was not my logic that got us involved in Southeast Asia.

Mr. GRAVEL. Why not use that logic to get us out?

Mr. DOLE. We are getting out under the leadership of President Nixon; we got into our involvement there under the administrations of Presidents Kennedy and Johnson.

Mr. GRAVEL. Why does the Senator insist on giving it a partisan definition? I would be standing here debating the Senator if he were a Democrat and I were a Republican. I disagree with the policies of the prior administration and the administration before that.

I am making the simple point that if we are there because we are fighting communism, why do we not fight it in this hemisphere? Why go to the other end of the world to do it?

Mr. DOLE. If the Senator wishes to introduce a resolution to fight communism everywhere in the world he can do so and we can bring it to a vote.

Mr. GRAVEL. I am moving to strike this language so we do not go with the policies of involvement in Cambodia.

Mr. DOLE. What about our involvement in South Vietnam? Is that secondary to the Senator's purpose?

Mr. GRAVEL. No, primary. If I thought it had a chance of passage, so that our troops might be pulled out late this afternoon, I would do it. But I do not think the American public—the only thing is the courage to do it—has the courage to say we are wrong, let us march right out. A schedule of Vietnamization or deescalation is not needed; it could be done in months. We are toying with a time frame and the time frame is the desire to win. We are going to say we are going to keep deescalating until we are sure at some level we can sustain the government in power. If that is the mix of our troops, blood, and money with South Vietnamse troops, blood, and money, and a little bit of Cambodian stuff added in, and some Laotian, we have a good mix to last 10 or 15 years, and we will continue to perpetuate the ideology of fear of communism, which is no more than another competitive economic system.

Mr. DOLE. Mr. President, I have great respect for the American public and believe that if the Senator should introduce such a resolution this afternoon he would hear from the American public. As far as the Senator from Kansas understands the amendment of the Senator, and as far as the Senator from Kansas understands the statements made by President Nixon and the statement made by the Senator from Idaho a few moments ago, the purpose of the committee's provision is to bring about some transfer of responsibility to their armed forces. The achievement of this purpose is what we hope for and it will come sooner than we expect, but I have great interest in Americans who remain in Vietnam and in their orderly and safe withdrawal.

What does the Senator believe is going to happen to prisoners of war if we pull our troops out this afternoon?

Mr. GRAVEL. I have not communicated with anyone from the North Vietnam Government.

But I do believe—and I would bet my Senate career—that if we announce we are going to leave South Vietnam in 30 days, all of our prisoners in North Vietnam would be repatriated and given a first-class ticket back to the United States. I am sure of that; there is no doubt in my mind.

Mr. DOLE. I do not share that view.

Mr. GRAVEL. What view does the Senator share? Does the Senator think they like to capture and mutilate people because that is their nature? Is that what the Senator thinks?

Mr. DOLE. No.

Mr. GRAVEL. Why do they capture Americans? Why? Because we are in combat.

Mr. DOLE. That is true. We have been in combat.

Mr. GRAVEL. So if there is no combat they will not capture anyone.

Mr. DOLE. That is true.

Mr. GRAVEL. I was distressed—and I have not heard a public figure express it, and I will be the first to mention it today—over the crescendo this administration created over our concern for prisoners of war, because I think any human being has concern for anybody else's confinement and brutalization. But it is part of the big rhetoric.

Mr. DOLE. What is?

Mr. GRAVEL. You pick on the pitiful little things to take people's minds off of the broad, visible logic. The problem is not that we have Americans who have been captured.

Mr. DOLE. That is the problem for the wives and mothers.

Mr. GRAVEL. Darn right it is, and who put them there? The policies enacted by this country, and all I am asking is that the policymakers change their minds and say the policies are wrong.

So those who wring their hands, pontificating how terrible it is to have boys in these camps held prisoner better pontificate over the fact that we should not be there.

Mr. DOLE. I wish the Senator had been here in 1963 when combat troops were first sent to Vietnam. He could have made that statement at that time.

But let the Senator from Kansas also point out——

Mr. GRAVEL. I was not in the Senate, but I was in a visible public office. I held public office at the State level. I publicly announced my position. I thought it was idiocy at that time. I said it was idiocy at that time.

Mr. DOLE. The Senator from Kansas would also take issue with the statement made by the Senator from Alaska that we have nothing to fear from communism; it is just another ideology; do not worry about Communist Russia.

Mr. GRAVEL. Do not put words in my mouth that I did not say. I said it was another competitive system. There are degrees of immaturity in our society and degrees of irresponsibility. And looking at history, I find some measure of irresponsibility and immaturity in the Asiatic society, in the European society, and in the Euro-Asian society. So if one wants to find immaturity, I think he can find it to some degree wherever he looks for it. If we focus it on this century, communism is the bette noir for some people. I do not get hung up in that regard. I think we can develop a defense posture while waiting for man to reach the stage of maturity. Our defense posture does not, in my mind, depend one iota upon the butchery that takes place in South Vietnam—that we pay for and the Communists pay for.

Mr. DOLE. I would point out to the Senator that there are at least two sides to the question. In this case there happen to be many sides——

Mr. GRAVEL. What does one say to two boys who are fighting? You say, "Johnny, won't you be a little more mature and stop fighting?" You appeal to the maturity of one of the combatants to stop it. That is all we are really appealing for. We hold ourselves superior, as the super power, more mature, wealthier, much more sophisticated, we think. So I should think it would be easy for us to say the intelligent thing for us to do is get out of there; just walk away. That is the mature thing to do.

I yield to the Senator, if he has an additional question, without losing my right to the floor. Then I have some other things to elaborate.

Mr. DOLE. I do not desire to belabor the point, but since the Senator is going to speak in any event, I will ask some questions of him. Does the Senator believe we should have any restriction if we strike out the money, or should we remove the restriction in section 6?

Mr. GRAVEL. I am basically a civil person. I would like basically a simple thing—that is, to stop the money. Then I would sit back, be happy with that, and wait for another opportunity to improve the situation, because I think the situation can be improved greatly. This is a simple amendment. I would be satisfied today to have a vote for it, so this body would not go on record as saying, "Mr. President Nixon, we think your acts in Cambodia were justified and we are going to pay the tab." Not only would we encourage the President in doing that, but we would pay the additional tab for further involvement in Cambodia, which in my mind is extending our role in Cambodia without cause.

Mr. DOLE. The Senator has no objection to air combat missions over Cambodia?

Mr. GRAVEL. Yes, I do. I have objection to our presence there in a military fashion.

Mr. DOLE. Where?

Mr. GRAVEL. In Southeast Asia.

Mr. DOLE. What about the Middle East?

Mr. GRAVEL. Does the Senator want to discuss the Middle East problem at this time?

Mr. DOLE. We have enough to discuss on the Southeast Asia question.

Mr. GRAVEL. I would be happy to launch into that area of the world. It is

XUM

an interesting one. I would be happy if we could discuss the problems in Europe. I will answer the questions. If the Senator wants to guide the questions into the Middle East, I will follow him.

Mr. DOLE. The Senator also objects to air operations over Cambodia?

Mr. GRAVEL. I think it is involvement. I think it is hypocrisy.

Mr. DOLE. It is protecting American forces.

Mr. GRAVEL. We come back to the argument of protecting American forces. It is simple. Take the forces out and we do not have any problem. It is simple. Do not get into Cambodia. Do not get involved. Then we do not get into anything.

Mr. DOLE. We debated earlier this year the end-the-war amendment, which I designated the lose-the-peace amendment——

Mr. GRAVEL. I did not hear that.

Mr. DOLE. I said we debated earlier the end-the-war amendment, which I designated the lose-the-peace amendment.

Mr. GRAVEL. What is the Senator's definition of peace in Southeast Asia?

Mr. DOLE. During the course of that debate, proposals were made for a termination date. We learned then that even the Senators who wanted to end the war could not agree on a fixed date. The point I am making, as the Senator from Iowa said earlier, is that we cannot take away the right of the President to fix that date. He must have that flexibility. I would say to the Senator, as far as any fixed date is concerned——

Mr. GRAVEL. I am not arguing for any fixed date.

Mr. DOLE. The Senator said, get them out this afternoon.

Mr. GRAVEL. If I had my druthers, if I were a genie, I would wave my wand and get them out of there right away.

Mr. DOLE. What is the Senator's realistic proposal?

Mr. GRAVEL. From a logistical point of view, we would start pulling them out.

Mr. DOLE. Is that not what we are doing?

Mr. GRAVEL. We are doing it much too slowly. We are proceeding on a logic that rests on Vietnamization.

Mr. DOLE. Now the Senator comes around full circle. The Senator from Alaska agrees with the Vietnamization program——

Mr. GRAVEL. I do not agree with it. Why stretch the Senator's words to say I do? What point is the Senator making?

Mr. DOLE. Not even that.

Mr. GRAVEL. No. My point is very simple. I disagree with the Vietnamization program. We should get out. When statements are made that our boys are being killed and our boys are being maimed and our boys are being captured and held captive, that logic does not direct itself to the problem. That is an emotional outburst. That has no logic at all. The logic is that if we take the boys out, they will not be killed or maimed or become prisoners. It is that simple.

Mr. DOLE. It is not that simple.

Mr. GRAVEL. The Senator says we have to be there for a reason. Everything is emphasized along that line. Follow that same theory for over a year. First of all, I have never heard a timetable from this administration as to when our troops are going to get out. All I have heard is that the mix seems to be about 300,000 troops, about the same number we have had in Europe. We have 45 or 50 thousand in Korea. That is a 17-year mix. Maybe next year it will be 370,000 troops. But our tax dollars pay for it under some mythology that this adds to our security. I say it does not add to our security.

Let me juxtapose these questions:

What would happen if Cambodia fell tomorrow? It may well fall, for that matter. Obviously, it would become communistic. We would have some gnashing of teeth, but life would go on. We would have our traffic jams and everything else. Life would go on. Basically, that would increase the casualties of Americans in South Vietnam. That would be the difference, except the American people are going to get up and say, "We do not want Americans getting killed at that rate." We have to deescalate. That means an increase of the Vietnamization program, as the Senator sees it. That would be counter to the administration's point of view. That would show quite adequately that Vietnamization means nothing. It does nothing because nothing is done except what the enemy permits to be done in that way. If we still think it does, when the enemy does not permit it, we raise the activity on the north and we raise the level of the war. Then are we still going to keep on withdrawing troops?

That is a good question. I think this administration would not, because that would mean, in their psychology, immediate defeat; just as, if we put this money into Cambodia, it does not mean it is a one-shot deal, it means we are going to put more money in, and that if there is a danger that Cambodia will be overrun 6 months from now, we will have to escalate to the next higher step, and they will devise some way of getting American troops in there. Or they will go the mercenary route until they butcher enough of those people. But the point I am making——

Mr. DOLE. Who is going to butcher them?

Mr. GRAVEL. All right. We have hired mercenaries, and we are about to lose Lon Nol. The reason we are putting this money up is because we are about to lose Lon Nol. So what happens next year? We put more money up. But supposing the money is not enough, what do we do then? What would we do if we had another Tet offensive? What do we do to keep the status quo until a sufficient period of time elapses so that we can then turn the rheostat back down?

Mr. DOLE. What would the Senator do?

Mr. GRAVEL. No, no, I am outlining a set of facts here. We have seen that until now, the administration has been able to escalate to a proper level of mix. We have not arrived at that level of mix, and we will not know what that mix is except after the fact, after a long period of time has elapsed and we look back and say we were able to hold the bastion of South Vietnam with 200,000 troops, or 150,000 troops, for 10 years.

This, to my mind, is wrong, and adds nothing to our security. Supposing South Vietnam fell, and became totally Communist tomorrow, and then Cambodia fell and became totally Communist; would that appreciably change the life of my colleague from Kansas? Would that change his life?

Mr. DOLE. It might not change mine, but it might change my daughter's or those of her children. But in any event——

Mr. GRAVEL. Will the election in Chile change the Senator's life? The recent election in Chile, will that change his life?

Mr. DOLE. I have not made a judgment on Chile yet.

Mr. GRAVEL. Well, really, is it that complex? It is a Communist country now, with Communist leadership. Is that going to change the Senator's life?

Mr. DOLE. I do not want to interrupt the Senator's——

Mr. GRAVEL. I have answered truthfully the Senator's questions. Can he answer mine truthfully? Is that going to change the Senator's life?

Mr. DOLE. I cannot answer the Senator's question at all.

It seems to me that there must be a basic recognition that we are withdrawing troops from South Vietnam. It may not be on the same schedule the Senator from Kansas would like, or on the schedule the Senator from Alaska would like or some other Senator might like, but we have reduced the troop level by 200,000.

Mr. GRAVEL. Mr. President, that is not so. Why would the Secretary of State of the United States of America say he does not know how to get out of Southeast Asia, if that is what we are doing? The Senator says that is what we are doing; but why would the person who is the spokesman for our policy say he does not know?

I can hold views, as the Senator can, as a Member of this body; but our views may represent totally wishful thinking, unrelated to the policy of the administration. The Senator is making a statement that this is going to happen. I say it is not going to happen.

Mr. DOLE. Mr. President, I made a statement of what has happened and did not comment on what may be forthcoming.

Mr. GRAVEL. But the Senator has not addressed himself to my mix theory. If we want to discuss this subject, I think the point is that we are not going to go any lower, because if it is intended that we withdraw all our troops over there, why not do it all now? Why go through the cost of delaying it? Because when we come to the realization that we should not be there, it will not make any difference. I think Walter Lippmann addressed himself to that point beautifully in his article in Newsweek. Has the Senator had a chance to read it?

Mr. DOLE. No, I have been very busy.

Mr. GRAVEL. May I commend it to the Senator's attention?

Mr. DOLE. Yes.

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Mr. GRAVEL. I will put it in the RECORD, and the Senator can read it tomorrow, unless he would like to read it this afternoon.

Mr. DOLE. No; I shall be busy all afternoon.

Mr. GRAVEL. Maybe I will read it this afternoon.

Mr. DOLE. I wish the Senator would read it this afternoon sometime. But, finally, we have to recognize, to make a judgment in the Senate either pro or con, that it is in our best interests—not the interests of Cambodia, but our best interests—to provide the money. If we make a judgment that it is not, well, we have made that judgment. But to raise all the hypothetical questions, to suggest that there is no real threat from communism, to suggest that nothing would change if everything goes Communist in Southeast Asia, to suggest that President Nixon has been unsuccessful with Vietnamization.

Mr. GRAVEL. I did not say that.

Mr. DOLE. I say these are not facts. The facts are otherwise, as far as the Senator from Kansas understands the facts.

Mr. GRAVEL. Here is a fact: We had 10 percent of the area in Cambodia controled by Communists before we went in. We went in, we have come out, and now it is 50 percent Communist controlled. What does that fact mean to the Senator?

Mr. DOLE. Control of what?

Mr. GRAVEL. Of area. What do we fight for in this world, if not the ground we stand on?

Mr. DOLE. Am I to understand on that ground, then, the Senator would not want to fight in Cambodia?

Mr. GRAVEL. That is right. But I would fight to the death for the ground we have in Alaska and for the ground we have here in Washington, D.C. The problem is, we get confused as to where the Senator wants to die and where I want to die.

Mr. DOLE. I do not want to die at all.

Mr. GRAVEL. And I do not think there is any reason for our boys to die over there. I asked the question earlier, if Vietnam went Communist and Cambodia went Communist, how would it affect the Senator? How would it affect his children? He said it would affect them. I ask the Senator to tell me how.

Mr. DOLE. The Senator from Kansas is not a prophet, and I really do not know. I cannot answer that question, how it might affect me or how it might affect my children.

Mr. GRAVEL. Well, does the Senator want people to die for things we do not know about? That is what we are talking about. What we are talking about is $155 million for bullets to go through people's bodies. And the Senator says we do not know. Secretary Rogers said he did not know. All he knew is that we are there, and that is it. We are there and we are nowhere. We do not know how to stay in properly, and we do not know how to get out. We are just nowhere.

Mr. DOLE. Mr. President, to quote one sentence out of what was probably a rather lengthy period of testimony is not being quite fair to Secretary Rogers. Yes, we are there; that is a fact. We are getting out of there, and that is a fact. All this "mix" theory is a new theory to me; I do not know anything about the mix theory.

Mr. GRAVEL. Let us discuss it, then, if it is a new theory. I think it is a good one.

Mr. DOLE. I suppose I can discuss things I know nothing about; so let us proceed on the "mix theory."

Mr. GRAVEL. The theory I have is that the reason we have a time element in our withdrawal—and it is an extended period of time, and we keep the time unknown—is because we do not know at what point South Vietnam's Government will be unable to sustain itself without our troops being there.

If that does not happen for 10 years, that means we may be in South Vietnam or Southeast Asia, for that matter, to the tune of 300,000 troops over the next 10 years.

We have done that in Europe; we have done it in Korea; we have done it all over. So why should we not do it there?

That is what I say is going to happen. We have not learned anything with the passage of time. We are going to move into another mix, which President Nixon is going to face, because until he finds the point at which the present regime can sustain itself, we will keep our troops there and go on with this war for another 10 years at the proper mix. We will go on until all the people in North Vietnam are eliminated, and when they are all eliminated, we will say we have peace on earth, and we will bring our troops home, and salve ourselves as heroes, that we have done something worthwhile.

All I am saying is, if we want to do this intelligently and efficiently, we should obliterate North Vietnam right now, pull our troops out, and be done with it.

The reason we cannot do that is because that brings into visibility the total moral decision that must be made. We do not have the guts and morality to make that decision, because it is patently wrong. But we have the morality and we have the sophistication of being able to make the decision over a long period of time, and keep the visibility low, so that to bleed North Vietnam and butcher those people for 10 years is not as bad in our minds, as if we dropped a couple of H-bombs this afternoon and obliterated them right now.

That is the fallacy of it all. That is the total fallacy. When you kill, you kill; it makes no difference when and how you do it.

We do not have to do it. Our security does not depend on it. I ask the Senator the question, as a knowledgeable person in this country, how will it change his life today, or the lives of his children 10 years from now, if Vietnam goes Communist and Cambodia goes Communist? How will it change their lives? Because the answer to that question has got to be the reason why we make the decision for those funds. And if it does not affect the Senator's children 10 years from now, we have no reason killing people today.

Mr. DOLE. I am not killing anyone today.

Mr. GRAVEL. Yes; the Senator is, and I am, too. Let us not kid ourselves that we can stand here and absolve ourselves of the bullets that fly, when we pay for them. When we appropriate the money, we are as much killers as the others. Let us not kid ourselves on that. And the Senator should not kid himself on that. We are all collectively guilty of what happened in My Lai.

Mr. DOLE. The Senator has some theories that the Senator from Kansas does not understand.

Mr. GRAVEL. The Senator does not understand that when he votes today for $155 million that the money is going down to the administration; that they are going to go to a factory with this money; that somebody is going to buy a box of ammunition; that somebody is going to take it to an airplane, put it on the airplane, that the airplane is going to fly to Southeast Asia, over Alaska, and land in Southeast Asia; that somebody will take the box of ammunition off and put it on a table; that a guy is going to come by, take some of the ammunition, put it in his pocket, walk over here, load his gun, and shoot another human being?

Mr. DOLE. Is that a question?

Mr. GRAVEL. Yes.

Mr. DOLE. Well, the Senator from Kansas has heard not many statements in this Chamber, because he has only been in this Chamber for a couple of years, but he has heard statements to the effect that this Chamber reeks with blood, and has heard others say that perhaps it reeks with self-righteousness but not of blood.

The Senator from Kansas would suggest that, as he understands the reason for H.R. 19911, it is to take that action which is in the best interests of our country, in the interests of saving American lives, in the interests of proceeding with the Vietnamization program.

Mr. GRAVEL. Here we come back to the Vietnamization program.

Mr. DOLE. Let me respond, since the Senator asked a question.

We can talk about all kinds of theories on the Senate floor. We can ask all kinds of unanswerable questions on the Senate floor. We can speculate about any country. We can speculate about what might be happening in some other part of the world next week or next year or 10 years from now. But we must address ourselves to the present in South Vietnam. That is the conflict in which we are engaged. That is the conflict from which we are attempting to extricate ourselves.

The only question, as the Senator from Kansas understands, is, How do we do it? How do we do it effectively? How do we do it expeditiously? How do we do it with the least loss of American lives?

The Senator from Kansas supports President Nixon, if the Senator from Alaska was not aware of that.

Mr. GRAVEL. I was aware of it.

Mr. DOLE. The Senator from Kansas supports President Nixon because he is extricating us from South Vietnam, perhaps not according to my timetable, not according to the timetable of the Senator from Alaska. But to imply on the Senate floor that there has been no progress in

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Southeast Asia is incorrect, because the troop level has been reduced by many thousands.

Mr. GRAVEL. In many hours I did not use the word "progress."

Mr. DOLE. The Senator from Alaska has been critical. He said Vietnamization is nothing but rhetoric.

Mr. GRAVEL. That is right. If there is progress in changing the troop level from 500,000 to 300,000, I will say that is progress.

Mr. DOLE. Did we not believe it was progress in the prior administration when the troop level was escalated?

Mr. GRAVEL. The Senator is back to partisanship.

Mr. DOLE. No.

Mr. GRAVEL. I am willing to concede that they were wrong. I stated publicly that they were wrong, and I will state it again.

Mr. DOLE. That is not important; I am just stating the facts.

Mr. GRAVEL. But the Senator said it in such a defensive way about this administration, as though it is their war and we are just laboring under the burden of it.

Cambodia was not their war. It was Nixon's war. This amendment is to make sure that it is not the national policy of this country and that the Cambodian incursion remains this administration's act and not a matter of policy.

Mr. DOLE. The Senator from Kansas only suggests that we are now at least discussing the issue, and that would be helpful.

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The Senator from Kansas believes the only judgment that we should make is whether or not we appropriate the money. The Senator from Alaska feels that this proposal is going to widen the war or somehow escalate into South Vietnam, and if this is so, of course his amendment should prevail. But if a majority of the Senators feel otherwise——

Mr. GRAVEL. Does the Senator doubt that? This is the same argument—I will not say the Senator from Kansas has made it, but I would say that advocates of the present arms race have suggested, "Why not? The Soviet Union has increased its budget, is spending more on arms." Does the Senator doubt that the people in Southeast Asia do not think we are withdrawing when we appropriate more money for arms for Southeast Asia? That is what we are asked to buy in the briefings at the State Department. They were saying we have to appropriate more money so that we can have less of a commitment. That does not make sense. I do not think it makes sense to anybody else. We can deceive ourselves on that, and we do; and that is what the Senator is buying. The Senator is saying that we have to do this, we have to spend more, so that we can keep the Vietnamization working. That is the logic that the Senator is putting forth—that we have to spend more money so that we can make the extrication possible.

Mr. DOLE. One correction.

Mr. GRAVEL. That we should go one step forward so that we can make two backward. Is that right?

Mr. DOLE. No, that is wrong. The Senator from Kansas suggests that it may be a choice of money or men, and when that choice is an easy one——

Mr. GRAVEL. That choice we had in Vietnam at the beginning, and we went from money to men; and we will do the same thing—go from money to men, to mercenaries, and from mercenaries to Americans.

Mr. DOLE. We are at a different time, at a different place, with a different President, and a different atmosphere in America. The Senator from Kansas does not buy that argument for a moment. That is a good argument to toss out every day, to talk about another Vietnam. Let us face the facts.

Some people want a military victory; others would like to get out this afternoon. Others—I think the great majority of Americans—support President Nixon's Vietnamization program, because he is in fact extricating us from South Vietnam.

Mr. GRAVEL. They support it because they think he is going to bring every last American out. That is why they support it.

Mr. DOLE. He is bringing our men home; it is a fact.

Mr. GRAVEL. If they thought for a moment that it meant leaving 300,000 Americans——

Mr. DOLE. That is the figure of the Senator from Alaska.

Mr. GRAVEL. That is right. It is my figure, and I will use it as a prediction, and that is what the mix is going to be—300,000 Americans. It is the same mix we have in Europe. They are going to be there for 10 years or more, and it is not going to be a type of war such as we have in Europe. It is going to be a hot war. We are going to have a little killing, and it is going to be strung out, and we are going to be there, under this Vietnamization policy, until we have sapped the population and the will of North Vietnam—and until, of course, we have bankrupt ourselves financially. Until that point in time, we will say we have won. We will have an honorable peace then. No more North Vietnamese will be left. That is an honorable peace.

I submit that if we had the decision-making power to morally see it right now, and we were able to make the decision, we would eradicate Vietnam right now. We can do it. The reason we do not do it is that we see it is wrong. But we do not see it is wrong when we string it out for a number of years, and that is what the Vietnamization policy is.

The Senator is inferring, from what the administration has said, that they are going to pull everybody out. They are not going to pull everybody out.

Mr. DOLE. So far as the Senator from Kansas knows, the Senator from Alaska must have a better pipeline to the administration, because there has been no timetable——

Mr. GRAVEL. I can assure my colleague that I do not.

Mr. DOLE. The Senator from Kansas has no idea of how many troops are going to be in South Vietnam a year from now. I do know that by May 1 of next year, approximately 80 percent of the combat troops will be out of South Vietnam. That is progress.

Mr. GRAVEL. Wait a second. Suppose there is a Tet offensive? Are they still going to continue with the withdrawal?

We have heard this logic: The reason why we had the recent bombings was that there was a great deal of infiltration, and the infiltration led our military planners to believe that something is imminent in the way of a resurgence, and therefore we had better bomb them and let them know we are ready.

What would happen if we had a Tet offensive and they made a big push? Would we continue, as the Senator seems to infer, so that by May there will be x number withdrawn?

As I heard the President's statements, he will continue to withdraw if they are nice. If they are not nice, we will punish them; we will put more troops back in. Is that a fair interpretation—that we will withdraw as long as they are nice? We have to have a nice war, a war which is geared to our convenience, to our schedule of withdrawal.

Mr. DOLE. The Senator from Kansas is aware of the fact that if the enemy starts some offensive, we must make an appropriate response.

Mr. GRAVEL. That is right. And for what reason? To safeguard our boys, that is why.

Mr. DOLE. There is nothing wrong with that, is there?

Mr. GRAVEL. We have got to send another 100,000 back in order to safeguard our boys.

Mr. DOLE. I am not talking about more troops.

Mr. GRAVEL. Talking about more what?

Mr. DOLE. That is not a proper response——

Mr. GRAVEL. What is the proper response? If the bombers do not do the job, if the Navy does not do the job, then we have to send in troops. That is the last resort. So we back them up with troops. That is the proper response, in the end analysis. What the Senator is saying is that the administration admits publicly that it is willing to reescalate our position in Vietnam anytime the situation warrants. When it does so, it will find that the Nation is totally disillusioned as I was disillusioned with the Cambodian incursion. Up until that time, I thought that this was really a way to pull us out, and that we would pull them out in the most efficient way. It did not happen that way. We had to go forward with this Lon Nol situation. We had to go forward because of Lon Nol. I know if that logic, that wisdom prevails, and that approach in Southeast Asia prevails, we will never get out. The next point in our operation will be to develop a mix to sustain themselves. That is their doing. It is not unusual. Prior administrations have done it. We have done it in Europe. My own administration, a Democratic administration, developed a mix in Europe. Some people here are trying to alter that mix. They should, because we can get locked in on a mix. But the difference with a mix in Southeast Asia is that, one, it is not that vital to our interests and, two, it is a hot mix, that is, we are killing people. That can make it even worse when there is no reason for it.

Mr. DOLE. Well, I would conclude by saying that I oppose the amendment, and would point out once more that I know of no one in this body who knows, and the President does not know at this point, what tomorrow may bring or next year may bring. The Senator from Kansas is at least persuaded that as many troops as possible will be withdrawn from South Vietnam as possible in the quickest possible time. There have been all sorts of speculation on what the Senator from Alaska refers to as a "mix," and I assume he means by that how many troops will assist there on a semipermanent basis, because the administration has withdrawn 20,000 from Korea, and perhaps we can at least indicate there will be a minimum withdrawal after next May 1.

The Senator from Alaska is entitled to make a judgment with reference to Cambodia. Let the Senator from Kansas point out that there has been a sharp reduction in casualties, that we have kept the Vietnamization program on schedule, and that we have reduced the cost of the war in Vietnam. So far as the Senator from Kansas is concerned, that is some progress.

With reference to the troop level in Europe, and in Korea, and the troop level in other parts of the world, let me point out that the Senator from Kansas views this amendment as being in our interest, in the interest of American lives.

I repeat, if a choice must be made between manpower and money, the choice is easy. If the Lon Nol government is sustained by this appropriation and if it means keeping the Vietnamization program on schedule, so far as the Senator from Kansas is concerned, that will be well worth it. It will be money well spent and I would hope that the Senator from Alaska would join in that observation or that view.

I thank the Senator for yielding to me, briefly.

Mr. GRAVEL. Mr. President, I was able to coin a phrase as to what I think my amendment will prevent and that phrase is simply this: If we vote for this $155 million military aid to Cambodia, this will be the "Tonkinization" of the President's decision to move into Cambodia.

Mr. DOLE. The what?

Mr. GRAVEL. The Tonkinization.

I admit that this body now gives substance to the Presidential decision de facto because he did make the decision and we have to follow. That is the same logic which keeps us in the war; because we are there, we have to stay there and fight. We do not have to do anything. We can debate this, or our children can decide. And if they decide, they will make that decision to do it. But those who hang on to the past, to the logic of something that has happened, do not seem to know that because the position of the President has been to act a certain way, we do not have to back him up that way.

Mr. DOLE. Let me comment on that. I think, one, we have already repealed the Gulf of Tonkin Resolution twice in this body. We could do it again. Second, that——

Mr. GRAVEL. I was going to the spirit of what was involved, the spirit of what is fundamentally set out here, because this $155 million will not make that much difference, because the administration will spend that much money anyway, and they do not need this piece of legislation to do it. Let us not kid ourselves. What they want is the legal affirmation of the Senate that what they did is right, that to be consistent what we should do is move into Cambodia, starting with money, then with mercenaries, as the Senator suggested, and then, of course, in the final analysis, with American troops. That is the course we adopted in Vietnam, a course we have not been able to reverse.

I would hope that the Senate today would realize that if there is a real chance of making a decision, of reversing the forward thrust of our involvement in Southeast Asia, this is the time to do it. This is the time to reverse that thrust. If we do not, then what we are riding on is a complacency which has no place in this country, a complacency which is a result of the deescalation of troop strength. And then we will have to live with a double burden: both the burden of the vast numbers of people killed and the economic burden that will be with us for the next 10 or more years.

Mr. President, let me take recourse to the article by Walter Lippmann which was praised so extensively and was probably his finest piece. It goes to the total psychic problem involved with our presence in Southeast Asia. Let me read one brief paragraph symbolizing the whole problem we face today:

> When the Vietnamese war ends—we pray without a catastrophe—there will be only one salve for our wounds, for our pride, for our honour and for our dignity. Honesty and no pretenses. It is to recognize the mistake as being a mistake, to refrain from pretending that it was not a mistake, and to find the remedy in the universal human knowledge that to err is human.

And to err as a nation, Mr. President, is even more human and more understandable.

Mr. President, that is the sadness we have in this time, that we cannot recognize and we cannot differentiate in our maturity between a national error and an individual error.

Many of us have felt time and again that patriotism which wells up in our bosoms when we say, "My country is right." It hurts so much to think that it is wrong that we will not say it is wrong; we will say it is right. That is a normal human emotion, and a proper one. But when it is out of hand, it is a destructive force that is unimaginable. I would observe that it is unbelievable because we all recognize that if I had the wisdom of the ages and said, "I have never made a mistake and until I die I will never make a mistake," I would be laughed at and I would be ridiculed, because obviously that is not right.

But when a nation does it, when two people, three people, a million people, one hundred million people, two hundred million people come together and say, "We cannot make a mistake. We are right," what recourse is there? We take the recourse of patriotism and say that it has got to be right.

We do not see the compounding, the extension of the idiocy of thinking that an individual should be perfect into thinking that a nation can be perfect. Of course, it cannot.

Our problem in Southeast Asia is a simple one. It is a question of decision-making. If we had the ability to make the decision to leave, we would just leave. It is that simple.

Obviously the people of this Nation do not all feel that way. Many speeches have been made around the country criticizing those who criticize the policy of the leaders, because truly if this war were to come to an end, it could only come to such an end if the people demanded it. And the people of this Nation have not demanded an end to it.

The thing that compounds it at this point is the rhetoric employed by this administration, the rhetoric and the choice of words, the rhetoric of saying that unilateral withdrawing is "bugging out." They compare it, as they did for me in the State Department during a briefing, with an extrication. I use that word because it is a correct word. They compare it to Dunkirk. It is not a Dunkirk. It is not a Second World War.

Our security is not at stake.

At Dunkirk we had the last of the British Army fighting. We had the last evacuation before the total invasion of the British islands. Of course that is not the situation that exists in Southeast Asia today.

What exists today in Southeast Asia is a totally different matter. It is an involvement based upon a psychology of a prior year, upon a period where we felt we had to contain communism and that if we did not contain communism we would be overrun.

I will not go into the truth of that feeling. However, that is exactly why we are there. In fact, I was nearly thunderstruck when the President of the United States, on television being interviewed by three distinguished national reporters, was pressed on the question of why we are in Vietnam. He said that it was very simple, that it was because of the domino theory. The domino theory has been bankrupt for years.

Unfortunately, the Senator from South Carolina still believes that because he has the fear that Burma will fall, India will fall, Singapore will fall, and that they will invade the Philippines.

The domino theory was bankrupted by the significant fact that the dominoes would not play dominoes. They would not play the part that had been assigned to them, that if one is a domino and in danger, he should act like he is in danger. And if he is in danger, he should act like he is in danger and send in troops to put out the fire and to fight a war.

We do not see any troops from Singapore coming forward. Singapore is a domino. It is very close.

We do not see any troops from India. That is very close. It is a domino.

We do not see any troops from Burma. That is very close. It is a domino.

We now see some troops from Thailand. Of course, that country is involved. We have discovered that they were involved with a modicum amount of troops who were highly paid, much better paid than our American troops.

So, in all honesty I think that one could question the sincerity of that domino.

Then we have the other domino, Korea, from far away. On examination we find that in Korea we had a situation where we had let contracts to the Koreans, who would have a preferential economic benefit because of an involvement.

In is just coincidental that the number of troops assigned to Korea equals the number of troops they had in South Vietnam.

I will not get into that coincidence, but will merely say that it leads one to suspect that it is the commitment of a domino that is very far away.

We come down to the simple truth that the dominoes are not defending themselves. Therefore, they do not see the threat that we see for them. But even if we did not have the domino theory, we have to come back to the point I made earlier, that the security here today in Washington, D.C., in Anchorage, Alaska, and in Topeka, Kans., depends upon the sending of assistance to Southeast Asia. I maintain that it does not and that if tomorrow Cambodia were to fall, it would merely be due to the fact that the government there could not sustain itself. We could call the government that takes over a communistic government. We could call it what we want to call it. But the government that was in power did not have the strength to sustain itself.

We can give them all the money they want and they will sustain themselves as long as we keep on pouring in our wealth. The same thing is true in South Vietnam.

That is the entrapment. Some of my colleagues may fear that if we do not give this money, Cambodia may fall tomorrow and that the American public will point a finger at the Senate and say, "You Senators did not put up money and the Lon Nol government fell. Now we have got a threat to our troops in South Vietnam."

That suggests that we must pose the question, "Why are we in Vietnam?" That is all tied into the question. If we do not have to pour troops in Vietnam, we do not have to go into Cambodia with money or with troops, as we have done in the past.

Let me state that the realization and understanding of our security can only come from the highest levels of government, but of course, to be backed up and understood, it will have to transmit it to the entire public of the United States.

I would hope that this dialog today would have some effect on public opinion and have some effect on alerting the American people and the taxpayers of this country to what they are looking at, not today, but for the next 10, 15, or 17 years. We have 17 years of involvement in Korea. We have over 25 years of involvement in Europe. Unless we change the trajectory, unless we change the thrust, unless we dent the thrust, we are going on to 10, 20 years in Southeast Asia. But it will not be like the other situations in which we have been involved. This is not a cold war. We are going to maintain it at a crescendo or a crescendo of mix so that we can eventually win. That, of course, is what Vietnamization means.

It means that we are going to win and that we have to win. It means that if we do not have to win, then all we would have to do would be to stop and to take the troops out right now.

Let me go on with the beautiful argument presented by Mr. Lippmann:

> When the war in Indochina ends, it will matter a great deal how we understand what happened, and why. For this country can tear itself apart if it falls into bitter quarrels about what happened. There will be those who say that we have been defeated although we could have won. There will be others who say that we should not have intervened but that we were deceived and seduced. "There are two things that will always be very difficult for a democratic nation," said Alexis de Tocqueville, "to start a war and to end it." The heavy losses of the dead and wounded and the enormous costs and frustrations of the war will be tolerable only if we can come to some common understanding as to what went wrong, and why it happened.
>
> I must begin by insisting on a point that President Johnson and President Nixon have needlessly obscured and confused. It is the difference between a mistake and a failure on the one hand and a defeat on the other. The United States has not been and cannot be defeated in Indochina even though we withdraw our armed forces and realize that in the longer run the South Vietnamese Government is not likely to be able to stay on a course that is independent of North Vietnam. For the United States this will have been a large and costly failure to do what we said we were going to do. But the United States will not have been defeated. For defeat is what happened to Nazi Germany and to Japan: to surrender, to have the armed forces lay down their arms, to have the country occupied and governed by the enemy. No such thing can happen to us in Indochina, *which is proof that it is not a vital area to the United States*. And therefore President Nixon would do the country a service if he would cease to confuse a mistaken war with the downfall of being defeated.
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> ### ARMED PEASANTS WHO ARE WILLING TO DIE ARE A MATCH FOR THE MIGHTIEST POWER
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> We need at the same time to explain to ourselves what at first seems to be absurd. Here we are, some 200 million of us, with the greatest armaments that any country has ever possessed and there are the North Vietnamese, some 20 million of them, with a primitive industrial system. Yet we have been unable to make them do what we want them to do. Why not? Because armed peasants who are willing to die are a match for the mightiest power. Elephants cannot clear the mosquitoes from a swamp. The United States has been unable to conquer the armed guerrillas of the vast Asian continent.
>
> Why, we are asked, have we not used *all* our weapons and bombed them back into the Stone Age? The answer is that the United States had compelling reasons to believe that China and the Soviet Union would not stand idly by if we did, and that nothing that was at stake in Indochina was worth another world war.
>
> Thus our failure in Vietnam sprang from a great mistake. We asked the armed forces to do what it was not possible for them to do. Our senior military leaders, the men who were the commanders before and during the second world war, knew better. They had always believed that the United States' military power was on the ocean and that Asian land wars were to be avoided studiously. The men who did commit the United States to a land war in South Vietnam had to ignore the precedents and override the advice of men like Dwight D. Eisenhower, Douglas MacArthur and Matthew B. Ridgway.
>
> ### THERE FLOURISHED THE FANTASTIC NOTION THAT ONE NATION COULD ACT AS GLOBAL POLICEMAN
>
> If we are pacifists and doves about Vietnam, it is because of the old American view of a land war in Asia. The opposition to intervention on the Asian continent begins with the teachings of our senior commanders in the second world war, long before Senator Fulbright and his colleagues in the Senate began to dissent. The question is why the United States ever violated its own military doctrine.
>
> The reason for the mistake which led to the failure was certainly not the villainy or the ambition or the profit-seeking of anyone. The reason was the global confusion which existed when the second world war came to an end. The two principal enemies of the United States, Germany and Japan, were utterly defeated and all the principal allies and friends, the Soviet Union, China, France and Britain, were prostrated. Only the United States was uninvaded, powerful and rich, unhurt and invulnerable.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. GRAVEL. I am happy to yield for a question.

Mr. MILLER. During an earlier colloquy with the Senator from Kansas I think an implication was made, possibly not intentionally so, which I would hope to clarify in the RECORD. The implication I thought I detected was that the Senator from Alaska saw no difference between, let us say, the communism as evidenced by the new President of Chile and the Communist leaders of North Vietnam. Is that the implication the Senator from Alaska intended?

Mr. GRAVEL. In the broad definition of communism I think it is within those parameters. I think there is a difference in the situation that occurred in Chile, and that situation was that there was an elected government. The point I was trying to make is that we have a Communist government there in Cuba. We call it communism. And we have Communist governments in several Eastern European countries and yet we have good relationships with those countries, so I cannot see why we have to use as part of our argument for being in Southeast Asia that we are fighting communism.

Mr. MILLER. If that is the point the Senator was making, may I suggest to him I realize the word communism is used in a general sense by a great many people, but I think most Members of Congress recognize, and our foreign policy during successive administrations has recognized, that there are differences in Communist governments. For example, there is Yugoslavian-type communism, which is not an aggressive-type communism, as contrasted with the type of North Vietnam, which obviously is aggressive.

I would think for the record we should recognize that. The Senator from Iowa certainly does and I would hope my colleague from Alaska would do so, also. I think it would be unrealistic if we did not recognize it.

Mr. GRAVEL. Does the Senator make a similar distinction between aggressiveness of democratic governments as with communistic governments?

Mr. MILLER. I think that, no matter whether it is a dictatorship-type of government, in the form of nazism or in the form of North Vietnamese communism, or any other type of government, if it is aggressive, if its objective is to take over other territories by force, whether it is military force or subversion from within the country, directed, controlled, and supplied by the government concerned, it is contrary to the charter of the United Nations and contrary to the policies of this Government, and we should not get bogged down on whether it is democratic aggression, Communist aggression, or Nazi aggression. I think the United Nations Charter makes it quite clear that we do not play around with words, and if it is aggression, it is prohibited.

Mr. GRAVEL. Who enforces it if aggression is prohibited?

Mr. MILLER. The United Nations Charter, as the Senator knows, provides for self-defense. It provides for regional groupings to preserve the integrity of the countries within the groupings. So in the absence of a peacekeeping force of the United Nations, the charter makes it quite clear that such organizations as the SEATO nations and individual countries have the legitimate right of self-defense.

Mr. GRAVEL. Under that definition, our invasion of Cambodia would have been a violation of the United Nations Charter.

Mr. MILLER. The Senator from Alaska begs the question, as some of his colleagues seem to want to do, by referring to it as an invasion of Cambodia. The point is, Was it an invasion or was it not? The Senator from Iowa, and I think a great many others—and the President, of course—recognize that it was not an invasion. All one has to do is look at Webster's Dictionary. It is an invasion when a country goes into another country for the purpose of occupying it indefinitely. There was no intention like that. It did not happen.

Mr. President, I do not want to prolong this discussion. The Senator from Alaska was kind enough to yield. I think my point has been made that there is a difference—I hope the Senator from Alaska recognizes it—between the Communist situation in Chile and the Communist situation in North Vietnam, and I think for the RECORD it ought to be clear that we in the Senate Chamber recognize it.

Mr. GRAVEL. Will my colleague define that, then, so that we have it precisely?

Mr. MILLER. I think the fundamental difference, looking at the charter of the United Nations for guidance, would be whether or not the government concerned is an aggressive type government such as is indicated on the part of the North Vietnamese, whose troops are far beyond the borders of their country of their country, as contrasted to the nonaggressive Government of Yugoslavia.

Mr. GRAVEL. That would be the Senator's definition?

Mr. MILLER. I would say that would not be a complete definition, but that would be an essential and critical difference.

Mr. GRAVEL. If we make a determination that there is aggressiveness, then the next determination is who should go in there and correct it or police it, so to speak. Is that right?

Mr. MILLER. I think that would be a fair statement.

Mr. GRAVEL. Then, in Southeast Asia, who should be the policeman in question?

Mr. MILLER. As I said earlier, under the United Nations Charter, collective regional agreements for self-defense on the part of the countries or a country concerned are entirely legitimate, and it was foreseen by the drafters of the charter that this could happen and it would be essential to prevent aggression, certainly as long as the United Nations itself did not have a peacekeeping force sufficiently strong to intervene and prevent the aggression.

Mr. GRAVEL. If a determination had been made of aggressiveness in the case of Southeast Asia, could not the U.N. have mustered the necessary troops to go ahead and do it, because they had a peacekeeping mission in the Middle East at one time?

Mr. MILLER. The Senator from Alaska should know that the Johnson administration made every effort, to my knowledge, to get the United Nations to take jurisdiction and to do something about it. Unfortunately, the record will show that the Soviet Union, aided and abetted at times by France, indicated that it would veto any move within the Security Council to give the United Nations jurisdiction. Unfortunately, that is the situation. Certainly, I think that is one reason why the charter envisioned and legitimatized the formation of regional collective security groups, recognizing that there might be a bloc in the Security Council so that the United Nations could not take action and there would be nothing else except for a regional group to take necessary action, or a state within one of the regional groups to take necessary action.

Mr. GRAVEL. So that now we are down to an aggression existing, and the only recourse must be extra-U.N.; it would be a recourse to a regional disciplinary force? Is that the Senator's understanding?

Mr. MILLER. Yes, or, as I said earlier, the state concerned itself. For example, if India—not India, if Australia were attacked, Australia might be able to handle her borders defensively without calling on other members of the SEATO group.

Mr. GRAVEL. Which India did when the Chinese moved some troops to change some lines. They decided to solve this problem without expanding it.

Mr. MILLER. I do not recall that China did any invading of Australia.

Mr. GRAVEL. Of India.

Mr. MILLER. I am sorry. I changed my example to Australia.

Mr. GRAVEL. The point I am making is that in the regional force the Senator speaks of—now we are back to the elements that make up this region—everybody should really put his shoulder to the wheel to discipline this aggressive move. Is that correct?

Mr. MILLER. There is not question that it is easy for the Senator from Alaska and the Senator from Iowa to stand here and say what every member of a collective security group should do, which may be different from what they are going to do.

Mr. GRAVEL. Let us examine SEATO and see how many really put their shoulders to the wheel.

Mr. MILLER. May I say I examined that in great detail a year ago. This is one of the arguments made why the United States should not have borne such a great burden for the defense of South Vietnam.

If the Senator is interested, I will be happy to give him the citation, so that he can see the analysis I made; because I spent a lot of time doing so.

But may I suggest this: Might not the Senator be getting back to an argument which a number of his colleagues have advanced, that the United States is illegally in South Vietnam under the terms of the SEATO Charter? If that be true, of course, he and I cannot possibly argue, because that is a difference in premises.

Mr. GRAVEL. No, I do not have that view. I am prepared to accept any view as to why we are there, or the simple reality that we are there.

The area of concern that I have, and that my amendment addresses itself to, is that we do not stay there, and that we do not expand our decision to stay there. What I am striking at is not the money that has been spent, not the money involved in history; I am striking at the money that will be spent in Cambodia, which I think is an expansion of that conflict.

We do not have to go to the other side of the world to get involved in an aggressive battle or an aggressive problem such as is involved in Cambodia. We do not have to do that. Let someone else do it.

Mr. MILLER. May I say to my friend from Alaska that I, for one, certainly do not question the sincerity of his motives, but I think that logically he might just as well complain about putting more money into South Korea. It is just another expansion, so to speak, of our activities.

Mr. GRAVEL. I could; and I think my colleague is following the same logic that was used by the Senator from Kansas. If I had a magic wand, I would not go step by step; I would just wave my wand and end it all. But I do not have a magic wand. All I am offering is one little amendment to insure that this body does not go on record in favor of the Tonkinization of the President's decision to go into Cambodia.

Mr. MILLER. Why does not the Senator offer a similar amendment with respect to Israel?

Mr. GRAVEL. I have chosen not to address myself to that problem.

Mr. MILLER. According to the Senator's logic, any assistance we offer Israel

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is going to expand the activities of the United States.

Mr. GRAVEL. The President has not invaded Israel, but the President has moved into Cambodia, and now he is asking us to affirm what he has done. What I am suggesting is an amendment that will not permit such an affirmation.

Mr. MILLER. I am afraid it is not quite that simple. In the first place, I am glad to see the Senator change the word "invasion" to "moved into" Cambodia. I think that is much more neutral, at least.

But we are not in Cambodia, and we hope not to be back in Cambodia, or intend to be back in Cambodia. In fact, the bill so provides.

Mr. GRAVEL. But the Senator made——

Mr. MILLER. But my point is—may I just finish?—that I think we have to make up our minds whether we are going to use financial assistance and military equipment assistance to countries that are victimized by aggression, or whether we are not. This is the basic reason, I think, why we have joined pretty strongly in this body to support aid to Israel, because we do not want to see aggression throw Israel into the sea.

Why should we want to see aggression throw Cambodia into the sea? It is far better, it seems to me, to send weapons and financial assistance over to a country that has been invaded, to help that country preserve its integrity, than it is to sit idly by and suggest that it is a problem that will go away if we just do not talk about it.

It harks back to the "fortress America" concept and the isolationism of the 1930's I would hope we would not take that position.

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Mr. GRAVEL. No; it does not hark back to isolationism, and I resent—I do not mean this as a harsh word against my colleague, but I am not an isolationist. I would stand here and vote for aid to the World Bank and to finance economic development in other countries. An isolationist would not do that. But if the Senator's definition of an isolationist is a person who does not want to go kill thousands of people, then the Senator is right.

Mr. MILLER. May I——

Mr. GRAVEL. If the Senator's theory that we have got to go in and fight and stop these aggressive forces from doing their aggressive things is carried to extreme, there are all kinds of aggressive activities around the world that we could get involved in. I think it has become abundantly clear to all of us that we cannot act as policemen for the world.

Mr. MILLER. Does the Senator suggest that it is any less isolationist to sit idly by and let people of another country be killed by outside aggression moving into that country?

Mr. GRAVEL. Well, if the Senator is saying that in Cambodia they are going to be invaded by the north, and that is what we should go into Cambodia for——

Mr. MILLER. No, I have not said that at all.

Mr. GRAVEL. The Senator is asking if I will stand by and watch them do it.

I will. I will stand by and watch them do it, and I will not give them my money to go kill themselves with. If they can pick up their pitchforks and their axes and butcher themselves with them, that is fine; but I am not going to pay for their butchery.

Mr. MILLER. Then the Senator is, in effect, admitting that he is an isolationist.

Mr. GRAVEL. If that is the Senator's definition of an isolationist, I am one; and I shall violate his definition tomorrow when I vote for foreign aid funds.

Mr. MILLER. That is only a part of the definition of an isolationist, but the Senator seems to think that if one favors sending troops in to kill, as he says, lots of people, that to avoid that is not being an isolationist, then I suggest to him that to just sit idly by and let an aggressor country come in and kill people in that country is being an isolationist.

Mr. GRAVEL. Wait a minute. We sat by and let India invade Goa, and nobody got uptight about sending troops over there. We sat by and let China take from India some land in the area of Nepal that they thought was rightfully theirs, and nobody got uptight about that. We are uptight about this one country because we are deeply involved there, we have made a colossal mistake, and it is the colossalness of it that impedes our selling; that is the tragedy of it all.

But using the logic that just because a country is aggressive we have to do something about it just does not follow; otherwise we would be doing it every time.

Mr. MILLER. I do not think that happens.

Mr. GRAVEL. So why select Cambodia at this point in time?

Mr. MILLER. I think the basic reason is that whatever happens in Cambodia can have a very great impact for the good or bad of our own troops in South Vietnam.

Mr. GRAVEL. And that is correct. That is exactly correct, because if Cambodia fell to the Communists, then our troops would come under some danger. so that the President would have to make a decision whether or not to escalate the war in view of this new danger. So he continues in the rhetoric of Vietnamization, which the people of the country think is ending the war. He would then be faced with making the decision; that is the point I have been making all along.

Mr. MILLER. Would not the Senator rather see the Cambodians take care of that situation, so we would not have that problem?

Mr. GRAVEL. No, I would rather see our boys not get killed. To do that, we would not put them in the firing lines.

Mr. MILLER. They are not.

Mr. GRAVEL. We are getting American boys killed every day.

Mr. MILLER. Not out of Cambodia.

Mr. GRAVEL. In Vietnam.

Mr. MILLER. We are not talking about Vietnam, we are talking about Cambodia, and the threat that a communization and takeover by North Vietnam would pose to our troops in South Vietnam.

My point is that it would be far better to let the Cambodians defend themselves against that aggression, and take care of that threat, than just sit here and do nothing about it.

Mr. GRAVEL. Supposing $100 million is not enough—and Melvin Laird testified it probably will not be, that we will need some more next year—when do we stop?

Mr. MILLER. I would say we stop when the Vietnamization program is through.

Mr. GRAVEL. All right. If that took 10 years, or 20 years?

Mr. MILLER. The Senator knows that 10 or 20 years is not even in the ball park.

Mr. GRAVEL. That is not true; I do not know that, and I do not think the Senator does.

Mr. MILLER. Can the Senator name anyone in a position of responsibility who has even made such a suggestion?

Mr. GRAVEL. I have substantial evidence.

Mr. MILLER. What is the Senator's evidence?

Mr. GRAVEL. We have 300,000 troops in Europe who have been there over 25 years.

Mr. MILLER. We do not have a Vietnamization program in Europe; let us get that clear.

Mr. GRAVEL. Why should we not?

Mr. MILLER. We just do not have one.

Mr. GRAVEL. Why should we not?

Mr. MILLER. I do not think we have the same situation.

Mr. GRAVEL. All right. We do not have the need for the rhetoric there.

Mr. MILLER. This is not a rhetorical proposition. The Senator from Alaska well knows that the time announced for the withdrawal of ground force troops—which has already been well exceeded—is that by the end of next spring our ground combat forces in South Vietnam, for all practical purposes, will be gone.

Mr. GRAVEL. By next spring? Suppose there is a Tet offensive in February.

Mr. MILLER. And in the face of that, why the Senator talks about a 10- or 20-year time period is beyond my imagination.

Mr. GRAVEL. Suppose there it a Tet offensive in February. Suppose Lon Nol's government falls and our troops come under greater fire, greater danger. Will the President continue taking out troops?

Mr. MILLER. The Senator from Alaska is supposing things for which I have not seen any basis.

Mr. GRAVEL. But they are reasonable suppositions at this point.

Mr. MILLER. I think they are unreasonable.

Mr. GRAVEL. They are unreasonable?

Mr. MILLER. On the basis of the evidence I have seen.

Mr. GRAVEL. It is unreasonable that the Lon Nol government could fall?

Mr. MILLER. No.

Mr. GRAVEL. That is one of the propositions.

Mr. MILLER. Another Tet offensive within the same framework of the previous Tet offensive.

Mr. GRAVEL. Why did the administration increase the bombing recently, then?

Mr. MILLER. I think we saw a pretty good reason advanced in the local press by rather knowledgeable political writers—that it is quite evident that the President has decided to use airpower as a means of securing our forces, coupled with the fact that the South Vietnamese combat troops are much stronger than they were.

Mr. GRAVEL. Why should the President need to do that right now though? Why should he resume these bombings right now?

Mr. MILLER. May I say to the Senator from Alaska that I do not know whether he has visited there or not.

Mr. GRAVEL. I have.

Mr. MILLER. I have been there on two occasions. If the Senator has been in the same areas I have been, and talked with the same people I have talked with, he knows that there are times when it is important to make decisions regarding enemy troop and supply buildups and there are times when those decisions can be delayed.

Mr. GRAVEL. The Senator has underscored the point I have made.

Mr. MILLER. I do not think that we in the Senate are in a position to evaluate it.

Mr. GRAVEL. The point made, that I have read, is simply that the bombings were reinitiated because of the high rate of infiltration, which was the same climate that existed prior to the Tet offensive, and that in order to sustain our present policy, we cannot have anything go wrong; because if there is an increase in the crescendo of activity from the North, we have to halt our withdrawals, and that will be an admission that our withdrawal depends upon victory and does not depend upon what people think is happening. I think the public thinks we are withdrawing and we are going to keep withdrawing right down to the last man. That is not going to happen.

Mr. MILLER. What does the Senator mean by "victory"?

Mr. GRAVEL. I do not claim——

Mr. MILLER. The Senator has used the word.

Mr. GRAVEL. I will give the Senator a definition of it: that the Government in power will stay in power and that the Communists will not take over South Vietnam. That is victory.

Mr. MILLER. May I say to the Senator from Alaska that in all the time we have had all these debates and in all the statements that have been made by spokesmen for not only this administration but previous administrations as well, I have never heard that definition of our objective in South Vietnam. With respect to the second part of it, yes. I have never heard that definition of our objectives in South Vietnam.

Mr. GRAVEL. I have just heard it enunciated by the Senator from South Carolina this afternoon.

Mr. MILLER. I did not talk about any Member of the Senate. I am sorry that the attention of the Senator from Alaska was diverted. I will repeat what I said. In all the time I have been in the Senate, I have never heard any spokesman for either this or the preceding administration enunciate the objectives of our being in South Vietnam such as the Senator from Alaska has just enunciated. Perhaps that is a new definition.

Mr. GRAVEL. I have heard the President of the United States enunciate it on TV, when he said we were there because of the domino theory and that it is to stop the onslaught of communism. I do not have to go to anybody's quotations. I heard him.

Mr. MILLER. That is not what the Senator from Alaska said.

Mr. GRAVEL. That to stop the onslaught of communism means you have to sustain the present government in South Vietnam.

Mr. MILLER. Not at all.

Mr. GRAVEL. What does it mean?

Mr. MILLER. I have never heard anybody say that.

Mr. GRAVEL. He does not have to say it.

Mr. MILLER. I have never heard anybody imply it.

Mr. GRAVEL. It need not be implied. It is self-evident.

Mr. MILLER. It is not self-evident.

Mr. GRAVEL. What does "stop the onslaught of communism" mean?

Mr. MILLER. The second part of the Senator's definition, which I think implied that the South Vietnamese will have freedom of self-determination because Communist aggression will have been stopped and they will leave South Vietnam alone—I think that is proper, and that has been enunciated time after time. But I do not know why the Senator has to bring in the matter of maintaining the present Government of South Vietnam. There is going to be an election next year——

Mr. GRAVEL. What else are we doing, pray tell?

Mr. MILLER. I do not know how the election coming up next year is going to turn out, but it could turn out differently; because, as the Senator knows, the present Government is in power by less than 40 percent of the vote.

Mr. GRAVEL. The Senator is telling me that if next year there is an election in South Vietnam and they elect a Communist, as the Chileans have done, to head their government, they will do what?

Mr. MILLER. The President of the United States, the previous President of the United States, the Secretaries of State, and many other spokesmen for this and preceding administrations have made it quite clear that, in the exercise of the freedom of self-determination in generally free elections, if perchance a Communist government is elected, that is it. But I might say that I do not think any of us are losing any sleep over that.

Mr. GRAVEL. Why?

Mr. MILLER. Because I just do not think it is remotely possible.

Mr. GRAVEL. Why not? Does not the Senator think they have free elections over there?

Mr. MILLER. Yes. I do not think anybody is losing any sleep over that, except possibly the Senator from Alaska.

Mr. GRAVEL. I agree. And does the Senator know why we are not losing any sleep? Because Truong Dinh Dzu, who happened to be a young, vibrant, intelligent politician, was charged with being connected with the Communists and was put in jail. The charge was made against him that he was dealing with his brother. He is in jail.

The Senator is correct. He can feel abundantly secure that there is not going to be any Communist elected in South Vietnam, such as there was in Chile, because they do not have the kind of free government that could do it.

Mr. MILLER. Those were not the ground rules that the Johnson administration laid down nor that the Nixon administration laid down. The ground rules were genuinely free elections, internationally supervised elections. I do not see why the Senator from Alaska would make the statement that he did, in the face of those ground rules.

Mr. GRAVEL. Ground rules change every day. That is why we got into this mess.

Mr. President, I yield to my colleague from Alaska, with the understanding that I will not lose my right to the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator may yield to me, without losing his right to the floor, so that I may submit an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Case). The Senator will state it.

Mr. MILLER. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Alaska (Mr. Gravel), which seeks to strike the appropriation for Cambodia.

Mr. MILLER. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Does the Senator from Alaska yield? The Chair takes it that the Senator has yielded.

Mr. GRAVEL. I yield to the Senator for the purpose he has, without losing my right to the floor, and I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. MILLER. Mr. President——

The PRESIDING OFFICER. The Senator has already been granted permission by the Senator to yield to the Senator from Alaska for a brief statement.

Mr. GRAVEL. Without losing my right to the floor?

The PRESIDING OFFICER. The Senator from Iowa may reserve the right to object to that request and speak on that reservation.

Mr. MILLER. May I ask the Senator from Alaska (Mr. Stevens) whether I understood him to say that he was going to offer an amendment? If that is so, I would suggest that it would not be proper, in view of the fact that we have an amendment pending—unless this is an amendment to the amendment.

Mr. STEVENS. This is solely for the purpose of having an amendment printed, so that it can be considered as an amendment to be offered by myself and the Senator from Washington (Mr. Magnuson) at the close of the consideration of this amendment. But we would like to have the amendment printed.

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The PRESIDING OFFICER. Is there objection?

Mr. MILLER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I send to the desk an amendment, for myself and the Senators from Washington (Mr. Magnuson) and Mr. Jackson and ask that it be printed if it is not considered today.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

The PRESIDING OFFICER (Mr. Case). The Senator from Alaska (Mr. Gravel) still has the floor.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Alaska (Mr. Gravel) yield for that purpose?

Mr. GRAVEL. Mr. President, I ask unanimous consent that I may yield to the Senator from Iowa without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Iowa will state his parliamentary inquiry.

Mr. MILLER. Mr. President, I inquire of the Chair whether the yeas and nays have been ordered on the pending amendment.

The PRESIDING OFFICER. The yeas and nays have not been ordered yet.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays again.

There was not a sufficient second.

Mr. MANSFIELD. Will the Senator from Alaska yield to me without losing his right to the floor?

Mr. GRAVEL. I am happy to yield to the Senator from Montana without losing my right to the floor.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Alaska (Mr. Gravel) is recognized.

Mr. GRAVEL. Mr. President——

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. Gravel).

On this question the yeas and nays have been ordered and——

Mr. FULBRIGHT. Mr. President, will the Sentor from Alaska yield to me?

Mr. GRAVEL. I want to proceed with the Senator from Iowa.

The PRESIDING OFFICER. Does the Senator yield for a question, and to whom?

Mr. GRAVEL. To the Senator from Iowa, Mr. President.

Mr. MILLER. Mr. President, I have finished my colloquy.

The PRESIDING OFFICER. The Senator from Iowa has finished his questioning. Does the Senator from Alaska yield to the Senator from Arkansas or does the Senator from Alaska wish to proceed further?

Mr. FULBRIGHT. Mr. President, I wish to be recognized in my own right, if the Senator from Alaska is through.

Mr. GRAVEL. Mr. President, I yield the floor in order to permit recognition of the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I regret very much that there were not more Senators present while the distinguished Senator from Alaska was engaged in a colloquy with the distinguished Senator from Kansas. I thought they developed, in a most effective manner, the essential points of the amendment of the Senator from Alaska. I thought they were pertinent and I hope that Senators will have an opportunity to read the Record, to increase their understanding of just what is involved in this matter, before we take a vote on it.

Mr. President, this is a most important matter and I would therefore suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. A call for the quorum is requested and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 432 Leg.]

Allen
Baker
Bellmon
Boggs
Byrd, Va.
Byrd, W. Va.
Case
Cook
Cooper
Dole
Ellender
Ervin
Fannin
Fulbright

Goldwater
Gravel
Griffin
Hansen
Harris
Hart
Kennedy
Long
Mansfield
Mathias
McGee
McIntyre
Mondale
Montoya

Muskie
Packwood
Pastore
Prouty
Proxmire
Ribicoff
Scott
Smith
Sparkman
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER (Mr. Bellmon). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Thereafter, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Bayh
Bennett
Bible
Brooke
Burdick
Cannon
Church
Cotton
Cranston
Curtis
Eagleton
Eastland
Fong

Gore
Gurney
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
Metcalf
Miller
Moss

Murphy
Nelson
Pearson
Pell
Randolph
Saxbe
Schweiker
Spong
Stennis
Stevenson
Symington
Tower
Williams, N.J.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. FULBRIGHT. Mr. President, I hope I may have the attention of Senators, particularly on the next point I wish to make. I know some Senators are under the impression that if this amendment is agreed to there will be no money available for the administration to support the Lon Nol government. I think I can prove that is not correct, and that there is money available from the same or similar sources from which the administration has taken approximately $108 million since the incursion into Cambodia last April.

Cambodia has already been given, or promised, $100 million in military aid through the President's use of emergency authority in the Foreign Assistance Act. That same authority can be used to supply Cambodia with additional aid, up to a total of $250,000,000 in this fiscal year, that is, 1971 if the President chooses to do so. In other words, Cambodia can be given an additional $150 million in aid without further congressional authorization.

And, in addition, since no further authorization is needed to give Cambodia the $30 million in Public Law 480 commodity assistance she is slated to get, the total aid available for the 1971 fiscal year would be $280 million, only $5 million less than the entire program planned for Cambodia.

Section 614 of the Foreign Assistance Act authorizes the President to give any country that is "a victim of active Communist or Communist supported aggression" up to $250,000,000 in a fiscal year without regard to the regular requirements of the act, if he deems it "important to the security of the United States." This allows, for example, certain appropriations for economic aid to be used for military aid, as has already been done for Cambodia with $50 million in supporting assistance funds.

The President is authorized to draw on Department of Defense stocks of materials and services, as authorized by section 506 of the Foreign Assistance Act, up to $300 million. The only restriction, and it is not a serious one, is that this does not authorize this money to purchase additional equipment that is not in the inventory. But any material—ammunition or guns of any kind, for example—which is in the inventory, and the inventory runs into many billions of dollars, may be given to Cambodia.

They can transfer unobligated economic aid funds for use as military or economic aid under the authority of section 610 of the Foreign Assistance Act, which could provide as much as $150 million if the President so chooses.

Then, he could use unobligated military aid funds. At least one-half of the 1971 appropriation of $350 million is available for this purpose.

Actually the money which already has been given to Cambodia was, to a great extent, transferred from money which we had authorized for use in such countries as Turkey, Greece, and Taiwan. It was transferred to Cambodia. That explains the $100 million in the bill. That $100 million is to reimburse those funds from which this $108 million was taken.

Then, of course, there are excess defense articles. For example, we are withdrawing, as we are told repeatedly, some troops from Vietnam and their equipment presumably would be excess. There is no limit on the authority of the President to transfer to Cambodia defense articles declared to be in excess of our present needs.

Under this kind of authority, last year they transferred F-104's to Taiwan by declaring them excess. There is no limit applicable. This equipment is available if they wish to declare it excess.

Then, there is captured material which can be given to Cambodia. As a matter of fact, last spring, when we had the first notice of the decision on our part to give equipment to Cambodia, it was in the form of AK-47's. We and the South Vietnamese had captured those weapons from the Vietcong and the North Vietnamese, and we turned that material over without cost to Cambodia.

Then, of course, there are agricultural commodities under Public Law 480, on which there is no limit.

The main point I want to make, and I shall try to make it again, is this: The adoption of Senator GRAVEL's amendment will not deprive the administration of money to support the Lon Nol government either in an economic or a military sense.

The significance of the Gravel amendment relates to, is that a policy declaration is involved. What I think the administration wants here is not so much the money, which it can get from other sources, but is to make the Senate and the Congress affirmatively approve the policy of extending support to the Government of Cambodia, both militarily and economically, from now on for an indefinite period.

That is important because there has never been an affirmative approval of assistance to Cambodia. As I have just pointed out, the assistance to date has been given, not under any express authority for Cambodia, but by borrowing money that was given or allocated to other countries in the AID program. One should understand that when the AID Agency comes and presents a justification, they say to both the Appropriations Committees and the legislative committees, that they contemplate such and such a program for various countries, and the authorization is made upon that understanding. In none of these bills, have they requested any money for Cambodia.

So the real significance of voting for this money is, in a sense, to foreclose the Congress, or any of us, from raising a question about Cambodia at a later date. I can see the advantage to the administration. In other words, by this device the administration commits Congress to the policy of supporting Cambodia through thick and thin for the foreseeable future. This may be a policy that should be adopted. That is another matter.

Furthermore, there were no hearings on the question of this policy other than hearings with the administration's own witnesses. We had two hearings, at both of which we heard from administration witnesses, the Secretary of Defense and the Secretary of State. Obviously, they stated a need for the money. But these hearings were only on last Thursday and Friday. There is no possibility of holding further hearings at this late date in this session.

I proposed to the administration, and I propose again to the Senate, that since they have the money and there is no possiblity of their being able to say that they have been deprived of the money, that to claim the Lon Nol government failed because the money was not available, simply would not be true. That would not be true, I made it clear, up to the end of this fiscal year.

I made a personal commitment that we would make the first business of the committee in the coming session, after the 20th of January, the consideration of the policy of affirmatively undertaking to support Cambodia economically and militarily, in much the same fashion as we have supported Vietnam.

That is a very large undertaking. The testimony of the Secretary of Defense made no bones about the fact that this is just the beginning of the program. He intimated that the request for the coming year would certainly be larger than the request before us now. He declined to give the precise amount on the ground that it had not been finally cleared through the Budget Bureau and all the regular channels, but he did not try to say that it would be less. I think it is quite clear from his testimony that it will be substantially larger.

Again, it may be that Congress and the country are enthusiastic about supporting the Cambodian Government in the same fashion in which we have supported Taiwan, Korea, and South Vietnam. It is quite possible that this policy will be adopted. But, again, if we are to follow responsible procedures, there should be hearings. There should be hearings on whether or not it is wise, whether or not we wish to undertake this kind of commitment; and I think it would be a commitment. It would not be a commitment in the sense of the spirit of the commitments resolution. But if the Senate acts affirmatively and approves this program, it would at least approach such a commitment, because, while not in the form of a treaty, it would be a legislative action by the Senate approving a very large program of military and economic assistance to Cambodia.

That reminds me that in the early days of the hearings on Vietnam, in exchanges with the then Secretary of State, Mr. Rusk, one day, we asked him why continuing to have U.S. forces fight in Vietnam was consistent with our national welfare. He cited the aid programs which we had theretofore passed as one of the proofs or justifications for our playing the part we did in supporting Vietnam to the very great extent we were then.

So I submit that it is not just the money we are quarreling about, although that is very important. The amount here is $155 million. But far more important than that, it seems to me, in the long-term interests of the country, is what I would consider the policy commitment.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GRIFFIN. I have listened with great interest to the argument of the distinguished chairman of the committee. While I do not agree with him, I certainly respect his point of view.

I wonder if we are moving toward a vote on this particular bill in the near future. Is it possible that we might be able to arrive at some understanding about a vote on the Gravel amendment?

Mr. FULBRIGHT. I will say to the Senator I have been speaking only 10 minutes. Does he think I have an obligation to explain this matter longer than 10 minutes?

Mr. GRIFFIN. Oh, certainly. I do not intend to suggest a cutoff of any kind to the chairman. He may wish to talk another hour, but I thought he might want to have an agreement as to when we could vote on the pending amendment.

Mr. FULBRIGHT. Let me say I do not think it would be prudent to vote on the amendment today. I think a record of the colloquy between the Senator from Alaska and the Senator from Kansas, which took place when only three or four Senators were on the floor, ought to be available to Senators before they vote.

I say that especially in view of the fact that the hearings on this bill are not yet available. If the Senator understands—I do not know whether he knows it or not, but this bill was reported by the committee only last night. I think on a measure that involves an important policy matter, it seems most uncharacteristic to try to seek a vote immediately, before Members of the Senate have an opportunity—to read the hearings. I would particularly recommend that they read the record of the debate which took place between the Senator from Alaska, who is the sponsor of this amendment, and the Senator from Kansas and the Senator from Iowa today.

In other words, I think it is our duty to give Senators an opportunity, at least, to inform themselves. Whether they take advantage of it or not is their business. But I do not understand the great haste with which it is sought to pass this bill, here within less than 24 hours after it was reported by the committee.

Mr. GRIFFIN. If the Senator will permit a comment, yesterday the Senate passed an appropriation bill which included funds for this purpose. We dealt with this matter and many other controversial matters in that supplemental appropriation bill in a relatively short period of time. So I would think it might not be unrealistic to expect we could get to a vote on this matter.

If the Senator will permit another comment or two, as I understand, at least one of his arguments is to the effect that after all, the administration can use other money to provide aid to Cambodia, and in fact the Senator from Arkansas has been pointing to various places and funds from which money could be transferred.

I do not know whether the suggestions being made by the distinguished chairman represent approval or not. It rather sounds, in the legislative history, as though it is all right with the Senator from Arkansas if the administration

XUM

helps Cambodia by using other funds, but he does not want to authorize the funds. Perhaps I misunderstood the Senator's position.

Mr. FULBRIGHT. Yes, the Senator does misunderstand.

Mr. GRIFFIN. I sort of understood his remarks as approval, provided it is different money.

Mr. FULBRIGHT. I am glad the Senator raised that point. I thought I had made it clear. I state only that that fact takes away any real urgency for passing this new authority, because we have time.

I was greatly surprised when I heard that the administration had given Cambodia $108 million worth of material, because only last April, the Secretary of State had assured the committee that the last thing this administration intended to do was to become involved in a large foreign aid program with Cambodia. So I was greatly surprised, and I do not approve.

However, they have already used this emergency authority, and I say they can use it another month or two, to give the Senate an opportunity to have hearings on this matter and see whether or not there is real justification for our assuming responsibility for Cambodia, in much the same fashion as we did in Vietnam.

Mr. SYMINGTON. Mr. President, will the Senator yield on that point?

Mr. FULBRIGHT. Had the Senator from Michigan finished? I do not wish to cut off the assistant minority leader.

Mr. GRIFFIN. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. I think the point is that whether or not we approve authority for additional military aid to Cambodia, there is already enough money available to the administration to do what it wants for Cambodia.

Mr. FULBRIGHT. That is right.

Mr. SYMINGTON. And that has nothing to do with the merits as to whether or not it should be done.

Mr. FULBRIGHT. That is right.

Mr. SYMINGTON. There were three different sources developed in the Foreign Relations Committee where there is enough money presently available to the administration to handle this matter.

Mr. FULBRIGHT. That is correct. I am glad the Senator brought up that point. I agree with the administration's policy as expressed last April. We have had no opportunity to have hearings to find out why they have made a 180-degree change in that policy.

Mr. GRIFFIN. I take it that in the committee hearings which were held—the junior Senator from Michigan is not a member of the committee, and was not there—the question was raised with Secretary Rogers as to whether this supplemental appropriation request really had to be granted and whether funds were not available from other sources.

As I understand it, a statement by the Secretary was subsequently submitted to the Committee on Foreign Relations setting forth his answers on that point. Since the Senator from Arkansas wants the RECORD as complete as possible, I wonder if I might ask unanimous consent to have the Secretary's statement put in the RECORD.

Mr. FULBRIGHT. I would be glad to have it. I will put it in myself, or the Senator can put it in.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

STATEMENT BY SECRETARY ROGERS SUBMITTED TO THE FOREIGN RELATIONS COMMITTEE

I promised to provide you, and the members of the Committee, the reasons why action is required urgently on the supplemental request.

Aside from the legal and funding problems related to further use of emergency authorities, outlined below, this Administration wanted to bring this question before the Congress, as many Members of the House and Senate have requested, for its consideration and action rather than continue reliance on the emergency authorities. We regret that this came up so late in the session but requirements were not clear until now. We hope that the Congress will act on the supplemental request rather than having the Administration resort to the additional emergency authorities contained in the Foreign Assistance Act.

In the absence of the proposed supplemental, we are aware of only two ways in which the existing authorities contained in the Foreign Assistance Act could be used to continue to fund military assistance for Cambodia. One is to use the special authority of Section 506 to order stocks of the Department of Defense. In the past this authority has been used only with respect to Vietnam. We have understood that in providing that authority and in requiring a determination by the President that such use is "vital to the security of the United States," the Congress strongly preferred that this authority be reserved for crises of the greatest danger and urgency. We assume that the preference of this Committee would be to use that special authority only in situations where Congressional action is not possible. Section 506 limits us to items now in defense stocks and this does not include a number of essential commodities for Cambodia, including ammunition for the AK 47 rifle which is presently one of the basic weapons for Cambodian forces. This section of course relates only to military equipment and would provide no funds for economic assistance to Cambodia.

The second way to fund military assistance for Cambodia is to transfer funds from other urgent programs pursuant to Section 610 of the Act.

Apart from these legal considerations, the simple fact is that we do not have adequate funds for further transfer to MAP or to finance economic assistance requirements, without drawing down other programs required in the national security interest.

We have provided funds for the Cambodia Military Assistance Program by borrowing from urgent ongoing programs. In July, we provided $40 million by a transfer within the Military Assistance Program which forced a major temporary restructuring of programs in Greece, Turkey, and Taiwan. It is urgent that these funds be restored so that the FY 1971 programs for these countries that have previously been approved by the Congress can, in fact, be implemented.

In October, we transferred $50 million from Supporting Assistance to MAP, consisting largely of funds borrowed from the Vietnam program. The Vietnamese Government has undertaken a major economic reform program on the expectation that we would be able to carry out our agreement to provide adequate economic support. The amount originally requested from Congress—$220 million for the Commercial Import Program—is now inadequate for this purpose and, in addition, we have had to borrow from this program for the transfers to the Cambodian MAP. Inadequate economic assistance will lead to renewed inflationary pressures and black market speculations, both of which the Vietnam Government is beginning to get under control. Unless the borrowed funds are restored, and the additional amount requested appropriated, the two-month old reform program will be seriously affected.

It is clear that Cambodia requires continued support. Funds now available for the MAP program will be exhausted by the end of this month. In order to keep the supplies flowing, additional funding will be necessary this month. We cannot borrow any more funds without disrupting programs which are of equal importance to us. But the Military Assistance Program alone is not sufficient. Cambodia has sustained serious economic losses—in export earnings and domestic production—this year. It has received no significant new economic assistance to date. Unless economic support is provided now they will not be able to sustain their defense effort. Even with immediate appropriations of supporting assistance funds it will be some monthe before the Cambodians would receive the commodities. There is no other source of funds for this purpose.

If the supplemental request is not approved before Congress adjourns, it would be unlikely that funds would become available in early February because of the time required to re-introduce the legislation and have additional hearings in a new Congress. It is not simply a question of delaying for another thirty days, but for a considerably longer period. This delay would create serious problems in all of the countries for which supplemental appropriations have been requested.

Mr. FULBRIGHT. May I say on that point, before the Senator leaves it, that letter does not deny that they have been using it, or say it is wrong. All he says is that it is the matter of priorities within the foreign aid program. That is what the letter amounts to.

Mr. GRIFFIN. Now, I know the chairman of the committee is familiar with the report, but in the interest of the record, I should like to read this paragraph from the committee report:

> A good case has been made for the urgent need for additional aid to Cambodia, military and economic. It is true that more aid can be given to Cambodia, using the emergency provisions of the Foreign Assistance Act, some of which have already been employed. But the continued borrowing from programs for other countries could not continue much longer without serious consequences. The administration, in the committee's view, took the proper step in coming to the Congress at this time. The Committee recommends that the bill, as amended, be approved by the Senate.

I realize that the committee action was not taken by a unanimous vote of the committee; it was an 8-to-4 vote. But this represents the conclusion of the committee. It should be called to the attention of Senators.

Mr. FULBRIGHT. May I comment on that point? There is $100 million that this amendment does not deal with, which replaces the amount which is referred to as having been borrowed from the other programs. So those funds are to be replaced. I am not suggesting that the administration go on forever using this authority to give aid to Cambodia. All I am saying is that we have not had any opportunity for anything like adequate

XUM

hearings. All I ask, and I asked this of the committee, that this item of new money for Cambodia go over for approximately 2 months, to give the committee an opportunity to have hearings the last part of January, and early February—in other words, time to consider it. I can assure the Senate that this matter will be considered as the first item of substantive business by the committee.

As to the hearings, which the Senator referred to, the administration only returned those hearings today about noon with their corrections. We have not had an opportunity for the staff to go over them and submit them to the printer. They will be submitted, I suppose, this afternoon or this evening.

But all that means is—and it makes my point—that they did borrow, and they can continue to borrow. We replaced the $100 million, and they can certainly use that for 2 months. That is about all that paragraph means.

Mr. SPARKMAN. Mr. President, will the Senator yield to me briefly?

Mr. FULBRIGHT. The Senator from Alaska was on his feet. I yield to him.

Mr. STEVENS. Mr. President, the Senators from Washington and I had another amendment which we hoped we might be able to offer this afternoon. I am reminded of the procedure the Senator from Arkansas used the other day to test the sentiment of the Senate on a measure such as this. I do not intend to make a motion to table my colleague's amendment myself, but I wonder if there is not a procedure whereby we might test the sentiment of the Senate on this, and see if we could get on to these other matters, if the Senate is not in favor of my colleague's amendment. I am aware of the pending adjournment, or at least recess, for Christmas, and I would like very much to have these other matters considered.

Would the Senator from Arkansas agree that this might be a good time to test the sentiment of the Senate on this matter?

Mr. FULBRIGHT. Well, I would like enough time to state what I consider the significance of the matter. I would hope the Senator would not move prematurely, but certainly he has a right to move at any time he feels appropriate. I would hope he would not do it before there had been an opportunity to explain the significance of this amendment.

Mr. STEVENS. I would say to the Senator from Arkansas that I certainly have no intention of doing that, but I had hoped we might be able to test the sentiment of the Senate this afternoon, so that we could go on. I see another matter is on the calendar, and I am afraid that those who propose other amendments to this bill are not going to have an opportunity to adequately explain our amendments if this situation continues much longer.

Mr. FULBRIGHT. I agree with the Senator, in the sense that I think it is unwise to bring up a bill of this significance under these great pressures from other bills.

For example, last spring we took 6 weeks on a discussion of the Cooper-Church amendment during the period of the invasion of Cambodia. I am corrected—we took 7 weeks. It was finally voted on, and then it was aborted in the House.

We have no hearings available, and we have a very short report. I submit that it is not unreasonable to consider for at least a day or 2 a matter which involves a new policy with regard to supporting Cambodia. The administration no longer believes in treaties—at least, treaties involving important matters—but this is the equivalent of a treaty. If we pass this, and the House approves it, it will be treated in the future as a commitment to support Cambodia. While it is not in form a treaty, I would say that in fact it is practically the equivalent of a treaty, because we will then have assumed the responsibility. Congress will have assumed it.

The senior Senator from Alaska, or the junior Senator from Alaska—both Senators from Alaska are so young and vigorous that they are both junior to me—made the point very well in his presentation a moment ago as to the nature of the commitment we will have assumed.

As I said earlier, it is possible that it is in our interest to assume this commitment. It may be in our interest to support all the poor and impoverished countries in the world. But I think the question deserves more consideration than has been given. That is the main point I have in mind in not wishing to vote before hearings are available, or before a full range of hearings have been held, for that matter with anyone other than those supporting the administration's position. Only the administration's witnesses have been before the committee. There has been no time to hear anyone else. I regret that, but the legislation was requested only a short time ago. We scheduled the administration hearings at the earliest time they were able to come. We asked them immediately as soon as the bill came up, and they came at their earliest convenience, which was last Thursday and Friday.

That is the only point. I do not think there is a disposition to take undue time to consider this question. Because of other matters, other conference reports on important matters, I think there is great pressure to roll over this legislation without taking time to understand its significance.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, I think the record should be made perfectly clear on this procedure. There has been a good deal of talk today about Cambodia. It should be said that the one item on which the committee has had hearings and investigated is Cambodia—not only here in the Capitol but also through the findings of two staff members who traveled to Cambodia to study the issue first hand.

The money item in question was brought up in the committee only yesterday. I was one of those who then voted against aid for Cambodia, and it is my intention to vote for the Gravel amendment later this afternoon if the Senate is given an opportunity to vote. I was one of those who voted against reporting the bill, because I felt so strongly about the Cambodia issue and all the ramifications it involved. Nevertheless, I was interested in getting a bill to the floor for consideration simply because time is not now on the side of the Senate. Indeed, at this stage in the session the Senate finds itself in most unusual circumstances.

It was mainly for this reason that three of us in the Appropriations Committee—the Senator from New Jersey (Mr. CASE), the Senator from Wyoming (Mr. MCGEE), and myself—assured the Appropriations Committee that, to the best of our ability, we would make every effort to get an authorization bill reported quickly. Such action seemed especially necessary in view of the provisos included in the appropriations measure. Those provisos guarantee that there will be no end runs around the Foreign Relations Committee and no end runs around the Senate with respect to the issue of aid for Cambodia as contained in the supplemental appropriation bill. In short, the provisos would assure the authorization process to support the appropriation.

The able chairman of the committee made his views well known. He expressed himself strongly and very much to the point, as he always does, at the beginning of the meeting yesterday. The committee voted on aid to Cambodia. The committee voted on the Cooper-Church amendment. The committee voted on reporting the bill.

Then the question was raised concerning the report and how soon it could be available. It was said that it could be ready by midnight last night or tonight. The chairman asked what I thought, and I said, that it was my hope that it could be ready at 3 o'clock in the afternoon—which was yesterday; because I wanted to see a bill reported which, to repeat, would safeguard the responsibility and the authority of the Senate Foreign Relations Committee and the Senate as well in dealing with this issue.

The chairman was very cooperative and accommodating and understanding. He instructed the staff to act on the basis I suggested. Then the chairman requested the next ranking majority member, the Senator from Alabama (Mr. SPARKMAN), to manage the bill on the floor.

It should be emphasized that this matter was fully considered. Not only did the committee have two meetings on Cambodia, but it also, I repeat, sent two committee staff members to Cambodia to look into the proposition first hand.

I think the question is simple. I do not think the Senate needs further educating on this matter. So far as I am concerned, I am ready to vote. I think the Senate is ready to vote. I should say that I intend to hold the position I adopted in the committee. I oppose this item. I waned hope that this issue could soon come to a head so that I can vote along with the other members of the body to establish the will of the majority. After all, this is a democratic body and I think that the opportunity should be

XUM

afforded to determine the position of the majority.

It should be pointed out, finally, that there is a conference report on the transportation bill available and its consideration is expected to consume a good deal of time. There is also a very important combination bill dealing with social security, the family assistance plan, and trade quotas, which has to be considered. There are other matters, a number of them controversial. There is not much time left.

I am hopeful—I want to discuss this with the distinguished minority leader—that the Senate may be able to go out on the 22d of this month and come back on the 28th. That only leaves 3 or 4 days. Those are the facts. We are up against time factors.

As for this bill, I do not think there is any Member who does not know what the issues are. They have been well publicized. I would hope that we would have the opportunity before too long to vote at least on the Gravel amendment, which I shall support, and to try to bring this matter to a close, rather than postpone it for several months. In that respect, may I say that the chairman did suggest at the beginning of the meeting of the committee on yesterday that this matter be postponed until next year. But the committee thought otherwise.

I only speak to make certain the record is clear on this entire matter. To the best of my ability I have endeavored to relate the circumstances as they developed.

Mr. FULBRIGHT. If all Senators were as well informed as is the Senator from Montana, I am sure they would arrive—at least a majority would arrive—at the same conclusion he has. He is a member of the committee; he knows about the matter; he has heard the testimony.

The hearings are not yet available. While the staff could publish a very brief report, the printed hearings are not available, because they were only received about noon, with the corrections from the administration witnesses.

The very thing that has convinced the Senator from Montana as to the merits of my position—because we did vote in the committee—is what I am trying to make available to the Senate. Very few Members of the Senate have any knowledge of those hearings or of Cambodia. The Senator from Montana has been a student of Cambodia for many years. One of the reasons why I am fortified in my own conviction is that he feels the same way about this particular part of the bill.

All we are dong is saying that one part of the bill, two sections, should be deleted for further consideration. The remainder of the bill could pass in 5 minutes if we could take those sections out. The only thing I am apprehensive about is that very few understand the significance of the amount for Cambodia.

Many believe that we are depriving the administration of any money for Cambodia, which is not correct. I heard one of our distinguished colleagues on this side a moment ago say, "But what about this? We cannot take the responsibility for denying the President money he thinks is necessary for Vietnamization." In other words, he believes that if we adopt the Gravel amendment, there will not be any money for Cambodia. That is not the fact. If they understood, as the Senator from Montana does, that all we are doing is deferring decision on a policy matter by taking the Gravel amendment, then I believe a majority of Senators would have the same view as the Senator from Montana.

I think we should have a sufficient time to prove it. I have had the floor now for less than 30 minutes. There has been very poor attendance. More Senators are coming in now, as the majority leader is here and the minority leader is standing up. So they are coming in because they believe something is going on of significance.

Mr. SCOTT. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I am happy to yield to the Senator from Pennsylvania for a question.

Mr. SCOTT. There occurs a time every day in the session to Senators on both sides of the aisle when they become restless, and when they say to each other, "Where is the majority leader," or "Where is the minority leader," and then we come in. I may add, both of us have had some experience in the processes of debate and we are both aware of the fact—and I entirely agree with what the majority leader has said—that there comes a time when time is running out. There is also a time of maximum interest in an amendment, and after that, if it is not acted on, what happens is that there is a certain droning on, which never occurs with the distinguished chairman, but can happen in the Chamber elsewhere. And, thereafter, a great deal of valuable time is lost.

All I am pleading for is recognition that we are headed for the Christmas season, that we are coming back, I gather, as the distinguished majority leader and I have indicated and are well aware of, after Christmas, and then the impending 92d Congress comes upon us and kills this one off.

As the Senator knows, there are many other important matters pleading for consideration. There are some urgent matters which Senators feel strongly on. I would only hope, not that the educative process be denied, but I have a strong feeling that at this point very few votes will be changed because in the bill now is the language of the Cooper-Church amendment, as I understand it, and therefore the administration is not asking that we do anything other than to pass the authorization bill in the form which the Senator has wrought, as I am well aware within the Committee on Foreign Relations that it was resolved by a vote in that committee. So all I am urging is that we resolve by a vote on the Senate floor whatever differences there are, so that we can get on with some other matters. We have behind this an enormous bill, 35 pages longer than the Tax Reform Act, with 270 amendments to it.

Goodness knows how much of it we are going to be able to dispose of, but I am really pleading with the Senator from Arkansas to give us an opportunity to move along as soon as he feels, within his conscience, that he has informed the Senate of those things which he has every right to feel the Senate should be made aware of.

I therefore join in the plea of the distinguished majority leader, that Senators may be allowed to get to a vote on this amendment. I hope that the heart of the Senator from Arkansas is suffused now with the spirit of Christmas, especially the spirit of the Christmas soon to come.

Mr. FULBRIGHT. I thank the Senator from Pennsylvania. I certainly will give that most serious consideration. I will talk to the sponsor of the amendment and ask him what he thinks about a reasonable time.

But does not the Senator really think that Senators should have an opportunity to look at the hearings, which will be printed this evening, and to read what was said by the sponsor of the amendment earlier in this debate?

Mr. SCOTT. I wonder whether Senators have not had considerable time already to familiarize themselves with the whole issue, including many weeks of debate on this same basic subject. What we are talking about here now is a fairly narrow point and that is: Does the Gravel amendment deny money to the President or does it not? If it does, how much, and what will be the effect of the denial? If there is more to it than that, then I admit I am in need of education, and not for the first time, of course.

Mr. FULBRIGHT. I notice the Senator did not commit himself, as the majority leader did. Therefore, I conclude he is in need of education.

Mr. SCOTT. Not necessarily——

Mr. FULBRIGHT. I can tell that he does need a little education——

Mr. MANSFIELD. Mr. President, if I may interject there, I must come to the defense of the minority leader, because I may be right or he may be wrong; but then he may be right and I may be wrong. There are always two sides to a question. This issue should be decided through the majority.

Mr. SCOTT. Oh, that is why we all love the majority leader.

Mr. SPARKMAN. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. Mr. President, I yield now to the Senator from Alabama.

Mr. SPARKMAN. The Senator had yielded to me and then he yielded to the Senator from Alaska (Mr. GRAVEL) but I yielded and——

Mr. SYMINGTON. Mr. President, would the Senator from Arkansas yield just a moment on that particular part of the colloquy, so I may comment and respond briefly? If not, I will wait.

Mr. SPARKMAN. Well, I have been in this Chamber all day. I guess I can stay a little longer.

Mr. SYMINGTON. I thought there was some idea here of proceeding more rapidly. If the Senator from Alabama wishes, I will wait until he has finished.

Mr. SPARKMAN. I have been waiting here all day rather patiently, I think. I have been rather hoping that I might reply to the arguments made by the Senator from Alaska (Mr. GRAVEL), who of-

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fered this amendment, and say something——

Mr. INOUYE. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. Not at this moment. I wanted to say something about this amendment, but I understood that our chairman wanted to speak, and of course I stand aside for him. One thought occurs to me: The senior Senator from Alaska (Mr. STEVENS) has an amendment, that he referred to awhile ago, to be printed.

(Whispered conversation between the Senator from Alabama and the Senator from Arkansas.)

Mr. ERVIN. Mr. President, may I request the Senators to whisper a little louder so that we may hear what they are saying. [Laughter.]

Mr. FULBRIGHT. Mr. President——

Mr. SPARKMAN. Mr. President, I do want to make some comments, but right now, if the Senator from Arkansas is willing to consent to a unanimous-consent request I am about to propose——

Mr. FULBRIGHT. Mr. President, I yield for the purpose of the unanimous-consent request.

Mr. SPARKMAN. It might move things along.

I ask unanimous consent, Mr. President, that the senior Senator from Alaska (Mr. STEVENS) be allowed to call up his amendment at this time, without in any way imposing on the time of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, reserving the right to object, and I shall not, I only want the parliamentary situation to be made clear that the Senator from Arkansas yields to the Senator from Alaska (Mr. STEVENS) for the purpose of making a substantive amendment and not for the purpose of making a motion to table.

Mr. SPARKMAN. And not in any way to misplace the Gravel amendment, Mr. President.

Mr. FULBRIGHT. Solely for the purpose of offering a substantive amendment which relates to ships. I do not yield for any other purpose.

I ask that the Chair inform me if I may do so, and if not, I shall not yield, but I shall yield for that sole purpose.

The PRESIDING OFFICER (Mr. COOK). The Chair's understanding is that the Senator may yield for that purpose. The Chair takes the position that the present amendment is, therefore, temporarily set aside in order to consider the amendment of the Senator from Alaska (Mr. STEVENS), and then the Senate will proceed immediately to the Gravel amendment.

Mr. FULBRIGHT. Yes. I do not yield for the purpose of making a motion to table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, I assure my good friend from Arkansas that I shall not evade the stipulations in any way.

Mr. President, I call up my amendment which I have offered on behalf of myself and the two Senators from Washington (Mr. JACKSON and Mr. MAGNUSON).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 24, strike the figure "$150,000,000" and insert in lieu thereof "$144,200,000".

On page 4, line 25, strike the semicolon and insert a colon followed by *"Provided*, That no funds appropriated pursuant to this authorization shall be used to purchase, acquire, repair or maintain small attack vessels for the armed forces of the Republic of Korea;".

Mr. STEVENS. Mr. President, this amendment would delete $5.8 million from the foreign assistance bill now before us. The money is intended for the purchase of small attack naval vessels for the Republic of Korea. Without going into the question of the appropriateness of purchasing attack vessels for a military force whose sole mission is defense, I would like to point out the effects our continued foreign assistance to South Korea is having.

Since our various assistance programs began in 1946, we have given South Korea nearly $8 billion. I ask unanimous consent that the table of aid to Korea supplied to me by the State Department be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

LOANS AND GRANTS FROM ABROAD—SOUTH KOREA

[U.S. fiscal years—Millions of dollars]

	U.S. overseas loans and grants, net obligations and loan authorizations													
				Foreign assistance act period										
U.S. program	Postwar relief period 1946–48	Marshall plan period 1949–52	Mutual Security Act period 1953–61	1962	1963	1964	1965	1966	1967	1968	Total 1962–68	Total 1946–68	Repayments and interest 1946–68	Total less repayments and interest	1969
AIO and predecessor agencies, total		10.0	2,042.4	119.8	107.6	104.9	118.6	143.9	112.9	71.6	799.3	2,831.6	10.0	2,821.6	43.2
Loans			25.3	25.2	25.8	27.6	47.9	79.0	60.3	29.4	295.2	320.6	10.0	310.6	19.0
Grants		10.0	2,017.1	94.6	81.8	77.3	70.7	64.9	52.6	42.1	484.0	2,511.0		2,511.0	24.1
Food for freedom, total		.3	313.8	70.6	73.4	112.8	63.3	119.1	63.3	99.3	601.8	916.1	1.2	914.9	193.4
Title I, total			176.5	60.4	62.1	79.4	34.4	38.1	36.1	56.5	367.0	543.6	1.2	542.4	132.0
Payable in U.S. dollars, loans									1.5		1.5	1.5		1.5	97.1
Payable in foreign currency, planned for country use			176.5	60.4	62.1	79.4	34.4	38.1	34.6	56.5	365.5	542.1	1.2	540.9	34.9
Total sales agreements, including U.S. uses			(211.3)	(68.6)	(69.7)	(93.2)	(42.5)	(47.7)	(43.2)	(79.1)	(444.0)	(655.3)		(655.3)	(49.2)
Planned for country use			176.5	60.4	62.1	79.4	34.4	38.1	34.6	56.5	365.5	542.1	1.2	540.9	34.9
Economic development loans															
Economic development grants															
Common defense grants			174.4	60.3	61.8	79.3	34.0	37.6	31.7	53.7	358.4	532.9		532.9	32.0
Cooley loans			2.1	.2	.3	.1	.4	.5	2.8	2.8	7.1	9.2	1.2	8.0	3.0
Other grants															
Assistance from other country agreements															
Title II, total		.3	137.3	10.2	11.3	33.4	28.9	81.0	27.2	42.8	234.8	372.5		372.5	61.4
Emergency relief, economic development and world food program			22.1		1.2	23.2	20.3	69.8	24.7	39.7	178.8	201.0		201.0	59.1
Voluntary relief agencies		.3	115.2	10.2	10.1	10.2	8.6	11.2	2.5	3.1	55.9	171.5		171.5	2.3
Export-Import Bank long-term loans									3.8	16.2	20.0	20.0		20.0	2.6
Other U.S. economic programs	181.2	475.3	202.8					.5	1.4	1.7	3.6	862.9	6.5	856.4	1.4
Peace Corps								.5	1.4	1.7	3.6	3.6		3.6	1.4
Social Progress Trust Fund															
Other [1]	181.2	475.3	202.8									869.3	6.5	852.8	
Total economic	181.2	485.6	2,559.0	190.4	181.9	217.7	181.9	263.5	181.4	188.8	1,407.7	4,630.6	17.7	4,612.9	240.6
Loans	24.9		27.4	25.4	28.1	27.7	48.3	79.5	68.4	48.4	323.8	376.2	17.7	358.5	121.7
Grants	156.3	485.6	2,531.6	165.1	154.9	190.0	133.6	184.0	112.9	140.3	1,080.8	4,254.4		4,254.4	118.9
Military assistance program (Chg to FAA App.) [2]		11.7	1,388.5	136.9	169.1	124.3	173.1	153.1	149.8	197.4	1,103.7	2,768.6		2,768.6	210.0

Footnotes at end of table.

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U.S. program	U.S. overseas loans and grants, net obligations and loan authorizations													
				Foreign assistance act period										
	Postwar relief period 1946–48	Marshall plan period 1949–52	Mutual Security Act period 1953–61	1962	1963	1964	1965	1966	1967	1968	Total 1962–68	Total 1946–68	Repayments and interest 1946–68	Total less repayments and interest	1969
Credit Assistance															
Grants		11.7	1,388.5	136.9	169.1	124.3	173.1	153.1	149.8	197.4	1,103.7	2,768.5		2,768.6	210.0
Additional grants from excess stocks		(0.6)	(119.8)	(52.6)	(21.1)	(13.4)	(46.1)	(15.6)	(3.5)	(6.7)	(159.0)	(324.8)		(324.8)	(27.7)
Other military assistance grants			43.3		13.4						13.4	56.7		56.7	
Total military		11.7	1,431.8	136.9	182.5	124.3	173.1	153.1	149.8	197.4	1,117.1	2,825.3		2,825.3	210.0
Total economic and military	182.1	497.3	3,990.8	327.3	363.5	342.0	355.0	416.6	331.2	386.2	2,521.8	7,455.9	17.7	7,438.2	450.6
Loans	24.9		27.4	25.4	26.1	27.7	48.3	79.5	68.4	48.4	323.8	376.2	17.7	356.5	121.7
Grants	156.3	497.3	3,962.4	302.0	337.4	314.3	306.7	337.1	262.7	337.7	2,197.9	7,079.7		7,079.7	328.9

[1] Represents (in millions), CRIK $420.2; civilian supplies, $292.1; Korean aid program, $121.6; surplus property credits, $24.9; and UNRRA, $0.6.

[2] Annual data represent deliveries; total through 1968 is the cumulative program.

ASSISTANCE FROM INTERNATIONAL AGENCIES—COMMITMENTS

	Fiscal year 1967	Fiscal year 1968	Fiscal years 1946–68
Total	2.1	20.9	50.6
IBRD–World Bank		5.0	5.0
Int'l Development Association		11.0	25.0
Int'l Finance Corporation		.7	.7
UNDP—Special Fund	1.4	3.2	14.2
UNDP–TA (calendar year)	.3	.3	2.0
Other UN (calendar year)	.4	.7	3.7

D.A.C. COUNTRIES (EXCLUDING U.S.) OFFICIAL BILATERAL GROSS EXPENDITURES

Donor	Calendar year 1966	Calendar year 1967	Calendar years 1960–67
Total	49.7	77.3	212.1
Japan	35.8	58.2	150.1
Germany	6.6	15.1	41.5
Italy	5.6	1.4	8.0
Other	1.7	2.5	12.5

Mr. STEVENS. Mr. President, I am informed that of this $8 billion, approximately $241 million has been spent on their Navy. In other words, they have spent $241 million of our money on their Navy. According to the Department of Defense and the Department of State, neither of them know how much of her own money South Korea has spent on her Navy. It is preposterous to think that we have spent nearly a quarter-billion dollars on Korea's Navy without knowing what Korea herself has spent on her own Navy. But that is another story.

The question I wish to discuss is what did South Korea do with the $241 million of their money they did not have to spend on their Navy because of our assistance.

Let me examine just one facet of the Korean economy—the merchant marine and fishing industry—and judging by the results, they have spent it well. In 1950 the South Korean merchant marine contained four ships over 1,000 tons displacement. In 1960 that figure had risen to 28 ships. It now stands at 95 ships. That is a fantastic rate of growth. During that same period the U.S. merchant marine has declined from 3,513 ships to 1,937 vessels. And the average age of our ships is 22 years, while the average age of the Korean merchant marine must necessarily be less than 10 years. In short, we can see at least one possible place some of that $241 million could have gone—into a merchant marine that now competes directly with our own aging fleet.

However, I would now like to focus attention on developments in the fishing area—developments which are having a direct and deleterious effect on the economy of my own State.

The deep water fishing fleet of South Korea was virtually nonexistent before 1960. In 1962 the Koreans had 18 ships. By 1967 this number had grown to 175 and now numbers between 250 and 300. From none to 300 in 10 years. And the Korean Government has announced its intention to spend over $200 million to double its fleet in the next 5 years. Its official goal is to export $100 million in fish products annually by 1976.

Mr. President, the fishing industry is the largest private employer in Alaska. Except for the petroleum industry, which so far has provided few jobs to Alaskans, fishing is the most important industry in dollar volume as well, having grown from less than $100 million in 1960 to over $200 million in 1969.

However, the Koreans have been eyeing the traditional fishing grounds of Alaskans for some time now. Before 1966 there were virtually no Korean fishing vessels in our waters. In 1966 the Coast Guard sighted one exploratory vessel. In 1967 one refrigerator ship and three trawlers were sighted. In 1969 one factory ship, two freezer ships, four trawlers and five gill netters were operating in our traditional fishing areas. These figures give some indication of the degrees to which the Koreans are fishing in our waters.

This summer, for the second year in a row, the Koreans attempted to fish in the Bristol Bay salmon run. This run is the subject of treaty between the United States, Canada, and the Soviet Union. Each nation has agreed to abstain from fishing in the other nation's traditional salmon area. Japan has agreed to observe the abstention line established by the treaty. This permits Alaska to control fishing in its runs to assure that proper conservation techniques are employed to protect the runs.

The Korean action threatens to destroy this delicate balance and open the Alaska salmon runs to overfishing and eventual destruction. In the summer of 1969 we succeeded through diplomatic action in getting the fleet to withdraw, but not until it had taken tons of Alaskan salmon. This year, thanks to quick action by the Senate in adopting my amendment to prohibit further economic assistance to South Korea if they continued to fish east of the abstention line, the Korean fleet withdrew after less than a week in our traditional fishing grounds.

The threat of the Korean fishing fleet to our own fishing industry has now reached serious proportions. Unlike the merchant marine, in which we still outnumber the Koreans by nearly 20 to 1, the size of their fishing fleet is fast approaching ours. They have a total of 11,444 motorized vessels to our 12,830 vessels. We outweigh them about 2 to 1 in total tonnage. But their 5-year plan calls for a dramatic expansion of their fleet, particularly their deep ocean fleet, which would be doubled. If they can afford to devote over $200 million to this project, certainly they can afford the $5.4 million for attack naval vessels we are being asked to approve. It is the height of folly for the United States to continue to finance the military forces of another country which, by its own announced intentions, will use the money to enter into direct, detrimental competition with our own citizens.

Therefore, I am offering my amendment to delete the $5.8 million and to prohibit the expenditure of any of the funds in this measure for small naval attack vessels for the Republic of Korea. I urge the Senate to approve this amendment and thus make clear to the Korean Government our expectation that they will increase their contribution to their own defense before engaging in ambitious expansion of an industry which directly competes with our own.

The **PRESIDING OFFICER.** Does the Senator from Alaska wish both amendments to be considered en bloc.

Mr. STEVENS. Mr. President, that is our desire. I ask unanimous consent that that be done.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the problem of South Korean fishing vessels operating on the high seas on the stocks of American Bristol Bay salmon is one which is of vital importance to the fishermen of my State and other areas of the west coast.

In June of this year, I held a hearing before my Senate Committee on Commerce on this subject at which time I had assurances from not only the Ambassador of South Korea but from other officials who came from Korea to this country that there would not be a high seas net fishery on the 1970 salmon runs. Unfortunately, although we were advised that the motherships and catcher boats were not licensed to operate on this anadromous stock, they did take substantial quantities of salmon. Our Coast Guard observed them, advised them of the understanding and provided my committee with pictures of the operation. The vessels did depart the area, but it is obvious that the agreement was violated and that there must be something more substantial than these assurances in the future.

The present amendment which would remove $5.4 million from the foreign aid authorization bill for South Korean attack vessels is a stop-gap measure. It is not an answer to the conservation and preservation of the salmon resources. But it can serve to demonstrate the concern of the United States that we do intend to protect our fisheries and that we do not subscribe to the theory that the ocean resources are inexhaustible.

This Nation can no longer continue a policy where nations, such as South Korea, completely ignore conservation principles on one hand and yet on the other hand are provided with foreign aid, grants, and low-interest loans by the United States.

It is increasingly obvious that the calling of a Third Law of the Sea Conference is necessary to provide for a proper and orderly regime for conservation and management of the marine resources of the world. Until such time as the conference can be held, this Nation must serve notice to the fishing nations of the world that we do not intend to stand idly by and watch the important salmon resources or any of the other important adjacent fishery stocks be harvested beyond the point of maximum sustainable yield.

The deletion of this item is necessary in order to properly serve notice of the intent of the United States.

Mr. COOPER. Mr. President, may I have the amendments read again?

The PRESIDING OFFICER. The clerk have the amendments read again?

The assistant legislative clerk read as follows:

On page 4, line 24, strike the figure "$150,000,000" and insert in lieu thereof "$144,200,000".

On page 4, line 25, strike the semicolon and insert a colon followed by "*Provided*, That no funds appropriated pursuant to this authorization shall be used to purchase, acquire, repair or maintain small attack vessels for the armed forces of the Republic of Korea;".

Mr. COOPER. What is the purpose of the amendments?

Mr. STEVENS. Mr. President, the purpose of the amendment is to delete from the bill the money to be used for the purchase of small attack naval vessels for the Republic of Korea. Basically we feel that the Republic of Korea has, in effect, been using moneys we have provided for military and economic assistance to free money from internal sources for increasing their merchant marine and the number of their fishing vessels.

They have had a dramatic increase in their merchant marine and in their fishing fleet.

In 1950 they had four ships of 1,000 ton displacement. They now have 95.

In 1962 they had only 18 ships in the deep sea fishing fleet. That number has grown to the point that they now have nearly 300.

We feel that instead of supporting the effort the money should support, namely the building of their small attack naval vessels, we have made available the money they used to build up their fishing fleet.

We wish to assert the position that the Senate took last year: that Korea should use its own money for its defense where possible, and that we should not provide the money to build their small attack vessels if they can finance a doubling of their deep sea fishing fleet.

This is a burden which their economy, which is growing at a very rapid rate, can sustain.

Mr. SPARKMAN. Mr. President, I have discussed the amendment with the Senator from Alaska and the Senator from Washington. I have suggested that I would be willing for us to accept the amendments and take them to conference.

Mr. JACKSON. Mr. President, I wish to endorse the Senator from Alaska's amendment. The Korean fishing fleet has grown from nothing to nearly 300 deep sea vessels in less than 10 years. During that time we have been supplying hundreds of millions of dollars in support of their military forces while they have been using the money thus released to expand an industry which now threatens to come in direct competition with our own domestic industry.

Clearly, if the Korean Government can invest over $200 million, of which $30 million is internally generated capital, in their deep sea fishing fleet, they can contribute the less than $6 million required for the purchase of these small naval vessels.

It is my view that this amendment clearly protects our national interest in the salmon fishing and the jobs of American fisherman.

Mr. STEVENS. Mr. President, I move the adoption of the amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The amendments were agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia; and

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

The message also announced that the House had passed the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 12, 32, 44, and 45 to the bill, and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 14 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mahon, Mr. Rooney of New York, Mr. Passman, Mr. Evins of Tennessee, Mr. Boland, Mr. Natcher, Mr. Flood, Mr. Steed, Mrs. Hansen of Washington, Mr. Bow, Mr. Jonas, Mr. Rhodes, Mr. Michel, Mr. Conte, and Mr. Davis of Wisconsin were appointed managers on the part of the House at the conference.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Cook) laid before the Senate messages from the President of the United States submitting several sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. FULBRIGHT. Mr. President, since the conference report has come over and many people are interested in that conference report, I would of course be glad to yield the floor for the consideration of the conference report.

Of course, I would like to have the ideas of the Senator from Alaska about this matter.

If the Senator from Washington would like to take up the conference report, I am agreeable. That is a privileged matter. I do not know whether it is his intention to take up the conference report or not.

Mr. MAGNUSON. Mr. President, the chairman of the conference committee is the Senator from Nevada.

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Mr. FULBRIGHT. I apologize. I thought it was the Senator from Washington.

Mr. BIBLE. Mr. President, I do not wish to call up the conference report until we finish the pending business.

Mr. FULBRIGHT. It is not the desire of the Senator to lay this matter aside and pick up the conference report?

Mr. BIBLE. The Senator is correct.

Mr. FULBRIGHT. Then that only confirms my view that there is really no urgency about the pending bill, because no one wishes to move to more important matters.

Mr. President, I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I have listened to the discussion this afternoon with a great deal of interest. It seems to me that the situation is quite clear. No one has more respect for the majority leader and the minority leader than I do but the urgency about the necessity for authorization is theoretical. Whether we pass the bill or not, we know that the money will be expended. It has been expended in the past without any particular interest in the views of the Senate. It undoubtedly will be expended in the future without any particular interest in what the Senate thinks about it.

It has been clearly brought out in the Committee hearings that a lot of money is available. There is plenty of money available to take care of this matter and to continue the spending in Cambodia without the authority of the Senate. So I do not see why we should pass the bill at this time. Why not wait until next April and ratify the $300 million or $400 million that they will have spent by that time instead of approving today the $108 million that they have already spent without our knowledge, let alone without the approval of the Senate.

It seems to me that this discussion is quite theoretical. Cambodia has already been given or promised $108 million in military aid through the President's use of emergency authority under the Foreign Assistance Act. That same authority can be used to supply aid up to a total of $250 million in this fiscal year if the President chose to do it. He chose to spend $108 million without taking it up with the Senate. $100 million of that was in this fiscal year. Why should he not choose to spend $250 million? I think it would be more consistent to postpone approval of the bill until he spends it all instead of approving a little more for him.

Why does he not spend it and come up and say, "Stamp the bill. This is the amount we have expended."

Section 614 of the Foreign Assistance Act authorizes the President to give any country that is under actual Communist or Communist-supported aggression $250 million in the fiscal year without regard to the regular requirements of the act if he deems it important to the security of the United States.

Mr. President, certainly we are not spending all this money out there, hundreds and hundreds of millions, if not billions, unless the President thinks it is important to the security of the United States. So, he already has that money to use. This allows certain appropriations for economic aid to be used for military aid. He can make that switch, as he has in Cambodia, with $59 million in support assistance funds.

Here is a list very briefly of all the sources available to the President to use funds to continue giving military support and economic support to Cambodia if he wants to do so.

First, he can draw on the Department of Defense stocks of materials and services as authorized by section 506 of the Foreign Assistance Act. Up to $150 million can be used for Cambodia under that act.

Then he can transfer certain unobligated AID funds for use as military or economic aid under the authority of section 610 of the Foreign Assistance Act. That gives him $150 million that he can spend on Cambodia. He is only asking for $285 million, $108 million to cover what he has already spent.

Then he has the use of unobligated military aid funds. Under that authority, he can spend up to $150 million for Cambodia. Under any one of those three sources or in a combination of all three, he could spend a total of $150 million.

In addition, he has the unlimited use of excess defense articles. Defense articles in any amount, $100 million or more, that are declared in excess can be used if that is what he wants to do for Cambodia.

Then he has the use of any material captured in the Cambodian operation from Vietnam. There is no limit here.

Finally, he has the use of agricultural commodities under Public Law 480, under which he can give all the food he believes the Cambodians or anybody else who is in Cambodia should have.

So under all these circumstances, I think we should be in no hurry. Why do we not just wait until the President has spent $285 million and approve that, instead of moving hastily in these rather frenetic final hours of the session to operate on this bill. It is not necessary.

I should like to ask the chairman of the Committee on Foreign Relations if he does not agree with the logic of this. Why not just forget this proposal until next year, when we will have more knowledge about what has been or may be spent?

Mr. FULBRIGHT. I agree with the Senator from Missouri. All I ask is that this particular item be put over until after the first of the year; then we can deal with it in a deliberate manner. It seems to me, I say to the Senator from Missouri—and this statement also applies to what the Senator from Montana (Mr. MANSFIELD) has said—that if the amendment of the Senator from Alaska (Mr. GRAVEL) is adopted, the rest of the bill could easily be passed within a matter of minutes. I feel quite certain that adoption of the amendment would not have any practical effect on the administration's plans for aid to Cambodia, as the Senator has said. The real significance of the Senate's approval of new money would be an endorsement of the policy.

Mr. SYMINGTON. The Senator is correct.

Mr. FULBRIGHT. It certainly will not affect the administration's basic plan to delay action on this item until late January or early February. If the leadership wants to move on to the Department of Transportation conference report or to other matters, and could give us some assurance about this amendment, the bill could pass.

I will say this. On the other hand, if we allow this to go to a vote, and this provision is kept in the bill, I plan to try to educate my colleagues further on what is involved here.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. It will take a good deal of education because it will be much more serious. There are items in here for Korea, Indonesia, and things that could be proceeded with; but this item of new money for Cambodia is moot important.

I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, the leadership can give no such assurance, but the Senate as a whole should have the opportunity to face up to its responsibility individually and collectively. I must say I am disappointed at the trend this debate is taking because I think it will not accomplish what the distinguished chairman seeks to achieve.

I have said before and I will say again that I will vote for the Gravel amendment and against the bill.

When I say I do not believe in Vietnams, I do not mean another Vietnam; I think one Vietnam is too many.

I want to express my opinion, be on the record, and accept my responsibility; but I do not and I will not take any responsibility for thwarting the will of the Senate regardless of what the outcome may be. I would hope that the distinguished Senator from Arkansas might show some recognition of the fact that we are up against a combination of factors—including bills, not only out of his committee as in this instance but also from the Committee on Finance which has reported three very important proposals dealing with trade, family assistance, and social security. There is also a Department of Transportation conference report that must be dealt with and there is a likelihood that we may have some difficulty on the defense appropriation bill conference report.

Time is wasting. No good purpose will be achieved by delay. What will be the result in the long run is that this institution will be made to look a little more ridiculous than it has looked for the past several days.

Mr. FULBRIGHT. The Senator, in taking that view, denies there is any value in debate, instruction, or information. I would not thwart the informed judgment of the Senate either, but I do not think it is reasonable to believe that the majority of the Senate is informed about all the details of this situation. That is what is involved here. The hearings are not even available yet. The Senators could not have read the hearings. Only six or eight members of the committee were present at the hearings.

I understood this lame duck session

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would be devoted to bills already underway, primarily appropriation bills. Here is a new item that no one anticipated would be presented. The majority leader, I thought, had left the impression that in this session new matter that had not been heretofore considered would not be considered unless it was an emergency, and this is not an emergency session, as the Senator from Missouri pointed out.

The administration is seeking to take advantage of a very critical time situation to get an endorsement of a policy which I think is very dubious and I do not want to be a party to it. This has nothing to do with money. They are trying to take advantage of the time problem; Christmas is here. This is the type situation in which mistakes by this body have always been made, and I see no reason to make another mistake of that kind. It is the policy aspect of the matter that is important. I think we should not endorse that kind of policy without thorough consideration.

No one likes to be reminded of Tonkin, but that was a case where a previous administration took advantage of an alleged attack on our ships, and I emphasize the word "alleged," to inflame the emotionalism and patriotism of this body to do a very serious thing. There was severe pressure to limit debate and when people like the Senator from Wisconsin wanted to speak there was no time. We voted like a bunch of sheep, and I was one of them. The same principle is involved here.

This is an effort to get a commitment on a policy. It has nothing to do with money. I see no merit in all of this pressure to vote today. I do not know how long the matter should be discussed but it should be made clear that it is not the money we are concerned about. Democrats, especially having been responsible for control of the Gulf of Tonkin measure, should be very careful about going down that road a second time and endorsing a very short-sighted policy without knowing what they are getting into.

The Senator from Montana is against that policy. Why does he want us to rush into this? He is informed; most Senators are not.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. The Senator used the word "informed" as being applicable to but a small group of members of the Committee on Foreign Relations, not recognizing the fact that the entire Committee on Foreign Relations has also been made aware of the situation covering this request. I do not underestimate the intelligence, or understanding, or knowledge of fellow Senators who serve on the Committee on Foreign Relations or the Committee on Appropriations, and I would not stand on the floor and denigrate the lack of knowledge. I do however deny a lack of knowledge on the part of my colleagues because I think they study issues and they read newspapers, among other materials. I should say that one will find out just as much from reading newspapers and magazines as he will from attending these so-called executive sessions. It has been my experience that 90 percent of the information Senators were not supposed to disclose has already been printed in the newspapers of the country.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, with all due respect to the distinguished majority leader, and there is no one in this body I have more respect and affection for, I did not know until the staff of the Committee on Foreign Relations informed me a few days ago, just prior to the time when the Secretary of State and the Secretary of Defense came before the committee that these moneys and materials were available from all these sources.

I would wager that no one in this body except members of the Committee on Foreign Relations knew that there are already hundreds of millions available to this administration to be used in Cambodia under its interpretation of the law. We have no treaty with Cambodia; we have no agreement with Cambodia; no one in this body had the slightest idea we were going to invade Cambodia.

I like being a Senator, but I thought we were supposed to be somewhat like a board of directors, where they would come up here and ask us for money, just as happens in a company, in order to carry out the operations of a business or, in this case, the operations of a government. That has ended. They do not do that any more. They simply spend the money, and then come to us and tell us how much they have spent and how much more they want. Under those circumstances, I say it is a very poor way to operate a business. Any business that operated that way would go bankrupt in no time.

Mr. FULBRIGHT. We are bankrupt.

Mr. SYMINGTON. That may be one of the chief reasons why.

Mr. FULBRIGHT. It may be.

Mr. SYMINGTON. The money is often being spent without the knowledge, let alone the approval, of Congress. If Congress knowingly wants to go along on that basis, that may be its prerogative, but I think not only is it bad business, but I think we are giving up our rights and responsibilities under the constitution to approve this type and character of expenditure.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. I did not rise for the purpose of speaking on this matter, but the Senator just said money has been spent without our knowing anything about it. As a matter of fact, this $108 million is spent under a provision that we passed through Congress and out of the Foreign Relations Committee. What the Senator is proposing is, instead of giving the administration definite authorizations, letting it continue to pick out whatever money it wants to, without our knowing anything about it.

Mr. SYMINGTON. The Senator does not want to misunderstand me, I know. I want us to authorize and direct the use of any money spent for Cambodia. Under all the current circumstances, if the law was intended to accomplish what the Senator says has occurred, we ought to change that law.

Mr. SPARKMAN. That is what the law says. Do we want to keep on doing that?

Mr. SYMINGTON. I do not argue that we should go ahead and do it. I do not think we should be spending that money, but that is not the problem that could be cured now on the Senate floor. The money has been spent regardless of whether we wanted them to or not.

Mr. SPARKMAN. Mr. President, I want to make this one point following what the Senator from Michigan had to say. All these matters have been discussed in the Foreign Relations Committee. These facts were put before us. Even after all of that, the majority of the committee voted to report the bill out and said it was urgent enough that the administration was justified in asking us to speed it up. Our majority leader, in committee, urged us to get the bill out. I do not think he would mind my saying that he said, before the whole committee, that he would vote to report it out if his vote was necessary.

Mr. MANSFIELD. I said only on that basis would I vote for it, but I would vote against the bill on the floor.

Mr. SPARKMAN. Yes; the Senator from Montana certainly did, but what I mean is that the Senator was impressed with the urgency of this matter to such an extent that he was willing to report it out.

Mr. MANSFIELD. Not in that sense. The urgency was tied to the time factor, which we all had to consider, and the possibility that if the Foreign Relations Committee did not live up to its constitutional responsibility, it and the Senate would be subject to an end run in view of what might happen in the House on an appropriation bill.

Mr. SPARKMAN. Yes. I do want Senators to keep in mind that notwithstanding that these facts were known and were brought up in discussions, the committee voted to report the bill to the Senate. At the time we knew there was an urgency for taking it up here.

I have great respect for my chairman. I count him as really one of my good friends. He presides over the committee in a very fair manner, and he presided in a fair manner here. The roll was called and a majority of the committee voted in favor of reporting the bill to the Senate, and in recommending its passage, by a vote of 8 to 4.

Mr. FULBRIGHT. The vote was 8 to 4 out of 15. The Senator is correct.

Mr. SPARKMAN. Three Senators were not present and were not recorded.

Mr. FULBRIGHT. Mr. President, I think the Senator from Missouri (Mr. SYMINGTON) made the case very well as to the question of the availability of the money and what is involved in the effort to rush the Senate to a vote immediately, or as soon as possible, or very soon, on this matter.

Reference was made by, I think, the Senator from Michigan, or I believe it

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was the Senator from Montana, to the Cooper-Church amendment or the restriction that was put in the appropriation bill for the Armed Services Committee. I have just been told by a member of the press—I have not seen any official notice—that the conferees have emasculated that provision. In other words, the Senator from Idaho has been most interested in preserving the idea that we could by words restrict the invasion and control of Cambodia by our troops. Just a few minutes ago, before I started, I was told by a member of the press that the conferees added language that is not unlike what we referred to as one of the Byrd amendments. The language adds, after the provision banning ground combat troops to Cambodia and Thailand, the following language—and this shows us just how determined those of the other view are with regard to the matter of Cambodia. This is the language that has been added, I am told:

> Nothing contained in this section should be construed as prohibiting the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

I would say that language is broad enough to emasculate any effect that the restriction of the so-called Cooper-Church amendment might have.

Mr. SYMINGTON. Mr. President, I was a member of that conference. I did not sign the conference report. Again, it brings out the fact that it really is not very important what we do here on the floor of the Senate any more. We have heard the expression that we cannot tie the hands of the President. We cannot tie the hands of the President and therefore it is presumed to follow that we should give him a blank check. He is going to use that blank check, and when he gets around to it, he is going to come before us and ask for approval after the fact. That is exactly what we have been talking about for at least the last hour and a half that I have been on the floor.

Mr. FULBRIGHT. But I think there is a difference between giving him a blank check and letting him go ahead and do what he wants and then coming to us and asking for approval. If the Gravel amendment should be adopted, come January or February this matter would come up again in committee for approval of the policy of assisting Cambodia. It ought to come here, if the Constitution has any effect, in the form of a treaty, with the proposal that we enter into a treaty of support, and so forth, in which we undertake to support the Government of Cambodia, and that we will give them all sorts of assistance, and lay out whatever the program of the administration is, in order to give the Congress and the people an opportunity to express their judgment upon the wisdom of such an undertaking.

If we were going to adopt a protege and support them indefinitely, that used to be done in the old days. We have a treaty with Taiwan and treaties with a number of countries. We have a treaty with the NATO countries, which we formally considered; it was submitted to the Senate and we considered it and debated it, not just one afternoon but for 3 weeks, and the country and Congress were committed to it. We still are. That treaty is the backbone of the most important and the oldest alliance we have entered into since World War II.

I think that is the way the matter should be approached; but if they do not wish to use treaties—and there seems to be, at least at the present time, a tendency to shy away from treaties and to have executive agreements—even they should be submitted. In the case, for example, of Spain, while we were not shown the courtesy of their asking our approval, at least we were informed about it, and we had an opportunity informally to express our disapproval of it, although it was not effective, and the matter was not submitted for approval. I think that was a very unfortunate executive agreement.

Mr. President, since we have settled the matter of any immediate vote on this matter, there are a few substantive questions that I wish to point out for the Record.

Following the hearing with the Secretary of State, the New York Times, I think it was last Friday, published an article, written by John W. Finney, interpreting what the significance of the military assistance to Cambodia was. The headline on that article referring to Mr. Rogers, the Secretary of State, said, "Rogers Sees a Long-Term Need for Military Aid to Cambodia."

Then it goes on to describe it in detail, and I shall ask unanimous consent that the article be printed in the Record.

The reason I think this article is significant is that this is the interpretation of one of the most sophisticated reporters of the scene in Washington that the Secretary sees a long-term need for military aid to Cambodia.

It strikes me, if that is true, that it only lends support to the idea that instead of a casual manner of approaching what seems to be a relatively small appropriation, we are undertaking a long-term program for aid to Cambodia.

It ought to be out in the open. We ought to have testimony as to the probable length of it, whether it be 5 years or 10 years, an estimate of how much it will cost, and so on, in order that the Senate might make up its mind in an informed manner.

I ask unanimous consent that the article entitled, "Rogers Sees a Long-Term Need for Military Aid to Cambodia," written by John W. Finney, and published in the New York Times of December 8, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rogers Sees a Long-Term Need for Military Aid to Cambodia

(By John W. Finney)

Washington.—Secretary of State William P. Rogers told Congress today that the United States must assume a long-term program of assistance in Cambodia, but he emphasized that the Administration was intent on avoiding direct military involvement there.

The Senate, meanwhile, approved a $66-billion defense appropriations bill containing a provision prohibiting the President from introducing American ground troops into Cambodia without the consent of Congress.

The defense bill—$2.3 billion less than the Administration had requested—was approved by the Senate by a vote of 89 to 0 after one day of discussion and sent to a Senate-House conference committee.

Along with Secretary of Defense Melvin R. Laird, Mr. Rogers testified before a generally sympathetic Senate appropriations subcommittee in support of the Administration's request for $1-billion in supplementary military aid, including $255-million for Cambodia.

The request for Cambodia, which could become a major controversy of this session of Congress, is running into opposition from some members of the Senate Foreign Relations Committee who are fearful that an American commitment to support the Lon Nol Government could lead to a United States involvement in Cambodia equal to that in South Vietnam.

FUND CURB IS APPROVED

In a climax to the long controversy in the Senate over imposing Congressional restraints on the President's authority to undertake military activities in Cambodia, the Senate, with a minimum of debate, accepted a Senate Appropriations Committee provision in the defense appropriations bill "prohibiting the use of any of the funds to finance the introduction of American ground combat troops into Laos, Thailand or Cambodia."

The Administration made no attempt to oppose the prohibition in the Senate. This appeared to increase the likelihood that the Senate provision would be accepted by a Senate-House Conference Committee that will be assigned to reconcile differences between the Senate and House bills.

A similar structure on ground troops in Laos and Thailand was incorporated with Administration approval, in the defense appropriations act last year, and included in the defense bill again this year by the House.

At the suggestion of Senators John Sherman Cooper, Republican of Kentucky, and Frank Church, Democrat of Idaho, the cosponsors of the Cambodian amendment in the Senate, the prohibition was broadened by the Senate Appropriations committee to include Cambodia.

The hearing on the supplementary military aid program for Cambodia centered on whether it would lead to an American military involvement.

Mr. Rogers acknowledged that the $255-million requested was but the first installment on a continuing military aid program designed to help Cambodia resist what he repeatedly described as an "invasion" by North Vietnam.

But Mr. Rogers said "the idea this is a repetition of Vietnam is fallacious. It is not going to occur."

"We have no intention of slipping into the mistakes of the past," he said.

TWO AREAS LEFT OPEN

In the course of their testimony, however, Mr. Rogers and Mr. Laird left open the possibility of two areas of military involvement in Cambodia by American forces. Mr. Laird said it would be necessary to have a military mission in Cambodia, "which we hope to hold to a minimum," to account for the use of the military equipment supplied by the United States. And Mr. Rogers, without any cross-examination by the subcommittee talked in terms of American planes providing bombing support for the Cambodian Government forces.

In addition to the Cambodian aid, the Administration request includes $500-million in military credits for Israel, $30-million for Jordan, $5-million for Lebanon, $150-million for South Korea, $65-million for South Vietnam and $13-million for Indonesia.

With the exception of the Israeli aid, which has already been authorized, the rest of the

> program normally must be authorized in separate legislation before any money can be appropriated. The authorizing legislation is handled by the Senate Foreign Relations Committee.
>
> If the Foreign Relations Committee delays action on the authorizing legislation in the closing days of the session, there were suggestions by Republican members to have the appropriations bill passed by the House and then accepted by the Senate in a Senate-House conference committee.

Mr. FULBRIGHT. Mr. President, here are a few other small items. Here is a UPI article from Saigon, published in the Washington Post of December 13. It reads as follows:

> Cambodian pilots, crewmen and ground mechanics are undergoing helicopter training in South Vietnam by American instructors, U.S. headquarters announced today.
>
> Other Cambodian officers are undergoing American combat training in South Vietnam, informed sources said. They said a pilot program of about 40 Cambodian company commanders and other junior officers and senior noncommissioned officers are starting a new program aimed at improving the "grass roots leadership" level in a program which could later include several hundred Cambodians.
>
> The United States has previously paid for the training of Cambodian recruits, but the instruction was given by South Vietnamese.

That, again, only indicates the seriousness of the undertaking. We are now undertaking to train their pilots, and so on, and it is almost the same kind of involvement that we had in Vietnam, which we have mentioned before.

On August 6, 1970, the Washington Evening Star published this very interesting article, under the title "Nol Favors U.S. Troops, But Won't Request Them." It reads:

> Premier Lon Nol said today American military intervention in Cambodia would "solve all our problems," but he will not request intervention until the situation demands it.
>
> In an interview with UPI, Lon Nol said American intervention in Cambodia "would allow us to solve all our problems easily with a minimum of expense and effort."
>
> He also noted that American presence in Cambodia would "be very good for the neighboring countries" because it would contribute to "quickly defeating the North Vietnamese."
>
> The premier said any request for American troops to intervene in Cambodia will "depend on the situation." But he added, "all the Cambodian people want U.S. troops operating in our country."
>
> "Cambodians are not worried about their country being destroyed because we will rebuild again," he said.
>
> Nol said "on the advice of our friends" the Cambodian army had pulled back from areas in the north and east of Cambodia to protect the populous agricultural areas in the heart of the country.

And the article continues along that line.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. The Senator will remember that when General Ky came before the Senate Foreign Relations Committee the other day, each of us had the opportunity to ask him a question.

Many people do not realize, but we did not have just 550,000 people in South Vietnam at the peak, if we count all Americans who were working toward achieving whatever it was we were trying to achieve then in South Vietnam. We had more nearly 800,000. That counts the people in Thailand and the people in the fleet, in the Philippines, Guam, Okinawa, in hospitals in Japan, and so forth. We had between 7 and 8 hundred thousand Americans doing their best every day to achieve success in the South Vietnamese-North Vietnamese operation.

My question of General Ky was:

> If you and General Thieu could not do this job with 700,000 to 800,000 of the best that we have, how do you expect to do it by yourselves, which, as I understand it, is what Vietnamization is all about?

Then I commented:

> That is especially pertinent to me, because what a guerrilla wants to operate is space. He wants to hit and run. What the man with the fire power wants is concentration. When we invaded Cambodia, we more than doubled the space in which the guerrilla can operate because Cambodia is about a thousand square miles larger than South Vietnam.

I thought that General Ky's answer was quite interesting. If the Senator will remember, he said that what he planned to do was work out a treaty between South Vietnam, Cambodia, and Thailand, so that in the long run, those three countries together could resist the Communists, as he put it, and he added Laos to that as well. They were going to have a joint group of countries that were going to resist successfully any aggression from any Communists.

In 1961, when I was in Saigon on the famous trip with Mr. Rostow and General Max Taylor, Thailand, and Cambodia were very close to war.

Mr. FULBRIGHT. Yes.

Mr. SYMINGTON. From reading the newspapers, one would have thought they were at war. We all remember what happened to the South Vietnamese in Cambodia in the early stages of our invasion and, just before our invasion, upon the fall of Sihanouk. I do not suppose there is any country that dislikes another country much more than Cambodia dislikes South Vietnam, unless it is the Thai feeling with respect to Cambodia.

Mr. FULBRIGHT. That is right.

Mr. SYMINGTON. Therefore, although I have great admiration for General Ky, his report to us about his planned solution to the problem did not seem quite logical to me, based on the various differences that we know are so great in that part of the world.

I mention this because if we continue to support all these countries at the same time we are destroying their towns and villages, it seems to me it is going to cost a great deal of additional money, aside from the moral aspect involved. That is why I would like it if we could get a handle on what it is we are doing, as is done in business. When someone starts losing money, he wants to find out what his costs are, where the money is going.

I compliment the able Senator, because it seems to me that this is really what he is talking about this afternoon—the policies that are involved in the expenditure of these gigantic sums of money, especially as we now know only too well how badly that money is needed at home.

Mr. FULBRIGHT. The Senator is correct.

President Truman, under the guidance and advice of Mr. Acheson, in 1950, agreed to send money to Vietnam to help France maintain her control over her colony. At that time, this country was by far the best-off country in the world. We had been injured the least. We had $25 billion in gold. The rest of the world was practically broke. This was at the time the Marshall Plan was getting under way. We put that in for a purpose. The Senator knows all about that. Nobody objected to it. We had to find some way to help our friends, we thought. That was a misguided effort.

It was the only case I know of in which our country took the side of the colonial power to keep its control of the colony. Always, because of our own history, we have been sympathetic to the colony, in every case—India, Indonesia, Egypt, the Congo. We have always sympathized with people wishing to get their freedom. We were misguided in that case. Anyway, the circumstances were different.

In 1954, we still had a dollar gap. That dollar gap was the other way. The rest of the world did not have enough dollars to carry on international business, and we were trying to get money to them. This was the justification for the original aid program. We were not discriminating. We thought it would serve a useful purpose to put other countries back in business so that we could do business with them.

In those days, leaving out the aid, we had a big trade surplus, as the Senator knows. We were the only country in reasonably good condition. That has all changed. We could be as profligate and as extravagant as we liked then and get by with it. Today, the needs of this country at home are so great that that is all the more reason why we ought to consider the significance of this policy.

Just because we went into Vietnam under different circumstances is no reason to go into Cambodia, although I think that was the biggest mistake we have ever made that I can think of, other than our own Civil War, in which we got at each other's throats. The next worst tragedy for this country is what we are doing now.

One of the principal reasons why it disturbs me and why I think we ought to relate this to our domestic affairs is just what the Senator has said.

There is now in progress a conference of Republican Governors, and these governors of some of the richest States of the Union are saying, "We are going to be broke if we have to pay welfare."

Mr. SYMINGTON. They require $10 billion right now.

Mr. FULBRIGHT. One of them—I forget which one—said, "If the Federal Government does not pick up the tab for the welfare bill in my State, we will be bankrupt." I think I am not overstating it. I do not recall which one said it; it might have been the Governor of Pennsylvania. It was one of the important States.

That is related to this question. The conditions at home cannot be disassociated from what we are doing abroad, especially in this area. I do not think anybody realizes that this is the beginning, the downpayment, on an enormous program. In all fairness to the Secretary of Defense, he does not deny this. When this was put to him the other day, he did not try to minimize it. He said frankly, "Yes, it is going to be bigger next year and bigger the next." We did not press him. He obviously cannot foresee how much. He did not disagree with the idea that this is just the beginning of a very large undertaking with regard to a small country of some 6 million people.

As the Senator has said, the more destruction we cause, the more we are going to be called upon to reconstruct. So we will have it both ways. We will spend several billion dollars destroying it, and when the war is over, we will have to spend several billion dollars more to reconstruct it.

That is what Lon Nol said:

> We are not too worried about the destruction. We know that you, the United States, will rebuild it.

Instead of their old, obsolete buildings, we will give them nice, new buildings and new factories, as we have in many other countries which now compete with our business. We have done that in many other places, as the Senator knows.

Mr. SYMINGTON. That is correct.

Mr. FULBRIGHT. This is a more serious matter than a little money for a poor, little country that needs some help. It involves much more than that.

One article that surprised me quite a bit and that I think should be in the RECORD—because he is a very well known commentator and in many circles he has a great appeal—is Mr. Paul Harvey's column of November 23. He wrote as follows:

> Cambodia is in trouble. Cambodia, next door to Vietnam, faces much the same situation which recently faced Vietnam and we are responding in much the same manner.
>
> President Nixon prefers contingency plans for evaluating crises before they develop. We'd better evaluate this one now.
>
> Since the United States thrust into Cambodia last spring the situation for the Cambodians has steadily deteriorated. Since President Nixon took full responsibility for the consequences of that intrusion, he must feel morally obligated to rescue the Cambodians.
>
> Toward that end, quietly, our dollar aid to Cambodia has been multiplied. Our government persists in pretending that American planes are not flying direct support missions in Cambodia, when, in fact, they are.

That is the kind of unofficial escalation which got us in over our heads in Vietnam. So it is not such a secret that this means the same thing.

Mr. President, I ask unanimous consent that the entire article by Paul Harvey be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMBODIA FOLLOWS VIETNAM'S PATTERN

(By Paul Harvey)

CHICAGO.—Cambodia is in trouble. Cambodia, next door to Vietnam, faces much the same situation which recently faced Vietnam and we are responding in much the same manner.

President Nixon prefers contingency plans for evaluating crises before they develop. We'd better evaluate this one now.

Since the United States thrust into Cambodia last spring the situation for the Cambodians has steadily deteriorated. Since President Nixon took full responsibility for the consequences of that intrusion, he must feel morally obligated to rescue the Cambodians.

Toward that end, quietly, our dollar aid to Cambodia has been multiplied. Our government persists in pretending that American planes are not flying direct support missions in Cambodia, when, in fact, they are.

That's the kind of "unofficial escalation" which got us in over our heads in Vietnam.

Despite our $50 million worth of recent generosity, the Cambodian government continues to demand more. Despite the commitment of our planes, in contradiction to our President's promise, the Communists have seized two-thirds of the country and are now at the gates of the stronghold cities.

While official Washington seeks to focus your attention on the chronic Arab-Israeli standoff in the Middle East, the Indochina situation is critical.

Most Americans find reassurance in our much publicized piecemeal withdrawals from Vietnam. But meanwhile the Communists are squeezing the life out of Cambodia and—to a lesser extent—Laos.

In Cambodia, last time I looked, the Lon Nol government was still in control of the capital city, Phnom Penh, and Kompong Thom and Siem Reap.

Yet all those strong points are hit from inside by guerilla raiders and periodically cut off from outside by Communist siege.

Four of Cambodia's seven major highways have been cut off almost continuously for five months. At Kompong Thom, a provincial capital, food is so short that townspeople have had to slaughter and eat zoo animals.

Now the monsoon rains are ending. Dry weather will facilitate increased Communist attacks in the northeast. More American planes will be committed and there will be pressure on us to commit American troops.

And a chorus from 45,000 flag-draped coffins cries out "In heaven's name, not again!"

In Cambodia, as in Vietnam, the Communists show no inclination to mobilize massive, costly attacks on the cities. It's less costly and eventually more distressing to the defenders if the Reds hit and run and survive to hit again.

Cambodia is trying to mobilize 60,000 additional soldiers by the end of this year. No way. Already Cambodia's army includes many juveniles and some women.

Mr. FULBRIGHT. I will read an excerpt from another article, and then I will put the entire article in the RECORD:

> Administration spokesmen insist it is not a "commitment," but that seems to be more an argument over words than fact.
>
> By whatever name, the United States now stands before the world as the guardian and guarantor of the anti-Communist Lon Nol regime in Phnom Penh. Its overthrow would be taken by millions—at home and abroad--as a defeat for the United States and a blow to American prestige.
>
> And since President Nixon has said he will not permit the United States to suffer defeat or appear as a "pitiful, helpless giant," the pressure to save Lon Nol must remain intense.
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> Speaking a few hours after a long consultation with Mr. Nixon and national security adviser Henry Kissinger, Agnew said. "We're going to do everything we can to help the Lon Nol government.
>
> "The whole matter of Cambodia is related to the security of our troops in Vietnam."

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Philadelphia Inquirer of August 25, 1970, written by Robert S. Boyd, entitled, "U.S. Binding Itself to Lon Nol Rule."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. BINDING ITSELF TO LON NOL RULE

(By Robert S. Boyd)

WASHINGTON, August 24.—The United States, which waded into Cambodia up to its neck, then waded out to its ankles, is now back in up to its knees.

The latest government statements and actions indicate the Nixon Administration is edging into an all-but-open commitment to defend Cambodia from Communist overthrow.

Administration spokesmen insist it is not a "commitment," but that seems to be more an argument over words than fact.

By whatever name, the United States now stands before the world as the guardian and guarantor of the anti-Communist Lon Nol regime in Phnom Penh. Its overthrow would be taken by millions—at home and abroad—as a defeat for the United States and a blow to American prestige.

And since President Nixon has said he will not permit the United States to suffer defeat or appear as a "pitiful, helpless giant," the pressure to save Lon Nol must remain intense.

It's not for love of Lon Nol that the U.S. is getting so deeply involved, officials make clear. It's because the success of Mr. Nixon's plan to get the United States out of the Vietnam war is at stake.

By Vice President Spiro T. Agnew's admission, a Communist takeover in Cambodia would make it "impossible for the Vietnamization program and the disengagement of American troops."

When he ordered the U.S. ground troops into Cambodia in April, Mr. Nixon said it was necessary to make Vietnamization work. The fall of all Cambodia would undercut the whole strategy on which the President's withdrawal plan is based.

Agnew's remarks to reporters in his plane Sunday en route to Asia were only the latest evidence of this creeping commitment.

Speaking a few hours after a long consultation with Mr. Nixon and national security adviser Henry Kissinger, Agnew said, "We're going to do everything we can to help the Lon Nol government.

"The whole matter of Cambodia is related to the security of our troops in Vietnam."

TAKEN AS OFFICIAL

Inevitably Agnew's words will be taken as official U.S. policy.

Assistant Republican Senate leader Robert P. Griffin (Mich.) said in Washington on Monday that Agnew was "acting as a spokesman for the President."

"It would be very dangerous to our situation in Vietnam if there were a Communist takeover in Cambodia," Griffin said.

"We all agree that American troops shouldn't go in to support the Lon Nol government, but to help it defend itself . . . is certainly consistent with protecting our troops in Vietnam."

The unacknowledged commitment to Cambodia is also evidenced in the new $40 million U.S. aid agreement, intensified U.S. bombing raids over all corners of the country, including close-in tactical air support of Lon Nol's troops, and administration efforts to persuade Thailand to send troops to Lon Nol's defense.

Mike Mansfield, the Senate Democratic leader, sees "a revival of the policies that

XUM

led us into our troubles in the beginning in Vietnam. . . .

"It appears to me the increase in aid, the increase from 11 to 50 of the U.S. mission advisers, the close air support, and all these could be a prelude to advisers to administer the aid, and then others to protect the advisers," the Montanan added.

UPSET BY AGNEW

There was concern also at the State Department on Monday over the sweeping nature of Agnew's remarks.

"There he goes winging his way across the Pacific, spraying commitments like flowers," one official said privately.

A former high official of the State Department warned that the fall of Cambodia is likely, despite U.S. efforts, and that it is unwise for the administration to commit its prestige to the survival of Lon Nol.

Mr. FULBRIGHT. This raises and confirms the theory or the idea I have been advancing, that this is a policy decision with which we are involved.

I think that this is of such consequence that it deserves deliberate and thorough consideration by the Senate and by the committee that is not possible under circumstances in which the leadership and other Senators are preoccupied with the SST, with the Defense Department bill, the HEW bill, and with other very important matters. At this moment, eight Senators are in the Chamber, three of whom are listening to the debate. These are not circumstances in which an important commitment to a country, involving billions of dollars, should be made. Quite a number of Senators were present a moment ago, but as soon as they could not immediately vote on it, they obviously lost interest in the amendment. I do not blame them much, because there is not much to get one's teeth into. There is no record of hearings. There is no testimony of people qualified to judge the wisdom of this undertaking, other than those from the administration, who are committed to this program.

Mr. SYMINGTON. The Senator is so right. In one country we were in, not long ago, investigating our commitments around the world, we finally said to the head military man, "You do not know how many bases you have in this country, do you?" He said he guessed that was right. He was not quite sure how many he had left in the plan of reduction.

I believe on next Monday that the report we will issue, as a result of the 2-year effort we made in trying to find out what our commitments are, will be of great interest to the Senate.

What worries me is the speed we are doing some of these things in the last few days. Information in our report covering expenditures in countries with whom we do not have treaties and others could have a bearing on the thinking of Senators if they had an opportunity to further study the financial activities as well as the other activities incident to the financing in Cambodia. Does not the Senator from Arkansas agree with that?

Mr. FULBRIGHT. Yes, I agree with that. It is extremely difficult to deal with a matter, when in our regular procedures a matter of this consequence clearly should be presented as a treaty. It should be out in the open, and there should be justification given for long-term commitments to Cambodia, if that is what is involved. What is so frustrating about this is, while this is a little item in an authorization bill, I know its full implications. The first time this matter was called to my attention in the hearings, there was a confidential communication from General Wheeler, I believe, to General Burkinall that said something to the effect that the "circumstances of our presence are a greater insurance of our responsibility to protect you than would be the case with a treaty." That opened my eyes in that case.

Here we have a matter of $155 million in a bill that could pass here in 5 minutes and a serious policy were not involved. Yet it creates a situation just as important or more important than a treaty. This is a fine way to do business. I am quite sure that many Senators, and certainly the country, will not understand that until long after, when they are presented with the bill. That is what I think.

Mr. SYMINGTON. I shall not detain the Senator any longer, except to observe that back in the fall of 1967 after my sixth trip to Vietnam, I came home and reported to the President, and made a talk on the floor suggesting a cease-fire because the situation out there, in my opinion, was going quite poorly. At that time 13,000 Americans had been killed. A few weeks ago, a group of the so-called hawks in the Senate suggested a letter to the President recommending a cease-fire and asked me if I would sign it. I was glad to sign it, as it was comparable to the suggested cease-fire made 3 years before—3 years to the month before—and now we have lost over 44,000 Americans.

What seems to be so pertinent about it, is that it seems so plain to see that Cambodia is following the same pattern as South Vietnam. It is the same pattern as Laos, and it could well be the future pattern of Thailand unless the situation is opened up and discussed so that people really know what is involved and what is happening in that part of the world. Does the Senator from Arkansas agree?

Mr. FULBRIGHT. The Senator is correct.

Mr. SYMINGTON. I thank the Senator from Arkansas. This is a most valuable debate. I congratulate him for bringing it up and discussing it extensively this afternoon.

Mr. FULBRIGHT. The Senator has made a great contribution but let me carry that one step forward. Let us assume that this goes through with reference to creating a military complex in Cambodia because Cambodia has never really had much of an army. It had a ragtail army of 30,000 men or so, many of them without real arms, with obsolete, discarded carbines, and so forth. Now it is proposed that we finance the building of a big, sophisticated army—200,000 men or more. Supposing they succeed, and they may, given enough money, and push the Vietnamese into Laos and then what we will have to do is to go into Laos and create another big army there.

This is an open-ended commitment, so that we will be going further and further into the mire. It seems to me it should be decided as a policy matter with full debate in this fashion rather than in saying that we should give them a little money, help a poor fellow out in trouble. That is what it amounts to. Money is the only thing that we can effectively restrict at this time in order to force a debate upon the policy issue.

If we give them this money, they will consider that the matter is settled, that we have endorsed the policy by passing this bill. There is no need for a treaty or any further discussion. It will all have been done. This is exactly the attitude President Johnson took at the time of the Gulf of Tonkin resolution for the next 4 years thereafter. Any time anyone raised the matter, he would say, "Look, here is the resolution. You have endorsed it, and that is that."

Mr. President, it is very revealing, the attitude of the Cambodians, in some of the interviews which have been published. On November 28, in the Washington Star, which is recent, there is an article written by Henry S. Bradsher entitled "Cambodia Relying on Nixon" which states in part:

> The foreign minister of Cambodia is confident President Nixon can find a way to provide further aid for his country even if Congress refuses to grant a $155 million new aid request.

He is aware of what we have been saying. He thinks we can find another way. He is confident. He knows someone here who is knowledgeable about our affairs and what we are talking about. This fortifies my view that there is no urgency whatever about this item in the bill.

Further in the article, he writes:

> American sources talk of Nixon's determination not to let Cambodia slide into complete Communist control.
>
> Because of the tie to the Vietnam war some American sources talk of the possibility of obtaining ammunition for the Cambodian Army from Vietnam supplies if Congress fails to authorize the full weapons request. About $60 million out of the $85 million requested for military supplies would be for ammunition alone.
>
> The foreign minister said that Cambodia has explained to the United States how much aid it needs. "We never expected them to give us all of it," Koun Wick said.

Mr. President, I ask unanimous consent to have the entire article printed in the Record as well as an article from the August 6 Washington Evening Star.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Cambodia Relying on Nixon

(By Henry S. Bradsher)

Phnom Penh.—The foreign minister of Cambodia is confident President Nixon can find a way to provide further aid for his country even if Congress refuses to grant a $155 million new aid request.

Foreign Minister Koun Wick expressed his confidence in an interview as two investigators for the Senate Foreign Relations Committee arrived here. They began a weeklong inquiry into the Cambodian situation and the need for additional aid.

Koun Wick's confidence in Nixon's ability to juggle foreign funds seems to emanate from the U.S. embassy here.

XUM

American sources talk of Nixon's determination not to let Cambodia slide into complete Communist control.

This determination is based more on the importance of Cambodian rear areas to the Vietnam war than on desire to help Cambodia for its own sake, although Cambodia's separate claim for help against essentially external aggression is considered valid.

Because of the tie to the Vietnam war some American sources talk of the possibility of obtaining ammunition for the Cambodian Army from Vietnam supplies if Congress fails to authorize the full weapons request. About $60 million out of the $85 million requested for military supplies would be for ammunition alone.

The visit of two Senate investigators, Richard Moose and James Lowenstein is result some congressional skepticism about getting drawn into a deeper commitment in Cambodia—"another Vietnam" which could eventually require U.S. armed intervention.

Cambodian officials insist they neither want not expect such an escalating commitment.

In the interview, Koun Wick emphasized the determination of Cambodia to fight its own war.

In contrast to the difficulties of drafting soldiers in South Vietnam, volunteers are multiplying the Cambodian Army to seven times its former size as an unmilitary civic action organization before the fighting began last April. Weapons for the army of 210,000 and replacements for loss of peacetime rice and rubber exports are needed as aid, Cambodians say.

Aside from a possible $20 million from Japan and release of $25 million from the old aid agreement with France—both of which are limited to development rather than war or consumer uses—Cambodia has to rely almost completely on the United States for aid, Koun Wick said.

This reflects the U.S. thinking here. Survival of the independent Cambodian regime seems to depend upon it, Washington American sources say.

Neither American nor other foreign observers see any possibility of compromise between the determinedly nationalistic government of Gen. Lon Nol and communist-backed forces operating in the name of ousted Prince Norodom Sihanouk.

The foreign minister said that Cambodia has explained to the United States how much aid it needs. "We never expected them to give us all of it," Koun Wick said.

CAMBODIA SAYS ONLY AID FROM U.S. WILL BAR DEFEAT

(By Iver Peterson)

PNOMPENH, CAMBODIA.—One of Premier Lon Nol's closest advisers said today that the Cambodian Government could last only six months more without important military and economic aid, principally from the United States.

He added that Washington was "morally and materially responsible" for the situation in which Cambodia finds herself.

Sim Var, a member of General Lon Nol's six-man Political Council and a Deputy, added that the Vietcong and North Vietnamese were rushing to encircle Pnompenh and cause its economic collapse before help could be delivered.

The United States, Mr. Sim Var said, has an obligation to assist Cambodia in her worsening military situation because the American incursion into Communist sanctuaries in the spring pushed the enemy into the countryside and toward the capital.

"So it should not be forgotten," he said, "that the United States is to a certain degree responsible for the war in Cambodia. In my opinion, they should therefore help us."

Mr. Sim Var, who spoke in French during an interview, stressed that his country wanted only military equipment and arms—not troops—in addition to economic aid. He added that the five-month-old Government had recently submitted a new aid request to Washington but he declined to give details.

The worst problem Cambodia faces, he said, is economic, although that problem is closely tied to the military situation. Pnompenh's food supply is dwindling, he added, as the Communists continue to interrupt road and river transport, and prices have been rising slightly in the last two months.

At the same time, he went on, the population of Pnompenh has nearly doubled to 1.1 million people because of an influx of refugees from the countryside who, in better times, raised food for the city.

According to Mr. Sim Var, only two of the seven roads leading into Pnompenh are open and supplies cannot be brought in as quickly as they are consumed.

Military aid is essential, he asserted, if the Cambodian Army is to reopen the roads and keep the Communists out of the capital region. Enemy forces are now operating in strength in an arc about 40 miles to the north, west and south.

Throughout the conversation Mr. Sim Var reiterated his belief that the United States was withholding aid because the American people mistakenly considered the fighting here part of the Vietnam war, from which they want to withdraw. It is an argument frequently made here, by officials intent on showing that Cambodia has a separate claim on American sympathy and support.

"The United States is tired of fighting in Vietnam because it is a civil war—Vietnamese fighting Vietnamese," Mr. Sim Var said. "But here it is not so. We have been invaded by foreigners, and if the (South) Vietnamese fought like the Cambodians, the Vietnam war would have been over in two years."

Mr. Sim Var said he was not hopeful of receiving aid from Thailand, explaining: "The Thais give us a lot of support, but only with words. When they suddenly find the VC at their door, perhaps they will react."

Mr. FULBRIGHT. Mr. President, I yield the floor.

Mr. GRAVEL. Mr. President, I cannot underscore more ably than has been done by the chairman of the Committee on Foreign Relations and his able colleague the distinguished Senator from Missouri (Mr. SYMINGTON) in making a background case with respect to the events and statements as to where we are today and what the decision that we are attempting to effect today is all about.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. Mr. President, it has been brought to my attention that some people are worried that perhaps the Foreign Relations Committee would not hold immediate hearings upon the reconvening of the Senate—that is immediate in the sense that the Senate is organized and ready to undertake to do business in the new session.

I can assure anyone who has that doubt that if this does not go through, I will guarantee that there will be hearings with the administration witnesses, whoever wishes to be heard and is appropriate to come before the committee, and of course other witnesses.

There should be no doubt about that. As I view it, this is a most important policy matter.

Mr. GRAVEL. Mr. President, that is very good. I think that will clear up the views of some of our colleagues with respect to this issue.

The bill involves a matter that we have to address ourselves to and make decisions about. However, we should not make decisions here without the full benefit of public dialog and by no stretch of the imagination do I believe that the dialog within the Appropriations Committee, within the Foreign Relations Committee, and some amount of debate on the floor is sufficient dialog on this particular issue.

The administration, and very effectively so, has been able to defuse the volatile discussion on the war that has taken place in the last year and a half. It has been able to do this by means of a rhetoric, and a successful rhetoric, in this point of time. It is a rhetoric which has led the people of this Nation to believe that we are totally extricating ourselves from South Vietnam when the facts of the matter are that we are not totally extricating ourselves.

What we are doing is readjusting to a situation that exists and that existed earlier, a situation under a prior administration where we had a gigantic capacity of overkill and a great deal of force that was not used. The present administration has fallen heir to that overkill.

The present administration is winding it down, bringing the matter into a new perspective, and establishing on a new level our ability to wage war.

This is what I have termed earlier to be "the mix." How many American troops does it take? How many South Vietnamese troops does it take? How many mercenaries from other countries does it take to be able to effect the sustained effort that will produce a result that will sustain the present government in power in South Vietnam and that will minimize, to the best of our ability, the number of deaths we experience and, for that matter, that the American public will tolerate?

What this amendment would do would be to say that they can keep that up because we have no control. It has been attempted in the past year to change it in South Vietnam. But they cannot do it in Cambodia.

We look at Cambodia as a new and expanding extension of our involvement. So therefore let us not get involved. First, the decision has been made on the basis of what the President ordered last spring in going into Cambodia. I think if it had not been for the response of the general public, if it had not been for that negative response, our troops would still be in Cambodia.

I think that what happened was that pressure was brought to bear to curb the excess of that policy. That pressure was effective. I would hope that through bringing this to the floor we might be able to bring about similar pressures from the American public, realizing that with this money goes not only the policy of one individual who happens to be the President of the United States, but that with this money also goes a commitment not only of the U.S. Senate but also of the Nation that we are willing to put money into Cambodia and that that money will beget more money, and that money will beget mercenaries, and

XUM

that if at some future point it is necessary, we will have to send our troops in in order to save the situation.

Mr. President, at this time I would like to yield the floor to my colleague, the Senator from Idaho, without losing my right to the floor.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, if I could direct an inquiry to the author of the pending amendment. It is obvious that he and the chairmen of the committees and others want adequate time to present their views on this matter. They rightfully consider this to be a very important question before the Senate.

There was talk about making sure that the record was available tomorrow, and so on. I would imagine that we might be able to come to some adjournment this evening if we had some idea when we could vote on the amendment tomorrow. Is there a possibility that we could set a time at which we might vote on tomorrow on the amendment of the distinguished Senator from Alaska?

Mr. GRAVEL. Mr. President, I do not think at this time that I could give an indication of when I and my colleagues might be willing to agree to vote. In my mind it is certainly the most fundamental decision that the Senate will make this year.

We spent weeks debating the Cooper-Church proposal. I think that time was well spent. Some people do not, but I do. I think it is not a great deal to ask in this crucial time in the legislative session, when things are prone to slip through, that we devote more time to this matter.

I realize that other matters are backing up. I do not mean to be disrespectful to those other issues or to the Senators who are interested in those other matters.

Mr. GRIFFIN. Mr. President, I would be perfectly willing to devote more than a little time to the matter. I think that adequate time ought to be devoted to the amendment.

I wonder if we might agree to vote tomorrow at 3 o'clock in the afternoon, for example. The Senate will come in at 9 o'clock in the morning.

Mr. GRAVEL. Mr. President, obviously the definition of the Senator from Michigan concerning the term "adequate" is some time between now and 3 o'clock tomorrow afternoon. I do not know what my definition of adequate is, because things have come out that I was not aware of. I would hope that we might have other things divulged also. I would hope that we would have a better attendance. I would be happy to put the amendment aside if some other Senators wish to take up other matters.

Mr. GRIFFIN. Mr. President, I think the distinguished majority leader—to his credit—believes that we should go ahead and finish the bill. I shall cooperate with him.

On yesterday we voted for an appropriation bill which included this item. Many Senators who speak against the proposal now voted for that appropriation on yesterday. It is within their prerogative and privilege to do so.

Mr. GRAVEL. Mr. President, that is enlightening to me. We voted for $155 million on yesterday. Why do we have this bill under consideration now?

Mr. GRIFFIN. Mr. President, as the Senator knows——

Mr. GRAVEL. No, I do not know.

Mr. GRIFFIN. Mr. President, as the Senator knows, it was understood yesterday that we were going to take up the authorization bill today. That was understood all the way around.

Mr. GRAVEL. We have just put the $155 million into the Federal budget.

Mr. GRIFFIN. No, that was an appropriation bill that was passed yesterday.

Mr. GRAVEL. Mr. President, that is a good example of what I mean. I am a U.S. Senator. I am offering an amendment. Yet, a decision has already been made on the money. What does it mean? I do not understand the point being made by the Senator. Have we already made a decision concerning the amendment I am discussing? That is the futility of the matter. If there has been a decision that we can appropriate money with which to kill people in South Vietnam, then I am prepared to discuss it longer.

Mr. GRIFFIN. Mr. President, I do not agree with the Senator's point of view. In terms of discussing the amendment a little longer, I think that the Senator is perfectly within his rights. How much longer does the distinguished author of the amendment think would be appropriate?

Mr. GRAVEL. I think I might have a better chance to figure that out in the morning.

Mr. GRIFFIN. Would it be possible to vote tomorrow on the amendment?

Mr. GRAVEL. I am not prepared to say very seriously.

Mr. GRIFFIN. I thank the Senator.

Mr. GRAVEL. Mr. President, I yield to the Senator from Idaho, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, in view of the reported action of the conference committee on the military appropriations bill for this fiscal year and the confusion that has ensued, I would like to offer a few comments in the hope that they might add some element of clarification.

I should also like to take a few moments of the Senate's time both to help explain and support the action taken by the Committee on Foreign Relations in reporting favorably H.R. 19911, a bill to amend the Foreign Assistance Act of 1961, and for other purposes. The bill is best described as the supplemental foreign aid authorization bill for fiscal year 1971. Although almost half the funds are authorized for countries other than Cambodia, it is the specter of deeper involvement in Southeast Asia which troubles us all and which prompts these brief remarks.

By a 2-to-1 majority the Committee on Foreign Relations decided—with not only written reservations, but with mental ones—to approve the administration's urgent request for additional aid to the beleaguered Government of Cambodia. I could not follow the committee chairman's lead in opposing a request made under the very difficult circumstances which currently prevail. I nevertheless shared many of his misgivings about the fundamental drawbacks in the procedure as well as in the timing of the approach to Congress. The majority on the committee has sought to compensate for these drawbacks by writing explicit restrictions on the use of the money authorized by the bill.

As one of the authors of these limitations, I have particular reason to be gratified that they have been accepted by the committee. I am also anxious to try to place the issue in perspective for the Senate as a whole. For yesterday's action was certainly not taken in isolation from the work of the committee majority over the period since the beginning of this session of Congress. On the contrary, it is one more important step along a broad path we are taking to reassert and define the legitimate role of the Senate in helping formulate and oversee foreign policy. I do not claim any singular role for myself in this process, even though I have been an active participant.

It was the distinguished Senator from Arkansas who, with encouragement from several of the most prominent Members of this body, took the lead in reintroducing in February of 1969 a sense-of-the-Senate resolution which became known as the National Commitments Resolution after its overwhelming approval by a vote of 70 to 16.

Subsequent to that first important and successful initiative, the greatly respected senior Senator from Kentucky and I joined in presenting an amendment to the Defense appropriations bill, H.R. 15090, to prohibit the introduction of U.S. ground combat troops in Laos and Thailand. Indeed, it was precisely a year ago this December 15 that the Senate approved our amendment.

In a sequel to that action—with the endorsement of our distinguished majority leader (Mr. MANSFIELD) and the dean of Senate Republicans (Mr. AIKEN) I joined with the senior Senator from Kentucky in proposing a similar limitation relating to Cambodia to attempt to remedy the oversight of omitting Cambodia in the original amendment and to ward off worse consequences after the April "incursion" of that country.

We did so in connection with the foreign military sales bill which was introduced at the beginning of the year.

All in this Chamber have good reason to remember the long, complicated, and regrettably bitter struggle which was involved in hammering out during the summer a modified Cooper-Church amendment which finally secured the broadest possible support in this body. To everyone's loss, the administration and the House conferees refused to accept the Senate's judgment. But now—to everyone's gain—in effect they may be doing just that in the enactment of this bill.

In that same line of descent, we should place the Senate's action last Friday in accepting without objection Senate Resolution 469, a resolution I sponsored, confirming beyond any possible doubt

XUM

that the Executive agreement with Spain signed in August did not represent a national commitment by this country to defend Spain. Even more remarkable was the recent initiative by the Senate Appropriations Committee made in response to a request Senator COOPER and I presented, in writing into the Defense appropriations bill a prohibition against the use of American ground combat troops in Cambodia.

Mr. President, that brings me to the action taken by the conferees in connection with this particular limitation. As passed by the Senate, the bill contained a provision which read as follows:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia.

I am now told that the committee, meeting with conferees from the House, has added the following language to that limitation. The language reads:

> Nothing contained in this section should be construed as prohibiting the President of the United States from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Mr. President, I regret that the conferees have added this additional language. It confuses and compromises the restrictive language contained in the Senate version of the bill. In fact, the action of the conference only underscores the importance of moving forward on the pending bill. I hope the Senate will do so. I hope we will then insist in conference that the language of limitation contained in this bill be retained. If that happens, the confusion produced by the action of the conference on the defense appropriations bill will have been dispelled, because this bill will constitute the last statement of Congress on the issue of spending public money in Cambodia, and under well-established court precedents, it is the last action of Congress which is binding. The language contained in the supplemental bill, therefore, will be the controlling language. Furthermore, the limitation contained in this bill is not restricted, as is the case with the defense appropriation bill, to funds available through the bill alone.

The language in this bill extends to all public money made available through all the acts of the Congress. It extends to all of the money that the President may spend, whatever the source of that money might be.

The language of limitation written into the pending bill reaches the entire scope of Federal spending. It would constitute an effective barrier against the introduction of either American combat troops or other technical military personnel into Cambodia.

Therefore, Mr. President, I believe that if the Senate adopts the bill in its present form, if the language of limitation concerning the use of money in Cambodia is preserved in conference with the House, and if the bill containing such restrictions is signed into law by the President, the restrictions in this bill would control, incontrovertibly. That ought to dispel the confusion that has arisen by virtue of the action taken in conference on the military appropriation bill.

Looking back over the actions of the Senate in the course of the past year, it looks to me as if we have set ourselves well on the road toward reestablishing our proper constitutional role in the field of foreign policy. Moreover, we are beginning to win over a larger measure of executive cooperation. As congressional reporter John Finney noted in the New York Times Week in Review of December 13:

> This time Congress was being consulted by the executive branch on what each side frankly acknowledged was an important policy decision.

Mr. President, perhaps I am unduly sanguine, but it does appear to me that our committee action in authorizing some additional assistance to the Cambodian Government has been effectively hedged with safeguards against deeper U.S. involvement of the kind that occurred in Vietnam.

Let me say also that I believe all of us share a feeling of compassion for the Cambodian people, who have been drawn so abruptly and violently into the general conflagration in Southeast Asia.

Much as I agree with the committee chairman in decrying the widening of the Indochina war into Cambodia, I nevertheless believe that we cannot avoid accepting a certain responsibility for what is happening in that country.

I submit that the amendments adopted by the Foreign Relations Committee to the pending legislation carefully and succinctly establish guidelines and restrictions for a program of limited assistance to Cambodia. It is, in my opinion, a substantial downpayment on the sum required to enable the Cambodians to help themselves over the short term without the participation of American forces or advisers in that country. And we have absolute assurances from the President, as well as his chief Cabinet members, that no such participation will occur over the longer term.

If the President, in the light of subsequent changes in circumstances, were to decide otherwise, then I submit the language in this bill would oblige him to come back to Congress and secure its consent before American personnel could be sent into Cambodia.

In conclusion, Mr. President, let me emphasize that I could not let the occasion pass without acknowledging the debt which I believe we all owe to the distinguished chairman of the Committee on Foreign Relations. The limitations which we have placed on the legislation really owe their origin to the chairman's wise initiative of 2 years ago. He set us on the path which, I believe we have traveled successfully together during this session of Congress.

In substantiation of this conclusion, Mr. President, I ask unanimous consent to insert the article by John Finney, of the New York Times, to which I previously referred, into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMBODIAN AID: THE SPECTER IN THE CHAMBER IS "ANOTHER VIETNAM"

WASHINGTON.—In a confused way, Congress last week debated what may prove to be a portentous decision on whether the United States should undertake a commitment to support the Cambodian Government with military and economic aid.

The shadow of the Vietnam experience hung over the debate. In 1964—the year of the Tonkin Gulf incidents that led to the American military involvement in Vietnam—the Johnson Administration asked Congress for $255-million in military assistance for South Vietnam. By coincidence, the Nixon Administration has now asked Congress for exactly the same amount for another Indochina state.

It was a coincidence not lost on some members of Congress, for the question being raised—more in the Senate than in the House—was whether with the Cambodian request the United States was starting down the same "slippery slope" that led to the Vietnam involvement.

EMERGENCY POWERS

In some ways the decision had already been made by the Nixon Administration, which over the last seven months, through use of emergency transfer powers, has given $100-million in military aid funds to Cambodia without the specific approval of Congress. But now with its foreign aid funds running out, the Administration had come to Congress seeking an additional $155 million for Cambodia as part of a $1-billion supplementary foreign aid package as well as restoration of the $100-million already spent.

Day after day last week, Secretary of State William P. Rogers and Defense Secretary Melvin R. Laird went from one Congressional committee to another explaining that the emergency foreign aid request was essential to carry out the Nixon Doctrine of helping Asians to defend themselves and emphasizing that the Cambodian aid was vital if Vietnamization and thus the withdrawal of American troops from South Vietnam was to proceed.

In days gone by, before the Vietnam war, such Administration justifications would have been readily accepted in Congress. They still were in the House, with its hawkish, pro-Administration outlook on foreign policy.

Indicative of the House's passive attitude was the way it passed a bill authorizing the foreign aid program. Fewer than 75 members were on the floor to hear debate on a bill that a small band of doves from the Foreign Affairs Committee vainly protested contained "the seeds of commitments paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's.

As was to be expected, the reaction in a far more assertive Senate was much more critical, especially in the Senate Foreign Relations Committee.

For the first time in nearly 18 months, Mr. Rogers appeared at a public hearing before the Senate committee, and he received the kind of lecture, although in somewhat more amiable tone, that used to be given to his predecessor, Dean Rusk. In his measured oratorical style, Senator Frank Church, Democrat of Idaho, leaned over the dais to warn Mr. Rogers that what he was asking for was but "the first big down payment on a multibillion dollar program for bankrolling the Cambodian Government for the indefinite future."

However, it was Senator J. William Fulbright, with his Arkansas drawl, who got in the verbal barbs. He recalled that it was Mr. Rogers who, in a closed-door appearance before the committee three days before the April incursion into Cambodia, had warned against any large-scale military aid program for Cambodia on the ground that it could lead to "a repetition of what happened in South Vietnam." And now, the Senator pro-

XUM

tested, the Administration was going right down that road and asking Congress to ratify a "commitment to the survival" of the Cambodian Government.

"UNSOPHISTICATED" AID

Not so, protested Mr. Rogers. The military aid will be "unsophisticated," so American military advisers will not be required. The purpose, he emphasized, was not to commit the United States to the survival of the Cambodian Government but to assist Vietnamization by helping Cambodia fight North Vietnamese troops that otherwise would be fighting in South Vietnam. Those may be your intentions but intentions have a way of being overtaken by events, Senator Fulbright rejoined. Assume, for example, the Senator said, that the Lon Nol Government in Cambodia was about to fall. Are you reconciled to that? he asked.

"Assuming the worst that might happen, the President has no intention of reintroducing ground troops into Cambodia," the Secretary replied.

With such assurances, Mr. Rogers obviously began to disarm the committee to the point where it appeared that a majority was prepared to approve the Administration request. And President Nixon probably took care of public opinion at his nationally televised news conference Thursday night when he said he could foresee no circumstances whatsoever in which he would use American ground troops in Cambodia. The President never directly answered an ensuing question on how he would prevent the aid program from escalating into a guarantee of the survival of the Cambodian Government. But he said the aid was the "best investment" in foreign assistance that could be made, since "the dollars we send to Cambodia save American lives and enable us to bring Americans home."

By the end of the week the Senate doves found themselves slightly plucked. They could still squabble over whether the Nixon Administration was leading the nation down the same "slippery slope" in Cambodia as the Johnson Administration did in Vietnam. But at least they had to concede there was an important difference—namely, that this time Congress was being consulted by the executive branch on what each side frankly acknowledged was an important policy decision.

To that extent at least, the Senate—if not yet the House—had re-established a Congressional voice in the formulation of foreign policy. The assertive mood even extended to the conservative Senate Appropriations Committee, which, to the surprise and delight of the doves, wrote a prohibition into the Defense Appropriations Bill against the introduction of American ground combat troops into Cambodia. With little debate, the Senate thus proceeded to adopt the principle of the once controversial Cooper-Church amendment that the President should not commit the nation to war in Cambodia without the consent of Congress.

Mr. CHURCH. I thank the Senator for yielding.

Mr. GRAVEL. Mr. President, may I address a question, through the Chair, to the distinguished Senator from Michigan—and that is on the point of the budget? Could the Senator restate for me what actually happened yesterday in the amount of funds provided, so that I might have an understanding of that, because I probably voted on that yesterday.

Mr. GRIFFIN. Mr. President, it is my understanding that yesterday we passed a supplemental appropriation bill which included a number of items, one of which included funds for aid to Cambodia that we are arguing about today.

Mr. GRAVEL. And not one word was stated on the floor of the Senate yesterday relative to that particular appropriation?

Mr. GRIFFIN. There was some discussion, if I recall. I was not on the floor all the time, myself, but I am quite sure the Record will indicate that the distinguished Senator from Arkansas (Mr. FULBRIGHT) and other Senators discussed the fact that this was a controversial matter. That is my understanding.

Mr. GRAVEL. And no more was signaled than that?

Mr. GRIFFIN. Not as far as the Senator from Michigan was aware. It was mentioned and discussed that the authorization bill was coming out of the Foreign Relations Committee and would be on the floor today, and the distinguished majority leader acknowledged that it was a little unusual, a cart-before-the-horse situation, but to be sure that there were no problems or technicalities, it was understood generally that the authorization would be taken up today, and every Senator would have a chance to vote on it. But I can understand the reason why the Senators from Idaho and Alaska should have adequate time to present their views.

Mr. GRAVEL. I thank my colleague very much for his observation and his enlightenment, because I want to confess that I was not aware of it. I was concerned with the importance of the bill yesterday, and with its passage. There were some items in which I was interested, one particularly being an airport for Alaska. I find this item a trillion times more important to man than the item I was concerned with yesterday. I just wondered how many of my colleagues, along with myself, who had a vital concern and who were just waiting for this matter, were in the same situation? I had made up my mind over the weekend that I would get involved in a colloquy on the subject. Obviously the time for discussion should have been yesterday.

I do not thing that excuses us, and I certainly think the Senator will agree that what we are doing today is just as germane, since we are dealing with the policy question, and not with the dollars and cents question, which was before us yesterday.

Mr. GRIFFIN. I certainly want to concede that.

Mr. GRAVEL. I thank the Senator. I appreciate that this is an important policy decision which is being made. That is why I am surprised, in a sort of guilty fashion, that the other slipped by. If I had been out of town, this would have happened. Many of us react in a human way because we are human beings. Because we become Senators does not make us any brighter, any stronger, or any different from what we were before we became Senators. We are all very much human beings.

In fact, I am struck by the fact that that is the same thing that happens when a person becomes President. He does not become any brighter or any stronger; he is still the same human being that he was the day before he was sworn into the Office of President.

So when that person makes a decision, and that decision is to move us into Cambodia, where we have never been before, then we have a choice. We can say that that is the decision of one person, and we can agree or disagree, or we can feel that we have been entrapped by that decision.

I would hope that is not the case. I would hope that whether or not a decision was made by the present Chief Executive, by a prior Chief Executive, or by Congress 10 years ago, 2 years ago, or this year, we would always retain our options as intelligent, maturing human beings to say, "That was a good action, I agree with it," or, "That was a bad action, I disagree with it."

That is all we can do right here, with this little old amendment, which does not disrupt the existing funding processes of the Federal Government; it only goes very surgically to one particular point of our foreign policy, and that is whether or not the United States of America should be involved and committed in Cambodia.

I say it should not. I think it was a fundamental mistake to expand the war into Cambodia last April. The reasons why it was expanded are evident to all: The government was about to fall, and so we moved in to shore up that government. And we did do that. But because of the press of public opinion, we withdrew. Public opinion has subsided because we are no longer there.

Mr. GRIFFIN. Will the distinguished Senator yield for a comment?

Mr. GRAVEL. Yes; I am happy to yield without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. The Senator from Alaska has said that his amendment goes to only one little part of our foreign policy, and, in fact, only our foreign policy with respect to Cambodia. I would not expect the Senator from Alaska to agree with me, but I would like to say that it is much more important than that.

A part of our policy now is to withdraw our troops from South Vietnam as Vietnamization proceeds, and while I am sure that that would not be the purpose of the Senator from Alaska in offering this amendment, I would point out that if it were adopted, his amendment could very seriously jeopardize the withdrawal.

Mr. GRAVEL. May I ask my colleague how that would take place?

Mr. GRIFFIN. The Cambodian forces, of course, are now keeping a number of North Vietnamese occupied in Cambodia. I think it is to the interest of our country, in withdrawal of our troops from South Vietnam, that those North Vietnamese forces do not become a threat to our withdrawing troops from South Vietnam.

Mr. GRAVEL. Then what the Senator is saying is that if we do not find some device for tying down the Communists in Cambodia, they will thereby be able to increase the difficulty we have in handling them in South Vietnam? I mean if we do not find a way to tie them down in Cambodia, they will be able to disengage themselves; obviously, we say, they will take Cambodia, and then

XUM

they can come back into South Vietnam and really raise havoc with our troops there; that is the reason why we are spending money in Cambodia; is that not correct?

Mr. GRIFFIN. The same forces that now happen to be in Cambodia are part of the forces that are a threat in South Vietnam.

Mr. GRAVEL. I concede that, and I think that is a very accurate statement.

Mr. GRIFFIN. Does the Senator from Alaska intend to impede our withdrawal of U.S. troops from South Vietnam?

Mr. GRAVEL. I could develop a plan that would not impede, but would really hasten the whole process, and really do it more efficiently than the administration is doing. But that is not my point. The point to which I wish to address myself is the point the Senator has raised, and that is that the reason we are doing things in Cambodia is that we want to draw off the troops.

Well, if we cannot do that, and if we fail at it, they will be able to raise the crescendo of activity in Vietnam. Then what will happen? That means this administration will not only be able to withdraw troops, but will have to add troops in order to make our position effective. Based on that logic I am advancing, our desire is not to withdraw—and we are using this word "withdraw" within quotation marks—from Vietnam, but what we are doing in Vietnam is scaling our effort down, so that we can have a mix which will sustain ourselves and our goals over as long a period as is necessary. We have used the word "withdrawal" as part of this rhetoric, contradicting the American psychology and the American public understanding, just as we have used the word "Vietnamization," and just as we have used the word "bug" to kid ourselves, and just as we are using the word "Dunkirk" rather than "Algeria," which is a more apt comparison, and getting ourselves all tangled up in our rhetoric.

Mr. GRIFFIN. May I respond?

Mr. GRAVEL. Please.

Mr. GRIFFIN. The fact is that the number of American troops in South Vietnam today is at a much lower figure than it was, and it promises to be still lower in the future. Maybe the Senator from Alaska does not agree with the Senator from Michigan, but I want to continue that policy, and the amendment of the Senator from Alaska would make that difficult, if not impossible.

Mr. GRAVEL. A policy of involvement?

Mr. GRIFFIN. A policy of continued withdrawal of U.S. troops from South Vietnam.

Mr. GRAVEL. But here we are, stuck with the rhetoric. This is the same statement I got from the State Department. We have got to spend more money in order to have less effort. It does not add up. We must stay married to the word "withdrawal" because we happen to have been placed administratively in a position of overkill, where we can take some troops out.

Mr. GRIFFIN. May I respond further? Vietnamization, which is a part of the so-called Nixon doctrine, does involve spending money instead of spending American lives, withdrawing our forces and helping our allies defend their freedom. Maybe the Senator is not in favor of that, but I am, and I would like to get to a vote on it.

Mr. GRAVEL. I am in favor of freedom just as much as the Senator is.

Mr. GRIFFIN. No, no; Vietnamization and the Nixon doctrine.

Mr. GRAVEL. If I knew what Vietnamization was; but I have my view of Vietnamization, and I have just defined it. I have been defining it all day. That is that it is scaling our troops down to a level of sufficiency to continue our involvement while maintaining the existing government. If that government comes under threat, we will increase our involvement, and then, of course, everyone will say, "My God, what a terrible hoax Vietnamization was. Why did we have to be so ignorant, and not see that it could happen?"

The question is very simple. I put it to the Senator this way: If in February we have a Tet offensive, what will this administration do, continue the Vietnamization or push back some American troops? That is a very simple question. What would be be the Senator's answer to that?

Mr. GRIFFIN. I do not say that I would even try to answer what would be the decision.

Mr. GRAVEL. It is a very real prospect. It is not way out. In other words, I am not fabricating something that is not within the realm of immediate possibility.

What would happen if we put up $110 million for the Lon Nol government, and 3 months from now they are on the verge of toppling over? What do we do? Appropriate another $100 million? Do we do as the Senator from Kansas suggested—hire some mercenaries, throw some fodder in there, and then, when that does not work, say, "Well, we have to take recourse to the best soldiers in the world; we have to send some American soldiers in there to do the job"?

This is the position we are placing ourselves in. It is a route of no return, once you step forward into it.

All this amendment I am trying to put forward would do is try to stop the thrust. It would not stop the war; it would not change things appreciably immediately, but it would stop the forward thrust of what is happening, which is that we are moving in. We moved in with our troops, and the American people would not buy that, so the administration withdrew. We got into the use of rhetoric more effectively, and they went from that into putting up money. The money will not cut it, and we will go into mercenaries. I submit that if mercenaries will not cut it, what will happen next, obviously, is that it will have to be a greater American troop involvement.

Mr. GRIFFIN. The junior Senator from Michigan disagrees, and we obviously have a difference of opinion. Now let us get to a vote. When can we vote?

Mr. GRAVEL. I think the revelation that was just made about my lack of knowledge as to what we did yesterday certainly should give some indication as to the various views that Senators can have. I do not think it is too much to ask, when we are talking about a major policy decision that, in my mind, has been slipped through at the 11th hour—and this is not an unknown legislative practice. I used it when I was speaker of the house in Alaska, and it is very effective.

I think we have to stop short and say, "Whoa! Something wrong is going to happen here." I think something wrong is going to happen. Obviously, some other people think it is all right to make this policy decision on 24 hours' debate, perhaps less than that. But I think the processes of education for Senators and for the public take time. Obviously, Senators will be reading, and they have asked me what precisely this amendment would do. They have not been here. They have come in and got a little glimpse of it and slipped out. I think it takes time.

The Senator, who is much more knowledgeable than I in the processes of this body, wants to pin me down on time, and I do not know how long it takes to learn something. It took me some time. It took me some time to come to this conclusion, to want to put forth this much effort. I think no small part of the decisionmaking process was involved in reading the dispatches from the Calley trial.

Does that answer my colleague's question?

Mr. GRIFFIN. Oh, yes.

Mr. GRAVEL. Let me reiterate, again and again and again, that this amendment does something that is very simple and very easy to comprehend. It does not deny the administration any money. It does deny our involvement in appropriating this money for use in Cambodia.

If, as a part of policy, the administration feels that it must prop up this government, which we all know is not an elective government, which is not even a representative government, which we have no legal tie to defend, which we have no moral or real or any other type of responsibility to defend—all we are saying is that we, the Senate, do not buy this policy of expanding the war or helping Cambodia.

Unfortunately, this raises a very vexing problem politically for many of my colleagues. I wish it were otherwise, because I think 6 months from now we could possibly be subjected to the criticism that, if and when during that period of time the Lon Nol government failed, it was because of the Senate not giving the money to Lon Nol that he failed.

We could properly be criticized if it rested just there. But it does not. It should be pushed a step further. I think that people who would make the argument to rest it there would be appealing to the banal and ignorant interests that ride abroad in this country, because the next step it obviously should be pushed to is, what will be the impact if Cambodia did, for whatever reason, go Communist? I do not know that it will. All I know is that if I could get something by just asking, that is great.

We may well find a situation in which the Lon Nol government, without American aid, might develop the moral fiber, might develop the strength, right from the soil of its population, to ward off communism. And how beautiful it would be to see, if they could do it by them-

XUM

selves. It is unfortunate that they have not been able to do it with our help. Nor have the South Vietnamese been able to do it with our help.

Mr. PELL. Mr. President, I should like to commend the distinguished Senator from Alaska (Mr. Gravel) on his amendment and say that I look forward to voting for it when and if it comes to a vote.

The philosophy has been well expounded as being the nose of the camel under the tent. If the nose of the camel is going to be in the form of a dollar sign on the end of the camel's nose, it is still the nose of the camel. For this reason, I intend to support the Senator from Alaska.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I ask unanimous consent to yield to the Senator from Rhode Island, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. PELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3318.

The PRESIDING OFFICER (Mr. Allen) laid before the Senate the amendment of the House of Representatives to the bill S. 3318 to amend the Library Services and Construction Act, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Library Services and Construction Amendments of 1970".

PURPOSE; AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

Sec. 2. (a) It is the purpose of this Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act, by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act (20 U.S.C. 351 et seq.), is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"Sec. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation among all types of libraries.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"Sec. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) 'Library service' means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

"(4) 'Library services for the physically handicapped' means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(5) 'Public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

"(6) 'Public library services' means library services furnished by a public library free of charge.

"(7) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(8) State Advisory Council on Libraries' means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

"(A) be broadly representative of the public, schoool, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

"(B) advise, the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

"(C) assist the State library administrative agency in the evaluation of activities assisted under this Act; "(9) 'State institutional library services' means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(10) 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

"(11) 'Basic State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the Commissioner.

"(12) 'Long-range program' means the comprehensive five-year program which identifies a State's library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities, and procedures consistent with the Act as required by the regulations promulgated by the Commissioner and shall be updated as library progress requires.

"(13) 'Annual program' means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Commissioner.

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

"(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,675,000 for the fiscal year ending June 30, 1975, and $137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30, 1976.

"(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, and $18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

XUM

"ALLOTMENTS TO STATES

"SEC. 5. (a) (1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, $40,000 of each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallotment from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

"STATE PLANS AND PROGRAMS

"SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

"(b) A basic State plan under this Act shall—

"(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

"(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

"(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

"(c) (1) The Commissioner shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

"(A) the plan fulfills the conditions specified in section 3(11) and subsection (b) of this section and the appropriate titles of this Act;

"(B) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are subscribed to therein insure that any assurances and provisions of such plan will be carried out.

"(2) The State plan shall be made public as finally approved.

"(3) The Commissioner shall not finally disapprove any basic State plan submitted pursuant to subsection (a) (1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(d) The long-range program of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

"(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;

"(2) be annually reviewed and revised in accordance with changing needs of assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

"(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

"(4) set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs. Such program shall be developed with advice of the State advisory council and in consultation with the Commissioner and shall be made public as it is finally adopted.

"(e) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—

"(1) that the program has been so changed that it no longer complies with the provisions of this Act, or

"(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

"(f) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PAYMENTS TO STATES

"SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of section 4(a), the Commissioner shall pay to each State which has a basic State plan approved under section 6(a) (1), an annual program and a long-range program as defined in sections 3 (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

"(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

"(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

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"(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

"(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second proceeding fiscal year.

"(b)(1) For the purpose of this section, the 'Federal share' for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

"(2) The 'Federal share' for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

"TITLE I—LIBRARY SERVICES

"GRANTS FOR STATES FOR LIBRARY SERVICES

"SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strenghening library administrative agencies.

"USES OF FEDERAL FUNDS

"SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be used solely—

"(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

"(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

"(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), state-wide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES

"SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 102;

"(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

"(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

"(4) include an extension of the long-range program, taking into consideration the results of evaluations.

"TITLE II—PUBLIC LIBRARY CONSTRUCTION

"GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

"SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved a basic State plan under section 6 and have submitted a long-range program and submit annually appropriately updated programs under section 203 for the construction of public libraries.

"USES OF FEDERAL FUNDS

"SEC. 202. Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried under State plans. Such grants shall be used solely for the construction of public libraries under approved State plans.

"STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

"SEC. 203. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit such projects as the State may approve and are consistent with its long-range program.

"Such projects shall be submitted at such time and contain such information as the Commissioner may require by regulation and shall—

"(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year, be used, consistent with the State's long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

"(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

"(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

"(4) include an extension of the long-range program taking into consideration the results of evaluations.

"TITLE III—INTERLIBRARY COOPERATON

"GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

"SEC. 301. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 303 for interlibrary cooperation programs.

"USES OF FEDERAL FUNDS

"SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION

"SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302,

"(2) include an extension of the long-range program taking into consideration the results of evaluations."

(c)(1) The amendment made by subsection (b) shall be effective after June 30, 1971.

(2) In the case of funds appropriated to carry out programs under the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 3. (a) Effective on and after July 1, 1969, section 305(a) of the Adult Education Act is amended—

(1) by striking out in the first sentence "any fiscal year" and inserting in lieu thereof "the fiscal year ending June 30, 1972, and for any succeeding fiscal year"; and

(2) by inserting at the end thereof the following new sentence: "From the sums available for purposes of section 304(b) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969."

(b) Section 312(b) of the Adult Education Act is amended by inserting at the end thereof the following new sentence: "For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitations as the Commissioner may prescribe."

Mr. PELL. Mr. President, I recommend that the Senate concur in the House Amendment to S. 3318. I do this with a great deal of reluctance, because some of the provisions in the House amendment are unclear. However, the pressure of adjournment is such that I do not want to risk killing the bill by requiring a conference. Therefore, I have had consultations with the Chairman of the House Committee on Education and Labor with respect to some of the more confusing aspects of the House amendment.

The point with which I have the most concern is the required contents of the various State plans, and the manner in which they will be approved. Chairman PERKINS agreed that the intent of the House is that each State will submit to the Commissioner a single document each year which will contain a basic State plan, a long-range program plan, and an annual program plan for each of the library programs in which it desires to participate, and that if each of those plans conforms with the requirements of the law, the Commissioner will approve the basic State plan for that State. This intent is borne out by paragraph 1 of section 6(c), which provides that the Commissioner shall not approve any basic State plan for any fiscal year unless he has made specific findings as to the compliance of the plan with the requirements of the act, and unless he is satisfied that adequate procedures will be included to insure that the requirements of the act will be carried out.

It is understood that the basic State plan will include all the procedures, criteria, and policies necessary to guarantee that each of the plans are in conformity with the law.

Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 25 and 62 to the bill and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 1, 8, 59, and 66 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. DONOHUE, and Mr. MCCULLOCH were appointed managers on the part of the House at the conference.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I ask unanimous consent to yield to the Senator from Michigan (Mr. GRIFFIN) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PROPOSAL FOR UNILATERAL POW RELEASE

Mr. GRIFFIN. Mr. President, it was a month ago today that I conferred in Paris with North Vietnam's Delegate General to France, Mai Van Bo.

Among other proposals, I strongly urged that, before Christmas, his government should release the sick and wounded Americans who are held captive in North Vietnam. The Delegate General, with whom I talked for more than an hour, said he would pass my proposals on to the Hanoi Government.

It is more in sadness than surprise that I must now report, 10 days before Christmas, that there has been no response from the North Vietnamese concerning any of the proposals.

My efforts have been only part of a broad, determined crusade in this country, official and unofficial, to persuade the Communists to improve their treatment of prisoners in Southeast Asia, to provide a full accounting of missing men, and to bring about the release of all prisoners by both sides.

Mr. President, I believe the time has come for our side to take a giant step toward resolution of this distressing prisoner of war problem. I propose, on my own initiative and responsibility as a Senator, concerned like most Americans for the fate of prisoners in the Southeast Asia war, that: Our side release unilaterally at least 1,500 able-bodied North Vietnamese Army prisoners of war in addition to all who may be sick and wounded.

Of course, I do not advocate forced repatriation. We should ask an impartial international body, like the International Red Cross, to interview the North Vietnamese and determine which men wish to return.

It would seem to make sense that prisoners held the longest should be released first. And I suggest that the prisoners be released well before Tet, the Vietnamese New Year, which comes at the end of January.

Such a dramatic, humanitarian initiative would create, worldwide, an expectation of response in kind by the Communist side.

In recent weeks, events have focused increasing attention on this anguishing prisoner problem. As part of his October 7 peace initiative, President Nixon proposed the immediate and unconditional release by both sides of all prisoners of war.

On November 21, freedom-loving people were heartened by the daring, though unsuccessful, rescue mission directed at the Son Tay prisoner of war camp in North Vietnam.

Last week the United Nations General Assembly adopted, by a large majority, a resolution calling for compliance by all parties with the Geneva Convention on prisoners of war. In particular, the resolution focused upon article 109 of the convention which requires immediate repatriation of all seriously sick or wounded prisoners, and which also recommends repatriation or internment in a neutral country of other prisoners of war who have been held in captivity for a long period of time.

Last Thursday in Paris, the United States and South Vietnam offered Hanoi the opportunity to exchange some 8,200 North Vietnamese held in South Vietnam for a far fewer number of United States, South Vietnamese, and other free world personnel. That offer was rebuffed.

At the Paris peace talks, our representatives have continually pressed for the release by both sides of the seriously sick and wounded prisoners, as clearly required by the convention.

But North Vietnam has cruelly rejected this and other proposals, revealing an almost incredible indifference to the fate of its own soldiers.

Notwithstanding North Vietnam's intransigence, the Government of South Vietnam, to its great credit, has proceeded with the unilateral repatriation of sick and wounded North Vietnamese prisoners who have indicated a desire to return to the North.

The most recent unilateral release was in July 1970, when the South Vietnamese Government returned 62 such sick and wounded prisoners and, in the process, voluntarily gave up three boats because North Vietnam refused to permit the International Red Cross or any other foreign personnel to accompany the prisoners on their brief trip to shore.

Mr. President, the need to relieve the plight of prisoners of war becomes more urgent with each passing day. There were unofficial reports last month that a number of Americans have died in captivity in North Vietnam. Even without corroboration of such reports, it is painfully obvious, considering the conditions under which our men have been held for many years by the enemy, that some of them must be reaching the limits of human ability to survive.

Mr. President, despite the uncompromising attitude thus far exhibited by the other side, I believe we must not be deterred from continuing and increasing our efforts to make progress on this issue. We should build on the momentum that has been achieved so far.

It is in that spirit that I propose today the unilateral release of 1,500 North Vietnamese prisoners in addition to all who may be sick and wounded.

Such a unilateral release by our side would be hailed and recognized throughout the world as a bold, humanitarian move. To be sure, such a step would involve some risk and sacrifice for the South Vietnamese.

It may be true that this proposal carries the risk that some North Vietnamese released might again rejoin the Communist forces. However, it should be noted that South Vietnam and the United States have already indicated a willingness to accept such a risk. Previous proposals for the exchange of prisoners would provide the same opportunity for returned North Vietnamese to take up arms again.

After weighing the risks and difficulties, I believe this imaginative proposal is worth very careful consideration by our administration and the Saigon government.

Such a bold, decisive step on our part should create a climate of worldwide expectation and demand that all prisoners of war be released.

As the President has said:

> . . . war and imprisonment should be over for all these prisoners. They and their families have already suffered too much.

An announcement by our side of the release of these North Vietnamese soldiers would dramatize our conviction, expressed by the President, that prisoners in this war have suffered too much.

Surely such a move would intensify the moral pressure to resolve this urgent humanitarian issue without further delay and without waiting for resolution of other political and military issues.

Mr. President, I hope that after careful consideration the decision in Washington and Saigon will be to move ahead with this unilateral step.

Then, more clearly than ever before, the next move will be up to the other side.

The United States, for its part, will have acted in its finest tradition, with "decent respect to the opinions of mankind."

Mr. GRAVEL. Mr. President, I yield now to the Senator from Rhode Island (Mr. PELL), without losing my right to the floor.

Mr. PELL. Mr. President, I would like to congratulate the Senator from Michigan on his statement and the initiative he has shown on this whole question of prisoners of war together with the very real efforts he has made in this direction and the knowledge he has acquired.

I would hope that a suggestion of this sort, which is a unilateral action by this country, would help cut through some of the underbrush surrounding this whole problem. It is a very fine and commendable idea.

Mr. GRIFFIN. Mr. President, I want to thank the distinguished Senator from Rhode Island who, himself, has made great contributions, many of them unhailed and unnoticed, in this area. He has devoted a great deal of his time in an effort to make some progress on this matter. Also, in the United Nations, he has provided effective leadership, and I want to commend him for it.

Mr. PELL. I thank the distinguished Senator from Michigan for his kind comments.

Mr. GRAVEL. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the yielding to me by the Senator from Alaska (Mr. GRAVEL) will not count as a second speech against him when he resumes his discussion later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator from Alaska for yielding to me.

Mr. President, I want to compliment the distinguished assistant minority leader (Mr. GRIFFIN) on the excellent proposal he has presented today. It deserves the full consideration of the administration.

Such an act would accomplish several goals. First, it would force the question of humane treatment for prisoners more into the open, and make it a matter of world conscience. Second, it would publicize the ready compliance of the Geneva Convention by the allies, thus placing additional burdens on Hanoi. Third, it would show the continued resolve of the United States in seeking a solution to the prisoner-of-war problem; and, finally, it would be a humanitarian action which might alleviate part of the abasement all prisoners of war are forced to receive and suffer.

Many American POW's, for instance, have been missing or languishing in captivity for more than 5 years. Tortured both physically and mentally, deprived of adequate medical care, and weakened by malnutrition, our fellow countrymen are forced to exist under conditions too horrifying for many of us even to comprehend.

Mr. President, the treatment of our POW's by the enemy is intolerable and must be resoundingly condemned. Hanoi's actions are in gross violation of the 1949 Geneva Convention relative to the treatment of prisoners of war which North Vietnam acceded to in 1957.

It is evident that the North Vietnamese Government relies heavily on world support to gain its political objectives in Southeast Asia. Communist governments traditionally desire a good facade on their sanguinary activities. Thus, the United States should take such actions as are needed to focus world attention on Hanoi's uncivilized inhumanity, and to counter any international political and economic support which might be remaining for the enemy.

To do this, I suggest that the United States commence to implement, unilaterally if necessary, the provisions of section I, part IV, of the 1949 Geneva Convention. This section imposes an absolute obligation on the detaining power to release prisoners of war who are seriously sick or wounded and who wish to return home as soon as they are fit to travel. Other sick and wounded prisoners, whose health would be benefited thereby, should be accommodated in neutral countries. The parties to the conflict are required, throughout the duration of the hostilities, to endeavor to make arrangements for such accommodation.

In addition, article 109 of the Geneva Convention provides that the parties may "conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity."

I suggest that the United States begin at once to negotiate agreements with interested neutral countries such as Sweden, Pakistan, or Switzerland, so that all prisoners of the war in Southeast Asia may be interned in a neutral country.

Further, I suggest that these prison camps be run in accordance with the practice established by the 1949 Geneva Convention and administered by a neutral international organization such as the United Nations or the International Committee of the Red Cross. The camps should be open to the press and interested nations for inspection, and, at the earliest time, the United States and South Vietnam should begin to transfer their prisoners.

On December 9, the United Nations General Assembly—by adopting a resolution urging full compliance of the Geneva Convention and article 109—directly rebuked North Vietnam for its illegal and barbaric treatment of POW's. The United Nations position speaks of a moral justice that supercedes political neutrality, and is to be commended.

Mr. President, I hope that we will again emphasize the great concern the people of the United States have for the welfare of American prisoners of war.

I ask unanimous consent that section I of part IV of the 1949 Geneva Convention and the text of the resolution adopted in the United Nations on war prisoners be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949

PART IV. TERMINATION OF CAPTIVITY

Section I. Direct Repatriation and Accommodation in Neutral Countries

Article 109

Subject to the provisions of the third paragraph of this Article, Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit

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to travel, in accordance with the first paragraph of the following Article.

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war referred to in the second paragraph of the following Article. They may, in addition, conclude agreements with a view to the direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity.

No sick or injured prisoner of war who is eligible for repatriation under first paragraph of this Article, may be repatriated against his will during hostilities.

Article 110

The following shall be repatriated direct:

(1) Incurably wounded and sick whose mental or physical fitness seems to have been gravely diminished.

(2) Wounded and sick who according to medical opinion, are not likely to recover within one year, whose condition requires treatment and whose mental or physical fitness seems to have been gravely diminished.

(3) Wounded and sick who have recovered, but whose mental or physical fitness seems to have been gravely and permanently diminished.

The following may be accommodated in a neutral country:

(1) Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness, if treatment in a neutral country might increase the prospects of a more certain and speedy recovery.

(2) Prisoners of war whose mental or physical health, according to medical opinion, is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat.

The conditions which prisoners of war accommodated in a neutral country must fulfill in order to permit their repatriation shall be fixed, as shall likewise their status, by agreement between the Powers concerned. In general, prisoners of war who have been accommodated in a neutral country, and who belong to the following categories, should be repatriated:

(1) Those whose state of health has deteriorated so as to fulfill the conditions laid down for direct repatriation;

(2) Those whose mental or physical powers remain, even after treatment, considerably impaired.

If no special agreements are concluded between the Parties to the conflict concerned, to determine the cases of disablement or sickness entailing direct repatriation or accommodation in a neutral country, such cases shall be settled in accordance with the principles laid down in the Model Agreement concerning direct repatriation and accommodation in neutral countries of wounded and sick prisoners of war and in the Regulations concerning Mixed Medical Commissions annexed to the present Convention.

Article 111

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers, shall endeavour to conclude agreements which will enable prisoners of war to be interned in the territory of the said neutral Power until the close of hostilities.

Article 112

Upon the outbreak of hostilities, Mixed Medical Commissions shall be appointed to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them. The appointment, duties and functioning of these Commissions shall be in conformity with the provisions of the Regulations annexed to the present Convention.

However, prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

Article 113

Besides those who are designated by the medical authorities of the Detaining Power, wounded or sick prisoners of war belonging to the categories listed below shall be entitled to present themselves for examination by the Mixed Medical Commissions provided for in foregoing Article:

(1) Wounded and sick proposed by a physician or surgeon who is of the same nationality, or a national of a Party to the conflict allied with the Power on which the said prisoners depends, and who exercises his functions in the camp.

(2) Wounded and sick proposed by their prisoners' representative.

(3) Wounded and sick proposed by the Power on which they depend, or by an organization duly recognized by the said Power and giving assistance to the prisoners.

Prisoners of war who do not belong to one of the three foregoing categories may nevertheless present themselves for examination by Mixed Medical Commissions, but shall be examined only after those belonging to the said categories.

The physician or surgeon of the same nationality as the prisoners who present themselves for examination by the Mixed Medical Commission, likewise the prisoners' representative of the said prisoners, shall have permission to be present at the examination.

Article 114

Prisoners of war who meet with accidents shall, unless the injury is self-inflicted have the benefit of the provisions of this Convention as regards repatriation or accommodation in a neutral country.

Article 115

No prisoner of war on whom a disciplinary punishment has been imposed and who is eligible for repatriation or for accommodation in a neutral country, may be kept back on the plea that he has not undergone his punishment.

Prisoners of war detained in connection with a judicial prosecution or conviction and who are designated for repatriation or accommodation in a neutral country, may benefit by such measures before the end of the proceedings or the completion of the punishment, if the Detaining Power consents.

Parties to the conflict shall communicate to each other the names of those who will be detained until the end of the proceedings or the completion of the punishment.

Article 116

The cost of repatriating prisoners of war or of transporting them to a neutral country shall be borne, from the frontiers of the Detaining Power, by the Power on which the said prisoners depend.

Article 117

No repatriated person may be employed on active military service.

[From the New York Times, Dec. 2, 1970]

TEXT OF RESOLUTION ADOPTED IN U.N. ON WAR PRISONERS

UNITED NATIONS, N.Y., December 1.—Following is the text of the United States-sponsored resolution on prisoners of war adopted today by the Social Committee of the General Assembly:

Believing therefore that the treatment accorded to victims of war and armed aggression is a concern of the United Nations.

Noting Resolution adopted by the international conference of the Red Cross at Istanbul calling upon all parties to the 1949 Geneva Convention relative to the treatment of prisoners of war to insure that all persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the conventions, and that all parties involved in an armed conflict, no matter how characterized, provide free access to prisoners of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

Considering that direct repatriation of seriously wounded and seriously sick prisoners of war and repatriation or internment in a neutral country of prisoners of war who have undergone a long period of captivity constitute important aspects of human rights as advanced and preserved under the Geneva Convention and the United Nations Charter.

The General Assembly,

Recalling that the preamble of the United Nations Charter affirms faith in the dignity and worth of the human person,

Recalling that the United Nations has as one of its purposes achievement of international co-operation in solving international problems of humanitarian character and promotion of respect for human rights,

Reiterating the obligation of states members for the urgent termination of all armed aggression as envisaged in Articles 1 and 2 of the charter and in other relevant documents of the United Nations,

Noting the obligation of states members under the Charter of the United Nations to promote universal respect for, and observance of, human rights,

Recalling resolutions requesting the Secretary General, in consultation with the International Committee of the Red Cross, to continue to study, inter alia, (1) steps which could be taken to secure the better applications of existing humanitarian international conventions and rules in armed conflicts; and (2) the need for additional humanitarian international protection of civilians, prisoners and combatants in all armed conflicts,

1. Calls upon all parties to any armed conflict to comply with terms and provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war so as to insure humane treatment of all persons entitled to the protection of the convention and, inter alia, to permit regular inspection in accordance with the convention of all places of detention of prisoners of war by a protecting power or humanitarian organization, such as the International Committee of the Red Cross;

2. Endorses the continuing efforts of the International Committee of the Red Cross to secure effective application of the convention;

3. Requests the Secretary General to exert all efforts to obtain humane treatment for prisoners of war especially for the victims of armed aggression and colonial suppression;

4. Urges compliance with Article 109 of the convention, which requires repatriation of seriously wounded and seriously sick prisoners of war and which provides for agreements with a view to direct repatriation or internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity;

5. Urges that combatants in all armed conflicts not covered by Article 4 of the Geneva Convention of Aug. 12, 1949, relative to the treatment of prisoners of war, be accorded the same humane treatment defined by the principles of international law applied to prisoners of war;

6. Urges strict compliance with the provisions of the existing international instruments concerning human rights in armed

XUM

conflicts and urges those who have not yet done so to ratify or accede to the relevant instruments in order to facilitate in all aspects the protection of the victims of armed conflicts.

Mr. BYRD of West Virginia. Mr. President, I again compliment the able Senator from Michigan. I express my appreciation to the distinguished Senator from Alaska for yielding.

Mr. GRAVEL. Mr. President, I yield to the Senator from Michigan to respond to the Senator from West Virginia.

Mr. GRIFFIN. Mr. President, very briefly I want to thank the Senator from West Virginia for his remarks and for his contribution to this discussion. It is by no means the first indication of his interest in this subject. He has been an eloquent advocate of action and progress in this area for a long time.

Mr. President, of course, my statement was available to the administration a number of hours ago. The President has had copies of it. Earlier today, the Secretary of Defense at a press conference was asked this question:

> Mr. Secretary, Senator Griffin has proposed release of a certain number of prisoners in South Vietnam, also the wounded and injured. Is this proposal under consideration and has any decision been made or can we expect one?

Defense Secretary Laird's response was:

> I support the proposal of Senator Griffin. I believe that it has considerable merit. And certainly I will do what I can to encourage this proposal.

Mr. President, I ask unanimous consent that the complete text of the transcript of the news conference of Secretary Laird be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

News Conference by Secretary of Defense Melvin R. Laird at Pentagon, December 15, 1970

Secretary Laird. Ladies and gentlemen, when I left for the Defense Planning Committee meeting in Brussels and for the NATO Council meeting I indicated that I would come down and report to you on those meetings.

I have a few brief comments to make and I will give you a two-page statement which I used in briefing the staff meeting at the Pentagon, which I thought might be of interest to you.

I believe that the NATO meeting in Brussels this month was perhaps the most important of the NATO meetings in many years. I have had an opportunity to be involved with the Alliance as a Member of Congress and now, for the past two years, as Secretary of Defense.

I particularly want to express my appreciation to Minister den Toom and Minister Schmidt for the work that they did in establishing the new NATO Improvement Program; also, the work that was done by the Secretary General who came up and encouraged the NATO Allies to make a new movement towards greater sharing of the military and financial burdens of the Alliance during the next five-year program.

I think that the actions that were taken express a new spirit as far as NATO is concerned. This is recognized in the heightened interest of the European allies, in the realities which we face here in the United States. The realities of the 1970's which press upon us are the manpower reality, the fiscal reality, the strategic reality and political reality.

The decision which they made to go forward with this first step towards increased sharing of the burden as far as the Europeans are concerned, I think, was indeed most heartening. This is the first action in this direction to improve forces and to more adequately share the burden of the Alliance in the last 10 or 12 years.

I think that this movement in this direction is significant. It should be recognized as such and I know the Secretary of State shares with me, as well as the entire Administration, the importance of the movement which was initiated by the Europeans themselves. We have for a long time stressed in this Administration the importance of consultation and discussions. And I think that this type of consultation and discussion process which has been carried on during the last two years has been helpful to the Alliance and does make it possible for us to maintain not only the strategic nuclear deterrent, which is so important as far as the Alliance is concerned, the tactical nuclear deterrent, which is important, but places an increased stress on the importance during the 1970's of the conventional deterrent as far as the Alliance is concerned.

I also wanted to announce today that the Chairman of the Joint Chiefs of Staff and I will be going to Southeast Asia early in January. We will leave here on the 5th of January for meetings in Paris with our negotiators, Ambassadors Bruce and Habib, and Lieutenant General Ewell. From Paris, we will go to Thailand and then into South Vietnam.

The purpose of this visit is to assess the progress of the Vietnamization program; to assess the military situation in Southeast Asia; to assess the military assistance programs; and also to confer with General Abrams on what lies ahead as far as further troop reductions and an on-the-ground assessment of the military situation in Southeast Asia.

The third announcement that I would like to make is that Wednesday, tomorrow (Note: Changed to Thursday, Dec. 17) at 11 o'clock, Roger Kelley, Assistant Secretary of Defense for Manpower, will be here to brief you on a new memorandum which I have signed, which places into effect a new equal opportunities program for the Department of Defense.

This equal opportunity program has several new aspects to it, and if you can take the time to spend 35 to 45 minutes with Roger Kelley tomorrow here in this room, he will give a detailed briefing on the new equal opportunities program which will govern the civilian and military manpower problems as far as the Department of Defense and also contract personnel problems.

Fourth, during the past year, we have been going forward on our review of the method in which to dispose of our biological weapons. As you know, one of the first requests that I made of the National Security Council and the new Administration was to review completely our biological research programs and our chemical warfare programs. As a Member of the Congress, I had felt for a long time that such a review was needed and necessary, and such a review had not been made at the highest levels of our Government since the late 1950s.

A new program has been established, and we have been going forward with the initiatives that are necessary to place this new program into operation. We will be announcing the plans by which the destruction of biological agents and toxin weapons which have been produced prior to the time that I became Secretary of Defense. This destruction program will go forward and has now been coordinated in the various agencies of the Government, and we will have a briefing on the destruction program within the next week. I don't intend to get into the details of the program as it has been finalized as far as the destruction of the biological and toxin weapons, but that program will go forward and has been fully coordinated and it is ready to move now. As you know, we will only retain a minimum defensive research program in the biological area.

The fifth item, before we get into questions, that I would like to comment on is to express my gratification over the action which was taken by the House Appropriations Committee, the House Foreign Affairs Committee, the Senate Foreign Relations Committee and the Senate Appropriations Committee approving the military assistance and aid requests which were placed before this recess session of the Congress. We anticipate with the action which we hope will be taken in the Senate today that we will have had complete success on this request which the Secretary of State and I have presented to these Committees. And we are delighted at the overwhelming support which our testimony received and the enthusiastic response by the Congress; yesterday's unanimous vote of the appropriation measure was indeed a rather historic first as far as military assistance or aid programs. We do want to express our appreciation for the response which this request of the President received in the Senate and in the House of Representatives.

Gentlemen, I would be glad to answer any questions.

Question. Mr. Secretary, while you are on this trip around the world, will there be a sort of standstill on troop withdrawals pending your assessment?

Secretary Laird. We have gone forward with the fifth increment of the troop reduction. As I told you here in this room when the fifth increment was announced, that we would meet or beat the 344,000, we have done that. We have beaten the target as we have done on every announcement that we have made on reductions. Today we have withdrawn over 200,000 men from Vietnam and this has been because of the progress of our Vietnamization program.

The sixth increment will move forward. A planning conference will be held on the fourth of January in Hawaii and the plans for the reduction to 284,000 by May 1 will be formulated; the transportation, the support plans for that sixth increment will be finalized at the troop withdrawal conference on January 4.

We will be, of course, below the 340,000 prior to the time the planning conference takes place. Our troop ceiling today, as of December 31, is 344,000. But we will be below 340,000 at the time that that planning conference takes place. Their responsibility will be to finalize the plans to get down to the May 1 troop ceiling.

I can assure you that we will meet or beat the troop ceiling of May 1. We have never engaged in monthly figures. And I don't intend to set monthly troop ceilings, so that's the way we will leave that.

Question. Do you see anything developing militarily in Vietnam—either North Vietnam or related areas—that threatens this particular planning for the troop reductions by May 1?

Secretary Laird. There is nothing developing militarily that would cause us not to meet or beat the May 1 troop announcement.

Question. Mr. Secretary, could you give us an estimate of the military situation, the order of battle in South Vietnam and what the rate of infiltration have been over the last six months, currently?

Secretary Laird. The rates of infiltration for this year will be somewhat below the rates of infiltration for last year. The rate of infiltration in November this year was higher than the rate of infiltration for November of last year. The rate of infiltration this month is running slightly below December of a year ago. I do not get into specific figures in this area, but that is the general level as far as infiltration is concerned.

Major activities which are being carried on

XUM

by the North Vietnamese as far as military actions are confined to a large extent to Laos and Cambodia at the present time.

Question. Could you say something about Son Tay, with regard to the CIA? Mr. Helms has said one thing; you have said another thing.

Secretary LAIRD. I don't believe that your question is based on any fact. If you will ask me a question about my association with the CIA, I would be glad to answer it. But as far as your quoting Mr. Helms, I don't believe there is any quote that could be attributed to him.

Question. Without using a quote from him, could you give us a quick look at the timetable as to when you first consulted them, what their response was at that time and then again just before the raid, was there consultation, was there approval and so on just before the raid?

Secretary LAIRD. First, in regard to the last part of your question, the responsibility for the approval and recommendations to the President of the United States is my responsibility. I made the recommendation to the President of the United States and also recommended the planning timetable as far as the Son Tay search and rescue mission is concerned. I think it should be understood that in making this recommendation, I drew upon all elements of our intelligence community and on every other asset that was available to me as Secretary of Defense.

As far as the first discussions with the Central Intelligence Agency, I believe that they run back into some time in May. As far as the continuing recognition of their capabilities, their advice, their input, it was a continuing thing that ran right through until the day that the search and rescue mission was carried out.

I well remember sitting in my office with the Director of the Central Intelligence Agency as we waited for the helicopters to take off at Son Tay; as we waited for them to cross the border; as we waited for our first reports as to whether or not POW's had been rescued at Son Tay. I can well remember listening to the clock tick as we waited for those messages.

I do not pass the responsibility for the decision in improving the planning or in recommending to the President the execution to anyone. It is my responsibility under the National Security Act of 1958 to make such recommendations to the Commander-in-Chief. I can assure you that there was continuing consultation and the assets of all agencies of our Government were drawn upon all along the way as far as the search and rescue mission is concerned at Son Tay.

Question. Mr. Secretary, Senator Griffin has proposed release of a certain number of prisoners in South Vietnam, also the wounded and injured. Is this proposal under consideration and has any decision been made or can we expect one?

Secretary LAIRD. I support the proposal of Senator Griffin. I believe that it has considerable merit. And I certainly will do what I can to encourage his proposal.

Question. Mr. Secretary, to go back to NATO a minute, you were enthusiastic about what the Allies are proposing to do. How much of the $1.5 billion annual balance of payments loss that NATO is costing us will this make up in your estimate?

Secretary LAIRD. As far as the total cost of the United States forces and United States troops, as well as ground troops, air and naval forces, our cost will increase, not decrease, as far as NATO is concerned. This is true because of the increase in personnel costs that have come about because of pay increases and because of the increased costs as far as procurement of the supplies that are needed and necessary to maintain our forces in Europe.

This does not have the same related effect, however, on the balance of payments, but the balance of payments problem will remain about the same. These increases will be reflected not in the balance of payments, but they will be reflected as far as our budget is concerned because of increased costs.

We will maintain, however, our military capabilities in NATO and we expect to submit that kind of a budget to the Congress this January. I think the budget submission is the first week in February.

Question. Are you convinced that Vietnamization is going to work out leaving large numbers of American troops in Vietnam indefinitely?

Secretary LAIRD. Yes, I am.

Question. To get back to Son Tay, you said you were in consultation with the CIA throughout this thing. Did at any time the CIA advise you that there was a possibility that prisoners might not be there?

Secretary LAIRD. The situation was always such that we could not judge whether prisoners were in the cells with any degree of certainty. This was a matter that was always a risk. It was a risk associated with the entire mission, but in answer to the direct question which you pose, the answer would of course be "no."

Question. We have heard a lot of talk and there has been some speculation by the columnists regarding a return to the Cold War, particularly related to Europe and to the Middle East. I would like to know if the activities of the Soviet Union in the Middle East have hardened our own attitude toward the Soviet Union? And whether the Middle East activities of the Soviet Union have caused any concern among our NATO Allies regarding Soviet intentions?

Secretary LAIRD. The answer is they have caused some concern. There have been certain actions taken by the Soviet Union, not only as far as the Middle East is concerned, but as far as Berlin, as far as the Mediterranean, as far as the Caribbean, that I do believe are somewhat related to the negotiations which are currently going on in all of these areas.

Question. The President in his last news conference issued some warnings to the North Vietnamese about what the United States would do if they attacked our troops withdrawing from Vietnam. Can you give us some idea of the military steps that are being taken to back up those words?

Secretary LAIRD. It's always been evident, I think, that the understandings as we envisioned those understandings were violated by the North Vietnamese, certain actions would be taken by us.

I would like to just repeat, and if I could read this—I have made a number of statements on this subject which I think have pointed up my hopes for successful negotiations in Paris and for adherence with the understandings that were reached when the bombing was stopped. But since you asked, let me give you this added thought. It would be my view that "if the good faith which was attached to Hanoi's effort to get substantive talks, disintegrates or disappears, and if it is ascertained that they are not proceeding in good faith in their negotiations and that efforts are being made to violate the good faith understandings with movements of one kind or another, then that decision could be made."

And that decision that could be made refers to the question being asked, could bombing be resumed to the North?

This statement was made on October 31, 1968, under a practice that was carried on here in the Department of Defense under the previous Administration, which quotes Defense Department officials. These are the same Defense Department officials that are standing right here now, except I don't go for the backgrounders. I think you understand that I have not carried on that practice.

I will hand you a copy of this statement as you leave, so that you can see that since October 31, 1968, there has been no misunderstanding in this building and there should be no misunderstanding on the part of any reporter that listened to that backgrounder on October 31 of 1968. And I wish that you would read that statement carefully, gentlemen, in response to the question on bombing of the North.

Question. Has your office issued any kind of restrictions as to what personnel that took part in the Son Tay mission can talk to the press about the mission?

Secretary LAIRD. I think that any of you that were with me when we went to Fort Bragg had a very free afternoon in the discussion regarding the Son Tay search and rescue mission. If there was any inhibition on the part of any of the people that took part in the raid, I would like to know about it.

I do not believe that continued discussion, however—I am glad to answer your questions, but I am willing to go forward with this kind of an operation in the future, if time and circumstances and the opportunity presents itself. That's all I care to say about it. I do not believe any further discussions on how we prepare for such an operation in the future would serve a useful purpose.

Question. In discussing NATO, you've only used the military capabilities or force capabilities?

Secretary LAIRD. I have always felt that that's the important thing by which you judge a deterrent, the capabilities of the deterrent. I have in my statements to the Congress always followed that line. We are increasing our capabilities as far as NATO is concerned, from 1967 to 1968, even in 1966; we are moving the people in and out of the NATO force structure in a rather rapid fashion. As a Member of Congress, I was critical of the combat effectiveness of our forces in Europe and felt that their capabilities were not as they should be. I can report to you today that our military capabilities in Europe are improving.

Question. What I was going to ask, sir, was in connection with the latest burden-sharing arrangement, can we safely assume that by maintaining or increasing military capabilities, as you put it, this will require that the same number, substantially the same number of troops within, say two or three thousand, American troops will be kept in Europe?

Secretary LAIRD. I think it's important not to get tied to a given figure. We have a troop ceiling in Europe; the number of billets, spaces, are in the neighborhood of 315,000 to 320,000, in that general area, the military spaces as far as NATO forces.

We do not operate at the troop ceiling. Every billet or every space is not filled. From time to time, there are lower figures. The approximate figure averages out at very close to 300,000. I don't want to get into this business of actual count of spaces filled and authorized spaces, because you're always going to have a variance there. Some people that don't cover this building and aren't familiar with the difference between spaces assigned and troop ceilings and actual counts sometimes get the two confused. And I don't think we want to lead to that kind of a problem.

Question. On that point, what is the mission of the American troops in NATO? Is it to hold the line for a temporary period? Is it to win the war over there and are you irrevocably committed for several years on keeping the level around 300,000 in the face of the Mansfield proposals and others?

Secretary LAIRD. The situation is such that we are following a strategy of developing and maintaining a conventional deterrent, as far as NATO is concerned. It is important, I believe, that as we move to the direction of sufficient or parity in the tactical nuclear field and in the strategic nuclear field that the importance of the conventional deterrent increases. We will maintain this conventional deterrent and improve it The only thing that could change our position is, of course, the unwillingness of our Allies to improve and maintain their forces or a movement towards an agreement on mutual and balanced force reductions.

Question. May I ask one more question about the bombing? As you know, the President said the other night that if the North Vietnamese develop a capacity and proceed to use that capacity to increase the level of fighting, then he would alter the bombing. Are they developing a capacity or have they made any attempt to use such a capacity to increase the level of fighting?

Secretary Laird. They have not increased the level of fighting, as far as Vietnam is concerned. There is some misunderstanding on the part of some people I know in the Congress from the questions that were asked the other day. I had a feeling that people think the war in Southeast Asia and in Vietnam has been escalated. Just the opposite is true. We've withdrawn 200,000 men from the area, American men. We have cut the number of sorties this year as compared with last year. If you take November of 1970 and compare it with November of 1969, our sortie rate is substantially reduced, very substantially reduced.

So, the level of effort and the military activity as far as Southeast Asia is concerned is at a lower level this year than it was last year. We are truly deescalating the war and disengaging as far as Americans are concerned.

Question. Regarding your appearances before the Foreign Relations Committee, you have been advised according to news reports to smile more and not to smile at all. Have you determined which is proper?

Secretary Laird. I saw that news report. I think that that news report referred to earlier testimony when I was testifying on the strategic weapon balance between the Soviet Union and the United States.

I will try to carry on the best I can and smile when I should and not smile when I shouldn't, but I have to make that judgment. I don't think anybody else can make it for me. (Laughter)

Question. If the Vietnamization program continues toward successful conclusion and in the absence of a political settlement in Paris, what kind of options do you see left for getting the release of the prisoners in North Vietnam?

Secretary Laird. This will have a very important effect upon our Vietnamization program, because we are going to maintain a United States presence until a satisfactory solution can be worked out for the prisoners of war.

I am hopeful that negotiations will be the route that we can follow and that we will be successful with negotiations because this is the way to have a complete and total withdrawal of American forces coupled with a satsifactory solution to the prisoner of war problem.

We will continue to make a maximum effort in this area. I spent this morning with Ambassador Habib before I came here to this press conference. I will be meeting with Ambassador Bruce, and Ambassador Habib and General Ewell in Paris on the fifth of January. This, I think, shows the importance that we in the Department of Defense attach to the negotiations.

Question. At the time of the bombing strikes in the North, we were told that no ordnance was used north of the 19th parallel. And as the Son Tay story developed, it turns out that this does not seem to be the case.

Secretary Laird. I don't know who told you that. I know that I was quoted as saying that on the diversionary flight there was no bombing mission involved. I stood here when General Manor said that the amount of ordnance was a minimum amount of ordnance in connection with the Son Tay raid.

So that the record can be very clear in this area, the Navy diversionary flight which was not a bombing mission, the mission of the Navy diversionary flight along the coast of North Vietnam was not a bombing mission. It was not a mission in connection with the dropping of ordnance. It was assigned the sole responsibility to drop flares as a diversionary effort. These pilots have the authority of self-defense when radars lock in on these diversionary flights of Naval aircraft in connection with the Son Tay search and rescue mission; these pilots when they were locked on by ground radar and when SAM missiles were being fired and in preparation for such firings did expend three SHRIKE missiles.

This was not a bombing mission, but these pilots have in the authority which I have approved, the right of self-defense and they did fire three SHRIKE missiles after being locked on by North Vietnamese SAM radar.

Just so there can be no misunderstanding, I told the Senate Armed Services Committee in the first briefing that there were 12 to 14 SHRIKE missiles fired. I have since corrected that record and the total number of SHRIKES fired, even by the planes that were actually in the operation and not part of the diversionary, 3 plus 8, a total of 11 SHRIKE missiles.

Question. You have quoted here the October 31, 1968, backgrounder here at the Pentagon in connection with the halt in the bombing in which it was stated, if I heard you correctly, that the question of good faith at Paris was the crucial factor and that the other side did not exhibit good faith.

Secretary Laird. If substantive talks did not result. I will give you a copy of it, just to refresh your memory. I am sure you were here.

Question. My question really is this: By quoting that are you suggesting that this is now the policy of this Administration, that if good faith does not appear in the Paris negotiations——

Secretary Laird. No, my point is that calling this to your attention, and I know that most of you in this room don't need to have it called to your attention, is that there has been no basic change in policy.

Question. If you say, Mr. Secretary, that there will be a U.S. military presence in South Vietnam until there is a satisfactory resolution of the prisoner issue and that must be by negotiation, are you saying that there will be no total withdrawal of American forces except by a negotiated settlement with North Vietnam?

Secretary Laird. No, I am not saying that at all. I am saying that until the prisoners are released, there will be no total and complete withdrawal of American presence in Vietnam; that the way to have total and complete withdrawal of Americans in Vietnam, the fastest, most rapid way is, of course, the negotiation route. In October, the President of the United States laid this before the negotiators in Paris as one of the five basic points for peace in Southeast Asia.

Question. Then the only absolute point that must be negotiated is prisoners.

Secretary Laird. There can be a release, and I would hope that the North Vietnamese would release their prisoners and I can assure you that we stand ready to encourage the South Vietnamese to release all of the North Vietnamese prisoners.

This was the proposal that was placed before the Paris negotiators just last week. It did not receive a favorable response. But I can assure you that we have not stopped in this area and we will continue to push forward.

Question. Back to NATO for a second, with the reduction of general purpose forces in the United States progressing, do you think that the present level of United States forces in Europe can be maintained beyond 1972–1973 or must there be a certain ratio between the number of divisions stationed on the United States mainland and abroad?

Secretary Laird. As far as stationing forces in mainland United States and pre-positioning equipment in Europe, this is not the best type of military investment, as far as the Department of Defense. As a matter of fact, it is more expensive for us to follow that procedure than the procedure that we will recommend in the 1972 budget.

Question. Mr. Secretary, do you feel that Hanoi got the better part of the bargain in the 1968 bombing halt understanding?

Secretary Laird. I have not gotten into a discussion of whether the decision in 1965 was the proper decision to put Americans on the ground in Vietnam. I have not looked backwards as to whether the understandings of 1968 were to the best interest of the United States or not. I do not believe it does us any good in this year, 1970, to look backwards to the decision of '68 or the decision of 1965.

I have tried to carry on the operations of this Department and have been a voice in the Administration which has tried to remove Americans from Vietnam and do what we can to live by the understanding as we understand it that was arrived at in 1968 as far as the bombing halt is concerned. We have made it evident to the other side the actions that we will take from time to time, if it is thought that those understandings have been violated.

Mr. GRAVEL. Mr. President, I would like to compliment my colleague for what he has done in this regard. I have read the proposal. I think it is a very good proposal.

I talked earlier today about the new thrust that the administration has given to the whole POW question. I think this is part of it. I do not want to denegrate it because I think it is sincere. I think it has merit. But I would like to draw a comparison. I think it is a very sobering comparison.

We can emote. We can feel sorry over our prisoners. We should feel more sorry over our maimed and our dead. And we should properly have some emotion. But I think that in wisdom we should realize that the enemy has prisoners of ours and that we have prisoners of theirs. We should realize that had a similar request been made in the Second World War, at a time when the Japanese were also brutalizing Americans, and had we requested the release of American prisoners, that request would not have been acceptable at that time. It is acceptable today because of the nature of the war we are fighting.

From the enemy's point of view, it is not acceptable at all. If one is fighting a fellow who is 10 feet tall and the fellow is beating the tar out of him, the only way he has to inflict some pain on him is to grab hold of the fellow's ankle and bite that ankle.

The fellow then says, "Please stop biting my ankle because it hurts."

The fellow whacks him across the face a couple of more times and then looks down at him and says, "Please stop biting my ankle." That is exactly what our plea to North Vietnam is.

We say, "It hurts to have our men as prisoners there. Will you please release them because it is the humane thing to do." And it is. They could then come back and say, "How humane are you when your napalm our children? How humane

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were you at My Lai? How humane were you when you dropped bombs all over our country?"

We beat him in the face and head and pulverize his head. He then bites our ankle. We say, "Please don't do that. It hurts."

We take the focus of this Nation, and focus attention on the ankle and not on the fact that we are pulverizing their total subsistence as human beings.

I cry out and emote. This is very fine. We say that we will release 10,000 of the prisoners we hold if we get back our prisoners.

I support the Senator on the proposal. Maybe it will be of assistance. However, I do not think that it will be.

I think that North Vietnam is at war with us. They recognize that we may choose to have a gentleman's war and say, "At 5 o'clock of each day, we will exchange our prisoners for your prisoners."

We should remember that they have had in excess of 700,000 deaths; 700,000 Vietnamese have been killed. We have had 40,000 Americans killed. We want to swap man for man. God, we could swap 10 to 1 and we will still be ahead on that deal.

Again we come back to the proposition that they are biting our ankles. We say, "Look at our ankle. You are biting it. It hurts."

Mr. KENNEDY. Mr. President, will the Senator yield for a privileged matter?

Mr. GRAVEL. Mr. President, I yield briefly to the Senator from Massachusetts without losing my right to the floor.

DESIGNATION OF "NATIONAL EMPLOY THE OLDER WORKER WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 74.

The PRESIDING OFFICER (Mr. Allen) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 74) to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week" which were, on page 2, line 5, strike out "each year" and insert "1971".

Strike out the preamble.

And amend the title so as to read: "Joint resolution to provide for the designation of the first full calendar week in May 1971, as 'National Employ the Older Worker Week'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AUTHORIZATION FOR PRESIDENT TO PROCLAIM A "CLEAN WATERS FOR AMERICA WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 172.

The PRESIDING OFFICER (Mr. Allen) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 172) to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week" which were, on page 1, line 7, strike out "annually".

On page 1, line 8, strike out "each year," and insert "1971".

And amend the title so as to read: "Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May of 1971 as 'Clean Waters for America Week'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

DESIGNATION OF THIRD SUNDAY IN JUNE OF EACH YEAR AS "FATHER'S DAY"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 187.

The PRESIDING OFFICER (Mr. Allen) laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 187) to authorize the President to designate the third Sunday in June of each year as Father's Day, which were, on page 1, line 3, strike out "each year" and insert "1971".

And amend the title so as to read: "Joint resolution to authorize the President to designate the third Sunday in June, 1971, as 'Father's Day'."

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

DESIGNATION OF "NATIONAL MULTIPLE SCLEROSIS SOCIETY ANNUAL HOPE CHEST APPEAL WEEKS"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 226.

The PRESIDING OFFICER (Mr. Montoya) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 226) to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks", which was to strike out the preamble.

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendment to the preamble.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

ESTABLISHMENT OF A JOINT COMMITTEE ON THE ENVIRONMENT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1117.

The PRESIDING OFFICER. laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KENNEDY. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Muskie, Mr. Randolph, Mr. Hart, Mr. Jackson, Mr. Bible, Mr. Boggs, and Mr. Allott conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, I yield to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

THE OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970

Mr. JAVITS. Mr. President, last night the conference committee on the Occupational Health and Safety Act of 1970 completed its work at a very late hour. It was a very difficult conference. This bill represents one of the most significant pieces of labor legislation to be considered by Congress in many years.

The result of the conference committee's diligent work—and I am the ranking member of that committee and the subcommittee in handling the matter—during the past week is a most equitable bill, designed to assure as far as possible health and safety in the workplace, yet at the same time to guarantee fair treatment for both the employees and the employers of this country.

I am pleased to announce that I have received a letter from Secretary of Labor Hodgson expressing the administration's full agreement with the conference report, and I am hopeful that this expression of support will do much to insure enactment of the bill into law this year. I ask unanimous consent that Secretary Hodgson's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Labor,
Washington, December 15, 1970.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: I wish to convey to you and the members of Congress the Administration's support for the Occupational Health and Safety legislation reported by the Conference Committee last evening.

In my judgment this bill reflects the major positions taken by this Administration during the entire legislative process and represents a significant achievement in the

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field of health and safety for America's working men and women.

Specifically I am enthusiastic about the significant steps taken by the Congress to provide for fair procedures by means of the establishment of the Occupational Safety and Health Review Commission as an independent adjudicatory body and by the bill's exclusive court procedure for the restraining of conditions constituting an imminent danger to health and safety. In addition, I intend to utilize the expertise made available under the legislation through the use of advisory boards in the establishment of health and safety standards. The important addition of a new Assistant Secretary for Health and Safety in this Department is a contribution which this Administration intends to exploit to its fullest by the appointment of an outstanding executive to fill that post.

The efforts of both Houses of Congress and the constructive compromise struck by their conferees have resulted in meaningful legislation which I am proud to support.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. JAVITS. Mr. President, this is a matter of considerable importance to both bodies which will be considering the conference report.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. GRAVEL. Mr. President, I readdress myself to one fundamental point and that is the argument that the reason we have to get involved in Cambodia is so that we can protect the Vietnamization policy; and we are led to believe the Vietnamization policy is a policy to totally extricate ourselves from South Vietnam.

I maintain that is not what the Vietnamization policy is. I maintain that the Vietnamization policy is a policy to develop a mix, a level of American troops in Vietnam with a sufficient strength to act in concert with the Government of South Vietnam, and that that concerted effort will be sufficient to thwart any advancement of communism into South Vietnam from North Vietnam. That is the Vietnamization policy as I define it and as it accurately is, because on numerous occasions when I pose the question to colleagues on the opposite side of the question as to the possibility of what will happen when the Lon Nol government falls, they do not address themselves to that question. But it is a possibility. When they are asked what would happen in another Tet offensive that would disrupt our troops, similarly the opposition will not think of that eventuality, and yet it is a real and imminent eventuality and it is something that our policymakers should be thinking about.

So no one, other than by circuitous rhetoric, has disputed my definition of Vietnamization that has been undertaken by this administration. That is a fundamental question because if the people of this country realize that Vietnamization is not the extrication of American troops, but merely repositioning of troops at a different level, their views would be different and more volatile than they have been in the last few months in respect of Vietnam.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. Does the Senator from Alaska yield or does he yield the floor?

Mr. GRAVEL. I yield the floor.

Mr. FULBRIGHT. Mr. President, I have just been handed the minority views of the House Committee on Foreign Affairs. I had not seen them before. They are extremely interesting. Some of them are so similar to views that I and other Members have expressed today that I am gratified and surprised at how similar they are. Mr. President, this is so important I think before I read these views we should have a quorum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the minority views contained in the report of H.R. 19911, dated December 7, 1970, beginning at page 17, be printed as part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF HON. DONALD M. FRASER, HON. JONATHAN B. BINGHAM, HON. BENJAMIN S. ROSENTHAL, HON. JOHN C. CULVER, AND HON. EDWARD R. ROYBAL

INADEQUATE CONSIDERATION

Because of its important, long-range significance and implications, H.R. 19911 is a major bill. The timing and handling of this legislation, however, has made a proper examination of this authorization of funds impossible. In addition, the facts which have been advanced are inadequate to support the executive branch request at this time. Until mid-October the executive branch did not know—as we did not—that there definitely would be a postelection session. Yet, by mid-November it was arguing the absolute necessity of congressional approval in the waning days of 1970 for a supplemental foreign aid authorization amounting to more than one-half of a billion dollars.

As a result of pressures for speed, the House Foreign Affairs Committee was limited to five hearing sessions, four of them with executive witnesses from the Departments of State and Defense. Just one session was set aside for private witnesses and only three of them had the opportunity to testify. A request by some members of the committee to invite other outside expert witnesses to testify on the bill was turned down, even though additional testimony might have taken only a day or two longer.

Why this sudden urgency? Although the question was asked many times of administration witnesses, it was never answered satisfactorily. As the chairman of the committee himself remarked during the hearings—a good case was not made for the emergency nature of this legislative package.

Much of the discussion about the need for haste centered around the executive branch contention that unless congressional action is taken now money for ammunition to be used by Cambodian troops will run out in mid-January. Yet a Presidential determination of October 23, 1970, made available $40 million to insure adequate weapons and ammunition stocks during the dry season in Cambodia. Since the dry season there extends from about December to next May, it is difficult to accept the proposition that the Cambodians will be running short of bullets early next year.

Moreover, Secretary of Defense Laird admitted to the committee that even if the Congress fails to act during the postelection session, or even for some months in the new Congress, supplies to Cambodia will continue to flow. Authority for continued shipments could come through Presidential determinations provided under sections 610 and 614 of the Foreign Assistance Act, as has been done in the past; or under section 506 of that same legislation. Section 506—which thus far has not been invoked for Cambodia—provides that, following a Presidential determination, defense articles for foreign military aid may be ordered from existing Department of Defense stocks, up to a ceiling of $300 million, subject to subsequent reimbursement. It is clear, therefore, that U.S. supported combat efforts in Cambodia and Vietnam would not be harmed by a failure to act on this bill.

The fundamental question is how long is the Congress going to be asked to give approval to executive actions which commit U.S. forces and resources, particularly in Southeast Asia, on an ex post facto and urgent basis with little or no time to analyze the political and military implications which might follow from that action.

We believe this bill contains the seeds of commitments paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's. Those Vietnam commitments have been redeemed, and are continuing to be redeemed, at a terrible cost of American lives and resources. With the lessons of recent history written so clearly, no conscientious representative of the American people can approve a similar new involvement without full and careful consideration, in the light of the Nation's real interests.

WATERSHED LEGISLATION ON CAMBODIAN INVOLVEMENT

The primary importance of this legislation is in the funds it would authorize for military and supporting assistance to Cambodia. Up to this time, Congress has been substantially ignored in policy matters regarding that war-torn nation. The Cambodian invasion of last May was strictly an executive action; approval of Congress was not sought nor were members consulted about the move. Furthermore, military aid provided to date to Cambodia—totaling $98.9 million—has been given through unilateral Presidential determinations. Up to now, the extent of U.S. involvement in Cambodia has been solely the responsibility of the executive branch.

Psychologically and practically, if the Congress approves this legislation in the form and amounts requested by the executive branch, it will be endorsing the substance and direction of current U.S. policy in Cambodia. It will thereby come to share in the responsibility for the results of past actions in which the Congress had no say. Such will be the interpretation not only of domestic and foreign observers, but also of the executive branch when it suits its purposes to make an interpretation.

Many legitimate questions may be asked about the Cambodian involvement. For the most part, the testimony of the Secretaries of State and Defense and their subordinates failed to answer those questions, or to address themselves to the basic issues involved. Some vital questions are:

(*1*) *What is the nature of the U.S. commitment to Cambodia?*

Is the United States now involved in an effort to keep the Lon Nol government in power? The authorization for Cambodia has been defended almost solely in terms of Vietnamization. And yet, no witness was willing to say that U.S. military aid to Cambodia would cease once vietnamization is completed.

(2) *How much is our involvement there going to cost in the future?*

One witness for the executive branch termed the $185 million in military aid and $70 million in supporting assistance for Cambodia in this bill a first installment in our program there and revealed that the administration expects to ask for even more money for Cambodia in fiscal year 1972.

(3) *Will the United States ultimately be forced to send in advisers to assist the Cambodians and perhaps ultimately to send combat troops?*

It is clear that the quantity of aid to Cambodia authorized by this bill will require a substantial increase in the number of American military personnel in Cambodia. Ostensibly these men would be involved only in logistics supply activities related to the delivery and use of American military equipment to be bought with funds authorized by this bill. It is but a short step, however, from such tasks to combat field advisory work. And, as the Vietnam experience shows us, the next step can be direct combat involvement of American fighting men. No witness, it should be pointed out, would predict that such a chain of events would not be repeated for Cambodia.

(4) *What is happening inside Cambodia?*

Executive branch witnesses were lavish in their praise for accomplishments of the Cambodians in fighting for their homeland against North Vietnamese invasion. Cambodian enthusiasm, determination, desires "to do the job themselves" have been cited frequently. Such assurances echo hollowly against the background of daily headlines which tell of North Vietnamese victories inside Cambodia. We have heard such overly sanguine reports before:

"During the last 6 months there has been steady and notable progress in military, political, social, and economic fields. Vietcong losses in personnel, weapons, and logistics support have increased sharply. Government forces are making forays into Vietcong strongholds which were never penetrated during the whole course of the Indochina war. Defections from the Vietcong have increased. Popular support is being gained by the Government. The rural population is rejecting communism. The people are fighting to protect themselves against the Communist guerrillas."

That statement was made by Adm. H. D. Felt, then commander in chief in the Pacific, on May 14, 1963, in testimony before the House Foreign Affairs Committee in support of a greatly expanded military aid bill for Vietnam. In those days, it may be recalled, we had no combat troops in Southeast Asia, no prisoners of war there, no tens of thousands of men killed or wounded in combat, no billions of dollars expended. The assurances which have been given us on Cambodia sound ominously like the kinds of things Congress was being told about Vietnam in the early 1960's.

(5) *What are other nations in the region doing to assist Cambodia?*

The Nixon doctrine, quite rightly, makes a point of defense cooperation in a regional or some other multilateral framework. Yet in Cambodia we are doing the job virtually by ourselves. Witnesses cited small amounts of aid being given by third countries but this assistance to Cambodia clearly does not entail any real sacrifice for the donor countries. Moreover, it may legitimately be questioned whether the United States has both engineered the aid and is indirectly paying for it—as recent hearings have revealed to be the case in Vietnam.

OTHER TROUBLE SPOTS IN H.R. 19911

Although our primary concern is with the Cambodian authorization, there are several other provisions of the bill which trouble us. They concern the authorizations for Indonesia and Korea:

(*1*) *Indonesia*

No satisfactory explanation has been offered for the drastic and emergency increase in the MAP program for Indonesia, nor for the decision to provide the Indonesians with arms in addition to purely civic action-type equipment. We believe this action signals a move away from the successful low-profile policy in that country and raises the real possibility of the United States becoming a sole source supplier of weapons to the military-run Government of Indonesia. Playing that supplier role in Indonesia from 1960–65, the Soviet Union pumped in more than $1 billion worth of military equipment. Today much of it lies rusting and unusable while Indonesian-Soviet relations are strained. In that story lies a lesson for the United States.

During the hearings the question was raised of why the United States is not providing military aid to Indonesia in a multilateral framework, as we are our economic aid to that country. Although such an idea would seem to be of the essence of the Nixon doctrine, the Secretary of State made it clear by his answer that a military aid consortium for Indonesia had never been seriously considered.

(2) *Korea*

While we are generally in support of the modernization of Korean Armed Forces which will allow the United States to withdraw substantial numbers of American troops, we do not believe the executive branch has explained its plans and intentions thoroughly enough to ask congressional approval at this time. This legislation contains $150 million in new grant aid to upgrade Korean forces, and permits the transfer to the Republic of Korea of defense articles of the U.S. Armed Forces deployed in that country. The value of this equipment has been set at from $117 to $122 million by the Secretary of Defense.

These funds are a first installment in a 5-year commitment by the United States to Korea, but the committee was not briefed on the amounts which will be requested in subsequent years, the force levels we project for the Koreans, the effect of modernization on the strategic and political situation on the Korean peninsula, and the relationship between Korean modernization and the drawdown of American forces.

CONCLUSION

As a result of the circumstances which have been described, we have concluded that H.R. 19911, the foreign aid supplemental bill, should not be approved in the undue haste enforced by the artificial deadline of congressional adjournment. The stakes are too high, the possible future costs too enormous, the responsibilities of Congress clearly too grave, to permit a decision made precipitously and without full information.

Mr. BYRD of West Virginia addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR THE RECOGNITION OF SENATOR YOUNG OF OHIO ON THURSDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, immediately following the remarks by the able Senator from Arkansas (Mr. McClellan) the Senator from Ohio (Mr. Young) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADEQUATE NUTRITION FOR OLDER AMERICANS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from New Jersey (Mr. Williams) entitled "Congregate Meal Service Needed Now For Elderly."

There being no objection, the statement by Senator Williams of New Jersey was ordered to be printed in the Record, as follows:

Congregate Meal Service Needed Now For Elderly

Mr. Williams of New Jersey. Mr. President, adequate nutrition is a major concern for many of our Nation's 20 million older Americans.

Limited income and lack of information about nutrition only represent a portion of their problems.

Failing health, for example, may make it difficult or impossible for aged persons to select or prepare their own food.

Inadequate public transportation or inaccessible markets may seriously impair their ability to shop for food.

Equally important are underlying social and psychological factors. For instance an elderly widow—even though she may have devoted a substantial amount of her life to preparing nutritious meals for her family—may lack the incentive to cook for herself when she lives alone.

Clearly an effective meal delivery system is essential to meet the nutrition problems of the aged.

In recognition of this critical need, the 1970 Housing Act—passed by the Senate in September—extended public housing coverage to include central dining facilities for the elderly who cannot cook for themselves.

This measure, however, was not included in the recently passed House bill.

Today many older persons must leave their homes and move into nursing homes—not because they are ill but simply because they are unable to get around well enough to shop for food or cook for themselves.

Many potential applicants for public housing fail to qualify for this very reason.

My provision in the Senate bill, S. 4368, would make it much easier for these individuals to live in rental quarters, rather than a nursing home.

For these persons, this would provide a new alternative to unnecessarily institutionalization.

In addition, elderly persons would have an added opportunity to meet and talk with other tenants at public housing projects. This in itself could be of important therapeutic value for isolated individuals living alone.

It is estimated that about 70 percent of all older persons in public housing projects are single persons, mostly widows.

But his chance to meet people while eating balanced meals may be an effective way to combat loneliness for many neglected aged persons.

House and Senate conferees are to meet this week to work out the differences in both housing bills.

The need for the Senate measure was recognized in the report of the President's Task Force on Aging—"Toward a Brighter Future for the Elderly."

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"The period of independence of older persons may be extended and the quality of their lives enhanced through provision of limited supportive services in apartments and villages designed especially for their use. Such services may include: congregate dining facilities . . ."

With this innovative approach in the Senate bill, more urgently needed housing for the elderly can be built—not merely to store them—but to restore them to a more active life in their community.

For these reasons, I urge the Conferees to include the Senate congregate housing proposal in the final 1970 housing bill.

PROTOCOL RELATING TO CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC WITH RESPECT TO TAXES ON INCOME AND PROPERTY—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive O, 91st Congress, second session, the protocol to the 1967 Double Taxation Convention with France, signed at Washington on October 12, 1970, transmitted to the Senate today by the President of the United States, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the protocol, signed at Washington on October 12, 1970, to the convention between the United States of America and the French Republic with respect to taxes on income and property of July 28, 1967.

For the information of the Senate, I transmit also the report of the Secretary of State with respect to the protocol and a copy of the note from the Secretary of State to the French Ambassador signed on the same date as the protocol.

The protocol amends Article 9 of the 1967 convention by adding a paragraph (6) thereto and by amending paragraphs (3) and (5) to take into account the added paragraph. These amendments are dealt with in a single substantive article in the protocol.

In 1965 there was inaugurated under French law a credit (called the "avoir fiscal"), available to residents of France, whereby portfolio investors in French corporations were allowed a credit equal to one half the French corporate income tax paid with respect to profits out of which dividends are distributed. An effort was made, in negotiating the 1967 convention, to have a similar credit allowed to nonresident United States investors, but the French authorities were not prepared at that time to extend the credit to nonresidents of any other country. Negotiations with respect to this matter have been undertaken by France with certain other countries. The amendments to the 1967 convention, as set forth in the protocol transmitted herewith, would require France to extend to United States portfolio investors in French corporations a credit of the kind mentioned.

The investors who will be entitled to the "avoir fiscal" under the terms of the protocol amendments are (a) United States resident individuals, (b) United States corporations owning less than 10 percent of the shares of the paying French corporation, and (c) United States regulated investment companies of which 80 percent or more of the shares are owned by United States residents and citizens. Related corporations (where the recipient owns 10 percent or more of the shares of the paying corporation) will not be entitled to the credit with respect to dividends between them.

An eligible shareholder who receives a dividend from a French corporation is considered, for purposes of applying the above-mentioned credit, to have paid half the profits tax charged to the corporation. The French corporate tax is nominally 50 percent, but in applying the "avoir fiscal" the corporation is deemed to have paid a tax of 25 percent and to have withheld the other 25 percent on behalf of the government from the dividends distributed to the shareholder. The latter portion is included by the shareholder in his income and the amount thereof is then claimed by the shareholder against his personal tax liability, receiving a refund in appropriate cases.

It is provided that the protocol will enter into force one month after the date of exchange of instruments of ratification, that its provisions shall for the first time have effect for dividends declared on or after January 1, 1970, and that the protocol shall remain in force as long as the 1967 convention remains in force.

Diplomatic notes exchanged on the occasion of the signing of the protocol confirm the understanding of the two Governments that the credit to which the protocol relates will not apply to dividends between related corporations, where the recipient owns 10 percent or more of the shares of the paying French corporation. The note from the Secretary of State to the French Ambassador, a copy of which is enclosed for the information of the Senate, contains the text in English translation of the French Ambassador's note.

The protocol has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the protocol.

RICHARD NIXON.

THE WHITE HOUSE, *December 15, 1970.*

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate——

Mr. DOLE. Mr. President——

Mr. BYRD of West Virginia. For what purpose does the Senator wish me to yield?

Mr. DOLE. To move to table the amendment of the Senator from Alaska.

Mr. BYRD of West Virginia. I could not yield for that purpose. I do not think I would be authorized to yield for that purpose.

Mr. FULBRIGHT. Mr. President, I had the floor. I yielded to the Senator from West Virginia with the understanding that he would move to recess the Senate. If that is the purpose of the Senator from Kansas, I shall hold the floor.

I suggest the absence of a quorum——

Mr. BYRD of West Virginia. Mr. President, will the Senator withold that request?

Mr. FULBRIGHT. I withhold it.

Mr. BYRD of West Virginia. It was my understanding that the Senator would want to make this a live quorum. It was for that reason that I was going to move that the Senate recess until tomorrow. The Senator very willingly withheld his suggestion of the absence of a quorum. It is my understanding that unless the Senate recesses for the day, the Senator will insist on a live quorum call, which he can do, of course.

Mr. FULBRIGHT. That is correct.

Mr. BYRD of West Virginia. Many Senators have gone home. I would hope the Senator would not force us to do that.

Mr. DOLE. Mr. President, will the Senator yield, not for the purpose of a motion to table, but for the purpose of my discussing briefly—which would take about 2 minutes—certain language in the supplemental appropriation bill relating to restrictions, without losing his right to the floor?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the Senator from Kansas for the purpose of discussion, but specifically not for the purpose of making any motion. For how long would the Senator wish to speak? Five minutes?

Mr. DOLE. Two or 3 minutes.

Mr. FULBRIGHT. I yield the Senator 2 minutes without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Kansas.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. DOLE. Mr. President, language of the Foreign Relations Committee's amendment to H.R. 19911, the supplemental foreign aid authorization bill, contains a reference in section 6 to the use of funds for providing aid to the Government of Cambodia. This language differs in some significant respects from the language adopted by the Senate in the Foreign Military Sales Act. That language, better known as the Cooper-Church amendment, occupied the Senate's attention for nearly 7 weeks earlier

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this session. At the time the Senate considered Cooper-Church, considerable emphasis was given to the relationship between the legislative and executive branches vis-a-vis the power to make war and exercise command over our Armed Forces.

By the end of the Cooper-Church debate, it appeared to this observer that a consensus was arrived at to the effect that the Congress could not by legislation limit, diminish, or otherwise infringe upon the President's constitutional powers as Commander in Chief and as Chief Executive of our foreign policy.

Since the language of the committee amendment to the supplemental foreign aid bill, at least inferentially, raises some of the same issues considered during the Cooper-Church debate, I would like to have printed in the RECORD several articles and statements concerning these points. I do this for the sake of clarifying the RECORD because I do not believe there is any intention to depart in this bill from the understandings and spirit of the Cooper-Church amendment.

I ask unanimous consent that section 7 of the Foreign Military Sales Act of 1970 (H.R. 15628); an article by Prof. Henry P. Monaghan entitled "Presidential War Making"; an editorial from the May 17, 1970, Washington Star, and an excerpt from a colloquy between myself and the Senator from Louisiana (Mr. ELLENDER) on the Senate floor December 8, 1970, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 7 OF H.R. 15628

SEC. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

"SEC. 47. LIMITATIONS ON UNITED STATES INVOLVEMENT IN CAMBODIA.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970, for the purposes of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in direct support of Cambodian forces." Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander-in-Chief, including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed. Nothing contained in this section shall be deemed to impugn the constitutional powers of the Congress including the power to declare war and to make rules for the Government and regulation of the Armed Forces of the United States.

[From the Boston University Law Review, Spring 1970]

PRESIDENTIAL WAR-MAKING

(By Henry P. Monaghan[*])

The Vietnam "war" has convinced many persons that the president of the United States claims apparently unlimited power to commit this country to war. Not surprisingly, therefore, considerable interest has focused on the powers that inhere in the presidency. And many critics of the war—those who in other times and in other contexts might have been sympathetic to a spacious conception of presidential power—have concluded that the Vietnam conflict is not only a tragic error, but is the direct result of unconstitutional conduct by the president. I cannot accept this view; at bottom, it seems to me yet another example of the American propensity to substitute "for the question of the beneficial use of the powers of government . . . the question of their *existence*."[1] In view of what has already been written,[2] I shall confine myself to the considerations that impress me as controlling. Since my concern is with the constitutional relationship between the president and congress, I shall give no consideration to the consistency of the president's action with American treaty obligations or with international law generally.[3]

I

If one examines the text of the constitution, he is at once struck by the differences between the powers conferred upon congress by article I and those given to the president by article II. The great powers that one identifies with the national government are conferred upon congress: the powers to tax and to spend, to regulate commerce, to raise armies and navies, and to declare war.[4] By contrast, the textual powers conferred upon the president are both few and of uncertain dimension. Some are plainly of a trivial character.[5] The few more open-ended clauses upon which "strong" presidents have based their authority are as follows:

"Section 1. The executive Power shall be vested in a President of the United States of America. . . .

* * * * *

"Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; . . .

"He shall have power, by and with the Advice and Consent of the Senate, to make Treaties, providing two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls. . . .

* * * * *

"Section 3. [H]e shall take Care that the Laws be faithfully executed."[6]

But, textually, none of these powers need be read as a significantly independent, substantive power. For example, the grant of the "executive power" in section 1 can be understood simply as creating a unitary executive department that, in turn, will possess the powers subsequently enumerated in sections 2 and 3.[7] The power to receive ambassadors might mean no more than that, as the nation's symbolic head, the president has a ministerial, non-discretionary duty to receive foreign representatives. The president's power as commander in chief, so heavily relied upon by modern presidents, could be read only as constituting the president, in Hamilton's phrase, "the first general and admiral of the confederacy,"[8] and not as an independent authority for making decisions that, in turn, require use of the armed forces to back them up.[9] Finally, the "take care" clause could be taken as simply declaratory of a presidential obligation to enforce existing congressional policy. Not surprisingly, therefore, the presidency was not originally viewed as a great office. The dominant mood was that of legislative prerogative.

But the measure of presidential power cannot be gleaned simply from the words of article II alone, nor from references by eighteenth century statesmen as to the appropriate distribution of legislative and executive power. For reasons that are beyond the scope of this paper to examine, there has been a vast accretion of power in the presidency, particularly in this century.[10] Moreover, there has been a sharp decline in congressional power. The amount of political power in any society is not a fixed, determinate sum; it can expand or contract as a society changes. Accordingly, congressional as well as presidential power could have significantly increased as American society and the entire world became more complicated and interdependent. It did not do so largely because of congress' increasing inability to deal with national and international problems.[11] "Presidential government" has, therefore, emerged as the dominant aspect of modern American political life;[12] it is to the presidency, not congress, that we look for realization of the aspirations of a "great society."

I doubt whether the emergence of presidential government is a process capable of significant reversal; an apparently universal characteristic of twentieth century government has been the growth of "executive" power and the relative decline of the legislative process. Whether this result is desirable is, of course, an issue of major contemporary importance.[13] Whether it "defeats" the framers' intention is, however, a profitless speculation.[14] We do not and cannot know, what, specifically, they would have thought about a world so different from their own. Nor would we really care.[15] The central fact is that the framers left us with a structure of government sufficiently fluid to accommodate a good deal of shifting power between congress and the president. The relative balance of power between the branches has varied over the course of our history. But the long era of "congressional government,"[16] which extended from the civil war to the end of the nineteenth century, has now given way to an era of presidential dominance.

By and large the broad expansion of presidential power has occurred as a result of large, open-ended legislative grants from congress itself. At least with respect to internal matters, presidents have seldom been forced to rely upon any claim of "inherent" presidential powers.[17] However, appeals to this source have not been lacking. Pointing to the grant of the executive power, as well as the "commander-in-chief" and the "take care" clauses, "strong" presidents have always asserted the power to act in the absence of statute where there was an emergency. And despite the loose manner in which the case is sometimes read, the *Steel Seizure* case[18] fully supports their claim. There, the secretary of commerce, acting under the direction of the president, seized the steel mills during the height of the Korean conflict in order to prevent interruption of vital supports for the war effort. A lower court injunction against the seizure was affirmed in the supreme court by a six-to-three vote. To be sure, in his brief "opinion for the court" Mr. Justice Black rejected the proposition that the president could act without congressional authorization;[19] in so doing, he ignored innumerable instances to the contrary, as the dissenting opinion convincingly demonstrated.[20] More importantly Mr. Justice Black spoke only for himself and Mr. Justice Douglas. Four concurring and three dissenting justices—seven of the nine members of the court—either reserved judgment on the issue or expressly recognized that the president had inherent power to act in an emergency so long as he did not con-

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travene a specific congressional mandate. Analysis of the opinions shows that the real division within the court was over the far narrower issue of whether the president's act did in fact contravene existing federal statutes.[21]

It seems to me indefensible to assert that even on internal matters the president must invariably point to a statute to justify his conduct. Should an emergency arise, the president must and will act so as to protect the nation's interest as he conceives it.[22] To require the existence of a statute would leave an enormous gap in the nation's power to meet an emergency, a doctrine not likely to commend itself to men of affairs. And I would add that the existence of an emergency is largely a political not a judicial question. If the president abuses that power, the only recourse is subsequent congressional action and, ultimately, the displeasure of the electorate.

As it does with respect to internal matters, the constitutional text assigns broad powers to congress in the area of foreign affairs: congress is given power to regulate commerce with foreign nations; to define and punish offenses against the law of nations; to declare war; to advise and consent to treaties (the senate); to raise and support the army and navy; and finally, it has control over the purse strings.[23] The president is also expressly vested with some powers bearing on foreign relations, principally the power to make treaties (with the advice and consent of the senate) and the power to receive foreign envoys.[24] More importantly, from the beginning the Hamiltonian contention [25] that the president possessed broad "inherent" powers in representing the nation in our foreign relations gained considerable currency. Thus Marshall could refer to the president as "the sole organ of the nation in its external relations, and its sole representative with foreign nations." [26] By 1935 the supreme court, undoubtedly influenced by the long and steady growth of presidential activity, characterized the presidential prerogative to conduct foreign affairs as "delicate, plenary and exclusive." [27]

Not surprisingly, therefore, most writers recognize that the respective ambits of congressional and executive powers in controlling the direction of American policy cannot be resolved simply by an appeal to the constitutional text. That document "is remarkably inexact concerning the distribution of responsibilities . . . for the making of foreign policy";[28] it seems to permit the exercise of considerable power over this subject matter in both branches.[29] Writing in 1957, Professor Corwin accurately summarized the situation:

"[C]onsidering only for its affirmative grants for powers capable of affecting the issue, [the constitution] is an invitation to struggle for the privilege of directing American foreign policy. In such a struggle the President has, it is true, certain great advantages, which are pointed out by Jay in *The Federalist:* the *unity* of the office, its capacity for *secrecy* and *dispatch,* and its superior sources of *information;* to which should be added the fact that it is always on hand and ready for action, whereas the houses of Congress are in adjournment much of the time. But despite all this, actual *practice* under the Constitution has shown that, while the President is usually in a position to *propose,* the Senate and Congress are often in a technical position at least to *dispose.* The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a *divided* power, with the lion's share falling usually, though by no means always, to the President." [30]

Accordingly, even if one were inclined to accept Mr. Justice Black's view that presidential action within the United States must be grounded in a statute, there is no basis for applying such a rigid concept of separation of powers past our shorelines.

The general view for which I have been contending is that analysis of the doctrine of separation of powers should focus more on a recognition that often what is being separated are institutions and not necessarily "powers." [31] To some degree these institutions have unique powers; one would not expect the president to promulgate an income tax code merely because in his judgment congress should have done so. But there are gray areas where joint power exists—where both branches have tremendous and overlapping power and where any "conflict" must be resolved on the political not the legal level.[32] This seems to me indisputably true in the area of foreign affairs. And the consequences of this view are of course evident: the existence of the congressional power over the subject of foreign affairs will not support a narrow definition of presidential power. Absent congressional action, the president has (to use a conclusory term) "inherent" constitutional power in the conduct of our foreign affairs. *It is, therefore, an error of considerable significance to adopt uncritically an "either-or" logic—to assume that the doctrine of separation of powers requires that power must be either in, and only in, congress or in the president.* Such a rigid, mechanical view has never accurately described the relationship between congress and the presidency even with respect to internal affairs; it is wholly insupportable in the area of foreign affairs. The fact is that power may inhere in both branches.

Necessity, of course, requires that the president have the major responsibility for day-to-day conduct of foreign affairs. Coupled with the institutional weakness of congress [33] this fact gives modern presidents tremendous leverage in any struggle with congress for control over the direction of American foreign policy. A determined president can confront congress with a *fait accompli;* nonetheless, congress is under no constitutional compulsion to back it up.[34] Thus, while it lacks the institutional capacity to play a sustained affirmative role in shaping American foreign policy, a sufficiently determined congress [35] can exercise considerable direction over at least specific aspects of that policy.

It is, I submit, with the foregoing general considerations in mind that one should commence any assessment of presidential power to commit the armed forces to hostilities without prior congressional authorization.

II

The occasions on which presidents have refused to take military action abroad because of a lack of prior congressional authorization are few in number and increasingly rare.[36] From the beginning of our constitutional history, presidents have both deployed the armed forces abroad and committed them to actual hostilities without explicit congressional authorization. In excess of one hundred and twenty instances of such action exist.[37] The precedents extend back to Washington and include that great "strict constructionist" Jefferson; they run through the nineteenth century;[38] and with the emergence of the United States as a global power in this century, they become sharper and more spectacular. The presidencies of the two Roosevelts provide classic examples.[39] Moreover, no recent president has refused to commit the armed forces to actual hostilities because of a lack of congressional approval, as the conduct of Truman in Korea, Johnson in the Dominican Republic, and Kennedy, Johnson and Nixon in Southeast Asia demonstrate.[40] Thus, argues the state department, "practice and precedent have confirmed the constitutional authority of the president to commit the armed forces to battle without a declaration of war."[41]

The strength of the "practice and precedent" has, however, not gone unchallenged. Most writers who seek constitutionally based restrictions on the president's war-making power argue that the precedents are not compelling.[42] Indeed, it has been suggested that there is only one prior illustration of presidential commitment of armed forces to war without congressional authorization, namely, Korea.[43] The other instances cited, it is argued, were simply presidential responses to reprisals, or "relatively minor and short-lived occurrences [that] do not establish precedent for the massive and long-lasting [Vietnam] war . . .": [44] "minor" and "short-lived" from whose point of view? Certainly not from the perspective of those against whom the armed forces were employed; and certainly not from the presidents' view, since they generally brought about the results intended. To dismiss American interventions in Latin America as "minor" amounts to recognition of presidential power to wage war against weak opponents for limited purposes.

The validity of each of the precedents relied upon by the state department need not be separately defended. Taken as a whole, they seem to me to add up to the following: with ever-increasing frequency, presidents have employed that amount of force that they deemed necessary to accomplish their foreign policy objectives. When little force was needed (*e.g.,* in our incursion in Latin America), little was used; when larger commitments were necessary, they too were forthcoming. Whatever the intention of the framers, the military machine has become simply an instrument for the achievement of foreign policy goals,[45] which, in turn, have become a central responsibility of the presidency. Congress has seldom objected on legal grounds,[46] and so the only limitation upon presidential power has been that imposed by political considerations. That is the teaching of our history.

To be sure, various legal theories have been advanced in defense of presidential power. In good lawyer-like fashion these theories have been framed in terms no broader than necessary to justify the particular presidential action at issue.[47] For example, in the late nineteenth century, American troop interventions in Latin America were rationalized in terms of "inherent" presidential power "neutrally" to protect the rights of American citizens abroad during foreign disorders—a fiction that did not survive the turn of the century.[48] Since presidential use of armed forces abroad has assumed considerably enlarged dimension in this century, it is hardly surprising that the supporting rationales have been constantly broadened and adjusted.[49] The rationales have, in a word, followed the practice.

Despite the foregoing history, most contemporary writers, deeply distressed by the Vietnam war, have insisted that presidential power over foreign affairs does not embrace the power to "make" war. And, they argue, committing the armed forces to hostilities on the scale that has occurred in Vietnam is "making" war. These writers argue that the decision to make war has such obviously far-reaching consequences that the framers wisely required that it must be made by a broadly representative body, namely, congress.[50] So stated, the argument has considerable appeal; nonetheless, I do not believe that it can provide an acceptable basis for developing constitutionally based restrictions upon use of military force as an instrument of presidential foreign policy.

All the commentators agree that the president has some "inherent" power to commit the armed forces to hostilities where necessary to repel "sudden attacks." And few, if any, would restrict that power to one of re-

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pelling attacks on American soil—thereby ignoring attacks on Canada and (in a highly interdependent world) attacks on NATO countries. Generally speaking, the commentators recognize that a president can take action with respect to any "sudden attack" where American interests are at stake.[51]

In its most rudimentary form, the "sudden attack" theory suggests a line between defensive and aggressive action. The president may take only that action necessary to defend American interests; he cannot go further and engage in the "aggressive" use of military force.[52] So conceived, the sudden attack theory has little to recommend it. A line between defensive and aggressive action might have been workable in the era of Jefferson and Madison; the vast expense of two oceans and generally poor communications permitted some content to such a distinction. But that distinction can have little meaning for the president of a great global power in a highly complex and interdependent world. Modern presidents are faced with endless "emergencies" of varying duration and intensity, and the military apparatus has become an important instrument of their foreign policy. Given the evolution of the presidency, it is hardly surprising that in the twentieth century the presidential power to repel sudden attacks has "developed into an undefined power . . . to employ without Congressional authorization the armed forces in the protection of American rights and interest abroad whenever necessary." [53]

Rejecting a narrow version of the "sudden attack" theory, several writers seek to articulate constitutional limitations on presidential war-making in terms of the president's opportunity to consult with congress.[54] Where an "emergency" precludes an opportunity to consult with congress the president may commit the armed forces to hostilities to the extent he deems necessary. A narrow definition of "emergency" could make this theory substantially equivalent to the sudden attack theory; but emergency can be conceived more generously so as to include any situation in which the president could conclude that quick, decisive use of force is necessary.[55] The important point of the theory is that the president must seek congressional authorization at the first available opportunity.

There are, however, differences among these writers who hold to this "congressional approval" theory. Some commentators apparently assume that any "major" foreign deployment of the armed services under circumstances that might constitute an act of war under international law should have congressional approval.[56] Others assert that only the actual commitment of the armed forces to hostilities requires congressional approval.[57] In turn, some writers believe that any commitment of the armed forces to battle requires approval; [58] others apparently assume that only "massive," "major" or "prolonged" use of the military requires congressional action.[59] The former position is at least clear; as previously indicated, the latter position amounts to a concession that the president is authorized to wage "quick" wars against weak opponents for limited objectives.

To ask, if possible, that the president obtain authorization from congress before making any (major?) commitment of the armed forces to hostilities may represent desirable policy. That judgment depends largely on one's assessment of the respective institutional competence of congress and the president.[60] But the central issue is whether such authorization is constitutionally required. To my mind, there are several objections to asserting that the proposed rule is of constitutional magnitude: (1) it is too uncertain in what it demands; (2) history has legitimated the practice of presidential war-making; and (3) the proposed rule stems from an unrealistic model of separation of powers.

First. It is unclear precisely what the ambit of any supposed congressional prerogative is. Can the president continue to act if congress is too divided to act clearly either in support of or in opposition to the president's action? And what precisely is the president to ask of congress? One commentator would apparently require a declaration of war or of "limited war." [61] These are drastic steps, which could have serious and damaging consequences both in our foreign relations [62] and internally.[63] But if congress can authorize presidential action without such a declaration,[64] what is the textual basis of that power? And at what frequency or under what conditions must congressional approval be re-obtained?

Moreover, has congress approved presidential action in Vietnam, either in the sweeping Gulf of Tonkin resolution or by implication in its monetary authorization bills? [65] If not, what further kind of congressional action is needed? [66] In any event, can it fairly be denied that, at least until recently, congress has in fact overwhelmingly supported presidential policy in Vietnam? If such an informal consensus existed, is that sufficient "authorization"? In this regard it will not do to say that congress has not approved presidential policy in Vietnam because its "choice" has been restricted by a presidential *fait accompli*. In view of the president's operational responsibility for foreign affairs and its own lack of institutional competence to play a sustained affirmative role, congress necessarily must always act after the fact. Accordingly, congress' function is essentially to check and disapprove presidential policy.[67] In Vietnam, United States involvement has been by way of slow, steady escalation in commitment; any *fait accompli* has occurred only over a considerable period of time. Congress has had considerable time to reverse the direction of presidential policy; until the Cambodian incident, it has made no serious effort to do so.

Second. In varying degrees the commentators present us with visibly strained efforts to minimize the long and ever-accumulating practice of presidential "war-making," if one prefers that term. For better or worse that practice seems to me clearly established, as I have indicated. To my mind, this historical development of our institutions has settled the legitimacy of "inherent" presidential power to commit the armed forces to hostilities. A practice so deeply embedded in our governmental structure should be treated as decisive of the constitutional issue. History and practice are not here being appealed to in order to freeze forever the scope of a constitutional guarantee framed in terms of individual liberty; [68] rather, this issue deals with the distribution of political power between the legislative and executive branches. Matters of this character are, in the words of Chief Justice Marshall, best left "to the practice of government." [69]

Third. The writers who advocate constitutionally based restraints on presidential war-making expend little effort on developing any comprehensive, realistic theory of the contemporary meaning of separation of powers. Much of their discussion seems to me premised on an eighteenth century model of the relationship between the legislative and executive branches. Not surprisingly, therefore, they do not come to grips with the evolution of our governmental practice, particularly the essentially fluid nature of the division between legislative and executive power in the area of foreign affairs, and the fact that, over time, the military machine has simply become an instrument for achieving presidential foreign policy objectives. Moreover, the danger of any all-out conflict between the executive and legislative branches is measurably reduced by the fact that the political parties cut across both institutions. Accordingly, as head of his party, the president can generally find strong support for his prerogatives inside congress itself.[70] In sum, therefore, these commentators' conception of separation of powers does not and cannot describe existing political reality.

Like federalism,[71] the doctrine of separation of powers should, at least in the area of foreign affairs, be viewed as essentially a political, not a legal, contract. The precise balance of power between congress and the president will reflect the dominant political realities of the times. So understanding the doctrine of separation of powers, I am not persuaded that recognition of presidential power to commit the armed forces to hostilities in order to achieve foreign policy objectives is constitutionally inconsistent with the existence of congressional power to declare war, or with any of the other congressional grants over foreign affairs.[72] Such tensions as may exist between the two branches of government occur because of overlapping power, and they must be resolved on the political, not the legal, level.

To my mind, therefore, any attempt to circumscribe on constitutional grounds the president's power to use the armed forces abroad confuses political with constitutional issues.[73] This seems to me all the more apparent when it is recognized that any president can engage in a wide range of conduct (such as severance of diplomatic relations, expulsion of ambassadors, treaty denunciation, etc.). which might easily force this country into war. Those who seek constitutional checks on the president place their trust in false gods. As Professor Burns has observed, the checks inherent in separation of powers do "not operate in the making of war or even in the making of foreign policies that could precipitate war—for example, Franklin Roosevelt's instructions to the Navy Department in the months before Pearl Harbor. Yet these are almost irreversible decisions; if the President makes a colossal mistake, there is no institutional safeguard against its consequences. The President is actually checked by Congress only in making those decisions that could indeed be reversed if they turned out badly—for example, in social or economic policy. Thus the President might make a decision on taxes as irresponsible or daft as a decision for a showdown with a foreign power—but on the former matter there would always be a majority of the voters at the next election to repudiate his action. A presidential course set for war cannot be reversed. A nuclear holocaust would wipe out all the checks and balances—including the voters. In short, the whole concept of restraints in this area is topsy-turvy—a fact I sometimes reflect on dourly as I sit each fall teaching freshmen about the traditional checks and balances.

"Still, the power of the President to make a catastrophic blunder while fatigued or under great stress is not the price we pay for the Presidency. It is the price we pay for living in the kind of world that we do. The only protection possible is the one the White House already affords: a group of men closely related to the President who can restrain him if need be. If power and decision making in the White House are collective, prudence is collective too." [74]

Absent a fundamental re-structuring of our governmental institutions, it seems to me impossible to characterize the president's conduct in Vietnam as unconstitutional, however unwise it may be. The Vietnam war is an instrument of presidential foreign policy. Those opposed to that policy can call upon congress to repudiate it, and congress has

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ample power to do so. There may be disagreement over the precise action that congress could take. But it seems difficult to deny that congress has the power to refuse to appropriate funds for carrying on the conflict.[35] Whether in that event the president could "requisition" other funds to continue the war need not be considered. No president could survive politically if he is seen acting in lawless defiance of a congressional command to end the war, even if he could escape impeachment. Accordingly, so far as Vietnam is concerned, if congress repudiates the war it will come to an end.

I should perhaps conclude this summary discussion with a word about the role of the courts. Since the precise relationship between the executive and the legislative branches is a matter for the political process, I can of course see no role for the courts to play. A contention that the president of the United States must defend his decision to commit troops to combat before a federal district judge in Boston, Milwaukee or Seattle strikes me as wholly untenable.[36] I find it impossible to believe that the article III grant of "judicial power" to decide "cases or controversies" includes the power to resolve issues of this magnitude.[37]

FOOTNOTES

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[1] Corwin, The Constitution as Instrument and as Symbol, 30 Am. Pol. Sci. Rev. 1071, 1077 (1936) (emphasis in original).

[2] Particularly helpful discussions are found in Note, Congress, The President, and The Power to Commit Forces to Combat, 81 Harv. L. Rev. 1771 (1968) and an earlier symposium, Legality of United States Participation in the Viet Nam Conflict: A Symposium, 75 Yale L.J. 1084 (1966). See also M. Pusey, The Way We Go To War (1969) for a lucid, nontechnical discussion of the relevant historical materials and of the events surrounding our involvement in Vietnam.

Of a more polemical character are F. Wormuth, The Vietnam War: The President versus the Constitution (April 1968) (Occasional Paper: Center for the Study of Democratic Institutions); Malawer, The Vietnam War Under the Constitution: Legal Issues Involved in the United States Military Involvement in Vietnam, 31 U. Pitt. L. Rev. 205 (1969); and Velvel, The War in Viet Nam: Unconstitutional, Justiciable, and Jurisdictionally Attackable, 16 Kan. L. Rev. 449 (1968).

There has been considerable debate in the senate on the constitutionality of the presidential action. See in particular: (1) Hearings on S. Res. 151 Before the Senate Comm. on Foreign Relations, 90th Cong., 1st Sess. (1967); (2) Senate Comm. on Foreign Relations, National Commitments, S. Rep. No. 797, 90th Cong., 1st Sess. (1967); (3) Senate Comm. on Foreign Relations, National Commitments, S. Rep. No. 129, 91st Cong., 1st Sess. (1969). More recently, the president's action in Cambodia has triggered another round of intense debate, largely in the context of two sets of proposals: Hatfield-McGovern Amendment, S. Amend. 609, 91st Cong., 2d Sess. (1970); Church-Cooper Amendment, S. Amend. 620, 91st Cong., 2d Sess. (1970).

[3] For a general collection of articles on this aspect of the Vietnam conflict see The Vietnam War and International Law (R. Falk. ed. 1968) and see R. Hull & J. Novogrod, Law and Vietnam (1968), most of which is devoted to the nonconstitutional law aspects of Vietnam. While I do not purport to have made a careful analysis of this aspect of the Vietnam conflict, I must say that the efforts to show that United States action in Vietnam violates accepted norms of international law seem quite insubstantial. Accordingly, I have not included any separate consideration on the restraint that accepted rules of international law imposed upon presidential war-making. That, however, is an issue that merits careful consideration.

[4] See U.S. Const. art. I, § 8, cls. 1–18. See also U.S. Const. amend. XIV, § 5.

[5] For example, the president "may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." U.S. Const. art. II, § 2.

[6] U.S. Const. art. II, §§ 1–3.

[7] See C. Black, Perspectives in Constitutional Law 58 (1963).

[8] The Federalist No. 69 (A. Hamilton). See also Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850).

[9] Note, supra note 2, at 1775.

[10] This development stems from such diverse factors as the rise of political parties, the advent of mass communications, and the complexity and highly interdependent character of modern life. For particularly helpful discussion of the growth of and the present dimensions of the presidency see J. Burns, Presidential Government (1965); R. Neustadt, Presidential Power: The Politics of Leadership (1960).

[11] Kurland, The Impotence of Reticence, 1968 Duke L.J. 619, 634–636.

[12] Id. at 627–628. Professor Kurland, it should be noted, deeply laments this result.

[13] Increasing concern has been expressed whether, institutionally, the presidency has inadequate information on which grave decisions must be based. G. Reedy, The Twilight of the Presidency 24–29 (1970). Like many writers who are deeply disturbed by the concentration of power in the president, Mr. Reedy shows a preference for a strong senate.

[14] For a brief discussion of the view of the framers see E. Corwin, The President: Office and Powers 1787–1957, at 10–19 (4th rev. ed. 1957). It should be recalled that this discussion took place against a backdrop of the United States and of the world that bears little semblance to our times. Even so, Hamilton vigorously advanced the conception of a strong president.

[15] Missouri v. Holland, 252 U.S. 416, 433 (1920) (Holmes, J.):

"When we are dealing with words that also are a constituent act, like the Constitution of the United States, we must realize that the framers have called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters. It was enough for them to realize or to hope that they had created an organism; it has taken a century and has cost their successors much sweat and blood to prove that they created a nation. The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago."

[16] J. Burns, supra note 10, at 70–71:

"In the deepest sense congressional government was not really government. It was rather brokerage—a place for the adjustment of competing economic interests. The main interest in Congress, Bryce noted, related to the raising and spending of money. And the more the Presidency was drawn into the congressional orbit, the less the Presidency could be a place for the expression and realization of great dreams, programs, and conflicts."

[17] C. Black, supra note 7, at 57:

"[W]ithout straining a single provision in the text, Congress might have made the President into a symbolic chef d'état. . . .

"[C]ongress, instead of reducing the Executive to a formal status, has by its own laws steadily added to his power; most of the legally warrantable powers of the Presidency today come from statutes."

[18] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[19] Id. at 587–88. See also J. Smith & C. Cotter, Powers of the President During Crisis (1960).

[20] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 683–700 (1952).

[21] E.g., Kauper, The Steel Seizure Case: Congress, The President and The Supreme Court, 51 Mich. L. Rev. 141, 178 (1952). I do not mean to suggest that the division on this issue is unimportant. Congress had, after all, not *expressly* forbidden the president to seize the steel mills. See, e.g., C. Black, supra note 7, at 64.

[22] Mr. Justice Black's opinion has been widely criticized. Professor Black characterizes it as "unhistoric and unworkable." C. Black, supra note 7, at 63. "[T]he opinion," says Professor Corwin, "bears all the earmarks of hasty improvisation as well as of strong prepossessions, being unquestionably contradicted by a long record of presidential pioneering in territory eventually occupied by Congress." E. Corwin, supra note 14, at 155. See also Corwin, The Steal Seizure Case: A. Judicial Brick Without Straw, 53 Colum. L. Rev. 53 (1953); Kauper, supra note 21; Lea, The Steal Case: Presidential Seizure of Private Industry, 47 Nw. U.L. Rev. 289 (1952)

It has, of course, sometimes been suggested that, given a grave enough situation, the president can act *in disregard of a legislative command*. Lincoln put the matter sharply: "Are all the laws *but* one to go unexecuted, and the Government itself to pieces lest that one be violated?" Message to Congress, July 4, 1861 (emphasis in original), quoted in E. Corwin, supra note 14, at 252. See generally E. Corwin, supra note 14, at 228–30, 250–52. Despite the evident appeal in Lincoln's position it is difficult to frame any theory of separation of powers that would permit the president to claim inherent power to disregard congressional commands because he deemed an emergency to exist. Of course, there are techniques by which this issue can be avoided. It seems likely, for example, that existing statutes could generally be construed in a manner so as not to present any conflict.

[23] U.S. Const. art. I, § 8, cls. 3, 10–14; U.S. Const. art II, § 2.

[24] U.S. Const. art. II, §§ 2–3.

[25] The respective prerogatives of congress and the president were vigorously debated by Hamilton and Madison. See E. Corwin, supra note 14, at 177–84. Hamilton pressed for a particularly broad construction of presidential power to conduct foreign affairs. See id.

[26] —Annals of Cong. 613 (1800).

[27] United States v. Curtis-Wright Export Corp., 299 U.S. 304, 320 (1936). Here, the court accepted the doctrine of "inherent" presidential power over foreign affairs, Id. at 319–20. See generally E. Corwin, supra note 14, at 170–226; G. Schubert, The Presidency in the Courts 101–36 (1957).

[28] L. Koenig, The Presidency and The Crisis 18 (1944).

[29] Professor Black argues, however, that the textual powers of the president to conduct foreign affairs are in fact minimal. Accordingly, he is of the opinion that the constitutional text presupposed congressional supremacy in the area of foreign affairs corresponding to a similar supremacy in internal affairs. C. Black, supra note 7, at 57–59. Professor Kurland is of the same view. Kurland, supra note 11, at 621–23. I tend to agree with this view. Historical necessity has, however, expanded the content of such terms as "executive power" and "commander in chief" and it has given sanction to the Hamiltonian view of "inherent" powers—i.e., to powers not in the constitutional text. See generally authorities cited in note 27 supra.

[30] E. Corwin, supra note 14, at 171 (emphasis in original) (footnote omitted).

[31] R. Neustadt, supra note 10, at 33: "The constitutional convention of 1787 is supposed to have created a government of 'separated powers.' It did nothing of the sort. Rather, it created a government of separated institu-

tions *sharing* powers." (emphasis in original). See also S. Huntington, Political Order in Changing Societies 109–12, 115–21 (1968).

[32] There are numerous areas where clashes between the president and congress are not easily resolvable apart from the play of the political process. For example, there are no clear rules governing the power of the executive to withhold information from congress. Younger, Congressional Investigations and Executive Secrecy: A Study in the Separation of Powers, 20 U. Pitt. L. Rev. 755 (1959). See also the questions arising from the presidents asserted power to "impound" funds voted by congress for expenditures.

[33] The "conclusion is unavoidable that the national legislature, as it now plays its exacting role on the political stage, is remarkably ill-suited to exercise a wise control over the nation's foreign policy." R. Dahl, Congress and Foreign Policy 3 (1950). However, Professor Finer has voiced grave concern about the capacity of one man to respond in a rational manner to constant world crises and has suggested institutional restraints on the presidency. H. Finer, The Presidency: Crisis and Regeneration 198 (1960).

[34] E. Corwin, supra note 14, at 184–93.

[35] "Senate" should in all probability be substituted for "congress." But see J. Clark, The Senate Establishment 15 (1963) ("the Senate has become archaic, outmoded, obsolete as a meaningful democratic institution"). It is, I think, exceedingly difficult to imagine any real role in foreign affairs for the house of representatives.

[36] In recent times President Wilson alone seems to have been troubled by lack of congressional authorization. See Comment, The President, The Congress, and The Power to Declare War, 16 Kan. L. Rev. 82, 85 (1967). Nonetheless, he ordered the bombing of Vera Cruz without congressional authority. Id. at 84. Moreover, with respect to World War I, he took action that, he conceded, was quite likely to draw us into war.

[37] For a valuable collection of instances of such presidential action extending through 1941 see J. Rogers, World Policing and The Constitution 92–123 (1945). See also F. Wormura, supra note 2, at 6–43; M. Pusey, supra note 2, at 41–114.

[38] Professor Commanger describes the post civil war instances as "so numerous as to be tedious." Commanger, Presidential Power: The Issue Analyzed, N.Y. Times, Jan. 14, 1951, § 6 (Magazine), at 23.

[39] For a detailed discussion of the conduct of Franklin Roosevelt see L. Koenig, supra note 28, 18–66.

[40] It should also be noted that President Eisenhower deployed 14,000 troops in Lebanon without statutory authority, and on the basis of his "inherent" constitutional power. See 104 Cong. Rec. 13, 903–04 (1958) (statement by President Eisenhower). Mention should also be made of President Kennedy's use of the navy in Cuba. See M. Pusey, supra note 2, at 9–10. Fortunately, in neither instance did actual hostilities occur. However, in each case the deployment of the armed forces may actually have constituted an act of war.

[41] U.S. Dep't of State, The Legality of United States Participation in the Defense of Viet Nam, 54 Dep't State Bull. 474, 488 (1966), reprinted in Legality of United States Participation in the Viet Nam Conflict: A Symposium, 75 Yale L.J. 1084 (1966).

[42] See, e.g., F. Wormuth, supra note 2. Not all the critics agree with this view. For example, Pusey writes that "[i]n recent years, however, the President has been exercising the power to make war with alarming consistency." M. Pusey, supra note 2, at 1.

[43] Malawer, supra note 2, at 224. See also Standard, United States Intervention in Vietnam Is Not Legal, 52 A.B.A.J. 627, 632 (1966). If a full-blown declaration of war is a necessary condition for presidential action, Korea cannot be distinguished by a reference to alleged United States obligations under the United Nations Charter, which is merely a treaty. Only congress, not the senate, can declare war.

[44] Malawer, supra note 2, at 213–14.

[45] Professor Wormuth argues that this radically distorts the intention of the framers. F. Wormuth, supra note 2, at 46. See also id. at 35. In the words of President Buchanan: " 'The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When that fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks.' " Id. at 17, quoting from 5 Messages and Papers of the Presidents, 1789–1908, at 516 (J. Richardson ed. 1908).

[46] L. Koenig, supra note 28, at 46: "Congress seldom has objected to the action of the President, as commander-in-chief, in sending abroad and maintaining the armed forces without its prior concurrence. The instances of objection are important, but the otherwise general consent has tacitly established the rule of practice. . . ."

[47] See Note, supra note 2, at 177685 for a discussion of the various theories advanced in support of presidential action.

[48] Id. at 1788–90.

[49] Id. at 1793.

[50] For an exposition of the view of the framers see M. Pusey, supra note 2, at 41–57.

[51] E.g., Velvel, supra note 2, at 453–55.

[52] Professor Malawer seems to assume this view. Malawer, supra note 2, at 223. See also Comment, The President, The Congress and The Power to Declare War, 16 Kan. L. Rev. 82, 94–95 (1967).

[53] Corwin, Who has the Power to Make War, N.Y. Times, July 31, 1949, § 6 (Magazine), at 14. See also R. Hull & J. Novogrod, supra note 3, at 171–72.

[54] E.g., Velvel, supra note 2, at 454–55, 499 n.216; Note, supra note 2, at 1794–98.

[55] Velvel, supra note 2, at 454–55, 499 n.216; Note, supra note 2, at 1794–98.

[56] Note, supra note 2, at 1798:

"[I]nstead of assuming that the President may deploy American forces as he sees fit and only in the exceptional case need he seek congressional approval, the presumption should be that congressional collaboration is the general rule wherever the use of the military is involved, with presidential initiative being reserved for the exceptional case."

[57] Professor Velvel apparently assumes that the president has unlimited constitutional power to deploy the armed forces abroad. Velvel, supra note 2, at 471–72.

[58] Note, supra note 2, at 1797.

[59] M. Pusey, note 2, at 174. Professor Velvel seems concerned only with massive involvements. E.g., Velvel, supra note 2, at 468.

[60] For various views on the degree of institutional competence held by these two branches see notes 33 & 35 supra and authorities cited therein.

[61] Velvel, supra note 2, at 461–62.

[62] Since the end of World War II there have been no formal declarations of war by a nation. See Indochina: The Constitutional Crisis, 116 Cong. Rec. 7117, 7121, n55 (daily ed. May 13, 1970). This memorandum was prepared by Yale Law School students and signed by Professor Bickel and others.

[63] A formal declaration of war would of course increase the reservoir of internal regulatory power possessed by the national government (if it can be increased over what is already possessed). For a list of legislation that becomes effective on the basis of a formal declaration of war see 116 Cong. Rec. 5122–23 (daily ed. June 3, 1970).

[64] See note, supra note 2, at 1798: "An excessively wooden concept of what constitutes congressional exercise of its power to declare war would have the effect, not of preserving congressional authority, but of transferring more and more decisions to the more flexible executive branch."

[65] Not surprisingly, those opposed to the war find these actions insufficient. E.g., Malawer, supra note 2, at 227–31; Velvel, supra note 2, at 465–66, 472–79. Indeed, Professor Wormuth finds the Gulf of Tonkin resolution "unconstitutional." F. Wormuth, supra note 2, at 43–53.

[66] Note, supra note 2, at 1798–803 carefully considers this problem.

[67] This seems to me to dispose of arguments of the following character:

"It has been argued that congressional inaction and failure to repeal the Tonkin Gulf Resolution give implicit authorization to the Indochinese War. The logical outcome of such an argument is that the President can do whatever he wishes and the Congress has the affirmative duty to try to stop him. This shifts the presumption of the Framers in favor of congressional control over war-making and gives the initial and continued upper hand to the executive."

Indochina: The Constitutional Crisis, supra note 62, at 7119 (footnote omitted). The "presumption" of which these writers talk, if it ever existed, has no modern basis. Significantly, these writers make no effort to relate the alleged presumption to the present allocation of responsibility between congress and the president in the conduct of foreign affairs.

[68] Compare Harper v. Virginia Bd. of Elections, 383 U.S. 663, 669–70 (1966).

[69] In McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819), Chief Justice Marshall expressly recognized the importance of the historical practice of the political organs of the government in assessing the meaning of constitutional guarantees not involving guarantees of personal freedom. In sustaining congressional legislation creating a national bank, he wrote:

"It will not be denied, that a bold and daring usurpation might be resisted, after an acquiescence still longer and more complete than this. But it is conceived, that a doubtful question, one on which human reason may pause, and the human judgment be suspended, in the decision of which the great principles of liberty are not concerned, but the respective powers of those who are equally the representatives of the people, are to be adjusted; if not put at rest by the practice of the government, ought to receive a considerable impression from that practice. An exposition of the constitution, deliberately established by legislative acts, on the faith of which an immense property has been advanced, ought not to be lightly disregarded." Id. at 401.

[70] I do not think the views expressed by Professor Burns in his book Presidential Government (1965) are inconsistent with this statement.

[71] Recent decisions of the supreme court indicate to me that there are no federalism-derived constitutional limits on congressional legislative power. See, e.g., Katzenbach v. Morgan, 384 U.S. 641 (1966); Katzenbach v. McClung, 379 U.S. 294 (1964); and Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964), which demonstrate that the court will sustain an exercise of congressional power that is "rationally" related to any of the enumerated congressional grants. Professor Wechsler long ago reminded us that the actual structure of federalism is and should be governed by the dictates of political process, not by artificial legal doctrines. Wechsler, The Political Safeguards of Federalism: The Role of the States in the Composition and Selection of the National Government, 54 Column, L. Rev. 543 (1954).

[72] It is worth observing that "Congressional power 'to declare war' . . . does not, even semantically, exclude armed hostilities without such a formal declaration." 116 Cong. Rec.

8405 (daily ed. June 4, 1970) (letter of Professors Rostow, Winter and Bock to Senator Allot).

[73] The writers who seek constitutionally based restrictions are, of course, committed to the familiar—and psychologically comfortable—lawyer's task of "drawing lines." That mentality makes difficult the recognition of areas not governed (at least in form) by legal rules. Thus while one writer accurately frames "the real issues,"—how is the President's authority as Chief Executive and Commander in Chief to be reconciled with Congress' power to declare war?—his approach is an attempt to draw a line so as to create an exclusive congressional preserve, which the president may not trespass with permissiveness. Note, supra note 2, at 1771.

[74] J. Burns, supra note 10, at 298.

[75] See Indochina: The Constitutional Crisis, supra note 62, at 7119. Even Professor Rostow, et al., supra note 72, fall short of challenging this power.

[76] See C. Rossiter, The Supreme Court and the Commander in Chief 131 (1951): "As in the past, so in the future, President and Congress will fight our wars with little or no thought about a reckoning with the Supreme Court."

[77] See Mora v. McNamara, 389 U.S. 934 (1967). The sole limit of the courts' powers is, in my judgment, to announce that the matter must be resolved by the political branches of government. Contra, Schwartz & McCormack, The Justiciability of Legal Objections to the American Military Effort in Vietnam, 46 Tex. L. Rev. 1033, 1053 (1968); Velvel, supra note 2, at 479–503. Professor Velvel has had no success in convincing the courts. Velvel v. Nixon, 415 F. 2d 236 (10th Cir. 1969), cert. denied, 396 U.S. 1042 (1970).

I recognize, of course, that not all presidential action is beyond judicial scrutiny. For a list of instances in which the supreme court has invalidated presidential action on constitutional ground see G. Schubert, supra note 27, at 361–65 (1957).

The War Power: Congress Versus the President

[From the Washington (D.C.) Star, May 17, 1970]

The current furor in and outside the Senate over funding the Cambodian operations after June 30 is larded with irrational emotion and political opportunism. Yet the issue at stake—the war-making power of Congress as opposed to the authority of the President as Commander in Chief—is real, complex and of far-reaching importance.

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to Congress the right "to declare war." The problem is that the five post-World War II presidents of both parties—Truman, Eisenhower, Kennedy, Johnson and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

The great majority of these adventures—the 1958 landing in Lebanon and the 1965 intervention in the Dominican Republic are two recent examples—happily did not become conflicts of major significance, at least in terms of casualties abroad or political impact at home. Two others, however—the Korean "police action" and the Indochinese conflict—mushroomed into undeclared wars which resulted in the deaths of more than 75,000 Americans. The Vietnamese war, with its related conflicts in Laos and Cambodia, has divided this uneasy nation as has no other similar issue since brother took up arms against brother in the American Civil War. It is a repetition of this sort of tragedy which some senators hope to prevent through congressional control of the purse strings.

The primary difficulty lies in the definition of what involves American participation in a war. If, as Senators Cooper and Church maintain in their amendment, furnishing advisers to a friendly country (Cambodia) amounts to direct involvement, then the United States was a belligerent in the Greek civil war of 1947–49. If loss of life defines involvement, then the United States was indeed at war (with whom?) in the Dominican Republic in 1965. And yet no reasonable man would hold to either of these theses.

By the same token, this hypothetical reasonable man (so much distinguished by his apparent absence from the United States these days), would have to admit that, despite the lack of ringing calls to arms from Capitol Hill, we were at war with North Korea and Communist China in the 1950s and we have been at war, at least since 1964, with North Vietnam. In neither case could diplomats burn their official papers before asking for their passports, as was the style in a more mannered age, since we have had diplomatic relations with none of the nations which we have been fighting.

Since American presidents have sent U.S. forces into action abroad more than 150 times without a declaration of war by Congress, the common sense of the matter, it seems to us, is that an undeclared war becomes reprehensible only when it is lost, or when it becomes politically impossible for the President to prosecute it. While such a theory obviously can be found neither in the Constitution nor in the canon of international law, it seems as demonstrable as the fall of Newton's apple. The Korean war, for instance, over a shorter period resulted in almost as many American deaths as the Indochinese fighting. Yet there was no significant popular or congressional outcry against that war. Boys who had no more desire to be shot at than today's draft dodgers in Canada went docilely if not joyfully to that war because it did not, could not, occur to them to do otherwise.

While the great majority of this generation have done the same, the situation and the ethic have altered. It is clear that, in the eyes of many Americans, the Indochinese war has become odious, partially because the government of South Vietnam is regarded by such people as unworthy (would that of Syngman Rhee have stood up to close scrutiny?) and partially because this war, like all others, involves an element of risk and inconvenience to the participants. Hence the war in a practical political sense no longer is possible, which is precisely why, we would suggest, the President is trying to end our direct involvement in it.

What some members of the Senate and House are trying to do now is to reassert an atrophied congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander in Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is that they *are* there, despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of American soldiers who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creating one. Any president's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

[From the Congressional Record, Dec. 8, 1970]

Colloquy Between Senator Dole and Senator Ellender

Mr. **Dole**. Mr. President, I wish to ask a question of the distinguished chairman of the Appropriations Committee, the Senator from Louisiana (Mr. **Ellender**), with reference to section 843, as to his interpretation of the definition of the word "introduction."

Section 843 reads:

"In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia."

The Senator from Kansas is puzzled with reference to the definition of section 843 of the word "introduction."

Mr. ELLENDER. In recommending that section 843 be amended to include Cambodia, along with Laos and Thailand, it was the intent of the committee to apply to Cambodia those same restrictions and criteria that were applied to Laos and Thailand pursuant to this provision as it appeared in the Department of Defense Appropriation Act, 1970, and proposed in the President's budget for fiscal year 1971.

Mr. DOLE. Mr. President, I ask a question as one who supported the Church-Cooper resolution—I do not wish to become involved in extended debate concerning it, but would this language prohibit any President from taking appropriate measures to protect American forces even if that meant going into Cambodia?

Is that a correct interpretation, I again ask the Senator from Louisiana?

Mr. ELLENDER. As I said, what the committee did was to use the exact language the President proposed in his budget for Laos and Thailand which the House had recommended, and then we added Cambodia. Of course, the Congress cannot by statute limit in any way the powers given to President by the Constitution.

Mr. DOLE. That is the point the Senator from Kansas would make for the record, that the President is the Commander in Chief. By statute we can limit the expenditure of funds as a proper role of Congress, but we cannot derogate the rights and powers of the President, which he possesses by virtue of the Constitution, by enactment of any statute.

To complete the record as to what the President's intentions may be, he stated them forthrightly on June 30, in his report on Cambodia. He gave a number of guidelines for U.S. policy in Cambodia, and among these were the following which relate to U.S. personnel:

There will be no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh.

There will be no U.S. advisers with Cambodian units.

We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam.

The President further commented publicly on this aspect of U.S. policy the following evening. He was asked whether he could give categorical assurances now that we will not send ground troops back into Cambodia no matter what. He answered:

"I indicated when this operation was begun two months ago . . . that once we had completed our task successfully of cleaning out the sanctuaries that then it would not be necessary and I would not consider it advisable to send American ground forces back into Cambodia.

"I can say now that we have no plans to send American ground forces into Cambodia. We have no plans to send any advisers into Cambodia. We have plans only to maintain the rather limited diplomatic establishment that we have in Phnom Penh and I see nothing that will change that at this time."

The interviewer then indicated that the Senate seemed to want the President to foreswear this in a final way and the President responded:

"I think that anybody hearing the answer that I have just given would certainly get the impression and would incidentally be justified in having the impression that the President of the United States has no intention to send ground forces back into Cambodia, and I do not believe that there will be any necessity to do so.

"When you say, can I be pinned down to say that under no circumstances would the United States ever do anything, I would not say that, but I will say that our plans do not countenance it, we do not plan on it, and under the circumstances, I believe that the success of the operation which we have undertaken, as well as what the South Vietnamese will be able to do, will make it unnecessary."

In reading these statements made by the President on July 1 of this year, one can easily see that the President indicated his present intention not to introduce American ground combat troops into Cambodia. This amendment, however, goes a step further, a step which the President refused to go, and purports to impose a judgment, regardless of the circumstances. The President has indicated that he will meet his responsibility as Commander in Chief of our Armed Forces and take the action he considers necessary to protect American forces.

It should be clear in the RECORD and I make the point that because of the importance of the President's responsibility, whoever he may be, that it is a continuing responsibility, obligation and duty—to protect American forces.

I would assume, based on the response from the Senator from Louisiana, that there is no effort to impinge upon the President's constitutional rights, powers, and duties.

Mr. ELLENDER. None whatever.

Mr. DOLE. Mr. President, that satisfies the Senator from Kansas. The Senator from Louisiana recalls that we had a very extensive debate on the Cooper-Church amendment and that section 843 is far different.

The Cooper-Church amendment was broader in some respects. It referred to the retention of ground forces in Cambodia. It covered the carrying out of contracts with any government that might supply forces in Cambodia and the conducting of air activity over Cambodia.

At the same time, the language of the Cooper-Church resolution made clear that it was not an effort by Congress in any way to impugn the constitutional rights and duties and obligations of the President. Therefore, I appreciate the response of the Senator from Louisiana.

I trust the record is clear that nothing contained in the defense appropriations bill or in the language of section 843 would tie the hands of any President if he found it necessary to act in the exercise of his powers under the Constitution to protect American forces.

DEFENSE BUDGET NEARS PEACETIME LEVEL WHILE WAR CONTINUES

Mr. DOLE. Mr. President, the fiscal year 1971 defense budget is close to the prewar, peace time levels—much closer than many people appear to realize. Military manpower, for example, is forecast at 2,908,000 for June 30, 1971. That is an 8-percent increase above the level of 2,685,000 at June 30, 1964. And it is less than 4 percent above the 2,808,000 we had on June 30, 1962—another peacetime year.

In constant dollars—factoring outpay and price increases—defense spending under this bill will be about $4 billion higher in wartime 1971 than it was in peacetime 1964. The added costs of the war are more than $10 billion, so there have had to be short cuts elsewhere.

Let us look at what has happened. Consider procurement. In peacetime fiscal year 1964, we provided budget authority of $15,645 million. This bill provides $15,970 million—an increase of $325 million, 2 percent above the prewar level. But there have been sharp price increases since fiscal year 1964. That $15,645 million we provided in fiscal year 1964 would be equivalent to $19.3 billion at today's prices. So, in dollars of constant buying power, this bill is 18 percent below the peacetime level—and this bill has to cover the cost of the war.

Consider R.D.T. & E. In peacetime fiscal year 1964, we provided budget authority of $6,984 million. This bill actually provides less—$6,960 million. And that 1964 amount would be equivalent to $8.7 billion today. Once again, we find that the budget has been cut in real terms, this time by 20 percent, below the peacetime level. And, once again, this bill has to cover the cost of the war.

The consequences of trying to fight a war within a peacetime budget level are plain. It has been necessary to make cuts elsewhere—and very deep cuts. From 1968 to 1970, the number of ships in the active fleet has been reduced by 189. And consider this: In the last decade, while the average age of our fleet has actually increased, the Soviets have built a formidable navy. Forty-seven percent of our ships are 20 years old or more, but less than 1 percent of the Soviet Navy's ships are that old. Their submarine force, on which they have concentrated, is six times as large as Hitler's was at the beginning of World War II.

As to aircraft, the Air Force is buying less aircraft in 1971 than in any year since 1935, and over half of the 1971 buy is designated for other nations of the free world. The Navy is buying less aircraft in 1971 than in any year since 1946.

Deployments have been cut. The number of military personnel in Europe is one-third less than prewar, and cutbacks will be necessary in Korea and elsewhere.

Setting aside special war costs in the 1971 budget for defense, we find that the baseline force provided is much lower than for any year since before the Korean war.

IMPROVED INTERNAL SECURITY IN SOUTH VIETNAM

The pace and intensity of the war in Vietnam has changed considerably since the advent of President Nixon's policy of Vietnamization. Not only has the U.S. troops strength in Vietnam declined substantially, but the entire complexion of the war has shifted from the frequent clash of main force units, to an intensified pacification campaign to bring security to the countryside. Increasingly, the forces of the Republic of Vietnam are assuming responsibility for military operations against the enemy main force units, driving them out of South Vietnam and their long protected sanctuaries across the border in Cambodia. As a result, overall security in South Vietnam is improved, enemy main forces have been denied the initiative, and territorial forces are providing increased security to the villages and hamlets. The President's policies have been successful thus far in winding down the war, reducing the level of violence and the number of casualties, turning more of the security responsibility over to the South Vietnamese, and providing increased security, prosperity, and self-government for the South Vietnamese people.

Two aspects of the Vietnamization program which reflect improved internal security in South Vietnam are the improvement and modernization of the Republic of Vietnam Armed Forces—RVNAF—and increased territorial security. Indicators of progress and success achieved in each of these aspects of Vietnamization have been encouraging during the past year and, as President Nixon stated on April 20, 1970, progress in Vietnamization was the sole criterion on which he was able to base his decision to withdraw 150,000 more U.S. troops during the next year.

IMPROVEMENT AND MODERNIZATION OF RVNAF

The RVNAF I. & M. program covers every aspect of development of the regulator forces—ARVIN, VNN, VNMC, VNAF—and territorial forces—RF, PF—for the purpose of enabling the RVNAF to take over the maximum share of the war.

The strength of the RVNAF now stands at over 1,000,000 men, which represents over a 90-percent increase during the past 5 years and approximately 15 percent during the past year.

Equipment deliveries to the RVNAF include over 880,000 small arms and crew-served weapons, 1,100 artillery pieces, 38,000 radios, 51,000 wheeled vehicles, 3,000 tracked vehicles, 200 helicopters and other aircraft, and 550 naval craft. The delivery of equipment is proceeding generally on schedule or ahead of schedule.

Additional equipment is being turned over to the RVNAF by U.S. units redeploying from Vietnam. About 20 different types of ARVN units have been equipped in this manner. The large turnover of riverine combatant craft to the VNN has made it the ninth largest navy in the world. Unit turnovers to the VNAF have equipped one special air mission, one fighter/attack—A-37—one forward air control—(O-1)—one airlift—CH-47—and two assault attack—UH-1—squadrons.

Military training within the RVNAF is a continuing effort for each man and each unit. Training centers and service schools in-country have an annual student training load of over 600,000, up 27 percent from 1969 and up over 50 percent from 1968. Offshore training—that is, in the United States—for RVNAF personnel has increased from about 1,500 in fiscal year 1967, to 2,400 in fiscal year 1969, to 7,600 in fiscal year 1970. Newly activated units undergo a unit training cycle; refresher training is given to units withdrawn from operations for refitting; and unit operational training is conducted by units in place.

The gradual yet highly visible improvements in the RVNAF are reflected in the Cambodian operations which provide further evidence of the military's confidence and ability to perform as a credible fighting force.

The United States has turned over to RVNAF more than 50 facilities to include the 9th Infantry Division base at Dong Tam, the U.S. Navy base at My Tho, the 3d Marine Division base at Dong Ha, Nha Trang Air Base, and the 4th Infantry Division base at Camp Enari. Additional facilities are programed for turnover in the near future.

By October 15, 1970, the actual U.S. troop strength in Vietnam had been reduced below the 384,000 directed by the President. The authorized U.S. troop strength had been reduced 29 percent and U.S. infantry-type battalions had been reduced 34 percent.

The number of U.S. combat deaths during the first 6 months of 1970 was 55 percent less than the same period in 1969. Similarly, the number wounded in action was 55 percent less. The weekly rate of U.S. combat deaths since July 1, 1970 is about 40 percent below the weekly rate for the first 6 months of 1970.

As a result of increased overall security, starting at the border areas, the number of ground contacts has decreased considerably, with the weekly average of days of contact reduced over 50 percent from 1969 levels.

INCREASED TERRITORIAL SECURITY

Today the territorial security forces number over 500,000. Giving protection to the Vietnamese people is the primary mission of these forces whose improved weapons, training, and leadership have produced a fighting force of significant capability.

Over 350,000 armed citizens are among the more than 3,500,000 members of the Peoples' Self-Defense Force, which is designed to provide additional security for the nation's more than 17 million citizens.

The National Police, which now number over 88,000, are better trained and better equipped to perform a public safety function, particularly protecting the people who live in the countryside.

Significant progress is evident through the GVN control of rural areas, with over 93 percent of the population now residing in relatively secure areas.

A special pacification and development campaign is now in full swing, the purpose of which is to accelerate, improve and consolidate GVN program gains countrywide.

Mr. SYMINGTON. Mr. President, I have listened with interest to the colloquy and the statements of the Senator from Kansas and the Senator from Louisiana. This increases my desire to have the Members of the Senate acquainted with the report of the staff members of the Foreign Relations Committee. That report is classified. I would urge that it be declassified so that the Senate will know what is going on in Cambodia.

I can fully sympathize with the feelings of the Senator from Kansas with respect to the rights and privileges and duties of the President of the United States when it comes to getting involved in a war. However, I have great interest in the rights and responsibilities of the Congress of the United States when it comes to fighting in other countries. Therefore, I hope that the facts incident to Cambodia, developed by the gentleman who went out on the ground, are made known to the Senate at the earliest opportunity.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays.

Mr. DOLE. I thank the Senator from Arkansas, and I shall not make an additional motion.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. FULBRIGHT. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS—RECESS UNTIL TOMORROW, DECEMBER 16, 1970, AT 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order——

The PRESIDING OFFICER. Does the Senator from Arkansas yield for that purpose?

Mr. FULBRIGHT. I yield for that purpose.

Mr. BYRD of West Virginia. If there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock—Mr. President, I withhold that.

The PRESIDING OFFICER. Does the Senator withthold that motion?

Mr. BYRD of West Virginia. I withhold it, Mr. President.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. I understood that there were previous orders by unanimous consent for speeches tomorrow morning.

Mr. BYRD of West Virginia. Mr. President, what are the special orders for recognition already entered for tomorrow morning?

The PRESIDING OFFICER. The Senator from Florida (Mr. HOLLAND) will be recognized at 9 o'clock for 30 minutes after the reading of the Journal is disposed of.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. FULBRIGHT. After that I have the right to the floor, Mr. President, do I not? I ask unanimous consent that I have the right to the floor.

The PRESIDING OFFICER. There is no previous order to that effect. The Senator will have to ask for it at that time, unless there is a previous unanimous consent order.

Mr. FULBRIGHT. Mr. President, subsequent to the completion of the speeches that have been agreed to, I ask unanimous consent that I may have the right to the floor.

Mr. GRIFFIN. Objection, Mr. President.

The PRESIDING OFFICER. There is objection.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a motion to recess?

Mr. FULBRIGHT. I yield.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 36 minutes p.m.) the Senate recessed until tomorrow, Wednesday, December 16, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 15, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Leonard J. Saccio, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

U.S. DISTRICT COURTS

Robert J. Kelleher, of California, to be a U.S. district judge for the central district of California, vice a new position created by Public Law 91-272, approved June 2, 1970.

Albert J. Engel, of Michigan, to be a U.S. district judge for the western district of Michigan, vice W. Wallace Kent, being elevated.

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EXTENSIONS OF REMARKS

DOGBONE AND OTHER TOWNS REPRESENT STRENGTH IN AMERICA—PLACE NAMES PRESENT QUAINT AND ORIGINAL QUALITY OF LIFE IN WEST VIRGINIA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 15, 1970

Mr. RANDOLPH. Mr. President, our Special Subcommittee on Aging conducted hearings in October in my home State of West Virginia, as part of a continuing inquiry into the problems of our elderly citizens. One of these hearings was held in an isolated community of Lincoln County named "Dogbone." I believe that the place name itself served to call public attention to these important hearings. There are many unique and quaint community names that not only designate location, but give us a graphic picture of the life and times of West Virginia's early pioneers. Some time ago a historian conducted a study of Mountain State place names which in itself is a study of historical lore.

For example, the towns of Mohawk and Mohegan came from Indian tribes that inhabited or hunted this mountainous region of the Appalachians. Names such as Mingo, Seneca, and Guyandot, Wyoming, Shawnee, Potomac, and Watoga are places and rivers which recall the beginning of our recorded history. Even before the Indian, there lived here the Moundbuilder, hence Moundsville.

Mr. President, I include the following report on West Virginia place names in the RECORD for the enlightment and pleasure of my colleagues:

REPORT ON WEST VIRGINIA PLACE NAMES

Many streams in West Virginia still carry descriptive titles of the colorful Indian language. Monongahela was known to the Delawareans as the "river of falling banks." Pocatalico was the "river of fat doe." Ohio means "river of many whitecaps." The Great Kanawha pays tribute, not to the river, but to the once great tribe of Canoys.

The little town of Pickaway, in Monroe County, is a rough pronunciation of the tribal name, Piqua.

Names give us a true insight on the life of the early pioneers. Moreover, in names like Little Italy, Ireland, Polandale, Welsh Glade, and Germany Valley, we discover the origins of these people. Helvetia, in Randolph county, is the Swiss name for its settler's native country. Ronceverte, meaning Greenbrier, shows the French influence in the southeastern area.

Many of West Virginia's commonplace names depict the environmental conditions of those early days. Names like Eleiber Run, Ramp, Spice, Sang, and Seng Runs reveal the pioneer dependence on root and herb medicines. Panther Fork, Elk River, Copperhead Branch, and Wild Cat Knob emphasize the wild unsettled conditions. Pigeonroost, Cow Creek, Bull Run, Goose Lick and Turkey Wallow Branch indicate agricultural pursuits. Names like Thunder Hill Run, Mount Storm, Hurricane and Tornado show the settler's deep awareness of natural forces.

Perhaps it was the pioneer women who gave us such names as Cupboard Run, Kitchen Creek, Kettle Run, Pot Branch, Skillet Run, and Tub Run, Tearcoat Hill, Mitten Ridge, Sissorsville Branch, Wash Hill Fork, and Suds Run can be credited to them, too. What stories lie behind names like Peddler Run and Gunbarrel Hollow?

Even foods are immortalized in names like Apple Pie Ridge, and Potato Hole Knob. An early day humorist probably gave us Pickles Fork. And to show that the frontiersman was of sturdy stuff, there is Grogg Run, Mash Fork, Rum Creek and Still Run.

Religion played an important part in the lives of the pioneers. Such names as Canaan Valley, Eden, Herods Creek, Pharoah Run and Pisgah are taken from the Bible. There is a Job Knob, a Moses Creek, also a Christmas Ridge. Names like Paradise, Purgatory Knob, Devil's Tollgate, and Hell for Certain Branch mirrored the moral fiber of these places. Desolate Branch, Shades of Death Creek, and Troublesome Valley reveal more somber aspects of frontier life.

Feelings and emotions are betrayed in names like Big Ugly Creek, Hardscrabble, Desolate Branch, Stinking Creek, and Hateful Run. Soak Creek and Lissie's Roost connote humorous incidents of long ago.

Proving that the pioneers also explored the great world of literature, Avoca, from Moore's Irish Melodies, and Ravenswood, from Sir Walter Scott, are added to the list. A knowledge of Greek and Roman literature is hinted in Caesar Mountain, Socrates Mountain, Eureka Island, Polemic Run, and Styx River, Geography is evidenced by the Congo, Nile, and Rhine Rivers.

The building of railroads resulted in such names as Rose Siding, Engle's Switch, Switchback, Jones' Crossing, Vivian Yard, Tunnelton and others. Combo evolved from the Cumberland Valley and Baltimore and Ohio Railroads.

Wars are responsible for such names as Brandywine and Bunker Hill. Dunmore and Cornwallis were names for famous generals. Jefferson, Washington, and Lafayette are names of districts; counties are named for Lincoln and Grant. Civil War heroes are recognized by the districts of Stonewall, Lee, Sheridan, and Sherman. Scott and Winfield were named for the hero of the Mexican War of 1847.

Nearly all the Presidents are represented in some way. There is both a Woodrow and a Wilson in West Virginia. Women, too, have been honored by place names. Both Belva and Lockwood were names for the famous women's rights advocate of 1877. More recently, the little Putnam County community of Eleanor was named for the wife of the late President, Franklin D. Roosevelt.

PROPERTY TAX REFORM

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. KYROS. Mr. Speaker, on December 12, my colleague from Maine, Senator ED MUSKIE, shared the speaker's platform with Ralph Nader at a seminar on property tax reform, a conference held at George Washington University. Senator MUSKIE raised some penetrating questions about the need for change in this often inequitable levy. I would like to share his thoughts with you and ask unanimous consent for insertion of his remarks in the RECORD.

REMARKS BY SENATOR EDMUND S. MUSKIE

Thank you very much for inviting me this morning.

Your conference on the property tax is significant. It is timely—and it is welcome.

This is an issue which undoubtedly deserves a searching national inquiry.

We know these facts—

Property taxes provide at least 40 percent of all State and local government revenues;

They are assessed by some 70,000 local governmental units;

They generate more than $33 billion a year.

This income-producing mechanism is second only to Federal income and social security taxes.

It is the basic revenue source of two-thirds of our cities' expenditures.

It finances 54 percent of local government costs for education, 41 percent of their costs for health care, and 30 percent of their costs for welfare.

It is the basic tax we levy on our entire housing stock.

Its very magnitude would be reason enough for a periodic examination of its effectiveness and its reliability.

But the wide variations throughout the country—in terms of taxable wealth, administrative performance, fiscal requirements—have all contributed up to now to make property taxes a matter of local, rather than national, interest.

That attitude is no longer satisfactory.

Taxpayers across the Nation are beginning to ask the same fundamental questions—

Are property taxes fair?

Are they equitable?

Are they sound?

These questions must be answered thoroughly and without evasion.

Congress should seek the answers—not only for the purpose of educating the public—but also for the purpose of determining how property taxes affect national programs and policies.

For example, major Federal expenditures for rehabilitation of urban housing will have little impact . . . if property tax assessments at the local base level are increased, to the extent that they make the new investment prohibitive.

Aside from its effect on current programs, the level of property taxes is directly related to the financial aid which State and local governments are presently requesting.

In all likelihood, the 92nd Congress will be asked to expand Federal grant-in-aid programs and to initiate a plan of revenue sharing.

Are we fully prepared to do either, until we understand both the limitations and the potential of the property tax . . . until we adequately consider the need for reforms in the property tax structure?

It has been estimated, for example, that inequalities in local property tax assessments are resulting in a shortfall of from 20 to 50 percent of potential property tax revenues.

Mr. Nader has estimated that a fair assessment of business properties in America would increase State and local tax revenues by at least $6 billion a year—moneys that could be used to support improved health care facilities, a greater housing supply, better elementary and secondary school programs, more effective law enforcement, and cleaner air and water.

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This is not to suggest that property taxes are the only answer to financial survival of our States and cities . . . or that property taxes should not be lowered whenever possible.

But is to suggest that property taxes could substantially ease the financial burden of many localities—if they were simply levied in an equitable manner on all property-owners.

The question of equity is central to this inquiry—Equity as between business property and residential property . . . as between houses and apartment units . . . as between land which is improved and land which is unimproved.

It is wise to offer a low property tax assessment as an inducement to a new industry or business concern?

After all, the introduction of a new employer will necessarily place a new strain on available services of water and sewage, of transportation, of schooling—services which localities *must* find the money to support.

If they cannot find the money locally—by raising the taxes of everyone else in town—then local governments will seek relief from state and Federal Governments.

As a result, many taxpayers have already been placed in the curious position of unwittingly subsidizing a new business in another town.

With unequal assessments across the country, residential housing, the utilities and the small businessman end up paying the Lion's share of the bill for community services.

The case of Anmoore, West Virginia, is very instructive. Here two Members of Mr. Nader's task force on Union Carbide succeeded in convincing the town to tax a plant on its full assessed value, with an expected revenue gain of $380,000 by 1973.

Moreover, once a property tax inducement is offered and accepted, isn't it likely to become institutionalized . . . as a continuing drain on public resources for private benefit?

Are there in fact any rational alternatives to this haphazard method of allocating our resources?

If so, shouldn't Congress help bring them to light?

We must also ask whether it is fair that our Federal tax laws—which permit homeowners to deduct property tax payments from their income tax—provide no relief at all for apartment dwellers . . . whose rent is increased by their landlords as a result of those same property taxes.

More than three-and-one-half million Americans—many of them elderly . . . many of them single—live in apartments where taxes account for 20 percent or more of their rental.

Should they bear a special burden of paying for schools and for welfare?

Do many of them in fact need increased Social Security benefits *because* of rising property taxes?

Still a more basic question is whether any property taxes should be levied against buildings and improvements . . . whether they should be levied completely or primarily on land value itself.

The argument has been made—

That it is socially undesirable for the land speculator to pay substantially less property taxes than the person who builds improvements on his land;

That cities are decaying precisely because the property tax structure discourages modernization . . . and rehabilitation . . . and replacement of existing buildings;

That the absence of sensible land use planning is due in large measure to property tax structures which stimulate land speculation at the expense of coordinated land development.

What has followed is the all too familiar pattern of irregular growth, disorderly expansion, scattered development of subdivisions, shopping areas and industrial centers—often far removed from the center of urban activity, and equally far removed from needed municipal services such as water, transportation, and other utilities.

Americans have learned the final cost in terms of traveling longer distances to work and to shop . . . at higher costs for gasoline . . . and over clogged roads in constant need of being widened to accommodate yet the next wave of suburbanites.

They have found their water systems often so small as to be virtually uneconomic to operate—and then, at rates for service which are far out of proportion to their needs.

The have experienced—and may continue to experience—the inconvenience of gas and electric utility expansion, at substantially higher costs.

On the other hand, would a land tax alone have the effect of promoting the kind of vertical development . . . of high density living . . . which is the most undesirable alternative in terms of our environment?

Congress has an undeniable role to play in resolving these arguments.

And we must not avoid asking the hard questions:

Do property taxes necessarily have to absorb a higher fraction of the incomes of poor families than of families who are not poor?

Must certain industries—such as the railroads—be placed at price disadvantages, because their competition has significantly less property taxes to pay?

Can't we begin to design methods of uniform property tax assessment which are more real than imagined?

Aren't there more sensible ways for local governments to levy taxes by joining together, on a regional basis?

If these questions seem complicated, it is only because they *are* complicated.

The answers will be neither easy nor quick.

And those of us in the Congress shall need your experience, your knowledge, and your insistence that we begin the task.

It has been written that, "if any tax could have been eliminated by adverse criticism, the general property tax should have been eliminated long ago . . ."

It is time all of us start examining the wisdom of that remark.

THE INEXPERTS

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 15, 1970

Mr. TALMADGE. Mr. President, Mr. William D. Pardridge, an economist and editorial director of a book, "Economic Inequities," which he is in the process of compiling, is a man very much concerned about the present declining state of the American economy.

Mr. Pardridge has been writing a series of articles and economic analyses on this subject for a number of years, and they will eventually be published in book form. He has prepared a collection of quotations and comments that he calls "The Inexperts." Although Mr. Pardridge may not have universal agreement with his findings and views, he has certainly provided a great deal of food for thought. I bring "The Inexperts" to the attention of the Senate and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUOTABLE, AND UNQUOTABLE, QUOTES[1]

OPENERS

Agnew, Spiro T., Vice President of the United States of America. On May 3, 1970, the Vice President said over the Columbia Broadcasting System that times of national danger were not times to whisper, adding, "I'm yelling FIRE."

The Vice President is dead wrong in his economics: but he is dead right in his analysis of the sociopolitical catastrophes that are a foregone conclusion if the permissive course of U.S. social change is not immediately reversed. Like the President, the Vice President needs some new advisers. The Nation does not expect these two men to be economists: but the Nation does expect them to be as hard on their own official families as they are on the political and *patriotic* opposition. Professional or intellectual ineptness is not confined to "the outs." In socioeconomics and political theory, "the ins" are just as inept.

Ford, Gerald R., Minority Leader, U.S. House of Representatives. Concerning railroad bankruptcies, the Minority Leader said, "Maybe the public ought to have some shock treatment." (as quoted by Newsweek Magazine, July 6, 1970, p. 65.)

When does exposure to reality become "shock treatment?" When social apathy and intellectual and political self-protecting presumptions are rubbed raw and bare: that's when.

Law, John, Scottish Finances, 1671–1729, writing in 1720, "There are good reasons to think that the nature of money is not yet rightly understood."

Spencer, Herbert, English Philosopher, 1820–1903: "The ultimate effect of shielding men from the effects of folly is to fill the world with fools."

Time Magazine, March 30, 1970; "The professors may well be correct in thinking that their course will stop runaway inflation without plunging the U.S. into a deep recession. If they are wrong, however, the political damage to the Republican Party and the

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[1] This section is NOT to appear in the final published book. The *sole* purpose of the quotes and comments on pages 182.3–182.7 is to give undeniable support to the circled sentence on page 0.54, repeated here on page 182.4. Professor Milton Friedman's honest, true-life statement on p. 182.5 furnishes the final bridge span in this transition from armchair hypothesis to the real intellectual world around us. The circled sentence is substantiated beyond any doubt whatsoever by Professor Friedman's *declaration* that economists do unite "against" other disciplines. No logical rebuttal is possible. It says here, no *logical* rebuttal. *See particularly*: "Discplinary Integration," *supra*, pages 0.51–0.52.

If there occurs a credit collapse (liquidity failure), which is the first link in the chain logic on temporary page zero, the reason therefor may be found in the circled sentence mentioned. Such credit failure, which would launch a no-option course straight through the *entire* chain of logical sequences, would occur because "the bulk of our economists" (p. 0.60515) *unwittingly* misled us. The whole Nation would turn against the American economics profession, which intellectual discipline would be thoroughly discredited for a long time to come. Untold thousands of honest, innocent professional economists would suffer ridicule all because many of the more prominent ones have not realized, constitutionally cannot realize, that they are in waters beyond their intellectual competence. The body of economic thought in vogue during their structuring years did not accommodate interdisciplinary analysis: and to this day, many years later, and almost to a man, they have not been able to muster enough *original* thought to leave their formative training grounds.

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economic damage to the nation could be extreme."

Time Magazines does not go far enough. If the professors are so wrong as to wreck the Republican Party, the Democratic Party also will be destroyed. Time Magazine's timidity is widespread.

Wilkins, Roy, Executive Director of the National Association for the Advancement of Colored People, speaking to the 61st Annual NAACP Convention on June 30, 1970:

"A racial minority cannot live except in a democracy. In saving it, we save ourselves."

This pure social logic is worthless to society unless it has a counterpart in social interaction. In the particularly case of Mr. Wilkins' own racial minority, there is in the real world around us no counterpart to, or substantiation of, these compelling words. They are thus empty words.

THE INEXPERTS

Burns, Arthur F., Chairman, Federal Reserve Board of Governors, Newsweek Magazine, December 16, 1968, wrote: "By common consent, the most pressing problem is how to curb inflation. . . . Arthur Burns . . . warned last week that if this sort of thing can't be stopped, 'an economic bust in our country may become unavoidable.' "

Note: Calendar 1968 inflation was 4.2% over 1967. Calendar 1969 was 5.4% over 1968. Inflation for the 12-month period ending with Oct., 1970, was 6.0% over the previous 12 months. (See also Nobel Prize Winner Samuelson on Burns' 3% inflation by end of 1969.) No *pure* economist like Chairman Burns can predict *socio*economics trends. Knowledge in a *single* discipline does not *automatically* yield competence in *multi*disciplinary analysis.

In February, 1970, Burns said to the U.S. Congress Joint Economic Committee: "There's been some loose talk in this country about a recession." (Washington Post, 2–22–70). Loose talk?

On February 7, 1970, Burns thought that 1970 unemployment might go as high as 4.3 per cent or "maybe a little higher." (Washington Post, 2–8–70.) *Only halfway* through 1970, unemployment was up to 4.7%. In October, 1970, it was up to 5.6%, *not counting* General Motors' 350,000 idle workforce. What "4.3%?" What "loose talk?"

Since March 23, 1970, Burns has been sitting *officially* on the Debt/Production Ratio Concept or The DPR (see temporary page 0.6056) all the while it is the only tool he's got to beat back the *causes* of inflation. The DPR runs counter to the locked-in economic thought of structured pedagogy.

If Burns' Federal Reserve Board increases the literal money supply, a fast expansion of credit and inflation psychology will, to use his word, "bust" the economy. If his Federal Reserve does not increase the literal money supply, a swelling liquidity panic (credit collapse) is not too far away. Any movement of literal money supply, above or below zero, only moves the cause of the "bust" one way or another. Burns is a loser either way—unless he *wields* the DPR *concept* or something very much like it. *With* the DPR, Burns is an intellectual loser *only:* and the nation is a winner.

At the end of NBC's "Meet the Press" program for July 26, 1970, Burns' remarks on the 1970 course of inflation were beyond comprehension. He was very clear, however, in his statement that "I will defend them [his monetary theory and policy] to the end." This is ominous: what *destined* "end" was there in mind?

Freidman, Milton, Columnist, Professor of Economics at The University of Chicago. Speaking on the NBC "Meet the Press" national TV program, 1970 June 28, Professor Freidman said, "The '30 to '33 period occurred because of a banking and monetary collapse. Such a banking and monetary collapse is impossible today, given Federal Deposit Insurance, [given] the changed understanding of our monetary system by the Federal Reserve."

The function and limited capability of the FDIC is paying the depositors of *isolated* banks that fail. The FDIC and the U.S. Treasury put toegther do not have the resources to pay depositors of a chain of bank failures. The FDIC is organized to insure against personal theft on the part of single-bank management and /or bad loans made by inept bank management. The FDIC is *not* capable of protecting bank depositors (*which include correspondent bank depositors*) in the event of bank failures due not to inept or criminal management but due to general economic conditions. Professor Friedman, the Nation's leading monetarist, is not alone when he consciously rejects or narrowly ignores what could be an impending credit collapse. The list of *interest*-payment defaults in established American business is growing with no *economic* relief of any magnitude in sight. Dun & Bradstreet reports that bankruptcies for the first nine months of 1969 totaled $801,683,000, and that the bankruptcy amount for the same period in 1970 was $1,501,422,000. This is an increase of 87%. This is also the real world. Professor Friedman, an honest man, a forthright man, makes no mention of the FDIC's vacuum of "protection" against general economic bad times. Why not?

Professor Friedman on the same NBC program stated, ". . . my guess is that six percent is about the maximum rate of unemployment that you are likely to see in this episode, and I hope it will not be so high as that."

The U.S. Government reported that unemployment was 5.6% in October, 1970. The October, 1970 figure of 5.6% is near the *beginning*, not the end, of a downturn in the national economy. There is *nothing*, short of a heroin injection into "our monetary system by the Federal Reserve," on the practical horizon that can stop the rise in unemployment. Monetarv heroin is not medicine; it is economic suicide.

The Editorial Director of *Economic Inequities* on July 30, 1970, submitted the following sentence as (1) the intellectual motivating force of this book, and (2) the fundamental reason why the *pure*-economic Inexperts *are* Inexperts:

"The interdependent complexities of real-world socioeconomic activity have developed considerably past the standard explanatory or theoretical framework of American economic thought."

The "interdependent complexities of real-world *socio*economic activity" become even more so when, after the *first* integration of economics and sociology, they are *secondly* and finally synthesized with political science or political theory. This tripartite integration, in two stages, of the *three disciplies* must be made *before* the U.S. social structure can be understood. (*See most particularly* first two paragraphs of "Notes on Article No. 45," pp. 182–182.1.)

By and large, single-disciplines intellectuals fail to realize that intellectual disciplines, like all other parts of the natural order, do *evolve*, do *merge*. Principles uncovered by the *Voyage of the Beagle* are not confined to flora and fauna.

Professor Milton Friedman wrote in his Newsweek Magazine column for the issue of 1970 November 9, p. 80, "Time and again, I have been impressed that when economists of whatever ideological hue engage in economic discussion with a group containing *persons from other disciplines*, their family quarrels are suppressed in brief order and *they are as one against the rest.*" (italics supplied)

Any two or more economists who "are as one against" "persons from other disciplines" are not intellectually qualified in the matter of "the interdependent complexities of real-world socioeconomic activity." Professor Friedman's public statement seems to be a flat, unwitting rejection of intellectual interdisciplinary integration in a real world where Welfare (Sociology), Prices (Economics), the Ballot Box (Political Science), and Vietnam (Military Science) have been integrated, *even homogenized* in the minds of every man on every Main Street in America.

It is now no wonder at all why the increase in U.S. public and private debt of $132 Billion in 1968 and again in 1969 is not considered as an increase in the money supply, why *mass* computerized credit (*socio*economics for sure) is disregarded as an indicator of liquidity failure *in times of rising unemployment* and *in times of rising inflation*, both of which conditions reduce cash available for payment to the computerized credit structure. This is a *sociological* concept quite outside *pure* economics.

In his own column in Newsweek Magazine for 1969 December 22, p. 75, Friedman asks and then answers his own question: "How long will it take to eliminate inflation?" His own answer: "Chances are good that the price rise will be down to 3 per cent by mid-1970."

In the 12 months ending October, 1970, prices averaged a 6.0% rise over the 12-month Consumer Price Index for the year ending October, 1969.

Why was Friedman, America's No. 1 Monetarist, so awfully wrong? Why are the other Inexperts so awfully wrong? These cannot be dismissed as individual errors: they are errors of the body of American economic thought. Why is the body of economic thought so awfully wrong? The answer is that professional American economic thought has failed miserably to integrate with Sociology and Political Science or Theory. Worse, the body of thought even pooh-pooh's the very suggestion. Friedman himself says economists "are as one against the rest."

Greenspan, Alan, Townsend-Greenspan & Co., Newsweek Magazine for 1970 September 21, p. 67: ". . . Alan Greenspan, a close friend of Fed. chairman Arthur Burns . . . expects unemployment to reach 6 per cent in the third quarter of 1971 before falling back."

1971, he says, not 1970. Unemployment was up to 5.6% in October of 1970. 1970, not 1971. Long before Greenspan's third quarter of 1971 arrives, unemployment will be so high in percent and in temperature as to detonate the U.S. welfare structure. (See chain logic on page zero.)

Heller, Walter W., Kennedy-Johnson Chairman of the President's Council of Economic Advisers, Professor of Economics at the University of Minnesota. On NBC's Meet-the-Press program for June 29, 1969, Heller said, ". . . even when interest rates ease the rest of this year, as I expect them to, sometime starting this summer . . ." The Washington Post, January 29, 1970 reported: "The Treasury yesterday said it would pay the highest interest rates since 1859 to attract investors to underwrite the government's debt."

Upon introducing its new board of economists, including Heller, Time Magazine, November 14, 1969, quoted Heller as saying on another matter, "I purposely left that a little vague. I was following the Alex Caircross dictum. His first rule when making a forecast is: Give either a number or a date, but never both. His second rule is: Never underestimate the power of a platitude. His third rule is: When the President asks you a question, remember that he doesn't know the answer either."

McCracken, Paul W., Chairman, President's Council of Economic Advisers. The Washington Post for February 1, 1970, reported that "he does not expect 'any large rise in unemployment' during 1970. He . . . made it clear . . . that 5 per cent unemployment would certainly be characterized as a 'large rise.'" In February, 1970, unemployment was at 4.2% of the workforce, in only May, 1970, it was 5.0%. In October, 1970, it was 5.6%. What kind of economic analysis at the Presidential level is this?

These figures are like the consumer-price figures in that they do not necessarily tell the whole truth. In referring to the price rises of 1942–1945, McCracken has said that they "probably understated the true rise . . ." (Washington Post, 9–2–69). Then it follows that the U.S. Bureau of Labor Statistics figures for 1970 inflation and unemployment also are too low. The significance here is appalling.

Speaking to the Financial Analysts Federation, Dallas, Texas, April 28, 1970: "This acceleration of the inflation was halted by mid-1969, however, and rates of increase since that time have been somewhat lower." Note: In mid-1969 (June), inflation was 5.5% over mid-1968 (June). While he was talking (April, 1970), inflation was 6.0% over April, 1969. The very next month it was 6.2% over May, 1969.

Inflation for the whole 12 months ending September, 1970, was 5.8% over the 12-month period ending September, 1969. Inflation for the whole 12 months ending September, 1969, was 5.1% over the 12-month period ending September 1968.

Monthly and *quarterly* economic data are easily selected to "show that" something has acted the way the data-manipulator planned it. This is not so with 12-consecutive-month data. E.g., the *monthly* figures cited above to refute McCracken are manipulated *the same way* his Council's *"game plan"* issues simply wonderful news. The 12-month figures cited here are solid and as pure as the driven snow. (See mention of this gimmickry, page 0.468.)

Speaking to the 1970 mid-year (July 20) hearings of the U.S. Congress Joint Economic Comimttee, the Council Chairman said that he expected *both* an upturn in the economy and an upturn in unemployment. This is schizophrenic economics.

Dun & Bradstreet reports that bankruptcy liabilities in May, 1970, were at a 29-month high. In July, 1970, they were a total of $251,920,000, which broke D & B's historical record. In September, 1970, bankruptcies were "down" to a one-month figure of $232,940,000, which probably means "recovery" to McCracken and the permissive business community.

Is this the kind of "economic thought" on which the President of the United States depends for his economic-policy proposals to the United States Congress? to the housewives? to labor? to the gullible business community? to the national credit structure? to the Joint Chiefs of staff? With inflation, unemployment, bankruptcies, and severe social unrest all increasing, only magic or The DPR *concept* (pp. 0.60515–0.6055) can make the economy improve.

McCracken believes people who "say that something has gone wrong . . . display an ignorance" (as reported by UPI in The Washington Post for April 27, 1970). In saying publicly that his critics "display an ignorance," the President's chief economic adviser is playing headmaster at the expense of the American people.

Rinfret, Pierre, Consultant to Business, Sometime Adviser to the President. Business Week Magazine, December 13, 1969, reports Rinfret as saying about the 1970 economy: "Not only will there be no recession," he said, "But I think we will smash every economic record in the history of the world."

Samuelson, Paul A., Columnist, Professor of Economics at Massachusetts Institute of Technology, Recipient of 1970 Nobel Prize for Economics. Speaking through the pages of Newsweek Magazine, January 12, 1970, he said, "If I couldn't believe Arthur Burns last winter when he promised that inflation would be down to 3 per cent by this Christmas [Burns did not promise; he did, however, judge inflation would be down to 3% by year's end, at which time it was up to 5.4% for calendar 1969 over 1968], how can I believe the Council of Economic Advisers when it forecasts that business can look beyond the valley to full-employment growth with only a nominal increase in price levels? Can Paul McCracken believe his own numbers?"

In his Newsweek Magazine column for July 13, 1970, Samuelson commits himself: ". . . our 6 per cent inflation will probably be a 4 per cent inflation by next winter." Now Samuelson sounds like Burns' 3% that he rejects so harshly. What excuse, what escape hatch not permitted Burns will Samuelson announce "next winter" when inflation is more than 50% higher than he forecast for that time?

The DPR sets inflation for calendar 1970 at 6% or slightly more over calendar 1969 (page 0.60515). Calendar 1969 was 5.4% over calendar 1968. As long as The DPR increases, so will inflation increase. This is a mathematical certainty. The DPR has increased every year since 1962, and in 1970 it will be larger than in 1969 because production (the P in D/P=R) per capita is going down.

Samuelson continues, "Yes, we probably are in a recession, a mild one . . . Such a recession is unlikely to become a maxi-recession, say like the Eisenhower recession of the 1950s . . ."

Somewhere between unemployed rates of 7% and 9%, the U.S. Welfare structure will collapse. Molders of public opinion in the permissive society seem to be constitutionally incapable of comprehending anything worse than "setbacks." They just are not built to face the reality of *severe* reversal. Samuelson calls the *mild* "Eisenhower recessions of the 1950's *maxi*-recessions. From one end of the business community, and in Wall Street, all the way to the other end, talk is that economic recovery might not come for another few months! There is *no* talk that it might not come *at all*.

Stein, Herbert, Member, President's Council of Economic Advisers, speaking to the California Bankers Association (Group IV), Newport Beach, California, 1970 November 7: "The rate of inflation from this point forward will depend on the rate of wage increase probably more than on anything else."

Stein has the situation completely upside down. Wage increases will depend on inflation more than anything else!

Assignment of the *cause* of inflation, at any point in the course of a particular inflationary period, to wage increases "more than . . . anything else" is utterly absurd. Even many of these economists who turn mute at the very mention of The DPR would disagree with Stein. Wage increases *aggravate* inflation: but they do not cause it. Cf. p. 0.6054, where not Stein but Stein's position is refuted in more detail.)

Having failed to stop inflation through understanding inflation, *the President's* Council of Economic Advisers seeks actively and loudly to blame business and labor for *its own* incompetence. When such men are permitted *to continue* national economic management, what hope is there for economic recovery? You answer.

Wallich, Henry, Columnist, Professor of Economics at Yale University. Speaking on 1970 through Newsweek Magazine, January 12, 1970, Wallich said, "Inflation won't be reduced very much—not much below 4 per cent on the cost-of-living index—but the drop will demonstrate that inflation can be halted."

Professor Henry Wallich, a prominent academician at Yale University, a man who tries to be analytically productive, projects the 1970 Consumer Price Index—"cost-of-living index"—to go "below 4 per cent." Federal Reserve Board Chairman Arthur F. Burns committed the same error of fundamental analysis when in 1968 he judged inflation would be down to 3%. Friedman, too, in December of 1969 indicated inflation may be down to 3% by mid–1970. Then Samuelson has inflation "probably" (a wily escape hatch) down to 4% "by next summer" (1970–1971). Here are four of the very most prominent professional economists in America. A *question* more important than carfare is: How come they are wrong? These men truly believed what they said, as reported on these pages. Burns in particular stands out as a man who has irrevocably, in his own way, dedicated his life to economics. How come they are wrong? The answer to this question far transcends any individual reproach. Laying the blame for an economic collapse at the doorstep of any one man or any particular men, such as those listed on these pages, and others who would be listed here if temporary space permitted, is NOT a rational procedure for rectification of intellectual error, is NOT a rational procedure to prevent extremely violent social interaction on the order of abrupt structural change.

What, then, IS the rational procedure to (1) rectify intellectual error and (2) prevent a credit collapse with consequent societal calamity? Economics and Sociology should get in bed with each other: then *their* offspring should get into bed with Political Science. Any geneticist knows what would finally emerge. While the several theoreticians are getting educated, the President and the Congress must *forthwith* enforce the final paragraph of Article No. 45, *supra*, p. 182.

RETURN OF LITHUANIAN SEAMAN AROUSES ANGER AND CONCERN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. McDADE. Mr. Speaker, the recent episode concerning the Lithuanian seaman who fled a Soviet ship to seek refuge on a Coast Guard vessel, and who was thereafter returned to the Soviet fishing vessel, has aroused considerable and just anger and concern.

That such a thing could possibly happen in 1970 is something none of us suspected. Shocked concern has been expressed by countless people in this Nation.

Mr. Tom Powell, news editor of station WDAU–TV in northeastern Pennsylvania, read the following editorial over that television station on December 4. I commend it to the attention of my colleagues:

> No single episode in memory has so damaged this country's reputation as a haven for the oppressed than the denial of asylum to a Lithuanian seaman.
>
> Washington is working overtime to repair this blot on the U.S. image. Congress has been holding formal hearings. The President is described as outraged. The Voice of America is beaming out innumerable messages that the incident off the coast of New England is not a reflection of U.S. policy.
>
> But to the many overseas who dream of breaking the bonds of totalitarianism for freedom in America, the assurances may be of little comfort contrasted with the word picture of the would-be defector beaten senseless by Soviets on the very deck of an American Coast Guard vessel while U.S. seamen stood by and made no effort to intervene. The hapless Lithuanian then was returned to Russian custody.

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How empty now ring the words of Emma Lazarus' inscription on the Statue of Liberty:

Here at our sea washed sunset gates
Shall stand a mighty woman
With a torch whose flame is the imprisoned
lightning
And her name Mother of Exiles.
From her beacon hand
Glows world-wide welcome

To characterize the role of the Coast Guard in the aborted freedom leap as poor handling is putting is mildly. It was gross stupidity.

The White House has issued new guidelines in this area to prevent a repetition of the blunder. But the agony of embarrassment caused the nation hopefully will have its own effect in averting the kind of mindlessness displayed in the New England case.

THE LETTUCE BOYCOTT AGAINST UNION LABOR

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. TALCOTT. Mr. Speaker, there is considerable misunderstanding about the secondary boycott which Cesar Chavez is trying to mount against California lettuce.

There are some direct misrepresentations. I believe consumers, reporters, and Members of Congress should have facts rather than opinions and rumors.

Mr. Chavez is in jail for contempt of court. The judge and the adversary attorneys made every effort to enable Mr. Chavez to purge himself of admitted and flagrant contempt. Mr. Chavez prefers to be in jail. This gives him attention and opportunities for publicity. Compliance with the law never attracts as much attention as disobedience of the law.

Mr. Chavez has called for a boycott of all lettuce—regardless of whether it is produced by union labor or not.

Mr. Chavez is in jail for purposefully disobeying a court order prohibiting Mr. Chavez from urging a boycott of lettuce produced by the Antle Co. The Antle Co. has a bona fide union contract with the Teamsters Union, which has been in effect continuously since 1961—long before Mr. Chavez entered the farm labor organizing arena—long before the formation of his organizing committee—UFWOC. Ninety-five percent of all Antle farmworkers belong to the Teamsters Union. There is no dispute about this situation by anyone—teamster, UFWOC, grower, farmworker, court, observer.

The terms of the Teamsters' contract is better for the farmworker in every respect than the UFWOC contract.

Nevertheless, Mr. Chavez continues to urge a secondary boycott against the Antle Co. and a tertiary boycott against suppliers of Antle.

I doubt that any court would permit this. This is a jurisdictional dispute between the Teamsters Union and the organizing committee of Mr. Chavez.

To avoid the penalty of the boycott, the Antle Co. must break or disregard their current, valid contract with the Teamsters Union and their employees. But, Antle Co. would be subject to serious litigation, perhaps a counterboycott by the Teamsters, if they pursue such a course.

Several points should be more widely known: Mr. Chavez is not seeking a better labor contract for farm laborers—the Teamsters' contract is superior; he is not seeking better wages, hours, or working conditions for farmworkers—he would have undertaken his boycott and organizing activities in States where farm wages are 43 percent less and where the farmworker was not organized; he is not seeking secret elections to permit farmworkers to elect their bargaining agents—he has declined all secret elections or rejected the results; he has not sought Federal farm labor legislation—none of his supporters have introduced or supported national farm labor legislation.

I urge Mr. Chavez to purge himself of contempt of the court, to obey the law, to stop the boycott, and to support national farm labor legislation which will give the farmworkers throughout our farming community the same rights as other labor, the right to organize, the right of collective bargaining, the right of secret elections to determine their representatives and bargaining agents, and for a fair day's pay for a fair day's work.

Legislation and negotiation is a far better way than strikes: With their vicious picketing, intimidation, threats, property damage, and personal injury, or secondary boycotts, which are illegal and considered immoral by most industries and businesses, or tertiary boycotts, which also injure innocent third parties and consumers. Strikes and boycotts deprive the farmworker of work and the consumers of quality produce at a fair price.

The farmworkers and consumers should join to demand fair Federal farm labor legislation.

TRIBUTE TO ELLY PETERSON

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. McDONALD of Michigan. Mr. Speaker, one of Michigan's greatest citizens, and certainly one of its most outstanding Republicans, is retiring as assistant chairman of the National Republican Committee. I am referring, of course, to Elly Peterson, a woman who conquered the barrier of sex long before there was a national movement in that direction.

The Republican Party of Michigan, and the National Republican Party, owe a large debt of gratitude to this dynamic and aggressive woman. Her list of accomplishments in service to her State and country is unique and long.

David S. Broder, columnist for the Washington Post, noted Elly's retirement and her list of achievements in today's paper. I share with all Michigan residents and all Republicans a sense of pride in having served with this outstanding woman. So that others may see that courage, imagination, an aggressive nature and organizational talent overcome all barriers, I wish to introduce Mr. Broder's article for printing in today's RECORD:

TRIBUTE TO ELLY PETERSON

(By David S. Broder)

They are having a party tonight at the Mayflower to say goodbye to Elly Peterson, who is retiring for the second time as assistant chairman of the Republican National Committee. She quit once before to take on the thankless assignment of opposing Sen. Philip A. Hart (D-Mich.), a task the Michigan Republicans were unwilling to entrust to a man in either 1964 or 1970.

She came back to her old job at the National Committee a couple of years ago at President Nixon's request, and this time she says she's quitting for good to join her husband in retirement in Hawaii. One has to be skeptical, for she has politics in her blood and a prudent Hawaii Democrat would keep a close eye on her activities.

In an age where the term is thought to be derogatory, Mrs. Peterson has always and unashamedly been a political pro. From her own Eaton County, Michigan, base she moved up the organization ladder to become the first female state chairman in GOP history, and then on to the top party post open to a woman.

It is, I think, accurate to say that her abilities would have earned her the national chairmanship, were it not for the unwritten sex barrier both parties have erected around that job. Certainly, her organizational talents made her views as respected and her advice as sought-after among her colleagues in the party as anyone in the past decade.

The role of a woman in politics is an inherently difficult one—especially if her forte is organization. Yet through the years there have been women in both parties who have overcome the obstacles and made an enormous contribution to the functioning of our political system. In paying tribute to Mrs. Peterson, the Republicans are acknowledging a debt we all share.

One basic problem all talented women face is the tendency of the parties to shunt them off to some preserve of tea-party irrelevance called "women's activities." Mrs. Peterson, who had a Helen Hokinson figure but a slalom racer's cunning at cutting corners, fiercely resisted stereotyping and by sheer energy and capability won her right to operate at the full range of her talents.

Her greatest achievements probably came as Michigan Republican Chairman under Gov. George Romney. Romney entered office thinking political parties were at best irrelevant and outmoded and at worse downright dangerous. His suspicions were repaid in kind by the suspicions of the old-time Michigan Republicans, who regarded Romney as a loner, a usurper and very probably a dangerous radical.

Somehow, in this unpromising situation, Mrs. Peterson sensed an opportunity for remaking the Michigan Republican Party into a bigger, healthier, more open and—she always insisted—more effective organization. She managed to convince Romney that governing was easier if he had party support than if he was attempting to function as a one-man band. And she managed to convince some awfully skeptical Republicans that Romney's personality and grass roots appeal could be made a vehicle for building a stronger party organization.

The party conferences she ran in those years were about as close to town hall democracy as it is possible to get in a mass society, and the enthusiasm they generated had a practical payoff in the election of an additional senator and five more Republican congressmen.

It was Mrs. Peterson's fate to serve on the National Committee staff in periods which

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were hardly conducive to her own brand of progressive Republicanism, first in the years leading up to the Goldwater nomination and in the past two years under President Nixon.

She has, for example, been struggling for the last two years to launch a national program—patterned on her Michigan experience—of opening year-around Republican headquarters and neighborhood service offices in urban ghetto areas. It would be at best a difficult, risky operation, and the political payoff—if any—would be years away.

But it was her conviction that if the Republican Party was to govern effectively, it had to have roots, however fragile, in black America as well as in white. That kind of thinking was not enthusiastically received by the advocates of the quick-pay-off "Southern strategy."

But hard-headed as she is, Mrs. Peterson would say you should expect to be frustrated in many of your hopes if you get involved in politics. As an exemplar of the many women in both parties who have shown that citizen politics can be party politics, she richly deserves the tribute she will receive tonight.

THE NATURAL GAS CRISIS—ONE PIECE OF THE PUZZLE

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. BELCHER. Mr. Speaker, because of the unjustified "brickbats" which continue to be thrown at the oil industry, I have asked leave to extend my remarks and am inserting in the RECORD an address by William C. Bailey, Jr., associate director of the Louisiana Petroleum Institute, delivered in September before the Baton Rouge Chapter of the Louisiana Engineering Society and reprinted in the October issue of the Louisiana Engineer.

I deem it vitally important America's people and her leaders not be allowed to forget the pertinent facts regarding our petroleum supplies in the future and the need for wise action and wise planning now to insure the adequacy of those supplies in the future.

The address follows:

THE NATURAL GAS CRISIS—ONE PIECE OF THE PUZZLE

(By William C. Bailey, Jr.)

To understand what has happened and what is happening with respect to our nation's energy sources, let us first establish a few basic facts.

Petroleum—that is, oil and gas—today provides this nation with 75 per cent of its energy. Coal provides 20 per cent, hydropower 3.6 per cent and nuclear power .3 of one per cent.

Demand for petroleum has literally skyrocketed in recent years. The U.S. Bureau of Mines has forecast that while Americans consumed 100 billion barrels of oil in the first 109 years of the industry's existence, in less than a third of this time—1968 to the year 2000—domestic demand will soar to 233 billion barrels or about two and a half times the consumption of the first 109 years.

The bureau says Americans are now using 14.8 million barrels of oil per day—enough to fill 62,000 railroad tank cars which would make a train 500 mines in length—long enough to stretch from Baton Rouge, Louisiana, to Atlanta, Georgia.

Natural gas consumption, according to the Department of Interior, is expected to rise from a 1967 level of 18.2 trillion cubic feet to nearly 25 trillion cubic feet in 1980 and more than 40 trillion cubic feet by the end of the century.

In the face of this spiraling demand, the petroleum industry faces unprecedented restrictive government policies that have the effect, if not the intent, of discouraging exploration for new oil and gas reserves.

There can be no question that this nation is using oil and gas faster than new reserves are being found. Ten years ago, proved oil reserves amounted to a 13-year supply. Today, proved reserves are down to a 10-year supply.

During the same 10-year period, natural gas reserves have declined from a 22-year supply to a 15-year supply. With fields in the lower 48 states expected to pass their prime in the 1970's, this downward trend will continue unless new sources are found.

For those who are looking north to Alaska, it must be remembered that in addition to the fantastic production and transportation costs involved, the entire Prudhoe Bay field could produce only about a two-year supply of oil for this nation at the anticipated rate of consumption in the 1980's.

So while reserves have been dwindling and demand has been rising, where have the companies been left?

We must first recognize that the oil business is a very expensive business to get into and a very easy one in which one may lose one's shirt.

The odds against finding an economically feasible well are about one in a hundred in unproven fields. The ante can run $100,000 on land and five times that amount offshore. You can get better odds with much lower investment on any Las Vegas crap table.

And if you win, where are you? According to the First National City Bank of New York, the average return on investment for all manufacturing a year ago was 13.2 per cent, while the petroleum industry showed an average return of 12.3 per cent.

Congress, meanwhile, saw fit to cut the percentage depletion provision in our federal tax laws for the first time since it was enacted in 1926. This provision had proven very successful in encouraging oilmen to seek new reserves. Unquestionably its reduction—which cost the industry an estimated half billion dollars the first year—is doing nothing to encourage exploration for new reserves.

Then came the threat that the Mandatory Oil Import Control Program of 1959 would be scrapped and, with all its other woes, the domestic industry would be forced to compete with a flood of cheap foreign oil.

A cabinet level task force had in fact recommended abolition of the import control program, but the President of the United States read correctly the energy crisis signs that by this summer were cropping up almost daily and he very wisely decided to keep the system limiting crude oil imports to 12.2 per cent of domestic production.

This provision, by the way, was implemented in 1959 by President Eisenhower in the interest of national security and on the recommendation of the office of Civil and Defense Mobilization which saw the very existence of the domestic industry threatened by rising foreign imports.

The New York Times News Service said in a July article that the petroleum industry is seeing some of its serious warnings and forecasts proven correct—among them the folly of dependence on Middle East oil, the repercussions of federally-set low natural gas prices and the headlong rush into low-sulphur, anti-pollution legislation and regulations.

Predictions that we were making two or three years ago were branded by our critics as "self-serving." Today, some of those same critics are asking "Why didn't you tell us this was going to happen?"

In addition to the aforementioned deterrents to exploration, gas producers have encountered a depressed pricing situation resulting from a federal take-over of price regulation in 1954 as a result of the Supreme Court's decision in the case of Phillips Petroleum Company vs. Wisconsin.

In this decision, the court ruled that the Federal Power Commission was required to regulate field prices for natural gas. Prior to 1954, the FPC had limited its regulatory authority to the rates charged by interstate pipelines for gas sold to utility companies.

Since 1954, the FPC has been struggling with countless problems resulting from this unsought addition to its jurisdiction. Exploration and development declined and thus we have the present shortage of natural gas.

What is the solution to the problem? Many of us in the industry feel that the only real solution is to get the FPC out of price regulation business.

Other possible solutions that have been offered include imports, production of gas from synthetic sources, and of course, stimulation of greater domestic production.

The most obvious sources are Canada and Mexico but, in addition to cost factors, these nations are facing increasing demands of their own. The potential supply of liquefied natural gas from other continents is large but here again high costs would deter importation.

Gas could be produced from coal, oil shales and tar sands but technology is untested and costs are likely to be quite high.

Nuclear stimulation of existing fields with poor recovery factors should result in increased production, but little is known about costs, the effect on recovery factors or the degree of radioactive contamination of the gas produced.

So we return to our premise that stimulation of increased exploration for undiscovered natural gas reserves within the United States is the most promising means of increasing supply.

And if we are to follow this policy, we are going to be compelled to look more and more to the offshore areas.

Louisiana, then, looms as one of the real bright spots in the future.

According to the State Department of Conservation, offshore production of natural and casinghead gas rose from 19.47 per cent of total state production in 1964 to 31.06 per cent in 1968. The department has yet to issue its report on 1969.

Offshore oil production in that same period rose from 31.6 per cent of the total to 40.36 per cent of total state production.

When we get into the offshore segment of our operations, however, still another issue interposes itself and that is concern for the environment.

We believe very strongly that this nation can enjoy a clean environment and at the same time have adequate supplies of the sources of energy that have given us the highest standard of living of any nation in the world.

Unfortunately—perhaps tragically would be a more descriptive word—a legitimate and well-meaning movement to stem pollution has in some instances been infiltrated by those who, for reasons best known to themselves, seem hell bent on the destruction of private industry, the free enterprise system and the way of life which we may sometimes criticize but which we certainly would not trade for that of any other nation in existence.

We in industry and you in the professions cannot afford to abdicate our responsibilities to those who would use ecology as a war cry when ecology is not what they are concerned with at all.

We must offer the leadership in the movement for a clean environment and we must set the example by continuing to clean up our own house.

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Industry, agriculture, the professions, government and the public will win the war on pollution as partners—not as adversaries. We have the capability to put men on the moon and bring them home. We also have the capability to clean up our own mess here at home.

Amid the brickbats and the epithets, my industry will continue to perfect its operations so that in the future the leaders of our state government cannot only continue to say that the petroleum industry is not a major polluter, but can also say, without fear of contradiction, that the oil industry is not a polluter . . . period.

While the shortage of natural gas is today on the tip of our tongues and is being dramatized by dire predictions of power failures, brownouts and even rationing, it is simply one piece in a giant puzzle covering the fields of economics, conservation, trade policies, and even the future course that our technology will follow.

If the predicted fuel shortages occur in the northeast this winter, some of the most sound—and perhaps most caustic—advice will come from the chilly living rooms of the constituents of those members of Congress who have, in the name of consumer interest, helped create the crisis we face today.

The senator or congressman who advocated more imports, reduced tax incentives and lower prices in the interest of reducing fuel bills a few cents a month will find little sympathy from the constituent unable to buy the product at any price.

It is unfortunate that it takes a crisis or near crisis to get our feet back on solid earth but this is nothing new.

Supposedly intelligent and well-informed people advocated arms and material shipments to Japan just hours before Pearl Harbor. Others with equally impressive pedigrees and credentials hailed Fidel Castro as a 20th Century Benito Juarez while the firing squads were cleaning their weapons. And we can rest assured that some of our fellow Americans would advocate further restrictions on the petroleum industry right up to the point at which the valves began to close.

XUM

We in the petroleum industry are not proceeding under any illusions.

We recognize our responsibility to meet the energy needs of some 200 million Americans and we are aware that our operations are the key to the security of our nation and that of the free world.

We also realize that the support of business, industry, the free enterprise system and—if you please—the establishment, is not going to be easy in the 1970's.

As a matter of fact, I cannot recall when it was ever an easy chore, whether we were concerned with a politically motivated attack by word or in print or with a bomb planted in the dead of night in an oilfield or a skyscraper.

But support it we must and defend it we will. Because I believe from the very bottom of my heart that this great industry that I represent is the very symbol of the system of free enterprise and competitive spirit that made this nation great.

Whether as an engineer, an oilman or just a plain American, I can't recall the day when that wasn't worth fighting for. Can you?

FAREWELL TO VICE CHAIRMAN ELLY PETERSON

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. CHAMBERLAIN. Mr. Speaker, as the Republican National Committee prepares to bid official farewell to our Vice Chairman, Mrs. Elly Peterson, who has devoted so much of herself to the viability of our two-party system in recent years, it is proper that we pause to honor this lovely, indomitable lady. "Elly," as she is affectionately known throughout Republican circles, has served the Republican Party in many, many ways with wisdom, diligence, and grace.

David S. Broder, in his Washington Post column this morning, has paid well deserved tribute to Elly, who is from my home State of Michigan, and I ask unanimous consent that his comments be included in the Record.

Mrs. Peterson has announced she will be retiring to Hawaii. She will be greatly missed and I cannot help but wonder if Michigan and Washington—not to mention, Hawaii—will ever be the same again.

The article follows:

Tribute to Elly Peterson

(By David S. Broder)

They are having a party tonight at the Mayflower to say goodbye to Elly Peterson, who is retiring for the second time as assistant chairman of the Republican National Committee. She quit once before to take on the thankless assignment of opposing Sen. Philip A. Hart (D-Mich.), a task the Michigan Republicans were unwilling to entrust to a man in either 1964 or 1970.

She came back to her old job at the National Committee a couple of years ago at President Nixon's request, and this time she says she's quitting for good to join her husband in retirement in Hawaii. One has to be skeptical, for she has politics in her blood and a prudent Hawaii Democrat would keep a close eye on her activities.

In an age where the term is thought to be derogatory, Mrs. Peterson has always and unashamedly been a political pro. From her own Eaton County, Michigan, base she moved up the organization ladder to become the first female state chairman in GOP history, and then on to the top party post open to a woman.

It is, I think, accurate to say that her abilities would have earned her the national chairmanship, were it not for the unwritten sex barrier both parties have erected around that job. Certainly, her organizational talents made her views as respected and her advice as sought-after among her colleagues in the party as anyone in the past decade.

The role of a woman in politics is an inherently difficult one—especially if her forte is organization. Yet through the years there have been women in both parties who have overcome the obstacles and made an enormous contribution to the functioning of our political system. In paying tribute to Mrs. Peterson, the Republicans are acknowledging a debt we all share.

One basic problem all talented women face is the tendency of the parties to shunt them off to some preserve of tea-party irrelevance called "womens' activities." Mrs. Peterson, who has a Helen Hokinson figure but a slalom racers cunning at cutting corners, fiercely resisted stereotyping and by sheer energy and capability won her right to operate at the full range of her talents.

Her greatest achievements probably came as Michigan Republican Chairman under Gov. George Romney. Romney entered office thinking political parties were at best irrelevant and outmoded and at worse downright dangerous. His suspicions were repaid in kind by the suspicions of the old-time Michigan Republicans, who regarded Romney as a loner, a usurper and very probably a dangerous radical.

Somehow, in this unpromising situation, Mrs. Peterson sensed an opportunity for remaking the Michigan Republican Party into a bigger, healthier, more open and—she always insisted—more effective organization. She managed to convince Romney that governing was easier if he had party support than if he was attempting to function as a one-man band. And she managed to convince some awfully skeptical Republicans that Romney's personality and grass roots appeal could be made a vehicle for building a stronger party organization.

The party conferences she ran in those years were about as close to town hall democracy as it is possible to get in a mass society, and the enthusiasm they generated had a practical payoff in the election of an additional senator and five more Republican congressmen.

It was Mrs. Peterson's fate to serve on the National Committee staff in periods which were hardly conducive to her own brand of progressive Republicanism, first in the years leading up to the Goldwater nomination and in the past two years under President Nixon.

She has, for example, been struggling for the last two years to launch a national program—patterned on her Michigan experience—of opening year-around Republican headquarters and neighborhood service offices in urban ghetto areas. It would be at best a difficult, risky operation, and the political payoff—if any—would be years away.

But it was her conviction that if the Republican Party was to govern effectively, it had to have roots, however fragile, in black America as well as in white. That kind of thinking was not enthusiastically received by the advocates of the quick-payoff "Southern strategy."

But hard-headed as she is, Mrs. Peterson would say you should expect to be frustrated in many of your hopes if you get involved in politics. As an exemplar of the many women in both parties who have shown that citizen politics can be party politics, she richly deserves the tribute she will receive tonight.

THE HONORABLE L. MENDEL RIVERS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. ARENDS. Mr. Speaker, as the ranking minority member of the Committee on Armed Services, I have been privileged to work closely with our chairman, the distinguished gentleman from South Carolina (Mr. Rivers). He is a great chairman—one of the greatest.

I did not know until he telephoned me last week to advise he was leaving Washington to undergo heart surgery that he had been suffering from this physical difficulty for some time. He could postpone corrective surgery no longer; and, even then, he did not make the decision until he knew that the major work of his committee for this session of Congress had been completed.

That is the kind of man Mendel Rivers is. He is a dedicated man with an unusually high sense of duty, and he invariably performs "over and above the call of duty."

I have gotten daily reports as to his progress, and the latest I have is that he is resting comfortably and nothing has transpired to give us undue cause for alarm. Nonetheless, we are deeply concerned. We wish for him the very best and our prayers are certainly with him.

WELFARE TESTS RIGGED?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. GROSS. Mr. Speaker, startling indeed is the information provided by Senator JOHN J. WILLIAMS of Delaware and the General Accounting Office, and as reported by the Des Moines, Iowa, Register that inaccurate—perhaps deliberately contrived material—was used to promote welfare legislation in the House of Representatives and the U.S. Senate.

Included in this legislation is the euphoniously labeled family assistance program more commonly and better described as the start of guaranteed annual incomes.

If the tests that formed the basis for this legislation were rigged as is suggested, those responsible ought to be prosecuted for perpetrating fraud upon the Government.

The newspaper article follows:

WELFARE TESTS RIGGED?

(By Clark Mollenhoff)

WASHINGTON, D.C.—New Jersey tests that were the basis for Nixon administration confidence in the family assistance plan were "rigged," Senator John J. Williams (Rep., Del.) said Saturday.

He told The Register that the record of the Senate Finance Committee will demonstrate that White House Counselor Daniel Patrick Moynihan had a key role in "the rigging" of reports to make them appear favorable.

Moynihan argued that the Office of Economic Opportunity (OEO) reports on the New Jersey graduated work-incentive experiment showed "no evidence that work effort declined among those receiving income support payments."

"On the contrary," Moynihan said, there is "an indication" that those receiving the welfare payments "increased . . . the work efforts."

SEQUENCE TOLD

The Senate Finance Committee record shows the following:

Moynihan was put on notice by Dr. John Wilson, OEO research director, that the test period was too short and the data inadequate.

Moynihan directed that Dr. Wilson prepare the report, and under this pressure the report was prepared last February.

The White House staff used the OEO report to prepare charts to sell the family assistance program to President Nixon and to sell it to the House Ways and Means Committee.

The Senate Finance Committee directed the General Accounting Office (GAO) to examine the OEO report on the New Jersey project. The GAO said the OEO conclusions were "premature," prepared on the basis of "inadequate data," and were "misleading."

Senator Williams said he will make an issue of the "rigged" record when the family assistance program comes before the Senate in the next week.

TELLS OF OBJECTION

Senator Williams said he is certain President Nixon had no knowledge of the manner in which Moynihan and the Department of Health, Education and Welfare used the OEO tests to sell the family assistance plan.

Senator Williams said that he questioned Dr. Wilson and obtained verification that he had objected to using the data, but had given in.

The OEO funded the New Jersey experiment in late 1968. Some parts of the program in Trenton, Paterson and Passaic had been under way less than a year when Dr. Wilson was directed to make a report.

Dr. Harold W. Watts, who designed the project, stated in a paper read before the American Economic Foundation in May, 1969, that any reliable result of the New Jersey experiment would not be available until the project had run at least two years, Senator Williams noted.

He said Dr. Wilson had acknowledged that there was a "colorful" exchange with Moynihan at the White House in which Moynihan's temper flared as he criticized economists as "never having an answer until it is too late."

It was in that setting that Dr. Wilson had snapped back: "I'll get some answers."

Dr. Wilson said he told Moynihan of the difficulty of drawing conclusions on the program, but insisted that the report he presented in February, 1970, was his best judgment in the light of the limitations.

DEFINES "REFORM"

Senator Williams said he is in favor of "reform" of the present welfare programs, but that the present family assistance program is not the "major reform" it was hailed as by former HEW Secretary Robert Finch and the present secretary, Elliot Richardson.

"When the term 'reform' is used in connection with legislative proposals it means one of two things," Senator Williams said. "Either it proposes to take away from someone something which he is now receiving but to which he is not entitled, or it is to give someone something which he is not getting but to which he is entitled."

Williams declared that the so-called "reform" of welfare now pending before the Senate is filled with "disincentives" that flow from reports such as the one from New Jersey. He said members of the Senate Finance Committee became aware of the lack of "reform" in the plan, and this explains why the majority of the Republican committee members have been opposed to it.

The fact that the House Ways and Means Committee relied upon the New Jersey OEO report is found in the committee report that states:

"We believe that these preliminary data suggests that fears that a family assistance program could result in extreme, unusual, or unanticipated responses are unfound.

"Furthermore, we believe these preliminary data from the New Jersey project indicate that a family assistance program is practical. The data suggests that: There is no evidence that work effort declined among those receiving income support payments. On the contrary there is an indication that the effort of participants receiving payments increased relative to the work effort of those not receiving payments," the report said.

The General Accounting Office found "serious questions as to the appropriateness of the conclusions drawn" about the same program.

"The data reflected in the OEO report represent less than a year's activity," the GAO stated. "Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusion as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading."

Senator Williams said the GAO report stated flatly that "it is wrong to conclude" that the persons on welfare roles increased their work effort when compared with those who are not receiving government checks.

"The only evidence we find in the OEO report to support this statement," said the GAO, is a chart that has "defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it."

The GAO stated that the report it was making could not be based upon access to full data because the OEO placed "constraints on our access to the full data base accumulated during the experiment."

GAO auditors said: "We believe that a number of important qualifications which are omitted from the OEO report are necessary to proper understanding of the issues which the report seeks to address. We found problems in the collection and analysis of data supporting the OEO report—and in the completeness of the presentation of the data in that report.

"Our work proceeded with some difficulty because of the objections raised by OEO and OEO's contractors as to the propriety of GAO's access to data which they considered preliminary and experimental," the GAO explained.

QUESTIONABLE CONCLUSION

In one instance a controversial chart is based on only 318 of the 509 families participating in the experiment in Trenton, Paterson and Passaic.

"The data on 191 of the families (37 percent of the families) was not used by OEO's contractor in preparing Chart IV because of problems in the interviews and coding of the data," the GAO stated. "Based on generally accepted statistical standards, we believe that the conclusions are made highly questionable if drawn from data in which this large an attrition has occurred."

It was noted in the GAO report that the OEO contractors' basis for determining whether family earnings changed was a comparison of weekly earnings.

The study compared the family's weekly earnings in the period prior to the enrollment interview with earnings 10 to 12 months later. The criteria for determining whether a family's earning had increased or decreased was that it must be 20 percent up or 20 percent down to register as either an "increase" or a "decrease." Otherwise, it was registered "not to have changed."

The GAO called attention to the combining of periods of the year and 10 or 11 months in the same chart, and also noted that in one city the comparison was in August and in the other it compared income in January with November and December.

This practice is "a violation of good statistical practice" and it termed the conclusions drawn from the key chart as being "highly questionable."

Senator Williams said the cost figures presented before the House Ways and Means Committee are now "admittedly unrealistic."

In the committee, the administration had initially projected a cost of \$8.2 billion annually, compared to present welfare cost of about \$4.5 billion.

The amended version submitted to the Senate Finance Committee June 23 projects \$9.1 billion—an increase of \$900 million over figures mentioned only a few weeks earlier.

Following the questions raised by Senator Harry F. Byrd, Jr., (Dem., Va.) during the hearings, HEW has now projected costs of \$10.8 billion—a 25 percent increase over estimates made just a few months ago.

MORE RECIPIENTS

Williams asked "what kind of a reform is it" that boosts the number of welfare recipients from 10,436,000 to 23,784,000—a 128 percent increase. He noted that in many states the number of welfare recipients will increase more than 400 percent.

Iowa had 92,300 on welfare rolls as of January, 1970, but under the Nixon administration's program the number would be increased to 235,700—an estimated 155 percent.

Williams noted that an agricultural state like North Dakota had only 16,583 on welfare in January, 1970, but would have 96,900 on welfare under the Nixon administration program—an increase of 485 percent.

South Dakota had 22,110 on welfare rolls last January, but under the bill would boost welfare rolls to 107,400—an increase of 386 percent.

NIGER

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. DIGGS. Mr. Speaker the Republic of Niger will celebrate its Republic Day on December 18. I wish to take this occasion to renew my own friendship for the people of Niger and my respect for its government which, despite many obstacles, is striving valiantly to resolve the problems posed by an encroaching desert and a lack of accessible water.

I was very impressed by Niger's President Diori Hamani during my visit in April. Recently elected to a third term of office, President Diori has provided his country with wise leadership. His efforts at economic development have been accomplished with little fanfare but with solid success. I am proud that our own Government has assisted these efforts with the financing of the John F. Kennedy Bridge, which will be a valuable addition to Niger's developing infrastructure. We are honored that the Government of Niger has named the bridge after our late President, who was himself so interested in its completion. It appears to me very significant that the bridge is being inaugurated on Republic Day, a day which celebrates the progress of the past and renews the dedication of a brave people to future success.

Permit me to express, on behalf of the people of the United States, our congratulations to the Republic of Niger on this day, and our best wishes for the future.

UPPER VOLTA

The Republic of Upper Volta celebrated its National Day on December 11 and I, as a recent visitor to that proud country, would like to add my congratulations to those flowing in from all over the world.

Under the present government of General Lamizana, Upper Volta has made impressive progress. It has achieved political stability which provides the basis for democratic legislative elections to be held on the 20th of this month. It has successfully maintained fiscal responsibility at a time of increasingly critical demands on the budget. These are achievements which all governments should admire.

But Upper Volta has not limited itself solely to internal interests. It has taken an increasingly important role in the United Nations. Its initiative and action to strengthen economic ties with its neighbors is especially encouraging. The United States has been happy to associate itself with these efforts both directly and through international organizations.

Therefore, on this proud day, we want to extend our congratulations to the people and government of this friendly nation and our best wishes for continued progress and success.

THE STRANGLING PICKET LINE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. HALL. Mr. Speaker, the recent rash of auto strikes, railroad strikes, and wildcat trucker strikes, not to mention the grape and cabbage negotiations, have contributed much to weaken an already struggling national economy, even more. A most profound and timely analysis of the pressure being generated against the "free marketplace" today, was recently delivered by the president of the U.S. Chamber of Commerce, Mr. Jenkins Lloyd Jones.

Mr. Jones, in an address before the Chicago Association of Commerce and Industry spoke on "The Strangling Picket Line." His apt commentary on labor-management relations today and in the past should be read and reread by all.

The speech follows:

THE STRANGLING PICKET LINE

(Address by Jenkins Lloyd Jones)

I wish to talk about labor and management, and in order to conserve your time let's start with a blunt and sad truism.

There will never be total labor peace under any system of freedom.

Management will never be totally satisfied with labor costs and labor performance, and workers will never be totally satisfied either with wages or working conditions.

Friction between the hirers and the hired is the price we pay for two great blessings—industrial efficiency and individual freedom.

In ancient and medieval days a few artisans were free, but the ancestors of most of us were at best villains sharing crops with or paying protection to some noble fief, and at worst outright slaves. Strikes were not altogether unknown, but you lost a strike and your head simultaneously.

With the beginning of the industrial revolution in the 18th Century the movement of population from the farms to the cities began and more and more farmers became their own proprietors. Rural villenage weakened. But cottage industry weakened, too, and peonage of a new sort moved into the factories.

The Luddites futilely tried to smash the new machinery, but better methods of production were compelling and workers had to go to machines which they didn't own.

Not that the machinery wasn't a general blessing. You could get more cloth for a shilling from a spinning jenny than from a spinning wheel, and, in spite of romantic notions of handicraft, the mass-produced Eli Whitney rifle with its interchangeable parts was as efficient and lot cheaper than the proud product of the gunsmith.

But by the 1850's the factory owners had industrial labor pretty much at their mercy. In America floods of immigrants helped keep wages low and hours long. Westbound ships kept feeding the sweatshops. The lockout could devastate a community. And by various cozy arrangements territories could be divided, prices rigged and sometimes monopoly achieved.

Perhaps the first government attack on totally free enterprise in America was the boiler inspection law. Citizens grew tired of having themselves and their relatives wafted to Heaven on the wings of stream, compliments of rusty boilers fished from sunken wrecks.

Then came the Interstate Commerce Act of 1887, designed to keep railways from gouging shippers and travelers.

The Sherman Antitrust Law of 1890 was an acknowledgement that the rise of Big Business had presented problems that did not exist when most businesses were little.

The genius of John D. Rockefeller in building the Standard Oil trust forced the law into being. His secret rebates and ruinous price wars were not illegal. They were merely wrong. And Congress slowly and often reluctantly moved to right those wrongs.

In 1906 the privilege of industrial sharpers to poison or shortchange the public with adulterated or rotten food and with dangerous or worthless drugs was curtailed by the first of a long and successively more stringent series of food and drug acts.

In short, government was recognizing that industry neither would nor could police itself in the public interest, that an unprincipled minority would always seek to compound profits by driving competitors to the wall, by rigging rates, setting up cartels, or by unloading shoddy or worse.

In the meantime, the budding labor unions were having a tough go. Union-busting tactics included the blacklist, the use of Pinkertons or federal troops, the easy employment of court injunctions, and the importation of professional strikebreakers.

So, in 1914, when the Clayton Act was passed to improve and strengthen all previous antitrust laws, unions were specifically exempted. Subsequently, however, courts continued to enjoin strikes for a closed shop, secondary boycotts and the picketing of an unorganized plant by persons who were not employed in it.

These dams went out in 1932 with the Norris-LaGuardia Anti-injunction Act, largely written by Felix Frankfurter, then a law professor at Harvard. The Act put a blessing on the widest use of union power. Labor disputes were deemed to exist wherever union leaders said they did. Practically all legal rights of employers to seek injunctions were outlawed, including charges of conspiracy.

This was followed in 1935 by the Wagner Act which approved the closed shop, the union shop and admonished employers to bargain "in good faith."

"In good faith" sounded fine, but there was created simultaneously the National Labor Relations Board, and the history of this board, now well documented over a third of a century, reveals it as probably the least judicious judicial body ever created in this country.

NLRB members have repeatedly indicated that they conceive their function as the promotion and preservation of union power. "Unfair labor practice" as determined by this board has too often seemed to be a refusal to bow to union demands.

With legislation setting union leadership above laws that applied to all other groups of citizens, plus the patent bias of the NLRB, it was not remarkable that union activity not only burgeoned, but that it was yanked into new channels.

The first casualty was, quite naturally, the doctrine of voluntarism. In the last speech of Samuel Gompers, read at the A.F.L. El Paso convention in 1924, he said:

"So long as we have held fast to voluntary principles we have sustained our forward progress and we have made our labor movement something to be respected."

The New Deal helped kick the principle of voluntarism out the window and the era of compulsion began.

But Gompers in the same speech said some thing else, sadly prophetic. Listen:

"The very success of our organization has brought additional serious dangers. Office in the labor movement now offers something in addition to service—it offers opportunity for the self-seeker who sees an instrumentality for personal advancement both in the economic and in the political field."

As soon as the new labor laws permitted union leadership to issue or withhold permits to work, as soon as the rank and file membership found so-called "voting" being held in a show of hands in union hall with the goons lining the walls, and as soon as dissident members could be disciplined by the lifting of their cards or the imposition of arbitrary fines, things began to happen fast.

This was the climate that produced Jimmy Hoffa. It produced Willie Bioff and the famous Hollywood "sweetheart contracts" with equally unprincipled movie moguls. The Mafia wasn't long in sensing the opportunity. The old hit-and-run waterfront gangs moved into the dock unions and a system of scientific and leisurely looting began. Intimidation stopped at nothing, not even murder.

By 1947 abuses of union power had grown to the point where Congress passed, over Harry Truman's veto, the Taft-Hartley Act, labeled by the unions as the "slave labor law."

Actually, Taft-Hartley was a mild modification of the special privileges inherent in the Norris-LaGuardia and the Wagner acts. It held that unions, too, could commit unfair labor practices if they coerced an employee, took his card for anything except nonpayment of reasonable dues, and indulged in secondary boycotts. But the union shop, i.e., the requirement that any new employee must join and pay dues to the controlling union, remained.

The union shop has been vigorously defended on the grounds that it prevents the "free rider." The "free rider" is defined as one who enjoys all the benefits achieved by union action without paying dues to support the union.

But it's not quite that simple. The union shop also means that the employee is subject to union discipline on matters which may have nothing to do with his competence as a worker. His dues can be used for political action with which the worker may not agree. He can even be harassed for doing his work too well. He must submit to total union discipline, for his redress in the courts is slow and uncertain while the reaction of the leadership to any insubordination is swift and sharp.

The idea, still fondly held in many quarters, that the union shop permits any worker to take any available job if the boss likes him and he agrees to pay union dues dies hard. But it isn't that way.

Unions can, for example, create artificial famines of labor in order to guarantee current members rich overtime. The gimmick is called "competence." Many trades which have been well taught to young men in our armed services in a matter of weeks are in the hands of unions that require apprentice periods of from three to seven years.

The building trades need to recruit 280,000 new construction workers a year. About 16,000 were actually passed through apprenticeship during the past 12 months.

Although 80 per cent of construction's common labor is black, only about four per cent of the major union memberships are black. So there's this big broo-ha in Chicago and Pittsburgh with marchers and countercussers and confusion. And George Meany last month warned the construction unions not to lower their standards.

Now every fair-minded person ought to be with George. To hire an incompetent carpenter just because his skin is black is reverse racism and a fraud upon the hirer. But the tiny percentage of Negroes so far admitted to the building trades exceeds the limits of funny coincidence. It is job monopoly for the favored few in the holy name of protecting the workingman.

The National Association of Home Builders doesn't buy the union theory that the recent fall-off of new housing starts can all be laid to higher interest rates. It said recently, "The trade unions are not only responsible for racial discrimination but for public discrimination. By trying to protect the number of jobs available at a given time, they are adding to the shortage of manpower and adding to the cost of housing."

High interest rates affect those who buy mobile homes, too. But the rocketing substitution of mobile homes for on-the-site housebuilding can only be explained by increased exploitation of the housebuyer.

The Council of Economic Advisers has pointed out that because of strikes, slowdowns, featherbedding, work restrictions and job-hopping the average productivity of construction labor declined .3 per cent between 1959 and 1966 in spite of improved materials and tools.

Dayton, Ohio, carpenters have a contract that will soon bring them $17,600 a year. Steamfitters in St. Louis will make $20,900 for a 50-week year without overtime. A new auto plant being built in Lordstown, Ohio, has suffered seven wildcat strikes and is six weeks behind schedule. In an effort to catch up the company has paid $2 million in overtime. Some carpenters have been making $661 a week.

The excuse for all these wage gouges is inflation. But nothing is said about the role of such wages in inflation. The cost of an industrial building or a retail store is not merely the concern of the owner. It is added to the cost of the goods sold. Every customer shoulders his part of the price of laying bricks.

Nor has sufficient attention been paid to the effect wage costs that outrun productivity may have upon future unemployment. When an employee is locked into a three-year contract of sharply rising hourly wages he can only stand good news. If business slumps how else can he meet his promised hourly wages except by heavy layoffs?

Or consider the implications to world trade:

Where union wages have far outrun the worker's productivity the difference is naturally added to the sale price. This stimulates foreign imports. No one is asking American labor to take a Tokyo or Hong Kong wage. But unless we pay some attention to the costs of what we make we're not only going to have to get out of world markets but we must heed the call, already being voiced by some unions, that we go back to high protective tariffs.

The last time America proceeded on this theory with the old Smoot-Hawley Tariff Act we triggered a world depression.

For a long time now it has been a "liberal" article of faith that the higher the wage the greater the underpinning of the economy. The theory has it that the more money that is put into the hands of labor the greater the national purchasing power, the broader the market and the higher the general prosperity.

This is the "trickle up" theory as opposed to the old "trickle down" theory in which industrialists argued that any policies that gave them higher profits were beneficial to everyone since more men could be hired and more money paid to suppliers.

The "trickle-downers" have long since been discounted. It is time the "trickle-uppers" got out of economic kindergarten, too.

If rewards are to be granted without regard to contribution then the trickle up theory would work equally well with a subsidy to blue-eyed babies or left-handers or girls named Mary and guys named John. Any subsidy that has no relation to risk, enterprise, skill or just plain hard work is simply a tax upon all citizens.

Out of the trickle up delusion comes that stubborn "liberal" dogma that since union activity is most efficient at getting wage improvements all unionism is beneficial to the economy. How many preachers, politicians and professors have been running around urging everyone to boycott California grapes because growers have resisted efforts to organize the pickers?

Yet if a widget factory is struck this month it can go back to making widgets next month. If a vineyard is struck the week the grapes are ripe it must settle now on strikers' terms or lose a year's production. How much more are the preachers, politicians and professors willing to ask the general public to pay for food if this kind of leverage is imposed against agriculture? And what are the opportunities for blatant extortion?

The idea that union extortion is a sometime thing that can be taken care of by Eliot Ness is dangerously unreal.

The enormous draw-down of criminally controlled unions, not merely in tax-free dues, but in tax-free extortion and theft, has put the gangs in the investment business.

We know about the rapid spread into legitimate business of Cosa Nostra. Unhappily, Cosa Nostra has found out how to run legitimate business profitably, but it has never discovered how to run legitimate business legitimately.

Once the mob moves in, competitors' trucks have a way of getting hijacked. Competitors' warehouses are looted or burned. Competitors' customers are strong-armed.

In many cases, the mob that runs the business also runs the union that staffs the business. Here is one place where the company boss seems to be king. He gets union contracts with wonderful terms. But his competitors are repeatedly struck. Some simply go broke. Some capitulate with a distressed sell-out.

It is argued that few unions are like that. This is correct. Few businesses in the old days conducted themselves like the railroad barons or Standard Oil or the purveyors of rotten food. If we never passed any laws unless the majority were out of line we'd have very few laws. Law is designed to control the rapacious minority.

What has happened to us is that the free marketplace is in danger of breaking down. The free market place should be self-adjusting. When a man overprices his goods or services free competition should force him to reduce these prices or lose his customers. It was the effort by a minority of business to circumvent these forces by antipublic practices that brought forth antitrust laws and government regulation.

But labor today is undercontrolled. In a cozy combine with politics it has assumed the mantle of special privilege. It is able to levy taxes on the majority of wage earners who remain nonunion by demanding pay for no work, by closing the doors to jobseekers, by creating artificial labor scarcities, by forcing up prices by imposing wage boosts unrelated to productivity or profits, and by endangering life insurance, fixed incomes, pensions and social security by adding pressure to the debauchery of the currency.

Bertram Powers, head of the New York typographical union, now holds unprecedented power over what New Yorkers shall read. Four newspapers have died in the past 10 years. Three are left.

His latest demands include a four-day, 27-hour week, complete jurisdiction over computer programming, and a free contribution by the publishers to the union treasury amounting to five per cent of the gross payroll.

In short, Mr. Powers, who has never submitted himself to any general electorate, is in a position to license the press by busting it selectively.

The Chamber of Commerce of the United States believes that unless this special privilege ends the economic future of all Americans is in trouble. To that end it has a few suggestions:

It believes that workers should have the right to a secret ballot before bargaining rights are granted and whenever a union's majority is questioned.

It believes workers must be freed from union fines.

It believes that picketing should be restricted to that party which has a dispute with the union, that general contractors should not be picketed if the argument is with a subcontractor, that retailers should not suffer pickets directed at a manufacturer, and that progress isn't served by pickets directed against new and improved products or industrial processes.

It believes that blackmail picketing designed to muscle a union into a plant before it has won a bargaining election is an outrage.

It believes that if a union has a right under free speech to denounce an employer to his employes the employer has a right under free speech to reply and defend himself.

It believes that strike votes should be taken by secret ballot and the qualification of voters and the tabulation of votes be supervised by a neutral agency.

It believes that the NLRB should re-examine its theory that when an employer doesn't make concessions he is refusing to bargain, but when a union refuses to make concessions it is standing on principle.

It believes the NLRB should quit tailoring bargaining units to fit the largest area the union thinks it can win.

It is mystified by the NLRB contention that the buyer of a business is liable for the seller's unfair labor practices. It sounds too much like an attempt to make a business unsalable if it has dared to dispute a union.

It is further mystified by the NLRB policy of forcing the buyer of a business to operate under a seller's labor contract without a chance at a new negotiation. An employer who has foolishly signed a ruinous labor contract thus has no choice but to try to sell under conditions few buyers would accept.

It believes that unions should be under just as much judicial compulsion to honor contracts as employers are.

Finally, the U.S. Chamber sees little hope for justice in labor disputes as long as the NLRB handles them. One suggested alternative is to let the NLRB conduct representation elections but leave unfair labor practice cases to the U.S. District Court, possibly after prior screening by special masters in chancery.

Another alternative is Senator Griffin's plan for replacing the NLRB with a special 15-man labor court, each judge serving a 20-year term.

The U.S. Chamber believes either plan would be an improvement.

At the outset of my remarks, gentlemen, I voiced the supersafe truism that there would never be total labor peace under any system of freedom. There is no way of telling precisely what a profit should be or a wage should be. Except in the most routine and repetitive jobs it is difficult to gauge a man's economic contribution in terms of pennies per hour.

But we know what goes into a commodity. Something we call capital goes into it, and this capital, if it is in the form of common or preferred stock demands dividends, which may or may not be paid, and if it is in the form of loans or bonds it demands interest which had better be paid or else! The value of the stock and the cost of the lent money are determined by the free play of the stock and money markets.

Management goes into the commodity, and how much management takes out of its production is limited in general by the going price in a free market which such skills and experience can demand.

Raw materials, plant and machinery also go into the commodity, and the cost of all these are determined by a free market, guaranteed by the antitrust laws.

And, finally, labor goes into the commodity. If the price of labor, alone, is rigged without regard to its skill or scarcity, if the price can be artificially kited by restrictive practices that are illegal in all other fields, then the free market is in trouble.

There is a difference between collective bargaining and collective bludgeoning. There is a difference between a price earned and a price imposed. That was why antitrust laws were zeroed in on predatory capital. And predatory unions are no holier.

The U.S. Chamber thinks it's time, in the interest of all Americans, that U.S. labor law climbed down off its double standard.

FEDERAL LAWYERS OF THE POOR

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. REID of New York. Mr. Speaker, one of the most successful and beneficial Federal programs developed in recent years has been the legal services program administered by the Office of Economic Opportunity. In its 5 years of existence it has aided many thousands of disadvantaged clients throughout the country by securing for them their legal rights in court in a wide variety of cases. By its very success the legal services program has given hope to countless persons, who might otherwise remain alienated and discouraged, that the American system can work for them.

In spite of its success, or perhaps because of it, the legal services program has been troubled recently by threats to its professional independence. I am pleased to note that yesterday the Office of Economic Opportunity rescinded its newly issued controversial regulations which would have seriously impaired the independent operation of the program. Insofar as this action restores the professional integrity of the legal services program, it is commendable.

The continued vitality of the legal services program requires that it remain immune from outside pressures. The following article written by Mr. Terry Lenzner, former director of the legal services program, which appeared in the New York Times of December 15, 1970, squarely addresses the problem. I am pleased to include it in the RECORD and commend it to the attention of my colleagues:

FEDERAL LAWYERS FOR THE POOR

(By Terry Lenzner)

WASHINGTON.—In 1965, we embarked on a bold experiment to transform the minimum private provision of legal aid into a major public delivery of legal assistance to the poor. Since then, the O.E.O.'s Legal Services program has grown to $60 million employing 2,000 attorneys in every state except North Dakota. It includes six centers supplying specialized assistance in consumer, housing, education, juvenile, health and welfare law. Over one million cases are handled a year. The cost to the American taxpayer is $58 per case.

Millions of poor Americans living in squalid slums, on reservations and in migrant camps are, for the first time, afforded access to the system of justice. Welfare agencies began to respond to the urgent needs of recipients, tenants began to receive adequate facilities and appropriate relocation housing, boards of education no longer assumed the sons and daughters of our clients should be assigned automatically to vocational classes, and farmers began to provide sanitary field conditions and minimum wages.

But the willingness of able and dedicated "storefront lawyers" throughout the country to protect the poor from depradations by powerful economic interests and city, state and Federal agencies has resulted in recent attempts to limit substantially the right of the poor in our courts.

While for nearly 200 years, railroads, public utilities and other substantial private interest groups have freely used the courts to their advantages by challenging and overturning countless laws and regulations, the right of the poor to that same system is being choked off by politicians and bureaucrats who are in the business of rendering decisions which frequently adversely affect persons living in poverty. Legal service cases have threatened those governmental institutions and officials who thought they were above the law because no one called them to account.

When the California Rural Legal Assistance program brought an injunction against the U.S. Department of Labor to enforce its regulations restricting the use of Mexican laborers—thereby saving California taxpayers and farmworkers $131 million a year in welfare support and wages—the large farmers of California sought to protect their private interest by seeking the aid of Governor Reagan and Senator Murphy. When poverty lawyers in 26 states attempted to insure that their clients obtained food stamps denied by those states, an official in the Department of Justice called these suits "politically motivated."

When an attorney in Camden, N.J., was successful in mandating the city to provide adequate relocation facilities for persons dislodged by a highway, the Mayor sought to fire him and shut down his program. When the only significant poverty law firm in Mississippi won too many victories against discriminatory practices, the chairman of the state Republican party complained to Washington and tried to divert the program's funding to his bar association.

And that is just the tip of the iceberg of outraged officialdom caught acting illegally.

The attack upon the poor's right to judicial review of their grievances has now reached an all-time high. The Nixon Administration has made it increasingly evident that it will trade the right of the poor to justice for potential votes. It has attempted to kill or emasculate programs for the elderly poor in Washington, D.C., for black poor in Jackson, Miss., for Indian poor on the Navajo reservation, for white poor in Appalachia, and for migrant poor in Florida and Colorado. The Administration is presently placing the lawyers in Legal Services programs under the authority of nonlawyers who are beholden to state and local politicians. This week it is labeled decentralization; last week it was regionalization. Either way you slice it, effective advocacy for the poor is endangered.

The Senate went on record last year in favor of Senator Murphy's amendment that allowed Governors to veto lawsuits of attorneys that displeased them. The Senate today will have to consider an amendment proffered by its most powerful committee—Finance—to deny funds to any poverty lawyer who dares question the validity of public assistance laws or regulations.

Governors Reagan of California, Hearnes of Missouri, Kirk of Florida, McKeithen of Louisiana have all threatened or in fact exercised veto power to control the right to bring lawsuits on behalf of the poor. Thus, members of both the executive and legislative branches of government at all levels have increasingly sought to make it difficult for poverty lawyers to obtain access to the system of justice. Can the Constitution and the concept of judicial review withstand this bipartisan effort to foreclose the poor from the courts?

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I am afraid that the answer may be "No" and that the most innovative domestic program of the last five years may be doomed—unless the partners and associates in private law firms combine with poverty lawyers and their clients to persuade the Congress and the American public of the need to protect the Legal Services program from political pressures that destroy the integrity of the attorney-client relationship. Whether Legal Services remains within the poverty program or is placed outside as a separate entity, it must be protected from the volatile political buffeting it has experienced during the last year. For what matters now is that the poor retain their unfettered right to question what is done unto them in the name of government.

THE RIMS—BILLINGS' TRADEMARK

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. MELCHER. Mr. Speaker, whether viewed from the ground or in the air a unique and spectacular formation of sandstone cliffs known as the Rims nearly surround and are the trademark of the city of Billings in the Yellowstone Valley of Montana—a formation of great geological historical interest as well as human historical interest.

The formations tell the geological history of the unusual circumstances under which they were formed over a period of 100 million years. The walls bear the carved initials of Merriweather Lewis, which he engraved in the sandstone during the historic Lewis and Clark expedition up the Missouri River and across the mountains to the Northwest.

There are other historic significances which have caused Senator Mike Mansfield and I to request the National Park Service to study the Billings rimrocks and the best means to assure their preservation as a national historic and recreational area. It is urgent that their preservation be undertaken soon, for there is increasing pressure on them for subdivisions and commercial uses.

I offer for the Record a paper, The Geological Evolution and General Ecology of the Rims, by George Darrow, an expert in geology, who has studied them extensively, which may assist those interested in preservation of unique, scenic, and scientifically valuable sites in understanding the significance and worth of the Rims.

The Rims—Their Geological Evolution and General Ecology

I. THE EVOLVING LANDSCAPE

(1) Sedimentation and subsidence

The geological evolution of the landscape which now encircles Billings began roughly 100 million years ago. During the Upper Cretaceous period of geologic time, a shallow arm of the ocean extended across the region. In this trough were deposited the muds and silts eroded from the bordering uplands. These were compacted, in time, into the grey and black marine shales of the Colorado formation.

As the continent restlessly shifted with the recurring pulsations of geologic forces, the sea retreated and the shore advanced into the trough. Rivers carried sand to the shoreline from distant highlands. Ocean currents and shifting tides built beaches along the shoreline then as now.

When the shoreline advanced swiftly, thin sandstone beds were deposited. When the trough subsided once more, the shoreline retreated again, and ocean muds were superimposed on the beach sandstones. Thus were deposited the alternating, thin-bedded sandstones and shales of the Telegraph Creek formation.

These deposits comprise the basal formation of the Montana Group, which records in its lithified sediments the geologic history of this region during Upper Cretaceous time. The younger formations in this Group, the Eagle sandstone, the Claggett shale, the Judith River sandstone and the Bearpaw shale reflect the rhythmic advance and retreat of sea and shore. When the shoreline paused in one location for prolonged periods of geologic time, thick sandstone beds accumulated.

(2) The Eagle sandstone

The most spectacular accumulation of sandstone in the Montana Group occurs in the Eagle sandstone formation. A continuing influx of sand flooded into the sea trough during this period, accumulated on broad beaches, subsided, and accumulated again. In all, 250 feet to 300 feet of sandstone was deposited in the Billings area. This light-buff colored, coarse-grained sandstone was originally named by early day geologists who found its outcrops at the mouth of Eagle Creek, along the Missouri River forty miles below Fort Benton.

(3) The Virgelle member

The massively bedded, cliff forming lower member of the Eagle formation is the Virgelle sandstone. The singular expression of the patient processes of sedimentation, persisting throughout a prolonged pulse of geologic equilibrium, produced a sandstone deposit unique in this region. Breached by erosion, we know it today as *The Rims*.

The massive cliffs of the Virgelle member have their maximum topographic expression in the Billings area. Sheer cliffs 125 feet to 140 feet high are a visible record that this area was once a depositional center for the sand carried into the Cretaceous sea by ancient, unnamed rivers. Recorded before records, the massive manuscript of geological history speaks eloquently in the bold escarpment we call *The Rims*.

(4) Revolution and revitalization

Younger layers of shale and sandstone were deposited above the Eagle sandstone. Their weight compacted and indurated the sediments underneath. The sand grains were firmly cemented together and the silty muds became thinly laminated, fissile shales. Finally the era of deposition came at an end. New forces were stirring in the earth. With the onset of the Laramide Revolution, a period of uplift and mountain buildings began. The Rocky Mountains slowly rose skyward out of the shuddering earth and the shallow sea trough was replaced with the arched backbone of a revitalized continent.

(5) The Pryor Mountain arch

Among the segmented vertebrae of this great mountain backbone are the Pryor Mountains. The same tectonic forces of structural deformation which thrust up the Pryors also upwarped a broad structural arch dipping gently northwestward from the block-faulted mountains. All of the geologic formations previously laid down were gently folded over this arch. The axis of the arch extended northwest between the present-day sites of Billings and Laurel.

(6) Character from erosion

With structural uplift came a renewed vigor of erosion. The ancestral streams then flowing over the most recently deposited sediments began actively downcutting. Processes of degradation superceded processes of deposition. The softer shales were eroded most readily, while the sandstones were more resistant. Ice ages came and went. Torrents of melt water from alpine valley glaciers renewed the vigor of the downcutting.

From this erosion, relentlessly persisting through aeons of geologic time, and still continuing, came the forms of our present landscape. From the interplay of selectively concentrated erosion and variable rock texture was shaped the character of our land.

(7) Encircling cuestas

Encircling the Pryor uplift, concentric bands of alternately soft and resistant rock formations were exposed. The resistant rocks, progressively younger away from the central uplift, formed inward-facing cuestas. Around the northwestern margins of the Pryor arch, the resistant Eagle sandstone and its massive cliff-making members, the Virgelle, formed a great, open "U" facing the central uplift. This is the most striking and conspicuous of the cuestas surrounding the Pryor Mountains. We refer to it as *The Rims*.

(8) The Billings Basin

Entrenched in its course, the Yellowstone River has cut northeast across the Pryor arch. Slashing through a narrow breach in the Eagle sandstone cuesta two miles southwest of Park City, the Yellowstone could bite into the softer shales of the Colorado formation. Its flow augmented by the Clarks Fork below Laurel, the Yellowstone carved out a broad valley basin that the pioneers called the Clarks Fork Bottoms. Stretching for over twenty six miles within its enclosing cuesta of Eagle sandstone, this fertile valley contains some of the most productive soils in the state. Leaving the valley through a narrow notch in the cuesta just below Billings, the Yellowstone flows through a scenic valley cut into the younger formations of the Montana Group.

II. THE RIMS

(1) The rims defined

The Rims constitute the cuesta formed by the Eagle sandstone formation as it encircles the northwestern tip of the Pryor Arch. The greatest portion of the spectacular cliffs occur on the northwest side of the Billings Basin, overlooking the Yellowstone River valley. A notable segment of the massive cliffs extends across the river into the Indian Caves area. The area in which the massive cliffs form a "U" shaped cuesta coincides with the maximum depositional thickness of the Virgelle member of the Eagle sandstone.

(2) Geological uniqueness

The Rims are the product of a unique geological evolution. Dramatic circumstances of deposition in the geologic past combined with localized structural uplift to give a distinctive character to the preserved geological record. Coincident with these features are the unique events in the history of the Yellowstone River as it excavated the cuesta and formed the Billings Basin. These interacting geologic processes are responsible for creating a unique inter-relationship between the scarp and the river, which comprises a rare and unusual landform feature.

There is a further component of topographic uniqueness: *The Rims*, of course, offer an unparalleled viewpoint from which to overlook the river valley and the city of Billings. But, unlike viewpoints elsewhere along the Yellowstone valley, *The Rims* offer a superb view of the Beartooth Mountains some sixty miles distant. This is because the Clark's Fork valley, entering the Billings Basin from the southwest, has carved a "slot" through the intervening uplands that preclude this view elsewhere.

(3) Distinctive character

The Rims are dissected by several minor streams entering the Billings Basin from the north. Notable among these are Cove Creek and Canyon Creek, with Canyon Creek being the only perennial stream. Each of these comprises a major reentrant in the cuesta. Numerous small "coves" occur where storm runoff pours over the top of *The Rims*. Huge slabs of Virgelle, left unsupported when the underlying Telegraph Creek formation crumbled away, have broken off the cliff face. These huge blocks have tumbled down slope to create an endless variety of rock forms which have intrigued generations of Billings children.

Ledges near the top of *The Rims* are formed in the upper, less-massively bedded Eagle sandstone. Natural footpaths are provided by the ledges and the smooth "pavement" of the cliff top. Characteristic "beehive" erosional forms occur in the thinbedded sandstones of the uppermost Eagle. Shallow caves are found beneath overhanging arches where storm waters pour over the rims during occasional cloud bursts. These storm waters, over a span of geologic time, have dissolved the cementing material binding the sand grains together.

(4) *Plant and wildlife communities*

The plant life found on *The Rims* is an excellent example of a ponderosa-juniper climax community of the Transition Zone. The rugged beauty of the jack pines (pinus ponderosa) and the Rocky Mountain juniper (juniperous scopulorum) finds root in cracks and the shallow soil atop *The Rims*, along ledges and on the talus slope. The ground cover consists of a low, spreading juniper (juniperous horizontalis), yucca, sagebrush and various grasses.

The wildlife community includes deer, rabbits, chipmunks, porcupines, lizards, snakes and birds, including red-tailed hawks and occasionally eagles. It seems only fitting that one should find eagles flying over the soaring cliffs of Eagle sandstone.

(5) *Land use history*

Long before Billings occupied the broad, sheltered valley nestled below the enclosing *Rims*, it was choice wintering area for buffalo, elk and Bighorn mountain sheep. This abundance of game undoubtedly sustained the dwellers of the Indian Caves 10,000 years ago. The railroad utilized the notches in the Eagle cuesta which had been cut by the river, and pioneer settlers were attracted to the basin by the same natural features which had enticed the buffalo before them. The requirements of a growing community for firewood soon denuded *The Rims* of their oldest and largest ponderosa along the cuesta near the townsite. Stumps as large as eighteen inches in diameter can still be found in this area. Clearly visible today is the marked increase in the number and size of trees in the area west of the airport water tower. The scenic quality of *The Rims* west of this point is readily apparent from the valley floor below.

(6) *Fragility*

The Rims are massive, but as the interface between upland and valley, they are a critical strand in a web of ecological relationships. As an undisturbed natural area they are more than an amenity. They are a treasure. As a site for development they are replete with hazards and susceptible to rapid destruction of their unique quality. The slopes below *The Rims* are prone to both falling rocks and continued slumping of the landslide areas already formed. The soils developed on top of *The Rims* are thin, light, sandy soils. Once the fragile plant cover has been breached, the underlying soils quickly blow out. Observe the deep tracks where unregulated vehicle use has cut through the plant cover and exposed tree roots in the park area near the Zimmerman Trail. Continued misuse will quickly denude the entire area.

(7) *Significance*

The Rims are the distinguishing natural feature which gives a sense of identity to the whole population of greater Billings. The natural forms of erosion-sculptured cliffs and wise, old, gnarled trees along the skyline offer a refreshment which has become part of the daily lives of those who pass below. They are an integrating factor which gives a unifying coherence to the community below and behind them. They shelter seventy thousand people from bitter winter wind as once they sheltered the buffalo. They introduce a linear continuity of natural diversity and wildness into intimate contact with the work and life of a bustling, modern city. Generations of children have discovered among these rocks an ever new realm of play. Lovers and joggers, picnickers and sightseers all know the enduring appeal of *The Rims*. Without this escarpment, preserved undiminished and undefiled, Billings would cease to be much of what it now is.

(8) *Recommendations*

It is recommended this geologically unique natural area be given the necessary protection to preserve it as the distinctive "totem" of the city of Billings. As one of the few major landscape elements remaining in a restorable natural state within the metropolitan area of any United States city, it is in the national interest to preserve the ecological integrity of *The Rims*. Such urban natural areas, in intimate proximity to large population centers are all too rare. The diversity of unique natural landscapes in urban areas is part of our national heritage. The existing opportunity for the timely preservation of *The Rims* should not be forfeited.

It is recommended that an effort be made to rehabilitate existing construction scars and that all possible alternates be thoroughly examined and seriously considered before making any irreversible intrusions on the integrity of *The Rims*.

It is recommended that reforestation with native species be attempted in the denuded areas and that suitable management measures be initiated to halt existing land abuses. At some time past there was an opportunity lost to preserve the magnificence of the Hudson River Palisades. Billings cannot disregard the need to preserve its "totem."

ANNUAL REPORT—NATIONAL MILK PRODUCERS FEDERATION

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, December 15, 1970

Mr. DOLE. Mr. President, the 91st Congress has approved a variety of legislation of significance to agriculture.

Although such legislation has not been perfect, the ultimate result, I believe, will assist the farmers of the Nation.

Today I would like to cite especially legislative action relating to an important segment of agriculture, dairying.

At the annual convention of the National Milk Producers Federation, Patrick B. Healy, secretary of the federation, recently reviewed major legislative action relating to dairying. During this session, incidentally, the federation has worked closely with members of the agricultural committees of both the Senate and the House of Representatives in efforts to advance realistic, workable laws relating to dairy farmers. In addition, as a major voice of dairying, the federation has steadfastly supported effective general farm legislation.

As a succinct review of major legislation relating to dairying in the 91st Congress, I ask unanimous consent that Mr. Healy's report be printed in the Extensions of Remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SECRETARY'S ANNUAL REPORT

A NEW FEDERATION

For 1970 the Federation has experienced a remarkably successful year on three fronts:

Achieving greater unity and coordination within the Federation;

In creating an unequalled record of legislative and administrative accomplishment; and

In mobilizing new efforts—and striking out in new directions—to brighten the economic outlook of dairying.

GREATER UNITY WITHIN THE FEDERATION

In accordance with the spirit of our 1969 convention, an all-out effort was made to strengthen unity and improve coordination among member cooperatives of the Federation, and between members and the Washington office.

Our record of success is one in which we can take great pride. Time after time members of the Federation—at crucial points of consideration in legislative and administrative matters—have responded quickly and effectively in support of the interests of dairying. Examples of such effective response include: Action prior to crucial votes on the Agricultural Act of 1970—containing important dairy provisions; action prior to a decision by the Secretary of Agriculture on the support price for manufacturing milk—which was increased 38 cents per hundredweight; mobilizing Congressional opposition to issuance of standards for imitation milk by the Food

We were successful—by hard work in coordination with members—in obtaining four provisions of real significance to dairying in the Agricultural Act of 1970. These include:

Amendment to the Agricultural Marketing Agreement Act of 1937 authorizing three methods for distributing returns from the sale of milk among dairy farmers:

The Class I Base Plan is designed to enable each individual dairy farmer to know with reasonable certainty how much milk he can deliver to the market at a Class I Base Price (determined by delivering during a representative period, adjusted to reflect fluid milk sales.) This permits him to deliver as much or as little milk as he pleases in addition to the base amount, knowing that he will receive the lower manufacturing milk price for such deliveries. He is assured, also that the price for his base deliveries will not be unduly affected by over base deliveries by other dairymen.

The new Class I Base Plan amendment is an improvement over the original authorization enacted in 1965. It enables established dairy farmers to share the benefits of market growth; under the 1965 amendment this was set aside for new producers and the alleviation of hardship. It also provides a means for new producers to earn a base, and thereafter participate in the market in the same manner as other producers.

Class I bases are determined from a representative period of one to three years and will be updated each year.

The Seasonal Base Plan is designed to encourage increased deliveries of milk during that time of year when milk production costs are high and deliveries short in relationship to consumer requirements, and to discourage deliveries during the time when conditions are most favorable for milk production.

The authority for seasonal base plans was in the Agricultural Marketing Agreement Act, prior to adoption of the 1965 amendment. The 1970 authority, however, is improved in that seasonal bases need not be reestablished each year.

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The Louisville Plan also is designed to encourage increased deliveries of milk during months when milk production costs are high and deliveries short in relationship to consumer requirements, and to discourage deliveries during the time of year most favorable for milk production. This is accomplished by a seasonal adjustment in the uniform, or blend, price without seasonally adjusting Class 1 prices paid by handlers.

Enactment of the amendments to the Agricultural Marketing Agreement Act required constant efforts by the Federation and its members throughout the year. The amendments were designed only to provide authority under which the Secretary of Agriculture could promulgate order provisions after public hearings. The Senate version of the bill, however, attempted to include in the amendment a specific exemption from regulation of producer-handlers. As the bill finally emerged, it simply stated that there should be no change in the legal status of producer-handlers.

Unfortunately, the Conference Report contains a gratuitous statement that the Department should not change its present policy concerning the regulation of producer-handlers. The need to regulate and pool the milk of producer-handlers will require our attention next year. The Federation membership insists that the Department of Agriculture, in exempting producer-handlers from pooling, is wrong and grossly unfair to dairy farmers and their cooperative associations.

BUTTERFAT REMOVED FROM MANDATORY PRICE SUPPORT

The Farm Bill of 1970 amends the Agriculture Act of 1949 by removing the requirement to support the price of butterfat at mandatory levels. This amendment was advocated by the Federation and in no way changes the obligation of the Department of Agriculture to support the price of milk within the limits of 75 to 90 percent of parity.

The purpose of removing butterfat from the commodities subject to mandatory price supports is to give the Secretary more latitude in establishing relative purchase prices for butter and nonfat dry milk, in keeping with industry trends.

Back in 1949 when the price support program was first enacted, it was important and necessary to support the price of butterfat as well as milk because of the volume of butterfat marketed as farm-separated cream which could only be made into butter. In recent years, however, marketings of farm-separated cream have diminished and they now represent less than 1.5 percent of all milk marketings by farmers. This small percentage of the market should not stand in the way of efforts to improve the competitive position of butterfat.

The amendment, as contained in the 1970 Farm Bill, marks but one move to improve the competitive position of butterfat for all uses, whether sold as butter, other dairy products, or fluid milk. However, it will be necessary for the Federation and the Department of Agriculture to carefully review production and marketing statistics to determine just what the relative purchase prices of butter and nonfat dry milk should be under the Price Support Program, now that each can be established at discretionary levels.

At first glance, it appears the price of butter could be reduced, for practical purposes to a free market basis, and that the slack could be taken up through the purchase price of nonfat dry milk. Such an approach, however, completely overlooks the competitive position of nonfat dry milk.

We plan in the near future to appoint a committee, primarily of management people actively engaged in the production of butter, nonfat dry milk, dried whey, dried buttermilk and other milk ingredients, to recommend to the Department of Agriculture relative purchase prices for butter and nonfat dry milk under the Price Support Program, to become effective April 1, 1971.

PESTICIDES INDEMNITY PROGRAM

The Farm Bill of 1970 extends authority under which the Secretary of Agriculture may reimburse dairy farmers for milk removed from the market because it is contaminated, through no fault of the farmer, with residues of pesticides approved for use by the Federal Government.

For fiscal year 1970, the authorization for this program was $200,000. In the new budget, no funds were recommended. Through work with members of Congress, however, $500,000 was approved for the new year. The Agricultural Act of 1970 also extends coverage of the Indemnity Program to dairy plants.

In supporting this program, the Federation maintains that dairy farmers must be protected from residue incidence in their milk as long as pesticides are registered and made available for use. There is no way a farmer can be assured his milk will not contain residues due to air drift, water supplies, in purchased feed, or other reasons.

The Pesticides Indemnity Program is an economical insurance for dairy farmers, and assures consumers milk and dairy products are free from pesticide residues.

DAIRY PRODUCTS TO ARMED FORCES AND VETERANS HOSPITALS

The 1970 Farm Bill authorizes the Commodity Credit Corporation to donate dairy products acquired under its price support operations to the military and the Veterans' Administration hospitals. This authority extends a program begun many years ago.

Besides making good use of dairy products acquired under the Price Support Program, this program removes these products from inventory so they do not depress market prices.

Over 42 million pounds of butter were transferred during fiscal 1970.

FARM COALITION

Early in 1970, the Federation joined a coalition of farm organizations formed to strengthen support for farm legislation. In our judgment, this was the best way to obtain farm legislation because of the practice by Congressmen to group farm measures in a single bill covering several commodities.

The Coalition did a lot of good work in the early stages but, in the end, all organizations were not in agreement in support of the farm bill. Many groups took positions that were neutral or in opposition to major provisions.

During the development of the Agricultural Act of 1970, the Federation and its members comprised the only nationwide farm organization to consistently support the bill during all crucial stages of its development.

We cooperated with the Chairmen and members of the respective Agricultural Committees in the House and Senate, as well as with the Secretary of Agriculture. Prior to each vote in either House, Federation members worked effectively in support of the dairy provisions. Because of the hard work and the display of team effort, we succeeded in obtaining important legislation for dairy farmers and, at the same time, gave vital support necessary for passage of the Agricultural Act of 1970, a general farm bill.

PROGRAMS REQUIRING APPROPRIATIONS

At the time of printing, final action had not been taken in Congress. Consequently, only the amounts of appropriations as approved by the Senate and the House separately are available.

In addition to needed changes in existing laws, new appropriations were required for other ongoing programs beginning July 1, 1970.

For example, the nation has developed a variety of significant Child Nutrition programs. These include School Lunch, School Breakfast, and Nonschool Food Programs.

Child Nutrition appropriations:

Amount passed by Senate	$540,332,000
Amount passed by House	328,573,000

THE SCHOOL LUNCH PROGRAM

The School Lunch Program provides lunches for about 20 million of our 51 million school children. Under the School Breakfast and Nonschool Food Programs millions of additional meals are served.

This year Congress approved a moderate expansion of these programs. Because a half-pint of milk is served with School Lunches, School Breakfasts, and other nutrition programs, these continue to be significant to dairying.

FOOD STAMPS

With a growing consciousness of hunger and malnutrition problems, the nation is expanding other food and nutrition programs. Congress has substantially expanded and liberalized the Food Stamp Program. The bill provides for direct distribution of CCC commodities where there is also a Food Stamp Program in operation as supported by the Federation.

For families with limited resources, Food Stamps provide an important supplement for improving the daily diet. However, there is also a need for improving nutritional education. Through such education, low-income families can use the stamps more wisely in meeting nutritional needs. The major question before Congress now is not whether there will be a Food Stamp Program but, rather, how much money will be appropriated—and what guidelines will be established for use of Food Stamps.

Food Stamps appropriations:

	Million
Amount passed by Senate	$1,750
Amount passed by House	1,250

MASTITIS CONTROL

Of significance to dairying, also, is the Mastitis Control Program. Mastitis continues to be a major cause of economic loss to the nation's dairy farmers. Losses occur through shorter productive lives for affected cows, a loss of milk production, and culling of mastitic cows from dairy herds.

Because of such losses and the need for more effective control methods, Congress approved funds to develop a more effective Mastitis Control Program.

Mastitis Control appropriations:

Amount passed by Senate	$893,300
Amount passed by House	593,300

ERADICATION OF BRUCELLOSIS

The occurrence of brucellosis in dairy cattle also results in tremendous losses for dairy farmers annually.

Through the Eradication Program, however, this costly disease is being eliminated. Congress approved funds to support this program.

Eradication of Brucellosis appropriations[1]:

Amount passed by Senate	$26,582,000
Amount passed by House	26,582,000

[1] Small amount of tuberculosis funding included.

SCHOOL MILK

The Federation waged an all-out fight to head off an Administration attempt to kill the School Milk Program by leaving it unfunded.

Without a doubt, this was one of our most impressive victories during the past year. When this battle started, it seemed that we faced insurmountable odds. Aligned against us was the prestige and power of the White House and the U.S. Department of Agriculture.

In our documentations in support of the School Milk Program, we proved conclusively that Congress intends the School Milk Program for nutritional purposes, not welfare.

We also prepared additional facts showing what would happen to milk consumption under the President's intent of making the School Milk Program a welfare program.

We pointed out there are over 9.3 million children in schools with no feeding programs, of which about 1.5 million are poor. If only poor children receive milk as demanded by the President, over seven million children would be without a feeding program or half-pint of milk under the School Milk Program unless purchased by the children without any reimbursement by the Federal Government.

We also pointed out the millions of children who are in the near-poor group who would lose the benefits of the milk program.

Finally, we showed how the cost to the Federal Government would be increased because of the increased price support purchases of dairy products as a result of decreased milk consumption.

All through the months of July and August 1970, no plans were formulated in the Department of Agriculture to continue the program. The opening of schools throughout the nation was rapidly approaching. School administrators were uncertain what arrangements to make concerning the program. The period of anxiety continued.

As a step to get some action, the Federation sent a letter to the Secretary of Agriculture Clifford Hardin, urgently requesting that he announce the Department's plans for administering the program, the reimbursement rate, and other facts necessary for its successful operation.

The Federation sent a letter to all our members urging them to write their mayors and governors asking them to contact President Nixon and recommend continuation of the program.

Finally, efforts by the entire membership of the Federation turned what could have been a tragic loss into a victory.

On September 8, 1970, Secretary Hardin announced the continuation of the program.

	Million
Amount passed by Senate	$104
Amount passed by House	104

GOVERNMENT AGENCIES

On the Federation's complaint, the Justice Department has instituted an investigation into a violation of the Federal filled milk law. The investigation is being made by a United States Attorney.

The Federation also is working with state and Federal officials in an effort to stop the marketing of imitation sour cream.

LEGISLATION IN 1971

The present Congress comes to a close this year, and the 92nd will convene early in January. This will give us a new and a fresh beginning in our quest for legislation.

Although many programs of interest to the membership will not require enactment of new legislation during the First Session of Congress, steps must be taken to secure appropriations to finance them. There are many, including the Special Milk-Program for Children, School Lunch, and other food distribution programs; eradication of animal diseases, such as brucilosis, tuberculosis, and mastitis; the Pesticide Indemnity Program, the many regulatory programs, and others.

Appropriations for all programs run through June 30, 1971. None of the funds for the Fiscal Year beginning July 1, 1971, can be taken for granted; and without appropriation of sufficient funds, the existence of a law which requires expenditures is meaningless. The competition for public funds becomes greater with each succeeding year, and the Federation, perennially, is confronted with this task of securing appropriations for programs of interest to dairymen.

With the convening of the new Congress, we will also be obligated to seek re-introduction of legislation to further goals which still are pending. A major item among these will be a new Dairy Import Act, patterned after the one which has been before the present Congress.

The Dairy Import Act has not been acted upon, but its very presence as a "live" issue has been the catalyst for securing several improvements in the control of imports under present law.

We have been exploring the needs of dairy cooperatives for improving their bargaining position, and it is time to begin our legislative effort. We have several proposed amendments to the Agricultural Marketing Agreement Act of 1937, as reflected by resolutions before this Convention. These involve authority for marketing order advertising programs, means of equalizing raw product costs for handlers who purchase milk from producers and from other sources, provisions for reimbursing cooperatives for services performed, a review proceeding for complaints of producers before they are taken to the Federal courts, the possible need for authority for a manufacturing milk order without minimum prices, and authority for transferring funds to stand-by pools. It will be necessary to eliminate the terminating date from all dairy provisions of the 1970 Farm Act.

In addition to legislation which we initiate ourselves, there will be countless proposals requiring evaluation, modification, and ultimately support or opposition.

As mentioned, 1970 has been a remarkable year in the securing of favorable legislation. The first year of the 92nd Congress in 1971 may not be as favorable. Many weeks in the First Session are spent organizing the new Congress and making Committee assignments. This is followed by study and hearings on proposed legislation, with final enactment or rejection later, and often during the Second Session.

PESTICIDES

The Federation took exception to an attempt by the Environmental Defense Fund to replace finite tolerances for DDT with zero tolerances. We also opposed a number of suggested alternatives for working towards zero tolerances. A statement was filed with the Food and Drug Administration which strongly urged the Secretary that it was absolutely essential to producers that the present tolerance applicable to milk at 0.05 part per million be maintained.

IMPORT CONTROLS

The picture with respect to import controls during the past year has been much the same as it was over the past 15 years.

Basically, it can be described as too little and too late, again and again. Nevertheless, considerable progress was made on this front in 1970.

FOREIGN NATIONS

Because of lower production costs and extremely high export subsidies, foreign countries can take over our domestic market if it is not protected by import quotas.

To be blunt but realistic, foreign countries have taken every opportunity to evade our import controls, and to dump their surplus production on our shores.

THE MONTEREY MASQUERADE

Cheddar cheese import quotas have been established for many years. The present quota is 10 million pounds per year. More recently, when imports of Colby cheese were used to evade the Cheddar quota, a quota of six million pounds was established for American-type cheese, including Colby.

These quotas were not effectively controlling imports, and in January 1969, an additional quota was added to limit total imports of cheese classified as "other," in the amount of 25.1 million pounds.

New Zealand then began shipping Cheddar cheese mislabeled as Monterey. Although we complained bitterly to the Customs Bureau, it continued to pass the mislabeled Cheddar cheese free of the Cheddar quota.

Eventually, the Federal Food and Drug Administration stepped in and required the New Zealand cheese be properly labeled as Cheddar. The Customs Bureau continued to pass the Cheddar cheese under the quota for "other" cheese and announced that it would continue to do so until January 7, 1971.

A BUSY YEAR OF HEARINGS

There were two Congressional and three Tariff Commission hearings held during the year on foreign trade.

The Federation presented statements to the House Ways and Means Committee in June and to the Senate Finance Committee in October.

In July a comprehensive statement was presented to the Tariff Commission on the urgent need for import controls on butter-fat-sugar mixtures labeled ice cream, low-fat chocolate and low-fat cheese.

In August we appeared before the Commission during a study being made at the request of the House Ways and Means Committee on imports of Swiss, Gruyere, and "other" category cheese priced at 47 cents or more, lactose, chocolate, and New Zealand cheese.

In November we participated in a hearing held by the Commission at the President's request on the competitive position of U.S. industries with respect to imports.

THE TARIFF COMMISSION REPORT

The Tariff Commission hearing was limited on the request of the Secretary of Agriculture and the President, to ice cream, low-fat cheese, low-fat chocolate crumb and animal feeds.

These items, with the exception of some low-fat cheese, are not normal historical imports. The imports developed and increased rapidly when import quotas closed other avenues of entry.

The Commission found that a representative period for these imports was 1963 through 1965 and recommended a zero quota for all of them except low-fat cheese. It recommended an annual quota of 100,000 pounds for the low-fat cheese.

In this decision, the Commission did not reward foreign nations and the importers for their evasion efforts by granting large quotas based on evasion imports, as has been done so many times in the past. For this, we are most grateful and commend the Commission for dealing realistically with the import problem presented.

The recommendation of the Tariff Commission has not yet been acted upon by the President, although the Federation and the membership repeatedly have urged him to do so.

This decision leaves unresolved the greatly increasing imports of certain cheeses priced at 47 cents per pound and over and also the increasing lactose imports.

EXPORT SUBSIDIES

Foreign nations are using heavy export subsidies to dump their surplus dairy products into world trade channels and undercut our domestic markets.

As of January 1970, export subsidies used by the European Community for skim milk powder exceeded the average c.i.f. Rotterdam price by 62 per cent; for whole milk powder, by 211 percent. For butter, the export subsidy was almost five times the Rotterdam price.

In March 1970 the support price for butter in the European Community was 78 cents per pound. At the same time butter for processing into export products was sold for 11 cents per pound.

The butterfat-sugar mix labeled ice cream shipped to the United States in great quantities contained 20–24 percent butterfat, carrying an export subsidy of 78.93 cents per pound. It was similarly overloaded with nonfat milk solids with an export subsidy of

9.96 cents per pound. These are the export subsidies—not the price of the commodity.

COUNTERVAILING DUTIES

The Secretary of the Treasury is required by law to collect countervailing duties on imports equal to the amount of the export subsidy used by the exporting nation.

In July 1968 we requested that countervailing duties be placed on some dairy products. More that two years have elapsed and the Secretary of the Treasury has not collected a single countervailing duty on any dairy product.

Failure to collect the duties prescribed by Congress and required by law has resulted in millions of dollars lost to the United States. This loss is continuing every day the Secretary of the Treasury fails to act.

ECONOMIC FORMULA

An Economic Formula was designed as a means of keeping Class I milk prices in marketing orders in line with general economic conditions, and has been a goal of the membership for several years.

The proposal for an Economic Formula in all orders had its beginning at the St. Louis convention in 1968. Immediately following the convention, a Class I Price Policy Committee was appointed to develop and achieve the Formula. The committee selected a Task Force of highly qualified economists and marketing specialists from among the membership and land grant colleges. This Task Force researched, constructed the Formula, and developed the rationale in its support. After the work was completed, the Class I Price Policy Committee, the Executive Committee, and the Federation Board of Directors approved the Formula.

The Federation then filed a petition requesting a public hearing to consider incorporation of the Economic Formula in all orders. This hearing was held in Clayton, Missouri, January 17–20, and in New York City, February 17–19, 1970.

In preparing for the hearing, the Federation discussed the Formula and consulted with member associations, general farm organizations, industry organizations, and others. All firmly supported the effort. The hearing was a masterpiece of organization and development. Witnesses fully explained the proposal and demonstrated its need. The interim between the two sessions of the hearing provided the Department of Agriculture opportunity to review the testimony and exhibits, and to question Federation witnesses on points which needed clarification or additional testimony.

Following the hearing, the Federation submitted its supporting brief. Four months later, we were disappointed when the Department issued a ruling against the Formula, but indicated a willingness to reopen the hearings for submission of additional testimony.

In a second brief, the Federation has insisted that the hearing record is complete, that it justified the Formula in every respect, and there is no need to reopen the hearing. The brief has called on the Department to issue its final decision incorporating the Formula in all orders effective January 1, 1971.

MANUFACTURING MILK ORDER

Progress was made in developing a manufacturing milk order during the year and a draft order was prepared and submitted to the Department of Agriculture for study.

Following revision of the proposal, which will be completed in the near future, we anticipate that the Manufacturing Milk Order Committee will recommend the Federation join with interested member cooperatives in a request for a hearing on a manufacturing milk order.

MARKETING COURT DECISIONS

A special Task Force on Court Decisions Affecting Dairy Marketing has been appointed this year to examine the court decisions on Federal milk marketing orders and the Agricultural Marketing Agreement Act of 1937. The Task Force is appraising the Act in light of current marketing developments and as it has been affected by court decisions.

REGIONAL MEETINGS

One of the Federation challenges is to maintain close contact with the leadership among its members. This is necessary to keep the membership informed and to solicit their advice.

As a method of communication, we hold regional meetings. During the past year, such meetings were held in: Albany, New York; Baltimore, Maryland; Chicago, Illinois; Cincinnati, Ohio; Dallas, Texas; Hudson, Wisconsin; Kansas City, Missouri; Orlando, Florida; and Sacramento, California. Additionally, staff members appeared before a great number of annual meetings of members and at other dairy and agricultural gatherings.

Through the regional meetings, the Federation has opened sessions to representatives of general farm groups, government agencies, colleges, industry groups, and others to obtain widespread understanding and support for programs sought; by dairy farmers.

RICHARD M. HOYT

The membership was saddened by the death of Richard M. Hoyt on December 18, 1969. He had been a valued member of the staff since July 1, 1956.

Richard Hoyt was a scientist without peer in the dairy industry. Over the years he assisted many member oragnizations in seeking solutions to technical problems. He was always in the forefront with up-to-date and reliable scientific data when needed by the Federation.

As a token of our appreciation for his contributions to the dairy industry and to encourage excellence in this field, a scholarship award in memory of Richard M. Hoyt is being funded by the Federation, and will be awarded annually by the American Dairy Science Association to an outstanding graduate student in dairy technology and related fields.

CHALLENGES AND PROBLEMS AHEAD

Despite an unusually successful year, dairying faces its share of problems and challenges ahead. These include:

Maintaining adequate prices to dairy farmers;

Strengthening the Agricultural Marketing Agreement Act of 1937 and the bargaining rights of cooperatives;

Protecting cooperatives against unfair tax laws—expected to come up in the next Congress;

An annual fight to continue the Special Milk Program for Children;

Opposing legislative or administrative actions relating to pesticides and chemicals that would adversely affect dairying;

Ensuring the needs of dairy farmers in any labor legislation; and

Opposing efforts to repeal or weaken countervailing duties law.

In the past, dairy farmers and their organizations have mainly reacted to conditions set by other forces and influences in the economy and in the environment.

For the future, we are determined, by foreplanning, to devise new, innovative, practical ways to adapt to changing conditions, to resolve problems, to exploit new opportunities, and to meet new challenges. To the degree possible, we will avoid being pawns of fate tossed about in the turbulence of our times. Rather, we will be working hard to mobilize our talents and resources to establish our own goals.

"YES" TO MOTION PICTURE CODE

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, since its inception over 2 years ago, the motion picture code and rating program of the Motion Picture Association of America has attempted to inform the moviegoing public of the general nature of films presented to them. On November 3, 1970, the president of the association, Jack Valenti, addressed the National Association of Theater Owners at their annual convention in Bal Harbour, Fla.

In that speech, he announced the results of a survey of public attitudes toward the motion picture industry's voluntary film-rating system. I insert in the RECORD at this time the text of Mr. Valenti's speech and highlights of the Opinion Research Corporation 1970 survey on code and rating system:

THE PUBLIC VOTES "YES" FOR THE RATING SYSTEM

(By Jack Valenti)

At your 1969 National Convention in Washington, I reported on the results of a nationwide survey made for the Association by the Opinion Research Corporation of Princeton, New Jersey on the American public's attitude toward the industry's voluntary film-rating system. The results, as you will recall, showed that the rating program, then only a year old, stood high in the public's view.

The Association commissioned the Opinion Research Corporation to conduct a followup survey this year, and the results have just been compiled. I want to share highlights with you.

These are the most important results of the 1970 survey:

Sixty-four percent of moviegoing adults, age 18 and over, find the rating program to be "very or fairly useful" as a guide for deciding what movies children should see. This is a gain of six percent over 1969.

Seventy-two per cent of moviegoing teenagers, aged 12–17, find the system to be "very or fairly useful," also a gain over 1969, by two per cent.

The survey analysts tell us that these high 1970 percentages—this range of 64 to 72 per cent—are "of remarkable magnitude" in any testing of the country's views on controversial public issues.

A moviegoing public which holds the industry's ratings to be of such usefulness must also have a commanding awareness of the rating program. The survey shows:

Eighty-seven per cent of moviegoing adults are aware of the program in terms of the audience for which the rated movies are suitable. This is an increase of ten per cent over 1969. Thus, almost nine out of every ten of these adults now report knowledge and awareness of the ratings.

Eighty-eight per cent of moviegoing teenagers are aware of the ratings. This is a gain of 11 per cent in 1970 over 1969.

So by our combined efforts all of us have succeeded well in our objective—our continuing mission—to make the ratings known.

This could be a time for self-congratulation by you in the National Association of Theatre Owners and by us in the Motion Picture Association, for we have lived these two years together in operating the rating system. To do so would be entirely within the realm of honesty and propriety, but I think we can refrain from self-praise.

In this scientifically-sampled survey, the American public speaks to us about ratings. Let our task be to continue to manage and to live up to the rating program in a manner that will continue to warrant the public's favor.

I would not wish to gloss over any negative findings in the survey. One has developed as the very result of the success of the ratings in achieving greater awareness and usefulness in the past year. It is this:

Twenty-four per cent of adult moviegoers report in 1970 that they find the program "not very useful," compared to 16 percent in 1969.

Nineteen per cent of moviegoing teenagers in 1970 find the ratings "not very useful." The comparable figure in 1969 was 13 per cent.

The Opinion Research analysts say "this is understandable," and explain:

"As more people become aware of the system, more people at least make an attempt at using it; and not everybody can be convinced that this system, or any other for that matter, meets their needs. Thus, as more people become aware of the system they not only become aware of its strengths but they also become aware of its weaknesses; and thus one should expect a rise in the proportion of the total public who find the system not very useful."

There is another finding that gives evidence of the industry's good faith and of the public's acceptance of the rating program. The 1969 survey found that the then-used M rating was the least understood of all the categories. Only eight per cent of the total public, age 12 and over, had correct knowledge of it. To try to turn this weakness into a strength, and to be of more help to parents, the industry last March 1 changed the M to GP.

What has been the effect? The survey reports:

Forty-four per cent of moviegoing adults now *correctly* identify the admissions policy of "GP." This is a rise of 33 per cent from the 11 per cent correctly identifying the "M" in 1969.

Fifty-four per cent of moviegoing teenagers now *correctly* identify "GP," compared to 15 per cent correctly identifying the "M" in 1969, an inrcease of 39 per cent.

That the GP symbol has been *correctly* impressed on so many people within a relatively short period of time, say the research analysts, "is another indication of the increased awareness of the rating system and the increased use being made of it."

Here, now, is another finding of the Opinion Research survey that could have great significance in the months ahead. I cannot tell you with precision if this trend will continue, but it is quite enlightening.

In reporting new trends in yearly theatre admissions between 1969 and 1970. the survey says there is:

An indicated decline of five per cent in attendance among younger persons, ages 12–29, from 77 per cent of total yearly admissions in 1969 to 72 per cent in 1970.

An increase of seven per cent in attendance among older persons, ages 30–59, from 19 per cent of total yearly admissions in 1969 to 26 per cent in 1970.

Other findings of the survey include:

The incidence of awareness of the ratings increases with age to a high of 92 per cent for ages 25–29 and then declines to 46 per cent for those 60 or older.

There is now no material difference in awareness between people living in larger cities and those in smaller cities.

Although one-third of the adult public indicated a rating has no effect on the decision to see a movie, there is a tendency to want to see a film if it is rated G and less desire to see a movie rated R and X

The report by the Opinion Research Corporation is based on 2,573 personal interviews with a nationwide probability sample of 2,098 adults age 18 and over, and 475 teenagers age 12 to 17. Interviewing was conducted in the field during the period July 18 to August 5, 1970, about a month earlier than the similar survey in 1969.

An independent poll taken in Utah by the Intermountain Polling Research Associates of Salt Lake City parallels in a substantial way the results of the survey by the Opinion Research Corporation as to the value of the rating system in the public's mind. The Utah results, published in late September, reported that 75.3 per cent of the public found the ratings to be "very" and "somewhat" helpful.

I have always tried to be candid and objective in appraising the rating system. You and I both know that the rating system is not perfect. No program which deals in subjective opinion can ever be 100 per cent correct. But I feel about our voluntary rating system as Winston Churchill did about governments. Once he said: "Democracy is the worst form of government there is, except for all the others."

The voluntary film-rating system is the sanest approach free men can devise to inform parents about the content of movies, and let parents make judgments for their children. Do we not all agree that adults ought to be free and see and read and think what they choose? Do we not all agree that our primary concern is for children? Do we not all agree that if we can give parents honest opinions about the content of movies, the parent is wise enough to make decisions for his family?

But all of this is not to say we cannot improve on what we are doing.

I tell you quite honestly that I think the three biggest problems we have are:

One, we must make our ratings more accurate, more informative. The Code and Rating Administration is constantly striving to do that. They will make mistakes in ratings. I know of no group or body in this land, elected, appointed or anointed that is free from error. But they are trying to do better.

Two, exhibitors must tighten their enforcement of the ratings at the boxoffice. Exhibition has done a splendid job so far. But we must do even better. Ratings, no matter how accurate collapse if they are not enforced at the boxoffice with all the scrutiny that we can summon.

Three, exhibition must monitor trailers with far more effectiveness. A family viewing a "G" rated movie is outraged when an unedited trailer for an "R" or "X" movie is shown. I believe that we have made valuable strides in this area, but the public has a right to expect us to do even better.

A SUMMING UP

From these judgments of the American public what general conclusions are we justified in drawing about the rating system on this, its second anniversary? These, I believe:

1. The system, fulfilling a demonstrated public need, has heightened the standing and stature of the film industry in the local and in the national community.

2. It has largely taken the guesswork out of the parents' task of selecting films for their children to see or not to see.

3. It has demonstrated that voluntarism, conscientiously adopted and pursued, is superior in every way to legalism, that is, to censorship or any other restraints on expression by law.

4. It has, by invoking the American tradition of self-discipline, fortified the constitutional principle of freedom of expression for creators in film.

The public has, thus far, voted "YES" for our rating system. Their conclusions will be justified as long as we in the industry continue to honor them in our acts.

HIGHLIGHTS OF OPINION RESEARCH CORPORATION 1970 SURVEY ON CODE AND RATING SYSTEM

The findings are based on personal interviews with a nationwide probability sample of 2,573 persons—composed of 2,098 adults age 18 and over and 475 teenagers age 12 to 17. Interviewing was conducted during the period of July 18 to August 5, 1970.

The previous study was conducted from August 13 to September 10, 1969 by way of personal interviews among a nationwide probability sample of 2,622 persons—composed of 2,000 adults age 18 and over and 622 teenagers age 12 to 17.

1. The public's awareness of the motion picture industry's voluntary rating system has increased significantly since September 1969, with both adults and teenagers.

"As far as you know, does the motion picture industry have any kind of system or code for rating the contents of movies in terms of the audience for which they are suitable?"

[In percent]

	Yes		No		Don't know	
	1969	1970	1969	1970	1969	1970
Total public, age 12 and over	58	73	11	8	31	19
Moviegoing public	([1])	87	([1])	5	([1])	8
Adult public, age 18 and over	56	71	11	8	33	21
Moviegoing adults	77	87	9	5	14	8
Teenagers, age 12 to 17	73	85	8	6	18	9
Moviegoing teenagers	77	88	8	5	15	7

[1] Not tabulated in the 1969 survey.

2. The proportion of the public who understand the GP symbol is greater than that for any symbol a year ago.

Knowledge of the GP symbol is quite good. About a third of the public age 18 and over and close to half of teenagers correctly identify the admission policy of GP. That this symbol has been correctly impressed on so many people within a relatively short period of time is another indication of the increased awareness of the rating system and the increased use being made of it.

ACCURATE KNOWLEDGE OF MEANING OF SYMBOL

[In percent]

	1969				1970
	G	M	R	X	GP
Total public, age 12 and over	15	8	12	9	34
Moviegoing public	([1])	([1])	([1])	([1])	46
Adult public, age 18 and over	14	7	10	16	32
Moviegoing adults	21	11	17	25	44
Teenagers, age 12 to 17	22	13	19	31	47
Moviegoing teenagers	23	15	21	34	54

[1] Not tabulated in the 1969 survey.

3. The adult public's attitude toward the usefulness of the rating system as a guide to what movies children should see has been affected by increased awareness of the rating system.

The number of people who say they use the rating system as a guide in deciding what movies children should see and who express opinions regarding its usefulness is greater than it was in September 1969.

XUM

EFFECT OF RATING ON DECISION TO SEE MOVIE

[In percent]

	No effect on decision	Very likely to want to see it	Fairly likely to want to see it	Fairly unlikely to want to see it	Very unlikely to want to see it	No opinion
Rating:						
G	36	20	16	4	7	17
R	38	7	7	9	23	16
X	31	8	5	8	31	17

Note: Adult public age 18 and over.

At the same time, however, the proportion of people who say the system is not very useful has also risen. This is understandable. As more people become aware of the system, more people at least make an attempt at using it; and not everybody can be convinced that this system or any other, for that matter, meets their needs. Thus, as more people become aware of the system they not only become aware of its strengths but they also become aware of its weaknesses; and thus, one should expect a rise in the proportion of the total public who find the system not very useful.

"How useful do you think this rating system is as a guide for deciding what movies children should see—very useful, fairly useful, or not very useful?"

4. As in 1969, teenagers—as a group—are inclined to find the ratings more useful as a guide to children's moviegoing than are adults.

"How useful do you think this rating system is in helping parents decide what movies their children should see—very useful, fairly useful, or not very useful?"

[In percent]

	Very and fairly useful combined		Not very useful		Have not used; no opinion	
	1969	1970	1969	1970	1969	1970
Adult public, age 18 and over	41	50	12	22	48	28
Moviegoing adults	58	64	16	24	26	13

5. That a movie is rated R or X does not make people more likely to want to see it according to their testimony. A rating of R or X either has no effect on people's desires to see the movie or actually makes them less likely to want to see it. A movie rated G, on the other hand, is much more likely to attract people than is either an R or X rating—again, according to people's testimony.

[In percent]

	Very and fairly useful combined		Not very useful		Have not used; no opinion	
	1969	1970	1969	1970	1969	1970
Teenagers, ages 12 to 17	68	66	13	19	20	15
Moviegoing teenagers	70	72	13	19	17	9

The following table presents 1970 and 1969 comparisons of percents of total yearly admissions by age groups. These estimates were developed from response to a question on how often each person attends movie theaters in a year.

YEARLY MOVIE ADMISSIONS

	Percent of total yearly admissions		Percent of population
	1970	1969	1969-70
Total public, age 12 and over	100	100	100
Age:			
12 to 15 years	16	18	10
16 to 20 years	27	31	12
21 to 24 years	16	16	8
25 to 29 years	13	12	9
30 to 39 years	12	10	14
40 to 49 years	8	6	16
50 to 59 years	6	3	13
60 years and over	2	4	18

	1970 percent of total yearly admissions	1970 percent of population
12 to 16 years	21	13
17 years and over	79	87
12 to 17 years	26	15
18 years and over	74	85

Since Mr. Valenti assumed his position almost 4 years ago, he has made major steps to upgrade the industry's production code. This movie-rating code reflects the industry's concern, and Jack Valenti's personal concern, for children and the effects of various types of movies on their future growth. I applaud this code, as it favors freedom of choice rather than legal suppression, direction rather than coercion. I urge the association to continue its fine work.

INGLIS HAM CLUB

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. EILBERG. Mr. Speaker, Philadelphia City Representative and Director of Commerce S. Harry Galfand will send holiday greetings to Gen. Creighton W. Abrams, commander U.S. Military Assistance Command, Vietnam, and commanding general U.S. Army, Vietnam, via "ham" radio on Tuesday, December 15, at 9:15 a.m., from the Inglis House Ham Radio Club, 2600 Belmont Avenue.

The message will be sent on behalf of Mayor James H. J. Tate and the people of Philadelphia. It will be transmitted by Chester Shipley, Artemas, Pa., who is a resident at Inglis House, home for the chronically ill and disabled.

Shipley, is one of 10 residents at the Inglis House studying amateur radio communications under the direction of Paul R. Behrman, who coordinates the free "ham" radio message center in City Hall Courtyard during the holidays.

This is the first time the Inglis House Ham Radio Club will join with other radio operators in this area to send Christmas and Chanukah greetings to servicemen and women in the United States and overseas. Under Behrman's tutelage, nine of the Inglis students now have their novice licenses and are going for their general licenses. Behrman said that holders of novice licenses communicate by code which is "great for people with voice difficulties."

All 10 members of the Ham Club will be present at the ceremony on Tuesday, and will be available afterwards to send holiday greetings to servicemen and women from the residents of the Inglis House.

Carl E. Cluesmann, executive director of Inglis House, and Mrs. Carabelle O'Brien, assistant executive director, also will be present.

THE THREAT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. SCHMITZ. Mr. Speaker, the following address delivered by Brig. Gen. Harry N. Cordes, deputy chief of staff for intelligence, Strategic Air Command, on November 17, 1970, needs no prolonged introduction. It is a short, easily understood, summary of the Soviet Union's military strength, highlighting some of the most significant aspects of the fast increasing Soviet strategic forces.

General Cordes' forecast of the magnitude of the threat which will confront us by 1975 is appalling. It is even more appalling when coupled with the fact that there are many people who are intent on reducing our own strategic forces still further. Secretary of Defense Laird has repeatedly tried to emphasize that the defense budget as presented was a rock bottom, bare boned, minimum that left us at the point of prudent risk. The budget has been cut with the resulting cut in strategic forces following. We are therefore past the point of prudent risk.

If the Soviets continue to develop and deploy their forces as now expected—and we should remember that our predictions of future Soviet strength have been quite regularly on the low side, their energy surpassing our estimates—this is how things will look by 1975.

The Soviets will have as many as 2,000 land-based ICBM's in hardened sites. If we consider the fact that in the last 4 years the Soviets have increased their ICBM force by a factor of five this figure of 2,000 does not seem unlikely since they have approximately 1,400 ICBM's operational at this moment.

The Soviets may have as many as 800 operational SLBM's by the mid-1970's. Neither does this seem unlikely since in the last 5 years the Soviet sea-launched ballistic missile threat has tripled. If we were to factor in the Soviet submarine base now under construction in Cuba the danger level would rise proportionately due to the longer on station time of whatever size submarine fleet the Soviets will have at that point.

By 1975 the enemy may have as many as 2,000 antiballistic missile launchers completely operational. The Soviets have recently completed tests with satellites designed to knock out our reconnaissance satellites as well as successfully testing their orbital bombs—in violation of the space treaty.

And on it goes. There is much more and I strongly urge all my colleagues to study this strategic estimate made by the deputy chief of staff for intelligence of the Strategic Air Command. What the Congress does today by way of providing the funding necessary for the maintenance and development of our own forces will determine what the United States has with which to meet this awesome growth of Soviet might.

Many people seem to feel that in a republic it is impossible for some reason to provide for the defenses necessary to maintain the safety of the people. Many people seem to feel that it is impossible to engender popular support for anything but the most immediately perceptible problems. This need not be the case.

Those of us who are elected Representatives and have access to information which the average citizen does not normally get through the regular media must make it our business to explain the danger. We must make it clear that the danger of air pollution fades when compared to the danger of Soviet bombs bursting in air—our air. We must underline the reality of the day. This reality is growing and ominous Soviet power.

The presentation by General Cordes is an excellent brief rundown of the threat and should provide the facts necessary to show all concerned citizens how grave the situation really is.

I insert in the RECORD the following address:

ADDRESS BY BRIG. GEN. HARRY N. CORDES

SAC SHIELD

Good afternoon, distinguished guests and members of the American Ordnance Association. It is an honor and privilege to be with you today.

SOVIET-CHICOM STRATEGIC THREAT

This subject, "The Soviet and Chinese Communist Threat," is one of real concern to all of us. This presentation will highlight the most significant aspects of the growing Soviet strategic offensive and defensive forces and the emerging Chinese communist threat.

THREAT TOPICS

The subjects indicated here will be discussed.

ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. In only four years, the Soviets have increased their ICBM force by a factor of five. The result is an ICBM force of about 1400 launchers, and deployment is continuing.

SS-7 AND SS-8

Since initial deployment in the early 1960's, the Soviets have developed a number of ballistic missile systems. Two of the earlier systems, the liquid fueled SS-7 and SS-8, were deployed in only limited numbers. However, their retention in the ICBM inventory emphasizes the Soviet propensity to hold onto older, proven systems, even as new systems are deployed.

SS-11

The SS-11 is one of three ICBM systems still being deployed. It is deployed in larger numbers today than any other Soviet system, and by 1972, could equal our total land based ICBM inventory of 1054 missiles.

Recent developments have included tests of a new reentry vehicle, with improved accuracy and penetration aids. In August, Secretary of Defense Melvin Laird revealed that two extended range tests of the SS-11 into a Pacific Ocean impact area, may have carried as many as three reentry vehicles. Thus, multiple reentry vehicles are a possibility for the SS-11 system.

SS-13

The SS-13 is the Soviet's first operational solid propellant ICBM. Deployment thus far has been limited, and we are uncertain about SS-13 force goals. However, it could provide the technology for future mobile ICBM systems such as the "Scrooge" which was mounted on a mobile transporter first displayed in Moscow in November 1965.

A mobile system could be deployed in the near future.

SS-9

Last but by no means least of the ICBM systems being deployed is the powerful SS-9 system.

The SS-9 is the largest and most versatile missile in the Soviet ICBM inventory. This large, liquid system is deployed in about 300 silos and has been seen in a variety of strategic roles. As an ICBM, the SS-9 is capable of delivering a single 25 megaton warhead, or, combinations of smaller megaton-range multiple warheads.

Multiple reentry vehicle tests, using the SS-9 booster, were initiated in 1968. As already tested, the system can carry three 5-megaton warheads to a range of over 5,000 nautical miles. Shown is photography of the reentry phase of one of the multiple reentry tests.

Another variant of the SS-9 has been tested as a fractional orbit bombardment system, or Fobs.

The actual extent of diversification in the operational deployment of the SS-9 system cannot be determined. However, it can be said with assurance that this large payload missile, with its proven versatility, provides a variety of options for deployment or employment.

ICBM GROWTH

The Soviets have surpassed the U.S. in numbers of land launched ICBMs and deployment is continuing. Of even more significance is the advantage held in total payload and the current emphases on multiple reentry vehicle testing. Based on the level of activity in recent years, the Soviets could achieve a force of well over 2,000 hardened ICBMs by 1975.

MR-IRBM FORCE

The Soviets have also deployed over 650 liquid fueled medium and intermediate range missile launchers. These missiles, designated the SS-4 and -5, are mainly deployed along the western USSR border, although deployment has also been noted in the eastern USSR.

The MR/IRBM force has remained fairly constant over the past 10 years. However, indications are that it may be replaced by a solid fueled mobile system, such as the Scamp.

While not a direct threat to the United States, the MR/IRBM force, including refire capability, represents a threat of over 1,000 missiles to our overseas forces and bases, as well as to our allies.

SLBM FORCE

Turning now to the Soviet sea launched ballistic missile threat, a situation exists similar to the ICBM growth. In less than five years, this threat has tripled.

OLDER SUBMARINES

The first ballistic missile carrying sub, the Z-class, was operational in the mid-1950's. This was followed by the G-Golf and then the H-Hotel class. The Hotel class was the Soviet's first nuclear powered ballistic missile submarine. The missiles associated with these submarines have ranges on the order of 500 nautical miles.

YANKEE CLASS

By far the most significant factor in the expanding SLBM threat has been the development of the Yankee class nuclear powered sub. Like our Polaris subs, the Yankee carries 16 missiles each, with a range of about 1,500 miles. At least 13 of the Y-class boats are considered to be operational. However, we believe about 25 more are presently being outfitted or under construction, and the build rate is about 6 to 8 per year.

In addition, testing is underway on a new, longer range missile that could double the present strike range. This new naval missile may be the Sawfly which was first displayed in a 1967 Moscow parade.

SLBM GROWTH

Today, the United States still has the advantage in numbers of sea launched ballistic missiles but the Soviets are rapidly closing the gap. With an estimated construction rate of 6-8 Yankee subs per year, the Soviets could equal our Polaris and Poseidon force within the next few years, and the total could reach as high as 800 missiles by the mid-70's.

BOMBER FORCE

Turning now to Soviet bombers, the maintenance of a strategic bomber force of about 950 bombers since 1965 is evidence of their continuing importance as part of the Soviet strategic arm.

HEAVY BOMBERS

The heavy bomber force, composed of Bears and Bisons, is being maintained at about 200 aircraft, 50 of which are normally configured as tankers.

Although the U.S. stopped heavy bomber production about seven years ago, the Soviets are continuing production of the Bear, a turboprop bomber.

A significant portion of this force can carry air to surface missiles and be refueled in flight.

MEDIUM BOMBERS

The Soviet medium bomber force, consisting of Blinders and Badgers, totals over 700 aircraft. The Badger was first introduced in 1953 and has been revitalized by the addition of air to surface missiles.

A limited production continues on the Blinder. This is a swept wing, supersonic medium bomber, powered by two turbojet engines. When deployed at northern USSR staging bases, the medium bombers must be considered a potential threat to the United States.

FUTURE BOMBERS

While older systems are continually updated with modifications, the Soviets continue to develop newer and improved aircraft.

The Soviet supersonic transport has been flying for almost two years. While we know of no direct military application, the SST will provide valuable engineering data for a follow-on strategic bomber.

In fact, there are indications that a new prototype strategic bomber is now flying in the Soviet Union. It is believed to be a variable sweep wing, supersonic aircraft, with improved range over the Badger and Blinder.

BOMBER STRENGTH

The Soviet bomber force has remained fairly constant during the past five years. The Soviets continue to maintain a large strategic bomber force, despite predictions that they would phase it down. Recall Mr. Krushchev's famous remark in 1957: "Bombers are obsolete. You might as well throw them on the fire."

AIR DEFENSE FORCE

A full appreciation of the growing Soviet threat requires an examination of defensive as well as offensive strategic forces. Today,

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the Soviet Union literally bristles with defensive systems ranging from anti-aircraft artillery to anti-missile missiles.

They probably spend at least twice as much as the United States for defense. They are, qualitatively speaking, equal, and in terms of in-being, operational forces, far superior to the U.S.

By way of illustration, with a land area not quite three times that of the U.S., they have from five to 20 times as many radars, surface to air missiles, and interceptors.

Probably more important, however, is their continuing program to improve air and missile defenses across the board, coupled with significant progress in anti-submarine warfare.

RADARS

An important aspect of Soviet air defenses is the network of radars, numbering in the thousands, which provide complete warning and interceptor control throughout the USSR. These radars, which span the full usable frequency spectrum, incorporate all the latest advancements in electronic counter-countermeasure technology. In addition, they have recently embarked upon an extensive program to improve their ability to detect low flying bombers using land, sea, and air based radars.

AWACS

A new airborne radar is mounted on the moss, which was developed from the TU-114 transport version of the bear bomber. This airborne warning and control system can extend Soviet detection of penetrating bombers by about two hundred miles, and even without advanced techniques, could detect low altitude aircraft against the background of a calm sea.

MIG-21

The Soviets maintain an impressive force of more than 3,000 fighter interceptors. Most, including the older MIG-17, MIG-19 and and MIG-21, have a good all weather capability. To keep this force modern, the Soviets have introduced a new fighter aircraft on an average of one per year.

The MIG-21, shown here, is still being produced, and the Soviets have made it available to the eastern European satellites and to the UAR, where it is being used against the Israelis. It is also in North Vietnam, China, Cuba, and Korea.

FIDDLER

The Fiddler is a large, long range interceptor which became operational about five years ago. Used in conjunction with the AWACS, it can provide a patrol capability well beyond Soviet borders.

FLAGON

The Flagon is a small, fast point defense interceptor which has been in service about two and a half years.

FOXBAT

The Foxbat is a relatively large aircraft capable of speeds in the Mach 3 region. When introduced over five years ago, the Foxbat claimed three world speed records as well as altitude and payload records. Today, this aircraft officially holds two world speed records over a closed circuit course. This aircraft could be going into operational units now, and may be a dual-purpose aircraft, with both tactical and air defense roles.

DEFENSIVE GROWTH

Soviet defense growth has been characterized by qualitative improvements. The composition of their interceptor force illustrates this point.

In 1960, only 30% of their inteceptors were capable of attacking under all weather conditions. Today, about 70% have this capability. Also, by the mid-1970's, half their total interceptor force will be capable of attacking from any direction.

SAMS

Besides innumerable AAA weapons ranging from 23 up to 130 NM, there are thousands of surface to air missile launchers in the Soviet Union in both fixed and mobile configurations. Their oldest operational system, the SA-1, is still deployed around Moscow.

The SA-2 is the mainstay of SAM defenses in the Soviet Union and pro-Soviet nations, including Cuba, NVN, and the UAR. The good high altitude capability of the fixed SA-2 system is complemented by the SA-3 system which has better low altitude capabilities. The SA-2 and SA-3 have figured prominently in the Mideast.

The SA-4 and SA-6 are track mounted, mobile systems, ideally suited for defense of army field units. The SA-6 was first observed in November 1967 Moscow parade and may be operational now or in the near future.

The SA-5 Tallinn system provides an excellent defense against extremely high altitude aircraft; and as Dr. John Foster, the director of defense research and engineering, has pointed out, could have considerable capability to intercept ballistic missiles. More will be said about the SA-5 system later.

ANTI-SUBMARINE WARFARE

Soviet defenses are also growing on the seas—witness the production of two large helicopter carriers: the Moskva and her sister ship, the Leningrad. These ships probably carry sophisticated electronic gear for detection and tracking of enemy submarines, and rely on armed helicopters to perform the kill. Both ships have operated extensively in the Mediterranean, and the Leningrad has been noted as far north as the Kola peninsula. The Leningrad also played a prominent role in the large scale Soviet naval exercise, Okean, in April and May 1970.

ANTI-SUBMARINE AIRCRAFT

In addition to using helicopter carriers in an ASW role, the Soviets have developed several long range, land based aircraft for this mission. The Mail and the May are probably equipped with a high resolution radar, as well as magnetic anomaly detection gear. Both can carry ASW torpedoes and depth charges.

Additionally, the Soviets could configure their longer range naval version of the Bear bomber for this ASW mission. With such a platform recovering in Cuba, as the Soviets have done with the reconnaissance version, the entire North Atlantic could be covered routinely.

BALLISTIC MISSILE DEFENSE

Turning now to ballistic missile defense, the Soviets have considerable activity underway.

MOSCOW SYSTEM

The Moscow system consists of 64 launchers, divided among four facilities, and was begun five years ago. At the same time, construction began on several giant supporting radars, about 900 feet long and 90 feet wide. These powerful radars, designated the hen house, provide early warning acquisition and tracking functions.

This first phase Soviet ABM deployment around Moscow has been described by Dr. Foster as a "relatively complete ballistic missile defense." He also stated that there is "no reason to doubt the effectiveness of this system."

ABM RADAR—ACQUISITION

A second large radar, standing hundreds of feet tall, is located near Moscow. It is probably a more accurate system designed to provide refined data for improved battle management.

ABM RADAR—TRACKING

Final target tracking and missile guidance are probably provided by large dome covered, dish type tracking radars, such as this one near Moscow.

ABM SYSTEMS

The Moscow system interceptor, the Galosh, is a multi-staged, solid fueled missile. It is believed to have a range of several hundred miles, can carry a 1- to 2-megaton MT nuclear warhead, and appears suitable for a high altitude area defense. As now deployed, it could give the Soviets a limited capability against our Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is expected to be two or three years away when the half a dozen hen house installations around the Soviet Union are operational.

The Galosh missile, however, may not be the only ABM system in the Soviet inventory. The so called Tallinn system which employs the SA-5 missile may represent a second ABM program. Dr. Foster has pointed out that "if the SA-5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles."

In addition, testing of an improved ABM interceptor is underway. This ABM would loiter—that is, once fired it could coast out to a general intercept area, select its targets, restart, and maneuver to kill the incoming warhead.

Projection of Soviet R&D efforts with these new ABM components may find that, by the mid-70's, the Soviets could have as many as *2,000* ABM launchers.

RESEARCH AND DEVELOPMENT

Again quoting Dr. Foster, "the Soviet Union is now about to seize world technological leadership from the United States." He has eased this conclusion on the comparative state of technology between the two nations and the current level of R&D efforts. He believes that the United States still retains an overall edge in technology, but that this edge may exist in nonessential or irrelevant areas.

R&D PRACTICES

Soviet R&D practices can be characterized by three features:

(1) They are bold in their approach to program concepts. Construction on the large hen house radar, for example, actually began several years before a working interceptor to complement it was available.

(2) the Soviets organize their system development about a few prototypes, most often pitting two teams of designers against one another. The wide variety and variations of USSR fighter aircaraft are examples of this methodology.

(3) third and last, they seldom abandon a proven piece of equipment or system, but instead rebuild or modify it to improve the usefulenss or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber, and the versatility of the SS-9 missile.

R&D FUNDING

Looking only at defense related R&D, the U.S. is already behind about $3 billion a year, having been overtaken two years ago. Note that the Soviets have been expanding R&D expenditures by about 10 per cent a year.

R&D PERSONNEL

Overall, the U.S. and USSR have roughly 600,000 scientists and engineers engaged in pure R&D efforts. However, judging from the Soviet rate of growth since the early 60's, they could have an R&D force one-third larger than ours by 1985.

BOMBERS AND FIXED WING AIRCRAFT

The allocation of these highly trained, technical specialists has resulted in disquieting design curves in three major military areas.

Over the past 16 years, the Soviets have publicly flown 25 prototype bomber and fixed wing support type aircraft. The regularity of their production output is amazing and quite unaffected by their high priority missile and space programs.

FIGHTER PRODUCTION

There have been 15 flighter systems developed in the last 20 years. Again, all have been flown at least in the prototype stage and been publicly displayed.

DEFENSIVE MISSILE SYSTEMS

The Soviets have designed and tested a total of 8 defensive missiles since 1957. These have included ABM as well as SAM systems. The regularity of development, initiation of programs and competition between systems is evident.

CHICOM THREAT

Turning now to a brief look at Communist China. The Chinese Communists are apparently convinced that the possession of a strategic nuclear strike capability will act as a deterrent in preventing attacks on the Chinese mainland. They also have noted that this power would greatly enhance their bargaining position throughout the world.

As a step towards attaining this goal, the Chinese have thus far achieved a modest nuclear capability. They have conducted nuclear testing since 1964, including about a dozen detonations. Most are believed to have been thermo-nuclear devices, including both air and possibly missile delivered weapons, with yields in the megaton class.

CHICOM ICBM

Earlier this year, the Chinese orbited their first satellite. The technology displayed in launching the 381-lb. payload provides an insight into their missile potential. Based on their demonstrated technology, the start of ICBM testing could occur any time.

Following such testing, an operational ICBM could become available as early as 1973 and be deployed in limited numbers by 1975.

CHICOM MRBM

The Chinese have been testing a medium range ballistic missile since the mid-1960's. This is a picture of a Soviet MRBM and is much like the type given the Chicoms by the Soviets in the early 60's. From this system, the Chinese have probably developed an indigenous missile.

Deployment could occur this year in limited numbers and grow to a force of 80 to 100 missiles by 1975.

CHICOM BOMBERS

The present Chicom nuclear delivery force consists of a limited number of medium range bomber aircraft. These bombers include about ten B-29 type piston aircraft acquired from the Soviets in the late 50's, and a small but growing medium bomber force of Badger type aircraft.

CHICOM AIR DEFENSE

The Chinese communists have over 3,000 fighter aircraft, mostly of Soviet design; however, the Chinese may now be capable of producing their own native aircraft in limited quantities. Supporting these fighter aircraft are nearly 1,500 air defense radars. In additon, key targets are protected by over 50 surface to air missile sites and nearly 4,500 AAA weapons are deployed throughout the country.

CHICOM GROWTH

Though hardly comparable to Soviet growth, the Chinese threat does include improvements in all areas.

Their strategic bomber force, which has remained fairly constant since 1969, may add new medium range aircraft and increase the existing inventory within a few years.

Missile deployment could begin this year with MRBM's, followed with an ICBM at the earliest by 1973. By the mid-1970's, total missiles on hand could reach as many as 125.

STRATEGIC THREAT (SOV-CHICOM)

In summary, it is clear that the Soviet threat is growing. They are still deploying at least three types of ICBM's, and follow-on system improvements are underway. Our advantages in sea based ballistic missiles is rapidly diminishing, and testing is underway of a new missile which would double the range of the missile carried by the Yankee subs. They are continuing to produce bomber and fighter-aircraft, and are flying a new bomber.

Although already superior in all aspects of defense, the Soviets are deploying more and better surface to air missiles and improving anti-submarine and ballistic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding R&D programs and provide options for the future.

The Chinese communist efforts to attain an independent strategic deterrent only complicate our problems further.

IMPACT ON U.S. STRATEGIC FORCES

Looking at the growing threat from the viewpoint of Strategic Air Command, we see at least three major problems: First, the threat to our forces in their day to day posture, from the Soviet ICBMS, SLBMS, and anti-submarine warfare forces.

Second, the penetration of defenses is becoming more difficult, both for our bombers and for our missiles.

Finally, the enlarging and more complex target system posed by the growing threat makes our job more difficult.

SAC SHIELD

But even more ominous is this threat to our way of life. This presentation has focused upon the strategic threat, offensive and defensive. However, the Soviet developments in tactical air, land and sea forces are equally imposing.

One would conclude that the Soviets are developing options, options throughout the spectrum of warfare and the growing Chinese communist threat only serves to complicate an already difficult situation.

Gentlemen, this concludes the threat presentation.

ROBERT A. BAUSCH, OF POTTSVILLE, PA., RECEIVES THE RED CROSS CERTIFICATE OF MERIT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. YATRON. Mr. Speaker, it is a source of pride for me to relate an incident which occurred in my congressional district, involving Mr. Robert A. Bausch of Pottsville, Pa., who displayed a most exceptional act of citizenship and concern for the welfare of another human being.

While driving on the night of April 18, 1970, Mr. Bausch saw someone lying in the road ahead. Without taking the time to ponder whether or not he should get involved, he immediately stopped his car and went over to the victim, a woman about 30 years old who had apparently been struck by another vehicle. She was not breathing.

Mr. Bausch, who has had Red Cross first aid training, began artificial respiration at once and during this observed that the back of the victim's head was bleeding. He used his hand in an effort to stop this while he continued the artificial respiration. These first aid acts were performed until an ambulance arrived. The attending physician was emphatic in stating that only through the quick reaction and efficient assistance of Mr. Bausch was it possible for the victim to arrive at the hospital alive.

For his noteworthy act, Mr. Bausch has been named to receive the Red Cross Certificate of Merit, which is the highest award given by the American Red Cross to a person who saves a life by applying skills learned in a Red Cross first aid safety course. The certificate appropriately bears the signature of the President of the United States.

Mr. Speaker, it seems only fitting that the Congress should acknowledge and applaud Mr. Robert A. Bausch for his unselfishness and involvement in the plight of another human being.

Too often, we read and hear about incidents of man's inhumanity to man and the good deeds that are done go unnoticed and unpublicized. It is refreshing to learn of such an act, especially in these times when refusal to get involved is commonplace.

Surely, Mr. Bausch has, through his involvement in the plight of someone else, provided us all with an example to follow and a good measure of fuel for the spirit.

AMERICAN FARMER IS SUBSIDIZING OUR ECONOMY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. ZWACH. Mr. Speaker, the greatest prosperity in the history of the United States does not include the farmer.

The decade of the 1960's produced the most prosperous years in the history of the United States. Gross national product has risen an average of 9 percent per year over the past 9 years. In this same span of time, net farm income has risen by less than one-half of 1 percent per year with no allowance for over a $60 billion increase in net farm investment, it is pointed out by Frank M. LeRoux in his book "1961 to 1970, the Farmer's Worst Nine Years."

Essentially, the rest of the American economy has increased its income by over 20 times more than the American farmer. And there seems little prospect for improvement.

Agriculture has not shared in our startling national prosperity and the minute that the farmer has a chance to receive the least bit of improvement his agricultural prices are beaten back by one means or another, and this has continued behind the scenes.

Agriculture at the farmer level has contributed strongly to the improved gross national product. In 1940, each farmworker was producing enough to feed and supply 10½ persons. In 1969, each farmworker produced enough to feed and supply more than 41 persons. In spite of all this unbelievable rise in efficiency and productiveness, the farmer has received barely enough to offset his increased operational expenses.

The American farmer has not ben put into the position of sharing in the pros-

XUM

perity of the times, but rather he has been forced into the position of subsidizing the economy.

Why do we not provide a fair share of American prosperity for American agriculture?

PITTSBURGH PRESS CARRIES OUTSTANDING SERIES ON WELFARE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. MOORHEAD. Mr. Speaker, earlier this year, the Pittsburgh Press ran a 22-part series on the welfare morass in Pennsylvania.

Entitled "The Doleful Dollar," this cogent series put into perspective the Frankenstein monster that has come to represent the standard State delivery system of public assistance.

Reporter Roger Stuart's mammoth effort is certainly a solid addition to what we already know about our welfare delivery system and his piece reinforces the belief harbored by many of us today that wholesale changes are necessary in the system if it is not to breakdown totally.

Stuart's work comes near to the perfect newsman's story. It is sympathetic to the plight of those on welfare, yet it is cognizant of those who abuse the system.

He has shown what is wrong with the welfare program from both the recipient's point of view and that of the taxpayer.

Although Mr. Stuart concludes that we will always have some sort of welfare system, he argues that it can be made better.

I am introducing Mr. Stuart's fine series in the RECORD for the information of my colleagues. I urge them to read the entry and to respond to me, or to Mr. Stuart, on the effectiveness and quality of "The Doleful Dollar":

[From the Pittsburgh Press, Feb. 22, 1970]

HORN OF POVERTY: KEEPING IT FILLED COSTS STATE PLENTY

(By Roger Stuart)

With every tick of an alarming clock, public assistance in Pennsylvania costs another $24.

A fact? Yes.

And it adds up fast: $1,440 a minute, $86,400 an hour, $2,073,600 a day.

It goes to more people than reside in Pittsburgh.

A guess? Yes.

But as recently as September, the last month for which statistics are available, there were about 550,000 people on the commonwealth's still-soaring welfare rolls.

That's only 7,000 short of the city's population estimate.

But it's 116,000 more than were receiving public assistance checks the previous September.

Almost as startling:

The average number of people on public assistance in fiscal 1969 was 471,500—a bounce of 105,000 over 1967 and higher than any 12-month period since 1942.

An estimated 730,800 persons received welfare checks in fiscal 1969, because as some dropped off during the year others were added.

While 4.7 per cent of Pennsylvania's people were on relief in September, only 2.6 per cent of the state's residents were jobless. And the unemployment figure was close to the record low.

One reason for the higher assistance rate is that the bulk of the assistance load officially is considered unemployable.

Another is that 35 per cent of the caseload, excluding the blind, have other income supplemented by relief payments.

The other income is from "legally responsible relatives" (parents for children and children for parents), wages, Social Security benefits, unemployment compensation, veterans pensions and the like.

No one really knows when the welfare rolls will peak.

One conservative guess is that before the fiscal year ends June 30, there will be 572,000 Pennsylvanians receiving some sort of relief.

It could zoom higher if the job-cutting inflation fight slices into the working population, as many economists predict.

But boom or bust, the public is committed by state law to fill the horn of poverty to a "decent and healthful level."

And we're getting one record-expense year atop another doing it.

It cost Pennsylvanians $576 million in federal, state and county taxes last year while this year the figure will be $778 million.

If you look at "pie charts" for income and outgo for relief (using 1969 figures—the last available) here's where each slice of the welfare dollar comes from: Federal funds, 50 cents; county funds, 2 cents, and state funds, 48 cents.

And here's were it goes: Medical and burial costs, 38 cents; aid to dependent children, 32 cents; administration, 9 cents; old age assistance 7 cents; general assistance, 7 cents; blind pensions, 3 cents, and aid to disabled, 4 cents.

Employment appears to have little to do with cutting the rolls.

Public assistance cases in Pennsylvania dropped steadily in the first three of the last half-dozen years as the job climate improved.

Then they started climbing again to set a 29-year record. While the employment picture continued to improve, inflation took hold.

But regardless of whether the relief rolls dropped or rose, relief costs set records annually:

Fiscal year, average number on relief, and total cost

1965, 405,370, $293,982,733
1966, 372,370, 311,350,985
1967, 336,617, 363,423,889
1968, 411,392, 436,933,946
1969, 471,500, 576,219,070
1970, [1] 540,714, [2] 778,283,000

And if the relief rolls continue to rise faster than expected, it's not inconceivable that the General Assembly will be asked to make its second deficiency appropriation in two years to cover assistance costs.

Mind boggling? Indeed.

With the kind of money in this year's relief budget, the Pittsburgh Board of Education could run all of the city's public schools at current expense levels for 10½ years.

Similarly, City Council could meet its present $101 million budgt for almost eight full years.

Or Allegheny County could build 24 community college campuses instead of the three now planned.

Pennsylvania however, uses the money to try to feed, clothe, house and generally assist more than 500,000 people on relief.

[From the Pittsburgh Press, Feb. 23, 1970]

TALE OF TWO COUNTIES: ONE OUT OF 10 ON RELIEF IN PHILLY; ONE OF 18 HERE

(By Roger Stuart)

Even if these are the best of times for Pennsylvania's princes of prosperity, they certainly are not the worst for her paupers—if they are on relief.

The latter come closer to meeting their minimum food, clothing and shelter needs than ever before.

But comforting as that is to the state's taxpayers, it only adds to their burden because—as their charity has increased—more people have become eligible for assistance.

ONE OUT OF 10 IN PHILLY

Nowhere is this more true than in Philadelphia where one out of every 10 residents is on welfare.

In Allegheny County, relief goes to one of every 18 persons.

Philadelphia had 195,245 welfare clients in October—up 60,833 since January, 1967.

Allegheny County passed out checks to 91,760 people in December—an increase of roughly 20,000 since January, 1967.

But the real tale of these two counties is that:

Together they account for 53 out of every 100 Pennslvanians on relief.

While the average number of people on the state's welfare rolls each month rose 66,130 from 1965 to 1969, Allegheny County and Philadelphia accounted for roughly five of every six of these.

During those five fiscal years, 34 other counties posted gains while 30 registered losses. Only Warren County, with a 572-person monthly average in 1965, showed no change in 1969.

Philadelphia's average monthly load of 164,817 in fiscal 1969 was a net gain of 53,345 persons a month over four years earlier.

During the same period, Allegheny County's relief rolls posted a net gain of 154 persons—an average of 77,545 people a month in 1965 to 77,699 people a month last year.

Other counties, though, have a high percentage of relief clients, too, even if they don't have the sheer bulk that Pennsylvania's two largest counties do.

Fayette County, for example, although well down in the population rankings, stands third in the number of welfare recipients.

With 16,643 people on relief in August, Fayette County had roughly one out of every 10 persons on welfare, putting it on a par with Philadelphia.

Similarly, Greene County's 3,858-a-month average last year amounted to roughly one out of every 10 people.

FAYETTE COUNTY SHOWS LOSS

Ironically, Fayette showed a net loss of 2,271 in the average number of assistance recipients in 1969 over 1965—a fact Joseph J. Bleilevens, executive director of the Fayette County Board of Assistance, attributes to population loss.

But why the disproportionate increase from 1965 to 1969 in the growth of Philadelphia's welfare load over the rise in Allegheny County's burden?

The answer depends largely on a finding by the Welfare Department's quality control division in 1966 that, while Allegheny County was rejecting less than a third of its applicants, Philadelphia was rejecting about half.

In response, Gov. Raymond P. Shafer issued an executive order to the Philadelphia board to the effect that its mission was to supply, not deny, aid to the needy.

The board obviously heeded the admonition: Its current rejection rate is one out of four.

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[1] First quarter average.

[2] Budget for 1970.

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[From the Pittsburgh Press, Feb. 24, 1970]

"MITIGATED STIGMATIC FEELINGS" DRY UP "SHAME" OF WELFARE AID

(By Roger Stuart)

Why with times generally so good are relief rolls looking so bad?

The State Welfare Department, as alarmed as anyone else at the commonwealth's steadily escalating assistance load, wanted to know.

"Mitigated stigmatic feelings," replied a special consulting firm, euphemistically stating what a lot of people already and accurately had come to suspect:

More people than ever feel there is less stigma, less shame attached to applying for public welfare.

Indeed, says Edward H. Kalberer, executive director of the Allegheny County Board of Assistance:

"There's greater acceptance of assistance as something to which a person has a legal right rather than the privilege of charity."

Increasingly, people share the notion that public assistance is their right in the same way, for example, that Social Security benefits and/or unemployment compensation are a right.

WELFARE BURDEN RISING

They argue accurately that eligibility for all three is determined in similar ways.

But they either can't or refuse to see that Social Security and unemployment compensation are insurances for which one must pay premiums while public assistance comes out of general tax funds.

Regardless, the lessened stigma ranks as the "first and, perhaps, most important" reason why the state's welfare burden is rising, says Elias S. Cohen, state commissioner of family services.

Mr. Cohen also believes, "We are tapping the reservoir of the poor who were always there and always eligible for public assistance but who never applied because they didn't know they qualified."

Significantly, as many poor people discovered on getting sick that they were eligible for medical assistance (Pennsycare) they also found they qualified to receive cash relief.

To be sure, too, as public assistance allowances were increased in two giant strides from 71 to 100 per cent of a state-set minimum need, more people became eligible for a subsidy.

Grants were increased to 90 per cent of minimum need Jan. 1, 1969, and to 100 per cent of the state-set requirement last month.

SOME ALSO HAVE INCOME

So, a person whose income may have been too high last year or the year before to receive aid may be eligible to receive at least partial assistance now.

Currently, 35 per cent of the state's welfare caseload, excluding the blind, have some sort of income and receive supplemental welfare benefits while 65 per cent depend completely on their relief checks, say state officials.

Ironically, though, 55 per cent of the authorized caseload receive less than the maximum total allowance, according to these same officials.

Also helping to balloon the welfare rolls is that an improved work incentive allows some welfare recipients to keep getting a public subsidy even though the payment may be smaller than the one they got before landing a job.

But these aren't the only reasons for larger welfare rolls. Also conducive are:

A ruling by the U.S. Supreme Court that Pennsylvania's one-year residency requirement for assistance recipients was unconstitutional.

A declaration by the high court that the man-in-the-house rule didn't square either with the U.S. Constitution.

The growth of the welfare rights movement with its attendant publicity informing people of their eligibility for assistance.

An increase in unemployment among people too lacking in skills to cope with technological advances and too old or too dull to learn new ones even if industry were ready to hire them.

A simplified method of taking relief applications, now used in 42 counties.

Reduction of the standard under which close relatives have an obligation to help those in their family who need assistance.

Finally, there is inflation—the cruelest tax of all—which has shredded the resolve of some of the strongest people living on lean margins to resist applying for welfare.

As with other factors, no one in state government really knows how to rate its impact on the total caseload.

But it is significant that the number of old age assistance cases, although static for a long time, jumped from 43,620 in September, 1968, to 46,406 a year later.

And from the end of September to the end of October, the load had risen another 379 cases.

[From the Pittsburgh Press, Feb. 25, 1970]

WHO AND HOW MUCH? DECIDES FEELING ON WELFARE

(By Roger Stuart)

No taxpayer really likes relief. It smacks of something for nothing.

But nobody really kicks about spending tax money to relieve the miseries of the aged, the blind or the disabled.

It's plain to see they've been miscast in an age of youth and plenty.

Generally, too, people will put up with doling dollars even to the Skid Row bum pickled in alcohol. They sort of shake their heads and say, "What else can you do?"

They will—even if not gladly—submit to use of relief money to supplement unemployment compensation payments to jobless fathers with large families, or to support the marginally handicapped.

But, ironically, when it comes to aiding dependent children—the largest and fastest growing group of relief recipients—a lot of taxpayers protest profusely.

Indeed, contends Edward H. Kalberer, executive director of the Allegheny County Board of Assistance:

"It's hard for many to see the illegitimate child or the woman who is 'allowed'—as they say, 'allowed to go on having children while we support them.' "

FIGURES TELL THE STORY

That view, of course, is warped beyond shape of reality. It doesn't take into account the facts revealed in a 3 per cent statewide sample study of the Aid to Dependent Children (ADC) caseload two years ago that:

Three out of every four of the ADC recipients are children who just happened, through no personal fault, to be born poor—or later fell into poverty.

In 30 out of each 100 ADC cases nobody knows where the father is, so he can't be counted on to help support his family.

Of the ADC mothers, 23 out of every 100 were deserted by their husbands and four of that same number are widows.

Eight of every 100 husbands whose families received ADC are incapacitated, while another three are in prison and 12 are legally divorced from their wives.

Still, illegitimacy is a large problem with roughtly 40 per cent of the ADC mothers never having been married.

But regardless of whether a woman gave birth to a child in or out of wedlock, she and the child legally are entitled to cash relief.

Moreover, Pennsylvania policy in that the mother is not required to work unless she wants to work. And if she wants to work, care must be provided during the day for her children.

MINIMUM STANDARDS

Because of variations in living costs among the commonwealth's 67 counties, 51 different allowance schedules are used to compute a relief recipient's subsidy.

And each schedule, since its last revision Jan. 1, pegs maximum allowances at 100 per cent of the state-set minimum standard of health and decency.

The latest change is the second in two years—the first one having been an increase a year ago from 71 per cent to 90 per cent of the minimum need requirement.

Under the current schedules, maximum allowances average $286.10 a month for a family of four. The lowest maximum in the state is $256 in Forest County while the highest is $313 in Bucks County.

In Allegheny County, the maximum monthly grant for a family of four is $297—computed at $30 per person for food, $11 each for clothing, $10 each for incidentals, $74 for family shelter and $19 for utilities.

Philadelphia's maximum allowance for the same family is $301 a month.

The state's most recent cash assistance payment totals, however, are based on last year's allowances.

They show that for fiscal 1969, which ended last June 30, ADC recipients in Pennsylvania received cash payments totaling $184,016,477—up $50,651,241 over 1968.

By last September the state's ADC pegged its burden at $20,041,804 for the month with 385,823 recipients getting an average of $51.95 each. The ADC family average was $210.30.

OTHER AID FIGURES LISTED

Contrasted with the ADC cash total last year, all other aid categories totaled $57,143,021 less.

Tallies for the other aid categories were:

Old Age Assistance—1969 cash outlay: $39,868,939—an increase of $1,155,192 over 1968. September: $4,468,078 to 46,406 recipients for a $96.28 average.

Aid to the Disabled—1969 cash outlay: $25.339,546—an increase of $2,722,361 over 1968. September: $2,410,777 to 27,810 recipients for an $86.69 average.

General Assistance—1969 cash outlay: $42,849,347—an increase of $14,441,841 over 1968. September: $5,384,183 to 72,882 persons for an average of $73.88 each. The general assistance family average was $111.55.

There are two types of blind pensions. One is funded entirely by the state while the other is supplied with a mix of state and federal funds.

Together they totaled $18,815,626 in fiscal 1969—a decrease of $638,928 from 1968.

State blind pensions totaled $620,499 in September with 7,794 persons getting an average of $79.61 each. The state-federal blind pensions came to $1,043,299 for the same period as 8,815 recipients averaged $118.35 each.

[From the Pittsburgh Press, Feb. 26, 1970]

CRADLE TO GRAVE MEDICAL CARE COST TRIPLES, CASE LOAD SOARS

(By Roger Stuart)

You can go a long way, baby, on public assistance—all the way from birth to burial.

Not that many want to.

But Pennsylvania makes it possible whether you die in infancy or live until old age.

Neither you nor your mother will be consigned to the "charity ward" as you once would have been, although you can't get a private room unless a physician sees a real medical necessity for you to have one.

Nor will you, when you die, be buried in a potter's field.

BURIAL ALLOWANCE

Public assistance can pay up to $250 to bury you if you're 10 or over, $180 if you're under 10 and $60 if you're stillborn. Your family, though, will have to pay for the tombstone.

What's more, the state cares even more about you if you're sick and penniless than if you die broke. A whole lot more, in fact, than it did just five years ago.

Indeed, while the State Welfare Department spent $207,559 on burials and $69 million on medical care in fiscal 1965, it spent only $296,086 on burials and $214 milion for medical care last year.

But rising medical costs, although a factor, were not the principal cause for the increase. Greatly improved benefits were the chief cause.

Significantly, too: While medical assistance expenditures more than tripled, the number of persons for whom medical costs were paid jumped more than five times.

Payments were made for 35,553 persons in 1965 contrasted with 168,646 persons in 1969.

URBAN CENTERS HARD HIT

As with cash relief, medical assistance has really socked it to the state in its two most populous urban centers:

Allegheny County, where medical assistance costs have risen from a mere $1,379,605 in 1961 to a whopping $31,953,265 last year.

Philadelphia, where medical relief expenses zoomed from $1,809,350 nine years ago to $48,743,873 in fiscal 1969.

But a major portion of today's medical assistance burden lies in the fact that one doesn't have to be receiving cash relief to qualify as medically needy.

Indeed, of the 301,791 applications for medical assistance approved last year in the commonwealth, 137,793 came from people not on cash relief while the remainder came from welfare check recipients.

A cash relief client automatically is entitled in Pennsylvania to:

Inpatient hospital care for up to 60 days if he hasn't been in the hospital during the preceding 60 days.

Posthospital care in a private nursing home for up to 60 days if he entered the home within five days after being discharged from a hospital where care was paid for by the state.

Physicians' services at $4 an office call and $5 for a home visit.

Visiting Nurse service at home as prescribed by a physician.

Posthospital care provided by the hospital in the home.

Outpatient hospital clinic services at $4 a visit.

Laboratory and X-ray services.

First three pints of whole blood if not otherwise available.

Eyeglasses under specified conditions.

Care in a public nursing home.

Care in a mental institution if he's 65 or older.

Most medicines bought from a druggist if prescribed by a physician as well as some prescribed appliances and surgical supplies.

Dental care including fillings and extractions, necessary medicines prescribed by a dentist and, under certain conditions, false teeth.

Public assistance pays Medicare premiums for people on old-age relief, leaving it to Medicare to cover most expenses but picking up some slack.

The medically needy can get all except prescribed medicines and dental care benefits under the medical assistance program, also known as Medicaid or Pennsycare.

So, who's medically needy?

A person, for example, whose medical care isn't covered some other way, if he earns up to $2,000 a year before deductions and does not have more than $2,400 in cash assets besides.

He can still own a home, household furnishings, a car and an insurance policy with up to $500 in cash surrender value.

CEILING ON CASH ASSETS

A two-member family can make $2,500 a year gross and have $3,840 in cash assets.

Larger families are allowed $750 more in gross earnings each year for every additional member. But it, too, is limited to $3,840 in cash assets.

But a person still needn't be kicked out in the cold even if he does exceed these limits. The state sometimes may still pay partial medical assistance benefits.

What happens, however, to a person financially eligible for cash relief and sick but unwilling to sign a lien on his house or to notify a legally responsible relative of his plight?

Well, the state's thought of him, too, if he doesn't need hospital care.

Under Medical Assistance for the Categorically Needy—also known as the Non-Money Payment Plan—his prescribed medicines and dental work will be paid for by the state.

Finally, Pennsylvania has a school medical plan covering any other medical services or supplies needed to treat a health condition shown in the school record of a child whose parents are either on cash relief or medically needy.

MEDICAL RELIEF AND HOW IT GREW

It's no accident Pennsylvania's medical relief expenditures ballooned dramatically in the "soaring sixties."

Indeed, the General Assembly—acting on advice from welfare planners—designed most of the increase by inflating benefits and expanding their coverage to more people.

Here is how Pennsylvania built its medical relief programs:

Prior to 1962—Cash relief clients had medical care but no hospital or institutional benefits except what hospitals provided free with only a small state subsidy.

Relief clients got physician's care, clinic care, visiting nurse service, prescribed drugs. Medically needy had no medical coverage.

January 1962—Kerr-Mills amendments to Social Security Act provided in-patient hospital care up to 60 days for people on old age assistance and certain forms of care in their own home, payment for care in public institutions such as John J. Kane Hospital.

March 1964—Purchased hospital and post-hospital care in nonpublic nursing homes authorized for assistance recipients and medically needy under 65. Care at cost, up to $25 a day, from sectarian and nonsectarian hospitals authorized.

January 1966—Purchased hospital care and medical care for elderly needy merged.

Also, Pennsycare—known, too, as Medicaid—under Title 19 of Social Security Act provided same coverage for medically needy as for those on cash relief, except dental care and prescribed medicines.

July 1966—With adoption of Medicare, state picked up those premiums for people on old age assistance. Also, state started giving relief clients in public hospitals $15 monthly for personal items if they had no other income.

July 1967—State began paying "actual reasonable costs" for hospital care instead of old $25 daily maximum. Costs to state soared, although hospital bills are audited annually and some adjustments made.

Additionally, Medical Assistance for Categorically Needy authorized, making it possible for some medically needy people to get both dental care and prescribed drugs.

[From the Pittsburgh Press, Feb. 27, 1970]

STATE FIXES MINIMUM STANDARDS OF "DECENT" LIVING FOR RELIEFERS

(By Roger Stuart)

It has taken Pennsylvania a long time to close the welfare gap.

Some say 13 years; others say 33.

Regardless, the gap is closed now, says the State Welfare Department, and has been since Jan. 1, when the commonwealth began to peg relief checks at 100 per cent of the cost of "minimum standards of health and decency."

WOODBURY STANDARDS

The standards were written by a six-member committee appointed in 1955 by the State Board of Public Assistance and chaired by Dr. Mildred F. Woodbury.

The state board adopted the Woodbury Standards Feb. 19, 1957, as a policy statement and a goal to achieve "over the next few years."

But achievement of the goal depended on legislative appropriations.

And the General Assembly—although it initially defined "assistance" in the 1937 Public Assistance Act in terms of "a decent and healthful standard"—was in no rush to provide the appropriations.

The state's old age assistance allowances in 1964 were still 9 per cent below the Woodbury Standards. All other types of public assistance grants stood 40 per cent below those minimums.

STAYED BELOW STANDARD

The grants remained below those standards until last month despite the General Assembly's resolve six years ago to begin to close the gap if the governor and the welfare department requested sufficient funds.

As a policy statement for the state assistance board, the Woodbury Standards said relief should:

Meet basic food, clothing, shelter, personal and medical care needs.

Recognize the individual's need for "social participation . . . on a scale comparable to that of his fellows."

Maintain and, if necessary, develop or restore the recipient's ability to function normally as a citizen and respected community member as long as assistance is required.

Be concerned with "long-term goals rather than short-term needs of recipients."

Interestingly, it committed itself to the principle never to let the standards get "so high as to discourage employment and economic independence where desirable."

But more significant, perhaps, it declared the standards must never get "so low as to force employment upon the aged, the ill, the disabled, the mothers of young children or children attending school."

More significant because, in effect, the board said the state's relief burden never should be trimmed much below what it usually and currently is—chiefly the aged, ill, disabled, mothers and school age children.

In designating minimum food, clothing, shelter, utility, personal and medical care standards for Pennsylvania's assisted poor, the Woodbury group concluded that allotments should be sufficient for each class of item.

In other words, it said, making a recipient rob from his clothing allotment to pay for shelter costs is bad policy.

The Woodbury committee arrived at a "low-cost" food plan based on simple menus that would, however, require "a considerable amount of home preparation and . . . skill in cooking to make varied and appetizing meals."

"MUST BE ASTUTE"

Indeed, contends Edward H. Kalberer, executive director of the Allegheny County Board of Assistance:

"They (relief clients) have to be the most astute buyers of the cheapest and most nutritious food and be most inventive in doctoring it so it isn't the same damn stuff all the time."

The menus rely on cheaper food groups—potatoes, dry beans and peas, flour and cereals—less-expensive meat cuts and lower-priced fruits and vegetables.

To compute costs of the food plan, the committee advised—and the welfare department said it accepted—a policy of pricing

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items at supermarkets and adding a markup to cover higher prices in independent stores.

The welfare department says it prices the plan each year.

The maximum food allotment of $120 a month (100 per cent of the Woodbury Standards) for a family of four in Allegheny County figures out roughly to 33 cents per person and $1.32 per family for each meal.

ELEVEN DOLLARS FOR CLOTHING

The current top clothing allotment is $11 monthly for each member of such a family, which adds up to $528 a year for all of them. With that, say the Woodbury Standards, a relief family should get clothes that are:

Roughly midway between "minimum and average" in durability.

In the median price range for clothes sold in a large mail order house, with consideration given for shipping costs.

No allowances were recommended by the committee for replacement of household equipment or furniture, and the department grants none.

CHURCH IS "INCIDENTAL"

However, the Woodbury committee lumped house cleaning items in a four-page incidental listing, which includes aspirin, band-aids, cosmetics, bedding, tooth paste, shaving supplies, haircuts, facial tissues and such.

Incidentals, the committee also concluded, should include occasional movies and sports events, newspapers, radio upkeep, church contributions, a modicum of tobacco for adults and transportation.

Announcing its incidentals allotment at 100 per cent of standard, the welfare department provides a maximum of $40 a month for a family of four to buy 77 items in quantities set by the standard.

The Woodbury group, noting 51 per cent of the housing units in which relief clients lived in Allegheny County in 1956 were substandard, expressed concern that welfare, in effect, subsidized slum housing.

It said welfare shelter grants should provide actual shelter costs for 95 per cent of assistance recipients. In Allegheny County, the maximum rent grant for a family of four is $74 a month.

The Woodbury group concluded the 1957 utility standard—though based on coal for heating, gas for cooking and water heating and electricity for light—was adequate.

Gas heat would be okay, the committee said, but more money should be allotted for it if necessary.

It isn't. The maximum utility grant in Allegheny County is $19 a month for a family of four.

[From the Pittsburgh Press, Feb. 28, 1970]

Food Stamps Put Higher on Menu Than Surplus Commodity Program

(By Roger Stuart)

Being unable to make a few loaves and a couple of fishes feed a multitude, Pennsylvania relies on food stamps and surplus commodities to help enrich the menus of its poor.

For a family of four living on a maximum of 33 cents each for a meal on relief, the extra pennies yielded by either program toward one serving can be a big help.

But the cost to the taxpayer of both subsidies—topping $30 million as they did last year in the commonwealth—also can look pretty big.

FREE PURCHASING POWER

Under the food stamp plan, a rough average of 250,000 people spent $36 million from March 1968 to March 1969 to buy $52 million worth of coupons, meaning they got $16 million in free purchasing power.

Or, for every 69 cents spent on stamps, Uncle Sam chipped in 31 cents.

In Allegheny County, roughly 54,000 persons spent $8.9 million over the same time span to buy $12.6 million in stamps—getting $3.7 million free.

Or, for every 71 cents spent on stamps, Uncle Sam added 29 cents.

Because one doesn't have to be on cash relief to buy stamps, one out of every five Pennsylvanians who did was financially too well-fixed to get a welfare check but still too needy really to afford good meals without help.

RECIPIENTS OF RELIEF

The other four out of five stamp buyers were relief recipients. So, all the food many of them ate was, in reality, a government subsidy.

The amount of coupons a person buys and the number he gets free depend on his income or assistance payment and the size of his family.

However, although all cash relief clients are eligible to buy food stamps—if they have cooking facilities and sign up in counties where they're sold—only about two out of every five in the commonwealth did so last year.

Clients complain a person must buy and pay for the coupons regularly if he signs up, purchase the same number each time and, if he misses more than once in three months, must reapply.

That's tough to manage, they say, because food stamps commit you to buying only food.

The coupons aren't like ordinary food money that can be applied toward rent or a utility bill—either one of which might run more than a client is apt to get for such expenses in a relief check.

NUTRITIOUS COMMODITIES

Under the food surplus program, Pennsylvania dispensed another $16 million in nutritious commodities to 1.3 million people last year.

Of the recipients, 14,699 were homebodies, 1.1 million school children, 84,000 youngsters in summer camps and the rest in child care centers and institutions.

But the surplus food program isn't handled in Pennsylvania by the welfare department; it's conducted by the "donated food" bureau in the property and supplies department.

And the $16 million in commodities it distributed to the poor in the commonwealth last year didn't show up on the state's total $576 million public assistance budget last year.

Nor did the $16 million in free food stamps show up on the welfare department's budget itemization. All that shows up there is the $739,501 it cost to run the food coupon program.

Of the two food subsidy efforts, the surplus commodity plan has dwindled as a direct relief program to homebodies while the food stamp plan has grown in Pennsylvania.

GOING INTO SCHOOLS

But the surplus program is expanding in another area. It's making commodities available in greater quantity and variety to schools, non-profit institutions serving the poor and non-profit children's summer camps.

Meanwhile, says Perrin C. Hamilton, property and supplies director, the surplus program also is carving out a new niche for itself as a special diet supplier for pregnant women and the aged.

The food stamp plan is functioning now in 61 of the commonwealth's 67 counties. And the U.S. Agriculture Department, which operates both programs federally, has authorized participation for the others.

Of the other six, Fulton and Schuylkill Counties have agreed to enter.

Union, Snyder, and Bucks Counties, however, have opted to participate in the surplus commodity program, a welfare department spokesman said.

Adams County remains a holdout against either endeavor.

But, the welfare spokesman said, the federal government appears ready to insist on Adams' taking one or the other program, even if it means the state does all the work.

PREFER STAMP PLAN

Generally, welfare workers and beneficiaries alike prefer food stamps to surplus food. For, although the surplus program provides a wide range of commodities, the coupon plan offers even greater choice to the recipient.

From the businessman's point of view, the coupon program brings in more business.

That is true of, not just the $16 million in free food stamps, but the coupon buyers' entire $52 million in food purchasing power last year.

Food stamps, however, cannot be used to buy alcoholic beverages, tobacco, imported products—except bananas, tea, coffee or cocoa—or imported meats.

Neither can the stamps be used to purchase pet foods, soaps, household supplies or other non-food items. Nor are they any good for buying a dinner in a restaurant.

But does the food stamp program really make sense?

Consider the reply of Edward H. Kalberer, executive director of the Allegheny County Board of Assistance:

"It makes sense only as a way of upping a poor man's budget, but it doesn't make sense otherwise. It's a way we're willing to give more money to the poor. So, for that, I'm for it."

WHY "DEMEAN" THEM?

Others wonder why, if you're going to feed the poor, you don't just give them enough money to do the job rather than make "demeaned" special-class buyers of them.

But food coupons do ensure food purchases if nutrition really is the need, and they do help subsidize the farmer, according to stamp advocates.

Regardless, state welfare officials now are revising eligibility rules to take in more coupon buyers and let them get more free stamps. The revision is a month or so from implementation.

[From the Pittsburgh Press, Mar. 1, 1970]

Relief Is a Family Affair, Then Society's Burden

(By Roger Stuart)

You're not your brother's keeper in Pennsylvania—or your sister's.

But charity better start at home if it involves mom or pop or a grown son or daughter.

If someone that close to you is on relief and you're making pretty good money, some of your take-home pay must go toward supporting them.

You're what's known to the welfare department as "a financially responsible relative."

Similarly, if you apply for assistance and you own your own home, you must give the state a lien against it. If you've got a mortgage, the lien goes against your equity.

$40 MILLION IN PAPER

The welfare department holds about 80,000 such papers worth about $40 million in assets to the commonwealth since it takes an average of $500 to satisfy each one.

But the money doesn't come back to the state in very big chunks. Last fiscal year, for instance, it amounted to only $2 million.

Even if old Aunt Hattie has died and left you $10,000 but you can't get your hands on it because the will is in probate, you must assign your interest in the inheritance over to the state before you can get relief.

Later, when Aunt Hattie's estate has been settled, the state will get all of your share if it's equal to or less than the value of the relief you've received.

However, if the inheritance amounts to more than the welfare you've received, you

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only have to reimburse the state for the amount of assistance you've received.

$200,000 "INHERITANCE"

Last year the state received $200,000 which had been inherited by welfare clients.

Similarly, it got $1.5 million in retroactive Social Security payments, $15,000 in overdue unemployment compensation benefits and $500,000 from recipients who won damage suit verdicts in court.

This money came from people who got a stake from the state with an obligation to pay back the advance when their other claims paid off.

Part of this IOU policy has run into legal flak, however, from civil and welfare rights groups. They contend the Social Security Act prevents creditors from attaching Social Security payments due a beneficiary.

The state maintains it isn't a creditor. No interest is charged for use of the money while the recipient waits for other benefits which are paid directly to him, the welfare department contends.

Commonwealth Court heard such a test case in January, but has yet to rule.

Regardless, state law specifically permits attachment of back unemployment compensation benefits.

But a person with nothing—no real estate, close relatives, inheritance claim, damage claim in a civil suit or chance of getting Social Security benefits—doesn't owe the state a penny.

Unless he cheated to get assistance in the first place.

Then, if he did, he must make restitution to the state.

But why must relief be a family affair before becoming society's burden?

IT IS THE LAW

It must because taking care of your own first is the law in Pennsylvania.

If that law weren't on the books, there's no telling how many more tax dollars would wind up inflating the state's public assistance budget beyond its anticipated $778 million for all of fiscal 1970.

Right now, it's as if every man, woman and child in the commonwealth were paying roughly $7 each for relief.

The Support Law enacted in 1937 was a legislative companion that year to the Public Assistance Act.

Th latter was considered a model of its kind—transforming relief in Pennsylvania from a haphazard dole during the Depression to permanent and systematic welfare.

TWO-EDGED SWORD

The Support Law differed little, though, from provisions of the earlier poor laws on the subject and, according to some observers, has all the bite of a two-edged sword.

Although it helps limit the siege on the public taxpayer, they say, it cuts away from people who really should be on public assistance.

Essentially, the law requires mom to take care of pop and vice versa, obligates parents as welfare watchdogs for their children even after the kids are grown and makes adult children responsible for their folks.

Until 1945, when the legislature decided the law went too far, grandparents could be expected to contribute to their grandchildren's well-being while grandchildren could be forced to be their grandparents' benefactors.

Right now there's a bill languishing in the legislature that would relieve parents of responsibility for their adult children.

TWO EXCEPTIONS

And although they aren't specified in the law, the welfare department policy now allows two exceptions:

An adult child with six or more youngsters of his own isn't liable to help support his parents unless he's exceptionally well off. And the state figures out just how "well off" he is.

Parents over 60 no longer are accountable to contribute to support of their grown children unless the state figures they've got a good deal of money.

Regardless, one financially responsible kin rarely is fully liable for support because he usually doesn't make enough money. But several grown children might have to care for needy parents entirely.

[From the Pittsburgh Press, Mar. 2, 1970]

HOW SUPPORT OF KIN RELATES TO THE ISSUE OF WHETHER THEY ALSO RATE RELIEF MONEY

(By Roger Stuart)

If kinfolk can't support needy relatives in the mini-style to which the state figures all Pennsylvanians are entitled the state can take up the slack.

It will provide the difference between family aid and a maximum relief grant, which is pegged at 100 per cent of the commonwealth's minimum level of health and decency.

WIDOWED MOTHER SUPPORT

For example, a man with a wife and two children who earns $600 monthly, unless he has big bills of his own, is expected to contribute $25 a month toward support of a widowed mother who's without Social Security.

That $25 contribution would be deducted from the maximum $136 monthly assistance grant allowable for one person on relief in Allegheny County—meaning the state could stake the mother to $111 a month.

But suppose an older couple comes in to apply for assistance and won't give welfare authorities a list of legally-responsible relatives because they feel "ashamed" to be applying for aid. What happens then?

The state must turn them down.

Suppose, on the other hand, that they're willing to supply the kinfolk's name, but the relative says he won't pay support. What does the state do?

MORE TO ESTRANGED WIFE

The state can help the client prepare a support suit for court.

A husband, of course, is expected to pay more toward the unkeep of his wife and minor children if he's separated from them than he's expected to contribute toward the support of needy parents or adult children.

Support payments for a wife and minor children are computed on the basis of net rather than gross income.

For example, if a husband earning $305 a month gross is living alone, he could deduct his taxes and work expenses of, say, $105—leaving net income of $200.

The state formula would allow him $152.50 and his wife would get $47.50 a month.

If the wife and children are on relief—and dad has been ordered by the court to pay support—he may have to send it to the state.

Then mom gets a check covering both his support payment and her relief subsidy.

Last fiscal year, the state got $1.5 million in court-ordered support payments this way. Half were retroactive contributions fathers should have been making to their families and half were regular allotments.

Significantly, too, some court-ordered support payments take mothers and children off the relief rolls who shouldn't have been on them at all.

WHEN HUBBY RENEGES

This happens when a husband with good income tries to avoid making payments to the family from which he is separated.

And it's a growing phenomenon, indicating that it's not just the poor who are trying to make the state assume their responsibilities.

If a father has been continuously delinquent in making support payments, the state can and does have the court attach that part of his wages. His employer then deducts what he should be paying his family.

Ironically, though, a financially-responsible relative's contribution may not be tax-deductible.

Each dependent claimed on a federal income tax form must:

Receive less than $600 a year in income from other sources.

Get more than half his support from the financially-responsible relative filing the return.

Not have filed a joint tax return with his or her spouse.

Liens, like responsible kin, keep a lot of people who apply for welfare from receiving relief, because they don't want to sign over their property.

But the state requires a lien before it will grant welfare because assistance—if you have property—is, in effect, a loan. It becomes more than that once you've exhausted your resources; it becomes an outright grant.

Just try asking a bank to act similarly.

Moreover, the state won't foreclose the lien on your home as long as you and your children are living—unless you sell the property or stop using it.

When it does foreclose, the state collects only the amount of money it has paid out in assistance.

WHAT LIEN DOES

Or, if you get off relief and want to pay off the lien, the state will arrange reimbursement at just about any schedule you want.

Significantly, then, the lien does two things:

It guarantees that the state isn't giving something for nothing unless the relief client has nothing.

By letting a welfare recipient keep his own house, the state has found at least one answer to subsidizing slumlords.

Aside from liens, responsible kin, inheritances and such, is it easy to get on relief?

No, it isn't if you have more than $50 in the bank or a bundle, an insurance policy worth more than $500 in cash or loan values and your kid has $2,000 set aside as an education nest egg.

WHEN NOT GRANTED

Anything over those maximums would keep you off relief unless you spend quickly and reapply—or lie.

Spending to get on relief, though, is exactly what a social worker will sometimes advertise a prospective client to do. But listen to the advice:

"If your children need winter clothing, buy it now; it won't be so easy after you're on relief. And if you need furniture—a couch, a refrigerator or a television—buy it now; you can't get it on welfare."

[From the Pittsburgh Press, Mar. 3, 1970]

ON YOUR HONOR IS AID RULE FOR SOME

(By Roger Stuart)

When it comes to getting a relief check in Pennsylvania, honor is a spotty thing.

Depending on where the prospective client goes for relief, the chance of anyone checking out his eligibility statements varies.

In Allegheny County—and 24 other counties—his application gets checked pretty thoroughly.

But in the other 42 counties, it's 10-1 that no one will check out earnings record, utility bills, rent receipts, insurance or bank accounts and such.

SIGNS AFFIDAVIT

Under the latter system, an applicant signs what is, in effect, an affidavit that the information he has given is true.

And unless he is the one in 10 whose statements are scheduled for verification or it appears he has given conflicting data, he is taken at his word.

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Although this amounts to an honor system of sorts, the welfare department calls it "separation of services"—meaning a technician decides eligibility for cash relief so a caseworker is free to render other services.

Pennsylvania was one of the first states to inaugurate this system in February, 1968, starting with Delaware, Indiana, Lawrence and Montgomery counties.

"It's seen by some as an ultimate and desirable goal," says Elias S. Cohen, state commissioner of family services, whose office carries prime responsibility for administering public assistance in Pennsylvania.

Although Mr. Cohen concedes there are "some upset people" who believe separation of services makes it easier for an undeserving applicant to file an affidavit and get money he's not entitled to, he says:

The new system "is not so relaxed as filing an Internal Revenue Service return. Nor is it more or less relaxed than filing a Social Security claim."

"We could increase tax collections by doing more checking."

A review by his office's quality control division of the entire relief load gave no indication more people were cheating on the honor system than cheat on applications that are checked thoroughly.

Still, Vince Katarzynski, an Erie Times reporter, proved for his paper in January that it's fairly easy under the honor plan to get an undeserved welfare check.

Although he gave welfare officials his true name and address, he falsified military information, which easily can be checked.

But he still got a relief check despite the fact his byline appears regularly in his newspaper.

So far his story hasn't forced the department to rescind the honor system where it's being used. But Stanley A. Miller, the new welfare secretary, told The Press in an interview:

"I'm investigating this whole thing (the honor system) right now. I think it has to be reappraised. Whether it's changed or not will depend on the facts I get. But I'm not satisfied just to let it lie dormant."

Significantly, the honor system—or division of services—is designed to do more than improve delivery of social services and cash assistance.

It's also in line with the concept that assistance clients are no more lacking in dignity, trust and responsibility than the rest of society.

"SPEND AS WILL"

Indeed, the department said in its fiscal 1968 report that division of services also was designed "to implement the department's belief in the client's dignity, rights, freedoms and entitlements."

And regardless of which way an applicant's eligibility for relief is determined, it is department policy that a client has complete freedom of choice on how to spend his check once he gets it.

"He can," as one spokesman put it, "tell his caseworker to go to blazes in response to advice on how to spend it."

Or, as the department's latest annual report put it, he can "give practical expression . . . about his needs, resources and other eligibility factors when given a reasonable opportunity."

But in Allegheny, Philadelphia and 23 other counties, caseworkers must verify an applicant's identity and the relationship to others in his household, including marriage.

Similarly, there must be proof of divorce or separation of couples.

Earnings records must be verified, usually by checking with a client's former employer. Rents are checked against leases or by contacting landlords. And utility payments claimed must match utility bills.

OTHER "MUSTS"

However, the caseworker can't double-check any of these things without getting a specific okay in each instance from the applicant.

In addition to Allegheny and Philadelphia counties, the honor system still has not been extended into these counties:

Beaver, Bedford, Blair, Centre, Clinton, Columbia, Fayette, Huntingdon, Lackawanna, Lehigh, Lycoming, Monroe, Montour, Northampton, Pike, Snyder, Sullivan, Susquehanna, Tioga, Warren, Wayne, Union and Westmoreland.

Regardless, though, of how eligibility is determined:

A relief client must register with the State Employment Service for work if he's considered employable, and accept a job if it's offered.

Eligibility must be recertified every three months if there's a jobless father in a family getting aid to dependent children and every six months if there's just a mother and kids.

Recertification for those receiving old age assistance, blind pensions, aid to the disabled and general assistance is required every 12 months.

And assistance grants, once made, may not be cut off until the recipient has been given a hearing either by the county assistance board, the state board or both.

[From the Pittsburgh Press, Mar. 4, 1970]

THE 3-PERCENT FRAUD LOSS EQUALS $9,326,698; COULD RUN PITT MED SCHOOL FOR A YEAR

(By Roger Stuart)

Relief chiselers are "no big problem" in Pennsylvania.

The loss is only "about 3 percent," insists a number of the state's top welfare planners, some of whom contend that's on a par with income tax evasion nationally.

"MIGHT BE RIGHT"

"They might be right on their percentage," concedes Stanley A. Miller, the commonwealth's welfare secretary since January.

"But," he adds, "that's the difference between a professional social worker and a businessman."

As a businessman, Miller is more inclined to look at the fact that at 3 percent, Pennsylvanians were robbed last fiscal year of $9,326,698 by cash-grant relief chiselers.

That kind of money would just about cover the operating costs of the University of Pittsburgh's medical school for a year, including research.

This year—if the same chiseling trend continues—taxpayers will be relieved of another $11 to $12 million the same way.

"But that's too much," declares Miller, who has ordered a crackdown. "That's my point.

"We've got to remember one thing: Every time we give money to someone who doesn't deserve it, we take money away from a program for people who rightfully need and deserve it."

POSSIBLE TREND REVERSAL

Since Miller is adamant "my philosophy will prevail," it's possible the trend will be reversed.

But what about last year? How many chiselers were caught and either prosecuted and/or ordered to make restitution?

The picture there isn't bright.

Against the estimated $9 million chiseled last year, the state got back only $698,406 in restitution payments.

And while there were 10,759 new claims filed of assistance clients getting money they weren't entitled to, there were only 224 prosecutions.

Pennsylvania did better on reimbursements—at $6.6 million—from people who got relief legally but owe the state money because they had real or personal property.

But basic restitution and prosecution figures are only part of the chiseling story, according to a staff report filed Dec. 15 with the Senate Public Health and Welfare Committee by William E. Graffius.

In his report to the committee, headed by Sen. Richard A. Snyder, R-Lancaster, Graffius noted:

Restitution actions in 1969 showed a 33⅓ percent drop from 1966, when the caseload was smaller.

Although 561 prosecutions were completed in 1966, last year's total, despite a higher welfare load and more suspected fraud cases, was 2½ times smaller.

It's not that the public is more inclined to foregiveness now than before, Graffius decided. Rather, he concluded, administrators short circuited a viable check and balance program.

COUNTY DECIDED FRAUD

Prior to March 1965, an area claim settlement agent could go about his job of collecting restitution payments. Decisions on whether to prosecute for fraud were made at a county level.

But in January 1965, the state public assistance commissioner said all claim settlement referrals now had to be sent to state headquarters for review and a final decision on what to do about them.

Significantly, contends Graffius, this now made it possible for those making regulations to administer them and then sit in "final judgment" on problems arising from them.

But when the state office was inundated with referrals—half of which were for overpayments under $100—the commissioner eased the burden on himself and the attorney general.

He instructed county welfare executives to refer only overpayments of more than $75 as fraud claims and those under $75 as simple overpayments. Overpayments under $10 were to be discounted.

VALUE ON DECEIT

The result, charges Graffius, is that a dollar value was placed on deceit, although that's "hard, if not impossible, to justify."

A little fraud—although acknowledged—was excused, and the policy became widely known.

There were many relief clients whose names reappeared frequently on the claim settlement list, contends Graffius.

But little overpayments, which are easier to collect, were not prosecuted. And little claims—repeated as they were—grew into great big claims, which are almost impossible to collect.

Indeed, Graffius told the Snyder committee of a Luzerne County woman who failed to report earned income and succeeded in cheating the state out of $4,662.

PHYSICAL PROBLEMS PREVAILED

The county recommended restitution, noting the woman had "a nervous condition" and that one child had "health problems."

It took the state a year to get around to the case. And when it did, prosecution was deemed "inadvisable."

So, finally a year after the case was discovered, claims settlement was left with only one recourse: Try to negotiate a restitution plan with the woman.

The result was her agreement to pay back $5 a month from her work incentive—a rate requiring 77.8 years for her to meet her debt to society.

[From the Pittsburgh Press, Mar. 5, 1970]

RELIEF WATCHDOG MAY GET NEW TEETH TO BITE CHISELERS

(By Roger Stuart)

Once not so long ago the state welfare system had a watchdog whose bite was as bad as his bark.

But the relief chiefs yanked its teeth, according to Senate Health and Welfare Committee staff aides.

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And now, Sen. Richard A. Snyder, the Lancaster Republican who chairs that committee, wants to fit the watchdog with a whole new set of choppers.

The aides filed their report Dec. 15. Sen. Snyder introduced legislation Jan. 7, calling for a whole new claims and resources unit in the welfare department.

The senator blasted as "indulgent" such departmental policies as not prosecuting suspected fraud by relief clients if the amount chiseled was less than $75.

Stanley A. Miller, who became welfare secretary just two days earlier, declared he, too, wanted a crackdown on welfare frauds.

And, before finishing his first week in office, Miller abolished the $75 minimum which had been the policy under his predecessor, Dr. Thomas W. Georges Jr. of Philadelphia.

Moreover, the new welfare chief revoked a Georges' policy against seeking restitution on cash assistance payments of $10 or less.

Later, Atty. Gen. William C. Sennett announced a coordinated campaign to chase what he termed the "ghosts" off the state welfare rolls by sending special auditing teams into various counties, starting with Philadelphia.

Even now, Miller says: "I'm convinced there's a can of worms. The only question is how big is the can—six ounces or 12.

"I'll tell you we'll find out. Not immediately. But, obviously in the next three or four months, we'll be experienced."

Asked if there aren't certain types of losses the state has to write off because they're too expensive to collect, Miller says:

"We might write them off, but we won't have a public policy of condoning the write-off.

"We have an obligation to the taxpayer to see that the dollars his taxes are providing to this department are used intelligently, legally and honestly. This is the whole thing.

"Fraud is fraud, whether by the dollar or by the million. If the state has lost $1, it's lost $1 too much."

Sen. Snyder's bill, which is now in committee, would provide up to $1,000 in fines and jail terms up to a year for false statements made by relief applicants.

It also would require the welfare department to bring legal actions against persons legally responsible for support of their families, including abandoned wives, children under 18 and all children who are handicapped.

Currently, there are special units in Allegheny, Lackawanna-Luzerne and Philadelphia counties to aid in locating fathers who deserted their children and enforcing the support law.

The Philadelphia support project produced court-ordered support payments during fiscal 1969 that are expected to total $1,917,920 over the course of a year and reduce the relief load by 2,284 cases, a state spokesman said.

The project is run by a state attorney, a locater and a clerk.

In Allegheny County last calendar year, one attorney succeeded in getting court-ordered support payments totaling $443,000.

Deserting "papas" usually were found in the respective Philadelphia and Pittsburgh metropolitan areas.

Under the U.S. "Fugitive Pappy Act"—as the Uniform Reciprocal Enforcement Act is popularly called—one state is supposed to help another state find fugitive fathers.

Amendments in 1967 to the Social Security Act permit states, local welfare agencies and courts to use Social Security Administration data and Internal Revenue Service master lists to trace wandering papas.

But the State Welfare Department doesn't have figures on how many fathers skipped the state last year to avoid supporting families on relief or how many it caught.

Legislation is being prepared in Pennsylvania now to set up a fugitive pappy locater service at the state level.

Meanwhile, Secretary Miller has removed state review of overpayments from the program staff, making it more a management chore. And he has returned to area claims settlement officers power to decide whether to prosecute for fraud in most cases.

In sending special auditing teams into Philadelphia, the state is going into an area where former Auditor Gen. Grace M. Sloan last year alleged more than 800 welfare overpayments had been made.

Of those cases, Miller says, "39 have been prepared and are ready for prosecution, but I don't have a complete breakdown. The 39 are docketed for trial. The fathers are in the process of being prepared."

The new teams, Atty. Gen. Sennett said, total 15 field auditors. And after they have completed work there, they will get into other counties, including Allegheny.

But since the crackdown was announced Jan. 18, there has been no word on what chiseling has been uncovered, let alone any report on prosecutions stemming from the probe.

[From the Pittsburgh Press, Mar. 6, 1970]

A FAULTY DIAGNOSIS FOR PENNSYCARE?

(By Roger Stuart)

Pennsycare—the commonwealth's medical welfare program—is "among the best" Medicaid plans in the nation, says its custodians and some critics.

Certainly, it's among the largest with: More than 300,000 people eligible to receive benefits, more than 5 million itemized bills processed last year and a $214 million tab for fiscal 1969.

And, contends Glenn Johnson, the state's medical assistance commissioner, it hasn't been caught up in the woeful financial bag that has enveloped such programs in some other states.

"We've been cautious," says Johnson. "We haven't left the throttle open to the extent some states did."

He refers to states that had higher financial eligibility standards and better benefits initially than Pennsylvania, but then had to cut back.

A TYPICAL CASE

The commonwealth provides Pennsycare to cash relief recipients and other needy people based on a schedule that makes a family of four eligible, for example, if its income is under $4,000 a year.

But nobody really knows how much money goes down the chiseling and double payment drains, although Johnson concedes it may be "1 to 2 per cent"—or roughly $2 million to $4 million last year at that rate.

That kind of money would more than finance a $1 million renal dialysis program—used to treat people with kidney disease—which the legislature voted down last summer.

Lack of such expensive care can mean death for people who can't get it.

Regardless, welfare department chiefs still smart today over a federal auditing blast last August which, Johnson contends, contained many "glittering generalities they can't substantiate and we can't refute."

DISTORTION CHARGED

Gov. Raymond P. Shafer was even more angry after the report was issued, contending it "caused great distortion of truth . . . without essential supplementary data."

In perspective, the Department of Health, Education and Welfare (HEW) auditors said Pennsylvania makes duplicate payments to some physicians, dentists, and druggists, because its accounting system doesn't prevent such abuses.

Physician, dentist and druggist bills accounted for about $52 million out of the $214 million total expended last year on Pennsycare.

But the auditors said it was impossible even for them to guess at how big the dollar drain in this area was, because the state's disbursement records didn't provide an acceptable basis for such an estimate.

State welfare chiefs didn't really argue with that conclusion.

Indeed, Johnson's predecessor, Dr. Alfred C. Kraft, said "This is the most loose part of the (Pennsycare) operation."

And state welfare officials asked only for time to put master recipient history profiles on a computer—as the auditors suggested—to improve their system.

Johnson says the department is starting to program the histories. But, he concedes, "Until we're finished we can't establish patterns of care, overuse and misuse."

Although HEW auditors said they couldn't estimate lost Pennsycare dollars, they said overpayments do exist, because vendors voluntarily refunded $3,500 covering 19 duplicate payments during three months studied.

And while the auditors poked at the state's invoice review system, they conceded it wasn't completely bad.

Indeed, they said that out of 118 inquiries made by the state into "possible irregularities" over three years, 101 involved physicians, dentists and druggists.

The result: Five licenses revoked or suspended, 24 vendors barred from taking part in Pennsycare and the repayment of $56,000 from the 29 physicians, dentists and druggists punished.

"SAMPLING" HIT

Also valuable were the systems devised by Blue Cross and Blue Shield, which process hospital-related Pennsycare bills, to prevent double payment errors, the auditors said.

Hospital care cost about $162 million last year under Pennsycare.

Blue Shield found duplicate claims totaling $9,400—or about 2 per cent of the $502,000 in claims the organization received in February, 1969, according to the HEW audit.

The auditors also said the welfare department's sampling method to determine the accuracy of the state's affidavit method of determining Pennsycare eligibility was weak and inaccurate.

Under the affidavit system, an applicant simply says that financial information he provides to the state is accurate. And on this basis the state determines his eligibility for Pennsycare.

Still, Commissioner Johnson contends, Pennsycare—with 8500 physicians, 5400 dentists and 2900 pharmacists participating—"has had no major fraud, thievery or scandal."

And, he argues, problems uncovered can be blamed in no small degree on the fact that Medicaid was pushed rapidly into high gear by the federal government, which wasn't too sure for a long time procedures and regulations it wanted followed.

Regardless, a spokesman for the Senate Health and Welfare Committee in Pennsylvania says that group "continues to share with a great many people a concern for Pennsycare management and operations."

And Welfare Secretary Stanley A. Miller says:

"I intend to look at the entire Pennsycare problem to see if there are duplicate bills, to see if they are reviewed or aren't reviewed and to see if drugs were administered.

"The whole myriad of possible and small cumulative things will be looked at."

[From the Pittsburgh Press, Mar. 7, 1970]

WORK-TRAINING PROGRAMS PROVIDE JOBS, COST TAXPAYERS AN ADDITIONAL $6 MILLION

(By Roger Stuart)

The Welfare Department's work-training programs sparked one small boost for the taxpayers and ignited one giant boost for some welfare clients in Pennsylvania from 1965 through 1969.

While the taxpayers were taxed $1.9 billion for relief costs, they also were hit for another $6 million so that almost 19,000 relief recipients could learn and work in the department's five programs.

Of the 19,000 learner-earners, more than than 11,400 now have jobs, which either liberated them or partly emancipated them from welfare's grasp.

By no means, though, were the department's work-training programs the only ones conducted.

OTHERS CONDUCTED

There were at the same time numerous others being conducted by the State Labor and Industry and Community Affairs departments, the U.S. Labor Department, the National Alliance of Businessmen (NAB) and various other public and private, non-profit outfits.

Those efforts jacked up tax levies even higher.

How big the investment paid off is unclear, though, because two or three agencies might have been instrumental in putting a man or woman to work, and each one claimed credit for some of the same people.

But it is safe to assume that the work-training efforts kept many people from ever getting on welfare rolls to begin with as well as removing a smaller number of people already on relief subsidies.

For the latter group, the earning-learning programs represent "booster power," according to Welfare Secretary Stanley A. Miller, who told his department's 37,000 employes in his first policy statement to them:

"FULL PARTNERS"

"Let us not feel our task is completed when we deliver subsistence payments to the needy; rather, our real challenge is to bring them into the mainstream as producers and full partners in society."

The booster power success rate—although small to many welfare critics—looms large to state relief chiefs, because only a limited few of the commonwealth's relief clients must look for or accept work.

Those who are required to accept work usually do, the officials contend.

To bolster this contention, they note that while 730,000 persons received welfare checks during fiscal 1969, the average number of people on assistance at any one time was a lot lower at 471,500.

There's not much, the officials say, that can be done about the hard-core reliefers except to provide them cash assistance.

FLOOR AND CEILING

For this group, such income is—at the same time—both an economic floor beneath which they don't have to sink and an economic ceiling above which they can't rise.

It's a house, at least some of the money to heat it, basic foods and clothing and a few incidentals.

Most of the Welfare Department's 46,406 aged clients (using September figures—the last available) are in this group along with 16,609 blind pensioners and 27,810 totally and permanently disabled clients.

Then, there are 385,823 recipients of aid to dependent children.

But roughly three out of four of them are kids, ranging from cradle through college age. And the state hopes they graduate from high school or even college so that when they do escape the dole, they remain free of it.

MORE GOOD AT HOME

Mothers of dependent children under 18 don't have to work if they don't want to on the theory they can do more for the kids at home than working.

If the moms want to work, the state must make child care possible for her kids either in a day care center, in some other family's home or have people take care of the kids in the kids' own homes.

There aren't many dads living with dependent children families, the state says. Some are dead. Many are missing.

And some who are living elsewhere should pay but either can't pay at all or not enough.

Then, of course, there are the dads nobody knows including the moms.

Of those dads who are at home, some are incapacitated or handicapped. And only a few are fit to take job training or a job, which they must do if either is available.

Mothers with all their kids over 18 must job hunt.

GENERAL ASSISTANCE

After the dependent children category, there are 72,882 marginal types on general assistance, which is funded strictly by the state. Some states don't even have such a category.

But it's comprised of people between parent and old age, men who have been replaced on jobs by machines and nobody's hiring them even at 40 or so, the "Skid Row" types between benders, and people between jobs.

Some are between good health and bad or between mental stability and instability.

Also on general assistance, says Norman V. Lourie, deputy welfare secretary, are "the broken down rural types and the kids who grew up, got lost and never got into job lines."

But this group is the most employable of the entire welfare lot.

So, if there's any hope of cutting the relief rolls, it rests with the hard-core reliefers who aren't required to work—principally the mothers of dependent children and their older kids.

And that is precisely what the Welfare Department did with its five work training programs—even if it did mean providing a carrot without also having a stick to convince them to work.

First was the Neighborhood Youth Corps for school kids, consisting initially of conservation work but later expanded to health services. Then came a similar Youth Corps for out-of-school youngsters.

These two programs hit 6,600 young reliefers, aged 14 to 18, who earned $1.40 per hour.

The incentive: Earnings of a dependent child 14 to 21 aren't counted against his family's relief grant if he's going to school either full or part time and isn't working either full or part time.

EXPENSES AND INCENTIVE

If he is working regularly full or part time, he gets work expenses plus a work incentive before his family's grant is cut.

New Careers was another departmental program for assistance clients aged 22 to 64 in clinical and clerical work and recreation therapy. Participants get stipends without their relief grants being cut.

New Careers is the only one of the program's financed strictly with state funds. Participants work in groundskeeping, maintenance, laundering, sewing and similar fields and get work expenses, an incentive and relief.

Finally, there's the Work Incentive Program (WIN), which was introduced in 14 counties and expanded recently to 10 others.

Heads of relief households are required to go through screening for this program unless they are mothers of children under 18, in which case the screening is voluntary.

State-provided child care is not voluntary, meaning the mother gets to write that cost off as a work expense. And she gets a training stipend to start or an incentive later if the job she gets is low income.

What happens, though, if a relief client is required to take a job or training if either is offered, and he or she doesn't?

"We discontinue a very small number of cases on the basis of out-and-out refusal to work," says Edward H. Kalberer, executive director of the Allegheny County Board of Assistance.

"There are usually extenuating circumstances that make it difficult to say, 'Well, he could damned well have been expected to take this job.' "

[From the Pittsburgh Press, Mar. 8, 1970]

"WORKFARE" HELPS THOSE WHO HELP THEMSELVES

(By Roger Stuart)

Sometimes, a man can make more in welfare checks than "working for a living," but in Pennsylvania he can do better.

He can get both.

That's because Pennsylvania, in effect, already has "workfare."

The commonwealth lets a relief recipient get a job and then deduct his work expenses and an incentive comprised of the first $30 earned, plus 33 per cent of any earnings over that.

GETS TAX BREAK, TOO

If those expenses and the incentive knock his net earnings below the relief he has been getting, he stays on relief. And he gets a tax break, too—if he has to pay taxes at all.

Here's how it works, for example, if the father of a four-member Allegheny County family now getting a $297 monthly relief check goes to work for $480 a month, or roughly $2.80 an hour:

Deduct the father's work expenses comprised of taxes, special work clothes, transportation and such from his $480 gross earnings. Let's say the expenses total $80. That leaves $400 net.

Deduct $30 from the $480 gross. That leaves $450. Take a third of the $450 to get $150. Add $30 and $150 to get his $180 work incentive.

Deduct the $180 incentive from the $400 net. That leaves $220.

Deduct the $220 from the family's current $297 relief grant. That leaves $77, which the family will not get on relief.

And that $77, together with the father's $400 net earned income, means the family now has $477 a month for living expenses, the state says.

But the family actually has a total income of $557—achieved by adding the father's $480 gross earnings and the family's $77 relief supplement—which comes to $6,684 a year.

When it comes to paying federal income taxes, the unassisted worker drawing $6,684 in wages before taxes starts figuring his deductions and this tax from that total.

Our workfarer with the same gross income, on the other hand, starts computing his deductions and tax from a $5,560 base because the $924 his family gets a year in relief isn't taxable.

It's just like a veteran's stipend if he's working and going to school under the GI Bill. He doesn't have to count that money as part of his gross income either.

So, the workfarer's work expense allowance and his work incentive are compounded by his tax write-off.

From the $5,560, he can take $3,000 in deductions, comprised of the standard $600 minimum deductions plus $600 for each of four dependents. Subtracting $3,000 from $5,560, he gets $2,560 on which he pays his income tax.

If our workfarer is filing a joint return with his wife, he pays $290 on the first $2,000 plus 16 per cent on the remaining $560, which is $89.60. His basic tax is $379.60. His surcharge is $18 and his total tax is $397.60.

MUST PAY $138 MORE

If his employer withheld more than that, the workfarer gets a refund.

The working bloke with the same dependents, no relief supplement and filing a

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joint return must pay a $535.65 tax—or $138.05 more than his subsidized neighbor, the workfarer.

Moreover, because the workfarer is drawing relief, he's eligible under a special formula to receive $24 worth of free food stamps each month if he spends $54 to get them.

That figures out to another $288 a year advantage over the working stiff.

And, on top of all the other inducements, the workfarer is covered completely by Pennsycare (the commonwealth's version of Medicaid) if any other medical plan benefits he has run out or are insufficient to begin with.

In fact, he can get free glasses, free prescription drugs and free dental work among other things not covered by most health and hospitalization insurance.

IS IT DISCRIMINATORY?

Discriminatory? Indeed, many welfare critics, contend that it is.

But the work expense allowances and incentive don't always work out that way, state officials say, although they don't keep a running tab on the number of people receiving it, outside of those in the Work Incentive Program (WIN).

And the "Thirty and a Third" inducement to work isn't limited to WIN.

But, as of Dec. 1, of the 812 WIN graduates employed, 559 had been liberated from welfare, meaning they got no work allowances, incentive or tax breaks due them.

Some can't buy food stamps any more or qualify for Pennsycare.

The other 265 working WIN graduates were drawing reduced relief grants to supplement wage checks.

$6.3 MILLION SAVED

But all 812 graduates together account for a welfare savings of $6.3 million projected over a year-long period, offsetting a training investment for 7,509 enrollees of $2.4 million from Nov. 1, 1968 to Dec. 31, 1969.

The remaining WIN enrollees are in various stages of training or holding categories.

The state, though, doesn't know how much of a tax write-off the 265 working WIN graduates or successors drawing partial relief will accrue in a year.

But it's unlikely the total will make WIN a non-paying proposition.

Regardless, Lucy O. Norton, state WIN coordinator, says: "This program's success should be judged on what has been done for individuals."

"MANY PREFER WORK"

And on that score, she adds: "There are many people who prefer to work rather than be on welfare. But they've been unable through no fault of their own to find and hold a job before.

"No one was ever interested enough to help them get the necessary training to get suitable jobs."

For the women enrolled in WIN—and they accounted for half of the 7,509 enrollees—that interest also meant day-care, which became a so-far-untabulated expense for the state during WIN training.

In the current fiscal year, the state has $8 million budgeted for WIN to provide 6,720 training slots, estimated to produce 15,000 new job holders from among the welfare ranks.

[From the Pittsburgh Press, Mar. 9, 1970]

IT STILL "TAKES MONEY TO MAKE MONEY" AND LOOPHOLES GIVE RELIEFERS INCENTIVE

(By Roger Stuart)

It takes money to make money.

That's just as true on relief as it is in big business in Pennsylvania.

And relief is a big—$800 million this year—business in the state.

All you have to do is find the loopholes and flip cash through them, although that admittedly isn't as easy as it sounds.

But right now there are at least three king-sized regulatory fissures and two smaller openings which if exploited in tandem can add up to quite a welfare "killing."

One that is legally—if not morally—quite proper insiders contend.

They tell a tale that sounds more apocryphal than real but they insist it's authentic. And it has been circulating on Capitol Hill in Harrisburg.

HERE IS THE STORY

What happened is that a working man inadvertently manipulated the loopholes and walked out of one of the state's county assistance offices with slightly less total income than a neighbor earning more than $10,000 a year gross.

That is, the total was less if you don't count the $288 in free food stamps he could get each year, complete Medicaid coverage and you don't consider that his $3,300 plus relief subsidy isn't taxable income.

Throw those in, and he didn't just keep up with the Jones'. He passed them.

Even if the story isn't true, however, such a thing is possible.

The computation methods prescribed there for determining eligibility of a first-time applicant to get relief call first for deduction of personal and work expenses from the applicant's gross earnings.

ANATOMY OF A LOOPHOLE

These are the costs a person has to pay, in effect, to work. And they constitute the first big loophole. Included are:

Public transportation to work or, if it's not available, monthly auto payments plus 7 cents per mile to and from work. There's no limit on the size of car payments or mileage to and from work.

Child care or care of a sick or disabled adult if other family members can't provide it and no other "sound plan" can be made for the care. If it comes to that, there's no cost limit.

Social Security, income and wage taxes and union dues deducted from the applicant's pay by his employer.

Tools, materials, special uniforms, telephones and such which the applicant is required to have for his work, but he—not the employer—picks up the tab for them.

If, after subtracting these deductions from the applicant's gross pay, he has less money to spend than the maximum relief grant for his size family, the state will make up the difference.

It provides the subsidy because, in effect, the family doesn't have enough money left for the requisites—food, clothing, shelter, utilities and incidentals—in Pennsylvania's minimum standard of health and decency.

Once eligible for assistance, the subsidized worker is eligible for an even greater subsidy—the first $30 of his earnings plus 33 per cent of the remainder.

If that incentive plus the work expense deductions leave him with no net earnings or financially in the hole, the state will give him a full assistance grant.

So, the incentive when added to work expense deductions is the second loophole.

Neither the work expenses nor the incentive can be deducted, however, if the man has more than $50 in the bank, insurance worth more than $500 in cash or loan value or $2,000 in an educational trust for his kids.

This makes the loopholes a bit less open ended than some legislative critics contend they are.

A THIRD BIG LOOPHOLE

Moreover, making the applicant qualify first by deducting his work expenses is another regulatory attempt to keep people from walking in off the street and qualifying for the incentive.

The assistance recipient who goes to work has his incentive deducted first and the work expenses second. Normally, the incentive would be worth more than the expenses.

The third big loophole is that none of the relief money provided by the state is subject to federal income tax.

And, of course, the smaller openings are the food stamps he gets free, if he buys food stamps, and complete Pennsycare coverage.

In effect, the state counts a relief check as a kind of negative premium for participation in these two programs—whether the client gets a minimum $1 assistance check twice a month or a maximum grant.

Ironically, the welfarer turned "workfarer" can't get as classy a car as the worker turned workfarer.

If the worker turned workfarer needs his car to get to work, he can buy anything from a compact to a Cadillac. However, the reliefer turned workfarer can only get $200 down payment on a used car.

There's nothing, welfare workers agree, to prevent either workfarer from turning his present auto in as the down payment on another auto and letting him deduct the payments on the second car as an allowable work expense.

"BIG GROSS INCOMES"

How often are the loopholes pyramided by either type of workfarer into big gross incomes?

It's impossible to say; neither county nor state offices keep running tabs on the number of people benefitting from them.

"It's happening, though," several county relief chiefs agree.

The best idea anyone can give you on the potential is that as of last Sept. 30, there were 3,338 relief clients employed full-time and 1,254 employed part-time.

Since they receive partial relief, they are eligible to deduct work expenses and the incentive.

They comprised about nine-tenths of 1 per cent of the state's 532,923 people—excluding the blind—on relief at the end of September.

But the 4,892 full and part-time workers on relief accounted for a 74 per cent gain over a year earlier, when there were 1,887 full-time and 928 part-time workers on relief.

Still, the state can't tell—unless it makes a special count—how many of the subsidized workers are deducting the expenses and the incentive.

And they can't begin to tell you how many people walking in off the street might be eligible by the work expense route for the incentive.

"A LOT BUY CARS"

The "thirty and a third" inducement is a federal requirement under the aid to dependent children category; the state has extended it to the exclusively state-funded general assistance category.

One rural county director says "a lot" of working relief clients are buying autos with the state's help.

In Allegheny County, where public transportation and car pools are more accessible, a spot check shows four such purchases are being made by working reliefers in three of six districts.

Some county directors and their boards have protested to the state that the loopholes are "discriminatory" against taxpayers and other relief clients.

Indeed, one director—giving a hypothetical case—says it's possible for one worker with exactly the same set of finances as another to be laid off his job one day, qualify for relief the next, and be back on the job the third day making more money than his fellow worker.

Some suggest cutoff figures for work expenses and the incentive.

Another director disagrees with continuing the incentive.

Another director disagrees with continuing the incentive indefinitely.

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[From the Pittsburgh Press, Mar. 10, 1970]

"LET 'EM TRY" AND SOME BEAT RELIEF RULINGS

(By Roger Stuart)

State welfare officials—battling to protect the state's relief coffers—forced a couple of Philadelphia assistance clients to cry "uncle."

And Uncle Sam answered.

One woman felt she was entitled to a $120.40 monthly credit for work expenses, which would give her a shot at more relief money.

The state said she could count on $50 a month for expenses.

In the other case, the state—acting as the final judge—wanted to cut off, or at least reduce, a woman's relief allotment.

She said the state couldn't do so without giving her a chance to appeal.

Both women went to the Third U.S. Circuit Court of Appeals and won.

Why did they go into a federal court on what looked like a state matter?

CITE SECURITY ACT

Well, while public assistance is largely a state-federal partnership, federal law governs its administration if state law conflicts with federal law on the subject.

But federal law applies only because the state agreed initially to accept a federal gift tied with federal strings.

General assistance, an exclusively state-financed program, is an exception. But even there state welfare officials aren't sure of the degree.

In the first case, the court said the attempt to limit work expenses didn't jibe with the U.S. Social Security Act which permits deductions of "any expenses attributable to the earning of income."

And while the court sympathized with the state's attempt "to preserve and protect its coffers" against an "unquestionably and increasingly heavy burden," it said Congress—not the state—must solve the problem.

In the meantime, state officials say, Pennsylvania is locked effectively into "costly" and "discriminatory" subsidization of the relieved poor against the unassisted working poor.

APPEAL OKAYED

In the other case, the court said the state's attempt to cut off or reduce the client's relief grant without giving her a chance to appeal was a violation of constitutionally mandated due process of law.

But the court left it to the state to work out appeal procedures.

In response, the Welfare Department has ruled that any client can appeal any change in his grant within five days after being notified of the change.

If he appeals, the state must continue paying the client what he had been getting until the case is finally resolved.

But the state is still groping for a way to get impartial hearing examiners.

CASES BOOM

It might save money by asking each county assistance board to designate one employe to handle the job. But he might not always be objective.

Or, the state could hire objective hearing examiners whose salaries might add even more to the taxpayers' burden.

Regardless, the State Board of Public Assistance now has more than 100 appeals pending, and no one has even counted the number of appeals filed with the 67 county assistance boards.

Perhaps, though, the thing the two Philadelphia cases demonstrate most is that Congress and U.S. courts set a lot of state assistance spending floors—even if they don't set state ceilings.

And this sometimes leaves Pennsylvania legislators in the unfortunate position of levying taxes to pay the assistance bills Congress—not the legislature—mandated.

Taxation without representation? Hardly. The voters put both the congressmen and the legislators in office. And the courts merely stack the lawmakers' laws up against the Constitution to see if they jibe.

But, sometimes the court will void laws that both a legislature and Congress have agreed to honor, as the U.S. Supreme Court did in banning residency requirements for relief.

That ruling says, in effect, that once governmental charity is given to one man in a state, each man in that state is equally entitled to the same benefit.

Private charity, in contrast, is the gift of individuals to dispense as they wish.

[From the Pittsburgh Press, Mar. 11, 1970]

SAND OF TIME SHIFTS LEVELS FOR WELFARE

(By Roger Stuart)

There's really no disputing that public assistance is a guaranted income for those Pennsylvanians who receive it.

They get a check every two weeks for as long as their eligibility lasts.

And eligibility has become a chain, linking one generation of Pennsylvania society after another since the guarantee was written into state law in 1937.

It's a chain binding both the relief recipient and the taxpayer.

But, although there's really no disputing that public assistance is, in fact, a guaranteed income, there is a dispute raging right now over just how much that income is worth.

The state says its relief checks are equal in value to the commonwealth's minimum standards of health and decency and have been since Jan. 1.

Maybe so, say some critics. But they contend that the minimums, established by the Woodbury Commission in 1957, are antiquated now.

This argument is based on the premise that society's notion of poverty is a relative thing, meaning that as one man gets richer another man gets poorer by comparison unless his standard of living also is raised.

Buttressing this logic is Elias S. Cohen, state commissioner of family services, who says:

"When I first started working in the New York State Department of Social Welfare, we were arguing over whether people on relief ought to be permitted to have a radio or an electric refrigerator.

ATTITUDES HAVE CHANGED

"But now it really is different. Now, nobody—not even the most moss-backed conservative—would say he doesn't think a person ought to be permitted to have a radio or an electric refrigerator."

Today, the argument is over whether relief clients should own television sets and cars, although many already do.

The welfare housewife often asks if two brassieres every three years is all the state can afford her in "incidental" uplift.

The welfare grandma sometimes wonders if she can really make one corset last five years.

And the relief momma is apt to ask if three boxes of 150 double-ply facial tissues a year is really enough to keep her runny-nosed child looking presentable.

Because these are the types of arguments the welfare department gets from its more agreeable critics, it's little wonder the department has under consideration the development of a new set of health and decency standards.

CHARGE CLAIM FALSE

Meanwhile, though, there are many critics who argue that the state has falsely proclaimed its current assistance levels at 100 per cent of the old standard.

"How can the checks be equal to that standard if recipients have to rob from their food budgets to help pay the rent or dip into their clothing allotments to help pay their utility bills?" they ask.

The Woodbury Commission said relief grants should be pegged high enough to prevent that sort of thing.

Its members said shelter allotments should provide actual shelter costs for 95 per cent of assistance recipients. And they said gas heat would be okay but more money should be allotted for it if necessary.

The state can give you medians and averages and statistical formulas indicating that assistance families can pay their rent with rent allotments.

But they've taken no census of the caseload to prove how many clients really can do that and how many can't.

The Woodbury Commission didn't call for abolition of slum housing through higher rent allotments, but it did express concern that rent grants even then were subsidizing slumlords.

And they still are, according to Welfare Secretary Stanley A. Miller.

Indeed, he bemoaned in a recent policy statement that his department distributes about $80 million a year in grants for housing subsistence with "the vast amount of this" ending up in the "pockets of slumlords as rent."

If more proof is needed, the Governor's Housing Task Force reported last year that most of the state's burden of close to 500,000 sub-standard dwellings falls "most heavily on . . . the poor, the renter, the aged, the large family, the black."

This is the group that is most likely to be on welfare.

As for utility allotments, they're still based on coal for heating—a cheaper commodity than the gas most people use.

GAS PAYMENTS SHORT

Indeed, the Urban League of Pittsburgh in a recent study found utility allotments for Allegheny County relief recipients would cover just the price of gas for only about 10 per cent of them.

And, even for the lucky 10 per cent, there wouldn't be enough in the allotment to cover electricity and water bills.

For the relief family living in public housing, relief grants should be sufficient to meet the minimum health and decency standards. Housing authorities in the state generally charge no more than rent and utility grants.

And this leaves the family able to manage food, clothing and incidentals.

Unless there's a diabetic in the home, for example, in which case there's apt to be a problem.

When the state went to the 100 per cent level, it dropped all special diets.

But a diabetic needs high protein and low carbohydrate content in his food. And the state's food budget is really geared to high carbohydrate and low protein content.

MORE SPECIAL CASES

Similarly, the pregnant mother who used to be eligible for special diet money is now out of luck and so is the kid with celiac disease who can't eat wheat, barley, rye and oat products high in gluten content.

Aside from such inadequacies in current grant levels, are they adequate?

"It's hard to measure adequacy," says Edward H. Kalberer, executive director of the Allegheny County Board of Assistance.

"But a family of four on our new allowances has $3,564 a year in Allegheny County, which compares favorably with the $3,600 figure the Social Security Administration gives as its most recent definition of poverty.

"ABOVE" POVERTY LINE

"And, if that family buys food stamps, the $288 in free coupons it gets each year puts its income above the poverty line."

Contrasted to the county redefinition, is the $9,757 a year which, the U.S. Bureau of Labor Statistics says, a four-member family

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needs to maintain "a moderate standard" in the Pittsburgh area.

The "low standard" here, the bureau says, is $6,487 a year for a family of four, and the Pittsburgh area comes in at $300 below the national average needed by most urban Americans.

Considered in both bureau studies were housing, food, clothing, medical and other costs.

[From the Pittsburgh Press, Mar. 12, 1970]

Pieces Are Missing From Relief Jigsaw

(By Roger Stuart)

Public assistance in Pennsylvania is a puzzlement.

First, there are the people—over 550,000 by last count—who receive relief checks.

Then, there are verification methods of determining eligibility used in one county while honor system methods prevail in another; property liens; reimbursement, and restitution payments.

MANY PIECES TO PUZZLE

As the confusion grows there are food stamps to sell to relief clients as well as to the working poor, surplus commodities to distribute, medical bills and social services to be fitted into place.

Just trying to understand it all—let alone manage it—would seem to be pretty tough.

But it's hard to understand a great many things about welfare because there are a lot of statistical pieces—caseload characteristics to the welfare department—missing.

In this age of computers capable of grinding out great gobs of figures if programmed properly, the welfare department still relies heavily for statistics upon inkwell-and-ledger methods.

And with those techniques, admits one statistician, "we can't keep track of everything."

"GENERALITIES" CHARGED

So, until the department computerizes master check lists of medical reliefers, for example, it can't disprove a federal audit which, one official says, was loaded with "generalities" the auditors can't prove.

The audit suggested Pennsylvania makes duplicate payments to some doctors, dentists and druggists because its accounting system doesn't prevent such abuses.

Ironically, too, failure to gather some statistics means Pennsylvania can't give the benefit of its experience with its own brand of workfare.

Under the workfare plan, a working relief client can deduct the first $30 earned, plus one-third of the remaining earnings from his gross income.

If all the (work expense and incentive) deductions drop his net earned income below the state's relief grant level for his family, the state will make up the difference.

EFFECT TWO-PRONGED

And the effect is that he gets both a wage check and a welfare check.

When Elias S. Cohen, the state's family services commissioner, was asked recently what Pennsylvania's year-long experience had been with the "thirty and a third" incentive, he said:

"We have not made any assessment, and I don't know of any place in the country that has."

"But aren't we reaching a point," the commissioner was asked, "at which a working relief client is closing in on the average production worker's wage?"

"This is really the dilemma that has not been addressed," said Cohen.

NIXON OBJECTIVE

"We don't know at what points varying segments of the population are going to say, 'Okay, at this point, I don't work any harder' or 'At this point, I don't work at all.' "

But many observers would like to have that kind of information because workfare essentially is what the Nixon administration is offering to the nation's working poor, if it can get Congress to approve.

Because a relief client must be working to get the work incentive, it is possible every six months to find out how many of the total number of relief clients are eligible to receive the incentive.

But it is impossible for the state welfare department to tell you how many working relief clients actually are drawing the incentive, because caseworkers don't have to report their incentive cases to the state office.

Similarly, when Pennsylvania increased its assistance grant levels from 71 to 90 per cent of minimum need in January 1969, it underestimated the impact the increase would have on the caseload.

The caseload really started to climb rapidly, and before the fiscal year was out last June 30, the legislature had to make a deficency appropriation to cover relief costs.

WHY NOT PREDICT?

Why couldn't the welfare department predict what would happen?

Well, says Cohen, "we knew something was happening in California, Michigan, New York City."

"Their relief loads were going up by leaps and bounds.

"But we didn't really think we would get socked. Our caseload had been going down during the Scranton administration," says Cohen.

"What we didn't reckon with was inflation, the lessened stigma of going on relief . . . But these are things we suspect now are part of a national trend."

Significantly, legislative welfare critics believe the department did a better job of anticipating the impact that this January's increase in grants from 90 per cent to 100 per cent of minimum need would have.

Still, there's every indication at the moment that the legislature will be asked to provide another deficiency appropriation this year, although somewhat smaller than last year's.

IMPACT UP IN AIR

And, despite the fact the department can give you a whole raft of reasons—grant increases, court cases and such—for the continuing rise in the caseload, it can't really measure the impact of each one.

Nor can the welfare department really tell you if there's more chiseling under the honor system employed for determining relief eligibility in 42 counties than under the verification system employed elsewhere.

It would seem easier to cheat under the honor system, because only one out of 10 cases is subjected to thorough validation of eligibility.

Quality control reviews indicate that isn't the case.

But Welfare Secretary Stanley A. Miller has halted further expansion of the honor system until he can determine how accurate the validation methods are in those counties.

CRITICS STYMIED

Finally, legislative critics of the honor system are puzzled by what the social impact is of permitting welfare clients to reject social services and accept cash, as 60 per cent of the aid-to-dependent-children clients did last year, they say.

So, it appears to many, what the state doesn't know about relief can and does hurt you—whether you're giving welfare in the form of tax dollars or receiving it in a relief check.

In fairness to the welfare department, however, there are long-range plans to computerize a lot more caseload characteristics, if the legislature thinks it can save money by spending more.

[From the Pittsburgh Press, Mar. 13, 1970]

State Hits "Top 10" On Assistance Grants

(By Roger Stuart)

When it comes to taking care of people on public assistance, Pennsylvania's payment averages are better than most states.

In fact, the commonwealth—on that basis—was one of the nation's top ten leaders in all assistance categories except aid to the disabled, even before increasing grant levels to 100 per cent of "minimum need" on Jan. 1.

18TH FOR DISABLED

According to figures compiled last July, the last time anybody did a nationwide survey, Pennsylvania ranked 18th among the states in providing an average $90.40 monthly payment to the disabled.

The commonwealth had over 530,000 of the nation's 10.3 million relief clients at that time.

And its average payments were way ahead of where they were in June 1956.

Indeed, the Woodbury Commission, which began devising the state's minimum health and decency levels that year, said Pennsylvania then ranked 38th in aid to the aged, 22nd in helping dependent children and 27th in aid to the disabled.

And, it said, that record for "one of the largest and economically most developed states" gave Pennsylvania "little to recommend it to states less favorably situated."

FACTS UNKNOWN

Moreover, the commission lamented that these facts "evidently" were not known to, or were ignored by the citizens and the legislature.

Even as late as October 1968, when Pennsylvania's relief grants were pegged at 71 per cent of its minimum need standards, our average payments were mere dribbles, contrasted to what they are now.

Indeed, we ranked among the top ten states in only two areas—fifth in average assistance payment and eighth in the average blind pension.

However, last July after we had been paying assistance recipients for seven months at rates equal to 90 per cent of the minimum need levels, Pennsylvania ranked:

Fourth in taking care of "just folks" on general assistance, with payments averaging $113.10 a month for a family and $74.65 per person.

Seventh in taking care of dependent children families, paying them an average of $213.95 a month; and ninth in taking care of each such family member, averaging $52.70 a month.

Sixth in taking care of each person under aid to dependent children with an unemployed parent, averaging $51.25 a month; and seventh in helping such families, paying an average of $283.15 a month.

Eighth in supplying blind pensions, averaging $110.45 a month.

Tenth in old age assistance, averaging $83.45 per person a month.

PAYMENTS GO UP

When it comes to what a state pays a four-member family with dependent children, Pennsylvania ranked seventh last July. It paid $276 then, but $286.10 now.

Paying even more than that last summer were: New Jersey, $347; New York, $313; Washington, $304; Massachusetts, $300; Island, $297, and Minnesota, $289.

Significantly, four out of every five states reported increases in the size of aid to families with dependent children caseloads.

Pennsylvania was one of those with increases.

Nationally, general assistance showed the next largest increase last July, with an estimated two-thirds of the states reporting increases.

Pennsylvania and three other large industrial states (Illinois, Michigan, and Ohio) had sizable increases.

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DOES PRETTY WELL

Basically, what all the comparisons show is that Pennsylvania does pretty well in helping its poor.

But it's hardly true, as some critics are sometimes tempted to say, that assistance levels are so high here that Pennsylvania was renamed Utopia.

As for Medicaid, Pennsylvania's $214 million expenditure for all of fiscal 1969 came nowhere near the $737 million spent on medical relief by New York State in just seven months last year or California's $469 million.

Just to show how much better off Pennsylvania is than New York, it's interesting to note that New York's seven-month Medicaid total was only $40 million shy of what the commonwealth will spend all this year on its entire relief program—cash, food stamps, medical care and all.

[From the Pittsburgh Press, Mar. 14, 1970]

Laboring Reliefer Can Get More Than Those Who Won't Work

(By Roger Stuart)

Relief is guaranteed unearned income for those Pennsylvanians who receive it.

Moreover, being on relief sometimes pays better than working for a living—even without such things as food stamps and free medical care.

And because it does, many working Pennsylvanians persist—perhaps now, with relief grants at an all-time high, more than at any time in the last 33 years—in having economic and philosophic hangups about it.

THREAT TO VALUE

Some of the staunchest welfare critics are absolutely convinced that relief is an incentive not to work and is, therefore, a threat to a bedrock American value.

Others are afflicted with an uneasiness that this might be true.

And even a few of relief's strongest advocates wonder if welfare doesn't sometimes bait idleness.

But that's not of as much concern to them as the reality that in many states, including Pennsylvania, relief discriminates against the working poor who earn just a little more or less than the welfarer gets free.

Is that true?

Indeed, it is.

Frequently.

Consider for example, that there are 2.1 million American workers getting a $1.45 an hour minimum wage.

SMALLER RETAIL WORKERS

That's for working in smaller retail and service establishments, dry cleaners and laundries, hotels, motels and restaurants, schools, non-federal hospitals and nursing homes.

That wage figures out to $249.40 a month—just about on a par with the $250 a month relief check a three-member Allegheny County welfare family gets, excluding his food stamps and free medical care.

Or consider that 35 million other American workers get $1.60 an hour on minimum wages.

That figures out to $3,328 a year— contrasted to the $3,564 a year in welfare checks that a four-member Allegheny County relief family gets, excluding food stamps and free medical care.

But the incentive for the reliefer to stay on relief is even better than free cash, free food and free medical attention.

WIDOW HIT HARDER

Throw in the complete tax write-off that he has. Then stop to think that the working poor bloke with the same income and the same four dependents has to pay $81 in taxes if he's filing a joint return with his wife.

The widow with three kids earning $3,564 a year gets hit even harder on taxes, having to pay $96 because she files a separate return!

But while this happens frequently in Pennsylvania, it needn't be so.

And it needn't be, because more than likely the working poor stiff getting less than the reliefer can also get partial relief himself—if he can swallow his pride.

Moreover, once he's drawing partial relief, he's also entitled to food stamps, and free medical care. And he doesn't have to pay taxes on his relief income.

WORKER'S ADVANTAGES

So, relief in Pennsylvania definitely is an incentive not to work in some cases and is—in that sense—discriminatory against those who do work.

But if the worker starts getting relief too, the state can throw in a couple of other advantages for him that put him ahead of the guy who's just content to sit back and not work at all.

The working reliefer can deduct work expenses from his gross earned income and also subtract the first $30 earned plus 33 per cent of any earnings over that from his gross.

Those two deductions from his gross earned income drop his net earnings down so that he can get an even fatter relief check than he might initially have suspected.

Discriminatory?

Indeed, there are critics who contend it is—but not just against the non-working welfare client, but the moderately fixed worker as well.

Consider, for example, what can happen to the average worker in private industry whom, the U.S. Labor Department said last May, earns $113.55 a week—an all-time record—in contrast to some working reliefers.

The Labor Department said that after subtracting federal and local and Social Security taxes from the average worker's wage he has around $90.

That figures out to $4,680 a year—only $1,100 more than the $3,564 a four-member Allegheny County relief family gets free.

But throw in the reliefers' nontaxable $288 in free food stamps and he's within roughtly $850—about $16 a week—of the worker's take-home pay.

Figure out what it costs a guy to go back and forth to his job, buy the makings for lunches and assorted do-dads to wear, and where is the worker compare to the reliefer?

Just about on a par.

QUESTIONS AND ANSWERS

Here's how Norman V. Lourie, deputy state welfare secretary, explains that:

Q.—Is parity of income what we're striving to achieve with relief?

A.—"Well, maybe his (the worker's) income is too low . . . But I guess what you're saying is, 'Gee whiz, you guys are helping a guy with assistance to a level higher than some other people.'

"Well, I suppose we are. But what's the alternative? The alternative is to maintain mothers and children who can't survive on a much lower level."

Q.—Is the guy who meets all of his obligations, including responsibility for the rest of society, going to be penalized by a leveling? Is that what we're going to have to have—a leveling?

VERY TOUGH QUESTION

A.—"I suppose it's a question of where you start. People have said to us, "Look, it doesn't pay for a guy to work on the minimum wage anymore because your grants are almost at the minimum wage evel, right?'

"Well, that's a very tough question. What's the answer. There are two kinds of answers. One is you ought always to keep your grants below minimum wage level. The other is you ought to raise the minimum wage. . .

"I believe in guaranteed jobs. I don't believe in guaranteed income program by itself. I think there ought to be a job for everybody . . . opportunities to work. But we don't have them.

As a matter of fact, you recognize that some of the economists talk about cooling off the system by throwing guys out of work.

"Look at the GE thing (strike). We had GE guys on assistance. If the space industry conks 1.2 million people out of work, we'll get some of them too. Do we want them? Hell, no! I wish our rolls could get cut in half."

It's hard to refute that kind of logic, just as it's tough to refute the logic that welfare pays more sometimes than work.

So, what is the answer? President Nixon believes he has it.

[From the Pittsburgh Press, Mar. 15, 1970]

Can Reform Sprag Spiraling Cost of Welfare?

(By Roger Stuart)

The poor will always be with us—and so, too, will be welfare.

At this point, welfare reform is imperative—as both liberals and conservatives agree—and it can go two ways:

Increase payments or reduce payments; a larger case load or a smaller one.

But the strongest reform movement is that of President Nixon's which is about to be debated in the U.S. House of Representatives.

The outlook: A chance to slow down the rate of growth in welfare costs, but more people on the rolls.

So, like Jacob's Ladder, every round still will climb higher, higher.

Out of the Nixon plan could come a system of both benevolence and discipline—one that would insure the most for the neediest, but one that would benefit the hard working poor, untouched before by cash relief.

Initially, the cost would be $4.4 billion more a year than the present system, which costs about $10 billion a year to run right now.

The case load would be doubled from roughly 10 million Americans last year to 22.5 million, according to Norman V. Lourie, deputy state welfare secretary.

CRITICS SKEPTICAL

But while more people would be on the case load, more would be working and average payments would be smaller than they have been. At least that's the argument.

Critics contend, however, that the President's work requirement will be only as good as the job training and job producing systems. And they don't look for dramatic improvement there, although it's promised.

If that stick isn't as good as it has been pictured to be, the incentive payment available to the working poor is the carrot.

And it's a good one, say administration spokesmen who point to an experiment conducted with a negative income tax of sorts with 1,361 low-income families benefiting in Trenton, Paterson, Passaic and Jersey City, N.J., and Scranton, Pa.

However, nobody has done a thorough evaluation of the incentive already available under the current welfare setup in various spots like Pennsylvania around the nation.

Child care costs paid by the government to enable mothers of dependent children to work are open-ended in the Nixon plan, the critics also note.

And they believe child care costs have been woefully underestimated.

Certainly, welfare rights groups contend it will cost the government more to provide child care for a working mother than it would cost to let her work at home taking care of the kids.

HARD WORK

Taking care of kids is work by any mother's standards.

So, the welfare righters don't see the need, of her taking another job, especially since it may cost the government more to put her to work elsewhere.

What are the alternatives to the Nixon plan? The President has enumerated all but one of the significant possibilities.

The one he slammed the door on by failing even to mention it was rolling back on welfare.

The others, he said, would be to:

"Permit the welfare momentum to continue to gather speed by our inertia" with the result that by 1975 there would be four million more Americans on welfare rolls at a cost of close to $11 billion a year.

ALL "SHORTCHANGED"

This he said, would leave "both recipients and taxpayers shortchanged."

"Tinker with the system as it is, adding to the patchwork of modifications and exceptions." But, he said, "that has been the approach in the past, and it has failed."

"Adopt a 'guaranteed minimum income for everyone,' which would appear to wipe out poverty overnight." But he ruled that out as an incentive to laziness.

In proposing his own alternative, the President said it would "abolish" the present "monster." Maybe and maybe not. In any event, the President said it would be "new and drastically different."

And his secretary of health, education and welfare, Robert H. Finch, has told the House Ways and Means Committee that the income strategy is "revolutionary . . . a real war on poverty and not just a skirmish."

MOVE TO UNIVERSITY

As for wiping out the current welfare monster, critics aren't sure but what it doesn't just give the present monster a larger federal head by leaving the states free to add varying amounts to a federal payment.

On the other hand, the Nixon plan will be a force toward uniformity in determining welfare eligibility and such.

Overlooked about the President's proposal is that a $1,600 federal base for a family of four is not the full extent of the taxpayers' cost. He'll also pay for that family's $800 free food stamps.

And on top of that, the taxpayers will have to pay for the state cash that will go toward beefing up the federal payment. That will make the taxpayers' costs significantly higher. But how much, it's hard to say.

Certainly, though, the total tax cost will be closer to Sen. Fred Harris' proposed $3,600 a year entirely federally financed welfare plan than the Nixon administration cares to admit.

Pennsylvania already promises—on the average—$3,432 a year to four-member relief families, excluding food stamps and Medicaid. And if the President's bill passes, the total will probably go up, not down.

OMITS INCENTIVE

Of course, Harris doesn't propose the work stick that the President does. But, he says, his plan would cost the taxpayers $2.6 billion more the first year than the President proposes.

In spending more, though, he would come closer to making welfare more uniform the country over than would Mr. Nixon.

And, it can be argued, his plan would more effectively stem migration to more welfare-oriented status.

Regardless, though, of whether Congress chooses the Nixon reform or some other reform, it has yet to convince the nation that promises will match the eventual product.

And certainly if the President's plan is to be adopted Congress might be well advised to learn a lot and possibly shape its decision a lot more clearly by looking at Pennsylvania's welfare experience in depth before moving further.

STATE CASE LOAD HEAVY

Why? Because Pennsylvania is one of the states to have experienced the greatest gain in welfare case loads.

And it has experienced much of the growth, we are told, because it has already employed much of what Mr. Nixon offers as a prescription for what ails welfare.

Maybe he's right; maybe not. But . . .

Until the nation stops discriminating, until it stops falling victim to chance birth, to accident, to injury, to indifference, to decay . . . Until our nation becomes Utopia, we'll have the poor and we'll have the welfare.

CAPITOL HILL PARTY FOR WOUNDED VETERANS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. BUSH. Mr. Speaker, the second annual NOEL—no one ever lonely—party held December 9 for wounded veterans of six Washington, D.C. area hospitals was a great success. Sponsored by the Capitol Hill secretaries, the party drew more than 1,000 including dignitaries such as Secretary of Defense Melvin Laird, General William C. Westmoreland, and numerous Senators and Congressmen.

The idea of a Capitol Hill party to entertain the wounded veterans in the Washington area hospitals was conceived by "Hill" workers, Mrs. Fran Westner, legislative assistant to Representative Thomas S. Kleppe, Republican of North Dakota, and Mrs. Kathy Pierpan, secretary to Representative Otis G. Pike, Democrat of New York. Representative Kleppe and Representative Pike served as co-chairman of the event.

Holiday greetings were sent by President and Mrs. Nixon and I would like to share with you their message to the participants:

Honorable Tom Kleppe,
Honorable Otis Pike,
Co-Chairmen, Operation NOEL,
House of Representatives,
Washington, D.C.

Mrs. Nixon and I join you and all your colleagues in the Congress who take part in this traditional Christmas for our wounded servicemen from the Washington area hospitals.

I wholeheartedly commend your warm gesture to let these brave Americans know that they are remembered by not only you, but all the people you represent, during this season.

They and their colleagues are uppermost in the minds of countless grateful fellow citizens as they celebrate the birthday of the Prince of Peace and reflect on the selfless contributions each of them has made toward the peace to which we are so firmly committed.

I share your hope that their Christmas may be happier in the knowledge that they have served their country with such distinction, and that they have helped to realize the aspirations of freedom-loving men of goodwill everywhere.

All those who gave their time and energy and contributed to the success of the event should be proud for having brought Christmas cheer to the veterans who have given so much for their country. The NOEL party is a great occasion and I hope it continues as a fine traditional Christmas event.

CLAIMS WELFARE TEST "RIGGED"

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. SCHERLE. Mr. Speaker, following is an article printed recently in the Des Moines (Iowa) Register, which should be of great interest to us all.

It describes in some detail the faulty and incomplete basis for the administration's support for its so-called welfare reform legislation, the Family Assistance Plan. According to the General Accounting Office, which investigated the background of the report issued by the Office of Economic Opportunity, the positive conclusions drawn about the "work-incentive" aspects of the pilot program are not justified by the data base used. Hence the validity of the administration's support for this proposal can seriously be questioned.

The article is commended in full to my colleagues in this and the other body:

CLAIMS WELFARE TEST "RIGGED"—GAO SAYS FIRST REPORT "MISLEADING"

FAMILY AID PLAN BASED ON PROJECT

(By Clark Mollenhoff)

WASHINGTON, D.C.—New Jersey tests that were basis for Nixon administration confidence in the family assistance plan were "rigged," Senator John J. Williams (Rep., Del.) said Saturday.

He told The Register that the record of the Senate Finance Committee will demonstrate that White House Counselor Daniel Patrick Moynihan had a key role in "the rigging" of reports to make them appear favorable.

Moynihan argued that the Office of Economic Opportunity (OEO) reports on the New Jersey graduated work-incentive experiment showed "no evidence that work effort declined among those receiving income support payments."

"On the contrary," Moynihan said, there is "an indication" that those receiving the welfare payments "increased . . . the work efforts."

SEQUENCE TOLD

The Senate Finance Committee record shows the following:

Moynihan was put on notice by Dr. John Wilson, OEO research director, that the test period was too short and the data inadequate.

Moynihan directed that Dr. Wilson prepare the report, and under this pressure the report was prepared last February.

The White House staff used the OEO report to prepare charts to sell the family assistance program to President Nixon and to sell it to the House Ways and Means Committee.

The Senate Finance Committee directed the General Accounting Office (GAO) to examine the OEO report on the New Jersey project. The GAO said the OEO conclusions were "premature," prepared on the basis of "inadequate data," and were "misleading."

Senator Williams said he will make an issue of the "rigged" record when the family assistance program comes before the Senate in the next week.

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TELLS OF OBJECTION

Senator Williams said he is certain President Nixon had no knowledge of the manner in which Moynihan and the Department of Health, Education and Welfare used the OEO tests to sell the family assistance plan.

Senator Williams said that he questioned Dr. Wilson and obtained verification that he had objected to using the data, but had given in.

The OEO funded the New Jersey experiment in late 1968. Some parts of the program in Trenton, Paterson and Passaic had been under way less than a year when Dr. Wilson was directed to make a report.

Dr. Harold W. Watts, who designed the project, stated in a paper read before the American Economic Foundation in May, 1969, that any reliable result of the New Jersey experiment would not be available until the project had run at least two years, Senator Williams noted.

He said Dr. Wilson had acknowledged that there was a "colorful" exchange with Moynihan at the White House in which Moynihan's temper flared as he criticized economists as "never having an answer until it is too late."

It was in that setting that Dr. Wilson had snapped back: "I'll get some answers."

Dr. Wilson said he told Mr. Moynihan of the difficulty of drawing conclusions on the program, but insisted that the report he presented in February, 1970, was his best judgment in the light of the limitations.

DEFINES "REFORM"

Senator Williams said he is in favor of "reform" of the present welfare programs, but that the present family assistance program is not the "major reform" it was hailed as by former HEW Secretary Robert Finch and the present secretary, Elliott Richardson.

"When the term 'reform' is used in connection with legislative proposals it means one of two things," Senator Williams said. "Either it proposes to take away from someone something which he is now receiving but to which he is not entitled, or it is to give someone something which he is not getting but to which he is entitled."

Williams declared that the so-called "reform" of welfare now pending before the Senate is filled with "disincentives" that flow from reports such as the one from New Jersey. He said members of the Senate Finance Committee became aware of the lack of "reform" in the plan, and this explains why the majority of the Republican committee members have been opposed to it.

The fact that the House Ways and Means Committee relied upon the New Jersey OEO report is found in the committee report that states:

"We believe that these preliminary data suggest that fears that a family assistance program could result in extreme, unusual, or unanticipated responses are unfounded.

"Furthermore, we believe these preliminary data from the New Jersey project indicate that a family assistance program is practical. The data suggests that: There is no evidence that work effort declined among those receiving income support payments. On the contrary there is an indication that the effort of participants receiving payments increased relative to the work effort of those not receiving payments," the report said.

The General Accounting Office found "serious questions as to the appropriateness of the conclusions drawn" about the same program.

"The data reflected in the OEO report represent less than a year's activity," the GAO stated. "Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusions as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading."

Senator Williams said the GAO report stated flatly that "it is wrong to conclude" that the persons on welfare roles increased their work effort when compared with those who are not receiving government checks.

"The only evidence we find in the OEO report to support this statement," said the GAO, is a chart that has "defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it."

The GAO stated that the report it was making could not be based upon access to full data because the OEO placed "constraints on our access to the full data base accumulated during the experiment."

GAO auditors said: "We believe that a number of important qualifications which are omitted from the OEO report are necessary to proper understanding of the issues which the report seeks to address. We found problems in the collection and analysis of data supporting the OEO report—and in the completeness of the presentation of the data in that report.

"Our work proceeded with some difficulty because of the objections raised by OEO and OEO's contractors as to the propriety of GAO's access to data which they considered preliminary and experimental," the GAO explained.

QUESTIONABLE CONCLUSION

In one instance a controversial chart is based on only 318 of the 509 families participating in the experiment in Trenton, Paterson and Passaic.

"The data on 191 of the families (37 per cent of the families) was not used by OEO's contractor in preparing Chart IV because of problems in the interviews and coding of the data," the GAO stated. "Based on generally accepted statistical standards, we believe that the conclusions are made highly questionable if drawn from data in which this large an attrition has occurred."

It was noted in the GAO report that the OEO contractors' basis for determining whether family earnings changed was a comparison of weekly earnings.

The study compared the family's weekly earnings in the period prior to the enrollment interview with earnings 10 to 12 months later. The criteria for determining whether a family's earnings had increased or decreased was that it must be 20 per cent up or 20 per cent down to register as either an "increase" or a "decrease." Otherwise, it was registered "not to have changed."

The GAO called attention to the combining of periods of one year and 10 or 11 months in the same chart, and also noted that in one city the comparison was in August and in the other it compared income in January with November and December.

This practice is "a violation of good statistical practice" and it termed the conclusions drawn from this key chart as being "highly questionable."

Senator Williams said the cost figures presented before the House Ways and Means Committee are now "admittedly unrealistic."

In the committee, the administration had initially projected a cost of $8.2 billion annually, compared to present welfare cost of about $4.5 billion.

The amended version submitted to the Senate Finance Committee June 23 projects $9.1 billion—an increase of $900 million over figures mentioned only a few weeks earlier.

Following the questions raised by Senator Harry F. Byrd, Jr., (Dem. Va.) during the hearings, HEW has now projected costs of $10.8 billion—a 25 per cent increase over estimates made just a few months ago.

MORE RECIPIENTS

Williams asked "what kind of a reform is it" that boosts the number of welfare recipients from 10,436,000 to 23,784,000—a 128 per cent increase. He noted that in many states the number of welfare recipients will increase more than 400 per cent.

Iowa had 92,300 on welfare rolls as of January, 1970, but under the Nixon administration's program the number would be increased to 235,700—an estimated 155 per cent.

SAFETY PATROL ASSISTS LIZTON TOWN MARSHAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. JACOBS. Mr. Speaker, the following is only one reason why I am so proud to claim Comdr. Lloyd R. "Shorty" Lewis as one of my constituents:

SAFETY PATROL ASSISTS LIZTON TOWN MARSHAL

(By Beulah Glover)

Members of the Town Board and many residents of Lizton wish to express their thanks to the men of the Indiana Safety Patrol for a job well done.

The Safety Patrol was in charge of law enforcement in Lizton from the time Lawrence Marker resigned as town marshal until a new marshal was hired on Oct. 1.

The Safety Patrol is a nonprofit organization consisting at present of nine men whose aim is to assist law enforcement officers in small towns in Indiana. They also patrol many business establishments in the Indianapolis area.

They were organized by Lloyd "Shorty" Lewis and chartered Oct. 16, 1967 as the Indianapolis Safety Patrol. The name was later changed to Indiana Safety Patrol.

Since 1967 the men in the Safety Patrol have worked over 30,000 man hours and contributed over $150,000 worth of police protection. They have driven over 137,000 miles to fight crime.

Most of the men in the Patrol have served as police officers previously and all of them have received schooling in police work and Red Cross first-aid training. The men buy their own uniforms and guns and use their own cars to patrol. The organization also leases three cars and a motorcycle.

The Safety Patrol has been retained by the Town Board of Lizton as special deputies to assist the Town Marshal when needed until Dec. 31, 1971.

If anyone would like to have more information on the Safety Patrol or make use of their services phone Colonel Lloyd Lewis in Indianapolis at 255-8854 or write: The Indiana Safety Patrol, 1928 Haynes Ave., Indianapolis, Ind. 46240.

Colonel Lloyd "Shorty" Lewis of the Indiana Safety Patrol was among 120 Indiana police officers who were awarded certificates of graduation by the Police League of Indiana.

Col. Lewis attended the League's Ninth Annual Police Officers training Seminar held at the Indiana State Fairgrounds in Indianapolis last week.

At the seminar Col. Lewis received instruction in basic note taking, collection and preservation of evidence, police public relations, and accident investigation.

Many of the officers attended the Seminar on their own time and at no expense to the taxpayers. The League included at no extra cost to the officers a buffet luncheon each of the three days.

The Police League of Indiana represents many of the smaller police departments in the State which total nearly 600.

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SAVANNAH RIVER NUCLEAR PLANT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. DORN. Mr. Speaker, this month marks the 20th anniversary of the selection of the site for the Atomic Energy Commission Savannah River Plant, an occasion recently commemorated by the South Carolina-Georgia Nuclear Council. This splendid plant has meant much to the central Savannah River Valley. The Savannah River plant, together with the new nuclear power development by Duke Power Co. in Pickens County, S.C., will make our area a national center for the peaceful application of nuclear technology. The following editorial from the Augusta Chronicle magnificently describes the positive impact of the plant on our area and some of the scientific advances being made there:

SRP: AN ASSET

The tremendous degree to which the Savannah River Plant has been an asset to the Central Savannah River Area was made clear last night by Dr. Glenn T. Seaborg, chairman of the U.S. Atomic Energy Commission, when he addressed Georgians and South Carolinians observing the 20th anniversary of the SRP's first announcement.

Some of the highlights of his address deserve emphasis, in appraising the part the plant has played in the life of the CSRA.

This operation, under direction of Nat Stetson as manager, represents an investment of $1.3 billion, with a total of about 5,800 federal and contract employes. It has an annual budget of $116 million.

In the two decades since announcement of the site, the federal government has contributed about $3 billion to the economy of this area through construction and operation of this plant, Dr. Seaborg declared. He credits, in this amount, civilian industrial plants whose location here came, in his belief, largely because of the industrial and scientific breakthrough which resulted from the impact of the Savannah River Plant. The job opportunities, payrolls and construction activities have been one of the central facts of economic life for the CSRA.

If the SRP has been good for the economy of this area, it should be remembered on the other hand that the area has been a great asset for the Atomic Energy Commission's plant, or the selection of the SRP's site would never have been made. Essential to the choice of a site was a large nad dependable supply of water to cool the nuclear reactors which were to be built. A low population area near high-population centers was needed, and was available on the South Carolina side of the river. Freedom from flood was provided by this site. An adequate power supply was offered by this area. Accessibility, transportation, suitable terrain, and the low incidence of storms were some of the assets which our area offered to the AEC.

So the site was selected, and the plant was built. Oldtimers will never forget the hectic days of construction when nearly 39,000 workers were busy on the project at the peak of construction in September 1952.

The Savannah River Plant came into being, of course, because of the need for production of materials for national defense. It played, and still plays, a vital role in performing that function.

The great promise of the future, however, is not merely in helping maintain our national security, but in helping create a better life for Americans and for mankind. The peaceful use of atomic products can bring the greatest changes in our economy since the Industrial Revolution.

Among those materials is californium-252, which can be used in cancer research and treatment, space exploration, industry, general scientific research, civil engineering, agriculture, petroleum and mineral exploration, and hydrology.

Since the AEC announced its program for this isotope, more than 2,000 requests have been received, for information on its potential uses.

The common interest of South Carolina and Georgia in the manifold benefits stemming from the Savannah River Plant made it most appropriate that the anniversary occasion last night was sponsored by a bi-state organization. It is symbolic, in our opinion, of a growing spirit of cooperation among residents of Aiken and Richmond Counties which will in Dr. Seaborg's words impel them to "take advantage of the river as a state line rather than allowing it to isolate their interests."

THE ICHORD RESOLUTION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. ESCH. Mr. Speaker, I want to take this opportunity to briefly discuss my reasons for supporting the Ichord resolution with regard to the printing of the Committee on Internal Security report.

I feel very strongly that the Congress must maintain its independence as a strong and coequal branch of the Government. I have often made this argument in relationship to the executive branch of the Government on such matters as foreign affairs and appropriations. It is equally true with regard to our own internal procedures. The House of Representatives clearly has the right to make its own decisions on what it shall and shall not vote on, print, debate, approve or disapprove. Neither the executive branch nor the judicial branch has the power to dictate to the Congress. This is clearly set forth in the Constitution and it is this constitutional issue which determined my vote. The Congress is a coequal branch of Government, not a subservient one.

My vote is in no way a judgment on the material contained in the committee report or the wisdom of the survey preceding it. It is clearly and simply an expression of the strong belief that the Congress must retain its independence.

The question of the rights of the individuals mentioned in the report is, of course, also an extremely serious one, and one which should have been thoroughly considered by the committee before undertaking their study. Similar considerations should weigh very heavily in their consideration of future studies and in the decisions of the House with regard to authorizing resolutions, appropriations, and so forth.

Whether rightly or wrongly, however, the results of the study have already been made available to the media and have become public through other means. The constitutional question of the ability of the Congress to function therefore became paramount in my mind.

DRAWING LINE ON PORNO ADS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. DULSKI. Mr. Speaker, the problem of obscenity and pornography continues to plague our society. It is not a problem that is going to blow away because we ignore it. We must deal with it head on.

It was heartening to me to read a December 8 thought-provoking editorial in the San Francisco, Calif., Examiner on this subject.

The Examiner says that it has tried in the past to urge moviemakers and night club operators to upgrade and improve their offerings. The paper has refused considerable advertising it thought exceeded the bounds of good taste.

But objectionable advertising continued to creep into the newspaper's columns.

Now, disgusted at the continued decline of community standards, the Examiner has drawn the line: Out goes all objectionable advertising, borderline and otherwise. And the paper says that if necessary it is ready to go to court—of law and of public opinion—if anyone wants to challenge its decision.

The Examiner is to be applauded for its frankness about the problem and the firm resolution of its decision.

Mr. Speaker, the Examiner's editorial tells the story best and the text follows:

DRAWING THE LINE ON PORNO ADS

There comes a time when even the most open-minded editors must draw the line.

So far as the editors of The Examiner are concerned that time is now.

The line we draw is against advertising in our columns by the dispensers of depraved "entertainment" offered presently in more than two score theaters throughout this area.

We are not bluenoses. We do not seek to impose the Puritan ethic on the community in general or our readers in particular.

However, we can no longer permit our advertising columns to be exploited by the panderers of moral pollution.

In the past, we have editorialized against smut, filth and obscenity.

We have quietly and patiently urged movie makers and night club operators to upgrade and improve their offerings.

Over the years we have refused countless thousands of dollars in advertising that we felt exceeded the bounds of good taste.

SOUGHT UPGRADING

We sought to base our position on the laws of the land and looked for guidance to the Supreme Court's decision in the Eros case, which found a production obscene because advertising for it appealed to the prurient.

This approach, though, merely laundered the advertising appearing in our columns and thus tended to hide the slime of the shows being presented.

We grudgingly accepted the decision of the Supreme Court that "community standards" should determine what is obscene and what is not.

After witnessing the results of this decision, we are now convinced that community standards do not determine what is pornography. Quite the contrary. We believe the results in San Francisco are proof positive that proliferating pornography creates debased community standards.

STANDARDS SINKING

In this beautiful city, our standards sink lower and lower.

Today we have movie houses showing women engaged in sexual acts with dogs and other animals.

Today we have films showing groups of perverts performing vile acts that must demoralize homosexuals who are fighting for acceptance in our complex society.

Today we have films denigrating and disgracing the dignity of womanhood and motherhood as prostitutes perform sordid acts that defy description.

Today we have films showing young girls being beaten, raped and defiled in sexual aberrations practiced only by those with maniacal or criminal minds.

As community standards have fallen, our crime rates soared. The score on rape cases, drug cases, bodily assault and juvenile delinquency are higher than ever. And going higher.

BECOMING SMUT CAPITAL

San Francisco is fast gaining international disrepute as the smut capital of the world.

Do not be confused. We are not discussing the relaxed standards of some movies produced by large studios. While we do not endorse many of the acts and attitudes that are labeled sophisticated in today's age of social permissiveness, we are not at this time referring to such movies and plays.

We are denouncing the hard core pornography that flourishes in all too many parts of our city and offers dangerous entrapments for our young people.

We are denouncing the sexual depravity on film and stage that can—and does—breed moral pollution and social degeneracy.

We should have thrown this ugliness out of our advertising columns long ago. We are sorry we delayed.

It is out now. And it will stay out.

If this action on our part invites lawsuits, we will welcome carrying our case to the highest courts in the land. Not only the Supreme Court . . . but also the higher court of public opinion.

CONGRESSMAN WHALEN CONGRATULATES BRYCE HARLOW FOR HIS PUBLIC SERVICE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 1970

Mr. WHALEN. Mr. Speaker, a most distinguished public servant, Bryce Harlow, has announced that he is retiring from the White House staff.

I would like to take this opportunity to congratulate him for his years of dedicated work in the Federal Government, including the tremendous responsibility entailed in serving at the sides of two Presidents. The schedule he has maintained during the last 2 years has been staggering. It easily would have overwhelmed a lesser man.

His departure to what certainly will be the more tranquil precincts of private life is a loss both to President Nixon and to those of us who have come to depend upon Bryce Harlow. His great expertise, diligence and sense of humor will be missed.

I wish him well as he leaves the White House. The Nation is indebted to him for his exemplary labors.

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CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

VOTER PARTICIPATION—DECEMBER 7, 1970

The United States—history's greatest democracy—has the lowest democratic participation of any free, modern nation. Although we pride ourselves as the showcase of democracy, our voter participation belies our boast. In their last elections, Great Britain and Canada had voter turnouts of 76 percent; France 80 percent; West Germany, 87 percent, and Sweden and Denmark, 89 percent.

And in this country, in the elections this year, only 45 percent of the eligible voters voted according to preliminary estimates.

In 1968, 47 million Americans—an astonishing 40 percent of the eligible voters—failed to go to the polls. The non-voters exceeded by 17 million the total number of persons who voted for President Nixon. For every vote separating the two major candidates in that election, there were 106 persons who did not vote.

Moreover, there is a steady downward trend in voter participation. The number of non-voters was 39 million in 1960, 43 million in 1964, and 47 million in 1968.

This decline in the participation in the democratic process poses both a danger and a paradox.

The danger is that a democratic institution, such as ours, cannot function effectively or respond promptly to the needs of society unless its citizens take part in the decisions which affect their daily lives.

The paradox is that while Americans are calling for a more active role in public decision-making, their participation in the electoral process continues to decline. Our mass communications make this nation's citizens the most informed in the world, and our mobility, either by automobile or mass transit, makes the voting booth accessible to practically every citizen.

Our poor voter turn-out need not be so. Some nations compel citizens to vote, but that's not the American way. It is the American way, however, to take all reasonable steps to encourage citizens to vote. Government, in fact, has a duty to remove unjustifiable barriers which stand between the citizen and the ballot box. Any device which prohibits people from voting must be subjected to the most intensive, continuing scrutiny.

The chief obstacle to the vote in 1968, as well as in previous elections, was the cumbersome registration demands made upon citizens. Those who registered, voted—89.4 percent of the 82 million registered Americans cast their ballots in the 1968 Presidential election.

A recent U.S. Census study showed that of the 47 million Americans who did not vote in the 1968 election, 72 percent were barred because of failure to meet registration requirements. These burdensome procedures, and the outmoded state residency requirements exclude millions of Americans from voting.

Registration efforts must not be concerned with low people vote. The important considering is that all may vote. New approaches to increasing participation in the electoral process should be considered. Among the possibilities are:

A universal voter enrollment plan providing a door-to-door canvass of each residence to enroll all eligible voters.

A national election commission to supervise the enrollment, and to maintain records of all election returns as well as all laws pertaining to election jurisdictions. There is no such agency at present.

A National Election Day holiday in order that all may have the opportunity to vote.

The American system is a living, changing process. The government has a responsibility to bring citizens into the political process, and to keep them there.

ON NATO'S FAILURE TO PROTECT FREEDOM IN GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. EDWARDS of California. Mr. Speaker, the continuing dictatorship in Greece is an indictment of the moral and political and military shortcomings of NATO and its principal member, the United States.

NATO, which was established in part for the preservation of the democratic freedoms of its member nations, has since April 1967, been confronted with the moral anomaly of a military dictatorship in Greece. Ironically, the military junta seized power by implementing a NATO contingency plan. To further the irony, the United States has supported the junta's suppression of freedom on the grounds that the junta is living up to its NATO—military—obligations.

Despite some embarrassment among our NATO allies over the dictatorship in Greece, the recent NATO meeting in Brussels passed without meaningful action. It appears the United States, at most, seeks no more than the implementation of the junta's 1968 constitution, which was written without democratic discussion and provides for the primacy and continued rule of the military.

Two recent statements by prejunta Greek politial figures deserve our attention. The first is a statement by Andreas Papandreou, reported in the Toronto Globe & Mail of November 28, 1970. Professor Papandreou is essentially a Western man. It is to the humanist and democratic traditions and forces in the West that he directs his appeal. The second statement is a portion of an address delivered by Dimitrios Papaspyrou, last President of the Greek Parliament. Papaspyrou delivered the speech November 7 to the Political Committee of the Atlantic Assembly, the official advisory parliament of NATO, chaired by Senator JACOB JAVITS. An aging lawyer who was making his first trip outside of Greece since the coup, Papaspyrou has since returned to Athens, where he is reportedly under continued surveillance and frequent harassment. It will be a rare parliamentarian who can read his plea and not be moved.

Under leave to extend my remarks in the RECORD, the two statements follow:

[From the Globe and Mail, Nov. 28, 1970]

HOW PAPADOPOULOS FORMS HIS MINI-PARLIAMENT

(By Andreas G. Papandreou)

Papadopoulos is playing charades again. In Greece this is not a parlor game, but a deadly earnest one. Every so often, depending on internal or external events, primarily the latter, he puts on an act meant to "tranquilize" his western world audience. His promotion agent, the United States, does all it can to assist—Madison Avenue style—in this big hoax.

Before we get into his newest and latest production, coming up tomorrow in Greece, and entitled The Mini-Parliament, we might mention a few similar acts of the past. Generally they come up just before a NATO meeting where the anti-dictatorial forces of Europe raise the issue of U.S. support of totalitarianism on the European continent.

One was the staged referendum on a new constitution in September, 1968. Under martial law and with a controlled press, and with threats of jail sentences for those who failed to vote in favor of the Constitution, the Greeks went to the polls. According to the tabulators at the polls—all selected agents of the junta—the Greeks voted overwhelmingly for this document—hardly likely, because it is in essence designed for the total enslavement of the people. It was presented as a sign of victory and "popular support."

NEW PRESS LAWS

A similar act occurred in early 1970 with the announcement of the liberalization of press laws. Within a month of that announcement the newspaper Ethnos was brought to trial for publishing statements "against the interest of the nation." The case centered around the publication of an article by John Zigdis, a deputy of the last Parliament and prominent member of the Centre Union party, who proposed the formation of a government of national unity to face a pending crisis in Cyprus. Mr. Zigdis, editor John Capsis, and the three publishers were given sentences ranging from five years to 18 months. The newspaper Ethnos was closed down.

Occasionally there are spectaculars. These are meant to show the "humanitarian" nature of the regime. One was the announcement of general amnesty for political prisoners in December, 1967. In the end, not more than 300 of the thousands in jail or in exile, were released. I was one. Similarly, in May of this year, the junta allowed Mikis Theodorakis, the Greek composer whose theme song in the movie Z is well known, to leave Greece.

None of these acts has changed the character of the regime. It remains as it was from the beginning—a military mafia, a clique of conspiratorial officers, who rule the country at gunpoint—their weapons supplied abundantly and generously from the United and through the structure of the NATO alliance.

Tomorrow's show is not even a part of the provisions of the 1968 Constitution, but was apparently an afterthought of the dictators, who are not ready obviously to live even under their own totalitarian rules. Rules, law of any kind, and a constitution, bind those who seek absolute power. But under pressure from the United States, and due to the fact that there is a NATO meeting in Europe, in Brussels, on Wednesday, the scheme of a "mini-parliament election" has been introduced. This is to validate the statement made by the U.S. State Department when it announced its decision in September to resume full military aid to Greece because of a "trend toward constitutional order."

TWISTED WORDS

The script calls for an election, but as so many words get twisted in the vocabulary of the colonels, so does this one, and although it is called an election, it should be described as an appointment. This is how it works: 92 candidates were selected, 22 by the executives of nine national unions (consisting of professional people as well as workers), and 70 were chosen by local mayors and local union leaders (all regime-appointed after the 1967 coup). From this list of 92, the leader of the junta George Papadopoulos will choose half to serve in the "parliament." He will appoint 10 other members of his own choice. So the result of this "election" will be announced tomorrow and the 56 members will immediately go on the government payroll receiving $830 a month, or the approximate salary of a duly-elected deputy before the military takeover.

The task of the mini-parliament will be to discuss the draft bills presented to it by the regime before they are passed by the Cabinet, which, however, remain free to disregard the opinions of their paid puppets altogether. The Cabinet rules by decree.

From right-wing circles in Greece, which are allowed a slight measure of freedom to speak because they seldom attack the regime, came harsh language on this mockery of parliamentary rule. From one: "It is a way of corrupting people by paying them high salaries and giving them the impression of power . . . It's a clever, insincere and immoral move by the Government that fools some foreigners who think that something good is happening here." The newspaper Vradini last week wrote an editorial attacking the mini-parliament: "Identification of the concept of the advisory council with the concept of parliament is a national crime. It is in keeping with fascistic and Hitlerite pronouncements."

UGLY CHARADE

For the Greeks in Greece, this charade, this theatre of the ugly, is by now common practice, and they are not fooled by its producers, nor is there any mystery about its financial backers. Their anger toward the United States, whom they considered an ally, is unbounded. In fact, anger is a mild word. They are growing increasingly chagrined at the unwillingness of their fellow members in NATO to confront the United States in a meaningful way, forcing it to change its policy of support of the colonels. NATO, which they joined in 1952 to protect their freedoms, has become an instrument of oppression.

Pressure on the military to accelerate the so-called trend toward constitutional government is as meaningless to them as the "mini-parliament election." They understand that all of this merely prolongs their misery. The Constitution of 1968, apart from the strictly totalitarian manner in which it was "adopted" by the Greek people, and setting aside the historic demonstration of half a million people against it on the day of the funeral of George Papandreou, the last democratically elected premier, does not make any provisions for constitutional democracy. Its sole aim is to provide the legal garb for the continued rule of a military clique over the Greek nation.

The Constitution elevates the armed forces to the status of the supreme constitutional authority, making it entirely independent from the control of the electorate, and charges it with the responsibility to oversee the political process of the country.

In addition, a constitutional court—its members appointed for life by the ruling junta—is empowered to prevent participation of political parties in parliament which deny the ideological credo of the "revolution of 1967." It can also strip citizens of their political rights if they take stands against the "lawful regime."

This framework of constitutionalized terrorism is completed by emergency legislature features according to which the Cabinet may suppress the constitution and establish special courts without the consent of Parliament.

All of this is not surprising. Every constitution embodies the ideological credo of its creators. And it would be naive to think that those who grabbed power by force in April, 1967, would organize a constitutional scheme which would remove them from power. Bolstered by the recent direct expression of U.S. political and military support, the junta clique is finding it less necessary to maintain the facade of return to democratic government, and with the passing of time may drop altogether the acts of appeasement toward its European allies, such as the mini-parliament exercise of tomorrow.

FOREIGN EXPLOITERS

Greece is a Pentagon-occupied country, occupied through its agents to protect the strategic interests of the United States. Greece demands that its occupiers leave so that it can work for the strength and the health and the progress of the Greek nation without the undermining influence of foreign exploiters. The Greeks are fighting, and will fight with increasing determination to this end. They know, as Kazantskis said in his prologue to Freedom or Death, that "Freedom is most dearly bought. It is never given gratis, not by man or by God. It wanders from land to land, from heart to heart, wherever it is beckoned, ever-awake, unvanquished and uncompromising."

Papaspyrou's Speech

For the past three and a half years I have been deprived of the joy of finding myself among parliamentarians. My daily lot is the constant surveillance under which I am kept by the agents of the secret police. It is they who accompanied me to the Athens airport. And they will certainly be waiting to welcome me on my imminent return.

You nevertheless behold me before you in a dual capacity: that of President of the last Greek Parliament—still President, representing the Parliament under the provisions of all the democratic constitutions of my country and according to parliamentary custom until the day when a new Parliament can designate my successor; and that of a member of the Greek parliamentary government which in 1952, with the almost unanimous agreement of the chamber, took the political responsibility for Greece's adherence to the Atlantic Alliance.

Coming from Athens, I transmit to you in my capacity as President of Parliament the cry of protest of the Greek people and their political leaders against the strangling of democracy in the land of its birth.

For more than three years the Greek people have been held in chains. They have been deprived of their most elementary human and political rights. Against this they vehemently protest. For they are a proud and politically mature people, with a long history of struggles and sacrifices for freedom and human dignity . . .

The enslavement of this people is a shameful thing! I denounce it with all my soul, in the name of all my compatriots. And that shame touches us directly, all of us united in the bosom of NATO, partners in an alliance established in the name of the defense of freedom and democratic principles.

Because of that, I feel a great political responsibility as a member of the Greek government over whose signature Greece joined that alliance. For the Greek people have been reduced to slavery under cover of that alliance and by virtue of the facilities for action and influence which it affords to a great ally. It is not merely that our confidence in the proclamations of the Alliance has been shaken. That confidence has been gravely abused. . . .

Fully conscious of my responsibilities, I declare here that the military clique that abolished democracy in Greece was in close working contact with certain American military circles which, far from averting the coup d'etat, encouraged it. . . .

Unfortunately the government of the United States has for some time followed the policy (of picturing the dictatorship as a regime evolving towards "true democracy," in order to deceive international public opinion). This is the only interpretation one can place on the State Department's statement of September 23, 1970, which accompanied the resumption of full American military aid to Greece. One reads in this statement that "the trend toward a constitutional order is established;" that "major sections of the constitution have been implemented;" that "a partial restoration of civil rights has been accomplished," and that "the government of Greece has stated that it intends to establish parliamentary democracy." This is the statement of the State Department.

And at the moment when all that is published in Washington, this the reality in Greece:

Martial law is still in force for the fourth consecutive year.

Special military tribunals still have exclusive jurisdiction over political questions; prosecutions and condemnations continue unceasingly.

Habeas corpus, theoretically restored last April, protects exclusively common law criminals, those who commit "political offenses" being excluded from its benefits.

The so-called reestablishment of free trade unionism has likewise been shown to be a gross fraud.

Hundreds of persons of all political backgrounds are still held in prisons and concentration camps or in exile. Among these detainees are some thirty of my fellow deputies, in deportation for years under wretched conditions. John Zigdis is serving a four and a half year prison term for having called for the formation of a government of national union to deal with the problem of Cyprus. Particularly harsh treatment is reserved for those Greek officers who have served NATO and distinguished themselves in the fight against communism. . . .

The State Department knows all this perfectly well. Hence its assertions about the evolution of the Athens regime toward democracy constitute proof of its complicity in the fraud.

(Mr. Papaspyrou went on to say that this "made the junta still more arrogant" so that there was no longer a question of elections or the implementation of the constitution but only the miniparliament appointed by the premier and without power. The Americans had not reacted to "this provocation;" would the parliamentarians of NATO accept it by their silence? "The enslavement of Greece is a mistake for the Alliance. In order to hold on to real estate, a population is gradually transformed into an enemy." To be sure, the "realists" assert that NATO, in danger of losing the whole Mediterranean, "should hold on to Greece whatever it costs the nine million Hellenes." But the Alliance will end up by losing everything and "be unable to save any military base there" if it "dishonors itself." The responsibility for this situation rests with the United States and its cynical policy. "The Greek people wish to remain an equal partner in an alliance of free peoples. But they are not willing to surrender their freedom, their most precious possession, whatever the sacrifices it may require.")

It is in the name of this people that I demand not, certainly, intervention in the internal affairs of Greece, but the cessation of that intervention. There must be an end to cynicism. The moral decline of the Alliance and the piling up of blunders must be stopped. There must be an end to the subjection of political authority to a narrow and incompetent military point of view on these things, to a stupid and artificial realism. . . . The peoples of the Alliance want to be free. They ought to be free.

THE PERSECUTION OF SOVIET JEWS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. BROOMFIELD. Mr. Speaker, the impending trial in the Soviet Union of nine Russian Jews accused of air piracy calls to mind Bernard Malamud's fine, historical novel, "The Fixer." His factual account of czarist anti-Semitism at the turn of the century sounds remarkably like the situation in the Soviet Union today: A poor Rusisan Jew is imprisoned by the Government on trumped-up charges of ritual murder, his trial to provide pretext for a wave of anti-Semitism. One line from that story has remained in my mind to this day. The "fixer" is asked, "What is respect?" He answers by saying, "It is what you must have, in order to get it." And, truly, whether a man be national leader or humble citizen, he is respected only as much as he chooses to respect the essential human dignity of those around him.

Now, some 70 years, two world wars and one revolution after the persecution of the "fixer," the Soviet Union is engaged in another "show trial" and again demonstrating a consummate disrespect for the dignity of Jews living in their country. It is impossible to respect any nation which so blatantly, so consciously, denies the basic human rights of its citizens.

The nine men are accused of attempting to hijack a Russian aircraft, yet there is no evidence to suggest that they committed a crime greater than requesting of visas for emigration to Israel. They have been arrested, their property confiscated, their families left without support, for a hijacking that probably never occurred. And, if they are convicted, they face the death penalty.

It is sad indeed that a simple request to leave Russia, in many cases to rejoin relatives in other countries, should be denied and, in fact, be treated as a criminal act. The right to emigrate is a key principle of the United Nation's Declaration of Human Rights. It is a basic fact of international law. It is even the stated policy of Soviet Premier Kosygin. Four years ago he said:

> As regards the reunion of families, should anyone want to be reunited with their families, or want to leave the Soviet Union, the road is open and no problem exists there.

Why then, we must ask, have so many valid requests by Soviet Jews to emigrate to their families in the United States been summarily rejected? Why is it next to impossible for a Russian Jew to emigrate to Israel? Why are these nine men being prosecuted for merely asking to leave the Soviet Union?

The simple fact is that, in spite of Premier Kosygin's stated position, Russian Jews have rarely been allowed to emigrate and that they have been consistent targets of discrimination in most areas of Soviet life. The new trial is an indication that anti-Semitism is not receding, but that it will increase in the years to come.

Of course, the United States would only be inviting reprisals against the nine men by interfering with the internal machinery of the Soviet Government. Our efforts would be rejected as mere cold war propaganda. The most effective avenue of approach would be an expression of our deep concern for the apparent miscarriage of justice taking place in Leningrad. And we must ask other nations to join us in denouncing the actions of the Soviets. World opinion must be brought to bear on their continuing and shocking disrespect for human rights. The Russians must learn the lesson of "The Fixer:" that they will no longer command influence and respect throughout the world, if they refuse to respect the dignity of human beings within their very own borders.

LEWIS AND CLARK

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. MARSH. Mr. Speaker, Members of the House are familiar, I am sure, with the magazine of the National Geographic Society, which has informed generations of readers on geography and history with its entertaining articles and remarkable photography.

In recent years, the society has built a notable record of achievement in book publishing with titles ranging from "The Revolutionary War" and "Our Country's Presidents" to "World Beneath the Sea" and "My Friends the Wild Chimpanzees."

I recently had the pleasure of reading a publication in the current book series, "In the Footsteps of Lewis and Clark," and I take this occasion to commend it to Members interested in further reading on the key explorations which mapped the paths of the westward migration which built a nation stretching "from sea to shining sea." This book, by Gerald S. Snyder of the National Geographic Special Publications Division, was of particular interest to me, as I have the honor to represent the home grounds of Thomas Jefferson, who, as President, commissioned his secretary, Meriwether Lewis, and the experienced explorer, William Clark, to move west of the Mississippi in search of a water route to the Pacific Ocean.

Author Snyder and his family retraced the route of the Lewis and Clark Expedition up the Mississippi, and then by available water courses and portages through what was to become our great Pacific Northwest.

One of Snyder's observations was particularly interesting:

> Some of the country that Lewis and Clark traveled through looks just as it did to them. Although cities, dams, and the changing courses of rivers have obliterated much of the trail, it is still possible in many places to follow in the explorers' footsteps.

While the Lewis and Clark Expedition was a great exercise in pure adventure, it was much more, as Mr. Snyder points

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out, in that the careful daily records kept at the direction of Jefferson provided a wealth of knowledge of the geography and ecology of a vast region and underscored the worth of the Louisiana Purchase.

As we move forward in marking the bicentennial of the formative years of our Nation, it would be useful, I think, for young people, particularly, to read of great explorations such as these, reflecting the urgent spirit of inquiry which spurred the development and consolidation of a new and initially fragile concept of free government.

SAFEWAY STORES INDIAN SUPERMARKET

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. McCLOSKEY. Mr. Speaker, Safeway Stores, headquartered in Oakland, Calif., ranks among the national corporate leaders in furnishing business opportunities for minority groups. The company has recently gained national attention for its hard-nosed and highly successful renovation of a declining cooperative supermarket in the black Hunters Point section of San Francisco. Now Safeway's Canadian division has launched a similar venture for the Blood Indian Tribe of Southern Alberta. With Safeway's help, the Blood Tribe now owns and operates a remodeled supermarket of their own. With the thought that the story of the Safeway operation will inspire other American companies to compete in this area, I submit the following article from the Safeway News for the attention of my colleagues:

BLOOD AND SWEAT AT STANDOFF: CALGARY ZONE BACKS SUPERETTE

It wasn't very long ago that A. G. (Tony) Anselmo, Manager of Canada Safeway's Prairie Division had a question from a man named Eric Connelly. Mr. Connelly has a title longer than Tony's; he's Executive Director (Western Canada) for Canadian Executive Services Overseas, but he wasn't interested at the moment in "overseas." He was interested, instead, in a group of Indians: Blood Tribe Indians who live on a reservation in Southern Alberta. It seems that Mr. Connelly and the Indian Affairs Department had an idea. There was an abandoned, dilapidated grocery store at Standoff, one of the reservation's small communities, and if it were operating, it could be useful to the people of the reserve by bringing needed merchandise and increasing needed income. Could Safeway help?

Safeway could indeed help. Mr. Anselmo agreed to lend the Blood Tribe a "consultant" and co-manager for a period of a year to help get the store started again, and started profitably. He and his staff then met with the Blood Tribe Council and visited the site. After this inspection, Mr. Anselmo and his group made some plans and got started.

Vern Spence, a recent Retail Management Training Program graduate, was appointed to the co-manager position. Al McQuitty, Division Design and Construction Manager, took over the remodeling and refixturing problems, N. M. Knebel, Calgary Zone Manager, set up his Lethbridge stores for training the new store crew. Wayne Plume and Edwin Wells prepared as meat cutters, Rosaline Day Chief and Margaret Weasel Fat became the new checkers, Rosabelle Yellow Wings became a meat wrapper, and Alice Cross Child became the office clerk. Meanwhile, Louis Soop was busy learning the functions of store manager. Altogether, four Lethbridge stores provided basic training for the seven Blood Indians who were manning the Standoff store on opening day.

Paraphrasing Anselmo's report, "With a small grant from the Tribe, plus their labor, plus a lot of contributed time and effort by our own people, the store was completely remodeled, refixtured, stocked, promoted and opened for business on Thursday, August 13. By giving our expertise and insisting that the Indians take the basic responsibility, we contributed to a meaningful form of assistance. *The Blood Tribe knows that this is their own project, and their chance of success is good.*"

Similar comments have beene made by the Tribal Council, by the Indian newspaper *Kainai News* and by others who took an interest.

Said *Kainai News* in part: "The Blood Tribe has succeeded once again in enlisting the services of private enterprise to help develop the Blood Reserve and its people. This time it is in the form of management training for the new Standoff Superette provided by Canada Safeway with no strings attached . . . Safeway is providing a qualified manager to train our people in store management. They've also provided good used equipment—shelving, fridges, coolers, freezers, etc. at no cost to the tribe and helped us design and remodel the premises.

"The involvement of private enterprise to help people to help themselves heralds a new era in social development. Governments have not succeeded in people development, but they could assist greatly if different types of incentives were provided to enlist the services of private enterprise. Progress can only come through development and development means people learning to do things for themselves."

Other newspapers throughout Canada echoed these thoughts, stressing the "do-it-yourself" aspect. Said the *Calgary Albertan*, "It is tangible testimony to the sincere efforts of an Indian Tribe determined to stand on its own, and willing to accept expert advice. The involvement with Canada Safeway is an illustration of a simple solution being applied to a rather tacky education problem. Techniques learned in the fiercely competitive world of food merchandising were shared with the enterprising Bloods, simply because they asked for them."

Canada Safeway and Mr. Anselmo have received thanks from the Blood Tribe, from the mass media, and from the governmental people in the background, and from many of our customers who were happy to see our interest and response. Mr. Anselmo simply says, "We are proud, and grateful to all of our people who have helped in developing this modern Superette for the Blood Indian Tribe."

SAFEWAY NEWS says, "We are happy to report this fine store to the thousands of Safeway people all over the world who will be equally proud of and grateful to their Canadian colleagues. Well done!"

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

NEW YORK DAILY NEWS EXPOSES WELFARE SCANDAL

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. KOCH. Mr. Speaker, all of us in this House must be concerned when a bureaucracy—city, State, or Federal—misuses taxpayers' funds. Those of us who are concerned about the plight of our fellow citizens in desperate need of welfare assistance are outraged with the manner in which the Department of Social Services of New York City has managed some of the welfare programs. One of the shocking illustrations of mismanagement is the continued payment to hotels of rentals of up to $1,200 a month for some families for what that Department euphemistically calls temporary housing. Three articles by Maryanne McNellis of the New York Daily News appended to this statement will provide our colleagues with a description of the wretched and sordid situation and the ineptness of certain public officials.

The articles follow:

[From the New York Daily News, Dec. 11, 1970]

QUIET DESPERATION IN A WELFARE HOTEL

(By Maryanne McNellis)

"Living in this hotel isn't too bad," crippled Isabelle Imerale said yesterday to the Health, Housing and Fire Department officials crowding her narrow room at the Broadway Central Hotel at 673 Broadway.

"It's pretty clean. No bugs. Of course, it's not like living in your own place. But what can you do?" the tiny woman said with a shrug.

Mrs. Imerale was just one of hundreds of welfare recipients living in hotels throughout the city who received surprise visits from all sorts of inspectors yesterday.

It was the first day of a new city policy of "coordinated inspections" designed to spot and correct some of the worst violations in hotels housing welfare families.

FIRST OF SEVEN

The Broadway Central was the first on the list of seven that the team of inspectors are visiting this week. "We do our best," said hotel manager Leo Tencer. "We have about 300 welfare people living here and about 250 regular tenants. It's a big hotel. We try to keep it up."

Buildings Inspector Charles Campbell and Nathan Mittenberg of the Department of Rent and Housing found the 80-year-old hotel "in pretty good shape." "Things are pretty sound here," Campbell said as he peered into one crowded room after another. "Some broken plaster or broken glass. Not too bad."

MOTHER IS GONE

The inspectors did not inspect the room that was the home of 8-year-old Kenneth, 7-year-old Calvin, their two brothers and their mother. "My mother is gone," Kenneth said. "Sometimes we go to school in Brooklyn when we have money to go. Other days we just play in the halls. We don't set the fires. Big kids do that."

Fire Department Chief Alfred Leudesdorff and his inspection team found that the Broadway Central had "a few minor violations."

"We were here just a few weeks ago and they had 11 violations," he said. "Most of them are already taken care of. The building has a good alarm system." The chief also mentioned that five fires were set in different parts of the hotel while the last inspection was in progress. "The kids are just mischievous," he said.

The alarms were working well yesterday. "I wish these bells would stop ringing," tenant James Maldanado said. "The children get so confused."

THE HOTEL PASSES

In general, the Broadway Central passed inspection. The managers assured everyone that the few violations would be taken care of.

"Inspections! Hah!" said Lorraine Lopez as she chased her toddler down the hall. "What I want to know is when am I going to get out of here?"

According to the Human Resources Administration, 1,074 families with 3,761 children under the age of 16 are living in welfare hotels.

[From the New York Daily News, Dec. 12, 1970]

Koch Says City Hides Welfare Hotel Flaws

(By Maryanne McNellis)

Rep. Edward Koch (D-Manhattan) blasted yesterday what he termed city attempts to "whitewash the outrageous conditions" in city hotels housing welfare families.

'Two children have been killed in the Broadway Central Hotel in the last few months," he said. "And city authorities have deliberately tried to keep it from the press."

According to police 4-year-old Gerald Wilmore was killed in the hotel, at 673 Broadway, near Bleecker St., last Monday night. The boy apparently fell to his death on a rear staircase which, police said, had a broken bannister. He was reportedly going from his room on the fifth floor at 2:30 a.m. to his mother's room on the fourth floor.

"They told me they didn't have enough rooms to put us all together," the boy's mother said. After the accident the family was moved into adjoining rooms.

A Human Resources Administration spokesman said the department "had no knowledge" of Gerald's death.

APPROVED BY INSPECTORS

The Broadway Central Hotel was inspected Thursday by Housing, Health and Fire Department officials. The joint inspection team found the 80-year-old hotel in "pretty good shape."

"The hotel has a few minor violations and the team found that violations noted on previous visits were being taken care of," the Human Resources spokesman said.

The team, accompanied by hotel manager Leo Tencer, did inspect the rear staircase where the boy fell to his death. At no time was it brought out to the inspectors that anyone had fallen from the staircase.

"This staircase is hardly ever used," the hotel manager said when the inspector noted that most of the slots in the bannister were missing. The violation was noted and the manager assured the inspectors that the bannister would be repaired "immediately."

The inspectors themselves did not know that a child had been killed on the staircase.

"I found out about it through community people who had talked to hotel residents," Koch said. "Children should not be required to live in such hell holes."

Koch has called upon Mayor Lindsay to accompany him on a tour of the Broadway Central today. "My immediate concern is getting them (welfare families) out of the Broadway Central," he said.

There are now 1,074 families with 3,761 children under 16 living in welfare hotels.

[From the New York Sunday News, Dec. 13, 1970]

Will Ask State Help on Welfare Hotels

(By Mary Anne McNellis)

Rep. Edward Koch (D-Manhattan) announced yesterday that he will seek state intervention for families forced to live in welfare hotels.

"The city has abdicated responsibility for these people," he said after a visit to the Broadway Central Hotel at 673 Broadway, near Bleecker St., with members of the Community Planning Board.

EIGHT FIRES IN WEEK

"I have never seen human beings in this country living in such a terrible state. There were eight fires in that hotel last week alone—one family told me they sleep with all their clothes on so they'll be prepared for the fire alarms," he said.

Koch charged that a joint Health, Housing and Fire Department inspection of the hotel last week was "woefully inadequate."

"City, state and federal moneys are being wasted by keeping families in hotels," he said. "Most of these families were burned out of their apartments and then stuck in a hotel. Sometimes the rent is as much as $1,200 a month. And these people don't want it—they just want to be in their own homes."

$7.5 MILLION A YEAR

The Human Resources Administration estimates that more than $7.5 million a year is spent to keep "emergency cases" in hotels like the Broadway Central. There are 1,074 families living in such hotels.

Rachele Wall, chairman of the local Community Board, said: "This hotel living is absolutely devastating to family life. It is a very scarring experience."

Members of the board have investigated the Broadway Central several times and met with Deputy Mayor Richard Aurelio in September to discuss the large numbers of school age children living in the hotel who were not enrolled in school.

SAYS HE'S SHOCKED

"Aurelio said he was shocked and that the matter would be taken care of immediately. Yesterday we found there were over 100 youngsters living in the hotel who were still not in school," Koch said.

"We have tried to deal with the city and it's hopeless. They have not even attended to our original complaints.

"If the city can't run the welfare program perhaps it is time that the state came in and took over," he said.

Koch said he will seek a meeting with Governor Rockefeller this week to discuss what can be done to aid families in welfare hotels.

"There is something wrong with a system that will keep a woman and eight children in two small rooms for over $300 a week, and then turn around and tell her it's too much when she finds a decent apartment for $200 a month," Koch said.

NIXON SNUBS POSTER CHILD

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. CLAY. Mr. Speaker, Roberta Scott, 13, Wichita, Kans. was selected 1970 Poster Child for the National Association of Retarded Children. Roberta also happens to be black. It is an interesting fact that the President has refused to have his picture taken with this youngster.

This is not the first time that President Nixon has refused to meet with blacks. When the nine black Members of the House requested a meeting with the President, we received a brief note from a White House staff assistant stating that:

> We had hoped to be able to work this out, but the President's schedule has been such that we just have not been able to work it in.

That same Presidential aide has written the National Association of Retarded Children stating that because of the President's heavy schedule, Mr. Nixon could not meet Roberta.

The question remains—when will the President find time to fit blacks into his schedule? Joe Brooke, executive director of the Wichita-Sedgwick County Association for Retarded Children, said this was the first time within memory that a President has declined to meet the NARC poster child. The President's refusal came as a great disappointment to Roberta's parents since it had been understood that the child would go to the White House during National Retarded Children's month.

In not meeting with Roberta Scott the President has once again demonstrated his lack of concern for the blacks in this country. President Nixon may have thought he was breaking the heart of just one black youngster—but at the same time he added to the alienation which he created between the black populace and himself.

FRANCIS E. "TAD" WALTER

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, on July 24, 1970, a commemorative plaque was placed on the Francis E. Walter Dam in the Pocono Mountains to memorialize the accomplishments of a great man, a man devoted to the preservation of our environment and the conservation of our natural resources. I am privileged to share with you and with my colleagues a moment of tribute to my dedicated predecessor, the late Congressman Francis "Tad" Walter.

Although his chief responsibilities in the Congress lay in the House Judiciary Committee and its Immigration and Naturalization Subcommittee which he chaired, as well as the House Committee on Un-American Activities which he directed for 8 years, Tad Walter was also known as a prominent figure in conservation efforts.

The Delaware River Basin was a focal point for his concern. His objectives ranged from protection of the river valley against the destructive forces of raging floods to the preservation of its rich natural beauty and maintenance of the

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quality of its water. Some of the facilities he envisioned became realities during his lifetime. Others, such as Tocks Dam, are being developed now.

The Francis E. Walter Dam is one of those facilities in which Tad Walter had a keen interest and played an important part. It was a fitting tribute to name this facility in his honor.

Each of us remembers Tad for certain accomplishments or attributes which made a lasting impression upon us as individuals.

As a first-time candidate for public office and, after a successful election campaign, as a young member of the Pennsylvania Senate, I frequently turned to Mr. Walter for counsel and advice.

He provided counsel with a wisdom derived from long and conscientious public service, and with an understanding derived from years of experience in working with people and helping resolve their problems. I valued highly not only his guidance but his friendship.

I knew him, too, to be a man deeply devoted to his country and filled with a strong spirit of patriotism. And he lived by a doctrine that provided understanding and dedication to the resolution of problems confronting the unfortunate people of our own Nation and the entire world. You recall, I am sure, his role in the founding and development of the international commission which to this day continues to help displaced persons in Europe and Asia establish new homes and new lives throughout the world. Several million migrants have been resettled by this organization—the Intergovernmental Committee on European Migration—since Tad Walter helped establish it 19 years ago.

And, of course, he was recognized by his constituents as a leader of men. For more than 30 years, he was called upon to lead and fulfill positions of responsibility in Congress.

All of these traits, and many more, led me and his many friends to the Francis E. Walter Dam on July 24. I would now like to include the remarks of my distinguished colleague, Congressman DANIEL J. FLOOD, at that memorable occasion:

REMARKS AT UNVEILING OF PLAQUE TO THE LATE CONGRESSMAN WALTER AT WALTER (BEAR CREEK) DAM BY CONGRESSMAN DANIEL J. FLOOD

It is truly a privilege and a source of deep satisfaction for me to be here today at this most moving occasion. In the ceremonial unveiling of this plaque to the memory of the late Congressman Walter, for whom Bear Creek Dam is to be named from this time, we are honoring him and all those who have shared in the planning and building of this great project. My own personal feelings at this time are especially meaningful: I was present with Congressman Walter at this very site—years ago for the act of ground-breaking, sharing with him and with many who are here today in the excitement and promise of that moment. Our pleasure in today's fulfillment is necessarily dimmed by Congressman's Walter's passing. Yet I feel certain that he is with us here in spirit today even as I know he would be deeply gratified by the appropriate recognition paid to his part in the building of this dam. It is fitting indeed that is should be named after him—Walter Dam.

Yesterday, in the news, we read that for the first time the great high dam power station at Aswan on the Nile has begun working at full capacity so that villages will be supplied with power which never had it before and thousands of acres of arid land will be fertilized. We might almost write the history of human progress in terms of man's successive technological advances in harnessing water power to creating uses. Think for a moment of our own Hoover Dam. Something of this sense of human achievement is present among us here this day. Every dam is built for the future as well for the present: it embodies a multitude of human skills in engineering and design, and represents the vision of men and women who care. The great novelist, Conrad, once wrote these words—especially applicable to our gathering today—"For life to be large and full, it must contain the care of the past and of the future in every passing moment of the present. Our daily work must be done to the glory of the dead, and for the good of those who come after." Could any words better capture the spirit of this moment and our tribute to Congressman Walter?

He was a man who could have said with the Apostle at the end of his days, "I have fought a good fight, I have finished my course, I have kept the faith." He was a man who communicated life and who lives still, in the sense that he is a continuing influence upon the lives of other men and women. He was the kind of man who reaffirms and renews our confidence in the human venture, especially in the troubled times through which our Nation is passing. What his life says to us here today is not currently popular: it is this—people are better than you think. I often wish we could rally a group of people who in schools and colleges and churches and in every public square across America would say to all our people, "You are better than you think you are. You are capable of greater things than you think you are. You have a tremendous capacity within you that has never been touched!"

If we expect little from people, the chances are that we will get little. If, on the other hand, we expect great things, the chances are that some people at least will do great things. Put the lowest standards of government before people, and they will put up with them. Put the call to integrity before them, and many more than you think will rise to that call. Something like this constitutes the lesson of Congressman Walter's life and character, a life and character unfailingly marked by that call to integrity in public and in private life alike.

It was my happy privilege to know him in both capacities—as a colleague in the House of Representatives, where his political sagacity and counsel were highly esteemed, and, more deeply, as a trusted friend. Woodrow Wilson once spoke of friendship as "the only cement that will ever hold the world together." I like to think that ours was that kind of friendship, rooted in mutual respect and genuine affection, the kind of friendship which death itself cannot destroy.

In 1952 Edmund Wilson, the literary critic, published a book of essays called *The Shores of Light*—a fascinating title with music in the words. That beautiful title comes from the last essay, on his friend, Edna St. Vincent Millay; he recalls how once when he was reading Virgil, he came across the phrase "illuminis oras" in reference to "the sprouting plants that reach upward toward the shores of light." There are people even in this troubled and confused world—and Congressman Walter was such a one—who are indeed like plants reaching upward toward the shores of light. When those shores are completely hidden from our sight by the mist and fog of the present, we look at them and we say, the shores of light must still be there.

The plaque we dedicate in memory of his role in the creation of this dam may serve as a symbol of his life-work. As a distinguished American poet[*] has written of Hoover Dam, in words which speak with power and beauty to us here today of this dam:

"It stands, a work of man as noble as the hills,
And it is faith as well as water that it spills.
Not built on terror like the empty pyramid,
Not built to conquer but to illuminate a world:
It is the human answer to a human need,
Power in absolute control, freed as a gift,
A pure creative act, God when the world was born!
It proves that we have built for life and built for love
And when we all are dead, this dam will stand and give."

CENTENNIAL OF THE PROFESSIONAL PHILADELPHIA FIRE DEPARTMENT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. EILBERG. Mr. Speaker, Philadelphia Fire Commissioner James J. McCarey on December 14, 1970, announced the formation of a citizens centennial committee to develop plans and activities for the 100th anniversary of the professional Philadelphia Fire Department which will be observed in 1971.

Commissioner McCarey said the citizens committee is composed of outstanding leaders from the religious, education, business, and industrial communities as well as the communications media.

John T. Gurash, chairman of the board of the Insurance Co. of North America, is chairman of the citizens committee. Deputy Fire Comissioner William B. Eckles is coordinator for the fire department.

Committee members include John Cardinal Krol, Archbishop of Philadelphia; Dr. Millard E. Gladfelter, chancellor, Temple University; George A. Koehler, general manager, WFIL and WFIL–TV; Milton Clark, president, Clarkies, Inc., and Robert F. Gilkeson, president, Philadelphia Electric Co.

Other members are R. Stewart Rauch, president, Philadelphia Saving Fund Society; Carl E. vonCzoernig, president, C. Schmidt & Sons, Inc.; Jerry Blavat, television personality; Pete Retzlaff, general manager, Philadelphia Eagles, and Raymond Hemmert, president, City Fire Fighters Association.

The city's fire protection was in the hands of volunteer fire companies prior to March 15, 1871, when a city ordinance was passed creating the paid Philadelphia Fire Department.

RUSSIAN JEWS ON TRIAL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. EILBERG. Mr. Speaker, it has been reliably reported that two dozen Jews have gone on trial today in Leningrad for an alleged plot to hijack a commercial airplane last June.

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[*] May Sarton, "Boulder Dam."

I am sure none of us is surprised by this new evidence of continuing Soviet intimidation of its most restive minority. The clear pattern of Kremlin-sanctioned anti-Semitism needs no further documentation here.

Many experts in the Soviet Union agree that the charges are absurd. Despite the profound desire of many Russian Jews to emigrate to Israel, an aspiration which they have dared to express recently in public demonstration, the experts doubt that the accused would attempt such a risky and difficult means of escape.

More likely, it is argued, the Soviets are indulging their penchant for exemplary justice as a warning to its Jewish community to keep its counsel and stay in line.

A year ago, I visited the Soviet Union and met with representatives of the Jewish communities in Moscow and Kiev. I agree that most, if not all of Russia's captive 6 million Jews, would emigrate to Israel if given the chance. I also agree that the hijack of an airplane would be an unlikely means of escape.

A more likely explanation is that the Russians, alert to the considerable public notice accorded the problem of hijacking elsewhere in the world, decided that a show trial of this sort would serve as an effective public warning to the Jewish community in Russia.

They did not count on the considerable public notice this trial would receive in the West. In fact, the trial has prompted a variety of protests ranging from a petition to Premier Kosygin signed by 2,500 United States and Canadian university faculty members to a more direct expression of outrage by some 200 Parisians who stormed a public hall in Paris to prevent a performance of the Red Army chorus.

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There are signs that the Russians may now believe they have overplayed their hand. The trials were originally scheduled for a November start but were postponed until mid-December. There is another report that the wives and families of nine of the accused were offered exit visas in hopes of stilling the chorus of protest. The wives refused the offer, declaring that they would leave only if accompanied by their husbands.

Clearly, the Leningrad trials are attracting more public attention than the Russians had sought. It is believed that continued pressure on the Soviet Union might in fact convince them to cancel the trials, not from altruistic motives but simply because continuing international publicity would create a propaganda defeat for the Russians.

Sadly, I now must note that our Government, this administration and the State Department have not lifted a pencil or raised the U.S. voice above a whisper in protest to these trials. I am sure that, if asked, the State Department bureaucrats would explain that it is not U.S. policy to interfere in the internal affairs of other states. That old alibi is always dredged up when it is convenient and conveniently forgotten when administration spokesmen come to Capitol Hill asking for money to shore up a wobbly regime or approval of a new treaty arrangement.

The case is simple. A U.S. protest would further focus the world's attention on these trials. Such continued attention could convince the Soviets that they have to stand to lose too much in the propaganda battle with the West to proceed with the trials.

I call on Secretary Rogers and President Nixon to denounce the trials and demand their cancellation in the name of justice and humanity.

In fact, the occasion of the Leningrad trials provides an appropriate opportunity for our Government to also call on Premier Kosygin to live up to his 1966 assurance that Russian Jews would be allowed to reunite with members of their own families in Israel and elsewhere.

Frankly, this would spare the Russians a lot of problems in the long run. Certainly, Moscow would survive the embarrassment of the initial spectacle of three to four million Jews leaving the Soviet Union. With this nettlesome minority departed, the Soviet Union would no longer need to conduct show trials, could abandon its official policy of anti-Semitism, and spare itself the continued embarrassment these trials and this policy cause it in the wider international community.

In other words, Kosygin and cronies could get rid of Russia's Jewish problem simply by letting the Jews go elsewhere.

TEXTILE IMPORTS UP 21 PERCENT IN OCTOBER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. DORN. Mr. Speaker, the upward trend of textile imports continues, as the following news article from the Daily News Record, December 14, 1970, indicates. We must do something at this session of Congress. Next session will be too late.

TEXTILE IMPORTS IN OCTOBER SHOW RISE OF 31 PERCENT

WASHINGTON.—Imports of cotton, wool and man-made fiber textiles jumped 31 per cent in October to 375 million equivalent square yards, according to the Commerce Department.

For the first 10 months of the year, the cumulative total of these imports was 3,694 million yards, a 20 per cent increase over the same 1969 period.

During the first 10 months of the year, the trade deficit in textiles amounted to $1.1 billion compared with $855 million last year.

The big growth was in man-made fiber textiles and the biggest supplier was Japan with whom the United States is trying to reach a voluntary agreement.

Of the four leading countries exporting textiles to the United States—Japan, Hong Kong, and the Republics of China and Korea—Japan showed the largest gain in 10 months, 965.3 million square yards as opposed to 902.9 million square yards in the comparable period last year.

Hong Kong and China exports declined during the 10-month period.

Total imports of man-made fiber textiles in October amounted to 25.6 million square yards, 1 per cent higher than in September and 69 per cent higher than in October a year ago. During the first 10 months of this year, these imports reached a record level of 2,250 million square yards—49 per cent more than in the comparable period last year.

During the first 10 months this year, man-made fiber textile imports already were 26 per cent higher than in all of 1969. The trade deficit in man-made fiber textiles alone amounted to $546 million compared with $296 million in the comparable period last year.

Imports of cotton textiles in October at 103 million square yards dropped 5 per cent from September and 11 per cent from October a year ago.

SEEKING RESEARCH INCENTIVES

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. PETTIS. Mr. Speaker, the great unemployment of technicians and scientists in the aerospace industry is a tragedy. Our Nation's greatest resource, our brainpower, lies idled by the vagaries of Federal funding. Enclosed for the attention of my colleagues is a recent article which appeared as an editorial in the San Bernardino Sun of December 8, which highlights the problem:

SEEKING RESEARCH INCENTIVES

It is both a scandal and puzzle that today there are unemployed engineers and technicians, while all around us there are problems that cry out for technical solutions.

When the cuts came in defense and aerospace industries, Washington obviously had no plans ready for utilizing the high skills of those who would be laid off.

Dr. Myron Tribus, a former science official in the Nixon administration, has suggested, as an emergency measure, enactment of a special federal tax credit for industries that increase their research and development budgets to a specified percentage of sales.

Technology, says Dr. Tribus, holds the key to mankind's survival, and is "the difference between controlling pollution and wringing our hands over ecology." It is better, he declared, "to more effectively insulate our homes than to compete for oil. It is better to design around a need for a scarce metal than to go to war over it."

Tax credits to encourage research on environmental matters would help—and so would direct subsidies. After all, the aerospace industry was directly supported by the taxpayers, and such things as transportation and air and water pollution are just as important.

A great leap ahead in technology will be required to overcome the ravages done by uncontrolled technology in the past. And the only way to leap is through extensive research.

SEVEN THOUSAND SMALL CITIES: WHERE IT IS STILL GOOD TO LIVE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. ZWACH. Mr. Speaker, it has long been my feeling that in order to solve many of our Nation's problems, we must first start with revitalizing our countryside areas. As our urban crises continue to grow, it becomes more evident that we must expand our efforts to get job-producing industries, housing, and fair farm income into our countryside communities to relieve the congestion in our cities.

I would like to share with my colleagues here in Congress, a recent article by Mr. G. B. Gunlogson, of the Countryside Development Foundation, in which he gives a very clear picture of the problem and how we can begin to find a solution:

SEVEN THOUSAND SMALL CITIES WHERE IT IS STILL GOOD TO LIVE

The small cities and towns of the countryside are the gateways to 98% of the land area and natural resources in the United States.

They are close to the earth and the open spaces. They are centers of trade and service. They are centers for government, schools, health and recreational facilities, religious and cultural activities. These communities are interrelated with the land economy—agriculture, forestry, mining, and recreation.

Among the 16,000 such communities scattered from coast to coast whose population ranges up to 15,000, there are at least 7,000 small cities and towns that are well situated for future development. They are an integral part of the American countryside.

When we look at the plight of the overcrowded cities, these towns could become the most important resource in the nation. Various studies show that an increasing number of people would decentralize population and industry by orderly development of many small cities scattered across the country. A recent Gallup poll says 6 out of 10 would live in the country if they had their choice. To achieve a more rational balance between the big city and countryside, more industry must be developed to supplement the land economy. In these small cities jobs can be created and better living conditions provided more economically than in big cities.

WHAT HAPPENED IN THE COUNTRYSIDE

The stagnation in many parts of the countryside stems mainly from lack of economic diversification. Historically, the countryside has been the producer of raw products from farms, forests, and mines. Farm products have been the most extensive of these. Their value has been a rapidly shrinking share of the nation's total economy.

Furthermore, technology and mechanization wiped out millions of jobs in the countryside. The man-hours moved to the big cities to make machines and to process the products from the land. Larger operating units in agriculture grew. There are now 3 million fewer farms than 30 years ago.

The bottom fell out of the fragile economy in thousands of small towns when local farms were abandoned and a few town jobs were lost. Stores closed up, hope and initiative vanished. Like all single-economy communities, these towns were poorly prepared to cope with such changes. Single economy restricts a community. It limits opportunities and tends to discourage initiative and ventures in other directions.

Conversely, when a new payroll is created in a small community, the multiplying factor is greater and the impact more far-reaching than in a big city. There are countless examples where a small payroll in a country town has changed the community completely in a few years. For every one of the original jobs, several new ones are created. These factors are important in our efforts to create job opportunities anywhere. This is the new future for the countryside.

THE CITIES MUSHROOMED

The manufacturing industry in its early stages sought population centers that provided railway transportation, power and electricity, water, communication facilities, and certain municipal services. As early industries grew, public ownership and corporate type of management replaced the founders and local management. Growth depended increasingly on capital from public financing. Millions of people throughout the country and even in foreign countries became stockholders and owners of bonds in American industry.

Likewise, markets for the products became nationwide and international. The contribution by the home cities to the growth of their industries became negligible. Instead, the manufacturing corporation became the economic pump behind the mushrooming growth of most big cities. One measure of this growth momentum is provided by the gross national product, which advanced from 284 in 1950 to nearly 1,000 billion dollars in 1970.

PROBLEMS OF THE BIG CITIES

With this concentration of growth, human problems multiplied and the physical limitations became critical. Industry began to move into more favorable locations. Millions of people became caught up with the unreal world of poverty, filth, smog, noise, crime, unsafe streets, danger to normal development of children and to family life, mental breakdowns, deterioration of human character and efficiency.

Breakdown of public services became common—costs and taxes proliferated. For example, the cost of disposing of waste materials has doubled in the last two years in some cities. The city of New York has to invest $21,000 in capital outlay on streets for each suburban dweller who has to struggle back and forth for work each day. In a small city one can drive comfortably from the center to the outskirts in a few minutes.

OUTWARD EXPANSION WOULD BRING NEW LIFE TO THE NATION

The nation may no longer be able to afford and people may no longer be able to withstand the strain of the stifling concentration of population and industry within pinpoint areas. There are many basic reasons why we must come to terms with geography—where there is room to grow and where the environment is more favorable:

1. Only by decentralizing can our vast land area and the natural resources of the country contribute most directly to a better way of life for the greatest number of people.

2. New jobs, housing, and more favorable living conditions can be provided at far less cost in the countryside and in small cities than in metropolitan centers. Recent studies show that industry is better off, human efficiency is higher, attitude and home life of people are better.

3. Dispersion could become an important factor in environmental control. Far too little is known about the action of natural processes in assimilating and neutralizing the elements of pollution. Pollution problems should be approached from all practical angles.

4. The excessive concentration of population and industry in the United States makes the country highly vulnerable to nuclear attack. Here, 42% of the population and 55% of our industrial capacity are concentrated in 50 prime target areas. A more rational dispersal of both could add incalculably to the safety of the nation.

5. Population density may be affecting the normal development of the human race. According to Dr. Desmond Marner, author of *Human Zoo*, crowded cities bring on a variety of physical and mental abnormalities. The research of Dr. Rene Jules Dubos of Rockefeller University indicates that the impersonal relationship of people in our times is producing a gross impoverishment of the individual. Many other authorities continue to sound similar warnings.

MORE LIVING SPACE AND MORE CONGENIAL ENVIRONMENT

Development of the vast body of America in terms of providing people a better place to live and to make a living would add greatly to the dimension of the human environment. This future development will be centered in the towns. These towns are integral parts of the total countryside. This total countryside includes some 16,000 towns and small cities as well as 98 per cent of the land area and the natural resources in the United States. Some of these towns may be 15,000 in population or larger, but they are all interrelated with the land economy. About 7,000 of these are well situated to accommodate new industry, various businesses, housing, and more people far more economically than is possible in large metropolitan areas.

Already considerable headway is being made in a number of communities where industries have moved in. This kind of diversification supplementing farming or other phases of the land economy has transformed many small towns into prosperous town and country communities. These are living examples of the kind of environment America has to offer additional millions of people.

Why call the countryside "rural?" The term when applied to territories and people outside urban boundaries is ambiguous and out of place. It helps to perpetuate an image of backwardness and to discount the vast physical improvements which have been made in the countryside the last two or three decades. This label was attached to nearly the entire area of the country by the census department more than two hundred years ago. The character of the countryside has changed tremendously in recent years. In most parts of the United States only minutes separate the town and back country.

People today are seeking different values and opportunities than the settlers when they were pushing the frontiers outward. Now families want hospitable and improved living conditions, and industry wants facilities to meet its special needs. Both want to get away from the pressure of overcrowded cities, but they want the amenities of developing communities.

If we travel around the country, we can see how various town-land related enterprises and a new style of living are developing. Farming may also benefit from these changes in many ways beyond the social gains. Thus, we may see a growing number of backward country towns become prosperous town and country communities.

Despite past economic handicaps, there have been vast physical improvements made in the countryside during the last 30 years. This includes more than highways, power, and communications. New schools, health and recreational facilities are widespread. Actually, the record of literacy and high school attendance in many parts of the countryside is higher than in most big cities. Dr. Sidney P. Manland, the President's designate for U.S. Commissioner of Education, has said, "The desperate problem in education is in the large cities."

NEW TOOLS ARE NEEDED

Lack of information and communication channels has held back expansion progress. *Publications* oriented to the needs of the total countryside and its markets would be of incalculable value. No doubt they could become highly profitable for the publishers as well.

A non-profit association—a sort of countryside Chamber of Commerce—would provide much needed voice and representation for the town and country population. Actually, the total countryside as such has no effective national representation or voice. Town and country people may be the most overlooked segment of the nation's population. The reasons are lack of an organized front and means for communicating.

WHERE IT'S STILL GOOD TO LIVE

Many city dwellers would be interested in learning about the thousands of places in the United States where it is still good to live, where it is safe to walk the streets at night, where there are no threats to burn the

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town, where green grass, trees, and singing birds are familiar sights, and where people can work and yet have time to enjoy their homes, to play, and to know their neighbors.

The need has never been greater to open up this vast body of America to provide a more livable environment for more people.

APPRECIATION DAY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. SCHMITZ. Mr. Speaker, the National Committee for Responsible Patriotism in its continuing effort to support and honor those groups in our society which contribute to our greatness as a nation have declared today, December 15, Appreciation Day. Today is the day to honor our law enforcement officials and firefighters.

This organization which has in the past led the longest parade in the United States in 20 years in support of our fighting men in Vietnam, coordinated the "Free the *Pueblo*" petition campaign, and conceived and promoted "Honor America Week," is asking all Americans to show their gratitude to the law enforcement officers and firefighters which provide our civilization first line of defense against internal dangers.

The National Committee for Responsible Patriotism asks that all of our citizens fly the American flag and drive with their headlights on during daylight hours, and that church bells be rung for 5 minutes from 11:55 a.m.

This is an effort worthy of the support of all Americans who appreciate the outstanding job being done by police and firemen under the most trying and difficult conditions.

MORE FACTS ABOUT THE LETTUCE BOYCOTT

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. TALCOTT. Mr. Speaker, so many facts concerning the farm labor dispute in California are being misinterpreted by segments of the clergy and the United Farm Workers Organizing Committee—UFWOG—that I want to present some actual figures.

Mr. Cesar Chavez has called a boycott of all lettuce growers in California ostensibly because farm field workers do not earn fair wages and are not represented by unions.

Previously, I have stated that the Antle Co. was unionized long before UFWOC was organized. Antle Co. has had a continuous farm-labor contract with the Teamsters Union since 1961. Ninety-five percent of Antle employees are members of the Teamsters Union. The labor-management contract is better in almost every respect than the UFWOC contract. Mr. Chavez is now in jail for deliberately disobeying a court order prohibiting the boycott of lettuce produce by Antle Co. This matter is still pending.

Other lettuce producers in the Salinas Valley also have labor contracts with the Teamsters Union. Two companies which produce lettuce in the Salinas Valley have contracts recently entered into with UFWOC—but they are out-of-State companies whose principal products are bleach and bananas—Purex and United Fruit. Another company, D'Arrigo Brothers, produces both grapes and lettuce and their labor contract signed in the San Joaquin Valley during the grape boycott last year required them to include their lettuce operations in the Salinas Valley this year. The latter labor contracts were imposed on the farm employees by the employers to protect their principal products from a secondary boycott. A secret ballot was denied the employees.

I requested payroll information from Merrill Farms of Salinas to ascertain exactly what farm labor wages were this year, 1970, in a typical lettuce producing company in the Salinas Valley.

The following information is a summary. More detailed information is available. The payroll records of farm labor are not confidential.

There are approxiamtely 70 workers in the lettuce harvesting crew of Merrill. Their wages are computed on a crew-average piece rate. Work was available to these workers for 50 weeks during the past year; 28 summer weeks near Salinas, Calif., and 22 winter weeks near Yuma, Ariz.

Any person who chose to work each day the crew worked would have averaged 39 hours of work each week. For each of the 50 weeks he would average $164.83 or $4.24 per hour. During 1970, calculating earnings for the remaining 3 weeks on prior experience, he would receive a total income of $8,241.71. In addition, each employee is covered by and entitled to:

First. California unemployment insurance—3.5 percent of total payroll, paid completely by Merrill Farms.

Second. Workmen's compensation insurance—paid completely by Merrill.

Third. California State disability insurance—1 percent of earnings, paid by worker.

Fourth. Health and welfare and major medical insurance and other benefits as stipulated in the field labor contract with the Western Conference of Teamsters—paid completely by Merrill.

Fifth. Room and board for workers who choose to stay in company housing at $3 per day. Free transportation to and from work is also available if desired.

Sixth. Social security benefits—4.8 percent of earnings paid by employee, matched by 4.8 percent by Merrill.

Seventh. Safety, sanitation, and health regulations, the most stringent in the Nation, implemented by city, county, State, and Federal inspectors.

This summary is typical for the Salinas Valley. These are low or nonskilled workers. They cannot earn this much money doing anything else anywhere else. They enjoy more fringe benefits than any other farmworker in the United States. They are unionized. They are caught in a jurisdictional dispute between a bona fide union—Teamsters and UFWOC—an organizing committee—not a union.

If you boycott lettuce you are encouraging a secondary boycott—even tertiary boycotts; you are "union busting"; you are depriving low-skilled workers from earning the best livelihood available to them; you are contributing to the mechanization of all harvests which reduces the quality of produce and increases the cost to the consumer.

I urge my colleagues to support national farm labor legislation which will preclude secondary boycotts and jurisdictional strikes in agriculture as in other industries and business. I urge legislation which will bring the working and living conditions of farmworkers up to the California levels. I urge legislation that will guarantee the farmworker the right to organize and to bargain collectively and to vote for his union representation by secret ballot. The boycotts and jurisdictional strikes are depriving the farmworker of legal rights taken for granted by workers in all other industry and business.

ANOTHER APPARENT TRAVESTY AGAINST SOME 20 MILLION SENIOR AMERICAN CITIZENS

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 1970

Mr. McDONALD of Michigan. Mr. Speaker, I am embarrassed today to come before this body with an example of what is apparently another travesty against some 20 million senior American citizens.

One of my constituents, who retired in 1968, brought to my attention the fact that retirees must pay income tax quarterly on an estimated basis. It is not my intention today to quarrel with that regulation, Mr. Speaker, but to communicate it to others who either have just retired or are about to do so. That communication is apparently lacking with either the Internal Revenue Service or the Social Security Administration.

Communications are the backbone of any governing body. There is not one man here on the floor of the House of Representatives who does not communicate with his constituents. He who does not communicate, cannot serve.

So that others may be informed of this regulation, I am enclosing copies of letters sent today to Commissioner Robert M. Ball, of the Social Security Administration, and to Commissioner Randolph W. Thrower, of the Internal Revenue Service to be printed as part of my remarks.

I would hope that these two vital departments of the Federal Government will show that I am wrong, and that those who retire on small pensions and Social Security are given the fullest possible information by each of these agencies upon retiring. And if I am not assured that it is being given, I trust I will be assured that it will be given from this day forward.

We have too often denied our senior

citizens the right to a basic standard of living, and a quality of life commensurate with their contribution to this Nation. I will not tolerate any additional burdens or harrassments due to lack of communication with any agency of the Federal Government.

The letters referred to follow:

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 14, 1970.

Commissioner RANDOLPH W. THROWER,
Internal Revenue Building,
Washington, D.C.

DEAR COMMISSIONER THROWER: Enclosed are copies of a proposed penalty tax set against one of my constituents, her letter to me, and a letter I have sent to the Social Security Administration.

It is my judgment that some place along the line, communications have either broken down or never have existed between your office, Social Security, and some 20 million retirees.

At your earliest opportunity, I would like your comments on why it took 18 months to inform my constituent that she was to pay her taxes quarterly.

Pending your reply, and a reply from the Social Security Administration, I am requesting that the IRS withhold any attempts to collect the proposed penalty.

Sincerely yours,

JACK MCDONALD,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, D.C., December 14, 1970.

Commissioner ROBERT M. BALL,
Social Security Administration Headquarters,
Baltimore, Md.

DEAR COMMISSIONER BALL: One of my constituents (letter attached) has been fined by the Internal Revenue Service for failure to pay her income tax quarterly, as prescribed by law. From her letter, I gather she was not informed upon retirement that she would have to pay quarterly.

There is an apparent lack of communications between retirees and regional Social Security offices. Will you inform me at your earliest opportunity whether retirees are informed of this regulation at the time of their retirement? And if no, why not?

Pending your answer, I am requesting the IRS to withhold any attempts to collect the penalty from my constituent.

Sincerely yours,

JACK MCDONALD,
Member of Congress.

SENATE—*Wednesday, December 16, 1970*

(Legislative day of Tuesday, December 15, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. BIRCH BAYH, a Senator from the State of Indiana.

The Reverend Dr. C. Ralston Smith, director of development, Christianity Today, Washington, D.C., offered the following prayer:

Almighty God, our gracious Heavenly Father, we thank Thee for Thy generous treatment of us and all men. We recall with gratitude that Thou dost cause Thy sun to shine on the evil and the good; and dost send Thy rain on the just and the unjust.

We commend to Thee this deliberative body of our Government. Thou alone knowest the opportunities for service awaiting and the temptations to default lurking ahead in this day. May Thy wisdom guide and Thy courage empower these leaders of our people. Let the wills of the Senators conform to Thy will, and the ends which they seek be agreeable to Thy purposes for our Nation.

We seek Thy blessing also for our President and the leaders of his Cabinet. Endue them plentifully with grace and understanding that the fulfillment of their hopes might be a means of peace in this country and among the family of nations.

Finally, watch over our fellow citizens in the service of our country. Wherever they are, let them sense Thy nearness and Thy love. Let this be true particularly for those imprisoned and their waiting families, longing for an early joyous reunion.

These things we implore in the name of Bethlehem's Babe, Jesus Christ. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 16, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BIRCH BAYH, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BAYH thereupon took the chair as Acting President pro tempore.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the pending business, which the clerk will state.

The legislative clerk read as follows:

H.R. 19911, to amend the Foreign Assistance Act of 1961, and for other purposes.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Florida (Mr. HOLLAND) for 30 minutes.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Florida yield to me for a few unanimous-consent requests?

Mr. HOLLAND. I am happy to yield to the majority leader for that purpose.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, December 15, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF OBJECTION TO COMMITTEE MEETINGS

Mr. MANSFIELD. Mr. President, for the information of the Senate, after discussing this matter with the distinguished minority leader, the leadership wishes to serve notice that we will object to any committees meeting after today, except under extraordinary circumstances. This, of course, does not apply to conference committees and does not apply to the permission granted by the Chair for committees to meet today.

We think, however, that Senators should be here facing up to the issues and participating in debate and, hopefully, helping to make some progress not only on the unfinished business but also on other matters before the Senate.

Time is growing short. We have a collective responsibility as well as an individual responsibility. I would hope that all Senators would subordinate their personal feelings to the collective will of the Senate, so that we may complete as much of the business before us as possible in the few days remaining.

Mr. SCOTT. Mr. President, will the Senator from Florida yield to me for a few moments?

Mr. HOLLAND. I am glad to yield.

Mr. SCOTT. With the consent of the distinguished Senator from Florida, and if the distinguished majority leader will yield further, I should like to recall that on yesterday, both of us urged that a vote be taken on the pending amendment as soon as it could be reasonably managed.

I serve notice that if we have extended debate on amendments whose subjects have been discussed for so many weeks in the Senate, I shall make a motion to table these amendments.

I regret to do so. Of course, if anyone can convince me that there is need for more time, in all good reason, then I would certainly be amenable; but time is running out and those who believe that the educative process needs to be continued indefinitely should know that they are depriving someone else's children of enjoying their families at Christmas. That also is an overriding consideration.

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ORDER OF BUSINESS

Mr. MOSS. Mr. President, will the distinguished Senator from Florida yield to me for the purpose of submitting a conference report?

Mr. HOLLAND. I am happy to yield to the Senator from Utah for that purpose.

POISON PREVENTION PACKAGING ACT OF 1970—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore (Mr. BAYH). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pp. 41544-41545, CONGRESSIONAL RECORD.)

Mr. MOSS. Mr. President, S. 2162 is an important bill; it is a practical bill that will produce immediate and direct benefits for the American people. It requires the use of special packaging designed to prevent young children from gaining access to products that can kill or injure them. We are all familiar with the propensity of young children to put into their mouths everything that comes within reach. We are also daily reminded through the tragedies of accidental child poisonings that the products of modern technology can be hazardous to children who do not know their dangers. S. 2162 authorizes the Secretary of the Department of Health, Education, and Welfare to identify products that should be specially packaged and to set performance standards for special packaging. S. 2162 will result in saving lives.

I would like to point out that S. 2162 has bipartisan support. Members of both parties have worked hard for its enactment. The administration supported the bill and backed up its support with hard work in its behalf. Because of bipartisan cooperation and work, we were able to resolve the differences between the House and Senate versions very quickly on Monday. A practical conference might have doomed the bill for this Congress—postponed its benefits for another year or two—because the schedules of House and Senate Members are so crowded with so many high-priority items that time could not have been spared for a lengthy conference.

S. 2162 is an example of what can be done if the administration works for a bill or a concept that it says it supports. Unfortunately, administration effort on behalf of consumer legislation like S. 2162 has been of very infrequent occurrence.

The House made a number of amendments to S. 2162. The primary amendment—to section 4—reflected a basic policy difference. The Senate would have made special packaging the norm for those products for which it was required. The Senate would have permitted use of one size of regular packaging as an exception to the norm in order to accommodate the elderly and handicapped who might experience some difficulty manipulating special packages. The House policy was the opposite of the Senate's: The House would have made special packaging the exception. The Senate policy prevailed in conference.

The rest of the House amendments strengthened and improved the bill and were, consequently, accepted. In particular, the House provided for a more refined, more expeditious, administrative procedure than did the Senate. The procedure was previously used in the Toy Safety and Child Protection Act of 1969—Public Law 91-113. Nonetheless, the bill reported by the conference is essentially the Senate bill and embodies, perhaps in refined form, the Senate's decisions on the various issues involved in the bill. The report of the Commerce Committee—Senate Report 91-845—remains generally applicable as an explanation of S. 2162 with the exception of the specific House amendments adopted.

Mr. President, as a result of the conference held between the Senate and the House, we were able to arrive at an agreement on a bill that I think embodies the best features of the bill as passed in the House and the bill as passed in the Senate.

The conference report contains the provisions most desirable for the protection of our young children, so many of whom are poisoned from playing with household poisons lying around in homes which are in particular so easily accessible to toddlers.

Mr. PEARSON. Mr. President, in the flurry of last-minute legislation, important acts of Congress are often overlooked. Yesterday such a significant though perhaps unnoticed act to improve our quality of life was accomplished. The House/Senate conference on S. 2162, the Poison Prevention Packaging Act of 1970 concluded work authorizing the Secretary of Health, Education, and Welfare to publish regulations to require household poisons, such as furniture polishes, dishwasher detergents, cleaning fluids, as well as certain prescription and over-the-counter drugs to be packaged in special child safety containers.

Mr. President, one child a day dies in the United States of accidental poisoning. Two and one-half million children under the age of 5 are accidentally poisoned each year. Eighty-five percent of all children poisoned are under the age of 5, with 2-year-olds—presumably because they are inclined to explore both under the kitchen sink and the family medicine cabinet—the most frequent victims. The damage done by these dangerous substances to the interior organs of a small child is devastating. In many cases there simply is no satisfactory cure for the harm done.

The legislation formulated by yesterday's conference, Mr. President, will save lives. I consider it one of the most significant acts of this Congress. And I wish to emphasize that without the strong support of this administration, no such legislation could have been passed.

The principal issue of the conference involved section 4 of the bill. Senate language required all dangerous substances covered by the bill to be packaged in special safety containers, allowing only one nonconforming size of any particular product to be marketed. The intention of this section was to accommodate the needs of the aged, the handicapped, and those households without small children by permitting the sale of one size of ordinary packaging. Conversely, the House language would allow all such dangerous substances to be packaged in ordinary containers, requiring only one size of any particular product to be packaged in child safety containers. The practical effect of this language, in my opinion, would have been to nullify the entire legislation. Practically no safety packages would reach the retail level. Small drugstores, for example, because of limited shelf space probably would not stock any safety packages.

Though compromises were offered, the most noteworthy of which being one to allow a 1-to-1 ratio of safety versus ordinary packages, the Senate held firm to its version of the bill. Because we receded to all other House amendments, because our version of the critical section 4 was supported by the American Society of Pediatricians, the AMA, the APhA, and the administration, and because each safety package meant that much more protection for our children, my position and the position of the Senate and the President was adopted. It was a satisfying victory for all of us.

Mr. President, I would like to remind the Senate that President Nixon, in his inaugural address, asked the American people to judge him not by his words, but by his deeds. Understanding that much of our frustration with the problems of this country was seeded by grand promises and not so grand accomplishments, he was determined to do things rather than to promise to do things. S. 2162 is an example of this kind of leadership.

Mr. President, as one who, like all Senators, has disagreed with the President on occasion, I am prompted to give credit where credit is due. Accordingly, I commend the President and all those who carried out his directives for the efforts put forth on behalf of this vital legislation. As ranking Republican on the Senate Consumer Subcommittee of the Commerce Committee and as a member of the conference committee, it was with pride that I represented and supported the President in this effort.

My distinguished colleague and chairman of the Commerce Committee, Senator MAGNUSON; my friend and chairman of the Senate Consumer Subcommittee, Senator MOSS; and my able colleague Senator HART, are to be similarly commended.

Mr. President, I think it most appropriate that this historic step was taken a few short days after the White House Conference on Children and Youth was convened. Moreover, at a time of year when we are inclined to remember how precious are the lives of our children and grandchildren, it is most fitting for the Congress of the United States to indicate its commitment to the improved health and safety of children.

I am hopeful that other needed legislation in the field of consumer protection will be considered during the early days of the next Congress. We have more jobs to be tackled in the same determined spirit which made this legislation possible.

Mr. MOSS. Mr. President, I move adoption of the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Is my interpretation of the order to recess on yesterday correct that as soon as the distinguished Senator from Florida (Mr. HOLLAND) completes his remarks, the unfinished business will be laid before the Senate?

The ACTING PRESIDENT pro tempore. The Senate will proceed with the consideration of the pending business, which has been laid before the Senate, unless someone requests the regular order.

Mr. MANSFIELD. What is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is Calendar No. 1448, H.R. 19911, the Special Foreign Assistance Act of 1971.

Mr. MANSFIELD. I thank the Chair.

THE RIGHTS OF THE SEVERAL STATES TO CONTROL THEIR OWN WATER SUPPLY

Mr. HOLLAND. Mr. President, I take the floor of the Senate today to advise Senators of a disturbing situation that has resulted from the passage of H.R. 15166—Public Law 91–282—authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes. The problem which I shall discuss concerns the rights of the several States to control and allocate their supply of fresh water.

At the time of passage of H.R. 15166, I did not oppose the language in the bill which was recommended unanimously by the Senate Public Works Committee, as it raised the monetary authorization for the Central and Southern Florida Flood Control District by $25 million or $5 million over the House bill. This action raised the total monetary authorization from $186.3 million to $206.3 million which was necessary since over $179.3 million of the then current authorization had been appropriated and the requested appropriation for fiscal year 1971, together with additional scheduled obligations would have resulted in a deficit in the monetary authorization and would have prohibited appropriations to maintain current planned construction.

Mr. President, for the information of the Senate I ask unanimous consent that the Senate amendment to the monetary authorization bill, H.R. 15166, be inserted in the RECORD at this point.

There being no objection, the Senate amendment was ordered to be printed in the RECORD, as follows:

> SEC. 2. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 for the prosecution of the Central and Southern Florida comprehensive plan for flood control and other purposes approved in the Flood Control Act of 1948, and subsequent acts of Congress: *Provided*, That not to exceed $5,000,000 of this authorization shall be available solely for the accelerated construction of borrow canal L–70, canal C–308, canal C–119W, and pumping station S. 326, together with such other works in the plan of improvement as the Director of the National Park Service and the Chief of Engineers agree are necessary to meet the water requirements of the Everglades National Park: *Provided further*, That as soon as practicable and in any event upon completion of the works specified in the preceding proviso, delivery of water from the Central and Southern Florida project to the Everglades National Park shall be not less than 315,000 acre-feet annually, prorated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 16.5 per centum of total deliveries from the project for all purposes including the Park, whichever is less.

Mr. HOLLAND. Mr. President, I address myself particularly to the second proviso of this amendment for it is this proviso that causes concern in that the Congress did assign rights to water and believe that this assignment of intrastate water indicates a possible reinterpretation of the States rights provision of the Flood Control Act of 1944. I read that proviso:

> That as soon as practicable and in any event upon completion of the works specified in the preceding proviso, delivery of water from the Central and Southern Florida project to the Everglades National Park shall be not less than 315,000 acre-feet annually, prorated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 16.5 per centum of total deliveries from the project for all purposes including the Park, whichever is less.

Mr. President, my colleague, Senator GURNEY, and I believed this to be the best course of action in order to assure the continued orderly construction of the Central and Southern Florida Flood Control District, particularly since the amendment added $5 million which was earmarked for construction as quickly as practical of conveyance facilities necessary, in the joint opinion of the Corps of Engineers and the National Park Service, to meet the requirement of the Everglades National Park. Further, under the proposed releases of water to the park, we did not believe that any great difficulty would arise for many years. Also the officials of the State of Florida and the National Park Service had reached an amicable interim solution covering the period of construction.

Mr. President, there is one particular reservation I have regarding this amendment to H.R. 15166 and that is that the condition contained in the amendment dealing with the Central and Southern Florida Flood Control District presents a serious question relating to the settled law governing water rights—as to whether State or Federal decisions are controlling. In agreeing to the amendment, we have not agreed that the State relinquishes its rights to its water, a position fought against for years, not only in the State of Florida but also in other areas of the Nation. In other words the State will, of course, have the right to defend its water rights in the courts, if such course becomes necessary or advisable.

It has long been our position that substantial doubt exists as to whether Federal statutes grant or can grant to the Department of the Army or the Corps of Engineers the right to regulate water for other than flood control purposes. In the past when Congress has legislated on this subject and attempted to do anything in the area of water rights, it has done so clearly and in many cases has put specific provisos into authorizing legislation that such was not intended to affect water rights. In other words, Mr. President, when you move beyond flood control and into water supply purposes, the authority of the Federal Government is questionable and, I think, limited. Therefore, specific allocation of States water supply can become a matter of litigation in the courts. In this connection, it is interesting to note that the Department of Justice was requested to rule on this instant matter some months ago; no ruling has been forthcoming.

I am sure most Senators are aware of the policy of the Congress established in 1944 by the passage of H.R. 4485 (Public Law 78–534). The policy as stated in the law is:

> In connection with the exercise of jurisdiction over the rivers of the Nation through the construction of works of improvement, for navigation or flood control, as herein authorized, it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control, as herein authorized to preserve and protect to the fullest possible extent established and potential uses, for all purposes, of the waters of the Nation's rivers; to facilitate the consideration of projects on a basis of comprehensive and coordinated development; and to limit the authorization and construction of navigation works to those in which a substantial benefit to navigation will be realized therefrom and which can be operated consistently with appropriate and economic use of the waters of such rivers by other users.

Mr. President, during consideration of H.R. 15166 by the Public Works Committee, the question regarding an adequate supply of water to the Everglades National Park arose in connection with the increase in the monetary authorization for the Central and Southern Florida Flood Control project.

Mr. President, since the inception of the Central and Southern Florida Flood Control project, the need for an adequate supply of water for the Everglades National Park has been recognized, and I state for the record that I, personally, want the necessary water supply to be assured to maintain the ecology of the park. As one who had much to do with the establishment of the park, both as Governor and later as Senator, I do not want to see any action taken that would

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in any way jeopardize the continuation of the park in its natural state.

Mr. President, the question of an adequate supply of water for the Everglades National Park is not a new one. I am sure Members of this body will recall that the report of the committee—Senate Report 91–528—accompanying the public works appropriation bill for fiscal year 1970, made reference to the water supply to the Everglades National Park and directed that the State, the Department of the Interior and the Department of the Army "complete as soon as possible the current negotiations in developing an operating agreement which will insure deliveries of water to the Everglades National Park."

The report further directed the Corps of Engineers to review the water resources needs in central and southern Florida by 1980 to determine whether further modifications of the project are warranted. As a result of this directive of the Appropriations Committee, Randolph Hodges, executive director, Department of Natural Resources, State of Florida, under date of December 11, 1969, wrote the Department of the Army suggesting a meeting of the agencies concerned in order to comply with the committee's request contained in its report referred to above. As of January 22, 1970, the State of Florida had not received a reply from the Federal agencies. I, therefore, wrote the chairman of the subcommittee, the Senator from Louisiana (Mr. ELLENDER), requesting that he set down a meeting of all interested agencies in an effort to arrive at an agreement regarding the water supply to the Everglades National Park. The meeting was called by Senator ELLENDER for February 16, 1970, and I was happy to participate in it. At that time it was my understanding that an interim agreement had been reached and that a subsequent meeting would be held to resolve other questions pertinent to the problem. The transcript of the meeting of February 16, 1970, was printed and is available for any Senator who may desire it. A meeting was later held by the interested agencies in Miami on March 12, 1970, at which time an agreement was reached by all interested State and Federal agencies concerned as to the course of action to be pursued in the effort to assure an adequate water supply to the Everglades National Park. I ask unanimous consent that a summary of that meeting as prepared by the State of Florida, Department of Natural Resources, be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

1. Everglades National Park can accept the 260,000 acre-feet of water scheduled for delivery to the Park by months for a two-year period, as agreed to in the interim program, pending construction of conveyance facilities to Taylor Slough and the panhandle section of the Park. This acceptance is contingent upon action on the pending request of the Department of the Interior to the U.S. Attorney General. When facilities required for delivery of water to Taylor Slough and the southeastern panhandle of the Park are completed and the project works constructed around Lake Okeechobee to permit raising the water level in the lake to an elevation of 17.5 feet above mean sea level, the interim schedule of deliveries of water to the Park will then be reviewed to achieve the purpose of improving performance toward the objective of an annual delivery of 315,000 acre-feet plus available excess water.

2. It was agreed that the Corps of Engineers and the State will develop and present to Congress funding requirements for a five-year construction program in accordance with Paragraph 112, pages 75–76, of House Document No. 369, to expedite completion of project facilities needed to improve performance of the system in supplying water to the Everglades National Park in addition to meeting other requirements of the project. The schedule of funding required for such five-year program will be presented to all interested agencies within 30 days for their use in appropriate supporting action to obtain additional funding to expedite construction of the project.

3. The question of priority water rights for the Everglades National Park was deferred since there is a conflict between the Department of the Interior and the other agencies concerned in interpreting the authority granted by Congress as defined in the report. In view of this outstanding question, any course of action agreed to by the National Park Service concerning the south Florida water project is subject to change depending on opinion rendered by the U.S. Attorney General regarding water rights of project users. In like manner, any opinion considered adverse to Florida water interests may be challenged by the State through court action.

Mr. HOLLAND. Mr. President, in further regard to the need of an adequate water supply to the Everglades National Park, I ask unanimous consent to have printed into the RECORD at this point a press release dated August 6, 1970, from the Central and Southern Florida Flood Control District announcing that "the millionth acre foot of water this year was released to Everglades National Park today"—August 6.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

WEST PALM BEACH.—August 6, 1970—The millionth acre foot of water this year was released to Everglades National Park today from the Central and Southern Florida Flood Control District's Everglades Wilderness Area.

FCD Board Chairman Robert P. Blakeley, in making the announcement states: "This is more than three times the park's annual requirement and we still have nearly four months to go and these are normally the months with the most rainfall."

The national park has received more than a million acre feet of water per year during four of the past five years. Last year a record total of 1,766,320 acre feet of water was released to the park. This tops any year since records were started in 1940.

Last year's record breaking 1.7 million acre feet was greater than the combined total of 1947 and 1948, the two years prior to the start of the Flood Control Project. In 1947 some 808,980 acre feet flowed into the park and in 1947 only 570,280 feet made its way to the park.

A million acre feet of water is such a tremendous amount it is difficult to comprehend. One acre foot of water is the amount needed to cover one acre of land one foot deep. Another way to put it is that if you took a bath every day for 52 years you would not use up one acre foot of water. Now, a million acre feet of water would supply the municipal water needs of the City of West Palm Beach for 66 years, or it could supply the City of Miami for a little better than 6½ years.

At this month's meeting of the FCD Governing Board Vice Chairman Robert Padrick asked a park official if he was satisfied with water conditions. When he received no reply, Padrick predicted that there would come a day when park officials will come to the district and complain about too much water.

Mr. HOLLAND. Mr. President, I have mentioned the Everglades National Park not for the purpose of indicating in any way that the park should not receive a supply of water sufficient to maintain its ecological system for I am in full accord with that position and so is our State. Our State has more involved in the Everglades National Park than any other part of the Nation. We granted 850,000 acres of land and water to the Federal Government for inclusion in the park and in addition granted $2 million for acquisition, and besides that we get the major advantage from the park. I think it is sound to state that not only the officials but also the citizens generally of the State of Florida have a greater interest in the preservation of the Everglades National Park than any other group of citizens. And I mention also that the State of Florida is also in accord with that position as I have indicated previously. I am more concerned, Mr. President, with the effect that H.R. 15166 (Public Law 91–282) may have in modifying or changing the previously announced policy of the Congress with reference to the allocation of any State's water supply. I believe it very important for all Senators to understand that the action taken by the Public Works Committee, and approved by the Congress in Public Law 91–282, does not affect Florida alone for, in effect, the action not only amends the previous authorizing acts for the Central and Southern Florida Flood Control project but it may be considered as establishing a precedent whereby the Senate may amend any other project previously authorized, regardless of its construction status, to conform to the will of the Federal Government to improve and to allocate State's water for any purpose. In my opinion the action, in passing H.R. 15166 (Public Law 91–282) does not accord with the policy of the Congress in the passage of H.R. 4485 in 1944 (Public Law 78–534).

It is the opinion of the Senator from Florida that as a result of the passage of H.R. 15166 (Public Law 91–282) any time a problem arises in any State, including the 17 western reclamation States, the States comprising Appalachia and the States within the TVA area, the Federal Government may seek to step in and determine the allocation of the States' waters, regardless of the intent of previous authorizations. This may present a serious situation to all areas of the country and a majority of the States of the Nation.

Mr. President, the Congress should carefully consider this matter with a view toward further clarifying the rights of the States in determining water utilization and control as previously stated in Public Law 78–534 and, in my opinion, overlooked and effectively bypassed by H.R. 15166 (Public Law 91–282) insofar as the Central and Southern Florida Flood Control project is concerned.

I might add, Mr. President, that those

Senators interested in this subject, particularly those from the areas I previously mentioned, might well read the House debate in the CONGRESSIONAL RECORDS of May 8 and 9, 1944, and the Senate debate of November 16 through December 1, 1944. The legislative history of Public Law 78-534, and more particularly the legislative intent of the declarations of policy contained in the law which was known as the O'Mahoney-Milliken amendment, made it quite clear that the States have control over the water within their respective borders.

Mr. President, I am bringing this matter up at this time, just before I leave the Senate, only to alert those Senators interested in preserving the rights of the several States to allocate water and to point out the possible far-reaching effect the legislation as recently passed by the Congress, H.R. 15166 (Public Law 91-282) might have on future problems that may arise within their respective States.

In closing, let me say again that the fixed permanent policy of the Congress is "to recognize the interests and rights of the States in determining the development of watersheds within their borders and, likewise, their interests and rights in water utilization and control." This policy was established only after the most careful and lengthy debate in Congress, and has now been materially weakened by the enactment of H.R. 15166 (Public Law 91-282), which, incidentally, was passed on the Consent Calendar without debate. I strongly urge upon those Senators who will return for the convening of the 92d Congress that action be initiated to reaffirm the States rights provision of the 1944 act.

Mr. MOSS. Mr. President, before the Senator yields the floor, will he yield to me briefly?

Mr. HOLLAND. I am glad to yield to the Senator from Utah.

Mr. MOSS. Mr. President, I wish to commend the Senator from Florida for his address on this very important problem of the involvement of the States in the water rights question. The problem is somewhat different in Western States but it is probably more urgent. For a number of years I have been concerned and members of the Committee on Interior and Insular Affairs have been concerned about the problem in the conflict of State and Federal water rights and we have never fully satisfied ourselves that the problem is settled. We have had bills before us but none has passed and the matter is still something of a question.

The Senator from Florida has presented here for the Senate the problem as it applies in the State of Florida, and it is a similar problem that I think needs careful delineation because bit by bit in Western States what amounts to a Federal encroachment that is casting a shadow over the powers of the States to allocate waters to put them to beneficial use, as we do in the West in the arid part of the country, and which is the absolute lifeblood of the West. Without proper and adequate use of water I feel we cannot continue to grow.

I commend the Senator for his exposition today and to tell him I think he has rendered a great service by bringing this matter before the Senate for consideration either in this session or, as he pointed out, in the 92d Congress.

Mr. HOLLAND. Mr. President, I certainly appreciate the comment of the distinguished Senator from Utah. My statements were made today, first, to alert Members of the Senate to this apparent and somewhat minor departure, but it is a departure, from the general rule heretofore announced and strongly maintained by all the States, as far as I know, without any change; second, to make clear that the State of Florida does not surrender but preserves its right to go to court in the event subsequent action should be taken not in accordance with its best interests; and, third, to call attention to the fact that this departure from the established rule is something of general concern, and I know what it means in Western States.

I had the honor not many years ago of attending a conference of western and southern Governors, and almost the whole of that conference was consumed in hearing discussions of various States along the Colorado and other rivers as to the utilization of their waters and their insistence that that water was theirs and should be so considered and regarded as a matter of law in the development of those States which are in the process of very great development.

Mr. MOSS. The Senator has rendered a great service.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. GRAVEL addressed the Chair.

The **ACTING PRESIDENT** pro tempore. The Senator from Alaska.

Mr. GRAVEL. Mr. President, what is the pending question?

The **ACTING PRESIDENT** pro tempore. The pending question is on agreeing to the amendment of the Senator from Alaska.

Mr. GRAVEL. Mr. President, I would like at this time to yield the floor to my distinguished colleague from South Carolina without losing my right to the floor.

Mr. DOLE. I object.

The **ACTING PRESIDENT** pro tempore. Objection is heard. The Senator from Alaska has the floor.

Mr. GRAVEL. Mr. President, I would like to reexplain the purpose of my amendment, which I thought I had made abundantly clear yesterday. The amendment would deny officially $155 million in funds to wage war in an indirect fashion in Cambodia. I say "deny officially" because the administration is not denied in fact from utilizing these funds. They can take them from other sections of the budget, as they have for the last 8 months to utilize as they see fit.

What the administration has done with this proposal is, in essence, to "Tonkinize" the events of last April 30. I say "Tonkinize" because a unilateral act of policy was initiated by the administration. It was an act that was not popular with the populace of this country. In order to place the stamp of approval on that policy, the administration must now broaden the responsibility. The method of doing that, of course, is to seek the approval of the House and the Senate in this activity. This the administration is doing by this special request—special request because this was not a subject that was previously discussed as a possible course of action during the lame duck session. It was a request that was initiated after the election. It was a request that the administration, in my mind, probably did not think it could secure, but, realizing the legislative exigencies of the 11th hour, it was certainly a tactic worth trying to dump this legislation in to see if it would fly.

Of course, it did fly. It flew in the committee. It flew in the House. It flew on the floor of the Senate on Monday. Of course, it was yesterday that this flying was brought to an abrupt halt.

In the course of yesterday's debate with the Senator from Iowa, the point was made that our "incursion"—and that is the kindest word that could be used in this regard—into Cambodia was not only legal but was an exercise of our responsibility, under the theory that disruptive activity by a country could be disciplined, if not by the United Nations then by the regional power in the area—the regional power in the area, of course, being SEATO. So the inference was that our incursion, or what some choose to call an invasion, into Cambodia was part of this exercise, was living up to our treaty obligations under SEATO, and was certainly within the parameters of acceptable action under the United Nations Charter.

I would like at this particular point to make a brief analysis to show that in both instances, with respect to the United Nations Charter and with respect to our agreements and our treaty obligations under SEATO, this Nation was in total violation of that treaty obligation and was in total violation of the United Nations Charter.

I think it is important to lay the legal framework for this proposition, because Americans get caught up in a certain chauvinism and suppose that it is always the enemy who breaks the law and that we are always the obeyers of the law. Irrespective of what we do, it is in accordance with law, order, and propriety. That is unfortunate, because we, like others, are responsible for some very fine action and also responsible for some very poor actions.

I think the Cambodian incursion—or invasion—had a very simply purpose—a short-range tactical benefit, that being the protecting and shoring up of the existence of the government of Lon Nol, which was less than 2 months old. That would be the overall political benefit. The tactical benefit was to surgically cut out the caches of arms or the headquarters. In fact, I remember so vividly the President's statement on the action, when he first took to television, saying they were looking for the headquarters. Of course, that headquarters was never found and, of course, was never destroyed. Subsequent appearance on television told us of the tremendous victory in capturing small amounts of ammunition and rifles.

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Let us now look at the legal principle involved. U.S. military operations in Cambodia violate article IV of the SEATO Treaty.

U.S. military operations in Cambodia violate the SEATO Treaty because the President did not instigate them to protect the Cambodian Government from armed attack.

U.S. military operations in Cambodia violate the SEATO Treaty because the Cambodia Government did not invite or consent to them.

U.S. military operations in Cambodia violate the SEATO Treaty because the President did not immediately consult with other SEATO nations to agree on common defense measures.

In 1954, the United States negotiated with a number of other countries and signed the Southeast Asia Collective Defense Treaty. The United State agreed to follow the procedures prescribed in article IV of that treaty if the security of any of the designated countries, including Cambodia, were threatened.

U.S. military operations in Cambodia violate the SEATO Treaty because the President did not instigate them to protect the Cambodian Government from armed attack.

The first paragraph of article IV provides that:

> Each party—

For example, the United States—

> recognizes that aggression by means of an armed attack in the treaty area against any State which the Parties by unanimous agreement may hereafter designate—

For example, Cambodia—

> would endanger its own peace and safety, and agrees that it will in that event act to meet the danger in accordance with its constitutional processes.

This section provides that individual countries may come to the assistance of countries which are actually under armed attack in order to prevent their forceable overthrow. Note that it provides for immediate unilateral intervention only when the other country is under "armed attack" and only for the purpose of assisting the attacked government. This section cannot authorize U.S. military intervention in Cambodia for two reasons; First, Cambodia is not and was not under armed attack. The Vietnamese Communists focus their attacks on South Vietnam, not on Cambodia.

That, of course, is what the sanctuaries were—areas which they had taken for their activities in South Vietnam, and not for their activities in Cambodia. The Cambodian Communists are merely struggling to regain a voice in their own government. Second, and more important, President Nixon did not design the U.S. military operations in Cambodia to assist the supposedly attacked Cambodian Government. To the contrary, in his nationwide television appearance on April 30, he emphasized that these operations were designed to assist the South Vietnamese Government and to facilitate the withdrawal of U.S. troops from Vietnam. The President consciously refrained from stating that U.S. military operations were calculated to help the Cambodian Government retain power.

Of course, this is the only legal ground under the SEATO agreement whereby we can intervene. Yet, it was part of calculated U.S. policy to stay away from those legal grounds, for the very simple reason that that would not have been acceptable to the American people. What it was felt would be acceptable, and what turned out not to be acceptable in the judgment of the people, was to proceed on the theory of defending our own armed forces.

So here we have a clearcut case where the President of the United States acted for tactical considerations, but in violation of a treaty obligation which we had under the SEATO Treaty.

The next proposition demonstrating a violation of our agreement under SEATO was that U.S. military operations in Cambodia violated the SEATO Treaty because the Cambodian Government did not invite or consent to them.

Mr. President, I ask unanimous consent that I may yield to my distinguished colleague from South Carolina without losing my right to the floor, and without having the interruption counted as a second speech against me.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

WATER CARRIER MIXING RULE—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore (Mr. BAYH). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 14, 1970, p. 41418, CONGRESSIONAL RECORD.)

Mr. HOLLINGS. Mr. President, in calling up the conference report on the bill H.R. 8298, I would like to make a few comments concerning what that bill, as agreed to in conference, will do and also what it does not do.

The bill, H.R. 8298, represents a legislative attempt to deal with problems created by the so-called water carrier mixing rule. That rule is a result of a statutory interpretation by the Commission of section 303(b) of the Interstate Commerce Act, which exempts from regulation under part III certain dry bulk commodities, provided they are transported in accordance with the statutory limitation upon applicability of the exemption. The principal statutory limitation is that not more than three such commodities may be carried in the cargo space of a single vessel which, for purposes of the exemption, is defined to include two or more vessels navigated as a unit.

Mr. President, the Interstate Commerce Commission has imposed two further limitations by interpretation upon the applicability of that exemption. The first renders the exemption inapplicable if a single barge of nonexempt commodities is mixed with a tow containing barges otherwise qualifying for the exemption. The second, destroys the exemption for all dry bulk commodities being transported if more than three such commodities are transported within the tow.

In combination, the limitations upon the applicability of the section 303(b) exemption have imposed a heavy burden upon the inland water carrier industry.

Mr. President, the bill in the form agreed to by the conference committee would have the effect of overturning both of the interpretations by the Interstate Commerce Commission to which I have referred. It would permit mixing of regulated commodities with commodities moving under exemption and also would permit the transportation of three bulk commodities under the exemption no matter how many such commodities are transported in the tow as a whole.

Unlike the Senate version of this bill H.R. 8298, it will not extend any benefits to unregulated water carriers transporting commodities under the exemption beyond overruling a third decision of the Commission popularly referred to as WC–5. That decision further restricted applicability of the section 303(b) exemption by holding it inapplicable to all carriers involved in the transportation of dry bulk commodities, if any of the carriers participating in the move transported the dry bulk exempt commodities in violation of the prohibitions against mixing. The bill, as agreed to in conference, will overturn that decision also, and will permit unregulated carriers transporting bulk exempt commodities in compliance with the provisions of section 303(b) to continue to do so free from regulation by the Interstate Commerce Commission.

It will not, as the Senate version would have, permit such unregulated carriers to transport more than three dry bulk exempt commodities in a single tow without losing the exemption. While the approach adopted by the Senate was desirable, it could be fairly said to go beyond what was necessary to overrule the three Commission decisions which were the source of the difficulty focused upon by this legislation. Hence, in conference, the Senate agreed to recede with respect to that issue.

The House of Representatives version of this bill, on the other hand, went beyond what was necessary to overturn the ICC decisions in a different respect. H.R. 8298, as it passed the House of Representatives would have required all carriers transporting dry bulk exempt commodities to file with the Interstate Commerce Commission tariffs containing their rates and charges for the transportation of such commodities regardless of whether they were to be transported in compliance with the provisions of section 303(b) as it presently exists or as it would have been amended by the House version of the bill H.R. 8298.

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This feature of the House bill was sharply criticized by every shipper witness appearing at the hearing before the Subcommittee on Surface Transportation of the Senate Committee on Commerce which I chaired. These same witnesses uniformly testified that they were hopeful Congress would find a way to overturn the restrictive ICC interpretations of the applicability of the section 303(b) exemption. However, their opposition to the rate filing provisions contained in H.R. 8298 as it passed the House ran so high that they indicated they preferred no resolution of the problem to the resolution proposed by the House of Representatives. Conferees on the part of the House agreed to remove any provision requiring the filing of rates. The version of the bill before us today has done so.

Mr. President, I do not mean to belabor this point. However, I believe it is important that the legislative history concerning this bill should reflect that the Senate, by agreeing to inclusion of a phrase respecting information on amounts actually charged for the movement of dry bulk commodities in section 2 of this bill, did not intend for the authority therein provided to the Secretary of Transportation to be used as a vehicle for public disclosure of the information so obtained. If that provision were to be so interpreted, it would undercut the position of the Senate that neither rate filing nor its equivalent should be required with respect to dry bulk exempt commodities. The provision merely makes explicit a concept which was already implicit in the Senate version.

On the assumption that this provision will not be used as a subterfuge for the public disclosure of rates and charges with respect to the transportation of dry bulk commodities, I urge the Senate to agree to the conference report on H.R. 8298.

Mr. BAKER. Mr. President, I am convinced that the overriding problem of transportation in our country today is the existence of a considerable number of regulatory restraints that impose artificial barriers to efficiency of operations. No mode of transportation which has been subjected to regulation operates free from such restraints, although some modes have been required to pay a much higher price in this regard than others. Until we take steps to remove such restraints we are not going to be able to resolve what is currently being popularly referred to as "the crisis in transportation."

Now, Mr. President, I want it to be perfectly clear that what I am talking about is not necessarily what is glibly referred to as "deregulation." Nor can the concept which I am putting before you be fairly characterized by the phrase which has recently become a slogan for the railroads in their contacts with Congress—"equality of regulatory treatment." Rather, what I am urging is that we search the regulatory process for restraints which prevent efficient operations with a view to eliminating them wherever possible.

As you know, I have introduced a bill, S. 3760, which would provide for a commission to undertake the sort of examination of regulatory processes that I believe necessary. That bill has not, unfortunately, been formally considered during this session of Congress. However, I intend to reintroduce it when the 92d Congress convenes and will do everything in my power to see that it obtains early and favorable consideration in the next Congress.

In the meanwhile, I strongly urge this body to accept the conference report on H.R. 8298, which would modify the so-called "mixing rule." Mr. President, the mixing rule results from an interpretation of a statute by the Interstate Commerce Commission so as to make subject to regulation cargoes transported on our inland waterways which would be exempt from regulation but for the fact that nonexempt commodities are mixed with the exempt commodities within the tow. The statutory interpretation is of the section 303(b) exemption from regulation providing for certain commodities under part III of the Interstate Commerce Act.

That section exempts transportation of the commodities to which it applies from regulation by the ICC so long as not more than three such commodities are carried in the cargo space of a single vessel. A single vessel is defined for purposes of the exemption to include two or more vesssels navigated as a unit. Nothing in the act required the ICC to interpret that provision as they have—so as to destroy the exemption for the commodities covered if a single barge load of commodities not covered by the exemption is included within the tow or if the tow consists of more than three dry bulk exempt commodities. However, they have done so and their interpretation has been sustained in the courts.

These restrictive interpretations of the Commission have operated to impose a most onerous burden upon the operations of inland water carriers. By requiring segregation of tows as between regulated and dry bulk exempt commodities and by limiting the number of dry bulk commodities which may be moved within a single tow, they have presented that industry from realizing the operating efficiencies made possible by the development of new, powerful towboats. Such towboats, I am told, are capable of transporting up to as many as 40 or more barges in a single tow. However, they cannot be used to their maximum capacity without running afoul of the limitations of the mixing rule.

The amendment of section 303(b) of that act agreed upon in conference would to a large extent eliminate that burden. Accordingly, Mr. President, I strongly urge the Senate to agree to the conference report on H.R. 8298.

Mr. PROUTY. Mr. President, it is with a considerable amount of pride that I am able to inform this body that we are, today, on the threshold of resolving one of the most persistent and troublesome problems of surface transportation during the past decade. I am referring to the problems arising from the so-called water carrier mixing rule of section 303(b) and the fact that the committee on conference has been able to agree upon a bill which will eliminate some of the more onerous aspects of that rule.

Mr. President, as you no doubt are well aware, this is not the first time that Congress has attempted to deal with the problems created by the water carrier mixing rule. The Subcommittee on Surface Transportation of the Committee on Commerce, on which it is my privilege to serve as the ranking minority member, has been grappling with the problems arising from the rule for a number of years.

As long ago as 1967 the committee reported a bill which would have solved the problem but, unfortunately, that bill was not enacted during the 90th Congress. That bill would have extended exemption under section 303(b) much more broadly than does the bill which was agreed to by the Conference Committee. As pointed out in the statement of the managers on the part of the House on the conference report on H.R. 8298 filed yesterday—December 14, 1970 CONGRESSIONAL RECORD, 41418–41419—the approach taken by the Senate in that bill and its version of H.R. 8298 would have eliminated the three commodity limitations upon the exempt transportation of dry bulk commodities. By so doing it would have conferred substantial competitive benefits upon the unregulated water carriers which presently transport such commodities.

I believe there would have been a great deal to be said for that approach. It was supported before our committee not only by the unregulated water carriers but also by the representatives of all the shippers and agricultural interests which appeared before our committee.

At the same time, I can see merit to resolving the difficult competitive problems associated with the rule one step at a time. Clearly the bill, as agreed to in conference, represents a desirable first step. Moreover, it is in line with the recommendation contained in the "Report of the Special Study Group of Transportation Policies in the United States pursuant to Senate Resolutions 29, 151, and 244 of the 86th Congress"—Senate Report No. 445, 87th Congress, first session—the so-called Doyle commission report which was presented to our committee way back in 1961. At that time the Doyle commission recommended that Congress should repeal the mixing rule but do so only insofar as certificated common carriers are concerned. That is precisely what the bill as agreed to in conference and which you have before you would do.

I am hopeful that the Senate will see fit to agree to the conference report on H.R. 8298.

Mr. HOLLINGS. Mr. President, I move the adoption of the conference report.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

REDDICK B. STILL, JR., AND RICHARD CARPENTER

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 168, S. 1002.

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The ACTING PRESIDENT pro tempore (Mr. BAYH). The bill will be stated by title.

The legislative clerk read as follows:

> A bill (S. 1002) for the relief of Reddick B. Still, Jr., and Richard Carpenter.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $17,318.90 to Reddick B. Still, Junior, of Spartanburg, South Carolina, and Richard Carpenter, of Greenville, South Carolina, in full settlement of their claims against the United States for services rendered the Post Office Department in obtaining options on land within the city of Spartanburg, South Carolina, in connection with the relocation of the main post office in that city for which they were never compensated because the United States elected to condemn the land upon which the options to purchase had been secured. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 180), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the sum of $17,318.90 to Reddick B. Still, Jr. of Spartanburg, S.C., and Richard Carpenter of Greenville, S.C., in full settlement of their claims against the United States for services rendered the Post Office Department in obtaining options on land within the city of Spartanburg, S.C., in connection with the relocation of the main post office in that city for which they were never compensated because the Government elected to condemn the land upon which the options to purchase had been secured.

STATEMENT

The committee in the 90th Congress reported favorably H.R. 3193, a bill for the relief of these claimants in the same amount as is set forth in S. 1002. In its report on H.R. 3193, the House committee related the following:

The bill, H.R. 3193, was the subject of a subcommittee hearing on Thursday, July 11, 1968. At that hearing the testimony established that Mr. Reddick B. Still, Jr. and Richard Carpenter, in 1961 were real estate dealers in Spartanburg, S.C., and Greenville, S.C., as they are today. At that time they were contacted by a representative of the Post Office Department of the regional office in Atlanta, Ga., and requested to find a site in Spartanburg, S.C. for a post office. Four sites were suggested by the Post Office Department and after a consideration of the sites, the Post Office Department and the two real estate men finally settled on a site which included a whole block of land on South Church Street in the city of Spartanburg. The post office representative advised Mr. Still and Mr. Carpenter that while the Post Office Department did not pay commissions for securing options on the land, the options would provide for a commission by the landowner upon purchase of the land by the Government.

"There were 20 lots in this particular block in Spartanburg and for approximately a year Mr. Still and Mr. Carpenter endeavored to secure options on the land and secured options for all but three of the landowners involved. The committee was further advised that while they did not have an option with one of the three, there was an indication that he was willing to sell at a given price. In this year period they had many meetings with people involved and with persons such as bankers and attorneys or financial advisers who had some relation to the matter. They were required to meet with the city planning and zoning board in connection with a proposal to rezone the area. They were also required to meet with the highway department in the city because of a requirement on the part of the Post Office Department for a widening of certain streets. The committee was advised that they met with the Duke Power Co. to consider the problem concerning utilities for the area. In connection with the widening of the streets, the streets were widened on three sides of the particular block and the zoning applicable to the tract of land was changed to allow the post office operation.

"The original options were for 120 days and they ran to the Post Office Department. The committee was supplied with copies of the options and the options provided for a 5-percent commission to the real estate men. In September of 1961 the Post Office Department requested Mr. Still and Mr. Carpenter to obtain extensions of each option to run until January 1, 1962. They were therefore required to again contact each landowner and obtain extensions, and this was done. Additional extensions were secured in order to extend the time provided until July 1, 1962. This, of course, required additional efforts on the part of the real estate men.

"The committee was advised that on May 16, 1962, the Post Office Department in Washington mailed each landowner of the land in the block in question a notice that the property was going to be taken by the Government by condemnation and that they would be contacted by representatives of the Post Office Department. The landowners were further advised that they were to deal with no one else except authorized Government representatives of the Post Office Department and the Department of Justice. When this occurred, Mr. Still and Mr. Carpenter had been working to secure options to the land for about 18 months. This development took Mr. Still and Mr. Carpenter by surprise and the attorney in behalf of the claimant stated at the hearing that the Government had never asked Mr. Still or Mr. Carpenter to negotiate with the individuals concerning price as to any particular lot or clarify any discrepancy in the prices in the options. It was further indicated to the committee that the prices eventually paid for the property were substantially the same as those that would have been required under the options secured as outlined above. At the hearing it was stated that the total amount for the options which were signed was $346,377.78. In this connection it is pertinent to note that the amount stated in the bill is 5 percent of this figure or $17,318.90.

"In its report to the committee on the bill the Post Office Department stated:

"'Although the Department appreciates the efforts extended by Mr. Still and Mr. Carpenter in connection with the Spartanburg post office, we do not believe the Government should grant a monetary benefit in cases such as this where a business venture fails of fruition through no fault on the part of the Government.'

"The committee has carefully considered the matter and concludes that under these circumstances legislative relief is merited. Accordingly, it is recommended that the bill, amended to limit the amount of attorneys' fees to not more than 10 percent of the amount stated in the bill, be considered favorably.

"The bill carries the customary language limiting attorneys' fees, and the committee has been advised that an attorney has rendered services in connection with the matter."

The committee adheres to its former recommendation on H.R. 3193 and recommends that the bill, S. 1002, be considered favorably.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1971.

The ACTING PRESIDENT pro tempore. The Senator from Alaska has the floor.

Mr. GRAVEL. Mr. President, returning to the second point in delineating and restating the legal course—or the illegal course—that was taken by the Chief Executive of this country, the second proposition was that U.S. military operations in Cambodia violated the SEATO Treaty because the Cambodian Government did not invite or consent to them. The third paragraph of article IV of the SEATO Treaty provides that:

> No action on the territory of any State designated by unanimous agreement under paragraph 1 of this article—

This could mean U.S. military operations in Cambodia—

> shall be taken except at the invitation or with the consent of the government concerned.

That is, Cambodia.

Thus, even if the U.S. military operations in Cambodia could be based on paragraph 1 of article IV, they are not authorized unless the Cambodian Government invited or consented to them. President Nixon indicated that the Cambodian Government did not invite or consent to U.S. military intervention. In his nationwide television address, he admitted that the Cambodian Government was not consulted in the matter. The Cambodian Government had no opportunity to consent, for it was merely informed about the final decision—a clearcut violation of article IV of the SEATO Treaty, which was signed by this country.

The third proposition: U.S. military operations in Cambodia violated the SEATO Treaty because the President did not immediately consult with other SEATO nations to agree on common defense measures. The second paragraph of article 4 provides:

> The parties—

Including the United States—

> shall consult immediately in order to agree on the measures which should be taken for the common defense.

If the security of any of the designated states, including Cambodia, is "threatened in any way other than by armed attack, or is affected or threatened by any fact or situation which might endanger the peace of the area," this section authorizes collective action to assist countries whose territories or sovereignty is threatened by some event other than an armed attack. Note that it authorizes the slower collective assistance procedure unless imminently threatened. This section could not authorize unilateral U.S. intervention in Cambodia, because the United States did not consult with any of the other SEATO nations before sending troops into Cambodia. Moreover, the United States did not intervene in Cambodia to assist the Cambodian Government.

As to the other points that I made earlier in answer to the points raised yesterday by the Senator from Iowa as to the legality of our action under the United Nations Charter, again let me state that the inference was made by my colleagues opposing the discussion that such action was within the parameters and proprieties of the existing doctrine of association with the United Nations.

The U.S. military operations in Cambodia were illegal because they violated article 2, paragraph 4, and article 53 of the United Nations Charter. Article 2, paragraph 4 of the United Nations Charter provides:

> All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

U.S. military operations in Cambodia constitute a violation of Cambodia's territorial integrity which is outlawed under article 2, paragraph 4 of the United Nation Charter, and therefore by article VI of the Constitution of the United States, which provides, in part:

> All Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

Therefore, the President, in his action of last April 30, not only violated the United Nations Charter, but in so doing, he violated the Constitution of the United States.

Article 53 of the United Nations Charter, paragraph 1, referring to regional defense agencies such as SEATO, provides:

> But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

Even if the present U.S. military action in Cambodia were proper and legal under the SEATO and protocol, the action would be illegal under article 53, paragraph 1 of the U.N. Charter, since the action was in no sense authorized by the Security Council of the United Nations. The United States may not under authority of the SEATO treaty take military action in Cambodia which is prohibited to SEATO as an organization.

(Mr. BYRD of Virginia took the chair as Presiding Officer.)

Mr. FULBRIGHT. Mr. President will the Senator yield to me for a question?

Mr. GRAVEL. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Yesterday, a good deal was said by me and others about the urgency of the procedure that has been followed in presenting this matter. I think that what the Senator says about the applicability of the SEATO Treaty is very well taken. However, I think there really is no serious pretense that we are carrying out obligations under the SEATO Treaty, because the treaty is not applicable to the situation in Cambodia. The Cambodian Government long ago, under Sihanouk, disavowed the protection or applicability of the SEATO treaty to Cambodia. They were then, we might say under a wardship. They took the position that they were neutral, and they thought it was in their interest to protect their neutrality and not to be a ward of the SEATO parties or, specifically, of the United States.

When I come back to, what I think is an important feature, is the way the administration has treated Congress in this matter, the disregard they have had for the proper role of Congress. I go back to my original statement, which is incontrobertible, that the Secretary of State, in his statement to the Committee on Foreign Relations last April, said that the last thing the administration wanted to do was to become involved in a large aid program to Cambodia. At that time, he told us about a small amount of small arms which was being given to Cambodia. They were mostly arms that the Americans and the South Vietnamese had captured from the Communists. They were AK–47's and a few M–1's. I think these AK–47's had been reworked or fixed up a bit; they were usable. We have a plant that is capable of doing that work.

In any case, as I said before, the committee was virtually unanimous at that time. There were possibly one or two who did not agree. But we stated that we did not want to become involved in a major aid program, even aid involving the giving of military equipment. It was perfectly obvious, although the matter did not come up specifically, that the last thing we wanted to do was to have troops in Cambodia or to invade the country.

That statement was made in late April. Then, 3 days later, the invasion of Cambodia occurred. Later, they approved sending up to $8.9 million of these small arms. That was out of the fiscal 1970 funds for military assistance, through the use of transfer authority. But subsequent to that—I believe it was in the latter part of June or the first of July—the administration made a determination to use $40 million, a very substantial increase.

If they had any respect whatever for the congressional role in authorizing assistance to these foreign countries, it seems to me that there was a clear duty to come to Congress and ask for the money. In this bill, it is now the equivalent of $255 million. They made a determination for $40 million that long ago and never said a word, other than justifying it in a formal way, after 30 days. They only notified us that they had utilized their transfer authority. They did not come up and present a case and give us an opportunity to hold hearings on a bill similar to the bill that is now before the Senate.

So it seems to me that it is with very ill grace that they come at this late date, when everyone knows we have many important bills, big bills, including $66 billion for defense and approximately $19 billion for HEW—big, important bills.

As a matter of procedure, I come back to the point that it seems to me utterly disrespectful, or even contemptuous, of the role of Congress to treat us in this fashion. If they made up their mind that long ago, in June or July, that they were going to change their policy from that announced by the Secretary of State to one of major support for Cambodia, they should have, at that time, in July or August, or certainly in September, presented a bill and given the committee and the Senate an opportunity to have the usual hearings, to consider whether or not it is in our interest to take on Cambodia as another client state and to undertake the responsibility for furnishing them with all their requirements for both economic and military assistance.

So I think we are entirely justified. In fact, I think we would be derelict in our duty if we did not put this bill over until after the first of the year, when we can have hearings in the regular manner. When I say "put the bill over," I mean especially the part dealing with Cambodia. I think that the part dealing with Korea, although it has not the same implication at all, is quite a different matter. It does not involve a new policy of undertaking to support a new client. All it involves is the consideration of a 5-year program, the first downpayment of which is $150 million. I believe it is estimated that the program will cost $500 million. At one time, it was reported that the Koreans were asking for $3 billion to modernize their army. Secretary Laird was not positive. I do not think he really knows.

Mr. GRAVEL. Has the Committee on Foreign Relations made——

Mr. FULBRIGHT. It was not our request. It was a Korean request. The Secretary was not positive, and I do not criticize him for that. All they are asking for now in this bill is $150 million. I raised questions about that request on entirely different grounds from the request for Cambodia. It is not a new association. We have already put between $5 billion and $7 billion into that country, I think, and that is water over the dam. I am not complaining too much about that. I have said that if they will take out the Cambodian item, I am willing to let this go along, because I am quite sure we have no alternative but to do something. I think there is a very serious question about how much.

It seems to me that there should be some reasonable limit as to what we give these countries around the world, in view of our own necessities at home.

I feel that we are almost living in a dreamland, the way we treat a request for a foreign country, as if there were absolutely no alternative. A small country such as Israel comes in—I use it as an illustration—and in a most extraordinary procedure, unprecedented in my experience, an authorization is put in an appropriation bill, without any hearings, without even a request by the administration. The Jackson amendment on the authorization bill was not even suggested by the administration. On his own initiative,

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he put it in; and then, in a fatalistic way, the Senate does nothing about it. I tried to take it out, not because I object to aid to Israel but because it seems to me that all we are doing is gradually eroding the function of the Senate.

No one had had any real hearings on this subject. I do not think anything other than the advice of the administration witnesses was given, and they did not object. But I was told that the administration did not originate the request. The President did not. The Budget Bureau did not ask that it be put in there. It was not in the budget. They just did it, put in $500 million, just like that.

Now on the request for Cambodia of $285 million, I would say that our hearings were of a very superficial kind with only two administration witnesses appearing, one of them the Secretary of Defense who, when he came in, announced ahead of time that, unfortunately, his time was limited. He came in at 10 o'clock and said:

> I am obligated to leave at 12:15 because I have a luncheon with Moshe Dayan, the Defense Minister of Israel.

He was obviously more interested in what the Defense Minister of Israel had to say than he was in a Senate committee or in the Senate itself. He could not care less what the Senate committee thought. He said, "I am sorry. I have got to leave."

He is an extremely able, a very capable, man and he succeeds in occupying most of the time in irrelevant comments to any questions. We got very little out of him. I would say that it was an extraordinarily superficial hearing so far as the merits of the policy involved in the Cambodian authorization were concerned. They had plenty of time. They had made up their own minds as long ago as June to ask for $40 million more, and between June and now that amount has gone up gradually. They have spent $108 million, and subsequently for fiscal year 1971 they want $285 million, including the $108 million that has been allocated under existing discretionary authority.

So I do not believe that the administration, certainly in my opinion, has any just complaint about the bill. It is my opinion that the administration probably did not have any serious expectation that this bill would be passed but knowing that in the last days of any Congress, especially before Christmas, almost any kind of bill can get through unless someone is extremely careful, they threw it into the hopper on the chance that if it got through that would relieve them of any problem of funding. If not, they will meet the problem after the first of the year. It is no problem to them, in any case, because we have already, I think, proved that they have adequate funds they can transfer.

I want to make it clear they can do that. I do not think that kind of procedure is really in conformity with the procedures of discretionary authority. That discretionary authority, as in nearly all bills of consequence, is given for genuine emergencies. By that is meant some unexpected occurrence that justifies the discretionary authority. We have been quite liberal, and there are quite a number of discretionary authorities.

Mr. DOLE. If the distinguished Senator from Alaska (Mr. GRAVEL) would yield, I wonder if I might not receive an answer to my question.

Mr. FULBRIGHT. I am getting ready to ask the Senator if he would not agree with me that this is a very unusual procedure. If the Senator will bear with me, we want to lay the groundwork for answering the question. I ask the Senator from Alaska (Mr. GRAVEL) if he does not agree that this kind of procedure is most unusual.

Mr. GRAVEL. In answer to my colleague's question—but first, let me address myself to the Senator from Kansas in case he would like to ask me another question which I would be happy to entertain—but before I answer that——

Mr. DOLE. I can hardly wait for the answer to the question.

Mr. FULBRIGHT. It will come in due time.

Mr. GRAVEL. Mr. President, I would like to yield at this time without losing my right to the floor, or having it count as a second speech, for purposes of receiving a message from the House.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 10534. An act for the relief of Atkinson, Haserick & Co., Inc.;

H.R. 11895. An act for the relief of William R. Karsteter;

H.R. 14235. An act for the relief of Capt. Claire E. Brou;

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.;

H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes;

H.J. Res. 1416. Joint resolution fixing the time of assembly of the 92d Congress; and

H.J. Res. 1417. Joint resolution extending the dates for transmission to the Congress of the President's Economic Report and of the report of the Joint Economic Committee.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 10534. An act for the relief of Atkinson, Haserick & Co., Inc.;

H.R. 11895. An act for the relief of William R. Karsteter; and

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.; to the Committee on the Judiciary.

H.R. 14235. An act for the relief of Capt. Claire E. Brou; placed on the calendar.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from Alaska (Mr. GRAVEL) may proceed.

Mr. GRAVEL. Mr. President, in answer to my colleague's question, I, too, find it odd that administration should push with such vehemence to secure the passage of this. My colleague is closer to the events as they occur in the Committee on Foreign Relations and as they have occurred in the past. I can only say that I think the answer is simply that the administration cannot stand a public dialog, or in any case a protracted public dialog, which is what the hearing process would develop, as it cannot stand to sustain its decision to go into Cambodia because it became unpopular politically. It became unpopular politically because the people had knowledge of it. It was reported daily. The same thing would happen with respect to beginning to appropriate moneys in an official way for activities in Cambodia. I doubt that the majority of the people of this country would sustain that course of action, but if someone wanted to perpetrate that course of action that would be one reason to thwart possible protracted dialog on this subject. The way to do that is, of course, at the 11th hour, to put something into a bill and try to rush it through the Congress without any fanfare or dialog, and then it becomes fact. That has been the situation with Vietnam. It is a fact. We have to live with fact. One of our colleagues was faced with the dilemma of saying that the President has done this and, since we are Americans and he is the President, we now have to sustain this activity.

Mr. SPARKMAN. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. Mr. President, I yield to the Senator from Alabama without losing my right to the floor or having it count as a second speech.

Mr. SPARKMAN. I do not know that this is very important but a minute ago the Senator referred to the unpopularity of the Cambodian incident. If I recall correctly, the public polls showed a rather heavy approval of that movement. Does not the Senator recall that?

Mr. GRAVEL. Yes, I do recall the polls at the time with respect to the approval of the people. I think that the approval of the people as evidenced by the polls was evidence of a superficiality that exists in poll taking. I do not mean to denigrate the poll takers or the people who respond to polls. What they were saying was in answer to the question of going into Cambodia in order to safeguard our troops in South Vietnam. They thought that was a good act in the short-term tactical sense.

But in other polls I saw, when the question was phrased as to the enlargement of the war into Cambodia, the result of the polls was very much against our involvement.

Mr. SPARKMAN. Well, I suppose we could argue as to the propriety of the wording on such questions, but I do not think anyone was in favor of enlargement. Very few, at least, were in favor of enlargement of the war. President Nixon made it very clear, when he made his announcement, that the purpose of the mission was only to destroy the sanctuaries that threatened the lives and safety of American forces fighting there. He also distinctly said, as I recall, that the job would be finished within the month. I think that was it. Also that there was not going to be an enlargement of the war. In other words, he negated that idea right at the beginning.

But I want to ask this question and invite the attention of the chairman of the committee, talking about our willingness and readiness, our obligation if we want to call it that, to make aid available to Cambodia of the nature that is provided in the bill, in the two items included in the Senator's amendment, it seems to me—and, of course, I realize the narrow margin of argument in tying it to the SEATO treaty—I do think that there is some connection because under that treaty the SEATO powers more or less become guardians of the French-Indochina situation.

I say that is true in a way. I do not want to imply that meant that they had to go in there and support the military all the way. However, there was what might be called a guardianship.

Mr. FULBRIGHT. But did not the Cambodian Government disavow that?

Mr. SPARKMAN. I agree. Prince Sihanouk did. He represented the Government of Cambodia. However, he is not there any more.

I say that it is a very narrow margin, but there is something else that, it seems to me, we need to take into account.

As I recall, when President Nixon made his Guam declaration concerning what our relations would be with Southeast Asia, I believe he said at that time that we, in the future, would depend upon Asians to fight their own battles. He did not use those exact words.

Mr. FULBRIGHT. Those are Johnson's words.

Mr. SPARKMAN. Mr. President, in other words, they would have to defend themselves and look after their own affairs, both in peace and war. He did say that if they would do that, we would help them out. That is again not using his words. They were more erudite than just helping them out. But it was said that we would make contributions to them, would give them assistance.

I thought that met with very wide approval. I do not know for sure, but I suppose the chairman of the committee expressed himself on that matter, and I am rather of the opinion that he approved that idea.

I do remember that there was a good bit of expression on the part of a good many people that they would like to see it spelled out a bit more definitely.

Mr. FULBRIGHT. I should say so.

Mr. SPARKMAN. In the Guam declaration of the President, it was expressed in general terms. Nevertheless, I believe he did state a policy there that was applauded by the American people and one that, I think, we have been arguing for under our national commitments resolution and in the hearings we have had regarding our commitments all around the world.

Many statements have been made to the effect that we cannot and will not be the policeman of the world.

It seems to me that when he said to those people, "If you will do your best to take care of your own affairs, we will help you out in a material way, not with armed forces."

Mr. FULBRIGHT. Mr. President, the Senator will admit there are some very subtle distinctions here. He refers to Southeast Asia and the Guam doctrine. I think most people interpreted that doctrine to apply to those countries, like Vietnam, in which we are now engaged. I do not believe that most people felt that this was a pledge that he was going to support anybody and everybody with money, rather than with troops. There is a limit to this. There is a limit to our funds.

At that time he did not state that we would undertake any operation in Cambodia. We did not have that situation in existence at that time.

Mr. SPARKMAN. The Senator is correct. He did not say that. I will be glad to look that up. It is a long time since I have read it. But as I recall, it was generally understood that his program was directed to Southeast Asia.

Mr. FULBRIGHT. But not to Cambodia.

Mr. SPARKMAN. He did not bring out the matter of Cambodia.

Mr. FULBRIGHT. For example, with respect to Malaysia, does the Senator think that if he were to put in a bill proposing to give $500 million to Malaysia that would be carrying out the doctrine?

Mr. SPARKMAN. I do not think so. I do not think that Malaysia needs it. They are taking care of their own affairs quite well.

Mr. GRAVEL. Mr. President, if Malaysia had an insurrection, and if someone else called them Communists, under that same thesis, would the President not be entitled to come here for $500 million to give that government to fight off the insurrectionists?

Mr. SPARKMAN. I do not think that is correct. We had an interest in Cambodia that was beyond that existing in the other countries, because of its juxtaposition with South Vietnam and the strategic geographic area and location. Not only that, but we also know that Cambodia was affording sanctuaries to those who were fighting our forces in South Vietnam.

Mention has been made here of the urgency and nonurgency of this matter. I said in my opening remarks yesterday—and if the chairman has not read them, I hope that he will do so——

Mr. FULBRIGHT. I did read them. They were extremely well done. I must say it is the best possible statement for a poor case.

Mr. SPARKMAN. Mr. President, I was stating the facts as I saw them and in line with the majority of the membership of the Foreign Relations Committee agreed to.

Talk has gone on here about continuing to rob Peter to pay Paul, in the words of the distinguished Senator from Alaska. He said that he is willing to go along with the authorization to take care of those items, but that if we do not make this available it means that they are going to have to continue to rob Peter to pay Paul. Actually, in order to take care of the needs that are very great in Cambodia and afford them the limited military equipment that this fund would take care of and also to provide the economic stability that they need—all of which ties right in with the withdrawal of our men from South Vietnam—they will have to borrow again against the funds that are needed in South Vietnam in order to take care of this urgent need in Cambodia so that they might continue to operate during the next quarter.

Mr. FULBRIGHT. Mr. President, does not the Senator acknowledge, as I have said, that this need will go on for only a couple of months until we have had an opportunity to actually hear the testimony.

Mr. SPARKMAN. The Senator is correct. But what we will be doing with the $100 million, to which the Senator finds no objection, is paying $60 million and then the next day drawing that $60 million out again.

Mr. FULBRIGHT. Mr. President, I do have objection. It is, however, the lesser of two evils. It is much easier to do that than to have the policy interpreted as it could be interpreted.

Mr. GRAVEL. Mr. President, the administration has also interpreted this policy by disrupting funds that were appropriated for Taiwan, Greece, and other countries by this legislative body. That is the policy of the Nation. So, that has already been disrupted.

From my point of view I would like to see the least possible amount of disruption, but at the same time I would not like to sanctify or make legal the course that the administration has chosen.

Mr. SPARKMAN. It is legal. It is in the law. The Senator from Missouri (Mr. SYMINGTON) complained about it.

Mr. FULBRIGHT. Technically.

Mr. SPARKMAN. And yet I remind him that it is in the law that Congress wrote.

Mr. GRAVEL. I know the Senator was not in the Chamber earlier, but I made what, I think, is a fairly decent case to show the illegality of the incursion; so the President was not disobeying a law passed by this body, but he was disobeying the Constitution of the United States.

Mr. SPARKMAN. Yes; I heard the Senator's presentation. I was here right after the Senator commenced his presentation. I read in the RECORD that there would be a 30-minute speech following the opening of the session this morning, and when I arrived discussion of this matter had hardly been started.

I do not concede the Senator's argument that the action is in violation of the Constitution.

I shall not take further time now, but I do have a memorandum in which I answer questions about the point the Senator has raised. Later I intend to discuss some of the points. At this time I ask unanimous consent that the memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD as follows:

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Urgent Requirement for Cambodian Aid

The total amount of funds requested for Cambodia is $255 million. Of this, $70 million is for economic assistance and $85 million for military assistance. $100 million has already been borrowed from other programs to provide military support. No economic support has yet been provided.

Of the funds borrowed from other programs, $40 million was obtained by reducing such countries as Turkey, Greece, and Taiwan. The $60 million in Supporting Assistance funds which have been or will be transferred have been borrowed from other Supporting Assistance programs, principally Vietnam.

Outside of Southeast Asia the proposed Supporting Assistance programs total less than $50 million. The rest of the Supporting Assistance Funds, for which $414 million was requested in the FY 1971 appropriation, are for Vietnam, Laos and Thailand—mainly for Vietnam.

If no additional funds are authorized and appropriated for Cambodia, the as yet unmet requirement of $85 million for military assistance and $70 million for economic assistance cannot be funded. There is no further room for reducing ongoing Military Assistance programs to meet the military requirements and the commodities available under Section 506 meet only a small part of Cambodian requirements. The only source for economic assistance funds is the Supporting Assistance account, which means that the only way in which funds can be made available for Cambodia is to reduce our programs in Laos, Thailand and Vietnam. The programs in Laos and Thailand are closely related to our Vietnamization program and Southeast Asia strategy and in any event total only $60 million. To cut these programs off is to fail in our objectives in one part of the area in order to support them in another. It obviously makes no sense. Even cutting them off entirely would not provide the money needed for economic support in Cambodia, nor would it permit the repayment of Supporting Assistance funds already borrowed and transfer them to the Military Assistance program.

Economic aid to Vietnam is obviously crucial to our Vietnamization strategy. Earlier this year the United States finally reached agreement with the South Vietnamese Government on a series of extensive economic reforms. These reforms, without which the Vietnamization program could not last long, were undertaken with the understanding that our economic assistance would be adequate to support them. It is for this purpose that in the supplemental request the President asked for an additional $65 million for Vietnam. The amount originally requested in the appropriation for FY 1971 is inadequate to sustain the economic reform program. It goes without saying that borrowing almost $100 million for Cambodia out of the regular appropriation would not only wreck the South Vietnamese economic reform program, but would also bring the amount of Supporting Assistance available for Vietnam below the levels required for regular maintenance imports.

By the end of this year additional funds are required for Cambodia to maintain the military supply pipeline and to begin an economic support program for an economy which has sustained major losses of resources and a growing defense establishment without outside assistance for eight months. Even with immediate appropriations of Supporting Assistance funds, it will be some months before the Cambodians would receive the commodities. The new Congress will convene in late January and will inevitably take time to organize itself and arrange its legislative program. We will then have to start this process all over again, with further hearings, as the Chairman has suggested, and action by both Houses. Even with the best of intentions, we are not likely to pass this legislation before March.

In fact, there is no assurance that the legislation will be passed at all. During a period of two or three months, getting well toward the end of the fiscal year, there will be uncertainty about whether these funds are ever going to be provided. During this time, according to the suggestions that have been made, funds will be diverted from other programs. But by that time, even if the supplemental were passed then, we would already have had to disrupt our existing programs in Vietnam, Laos and Thailand in order to provide the minimum requirements in Cambodia. If the Cambodia part of the supplemental were not passed, we could face a situation where there could be a shortfall of well over $100 million for Vietnam. Without these funds the Vietnamization effort would suffer a serious blow.

The ultimate question therefore is not whether the Administration has legal authority to divert additional funds, but whether such transfers can be made without seriously jeopardizing programs in Vietnam and other parts of Southeast Asia.

Mr. GRAVEL. In answer to the prior statement, I would be happy to go over those questions if the Senator wishes to enunciate them one at a time, but prior to that I would like to go into the matter the Senator just brought up.

Mr. SPARKMAN. I would prefer that the Senator do that.

Mr. GRAVEL. I refer to the concept of robbing Peter to pay Paul.

Mr. SPARKMAN. It will be remembered the Senator from Alaska referred to that expression. It is a good old expression, but I want him to know that I was repeating what he said.

Mr. GRAVEL. I take credit for introducing that expression in the discussion that ensued yesterday.

Mr. SPARKMAN. In the discussion, but not for the expression in the vernacular. It is an old, old saying.

Mr. GRAVEL. I do not propose to claim authorship for it. I confess that yesterday I did use things in a similar vein, but I do not claim the entire authorship. Many times I only make observations.

With respect to the expression "robbing Peter to pay Paul," currently the decision rests with the administration in doing that; the decision for going into Cambodia rests with the administration. It is a decision to expand the war.

Mr. SPARKMAN. May I say at this point, as I said a few moments ago, that I do not agree with the statement that going into Cambodia expanded the war. I do not think there was any intention of expanding the war, and the President stated that clearly when he said he was going in that the purpose was to destroy the sanctuaries that the Vietcong and the North Vietnamese had at that time in Cambodia and from which they could harass and destroy our troops. He made clear that it was not to expand the war.

Mr. GRAVEL. I beg the Senator's pardon.

Mr. SPARKMAN. I wanted to make clear that I do not go along on the point the Senator made.

Mr. GRAVEL. The understanding I developed, and I think it would be easy to clear the record in that regard with the transcript of the President's public statements, was with regard to why we went in there. He was very clear we went in there unilaterally to safeguard our troops, which was in violation of the SEATO agreement we had. But in so doing he gave no timetable of withdrawal but only an indication that this would be of short duration.

At a later time when he was being pressed and pressured by public opinion and the turn of events in this country, it caused him to drop the word casually that it would be July 1, and as a result of that slip, and I use the word "slip" because it was under pressure that he used that statement, the administration came back and said it would be of short duration and began to limit the objectives, and the objectives as stated were to find the headquarters and destroy it. That headquarters was never found and it was never destroyed.

Had it not been for public opinion I am sure we would still be running around Cambodia looking for that headquarters to destroy it. But because of the pressure of the Nation we had to recede and recede rapidly to a 30-day time frame.

Mr. SPARKMAN. Will the Senator yield to me briefly so that I may ask another question that could be answered briefly because it will help me to plan my schedule?

Mr. GRAVEL. Yes, I yield, without my subsequent remarks counting as a second speech.

Mr. SPARKMAN. No. This is a question. I am sorry the chairman of the committee is not here. He, too, is involved. I presume the Senators from Alaska and Arkansas operate in collaboration with each other.

Is there any prospect of our being able to bring the Senator's amendment to a vote some time this morning?

Mr. GRAVEL. I would hope so.

Mr. SPARKMAN. Or this afternoon?

Mr. GRAVEL. I would hope so. I would like to consult with the leader, which I have not had time to do. We are trying feverishly to make calls to Senators to find out who is here and in town and who is not.

Mr. MANSFIELD. Mr. President, I am delighted to answer any question and arrive at any reasonable good accommodation at this time. I think, as far as the Democrats are concerned, there are four absentees, which is just about as low a number as we will have at any time. I assume that on the Republican side—I see the Senator from Kansas raising his fingers—there are three Senators absent, and that total of seven is about as low as the Senator would get this year.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. I have a good deal to say about this matter. I am opposed to making an agreement at this time.

Mr. MANSFIELD. I brought the matter up only because the Senator from Alaska said that he would talk to me about it and I wanted to make the statement for the RECORD.

Mr. SPARKMAN. I wish to say to the Senator from Arkansas that when I posed my question I said I wished you were in the Chamber because I believe the Senator from Alaska and the Senator from Arkansas have been working——

Mr. GRAVEL. In tandem.

Mr. SPARKMAN. They have been working in tandem and I was asking the question so that I might plan my own schedule. I have a very busy doubled-up schedule today.

Mr. FULBRIGHT. I would suggest the Senator attend to whatever business he has.

Mr. SPARKMAN. I believe I can read the meaning.

Mr. FULBRIGHT. I do not believe he would suffer much from being absent from the Chamber.

Mr. SPARKMAN. I thank the Senator from Arkansas and the Senator from Alaska.

Mr. FULBRIGHT. Was someone asking a question?

Mr. GRAVEL. I had a question from the Senator from Alabama that I was going to answer, but the Senator from Alabama has to leave the Chamber.

Mr. SPARKMAN. What was it?

Mr. GRAVEL. It was on the whole theory of robbing Peter to pay Paul, which we were hung up on. That has been the activity of the administration and their policy. I do not want to interrupt their policy if they choose that policy; and if they choose it, it should be their burden and not spread throughout Congress and the Nation as a national policy, because it would be a policy of failure, and it would be easier to identify the failure if we let the administration operate as they have been for a period of time, so we can have a dialog on the decisions involved.

That is the position of the chairman of the Committee on Foreign Relations: That we are doing something here upon which insufficient reflection has been made, and it is probably one of the most serious undertakings since the Gulf of Tonkin resolution. I think it is much more serious than the Gulf of Tonkin vote because in that case we were talking about a sense-of-the-Senate resolution and here we are talking about putting our money where our mouth is.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. GRAVEL. I am glad to yield to my colleague without losing my right to the floor and without it being counted as a second speech.

Mr. DOLE. The Senator from Kansas understands the question to be that the Senator from Alaska does not wish to block any other legislation in this session, the Senator from Alaska does not wish to frustrate the Vietnamization program, the Senator from Alaska wishes that the administration would give more deference, perhaps, to the Foreign Relations Committee, and since this has not been done in accordance with the views of the Senator from Alaska and the Senator from Arkansas, then we should just discuss it on the floor until the first of the year. Is that a fair summary of the judgments of the Senator from Alaska?

Mr. GRAVEL. In answer to the Senator's question, I do not think that is a fair assumption. I think it is difficult to make an interpretation of how much dialog is necessary for people to reach accommodations on what course of action to take. I am not a magician; I have no extrasensory power to know what goes on in the minds of my 99 colleagues.

Let me say I was willing to set this measure aside yesterday so we could take up the SST or any other matter.

With respect to the frustration of the Vietnamization program that the Senator speaks of, I am not prepared—certainly, I hope I did not leave that impression yesterday—to try to frustrate the Vietnamization program. If the definition of the Vietnamization program is to withdraw every single American boy from South Vietnam, I not only would be against frustrating it; I would be its handmaiden. But at this stage I am convinced that is not the definition of the Vietnamization program. I could be in error, like any other human being. I am convinced that Vietnamization is not our complete withdrawal from South Vietnam, but the diminution of our troop level from one particular level to another level which will be a sustained involvement of this country in that part of the world for decades. This view is based upon the historical experiences that have occurred in Europe for over 25 years, involving in excess of hundreds of thousands of troops, and in Korea for 17 years. And now we have a situation where American troops have been located and are going to be located in a part of the world where they are being killed in a hot war. I am prepared to frustrate that degree of involvement.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield without losing my right to the floor and without it being counted as another speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Is the Senator yielding the floor to me?

Mr. GRAVEL. Yes, for a question.

Mr. DOLE. The Senator from Kansas can only observe that the request is made for the purpose of continuing the Vietnamization program, with which, it occurs to the Senator from Kansas, we have had some success. As the Senator from Kansas said yesterday, there has been a reduction of over 200,000 in the troop level. The Vietnamization program is 15,000 ahead of schedule. By next May 1, the troop level will be down to 284,000. Secretary Laird announced just last night that he will go to Vietnam to see about further withdrawals.

If the Senator from Alaska prevails in his efforts to scuttle aid to Cambodia, then the Senator from Alaska should be prepared to accept a slowdown in the Vietnamization program, or perhaps a standstill in the Vietnamization program, and what the Senator from Alaska may accomplish is the very thing he appears so concerned about.

As I see the effort of the Senator from Alaska, it is frustrating the Vietnamization program. If it is necessary to have a hearing just to satisfy the Foreign Relations Committee, that is one thing, but it seems to me the ultimate goal is to withdraw our troops from Vietnam, not to satisfy the Foreign Relations Committee or determine how much time Secretary Laird spends before that committee.

The question should be, Will the Senate have an opportunity to work its will this year? If the Senator from Alaska and the Senator from Arkansas are prepared to proceed on a course, or a discourse, for the next 10 days, I would assume that would be a judgment they must make, but it is my understanding that there will be objections to any unanimous-consent requests from the minority. I believe the acting minority leader would share that view, in hopes we can have some agreement on a vote on the amendment of the Senator from Alaska.

Is the Senator prepared to say at this time that he foresees any vote today or tomorrow or the next day?

Mr. GRAVEL. Going to the basis of the Senator's question——

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a comment on that question?

Mr. GRAVEL. I yield, without losing my right to the floor or being charged with a second speech.

Mr. FULBRIGHT. There are two or three comments I would like to make that are appropriate to the Senator's statement. In the first place, I think it has been demonstrated beyond any doubt that the deletion of this amount will in no way hinder the President from giving all the money he is going to give to the Vietnamization program for the next few months. We have demonstrated that. If the Senator wants me to reiterate the sources available for the money, I shall be glad to do so. This action will in no way inhibit him, and it could not possibly be said that this action will slow down the Vietnamization program, assuming that is a good program and will accomplish what the Senator feels it will. So I do not think that is a valid argument.

As to voting on it, because of the lack of urgency, I can say it is completely unrealistic and is incredible to me that the leadership of the Senate would allow a little, picayunish bill of this kind to stand in the way of public business such as appropriations for defense, on which the distinguished Senator from Arizona (Mr. GOLDWATER) is an expert, involving the huge amount of $66 billion, and the appropriations for HEW. That responsibility is not mine. The leadership, at any moment, can move to set this bill temporarily aside and call up important bills. So the hypothetical is entirely unrelated to the actual facts.

Mr. GRIFFIN. Mr. President, will the Senator from Kansas yield to me without losing his right to the floor?

Mr. GRAVEL. And without it being counted as a second speech.

Mr. GRIFFIN. I am somewhat amazed by the statement of the chairman of the committee because, as I view the situation, it will be the Senator from Arkansas and the Senator from Alaska, rather than the leadership, who will have to bear the responsibility for holding up the business of the Senate.

The provision to which the Senator objects is a very important item. The Senator has said that over and over. The

XUM

Senator from Alaska has emphasized that this is a very important item. I might say that it is a very important item in the President's Vietnamization program under which he is bringing our troops home. A number of other bills, including the Defense appropriation and the Transportation Department appropriation, are also very important.

I must say that the image of the Senate in the eyes of the Nation is not enhanced by what is going on.

The President in a special message submitted his request for foreign assistance, including the funds for Cambodia and the funds for Israel and some other countries, several weeks ago. Hearings have been held in both the Appropriations Committee and the Foreign Relations Committee, of which the distinguished Senator from Arkansas is chairman. The issue raised has been debated in the press. It has been debated on the floor.

I can understand, appreciate and respect the position taken by the Senator from Arkansas and the Senator from Alaska. They are against the proposed assistance for Cambodia. They have a perfect right to vote against it. But let us get to a vote. Let the majority of the Senate work its will. I think we owe the Nation an obligation to vote.

I stood shoulder to shoulder with the Senator from Arkansas just a few days ago on a similar question. He will recall that it involved a bill for international financial organizations. At that time, it was the Senator from Tennessee (Mr. GORE), who had some objection to that particular bill.

With respect to that particular bill, I stood shoulder to shoulder with the chairman of the committee in arguing that the Senate should be allowed to exercise its will.

Any reasonable amount of debate is satisfactory to the junior Senator from Michigan. The proposal to aid Cambodia is an important question, and the Senator has a right to be able to do his best to persuade his colleagues. But let us agree to get to a vote on this matter at some point.

Mr. FULBRIGHT. Mr. President, will the Senator yield so that I may make a comment on just one point?

Mr. GRIFFIN. The Senator from Alaska has the floor.

Mr. GRAVEL. I yield to the Senator from Arkansas, provided that I may do so without losing my right to the floor and without it being counted against me as a second speech.

Mr. FULBRIGHT. Mr. President, we have been discussing this matter one day, a part of yesterday and now it is 10:30 a.m. The Senator from Michigan and his party took 7 weeks of the Senate's time on the Cooper-Church amendment—7 weeks—and now he has the temerity to stand here and say we are creating a bad image.

I ask the Senator and his colleagues, what kind of image did they create by spending 7 weeks on a relatively insignificant and, I am quite sure, ineffectual filibuster on the matter of the Cooper-Church amendment?

As far as the importance of this matter is concerned, it is important that it not be passed, not because of what it will do to the President's program in Cambodia, but because of its policy implications, because it is necessary to inform the country as to what the President's policy is with regard to all of Southeast Asia. That is why it is important.

As I have stated, it is utterly insignificant insofar as the availability of money to the President is concerned. It is insignificant for the purpose for which it is ostensibly designed, that is, to give money to Cambodia. It is extremely important insofar as the policy implications are concerned.

The Senator from Michigan can take it either way he likes, but I do think it comes with very poor grace for the Senator to accuse us of creating a bad image because we are delaying the Senate, after having given us 7 weeks of the same thing.

I do not think we will go on for 7 weeks. We will probably not go on half as long as the Senator went on with Cooper-Church. We are only asking that this one item go over. The money is available.

I agree with the Senator; I think the Senate has a very poor image. One of the principal reasons the Senate has had a very poor image, in my view, is that it has been unwilling to discharge its responsibility of examining thoroughly, and assuming an independent role on, matters of the greatest importance in foreign relations.

We have fallen into the practice of accepting whatever Mr. Kissinger and his crew recommended to the President and send up here—Mr. Kissinger, who is not available to the Senate for any examination. He refuses to come before the committee; and he is obviously now one of the principal policymakers. He will not come to any committee and be examined in the usual way. And as far as the Secretary of State is concerned, it had been 17 months between his last appearance and when he came for 3 hours the other day. That was the first public hearing on a matter of this importance in 17 months. Theretofore, he had always found excuses not to appear before the committee.

But I agree that the Senate has created a very disappointing image. I do not think it is discharging its constitutional role in our Government, and I think most of us have fallen into the habit of accepting whatever we are handed and saying it is a matter of the greatest importance.

As regards that financial bill, I agree with the Senator from Michigan that the bill is designed for a constructive purpose. It follows long-established policy, through both the Eisenhower administration and the Democratic administrations which followed. There is no real controversy about the major elements of the bill. The controversy was on a relatively minor part of the bill, and I regret that the Senator from Tennessee was so adamant in his attitude about it.

I still think, however, that that bill will be passed in due time. I think it is a question of delay, which I regret very much. I tried my best, both privately and publicly, to persuade the Senator from Tennessee not to pursue that course; but there was nothing I could do about it, as the Senator well knows.

I am perfectly willing to discuss with the Senator, if he is willing, some compromise. But on this matter, there is no compromise about the policy of eventually going all out for victory in South Vietnam. All we are seeking to find out, and believe we are entitled to know is, what is the policy?

That is why I say it is important. It is not important materially. I do not think the Senator from Michigan can possibly say this will slow down Vietnamization, because the money is available and will be available. It cannot possibly do that. All it slows down and delays is the approval—the overt, formal approval by this Congress—of the policy, whatever it may be, that the President has in mind by expanding the war into Cambodia or by extending our responsibilities to take care of the economic and military costs of Cambodia.

That is an important policy. It needs discussion and not just by the Committee on Foreign Relations. This is not to humor the Foreign Relations Committee; it is to discover, if possible, what the policy is. I do not see how the Senator can make any case whatever that we are delaying Vietnamization, and he cannot make any case that we are delaying the Senate. All in the world he has to do to get this bill out of the way is to accept the amendment of the Senator from Alaska—a very minor affair, involving only $155 million. Goodness gracious, that much is peanuts; it is just nothing compared to the big bills waiting to be acted upon. That is not half as much as is sought to be thrown away on the SST.

I do not see why the Senator seeks to enlarge this into a major element. I am amazed that he has not agreed to accept the amendment or take the bill down. Either one would be easy to do, and could be done very quickly.

Mr. GRIFFIN. Will the Senator yield for a further observation?

Mr. GRAVEL. If I may first underscore the same feeling expressed by the Senator from Arkansas, that we are being pressed to make this as brief as possible, and yet I can recall presiding and reviewing the debate that took place over 7 weeks—7 weeks—when I kept asking myself, "Why are some of my colleagues trying to drag this out for so long?"

I came to the simple conclusion that the reason they were trying to drag it out was to let the President pull the troops out by July 1—a date that he slipped into by accident, inadvertently, and then, for some reason, someone on the other side of the aisle felt it was very important for someone's ego, or for the sanctity of the policy in question, to let him have the room to do so before we took up the Cooper-Church amendment, which, to my mind, was a laudatory piece of legislation, but still rhetoric, and without a great deal of strength.

I should be happy to entertain another question at this point, without losing my right to the floor and without it being counted as a double speech.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

XUM

The PRESIDING OFFICER. Does the Senator from Alaska yield for a parliamentary inquiry?

Mr. GRAVEL. Without losing my right to the floor, and without it being counted as a double speech.

Mr. GOLDWATER. Is unanimous consent being asked by the Senator from Alaska for the purpose of yielding to the Senator from Michigan?

Mr. GRAVEL. I was in the process of doing that prior to the Senator's parliamentary inquiry.

Mr. GOLDWATER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAVEL. Does any other Senator wish to ask a question?

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from Maryland, without losing my right to the floor and without it being counted as a second speech.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state his parliamentary inquiry, if the Senator yields for that purpose.

Mr. GOLDWATER. Is the Senator putting this in the form of a unanimous-consent request?

Mr. GRAVEL. Mr. President, a parliamentary inquiry on my part. If a Senator chooses to ask me a question, what rights in respect to my holding the floor are impinged upon?

The PRESIDING OFFICER. The Senator may yield for a question without losing any rights.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry?

Mr. GRAVEL. What about a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Arizona will state his parliamentary inquiry, if the Senator yields for that purpose.

Mr. GOLDWATER. Does a Senator have to ask unanimous consent to yield for the purposes of a question?

The PRESIDING OFFICER. No, he does not.

Mr. GRAVEL. And that is not counted as a second speech?

The PRESIDING OFFICER. It would not count as a second speech.

Mr. GOLDWATER. Another parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state it, if the Senator yields for that purpose.

Mr. GOLDWATER. If the nature of the purported question turns out not to be a question, is it the right of a Senator to object?

Mr. MATHIAS. I may say to the Senator from Alaska that my purpose in asking him to yield is to ask him a question.

The PRESIDING OFFICER. The Senator may yield to another Senator for the purpose of asking a question, without losing his right to the floor. If the Senator purporting to ask a question then makes a speech, any Senator may object; but the Senator who originally had the floor does not lose his right to the floor, unless the Senator permits the situation to continue after having been put on notice.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Alaska yield for the purpose of a parliamentary inquiry?

Mr. GRAVEL. Yes. When I yield for a parliamentary inquiry, do I have to state that I am not losing my right to the floor and ask unanimous consent? Is the Chair treating a parliamentary inquiry as it would treat a normal question to me?

The PRESIDING OFFICER. The Senator from Alaska may not yield for a parliamentary inquiry without losing his right to the floor, except by unanimous consent.

Mr. GRAVEL. I yield, under that condition.

Mr. PASTORE. In the Senator asking to yield for a question, or is he limited in any way in laying a predicate for his question which is part of the question?

The PRESIDING OFFICER. The Chair will say that if the person to whom a Senator has yielded for the purpose of asking a question then, instead of asking a question, becomes too long-winded, the Senator who originally had the floor and yielded would have to protect himself by refusing to yield further.

Mr. PASTORE. Mr. President, will the Senator yield for another parliamentary inquiry?

Mr. GRAVEL. I yield.

Mr. PASTORE. If a Senator began his question with the words "Is it true," and then went on and on and on, who is to say at what point the question should be limited?

The PRESIDING OFFICER. That could then become a question for the Senate itself to decide.

Mr. PASTORE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. GRAVEL. I am happy to yield to the Senator from Maryland for a question.

(Mr. STEVENSON took the chair as presiding officer.)

Mr. MATHIAS. Mr. President, I thank the Senator from Alaska for yielding for a question. It is a simple question. It is a question which is raised in my mind by a letter that has come to my attention. It is a question which was further raised by the action of Congress within the past week in rejecting an appropriation in the sum of $15 million to convert the biological warfare laboratories in Fort Detrick into medical research laboratories to be operated under the jurisdiction of the National Institutes of Health.

It is a pertinent inquiry to this debate, because we are talking here about striking something like 10 times $15 million from this bill, and the letter I should like to call to the attention of the Senator from Alaska and get his judgment on is pertinent to that question. The letter is dated November 3, 1970, and the date is important. It is addressed to the President.

FARMINGTON, CONN.,
November 3, 1970.

DEAR MR. PRESIDENT: I sincerely pray that this letter reaches your hands, that you read it personally, in spite of the fact that every day thousands of letters reach the White House with urgent requests or demands, praises or denunciations. This is above all a question, one I have been asking for a long year, one that finally has kept me awake long enough to write it down and send it to you.

I am one of the millions of Americans, including all too many unaware of it themselves, suffering from cancer. In my instance, it is not a curable form. It is a terminal, unpredictable disease called reticulum cell sarcoma, affecting my lungs. I am twenty three years old, a 1969 graduate of Mount Holyoke College, and, in general, a young woman who knows what she wants, loves life, and longs to fulfill freely her many ideals. One year ago, this fulfillment was postponed before it had barely begun. But I speak nevertheless as a person with a deep faith in God and in the potential of the human spirit. Thanks to God, my own spirit has enabled me to transcend the insidious, prison-like nature of this disease. My soul refuses to be cancer-ridden though the temptation to despair is often great.

I must ask you a question because of what I have heard and seen at a superb hospital which is fighting for my life as I am, the Yale-New Haven Medical Center. I have heard too many doctors express alarm at government cutbacks in aid to cancer research centers, and at the inability of thousands of eager young men and women even to be trained in this vital field for lack of sufficient institutional funds to educate them. I have heard one of the country's finest hemotologists say wearily, "I have worked all my life for this—I don't see the cure. But we are so close, so close." I have seen the faces of my fellow patients in clinics and in wards, expressing the fear that the government and the nation have forgotten them in the course of a cruel and crucial election campaign.

Mr. President, I ask the question, what is the government going to do to help us and those who dedicate their own lives to helping us? I question the nature of a political system, where men who represent the people can appropriate money for missile systems, wars, industrial expansion and more pollution, at the same time sincerely promising more money for fighting poverty and illness, building peace, and ending pollution. I do not feel any identification with those in my generation who support anarchy and "liberation" and guerrilla "heroes". They offer no future to reassure anyone; they can find no past history to convince anyone. At the same time, I do not attack all men who care, who share my faith in the human spirit, as radical liberals, as a kind of blight to be totally removed from our government. I am trapped in the middle ideologically; more than that I am trapped in a kind of middle physically.

I ask you the question, Mr. President, and I sit and wait for an answer from the human spirit, not from the records or the computer sheets or the past. We, millions of us, are only praying for a future, and asking the question, why can't the world's greatest nation, which has so heroically conquered outer space, fight to conquer inner space as well? Mr. President, I know you bear the burden as well as the greatness of your position, but can you imagine what it is to have an incurable cancer lurking in one's own inner space, when life is so great and so good, when there is so much to be done in God's world?

Very respectfully yours,
ANNE RUTH SINGER.

Now let me say to the Senator from Alaska that the answer to that letter will never reach Anne Ruth Singer because Anne Ruth Singer is dead.

But the Senator's motion is to strike $155 million from this bill, 10 times the

XUM

amount it would have taken to operate existing facilities at the Fort Detrick Biological Warfare Laboratories for the purpose of medical research.

Totally aside from the strategic aspects of this situation, and totally aside from the foreign implications of this situation, does the Senator feel that the investment of this money is in the order of priorities for America at this hour?

Mr. GRAVEL. Mr. President, it would be difficult——

Mr. GOLDWATER. Mr. President, will the Senator yield for a parliamentary inquiry? I should like to inquire of the Chair, if he were forced to make a decision, whether that last statement constituted a question?

The PRESIDING OFFICER. The Chair would not treat that as a hypothetical question. The point has to be made, for the Chair to make a decision on the question.

Mr. GOLDWATER. Would the Chair repeat that?

Mr. GRAVEL. Mr. President, in answer to the question, I think it would be difficult to be more eloquent than the letter itself from this young lady. But my answer is very simple: Yes, I share her view. I share her total consternation over the apparent realization that she has, that I have, and that I am sure most of my colleagues and most of mankind have, over the frustration of realizing that man has not matured to a sufficient level, that man has not the decision-making processes, even though he can point and say that war is insane, and understand that insanity, but not have the processes at his disposal to make a decision or to effect a number of decisions which would withdraw man from the brink of this total insanity we find ourselves in.

My answer is "Yes" to the Senator's question regarding the letter from the young lady. I could not agree more.

Mr. MATHIAS. I have a further question.

Mr. GRAVEL. I yield for a question.

Mr. MATHIAS. If the Senator's motion is defeated, this means that a quarter of a billion dollars of American money will be invested in Cambodia over and above the sums now being spent in Vietnam and Laos.

In forming my question, I should like to refer to a conversation I had not too long ago with a man I had appointed 6 years ago to the U.S. Military Academy at West Point, a young man who had demonstrated his loyalty by not only serving one tour in Vietnam but, after the usual period of rest and rehabilitation, volunteering to return to Vietnam for a second tour of duty, a young man whose duty in Vietnam involved living out in some of the villages, with one or two other volunteers who were with him, and living intimately with the people of Southeast Asia.

I said to him:

> What was it like?

He said:

> The problem is, as I see it, living with the people of Southeast Asia, that we have got too much money and too many machines and too much presence. We are just like bigger Frenchmen to the people of that part of the world. And I have come to the conclusion that if a great nation wants to bring down a small nation, the way to do it is to embrace it.

Does the Senator from Alaska feel that giving a quarter of a billion dollars to this small nation which has somehow or other, God knows how, managed to keep its neutral position and its identity through a quarter of a century of war, would not be the kind of fatal embrace that would finally bring down the Cambodian people?

Mr. GRAVEL. In answer to the Senator's question, I could not agree with him more. I think the facts bear that out because when we began to embrace them on April 30, 10 percent of the geographic area of Cambodia was controlled by the Communists. When we phased out the first part of this embrace, 50 percent of the geographical area of Cambodia was in Communist hands.

I will introduce later into the RECORD the historical documentation about all the efforts made by the Cambodian Government to remain neutral. It had an impossible situation trying to stay neutral toward China and North Vietnam on one side and the United States and South Vietnam on the other. In fact, it got so bad at one point that there was a Security Council resolution condemning the incursions and invasions of South Vietnam into Cambodia. This, of course, was, I believe, in the late 1950's.

Of course, Cambodia did consider itself a neutral nation. But we have succeeded as a policy from taking that neutral nation, and through the deposition and disposing of Sihanouk—and here I do not know who can say whose fault it was, whether Lon Nol's, the CIA's, or the Communists'. But I have read stories that he was unpopular with both sides, which only adds further credence, in answer to the Senator's question, that he was a successful neutralist. He did not make the participants on either side very happy, but he was, in my mind, an intelligent person. I may not be in agreement with the form of government or the monarchy Cambodia has, but I think any intelligent observer would have to conclude that under his reign there was a good deal less destruction in his country than has existed under Lon Nol's reign.

Mr. MATHIAS. I will ask one final question.

Mr. GRAVEL. I yield for a question.

Mr. MATHIAS. Has the Senator been disturbed, as I have been disturbed, by news reports of recent days that unusual measures had to be taken to protect U.S. forces stationed in Vietnam, not from the North Vietnamese or the Vietcong but from the people of South Vietnam; and would the Senator give us his opinion as to whether this investment of a quarter of a billion dollars in Cambodia might not unleash upon the United States one more episode of the kind we are experiencing in South Vietnam today, if we are to believe the reports which come to us about the attitude of the people of South Vietnam toward America, after all these years, after spending all these billions of dollars over there, after piling up all these debts, and all the blood, and all of it?

Mr. GRAVEL. The answer, of course, is very simple. It was demonstrated by the riots of students over the fatal shooting of a South Vietnamese student by an American soldier. I do not know whether the shooting was an accident. I am prepared to believe that it was. But the vitriolic response to that act certainly to my mind does not evidence what one would call a broad spectrum of support for the amount of blood their freedom.

This, of course, is an unfortunate part of the rhetoric we use in this country in regard to this war. But the truth does creep out every so often when we see outbursts and when we learn of the preventive policies and activities undertaken by our forces, toward which the South Vietnamese populace did not show the proper degree of gratitude, but rather showed a great deal of malice.

I personally believe that were we to accelerate the Vietnamization program for 3 months, which means that we take out every last soldier, we would not have difficulty with North Vietnam in effecting that extracation. Our difficulty would be in protecting ourselves from the South Vietnamese or from some of the elements of the South Vietnamese.

That, of course, is the irony of the situation—the lack of comprehension that is involved in this country because of the use of rhetoric.

Let me give another example how this operates. We talk of protecting the Vietnamization program by going into Cambodia. We now have to spend money in Cambodia because that will help our Vietnamization program.

The Vietnamization program was announced and undertaken much before this ever came about. In fact, the Vietnamization program was announced in May 1969, almost a year before the acceleration of events in Cambodia. So, obviously the administration in announcing the Vietnamization program knew that this program could be undertaken with the status quo that existed in Cambodia, and that the sanctuaries would continue to lend support to the North Vietnamese or the Vietcong. And we knew as a matter of policy that the Sihanouk government did not have the military muscle nor the desire to wipe out entirely these sanctuaries, because they were attempting to maintain a sort of neutrality. In fact, there was a tacit agreement between Sihanouk and the Communists that if this precarious balance was maintained and not accelerated, the status quo would be maintained in Cambodia.

What we had to do was to make our contribution to such a tacit agreement and continue our Vietnamization program. But no. This administration turned 180°, vectored on a totally different approach. That approach was not to maintain the precarious balance of neutrality in Cambodia. It was a policy directed toward getting in and making our position better. It was thought that our position would be better if we had control of Cambodia.

XUM

Subsequent events developed, and what contribution this Nation played in those events history will be a long time in finding out. The events were such that it was a pro-American that deposed Sihanouk. A coincidence, but obviously it seemed to favor our position temporarily, but unfortunately only temporarily, because no sooner had his successor ascended to power than his total weakness was apparent. It was so apparent that this administration had to take the next step and move into Cambodia with force of arms and shore up this teetering government.

We are told that this expansion of the war was made in order to effect and promote Vietnamization.

That goes back again to the logic of using rhetoric which has no sense of realities of the moment.

It is unbelievable that the American public believes this rhetoric. We are so used to dealing in words that when a person says that we are not going to go into that area, that statement is believed. But when we appropriate money, we get angry when the world says they do not believe us when we say that we are not going to do more in Cambodia.

Here is an appropriation of more money. It would take an idiot, it would take a not well adjusted person, to say that we are really increasing our Vietnamization efforts.

When we undertook in May 1969, the Vietnamization program, that was truly designed to extricate all our troops from Vietnam. The administration meant that, and the people believed them. I believed them. I held the view that we were sincerely going to see the day in the immediate future when we would not have a single American boy in South Vietnam.

I held that belief. In fact, I can recall making speeches around the country and thinking that President Nixon had undertaken a course which was proper and which was getting us out of Vietnam. But I had all of my beliefs dashed on April 30, totally dashed because it took that move to make me realize that his definition of Vietnamization was very different from my definition of Vietnamization.

I humbly suggest that the view of the American populous toward Vietnamization is the one that I held prior to April 30, and that it will take other events for them to realize that they misunderstood the meaning of the word attached to the policy, and that they were to some degree deceived, but not maliciously deceived. I do not impugn the motives of the President. I do not think he loves his country any less than I do.

I take a different approach. I take the view that the strength of our country lies not in the strength we can exhibit in foreign lands, but that the strength of this country lies in what we can do within the territorial confines of this country. It lies in the quality of our economic fiber. More important than that, it lies in the quality of our moral fiber, which has been totally brutalized and eroded to the point that the appropriate bodies of leadership are ashamed and overcome with consternation when they read of reports of what has happened there. We read the reports of what happened at My Lai. All we can do is read them in stupified silence, when we realize that a human being—regardless of whether he is American, South Vietnamese, or Chinese—could kneel down and put his carbine on his shoulder and pump a couple of rounds into a South Vietnamese child. All we can do is stand in shock.

Then we come to the floor of the Senate as U.S. Senators and sit here and hear someone say that there is a piece of legislation here by which we will appropriate $155 million.

As a Senator standing in the briefing room in the State Department, I heard someone tell us that this is for small arms ammunition and that it is necessary because we have to do this.

It does not make any sense. It just does not make any sense. That, of course, is the reason why the young lady wrote the letter which my colleague, the Senator from Maryland (Mr. MATHIAS) referred to. She took a similar, stunned view, wondering why and how this situation could come to pass. It comes to pass very simply because we in the Senate, the House, and in the administration accept the status quo and accept the fact that history has gone on before us and that we, as humble little men, cannot do much to change that history. That is the tragedy of it all, because we can change history. If we were successful in thwarting the passage of this legislation, what really would be involved? It would importune this body by the discussion we are undergoing, but would it alter the position of the administration on Vietnamization? I think it would. I think we would find ourselves with a legislative part of our Government not in concert with the policy that was initiated, and the fact that it was not in concert would result in dialog all over the country. And it would be the subject of hearings when Congress next reconvenes. But more important in my mind would be the dialog in the country. It would be written about and people would reflect. They would say, "Do we really have to spend for economic and military aid in Cambodia in order to back up our Vietnamization program?"

I think it is a good question and it is a question the people of this Nation should ask, because as they ask that question they will ask the next question which is, "If we do have to expand our involvement in economic and military aid to expand the war and killing to safeguard Vietnamization, what is the definition of Vietnamization?" Then, this total dialog would come full circle to the experience that I and others prior to me have had, which is that the word and the connotations of the word are incorrect; that the word, although not maliciously a part of this administration's program, was a part of the technical rhetoric which is being used to wage the war.

I say part of the technical rhetoric because the rhetoric expands much beyond Vietnamization and the extrication of troops; it has expanded as a tool of prosecuting our goals and the way we talk about our prisoners of war.

I can recall when the President appointed a very famous astronaut to go around the world to try to probe and seek a method of extracting or exchanging or finding some way to get our prisoners of war out of Vietnam. They have 1,500 of these gentlemen. I had hoped this effort would be successful and I applauded the effort.

But I cannot help but think that this effort—and here again I am not impugning the motives, but I cannot help but think of the logic of the statements and events—is a part of the battle of rhetoric and a battle to play upon the emotions of the American populace to feed the fires of patriotism and hatred which are so necessary to carry out a commitment in time of war.

I can recall as a child when I was 10 or 15 years old in World War II, how much I hated the Nazis and wanted to see them die, and I relished in the thought of this as a child; and how I hated those slant-eyed Japs and relished the thought of their being killed so we could win the war. These are bestial emotions and the emotions that Woodrow Wilson so ably defined when he wept over the declaration of World War I when he realized he would have to call upon these emotions in the American public to be able to wage that war. These are the emotions which in a calculating fashion we called upon; that this administration calls upon, seeking to have the bosom of this Nation well up in maximum patriotism and say, "These devils are doing harm to our good American boys," and they may well be doing that, and I deprecate their doing that; but to play to that with a false objective and the realization that you do not stop a war at 5 o'clock and say, "Let us exchange prisoners," smoke a cigarette and swap a little whiskey or sake, and then go back to shooting again.

Those were the polite wars of feudalism, not of today where we pump a couple of rounds into a little 3-year-old child and drop napalm. No, we do not do that. And to think we could effect such an international policy, to have that kind of a war, is appealing to a mysticism that is not of this era. But yet in the battle of rhetoric that is being waged by this administration, that is part of the tactic, and it is part of the rhetoric to talk of our boys, to appoint "high-visibility" individuals to go around the world and make this issue very, very visible, then to have a joint session of Congress to hear a report stating the obvious. I have not seen many joint sessions in my short tenure, but I can frankly say that I had a question in addition to the emotions I underwent and which every American would undergo, but my question was with respect to an astronaut not talking about his voyage in space but his voyage around the world which produced nothing except greater anguish in the hearts of the families which must suffer to have their loved ones imprisoned in a foreign land.

We could say we use that anguish to build a head of pressure to appropriate $155 million more to kill people. That will not do anything. That $155 million more will lead us down the road to get more American boys captured, to have more American boys brutalized, and 5 years from now we can again send someone around the world to see if we can turn back the clock and make this war an encounter of a prior century so we

XUM

can stop the hostilities and exchange our troops and get back these boys.

The rhetoric that we have to protect our boys is not new with this administration. In fact, if I have heard that once on television I have heard it a dozen times by a President of this country.

Why are we doing this? It is to protect the boys. That has been the whole level of the dialog—to get back our prisoners, and to protect our boys. That is not the level on which the dialog should be. The dialog should be 10 stories above that level, because the issue is not whether the "radical libs" or the conservatives want to protect our boys or get back our prisoners of war. Obviously, all shades of the entire spectrum of American society want to protect our boys and bring back our prisoners. The issue is, Why are our boys being killed and why are our boys being taken prisoners? If we were able to stop that, we would obviously rapidly and very clearly stop the problem.

I thought that Vietnamization was a way of stopping that. Unfortunately, I found out, cruelly, that it was not. I claim no omniscience in this realization. Many had it before I had it.

I would only hope that this too brief dialog would add some amount of information and would add some amount of light to the broad national consensus, because I think we, in our vanity in this Chamber, think the consensus wells up from this floor alone. It does not. That is the reason why, when we talk here, we talk not to a small gathering who can afford the price of coming to Washington, D.C., but we talk to the world and to some degree, although we do not always appreciate this, the world does listen.

I would hope, as I stated earlier, that the dialog that takes place will add some knowledge to the discussion not only here in the Senate, in preparation for the decision that Senators must make in voting on this small monetary measure, but that the dialog will begin to focus on the policy that is going to be brought about by this vote.

I stated earlier, and I state again, the Tonkin Gulf vote was peanuts compared to this, because the Tonkin Gulf vote was an expression of will. It was an expression that permitted the administration at that time to undertake a policy. But what we are talking about here is much more direct and more important, because it is not a broad, hazy statement of will, but it is a very precise statement of policy backed up immediately by the money to implement that policy. To this date that policy rests only at the doorstep of this administration. When we vote on this we broaden that policy to the legislative, and the mutual concert of both makes it a total national policy upon which other nations of the world will now bring their positioning and their decisions.

At this time I yield the floor.

Mr. FULBRIGHT and **Mr. ALLEN** addressed the Chair.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I want to congratulate the distinguished Senator from Alaska on the remarks he has made with regard to the significance of the pending measure. I agree with him that the long-term significance of this measure is comparable to that of the Tonkin Gulf resolution, because, in my opinion, it will be interpreted, without any question, as a commitment to assume a major responsibility for the support of Cambodia both in the economic and military field.

A few items have appeared in the newspapers recently that seem to me to throw some light upon the subject. I earlier referred to the fact——

Mr. DOLE. Mr. President, a parliamentary inquiry.

Mr. FULBRIGHT. Mr. President, I do not yield for that purpose unless I have unanimous consent that I do not lose the floor.

I ask unanimous consent that I may yield for that purpose, without losing my right to the floor and without its being counted as a second speech.

Mr. DOLE. When the Senator from Alaska leaves the floor, does he lose his right to the floor?

Mr. FULBRIGHT. Mr. President, I do not yield except by unanimous consent. For the Senator's information, I have been recognized.

Mr. DOLE. The Senator is the leader now?

Mr. FULBRIGHT. I have the floor. I did know what the Senator was going to ask. I thought he was going to ask me a question. For the Senator's information, I have the floor and expect to hold the floor for some time.

Mr. DOLE. Enough time to give the Senator from Kansas an opportunity to have lunch?

Mr. FULBRIGHT. Yes; the Senator can have lunch, and perhaps dinner, too.

Mr. President, the fact is that the administration was involved in this aid program long ago. Certainly as long ago as June or July, they were preparing, and did prepare, their request and did transfer large amounts of money to Cambodia without express authority for any aid program to Cambodia. They utilized contingency funds, money in the nature of contingency funds, which were authorized in existing legislation intended to take care of real contingencies, not well-developed plans for the support of a country. That is the way I would interpret the discretionary authority. By its very nature, discretionary authority is given to the President simply because he cannot anticipate all eventualities. It is provided for times when genuine emergencies arrive; but when the money is used in this fashion, I think it is contrary to the intent and the spirit of the discretionary authority.

For example, on July 8 an article appeared in the New York Times entitled "New U.S. Arms Aid Due for Cambodia. Officials Drafting $50-Million Plan—No Heavy Military Equipment Is Included," by Hedrick Smith. The article reads:

> The Nixon Administration is drafting plans for a $50-million program of military aid for Cambodia in the coming year as part of its continuing effort to bolster Premier Lon Nol's Government against Communist forces.
>
> Such a program would be in keeping with the Administration's declared intention to aid the Cambodian Government and encourage other Asian powers to assist it, but without a direct American military commitment to its survival.
>
> Official sources said the White House had not given final approval to a specific aid package but explained that the amount was expected to be several times larger than the $7.9-million in small arms and other military equipment shipped to Cambodia, or approved for shipment, earlier this year.
>
> They said that interagency planners expected a package of $50-million, roughly what the White House is said to believe Congress will approve.

That is rather ironic, because they did not ask us to approve $50 million. They made it available without asking Congress. They simply took it from existing funds. The article reads further:

> Because of sensitivities on Capitol Hill, officials emphasized that American military aid to the Cambodian regime would have to be restricted to small arms, jeeps, trucks, communications equipment, uniforms, tents and other light equipment.

As a matter of fact, there is no restriction whatever in existing legislation. They can spend it for anything they like. It is simply an outright authorization of $285 million, and it has no restrictions on what kind of weapons we can give them.

> It is not clear whether the entire package will be part of the worldwide military aid program, requiring Congressional approval, or whether part of it will come from general contingency funds subject only to the President's control.

Well, it certainly did become clear that these funds came from funds subject only to the President's control.

If the administration really had any respect for Congress, and was willing to follow the usual procedure, they would at that time, have submitted a request for authorization for the amount which they deemed to be necessary in Cambodia. Instead, they waited until after the election, and submitted this supplemental request at a time when it was virtually impossible to have adequate hearings or to examine the significance of the policy involved in this request. The article goes on to say:

> Officials said, however, that the Cambodian request for some heavy military equipment such as helicopters, tactical jet fighters, naval patrol craft and artillery pieces is likely to be turned down. These items were part of the $500-million in military aid requested by Premier Lon Nol in a message to President Nixon on April 20.
>
> CAMBODIAN ARMY EXPANDED
>
> The Cambodian Government requested ample aid to expand its army from 30,000 men to roughly 200,000 but the Nixon Administration questioned its ability to absorb large amounts of technologically advanced equipment. Some high officials also opposed large volumes of American aid because they feared it would lead the United States to the same kind of involvement in Cambodia as in South Vietnam.

Well, it is reassuring that at least some officials questioned the wisdom of this policy; but obviously, from the conclusion reached in this bill, the other side won the day. I am quite confident that, as in all bodies of men, there was dissent, but the majority—and, of course, the President—decided to ask for this amount.

> Instead, President Nixon approved in June a modest stopgap military aid program of $7.9-million to provide 20,000 M-1 rifles and M-2 carbines, some pistols and 30-caliber machine guns, plus ammunition, medical supplies, uniforms and radios.
>
> Previously, the United States had delivered to the Cambodian Army about 6,000 Soviet-designed AK-47 rifles, some 60-MM. and 82-MM. mortars, light and heavy machine guns, antitank rocket launchers and some ammunition for these weapons, all captured from enemy forces in Vietnam.

The statement in this article that what they really had in mind were simple carbines, rifles, and ammunition is not borne out by what we actually have given to the Cambodians. Since April 22, 1970, they have programed such items as C-47 aircraft, AC-47 cargo aircraft, T-28B light attack aircraft, utility helicopters, observation aircraft, river patrol craft, medium landing craft, miscellaneous boats and craft, armored personnel carriers, armored cargo carriers, special-purpose carriers, armored recovery vehicles, military trucks and trailers, civilian ambulances, submachineguns, machineguns, recoilless rifles, and howitzers.

At least some of these items are quite sophisticated and require a good deal of training, to be effectively used. Normally of course, a large number of advisers would be required.

They also have received telephone terminals, tactical radio, and regional radio. I am quite sure, although such equipment is not listed here, that we will end up giving them a television network, as we have in South Vietnam. They will be supplied with military bridge sets, forklifts, tool kits, and all kinds of spares, et cetera, to go with them.

The administration expects to give additional items of a similar nature, many of which are quite sophisticated in anyone's language. The communications equipment, as well as the aircraft, might well require advisers and trainers.

That article was dated in July. I have another article dated in June, headlined "Pentagon Asks for Drafting of Aid Programs."

As a matter of fact, we sent men to Cambodia, back about the time of the invasion, with instructions to draw up plans for an aid program. That only fortifies and, I think, underlines the point I have made that there is no real excuse for not having submitted this program to Congress as long ago as June or July. Instead, as I have stated, they have waited until the last days of this Congress, which has so many important measures to be taken up.

Mr. GORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. What contribution to progress toward a negotiated settlement does the Senator think aid to Cambodia could possibly make?

Mr. FULBRIGHT. Well, I will say to the Senator, I do not think it will make for any progress toward a solution except on the theory of a military victory. But I think the policy involved in the question of Cambodia is consistent with the abandonment by the administration of any hope of a negotiated settlement, and with the resumption of a policy of bringing about by force, for all practical purposes, a capitulation by the enemy. This is what I think it means. I think that is the central significance of approving this item in the bill: That if we approve it, it will be interpreted as our having given our approval of a policy of seeking a military victory—a policy which this President earlier had specifically disavowed.

Mr. GORE. Will the Senator yield further?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. The Senator recalls, I am sure, that during the previous administration there was a policy of bombing North Vietnam to the peace table?

Mr. FULBRIGHT. That is correct.

Mr. GORE. They did not come to the peace table until the bombing stopped.

The Senator will recall, does he not, that the program of so-called Vietnamization was advocated on the basis that it would provide an incentive or pressure for the North Vietnamese and the Vietcong to negotiate a settlement?

Mr. FULBRIGHT. That is correct; I do.

Mr. GORE. The Senator will recall also that the invasion of, or the incursion into, Cambodia was advanced and sought to be justified on the basis that this was necessary to make Vietnamization work and that both the incursion of Cambodia and Vietnamization were intended to provide a greater incentive for a negotiated settlement. Yet, did not the distinguished Secretary of State, William Rogers, recently say that progress toward a negotiated settlement had been "zero."

Mr. FULBRIGHT. That is correct. He so testified in open hearing.

Mr. GORE. If neither the bombing of North Vietnam nor Vietnamization nor the invasion of Cambodia has made a contribution toward a negotiated settlement, what reason is there to believe now that aid to the Lon Nol government and thus, by congressional approval, incurring a commitment for the defense of Cambodia, will contribute toward a negotiated settlement of this war?

Mr. FULBRIGHT. I say to the Senator that I do not think there is any reason to believe it will contribute to a negotiated settlement in the sense of a compromise, a settlement short of a military victory, in which the power of the enemy to resist is eliminated, which the previous administration decided was not feasible, short of using, I suppose, nuclear weapons—I mean, without causing the total devastation of the country.

President Nixon said in his campaign that he had a plan to bring about a settlement of the war. That was interpreted to mean a negotiated settlement, I thought. I think I am not misquoting him—I do not know the exact words—when I say that the policy was not to seek a military victory. That is my impression. Was it not the Senator's?

Mr. GORE. To use the President's own words, he "ruled out" a settlement on the battlefield. But there was an abandonment of that position by degrees, as the able Senator will recall, through the year 1969, until the President's militaristic, hawkish speech of November 1969.

Does the able Senator recall that on the day following the invasion of Cambodia, I rose on the Senate floor and expressed the apprehension that the real purpose of the invasion, somewhat contrary to the stated purpose, was to support the Lon Nol government and to prevent the return of Sihanouk, and that I sadly expressed the view that the inevitable consequences of that ill-advised invasion of a small country would not be progress toward a peaceful settlement but that it would increase the difficulty of a peaceful settlement and, moreover, that it would lead to another costly client-state and the involvement of the United States in the support of the Lon Nol government and in the defense of Cambodia?

Mr. FULBRIGHT. The Senator has stated it very well, and I wish to congratulate him upon his foresight. This is not the only time he has correctly interpreted the actions that have been taken by the administration. His experience has enabled him to foresee what the consequences of those actions would be, and in this case what he has said, as to the consequences of those actions, has certainly been borne out.

It is very difficult for those of us, like the Senator, who are members of the Committee on Foreign Relations, to disentangle the meaning of these actions from the rhetoric that is used in connection with them. That is why a discussion of these matters, especially this matter, is warranted—in fact, is in the national interest. I think the least we can do is to examine these matters and to submit to the Senate and to the public what we believe to be the significance of these matters. If they wish to adopt these policies in spite of that and wish to go down that road, it is within the power of the country and the power of the Senate to go down that road. But they at least ought to do it with their eyes open and to know what they are doing.

I think the Senator from Tennessee has been in the forefront, as have other Members of this body, in interpreting the significance of the actions taken by the administration. I certainly commend him for it. He deserves great credit.

I think the Senator might be interested in a letter to the editor of the New York Times on October 3 of this year, from Mr. Cecil Holmes. It begins:

> To the EDITOR:
>
> "If in November this war is not over, I say that the American people will be justified in electing a new leadership, and I pledge to you that new leadership will end the war and win the peace in the Pacific."
>
> This was said not in 1970 by a Hatfield or a McGovern, but in the 1968 campaign, by Richard Nixon.

Mr. GORE. Did that pledge a piecemeal withdrawal of American troops over a 4-year period and even the retention of untold thousands of troops there—Air Force or whatnot—to maintain in power the Thieu-Ky regime?

Mr. FULBRIGHT. It did not. He was saying flatly that if it was not over by November—which reminds me of something else. Several Senators, including the Senator from Kansas, have reiterated the fact that Vietnamization is ahead of schedule, that 15,000 troops

XUM

have been withdrawn ahead of schedule. But I recall to the Senator that I think it was in June or July of 1969, former Defense Secretary Clifford wrote an article in Foreign Affairs magazine, and perhaps also appeared on television, giving his recommended schedule for withdrawing combat troops. He said that 100,000 should be withdrawn by the end of 1969 and all ground combat troops, I believe, by December of 1970, this month. In commenting upon Mr. Clifford's proposal, President Nixon, if I recall correctly—I will not try to quote him—said, in effect, that he expected and intended to do better than that. That was the schedule set by the President early in the summer of 1969. Does the Senator recall that?

There has been talk about a schedule. How far behind is he in his original schedule? They say he is 15,000 ahead of his schedule. That was the second schedule, a later schedule. Of course, if you keep changing a schedule, you can always be ahead of it.

Mr. GORE. How about the schedule the Senator just read?

Mr. FULBRIGHT. That, of course, is the schedule he set in 1968. He said then that if they were not out by November of 1968, the country needed new leadership. He was saying, in effect, that if President Johnson and the Democrats did not have the war over by November of 1968, they ought to be thrown out, and of course they were thrown out. I am quite sure that one of the most important elements in that campaign was the belief that President Nixon was committed to end the war in the very near future, not draw it out over 5 or 10 years, but end it in the near future. He did not give a specific date, but the reasonable assumption would be, I would say, that within at least 6 months he would have the war on the way to being ended, that a settlement would be agreed upon, a negotiated settlement similar to that which the French brought about after they made the decision to liquidate the war in Vietnam, having fought there for 8 or 9 years—from 1946 to 1954, I believe. They decided, in May or June, I believe, that the war was no longer in their interest, and it was only approximately 6 weeks from the time of the decision to liquidate the war that they had a cease-fire and what is called the Geneva accords, setting out all the conditions for a settlement and disengagement, and had actually brought about a disengagement.

So it is not all that complicated, the idea that the other side will not negotiate. Of course they will not negotiate a surrender. They did not negotiate a surrender in 1954. Their unwillingness to negotiate a surrender has given the administration its talking point that the opposition will not negotiate. Whether anyone negotiates depends on the terms. This, I say, is the significance of the request. It is a small request relatively, but it is indicative of a decision that has been made and not announced, that we are returning to a policy of seeking a military victory. That is what I believe.

True, the North Vietnamese have been severely mauled and much of their country has been destroyed. True, a great many of the Vietcong have been eliminated. The Phoenix program, about which we have heard a great deal, no doubt has resulted in the capture or elimination of a great many of the Vietcong, composing the infrastructure in South Vietnam. I would not deny for a moment that they have been severely weakened. However, I do not think that means they are about to collapse. There are still an estimated 40,000-odd North Vietnamese and Vietcong in Cambodia. Many who were in South Vietnam evidently have moved into Cambodia, which is a much bigger country where they are much better able to maneuver, and where they can therefore operate with greater safety.

Mr. ALLEN. Mr. President, with all due respect to the distinguished Senator from Arkansas——

Mr. FULBRIGHT. Mr. President, I do not yield the floor except for a question.

Mr. ALLEN. Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. Stennis). May we first have order in the Chamber.

Mr. FULBRIGHT. Mr. President, I was speaking. I do not know what the Senator wants to object to. I was completely in the regular order. I was making a statement. I was not the one asking a question. The Senator must have misunderstood what I was saying.

Mr. ALLEN. I have the right, under the rule——

Mr. FULBRIGHT. Mr. President, I do not yield to the Senator from Alabama for any purpose except for a question. If the Senator wishes to ask me a question, I shall yield for that purpose.

Mr. ALLEN. Mr. President, I did not ask the distinguished Senator from Arkansas to yield. I merely called for the regular order.

Mr. FULBRIGHT. All right, Mr. President, I am enjoying the regular order. Mr. President——

The PRESIDING OFFICER (Mr. Stennis). The Senator declines to yield. Just a minute now. Let us all remember that this is the Senate. Let us have quiet. Everybody is walking around here all the time. Staff members are coming in and going out. Let us have quiet. Will Senators kindly sit down. The Chair thinks that would lend something to the occasion. The Chair will rule in just a minute, but first Senators who wish to confer will do so outside the Chamber. Those who wish to remain will kindly sit down.

All right; the Senator from Arkansas has the floor and he declines to yield.

Mr. ALLEN. Mr. President, I call for the regular order, which does not require yielding.

Mr. FULBRIGHT. Mr. President, I do not yield for anything other than a question.

The PRESIDING OFFICER (Mr. Stennis). All right. The Senator from Arkansas is reserving his rights. Frankly, the occupant of the chair is advised that under the rules of the Senate, when a Senator calls for the regular order, he is entitled to have a chance to state the point and the reason upon which he is calling for the regular order.

Mr. FULBRIGHT. Without losing his right to the floor.

The PRESIDING OFFICER. Without losing his right to the floor.

Mr. ALLEN. Mr. President, unless the call is for the regular order. My call for the regular order was to deprive the Senator of the floor——

The PRESIDING OFFICER. The Chair will rule on that when he gets to it. The Chair just said, without losing his right to the floor. Let the Senator from Alabama state his point.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER (Mr. Stennis). Let us have quiet please. The Chair has requested all these staff members to sit down, unless they are actually engaged in the discharge of their official duties. They have no right to be here under any circumstances. They have the privilege of being here only if they are actually engaged in the discharge of their official duties.

Mr. ALLEN. Mr. President, at the conclusion of last evening's session, the Senate went into recess until this morning, thereby continuing the same legislative day. The rules provide that a Senator is limited to two speeches on any one subject in any one day—and this means a legislative day. I would like to call attention to the fact that during this legislative day, the distinguished Senator from Arkansas got the floor in his own right on two separate occasions, those occasions being separated by yielding the floor on one occasion.

The pages of the Congressional Record which indicate that at page 41643, when the distinguished Senator got the floor for the first time; then he yielded the floor at page 41657, and got the floor again in his own right at page 41672; thereby he had his quota of two speeches on the subject of the Gravel amendment.

So I make the point of order that the distinguished Senator from Arkansas is not entitled to make a third speech on the same subject during the current legislative day.

The PRESIDING OFFICER (Mr. Stennis). First, we have to get all the facts. May I ask the Senator, these two speeches he refers to, one took place on Tuesday?

Mr. ALLEN. Both are in the same Record on one day.

The PRESIDING OFFICER. Both are in the same Record on one day.

Mr. ALLEN. The first one is on page 41643 of the Record.

The PRESIDING OFFICER. That is the same legislative day.

Mr. ALLEN. The same legislative day but not the same Calendar day, it being on yesterday. Yesterday was the Calendar day, but the same legislative day, inasmuch as the Senate recessed at the conclusion of business on yesterday.

The PRESIDING OFFICER. To be certain the Chair understands the Senator from Alabama, the speech the Senator from Arkansas is making now, except for this interruption, is the third?

Mr. ALLEN. At least the third speech; yes.

The PRESIDING OFFICER. Does the Senator from Arkansas wish to respond to that?

XUM

Mr. FULBRIGHT. Mr. President, I say yes for both the Senator from Alaska and myself in yielding. I do not recall what the specific instance was. I will have to consult the record. We usually have said that we have yielded without losing our right to the floor or without having it counted as a second speech. It is possible—I will have to consult the Record—that in this particular instance that was not done. I know that the Senator from Alaska usually puts the unanimous-consent request in that way. I am not sure whether we did in every instance or not. However, I say to the Senator from Alabama that he is quite aware, I am sure, of the purpose of the discussion. If he wishes to press this kind of a point at this time, there is a very easy alternative to it. We will simply offer another amendment which would do away with the Gravel amendment. It seems to me that is the alternative if the Senator wishes to push the point and if the Chair is disposed to support the point of the Senator from Alabama. I would very much regret it. But I recognize that is the rule.

The Senator from Mississippi, who now occupies the Chair, having had long and much greater and more thorough experience with matters of this kind, I am sure understands the usual circumstances under which these parliamentary matters are handled in the Senate.

Mr. GRAVEL. Mr. President, would the Chair entertain an additional comment from the Senator from Alaska on the parliamentary question?

The PRESIDING OFFICER. The Chair would be glad to do that. However, the Chair understands he is not permitted under the rule. However, since the Senator from Alaska is involved, the Chair asks unanimous consent that the Senator from Alaska may make a brief statement, and without objection it is so ordered.

Mr. GRAVEL. Mr. President, I think the point of the Senator from Alaska has some justification. However, we found out in the interpretation of the rules that I was in error yesterday in asking unanimous consent for the purpose of replying to a question addressed to me by the Senator from Arkansas without yielding the floor for that purpose. We would have to examine the Record in the minutest detail to determine the predicate. After determining that predicate, then we would have to go to the question that I was asked or that I was posing to the Senator from Arkansas. It would be very difficult without a very thorough examination of the record in every detail as to the predicate of each question in each case.

The PRESIDING OFFICER. The Chair thanks the Senator from Alaska for that statement.

May we have quiet? The Chair has tried to refresh his recollection the best he could. It has been the rule and the custom earlier here, and has been the applicable practice that under rule XIX that—

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any question in debate on the same day without leave of the Senate, which shall be determined without debate.

As the Chair has always understood the rule, a Senator may yield only for a question when the regular order is requested. It has been customary that if it were to go further than that, the Senator who had the floor would make a request and ask unanimous consent that he might yield to Senator "X" without losing his rights to the floor.

Years ago that rule and practice was studiously followed. However, the Chair has noticed that in more recent time it has not been followed, it appears to the Chair.

The Chair does not know whether that practice was followed yesterday for certain or not. However, the Chair called for a citation of the two times on which the Senator from Arkansas spoke. That has been furnished. Unless the Record shows that there was unanimous consent obtained relevant to this point, the Chair would feel that it would have to rule that the point is well taken.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, is it in order at this time for the Senator from Arkansas to offer a substitute for the Gravel amendment? Would it be in order to offer a substitute?

The PRESIDING OFFICER. Would the Senator indulge the Chair a moment on that point?

Mr. ALLEN. Mr. President, a point of order. The distinguished Senator from Arkansas would not have the right to offer a substitute because his very right to occupy the floor is unauthorized under the rule.

Mr. FULBRIGHT. Mr. President, I understood the Chair to rule a moment ago that in order to take up the matter, the Senator from Arkansas would not lose his right to the floor pending this inquiry with respect to the point made by the Senator from Alabama.

The PRESIDING OFFICER. The Chair ruled, as the Chair understood it, that the Chair was going to permit the Senator from Alabama to give his reasons for the point of order without prejudicing the Senator's right to the floor because of this interruption. However, the Chair thought it reserved the main question.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Chair does not want to decline to hear the Senator from Tennessee. However, the Chair believes, under the rules, that he has all the facts before us.

Mr. GORE. Mr. President, I wish to speak to the point of order.

The PRESIDING OFFICER. The rule states that the matter shall be determined without debate.

Mr. GORE. Mr. President, the phrase "without debate" does not refer to the giving of advice to the Presiding Officer.

The PRESIDING OFFICER. Let us have quiet. The Chair cannot hear the Senator who is trying to address the Chair.

Mr. GORE. Mr. President, the relevant rule cited by the Chair——

The PRESIDING OFFICER. Will the Senator excuse the Chair for a moment? The real matter before the Senate at this time is that the Senator from Alabama has called the Senate to order and has given his reasons. The Chair feels that this is an important matter even beyond the matter involved here. It sets a precedent in that it has not been ruled on recently as far as the Chair is concerned.

Under the facts before the Chair, the Chair rules that the Senator from Arkansas has lost his right to the floor.

Mr. FULBRIGHT. Mr. President, does the Chair rule that it is not in order for the Senator from Arkansas to present a substitute at this time?

The PRESIDING OFFICER. If the Chair recognizes the Senator he could offer an amendment.

Mr. FULBRIGHT. Mr. President, does the Chair decline to recognize the Senator from Arkansas for this purpose?

The PRESIDING OFFICER. It has just been ruled that the Senator from Arkansas has forfeited his right to the floor.

Mr. FULBRIGHT. Mr. President——

Mr. GRAVEL. Mr. President——

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Arkansas is in that position.

Mr. GRAVEL. Mr. President. Mr. President. Mr. President. Mr. President.

The PRESIDING OFFICER. The Chair ruled to that effect under rule XIX.

Mr. GRAVEL. Mr. President——

The PRESIDING OFFICER. Just a minute.

Mr. FULBRIGHT. Does the Senator from Alabama automatically get the floor by virtue of his point of order?

The PRESIDING OFFICER. The Senator from Alabama addressed the Chair.

Mr. GRAVEL. Mr. President, Mr. President. Mr. President.

The PRESIDING OFFICER. Will the Senator excuse the Chair and let the Chair recite the situation? The Chair ruled that the Senator from Arkansas under the facts had lost his right to the floor.

Mr. GRAVEL. Mr. President——

The PRESIDING OFFICER. The situation is that the Senator from Alabama had addressed the Chair.

Mr. FULBRIGHT. Mr. President, I make the point of order that there is no quorum present.

Mr. ALLEN. Mr. President, I decline to yield for that purpose.

Mr. GRAVEL. Mr. President, a point of order on the recognition. Could we have the Official Reporter read back who was asking for recognition? I understood the Senator from Alabama made a point of order, but I did not hear him ask for recognition.

Mr. ALLEN. He asked about six times.

Mr. GRAVEL. I would like to have it read back, which request is under the rule.

The PRESIDING OFFICER. The Chair recognized the Senator from Alabama and distinctly heard him ask for recognition. He declines to yield. Is that the position of the Senator?

Mr. ALLEN. That is correct.

XUM

The PRESIDING OFFICER. All right. Gentlemen, that is the situation we are in. The Senator from Alabama, declining to yield, may proceed.

Mr. ALLEN. I thank the Chair.

Mr. President, we have been seeing some strange filibusterers during the lame duck session, and it looks like the filibusterers are standing in line to filibuster. When we go from the filibuster, as the distinguished Senator from Arkansas said——

The PRESIDING OFFICER. The Chair has to insist that those who are in the Chamber and who are not Senators have to be quiet and be still; otherwise, their right to be in the Chamber will have to be challenged.

Mr. ALLEN. Mr. President, if this amendment offered by the distinguished Senator from Alaska is defeated by a direct vote or by a motion to table, then another amendment carrying out the same purpose could be offered; but at the same time, if we do get a direct vote on the amendment, or on a motion to table, we would at least have the sense of the Senate with respect to the substance of this amendment.

I respect the right of distinguished Senators who have been discussing this amendment at length to discuss it, to debate it in an extended fashion; and as the junior Senator from Alabama, I make this pledge to the distinguished Senators. In the event a cloture petition is filed to cut off debate, he will vote against that cloture move. Once this matter is disposed of, the junior Senator from Alabama supposes we will eventually go to final disposition of the bill, whether it is temporarily laid aside or whether we discuss it for many days.

If we do dispose of it we will only go, I assume, to the Department of Transportation conference report and there the pledge has been made that Senators will filibuster it or discuss it at length for the remainder of the session, if necessary. Other Senators have pledged discussions with respect to the trade bill.

The junior Senator from Alabama recognizes and appreciates the position of the Senators who feel very deeply with regard to the amendments that they have or the opposition that they have to certain of these measures. It is strange, though, that some of the very Senators who are so anxious to amend rule XXII to require only a three-fifths vote to invoke cloture rather than the present two-thirds vote are the very Senators who plan to debate some of the other measures not now under consideration.

Mr. GRAVEL. Mr. President, will the Senator yield on that point, just as a courtesy?

Mr. ALLEN. Mr. President, I yield to the distinguished Senator from Alaska provided I do not lose my right to the floor and provided that when I resume my remarks it will not be considered my second speech on this subject.

The PRESIDING OFFICER. If the Senator will excuse the Chair, the Senator must ask unanimous consent. The Senator who has the floor has to request unanimous consent. The intervenor cannot do it. The Senator who has the floor has to ask unanimous consent. If it is granted it will apply; otherwise not.

Mr. ALLEN. I ask unanimous consent.

The PRESIDING OFFICER. I say that because Senators who have come to the Senate in the last few years would not have a chance, perhaps, to know of that.

Mr. ALLEN. That I might yield not to exceed 5 minutes to the distinguished Senator from Alaska with the understanding I do not lose my right to the floor and with the understanding that when I resume my discussion of this issue it will not be considered a second speech.

The PRESIDING OFFICER. The Senator has to ask unanimous consent to be permitted to do that.

Mr. ALLEN. I ask unanimous consent to yield under those conditions.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. GRAVEL. Mr. President, I cannot help but underscore the surprise and consternation my colleague from Alabama has over the fact that some Members of this body who were very adamant on changing rule XXII are also now speaking broadly about utilizing the benefits of rule XXII. I, like him, have been stricken with the humor of the situation and the irony of the situation.

However, I would like to underscore the fact that the two Senators engaged in today's activities and yesterday's activities were two Senators who stood shoulder to shoulder with the Senator from Alabama in trying to thwart a change in that rule.

The Senator from Alaska would like to underscore that he and the Senator from Arkansas stood shoulder to shoulder with the Senator from Mississippi in trying to thwart any move to change that rule.

I would just like to tell in the short time the Senator from Alabama has given me why I voted to thwart any change in rule XXII. I did so because I feel strongly, as the Senator does, about the prerogatives of the Senate as a legislative body, and that is what is at stake today.

I would be less than candid if I did not concede that I do not think I have the votes to have my amendment agreed to. So why should I stand here and importune this august body when I know I do not have the votes to have my amendment agreed to? It is for the same reason, I am sure, the Senator from Mississippi importuned this body on something he thought quite vital involving the civil rights movement. I am sure the Senator from Alabama in years to come, and I wish him a long tenure, will stand on this floor realizing he does not have the votes to pass a measure but he will importune this body because he feels he is to a greater task, just as the Senator from Arkansas and I feel we are to a greater task.

If it were just a vote on this fact, if it were just $155 million, it would be of no avail, but this body alone is not the deciding voice and within it there does not lie the total decisionmaking process of this great country. It is one minute part of it. There is another part of it that stretches from Maine to Alaska, from Maine to California, and beyond to Hawaii.

It takes time for that large body to become known, to have their will expressed, to get knowledge as to what is going on.

So, what we were doing was importuning the Senate, as my colleague has in the past, and will in the future, by using the full force of the Senate, in all its prerogatives. Those prerogatives should never be diminished, and I will stand shoulder to shoulder with my colleague to maintain rule XXII in January, and I hope 2 years thence in January, if I am reelected, to stand with my colleague from Mississippi in fighting for rule XXII, because of the power it gives this body.

What has happened in our technology is that the Executive has run rampant with its power, not because of the willfulness of men, but because of the complexity of our society. What has really stood still has been the power of this body.

I voted against changing rule XXII because I felt it would be an abdication of the power we have.

So I, like the Senator from Alabama, am amused—I think that is the kindest way we can describe it—by those individuals who fought to change the rule and now tenuously cling to it for a cause which they think is just.

Mr. ALLEN. I thank the distinguished Senator for his remarks. If the distinguished Senator had listened carefully, he would have realized that the junior Senator from Alabama, in speaking of those who seek to change rule XXII, referred to them as being the Senators who will discuss measures not now under consideration before the Senate, having in mind that the distinguished Senator from Alaska and the distinguished Senator from Arkansas voted against changing rule XXII. The junior Senator from Alabama is deeply grateful to the distinguished Senator from Alaska for his statement that he intends to continue to vote to maintain rule XXII intact.

But it is somewhat amusing to the junior Senator from Alabama to see some of the distinguished Senators who discuss the great need of changing rule XXII avail themselves of the slight protection that is afforded to extended discussion by that rule.

The distinguished Senator from Delaware (Mr. WILLIAMS) has asked the junior Senator from Alabama to yield to him for 10 minutes, and for that reason I request unanimous consent that I might yield to the distinguished Senator from Delaware (Mr. WILLIAMS) for not to exceed 10 minutes, with the understanding that I not lose my right to the floor and with the further understanding that when I resume my statement it will not be considered a second speech, but only part of the present speech.

The PRESIDING OFFICER. The Senator has correctly stated the question, as the Chair understands. Now for the first time the Senator has a chance to pass on the request. That is the reason why it has to come from the Senator who has the floor.

XUM

Is there objection now to the unanimous-consent request of the Senator from Alabama? The Chair hears none. The Chair recognizes the Senator from Delaware for 10 minutes.

PROPOSED UNANIMOUS-CONSENT AGREEMENT ON CERTAIN MEASURES STILL PENDING

Mr. **WILLIAMS** of Delaware. Mr. President, the Senate has gotten itself into the ridiculous posture of having a series of filibusters or threatened filibusters all running simultaneously.

The Senate debated H.R. 19911, the Foreign Assistance Act, all day yesterday and still has no prospect of an early vote.

The Senate has been put on notice that when the conference report including the supersonic transport is laid down there may be a 2- or 3-week talkathon.

The Senate has been delayed for several days in debate on H.R. 18306, the act to authorize an increase in our participation in certain international financial institutions.

There is a threatened filibuster when the amendments dealing with the trade bill are before us.

And as if that were not enough, we hear rumors that when the guaranteed annual income plan—Ribicoff-Bennett amendments No. 1097—is before the Senate that may provoke another filibuster.

Excluding Sundays, there are only 15 more days, including Christmas Day and New Years Day, left before Congress officially adjourns January 3, and unless some semblance of order and commonsense is soon restored we shall adjourn without having settled any of these questions.

Whether any or all of these filibusters or threats of filibusters materialize or whether they are mere rumors I do not know, but I do know that if there is no basis for the various rumors than there is to the so-called threat of a filibuster against the guaranteed annual income plan they are groundless.

It is well known that I oppose the administration's guaranteed annual income plan and consider it to be one of the most misrepresented, misunderstood, and oversold legislative proposals that has ever been sent to the Congress, but I am not afraid to debate it on its merits and let the Senate vote.

I have repeatedly said that as far as I am concerned there will be no filibuster on the social security bill or on any of its amendments or proposed amendments, including the guaranteed annual income plan; nor do I know of any plans by others to delay consideration of this bill.

But these rumors persist, and therefore in an effort either to dispel them or to bring them out in the open I now outline a proposed unanimous-consent agreement that I shall submit to the Senate promptly after first establishing a live quorum.

This agreement if acceptable will enable us to complete our business and possibly adjourn before the holidays.

I have checked this agreement with minority members of the Finance Committee and have their support in submitting the proposal with the understanding that the agreement is a package proposal and one in which all Senators will have to cooperate.

I now ask the clerk to read this proposed agreement, which is in four parts, for the information of those present, following which I shall suggest the absence of a quorum. I shall then present the agreement to the Senate.

This list includes all the bills which the administration has placed on its priorities list as needing consideration before adjournment. The bill dealing with the extension of the excise taxes on automobiles and telephones has been stopped at the desk by Senator HARRIS, of Oklahoma, which precluded committee consideration. I would have placed it as the No. 1 "must legislation" and as an individual Senator will still be insisting that some action be taken on it prior to adjournment. To my regret, however, it has thus far not been included in the administration's list of priorities.

I would ask for the information of the Senate, not for presentation at this time, that the clerk read the proposed agreement, following which, at the first opportunity, I shall suggest the absence of a quorum and then present this request to the Senate for its consideration.

The **PRESIDING OFFICER.** Is there objection to the clerk's reading to the Senate the proposal? The Chair hears none, and the clerk will read.

The assistant legislative clerk read as follows:

PROPOSED UNANIMOUS CONSENT

1. H.R. 19911, Foreign Assistance Act:

(a) On all amendments—time to be limited to 1 hour to be equally divided between and controlled by the sponsors of amendment and the Chairman. If the Chairman favors the amendment then the time is to be controlled by the Majority Leader or whomever he designates.

(b) Time on final passage of H.R. 19911 to be limited to 4 hours, equally divided between the Chairman and the opponents as designated by the Majority Leader.

2. H.R. 17550, Social Security Bill, Trade Bill, etc.:

(a) Time on Title 3 of the committee bill designated as trade amendments limited to 6 hours, equally divided and controlled by the Chairman of the committee for the proponents and by the opponents as designated by the Majority Leader.

(b) On the Ribicoff-Bennett amendment #1097, proposing a guaranteed annual income, time to be limited to 6 hours, equally divided between and controlled by sponsors of the amendment and the ranking minority member of the committee.

(c) Time on all other amendments to be limited to 2 hours, equally divided between sponsors of amendment and the Chairman. If the Chairman favors the amendment the time in opposition to be controlled by the ranking minority member.

(d) Time on final passage of H.R. 17550 to be limited to 6 hours, equally divided between and controlled by the Chairman for the proponents and the ranking minority member of the committee for the opposition.

3. H.R. 18306, to authorize an increase in United States' participation in certain international institutions:

(a) Time on any amendment to this bill limited to 1 hour to be equally divided between and controlled by sponsors of the amendment and the manager of the bill.

(b) Time on final passage of H.R. 18306 to be limited to 4 hours, equally divided between and controlled by the manager of the bill and the Senator of Tennessee, Mr. Gore.

4. On all conference reports now pending or to be submitted between now and the date of adjournment time on each conference report to be limited to 4 hours equally divided beween and controlled by the manager of the conference report and the opposition as designated by the Majority Leader.

Mr. **WILLIAMS** of Delaware. Mr. President, I shall not submit this request now, because I think that before it is done I should have a live quorum in order that Senators may know what is being presented. If it be in order I ask unanimous consent that the Senator from Alabama be permitted to yield for the purpose of pursuing this matter without losing his right to the floor. If it is not in order I withhold the request until the first opportunity I can get to present it.

I think we have dilly-dallied long enough here on some of these bills, and I think the Senate does have a right to vote. Many of these measures I have mentioned, as the Senate knows, I shall be voting against, but I think the Senate should have the right to work its will in the closing days of this session.

The **PRESIDING OFFICER.** The Senator's time has expired. The floor now reverts to the Senator from Alabama.

Mr. **ALLEN.** Mr. President, I appreciate the effort of the distinguished Senator from Delaware to obtain a vote on the important measures that need to be acted upon prior to the adjournment of Congress, which I believe is going to take place by operation of law rather than by a motion from the floor. But unless the distinguished Senator from Delaware has discussed this matter with some of those Senators who are threatening lengthy filibusters with respect to these measures, it would seem to be somewhat of a waste of time to have a live quorum call before making such a request. Has he discussed this matter with any of the potential filibustering Senators, with respect to their views on the request?

Mr. **WILLIAMS** of Delaware. Mr. President, if I may reply without the Senator losing his right to the floor, I would say that I have not for the simple reason that there are so many filbusters running that unless we can put white hats on one group and dark hats on the other I do not know who is threatening to filibuster and who is not. I thought the best way to bring it out was to have a live quorum, get them all in here, and find out whether there are filibusters and who is in charge of each filibuster. I wonder if the filibusterers are not filibustering the filibusters; I have never seen such a confused state of affairs as now exists. Perhaps it is simply wishing against hope, but I thought we might find out who stands where at this time, and if we can get the filibusterers all to wear black hats, perhaps we can identify them.

Mr. **CURTIS.** Mr. President, will the distinguished Senator from Alabama yield to me 1 minute?

Mr. **ALLEN.** Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Nebraska for

3 minutes without losing my right to the floor, and without my returning to the discussion of the pending measure being considered a second speech.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Nebraska is recognized for 3 minutes only. The Senate will be in order.

Mr. CURTIS. I thank the distinguished Senator from Alabama.

I rise to urge the acceptance of the proposal offered by the distinguished Senator from Delaware (Mr. WILLIAMS). It would make it possible for the Senate to proceed with the public business. It would make it possible to dispose of the Foreign Assistance Act and the act to increase United States participation in certain international institutions.

Furthermore, it would make it possible for the Senate to work its will on the social security bill. The members of the Committee on Finance have worked for a month on this measure, consisting of 546 pages. Under the proposal suggested by the Senator from Delaware, the Senate could dispose of this measure, including the amendment for the family assistance plan.

The public business ought to go on. The distinguished Senator from Delaware has rendered a great service to the Senate in submitting a formula that would make it possible for the business to be transacted. And, Mr. President, the RECORD should be made clear that the Senate Finance Committee——

The PRESIDING OFFICER. The Senate will suspend for a moment until order is restored. The Senate will be in order.

The Senator may proceed.

Mr. CURTIS. Mr. President, I merely wanted to point out, in closing, that the members of the Committee on Finance are not engaged in any delaying tactics or any filibusters. We are here, and we are anxious to have our bill considered, including all of the amendments, and disposed of in an orderly fashion before the holidays. I hope we may have the cooperation of the entire Senate.

I thank the distinguished Senator from Alabama for yielding.

The PRESIDING OFFICER. The Senator from Alabama may proceed.

Mr. ALLEN. I thank the Senator from Nebraska. I might state that the junior Senator from Alabama would certainly agree to the request made by the distinguished Senator from Delaware with respect to getting a vote on these measures pending before the Senate.

At this time, Mr. President, in order that we may for the first time in some 2 days hear from some additional Senators who have not been able to get the floor, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina (Mr. ERVIN) without losing my right to the floor, and without my return to a discussion of the pending issue being considered an additional speech.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Mr. FULBRIGHT. Mr. President, reserving the right to object, for how long is the Senator yielding?

Mr. ALLEN. The Senator asked that I not limit that time. I would imagine it would not run over 30 minutes.

Mr. FULBRIGHT. I have no objection.

The PRESIDING OFFICER. Is that 30 minutes a part of the Senators' request?

Mr. ALLEN. I incorporate that in the request.

The PRESIDING OFFICER. Very well. Is there objection? The Chair hears none; it is so ordered that the Senator from North Carolina be allowed 30 minutes at this time, without the Senator from Alabama losing his right to the floor.

ARMY SURVEILLANCE OF CIVILIANS

Mr. ERVIN. Mr. President, over the course of the past few years, the Constitutional Rights Subcommittee has been engaged in a study of computers, data banks, and the impact that Government data gathering has on the Bill of Rights and our legacy of individual liberty and privacy.

These investigations have developed one new revelation after another, some with explosive public impact, and others, equally serious but perhaps of lesser notoriety. Put together, the subcommittee's studies have developed an awesome and threatening picture of increased Government data on thousands of American citizens—a picture which may some day soon amount to what some have called a "dossier society." In this "dossier society," Government would know all about the individual citizen, his habits, his livelihood, his thoughts, his aspirations, his hopes, and his fears. Such a society will not be free.

One of the more ominous revelations of recent months has been the disclosure that the military, primarily the Army, had instituted an organized system of political surveillance of the activities of Americans here in the United States. The story was first revealed by Mr. Christopher Pyle earlier this year. His discoveries were shocking in the extreme. They raised the specter in many minds of unrestrained armed forces interfering with the domestic political life of our country. Such a role has always been anathema to our constitutional system. It is made little less palatable by the suggestion that the civilian leaders of the military were unaware of this activity, or unable to control it if they were aware.

Over the course of time since the Pyle story, there have been many revelations of what this military activity was all about. It has been alleged, for example, that the military was at the conventions in 1968 both in Miami and Chicago. What they did, why they were there, by what authority and by whose order—these are questions as yet unanswered. There have been other allegations of military involvement in domestic affairs which, if true, are no less disturbing.

Now, I regret to inform the Senate that I have received new information which, if true, gives yet more details of the military intelligence activities that have been directed at the American people. I certainly hope that the information I have received is not true, for it suggests that many of the worst fears about the extent of the military surveillance on Americans are borne out.

It also suggests that the motivations behind this surveillance were directly counter to the principle that the Army is controlled by civilian constitutional authority—that it does not have a direct mandate to act independent of the appointed and elected civilian leaders of the country.

As I say, I hope that the information I have received is not true, but I confess that it very well may be true. And it is certainly substantial enough to demand a full explanation from the Army and from the responsible civilian leadership.

I have received information from a former Army intelligence agent that during the course of its surveillance of domestic political activities, the Army was not merely concerned with actions of fringe groups which have demonstrated a predilection for violence or illegal conduct. Nor were they concerned solely with nonestablishment political activities which they thought might develop into or be alined with violent actions. It now appears that the intelligence net was far wider than even this. It appears that Army intelligence, at least since 1968, but probably earlier as well, and up to June of this year at least, was actively covering the activities of individuals and groups against whom no charge of political extremism can possibly be made.

The individuals who were "targeted" for surveillance—spying, in common parlance—include a Member of this body, the junior Senator from Illinois, Mr. STEVENSON; the former Governor of Illinois, now Judge Otto Kerner; a Member of the other body, Congressman ABNER MIKVA; State and local officials; plus well-known political contributors of both parties, newspaper reporters, religious figures, lawyers, and local and national political figures. These are only a few of the reportedly 800 individuals who were targets of the military intelligence system in only one State, Illinois. The activities were conducted by the 113th Military Intelligence Group which has jurisdiction in what is called region I—the midwest section of the country.

As reported to me, the reason for this surveillance was that the Army could determine the political proclivities of the individuals involved, and forecast their reactions to certain situations. The information was used to predict political behavior, voting patterns, political alliances, and political activities of men who are part of the normal, regular, constitutional, "established" political system of our country. The Army investigated these men during their campaigns for office and while they were in office. It was enough that they opposed or did not actively support the Government's policy in Vietnam, or that they disagreed with domestic policies of the administration, or that they were in contact with or sympathetic to people with such views. Apparently, anyone who in the Army's definition was "left of center" was a pro-

XUM

spective candidate for political surveillance.

I believe it is necessary that the Army now disclose to the American people the full details of what they were doing and what they continue to do. It is not enough for them to say that they made a mistake, were bad boys, and will not do it again. They must disclose in full what happened and why it happened and what has been done to insure that it will never happen again. Only by making a full disclosure will the American people be assured that the military will not at some time in the future assume again for itself the role of "defender of the Constitution." That is a military role played all too often in other countries where the democratic traditions are weak and the principle that the military stays out of domestic politics is nonexistent. It is intolerable in the United States.

I hope, Mr. President, that by the time the Constitutional Rights Subcommittee conducts its hearings next February on computers, data banks, and the Bill of Rights, the Army will have finally disclosed all that it has done, and that it can assure us that it is no longer happening at any level, whether it be Fort Holabird, the Pentagon, or at some local commander's unrestrained discretion. I hope that the Army will answer to the subcommittee: First, whether local, State, or National political figures, appointed or elected, were indeed ever targets of military surveillance; second, who they were by name; third, why they were investigated; fourth, what kinds of information were gathered, for what purpose, and to what use it was put; fifth, what has become of the information since it was gathered; and sixth, who is the subject of military surveillance now.

Thus far, the explanations I have received from the Army do not disclose the extent to which this activity was conducted, nor the fact that it apparently included American citizens of such standing. I will discuss the recent correspondence I have had with the Army in the next few days. I expect by then to have heard whether or not the activities I have described today did in fact go on. If so, the Army may wish to supplement its recent communications and explain the inconsistencies between these allegations and the statements they have made so far.

Mr. President, the whole sorry story of this military information gathering and intelligence surveillance, serious as it is, should not be allowed to distract our concern from other, more subtle dangers to individual liberty and privacy that arise from less notorious data gathering by the Government. While much public attention is centered on these dramatic examples, there is still the steady increase in what may be characterized as "benign" information gathering and computerization. The end result of a "dossier society" is no less inimical to individual liberty if it comes from uncontrolled and unrestrained computerization of our citizens for benevolent ends such as traffic safety, welfare, improved criminal justice, and other socially beneficial programs. We may rely on an outraged citizenry to end unauthorized military activities, but the more difficult job is to put the new technology of computers under human, legal controls so we do not lose our freedom in the name of greater efficiency. I see an ever-increasing need for a set of legislative principles governing official data banks and the creation of an agency designed to control governmental information programs in the light of the overriding principle of privacy and individual freedom.

Mr. President, no Member of this body has greater admiration for the Army than does the senior Senator from North Carolina. No Member of this body has supported to a higher degree the efforts of the Army to keep itself ready to defend this Nation against any threat from abroad. But the Senator from North Carolina is constrained to say that spying upon the civilian population is not a proper function of the Army of the United States. It cannot be condoned. It cannot be tolerated.

I wish to read to the Senate, with the signature deleted, a letter I have received on this subject. The letter is dated December 7, 1970, and it is addressed to Sam J. Ervin, U.S. Senator, and reads as follows:

December 7, 1970.

Sam J. Ervin,
U.S. Senator.

Dear Sir: Last evening, I had dinner with an associate who is presently on active duty with the United States Army. During dinner, my associate, who is a military intelligence officer, asked me if I had ever considered re-entering the Army and making federal service in the Army my career. Since June, 1970, when my military service terminated, I have often contemplated that very question. However, last evening was the first time I found that I had to answer. My answer was as follows: If the present structure of certain elements of the Army, particularly the Military Intelligence Corps, were to be torn down and re-structed, with an emphasis placed upon the supporting of the military community as a whole, as opposed to the present emphasis of those certain elements, I would consider re-entering the Army as an intelligence officer.

For almost five years, August 1965 until June 1970, I was on active duty with the United States Army. From July 1966 until June 1970, I was a military intelligence agent. During that period of time, I took part in and observed a radical change of priorities on the part of the activities of military intelligence.

From 1966 until early 1968, my duties involving the collection of information of an intelligence nature pertaining primarily to targets of a military nature. However, in early 1968, a portion of my duties involved the collection of intelligence information pertaining to individuals and organizations not related to the activities of the military. Until finally in June 1969, my entire effort as a military intelligence agent was directed against individuals and organizations not associated with any military activities. The justfication of collecting information of an intelligence nature concerning non-military individuals and organizations was as follows: Certain elements of our society have resorted to illegal methods in order to attain political recognition and eventually their own political goals. These elements have resorted, in many instances, to the use of violence and the infiltration of non-political elements of our society. Such elements represent a direct threat to the existence of the constitutional form of government in the United States and the general well-being of the citizens of the United States. Therefore, all attempts were made to monitor the activities of such elements. Military intelligence was provided with a "blank check" and was allowed to investigate, penetrate, and disrupt such elements with little or no control, other than that exercised at the local military level.

Beginning in June 1969, approximately 50% of all collection activities targeted against civilian targets were initiated at the local military level. The remaining 50% of such activities were levied upon the local military intelligence commands from the command center at Fort Holabird, Maryland. At one point in October 1969, our collection team in the Chicago area, was collecting information on every individual and organization in the state of Illinois who espoused discontent with the military involvement in Southeast Asia or who openly opposed the Nixon administration's controversial domestic policies, to include elected public officials at the local and federal levels of government. The information was obtained using various means, to include the use of undercover agents, the attendance by military intelligence agents at all public gatherings considered to be of a radical nature, and the direct penetration of organizations opposed to the U.S. Military involvement in Southeast Asia. Once information considered of an intelligence nature was collected, that information was placed in classified military files, with a copy of the information being sent to various other federal agencies and to the command center at Fort Holabird.

In January 1970, I began to openly question the collection of inteligence information by the Army, when that information pertained to non-military organizations and individuals. My superiors justified the collection of such information to me by stating that it was the responsibility of the Army to maintain watch over potentially dangerous organizations and individuals. My Group operations officer once informed me that civilian agencies such as the FBI and Secret Service did not have the availability of personnel as did the Army; and therefore the Army was better staffed to conduct large scale collection operations targeted against the civilian population. In response to my question of what value the information concerning civilians would have to the mission of the Army, my team chief stated, "What does it matter, the information all ends up at the same place."

Senator, I find that I am living in an atmosphere of mistrust. From my experience with the intelligence corps and other governmental investigative agencies I believe that if I were to make a public appearance and espouse my views concerning the US Military involvement in Southeast Asia, or the need for change on the part of the government's stand on campus unrest, my name would find its way to the classified files in some military intelligence office in the United States, and, that the word "radical" would be opposite my name in that file.

It is my understanding that you are presently involved in an investigation of the activities of military intelligence within the confines of the United States. If I may be of any service to your investigation, please feel free to call upon me.

With regard,

(Signature deleted).

Evanston, Ill.

Mr. President, I wish to thank the distinguished Senator from Alabama for giving me the opportunity to present this statement to the Senate at this time.

Mr. ALLEN. I thank the distinguished Senator from North Carolina.

Mr. President, it is the purpose of the junior Senator from Alabama, in holding the floor at this time prior to making a motion, to expedite some of the Senate's business that has been held up up to this time through the extended discussion on the pending amendment. So, at this time,

XUM

I should like to ask unanimous consent that I might yield to the distinguished Senator from New Jersey (Mr. Williams) for the purpose of calling up a conference report, that I not lose my right to the floor and that my return to a discussion of the pending amendment not be considered as a second speech.

The PRESIDING OFFICER (Mr. Stennis). That contemplates disposition of the conference report?

Mr. ALLEN. I shall return to the floor after disposition of the conference report.

The PRESIDING OFFICER. The Senator from Alabama has made a unanimous-consent request——

Mr. MANSFIELD. Mr. President——

Mr. PROXMIRE. Mr. President, would the Chair repeat the unanimous-consent request?

The PRESIDING OFFICER. Let us have quiet in the Chamber, please.

Mr. MANSFIELD. Mr. President, I would not object. I would reserve the right to object, to state only that the distinguished Senator from New Jersey (Mr. Williams)——

Mr. ALLEN. Mr. President, I would like to add to my request that I shall yield for disposition of the conference report for a time not to exceed 10 minutes.

The PRESIDING OFFICER (Mr. Stennis). The Senator from Alabama has the floor. He asks unanimous consent that he may yield to the Senator from New Jersey for the purpose of submitting a conference report for a period of not to exceed 10 minutes, and that on the resumption of the speech of the Senator from Alabama it will not be counted as an additional speech. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator from Alabama will yield to me for one-half minute after the conference report is disposed within the allotted time of 10 minutes, without losing his right to the floor, I would assume he intends to so yield without losing his right to the floor to the distinguished senior Senator from Delaware.

Mr. ALLEN. Yes, but I will make that as an additional unanimous-consent request.

Mr. MANSFIELD. That is right.

Mr. ALLEN. Mr. President, I do ask unanimous consent also that I might yield to the distinguished Senator from Montana for not to exceed 5 minutes, without losing my right to the floor and without resumption of my remarks as being considered a second speech.

The PRESIDING OFFICER. Is there objection to the second unanimous-consent request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The Senator from New Jersey is recognized for 10 minutes.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970—CONFERENCE REPORT

Mr. WILLIAMS of New Jersey. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Stennis). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

Conference Report (H. Rept. 91-1765)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Occupational Safety and Health Act of 1970".

CONGRESSIONAL FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and beautiful working conditions;

(3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce; and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

Sec. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Commission" means the Occupational Safety and Health Review Commission established under this Act.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof.

(4) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(5) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(6) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(7) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(8) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(9) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (1) has been adopted and promulgated by a nationally recognized standards-

XUM

producing organization under procedures whereby it can be determined by the Secretary that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered and (3) has been designated as such a standard by the Secretary, after consultation with other appropriate Federal agencies.

(10) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

(11) The term "Committee" means the National Advisory Committee on Occupational Safety and Health established under this Act.

(12) The term "Director" means the Director of the National Institute for Occupational Safety and Health.

(13) The term "Institute" means the National Institute for Occupational Safety and Health established under this Act.

(14) The term "Workmen's Compensation Commission" means the National Commission on State Workmen's Compensation Laws established under this Act.

APPLICABILITY OF THIS ACT

SEC. 4. (a) This Act shall apply with respect to employment performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no United States district courts having jurisdiction.

(b)(1) Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(2) The safety and health standards promulgated under the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35 et seq.), the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), Public Law 91–54, Act of August 9, 1969 (40 U.S.C. 333), Public Law 85–742, Act of August 23, 1958 (33 U.S.C. 941), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.) are superseded on the effective date of corresponding standards, promulgated under this Act, which are determined by the Secretary to be more effective. Standards issued under the laws listed in this paragraph and in effect on or after the effective date of this Act shall be deemed to be occupational safety and health standards issued under this Act, as well as under such other Acts.

(3) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(4) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

DUTIES

SEC. 5. (a) Each employer—

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) Without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending two years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees. In the event of conflict among any such standards, the Secretary shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees.

(b) The Secretary may by rule promulgate, modify, or revoke any occupational safety or health standard in the following manner:

(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 7 of this Act. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking an occupational safety or health standard in the Federal Register and shall afford interested persons a period of thirty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the occupational safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue a rule promulgating, modifying, or revoking an occupational safety or health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Secretary determines may be necessary to insure that affected employers and employees will be informed of the existence of the standard and of its terms and that employers affected are given an opportunity to familiarize themselves and their employees with the existence of the requirements of the standard.

(5) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(6)(A) Any employer may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of clause (B) and establishes that (i) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (ii) he is taking all available steps to safeguard his employees against the hazards covered by the standard, and (iii) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this paragraph shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing: *Provided*, That the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice (I) so long as the requirements of this paragraph are met and (II) if an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than 180 days.

(B) An application for a temporary order under this paragraph (6) shall contain:

(i) a specification of the standard or portion thereof from which the employer seeks a variance,

(ii) a representation by the employer, supported by representations from qualified persons having firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor,

(iii) a statement of the steps he has taken and will take (with specific dates) to protect employees against the hazard covered by the standard,

(iv) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard, and

(v) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means,

A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Secretary for a hearing.

(C) The Secretary is authorized to grant a variance from any standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare certifies, that such variance is necessary to permit an employer to participate in an experiment approved by him or the Secretary of Health, Education, and Welfare designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(7) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and apropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the employee, to his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

(8) Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall, at the same time, publish in the Federal Register a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(c) (1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Secretary shall commence a proceeding in accordance with section 6(b) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than six months after publication of the emergency standard as provided in paragraph (2) of this subsection.

(d) Any affected employer may apply to the Secretary for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

(e) Whenever the Secretary promulgates any standard, makes any rule, order, or decision, grants any exemption or extension of time, or compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, which shall be published in the Federal Register.

(f) Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. The findings of fact determinations of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole.

(g) In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Secretary shall also give due regard to the recommendations of the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

ADVISORY COMMITTEES; ADMINISTRATION

SEC. 7. (a) (1) There is hereby established a National Advisory Committee on Occupational Safety and Health, consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and composed of representatives of management, labor, occupational safety and occupational health professions, and of the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(2) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(3) The members of the Committee shall be compensated in accordance with the provisions of section 3109 of title 5, United States Code.

(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(b) An advisory committee may be appointed by the Secretary to assist him in his standard-setting functions under section 6 of this Act. Each such committee shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employees involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any such advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 3109 of title 5, United States Code. The Secretary shall pay to any State which is the employer of a member such a committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

(c) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS–18 under section 5332 of title 5, United States Code, including traveltime, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 8. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c)(1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health, Education, and Welfare, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 6, and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(f)(1) Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

(2) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which they have reason to believe exists in such workplace. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g)(1) The Secretary and Secretary of Health, Education, and Welfare are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

(2) The Secretary and the Secretary of Health, Education, and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

CITATIONS

SEC. 9. (a) If, upon inspection or investigation, the Secretary or his authorized representative believe that an employer has violated a requirement of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health.

(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred.

(c) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

PROCEDURE FOR ENFORCEMENT

SEC. 10. (a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such inspection, or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 17 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation of proposed assessment of penalty. If within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under subsection (c) within such time, the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued

XUM

within the period permitted for its correction (which period shall not begin to run until the entry of a final order by the Commission in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties), the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under subsection (a) or (b) of this section, or if, within fifteen working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final thirty days after its issuance. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the Commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

JUDICIAL REVIEW

SEC. 11. (a) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) of section 10 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification, or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

(b) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the employer has its principal office, and the provisions of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review as provided in subsection (a), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 10, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 17, in addition to invoking any other available remedies.

(c)(1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

(3) Within 90 days of the receipt of a complaint filed under this subsection the Secretary shall notify the complainant of his determination under paragraph 2 of this subsection.

THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SEC. 12. (a) The Occupational Safety and Health Review Commission is hereby established. The Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

(b) The terms of members of the Commission shall be six years except that (1) the members of the Commission first taking office shall serve, as designated by the President at the time of appointment, one for a term of two years, one for a term of four years, and one for a term of six years, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(57) Chairman, Occupational Safety and Health Review Commission."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Members, Occupational Safety and Health Review Commission."

(d) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

(e) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission and shall appoint such hearing examiners and other employees as he deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided*, That assignment, removal and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

(f) For the purpose of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

(g) Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings. Unless the Commission has adopted a different rule, its proceedings shall be in accordance with the Federal Rules of Civil Procedure.

(h) The Commission may order testimony to be taken by deposition in any proceedings pending before it at any state of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and

XUM

testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(i) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Commission.

(j) A hearing examiner appointed by the Commission shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commission within thirty days after such report by the hearing examiner, unless within such period any Commission member has directed that such report shall be reviewed by the Commission.

(k) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to section 5108 of title 5, United States Code. Each hearing examiner shall receive compensation at a rate not less than that prescribed for GS-16 under section 5332 of title 5, United States Code.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 13. (a) The United States district courts shall have jurisdiction upon petition of the Secretary to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary arbitrarily or capriciously fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, might bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the employer has its principal office, or for the District of Columbia, for a writ of mandamus to compel the Secretary to seek such an order and for such further relief as may be appropriate.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary, the Commission, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Secretary, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard, rule, or order promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any employer who has received a citation for a serious violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall be assessed a civic penalty of up to $1,000 for each such violation.

(c) Any employer who has received a citation for a violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of regulations prescribed pursuant to this Act, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to $1,000 for each such violation.

(d) Any employer who fails to correct a violation for which a citation has been issued under section 9(a) within the period permitted for its correction (which period shall not begin to run until the date of the final order of the Commission in the case of any review proceeding under section 10 initiated by the employer on good faith and not solely for delay or avoidance of penalties), may be assessed a civil penalty of not more than $1,000 for each day during which such failure or violation continues.

(e) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment for not more than one year, or by both.

(f) Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

(g) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(h)(1) Section 1114 of title 18, United States Code, is hereby amended by striking out "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act" and inserting in lieu thereof "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions".

(2) Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111, shall be punished by imprisonment for any term of years or for life.

(i) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to $1,000 for each violation.

(j) The Commission shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(k) For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(l) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States Federal district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational, safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 8, and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) give satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State law will to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 8, 9, 10, 13, and 17 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(a)(2), 8 (except for the purpose of carrying out subsection (f) of this section), 9, 10, 13, and 17 and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a) (3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

RESEARCH AND RELATED ACTIVITIES

SEC. 20. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Secretary to meet his responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments, and any other information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment, including but not limited to the exposure levels at which no employee will suffer impaired health or functional capacities or diminished life expectancy as a result of his work experience.

(4) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(5) The Secretary of Health, Education, and Welfare, in order to comply with his responsibilities under paragraph (2), and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believe may endanger the health or safety of employees. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for

the protection of the health or safety of others. Upon the request of any employer who is required to measure and record exposure of employees to substances or physical agents as provided under this subsection, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

(6) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

(7) Within two years of enactment of this Act, and annually thereafter, the Secretary of Health, Education, and Welfare shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 8 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary shall cooperate with the Secretary of Health, Education, and Welfare in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

(e) The functions of the Secretary of Health, Education, and Welfare under this Act shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 22 of this Act.

TRAINING AND EMPLOYEE EDUCATION

SEC. 21. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct, directly or by grants or contracts, short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall (1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and (2) consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

SEC. 22. (a) It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

(b) There is hereby established in the Department of Health, Education, and Welfare a National Institute for Occupational Safety and Health. The Institute shall be headed by a Director who shall be appointed by the Secretary of Health, Education, and Welfare, and who shall serve for a term of six years unless previously removed by the Secretary of Health, Education, and Welfare.

(c) The Institute is authorized to—

(1) develop and establish recommended occupational safety and health standards; and

(2) perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

(d) Upon his own initiative, or upon the request of the Secretary or the Secretary of Health, Education, and Welfare, the Director is authorized (1) to conduct such research and experimental programs as he determines are necessary for the development of criteria for new and improved occupational safety and health standards, and (2) after consideration of the results of such research and experimental programs make recommendations concerning new or improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to this section shall immediately be forwarded to the Secretary of Labor, and to the Secretary of Health, Education, and Welfare.

(e) In addition to any authority vested in the Institute by other provisions of this section, the Director, in carrying out the functions of the Institute, is authorized to—

(1) prescribe such regulations as he deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) in accordance with the civil service laws, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Director deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) make other necessary expenditures.

(f) The Director shall submit to the Secretary of Health, Education, and Welfare, to the President, and to the Congress an annual report of the operations of the Institute under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as he deems appropriate.

GRANTS TO THE STATES

SEC. 23. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18 to assist them—

(1) in identifying their needs and responsibilities in the area of occupational safety and health,

(2) in developing State plans under section 18, or

(3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

(d) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary, pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may not exceed 50 per centum of the total cost to the State of such a program. The last sentence of subsection (f) shall be ap-

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plicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to the Congress, describing the experience under the grant programs authorized by this section and making any recommendations he may deem appropriate.

STATISTICS

SEC. 2. (a) In order to further the purposes of this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act. The Secretary shall compile accurate statistics on work injuries and illnesses, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(b) To carry out his duties under subsection (a) of this section, the Secretary may—

(1) promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics;

(2) make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics; and

(3) arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 8(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

AUDITS

SEC. 25. (a) Each recipient of a grant under this Act shall keep such records as the Secretary or the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary or the Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

ANNUAL REPORT

SEC. 26. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

SEC. 27. (a)(1) The Congress hereby finds and declares that—

(A) the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation; and

(B) in recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

(2) The purpose of this section is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

(b) There is hereby established a National Commission on State Workmen's Compensation Laws.

(c)(1) The Workmen's Compensation Commission shall be composed of fifteen members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, members of the medical profession having experience in industrial medicine or in workmen's compensation cases, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Workmen's Compensation Commission.

(2) Any vacancy in the Workmen's Compensation Commission shall not affect its powers.

(3) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Workmen's Compensation Commission.

(4) Eight members of the Workmen's Compensation Commission shall constitute a quorum.

(d)(1) The Workmen's Compensation Commission shall undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (A) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (B) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician, (C) the extent of coverage of workers, including exemptions based on numbers or type of employment, (D) standards for determining which injuries or diseases should be deemed compensable, (E) rehabilitation, (F) coverage under second or subsequent injury funds, (G) time limits on filing claims, (H) waiting periods, (I) compulsory or elective coverage, (J) administration, (K) legal expenses, (L) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (M) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (N) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (O) the relationship between workmen's compensation on the one hand, and old-age, disability, and survivors insurance and other types of insurance, public or private, on the other hand, (P) methods of implementing the recommendations of the Commission.

(2) The Workmen's Compensation Commission shall transmit to the President and to the Congress not later than July 31, 1972, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

(e)(1) The Workmen's Compensation Commission or, on the authorization of the Workmen's Compensation Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Workmen's Compensation Commission deems advisable. Any member authorized by the Workmen's Compensation Commission may administer oaths or affirmations to witnesses appearing before the Workmen's Compensation Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Workmen's Compensation Commission, upon request made by the Chairman or Vice Chairman, such information as the

Workmen's Compensation Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Workmen's Compensation Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermitent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(g) The Workmen's Compensation Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(h) Members of the Workmen's Compensation Commission shall receive compensation for each day they are engaged in the performance of their duties as members of the Workmen's Compensation Commission at the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Workmen's Compensation Commission.

(i) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(j) On the ninetieth day after the date of submission of its final report to the President, the Workmen's Compensation Commission shall cease to exist.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 28. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

ADDITIONAL ASSISTANT SECRETARY OF LABOR

SEC. 29. (a) Section 2 of the Act of April 17, 1946 (60 Stat. 91) as amended (29 U.S.C. 553) is amended by—

(1) striking out "four" in the first sentence of such section and inserting in lieu thereof "five"; and

(2) adding at the end thereof the following new sentence, "One of such Assistant Secretaries shall be an Assistant Secretary of Labor for Occupational Safety and Health.".

(b) Paragraph (20) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

ADDITIONAL POSITIONS

SEC. 30. Section 5108(c) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (8);

(2) striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately after paragraph (9) the following new paragraph:

"(10)(A) the Secretary of Labor, subject to the standards and procedures prescribed by this chapter, may place an additional twenty-five positions in the Department of Labor in GS-16, 17, and 18 for the purposes of carrying out his responsibilities under the Occupational Safety and Health Act of 1970;

"(B) the Occupational Safety and Health Review Commission, subject to the standards and procedures prescribed by this chapter, may place ten positions in GS-16, 17, and 18 in carrying out its functions under the Occupational Safety and Health Act of 1970."

EMERGENCY LOCATOR BEACONS

SEC. 31. Section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"EMERGENCY LOCATOR BEACONS

"(d)(1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed—

"(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

"(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

"(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty miles from its base; and aircraft used for the aerial application of chemicals."

SEPARABILITY

SEC. 32. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

APPROPRIATIONS

SEC. 33. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 34. This Act shall take effect one hundred and twenty days after the date of its enactment.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

HARRISON WILLIAMS,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
WALTER F. MONDALE,
THOMAS F. EAGLETON,
ALAN CRANSTON,
JACOB K. JAVITS,
WINSTON PROUTY,
WM. B. SAXBE,
RICHARD S. SCHWEIKER,
PETER H. DOMINICK,
Managers on the Part of the Senate.

CARL D. PERKINS,
EDITH GREEN,
FRANK THOMPSON, JR.,
JOHN H. DENT,
DOMINICK V. DANIELS,
JAMES G. O'HARA,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
LLOYD MEEDS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM H. AYRES,
ALBERT H. QUIE,
JOHN N. ERLENBORN,
MARVIN L. ESCH,
EDWIN D. ESHLEMAN,
WILLIAM A. STEIGER,
Managers on the Part of the House.

Mr. WILLIAMS of New Jersey. Mr. President, first, I want to thank the Senator from Alabama for his accommodation so that I may submit this conference report.

Mr. President, the Senate conferees on S. 2193, the Occupational Safety and Health Act of 1970, have met in five sessions with the conferees from the other body, and have reached agreement on a bill. This measure, which is long overdue, would for the first time provide for a comprehensive program to deal with the urgent problems of safety and health encountered in the workplace by our Nation's citizens.

When this bill was before the Senate 1 month ago, we clearly recognized that a strong Federal program was necessary to deal with the more than 14,000 industrial deaths and 2½ million job-related disabilities that occur each year, as well as the ever-increasing exposure of workers to substances whose toxic potential has never been adequately researched. As a consequence, the Senate passed this bill with only three dissenting votes.

In view of the 83 to 3 vote by which the Senate bill was approved, I am pleased to report that the bill agreed on in conference reflects, to a most unusual degree, the wishes of the Senate, as expressed during our action on this measure.

The conference agreement retains the basic features of the Senate bill, placing in the Secretary of Labor the clear responsibility for promulgating effective safety and health standards, applicable to specific hazards and industries. In exercising this responsibility, the Secretary would utilize and build upon the work already done by private industry and Government in the formulation of standards; and opportunity would be given, through advisory committees, and

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the hearing procedure, for affected employers and employees to have a voice in the standards-making process.

As in the Senate bill, inspections would be made by the Labor Department, with authority to issue citations requiring the abatement of violations and to propose penalties, where appropriate. The conference agreement also contains the provision for an independent enforcement commission, which was adopted during Senate debate, on motion by Senator JAVITS. This provision was designed to separate the adjudication of violations from the other functions performed by the Secretary of Labor, in order to provide every assurance that fairness and due process would be fully served.

The conference agreement also contains the Senate bill's provisions which encourage State participation in the effort to bring safe and healthful conditions to the workplace, and which provide the workers and their representatives with an opportunity to participate in the standards-making and enforcement processes.

I might point out that the Senate bill contained a number of provisions that had no counterpart whatever in the House-passed bill. These include Senator JAVITS' proposals for a National Institute for Occupational Safety and Health to perform the all-important research functions which will be basic to this program's effectiveness, and a National Commission To Study the Problems of Workmen's Compensation, as well as Senator DOMINICK's proposal requiring the use of emergency locator beacons on certain small aircraft. All of these provisions remain in the bill agreed upon in conference.

Where the Senate conferees receded to the House, this was also done in accordance with views which had very substantial support in the Senate. I would cite in particular the bill's imminent danger provision. The Senate bill had provided that where an imminent danger was found to exist, the Secretary of Labor could not only go to court to obtain injunctive relief, but could, under certain circumstances, order the withdrawal of employees or closure of the plant for up to 72 hours. An amendment offered on the Senate floor by Senator SAXBE, which would permit all such imminent danger orders to be issued only by a court, failed by merely two votes. Under these circumstances, and in view of the insistence of the House Members on adhering to that portion of their bill which contained a provision similar to the Saxbe amendment, the Senate conferees felt warranted in receding to the House on this issue.

So I believe that in every respect we have been faithful to the wishes of the Senate, and in doing so, have brought back a bill which will be both strong and effective as well as fair and reasonable.

Mr. President, I am gratified that the administration announced its support yesterday of the bill agreed upon by the conference committee. I would also recall President Nixon's earlier remarks on this legislation in which he pointed out that "such a program ought to have been Federal law three generations ago. This was not done, and three generations of American workers have suffered because of this."

Mr. President, the legislation is now before us, and I urge immediate approval of the conference report.

Mr. YARBOROUGH. Mr. President, today we are considering one of the truly great landmark pieces of social legislation in the history of this country. The occupational safety and health bill which has been agreed to by the House and Senate conferees provides the over 80 million American industrial workers with the protection that they so desperately need to insure that they have a safe and healthy place to work. I take special pride in this bill, not only because it was a product of long hours of hard work and investigation by the Senate Labor and Public Welfare Committee, of which I have had the honor to serve as chairman, but also because this is a measure I have worked on for many years. Actually this national industrial safety act is long overdue; for 30 years it has been advocated and urged. At long last this great remedial act is becoming law.

During the 90th Congress, I introduced in the Senate a comprehensive occupational safety and health bill and held extensive hearings on this measure. These hearings brought to the attention of the American people some startling facts about the conditions that exist in many of the industrial plants of this country. For example, in 1967 alone, there were over 7 million injuries in industrial employment, and of these, 2.2 million work-related injuries resulted in either temporary or permanent disabilities. Of these injuries, 6,900 resulted in death. Disregarding for the moment the human element of this pressing problem and looking only at the hard economic facts, industrial accidents and illnesses cost the American economy over $8 billion in 1967. Ten times more working days were lost as a result of industrial injuries than were lost because of strikes and lockouts. These figures stand as evidence to the truth that this law has been delayed much too long.

At the beginning of the 91st Congress, I joined with Senator HARRISON WILLIAMS in introducing again in Congress the occupational safety and health bill. Extensive hearings were held on this measure and the members of the Labor and Public Welfare Committee, both Democrats and Republicans, worked diligently to produce a bill that would protect the men and women of this country from the dangers that are present in the workplaces of America. In conference, the Senate conferees fought hard for those provisions which are so necessary if this bill is to be a truly effective means of curbing industrial injuries. The bill that came out of the conference stands as a tribute to the hard work of the conferees and particularly Senator WILLIAMS, chairman of the Senate Subcommittee on Labor with whom I worked in the conference.

I am extremely proud that I was able to take an active part in fashioning this bill and steering it through conference. If the 91st Congress is remembered for nothing else than this bill, it will surely be recorded as one of the most productive legislative sessions in the history of this country. Contrary to the views expressed by the distinguished minority leader of the Senate, this occupational safety and health bill makes this session of Congress an unmitigated success.

The key features of this bill are:

First, it will authorize the establishment of health and safety standards;

Second, it provides the Secretary of Labor with the authority to enforce these standards; and

Third, it authorizes sanctions to be used against those companies and employers who fail to meet these standards.

This is not a passive measure but rather a strong and workable bill which deserves the support of all people who are concerned with industrial safety. Above all else, this bill stands as proof to the American people that Congress can respond in a constructive way to urgent needs. I am proud to have been a part of the fight for this measure and I urge the Senate to unanimously adopt the conference report.

Mr. PROUTY. Mr. President, I am one of the conferees appointed by the Senate to the joint conference on the occupational health and safety bill. Although I have misgivings over some of the provisions contained in the conference report, I have concluded that its overall effect will be beneficial and I shall vote for its adoption.

The original bills introduced in both bodies provided that the Secretary of Labor would promulgate all health and safety standards and would also be responsible for deciding appeals from employers who contested violations found or penalities assessed by inspectors employed by the Department of Labor.

The conference report, Mr. President, adopts provisions contained in both the House- and Senate-passed bills establishing an independent Commission to review all contested cases involving violations found or penalities assessed by the Secretary of Labor. The Commission's order in turn is subject to judicial review in an appropriate U.S. court of appeals.

The conference report also eliminates the authority granted to the Secretary of Labor by the Senate bill to partially or entirely arbitrarily shut down the operations of an employer on the grounds of imminent danger. Rather, it adopts the House provision requiring that the Secretary obtain an order from a U.S. district court if he concludes that a withdrawal order is warranted.

In addition, the conference report retains Senate language providing that where a withdrawal order is issued it must provide that sufficient numbers of employees may remain in the area in order to shut down the operation in an orderly and efficient manner. This provision is of primary importance to industries which utilize continuous flow operations.

While civil penalities are provided for willful violations, the conference report also eliminates criminal penalties for willful violations except where the violation results in the death of an employee.

I regret, Mr. President, that the conference report does not provide for some type of board to promulgate health and safety standards. The Steiger substitute amendment adopted in the House by a plurality of 48 votes provided for an independent board composed of experts in the field of occupational health and safety. The Senate rejected this concept by two votes and left this authority completely in the hands of the Secretary of Labor.

In my opinion, because of the substantial support for the board concept expressed by Congress, I believe the conferees would be on much more solid ground if we had agreed on some type of board for the promulgation of standards, even though it might have been a board making recommendations to the Secretary of Labor rather than independently promulgating standards.

I also regret that we did not reach some compromise with respect to the Construction Safety Act of 1969, Public Law 91-54. The House-passed bill contained provisions acceptable to both the building trade unions and the construction industry, continuing the Construction Safety Act with jurisdiction over the entire construction industry. In effect, the conference report now places the construction industry under the present bill while leaving the Secretary of Labor the option of seeking remedies under either this bill or the Construction Safety Act.

It was impossible to consider compromises in either of these two areas during the conference, however, as the House conferees receded on both provisions before counterproposals could be made.

There are also other substantive provisions in the conference report which cause me to have some reservations. There are provisions here that officials in my State of Vermont dislike, and I know that there are also provisions which the administration would have preferred to see resolved in a different manner.

However, we are all, I believe, for health and safety and I strongly support laws to protect the working men and women of our country.

I have studied the proposed legislation which will become law if the conference report is approved very carefully, Mr. President, and I have reached the judgment that despite the defects I see, the overall thrust of this new law will be beneficial to the workers of our Nation and fair to our industries. In reaching this conclusion, I have given substantial weight to the opinion of Secretary of Labor Hodgson who has informed us that he believes the conference report "represents a significant achievement in the field of health and safety for America's working men and women," and that the adoption of the conference's result will result "in meaningful legislation."

Accordingly, I support the conference report and shall vote for its adoption.

The **PRESIDING OFFICER** (Mr. Mondale). The question is on agreeing to the conference report.

The report was agreed to.

Mr. EAGLETON. Mr. President, it is likely that the 91st Congress will be long remembered as the Congress in which an enormously heightened increase in concern for environmental problems became manifest. We have dealt with, and are still considering, problems of air and water pollution—problems arising from the disposal of wastes which have heretofore been allowed to defile the earth and its air and waters.

It is appropriate that we deal as well with the environment of the working place, where over 80 million Americans spend their days. The hazards that imperil the safety and health of the worker are many and varied. Some diseases which began to plague workers who first gathered in factories in the industrial revolution are still with us. In recent years, new processes, new techniques, and new sources of energy have greatly expanded the list of hazards that workers face.

The Occupational Safety and Health Act will go a long way toward eliminating these hazards and reducing the extraordinary number of workers who are, daily, disabled or killed on the job.

As one who has worked with this bill from the Labor Subcommittee, through the full Labor and Public Welfare Committee, on the Senate floor and in the conference committee, I have no hesitation in giving my full support to the final product expressed in this conference report. I think it is fair to say that this bill accomplishes the purpose that we set for ourselves—to greatly improve the health and safety of the workplace without placing unnecessary burdens on employers.

The costs that will be incurred by employers in meeting the standards of health and safety to be established under this bill are, in my view, reasonable and necessary costs of doing business. Whether we, as individuals, are motivated by simple humanity or by simple economics, we can no longer permit profits to be dependent upon an unsafe or unhealthy worksite.

I want to pay special tribute to the distinguished junior Senator from New Jersey (Mr. Williams) whose dedication, intelligence, and energy made him the single person most responsible for this legislative accomplishment. In so doing, however, I would not want to overlook the work of the able senior Senator from New York (Mr. Javits) who also devoted himself untiringly to the enactment of this bill.

Finally, I should point out that our work will be no more than an empty gesture unless this legislation is adequately funded and enforced. Thus, I am extremely pleased that the Secretary of Labor, who will be chiefly responsible for implementation of the bill, has put behind him such differences as he may have had with some of its provisions and announced his endorsement of it. I hope this presages a vigorous enforcement effort by every member of this administration charged with responsibilities for occupational safety and health by the bill.

Mr. JAVITS subsequently said: Mr. President, I am the ranking minority member of the Committee on Labor and Public Welfare and with the Senator from New Jersey (Mr. Williams) negotiated the occupational health and safety plan which the Senate has approved. I wish to express my gratification and thanks to the Senate. I am also gratified by the Secretary of Labor's support for the conference report, and that I have had a part in shaping the provisions of this legislation.

In my opinion, with this bill we shall begin finally to achieve a reduction in the industrial carnage which now claims the lives of over 14,000 workers and injures over 2 million other workers each year. It would have been a tragedy of the first order if the differences between labor and management which arose over the provisions of this bill had operated to prevent its enactment. Happily, the conference committee was able to come to an agreement, and the bill as it is now before the Senate is in my judgment fair to both management and labor.

From a personal standpoint, I am particularly pleased that the bill reported by the conference retained three amendments which I sponsored. First, the bill provides for an independent three-man commission to adjudicate enforcement cases. Second, the bill establishes a new National Institute for Occupational Safety and Health in HEW to conduct the enormous amount of research which will have to be done under this law. Third, the bill provides for a 15-member commission to study existing State workmen's compensation laws, many of which are woefully inadequate, and report back to the Congress with recommendations by July 31, 1972.

Mr. President, I have served for many years on the Senate Labor and Public Welfare Committee and since 1964 have been the ranking minority member of the committee and its Subcommittee on Labor. During that period the committee has dealt with legislation of great benefit to American workers. The bill before us today, however, will, in my judgment, mark the greatest single contribution to the health and welfare of American workers that has yet been made by Congress. Also, the Senator from New Jersey (Mr. Williams) has properly earned the gratitude of all Americans for his unflagging dedication and leadership with respect to this legislation, and I am very pleased to have been associated with him in that effort.

Finally, Mr. President, I ask unanimous consent that an editorial from today's New York Times in support of the conference report be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

SAFETY ON THE JOB

On the official record alone, the toll of industrial deaths and disabling accidents is staggering. But Government statistics, however comprehensive, do not begin to measure the full cost in shortened lives and debilitating illness of the health hazards that workers encounter every day in factories, mills and other places of work.

Senate-House conferees have now reached agreement on a strong occupational health and safety bill, based primarily on the excellent measure originally passed by the Senate rather than on the much more ineffectual House bill. The result will be a system of industrial health protection which, when

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approved by President Nixon, will strongly reinforce the country's social defenses.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 5 minutes.

EXTENSION OF DATES FOR TRANSMISSION TO THE CONGRESS OF THE PRESIDENT'S ECONOMIC REPORT AND THE REPORT OF THE JOINT ECONOMIC COMMITTEE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1417.

The PRESIDING OFFICER (Mr. Mondale) laid before the Senate House Joint Resolution 1417, extending the dates for transmission to the Congress of the President's Economic Report and the report of the Joint Economic Committee, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 1417) was ordered to a third reading, was read the third time, and passed, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 1, 1971, the Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 10, 1971.

DATE OF ASSEMBLY OF THE 92d CONGRESS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1416.

The PRESIDING OFFICER (Mr. Mondale) laid before the Senate House Joint Resolution 1416, fixing the time of assembly of the 92d Congress, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1416) was ordered to a third reading, was read the third time, and passed, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Ninety-second Congress shall assemble at noon on January 21, 1971.

CHANGE OF CONFEREE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Idaho (Mr. Jordan) replace the Senator from Colorado (Mr. Allott) as a conferee on House Joint Resolution 1117, to establish a Committee on Environment.

The PRESIDING OFFICER (Mr. Mondale). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Missouri (Mr. Symington) be recognized for a period not to exceed 15 minutes after the remarks of the distinguished senior Senator from Ohio (Mr. Young) on tomorrow.

The PRESIDING OFFICER (Mr. Mondale). Without objection, it is so ordered.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. ALLEN. Mr. President, the junior Senator from Alabama would like to see action on the bill pending before the Senate at this time. He would like to see action on the social security bill with the trade bill attached and with other amendments that may be offered to that bill. He would like to see final action on the Department of Transportation appropriations bill.

It seemed while we were debating the Gravel amendment that there might never be an opportunity to seek to get unanimous consent for action on all of this bill.

The distinguished senior Senator from Delaware (Mr. Williams) has prepared a unanimous-consent request for a time limitation on these major bills pending before the Senate on which action should be taken by the Senate before it adjourns. He wishes to call for a live quorum under rule XII and on the completion of that quorum call, to make his unanimous-consent request.

So in order to enable the distinguished Senator from Delaware (Mr. Williams) to make his unanimous-consent request before the entire Senate, I ask unanimous consent that the junior Senator from Alabama be allowed to yield for not more than 1 hour to the distinguished Senator from Delaware, in order that he might make a request for a live quorum, and in order that on the completion of this quorum call he might make a unanimous-consent request with respect to votes on the important bills pending before the Senate, without the Senator from Alabama losing his right to the floor and without his resumption of his remarks, following the expiration of that period of not more than 1 hour, being considered a second speech on the amendment under discussion.

Mr. GORE. Mr. President, reserving the right to object, the pending request might become parliamentarily impossible in the course of an hour's limitation if a quorum is not ascertained. Therefore, until the distinguished junior Senator from Alabama puts his request in parliamentary form, I must object.

Mr. WILLIAMS of Delaware. Mr. President, whatever may result I am hopeful that as we approach the Christmas holidays there will be a little bit of the spirit of Christmas among us. Most Senators wish to go home, so with a little harmony prevailing I would hope that we might get the time limitation in order that we may act on these measures.

Mr. MANSFIELD. Mr. President, will the Senator from Alabama yield to me, without losing his right to the floor, and with all other qualifications which the Senator has mentioned from time to time? If so, I will suggest the absence of a quorum, and it will be a live quorum.

Mr. ALLEN. Mr. President, without losing my right to the floor, and without my resumption of my speech being considered a second speech? Is that the understanding?

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I hope that when a quorum is achieved, the Senator from Alabama will renew his request to allow the Senator from Delaware to make his motion.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 433 Leg.]

Allen
Anderson
Baker
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Dole
Ervin
Fulbright
Gore
Gravel
Gurney
Hansen
Holland
Jordan, N.C.
Magnuson
Mansfield
McClellan
McIntyre
Mondale
Montoya
Nelson
Packwood
Prouty
Proxmire
Ribicoff
Sparkman
Spong
Stennis
Symington
Talmadge
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from Georgia (Mr. Russell) and the Senator from Connecticut (Mr. Dodd) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. Hatfield) is absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

Thereafter, the following Senators entered the Chamber and answered to their names:

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Aiken
Allott
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Eagleton
Eastland
Ellender
Fannin
Fong
Goldwater
Goodell
Griffin
Harris
Hart
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Mathias
McCarthy
McGee
McGovern
Metcalf
Miller
Moss
Murphy
Muskie
Pastore
Pearson
Pell
Percy
Randolph
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Thurmond
Tower
Tydings
Williams, N.J.
Yarborough

The PRESIDING OFFICER. A quorum is present.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may yield not to exceed 2 minutes, without losing my right to the floor and without my resumption of remarks being considered a second speech, to the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination unanimously reported by the Committee on the Judiciary earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Dennis R. Knapp, of West Virginia, to be a U.S. district judge for the southern district of West Virginia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Alabama.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

Mr. ALLEN. Mr. President, when I gained the floor, I planned, at the conclusion of my remarks, to move to lay on the table the pending amendment, realizing that they would end debate.

I greatly admire the distinguished Senator from Alaska and the distinguished Senator from Arkansas, and feel that I could well take some lessons from them in the conduct of a filibuster.

I have been greatly interested in noting that some of the Senators who are scheduled to discuss at some great length—not these two distinguished Senators—some of the other measures pending before the Senate have been leaders in the effort to amend rule XXII. So those who would curtail the use of the filibuster are the very ones who threaten to use it during the remainder of this session.

The distinguished Senators from Alaska and Arkansas have focused the spotlight on this appropriation. They have served their cause well. They have alerted the country to the fact that this appropriation is being made. They have voiced their views with respect to it; and earlier today, I assured both the distinguished Senator from Alaska and the distinguished Senator from Arkansas that if a cloture motion should be filed to cut off their debate with respect to the pending amendment and the pending bill, I would vote against the application of cloture.

They have followed the rules in discussing this amendment, and the junior Senator from Alabama, in obtaining the floor, only followed the rules as well.

Understandably, the distinguished Senators from Alaska and Arkansas would prefer a direct vote on their amendment, and it is my understanding that they are willing to set a time for voting on both the amendment and on the passage of the bill.

So with that thought in mind, Mr. President, I ask unanimous consent that I may yield for not to exceed 5 minutes to the distinguished Senator from Alaska (Mr. GRAVEL) in order that he might propound the unanimous-consent request, with the understanding that I do not lose my right to the floor, and that my resumption of remarks after that request has been made will not be considered a second speech on the same subject during the same day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Alaska is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRAVEL. Mr. President, I would only like to state that this Senator and the Senator from Arkansas should be getting lessons on parliamentary procedure from the distinguished Senator from Alabama. The proof of the pudding, obviously, is the unanimous-consent request I am about to make, which is as follows:

I ask unanimous consent that the Senate vote on my amendment at 2:30 p.m. today, and that it vote on passage of the bill at 3 p.m. today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. ALLEN. Now, Mr. President, if we may have order——

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Since agreement has been made on the time for the final vote——

The PRESIDING OFFICER. Without objection, rule XII will be waived for the purposes of the unanimous-consent agreement.

Mr. ALLEN. Well, rule XII had already been complied with, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. ALLEN. Now that agreement has been made on a vote on the pending amendment and the pending bill, it is the hope of many Senators that agreement can be made to vote on the other major bills pending before the Senate. With that thought in mind, I am going to yield the floor——

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ALLEN. Yes, without losing my right to the floor.

Mr. FULBRIGHT. I ask unanimous consent that I may be allowed to have printed in the RECORD certain material relevant to the pending amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 1970]

A GRIM NOTEBOOK ON OUR ASIAN TRAGEDY

(By Stanley Karnow)

HONG KONG.—No exercise is more fascinating, illuminating and depressing for a reporter leaving Asia after a decade than to weed out his voluminous files on Vietnam. For the stacks of frayed notebooks, faded newspaper clippings and unpublished memorabilia provide a personal retrospective of an American tragedy in the making.

And the dominant sensation that emerges from this review of the past is disbelief—disbelief that the United States, purportedly a nation of hardheaded pragmatists, could have stumbled so blindly into a disaster that is now shaking the nation's stability and threatening to undermine its unity for a generation to come.

Equally striking, in retrospect, is how little has changed over the years. The war has grown to monstrous proportions, of course. But it is still, as it has been from the start, an assortment of wars being fought in different ways and for different motives in Washington, Saigon, Hanoi and on the battlefield. Thus nothing can be plausibly measured.

The search for the elusive truth about Vietnam will surely preoccupy historians and social scientists far into the future. Within the scope of my own narrow experience, however, I would suggest that our Vietnam commitment evolved gradually, perhaps inexorably, out of a frustrating conflict between our ideals and our capabilities.

On the one hand, it seems to me, an old-fashioned brand of idealism inspired the conviction among able, intelligent American policymakers that the United States could play a decisive role anywhere in the world. What we discovered, though, was that we could exert only minimal influence in a strange, faraway, alien society such as Vietnam.

Therefore, our enormous power was only marginally effective. We could inundate the South Vietnamese countryside with napalm and try to bomb North Vietnam back to the Stone Age. But we could not compel, or even persuade, our Saigon clients, much less the enemy, to accept an "honorable settlement"—if indeed, we actually knew what kind of settlement we wanted.

So our strategists and tacticians improvised and experimented and contrived dreamy new schemes, each in its turn proclaimed by official publicists to be the winning formula. Just as Lyndon Johnson praised Ngo Dinh Diem and Richard Nixon extolled Nguyen Van Thieu, we also sought to portray a succession of Saigon leaders as potential George Washingtons. I had nearly forgotten Nguyen Khanh until a sweat-stained notebook reminded me of Robert McNamara embracing him as the savior of Vietnam as they toured the Delta together in early 1964.

BELATED AWAKENING

Meanwhile, we sank deeper and deeper into the quagmire, with hardly anyone in or out of government perceptive or courageous enough to challenge the basic concept of our Vietnam commitment until we were so involved that the question of whether to quit or remain in that benighted land divided our own nation.

In part, I think, nobody quite saw where we were heading as our Vietnam engagement was taking shape eight or nine years ago. Reaching back to 1961, I recall Robert Kennedy's reaction to attempts by American correspondents in Hong Kong to discuss Vietnam. His attention waned after a couple of minutes and he cut us short with the remark: "We've got 20 Vietnams a day to handle at the White House."

For a long time, too many U.S. politicians preferred to skirt an issue that had not yet hit them directly. As late as 1966, a West Coast congressman explained to me: "Only a dozen boys from my constituency have been killed in Vietnam so far. When the number gets up to a hundred, I'll have to think about what to say."

Significantly, the earliest critics of our Vietnam policy, like John Paul Vann and David Halberstam, did not favor withdrawal but merely advocated different methods in opposition to the conventional Establishment approach. Several of today's prominent doves were also among the principal architects of our Vietnam commitment.

Back in 1962, for example, I recollect listening to Roger Hilsman, then a senior activist on the Kennedy team, enthusiastically depicting "strange hamlets" as a dynamic program that would revolutionize Vietnamese peasants and in the process both weaken the Vietcong and force the Diem oligarchy to reform. In short, as Hilsman told it, we were going to wage an American version of "people's war" that would beat the Communists at their own game.

The name of the game was "counterinsurgency," and it captured the imagination of the Kennedy administration. Suspicious of the Pentagon, which was still clinging to the "massive retaliation" doctrine of the Eisenhower era, the Kennedyites believed that they could spawn a neew breed of American soldier capable of coping with "brushfire wars." Hence the fanfare that heralded the "Green Berets," those romantic figures destined to use Communist tactics against the Communists in jungle conflicts from Laos to Venezuela. I remember one American general in Saigon switching to the fad: "Why, our forefathers were guerrillas against the British long before communism even existed."

A FADED ERA

Through the notion of Americans serving as revolutionaries in a foreign country is now discredited, the nonconformists were an attractive antidote to the Blimpish brass hats and bureaucrats who staffed our Saigon mission in the late 1950s, when I started reporting on Vietnam.

Saigon in those days was a pleasant, leafy city reminiscent of a provincial capital in southern France. Its easy-going ambience was matched by the complacent ignorance of our military and civilian officials, who seemed to believe their own propaganda that Diem had effectively consolidated his authority and was putting South Vietnam in the path to New England town hall democracy.

I recall one U.S. official showing me the crowd eagerly watching the results of the 1960 American presidential elections being tabulated in the display window of the U.S. Information Service library. This, he exclaimed happily, was heartening proof of real interest in democratic procedures.

A local acquaintance later informed me that the crowd was mostly composed of Saigon Chinese who could not tell Kennedy from Nixon or Maine from California and cared even less. Inveterate gamblers, they were simply betting on which numbers would come up next on the scoreboard.

The American ambassador at the time was Elbridge Durbrow, an able diplomat whose warnings about the increasing popularity of the Saigon regime were borne out in November, 1960, when South Vietnamese paratroopers staged an abortive coup against Diem. But Durbrow was overshadowed by the chief of the U.S. Military Advisory Group, Lt. Gen. Sam Williams, a leathery type known as "Hanging Sam" because he had presided over the execution of Nazi war criminals as commandant of the Nuremberg jail.

Personifying the adage that generals approach every new war with the strategies of the last one, Williams anticipated a Korean-style Communist invasion of Vietnam and helped Diem to build a roadbound army that the Saigon leader primarily wanted for protection against internal uprisings. Like his predecessors and several of his successors, Williams also operated independently from the ambassador, thereby giving Diem the opportunity to play off the Pentagon against the State Department.

DIEM POLICY HARDENS

The 1960 coup attempt, in which Diem outmaneuvered his adversaries by promising to reform and reneging afterward, was an important episode. It confirmed Diem's distrust of nearly everyone outside his immediate family and, as a consequence, strengthened the power of his brother, Ngo Dinh Nhu, and Nhu's wife—a couple that made the Borgias look like the Billy Grahams.

As the power of the Nhus grew, many of Diem's most intimate subordinates began to voice their grievances to foreigners. Among the disenchanted were Dr. Tran Kim Tuyen, director of Diem's secret police, and Col. Pham Ngoc Thao, a former Vietminh officer who had turned anticommunist in 1954. They and others like them repeatedly told any American who would listen that the Diem regime would collapse unless it was made to reform. Eventually, the Buddhist resistance of 1963 spiraled into an army-led revolt in which Diem and Nhu were murdered.

But even as this storm was brewing, there was an almost incredible refusal on the part of U.S. officialdom to concede that an eruption was possible. The CIA station chief in Saigon, for instance, offered a memorable reply to questions about rising disaffection in Diem's army. "Come now," he said. "Lincoln had trouble with his generals, too."

In a brilliant analysis of the American commitment to Vietnam published a couple of years ago, James C. Thomson Jr., a one-time White House aide, contended that the Bay of Pigs fiasco, Khrushchev's truculence at Vienna and the Berlin crisis all combined in 1961 to create an atmosphere in which President Kennedy felt compelled to demonstrate America's mettle. The arena for that demonstration was Vietnam. Accordingly, Diem was our man.

This was already apparent in early 1961 when Lyndon Johnson, then Vice President, flew to Saigon and referred to Diem as the "Winston Churchill of Asia." Later, riding in Mr. Johnson's airplane, I asked him why he had lavished such praise on the Saigon leader. "Now, you know he's the only boy we got out there," he responded casually.

That comment was, of course, a variant of the well-known rationale for backing unattractive characters the world over. "He's a sonuvabitch, but he's our sonuvabitch." In this case, though, Mr. Johnson's exuberance had the effect of convincing Diem that he was really Asia's Churchill and, after that, there was no shaking his belief in his own infallibility. Therefore, when Gen. Maxwell Taylor arrived in Saigon in late 1961 to work out the first in a series of massive aid programs to Vietnam, Diem stubbornly rebuffed recommendations that he liberalize his government. In essence, he acted as if he was doing us a favor by taking our help.

It soon became evident, as Robert Scigliano observed, that if Diem and his family were American puppets as the Communists alleged, they were puppets who pulled their own strings. And as the U.S. involvement expanded in later years, we began to perceive that the South Vietnamese pulled our strings as well—for the elementary reason, I believe, that our repeated assertions that the fate of our nation hangs in the balance in Vietnam have naturally convinced them that they hold the key to our destiny.

The pattern that has made us prisoners of our reputed puppets was therefore fixed in our 1961 decision to support Diem on his own terms. Moreover, the style of our approach to the Saigon leaders was set by Frederick Nolting, the U.S. Ambassador of that period. He seemed to believe that, by appeasing Diem, he would somehow store up credit with the Saigon leader that could be redeemed when Washington sought South Vietnam's cooperation on major issues.

Accordingly, Nolting not only went along with Diem's whims but even, on one occasion in early 1962, delivered a speech to the local Rotary Club urging Saigon's middle-class burghers to cease their carping and get behind the regime. Nolting evidently did not know that one earnest Rotarian, Harvard-educated Dr. Pham Quang Dan, was then being held in an airless underground cell in the Saigon botanical gardens for having criticized Diem's family.

The flaw in the Nolting approach—and the flaw in subsequent attempts to appease Saigon leaders—lay in Diem's knowledge that we needed him more than he needed us. Nolting learned that his credit was worthless when, in 1962, he was instructed by Washington to dissuade Diem from breaking relations with the newly formed neutral government in Laos. Diem refused, saying in effect: "I don't owe you a thing."

POSITIVE THINKING

In the meantime, our immersion in a situation we could not quite understand, let alone control, was being accelerated by the insistence of our military establishment that we were making great strides in the crusade against the Communists.

To a large extent, I think, our capacity for self-delusion stemmed from what one U.S. diplomat has called "can-doism"—the certainly that Americans can do anything anywhere and that those who say otherwise are defeatists. In short, we became hypnotized by our own concept of ourselves as supermen to such a degree that American officials in Vietnam were instructed to turn in optimistic reports even if they bore no resemblance to reality. "Positive thinking" was the byword.

This urge to portray the U.S. effort in glowing Technicolor was reflected in Adm. Harry Felt's advice to correspondents to "get on the team." It was also dramatized in the graphs and flip-charts and statistics that led Robert McNamara to state that "by every quantitative measure, we are winning the war." Most of all, I believe, the generals wanted to believe they were making progress because they knew that there were no promotions for losers. In 1963, after McNamara predicted that Americans would be out of Vietnam by Christmas, 1965, the U.S. commander in Saigon, Gen. Paul Harkins, told me: "I think the Secretary is too pessimistic. We'll be home before the end of 1964."

The compulsion to register progress went to such lengths that a group of senior U.S. officials even announced a minor "victory" when a New Year's Eve party they threw was not attacked by Vietcong terrorists then active in Saigon. A similarly upbeat emphasis was constantly stressed by the ebullient Robert Komer, the former ambassador in charge of pacification. Flying with him around central Vietnam during the 1968 Lunar New Year offensive, we landed at one badly hit town. Komer scanned the scene and said in his staccato style: "They told me this place was 90 per cent destroyed. Why, it's not more than 70 per cent destroyed."

In 1964, when Maxwell Taylor became ambassador in Saigon, the mission machinery was reorganized in order to report progress even if none was actually taking place. Before this, U.S. and South Vietnamese officials had tried to plan together, and movement had been slow. To speed things up, Taylor created a "mission council" composed exclusively of Americans who conceived projects and passed them on in package form to the Vietnamese.

DISREGARD FOR FACTS

In some instances, careful studies of proposed programs were discarded because their recommendations were negative. This was the case in 1961, when two foremost American experts advised against moving peasants into "strategic hamlets" on the grounds that displacing people did more harm than good. Their advice was rejected, and the program went ahead anyway, with dubious results.

The demand from Washington for rapid action sometimes meant that decisions were made without advance study and were justified afterward. In late 1964, for example, a Rand Corporation team was set up to assess the possible political repercussions of employing tactical U.S. air power inside South Vietnam. The team expected to produce "preliminary" recommendations within a year. The bombings started long before that. The team thereupon endorsed the bombings with the somewhat contorted rationale that peasants blamed the Vietcong for turning their villages into targets for air strikes.

The tendency to shoot first and ask questions afterward often reflected a desperate desire to maintain a rapid momentum of innovations. The White House itself was frequently the source of the pressure for this momentum. A six-month course to train South Vietnamese pacification cadres was cut down to six weeks, for instance, because Washington was in a hurry. The upshot, explained one official connected with the course, was that "we turned out sausages instead of competent cadres."

The rush to do something was understandably prompted during times of extreme crisis, when almost any move was considered preferable to inaction. The decision to bomb North Vietnam, though planned in advance, was evidently taken in order to arrest the deteriorating situation in the South in early 1965, when Saigon governments were toppling and the Saigon strategic reserve battalions were being decimated.

Looking back, it seems to me that our conduct in Vietnam was generally less convoluted than many observers have suggested. Indeed, it could be argued that we were insufficiently Machiavellian, especially within the context of an arcane Oriental society. American military and civilian officials were not, like the Vietnamese, chronically involved in complicated plots and conspiracies. On the contrary, they behaved for the most part in straightforward fashion, and that was the rub. Vietnam is a corkscrew country, the "land of the doublecross," as Douglas Pike called it. Yet we persistently believed that we could shape the Vietnamese into facsimiles of ourselves.

To label the 1967 Vietnam elections fraud would be unfair. But they were a farce in the sense that, outside Saigon and other cities, the notion of free choice was alien. Still, Lyndon Johnson wanted a legitimate Saigon government and the Vietnamese leaders saw no inconvenience in obliging him.

At Bentre, the capital of Kienhoa Province, I asked the province chief about previous Vietnamese elections he had known. He candidly replied that the 1959 National Assembly elections had been crooked and the 1961 presidential election even worse.

"What will you have to say about the present elections if I come back here in five or six years?" I asked.

He laughed and answered: "Now these elections, I assure you, are truly honest."

If elections were calculated to Americanize the Vietnamese politically—or at least give that impression to the U.S. public—the decision in 1965 to send American combat troops into Vietnam was a move to Americanize the war. In retrospect, I think it represented a more honestly American approach than the romantic counterinsurgency efforts of the past. Now, for the first time, we would fight in American style with air and armor backed up by PXs and pinball machines.

By the end of 1965, moreover, the sheer weight of the U.S. military presence had stopped the Communists from dissecting the country. After that, however, we deluded ourselves into thinking that our ability to prevent a Communist victory meant that we could achieve a victory ourselves. In late 1967, Gen. Westmoreland announced that we had "turned the corner." A couple of months later, the Tet offensive exploded.

The Tet offensive was not the military success that Communists had anticipated. They took tremendous losses, and their political apparatus in the South was severely damaged, but, perhaps unintentionally, their drive dealt an irreparable blow to U.S. credibility. If nothing more, the Communists showed that they could mount a vast array of actions in the face of American claims that they were on the verge of collapse.

American credibility again suffered from President Nixon's thrust into Cambodia, for his decision seemed to contravene his repeated assertions that he was seeking to wind down the war. Like so many moves undertaken during the Vietnam conflict, the Cambodian invasion was apparently initiated for narrow military objectives without consideration for the wide range of political, diplomatic and psychological repercussions that were bound to occur at home and abroad.

In his April 30 speech, Mr. Nixon underlined an American problem when he depicted the United States becoming a "pitiful, helpless giant" unless we succeed in Vietnam. For the lesson we ought to have learned in Vietnam is that giants at this stage in history are not omnipotent. The Russians are as frustrated by their North Vietnamese allies as we are by our Saigon clients.

Until we adjust our aspirations to our capabilities, it seems to me, we are bound to be disappointed. In the meantime, I am changing the label on my files from "Vietnam" to "Indochina."

[From the Washington Post, Dec. 13, 1970]

WHO TURNED THE COLD WAR BACK ON?

(By Robert E. Hunter)

In the past few months, we have had evidence of a basic change in the administration's view of the world, and particularly of Soviet-American relations. According to this view, the Russians are challenging U.S. naval superiority in the Mediterranean; they tried to test American will to resist new activity in Cuba; they are now dragging their feet in the strategic arms limitation talks (SALT) while they rush ahead in the arms race, and they are stalling on Berlin while they are trying to divide the Western alliance.

This amounts to an effort to view the world with the outdated and discredited attitudes of the Cold War.

Since the Cuban missile crisis and the careful elaboration of second-strike nuclear forces by the United States and the Soviet Union, we have seen truly hopeful progress toward détente in several areas of our relationship. Unlike the short-lived "Spirit of Geneva" in 1955, this détente is based on firm ground.

Both Moscow and Washington have become fully aware that nuclear war would be mutual suicide, and both have learned to accept that their relations do not have to be dealt with as one package but can be understood and negotiated piece by piece. As a result, tensions have gone down in Europe; there is general agreement on the limits of superpower activity in the Middle East; Vietnam has been more or less isolated from U.S.-Soviet relations, and the SALT talks have got under way at long last.

Nor have various shocks to the growth of U.S.-Soviet understanding in any one part of the world had much effect in other parts. Détente continued in Europe despite the invasion of Czechoslovakia, although Western expectations of change in East Europe had to be lowered. And the SALT talks were virtually unaffected either by our invasion of Cambodia or Russian cheating in Egypt.

In short, Washington and Moscow have learned to split up their relations into separate pockets, each of which represents real conflicts of interest or, as in the case of the arms race or Middle East warfare, a real common interest to prevent disaster. This is what it means to end a cold war: no longer do contending powers have to see their relations as all-encompassing. Where negotiation or accommodation is possible, it takes place; where differences of view or interest are irreconcilable, they persist without detracting from those areas of possible understanding.

A CHANGED SITUATION

This is the situation that obtained until the early part of this year. It enshrined the most hopeful developments since World War II, and all was set for negotiations designed to strengthen understanding wherever possible and perhaps even to resolve political problems in one or more areas of the world.

This situation has now changed and, in the view of the administration, the Russians have been chiefly responsible because of new efforts to test American resolve or to exploit growing military power.

The case against the Russians is familiar to any newspaper reader. But what does he know of the case that has to be made against our government's handling of the same circumstances? It is tempting to say that this handling of events has simply been amateurish, but it is worse than that. It is nothing less than the reemergence of the attitudes and even much of the rhetoric that characterized the darkest days of the Cold War.

This autumn, the Soviet Union has been particularly dilatory in pursuing an agreement at Helsinki. Yet our role in making agreement difficult has also to be accounted for. We have to realize that the great spurt in nuclear weaponry since SALT began has taken place as much on the U.S. side as on the Soviet, with its mammoth arsenal of SS-9 rockets.

Two days after SALT began last April, we began installing Minuteman III missiles, and in June we began equipping them with multiple, independently targetable re-entry vehicles (MIRVs). Before discounting this move as simply another American bargaining counter, we should remember that Soviet testing of multiple warheads—mainly of the unguided "shotgun" warhead that our Polaris missiles have had for years—is among the principal factors causing us so much anguish about Russian intentions.

Even more damning, however, was the Defense Department's revelation July 9 that the Soviet Union had halted construction of SS–9s for six to nine months. It may be that the Russians were only experiencing difficulties in production of the SS–9 and its silos, but it could have been an effort to signal a de facto end to the land-based missile race in order to speed agreement at SALT.

This possibility was never tested by the administration; indeed, the fact of Soviet restraint was carefully concealed from the American public and, more particularly, from the Senate. The Senate thus debated both the Brooke resolution on a MIRV moratorium and the second phase of the ABM without knowing that the Soviet Union had made no new starts on SS–9 construction since before the SALT talks began. If the Russians were trying to signal something, therefore, they would have good reason to distrust the intentions of our government.

In any event, we have surely strengthened the hand of those people in the Kremlin who do not wish the arms race to come to an end—which, in turn, has strengthened the hand of their counterparts in this country. And now we are certain to see the arms race go on to higher levels, probably including MIRVs on both sides, even if we do eventually reach agreement.

THE LINKAGE THEORY

At the same time, the administration has revived the idea of "linkage"—the theory that the entire Soviet-American relationship must be seen as a "seamless web," and that progress at SALT must parallel progress in other areas of our relationship. This is an unfortunate view that undermines the basic learning experience of the 1960s: the compartmentalizing of problems so that some, at least, can be solved.

Ending the arms race is surely the easiest feat to accomplish among all those facing us, partly because it is so much in our mutual self-interest and partly because Moscow and Washington have most of the political cards in their hands alone. Linkage, therefore, is not only likely to have little or no effect on such problems as the Middle East or Berlin; it is also likely to reduce the chances that anything positive will come out of SALT.

SALT must be seen not as a bargaining process where the Russians' supposed greater interest in reaching an agreement can be used to settle other political problems. Either Washington and Moscow will work together to end the arms race, or it simply will not end.

This was always the basic weakness in arguments that the ABM would be a "bargaining chip" at SALT. We now have the chip, yet SALT has slowed down, the arms race continues and there is new worry about the influence of Soviet military opinion within the Kremlin.

Linkage has other dimensions, as well. There have been hints from the administration that Russian cheating in Egypt has called into question whether Moscow can be trusted to keep an arms agreement. But this line of reasoning entirely misses the point.

In the first place, the Russians (or Egypt) were caught cheating, and therefore would know that they would be caught if they cheated on a SALT agreement, where the stakes would be much higher. Second, there can be no comparison between missiles for the defense of Egypt, where there are complications involving Moscow's relations with its client states, and missiles in the central arms race. And third, in both instances we are talking about self-interest, not altruism.

Quite simply, if the Russians do not find it in their self-interest to stop the central arms race, then there won't be any agreement at SALT in any case. Indeed, one has to look no further than Soviet self-interest to explain both Moscow's failure to prevent cheating in Egypt and its likely good behavior in implementing a SALT agreement.

Finally, the most telling evidence of the administration's frame of mind on linkage came after the recent raids on North Vietnam. There were hints that the raids were in line with an argument put forward by the White House earlier this year: that being unpredictable has its value. But even more, the raids were interpreted as warnings to the Russians that agreements have to be lived up to, such as the Soviet-American agreement over Cuba.

This view paralleled the President's comments in July justifying the invasion of Cambodia on the grounds of protecting Soviet awareness of U.S. will. But to anyone who appreciates both the insignificant role the Soviet Union plays in the Vietnam war and the compartmentalizing of problems in the world generally, the logic of this view—not to say its politics—is beyond comprehension.

THE BASE IN CUBA

If this is the administration's attitude, should we be surprised that the Russians might try to be a bit "unpredictable" as well? This question may give meaning to the events, still not particularly clear, that took place in Cuba this autumn.

Needless to say, the stationing of a Soviet facility for servicing nuclear submarines in the Western Hemisphere would do little if anything to erode America's second-strike capability. It is true that if the Russians were able to increase their hunter-killer submarine capacity radically by having a base in Cuba, some of our Polaris submarines might be in jeopardy. But can anyone take seriously the prospect that, short of madness, the Russians will go for a true first-strike capability? As the Stockholm International Peace Research Institute has emphasized, the idea of either side's ever getting such a capability is simply out of the question.

What happened in Cuba was important, if at all, in the realm of politics and what is referred to as "will." The latter is a curious subject, and one on which the United States is strangely lacking in self-confidence. Perhaps in the 1950s there was some reason to worry that the Russians might underestimate U.S. willingness to defend its vital interests, but the Cuban missile crisis surely dispelled that view.

Most importantly, we need to realize that the Russians will ape our behavior as a great power in every way they can. After the Cuban missile crisis, they increased the size and range of their fleet. So, too, the size of their Mediterranean squadron after the Six-day War (a squadron that is still a military nonentity compared with the U.S. Sixth Fleet) indicated that we had had a capability to intervene in that conflict and Moscow did not.

In America, we have a peculiar aversion to looking at the other side of our concern with strength. We never want to negotiate from weakness, but, then, who does? But can we distinguish between strength and superiority? If we cannot, we surely cannot expect the Russians to do so, either.

To this end, cries of anguish about the Russians turning the Mediterranean into a Soviet lake, when this is a patent absurdity, will only reinforce those people in the Kremlin who wish to match our attitude toward the role of superiority. This is the stuff of which arms races are made.

This problem applies equally in the strategic nuclear field. The Russians may be ahead of us in land-based missiles, but they are still inferior in every other form of nuclear power. Our missiles are more accurate, we have more Polaris submarines, we are working on a better ABM and we are already deploying the MIRV. In fact, in terms of the number of deliverable nuclear warheads, we have taken the lead in the arms race in the last year, not the Russians, for all of their SS–9s.

THE BERLIN ISSUE

We are also now seeing the revival of the Berlin issue as a matter of symbolic importance. Years ago, this may have been a valid exercise, since there were few understandings between ourselves and the Russians on other problems. But now these understandings do exist, particularly on the arms race but also including the need to preserve the strategic status quo in Europe.

Unfortunately, we are again looking for symbols when there are matters of substance at hand. This latest round of concern over Berlin began as a problem of reassuring ourselves that Chancellor Brandt's Ostpolitik would not get out of hand. In addition, the West German electorate needed reassurance that the Soviet Union would have to pay a price in Berlin for the Soviet-West German treaty; and there was some value in letting the Russians know once again that the political undermining of the NATO alliance would not succeed.

But it is a long jump from these arguments to an effort to make the Berlin problem the sine qua non for considering not just Ostpolitik but also all other matters of European security and perhaps even SALT. Some linkage of issues directly germane to overall West European concerns (not just those of West Germany) may have been advisable. But by making Berlin the key—in particular the key to the holding of a European security conference that could help legitimate East-West contacts—we are only making it more difficult to achieve progress anywhere. We have simply chosen the wrong link—the most intractable problem—to support our allies' interest in SALT and European detente.

The U.S. government also seems to be forgetting in part the simple lesson that the Communist world is no longer a monolith; linking events in Vietnam to Soviet actions elsewhere is clear evidence of this forgetfulness. But we are also misleading ourselves in seeing disturbances on access routes to Berlin as evidence of Soviet intentions. If anything, these disturbances are evidence of East German efforts to thwart Soviet moves toward easing tensions with West Europe.

Perhaps the U.S. government wishes to control the pace and the character of these Soviet moves—the other side of Brandt's Ostpolitik. By choosing to ignore differences of opinion within the Warsaw Pact, however, we are merely tempting fate within the NATO alliance and failing to exploit differences in *their* alliance.

The administration is also fostering a simplistic view of Soviet activity in the Middle East. It appears, unfortunately, that Dr. Kissinger's "slip of the tongue" last July is a motivation of policy—i.e. to "expel" the Russians from Egypt. Like it or not, we have to accept that the Russians are in Egypt, and elsewhere in the Middle East, to stay.

We have been particularly remiss at analyzing carefully just what has happened militarily in the Middle East. The U.S. goverment and others were so quick to seize upon the symbolic importance, if any, of Russian activity that a realistic assessment has not even been attempted outside of the State Department.

As a matter of fact, there has been widespread cheating on both sides of the cease-fire, even though Egypt started the process; and Gen. Moshe Dayan was reportedly able to declare, even before we extended another $500 million line of credit to Israel, that Israel's military position vis-a-vis Egypt is better now than it was before the cease-fire began.

We may have good reasons for supporting Israel. But we should not interpret every cry of dismay from Jerusalem as actually changing the balance of military advantage (in which Israel, like the United States with respect to China, considers it vital to maintain the ability to launch a successful first strike). Nor should we accept every change as new evidence of a Soviet unwillingness to help prevent war.

In this particular case, Israel did not want to negotiate and Russian-Egyptian cheating provided a welcome diplomatic opportunity for Israel. Yet can anyone really believe that the extra SAM missiles west of the canal have made it any easier for Egypt to try launching an attack across it?

NOT REALLY COLD

Whether valid or not, this is a series of arguments about the Soviet-American relationship that gets little circulation in the United States at present. Of course, we are no really being faced with a return to the worst of the Cold War, however much administration rhetoric may reflect that possibility. The mold has been broken by the more or less immutable character of the strategic arms balance and the firm understandings that the superpowers have reached on Europe.

But there could be a period in which further diplomatic progress was ruled out not so much because of the character of individual differences between the United States and the Soviet Union as because of the administration's insistence on seeing all our problems as necessarily interrelated.

To a great extent, this development represents a failure of American imagination. It should be obvious, for example, that the Soviet Union is going to be a major sea power and will play a major role in the future of the Middle East. Yet by panicking in the face of these inevitable developments, we fail to see either the limited role that naval forces play in influencing the behavior of third countries in this multipolar, nuclear world or the positive role that the Russians could be led to play in stabilizing the volatile Middle East.

In addition, we are failing to take account of new facts of power. During the 19th century and the first half of the 20th, relative balances of military power did spell the possible outcome of conflicts and changes in frontiers or economic advantage. But the role of military force promises to be much lower in the future if only because the central actors, the United States and the Soviet Union, have an ability to deter basic threats to each other's interests and appreciate their inability to change the strategic status quo in Europe—the chief prize in their competition.

SLIPPING ECONOMICALLY

Also, there are economic factors supplementing more traditional military factors in expressing a great nation's usable power, and there the Soviet Union stands to be left far behind. It will soon be a second-class economic power, outranked by Japan and the European Community.

The movement of trade may not be as obvious, romantic or compelling as the movement of military forces. But in terms of the effects that policy has on other nations, trade and economic development can at times bring far more influence than direct intervention.

This does not mean that military power can be discounted; the United States has to remain vigilant and, particularly in sea power, show due regard for remaining aspects of psychological influence that weapons still confer. But we also need to realize that the growth of Soviet military reach is essentially a paradox: it comes at a time when it promises to express a fundamental weakness rather than of growing strength. At least this is the trend of developments.

A more fundamental failure of imagination is reflected in both the rhetoric and the actions of the administration in recent months. It is our failure to realize just how little we know about the outside world, and how much it is changing.

However much we have been involved in the world, we have retained many qualities of an isolated nation—or, better, a provincial nation. Perhaps this is the lot of every great country at the flood tide of its power. It is reflected in much news coverage and analysis; in the lack of interest most Americans take in the outside world, and in the efforts we make to translate the experience of others into terms that are familiar to us.

This, indeed, is why we are so often accused of being "imperialistic"; not so much because of any particular projection of power as because of our difficulty in making the adjustments necessary in dealing as equals with foreigners. It is not surprising that a President who is the epitome of Middle America should reflect its attitudes on the world beyond our borders.

Yet it is questionable that our general ignorance of others can long persist. We are experiencing what other great powers have experienced before us: that as our power declines relative to others, even as it increases absolutely, we can no longer isolate ourselves from the impact of other societies and cultures on us.

AMBIGUITY AS A VIRTUE

We are finally leaving the age of certainty; we are in an age in which power, to be effective, must understand the value of ambiguity. Americans have never cared for ambiguity (indeed, much of what we call "polarization" in our society is really a flight from situations that are by their very nature uncertain).

But whatever power we are able to exercise in the world will depend upon our making a virtue of the ambiguity that will necessarily exist in our relations with others. In the Middle East, for example, there would be some value in blurring the nature of our day-to-day relations with Israel—even if we have a firm commitment to its ultimate security—if we wish to have tolerable relations with the Arab states and to reduce Soviet influence.

The fundamental problem for us, therefore, is to discard the lingering attitudes of the Cold War with the Soviet Union and begin fostering a greater awareness of, and appreciation for, other nations and peoples. In the process, we need to learn more about the role that diplomacy and economics can play in place of military force—indeed, that the Nixon Doctrine cannot be primarily a military doctrine, as the President's recent aid message seemed to indicate. Rather, we need to cultivate a broad spectrum of relations and behavior that reflect the changed, uncertain circumstances of today's world.

[From the Washington Post, Aug. 25, 1970]

UNITED STATES CHANGES FACE OF POLICY IN STATEMENTS ON CAMBODIA

(By George C. Wilson)

The Nixon administration, in a little over seven months, has made over the whole face of its Cambodia policy in its public pronouncements.

The latest change came Sunday when Vice President Agnew told newsmen traveling with him to Southeast Asia that "we are going to do everything we can to help the Lon Nol government" in Cambodia because "the whole matter of Cambodia is related to the security of our troops in Vietnam."

On Jan. 3, 1970, Agnew seemed to be saying just the opposite.

During another Asian tour then, Agnew explained to newsmen why the Nixon administration had supported the congressional resolution barring use of ground combat troops in Laos or Thailand without congressional approval:

"I think that was simply a resolution to indicate that the President wouldn't move unilaterally to engage us in any conflict—further conflict in Asia beyond the Vietnam situation—without returning to the Congress for approval of such action.

"I think it also indicated," Agnew added, "that we would not become involved in any other combat activities with our troops in Asia unless some very extreme, provocative and substantial action took place that might make it necessary for him to seek re-evaluation by the Congress."

Central questions in the current political and public debate over the Indochina war are these: Is Agnew being more candid now about the administration's intentions in Cambodia? Is the Nixon Doctrine really just a name for day-to-day improvisation and not a structured doctrine at all? Has the President's Southeast Asian policy changed radically in seven months?

Spokesmen at the White House, State Department and the Pentagon insist there has been no change in administration policy. The rationale is that President Nixon has made it clear that his actions in Cambodia have been and will be dictated by regard for allied lives in South Vietnam.

However, past public statements projected no such wide-open policy for American involvement in Cambodia. What follows is a sampling of Nixon administration statements on Cambodia since Jan. 3, when Agnew predicted a policy of non-involvement "in any other combat activities," unless the President and Congress agreed the situation was "very extreme."

"Well, in Cambodia we recognize the neutrality, sovereignty and independence of Cambodia. We had nothing to do, directly or indirectly, with the events that transpired in Cambodia." (A reference to Norodom Sihanouk being deposed as head of state in Cambodia on March 18, 1970 by Lon Nol.) "We would hope that the events that transpired in Cambodia will not cause the war to be widened in any way . . . Cambodia has not made any request for military assistance . . . We don't anticipate that any request will be made." (Secretary of State William P. Rogers news conference, March 23, 1970.)

"I think it's important to bear in mind as we turn over these responsibilities to the South Vietnamese that it is better for us to do it on a step-by-step basis rather than follow the policy of the last administration—while we were increasing troops every month, then making public announcements that the boys would be home by Christmas. I think that destroyed the credibility of the Department of Defense, and I don't want that kind of thing to happen as far as this administration" is concerned.

". . . I have said often that I will not recommend troops going to Laos or to Cambodia or to any other place without the consent of the Congress of the United States . . . I have said time and again that as long as I am in this job I would never recommend to the President of the United States the use of American military forces in a combat role, combat responsibility, without the consent of the Congress of the United States. Now I feel that very strongly."

Defense Secretary Melvin R. Laird, April 15, 1970, on the Irv Kupcinet Show, WMAQ-TV, Chicago.

Asked at a Pentagon news briefing on May 6, 1970, why Congress was not consulted in advance about the Cambodian invasion, Laird said: "It was not necessary because this Cambodian operation is a part of the Vietnam program."

". . . Massive amounts of military assistance could not be readily and effectively utilized by the small Cambodian army against the immediate threat. With other nations, we shall do our best to provide the small arms and other equipment which the Cambodian army needs and can use now for its defense. The aid we will provide will be limited to the purpose of enabling Cambodia to defend its neutrality—not for the purpose of making it an active belligerent on one side or the other

XUM

. . . We shall avoid a wider war . . ." (President Nixon, in Cambodia address to the nation, April 30, 1970)

"We are not going to get involved with the Cambodian army or with military operations in Cambodia. This 'Cambodian invasion' is not an operation to widen the war. This is an operation to help hasten the end of the war." (Laird at Fort Gordon, Ga., May 5.)

". . . I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out our logistical support and air support will also come out with them . . ."

". . . The United States, as I indicated in what is called the Guam or Nixon doctrine, cannot take the responsibility . . . in the future to send American men in to defend the neutrality of countries that are unable to defend themselves . . ." (President Nixon news conference May 8, 1970.)

Asked at his news conference on May 13, 1970, whether "what you're ruling out, only, is that we will not get involved directly, militarily, in supporting the Lon Nol government." Rogers replied, "That's correct."

"I dont believe our government has a commitment to Cambodia. Our commitment is to our own forces . . ." (Laird, Godfrey Sperling breakfast group, May 14, 1970.)

"The only remaining American activity in Cambodia after July 1 will be air mission to interdict the movement of enemy troops and material where I find that is necessary to protect the lives and security of our men in South Vietnam . . ." (President Nixon's Cambodian report to the nation, June 3, 1970.)

". . . The President's policy on air interdiction is that at the present time and after our troops leave Cambodia, our Air Force will be used, be permitted to interdict the supply lines and communication lines in Cambodia . . . It is obvious, of course, that there will be times when, in the process of interdicting supply lines or communication lines of the enemy, that will be of direct benefit to the present government in Cambodia. But I think the main thrust of our policy is to use our Air Force for the purpose of interdicting supply lines and communication lines to protect Americans in South Vietnam . . . Obviously it may have a dual benefit; it may serve our purposes and at the same time serve the Cambodian government . . ." (Rogers press conference, June 25, 1970.)

Asked at Andrews Air Force Base on June 26, 1970 what effect American interdiction would have on Cambodian ground troops, Laird said: "I would think that there would be an ancillary benefit, of course, as far as the troops on the ground, but the primary reason for the air activities will be the protection of Americans in South Vietnam . . ."

"We will conduct—with the approval of the Cambodian government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to reestablish base areas relevant to the war in Vietnam. We do this to protect our forces in South Vietnam . . ." (President Nixon's report on the Cambodian operation, June 30, 1970.)

", . . As far as military support—the United States moving forces into Cambodia for the purpose of helping them defend against enemy attack—that we are not required to do under treaty, and that we do not intend to do . . .

". . . We do not plan to go back into Cambodia. We do plan, however, and I will use this power—I am going to use, as I should, the air power of the United States to interdict all flows of men and supplies which I consider are directed toward South Vietnam . . ." (President Nixon television interview, July 1, 1970.)

(John T. Wheeler, Associated Press war correspondent, on Aug. 5, 1970, filed a well documented, eye-witness report from Skoun, Cambodia, about how American war planes were flying in direct support of Cambodian troops on the ground.)

Asked at a Pentagon news conference Aug. 6, 1970, "How do you square the difference" between that eye-witness account "with the stated policy of interdicting only those things which can jeopardize us in the South," Laird said: "Well, in that particular area it is very much related to the opening up of the sea area for supplies . . ." He said American bombers could hit enemy troop concentrations outside populated areas in Cambodia.

Recent reports from the field in Cambodia suggest that the military term "interdiction" has been stretched to authorize the bombing of enemy troops whenever they are spotted in the open.

[From the Saturday Review, Feb. 14, 1970]

Who Makes Our Foreign Policy?

(By Richard L. Tobin)

When in March 1968 Senator Fulbright, chairman of the Foreign Relations Committee, openly challenged Secretary of State Rusk on President Johnson's Vietnam position, Congress signaled a halt to its lapse in sharing the responsibility of establishing U.S. foreign policy. For the first time since World War II, Congressional leaders, especially within the Senate, not only disagreed with the White House on a vital issue of foreign policy but began doing something about it.

Speaking along these lines, Dr. Francis O. Wilcox, dean of the School of Advanced Studies at Johns Hopkins, told an Ann Arbor audience at the annual Vandenberg Lecture that the most significant development in the government of the United States during the past thirty years has been the formidable expansion of Presidential authority. One by one, said Dr. Wilcox, "the powers of Congress have fallen into disuse. One by one, they have been whittled away. Slowly but surely the President has taken a larger slice of the foreign-policy pie. And the members of Congress are beginning to wonder where it will all end." Although John Adams said that the legislative and executive were "natural enemies," no partisan of the democratic system of checks and balances, and of separation of powers, can be unaware that the trend toward executive dictatorship has not yet reversed itself.

For more than a quarter of a century, Congress has been continuously losing power to the executive branch. It is no longer coequal with the executive and the judiciary, as Roscoe Drummond has pointed out: "It has lost control of the budget. It is not an adequate monitor of the administration. It is so burdened with trivia that it is rarely able to give priority to crucial legislation. At most points it is so understaffed with its own experts that, more often than not, it cannot give independent study to Presidential proposals." And, as Walter Bagehot observed a century ago, the fundamental weakness of the American system is not simply that it encourages deadlocks between the Congress and the President but that it yields no solution, no way of pointing out the responsibility when situations harden.

The trend toward ever greater executive control of foreign policy is an orphan of World War II, when Presidents Roosevelt and Truman sought, and the Senate obligingly gave them, extraordinary powers to deal instantaneously with critical wartime situations. When peace came, these powers stayed at 1600 Pennsylvania Avenue, and the quick succession of major foreign policies decided at top level—the organization of the United Nations, the Marshall Plan, the Truman Doctrine, NATO, SEATO—were seeded in the White House, not on the Hill. Cooperating at a high level of intelligence and selfless patriotism, the Senate Foreign Relations Committee helped underwrite America's posture on the Korean War (though Truman never asked the Senate to ratify the fact of war), the Berlin blockade, the Middle Eastern and Hungarian crises, the disaster of the Bay of Pigs, the Cuban confrontation, and, under three Presidents, Vietnam. But the initiative came—after consultation, it must be added—in all cases from the White House and not from the Hill.

In these days of sudden flare-ups anywhere in the atomic world, the President has preeminent responsibility for foreign policy decisions, because there is quite often simply no time to convene the Foreign Relations Committee and to hold public hearings. Congressional leaders may be consulted and warned of the grim facts, but they and their cumbersome machinery cannot cope with instant crisis as we approach the twenty-first century. Just the same, the Senate in particular can be invaluable as a place of overview and lookout. The Foreign Relations Committee almost single-handedly forced President Johnson to reverse his Vietnam stance when Senators Morse, Mansfield, McCarthy, Fulbright, Church, and other Democrats on the Hill became openly critical of quicksand policies and the annual boasting by the military. The President's dramatic televised statement that he would not seek re-election and would press immediately for summit peace talks in Paris was fruit plucked from a tree grown and watered on the Hill, not the White House lawn.

The federal Constitution expressly vests in the President the power of Commander-in-Chief of our military forces—the ultimate foreign policy. And the President has the power to make treaties with the advice and consent of the Senate. But nowhere in that great document did its enlightened authors specifically select the President or, for that matter, any other person or federal body to be responsible for U.S. foreign policy. In actuality, the State Department has done a preponderance of the legwork and the homework on which our foreign policy has always been based. Such Secretaries of State as Acheson and Dulles were virtually their own bosses when it came to America's relationship abroad, while Rusk and Rogers have worked more under the direction of the White House.

Over the years, however, the Senate has by tradition had a powerful hand in the formation of foreign policy, a trend only world war and its aftermath have altered in the recent past. Heartening as it is that the Senate Foreign Relations Committee is once again questioning White House overseas commitments, particularly in regard to undeclared wars, the sober fact seems to be that, in the swiftness required by an atomic age, foreign policy will more and more become the province of the Chief Executive with the Hill left only a sort of informal veto power, always after the fact and occasionally, perhaps, after the crisis has subsided.

[From Newsweek, Nov. 23, 1970]

Vietnamization Is Not Peace

(By Maynard Parker)

(Until recently, when he was reassigned to Hong Kong, Maynard Parker was Newsweek's bureau chief in Saigon. After eighteen months of reporting both the political and military aspects of the Vietnamese war, Parker filed this personal assessment on the prospects for peace in Indochina.)

Last year, when I stopped in Paris en route to Saigon, the talk was not whether there would be peace, but how soon it would come. Even in Saigon, there was a feeling that peace was a few months away. South Vietnamese politicians gossiped about who might be included in a coalition peace Cabinet, and in the countryside, U.S. advisers discussed which villages would hoist the NLF flag on cease-fire day. But today, no one in Vietnam thinks there will be peace this year or even this decade.

XUM

Personally, I am convinced that hundreds—perhaps several thousand—more Americans will die before the U.S. has extricated itself from this war. For in retrospect, it is questionable whether either side went to Paris prepared to negotiate anything but a veiled surrender by the other side. The essential question of the war has always been who will emerge with power in Saigon, and on that question neither side has been willing to make significant concessions. Certainly, the Communists have not. Neither has President Nixon—for fear of placing the Thieu government in an impossible position of military and political inferiority. As President Thieu himself told a group of visitors a few months ago: "I'm too weak to cooperate in an accommodation with the Communists."

Now after a string of military successes, Thieu is telling his countrymen just the opposite—that South Vietnam is too strong to compromise with the other side. Only President Nixon could have broken this impasse by forcing Thieu to make peace. In choosing not to do that in the first days of his term, Mr. Nixon almost by default has opted for a long war and a continued American involvement under his Vietnamization policy. A diplomat whom I know in Saigon is now offering to bet a case of champagne that there will be 50,000 U.S. troops in Vietnam in 1980. I would not bet against him.

For far from staging a great retreat from Vietnam or Asia, I think Mr. Nixon is in Vietnam to stay. Vietnamization will permit substantial American withdrawals, but it is not a withdrawal strategy. The basic American objective of winning the war has remained unchanged. Deputy Ambassador Samuel Berger, holding forth at a Saigon dinner party, once told me: "The American people are not like the French. They aren't losers; they don't want to go out of here defeated and we're not going to." And that kind of thinking prevails among U.S. officials in Vietnam. While paying lip service to the Paris talks, these officials are rosily predicting that the war will simply die out—in a way which will amount to a U.S. victory. The enemy, in this view, will eventually fade away, except for what Deputy Ambassador William Colby, one of the architects of the extraordinarily successful U.S. pacification program, calls "a residual level of violence." What is always left out of these predictions, however, is the fact that such a level will require a million-man South Vietnamese army and thousands of American troops.

American officials in Washington hint that the President will have all U.S. troops out of a combat role by next summer. But U.S. military commanders in Saigon are planning to keep at least two U.S. divisions plus supporting units in enclaves—one in the Saigon-Long Binh area and another in the Da Nang-Hué area—for the indefinite future. Mr. Nixon will no doubt call these men security forces instead of combat troops, but whatever the semantics, they will be employed in a combat role as a reaction force to bail the ARVN out of any possible trouble.

It seems to me that this policy entails enormous risks. It is not just that there will be an undeniable physical danger to the U.S. troops left behind in the enclaves. The Vietnamese Communists are not simply going to fade away—not as long as they are respected in the south as the heirs of Vietnam's nationalistic traditions and not as long as the Chinese continue to supply them. And as the war drags on, it will become more dangerous for the United States in certain respects. Not only do we risk an ever-higher penalty in terms of lost prestige for any eventual defeat, but there is the danger of the war spreading even further. Cambodia has already been drawn into the general conflagration. And further escalation—a thrust across the Laotian panhandle or even limited bombing of North Vietnam—should not be ruled out, particularly if Mr. Nixon wins a second term and feels freer than he does now of the constraints of public opinion.

What then is an alternative solution? The only answer possible at this late date seems to be for the U.S. to announce a deadline for the withdrawal of all U.S. troops. I do not suggest that the U.S. should accept the NLF's timetable or even those put forth by various Congressional critics of the Administration. Rather, the Administration should choose a deadline such as Christmas 1972 or even Christmas 1973—a deadline which would shock the South Vietnamese into the realization that the Americans really are leaving the country.

I do not think it fair to suggest, as Ambassador Bunker has often done, that by pulling out in such a fashion the United States would be welshing on its commitment to the Vietnamese and that Washington's word would no longer be worth anything to its allies. The U.S. commitment to Vietnam was never meant to be open-ended. The United States has stopped the enemy from taking over; it has introduced Vietnamization to enable the South Vietnamese to defend themselves; and it has introduced a semidemocratic, constitutional government in the process.

Nor do I agree that setting such a deadline would mean abandoning the South Vietnamese to disaster. The military situation in South Vietnam has now progressed to the point where a military take-over by the Communists is no longer a real possibility—not at least in the next two or three years. If the South Vietnamese, with a million-man army and with one of the world's largest air forces, cannot defend themselves within a year or two years' time, then there is very little reason to think they ever will be ready to stand alone.

CAMBODIA: DECEMBER 1970

(A staff report prepared for the use of the Committee on Foreign Relations, U.S. Senate, Dec. 14, 1970)

LETTER OF TRANSMITTAL

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
December 14, 1970.

DEAR MR. CHAIRMAN: On November 19, the Committee asked us to go to Cambodia and to report on the situation there in order to assure that the Committee would have as much information at its disposal as possible regarding the President's request for supplemental funds for military assistance and economic aid to Cambodia. We departed from Washington on November 22.

We spent a day and a half in Saigon on our way to Cambodia in the course of which we were briefed at U.S. Military Assistance Command Vietnam (MACV) Headquarters and Seventh Air Force Headquarters. We also visited the Long Hai Training Center at which Cambodians were being trained.

26 and departed on December 4. During our stay we were received by Prime Minister Lon Nol, Deputy Prime Minister Sirik Matak, the Ministers of Foreign Affairs, Justice, Finance and Information, the Counselor to the Government, officers and members of the Senate and the National Assembly, the Commissioner General of Economic Planning and a number of senior Cambodian military officers. We met with officers of the American Embassy, including members of the Defense Attache's staff, and with a number of foreign diplomats, journalists and others. We visited the Cambodian Training Center at Kambaul, outside Phnom Penh, and called on General Sosthene Fernandez, Commander of Military Region II, at Kompong Speu.

Following our classified report to the Committee on the morning of December 8, you asked that we prepare an unclassified report but that it not be released until after the Committee had received testimony from the Secretaries of State and Defense in support of supplemental Appropriations for Foreign Assistance in Fiscal Year 1971. Our unclassified report, in which we have followed our usual practice of avoiding direct attribution, is attached.

Sincerely yours,
JAMES G. LOWENSTEIN.
RICHARD M. MOOSE.

CAMBODIA

I. INTRODUCTION: CAMBODIA NINE MONTHS AFTER SIHANOUK'S FALL

The events following Sihanouk's fall have brought an increasingly wider war to Cambodia with military consequences in virtually every part of the country and economic consequences already felt or soon to be felt in every sphere of the country's commercial and financial life. As of December 4 when we left the capital, Phnom Penh was practically isolated from the rest of the country. All major roads out of the city were interdicted in one or more places by North Vietnamese and Viet Cong forces, with the exception of Route 1 to Saigon which was under the protection of the South Vietnamese Army (ARVN). The country's two major railroads were also cut. Thus, there was and still is no land route between the capital and the country's principal port of Kompong Som or between Phnom Penh and the major rice producing area in the northwest.

In the northern and northeastern portions of the country, the Cambodian Government is no longer in control, having lost or abandoned the area to the North Vietnamese, Viet Cong and local Khmer communist groups. Throughout the rest of the country, except for Phnom Penh and a few isolated major cities, government control is actively contested.

Facing some 45,000 invading North Vietnamese and Viet Cong troops, the Cambodian forces—which stood at 35,000 poorly armed men in May—would probably have been destroyed and the country completely taken over were it not for the assistance that has been given by the U.S. and South Vietnam. The Cambodian Army—now about 165,000 men—and Cambodian Air Force are completely dependent on the U.S. Military Assistance Program, on the captured weapons and war materiel provided by the South Vietnamese, on the training of tens of thousands of Cambodian Army personnel in Vietnam (and, in smaller numbers, in Thailand), on ARVN operations in the eastern and southeastern parts of Cambodia, and on the air support provided by the U.S. and South Vietnamese air forces.

The military situation is thus already serious. The economic situation promises to be. Cambodia is faced with the certain prospect of falling domestic revenues and export earnings amounting to between a third and a quarter of normal, a budegt deficit which some Cambodian officials have said may go as high as $400 million, future losses of their industrial infrastructure which has already been severely damaged, and serious if not total disruption of their distribution system.

On the basis of the limited number of contacts it was possible for us to have in eight days, it appeared to us that there is considerable support for the government of General Lon Nol among the youth and intellectuals, in marked contrast to the situation in South Vietnam, and among civil servants and members of the Senate and the Assembly. There is concern about corruption, which continues, and a division of opinion in connection with the drafting of a new constitution between those who favor a strong executive and those who prefer a strong assembly. But, in general, internal divisions seem to have been put aside for the moment. There is an evident sense of national identity and purpose and a determination to defend the country without foreign troops.

XUM

It seems to be a universally held assumption in Phnom Penh that, because the United States has given so much to so many and has so frequently proclaimed itself the ally of those subjected to aggression, we will come to Cambodia's rescue, enabling the government to maintain its present precarious position and eventually to drive the invaders from Cambodian territory. Indeed, it is taken as a foregone conclusion by Cambodian officials and by our Embassy that American help—which has, after all, already begun—will continue.

II. THE MILITARY SITUATION IN EARLY DECEMBER

A. Between one-third and one-half of the country is no longer under the control of the Cambodian Government which means that enemy forces—that is, the North Vietnamese, the Viet Cong and the Khmer Rouge (Cambodian communists)—can do there what they wish. This part of Cambodia, which lies north of an imaginary line bisecting the country in a generally Southeasterly direction from Siem Reap to Kompong Thom to Kompong Cham, is sparsely settled with a population probably not exceeding 150,000. In this area, there are no Cambodian government forces and no government administration. There is some organizing of the population by the North Vietnamese and by the Khmer Rouge, but no one seems to know how much.

B. In the remaining portion of the country, there are enemy elements in every province including Battambang which was thought to be free of the enemy until a few weeks ago.

The enemy units, which are of various sizes, seem to be able to move at will. Some small enemy units are as close as 15 miles.

C. Major segments of the Cambodian Army are tied down in scattered locations where they are confined to roads and isolated from their sources of supply. These units are badly lacking in fire power.

D. One cannot travel safely at night outside Phnom Penh beyond the airport or in any other part of the countryside. Even during the day, all highways, radiating out from Phnom Penh are cut except Route 1 to Saigon which, as we have noted, the South Vietnamese Army is keeping open. Railroads to the port of Kompong Som, Cambodia's principal port, and to Battambang and on to the Thai border, the center of Cambodia's principal rice-producing area, are both cut.

E. Terrorism and sabotage, while not yet serious problems, are on the increase, the bomb in our Embassy being a recent example.

F. Cambodian and U.S. estimates of North Vietnamese and Viet Cong forces fall within the range of 40,000 to 55,000 with Cambodian estimates tending to be higher than American estimates. Enemy forces are said to be about evenly divided between combat and support troops, and some Western observers believe that only 5,000 to 6,000 enemy combat forces are committed against the Cambodian Army as a primary objective.

G. The most frequently heard estimate of the number of Cambodians fighting under communist leadership against the government is 10,000. There are reports that some Cambodian units are fighting with North Vietnamese-Viet Cong regiments and that over a hundred enemy training centers have been established in Cambodia. It is unclear whether the local communist forces consist only of Khmer Rouge (the strength of the Khmer Rouge was estimated in May, when we were last in Cambodia, at about 3,000) or Khmer Rouge and FUNK (the name given to pro-Sihanoukist forces). It is also unclear whether the Khmer Rouge is still an anti-Sihanoukist communist movement, whether all FUNK units are pro-Sihanoukist and indeed how large a force FUNK has become. Certainly it is not as large as many believed six months ago it would be by this time. There are reports of friction between the North Vietnamese and Viet Cong, on the one hand, and the Khmer Rouge, on the other. Cambodian officers and civilian officials often deny that any Cambodians are fighting with the enemy.

H. Figures regarding Cambodian combat losses can seldom be substantiated. Estimates of enemy losses are also imprecise.

It is said in Phnom Penh that 40,000 of the enemy have been rendered "hors de combat" since the beginning of the war. The ratio of enemy weapons captured to enemy killed and wounded by Cambodian forces is far lower than what one would normally expect, far lower, for example, than comparable South Vietnamese ratios. So is the ratio of prisoners captured. American officials know little about prisoners because the only source of information on this subject is the Cambodian military, and one Western observer told us that "they do not like to talk about prisoners." Some reporters say the explanation is simply that the Cambodian Army is killing virtually all of those captured, and one correspondent claims to have sent his home office photographs of Cambodian soldiers killing prisoners.

I. Cambodian army forces now total some 165,000 compared to 35,000 in May. Cambodian officials admit that not all of these forces have arms. In addition, there is a small Air Force and Navy. There are also paramilitary forces in the provinces.

J. The vast majority of new Cambodian military personnel have been or will be trained in South Vietnam and Thailand. Most of these trainees receive basic infantry training. Training is underway or planned for twice as many military personnel as have already been trained.

K. COSVN is now reportedly located at Kratie, about 45 miles inside Cambodian Government control.

L. While the assumptions about enemy intentions offered by American officials, on the one hand, and Cambodian officials, on the other, differ in varying degrees, the Cambodians, for perhaps understandable reasons, seem to believe that the immediate enemy objective is the domination of Cambodia. The American theory is that enemy activities in Cambodia are ultimately related to their objectives in South Vietnam. One well-informed diplomatic observer reasoned that for the North Vietnamese and Viet Cong the optimum result of the present struggle would be the proclamation of a neutral Cambodia by forces friendly to them. In his view, this result could deter allied operations in Cambodia while assuring the enemy free access to Cambodian territory.

III. U.S. MILITARY SUPPORT IN CAMBODIA

A. The U.S. has been virtually the sole supplier of new arms, ammunition and aircraft to the Cambodian military. Other countries (Australia, Japan, Nationalist China, New Zealand, Thailand, Korea and the U.K.) have provided only small amounts of equipment, uniforms, prefabricated bridging, medicines or humanitarian assistance.

B. Although the Cambodian Air Force flies more sorties a day than an air force the size of theirs could be expected to fly, the majority of bombing and support strikes against the enemy in Cambodia are conducted by the U.S. and South Vietnamese Air Forces. The U.S. Air Force has had to assume an additional part of the missions within South Vietnam in order to permit Vietnamese Air Force operations in Cambodia.

C. While it was announced in Washington some months ago that the U.S. would conduct air interdiction operations against enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to re-establish base areas relevant to the war in Vietnam, it is common knowledge among officials and unofficial observers in Cambodia that this general description covers a wide variety of combat, support and intelligence missions. Examples of missions observed by journalists include flare ship missions, "Spooky" and "Shadow" gun ship attacks, medical evacuation missions, leaflet drops and forward air control missions for American and South Vietnamese aircraft operating in Cambodia.

D. We found it commonly accepted in Phnom Penh that both Vietnamese and U.S. aircraft are providing what amounts in fact to close air support for Cambodian forces. Close air support was defined for us twice by U.S. military authorities: once as the expenditure of ordnance "within 300 meters of friendly positions" and another time as a strike against enemy forces "in contact" with friendly troops. Some journalists with whom we talked told us that they had seen U.S. aircraft using napalm and other ordnance closer than 300 meters to Cambodian forces. We noted that in casual conversation the terms "air interdiction" and "air support" tended to be used interchangeably. In sum, most U.S. officials clearly felt that describing all U.S. operational air attacks as "interdiction" missions was, purely and simply, "camouflage," as one official put it.

E. The U.S. plays some part in the training of Cambodians underway in Vietnam. We visited the training center at Long Hai where a Vietnamese captain is nominally in command. But it became apparent in the course of our visit to the center, formerly a U.S. Special Forces camp, that a U.S. Special Forces officer was, in fact, in charge of the training. There were other U.S. military personnel at the center most, if not all, of whom were Special Forces personnel. The other training center for Cambodians in Vietnam is at Lam Son. A Cambodian NCO who had been trained there told us when we talked to him in Phnom Penh that while his instructors had been Vietnamese, there were Americans present and they had "supervised" the training program.

F. In addition to arms received under the Military Assistance Program, Cambodia has also been given other small arms through the excess property program.

G. Furthermore, some C–47's which Cambodia received from the U.S. under the Military Assistance Program were not charged to the program. They were simply newer C–47's "swapped" for those the Cambodians had that could not be used without extensive inspection and repair. Incidentally, the repair of Cambodian T–28's is being performed by Air America outside Cambodia under a contract charged to the Military Assistance Program to Cambodia.

H. The U.S. had administered the Military Assistance Program in Cambodia through a five man Political-Military Section in the Embassy. The Embassy is convinced it can continue to do without a Military Assistance Advisory Group (MAAG) as long as MACV in Saigon continues to backstop the program administratively.

I. Because of the need to insure a guaranteed continuing source of ammunition for captured AK–47's, which constitute more than fifty percent of the small arms in the Cambodian Army inventory, AK–47 ammunition is being manufactured in the United States under a contract paid out of military Assistance Program funds.

IV. SOUTH VIETNAMESE MILITARY SUPPORT FOR CAMBODIA

A. The South Vietnamese have provided captured enemy stores and have transported the arms and equipment provided by the U.S. as well as those they have provided themselves.

B. South Vietnamese forces are carrying the burden of fighting throughout eastern Cambodia. ARVN strength in Cambodia has been estimated by reporters at 15,000. Cambodians at all levels clearly regard the continued presence of ARVN troops as a mixed blessing. On the one hand, they recognize that the ARVN is bearing the brunt of the fighting in eastern Cambodia and will probably have to continue to do so, or even to do more, for a considerable time.

On the other hand, there are continuing stories in Phnom Penh concerning the misbehavior of the South Vietnamese troops and considerable indignation at the recent South Vietnamese Government request that the Cambodian Government pay between three and four million dollars for expenses incurred by ARVN in the course of operations in Cambodia and establish a fund for food expenses in advance of future operations.

C. For the training of Cambodians in Vietnam, the Vietnamese provide instructors, facilities, transportation to and from training areas and medical personnel for dispensaries. Given the extent of overall U.S. support for the ARVN defense budget, much of the "Vietnamese" share of training costs could probably properly be attributed to the U.S.

D. In early May several battalions of Khmer Krom, ethnic Cambodians residing in South Vietnam who were originally organized and trained by U.S. Special Forces but were at the time part of the South Vietnamese Civilian Irregular Defense Group, volunteered to go to Cambodia and were airlifted to Phnom Penh by the South Vietnamese. Other Khmer Krom units followed.

V. THE ECONOMIC SITUATION

A. The Cambodian Government has neither a clear idea of what its financial position will be at the end of this year nor a firm budget estimate for next year. (The Cambodian fiscal year corresponds to the calendar year). At the beginning of 1970, before widespread fighting broke out, this year's deficit had not been expected to exceed $9 million. Now, however, it is estimated by Cambodian officials that the actual deficit will be about $40 million.

B. As far as next year is concerned, the Cambodians initially requested approximately $400 million of U.S. economic assistance, a figure which apparently corresponded to their estimated budget deficit. The Embassy believes that a deficit of such magnitude is unnecessary and that, in fact, a deficit in excess of $100 million would be hazardous to the economic stability of the country.

C. One of the principal factors controlling the amount of the deficit will be the size of the Cambodian military establishment. On the subject of force levels, as on so many other points, there is apparently no firm planning figure. The Cambodians continue to talk about military force goals in what many regard as a most unrealistic way. The publicly announced goal is 210,000 by the end of 1970, and there is talk of an ultimate goal of 610,000.

D. Another factor which might contribute to producing an unmanageable deficit is the fact that the pay and allowances of a new Cambodian recruit add up to about $30 a month. That rate is high by Asian standards. It is, for example, about twice what an ARVN recruit is paid. A high pay scale involved manageable costs when Cambodia had an army of only 30,000, but if an expanded force of 175,000 is paid at the same rate, the cost of just military pay will be staggering.

E. As government expenditures rise, the productive capacity of the country is being crippled as a result of extensive damage to its industrial infrastructure. In addition to the interdiction of railways and roads and the destruction of bridges, mentioned earlier, the following facilities have been destroyed by either the enemy or by allied air and ground operations: most of the rubber processing plants, a cement plant, a paper mill, a phosphate fertilizer plant, a munitions plant and several rice mills.

F. The Cambodian Government thus faces the prospect of a drastic fall in both domestic revenues and export earnings.

The latter, which were $64 million in 1969, dropped this year to between $40 million and $45 million, a figure roughly corresponding to current imports. Due to the present impossibility of exporting any rubber, and to substantial decreases in other exports, total 1971 earnings are not expected to exceed $20 million. The possibility of reaching even this level depends almost entirely on whether the large ($15 million) rice crop now being harvested in Battambang province can be moved to port for sale abroad. Ordinarily the rice would move by railroad but at present all lines are cut. Two alternative plans, once thought feasible, now appear unlikely: trucking the rice to Kompong Som, at three times the normal transportation cost, or taking it out on barges via the Tonle Sap lake. The first of these is now apparently ruled out by a shortage of trucks and by North Vietnamese interdiction of the road to Battambang, and the second by the presence of North Vietnamese forces at the lower end of the lake and the normal dry season drop in the water level.

G. As of December 4, when we left Phnom Penh, no decision had been communicated to the Embassy regarding the kind of an economic assistance program to be instituted in Cambodia. An early AID report had suggested one approach, a recent IMF report had suggested another and the most recent report by a team of economists under AID contract had suggested still a third. With respect to some questions, the three reports apparently reached contradictory conclusions. In sum, there may still be no agreed program for utilizing the funds which are now being requested, although apparently the Embassy has told the Cambodians that we are not going to provide budgetary support *per se*.

H. The prospects seem dim for economic assistance of the sort Cambodia now needs urgently from other countries.

Cambodia has decided to draw on a French line of credit, extended shortly before Sihanouk's ouster, but these credits are for development projects. There is no indication that Australia is thinking of additional aid beyond what they are giving. Some Cambodians speak gamely of getting $20 or even $40 million more from the Japanese, but our impression was that this is not a likely prospect.

VI. MISCELLANEOUS OBSERVATIONS

A. It is literally impossible for anyone—foreigner or Cambodian—to have a precise idea of what is going on in Cambodia. In the first place, there are virtually no Westerners outside the capital. The Cambodians themselves are not well informed in many cases. Because Embassy personnel are able to travel only rarely, and because—to the best of our knowledge—there are no U.S. advisers with Cambodian units, our officials must rely on what Cambodian officials or journalists tell them. There is apparently some reticence on the part of the ARVN, as far as keeping the U.S. informed of operations in Cambodia is concerned, and since there are no U.S. advisers with ARVN forces in Cambodia, according to everyone with whom we talked, we are really dependent on the ARVN for any information they wish to provide about their own activities.

B. Both U.S. and Cambodian Government officials are optimistic, although our officials are quite sensitive to being so characterized, about the military situation—that is, about the ability of the Cambodian armed forces to "hold the line" as it now stands. Even they do not talk of the possibility in the foreseeable future of pushing the enemy out of the area in which there is no longer government control. They base their relatively optimistic view in large part on the belief that interdiction efforts against the Ho Chi Minh Trail, coming on top of the loss of the use of the port of Sihanoukville (now Kompong Som) and the heavy losses of supplies captured in the sanctuaries will severely impair the enemy's ability to reinforce or resupply his forces in Cambodia and on the assumption that the enemy will not be able to recruit significant numbers of Cambodians. They are convinced that the enemy is weaker than heretofore in terms of morale, supplies, equipment, health and manpower. Some correspondents, who have seen military action at close hand, some diplomats and some ARVN officers with whom we talked in Phnom Penh are considerably more pessimistic.

C. Given the scope and complicated nature of what we are doing in Cambodia—with these efforts divided between U.S. commands in Saigon and Thailand and among State, AID and Defense in Washington—it is not surprising that the left hand of the U.S Government is often unaware of or misinformed about what the right hand is doing. For example, in reply to our inquiries about reports of damage to civilian targets by U.S. air strikes, Embassy personnel said they did not know where bombing attacks were being made or the results of such attacks. Yet it seems that U.S. military assessments of the results of bombing attacks are available at least in Saigon.

D. If the Cambodian military assistance program is to be continued without greatly increasing American military presence, the existing end-use reporting requirements might be reviewed. As they now stand, these reporting requirements strengthen the case for the establishment of a full scale MAAG mission in Phnom Penh. The military assistance program is now being administered by the Embassy's Political-Military section, but there is constant pressure from Defense to send additional personnel to satisfy an alleged need for additional end-use information.

VII GENERAL OBSERVATIONS

We alluded at the beginning of this report to the assumption of both Cambodian officials and U.S. officials in Phnom Penh that U.S. military assistance will continue and that U.S. economic assistance will begin. It is perhaps stating the obvious to say that the question before the Committee is not whether to initiate a Military Assistance Program. That program is already underway to the extent of $100 million. If such a program can constitute a commitment of support, as the Cambodians have certainly inferred, the commitment has already been assumed. It appears, therefore, that the question before the Committee is not whether to enter into such a commitment but whether to terminate it, on the one hand, or to continue or expand it, on the other, and, if so, with what limitations.

It seems clear that providing effective assistance to Cambodia—sufficient for it to train, arm, equip and sustain in the field a large enough force to hold the present line militarily—will require a Military Assistance Program of several years duration and—given the effect the war has already had on the economy, not to mention the effect that continued fighting will have—a concomitant program of related economic assistance. There will undoubtedly also be indirect costs to the United States as a result of South Vietnamese ground and air operations in Cambodia.

In a way, these costs might be considered as merely an additional price it has become necessary to pay for Vietnamization. But there are subtle and complex undertones to justifying military and economic assistance to Cambodia on the ground that such assistance is, as the President said in his transmittal message to the Congress on November 18, "a vital element in the continued success of Vietnamization."

Notwithstanding the obvious strategic connection between Cambodia and Vietnam, the Cambodians themselves emphasize the distinction between the situation in their country and the situation in Vietnam, a distinction they seem to believe Americans do not understand. They point out that they are asking not for troops and advisors but for material assistance, and that this help is needed not to fight a guerrilla war but to meet an unprovoked invasion by foreign forces, which are occupying parts of their country and are attempting to subjugate other parts. In Vietnam, they point out, American forces are fighting what is in part a civil war and in part a guerrilla war between Vietnamese on Vietnamese soil.

If the distinction is valid, and if assist- to Cambodia is justified primarily on the ground that it assures that U.S. forces can continue to be progressively withdrawn from Vietnam or that the preservation of a non-Communist Southeast Asia is vital to U.S. security, why should other countries be expected to assist the U.S. to solve a problem that is primarily an American concern? Furthermore, if the U.S. intervened in Vietnam originally, and continues to maintain forces there, to enable the South Vietnamese to determine their own future without outside interference, why does the same principle not apply to Cambodia today? And if it does not apply to Cambodia today, why was it ever valid for Vietnam or, for that matter, for any other country receiving American military assistance.

Finally, does tying Cambodian assistance to Vietnamization not mean that as a practical matter Vietnamization is now tied to the survival of the Lon Nol Government for the next two years, despite disclaimers that have been made, for could Vietnamization continue if Cambodia fell under complete enemy control?

Cambodians find it difficult to understand the complicated and involved elements of the American dilemma in Southeast Asia today. Looking back at the pattern of American behavior in Asia over the past two decades, they seem mystified by the signs of American hesitancy in arming them to defend against an invading force armed by China and the Soviet Union. Seeking to understand American perceptions of the U.S. national interest in Southeast Asia, they sometimes see this interest in surprising ways. One Cambodian leader remarked to us that having "lost face" in Vietnam, the United States now had an opportunity in Cambodia to regain its lost prestige.

XUM

UNANIMOUS-CONSENT REQUEST

Mr. ALLEN. Mr. President, in order that the distinguished Senator from Delaware (Mr. WILLIAMS) may propound a unanimous-consent request, I yield the floor at this time.

Mr. WILLIAMS of Delaware. Mr. President——

The PRESIDING OFFICER (Mr. GOLDWATER). The Chair recognizes the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, earlier this afternoon I made the suggestion that I was going to present a unanimous-consent request following the establishment of a live quorum. The unanimous-consent request was in four parts, covering four different proposals. In view of the fact that we have just entered into a unanimous-consent agreement relating to H.R. 19911, the Foreign Assistance Act, that part designated as No. 1 of the agreement I presented earlier will be eliminated from the proposed unanimous-consent agreement. But the other three parts, Nos 2, 3, and 4, will be presented to the Senate.

I should like to repeat what I said earlier this afternoon.

Mr. President, the Senate has gotten itself into the ridiculous posture of having a series of filibusters or threatened filibusters, all running simultaneously.

The Senate debated H.R. 19911, the Foreign Assistance Act, all day yesterday and still has no prospect of an early vote.

The Senate has been put on notice that when the conference report including the supersonic transport is laid before the Senate there may be a 2- or 3-week talkathon.

The Senate has been delayed for several days in debate on H.R. 18306, the act to authorize an increase in our participation in certain international financial institutions.

There is a threat of a filibuster when the amendments dealing with the trade bill are before the Senate.

And as if that were not enough, we hear rumors that when the guaranteed annual income plan—Ribicoff-Bennett amendment No. 1097—is before the Senate that may provoke another filibuster.

Excluding Sundays, there are only 15 more days left, including Christmas Day and New Year's Day, before Congress officially adjourns January 3; and unless some semblance of order and commonsense is soon restored we shall adjourn without having settled any of these questions.

Whether any or all of these filibusters or threats of filibusters materialize or whether they are mere rumors I do not know, but I do know that if there is no more basis for the various rumors than there is to the so-called threat of a filibuster against the guaranteed annual income plan they are groundless.

It is well known that I oppose the administration's guaranteed annual income plan and consider it to be one of the most misrepresented, misunderstood, and oversold legislative proposals that has ever been sent to Congress, but I am not afraid to debate it on its merits and let the Senate vote. I think the same should be true with respect to the other proposals before the Senate, whether I support them or whether other Senators support them; and it is with this thought in mind that I am submitting this unanimous-consent request.

Since I mentioned this earlier today I have had suggestions:

> If you will eliminate from this agreement the conference report on the SST maybe I could agree.

Others have said:

> If you will eliminate the proposal limiting the debate on the trade agreement we could agree.

Somebody else could agree if we eliminate the proposals relating to guaranteed annual income plan, or somebody else wants the elimination of something else from the agreement on time limitations.

The way I feel about it is that we all are going to have to recognize that this Congress is approaching the end of this session and that if we want to act on these measures we might just as well get started. I think all of us are going to have to yield at some point and allow our colleagues, as I think we should, to vote on these measures. If we do not have the votes to defeat them or pass them, then let the will of the Senate prevail.

It is for that reason that I shall ask the clerk to read parts 2, 3, and 4 of the proposed unanimous-consent agreement. Part No. 1 was agreed upon just a few minutes ago.

The question has been raised as to whether the time on committee amendments would also be limited to 1 or 2 hours, whatever the case may be. I want it clearly understood that this unanimous-consent request, as it is being presented, covers exactly what it says—all other amendments, whether they be committee amendments or amendments which will be offered from the floor. I am offering this in good faith, thinking that it will clear up the question. If we can get an agreement I think we can get down to work and perhaps adjourn Congress before the holidays or shortly thereafter.

I ask the clerk to read, for the information of the Senate, the agreement as it has been proposed and listed as items Nos. 2, 3, and 4.

The PRESIDING OFFICER. The clerk will read the proposed unanimous-consent agreement.

The assistant legislative clerk read as follows:

PROPOSED UNANIMOUS-CONSENT AGREEMENT

2. H.R. 17550, Social Security Bill, Trade Bill, etc.:

(a) Time on Title 3 of the committee bill designated as trade amendments limited to 6 hours, equally divided and controlled by the Chairman of the committee for the proponents and by the opponents as designated by the Majority Leader.

(b) On the Ribicoff-Bennett amendment #1097, proposing a guaranteed annual income, time to be limited to 6 hours, equally divided between and controlled by sponsors of the amendment and the ranking minority member of the committee.

(c) Time on all other amendments to be limited to 2 hours, equally divided between sponsors of amendment and the Chairman. If the Chairman favors the amendment the time in opposition to be controlled by the ranking minority member.

(d) Time on final passage of H.R. 17550 to be limited to 6 hours, equally divided between and controlled by the Chairman for the proponents and the ranking minority member of the committee for the opposition.

3. H.R. 18306, to authorize an increase in United States' participation in certain international institutions:

(a) Time on any amendment to this bill limited to 1 hour to be equally divided between and controlled by sponsors of the amendment and the manager of the bill.

(b) Time on final passage of H.R. 18306 to be limited to 4 hours, equally divided between and controlled by the manager of the bill and the Senator of Tennessee, Mr. Gore.

4. On all conference reports now pending or to be submitted between now and the date of adjournment time on each conference report to be limited to 4 hours equally divided between and controlled by the manager of the conference report and the opposition as designated by the Majority Leader.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield first to the majority leader.

Mr. MANSFIELD. Mr. President, I want to express my support for the proposal suggested by the distinguished senior Senator from Delaware. It offers a way by means of which the Senate could complete its work this session within a reasonable length of time. If something on this order is not adopted, I am afraid the time of termination may well be noon on January 3, 1971.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. Mr. President, I cheer on the proposal of the distinguished Senator from Delaware. I agree with him and the distinguished majority leader that this is a fair and timely proposal. I hope it will be adopted.

I should like to make one notation as to something that appears in the statement, to be sure it is thoroughly understood that the administration does regard as one of its priorities the extension of the excise taxes on automobiles and telephones. Moreover, the administration is prepared, I am advised—and I am sure correctly advised—to have Congress act promptly, and this is a very good suggestion as a way to do it, on all the important matters pending before this Congress; and that includes the summation of the proposed time limits as suggested by the distinguished Senator from Delaware.

I am one who will assume no part of the responsibility for any undue delay here, and this is a good way to clear the decks.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Mr. President, I object.

The PRESIDING OFFICER (Mr. Goldwater). Objection is heard.

Mr. MANSFIELD. Mr. President, the Senator from Delaware has not offered it. I thought it was just to be read at this time.

The PRESIDING OFFICER. The Chair asked whether there was objection to the unanimous-consent request. The Chair heard an objection from the back of the Chamber.

Mr. MANSFIELD. I understood that this proposal would be just read.

Mr. WILLIAMS of Delaware. Mr. President, I asked that it be read, not that it be agreed to. I said it was a suggested unanimous-consent request.

The PRESIDING OFFICER. The Chair will withhold the request.

Mr. WILLIAMS of Delaware. Mr. President, I withhold the request because I want to give Senators a chance to express their opinion at this time. I shall present the request, however.

Mr. BIBLE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Nevada.

Mr. BIBLE. Mr. President, I agree wholeheartedly with the request of the Senator from Delaware. I happen to be the acting chairman of the Transportation Appropriation Subcommittee. What I thought would be a rather routine and noncontroversial conference on this bill developed a few problems and, it now appears, as we get closer to adjournment, that we have more problems. I would, therefore, hope that my distinguished friends who take a different view of one of the items—namely, the civil supersonic transport prototype program which is in the transportation appropriation bill—would agree with me that there has been sufficient talk, sufficient discussion, and sufficient public airing through every known media on both sides of the question. The bill has passed the House. We have had a conference on it. It is now ready to go forward. I recognize that some, in great sincerity and with great feeling, have different views on this one item in the transportation appropriation bill, and perhaps they may have different views on other items in the bill as well.

But I want to make it crystal clear, as the acting chairman of the Transportation Appropriations Subcommittee, that I am not going to bear the responsibility for having some Senators say, "You are delaying our going home for Christmas." I am not going to take that responsibility. I am willing to move within 4 hours, or within any enlargement of the 4 hours, for a vote on adoption of the conference report.

Mr. President, I want to make that very, very clear to the Senate. I am prepared to vote and I propose to call up the conference report on the Department of Transportation appropriation bill later in the day. I have done everything I could to try to work a way out of this difficult situation in which we find ourselves in the closing hours of this Congress. So I do agree with the proposal of the Senator from Delaware. I do, however, want to keep the Record straight on this matter. If this approach is not accepted—and I rather sense that it might not be—so that we can come to grips with the problem within a reasonable length of time, I want it known that the committee is not responsible for the delay.

I thank the distinguished Senator from Delaware for yielding to me.

Mr. WILLIAMS of Delaware. I want to thank the Senator from Nevada. I also want to say that I voted against this proposal before, and I may be voting against it again; but even though I may be on the losing side, I am willing to take the results, whatever the Senate decides.

Now, Mr. President, I yield to the Senator from Connecticut (Mr. Ribicoff), and then I shall be happy to yield to the Senator from Michigan (Mr. Griffin).

Mr. RIBICOFF. Mr. President, I want to take this opportunity to commend the Senator from Delaware. One of the items is H.R. 17550 involving increases in benefits under social security.

It is to be sincerely hoped that when we go home at this time of the year, 20 million Americans will receive substantial benefits and increases in social security payments to 10 percent, with minimum payments of $100 a month. We are raising the benefits to some 3 million people who are aged, blind, and infirm. We are also seeking to take care of some 14 million Americans who are below the poverty line.

While I especially commend the distinguished Senator from Delaware, as a member of the Finance Committee, I know how opposed he is to the family assistance program, which has been before the people of this country for some 14 to 15 months. I believe that the Senate should have an opportunity to vote on this most controversial measure.

The majority and minority leaders, and the chairman of the Finance Committee, have indicated on numerous occasions that they, too, believe the Senate should have the opportunity to vote on this proposal.

I think it would be quite heartless for all of us to keep on talking and droning on here and depriving millions of the aged, the blind, and the infirm of the benefits that they should receive. It is a situation that should not be allowed to exist.

The Senator from Delaware is really violently opposed to the President's family assistance program and has been consistently opposed to it. I do not believe there is another man in this Chamber who, if he wanted to delay the Senate further, does not possess more "tricks of the trade" to delay a vote; yet he has stated on many occasions that he is willing to afford discussion and allow the Senate to vote on the measure, as the House has voted on it.

The Senator from Delaware has proposed to all of us a very fair proposal. There is more than ample time to have complete and full debate and discussion on all these controversial measures. I would hope that we in this body would take that into account. It would seem strange at this Christmas time, when we are celebrating Christmas and are talking about compassion for those who may be less fortunate than we are, to deprive 20 million Americans of the social security increases which they so desperately need at this time.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Connecticut. As a member of the committee I agree that this delay cannot be attributed to those of us who may have opposed some sections of the bill, because over the months in which the bill has been before the committee it has been largely the four or five of us who did not agree with some of the items who maintained a committee quorum. It would have been a simple matter for us to have stopped the committee meeting any time during a Senate session had we wanted to do that. The delay has been caused by the administration which has been changing this plan about every time the moon changed. They were coming up here with changes all the time. I would have preferred having a little more debate on the subject—I shall be honest about it—in order to expand on some of the dangerous points in the bill, but there has got to be a meeting of the minds. Some of those who dislike the trade bill seem to be willing to accept a 6-hour limitation and I think we should go that long. I hope we can reach agreement.

I agree fully with what the Senator from Connecticut has said about some of the great benefits in the social security bill. He omitted one point, though; and that is, that the bill also carries the largest payroll tax increase for the wage earners of America that has ever been approved by any committee in the history of Congress. I would like for them to have the benefit of the knowledge that in the bill which has some Christmas gifts for them there are a few "sneakers";

namely, that after the Christmas holidays the wage earners of America are going to have to pay the largest payroll tax increase ever voted by any committee in the history of Congress. That point should also be emphasized.

Mr. President, I now yield to the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, let me indicate my strong support for the commendable effort now being made by the distinguished Senator from Delaware (Mr. WILLIAMS) to bring some order out of chaos in this body.

I believe his proposal has a great deal of merit. I can understand that an individual Senator might take issue with the number of hours allotted in his proposal and might want to request or suggest a modification to allow additional time for particular issues. But I cannot quite imagine any individual Senator taking upon himself the awesome and the awful responsibility of objecting and completely blocking this effort.

I think we keep in mind that we have a great responsibility as Members of the 91st Congress to finish our work. We have a responsibility to the 92d Congress. Some of us will be Members of the 92d Congress and some of us will not. The work we do not finish in this session, of course, will be left to those who make up the new Congress in January. I should think we would want to complete our work, that we would want to face up to our responsibilities as Members of the 91st Congress and do our job.

Accordingly, I hope there will be no objection to the unanimous consent request of the distinguished Senator from Delaware.

XUM

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. While this request does contain a certain number of hours I could be flexible as far as the hours are concerned within reasonable limits if we could get an overall agreement on the request.

Mr. President, I yield now to the Senator from New York and shall then yield to the Senator from Louisiana, the chairman of the committee.

Mr. JAVITS. Mr. President, first I join with my colleagues in approving the raising of this issue by the Senator from Delaware and trying to get somewhere with it.

I think that the Senator from Delaware has put us all in his debt for doing so. However, I do not believe this is the moment to press the matter.

I think that there are Senators who are brave enough, if they think the interest of the country deserves such action, to object. They probably will object, including myself.

I say that because this is the kind of thing which one needs to take a few minutes or an hour to consider.

I heard nothing mentioned in the unanimous-consent request about amendments to an amendment. I heard nothing mentioned in the unanimous-consent request about germaneness.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JAVITS. I am not quite through, if the Senator would let me complete my thought.

There are two kinds of filibusters. There is a filibuster to death. Then there is the filibuster—if one wants to call it that—in an honest effort to deal with a very difficult and hard to understand situation in the interests of the Nation.

I consider that the debate on the trade bill will sever in a very damaging way to our country the policy of the country which we have pursued for 25 years. We might have 6 hours of debate. We know what those 6 hours mean. They mean very little interest on the part of the country.

We did not put the trade bill, the social security bill, the medicare, the medicaid, the trade bill, and the family assistance plan all in one bill. It is an unheard of situation. We would be suckers indeed if we fell for that.

They deserve the mature consideration of the Senate. We certainly will not be overwhelmed by the fact that they are to be considered together.

The Senator from Connecticut knows that I would be the first to vote for social security. We want to pass a social security bill. Even if we pass it in February, we would make it retroactive to January 1. The 20 millions of Americans that are involved would lose nothing. However, the country might lose something because of the fact that these measures were all lumped together.

We ought to have an opportunity to look at this. This is a matter that is critically important to many of us.

I would like to work out a unanimous-consent agreement if it can be done with justice to all.

Many Senators want to deal with this matter with the highest interests of our country in mind. I will not be rushed into it on the excitement of the moment, because we might have to change some very bad work in the years to come and suffer very heavily because of it.

I urge the Senator from Delaware not to make his request at this time. If he does, it will be objected to. I urge the Senator to give us an opportunity to have a look at his handiwork and see if in some way we can contrive a unanimous-consent agreement on the part of those of us who have no desire to talk any measure to death but want a reasonable opportunity to express our desires.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from New York. I can understand his purpose. I voted against attaching the trade bill to the social security bill. However, the majority of the committee voted to attach it; and I respect the rights of the majority to so act, and I respect the rights of the Senators who voted for it.

I agree fully with the Senator. It is not a good practice to attach these riders to a bill.

I am glad to know that he will join in objecting to the family assistance plan being attached to the bill. That, too, is being proposed as a rider to the bill. I shall be with him in fighting both attempts. We will be back to back in fighting this.

I know the real definition of a filibuster. I have learned that in 24 years. It is an extended argument when the other fellow is speaking against your position; however, if the other Senator is speaking on your side of the argument it is a method of educating the Senate.

I hope that we can arrive at an agreement. I appreciate the comments of the Senator.

I now yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I commend the Senator from Delaware for his statesmanship in taking this position. No Member of the Senate and no Member of Congress more firmly and steadfastly and in better conscience opposed the family assistance plan than did the Senator from Delaware.

If we do not take the Senator up on his proposition, the family assistance plan will not have the chance of a snowball in hell of passing Congress.

The Senator is proposing in his proposition that that can be brought to a vote and if that be the majority will of the Senate, the measure can pass this body.

In my judgment, the Senator from Delaware is being very statesmanlike in making that proposition.

If the offer is declined, then the family assistance plan will never come to a vote.

The Senator from Delaware has been asked about amendments to an amendment. The Senator knows as well as I do that they are subject to a motion to table. If a majority is in favor of an amendment, that affords an opportunity to bring it to a vote. If a majority is opposed to an amendment, it can be disposed of by a motion to table and pushed aside.

If the Senator insists on bringing it up at this time, it will be objected to. I submit to the Senator from Delaware that as far as I am concerned I would be willing to agree to this. There are some things that I do not agree with. But it is all right with me for the Senate to vote.

The Senator from Delaware has opposed more diligently and courageously this measure than any other Member of Congress. He is willing that the matter come to a vote. The Senator is willing to have the Senate vote on other business on which the people of the country are entitled to have an answer. I salute him for it and I support his unanimous-consent request.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator. The Senator knows that I objected to some of these measures very strenuously. I do not think I have a right to insist on my position alone. I am willing to abide by the decision of the majority. I shall present my arguments, pointing out why I think I am right. I hope that the Senators will listen to these arguments with open minds and then make a decision. That is the system under which we operate. I am perfectly willing to abide by the decision.

Mr. President, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator was present when we worked out a unanimous-consent agreement with the Senator from Alaska. We are expected to vote at 2:30 on the pending amendment and to vote on the pending bill at 3 o'clock.

In view of the fear of many Senators here at the moment that the request will not be granted—that does not mean that it will be turned down later—the Senator from New York very properly made his observations. I think that the Senator from Alaska and others are at least entitled to the remaining 10 minutes to explain what the next vote will be at 2:30. When that is out of the way, the bill itself will not require much time.

I do think the Senator from Alaska and I should be allowed the time between now and 2:30 to explain the amendment. The request will not be agreed to at the moment.

Mr. WILLIAMS of Delaware. Mr. President, I am willing to present the request at this time. I differ with the Senator from Arkansas as to the results. I am optimistic. I would like to believe that in the kindness of the heart of all Senators they will agree to this request.

I present that request as a package and ask unanimous consent that it be considered by the Senate.

Mr. PROXMIRE. I object.

Mr. FULBRIGHT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FULBRIGHT. Mr. President, we have only 10 minutes. I will say only a few words and then yield to the Senator from Alaska.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized immediately after the vote on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961.

UNITED STATES SHOULD NOT FINANCE THE CAMBODIAN CONFLICT

Mr. McGOVERN. Mr. President, I strongly support the amendment by the Senator from Alaska (Mr. GRAVEL) to eliminate the supplemental payment of $155 million to finance the continuing bloodshed in Cambodia. We have already inflicted enough suffering on this little country by invading it, by bombing it, and by financing marauding South Vietnamese forces who have raped and pillaged their way across the Cambodian countryside.

It is a fact that organized Cambodian forces are now challenging the other Cambodian forces which we are financing. Our bombers are rapidly turning the Cambodian peasantry against us and against the Cambodian regime just as they have turned the Vietnamese people against us. When will we learn that sending the people of Asia guns and money with which to kill each other is a stupid and immoral act? When will we learn that such games in blood and money sooner or later will involve us more deeply in the affairs of the Asian people at enormous cost to both us and them.

The case against military aid to Cambodia and other similar follies was well stated by Edward F. Snyder in testimony before the House Foreign Affairs Committee on December 2, 1970. I ask unanimous consent that Mr. Snyder's testimony on behalf of the Friends Committee on national legislation, and a statement I made on the Senate floor on August 11, 1970, entitled "The Cambodian Tragedy," be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TESTIMONY OF EDWARD F. SNYDER

My name is Edward F. Snyder. I am executive secretary of the Friends Committee on National Legislation, 245 Second Street, N.E., Washington, D.C. This is a Quaker committee composed of representatives appointed by most of the Friends' bodies in the United States. It seeks to apply the traditional Quaker testimonies of peace and human justice to the circumstances of our modern age. But because of the democratic organization of the Society of Friends and its traditions, the Friends Committee on National Legislation does not purport to speak for all Friends.

We are glad to have the opportunity to testify on H.R. 19845—the proposed supplemental authorization request for $535 million for military and other assistance for Asia and the Middle East. We believe this is a most significant bill because it is the first time that the Congress has had a chance in detail to consider a money request for the further extension of the war into Cambodia, and to consider in more detail the basic outlines of the "Nixon Doctrine." We appreciate the opportunity to make a few comments on these and other subjects.

SUPPORT FOR REFORMS SUGGESTED BY PRESIDENT NIXON IN FOREIGN ASSISTANCE MESSAGE

Before commenting directly on the pending legislation, I would like to note four items which appear in President Nixon's message concerning the outlines of the Foreign Assistance Program. I do this because I believe the message which the President sent to the Congress on September 15, 1970 is related to the pending request and I would not want our opposition to the pending request to suggest that we do not support other proposals which the President has made which we feel are constructive in the field of development assistance. For example, we strongly support these particular reforms which the President proposed September 15:

"The U.S. should channel an increasing share of its development assistance through the multilateral institutions as rapidly as practicable."

"Our remaining bilateral assistance should be provided largely within a framework established by the international institutions."

"To add a new dimension to the international aid effort insuring a more permanent and enduring source of funds for the low income countries, I have recently proposed that all nations enter into a treaty which would permit utilization of vast resources of the seabeds to promote economic development."

"I propose that we move promptly toward initiation of a system of tariff preferences for the exports of manufactured products of the lower income countries in the markets of all the industrialized countries."

We also note that President Nixon stated in his message of November 18 on the pending legislation that:

"Since I took office, we have already lowered our military presence abroad:

Already, 68 installations abroad have been closed, and 44 more have been reduced.

By next spring, under present plans, the total number of American military personnel overseas will be at least 300,000 below the number that were abroad in January of 1969."

NEITHER BLOOD NOR MONEY

We welcome these favorable proposals and developments. But it is our reluctant conclusion that the basic American policy in the world remains on the same disastrous course which has resulted in the current, highly expensive and extremely dangerous arms race among the great powers, supplemented by local and regional arms races, which intermittently flare into open warfare at various points around the world.

In many ways the Nixon Doctrine appears to have returned to the policies of the '50s that led to the Vietnam War in the '60s. This does not appear to us to be a new proposal but rather merely another phase of an old and deadly cycle. It appears that over the course of time, the wheel has turned from the bloodshed of the Korean War, to the emphasis on foreign military aid in the late '50s and early '60s, which led to the bloodshed of Americans, Vietnamese, Cambodians, and Laotians of the late '60s and early '70s in Indochina. We do not believe that a reduction of American casualties now, with a new infusion of American money will end this deadly cycle. Nor will it end the war for the peoples of Indochina. Without a basic change in policy we expect the new money proposed in this bill and other monies to carry out the Nixon Doctrine will lead to more American bloodshed again at a later time, in the same or other places.

We do not see as choice, as some do, between "blood" and "money." Rather, the two are integrally related. At one time more blood may be required; at another time more money may be required. We want to see our government adopt policies which will require neither blood nor money in order to bring peace.

Perhaps I can highlight the different approach which we would like to suggest by commenting briefly on the leading sentence of the Presidential Message concerning the proposed supplemental appropriation. That sentence reads: "In today's world, peace is synonymous with the strength of America and her friends." This is an illuminating statement, for it indicates the basic assumption upon which this request rests.

Frankly, I would have thought that peace in today's world was based more on cooperation, shared goals by the world's nations, a devotion to non-violent ways of settling disputes, the creation of third party judgement through international courts, the growth of international institutions such as the United Nations and its related agencies, the rapid progress through arms limitations to world disarmament, and major efforts to close the enormous gap between the "have" and "have-not" nations in the world and within individual nations. To say that peace depends on American strength suggests a peace of the master-slave relationship. Or it suggests the current balance of power struggle, which has been termed also the balance of terror, which is a highly competitive, highly dangerous arms race among the world's great powers. This is also, in our view, an inherently unstable basis on which to construct world peace.

CAMBODIA

As members of this Committee are aware, the dollar amounts in the bill before you need to be viewed from the perspective of the poor recipient nations as well as the affluent United States. The sums appropriated by Congress have a much greater impact in the developing countries than we would normally appreciate because these countries have scarce resources and a smaller gross na-

XUM

tional product. Thus the $255 million set aside for Cambodia is approximately equal to the total annual expenditures of the Cambodian Government and is more than 25% of the entire gross national product of that country.

There are several basic questions with regard to the deepening American involvement in Cambodia that seem relevant.

(1) What assurance is there that we are not on the same old treadmill which leads from money to advisors to troops, as it has in Vietnam? The history of the past ten years should lead to a rather healthy skepticism by Members of Congress when Administration officials say "there are no military forces or advisors in Cambodia nor do we intend to send any." It is now admitted that the United States is playing a very heavy role through its military forces in the air over Cambodia, and that American planes have been brought down far in the Cambodian interior. The newspapers this week report increasing pressures on the capital of Phnom Penh to cut off highways access and to strangle the city's supply lines. If Phnom Penh is in danger, and the Lon Nol Government is in desperate straits, and South Vietnamese troops are unable to stem the tide, does this Committee have any real assurance that American troops will not be sent to Cambodia again to prevent the Lon Nol Government from falling? The authorization of this kind of money deepens our commitment to that government and makes U.S. military intervention much more likely. One important evidence of the extent of American involvement is the size of the U.S. civilian "advisor" establishment in the country, and its activities. We hope this Committee will be kept closely informed about the activities of Americans in Cambodia.

(2) What is the political and security situation inside Cambodia? Administration officials have pointed to the "high degree of national unity" in Cambodia. My impression from spending two weeks in Cambodia in mid-May as South Vietnamese and American troops poured across the borders, and from information received since, does not accord with that. The Lon Nol Government controls the city of Phnom Penh and some highways and areas leading out of it to the west, plus some areas in the west and north around the Tonle Sap lake. But Cambodian officials have conceded that the government has lost control of more than half the countryside. And they have admitted that organized Cambodian forces are fighting against government troops. In the countryside the highly apolitical peasantry is reportedly beginning to take sides against the government. One of the strong contributing factors for this, as in Vietnam and Laos, is the impact of aerial bombardment by Americans and others which is seen as a hostile and potentially deadly threat to the Cambodian peasant and his family. There is in fact a developing civil war in Cambodia with the Lon Nol Government on one side and its opponents on the other, many committed to Prince Sihanouk.

(3) What happens to Cambodia if Vietnamization is successful? U.S. involvement in Cambodia has been justified largely in terms of the Vietnamization program. Little thought seems to have been given to Cambodia itself, which is regarded as something of an adjunct of the Vietnam war, where the spigot of supplies to the Delta is turned off. But suppose for a moment that the Vietnamization program is successful. Cambodia is left a divided, war torn country, where troops from Saigon and Hanoi with their respective Cambodian supporters wage continual war, and the Vietnamization program is in constant danger of being undermined. If Vietnamization is successful, isn't this Committee likely then to be asked to approve money and perhaps men for a "Cambodianization" program? Can the U.S., if it goes down this road, avoid "a military commitment to the Cambodian Government" which Secretary Rogers promised this Committee last week to avoid?

Considering the decisions made in haste which have been repented at leisure concerning Vietnam, we hope this Committee will take an adequate amount of time to consider fully the ramifications of this request.

In my view, the only hope for peace in Vietnam, Cambodia and Laos is a negotiated settlement that gives up the goal of an anti-Communist government in Saigon or Phnom Penh or Vientiane, and accepts a nonaligned solution with governments in which all groups in the various countries can participate. The road of military aid, advisors, and troops leads only to more bloodshed and endless war in Indochina with all the tragedy that entails for the people of that unhappy region.

KOREA

This Committee is being asked to authorize $150 million in military assistance grants to begin modernization of the Korean forces. You are also being asked to approve the transfer of surplus equipment to South Korea—equipment which has been variously valued at $750 million and which will become available when some 20,000 U.S. troops are pulled out.

There is no public indication as to what modernization of the Korean forces will eventually cost, or when, if ever, all American troops may be withdrawn, or military aid cease.[1] According to Lt. Gen. R. H. Warren, Dept. Assistant Secretary of Defense for Military Assistance and Sales, Korea "probably will continue to be for some time a recipient of large military grant aid from the United States." Secretary Rogers told the Senate Appropriations Committee in September that the U.S. has no current plans for further troop reductions in South Korea. After Korean forces are modernized, he said, "we will take a look at it . . . If we are not fearful of an attack and it does not lead to an unstable situation, we will consider the matter further at that time."

But what kind of "stabilization" is the U.S. action going to bring? What kind of stabilization or conciliation is current U.S. action promoting?

South Korea's forces total 645,000—compared to 413.000 in the North Korea services, who the Administration claims are better equipped with modern Soviet arms. According to the Stockholm International Peace Research Institute Yearbook for 1969/70, "There has been a dramatic increase in arms supplies to the Far East. These come primarily from the United States. Taiwan and South Korea account together for more than 80 percent of the arms imports to the Far East in 1969. There has been a massive inflow of very sophisticated equipment to both of these countries." SIPRI also says that "In 1969, U.S. arms supplies to Far Eastern countries—particularly Taiwan and South Korea—were higher than in any year since the mid-fifties. Supplies from the Soviet Union in 1969 were probably lower than in the two previous years."

In addition to equipment, the Administration has pointed out that a substantial part of U.S. aid to South Korea is going for "operations and maintenance." This raises the question as to how much U.S. taxpayers, as compared with Korean taxpayers, are paying for the day to day operations of the South Korean armed forces and how long U.S. subsidies for this kind of regular running expense will continue.

The pernicious effect of this and other continued U.S. military aid is that it is a very large, open ended, seemingly endless commitment by the U.S. The South Koreans pay a heavy psychological cost in terms of dependence on the United States, and have little or no encouragement to reach a peaceful settlement. If the U.S. goal is to reduce tension in Korea and U.S. troops and military spending there, it might support an international embargo on arms to North and South Korea. Administration spokesmen said in March that both sides "are dependent on outside sources for support," (Gen. Earle G. Wheeler) and that "overall, neither of the two opposing Korean forces has a decisive edge in its capability to conduct a sustained offensive operation." (Gen. R. H. Warren.) Simultaneously it would be quite appropriate for the U.S. to support observer status at the UN for North Korea as it has for South Korea. Taken with other steps this could be a more lasting way to peace.

INDONESIA

We note that this bill authorizes $13 million additional military funds for Indonesia bringing the U.S. total to that country for fiscal 1971 to $18 million. As is well known, U.S. business and commercial interests are moving into Indonesia in significant numbers in oil exploration. mining, timber, banking, etc. Indonesia's geographical size, its more than 110 million people, its strategic location and rich resources make it a crucially important country. Whether it will become a pawn or battleground for big power conflict or a leader of a peaceful, cooperative group of nations will depend in considerable measure on the wisdom of U.S. policy in the region. The more than three fold increase in military aid to Indonesia this year is a warning that we may once again be starting down the road to a major military commitment in Southeast Asia.

SOME QUESTIONS ABOUT THE NIXON DOCTRINE

1. What are some of the basic assumptions of the Nixon Doctrine?

Peace in Asia in the years to come will depend in considerable measure on the relationship between the U.S. and the Peoples' Republic of China. One approach to building peace in Asia would be to strive for rapprochement between China and the United States with increasing travel and trade between the two countries, establishment of diplomatic relations, and with China a member of the United Nations.

There have been a few hopeful gestures by the Administration in this direction. But they seem to be undercut in large measure by the thrust of the Nixon Doctrine. One of the underlying assumptions of that Doctrine in Asia seems to be that peace in Asia depends on building a counter-force to China among the nations on its periphery with the United States supplying the money and guns.

The prospect of continued cold and sometimes hot war in Asia on into an indefinite future is not a happy one, especialy for the people. Such a policy suggests continued U.S. involvement through open and clandestine activities in most of the countries of the region, the building up of factions favorable to the U.S. to counter factions favorable to China, coups, counter-coups, assassinations, insurgencies, and civil wars as these still fragile nations become a battleground for the major powers.

Is the Nixon Doctrine only the latest version of the containment of China policy, which contributed to our present disastrous situation in Indochina and contains the seeds of future Vietnams?

2. What assurance does the United States have that the recipients will use our military aid for purposes we intend?

Money, guns, ammunition and military equipment can be and have been used internally to suppress dissent and popular uprisings. It is clear that we have, through these means, supported actions which are abhorrent to the democratic principle on which this nation was founded, as for example in South Vietnam and Brazil.

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[1] The United States has already given massive aid to South Korea: some $3.2 billion of military aid was allocated to that area during fiscal 1953 through 1969. U.S. troops spent another $2 billion there. The U.S. troop commitment has held steady at about 63,000 over the past four to five years. Economic aid totals more than $4 billion.

Externally, as Committee members know, U.S. arms have also been used to carry out private quarrels with neighboring countries and used to stoke regional arms races, as with India and Pakistan, and in the Mid-East, and Latin America. In Southeast Asia there are sufficient long standing disputes which, with arms available and restraint lacking, could break into open hostilities. Vietnamese and Thais have claims on Cambodia, and vice versa. The Philippines and Malaysia have quarreled over Sabah. The days of confrontation between Indonesia and Singapore-Malaysia have only recently passed.

3. What will be the overall results of a U.S. policy to spread arms throughout the world?

The United States is the world's largest arms merchant distributing more than $2 billion in weapons per year to some 70 countries. The record indicates that the United States has from 1950–1969 dispensed more than $48 billion worth of arms throughout the world. In addition there is $17 billion (at acquisition value) in excess defense stocks available now for use under the military assistance program. The breakdown of the $48 billion is as follows:

Military assistance grants	$34, 778, 100, 000
Foreign military sales	12, 128, 000, 000
Deliveries of excess defense articles	1, 785, 800, 000

Behind these figures are some basic questions. The Arms Control and Disarmament Agency reports that the military budgets of the small countries seem to be growing at a rate twice as fast as the world total. Military spending in the developing countries has been increasing while economic standards of living have improved little in the last six years. Is the United States by its military aid and sales program contributing substantially to the diversion of resources in these countries from socially useful purposes to war?

Furthermore, this tremendous flow of resources and power to the military establishment in these countries often creates a fundamentally new alignment of power in society. Very often a new military elite is created at the expense of the traditional society, at the expense of educational, academic and scientific groups, at the expense of labor and of the commercial interests and the middle class. If, as often happens, these military interests align themselves with a narrow economic and political elite at the top, the stage is set for growing popular dissatisfaction and unrest which may culminate in guerrilla warfare and possible U.S. intervention.

4 Does the Nixon Doctrine extend U.S. commitments far beyond any contemplated in present Treaty arrangements?

This collateral, but potentially crucial, question is raised by the Nixon Doctrine's reference to nuclear weapons:

"We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, *or of a nation whose survival we consider vital to our security and the security of the region as a whole.*"

While one can understand, without necessarily agreeing with the concept of a "shield" for nations with which we have military treaties, the underlined portion adds a completely open ended commitment in an area of crucial importance to the wellbeing of our nation and the world. The language suggests that in the future the President and his close advisors could decide which nations are considered vital to our security in a nuclear context, without any guarantee that Congress will be involved in that decision at all. There has been very little comment of which we are aware in the Congress on this provision Does this mean Congress has abdicated its participation in what could be a decision of absolutely prime importance to the nation? Or does it mean that there is an understanding as to nations, or procedures to identify those nations, of which the public in general is unaware?

ALTERNATIVES

For two years, 1967–1969, I had the experience of directing Quaker International Conferences in Southeast Asia, headquartered in Singapore. We conducted five conferences for young Asian leaders, diplomats and others; two in Malaysia, one each in Singapore, Indonesia and Cambodia. These conferences of 8 to 14 days in length brought together participants from diverse national, racial, religious and ideological backgrounds to hear challenging consultants, to participate in small group discussions and to enjoy fellowship.

In one of our meetings the subject was "Advancing Peace and Security in Southeast Asia." Other meetings also touched on this issue.

Out of this experience with Southeast Asians has grown a conviction that if we would listen to the priorities and hopes and convictions of young leaders in Asia we might construct a truly new U.S. policy in Asia which would have a better chance than the present one of bringing the era of peace that all men yearn for.

Four important elements were most often listed by these young leaders:

1. Internal Reform—There is general assent that the first priority for national security is to establish a sound, progressive, honest government dedicated to economic development, social justice and internal reform.

The assumption here is that the major threats facing the nations of Southeast Asia come not from armies across the borders but from internal subversion fed by justifiable grievances and failure of existing government policies. Therefore preventive action is essential to stop subversion and revolution. Jobs must be created, economic and social development must advance, the people must be able to see their daily lot improving, and feel they have a stake in the present society.

The United States could do much through fair and sensitive developmental assistance and trade policies to support those leaders who seek to emphasize security through internal reform and economic development.

2. Nonalignment—There is a definite trend toward political and military nonalignment in Southeast Asia, with nations seeking trade, assistance and friendly relations with all countries. The desire is to maximize the number of friends and minimize the number of enemies. It is often felt that danger lies in concentrating too much of one's expectations or policies in one large nation, thus incurring the enmity of another big power. The magnitude of destruction resulting from U.S. military action in South Vietnam has itself raised questions as to whether any government is justified in inviting that kind of devastation upon its people, and there is also growing wariness of big power actions and motives.

As citizens of a nation which pursued a policy of nonalignment for over a hundred years after its founding, we should be able to understand the desire of these developing countries to avoid external entanglements and concentrate on their internal developmental problems. As a part of our foreign policy we could actively encourage and support a policy of nonalignment for developing nations especially in areas adjacent to big powers.

3. Regional Cooperation—There is large and growing interest in regional cooperation and regional institutions. The nations of Southeast Asia view themselves as small and weak, politically, economically and militarily standing alone. Therefore it is essential for them to band together in some sort of united action. But it is also clear that there is much fuzzy thinking and many mixed motives surrounding proposals for regionalism.

Some of the most constructive programs in Southeast Asia are those for regional economic and social cooperation as in the UN Economic Commission for Asia and the Far East (ECAFE), the Columbo Plan and the Asian Development Bank.

On the other hand, the regional organizations with a political and potentially military character tend to be viewed skeptically. SEATO (Southeast Asian Treaty Organization) has not been seen as a viable organization since its members failed to unite over the Vietnam war. ASPAC (Asian and Pacific Council) has had an internal struggle over whether it would assume an anti-Communist, anti-Chinese stance or take an economic, political and social development role. ASEAN (Association of Southeast Asian Nations) has also had an internal struggle along these lines, though with fewer forces pulling it towards a military-political alliance.

The U.S. attitude towards these organizations is very important because of our immense economic and military power. Since there is general unanimity in the region on the imperative need for economic development, and a great division of opinion regarding a stance toward China, those regional institutions which are motivated by a desire to achieve economic advancement would seem to have a much brighter future than those which offer a political-military buffer against China. This suggests that regional organizations, as well as individual nations, may benefit most from a nonaligned position.

4. U.S.-China Detente—It is often said by Southeast Asians that, because of their tangled history, recent nationhood and varied ethnic, language and religious backgrounds they are easy prey to the big powers. These people suggest that there will always be factions within any country willing to join with one major power or another for ideological, financial or other motives. There is therefore little that can be done to prevent embroilment in big power conflicts in the area.

In these circumstances, it is argued that the only real hope for peace and stability is rapprochement between the region's major powers, in this case primarily the United States, the Peoples' Republic of China, and to a lesser extent the Soviet Union. While this may be extremely difficult, especially with the Taiwan situation unresolved, it offers the best hope for regional tranquility, they believe. If the United States, the Peoples' Republic of China, the USSR could improve their relations, conflicts could be moved from the battlefields and the streets to the diplomatic, political and economic level.

I believe that these four points, made so often by Southeast Asian leaders in our Conferences and Seminars, form the basis for a viable alternative to proposals such as the Nixon Doctrine and the containment of China.

Policies such as these which grow out of the expressed desires, concerns and priorities of the people of the region constitute true internationalism which is neither isolationist nor interventionist, and which holds out a better prospect for peace than the course we are now pursuing.

The Cambodian Tragedy

(By Senator George McGovern)

Mr. President, there are two basic points I want to make today about the invasion of Cambodia by American and South Vietnamese troops last spring and the events which have followed. *First,* the Nixon Administration is deceiving the American people in claiming an important military victory in Cambodia that will shorten the war in Indochina. *Second,* it is a betrayal of the humanitarian principles of the American

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people for us to disrupt or destroy the lives of the people of little Cambodia to serve some dubious tactical purpose of our own in the country next door. The destructive impact of the invasion on the Cambodian people and the continued pillage by South Vietnamese forces and American bombers is a moral and political disaster.

We are being sold a malodorous bill of goods under a false label and at a price none of us would wish to pay.

The full costs remain to be assessed. But the grim tabulations of American lives lost and mangled in Cambodia—scrupulously left out of the proud accounting of captured booty—reveal 339 dead; 1,501 wounded. And neutral Cambodia, the unwilling but relatively undisturbed host for small Communist sanctuaries on its border a few months back, now finds some two-thirds of its territory held or contested by Communist forces. Vietcong forces, once confined to small border areas, are now shelling the capital.

The venture into Cambodia has been described as a military success. Even some of its critics have begrudgingly accepted that assessment, perhaps in the charitable hope of averting embarrassment for the President.

But it is now becoming clear that the invasion was a military and political blunder. It saved no American lives; it cost American lives. It saved no Cambodian lives; it cost Cambodian lives and is making that little country and its gentle, amiable people the suffering pawns of a war they neither understand nor support.

Consider the terrific costs to Cambodia. There appear on that land now the same scars—from the heavy bombardment of American and Vietnamese warplanes—that have disfigured South Vietnam. Peaceful rural villages are disrupted. Civilians die by firepower which cannot distinguish between enemy and innocent.

A report to the *New York Times* in early July is illustrative. Correspondent Sydney H. Schanberg told of Cambodian women being forced to strip by South Vietnamese soldiers in order to get at any jewelry that had been hidden in their clothes. Quoting directly from his account:

"In Prey Koth, where most of the villagers were robbed of their meager savings and valuables, there were 33 thatch houses. Twenty-eight were sacked by the South Vietnamese.

"'Please help us,' an old farmer pleaded with a Western visitor. 'Please do everything you can to stop this from happening to us again.'"

Note that this punishment is not inflicted under any pretense that "it's for their own good" as we have maintained in South Vietnam. It is happening simply because the Cambodians got in the way of our war in Vietnam. Just as Vietnam was pressed into service as the battlefield for our misguided and counterproductive effort to contain Asian Communism, Cambodia is now being pummelled with destruction because we believe it is in our interest to exact this sacrifice from innocent peoples. The Cambodians who suffer now do so for a single reason—we impose destruction upon them because we think it may help in our effort to strengthen the hold of the Thieu-Ky Government upon the Vietnamese.

And what have been the gains to the United States of all of this? Have we achieved the objectives announced by the President when he explained last spring why we were invading Cambodia? We have neither found nor destroyed the Communist central headquarters which the President said was a basic objective of the invasion. Neither have we ended the threat of Communist sanctuaries in Cambodia. Rather, the Communist forces previously confined to a border strip have now fanned out across most of Cambodia.

We captured a few tons of rice, but that is easily replenished from the rich Cambodian harvest. Boasting of captured rice in a rice-surplus area such as Cambodia is so ridiculous that it can only reveal how really desperate the President was to find some reason, however superficial, to justify a mistaken venture.

The President has made much over the capture of arms and ammunition. But the enemy in South Vietnam was armed prior to the invasion and it is still armed. If what we captured would last them six to eight months, as advertised, then they will continue fully equipped because according to American commanders in the field, we captured only 30 to 50 percent of their surplus stocks stored there. Moreover, they probably placed little reliance on the obsolete weapons we carted back. Only 2,000 of the 15,251 individual weapons captured were of the AK–47 model currently in use. And in any case, the weapons, too, can be replenished and the enemy has plenty of time.

The assertion that we should be encouraged by the results of the invasion because it illustrated the ambition and competence of the South Vietnamese army and improved their morale is incredible. If they needed battle testing, there has certainly been ample opportunity to engage the enemy in their own country. If they were competent, they would not need sideshows next door to prove it. The only unique information about ARVN coming out of Cambodia is that they enjoy fighting where they are not strongly contested and that they have a disturbing tendency to act like a Twelfth Century conquering army toward the people they "liberate"—looting villages, assaulting women, and mistreating the civilian population. I don't find that encouraging. I find it appalling, particularly since South Vietnamese still operating in Cambodia no longer have with them the restraining influence of American troops. Any Southeast Asian observer has known of the long-standing enmity between the Cambodians and the Vietnamese which adds a serious complication to our "unleashing" of South Vietnamese forces in the Cambodian countryside. From the standpoint of Cambodia, the sequence of events beginning with the replacement of Prince Sihanouk by Lon Nol followed by the American and South Vietnamese invasion—was a national catastrophe that is tearing the little country apart.

But let us return to the beginning, recalling that the seizure of weapons and the elevation of ARVN morale were *post facto* reasons for the invasion.

In his April 20 announcement on troop withdrawals, the President gave no hint of concern about Cambodia. He said:

"We finally have in sight the just peace we are seeking. We can now say with confidence that pacification is succeeding We can now say with confidence that the South Vietnamese can develop the capability for their own defense. And we can say with confidence that all American combat forces will be withdrawn."

Secretary of State Rogers reassured the House Armed Services Appropriations Subcommittee on this specific issue on April twenty-third, in a statement he subsequently expunged from the record:

"We have no incentive to escalate. Our whole incentive is to deescalate. We recognize that if we escalate and get involved in Cambodia, that our whole program is defeated." And he told the Subcommittee that no ground forces would be sent to Cambodia.

Just one week later, the invasion was launched. Only two groups were forewarned. An assortment of Legion and VFW officials and retired officers knew about it because the President told them. The North Vietnamese and Vietcong knew about it because they saw it coming. But the Congress—the elected representatives of the American people—could not be trusted or consulted; not even with the committees with jurisdiction over military and foreign affairs.

The President said on April 30, in announcing the reasons for the Cambodian invasion:

"Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam."

But there was no enemy "Pentagon" and it was not attacked. The most permanent and least mobile installation captured was a laundry, hardly an essential element of command. In fact, the *New York Times* had earlier reported on April fourth that the enemy headquarters had been moved out of Cambodia and into South Vietnam.

Official pronouncements quickly dropped the capture of COSVN as the purpose of the assault. But the deception did not stop, nor has it yet.

Quoting again from the President's April 30 statement:

"The enemy in the past two weeks has stepped up his guerrilla actions and he is concentrating his main force in these sanctuaries that you see in this map, where they are building up the large massive attacks on our forces and those of South Vietnam." On May 2, Robert Kaiser reported in the *Washington Post*:

"Military sources said today that they were not sure what President Nixon was talking about Thursday night when he described on television a large and recent Communist buildup in Cambodia."

Defense Secretary Laird was not sure either. On May 14, he told a breakfast meeting of reporters that:

"Starting about mid-April, we found the (enemy) forces facing in the opposite direction and moving away. There was not as great a military confrontation. The risk to American forces (going into Cambodia) was much less."

These statements simply cannot be reconciled. The President told us the enemy was building up for large massive attacks on our forces in Vietnam; yet, at the same time, the Secretary of Defense reported the enemy was moving in the opposite direction. It cannot be that the President acted to prevent an attack from the enemy's rear.

Look, then, at an other aspect of the situation prevailing when the invasion was launched. The nimble neutralist government of Prince Sihanouk had been deposed, and Lon Nol was in the process of attempting to consolidate his power in Cambodia. Ironically, one method he employed was the harassment and murder of Cambodians of Vietnamese origin, taking advantage of ethnic antagonisms to increase his own popularity. In addition, probably with the expectation that American help would be forthcoming, he directed his small military forces to move toward Communist sanctuaries.

This prodding of the beehive produced the natural result, in amounts well beyond the protective capacity of Cambodian forces; Lon Nol sent out urgent appeals for help, lest his government fall immediately to advancing Vietcong forces.

During his consideration of those requests, the President heard strong opposition from members of Congress, including the chairman of the Senate Armed Services Committee. He could not have been unaware of the deep hostility to any U.S. involvement with propping up the new Cambodian government. And that hostility was present for the best of reasons, at least for anyone who could recall the origins of our involvement in Vietnam.

Militarily, the prospects could not have been worse. Cambodia's sole defense has been its neutrality. Whereas South Vietnam had been blessed with billions in military assistance prior to its near military and political collapse in 1964, Cambodia had only a ragtag army with an assortment of weapons from an assortment of countries, including China and the Soviet Union—doubtful sources of replacements and spare parts.

XUM

Secretary Laird described the best possible illustration of the Cambodian army's impotence by pointing out that only a third of the Communist forces in Cambodia were involved in the strikes which preceded our invasion. Yet, Phnom Penh was near collapse.

Also paralleling Vietnam, any U.S. support of Lon Nol would result in our identification with an illegitimate government in power only because of its contempt for the processes of self-determination that is professed as our single remaining aim in South Vietnam. It would align the United States with the destruction of Cambodian land and people, and would establish Lon Nol as an American puppet in the eyes of his nationalistic countrymen. In short, involvement offered another venture doomed militarily and politically from the start, and it offered another great opportunity for Communism in Indochina.

While such considerations dominated discussions of aid to Cambodia on Capitol Hill, the President was being moved by other factors. I suspect the greatest was his realization that his "Vietnamization" strategy was becoming less and less viable, in large part because of events in Cambodia.

As he said on April 30:

"Cambodia . . . has sent out a call to the United States, to a number of nations, for assistance. Because if this enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier . . ."

These words, in my view, gave a broad hint of the real reason for the invasion, as did another phrase from the same statement:

"I have concluded that actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now and would constitute an unacceptable risk to those who will be there after withdrawal of another 150,000."

During those ten days, it will be recalled Secretary Laird told us that enemy forces were facing the opposite direction.

I submit, therefore, that our forces were sent into Cambodia, not only to capture the elusive Communist headquarters, nor to capture tons of rice and weapons, nor to field-test the South Vietnamese army, but at least in considerable part we went to rescue the Lon Nol government from imminent collapse. That, indeed, may have been a primary goal.

To defuse congressional and public opposition, however, the President devised a different rationale. His tactic seems to have been to open a second front in the Cambodian theatre, thus removing some of the military presssure on Phnom Penh, while avoiding the appearance of a direct involvement in yet another Asian country.

All along, the purpose has been denied. According to Secretary Rogers, for example:

"We don't intend to become involved militarily in support of the Lon Nol government or any other (Cambodian) government . . . Now obviously some of the things we are doing have peripheral effects. There are dividends that flow to the present government because it keeps the enemy (off) base. But that's not our primary purpose, and that will not be our purpose in the future."

The President's own words belie such assertions. Any doubts that remain on that score should certainly be set to rest by events of the past week relating to American air missions over Cambodian territory.

It should be recalled that the President set careful guidelines for air interdiction when U.S. ground troops were withdrawn. He said it would be limited to countering enemy efforts to move supplies and personnel through Cambodia towards South Vietnam and to re-establish base areas relevant to the Vietnam war.

But now Secretary Laird admits that American aircraft have been bombing in support of Cambodian forces holding Cambodian population centers. A Pentagon spokesman confirmed that military commanders are responding to *Cambodian* requests for air strikes.

Yet, Mr. Laird tosses up another semantic smokescreen. The Pentagon maintains that the guidelines are not being violated, with the explanation that:

". . . when they catch enemy troops in the open, they will go after them even if there happen to be Cambodian troops around". And Secretary Laird says that there will continue ". . . to be ancillary benefits to the Cambodian ground operations. But the primary mission is interdiction."

Mr. President, this is patently absurd. Are we to believe that Cambodian troops just "happen" to be around the routes of supply to South Vietnam covered by the President's guidelines? Are we to believe that those routes conveniently run by Cambodian population centers in need of protection? Are we to believe that Cambodian troops just "happen" to be located in the areas where the *Cambodians* have requested air strikes?

Mr. President, the pattern of deception has continued long enough. We are today and we have since May first, both directly and through the South Vietnamese, been operating in direct support of the Lon Nol government. That was at least one reason for the invasion. It is a reason for the air strikes. It is a reason why South Vietnamese forces still remain in Cambodia. How long will the Administration deny the obvious?

There is more at stake here than the credibility of the Nixon Administration. That question is serious enough. But beyond it, if we understand why the Cambodian venture was undertaken, we learn volumes about the prospects for the Administration's Indochina policy.

Specifically, we learn that far from assuring the success of Vietnamization, the Cambodian invasion signalled its weakness.

This, again, follows from the President's own statements. Vietnamization cannot succeed if Cambodia falls and becomes a 600 mile-long sanctuary for the North Vietnamese and the Vietcong. But Cambodia cannot survive without extensive support from the United States and South Vietnam. At the same time, each step in our pursuit of the Communists into Cambodia weakens Lon Nol because of the destruction and suffering it imposes, on his behalf, upon the people of that beleaguered land. Meanwhile, American forces are left holding the bag in South Vietnam while a large South Vietnamese army forages in Cambodia to the dismay of much of the Cambodian populace. It is not possible either for the United States or Vietnam to achieve military success in a widening guerrilla war with declining numbers of troops.

Mr. President, the Attorney General, John Mitchell, has advised those who feel the Administration is retreating on school desegregation to watch actions rather than words. He suggests there is more to be learned from what the Administration does than from what it says.

The same principle applies with equal force to the President's Indochina policy. And when employed on that front, it exposes the Cambodian action as an effort to conceal another costly, futile expansion of the war.

It is difficult to believe that so many years of hopeless effort in Indochina have failed to convince this Administration that we cannot maintain a government to our liking in Saigon. The President's policy of "decisive moves" (Cambodia) is as barren as the gradual escalation that was abandoned more than two years ago.

We have heard many protests in recent weeks from supporters of the Administration's policy who say they resent any implication that they are less devoted to peace than those of us who take a different view. They argue that the President is moving toward peace, that he is withdrawing American troops, and that he deserves the plaudits of those who despise this tragic conflict.

The President doubtless does want peace in Vietnam, but I do not believe his present course will move us in that direction. I intend shortly to address myself in greater depth to the President's so-called Vietnamization policy, which I see as a device for keeping us involved in Indochina—not a method for extricating us. For the time being, however, I have tried today simply to place in better perspective what I believe to have been a mistaken action in extending the war so rashly across the face of Cambodia.

Mr. FULBRIGHT. Mr. President, I shall yield to other Senators, but I do wish to reiterate that the Gravel amendment involves a great deal more than the money provided in the bill.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend. The Chair will not again ask order. The Chair will bring in the Sergeant at Arms and we will have some quiet. We have only a few minutes remaining until the vote. The Senate will be in order.

The Senator may proceed.

Mr. MUSKIE. Mr. President, I wish to speak in support of the pending amendment, offered by the junior Senator from Alaska, and to state my reasons for questioning the authorization for $255 million in military and economic assistance to Cambodia.

The pending measure, H.R. 19911, and the manner in which it has been presented, have raised many questions about our future policy in Cambodia which have not yet been answered to my satisfaction or to that of many of my colleagues. I shall vote in favor of the Gravel amendment because I believe these questions can be more satisfactorily answered in the near future.

My principal concern, as I consider this aid request, is to what extent this decision, if made in haste today, will commit us to the long-term defense of the present Lon Nol government in Cambodia. Testimony received before the Senate Foreign Relations Committee indicates that this request is only the beginning of what will be necessary for Cambodia.

I find most disturbing, therefore, that without a clearly defined policy there is a very real prospect that this aid could become the first step toward United States involvement in another Vietnam—this time in Cambodia.

I know that we have received assurances from Secretaries Rogers and Laird, and from the President himself, that this is not so.

Nevertheless, the administration has yet to define just what is our policy toward Cambodia. We have been told only that this aid is essential to the progress of Vietnamization.

I wonder, and I imagine that many of my colleagues wonder, what price we must pay for this program of Vietnamization:

A program which neglects the rapid collapse of the economic and social structure in South Vietnam;

XUM

A program which leaves unresolved some of the most urgent facets of this war—the release of prisoners, for example;

And a program which extends the duration of the war, not only for us but for the Vietnamese as well.

In short, there are grave shortcomings in the Vietnamization program at present. Its fate, as a purely military contingency plan, is uncertain. On this basis alone, therefore, I would find it very difficult to vote for this aid request.

A second question which has not yet been answered satisfactorily is whether this relatively small amount of aid—which we are led to believe must be appropriated immediately—will be of more than marginal value to Cambodia. Or, once we have made this initial downpayment, will we be faced with the yearly argument that we cannot let Cambodia down in the middle of our commitment? According to the testimony of the Secretary of Defense, this is what we may expect.

The administration has made no case for the urgency of this request.

The administration has told us nothing about the current situation in Cambodia or about the prospects for the Lon Nol government.

Does that government have popular support? Will its army be capable of meeting a determined effort of the North Vietnamese?

On one question there can be no doubt. The war has widened into Cambodia. We ourselves have carried the war into that country on one occasion. Our job now is to see that the United States does not again become directly involved in this expansion.

Therefore, before voting to commit the United States to this program of assistance, we need to know more about the present situation in Cambodia which has prompted this urgent and last-minute request.

I concur with the statement of the distinguished chairman of the Foreign Relations Committee that this matter should receive a very serious probing before we rush to commit ourselves to we know not what.

Finally, Mr. President, I find it deplorable that the administration has waited until the last minute to come to Congress with this request, leaving us little time to examine the issues and to ask questions. I submit that we cannot make decisions of such grave importance or develop a rational policy on such short notice. Nor should we be expected to do so.

Judgments of such critical importance to our foreign policy should never be made in haste, especially when there is no clear justification of the need for haste. I intend to consider similarly presented requests in a like manner in the future.

I submit, Mr. President, that the experience of the past 6 years has shown that we cannot act and devise a policy afterwards to conform to our actions. We are all too painfully aware of the costs of such a lack of foresight.

The administration has maintained that what they have done and what they will do in Cambodia will make for a more safe and more rapid withdrawal of our forces from Vietnam.

With respect to the safety of our withdrawal, the answer is not clear.

With respect to the rapidity of our withdrawal, our past actions in Cambodia have not appreciably increased the rate of our withdrawal from South Vietnam.

Regardless of whether these administration claims are right or wrong, our decision must proceed from a careful policy review and a clear understanding of the facts of the conflict in Cambodia. Should immediate action then be necessary, I am certain that the Members of the Senate will assume responsibility and take the necessary initiative.

We are only a month away from a new Congress which could take up this issue in depth. I commend the junior Senator from Arkansas for his willingness to do just that.

Secretary Rogers has testified that an end to the conflict in Cambodia is not in sight. I suggest that 1 or 2 months' delay in our decision will not do irreparable damage to the security of Cambodia.

Numerous sources upon which the administration may draw for aid to Cambodia over the next couple of months were cited yesterday in the Senate. I need not repeat them today.

For those of us in the Senate who voted to commit the United States to a war in Vietnam, the issue of Cambodia is symbolic of the mistake we made in the past. Yet it is also a very real issue which can bear directly on our efforts to disengage from the battle in South Vietnam.

We stand to save ourselves much grief by giving this issue the careful review it demands.

Therefore, I urge my colleagues to weigh this decision most carefully.

Although we may disagree individually as to the best policy to follow in ending this war, let us be united in our firm intention that at least one aspect of our policy in Southeast Asia is clear: we will become involved in no more wars there.

Mr. President, whatever the fate of this amendment, I intend to support final passage of House Resolution 19911. I will do so because of the merit of the other items contained in this authorization measure which I feel should be approved:

The restoration of funds for programs in the Republic of China and the Philippines which were diverted for use in Cambodia;

Additional assistance to apply in the disaster relief effort in East Pakistan;

Because I do not feel that these other programs should not be sacrificed—especially the aid for East Pakistan—I will reluctantly support final passage of this legislation, even if the Gravel amendment is defeated.

Mr. FULBRIGHT. Mr. President, I wish to state that the amendment dealing with Cambodia should be viewed as very much more important than the money involved. It is an important matter of policy which has been presented to us without opportunity to have adequate hearings. It can go over until next year without any sacrifice of money. They have the money and they will have it available under existing authority. That is all I wanted to say. It is much more important than the money being voted.

I yield 2 minutes to the Senator from Idaho and then I will yield the remaining time to the Senator from Alaska.

Mr. CHURCH. If the distinguished Senator from Alaska wishes to proceed I would yield to him first.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, if there were anything I would wish for it would be that everything I say now or have said with relation to our involvement in Southeast Asia were wrong. I would hope that the view I hold that the money being appropriated here as the first step in the web of entanglement is not the first step on the part of this administration to legally broaden the war. The thing that would make me happiest is for my views to be wrong. Of course, only time will prove that, and I hope time will work against my view; but if not, then Members of this body have been placed on notice that this event did not slip through unheralded and that it was——

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GRAVEL. I care not to yield. I would like to finish my comment and yield in a few moments.

It cannot be said this event slipped through unheralded or that it was overly complicated as an issue.

At this point in time we have a policy in this country wth regard to Vietnam which was initiated by the Chief Executive and up until this time it remains his policy, as an individual, and also as the Chief Executive of the United States. The moment that we appropriate these moneys, and authorize these moneys, that policy is no longer his as an individual—it still remains his policy as a part of his administration—but at that time it becomes the official policy of the United States because it has been verified and sanctioned by this body.

Therefore, when we tell people in Southeast Asia and Paris or any other place in the world that we are withdrawing from Southeast Asia, and they read, not in the newspapers, but in our own budget documents, that we are spending more money, other nations can then look at us and they can judge for themselves whether or not we are truly withdrawing and whether or not we are guilty of rhetoric that says we take one step forward in order to take two steps backward.

The whole thesis that I have maintained, and that I believe my colleague, the Senator from Arkansas (Mr. FULBRIGHT) maintains, is a very simple one. We are going to get out of Vietnam one day. Some of us would hope that day would be soon. If it were soon it would save not only our money but also, and more importantly, our blood.

Mr. President, I read yesterday a passage which I thought was eloquent beyond compare.

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I would like to read it again. I refer to the last paragraph of Walter Lippmann's article published in Newsweek of last Monday, entitled "After the War Is Over." The last paragraph reads:

> When the Vietnamese war ends—we pray without a catastrophe—there will be only one salve for our wounds, for our pride, for our honor and for our dignity. Honesty and no pretenses. It is to recognize the mistake as being a mistake, to refrain from pretending that it was not a mistake, and to find the remedy in the universal human knowledge that to err is human.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article entitled "After the War Is Over," by Walter Lippmann, from which I have just read; also a data sheet on Cambodia and a paper dealing with the SEATO Treaty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

After the War Is Over

(By Walter Lippmann)

When the war in Indochina ends, it will matter a great deal how we understand what happened, and why. For this country can tear itself part if it falls into bitter quarrels about what happened. There will be those who say that we have been defeated although we could have won. There will be others who say that we should not have intervened but that we were deceived and seduced. "There are two things that will always be very difficult for a democratic nation," said Alexis de Tocqueville, "to start a war and to end it." The heavy losses of the dead and wounded and the enormous costs and frustrations of the war will be tolerable only if we can come to some common understanding as to what went wrong, and why it happened.

I must begin by insisting on a point that President Johnson and President Nixon have needlessly obscured and confused. It is the difference between a mistake and a failure on the one hand and a defeat on the other. The United States has not been and cannot be defeated in Indochina even though we withdraw our armed forces and realize that in the longer run the South Vietnamese Government is not likely to be able to stay on a course that is independent of North Vietnam. For the United States this will have been a large and costly failure to do what we said we were going to do. But the United States will not have been defeated. For defeat is what happened to Nazi Germany and to Japan: to surrender, to have the armed forces lay down their arms, to have the country occupied and governed by the enemy. No such thing can happen to us in Indochina, *which is proof that it is not a vital area to the United States.* And therefore President Nixon would do the country a service if he would cease to confuse a mistaken war with the downfall of being defeated.

ARMED PEASANTS WHO ARE WILLING TO DIE ARE A MATCH FOR THE MIGHTIEST POWER

We need at the same time to explain to ourselves what at first seems to be absurd. Here we are, some 200 million of us, with the greatest armaments that any country has ever possessed and there are the North Vietnamese, some 20 million of them, with a primitive industrial system. Yet we have been unable to make them do what we want them to do. Why not? Because armed peasants who are willing to die are a match for the mightiest power. Elephants cannot clear the mosquitoes from a swamp. The United States has been unable to conquer the armed guerrillas of the vast Asian continent.

Why, we are asked, have we not used *all* our weapons and bombed them back into the Stone Age? The answer is that the United States had compelling reasons to believe that China and the Soviet Union would not stand idly by if we did, and that nothing that was at stake in Indochina was worth another world war.

Thus, our failure in Vietnam sprang from a great misatake. We asked the armed forces to do what it was not possible for them to do. Our senior military leaders, the men who were the commanders before and during the second world war, knew better. They had always believed that the United States' military power was on the ocean and that Asian land wars were to be avoided studiously. The men who did commit the United States to a land war in South Vietnam had to ignore the precedents and override the advice of men like Dwight D. Eisenhower, Douglas MacArthur and Matthew B. Ridgway.

THERE FLOURISHED THE FANTASTIC NOTIONS THAT ONE NATION COULD ACT AS GLOBAL POLICEMAN

If we are pacificists and doves about Vietnam, it is because of the old American view of a land war in Asia. The opposition to intervention on the Asian continent begins with the teachings of our senior commanders in the second world war, long before Senator Fulbright and his colleagues in the Senate began to dissent. The question is why the United States ever violated its own military doctrine.

The reason for the mistake which led to the failure was certainly not the military or the ambition or the profit-seeking of anyone. The reason was the global confusion which existed when the second world war came to an end. The two principal enemies of the United States, Germany and Japan, were utterly defeated and all the principal allies and friends, the Soviet Union, China, France and Britain, were prostrated. Only the United States was uninvaded, powerful and rich, unhurt and invulnerable.

The recovery of our allies and of our enemies was greatly helped by wise and beneficent measures like the Marshall plan and NATO, and for a few years it looked as if we could do anything anywhere in the world. The whole world seemed to depend on the United States for protection and for recovery and reconstruction, even for food. Never, it seemed, was there such a total victory, and never before, therefore, was it so difficult to judge with any accuracy what needed to and what could be done. In these circumstances there flourished the illusion of American omnipotence, the fantastic notion that one nation could act as global policeman.

It was not, I think, the United States which yearned to police the world, though there were a few intoxicated imperialists among us. Events and the pleading of our friends abroad nourished the illusory role of world policeman and world benefactor.

While that illusion flourished during the late '40s, it became exceedingly difficult to measure wisely the extent of our power and of our responsibilities. Although the postwar distribution of power in the world has proved to be short-lived, the postwar situation was complicated by the first appearance of nuclear weapons. They were unbelievably destructive and for a time the United States had a monopoly of them. It was difficult to understand the limitations of nuclear weapons, and to realize that though those weapons would destroy anything, they could not do anything in particular. We have learned gradually the limitations of nuclear power, but it has been difficult for most people to understand why, if we are so powerful, we do not succeed in anything we attempt to do.

And then, last but not least, there was a third novelty in the postwar world which made it difficult to judge foreign policy accurately. This was the emergence of the Russian empire as the citadel of a world revolution against established order everywhere. Americans had never before confronted such a state of affairs. The consequence was the cold war to contain Communism, to roll it back and to insist that the confrontation with Communism would have to precede not only stable recovery, not only peace and harmony in the world, but the recognition of the balance of power.

It is very easy in retrospect to see that the war in Vietnam was a great failure owing to a great mistake. It is also easy to see that this great mistake was made by a new generation of men who were faced with the unique conditions of the postwar world—the total victory of the United States, the unmeasured nuclear weapons, and the Soviet Communist crusade which, for living Americans was unprecedented.

When the Vietnamese war ends—we pray without a catastrophe—there will be only one salve for our wounds, for our pride, for our honor and for our dignity. Honesty and no pretenses. It is to recognize the mistake as being a mistake, to refrain from pretending that it was not a mistake, and to find the remedy in the universal human knowledge that to err is human.

Data Sheet of Cambodia

1863—French protectorate over Cambodia is established.

1887—Cambodia is incorporated in the Union of Indo-China.

1945 Sep. 4—Communist Vietminh leader Ho Chi Minh proclaims the independence of Vietnam.

1946 Jan. 4—France grants autonomy within the French Union to Cambodia, which is to be administered by Ministers appointed by the King.

1946 Dec. 19—Indo-China war begins with Vietminh attack on French military installations.

1952–1953—Guerrilla warfare increases in Cambodia between Cambodian and French forces on one side and Vietminh-infiltrated Khmer Issarak guerrillas on the other.

1954 Mar. 14—Siege of Dien Bien Phu (French stronghold in Vietnam) by Vietminh forces beings. French military situation rapidly deteriorates.

1954 Mar. 29—US Secretary of State John Foster Dulles calls for "united action" of the free world against the Communist advance in Indo-China.

1954 Apr. 2—Vietminh troops penetrate into Cambodia.

1954 Apr. 15—Cambodian Government appeals to the UN, protesting aggressions by Vietminh troops on Cambodian territory.

1954 Apr. 26–Jul. 21—Geneva Conference on Indo-China armistice. The conference: partitions Vietnam leaving North Vietnam in the hands of the Vietminh Communists; bans foreign military bases in Cambodia and Laos (first "neutralized" states); sets July 1956 for all-Vietnam elections which are to decide on the future form of government of a unified country; provides for an International Supervisory Commission (India, Canada and Poland) for the implementation of the armistice; provides for the withdrawal of both Vietminh and French Union forces from Cambodia and for on-the-spot demobilization of the Khmer Issarak guerrillas; gives Cambodia assurance of full independence. Cambodia, in its turn, promises to permit all citizens, regardless of their political past, to participate in elections as voters or as candidates. "King Norodom Sihanouk of Cambodia instructed his delegation at Geneva to hold out for his right to seek alliance with the United States and to rearm. After treaty signing was delayed for five hours Chou En-Lai and Molotov gave way." (Time, 2–21–55)

1955—In 1955, a king, Norodom Sihanouk, who had been enthroned under French colonial auspices, utilized the semi-divine aura of his royal person and the credit he had achieved in negotiating independence to create a new political order. In place of a factious parliamentarianism, he substituted a neo-monarchial system based on loyalty to his persons, traditional institutions and the concept of a Khmer (Cambodian) nation. In the general elections of September 1955, to which Cambodia was committed under the Geneva Agreements of July 1954, this organization trounced the political parties of the pre-independence parliamentary era to obtain every seat in the National Assembly.

1960—Prince Sihanouk, at a session of the U.N. General Assembly, attended by many heads of state, urges that the East and West power blocs make Cambodia a guaranteed neutral state.

1961—In an interview in the French magazine *Le Monde,* Sihanouk reaffirmed his commitment as a Cambodian nationalist, and said that he feared subversion not from Russia or China, but from the Vietnamese communists.

1962 Aug 20—Letter from Prince Sihanouk to President Kennedy: "Mr. President: I . . . call your . . . attention to the very serious threat that has . . . been hanging over my country, which has been constantly subjected to . . . aggression by neighboring powers . . . Cambodia sees no other reasonable solution of this situation than to claim for itself the benefit of the international protection provisions that have been granted to Laos . . . Cambodia requests of Your Excellency's Government and the other powers which met last month in Geneva *the official recognition and guarantee of its neutrality and territorial integrity.* It is ready to accept any appropriate control for that purpose. Norodom Sihanouk."

1962 Aug 31—Letter from President Kennedy to Prince Sihanouk: ". . . I assure you that the United States respects the neutrality, territorial integrity and independence of Cambodia."

1963 Nov 1—Military coup in Vietnam against the Diem regime. President Diem and his brother Ngoo Dinh Nhu are killed.

1963 Nov 19—At a mass rally in Phnom Penh Prince Sihanouk declares an end of all U.S. military and economic aid because the CIA is plotting to oust him as chief of state.

1963 Nov 21—Communist Chinese Government statement "solemnly declares" that if Cambodia should suffer armed invasion instigated by the US and its vassals China will formally side with Cambodia and give it all-out support. Sihanouk reiterates his call for an international conference to guarantee the neutrality of Cambodia.

1964 May 8—Cambodia charges South Vietnam with raiding the village of Taey on May 7, 1964 and killing six Cambodians.

1964 Jun 4—UN Security Council unanimously adopts resolution condemning South Vietnam's military "penetration" into Cambodia and asks that all states respect Cambodian neutrality.

1964 Nov 6—Letter from Sihanouk to Charles de Gaulle is made public. It warns that the United States and South Vietnam "are preparing an action on a large scale against our country" and appeal to France to intervene.

1965 Apr 28—South Vietnamese Skyraider fighter planes bomb two Cambodian villages.

1965 May 3—Cambodia announces it has severed diplomatic relations with the United States because of continued US-South Vietnamese attacks on Cambodian villages.

1965 Dec 21—United States State Department issues statement affirming that the US feels itself free to undertake military actions in Cambodia that it considers essential for American troops' self-defense in the Vietnamese war. This action based on the "inherent right of self-defense." The US states that it suspects that Cambodia is being used as a refuge by the Viet Communists.

Sihanouk disputes that Cambodia is being used as a refuge and offers to let the International Control Commission inspect the border for communist arms smuggling into Vietnam.

1966 Jan 3—Cambodia informs the UN that it will make armed attacks into South Vietnam if there are further violations of its territory or airspace by US or South Vietnamese forces.

1966—US journalists in Cambodia, ostensibly to cover the visit there of Jackie Kennedy, are challenged by Sihanouk to find a single Viet Cong base in Cambodia. The journalists do just that, with information probably supplied by the CIA. The US press argues that Sihanouk is closing his eyes to Communist support bases near the Vietnam border.

1967 Apr. 4—Prince Norodom Sihanouk (in a message broadcast to the nation) says that Cambodian Communists have gone "from subversion to acts of direct aggression" and attacked on Apr. 2 provincial guardposts and agricultural settlements in Battambang Province (in northwest Cambodia). He says that while the nation already has had to face "aggression" from US and South Vietnamese forces, it now faces a third threat coming from the "red Khmers." Sihanouk says that Cambodia will "face the situation alone and will meet force by force, but will not ask for aid from anybody." He also warns that if the "armed rebellion expands," it might become necessary to dissolve parliament, dismiss the government and declare a state of siege."

1967 May 6—Prince Norodom Sihanouk (in a speech in Phnom Penh) warns that his Government will resist any subversive activities inspired from abroad whether by the Socialist states or the "imperialists." He singles out by name North Vietnam, North Korea and the Viet Cong as attempting "to turn Cambodia into a colony or a satellite by using the "Red Khmers" as their Trojan horse."

1967 Nov. 17—General Westmoreland privately tells newsmen that Cambodia is becoming a major supply route for Communist forces in South Vietnam. US officials make it known that they are considering adopting a policy of "hot pursuit" whereby US forces in Vietnam would enter Cambodia when pursuing fleeing enemy forces.

1967 Nov. 26—Sihanouk (in a statement to newsmen in Phnom Penh) warns that he will order a guerrilla war if US forces encroach upon Cambodian territory.

1967 Dec. 11—US State Department spokesman reaffirms US respect for "the sovereignty, independence and territorial integrity of Cambodia."

1967 Dec. 27—Prince Sihanouk (in a speech to the National Congress in Phnom Penh) says that he may seek volunteers from Communist China and other Communist countries if US troops enter Cambodia "allegedly pursuing communist Vietnamese forces." He states that he is prepared to face the possibility of "invasion" by US forces. Cambodia, he further says, "will ask China, Russia and other anti-imperalistic powers for new military aid."

1967 Dec 28—Communist China (in an article in the Communist party newspaper People's Daily) says that it will give "maximum support" to Cambodia if the US extends "its war of aggression" to that country. On the same day, Prince Sihanouk says that he will not try to stop US troops from entering his country "in hot pursuit" if he is convinced that Viet Cong or North Vietnamese forces have entered Cambodia illegally and are in an "uninhabited outlying region difficult to control." Sihanouk warns, however, that if there are "serious raids or bombings" against frontier areas inhabited by Cambodians or Vietnamese who have been living there a long time, Cambodian troops will strike back as strongly as possible.

1968 Jan 12—Joint communique (issued in Pnom Penh and Washington) states that "Ambassador Bowles renewed American assurances of respect for Cambodian sovereignty, neutrality, and territorial integrity." It also states that the US "is prepared to provide material assistance to the International Control Commission to enable it to increase its ability to perform its mission." The communique further states that the US "has no desire or intention to violate Cambodian territory." He assured the Royal Cambodian Government that the US "will do everything possible to avoid acts of aggression against Cambodia as well as incidents and accidents which may cause losses and damage to the inhabitants of Cambodia." Cambodia, for its part, stresses its desire "that its territory and its neutrality be respected by all countries including the belligerents in Vietnam."

1968 Jan 14—Prince Sihanouk again calls for the US to refrain from pursuing Communist units into Cambodia. If the US does cross the border, he says, the Vietnamese Communists "would come and help us even without our permission, and if they come it will be to help the Red Khmers and not the Sangkum regime, which would disappear. He says that it is "inadmissible" that the US go back on what he describes as the pledge made by Ambassador Bowles.

1968 Mar 28—Prince Sihanouk declares that his government has received assurances from Communist China and North Vietnam that they will not interfere in his country's internal affairs. Sihanouk claims that Cambodian Communists are failing, partly because Communist China and North Vietnam are not inclined to support them.

1968—Sihanouk and the US continue to argue over the right of US and South Vietnamese troops to enter Cambodia to combat communists in border areas. More and more the US accuses Cambodia of complicity with the enemy. Sihanouk responds that he opposes the communists' presence in his country but the Cambodian army is too small to do anything about it.

1969 Mar 28—Prince Sihanouk charges that "Vietnamese communists were increasingly infiltrating into Cambodia." He presents a detailed map showing Communist implantation in Cambodia. He says that he is opposed to any intervention by the US air force "under whatever pretext" because Cambodian women and children would get killed and not Viet Cong.

1969 Apr 16—US government says that the US "recognizes and respects the sovereignty, independence, neutrality and territorial integrity of Cambodia within its present frontiers."

1969 Apr—Sihanouk expresses increasing concern about native guerrillas operating both independently and with the North Vietnamese. Cambodia swings more towards cooperation with the US. Sihanouk chooses as his new Prime Minister, Lon Nol, former Chief of Police and a reputed "right winger". Lon Nol promises to crack down on communist subversion in Cambodia.

1969—Michael Leifer, in an article in the Feb. 1969 issue of Current History, argues that: (1) there is *no* evidence to support the Cambodian government's claim that the uprisings there are the direct result of external intervention; (2) the uprisings can be explained at least in part by an alliance between dissident peasant groups and educated, nationalistic, urban radicals.

1969 May 9—The New York Times reports that US B–52 bombers in recent weeks have raided Viet Cong and North Vietnamese supply dumps and base camps in Cambodia for the first time.—". . . Cambodia has not made any protest. In fact, Cambodian authorities have increasingly been cooperating with American and South Vietnamese military men at the border, often giving them information on Vietcong and North Vietnamese movements into South Vietnam."

1969—David Chandler, in an article in the Dec. 1969 issue of *Current History,* wrote that Since 1966, the prince has concentrated instead on seeking pledges to "recognize and respect" Cambodia's "present frontier". Sihanouk's eagerness to freeze his boundaries regardless of the outcome of the war in Vietnam is understandable. But given the arbitrary way in which these frontiers were drawn by the French, it is not difficult to understand the refusal by the Thai, Lao, and South Vietnamese regimes to agree to this. North Vietnam and the National Liberation Front, however, have not hesitated to support Sihanouk. Until 1969, when its resumption of relations with Cambodia was keyed to a presidential declaration expressing "recognition and respect" of Cambodia's frontiers, the US deferred to its Southeast Asian Allies on the issue, reluctant to judge a question which from their point of view remained unsettled. The neighbors' refusal to sign, and the US scrupulosity, have been interpreted in Cambodia as proof that Thailand, Laos, and South Vietnam wish to reenact nineteenth century history and swallow up Cambodia.

1970 Jan.—Sihanouk leaves Cambodia for a trip to Europe, leaving Premier General Lon Nol and Deputy Premier Prince Matak in charge of the country.

1970 Feb.—Governors of Cambodia's 14 provinces meet in Pnom Penh and report widespread unrest due to Viet Cong presence in their provinces.

1970 Mar.—Gen. Lon Nol, Prince Matak and Acting Chief of State Chen Heng move with unanimous vote of the parliament to oust Prince Sihanouk from his office. After the coup, the new government reconfirms Cambodian neutralist position. Sihanouk, in Russia at the time, blames the coup on the CIA. The new rulers order all North Vietnamese and Viet Cong forces out of Cambodia within three days.

1970 Apr.—Cambodian troops fight Viet Cong with aid of US and South Vietnamese artillery. Cambodian regime clamps down on import of Communist arms through Sihanoukville which had been begun six months before by Sihanouk. The new regime also calls for International Control commission to once again protect Cambodian borders. Anti-regime, pro-Sihanouk riots, increased Viet Cong attacks, but Cambodia does not call for US aid in order to retain neutrality. President Nixon and Secretary of State Rogers decide to stay out of Cambodian affairs.

1970 late-Apr.—Lon Nol requests U.S. aid against Communists. 1,000 Vietnamese residents of Cambodia are massacred as a "warning" to Viet Cong. Viet Cong move to within 20 miles of Pnom Penh. Lon Nol government seems to be in danger of collapse. Viet Cong pledge to return Sihanouk to power.

1970 April 30—U.S. and South Vietnamese troops invade Cambodia to clean out Viet Cong strongholds, staging points and supply bases.

CAMBODIA

I. United States military operations in Cambodia violate article IV of the SEATO treaty.

A. U.S. military operations in Cambodia violate the SEATO treaty because the President did not instigate them to protect the Cambodian government from armed attack.

B. U.S. military operations in Cambodia violate the SEATO treaty because the Cambodian government did not invite or consent to them.

C. U.S. military operations in Cambodia violate the SEATO treaty because the President did not immediately consult with other SEATO nations to agree on common defense measures.

A. In 1954, the United States negotiated with a number of other countries and signed the Southeast Asia Collective Defense Treaty. The United States agreed to follow the procedures prescribed in Article IV of that treaty if the security of any of the designated countries, including Cambodia, were threatened.

A. U.S. military operations in Cambodia violate the SEATO treaty because the President did not instigate them to protect the Cambodian government from armed attack.

The first paragraph of Article IV provides that "each party (e.g., the United States) recognizes that aggression by means of an armed attack in the treaty area against . . . any State . . . which the Parties by unanimous agreement may hereafter designate (e.g., Cambodia) would endanger its own peace and safety, and agrees that it will in that event act to meet the danger in accordance with its constitutional processes." This section provides that individual countries may come to the assistance of countries which are actually under armed attack in order to prevent their forceable overthrow. Note that it provides for immediate unilateral intervention only when the other country is under "armed attack" and only for the purpose of assisting the attacked government. This section cannot authorize U.S. military intervention in Cambodia for two reasons. First, Cambodia is not under armed attack. The Vietnamese Communists focus their attacks on South Viet Nam, not on Cambodia. The Cambodian Communists are merely struggling to regain a voice in their own government. Second, and more important, President Nixon did not design the U.S. military operations in Cambodia to assist the supposedly attacked Cambodian government. To the contrary, in his nationwide television appearance on April 30, he emphasized that these operations are designed to assist the South Vietnamese government and to facilitate the withdrawal of U.S. troops from Viet Nam. The President consciously refrained from stating that U.S. military operations are calculated to help the Cambodian government retain power.

B. U.S. military operations in Cambodia violate the SEATO Treaty because the Cambodian Government did not invite or consent to them.

The third paragraph of Article IV provides that "no action on the territory of any State designated . . . under paragraph 1 of this article (e.g., U.S. military operations in Cambodia) shall be taken except at the invitation or with the consent of the government concerned (i.e., Cambodia). Thus even if U.S. military operations in Cambodia could be based on paragraph 1 of Article IV, they are not authorized unless the Cambodian Government invited or consented to them. President Nixon indicated that the Cambodian Government did not invite or consent to U.S. military intervention. In his nationwide television address, he admitted that the Cambodian Government was not consulted on the matter. The Cambodian Government had no opportunity to consent, for it was merely informed about the final decision.

C. U.S. military operations in Cambodia violate the SEATO Treaty because the President did not immediately consult with other SEATO nations to agree on common defense measures.

The second paragraph of Article IV provides that "the parties (including the United States) shall consult immediately in order to agree on the measures which should be taken for the common defense" if the security of any of the designated states (including Cambodia) "is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area." This section authorizes collective action to assist countries whose territory or sovereignty is threatened by some event other than an armed attack. Note that it authorized the slower collective assistance in less imminently threatening situations. This section cannot authorize unilateral U.S. military intervention in Cambodia because the United States did not consult with all the other SEATO nations before sending troops into Cambodia and because the United States did not intervene in Cambodia to assist the Cambodian Government.

II. The United States military operations in Cambodia are illegal because they violate articles 2(4) and 53 of the United Nations Charter.

A. Article 2, paragraph 4 of the United Nations Charter provides:

> All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, . . .

United States military operations in Cambodia constitute a violation of Cambodia's territorial integrity, which is outlawed by Article 2(4) of the U.N. Charter, and therefore by Article VI of the Constitution of the United States, which provides in part that "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."

B. Article 53, paragraph 1 of the United Nations Charter, referring to regional defense agencies such as SEATO, provides:

> . . . But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, . . .

Even if the present United States military action in Cambodia were proper and legal under the SEATO treaty and Protocol (and such action is not legal, as shown in Section I above), the action would be illegal under Article 53(1) of the U.N. Charter, since the action was in no sense authorized by the Security Council of the United Nations. The United States may not under authority of the SEATO treaty take military action in Cambodia which is prohibited to SEATO as an organization.

Any conflict between the SEATO agreement and the U.N. Charter must be resolved in favor of the latter, as required by Article 103 of the United Nations Charter:

> In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

III. The United States military operations in Cambodia violate the 1954 Geneva agreements which ended the French Indochina War.

Although the United States is not legally bound by the Geneva agreements, it is morally bound to observe them by the Declaration made to the Geneva Conference on July 21, 1954 by the U.S. representative, Under Secretary of State Walter Bedell Smith. That Declaration said, in part:

> The Government of the United States . . . declares with regard to the aforesaid agreements and paragraphs that (1) it will refrain from the threat or use of force to disturb them, in accordance with Article 2(4) of the Charter of the United Nations . . .

Paragraph 12 of the Final Declaration of the Geneva Conference, also issued on July 21, 1954 and referred to in the United States Declaration, provides:

> 12. In their relations with Cambodia, Laos, and Viet Nam, each member of the Geneva Convention undertakes to respect the sovereignty, the independence, the unity and the territorial integrity of the above-mentioned states, and to refrain from any interference in their internal affairs.

The present United States military operations in Cambodia are a direct violation of the sovereignty and territorial integrity of Cambodia, and constitute "the use of force to disturb" the agreement contained in Paragraph 12 of the Final Declaration of the Geneva Conference, in violation of the unilateral Declaration of the United States at the Conference. At the very least, such action amounts to bad faith by the United States Government in failing to keep its word.

XUM

XUM

Mr. GRAVEL. I yield now to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I recognize the truth of the statement of the Senator from Arkansas, Senator FULBRIGHT, and the Senator from Alaska, Senator GRAVEL, that if we authorize this sum for military assistance to Cambodia, it may be followed next year and in other years by additional requests for money for Cambodia.

When the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and I introduced in April the amendment—usually called Cooper-Church—its purpose was to prevent an expansion of U.S. involvement in the war and to require that if troops or military aid should be used, the administration must come to Congress for authority. That is what the administration has done in this case. It has followed the process the Senate approved by majority vote.

I shall give my reasons for voting for military assistance to Cambodia. I need not say I am opposed to expansion of the Vietnam war. I am opposed to the use of our troops in Cambodia or in war in any other country without the consent of Congress. But there is an existing and difficult situation in Cambodia; one need only look at the map to know that if there is a victory in Cambodia for North Vietnamese and Viet Cong, the flank of our own forces will be exposed. For that reason alone, for the protection of our troops, I support the bill. If the new Cooper-Church-Javits-Aiken-Mansfield-Case amendment is maintained by the Congress and the President, our force will remain during withdrawal of our forces from South Vietnam. This bill provides them with some protection.

I make one further point. On the one hand, the distinguished chairman and the distinguished Senator from Alaska have stated that other funds are available if we do not authorize the $255 million requested in the bill.

It seems to me to be perfectly untenable and inconsistent to argue that the President may go ahead and use money from other sources, if he so desires to provide military aid to Cambodia. Those provisions authorizing Presidential discretion in the foreign aid bill were written by the Committee on Foreign Relations and approved by the Congress. The use of such funds is legal but I do not believe it is quite consistent to tell the administration it should use funds permissible under law while opposing any aid to Cambodia. It may be an argument for economy, but not for policy.

Mr. CASE. Mr. President, will the Senator yield me half a minute?

Mr. COOPER. I yield.

Mr. CASE. Is it not true that in this very bill we in the committee have added—the Senator from Missouri and I were the sponsors of it—an amendment to eliminate the power to make these transfers?

Mr. COOPER. The Senator is correct. I think we should defeat the pending amendment.

The PRESIDING OFFICER. The hour of 2:30 having arrived, the question is on agreeing to the amendment of the Senator from Alaska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 33, nays 61, as follows:

[No. 434 Leg.]

YEAS—33

Burdick
Byrd, W. Va.
Eagleton
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hughes
Inouye
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
Mondale
Montoya
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—61

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Metcalf
Miller
Moss
Murphy
Packwood
Pastore
Pearson
Percy
Prouty
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—6

Dodd
Dominick
Hatfield
Mundt
Russell
Tower

So Mr. GRAVEL's amendment was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, quite honestly, I had originally intended to vote for this bill believing that by wisely limiting the type of aid, prohibiting the introduction of American combat forces or advisers, and specifically stating that these supplemental funds should in no way "be construed as a commitment by the United States to Cambodia for its defense," the Senate could express its collective judgment that Cambodia should be the first real test for President Nixon's Guam doctrine of limited assistance and self-help.

But after yesterday's debate, it is not at all clear to me whether this aid would be given solely in the context of the Guam doctrine of giving only limited financial aid on a strictly self-help basis, which would exclude the possible use of American military forces.

For instance, Senator GRIFFIN suggested that a vote for this supplemental was an endorsement of the President's Vietnamization policy. I find a similar implication in Secretary Rogers' testimony that this supplemental is "important to our foreign policy in its entirety and in its individual elements"—including, presumably, the policy of Vietnamization.

The important point that emerged from yesterday's debate is that the policy implications of this supplemental are very unclear.

If the additional $155 million assistance to Cambodia were viewed as the first step toward implementing the policy of limited assistance and self-help, I would support it.

But if this authorization is interpreted as an endorsement of Vietnamization, or an extension of Vietnamization to Cambodia, as I fear it may be, I must oppose it.

For Vietnamization is not a way to end the war and win the peace. Despite the President's best intentions and best rhetoric, Vietnamization—the policy of reducing troops to the level necessary to sustain the Government of South Vietnam—does not encourage self-help and, indeed, rewards failure.

Like it or not, as long as American troops remain in South Vietnam, they act as a trip wire to insure that the United States will respond to whatever extent necessary in the event their safety is threatened.

As long as even a small contingent of U.S. troops remains, Thieu and Ky are assured that if they fail President Nixon will be forced to travel the discredited escalatory road of his postwar predecessors. President Nixon himself acknowledged the dimensions of this possible escalation last week at his news conference, when he threatened to resume bombing of the North.

The President also implied at his news conference that he considers the "tying down" of North Vietnamese troops in Cambodia as essential to Vietnamization.

The economic aid in this bill must be viewed in the context of an already existing commitment in Cambodia. Today, the South Vietnamese and U.S. Air Forces are for all practical purposes the only operational air force in Cambodia.

Twenty thousand U.S.-supported South Vietnamese troops currently operate in Cambodia. If this supplemental will in fact be used to foster an extension of our fallacious Vietnamization policy into Cambodia—to increase the area of U.S. commitment in Southeast Asia—it could be a tragic mistake.

Neither Congress nor the country can afford another rapidly passed and vaguely understood commitment—a commitment which could turn out to be the Cambodian equivalent of the Gulf of Tonkin. More thorough debate and further hearings are prudent and necessary.

Since, as the distinguished Senator from Missouri (Mr. SYMINGTON) has pointed out, the President can use the emergency provisions of the Foreign Assistance Act—section 506(a), 610(a) or 614(a) to supply aid to Cambodia; and since the distinguished chairman of the Foreign Relations Committee (Mr. FULBRIGHT) has promised complete hearings early in the next session of Congress on the implications of this economic commitment to Cambodia, I will vote for the Gravel amendment.

The **PRESIDING OFFICER.** The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The **PRESIDING OFFICER.** What is the will of the Senate?

Mr. **CHURCH.** Mr. President, I do not know of any other amendment that is intended to be offered. If that is true, I ask for the third reading of the bill.

The **PRESIDING OFFICER.** The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. **MANSFIELD.** Mr. President, if no Senators wish to speak further on the bill, I ask unanimous consent that, notwithstanding the previous order, the vote occur immediately, and that rule XII be waived.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **KENNEDY.** I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. **GRIFFIN.** I announce that the Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 72, nays 22, as follows:

[No. 435 Leg.]

YEAS—72

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Holland
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McCarthy
McGee
McIntyre
Metcalf
Miller
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Percy
Prouty
Randolph
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—22

Burdick
Byrd, W. Va.
Ellender
Fulbright
Goodell
Gore
Gravel
Harris
Hartke
Hughes
Inouye
Kennedy
Mansfield
McClellan
McGovern
Mondale
Montoya
Nelson
Pell
Proxmire
Ribicoff
Young, Ohio

NOT VOTING—6

Dodd
Dominick
Hatfield
Mundt
Russell
Tower

So the bill (H.R. 19911) was passed.

The title was amended so as to read: "An act to provide additional foreign assistance authorizations, and for other purposes."

Mr. **CHURCH.** Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. **GRIFFIN** and Mr. **SPARKMAN** moved to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. **CHURCH.** Mr. President, I move that the Senate insist on its amendments and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. GORE, Mr. CHURCH, Mr. AIKEN, Mr. CASE, Mr. COOPER, and Mr. WILLIAMS of Delaware conferees on the part of the Senate.

ELMER M. GRADE

Mr. **MANSFIELD.** Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6114.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **MANSFIELD.** Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. MCCLELLAN, Mr. ERVIN, Mr. HRUSKA, and Mr. COOK conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar and some nominations which were reported earlier today and are now at the desk, including one for the Civil Aeronautics Board.

The **ACTING PRESIDENT** pro tempore. The nominations on the Executive Calendar will be stated.

U.S. TARIFF COMMISSION

The assistant legislative clerk read the nomination of Jefferson Banks Young, of Virginia, to be a member of the U.S. Tariff Commission.

The **PRESIDING OFFICER.** Without objection, the nomination is considered and confirmed.

U.S. CIRCUIT COURT

The assistant legislative clerk read the nomination of W. Wallace Kent, of Michigan, to be a U.S. circuit judge for the sixth circuit.

The **PRESIDING OFFICER.** The nomination is considered and confirmed.

U.S. ATTORNEY

The assistant legislative clerk read the nomination of William C. Lee, of Indiana, to be a U.S. attorney for the northern district of Indiana.

The **PRESIDING OFFICER.** Without objection, the nomination is considered and confirmed.

CIVIL AERONAUTICS BOARD

The assistant legislative clerk read the nomination of Robert D. Timm, of Washington, to be a member of the Civil Aeronautics Board.

The **PRESIDING OFFICER.** Without objection, the nomination is considered and confirmed.

U.S. DISTRICT COURT

The assistant legislative clerk read the nomination of Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado

The PRESIDING OFFICER. The nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Barron P. McCune of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

BIG THICKET NATIONAL PARK, TEX.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1428, S. 4.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 4, to establish the Big Thicket National Park in Texas.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 8, after the word "not", strike out "less than" and insert "to exceed"; so as to make the bill read:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership an area in the State of Texas possessing outstanding botanical and zoological values together with scenic and other natural values of great significance, the Secretary of the Interior shall establish the Big Thicket National Park, consisting of land and interests in land not to exceed one hundred thousand acres in Hardin, Liberty, San Jacinto, Polk, and Tyler Counties, Texas.

SEC. 2. (a) To establish the Big Thicket National Park, the Secretary of the Interior may acquire land or interests therein by donation, purchase with donated or appropriated funds, exchange, or in such other manner as he deems to be in the public interest. Wherever feasible, land shall be acquired by transfer from other Federal agencies.

Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner.

(b) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary of the Interior may acquire land which lies adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grant or in such exchange in order to equalize the values of the properties exchanged.

SEC. 3. When title to all privately owned land within the boundary of the park, other than such outstanding interests, rights, and easements as the Secretary determines are not objectionable, is vested in the United States, notice thereof and notice of the establishment of the Big Thicket National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire the remaining land and interests in land within the boundaries of the park.

SEC. 4. The Big Thicket National Park shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

SEC. 5. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purposes of this Act.

CHANCE TO SAVE A VANISHING AMERICAN WILDERNESS: THE BIG THICKET

Mr. YARBOROUGH. Mr. President, I commend the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from Nevada (Mr. BIBLE), and the other able members of the Committee on Interior and Insular Affairs who have indicated their unanimous support for my bill to establish a Big Thicket National Park, by virtue of their recent favorable committee action.

The desire to turn the Big Thicket into a national park dates back to at least 1927, when the East Texas Big Thicket Association was created. During the 43-year interim since that date, a number of conservation organizations and individuals with various degrees of concern have submitted proposals to establish a park or preserve ranging in size from 20,000 to 1 million acres. Even if it were feasible today to set aside an area of 1 million acres, it would no longer be possible, since the Big Thicket has shrunk from its original expanse of 3.5 million acres to its present size of only 300,000 to 400,000 acres.

In 1966, I introduced a bill—the first ever introduced in Congress—to create a Big Thicket National Park, and have introduced the measure during each successive Congress since that time. My bill before the Senate today (S. 4) provides for a park of not less than 100,000 acres of a Big Thicket National Park in Hardin, Liberty, San Jacinto, Polk, and Tyler County areas of east Texas.

The bill before the Senate, as amended by the committee, provides for a park of not over 100,000 acres.

We cannot afford to delay or defer the preservation of unique wilderness areas such as the Big Thicket of Texas. It has been estimated that the Thicket is vanishing at the rate of approximately 50 acres per day as ever-increasing areas of the forest are cut down. Back around 1964, a lumber executive is reported to have stated:

> The Big Thicket? The way we're going, in ten years there won't be a Big Thicket!

This sort of callous disregard for nature threatens soon to deprive the people of our country of their right, and even their opportunity, to enjoy the remaining splendid wilderness areas of America. Where will our people go to see and experience a place like the Big Thicket if it is ever allowed to be irrevocably destroyed?

According to figures recently released by the U.S. Bureau of the Census, 204,765,770 Americans have at present a seemingly insatiable appetite for "getting back to nature" whenever they have an available holiday or weekend to do so. This is not particularly surprising, considering the fact that so many of our citizens are cramped into the close quarters that are typical of most of the urban areas of the country. In ever-increasing numbers, our people are flocking to parks, seashores, rivers, lakes, and other areas of scenic beauty. We in Congress have an obligation to preserve and protect the wilderness areas which are needed to meet the needs of our people adequately.

It has been estimated that more than 3½ million persons live within a 100-mile radius, which would be a mere 2-hour drive from my proposed Big Thicket National Park. Another 13 million people live within 250 miles of the park. They could be expected to travel the relatively short distance to the Thicket on a fairly regular basis. Although those in close proximity to the Big Thicket would stand to benefit most directly from the creation of this national park, I have little doubt that such an area would soon come to be considered a great environmental asset by all Americans.

Once again, I emphasize to the Senate that we no longer have the luxury of tolerating delaying tactics as we battle to save vanishing American wilderness areas such as the Big Thicket of Texas. I urge my fellow Senators to demonstrate their concern for the environment by supporting the passage of my bill to establish the Big Thicket National Park under the administration of the National Park Service. The task is great, and the time is short. We must act favorably at once, or it may be too late to act at all.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1415), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 4, introduced by Senator Yarborough of Texas, would establish the Big Thicket National Park in the State of Texas and would preserve an area of outstanding botanical and zoological values, together with scenic and other natural attributes of great significance.

LEGISLATIVE HISTORY

Periodically during the last 30 years, various individuals and organizations have stated the need for preserving a portion of the Big Thicket for park purposes. Parks or reservations ranging in size from 20,000 to 1 million acres have been proposed. The bill, as reported, provides for a maximum area of 100,000 acres.

In the 1930's proposals to create a State park were made in the Texas Legislature and were the subject of discussion for a number of years. In 1966, Senator Yarborough introduced a bill for creation of a national park, and has continued to work for the enabling legislation.

In this Congress, the committee held field hearings in Texas, and further hearings in Washington. The committee is convinced that the measure has the support of a greater part of the people of the area, and of responsible State and local officials.

XUM

BACKGROUND

The Big Thicket of east Texas is a unique and historically interesting part of the southeastern deciduous forest. It is developed on the ancient gulf coastal plain across which flow numerous bayous, creeks, and rivers. Elevations vary from a few feet above sea level on the south to more than 400 on the north, and most of the area can be classed as gently rolling. The upper reaches are generally well drained, but these give way gulfward to flatter regions containing scattered swamps, bogs, and "baygalls." Sloughs and oxbows line the major river courses. Except where altered by man's activities, the area is covered unbrokenly with a tall, relatively dense, variably mixed hardwood-pine climax forest, characterized by the luxuriance of its vegetation.

The floral components of this forest are representative of widely separated parts of the Eastern and Southern United States, meeting in the Big Thicket in fascinating ecologic interplay. Such a mingling of species—animals as well as plants—is found nowhere else as extensively.

The northern edge of the Big Thicket occupies a rather abrupt line of low-lying hills, probably representing the last gulf shoreline of the Pliocene epoch. This terrain is moderately incised by numerous small streams—many spring-fed and producing clear, cold, soft water. These small, unfailing tributaries sustain larger ones which empty into the gulf-bound San Jacinto, Trinity, Neches, and Sabine Rivers. As they reach the lower, more level plains the streams slow down and acquire a meandering pattern which shallowly dissects the land.

The entire Big Thicket region holds enormous reserves of underground water because of the high capacities of the forest soils and their underlying strata for absorption and retention. The forest is terminated on the south by the gulf coastal prairie, an area of very low land subject to saline water encroachment, where grasses predominate to the exclusion of deciduous forest species.

Within the Thicket or its immediate vicinity several species of trees have reached their finest development and largest size. For example, an American holly near Hardin in Liberty County is a record specimen measuring over 13 feet in circumference, is 53 feet high, and has a crown spread of 61 feet. The champion eastern redcedar is located near Roganville, just outside the Thicket's eastern edge. Near Conroe in the western part of the Thicket are the biggest examples of tree sparkleberry, common sweetleaf, and redbay, while the largest two-wing silverbell is near Shepherd.

At Devers, not far from the forest's southern border, is the biggest specimen of yaupon. The largest known black hickory and planertree are located in a superb bottomland hardwood grove within the Beaumont unit of the proposed park. Other trees such as the American beech, southern magnolia, blackgum, sweetgum, baldcypress and cherrybark, southern red, and swamp chestnut oaks show similar remarkable growth.

WILDLIFE

The remote, wild character of the Big Thicket has made it an attractive haven for all forms of wildlife, which find in its dense forests abundant food supply and protection in a natural environment. The mingling of species which lends so much interest to the plantlife of the Thicket is reflected in an intriguing diversity of its animal inhabitants.

Among the larger mammals are the Texas whitetail deer, both red and gray fox, raccoon, ringtail, mink, otter, skunks, opossum, bobcat, mountain lion, and, on occasion, black bear. Both the jaguar and ocelot of Mexico were formerly sighted, and a number of persons believe these beautiful cats are still present. One of the most interesting animals in the Thicket is the shy, timorous, and ever-present armadillo. Lesser mammals range from rare beaver to abundant gray, flying, and fox squirrels, cottontails, muskrats, and, of course, multitudinous smaller rodents.

Over 300 birds have been listed for the Big Thicket, including many shore and water birds. As with the plant forms, a fascinating mixture of eastern and western species occurs here. An example is the seemingly incongruous overlapping of the anhinga or water turkey of the southeast with the roadrunner of the southwest, representing two distinctly different habitats, yet both at home in the Thicket.

The forest lies on the dividing line between the great Mississippi Valley flyway and the gulf coastal route into Mexico, so that most migrating species in the Central United States can be seen in the Thicket in season. Of particular interest to the ornithologist are relatively rare birds like the red-cockaded woodpecker, Bachman's sparrow, and brown-headed nuthatch, while the average visitor will find such birds as the southern pileated woodpecker fascinating, or the exceedingly graceful American egret and the colorful roseate spoonbill in their great river-bottom rookeries.

HISTORY

During the historic period, the Big Thicket was inhabited by the Akokisa and the Bidai Indians. About 1800 the Coushatta Indians and, a little later, the Alabama Indians settled in the region, having moved from the East. At the present time the Alabama and Coushatta Indians still remain in the Big Thicket on Texas' only Indian reservation.

The story of these tribes is a fascinating blend of history and legend covering the period from the time of Columbus to the present.

To the early white pioneers, the Big Thicket presented a formidable physical barrier to exploration and settlement. Later it served as an impregnable wilderness sanctuary to those attempting to avoid the conflicts and demands of a developing civilization. Thus the vast area containing the Thicket became the location for innumerable folklore stories and legends, most of them based on fact. More recently it has proven to be a very important economic resource which has supported substantial lumber and oil industries. Any area which has been all these things is bound to have a fascinating history. The Big Thicket is no exception.

Historic and legendary features include such diverse sites as the "Keyser Burnout," Gen. Sam Houston's home near Moss Hill, the Old Union Well, the Hanging Tree, the "Tight-Eye" country, the Contraband Trail, and the Ghost Road.

In addition, there are several cultural aspects which are of considerable importance and would be of exceptional interest when suitably interpreted. These pertain to man's involvement with the Big Thicket and include such things as early-day trade routes and river travel, a typical pioneer farm carved out of the forest, a ghost logging town, an early oil well, and similar monuments of America's vigorous economic and social development.

Through its certain appeal to visitors, the human history adds considerable color and charm and provides a fitting background for the principal Big Thicket story.

NEED

As the Nation becomes more crowded and the vast majority of citizens live and work within the urban areas, the demand for a quiet, natural place for relaxation, recreation, and spiritual restoration becomes far more acute. There are over 3½ million people who live within 100 miles of the Big Thicket, and over 13 million live within 250 miles, an easy day's drive. These millions of people, and millions of more throughout the Nation, need natural recreation areas and are seeking places where they can enjoy the relaxing influence of a quiet forest, or a tree shaded place by running waters, filled with the wonders of nature.

This area represents a natural environment, one relatively untouched by man, and under National Park Service administration it will remain so. As a unique and valuable natural ecosystem dominated only by those forces of nature, Big Thicket National Park will continue to preserve the rare and treasured features that offer to all people the values of inspiration and hope.

The establishment of the park will be a great asset to the American people and the world cultures as a whole.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. YARBOROUGH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. McGEE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTICE OF CONSIDERATION OF SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Now, Mr. President, it is the intention of the leadership to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1443, H.R. 17550, Social Security Amendments of 1970; that it be laid before the Senate and made the pending business.

When that measure is pending, the distinguished chairman of the committee, the Senator from Louisiana (Mr. Long) will then proceed, I understand, for approximately 2 hours.

ORDER FOR RECOGNITION OF SENATOR BIBLE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the speech by the distinguished Senator from Louisiana (Mr. Long), the distinguished Senator from Nevada (Mr. Bible) be recognized to make a motion relative to a conference report.

Mr. PROXMIRE. Will the distinguished majority leader yield at that point?

Mr. MANSFIELD. For how long?

Mr. PROXMIRE. I ask the distinguished majority leader to yield only when he finishes his preliminary remarks so that I may have just 2 minutes before the Senator from Louisiana speaks.

Mr. PASTORE. Will the Senator inform us on what subject he wishes to speak for about 2 minutes?

Mr. PROXMIRE. Two minutes to reply to the position we were placed in by the unanimous-consent request of the Senator from Delaware (Mr. Williams).

Mr. PASTORE. Fine.

The PRESIDING OFFICER. Is there objection to the request of the distinguished majority leader? The Chair hears none, and it is so ordered.

The Chair now recognizes the Senator from Montana.

DOUBLE SESSION

Mr. MANSFIELD. Mr. President, confronting the Senate in the last 2 weeks of this session are some of the most difficult and controversial questions that have been considered during the preceding 2 years of the 91st Congress. What complicates matters more is the fact that many of these issues have precipitated, are precipitating or will precipitate a filibuster. No Senator ever admits his participation in that process though all of the markings of a filibuster are clear nevertheless. At this time they appear on at least five issues. All five issues are important. If they were not, the Senate would not find itself in these circumstances.

It should be noted that the Rules of the Senate—so revered by some, so criticized by others—magnify the views strongly held by any single Member of the Senate. The Rules project any one Senator into a position of particular predominance late in any congressional session. This fact provides a striking distinction between the two Houses of Congress. It is a difference that should caution any conferees on either side of the Capitol from forcing any controversial viewpoint upon the Senate against its clearly expressed will and its strongly held viewpoint. This point need not be labored. The Rules of the House of Representatives require a record vote at a time certain. The Rules of the Senate do not permit such a restriction. That is the difference, and its impact can be felt quite readily at the present time. Let me cite some of the issues now pending on which the difference is now being felt—and I refer only to those matters which may involve a filibuster:

First. The Department of Transportation conference report which contains funds for the continuation of the supersonic transport program. This issue was vigorously contested in the Senate. It was thoughtfully and thoroughly debated on the Senate floor and by an overwhelming margin against the recommendation of the executive branch, the Senate voted to discontinue the SST program. The issue before the Senate during the consideration of this appropriation bill was not how much money should be provided, but whether the Government should participate in any SST program at all. The vote in the Senate was clear and decisive. Resolving the issue in conference by reducing the funds by a little more than 25 percent represents a virtual capitulation of the Senate's position. So a filibuster is expected to ensue as a result. It will occur because some Senators are determined to uphold the majority position of the Senate. I do not defend filibusters in any form but neither will I point a finger of culpability for delaying the Senate program.

Second. The issue of the Department of Defense appropriation measure. For 7 weeks last summer the U.S. Senate debated the question of how and the extent to which this country should become involved deeper in Southeast Asia. Until our last soldier was removed following the thrust into Cambodia, it was impossible to obtain a vote on the matter. Now the conference report for the Department of Defense appropriation comes back with new language not considered by the Senate initially, which not only gives to the President wide discretion to protect our troops, but also sanctions in advance any form of extension of our involvement—any number of additional casualties and any added costs—in the war so long as its stated objective is related to freeing the prisoners who are held by North Vietnam.

There is not a Member of the U.S. Senate who does not agonize for each prisoner and his family. The release of these 1,500 men held behind prison walls is the hope of every American. That is not the issue. The issue concerns language incorporated anew in a conference report that would permit an invasion of North Vietnam. Such a raid would have a predated congressional sanction. It is language which by comparison makes the Gulf of Tonkin resolution not only imprecise, but impotent. Frankly, I do not believe that such language represents the majority and predominant view of the Senate. If it wishes, the Senate as an institution can reduce itself to a House of Lords. It will be moving in that direction, if it is required—because of expediency—and accept time and again these judgments worked out by relatively few Members.

Third. The third issue involves the conference report on supplemental appropriations, and that will be done through conference, I would assume, shortly. This measure contains the controversial appropriations for foreign aid to Cambodia. As it left the Senate, it included the money put in by the House but yet to be authorized by law. The bill has now been enacted as far as the Senate is concerned. Fortunately, for the Senate, the distinguished Senator from West Virginia (Mr. BYRD) chairs that conference and has as his ranking member the senior Senator from Nebraska (Mr. HRUSKA). Both have assured the Senate publicly that the language embargoing those Cambodian funds until a legislative authorization is enacted into law will remain in any conference report. They have both stated that they are fully appreciative of the significance of this restriction as it applies to funds that have no authorization and its impact upon the Senate as a coequal body with the House in the legislative process. It is thus hoped, and I am confident, that the potential filibuster on this issue will be eliminated because of the efforts of Senator BYRD and Senator HRUSKA in conference. I am confident that the injunction on the expenditures of the Cambodian funds will remain.

Fourth. Is the international financial institutions bill that has been debated several days in the Senate recently. On it a majority viewpoint in the Senate cannot be established except, as it was in a certain sense, in reverse. It does dramatize quite clearly how the rules of the Senate grant power to individual viewpoints held with deep conviction. It is cited in recognition of the deep difference of this institution from any other.

Fifth. Waiting in the wings is an issue on which the Senate hopefully will be permitted to work its will. Social security is a matter which is the vital concern of older Americans. Their fixed incomes have been eaten up by the fires of inflation, and the responsibility rests with the Congress to make up the difference.

Attached to their hopes for some relief at this time are issues ranging from veterans pensions; to the establishment of a new policy on import quotas; to a revamping of the welfare system of the country. Each of these proposals in and of itself has major significance. Each should be considered on its own. It is hoped that some way will be found to give consideration to some of these items prior to adjournment. For many months the President has asked that his proposal on family assistance be given an opportunity for Senate consideration. In response, I have publicly promised that the Senate would do its utmost as far as I was concerned to afford the President that courtesy. After all, it is his No. 1 domestic proposal. I would hope that at least his proposal could be voted upon by the Senate prior to adjournment.

Those are the issues. Each must be examined separately and on its own to determine just where the responsibility lies for the position in which the Senate finds itself. How it got there and why are proper questions. The answer to each will be different. In a general way, I would say that the Senate as an institution has a responsibility to protect not only the prerogatives of its Members but also its own viability.

The Senate itself must decide; I leave the question open for every Member to consider.

Mr. President, I yield to the distinguished Senator from Wisconsin as I promised previously.

THE SST

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader. I will be brief.

Earlier in the colloquy on the unanimous-consent request of the Senator from Delaware (Mr. WILLIAMS), assertions were made and the implication was made quite clearly that those who oppose the Department of Transportation conference report are to blame for delaying things and threatening a filibuster which may seem to be unjustified.

If there is any delay on the Department of Transportation appropriation bill, it is not on the heads of those opposed to the SST.

The Department of Transportation bill passed the House on May 27. Hearings were completed in the Senate on August 28. But the bill was not reported to the Senate until November 25.

At the time the Department of Transportation bill had been reported to the Senate, it had been 6 months since it had come from the House.

The only other appropriation bills which had not been reported to the Senate by then were the Department of Defense appropriation bill and the independent offices appropriation bill.

The Department of Defense appropriation bill cleared the House on October 8.

The independent offices appropriation bill cleared the House on November 24.

The Department of Transportation bill was 4½ months older than the next unacted upon appropriations bill when it was reported to the floor.

So the decision to delay the legislation should not be charged to us. We were happy to take it up at any time. I recall very clearly that the proponents of the SST delayed consideration of the measure until after the election, thinking that that would give them an advantage. Not only was it delayed, but when the conferees were appointed they were appointed in express and explicit violation of the Rules of the Senate set forth in Cleaves Manual and in the manual compiled by Dr. Riddick and his predecessor.

On page 172 of Senate Procedure, by Charles L. Watkins and Floyd M. Riddick, there is a section entitled "Conferees Represent Senate and Not Committee Only." The rule as expounded in that section is:

> The conferees in theory are appointed by the Presiding Officer but in fact are designated by friends of the measure, who are in sympathy with the prevailing view of the Senate . . .

Cleaves Manual says the same thing at page 284:

> Of course the majority party and prevailing opinion have the majority of the managers.

It is clear that the one really controversial issue in the bill involved the SST. It is perfectly obvious that the majority were not represented in accordance with the rules of the Senate.

Mr. President, I point out that the conferees, who were all fine men, spent less than 1 day in conference. They did not set a record, but they came close to it. They did not spend many days or weeks as many conference committees have. They came back in 1 day with a conference report which contains funds for the SST.

We are in a position of either voting for the SST now or voting against the appropriations for the entire Department of Transportation. That includes the airports, the highways, and the entire transportation program of the Federal Government. Under these circumstances we do not have a chance, and we know it.

In a similar vote in the House, those opposed to the conference report got 71 votes to 319, even though the vote on instructing the conferees was fairly close.

We have one opportunity to vote and that is for or against the conference report. That is grossly unfair. We tried to uphold the majority will of the Senate. We are not trying to filibuster, but are trying to uphold the majority will of the Senate.

I realize that those who favor the SST have an understandably deep conviction. But let us face the fact that the continuing resolution contains funds for the SST through January 3. We will come back on January 21 next year.

We would agree to a vote promptly when we return on the supplemental, on a vote up or down on the SST without delay.

At that time there could be a supplemental come in that would solve our problems. If we take the SST money out of the transportation bill or out of the continuing resolution, there is no problem as far as I am concerned. This is a problem that would cause a delay of less than a month in the SST program, if the Congress votes yes—up and down on the SST.

I make these points because I think that the Senator from Nevada and the Senator from Delaware, of course, are fine men and they do want to vote on this promptly. But I think that our position is completely tenable.

I think it would be contemptible of us if we let those who oppose us use the rules the way they have in view of the record.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I do not find any fault with what the Senator said, except he said we only took 1 day in conference. I want him to know that if we stayed there until the cows came home the answer would have been the same. The fact is that the House was adamant, but the Senate did try. It was one of those situations that would require a Solomon. The impasse was irreconcilable.

I do not find any fault with what the Senator intends to do but with respect to the impression that if we had stayed there longer the result would have been different, it is not so. The result would have been the same.

Mr. PROXMIRE. I asked the Senator from Mississippi (Mr. STENNIS) and the Senator from Nevada (Mr. BIBLE) if I could be on the conference or if some Senator who shared our views in opposing the SST could be on the conference. I was told this would be difficult or not possible. There are several things that conference could have done. One of the big issues is that we need more protection of the environment. We felt the Jackson-Magnuson bill is pigeonholed in the House and is going to die with sine die adjournment. Possibly it could have been agreed upon or that providing funds for the SST would be conditional upon the enactment of that law. That is one possibility.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. How long is 2 minutes?

Mr. PROXMIRE. Mr. President, I understand the distinguished minority leader objects. I yield the floor.

Mr. MANSFIELD. He does not object.

Mr. PROXMIRE. I asked for 2 minutes. I am in violation of that request. If the distinguished majority leader wishes me to discontinue at this time I shall do so. I have expressed my position.

Mr. MANSFIELD. I am probably out of order.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I wish to set forth a few figures with respect to the SST. The figure $285 million was in the bill and that figure was stricken from the bill. But when we got to conference we found that $105 million already had been spent on a continuing resolution. It was gone, and it was a liability of the Federal Government. If it is not appropriated in this bill it will have to come later. So the amount in issue was $185 million.

We had a fine discussion. The House was unyielding. The Magnuson-Jackson bill was not mentioned by anyone. We got into the proposition where 6 months are gone and 6 months remain and twice $105 million is $210 million. So we give up $80 million in compliance with the Senate vote which proved to be 43.2 percent of the dollars that were actually in issue.

That is what is actually in issue. So the Senate did not surrender to anyone. We did not ignore any of our obligations. Other Senators have gone up against these men when they have their minds made up. We came back—not with 50–50, and that is considered a good compromise any time—with 43.2 percent against 56.8 percent.

Now, the issue here will be in the conference report. Nothing else important is in controversy. The Senate will vote on the SST straight up or down.

Mr. MANSFIELD. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I have been informed that the conference on the regular foreign aid bill carries $200 million for the Foreign Military Sales Act which has not been enacted. The Senate discussed that matter last year at great length, but here again we are faced with a proposal to appropriate directly $200 million which has not been authorized.

Again I would like very much to be on notice when that conference is reported, and I hope the Senate will know it is falling into this habit of allowing appropriations without authorizations being enacted. I hope I will be alerted, and when the conference report on the foreign aid bill is brought up I hope I will have the opportunity to explain that the $200 million has not been authorized.

Mr. MANSFIELD. Instead of five issues which are likely to generate filibusters and filibusters within filibusters, the number stands at six on the basis of the notification of the chairman of the Committee on Foreign Relations.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Does the Senator have something to say on this matter?

Mr. McGEE. I have an inquiry about procedure. However, I suggest the Senator yield to the distinguished minority leader first.

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader if he would follow up on the remarks he just made, and set forth his recommendations for action. My commentary is that I have read these recommendations and I do agree with him. I would favor our staying in session very late at night, if necessary. The only caveat I have is that I would not agree we should adjourn sine die on the basis that we have no business to transact unless we have passed the Family Assistance Act, the appropriations, and certain other measures.

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Mr. MANSFIELD. We have discussed briefly the possibility of once again reverting to the double session, which seemed very successful prior to recessing for the elections in October. This consent agreement, if allowed, would provide the regular flow of business would continue from 9 o'clock in the morning until around 4 o'clock in the afternoon, and at that time the pending business, whatever it may be, conference reports or other matters, would be set aside by motion of the leadership so that those measures not subject to filibuster could be resolved. At 9 a.m. the next day the business of the previous day would recur as the unfinished business. Any conference reports or other legislation fall into this category.

So, Mr. President, I would like to ask unanimous consent that the Senate allow the leadership to conduct business on that basis.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. YOUNG of North Dakota. Mr. President, reserving the right to object, and I shall not object, I wish to take exception to the remarks made by the distinguished majority leader with respect to the defense appropriations bill and the language we inserted in conference with the House with respect to South Vietnam, Laos, and Thailand. If the Senator takes the position the Senate conferees can at no time compromise with the House, then we will be here another year before we resolve anything. I hope I did not understand the Senator correctly. Our compromise was a good compromise. At some point we are going to have to adjourn without accomplishing anything or compromise with the House. They have as much right to their position as we have to our position.

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Mr. MANSFIELD. I would not disagree with that statement at all, but I think all too often the Senate compromises too much and, after all, what was done was the passage of language that was agreed to by unanimous vote in the Senate, and what was agreed to in conference as a result of House pressure was to extend the meaning far beyond what the Senate had in mind, and that includes the Defense Committee and the Committee on Appropriations in the same area when the matter was discussed on the floor of this body.

All I am asking is that Senators stand on their feet and not give in too often or too easily, as they do on occasion with the House. They should recognize the fact that even though the House conferees are more obdurate and stubborn than we are, we are supposed to be Members of a body which is equal and that we should not, as I tried to indicate, became innocuous and let the House ride over us, as they have done on occasion. Fifty-fifty to me is a compromise, but not 33–66.

Mr. YOUNG of North Dakota. In due time we can debate the language that was changed somewhat. We left the Senate language in, but, at the insistance of the House, a proviso was added to the extent at least that we could provide assistance to South Vietnam, Laos, or Thailand even if they participate in some military action in Cambodia, or gave them some other assistance.

I do not think the Senate language particularly fitted the appropriations bill, because those countries could not give either economic or military assistance to Cambodia. They received assistance from us. I do not think the Senate wanted to go that far.

When the Appropriations Committee put that language in the report, I was criticized by many Senators who thought we were wrong. But we went to conference with the House. The House conferees strongly objected. We arrived at a compromise. I think it was a good compromise.

Mr. MANSFIELD. The distinguished Senator from North Dakota is one of the ablest Members of this body. While we agree more often than we disagree, there are times when we interpret language differently. I think this language goes a long way and gives extraordinary power to the President and can create extraordinary difficulties for the Senate.

Mr. McGEE. Mr. President, the Senator had promised to yield to me.

Mr. MANSFIELD. I yield.

Mr. McGEE. My inquiry is as to what would happen if his unanimous consent were agreed to. Would it be conceivable that yet today we might find it possible to take up some conference reports that are not on the agenda for filibuster? Might there be some possibility of that?

Mr. MANSFIELD. Oh, yes.

Mr. McGEE. Yet today?

Mr. MANSFIELD. The idea would be to consider the unfinished business, going from 9 a.m. until 4 p.m., then go to conference reports, then next morning convene at 9 o'clock again and go to the DOT bill if it is still pending.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BIBLE. I only take this time because of a characterization the majority leader used in his statement. One word he used bothered me a little. The majority leader knows of my love and respect and affection for him, but he said that the Senate conferees "capitulated." That is rather a harsh word. I do not think we did any such thing. It was a most difficult conference, and I have sat through many of them over my years of service in the Senate. I thought the Senator from Rhode Island spoke correctly as to the attitude of the House conferees.

I did not intend to get into a prolonged discussion of this matter. It will come up at about 5:30 this evening, but I do want to clear up that one word and to assure the majority leader that we did the best we could. When an irresistible force meets an immovable object, however, something has to give a little. We gave a little and they gave a little.

In amplification of what the Senator from Mississippi said earlier, $105 million of this $289 million budget request has already been spent. In addition, if we were to terminate the program as the Senator from Wisconsin argues—and in all honesty he says, and I admire him for it, that what he wants to do is kill the program—if we bury it, which is his intention, then it will cost more than it will to appropriate the $210 million recommended by the conference committee.

Mr. MANSFIELD. May I say that I, of course, accept the words of the distinguished Senator from Nevada (Mr. Bible), the distinguished Senator from Rhode Island (Mr. Pastore), and the distinguished Senator from Mississippi (Mr. Stennis). Perhaps the use of the word "capitulate" was unfortunate. Looking at it from the viewpoint of the calculations made by the distinguished Senator from Mississippi, relative to what has already been appropriated, on the basis of the continuing resolution, the figure of 47 percent would be correct, but looking at it from the overall viewpoint of $295 million——

Mr. BIBLE. $290 million.

Mr. MANSFIELD. $290 million, none of which I understand has been appropriated yet, I think the 25 percent figure would hold up. But I do want to express my regret that in using the word "capitulation" a wrong interpretation has been placed on it. I did not mean it that way, and I will withdraw that word and accept the explanation made by three men in whom I have wholehearted confidence.

Mr. BIBLE. The Senator knows of my esteem for him. I merely wanted to correct that word. It sounded a little harsh. I thought we should leave it in a kindlier condition. We worked hard. We did the best we could.

Mr. MANSFIELD. I am sure of that, but suppose I change it from "represents" capitulation of the Senate to a "represents a drawdown of the Senate's position"?

Mr. BIBLE. Whatever words the majority leader uses are all right. If he uses the word "capitulation" in connection with my very feeble explanation, that is all right.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Would the majority leader be kind enough to make the two-track system consent apply only until we begin what little recess we may get for Christmas? My reason is that we may face some changed circumstances which we cannot foretell now and many of us would not want to be shut out of the consideration of that matter, depending on how it works out next week?

Mr. MANSFIELD. I would think we should start out right away.

Mr. SCOTT. And going through until the 22d?

Mr. MANSFIELD. Yes.

Mr. JAVITS. I would suggest it continue only until we started the short Christmas recess.

Mr. MANSFIELD. Where is the Senator from Nevada?

Mr. JAVITS. Before the Senator answers, I have one other question. Some of us have problems with conferences. May we ask the majority leader whether the Senator from Louisiana (Mr. Long) intends to make a statement, or does he intend to make any motions or ask unanimous consent in connection with the pending business?

Mr. LONG. Mr. President, I shall ask unanimous consent to insert a couple of charts into the Record.

Mr. JAVITS. I thank my colleague.

Mr. SCOTT. Mr. President, may I ask the majority leader to reread his proposal?

Mr. MANSFIELD. I think the Senate should be aware of what it is.

I have asked unanimous consent that the Senate begin to operate on a double-session or double-shift basis as it did prior to the preelection recess.

This consent agreement would provide that the regular flow of business would continue from 9 in the morning to 4 in the afternoon or thereabouts, and at that time the pending business, whatever it might be, conference report or other, would be set forth by motion of the leadership, so that those measures not subject to filibuster could be resolved.

At 9 a.m. the following day, the unfinished business of the previous day's session would recur as the unfinished business. There are many conference reports that fall within this category, and other pieces of legislation as well.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Reserving the right to object, Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. The suggestion of the majority leader presupposes that we are going to have a filibuster from 9 o'clock until 4 o'clock.

Mr. MANSFIELD. Yes.

Mr. PASTORE. If that is the case, why do we not shorten the time? Why do we not make the time from 9 until 3, and then get into our regular business so we accomplish something?

Mr. MANSFIELD. Fine.

Mr. BIBLE. Mr. President, reserving the right to object—and I do so only for this purpose—I am supposed to be at bat today. If it goes into effect today, I do not want to be out of the ballpark before the ball game starts. Will the agreement exclude today?

Mr. MANSFIELD. It will exclude today. Let us do it that way. I have been at fault.

Mr. President, I ask unanimous consent that at the conclusion of the statement by the distinguished Senator from Louisiana (Mr. LONG), the distinguished Senator from Nevada (Mr. BIBLE), manager of the conference report be recognized.

Mr. BIBLE. The Senator made that request earlier. He makes it twice, so I am protected. I do not want to start at 5 minutes to 5 and then be cut off.

Mr. MANSFIELD. Not today.

Mr. BIBLE. Not today.

Mr. SCOTT. Mr. President, the majority leader's request, as I understand it, would be effective beginning tomorrow and, for the present, it would end on the 22d of December. Is that correct?

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the majority leader?

Mr. PASTORE. It is from 9 to 3; is that correct?

Mr. MANSFIELD. From 9 to 3.

Mr. McGEE. Mr. President, reserving the right to object, will that arrangement include this coming Saturday?

Mr. MANSFIELD. Yes.

Mr. McGEE. We will be in session on Saturday?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Now, Mr. President, if the Senator from Louisiana will permit me, the joint leadership has discussed the possibility of invoking cloture at times it may consider appropriate.

If that is done, it would be our intention also at that time—we are making no motions now—to ask that the cloture period be reduced from 1 day and 1 hour to a 2-hour period, because of the pressure of time. I do not anticipate that that will be agreed to, but I did want to notify the Senate as to what we would attempt.

Mr. JAVITS. Mr. President, will the Senator yield? The Senator had better know that this is one Senator who objects.

Mr. MANSFIELD. Oh, the Senator would not be the only one, but we would like the Senate to know what we are attempting to do to try to speed up the legislative process and take care of the President's legislative program.

Mr. JAVITS. Will the Senator yield? It is very easy to get unanimous consent at 9:01 in the morning, or 9:03.

Mr. MANSFIELD. Oh, we would not pull anything like that.

Mr. JAVITS. I am sure of that.

Mr. MANSFIELD. The Senator knows that every time a cloture motion has been considered, ample notice has been given and a quorum has been called. There is no such thing as calling a trick at 9:01 in the morning, or when the Chamber is empty, because the Senate leadership just does not operate and has not operated in that manner, and never will.

Mr. JAVITS. Mr. President, the Senator from New York makes no such charge. What the Senator says is perfectly true. But I think Senators are entitled to notify the leadership that they would at least like notice of when any such unanimous-consent request is going to be made.

Mr. MANSFIELD. Of course. I would have thought that any Senator would anticipate that as a matter of course, because this is a radical departure, which I do not think will get anywhere, but at least we wanted to lay our views before our colleagues.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. MANSFIELD. Surely.

Mr. STENNIS. My inquiry is this: The rule about cloture is positive; it is mandatory as to just when the Senate shall vote. Can that be altered, abolished, or changed in any way by unanimous consent?

The PRESIDING OFFICER. The Chair states that if the Senate grants a unanimous-consent request of the Senator from Montana, that would govern and supersede any previous rule.

Mr. STENNIS. Mr. President——

Mr. MANSFIELD. Mr. President, I have the floor. May I say that in view of the statements made, sensing the attitude of the Senate, the leadership will not attempt to invoke cloture on that basis. The only reason we suggested it was in an attempt to speed up the legislation within the time frame, and to pass as much of the President's legislative program as possible.

Mr. SCOTT. Mr. President, if the distinguished majority leader will give me a chance—and he has—to concur here, I think we should have tried to proceed by this method. I think we ought to invoke cloture, and if we cannot invoke cloture under a variation of the rule, that does not mean we may not be forced to invoke cloture under the existing rule.

What we are trying to make clear here is that both Hertz and Avis are trying harder to bring this session to an end.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes; then I wish to yield the floor to the Senator from Louisiana.

Mr. SYMINGTON. Mr. President, for the past several days, we have been debating the amount of foreign aid we are to give to other countries. The bill just passed provides over $400 million of such aid.

Mr. President, may I have the attention of the majority leader?

Mr. MANSFIELD. Yes.

Mr. SYMINGTON. Am I to understand that in the conference with the House of Representatives, $200 million additional has been put in the foreign aid program, after the criticism we have had in discussing this present amount, and it has been put in an appropriation without any authorization of any kind?

Mr. MANSFIELD. We can ask the manager of the conferees.

Mr. McGEE. No, that is not true.

Mr. SYMINGTON. I am talking about the measure the Senator from Arkansas brought out.

Mr. McGEE. We are talking about the original appropriation bill and the supplemental appropriation bill. There are two separate bills.

Mr. SYMINGTON. I understand.

Mr. McGEE. The $200 million, in stringent language, is in the original appropriation, not the supplemental.

Mr. SYMINGTON. Was that added in conference?

Mr. McGEE. That was subtracted in conference. The original amount was $800 million, in the House bill.

Mr. SYMINGTON. Was that authorized by the Senate?

Mr. McGEE. By the House. The Senate's appropriation was not authorized. That raised the question of how to break the conference by give and take; and we put in $200 million.

Mr. SYMINGTON. Am I to understand that Senate conferees can appropriate money without any authorization for the foreign aid bill?

Mr. McGEE. There is a precedent. We went through this issue 2 years ago. The issue facing the conferees was whether they could even go to conference without the approval of all the

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other committees involved, and we decided the precedent was indeed here for going to conference, and the Parliamentarian tells me that no point of order is in order, but the issue can be raised on the conference report, and the chairman of the Committee on Foreign Relations has assured me that he will raise it as an argument, on the regular foreign aid bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, that very fact was one of the reasons why I wanted to see the bill just reported this afternoon by the committee and passed on the floor, so that question would not arise. As a matter of fact, the supplemental appropriation has not even gone to conference, so we are fully protected on that. But that is what I was trying to avoid, because a precedent has been set, and if we had done this, not only the Appropriations Committee would have been run around, but the Senate also.

Mr. McGEE. The Appropriations Committee, on the supplemental, attached the proviso that this was subject to the action of this body, because it was a matter of timing and trying to coordinate with the House of Representatives, so we covered it with that proviso, but that was not one of the features present in the old one, in going into credit sales of the military.

Mr. FULBRIGHT. But the $200 million is not authorized by law in the regular aid bill.

Mr. SYMINGTON. Then this comes up for discussion on the conference report, and it is not authorized by law, is that correct?

Mr. MANSFIELD. And we have been told that it will be discussed when the conference report gets over here.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1443, H.R. 17550. I do this so that it will become the pending business.

The PRESIDING OFFICER. The Chair inquires of the Senator, does he ask unanimous consent or move?

Mr. MANSFIELD. I move, yes.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments.

Mr. LONG. Mr. President, I invite the attention of the Senator from New York (Mr. JAVITS) to what I am about to say.

I ask unanimous consent that the following members of the staff of the Legislative Reference Service, Education and Public Welfare Division, be granted the privileges of the floor during the debate on the Social Security Amendments of 1970, H.R. 17550:

Mr. Fred Arner, Mrs. Frances Crowley, Mr. Joe DeHumphries, and Miss Margaret Malone.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. RIBICOFF. I wonder if the Senator would include in that unanimous consent Mr. Taggert Adams of my staff, to have the privilege of the floor during the consideration of the family assistance provision.

Mr. JAVITS. Would the Senator add the name of Kenneth Guenther and John Scales?

Mr. LONG. Are they not on the Senator's staff?

Mr. JAVITS. Yes.

Mr. LONG. Mr. President, in the event that it should become necessary to clear the floor of legislative assistants, I ask unanimous consent that two persons from the staff of the Senator from New York (Mr. JAVITS) be permitted the privilege of the floor, and one from the staff of the Senator from Connecticut (Mr. RIBICOFF).

Mr. MONDALE. Would the Senator include the name of Ruth Johnstone?

Mr. LONG. One from the staff of the Senator from Minnesota.

Mr. JAVITS. Mr. Janus and Mr. Blumenthal.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. COOK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPARKMAN. Mr. President, will the Senator yield for me to make a unanimous-consent request? It will not take 10 seconds.

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to Senators who wish to ask unanimous consent, reserving my right to the floor.

The PRESIDING OFFICER. Is there objection?

EMPLOYMENT AND MANPOWER ACT OF 1970

Mr. NELSON. Mr. President, both Houses of Congress have passed and sent to the President one of the most significant pieces of legislation to emerge from this session of Congress—the Employment and Manpower Act of 1970.

This bill has enjoyed broad bipartisan support in the Congress and tremendous backing from the most prestigious national organizations.

It would carry out a sweeping reform of our present Federal manpower training programs which have been found to be quite inadequate and ineffective. This reform of manpower training programs was a proposal which originated with the President himself. The bill would give it to him.

In addition the bill would establish a major nationwide public service employment program designed and operated at the state and local level, largely by mayors and Governors. It is the one piece of legislation passed by this session of Congress which offers some positive answer to rising unemployment all across the country. The bill would give the President a powerful tool to use in fighting unemployment.

I have been informed today by a number of reliable sources within the administration and in State and local governmental offices around the country that the Department of Labor is absolutely insistent that the President veto the bill. It seems incredible that the Labor Department would make such a recommendation, but the report appears to be confirmed from many different sources. If those reports prove to be unfounded, I will, of course, be greatly pleased, along with many others.

If the bill is vetoed by the President it will only be because he has failed to hear the full facts on the legislation and the viewpoint of a tremendous number of responsible people across the Nation who participated in the development of the legislation and strongly support it.

This bill has been endorsed by the Urban Coalition, National League of Cities, U.S. Conference of Mayors, National Association of Counties, the AFL-CIO, the National Council of Senior Citizens, Congress of American Indians, and a great number of other organizations. So far as I can determine, the only serious opposition comes from a comparative handful of officials within the Labor Department who are disappointed because Congress did not approve every feature in the legislation which they personally had requested.

I am certain that both the President and Congress realize that the legislative process involves a considerable amount of compromise. The fact is the Labor Department has achieved almost every significant feature which it has requested in the bill and should have no difficulty whatsoever in administering this legislation in the future.

The President spoke to the Nation in August of 1969 and proposed comprehensive reform of our manpower programs, at the same time that he proposed revenue sharing and the family assistance plan. Every single aspect of manpower reform which the President requested in his message of August 12 is embodied in the Employment and Manpower Act which is on his desk. With one stroke of the pen the President can achieve one of the three major reforms which he proposed in August of 1969.

On the other hand if the President vetoes this manpower bill, he will remove any prospect of achieving manpower reform for a period of several years. The bill has been under active consideration by our Subcommittee on Employment, Manpower, and Poverty since November of 1969. Its successful passage through both houses of Congress and through a conference committee was achieved by more than a year of extremely hard work

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both inside and outside Congress and by the development of a carefully balanced consensus among interested organizations. Our subcommittee must begin next month the urgent consideration of major new legislative proposals with respect to the Office of Economic Opportunity. There is no prospect whatsoever for the consideration in the next session of Congress for manpower reform legislation. Furthermore, I fear that the act of vetoing the bill will so thoroughly disappoint Representatives, Senators, and members of interested organizations that it will be difficult to put together once again the coalition that made the legislation possible.

Reform of manpower programs cannot be viewed apart from the family assistance plan. I am aware of a very vigorous bipartisan effort to secure action on the family assistance plan before this Congress adjourns.

In my opinion, it would be extremely unwise and even irresponsible to act on the family assistance plan before the issue involving the manpower bill has been resolved.

For one thing, the President has strongly emphasized the fact that the beneficiaries of family assistance would be required to register for work opportunities or for training under a Federal manpower training program. It would be the greatest folly to launch a multibillion-dollar program which would require millions of people to report for work in jobs which do not exist or report for training under programs which the administration itself says are presently in a state of disarray, bordering on chaos.

It is ironic that at the same time Secretary of Health, Education, and Welfare Richardson has expressed support for public service employment in the family assistance plan, the Department of Labor representatives are opposing the program contained in the manpower legislation.

It should be noted that the Ribicoff-Bennett proposal, which spokesmen for HEW are even now asking Senators to support, provides for 80-percent Federal funding of public service employment for family assistance recipients, and that it can even be as high as 90-percent Federal subsidy the first 2 years. So one part of the administration is going along with a Federal share of 80-percent-plus, while the Department of Labor has asked for a more restrictive proposal in the manpower legislation.

The Ribicoff-Bennett plan was drafted to dovetail with the public service employment program in the manpower legislation. It provides that public service employment may be carried out under that act or under the manpower legislation. Correspondingly, the manpower bill includes language making clear that recipients of family assistance benefits are eligible for public service employment programs carried out by States, counties, or cities or other public agencies under the manpower legislation.

Let me express my candid fear about a public service employment program which is limited only to welfare jobs. I think that it is important that other unemployed workers be able to participate in enhancing the quality of public services for our society. The manpower legislation's public service employment program would be for unemployed persons—not only those on public assistance.

It is our understanding that the Department is recommending a veto of the landmark legislation because it contains language concerning public service employment that the administration has accepted in the Ribicoff-Bennett family assistance plan.

The issue concerns the Labor Department's authority over public service employment programs.

In both the manpower legislation and the Ribicoff-Bennett amendments, language requiring maximum promotion and advancement of public service employees is included. But no compulsory cutoff of funds is required if better jobs are not available.

The Department is recommending a veto, we are told, because Congress rejected departmental language to require cutting the funds of States, cities, and counties for failing to meet quotas set by the Secretary, for removing persons from public service jobs.

During a time of high unemployment, for people whose employment is uncertain in the best of times, and in rural areas and inner city neighborhoods where jobs are always scarce, Congress feared that such objectives and penalties might be used to create simply another training program with salary replacing stipend and leading to no solution to the crisis in jobs.

I think both the Senate and the administration should be aware of the serious consequences which will result if the bill is vetoed.

EXTENSION OF TIME TO FILE COMMITTEE REPORT

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking and Currency have until midnight tonight to file a report on S. 4268, to amend the Export-Import Bank Act of 1945 as amended, to allow for greater expansion of export trade of the United States, to exclude bank receipts and disbursements from the budget of the U.S. Government, and for other purposes.

I also ask unanimous consent that individual views be made a part of this report.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA REVENUE ACT OF 1970

Mr. EAGLETON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 19885, and I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. Schweiker) laid before the Senate H.R. 19885, an act to provide additional revenue for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which was read twice by title.

Mr. EAGLETON. Mr. President, I send to the desk an amendment in the nature of a substitute for H.R. 19885.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The legislative clerk read as follows: Strike out all after the enacting clause, and insert in lieu thereof the following:

That this Act may be cited as the "District of Columbia Revenue Act of 1970".

Sec. 101. This title may be cited as the "District of Columbia Federal Payment Authorization Act of 1970."

TITLE I—FEDERAL PAYMENT

Sec. 102. Regular annual payments are hereby authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the Government of the District of Columbia, and such annual payments, when appropriated, shall be paid into the general fund of the District of Columbia. The annual payment so authorized shall be an amount which is equal to 30 percent of all general fund revenues derived from taxes, charges, and miscellaneous receipts, including that part of the motor vehicle registration fees which is credited to the general fund. Such authorization shall be based upon the estimate of such revenues which the Commissioner of the District of Columbia determines will be credited during each fiscal year to the general fund of the District of Columbia, but excluding any amount derived from grants and loans from the Federal Government to the District government.

Sec. 103. The Commissioner of the District of Columbia shall annually compute the amount of the Federal payment authorized to be appropriated under this title, and the amount of such authorization so computed shall be submitted to the Office of Management and Budget with each regular budget of the District of Columbia and, as approved by the Director of the Office of Management and Budget, shall be submitted to the Congress. Each such computation shall be determined on the basis of estimates of the tax revenues referred to in section 102 of this title which are expected to be credited to the general fund of the District of Columbia during the fiscal year for which the annual payment is being computed: *Provided*, That the amount so determined shall be subject to review after such fiscal year, and if the Federal payment appropriated on the basis of the amount so determined differs from the amount determined on the basis of revenues actually received and credited to the general fund, the Federal payment authorization for the second year succeeding such fiscal year shall be adjusted to the extent of such difference.

Sec. 104. Amounts authorized by section 102 of this title may be appropriated within fiscal year limitation.

Sec. 105. Article VI of the District of Columbia Revenue Act of 1947 (61 Stat. 361), as amended (D.C. Code, secs. 47–2501a and 47–2501b), is repealed.

Sec. 106. This title shall take effect with respect to fiscal years beginning on and after July 1, 1970.

TITLE II—LOAN AUTHORITY

Sec. 201. Subsection (b)(1) of the first section of the Act of June 6, 1958 (D.C. Code,

XUM

sec. 9-220(b)(1)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) in subparagraph (A), by striking out "1968, 1969, or 1970" and inserting in lieu thereof "1971, 1972, 1973 or 1974" and by striking out "6 per centum" and inserting in lieu thereof "10 per centum"; and

(2) in subparagraph (B), by striking out "1970" each place it appears and inserting in lieu thereof "1974" and by striking out "6 per centum" and inserting in lieu thereof "10 per centum."

SEC. 202. Section 214 of title II of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43-1613) is amended by striking out "$32,000,000" and inserting in lieu thereof "$93,900,000."

SEC. 203. Subsection (a) of section 402 of title IV of such Act (D.C. Code, sec. 7-133 (a)) is amended by striking out "$85,250,000" and inserting in lieu thereof "$146,800,000."

SEC. 204. Subsection (a) of section 2 of the Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system," approved June 2, 1950 (64 Stat. 195), as amended (D.C. Code, sec. 43-1540(a)), is amended by striking out "$35,000,000" and inserting in lieu thereof "$67,900,000."

SEC. 205. The increases in the borrowing authority of the District of Columbia made by this title shall be available to the Commissioner after June 30, 1974, in order to complete capital outlay projects approved prior to or during the fiscal year ending June 30, 1974.

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

SEC. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970".

SEC. 302. It is the purpose of this title to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

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SEC. 303. (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") in amounts the Secretary determines to be the minimum amounts necessary to carry out the purposes of this title. The total amount of grants under this section for any fiscal year shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of $3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

(b) For the purposes of this section and section 307, in determining eligibility for, and the amount of, grants with respect to private nonprofit medical and dental schools, consideration shall be given to any grants made to such schools pursuant to the portion of the program under section 772 of the Public Health Service Act (42 U.S.C. 295f-2) relating of financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation.

(c) There are authorized to be appropriated $6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

SEC. 304. The Secretary may from time to time set dates by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such information as the Secretary may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner and the applicant schools as the Secretary may from time to time require in carrying out his functions under this title.

SEC. 305. For the purposes of section 303 and section 307, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

SEC. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 307. From funds received under section 303, the Commissioner shall make payments (in amounts determined by the Secretary under such section 303) to private nonprofit schools of medicine and dentistry in the District of Columbia. The total of the payments under this section in any fiscal year to a medical school shall not exceed the product of $5,000 times the number of full-time students enrolled in such school, and the total of payments to a dental school shall not exceed the product of $3,000 times the number of full-time students enrolled in such school.

SEC. 308. The Commissioner may from time to time set dates by which applications for payments by the Commissioner under section 307 for any fiscal year must be filed. A payment under section 307 by the Commissioner may be made only if the application therefor—

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title; and

(2) contains such information as the Commissioner and the Secretary may require to make determinations required under this title and such assurances as they may find necessary to carry out the purposes of this title.

SEC. 309. Payments under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 310. For purposes of this title:

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

(3) The term "nonprofit" as applied to a school of medicine or a school of dentistry means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE IV—INDUSTRIAL SAFETY

SEC. 401. Title II of the Act of September 19, 1918 (D.C. Code, secs. 36-431—36-442) is amended as follows:

(1) Section 2 of such title (D.C. Code, sec. 36-432) is amended—

(A) by striking out in paragraph (a) "industrial employment, place of employment," and inserting in lieu thereof "place of employment", and

(B) by striking out in paragraph (d) "industrial".

(2) Section 3 of such title (D.C. Code, sec. 36-433) is amended by adding at the end thereof the following new sentence: "To promote the safety of persons employed in existing buildings or other existing structures, such rules, regulations, and standards may require, without limitation, changes in the permanent or temporary features of such buildings or other structures.".

(3) Section 6 of such title (D.C. Code, sec. 36-436) is amended to read as follows: "The Board may, upon written application of any employer affected by such rule or regulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in unnecessary hardship or practical difficulty, and notwithstanding such variance that the protection afforded by such rule or regulation will be provided. The Board may grant a hearing open to the public on such application upon request of the applicant or other interested party or parties, or on its own initiative. The Board's decision thereon shall be subject to review by the District of Columbia Court of Appeals upon petition of the applicant or other affected party or parties. The Board shall keep a properly indexed record of all variations permitted from any rule or regulation which shall be open to public inspection".

(4) Section 12 of such title (D.C. Code, sec. 36-442) is amended by striking out "more than $300, or by imprisonment of not exceeding ninety days. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the police court of the District of Columbia" and inserting in lieu thereof the following: "less than $100 or more than $1,000, or by imprisonment of not more than ninety days. No forfeiture of collateral shall be permitted in any case involving a death at a place of employment, or the loss of any member of the body, including loss of eyesight, or an injury which prevents an employee from pursuing his employment for a period of at least five days. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the District of Columbia Court of General Sessions by an assistant Corporation Counsel assigned to the Board."

SEC. 402. Section 11-742(a) of title 11 of the District of Columbia Code is amended—

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and

(3) by adding after paragraph (10) the following new paragraph:

"(11) decisions of the Minimum Wage and Industrial Safety Board pursuant to section 36-436."

TITLE V—WATER AND SEWER RATES

SEC. 501. The third sentence of subsection (a) of section 101 of title I of the District of Columbia Public Works Act of 1954 (68 State. 101), as amended (D.C. Code, sec. 43-1520c (a)), is amended to read as follows:

"In computing the charge for consumption of water in excess of the minimum amount allowed for metered service, if such charge is for a period beginning prior to a change in water rates and ending thereafter, the charge for such excess consumption shall be based upon the rate in effect at the time the charge is rendered."

SEC. 502. Subsection (b) of section 101 of such Act (D.C. Code, sec. 43-1520c(b)) is amended to read as follows:

"(b) Notwithstanding the provisions of subsection (a) of this section, the District of Columbia Council is authorized from time to time to fix the rates charged by the District for water and water services furnished by the District water supply system, at such amount as the Council, on the basis of a recommendation made by the Commissioner, determines is necessary to meet the expense to the District of furnishing such water and water services."

SEC. 503. Section 207 of title II of such Act (D.C. Code sec. 43-1606) is amended (a) by striking out in subsection (a) ", but such percentage shall not exceed 75 per centum of the water charge"; (b) by striking out in subsection (b) ", but such percentage shall not exceed 75 per centum of such rates"; (c) by striking out in subsection (d) "not more than 75 per centum of the water charge" and inserting in lieu thereof "the amount"; and (d) by adding the following subsection:

"(e) The District of Columbia Council is authorized, in its discretion, from time to time to establish one or more sanitary sewer service charges at such amount as the Council, on the basis of a recommendation made by the Commissioner, finds is necessary to meet the expense to the District of furnishing sanitary sewer services, including debt retirement."

SEC. 504. Subsection (c) of section 208 of title II of such Act (D.C. Code, sec. 43-1607 (c)) is amended to read as follows:

"(c) In computing the charge for sanitary sewer service, if such charge is for a period beginning prior to a change in the established sanitary sewer service charge and ending thereafter, the charge shall be based on the rate in effect at the time the charge is rendered."

TITLE VI—DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT AMENDMENT

SEC. 601. The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-107) is amended by striking out "any election" and inserting in lieu thereof "the presidential election".

Mr. EAGLETON. Mr. President, as passed by the House of Representatives, H.R. 19885, the District of Columbia Revenue Act of 1970, contains provisions which will provide additional funds for the District of Columbia in the form of an increase in the Federal payment, an increase in borrowing authority, and an increase in taxes.

In addition, the bill contains numerous provisions dealing with other aspects of the District of Columbia. For example, there are sections of the bill dealing with the D.C. Milk Act, restrictions on the District of Columbia minimum wage, the exemption of certain employees from the overtime provisions of the District of Columbia minimum wage law, and the divisions of land-grant funds between Federal City College and the Washington Technical Institute.

The amendment which I have sent to the clerk is in the nature of a substitute for H.R. 19885, and it contains six titles.

The first title provides for an annual Federal payment to the District that is equal to 30 percent of the general fund revenues of the District of Columbia.

The second title provides for an increase in the loan authority of the District of Columbia general fund, the highway fund, the sanitary sewage fund, and the water fund.

The third title provides funds for the private medical and dental schools located in the District of Columbia.

The fourth title provides for the extension and strengthening of the District of Columbia industrial safety law.

The fifth title grants the authority to the District of Columbia City Council to set water and sanitary sewer rates.

The sixth title changes the District of Columbia Alcoholic Beverage Control Act to allow the sales of alcoholic beverages after the polls close on all election days in the District of Columbia, excepting Presidential elections.

Mr. MATHIAS. Mr. President, I send an amendment to the desk to the substitute amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Maryland will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

TITLE ——REAL ESTATE INVESTMENT TRUSTS

SEC. —. Title II of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1557b) is amended by inserting after paragraph (16) of section 3a the following new paragraph:

"(17) REAL ESTATE INVESTMENT TRUSTS.—In the case of a real estate investment trust as defined in section 856 of the Internal Revenue Code of 1954, which meets the requirements of section 857(a) of the Internal Revenue Code of 1954, the dividends paid by the real estate investment trust which qualify for the dividends-paid deduction under section 857(b)(2)(c) and section 857(b)(3)(ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 858 of the Internal Revenue Code of 1954."

SEC. —. This title shall apply with respect to taxable years of real estate investment trusts beginning after December 31, 1970.

Mr. MATHIAS. Mr. President, this amendment is for the sole purpose of equating real estate trust tax treatment in the District of Columbia with that accorded mutual funds in the District.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute as amended.

The amendment in the nature of a substitute as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 19885) was read the third time, and was passed.

Mr. EAGLETON. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. MATHIAS, and Mr. SPONG conferees on the part of the Senate.

ORDER FOR RECESS UNTIL 9 A.M. ON THURSDAY, FRIDAY, AND SATURDAY THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that for the rest of the week the Senate stand in recess at the conclusion of business each night and meet at 9 a.m. on Thursday, Friday, and Saturday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE CALL OF THE CALENDAR ON UNOBJECTED-TO ITEMS TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that each day this week at the conclusion of the approval of the Journal it be in order that unobjected-to items on the calendar may be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the following members of the staff of the Senator from North Dakota (Mr. MCGOVERN) have the privilege of the floor during the consideration of H.R. 17550: Nancy Amadei and Kenneth Schlossberg.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate resumed the consideration of the bill (H.R. 17550), an act to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. LONG. Mr. President, H.R. 17550, the social security amendments of 1970, is truly a monumental bill. In terms of dollars, the $10 billion of benefits provided by this bill make it the most significant social insurance legislation Congress has ever considered. In terms of

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people, the impact of the bill—considered as a whole—is even more impressive. Not only does the measure directly affect the lives of 26 million social security beneficiaries but also it provides welfare increases for 3 million aged, blind, and disabled welfare recipients and pension increases for 1,600,000 needy veterans and their widows.

In addition, through the trade amendments included in this bill more than 2,500,000 textile and shoe employees will receive a sense of job security directly from the bill and tens of millions more employees will find comfort in the new rules governing Tariff Commission investigations of injury resulting from increased imports.

Under the amendments to upgrade the work incentive plan, the bill offers the hope of independence to 2 million persons who today are unable to qualify for gainful employment and must suffer the indignity of dependence on welfare to sustain themselves and their families.

Mr. President, the Committee on Finance has added important new titles to the bill—one dealing with international trade matters, and another which includes a substantial test of various alternatives to the welfare mess and offers significant reforms in the programs of aid to the aged, blind, and disabled. This latter part of the bill also reaffirms the intent of Congress in several areas regarding eligibility for welfare—areas where the courts have misconstrued the welfare statutes with resulting large increases in welfare caseloads.

These new titles are added to the bill with a single thought in mind—to expedite the legislative process. It is axiomatic that one bill can be acted on in less time than three. The committee was advised that amendments to add the trade bill and amendments to add the family assistance plan to this bill would be offered during the debate on the bill. They all look on this social security bill as a measure that is going to be presented to the President and that fact makes the bill a prime target for controversial amendments late in the session.

There are Senators on the Finance Committee who favored these amendments and there are others who oppose them. We spent considerable time discussing procedures for acting on the bill and in the final analysis it was agreed that we would vote on the questions in committee. The crucial motion to add the family assistance plan was rejected by a 6-to-10 vote of the committee. The crucial vote on the trade bill came as a motion to separate it from the social security bill. The motion failed by a vote of 6 to 11.

So the bill as reported by the committee does not include the family assistance plan but it does include the trade bill. The basic matters covered by the trade amendment are not new to the Senate. Nonetheless, the committee decided unanimously to interrupt its executive sessions and hold public hearings on the trade amendments before we voted on them.

I had been urged previously by 15 or so Senators to hold hearings on this bill before the committee acted. Among those signing the request was the senior Senator from New York. During our 2 days of hearings the committee heard from the Office of Special Trade Representative, the Secretary of Commerce, the Secretary of State, the Director of the Office of Emergency Preparedness, the Assistant Secretary of Agriculture, and a number of broad-based trade associations who had expressed interest in testifying. While we did not have time to hear all those whom we would have wished to hear, the committee members did get a clear indication of the administration's position on this bill and also of the position of many interested parties.

The committee members studied intently the massive volume of statements submitted for the record. We also had available to us 16 volumes of House hearings on this matter, which took over 1 month of public testimony, the hearings of the Committee on Finance held in 1967, which covered some 1,200 pages of testimony, and the committee's oversight review of U.S. trade policy in 1968 covering another 1,000 pages of submitted documents.

Considering the features of the bill which revise the social security tax structure it is a fair statement that H.R. 17550 literally reaches into every home in America.

The following chart indicates the value of benefits included in H.R. 17550 as reported by the Committee on Finance, and the number of persons affected by them.

CHART 1.—INCREASED BENEFITS UNDER H.R. 17550

	1st full year cost	Number of persons affected
Social security:		
Cash benefits	$6,500,000,000	26,000,000 beneficiaries.
Medicare	100,000,000	20,000,000 persons covered.
Catastrophic illness	2,200,000,000	170,000,000 persons covered.
Subtotal	8,800,000,000	
Welfare:		
Aid to the aged, blind, and disabled	300,000,000	3,000,000 aged, blind, and disabled persons.
Child care, family planning, work incentive program (including tax credit).	700,000,000	About 2,000,000 mothers receiving welfare.
Subtotal	1,000,000,000	
Veterans' pension increase	160,000,000	1,600,000 pensioners.
Total value of benefits in H.R. 17550	10,000,000,000	

Let me now describe the significant features of the committee bill, and I shall submit for the record a more detailed summary of the provisions of the bill.

The committee bill provides $6,500,000,000 of additional benefits under the cash portion of the social security program.

INCREASE IN SOCIAL SECURITY BENEFITS

Under the committee bill, social security payments to the nearly 26 million beneficiaries on the rolls at the end of January 1971, and to those who come on the rolls after that date, would be increased by 10 percent, with a new minimum benefit of $100.

The House-passed bill would have increased benefits by 5 percent, with a minimum benefit of $67.20. The committee increased the minimum social security benefit from the $67.20 in the House bill to $100 in order to provide substantial help for those who have the greatest need—those whose social security benefits are so low that if they have no other income—and most do not—they are unable to meet their basic everyday needs for food and shelter.

Under present law monthly benefits for workers who retire at age 65 in 1971 now range from $64 to $193.70; under the House-passed bill they would range from $67.20 to $203.40; under the committee bill they would range from $100 to $213.10. Benefits for a couple in January 1971 would average $198 under present law; under the House-passed bill they would average $217; under the committee bill they would be increased to $233. For a widowed mother with two children, the average benefit for January 1971 under present law would be $295; under the House-passed bill it would be $311; under the committee bill it would be $331. The benefit increase would mean additional benefit payments of $5,000,000,000 in the first year.

Although the benefit increase will be effective for January 1971, the Social Security Administration advises us that legislation this late in the year makes it impossible to get the increased benefits into the hands of the beneficiaries with the regular check that goes out on February 3. They need about 3 months to adjust their records and computers before they can pay at the new rates.

Therefore, the first check at the new rates will be sent out on April 3, and later in the month another check representing the retroactive increase for January and February will be sent out. This is the same procedure followed last year when a benefit increase was effective for January, but was not paid until April.

Mr. President, this chart compares the benefits under the committee bill with the benefits available under present law and those which would have applied under the House bill for a single person and a married couple with various levels of earnings.

CHART 2.—ILLUSTRATIVE MONTHLY BENEFITS PAYABLE UNDER PRESENT LAW, UNDER THE HOUSE BILL, AND UNDER THE SENATE FINANCE COMMITTEE BILL

	Benefit amount					
	Worker			Couple		
Average monthly earnings	Present law	House bill	Committee bill	Present law	House bill	Committee bill
$76	$64.00	$67.20	$100.00	$96.00	$100.80	$150.00
113	90.60	95.20	100.00	135.90	142.80	150.00
150	101.70	106.80	111.90	152.60	160.20	167.90
250	132.30	139.00	145.60	198.50	208.50	218.40
350	161.50	169.60	177.70	242.30	254.40	266.60
450	189.80	199.30	208.80	284.70	299.00	313.20
550	218.40	229.40	240.30	327.60	344.10	360.50
650	250.70	263.30	275.80	376.10	395.00	413.70
750		283.00	296.00		424.50	444.00

INCREASE IN FAMILY MAXIMUMS

The committee bill also corrects a discrimination under which families already on the rolls at the time of enactment of a social security increase get the increase while those coming on the rolls in the future are denied it. Under our bill, all families will benefit from this increase and from future increases without regard to when they become eligible for benefits.

COST-OF LIVING INCREASES

Once the benefits are brought up to date, they need to be kept up to date. And while the Congress has in the past acted to maintain social security benefits at realistic and adequate levels, there have been lags in legislation during times of rapidly rising prices. The automatic cost-of-living increases provided in H.R. 17550 will insure that such lags in benefit increases will not occur in the future.

While the committee is in agreement with the sense of the House bill as to the desirability of an automatic adjustment in social security benefits, the committee bill revises the House text to stress the role of the Congress in setting social security tax and benefit levels. Under the committee bill, social security benefits would rise automatically as the cost of living goes up in the event Congress failed to legislate on social security benefits or taxes. The full cost of the automatic benefit increases would be met equally by increases in tax rates and in the tax base which would go into effect at the same time that benefits are increased, with the strictly actuarial function of determining the base and the rates being performed by the Secretary of Health, Education, and Welfare.

The committee bill provides that the automatic increases would go into effect unless Congress acts otherwise to effect a change in social security benefit levels, a change in the schedule of social security tax rates, or a change in the social security tax base. In effect, we are guaranteeing that congressional inaction will not prevent automatic social security hikes in periods of rising prices.

SPECIAL PAYMENTS TO PEOPLE AGE 72 AND OLDER

Under present law, special payments of $46 a month for an individual and $69 for a couple are made to people age 72 and over who have not worked under the program long enough to qualify for regular cash benefits. This is the so-called Prouty amendment of 1966. Under the committee bill, as under the House bill, the payments would be increased January 1, 1971, by 5 percent, to $48.30 a month for an individual and $72.50 for a couple.

LIBERALIZATION OF THE RETIREMENT TEST

Another important feature of the committee bill makes significant improvements in the retirement test. These improvements—which were also in the House bill—provide an increase from $1,680 to $2,000 in the amount a beneficiary under age 72 may earn in a year and still be paid full social security benefits for that year. The change reflects increases in earnings levels that have occurred since the present amount of $1,680 was set in 1967. The bill also provides for automatic upward adjustments of the amount in the future as earnings levels rise, thereby making it unnecessary for Congress to act in the future to keep the earnings exemption in line with raises in wage levels generally.

Under present law, each $2 earned between $1,680 and $2,880 results in a $1 reduction in benefits; each dollar earned above $2,880 reduces benefits by $1. This dollar-for-dollar reduction that applies to earnings above $2,880 reduces incentives for beneficiaries to work. The committee bill would provide for a $1 reduction for each $2 earned with respect to all earnings above $2,000, so that the more a beneficiary works and earns, the more spendable income he would have. The bill would also increase from $140 to $166.66 the amount of wages the beneficiary may earn in a given month and get benefits for that month, regardless of his annual earnings.

In 1971 about 650,000 beneficiaries would receive additional benefits, and about 380,000 persons who would receive no benefit under present law would receive some benefits as a result of the retirement test liberalizations. The additional benefit payments for the first full year would be about $404,000,000.

INCREASED WIDOW'S AND WIDOWER'S INSURANCE BENEFITS

Both the House bill and the committee bill are aimed at providing benefits to a widow equal to the benefits the widow's deceased husband was receiving or would have received. Unfortunately, the way the House bill was written a widow could actually receive a benefit substantially higher than her husband received before his death. Generally, under the committee bill the widow would receive either 100 percent of the benefit her husband was actually receiving at the time of his death, or, if he was not receiving benefits, 100 percent of the benefit he would have been eligible for at age 65.

About 2,700,000 widows and widowers on the rolls at the end of January 1971 would receive additional benefits, and $649,000,000 additional benefit payments would be made in the first full year.

AGE 62 COMPUTATION POINT FOR MEN

Under the present law, the method of computing benefits for men and women differs in that years up to age 65 must be taken into account in determining average earnings for men, while for women only years up to age 62 must be taken into account. Also, benefit eligibility is figured up to age 65 for men and up to age 62 for women. These differences, which provide special advantages for women, would be eliminated by applying the same rules to men as now apply to women.

Under the committee's bill, there would be a gradual transition to the new procedures. The age 62 computation would apply only to those becoming entitled to benefits in the future; the number of years used in determining insured status and in computing benefits for men would be reduced in three steps so that men reaching age 62 in 1973 and later would have only years up to age 62 taken into account in determining insured status and average earnings.

In the first full year, an additional $6,000,000 in benefits would be paid out under this provision. This amount will scale upward in future years, eventually involving $1,000,000,000. Under the change in benefit eligibility requirements for men, some 2,000 people—workers, their dependents and survivors not eligible under present law—would be added to the rolls in the first year.

ADOPTIONS

The committee simplified the adoption rules in present law so that eligibility of children adopted by retired workers and children adopted by disabled workers would be determined under common rules. Under the committee bill, a child who is adopted after a worker is entitled to benefits would be able to get child's benefits based on the worker's earnings if: First, the adoption was decreed by a court of competent jurisdiction within the United States; second, the child lived with the worker in the United States for the year before the worker became disabled or entitled to an old-age or disability insurance benefit; three, the child received at least one-half of his support from the worker for that year; and fourth, the child was under age 18 at the time he began living with the worker.

These simplified rules will bring considerable equity to a very complex area of the law and eliminate the need for many special purpose amendments in the future.

PROVISIONS RELATING TO DISABILITY

Under present law, there is a 6-month waiting period before a disabled person is eligible for social security disability insurance benefits. However, the month of disablement does not count as part of the waiting period. Also, the check for the month following the waiting period is not paid until the next month. This has caused considerable hardship to disabled people, particularly those suffering a terminal illness. The committee's bill would reduce the waiting period from 6 months to 4 months. About 140,000 people—disabled workers and their dependents and disabled widows and widowers—would be able to receive a benefit for January 1971 as a result of this provision. About $185 million in additional benefits would be paid out during the first full year.

DISABILITY OFFSET

The committee deleted the provision in the House bill which would have raised the ceiling on income from combined workmen's compensation and social security disability insurance benefits from 80 percent to 100 percent of the disabled worker's average current earnings before the onset of his disability. The objective of the offset provisions is to avoid the payment of combined amounts of social security benefits and workmen's compensation payments that would be excessive in comparison with the beneficiary's earnings before he became disabled. Although the committee agrees with the compassionate objective of the House bill, it feared the combination of first, payments equal to past wages, plus, second, tax exemption for these amounts, could result in payments in excess of prior take-home pay and this could jeopardize efforts to rehabilitate the worker and restore him to gainful employment. The committee was of the opinion that the best interest of the disabled worker in his own rehabilitation.

MEDICARE AND MEDICAID

During the past 2 years, the committee has devoted an extensive and almost disproportionate share of its time to determining and evaluating the many problems in the huge medicare and medicaid programs.

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Parenthetically, it might be worthwhile to mention that during our years of work we have shared with the Committee on Ways and Means information we have developed. The Committee on Ways and Means, in turn, has given us the benefit of their efforts.

The medicare and medicaid programs are here to stay. With that in mind, it was more important than ever for the committee to act to correct the problems which our work revealed. The House, in its bill, attempted to and did develop solutions to some of the important problems. We accepted, and in some instances, improved upon amendments in the House bill designed to bring medicare and medicaid costs under control. We have also added amendments to further achieve the common objectives of both the House and Senate—reasonable and equitable controls on the costs and utilization of health care services with the minimum amount of redtape.

We believe the amendments of the House and those added by the Finance Committee will go a very long way toward assuring the taxpayers and the millions of citizens who depend upon medicare and medicaid that those programs will function more effectively and economically in delivering quality health care.

Let me describe the more important features of this part of the committee's bill.

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

My distinguished colleague from Utah (Mr. BENNETT) has worked very hard on the provision in the committee's bill that provides for the establishment and use of professional standards review organizations. I would not wish to let this opportunity go by without recognizing his outstanding efforts in developing this provision.

Under this provision, professional standards review organizations would be established to review the utilization of health care provided under the medicare and medicaid programs. The Secretary of Health, Education, and Welfare would, after consultation with national and local health professions and agencies, designate appropriate areas throughout the Nation for which professional standards review organizations would be established. Areas may cover an entire State or parts of a State, but generally a minimum of 300 practicing doctors would be included within one area.

Organizations representing substantial numbers of physicians in an area, such as medical foundations and societies, would be invited and encouraged to participate. Where the Secretary finds that such organizations are not willing or cannot reasonably be expected to develop capabilities to carry out professional standards review organization functions in an effective, economical, and timely manner, he would enter into agreements with such other agencies or organizations with professional competence as he finds are willing and capable of carrying out such functions.

The Secretary would approve those organizations which can reasonably be expected to improve and expand the professional review process. The initial approval would be made on a conditional basis, not to exceed 2 years, with the review organizations operating concurrently with the present review system. During the transitional period, medicare carriers and intermediaries are expected to abide by the decision of the professional standards review organization where the professional standards review organization has acted. This reliance will permit a more complete appraisal of the effectiveness of the conditionally approved professional standards review organization. Where performance of an organization is unsatisfactory, and the Secretary's efforts to bring about prompt necessary improvement fail, he could terminate its participation.

Provider, physician, and patient profiles and other relevant data would be collected and reviewed on an ongoing basis to the maximum extent feasible to identify persons and institutions that provide services requiring more extensive review. Regional norms of care would be used in the review process as routine checkpoints in determining when excessive services may have been provided. The norms would be used in determining the point at which physician certification of need for continued institutional care would be made and reviewed. Initial priority in assembling and using data and profiles would be assigned to those areas most productive in pinpointing problems so as to conserve physician time and maximize the productivity of physician review.

The professional standards review organization would be permitted to employ the services of qualified personnel, such as registered nurses, who could, under the direction and control of physicians, aid in assuring effective and timely review. They would also be authorized to use the services of effective hospital utilization review committees and local medical society review committees in performing their tasks.

Where advance approval by the review organizations for institutional admission is required, such approval would provide the basis for a presumption of medical necessity for purposes of medicare and medicaid benefit payments. Failure of a physician, institution, or other health care supplier to seek advance approval, where required, could be considered cause for disallowance of affected claims.

In addition to acting on their own initiative, the review organizations would report on matters referred to them by the Secretary. They would also recommend appropriate action against persons responsible for gross or continued overuse of services, use of services in an unnecessarily costly manner, or for inadequate quality of services and would act to the extent of their authority or influence to correct improper activities.

A National Professional Standards Review Council would be established by the Secretary to review the operations of the local area review organizations, advise the Secretary on their effectiveness, and make recommendations for their improvement. The Council would be composed of physicians, a majority of whom would be selected from nominees of national organizations representing practicing physicians. Other physicians on the Council would be recommended by consumers and other health care interests.

INSPECTOR GENERAL FOR HEALTH ADMINISTRATION

We on the committee have been increasingly concerned about making sure that the medicare and medicaid programs operate effectively and as Congress intends. I know other Members of the Congress and the people who administer these programs have been concerned, too. But these programs are very complex and far reaching and sometimes the review processes being used cannot identify problems or discrepancies as soon as we all would like. And sometimes there is no way to promptly correct the problems that have been found.

I want to commend two distinguished members of the committee—the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Delaware (Mr. WILLIAMS)—who sponsored a provision in the committee bill that will go a long way to alleviate our concern about these difficulties. The provision will establish an Office of Inspector General for Health Administration within the Department of Health, Education, and Welfare.

His responsibilities will be patterned after the successful approach by the Agency for International Development and the investigative responsibilities, with respect to congressional requests, required of the U.S. Tariff Commission. In carrying out his responsibilities, he will not be under the control of any officer of Health, Education, and Welfare other than the Secretary, and he will be provided with sufficient authority to make sure that medicare and medicaid function as Congress intends. He will continuously review these programs, and any other health programs established under social security, to determine their efficiency and economy of administration, their compliance with the law, and the extent to which the objectives and purposes for which they were established are being realized.

He will recommend ways to correct deficiencies or to improve these programs. And he will have the authority to suspend regulations, or practices or procedures which he finds not in harmony with congressional intent or which will lead to inefficiency and waste. It is important to have a mechanism for dynamic and ongoing review of these programs, and that the person with this responsibility be at a level where he can promptly call attention to problems and deal with them in a timely and effective fashion. Armed with the authority provided under this provision, I believe the voice of the Inspector General will be effective in improving the efficiency and economy with which the medicare and medicaid programs of the Department of Health, Education, and Welfare are administered.

WAIVER OF NURSING REQUIREMENTS IN RURAL HOSPITALS

Several members of the committee were concerned about the problem created by the need to assure the availability of hospital services of adequate quality in rural areas and the fact that existing shortages of qualified nursing personnel generally make it difficult for some rural hospitals to meet the nursing staff requirements in present law. The committee has attempted to resolve this problem by including in the bill a provision that would allow the Secretary, under certain conditions, to waive the medicare requirement that a hospital have registered professional nurses on duty around the clock. This requirement could be waived only if; first, the hospital has at least a registered nurse on the daytime shift; second, has made, and is continuing to make, a real effort to hire enough nurses to meet the requirements, and third, is unable to employ qualified personnel because of nursing shortages in the area. Also, the hospital must be located in an isolated geographical area in which hospital facilities are in short supply and the closest other facilities are not easily accessible to people of the area. And finally, it must be known that nonparticipation of the hospital would seriously reduce the availability of hospital services to medicare beneficiaries living in the area.

The Secretary would, of course, regularly review the situation with respect to each of these hospitals and the waiver would be granted on an annual basis for a period of only one year. This waiver would apply only to the nursing staff requirements and would expire on December 31, 1975.

PROFICIENCY TESTING OF HEALTH PERSONNEL

In 1967 the committee recommended that the Secretary of Health, Education, and Welfare consult with appropriate professional health organizations and State health agencies to explore, develop, and apply appropriate means—including testing procedures—for determining the proficiency of health care personnel otherwise disqualified or limited in responsibility under regulations of the Secretary.

The Department has taken little or no action, except with respect to directors of clinical laboratories, in developing proficiency testing and training courses. The personnel problems which existed in 1967 and which the committee sought to correct have been aggravated as a result of the Department's continued inaction.

We are all aware of the acute shortage of nursing personnel in America. This has forced many hundreds of nursing homes to cover some shifts with "waived" practical nurses. These are practical nurses, who do not have the required formal training, and who, in many States, have been licensed on a waivered basis. Undoubtedly, a substantial proportion of these practical nurses, who have years of experience, are competent, but they do not meet the medicare and medicaid charge-nurse requirements. Therefore, unfortunately, many otherwise-qualified nursing homes are being or soon may be forced out of the medicare program because of the unavailability of a registered nurse or a licensed practical nurse who meets the medicare requirements. Similar problems exist with respect to physical therapists, medical technologists, and psychiatric technicians.

The committee has therefore added to the House bill a provision which requires the Secretary to explore, develop, and apply appropriate means of determining the proficiency of health personnel disqualified or limited in responsibility under present regulations. The committee expects that the Secretary will regularly report to it and to the Committee on Ways and Means of the House of Representatives concerning the progress in this area.

REIMBURSEMENT OF PHYSICIANS IN TEACHING HOSPITALS

The committee is aware that a major problem—of almost scandalous proportions—in medicare administration is the payment under part B on a fee-for-service basis for the services of "supervisory" physicians in teaching hospitals—services which in many instances were never rendered by the physician in whose name they were billed. We estimate these payments to be more than $100,000,000 annually and in general, such payments were not made prior to medicare. It certainly was not the intent of Congress that medicare cover noncustomary charges. The Comptroller General of the United States has sent several disturbing reports to the committee that document and detail the problems in this area.

The House bill attempts to deal with this problem by providing for payment under part B—physician's bills—for services of certain teaching physicians on a cost rather than a charge basis. Payment on a fee-for-service basis would only be made if there is general billing for such services to all patients and collection from those able to pay.

The committee believes, and has amended the House bill to provide, that payments for services furnished by supervisory physicians in teaching hospitals should be made on a cost basis under part A—hospital insurance—unless the patient is truly a private patient or unless the hospital since 1965 has charged all patients in full, including the medicare deductible and coinsurance amounts, and has collected from at least half of them. For donated services of teaching physicians a salary cost would be imputed equal to the average cost of salaried physicians.

LIMITS FOR DETERMINING REASONABLE CHARGES FOR PHYSICIANS' SERVICES

Another specific concern of the committee has been the threat that continuing increases in physicians' fees pose to the effectivness of the medicare program. We certainly recognize that there are complex reasons for these increases. Part of the problem is that more and more people are seeking medical care and the number of doctors is not increasing fast enough to keep up with the demand. But something must be done.

The House bill which the committee approves without change moves in the direction of an approach to reimbursement of physicians that ties recognition of fee increases to some reasonable index that reflects what is happening in the rest of the economy, thereby limiting recognition of increases in charges to amounts that economic data indicate would be fair to all concerned. Under this approach, recognition of fee increases would continue, but only in relation to things that are happening in other parts of the economy that have a bearing on the physician's cost of doing business. What is proposed is not a limit on what a physician may charge under the medicare program, but rather a limit on what the program will recognize as the prevailing fee in the locality. Thus, a limitation would be imposed only where a physician's charges are significantly higher than the usual or prevailing charge in the locality for the same service, or where a physician raises his customary charge significantly above former levels.

This is not an effort to penalize any group in the health care delivery system or to interfere with anyone's right to receive just compensation for their services. The objective is to move toward a system of determining reasonable charges which will be related to the general state of the economy. Indexes will be developed to give recognition to such things as the cost of producing medical services, costs of living, and

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earnings of other professional people. This approach should provide the individual physician with an objective measure of the fairness of increases in his charges.

LIMITS ON REIMBURSEMENT FOR CAPITAL EXPENDITURES

The committee also approved the provision in the House bill that would authorize the Secretary of Health, Education, and Welfare to withhold or reduce reimbursement amounts for depreciation, interest, and other expenses related to capital expenditures for plant and equipment in excess of $100,000 where such expenditures and equipment are determined to be inconsistent with State or local health facility plans. This feature is similar to a provision in the committee bill of 1967. Under this program, the Secretary would make agreements with States to utilize the services of qualified health planning agencies to help in administration of this provision. The agencies will submit findings and recommendations with respect to proposed capital expenditures that are inconsistent with the plans developed by these agencies.

The committee amended the provision to provide for appeal at the State level when negative decisions are made by the planning agencies. This provision would not impede the growth and expansion of hospitals and skilled nursing homes but would provide guidance to assure that future growth is achieved in a sensible, orderly manner. It should have little or no effect on most hospitals and nursing homes since additional facilities are generally constructed only in response to a need of the community. But this provision should discourage a hospital from acting without regard for the needs of the community.

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LIMITATION ON COSTS RECOGNIZED AS REASONABLE

Under present law, providers of services are paid on the basis of reasonable cost. However, there are a number of problems that inhibit making a decision that the costs for a particular provider are not reasonable.

The committee is mindful of the fact that costs can and do vary from one institution to another as a result of differences in size, in the nature and scope of services provided, type of patient treated, the location of the institution, and various other factors affecting the efficient delivery of needed health services. It is also true, however, that costs can vary from one institution to another as a result of variations in efficiency of operation, or the provision of amenities in plush surroundings. The committee believes that it is undesirable, to reimburse health care institutions for costs that are the result of gross inefficiency in operation or provision of expensive services that are not medically necessary. These costs cannot properly be considered "reasonable" for purposes of payment under medicare and medicaid.

Accordingly, the committee approves the House provision which would give the Secretary new authority to set limits on costs recognized for certain classes of providers in various service areas. This new authority differs from existing authority in several ways and meets the particular problems identified above. First, it would be exercised on a prospective, rather than retrospective, basis so that the provider would know in advance the limits to Government recognition of incurred costs and have the opportunity to avoid incurring costs that are not reimbursable. Second, relatively high costs that cannot be justified by the provider as reasonable for the results obtained would not be reimbursable. Third, provision would be made for a provider to charge the beneficiary for the costs of items or services in excess of or more expensive than those that are determined to be necessary in the efficient delivery of needed health services.

ADVANCE APPROVAL OF CARE IN EXTENDED CARE FACILITIES AND HOME HEALTH CARE

One of the key problem areas in medicare has been the substantial number of retroactive denial of benefits for care provided in extended care facilities. I know that I have received many heartbreaking letters from people faced with tremendous bills for services they thought were covered by their medicare insurance.

To deal with the problem, the committee has modified the provision in the House bill which authorizes the Secretary of Health, Education, and Welfare to establish presumptive periods of coverage on the basis of a physician's certification for patients admitted to an extended care facility or started on a home health plan. Under the committee amendment, to the greatest extent possible, prior review and approval of physicians' certifications of patient need for extended care would be required. Unless the doctor's certification was specifically disapproved in advance, medicare coverage would apply and payment would be made for the lesser of: First, the initially certified and approved period, second, until notice of disapproval, or third, 10 days. The committee bill also provides for a similar advance approval approach to the determination of coverage and payment for home health services. The committee hopes that this amendment will help to solve the problem of retroactive denials that have been so burdensome to medicare beneficiaries.

ADDITIONAL SAFEGUARDS

The committee bill adds a number of significant features to the statute to protect the medicare program from abuses. One of these facilitates the recovery of overpayments by authorizing a lien in favor of the Government in the amount of the overpayment.

Another provides specific penalties for fraud and abuse of the program and makes it a criminal offense to solicit, offer, or accept bribes or kickbacks—including the rebating of a portion of a medicare or medicaid fee or charge for a patient referral.

Still another would give the Secretary authority to terminate payment for services rendered by an abusive provider of health and medical services—those who have made a practice of furnishing inferior or harmful supplies or services, engaged in fraudulent activities, or consistently overcharged for their services.

Along with these structural improvements in the medicare program the committee bill proposes new rules governing the reimbursement of physical therapists, speech therapists, occupational therapists, and other specialists such as social workers, medical records, librarians, and dieticians. Under the bill payments to these providers will be limited to a "salary-related" basis. In effect their payment will not be on a fee-for-service basis, but will be limited to the amount generally equal to the salary such a person would reasonably have been paid if he were an employee. Of course, adjustments are authorized for expenses incurred by these people as self-employed persons—office expenses, travel expenses, and the like.

A new system of publicizing deficiencies in health care facilities is also included in the committee bill. This information would enable physicians and patients alike to make sounder judgments about their own use of available facilities in the community and should also serve to speed up the process of correction of the deficiencies.

HEALTH MAINTENANCE ORGANIZATIONS

The bill as passed by the House would provide medicare beneficiaries with an option to have all covered services furnished or arranged for by a health maintenance organization—a group practice or other prepayment capitation plan. The administration has strongly advocated this approach to health care payment and arrangement, expressing the view that it would provide incentives to hold medicare costs down. Existing prepayment plans such as Kaiser in California and HIP—Health Insurance Plan—in New York have demonstrated an ability to provide comprehensive health care of good quality efficiently and economically. The administration in urging this amendment expressed the hope that it would expand availability to older people of the desirable characteristics of prepaid comprehensive health care.

The committee has been concerned that this new medicare option without sufficient controls could turn out to be an area of potential abuse of the program rather than a new benefit for older people. Therefore, the committee has amended the provision substantially to include safeguards with respect to reimbursement to health maintenance organizations and, of great importance, safeguards to protect and assure that the interests of medicare beneficiaries who choose this option are fully protected.

The committee amendments, generally, speaking, are technical in nature but their combined effect is to plug potential loopholes in the plan before they develop. With these amendments and with the direction to the Inspection General to oversee the implementation of the health maintenance organization's services the committee agrees that the cost-saving potentials of health maintenance organizations should be fully explored.

ADDITIONAL MEDICARE BENEFITS

The committee bill again recommends that the Senate add certain services of optometrists and chiropractors to the benefits available under medicare. In both instances, safeguards are provided to assure no deterioration in the quality of care provided under the program.

In addition, the bill provides that aged persons not eligible for hospital insurance may "buy in" to the program, paying the full cost of this new protection—$27 per month at the beginning. State and local governments could also buy in for their aged employees or retirees.

We have also provided for payment of doctor's bills associated with hospitalization in a Canadian hospital. This change should be quite helpful to people living along the border where local hospitals are not available.

ADMINISTRATIVE SIMPLIFICATION

The committee bill contains several features intended to ease and simplify the administration of the medicare program. An important example of this sort of change is the provision calling for uniform standards for nursing homes under medicare and medicaid. Under this provision a single set of health, safety, environmental, and staffing standards would apply and a single State agency would certify the facility both for medicare and medicaid. This change reflects the essential similarity between the care provided on a short term basis in extended care facilities under medicare and that provided on a long term basis in skilled nursing homes under medicaid.

Another considerable simplification concerns the present complex reimbursement formula for paying extended care facilities on a cost basis, with retroactive adjustments which cut back on allowances and makes everyone mad. Under the committee bill, the medicare program would be authorized to apply medicaid's skilled nursing home reimbursement rules to its own extended care facilities. This rule would be available where medicaid's rates are reasonably related to costs. It will give nursing home operators advance assurance of the amount of pay they can expect to receive for caring for medicare beneficiaries.

The committee bill also provides for experimentation with prospective reimbursement methods which might offer incentives to hold costs down or to produce services in the most efficient and effective manner. If these experiments are successful much of the difficulty with today's retroactive payment rules could be solved.

LIMITATION ON MEDICAID REIMBURSEMENT

Like the House, the Committee on Finance is concerned with the rapidly rising costs of medicaid and the overutilization of medicaid services. However, the approach taken by the House, of cutting off Federal matching funds for long term hospital and nursing home stays, seemed unnecessarily harsh. An alternative suggested by the committee would authorize the Secretary of Health, Education, and Welfare to reduce selectively the Federal matching rates for institutional care where professional review and medical audit procedures are inadequate or ineffective. States employing utilization review and medical audit functions properly would not be affected by this cutback provision. This appears to be a more equitable way of containing the costs of long term institutional care under medicaid than the House provision which would have automatically reduced Federal matching funds now available to the States for financing long term institutional care in general hospitals, mental hospitals, tuberculosis hospitals, and nursing homes without permitting the Secretary to exercise discretionary judgment.

INTERMEDIATE CARE FACILITIES

Another amendment, authorizing intermediate care under medicaid rather than under title XI, as at present, emphasizes that intermediate care facilities are institutions providing health-related services below the level of skilled nursing homes. For the first time, it would make such care, now limited to those receiving or eligible for cash assistance, available under medicaid to the medically indigent. Intermediate care would cover those requiring institutional care beyond residential care and who would, in the absence of such care, require placement in a skilled nursing home or mental hospital. These facilities would be required to have at least one full-time licensed practical nurse on their staffs. Additionally, subject to appropriate requirements, intermediate care would also be available to mentally retarded persons in public institutions. Because the committee felt that present review requirements are insufficient, States would be required to provide assurance to the Secretary that appropriate and effective utilization review and medical audit procedures are being applied to intermediate care, as is already required for patients in skilled nursing homes.

MENTALLY ILL

One area where we have put off too long the provision of Federal aid for badly needed hospital care concerns the treatment of mentally ill children. Many of these poor unfortunates could be helped to a better life if adequate care is provided for them in their youth. I am pleased that the committee agreed with me when I offered an amendment to provide medical treatment for them. Under this amendment Federal matching payments would be authorized under medicaid to States for care of mentally ill children under 21 years of age in public mental institutions. Such funds would be available where States maintained their present fiscal effort, for patients in accredited mental hospitals who are undergoing a program of active medical treatment. Presently, such Federal matching is authorized only for persons 65 or over.

MEDICAID'S UNIFORMITY RULES REVISED

Under present law, all medicaid recipients in a State must be eligible for the same scope of services, and the services must be available throughout the State. Present title XIX requirements for "statewideness" of amount, duration, and scope of benefits have created problems for States who want to contract with organizations, such as neighborhood health centers or prepaid group practices, to provide services to title XIX recipients. The services are often broader in scope than those available under medicaid, but are not available throughout the State.

A committee amendment facilitates arrangements with comprehensive health organizations and health groups offering services different from those in the regular State medicaid plans.

It also makes it possible for States to utilize reasonable uniform deductibles and copayment features in their medicaid plans for the medically indigent without requiring that they also apply to the welfare recipients covered by the plan. This will help make it possible to control excess utilization if a State requires the medically indigent to share a reasonable part of the cost of their own care.

MEDICAID MAINTENANCE OF EFFORT

The committee approved the provision in the House bill to repeal the requirement that all States must move toward a comprehensive medicaid program by 1977. In addition, the committee bill would repeal the provision requiring that States maintain their efforts by not cutting back on the amount they spend for medicaid from 1 year to the next. The committee believes that States should be allowed to decide how extensive a medicaid program they desire.

PROTECTION AGAINST CATASTROPHIC ILLNESS

The Committee on Finance is concerned about the devastating effect which a catastropic illness can have on families unfortunate enough to be affected by such an illness. Over the past decades science and medicine have taken great strides in their ability to sustain and prolong life. Patients with kidney failure, which until recently would have been rapidly fatal, can now be maintained in relative good health for many years with the aid of dialysis and transplantation. Patients with spinal cord injuries and severe strokes can now often be restored to a level of functioning which would have been impossible years ago. Modern burn treatment centers can keep victims of severe burns alive and can offer restorative surgery which can in many instances erase the after effects of such burns.

These are but a few examples of the impact which recent progress in science and medicine has had. This progress, however, has had another impact. These catastrophic illnesses and injuries which heretofore would have been rapidly fatal and hence not too expensive financially, now have an enormous impact on a family's finances.

To deal with this situation, the committee has added to the House bill an amendment which would establish a catastrophic health insurance program beginning in January 1972 for all people under age 65 who are insured under social security, as well as their spouses and minor children. People under 65 who receive monthly social security benefits would also be eligible. People over 65 would not be covered since they have medicare which substantially meets the needs of all but a very small minority of beneficiaries.

It is estimated that only 20 to 30 percent of our people under 65 have insurance against the costs of catastrophic illness through major medical or comprehensive medical plans. I am very proud to be the sponsor of this amendment which I believe will go a long way towards lifting the financial burden from those who are already carrying the heavy load of sickness and despair.

The benefits provided under the catastrophic health insurance program would be the same as those currently provided under parts A and B of medicare, except that there would be no upper limitations on hospital days, extended care facility days, or home health visits. The major benefits excluded from medicare, and consequently excluded from this proposal, are nursing home care, outpatient prescription drugs, dental care, and full inpatient and outpatient psychiatric coverage.

The deductibles in the plan would parallel the deductibles under parts A and B of medicare. There would be a hospital deductible of 60 days' hospitalization for each person and a supplemental medical deductible initially established at $2,000 per family.

After an individual is hospitalized for 60 days in 1 year, he would become eligible for payments toward his hospital expenses beginning on the 61st day of his hospitalization. Any posthospital extended care services which he subsequently received during that year would also be eligible for payment. After the hospital deductible is met, the program would pay hospitals substantially as they are presently paid under medicare, with the individual being responsible for a coinsurance payment equal to one-fourth of the inpatient hospital deductible as determined for medicare purposes. Extended care services would be subject to a daily coinsurance amount equal to one-eighth of the inpatient hospital deductible as determined for medicare purposes. If the program were in effect in January 1971 the coinsurance for a hospital day would be $15 a day, and for extended care services $7.50 a day.

The medical deductible would apply to the entire family. After a family had incurred expenses of $2,000 for physicians' bills, home health visits, physical therapy services, laboratory, and X-ray services, and other covered medical and health services, the family would become eligible for payments toward these expenses. After the $2,000 medical deductible has been met, the program would pay for 80 per centum of eligible expenses, with the patient being responsible for coinsurance of 20 per centum.

As in the medicare program, these coinsurance features are intended to limit program costs and to control the utilization of services.

The program would be administered by using carriers and intermediaries as in the present medicare program. Medicare's quality standards for institutions would also apply. Social security, with the cooperation of carriers and intermediaries, would determine when the deductibles have been satisfied. To keep the paperwork down, bills would not be accepted under the supplemental plan until they totaled $2,000 per family.

The committee estimates that more than 1 million families of the approximately 49 million families in the United States incur medical expenses which will qualify them to receive benefits under the program. The first year's cost of the program is estimated at $2,200,000,000 on a cash basis. A separate catastrophic insurance trust fund with its own employer-employee tax would be established to focus public and congressional attention closely on the cost and the adequacy of the financing of the program. Like the benefits, the tax would become effective January 1, 1972.

For people on public assistance and the medically indigent the catastrophic illness insurance program would be supplemental to the medicaid program in the same way that it will be supplemental to private insurance for other citizens. The benefit structure of medicaid varies from State to State, but in general it is a basic rather than a catastrophic benefit package.

I want to thank my fellow committee members for the very fine cooperation and assistance they have given me on this amendment. I believe this is a major step forward that will benefit all Americans.

FINANACING PROVISIONS

At the present time, the social security cash benefits program is in close actuarial balance, while the hospital insurance program has an actuarial deficiency. Unless hospital insurance taxes are raised substantially, the hospital insurance trust fund will be exhausted in 1972. To meet the cost of the cash benefits program as it would be expanded by the bill and to bring the hospital insurance program into actuarial balance, the contribution rates for the programs would be adjusted and the contribution and benefit base—the maximum amount of annual earnings subject to contributions and used in computing benefits—would be increased.

INCREASE IN THE CONTRIBUTION AND BENEFIT BASE

The bill provides for an increase in the ceiling on taxable and creditable earnings to $9,000, effective for 1971. This increase would take account of the increases in earnings levels that have occurred since 1968, when the $7,800 ceiling on earnings went into effect and would cover the total earnings of an estimated 79 per centum of all workers—the same percentage as the $7,800 base covered when it went into effect.

People earning amounts between $7,800 and $9,000 a year will pay taxes on an additional $1,200 of earnings. In return, of course, they will get credit for more earnings and will thus get higher benefits. The higher creditable earnings resulting from the increase in the ceiling on earnings will make possible benefits that are more reasonably related to the actual earnings of workers at the higher earnings levels. It the base were to remain unchanged, more and more workers would have earnings above the creditable amount and these workers would have benefit protection related to a smaller and smaller part of their full earnings.

CHANGES IN THE CONTRIBUTION RATES

Under the schedule of contribution rates for cash benetfis contained in the bill, the contribution rates for employers and employees scheduled for 1971–72 would be decreased from the 4.6 per centum provided for under present law to 4.4 per centum each.

The bill provides for increases in the contribution rate schedule for the hospital insurance program. The contribution rate scheduled for 1971–72 would be increased from 0.6 per centum each for employees, employers, and the self-employed to 0.8 per centum for 1971–72. The additional taxes for this part of the program will go far toward removing the large actuarial deficit of the hospital insurance program and would make that program financially sound.

The bill also provides for a contribution rate schedule to fully finance the catastrophic illness insurance provision added to the bill by the Finance Committee. The contribution rate schedule for catastrophic illness for 1972–74 would be 0.3 per centum each for employees, employers, and the self-employed.

For the benefit of Senators and others who are concerned with the long-range financing aspects of the social security and hospital insurance programs the following charts compare the combined tax rates and maximum tax payable under the committee bill, the present law and the House bill. I call attention to the fact that the rates under present law applies to maximum earnings of $7,800, while both the House bill and the committee bill apply to a wage base of $9,000.

I ask unanimous consent that the chart showing the tax rates and maximum taxes be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY TAX RATES AND MAXIMUM ANNUAL TAXES UNDER PRESENT LAW, THE HOUSE BILL AND THE COMMITTEE BILL

Period	Tax rates (percent)			Maximum taxes		
	Present law	House bill	Committee bill	Present law	House bill	Committee bill
EMPLOYER-EMPLOYEE, EACH						
1971	5.2	5.2	5.2	$405.60	$468.00	$468.00
1972	5.2	5.2	5.5	405.60	468.00	495.00
1973–74	5.65	5.2	5.6	440.70	468.00	504.00
1975	5.65	6.0	6.35	440.70	540.00	571.50
1976–79	5.7	6.0	6.35	444.60	540.00	571.50
1980–85	5.8	6.5	7.0	452.40	540.00	630.00
1986	5.8	6.5	7.6	452.40	585.00	684.00
1987 and after	5.9	6.5	7.6	460.20	585.00	648.00
SELF-EMPLOYED						
1971	7.5	7.3	7.4	$585.00	$657.00	$666.00
1972	7.5	7.3	7.7	585.00	657.00	693.00
1973–74	7.65	7.3	7.8	596.70	657.00	702.00
1975	7.65	8.0	8.35	596.70	720.00	751.50
1976–79	7.70	8.0	8.35	600.60	720.00	751.50
1980–86	7.8	8.0	8.50	608.40	720.00	765.00
1987 and after	7.9	8.0	8.50	616.20	720.00	765.00

Mr. LONG. Let me also note for the record that the combined rate for cash benefits and hospital insurance is the same under the committee bill as under present law for 1971 and 1972 and is less than present law for 1973 and 1974. The catastrophic insurance tax is a new feature, which of course adds to the rate.

We have been assured that the financing provided under the committee bill is adequate to pay for all of the benefits—both the benefits provided under present law and the new benefits provided under the bill. Moreover, each of the separate trust funds will be soundly financed and over the next few years the total income to the program will be nearly $6,000,000,000 more than outgo, as compared with the more than $21,000,000,000 excess which would accrue under present law.

The following table compares the income, and outgo, of the social security funds over the next 3 years under present law and under the committee bill.

I would point out that under the committee bill, the assets and the reserve could gradually grow from $44.9 billion to $47 billion in 1973. I ask unanimous consent that the chart be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

PROGRESS OF THE OLD-AGE AND SURVIVORS INSURANCE, DISABILITY INSURANCE, HOSPITAL INSURANCE, AND CATASTROPHIC INSURANCE TRUST FUNDS, COMBINED, UNDER PRESENT LAW AND UNDER FINANCE COMMITTEE BILL, 1971–73

[Cash basis; in billions of dollars]

	Income		Outgo		Net increase in funds		Assets, end of period	
Period	Present law	Committee bill	Present law	Committee bill	Present law	Committee bill	Present law	Committee bill
Fiscal year 1972	$49.0	$52.8	$43.0	$50.5	$6.0	$2.3	$51.0	$44.9
Calendar year:								
1971	47.0	49.0	41.7	47.6	5.3	1.3	46.3	42.3
1972	50.0	55.3	44.2	53.3	5.7	1.9	52.0	44.2
1973	56.9	59.7	46.7	56.9	10.2	2.8	62.2	47.0

FINANCING THE AUTOMATIC PROVISION

Mr. LONG. As I mentioned earlier, benefits would be automatically adjusted to take account of increases in the cost of living. The cost of this increase would be met by increasing both the contribution and benefit base and the contribution rates so that each increase would meet one-half of the cost. The Secretary of Health, Education, and Welfare would determine how much the contribution and benefit base would have to be increased in order to finance one-half of the long-range cost of the proposed benefit increase, and how much contribution rates would have to be increased in order to finance one-half of the long-range cost of the proposed benefit increase. The Secretary would then publish in the Federal Register both the new, higher base and the revised contribution rate schedule, to be effective beginning January 1 of the year for which the benefit increase is effective.

Mr. President, now let me describe the additional matters contained in the committee bill.

THE TRADE ACT OF 1970

The committee approved the basic provisions of the House trade bill as an amendment to H.R. 17550, the social security legislation. The principal exceptions concern the export tax incentive called DISC and the repeal of the American selling price system of valuation.

Now, I will discuss the basic provisions of the amendment dealing with the foreign trade which was approved by the committee.

TRADE AGREEMENT AUTHORITY

The first aspect of the amendment deals with the extension of further tariff cutting authority to the President. The President has been without authority to reduce tariffs under the Trade Expansion Act since July 1, 1967. This new authority would not be used to enter into another major round of trade negotiations. None are planned. But, there is another reason why this authority is needed. Under the rules of the game in international trade, whenever one country must increase duties or impose quotas in order to protect a domestic industry which is being injured by imports, that country must also offer compensatory tariff reductions on other imports of equivalent value to the country whose exports would be adversely affected by the increased duty or quota. The alternative would be to face retaliation on the part of those adversely affected countries. It is clear that, under other provisions of this bill, the United States will be imposing some limited restrictions on the imports of other countries. For this reason, it was felt necessary to extend to the President authority—through July 1, 1975—to cut tariffs by 20 percent in two stages. The committee made clear that it does not believe the President should offer "compensation" to countries which themselves have illegal tariff or nontariff barriers against United States exports, for which the United States has not been "compensated". In other words, in those situations we should go to the bargaining table and work out a mutually satisfactory solution to the question of compensation.

REVISE UNFAIR TRADE PRACTICE STATUTES

The trade bill also deals with three unfair trade practice statutes. It revises section 252 of the Trade Expansion Act to give the President further authority to cope with foreign nontariff barriers restricting U.S. exports in industrial as well as agricultural trade. This is what he asked for and the reason is this: Under present law, the authority is confined mainly to agricultural products. This additional authority, requested by the administration, will strengthen the President's hands in negotiating nontariff barriers with other countries. It will serve as a clear warning that the United States is no longer able to turn the other cheek when foreign countries impose new nontariff barriers against U.S. products.

In addition, the Senate amendment agrees with the House that in antidumping and countervailing duty cases, the Treasury should have some time limits imposed upon it in making its determination regarding the imports involved. The Antidumping Act deals with injurious price discrimination, and countervailing duty statute deals with foreign subsidies. In the case of the antidumping statute, the Treasury would have 4 months to reach a tentative decision on the question of whether or not there has been price discrimination, except in extraordinarily complicated cases in which the Secretary may take up to 7 months. In cases under the countervailing duty statutes, the Secretary of the Treasury would have 1 year to make decisions. Both the House and the Senate committee agree that these time limits will give assurance that decisions will be reached promptly on matters of vital concern to domestic industry.

REVISED ESCAPE CLAUSE AND ADJUSTMENT ASSISTANCE PROVISION

A third major area which the committee dealt with was in revising the stringent criteria in present law for providing adjustment assistance and tariff adjustment (escape clause) relief to firms, workers, and industries which are seriously injured by import competition. With respect to the escape clause which deals with industrywide injury, present law provides that tariff concessions must be found to be the major cause of increased imports, and increased imports must be found to be the major factor in causing serious injury. These two tests have proven so difficult that only one industry out of over 20 applicants has qualified for relief since 1962. The executive branch agrees that these tests are too rigid.

The Finance Committee substantially altered both tests to make it easier for a domestic industry to receive relief. The Senate amendment would require that increased imports must be related in whole or in part to tariff concessions. This was the same test that existed for 11 years from 1951 to 1962, and it worked well. The committee agrees with the House that a "substantial cause" relationship between increased imports and serious injury was fairer to all than either the present law or the administration's recommendation, of substituting the concept of "primary" cause for "major" cause in the statute.

The committee considered that the "escape clause" had a substantial cause-test for 11 years, between 1951 and 1962, and it also worked well. We did not feel that another possible misinterpretation of our intention by using the word "primary" instead of "major" would be worth risking. In fact, it appears there is a distinction without a difference in the two terms.

The committee also felt that the definition of industry should permit separate consideration to be given to those segments of a multiproduct corporation for producing one product which might be seriously injured by imports, even though other product areas may not be. This is called the "segmentation principle" and it too was on the books for 11 years without any difficulties between 1951 and 1962.

Another area in the escape clause which the committee did take action on and which is new, and that is the so-called "acute or severe" injury test. Under the committee's amendment, the Tariff Commission must determine whether on the basis of the substantial cause-test an industry is being seriously injured by imports. That would be the first finding. Having made that determination and assuming it was positive, the Commissioners finding serious injury would also determine whether the injury was acute or severe. The term "acute or severe" denote a degree of injury which is a level higher than serious injury and which could, if not immediately corrected, threaten the very existence of an industry as a viable economic entity in the United States. Now, under either the initial determination of serious injury or the subsequent acute or severe injury determination, the Tariff Commission would recommend a remedy. If only the initial serious injury was found, the President would consider the remedy suggested by the Tariff Commission but would be allowed to proclaim any import restriction he deemed necessary to prevent serious injury, unless he determines it is not in the national interest to impose such restrictions. In the latter case, he must provide adjustment assistance to those firms and workers which are being seriously injured. If there are two affirmative findings by the Tariff Commission—one of serious injury and another of acute or severe injury—the President would have to impose the remedy recommended by a majority of the Tariff Commission making those determinations, unless he determines it is not in the national interest to do so. In other words, the second test puts a little more pressure on the President to accept the Tariff Commission's findings, but the President retains his flexibility. But if he does not accept the Tariff Commission's recommendation he must nevertheless provide adjustment assistance. The committee deemed that this flexibility was necessary.

With respect to adjustment assistance, it is only necessary to determine that imports are contributing to unemployment or underemployment in the case of groups of workers, or to serious injury in the case of firms.

TEXTILES AND FOOTWEAR

Now let me turn to the textile and footwear provisions in the bill.

The textile industry is the largest manufacturing industry in the United States with 2.1 million employees, many of them disadvantaged. The industry moved from the North to the South, and now may move across the Pacific unless relief from low-wage imports is provided. All the European countries have negotiated voluntary agreements with Japan and other Asian textile producers to limit imports of manmade fiber and woolen textiles into the European market. That is the intent of this bill. The United States has been striving to obtain a similar agreement, because we have become the "dumping ground" for cheap imports, and our producers are facing severe hardships. But the Japanese do not appear willing to give us the same consideration that they gave the Europeans.

The nonrubber footwear industry has also been hurt by growing imports. Thus, the bill provides for quantitative limitations on the imports of certain textile and footwear articles equal to the average annual imports for the 3 calendar years, 1967 through 1969.

However, there is a great deal of flexibility in the bill. For example, the President is authorized to exempt any products from the statutory import quotas: First, which he determines are not disrupting the United States market, second, when he determines that the national interest requires such action, and, third, when the supply of any article in the domestic market is insufficient to meet the demand at reasonable prices, or, fourth, when voluntary agreements are entered into with foreign producing countries.

The President is specifically authorized to negotiate agreements with foreign countries under which imports of textile and footwear articles would be voluntarily controlled. As I have stated imports covered by such voluntary agreements would be exempt from the mandatory quota provisions of the bill. The main thrust of the legislation, therefore, is to share our market with foreign goods, hopefully on a voluntary basis, so that industry and labor would not be severely injured by foreign competition.

Textile and footwear imports into the United States have been increasing very rapidly. The average imports of manmade fiber amounted to 1,390 million square yards in the 1967–69 base period, and for wool textile products it was 184.5 million square yards. As of June 1970, imports of manmade fiber textiles are running at an alltime record of 2.4 billion square yards. Apparel imports are also sharply up, and in some product areas, such as sweaters and shirts, imports have practically taken over the market. For example, in 1965 imports of sweaters of manmade fiber were 501,000 dozen. In 1969, imports of such sweaters had increased to 6,974,000 dozen. That is more than a tenfold increase in the space of 4 years. Such increases in imports year after year are devastating our textile and apparel firms. Many responsible individuals realize this. In an article appearing in the September issue of Fortune magazine the former Minister of Finance in Japan, the Honorable Nobutane Kuichi made this wise statement:

> Confrontation between us and the world is no good. I'd like to see the growth-rate of our exports decline from last year's 22 percent to no more than 10 percent, ideally 7 percent. I have told this to the Prime Minister and he doesn't like it because everything is geared to exports.

Let us not forget that other countries having much more severe barriers to imports than the United States, face the same problems. Japan, for example, has quotas on 98 products. Western Europe controls its imports through border taxes and variable levies, and, in addition, has quantitative restrictions on Japanese and other Asian textile products, which serve to divert them to the United States. For example, this Nation absorbs 50 percent of Japan's apparel exports; all Western Europe, with more than our population, absorbs only 5 percent.

Under these circumstances, they should not point their finger at us as starting a trade war. We do not want a trade war. But we cannot stand idly by and watch our industries go under and our labor force decimated by foreign imports while nothing is done. These provisions will insure that American industry and American jobs will be protected in a reasonable way while, at the same time, insuring an equitable share of our market for foreign goods.

NATIONAL SECURITY PROVISION

Another area covered by this bill is the revision of the national security provision of the Trade Expansion Act. Under the present law, if the Director of the Office of Emergency Preparedness makes a finding that imports of a particular article are threatening to impair the national security, he shall so report to the President. If the President agrees with this finding, he shall impose whatever restrictions he deems necessary to remedy the situation.

The House believed, and the Finance Committee concurs that wherever national security findings are involved, a quota would be a more suitable device for controlling imports than a tariff. In the first place, the quota would provide assurance that imports could be kept at a level consonant with the national security objectives, whereas no tariff could give that assurance.

If the tariff were set too low, imports would come pouring in to depress our market; if the tariff was very high, it could shut off imports completely or involve very high costs to the U.S. consumer. In the case of oil, there is the additional problem of tanker rates, which are extremely volatile. A tariff set on Monday might be inappropriate on Friday if tanker rates had moved up sharply in the meantime. We cannot adjust our tariffs to accommodate the fickle nature of these tanker rate variations, or to the whims of Arab potentates who have effective control over prices.

The Director of the Office of Emergency Preparedness stated before the Finance Committee that a tariff would tend to increase the cost of oil to the consumer much more than a quota. The Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, and the Director of the Office of Emergency Preparedness all agree that a tariff is not a suitable instrument for controlling oil imports, and have so advised the President. The President has accepted that recommendation. The committee bill reflects the same conclusion.

WELFARE AMENDMENTS

INTRODUCTION

The goal of working out progressive and productive proposals in the area of public welfare has occupied the committee for many months.

Looking at the overall structure of our public assistance system, the committee concluded that two different approaches were called for. First, there is no pressing need to throw out completely our present programs for the aged, blind, and disabled and start a new program in that area. These programs, on the whole, have been working well. They have been responsive to the needs of poor people, and the rolls have remained fairly steady. The committee therefore determined to make desirable improvements in these programs, but not at this time to change their basic direction.

The situation with regard to the program of aid to families with dependent children is far different. The AFDC caseload has tripled in the last 10 years, and we now have approximately 9 million AFDC recipients throughout the country. The rate of growth is continuing unabated, and every State is feeling the consequences. Equally disturbing is the nature of the growth in the program. Most of the families being added to the rolls are eligible because of the absence of the father from the home. These are cases largely resulting from desertion, separation, and illegitimacy. Fully three-fourths of the families now receiving AFDC are families in which the father is absent, and this percentage will be increasing if present trends continue.

Faced with this situation, the committee felt compelled to develop workable and greatly needed improvements in those programs created by the Congress to help AFDC families and to get at the root cause of dependency. The bill would make possible immediate improvement in the work incentive and child care programs, thus assisting many families to move toward economic independence. Along with these proposals to solve problems which are amenable to rapid improvement, the committee is advocating a broad program of testing which is aimed at finding long-range solutions to the overall problem of welfare dependency.

At this point I would like to describe in greater detail just what the committee bill includes.

ASSISTANCE TO THE AGED, BLIND, AND DISABLED

First of all, the bill proposes a national minimum income level which would provide a considerably higher level of assistance for a large percentage of recipients of aid to the aged, blind, and disabled. Many of these people, who are among the most hopeless and helpless of all the poor in our country, are currently receiving assistance which is obviously inadequate for their needs.

We think it is urgent that increased assistance be given to those who are living in States where payments are very low. Thus, the bill would require States to provide a level of assistance sufficient to assure persons in these categories a total monthly income of at least $130 for a single person, or $200 for a couple. States would, of course, have the option of maintaining or establishing a higher standard for residents of their State.

To give some idea of the impact of this new minimum, let me point out that in the aged category, this provision would result in increased assistance for eligible single-aged individuals in about 31 States, and for eligible aged couples in about 36 States.

The committee bill would also, in effect, give needy persons in the adult categories more money in lieu of food stamps. We all know that many of them have suffered loss of dignity and pride by having to use food stamps when they go out to the local grocery store to do their shopping. This bill will give them cash, which they can use as they want, and when they want.

In addition, the committee wanted to make sure that those social security beneficiaries who are also public assistance recipients would share in the benefit of the social security increases which are provided in the bill. If present law remained unchanged, any increase in a social security check would mean an offsetting decrease in the recipient's public assistance check. Therefore, the committee bill requires States to raise their standards of need for those in the aged, blind, and disabled categories by $10 per month for a single individual, and $15 for a couple. These recipients would in this way be guaranteed an increase in total income of at least these amounts.

Recognizing that the rapid growth in welfare expenditures in recent years has strained the fiscal capacities of the States, the committee wanted to make sure that the States would not have to bear any additional costs resulting from these new benefits in the adult categories. A certain amount of fiscal relief will accrue to the States to the extent that welfare grants are reduced because of the increases which the bill provides in social security benefits. However, this relief is not necessarily distributed in a way which reflects the relative welfare burdens of the States under present law or under the additional requirements imposed by the bill.

We have worked out a proposal which, generally speaking, would assure all States a 10-percent savings over their expenditures for adult assistance programs in 1970. The Federal Government would pay 100 percent of the cost of additional expenditures for the aged, blind, and disabled which are required by the committee bill.

Mr. President, it is my belief that these changes proposed in the bill will be of enormous benefit to those Americans who are in need because of old age, blindness, or other crippling disability. We have been able to work out a way of increasing the minimum income level above the $110 per person level proposed by the administration and approved by the House, and to make other needed improvements, without going above the amounts which the administration stated it was willing to allocate for these categories of assistance.

TESTING OF WELFARE ALTERNATIVES

Now let me turn to the problem of assistance to needy families with children. I have already outlined, and there is no need to further document, the seriousness of the growth in the AFDC program. The committee has studied the present program. It has studied the proposal, with its many variations, which the administration made for the establishment of a new family assistance plan to be superimposed on the AFDC program.

In all honesty and sincerity, I would say that the committee shares the view of Governor Hearnes of Missouri, who testified during the hearings on FAP. Governor Hearnes summed up his own opinion by stating quite seriously that if you read what the newspapers said about the proposal, you would be for it, but if you read what was actually in the bill, you had to be against it.

We read the administration's bill. We had many weeks of public hearings on it. Nearly everyone who testified endorsed the principles in the proposal, but nearly all the witnesses also pointed out weaknesses.

As legislators, we know that the perfect law is yet to be written. We would not reject a proposal because of minor problems or oversights. These, we know, can be corrected in the course of time.

But when a proposal establishes a new direction, and goals are established which in our honest evaluation are unattainable under the measures provided, then it is our responsibility to require a more thorough examination.

The committee bill would thus require the Secretary of Health, Education, and Welfare to conduct up to five tests of possible alternatives to the AFDC program. One or two of these tests would test a "family assistance" type proposal for welfare, and one or two of the tests would test a "workfare" type proposal. In addition, the bill provides for a test in which a program of rehabilitation of welfare recipients would be administered by vocational rehabilitation personnel.

It is my hope, and the hope of the committee, that these tests would provide a sound basis for rational legislative action in the welfare area. We would also hope that each test would produce data from which there could be estimated for the various types of programs the cost, extent of participation, and effectiveness in reducing dependency on welfare which could be expected if such programs were adopted as a substitute for AFDC. The tests should also provide valuable administrative experience which would facilitate the implementation of any of the test proposals which might eventually be enacted.

The bill would give the Department of Health, Education, and Welfare flexibility in choosing the areas in which the tests are to be conducted. However, it would require that the areas chosen should be broadly representative of the country as a whole so that the data from the tests may serve as a reliable basis for future congressional action.

The tests are also to be conducted in such a way that valid comparisons among the various alternatives can be made. The bill therefore requires that the Department conduct the same number of "workfare" tests as "family assistance" tests—either one or two of each. In each pair of tests the beginning and ending dates of the two tests must be the same, the number of participants must be approximately the same, and the areas in which the two tests are conducted must be comparable as to popu-

XUM

lation, per capita income, unemployment level, and other relevant factors.

Tests would have to be conducted with State cooperation and with State sharing in the costs of the tests.

At all stages in the development of the tests and in their operation, the committee would be kept advised and the Comptroller General would be consulted regarding testing procedures that would be utilized.

Two matters that this Senator would like to see developed by these tests are whether wage subsidies are one effective way of increasing the incomes of the disadvantaged and whether, if they are, the one-check or the two-check approach is preferable. The one-check approach involves passing the subsidy to the employer who includes it in his wage to the worker. The two-check approach envisions a wage supplemented by a payment directly from the welfare office.

Mr. President, we believe this program of testing is both a responsible and a responsive way of meeting our present welfare crisis. We agree that the present system is bad, but we do not agree that it is so bad that any untested alternative would be preferable merely because it is new or different. We want to find some real answers to the welfare problem. And we believe that the way to do this is through careful experimentation.

At the same time, we recognize that there are changes in the present legislation which should be made immediately, and we seek in the bill to correct some of the worst and most obvious defects.

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WORK INCENTIVE PROGRAM

The committee and the administration are in substantial agreement as to the obligation of appropriate welfare recipients to work. The thrust of any welfare reform proposal must encompass the basic proposition that able-bodied welfare recipients should be required to work if child care and meaningful manpower training are provided—and that actual jobs must be available for such people after training.

Mr. President, I think the Congress has now reached the point where it is reluctant to support any more training programs that do not result in jobs for participants. Moreover, the disadvantaged people of this country share this disenchantment—they say in increasing numbers "no more training programs without jobs."

The committee bill adopts almost all of the administration's requests for improvement of the work incentive program. It provides more favorable matching for manpower training expenses and for welfare services which support training, including the vitally important day care. It also provides registration with the employment service as a condition of welfare eligibility and puts into effect uniform Federal standards for referral of welfare recipients to WIN. All of these elements have been cited by the administration as crucial deficiencies in the work incentive program.

But the bill goes further—and here, I would be remiss in not pointing to the great contributions of the junior Senator from Georgia, Senator TALMADGE. It comes to grips with some of the basic reasons for the failure of WIN which have been very disturbing to the committee. The Committee on Finance was the principal architect of the WIN program—I believe I was the initial sponsor of that amendment—and was responsible for the basic decision—that the Department of Labor would administer the manpower training program. However, the committee has been greatly disappointed in the implementation of the program.

The points of emphasis the Finance Committee thought were made abundantly clear in the 1967 amendments have been paid lipservice or totally ignored. A meaningful program of on-the-job training continues to be an unfulfilled Labor Department promise. The legally required program of special work projects—public service employment—is a reality in only one State. Lack of Labor Department and Department of Health, Education, and Welfare cooperation and that of their counterparts at the local level has been a major problem in the referral process and in the provision of necessary supportive services for recipients in work and training. The main thrust of the WIN program as it exists today remains in the direction of basic education and classroom training, which our experience with manpower training over the last decade shows does not result in the placement of people in jobs, but rather in a growing skepticism of both welfare recipients and the public as to the worth of such endeavors.

Mr. President, this situation must change. More effective administration must be provided, and WIN's on-the-job training and public service employment components must become a vital part of the program.

It is for this reason the committee bill includes a provision which would require heavy emphasis on these two components. Also, a tax credit mechanism is provided which will link manpower training to the actual provision of jobs.

I might say there has been a severe disappointment in the performance of the Department of Labor in accordance with its duties under the law.

The task of training welfare recipients for jobs and actually placing them in employment on a permanent basis is admittedly one of the most difficult tasks facing Government. The committee believes that the changes it is proposing for WIN are important, albeit some of these could have been made without changes in the statute. But we are also aware that regardless of what the Congress does in this area the ultimate success of the program will, in large measure, be dependent on the dedication of administrators at the Federal, State, and local level and the resources they are allocated. Thus, we believe it is incumbent upon the Department of Labor to show its commitment to WIN and to provide staffing at the Federal level which is commensurate with its responsibilities as the primary administrator of the program. The WIN program must receive the kind of implementation its importance deserves.

CHILD CARE

The bill also includes proposals which would greatly expand the availability of child care resources throughout the Nation. At the present time the lack of adequate child care represents perhaps the single largest impediment to the efforts of poor families, especially those headed by a mother, to achieve economic independence. The committee bill would seek to remove this impediment for the poor, while at the same time promoting child care facilities for all families which need them, by creating a Federal Child Care Corporation.

Although the Committee on Finance and the Congress, through past amendments to the Social Security Act, have attempted to meet the need for child care we have been unable to overcome the great lack of organization, initiative, and know-how which exists in the child care area. We have provided money, but we have found that money alone will not do the job. We need a mechanism at the Federal, State, and local levels which will respond to both national and local needs for child care. We believe the Federal Child Care Corporation will be such a mechanism.

The Corporation would have as its first priority making available child care services to children of parents eligible for such services under the AFDC program, and who need them in order to participate in employment or training. However, it would also have the broader function of making child care available for any family which may need it, regardless of welfare status.

The Corporation would work in an uncomplicated way. Under the committee bill, $50 million would be given to the Corporation to provide initial working capital. This amount would be in the form of a loan by the Secretary of the Treasury and would be placed in a revolving fund. The money would be used by the Corporation to begin arranging for child care services. Initially, the Corporation would contract with existing public, private nonprofit, and proprietary facilities to serve as child care providers. To expand services, the Corporation would also give technical assistance and advice to organizations interested in establishing facilities under contract with the Corporation. In addition, the Corporation could provide child care services in its own facilities.

Fees would be charged for all services provided or arranged for by the Corporation. The fees would go into the revolving fund to provide capital for further development of services and to repay the initial loan. They would be set at a level which would cover the costs to the Corporation of arranging child care.

We have provided in the bill for construction authority for the Corporation, and would authorize the issuance of bonds for this purpose if new construction is needed. We envisage, however, that this authority will be used sparingly, and that every effort will first be made to utilize existing facilities.

I am deeply concerned about the quality of care which children are to receive, and I therefore want to emphasize that the bill includes provision for Federal child care standards, to assure that adequate space, staff, and health requirements are met. In addition, facilities used by the Corporation would have to meet the Life Safety Code of the National Fire Protection Association.

The bill includes inservice training authority, and the committee expects that this authority, along with the training programs under the WIN program, will be used to train welfare mothers, insofar as possible, to work in child care programs. This will mean that while some mothers are being freed for work, others will be provided employment directly in child care facilities.

The Corporation, while providing a mechanism for expanding the availability of child care services, would not provide funds to subsidize child care. Those who are able to pay would be charged the full cost of services. The cost of child care needed by families on welfare would be paid by State welfare agencies.

Here, too, the committee bill makes a significant improvement in present law by providing for an increase from 75 percent to 90 percent in the Federal matching share for child care services. The bill would authorize payment of 100 percent of the cost of services for a temporary period if the Secretary determined that necessary services would not otherwise be available. The 90 percent matching rate would be available to the States for child care for families receiving AFDC and also for past and potential recipients.

FAMILY PLANNING SERVICES

Mr. President, the committee bill provides for a major advance in enabling welfare recipients to obtain free family planning services by authorizing 100 percent Federal funding for State family planning programs, including both information and the provision of medical services.

As under present law, States would be required to offer family planning services to all appropriate recipients of AFDC, including, on an optional basis, former recipients and those who are likely to become recipients of welfare. Acceptance of services, as under present law, would be voluntary with the recipient.

A beginning has been made as the result of congressional action in 1967 when 75 percent Federal matching funds was authorized for this purpose. The progress which has been made under those amendments, however, has not met the committee's expectations.

The provisions of the committee bill are consistent with the aims of the administration, as expressed by the President in a speech in July 1969:

> Most of an estimated five million low income women of childbearing age in this country do not have adequate access to family planning assistance, even though their wishes concerning family size are usually the same as those of parents of higher income groups.
>
> It is my view that no American woman should be denied access to family planning assistance because of her economic condition. I believe, therefore, that we should establish as a national goal the provision of adequate family planning services within the next five years to all those who want them but cannot afford them. This we have the capacity to do.

The committee shares the goal of the President and believes that this is an appropriate step in its fulfillment. It notes that, according to testimony of Planned Parenthood Federation, full family planning services can be provided for about $60 per woman per year. This seems a small price to pay for the personal, social, and economic benefits which can be achieved as the result of an effective nationwide family planning program.

EMERGENCY ASSISTANCE TO MIGRANT FAMILIES

Some of the most disadvantaged citizens in our country can be found among migrant workers. When children are involved, the situation calls even more urgently for action, and this action must be of a national nature which is commensurate with the national problem.

Under existing law, emergency assistance may, at the option of the States, be provided to needy migrant families with children and be provided either statewide or in part of the State. Fifty percent Federal matching is provided.

The committee bill establishes a more meaningful program by amending existing law: first, to require all States to provide such a program; second, to require that it be statewide in application; and, third, to provide Federal matching of its cost at the 75 percent level.

OBLIGATIONS OF DESERTING FATHER

Mr. President, when we discuss welfare reform, we should always remember some of the root causes of the present crisis.

The facts are startling:

In 1969, three out of four families receiving AFDC were eligible because of the father's absence from the home. Think of that—75 percent. One out of six families is on welfare because of the father's desertion. With about 9 million AFDC recipients, this means that about 1,500,000 mothers and children are receiving welfare today because the father of the family has deserted.

An illustration of the impact of desertion on a city's AFDC rolls is New York where between 1961 and 1968 the cases of deserted or informally separated wives grew by 412 percent.

Nationally, the largest single cause of dependency among children is illegitimacy. In 28 percent of the families receiving AFDC, the mother is not married to the father of the child.

Congress, particularly in the 1967 amendments, attempted to deal with this aspect of the dependency problem. These measures, however, have failed to stem the explosive growth of the welfare rolls in the past 3 years, a growth largely consisting of families in which there either never was a father or in which the father has deserted the family or is otherwise separated from the mother.

During the hearings on the welfare bill, Secretary Richardson was asked his opinion about direct Federal action in desertion cases. He replied:

> We would support legislation which made it a Federal crime to cross State lines for the purpose of evading parental responsibility. * * * From the standpoint of our Department to make this a Federal crime would help to reduce the problem, we think, and to that extent we would be for it.

The committee considers the provisions of present law useful and feels they should be retained. However, it is clear that further action is necessary to permit more extensive involvement of the Federal Government in cases where the father is able to avoid his parental responsibilities by crossing State lines.

Thus, the committee bill would make it a Federal misdemeanor for a father to cross State lines in order to avoid his family responsibilities. The penalty under this new amendment would be imprisonment for up to 1 year.

Second, the committee bill would provide that an individual who has deserted or abandoned his spouse, child, or children shall owe a monetary obligation to the United States equal to the Federal share of any welfare payments made to the sopuse or child during the period of desertion or abandonment.

The bill also provides that information regarding the whereabouts of the deserting individual would be furnished, on request, by the Federal Government to the deserted spouse where a judgment for support has been obtained.

Daniel P. Moynihan has stated:

> Now, a working-class or middle-class American who chooses to leave his family is normally required first to go through elaborate legal proceedings and thereafter to devote much of his income to supporting them. Normally speaking, society gives him nothing. The fathers of AFDC families, however, simply disappear. Only a person invincibly prejudiced on behalf of the poor would deny that there are attractions in such freedom of movement.

It is my hope that the measures contained in the committee bill will equate the responsibilities of a father of AFDC children with those of the father of a working-class or middle-class family.

THE COURT AND WELFARE LAW

Some major changes in welfare law have been made in recent years not by the Congress, but by the Judiciary, These decisions have played a major role in the phenomenal growth of the welfare rolls in the last 3 years. In some cases, the Court decisions have been made on the basis of an interpretation of congressional intent and in some cases the decision has been based on an interpretation of the Constitution. Common to many of these cases seems to be an assumption that welfare is a "property right" rather than a "gratuity" granted as a privilege by the Congress and subject to such eligibility conditions as the Congress, through the legislative process, decides to impose.

Health, Education, and Welfare Secretary Elliot L. Richardson disagrees with this view of welfare as a vested right. Under Secretary Veneman disagrees with this view. The Committee on Finance disagrees with this view. Underlying the committee's action on the welfare amendments in the bill is the fundamental policy that the "right to welfare" is a statutory right, dependent on legislation enacted by the Congress, and not a vested, inherent, or inalienable right to benefits.

The committee's view is that the right to welfare is no more substantial, and has no more legal effect, than any other benefit conferred by a generous legislature. The welfare system as we know it

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today is authorized under the Social Security Act, and the statutory rights granted under that act can be extended, restricted, altered, amended, or even repealed by the Congress. It is this ability to change the nature of a statutory right which distinguishes it from a property right or any other right considered inviolate under the Constitution.

Consistent with this view the committee bill includes provisions reasserting the intent of Congress with respect to the residency requirements, the man in the house rules, payments of welfare benefits during appeals, the requirement that States seek to establish the paternity of illegitimate children applying for welfare and allowing caseworkers to enter the home of welfare recipients at reasonable times and with reasonable notice.

In addition the bill would prevent the use of Federal funds in financing future efforts to nullify any feature of the Social Security Act.

TAX AMENDMENTS

This bill also contains several tax amendments closely related to the programs dealt with by the bill.

INFORMATION REPORTING

An important feature of the committee bill is the provision calling for information reports to be submitted to the Internal Revenue Service of payments made by insurance companies to health care providers. In the case of federally financed health programs like medicare and medicaid the amendment calls for reports both of payments made direct to the provider and those made to the beneficiary in reimbursement of his bills. In the case of private insurance policies, however, the amendment would require reporting only of payments made direct to the provider.

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BRIBES AND KICKBACKS

Another committee amendment corrects an unintended effect of the Tax Reform Act of 1969 allowing a tax deduction for illegal bribes and kickbacks. The 1969 Act required that there be a criminal conviction or guilty plea before such a payment could be disallowed. The committee bill substantially restores the prior law and disallows a deduction if the payment is illegal under Federal or State law. This disallowance rule also applies to medical referral fees under the medicare and medicaid programs since another provision in the bill makes such payments illegal.

RETIREMENT INCOME CREDIT

The committee bill also upgrades the retirement income credit—a tax relief provision for retired persons—by increasing the amount of retirement income eligible for the credit. This action, together with the recent announcement by the Internal Revenue Service that it would compute the retirement income credit for persons who request it, should go far toward making this credit generally more useful.

Mr. President, in connection with that, I want to give credit to the Senator from Connecticut (Mr. RIBICOFF) for his diligence in this area in assuring that an adequate tax relief provision for retired persons would be a provision of the bill.

WORK INCENTIVE TAX CREDIT

Another amendment recommended by the committee provides for a tax credit for employers of persons trained or placed through the work incentive program. The tax credit will amount to 20 percent of the employee's salary for the first year of employment, but it would be recaptured if the employee should be discharged in the first 2 years of employment. The committee felt that this amendment, part of a comprehensive revision of the work incentive program, would stimulate jobs for people who today must depend on the welfare system for their sustenance.

VETERANS PENSION INCREASE

The Committee on Finance, in its deliberation on this bill, has continued, as in the past, to be mindful of the special needs of veterans. The committee bill includes the text of S. 3385, a pension increase bill introduced by Senator HERMAN E. TALMADGE, chairman of the Subcommittee on Veterans' Legislation. The Talmadge bill, incorporated as a committee amendment, would increase pension benefits by $160,000,000 above present law, effective January 1971.

Pension benefits are related to need. As social security payments are increased, the veterans need for a pension decreases, although by a considerably smaller amount than the rise in social security benefits. The committee amendments substantially offset these reductions.

CONCLUSION

Mr. President this concludes my prepared statement on the committee bill. I urge that it be approved.

I ask unanimous consent to have printed in the RECORD a summary of the principal provision of the bill.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

II. SUMMARY OF PRINCIPAL PROVISIONS OF THE BILL

A. SOCIAL SECURITY CASH BENEFITS

1. Provisions of the House bill changed, and new provisions added by the committee

The committee made a number of changes in the provisions of the House-passed bill affecting the social security cash benefit programs. In a number of cases, the committee bill would modify or eliminate provisions of the House bill affecting select groups of beneficiaries; these changes would help make possible a 10-percent across-the-board benefit increase compared with the 5-percent increase in the House bill. Other provisions in the committee bill include a $100 minimum benefit, an increase in the benefits for widows and widowers, an age-62 computation point for men, liberalization of the retirement test, an increase in the maximum benefits payable to a family, a reduction in the waiting period for disability benefits, and other less far-reaching but nonetheless important changes.

Increase in Social Security Benefits

Social security payments to the nearly 26 million beneficiaries on the rolls at the end of January 1971, and to those who come on the rolls after that date, would be increased by 10 percent, with a new minimum benefit of $100. (The House-passed bill would have increased benefits by 5 percent, with a minimum benefit of $67.20.)

The benefit increase would be effective for the month of January 1971, but would not be paid until April, and would mean additional benefit payments of $5.0 billion in the first full year.

Increased Widows' and Widowers' Insurance Benefits

Under present law, when benefits begin at or after age 62 the benefit for a widow (or dependent widower) is equal to 82½ percent of the amount the deceased worker would have received if his benefit had started when he was age 65. A widow can get a benefit at age 60 reduced to take account of the additional 2 years in which she would be getting benefits.

Both the House bill and the committee bill are aimed at providing benefits to a widow equal to the benefits her husband was receiving, or would have received. It was brought to the committee's attention, however, that in some cases the widow, under the House bill, would actually receive a benefit substantially higher than her husband received before his death. Under the House bill, a widow would be entitled to 100% of the amount her deceased husband would receive if he became a beneficiary after reaching age 65. On the other hand, if he actually began receiving benefits before reaching age 65, his benefits would be actuarially reduced. For example, a man eligible for $150 monthly if he retires at age 65 will receive reduced benefits of $135 when he retires 18 months before reaching age 65. Under the House bill, his widow age 65 or older would be eligible for monthly benefits of $150; under the committee bill, she would receive $135, as did her husband. Generally, under the committee bill the widow would receive either 100% of the benefit her husband was actually receiving at the time of his death or, if he was not receiving benefits, 100% of the benefit he would have been eligible for at age 65.

About 2.7 million widows and widowers on the rolls at the end of January 1971 would receive additional benefits, and $649 million in additional benefit payments would be made in the first full year.

Effective date.—January 1, 1971.

Cost-of-Living Increases

The House-passed bill would have provided for cost-of-living increases in benefits and for related increases in the tax base and in the exempt amount under the retirement test which would have subordinated the role of Congress in determining benefit levels. The committee has revised these provisions in order to stress the role of the Congress in setting social security tax and benefit levels. Under the committee bill. social security benefits would rise automatically in the event the cost of living goes up and Congress failed to legislate on social security benefits or taxes. The social security earnings limitation would increase automatically as covered earnings increase. The full cost of these automatic increases would be met equally by increases in tax rates and in the tax base, with the function of determining the base and the rates performed by the Secretary of Health, Education, and Welfare. The committee bill would provide that the automatic benefit increases would not go into effect if in the year before the year in which the increase was to be effective Congress and the President had approved a change in social security benefit levels, or a change in the schedule of social security tax rates, or a change in the social security tax base.

Age 62 Computation Point for Men

Under present law, the method of computing benefits for men and women differs in that years up to age 65 must be taken into account in determining average earnings for men, while for women, only years up to age 62 must be taken into account. Also, benefit eligibility is figured up to age 65 for men and up to age 62 for women. These differences which provide special advantages for women would be eliminated under the committee bill and under the House-passed bill by applying the same rules to men as now apply to women.

The House-passed change would apply immediately to those already on the rolls as well as to those coming on in the future. Under the committee's bill, there would be a gradual transition to the new procedures so that the provision would apply only to those becoming entitled in benefits in the future; the number of years used in determining insured status and in computing benefits for men would be reduced in 3 steps so that men reaching age 62 in 1973, and later, would have only years up to age 62 taken into account in determining insured status and average earnings.

In the first full year, an additional $6 million in benefits would be paid out under this provision. Under the change in benefit eligibility requirements for men, some 2,000 people—workers, their dependents, and survivors not eligible under present law—would be added to the rolls in the first year.

Effective date.—January 1, 1971.

Increase in Maximum Family Benefits

The committee bill provides that families coming on the rolls after a benefit increase is enacted, as well as families already on the rolls at the time the increase is enacted, would be guaranteed the full amount (10 percent under the committee bill) of the current and future general benefit increases. Under the committee bill, maximum family benefits would range from 1.5 to 1.88 times the worker's benefit amount payable at age 65.

Effective date.—January 1, 1971.

Actuarial Reduction for Women

Under present law when a woman applies before age 65 for a retirement benefit based on her own earnings, her benefits are actuarially reduced to take account of the longer period over which benefits will be paid. If she subsequently applies for a wife's benefit after reaching age 65, her wife's benefit is also reduced to reflect the fact that she began to receive benefits before age 65. The House-passed bill would eliminate actuarial reduction in such cases; the committee bill would retain the provisions of present law.

Benefits for Divorced Women

The committee bill retains the provisions of present law which require that in order to qualify for benefits as a divorced wife, divorced widow or a surviving divorced mother a woman must show that: (1) she was receiving at least one-half of her support from her former husband, or (2) she was receiving substantial contributions from her former husband, or (3) there was a court order in effect providing for substantial contributions to her support by her former husband.

The House-passed bill would delete these requirements.

Waiting Period for Disability Benefits

Under present law there is a six-month waiting period before a disabled person is eligible for social security disability insurance benefits. The committee added to the House bill a provision to reduce the waiting period for disability benefits by two months, so that benefits would be payable on the basis of a four-month waiting period, rather than a six-month period.

About 140,000 people—disabled workers and their dependents and disabled widows and widowers—would be able to receive a benefit for January 1971 as a result of this provision. About $185 million in additional benefits would be paid out during the first full year.

Effective date.—January 1, 1971.

Childhood Disability Benefits

The committee bill would extend the ex-would provide childhood disability benefits for the disabled child of an insured retired, deceased, or disabled worker, if his disability began before age 22, rather than before 18 as under present law. The committee added a new provision to permit a person who was entitled to childhood disability benefits to become re-entitled if he again becomes disabled within 7 years after his prior entitlement to such benefits was terminated.

About 13,000 people—disabled children and their mothers—would immediately become eligible for benefits, primarily as a result of extending the age limit to 22. About $13 million in additional benefits would be paid out during the first full year.

Effective date.—January 1, 1971.

Disability Benefits Affected by the Receipt of Workmen's Compensation

The committee deleted the provision in the House bill modifying the workmen's compensation offset provisions to raise the ceiling on income from combined workmen's compensation and disability insurance benefits from 80 percent to 100 percent of the disabled worker's average current earnings before the onset of his disability.

Disability Insurance Benefits for the Blind

The House-passed bill contained a provision which would eliminate the general recency-of-work requirement for people who meet the definition of blindness in the Social Security Act. The committee bill revises the requirements for paying disability insurance benefits to blind people. Under the committee revision, disability insurance benefits would be payable to any blind person (as defined in the law) who has credit for 6 quarters of social security coverage, without regard to his ability to work.

About 225,000 people, blind workers and their dependents, would become immediately eligible for monthly benefits. About $225 million in additional benefits would be paid out during the first full year.

Effective date.—January 1, 1971.

Adoption of Child by Retired or Disabled Worker

The committee broadened the provision of the House-passed bill which would change the provisions of present law relating to the payment of benefits to a child (other than a natural child or a stepchild) who is adopted by a disability insurance beneficiary after the latter becomes entitled to benefits. Under the committee bill, the child, adopted when a disabled or retired worker is entitled to benefits, would be able to get child's benefits based on the worker's earnings if: (1) the adoption was decreed by a court of competent jurisdiction within the United States, (2) the child lived with the worker in the United States for the year before the worker became disabled or entitled to an old-age or disability insurance benefit, (3) the child received at least one-half of his support from the worker for that year, and (4) the child was under age 18 at the time he began living with the worker.

Effective date.—January 1, 1971.

Refund of Social Security Tax to Members of Certain Religious Faiths Opposed to Insurance

Under present law, members of certain religious sects, who have conscientious objections to social security by reason of their adherence to the established teachings of the sect, may be exempt from the social security self-employment tax provided they also waive their eligibility for social security benefits. This exemption was written largely to relieve the Olc Order Amish from having to pay the social security tax when, because of their religious beliefs, they would never draw social security benefits.

The committee bill, like the House bill, emption (by a refund or credit against income taxes at year end) from social security taxes to members of the sect who are "employees" covered by the Social Security Act as well as the "self-employed" members of the sect. The employee would have to file an application for exemption from the tax and waive his eligibility for social security and medicare benefits as the self-employed members must presently do. The provision specifically provides that there would be no forgiveness of the employer portion of the social security tax as the committee believes this would create an undesirable preference in the statute.

Trust Fund Expenditures for Rehabilitation Services

The committee added to the House bill a provision to authorize an increase in the amount of social security trust fund monies that may be used to pay for the costs of rehabilitating social security disability beneficiaries. The amount would be increased from 1 percent of the previous year's disability benefits to 1¼ percent for fiscal year 1972 and to 1½ percent for fiscal year 1973 and subsequent years.

Underpayments

The committee added a provision to the House bill under which additional relatives (by blood, marriage, or adoption) would be added to the present categories of persons listed in the law who may receive social security cash payments due a deceased beneficiary under title II of the Social Security Act.

Wage Credits for Members of the Uniformed Services

Present law provides for noncontributory social security wage credits of up to $100 a month, in addition to credit for basic pay, for military service performed after 1967. The committee bill, like the House bill, would provide that the additional wage credits would be extended to service in the period from 1957 (when military service was first covered under social security) through 1967. In addition, the committee bill would make a change in the way the additional credit is computed from $100 for each month of service to $300 for each quarter of service. The additional wage credits would affect approximately 130,000 beneficiaries immediately; about $35 million in additional benefits would be paid out in the first full year.

Effective date.—January 1, 1971.

2. Provisions of the House bill that were not changed by the committee

Special Payments to People Age 72 and Older

Under present law the special payments of $46 a month for an individual and $69 for a couple made to people age 72 and over who have not worked under the program long enough to qualify for regular cash benefits. Under the bill, the payments would be increased by 5 percent to $48.30 a month for an individual and $72.50 for a couple.

The benefit increase would be effective for the month of January 1971 but would not be paid until April.

Reduced Benefits for Widowers at Age 60

The 1965 amendments lowered from 62 to 60 the age of eligibility for widows but left the age of eligibility for dependent widowers at age 62. The bill provides that widowers who have attained age 60 would be eligible for reduced benefits, as widows are under present law.

Effective date.—January 1, 1971.

Liberal of the Retirement Test

The committee bill, like the House bill, provides an increase from $1,680 to $2,000 in the amount a beneficiary under age 72 may earn in a year and still be paid full social security benefits for the year.

Under present law, each $2 earned between $1,680 and $2,880 results in a $1 reduction in benefits; each dollar earned above $2,880 reduces benefits by $1. The bill would provide for a $1 reduction for each $2 earned with respect to all earnings above $2,000, not just those between $2,000 and 3,200.

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For 1971 about 650,000 beneficiaries would receive additional benefits, and about 380,000 persons who would receive no benefits under present law would receive some benefits. Additional benefit payments for the first full year would be about $404 million.

Effective date.—Taxable years ending after 1970.

Disability Insurance Benefits Applications Filed After Death

The committee bill would permit disability insurance benefits (and dependents' benefits based on the worker's entitlement to disability benefits) to be paid to the disabled worker's survivors if an application for benefits is filed within 3 months after the disabled worker's death.

Effective date.—Deaths in and after year of enactment.

Penalty for Furnishing False Information To Obtain a Social Security Number

Under present law, penalties are not provided for individuals who give false information in order to secure multiple social security numbers with an intent to conceal their true identities. This has led to a number of problems in private industry and in the administration of Government programs. Therefore, the committee bill, like the House bill, would provide criminal penalties if an individual willfully furnishes false information with the intent to deceive the Secretary of Health, Education, and Welfare for the purpose of obtaining more than one social security number or of establishing a social security record under a different name. Upon conviction, an individual shall be fined not more than $1,000, or imprisoned for not more than one year, or both.

Other Cash Benefit Amendments

The committee also deleted the House-passed amendment providing social security coverage for Federal Home Loan Bank employees and adopted amendments relating to widows who remarry, retroactive payments for certain disabled people, temporary employees of the Government of Guam, policemen and firemen in Idaho and policemen in Missouri, certain public hospital employees in New Mexico, registrars of voters in Louisiana, certain U.S. citizens who are self-employed outside the United States and certain part-time and student employees of State and local governments in Nebraska. Other amendments included in the committee's bill relate to the treatment of earnings of self-employed people paying taxes on a fiscal year basis, recomputation of benefits based on combined railroad and social security earnings and payment to a child entitled on the record of more than one worker.

B. MEDICARE AND MEDICAID

1. Provisions of the House bill that were not substantially changed by the committee

Relationship between Medicare and Federal employees benefits

The committee bill would require that effective January 1, 1972, no payment would be made under medicare for the same services covered under a Federal employees health benefits plan, unless in the meantime, the Secretary of Health, Education, and Welfare certifies that the Federal employees health benefits program has been modified to make available coverage supplementary to medicare benefits and that Federal employees and retirees age 65 and over will continue to have the benefit of a Government contribution toward their health insurance premiums.

Hospital Insurance for the Uninsured

People reaching age 65 who are ineligible for hospital insurance benefits under medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical insurance part of medicare. Enrollment for supplementary medical insurance is also required. Those who enroll would pay the full cost of the protection—estimated at $27 a month at the beginning of the program, and rising as hospital costs rise. States and public organizations, through agreements with the Secretary, would be permitted to purchase such protection on a group basis for their retired (or active) employees age 65 or over.

Limitation on Recognition of Physicians' Fee Increases

Charges determined to be reasonable under the present criteria in the medicare, medicaid, and maternal and child health law would be limitd by providing: (*a*) that after enactment of the bill medical charge levels recognized as prevailing may not be increased beyond the 75th percentile of actual charges in a locality during the previous elapsed calendar year; (*b*) that for fiscal year 1972 and thereafter the prevailing charge levels recognized for a locality may be increased, in the aggregate, only to the extent justified by indexes reflecting changes in costs of practice of physicians and in earnings levels; and (*c*) that for medical supplies, equipment, and services that, in the judgment of the Secretary, generally do not vary significantly in quality from one supplier to another, charges allowed as reasonable may not exceed the lower levels at which such supplies, equipment and services are widely available in a locality.

Termination of Payments to Suppliers of Services Who Abuse the Medicare Program

The Secretary of Health, Education, and Welfare would be given authority to terminate payment for services rendered by a supplier of health and medical services found to be guilty of program abuses. Program review teams would be established to furnish the Secretary professional advice in carrying out this authority.

Repeal of Medicaid Provision Requiring Expanded Programs

The requirement in present law that States have comprehensive medicaid programs by 1977 would be repealed.

State Determination of Reasonable Hospital Costs

States would be permitted to pay hospitals on the basis of their own determination of reasonable cost, provided there is assurance that the medicaid program would pay the actual cost of hospitalization of medicaid recipients.

Government Payment No Higher Than Charges

Payments for institutional services under the medicare, medicaid, and maternal and child health programs could not be higher than the charges regularly made for those services.

Federal Matching for Modern Claims Processing Systems

Federal matching at the 90-percent rate would be available under medicaid for the States to set up mechanized claims processing and informational retrieval systems. Federal matching for the continuing operation of such systems would be at the 75-percent rate.

Prohibition of Reassignments

Medicare (part B) and medicaid payments to anyone other than a patient, his physician, or other person providing the service, would generally be prohibited, unless the physician (or, in the case of medicaid, another type of practitioner) is required as a condition of his employment to turn over his fees to his employer or unless there is a contractual arrangement between the physician and the facility in which the services were provided under which the facility bills for all such services.

Utilization Review in Medicaid

Hospitals and skilled nursing homes participating in the medicaid and maternal and child health programs would be required to have the same type of utilization review committee with the same functions as are required in the medicare program. (Any such committee actually performing such functions for medicare purposes would apply these to medicaid cases.)

Medicaid Deductibles for the Medically Indigent

Present law requires medicaid cost sharing provisions for the medically-indigent to vary directly with the amount of the recipient's income.

This has created an impossible administrative situation for States desiring to apply uniform reasonable copayment requirements (for example, 50 cents or $1 per prescription).

The amendment would permit States to employ reasonable cost sharing provisions with respect to health services for the medically indigent without requiring variations because of differences in income levels of different medically indigent recipients.

Terminating Payment Where Hospital Admission Not Necessary Under Medicare

If the utilization review committee of a hospital or extended care facility, in its sample review of admissions, finds a case where institutionalization is no longer necessary, payment would be cut off after 3 days. This provision parallels the provision in present law under which long-stay cases are cut off after 3 days when the utilization review committee determines that institutionalization is no longer required.

Role of State Health Agencies in Medicaid

State health or other appropriate State medicaid agencies would be required to perform certain functions under the medicaid and maternal and child health programs relating to the quality of the health care furnished to recipients.

Retroactive Coverage Under Medicaid

States would be required to cover under medicaid the cost of health care provided to an eligible individual during the 3-month period before the month in which he applied for medicaid.

Certification of Hospitalization for Dental Care

A dentist would be authorized to certify to the necessity for hospitalization to protect the health of a medicare patient who is hospitalized for noncovered dental procedures.

Christian Science Sanatoriums Under Medicaid

Christian Science sanatoriums would be exempted from the medicaid requirement that they have a licensed nursing home administrator and from other inappropriate skilled nursing home requirements.

Grace Period for Paying Medicare Premium

Where there is good cause for a medicare beneficiary's failure to pay supplementary medical insurance premiums, an extended grace period of 90 days would be provided.

Extension of Time for Filing Medicare Claims

The time limit for filing supplementary medical insurance claims would be extended where the medicare beneficiary's delay is due to administrative error.

Waiver of Enrollment Requirements in Cases of Administrative Error

Where an individual's enrollment rights under part B of medicare have been prejudiced because of inaction or error on the part of the Government, the Secretary would be authorized to provide equitable relief to the individual.

Enrollment Under Medicare

Eligible individuals would be permitted to enroll under medicare's supplementary medical insurance program during any prescribed enrollment period. Beneficiaries would no longer be required to enroll within 3 years following first eligibility or a previous withdrawal from the program. Relief would be provided where administrative error has prejudiced an individual's right to enroll in medicare's supplementary medical insurance program.

Waiver of Medicare Overpayment

Where incorrect medicare payments were made to a deceased beneficiary, the liability of survivors for repayment could be waived if the survivors were without fault in incurring the overpayment.

Medicare Fair Hearings

Fair hearings, held by medicare carriers in response to disagreements over amounts paid under supplementary medical insurance, would be conducted only where the amount in controversy is $100 or more.

Collection of Medicare Premium by Railroad Retirement Board

Where a person is entitled to both railroad retirement and social security monthly benefits, his premium payment for supplementary medical insurance benefits would be deducted from his Railroad Retirement benefit in all cases.

2. Provisions of the House bill modified by the committee

Limitation on Federal Payment for Disapproved Expenditures

Reimbursement amounts to providers of health services under the medicaid, medicare, and maternal and child health programs for capital costs, such as depreciation and interest, would not be made with respect to large capital expenditures which are inconsistent with State or local health facility plans. The committee added a provision which would require States which apply this provision to establish an appeals mechanism at the State level for purposes of considering adverse decisions.

Experiments and Projects in Prospective Reimbursement and Incentives for Economy

The Secretary of Health, Education, and Welfare would be required to develop experiments and demonstration projects designed to test various methods of making payment to providers of services on a prospective basis under the medicare, medicaid and maternal and child health programs. In addition, the Secretary would be authorized to conduct experiments with methods of payment or reimbursement designed to increase efficiency and economy. The committee added a provision which would allow the Secretary to include in such projects community mental health centers, and ambulatory care facilities.

Limits on Costs Recognized as Reasonable

The Secretary of Health, Education, and Welfare would be given authority to establish and promulgate limits on provider costs to be recognized as reasonable under medicare based on comparisons of the cost of covered services by various classes of providers in the same geographical area. Hospitals and extended care facilities could charge beneficiaries for the costs of services in excess of those that are necessary to the efficient delivery of needed health services (except in the case of an admission by a physician who has a financial interest in the facility). The committee added a provision which would further define unreasonable costs as including those resulting from gross inefficiency.

Limitation on Federal Medicaid Matching

The House bill provided for a one-third cutback in Federal medicaid matching after a medicaid patient had received 90 days of care in a skilled nursing home or 90 days in a mental hospital or 60 days in a general hospital in a year. The committee substituted for the House section a provision which would authorize the Secretary of HEW to reduce the matching selectively in those States where he finds inadequate medical audit and utilization review. The cutback in matching would be related to the degree of excessive costs resulting from inadequate review and audit.

Payment for Supervisory Physicians in Teaching Hospitals

The committee modified the provision in the House bill which would provide for payment for services of certain teaching physicians on a cost basis and would make fee-for-service reimbursement contingent on general billing for such services to all patients and collection from those able to pay. Under the committee modification, reimbursement of physician time in the teaching serivce would be determined on a cost or cost-equivalent basis. Reimbursement for such services would be made on a reasonable-charge basis if the hospital had, in the 2-year period ending in 1967, and subsequently, customarily charged all patients and collected from a majority of patients on a fee-for-service basis, or if a bonafide private patient relationship had been established.

Institutional Planning and Budgeting

Health institutions under the medicare program would be required to have a written plan reflecting an operating budget and a capital expenditure budget. The committee clarified this provision to stipulate that the operating budget would not have to be a detailed item budget.

Modifications in Extended Care and Home Health Benefits

The committee modified the provisions of the House bill which would authorize the Secretary of Health, Education, and Welfare to establish presumptive periods of coverage on the basis of a physician's certification for patients admitted to an extended care facility or started on a home health plan. The committee provides that, to the extent feasible, pre-admission review of extended care admissions would be required and unless disapproved, coverage upon admission would continue for the lesser of (1) the initially certified period, (2) until notice of disapproval, or (3) 10 days. Where certifications and evidence were provided in a timely basis, any subsequent determination (for purposes of determining medicare payments liability) that the patient no longer required covered care would be effective 2 days after notification to the facility. The committee provides for a similar approach to the determination of coverage of home health services.

Payments to Health Maintenance Organizations

Medicare beneficiaries could choose to have their care provided by a health maintenance organization (a prepaid group health or other capitation plan). Medicare would contract with such organization, and would reimburse them on a capitation basis at a rate equivalent to 95 percent of the per capita costs of medicare beneficiaries in the area with actuarial adjustments taking into account variations in patient mix. Profits accruing to the organization, beyond their retention rate for non-medicare members would be passed to the medicare enrollees in the form of expanded benefits. The committee substantially tightened the provision so as to define more specifically the quality standards and reimbursement mechanisms which would apply to the organizations as well as including additional safeguards against potential abuse and exploitation.

Physical and Other Therapy Services Under Medicare

The committee removed the provision in the House bill which would authorize reimbursement up to $100 for physical therapy services in a therapist's office.

The committee modified the limitation on reimbursement for institutional therapy basis, and also extended the limitation from a "salary equivalent" to a "salary related" basis, and also extended the limitation to apply to other therapists, dieticians, social workers and medical records librarians for their services provided in an institutional setting.

Medicare Benefits for People Living Near U.S. Border

The House bill provides that medicare beneficiaries living in the border areas of the United States would be entitled to covered inpatient hospital care if the hospital they use is closer to their residence than a comparable U.S. hospital and if it has been accredited by a hospital approval program with standards comparable to medicare standards. The committee added to the House bill a provision extending coverage in these cases to physicians' and ambulance services furnished in conjunction with covered foreign hospital care.

3. New provisions added by the committee

Professional Standards Review Organizations

The committee provided for the establishment of Professional Standards Review Organizations formed by organizations representing substantial numbers of practicing physicians in local areas to assume responsibility for comprehensive and ongoing review of services provided in the medicare and medicaid programs. The purpose of the amendment is to assure proper utilization of care and services provided in medicare and medicaid through a formal professional mechanism representing the broadest possible cross-section of physicians in an area. Appropriate safeguards are included so as to adequately provide for protection of the public interest and to prevent pro forma assumption and carrying out of the vitally important review activities in the two highly-expensive programs. The amendment provides for the use by the PSRO of effective utilization review committees in hospitals and medical organizations.

Conform Medicare and Medicaid Standards for Nursing Facilities

The committee added to the House bill a provision which would require that health, safety, environmental, and staffing standards for extended care facilities be uniform with those established for skilled nursing homes under medicaid.

Inspector General for Health Administration

An Office of Inspector General for Health Administration would be established within the Department of Health, Education, and Welfare. The Inspector General would be appointed by the President, would report to the Secretary, and would be responsible for reviewing and auditing the social security health programs on a continuing and comprehensive basis to determine their efficiency, economy, and consonance with the law.

Proficiency Evaluation of Otherwise Disqualified Health Care Personnel

The committee bill would require the Secretary of Health, Education, and Welfare to develop and employ proficiency examinations to determine whether health care personnel, not otherwise meeting specific formal criteria now included in medicare regulations, have sufficient training, experience, and professional competence to be considered qualified personnel for purposes of the medicare program.

Penalty for Fraudulent Acts Under the Medicare and Medicaid Programs

The committee added to the House bill a provision which would broaden the present penalty provisions relating to the making of a false statement or representation of a mate-

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rial fact in any application for medicare payments, to include the soliciting, offering, or acceptance of kickbacks or bribes, including the rebating of a portion of a fee or a charge for a patient referral, by providers of health care services. The penalty for such acts, as well as the acts currently subject to penalty under medicare, would be imprisonment up to one year, a fine of $10,000, or both. In addition, the committee bill provides that similar penalty provisions apply under medicaid.

The committee also provided that anyone who knowingly and willfully makes, or induces the making of, a false statement of material fact with respect to the conditions and operation of a health care facility or home health agency in order to secure medicare or medicaid certification of the facility or agency, would be guilty of a misdemeanor punishable by up to 6 months' imprisonment, a fine of not more than $2,000, or both.

Inclusion of American Samoa and the Trust Territory of the Pacific Islands Under Title V

The committee bill would include the Trust Territory of the Pacific Islands and American Samoa as eligible to receive funds under the maternal and child health and crippled children programs (title V).

Provide for Reasonable Approval of Rural Hospitals

The committee added to the House bill a provision which would authorize the Secretary of Health, Education, and Welfare to waive, on an annual basis, the requirement that an access hospital have registered professional nurses on duty around the clock, but only if he finds that the hospital: (a) has made, and is continuing to make, a bona fide effort to comply with the nursing staff requirement but is unable to employ the qualified personnel necessary because of nursing personnel shortages in the area and has an RN on the daytime shift; (b) is located in a geographical area in which hospital facilities are in short supply; and (c) nonparticipation of the "access" hospital would seriously reduce the availability of hospital services to beneficiaries residing in the area. The waiver authority would expire December 31, 1975.

Consultants for Extended Care Facilities

The committee added to the House bill a provision to authorize State agencies to provide consultative services to those extended care facilities which request them in such specialty areas as maintenance of medical records and the formulation of policies governing the provision of dietary and social services. Medicare payment would be made directly to the State agency for the costs incurred in rendering these consultative services. The provision of such services by the State would satisfy the medicare requirements relating to the use of consultants in the appropriate specialty areas.

Public Access to Records Concerning Institutions' Qualifications

The committee added to the House bill a provision under which the Secretary of Health, Education, and Welfare would be required to make reports of an institution's significant deficiencies (such as deficiencies in the areas of staffing, fire, safety, and sanitation) a matter of public record readily and generally available at social security district offices if, after a reasonable lapse of time (not to exceed 90 days), such deficiencies were not corrected.

Simplified Reimbursement of Extended Care Facilities

The committee provision would authorize the Secretary of Health, Education, and Welfare to adopt (and adjust as specified), as reasonable-cost payments for extended care facilities in any State, the rates developed in that State under medicaid for reimbursement of skilled nursing care, if the Secretary finds that they are based upon reasonable analyses of costs of care in comparable facilities.

Authority for Establishing Liens to Permit Recovery of Overpayments

The committee added a provision to the House bill to facilitate the recoupment of overpayments to providers of services by authorizing the Secretary of Health, Education, and Welfare, when he determines it to be necessary for purposes of recovering an overpayment to a provider, to establish a lien in favor of the Government in the amount of the overpayment, preserving in the course of such action the right of the provider to contest the amount of the overpayment and to seek release of the lien to clear title.

Direct Laboratory Billing

The committee bill would authorize direct payment to laboratories for diagnostic tests at a negotiated rate provided that such rate does not exceed the amount which is payable under present law.

Refunding of Excess Medicare Premiums

The committee bill would authorize the refunding of excess medicare premiums paid prior to a beneficiary's death.

Waiver of Recovery of Erroneous Payment

The committee provisions would limit medicare's right of recovery of an erroneous payment to a three-year period from the date of the payment, where the institution or person involved acted in good faith. Similarly, the Secretary of H.E.W. would specify a reasonable period of time (not to exceed 3 years) after which medicare would not be required to accept claims for underpayment or nonpayment.

Provider Reimbursement Appeals Board

The committee amendment would establish an appeals board to hear appeals on reimbursement decisions made by intermediaries, under certain conditions, and where the amount at issue was $10,000 or more.

Prosthetic Lenses Furnished by Optometrists

The committee amended the definition of physician in medicare to include a licensed doctor of optometry, but only with respect to establishing the medical necessity of prosthetic lenses.

Chiropractors

The committee amendment would delete the study of chiropractic services called for in the House bill and would substitute a provision which would provide for the coverage under medicare of services involving manipulation of the spine by licensed chiropractors, if the chiropractor meets certain minimum standards established by the Secretary of Health, Education, and Welfare. The same limitations on chiropractic services would also be applicable to States providing such care under medicaid.

Colostomy Supplies

The committee provided for the inclusion of materials directly related to the care of colostomies as a reimbursable expense under medicare.

Section 1902(d)

The committee added a provision to the House bill which would repeal section 1902 (d) which requires States to maintain their level of fiscal expenditures from year-to-year in their medicaid programs.

Separately, the committee also provided that the 1902(d) maintenance of fiscal effort provision would not apply to Missouri effective for the year beginning July 1, 1970.

Increase in Maximum Federal Medicaid Matching for Puerto Rico

The $20 million ceiling on Federal medicaid matching for Puerto Rico would be raised to $30 million under the committee provision.

Health Screening of Children

The committee would authorize the Secretary to establish orderly priorities in the implementation of the presently required health care screening for children programs, with initial priority being given to preschool children.

Relationship Between Medicaid and Comprehensive Health Programs

The committee bill would permit a State to make arrangements with comprehensive health care programs for the delivery of services on a pre-paid basis to medicaid recipients, subject to the approval of the Secretary.

Intermediate Care Facilities

Under the committee amendment, the intermediate care provision would be transferred from title XI to title XIX. An ICF would be required to have at least one full-time licensed practical nurse on its staff, and care in ICF's would be subject to professional audit and utilization review requirements. The mentally retarded receiving active treatment in public institutions meeting appropriate standards established by H.E.W. would be eligible for Federal matching funds.

Termination of Nursing Home Administrators Advisory Council

The committee would terminate the Advisory Council on December 31, 1970. Under present law the council would be terminated December 31, 1971.

Coverage of Mentally Ill Children Under Medicaid

The committee bill would authorize coverage of inpatient care in State and local mental institutions for medicaid recipients under age 21, provided that the care consists of active treatment, that is provided in an accredited institution, and that the State maintain its own level of fiscal expenditure for care of the mentally ill under 21.

Definition of "Physician" in Medicaid

The committee bill would define "physician" in title XIX to mean a doctor of medicine or a doctor of osteopathy.

75 Percent Medicaid Matching Funds for Professional Medical Personnel

The present 75 percent Federal medicaid matching rate for professional medical personnel in State agencies would be expanded to also include such personnel who, on a contract or similar basis, undertake independent professional and medical audits of medicaid patients.

C. CATASTROPHIC HEALTH INSURANCE PROGRAM

The committee added to the House bill an amendment which would establish a program of catastrophic health insurance under the Social Security Act for all persons under age 65 who are insured under social security, their spouses and dependent children, as well as all persons under age 65 who are entitled to retirement, survivors, or disability benefits under title II of the act. The health services to be covered, and the applicable exclusions, are the same as under the medicare program, except that there would be no upper limit on covered hospital or extended care days or home health visits. Under the catastrophic health insurance program, benefits would be payable toward the costs of inpatient hospital services and post-hospital extended care services above an annual deductible of 60 days of inpatient hospital care for each individual, subject to a daily coinsurance amount. The program would also cover 80 percent of reasonable costs incurred for home health care and hospital outpatient services, and 80 percent of reasonable charges incurred for other covered medical services above an annual deductible amount which would initially be set at $2,000 per family and which would rise in accordance with any increases in the physicians' services component of the Consumer

Price Index. The program could be administered through regular medicare administrative procedures and subject to all utilisation, cost, quality and administrative controls applicable under that program. Coverage under the program would be effective beginning January 1, 1972, and the financing provisions necessary to pay for the additional benefits would become effective at the same time.

D. FINANCING OF SOCIAL SECURITY TRUST FUNDS

In order to pay for the additional costs of the social security changes proposed in the committee bill, including the new catastrophic illness insurance and the existing actuarial deficit in the hospital insurance program, the social security tax base would be increased from $7,800 a year to $9,000 a year, starting January 1, 1971, as in the House-passed bill.

In addition, a new schedule of taxes would be provided. Like the schedule of taxes proposed in the House bill, the committee bill would decrease the taxes paid under the cash benefits program over the next few years, and increase the taxes paid under the hospital insurance program. Also, the committee bill provides an additional tax of 0.3 percent in 1972, rising to 0.4 percent in 1980 to pay for the catastrophic illness insurance provided in the bill.

E. TRADE ACT OF 1970

Purposes

The committee's trade amendment (Title III of this bill) is derived, with changes, from H.R. 18970 which passed the House of Representatives on November 19, 1970.

In brief, the general purposes of the Committee's trade amendment are:

(1) To provide to the President limited tariff-reducing authority for compensatory purposes until July 1, 1975;

(2) To strengthen our unfair trade practice statutes and thus enable industy and workers who are adversely affected by unfair foreign trade practices to receive a fair opportunity for relief;

(3) To revise the adjustment assistance and tariff adjustment procedures and criteria in the Trade Expansion Act of 1962, and provide a fair opportunity for injured industries, firms, and workers to receive adequate and prompt relief;

(4) To establish import quotas on textiles and footwear, unless: (a) the President finds them not to be in the national interest or (b) voluntary agreements limiting such imports are consummated with foreign governments, or (c) the President finds that imports do not disrupt the U.S. market;

(5) To revise the national security provisions of the Trade Expansion Act to preclude the use of duties or tariffs whenever the President has determined that imports of a particular product or material are threatening to impair the national security;

(6) To strengthen the independent status of the U.S. Tariff Commission; and

(7) To make various other changes in our tariff and trade laws which will streamline the procedures dealing with specific import or export problems.

Trade Agreement Authority

The President's trade agreement authority under the Trade Expansion Act of 1962 terminated at the close of June 30, 1967. The President has been without such authority since that time and in his trade message to the Congress, of November 18, 1969, he requested renewal of the authority, including new authority to reduce duties.

The committee amendment would extend the President's authority to enter into new trade agreements under the Trade Expansion Act of 1962 to July 1, 1975. The President is given new authority to reduce duties by 20 percent, or 2 percentage points, below the rates of duty which will exist when the final stage of the Kennedy Round reduction becomes effective on January 1, 1972. The committee amendment would limit the President's authority to enter into and carry out new trade agreements to those situations in which compensatory concessions are necessary to offset the effects of an increase in U.S. duties or imposition of other restrictions by the U.S. Government on the products of a foreign country which were bound under a trade agreement. Should reductions in duty under the new authority be agreed to prior to the final stages of the Kennedy Round, the remaining stages of Kennedy Round reductions and the new reductions agreed to are to be aggregated and made effective in at least two stages.

Other Presidential Authority

Concern has been expressed about the barriers to trade which have developed despite the Kennedy Round of trade negotiation. In 1962, the Committee on Finance added section 252 to the Trade Expansion Act to provide new authority and direction to the President to act against import restrictions or other acts of foreign countries which unjustifiably or unreasonably burden or discriminate against U.S. commerce. The Trade Act of 1970 broadens the President's authority to deal with foreign trade barriers and streamlines the procedures for handling specific complaints.

The Trade Act of 1970 also amends the President's authority to safeguard the national security by providing that any adjustment of imports under the national security authority shall not be accomplished by the imposition or increase of any duty or of any fee or charge having the effect of a duty. In addition, time limitations are imposed on the Director of the Office of Emergency Preparedness in making determinations on applications for action under the national security provision.

Tariff Adjustment and Adjustment Assistance

The need for making less rigid the criteria for determining serious injury from increased imports is met in title III both for tariff adjustment for industries and adjustment assistance in the case of firms or groups of workers.

Tariff Adjustment.—In present law, the criteria for determining serious injury are the same for tariff adjustment for industries and for adjustment assistance for firms and workers. The committee agrees with the House and the Administration that the present criteria are too stringent. Under the new provisions, the Tariff Commission, in the case of tariff adjustment, or the President, in the case of adjustment assistance, is to determine whether increased imports *"contribute substantially"* toward causing or threatening to cause serious injury. In the case of tariff adjustment, the committee provided that increased imports must be related in whole or in part to the duty or other customs treatment reflecting tariff concessions agreed to by the United States.

If serious injury is found to an industry, those Commissioners finding injury are to make an additional determination under the new provision. This additional determination will be in the affirmative if the Commission finds that imports of the article are: (1) acutely or severely injuring a domestic industry or (2) threatening to acutely or severely injure a domestic industry.

A majority of the Commissioners present and voting is to be required for an affirmative injury determination and a majority of those Commissioners finding injury under the criteria provided must determine the type of import restriction required to remedy the injury.

When the Commission finds and reports to the President an affirmative injury determination, the President is required to take such action as he deems necessary to prevent or remedy the injury so found unless he determines that such action is not in the national interest. In the case of an additional affirmative determination by the Commission on the question of acute or severe injury, the President is required to impose the import restrictions found by the Commission to be necessary to prevent or remedy the acute or severe injury unless he determines that such action would not be in the national interest. As is presently provided, if the President does not make effective the remedy determined by the Tariff Commission, he must report to the Congress within 60 days of the receipt of the Tariff Commission's report and findings. In such case, the existing provisions of law with respect to Congressional implementation of the Tariff Commission finding as to the action necessary to prevent or remedy the injury would continue to apply.

Section 352 of the Trade Expansion Act with regard to orderly marketing agreements is amended to provide that the President may, at any time, negotiate such agreements on articles subject to tariff adjustment or upon which he has received an affirmative injury determination.

New review procedures on pending tariff adjustment action are provided. In any report by the Tariff Commission reviewing such tariff adjustment actions, it must include information on steps taken by firms in the industry to compete more effectively with imports. In addition, in any review of tariff adjustment actions by the Tariff Commission, as a result of which the President may determine to extend, in whole or in part, or terminate such action, the Commission will be required to determine whether the existing restrictions on imports are sufficient to prevent or remedy injury to the domestic industry.

Adjustment Assistance.—The Trade Act of 1970 also revises the procedures for petitions by firms or groups of workers to provide that petitions by firms or groups of workers are to be made to the President rather than the Tariff Commission. The Tariff Commission will continue to provide the President with a factual report to assist the President in making his determination as to eligibility of firms and groups of workers to apply for adjustment assistance.

The amendment provides increased trade adjustment allowances payable to adversely affected workers. Under existing law, the allowance is 65 percent of the worker's average weekly wage or 65 percent of the average weekly manufacturing wage, whichever is lower. The amendment increases each of these percentages to 75 percent.

The amendment provides that if the President does not provide tariff adjustment for an industry after an affirmative injury determination by the Tariff Commission, he is required to provide that the firms and workers in that industry may request certification of eligibility for adjustment assistance.

The Committee also provided the Tariff Commission with a period of 90 days after the date of enactment of this Act to make the necessary changes in its rules and regulations and to so organize its staff to expeditiously process the tariff adjustment and adjustment assistance petitions filed under the provisions of this Act. No new petition may be filed under section 301(a) of the Trade Expansion Act until the Tariff Commission issues new rules and regulations, which must be within 90 days after enactment.

Quotas on Certain Textile and Footwear Articles

We believe that the tariff adjustment amendments described above will be sufficient to deal with competitive situations facing many domestic producers in the economy. However, the effects of rapidly increasing imports on two basic industries are such as to require extraordinary measures. Part B of title III of this bill deals with the ex-

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tremely serious threat to the textile and apparel industry and to the nonrubber footwear industry.

Under part B of title III, the total quantities of imports of certain textile and footwear articles are to be limited by category and by country beginning in the year 1971. For that year, imports are to be limited to the annual average quantities imported during the three calendar years 1967 through 1969. For the years after 1971, the total quantity of imports of each category of textile articles or footwear articles is to be limited to the quantity determined for the foreign country for the preceding year plus an increase determined by the President. Any such increase is to be limited to a percentage not over 5 percent of the total quantity permitted to be entered in the immediately preceding year as the President determines to be consistent with the purposes of the quota provisions.

The President is authorized to exempt from quotas imports of articles: (1) which he determines are not disrupting the U.S. market, (2) when he determines that the national interest requires such action, or (3) when he finds that the supply of such articles in the domestic market is insufficient to meet demand at reasonable prices.

In addition, the President is authorized to negotiate agreements under which imports of textiles and footwear would be controlled on a voluntary basis. Imports covered by such agreements would also be exempt from quantitative limitations as would imports of cotton textile articles as a result of the existing Long Term Arrangements on Cotton Textiles.

Determinations with respect to the establishment of or change in quantitative limitations or exemptions from such limitations, other than determinations made by the President for national interest reasons, would be subject to the rulemaking provisions of the Administrative Procedure Act.

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The quota limitations provided in the bill would terminate on July 1, 1976, unless the President finds that the extension of the quantitative limitations for periods not to exceed 5 years would be in the national interest.

Other Tariff and Trade Provisions

The magnitude and the nature of U.S. foreign trade has changed remarkably over the past decade. Although both imports and exports separately account for about 4 percent of the gross national product, they now exceed $80 billion. The committee is concerned that the rules of competition governing this volume of trade be fair to all concerned. Consequently, the committee has tightened the domestic procedures with respect to such international trade practices as dumping and subsidization of exports. Greater recognition as to the role of the Tariff Commission as an independent agency is emphasized in amendments made to the Tariff Act of 1930. The committee directs the Executive and the Tariff Commission to conduct a series of studies aimed at developing basic principles of free and fair trade, insuring reciprocity for U.S. commerce, and fair international labor standards. Provision is also made for the solution of specific trade problems which cannot be remedied under existing provisions of law.

Antidumping Act of 1921

The Antidumping Act is amended to provide that the Secretary of the Treasury must take initial action within 4 months after the question of dumping has been presented to him. In exceptional cases the Secretary would have an additional 90 day period to reach such a finding, if he published in the Federal Register, within 60 days after the complaint is received, the reasons why additional time is absolutely necessary. Under the committee amendment, this would require the withholding of appraisement within that period should the Secretary of the Treasury have reason to suspect that sales at less than fair value are, or are likely to be, taking place. Should the Secretary of the Treasury's initial action involve a tentative negative determination, the Secretary would be authorized to withhold appraisement within three months after the notice of negative determination has been made if he should reverse his initial negative determination. In addition, the Antidumping Act is amended to provide criteria for a determination of dumping with regard to imports from State controlled economies. The amendment reflects existing Customs practices.

Countervailing Duty Provision

The countervailing duty provision is amended to require the Secretary of the Treasury to make a determination within 12 months after the question is presented to him as to whether a bounty or grant has been bestowed on imports into the United States.

Under the bill, subsidized duty-free imports are also to be subject to the countervailing duty provisions but only if the Tariff Commission should determine that such subsidized imports are injuring a domestic industry. The countervailing duty provision is also amended to provide the Secretary of the Treasury with discretionary authority with respect to the imposition of a countervailing duty on an article subject to quantitative limitation or subject to agreements under which the volume of exports to the United States is limited. Countervailing duties would be imposed when the Secretary determines that such limitations are not an adequate substitute for a countervailing duty with respect to the article in question.

Tariff Commission

In view of the added investigative and statutory burden on the Tariff Commission which will result from this legislation and in view of the concern of the committee to protect the independent nature of the Tariff Commission, the committee provided, in effect, that the Tariff Commission's budget shall be directly appropriated by the Congress (as is the budget of other independent agencies such as the General Accounting Office), and that the Executive shall not have authority to reorganize the Commission. The committee bill also would direct the Tariff Commission to do a number of studies which could lay the groundwork for a fresh approach to U.S. trade problems and agreements.

Comprehensive Studies by the President and Tariff Commission

There are a number of outstanding problems in the field of international trade which require intensive study. One such problem is the apparent lack of balance and reciprocity in the General Agreement on Tariffs and Trade. The presently constituted GATT agreement contains certain provisions that were written in 1947 when the United States had an overwhelmingly dominant position in world trade. They were designed at that time to put more dollars into the hands of the then war-torn European countries. The international economic positions of Europe, Japan, and the United States have changed so radically since the end of World War II that a new executive agreement incorporating the provisions of commercial reciprocity in all trade and investment matters appears to be desirable. As a first step toward the realization of this goal, the committee's bill authorizes and directs the executive branch and the Tariff Commission to conduct a series of studies dealing with the U.S. position in world trade and the rules under which trading nations can freely and fairly compete in world markets. It would be expected that this series of studies will lead to concrete negotiating proposals to the Congress and ultimately to new agreements and machinery for coping with all trade and investment problems.

Foreign Trade Statistics

The committee trade amendment also provides for the collection and publication of U.S. import statistics which will show c.i.f. value and thus include the cost of insurance, freight and other charges associated with c.i.f. value. This is the practice recommended to all countries by the United Nations and the International Monetary Fund for computing balance of trade statistics. Over 100 countries have adopted the so-called *c.i.f.* basis of measuring imports; only the United States and a few other countries use the free on board (f.o.b.) system, under which imports are tabulated on the basis of their value at the foreign port. The committee felt that the c.i.f. system will be more comparable to the method of publishing import statistics used by most other countries. Moreover, the committee's bill provides that U.S. exports, which are financed directly by Government grants and credits, should be shown separately from other exports on all monthly statistics which are published by the Department of Commerce.

Miscellaneous Trade Provisions

The committee trade amendment also would provide certain tariff-rate quota controls on imports of glycine and related products and on mink furskins.

The committee also provided a quarterly allocation of meat import quotas and closes a loophole concerning "prepared" fresh, chilled, and frozen beef and veal. The committee amendment does not extend the meat quota provisions to any other products not currently under quota.

The committee amendment also provides that additional invoice information will be required from foreign shippers for the purpose of statistical classification of imports.

The committee amendment also would reduce the rate of duty on parts of ski bindings.

A new provision of law would authorize the President to impose a suspension of trade with a nation which permits the uncontrolled or unregulated production of or trafficking in certain drugs in a manner to permit these drugs to fall into illicit commerce for ultimate disposition and use in this country.

F. AMENDMENTS TO PUBLIC PROGRAMS AND WORK INCENTIVE PROGRAM

1. Aid to the aged, blind, and disabled

National Minimum Income Standards for the Needy Aged, Blind, and Disabled

The committee bill would establish a national minimum income level for persons who receive cash assistance under federally matched State welfare programs for the needy aged, blind, and disabled. States would be required to provide a level of assistance sufficient to assure persons in these categories a total monthly income from all sources of at least $130 for a single individual or $200 for a couple. In the aged category this provision would result in increased assistance for eligible single aged individuals in about 31 States and for eligible aged couples in about 36 States. Concurrently with establishing these national minimum standards for assistance to the aged, blind, and disabled, the committee bill would make persons receiving such assistance ineligible to participate in the food stamp program. In effect, the bill would give needy persons more cash in lieu of food stamps.

Pass-Along of Social Security Increases to Welfare Recipients

Under other provisions of the bill, social security benefits would be increased by 10 percent, with the minimum basic social security benefit increased to $100 from its present $64 level. If no modification were made in present welfare law, however, many needy aged, blind, and disabled persons would get no benefit from these substantial increases in social security since offsetting reductions would be made in their welfare grants. To assure that such individuals would enjoy at least some benefit from the social security increases, the committee bill requires States to raise their standards of need for those in the aged, blind, and disabled categories by $10 per month for a single individual and $15 per month for a couple. As a result of this provision, recipients of aid to the aged, blind, or disabled, who are also social security beneficiaries, would enjoy an increase in total monthly income of at least $10 ($15 in the case of a couple).

DEFINITIONS OF BLINDNESS AND DISABILITY

The committee bill provides for the establishment of nationally uniform definitions of blindness and disability for purposes of the federally matched programs of assistance to the blind and disabled. The definitions adopted are those already applied in the disability insurance program established under title II of the Social Security Act.

The term "disability" would be defined by the committee bill as "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months," with further clarification of the meaning of "substantial gainful activity."

The term "blindness" would be defined as "central visual acuity of 20/200 or less in the better eye with the use of correcting lens." Also included in this definition would be the particular sight limitation which is referred to as "tunnel vision."

Under present law each State is free to prescribe its own definition of blindness and disability, and the committee bill would permit States to continue assistance to individuals who are now on the rolls under the existing State definition, but who would not be considered blind or disabled under the new Federal definitions.

Prohibition of Liens in the Program of Aid to the Blind

The committee bill would prohibit any State from imposing a lien on a blind individual's property as a condition of his receiving Federally-matched Aid to the Blind welfare payments. Present law leaves the matter of liens up to the discretion of the States.

Fiscal Relief for the States

The committee bill includes a provision which generally would not require States in future years to spend more for assistance to the aged, blind, and disabled than 90 percent of their expenditures for this purpose in calendar year 1970. The 10 percent savings would be paid from Federal funds as would the full amount of any increased expenditures resulting from mandatory provisions of the bill (such as the $10 pass-along of social security increases and the $130 national minimum standard for assistance to the aged, blind, and disabled). Increases in caseloads resulting from normal program growth would also be fully paid for with Federal funds, but increased expenditures resulting from liberalizations in State welfare programs not required by Federal law would not be covered by the 90 percent limitation. Such optional State liberalizations would be financed in accord with the regular Federal-State matching provisions.

2. Child Care

Although present law includes provisions designed to make child care services available to needy families with children, these services are still unavailable to many who need them. The lack of child care is particularly serious for those who wish to participate in work or training programs, or who undertake employment in an effort to become economically independent. The committee bill would promote the development of additional services both by providing for more favorable matching to the States for child care services and by establishing a new mechanism for the delivery of these services, the Federal Child Care Corporation.

Federal Matching Share

The bill provides for an increase from 75 percent to 90 percent in the Federal matching share for child care services provided by the States under title IV part A of the Social Security Act. The Secretary of Health, Education, and Welfare would be authorized to pay 100 percent of the cost of child care for a limited period of time in cases where he determined that necessary care would otherwise be unavailable. The 90 percent matching rate would be available to the States for child care for families receiving Aid to Families with Dependent Children and also for past and potential recipients, if the State has adopted the optional program for these groups. States would be required to maintain their present efforts so that additional Federal funds would result in expanded child care services.

Federal Child Care Corporation

As a mechanism to expand the availability of child care services, the bill would establish a Federal Child Care Corporation. The Corporation would have as its first priority making available child care services to children of parents eligible for such services under the AFDC program and who need them in order to participate in employment or training. However, it would also have the broader function of making child care available for any family which may need it, regardless of welfare status.

The bill provides for $50 million as initial working capital for the Corporation. This amount would be in the form of a loan by the Secretary of the Treasury and would be placed in a revolving fund. The money would be used by the Corporation to begin arranging for child care services. Initially, the Corporation would contract with existing public, private nonprofit, and proprietary facilities to serve as child care providers. To expand services, the Corporation would also give technical assistance and advice to organizations interested in establishing facilities under contract with the Corporation. In addition, the Corporation could provide child care services in its own facilities.

Fees would be charged for all services provided or arranged for by the Corporation. The fees would go into the revolving fund to provide capital for further development of services and to repay the initial loan. They would be set at a level which would cover the costs to the Corporation of arranging child care.

The bill also includes a provision which authorizes the Corporation to issue bonds for construction if, after the first two years of operation, the Corporation feels that additional funds for capital construction of child care facilities are needed. Up to $50 million in bonds could be issued each year, with an overall limit of $250 million on bonds outstanding. Construction is to be undertaken only if child care services cannot be provided in existing facilities.

Federal child care standards are specified in the amendment to assure that adequate space, staff and health requirements are met. In addition, facilities used by the Corporation would have to meet the Life Safety Code of the National Fire Protection Association. Any facility in which child care is provided by the Corporation, either directly or by contract, would have to meet the Federal standards, but would not be subject to any licensing or other requirements imposed by States or localities.

The Corporation, while providing a mechanism for expanding the availability of child care services, would not provide funds to subsidize child care. Those who are able to pay would be charged the full cost of services. The cost of child care needed by families on welfare would be paid by State welfare agencies.

State welfare agencies would be free to use the services of the Corporation in providing child care to welfare recipients, but would not be required to do so.

The Corporation would also have the authority to conduct programs of in-service training, either directly or by contract.

The bill requires the Corporation to submit a report to each Congress on the activities of the Corporation, including the data and information necessary to apprise the Congress of the actions taken to improve the quality of child care services and plans for future improvement.

The Corporation would be headed by a Board of Directors consisting of three members, to be appointed by the President with the consent of the Senate. The members of the Board would hold office for a term of three years.

A National Advisory Council on Child Care would be established to provide advice and recommendations to the Board on matters of general policy and with respect to improvements in the administration of the Corporation. The Council would be composed of the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Secretary of Housing and Urban Development, and 12 individuals, appointed by the Board.

3. Improvements in the work incentive program

The Work Incentive Program was created by the Congress as a part of the Social Security Amendments of 1967. It represents an attempt to cope with the problem of rapidly growing dependency on welfare by providing welfare recipients with the training and job opportunities needed to help them become financially independent.

Experience under the program has shown that a number of modifications are desirable. The committee's bill is designed to strengthen and improve the program.

On-the-job training and public service employment

A major criticism of the present Work Incentive Program has been the lack of development of on-the-job training and public service employment. On-the-job training and public service employment offer the best opportunity for employment of welfare recipients because they provide training in actual job situations. Unfortunately, less than two percent of the welfare recipients enrolled in the Work Incentive Program today are participating in on-the-job training and public service employment. The committee amendment would require that at least 40 percent of the funds spent for the Work Incentive Program be used for on-the-job training and public service employment.

The committee bill would also simplify the financing and increase the Federal share of the cost of public service employment (formerly called special work projects) by providing 100 percent Federal funding for the first year and 90 percent Federal sharing of the costs in subsequent years (if the project was in effect less than three years, Federal sharing for the first year would be cut back to 90 percent).

Tax Incentive for Hiring WIN Participants

As an incentive for employers in the private sector to hire individuals placed in employment through the Work Incentive Program, another feature of the amendment would provide a tax credit equal to 20 percent of the wages and salaries of these individuals. The credit would only apply to wages paid to these employees during their first 12 months of employment, and it would be recaptured if the employer terminated employment of an individual during the first 12 months of his employment or before the end of the following 12 months. This

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recapture provision would not apply if the employee became disabled or left work voluntarily. (The tax credit is described more fully in Part H of this summary.)

Registration of Welfare Recipients and Referral for Work and Training

Under present law, all "appropriate" welfare recipients must be referred by the welfare agency to the Labor Department for participation in the Work Incentive Program. Certain categories of persons are statutorily considered inappropriate. Persons may volunteer to participate in the Work Incentive Program even if the State welfare agency finds them inappropriate for mandatory referral.

Another criticism of the program has been that the State application of those standards of "appropriateness" for the program have resulted in widely differing rates of referrals and program participation. The committee's bill would eliminate this situation with a series of amendments. First, it would require welfare recipients to register with the Labor Department as a condition of welfare eligibility unless they fit within one of the following categories:

1. Children who are under age 16 or attending school;
2. Persons who are ill, incapacitated or of advanced age;
3. Persons so remote from a WIN project that their effective participation is precluded;
4. Persons whose presence in the home is required because of illness or incapacity of another member of the household; and
5. Mothers with children of preschool age.

At least 15 percent of the registrants in each State would be required to be prepared by the welfare agency for training and referred to the Work Incentive Program each year; States failing to meet this percentage would be subject to a decrease in Federal matching funds for aid to families with dependent children. The committee bill would also establish clear statutory direction in determining which individuals would receive employment or training by generally requiring the Department of Labor and Health, Education, and Welfare to accord priority in the following order, taking into account employability potential:

1. Unemployed fathers;
2. Dependent children and relatives age 16 and over who are not in school, working or in training;
3. Mothers who volunteer for participation; and
4. All other persons.

Thus, under the amendment, mothers would not be required to participate until every person who volunteered was first placed.

Liberalized Federal Matching for Training

The committee bill increases from 80 percent to 90 percent the rate of Federal matching for WIN training expenditures. Welfare agency expenditures for social, vocational rehabilitation, and medical services which are provided to directly support an individual's participation in WIN would also be matched at the 90 percent rate. Under existing law, these services are now generally matched by the Federal Government at the 75 percent rate.

Labor Market Planning and Program Coordination

The committee bill would require the Secretary of Labor to establish local labor market advisory councils whose function would be to identify present and future local labor market needs. The findings of these councils would have to serve as the basis for local training plans under the Work Incentive Program to assure that training was related to actual labor market demands.

The committee also mandates coordination between the Departments of Labor and Health, Education, and Welfare and their counterparts at the local level. The committee bill would require a separate WIN unit in local welfare agencies and joint participation by welfare and manpower agencies in preparing employability plans for WIN participants and in program planning generally.

Earned Income Disregard

Under present law States are required, in determining need for Aid to Families with Dependent Children, to disregard the first $30 monthly earned by an adult plus one-third of additional earnings. Costs related to work (such as transportation costs) are also deducted from earnings in calculating the amount of the welfare benefit.

Two problems have been raised concerning the earned income disregard under present law. First, Federal law neither defines nor limits what may be considered a work-related expense, and this has led to great variation among States and to some cases of abuse. Second, some States have complained that the lack of an upper limit on the earned income disregard has the effect of keeping people on welfare even after they are working full-time at wages well above the poverty line.

The committee bill would deal with both of these problems by modifying the earnings disregard formula and by allowing only day care as a separate deductible work expense (with reasonable limitations on the amount allowable for day care expenses). Under the committee bill, States would be required to disregard the first $60 earned monthly by an individual working full-time ($30 in the case of an individual working part time) plus one-third of the next $300 earned plus one-fifth of amounts earned above this.

4. Family planning services

Under present law, family planning services must be offered all appropriate welfare recipients; 75 percent Federal matching is available in meeting the cost of family planning services. The committee bill would provide 100 percent Federal funding for family planning services offered recipients of Aid to Families with Dependent Children. In addition, there would be 100 percent Federal funding, at the State's option, for those who were once welfare recipients or who are likely to become welfare recipients.

5. Emergency assistance for migrant families

The bill would require the States to establish State-wide programs to provide emergency assistance to needy migrant families with children. The Federal matching rate would be 75 percent. Under present law the establishment of programs for migrant families is optional with the States, and the Federal share is 50 percent. As under the existing program, assistance could be in the form of money payments or payments in kind. Assistance would be limited to a period not to exceed 30 days in any 12-month period.

6. Obligation of a deserting father

Present law requires that the State welfare agency undertake to establish the paternity of each child receiving welfare who was born out of wedlock and to secure support for him; if the child has been deserted or abandoned by his parent, the welfare agency is required to secure support for the child from the deserting parent, utilizing any reciprocal arrangements adopted with other States to obtain or enforce court orders for support. The State welfare agency is further required to enter into cooperative arrangements with the courts and with law enforcement officials to carry out this program. Access is authorized to both Social Security and Internal Revenue Service records in locating deserting parents.

The committee added to these provisions an amendment which would make it a Federal misdemeanor for a father to cross State lines in order to avoid his family responsibilities.

In addition, the committee bill also provides that an individual who has deserted or abandoned his spouse, child, or children shall owe a monetary obligation to the United States equal to the Federal share of any welfare payments made to the spouse or child during the period of desertion or abandonment. In those cases where a court has issued an order for the support and maintenance of the deserted spouse or children, the obligations of the deserting parent would be limited to the amount specified by the court order. If the State has obtained a court order, the Federal Government would attempt to recover both the Federal and non-Federal share of welfare payments to the deserting father's family. If the State has not obtained a court order, the Federal Government would only attempt to recover the Federal share of the welfare payments. The deserting parent's obligation could be collected in the same manner as any other obligation against the United States.

The bill also would authorize Federal officials knowing the whereabouts of a deserting parent to furnish this information to such parent's spouse (or to the guardian of his child) in cases in which a court order for child support has been issued against him.

7. Clarification of congressional intent regarding welfare statutes

Denial of eligibility for aid to families with dependent children where there is a continuing parent-child relationship

Under present law, aid to families with dependent children is available to children who have been deprived of parental support by reason of the "continued absence from the home" of a parent. In a recently decided opinion, the Supreme Court ruled that a State could not consider a child ineligible for welfare when there was a substitute parent with no legal obligation to support the child. The Court stated: "We believe Congress intended the term 'parent' in section 406(a) of the act * * * to include only those persons with a legal duty of support."

The committee bill would clarify Congressional intent by permitting States to take into account the presence of a man in the house if there exists between the man and the dependent child a continuing parent-child relationship. For purposes of determining whether such relationship exists between a child and an adult individual, only the following factors could be taken into account:

(1) They are frequently seen together in public;

(2) The individual is the parent of a half-brother or half-sister of the child;

(3) The individual exercises parental control over the child;

(4) The individual makes substantial gifts to the child or to members of his family;

(5) The individual claims the child as a dependent for income tax purposes;

(6) The individual arranges for the care of the child when his mother is ill or absent from the home;

(7) The individual assumes responsibility for the child when there occurs in the child's life a crisis such as illness or detention by public authorities;

(8) The individual is listed as the parent or guardian of the child in school records which are designed to indicate the identity of the parents or guardians of children;

(9) The individual makes frequent visits to the place of residence of the child; and

(10) The individual gives or uses as his address the address of such place of residence in dealing with his employer, his creditors, postal authorities, other public authorities, or others with whom he may have dealings, relationships, or obligations.

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A child-parent relationship could be determinated to exist only on the basis of an evaluation of these factors taken together with any evidence which may refute any inference related to these factors.

Duration of Residence Requirement

The committee bill requires States to impose a one-year duration of residence requirement in determining eligibility for welfare. However, Federal matching would not be denied solely because a State failed to meet this requirement. If a welfare recipient moved to a State with a one-year duration of residence requirement, his State of origin would be required to continue his welfare payments (as long as he remained eligible) for up to 12 months, by which time the individual could establish eligibility for welfare in his new State of residence.

Limitation on Duration of Welfare Appeals Process

Recently the Supreme Court ruled that assistance payments could not be determined before a recipient is afforded an evidentiary hearing. The committee bill would require that States reach decisions on an individual appeal within 30 days. The committee bill also requires the repayment of amounts which it is determined a recipient was not entitled to receive. Any amounts not repaid could be considered an obligation of the recipient to be withheld from any future assistance payments to which the individual may be entitled.

States Permitted to Seek to Establish Name of Putative Father

A recent court decision held that a mother's refusal to name the father of her illegitimate child could not result in denial of aid to families with dependent children (AFDC). The applicable State regulation was held to be inconsistent with the provision in Federal law that AFDC be "promptly furnished to all eligible individuals" on the grounds that the State regulation imposed an additional condition of eligibility not requred by Federal law. The Court reached this conclusion despite the explicit requirement in Federal law that States attempt to establish paternity when a child is born out of wedlock.

The committee's bill would clarify congressional intent by specifying that the requirement that welfare be furnished "promptly" may not preclude a State from seeking the aid of a mother in identifying the father of a child born out of wedlock.

Requiring Welfare Recipient to Permit Caseworker in the Home

The committee amendment permits States, if they wish, to require as a condition of welfare eligibility that recipients allow a caseworker to visit the home. Home visits would have to be made at a reasonable time and with reasonable advance notice.

8. Regulations of the Department of Health, Education, and Welfare

The committee bill would curb the regulatory authority of the Department of Health, Education, and Welfare in several particulars.

"Declaration Method" of Determining Eligibility Permitted But Not Required

The Committee bill would preclude the Secretary of Health, Education, and Welfare from requiring by regulation that States use a simplified declaration method in determining eligibility for welfare. As under present law, States would be free to use this method if they so wished, but they could not be required to do so by regulation.

Definition of Unemployment

Under present law, Aid to Families with Dependent Children may be paid to a family headed by an unemployed father, at the option of the State (23 States now offer such assistance). However, there is no Federal definition of "unemployment" in the statute. The committee approved an amendment defining a father as unemployed for welfare purposes if he has worked less than 10 hours in the last week or less than 80 hours in the last 30 days.

9. Use of Federal funds to undermine Federal programs

The committee added a section to the general provisions of the Social Security Act specifying that no Federal funds may be used to pay, directly or indirectly, the compensation of any individual who in any way participates in Federally supported legal action designed to nullify congressional statutes or policy under the Social Security Act.

10. Use of Social Security numbers

The Committee bill requires that on and after January 1, 1972, State welfare agencies use the social security numbers of each welfare recipient as an identification number in the administration of public assistance programs.

11. Testing of welfare reform alternatives

The committee bill provides for a broad program of testing of various approaches to reform of the welfare system. The Secretary of Health, Education, and Welfare would be authorized to conduct up to four tests of possible alternatives to the AFDC program. One or two of these tests would involve "family assistance" type programs, and one or two of the tests would involve "workfare" programs. In addition, the bill provides for a pilot project of a program of rehabilitation of welfare recipients to be administered by vocational rehabilitation personnel.

The "family assistance" tests would follow the traditional welfare approach of providing money payments to families with incomes below certain levels, but would extend this assistance to all families with fathers including so-called "working poor"—low-income families headed by a fully employed male—who are not eligible for AFDC. As under AFDC, a portion of earnings would be disregarded to provide work incentives, and nondisabled adults (with certain exemptions) would be required to accept employment or training.

The "workfare" tests would make a sharp distinction between welfare and "workfare." Families with preschool age children where the father is dead, absent, or disabled would be presumed unemployable and would be eligible for cash welfare payments. Other low income families would not be eligible for such payments but would be guaranteed work opportunity, with training and other preparation for employment where necessary. Participants in these "workfare" programs would have their wages supplemented if they are below the minimum wage. Allowances would also be paid to those in training. Child care and other services would be provided as necessary.

The pilot project to test the administration of welfare programs by vocational rehabilitation personnel would involve assistance payments according to regular AFDC standards. These payments would, however, be administered through the facilities and personnel of the Rehabilitation Services Administration which would also apply its rehabilitation techniques to welfare recipients in an attempt to encourage and assist adult individuals with a potential for work to prepare for and obtain employment.

The various tests would run for a minimum of two years, involve State sharing in costs at a level not in excess of State sharing in the costs of AFDC, and involve continuing consultation among the Department of Health, Education, and Welfare which would conduct the tests, the General Accounting Office, and the Congress. Each test would have to cover all eligible families within a State or a part of a State, and for the duration of the test no AFDC payments could be made to families residing in the test area. Each "family assistance" test would have to run concurrently with a "workfare" test and the two test areas would have to be comparable with respect to various relevant factors including population, per capita income, and unemployment rate.

G. VETERANS' PENSION INCREASE

The committee bill incorporates the text of S. 3385, a bill to increase pension benefits to veterans and widows by up to 9 percent. The committee bill would also increase the income limitations, from $2,000 to $2,300 in the case of a veteran or widow alone, and from $3,200 to $3,600 in the case of a married veteran or widow with a child.

H. MISCELLANEOUS AMENDMENTS

1. Tax amendments

Denial of Tax Deduction With Respect to Certain Medical Referral Payments

Present law provides that no tax deduction is to be allowed for illegal bribes or kickbacks where, as a result of the payment, there is successful criminal prosecution. If the bribe or kickback does not constitute a criminal act (presumably even if there is a loss of license), or if the taxpayer is not successfully prosecuted, the deduction is allowable.

This provision deletes the requirement in present law of a criminal conviction in the case of bribes and kickbacks before a deduction for such a payment is denied. In lieu thereof, the provision provides that no deduction is to be allowed for a bribe or kickback which is illegal under either Federal or State law, if these laws subject the party involved to liability for criminal or civil penalties (including the loss of license). In the case of a payment which is illegal under State law, the deduction will be denied on the basis of such illegality only if the law is generally enforced. Other sections of this bill provide that medical referral fees under the medicare or medicaid programs are illegal. It is made clear that referral fees are to be treated as bribes or kickbacks for purposes of this provision.

Required Information Relating to Excess Medicare Tax Payments by Railroad Employees

Present law provides that a railroad employee whose work is covered by railroad retirement and who is also employed in other work covered by social security is entitled to receive a credit or refund of the excess medicare tax he may have paid because of this dual employment status. To enable a railroad employee to claim his excess medicare tax is a credit on his income tax return, all railroad employees are required to include on the W–2 forms given to their employees the amount of compensation covered by railroad retirement and the hospital tax deducted.

Because of the inability of most railroads to furnish the required information by January 31 (primarily because of a broader wage concept under railroad retirement) and the fact that only a relatively few employees are eligible for this refund, this provision changes the requirement that railroad employers supply separate hospital tax information on the W–2 forms for all of their employees. In lieu thereof, the provision requires that railroad employers include on, or with, the W–2 form furnished to its employees, a notice with respect to the allowance of the credit or refund of the tax on railroad-covered wages in those cases where the employee has also received other wages covered under the social security program. Upon the request of an employee, railroad employers are required to furnish to the employee a written statement showing the amount of the railroad tax coverage, the total amount deducted as tax, and the portion of the total amount which is for the financing of the cost of hospitalization insurance under the medicare program.

Reporting of Medical Payments

Present law provides that a person who makes specified kinds of payments in the course of a trade or business to another person, amounting to $600 or more in a calendar year, must file an information return showing the amount paid and the name, address, and identifying number of the recipient. Although, under this general requirement, persons engaged in a trade or business are required to report direct payments to providers of health care services (often described as "assigned" payments), there is no authority under present law to require the reporting of payments made to patients themselves ("unassigned" payments), even though in the normal circumstances, they are paid over to providers of health care services, or represent reimbursement of earlier payments.

The bill provides specifically, in addition to the general requirement of present law, that all payments in the course of a trade or business made to providers of health care services in the case of direct or "assigned" payments must be reported. Further, in the case of "unassigned" or indirect payments, reporting will be required in those cases where the Federal Government administers the health program or funds the program to a substantial extent. The reporting requirement specifically includes professional service corporations, proprietary hospitals, and other payees who may act as conduits for providers of health care services.

The provision also requires the Secretary of the Treasury and the Secretary of Health, Education, and Welfare to study the extent to which "unassigned" and "assigned" claims are used to obtain payments from insurance organizations and to report each year to the Senate Committee on Finance and the House Committee on Ways and Means any significant shift from the use of "assigned" claims to "unassigned" claims. In addition, the provision requires that the Secretary of Health, Education, and Welfare keep records showing the identity of each provider of medical or health care items or services under the medicare or medicaid programs, the types of items or services provided and the aggregate amounts paid to the providers under each program. Health care providers are required to be identified by their taxpayer identifying numbers. The Secretary of Health, Education, and Welfare must submit to the Senate Committee on Finance and the House Committee on Ways and Means annually a report identifying each person who is paid a total of $25,000 or more during the preceding year under the medicare and medicaid programs.

These reports are due to be submitted for the calendar year, beginning with 1970, not later than June 30 of the following calendar year.

Tax Credit for Portion of Salary Paid Participants in Work Incentive Programs

Under present law there are no special tax provisions relating to the costs of employee training programs. These costs are treated as any other business expense and may be deducted if they are ordinary and necessary in carrying on the taxpayer's trade or business.

This provision provides a special tax incentive for employers who hire individuals under a work incentive program (WIN) established under section 432(b)(1) of the Social Security Act. The taxpayer would be allowed, as a credit against his income tax liability, and in addition to his regular business deduction, an amount equal to 20% of the wages and salaries paid to the employee during the first 12 months of his employment. Any unused tax credits could be carried back to the three preceding taxable years (but only to a taxable year beginning after December 31, 1968) and then could be carried forward to the next seven succeeding taxable years.

However, if the taxpayer terminated the employment of the individual at any time during the first 12 months of employment, or at any time during the next 12 months, any tax credit allowed under this provision would be recaptured. The credit would be recaptured by increasing the taxpayer's tax liability, in the year of termination, by an amount equal to previous tax credits allowed with respect to the employee. The recapture provision would not apply if the employee voluntarily left the employment of the taxpayer, or if the employee became disabled. Further, a credit would not be allowed for any expenses of training outside the United States or if the employee is closely related to the taxpayer.

RETIREMENT INCOME CREDIT

Present law provides a retirement income credit of 15 percent of eligible retirement income up to a maximum of $1,524 for a single person and $2,286 for married couples where each is fully eligible in his or her own right. The credit is designed to provide comparable tax treatment to those who receive tax-exempt social security benefits and those who receive taxable pensions. Consequently, the maximum base for the credit is reduced by social security benefits received and by earnings in excess of $1,200—a reduction of 50 cents for each dollar of earnings between $1,200 and $1,700 and dollar for dollar for earnings in excess of $1,700.

Because of increases in social security benefits since the present maximum base for the credit was established, this provision increases the base for the credit to more closely approximate the current levels of social security benefits. It increases the $1,524 to $1,872 and the $2,286 to $2,808. In addition, the amount that can be earned without reducing the base for the credit is raised from $1,200 to $1,680 and the range within which the base is reduced 50 cents for each dollar of earnings is raised to $1,680 to $2,880.

2. Other Amendments

The commitee also added provisions relating to the authorization of the managing trustee of the social security trust funds to accept gifts made unconditionally to the Social Security Administration, authorizing loans for the installation of sprinkler systems necessary for facilities to meet medicare standards, increasing the grade level of the Commissioner of Social Security, requiring the consent of the Senate to future appointments to the position of Administrator of Social and Rehabilitation Services, and extension of the provision for disregarding certain social security benefit increases under welfare programs.

Mr. **HARRIS**. Mr. President, will the Senator yield?

Mr. **LONG**. Mr. President, I will yield for a question.

Mr. **HARRIS**. Mr. President, will the Senator from Louisiana state what he understands the procedure to be on the consideration of the bill? Will it come up in the period from 9 to 3 or in the period from 3 to 9, or does the Senator know? Perhaps we could ask for the attention of the majority leader.

Mr. **MANSFIELD**. Yes.

Mr. **HARRIS**. I have asked the manager of the bill whether the consideration of this bill would come from 9 to 3 each day or from 3 to 9, or do we know?

Mr. **MANSFIELD**. It will be in the second shift each day. The pending business from 9 to approximately 3 will be the conference report on the Department of Transportation appropriations bill.

Mr. **HARRIS**. Will the Senator yield further?

Mr. **LONG**. I yield for a question.

Mr. **HARRIS**. Mr. President, does the Senator intend to ask unanimous consent that the committee bill as reported be considered as original text for the purpose of amendment to the second degree thereafter?

Mr. **LONG**. I would like to do so, because I know that it would expedite the consideration of the bill. I am led to believe, however, that such a request will be objected to. However, I intend to do it, and just for the purpose of discussion, Mr. President, I ask unanimous consent that the committee amendments be regarded as original text for the purpose of considering further amendments.

The **PRESIDING OFFICER**. Is there objection?

Mr. **WILLIAMS** of Delaware. Mr. President, reserving the right to object, I have told the Senator from Louisiana that I thought we could get such a request with the exception of three or four major items of the bill which I think deserve a rollcall vote or special attention. As soon as we can get those marked in the bill, we will be able to reach them.

For example, there is a committee amendment that deals with changing the social security benefits from the 5 percent provided in the House bill to the 10 percent which was approved by the Senate Committee.

Another committee amendment changes the minimum of $100 a month limitation.

Then there is the question of whether we do or do not approve an escalating cost-of-living provisions.

Then there is the question of catastrophic health insurance amendment.

I cite those four examples. I am sure that some Senator will want to vote on the Trade Act as well.

I am saying there are four or five of those items, and with the exception of those items which will require rollcall votes we will be able to reach a unanimous-consent agreement.

I have asked the staff to mark up a bill for me with respect to those particular amendments and how much would be included in them so that at the appropriate time we can agree to the consideration of all committee amendments except those. If the Senator wishes to make that request I think I could have that information tomorrow so we could agree. I believe there are about 100 items, and many of them do not amount to much; they are technical amendments. I would say that except for the four or five votes we could get down to business.

Mr. **LONG**. Mr. President, I am glad the Senator has raised the question. I would be inclined to agree to that type procedure if it could be agreed upon. I am sure everyone realizes if we can agree to accept the commitee amendments en block, reserving the right of any Senator to amend in both the first degree and second degree, which is the same as agreeing that the bill simply be regarded—all of it—as being original text, it really preserves to every Senator the right to offer as many amendments as he wants to offer and that is the procedure that is usually adopted. It will help to expedite consideration of the bill.

No one forfeits any right under that arrangement and when that agreement is made it offers to the sponsors of the bill the availability of a motion to table in order to get on with the business, so it

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confers an advantage on Senators, which everyone should recognize, when that arrangement is agreed to, because if someone is against the bill or if someone is adamantly opposed to its passage, if a particular part of the bill is agreed to then, of course, he would have the right to insist that every amendment be the subject of debate, explanation, and a rollcall vote and insist on the presence of a quorum during all the consideration. While it is not unusual, I believe it would very much expedite procedure on the bill.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Mr. President, before the Senator yields, will he yield to me for just a moment?

Mr. LONG. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I agree fully with the chairman. I have discussed the matter with him earlier and said I thought we could get this consent agreement. For example, the first committee amendment merely changes the title and renumbers. That amendment is just a routine amendment. The next amendment is a question of whether we raise social security benefits by 5 percent, or to $100. I would suggest we could agree on the first committee amendment, and the next committee amendment could go over until tomorrow. We would know what the next amendment would be and we could have a vote tomorrow.

Mr. President, I ask unanimous consent that the first committee amendment be agreed to.

The PRESIDING OFFICER. There is a unanimous-consent request pending.

Mr. HARRIS. That was withdrawn.

Mr. WILLIAMS of Delaware. That has been withdrawn.

Mr. President, I ask unanimous consent that the first committee amendment be agreed to. It amends the titles.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection and the first committee amendment is agreed to.

The first committee amendment was agreed to, as follows:

TABLE OF CONTENTS

TITLE I—PROVISIONS RELATING TO OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

Sec. 101. Increase in old age, survivors, and disability insurance benefits.
Sec. 102. Increase in benefits for certain individuals age 72 and over.
Sec. 103. Automatic adjustment of benefits.
Sec. 104. Increased widow's and widower's insurance benefits.
Sec. 105. Age 62 computation point for men.
Sec. 106. Election to receive actuarily reduced benefits in one category not to be applicable to certain benefits in other categories.
Sec. 107. Liberalization of earnings test.
Sec. 108. Exclusion of certain earnings in year of attaining age 72.
Sec. 109. Reduced benefits for widowers at age 60.
Sec. 110. Entitlement to child's insurance benefits based on disability which began between 18 and 22.
Sec. 111. Elimination of support requirement as condition of benefits for divorced and surviving divorced wives.
Sec. 112. Elimination of disability insured status requirement of substantial recent covered work in cases of individuals who are blind.
Sec. 113. Wage credits for members of the uniformed services.
Sec. 114. Applications for disability insurance benefits filed after death of insured individual.
Sec. 115. Workmen's compensation offset for disability insurance beneficiaries.
Sec. 116. Coverage of Federal Home Loan Bank employees.
Sec. 117. Policemen and firemen in Idaho.
Sec. 118. Coverage of certain hospital employees in New Mexico.
Sec. 119. Penalty for furnishing false information to obtain social security account number.
Sec. 120. Guarantee of no decrease in total family benefits.
Sec. 121. Certain adoptions by disability and old age insurance benefits.
Sec. 122. Increase of earnings counted for benefit and tax purposes.
Sec. 123. Automatic adjustment of the contribution and benefit mail.
Sec. 124. Changes in tax schedules.
Sec. 125. Allocation to disability insurance trust fund.

TITLE II—PROVISIONS RELATING TO MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH

PART A—COVERAGE UNDER MEDICARE PROGRAM

Sec. 201. Payment under medicare program to individuals covered by Federal employees health benefits program.
Sec. 202. Hospital insurance benefits for uninsured individuals not eligible under present transitional provisions.

PART B—IMPROVEMENTS IN THE OPERATING EFFECTIVENESS OF THE MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH PROGRAMS

Sec. 221. Limitation on Federal participation for capital expenditures.
Sec. 222. Report on plan for prospective reimbursement; experiments and demonstration projects to develop incentives for economy in the provision of health services.
Sec. 223. Limitations on coverage of costs under medicare program.
Sec. 224. Limits on prevailing charge levels.
Sec. 225. Establishment of incentives for States to emphasize outpatient care under medicaid program.
Sec. 226. Payment for services of teaching physicians under medicare program.
Sec. 227. Authority of Secretary to terminate payments to suppliers of services.
Sec. 228. Elimination of requirement that States move toward comprehensive medicaid programs.
Sec. 229. Determination of reasonable cost of inpatient hospital services under medicaid and maternal and child health programs.
Sec. 230. Amount of payments where customary charges for services furnished are less than reasonable cost.
Sec. 231. Institutional planning under medicare program.
Sec. 232. Payments to States under medicaid programs for installation and operation of claims processing and information retrieval systems.
Sec. 233. Advance approval of extended care and home health coverage under medicare program.
Sec. 234. Prohibition against reassignment of claims to benefits.
Sec. 235. Utilization review requirements for hospitals and skilled nursing homes under medicaid and maternal and child health programs.
Sec. 236. Elimination of requirement that cost sharing charges imposed on individuals other than cash recipients under medicaid be related to their income.
Sec. 237. Notification of unnecessary admission to a hospital or extended care facility under medicare program.
Sec. 238. Use of State health agency to perform certain functions under medicaid and maternal and child health programs.
Sec. 239. Payments to health maintenance organizations.

PART C.—MISCELLANEOUS AND TECHNICAL PROVISIONS

Sec. 251. Coverage prior to application for medical assistance.
Sec. 252. Hospital admissions for dental services under medicare program.
Sec. 253. Exemption of Christian Science sanatoriums from certain nursing home requirements under medicaid programs.
Sec. 254. Physical therapy services under medicare program.
Sec. 255. Extension of grace period for termination of supplementary medical insurance coverage where failure to pay premiums is due to good cause.
Sec. 256. Extension of time for filing claim for supplementary medical insurance benefits where delay is due to administrative error.
Sec. 257. Waiver of enrollment period requirements where individual's rights were prejudiced by administrative error or inaction.
Sec. 258. Elimination of provisions preventing enrollment in supplementary medical insurance program more than three years after first opportunity.
Sec. 259. Waiver of recovery of incorrect payments from survivor who is without fault under medicare program.
Sec. 260. Requirement of minimum amount of claim to establish entitlement to hearing under supplementary medical insurance program.
Sec. 261. Collection of supplementary medical insurance premiums from individuals entitled to both social security and railroad retirement benefits.
Sec. 262. Payment for certain inpatient hospital services furnished outside the United States.
Sec. 263. Study of chiropractic coverage.
Sec. 264. Miscellaneous technical and clerical amendments.

TITLE III MISCELLANEOUS PROVISIONS

Sec. 301. Meaning of term "Secretary".

Mr. WILLIAMS of Delaware. Mr. President, the next committee amendment deals with social security increases. There will be no vote on that tonight. Tomorrow there will be a vote on social security.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. LONG. I yield for a question.

Mr. HARRIS. Mr. President, I thank the Senator for yielding. I would like to have the attention of the Senator from Delaware, as well. I understand the position of the Senator from Delaware. I commend him for his willingness to agree

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later on to portions of the committee bill being amendable in the second degree. There will be objection to title III, the trade portion of the bill.

Mr. WILLIAMS of Delaware. That is correct.

Mr. HARRIS. My intention is that we should try to get a vote this week on the welfare reform bill, the amendment to be offered by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Utah (Mr. BENNETT), in amendable form, so that I can before its final consideration offer amendments to it, and that we also get down to the social security bill this week.

Would the Senator have any objection at the appropriate time to the welfare section of the committee bill being considered as original text? I understand he would not object to that.

Mr. WILLIAMS of Delaware. When we get to the welfare section?

Mr. HARRIS. Yes.

Mr. WILLIAMS of Delaware. As far as I am concerned I do not think there would be objection. I know what the Senator from Oklahoma has in mind, so when it is offered it would be subject to an amendment, and I think it should be.

Mr. HARRIS. The Senator is correct, that is, so that the Ribicoff-Bennett amendment will be subject to amendment.

Mr. WILLIAMS of Delaware. I am in agreement with what the Senator seeks to achieve. I do not think there would be objection. I think that is the appropriate way to proceed.

The only exception I was making is that, for example, the trade section would have to be voted on, catastrophic insurance is a section unto itself, and social security insurance would have a vote. I would say there would be a half dozen votes and we would be pretty much down to the serious arguments.

Mr. LONG. If there is no objection to that part of it, I believe in moving ahead any way we can, provided it does not prejudice the rights of anyone. I would not want to prejudice anyone's rights. I do not see how it would prejudice anyone's right if we agreed now on the welfare portion being original text.

Mr. WILLIAMS of Delaware. If the Senator will withhold that until tomorrow I think we could work out something that is agreeable, something that would be acceptable. As the Senator knows, they want a vote on the trade section. I can understand their position on that. I have mentioned catastrophic insurance. In a couple of hours we could call the roll on that and perhaps vote tomorrow on that particular point.

I would like to see us proceed and get this out in a proper manner. I would like to complete this matter up or down, one way or another, between now and the end of the year.

Mr. HARRIS. Mr. President, will the Senator yield so that I may place a statement in the RECORD?

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to the Senator from Oklahoma for the purpose of placing a statement in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I appreciate the answers of the Senator from Louisiana and the Senator from Delaware. I hope that we will be able to act on this bill, with the exception of title III, dealing with trade, so that we can get a vote on social security and welfare reform, this week.

I am very hopeful the Senate will act promptly to enact much needed increases and improvements in the social security, medicare, and medicaid programs, and real welfare reform. I have worked toward that end in the Committee on Finance.

Mr. President, I have set forth my position concerning H.R. 17550 in separate views printed in the committee report, and I ask unanimous consent to have my views printed at this point in the RECORD.

There being no objection, the separate views of Mr. HARRIS were ordered to be printed in the RECORD, as follows:

SEPARATE VIEWS OF MR. HARRIS

INTRODUCTION

The initial objectives of H.R. 17550 were to provide more adequate social security benefits and to make needed improvements in medicare, medicaid and maternal and child health programs.

The objective of H.R. 16311 was to effect urgently needed reform of a failing welfare system.

These objectives are highly laudable. However, by the addition of unrelated matters, unwise amendments and weak substitutions for some provisions, these original objectives have been made hostage to other, less noble, aims.

The Trade Act of 1970 was added as an amendment to H.R. 17550.

Various amendments to the present welfare laws were agreed to which can only be characterized as regressive and punitive.

An amendment to establish a Federal Child Care Corporation, which would represent a substantial and objectionable change in child care programs, was adopted.

I, therefore, voted against reporting the bill. My reasons for doing so are here set forth in detail.

SOCIAL SECURITY

A. Increase in benefits and minimums

The committee made several greatly needed improvements in the social security provisions of H.R. 17550.

The 5 percent increase in benefits, adopted by the House, was stepped up to a 10 percent increase. The committee also rightly voted to provide a $100 minimum social security benefit level.

With these increases, H.R. 17550 became an acceptable advance this year toward fairness in our social security program.

B. Workmen's compensation offset

The committee made certain other changes in the House bill provisions regarding social security which were undesirable.

The provision in the House bill, amending present law which requires social security disability benefits to be reduced when workmen's compensation is also payable and when the combined payments exceed 80 percent of average current earnings before disablement, was stricken.

The House bill called for a reduction in benefits by the amount by which the combined payments under both programs exceed 100 percent of average current earnings before disability. This provision should be restored.

C. Financing

When the committee finished its work, it had voted approximately $10 billion in additional benefits. It then turned to financing.

I believe the committee was mistaken in not properly taking into account the presently regressive nature of the social security tax system and in not fully considering the economic impact of the financing arrangements which it approved.

The social security tax system is not as nearly based upon ability to pay as is the Federal income tax. There is an upward limit—presently $7,800, and $9,000 under the committee bill—on the amount of salary which is taxed. The tax is in a flat rate basis; it is not graduated.

I believe that the payroll tax under social security has reached the saturation point. I, therefore, supported an effort to finance a portion of benefits from general revenue. This effort failed.

Alternatively, I offered a financing plan which would make the social security tax system more progressive by raising the wage base to $12,000 in 1971. This allows actuarial soundness with less of an increase in the tax rate over a period of years. The following table shows the financing plan which I offered and which was rejected by the committee. As indicated, in addition to providing actuarial soundness over the long term in each of the funds involved—OASDI, health insurance and the new catastrophic health insurance—the plan which I offered would avoid a cash deficit in any year in any of the funds.

[In percent]

	OASDI	HI	CI	Total
1971	4.1	0.7		4.8
1972–74	4.1	.8	0.3	5.2
1975–79	5.0	.9	.35	6.25
1980–84	5.5	1.0	.35	6.85
1985 plus	5.85	1.0	.4	7.25
	−.15	−.06	+.02	

Note: The excesses of income over outgo resulting from this schedule follow:

[In millions of dollars]

	OASDI	HI	CI
Fiscal year 1972	1,079	1,044	589
Calendar year 1971	97	560	
Calendar year 1972	1,519	1,303	565
Calendar year 1973	2,843	851	403

The financing plan which I offered would also provide an additional and very important economic impact. It would postpone an increase in the tax rate from 4.8 to 5.2, which is otherwise scheduled to go into effect in January 1971 under present law. Unless this rate increase is postponed, it will have a seriously dampening effect on consumer demand at a time when the economy is much too sluggish and unemployment intolerably high. Stimulation of consumer demand through postponement of the presently scheduled tax rate increase and through increased benefits would not be inflationary by serving to cause expanded production volume, allowing some reduction in unit costs.

The revised manner in which Federal budgets are now made up and presented, taking into account income and expenditures from social security and other trust funds, more clearly points up the fiscal impact of decisions concerning social security benefits and rates.

In addition to the right of social security beneficiaries to more adequate benefits, the payment of increased benefits will provide a much-needed increase in consumer demand, aiding economic recovery. This fiscal impact should not be offset by immediate rate increases, primarily the way in which the automatic adjustment of the benefits vent an annual deficit in the various funds or to provide general actuarial soundness.

D. Cost-of-living increase

The committee worked long and hard on the problem of how to insure that the purchasing power of social security benefits is maintained. On the whole the committee acted wisely in this regard; however, I disagree with some aspects of the automatic adjustment provisions—primarily the way in which the automatic adjustments of the benefits is financed.

The committee made some major changes in the automatic adjustment provisions that were proposed by the administration and passed by the House of Representatives. Many of the changes are reasonable, but some aspects of the provisions agreed to by the committee should be changed if they are to be fully acceptable and are to operate smoothly.

There are two major difficulties with the committee provisions concerning automatic adjustment of social security benefits and automatic financing.

First, the committee bill would require the Secretary of Health, Education, and Welfare to promulgate increases in both social security tax rates and the earnings base in order to finance the automatic increases in benefits, even though such increases in social security taxes would be unnecessary and would greatly over-finance the program. Under the committee bill, whenever an automatic cost-of-living increase in benefit occurs, the Secretary would be required to increase social security taxes. Such increases in taxes would not be necessary because a large part of the cost of the automatic benefit increase would be met from rising earnings levels without increasing either the tax rate or the earnings base.

Second, the provision for automatic increases in the earnings base as wages rise, proposed by the administration and passed by the House, does not constitute a discretionary delegation to the executive branch. The increases would be automatic and the determination of the amount would be routine on the basis of social security wage record statistics.

Under the committee revision, on the other hand, it would be necessary for the Secretary of Health, Education, and Welfare, as a part of the automatic provisions, to determine both the short-range and long-range "cost" of each automatic benefit increase, and we would in effect be turning over to the Secretary of Health, Education, and Welfare the tax-setting function of the Congress.

The provision approved by the House would merely carry out automatically the policy which the Congress has been following on an *ad hoc* basis since 1950—that is, periodically increasing the social security earnings base so as to cover the same proportion of payroll as had been covered earlier, when wage levels were lower. As wages have risen, the $3,600 base that became effective in 1951 has been changed by the Congress, in steps, to $7,800—as it would have been under the automatic provisions. It is important to increase the base to keep up to date with rising wages, not only from the standpoint of the income of the program but to prevent a deterioration in the coverage of the program. For example, a job which paid $3,600 in 1950 pays around $9,000 today. If the base had not been increased over the years the benefits payable to a man in such a job would provide a much smaller proportion of wage replacement than they were originally intended to, and there would have been a major deterioration in the protection afforded by the program. If the base is kept up to date with rising wage levels, there will be little if any need for an increase in the tax rate to cover the cost of the automatic cost-of-living increase.

The House provisions in this regard are, therefore, preferable to the provisions adopted by the Senate, and they should be restored.

The House bill requires the Secretary of Health, Education, and Welfare to increase social security benefits any January, commencing January 1973, if he finds that the cost of living has increased by 3 percent or more between the last July-to-September calendar quarter preceding a secretarially determined benefit increase and the most recent July-to-September quarter. The automatic increases would be in addition to any increases which might be passed by Congress. The taxable wage base would increase automatically every 2 years based on increases in the average taxable wages after 1971.

MEDICARE AND MEDICAID

A. Health maintenance organizations

Medical costs have risen enormously. There are many causes for this. One cause is the greatly increased demand for medical services without a concurrently increased supply in personnel and facilities.

It is imperative that there be a massive increase in medical and paramedical personnel and in medical facilities. The shortages are already acute, and they are growing alarmingly.

It is also vital that there be much better use of existing personnel and facilities. Toward that end, the committee approved the health maintenance organization concept contained in H.R. 17550. Under this provision, medical payments can be made to physicians on a per capita basis, rather than on a fee-for-service basis only.

This provision is an important step forward toward encouraging prepayment for group medical practice and toward greater emphasis on preventative medicine.

B. Professional standards review organization

The committee adopted a proposal to establish professional standards review organizations at local and State levels throughout the country to review such functions as examination of patient and practitioner profiles; independent medical audits; on-site audits; and the development and application of norms of care and treatment.

The Secretary of Health, Education, and Welfare would be required to enter into agreements with qualified professional standards review organizations, principally local medical societies, to review the totality of care rendered or ordered by physicians for medicare and medicaid patients. Where medical societies are unable or unwilling to undertake the responsibility, the Secretary could contract with States or local health departments or other suitable organizations.

This provision has a laudable purpose: to insure quality care and to hold down unnecessary costs.

However, the proposal contains many unknown and unpredictable factors. Further, there are serious objections that it grants organized medicine too much control over utilization of facilities.

The proposal should be tested before Congress puts it into effect on a total basis as the committee bill would do. I am not satisfied that this proposal will result in the savings which have been claimed by its proponents, nor am I satisfied that the review procedure is the best and most workable which can be devised.

The House provisions on peer review should be strengthened, and the Senate committee provisions should be stricken.

C. State maintenance of effort

Under present law States are required to maintain their present financial efforts in support of medicaid and are required to build toward comprehensive medicaid programs by 1977.

The State of Missouri asked the committee to pass legislation giving it a special one-time exemption from the maintenance of effort requirement. The committee could have granted this special request, based upon unique circumstances, without upsetting the present law.

But the committee went far beyond the Missouri request and repealed the entire section 1902(d) of the present law, under which States are required to maintain their financial efforts under medicaid. The House of Representatives had previously stricken section 1903(e) which requires States to enact comprehensive medicaid programs by 1977.

The repeal of both these sections is most unfortunate. The poor people covered by medicaid are entitled to better medical attention and care—not less. Their needs should not be ignored in order to slow the rising costs of this program and medical care generally. Section 1902(d) and section 1903 (e) should be restored in the bill.

D. Physical therapy

The House bill provides for reimbursement of up to $100 of the cost of physical therapy on an outpatient basis in the office of an independent practitioner under part B of medicare. This provision was rejected by the Senate committee.

A great many beneficiaries need the services of a physical therapist, and these services can often best be performed in the office of the therapist. The limited reimbursement that the House approved, which in effect puts it on a trial basis, should be reinstated in the bill.

E. Blood replacement

The committee rejected a proposal to eliminate the requirement in the present law for a medicare patient to pay for or replace the first three pints of blood used by such patient. This requirement seems unreasonable. It places an undue burden on medicare patients, and it should be eliminated.

F. Medicare premium increases

The premium for part B, supplementary medical insurance, under medicare has increased by more than 80 percent in the last 4 years. Originally the premium was $3 a month per person. It was increased from $4 to $5.30 on July 1, 1970. For those living on social security, this increase is almost prohibitive and it should be eliminated if the aim of the medicare is to be realized.

WELFARE REFORM

A. Need for reform

During the past few years, the need for reform of our welfare system has assumed crisis proportions. Three parallel developments have dramatized the urgency; sharply increasing welfare rolls, growing recognition of the inefficiency and failures of the system itself, and ever more crippling fiscal burdens on States and localities.

Neither the poor—a group that is widening every day in the current economic climate—the Nation's stability, nor any pretense to sound social policy can wait longer for a rational income maintenance system.

This case has been made so often and so convincingly by mayors, Governors, welfare administrators, recipients, social scientists, and political figures of every persuasion that there is no need for it being made again.

Toward this end, I introduced with seven other Senators the National Basic Income and Incentive Act, S. 3433. This bill calls for the federalization of the presently outdated, unworking, and inhumane welfare system, replacing it with a Federal income maintenance system. It represents a significant departure from our present thinking about welfare and represents true reform.

I had hoped that improvements in H.R. 16311 could be made that would move the family assistance plan closer to the concepts of the National Basic Income and Incentive Act and real reform. Unfortunately, the committee moved in the opposite direction and was willing to approve only a test of various pilot reform programs.

Passage of a test proposal alone will surely delay congressional consideration of real re-

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form for at least 3 years. I do not believe that the Nation can wait.

There is good reason to predict that the number of families and individuals requiring financial aid will continue to increase, that State and local funds crucially needed for programs to reduce dependency will be drained by the demands of public assistance, that the inequities of the present system will continue to demean recipients so as to destroy their incentive, and that the entire Nation will suffer from a welfare system that must be revised.

B. Requirements for real reform

Perhaps if the administration had been willing to make progressive changes in the House-passed version of the family assistance plan, rather than regressive changes during the consideration of the bill by the committee, something more substantial than a test would have been reported by the committee. Elimination of mandatory coverage of families headed by an unemployed father (AFDC–UP) and elimination of the requirement that States maintain current benefit levels for families with income, provisions that were in the President's original welfare reform proposal, weakened support for the bill in the committee by those of us who were advocating more meaningful reform of our welfare system.

A failure to recognize the importance of requiring the minimum or prevailing wage, whichever is higher, also weakened support for the bill.

While I do not believe that the administration has gone as far as it should, I am pleased that it has now agreed to some of the changes in the family assistance plan which Senator McCarthy, Senator Ribicoff and I and others advocated. The changes the administration has now approved are embodied in the amendments offered by Senator Ribicoff and Senator Bennett.

I believe that additional improvements can and should be made.

Recognizing that Congress is not willing to completely federalize the welfare system at this time, a goal should nevertheless be established for moving within a time certain toward a welfare system that is federally financed and administered. Included within the goal should be a commitment to move the level of payment to an adequate income. Our goal is to assist people in getting out of poverty, but a floor at a low level, instead of raising families out of poverty, means only continued poverty with little prospects for breaking out.

Any system of reform should also require that the prevailing or minimum wage, whichever is higher, should be paid for those who are forced to take a job. Otherwise, a captive work force with insufficient standard of wage to be paid will be available to employers, and the effect will be to keep wages so low that millions will remain in poverty though working full time.

Any version of the family assistance plan that is adopted by the Senate should not require mothers with school-age children to work. Mothers should have some control over whether day care centers are good enough for their children.

Furthermore, a provision to provide for cost-of-living increases in payments to recipients should be adopted. We have recognized this principle with regard to those who are receiving social security payments, and the same arguments can be made in support of providing cost-of-living increases for those on public assistance.

Any system of welfare reform should also fully protect the rights of present recipients and of applicants to insure that the new law does not create different classes of citizens.

A national system of income maintenance, recognizing the needs of the working poor, setting uniform national minimums of assistance and removing present barriers to incentive and initiative is desperately needed.

These principles can and must be embodied in real welfare reform, together with programs which assure that, through expanded public service jobs and otherwise, people have a real chance to get a job.

C. Regressive amendments

Unfortunately, the committee adopted a number of amendments to our present system that are regressive.

The most disappointing action of the committee was the barring of legal service lawyers from representing welfare recipients. Much of the work of these lawyers in the past few years has been to secure benefits guaranteed by law, but not received by poor people due to illegal regulations and administrative practice.

During the past 3 years welfare recipients and lawyers associated with federally funded legal service programs have compiled a remarkable record of service to poor people. Significant court decisions have begun to nudge the welfare system toward a more equitable and enlightened program. Cruel and demeaning regulations, irrelevant to the purposes of the Social Security Act, have been overturned in the courts.

The Finance Committee has proposed that this record of progress be nullified. This restrictive amendment, adopted by the committee, should be defeated.

Other undesirable amendments were adopted by the committee.

The committee would make the leaving of a family and moving across State lines a Federal misdemeanor. This is an unwarranted extension of Federal police power into intimate aspects of family life and, in view of the State laws now regulating this subject, would prove to be unworkable.

The action taken by the committee in instituting a 1-year residency requirement for people in need of assistance was likewise regrettable. The committee provision is in conflict with the Supreme Court's opinion in *Shapiro* v. *Thompson*, 394 U.S. 618, in which it was held that citizens have a constitutional right to travel throughout the States and that welfare eligibility regulations should not impede that right. The committee position would restrict the right to travel precisely in the manner prohibited by the Court.

The committee was also mistaken, in my opinion, in resurrecting the onerous man-in-the-house rule. This rule, knocked down by court decision, would base eligibility not on actual resources but on imagined income from people not legally obligated to support the children involved.

Provisions were also adopted that require the return of amounts paid to welfare recipients who do not prevail at hearings; that eliminate progress made in the declaration system; that cut back on the Federal assistance now available to families with a father in the home; and that provide eligibility requirements wholly unrelated to the need of poor children.

Adoption of these provisions represents a step backward in our efforts to devise a more workable and humane system of welfare—an entrenchment of old myths about welfare and welfare recipients that should have been cast aside years ago.

D. Aid to aged, blind, and disabled

The committee made substantial changes in the House bill with regard to benefits for the aged, blind and disabled. The House bill provided for a minimum of $110 a month for single individuals and $220 for couples. The committee approved $130 for single individuals and $200 for couples, cashing out food stamps.

Taking into consideration the fact that an increase in social security benefits reduces Federal, and State expenditures for the aged, blind and disabled—and considering their great and growing needs—the Senate should provide for a minimum of at least $130 for single individuals and $230 for couples, not cashing out food stamps for these individuals.

E. Catastrophic health insurance plan

A critical problem has arisen because of the rapidly increasing costs of medical care that have left 90 percent of all Americans medically indigent. No one questions the need to provide a better means for the average American citizen to finance his health care.

While I agree with the objective of the catastrophic health insurance plan, I voted against attaching the plan to H.R. 17550. When the plan was presented to the committee for consideration, H.R. 17550 was already heavily loaded with extra, and in some instances nongermane amendments, and it did not seem appropriate to add to the bill such a massive new health program.

The problem which the catastrophic health insurance plan seeks to meet is pressing and must be solved. But it does seem that the problem could be more appropriately solved in a broader context of national health insurance and by considering the whole matter in a more deliberate and careful fashion.

There is little chance that any such new program as this can be adopted this late in the postelection session in any event, and the attachment of the measure to the already overburdened social security bill may tend to defeat the bill to which it is attached.

The chairman is to be congratulated for offering a solution to the crisis and for urging prompt action. With his interest and his strong desire to see legislation enacted, the committee should give this matter prompt attention at the beginning of the next session. At that time there will be full opportunity to give attention to the financing of catastrophic illness costs and to the financing of all health care, including the need for an urgent and massive increase in medical and paramedical personnel and facilities.

F. Federal child care corporation

There is a great shortage of quality child care facilities and services. We need to do more to promote the development of increased facilities and services. But the establishment of a Federal Corporation is not the way to achieve the needed results.

The Corporation under the committee bill would have the responsibility for arranging for child care services in the various communities of each State. Existing public, private nonprofit, and proprietary facilities would be contracted with by the Corporation to serve as child care providers. Pursuant to the terms of the provision adopted by the committee, the Corporation could provide child care services in its own facilities.

A fee would be charged by the Corporation for its services, to be paid either by the consumer of services or by a public agency.

I have grave concern about this approach to quality child care. Child care is a proper subject for local community concern and planning. The Federal Child Care Corporation approaches child care needs from the top.

Parental involvement is crucial in early childhood programs. If the parent is actively involved, there will be a positive overlap in the home and the community. I feel that this would be unlikely under the operation of the Federal Child Care Corporation.

I question whether the standards set out in the bill are high enough. These standards, coupled with the striking down of local and State regulations, could lead to purely custodial child care.

I am also concerned that with a growing number of commercial franchisers entering the day care field, a great tendency would exist for the Federal Child Care Corporation

XUM

to contract with these franchise operations. If so, this could lead to a depersonalization of child care services and eliminate or reduce community control and parental involvement—the hallmarks of good child care.

Child care has not received proper attention from the Congress. It should be a matter of top priority for the next session of the Congress. We must soon enact major legislation which will provide quality child care on a universal basis, not stigmatized by welfare alone, not controlled by private business, but controlled by the local community and with full involvement of the parents.

The provision in the present bill does not meet these crucial tests.

TRADE ACT OF 1970

I strongly opposed the attachment of the Trade Act of 1970, H.R. 18970, to the social security amendments. Not only did I object to the Trade Act on its merits, but I also thought it unfortunate to reduce the chances of passing much-needed welfare reform and increases in social security by attaching nongermane legislation.

I have general objections to the overall thrust of the Trade Act, as well as specific objections to its provisions. First, I will set forth my general reservations about the act.

A. Balance of trade

It is presently estimated that in 1970 we will have a healthy surplus of over $3 billion in our trade balance. Last year, the surplus was under $1 billion. In other words, this year our exports have been growing considerably more rapidly than imports.

The argument that U.S. industry is becoming increasingly noncompetitive, which is often made in support of the Trade Act of 1970, is invalidated by these figures. This would therefore seem to be an especially poor time to risk loss of export markets by curtailing imports.

Another effect of quotas which would be imposed under this bill would be the retardation of economic growth in developing nations. This is at odds with our larger foreign policy to encourage the strength and growth of these less developed countries.

B. Cost to consumers

Recently, Federal Reserve Board Governor, Andrew Brimmer, said that the textile and shoe quotas in this bill would cost the consumer an extra $3.7 billion, and that these costs would be borne disproportionately by the poor beacuse they must spend a larger share of their income on shoes and clothing than do more affluent citizens. Whatever the merits of the industries' case—and I want to return to this—it would seem that the consumer would have to pay a very heavy price indeed for these quotas.

These costs could multiply if other consumer items were subjected to quotas under the liberalized escape clause.

C. Impact of inflation

Much attention has rightly been focused on the economy in recent weeks. The inflation alert, the President's speech to the NAM—all focus on the real danger of inflation. Mr. Arthur Burns, in speaking on measures to combat inflation last week, suggested the relaxation of existing quotas on imports. This comes at a time when new inflationary quotas would be imposed by the trade bill. We obviously cannot have it both ways. We must draw the line and choose between control of inflation and protectionism.

Another voice raised in opposition to the import restrictions of the bill is that of the Chamber of Commerce of the United States. The Chamber has urged that a more constructive course on trade legislation be charted in the next session of Congress.

D. Danger of retaliation

I have also noted in the press an increasing number of statements made by officials of foreign governments, including some of our best customers—Canada, Germany, Latin America, Britain, and Mexico, to name a few—concerning the possible adverse consequences of the enactment of the trade bill. One can, of course, dismiss these statements as bluffing, on the assumption that other countries either could not or would not dare to curtail our exports. But is this assumption necessarily correct? In many instances, other countries would be able to obtain the same goods of comparable quality from alternative sources. Moreover, other countries watch their trade balance with the United States very carefully and would be very prone to reduce their purchases from us if we were to restrict their exports to this country. Finally, I think the element of national pride would be at work here. If they feel—as they seem to—that the textile and shoe quotas, for example, are unjustified, then they will naturally want to strike back. The risk of an old-fashioned trade war is, in my judgment, severe. If that happens, no State will be immune from its effects. In testimony before the Finance Committee, the National Chamber attributed 4 million American jobs to total United States exports. The wheat farmers of western Oklahoma have made Oklahoma the No. 3 wheat exporting State in the Nation. A generation of eastern Oklahomans have pinned high hopes on the Arkansas River Basin project which the late Senator Kerr spent so many years helping to develop into a navigable access to world commerce. All of these stand in real jeopardy in the face of restrictive trade policies.

E. Renewal of textile negotiations

The trade bill was approved by the House Ways and Means Committee after the Secretary of Commerce announced that the United States-Japanese textile negotiations had broken down and that the administration therefore reluctantly supported legislative quotas. In the past weeks, however, these negotiations have been resumed. There is admittedly no assurance that these negotiations will be successful either in the short or long run. But the fact of their resumption is surely significant and affords further reason for pause in considering the trade bill. The Japanese Government feels an early voluntary agreement is desirable because if there is no agreement and no legislation is passed this year, Congress may pass even more restrictive legislation next year.

F. Textile and shoe quota

To the best of my knowledge, there has been no objective determination that imports are causing or threatening serious injury to the domestic textile industry. Of course, the industry itself makes vehement allegations of jobs eliminated and production lost because of imports. But has any reasonable independent body like the United States Tariff Commission ever come to that conclusion? I would emphasize that I am not asserting that there are no parts of the textile industry that may be injured by imports. I am rather asking for evidence that there is a serious import-related problem affecting the entire industry.

In the face of such evidence, action is certainly required. Full use of present legal remedies should be made. Stronger and more agressive diplomatic initiatives by the administration could result in voluntary limitations on specified imports.

However, statistics from the American Textile Manufacturers Institute reflect that annual textile exports have expanded by $200 million over the past 12 years. More U.S. employees are engaged in making textile mill products now than in any year except 1968. The number of employees engaged in apparel manufacturing is at an all time high. Net sales, both in textiles and apparel, are the highest ever, nearly doubling 1960 figures. Taken as a whole, these facts do not support allegations of a severely depressed industry, requiring emergency legislation. In the absence of impartial evidence of harm from imports, I must question the need for, and the wisdom of, unilateral textile quotas, especially in view of their cost to the consumer and the possibility that the United States-Japanese negotiations may be successful.

As for shoes, a task force of the administration itself concluded just several months ago that there is no justification for quotas. Nevertheless, the President has asked the Tariff Commission to determine whether imports are causing or threatening serious injury to the domestic industry. This is the proper way in my judgment to develop a sound basis for informed and intelligent action concerning imports.

G. Escape clause provisions

Another provision of the trade bill that is very troublesome is the amended escape clause, which has traditionally authorized the President to impose higher tariffs or quotas on imports found to be injuring a domestic industry. The following aspects of the new escape clause are open to serious question.

First, under the trade bill the Tariff Commission would have to determine whether imports are a "substantial" cause of serious injury. Instead of "substantial," present law reads "major" and the administration's bill would have substituted "primary." These may sound like semantic quibbles, but the difference between "primary" and "substantial" could spell the difference between a reasonable and a promiscuous use of the escape clause.

Second, the bill resurrects the concept of geographic segmentation, which permits the Tariff Commission to carve up an industry and artificially select just that portion that will maximize the chance of an affirmative finding of injury. The Tariff Commission would be given the license to do so even though it made no economic sense and even though the companies and workers concerned were in fact able to make a successful adjustment to whatever import problem may have existed. One of the important features of the Trade Expansion Act of 1962 was its repeal of the geographic segmentation provision. Its resurrection is a major threat to an enlightened foreign trade policy.

H. Foreign import restrictions

The committee has gone even further than the House bill in making section 252 of the Trade Expansion Act of 1962 a protectionist device. At the present time, section 252 authorizes—but does not require—the President to impose new restrictions on imports from countries that are illegally or unreasonably restricting our exports. The key issue, of course, is who determines whether a foreign import restriction is illegal or unreasonable. The right of any member of the GATT to impose new restrictions is severely restricted by that agreement—as it should be if any order in international trade is to be preserved.

Under the committee's bill, the Secretary of Commerce would determine if a foreign import restriction is illegal or unreasonable. If he made an affirmative finding, the President would be authorized to work out a solution with the foreign country concerned. If he could not in 3 months, then he would have to take retaliatory action. This is—pure and simple—another radical violation of the GATT and another example of a blind attitude that somehow the United States can flout the rules of the game and get away with it.

I. Status of GATT

The committee struck the new separate authorization for appropriations to finance our annual contribution to the GATT. This will probably not seriously jeopardize future appropriations, since there is a general authorization available in the organic legislation of the Department of State. But it is obviously a vote of no confidence in the only international organization that offers any

XUM

hope of maintaining and strengthening a fair world trading system.

The committee struck the provision on the ground that it would give "statutory recognition of the GATT, which has never been submitted to the Congress for approval." The fact is that the GATT is a valid executive agreement, concluded pursuant to the authority of section 350 of the Tariff Act of 1930. As a statutory executive agreement, it need not, of course, be submitted to Congress for approval. This question dealt with extensively in a 1956 memorandum of the Legal Adviser of the State Department to the then chairman of the Ways and Means Committee (see H. Rept. 2007, 84th Cong., second sess., 113–131 (1956)).

J. American selling price

The committee struck the provision in the House version that would have provided for the elimination of the American selling price (ASP) system of customs valuation as it relates to benzenoid chemicals. This system has been found to be without justification by both the Johnson and Nixon administrations, and the United States is pledged to seeking its abolition in one of the agreements concluded in the Kennedy Round. If this system is not to be abolished, there is little, if any, hope of making further progress for some years to come in the field of nontariff barriers. Once again, the blind approach is at work: Let other countries remove their nontariff barriers, while we stand pat.

K. Failure to take positive action

Beyond the positive and enormous harm done by the bill, it also fails to seize critical opportunities to move ahead:

(1) *Tariff-Reducing Authority.*—The House bill by clear legislative history and the committee's bill by express statutory language would give the President new tariff reducing authority only for the purpose of granting compensatory tariff concessions when we increase import restrictions under the escape clause or by some other means. In other words, this is an authority that at best permits us to stand in the same place, but envisages no further net reduction in tariffs.

The Kennedy Round was concluded in 1967 and the last tariff reductions agreed to will take place on January 1, 1972. Isn't it time to give the President the authority to start moving again in lowering trade barriers? How can the momentum of trade liberalization be maintained if the past leader of that effort is powerless? And especially in the trade field, the absence of progress only invites retrogression.

(2) *Non-Tariff Barriers.*—Even with the provision authorizing the elimination of ASP, the House bill failed to provide for negotiations on nontariff barriers, though everyone agrees that this is the single most serious problem in the trade field. As it stands now, the President must act at his peril if he acts at all. On the one hand, he can negotiate on nontariff barriers without any prior congressional approval and simply hope that the Congress will provide the necessary implementing legislation after the fact. The handling of ASP, of course, affords little encouragement. On the other hand, the President can request specific authority before beginning any particular negotiations on non-tariff barriers. The Congress may then so circumscribe his authority as to render it valueless or give him none at all, since it has not yet seen what reciprocal advantages it might afford the United States.

The only way I can see out of this dilemma is to have the Congress give the President, perhaps in the form of a resolution, the "license" to negotiate, while reserving all of its authority to pass upon any necessary implementing legislation. This would at least give the President the encouragement he does not now have to tackle nontariff barriers and attempt to commence an international negotiation on the subject.

L. Conclusion

The total effect of the trade bill is, in my judgment, antagonistic to constructive ways of dealing with the current problems in international trade. It assumes that the United States can take unjustified and indeed illegal actions and somehow get away with them, without provoking retaliation or undermining the world trading system. This seems to me to be a hopelessly naive and false assumption. It is my opinion that if the Senate will seriously consider how harmful the present trade bill is and how great is the need for a constructive trade bill, then we may still have the time to avert the appalling consequences of a return to protectionism both in this country and throughout the world.

I re-emphasize that I am concerned about the allegations of serious injury resulting from imports being voiced by the textile and other industries. Present law provides for remedies in such cases. Full use of present provisions should be employed where need is indicated. Adjustment assistance should be used to ease the conversion of industries and jobs in cases requiring such relief. Diplomatic negotiations should be pressed. Lastly, the Congress should carefully and deliberately consider additional thoughtful trade legislation, which is in keeping with our past policies of free trade and which does not violate international agreements which we have previously made.

I attempted twice in the committee to have the trade bill stricken from the social security bill. I will renew this effort on the floor of the Senate. Should this motion fail, I intend to offer a series of amendments to improve the Trade Act.

Final conclusion

All of the legislative proposals included in H.R. 17550 are in need of thoughtful legislative consideration. My opposition to specific proposals in the bill by no means indicated a lack of concern for responsible action on the problems raised thereby. But, it is too late in this post-election Congress to hope for any fruitful action on so many diverse issues placed under the same umbrella.

Therefore it is imperative, as I have set forth in these separate views, that the Senate in the remaining days devote its time to improving our social security and related programs and to meaningful reform of our failing welfare system. The other matters can and should be set aside for consideration by the next Congress.

Mr. HARRIS. Mr. President, I ask unanimous consent that certain amendments I intend to propose to H.R. 17550 be printed and lie on the table, and that certain amendments I intend to propose to the welfare reform amendment to be offered by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Utah (Mr. BENNETT) be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. MILLER. Mr. President, I merely want to state that I fully support the proposal of the Senator from Oklahoma that we try to make the portion of this bill relating to welfare reform original text so that any amendments offered to it will be subject to amendment in the second degree. I hope that procedure can be worked out. I think most of us would like that approach rather than an approach that has no possibility of it being amended. I hope this arrangement will be worked out.

Mr. LONG. I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 14 and 15 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 6, 17, and 24 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 15, 18, 29, and 48 to the bill, and concurred therein, and that the House had receded from its disagreement to the amendments of the Senate numbered 14, 26, 31, 49, and 53 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 791) authorizing the Clerk of the House to make changes in the enrollment of H.R. 17867, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS

Mr. BIBLE. Mr. President, I believe under the previous unanimous-consent agreement it was agreed that I should be recognized at the conclusion of the remarks by the Senator from Louisiana. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BIBLE. With that in mind, and since I do have the floor, I shall now move that we proceed to the consideration of the conference report on the Department of Transportation bill, but first I shall suggest the absence of a quorum.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield briefly?

Mr. BIBLE. Mr. President, I yield briefly without losing my right to the floor.

Mr. WILLIAMS of Delaware. Mr. President, I will want to make an opening statement on this bill when we resume the bill. I ask unanimous consent that I may be recognized.

The PRESIDING OFFICER. The Chair did not hear the request.

Mr. WILLIAMS of Delaware. I said I will want to be making a statement in connection with this bill, and when the Senate resumes consideration of it tomorrow, I ask unanimous consent that I be recognized.

Mr. BIBLE. On this bill?

Mr. WILLIAMS of Delaware. On the social security bill.

The PRESIDING OFFICER. Is the Senator asking for any certain time for recognition?

Mr. WILLIAMS of Delaware. No. It will not take too long, but I want to state my case.

Mr. BIBLE. That is not within the mandate covering the 9 a.m. to 3 p.m. consideration?

Mr. WILLIAMS of Delaware. It is whenever we come back to the bill, whatever time it may be. I just ask that I be recognized so that I may speak on the bill.

The PRESIDING OFFICER. Without objection, when the Senate resumes the consideration of the social security bill, the Senator from Delaware will be recognized.

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, with the understanding that I do not lose my right to the floor. I temporarily yield to the Senator from Oklahoma (Mr. HARRIS).

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Oklahoma is recognized.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—ORDER FOR PLACING BILL ON CALENDAR

Mr. HARRIS. Mr. President, I ask unanimous consent that H.R. 19868, an act to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes, be read twice and placed directly to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, this has been cleared?

Mr. HARRIS. Yes.

Mr. GRIFFIN. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none and the bill is considered to have been read twice by title and is placed on the calendar.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS 1971—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report——

Mr. PROXMIRE. Mr. President, will the Senator yield for the purpose of my making a parliamentary inquiry?

Mr. BIBLE. Let me state this first. I am not going to preclude the very able Senator of any of his rights. I am sure he knows that as well as I do.

I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes. As I previously indicated, by unanimous consent I was to be recognized at the conclusion of the remarks on the social security bill by the distinguished Senator from Louisiana.

Now I yield to the Senator from Wisconsin for the purpose of making a parliamentary inquiry.

First, I submit the conference report and move to proceed to its consideration.

The PRESIDING OFFICER. The clerk must first report the business.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes; that the Senate recede from certain amendments and the House recede from its disagreement to certain amendments of the Senate. Signed by the conferees on the part of both Houses.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the conference report.

Mr. BIBLE. Mr. President, at that point——

The PRESIDING OFFICER. The question is not debatable.

The question is on agreeing to the motion to consider the conference report. (Putting the question.)

The motion was agreed to; and the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 11, 1970, pp. 41109–41110, CONGRESSIONAL RECORD.)

Mr. PROXMIRE and Mr. BIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BIBLE. Mr. President, I would like to keep my commitment to the Senator from Wisconsin. He wanted to pose a parliamentary inquiry. I think it has been answered by the Presiding Officer, through the Parliamentarian. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator is correct. I have no parliamentary inquiry to propose. The question is not debatable.

Mr. BIBLE. The Senator wanted to inquire whether the motion to proceed is debatable. It is not debatable. It has been ruled not debatable by the Presiding Officer, and I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, the pending business is the conference report on the appropriation bill for the Department of Transportation and related agencies. I have a brief statement to make in connection with that report.

Mr. STENNIS. Mr. President, may we have it quiet?

The PRESIDING OFFICER. The Senate will be in order, so Senators may hear.

Mr. BIBLE. The bill involves some $7 billion plus, $2.6 billion of it being in new budget authority, and the remainder being largely from the highway trust fund, totaling, as I say, approximately $7 billion.

The following is a brief description of the resolution of the differences between the House and Senate versions of this bill.

The appropriations for operations of the Federal Aviation Administration, where the Senate had added language providing an additional $28,000,000 for air security guards, contingent upon the enactment of additional legislation, will be resolved by the House conferees' agreement to this additional amount to be derived from the airport and airway trust fund. The House conferees will present this proposition to the House by motion outside this conference report.

The difference in the funding proposals for the Federal Highway Administration, largely relating to administration and staff expenses, were resolved by the usual compromise to "split the difference."

In the Federal Railroad Administration, the House conferees agreed to accept $18,000,000 for high-speed ground transportation research and development, for which the Senate bill had provided $21,688,000, as authorized by law.

In the provision of funds for the Civil Aeronautics Board for payments to local service air carriers, the conferees agreed upon $50,000,000 rather than the $27,300,000 proposed by the House and the $58,300,000 proposed by the Senate.

I think I should add there that this was an attempt to bring the payments to the local service carriers up to the amounts that they are entitled to under the law at the present time.

Under the general provisions attached to the bill, the conferees agreed upon $250,000,000 as a limitation on airport commitments instead of the $220,000,000 proposed by the House and no limitation as proposed by the Senate.

The conferees agreed upon an obligation limitation of $75,000,000 for State and community highway safety. This is a split between the $70,000,000 and the $80,000,000 as respectively proposed by the House and by the Senate.

In connection with urban mass transportation program, the agreement provides for a limitation of $600,000,000 instead of the $214,000,000 as proposed by the House, and no limitation as proposed by the Senate.

And finally, with respect to the provision of funds for the supersonic transport, the conferees agreed upon $210,000,000 instead of the $289,965,000 proposed by the House and the budget estimate, and no funds as proposed by the Senate bill.

The conference agreement of $2,608,134,605 is $154,211,000 over the Senate bill, $28,554,668 over the House bill, and $133,692,832 under the budget estimates.

I think it is appropriate at this point to make clear the posture of the supersonic transport appropriation. The amount of the House figure was $289.965 million. Of that amount, there has already been expended under the continuing resolution which was passed by the Senate the sum of $105 million. So the difference actually becomes the difference between $105 million, which has already been authorized by continuing resolutions, and the sum of $290 million, rather than taking the spread between zero and $290 million.

XUM

I know that many things will be said over the next several days, and I hope that that will be the limit of the discussion about the SST. I suppose everything has been said that can be said. I was privileged, this year, to serve as chairman of these hearings, and I heard all of the evidence and all of the testimony. I was reasonably new in this area, not having participated in earlier hearings on the SST and other transportation items, or earlier than that, when they were included in the independent offices appropriations bill, but I became convinced, the more that I studied the problem and the more that I listened to the pros and cons, that it would be folly to abandon this program at this time.

I think it is appropriate to know that this program is roughly a 12-year program, that nine and a half years of that program have been completed. At the present time, it employs in the neighborhood of 14,000 to 15,000 people. The total investment in the program to date is some $813 million on the part of the Federal Government. The contractors' share to date is $159 million. The advance royalties are $22.4 million. The airlines' contribution is $59.3 million. That is a total of a little more than $1 billion in a program that is estimated to cost the Federal Government—the Federal Government's share—in the range of $1.3 billion. We are approximately eight-thirteenths along the way toward the completion of this program.

I know that much has been said about the SST; it has been said and resaid. But it seems to me that to stop this program at this juncture would be wrong and would be folly.

The environmental argument which has been made against the program by those who in good faith feel that it would have some adverse effects on the atmosphere and on the people is a concern, in my judgment, which cannot be resolved finally until the two prototypes have been completed and have completed 100 flying hours. I do not think anyone really knows what it will do or whether it will have these adverse effects. I am convinced, from what the scientists who have appeared have said, that it will not. Perhaps it will have some adverse effects.

I think one of the fine arguments made on behalf of the SST is contained in the Washington Evening Star of December 15, by Crosby S. Noyes. I thought it was extremely well done. It is rather short, and it is a powerful argument why the SST should go forward. It reads as follows:

> Of all the arguments that have been raised against the building of two prototype models of a supersonic transport, or SST, the weakest, it seems to me, is the argument that the plane might turn out to be an environmental menace.
>
> It also is unquestionably the most effective of the objections raised against going ahead with the program.
>
> There are many reasons from the standpoint of economics or national priorities for questioning the wisdom of mass production of the SST. But there would have been no question about continuing the present experimental program, except for the political power of the conservationist lobby on Capitol Hill.
>
> The arguments of the conservationists are weak because they are very largely unproven.

In connection with that point, I have had the pleasure of working with each of the distinguished Senators from Washington, and obviously they are greatly interested in the SST. I do not know of any other Members of the Senate who are more conservation minded than they. I have been privileged to work on the Parks and Recreation Subcommittee of the Committee on the Interior during the last number of years. We have created, under the constant urging of the Senator from Washington, the chairman of the full committee, park after park after park and recreation area after recreation area, lakeshore area after lakeshore area, all over the United States. All these parks and areas are strongly urged by the conservationists.

I know of the great work that the senior Senator from Washington has done in this field and the work he has done year after year in the Committee on Commerce, in the protection of the environment.

The article continues:

> For months, they have been arguing that the SST would be an ecological disaster, polluting the atmosphere, bombarding the earth with intolerable noise, subjecting passengers and crews to a variety of hazards and possibly even bringing about drastic climatic changes to the planet.
>
> Perhaps they are right. If they are, it will be fairly obvious to everyone that the SST ought to be banned, not only in the United States but everywhere in the world. Even those who doubt the validity of some of the arguments have accepted the idea of legal restrictions on overland flights which would produce sonic booms and on excessive airport noise levels.

The Senate spoke on that point a short time ago and made very clear its feelings on it, and I do not think I need refresh the memory of the Senate on that.

The article continues:

> Yet until the fears of the environmentalists have been demonstrated by the performance of the two prototype models, it would seem premature to scrap the program altogether. It is, in fact, a little as if Columbus had decided against setting sail for fear of falling off the edge of the world.
>
> Nor will the world be much protected from disaster by any restrictions imposed by the United States Senate. The British, French and Russians already are busily flight-testing their own models of the supersonic transport. If these tests have turned up any serious environmental problems, the rest of the world has yet to be told about them. And the suggestion that the American version of the SST would greatly increase whatever risk may be involved is hardly justified.
>
> Certainly, the notion that the construction of a supersonic prototype would precipitate some kind of immediate and irreversible environmental catastrophe is absurd on the face of it. Whatever genuine threat to the environment may be involved, the best way—indeed, the only way—of identifying the threat, assessing the potential hazard and possibly correcting, it is to build the prototype planes.
>
> In fact, however, the implication that the SST represents an excursion into a wholly unexplored area of technology is quite wrong. Supersonic flight has been a reality for many years and many thousands of military aircraft have created none of the nightmarish problems that the environmentalists describe.

I may be corrected on this, but I believe there have been approximately 500,000 hours of flights——

Mr. MAGNUSON. Five hundred and thirty-eight thousand hours.

Mr. BIBLE. There have been 538,000 hours of flights supersonically by our own Air Force, which I believe is emphatic.

I read further from the article:

> The difference with the SST is only one of size of the individual aircraft and total numbers involved.
>
> Opponents of the SST have argued that, unless the project is stopped in its experimental stage, it will be far more difficult to stop it later on, even if the danger to the environment becomes manifest. Once the commitment is made on the prototypes, they feel, and many more millions of dollars spent, the construction of fleets of supersonic transports will be inevitable, regardless of the consequences.
>
> This is a curiously fatalistic argument which the opponents of the SST, if they have their way, will do much to disprove. A cutoff of funds for prototype development at this stage would, in fact, undo many years of research and development and scrap a project on which billions of dollars have been invested.
>
> In this connection also, it is interesting to note that the British and French, whose program is far more advanced than ours, are seriously reassessing the feasibility of mass-producing the Concorde version of the SST on purely economic grounds.
>
> Surely, if the American program can be stopped in its tracks on the basis of vague

ecological apprehensions, it clearly can be stopped or modified later on if the apprehensions prove valid. If this is necessary, however, it should be done as a matter of international agreement and not as the unilateral decision of a small group of American legislators.

I think that rather capsulizes my thinking on the SST problem. I am reasonably sure that we will hear much about it in the next few days. I am convinced that it is a program which, having been started and being well on its way, is better to complete now, rather than to junk it and not find out whether the prototype will or will not work, and whether it will present the hazards suggested by those who oppose the SST.

Mr. President, I promised to yield at this stage in my remarks to the distinguished Senator from Mississippi, and I yield to him at this time.

Mr. STENNIS. Mr. President, I thank the Senator from Nevada very much. I shall take only a small amount of time of the Senate. I know there are others here who want to say something.

I want first, though, to thank the Senator from Nevada for the long hours and the hard work he put in on this bill from the opening of the hearing until the close of the conference right down up until now. It was quite a task. It has grown into one of the large appropriation bills. It is a growing department of the Government. I am chairman of the Subcommittee on Appropriations but we got to it here when the military procurement bill was still under debate, and I had to follow that with the conference and I asked the able Senator from Nevada, a very valuable member on our subcommittee and the full committee, to fill in and take the responsibility, which he has done in a splendid way.

I helped out where I could. I have been totally interested in it, but the Senator from Nevada is the one who carried the load.

Just a point or two I want to emphasize. I have checked this with the Appropriations Committee chief of staff, who knows what he is talking about, and the $290 million in the bill that the Senate voted on—that is how the figure looked—but the real facts of life are that the Senate and the House, with the President signing the continuing resolution, has already spent $105 million of that money. It is already obligated and, in effect, the spending has to be appropriated for some time for the SST, or the Government is subject to a suit for it. So, of course, the thing to do is to appropriate the money. So that this money was put in the bill, and of course, in conference—even though in the Senate some Members thought they were voting it out. That left the simple arithmetic of $185 million in conference, we might say, and only $185 million that the conferees had any real control over. The Senate and House had spent the other $105 million. So we finally, after a deadlock and thorough discussion, rather spirited at times, ably represented here by those who had voted to take the item out, took that $105 million as a guideline. That was for the first 6 months, and we put in another $105 million for the second 6 months. It was that simple. We finally were able to reach agreement on that basis. That is the basis it is here. So, percentagewise, of the amount that was really at issue in the conference, while the Senate got 43 percent of its position as to the money, the House got 57 percent of its position as to the money.

Certainly, under the circumstances of this contract as running, that is a fair settlement, we thought, and still think, of the entire matter.

Another overwhelming fact is that this is a 12-year program, and we are now in the 10th year of that program and have already spent, counting the $105 million, $813 million. That money has gone. It has gone. Now we propose to put in this $105 million to run it, making it $918 million out of what was originally a $1.3 billion program.

Shall we turn back now?

The only way in the world to realize or know the answer to that question is to talk it out and see this thing through which I believe is the considered judgment of the Senate to do.

Mr. PROXMIRE. Mr. President, will the Senator from Nevada yield, on the point the Senator from Mississippi has just raised?

Mr. BIBLE. I have no objection at all, if the Senator is willing to answer the question.

Mr. PROXMIRE. The Senator from Mississippi has said that we have already appropriated, by continuing resolutions, $105 million and, therefore, the only thing in consideration is the difference of $105 and $290, which is $185 million.

I might say to the Senator that I strongly disagree with him. In the first place, a strict construction of the continuing resolution would indicate that the people who have the SST program have gone further with it than they had a right to go. Last fiscal year, they were spending $85 million on the SST. Under the continuing resolution they are supposed to spend at no greater rate than they were spending last year. So they have already spent $105 million on the program this year on the SST. Now why in the world should we, therefore, assume that that $105 million, having been spent, is sacrosanct from the standpoint of negotiations? It would be logical to me to say that the Department of Transportation has spent almost half the $290 millions, let them stop when they get to $145 million. That would be an even split. But any amount of funding continues the program and is a defeat for the majority of the Senate that voted to kill the program.

Mr. STENNIS. Assuming that they stayed within the boundaries of the continuing resolution, and we can check that further, I have not heard that challenged, but assuming that they stayed within law, and I think they did, $105 million has already been obligated, legally, through a continuing resolution that was voted for, so far as I know..

Mr. PROXMIRE. The Senator is right. I asked the GAO about that and I asked them to give me an opinion, and they gave me one, and the opinion was, as the Senator indicates, that the Department of Transportation was right, they had every right to spend the $105 million. That was the interpretation. The point now is that because they have gone halfway with the program does not mean, therefore, that they should be given half of the remaining half.

Mr. BIBLE. If I could interject there. By way of clarification, I think this problem came up and was raised by the Senator from Wisconsin way back in October. He requested and secured a Comptroller General's opinion, which I thought made clear that the rate at which they were expending was within the framework of the continuing resolution under which we are operating.

So that there may be no misunderstanding, I ask unanimous consent to have printed in the RECORD the letter dated October 9, 1970, from R. F. Keller, the Assistant Comptroller General of the United States, to the Senator from Wisconsin (Mr. PROXMIRE).

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., October 9, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Reference is made to your informal inquiry of October 7, 1970, questioning whether the Department of Transportation (DOT) has thus far in fiscal year 1971 incurred obligations in connection with the Supersonic Transport (SST) project in excess of the amount authorized by Public Law 91–294, approved June 29, 1970, as amended, making continuing appropriations for the fiscal year 1970.

Question arises by reason of the fact that the appropriation bill providing funds for the fiscal year 1971 for DOT has been passed only by the House of Representatives and, consequently, the funds currently available to DOT are those provided by Public Law 91–294.

Section 101(a) of Public Law 91–294 provides for the appropriation of—

"Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1970 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1971.

* * * * *

"Department of Transportation and Related Agencies Appropriation Act;

* * * * *

"Whenever an Act listed in this subsection has been passed by only one House * * * the pertinent project or activity shall be continued under the appropriation, funds, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower * * *."

The amount available to DOT for the SST project in fiscal year 1970 amounted to $184,000,000, consisting of an appropriation in the sum of $85,000,000 and a carry over from previous years of $99,000,000.

Currently, the Department of Transportation and Related Agencies Appropriation Act, H.R. 17755, which was passed by the House of Representatives on May 27, 1970, provides the amount of $289,965,000 for the SST project for the fiscal year 1971 as requested in the President's budget. There also was an unobligated balance of $23.3 million carried forward into 1971 from prior years.

In view of the provisions of Public Law 91–294 quoted above, since the amount provided in the House passed bill exceeded the amount available during fiscal year 1970, the SST project, beginning July 1, 1970, is authorized to be continued under the appropriation "at a rate for operations not exceeding the current [fiscal year 1970] rate."

For the purposes of the question you have raised we think it is proper to consider both the appropriation for 1970 of $85,000,000 and the carry over from previous years of $99,000,000 as the total amount available for "operations" during the fiscal year 1970. The estimated unobligated balance at the end of each fiscal year is disclosed in the annual budgets as being available for the ensuing budget year.

We have been advised that the amounts obligated monthly for the SST program for fiscal year 1970 and those obligations incurred or planned for the first 5 months of fiscal year 1971 are as follows:

Obligations by month:	*In millions*
July 1969	$8.7
August	7.0
September	7.8
October	9.9
November	11.0
December	14.9
January 1970	17.0
February	19.5
March	21.0
April	1.0
May	19.1
June	23.8
July	23.8
August	23.8
September (estimated)	23.8
October (estimated)	20.7
November (estimated)	21.5

In our decision of December 6, 1963, B–152554, there was considered a similar question which arose under a similar joint resolution providing for continuing appropriations which involved the continuation of a project "at a rate for operations not in excess of the current rate or the rate provided for in the budget estimates, whichever is lower * * *."

In that case the budget estimates exceeded the funds available to the agency for the previous fiscal year. With respect to whether the expenditures made were within the limitations of the joint resolution we stated therein, in part, as follows:

"'Rate' has been defined as a price or amount stated or fixed on anything with relation to a standard, a fixed ratio, a settled proportion. *City of Chicago* v. *Illinois Commerce Commission*, 150 N.E. 2d 776. The language 'current rate' as used in subsection 101 (b) might at first glance be viewed to mean the rate of operations for the corresponding month of fiscal year 1963, or as 1/12 of the appropriations for 1963, or the month of June 1963, or some other portion of the appropriations for 1963. The only standard, fixed ratio, or settled proportion provided for therein with which the 'current rate' is to be related is 'the rate provided for in the budget estimate.' Since the budget estimate is for a full fiscal year it follows that the 'current rate' may have been intended to mean the rate of operations which was carried on within the appropriations for the entire fiscal year 1963. There is some legislative history of the instant joint resolution to support this view. Therefore while obligations incurred by an agency during any particular month may exceed the June 1963 obligations, 1/12 of obligations incurred for fiscal year 1963, or obligations incurred during some other portion of fiscal year 1963, it does not necessarily follow that there has been a violation of subsection 101(b). Variations in the monthly or quarterly obligations are recognized in the apportionment procedures authorized by the antideficiency act, section 3679, Revised Statutes, as amended, 31 U.S.C. 665. Any mathematical formula not recognizing such variations in the many complex governmental programs would not seem practicable. While the legislative intent of the term 'current rate' is not clear, we are inclined to the view that the requirements of subsection 101(b) have been met where an agency can establish that it is operating under a flexible plan that would enable continuation of activities throughout the fiscal year 1964 within the level of the appropriations available during the preceding fiscal year or as provided in the budget estimate, whichever is lower. The guide for agencies restricted to the current rate generally should be the pattern of obligations incurred during the fiscal year 1963. Once the appropriation act has been enacted, expenditures must be charged to the applicable appropriation, as required by section 103 of Pub. L. 88–55."

What was stated therein appears to be equally applicable to the question now under consideration.

While the use of the June 1970 rate of obligations if continued monthly through fiscal year 1971 would exceed the amount available to DOT in fiscal year 1970, DOT has advised us that the SST program plan of operations for this fiscal year is flexible dependent on when its request for appropriations is approved. Under this plan, if DOT's request for appropriations is approved prior to November 30, 1970, in the amount requested, obligations under the SST program will be increased over the existing monthly rate. If approval is deferred by Congress and the DOT must continue under the authority of the Joint Resolution, obligations under the SST program will be severely curtailed to reflect necessary program changes resulting from deferral of work. The plan provides for continuance of the SST program throughout the fiscal year 1971 at a rate which will not permit the obligations to exceed the amount of the appropriations available for this purpose during fiscal year 1970 nor would the obligations in any one month exceed the obligations incurred during June 1970. While the program if continued throughout fiscal year 1971 under the continuing resolution would have to be substantially curtailed during the last seven months, we cannot say that the Department has not complied with the criteria contained in our December 6, 1963, decision or that it has violated Public Law 91–294, the continuing resolution.

Sincerely yours,

R. F. Keller,
Assistant Comptroller General of the United States.

Several Senators addressed the Chair.

Mr. BIBLE. Mr. President, I had promised first to yield to the Senator from New Jersey (Mr. Case).

Mr. MAGNUSON. If I could just interject here, on that one point. I do not want to interrupt here, but the record should be kept straight. The Comptroller General said the amount of money that was spent is legal, and proper, did he not?

Mr. PROXMIRE. He said that.

Mr. MAGNUSON. Did he or did he not?

Mr. PROXMIRE. He said it was legal. Yes, he did.

Mr. MAGNUSON. Well, that is the end of this conversation, then.

Mr. PROXMIRE. As far as the Senator from Washington is concerned, but not the Senator from Wisconsin.

Mr. MAGNUSON. There was a carryover of 99 million.

Mr. PROXMIRE. That was the reason, because it was a carryover.

Mr. BIBLE. Mr. President, I think the letter I have just had printed in the Record speaks for itself. I think that will be the answer to the question.

Mr. President, I now yield to the Senator from New Jersey, the ranking member from the Transportation Appropriations Subcommittee which had a lot of other items in the bill besides the SST.

Mr. CASE. It did, indeed.

One of them is a matter I want to speak briefly about, but first let me say that working with the Senator from Nevada on this bill this year has been a most pleasant task. It was long and tedious and the outcome was not entirely satisfactory to me regarding the SST, but no one could fault the Senator from Nevada for either fairness or lack of fairness, for his diligence and his courtesy, and the conduct necessarily appropriate to a Senator of the United States from the State of Nevada.

Mr. BIBLE. I appreciate that.

Mr. CASE. The bill is a big one. I wish it were bigger in some respects. I wish it had a little bit less money for concrete highways and more money for steel rail transit in the bigger cities, but we did not do too badly as far as mass transit went.

Mr. BIBLE. I thought we did very well on that.

Mr. CASE. The Senator will recall that when we got the bill from the House, the House had put on it a limitation of funding on the mass transit program of $214 million.

Mr. BIBLE. The Senator is correct.

Mr. CASE. The House acted at a time before the mass transit bill had passed and become law.

Mr. BIBLE. The Senator is correct.

Mr. CASE. The figure the House took is the amount that had been appropriated for the program in a prior year.

The matter came to the Senate. At the time the Senate dealt with it, I am happy to say that we had the benefit of a program authorized in law for mass transit covering 5 years and the expenditure or obligation of roughly $3,100,000,000.

Mr. BIBLE. The Senator is correct.

Mr. CASE. And the Senate very wisely, I think, eliminated from the appropriation bill any ceilings on expenditure and obligations for the current fiscal year, the year to which the appropriation bill relates.

So we went to conference with the House ceiling of $214 million and no Senate ceiling and a rough approximation of some $864 million as the amount the administration would like to commit in fiscal 1971.

We tussled with the House for quite a while. They wanted to put in something like a $400 million or a $450 million ceiling. However, we broke for lunch and they came back refreshed. They had obviously been spoken to by people.

So, we agreed on the far more preferable figure of $600 million for the balance of this year as the ceiling for this program. It is a good, solid amount.

I hope that next year we get swinging to the point where we will not have a congressional ceiling but will be able to go along with the amount required to

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complete the program within its scheduled time.

This was a good result. I thank my colleagues on the Senate side for supporting the Senate action, a matter in which my own State and area of the country is particularly interested.

We have a special interest in the matter. My colleague, the junior Senator from New Jersey (Mr. WILLIAMS), was a chief sponsor of the bill which created the mass transit program in the current session of Congress. So, both Senators from New Jersey are expressing their gratitude for this result.

Most of the rest of the matters speak for themselves. I shall not detain the Senate long now with any statement at length of my views on the SST. As the Senator knows, I voted against it in the Senate, having opposed it in committee beforehand. Several of us on the conference committee, though not a majority of the Senate or House conferees, were in the same position. We opposed the SST.

We talked about it, I think, as long as we reasonably could, and we arrived at a solution of which I do not approve, and yet I do not regard it as outside the ballpark as far as the action of the conference went.

I do not think that the characterization of the Senator from Nevada of the Senate's original action as folly is entirely supportable. But again I think it is rhetoric that is permissible in debate.

Mr. BIBLE. We hear lots of things in debate.

Mr. CASE. I think that onbalance we would have been much wiser not to have included any money for the SST.

There is this matter about the figure which I think ought to be thrown out at this time. That is that it does not make very much logical sense to put in $210 million. I think that if we are going to continue the SST, we had better, as the Secretary of Transportation brought out, put in the whole amount because otherwise it will be very much more costly in the end to shave and pare the total amount.

Mr. BIBLE. Mr. President, I might say that it will be a considerable increase. And that happens on every project where we have underfunding of the amount and a stretchout in time. It increases the costs; the Senator is correct.

Mr. CASE. Mr. President, I think this is an argument that those who are not satisfied with the conference action on this matter will probably want to bring out.

I do not forecast my action on the conference report, although I suspect, in spite of the technical perfection, that a substantive defect with respect to the SST will make it neessary for me to vote against it. I shall not detain the Senate longer on that score.

Mr. BIBLE. Mr. President, I appreciate the sentiments of the Senator from New Jersey. I appreciate his feelings on the SST. I certainly do not harbor any ill feeling toward anyone who feels differently than I do. I find that happens all the time in life.

We worked for the best report we could get. I thought it was a fair conference.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the senior Senator from Washington.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I do not want to delay the Senate either. However, the Senator from New Jersey and I have frequently been on conference committees and appropriations committees over the years. We have tried to develop rapid transit, urban renewal, and many other needed programs.

I have listened to arguments about priorities to the effect that maybe we should not build this airplane because we ought to be doing something about rapid transit.

I take the position that we can do both. I do not know why we cannot. We are trying to do both, and no one has been more active in this field than I have. And I am also talking about HEW and the health programs as well.

I do not know why this country cannot do both. But I do know one thing. The Senator from New Jersey, the Senator from Nevada and I have been on the Appropriations Committee a long time. It just does not work this way; if we cut out $105 million over here, that does not mean that we will end up with more rapid transit in New Jersey.

What we ought to do is to press for rapid transit in New Jersey and let this program stand on its own merits.

This is the way it works. Reordering priorities does not work this way. It sometimes works that way when the budget is sent up, but not when the Appropriations Committee considers separate budgets. We are all for many of the things that have been talked about here today.

I am hopeful that the Senate will not be deluded by the thought that if we cannot spend on something over here, that those funds will end up where someone else wants them. It does not work out that way.

Mr. President, I want to take this opportunity to thank the Senator from Nevada, the Senator from Mississippi, and all other Senators who cooperated in the really tough job we had on this entire bill.

The SST involves only 3 percent of this appropriations bill and only one-eighth of 1 percent of the entire national budget.

I am certain that our competition devotes a bigger percentage of their budgets to this effort and they have more fiscal problems than we do.

Mr. President, I want to have some material printed in the RECORD tonight if I may. I think every Senator should know what is at stake if this bill is not passed.

I am terribly concerned about the impact of a threatened filibuster on the agencies and programs funded under this appropriation measure. I want every Senator to know what is at stake if this bill should not be passed; therefore, I ask unanimous consent to have printed in the RECORD at this point a copy of the Senate-passed bill, the Senate report, the House-Senate conference report, and a recent letter I received from Secretary Volpe.

There being no objection, the material was ordered to be printed in the RECORD.

H.R. 17755

An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine; $17,840,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics; $14,500,000, to remain available until expended, of which $4,600,000 shall be available for research into the meteorological and environmental effects of aircraft flight in the atmosphere.

GRANTS-IN-AID FOR NATURAL GAS PIPELINE SAFETY

For grants-in-aid to carry out a pipeline safety program as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674) $1,000,000.

CONSOLIDATION OF DEPARTMENTAL HEADQUARTERS

For necessary expenses in connection with the consolidation of departmental activities into the Southwest Area of Washington, District of Columbia, $4,845,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including services as authorized by 5 U.S.C. 3109; purchase of not to exceed sixteen passenger motor vehicles for replacement only; and recreation and welfare; $423,500,000, of which $137,063 shall be applied to Capehart Housing debt reduction: *Provided,* That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-three exclusive of planes and parts stored to meet future attrition: *Provided further,* That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who had held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights: *Provided further,* That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this ap-

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propriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further,* That, except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents: *Provided further,* That not to exceed $15,000 shall be available for investigative expenses of a confidential character, to be expended on the approval and authority of the Commandmant and his determination shall be final and conclusive upon the accounting officer of the Government: *Provided further,* That not to exceed $100,000 shall be available for expenses, not otherwise provided for, necessary to enable the Coast Guard to discharge its responsibilities in connection with the meeting of the 11th International Lifeboat Conference, including transportation and entertainment of official representatives.

Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by 5 U.S.C. 3109; $100,000,000, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection Plan, $64,530,000.

Reserve Training

For all necessary expenses for the Coast Guard Reserve, as authorized by law, including repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; maintenance and operation of facilities; and supplies, equipment, and services; $25,900,000: *Provided,* That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test and evaluation; services as authorized by 5 U.S.C. 3109; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $23,000,000, to remain available until expended including $13,500,000 for the national data buoy development project.

Oil Pollution Fund

For the revolving fund authorized to be established pursuant to section 11(k) of the Water Pollution Control Act, as amended, $35,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Public Law 91–258; purchase of three passenger motor vehicles for replacement only; and purchase and repair of skis and snowshoes; and arms and ammunition; $951,885,000: *Provided,* That $28,000,000 of the foregoing amount shall be available only upon enactment into law of H.R. 19444, 91st Congress, or similar legislation: *Provided further,* That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

Facilities and Equipment

For an additional amount for the acquisition, establishment, and improvement by contract or purchase and hire of air navigation and experimental facilities, including the initial acquisition of necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, but at a total cost of construction of not to exceed $50,000 per housing unit in Alaska; $190,000,000, to remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment of air navigation facilities: *Provided further,* That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center.

Research and Development

For expenses, not otherwise provided for, necessary for research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301–1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $47,500,000, to remain available until expended.

Operation and Maintenance, National Capital Airports

For expenses incident to the care, operation, maintenance, improvement and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of eight passenger motor vehicles for police use, for replacement only, which may exceed by $450 the general purchase price limitation for the current fiscal year; purchase, cleaning and repair of uniforms; and arms and ammunition; $10,500,000.

Construction, National Capital Airports

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $4,000,000, to remain available until expended.

Aviation War Risk Insurance Revolving Fund

The Secretary of Transportation is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

FEDERAL HIGHWAY ADMINISTRATION

Office of the Administrator

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, as authorized by law, of the Office of the Administrator and staff offices of the Federal Highway Administration, including services as authorized by 5 U.S.C. 3109, $525,000, together with not to exceed $14,826,000, to be transferred from the appropriation for "Federal-Aid Highways (trust fund)."

Bureau of Public Roads, Limitation on General Expenses (Trust Fund)

For necessary expenses, not otherwise provided, for administration, operation, and research of the Bureau of Public Roads, as authorized by law, not to exceed $70,433,000 shall be paid, in accordance with law, from the appropriation "Federal-Aid Highways (trust fund)" (including advances and reimbursements): *Provided*, That appropriations available to the Bureau of Public Roads shall be available for hire of passenger motor vehicles; uniforms or allowances therefor authorized by law (5 U.S.C. 5901–5902); and services as authorized by 5 U.S.C. 3109.

Federal-Aid Highways (Trust Fund)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, to remain available until expended, $4,352,390,000, or so much thereof as may be available in and derived from the "Highway trust fund"; which sum is composed of $1,891,234,036, the balance of the amount authorized for the fiscal year 1969, and $2,446,810,950 (or so much thereof as may be available in and derived from the "Highway trust fund"), a part of the amount authorized to be appropriated for the fiscal year 1970, $12,011,809 for reimbursement of the sum expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by title 23, United States Code, section 125, $158,053 for reimbursement of the sums expended for the design and construction of bridges upon and across dams, as provided by title 23, United States Code, section 320, $2,046,492 for reimbursement of sums expended pursuant to the provisions of section 2 of the Pacific Northwest Disaster Relief Act of 1965 (79 Stat. 131), and $128,660 for reimbursement of the sums expended pursuant to the provisions of section 21 of the Alaska Omnibus Act, as amended (78 Stat. 505).

Right-of-Way Revolving Fund (Liquidation of Contract Authorization) (Trust Fund)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 108(c), as authorized by section 7(c) of the Federal-Aid Highway Act of 1968, to remain available until expended, $35,000,000 to be derived from the "Highway trust fund" at such times and in such amounts as may be necessary to meet current withdrawals.

Highway Beautification (Liquidation of Contract Authorization)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), to remain available until expended, $16,500,000, together with $500,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 6(g) of the Federal-Aid Highway Act of 1968.

Motor Carrier Safety

For necessary expenses to carry out motor carrier safety functions of the Secretary, as

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authorized by the Department of Transportation Act (80 Stat. 939—40): $3,718,000.

Forest Highways (Liquidation of Contract Authorization)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $20,000,000, which sum is composed of $19,950,000, the balance of the amount authorized to be appropriated for the fiscal year 1969, and $50,000, a part of the amount authorized to be appropriated for 1970: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed $15,000.

Public Lands Highways (Liquidation of Contract Authorization)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $15,000,000, which sum is composed of $14,300,000, the balance of the amount authorized to be appropriated for the fiscal year 1969, and $700,000, a part of the amount authorized to be appropriated for the fiscal year 1970.

NATIONAL HIGHWAY SAFETY BUREAU

Traffic and Highway Safety

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety, including services authorized by 5 U.S.C. 3109; $47,601,000, together with $2,611,000 to be transferred from the appropriation for "State and community highway safety (Liquidation of contract authorization)."

State and Community Highway Safety (Liquidation of Contract Authorization)

For the payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, to remain available until expended, $51,000,000, of which not to exceed $2,611,000 may be advanced to the appropriation "Traffic and highway safety" and not to exceed $289,000 may be advanced to the appropriation "Federal Aid Highways (trust fund)" for administration of this program.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

SALARIES AND EXPENSES

For necessary expenses of the Federal Railroad Administration, including services as authorized by 5 U.S.C. 3109; $1,395,000.

Bureau of Railroad Safety

For necessary expenses of the Bureau of Railroad Safety, not otherwise provided for, including services as authorized by 5 U.S.C. 3109; $4,500,000.

High-Speed Ground Transportation Research and Development

For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $21,688,000, to remain available until expended.

Railroad Research

For necessary expenses for conducting railroad research activities, $1,005,000, to remain available until expended, of which not less than $230,000 shall be available for freight car utilization studies.

Alaska Railroad

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS–15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS–17, and five officers at not to exceed the salaries prescribed by said Act for grade GS–16.

URBAN MASS TRANSPORTATION ADMINISTRATION

Salaries and Expenses

For necessary expenses of the Urban Mass Transportation Administration, including services as authorized by 5 U.S.C. 3109; $3,450,000.

Research, Development, and Demonstration

For necessary expenses for research, development, and demonstration projects as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605); $20,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation, except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed $700,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation, hire of passenger motor vehicles, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901–5902) and $15,000 for services as authorized by 5 U.S.C. 3109.

TITLE II—RELATED AGENCIES

National Transportation Safety Board

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including employment of temporary guards on a contract or fee basis; hire, operation, maintenance, and repair of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); $6,000,000.

CIVIL AERONAUTICS BOARD

Salaries and Expenses

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and not to exceed $1,000 for official reception and representation expenses, $11,134,000.

Payments to Air Carriers

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board $58,300,000, to remain available until expended.

INTERSTATE COMMERCE COMMISSION

Salaries and Expenses

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, $27,000,000, of which $300,000 additional shall be available for the employment of car service agents, and $150,000 shall be available for valuation of pipelines: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

Payment of Loan Guaranties

For payments required to be made as a consequence of loan guaranties made by the Interstate Commerce Commission under section 503 of the Interstate Commerce Act, as amended (49 U.S.C. 1233), $3,216,668, together with such amounts as may be necessary to pay interest.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Federal Contribution

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91–143), including acquisition of rights-of-way, land and interests therein, to remain available until expended $180,028,000 for the fiscal year 1971, and $150,000,000 for the fiscal year 1972.

TITLE III—GENERAL PROVISIONS

Sec. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

Sec. 302. Funds appropriated under this Act for expenditure by the Federal Aviation Administration may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Administration, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development.

Sec. 303. None of this fund provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $80,000,000 in fiscal year 1971 for "State and Community Highway Safety".

Sec. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $33,000,000, exclusive of the reimbursable program, in fiscal year 1971 for "Forest Highways".

Sec. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $16,000,000 in fiscal year 1971 for "Public Lands Highways".

Sec. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 307. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida ly-

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ing south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmenal effect on the ecology of the Everglades and until any sites selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in this section shall affect the availability of such funds to carry out this study.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1971".

[From S. Rept. No. 91-1372]

Department of Transportation and Related Agencies Appropriation Bill, 1971

Amount of bill as passed House	[1] $2,579,579,937
Amount of increase by Senate	164,308,668
Amount of bill as reported to Senate	[1] 2,743,888,605
Budget estimates, 1971	[2] 2,741,827,437
Appropriations, 1970	[3] 2,316,779,630
The bill as reported to the Senate:	
Over the estimates	2,061,168
Over the appropriations for 1970	427,108,975

[1] Includes $150,000,000 for 1972.
[2] Includes $188,011,000 for 1972.
[3] Includes $214,000,000 for 1971.

Items Deferred or Not Considered by the House

The total amount recommended by the Senate Committee (including liquidating cash) is $7,233,915,668. This includes the following:

Deferred by the House:

For high-speed ground transportation research and development—deferred by the House for lack of authorization—Public Law 91-444 was approved October 13, 1970, $21,688,000.

Estimates transmitted directly to the Senate (not considered by the House):

In S. Doc. 95 of July 24, 1970—for payment of Interstate Commerce Commission loan guaranties, $3,216,668 of $3,313,500 requested.

In S. Doc. 103 of September 14, 1970—for air security guards, $28,000,000.

In S. Doc. 104 of September 15, 1970—capitalization of oil pollution fund, $35,000,000.

In total, items deferred or not previously considered by the House amount to $87,904,668.

ITEMS OF APPROPRIATION IN SENATE AMENDMENTS RECOMMENDED WITHOUT STATUTORY AUTHORITY

	Amount	Report page No.
Coast Guard: Operating expenses	$15,000	7
Federal Aviation Administration: Operations	28,000,000	9

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority [1] fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	Amount recommended by Senate committee for 1971	Increase (+) or decrease (−), Senate bill compared with— Appropriations of new budget (obligational) authority, fiscal year 1970	Budget estimates, 1971	House bill, 1971
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
SUMMARY RECAPITULATION							
Office of the Secretary	$112,840,000	$337,320,000	$326,540,000	$328,150,000	+$215,310,000	−$9,170,000	+$1,610,000
Coast Guard	576,393,630	660,132,937	623,292,937	671,792,937	+95,399,307	+11,660,000	+48,500,000
Federal Aviation Administration	1,152,547,000	1,210,985,000	1,173,385,000	1,203,885,000	+51,338,000	−7,100,000	+30,500,000
Federal Highway Administration	9,355,000	5,443,000	4,443,000	4,743,900	−4,612,000	−700,000	+300,000
National Highway Safety Bureau	30,150,000	53,075,000	40,435,000	47,601,000	+17,451,000	−5,474,000	+7,166,000
Federal Railroad Administration	16,755,000	29,338,900	6,795,000	28,588,000	+11,833,000	−750,000	+21,793,000
Urban Mass Transportation Administration	[2] 215,600,000	4,000,000	3,200,000	23,450,000	−192,150,000	+19,450,000	+20,250,000
St. Lawrence Seaway Development Corp	(652,000)	(700,000)	(700,000)	(700,000)	(+48,000)		
Related agencies	203,139,000	[3] 441,533,500	[4] 401,489,000	[4] 435,678,668	+232,539,668	−5,854,832	+34,189,668
Total, new budget authority	2,316,779,630	2,741,827,437	2,579,579,937	2,743,888,605	+427,108,975	+2,061,168	+164,308,668
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(4,489,890,000)	(−36,389,000)	(−21,110,000)	(+9,050,000)
Appropriation for debt reduction	(131,370)	(137,063)	(137,063)	(137,063)	(+5,693)		
Grand total, all appropriations	(6,843,190,000)	(7,252,964,500)	(7,060,557,000)	(7,223,915,668)	(+390,725,668)	(−19,048,832)	(+173,358,668)

[1] Includes amounts in titles I and II, Public Law 91-305, 2d Supplemental for 1970; excludes $29,585,793 (indefinite appropriations) in title III.
[2] Includes $214,000,000 appropriated for 1971.
[3] Includes $188,011,000 advance for 1972.
[4] Includes $150,000,000 advance for 1972.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Salaries and Expenses

1970 appropriations	$12,320,000
1971 budget estimate (H. Doc. 91-333)	19,510,000
House allowance	17,230,000
Committee recommendation	17,840,000

The Committee recommendation of $17,840,000 would provide 843 positions, an increase of 40 positions, and $610,000 over the House allowance. The following summary tabulation reflects the distribution of these positions:

	Budget request	House allowance	Restoration requested	Committee recommendation
Secretarial Offices	134	108	+20	128
Assistant Secretary for Administration	335	311	+14	311
General Counsel	39	35	+4	39
Assistant Secretary for Public Affairs	87	71	0	71
Assistant Secretary for Policy and International Affairs	116	96	+9	96
Assistant Secretary for Environmental and Urban Systems	58	50	+8	58
Assistant Secretary for Systems Development and Technology	199	132	+38	140
Total	[1] 968	[2] 803	+93	[2] 843

[1] Includes 187 counterpart positions transferred from within the Department.
[2] Includes 172 counterpart positions; 15 Coast Guard positions were excluded.

The additional 20 positions for Secretarial Offices over the House allowance provide for Departmental representation on the Regional Councils established by the President in 1969.

The recommendation specifically denies 30 field positions and agrees with the House that the Department's field organization is a matter requiring comprehensive review. The restorations of 14 positions requested for the Assistant Secretary for Administration and nine for Policy and International Affairs are not approved.

This committee is concerned by the indifferent attitude and lack of affirmative action expressed by the Department in the serious problem of cargo theft in all modes of transportation. This problem has been estimated as costing the American public upwards of $1 billion a year. In July 1969, the Department witnesses testified before the Senate Small Business Committee, stating "that the Department of Transportation (was) aware of and concerned about the problem of loss of * * * cargo through damage and pilferage." At that time they informed that Committee that a general study of the problem was nearing completion. In testimony before the Senate Commerce Committee on September 30, 1970, some 1¼ years later, the Department indicated the study was not yet in final form. At this hearing they further testified that they were giving high priority to a systematic effort to expore the many problems of crime prevention in the freight transportation sector.

It is apparent that the Department, after numerous congressional hearings, is still merely studying and exploring the problem, with no definitive program for affirmative action. The Department has also been seemingly reluctant to consult with the Senate committees conducting an investigation in this area. It is the intention of this committee that the Department officials periodically inform the Congress of activities and progress in this vital area. Further, the Department is urged to take a more affirmative approach in dealing with this problem and eliminate the rhetoric and vacillation now apparent.

The Committee was asked to consider granting relief from the House Committee report language which would establish a

286-position ceiling on the Working Capital Fund and advances and reimbursement-financed positions. It is the sense of the Committee that the Department should be able to operate the Working Capital Fund financed operations at a level of 300, exclusive of employment financed by advances and reimbursements received from other agencies.

The Committee expects that the operations of the Transportation Systems Center at Cambridge, Massachusetts, will appear in the 1972 budget as a line item. This will afford the Committee a better opportunity for evaluation of funding and staffing requirements. The inclusion of a working fund schedule contemplating advances and reimbursements from the various administrations is not acceptable from the standpoint of clearly revealing activities, program performance, and staffing levels.

Transportation Planning, Research, and Development

1970 appropriations	$11, 000, 000
1971 budget estimate	22, 000, 000
House allowance	14, 500, 000
Committee recommendation	14, 500, 000

An appropriation of $14,500,000 is recommended. Of this amount, $8,000,000 is for the air traffic capacity program initiated in fiscal 1970.

The Committee has included language in the bill earmarking $4,600,000 for "research into the meteorological and environmental effects of aircraft flight in the atmosphere."

Grants-in-Aid for Natural Gas Pipeline Safety

1970 appropriations	0
1971 budget estimate	$1, 000, 000
House allowance	0
Committee recommendation	1, 000, 000

The Committee recommends $1,000,000, the amount of the budget estimate. This item was denied by the House. The Department requested restoration.

Under the Natural Gas Pipeline Safety Act of 1968, grants may be made to State agencies to carry out a State natural gas pipeline safety program. These grants may be up to 50% of the cost of personnel, equipment and other expenses of State agencies to carry out a natural gas pipeline safety program of intrastate gas pipeline facilities under a certification or agreement as provided in the act. The act contemplates adoption by the Federal Government of minimum safety standards, annual voluntary compliance by State agencies with certain statutory requirements, and Federal grants to assist the cooperating States. This appropriation finances these grants-in-aid to the States.

Consolidation of Departmental Headquarters

1971 appropriations	$4, 520, 000
1971 budget estimate (H. Doc. 91–333)	4, 845, 000
House allowance	4, 845, 000
Committee recommendation	4, 845, 000

The recommendation of $4,845,000 is the amount of the amended budget estimate and the House allowance.

This amount includes $4,250,000 for the full-year rental cost for a new headquarters building at 400 7th Street, S.W., Washington, D.C., and $595,000 for rental space for employee parking in the headquarters building.

Under current procedures, the Department budgets for the first full-year rental cost. The rental costs will be budgeted by the General Services Administration after 1971.

Civil Supersonic Aircraft Development

1970 appropriations	$85, 000, 000
1971 budget estimate	289, 965, 000
House allowance	289, 965, 000
Committee recommendation	289, 965, 000

The Committee recommends an appropriation of $289,965,000, the budget estimate and the House allowance. Together with the net $708,375,000 previously appropriated, this would bring the total to date to $998,340,000.

The objective of this program is to develop a supersonic transport which will be safe, economically profitable in airline service, and more technically advanced than any other commercial aircraft. Because of the magnitude of the funds required to develop the aircraft, the technical risk associated with this first U.S. supersonic transport, and the long period between investment and potential profit, Government financial support is deemed essential. The program is a cost-sharing venture involving the Government, the aircraft manufacturers, and their customers—the airlines.

The program is now in the prototype construction phase which includes 100 hours of flight testing. The amount recommended is the estimate of funds needed in 1971 to continue work on the construction of two prototype aircraft.

Last year, in providing funds for continuation of the commercial supersonic transport program, the Committee urged the Secretary of Transportation to develop legislation to protect the public against the sonic boom.

The law the Committee has in mind is one specifically prohibiting overland flights at sonic-boom producing speeds. Such a restriction is embodied in S. 942, now pending before the Senate Commerce Committee.

Our Committee regrets that in place of pressing for such legislation, the Secretary has chosen instead to seek an agency rule to deal with the matter.

In the Committee's view, a rule, which is subject to arbitrary change, is no substitute for a law passed by the Congress.

The Department's approach permits the unfortunate inference that the Department some day may wish to relax its rule on overland SST flights should such flights be deemed essential to the SST's commercial success.

The Committee believes public concern on overland flights can be allayed by the Department promptly supporting the pending legislation, or submitting a bill of its own.

As it did last year, the Committee states unequivocally that it is not willing to buy aviation leadership at further costs to our environment.

Coast Guard

Operating Expenses

1970 appropriations	$408, 675, 000
1971 budget estimate	426, 740, 000
House allowance	[1] 423, 500, 000
Committee recommendation	[1] 423, 500, 000

[1] Includes $137,063 for debt reduction.

The recommendation of $423,500,000 is $3,240,000 less than the budget request. The testimony revealed that this reduction can be achieved as a result of the Vietnamization of operations in Southeast Asia, and a reduction in general support costs. The Department did not request restoration.

An amendment has been recommended deleting language relating to transportation of dependent school children overseas. This language is now unnecessary since it is authorized by P.L. 91–278, approved June 15, 1970.

Language has been added, as requested, to make this appropriation available for certain confidential investigative expenses. The General Accounting Office recently advised the agency that future payments must be supported by specific appropriation language. No statutory authorization now exists for this language.

Acquisition, Construction, and Improvements

1970 appropriations	$67, 700, 000
1971 budget estimate	100, 000, 000
House allowance	90, 000, 000
Committee recommendation	100, 000, 000

The $100,000,000 recommended by the Committee is the amount of the budget request.

The House allowance contemplated utilization of balances which the testimony reveals are committed to on-going projects financed on a "full funding" basis.

The allowance includes $59,000,000 to construct a new polar icebreaker.

The effects of the House reduction, if permitted to stand, appear on page 61 of the Senate hearings. The reduction, according to the record, would eliminate 40 percent of the planned program for major repairs to cutters and replacement of physical plants ashore.

The Committee interposes no objection to the proposed reprogramming of AC&I funds to cover price increases in public works projects during the recent construction freeze. Reprogramming to cover restoration of storm damage is also approved with the understanding that no additional facilities or facility expansions are involved.

Retired Pay

1970 appropriations	$58, 750, 000
1971 budget estimate	64, 530, 000
House allowance	64, 530, 000
Committee recommendation	64, 530, 000

The Committee recommendation of $64,530,000 is the amount of the House allowance and the budget estimate.

These funds provide for retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former lighthouse and life-saving services, and for payment to survivors pursuant to the retired serviceman's family protection plan.

Reserve Training

1970 appropriations	$26, 900, 000
1971 budget estimate	10, 000, 000
House allowance	25, 900, 000
Committee recommendation	25, 900, 000

The Committee recommends $25,900,000, the amount provided in the House bill. The Committee was informed that this would permit a year-end strength of 15,000.

Testimony was received that the Coast Guard is developing a program for peacetime utilization of the Reserve by the regular Coast Guard during certain national emergencies and natural disasters.

Research, Development, Test, and Evaluation

1970 appropriations	$14, 500, 000
1971 budget estimate	24, 000, 000
House allowance	19, 500, 000
Committee recommendation	23, 000, 000

The $23,000,000 recommended is $1,000,000 less than the budget estimate.

Of the total recommended, $13,500,000 has been approved and earmarked for the national buoy development project, and $4,000,000, as requested, for maritime pollution control systems development.

Oil Pollution Fund

1970 appropriations	----------
1971 budget estimate (S. Doc. 91–104)	$35, 000, 000
House allowance	----------
Committee recommendation	35, 000, 000

The Committee recommends an appropriation of $35,000,000, as requested September 15, 1970 (S. Doc. 91–104).

The language in the bill follows:

"For the revolving fund authorized to be established pursuant to section 11 of the Water Quality Improvement Act of 1970 (Public Law 91–224), $35,000,000, to remain available until expended."

This fund finances all direct and indirect costs incurred in the cleanup of oil or other hazardous materials spilled into the navigable waters of the United States, adjoining shorelines, or waters of the contiguous zone. These costs include reimbursement to other accounts and other government agencies, states, and political subdivisions thereof for actual costs incurred, payments to contractors, and payments to operators under section 11(1) of PL 91-224. It finances these operations by appropriations and by assessments against owners or operators of vessels, onshore and offshore facilities, and other vessels operated by onshore facilities when a spill occurs and the owner is not in a position to accomplish cleanup with its own resources. In addition, all fines assessed under sections 11 and 12 of the Water Quality Improvement Act of 1970 (P.L. 91-224) are paid into the fund.

Federal Aviation Administration

Operations

1970 appropriations	$825,597,000
1971 budget estimate	923,885,000
Amendment (S. Doc. 91-103)	28,000,000
House allowance	923,885,000
Committee recommendation	951,885,000

The Committee recommends the amount of the amended budget estimate.

A summary tabulation showing a comparison of 1970 and 1971, by activity, follows:

SUMMARY OF PROGRAM REQUIREMENTS BY ACTIVITY

[Dollars in thousands]

Activity	1970 appropriation		Committee recommendation for 1971 [1]		Difference	
	Positions	Amount	Positions	Amount	Positions	Amount
Operation of traffic control system	27,167	$398,202	29,498	$448,046	+2,331	+$49,844
Installation and materiel services	2,941	88,466	3,057	104,711	+116	+16,245
Maintenance of traffic control system	11,435	194,662	12,839	218,347	+1,404	+23,685
Administration of flight standards program	5,993	112,276	6,398	147,485	+405	+35,209
Administration of medical programs	305	5,808	325	6,485	+20	+677
Research direction	647	11,606	653	11,649	+6	+43
Administration of airports program	827	14,385	906	15,162	+79	+777
Subtotal	49,315	825,405	53,676	951,885	+4,361	+126,480
Transfer to other accounts		+192				−192
Total appropriation	49,315	825,597	53,676	951,885	+4,361	+126,288

[1] Includes $28,000,000 increase over House allowance (S. Doc. 91-103).

The House allowance of $923,885,000 provides the full amount of the original budget estimate. This funds 4,361 new positions, of which 2,265 are air traffic control personnel. With this increment, the Congress will have provided 9,496 new air traffic control positions from fiscal 1968 to 1971 inclusive.

The Committee recommendation of $951,885,000 adds $28,000,000, contingent upon enactment of legislation for air security guards, as requested in S. Doc. 91-103 of September 14, 1970.

Since the testimony before the Committee on September 17, 1970, in which it was stated that 2,500 additional positions were involved, the Committee notes that a reimbursable agreement with the Treasury Department has been announced, pursuant to which the Treasury Department will provide the permanent sky marshal force. This force will fly aboard U.S. commercial aircraft and conduct predeparture inspections of air passengers.

Facilities and Equipment

1970 appropriations	$224,000,000
1971 budget estimate	190,000,000
House allowance	190,000,000
Committee recommendation	190,000,000

The Committee recommendation is $190,000,000. These funds will carry forward the program to increase the capacity of the airways system by en route automation. It provides for continuation of major efforts already underway to provide an automation capability in the air traffic control system.

The Committee agrees with the House in denying the 135 additional personnel proposed. The testimony disclosed 262 vacancies in the 1,243 positions authorized for 1970.

Research and Development

1970 appropriations	$41,000,000
1971 budget estimate	47,500,000
House allowance	45,000,000
Committee recommendation	47,500,000

The Committee recommendation is to provide an increase of $2,500,000 over the House bill and the full amount of the budget request. The following is a summary of the activities funded under this allowance:

Air Traffic Control	$34,212,000
Navigation	5,142,000
Aviation Weather	800,000
Aircraft Safety	5,346,000
Aviation Medicine	2,000,000
Total	47,500,000

The testimony in support of this restoration referred to efforts in noise and pollution abatement, system capacity, airport design, airspace interference, turbulence, oceanic and area navigation techniques, metering and spacing of aircraft in terminal areas, and anti-collision devices.

Operation and Maintenance, National Capital Airports

1970 appropriations	$10,050,000
1971 budget estimate	10,600,000
House allowance	10,500,000
Committee recommendation	10,500,000

The $10,500,000 recommended is $100,000 less than the estimate and identical with the House allowance. No new personnel were requested or recommended.

This appropriation finances management, operations, maintenance, and capital outlay costs for equipment and maintenance projects at the federally-owned Washington National and Dulles International Airports which serve the National Capital area.

The operation of the airports is conducted on a business basis with revenues derived from landing fees, concession activity, and lease arrangements deposited as receipts in the general fund of the Treasury. The direct operating costs and capital outlays are financed by direct appropriation.

The Washington National Airport is operating at a profit while Dulles International Airport continues operating at a deficit which results in a deficit for the combined operation of these airports.

Construction, National Capital Airports

1970 appropriations	$1,900,000
1971 budget estimate	11,000,000
House allowance	4,000,000
Committee recommendation	4,000,000

The $4,000,000 recommended provides for the two National Capital Airports. The funds recommended will provide $2 million for Washington National Airport, distributed as follows:

Aircraft parking apron	$420,000
Groove Runway 15-33	160,000
Roadway improvements	100,000
Modifications to industrial waste treatment plant	160,000
Taxiway centerline lights	70,000
Storm drainage improvements	430,000
Water main	55,000
High intensity runway centerline lights	250,000
Fuel storage	355,000
Total	2,000,000

The $2 million for Dulles International Airport distributes as follows:

Public parking expansion	$1,100,000
Overlay south service road	110,000
Utilities, north commercial area	220,000
Service road improvements	420,000
Access highway overlay	150,000
Total	2,000,000

In view of the unobligated balances amounting to $6.7 million, the House allowance did not provide construction funds at this time for the expansion of the Dulles Terminal Building.

The Department did not request restoration; the Committee concurs with the House on this deferral.

Grants-in-Aid for Airports

1970 appropriations	$50,000,000
1971	0
House allowance	Language
Committee recommendation	Delete

The Committee recommends the deletion of Section 303 of the House bill. The language appears in the committee recommended version of the bill as follows:

"SEC. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $220,000,000 in fiscal year 1971."

The language in the House version of the bill would negate the long-term contracting authority which has been provided in the Airport and Airway Development Act (P.L. 91-258).

General Provisions

The purpose of the language contained in last year's Appropriation Act (Sec. 310) was to ensure environmental protection to the Everglades National Park in the absence of appropriate study of the potential adverse effects of a major airport constructed in the south Florida area. The environmental protection is now provided by the joint agreement between the Departments of Transportation and Interior, the State of Florida, and the Dade County Port Authority. The agreement calls for a comprehensive environmental study and analysis of the South Florida area and prohibits the construction of the contemplated airport until an appropriate joint study has determined an environmentally acceptable site and that site is approved by the Federal Government.

The amended language provides fully for carrying out the purpose of the agreement and the intent of the original language. The language follows:

"SEC. 308. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in this section shall affect the availability of such funds to carry out this study."

The committee is seriously concerned about the proposed development of the Portland International Airport. Present architectural plans call for one runway to be built into the Columbia River, thus changing the natural flow of the Columbia River.

The committee is concerned that federally

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supported airport construction projects not degrade the environment or threaten natural resources such as the Columbia River. It is particularly important that the new Council on Environmental Quality review the various agency and Department decisions on projects that will have a serious impact on the Nation's environment.

The committee is also concerned that local officials search out airport locations that will have the least possible environmental impact. Hopefully, this action will demonstrate the concern of Congress regarding the location and impact of airport construction.

The committee recommendations include the following language:

"SEC. 309. None of the funds provided under this Act or any other Act shall be available for the planning or execution of programs for any construction of the Portland International Airport, or any other air facility in or near the mouth of the Columbia River, until appropraite studies to identify an environmentally acceptable site for an airport to serve the area are completed and until any site selected on the basis of such studies is approved by the Department of the Interior and the Department of Transportation and is reviewed and approved by the Council on Environmental Quality: *Provided,* That nothing in this section shall affect the availability of such funds to carry out these studies."

Federal Highway Administration

OFFICE OF THE ADMINISTRATOR, SALARIES AND EXPENSES

	Appropriation	Transfer from trust fund
1970 appropriations	$1,782,000	($13,568,000)
19/1 budget estimate (H. Doc. 91-333)	[1] 525,000	(14,956,000)
House allowance	500,000	(14,721,000)
Committee recommendation	525,000	(14,826,000)

[1] Decrease of $2,225,000 considered under traffic and highway safety.

The Committee recommends an appropriation of $525,000, and a transfer of $14,826,000 from the Highway Trust Fund. This would provide for an increase of 10 positions, $25,000 in appropriated funds, and a $105,000 increase in the transfer from the Highway Trust Fund. The $130,000 in additional funds over the House allowance would provide $46,000 for better utilization of seven positions previously approved by the House, and $84,000 to finance the 10 additional positions.

The Administrator testified that the additional positions were needed to meet additional responsibilities under the Federal-Aid Highway Act of 1968, related to relocation assistance, equal employment opportunities, and the extension of minimum wage procedures to all Federal-Aid Highway projects. In addition, the Bureau of Motor Carrier Safety enforcement activities have significantly increased.

The 908 positions for which this allowance would provide reflect a reduction of 16 from the 924 requested.

The Staff and Administrative Support activity of the Bureau of Motor Carrier Safety is funded under this appropriation.

Bureau of Public Roads

Limitation on general expenses

(Transfer from highway trust fund)

1970 appropriations	($62,202,000)
1971 budget estimate (H. Doc. 91-333)	(77,913,000)
House allowance	(68,488,000)
Committee recommendation	(70,433,000)

The Committee recommends a limitation of $70,433,000. The increase of $1,945,000 over the House allowance will provide $772,000 for 100 additional positions; $148,000 in additional financing for 50 new positions authorized in the House allowance; $400,000 for mandatory cost increases such as increases in per diem travel allowances, salary increase of 1969, for within grade promotions; and $625,000 for the Highway Planning Contract Program.

The recommended increases are not based upon interstate system construction, but are related to activity in the TOPICS Program, up-grading safety standards for rural interstate and urban roads; relocation assistance; and bridge inspection duties under the National Bridge Inspection Program.

The 3,020 positions provided for in this allowance reflect a reduction of 140 from the 3,160 contemplated in the budget request, but provide an increase of 150 over the comparable 1970 level.

Expenses for administration of the Federal-Aid Highway program and for highway research by the Bureau of Public Roads are financed by deduction from Federal-Aid authorizations. Administrative services for other programs of the Bureau and for road construction programs of other Federal agencies are initially financed from this activity, and reimbursements are collected from these programs. This limitation does not cover administrative expenses of highway beautification, which are handled by a separate appropriation.

Federal-Aid Highway (Trust Fund)

(Appropriation to liquidate contract authorization)

1970 appropriations	($4,419,279,000)
1971 budget estimate	(4,360,000,000)
House allowance	(4,350,340,000)
Committee recommendation	(4,352,390,000)

The Committee recommends an appropriation of $4,352,390,000 from the Highway Trust Fund. The increase of $2,050,000 over the House allowance provides for the financing of the additional amounts provided in the Office of the Administrator of the Bureau of Public Roads items. The restoration would maintain the House approved level of cash appropriations available for the payment of State claims for construction.

The 1971 estimate reflects reduced cash requirements resulting from the lowered obligation levels of the current year, primarily in the Federal-Aid Highway program.

The Committee was informed that the voluntary curtailments of obligations in the Federal-Aid Highway program were lifted on March 17, 1970. As a result, preliminary actual obligations in 1970 are approximately $4.8 billion as compared to the $4.0 billion level estimated in the budget. Since liquidating cash requirements for 1971, as presented in the budget, did not contemplate relief from the holdback, it is probable that a supplemental will be required in 1971. The amount of such a supplemental is dependent upon the rate of obligations in the first half of fiscal year 1971 and cannot be determined until these obligations are known.

Right-of-Way Revolving Fund

(Trust fund-appropriation to liquidate contract authorization)

1970 appropriations	($40,000,000)
1971 budget estimate	(35,000,000)
House allowance	(35,000,000)
Committee recommendation	(35,000,000)

An appropriation of $35,000,000 is recommended, the amount of the budget estimate and the House bill.

The Federal-Aid Highway Act of 1968 makes provision for the establishment of a right-of-way revolving fund for the advance acquisition of rights-of-way by the States and payment of relocation expenses, including the State share of the cost and without interest.

An appropriation of $100 million in each of the years 1970, 1971, and 1972 was authorized from the Highway Trust Fund. Funds can be obligated in the year prior to the year for which authorized.

The appropriation of $35 million is the second request for financing the revolving fund. The appropriation provided for 1970 was $40 million. The need for additional appropriations up to the authorized $300 million will be determined by the extent to which the States utilize this fund and the rate at which reimbursements are received to make the fund self-sustaining. The appropriation makes no addition to the overall highway program costs, but merely advances in time an expenditure which must eventually be made and for which money is already available within the Trust Fund. Use of the fund not only reduces costs of the program, but materially assists individuals and businesses which are displaced.

HIGHWAY BEAUTIFICATION

	Administrative expenses	Liquidation of contract authorization
1970 appropriations	$1,100,000	($5,000,000)
1971 budget estimate	800,000	(20,000,000)
House allowance	500,000	(16,500,000)
Committee recommendation	500,000	(16,500,000)

The House bill and the Committee recommendation provide $500,000 for administrative expenses of the Highway Beautification Program. There is also recommended an appropriation of $16,500,000 to liquidate contract authorization.

The committee received a joint letter from the Chairman and ranking Minority Member of the Senate Committee on Public Works urging the elimination of the limitation in the House bill limiting obligations to $5.5 million. Since the committee has had no opportunity to review this matter on the basis of the new pending legislation, the committee recommends without change the House language in the committee bill Section 303, which has the effect of limiting obligations to $5,500,000.

Motor Carrier Safety

1970 appropriations	$2,473,000
1971 budget estimate	4,118,000
House allowance	3,443,000
Committee recommendation	3,718,000

The recommended appropriation of $3,718,000 would provide for 20 additional positions and $275,000 over the House allowance. The increase of $275,000 consists of $160,000 applied to financing of the 20 new positions and $115,000 to allow full-year financing in fiscal year 1971 of the positions authorized for fiscal year 1970.

The allowance recommended will provide the full complement of 211 positions requested in the budget for personnel, but is $400,000—proposed for contract research and development—less than the budget request.

This appropriation provides for the development and execution of policy and programs for accomplishment of the motor carrier safety mission in accordance with the Department of Transportation Act, the Interstate Commerce Act, and the Explosives and Combustibles Act.

Forest Highways

(Liquidation of contract authorization)

1970 appropriations	($25,000,000)
1971 budget estimate	(20,000,000)
House allowance	[1] (15,000,000)
Committee recommendation	[2] (20,000,000)

[1] And obligation limitation of $22,500,000.

[2] And obligation limitation of $33,000,000.

The Committee recommends an appropriation of $20,000,000 to liquidate contract authorization, as requested in the budget, and an increase of $5,000,000 over the House allowance.

The Committee was informed that failure to restore this amount will virtually eliminate work in 1971 since about $15,000,000 is required to pay prior-year obligations.

In addition, the Committee recommends

that the limitation (Section 305) in the General Provisions be increased from $22.5 million proposed by the House and be established at $33 million, the authorization level.

The reduction of almost one-third in obligations would result in a serious program setback in 1971. A tabulation appearing on page 213 of the Senate hearings reflects the effect on the States with national forest areas.

It was also indicated that delays in construction projects would seriously hamper the efforts of this program to incorporate into the rural systems the additional safety features necessary to cope with the increasing usage of these highways.

Main highways within or adjacent to national forests are constructed and improved with these funds. Projects are jointly selected by the States, the Forest Service, and the Federal Highway Administration on the basis of their contribution to meeting traffic requirements within the national forests. Authorities are apportioned by States on the basis of a formula which uses as factors the national forest area and value in each State. Contract authority of $33 million is available for each of 1970 and 1971. Funds can be obligated in the year prior to the year for which authorized.

The recommended $20 million finances the balance of the 1969 authority and $50,000 of the 1970 authority provided by the Federal-Aid Highway Act of 1968.

(Liquidation of contract authorization)

1970 appropriations	($7, 000, 000)
1971 budget estimate	(15, 000, 000)
House allowance	[1](13, 000, 000)
Committee recommendation	[2](15, 000, 000)

[1] And obligation limitation of $10,000,000.

[2] And obligation limitation of $16,000,000.

An appropriation of $15,000,000 to liquidate contract authorization is proposed. This is an increase of $2,000,000 over the House allowance and is the full amount of the budget request. These funds are used to assist the States with large areas of public lands in the improvement of sections of main roads which the States may find difficult to finance otherwise. These funds are allocated to the States for specific projects on the basis of need. Most of the liquidating cash appropriation will be needed to pay claims against prior-year obligations. This requirement would leave less than $900,000, under the House allowance, to pay claims against current year obligations.

The Committee recommends that the limitation in Section 306 be increased from the $10,000,000 proposed by the House to $16,000,000. This program was greatly curtailed in fiscal year 1970 as a result of the construction "freeze" and further reduction of obligating authority in 1971 would cause undue delay in the construction of new highways and in the reconstruction of present highways through our publicly owned lands. A tabulation on page 202 (Senate hearings) shows the effect of the reduction.

Contract authority was made available by the Federal-Aid Highway Act of 1968 for 1970 and 1971 in the amount of $16 million for each year.

The recommendation finances $14.3 million, the remainder of the 1969 authority, and $0.7 million, a portion of the 1970 authority.

National Highway Safety Bureau

TRAFFIC AND HIGHWAY SAFETY

	Appropriation	By transfer
1970 appropriations	$30, 150, 000	($2, 05, 0, 00)
1971 budget estimate (H. Doc. 91-333)	53, 075, 000	(2, 611, 000)
House allowance	40, 435, 000	(2, 611, 000)
Committee recommendation	47, 601, 000	(2, 611, 000)

The Committee recommends an appropriation of $47,601,000, an increase of $7,166,000 over the House bill and $5,474,000 under the budget request.

The increase provides an additional $6,500,000 for the Bureau's contract program (for a total of $35,500,000).

The following summary reflects the distribution of the 74 additional positions for which $666,000 has been recommended:

	1970	1971 request	House allowance	Committee recommendation
Program direction and coordination	67	88	77	83
Motor vehicle programs	170	234	194	223
Traffic safety programs:				
Washington	88	115	100	106
Field	62	133	87	104
Research and analysis	115	163	133	146
Staff and administrative support services	87	110	98	101
Total	589	843	689	763

This recommendation provides the full restoration requested by the Department.

State and Community Highway Safety

(Appropriation to liquidate contract authorization)

1970 appropriations	($30, 000, 000)
1971 budget estimate	(61, 000, 000)
House allowance	[1] (51, 000, 000)
Committee recommendation	[2](51, 000, 000)

[1] And obligation limitation of $70,000,000.

[2] And obligation limitation of $80,000,000.

The Committee recommends an appropriation of $51,000,000 to liquidate contract authorization, as provided by the House allowance. The Department did not request restoration of the $10,000,000 reduction from the budget estimate.

The Committee recommends that the limitation in Section 304 be increased to $80,000,000 as planned in the budget. Testimony given indicates that a $70,000,000 limitation will prohibit virtually all new projects and prevent an orderly, planned build-up of ongoing projects.

The Highway Safety Act of 1966 provides that each State shall have a highway safety program approved by the Secretary. Federal grants are provided to assist the States and their political subdivisions in the establishment of highway safety programs based on comprehensive statewide plans in accordance with uniform standards to be promulgated by the Secretary. The States are required to match the Federal grants.

Federal Railroad Administration

Office of the Administrator, Salaries and Expenses

1970 appropriations	$1, 135, 000
1971 budget estimate	1, 600, 000
House allowance	1, 395, 000
Committee recommendation	1, 395, 000

The Committee concurs with the House in recommending $1,395,000 and denies the 14 additional positions requested.

This Committee also is still not satisfied that there is sufficient authority vested in the Federal Railroad Administration to cope with the many problems currently facing the railroads.

Bureau of Railroad Safety

1970 appropriations	$4, 320, 000
1971 budget estimate	4, 550, 000
House allowance	4, 500, 000
Committee recommendation	4, 500, 000

The recommendation of $4,500,000 is $50,000 less than the budget estimate and is the amount of the House allowance. No new positions were requested or allowed.

The Bureau of Railroad Safety performs functions relating generally to the investigation and reporting of safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission; to transportation of explosives and other dangerous articles; to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers; to hours of service of railroad employees; to safety appliances, methods and systems; and to railroad safety.

High-Speed Ground Transportation Research and Development

1970 appropriations	$11, 000 ,000
1971 budget estimate	21, 688, 000
House allowance	Deferred
Committee recommendation	21, 688, 000

The Committee recommends an appropriation of $21,688,000, the amount of the budget estimate.

The amount recommended includes $18,220,000 for research and development; $2,368,000 for demonstrations; and $1,100,000 for administration.

The House deferred this item in May for lack of authorization; Public Law 91-444 extending this authorization was signed October 13, 1970.

The reprogramming of $1,040,000 from prior-year funds for the Autotrain project to begin site preparation at the high-speed ground test facility at Pueblo, Colorado, is approved.

Railroad Research

1970 appropriations	$300, 000
1971 budget estimate	1, 500, 000
House allowance	900, 000
Committee recommendation	1, 005, 000

The committee recommends $1,005,000, which is $105,000 over the House allowance and $495,000 under the budget estimate.

The bill language recommended provides that $230,000 shall be available for car utilization research. The committee understands that of the $230,000 in the Federal Railroad Administration budget for car utilization research, $150,000 is for research to relieve the national freight car shortage problem.

Urban Mass Transportation Administration

Salaries and Expenses

1970 appropriations	$1, 600, 000
1971 budget estimate	4, 000, 000
House allowance	3, 200, 000
Committee recommendation	3, 450, 000

The committee recommends an appropriation of $3,450,000, an increase of $250,000 over the House allowance but $550,000 under the budget estimate. This will provide 219 positions which is 42 over the House allowance and 90 positions over the 1970 level. The 28 field positions included in the budget request, disallowed by the House, were not included in the Department's restoration request and are excluded in this recommendation.

The Committee is pleased that a sufficient number of personnel has been assigned to make progress in a difficult situation. The Committee urges, however, that a good portion of the additional positions granted should be assigned to the area of capital grants because the testimony clearly indicated that there are too few people there now to handle the increasing load. UMTA should make greater efforts to secure personnel with transportation backgrounds.

The Committee commends UMTA for its assurances that the Skybus project in Pittsburgh will be tightly managed. The Committee believes that additional funds should be granted for this project only if UMTA is completely satisfied that Skybus is technically and economically feasible. The Committee also hopes that UMTA will exercise stringent control of the TACV project in Los Angeles, which in the Committee's view has the potential of becoming an open-ended financial commitment. The Committee is pleased to learn of UMTA's plans to conduct meaningful research and demonstrations with the bus and rail rapid transit modes of urban transit. The Committee is especially pleased to learn of UMTA's plans to initiate a program in the area of light rail transit.

Research, Development, and Demonstration

The $20,000,000 recommended herein for research, development, and demonstration projects is for efforts oriented toward rail rapid transit, commuter rail and light (tramline) rail transit. The Committee believes that the current state of the art in the transit industry has done little or nothing to complement these three types of urban mass transportation. Urban areas that use fixed rail systems are carrying the largest volume of passengers. This, the largest body of urban area mass transportation user, should be recognized in the Federal program and receive the benefit of improved technologies, safety, comfort and convenience.

Urban Mass Transportation Fund

1970 appropriations (for 1971)	$214,000,000
1971 budget estimate	0
House allowance	Language
Committee recommendation	Delete

The Committee recommends the deletion of Section 308 of the House bill. The language appears in the committee recommended version of the bill as follows:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $214,000,000 in fiscal year 1971, plus the additional amounts appropriated therefor."

The language in the House version of the bill would limit the 1971 program level in the Urban Mass Transportation Assistance Act of 1970 (P.L. 91-453, approved October 5, 1970) which authorizes long-term commitments under contract authority.

The Committee was informed that under the Urban Mass Transportation Assistance Act of 1970, capital grants of approximately $860 million could be approved in fiscal 1971 and that this level is consistent with the President's 1971 budget.

St. Lawrence Seaway Development Corporation

Limitation on Administrative Expenses

1970 appropriations	($652,000)
1971 budget estimate	(700,000)
House allowance	(700,000)
Committee recommendation	(700,000)

The Committee recommends an administrative expense limitation of $700,000, as provided in the budget and allowed by the House.

The Saint Lawrence Seaway Development Corporation, a wholly Government-owned enterprise, is responsible for the construction, operation, and maintenance of that part of the St. Lawrence Seaway within the territorial limits of the United States (33 U.S.C. 981).

For 1971, the Corporation's total revenue was estimated at $7.5 million to be applied:

(a) To pay estimated operating expenses for 1971 of $3 million, consisting of administrative expenses of $0.7 million (subject to congressional limitation) and $2.3 million for operation and maintenance of the seaway facilities.

(b) To return $4.5 million to the U.S. Treasury in payment of interest on borrowings. This payment is estimated to be $1.7 million less than the interest charges on borrowings estimated at $6.2 million for 1971.

The Committee notes that P.L. 91-469 terminates accrual and payment of interest on obligations of the Corporation. The Department has informed the Committee that "revenue net of expenses would be transferred to the Treasury to begin retirement of the Corporation's overall debt, now nearly $156 million".

RELATED AGENCIES

National Transportation Safety Board

Salaries and Expenses

1970 appropriations	$5,400,000
1971 budget estimate	6,120,000
House allowance	6,000,000
Committee recommendation	6,000,000

The Committee recommends an appropriation of $6,000,000, the amount of the House bill, and $120,000 less than the budget estimate. This provides 6 positions and $600,000 over the 1970 level.

The Committee does not find accident prevention representing a new direction but agrees with the Board's approach to maximize utilization of already existing safety data from accident investigation and analytical work. The Committee believes that the 281 positions provided within the House allowance should be ample.

The Safety Board investigates, determines the probable cause, and issues reports on all civilian aviation accidents; makes final cause determination and reports the facts and circumstances of major surface transportation accidents, relying on the administrations within the Department of Transportation to investigate such surface transportation accidents; conducts special transportation safety studies; and makes recommendations for the purpose of preventing accidents and promoting safety in transportation.

Civil Aeronautics Board

Salaries and Expenses

1970 appropriations	$11,100,000
1971 budget estimate	11,134,000
House allowance	11,134,000
Committee recommendation	11,134,000

The recommended appropriation of $11,134,000 is in the amount of the House bill and budget estimate.

This allowance provides for 685 positions, which was the 1970 level.

In view of the fact that air cargo theft is becoming a very serious and growing problem with deleterious effects on the viability of air commerce, and that accurate information on it is not known by any agency of the Federal Government, it becomes obvious that measures must be taken to determine the actual extent of the problem.

The Federal Aviation Act of 1958 (49 U.S.C. 1377) requires the Civil Aeronautics Board to acquire and maintain whatever reports it considers necessary, to be made at times specified by the Board. The Committee therefore recommends that the Civil Aeronautics Board consider a rule-making proceeding to establish a uniform cargo loss reporting system and that it develop a better awareness of the problem posed to air commerce by cargo theft and pilferage.

The committee is concerned that the CAB has never made a full-scale study of air cargo rates. The committee received assurance from the CAB during the hearings on this bill that the CAB would supply to the committee, no later than November 15, 1970, a detailed plan to conduct an overall air cargo rate investigation. The CAB has now informed the committee that they have requested additional funds and personnel in their fiscal year 1972 budget for this purpose. The committee expects that planning for this full-scale study will proceed expeditiously.

Payments to Air Carriers

1970 appropriations	$33,500,000
1971 budget estimate	27,327,000
House allowance	27,327,000
Committee recommendation	58,300,000

In recommending an appropriation of $58,300,000, the Committee is responding to the situation called to its attention by the Chairman of the Civil Aeronautics Board relative to the plight of the local service carriers.

Testimony given reveals that the 1971 budget estimate substantially understates the Board's needs in fiscal 1971, as they do not reflect the subsidy support actions which the Board finds necessary since formulation of the budget, to assure that large segments of the American public will continue to receive adequate air service.

The Civil Aeronautics Board fixes rates of subsidy compensation to promote the development of air transportation to the extent and of the quality required for the Board to make subsidy payments to subsidy-eligible certificated air carriers who have demonstrated a statutory need therefor.

Interstate Commerce Commission

Salaries and Expenses

1970 appropriations	$27,027,000
1971 budget estimate	25,600,000
House allowance	27,000,000
Committee recommendation	27,000,000

The Committee recommends an appropriation of $27,000,000, the amount of the House allowance, and $1,400,000 over the budget estimate. In concurring with the House allowance, the Committee is in accord with the rationale contained in the House report.

The Committee concurs in the belief expressed in the House report that the Commission's effectiveness would be seriously impaired if the budget cuts proposed were adopted and that the general public would suffer therefrom.

Because of its continuing concern with the box car problem, the Committee has amended the House bill to include language earmarking $300,000 for additional car service agent activities. It is the intent of the Committee that the additional staff be assigned to the field.

Payment of Loan Guaranties

1970 appropriations	0
1971 budget estimate (S. Doc. 95)	[1] $3,313,500
House allowance	0
Committee recommendation	[2] 3,216,668

[1] Includes principal and interest to Aug. 1, 1970.

[2] And language *"together with such amounts as may be necessary to pay interest."*

The Committee has approved the full amount of the request, sent to the Senate on July 24, 1970, and revised the amount to include principal and language to include interest to date of payment instead of an amount consisting of principal and interest to August 1.

The default involved guaranteed loans, under Sec. 503 of the Interstate Commerce Act, as amended, of the Boston and Maine Railroad.

Washington Metropolitan Area Transit Authority

FEDERAL CONTRIBUTION

	For 1971	For 1972
1971 budget estimate	$180,028,000	$188,011,000
House allowance	180,028,000	150,000,000
Committee recommendation	180,028,000	150,000,000

The Committee concurs with the House, for the reasons given in their report, in the recommendations of $180,028,000 for fiscal 1971 and an advance appropriation of $150,000,000 for fiscal 1972 for the Federal share of the rapid rail transit system for the National Capital Area.

The Committee is deferring, without prej-

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udice, at this time the requested restoration of $38,011,000 in advance funding for 1972.

In accordance with the National Capital Transportation Act of 1969 (Public Law 91-143), approved December 9, 1969, the Authority has responsibility for the development of a full regional transit system which will extend from a central distributor system within the District of Columbia out into the participating jurisdictions of Maryland and Virginia. The system includes a total areawide network of approximately 98 miles. Under this authorization the Federal share is two-thirds of the net project cost. Actual construction of the system was commenced on December 9, 1969.

Total appropriations for 1970 were $126,112,000 for the Federal contribution.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES FOR 1971

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL FUNDS

[Becomes available automatically under earlier, or "permanent" law without further, or annual, action by the Congress. Thus, these amounts are not included in the accompaning bill]

Agency and item (1)	New budget (obligational) authority, 1970 (2)	Budget estimate of new (obligational) authority, 1971 (3)	Increase (+) or decrease (−) (4)
Federal Aviation Administration:			
Grants-in-aid for airports	[1] ($30,000,000)		(−$30,000,000)
Federal Highway Administration:			
State and community highway safety (contract authorization)	100,000,000		−100,000,000
Forest highways (contract authorization)	33,000,000		−33,000,000
Public lands highways (contract authorization)	16,000,000		−16,000,000
Urban Mass Transportation Administration:			
Urban mass transportation fund	[1] (175,000,000)	[1] ($214,000,000)	(+39,000,000)
Total, permanent new budget (obligational) authority, Federal funds	149,000,000		−149,000,000

Agency and item (1)	New budget (obligational) authority, 1970 (2)	Budget estimate of new (obligational) authority, 1971 (3)	Increase (+) or decrease (−) (4)
Coast Guard: General gift fund (indefinite)	$30,000	$25,000	−$5,000
Federal Highway Administration:			
Federal-aid highways (contract authorization)	5,475,000,000	4,050,000,000	−1,425,000,000
Right-of-way revolving fund (contract authorization)	100,000,000	100,000,000	
International trust funds (indefinite)	3,000,000	4,500,000	+1,500,000
Miscellaneous trust funds (indefinite)	$490,000	$500,000	+$10,000
Total, permanent new budget (obligational) authority, trust funds	5,578,520,000	4,155,025,000	−1,423,495,000

[1] New budget (obligational) authority becoming available under prior appropriation acts, excluded from totals.

Note: Amounts as estimated and shown in the February 1970, budget document. Some items are indefinite in amount, and thus are subject to later reestimation.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and Item (1)	[1] New budget (obligational) authority, fiscal year 1970 (2)	Budget estimates of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	Amount recommended by Senate committee for 1971 (5)	Increase (+) or decrease (−), Senate bill compared with— Appropriations of new budgets (obligational) authority, fiscal year 1970 (6)	Budget estimates, 1971 (7)	House bill, 1971 (8)
TITLE I							
DEPARTMENT OF TRANSPORTATION							
Office of the Secretary							
Salaries and expenses	$12,320,000	[2] $19,510,000	$17,230,000	$17,840,000	+$5,520,000	−$1,670,000	+$610,000
Transportation planning, research, and development	11,000,000	22,000,000	14,500,000	14,500,000	+3,500,000	−7,500,000	
Grants-in-aid for natural gas pipeline safety		1,000,000		1,000,000	+1,000,000		+1,000,000
Consolidation of department headquarters	4,520,000	[3] 4,845,000	4,845,000	4,845,000	+325,000		
Civil supersonic aircraft development	85,000,000	289,965,000	289,965,000	289,965,000	+204,965,000		
Total, Office of the Secretary	112,840,000	337,320,000	326,540,000	328,150,000	+215,310,000	+9,170,000	+1,610,000
Coast Guard							
Operating expenses	408,675,000	426,740,000	423,500,000	423,500,000	+14,825,000	−3,240,000	
Appropriation for debt reduction (deduct)	131,370	137,063	137,063	137,063	−5,693		
Subtotal, operating expenses	408,543,630	426,602,937	423,362,937	423,362,937	+14,819,307	−3,240,000	
Acquisition, construction, and improvements	67,700,000	100,000,000	90,000,000	100,000,000	+32,300,000		+10,000,000
Retired pay	58,750,000	64,530,000	64,530,000	64,530,000	+5,780,000		
Reserve training	26,900,000	10,000,000	25,900,000	25,900,000	−1,000,000	+15,900,000	
Research, development, test, and evaluation	14,500,000	24,000,000	19,500,000	23,000,000	+8,500,000	−1,000,000	+3,500,000
Oil pollution fund (S. Doc. 91-104)		35,000,000		35,000,000	+35,000,000		+35,000,000
Total, Coast Guard	576,393,630	660,132,937	623,292,937	671,792,937	+95,399,307	+11,660,000	+48,500,000
Federal Aviation Administration							
Operations	825,597,000	[4] 951,885,000	923,885,000	[4] 951,885,000	+126,288,000		+28,000,000
Facilities and equipment	224,000,000	190,000,000	190,000,000	190,000,000	−34,000,000		
Research and development	41,000,000	47,500,000	45,000,000	47,500,000	+6,500,000		+2,500,000
Operation and maintenance, national capital airports	10,050,000	10,600,000	10,500,000	10,500,000	+450,000	−100,000	
Construction, national capital airports	1,900,000	11,000,000	4,000,000	4,000,000	+2,100,000	−7,000,000	
Grants-in-aid for airports	50,000,000				−50,000,000		
Limitation on obligations		(5)	(220,000,000)	Delete			(−220,000,000)
General provisions				Language			
Total Federal Aviation Administration	1,152,547,000	1,210,985,000	1,173,385,000	1,203,885,000	+51,338,000	−7,100,000	+30,500,000
Federal Highway Administration							
Office of the Administrator, salaries and expenses:							
Appropriation	1,782,000	[6] 525,000	500,000	525,000	−1,257,000		+25,000
Trust fund limitation (transfer)	(13,568,000)	(14,956,000)	(14,721,000)	(14,826,000)	(+1,258,000)	(−130,000)	(+105,000)
Bureau of Public Roads: Limitation on general expenses	(62,202,000)	[7] (77,913,000)	(68,488,000)	(70,433,000)	(+8,231,000)	(−7,480,000)	(+1,945,000)
Federal-aid highways (trust fund—appropriations to liquidate contract authorization)	(4,419,279,000)	(4,360,000,000)	(4,350,340,000)	(4,352,390,000)	(−66,889,000)	(−7,610,000)	(+2,050,000)
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization)	(40,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(−5,000,000)		

Footnotes at end of table.

					Increase (+) or decrease (−), Senate bill compared with—		
Agency and Item	[1] New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in House bill	Amount recommended by Senate committee for 1971	Appropriations of new budgets (obligational) authority, fiscal year 1970	Budget estimates, 1971	House bill, 1971
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Highway beautification:							
Appropriation	$1,100,000	$800,000	$500,000	$500,000	−$600,000	−$300,000	
Appropriation to liquidate contract authorization	(5,000,000)	(20,000,000)	(16,500,000)	(16,500,000)	(+11,500,000)	(−3,500,000)	
Limitation on obligations	(16,100,000)	(5)	(5,500,000)	(5,500,000)	(−10,600,000)	(+5,500,000)	
Motor carrier safety	2,473,000	4,118,000	3,443,000	3,718,000	+1,245,000	−400,000	+$275,000
Forest highways:							
Appropriation to liquidate contract authorization	(25,000,000)	(20,000,000)	(15,000,000)	(20,000,000)	(−5,000,000)		(+5,000,000)
Limitation on obligations	(18,000,000)	(33,000,000)	(22,500,000)	(33,000,000)	(+15,000,000)		(+10,500,000)
Public lands highways:							
Appropriation to liquidate contract authorization	(7,000,000)	(15,000,000)	(13,000,000)	(15,000,000)	(+8,000,000)		(+2,00,000)
Limitation on obligations	(8,000,000)	[4] (16,000,000)	(10,000,000)	(16,000,000)	(+8,000,000)		(+6,000,000)
Chamizal Memorial Highway	4,000,000				−4,000,000		
Total Federal Highway Administration	9,355,000	5,443,000	4,443,000	4,743,000	−4,612,000	−700,000	+300,000
National Highway Safety Bureau							
Traffic and highway safety:							
Appropriation	30,150,000	[9] 53,075,000	40,435,000	47,601,000	+17,451,000	−5,474,000	+7,166,000
By transfer	(2,050,000)	(2,611,000)	(2,611,000)	(2,611,000)	(+561,000)		
State and community highway safety:							
Appropriation to liquidate contract authorization	(30,000,000)	(61,000,000)	(51,000,000)	(51,000,000)	(+21,000,000)	(−10,000,000)	
Limiataion on obligations	(70,000,000)	[4] (80,000,000)	(70,000,000)	(80,000,000)	(+10,000,000)		(+10,000,000)
Total National Highway Safety Bureau	30,150,000	53,075,000	40,435,000	47,601,000	+17,451,000	−5,474,000	+7,166,000
Federal Railroad Administration							
Office of the Administrator, salaries and expenses	1,135,000	1,600,000	1,395,000	1,395,000	+260,000	−205,000	
Biureau of Railroad Safety	4,320,000	4,550,000	4,500,000	4,500,000	+180,000	−50,000	
High-speed ground transportation research and development	11,000,000	21,688,000	(8)	21,688,000	+10,688,000		+21,688,000
Railroad research	300,000	1,500,000	900,000	1,005,000	+705,000	−495,000	+105,000
Total, Federal Railroad Administration	16,755,000	29,338,000	6,795,000	28,588,000	+11,833,000	−750,000	+21,793,000)
Urban Mass Transportation Administration							
Salaries and expenses	1,600,000	4,000,000	3,200,000	3,450,000	+1,850,000	−550,000	+250,000
Research, development, and demonstration				20,000,000	+20,000,000	+20,000,000	+20,000,000
Urban mass transportation fund	[10] 214,000,000				−214,000,000		
Limitation on commitments		(5)	(214,000,000)				(−214,000,000)
Total, Urban Mass Transportation Administration	215,600,000	4,000,000	3,200,000	23,450,000	−192,150,000	+19,450,000	+20,250,000
St. Lawrence Seaway Development Corporation							
Limitation on administrative expenses	(652,000)	(700,000)	(700,000)	(700,000)	(+48,000)		
Total, title I, Department of Transportation	2,113,640,630	2,300,293,937	2,178,090,937	2,308,209,937	+194,569,307	+7,916,000	+130,119,000
TITLE II							
RELATED AGENCIES							
National Transportation Safety Board							
Salaries and expenses	5,400,000	6,120,000	6,000,000	6,000,000	+600,000	−120,000	
Civil Aeronautics Board							
Salaries and expenses	11,100,000	11,134,000	11,134,000	11,134,000	+34,000		
Payments to air carriers	33,500,000	27,327,000	27,327,000	58,300,000	+24,800,000	+30,973,000	+30,973,000
Total, Civil Aeronautics Board	44,600,000	38,461,000	38,461,000	69,434,000	+24,834,000	+30,973,000	+30,973,000
Interstate Commerce Commission							
Salaries and expenses	27,027,000	25,600,000	27,000,000	27,000,000	−27,000	+1,400,000	
Payment of loan guarantees (S. Doc. 95)		3,313,500		3,216,668	+3,216,668	−96,832	+3,216,668
Total, Interstate Commerce Commission	27,027,000	28,913,500	27,000,000	30,216,668	+3,189,668	+1,303,168	+3,216,668
Washington Metropolitan Area Transit Authority							
Federal contribution	126,112,000	[11] 368,039,000	[12] 330,028,000	[12] 330,028,000	+203,916,000	−38,011,000	
Total, title II, related agencies	203,139,000	441,533,500	401,489,000	435,678,668	+232,539,668	−5,854,832	+34,189,668
Total, titles I and II, new budget (obligational) authority	2,316,779,630	2,741,827,437	2,579,579,937	2,743,888,605	+427,108,975	+2,061,168	+164,308,668
Consisting of—							
Appropriations:							
Fiscal year 1970	(2,102,779,630)				(−2,102,779,630)		
Fiscal year 1971	(214,000,000)	(2,553,816,437)	(2,429,579,937)	(2,593,888,605)	(+2,379,888,605)	(+40,072,168)	(+164,308,668)
Fiscal year 1972		(188,011,000)	(150,000,000)	(150,000,000)	(+150,000,000)	(−38,011,000)	
Memorandums:							
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(4,489,890,000)	(−36,389,000)	(−21,110,000)	(+9,050,000)
Appropriation for debt reduction	(131,370)	(137,063)	(137,063)	(137,063)	(+5,693)		
Grand total	(6,843,190,000)	(7,252,964,500)	(7,060,557,000)	(7,233,915,668)	(+390,725,668)	(−19,048,832)	(+173,358,668

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[1] Includes amounts in titles I and II, Public Law 91-305, 2d supplemental, 1970; excludes $29,585,793 (indefinite appropriations) in title III.

[2] Reflects decrease of $610,000 (H. Doc. 91-333).

[3] Includes $595,000 contained in H. Doc. 91-333.

[4] Includes $28,000,000 increase (S. Doc. 91-103).

[5] No limitation proposed.

[6] Excludes $2,225,000 considered under "Traffic and highway safety" (H. Doc. 91-333).

[7] Includes $289,000 by transfer from "State and community highway safety" (H. Doc. 91-333).

[8] Deferred; lacks authorization.

[9] Includes $2,225,000 transferred from "Office of the Administrator" (H. Doc. 91-333).

[10] Advance funding for 1971.

[11] Includes $188,011,000 advance for 1972.

[12] Includes $150,000,000 advance for 1972.

[From H. Rept. No. 91-1115]

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, 1971

The budget estimates upon which action is taken in the accompanying bill are carried on pages 717 through 766, 870 through 872, and 922 through 925 of the Appendix to the Budget for 1971, as amended in House Document No. 91-333.

The following table summarizes the amounts recommended in the bill in comparison with the budget estimates and amounts provided for fiscal year 1970.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

Item (1)	New budget (obligational) authority, fiscal year 1970 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in the bill (4)	Bill compared with— New budget (obligational) authority, fiscal year 1970 (enacted to date) (5)	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1971 (6)
TITLE I—DEPARTMENT OF TRANSPORTATION					
Office of the Secretary	$112,120,000	$337,320,000	$326,540,000	+$214,420,000	−$10,780,000
Coast Guard	552,718,630	625,132,937	614,892,937	+62,174,307	−10,240,000
Federal Aviation Administration	1,093,550,000	1,182,985,000	1,173,385,000	+79,835,000	−9,600,000
Federal Highway Administration	9,050,000	5,443,000	4,443,000	−4,607,000	−1,000,000
National Highway Safety Bureau	29,550,000	53,075,000	40,435,000	+10,885,000	−12,640,000
Federal Railroad Administration	16,400,000	7,650,000	6,795,000	−9,605,000	−855,000
Urban Mass Transportation Administration	[1] 215,500,000	4,000,000	3,200,000	−212,300,000	−800,000
Subtotal, Department of Transportation	2,028,888,630	2,215,605,937	2,169,690,937	+140,802,307	−45,915,000
TITLE II—RELATED AGENCIES					
National Transportation Safety Board	5,050,000	6,120,000	6,000,000	+950,000	−120,000
Civil Aeronautics Board	43,700,000	38,461,000	38,461,000	−5,239,000	
Interstate Commerce Commission	25,127,000	25,600,000	27,000,000	+1,873,000	+1,400,000
Washington Metropolitan Area Transit Authority	43,173,000	[2] 368,039,000	[3] 330,028,000	+286,855,000	−38,011,000
Subtotal, related agencies	117,050,000	438,220,000	401,489,000	+284,439,000	−36,731,000
Total, new budget (obligational) authority	2,145,938,630	2,653,825,937	2,571,179,937	+425,241,307	−82,646,000
Appropriations to liquidate contract authorizations (title I)	4,526,279,000	4,511,000,000	4,480,840,000	−45,439,000	−30,160,000
Appropriations for debt reduction (title I)	131,370	137,063	137,063	+5,693	
Grand total, all appropriations	6,672,349,000	7,164,963,000	7,052,157,000	+379,808,000,	−112,806,000

[1] Includes $214,000,000 advance funding for fiscal year 1971.

[2] Includes $188,011,000 advance appropriation requested for fiscal year 1972.

[3] Includes $150,000,000 advance appropriation for fiscal year 1972.

Summary of the Bill

The accompanying bill would provide $2,571,179,937 in new budget (obligational) authority for the programs of the Department of Transportation and related agencies, a reduction of $82,646,000 from the $2,653,825,937 requested in the budget. The amount recommended is $425,241,307 more than the currently enacted appropriations for fiscal year 1970 and $254,150,307 more than fiscal year 1970 appropriations adjusted to include the amounts provided by the House in titles I and II of the Second Supplemental Appropriation Bill, 1970, H.R. 17399.

Appropriations to liquidate contract authorizations totaling $4,480,840,000 are recommended. The sum proposed is $30,160,000 less than the $4,511,000,000 requested and $45,439,000 less than the $4,526,279,000 appropriated for fiscal year 1970.

Further reductions are recommended in the form of limitations on obligations in certain programs financed under contract authority. Currently authorized programs under which $137,552,000 is estimated to be obligated in fiscal 1971 under contract authorizations are limited to obligations of $107,500,000, a reduction of $30,052,000. The total of all types of reductions recommended is $142,858,000.

Action has been deferred on the $21,688,000 requested for high speed ground transportation research and development since the required extension of legislative authority for this program has not yet been enacted.

The committee has carefully reviewed the programs of the Department of Transportation and the related agencies for fiscal year 1971 and is recommending what it considers to be sufficient funds to allow these organizations to help meet the requirements of our Nation's transportation system.

Selected major recommendations

Selected major recommendations are:

(1) the appropriation of the $289,965,000 requested for the continued development of a civil supersonic transport aircraft.

(2) the appropriation of the full budget request for the operations of the FAA, including 2,265 new air traffic control personnel.

(3) the addition of $7.5 million above the budget to provide for the continuation of the Coast Guard selected reserve at a level of 10,000 personnel.

(4) a reduction of $7.5 million in the transportation planning, research, and development program in the Office of the Secretary.

(5) approval of the $59 million requested under acquisition, construction, and improvements for the Coast Guard's icebreaker replacement program.

(6) a reduction of $7 million in construction, national capital airports based on the deferral of funds for expansion of the Dulles terminal building.

(7) a reduction of $12,640,000 in the traffic and highway safety appropriation of the National Highway Safety Bureau.

(8) the addition of $1,400,000 and 140 positions over the budget for the Interstate Commerce Commission.

(9) provision of the full $180,028,000 fiscal year 1971 request and $150 million of the $188,011,000 requested for fiscal year 1972 for the Federal share of the subway system in Washington, D.C.

(10) a general provision limiting commitments for urban mass transportation grants to $214 million.

(11) a general provision limiting commitments for grants-in-aid for airport development to $220 million.

Effect of Committee Action on Projected Budget Expenditures (Outlays) in Fiscal Year 1971

Based on estimates of outlays carried in the budget, the effect on expenditures (outlays) of the actions recommended by the committee is a net reduction of about $43 million in fiscal year 1971. Since expenditures are very sensitive to program change determinations, especially in construction programs, this projection is a tentative one.

Department of Transportation Organizational Structure

The fiscal year 1971 budget for the Department of Transportation proposes a number of major organizational changes. These include the transfer of the Civil Supersonic Aircraft Development program to the Office of the Secretary; the transfer of the National Highway Safety Bureau from the Federal Highway Administration to an independent operating status within the Department; the consolidation of the public information, congressional relations, and internal auditing functions into the Office of the Secretary; and the establishment of certain new regional offices. In general, the committee has approved the proposed transfers. The committee does not feel, however, that the need for separate extensive regional organizations has been demonstrated, and recommends that the Department undertake a comprehensive review of its regional office requirements.

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Salaries and Expenses

Appropriation, 1970	$11,600,000
Estimate, 1971	19,510,000
Recommended in the bill	17,230,000
Reduction below estimate	−2,280,000

The committee recommends the appropriation of $5,630,000 more than has been provided for fiscal year 1970. The budget proposes an increase of 397 positions under this appropriation and the committee has allowed 232 new positions. These position increases can be divided into two major categories: counterpart transfers and program increases. The counterpart transfers are summarized as follows:

Function	Budget request	Recommended in bill	Reduction
Internal audit	121	121	
Public information	30	20	−10
Congressional relations	14	9	−5
Facilities planning	15	15	
Other	7	7	
Total	187	172	−15

In fiscal year 1970, the committee disallowed the Department's authority to make blanket transfers of personnel into the Office of the Secretary without first presenting and justifying them to the Congress. The Department's fiscal 1971 budget presented such a justification. The rationale for these transfers was thoroughly examined by the committee throughout the hearings and all counterpart transfers have been approved except for 15 positions proposed to be transferred from the Coast Guard for public information and congressional relations. These two functions involve, to some extent, military personnel whom the committee believes properly should be kept under the direct control of the Commandant.

In addition to the counterpart transfers, the committee has approved 60 of the requested 210 new positions for program increases. The new positions allowed are 5 for policy and international affairs, 15 for environment and urban systems, 35 for systems development and technology, and 5 for the secretarial offices. Of the 35 new positions allowed for the Assistant Secretary for Systems Development and Technology, 5 positions have been approved for the Office of Pipeline Safety and 5 for the Office of Hazardous Materials. No extensions of these offices' field staffs have been allowed.

The 20 positions requested to permit the Department to establish secretarial representation on the regional councils are specifically denied. The Department of Transportation was not included in the original Presidential directive which extended the regional council concept to all 10 standard regions, and the committee does not feel that any significant benefits would result from the Department's participation in this program.

The committee recommends disallowing 165 of the requested positions and reiterates its feeling expressed in the fiscal year 1970 report that the number of personnel in the Office of the Secretary is becoming excessive. Subsequent to the Department's budget presentation to the committee last fall over 80 positions were added to the Office of the Secretary through the working capital fund and advances and reimbursements. No presentation was made to the committee for these consolidations. The committee does not favor this device for increasing personnel and expects that during fiscal year 1971 the total personnel funded under the working capital fund and from advances and reimbursements will not exceed 286, the same level as was authorized in fiscal year 1970.

Transportation Planning, Research, and Development

Appropriation, 1970	$11,000,000
Estimate, 1971	22,000,000
Recommended in the bill	14,500,000
Reduction below estimate	—7,500,000

The sum recommended provides for a $3,500,000 increase for air traffic capacity research and a continuation of other programs at the fiscal year 1970 level.

Of the sum provided, $8 million is for the air traffic capacity program which was initiated in fiscal year 1970. This research is currently directed toward two major areas—full automation of the air traffic control system and techniques for increasing the capacity of major urban airports. The program is longer term in nature than the research being conducted by the Federal Aviation Administration on the implementation of the so-called NAS and ARTS systems. The committee believes that it is entirely proper to strive for a higher order of automation in the air traffic control system.

Other research programs under this appropriation are being held to the fiscal year 1970 level. Almost 2 years ago, in June 1968, the committee directed the Department to report on a number of aspects of its scattered and sometimes overlapping research activities. To date this report has not been received. The committee has made reductions totaling approximately $25 million in the various research program under the Office of the Secretary and in the modal administrations, and emphasizes again the need for the Department to better coordinate and improve the programs in almost all areas of research and technology.

Grants-in-Aid for Natural Gas Pipeline Safety

Appropriation, 1970	0
Estimate, 1971	$1,000,000
Recommended in the bill	0
Reduction below estimate	—1,000,000

The committee has not approved the budget request of $1 million for grants to State agencies to carry out a State natural gas pipeline safety program.

This program would help finance State agencies, including the cost of personnel in these agencies. The committee feels that these are costs which properly should be borne by the States.

Consolidation of Departmental Headquarters

Appropriation, 1970	$4,520,000
Estimate, 1971	4,845,000
Recommended in the bill	4,845,000

The bill includes the full budget request under this appropriation, consisting of $4,250,000 for space rental costs of the new headquarters building located in Southwest Washington, D.C., and $595,000 requested in H. Doc. 91–333 to provide for the leasing by the Government of space in this new building to be used for Department of Transportation employee parking.

In accordance with Bureau of the Budget procedures, the Department must budget for the first full-year rental cost of the new building. Rental charges in subsequent years will be funded by the General Services Administration.

The report on the fiscal year 1970 bill expressed the committee's dissatisfaction with the Department's so-called "parking equalization" plan and requested that the committee be provided with the advice of the Comptroller General on the legality of this plan. On February 9, 1970, the Comptroller General reported that in his judgment the equalization plan was not legal. He also stated that appropriated funds could be used for leasing parking space for Federal employees in the Nassif Building.

The committee has approved the budget amendment to finance employee parking in the Nassif Building, but feels that the failure of the Department and the General Services Administration to inquire about the legality of leasing this employee parking on their own initiative prior to entering the lease contract with the building owner has added considerably to the ultimate cost.

Civil Supersonic Aircraft Development

Appropriation, 1970	$85,000,000
Estimate, 1971	289,965,000
Recommended in the bill	289,965,000

The committee approves the $289,965,000 requested for fiscal year 1971 to continue the development of a supersonic passenger transport aircraft in the United States.

Every year, the funding request for the SST program undergoes considerable scrutiny, both in the executive branch and in the Congress. The SST program has probably received as much attention and examination as any single transportation effort. The culmination of these reviews has always been a decision to move forward. The House of Representatives has strongly supported the program and amendments to delete funds for the SST have lost by wide margins.

The supersonic transport is the next logical step forward in commercial aviation. People have always bought speed in transportation. This was true in the case of subsonic jet aircraft and it will be true in the case of supersonic jet aircraft.

This is the age of the supersonic transport. It is here regardless of the outcome of the American SST program. The British and French, working together, have developed and have flown, and flown supersonically, their supersonic transport called the Concorde. The Soviet Union has likewise developed and flown, and flown supersonically their SST transport, the TU–144. These countries will each have production SST's in service years before an American SST is ready. The longer we delay, the more SST's will be purchased from the British and French and the fewer we will sell.

For years this country has dominated aircraft sales by providing over 80 percent of the total commercial fleet to the free world. If we fail to develop an SST, this will not remain true. We will continue to sell subsonic aircraft, but the leadership role will pass to those who fly the fastest as it always has.

There is continuous concern expressed about the possible adverse effects the SST might have on the environment. These are not new issues and, in fact, the FAA and other Government agencies have studied the potential environmental effects for more than 6 years. These studies have significantly influenced the design of the SST. Smokeless engines, work on improved noise suppression devices, and incorporation of a fixed horizontal stabilizer to provide high lift performance for community noise reduction are examples of this design influence. While not all the specific technical problems have been completely resolved, the committee believes that these problems can be overcome and that the program will be successful.

With the sale of 300 aircraft all of the Government's investment will be returned, and if, as some project, 500 aircraft are sold, the Government will receive over $1 billion more than its investment. On the other hand, to cancel the program at this time would mean the loss of all of the $708 million appropriated to date plus approximately $60 million in termination costs.

There are still those who raise the sonic boom issue. The committee, however, has received strong assurances from the FAA and the Department that the SST will not be permitted to fly at sonic boom producing speeds over populated areas. In April 1970 the Department of Transportation issued a Notice of Proposed Rule Making which prohibits the operation of commercial aircraft within the United States at a speed that would cause a sonic boom to reach the earth's surface.

During the current fiscal year, the SST program was transferred from the FAA to the Office of the Secretary of Transportation, a move with which the committee agrees. This transfer will remove the direct responsibility for prototype development away from the administration which is directly responsible for the aircraft's certification, thus eliminating possible concern about FAA conflict of interest.

The committee is concerned, however, about the number of field personnel currently being employed to monitor the prototype construction. During the hearings, it was established that there were presently only two personnel located outside of the Washington headquarters at the airframe manufacturer's plant. The committee feels that this is far from satisfactory, and reaffirms its directive that the Department establish adequate systems of financial and program controls to help prevent further cost overruns during the critical development years.

Coast Guard

Operating expenses

Appropriation, 1970	$386,868,630
Estimate, 1971	426,602,937
Recommended in the bill	423,362,937
Reduction below estimate	—3,240,000

The amount recommended is $36,494,307 more than the appropriations enacted for fiscal year 1970 and is $14,819,307 more than fiscal 1970 appropriations, adjusted to include the pay increases provided for in title II of the Second Supplemental, as passed by the House. The increase recommended is chiefly to improve existing facilities, to operate newly acquired facilities, and to meet workload increases in fields such as recreational boating safety.

The $3,240,000 reduction is based primarily on the impact of the Vietnamization program and a decrease in general support costs. The Commandant testified that subsequent to the preparation of the budget it was decided to turn over the operation of two high endurance cutters to Vietnamese Navy personnel. Assuming turnover by January 1, 1971, this action should save 100 man-years. The committee notes that the budget proposes $106,100,000 for general support costs. This is approximately 25 percent of the Coast Guard's operating expenses budget. The Committee realizes that these costs cover more than normal administrative support, but feels that some reductions can be made in this area.

The committee recommends restoration of 15 positions under this appropriation for public information and congressional relations functions, the transfer of which to the Office of the Secretary is specifically not approved. Public information in all the Armed Services is an absolute prerequisite to successful recruiting, and since the Coast Guard depends on volunteers for all of its personnel, this function is especially critical. Further, due to the high volume of inquiries concerning the thousands of young men in uniform, it is vital that there be a direct and rapid access to the top level of management of all the military services, an access which is provided by full-time staffs in each of the other Armed Services. It is assumed that the Coast Guard will absorb the $230,000 required to fund the 15 restored positions.

Acquisition, Construction, and Improvements

Appropriation, 1970	$67,700,000
Estimate, 1971	100,000,000
Recommended in the bill	90,000,000
Reduction below estimate	−10,000,000

The committee recommends an appropriation of $90 million, an increase of $22,300,000 over the amount provided for fiscal year 1970. At the time of the hearing, the Coast Guard had unobligated funds amounting to approximately $60 million in this appropriation, of which $17 million was estimated to be carried over into fiscal 1971. With the $90 million recommended in this bill, there should be sufficient funds to cover all obligations estimated for fiscal year 1971.

The committee has approved the $59 million requested to construct a new polar icebreaker. This will enable the Coast Guard to initiate its plan to replace its six World War II "wind-class" ships with four new icebreakers.

Retired Pay

Appropriation, 1970	$57,750,000
Estimate, 1971	64,530,000
Recommended in the bill	64,530,000

The committee has provided the full amount requested for retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former lighthouse and lifesaving services, and for payments to survivors pursuant to the retired serviceman's family protection plan. The total average number of personnel on the retired rolls is estimated to be 14,701 in fiscal year 1971 as compared with 13,979 in fiscal year 1970 and 13,394 in fiscal year 1969.

Reserve training

Appropriation, 1970	$25,900,000
Estimate, 1971	10,000,000
Recommended in the bill	17,500,000
Increase above estimate	7,500,000

The budget proposes to phase out the Coast Guard Selected Reserve training program by June 30, 1971. The proposal contemplates that the emergency wartime functions of the Selected Reserve can reasonably be handled by the growing number of regular Coast Guardsmen on the retired rolls and enlistees who are required to serve in a standby status for 2 years after completing 4 years active service. The committee does not concur with this proposal. While there are arguments for the elimination of the Selected Reserve component of the Coast Guard, the committee feels that it has not been demonstrated that his Reserve's basic mobilization requirements, particularly in the field of port security, can satisfactorily be fulfilled as proposed in the budget. There is presently no other Armed Service prepared to meet the port security defense requirement in the early days of a mobilization.

The committee has held intensive hearings on this program and is recommending appropriations for the Coast Guard Reserve that represent an increase of $7,500,000 over the budget estimate and a decrease of $8,400,000 from the fiscal year 1970 appropriation. In so doing, the committee is directing that the number of personnel in the Selected Reserve be reduced to 10,000 by October 1, 1970.

It is understood that the Coast Guard is developing, in line with guidelines set down by the committee last year, a program for the peacetime utilization of the Reserve by the regular Coast Guard during certain national emergencies and natural disasters. A 10,000 man Selected Reserve should enable the Coast Guard to meet its most urgent requirements in protecting the major port areas of the country in the event of a mobilization as well as providing a nucleus for utilization in more immediately productive peacetime programs which supplement the regular Coast Guard.

Research, Development, Test, and Evaluation

Appropriation, 1970	$14,500,000
Estimate, 1971	24,000,000
Recommended in the bill	19,500,000
Reduction below estimate	−4,500,000

The bill includes a $5 million increase over the sum appropriated for fiscal year 1970. Of the total amount recommended, $10 million has been approved for the national data buoy development project. This project involves the development and deployment of improved unmanned ocean data buoys to form a network for the collection of oceanographic and atmospheric data for scientific and operational purposes.

In addition to the increases recommended for the data buoy program, the committee has allowed an increase of $1,500,000 to enable the Coast Guard to continue on-going programs and initiate new research efforts of high priority.

Federal Aviation Administration Operations

Appropriation, 1970	$767,000,000
Estimate, 1971	923,885,000
Recommended in the bill	923,885,000

The committee recommends the full amount of the budget estimate for the third consecutive year for operations of the Federal Aviation Administration. The sum requested and recommended is $156,885,000 more than the currently enacted fiscal year 1970 appropriations and $98,288,000 more than fiscal 1970 appropriations adjusted to include the pay increase provided for in title II of the Second Supplemental, as passed by the House.

The recommended increase provides for 4,361 new positions, of which 2,265 are air traffic control personnel. Including this increase, the Congress will have provided 9,496 new air traffic control personnel since the Department of Transportation was established. This represents a virtual doubling of the controller work force. The committee is well aware of the fact that the rapid increase in air travel has placed an increased workload upon the Federal Aviation Administration, and feels that it is vital that FAA be provided with the personnel and funds needed to maintain the highest possible degree of safety in the air. There should be no compromise with the safety of the passengers and crews in American aircraft.

The committee is seriously concerned about the problems FAA has had with some of its air traffic controllers. A number of these problem areas were addressed in the recent Corson Committee report which was submitted to the Secretary in January, 1970. The Administrator testified that he has established nine different action groups and has already begun implementation of some of the Corson Committee's recommendations. The committee applaudes the Administrator for taking this step and expects to be fully advised on the progress of this implementation.

It is evident, however, that these employee-management problems stem in part from matters outside the control of the FAA. The rapid growth of air travel of all kinds during the decade of the 1960's has created a situation of excess congestion in certain areas of the Nation. The additional personnel funded in the past 3 years are just beginning to help meet this problem and the committee feels that additional steps must be taken to alleviate the present congestion.

The hearings clearly brought out the fact that the problems of safely controlling air traffic are caused in large measure by the peaking of traffic during the prime travel hours in the morning and evening. Staffing levels in control centers and towers are to a large extent governed by these peak traffic demands. It is these demands which are the basis for adding thousands of controller personnel over the past several years. It is this peaking phenomenon also which is one of the major causes of stress on controllers. The committee believes that the increasing concentration of traffic at these peak hours is a result in part of unrealistic scheduling of flights by the airlines. At some airports, for example, large numbers of departures and arrivals are scheduled at the same time. The committee believes that this practice is a root cause of many of the problems in air traffic control. It requires unnecessarily large numbers of controllers, is unrealistic, and adversely affects the safety of the airways system. Accordingly, the committee requests that the Department, in close collaboration with the CAB, undertake a thorough study of this problem, and report its findings, conclusions, and recommendations to the committee no later than February 1, 1971.

Facilities and Equipment

Appropriation, 1970	$224,000,000
Estimate, 1971	190,000,000
Recommended in the bill	190,000,000

The committee has provided the full amount requested in the budget for the facilities and equipment required to help meet the growing air traffic congestion and aviation safety problems. This is $34 million less than fiscal year 1970 appropriations. However, $90 million of the sum provided in fiscal year 1970 was frozen by the Bureau of the Budget pending enactment of the user charge legislation. That legislation has recently been cleared by the Congress.

The request for 135 additional positions is denied. There are currently 1,243 authorized positions under this appropriation and the committee feels that installation of equipment can be provided for in the procurement contract, thereby eliminating the need for additional personnel.

Research and Development

Appropriation, 1970	$41,000,000
Estimate, 1971	47,500,000
Recommended in the bill	45,000,000
Reduction below estimate	−2,500,000

The accompanying bill includes $45 million for research and development for the Federal Aviation Administration. The additional $4 million provided over fiscal year 1970 should enable the FAA to proceed with its major research efforts in the fields of air traffic control, navigation, aviation weather, aircraft safety, and aviation medicine.

Last year the committee requested that detailed information in support of personnel requirements be included in the fiscal year 1971 justifications. The information was not included, but was subsequently made available to the committee. It is expected that future justifications will contain detailed information on personnel requirements for both the research and development and the facilities and equipment appropriations.

Operation and Maintenance, National Capital Airports

Appropriation, 1970	$9,650,000
Estimate, 1971	10,600,000
Recommended in the bill	10,500,000
Reduction below estimate	—100,000

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The funds included in the bill for the operation and maintenance of Washington National and Dulles International Airports total $10,500,000, an increase of $850,000 over fiscal year 1970. No new personnel are requested or recommended. The increase requested over fiscal 1970 is, for the most part, attributable to annualization costs, funding of existing authorized but unfilled positions, and a number of capital equipment purchases.

As has been true in the past, Washington National Airport is operating at a profit, while Dulles International Airport continues to operate at a deficit which exceeds the profit at Washington National to the extent that there is a projected $2,477,000 net loss for the two airports for fiscal year 1971. Although it is estimated that revenues will exceed operating expenses at both airports, application of interest and depreciation expenses will result in a profit of $2,726,000 at Washington National and a loss of $5,203,000 at Dulles.

Construction, National Capital Airports

Appropriation, 1970	$1,900,000
Estimate 1971	11,000,000
Recommended in the bill	4,000,000
Reduction below estimate	−7,000,000

Under the committee's recommended reduction, the $7 million requested to initiate construction of the expansion of the Dulles Terminal Building would be temporarily deferred. The design contract provided for in fiscal year 1970 has not been awarded. If this contract is awarded and the design work is completed during fiscal 1971, the necessary excavating and grading could be started with existing unobligated funds. At the time of the hearing the Bureau of National Capital Airports had approximately $6.7 million of unobligated construction funds.

The $4 million recommended is $2,100,000 more than the amount appropriated for fiscal year 1970 and includes $2 million for each airport.

Federal Highway Administration

OFFICE OF THE ADMINISTRATOR, SALARIES AND EXPENSES

	Appropriation	Trust fund
Appropriation, 1970	$1,650,000	($12,627,000)
Estimate, 1971	525,000	(14,956,000)
Recommended in the bill	500,000	(14,721,000)
Reduction below estimate	−25,000	(−235,000)

The budget amendment (H. Doc. 91–333) proposing to separate the National Highway Safety Bureau from the Federal Highway Administration would eliminate this appropriation. Since the committee established this appropriation in fiscal year 1970 to obtain a better oversight of the staff offices of the Administrator, it does not concur with the budget request to eliminate this account. Accordingly, funds budgeted in other appropriations for staff support of the Federal Highway Administrator are transferred to this estimate as follows:

Limitation on general expenses (trust fund)	$14,956,000
Motor Carrier Safety	525,000
Total estimate 1971	15,481,000

The total general and trust funds recommended in the bill amounts to $15,221,000, a reduction of $260,000 below the budget. The reduction is based primarily on the committee's denial of 26 of the requested new positions. This action along with the counterpart transfers to the Office of the Secretary and the transfers to the National Highway Safety Bureau reduces the total number of positions in this office considerably below the fiscal year 1970 level.

Bureau of Public Roads, Limitation on General Expenses

(Transfer from highway trust fund)

Limitation, 1970	($59,121,000)
Estimate, 1971	[1] (77,913,000)
Recommended in the bill	[1] (68,488,000)
Reduction below estimate	(−9,425,000)

[1] Includes $289,000 to be transferred from "State and Community Highway Safety."

The limitation recommended is $9,367,000 above the level enacted for fiscal year 1970 and $6,286,000 more than the fiscal year 1970 limitation adjusted to include the pay increase provided for in title II of the Second Supplemental, as passed by the House. The redutcions below the budget total $9,425,000 and are summarized as follows:

Funds for the comprehensive corridor transportation demonstration program are reduced from $10,000,000 to $5,000,000	−$5,000,000
Contract program in the Office of Planning is held at the 1970 level of $1,000,000	−625,000
Funds for electronic route guidance system research are disallowed	—1,400,000
Funds for 240 of the 290 new positions requested have been denied	−2,000,000
Estimated annualization costs are reduced by $400,000	−400,000
Total reduction	−9,425,000

Under the committee's recommendation, funds provided by the Federal Highway Administration to the comprehensive corridor demonstration program are increased by $4 million over fiscal year 1970. It is expected that the Urban Mass Transportation Administration's efforts also will be conducted at this level. The committee believes that the funds provided will allow this program to proceed at a reasonable rate.

Funds to continue electronic route guidance system research have been specifically denied. Testimony indicated that the total estimated cost for fiscal year 1971 and future years of this research project would be approximately $4 million. With subsequent installation costs for such a system being considerably greater, the committee does not feel that the benefits cited justify continuance of the project.

The committee has denied 240 of the requested 290 new positions. Approximately 70 percent of the Interstate System is completed and open to traffic, and the committee feels that there is little need for a large increase in the Bureau's staff at this time.

Federal-Aid Highways (Trust Fund)

Appropriation, 1970	($4,419,279,000)
Estimate, 1971	(4,360,000,000)
Recommended in the bill	(4,350,340,000)
Reduction below estimate	(−9,660,000)

The accompanying bill includes $68,939,000 less than the amount appropriated for fiscal year 1970. The $9,660,000 reduction below the budget reflects actions recommended by the committee in connection with the Office of the Administrator and Limitation on General Expenses appropriations discussed previously.

No reduction is recommended in the construction program. As a result of voluntary curtailments by the States, obligations for the current fiscal year will be reduced to about $4 billion or approximately $1 billion below the original estimate. The fiscal year 1971 budget estimates reflect this reduction.

During the last calendar year an additional 2,034 miles of the Interstate Highway System were completed and opened to traffic. As of December 31, 1969, about 29,600 miles, or almost 70 percent of the 42,500 mile authorized Interstate System, had been completed and opened to traffic. In addition, there are almost 11,100 miles on which construction, right-of-way acquisition, or preliminary engineering is underway, making a total of roughly 40,700 miles of the Interstate System on which work is either completed or underway.

In the regular Federal-aid primary, secondary, and urban programs an additional 4,550 miles were completed in the first half of fiscal year 1970. As of December 31, 1969, construction projects involving 236,250 miles had been completed at a cost of $20.9 billion. Contracts involving an additional 13,800 miles were authorized or underway.

Right-of-Way Revolving Fund

(Liquidation of contract authorization—trust fund)

Appropriation, 1970	($40,000,000)
Estimate, 1971	(35,000,000)
Recommended in the bill	(35,000,000)

The committee recommends the budget estimate of $35 million for the right-of-way revolving fund. This is $5 million less than the amount appropriated in fiscal year 1970. The program was established to provide a source of funding to permit the acquisition of rights-of-way several years in advance of actual construction to reduce potential inflationary pressures on property costs and permit more adequate comprehensive highway planning.

Highway Beautification

(Liquidation of contract authorization)

Appropriation, 1970	($5,000,000)
Estimate, 1971	(20,000,000)
Recommended in the bill	(16,500,000)
Reduction below estimate	(−3,500,000)

A liquidating cash appropriation of $16,500,000 is recommended for the highway beautification program for fiscal year 1971. Of the sum provided, approximately $11.5 million is applicable to obligations incurred during fiscal year 1970 and $5 million is for fiscal year 1971 obligations.

As in last year's bill, a limitation on obligations is being recommended. The limitation for fiscal year 1971 is $5.5 million, of which $5 million pertains to the contract authorization and $500,000 to administrative expenses. Under existing legislative authority, approximately $6.5 million is available for obligation under contract authority.

Administrative expenses

Appropriation, 1970	$1,100,000
Estimate, 1971	800,000
Recommended in the bill	500,000
Reduction below estimate	−300,000

The bill includes an appropriation of $500,000 for administrative expenses of the highway beautification program, a decrease of $600,000 from the amount provided for fiscal year 1970. The funds recommended should be adequate to administer the presently authorized program.

Motor Carrier Safety

Appropriation, 1970	$2,300,000
Estimate, 1971	4,118,000
Recommended in the bill	3,443,000
Reduction below estimate	−675,000

In providing $1,143,000 more than was appropriated in fiscal year 1970 for the Bureau of Motor Carrier Safety, the committee recommends 12 of the 32 new permanent positions requested and $400,000 of the $800,000 requested to initiate a contract research and development program.

Although the committee generally does not favor initiating new research programs in times of fiscal stringency, it feels that the commercial vehicle and driver regulation areas, to which this effort will be directed, should be given a higher priority than they have been accorded heretofore. The committee expects the Bureau to be able to delineate specific tangible accomplishments resulting from this research.

Forest Highways

(Liquidation of contract authorization)

Appropriation, 1970	($25,000,000)
Estimate, 1971	(20,000,000)
Recommended in the bill	(15,000,000)
Reduction below estimate	(−5,000,000)

The forest highways program utilizes funds from the general funds of the Treasury for the construction and improvement of main highways within or adjacent to national for-

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ests. Most of these highways are on the regular Federal-aid highways systems and are eligible for grants under regular Federal-aid highways programs. Although some State contributions are made, the States are not required to participate in the financing of forest highways.

The bill includes a liquidating cash appropriation of $15 million for the forest highways program, a reduction of $10 million from fiscal year 1970. Also included in the accompanying bill is a provision, similar to those included in past years, limiting obligations under this program in fiscal year 1971 to $22,500,000. This is $10,500,000 below the budget estimate and $4,500,000 more than the obligations estimated to be incurred in fiscal year 1970.

Public Lands Highways

(Liquidation of contract authorization)

Appropriation, 1970	($7,000,000)
Estimate, 1971	(15,000,000)
Recommended in the bill	(13,000,000)
Reduction below estimate	(—2,000,000)

A liquidating cash appropriation of $13 million is recommended to finance the construction and improvement of highways through public lands in those States with large areas of such lands. Virtually all of the appropriation is required to liquidate obligations incurred in fiscal years prior to 1971. As is the case with the forest highways programs, the funds for the public lands highways program are appropriated from the general funds of the Treasury under contract authorization provided under the authorizing legislation.

As in past years, the committee has included in the bill a limitation on obligations in fiscal year 1971. The limitation on this program is $10 million, which is $6 million below the budget estimate and $2 million more than the obligations estimated to be incurred in fiscal year 1970.

National highway safety bureau

Traffic and highway safety

Appropriation, 1970	$29,550,000
Estimate, 1971	53,075,000
Recommended in the bill	40,435,000
Reduction below estimate	—12,640,000

The amended budget proposes to transfer the National Highway Safety Bureau from the Federal Highway Administration to an independent operating status within the Department. Under this request the Safety Bureau will fund and staff its own administrative support services which were formerly provided by the Federal Highway Administration, as well as administer the traffic and highway safety programs.

The committee does not object to the removal of the Safety Bureau from the jurisdiction of the Federal Highway Administration. A total appropriation of $43,046,000, including the $40,435,000 under this heading and $2,611,000 to be transferred from "State and Community Highway Safety", is recommended for the operating expenses of the Bureau. This represents a reduction of $12,640,000 from the sum requested in the amended budget.

The Safety Bureau's request included the sum of $40,100,000 for services to be obtained through contracts with other organizations. The committee has approved $29 million for the Bureau's contract program, an increase of $8 million over fiscal year 1970. Testimony indicated that the Bureau intends to emphasize three major programs in fiscal year 1971; alcohol countermeasures, the experimental safety vehicle, and the air bag. With the funds recommended these efforts will be able to proceed at a substantially increased level.

Funds have been approved for 100 of the 254 requested new positions. This will provide a fiscal year 1971 staffing level of 689 positions, including the positions being transferred from the Office of the Administrator, Federal Highway Administration.

The committee has approved the proposed reprograming in fiscal year 1970 of $50,000 for the NATO Committee on the Challenges of Modern Society, and has allowed two of the five new positions requested in the fiscal year 1971 budget for this effort.

State and Community Highway Safety

(Liquidation of Contract authorization)

Appropriation, 1970	($30,000,000)
Estimate, 1971	(61,000,000)
Recommended in the bill	(51,000,000)
Reduction below estimate	(—10,000,000)

A liquidating cash appropriation of $51 million is recommended for the State and Community Highway Safety program for fiscal year 1971. This is $21 million above the amount appropriated for fiscal year 1970. The reduction would eliminate a $10 million contingency reserve requested in the budget for possible increased fiscal year 1971 expenditures.

As has been the case in the past 3 years, the committee has included in the bill a limitation on obligations in fiscal year 1971. The $70 million limitation recommended is the same as the current fiscal year, and is $10 million below the amount estimated to be obligated during fiscal 1971.

The committee is concerned about the lack of State participation in this program. The program was originally presented and justified to the committee as one which stimulate and assist the States to create new traffic safety programs and expand existing programs rather than one under which the Federal Government would share the cost of existing State programs as is presently being done. The Director testified that certain Governors indicated that there are no funds available in the States to create new programs. The committee feels that the fiscal situation is generally no more critical at the State level than in the Federal Government, and believes that the present accident rate on our Nation's highways is a problem of sufficient urgency to warrant support of new programs at every level of government.

Federal Railroad Administration

Office of the Administrator

Salaries and expenses

Appropriation, 1970	$1,050,000
Estimate, 1971	1,600,000
Recommended in the bill	1,395,000
Reduction below estimate	—205,000

The bill includes $345,000 more than the amount appropriated in fiscal year 1970. Twelve of the requested 26 new positions are approved, as are the funds required to support the six positions transferred from the Federal Highway Administration. The committee has denied 14 positions and the proposed increases for contractual services and printing.

While the committee has approved certain increases for this office, it is still not satisfied that there is sufficient authority vested in the Federal Railroad Administration to cope with the many problems currently facing the railroads of America.

Bureau of Railroad Safety

Appropriation, 1970	$4,050,000
Estimate, 1971	4,550,000
Recommended in the bill	4,500,000
Reduction below estimate	—50,000

The sum recommended is $450,000 more than the amount appropriated for fiscal 1970. No additional positions were requested or allowed. Most of the increase is related to annualization and increased travel costs.

High Speed Ground Transportation Research and Development

Required legislation which would authorize the continuation of this program in fiscal year 1971 has not yet been enacted. Therefore, the committee has deferred consideration of this appropriation at this time. At such time as authorizing legislation is enacted, the estimate will be considered.

The requested fiscal year 1970 reprograming of $1,040,000 from the Autotrain project to begin site preparation at the high speed ground test facility at Pueblo, Colo., is approved.

Railroad research

Appropriation, 1970	$300,000
Estimate, 1971	1,500,000
Recommended in the bill	900,000
Reduction below estimate	—600,000

The committee recommends a $600,000, or 200 percent, increase for this appropriation. The research conducted under this program is directed toward three broad categories: Railroad safety, environment, and national transportation efficiency

Alaska Railroad Revolving Fund

The administration has proposed and there is legislation pending to permit the sale of the Alaska Railroad during fiscal year 1971. No appropriation is requested or recommended. The operation and maintenance program is expected to remain at a level approximating estimated revenues and proposed capital improvements are anticipated to be within the capability of the present force structure. It is estimated that at the end of the budget year there will be an unobligated fund balance of $5,976,000. The committee has included the requested language permitting the Alaska Railroad to be operated from the Alaska Railroad Revolving Fund.

Urban Mass Transportation Administration

Salaries and expenses

Appropriation, 1970	$1,500,000
Estimate, 1971	4,000,000
Recommended in the bill	3,200,000
Reduction below estimate	—800,000

In providing an increase of $1,700,000 over fiscal year 1970, the committee has approved 48 of the 118 additional positions requested. This increase, coupled with the 70 positions provided in fiscal 1970, will give UMTA three times the number of personnel they had two years ago. As the committee stated last year, additional qualified personnel are essential if the urban mass transportation program is going to be effectively administered. However, if too hasty selections of personnel are made without a careful screening to find the best man for the job in each instance, UMTA could quickly find itself burdened with too many mediocre personnel to effectively achieve its programed objectives.

As previously discussed, the committee is recommending that the Department review its field office organization. Pending the completion of this review the committee has not allowed any additional field office personnel for UMTA.

Urban Mass Transportation Fund

No appropriation is requested for this program in the pending budget. In the fiscal year 1970 bill, the Congress appropriated $214 million for Urban Mass Transportation grants for fiscal year 1971. At that time it appeared unlikely that the pending public transportation assistance legislation would be enacted soon enough to provide for the continuity of the program.

This new legislation, which provides 5-year contract authority, currently has passed the Senate, and if enacted, UMTA proposes to obligate up to $850 million during fiscal 1971. As presently envisioned by UMTA these obligations would be incurred prior to any formal presentation to the appropriations committees of the Congress. The committee does not favor the granting of long term contractual authority by substantive legislation and has included a provision limiting commitments in fiscal year 1971 to $214 million. Such a limitation will enable the committee to

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consider the relative priority of urban mass transportation grants along with other programs in the budget.

St. Lawrence Seaway Development Corporation

The accompanying bill includes the same language which has been carried previously authorizing the St. Lawrence Seaway Development Corporation to make expenditures within the limits of the funds available to the Corporation to carry out its programs. The language included in the bill is exactly the same language provided last year and requested in the fiscal year 1971 budget.

Under the existing toll system, which extends through the 1970 season, it appears that the Corporation will not be able to amortize its funded debt and related obligations. However, discussions with the Canadian Seaway Authority regarding the level of tolls and other matters affecting the adequacy of income are scheduled to be held before the end of the current year's navigation season.

Limitation on Administration Expenses

St. Lawrence Seaway Development Corporation

Limitation, 1970	($600, 000)
Estimate, 1971	(700, 000)
Recommended in the bill	(700, 000)

The committee recommends an increase in the limitation of $100,000 more than was provided in the fiscal year 1970 bill. This increase is primarily to cover annualization costs and within-grade increases. No additional positions are requested or recommended.

TITLE II—RELATED AGENCIES

National Transportation Safety Board

Salaries and Expenses

Appropriation, 1970	$5, 050, 000
Estimate, 1971	6, 120, 000
Recommended in the bill	6, 000, 000
Reduction below estimate	—120, 000

The appropriation recommended by the committee will provide $950,000 more than the $5,050,000 appropriated for the National Transportation Safety Board for fiscal year 1970.

The estimate proposed funding of 10 new positions. The committee has approved the four positions requested for aircraft accident investigation and the two positions requested for surface transportation accident investigation. Specifically denied are one position for program support, three positions for "before-the-fact" aviation accident prevention, and $30,000 for consultant services in connection with aviation accident prevention.

The committee has not allowed any funds for the new "before-the-fact" aviation accident prevention program, since virtually all the operations of the FAA are oriented toward aviation safety and accident prevention. If the Safety Board were permitted to exercise its authorities as broadly as the law might be interpreted, it could duplicate many of the functions of the FAA and other Department of Transportation administrations. The committee believes that the Board can make very effective use of its personnel by generally confining its activities to accident investigation.

Civil Aeronautics Board

Salaries and Expenses

Appropriation, 1970	$10, 200, 000
Estimate, 1971	11, 134, 000
Recommended in the bill	11, 134, 000

The bill includes the full $11,134,000 requested for salaries and expenses of the Civil Aeronautics Board. No new positions were requested and none are recommended. As previously mentioned the committee has directed a joint FAA–CAB study on scheduling with a view towards alleviating some of the present air traffic congestion during the peak hours.

Payments to Air Carriers

Appropriation, 1970	$33, 500, 000
Estimate, 1971	27, 327, 000
Recommended in the bill	27, 327, 000

The committee has approved the budget request of the Civil Aeronautics Board for payments to nine local service and four Alaskan carriers to make air transportation available to certain smaller cities and towns that would not otherwise be served. The amount recommended is $6,173,000 below fiscal year 1970.

At the time of the hearing there were a number of petitions pending before the Board, which, if approved, would require an increase in the fiscal year 1971 subsidy payments.

Interstate Commerce Commission

Salaries and Expenses

Appropriation, 1970	$25, 127, 000
Estimate, 1971	25, 600, 000
Recommended in the bill	27, 000, 000
Increase above estimate	+1, 400, 000

The committee recommends an appropriation of $27 million for salaries and expenses of the Interstate Commerce Commission. This is a $1,400,000 increase over the budget estimate and a $1,873,000 increase over currently enacted fiscal year 1970 appropriations, but is a $27,000 decrease from fiscal 1970 appropriations adjusted to include the pay increase provided for in title II of the Second Supplemental, as passed by the House.

Of the 182 position decrease proposed in the budget, the Commission indicated that it required reinstatement of 151 positions in order to carry out its basic responsibilities at minimal levels. The committee conducted an in-depth review of the Commission's personnel requirements and is recommending an increase over the budget of 140 positions. This will give the Commission a total of 1,865 permanent positions, or about 200 more than the fiscal year 1971 year end employment ceiling imposed by the Bureau of the Budget. In the judgment of the committee, the ICC requires a significantly larger number of personnel than would be allowed under the Bureau of the Budget ceiling. That ceiling would have required the Commission to operate at its lowest employment since 1963, even though the regulated industry's revenues received and ton-miles of freight transported grew by 50 percent during the same period.

The Commission's ability to carry out its responsibilities assigned by the law is directly related to the number of technical employees available. These personnel provide for the investigation, compliance and prosecution of the economic regulatory functions assigned to the Commission. The committee believes that the Commission's effectiveness in regulating the Nation's surface transportation system would have been severely impaired if the budget cuts proposed had been adopted and the general public would have suffered therefrom.

The committee expects that these personnel additions will be applied to operating program areas rather than in administrative and support functions and looks forward to a more effective and efficient resolution of transportation problems affecting the public.

Washington Metropolitan Area Transit Authority

Federal Contribution

Appropriation, 1970	$43, 173, 000
Estimate, 1971	[1] 368, 039, 000
Recommended in the bill	[2] 330, 028, 000
Reduction below estimate	—38, 011, 000

[1] Includes $188,011,000 advance funding requested for fiscal year 1972.

[2] Includes an advance appropriation of $150 million for fiscal year 1972.

The committee has approved the full budget request of $180,028,000 for fiscal year 1971 and an advance appropriation for fiscal year 1972 of $150 million for the Federal share of the rapid rail transit system to serve the National Capital area. In view of the recent delays which the system has encountered, the committee believes that the $330,028,000 allowed should provide adequate Federal financing to carry the program through fiscal year 1972.

TITLE III—GENERAL PROVISIONS

Two new general provisions are proposed:

Section 303—places a limitation on commitments for grants-in-aid for airport development of $220,000,000.

Section 308—places a limitation on commitments for urban mass transportation grants of $214,000,000, plus additional amounts appropriated therefor.

Other changes proposed are as follows:

Section 304—limits obligations for "Highway Beautification" to $5,500,000.

Section 306—limits obligations for "Forest Highways" to $22,500,000.

Section 307—limits obligations for "Public Lands Highways" to $10,000,000.

In addition, the section pertaining to FAA lease purchase contracts has been deleted.

Limitations and legislative provisions

The following limitations and legislative provisions not heretofore carried in connection with any appropriation bill are recommended.

On page 4, in connection with Operating Expenses: ": *Provided further,* That not to exceed $100,000 shall be available for expenses, and otherwise provided for, necessary to enable the Coast Guard to discharge its responsibilities in connection with the meeting of the 11th International Lifeboat Conference, including transportation and entertainment of official representatives."

On page 11, in connection with Highway Beautification: ", together with $500,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 6(g) of the Federal-Aid Highway Act of 1968."

On page 13, in connection with State and Community Highway Safety (Liquidation of Contract Authorization): "and not to exceed $289,000 may be advanced to the appropriation 'Federal-Aid Highways (trust fund)' for administration of this program."

On page 16, in connection with Grants-in-Aid for airport development:

"SEC. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $220,000,000 in fiscal year 1971."

On page 19, in connection with Urban Mass Transportation:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $214,000,000 in fiscal year 1971, plus the additional amounts appropriated therefor."

Separate views on the supersonic transport (SST)

I. Introduction

The great naturalist, Charles Darwin, was once a house guest of a friend whose two small boys decided to play a joke on him. They took a centipede and glued to it a beetle's head, a butterfly's wing and a grasshopper's legs. Then, showing it to Darwin, they asked innocently: "Mr. Darwin, what kind of a bug is this?" Darwin looked at it solemnly. "Did it hum when you caught it, boys?" he inquired. Scarcely able to conceal their mirth, the boys replied, "Yes, sir, it did." "That's it!" said Darwin triumphantly. "It's a humbug!"

Some may say the word "humbug" is too strong to apply to the SST, but the fact is that only now is Congress becoming fully aware of the truth surrounding the SST program.

It now appears that the costs to the Government may escalate to $5 billion (shades of the C5A!) if the contractor cannot obtain financing for production. Compare this with President Kennedy's promise when he approved the program in 1962 that the SST would not cost the Government more than $750 million.

And certainly the plane, if and when built, will not hum. It will roar . . . and such a roar! The eminent physicist, Dr. Richard L. Garwin, a member of the President's Science Advisory Council, told a congressional subcommittee recently that the SST would produce as much noise as fifty 747 "jumbo jets" taking off at once!

Dr. Garwin was not referring to sonic boom. That's another matter and another supersonic handicap. He was talking about engine noise, noise that builds up as engines are gunned for takeoff. The Anglo-French supersonic plane, the Concorde, is just as noisy. There is a good possibility that the harassed, noise-sensitive airport authorities will not permit the ear-splitting supersonics to use their facilities because the angry reaction of the surrounding residents would be immediate and strong.

I have not raised the issue of sonic boom in this report, not because it is not important, but rather because the administration insists there will be no supersonic flights which generate sonic boom over the United States. I am willing to accept that pledge for the time being, even though I am concerned that the pledge may be rescinded if the SST comes into existence. At such time the pressures to permit supersonic flight with sonic boom may become so great as to be irresistible because it is exceedingly doubtful that the SST can achieve economic viability as long as it is required to fly subsonically over populated areas. The American people must not overlook the statement of Major General Jewel E. Maxwell, who was previously the head of the SST program. General Maxwell said:

"We believe that people in time will come to accept the sonic boom as they have the rather unpleasant side effects which have accompanied other advances in transportation."

I suspect that in time a huge propaganda campaign will be undertaken to woo the American people with some slogan about "the wonderful world of the SST" and for them to stop worrying and learn to love the boom. But no matter how attractive the sales pitch, or how enticing the advertising, the fact will be that the sonic boom will constitute a major degradation of man's environment and cannot be accepted.

II. The SST Will Contribute Significantly to Pollution of Our Environment

A. Airport noise

A few weeks ago the entire nation observed "Earth Day." Meetings were held all over the country to take stock of the defilement of our environment through the polluting of our lakes and streams, the fouling of the atmosphere and the increasing bedlam of noise dinning our ears. The SST will be an instrument for further deterioration of our environment and it is incredible that the Federal government should be financing its development.

Aviation Week and Space Technology, a respected trade publication which editorially supports the SST, stated in its January 5, 1970 issue:

"The noise-limiting factor in the airplane's introduction will be a sideline noise emanating from the airplane's massive 67,000-pound thrust turbojets. It is a characteristic already accepted in the design of the aircraft. FAA has strong hopes solutions will be found by the time the airplane enters service in 1978. But currently there are no proven technological methods of substantially cutting the noise without severely reducing engine performance."

It is true that the SST will create less community noise along its flight path than present subsonic aircraft. It is less noisy in its approach, too. However, and this is most important, it generates a noise called "sideline noise," which is much greater than any subsonic jet like the 707 or the 747. In terms of the noise limits issued by the FAA, the SST will be three or four times louder than such standards permit. Its sideline noise will be four or five times louder than the 747.

The day is past when we must accept such penalties as the price of "progress." The condition of our environment is in great measure attributable to the unheeding pressure of industrial advances. If Earth Day meant anything, it signifies that the people of this country are determined to assess the impact of scientific advances in terms of their possible degradation of the environment. The SST must be weighed by that standard.

Mr. Russell Train, the Chairman of President Nixon's Council on Environmental Quality, has expressed similar fears before a Senate subcommittee:

"At present the most significant unresolved environmental problem I see for the supersonic transport is the high level of noise in the vicinity of airports. Because of its relatively steep degree of climb, the SST will actually create less community noise in the direction of its flight path than present subsonic jet aircraft. The SST also generates less noise on approach. However, the current design of the U.S. supersonic transport and of the Concorde leads to a noise field radiated perpendicular to the runway, called "sideline noise," than that of the conventional subsonic jets. In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting FAA requirements."

Additionally, Dr. Raymond Bisplinghoff, Dean of the MIT School of Engineering and Chairman of the SST Technical Evaluation Committee formed last year by FAA to review the plane, said much the same thing before our committee last year.

"Although the community noise generated by the SST is no greater than contemporary subsonic transport airplanes, the sideline noise is appreciably greater. There is very little prospect of bringing the sideline noise down to subsonic transport levels by any practical methods known at the present time."

And this year, Dr. Garwin told our committee:

"It should be emphasized that at 125 PNdB of airport noise, the SST will produce as much noise as the simultaneous takeoff of 50 jumbo jets satisfying the 108 PNdB subsonic requirement."

In its passage of P.L. 90-411, Congress moved to limit the aircraft noise. Pursuant to the authority granted by law, the FAA has established proposed maximum limits for subsonic aircraft. The limits established for supersonics should be within the same levels, or else communities and air facilities in the United States which have become accustomed to lower noise levels will suffer a very great increase in perceived noise.

The whole purpose of environmental protection is to act before the problem appears. The Department of Transportation seems to be tailoring noise restrictions on the SST according to what can be achieved by the manufacturer rather than what is necessary to protect the public. The inescapable result of such a policy would be further deterioration of the environment.

B. By modifying the world's climate

At first glance the notion that the SST could produce changes in the world's weather seems to be implausible in the extreme. When I first heard several months ago of the concern of meteorologists about the effects of SST flight on the stratosphere I was skeptical. But any doubts I might have had about the reality of their objections were laid to rest by Mr. Russell Train, the Chairman of the President's Council on Environmental Quality.

Mr. Train is extremely well qualified to make an informed judgment about all matters relating to the environment. This is what he says about SST's and the weather.

"I now turn to a potential problem which has not received the attention it deserves. The supersonic transport will fly at an altitude between 60,000 to 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. This part of the atmosphere is to a substantial extent isolated from the rest of the atmosphere. For example, on the average, 18 months are required for a water molecule introduced into the atmosphere at 65,000 feet to find its way to the lower atmosphere. A fleet of 500 American SST's and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as 50 to 100 percent. This could be very significant because observations indicate that the water vapor content of the stratosphere has already increased about 50 percent over the last five years due presumably to natural processes, although there is a possibility which should be researched that subsonic jets have been contributing to this increase.

"Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. Calculations on the magnitude of this increased temperature are most uncertain but probably it would be on the order of .2° to .3° F. Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.

"Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before *any country* proceeds with a massive introduction of supersonic transports."

It makes no sense at all to go ahead with the SST program until we have some way of knowing what its long-range environmental impact will be. We cannot ignore warnings such as that offered by Mr. Train and hope to preserve the environment.

C. The Department of Transportation has not complied with the requirements of the Environmental Policy Act

The Environmental Policy Act of 1969 requires that all agencies of the Federal government include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action;

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(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Additionally, the law provides that prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

It is inconceivable that the Congress could appropriate another cent, much less $290 million, until the Environmental Policy Act is complied with. The Department of Transportation has had ample time to comply with the provisions of the Act, but has not supplied the information required. Their present plans are to submit their environmental statement "before the end of the calendar year," by which time we will have spent another $290 million on a plane that can only contribute to further deterioration of our environment.

III. The SST has begun to move along the overrun road

The most important new fact is that the SST has experienced a $76 million cost overrun over the last 6 months, $57 million of which must be assumed by the government. In the hearings of the Transportation Subcommittee, James Beggs, Undersecretary of the Department of Transportation, blamed the overrun on Congress and the Bureau of the Budget. His reasoning goes like this, and I quote from our hearings:

"The estimate we gave the committee last year was predicated on a schedule which was given to you at that time.

"Since that testimony was given, the program has slipped. It slipped because, as you know, there was some $11 million taken out of the appropriation last year. This year the Bureau of the Budget cut the projected appropriation which we had for this year of $315 million, back to $290 million. The result of these two actions has been a slip in the program of about four months in the completion of the prototype phase.

"This has meant that necessarily, because we are incurring costs in this period, that those 4 months cost us money. It turns out they cost about $76 million."

The lesson Mr. Beggs would seem to have us draw from the overrun is that Congress had better provide the entire appropriation request every time his department asks for it, or we will end up paying more for the prototype airplane. He would have us believe that overruns are not the responsibility of the contractor or the Department of Transportation, but of the Congress and of the Bureau of the Budget.

Needless to say Mr. Beggs' reasoning overlooks the recent history of overruns in military weapons systems procurement in which Congressional scrutiny and restraint provides virtually the only hedge against cost growth.

This overrun can only be the first example of the results of technical difficulties encountered by the contractor. That it has experienced trouble is indicated by the action of the Department of Transportation in relaxing a number of contract requirements that the Boeing Company has been unable to meet in the original performance specifications of the contract within the cost targets set in the production schedule. Technical problems in development programs such as the SST result in some combination of time stretchouts, degraded performance characteristics and increased costs.

Until now the DOT has chosen to degrade performance characteristics and the primary means of dealing with technical problems. But they cannot realistically degrade the performance of the SST much more without losing what little credibility remains for their aircraft. Since there is no margin left in performance standards and since stretchouts in the program inevitably cut into the projected market future technical problems are likely to cost still more cash.

It is reasonable to expect that this year's overrun is only the first of many which will plague the prototype program should it proceed. It was stated in the subcommittee hearings that $60 million in additional overruns were avoided only by a substantial cut in Boeing's overhead. The cost pressures on the development program are clearly mounting and Mr. Beggs was unable to give any assurance that there will not be further overruns.

IV. The Supersonic Transport Plane Now Envisioned Involves Much Greater Risks and Expenditures for the Government

The original contract for the supersonic transport provided performance requirements which, if met, might have produced a plane with some chance for financial success. It was on that basis that the program was originally approved and funded by the Congress. However, as the development program has progressed and design difficulties have been encountered, performance requirements for the SST have been successively downgraded to the point that the plane now planned for production has virtually no chance for satisfactory commercial operation.

The Department of Transportation has consistently accommodated Boeing's failure to meet technical specifications for the SST by modifying the original contract. The prototypes now planned are inferior in many important respects from the production aircraft first planned, but the Department of Transportation continues to use the original contract provisions in making its optimistic market predictions. In the table which follows, column 1 lists the performance requirements specified in the original contract; column 2 lists the performance expectations of the prototype aircraft:

Characteristics	Original contract (1)	Prototype (2)
Takeoff field length (feet)	6,800+700	10,300
Landing field length (feet)	6,200+600	8,250
Approach speed (knots)	135	158
Lift-off speed (knots)	162	197
Airport noise (PNdB) [1]	116	122-129
Takeoff noise (PNdB)	93	110
Approach noise (PNdB)	109	112

[1] PNdB—Perceived noise decibels.

The greatly extended takeoff field length means that very few airports, either in the United States or abroad, will be able to accommodate the SST, and its economic utility will be greatly diminished. If it is allowed to fly, the SST will require new huge, expensive airports even more remote from communities than those being built today. The federal government will foot a large part of the multibillion dollar bill for the larger airports.

Most aircraft accidents take place on takeoff and landing. The faster takeoff and landing speeds of the present SST configuration significantly increase the risk of a crash. The increased risk of a crash on takeoff and landing, along with the great number of unknowns about supersonic passenger flight generally, combine to make the SST even less attractive as a commercial venture.

The tremendous racket created by the SST engines further compromises the financial prospects of the plane. Unless the United States decides to throw its recently established airport noise standards out the window, the SST will not be able to operate from our airports, thereby eliminating any possibility that the plane could operate at all. Alternatively, if the FAA does renege on its current noise standards, local airports will bar the plane on an individual basis rather than be subjected to its enormous racket. In any case, the airport noise caused by the plane will force it to operate from fields located at a considerable distance from the urban areas the plane is to serve, thereby reducing the time saving which is the SST's sole reason for being.

The prototype plane as it is now envisioned, with its noisy engines, long runway requirements, and design shortcomings, is not the kind of aircraft which will attract private financing. Certainly, it should not attract government financing, either.

Dr. Garwin told our committee he thought "the contract should have been terminated for default before April 15, 1969. . . ."

He explained the changes in SST contract objectives in this way:

"The development contract by Boeing on the basis of the swingwing design and requiring the prototype to be very close to the actual production version as well as to have outstanding takeoff and landing characteristics, has been successively modified to the point at which it is problematical whether the SST will fit on existing airfields, and to a point at which the airport noise is far beyond the maximum considered acceptable for jet aircraft now."

The Department of Transportation has always insisted that government participation in the funding of the SST development program will terminate upon completion of the prototype phase, but they have not produced a single shred of evidence that private financing will be available for the certification and production phases of the program.

The assumption that production of the original aircraft envisioned in the SST contract could be financed with private capital was excessively hopeful. The assumption that the plane now planned can attract private capital is nothing short of preposterous That the Department of Transportation continues to insist that phases IV and V of the development program will be privately financed is evidence of excessive and misplaced optimism in presenting the SST to the Congress.

Even the Boeing Company is concerned that it may not be able to obtain production money. H. W. Withington, Boeing Vice President and Manager of its SST division, confirmed Boeing's post prototype financial dilemma in his April 29 press conference. According to the *National Journal* for May 2, he is reported to have said:

"But the hard fact is that we've got to pick up $1.5 to $2 billion dollars somewhere to move into the production phase. Since Boeing's net worth is only about $800 million, it is doubtful we could raise that amount by ourselves. I don't rule it out, but under the current situation, it's hard to see how we can get that kind of money up."

Withington said that the financial position of the airlines will be a major factor in financing the production of the SST's. "If they don't get out of the financial bind they are in now," he said, "there is no sense worrying about this program because they won't be able to buy anything."

The Congress must be concerned, therefore, that the nearly $700 million in Federal funds which has already been plowed into the SST program is merely the tip of a multi-million dollar iceberg. The Congress should be aware of possible costs now rather than waiting another 5 years and spending hundreds of millions of dollars. The Department of Transportation still has not required Boeing to fulfill its contractual obligations and provide a credible plan to show

how the certification and production phase will be financed.

Conclusion

It is essential that the Congress act on the basis of the merits of the SST program as it exists at the present time, rather than on the basis of past support or opposition to the plane. It is important that the Congress this year take a new look at the SST with the understanding that the development we are being asked to fund is fundamentally different from the program which was originally proposed and has had congressional support in the past.

It is impossible to look at our nation today and not be deeply troubled by the disaffection of large numbers of our citizens from their government. Millions of Americans today believe that their elected representatives are not listening to them. The SST is a classic case study of why they feel that way.

The Federal government has never before used its funds to develop a commercial plane. This is the first time. Should the taxpayers' money be used to develop and produce a plane aimed at "snob appeal."

This was the phrase used by Chairman Secor Browne of the Civil Aeronautics Board in testimony before our Appropriations Subcommittee. This dialogue appears on page 1149 of our hearings:

"Mr. Browne. So if you consider the Concorde as an all first-class airplane, it will not only appeal to the businessman but it will have a distinct snob appeal. Whether we approve of that or not, it is a real economic fact.

"Mr. Yates. Do you think the United States ought to spend $4.5 billion to develop snob appeal in an SST?

"Mr. Browne. Because the ladies' garment trade is largely snob appeal, and you get your money back with a return on investment, and since I believe the $4.5 billion will come home with all sorts of benefits which have been expounded to you many times in the way of return on investment, I say, yes, the same as cosmetics or ladies' garments.

"Mr. Yates. You do not find any distinction between ladies' garments and cosmetics and the SST paid for by the Government?

"Mr. Browne. We are not paying for it.

"Mr. Yates. We are paying for it in the first instance.

"Mr. Browne. I consider it a sound investment."

There is no popular support for the SST. Even the airlines are less than enthusiastic about buying it. Every opinion poll that has ever been taken on the issue indicates that the American people do not want their money spent on a plane that provides so little for so few. For every American who gains a few hours time on a flight to Europe or Asia there will be hundreds more who are disturbed by the racket caused by the SST engines.

The Department of Transportation asks us to accept this kind of unacceptable trade-off as the price of propping up the aerospace industry.

In a budget in which only $106 million is requested for air pollution control $80 million for mass transit and inadequate amounts for health research, hospital modernization, medical education, primary and secondary education, it is shocking that almost $300 million is allocated for the SST this year. It must be remembered, too, that another $225 million must be appropriated next year.

I ask the House to reject the appropriation for the SST and allow the government to get on with the business of serving all its citizens, not just the favored few who should use the plane.

The President has announced that the budget surpluses he had predicted earlier this year for this fiscal year and the next have evaporated and that there will be deficits instead. Ask yourselves: does the SST, at a cost of half a billion dollars over the next two years, deserve top priority at this time?

Sidney R. Yates,
Frank E. Evans,
David Pryor,
David R. Obey,
Joseph P. Addabbo,
Donald W. Riegel, Jr.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES FOR 1971

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL FUNDS

[Becomes available automatically under earlier, or "permanent" law without further, or annual, action by the Congress. Thus, these amounts are not included in the accompanying bill]

Agency and item (1)	New budget (obligational) authority, 1970 (2)	Budget estimate of new (obligational) authority, 1971 (3)	Increase (+) or decrease (−) (4)
Federal Aviation Administration: Grants-in-aid for airports	[1] ($30,000,000)		(−$30,000,000
Federal Highway Administration:			
State and community highway safety (contract authorization)	100,000,000		−100,000,000
Forest highways (contract authorization)	33,000,000		−33,000,000
Public lands highways (contract authorization)	16,000,000		−16,000,000
Urban Mass Transportation Administration:			
Urban mass transportation fund	[1] (175,000,000)	[1] (214,000,000)	(+39,000,000)
Total, permanent new budget (obligational) authority, Federal funds	149,000,000		−149,000,000

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—TRUST FUNDS

Agency and item (1)	New budget (obligational) authority, 1970 (2)	Budget estimate of new (obligational) authority, 1971 (3)	Increase (+) or decrease (−) (4)
Coast Guard: General gift fund (indefinite)	$30,000	$25,000	−$5,000
Federal Highway Administration:			
Federal-aid highways (contract authorization)	5,475,000,000	4,050,000,000	−1,425,000,000
Right-of-way revolving fund (contract authorization)	100,000,000	100,000,000	
International trust funds (indefinite)	3,000,000	4,500,000	+1,500,000
Miscellaneous trust funds (indefinite)	490,000	500,000	+10,000
Total, permanent new budget (obligational) authority, trust funds	5,578,520,000	4,155,025,000	−1,423,495,000

[1] New budget (obligational) authority becoming available under prior appropriation acts, excluded from totals.

Note: Amounts as estimated and shown in the February 1970, budget document. Some items are indefinite in amount, and thus are subject to later reestimation.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated.]

Agency and item (1)	New budget (obligational) authority, fiscal year 1970 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in the bill (4)	Bill compared with— New budget (obligational) authority, fiscal year 1970 (enacted to date) (5)	Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1971 (6)
TITLE I					
DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	$11,600,000	[1] $19,510,000	$17,230,000	+$5,630,000	−$2,280,000
Transportation planning, research, and development	11,000,000	22,000,000	14,500,000	+3,500,000	−7,500,000
Grants-in-aid for natural gas pipeline safety		1,000,000			−1,000,000
Consolidation of departmental headquarters	4,520,000	[2] 4,845,000	4,845,000	+325,000	
Civil supersonic aircraft development	85,000,000	289,965,000	289,965,000	+204,965,000	
Total, Office of the Secretary	112,120,000	337,320,000	326,540,000	+214,420,000	−10,780,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated.]

				Bill compared with—	
Agency and item (1)	New budget (obligational) authority, fiscal year 1970 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in the bill (4)	New budget (obligational) authority, fiscal year 1970 (enacted to date) (5)	Budget estimates of new (obligational) authority, fiscal year 1971 (6)
TITLE I—Continued					
DEPARTMENT OF TRANSPORTATION—Continued					
Coast Guard					
Operating expenses	$387,000,000	$426,740,000	$423,500,000	+$36,500,000	−$3,240,000
Appropriation for debt reduction	−131,370	−137,063	−137,063	−5,693	
Subtotal, operating expenses	386,868,630	426,602,937	423,362,937	+36,494,307	−3,240,000
Acquisition, construction, and improvements	67,700,000	100,000,000	90,000,000	+22,300,000	−10,000,000
Retired pay	57,750,000	64,530,000	64,530,000	+6,780,000	
Reserve training	25,900,000	10,000,000	17,500,000	−8,400,000	+7,500,000
Research, development test, and evaluation	14,500,000	24,000,000	19,500,000	+5,000,000	−4,500,000
Total, Coast Guard	552,718,630	625,132,937	614,892,937	+62,174,307	−10,240,000
FEDERAL AVIATION ADMINISTRATION					
Operations	767,000,000	923,885,000	923,885,000	+156,885,000	
Facilities and equipment	224,000,000	190,000,000	190,000,000	−34,000,000	
Research and development	41,000,000	47,500,000	45,000,000	+4,000,000	−$2,500,000
Operation and maintenance, National Capital airports	9,650,000	10,600,000	10,500,000	+850,000	−100,000
Construction, National Capital airports	1,900,000	11,000,000	4,000,000	+2,100,000	−7,000,000
Grants-in-aid for airports	50,000,000		([2])	−50,000,000	
Total, Federal Aviation Administration	1,093,550,000	1,182,985,000	1,173,385,000	+79,835,000	−9,600,000
Federal Highway Administration					
Office of the Administrator, salaries and expenses:					
Appropriation	1,650,000	[4] 525,000	500,000	−1,150,000	−25,000
Trust fund limitation	(12,627,000)	(14,956,000)	(14,721,000)	(+2,094,000)	(−235,000)
Bureau of Public Roads. Limitation on general expenses	(59,121,000)	[5] (77,913,000)	[6] (68,488,000)	(+9,367,000)	(−9,425,000)
Federal-aid highways (trust fund—appropriation to liquidate contract authorization)	(4,419,279,000)	(4,360,000,000)	(4,350,340,000)	(−68,939,000)	(−9,660,000)
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization)	(40,000,000)	(35,000,000)	(35,000,000)	(−5,000,000)	
Highway beautification:					
Appropriation	1,100,000	800,000	500,000	−600,000	−300,000
Appropriation to liquidate contract authorization	(5,000,000)	(20,000,000)	(16,500,000)	(+11,500,000)	(−3,500,000)
Limitation on obligations	(16,100,000)	[6] (9,352,000)	(5,500,000)	(−10,600,000)	(−3,852,000)
Motor carrier safety	2,300,000	4,118,000	3,443,000	+1,143,000	−675,000
Forest highways:					
Appropriation to liquidate contract authorization	(25,000,000)	(20,000,000)	(15,000,000)	(−10,000,000)	(−5,000,000)
Limitation on obligations	(18,000,000)	[6] (33,000,000)	(22,500,000)	(+4,500,000)	(−10,500,000)
Public lands highways:					
Appropriation to liquidate contract authorization	(7,000,000)	(15,000,000)	(13,000,000)	(+6,000,000)	(−2,000,000)
Limitation on obligations	(8,000,000)	[9] (16,000,000)	(10,000,000)	(+2,000,000)	(−6,000,000)
Chamizal memorial highway	4,000,000			−4,000,000	
Total, Federal Highway Administration	9,050,000	5,443,000	4,443,000	−4,607,000	−1,000,000
National Highway Safety Bureau					
Traffic and highway safety:					
Appropriation	29,550,000	[7] 53,075,000	40,435,000	+10,885,000	−12,640,000
By transfer	(2,050,000)	(2,611,000)	(2,611,000)	(+561,000)	
State and community highway safety:					
Appropriation to liquidate contract authorization	(30,000,000)	(61,000,000)	(51,000,000)	(+21,000,000)	(−10,000,000)
Limitation on obligations	(70,000,000)	[6] (80,000,000)	(70,000,000)		(−10,000,000)
Total, National Highway Safety Bureau	29,550,000	53,075,000	40,435,000	+10,885,000	−12,640,000
Federal Railroad Administration					
Office of the Administrator, salaries and expenses	1,050,000	1,600,000	1,395,000	+345,000	−205,000
Bureau of Railroad Safety	4,050,000	4,550,000	4,500,000	+450,000	−50,000
High-speed ground transportation research and development	11,000,000	[8] (21,688,000)		−11,000,000	
Railroad research	300,000	1,500,000	900,000	+600,000	−600,000
Total, Federal Railroad Administration	16,400,000	7,650,000	6,795,000	−9,605,000	−855,000
Urban Mass Transportation Administration					
Salaries and expenses	1,500,000	4,000,000	3,200,000	+1,700,000	−800,000
Urban mass transportation fund	[3] 214,000,000		([10])	−214,000,000	
Total, Urban Mass Transportation Administration	215,500,000	4,000,000	3,200,000	−212,300,000	−800,000
St. Lawrence Seaway Development Corporation					
Limitation on administrative expenses	(600,000)	(700,000)	(700,000)	(+100,000)	
Total, title I, Department of Transportation	2,028,888,630	2,215,605,937	2,169,690,937	+140,802,307	−45,915,000
TITLE II					
RELATED AGENCIES					
National Transportation Safety Board					
Salaries and expenses	5,050,000	6,120,000	6,000,000	+950,000	−120,000
Civil Aeronautics Board					
Salaries and expenses	10,200,000	11,134,000	11,134,000	+934,000	
Payments to air carriers	33,500,000	27,327,000	27,327,000	−6,173,000	
Total, Civil Aeronautics Board	43,700,000	38,461,000	38,461,000	−5,239,000	
Interstate Commerce Commission					
Salaries and expenses	25,127,000	25,600,000	27,000,000	+1,873,000	+1,400,000

Footnotes at end of table.

Agency and item (1)	New budget (obligational) authority, fiscal year 1970 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1971 (3)	New budget (obligational) authority recommended in the bill (4)	Bill compared with— New budget (obligational) authority, fiscal year 1970 (enacted to date) (5)	Bill compared with— Budget estimates of new (obligational) authority fiscal year 1971 (6)
Washington Metropolitan Area Transit Authority					
Federal contribution	$43,173,000	[11] $368,039,000	[12] $330,028,000	+$286,855,000	−$38,011,000
Total, title II, related agencies	117,050,000	438,220,000	401,489,000	+284,439,000	−36,731,000
Total, titles I and II, new budget (obligational) authority	2,145,938,630	2,653,825,937	2,571,179,937	+425,241,307	−82,646,000
Consisting of—					
Appropriations:					
Fiscal year 1970	(1,931,938,630)			(−1,931,938,630)	
Fiscal year 1971	(214,000,000)	(2,465,814,937)	(2,421,179,937)	(+2,207,179,937)	(−44,635,000)
Fiscal year 1972		(188,011,000)	(150,000,000)	(+150,000,000)	(−38,011,000)
Memoranda:					
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(−45,439,000)	(−30,160,000)
Appropriations for debt reduction	(131,370)	(137,063)	(137,063)	(+5,693)	
Grand total	(6,672,349,000)	(7,164,963,000)	(7,052,157,000)	(+379,808,000)	(−112,806,000)

[1] Reflects a decrease of $610,000 submitted in H. Doc. 91–333.

[2] Includes $595,000 contained in H. Doc. 91–333.

[3] Limitation on obligations of $220,000,000 is recommended.

[4] Reflects a decrease of $2,225,000 which was considered under "Traffic and Highway Safety."

[5] Includes $289,000 by transfer from "State and Community Highway Safety."

[6] No limitation proposed.

[7] Includes $2,225,000 transferred from "Office of the Administrator, salaries and expenses."

[8] Amount not considered due to lack of legislative authorization.

[9] Advance funding for fiscal year 1971.

[10] Limitation on obligations of $214,000,000 is recommended.

[11] Includes $188,011,000 advance appropriation requested for fiscal year 1972.

[12] Includes $150,000,000 advance appropriation for fiscal year 1972.

[From H. Rept. No. 91-1730]

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION AND OTHER AGENCIES, 1971—CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 15, 35, 37, 39, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 11, 13, 27, and 31, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$17,535,000*; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$500,000*; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

For an additional amount for expenses, not otherwise provided for necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, and advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), $210,000,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$94,000,000*; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$22,500,000*; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$13,000,000*; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$20,000,000*; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$512,500*; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert *$14,773,500*; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$69,460,500;* and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$4,351,365,000*; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$2,445,785,950*; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$3,580,500*; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter striken and inserted by said amendment, restore the matter stricken, amended to read as follows: *$17,500,000, a part of the amount authorized to be appropriated for the fiscal year 1969*; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, restore the matter stricken, amended to read as follows: *$14,000,000 a part of the amount authorized to be appropriated for the fiscal year 1969*; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$42,935,000*; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$18,000,000*; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$950,000*; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$3,325,000*; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lieu of the sum named by said amendment insert *$6,000,000*; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$50,000,000*; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 303. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $250,000,000 in fiscal year 1971.

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $8,500,000 for "Highway Beautification" in fiscal year 1971, plus the additional amounts appropriated therefor.

And the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$75,000,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$27,750,000;* and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$13,000,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $600,000,000 in fiscal year 1971.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 12, 14, 32, 44, and 45.

Edward P. Boland,
John J. McFall,
Sidney R. Yates
(except as to amendment No. 4),
Tom Steed,
George H. Mahon,
Silvio O. Conte
(except to amendment No. 4),
William E. Minshall
(except to amendment No. 4),
Jack Edwards,
Frank T. Bow,
Managers on the Part of the House.

John C. Stennis,
Warren G. Magnuson,
John O. Pastore
(excepting that I am opposed to the SST item),
Alan Bible,
Clifford P. Case
(except to amendment No. 4),
Margaret Chase Smith,
Gordon Allott,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Amendment No. 1: Appropriates $17,535,000 for salaries and expenses instead of $17,230,000 as proposed by the House and $17,840,000 as proposed by the Senate.

Amendment No. 2: Deletes language proposed by the Senate.

The conferees are in agreement that the funds provided shall also be available for research into the meteorological and environmental effects of aircraft flight in the atmosphere.

Amendment No. 3: Appropriates $500,000 for grants-in-aid for natural gas pipeline safety instead of $1,000,000 as proposed by the Senate.

Amendment No. 4: Appropriates $210,000,000 for civil supersonic aircraft development instead of $289,965,000 as proposed by the House.

The committee of conference is recommending $210,000,000 for continuing the development of the SST at the current or most economical rate, pending further review in the next session of Congress.

Coast Guard

Amendment No. 5: Deletes language as proposed by the Senate.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment making the appropriation for operating expenses available for certain confidential investigative expenses.

Amendment No. 7: Appropriates $94,000,000 for acquisition, construction, and improvements instead of $90,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 8: Appropriates $22,500,000 for research, development, test, and evaluation instead of $19,500,000 as proposed by the House and $23,000,000 as proposed by the Senate.

Amendment No. 9: Inserts language proposed by the Senate and earmarks $13,000,000 for the national buoy development project instead of $13,500,000 as proposed by the Senate.

Amendment No. 10: Appropriates $20,000,000 for the oil pollution fund instead of $35,000,000 as proposed by the Senate.

Federal Aviation Administration

Amendment No. 11: Deletes reference to Federal Airport Act and inserts in lieu thereof Public Law 91–258 as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment making the funds provided available for arms and ammunition.

Amendment No. 13: Appropriates $951,885,000 for operations as proposed by the Senate instead of $923,885,000 as proposed by the House.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $28,000,000 of the appropriation for operations shall be derived from the Airport and Airway Trust Fund for combating highjacking, sabotage and other activities endangering the security of civil aviation.

Amendment No. 15: Appropriates $45,000,000 for research and development as proposed by the House instead of $47,500,000 as proposed by the Senate.

Federal highway administration

Amendment No. 16: Appropriates $512,500 for the office of the Administrator, salaries and expenses, instead of $500,000 as proposed by the House and $526,000 as proposed by the Senate.

Amendment No. 17: Provides transfer of $14,773,500 from the appropriation for "Federal-aid highways (trust fund)" instead of $14,721,000 as proposed by the House and $14,826,000 as proposed by the Senate.

Amendment No. 18: Provides $69,460,500 for Bureau of Public Roads, limitation on general expenses, instead of $68,488,000 as proposed by the House and $70,433,000 as proposed by the Senate.

Amendments Nos. 19 and 20: Appropriates $4,351,365,000 for Federal-aid highways (trust fund) instead of $4,350,340,000 as proposed by the House and $4,352,390,000 as proposed by the Senate, and provide that $2,445,785,950 shall be derived from the fiscal year 1970 authorization instead of $2,444,760,950 as proposed by the House and $2,446,810,950 as proposed by the Senate.

Amendment No. 21: Appropriates $3,580,500 for motor carrier safety instead of $3,443,000 as proposed by the House and $3,718,000 as proposed by the Senate.

Amendment No. 22: Appropriates $17,500,000 for forest highways (liquidation of contract authorization) instead of $15,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 23: Appropriates $14,000,000 for public lands highways (liquidation of contract authorization) instead of $13,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

National Highway Safety Bureau

Amendment No. 24: Appropriates $42,935,000 for traffic and highway safety instead of $40,435,000 as proposed by the House and $47,601,000 as proposed by the Senate.

Federal Railroad Administration

Amendment No. 25: Appropriates $18,000,000 for high-speed ground transportation research and development instead of $21,688,000 as proposed by the Senate.

No part of the reduction is to be applied to the Office's demonstration programs.

Amendment No. 26: Appropriates $950,000 for railroad research instead of $900,000 as proposed by the House and $1,005,000 as proposed by the Senate.

Amendment No. 27: Inserts language proposed by the Senate earmarking not less than $230,000 for freight car utilization studies.

Urban Mass Transportation Administration

Amendment No. 28: Appropriates $3,325,000 for salaries and expenses instead of $3,200,000 as proposed by the House and $3,450,000 as proposed by the Senate. The conference agreement includes 21 positions in addition to those provided by the House.

Amendment No. 29: Appropriates $6,000,-

000 for research, development, and demonstration instead of $20,000,000 as proposed by the Senate.

TITLE II—RELATED AGENCIES

Civil Aeronautics Board

Amendment No. 30: Appropriates $50,000,000 for payments to air carriers instead of $27,327,000 as proposed by the House and $58,300,000 as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 31: Inserts language proposed by the Senate earmarking $300,000 additional for the employment of car service agents.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment appropriating $3,216,668 (together with such amounts as may be necessary to pay interest) for payment of loan guaranties.

TITLE III—GENERAL PROVISIONS

Amendment No. 33: Restores House provision and limits commitments for grants-in-aid for airport development to $250,000,000 instead of $220,000,000 as proposed by the House.

Amendment No. 34: Restores House provision and limits obligations for highway beautification to $8,500,000, plus the additional amounts appropriated therefor instead of $5,500,000 as proposed by the House.

Under the conference agreement virtually all currently authorized obligational authority will have been provided. When an additional authorization is enacted, the Committees on Appropriations will consider any formal supplemental request for this program.

Amendment No. 35: Restores section number as proposed by the House.

Amendment No. 36: Limits obligations for State and community highway safety to $75,000,000 instead of $70,000,000 as proposed by the House and $80,000,000 as proposed by the Senate.

Amendment No. 37: Restores section number as proposed by the House.

Amendment No. 38: Limits obligations for Forest highways to $27,750,000 instead of $22,500,000 as proposed by the House and $33,000,000 as proposed by the Senate.

Amendment No. 39: Restores section number as proposed by the House.

Amendment No. 40: Limits obligations for Public lands highways to $13,000,000 instead of $10,000,000 as proposed by the House and $16,000,000 as proposed by the Senate.

Amendment No. 41: Restores the language proposed by the House placing a limitation on administrative expenses in connection with commitments for grants for Urban Mass Transportation, amended to provide for grants aggregating not more than $600,000,000 instead of $214,000,000 (plus the additional amounts appropriated therefor) as proposed by the House and no limitation as proposed by the Senate.

The conferees agree with the overall objectives of the program, but are of the opinion that the requirements of the UMTA program should be subject to annual appropriations review.
made over only the last half of the current

The additional amount provided over the House bill is considered to be realistic at this time inasmuch as the obligations will be fiscal year. Program levels for future years, within the total authorized, will then be determined as the program progresses on the basis of demonstrated requirements.

Amendments Nos. 42 and 43: Restore section numbers as proposed by the House.

Amendments Nos. 44 and 45: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur with the Senate amendments which provide amended language prohibiting any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in the section shall affect the availability of such funds to carry out this study.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1971 recommended by the committee of conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and the Senate bills follows:

New budget (obligational) authority, fiscal year 1970	[1] $2,346,365,423
Budget estimates of new (obligational) authority, fiscal year 1971 (as amended	[2] 2,741,827,437
House bill, fiscal year 1971	[3] 2,579,579,937
Senate bill, fiscal year 1971	[3] 2,453,923,605
Conference agreement	[3, 4] 2,608,134,605
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1970	+261,769,182
Budget estimates of new (obligational) authority, fiscal year 1971 (as amended)	[5] —133,692,832
House bill, fiscal year 1971	+28,554,668
Senate bill, fiscal year 1971	+154,211,000

[1] Includes all appropriations for fiscal year 1970 and a $214,000,000 advance appropriation for fiscal year 1971.

[2] Includes $188,011,000 advance appropriation for fiscal year 1972.

[3] Includes $150,000,000 advance appropriation for fiscal year 1972.

[4] Includes $3,216,668 reported in technical disagreement.

[5] Includes $38,011,000 related to fiscal year 1972 budget estimate.

EDWARD P. BOLAND,
JOHN J. MCFALL,
SIDNEY R. YATES
(except as to amendment No. 4),
TOM STEED,
GEORGE MAHON
(except as to amendment No. 4)
SILVIO O. CONTE,
WILLIAM E. MINSHALL
(except as to amendment No. 4)
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., December 16, 1970.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: This is in response to your inquiry concerning the possible effects on the Department of Transportation if no 1971 appropriations were made for the Department in this session of Congress. A preliminary review by Department staff indicates that most of our major programs would cease to operate at the end of the last day that the Congress is in session. Examples of the effects follow.

There would be no funds for the operation and maintenance of the air traffic control system. Under such circumstances, it can be expected that commercial airline and general aviation flights, for the most part, would cease because of the high safety risk exposure that would result from the close down of the air traffic control system. Assuming Congressional adjournment before Christmas, thousands of traveller would be stranded over the holidays.

The operations of the Coast Guard would cease. Search and rescue missions no longer would be performed. Marine law enforcement and maritime safety activities would come to an end.

Work would stop on a number of highway safety activities causing a halt to much of the progressive work that has resulted in a significant decrease in the rate of automobile fatalities for the first time in 12 years.

The Federal Railroad Administration's safety activities would cease with a potential increase in the railroad hazard and accident risk due to the nonenforcement of Federal safety regulations. A similar situation would occur in the Federal motor carrier (truck and busses) safety standards activities of the Federal Highway Administration.

The Department of Transportation will cease to operate as a Department since funds for the Office of the Secretary and related activities no longer would be available. Departmentwide cessation of activities due to the non-availability of funds would affect approximately 100,000 employees.

If there is any additional information needed in this regard, please contact us.

Sincerely,

JOHN VOLPE.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

EMPLOYMENT AND MANPOWER ACT OF 1970—VETO MESSAGE

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate a message from the President of the United States, returning, without his approval, the Employment and Manpower Act of 1970, which is as follows:

To the Senate of the United States:

It is with reluctance that I return to the Congress without my approval the Employment and Manpower Act of 1970. Despite concerted efforts made by the administration to achieve constructive legislation, the bill sent to me for signature does not achieve the reforms necessary to establish a manpower program that will serve the needs of the nation or the individual job seeker. I cannot accept this legislation which only perpetuates and extends the deficiencies in our manpower programs.

This Administration sent a manpower reform proposal to the Congress in August of 1969. That bill would have pulled together the present unrelated narrowly targeted manpower training programs and would have made it possible for State and local governments to develop comprehensive programs that are closely adjusted to the needs of local communities and the individual worker. It would have reformed the present program structure which has proven to be

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almost impossible for communities to understand or to administer effectively.

The House of Representatives passed a bill which adopted many of the structural reform features I felt to be essential. It would have permitted the flexible use of manpower funds in the light of local requirements. It would have afforded the cities and States a responsible role in the planning and administration of manpower programs. In addition, the House-passed bill provided for transitional public employment that would be linked to training and other efforts to expand job opportunities in the labor market at large. Despite reservations about some of the House's bill provisions, this administration endorsed it, and I would have signed it.

The Senate adopted a bill which we found completely unacceptable because it ignored the lessons of the last decade and would create a national manpower program that would relegate large numbers of workers to permanent, subsidized employment. Such a program would limit, not expand individual opportunity. The administration vigorously expressed its view on the Senate bill on several occasions. The outcome of the Conference—unfortunately for the Nation—reflects what one leading House conferee has called "a near abandonment of the House-approved bill and a complete abandonment of crucial principles relating to the public service employment provisions."

The Conference bill provides that as much as 44 percent of the total funding in the bill go for dead-end jobs in the public sector. Moreover, there is no requirement that these public sector jobs be linked to training or the prospect of other employment opportunities. W.P.A.-type jobs are not the answer for the men and women who have them, for Government which is less efficient as a result, or for the taxpayers who must foot the bill. Such a program represents a reversion to the remedies that were tried 35 years ago. Surely it is an inappropriate and ineffective response to the problems of the seventies.

The Conference bill raises the number of narrow purpose program categories from 14 to 22, whereas the administration's proposal would have established a single, broadly defined manpower program. These narrow categorical programs would continue to hamstring the efforts of communities to adjust to change in their local needs. In dealing with manpower problems, the Federal Government should help, but it should not always prescribe.

I said at my news conference last week that I believe our economic policies are working. Inflation is receding. The economy is moving up. I am not satisfied with the present overall unemployment rate, (5.8 percent) even though the unemployment rate for the heads of families is much lower (3 percent). The Administration is taking measures to expand economic activity and job opportunities. Our main objective is to achieve a stable growth while actively reducing unemployment.

Transitional and short-term public service employment can be a useful component of the nation's manpower policies. This administration agreed to such a program provision in the House-passed bill and, in fact, this Administration has initiated a similar public service careers program under existing law. But public employment that is not linked to real jobs, or which does not try to equip the individual for changes in the labor market, is not a solution. I cannot accept a bill which so fully embraces this self-defeating concept.

The manpower reform bill which this administration sent to the Congress is one of three key parts in a program of fundamental reform. The other aspects are revenue sharing and reform of the welfare system. To date the Congress has completed action on only the manpower part of that program, and has done so in a way that will only make the situation worse.

Today, I reaffirm my administration's intention to continue pressing with all the resources at our command for all aspects of the reform program we have proposed—the Family Assistance Plan, revenue sharing and sound manpower reform. The next opportunity for action on this program will come very soon in the Senate, in the vote on the Family Assistance Plan. Once again, I urge the Senate to approve without further delay this long overdue reform.

RICHARD NIXON.

THE WHITE HOUSE, *December 16, 1970.*

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MAGNUSON. Mr. President, this will take only a moment.

Opponents of the SST have suggested that a continuing resolution might be passed without funds for the SST. This theoretically simple action, however, faces exactly the same legislative problems as the pending DOT appropriation bill has faced. First, a continuing resolution must be introduced in the House—we cannot introduce it—reported by the House Appropriations Committee, and passed on the floor. Second, the Senate must receive the House-passed bill, refer it to the Appropriations Committee, and get it reported and passed. Assuming that the House bill provided funds for the SST on a continuing resolution while the Senate version after floor action did not, then the House and Senate would face another conference on the SST issue. It is obvious that nothing can be gained by this approach, particularly when the pending DOT appropriations conference report can be voted upon and we can achieve exactly the same result.

So we are just marching up the hill and down again. In the meantime all these things involved in the bill are left pending. This item is only 3 percent of the funds in the bill and one-eighth of 1 percent of the total budget.

I am hopeful, therefore, that the Senate will have an opportunity to vote on the DOT appropriation conference report in the next few days.

Now, Mr. President, I have one additional thought. When the proposal was made this afternoon to have the split session, such as we had before the recess, I thought seriously about the effect of that schedule on the DOT appropriation. I am sure the Senator from Nevada did also, as well as the Senator from Mississippi and my colleague from Washington. I did not object because I would like to have a vote not only on this appropriation, but on all bills pending before the Senate. I am sincerely asking and the committee is sincerely asking that these important matters be allowed to be brought up. We can do that. This procedure has worked in the past and I think there are several conference reports, that even if we were not having this filibuster would have to be voted upon and the Senator from Wisconsin and I would have said, "Yes, we agree to set aside the DOT bill." I refer to such items as the one-bank holding bill which everyone has spent much time on.

Then, we have the Department of Defense appropriation bill. If we should hold that up soldiers in Vietnam would not be paid—the men fighting in Vietnam would not be paid.

I think we should vote on this bill and I am not embarrassed to talk about it. As I said on many, many occasions I did not start the supersonic transport. Part of it happened to end up being built in Seattle, Wash., after a competition. And it should be mentioned that that part of the contract is the smallest part. GE has 50 percent, and over 50 percent of the airframe is with Boeing but 80 percent of that is farmed out to subcontractors in other States.

I think we need the SST and, as I have said on many other occasions, and whereever it is built we still need it. I did want the Senate to know what they would have to do if we had to pass a continuing resolution. We would be just marching up the hill and down again.

We have funds for the Coast Guard in this bill. They would not be paid. We have all the highway funds and all the funds for air controllers. That is over a half-billion dollars. Air safety is involved. All these things are involved.

We had a conference. We had our arguments. Let us now vote it up or down, one way or the other. I think the Senate is entitled to that kind of vote. Whether I was here or was not or whether the SST was being built in Timbuctu or some other place, let us vote the matter up or down. The country is entitled to that.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. BIBLE. Mr. President, I yield to the Senator from California.

Mr. MURPHY. I shall only require 2 minutes.

Mr. BIBLE. We will have lots of time. I suggest the Senator take all the time he needs.

Mr. MURPHY. Mr. President, as the

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distinguished Senator knows, I have a great interest in this matter. A great share of the building of the SST will be in the State of California. Quite a sizable amount of the work will be performed there. Three companies will be involved, three important companies, and lots of jobs will be involved. We have a high rate of unemployment.

Mr. BIBLE. Mr. President, I appreciate the strong support of the Senator from California. I want to yield to the Senator from Washington. I yield the floor so that he may speak in his own right. The Senator from Wisconsin wants to be recognized in his own right next. I have said fine.

Mr. JACKSON. Mr. President, I wish to associate myself with the statements of our colleagues in praise of the outstanding work by the distinguished acting chairman of the subcommittee, the Senator from Nevada (Mr. BIBLE) in handling this appropriation bill.

I also express my appreciation for the fine way in which the distinguished Senator from Mississippi (Mr. STENNIS) participated in this effort.

Mr. President, in connection with the SST debate there has been a great deal of discussion about the environment. There are a lot of "new" environmentalists in the Senate, but I want to say that the distinguished Senator from Nevada has been working in the environmental conservation vinyards for years and years and years. Years ago he kindly undertook the responsibility to serve as chairman of the Subcommittee on Parks and Recreation of the Interior Committee. Under his leadership, there was shepherded through the Senate such landmark legislation as the Redwoods National Park, an historic move in the conservation field. He handled the North Cascades National Park legislation and a long list of park and recreational undertakings that have meant much to him and to the Nation.

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The man who chaired this appropriations subcommittee, dealing with difficult problems of environmental considerations, was, fortunately, one who is very knowledgeable in the environmental field.

I get a little disturbed about these people who suddenly have discovered the environment and who suddenly get the idea that they have a monopoly on some of these considerations. The Senator from Nevada is a quiet, effective U.S. Senator, and he knows an environmental issue when he is confronted with one, and he knows a conservation issue when he is confronted with one. I can say that over the years in which I have served in the U.S. Senate, 18 years now, he has acted wisely and in the best interests of the Nation on matters pertaining to conservation and the environment. I am very pleased with the way in which he handled this bill and the way in which he has handled other measures in the Senate dealing with difficult decisions that must be made in connection with the conflicts that occur between the environment and other considerations. The Senator from Nevada understands the need for a balance in resolving these conflicts, which are ever before us.

So I just want to add my word of praise for the fine way in which he has handled the bill.

May I say that the ranking Republican member of the subcommittee, the able Senator from New Jersey (Mr. CASE), is always a fairminded Senator. He is the kind of Senator with whom one can disagree without being disagreeable about it. I think that is a test for most Senators. While we do not agree on this issue, we usually agree on most others, and I would say the Senator from New Jersey has been most judicial in his handling of this vexatious problem—which is indeed vexatious as we get into the Christmas week and still find ourselves discussing it.

Mr. President, I strongly urge Senate adoption of the conference report on the Department of Transportation appropriation bill. The conferees worked diligently and have, in my view, arrived at a compromise which is in the best interests of all concerned. The conference committee's recommendation of $210 million for continued development of the civil supersonic transport prototype program is a reduction of $80 million from the House-passed bill which approved the President's full budget request of $290 million. The committee's recommendation adds $210 million to the Senate passed bill which did not contain funds for the program. The conference report represents a fair compromise between the differing positions taken by the Senate and the House on this matter. It results in a stretchout of the program, but it does not irrevocably terminate the program.

The conferees very carefully considered the costs of termination in arriving at their recommendation. Every Senator should also consider these costs. Adoption of the Senate position and terminating the program would have meant writing off an investment of over $708 million of Federal funds which have already been committed to the prototype program. In addition, adoption of the Senate position would require payment of termination costs of $92 million to the contractors; $22.4 million of airline advance royalties would have to be returned; and the Government would be under a moral obligation to return $58.5 million which was contributed toward the prototype program by the airlines. $105.1 million has already been obligated this fiscal year under the continuing resolution authority and this money would have to be appropriated. Altogether, termination of the program could require the the immediate appropriation of $277.8 million.

Proceeding with the program as proposed by the conference committee will, on the other hand, require an appropriation of $210 million.

The purpose of a conference committee is, of course, to arrive at a fair and reasonable compromise on items in dispute. This procedure is essential to the legislative process and to the democratic process. A majority of the Members of the House of Representatives felt very strongly that the full budget request should have been recommended by the conference committee. In the interests of seeing the appropriation bill move forward, however, the House accepted the conferees' recommendation of $210 million by a vote of 319 to 71.

It is my hope that the Senate will adopt the report. It is in no one's interest to further delay action on this measure.

U.S. AVIATION LEADERSHIP AND FEDERAL PARTICIPATION

Mr. President, the growth of American preeminence in civil aviation has been a history of research and development, and the technological initiative of private enterprise backed, where appropriate, by Government support. Without Federal participation the United States would never have attained the dominant position U.S. airlines hold today in global air transport. Without the solid base of Government-sustained military aeronautical research and development, it is certain that America's pacesetting civil airliners—from the DC-4 to the 747—could never have been launched.

As a result of this unique and productive Government-private enterprise partnership, the U.S. aviation industry has achieved a position of world superiority. U.S.-built aircraft comprise 85 percent of the free world air fleet; U.S. manufacturers account for 90 percent of the world's civil aircraft sales dollars.

To deliberately turn aside from the next step forward in speed—supersonic air transportation—would mark the first backward step for the United States in 50 years of aviation development. To take that step would be to choose to concede, first, that the United States no longer desires to maintain leadership in a field long vital to our economic interests; and, second, that this Nation—with all its resources and resourcefulness—cannot cope with technical challenges and carry out environmental research at the same time. Such concessions are unnecessary. No research and development program is ever undertaken with all of the questions answered, with all doubts resolved. That has always been true in the past. If concern and apprehension is to deter or defeat the program to bring about two civil supersonic transports that are compatible with America's standards for excellence—standards which include respect for the environment—then the willingness of the Nation to pioneer and to persevere, in the face of challenges and obstacles, must be faltering.

Commercial supersonic flight is the next horizon in aviation. There are technical obstacles to be overcome, but we have already traveled well over half the distance. To turn aside now would be to forfeit not only the prize in sight, but the efforts and investments—over $800 million—of a nine-year venture as well.

President Nixon has identified the national benefits of a successful SST program: 150,000 jobs, $6 to $10 billion in tax revenues, $22 to $45 billion in balance of trade impact—over a 12-year period. Moreover, bringing renewed vigor to America's aviation leadership, at a time when that leadership is being seriously challenged from abroad, can have a compelling significance to our Nation's financial and technical well-being in the 1980's and beyond.

The Senate should, in my view, carefully reexamine the issues at stake before deciding finally on the fate of the U.S. SST program.

Many Senators voting against the SST appropriation on December 3 have indicated that they did so out of concern for the uncertainties relating to first, the possible environmental effects of large-scale supersonic aircraft operations, and second, airline support for continued development.

Since that vote, a number of events have taken place which reduce substantially the risks and uncertainties attendant for further prototype development, and to erase completely any fears of environmental degradation resulting from prototype development.

The Senate-House conference committee, in proposing a compromise appropriation of $210 million, has taken cognizance of the following factors, which should be carefully considered by all members of the Senate before voting on the conference report.

PROTOTYPE PROGRAM AS A RESEARCH AND DEVELOPMENT PROGRAM

The prototype program constitutes an experimental test bed which will demonstrate whether or not a fleet of commercial supersonic transports would pose any danger to the environment. The Department of Transportation budget identifies research funds specifically targeted for the climatological assessment of SST effects. A vote for continued SST prototype development is properly a vote for assurances against any environmental unknowns or adverse effects. Other nations are already flying supersonic transports at speeds in excess of mach II. We have no assurance, however, that they are paying careful attention to any environmental uncertainties which may be associated with supersonic flight.

ENVIRONMENTAL IMPACT STATEMENT

Since the Senate vote on December 3, the final comments to the Department of Transportation's SST environmental impact statement were received from the seven departments concerned with SST activities. The Department has forwarded the impact statement, with comments, to the Chairman of the Council on Environmental Quality to comply with the terms of the National Environmental Policy Act. The statement acknowledges those areas where the need for further research is indicated, but states clearly that the prototype program is no threat whatsoever to the environment. Mr. Russell Train, the chairman of the Council on Environmental Quality, has said:

> There is no environmental reason why development of two prototype planes should not go forward.

The departments consulting DOT on the environmental impact statement have concurred in Mr. Train's statement.

SUPPORT OF SCIENTISTS

On December 5, the President's science adviser, Dr. Edward E. David, Jr., submitted the names of 34 distinguished American scientists who oppose the denying of further funds for experimental work on the SST. In the group's words:

> The recent Senate action denying funds for work on the SST represents the wrong approach in dealing with new technology. Our society must not suppress technological advances, but through research, development and experimentation make sure that those advances are obtained without undesired side effects.

That is the course of action assured by Secretary Volpe, and the Assistant Secretary of Transportation for Systems Development and Technology, Dr. Robert H. Cannon.

THE S.C.E.P. REPORT—WHAT IT MEANS

The study of critical environmental problems, sponsored last summer by the Massachusetts Institute of Technology, has been cited as one of the authoritative sources of environmental discontent. Yet the chairman of the working group on climatic effects of that MIT summer study program, Dr. Will Kellogg, said in San Francisco this week that he was much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment.

Dr. Kellogg has said:

> It is my profound hope that the Congress will not be mislead by these exaggerations and misstatements . . . I strongly support a vigorous environmental research program in parallel with prototype SST construction, (but) . . . I want to reaffirm that there is not environmental reason to delay construction of the two prototype U.S. SST's.

(Dr. Kellogg is Associate Director of the National Center for Atmospheric Research Boulder, Colo.)

AIRLINE SUPPORT

The chief executives of the major airlines, meeting December 7 in New York City, declared their convictions:

> The United States should proceed with the program to build two prototype supersonic transports for test and research purposes. This program is essential so that we do not foreclose the possibility of our country building the airplane of the future and forfeit that opportunity instead to the British, French and Russians.

AIRPORT OPERATORS SUPPORT

The Airport Operators Council International, in a statement December 7, has strongly endorsed the SST program. In a letter to the President, Homer B. Anderson, AOCI president, said:

> We note there have been many allegations by program critics that relate to the airport operator's domain. These critics show little understanding of the airport operator's real world problems nor the manner in which real airport progress is accomplished. . . . We see the SST program as a unique opportunity to reduce community noise, air pollution, and congestion while improving air transportation service. . . . It is difficult to believe that the Congress would be responsible for canceling this effort based upon the unsubstantiated allegations of ill-advised critics.

NATIONAL INTERESTS

Careful analyses of the costs that would be encountered in terminating the SST program at this point have made clear that the best interests of the Nation cannot be served by closing forever and irrevocably the option the United States has held open for nine years for a place in the coming civil supersonic aircraft market. Senator PROXMIRE'S reported statement, that a cut to $210 million "does not make a bit of sense because if you are going to spend that much, you should go ahead with the whole program" is valid, but congressional concurrence with the compromise proposal of $210 million to keep the program in existence is essential to long-term national interests.

The President has stated his confidence and his commitment to the observance of environmental standards of acceptability in the U.S. SST development.

He has, at the same time, reiterated the value of continued U.S. aviation leadership, and the ultimate costs of competing in a world market for supersonic air transportation in which the United States does not even "show."

Full and objective consideration of the prototype program, with the assurances of all concerned that environmental risks are not part of the price of prototype development, and that both airline and airport operators support the prototype program, should, in my view, remove any reservations previously held by the Senate in voting in favor of further SST prototype development.

Mr. President, I shall not detain the Senate longer. I just wanted to follow up on one point, which I think the Senate should keep in mind in its deliberation.

Allusions have been made to the problem of what our adversaries are going to do in the way of SST's. Yesterday I learned that the Soviet Union intends to offer for sale to the airlines of the world the supersonic TU-144, the first commercial airliner to fly, the first to fly faster than the speed of sound, and the first to fly at more than twice the speed of sound. This aircraft has been described by no less an authority than Neil Armstrong as a sophisticated airliner comparable in comfort and apparent aerodynamic efficiency with the British-French Concorde and other subsonic and supersonic airliners. The TU-144 will be first offered for sale to airlines of the United States on December 28, less than 2 weeks from today, in a double-page, four-color ad that is set for the Nation's leading aviation publication, Aviation Week magazine.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. GOLDWATER. I might comment that this will be the fourth colored ad appearing in that magazine this year for the consideration of that aircraft. I am going to make available to my colleagues tomorrow copies of that magazine to show the extent to which the Soviets have gone and are going to take over this market that we are going to lose if we do not build the SST.

I might also say I put in the RECORD, I believe this morning, a little investigation I had with regard to a rumor that Pan American had looked into the TU-144. They have done more than that, and the record of what they have done, no longer a rumor, will be able to be found in the RECORD of tomorrow.

I stated in my opening remarks that

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when an airline wants to buy a supersonic aircraft for competitive purposes and the United States has nothing to sell because we are no longer in the subsonic industry, the industry we now dominate will go out the window. I look on these funds not as funds to build any aircraft, but more for research and development. We can get the answers we hope to get to the problems of the environment, if there are any—and I am not convinced for one second that there are—by research and development. This is the way America has progressed. We have made the progress that we have in the air by spending money on research and development. I hope we are not shortsighted enough in this case to suddenly fall by the wayside.

Mr. JACKSON. I thank the distinguished Senator from Arizona, who has followed this matter very closely.

All I can say is, it is going to be a sad day for America and American workingmen, scientists, and engineers when the Soviet Union offers to sell its SST's in this country to American airline companies and the United States is not in a position to make comparable offers for sale of such aircraft.

There has been talk about and a bill which has been introduced to prohibit foreign airlines from landing an SST or even taking off at subsonic speeds. There is a provision in the bill which would also prohibit American airline companies from buying foreign SST's. The facts of life are that we cannot pass that legislation and make it effective. Anyone who knows anything about retaliation surely knows that other countries are not going to allow the United States to land its commercial aircraft—incidentally, 85 percent of all commercial aircraft in the free world are produced in the United States—if we pass that kind of legislation.

So we are going to see a situation that is not unlike what is involved in the trade bill. When we start to retaliate with tariffs, when we start trying to retaliate by preventing other countries from landing aircraft in this country, it will not be long before America learns its lesson.

I would say it is just common, ordinary horse sense that the United States ought to be in a position to at least compete, from a research and development standpoint, to find the answers to questions that have been raised in connection with the environmental impact of this program.

Let us face it. They have raised these questions only recently. Yet we have been flying supersonic military aircraft for the last 15 years. Where were the scientists then who are now complaining about the environment?

Mr. GOLDWATER. Mr. President, will the Senator yield

Mr. JACKSON. I yield.

Mr. GOLDWATER. It is rather amusing to look at this group of scientists—not in their entirety—who have made those statements. They are the very ones who said we could not fly supersonically because of the limitations of the fuselage.

These are the ones who said the ABM would not work, and it is working. These are the ones who have opposed practically every forward step in American technology since I can remember, and I took the trouble to look some of the names up, that go back and back and back—they have always been opposed to going forward in America. It does not surprise me that they have come up with a whole packet of falsehoods about the SST.

Mr. JACKSON. The Senator is correct. I listed them in connection with the ABM debate, and it covers some rather amazing situations.

A number of them, of course, also said that the proposal that President Kennedy fortunately later adopted to get a man on the moon would not work, that it would be a disaster.

These are the people who have been talking along the same scare line—and that is what it is, it is the old scare technique; if you do not have an answer, scare them to death—saying things like "You are going to have skin cancer as a result of an SST."

Mr. President, I would say that is reaching an all-time low in demagoguery.

But I ask one simple question: If a supersonic aircraft can do all the damage that is now claimed, why did not these scientists alert the world 15 years ago, when these planes began flying?

If this plane were being built by charitable institutions, the critics would be all for it. That would be different. I want to say, Mr. President, that what is needed here are some intellectually honest answers to the questions which have been raised. Some of these questions are proper, in my judgment. The truth is that the proponents of the SST cannot answer all of them at this time. The opponents of the SST cannot answer them at this time, either, because we do not have prototypes to test. The least that we can do is to provide the prototypes and the on-going research necessary to get the answers.

As I recall, this bill provides $27.2 million to be expended over a 3-year period for research in connection with various matters pertaining to the impact, if any, of this program on the environment. If it is not all in this bill, it is in various other appropriation bills.

Mr. BIBLE. I think the Senator is correct, but all of that amount is not in this bill.

Mr. JACKSON. But in other programs?

Mr. BIBLE. For that purpose, yes.

Mr. JACKSON. So these various funds are being put together, and the scientists involved are marshaling their resources in order to come up with some answers.

It will be a rather tragic day for America when we, by law, prohibit our country from participating in an area where we have, during this century, been supreme—the area of science and technology. If we follow the position of the opponents, if we should bug out, if we should walk away even from trying to find the answers to the questions that are being raised.

That would be a sorry day for America, not only as it pertains to the supersonic aircraft, but it would be an indication to the world that somehow we can be frightened by scare tactics into believing things that are just not true, because there are no facts to support them.

Mr. President, I shall have further remarks to make later, but I again wish to say how fortunate we are to have in charge of the bill a man who is a longtime conservationist and an environmentalist, who is working long and hard to protect and preserve our environment and to bring about meaningful conservation legislation.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I move that the conference report be postponed until Thursday, December 17, which is tomorrow.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

Mr. MAGNUSON. Mr. President, will the Senator yield for half a minute on another matter?

Mr. PROXMIRE. I ask unanimous consent that I may yield to the Senator from Washington without losing my right to the floor, or my subsequent remarks being counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the Record a statement of my own on the question of unemployment in this country.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROBLEM OF UNEMPLOYED SPECIALISTS

Mr. MAGNUSON. Mr. President, the present unemployment problem in this country is a serious and many-faceted one with which we are all aware. One especially disturbing part of that problem is the fact that many highly educated, fully experienced engineers, scientists, and technicians are jobless because of severe cutbacks in aerospace and other industries. This part of the unemployment problem becomes even more tragic when examined in the midst of pleas from urban officials throughout the country who desperately need qualified personnel to work toward the solution of the many problems now facing our cities. Somehow we must bring these unemployed specialists together with these urban officials. Then we must provide for a brief orientation period to facilitate the transition of these specialists into their new jobs in city halls, model cities offices, and wherever else efforts are being made to solve our urban ills.

For these reasons, Mr. President, I have read with great interest recent press reports, which I will insert into the Record at the end of these remarks, that have described a program now being planned by the Department of Housing and Urban Development to do just these things. It would channel jobless specialists into these new roles and it would also facilitate their transition. I understand that this program, as now envisioned, would provide for the placement of 3,000 of these specialists in urban government and model cities jobs in the near

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future. I have been told that this proposal will be submitted to the President for his final approval sometime this week. Therefore, I would like to emphasize at this time how important I believe such a program could be as a beginning in not only attacking the unemployment problem, but also in providing new expertise for the attack on the many complex problems now confronting our cities. I am very hopeful that the President will approve this program and implement it as soon as possible.

I ask unanimous consent that the two news articles to which I referred earlier, one from the December 15 Washington Post and one from the December 13 New York Times, be printed in the RECORD immediately following my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

3,000 MUNICIPAL POSTS ARE PLANNED FOR JOBLESS AEROSPACE SCIENTISTS

Nixon Administration officials are pushing a plan to hire about three thousand of the nation's 45,000 jobless aerospace scientists for jobs going begging in local and state governments.

The proposal would also provide for training and jobs as city technical aides for about 3,000 veterans returning from Vietnam.

Ronald L. Ziegler, presidential press secretary told newsmen yesterday that the plan had yet to reach the White House.

The job proposal is being developed by Floyd Hyde, Assistant Secretary of Housing and Urban Development and chief of HUD's flexible-subsidy Model Cities program. Its estimated federal cost is under $5 million.

Hyde's aides said the plan had been widely endorsed by mayors and city managers, who reported about three thousand vacancies in planning, budgeting, and other technical staffs.

According to HUD estimates, there are about 45,000 out-of-work aerospace scientists or technicians and about 80,000 returning veterans who cannot afford to take advantage of the Vietnam GI bill because its benefits are too low.

"You pair these guys," observed one HUD specialist, "give them training, and they can go up the ladder side-by-side."

The tentative HUD plan, calls for:

A quick training and orientation program for scientists and ex-GI's, paid for under existing federal manpower and Model Cities programs. Each trainee would make a three-year job commitment.

Placement in technical jobs in the cities with continued training—on the job or in local universities—with the cities paying full salaries with federal help until the newcomers are fully integrated.

Concentration of HUD efforts in economically hard hit aerospace centers, such as Boston's Route 128 complex, Seattle, San Diego, Huntsville, Ala., Cape Kennedy, Fla.

FEDERAL PLAN CALLS FOR IDLED SCIENTISTS TO ATTACK CITY ILLS

(By John Herbers)

WASHINGTON.—The Nixon Administration is considering an emergency training and recruitment program that would put many of the nation's 45,000 unemployed scientists, physicists and engineers to work on urban problems.

The plan, which would begin with a fast training program for several thousand persons, originated in the Model Cities Division of the Department of Housing and Urban Development. It has been approved by top officials in the domestic departments and has been submitted to the White House for approval.

CALLED STEP IN CONVERSION

It is based on the fact that, while aerospace and defense industries across the country have been laying off highly skilled employes by the thousands, cities trying to come to grips with increasing urban problems have been short of planners, systems analysts and technologists of various kinds.

With only a little additional training, officials here believe, the skilled jobless can help fill needs of the cities.

Administration sources who have been working on the plan said it could be an important step in converting from a military to a peace economy.

The authors of the plan were hopeful of winning White House approval because the plan would not require new budget outlays. The training and recruitment would be incorporated into existing programs and would be financed from funds already appropriated by Congress.

An example of how the plan would work can be seen in the Boston area, where some 10,000 specialists have been laid off as Government contracts in space and military projects have declined.

Yet Lowell, Mass., a city of about 90,000 population near Boston, has about 20 openings that could be filled, with some training, by many of those laid-off specialists. An unemployed doctor of philosophy with both technical and business background who had worked in the Apollo space program could be employed by the city of Lowell in a variety of ways—from computerizing the tax collection system to improving the transportation system.

Lowell has not found the doctor of philosophy because the city has only a limited recruitment program and has no funds for retraining specialists.

The plan being worked out within the Administration calls for an initial demonstration project that would retrain 2,000 to 3,000 specialists in several areas including Boston, Los Angeles and Wichita, Kans.

If the demonstration project were successful, it would be expanded to include many other areas. The plan is based on a small pilot project that the Department of Housing and Urban Development successfully conducted in recent months in its search for specialists to work in model cities and other programs.

Special instruction would be set up in colleges in the areas involved and would be combined with on-the-job training. It would be paid for by departmental or other grants.

"We think there are 15,000 to 20,000 specialists who would like to work in urban affairs," the Administration sources said. "Cities are able to pay better salaries than is generally believed, and many of those highly skilled people are now working as bartenders or are not working at all."

ROLE FOR VETERANS, TOO

Another aspect of the program would be to recruit Vietnam veterans and persons from poverty areas to work as assistants to the specialists, putting them in line for management jobs later.

The program is designed to encourage the building of professional staffs both in City Hall and in model cities agencies, which work under City Hall, using Federal funds to improve poverty areas.

Many cities now employ outside companies to do planning and analysis work that could be done by their own staffs, if they had the necessary professional personnel. For example, New York paid several million dollars to the Rand Corporation to program a system of policemen's beats.

"We think it is important," a Government spokesman said, "for cities to build their own management capacity if there is going to be the kind of decentralization and local control envisioned."

Mr. BIBLE. Mr. President, will the Senator from Wisconsin yield for a parliamentary inquiry?

Mr. YARBOROUGH. Mr. President, will the Senator yield to me for a question to the distinguished Senator from Washington, who has just put a statement on unemployment in the RECORD?

Mr. BIBLE. Well, will the Senator yield first to me, because I wish to make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. To whom does he yield?

Mr. PROXMIRE. Mr. President, I yield to the Senator from Nevada for a parliamentary inquiry, with the understanding that I do not lose my right to the floor, and with the further understanding that my subsequent remarks will not be counted as a second speech.

Mr. BIBLE. No, it will not count as a second speech. I am not being that technical.

Postponed until what time?

Mr. PROXMIRE. Until tomorrow, which is Thursday, December 17.

Mr. BIBLE. Would the Senator restate his motion?

Mr. PROXMIRE. My motion is that the conference report be postponed until tomorrow, Thursday, December 17.

Mr. GOLDWATER. Will the Senator yield at that point for a question?

Mr. PROXMIRE. Yes, indeed.

Mr. GOLDWATER. Would the Senator agree to a time certain tomorrow?

Mr. PROXMIRE. For a vote on my motion?

Mr. GOLDWATER. No, for a vote on the conference report.

Mr. PROXMIRE. No, and I shall explain why.

Mr. GOLDWATER. I think I know why; I just wanted to ask the Senator the question.

Mr. BIBLE. Mr. President, a parliamentary inquiry. As I understand, this motion is debatable.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for that purpose?

Mr. PROXMIRE. I yield to the Senator for that purpose, provided I do not lose my right to the floor and provided that my subsequent remarks not be counted as a second speech.

Mr. BIBLE. I have no intention of taking the Senator off his feet. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIBLE. Mr. President, is the motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. BIBLE. I thank the Senator.

Mr. PROXMIRE. Mr. President, I would like to ask the distinguished manager of the bill, the Senator from Nevada (Mr. BIBLE), a series of questions, and ask unanimous consent that he may answer without my losing the floor, and that my interrogating will not be regarded as second speeches.

Mr. YARBOROUGH. Mr. President, would the Senator yield to me for just a moment, in view of the entry just made in the record by the Senator from Washington?

Mr. PROXMIRE. Oh, yes, Mr. President, I yield to the Senator from Texas without losing my right to the floor, and without my subsequent remarks being counted as a second speech.

THE PROBLEM OF UNEMPLOYED SPECIALISTS

Mr. YARBOROUGH. My question relates to the statement on unemployment which has been placed in the RECORD by the distinguished senior Senator from Washington.

Does the Senator have the exact figure on the present level of unemployment in the country?

Mr. MAGNUSON. I can tell the Senator what the figures are out in the State of Washington, if he wants those. There is now close to 18 percent total unemployment.

But this was a statement in relation to the administration's suggestion that we ought to have some kind of program to take care of these unemployed technicians and scientists in the aerospace industry who are out of jobs. It would be a shame to waste their talents, we should see if we cannot, instead of having them on unemployment compensation, where they are now, use them to turn their skills toward objectives that we do not have programs for—at least sufficient programs.

I compliment the administration on this proposal, which they expect to send up sometime after we meet in January. But the figures are—I do not know what they are nationwide, but they are pretty close to 6 percent.

Mr. YARBOROUGH. It is 5.8 percent.

Mr. MAGNUSON. Yes; 5.8 percent, and going up all the time, instead of going down. And of course these figures, I will say to the Senator from Texas, are a little bit deceiving, because these are only the people who have applied for insurance.

Mr. YARBOROUGH. Who have applied for unemployment insurance?

Mr. MAGNUSON. Who have applied for unemployment compensation. And we have to add perhaps 20 percent, or 25 percent more to that. Frankly, the State of Washington is running out of money. Then they will apply and nothing will happen. This costs a lot of money.

If you have some worthy project that will advance the technology and the air superiority of this country, or will provide for rapid transit, or help solve the problems of the cities, you might as well go on with it. Like this one; we might as well go on with it, because we are going to pay out about half of this money for unemployment compensation.

Mr. YARBOROUGH. Mr. President, the entry of this item in the RECORD by the distinguished Senator from Washington brought this up.

At 6 o'clock tonight, the President of the United States vetoed the manpower training bill, which would provide $9.5 billion over the next 3 years, to train many of these unemployed people. With the highest unemployment in 7 years, I think this is the most shortsighted of all the recent vetoes, with the exception of the Hill-Burton Hospital Construction Act and the Education Act.

If a bill contains something to help the man who needs help, this administration vetoes it. With the high unemployment in State of Washington, and the need for retraining these people, this manpower training program goes down the drain with this shortsighted veto.

The manpower bill was worked on in my committee for 2 years. Both Senators from Wisconsin held hearings from coast to coast. I was with them in Corpus Christi, where the unemployment among the Mexican-Americans is the highest of any ethnic group in the Nation.

My amendment with respect to bilingual training was put in the bill. Never before had there been a program for training people from Spanish-speaking families, with programs for the middle aged and for those out of work.

We also had in the bill a provision which would help the cities such as Corpus Christi, which was badly damaged by Hurricane Celia last summer. The Red Cross certified that 65,000 homes were damaged; and the bill contained a provision to retrain people where factories were destroyed and jobs were gone.

This was the best manpower training bill in the history of this Nation, and it went down the drain on a veto. We worked on it for 2 years. There are 435 Members of the House and 100 Members of the Senate, many of whom gave bipartisan support for the bill. There was considerable input from the other side of the aisle on this bill. We gave the President $9.5 billion to spend. If there was political benefit to be gained, he would be the one to get it. He could determine where the money would go. He could get the credit for it.

Doubtless, many Senators on the other side of the aisle were moved to compassion for the unemployed. Perhaps they thought there was political advantage to their party to be able to spend this money.

The Members of Congress who have been talking to the people and finding out what the needs of this country are, worked on the bill for 2 years, and it goes down the drain due to the influence of a little palace guard that never ran for office in their lives and do not know what it is to see the voters' irate feelings regarding unemployment in this country.

So, with the needs greater and with unemployment at a 7-year high; by a stroke of the pen, the President dashed the hopes of those millions of unemployed persons who are facing a bleak Christmas. These people have been deprived of a chance to start working. All these hopes went down the drain. I think it is tragic.

I do not make this speech with pleasure because of the tragedy it is to millions of American families. I would rather the President had signed it, and I would rather be here commending the President for doing so. This veto is a tragedy to millions of Americans and a tragedy for our country. I believe that the greatest of all manpower training bills in the history of this country has been vetoed tonight.

I thank the Senator for yielding.

Mr. PROXMIRE. I thank the Senator for his strong and vigorous statement, and I share his views enthusiastically.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PROXMIRE. Mr. President, I yield to the Senator from California without losing my right to the floor, and with the understanding that my yielding will not count as a second speech.

Mr. CRANSTON. Mr. President, President Nixon is resorting to arithmetic hypocrisy in basing part of his argument for the supersonic transport—SST—on the number of jobs it allegedly will mean 10 years from now when he is sitting on $350 million in immediate job-creating money which Congress has appropriated for flood control, reclamation, navigation, conservation, schools, health care centers and pollution control.

The President is refusing to use millions of dollars already approved by Congress for domestic programs which could create thousands of new jobs almost at once.

In addition, the President still has not used $1.3 billion in Federal housing money which could mean 70,000 more desperately needed housing units and 84,000 more year-round jobs in the depressed housing industry.

In fact, during the first 7 months of this year, the President had $2 billion which he could have used for 100,000 new housing units—priced between $17,500 and $20,000. That would have meant 120,000 year-round jobs which men could have been working on right now. These figures do not even take into account the extra jobs that could be created outside the building industry if we were to use the accepted construction investment job multiplier.

I believe the SST is an aeronautical Judas goat which, like the goat that leads little lambs to slaughter, is leading the aircraft industry down the path of financial disaster.

Wasting the talents of scientists and engineers on a useless project like the SST is dishearteningly reminiscent of useless leaf-raking and other make-work WPA projects during the thirties.

Ironically, the administration refuses to spend $8 million Congress appropriated for research and development work on pollution control which could employ many of the scientists and engineers now being displaced by defense and aerospace cutbacks.

I urge Government and industry to concentrate on the real needs of American aviation today: easier, faster access to and from airports; fewer delays in landing and takeoff; greater flying safety; nonpolluting, quieter aircraft and, most especially, short-landing-takeoff planes capable of feeding smaller airports more conveniently located for the vast majority of the flying public.

Leaders in the aircraft production and airline industries have told me they fear the Japanese, French, and English will steal the STOL and V/STOL—vertical takeoff and landing craft—market right from under our nose while the Government tries to foist onto the American taxpayer a $1.3 billion bill for a monster aircraft to fly a few people across the ocean at 1,800 miles per hour.

Industry leaders in California have told me that the real meat-and-potatoes of the business is not transoceanic flights but short-hops—like between Washington, D.C. and New York, between San Diego and Los Angeles, Los Angeles and Bakersfield, Bakersfield and Fresno, Fresno and San Francisco, San Francisco to Stockton, Sacramento, Redding, and beyond. They need planes designed for that kind of flying and there is precisely where foreign competition is way ahead of us.

Besides the "freeze" the administration has placed on the $350 million appropriated by Congress, it has also tried to divert another $250 million away from airport construction and flight safety.

If the administration gets away with it, it will mean the loss of 25,000 potential jobs.

Under a supplemental appropriation requested by the administration, $250 million from a special trust fund for airport and airways development is to be used instead to meet operating expenses of the Federal Aviation Administration.

Fortunately, this was spotted in time, and last week a committee of Congress wrote into the bill a ban against diverting these funds from capital improvement projects.

The Bureau of Labor Statistics estimates an average of 70,000 jobs are created by every billion dollars spent. The figures are higher for agriculture—110,000 jobs for each billion dollars of expenditures—and construction—100,000 jobs per billion dollars. Aircraft manufacture is right at the overall average of 70,000 jobs per billion dollars.

The President's estimate of 150,000 jobs created by the SST is based on the assumption that the Government will spend the full $1.3 billion on this project, not just $290 million or even $210 million.

And a few other things should be understood about that 150,000 job figure:

First, that number of people will not be employed until 1979 at the very earliest when, and if, the SST ever gets off the ground and when, and if, it ever goes into full production.

Second, only one-fifth of that number are actually working on the SST prototypes at the present time.

Third, scientists and engineers comprise only about 20 percent of aerospace employees; thus the bulk of people working in aerospace are skilled and semiskilled people who can be reemployed in other sectors of the economy if the administration will open up the economy instead of squeezing it down.

Defense Secretary Melvin Laird's contention that present unemployment is due to reductions in arms spending and the transition from a wartime to a peacetime economy is only half the story.

Such a transition would only cause a movement of people from one job to another if they had another job to go to. But there are no jobs to go to because of the administration's deliberate fiscal and monetary policies to depress the economy.

When people are thrown out of work because of Government policy, the Government has an obligation to help private enterprise create new jobs. And if for one reason or another private enterprise cannot provide the jobs, or cannot provide them fast enough, then the Government must step in to put these people to productive work in meeting the major needs of our Nation today: housing, schools, health, mass transit, and saving our rapidly deteriorating environment.

I dispute the administration's claim that Congress has put a fixed ceiling on Federal spending.

The limit is flexible and could easily accommodate the jobmaking spending I am proposing. If the administration is sincerely worried about a spending limit, it could reduce total expenditures by not spending $210 million on the SST.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a detailed breakdown on the $350 million in unspent "frozen" appropriations.

There being no objection, the breakdown was ordered to be printed in the RECORD, as follows:

HEALTH, EDUCATION AND WELFARE

During fiscal 1970, the Department of Health, Education and Welfare refused to spend $52.5 million appropriated for expenditure during that year. Of this sum $50 million was placed into obligated reserves and carried over for expenditure in future years. Of the $50 million, $39 million was to have provided aid for impacted areas and for the construction of health care centers. Using dollar-manpower ratios established by the Bureau of Labor Statistics more precise than the formula above, 4,400 jobs could have been created by the $39 million in construction funds.

Six million dollars appropriated for research in pollution control was placed into a carryover account. Two million dollars in addition to the $6 million of the appropriated amount was not granted by the Department to research applicants. Research scientists in our universities would have been the primary job beneficiaries of these funds. An additional $4.5 million was held back by the Administration instead of going into earmarked student loan funds. These funds provide a valuable resource which enables thousands of students to complete their education.

PUBLIC WORKS

The President recently placed $102 million of appropriated public works money for FY 1971 in a "budgetary reserve." Intended to be used for flood control, reclamation and navigational projects the money would have created 10,000 jobs nationally and 1,800 jobs in California.

In California, the President's budgetary freeze has prevented work from beginning on 21 projects totalling $26 million. Twelve of these public works projects fall under the jurisdiction of the Corps of Engineers—9 involve construction and 3 are planning projects. The nine remaining projects come under the purview of the Bureau of Reclamation and $18 million has been withheld from these projects.

Most seriously affected by the Administration's public works freeze in California is the San Luis Unit of the Central Valley Project. For this project, Congress provided an additional $10 million for construction work on the Westlands drainage and distribution system and the Pleasant Valley Canal. This amount was also frozen. This money would have speeded completion of the Westlands system, and in the case of the Canal, would have permitted most of the remaining work to be finished. Existing contracts have created 250 jobs and the $10 million would create 1,000 badly needed jobs. The freezing of these funds not only eliminates these additional jobs but also threatens the existing jobs because contractors will be forced to shut down their operations. The Department of Labor lists the Fresno County area where this work was to have been done as having one of the highest unemployment rates in the nation. Jobs are desperately needed there.

The President's action not only will affect jobs in the Fresno area but will depress the agricultural economy of the region which is 97 per cent developed and depends heavily on the Canal and the drainage and distribution system.

AIRPORT AND AIRWAY IMPROVEMENT

In its supplemental appropriations request for the Federal Aviation Administration for FY 1971 the Nixon Administration attempted to divert $250 million authorized by Congress from a special trust fund established for airport and airways development. The Administration planned to use the money for FAA operating expenditures. Diversion of this sum specifically earmarked by Congress for capital improvement projects at airports around the nation could have prevented the creation of 25,000 construction jobs.

Fortunately, the Congress acted last week to prevent the Administration from diverting trust fund money.

When the Congress enacted the Airport and Airway Development Act in May of 1970 it intended to tax passenger tickets, freight, fuel and aircraft in order to form a $600 million trust fund for capital improvements at the nation's airports. Small and large airports waited to request money for such projects as control tower construction, building and lengthening runways and taxiways, installation of lighting systems and other improvements such as terminal radar and instrument landing systems. All of these capital improvements would make air travel safer. All are owed to the passenger, the airlines and the private plane owner because they have been taxed for that purpose.

Since airports were able to submit requests for capital improvements from the trust fund on July 1, 1970, 363 requests totalling $280 million have been submitted. At least 1,200 can be expected by the end of the fiscal year.

As of today, 33 airports in California have applied for approximately $21 million worth of capital improvement projects.

If Congress had allowed the Administration to divert money from the trust fund as they had planned to do in their supplemental appropriation, millions of dollars of capital improvements at airports in California and around the nation would not have received funding and thousands of jobs would have not been created.

This is still another example of the Administration's misplaced priorities in air travel. It is willing to talk loosely about progress in the context of the SST while it attempts to pirate tax money away from the real needs of the public.

HOUSING

The funds which are appropriated by the Congress are not the only funds available to the President. There are a number of situations where the Congress has given the President the authority to borrow funds from the Treasury in order to meet a particular need.

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For instance, in the housing area, the Congress has given the President the authority to borrow certain amounts of money to assist various Government housing programs. Although housing starts have been drastically down over the last two years, the President has failed to fully use his borrowing authority to alleviate the situation.

The President as of January 1970 had the authority to use over $2 billion for low-cost housing. Although the President had this authority for seven months, none of this money was spent.

This money could have been spent to purchase mortgages for low-cost housing under the FHA section 203(b) program or under the VA low-cost housing program.

The amount of the mortgages would be limited to $17,500 in average areas and $20,000 in high cost areas.

Thus, the $2 billion if fully used could have constructed approximately 100,000 new housing units. In terms of jobs this would mean that 120,000 men could have been employed for a full year or 1800 work hours.

Last July, at the request of the President, the Congress reduced the $2 billion authorization by $750 million leaving an authorization of $1.3 billion.

The President has failed to this date to use the $1.3 billion at his disposal. Again, all of this money could be used to purchase unsubsidized FHA and VA mortgage for low-cost housing.

If this money were used 70,000 new low-cost housing units could be constructed. Moreover, 84,000 jobs directly related to the construction of these units would be created.

In short the President could right now spend money to construct much needed housing, which would in turn create new jobs to stem the rising unemployment rate.

However, to date he has failed to use this money and there are no indications that he intends to use any of it.

AGRICULTURAL CONSERVATION PROGRAM

To date, the President has refused to release $195.5 million appropriated for FY 1971 by the Congress to help farmers carry out approved soil, water, woodland and wildlife conservation on their land in order to help maintain the productive capacity of American agriculture. By freezing these funds, the Administration jeopardizes the jobs of over 3,000 persons employed in County Agricultural Stabilization and Conservation Service Offices across the nation. Infusion of the $195.5 million would also aid a seriously depressed farm economy.

By participating in the Agricultural Conservation Program, each farmer or rancher receives a certain number of cost-shares from the Federal Government. He then matches these cost-shares with his own money, purchases the necessary materials and, if necessary, hires the men he needs to help him carry out his conservation project. He may, for example, be constructing and installing an irrigation return system in order to reduce water pollution, conserve water and control erosion. In California during 1970, this particular practice involved an estimated 8,400 acres, and $71,000 federal cost-shares were paid.

ACP cost-sharing is essential to insure the wise use of our soil and water resources. As a result of the Administration's continued refusal to unfreeze the 1971 funds, the Department of Agriculture has estimated that approximately 300 county ASCS offices across the nation will have to close and that 3,000 ASCS employees could lose their jobs. In addition, an estimated 870 employees of the Soil Conservation Service, which acts as the technical advisory arm of the ACP, will also face the loss of employment.

In California alone, the Department of Agriculture estimates that at least 12 of the 37 County ASCS offices will be forced to close unless the funds are released in Washington. The Department could not supply me with estimates of the jobs lost in the 12 county ASCS offices in California which may have to close. The real harm done would be that a great number of farmers in California would be affected by the loss of ACP funds. The Agriculture Department has informed me that in 1971, 6,200 Calif. farmers and ranchers who have participated in the program in the past would be unable to continue to receive ACP cost-shares. If the money remains frozen, at least 23,000 California farmers would be unable to participate in the ACP program over the next five years.

Failure of the Administration to fund ACP could greatly impair efforts to encourage sound soil and water conservation and pollution abatement on privately owned farmlands in the United States.

It is a tragedy of national proportion that this valuable conservation program is being eliminated at the very time when farmers are in the midst of a depression—not a recession—and desperately need and deserve help.

Mr. CRANSTON. Mr. President, I should like to read from the President's December 5 statement in support of the SST:

> Halting the SST now could well be a mortal blow to our aerospace industry for years to come. The research and development and the accomplishments of this industry have been major factors in giving the United States a superior position in the field of technology. We must not abandon this national advantage now.
>
> Throughout the history of aviation, the United States has been first in this field. If the action of the Senate is not reversed, "he said" our country will be relegated to second place in an area of technological capability vital to our economy and of profound importance in the future.

I agree 1,000 percent with the President's observation about the historic accomplishments and monumental contributions of the aerospace industry to our country and our economy. But on the basis of information I have received from industry leaders themselves, I must disagree with the President as to what would be in the best interest of the industry at this point in time.

I would say to the President that continuing the SST now could well be a mortal blow to our aerospace industry for years to come and that if the action of the administration is not reversed, our country will be relegated to second place in an area of technological capability vital to our economy and of profound importance in the future.

Mr. President, I had intended to end my speech at this point. However, I have just been informed that the President has vetoed the manpower bill. In view of what I have said, I can only regard the President's action as a tragic error. Since that bill would have provided 360,000 jobs over the next 3 years, it is difficult for me to believe that the President is sincerely concerned about the workingman as he claimed in his recent statement on the SST.

Mr. PROXMIRE. Mr. President, I should like to ask the distinguished manager of the bill, the Senator from Nevada, some questions.

First, I should like to ask him whether or not the reasoning behind the $210 million settlement which was made in conference—that is, the compromise between nothing and $290 million—recognized what the Secretary of Transportation wrote to Senator STENNIS—to wit, that any cutback would be reflected in a 2-to-1 increase, depending on how much the cutback was, in the ultimate cost to the Government of paying out money for the SST. This cutback is some $80 million, which will be an increase ultimately to the taxpayer of $160 million in expenditure. Is that correct?

Mr. BIBLE. I cannot say that that is correct. I can say this: We are aware of the so-called white paper, of which the Senator from Wisconsin is also aware, because we asked him to for it.

It is true that as the amount of funding for the SST is decreased, the ultimate cost is increased. It is also true that the length of time will be increased.

The Secretary responded to us by using a $250 million cutoff figure as the minimum. Using that figure, which is the only figure that I think has any particular accuracy, he did state that using a $250 million program would increase the cost in the range of $60 million to $80 million. In his letter of transmittal, he indicated that it would increase costs, roughly, by a ratio of 2-to-1. That is correct. That was his statement.

Mr. PROXMIRE. So, in view of the fact that the result of what the conference did was to continue the SST program and the Department of Transportation seems determined to continue it, and their calculation means that instead of the Federal Government paying out $1.342 billion, it will pay out in excess of $1.5 billion, I cannot see where the taxpayer, who is burdened now by this expenditure, gets anything at all out of the conference. It seems to me that he is in worse shape. He would have been in better shape if we had gone ahead with the $290 million.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BIBLE. If the Senator had supported the $290 million figure, I would have been happy to go ahead.

Mr. PROXMIRE. The Senator from Wisconsin opposed any figure. I oppose the program period. It is going to cost more in the long run to cut it, if we insist on continuing the program.

Mr. BIBLE. I admit that is true. If it is not fully funded, it is going to cost more in the long run. There is nothing unusual about that. I can give the Senator example after example from my own experience as chairman of the Interior Appropriations Subcommittee, where I have a little better working knowledge than I do in this field. In the case of dams we authorize, where money is appropriated, and then the full funding requirements are not met, whether it is a dam or a water works or whatever, the cost increases a great deal. I can give all kinds of representative examples. There is no question that, if it is not fully funded, it costs more money and stretches out the time. I cannot give the Senator a precise figure.

Mr. PROXMIRE. This is the illogic of proceeding in this way. If the SST program is to be proceeded with at all, it is no compromise to cut back the funds this year, particularly when the experts on the program in the Department of Transportation say that it is going to cost more money. Therefore, the argument by the Senator from Mississippi and others today that the conferees secured a compromise—because it was cut back this year to $210 million does not stand up. The taxpayer is not being helped; he is being hurt.

Mr. BIBLE. He is going to be hurt rather badly if we take the Senator's theory of completely abolishing it and burying the program, because it will cost in the neighborhood of $250 to $276 million to terminate. There is a different range, because it depends upon negotiation. It depends upon what kind of burial the SST is given. Whatever burial it is given, if the Senator prevails, it is going to cost in the neighborhood of $250 to $270 million to terminate the program.

Mr. PROXMIRE. The answer is that the faster it is buried, the more money is saved. If we do not bury it this year and decide to bury it next year, it will cost us that much more money. The money spent this year will be added. We will have the contract termination payments to make plus the $290 or $705 million. If we decide to kill this program after 2 more years, it will cost us that much more. The program is not going to be completed.

Mr. BIBLE. It should be completed, of course.

Mr. PROXMIRE. If the program is completed and it is completed on the basis of the expenditure of the $210 million, going ahead on that basis, it will cost the taxpayer a total of $1.5 billion before we get to production.

Mr. BIBLE. I do not know about the accuracy of the figures but——

Mr. PROXMIRE. This is what the Department of Transportation says.

Mr. BIBLE. They say it is roughly on a 2-to-1 ratio. Suffice it to say, it will cost more if we cut down on the fund.

Mr. PROXMIRE. In what way will the program be cut back? How will it affect jobs? How many will be laid off production in jobs, at the $210 million figure?

Mr. BIBLE. I cannot give the Senator the precise figures, but it will be considerable. I think that gives us some indication, from the lesser figure, that there would be a layoff at some—at the $184 million figure—a layoff of approximately 6,000 employees, and at the higher figure. It might be a lesser layoff, but several thousand employees would be laid off, at the $210 million figure.

Mr. PROXMIRE. For the record, I know it is difficult to answer these questions in detail, especially at this late hour, but for the RECORD, perhaps the Senator could provide tomorrow whatever data he can on what effect this will have on jobs overall and, too, on Boeing in Seattle and the Boeing subcontractors. We would like to get that information.

Mr. MAGNUSON. If I may interject there, General Electric has got 50 percent of that.

Mr. PROXMIRE. That is what I want to know. That was my next point, how much this will affect General Electric, and its subcontractors and what percent.

Mr. BIBLE. The answer is difficult to come by—I think the Senator can understand why—without knowing exactly where we are going or the level of the funding. We need to know what the attitude of the contractor or the subcontractor will be on this.

The principal contractor does not know what the subcontractors will do. It may push some of them out of business, there is no doubt about that. We do not know which ones will continue or which ones will give up the ghost. Until we know, we cannot come up with an accurate figure.

I do not believe it will do very much good to ask for additional information, but if the Senator would furnish me with the questions I will do my best to answer them. We have a problem here where we cannot accurately answer questions because we get into questions of negotiation and renegotiation, and we have to read the terms of the contracts, and maybe there are penalty clauses in them. In other words, we do not know the full implications. But there will be, if the $184 million figure is used, a considerable layoff of jobs. It will be approximately 6,000 employees; broken down into Boeing, 3,700, Boeing subcontractors and vendors, 2,000; General Electric some 300 or 400. They cannot answer that, I would say, because they do not know what the final conditions of this will be. They do not want to go to the subcontractors right now, in this state of flux under which we are operating with the SST problem right now.

Mr. PROXMIRE. Three or four hundred being laid off by General Electric. How many now work for General Electric on SST production?

Mr. BIBLE. I cannot give the Senator that figure. I will be happy to supply it tomorrow. I do not know at this moment.

Mr. PROXMIRE. How many people are employed on the SST at Boeing?

Mr. MAGNUSON. I can give the Senator that figure. I believe it is about 6,800.

Mr. PROXMIRE. 6,800 now employed. The Senator said that at the $210 million figure it would result in 3,700 being laid off, which is half that number.

Mr. BIBLE. At the $184 million figure.

Mr. MAGNUSON. Something like that.

Mr. BIBLE. In that range.

Mr. PROXMIRE. Does the Senator have the total number of people now employed in subcontracting at General Electric and Boeing altogether, on the SST?

Mr. BIBLE. I do not have it right here ready. I have the Boeing figure to which the Senator from Washington testified. I do not know all the subcontractor figures. They have used a figure of about 15,000.

Mr. MAGNUSON. That is right.

Mr. BIBLE. I think 15,000 is the total figure, but——

Mr. PROXMIRE. The argument was that this would wipe out 150,000 jobs which now seems not to be an accurate figure. The President made that statement. I understand what he was getting at, but the number of jobs the manager of the bill now informs the Senate and the country on, that would be directly affected, now, the people working on the SST now, is 15,000 or just one-tenth of what the President of the United States indicated.

Mr. BIBLE. I do not know what the President indicated but I think that the accurate figure——

Mr. MAGNUSON. What the President was talking about——

Mr. BIBLE. Indirectly——

Mr. MAGNUSON. Was the program when it got into production, that it would create somewhere around 150,000, 160,000, maybe 200,000 jobs. That would be the figure, with 32,000 jobs in the State of California.

The reason the General Electric figure is small now is due to the powerplant. They have done all the work on it up to this point with the powerplant that they think they need to do, until they start assembling, and they go back to about another 7,000 or 8,000 because they are keeping the powerplant waiting. They are way ahead with the powerplant. They think they have got a good one, but they cannot do any more now until they start the assembly plant.

Mr. PROXMIRE. How many employees expect to work on the SST directly when the program goes into full production? I mean directly, not the multiplier effect.

Mr. BIBLE. I understand. I want to throw a little more light on my last answer and perhaps clarify it a bit. The statement in front of me now shows that there would be somewhere between 15,000 and 20,000 jobs in the prototype stage, assuming we go forward with the program, and 50,000 jobs in the production stage.

Mr. PROXMIRE. When will that be, the production?

Mr. BIBLE. The Senator asks a tough question, because it will not get into production until we get the money, and if we do not get the money, then it will be buried.

The first thing we have to do is to complete the two prototypes, and then complete the 100 hours of flying time, keeping to the $200 million schedule, which was in the budget request, so that would be sometime toward the winter of 1973 or the early months of January, February, or March 1974.

Mr. PROXMIRE. It would not go into production until 1973?

Mr. BIBLE. It would be ready for production.

Mr. PROXMIRE. When would production begin?

Mr. MAGNUSON. In 1974.

Mr. BIBLE. It is hard to say when production will begin, because that depends on the ability of the Government to enter into the proper arrangements with the manufacturers and the airlines.

Mr. PROXMIRE. On the assumption that the Government can enter into arrangements conveniently and smoothly, would the Senator deny that full production of 50,000 jobs would not occur until 1978? Is that wrong?

Mr. BIBLE. I cannot answer that question. I do not know when the full production would begin. It says here that there would be 50,000 jobs in the production phase. I assume they start out at a lower production level, if it goes forward. I think it depends on how many

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companies manufacture the SST's and where they manufacture them.

I suppose there would be a buildup in employment just as this will build up if it gets into the prototype phase. More people will be involved, obviously, when we get to the building of the prototypes and the testing than in the early R. & D. days. I assume that the same thing will be true there. I cannot give the Senator the dates because I do not know.

Mr. PROXMIRE. If the program is closed down, which is the position that those who oppose the SST—a majority of the Senate—want to bring about, and if that vote prevails, recognizing that we have already spent $105 million this fiscal year, what amount would be owed under the contract to contractors to reimburse them for their outlays, leaving aside the $105 million already expended and appropriated by the continuing resolution?

Mr. BIBLE. The additional amounts would be the refund of the contractor's share of $79.8 million.

There will be an additional cost of $12 million and a $22.4 million refund of advance royalties to the airlines.

Mr. PROXMIRE. That is not a contractual obligation. It is a kind of moral obligation. We can or cannot pay it.

Mr. BIBLE. No. I think that is escrow money put up by the airlines. If the airline has not produced, the money is refunded.

Mr. PROXMIRE. That is not the taxpayers' money. Is there a contractual obligation to pay this on the part of the Federal Government?

Mr. BIBLE. I think there is no contractual obligation.

Mr. PROXMIRE. The contractual obligation would be what? $85 million or so?

Mr. BIBLE. $79.8 million and the additional $12 million.

Mr. PROXMIRE. It would be about $90 million?

Mr. BIBLE. I think there is an additional item which they gave to us. I do not know what posture they put it in, because it is a refund of the airlines' contribution. I think that indicates good faith, thinking that it was going to be completed. To date they tell us their contribution is $58.5 million. Whether they do lose that or not, I have to be completely frank with the Senator and say that I do not know.

Mr. PROXMIRE. I understand that that is an additional potential liability. But it is not in the same category as a contractual obligation on termination to the manufacturer.

Will the SST contracting cost for the construction of the two prototype planes be identical to the anticipated production version of the SST?

Mr. BIBLE. I do not think that necessarily follows. I do not profess to be an expert in this field. But I think they produce the prototype and test the plane, and I think that then they try to take as many bugs out as they can and produce a better model when they get into production.

Mr. PROXMIRE. Is it not true that the prototype will be quite different? What is to be the weight of the prototype model?

Mr. BIBLE. I cannot supply that information.

Mr. PROXMIRE. The answer is 635,000 pounds.

Mr. BIBLE. I would be glad to verify the information.

Mr. PROXMIRE. What weight is the production model going to be? The answer is 750,000 pounds. This is a big discrepancy—20 percent heavier in the production model than in the prototype model. I wonder if there is any explanation?

Mr. MAGNUSON. I can answer that question. It is just what it means. We do not have all of the things in the prototype that we would have when they sell an aircraft. There would be more instruments. It often depends upon what the buyer wants. These would be seats. There would be galleys. There would be all kinds of things that add to the weight of the plane.

The prototype is naturally just a skeleton. It is an airplane that will fly. It will give us the answers we want. When they sell a plane, they have to put in all the things the buyer wants. They have to put in seats, galleys, different types of instruments, movie cameras. That all adds weight.

Mr. PROXMIRE. I do not think the Senator from Washington is right about that.

Mr. MAGNUSON. The Senator from Wisconsin may be a better aeronautical engineer than I am.

Mr. PROXMIRE. Neither of us is an aeronautical engineer. Is it not the understanding that if they build a prototype, the purpose is to test the plane to see how that plane will fly? If the prototype is 20 percent lighter than the production model, the result would be different.

Mr. MAGNUSON. It would not be different. It is the same plane, but when they go to a commercial operation they add a lot of things that they do not have to have in the prototype phase.

They do not have seats in the prototype. They do not have galleys. They do not even have to have the baggage compartment or other apparatus that they must have in the commercial model.

Mr. PROXMIRE. The difference is quite a bit sharper than that.

Mr. MAGNUSON. I will get the answers from qualified aeronautical engineers.

Mr. PROXMIRE. I would like to ask the Senator from Nevada about the seating capacity of the prototype.

Mr. BIBLE. The Senator from Nevada will be glad to get the technical answers to the technical questions.

Mr. PROXMIRE. The reason I ask these questions is again that there is a sharp difference in the prototype model. I am informed that the prototype has five seats across for the seating capacity. The production model is scheduled to have six seats across.

I wonder how we can test the planes if the production model is to be 20 percent wider.

What about the fabric for the skin? Is the brushed titanium honeycomb to be used as the skin as in the production model?

Mr. BIBLE. I do not have the slightest idea. I am familiar with titanium. A titanium plant is located in Nevada.

Mr. PROXMIRE. I understand that it might be quite different.

Mr. BIBLE. It might be.

Mr. PROXMIRE. If it is different, then it makes an enormous difference.

I debated the matter with Mr. Magruder, the man in charge of the SST for the Transportation Department.

I said:

> Why can't you use the research experience from the supersonic bomber? We are spending hundreds of millions of dollars on that. Why would that not give us the information?

He said:

> Anyone who knows anything about engineering appreciates that the military plane is not made of titanium. It is made of aluminum. So it would not tell you much if you have a different skin in the prototype model. You would not get the same kind of information.

This is why I ask about the difference between the prototypes and the production model metals.

What about the interior and environmental controls for the prototype? Will they be the same as for the production model? Is it not true that they would have to differ sharply?

Mr. BIBLE. It might very well. But I do not know how much it differs as between them. I think there would be differences between the production and prototype models.

Mr. PROXMIRE. It is very important. We go ahead and test the prototype. It is important that we know the capacity of the control system to prevent the radiation which the control system is designed to prevent. That is of great importance to the crew and the passengers.

Mr. BIBLE. Mr. President, I am sure that if the Senate permits the SST to go forward, they would come up with the answer by developing the prototypes.

Mr. PROXMIRE. What goal have Boeing and General Electric set for themselves for the noise level for the SST?

Mr. BIBLE. I do not know what goal they have set. I know that the testimony showed that insofar as the SST was concerned, it was not as noisy, actually on either take-off or landing as the 707 or any one of the 707 family of jets.

As to the sideline noise, it was slightly higher, but they maintain that with the advances in science they could bring that down so that there would be no more sideline noise on one of the SST's than any one of the family of the 707's.

Mr. PROXMIRE. As I understand it, the sideline noise—which means the noise within 2 miles on coming in and 2 miles on takeoff—covers an enormous area. They talk about takeoff, and that is an area 3 miles from the airport. The sideline noise, on the basis of testimony in the record of the Senate hearings earlier this year, was 124 decibels of noise, which is very much higher, three or four times higher at least, than present standards.

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They say that their goal is to get it down to 112. That is above the 108 which the Senator from Washington specified in his bill should be the limit.

Mr. BIBLE. I think those are the goals they are trying to reach.

Mr. MAGNUSON. This is what they are working on. We cannot have it now.

Mr. PROXMIRE. That is their goal.

Mr. MAGNUSON. Surely it is. This is what they are working toward. The first fan jets made more noise than any other plane. They solved that. The GE engineers will tell you that they are almost sure they can bring it down to 108 or 110 PNdb. The bill said 108. How can we answer these questions now? They are working on finding answers.

Mr. PROXMIRE. Mr. President, the reason we are asking the questions now is that the testimony overwhelmingly indicates that they do not have an answer on the noise. The noise is 124 decibels, which is much too high. It would be completely unacceptable to any airport operator. The 112 decibels that they expect to get would also be excessive.

So if the Senator says, "Well, they are working on it; they may achieve it," I say they are far from it, and all the expert testimony confirms my statement. As a matter of fact, when the Senator's bill passed the Senate, the Department of Transportation itself said that this makes the noise problem which was already difficult, that much harder to achieve. That was their testimony. They are trying to get it down to 112.

Mr. MAGNUSON. They are trying to get it down as far as they can. The Senator says "the overwhelming testimony"; there is some argument about that.

Mr. PROXMIRE. Nobody has disagreed with that testimony.

Mr. MAGNUSON. The first automobile made a lot of noise.

Mr. PROXMIRE. This is a problem that has been worked on for many years, and they have not been able to solve it.

What has happened to the Magnuson-Jackson-Proxmire-Percy bill, the noise elimination bill that the Senator from Washington (Mr. MAGNUSON) introduced, and which he was gracious enough to let me cosponsor? That bill relates to prohibiting supersonic flights over land. It is intended to limit the SST sideline noise at airports. Is there any chance of action on that bill in the House?

Mr. MAGNUSON. The Senator knows the legislative process. I do not know whether there is any chance to have it passed this year. But I will tell the Senator from Wisconsin that if it does not pass in this Congress, I will introduce it in the next Congress and report it from my committee as fast as I can get a vote from the Commerce Committee.

Mr. PROXMIRE. If the House will not pass it under the present circumstances, when it could greatly advance the cause of the SST, there is not a remote chance that the House will pass it in the near future. The Senator knows that. We got it through the Senate and sent it to the House, but the House has done nothing; the House has been holding it.

Mr. MAGNUSON. It only has been in the House a short time.

Mr. PROXMIRE. It has been there 2 weeks.

Mr. MAGNUSON. We are more efficient.

Mr. PROXMIRE. Two weeks is a long time. We expect to adjourn sine die in a few days.

Mr. MAGNUSON. The Senator knows better than that. The House does not move that way. They were not in session much last week. They are waiting to close the session.

Mr. PROXMIRE. Is the Senator saying that he did not expect the House to pass the bill before we adjourn and it dies.

Mr. MAGNUSON. I resent that remark.

Mr. PROXMIRE. The Senator should resent it. The Senator is saying that the House may not pass the bill.

Mr. MAGNUSON. We hope the House will pass it; but the Senator knows that that is not done overnight.

Mr. PROXMIRE. But the House has not done anything. The House has not scheduled hearings on it.

Mr. MAGNUSON. The Senator knows better than to think the House can act immediately.

Mr. PROXMIRE. That is a fact. That is the situation.

Mr. MAGNUSON. The Senator knows better than that. The Senator knows much better than that.

Mr. PROXMIRE. Have they held hearings on it?

Mr. MAGNUSON. I do not know. I do not know if they have had a chance to get at it in the Commerce Committee. They have some priorities over there, and they are priorities on environmental issues as a matter of fact.

Mr. PROXMIRE. The Senator knows perfectly well that if the House committee wants to hold hearings on a vital bill that is holding up another bill they can do it in a matter of hours.

Mr. BIBLE. May I interject in the discourse in these closing days of Congress to say that I think men of good will should accept the statements of each other on faith on these problems. Otherwise, I do not think it is possible to complete our work in the time that is remaining before we must adjourn under the Constitution on January 3.

I hope that matter can be advanced to an early date but come next session I will personally take an interest in the matter and I think we can get it through here and in the House.

Mr. MAGNUSON. Why surely.

Mr. PROXMIRE. How foolish it would be to go ahead with this, the biggest appropriation we will have on the SST. In subsequent years the amount will not be this big. If we are to get this SST noise limitation matter through, we at least should have that other bill, before we pass this conference report. It seems to me we will not have that kind of environmental protection. We know how the House operates.

Mr. MAGNUSON. That is what I just told the Senator.

Mr. PROXMIRE. Of course. If they have to pay a price for this conference report, and that price is protecting the environment, we should grant it.

Mr. MAGNUSON. If the Senator will let us vote on this bill, I can spend the rest of my time over there getting it passed. The Senator will not do that, though, will he?

Mr. PROXMIRE. I am sure the Senator has a lot of other things to do.

Mr. MAGNUSON. No, I have not much more to do right now. I have the HEW bill ready to call up, in which the Senator has an interest. I put in all the items that the Senator was thinking about. But if the Senator will let us pass this bill, we can go over there and maybe we can get the House committee to pass on my bill.

Mr. CASE. Mr. President, will the Senator from Nevada yield without losing his right to the floor and without subsequent speeches counting as a second speech?

Mr. BIBLE. I yield.

Mr. CASE. I would like to know the facts in connection with the Magnuson bill which was passed at this session. I have a slight proprietary interest in it myself. It picks up much of what I had contained in a bill I introduced.

Mr. MAGNUSON. I will inquire tomorrow of Chairman HARLEY STAGGERS. I asked him when we had the bill passed. Today they have been busy with the Penn Central Railroad matter; that is another emergency. They have had problems on the airport-airways bill. The House Commerce Committee is a big committee with a long list of its own priorities. I will ask them again, however.

But I fully resent any idea that I would not have passed this bill. If I really thought the SST would not meet these standards I would agree that we should not fly it.

Mr. PROXMIRE. We are discussing this SST conference report——

Mr. MAGNUSON. The Senator is the only one delaying it.

Mr. PROXMIRE. No; we are talking about the SST.

Mr. MAGNUSON. Yes.

Mr. PROXMIRE. One important consideration is that we should hold it up until the House acts on the noise protection bill. That is a small price. It would be foolish if we go ahead with the money for the SST without that bill being signed into law first.

Mr. MAGNUSON. The Senator has been asking a lot of questions. Let me ask a simple question. If the House votes on that bill will the Senator let us vote on the DOT bill?

Mr. PROXMIRE. If the House passes the bill and President Nixon signs it into law I will give it every consideration.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I am happy to yield to the Senator from New Jersey. The Senator and I have talked about this matter many times.

Mr. BIBLE. Mr. President, I am happy to answer the questions of the Senator from Wisconsin. I cannot answer the technical questions today.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PROXMIRE. Mr. President, I yield to the Senator from West Virginia for a unanimous-consent request without losing my right to the floor and without my subsequent remarks counting as a second speech.

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The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR PRESIDENTIAL MESSAGE ON VETO OF THE MANPOWER TRAINING BILL TO BE HELD TEMPORARILY AT THE DESK UNTIL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Presidential message on the veto of the manpower training bill be held temporarily at the desk until tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PROXMIRE. Mr. President, I would like to ask the Senator from Nevada this question. This summer Mr. Magruder announced the formation of two environmental panels to investigate noise and upper atmosphere pollution from the SST. I understand $27 million to be spent on research is to be devoted in part to studies by this group.

May I ask the Senator from Nevada who is on these panels? What departments and agencies are represented, and what companies are represented?

Mr. BIBLE. I do not have that answer readily available. That came up during testimony and it can be found in the hearings. I will supply it. I think I know the Senator's point.

Mr. PROXMIRE. This panel is chaired by the representative from the Department of Commerce. In addition there is a space agency representative, an Air Force representative, a Department of Transportation representative, a private group, including McDonnell-Douglas and American Airlines. These people are to assess the environmental impact of the SST. Last year HEW was represented and the Department of the Interior. They comprised the environmental panel. Why was not one, I repeat not one, of these agencies named to that group?

Mr. BIBLE. I assume that question would be better addressed to Mr. Magruder. I do not know.

Mr. PROXMIRE. Does it not make sense to the Senator as it does to those of us deeply concerned—that is, the majority of Senators—with the environmental effect of the SST, that the group should include experts on the environment and not only people who have a clear bias in support of the SST and no competence in the environment?

Mr. BIBLE. I think this should be looked into as they move ahead in the next 2 years on the environmental program. Maybe there is much substance to what the Senator said. I am turning to page 1338 of the hearings, part 2. It states that noise is also an undesirable element in our environment. They name a distinguished panel. I assume it is. The committee chairman of the SST Community Noise Advisory Committee is Dr. Leo Beranek, and then they give his affiliations and then they go down the whole line. That looks like a reputable group of noise experts who know something about the environment.

Then there is another list that is suggested here, headed by Dr. Myron Tribus, with a whole list of names.

Mr. President, I ask unanimous consent that the list of these names of people who appear to be fairly well qualified in the areas in which they are the most expert be made a part of the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

The Chairman of the SST Environmental Advisory Committee is Dr. Myron Tribus, Assistant Secretary for Science and Technology, Department of Commerce, and former Dean of Engineering at Dartmouth. Those who have advised us on environmental matters and are available to assist Dr. Tribus include: Dr. Lester Machta—Director, Air Resources Lab, Environmental Science Services Administration; Mr. H. J. Mastenbrook—Atmospheric Physicist, U.S. Naval Research Lab; Mr. George Chatham—Aeronautics and Space Specialist, Legislative Reference Service, Library of Congress; Dr. Harald Rossi, Professor of Radiology Physics, Columbia University and Chairman, FAA Committee on Radio Biology Aspects of the SST: Dr. Paul Tompkin—Chairman, Federal Radiation Council; Dr. Robert M. White—Administrator, Environmental Science Services Administration; and Dr. S. J. Gerathewohl—Chief, Research Planning Branch, Office of Aviation Medicine, FAA.

Dr. Tribus, of course, is free to call on anyone else in or out of the Government whom he feels may be qualified to contribute an environmental appraisal of the SST. As a result of a number of conversations with Dr. Tribus on this subject, it is my understanding that he plans to expand the membership of the Committee significantly.

The Committee Chairman of our SST Community Noise Advisory Committee is Dr. Leo Beranek, a noted authority in the field of psychoacoustics. Dr. Beranek is General Manager and Chief Scientist of Bolt, Beranek, and Newman, Inc. of Cambridge, Massachusetts. Along with Dr. Beranek, other distinguished professionals who have counseled us on the noise aspects of the SST and have agreed to serve with Dr. Beranek on the Committee include: Mr. Frank W. Kolk—Vice President for Development Engineering, American Airlines and Chairman of the SAE A-21 Aircraft Noise Committee; Mr. Kenneth Eldred—Vice President and Technical Director, Wyle Labs, El Segundo, California; Mr. Harvey H. Hubbard—Director, Acoustics Branch, NASA Langley; Dr. John O. Powers—Director, Office of Noise Abatement, FAA; Mr. Daniel R. Flynn—Executive Secretary of the Noise Abatement Panel, Department of Commerce; Mr. George Chatham, Aeronautics and Space Specialist, Legislative Reference Service, Library of Congress; Dr. Raymond A. Bauer, Professor of Business Administration, Harvard University; Dr. Jack L. Kerrebrock, Professor of Aeronautics and Astronautics and Director, Space Propulsion and Gas Turbine Laboratories, Massachusetts Institute of Technology; Mr. Aubert L. McPike, Chief, Acoustics Branch, McDonnell-Douglas Corporation; Mr. Clifton A. Moore, General Manager, Los Angeles Department of Airports; Mr. Newell D. Sanders, Chief, Special Projects Division, NASA Lewis; Mr. Charles R. Foster, Director, Office of Noise Abatement, OST/DOT; and Dr. Henning E. von Gierke, Chief, Biodynamics and Bionics Division, Aerospace Medical Laboratory, Wright Patterson Air Force Base.

Mr. PROXMIRE. May I say to the Senator from Nevada that the difficulty, of course, is that the effect on human health is a serious consideration. Dr. Egeberg, HEW's top health man, has very explicitly raised questions on the SST. The people now on the panel may be distinguished people. They may be noise engineers. But they are people in favor of the SST; at least, their associations are for the SST. And they are not experts in the particular areas of effects on human health, the environment, upper atmosphere pollution, which is of great importance. Why should not Russell Train be on it? He is the No. 1 environmental expert for the President. He is very qualified in this area.

Mr. BIBLE. I am well aware of that. As I recall, he said there was nothing in the development of these two prototypes that would in any way have any detrimental environmental impact.

Mr. PROXMIRE. That has been the argument made——

Mr. BIBLE. Did he not say that?

Mr. PROXMIRE. He said something of that kind.

Mr. BIBLE. I think that was his conclusion. I will supply the whole letter for the Record. I do not want to read anything out of context.

Mr. PROXMIRE. The arguments by me or by my colleague from Wisconsin (Mr. Nelson) have not gone to the two prototypes. That is not the problem. The problem is if $1.5 billion is spent on two prototypes, there is going to be an expectation on the part of the taxpayers that we are not likely to abandon this program, that we will go ahead and produce SST's in quantity. Otherwise the Government loses all of its investment. Therefore, we should consider the total effect of 500 or 700 SST's, which could have a far different effect on the environment.

Mr. BIBLE. I tried to make clear that, in my judgment—and I think I said this in my opening statement—we do not have all the answers to the questions the Senator is raising, and will not know until we have gone into the additional research and development and until we have gone forward with these additional studies by the environmentalists and the health people.

Mr. PROXMIRE. The Senator is right. That is why, in making that study, it should be by persons who, in the first place, do not have any connection with the SST and who are objective and competent.

Mr. BIBLE. Perhaps it should be broadened. If that is in order, I am sure they will follow the good advice of the Senator from Wisconsin and broaden the field.

Mr. PROXMIRE. Secondly, we do not need prototypes to make the study.

Mr. BIBLE. We do.

Mr. PROXMIRE. We do not need the prototypes to make the study.

Mr. BIBLE. Are we going to study the sideline effects?

Mr. PROXMIRE. The noise can be studied from the engines. The engines are practically finished now.

Mr. BIBLE. We have to know what the prototype is going to do, how it flies.

Mr. PROXMIRE. We have all kinds of military supersonic planes. We can study them in the same way that we would the prototypes.

If American Airlines and McDonnell-Douglas are on the panel, why not the Sierra Club and other conservation groups?

Mr. BIBLE. I am very fond of the Sierra Club.

Mr. PROXMIRE. Who do not have any financial ax to grind—unlike American Airlines and McDonnell-Douglas which may make profits out of the SST and are on the panel to judge its environmental impact.

Mr. BIBLE. I know the former president of the Sierra Club, the present president, the vice president. They are all close personal friends of mine. I have had a great many dealings with them. I have confidence in them. They visit with me frequently on park and conservation problems. I think they afford a very useful function. I think the suggestion the Senator is making is a very good one.

Mr. MAGNUSON. I have been a member of the Sierra Club for 40 years. Maybe they will put me on. I have been a member longer than anybody around here.

Mr. PROXMIRE. But I think the Senator has an attitude toward the SST that should disqualify him, as mine should disqualify me the other way.

Mr. MAGNUSON. If they keep the Senator from Wisconsin off, then I will stay off.

Mr. PROXMIRE. I realize that these questions are somewhat technical. Perhaps the Senator would prefer that I put them in the RECORD and he supply the answers.

Mr. BIBLE. Either way, because if I cannot answer, I will tell the Senator I cannot.

Mr. PROXMIRE. What amount of research is going to be made by the Magruder team on possible weather modification, depletion of upper atmosphere, possible effect on polar ice caps, possible effect on cirrus clouds in the upper atmosphere, possible effects on ultraviolet radiation in the atmosphere, possible structural damage neurological disturbances, and so forth.

What do they intend to do to find the answers to those questions?

Mr. BIBLE. I want to thank the Senator from Wisconsin very much for the high compliment he has paid me. If I knew what they were going to do in all these things, I probably would be eligible for the Nobel Prize.

Mr. PROXMIRE. If they cannot tell us what they are going to do about them, how can we have any assurance that the $27 million SST environmental * * * will protect the environment. They are going to spend the taxpayers' money——

Mr. BIBLE. Permit me to finish the answer, because I just got started on my answer.

Mr. PROXMIRE. Very well.

Mr. BIBLE. But I would assure the Senator from Wisconsin that, as he knows, I am not a scientific or atmospheric specialist. I know something about weather modification. I would hardly qualify as an expert. I do not know what the Magruder team is going to do in this field. If the Senator from Wisconsin will give me the written questions, I assure him I will ask Mr. Magruder personally to answer the questions, because I could not speak for him. I do not know what he is going to do in this area.

I assure the Senator that we are all acting in good faith. My son blessed me with a grandson on Thanksgiving Day. I want to have an environment where he can live and breathe, just as does the Senator from Wisconsin. If I thought this was going to have the devastating effect some people think, I would not be in favor of it. I have five grandchildren and I am very proud of them. They are going to live in the generation of the SST, whether they are our SST's or some other country's SST's, and I do not want them getting into environmental problems any more than the Senator from Wisconsin does.

Mr. PROXMIRE. That is exactly the point. This is why we feel we should have an environmental policy committee which would have the competence, the objectivity, and the knowledge to give us the answers. When we have American Airlines and McDonnell-Douglas and others promoting the SST on the panel, we are not likely to get such objective answers. We have now in our approval or disapproval of the SST money the bargaining power to get the answers. We should insist on them before we go ahead with the program, and not say we are going to have them later, and not say, "Well, next year. We will approve this program and then see what we can do to get someone with competence on it." We ought to do it before we get the biggest appropriation of any single year for the SST from the Federal Government.

Mr. BIBLE. I think we have to move ahead to get the prototype. The Senator and I have different ideas as to the functions and the results of the SST. That is his privilege and mine. We have an environmental council now. I do not mind broadening its capability. Nobody wants to walk into a committee that, as we say out our way, is stacked. I do not want that any more than the Senator from Wisconsin does.

If the Senator will supply me with the questions he has prepared, I will try to get them to Mr. Magruder, because we are likely to be on this subject for the next couple of days.

Mr. PROXMIRE. The Senator can be assured of that.

Mr. MAGNUSON. We have an environmental council. Mr. Ruckleshaus will have charge of that, and the council can issue orders.

They could issue orders against any aircraft, or any type of aircraft, to prevent it from doing this or doing that.

Mr. PROXMIRE. May I say to the Senator from Washington that the answer there, of course, is that we know what happens under these circumstances. President Nixon appointed an ad hoc panel on the SST in 1969. They made a study and found almost unanimously against the SST. Everyone who spoke out on it said that for one reason or the other it was a turkey.

Then, after the President changed his mind, or made the administration position clear, they all got into line and were for it.

So if President Nixon says he is for the SST, we are unlikely to get his appointees to veto the flight of the SST, the money having been spent and the President having put his reputation on the line.

Mr. MAGNUSON. Of course, I do not know the man. The Public Works Committee held hearings, and were satisfied, and he immediately issued orders on oil pollution, very quickly. He is an independent man, and they would have charge of this; they could tell any aircraft, I do not care what it is, that if they are doing something that violates their rules, or what they think are fair guidelines, to cease and desist; they can fine them or make them cease flying. So there is an agency.

I do not know how we could have a private agency do this. You have to have an agency of government. Someone has to appoint them, and normally the President of the United States who happens to be in authority appoints them.

Mr. PROXMIRE. Of course, I am asking for something else. I am asking for information so we can make a judgment on whether or not the SST is going to pollute the environment before, I repeat, before we go ahead and permit production of the plane. I am not confident, in view of the people who have been appointed, that we are going to get that, and I do not want to rely on executive agencies to disagree with the President strongly enough to prevent this plane from flying.

Mr. President, I understand that the Senator from Wyoming would like the floor briefly; so I yield the floor at this time.

Mr. BIBLE. Mr. President, if the Senator has yielded the floor, I have nothing further to say on this subject tonight. The Senator from Wisconsin asked a number of questions, many of them technical, and I can assure him that we will supply the answers just as promptly as we can secure the correct answers. I do not believe anyone else wishes to speak at this point for or against the SST. I, too, had indicated that I would yield to the Senator from Wyoming.

Mr. PROXMIRE. Mr. President, before the Senator yields, if he will permit, just to clear up the parliamentary situation, I should like to withdraw my motion.

Mr. BIBLE. Mr. President, I believe I now understand why the Senator made his original motion. I guess we will recess—do we recess when we finish tonight? Is that correct; has unanimous consent already been granted?

Mr. KENNEDY. No, it has not been; but it is the intention of the leadership to recess.

Mr. BIBLE. I thought the majority leader got a unanimous-consent agreement earlier today to recess all of the next few days, but I may be in error.

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Mr. KENNEDY. That may be true. In any event, we will be in recess until 9 a.m. tomorrow.

Mr. BIBLE. In any event, I now yield for the evening. I shall return at 9 o'clock tomorrow.

PAY SYSTEM FOR PREVAILING RATE EMPLOYEES—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pages 41490–41493, CONGRESSIONAL RECORD.)

Mr. McGEE. Mr. President, this legislation provides for an overhaul of the wage board prevailing rates pay system for some 800,000 blue-collar Federal employees.

The conference agreement is substantially identical to the provisions of the bill passed earlier by the Senate. It provides a framework for developing a uniform system of wage board employment and pay, sets up an advisory committee with employee participation and adds an extra step within each pay grade so that employees at the top of a grade will be paid 108 percent of the prevailing rate in the locality.

The bill extends the prevailing rate system to employees of the Department of Defense who are paid out of nonappropriated funds. These people usually work in PX's, canteens, officers and enlisted men's clubs, and other profitmaking ventures of the Department of Defense which are not paid for by the taxpayer. Their pay has been proven to be inconsistent with fair wage standards and this legislation will bring that practice to an end.

The conference has done its best to develop a bill that will be acceptable to the administration. Wage board employees have been the stepchildren of Congress for 108 years. The time to insure their fair treatment and to recognize their great contribution to the Federal service has come and I hope that this legislation will be approved by the Congress and the President to achieve that worthy goal.

Mr. FONG. Mr. President, I urge the Senate to approve the conference report on H.R. 17809, a bill to fix and adjust the rates of pay for Federal prevailing wage system employees. These employees are commonly referred to as blue collar employees.

This conference report, in all but three comparatively minor instances, is the Senate bill approved on September 10, 1970.

The provisions of this bill replaces many of the regulations issued by the Civil Service Commission and other executive agencies regarding the Federal blue-collar wage structure.

Essentially, this measure gives Federal blue-collar workers who have been in service for more than 4 years a 4-percent increase by adding a fourth step to the three steps already in the blue-collar wage structure. This means that Federal blue-collar employees could move up an additional step in their career progression. This would encourage Federal workers to remain in the Federal service. Presently, a Federal blue-collar worker enters the Federal service at the first step of his particular grade. The first step of each grade is equivalent to 96 percent of the prevailing wage in private industry. In 6 months of satisfactory service he would move up to the second step of the grade which is 100 percent of the prevailing wage. In another year and a half of satisfactory Federal service the employee would move up to the third step in the grade, which is equivalent to 104 percent of the prevailing wage. This bill would add a fourth step to each grade which would be 108 percent of the prevailing wage and would be reached in an additional 2 years.

The bill also brings the nonappropriated fund employees of the military services and the Veterans' Administration canteens under the Federal prevailing wage system. There are approximately 139,000 nonappropriated fund activity employees in the United States. All except those in administrative positions would come under the blue-collar wage system.

Although the bill calls for four steps in each blue-collar grade, the supervisory grades now have five steps rather than the present three. This bill would allow the continuation of those five steps for supervisory and other special industry-oriented grade levels.

The bill also authorizes the establishment of a Federal Prevailing Rate Advisory Committee composed of 11 members appointed by the President from employee representatives and those executive agencies employing the most wage board employees. This committee would allow both employee and administration representatives to meet for formal exchanges of ideas regarding the Federal blue-collar wage system.

The cost of the provision in the bill increasing the number of steps in each blue-collar grade from three to four is estimated at $106 million. The cost of including nonappropriated fund employees in the Federal blue-collar wage system is not known.

This is the first comprehensive overhaul and codification of the Federal prevailing wage system since it was established by statute in 1862.

I believe the steps taken by this bill are greatly needed and result in great improvements in the wage structure and administration of the system. I urge my Senate colleagues to approve the conference report on H.R. 17809.

A FAIR WAGE FOR PUBLIC SERVANTS

Mr. YARBOROUGH. Mr. President, I wish to give my wholehearted support to the bill (H.R. 17809) to create a wage board for civil service employees. It has long been one of my goals to insure that our dedicated civil servants are guaranteed a fair wage comparable to wages paid in private industries.

The bill would establish one system of rules under the jurisdiction of a single agency whose functions would be to insure that the same criteria are used for one agency as by another in establishing Federal wage comparability. Furthermore, it would insure that employees have fair representation within the groups charged with carrying out the functions of the act. In addition, employees of profitmaking enterprises operated under the military department will be included in the new system.

As the ranking Democratic member of the Committee on Post Office and Civil Service; as the member of that committee with the longest service on the committee; and as one of the Senate conferees in the conference with the House on this measure, I am proud to cosponsor this measure and urge its adoption by the U.S. Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. BIBLE. Mr. President, I do not wish to mislead anyone who has inquired or may inquire about the SST. I understand when we come in tomorrow morning, there have already been some special orders entered, so the SST will not be the pending business until—may I ask how many special orders have been authorized?

The PRESIDING OFFICER. A total of 1 hour has been allotted.

Mr. KENNEDY. One hour; three different speeches.

Mr. BIBLE. So then it is accurate to say that the SST will be up for consideration at 10 o'clock, and not 9 o'clock?

Mr. KENNEDY. That is correct.

Mr. BIBLE. I thank the Senator from Massachusetts.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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Mr. MURPHY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Would the Senator state the basis of his objection?

Mr. MURPHY. I do not know how much time the Senator wanted. I did not really hear what the Senator said.

Mr. KENNEDY. I asked unanimous consent that there be a brief period for the transaction of routine morning business, with statements therein to be limited to 3 minutes.

Mr. MURPHY. I withdraw the objection. I did not know how long a time would be consumed.

The PRESIDING OFFICER. Is there routine morning business to be transacted at this time? Does the Senator from California desire recognition?

Mr. MURPHY. I do not. I have withdrawn the objection. I desire recognition when the matter requested by the Senator from Massachusetts has been concluded.

The PRESIDING OFFICER. Does the Senator now desire recognition?

Mr. MURPHY. No; I desire recognition, and then I shall be glad to, without losing my right to the floor, yield the Senator from Massachusetts as much time as he desires for the morning business.

The PRESIDING OFFICER. The Senator does not have the floor. Is there morning business?

REDDICK B. STILL, JR., AND RICHARD CARPENTER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the action taken earlier in the day on the bill (S. 1002) for the relief of Reddick B. Still, Jr., and Richard Carpenter be rescinded.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. KENNEDY. I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 6400, and that H.R. 6400 be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6400) for the relief of Reddick B. Still, Jr., and Richard Carpenter.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The bill (H.R. 6400) was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent that S. 1002 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

Mr. MURPHY. Mr. President, I wish to be recognized for perhaps 15 minutes of the Senate's time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and the Senator from California is recognized for 15 minutes.

Mr. MURPHY. I thank the Chair.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

THE SUPERSONIC TRANSPORT

Mr. MURPHY. I presented a statement to be included in the RECORD, but I have just been told that the statement is considered critical of another Senator, and therefore it will be necessary for me to make the statement on the floor. Therefore, I apologize for keeping the Senate in session this late. I did not think the statement was critical. I know it was not intended to be, and I did not think it was, and therefore I have come, at this late hour, to make this statement, because I would like to have it a part of the RECORD at this particular time.

Mr. President, this is a statement in favor of the SST program, and the carrying forward of the program.

As time goes on, and more and more problems arise to further strain our already overburdened economy, as well as the unpleasant legislative morass in which we find ourselves here in the Senate in the closing days of this session, I am compelled once more to recall the conditions and circumstances which resulted in the Senate's decision, by vote, not to provide the needed funds for the continuation of the SST program.

On the day of the vote, I recalled with some consternation the thousands of organized phone calls and letters made to influence the decisions of Senators. I do not quite understand how this was organized, or by whom, but it was an excellent job.

Then there was the packed gallery, filled with an obviously highly biased group, a partisan group, to the extent that the Chair had to give a warning that any unwarranted outbursts would result in the gallery being cleared; and a sort of holiday Mardi Gras mood seemed to fill the halls after the result of the vote was announced. One got the feeling that much of the exuberance was the result of partial information, mixed with the type of highly charged juvenile enthusiasm which one would find at a football game. It seemed well organized and well motivated, and I hope that the factual basis for the outburst was as carefully planned as the motivation and the result that I saw.

Much of the opposition to the SST program, I believe, was based on questionable opinion and unsubstantiated information. Many arguments and reasons which were realistic and practical, to my mind, were completely overlooked, such as the effect—the real effect—of the sonic boom; the effect on the environment actually, not hypothetically; the airport noise; the side noise from engines which had not been built yet; the effect on the employment situation; and the overall future position of the United States of America in the world aerospace industry picture.

I also suspect that there were some who perhaps let partisan politics enter into their consideration, and I think that if this were the case, it was unfortunate.

Mr. President, the other day, one of the alleged Democratic candidates for President, my good friend, the Senator from Maine (Mr. MUSKIE) told me that he had "leaked information" of a report of a so-called Presidential ad hoc committee on the supersonic transport, which report had been delivered to the President in March of 1969.

He spoke at length against the SST program, based on a paper from which he read, which he told me later, and said in the Senate, was a leak. He seemed to base his objections to the supersonic transport program on what he said the report contained. He did not show this body the report, nor did he make it part of the RECORD; but he asked us instead to accept his interpretation of the report.

I think that, in fairness, my good friend, the distinguished Senator from Maine, should have told the entire story of the report, which I would like to do at this point for the RECORD.

There was, indeed, an ad hoc committee put together in February 1969 consisting of representatives of seven Government agencies. In their report, which was requested by the President, not one agency recommended the termination of the SST program; and any criticism put forth in the report seemed to be outside the area of interest or the job description of that particular reporting agency.

Therefore, in 1970, President Nixon went back to those seven agencies, plus nine or 10 other agencies, and asked that they again file a report on any and all information they might have on the SST. He asked, also, in this case that they stay within their job description and area of interest in this report. The report of July 1970, which is part of the record of the SST hearings, contains endorsements of the SST program from all—I repeat all—of the reporting agencies.

I ask unanimous consent that the letters constituting that report be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 25, 1970.

Hon. JOHN C. STENNIS,
Chairman, Subcommittee on Transportation, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the Administration last year conducted an intensive appraisal of the Supersonic Transport development program. On the basis of that review, the President recommended to the Congress in September that the program should go forward.

Recently the President asked the mem-

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bers of the Cabinet chiefly concerned with this, as well as the heads of other interested agencies of the Executive Branch, to review the program and to bring him up to date on their current thinking about its merits. In the context of your Appropriations Subcommittee hearings on the Administration's Fiscal 1971 budget requests for the Department of Transportation—and as you turn your attention to the SST—you might find these current comments from the various Departments and agencies useful.

With every good wish.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

THE SECRETARY OF STATE,
Washington, D.C., July 30, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: In accordance with your letter of July 23, 1970, we have reexamined those matters related to the SST which are most directly related to this Department's responsibilities.

One matter of prime concern is the progress of the British-French Concorde program. The best information available to the Department indicates that technical aspects of the Concorde program are progressing favorably. Flight tests to date appear to have been satisfactory. In fact, greater speeds than planned were attained with the first generation engines. As a result, the construction of 12 aircraft has been authorized, including six production models, two prototypes, two pre-production models and one each for static and thermal testing. The economic viability of the program remains to be proven when tests at the Mach-2 level are undertaken later this year with a new engine.

We understand also that consideration is being given to a second-generation Concorde which would be comparable in size and economy to the U.S. SST and that the Federal Republic of Germany may decide to join Britain and France in the Concorde project. It has been estimated that another $500 million in new financing would be required, but the consortium of companies already in being is technically qualified to proceed with a Concorde 2.

The Department also takes an active interest in developments in the international aviation sales market. In recent years the U.S. aircraft industry has had great success in overcoming its competition: for example, our 707's and DC-8's have almost completely taken over the long-range jet market. Consequently, foreign producers have sought out sectors of the market not covered by the U.S. industry. In the future, however, the European Airbus (A-300 B), the BAC 311, the Dassault Mercure and others will come into competition with U.S. planes.

The success of U.S. aircraft manufacturers to date has resulted, in part, from the large U.S. market, but perhaps more importantly has been attributable to the ability of the U.S. industry to identify new market sectors and excel in relevant technology. A successful SST program would tend to preserve both the fact and image of U.S. aircraft leadership and thus could support our competitive position in the overall commercial aircraft market.

Respectfully,

WILLIAM P. ROGERS.

THE SECRETARY OF THE TREASURY,
Washington, D.C., August 1, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: This is in reply to your letter dated July 23, 1970, requesting my current opinion of the SST program, especially as it relates to the responsibilities of the Treasury Department.

In the ad hoc review committee for the SST last year, Treasury did not support heavy further commitment of Federal funds at that stage. This position was based on our evaluation of the SST impact—given circumstances at that time—on matters relating specifically to areas of Treasury responsibility. We noted, for example, that the overall balance of payments effect would probably be negative in the absence of a viable foreign competitive aircraft. There were, in addition, many unresolved questions concerning the economic viability of the project. Therefore, on the basis of matters of direct concern to Treasury, we recommend continued design and engineering research only which would, nevertheless, keep open the option of Government sponsorship of production at a later stage should circumstances change.

At that time I indicated to you, however, that, were I responsible for making the decision in which all factors—economic as well as others—had to be considered, I would go forward with the program in order to maintain the United States' position of leadership in this field.

Since Treasury's recommendation in the ad hoc review committee, we have followed developments affecting the SST with considerable interest. We have been informed by other departments that circumstances have changed materially in the last few months. In this respect I understand that flight tests of the Concorde have produced better than expected results. It now appears that a viable foreign competitive aircraft will be in service in 1974. Based on this expectation, Treasury's reservations concerning the balance of payments impact on tourist account would be substantially changed. Further, I understand that the Department of Transportation has made new calculations of the favorable impact on the U.S. trade account over the next twenty years resulting from a decision to proceed with the U.S. Supersonic Transport. The assumptions on which these calculations are based seem reasonable.

The key to these assumptions, of course, rests on whether the Concorde will be a commercially viable aircraft. This now appears to be the case. Consequently, Treasury reservations expressed previously to going forward with the SST program have been significantly altered.

You have my strong endorsement for the project.

Faithfully yours,

DAVID M. KENNEDY.

THE SECRETARY OF COMMERCE,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This is in response to your letter dated July 23 requesting our current opinion of the SST program and its effects on such matters as the balance of payments, the environment, employment, or the economy and commerce of the Nation as a whole.

Attached are two memoranda prepared by our Department relating to this matter. One, prepared under the direction of Dr. Passer, Assistant Secretary for Economic Affairs, treats the economic aspects and recommends strongly that the SST program proceed. The other, prepared under the direction of Dr. Tribus, Assistant Secretary for Science and Technology, concludes that present environmental data do not justify a suspension of the program while further desirable scientific studies continue.

Thus, from the standpoint of those aspects of the matter which are within the expertise of this Department, we recommend that the SST program go forward.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

From: A/S for Economic Affairs.
Subject: Economic Ramifications of the Supersonic Transport.

At your request, we have reviewed the economic impact and implications of the supersonic transport program. Our conclusion, in brief, is that the decision to build, or not to build, an SST in this country is very important from the standpoint of employment and the balance of payments. An American SST program will mean a higher level of employment in those areas where aircraft manufacturing is concentrated, a substantially stronger industry, and a more manageable international financial position.

KEY ASSUMPTIONS

Many previous studies of the SST program have been made, and we have no intention (nor the engineering expertise) to duplicate the earlier work. While we recognize the many uncertainties involved, we have accepted the key conclusions of the most recent Department of Transportation study as basic assumptions in our analysis—specifically, the technical feasibility of the program, the costs of production, and the operating characteristics of the airplane including its payload, speed and range.

We have also accepted, in a general way, the conclusions of that study on the volume of future intercontinental travel, the size of the market for U.S.-built SST's, and the employment that will result from this program. Our impression is that, allowing for a normal margin of error, these are reasonable projections. Indeed, the expected volume of air travel, which is projected to grow at 10 percent per year through 1990, may be conservative in view of the growth rate of 15 percent per year that has pertained for the past two decades—and the 16 percent per year average for 1964–69.

Another crucial consideration in this issue is the technical and commercial feasibility of supersonic commercial aircraft. Last year, the Presidential SST Review Committee concluded that the Concorde would never enter commercial service. Today, it is not reasonable to make that assumption. Two Concorde airplanes are flying supersonically, and the program shows every indication of being completed on schedule (1974). In addition, the Russian SST, the TU-144, has flown at twice the speed of sound. An improved version is reportedly under development.

Thus the supersonic air transport is a reality. There is no longer a question of whether SST's will be used. Their great speed ensures their popularity on long flights. Just as the subsonic jets replaced the previous generation of aircraft, the supersonics will take over the transoceanic routes, which represent a substantial and rapidly growing volume of business.

The question now is not *whether* but *which* SST's will be used. The difference is crucial: under the assumption that no commercial supersonic planes would be in service, American dominance of the jet aircraft industry would very likely continue; with SST's in the air, that dominance comes into question, unless the U.S. SST becomes a reality.

A further meaning of the success of the Concorde is the threat it contains to our prospects for sales of subsonic aircraft. Because of "family-of-aircraft" tie-ins, it is highly likely that loss of the supersonic market will bring with it some loss of market share in sales of the subsonic jets, which would continue to be used for flights over land areas.

IMPACT ON EMPLOYMENT

If the U.S. proceeds with an SST program, there would be a substantial employment effect in the aircraft industry, which employs some 700,000 workers. This is an especially important consideration during the current period of declining defense and aerospace employment. Many thousands of jobs in related industries also would be created. This increase in the aircraft industry translates into billions of dollars of gross national product, as the income effects spread throughout the entire economy on a "multiplier" basis. At peak production, the U.S. SST program would directly involve approximately 50,000 workers; including secondary and indirect effects the total would probably reach 100,000 or even 150,000.

If, alternatively, the U.S. determines not to undertake the development of its own SST, the U.S. aircraft industry would suffer a substantial loss of sales as airlines purchased the foreign-made Concorde or TU–144 and as the demand for U.S. subsonic jets and other nonsupersonic aircraft declined.

To realize the full extent of the employment impact of the SST decision, it is important to understand two key structural aspects of the aircraft industry. First, the industry is heavily concentrated geographically. The total employment effects of a U.S. SST program would of course be widespread. But the direct effects would be highly localized in such aerospace centers as Seattle, Los Angeles, Wichita and Evandale. These areas are already affected by defense cutbacks. Clearly the SST is of great importance to their economic health.

This is not to claim that no offsetting developments would take place. The companies could enter other lines of business, and new industries could move into the areas. Some workers would find employment elsewhere. Retraining and relocation assistance would probably be available. Nevertheless, the transition period could be a long one and the adjustment process could be difficult for many workers and their families.

The second key structural characteristic of the aircraft industry is its concentration of professional and highly skilled occupations. A substantial decline of the industry would endanger the executive and scientific leadership and knowhow that has been assembled and developed over the past decades. Once this highly trained and technologically efficient team has been disassembled considerable time, effort and money would be required to rebuild it, in the event of a large defense requirement or other national needs.

BALANCE OF PAYMENTS IMPLICATIONS

It is not necessary to review the importance of a viable international payments position. The balance of payments has strong economic and political significance for any country, and especially for the United States in view of the key role of the dollar in the international monetary system.

A major element in the balance of payments is the balance of trade. After many years with a strong merchandise trade balance, the U.S. position deteriorated sharply in the late 1960's. A modest gain is being realized this year, but the prospect for a sustained significant improvement in the years ahead is not promising. The five-year lead of the Concorde is, in fact, a significant element in that outlook.

At present foreign airlines purchase a large share of the subsonic jets produced in the U.S. Thus, while the merchandise trade balance in total has been deteriorating, the "civilian aircraft, engines, and parts" component has contributed at least $900 million surplus each year during the past decade, and as much as $2 billion during 1968 and 1969.

If the U.S. does not develop its own version of the SST, the adverse impact on our balance of trade will be of very substantial proportions. The latest estimates of the Department of Transportation for the period 1978–1990 range upward from $16 billion, depending on a variety of assumptions. These are large figures and of course they are subject to the usual uncertainties. They appear to be reasonable, however, when account is taken of the probable import of foreign-made SST's for use by U.S. airlines, and the probable decline in exports of U.S. aircraft in the absence of a U.S. SST.

Not all of the impact on the balance of trade translates directly into an impact on the balance of payments. Deferred payment plans, effects on foreign travel, and a variety of other offsets, may temporarily or permanently dilute the net favorable trade balance.

Nevertheless, sales of SST aircraft and spares would make a very large and favorable addition to the U.S. balance of payments during future years. If the U.S. program should be terminated, U.S. airlines will have to purchase many more Concordes than now expected, in order to remain competitive with foreign airlines, and this would have a very large negative effect on the U.S. balance of payments. Sales of our subsonic jets would probably also be reduced. In effect, the continuation of the aircraft industry's historic role as a major contributor to our balance of payments depends on the successful development of the SST.

In sum, in the absence of an SST program, the United States would each year have to earn, from one source or another, an additional billion dollars or so—perhaps as much as two billion of foreign exchange. This is not an easy task; it could mean considerable difficulties for the international financial position of the United States and for the economy.

TOURISM

A special aspect of the SST's impact on the balance of payments is the extent to which foreign travel is promoted by the development of the SST. An earlier review of the SST program concluded that the overseas expenditures of tourists "induced" by the SST substantially offset the favorable balance-of-trade impact of sales of the aircraft.

No conclusive answer to this question is possible. In our judgment, the offset is small. First, it is questionable, in view of the rapid growth rate of overseas travel already established, whether the addition to the travel deficit induced by the SST is of a very substantial magnitude. Second, tourism is a two-way street; some foreigners will be induced to travel here just as Americans will go abroad. Third, because of the success of the Concorde—contrary to the assumption made in the earlier review—the inducement is present, to a considerable extent, with or without a U.S. version of the SST.

THE ASSISTANT SECRETARY
OF COMMERCE,
Washington, D.C., August 1, 1970.

Subject: Response to White House 380, DOC Position re SST effects on the Environment.

To: Rocco C. Siciliano, Under Secretary.

The President, in his letter of July 23, 1970 to Secretary Stans states that debate over the SST has continued in Congress and elsewhere around the country. He asks, in part, for an expression of the Secretary's current opinion of the SST program and its effects on the environment.

This memorandum is directed to the Department's responsibilities as they relate to potential changes in weather and climate. The memo is divided into two parts: the first is concerned with current opinion based upon best information now available; the second is concerned with proposals for supplying information now lacking to help resolve areas of uncertainty. Noise effects, not a DOC primary responsibility, are not included.

1. CURRENT OPINION

Based on information from past and ongoing research, no significant effects on the weather or climate due to the SST program have been identified. However, in the absence of more complete data, sufficient uncertainties exist that additional information should be obtained.

A symposium [1] just concluded has identified two plausibe mechanisms by which the SST can effect weather modification. These are: the creation of persistent cirrus contrails in vulnerable regions and consequent alteration of the radiation balance; significant heating of the stratosphere through an increase in the sulphate aerosol layer from exhaust products with subsequent absorption of radiation.

The previous conclusions were based on examination of the effects of the engine's exhaust of H_2O (as vapor) and CO_2 on the radiation balance.[2,3,4].

One additional aspect relative to H_2O and O_3 (Ozone) has received some preliminary assessment. It has been hypothesized that the addition of H_2O could lead to accelerated destruction of O_3 and thence to increased and possible deleterious ultraviolet radiation at the earth's surface. A reexamination of reaction rates (informal discussions by L. Machta with various scientists) concludes the change in O_3 concentration would be small and well within the day to day variability of the natural O_3 concentration.

The latest opinion evolved at the M.I.T Summer Study of Critical Environmental Problems is that the documented increase in global CO_2 and the apparent increase in stratospheric water vapor can act in concert to make the stratosphere more vulnerable to ice cloud formation. Manabe and Wetherald [5] calculate the increase in CO_2 has a greater effect in cooling the lower stratosphere than in surface warming. Inceased water vapor concentration could increase the frequency of ice cloud formation at polar latitudes but the probability or consequences of such increases are not considered large. It is worth investigating further.

It has also been discovered that, subsequent to the Mt. Agung volcanic eruption in 1963, both a large warming (6°–7° Centigrade) and a 30-fold increase in sulphate aerosol has been observed.[1] The warming is attributed to radiation absorption by the increased aerosol. The sulphur could end up in solid particles of ammonium sulphate due to certain postulated chemical reaction in the stratosphere. The basis for this conjecture is the analysis of the Mt. Agung eruption, which produced large quantities of SO_2. A fleet of 500 SST's, on this basis, could produce the effect of a Mt. Agung every 10 years. I hasten to add that this figure is uncertain. Further, the sulphur content could be reduced, now that this effect has been spotlighted. The degree of reduction depends on how much we are willing to spend.

Both these mechanisms are of considerable concern to the scientists involved in this analysis. Resolution of these issues requires additional data and research.

2. PROPOSALS FOR SUPPLYING INFORMATION

A substantial program of weather and climate research directed to resolution — uncertainties has been designed by DOC and forwarded to DOT [6]. The program has not yet been approved or funded. We understand DOT is seriously considering approval.

Previous documented studies did not address the possible weather or climate factors related to engine exhaust products and stratospheric chemical and photochemical interactions. The emissions of sulphur compounds, hydrocarbons and particulates are candidates for the production of weather or climate effects. The complete role of H_2O in the stratospheric environment (radiational,

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Footnotes at end of article.

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catalytic and synergistic) has not been evaluated.

The research needs therefore are:

(A) Short term studies of areas where effects are suspected in order to resolve or narrow the uncertainties in the SST decision time frame:

(1) A significant increase in the *in situ* monitoring of the stratosphere at SST altitudes for the amounts and composition . . . and particulate material and of H_2O, including samples obtained in the exhaust wake of supersonic aircraft;

(2) Laboratory simulation and studies of stratospheric chemical and photochemical reactions and reaction rates;

(3) Experimontal attempts to create stratospheric contrails in susceptible areas accompanied by experimental and theoretical studies of radiation budgets of cirrus clouds;

(4) Numerical geophysical modeling to evaluate the weather or climate effects of the suspect areas and to accept and incorporate (1), (2) and (3) above.

(B) Continuing programs to monitor and model the "background" (i.e. relatively clean air) environment. These programs meet two needs, documentation of the actual perturbations occasioned by routine supersonic "fleets" and hence insurance against overlooking a significant effect and, documentation of changes due to entirely different mechanisms (e.g. volcanic activity) that might otherwise be attributed to SST orgin. (This matter is not a trivial consideration judging from problems that arose in attempts to connect nuclear explosions and weather changes.)

These programs include:

(1) Establishment and long term operation of a system of geophysical observations of solar radiation and attenuation in selected spectral bands, vertical profiles of particulates and of electrical properties, carbon dioxide growth and constituents of precipitation.

(2) Periodic sampling of stratospheric gaseous and particulate composition.

(3) Advanced numerical modeling of atmospheric chemistry—weather or climate relationships.

This research design is described in more detail in the letter and attachment from ESSA Administrator White to SST Program Director Magruder, at his request, dated June 8, 1970.[6]

THE PROPOSED COMMERCE TECHNICAL ADVISORY BOARD PANEL

In addition to other DOC involvements, the Department of Transportation has asked DOC to form a CTAB SST Environmental Research Panel to further investigate concerns expressed over potential world weather and climatic changes from SST operation with particular (but not necessarily exclusive) reference to the following:

An increase in upper air water content;

A decrease in upper air ozone content with subsequent increase in ultraviolet radiation;

A change in atmospheric temperature through disturbance of the radiation balance;

An increase in cloud cover through contrails.

The Panel will also analyze whether SST passengers and crew will experience radiation exposure probelms.

For each of these questions, and other environmental questions that may be identified, the Panel will advise on:

Whether enough information is available to provide definitive and unequivocal answers at this time.

Whether research programs are underway, in the U.S. or in foreign countries, where inadequate information exists.

Whether planned research programs are designed to produce definitive answers prior to appropriate decision points in the U.S. SST pogram.

Initial CTAB discussions on these environmental questions will take place at its September meeting. If CTAB approves a Panel charter, a chairman and Panel will be selected at that time. A final CTAB report is expected to require one year of study.

SUMMARY

(1) An R&D program designed to resolve concerns that the SST could alter weather or climate has been proposed by DOC to DOT.

(2) A continuing environmental surveillance program intimately related to SST development must be continued as a long term effort.

(3) Primary technical competence in DOC for conduct of this research is in ESSA and NBS.

(4) A Commerce Technical Advisory Board Panel to report on potential weather or climate changes due to the SST has been proposed.

(5) The probability of environmental damage is large enough to warrant a study but not large enough to indicate a postponement of the SST program, especially since a commitment regarding SST production is two years away.

FOOTNOTES

[1] The M.I.T. Summer Study of Critical Environmental Problems, July 1970.

[2] NAS/NRC Panel "Weather and Climate Modification," No. 1350, 1966.

[3] L. Machta, Personal Communications, February 16, 1969; May 5, 1969.

[4] H. S. Appleman, USAF, Report No. 20, June, 1965.

[5] Manabe, S. and R. T. Wetherald, 1967, "Thermal Equilibrium of the Atmosphere with a Given Distribution of Relative Humidity," Journal of Atmospheric Sciences, V. 24, No. 3, pp. 241–259.

[6] Environmental Research Program, June 22, 1970 (attached).

MYRON TRIBUS.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 31, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The purpose of this letter is to convey my views on the SST Program. Three reasons prompt me to favor proceeding with this program.

First, through the years the Nation's leadership role in commercial aircraft production has contributed greatly to its economic strength. Such production capitalizes on two of the Nation's foremost assets—advanced technology and technically skilled manpower.

The Nation's leadership in commercial aviation has sprung from one thing. We have consistently led the world in the state-of-the-art—the advanced design and modern method production of superior commercial aircraft. We should not lightly dismiss the many consequences of loss of this leadership. Clearly our leadership position will be forfeited if Federal Government support for the SST is not forthcoming.

Second, a considerable inter-relationship exists between commercial and military aircraft, in production capability and in technical advances. Production of both types of aircraft requires skilled employee teams—teams of researchers, designers, planners, assemblers and testers. It is clearly in the interest of the Nation's security to keep intact skilled teams capable of such effort. This may, perhaps, be doubly important at a time when expenditures for military aircraft are being reduced to conform with national priorities. In keeping such teams together, the SST Program serves as a form of national security insurance.

Third, the basic manpower talent needed for production of this product is now available in abundance and can be expected to so continue. For the first time in two decades, engineers, skilled technicians and capable aircraft mechanics are not in restricted supply. In fact, some of the Nation's softest labor markets may today be found in aircraft producing centers. Considering the planned further war time to peace time conversion activity, it cannot be contended that additional jobs would be created by the SST Program. With the SST Program, however, many jobs would be saved for workers who otherwise may be lost to the industry with their skills used less advantageously elsewhere. Many local and personal employment and economic situations may thus be kept from becoming critical.

For the foregoing three reasons, the SST Program appears to be a wise investment for the Nation.

Respectfully,

J. D. HODGSON.

THE SECRETARY OF DEFENSE,
Washington, D.C., July 31, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Much of our nation's defense strength resides in the technical capabilities of our industry, and in a broadly applicable, readily available technological data base obtained from an aggressive research and development program.

Accordingly, there are clear national advantages to the further development and growth of aeronautical technologies such as titanium, propulsion, operational techniques, etc., that are inherent in supersonic cruise vehicles such as the Supersonic Transport, and which are currently not available elsewhere in the free world, and to an aircraft industry kept healthy, viable, and responsive to technical challenges and opportunities. Once such a national resource is allowed to weaken and become diffused, it is exceedingly difficult and costly to re-establish.

Unfortunately, maintaining this aeronautical strength is becoming more difficult. As the Subcommittee on Advanced Research and Technology of the House Committee on Science and Astronautics has noted, the increasing divergency of military and civil mission requirements in U.S. aviation is now resulting in less joint exploitation of this technological base, and fewer cases of common hardware development. The Supersonic Transport, however, is a program which will provide inputs to the data base that will contribute to both military and civil aviation technological interests.

As you know, we normally assess our defense needs by comparison with the potential military threat; however, to ascertain our over-all position it is also necessary to measure our national economic needs and their relation to aeronautical technology. A useful indicator is our balance of trade with the rest of the world. Data from the Aerospace Industries Association of America for 1969 indicate a net favorable balance of $1.6 billion with the aerospace contribution representing some $2.8 billion or 180 percent of this net balance. Because of the significant contribution of the aerospace industry to a favorable trade volume, it appears essential that we take the necessary steps to assure our continued leadership in aviation. The projected export potential of the Supersonic Transport should provide a valuable contribution in this area.

The prospect of commercial supersonic flight is new to the civilian community, and a great deal of discussion has arisen concerning possible effects on passengers and environment. We have been operating Navy and Air Force aircraft at supersonic speeds for two decades without suffering significantly the adverse effects many environmentalists now predict will result from Supersonic Transport operation. While it is recognized that the experience acquired in military activities may not be directly appli-

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cable to all problems anticipated for the Supersonic Transport, I believe that for the most part—especially with respect to reputed radiation exposure and aircraft safety—the knowledge we have acquired is pertinent and applicable. I believe the Supersonic Transport program is making effective use of this experience.

While the Defense Department is not a direct participant in the Supersonic Transport prototype development program, we recognize that the country's position, both civil and military, will be enhanced significantly in meeting the challenge implicit in the Supersonic Transport program. We will continue, therefore, to assist in efforts to relate our experience to Supersonic Transport needs, and to help carry forward a program that promises such an irreplaceable benefit to our national security and economy.

Respectfully yours,

MELVIN R. LAIRD.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In reply to your letter of July 23, 1970, may I say that a number of developments have occurred during the past year, both here and abroad, which reinforce my conviction that the Supersonic Transport program is compatible with our National environmental and economic objectives, and that an American SST is essential to the continuing leadership of the United States in the world aviation market.

Earlier this year I relocated the Office of Supersonic Transport Development from the Federal Aviation Administration to the Office of the Secretary, reporting directly to me. The new Director of the Development Office, William M. Magruder, has brought to the program new insights from his broad technical and industry experience which, together with other events bearing on the SST issues, lead me to conclude that a complete up-to-date reappraisal of the program is indeed in order.

We have learned, for example, that the flight tests of the Concorde have been highly successful, and the Russian TU-144 is proceeding with apparently equal success in its performance tests. The affirmation of Prime Minister Heath's government in the continuation of the Concorde, together with reliable reports that an improved Concorde may be in preparation, indicates, in my judgment, a determination on the part of the European aviation industry to penetrate deeper into the free world air transport market.

A new assessment by my Department of the economic consequences resulting from a U.S. forfeiture of the supersonic transport market reveals a larger potential dollar impact than previously estimated.

With an improved Concorde having greater economic appeal to the airlines, the unfavorable trade balance could reach $22 billion, assuming greater demand for the British-French Concorde and a diminished demand for U.S.-produced subsonic jets.

To assure the environmental acceptability of the SST, and to allay fears concerning any possible adverse effects from supersonic aircraft operations, we have established within the Department two advisory committees and a continuing comprehensive research program designed to yield substantive data on the noise and environmental aspects of the SST. This is not a unilateral research effort limited to the Department of Transportation; it enjoins a number of Government departments and agencies, and encompasses, for the most part, on-going research programs already funded and approved. This research activity also acknowledges the presence of thousands of other supersonic aircraft, including Soviet military planes, operating in the same airspace regimes where SST's will fly. The numbers of such aircraft can be expected to increase and the environmental effects of their operations (if any) would be universal. In an additional safeguard action, the Federal Aviation Administration earlier this year issued a Notice of Proposed Rule Making confirming the Administration policy prohibiting flights of civil supersonic aircraft over populated areas at sonic boom-producing speeds.

Another Governmental action; the Airport-Airway Development Act of 1970, reflects the Federal commitment to the development of airports on a non-interference basis with air and water quality standards, and in deference to people's concern over aircraft noise. Grants for Federal assistance to the developers of new airports will be awarded only when environmental safeguards are assured, and when compatible land use concepts are prescribed. The Act, therefore, provides additional assurance that airports, like aircraft, will be developed to minimize environmental conflicts.

My objective, and the goal of the Department, continues to be the attainment of a truly National transporation system, optimizing the various modes, not autonomously but in a complementary manner. We have the means to improve transportation singly and collectively—and to make the movement of people and products faster, safer and more efficient—across town, across the country, or around the world. The SST, with its ability to cut long-distance air time in half, is properly part of that total transportation concept.

Over the past twelve months, the SST program has achieved a world's thrust record in jet engine development, the full-scale engineering mock-up of the SST airframe has been completed, the subcontractor team is now virtually in place, and the program is about to turn the corner to actual prototype construction. In light of the competitive threat posed by the Concorde and the challenge both to our industrial and technical leadership, I respectfully urge that the U.S. SST development program be continued at the pace which will insure the 2707–300 a place in the world market not later than 1978.

I am testifying accordingly before the Senate Appropriations Subcommittee. My convictions concerning the extreme importance of the United States SST program are, I believe, reflected in my prepared statement, a copy of which I am enclosing.

Respectfully yours,

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THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In your letter of July 23 you have asked for my views on the continuation of the Supersonic Transport development program, particularly as to matters relating to the responsibilities of this Department.

I am not in a position, of course, to comment on aspects of the SST program beyond the areas of this Department's responsibilities, nor to attempt to assess the relative priority of the program's claim on our national resources.

Those aspects of the program which do touch this Department's role were the subject of a report last year by the Environmental and Sociological Panel of the Ad Hoc Supersonic Transport Review Committee. As you know, the Committee expressed concern with the potential environmental and sociological problems of sonic boom, airport ("sideline") noise, hazards to passengers and crew, and effects of water vapor in the stratosphere.

It is my understanding that some additional data is now available on some of these problems, but that continuous study and research, aimed at finding real solutions, will be required. We are cautiously optimistic that solutions to the major problems can, in fact, be found.

We have been pleased to learn that the Department of Transportation has developed a research program, utilizing outside experts, designed to resolve the environmental and sociological problems. It is our understanding that the Department of Transportation is working to assure that fiscal year 1971 funds needed to initiate this research will be available; and that completion of this work will be programmed to coincide with completion of the development of the prototype model of the SST. It is also our understanding that information derived from this research will be utilized in the design and operation of the SST and will be taken into account in determining whether to proceed with production of the aircraft.

This Department stands ready on this basis to provide any assistance that may be required during this study period and fully supports your decision to proceed with the SST development program, with this new research component.

Faithfully yours,

ELLIOT L. RICHARDSON,
Secretary.

THE SECRETARY OF THE INTERIOR,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: I have given great personal consideration to your July 23 letter requesting views on the SST. The magnitude of the project requires that each member of the Cabinet respond with the highest sense of public responsibility.

Of most immediate concern to my mandate at Interior is the effect of the SST on the environment, specifically in the areas of (1) sonic boom, (2) airport noise, and (3) the addition of water vapor in the stratosphere and related changes in ozone concentrations. I am pleased by the strong efforts being undertaken by Secretary Volpe in environmental research on these issues. I agree with the Council on Environmental Quality that the two prototype aircraft in themselves represent no threat to the environment. Equally, I believe it is important that the horse be kept in front of the cart and that we insure that satisfactory solutions to these environmental problems actually exist before a major commitment is made for commercial production.

We must maintain our technological superiority in air transportation; however, this superiority must be carefully related to environmental and sociological costs.

Respectfully yours,

WALTER J. HICKEL,
Secretary of the Interior.

CIVIL AERONAUTICS BOARD,
Washington, D.C., July 29, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The United States has enjoyed a strong position of leadership throughout the history of air transportation. Over eighty percent of the jet airliners flying the world's routes bear the label "Made In USA". In the development of the Supersonic Transport, more than national prestige is at stake, as this capability to lead the field in increasingly more productive transport aircraft is a great national asset. It means American products for foreign markets; it means jobs for American labor; it means dollars for the American economy.

We lead because the United States possesses the strongest capability to develop, produce and operationally support aircraft of improved efficiency. We are also the only nation to date whose industry can offer complete families of transport vehicles from a single source, a vital factor in the equipment selection decisions of the world's airlines. The Supersonic Transport will be a key component in the aircraft family.

Our dominance was not easily won, and it is doubtful that, once lost, it could ever be regained. It is a position of strength which, aside from the importance to our domestic economy, has broad and significant international implications affecting the Board's responsibilities. It is, for example, a great support when negotiating bilateral air rights with foreign governments. Furthermore, an American Supersonic Transport, which embodies the characteristic operating efficiencies of our aircraft, will contribute to the maintenance of a reasonable international fare level.

The Supersonic Transport is the next logical development in the family of air carrier equipment. It is clear that an SST will be built, and the competitive nature of international air travel indicates that all of the world's major airlines will operate them. If we abandon this market, we will probably forfeit our leadership with resulting adverse economic and international consequences.

It is the purpose and statutory responsibility of the Civil Aeronautics Board to encourage the development of civil aviation, as well as to regulate air transportation. I believe the Supersonic Transport will promote the development of civil aviation.

The role of the United States as the supplier of over eighty percent of the Free World's transport aircraft has important ramifications which should not be underestimated. In my judgment, that role must be maintained.

Respectfully yours,
Secor D. Browne,
Chairman.

Executive Office of the President,
Washington, D.C., August 6, 1970.

Memorandum for the President.

Subject: SST Development Program

In response to your July 23 request I am submitting my views and current opinions of the SST program as they relate to the budget responsibilities of this office.

1. *Balance of Payments.*—The SST program should have a very favorable effect on our balance of payments. As you know, we have maintained a favorable net balance of U.S. aircraft exports averaging over $1¼ billion a year for the decade from 1960 through 1969 while other trade categories have declined. Most of the decline, including such major product items as automobiles, were caused by the high cost of American labor. The principal offsetting factors to such a high cost are expert technology and productivity and certainly the SST program offers both.

2. *Employment.*—We believe that the prototype program for SST involves at least 20 thousand professional and technical jobs, 6 thousand of them in the Seattle area alone. Full-scale production would involve as many as an additional 30 thousand jobs which could clearly help offset current reductions in employment in the aerospace industry generally. If the SST program were eliminated, additional severe cutbacks to the whole industry would be experienced.

While it is true that the SST program has virtually no employment benefits for disadvantaged hard-core unemployed with low skill levels, it is also true that SST employment would substantially increase the personal and corporate income tax collections of the government. In fact, the aerospace industry has long been known as one of those that produce some of the dollars in our economy necessary to pay welfare costs and other human resources needs.

3. *Effect on the Economy as a Whole.*— Development of a successful SST prototype and sale of 500 aircraft would produce a very favorable impact on our national economy.

By the same token, failure to proceed in this field could well mean loss of our leadership in the air transport field. In this connection the "families of aircraft" concept is very important. As you know, it is commonly said that aircraft are sold in families; that is to say, there is a marked similarity in the engines and spare parts of the short-, intermediate-, and long-range transport aircraft, as well as other types, produced by the same firm. Purchasers, once they decide upon a particular aircraft, find it economical and sensible to purchase other aircraft of different types, from the same "family" because of the relative similarity of parts, repair and maintenance work, etc. It is clear that the European manufacturers of SST's are developing subsonic aircraft such as airbuses in the same "family" as their SST's. Thus, if we do not develop an SST as part of a "family aircraft package" and European manufacturers do, we are likely to lose not only the SST sales but also sales of existing subsonic aircraft types. Loss of such sales could add to the existing serious problems of some of our aircraft manufacturers.

4. *Budgetary Considerations.*—The SST development program will require outlays of $275 million in 1971 and $202 million in 1972. The Federal investment in this program would be recouped from royalties on the sale of SST aircraft. It seems reasonable to continue and thereby protect the current national investment (of which the Federal Government has already invested approximately $600 million) in this program if your technical advisers remain confident that a prototype can be built to meet design criteria within the current cost estimate.

I am concerned about further Federal financial support beyond the prototype development phase of the program.

The cost of certification and initial production could run as high as $4 billion. In my opinion, the true test of the SST prototype should be the free marketplace. If investment bankers, air carriers, and aircraft manufacturers have confidence that the SST will be economically viable, they will finance the program.

I very much appreciate your giving me the opportunity to comment on this important program.

Caspar W. Weinberger,
Deputy Director.

National Aeronautics and
Space Administration,
Washington, D.C., July 30, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: In reply to your letter to Dr. Paine of July 23, 1970, I have the honor to give you our current views on aspects of the Supersonic Transport Program that relate to the responsibilities of the National Aeronautics and Space Administration.

A review of the previous technical assessment of the SST made by NASA in March 1969, together with the results of pertinent research efforts in the intervening period, has reaffirmed our judgment that the definition and resolution of problems associated with the development of this aircraft clearly require the flight test of a prototype vehicle. The current review has also reaffirmed our view that the prototype development and flight program as planned should provide the basis for production of an operational aircraft meeting airline requirements.

The successful development of an advanced aeronautical vehicle, such as the SST, normally requires the identification and solution of a number of technical problems. With regard to technical problems identified in the review of 1969, progress has been made in several areas including the inlet system, the advanced flight control system, and fuel tank sealants. Nevertheless, some problems will not see final resolution until the development and flight test of the prototype aircraft is completed. Such problems include structural weight of the vehicle, efficient solution to the aeroelastic and flutter problems, and the achievement of the necessary levels of aerodynamic and propulsive efficiency. These problems must be resolved in an integrated sense without degradation in vehicle performance. Other problems are the development of an efficient long-life engine and the need to suppress noise, particularly sideline noise, that emanates from the jet exhaust. This latter problem has assumed greater significance during the past year in the light of noise restrictions placed by the Government on the operation of subsonic transport aircraft. The imposition of noise restrictions, depending on their severity, on the operation of supersonic aircraft might require modification of the engine design, and its integration into the airframe, for the SST production aircraft.

The National Aeronautics and Space Administration will continue to make its resources available in support of the SST program to assure the maximum success.

Respectfully yours,
George M. Low,
Deputy Administrator.

National Aeronautics
and Space Council,
Washington, D.C., July 30, 1970.

Hon. Richard M. Nixon,
The President of the United States,
Washington, D.C.

Dear Mr. President: The National Aeronautics and Space Council and its staff have monitored the supersonic transport activities since the inception of the program. We supported your actions last September when you established this Administration's position favoring continued support of the SST. We have continued to monitor this activity and are strongly behind the program as it is presently proceeding. We believe that the technology at this stage of development is sound and that it will lead to a successful commercial program.

Moreover, the SST is the most advanced aeronautical program now in existence in the free world. Our country's strength in both civil and military aeronautics will definitely be enhanced as the industry meets the technological challenges set by the SST. Over 6500 separate companies will be advancing their capabilities as they participate in the manufacturing process. The SST production represents a prudent investment of government funds in a program of national scope providing business in 39 states across the nation. Over 55% of this activity will be accomplished east of the Rocky Mountains. Approximately 175,000 employees will be involved, and over half of these represent unskilled or semiskilled workers. Fair employment practices prevail throughout, and the level of 1150 "hard core unemployables" presently in training by these companies is forecast to reach 2350 at the peak.

The SST operations will provide an economic benefit to the major cities along both coastlines where significant portions of our great nation reside. The travellers that this service brings will provide billions of dollars of business. The 25- to 45-year-old age group is expected to dominate this travel market, and it is estimated that by 1980 over 60% of the U.S. population will fly. This is a broad market when contrasted with the 20% who used air transportation in 1955, or the 39% in 1964.

The program promises manifold benefits to the industry. I am told that 20 billion dollars worth of direct airplane sales can result. The national benefits loom even larger. The value in billions of dollars of business involved in operations, mainte-

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nance, facilities, new service requirements in restaurants, hotels, new access highways, new ground transportation developments, and thousands of other smaller items provide an unmeasurable level of business growth for this nation as a whole. The total resulting business could be many times greater than the actual airplane sales value.

The favorable balance of trade, due to foreign sales, is conservatively estimated at 13 billions of dollars, without including the other advanced technology supporting systems that are required. This favorable balance of payments situation could be reversed to a 16 billions of dollars deficit if the U.S. SST program is not pursued. The British/French Concorde SST is here. It is flying! The purchase options on 38 Concordes by U.S. airlines are already a matter of record, and this number will increase if the U.S. SST is delayed. The question is not whether or not there will be an SST. Rather, it is, "Which SST will the airlines buy?"

One unfortunate aspect of the program so far is the public misunderstanding surrounding the funding support. The executive branch should make sure that no opportunity is missed to inform the taxpayer of the limits of his liability and potential benefits for him and for the nation.

The 1.3 billion dollar government investment for this program represents the only practical way a U.S. SST could be developed within the required time frame. Industry is putting up 250 million of their funds to augment the government investment.

This goverment investment is just that, an investment, but in a shared risk venture. The government stands to regain the entire 1.3 billion dollar investment when the three hundredth airplane is sold. By the five hundredth airplane, the additional return to the government would approach a billion dollars.

This is the first major government aerospace program in history where the government stands to make a profit in addition to getting its investment returned in full.

In addition, during the life of this program, the U.S. government stands to realize over 5.4 billion dollars in taxes as a direct result of this SST production activity.

Riding strongly upon a growing public concern for the nation's ecology, objections to the SST for environmental considerations have been raised. These objections appear to be exaggerated and premature. They are being addressed through comprehensive U.S. Government-sponsored research programs which we judge to be scientifically and technically sound.

The present program which separates the development phase from the production phase offers the most significant assurance to all parties concerned, including the general public, that the production SST program will be a sound one in every way.

In summary, the SST must be safe, economically sound, suit the world's airways and airports, be superior to all competitors, and be ecologically acceptable. We are confident the present SST program will provide these results.

The National Aeronautics and Space Council has the functional responsibility to advise and assist you, Mr. President, with respect to policy, plans, and programs, as well as to provide for effective cooperation among all departments and agencies of the United States on significant aeronautical and space activities. Since I arrived in September 1969, I have been active in developing a knowledgeable and competent staff of aerospace experts within your Executive Office. We are now in a sound position to make a more effective contribution to the SST and other related aerospace areas regarding national policy, or where coordination or planning within the Executive Office is required. We are assisting in the SST development and research efforts where our particular capabilities prove useful.

The SST program needs to be viewed against the background of an aerospace industry that has an unemployment rate approaching 18% as compared to a national average of 5%, or a housing industry average of 7%. The aerospace industry has generated most of the new technology and unique products that influence our daily lives. Erosion of this valuable national resource is of growing concern to us with respect to the future of this nation. In this climate, the SST program is more than an economically and technically sound venture. National leadership in the SST is vitally important.

Of course, active and well-funded aerospace programs are what companies need most but if relative priorities in the economy limit our ability to increase funds in a major way, there must be other appropriate measures which can be taken. I have discussed several options with the Vice President that address to these problems in the aerospace community. We are currently planning several positive steps that could become new initiatives for the Administration. I will be forwarding a synopsis of these steps to your staff for further consideration. However, these steps, valuable though they may be, are of secondary importance in relation to sound programs such as the SST.

The Department of Transportation, and especially the Director of the SST program, Mr. William Magruder, are to be complimented on doing an excellent job in keeping this program under control, and we plan to continue giving him and his staff our full and active support.

Sincerely,

WILLIAM A. ANDERS.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., August 12, 1970.

MEMORANDUM FOR THE PRESIDENT.

Subject: Environmental Effects of the SST.

The Administration's current SST program, the appropriation for which is now pending in Congress, is for the design, development, fabrication, assembly, and a hundred hour flight test for two identical prototype supersonic transport aircraft. As I testified before the Joint Economic Committee on May 12, "In and of themselves the two prototype models would not give rise to environmental problems provided appropriate precautions are taken with regard to their test flights."

In my testimony before the Joint Economic Committee, I pointed out the major uncertainties which exist with respect to the possible commercial development of a fleet of SST's. These uncertainties relate primarily to effects on the upper atmosphere and sideline noise at airports. A copy of that statement is attached.

While differences of opinion necessarily exist as to the exact nature of the environmental consequences which may be expected to result from large scale commercial SST operations, there is widespread agreement within the scientific community that questions remain which should be resolved. In this connection, it should be noted that the July 31 summary report of the Study of Critical Environmental Problems (SCEP), sponsored by the Massachusetts Institute of Technology, concludes, in part:

"The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences."

This conclusion is entirely consistent with my May 12 statement.

The Council has pointed out that the various environmental factors to the Department of Transportation. The Department has developed a proposed research program that would accelerate work towards a quieter engine and would examine the atmospheric effects. This program calls for the expenditure of $26.68 million over the next three years. The Council has reviewed and supports this research program and believes it to be responsive to the environmental concerns and uncertainties which the Council has identified.

As my testimony before the Joint Economic Committee sought to make clear, the concerns and uncertainties which this Council has identified relate solely to the possible future operation of a fleet of commercial SST's. The two prototype SST commercial aircraft, as proposed by the Administration, would not in themselves give rise to any significant environmental problems.

RUSSELL E. TRAIN,
Chairman.

EXPORT-IMPORT BANK OF THE
UNITED STATES,
Washington, D.C., August 3, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In answer to your request, we are pleased to comment on the attitude of the Export-Import Bank toward the export of commercial jet aircraft, with particular reference to the SST.

As you know, the Eximbank has participated in financing commercial aircraft for some twenty years. The Bank's activities in this field have increased over this period and indeed have expanded dramatically during the last four years. Eximbank commitments in FY 1965 for commercial jet aircraft supported only $102 million in exports compared with $1.7 billion in FY 1970.

At the present time, and for the foreseeable future, financing of commercial jets for the airlines of the world is and will continue to be by far the Bank's largest single activity. However, it is worthwhile to note that the Bank on an average extends direct loans covering only 36 percent of the total cost of jet aircraft and thereby gains the maximum advantage in the use of its financial resources.

We presently estimate that commercial jet exports in which Eximbank is involved will average almost $2 billion per year over the next five years. We are in a position to forecast this magnitude of export activity with reasonable confidence because of the current preeminence of U.S. wide-bodied jets—the Boeing 747, Douglas DC–10 and Lockheed L–1011.

As an indication of the proven demand, Eximbank in FY 1970 made commitments involving the export of some $900 million of these three types of aircraft. Moreover, we have knowledge of options which non-U.S. airlines have placed for substantial additional optional and firm orders will be placed for these jets between now and the mid-1970's.

As the SST will not be available for sale until the late 1970's, we cannot point to any such proven demand, nor can we claim any special expertise in the field of jet aircraft technology. However, all available information regarding the U.S. SST and the competitive aircraft under development in Europe and Russia indicates that these new supersonic jets are likely to be of significant importance to the U.S. balance of trade in the late 1970's and 1980's. Estimates recently have been made available regarding the significance of the SST to the U.S. balance of trade, considering both exports from the U.S. and imports of such aircraft into the U.S. These estimates indicate that, if the SST is not developed and sold, the net loss to the U.S. balance of trade over a twelve-year period would be on the order of $20 billion.

We assure you that the Export-Import Bank has every intention of continuing to

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assist in financing commercial jets, including the SST. We have actively supported exports of the current group of wide-bodied aircraft in such a manner that we believe it will have a substantially favorable effect on the U.S. balance of payments for most of this decade. We plan to support SST exports in a similar manner, with the expectation that such support will also have a favorable effect on the U.S. balance of trade in the late 1970's and the 1980's.

Sincerely yours,

HENRY KEARNS.

COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., July 31, 1970.

MEMORANDUM FOR THE PRESIDENT.

Subject: The SST Program.

Economic considerations point strongly in the direction of continuing the SST program through the production of a prototype. The probability of ultimate economic success for the plane is high enough to warrant carrying the project through to that stage and cancelling the SST project now would prematurely close off our options. The adverse implications of thus terminating the project, given a significant probability that the plane will be an economic success, would constitute an excessive risk for the Nation and the economy.

The economic considerations pertaining to this decision have to do with the external payments position and also the domestic economy. As for the balance of payments issue, the absence of an SST, if an economically viable Concorde materializes, would reduce the competitive strength of our own aircraft industry. At the present time U.S. manufactured planes have about 84 percent of the free world market. If the Concorde were successful and we have a successful SST, our own share of the world market might drop to something like 79 percent by 1990. Without an American SST, however, we might lose at least another 10 percentage points of the world market by that year if the Concorde project is a success.

Beyond the direct impact of aircraft sales on our external payments position one must also evaluate secondary implications for our external payments. The advent of more rapid travel probably would have some adverse net effect on tourist expenditures abroad. This would occur, however, if the Concorde project is successful even without an American SST. On balance, therefore, a decision to terminate the project now would carry with it a significant risk that our balance of payments position would thereby be adversely affected when this generation of aircraft matures into the market.

As a general rule, of course, specific program decisions should not be undertaken or avoided merely because of their effect on our balance of payments. Moreover, it is important to bear in mind that the impact of this program on our international payments position would not in any case show up for a decade. At the same time the implications of this decision for our balance of payments position must be recognized even at this early stage, and they point in the direction of a favorable decision on continuing into the prototype stage.

As for the domestic economy, canceling the SST project at this date would apparently lead to a layoff of approximately 5,000 engineers and skilled workers. Most of these are employed in Seattle and the layoff would aggravate an already difficult unemployment situation. It would add, to be specific, roughly 0.5 percent to the 8.8 percent unemployment rate (in May) in Seattle, and there would be adverse secondary repercussions elsewhere. Moreover, it would adversely affect the future strength of the aircraft industry, which has been an important segment of our domestic economy.

It should be stated, incidentally, that continuing the SST should not be supported as a means to assure reasonably full employment. By the middle of this decade (when the project, in any case, would begin to employ large numbers of skilled workers), the attainment of reasonably full employment can be achieved in other ways.

In our planning for this project we should insist that the certification and production stages be financed by private industry. If private industry is not willing to support production after the prototype is built, such disinclination would raise a serious question as to whether the project was economically feasible.

PAUL W. MCCRACKEN.

FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., July 28, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In response to your letter I offer these comments. I consider it most unfortunate that a relatively few but extremely forceful individuals and groups appear to embrace the thesis that the Supersonic Transport is being developed in conflict with, or in isolation from, the other needs of the Nation.

To the contrary, the SST has been designed from the outset to operate from existing gateway airports serving this nation's most populous regions. Performance advantages of the SST over subsonic jet transports will be strikingly apparent to airport neighbors who complain about today's planes; it is the first new aircraft to be designed from the outset stressing environmental considerations, with noteworthy success.

Extensive research and development work is already underway to control SST sideline noise (the only environmental parameter numerically deficient to current criteria) and bring it within acceptable limits prior to aircraft production; predictions that the SST will be as noisy as 50 subsonic jets on takeoff simply have no foundation in fact. Importantly, noise data analyses indicate that the Boeing 2707–300 will be impressively less noisy over the community than present day intercontinental range jets (707, DC–8, VC–10).

Historically, all long-term traffic forecasts have fallen short of actual traffic growth experience. This nation must have aircraft with higher productivity else it could strangulate in the number of subsonic jets needed to satisfy predicted traffic levels. Importantly, one SST will do the work of 4½ DC–8's or 707's in the same unit of time.

The SST will be sorely needed to transport the 56 million Americans and the other millions of non-U.S. citizens who will be traveling internationally by 1980. Its greater productivity will also keep fares in line with the world economy and, even considering inflation effects, the SST promises lower total costs than even the newer subsonic "wide body" jets by the end of this decade. I am confident that the market prediction of 500 SST's, with sonic boom restrictions dampening total sales, represents a conservative market estimate.

We have examined each of the questions about predicted effects of the SST on the earth's climate and environment, relying on the National Academy of Sciences, the Environmental Science Services Administration, NASA and other agencies for counsel; we are assured that the possibility of adverse effects from SST operations is extremely unlikely. Additionally, airworthiness standards for the SST will impose stringent safety requirements which the manufacturers must meet prior to certification.

Notwithstanding, a comprehensive research program is underway to subject these assurances to test conditions and expose theories to the light of scientific evidence. The two SSA prototypes, which are the only vehicles to be produced by the presently committed program, will provide the means for final test, evaluation and confirmation of operational characteristics and ecology impact. The data necessary to the determination of the SST's environmental acceptability will be in hand before the date that a decision on production must be made.

Where there is any prospect of an unresolved environmental problem, such as in the case of sonic boom, safeguards will be provided. The FAA's rule prohibiting flights of civil supersonic aircraft over the United States at speeds that would cause a sonic boom to reach the ground will protect people and property against the annoyance of, or any physical or property damage from a boom.

In keeping with my responsibility to foster and promote civil aviation, I am deeply and understandingly concerned about the consequences of any voluntary abdication of America's aviation leadership. Whatever its problems or shortcomings, our aviation industry is the world's best.

Americans build exceptional commercial airplanes which are the accepted standard of national and international air commerce. We cannot hope to sustain that kind of preeminence in the global market if we falter in the face of a challenge we are well equipped to meet, and which promises to feed our nation's economy significantly in the long term.

Faithfully,

J. H. SHAFFER,
Administrator.

Mr. MURPHY. I am pleased to be able to make these letters available publicly, so that from now on if we proceed in discussions of this report, it can be on the basis of a matter of public record rather than some alleged leaks.

My good friend, the Senator from Maine, although he has gained his principal fame—and I have joined with him in his effort—as a man interested in ecology and environment, put his first emphasis and based his first argument against the SST on how the SST might affect the balance of payments. He quotes a report—this is the report made by the agencies to the President—as saying, "If the overall balance of payments is considered, there is substantial reason for delay."

Mr. President, I submit that America's strength, however, has always been in her ability to compete in the open market place on even terms. The American product traditionally has been a better product, I am pleased to say, in broad and diverse areas of enterprise. The capability of Yankee manufacturing and marketing techniques has enable us to compete most successfully against the frequently lower raw material and labor costs of other countries. This has been eminently true, particularly in the sale of aircraft, aircraft parts, and commodities of high unit value, which have consistently occupied a prominent and profitable place in our Nation's trade menu.

In the past, our proven proficiency in the designing and producing of superior jet aircraft has been very profitable to our Nation, generating a trade surplus of more than $12 billion over the last 10 years in the aircraft account. I wish I could say that all industry had achieved the same record.

When the committee that my distinguished friend quotes looked at the SST, it conjectured that it would give a big boost to international air travel, per-

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haps to the same degree that the jet stimulated air travel a decade ago. The greater flow of tourist dollars, theoretically, could offset the economic benefits of the SST sales. The only thing I find wrong with this logic is its basic assumption—that is, that the U.S. plane was the only supersonic transport on the horizon.

There was a tendency 18 months ago—even a year ago—to disbelieve the Concorde and discount the TU–144, built by the Russians. Today, any doubts about the Concorde or the dedication of its European sponsors in marketing it are fast evaporating, if they have not completely ceased to exist. While less is known about the Soviet plane, the TU–144, I am advised by experts that it has flown at mach 2 speeds; and, of course, the rights to Russian airspace could be a very important bargaining factor in the Soviet's favor, in their effort to sell their plane to other countries in the world market.

Under Secretary of State Alexis Johnson reported last May that the Concorde flight test program was progressing favorably—that greater speeds than planned had been attained with the first generation Mark I engine, and that 12 aircraft had been authorized for production.

He even indicated there was good reason to believe an improved Concorde—a Concorde II—is being planned.

Today, it is crystal clear that the Concorde does pose a challenge to our aviation leadership. Regardless of how critics of the program may cling to the notion that there is no balance of payments incentive to a U.S. SST program, that argument is now a phantom—erased by the simple realization that in a world populated by supersonic transports people will fly them, whatever their ancestry and however they may ultimately affect tourism and I think we may safely assume these planes will land in the United States of America.

The tourist issue aside, the Department of Transportation has come forward with calculations on the favorable impact on the U.S. trade account over the next 20 years resulting from a decision to proceed with the U.S. SST—an impact that runs to the tens of billions. The assumptions on which these calculations are based are reasonable, and the projections impressive.

It is reasonable to assume, too, that in a period of dire economic circumstances, the Europeans are not investing many hundreds of millions of dollars in the Concorde and in the revitalization of their aircraft industry without expectations of a good return on that investment. Along with the Concorde, the aircraft consortium in Western Europe is assembling a family of aircraft with sufficient appeal to make inroads on America's entire dominance of the free world aircraft market. I do not want to see the United States surrender its position of leadership, or lose the economic benefits that leadership has long provided.

Now, Mr. President, let us take a look at the next two direct quotes the Senator from Maine uses. He states:

> The record to date—as to whether an SST can be built in the given time that will meet the specifications of being efficient, safe, and economical—is not completely reassuring.

I wish to make two points here. First, this is an unworthy statement which really says nothing. Second, I can assure the Senator that the more he fights to delay and stall and hamstring, the more unworthy that statement will become. It is somewhat like drowning the kitten and then weeping because the kitten is dead.

Now, his next quote:

> Supersonic transport has the potential for intensifying hazards to the passengers and crew, and for causing significant further deterioration in the environment for people on the ground.

Mr. President, note that keyword, "potential."

That makes this just another meaningless statement so far as the Senator is concerned. Almost every invention known to man has the potential for good or evil—the gun, the auto, the telephone, splitting the atom—you name it. I imagine that the first Indian to build a canoe in Maine tipped it over a few times before he perfected it.

Mr. President, I am not impressed by any report that weasels and welches and quibbles. I am surprised that the Senator from Maine is impressed or that he seeks to impress us with this sort of uncertain statement. I recall a phase of the great Justice Brandies which he called "Parading the Horribles."

Mr. President, I ask unanimous consent to have printed in the RECORD, particularly for the edification of the Senator from Maine, an article written by James J. Harford, executive secretary of the American Institute of Aeronautics and Astronautics, which was published in the New York Times last week and is pertinent to the Senator's arguments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UP THE SST

(By James J. Harford)

Writing a pro-supersonic transport article for this paper is like playing Stravinsky at a rock festival. The opposition on that page to the left has been playing so steadily and its amplifiers are so high I wonder if softer, albeit still dissonant, music will reach the audience's ears. Here's a try:

The U.S. SST—the Boeing 2707—will be less noisy to the community than the subsonic jets; will have trivial effect on the environments; will be twice as productive as the 747 (and therefore easier on the passenger fare), much more comfortable for the passenger and—of course—three times as fast.

Let's just assume that everyone agrees that the plane will give us a smooth ride (at 60,000 feet where there's neither jumpy air nor traffic) to Paris in three hours instead of eight.

The argument is over the first three claims. The SST less noisy? Isn't it supposed to be a window-breaking, wall-cracking nuisance? The SST cheaper for the passenger than the subsonics? Isn't it supposed to be an atrociously expensive jet-set toy? The SST a non-polluter? What about the exhaust from those giant engines and that talk about filling the stratosphere with water vapor?

First, the noise. Sorry, chances are you'll never hear the SST make a boom. The Federal Aviation Administration has ruled that it will not be permitted to fly supersonically over populated areas. There will probably be a soft thud and a half-second rumble when it flies 1,800 mph eleven miles above the oceans, but it will cause only 2.5 pounds of "over pressure"—increased on rare occasions to perhaps 5 to 10 pounds by weather eccentricities—nothing like the sharp crack associated with 40- and 80-pound overpressures from military fighters flying at low altitude.

Noise on takeoff will be less offensive than the 747 because the SST climbout will be steeper and faster. Noise on landing approach will be less offensive because sound suppressors will dampen much of the compressor whine.

Side noise on the runway is still a problem. The prototype engine generates more side noise than the subsonics but work on this is intense.

The SST as polluter: Present auto engines convert 30–50 per cent of the fuel burned into air pollutants. SST engines will convert less than 1 per cent. The Boeing 2707 at 1,800 mph won't emit any more air pollutants than three cars traveling 60 mph.

The water vapor threat? A National Academy of Sciences study shows that 1,600 daily SST flights would produce about the same amount of water vapor—150,000 tons—as that produced by one large cloudburst in the tropics. There are more than 3,000 cloudbursts around the globe each day.

The jet-set putdown is the most specious of all. In fact, the biggest argument for the SST is that it will be, by far, the most productive airplane ever built and the main hope of countering passenger fare increases caused by rising costs.

The SST has been in development since 1958. It has cost the government about $700 million so far. The Senate is now being asked to vote another $290 million of 1971 expense. Boeing, GE and the airlines will have invested almost $400 million by the time the two prototypes are finished. The U.S. government investment in the prototypes is to be returned in royalties by the time the 300th airplane is built.

The country can pay for covering the land—often tillable land—with asphalt for cars but can't invest in the most productive flying machine in history?

If the Senate votes down the $290 million, (1) we get no U.S. SST, leaving the carriers to buy the British-French Concorde I or II or the Russian TU-114; (2) $700 million is wasted; (3) other jobs might be found for an eventual 20,000 engineers and technicians.

After all of this, if I were a Senator or an editor I might think hard about approving the $290 million appropriation if I thought the money and the 20,000 engineers and technicians were transferable to 1971 technological programs in pollution control, mass transit, housing, or another neglected problem. To our disgrace, there are no programs which have advanced to the point at which they can use those funds and engineers in 1971. If the $290 million is voted down, no one benefits.

(James J. Harford is Executive Secretary of the American Institute of Aeronautics and Astronautics.)

Mr. MURPHY. Mr. President, while Mr. Harford talks about 20,000 engineers and technicians, he does not talk about the total of 150,000 working men and women who will lose jobs if the Senator from Maine has his way.

His charge is that we will waste $290 million. I ask if the Senator has calculated how much it will cost the Nation to feed and clothe and house those 150,000 people and their families if they go on welfare or have to resort to unemployment compensation. Likewise, I ask if he has considered the peripheral effects of that money on stores and restaurants and gas stations and all the other businesses that go to make up the econ-

XUM

omy of the community, all those benefits that apply to the citizens that are spread out through the community when people are gainfully employed and when men and industry are at work.

Eventually, it even affects the price of Maine potatoes.

Mr. President, my distinguished friend says that we do not need an SST prototype because we have already built supersonic airplanes. This is most interesting. This to me is like saying that General Motors does not need to build new cars because we already have cars.

I wonder if my esteemed friend would like to fly in a subsonic jet knowing that it had not been tested but had been put into service merely because we build jet fighters and bombers.

There is a great difference, an entirely different need, an entire difference of engineering problems involved in the jet. Of course he would not agree to that.

Mr. President, we have heard a lot of specious arguments, I think, against the SST. But on analysis most of them, as far as I am concerned, really do not bear close scrutiny, nor are they based on solid foundation.

So the question pending before us is really, have we given up? Have we become a nation of quitters, a nation that does not believe we should progress further technologically, that does not believe that we can meet challenges and competition and solve the problems of the future?

I ask what makes us think that the American people can rise to the problems of war and peace and pollution and poverty and education and all the rest of the problems if they back off from the relatively easy challenges of supersonic passenger flight?

Mr. President, the Nation has been beset in recent years by fearful men who seem impelled to retreat from the challenge whether it be in Southeast Asia, in the Mideast, or in the skies above.

Fortunately, I believe that they are still in the minority.

A few days ago the House of Representatives proved again that the great majority believed that we should proceed with the development of the SST. I congratulate them. I enthusiastically join with them.

I fervently hope that when the Senate again has a chance to accept the challenge of tomorrow by voting in favor of the SST, that it will do so and will base its findings on facts and not on fiction.

After all, faint heart not only never won fair lady; it never, in fact, ever won much of anything, including a better tomorrow.

Mr. President, I yield the floor.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Bayh) laid before the Senate the following letters, which were referred as indicated:

Authorization for the U.S. Postal Service To Receive a Fee for Execution of an Application for a Passport

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to authorize the U.S. Postal Service to receive the fee of $2 for execution of an application for a passport (with an accompanying paper); to the Committee on Foreign Relations.

Report on Foreign Excess Personal Property of the Department of Defense

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on foreign excess personal property of the Department of Defense, as of June 30, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Concession Contract Grand Canyon National Park, Ariz.

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract to provide medical, surgical, hospital and related facilities and services for the public within Grand Canyon National Park, Ariz. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Awards of Young American Medals for Bravery and Service

A letter from the Attorney General of the United States, reporting, pursuant to law, on the awards of Young American Medals for Bravery and Service for 1968; to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore (Mr. Bayh) laid before the Senate a petition, which was referred as indicated:

A concurrent resolution of the State of New Jersey; to the Committee on the Judiciary:

"Senate Concurrent Resolution No. 77—State of New Jersey

"Whereas, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the Federal Government and strengthened state governments, and

"Whereas, Increasing demands upon State and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

"Whereas, Federal revenues based predominantly on income taxes increase significantly faster than economic growth, while State and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

"Whereas, The final crisis at State and local levels has become the overriding problem of intergovernmental relations and of continuing a viable Federal system, and

"Whereas, The evident solution to this problem is a meaningful sharing of Federal income tax resources, and

"Whereas, The United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

"Whereas, In the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the Legislatures of ⅔ of the several states to the Congress, calling for a constitutional convention, and

"Whereas, The Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the Legislatures of ⅔ of the several states; now, therefore,

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. Pursuant to Article V of the Constitution of the United States, the Legislature of the State of New Jersey does hereby memorialize and make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide that a portion of the taxes on income levied by Congress pursuant to the sixteenth amendment of the Constitution of the United States shall be made available each year to state governments and political subdivisions thereof, by means of direct allocation, tax credits, or both, without limiting directly or indirectly the use of such moneys for any purpose not inconsistent with any other provision of the Constitution of the United States.

"2. This application shall constitute continuing application for such convention pursuant to Article V until the Legislatures of ⅔ of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this Legislature.

"3. Certified copies of this resolution shall be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the Legislatures of each of the several states attesting the adoption of this resolution by the Legislature of the State of New Jersey."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

S. 4426. A bill to amend the act of June 1, 1948, to increase the jurisdiction and policing power of General Services Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government (Rept. No. 91–1445); and

H.R. 16443. An act to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government (Rept. No. 91–1446).

By Mr. SPARKMAN, from the Committee on Banking and Currency, with an amendment:

S. 4268. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude bank receipts and disubrsements from the budget of the U.S. Government, and for other purposes (Rept. No. 91–1462).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. 4583. A bill to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes (Rept. No. 91–1463).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1009. A bill for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer (Rept. No. 91–1456);

S. 1984. A bill for the relief of Alice E. Ford (Rept. No. 91–1457);

S. 1985. A bill for the relief of Randall L. Talbot (Rept. No. 91–1458);

S. 3971. A bill for the relief of Luana Gaja (Rept. No. 91–1447);

H.R. 4983. An act for the relief of James M. Buster (Rept. No. 91–1459);

H.R. 10150. An act for the relief of certain,

XUM

individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex. (Rept. No. 91–1451);

H.R. 10704. An act for the relief of Samuel R. Stephenson (Rept. No. 91–1460);

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon (Rept. No. 91–1461);

H.R. 12962. An act for the relief of Maureen O'Leary Pimpare (Rept. No. 91–1448);

H.R. 14271. An act for the relief of Jack A. Duggins (Rept. No. 91–1449); and

H.R. 15272. An act for the relief of David L. Kennison (Rept. No. 91–1450).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2793. A bill for the relief of Siu-Kei-Fong (Rept. No. 91–1452); and

S. 4261. A bill for the relief of Esther Catherine Milner (Rept. No. 91–1453).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3885. A bill for the relief of Maurice Marchbanks (Rept. No. 91–1455).

S. 3977. A bill for the relief of Dr. Hahn Joong Lee (Rept. No. 91–1454).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 6049. An act to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States (Rept. No. 91–1465);

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass. (Rept. No. 91–1466);

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation (Rept. No. 91–1467);

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes (Rept. No. 91–1468);

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income (Rept. No. 91–1469);

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations (Rept. No. 91–1470); and

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum (Rept. No. 91–1471).

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception (Rept. No. 91–1472); and

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes (Rept. No. 91–1473).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 16745. An act to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipments purchased for, U.S. vessels in foreign countries, and for other purposes (Rept. No. 91–1474);

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond (Rept. No. 91–1475); and

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965 (Rept. No. 91–1476).

REPORT ENTITLED "INCOME TAX OVERPAYMENTS BY THE ELDERLY"—REPORT OF SPECIAL COMMITTEE ON AGING (S. REPT. NO. 91–1464)

Mr. WILLIAMS of New Jersey from the Special Committee on Aging, submitted a report entitled "Income Tax Overpayments by the Elderly," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Robert D. Timm, of Washington, to be a member of the Civil Aeronautics Board.

By Mr. EASTLAND, from the Committee on the Judiciary:

Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island.

By Mr. BYRD of West Virginia, from the Committee on the Judiciary:

Dennis R. Knapp, of West Virginia, to be U.S. district judge for the southern district of West Virginia.

By Mr. GRIFFIN, from the Committee on the Judiciary:

W. Wallace Kent, of Michigan, to be a U.S. circuit judge for the sixth circuit.

By Mr. HRUSKA, from the Committee on the Judiciary:

William C. Lee, of Indiana, to be U.S. attorney for the northern district of Indiana; and

Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado.

By Mr. SCOTT, from the Committee on the Judiciary:

Barren P. McCune, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Peter John Bertoglio, of California, and Ray A. Watt, of California, to be members of the Board of Directors of the National Corporation for Housing Partnerships.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PASTORE:

S. 4586. A bill for the relief of Constanzia Fantani, Pauline Fantani, and Lydia Fantani; and

S. 4587. A bill for the relief of Domenico Fantani; to the Committee on the Judiciary.

By Mr. METCALF:

S. 4588. A bill to establish an independent agency to be known as the U.S. Office of Transportation Consumers' Counsel to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matters; to improve methods for obtaining and disseminating information with respect to the operations of transportation companies and other matters of interest to consumers, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. METCALF when he introduced the bill appear below under the appropriate heading.)

S. 4588—INTRODUCTION OF THE TRANSPORTATION CONSUMERS' INFORMATION AND COUNSEL ACT OF 1970

Mr. METCALF. Mr. President, the name of our age is "Big." We are big in population, in pollution, in problems, in war, in technology, in conglomerates, in labor and in government. Man is computerized, polled, courted, counted, analyzed, synthesized and, increasingly, victimized. As an individual, he is lost in a computer; his judgments are induced; he is taken apart by psychologists, biologists, politicians, corporations, and bureaucrats, put back together by machines and counted for little. Save for the measure of his frustration, he is a pigmy in a world of behemoths. In their wars, he is a first victim. If he objects to his condition, he may either be soothed or ridiculed, but in all cases, he pays.

In the scrambles for ascendancy among competing giants in proceedings before the regulatory agencies, the individual consumer of communications, of electric energy or of transportation is tolerated only as his presence lends to the agencies the appearance of virtuous concern for his views that is regarded by them as necessary to the public record.

Though collectively he and his kind purchase the computers and analysts who turn out justifications for rate increases; though through purchase of services—to which he is often captive—he supports a battery of lawyers, accountants, statisticians, public relations experts, and others; though he indirectly supports the actual construction of his adversary's case, the consumer who chooses to fight must pay his own way as well. He must buy his own legal skill, transcripts at up to 85 cents a page and he must pay for the reproduction and distribution of documents to parties of record and meet travel and other expenses, in order to be informed and heard.

If he looks to the agencies for assistance, he will be badly disappointed. In the case of the Interstate Commerce Commission, for example, instead of making the Bureau of Accounts an intervenor in freight rate cases, as requested by the Department of Agriculture in behalf of farmer-shippers, the agency has repeatedly declared an independent analysis by its own Bureau to be unnecessary, and representation of user interests impractical; it has granted rate increases without giving opportunity for public scrutiny of the justifications therefor. Respecting proceedings in connection with passenger train discontinuances, the Commission wrote to Congressman MELCHER as follows:

> The normal position of the Commission in this type of case is that of an adjudicator of the evidence presented by interested parties. It has neither the staff nor the funds to enter into an active investigation of every train proposed for discontinuance; and only in rare instances does the Commission instruct its Bureau of Enforcement to participate and present evidence in such cases. However, all interested parties, both those in support of and in opposition to the proposal, may participate in the hearings held subject to the discretion of the presiding examiner.

The Civil Aeronautics Board has been equally remiss in representing or even recognizing consumer interests in its job of regulating rates, routes, and service of the Nation's airlines. For example, the CAB arrogantly refused to release to the public a staff study critical of the airlines' responsiveness to consumer complaints, until they were taken to court under the Freedom of Information Act.

Fare increases are granted routinely by the CAB without the slightest concern for the inflationary impact on the people who are supposed to be protected.

Consumers generally have not even been informed or proposed fare increases and other important regulatory matters in time to protest. In one outrageous recent case the CAB summarily approved a proposal by the airlines to obtain a hidden $50 million fare increase by the incredible device of rounding every fare up to the next highest dollar. This was done completely without public knowledge or participation and was presented as a fait accompli too late for anyone to protest.

Even if consumers somehow do learn what is going on and try to file a complaint or otherwise participate, they find the procedure unbelievably complex, costly, and burdensome. These problems were clearly demonstrated recently when a group of 32 Members of Congress led by Congressman John Moss, of California, sought to protest recent airline fare increases. The fares had been approved by the CAB after a series of informal, ex parte meetings with the carriers from which the public had been excluded. In a landmark decision, the U.S. Court of Appeals for the District of Columbia agreed with the Congressman that the entire rate structure was illegal, ruling that:

> The procedure used by the Board is contrary to the statutory ratemaking plan in that it fences the public out of the ratemaking process and tends to frustrate judicial review.

The responsibilities of agencies like the CAB are too broad and too important to permit this high-handed flouting of consumer interests to continue unabated. As the court of appeals noted, public participation in making rates is required because it is the public who pays them, and protection of the public before the rates are imposed is imperative. These points apply with equal force in other areas of the CAB's responsibility—such as granting route authority, passing on mergers and consolidations, enforcing the antitrust laws with regard to the practices of airlines, and regulating the adequacy of services provided to the public. What the people urgently need is an effective full-time advocate to get the needed information and to represent them in these important proceedings on a regular basis.

It is obvious that the consumer, the individual everyman, cannot match the resources of giant conglomerates. He is not equal to them in information nor in firepower, nor, under existing circumstances, may he count himself one of the public whose interest is allegedly served by the regulatory agency.

In his introduction to "Surface Transportation, the Public Interest and the Interstate Commerce Commission," Ralph Nader said:

> For generations, the ICC has operated as a shield protecting and preserving economic groups from the discipline of the marketplace, yet has declined to substitute a pro-public interest pattern of regulation that was its original raison d'etre.

There is a dawning awareness in some regulatory agencies that as Louis Kohlmeier, Jr., said in the Regulators, "the only outsiders seem to be the consumers." In response, one has appointed—and understaffed—an in-house public defender. Some seek respectability through consultants said to be acting for consumers.

Mr. President, the appearance of concern or halfhearted corrections will not wash. As I have said before it is time for the Congress to recognize the fact that most regulation of our essential monopoly industries is mythical. It is our responsibility to reaffirm the inclusiveness of the words "public interests."

We can only do this by assuring that the public's right to be informed and its right to be heard are honored. I think this can best be done through establishment of an office designed for those specific purposes.

Mr. President, I introduce a bill, to be known as the Transportation Consumers' Information and Counsel Act. The proposal would establish an Office of Transportation Consumers' Counsel, charged with the responsibility to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matter, and authorized to improve methods for obtaining and disseminating information with respect to the operations of transportation companies.

The Counsel would be authorized to petition for, initiate, appear, intervene, or otherwise participate in, any regulatory proceeding which, in his opinion, involves a matter of controversy affecting substantially the interests of transportation consumers.

Mr. President, in little more than 3 years the Interstate Commerce Commission has acquiesced in four rate increases totaling approximately 22 percent. Still under investigation, but permitted pending final decision, is another 8-percent rise. To that might well be added yet another 7 percent.

The Commission, by its own admission in hearings before the Senate Subcommittee on Surface Transportation, has given the railroads substantially everything they have asked for.

The result is that the consumer pays and pays and pays. In Montana, where rail transportation is dominated by the Burlington Northern, agricultural products account for the largest single share of the State's income. Eighty-two percent of wheat is shipped out of Montana by rail. The national average market price for wheat stood at 51 percent of parity on November 15. The inflation of a 15-percent rate increase in freight rates will reduce economic activity in Montana $13,800,000 annually in addition to the over $9,000,000 reduction resulting from the prior increases.

The carriers' revenue as a percent of fully distributed costs exceeds 150 percent in wheat shipments from eight Montana points. Some exceeds 200 percent.

But the ICC has again sacrificed the consumer to Mr. Big. In the latest increase, the agency has failed to provide a holddown on wheat or any other single commodity. The rate increase has been granted, on an interim basis, across the board, except for shipments to the South.

Apparently, the Interstate Commerce Commission has accepted the argument of the Burlington Northern that because of an increase in the value of grain in storage, farmers can pay their share of an increase in freight rates. If that is the basis upon which these things are decided, it is perhaps not unreasonable to ask if a similar increase in the value of BN's enormous nonrail assets—timber, minerals, oil, gas, coal—renders unnecessary any increase for them in rail income. The question is more pertinent in view of BN's recent merger promotion piece, a 12-page supplement distributed through 70 newspapers, at an estimated cost of $1,500,000.

I have cited Montana's experience only as an example of a nationwide distress that is best understood when we bear in mind that between 15 and 20 percent of our gross national product is accounted for by transportation. The increase will bring personal disaster to many.

The ICC has again failed to identify the consumer with the public interest it is charged to protect.

My bill would serve the public interest—the consumer—as a matter of right, not as an alternative only for the rich. Public advocates for transportation users could be the balance to overwhelming private interests and agency indifference that, in the case of freight rates for example, continues to be so costly to consumers.

The merger game is another that the consumer consistently loses.

Two once-great railroads stand in financial ruin. Barely 2 years after their merger, stripped of assets, Penn Central sought a blue-chip loan from the Federal Government to keep going. It was the giant's thought that the consumer-taxpayer should advance the loan and, in the event of additional disaster to the corporation, pay up under a special guarantee provision. Congressional leaders objected loudly and prevailed, but the cost of rebuilding the rail enterprise will be borne chiefly by the public, while the conglomerate is home free with its diversification program.

A consumer's advocate might in the first place have opposed the merger so vigorously as to inspire a timid Interstate Commerce Commission to deny it. Perhaps some of the factors which were to lead to the postmerger disaster would have been more apparent to him than they were to the Commission.

Or, failing that, a consumer's counsel might have done what the Commission failed to do—report to the public the ruinous financial transactions of the merged conglomerate, and, by disclosure, stop them in time to save the railroad.

Similar problems are emerging in the airline industry where the merger trend is now at full steam. Already Northeast and Trans Caribbean are being elimi-

XUM

nated as independent carriers, and it is reported that American now wishes to swallow up Western. Other major mergers are in the winds, precipitated in many cases by unsound management and regulatory practices which have led these companies to the brink of failure.

Conglomerates are already much a part of the airline industry. United Air-Lines, for example, has recently formed its own holding company so that it can expand into other businesses. Insurance companies, banks, broadcasting concerns, stock brokers and other speculators have taken controlling positions in a number of airlines. The CAB, which is supposed to regulate the structure of this industry, does not even seem to know who owns or controls the airlines in fact.

Unless something is done the Penn Central experience could well be repeated in the airline industry. These are some of the important areas in which a consumer's counsel could help to protect our citizens by public reporting and effective advocacy of their interests.

Mr. President, our distinguished majority leader, my friend and colleague from Montana, Senator Mansfield, has recently told the Senate of his deep concern with the transportation crisis which has overtaken this Nation. He has cited the very serious problems of reduced services and increased costs for the consumer of transportation. I concur with his views and believe that this legislation might go far toward solving these problems and hope that its introduction now will give Senators an opportunity to read the bill and, I hope, support it when I again offer it in the next Congress.

I ask unanimous consent to have the text of the bill printed at this point in the Record.

The PRESIDING OFFICER (Mr. Cook). The bill will be received and appropriately referred; and, without objection the bill will be printed in the Record.

The bill (S. 4588) to establish an independent agency to be known as the U.S. Office of Transportation Consumers' Counsel to represent the consumers of the Nation before Federal regulatory agencies and courts with respect to transportation matters; to improve methods for obtaining and disseminating information with respect to the operations of transportation companies and other matters of interest to consumers, and for other purposes, introduced by Mr. Metcalf was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 4588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Transportation Consumers' Counsel Act of 1970".

DEFINITIONS

Sec. 2. As used in this Act—

(a) An "affiliate" of a company means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with such company, or that has one or more directors or officers in common with such company.

(b) The terms "company" and "person" mean any individual, firm, corporation, partnership, association, joint stock company, business trust, foundation, unincorporated organization, body politic, or any similar entity or combination of the foregoing, and include any trustee, receiver, assignee, or other similar representative thereof.

(c) The term "control" means possession of the power to direct or cause the direction of or to substantially influence the management and policies of a company, whether through ownership of voting or nonvoting securities, ownership of debt issues, by contract, or otherwise, unless such power is the result of an official position with the company. Control is presumed to exist if any person or company directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing 10 per centum or more of the voting securities of any company. The Counsel may, after furnishing all persons in interest notice of opportunity to be heard, determine that control in fact exists notwithstanding the absence of a presumption to that effect.

(d) The term "Federal agency" means any independent Federal agency, or any department, agency, or instrumentality of the executive branch of Government, including but not limited to the Interstate Commerce Commission, Civil Aeronautics Board, Federal Maritime Commission, National Mediation Board, National Transportation Safety Board, the Department of Transportation and its constituent agencies, and any successors thereto.

(e) The term "long-term debt" means any indebtedness of a company having a maturity of one year or more from the date of issuance. The term "short-term debt" means any indebtedness of a company other than long-term debt.

(f) The term "regulatory proceeding" means any formal or informal proceeding, meeting or session before any Federal agency or Federal court relating to rulemaking, enforcement, management, mergers, reorganizations, financing, certification, rates, routes, service, safety, bankruptcy, accounting, recordkeeping, environmental impact, or other matters concerning transportation companies or transportation services.

(g) "Transportation company" means any company subject to regulation by the Interstate Commerce Commission, the Civil Aeronautics Board, or the Federal Maritime Commission.

(h) "Transportation consumer" means any person who purchases, uses, or is in any way affected by transportation or the operations of transportation companies.

(i) "Transportation holding company system" means two or more affiliated companies, one or more of which is a transportation company.

(j) "Transportation" means the conveyance or the means of conveyance of persons or property between any two points, rail, air, pipeline, highway, or water.

TITLE I—TRANSPORTATION CONSUMERS' COUNSEL

ESTABLISHMENT OF OFFICE

Sec. 101. (a) There is hereby established within the executive branch of the Government an independent agency to be known as the United States Office of Transportation Consumers' Counsel (referred to hereinafter as the "Office"). The Office shall be headed by a Transportation Consumers' Counsel (referred to hereinafter as the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for level 2 of the Executive Schedule. In appointing the Counsel, the President shall solicit the views and recommendations of consumer organizations and groups representing consumer interests in transportation matters, including State and local bodies.

(b) The Counsel is authorized, subject to the civil service and classification laws, to select, employ, appoint, and fix the compensation of such personnel as he determines to be required for the performance of the functions of the Office, and to define their authority and duties.

(c) No person appointed as Counsel or employed by the Counsel shall at any time during his tenure, have any financial interest, direct or indirect, in any transportation company or affiliate; nor shall any such person be employed or retained by or accept employment with a transportation company or an affiliate of a transportation company for a period of three years following termination of his employment in the Office of Counsel.

POWERS OF THE OFFICE

Sec. 102. In the performance of the functions of the Office, the Counsel is authorized—

(a) to promulgate such rules and regulations as may be required to carry out the functions of the Office, including the establishment of uniform rules of accounting for any class or classes of companies as to which information is required to be obtained pursuant to this Act;

(b) to exercise the powers set forth in sections 12, 304(a)(7), 904(b), 1003(e), and 1377 of title 49 of the United States Code, and section 820 of title 46 of the United States Code, but the exercise of such powers and the performance of the functions of the Office shall not be subject to the provisions of sections 3501–3511 of title 44 of the United States Code.

(c) to delegate to any other officer or employee of the Office authority for the performance of any duty imposed, or the exercise of any power conferred upon the Counsel by this Act, and any reference herein to the Counsel shall include his duly authorized delegate or delegates;

(d) to obtain the service of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(e) to use the services, equipment, personnel, and facilities of other Federal agencies, with their consent, with or without reimbursement therefore as determined mutually by the Counsel and such other agencies.

COOPERATION OF OTHER FEDERAL AGENCIES

Sec. 103. Upon request made by the Counsel, each Federal agency is authorized and directed—

(a) to make its services, equipment, personnel, and facilities available to the greatest extent practicable to the Office in the performance of its functions; and

(b) to furnish to the Office such information and assistance as the Counsel may determine to be necessary or desirable for the performance of the functions of the Office.

REPRESENTATION OF PUBLIC INTEREST

Sec. 104. (a) Notwithstanding any other provision of law, the Counsel is authorized to petition for, initiate, appear, intervene, or otherwise participate in, any regulatory proceeding which, in the opinion of the Counsel, involves a matter of controversy affecting substantially the interests of transportation consumers.

(b) With respect to any such proceeding, the Counsel shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as he shall determine to be necessary for the effective representation of the interests of such consumers. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter an appearance before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Office in any proceeding.

XUM

(c) Notwithstanding any other provision of law, Counsel is entitled as a matter of right to appear as a party before any Federal agency or Federal court, with respect to any matter or proceeding described in subsection (a), and coming within the jurisdiction of such Federal agency or court.

(d) This Act shall not operate to exclude any other individual, consumer organization, or group representing the public interest from intervening or otherwise participating in such proceedings, nor shall it affect the decision of any Federal agency to assign its own staff personnel to intercede or assist in developing any part of the record of proceedings in which the Counsel or other groups shall appear; nor shall the participation by Counsel affect the right of any person to appear in such proceedings in forma pauperis.

(e) The Counsel is authorized to attend and represent the interests of transportation consumers at any meeting of any advisory committee or other private or public organization with any Federal agency.

TITLE II—PUBLIC INFORMATION AND REPORTS

INFORMATION WITH RESPECT TO TRANSPORTATION COMPANIES

SEC. 201. The Counsel shall obtain detailed corporate and financial information, determined in accordance with uniform accounting rules prescribed by the Counsel, with respect to each transportation company and each affiliate of a transportation company or a transportation holding company system, which shall include but not be limited to the following information:

(a) As to the capitalization and control—

(1) the name, address, and description of the business of each parent, subsidiary, or affiliate company, including a full description of the relationship between such companies;

(2) a description of all classes of common stock, preferred stock, long-term debt, bonds, and debentures, including information as to voting rights, redemption and conversion features, dividends, premiums, and interest payable, maturity dates, provision for security, and any other terms and conditions that are material or that may confer control or management powers upon the holder of the security or the debt;

(3) percentages of capitalization obtained from common stock, preferred stock, long-term debt, and earned surplus, respectively;

(4) the amount of dividends and interest paid on each class of stock and debt an:

(i) yearend preferred dividend yield (annual preferred dividend payments dividend by yearend aggregate market price of preferred stock);

(ii) yearend yield on common stock (annual common dividend payments divided by yearend aggregate market price of common stock);

(iii) average rate of interest on long-term debt;

(iv) average rate of interest of short-term debt;

(v) rate of return on average common stock equity.

(5) the name and address of:

(i) each holder of record and each beneficial owner of 1 per centum or more of any class or series of common or preferred stock in the company;

(ii) each holder of record and each beneficial owner of 1 per centum or more of any issue of long-term debt of the company;

(iii) any person beneficially owning 5 per centum or more of the outstanding short-term debt of the company at any time during the reporting year;

(iv) any person controlling, directly or indirectly, 5 per centum or more in the aggregate of the voting rights of the company.

(b) As to management—

(1) the name and address of each officer and director and his compensation from the company, including pension and retirement plans and the amounts paid, accrued or reserved for such plans, stock options, deferred compensation plans, indemnification, and insurance, together with a complete description of the duties of such director or officer and the approximate amount of time, stated in hours per week, spent in the performance of such duties;

(2) the names and addresses of all other companies which such officers and directors also serve as officers or directors, and a description of any position which such officer or director holds or has held in any Federal agency at any time within the preceding fifteen years;

(3) the names of directors, if any, who were not nominated by the management of the company;

(4) terms of restricted stock option plans available to officers, directors, and employees and, except for plans available to all employees on equal terms, including name, title, salary, and retirement benefits of each person to whom stock options have been granted, number of options each has exercised, date on which options were exercised, option price of the stock and market price of the stock when option was exercised;

(c) As to operations—

(1) summaries of all certificates of convenience and necessity issued to or applied for by the company, if any, and the amount expended for and in procuring each such certificate;

(2) a summary of the terms of any rate bureau, pooling or mutual aid agreements or arrangements, including a complete breakdown of joint rates attendant thereto;

(3) assets and liabilities of the company, including a description of each asset subject to a mortgage, lien, or other claim, indicating the terms thereof;

(4) net annual earnings after taxes and after subsidy, if any, stated:

(i) in dollars;

(ii) as percentage of depreciated average original cost;

(iii) as a percentage of operating revenues;

(5) sources and application of all funds, including all revenues, income, borrowings, and sale of equity.

(6) information as to all direct or indirect expenditures, whether in payment of money, provision of goods or services, use of officers or employees on company time or otherwise, including specific details of the exact amounts, purposes and tax treatment of each item, included in any account for:

(i) dues, expenses, or assessments of trade associations or rate bureaus of any kind;

(ii) any legal, professional, or consultant services;

(iii) advertising, public relations, and promotion of any kind;

(iv) contributions, gifts, donations, honorariums, and gratuities, including travel, entertainment, or other personal expenses of individuals paid for, in whole or in part, by the company;

(v) protesting the granting of any certificate, franchise, or authority of any other party, or intervening in any proceeding in which such certificate, franchise, or rights are at issue;

(vi) promoting or opposing the candidacy, nomination, election, or appointment of any person for any Federal, State, or local office, or any lobbying with respect to Federal, State, or local legislative or administrative bodies; and a list of each contribution or expenditure of any director or officer of the company for such purposes;

(7) a list of all goods, services, rights, or privileges extended free, below cost or below normal charges, to any actual or potential customer or class of customers including credit extension, concessions, and rebates of any kind, and the extent to which such goods, services, rights, or privileges are paid for by charges to such customers or class of customers;

(8) amounts, terms, and conditions, including simple annual interest rates, of all loans and extension of credit to directors, officers, affiliates, customers, and others, and the total amounts of interest collected on each class of such loans or credit during the year.

(9) details of any transactions with affiliates, banks, finance companies, holders of any class of stock or long-term debt, and customers concerning the purchase, sale, or lease of any real or personal property, indicating as to each the identity of the other party, terms of the purchase, sale, or lease contract, including any provision for security, the assessed value of the property and the method by which such transaction was negotiated, including a description of any opportunity given to other parties to enter competitive bids and details of any such bids received.

(d) such other information as the Counsel may deem appropriate to obtain, compile, publish, and disseminate to inform transportation consumers.

REPORTS

SEC. 202. (a) The information to be obtained by the Counsel pursuant to section 201 of this title shall, at least annually and at such other times as the Counsel may deem appropriate, be published in reports prepared for and made readily available to the public. Such reports shall be issued as soon as possible after the end of the annual accounting period. Supplementary reports may be issued at any time to reflect any changes that materially affect the ownership, financial condition, or operations of transportation companies or affiliates. To the degree practicable, the reports provided for in this section shall be presented in readily comprehensible style and format and shall contain pertinent national averages and comparative historical data.

(b) The Counsel from time to time shall compile and disseminate to the public, through such publications and other means as he determines to be appropriate, such information as he considers to be necessary or desirable for the protection of the interests of transportation consumers. To the greatest extent possible, such information shall be made conveniently available to the public and in time to be of use in regulatory proceedings. The Counsel shall consult with consumer organizations, including State and local bodies, regarding the information to be compiled and disseminated and the most effective manner of dissemination thereof.

(c) In January of each year, the Counsel shall transmit to the Congress a report containing (1) a full and complete description of the activities of the Office during the preceding calendar year, (2) a discussion of matters currently affecting the interests of transportation consumers, and (3) his recommendations for the solution of any problems adversely affecting those interests.

(d) The Counsel shall transmit to the President from time to time such recommendations for proposed legislation as the Counsel may consider to be necessary or desirable for the adequate protection of the interests of transportation consumers, accompanied by an explanation of why the desired objective cannot be achieved under existing legislation.

AUTOMATIC DATA PROCESSING

SEC. 203. Federal agencies are hereby authorized and directed to make full use of automatic data processing in preparing the information required under this Act and other Acts to which they are subject, to the end that the Counsel, the Congress, and the public shall receive information in a timely and understandable manner. Federal agencies are hereby directed to include, in

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their annual reports, accounts of their progress toward full use of automatic data processing.

PENALTIES

SEC. 204. (a) Any person who violates this Act or any rule, regulation, or order issued by the Counsel hereunder, or who fails or refuses to provide any information or report required by this title, shall be subject to a civil penalty not greater than $1,000 for each violation. Any person who knowingly and willfully violates this section or any rule, regulation, or order issued by the Secretary hereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not greater than $2,500 for the first offense and not greater than $5,000 for each subsequent offense. If any such violation is a continuing one, each day of such violation shall constitute a separate offense.

(b) If any person owning or controlling securities or debt of any transportation company required to be disclosed under this Act or any regulation issued under this Act, shall withhold or fail to disclose the fact of such ownership or control to the Counsel, title to such securities or debt, after notice and hearing before the Counsel, shall be forfeited and shall vest in the United States Government.

APPROPRIATIONS

SEC. 205. There are authorized to be appropriated annually for the purposes of this Act an amount equal to one-tenth of 1 per centum of the aggregate annual gross operating revenues of all transportation companies.

ADDITIONAL COSPONSOR OF A BILL

S. 4430

At the request of the Senator from South Dakota (Mr. McGOVERN), the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 4430, the National Economic Conversion Act.

SENATE RESOLUTION 495—SUBMISSION OF A RESOLUTION TO ESTABLISH A SELECT COMMITTEE ON NATIONAL SECURITY POLICY

Mr. CASE. Mr. President, I submit for appropriate reference a resolution to establish a Senate Select Committee on National Security Policy. For reasons which I outlined in a May speech which I shall submit for the record, I believe the time has come for the Senate to consider the major aspects of foreign and defense policy as they are considered in the executive branch—as an interrelated decision which reflects a systematic evaluation of alternative strategies and alternative security objectives.

At the beginning of the next Congress, I intend to reintroduce this resolution and press for active consideration.

I ask unanimous consent that the resolution be referred jointly to the Committee on Armed Services and the Committee on Foreign Relations.

I also ask unanimous consent that this resolution and the partial text of my remarks at the Shelburne Hotel in Atlantic City, N.J., on May 28, 1970, be printed in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The resolution will be received; and, without objection, the resolution will be referred to the Committee on Armed Services and the Committee on Foreign Relations, jointly, and the resolution and partial text of the remarks of the Senator from New Jersey (Mr. CASE) will be printed in the RECORD.

The resolution (S. Res. 495) is as follows:

S. RES. 495

Whereas it is essential to provide an effective mechanism by which the Senate can regularly and continuously examine the foreign policy objectives and the security requirements of the United States and the military capabilities needed to meet such objectives and requirements: Now, therefore, be it

Resolved, That (a) there is hereby established a select committee of the Senate to be known as the Select Committee on National Security Policy (referred to hereinafter as the "Committee") composed of ten members of the Senate appointed as follows:

(1) five members from the Committee on Foreign Relations to be appointed by the chairman of that committee, three of whom shall be from the majority party and two of whom shall be from the minority party; and

(2) five members from the Committee on Armed Services to be appointed by the chairman of that committee, three of whom shall be from the majority party and two of whom shall be from the minority party.

(b) One of the members of the Committee shall be designated by the majority leader of the Senate to serve as chairman of the Committee. Vacancies in the membership of the Committee shall not affect the authority of the remaining members to execute the functions of the Committee and shall be filled in the same manner as original appointments thereto are made.

(c) A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business, except that the Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The Committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(d) The Committee shall have no authority to report any legislative measure to the Senate nor shall it otherwise have legislative jurisdiction.

SEC. 2. (a) It shall be the function of the Committee to—

(1) assess the foreign policy objectives of the United States with a view to determining how such objectives relate to the maintenance of American security;

(2) review the appropriateness of this nation's commitments abroad in relation to such objectives;

(3) evaluate the general contingencies under which the United States is prepared to employ military force to meet its foreign policy objectives, to carry out its commitments abroad, and to protect its security interest; and

(4) examine the missions and capabilities of major United States military components in terms of the contingencies they are designed to meet and the foreign policy objectives which they are intended to serve. In carrying out this function, the Committee shall, insofar as it is practicable to do so, determine the respective policy objectives which can be achieved at various alternative military force levels, identifying within such levels the principal missions, capabilities, and costs of major military components in such detail as is necessary.

(b) The Committee shall submit an annual report to the Senate not later than May 15 of each year, the first report to be submitted not later than May 15, 1971. Each annual report shall contain a comprehensive summary of the work of the Committee during the preceding year and shall include such recommendations as the Committee deems appropriate with regard to the matters referred to in subsection (a) above. The Committee shall from time to time make such other reports and recommendations to the Senate as it deems in the national interest.

SEC. 3. (a) For the purposes of this resolution, the Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants; and (8) enter into such contracts with private organizational and individual consultants as it deems advisable.

(b) Upon request made by the members of the Committee selected from the minority party, the Committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the Committee may receive compensation at an annual gross rate which exceeds by more than $2,800 the annual gross rate of compensation of any individual so designated by the minority members of the Committee.

(c) With the consent of the department or agency concerned, the Committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of the chairman of any other committee of the Senate, the Committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the Committee determines that such action is necessary and appropriate.

(d) Subpoenas may be issued by the Committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

The remarks, presented by Mr. CASE, are as follows:

For a very long time the main thrust of political thinking in the United States was to build up the Presidency and to downgrade the authority and prestige of Congress. The "strong President" was much admired.

This has had a good deal to recommend it, especially in domestic matters on which a national viewpoint is often far superior to the least common denominator of sectional or parochial views. But a by-product was to blind the nation to the potential danger of the power center it was creating in the White House.

More recently, aroused by the Vietnam war and now sharply heightened by the Cambodian incursion, is a spreading awareness of this danger. We are shocked by the apparent impotence of Congress to check the President's ability to expand or contract American commitments and to initiate military operations practically at will and on an almost instantaneous, ad hoc basis.

This is a very complex subject. A comprehensive discussion of it would far exceed the proper limits of my remarks this evening. But there is one aspect of the matter to which I would briefly direct your attention.

In part, the Executive has come to hold this awesome power because he has at his instant disposal an enormous military capability that has not been related in any

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meaningful way to this country's foreign policy objectives in a process open to either public or Congressional examination, discussion, and participation.

Again, in part, because few prior constraints have been established regarding the goals our military forces serve and the conditions under which they will be employed, the Congress has typically found itself limited to after-the-fact objection to their commitment.

Dissent in such circumstances is attacked on the ground that war-time is not the proper time to engage in internal or policy disputes.

Moreover, if Congress has previously appropriated funds for a military capability without examining the contingencies under which it would be used, if it has passively acceded to forward deployment of our military forces in the eye of potential disturbances, then its second thoughts are somewhat difficult to justify in terms either of logic or of relevance. Still less likely are such second thoughts to have significant political impact.

It is especially true as regards our conventional military forces, that their relation to our foreign policy objectives has typically been left undefined. Secretary Laird, in his 1970 Posture Statement, said that ". . . it is not possible to provide a precise analysis of what our obligations represent in terms of U.S. military forces."

But to state that there can be no precise or mathematical equivalence between foreign policy objectives and defense posture is not the same thing as providing that there is, and can be, no broad relationship between the foreign policy and security requirements of this nation and our military capability.

The question is not whether there is such a relationship. Obviously, there is.

The question is whether the size, and nature, and cost, of our military establishment shall be consciously and rationally determined in the light of our defense needs and our foreign policy objectives or whether our military establishment shall be allowed to expand and proliferate almost without check and almost without reference to our real needs.

The latter situation, unfortunately, has too generally obtained in the past with the result that we have gotten the cart before the horse, with our military posture determining our foreign policy and our commitments around the world.

The further question, of course, is: who has a responsibility to see that the horse is put back and kept in front of the cart?

Given the customary acquiescence of Congress in these matters, it is scarcely surprising that Secretary Laird should use the specious issue of mathematical equivalence as a polite way of asserting that this decision as to ends and choice of means is not the business of Congress. It is certainly true that Congress has indeed had little influence or say in the process by which our conventional military capability has been decided upon. Still less has it exercised any effective role in determining the conditions under which such forces will be employed.

The Cambodian intervention is, in one of its several aspects, an example of the consequences of this state of affairs. In part, the intervention derives from the decision, made during the Kennedy Administration, to develop a counter-insurgency capability. As Congress had no conscious role in the decision, so also it had only the slightest influence in the subsequent metamorphosis of our national security objectives leading, ultimately, to the Vietnam war.

Nor does the recitation of Congressional abdication end there.

In 1965, an extra $5 billion was included in the defense budget. Although the Congress was not to become generally aware of what it had voted for until four years later, this sum was approved to provide for the extreme contingency of *simultaneously* fighting a major land war against the Chinese, another against the Soviet Union, and yet one more of the "brushfire" variety—this is the "2½ war" concept you may have heard of.

I do not have to tell you that this extra $5 billion provided for the Chinese contingency was not debated in the Congress. In contrast, in that same year the Congress agonized considerably over the proposal to appropriate something less than $2 billion for elementary and secondary education.

The postscript to this affair is no less extraordinary. Last fall, the Defense Secretary mentioned at a committee meeting, almost in passing, that our conventional posture had been reduced to a "1½ war" capability. Congress had no role in that decision either.

Even after our involvement in Southeast Asia has become history, so long as our defense posture and the guidelines for its employment are not in agreement with this nation's foreign policy commitments and requirements as consciously, deliberately and continually interpreted by a majority in Congress, the tension between Congress and the Presidency and the country's concern over the aggrandizement of presidential power will persist.

The correction of this condition will not just happen. It will not happen unless we establish some mechanism or institutional means by which Congress can have a meaningful voice in the process by which our foreign policy needs are determined and our defense posture is developed to meet those needs. If, but only if, Congress incorporate this function in its formal structure, will it make the first truly meaningful declaration of its intention to fulfill the full measure of its constitutional responsibilities in providing for the security of this nation.

And Congress must get a handle on the problem of the size and the nature and the cost of our military establishment if the nation is to make rational choices as to priorities to be assigned in the allocation of our resources among the competing needs of our society.

The current structure of Congress is not responsive to this need.

The separate jurisdictions of the Armed Forces and Foreign Relations Committees of the Senate, for example, reflect just that division in Congress between foreign policy and our defense policy which has made the contribution of Congress in both fields essentially meaningless.

Yet both Committees already have an enormous workload. And with foreign relations constantly undergoing fundamental changes and weapons systems continually becoming more incredibly complicated, it is unrealistic to expect either of these Committees and, especially their staff, to undertake another burden so complex as national security policy.

Recognizing the dilemma of separate jurisdictions and a requirement for joint action, it would be most logical to establish a joint standing committee of the Senate called perhaps the Senate Select Committee on National Security Policy.

This committee might be composed of members from both the Committees on Foreign Relations and Armed Services.

Modeled on the Joint Economic Committee of the Congress, the new committee would be non-legislative and advisory.

Its function would be to examine this nation's foreign policy and security requirements as they affect the size, nature, and deployment of our armed forces, present and future. Having access to the assumptions underlying our defense posture through Executive Branch witnesses and major planning papers, this committee also would make an annual report to the Senate reviewing U.S. foreign policy objectives and the defense posture necessary to accomplish these objectives, thus providing a frame of reference for the appropriate standing committees.

Above all, this committee would open to public discussion and Congressional consideration the broad conditions under which this country is prepared to employ its military force. Regarding my own effort to bring about an examination of this country's need for 15 aircraft carriers, for example, this committee would be charged with the task of applying the following basic questions to every major component of our defense posture: "Where in the world, and against whom, will we want to apply it, and what should we pay for this capacity?"

Within the next few weeks I shall make a formal proposal for the establishment of this new committee.

As a forum for the discussion of the as yet largely unexamined assumptions of our foreign and defense policies, I believe that the committee's most important function might be to help bring about that broad public understanding and agreement which is essential to the continuation of our democratic system of government.

How and what Americans are willing to die for simply cannot be a matter of Executive fiat. Within the limitation of that dissent which is essential to the health of our society, the American people must agree of their free will upon the broad objectives of their foreign and defense policies.

I do not suggest this is the sole cause of the deep disquiet affecting our country today. But I do think it is one of the causes, and an important one.

Finally, I would emphasize that our present turmoil and the particular problem I have briefly discussed do not represent a "Constitutional crisis" in the sense of any deficiencies in the terms of the Constitution itself.

The trouble does not lie in the Constitution but rather with all of us who have permitted the neglect of its intent.

It is important, I think, that this distinction be understood by every American, and especially by our young people. It is not the system of government provided by our Constitution which is unresponsive. The trouble lies in our failure to implement it.

And surely the democratic process itself cannot be faulted, for only within its framework can the people control policy and the actions of their government.

And yet, however true this is as an abstract proposition, it will have little meaning for anyone unless we in the Congress demonstrate that we understand, and that we are able, and that we are determined, to fill our Constitutional role.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 1121

THE EARNINGS LIMITATION SHOULD BE REPEALED

Mr. GOLDWATER. Mr. President, consistent with the position I have taken ever since my first term in the Senate back in 1953, I am submitting an amendment to repeal the arbitrary earnings limitation of the Social Security Act.

By the earnings limitation I mean the outrageous penalty which the law imposes on the person on social security who earns more than $1,680 per year.

As the law now stands, a person receiving social security is denied $1 for every $2 he earns in excess of $1,680 per year. If his earnings go above $2,880 per year, then his benefits are cut dollar for dollar. The only exemption is for persons 72 and older.

Mr. President, this is wrong. It is wrong logically, and it is wrong morally.

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It is wrong morally because social security should not be a contract to quit work. Neither should it penalize a person who is able and willing to work after reaching the age of 62 in the case of a woman and 65 in the case of a man. Social security payments are not gratuities from a benevolent Federal Government. These funds are not supplied by Uncle Sam. They are merely a repayment of our own money which we have deposited, in trust, out of our own paychecks—money we contribute along with our employers. And I might point out these deductions are being made in ever-increasing amounts.

Mr. President, this denial of benefits is wrong logically because the person who is penalized is often the one who has the greatest need for more income than his social security benefits can provide. Also, income from investments, stocks, bonds, copyrights, patents, rentals, dividends, and other pensions is not counted in determining whether social security benefits can continue.

This means we have the completely illogical situation where a wealthy person might draw a million dollars a year from his investments and still receive his full social security check. At the same time, the man who has worked for a salary all of his life and who might need to work as a matter of economic survival cannot do so without a penalty.

And I might add the dollar in benefits which the Government takes away from him is really of greater value than a dollar of earnings because of the tax and work expense drain on his earnings.

Mr. President, there are nearly 2 million people who are affected because of the earnings ceiling. Over 8 million persons are technically subject to the limitation, but about 6 million have no earnings at all.

Of the 2 million or so who are affected, almost half are earning enough over $1,680 so that they receive no benefits at all. Another 700,000 are earning over $1,680 and are getting some, but not all of their benefits. Finally, there are about 300,000 who are earning only $100 or $200 below the ceiling of $1,680. They are getting their full social security benefits, but nearly every one of them is holding his earnings down because of the earnings limitation.

Mr. President, it is time this statutory inequity was removed from the law. To my mind, workers who have contributed from their earnings into the system are entitled, as a matter of right, to receive benefits when they reach the minimum retirement age. Further, it is my belief as a conservative that each worker should be able to earn, without unfair restrictions, to the full limit of his ability and initiative.

Mr. President, it is very interesting for me to observe where the primary opposition to this change is coming from. The battle against repeal of the earnings ceiling is being led by none other than the AFL–CIO.

Here is the self-proclaimed champion of the workingman denying him of his right to his own hard-won benefits. What is their reason? Well, it is hard to believe, but the AFL–CIO claims the group of citizens who would benefit by the change is to small. In writing to the House Ways and Means Committee on November 19, 1969, Mr. Andrew Biemiller, director of the labor organization's department of legislation, protested that the removal of this test would "help a small minority of the aged who earn substantial income after retirement—many of them well to do."

Well, it is nice to know the AFL–CIO thinks anyone who earns over $1,680 is "well to do." But what amazes me is how the labor chiefs brush aside 2 million senior citizens as "a small minority." Can it be the AFL–CIO has no interest in true equities or human needs? Does this organization only take up the cause of minorities which are large enough to pack a major political clout?

Mr. President, I must state the AFL–CIO also claims it opposes making this liberalization because the money could be spent on other "social needs." But here, too, I must challenge big labor's concept.

For it is exactly this attitude which reveals a contempt for the average American worker. It stems from a philosophy which holds that people are always served best by a paternalistic treatment.

But, Mr. President, the beneficiaries of our social security program are not wards of the Government, they are not relief recipients, they are not objects of charity, and they are not the inmates of a poorhouse. They are self-respecting Americans who, in substantial part, have paid for the benefits which they will receive when they retire.

Mr. President, I want to correct this false impression about the social security system right here and now. For it is generally agreed by experts that the worker's contribution is designed to guarantee each worker that his benefits are paid as a matter of right.

For example, in January 1959, the Advisory Council on Social Security Financing reported:

> The fact that the worker pays a substantial share of the cost of the benefit provided, in a way visible to all, is his assurance that he and his dependents will receive the scheduled benefits and that they will be paid as a matter of right without the necessity of establishing need. The contribution sets the tone of the program and its administration by making clear that this is not a program of governmental aid given to the individual . . . (p. 62)

Six years later a second official body made a similar conclusion. In its January 1965 report, the Advisory Council on Social Security stated:

> Under the social security program the right to benefits grows out of work; the individual earns protection as he earns his living, and up to the maximum amount of earnings covered under the program, the more he earns the greater is his protection . . .
>
> The fact that the program is contributory—that employees and self-employed workers make contributions in the form of earmarked social security taxes to help finance the benefits—protects the rights and dignity of the recipient. . . . The covered worker can expect because he has made social security contributions out of his earnings during his working lifetime, that social security benefits will be paid in the spirit of an earned right, without undue restrictions, and in a manner which safeguards his freedom of action and his privacy. (p. 2)

Thus, Mr. President, there is no question but that it would be in keeping with the best traditions of basic social security philosophy to allow a worker to receive his full benefits automatically at the minimum retirement age.

What will it cost? Well, it is estimated the funds needed would be about $2.5 billion a year.

Where is this coming from? Let me say I am willing to take the bull by the horns and suggest the newly increased benefits of persons who have already reached retirement age should be financed by an automatic, annual appropriation out of general revenues. As for workers now under the retirement age, I suggest the pragmatic approach of leaving the tax rate at its current level until the taxes on the average worker are no longer adequate for his own benefits.

The concept of general revenue financing might sound unusual, but actually it was anticipated by the Committee on Economic Security whose recommendations formed the basis of the original Social Security Act.

Furthermore, it is not generally known, but there was a provision of the Social Security Act in effect from 1944 to 1950 which authorized the use of general revenues; and this method has been used by Congress before, once in 1965 to finance benefits to certain persons extended hospital insurance, and once again in 1966 to provide benefits to certain persons over age 72.

Therefore, I do not feel it is necessary to add immediately to the already high payroll tax of American workers and their employers. Their present contributions will more than pay for their own personal future benefits if we finance the improvements for retired age persons out of general funds.

Mr. President, I hope a sufficient number of my colleagues will support this amendment which is a genuine way to strengthen the social security system.

The PRESIDING OFFICER (Mr. STEVENSON). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1122

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550), to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1124

Mr. PROUTY. Mr. President, I submit an amendment and ask that it be printed.

Mr. President, I think that most of us agree that title I of the pending social security bill represents a praise-worthy step forward in our continuing fight to achieve an adequate income maintenance system for older Americans. I am personally pleased that the Senate Finance Committee saw fit to adopt several of my amendments, including my proposal for $100 minimum monthly social security payment and a 10 percent across-the-board benefit increase.

Therefore, Mr. President, I was surprised and somewhat shocked to note that section 102 of H.R. 17550, as reported by the Finance Committee, provides only a 5 percent increase to recipients of the so-called Prouty payment. I would hope that this unequal treatment for thousands of older Americans simply reflects an oversight on the part of the committee.

The amendment I am introducing would simply provide recipients of the so-called Prouty payment with a benefit increase of 10 percent, rather than the 5-percent increase provided in the House-passed bill.

Mr. President, you will recall that when we were considering the Tax Adjustment Act of 1966, I offered an amendment to that bill which provided a minimum payment out of general revenues to individuals age 70 or older who had missed being covered under the social security system during their working years. In 1966 the majority of my colleagues wholeheartedly agreed that we in Congress have a responsibility to correct an inequity which had occurred simply because of the piecemeal measure of legislation in this area. Over 1.5 million older Americans have received the special payment provided under that amendment at one time or another. Right at this moment over 620,000 older Americans receive the so-called Prouty payment.

It was not a large payment in 1966—it was only $35 a month for an individual; $52.50 for an aged couple.

It will not be a large payment under the amendment I am now proposing. It will be only $50.60 a month for an aged individual and $75.90 for an aged couple.

Mr. President, for the most of us that amount is insignificant. For those 620,000 older Americans who depend on that monthly check, a minimal amount becomes essential for their existence.

As you know, Mr. President, to be eligible under the so-called Prouty payment, an individual had to attain age 72 before 1968. Consequently, all 620,000 individuals presently receiving this payment are age 75 or older.

From the thousands of letters I received following the adoption of my amendment in 1966, I know how important the small monthly payment provided under my amendment was to tens of thousands of older Americans. The beneficiaries of this payment has missed out on social security because during their working years the jobs they held were not covered under the Social Security Act. These, Mr. President, were truly the forgotten Americans. I do not believe that there is an individual in this body who wants to make these 620,000 individuals forgotten victims of false economy, indifference or simple oversight.

Specifically, Mr. President, we are talking about a very small sum of money. The additional cost represented by the adoption of that amendment is only $13 million during 1971.

I would hope that all my colleagues will share with me the premise that we should provide the same benefit increase to these individuals as we provide to individuals receiving social security. Mr. President, inequity necessitates that we do and simple humanity demands it. Some might argue that we cannot afford a 10 percent increase for those receiving the Prouty payment. In this Nation, with a gross national product approaching $1 trillion, that argument has little merit.

Some might argue that those receiving the Prouty payment do not really need the increase. That argument, too, is erroneous. Most individuals receiving the Prouty payment find it their only source of income. Literally tens of thousands of older individuals attempt to exist on a meager $46 a month. The committee bill would give those individuals an increase of $2.30. That amount, Mr. President, hardly keeps pace with the inflation of the last year to say nothing of the inflation since 1967. Mr. President, in brief, I am asking this body to provide 620,000 individuals with approximately $4.60 a month.

Let us continue the course of action we began in 1966 of equal treatment for older Americans.

Let us give this group of truly forgotten Americans the same benefit increase we have provided to nearly 20 million younger citizens who are fortunate enough to be covered under social security benefits.

Mr. President, I ask unanimous consent that the text of my amendment and a brief explanation of the amendment be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. STENNIS). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and explanation will be printed in the RECORD.

The amendment (No. 1124) is as follows:

AMENDMENT NO. 1124

On page 11, line 23, strike out "$48.30" and insert in lieu thereof "$50.60" and strike "$24.20" in line 24 and insert in lieu thereof "$25.30".

On page 12, line 2, strike out "$48.30" and insert in lieu thereof "$50.60".

On page 12, line 4, strike out "$48.30" and insert in lieu thereof "$50.60".

On page 12, line 6, strike out "$48.30" and insert "$50.60" and strike out "$24.20" in line 8 and insert in lieu thereof "$25.30".

On page 12, line 10, strike out "$24.20" and insert in lieu thereof "$25.30".

On page 12, line 12, strike out "$48.30" and insert in lieu thereof "$50.60".

On page 12, line 14, strike out "$24.20" and insert in lieu thereof "$25.30".

The explanation, presented by Mr. PROUTY, is as follows:

EXPLANATION OF PROUTY AMENDMENT TO GRANT BENEFICIARIES RECEIVING THE SO-CALLED PROUTY BENEFIT AN INCREASE EQUAL TO THE MINIMUM INCREASE GIVEN OTHER RECIPIENTS OF SOCIAL SECURITY

(Amendment to Section 102 of H.R. 17550, as reported by the Senate Finance Committee)

Beneficiary: Individuals; present law, $46 per month; committee bill, $48.30 per month (5% increase); Prouty proposal, $50.60 per month (10% increase).

Beneficiary: Aged Couples, present law, $69 per month; committee bill, $72.45 per month (5% increase); Prouty proposal, $75.90 per month (10% increase).

Additional cost of Prouty Amendment: $13 mil/year

Number affected: approximately 620,000 individuals (age 75 or over)

BACKGROUND

The Prouty Amendment to the Tax Adjustment Act of 1966 (March 1966) granted special monthly payments for persons who reached age 72 before 1968 and were otherwise ineligible for regular social security benefits. These benefits are paid for out of general revenues rather than the social security trust funds.

Over 1.5 million people have benefited from this amendment which originally provided a $35 per month benefit.

Today about 620,000 individuals, who are now age 75 and older, continue to receive the benefit, which under present law is $46 per month. For these individuals the Senate Finance Committee retained the 5% benefit increase contained in the House-passed bill even though the Committee provided at least a 10% increase for all other beneficiaries.

AMENDMENT NO. 1125

Mr. MILLER submitted amendments, intended to be proposed by him, to House bill 17550, supra, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 1126 AND 1127

Mr. SAXBE. Mr. President, in January of this year, I submitted an amendment to the Family Assistance Act to increase the bill's provision for a guaranteed income to the elderly. The Family Assistance Act, in its original form, had a guarantee of $90 a month to those 65 and over. My amendment increased that figure to $155 a month, the amount needed to lift an elderly individual out of poverty. In April the House increased the $90 guarantee provision to $110; and the new compromise family assistance plan—the Ribicoff-Bennett amendment to the social security bill—raised the figure to $130.

The Senate Finance Committee, although not including the family assistance plan in the social security bill, did however include the "guarantee to the elderly" provision and set the amount at $130 a month. I am pleased that the committee singled out this guarantee provision and incorporated it in the social security bill. However, I would like to increase that $130 to the $155 figure in my original amendment.

According to the most recent statistics, the official poverty line for an aged individual is $155 a month and for an aged couple, $197 a month. The social security bill, H.R. 17550, provides $130 for an individual and $200 for a couple. I am submitting an amendment to H.R. 17550, lifting the guarantee to the individual from $130 to $155. This seems a bare minimum action at this time—to assure our older Americans that they can be lifted at least to the poverty line. I, therefore, ask that the amendment to H.R. 17550 be printed and ordered to lie on the table.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendment will be received and printed, and will lie on the table.

Mr. SAXBE. Mr. President, I submit a second amendment—this one to Mr. RIBICOFF and BENNETT's amendment No. 1097 to H.R. 17550. It also lifts the guarantee for an aged individual from $130 to $150 a month. I ask unanimous consent that the amendment be printed and ordered to lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1128

Mr. CANNON. Mr. President, I rise at this time to submit an amendment to House Resolution 17550, the House passed Social Security Amendments of 1970 which is now being debated in the Senate. I ask unanimous consent for the printing in today's Record of my amendment in order that my colleagues may review this proposal in detail. I ask the Senators to give serious consideration to this important amendment. Essentially, I am offering an amendment which would increase the amount of earnings a social security recipient could receive before reduction of benefits. I propose to exempt $208 per month from benefit reduction. The House passed bill permits $2,000 a year of earned income and the bill reported out of the Senate Finance Committee also permits $2,000. I propose $2,500.

Our retired citizens, perhaps more than any others, are suffering from the pains of inflation and recession. My amendment will ease the economic crisis for retired people and encourage many talented retirees to seek work that will supplement their pension income. The retired man or woman who works and earns a little money is penalized with reductions in social security payments. I think it only fair that we encourage senior citizens to work and that we remove the unreasonable limitations on the amount one can earn without reduction in payments. My amendment raises the limitation ceiling to a more realistic level and offers the kind of incentive required to encourage active, healthy citizens to continue working on least a part-time basis.

The PRESIDING OFFICER (Mr. Schweiker). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1128) is as follows:

AMENDMENT NO. 1128

On page 46, line 10, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 46, line 14, strike out $166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 46, line 21, strike out $166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 121, line 21, strike out $166.66⅔" and insert in lieu thereof "$208.33⅓".

AMENDMENT NO. 1129

Mr. CANNON. Mr. President, I submit an amendment to H.R. 17550 that would insert a new section 614 on page 540 after line 7 of the bill.

The proposal would amend section 4491 of the Internal Revenue Code of 1954 to exclude the first 2,500 pounds of weight in computing the aircraft use tax on nonturbine engine powered aircraft.

Actually, this is an amendment of the tax provisions contained in the Airport and Airways Development Act of 1970. As we debated that bill we were concerned that general aviation not be overburdened by either the fuel tax, the registration fees, the poundage assessment, or all three combined.

As you know, the House imposed a registration fee of $25 on all aircraft, plus a poundage tax of 2 cents per takeoff weight. We in the Senate wanted small private planes exempt from the poundage tax, among other things, but the best we could do in conference was the 2,500 pounds exemption.

Here is the way the poundage tax works. If you own an aircraft that has a maximum certificated takeoff weight of 2,500 pounds or less, you would only pay the $25 registration fee.

However, if your aircraft weighed 2,600 pounds, you would pay, in addition to the registration fee, 2 cents a pound on 2,600 pounds, or an additional year tax of $52.

This, I believe, was not the intent of Congress and must be corrected. The 2,500-pound exemption should apply across the board, as many of us expected it to be applied.

My amendment would apply the exemption across the board, and I hope it can be adopted before we adjourn this year.

We have imposed too heavy a burden on the thousands of private pilots. Besides the 7-cent-per-gallon fuel tax, the yearly registration fee and the poundage tax, the States have moved into this area.

Let us fix the poundage tax now, and next session I intend to introduce legislation with my chairman, Senator Magnuson, on the fuel tax.

The PRESIDING OFFICER (Mr. Schweiker). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1130

Mr. CANNON. Mr. President, I submit an amendment to H.R. 17550, the House-passed Social Security Amendment of 1970, which is now being debated on the Senate floor. I ask unanimous consent for the printing in today's Record of my amendment in order that my colleagues may review this proposal in detail. My amendment would require the States to disregard all social security benefit increases in determining need for public assistance.

Many retired citizens have gone through the sad experience of discovering that the social security increases authorized by the Congress are offset by State action which reduces old-age assistance payments in proportion to the social security increase. In other words, the retired citizen may receive no benefit at all from a social security increase as a result of State action which reduces old-age assistance. I recognize that the Senate Finance Committee has attempted to correct this inequity with the $10 pass-along provision. I am pleased that the committee has taken action which insures recipients of receiving at least $10 of future increases. I propose that the Congress move to eliminate the inequity in entirety by requiring the States to disregard social security benefit increases authorized by the Congress when determining their income need figure for public assistance. My proposal will not place any great financial burden upon the States, but it will ease the economic crisis facing many of our retired citizens.

The PRESIDING OFFICER (Mr. Schweiker). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1130) is as follows:

AMENDMENT NO. 1130

Beginning on page 408, line 13, strike out all through page 408, line 20.

On page 522, between lines 21 and 22, insert the following:

(c) Notwithstanding the provisions of section 2(a)(10), 1002(a)(8), 1042(a)(8), and 1602(a) (13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act, shall disregard (and the plan shall be deemed to require the State to disregard, in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount (or any portion thereof) paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof) if——

(1) for the month preceding the first month that monthly insurance benefits payable under title II of the Social Security Act are increased by reason of the enactment of section 101 of this Act——

(A) such individual received aid or assistance under such State plan;

(B) such individual was entitled (on the basis of an application filed in or before such month) to monthly insurance benefits under section 202 or section 223 of the Social Security Act; and

(2) such amount (or portion thereof) is attributable to the increase, in monthly insurance benefits payable under title II of the Social Security Act, resulting from the enactment of section 101 of this Act.

On page 522, line 22, stirke out "(c)" and insert in lieu thereof "(d)".

AMENDMENTS NOS. 1132 THROUGH 1138

Mr. HARRIS. Mr. President, I send to the desk a series of amendments to the amendment numbered 1097 proposed by the distinguished junior Senator from Connecticut (Mr. Ribicoff) and the distinguished senior Senator from Utah (Mr. Bennett). I ask that these amendments be printed.

The amendments are being offered by myself, the distinguished senior Senator from New York (Mr. Javits) and the distinguished junior Senator from South Dakota (Mr. McGovern).

Senator Ribicoff and Senator Bennett are to be congratulated for their efforts to have the Senate pass legislation to reform our welfare system during this term of Congress. The present system is such a failure that every effort must be undertaken to enact meaningful legislation to reform our system.

The Ribicoff-Bennett amendment is a substantial improvement over the last version of family assistance which was supported by the administration and voted upon by the Finance Committee.

The supporters of the amendments I am introducing believe that further improvements can and should be made in the family assistance plan. I believe these amendments to be essential, if the reform is to be truly meaningful.

The amendments we are offering to the Ribicoff-Bennett amendment accomplish the following purposes:

First. A stronger statement of goals should be enacted by the Senate. I believe that the Senate should vote to make a goal of full Federal financing and Federal administration within the decade. Reform of our system must involve complete federalization of our welfare system. This has received the support of Governors and other officials because of the financial problems facing our States.

Second. Any person forced to take a job must receive at least the Federal minimum wage, the State minimum wage, or the prevailing wage; whichever is the highest. The minimum wage level of $1.20 set forth in the Ribicoff-Bennett amendment is an improvement of earlier versions of FAP, however, the minimum wage is exactly what it is—a minimum wage and anything less must be considered as inadequate. We should not discriminate against low-income people by forcing them to work at wages of $1.20 an hour or $2,500 a year.

Passage of this amendment is essential if we are to guard against creating a captive work force, with an insufficient standard of wage to be paid, that would be available to employers. The effect of this would be to keep wages so low that millions will remain in poverty, though working full time.

The language of this amendment is identical to the language of the Employment and Training Opportunities Act of 1970.

Third. Mothers with school-age children under 16 should not be required to take job training or accept a job if either the training or the employment would require them to be away from home when such child is not attending school.

This concept was approved by the Senate in 1967 during consideration of an amendment offered by the late Senator Robert F. Kennedy.

Fourth. Any system of welfare should provide for an automatic annual adjustment in benefits based on changes in the cost of living. Automatic increases for social security benefits are provided for in H.R. 17550 and welfare recipients should receive the same consideration.

The amendment we are offering calls for an annual adjustment after enactment of the family assistance plan.

Fifth. The legal rights of the recipients should be adequately protected. Benefits to needy children should not be terminated whenever their mother remarries. There is a question as to whether the Ribicoff amendment adequately protects welfare children and the amendment we are offering would preserve the rights of needy children under current law by allowing States to implement step-parent support rules only if they apply to all step-parents, not just those of welfare children.

The amendment eliminates any questions about the support obligations of parents, by placing the determination of the liability for family assistance benefits owed by a parent living outside the household in the hands of a court, just as is usually the case for parents of nonrecipients.

The amendment also prohibits benefits for children to be paid to someone outside the family in cases where the parent refuses to accept the job offered. The parent's benefits could still be withheld but other family members would be assured of receiving their entitlements.

Sixth. The food stamp program should be simplified by providing that people receiving family assistance benefits or aid to the aged, blind, and disabled simply receive the bonus value in stamps, thus eliminating the purchase requirement. This would reduce the administrative cost of the stamp program borne by the States, without eliminating the food stamp program for those not eligible for assistance or aid to the aged, blind, and disabled.

Senator McGOVERN introduced this proposal earlier this session and will reintroduce it as an amendment to H.R. 17550.

Seventh. As stated in first, true reform of our welfare system will require full federalization of the system.

One of the amendments offered would provide full Federal administration, which would eliminate the undesirable and duplication administrative provisions of the family assistance plan.

Eighth. It is essential that any system of reform enacted by Congress does not result in a lower level of benefits than under the present law.

While the Ribicoff-Bennett amendment has improved substantially the family assistance plan in this regard, a question does exist as to whether the amendment has remedied all the possible situations where benefits could be lower.

The amendment offered is intended to accomplish the following:

Maintain present levels of supplementation to working mothers and treat families with a working mother equitably in all States;

Allow working recipients to receive the same level of allowances for work related expenses they now receive under current law. Recipients could receive less under the Ribicoff-Bennett amendment;

Retain the one-time cost-of-living adjustment passed in the 1967 social security amendments but which a number of States have not yet implemented;

Account for benefits recipients currently receive for extraordinary needs. Such needs are excluded from consideration by the Ribicoff-Bennett amendment; and

Remove the poverty level ceiling on Federal aid in States supplementation contained in the Ribicoff-Bennett amendment. This ceiling could reduce benefits for some 1,450,000 recipients in States paying more than the poverty level.

Ninth. Working poor families—poor families headed by full-time working males—must be made eligible for State supplementary payments as well as for the Federal cash payment—if we are to avoid perpetration of the inequities, and work disincentives present under the current system.

Amendment No. 1118 to the Ribicoff-Bennett proposal, submitted by Senator JAVITS, is designed to correct this inconsistency.

Tenth. We must insure that child care provided under the Family Assistance Act respects the developmental needs of the child by providing educational, health, nutritional, and related services necessary to help each child reach his full potential.

Amendment No. 1119 to the Ribicoff-Bennett proposal was submitted by Senator Javits to that end.

The PRESIDING OFFICER (Mr. GRAVEL). The amendments will be received and printed, and will lie on the table.

AMENDMENT NO. 1139

Mr. HARRIS. Mr. President, I send to the desk, for myself and the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from South Dakota (Mr. McGOVERN), an amendment intended to be proposed by us, jointly, to H.R. 17550. It is composed of the amendment proposed by Senators RIBICOFF and BENNETT with the addition of amendments I and others feel should be added to it.

We would prefer to offer these amendments separately and individually at the time the Ribicoff-Bennett amendment is offered, if the parliamentary situation will allow.

I ask unanimous consent that this amendment be printed and lie at the desk.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1140

ELECTIVE COVERAGE FOR MINISTERS AS EMPLOYEES

Mr. PELL. Mr. President, I submit an amendment to H.R. 17550, the Social Security Amendments of 1970. My amendment would allow ministers to be treated as employees, instead of as self-employed persons, under the Social Security Act, if the employer of the minister and the minister enter into a voluntary agreement.

In 1954 when ministers were first allowed to receive social security benefits, the Congress decided to treat them as self-employed persons because to treat them as employees might involve a situation where the Federal Government was imposing a mandatory tax upon churches in possible violation of the first amendment of the Constitution.

This treatment of ministers as self-employed persons has imposed a number of hardships on ministers and clergymen. Although many ministers are in fact employees of a congregation or church, just as choirmasters or janitors, ministers are forced to pay a higher social security tax because they are classified as self-employed persons even though the choirmaster and other similar church employees might be paying the lower social security tax rate as employees.

I ask unanimous consent that a letter I received from the executive director of the Rhode Island State Council of Churches regarding this inequity be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

XUM

THE RHODE ISLAND
STATE COUNCIL OF CHURCHES,
Providence, R. Is., October 2, 1970.
Hon. CLAIBORNE DEB. PELL,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: For some time I have been concerned about what I feel is an inequity in the social security regulations.

Under the present system clergymen are considered "self-employed." To me this is a fallacy because I do not know a clergyman of any religious persuasion that is self-employed. That term may apply to a farmer or a doctor or some other occupational groups, but every clergyman is either employed by a local congregation or appointed by a Bishop—thus sustained by a local church and is dependent upon that church for his sustenance.

Under the present regulations I feel clergymen are discriminated against in that they are required to pay the total percent of our social security while the thousands of lay people who live within our church get one half paid by their employer.

I urge you to introduce legislation that would amend this present inequity, and make the social security tax more in line with what the real situation is. There are thousands of clergymen across the nation that would be indebted to you if this amendment could be introduced and passed as quickly as possible.

May I hear from you on this matter.

Sincerely yours,
WAYNE ARTIS.

Mr. PELL. Mr. President, another problem that has developed because of the mandatory treatment of ministers and clergymen as self-employed persons is that ministers who are serving in the employment of schools, counseling services, and other charitable organizations are still required to pay the self-employed tax even though they are not in the employment of a religious organization.

My amendment provides for a very simple solution to this problem. My amendment would simply allow for a voluntary agreement between the minister and the employing organization, whether it be a congregation or a counseling service, to have the minister treated as an employee and have the charitable organization pay a tax for him as employer. This would put him in the same position as the choirmaster or janitor.

This would reduce the tax rate for ministers as self-employed persons from 6.3 to 4.2 percent as employees. Since the charitable organization as an employer would be contributing 4.2 percent to the minister's account as their employee, the total amount of funds going into the social security trust fund for the minister would be 8.4 percent, nearly a 2-percentage point increase over the amount going into his account as a self-employed person. This would mean increased benefits for the minister in the long run.

I believe this amendment is reasonable and straightforward. It involves no cost to the Federal Treasury. I would hope it would be favorably considered.

I ask unanimous consent that an explanation of my amendment and the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and explanation will be printed in the RECORD.

The amendment (No. 1140) is as follows:

On page 123, after line 24, insert the following new section:

"ELECTIVE COVERAGE FOR MINISTERS AS EMPLOYEES

"SEC. 134. (a) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(p)(1) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501 (c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of such Code, by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this section beginning with the first day of the calendar quarter in which coverage under section 3121(r)(3) of such Code becomes effective with respect to such service.

"'(2) Service performed in the employ of an American employer as defined in subsection (e) (3), (4), (5), or (6), other than an employer specified in paragraph (1) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, shall constitute employment under this subsection for any calendar quarter in which an election under such section 3121(r) (2) (A) is effective for him.'

"(b) Section 210(a)(8)(A) of such Act is amended by striking out 'Service' and inserting in lieu thereof the following: 'Except as provided in subsection (p), service'.

"(c) Section 211(c) of such Act is amended by inserting before the period at the end of the sentence following paragraph (6) thereof the following: 'or, in the case of paragraph (4), unless the service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry constitutes employment under subsection (p) of section 210'.

"(d) Section 3121 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"'(r) Ministers.—(1) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) which is exempt from income tax under section 501(a), by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this section if—

"'(A) an exemption under section 1402 (e) is not effective with respect to him;

"'(B) he has elected to have such service covered as employment under this section; and

"'(C) the organization has elected to have such service covered as employment under this section.

"'(2)(A) any minister who makes an election under paragraph (1) shall file a certificate of such election in such form and manner, and with such official, as the Secretary or his delegate shall by regulations prescribe. Such certificate shall specify the date on which the minister wishes such election to become effective for him, but in no case shall such election become effective (i) prior to January 1, 1971, or the first day of the calendar quarter which begins no earlier than the first day of the sixth calendar month before the month in which such minister files such certificate, whichever is later, or (ii) after the first day of the quarter following the quarter in which such minister files such certificate.

"'(B) Any organization which makes an election under paragraph (1) shall file a certificate of such election and a waiver of exemption from taxes imposed by section 3111 in such form and manner, and with such official as the Secretary or his delegate shall by regulations prescribe. Such certificate shall specify the date on which the organization wishes such election to become effective for such organization, but in no case shall such election become effective (i) prior to January 1, 1971, or the first day of the calendar quarter which begins no earlier than the first day of the sixth calendar month before the month in which such organization files such certificate of such election, whichever is later or (ii) after the first day of the quarter following the quarter in which such organization files such certificate.

"'(3) Coverage shall become effective with respect to service specified in paragraph (1) on the first day of the first quarter for which both an election by the minister is effective under paragraph (2)(A) and an election by the organization is effective under paragraph (2)(B). Such service shall constitute employment under this subsection beginning with the first day of the calendar quarter in which coverage is effective with respect to such service.

"'(4) Any election under this subsection shall be irrevocable. An election made under this subsection by a minister shall apply with respect to any service performed by such minister in the exercise of his ministry in the employ of any organization which has made an election under this subsection or in the employ of any employer specified in paragraph (6); an election made under this subsection by an organization shall apply with respect to any such service performed in the employ of such organization by a minister who has made an election under this subsection.

"'(5) An organization which has made an election under this subsection or an employer specified in paragraph (6) shall not, for purposes of sections 3102 and 3111, be considered to be the employer of any minister who has not made an election under this subsection.

"'(6) Service performed in the employ of an American employer as defined in subsection (h) (2), (3), (4), or (5) by such a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this subsection for any calendar quarter in which an election under paragraph (2)(A) is effective for him.".

"(e) Section 3121(b)(8)(A) of such Code is amended by inserting before 'service' the following: 'except as provided in subsection (r),".

"(f)(1) Section 1402(c) of such Code is amended by inserting before the period at the end of the sentence following paragraph (6) thereof the following: 'or, in the case of paragraph (4), unless the service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry constitutes employment under such subsection (r) of section 3121'.

"(2) The last sentence of paragraph (1) of section 1402(e) is amended by inserting before the period at the end thereof the following: 'or if he has made an election under section 3121(r)'."

The explanation, presented by Mr. PELL, is as follows:

EXPLANATION OF AMENDMENT FOR PERMITTING MINISTERS AND THEIR EMPLOYERS TO ELECT SOCIAL SECURITY COVERAGE AS EMPLOYMENT OF THE SERVICES

1. Services performed in the exercise of his ministry by a minister who has not taken the exemption from social security coverage for an organization which is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954 would be covered employment under the program if both the minister and the organization elect to have his services so covered. His services for any such an organization which has not so elected would continue to be covered under the provisions applicable to the self-employed. Services by a minister who had made the election of his

ministry for a business employer whose business employees are compulsorily covered would also be covered as employment.

2. An election by a minister to have his services covered as employment would be irrevocable and all his services thereafter for any section 501(c)(3) organization which had elected to have a minister's services and for any business employer whose business employees are compulsorily covered as employment would be covered employment.

3. An election by a section 501(c)(3) organization to have services of a minister covered as employment would be irrevocable, and services thereafter for the organization by any minister who had elected coverage as employment would be covered employment.

4. A minister who has elected to have his services covered as employment could not thereafter be granted an exemption from the self-employment tax.

5. A section 501(c)(3) organization which had elected to have a minister's services covered as employment would not be liable for the employer FICA tax on the remuneration paid to a minister who has not elected to have his services covered as employment.

6. Both the minister and the organization may make the election at any time after enactment, but neither election could be effective before January 1, 1971. As specified by the minister and by the organization, coverage could begin with the quarter in which the election is made or one preceding which begins no earlier than the sixth month before the month of election or the quarter following the month of election.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATING TO POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 1123

Mr. BROOKE. Mr. President, one of the great unfinished pieces of legislation left from the 91st Congress is electoral college reform. The House overwhelmingly passed a comprehensive amendment more than a year ago. Unfortunately, however, the Senate was not able to vote on any of the many constructive proposals which were set before it.

In view of the national concern over the present method of selecting a President, and in view of the 1968 presidential election which came within a few thousand votes of being decided by the House of Representatives, this is a most distressing situation.

I have long supported direct election of the President as a democratic concept whose time came long ago. Along with other Senators, however, I have had doubts as to the workability of the popular runoff contingency which is a part of Senate Joint Resolution 1, passed by the House and proposed by the Senate Judiciary Committee. For this reason, I introduced on September 16 a proposal which would have retained the 40 percent minimum popular vote requirement of Senate Joint Resolution 1, but would have changed the contingency mechanism to a "modified district" plan which would guarantee that the general election would produce a winner without a need to resort to any further selection process, whether in the Congress or among the voters.

Since then, in discussion with other Senators, I have become convinced of the wisdom of changing the 40-percent popular-vote figure contained in the original proposal to a clear majority—50 percent or more—that would be required to elect a President.

I am hopeful that a linkage of the district plan with a 50-percent requirement can become the basis of the workable compromise for which we have been searching. It would have the advantage of providing for popular election of the candidate with the widest possible base of support.

For this reason, I am today submitting an amendment to Senate Joint Resolution 1. I recognize that it will not be acted upon this year, but I am hopeful that Members of this body will be able to give it consideration in the next several weeks, so that when the Congress next convenes we may be able to proceed with the important work of revising our system of electing the President and Vice President.

The PRESIDING OFFICER (Mr. STENNIS). The amendment will be received and printed, and will lie on the table.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954 RELATING TO DISTILLED SPIRITS—AMENDMENT

AMENDMENT NO. 1131

Mr. HOLLAND. Mr. President, I understand from the staff of the Committee on Finance that a minor bill coming from the Finance Committee, H.R. 10517, is being reported today. Because of that, and because I have an amendment which I hope to have attached to that bill when it is considered—an amendment which will give fair treatment to Puerto Rico and the Virgin Islands which was formerly denied, without any intention to do so—I send to the desk an amendment, for the information of all, so that nobody can feel that there is any surprise when I call up the amendment.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendment will be received and printed, and will lie on the table.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1099

At the request of the Senator from Iowa (Mr. MILLER), the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 1099 to amendment No. 1097 to H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, December 17, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Albert J. Engel, of Michigan, to be a U.S. district judge for the western district of Michigan, vice W. Wallace Kent, being elevated.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN); and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS OF SENATORS

SIX YEARS IN A CAGE

Mr. WILLIAMS of Delaware. Mr. President, as Christmas approaches, Lt. Comdr. Everett Alvarez, Jr., U.S. Navy, has established a new and unenviable record. He has been a prisoner of war in a foreign country longer than any other man in our history. When he is finally brought back to this country he will hold the unusual distinction of having spent some 75 percent of his naval career in a Communist prison camp. He was a junior grade lieutenant when he was shot down on August 4, 1964. Two promotions have come to him while he has been in prison.

But he is one of the lucky ones, for at least the Communists have admitted to his capture, and it is believed that he is still alive. He may even be in relatively good health, considering the treatment which the North Vietnamese habitually mete out to their captives, but of this, of course, we cannot be sure.

Of the approximately 1,500 missing men we have reason to believe are in the hands of North Vietnam or the Vietcong, less than 400 have been named as being in custody. Recently the Prime Minister of Sweden made a special inquiry about some 200 prisoners at the request of their families, and apparently the Communists have confirmed the names of fewer than 50. The cynical irresponsibility of the enemy with which we are dealing is manifest in the manner in which Hanoi has responded to the innumerable requests for information the desperately anxious families have made to them.

North Vietnam should know that nothing could so redound to their credit, among enemies and friends alike, as a clear straightforward announcement, in accordance with the terms of the Geneva Convention which they signed, as to the names and condition of all the prisoners who have had the ill fortune to fall into their hands.

BILLS THAT MUST BE PASSED BEFORE END OF SESSION

Mr. FANNIN. Mr. President, there are three bills that we absolutely must pass before the close of this session.

They are the Excise, Estate, and Gift Tax Adjustment Act of 1970, the social security benefits increase, and the international financial institutions bill.

Certainly the most important bill as far as 26 million Americans is concerned is the social security measure. Our retired citizens living on fixed incomes have been affected severely by the rampant inflation of the past several years.

The bill provides an increase in social security benefits. It increases widows and widowers insurance benefits.

Another title of the bill provides for substantial increases in pensions to veterans with non-service-connected disabilities.

It certainly will be a blow to many retired persons if we should delay in passing this bill. As it is, they will have to wait until next April at the earliest to collect the additional payment.

We can make a lot of Christmases a great deal merrier by passing this bill within the next 8 days.

As for the excise tax bill, it is a very necessary anti-inflation measure.

This bill would result in an estimated revenue increase of $730 million in the current fiscal year.

It would increase revenues by an estimated $3.3 billion in fiscal 1972.

We have received some alarming estimates of Federal budget deficits for the current year. This deficit will occur at a time when we desperately need to balance our budget to fight inflation.

This bill will not cure the inflation by any means—the deficit still will be huge. But this bill is one step that can be taken quickly and easily.

It would be a shame if the excise tax bill were lost in an avalance of filibusters.

Mr. President, as for H.R. 18306, the international financial institutions bill, it is essential to America's continued leadership in assisting underdeveloped countries.

This bill would increase our quota in the International Monetary Fund. The IMF plays a vital role in the regulation of international trade.

Our contribution to the fund should not be regarded as assistance but rather as an aid to continuing our international trade.

Mr. President, I urge the Senate to agree to the plan to be proposed by the distinguished Senator from Delaware, for wrapping up the important business of the Senate.

THE PRESIDENT'S NEWS CONFERENCE A SUCCESS

Mr. GOLDWATER. Mr. President, on Thursday, December 10, 1970, President Nixon held a news conference at which he dealt very capably with a number of questions of national significance. The text of the President's news conference was placed in the RECORD on December 11 by the distinguished junior Senator from West Virginia (Mr. BYRD).

According to an account of the news conference in the Christian Science Monitor:

> All in all, it went off quite well. Much better than most people could do after the few hours' sleep which the President had during the railroad crisis the night before.

Mr. President, as I recall there was considerable fuss in the press a few months ago about the apparent advantage in free television time accruing to our political party. This is supposed to result from the fact that the President of the United States, who is a member of our party, "dominates" the air waves when he holds a news conference. The complaint was that we were taking advantage of the Presidency to achieve political exposure.

In recent weeks, of course, the complaint has been precisely the opposite. It seems now that a few months have passed without a formal news conference. So members of the news media complain that the Republic has been deprived of its right to see its President.

To critics such as these, the President can do nothing right. It would be impossible so to time his news conferences as to please both sides of these spurious arguments. The critcisms themselves are political, or at least politically inspired.

The Christian Science Monitor has put this kind of carping in its proper perspective. I therefore ask unanimous consent that the article by Mr. Courtney Sheldon be printed in the RECORD.

There being no objection, the Article was ordered to be printed in the RECORD, as follows:

"YOU CAN'T SIZE UP NIXON IN 32½ MINUTES"

(By Courtney R. Sheldon)

WASHINGTON.—Fourteen days to Christmas, 1970, and the President of the United States is hard on Hanoi, medium on Moscow, light on liberals (Republicans only), and soft on Scranton.

Which is another way of saying:

President Nixon is giving away nothing to North Vietnam, and he may get nothing good in return—and thereby the outlook for a negotiated peace in Vietnam is as bleak as before.

The frigidity and mistrust that followed the clandestine deployment of Soviet missiles during the Middle East cease-fire is replaced by a mood of at least "we are talking."

The Republican liberals are indispensable to the GOP and Mr. Nixon in the 1972 presidential election, though maverick folly like New York Sen. Charles A. Goodell were expendable this year.

Vice-President Spiro T. Agnew's characterization of the Scranton report as "pablum for permissiveness" was too tasteless for Mr. Nixon, and he is sweetening the administration's attitude toward students.

How does one really see the complete Nixon with the help of 18 blinding floodlights and 30 questions in 32½ minutes of press conference?

He doesn't. But he knows something more of his attitudes, hopes, and fears than when the chief executive is hidden from the edgy, probing press corps.

As in the few previous press conferences of this administration, he was the master of the press-conference format Thursday evening.

"NO DUNKIRK IN ASIA"

He perspired, he was good humored, he admitted a mistake. He ducked here and weaved there, always knowing thoroughly the subject of the question and safeguarding himself. The image on the family TV screen surely must have been impressive.

Just how tough Mr. Nixon will be on Hanoi if it shoots at United States reconnaissance planes is already as plain as the bomb craters on the face of North Vietnam.

But Mr. Nixon now more explicitly threatens more scorching of North Vietnam if the Communists increase the level of fighting. No Dunkirk in Asia, he is saying.

He declines to name any more dates for withdrawal of U.S. forces lest he weakens the U.S. negotiating position in Paris.

Whether this position can be maintained for long as the 1972 election nears—and the doves become restive—is a legitimate question.

Ten hours before the Dec. 10 press conference, an Associated Press story from Stockton, Calif., reported: "All United States military forces will be out of Vietnam in 14 months, says presidential adviser Robert Finch. That's a figure I pulled out of the air. It seems like a reasonable time to expect disengagement."

On Cambodia, Mr. Nixon backed up what Secretary of Defense Melvin R. Laird has been telling suspicious senators. "None whatever," Mr. Nixon shot back to a question on whether he could "foresee any circumstances whatever under which we would use ground troops in Cambodia."

INCOMPLETE REPLY

It seems a clear enough answer until one hears Mr. Nixon reply incompletely to the question: "How do you plan to keep your quarter-billion-dollar aid program for Cambodia from escalating into a guarantee of the survival of the Cambodian Government?"

"The quarter-billion-dollar aid program for Cambodia is, in my opinion, probably the best investment in foreign assistance that the United States has made in my political lifetime. . . The dollars we send to Cambodia save American lives and enable us to bring Americans home."

In Western Europe the U.S. is joining in a reinvigoration of NATO; in the Middle East, the Soviets unblushingly arm the Arabs; in Berlin, the Communists continue to tamper with access routes, and temperatures rise.

Relations with the Soviets are not happy dinner talk for diplomats. But Mr. Nixon "would only suggest that U.S.-Soviet relations are going to continue to be difficult, but the significant thing is that we are negotiating and not confronting. We are talking at SALT [strategic-arms-limitation talks]."

It will be an "era of negotiations," Mr. Nixon said at the outset of his term, and he is still saying so.

Mr. Nixon's domestic politics, if somewhat less important in the scheme of the world, are clear to the eye.

It is plainly time to conciliate and assure those "radical liberals" in Congress whose helping hands will be needed in the next two years that Mr. Nixon has no plans to dump them as he did the liberal Senator Goodell.

"I personally expect to support all of those Republicans who may be running for the United States Senate in 1972 if they want my support, and some of them are, as you know, members of what is called the liberal wing of the party. But they are Republicans."

And on the Scranton Commission report on campus unrest which Vice-President Agnew called "pablum for permissiveness": "It is certainly not pablum."

A DOOR OPENED

There was much more to the President's first press conference since July 30—economy optimism, defense of the SST, etc., and he opened the door to the press to proposition him on improving press conferences, even suggesting he might permit "one on one," or personal interviews, and smaller and/or more frequent press conferences.

All in all, as Press Secretary Ronald L. Ziegler said later, it went off quite well. Much better than most people could do after the few hours' sleep which the President had during the railroad crisis the night before.

FATHER HESBURGH AND THE FAMILY ASSISTANCE PLAN

Mr. RIBICOFF. Mr. President, the U.S. Commission on Civil Rights and its chairman, Father Theodore M. Hes-

XUM

burgh, have been among the strongest supporters of welfare reform legislation during this Congress. Father Hesburgh has sent me today a letter eliminating any possible confusion about the Commission's earlier position and strongly reasserting the Commission's support for this critical legislation.

I ask unanimous consent that Father Hesburgh's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., December 16, 1970.

Hon. ABRAHAM A. RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: On December 11 I wrote you enclosing a copy of a letter which I sent to each member of the United States Senate expressing the views of the Commission on Civil Rights in support of the Family Assistance Plan legislation. Unfortunately, that letter contained a misstatement of fact to the effect that under the present plan being considered "mothers of pre-school children" would be *required* to register for work. I wish to correct this misstatement. The Family Assistance Plan does not require any mother of a pre-school child to register for work.

I apologize for any confusion my earlier letter may have caused. You may continue to be assured of the whole-hearted support of the Commission on Civil Rights and of myself for the Family Assistance Plan legislation. I hope this legislation will be enacted upon by Congress at this session.

Sincerely,
THEODORE M. HESBURGH,
Chairman.

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THE TRUTH ABOUT THE SST

Mr. GOLDWATER. Mr. President, so many charges have been made relating to environmental issues allegedly involved in the production of two prototype SST's for research and development that I believe the RECORD could stand some clarification.

Accordingly, I have had some of the typical allegations relative to environmental claims about the SST identified and answered. In addition I have endeavored to show which Senators voted against the SST because of individual environmental claims of the SST critics.

I ask unanimous consent to have printed in the RECORD a list of the typical allegations made in the Senate together with the answers which I believe apply in the interests of truth.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SST ENVIRONMENTAL ISSUES

NOISE

Typical allegations

"When the SST takes off, and while it climbs to an elevation of 1500 feet above the airport, the noise from its engines will expose wide-spread areas of the community to unprecedented noise levels." (Senator Bayh)

"The noise disturbance at one mile from a subsonic jet is equivalent to the disturbance created with (sic) 15 miles of the SST." (Senator Bayh)

"One scientist says that when the SST roars down its 2-mile-long runway—which the taxpayers will also have to pay for—it will sound like 50 regular jets taking off at the same time." (Senator Allen)

Members voting against SST on Noise Issues: Allen, Bayh, Hatfield, Kennedy, Miller, Proxmire, Spong.

Answer

The SST climbs more rapidly than do conventional jet aircraft. This has the effect of generally reducing the noise levels to which the community is exposed. The noise footprint from the SST is such that only about ¼ to ⅕ of the total community area affected by a given noise level from current jets will experience the same noise levels from the SST.

This statement might be true if SST noise contours were circular. The best data available do not bear out this assumption. Due to the noise characteristics of afterburning turbojet engines, the first generation SSTs will produce a greater level of "sideline" noise than current jets. Most of the increase will be contained within the normal airport boundary and in most cases, the surrounding community will not notice the increase. The prototype program offers an ideal opportunity to perform full-scale research to solve the problem.

This is a misleading statement, exploiting the average citizen's lack of understanding of the complicated procedures used to define noise levels. If the same reasoning is used the other way around we can say that one subsonic jet is as noisy as a dozen SSTs on landing approach and equivalent to about 50 SSTs on the total community noise exposure.

SONIC BOOM

Typical allegations

"SST will create a sonic boom track 50 miles wide, in which windows, glassware, house foundations, and buildings will be broken and cracked." (Senator Allen)

Members voting against SST on Sonic Boom: Allen.

Answer

DOT rulemaking and Policy Statements by the President, Secretary of Transportation, Administrator of FAA, as well as Senate action to prohibit sonic boom-producing overflights of the U.S. have eliminated concern over sonic boom.

WEATHER MODIFICATION AND CHEMICAL POLLUTION

Typical allegations

"(SST proponents) tell us that the SST will emit fewer pollutants than other forms of transportation, including subsonic jets. This simply is not true . . . the SST emits more polluants, not less, than the planes that are in use today." (Senator Proxmire)

". . . SST . . . will spew its *black clouds* of fuel into the air we breathe." (Senator Allen)

"The President's own CEQ has reported that the SST *will* cause climate and weather modification because of its high altitude pollution." (Sen. Allen)

"I think we should know the effects on the atmosphere before we commit ourselves further." (Senator Percy)

". . . the possibility of climatic change as a result of high altitude exhaust emissions by a fleet of SSTs . . . was substantiated by a MIT study of critical environmental problems. . . . (Senator Percy)

". . . the potential environmental problems associated with the project are so grave that we should stop work on prototypes until more information is developed." (Senator Spong)

". . . MIT-sponsored study group meeting at Williams College in July 1970 expressed concern that cloud cover might increase and stratospheric smog might be produced by a fleet of SSTs." (Senator Bayh)

Answer

Current subsonic jets required to transport the same number of passengers per year that would be carried by the SST would emit 2 to 3 times the amount of pollutants, because of the SST's higher productivity.

The Chairman of CEQ, in fact, stated that *if* emissions from the SST cause formation of cloud layers and depletion of ozone, then world climate and weather modification *might* occur. He further stated that the two prototype SST commercial aircraft, as proposed by the Administration would not in themselves, give rise to any significant environmental problems.

The Chairman of the MIT Study group, Dr. Will Kellogg, has stated that he is "very much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment." He also reaffirmed "that there is no environmental reason . . . to delay construction of the two prototype aircraft.

Members voting against SST on weather modification and chemical pollution: Proxmire, Allen, Percy, Spong, Bayh.

THE UNITED NATIONS GENOCIDE CONVENTION: LIFE OR DEATH TO MANKIND

Mr. PROXMIRE. Mr. President, a prominent New York attorney, Mr. Warren Freedman, has prepared an excellent article answering many of the objections raised concerning the Genocide Convention, in particular those raised by the American Bar Association. The article, entitled "The U.N. Genocide Convention: Life or Death to Mankind," is worthy of the attention of the entire Senate.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE U.N. GENOCIDE CONVENTION: LIFE OR DEATH TO MANKIND

(By Warren Freedman)

It is completely unjustifiable for the Government of the United States to continue to chart its course of isolationism and disinterest on the issue of ratification of the U.N. Convention. It has been over 22 years since* the U.N. Convention on Genocide was unanimously adopted (55–0) by the U.N. General Assembly [although genocide had been declared an international crime by U.N. General Assembly Resolution No. 96 (I) on December 11, 1946]. The Convention came into force on January 12, 1951. President Harry S. Truman had first submitted it to the U.S. Senate for ratification on July 16, 1949; but from that very moment in 1949 the leadership of the House of Delegates of the American Bar Association opposed approval. This group has been successful in keeping the U.S. Government from membership in the Convention. Their arguments against ratification were as follows: (1) a state could not be held liable in damages for injuries inflicted by it on its own citizens; *but* this is but an expression of sovereign immunity which had been waived in 1946, for example, by the enactment of the Federal Tort Claims Act; (2) the intent to destroy must affect a substantial portion of that group; *but* the language of Article II of the Convention clearly refers to "group as such" and certainly does not delineate one or two individuals as a group; (3) mental harm to be sufficiently delineated must mean "permanent physical injury" to mental faculties; *but* today brain-washing and other torture techniques involving the administration of drugs leave their permanent imprints; and (4) "complicity in genocide" must include participation before and after the commission of the crime of genocide; *but* it is the active participation by perpetrators of genocide that is delineated. The full U.S. Senate Foreign Relations Committee, after a 1950 hearing characterized by enmity, simply tabled the matter! At a mid-year meeting in Atlanta on February 23, 1970, the House of Delegates of the American Bar Association reaffirmed its position of opposition, but by the narrowest of margins, 130 to 126.

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*On November 23, 1970, the Senate Foreign Relations Committee voted to report favorably the Genocide Convention by a vote of 10 to 2.

Though the world has greatly changed and the presumed risks of 22 years ago have proved groundless, the United States, alone out of 75 nations including the U.S.S.R., has not yet ratified nor acceded to the Convention. It is unjust for the United States to persist with "this sad record and the responsibility for it" because certain leaders continue to have "a parochial outlook on world problems." These are the very words of former Chief Justice Earl Warren in addressing the National Conference on Continuing Acts for Human Rights in Washington on December 4, 1968: he further castigated these leaders who have "failed to measure the element of change in the world. They have failed to recognize that men and their institutions do not stand still in the face of great changes."

To every thinking person it is unbelievable that anyone in 1970 should continue to contend that genocide "lies within the domestic sphere," and therefore beyond the pale of international concern, or that helpless people should not be protected against tyrannical governments, whenever and wherever those governments or individuals in public capacities act contrary to basic moral principles. How vacuous it is to argue that the United States Government might become the victim of charges of genocide deliberately brought against her by her enemies, should the United States become a party to the Convention. [Have we not anything to fear but fear itself?] It is similarly questionable to assert that treaties are not the proper constitutional means for the United States Government to act in such affairs as genocide. Beginning in 1945 when the United States became signatory to the U.N. Charter, some 4,000 treaties and international agreements were entered into by the United States, without any observable diminution of American sovereignty, and without any debasement of American standards or morality. It is the very arbitrariness of heinous practices of Government, or of individuals utilizing the powers of Government, in committing genocide that make it necessary that such Government and its leaders be bound to cease their international crimes. Mass murders by people in or out of government must be immediately halted. Human rights are matters of international concern. Otherwise, what relief is there from the tyranny of man over man? The Preamble to the Convention on the Prevention and Punishment of the Crime of Genocide poignantly delineates genocide as "an odious scourge" which has "inflicted great losses on humanity."

The prophets of doom and gloom who have so selfishly fought against U.S. ratification of the Genocide Convention these many years center much of their argument on the fact that the original U.N. Declaration had denounced genocide whether committed on "religious, racial, *political*, or any other grounds"; but the final Declaration in Article II substituted the word, "ethnical," for the word, "political," because of the insistence of Communist countries. But these critics fail to grasp the pragmatics of legislative "give and take." Legislative compromise is also the essence of democracy within the United Nations as well as within the United States. Still the final language does not condone the elimination of political groups, with or without the complicity of government as recently occurred in Czechoslovakia and Hungary. The reservation in Article VII that genocide is not a political crime for purpose of extradition simply assures that such perpetrators will not be allowed to hide out from prosecution.

The opponents of the Genocide Convention are perhaps very rabid isolationists who are frightened by the possibility that American citizens may be subjected to justice at the hands of a court other than an American court. These opponents have failed to heed the language of Article VI which emphasizes that "persons charged with genocide . . . shall be tried by a *competent* tribunal of the state in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction. . . ." All the constitutional guarantees to which the American citizen has become inured, would be respected, because in the enabling legislation which must be enacted by Congress (after American ratification of the Convention) these constitutional rights would be guaranteed. Congress can also withdraw at any time the conferred jurisdiction on an international penal tribunal over an American citizen. The so-called Connally Amendment, which is the reservation of the U.S. in its declaration of adherence to the International Court of Justice, would not preclude submission of a U.S. citizen to the judicial processes of an international penal tribunal because genocide is an international crime and not a "dispute" solely within the "domestic jurisdiction" of the U.S. Again, traditional American safeguards including jury trial are carefully preserved by virtue of the option to accept or reject on each occasion the international court's jurisdiction.

The heart of the treaty defining Genocide is found in Article II:

". . . any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group."

It should be noted that this definition goes beyond mass murder (i.e., the killing of Armenians by the Turks in World War I, or the fiendish murder of 6 million Jews by the Nazis), and embraces, as international crimes, mass sterilization, group drugging, and forced separation of children as a group from their parents. Unfortunately, "cultural genocide," i.e., destruction of cultural or religious institutions or suppression of schools is not expressly included, although it is certainly *implicit* in subparagraphs (b), (c), and (d). The thrust of Article II rests upon the criminal "intent to destroy" a group of people. Article III additionally covers conspiracy, direct and public incitement, attempts to commit genocide, and complicity in genocide. Article I, it should be noted, in declaring genocide to be an international crime, states that this is so, whether the crime is committed in time of peace or in time of war. Indeed, genocide is a subject of common concern to all mankind, for mass horror anywhere on earth effects everyone and every country. Genocide is, above all, a breach of international peace and security, and its ugly head must not be permitted to exist anywhere at any time.

Enforcement of the prohibition against genocide is admittedly not an easy problem; and policing, ipso facto, is not the summum bonum. It is *the universal* declaration and *the universal* warning against genocide that promises a more effective end to genocide. The world will react when the world is prepared legislatively to ban genocide, as 75 sovereign nations have demonstrated by their accession to the Convention. The destructiveness of genocide may only be compared with the destructiveness of nuclear weapons! However, the enforcement provisions of the Convention are clear: (1) the individual States must under Article V enact implementing legislation to punish *effectively* persons found guilty of genocide or the accessory crimes listed in Article III; and (2) *competent* organs of the United Nations are available to supplement such enforcement, particularly against the governments involved (Article VIII). The Security Council or the General Assembly or the Economic and Social Council are all authorized to hear the complaint. Under Article IX disputes between the States may be referred to the International Court of Justice. The so-called "Nüernberg defense," whereby persons seek to escape blame for evil acts by asserting that they were only carrying out the orders of others, is expressly repudiated by Article IV, which states that no one, not "constitutionally responsible rulers," not government officials, not military officers, and not private individuals, can escape responsibility for his actions through this defense. Furthermore, punishment for perpetrators of genocide must take place in the country where the acts of genocide occurred. All signatory States must return such fleeing criminals for trial.

Today genocide is still tragically a present threat and in no sense remote. In Africa, in the Middle East, and in Southeast Asia, ethnic hatreds, the war against hunger and depredation, and the brain-washing and torture in Indo-China are not of the past. In the U.S.S.R. there is a stifling stagnation and atrophication imposed by the Government upon its 2¾ million Jewish citizens. The U.N. Genocide Convention, when ratified by a greater number of States including the United States, will assure that these excesses will cease. Genocide is "a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world." (*Preamble* to U.N. Convention on the Prevention and Punishment of the Crime of Genocide.) Under Article XI even *non-member* States are invited to sign and accede to the U.N. Convention.

In February 1970 President Nixon publicly urged the U.S. Senate to ratify the Convention. Favorable recommendations emanated from both the U.S. Secretary of State and the Attorney General, pointing out that there were "no constitutional obstacles to U.S. ratification." But the isolationists again mounted their offensive, erringly arguing that ratification is not within the treaty-making powers of the U.S. Constitution. The treaty-making power under Article II, Section II of our Constitution is indeed very broad: "It is not perceived that there is any limit to the questions which can be adjusted on any matter which is properly the subject of negotiations with a foreign country." (*Geofroy* v. *Riggs*, 133 U.S. 258, 267, U.S. Supreme Court, 1890). Anti-social conduct and the denial of human rights have been for a hundred years proper subjects of international negotiations: American treaties prohibit white slave traffic, narcotic drugs, arms shipments, and have suppressed slave trade and slavery (from 1926 to 1967), for example. The United States has signed treaties dealing with every form of anti-social conduct, including even the protection of the lives of seals and migratory birds! How much more is the life of a human being! . . .

XUM

The U.N. Convention on Genocide is one of the most important Conventions which this country could ratify, and every American citizen should be concerned that his country is not ostracized from its international responsibilities by misguided views of what is America's self-interest. Again, genocide is not an internal nor a domestic matter but purely and simply an international crime. Ratification of the Convention by the United States Senate must still be followed by implementing federal legislation making the crimes specified punishable under United States law. Thus, the immediate step is for the U.S. Senate to ratify the Convention; to be followed by the enactment of implementing legislation as recommended by the Section of Individual Rights and Responsibilities of the American Bar Association.

REFLECTIONS ON THE SST

Mr. GOLDWATER. Mr. President, recently, I was invited by the New York Times to write an article on the SST with reflections on the recent debate over it. The title of the article might not be liked by some people, but it is as I see it.

I ask unanimous consent that the article, entitled "The Big Lie and the STT," published in the New York Times of December 16, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BIG LIE AND THE SST

(By BARRY M. GOLDWATER)

WASHINGTON.—Not even fourteen years of service in the United States Senate prepared me for the kind of propaganda blitz that was organized against America's participation in the development of a supersonic transport plane.

Never in my experience has the "big lie" technique, popularized by Adolf Hitler's propaganda minister in World War II, been used more effectively to describe a needed program of research and development.

All of a sudden, in the months and weeks prior to the first Senate vote in this year's SST appropriation, this ten-year-old program, begun in the Eisenhower Administration and supported in the Kennedy and Johnson Administrations, became the legislative monster of all time.

Sound arguments for American participation in the development of the SST to hold leadership in the field of civilian aviation were drowned in a wave of scare stories, myths, guesses, speculation, half-truths and downright lies. An unusual combination of leftwing scientists, politicians, economists and conservationists effectively overpowered the voices of reason in the Administration and Congress.

Their efforts produced so much confusion that the casual observer had every reason to believe that a vote in the Senate for continuing a program to build two prototype SST's for research could result in any one of the following conditions:

The possible extinction of all life on earth as a result of SST flights which might weaken the protective ozone blanket of the earth.

The inundation of all life on earth because SST flights might so alter the temperature of the atmosphere that it would melt the polar ice cap.

The complete exhaustion of all fuel supplies on earth in twenty years.

The final and fatal pollution of the earth's atmosphere by poisonous emissions from SST flights in the atmosphere.

The possible death of all fish and birds and other life forms which exist in or over the ocean because of some booms from the SST.

An epidemic of possible skin cancer throughout the earth because of SST exhaust emissions.

These points supply some idea as to the scare techniques dreamed up and widely spread by organizations such as the Friends of the Earth, Environmental Action, the Federation of American Scientists, the Zero Population Growth Club and the Sierra Club.

It was not only amazing but downright frightening to see the number of prominent scientists who were willing to lend their names to far-fetched and hypothetical possibilities that might result from a research and development program by the United States into an SST project which has almost reached the production stage in France, Britain and Russia.

The scare techniques used against the SST are similar to the ones that were used by some of the same people to oppose the A-bomb tests in Bikini in 1946, the development of an H-bomb in 1949 and even to such beneficial humanitarian projects as building a dam across the Colorado River in the Grand Canyon. In each case so-called experts assured us that catastrophe would follow if affirmative action were taken. Some scientists said an underwater A-bomb test would blow a hole in the earth's crust and blow up the globe. The prophets of doom confidently told us that the U.S. did not have the knowhow to produce an H-bomb and that if we tried we might destroy the earth by miscalculation.

That little old dam across the Colorado River was described as a development that would flood the Grand Canyon and make an inland lake out of one of the world's greatest national wonders. But when we got computers to work on the problem, it was discovered there wasn't enough cement in the world to build a dam that would cross the Grand Canyon and not enough river water in the entire country to fill it up.

I cite these fantastic tales because they are similar to the nonsense that is being spread about what a few airplanes might do to the atmosephere if flown at supersonic speeds.

What it boils down to is that the enemies of an American SST are making a scapegoat out of technology in a desperate attempt to channel ever more funds into social welfare programs. The attitude is short-ranged and ill-advised.

WHO MAKES WAR?—ADDRESS BY SENATOR JAVITS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD the text of an address by the distinguished Senator from New York (Mr. JAVITS), a member of the Committee on Foreign Relations, which he delivered at the Woodrow Wilson School of Public and International Affairs, Princeton University, Princeton, N.J., on December 8, 1970.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHO MAKES WAR?

A great Constitutional issue before the nation today concerns the exercise of the nation's war powers. The struggle over the war powers, has been somewhat dormant in the past few months, following the spotlight attention it received at the time of the President's Cambodia "incursion" in May and the historic Senate debate in passing the Cooper-Church amendment. It has been now revived by the latest bombings of North Vietnam, the abortive attempt to rescue prisoners of war by a commando raid, and the President's request for a large military assistance program for Cambodia. The Administration has accompanied its bombing and commando raids on North Vietnam with new assertions about the nature of the President's Commander-in-Chief's powers. In a significant related action, however, the Senate Appropriations Committee last week voted tight new prohibitions on the use of regular Defense Department funds in Cambodia.

In his testimony before the Senate Foreign Relations Committee on December 1, Defense Secretary Laird maintained the position that the President, as Commander-in-Chief, has the right and the duty to stage rescue forays for prisoners of war held in foreign countries with whom we are not at war in a *de jure* sense—and without any advance consultation with the Congress. If, hypothetically, one of these commando rescue teams should itself become trapped, is it the implication of Secretary Laird's testimony that the President has the right to send in even bigger rescue forces, until we reach the stage of an invading expeditionary force?

I have chosen as the title of my remarks this evening the question: "Who Makes War?". That question is pertinent in a double sense, for much of the present Constitutional confusion over the delineation of the respective war powers of the Congress and the President dates back to the action of the Constitutional Convention in changing its original draft, which gave Congress the exclusive power to "make war," to state that Congress has the exclusive power to "declare war." There is no doubt in my mind that the Founding Fathers very clearly intended the phrase "declare war" to mean "authorize war" in 1787—an age of declared wars. The lack of verbal clarity in drafting the final revisions of the Constitution has contributed greatly to the present confusion in this age of undeclared wars.

The main focus of my remarks concerns the legal and constitutional process of how this nation gets into war. The corollary to this—how does the nation get out of war—is an equally pertinent question at this time. On this aspect of the problem, I would like to call your attention to the opinion expressed by the most famous member of the Princeton class of 1771—Mr. James Madison, fourth President of the United States. Madison is widely regarded as the "Father of the Constitution" and any rereading of the record of the Constitutional Convention of 1787 shows how commandingly his ideas dominated that historic session.

Although his motion did not carry, I think it is instructive to note that in the debate on Friday, September 7, 1787, Madison moved to authorize two thirds of the Senate to make treaties of peace without the concurrence of the President.

"The President", he said, "would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace."

Our experience in Vietnam has shown how much harder it is to get out of that kind of war than it was to get into it. Now, how can effective checks be reestablished with respect to the Presidential initiation of undeclared wars? In this thermonuclear age, it may well be unlikely that we will be faced again with "declared" wars.

The area of contention between the Congress and the President over the war powers is centered on the question of "undeclared" war. Our bitter national experience in Vietnam has brought this issue urgently to center stage. The danger of the war expanding to Cambodia has heightened our anxieties. Congress has learned from experience that it must devise practical new means for exercising, in relation to "limited" and "un-

XUM

declared" wars, the war powers reserved to it in Article I, Section 8 of the Constitution. The essential object is for Congress to devise ways to establish its authority at the outset of military hostilities which, in the absence of a declaration of war, heretofore have left Congress behind at the starting gate. Yet, Congress must assert itself in a manner compatible with the President's exercise of his Constitutional responsibilities as Commander-in-Chief. We have learned that the power of the purse, alone, is not an effective instrumentality for asserting Congressional authority in undeclared wars.

Our national experience has demonstrated right from the beginning that there are situations in which military hostilities may have to be initiated in the absence of a Congressional declaration of war—such as the undeclared naval war against France in 1798–1800 and President Jefferson's actions against the Barbary Pirates beginning in 1801. Throughout the 19th and early 20th centuries a body of precedents evolved concerning limited hostilities without a declaration of war. This evolved on an ad hoc basis essentially from a case-by-case exercise by the President of his discretionary executive authority as Commander-in-Chief. While our Presidents have shown great vigor and ingenuity in adapting and expanding the Commander-in-Chief function to deal with undeclared war and limited hostilities, the Congress has done little or nothing to adapt its "declaration of war" power, and its other major Constitutionally-specified war powers to deal with the exigencies of our national history.

It is clear from the debates of the Constitutional Convention of 1787 that a major objective of the Founding Fathers was to devise a system of government which would prevent the Executive authority from initiating, or involving the nation in, war without the approval of the people as represented in the Congress. The power reserved to Congress to declare war was meant to be the power to authorize war. The Constitution—quite explicitly and in some detail—gives the *policy* war powers to the Congress. It gives to the President the command or executive authority as Commander-in-Chief, and the Constitution defines the executive capacity of the President to "take care that the laws be faithfully executed."

While a member of Congress, Abraham Lincoln summed up the situation with characteristic succinctness:

"The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to go frame the Constitution that no one man should hold the power of bringing oppression upon us."

The expectation of the Founding Fathers, on the crucial question of war powers, has not worked out in practice. Congress has under-exercised its powers while the Presidents have developed the Commander-in-Chief function in novel and vastly expanded ways never contemplated in the Constitution. Undoubtedly, there was an historical logic behind this turn of events and even today I know of no Senator who questions the need for vigorous, vigilant and decisive exercise of the Commander-in-Chief function. Our national security requires it.

But the unilateral expansion of Presidential power in war-making has now reached dangerous limits and could undermine the whole system of checks and balances underpinning our constitutional system of government. The point has been reached where any effort simply to check the further expansion of Presidential war power is regarded by some defenders of the Presidency as an encroachment on the Office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem to be arguing that the President's powers as Commander-in-Chief are what the President alone defines them to be.

The implication that the Presidency is beyond the power of Congress to check in the exercise of war powers raises a constitutional danger. It could leave the nation solely dependent on the good judgment and benign intent of the incumbent President. While we have had a high standard for eminence in the Presidency throughout our history, experience has shown that our liberties require firmer institutional safeguards if they are to survive.

There has been considerable public note of recent efforts, particularly in the Senate, to reassert the war powers of Congress specified in the Constitution. What has not been noticed is that this reassertion of Congressional authority has been met by a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has stimulated a reaction. The situation is now one of dynamic tension. It is impossible for us to stand still; if we back off we may not be able to preserve even the position we now hold.

Within this very year it has been asserted in the Senate that the President has the power to acquire foreign bases by executive agreement without reference to Congress; that he has the power to deploy the armed forces abroad without reference to the Congress; that he has the duty to take whatever action he deems necessary to protect the armed forces, wherever deployed, without reference to Congress. Moreover, it has been asserted that pertinent information required by the Senate to exercise its constitutional function of advice and consent can be withheld on "security" grounds—indeed, although details may be communicated to foreign governments who are not a party to the negotiations in question.

The situation requires a remedy and I believe there is a simple and effective one within Congress' own reach. What is most needed is new legislation which provides a contemporary delineation of the war powers of Congress and the President and which codifies the rules and procedures to be followed in circumstances where military hostilities are to be initiated in the absence of a Congressional declaration of war.

I have introduced a bill (S. 3964) to accomplish this objective.

It specifies four broad categories, derived from historical experience, wherein the President, as Commander-in-Chief, may initiate military action in the absence of a declaration of war. It requires the President to report fully and immediately to the Congress the circumstances and details of the military action he has initiated. His authority to sustain for a longer period the action initiated by the President.

The four categories in which the President may act are:

First, to repulse a sudden attack against the United States, its territories and possessions;

Second, to repulse an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

Third, to protect the lives and property, as may be required, of U.S. nationals abroad;

Fourth, to comply with a national commitment affirmatively undertaken by Congress and the President.

Under my bill, even the 30-day period may be shortened by joint resolution of Congress.

The bill also contains provisions assuring action can take place in Congress within 30 days avoiding the danger of overly extended debate or filibuster.

The Senate Foreign Relations Committee is proposing to hold hearings on my bill, and the general subject of the exercise of the nation's war powers, early in the next session of Congress. In this connection, I feel that there is a major role to be played by the great universities. I would like to call upon Princeton, and specifically the Woodrow Wilson School, to make a contribution to the Foreign Relations hearings. I hope other universities will join in also, for this is a question in which universities are uniquely equipped to help out through research and scholarship, and by the direct testimony of academic authorities. I shall be in further contact with Dean Lewis on this matter as soon as the dates of the Foreign Relations Committee hearing have been established.

THE ROLE OF HIGHER EDUCATION

Mr. BROOKE. Mr. President, much has been said about the crisis in higher education. But seldom has it been said so well as in the inaugural address by Dr. Gregory H. Adamian, when he took office as president of Bentley College, in Waltham, Mass.

I was privileged to hear Dr. Adamian last Sunday as he spoke of the unsurpassed role of education in perpetuating our culture and civilization. He combines a deep respect for the past with a clear recognition that the lessons of the past are not sufficient preparation for a new generation of young people. Each generation has a rendezvous with a future which cannot be determined. Higher education cannot prepare youth for every possible contingency; but it can educate them in such a way that change can be incorporated with minimum social and personal disruption. For this reason, Dr. Adamian says that education should be our society's highest priority.

Dr. Adamian recommends not only a fuller commitment of funds to education, but the creation of a separate Department of Education in the Federal Government, as well. I fully endorse the views expressed so ably by Dr. Adamian and ask unanimous consent that the complete text of his remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Inaugural Address Dr. Gregory H. Adamian

Rendevous With Destiny

As I stand before you, witnesses to this traditional ceremony of institutions of higher learning and my acceptance of the responsibility, the honor and the challenge of this new and exciting role:

I can remember vividly the poverty of the thirties and wanting things I could not have;

I can remember when success was measured solely by the accumulation of material goods, particularly in a world where material goods were denied to most;

I can remember when it was fashionable to be like everyone else;

I can remember volunteering to serve my country when our nation's existence was threatened in World War II;

I can remember the G.I. bill, that made it possible for me and Senator Brooke, as well as thousands of others, to obtain an education, that otherwise might have been denied us;

And lastly, as past chancellor Samuel Gould of the New York State University system recently said, "I can remember when weathermen were meteorologists".

Yes, ladies and gentlemen, things have

XUM

changed. Not necessarily for worse or for better, but for better and for worse.

We don't need change for the sake of change, but *we do* need change for the sake of progress.

Today's climate is certainly different. Technology has advanced a thousand fold. Sophisticated communications, and expanded educational opportunities, have made, almost all peoples, more aware of what was, what is, and what could and should be.

Some changes are the natural consequences of the affluence which resulted from the practices of the preceding generation. New conditions have created new needs. The "impossible dream" of one age has become the ordinary occurrence of the next.

It has been said, that one of our past generations had a rendezvous with destiny. I humbly suggest, that every generation has a rendezvous with destiny, and *this* generation is certainly no exception.

How shall this destiny be guided and directed?

Early in the beginnings of civilization Aristotle said, and I quote: "All who have meditated on the art of governing mankind have been convinced, that the fate of empires depends upon the education of youth."

Over 2300 years later it can be said again, with just as much meaning. The simple truth is that there is *nothing*, to which education is subordinate except more education.

And thus, as we face the future, it is evident that the destiny of the world and mankind lies not, *just* in our youth but in the education of our youth.

We, who are so involved and dedicated to higher education are therefore, in an enviable position. We have an opportunity to contribute to the direction of this destiny. For if the totality of our system of education succeeds, then our society will succeed; if the system fails then our society will fail.

In this context, one of the contemporary issues of the day involves the crisis in higher education.

I must add that a similar crisis exists domestically vis a vis the paradox of inflation, with record unemployment, internationally in Southeast Asia and the Middle East, the world population explosion, the consumption of the earth's resources at a pace never before imagined and the simultaneous pollution of our environment at an even greater pace.

Everywhere we turn, it appears that the term, "The challenge of the 70's" is very apropos. The world, as it has on countless other occasions, faces continuing crises and higher education poses but one of those crises, albeit a very important one, because its solution could assist in the solution of the others.

It seems that this crisis in higher education, like ancient Gaul, is divided into three parts, the first and most important of which is financial.

We have on the one hand, a public demand for universal higher education, an extension of universal elementary and secondary school education and on the other hand the problem of the phenomenal cost of such education, and the practical query—how will we pay for it?

State supported public institutions inevitably and properly have mushroomed in these last ten years, more so in some states, than in others.

This cost is borne by each state's taxpayers through state income, sales and property taxes. Massachusetts, you may be surprised to know, ranks 49th out of 50 states, in terms of state funds used for higher education per capita of population.

Almost 100 independent, private colleges in Massachusetts, including Bentley College, are saving the Commonwealth of Massachusetts and therefore the Massachusetts taxpayers millions of dollars annually by their very existence. These private, independent colleges are supported by tuition, alumni gifts and endowments. But the present inflation is beginning to take its terrible toll.

Continual increases in costs of operations make it difficult for our private, independent institutions to maintain their excellence, consistently and to expand to meet the needs of the future, without increasing tuition beyond the reach of most people.

You have all, no doubt read, in the last few weeks of the plight of the most prestigious of universities—Harvard, with its endowment of over one billion dollars had its first deficit in history, ¾ of a million projected to 1½ million this year. Princeton, Yale, Columbia, and other universities have deficits ranging from 2 to 15 million dollars.

The recently published Carnegie report stated that ⅔ of all colleges and universities are in financial difficulty.

And ironically, twenty-one colleges during the past two years have closed their doors; while an increasing large number of qualified students, deserving of education are unable to afford it. This situation is not only deplorable but grave. What can be done? And by whom?

It's obvious that state supported institutions can not and should not replace independent, private colleges. This would be not only sheer economic folly, but the pluralistic system in higher education provides a desirable balance and diversification that is indispensable for academic excellence.

State grants to existing private, independent colleges and universities, as in New York, or substantial state loan programs for students, as is available in numerous other states are a partial solution. Massachusetts has studied these programs and nauseum without constructive results.

Another partial solution, is an increase in federal grants to public and private institutions, with an unqualified commitment by the federal government, that such expenditures are the equivalent of capital investments, in our most important single national resource. Unfortunately, at this time, the federal government is not so favorably predisposed.

This unqualified commitment can best be psychologically and actually realized, if the present cabinet Department of Health, Education and Welfare (HEW) were divided into two departments, health & welfare as one, education as the other, both on a cabinet level, just as the Department of Commerce and Labor was separated in 1919. The scope and problems of health and welfare are monumental enough without confusing them by the inclusion of education. In fact, justification for their present marriage would be exceedingly difficulty to determine.

If the education of youth is, as has already been said, critically urgent, then it deserves recognition and commitment through the establishment of a separate cabinet level department in the federal government.

Divorced from health and welfare for budgetary as well as other considerations, higher education, which is indispensable to our whole society, can thus be put into its legitimate and proper perspective.

The second part of this crisis in higher education is that much talked-about, perplexing question, of the responsiveness and relevance of the college or university to the actual needs and problems of society, and the even larger question of what the role of an institution of higher learning really is or ought to be.

A college was once recognized as a center of learning, as a storehouse of knowledge, where students sought knowledge and truth. A place where, in our otherwise emotional society, reason, logic and the free exchange of ideas were fostered and nurtured.

In the last few years, it has been suggested, that such centers of learning should be more relevant, and more responsive and that they should participate more actively in the solution of community and societal problems and needs. Unquestionably and rightly so, the implication in this suggestion is that knowledge is not an end itself but rather the means of providing the necessary tools for bettering society and mankind.

These are interesting and provoking views that appear on the surface to initiate a shift away from the traditional thought on the subject.

However, the apparent shift has not really caused controversy. It has merely made obvious what should already have been obvious.

Of course, the subject matter that is taught must be relevant and the relevance must be explained.

Of course, the learning experience is incomplete if taught in a vacuum.

Of course, the content of course offerings must be constantly re-evaluated, in the light of differing attitudes, values, and substantive changes in the various arts and sciences.

Dr. Charles Silberman's recent book entitled, "Crisis in the classroom" is a thought-provoking study and commentary on the problems of curricula relevance and a more meaningful articulation of the relationship between teacher and student.

Anyone intimately involved in education, and intellectually honest with himself can appreciate and understand the continuing need for developing new teaching techniques.

The real controversy involves not the relevance and responsive aspects of institutions of higher learning but an unmistakably clear definition of whether a college should become action oriented rather than learning or research oriented.

Or put in another way; whether the interaction of the college with the community is to make the learning process more relevant or whether it is a means of fulfilling a need in the community, as a surrogate for some organizational structure in the community that failed or is absent.

Should the college get actively involved in solving the housing crisis by, for example, actually constructing low cost housing?

Should the college take a stand as an organizational entity on a domestic or foreign policy of the government? Should Bentley College, for example, institutionally come out in favor of or against the SST?

I think not. But the college or university with its accumulated knowledge and talent should not only be a forum, it should be a catalyst and a partner with other organizations within the society in the never ending quest for solutions to the problems that plague us—motivated always by its principal role of teaching and learning.

Since higher education can be the most powerful instrument our society possesses for effecting social change; academic institutions should continue to seek truth, should retain their traditional role as centers of learning, unlike any other type of organizations in our society, but as centers of learning should be more relevant and more responsive to societal needs.

The third part of the crisis in higher education involves the role of students and faculties in the governance of institutions as well as the right of students to dissent and protest.

Let me briefly state, that most institutions of higher learning have seriously lacked in their communication with faculties as well as with students. I think it can be said categorically that today college administrators have acknowledged the serious deficiencies in this regard and have made concerted, and in many cases, successful efforts to remedy this situation. As Chairman Henry Rauch stated, Bentley College too, has begun to move in this direction.

The college or university today, is looked upon more as a community, more democratized in its operations, more cognizant of the contributions and responsibilities of all its segments and more sensitized to the de-

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sirability of team effort and cooperation as a basic ingredient for success.

This is not to suggest that the decision-making body is now composed of administrators, faculty and students as a ruling triumvirate but rather that student concern and faculty opinion are important enough to be heard, to be discussed and to be understood, before administrative decisions are made.

As to the dissent and protest, we all recognize the right of legitimate dissent and peaceful protest on campuses, as elsewhere. The democratic process, to be successful, requires active and informed participants.

Without an interchange and divergence of views the human mind would soon stagnate. Understanding is increased by dialogue. Life and knowledge today are so complex that only by unrestrained discussion can we ascertain our errors and prejudices.

But dissent and protest that violates another's legitimate rights can not be countenanced. No society and no person is so completely free as to be above and beyond some sort of discipline.

And of course, resort to intimidation and physical violence is inimical and opposed to the pursuit of knowledge and truth which forms the very basis for the existence of any institution of higher learning, not to mention its incompatibility in a democratic society.

What has Bentley College done—what can Bentley College do to help alleviate the impact of this 3 fold crisis?

Cognizant of the money pinch, we have instituted economies to cut non-academic operating expenses and thereby operate more efficiently.

We are planning greater utilization of our physical plant and facilities including a more comprehensive summer program and expanded continuing education offerings.

We have inaugurated an inter-institutional cooperative program, a consortium with Regis College and with Cardinal Cushing College whereby each college's institutional resources can be conserved and available resources utilized more effectively, in order to avoid unnecessary duplication.

In keeping with the general need and desire to inter-act with the community, as an educational force, we have instituted a federal tax forum and an institute for consumer education whereby the knowledge, skill and facilities of our college community can be utilized in two, fast growing areas of community concern, taxation and consumer oriented legislation.

I would like to report that last Friday Bentley College met the Hayden Foundation challenge of August 1969 by raising $300,000 to thereby receive an unrestricted grant of $100,000. The board of trustees voted unanimously to apply this $100,000 toward the construction of a much needed physical education center.

There have been many significant milestones in Bentley College History.

In 1917 when Harry C. Bentley founded the Bentley School

In 1948 when the school became a nonprofit organization

In 1961 when the Bentley School became a college with the right to grant degrees, a bachelor of science in accounting and an associate in science of accounting.

In 1968 when Bentley College moved onto this beautiful new campus

In 1970, on September 16 when Bentley College petitioned the State Board of Higher Education for the right to grant Baccalaureate degrees in other business disciplines and in the liberal arts in addition to accounting

A recent commission report by M.I.T. recommended a greater emphasis on humane learning and a greater concern with the responsible social use of sciences and technology. Bentley College, many years ago, anticipated and recognized the role in our society of the quote "liberally educated specialist" acknowledging, that the professionally trained accountant can better serve his profession as well as society with a proper balance and background of liberal arts. To quote a public relations piece we have utilized in our institutional promotions; "after we teach you everything about money, we teach you that money isn't everything."

Oliver Wendell Holmes once said "the mode through which the inevitable comes to pass is effort."

For 53 years Bentley College has been in the forefront as an acknowledged leader in the education and training of accountants.

By petitioning to expand our degree granting authority, Bentley College seeks the right to grant degrees in areas in addition to accounting where we have already demonstrated proficiency and experience. To thus broaden our horizon academically by retaining and improving our preeminence as a leader in the field of accounting, while at the same time offering degrees in other areas where we have proven competence, with our talented and dedicated faculty of over one hundred.

On behalf of the administration of Bentley College and myself I pledge and *commit* Bentley College to continue to carry on its traditions, by expanding its curricula and its faculty to meet the complexities and the demands of present day society;

I pledge and *commit* Bentley College to provide business with graduates capable of achieving the goals of modern corporate, private, and public administration; and to provide *society* with informed, humane citizens aware of their rights and cognizant of their responsibilities;

And in conclusion I pledge and *commit* Bentley College to the continuing pursuit of academic excellence with relevance. Thank you.

THE QUALITY OF OUR ENVIRONMENT

Mr. GOLDWATER. Mr. President, much has been said in the Chambers in recent days about the quality of our environment. A lot of it true, and a lot of it not quite so true. In order that all of us might have a better understanding of what this serious problem really amounts to, I have turned to Mr. W. T. Pecora, Director of the U.S. Geological Survey, for two of his writings on the subject.

One was a commencement address entitled "Science and the Quality of Our Environment," made to George Washington University on June 7, 1970. The other entitled "Resources and Environment—Quest for Balance," appeared in Mining Congress Journal of August 1970.

I ask unanimous consent that both be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SCIENCE AND THE QUALITY OF OUR ENVIRONMENT

(By W. T. Pecora)

I want to talk to you about a new ethic that is developing in American science. I hope it is not a fad and will persist in future years. Scientists who years ago merely looked out of the windows of their ivory towers are now walking down the steps to join the world around them.

Primitive man took what he could from nature to stay alive, and he stood in awe at natural phenomena he could not understand. From this precarious beginning evolved a complex society which still takes from nature to fulfill its needs. In some quarters, man is now indicted for all his environmental ills; and yet in others, it is held that nature must be shaped as man requires it.

The ability to maintain an acceptable environment, however, can be hindered by failure to recognize fundamental earth processes. Environmental degradation is a natural procedure on earth; but man is beginning to contribute to that degradtaion in large measures in certain areas. Not all modification of our environment is degrading. Some alteration is acceptable. Hazardous changes must certainly be avoided. It is inexcusable that we should fail to predict responses of nature consequent to our own actions. Man has begun to develop an awareness that better housekeeping of the earth must be practiced as he continues to take from the earth the things he needs and uses.

MAN IS EARTH BOUND

For some 5 billion years the planet Earth has revolved about the sun; and there is good reason to believe its journey will extend beyond another 5 billion years. Throughout this period the earth has undergone constant change—mountains have risen where oceans formerly existed; animal and plant species have flourished and become extinct; earthquakes and volcanoes have always been with us; rivers and plains have appeared and reappeared; and glaciers have covered large segments of the planet many times. Although on Earth but a few million years at the most, man has in the past 200 years unraveled a great deal of earth history and learned how to use the planet to meet his growing needs for survival.

As earthbound residents, we look constantly, nevertheless, to other planets. The moon, satellite of the earth, has already been visited and found to be totally hostile to man. The surface of Venus is too hot for us, and Mars offers little, if any hope. The other planets are out of the question. Man, indeed, is earthbound and we must learn to accept this inescapable circumstance however great our expectations.

WHAT IS THE MEASURE OF PROGRESS?

Man has achieved phenomenal advance over 10,000 years in the face of a world population increase from a few million then to 3½ billion today. The complex development of society over this period was accomplished because man has an intellect that could innovate, plan, acquire information, store it, pass it along to succeeding generations, and increase the level of his systemic intellect through research and development.

Man now truly inhabits the entire planet. He has crossed mountains and oceans, explored the poles, and burrowed deeply underground. The primitive observer of nature has developed into the creative scientists of modern society. Those quinqueremes of Ninevah have developed into sleek jet aircraft; simple mathematical devices that were developed separately in different civilizations have grown into complex modern computer systems; signal drums have blossomed into telecommunications systems that link hemispheres. Real time for man now has real meaning. Status quo may have meaning for other species on earth; but for man there is no status quo because of his intellectual capability.

RESOURCE NEEDS OF THE UNITED STATES

Let's take a look at the mineral resource needs of the society that makes up the United States of America. Within the life span of 200 million people now living in the United States, this nation will consume from the earth: 6½ quadrillion gallons of water, 7½ billion tons of iron ore, 1½ billion tons of aluminum ore, 1 billion tons of phosphate rock, 100 million tons of copper, and so forth. . . .

In 40 years, our population will double. Just think of the added requirements of the next generation!

Water usage will triple by the year 2,000

Energy requirements will triple by the year 2,000

By the year 2,000 we will have to construct as many houses and other facilities as now exist in the United States.

This staggering amount of natural mineral resources upon which the sustenance of the Nation depends imposes a tremendous task of new discovery, and new development. How can we do this without changing the character of our environment; for society must also provide against excessive noise, excessive pollution, and excessive degradation of the landscape, water-scape, and sea-scape.

If this be the situation for the United States, certainly resource needs for the rest of the world command even greater attention. Developing nations seek fulfillment in health and economic betterment. The crust of the earth which provides these resources is worldwide and knowledge about it gained in one country can be used to good advantage by scientists and engineers in others. Does the crust of the earth have the potential to provide for man's needs? The problem for mankind is universal—planetary—not national. Wars must cease and man's society must one day be planetized if the species, Homo sapiens, shall persist on this earth.

If we must therefore take from the earth to provide for ourselves we must employ value judgment and trade-off concepts in deciding how much to take from our environment, where to take it, and how to leave it in the taking and using. Take and use we must or we cannot survive as a species on earth.

THE NEED FOR INVENTORY

If the earth shall provide the materials for the survival of man's society, then a prudent society must provide for an intimate understanding of the earth, inquiry into geologic processes that have operated over the span of earth history—and operate today—continuing inventory of current and potential resources, and continuing effort to develop new techniques for information-gathering systems. Research is a costly investment; but it pays off handsomely in long term benefits. Too often a society thinks only of "now." The cumulative benefit of early research endeavors, on hindsight, is a superb demonstration that today's long term is tomorrow's short term. Time, for man, is a long continuum.

The best example of this is the research mapping systems that have been developed in the past. These include base topographic maps, geologic maps, hydrologic maps, geophysical maps, geochemical maps, and thematic, environmental, special subject maps. All of these are the products of intensive research effort. I am concerned that the pace of doing this kind of work has slowed down in recent years and I predict that our society will suffer for it because decisions will be made without background information. Our program priorities will have to be reordered because of increasing needs and resource conflicts of a World society that has a divine right under God to utilize our planet's total natural resources and to better the lot of man on earth.

PRIMARY NATIONAL GOALS

The United States, from its very inception, has been accused of placing too much emphasis upon the accumulation of wealth and too much effort in raising, through industry, its so-called standard of living. This view was first stated unequivocally in 1831 by Alexis de Tocqueville, a French Nobleman who visited this country when it had 24 states and 13 million people. Similar views are being stated today, as we have grown to 50 states and 200 million people. The American democracy and its free enterprise system is a great and successful experiment, the first of its kind in the history of civilization. I, personally, see nothing wrong with dedication of individuals, or groups, toward amassment of wealth through honest industry. But in the process of achieving these goals our mature society unwittingly, or knowingly has permitted deterioration of other values, not measurable in dollars or numbers, and which affect the quality of individual life in many ways. Has the growth of science and technology in discovery and utilization of our basic resources failed in some ways and in many places to retain or fortify man's natural environment, or was the failure a result of inadequate planning—or perhaps too much of economics?

SOME MYTHS ABOUT OUR ENVIRONMENT

It is believed by many people in this country that it is man who is degrading and polluting his environment because of our modern industrial society. Some myths, however, need to be destroyed. Let me cite a few to demonstrate that natural processes are by far the principal agents in modifying our environment. This is not to excuse or put aside what man does, but rather to put man's actions in proper natural perspective. Those individuals who speak about restoring our inherited environment of pure air, pure rain, pure rivers, pure lakes, and pure coastlines never had a course in geology.

It has been calculated that more than 100 million tons of fixed nitrogen in the form of ammonia and nitrates is annually transferred from the atmosphere to the surface of the earth as part of a natural precipitation process. In the United States alone there falls upon the face of our land annually more than 4 million tons of table salt, 2½ million tons of sodium sulphate, and 36 million tons of calcium compounds—all in rain water.

Particulate matter and natural gases dispersed from the volcanoes is a continuing phenomenon. From three eruptions alone, the Krakatau eruption in Java (1883), the Mount Katmai eruption in Alaska (1912), and the Hekla eruption in Iceland (1947) more particulate matter in the form of dust and ash and more combined gases were ejected into the atmosphere than from all of mankind's activity. Add to known volcanic activity the normal action of winds, forest fires, and evaporation from the sea, and we can readily conclude that man is an insignificant agent in the total picture, although he is becoming an important agent in extremely local context.

We have long been led to believe that water issuing from natural springs is pure and beneficial to health because of its purity. The springs issuing into the Arkansas and Red Rivers carry 17 tons of salt per minute. In the Lower Colorado River salt springs carry 1,500 tons of salt per day. The Lemonade Springs in New Mexico carry 900 pounds of sulphuric acid per million pounds of water (900 ppm) which is ten times the acid concentration of most acid mine streams in the country. Hot Springs in Yellowstone Park is likewise many times more acidic than the typical acid stream in a coal mining district. The Azure Yampah spring in Colorado contains eight times the radium that the Public Health Service sets as a safe limit.

The lakes and ponds throughout geologic history have gone through a life cycle of birth, maturity, old age, and disappearance. No lake is truly permanent. The Great Salt Lake is nearing its dying stages. Once 20,000 sq. mi. in area, (Lake Bonneville), it is now only 950 sq. mi. in area. Many thousands of years ago it was essentially a fresh water like, fed during the pluvial period of the Great Ice Age, and now it is about ten times as salty as sea water.

We frequently hear that Lake Erie is dead. This is pure rubbish. Lake Erie is the shallowest of the Great Lakes, was created 10,000 to 20,000 years ago and, barring another Ice Age, has several thousands of years yet to go before senility. The western part of the lake is an extremely shallow shelf and receives a large amount of natural organic material transported from the surrounding terrain. Here is where the algae growth has always been present. Lake Erie, according to J. E. Kinney, has continually produced about 50% of the fish catch of the entire Great Lakes system, consistently over the past 100 years. This is not a mark of a dead lake. Green Bay, of Lake Michigan, so named by the first settlers because of the green color of the algae so prevalent in the Bay is, like the western shallow part of Lake Erie, the source of a great amount of organic matter—and fish! The food supply for aquatic life is high in these environments. The oxygen supply, unfortunately, diminishes as algae growth increases, as this portion of the lake becomes more and more shallow and as organic material is swept into the water, whether from natural or human sources. Every lake or pond, whether natural or manmade, faces a similar life history. Shallow estuaries—likewise. This is the natural law.

The rivers of our nation are being called dirty because of the works of man. We must understand that rivers are the natural transport systems for sediment and humus (organic matter) washed downhill by the rains that fall upon the land. It is estimated that the Mississippi River carries into the Gulf a load of more than 2 million tons of sediment per day. This is equivalent to a daily load of 40,000 freight cars. The Paria River in Arizona is probably the dirtiest river in the world. It carries 500 times as much sediment as the Mississippi River per unit volume of water. This is a continuing condition year after year. Chemicals are also transported by streams in phenomenal amounts. The Brazos River of Texas, for example, transports 25,000 tons of dissolved salt per day. Peace Creek in Florida carriers twice the concentration of fluoride that is harmful to teeth. Many rivers and streams throughout the nation have natural qualities that do not meet the public health standards for drinking water.

The ocean has been the natural waste sink for the large-scale, natural pollution process of the earth. The character of the ocean itself has changed slowly throughout geologic time, while it has continually supported abundant life of all varieties.

MAN AS A GEOLOGIC AGENT

It must be quite evident that, although natural earth processes dwarf the actions of man in a total context, man can become a major geologic agent in a specific or local context. This inter reaction of man with nature is without question a most important issue of future years. In a society that has reached maturity in the industrial sense, the issue of environmental alteration becomes more and more acute. It is within this framework that certain actions 100 or 200 years ago are now considered sinful. What are some solutions to our dilemma?

The philosophy of engineering project cost is being modified to allow for certain actions which in the past were not factored into our cost analyses. A mineral resource, for example, should not be developed unless it is rich enough to support proper restoration or reutilization of the land. A major pipeline traversing Alaska some 800 miles should not be constructed without added safeguards to protect the natural environment. Offshore drilling for petroleum should not be endorsed without the added cost of providing maximum safeguards against pollution. Cities and industries should not use the water available from natural sources without factoring in the cost of returning the water to a usable state. The smokestacks of our refineries and energy plants must not use materials that put unwanted matter into our air. The science and technology which has made possible the great advance of mankind can

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surely pay attention to these matters and resolve them.

Who will bear the cost, however? Who will make the policy decisions? We know that government agencies have been urged by the people to regulate these matters, but who will pay the cost, I ask, for what I am convinced science and technology can do to ameliorate the situation. It must be the people. Whether through their tax participation or whether it be in the higher cost of a product, the people must pay the cost both in dollars and in acceptable landscape changes for taking from the environment what mankind needs. We who represent science and technology should be able to show how resources can be utilized with minimal alteration or degradation of the environment. We can do this, however, only by making a complete inventory of cause and effect—in other words—spelling out our costs and trade offs in more than just dollars.

A LOOK TO THE FUTURE

We find ourselves in the midst of a conflict between the need to develop the earth's resources and the desire to preserve the earth's environment—both, presumably, for the salvation of mankind. Industrial development has become synonymous with Wall Street; and American industry, envied around the world, is in trouble within its own country because of past abuses to the environment in the name of lowest cost. Profit has become an ugly word and the concept of science and engineering, once honored as a service to mankind, is now being ridiculed in many places.

Must one choose between the two concepts or can one seek balance as we move into the future? The first judgment must distinguish between danger and aesthetics; because change is inevitable in any developing society. The pace of change is a function of the choice of people, as it should be, if the people will speak out. Let us think about the words of Lowell in his tribute to Cromwell:

> "New times demand new measures and new men;
> The World advances, and in time outgrows
> The laws that in our father's day were best;
> And doubtless, after us some better scheme
> Will be shaped out by wiser men than we,
> Made wiser by the steady growth of truth."

[From the Mining Congress Journal, August 1970]

RESOURCES AND ENVIRONMENT—QUEST FOR BALANCE

(By W. T. Pecora)

Ancient man lived in harmony with nature. His existence was precarious but he accepted the good and the bad as qualities beyond his control and he stood in awe at natural phenomena he could not understand. From this humble beginning evolved our present society which now indicts man for all environmental ills and assumes that nature can be shaped to meet his every need. The ability to maintain an acceptable environment can be hindered by failure to reconize basic earth processes and quality patterns beyond our control. With the intellectual development now achieved by man, it is inexcusable that we should fail to predict responses of nature consequent to our own development. Environmental degradation is a natural process on earth. Man, however, is beginning to contribute to that degradation in large measure in certain areas. Man has begun to develop an awareness that better housekeeping of the earth must be practiced as he continues to take from the earth the things he needs and uses.

PLANET EARTH IS MAN'S ABODE

For some 5 billion years the planet Earth has revolved about the sun; and there is good reason to believe its journey will extend beyond another 5 billion years. Throughout this period the earth has undergone constant change—mountains have risen where oceans formerly existed; animal and plant species have flourished and become extinct; earthquakes and volcanoes have always been with us; rivers and plains have appeared and reappeared; and glaciers have covered large segments of the planet many times. Although on Earth but a few million years at the most, man has in the past 200 years unraveled a great deal of earth history and learned how to use the planet to meet his growing needs for survival.

As earthbound residents, we look constantly, nevertheless, to other planets. One, the Moon, satellite of the earth, has already been visited and found to be totally hostile to man. The surface of Venus is too hot for us, and Mars offers little, if any hope. The other planets are simply out of the question. Man, indeed, is earthbound and we must learn to accept this inescapable circumstance.

Of the billions of galaxies that exist in the universe, perhaps there is at least one other solar system like ours with a planet in the same solar position. Wherever that may be, it is beyond our reach, however great our expectation. We must learn to live on this planet throughout our full existence as one species.

CIVILIZATION ALWAYS MOVES FORWARD

Man has achieved phenomenal advance over 10,000 years in the face of a world population increase from a few million then to 3½ billion today. The complex development of society over this period was accomplished because man has an intellect that could innovate, plan, acquire information, store it, pass it along to succeeding generations, and increase the level of its systemic intellect through research and development. What has often been called intellectual curiosity, as directed toward our total environment, is really a necessity by society if it is to avert disaster.

Man now truly inhabits the entire planet. He has crossed mountains and oceans, explored the poles, and burrowed deeply underground. The simple but astute primitive observer of nature and natural processes has developed into the creative scientist who serves man's mind in seeking to feed the technologic engines of modern society. Those unique quinqueremes of ancient times have developed into jet aircraft; simple mathematical devices that were developed separately in different civilizations have grown into complex modern computer systems; signal drums have blossomed into telecommunications systems that link hemispheres. Real time for man now has real meaning, and you are part of all of this. You cannot ignore nor escape your role. Your generation will do deeds only dreamed of by mine, just as my generation made a giant step from my father's. The status quo may have meaning for other species on earth; but for man there is no status quo because of his intellectual capability.

PROJECTED RESOURCE NEEDS OF THE UNITED STATES

Let's take a look at the resource needs of the society that makes up the United States of America. We are at the apex of civilization, and yet within the lifespan of 200 million people now living in the United States, this nation will consume from the earth: 6½ quadrillion gallons of water, 7½ billion tons of iron ore, 1½ billion tons of aluminum ore, 1 billion tons of phosphate rock, 100 million tons of copper, and so forth . . .

In 40 years, our population will double. Just think of the added requirements of the next generation!

Water usage will triple by the year 2000.

Energy requirements will triple by the year 2000.

By the year 2000 we will have to construct as many houses and other facilities as now exist in the United States.

This staggering amount of natural mineral resources upon which the sustenance of the Nation depends imposes a tremendous task of new discovery, and new development. How can we do this without changing the character of our environment; for society must also provide against excessive noise, excessive pollution, excessive degradation of the landscape, water-scape, and sea-scape. We do want the best of all worlds!

If this be the situation for the United States, certainly resource needs for the rest of the world command even greater attention. Developing nations seek fulfillment in health and economic betterment. The crust of the earth is worldwide and knowledge gained in one country can be used to good advantage by scientists and engineers in others. The crust of the earth has full potential to provide for man's needs if we have the motivation to procure and develop. The problem for mankind is universal—planetary—not national. Certainly international competition cannot go on forever; wars must cease and man's society must be planetized if the species, Homo sapiens, shall persist on this earth.

If we must therefore take from the earth to provide for ourselves we must employ value judgment and trade-off concepts in deciding how much to take from our environment, where to take it, and how to leave it in the taking and using. Take and use we must or we cannot survive as a species on earth.

THE NEED FOR RESEARCH

If the earth shall provide the materials for the survival of man's society, then a prudent society must provide for an intimate understanding of the earth, inquiry into geologic processes that have operated over the span of earth history, and operate today, continuing inventory of current and potential resources, and continuing effort to develop new techniques for information-gathering systems. Research and technologic development are costly investments; but they pay off handsomely in long term benefits. Too often a society thinks only of "now." The cumulative benefits of early endeavors, on hindsight, are superb demonstration that today's long term is tomorrow's short term. Time, for man, is a long continuum.

The best example of this is the basic mapping systems that have been developed in the past. These include base topographic maps, geologic maps, hydrologic maps, geophysical maps, geochemical maps, and thematic, environmental, special subject maps. All of these are the products of intensive research effort. I am concerned that the pace of doing this kind of work has slowed down in recent years and I predict that our society will suffer for it. Our priorities will have to be reordered because of increasing needs of a World society that has a divine right under God to utilize our planet's total resources and to better the lot of man on earth.

PRIMARY NATIONAL RESOURCES GOALS

The United States, from its very inception, has been accused of placing too much emphasis upon the accumulation of wealth and too much effort in raising, through industry, its so-called standard of living. This view was first stated unequivocally in 1831 by Alexis de Tocqueville, a French nobleman who visited this country when it had 24 states and 13 million people. Similar views are being stated today, as we have grown to 50 states and 200 million people. The American democracy and its free enterprise system is a great and successful experiment, the first of its kind in the history of civilization. I, personally, see nothing wrong with dedication of individuals, or groups, toward amassment of wealth through honest industry.

But in the process of achieving these goals our society unwittingly, or knowingly, has permitted deterioration of other values, not measurable in dollars or numbers, and which affect the quality of individual life in many ways. The growth of science and technology in discovery and utilization of our basic resources has failed in some ways and in many places to retain or fortify man's natural environment.

SOME MYTHS OF OUR ENVIRONMENT

It is believed by many people that man alone is degrading and polluting his environment because of our modern industrial society. Some myths, however, need to be destroyed. Let me cite a few natural earth processes to demonstrate that natural processes are by far the principal agents in modifying our environment. This is not to excuse or put aside what man does, but rather to put man's actions in proper natural perspective. Those individuals who speak about restoring our inherited environment of pure air, pure rain, pure water, pure lakes, and pure coastlines ignore the inevitability of nature.

It has been calculated that more than 100 million tons of fixed nitrogen in the form of ammonia and nitrates is annually transferred from the atmosphere to the surface of the earth as part of a natural precipitation process. In the United States alone there falls upon the face of our land annually more than 4 million tons of table salt, 2½ million tons of sodium sulphate, and 36 million tons of calcium compounds—all in rain water.

Particulate matter and natural gases dispersed from the volcanoes is a continuing phenomenon. From three eruptions alone, the Krakatau eruption in Java (1883), the Mount Katmai eruption in Alaska (1912), and the Hekla eruption in Iceland (1947) more particulate matter in the form of dust and ash and more combined gases were ejected into the atmosphere than from all of mankind's activity. Add to current volcanic processes the normal action of winds, forest fires, and evaporation from the sea, and we can readily conclude that man is an insignificant agent in the total picture, although he is becoming an important agent in extremely local context.

We have long been led to believe that water issuing from natural springs is pure and beneficial to health because of its purity. The springs issuing into the Arkansas and Red Rivers carry 17 tons of salt per minute. In the Lower Colorado River salt springs carry 1,500 tons of salt per day. The Lemonade Springs in New Mexico carry 900 pounds of sulphuric acid per million pounds of water, which is ten times the acid concentration of most acid mine streams in the country. Hot Springs in Yellowstone Park is likewise many times more acidic than the typical acid stream in a coal mining district. The Azure Yampah spring in Colorado contains eight times the radium that the Public Health Service sets as a safe limit. These are but a few examples of the kind of pollution that goes on continually from natural springs.

The lakes and ponds throughout geologic history have gone through a life cycle of birth, maturity, old age, and disappearance. No lake is truly permanent. Some of our inland lakes during their mature stage become more salty than the ocean itself. The Great Salt Lake is nearing its dying stages. Once 20,000 sq. mi. in area (Lake Bonneville), it is now only 950 sq. mi. in area. Many thousands of years ago it was essentially a fresh water lake, fed during the pluvial period of the Great Ice Age, and now it is about ten times as salty as sea water.

We frequently hear that Lake Erie is dead. This is pure rubbish. Lake Erie is the shallowest of the Great Lakes, was created about 20,000 years ago and, barring another Ice Age, has several thousands of years yet to go before senility. The western part of the lake is extremely shallow and receives a large amount of natural organic material transported from the surrounding terrain. Here is where the algae growth has always been present. Lake Erie has continually produced about 50% of the fish catch of the entire Great Lakes system, consistenly over the past 100 years. This is not a mark of a dead lake. Green Bay, of Lake Michigan, so named by the first settlers because of the green color of the algae so prevalent in the Bay is, like the western shallow part of Lake Erie, the source of a great amount of organic matter. The food supply for aquatic life is high in these environments. The oxygen supply, unfortunately, diminishes as algae growth increases, as this portion of the lake becomes more and more shallow and as organic material is swept into the water, whether from natural or human sources. Every lake or pond whether natural or man-made, faces a similar life history. Man can certainly better or worsen a natural situation like this.

The rivers of our nation are being called dirty because of the works of man. We must understand that the river systems of the land are the natural transport systems for sediment washed downhill by the rains that fall upon the land. It is estimated that the Mississippi River carries into the Gulf a load of more than 2 million tons of sediment per day. This is equivalent to the load of 40,000 freight cars. The Colorado River carries into Lake Mead about 40,000 tons per day. The Paria River in Arizona is probably the dirtiest river in the world. It carries 500 times as much sediment as the Mississippi River per unit volume of water. This is a continuing condition year after year. Chemicals are also transported by streams in phenomenal amounts. The Brazos River of Texas, for example, transports 25,000 tons of dissolved salt per day. Peace Creek in Florida carries twice the concentration of fluoride that is harmful to teeth. Many rivers and streams throughout the nation have natural qualities that do not meet the public health standards for drinking water.

The ocean has been the natural waste sink for the large-scale, natural pollution process of the earth. The character of the ocean itself has changed slowly throughout geologic time, while it has continually supported abundant life of all varieties.

MAN AS A GEOLOGIC AGENT

It must be quite evident that, although natural earth processes dwarf the actions of man in a total context, man can become a major geologic agent in a specific or local context. This inter reaction of man with nature is without question a most important issue of future years. In a society that has reached maturity in the industrial sense, the issue of environmental alteration becomes more and more acute. It is within this framework that certain actions 100 or 200 years ago are now considered sinful.

The philosophy of engineering project costs is being modified to allow for certain actions which in the past were not factored into our cost analyses. A mineral resource, for example, should not be developed unless it is rich enough to support proper restoration or reutilization of the land. A major pipeline traversing Alaska some 800 miles should not be constructed without added safeguards to protect the natural environment. Offshore drilling for petroleum should not be endorsed without the added cost of providing maximum safeguards against pollution. Cities and industries should not use the water available from natural sources without factoring in the cost of returning the water to a usable state. The smokestacks of our refineries and energy plants must not treat materials that put unwanted matter ino our air. Reservoirs are constructed and rivers are diverted. These problems and others like them are familiar to all of you. The science and technology which has made possible the great advance of mankind can surely pay attention to these matters and resolve them.

Who will bear the cost, however? Who will make the policy decisions? We know that government agencies have been urged by the people to regulate these matters, but who will pay the cost, I ask, for what I am convinced science and technology can do to ameliorate the situation. It must be the people. Whether through their tax participation or whether it be in the higher cost of a product, the people must pay the cost both in dollars and in landscape changes for taking from the environment what mankind needs. We who represent science and technology can show how resources can be utilized with minimal alteration or degradation of the environment. We can do this, however, only by making a complete inventory of cause and effect—in other words—spelling out our costs and trade-offs in more than just dollars. President Nixon and Secretary Hickel have spoken on this on many occasions.

A GREATER ROLE FOR ENGINEERING

Throughout history engineering accomplishment has been a magnificent measure of human achievement, particularly where new challenges were posed. Daring projects, planned on basic natural laws, carefully monitored in the design and construction stages, became on hindsight well-conceived operations. For those times the ancient irrigation system of Mesopotamia, the Roman aqueduct, the pyramids were utterly fantastic operations. The hot water supply at Bath, England still functions perfectly almost 2,000 years after its construction. Today the Hoover Dam, the Open Pit at Bingham, Utah, the Golden Gate Bridge or the Hudson River Tunnel mark great ventures of our own era.

Although the engineering profession today is recognized as one which gets things done, it is also recognized as one that is essentially pragmatic in acquiring maximum integrity of structure and function at minimum cost. A new ethic for engineering is evolving. More and more concern is being directed to areas of social impact arising from waste products disposal and environmental degradation.

In the 1969 Christmas Pageant of Peace in Washington, D.C. pine trees marked a path for the States of the Union—each tree for a state. These trees had been supplied by a private company in the Midwest and grown on restored lands where ugly coal strip mines had disrupted the landscape. The mining venture here was but an incident in a time plan. How proud I was to see this; but so few people know of it and other cases like it. So many are angry over chemical wastes dumped into lakes and rivers and gaseous products from smelters and coal-burning smoke stacks emitted to the air. And their numbers are increasing!

The value of the extractive mineral resources in the United States is currently in the order of $30 billion annually. This includes both the energy and hard mineral resources. The impact of that part of the engineering profession responsible for this mineral production, and its subsequent use in the economy, is profound on the maintenance of our way of life. American industry is in trouble, however, because of past abuses to the environment which admittedly have been magnified or distorted by some critics. Profit has become an ugly word and the concept of service to mankind derived from engineering practice is being ridiculed in many places. We are in the midst of a conflict between the need to develop our resources and the need to preserve our environment—both for the benefit of mankind. In your chosen profession of engineering you will be very much involved—you will be subject to pressures from both sides and you must be responsive. Do not be silent under attack.

You young graduates will one day be leaders in your profession. The principal obligation of leadership is to be alert to the issues, to make tough value judgments, to be forthright in your expression to management and to the community, to seek facts but, in the absence of total facts, to have the courage to make gut decisions with a constant edge toward people and people's problems. This is your guest—a guest for balance.

You may have read the words expressed by H. L. Kenleyside of Canada before a United Nations Scientific Conference. They came from a poem of James Russell Lowell in his tribute to Cromwell. More than anything else they represent the philosophic view I am presenting to you today. Let me give those words to you now.

"New times demand new measures and new men;
The World advances, and in time outgrows
The laws that in our father's day were best;
And doubtless, after us some better scheme
Will be shaped out by wiser men than we,
Made wiser by the steady growth of truth."

God be with you in your life's endeavor. Never, Never, shade the Truth, Thank you!

THE SOCIAL SECURITY ACT—DEFINITION OF "DISABILITY"

Mr. METCALF. Mr. President, when the social security act—H.R. 17550—is before the Senate for consideration, it is my intention to offer an amendment on the definition of the term "disability" as used in the act.

The amendment will be along the lines of S. 1132 introduced on February 25, 1969. I ask unanimous consent that the text of that bill and the names of the cosponsors be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216(i) (1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)" and inserting in lieu thereof "paragraph (2)".

Sec. 2. The amendments made by this Act shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216 (i) of such Act, filed—

(a) in or after the month in which this Act is enacted, or

(b) before the month in which this Act is enacted if the applicant has not died before such month and if—

(1) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(2) the notice referred to in paragraph (1) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

Mr. METCALF. Mr. President, in the interest of saving time on the occasion of the consideration of this amendment I also ask unanimous consent that the remarks made when I introduced S. 1132 also be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Amendment of Title II of Social Security Act, Relating to the Definition of the Term "Disability"

Mr. Metcalf. Mr. President, I introduce, for appropriate reference, a bill amending the Social Security Act of 1967.

Mr. President, prior to the 1967 amendments to the Social Security Act disability—except for certain cases of blindness—was defined as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which could be expected to result in death or which had lasted or could be expected to last for a continuous period of not less than 12 months.

On August 18, the House referred to the Committee on Finance H.R. 12080, the Social Security Amendments of 1967. Section 156 of that bill redefined the definition of disability contained in section 223 of the Social Security Act so that in applying the basic definition—except for the special definition for the blind, and except for purposes of widow's or widower's insurance benefits on the basis of disability—an individual could be determined to be under a disability only if his impairment or impairments were so severe that he is not only unable to do his previous work but could not, considering his age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the general area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work.

On November 17, I offered an amendment to the Social Security Amendments of 1967. It was simply a request to return to existing law and remove the restrictive definition of disability contained in the House passed bill. I offered that amendment after having listened to an impresive list of witnesses who appeared before the Finance Committee and testified in opposition to the definition sent over to us by the House. Once again I ask unanimous consent that the pertinent excerpts from the evidence submitted to the Finance Committee be printed in the Record at this point.

(There being no objection, the excerpts were ordered to be printed in the Record, as follows:)

DEFINITION OF DISABILITY

(AFL–CIO, statement of George Meany, hearing, p. 1434–35)

The House included a more restrictive definition of disability than now in the law by providing that a disabled worker is not eligible for disability benefits if he can engage in any kind of substantial gainful work which exists anywhere in the national economy.

The large majority of the seriously disabled are over 50. We all know that once an older, disabled person loses his job, his chances of obtaining a similar position are about zero. It is unrealistic and unfair to say to this severely disabled worker that he is not disabled because there may be employment someplace in the national economy which he might be able to handle even though he has no way of reaching that place and it is very unlikely he would be hired if he did apply. A major complaint of disabled workers has been the stringent administration of the disability provisions. Greater liberalization, not restriction, is needed.

The problems of disability, age and unemployment are all interrelated and what is needed is a comprehensive and broad program to deal with them as a group. Many people suffer chronic ill health during their later working life. Unless they are so totally disabled that they can meet the stringent definition of disability in the Social Security Act, they are in an economic no-man's-land. They are unable to work but are not yet eligible for their regular retirement benefits.

There are a number of changes that could be made in the Social Security Act that would help alleviate this problem.

First, we feel there should be an occupational definition of disability that would permit older workers after age 50 or 55 to receive disability benefits if their disability prevents them from doing their usual occupation.

Second, an increase in the number of dropout years in the benefit formula would also help. At the present time the social security law permits the dropping out of 5 years of low or no earnings in computing a worker's benefit which does provide some limited protection against unemployment, illness and low earnings. Because of the law wage bases in the earlier years of the system, which must be used in computing the average wage on which benefits are based, the typical worker receives a low percentage of his wages earned shortly before retirement. The problem is compounded for older workers who are laid off by plant closings, technological changes, ill health, etc. who must include these years of low or zero earnings in determining their average wage. Additional dropout years would be of great help to them.

Third, the AFL–CIO also advocates a flexible zone of retirement between 60 and 65 that would permit retirement at age 60 with less than full actuarial reduction. In general, as workers grow older, they often find the pace of their work is beyond their physical ability. A flexible zone of retirement, if coupled with a substantial increase in benefits, would permit the individual to make a retirement decision during a period of years based on his financial resources, age, health and the nature of his occupation.

Though the social security program can be of considerable value to unemployed older workers, we know that it cannot solve what is essentially an unemployment problem. We are also advocating changes in other programs so that efforts in these various programs may dovetail to solve this social problem. It may not be possible to include all or most of our proposals for changing the Social Security law in this respect in the present legislation, but at the very least, Congress should refrain from making the problem of older workers more difficult by a more restrictive definition of disability.

DEFINITION OF DISABILITY

(American Foundation for the Blind, Inc., A. 168)

We are also pleased that H.R. 12080 has included disabled surviving divorced wives and disabled widowers for cash benefits. However, we believe that the requirement of attainment of age 50 for eligibility would work an undue hardship on otherwise eligible disabled widows, surviving divorced wives, and widowers. *Similarly, we believe that the definition of disability for these individuals is unduly harsh and should be made the same as the definition of disability for beneficiaries of the disability insurance program.* We also would strongly recommend that the cash benefits be 82½% of the primary insurance amount immediately upon eligibility for benefits rather than graduated

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from 50% to 82½%. The American Foundation for the Blind welcomes the extension of the provision covering blind persons between the age of 21 and 31 for cash disability insurance benefits to all types of disabled persons who meet the definition of disability in the law. *However, we believe that the guidelines in the new Section 223 (d) (2) (A) concerning the definition of disability are unduly harsh. The individuals covered for cash benefits are severely disabled under the definition in the existing law, and this definition should not be made any stricter than it already is.*

DEFINITION OF DISABILITY

(Georgia Federation of the Blind, Conyers, Ga., A22)

CONYERS, GA.,
August 24, 1967.

Hon. RUSSELL B. LONG,
Chairman, Senate Committee on Finance,
Senate Office Building, Washington, D.C.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: You now have before you, for consideration, H.R. 12080 as adopted by the House. This bill contains many excellent and progressive amendments to the social security act and in general, the Georgia Federation of the Blind supports this bill.

However, Section 156 contains the most regressive and punitive definition of disability ever to be included in a public assistance law since the days of the Elizabethan "poor laws". This provision makes the existence of a theoretically possible employment for a disabled person sufficient grounds for denying public assistance payments, whether or not such employment opportunities actually exist for him. It is our belief that public assistance in all categories should be granted on the basis of definite, objective criteria and not be made subject to the whim of Federal and State officials. The great majority of the severely disabled earnestly desire to become self sufficient and contributing members of society. They should be encouraged and assisted to reach this goal. This certainly would not be the effect of the provision written into this bill by the House Committee.

We would like to see the present criterion for assistance to the "totally and permanently disabled", which admittedly is severely restrictive, modified so that the criteria used for eligibility for benefit payments to the disabled under Title II of the social security act would also apply to applicants for assistance to the disabled under Title XIV. This would require the elimination of the word "permanently" in this Title and the substitution in the definition of disabled, wording similar to that now contained in Title II.

We respectfully request that the Senate Finance Committee eliminate the phraseology to which objection has been voiced herein, and the inclusion in the Senate version provisions which will allow the totally disabled, whose disability has lasted or is expected to last for at least twelve (12) months, eligible for public assistance payments under Title IV of the Act.

Respectfully submitted,
NED FREEMAN,
President, Georgia Federation of the Blind.

DEFINITION OF DISABILITY

(Gov. Philip H. Hoff, Vermont, A109; excerpt from September 8, 1967, letter to LONG)

(5) Social Security Disability Program: The bill sets a tighter definition of disability than presently exists in the law. The effect of this on the states will be to require denied applicants to seek public welfare under our State-Federal Aid to the Permanently and Totally Disabled Program. This simply amounts to an abrogation of responsibility on the part of the Federal Government and a pass on the financial burden to the States.

DEFINITION OF DISABILITY

(Blinded Veterans Association, American Association of Workers for the Blind; excerpt from statement of Irvin P. Schloss, national president of Blinded Veterans Association, A160)

BVA and AAWB endorse the provisions of H.R. 12080, which would make disabled widows, surviving divorced wives, and widowers eligible for benefits under age 62, even if they do not have minor children in their care. However, we believe that the requirement of attainment of age 50 for eligibility would work an undue hardship on these individuals. Similarly, we believe that the definition of disability for these individuals is unduly harsh and should be made the same as the definition of disability for beneficiaries of the disability insurance program. We also would strongly recommend that the cash benefits of 82½% of the primary insurance amount become available immediately upon eligibility for benefits rather than graduated from 50% to 82½%.

DEFINITION OF DISABILITY

(National Council of Senior Citizens; excerpt from statement of John F. Edelman, president, National Council of Senior Citizens, p. 1076–1077)

The House-passed bill contains a harshly restrictive definition of disability, forbids for widows without dependent children benefits below age 50, limits the primary benefit for widows at age 50 to half of the regular benefit with a gradual step-up in benefits determined by the age benefits begin.

DEFINITION OF DISABILITY

(Physicians Forum; excerpts from statement of Malcolm L. Peterson, M.D., chairman of the Physicians Forum, New York, N.Y., A242)

E. We regret the more restrictive definition of disability in H.R. 12080 as compared with the present law, and we regret the failure to include disabled beneficaries under Medicare as recommended by the administration.

DEFINITION OF DISABILITY

(Excerpt from statement of Robert M. Gettings, assistant for governmental affairs, on behalf of the National Association for Retarded Children, p. 1935)

The House Ways and Means Committee expressed concern over several recent court decisions reversing departmental determinations of eligibility for disability payments. In these cases, HEW found that the individual was not absolutely disabled but only disabled relative to the local job market. In an effort to correct this situation, H.R. 12080 revises the definition of disability to provide that if the client can do appropriate work which is significantly available in any part of the economy he will not be considered disabled. This language has two drawbacks from the point of view of the retarded. First, a retarded individual may be able to live and work in the community if he is residing with his family but not if he must venture forth on his own without proper social shelter. Second, the definition of feasibility for purposes of vocational rehabilitation depends on the availability of suitable work opportunities locally or at least within the State. The House language would tend to hinder proper coordination between welfare and rehabilitation programs immediately after these two activities had been combined for administrative purposes in the new social and rehabilitation service. We respectfully suggest that this committee include clarifying language in its report to insure that the new House definition of disability does not work to the disadvantage of retarded citizens.

Mr. METCALF. Only one witness testified in support of the House bill. So that my colleagues will have the full benefit of all the testimony offered to the Finance Committee on this provision, I again ask that the statement of Paul P. Henkel, chairman of the Social Security Committee of the Council of State Chambers of Commerce be printed in the RECORD at this point.

(There being no objection, the statement was ordered to be printed in the RECORD, as follows:)

We do not oppose this disability insurance amendment proposed in H.R. 12080. We support the concern of the House Ways and Means Committee over the extension by judicial decisions of the definition of disability, We agree there is a need for a stricter definition."

Mr. METCALF. Mr. President, I also ask that excerpts from my remarks for the RECORD on November 17 be printed in the RECORD at this point.

(There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:)

"Mr. President, in this whole record, the only justification for taking this backward step and abandoning the position we took on the Social Security Amendments of 1965 is the testimony by Mr. Henkel of the Council of Chambers of Commerce.

"Actually, what has happened is that the social security system and the Department of Health, Education, and Welfare have lost a lawsuit. The courts have defined disability using definitions out of the Veterans' Act, out of the precedents of the Workmen's Compensation Act, and held against the present definition we have in the present bill.

"Thus, all I am asking is to return to present law and remove this restrictive definition.

"Going back to what the court has already defined, let me tell the Senate what it objects to. For instance, the administration is objecting to the case of Leftwich against Gardner.

"Mr. President, the recent decision of the Court of Appeals for the Fourth Circuit in *Leftwich* v. *Gardner*, 377 F. 2d 287 (1967), has been criticized by the Social Security Administration and that criticism has been adopted in the committee report. I do not share in the criticism of that opinion. Because of the significance of that decision which centered on a disabled father of nine children and so that my colleagues may have the full benefit of the court's thinking. I ask unanimous consent to have the opinion printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

"John L. Leftwich, Appelle. *v.* John W. Gardner, Secretary of Health, Education, and Welfare, Appellant. No. 11015, United States Court of Appeals, Fourth Circuit, Argued March 7, 1967. Decided May 1, 1967.

"Social Security case. The United States District Court for the Southern District of West Virginia at Beckley, John A. Field, Jr., Chief Judge, granted claimant a period of disability and disability insurance benefits and Secretary of Health, Education, and Welfare appealed. The Court of Appeals, Craven, Circuit Judge, held that where 52-year-old manual laborer suffered from spondylolisthesis and had congenital marked curvature of spine so that he could not stoop, bend or lift and suffered pain when he sat more than 10 minutes and all of the time while he was standing, he was totally and permanently disabled for purposes of disability benefits under the Social Security Act and fact that he chose to work every day as a dishwasher to support his family did not preclude him from recovering disability benefits.

"Affirmed.

"Before Sobeloff and Craven, Circuit Judges, and Harvey, District Judge.

"Craven, Circuit Judge.

"In this unusual social security case, claimant Leftwich was denied disability ben-

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efits at the administrative level largely because he has the admirable motivation to insist upon working for the support of his family despite physical inability to do so. There is more logic than common sense in such a result, and there is irony not intended, we think, by the Congress. We affirm the decision of the district court granting Leftwich a period of disability and disability insurance benefits.

"[1] We have carefully reexamined the record as a whole before deciding that the decision of the Hearing Examiner and the Appeals Council is not supported by substantial evidence. 'The substantiality of the evidence to support the Secretary's findings is the issue before each court.' Thomas v. Celebrezze, 331 F.2d 541 (4th Cir. 1964), citing Farley v. Celebrezze, 315 F.2d 704 (3d Cir. 1963), and Ward v. Celebrezze, 311 F.2d 115 (5th Cir. 1962).

"[2] Although we review the same record and make the same determination as made in the district court, '[i]t should hardly require articulation to note that an appellate court gives great weight both to the reasoning and conclusions of the district courts.' Farley v. Celebrezze, supra, 315 F.2d at 705 n. 3. There is here no inconsistency: we are influenced by the decision of the district court, but we are not bound by it. See Roberson v. Ribicoff, 299 F.2d 761, 763 (6th Cir. 1962); Flemming v. Booker, 283 F.2d 321, 322 n. 4 (5th Cir. 1960).

"In the Hearing Examiner's decision appears the following:

" 'The Hearing Examiner will not attempt to describe in detail each of the medical reports relative to the claimant or to describe the two hearings previously referred to,[1] since the Hearing Examiner feels that the primary issue to be resolved herein is whether or not the claimant's present job as a dishwasher at the Pinecrest Sanitarium, which he has been doing since around June 1960 to the present, constitutes the ability to engage in substantial gainful activity within the meaning of the disability provisions of the Social Security Act and the regulations implementing such provisions.' Consistent with that position, the hearing held at Beckley, West Virginia, on September 7, 1965, lasted exactly fifteen minutes. At that hearing, the Hearing Examiner said:

" 'It would appear to the Hearing Examiner that the reason the claimant's application was denied was because of his work at the Pinecrest Sanitarium as a dishwasher and they apparently considered this as the ability to engage in substantial gainful activity.'

"We agree with the Hearing Examiner that it is unnecessary to narrate in great detail the medical history of claimant. Only a small part of it will make it crystal clear that but for the question posed by his minimal employment he would unquestionably have been found unable to engage in substantial gainful employment.

"WORK HISTORY AND DISABILITIES

"[3] Leftwich is now fifty-two years old. Although he has a high school education, his entire work history consisted of manual labor in the coal mines, where he suffered two severe back injuries, one in 1951 and another in 1953. In the first accident he suffered a fractured right clavicle, fractures of the ribs, and injuries to the lower back. In the later accident he suffered a ruptured disc, which was removed by surgery in 1954.[2] Since that year, he has suffered from spondylolisthesis. He also has a congenital marked scoliosis (curvature) of the spine. Flexion of the spine is limited to two-thirds and side bending and extension nil. As of 1963, Dr. Stallard reported that claimant's condition had grown progressively worse and that claimant could not stoop, bend, or lift. In a 1964 report, Dr. Raub concluded that the claimant was 'quite disabled' and could not return to the mines.

"The Hearing Examiner noted in his decision that one doctor 'further commented that under modern screening processes and pre-employment examinations the claimant is barred from securing employment * * *.'

"Typical of medical opinion in the file is that of Dr. C. W. Stallard, who concluded as of May 12, 1961, 'this patient is totally and permanently disabled from work.'

"In addition to the extremely limiting physical disability, Leftwich suffers from psychoneurotic symptoms which the neuropsychiatrist has predicted will continue 'unabated.' This condition was described as 'moderately severe' and sufficient to make him a poor candidate for rehabilitative retraining.

"Despite the foregoing and much more, the Hearing Examiner concluded 'that the objective medical evidence of record establishes that the claimant has suffered moderate impairments to his musculoskeltal [sic] system that would preclude him from engaging in any work requiring heavy manual labor or lifting, bending, stooping, etc. But the Hearing Examiner does not feel the objective medical evidence of record establishes that the residuals of the claimant's impairments to his musculoskeltal [sic] system would preclude him from engaging in all substantial gainful activity, particularly of a light or moderate type, and he so finds.' We think it apparent that the Hearing Examiner and the Appeals Council accorded too much weight to.

"THE DISHWASHING JOB

"Much of the record and the Hearing Examiner's decision is devoted to consideration of claimant's having worked for approximately the past five years as a dishwasher at Pinecrest Sanitorium. Claimant says in explanation of his employment that his job is rather easy and that he is not pushed by his supervisor. He also says, and it rings true when read with the rest of the record, that he works days when he does not feel like it for the sake of his family. He has nine children dependent upon him. By way of corroboration, claimant has repeatedly advised doctors who examined him that he endures pain while he works for the sake of making a living for his family, that he has pain if he sits more than ten minutes, and that his back hurts all the time while he is standing.

"Claimant started his dishwashing job on May 25, 1960. He put in ten hours a day at first, 240 hours a month and earned $130.00 a month. As of 1965, his work day was eight hours, totaling 184 hours per month, for which he was paid $150.00. Although he is present at the place of work for an eight-hour day, he actually works only four to five hours per day. He washes dishes by the use of a dishwashing machine and scrubs aluminum pots by hand. He does no lifting. Claimant's supervisor testified that he was not capable of doing anything but dishwashing and pot washing, and that if he were, she would have assigned other duties to him. She disclosed that he could not have obtained his job without political influence and stated that a lot of employees at the sanitarium are persons who could not handle jobs in private industry.

"The Hearing Examiner conceded that claimant 'may well have gotten his job on the basis of politics,' but he felt that claimant's position was not a 'made' job involving minimal or trifling tasks which make little or no demand on the individual and are of little or no utility to his employer or to the operation of a business, and refused to apply the exclusion in the Regulations[3] in making this determination, the Hearing Examiner adverted to Hanes v. Celebreeze, 337 F.2d 209 (4th Cir. 1964), and acknowledged that counsel for claimant urged its similarity to the instant case. The Hearing Examiner rejected the analogy in these words:

" 'The Hearing Examiner also invites attention to the fact that the Administration does not acquiesce in either the results or the opinions expressed by the Fourth Circuit Court of Appeals in the *Hanes case,* and that it does not feel that the decision in the *Hanes* case is binding on it with respect to any other disability case.'

"We recognize that we are neither final nor infallible. However, we respectfully suggest that Hearing Examiners in this circuit may with some profit consider our prior decisions to see whether or not they have value in precedents.

"In *Hanes,* supra, this court held that evidence of claimant's earnings of $125.00 per month as a building custodian did not by itself and in view of other evidence constitute substantial evidence to support the Secretary's decision that claimant was disqualified for benefits due to ability to engage in substantial gainful activity. Judge Boreman, writing for the court, expressed the view that 'the court below erred in ascribing controlling significance to the evidence of claimant's earnings.' The decision of the district court affirming denial of benefits of the Secretary was reversed.

"In Flemming v. Booker, 283 F. 2d 321 (5th Cir. 1960), despite evidence that the claimant averaged five days a week work at a used car lot for which he was paid $15.00 or $20.00 a week, it was held that, nevertheless, the claimant had established his inability to engage in any *substantial* gainful activity. Judge Rives, speaking for the court, thought it not inappropriate to borrow tests of disability from other areas of the law. The quotations relied upon by the Fifth Circuit are worthy of reproduction here:

" 'In Berry v. United States, 1941, 312 U.S. 450, 455, 456, 61 S. Ct. 637, 639, 85 L. Ed. 945, Mr. Justice Black, speaking for a unanimous Court, said:

" ' "It was not necessary that petitioner be bedridden, wholly helpless, or that he should abandon every possible effort to work in order for the jury to find that he was totally and permanently disabled. It cannot be doubted that if petitioner had refrained from trying to do any work at all, and the same evidence of physical impairment which appears in this record had been offered, a jury could have properly found him totally and permanently disabled. And the jury could have found that his efforts to work—all of which sooner or later resulted in failure—were made not because of his ability to work but because of his unwillingness to live a life of idleness, even though totally and permanently disabled within the meaning of his policies." '

" 'In Mabry v. Travelers Ins. Co., 5 Cir., 1952, 193 F. 2d 497, 498, Judge Holmes, for [the Fifth] Circuit, said:

" ' "Pinched by poverty, beset by adversity, driven by necessity, one may work to keep the wolf away from the door though not physically able to work; and, under the law in this case, the fact that the woman worked to earn her living did not prevent a jury from finding, from the evidence before it, that she was totally and permanently disabled even while working." ' 283 F. 2d at 324.

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[1] These were Workmen's Compensation hearings.

[2] Despite his serious injuries, claimant worked in the mines (after periods of recuperation) until in 1959 he was rejected by the company doctor.

[3] The exclusion reads as follows: "Made work", that is, worth involving the performance of mineral or trifling duties which make little or no demand on the individual and are of little or no utility to his employer, or to the operation of a business. If self-employed, does not demonstrate ability to engage in substantial gainful activity.

"The similarity of Leftwich's situation to those of claimants in *Hanes* and *Booker* is apparent.[4] No two cases are, of course, exactly alike. But Hearing Examiners may not quit thinking when a claimant's earnings reach a magic mark.[5] The test is not whether Leftwich by will power can stay on his feet yet another day—but whether objectively and in the totality of circumstances, including especially his afflictions, he is disabled within the meaning of the Social Security Act. Substantial medical evidence establishes that claimant was totally and permanently disabled. In spite of such disablement, he chose to work every day to support his family. The statute defines disability as an 'inability to engage in any substantial gainful activity.' In this case, the emphasis properly is on *inability*. We think the Congress did not intend to exclude from the benefits of the Act those disabled persons who because of character and a sense of responsibility for their dependents are most deserving.

"Affirmed."

Mr. METCALF. Mr. President, the appropriate part of the report begins on page 46, where it discusses the definition of disability and continues on through pages 47, 48, and 49.

The only justification given in the report for changing the definition is this:

"The Social Security Administration has indicated that in large part the reasons why a larger number of people than anticipated have become entitled to disability benefits are:

"(1) Greater knowledge of the protection available under the program leading to increased numbers of qualified people applying for benefits"—

They are complaining about the fact that more people know about the basic rights that we have given them, and thus more qualified people are getting some benefits.

"(2) Improved methods of developing evidence of disability."

That means that they have learned about the case in court, the Leftwich against Gardner case, which the administration is complaining about, demonstrating that their disability makes them qualify under the law.

"(3) More effective ways to assess the total impact of an individual's impairment on his ability to work."

In a veteran's case, the Supreme Court unanimously declared, and in a case quoted in the HEW case, that a person does not have to be completely or totally disabled. They said:

"It was not necessary that petitioner be bedridden, wholly helpless, or that he should abandon every possible effort to work in order for the jury to find that he was totally and permanently disabled."

What is wrong with that?

That is basic law. That is in the basic Workmen's Compensation law in most States.

Continuing to read:

"It cannot be doubted that if petitioner had refrained from trying to do any work at all, and the same evidence of physical impairment which appears in this record had been offered, a jury could have properly found him totally and permanently disabled. And the jury could have found that his efforts to work—all of which sooner or later resulted in failure—were made not because of his ability to work but because of his unwillingness to live a life of idleness, even though totally and permanently disabled within the meaning of his policies."

Continuing to read:

"Pinched by poverty, beset by adversity, driven by necessity, one may work to keep the wolf away from the door though not physically able to work; and, under the law in this case, the fact that the woman worked to earn her living did not prevent a jury from finding, from the evidence before it, that she was totally and permanently disabled even while working."

Mr. President, the law now, as written by the committee, states that his physical or mental impairments are of such severity that not only was he unable to do his previous work but he cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the general area where he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for one.

There is an exceptional case of a man disabled in the mines, as in the case of Leftwich against Gardner, in Montana.

They say, well, he cannot work in the mines any more, but he could answer the telephone for Arthur Murray, who teaches dancing back in New York, that since he could solicit people on the telephone for dancing lessons, as part of the national economy, he would have to leave his State and go to New York and participate in such an activity.

Of course, that is probably beyond—coming up under the definition—even what the Secretary would apply.

Actually, what the Secretary could apply under this conclusion is that a man would have to leave the geographic area in which he lived and he would have to engage in work in which he had no experience either by age, education, or training, and if such work were available in the national economy, whether he could get it or not, whether he would be available or not, whether a vacancy existed, he would still be disqualified because of disability.

Yet, when we made the change in 1965, and changed the definition of disability, we broadened and liberalized this portion of the act because those who are disabled needed this sort of liberalization.

For instance, the courts have applied this precedent in other areas—veterans, workmen's compensation—to the detriment of the definition laid down by the Secretary or the Hearing Examiner.

The reason stated to take this severe backward step, to broaden the bill, as the chairman has stated, to broaden the scope of social security, makes this the most important financial bill that has ever come before the Senate so far as increasing and broadening social security is concerned.

But, so far as those who are, unfortunately, disabled, are concerned, we are going back to make this a more limited bill than we have ever had before.

I submit, Mr. President, that these people want to come in and win their lawsuits. They should, therefore, at least appeal some of the cases to the Supreme Court and get some legal definition before they come out to the Senate and try to have us pull their irons out of the fire.

I submit that we should go back to existing law. We should return to the law we passed in 1965.

Mr. President, I ask unanimous consent that, as a part of my remarks, an excerpt from the Senate committee report be included in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

"4. AMENDMENTS OF DISABILITY PROGRAM

"The Social Security Amendments of 1956 extended the insurance protection of the social security program to provide monthly benefits for persons with disabilities of long-continued and indefinite duration and of sufficient severity to prevent a return to any substantial gainful work. In providing this protection against loss of earnings resulting from extended total disability, the Congress designed a conservative program. Amendments enacted in 1958 and 1960 liberalized the disability program, among other changes, extended benefits to wives and children of the disabled, and provided for the payment of benefits to disabled workers under age 50, who had previously been excluded. All the recommended changes in the disability provisions of the program would be adequately financed from the contributions the committee is recommending be earmarked for the disability insurance trust fund.

"(a) *Elimination of the long-continued and indefinite duration requirement from the definition of disability.*

"Under present law, disability insurance benefits are payable only if the worker's disability is expected to result in death or to be of long-continued and indefinite duration. The House bill would broaden the disability protection afforded by the social security program by providing disability insurance benefits for an insured worker who has been totally disabled throughout a continuous period of 6 calendar months. The committee believes that the House provision could result in the payment of disability benefits in cases of short-term, temporary disability. Under the House provision, for example, benefits could be paid for several months in cases of temporary disability resulting from accidents or illnesses requiring a limited period of immobility. The committee believes, therefore, that it is necessary to require that a worker be under a disability for a somewhat longer period than 6 months in order to qualify for disability benefits. As a result, the committee's bill modifies the House bill to provide for the payment of disability benefits for an insured worker who has been or can be expected to be totally disabled throughout a continuous period of 12 calendar months. (Disability insurance benefits would also be payable if disability ends in death during this 12-month period, provided the worker has been disabled throughout a waiting period of 6 calendar months prior to death.) The effect of the provision the committee is recommending is to provide disability benefits for a totally disabled worker even though his condition may be expected to improve after a year. As experience under the disability program has demonstrated, in the great majority of cases in which total disability continues for at least a year the disability is essentially permanent. Thus, where disability has existed for 12 calendar months or more, no prognosis would be required. Where a worker has been under a disability which has lasted for less than 12 calendar months, the bill would require only a prediction that the worker's disability will continue for a total of at least 12 calendar months after onset of the disability.

"The House bill modifies the provision of present law under which the waiting period is waived in subsequent disability so as to make this provision more restrictive when applied to short-term disabilities. Since under the definition the committee is recommending disability protection would be limited to workers with extended total disabilities the same test of disability initially applied should also be applicable in second and subsequent disabilities. Under the provision in the committee bill, benefits would be paid beginning with the first month of onset of the second or subsequent disability

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[4] But cf. Canady v. Celebrezze, 367 F.2d 486 (4th Cir. 1966); Simmons v. Celebrezze, 362 F.2d 753 (4th Cir. 1966); Brown v. Celebrezze, 347 F.2d 227 (4th Cir. 1965).

[5] 20 C.F.R. § 404.1534 provides in pertinent part:

"(b) *Earnings at a monthly rate in excess of $100.* An individual's earnings from work activities averaging in excess of $100 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity in the absence of evidence to the contrary.

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and without regard to the waiting period requirement if the individual is under a disability which occurred within 5 years of the termination of his previous disability and which can be expected to result in death or has lasted, or can be expected to last, for a continuous period of not less than 12 calendar months.

"The modification in the definition of disability recommended by the committee does not change the requirement in existing law that an individual must by reason of his impairment be unable to 'engage in any substantial gainful activity.'

"An individual with a disabling impairment which is amendable to treatment that could be expected to restore his ability to work would meet the revised definition if he is undergoing therapy prescribed by his treatment sources, but his disability nevertheless has lasted, or can be expected to last, for at least 12 calendar months. However, an individual who willfully fails to follow such prescribed treatment could not by virtue of such failure qualify for benefits.

"The committee expects that, as now, procedures will be utilized to assure that the workers' condition will be reviewed periodically and reports of medical examinations and work activity will be obtained where appropriate so that benefits may be terminated promptly where the worker ceases to be disabled.

"The committee retains the provision in present law under which payment of disability benefits is first made for the seventh full month of disability. The House bill would have authorized payments beginning with the sixth full month of disability.

"It is estimated that if benefits were payable for disabilities that are total and last more than 12 calendar months but are not necessarily expected to last indefinitely, about 60,000 additional people—workers and their dependents—would become immediately eligible for benefits. Benefit payments under the provision of 1966 would total $40 million."

Mr. Curtis. Mr. President, I am not out of sympathy with the individual cases in which the Senator from Montana is interested. We have, however, a far broader question before us. When it was undertaken to pay benefits to a disabled person just as though he were retired because of age, the decision was arrived at to make it a narrow definition.

Those who are interested might turn to the committee report beginning near the bottom of page 46, which reads:

The present law defines disability (except for certain cases of blindness) as the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months."

We have this strange situation. This narrow definition has been enlarged by interpretation of the courts. It is quite unlikely that any of those decisions will ever get to the Supreme Court. Consequently, courts all over the land have proceeded in various ways. The result is that the cost of disability retirement pay has gone up and up.

The allocation to the disability trust fund has increased from 0.50 percent of payroll in 1956 to 0.70 percent today, and will be increased to 0.95 percent by the committee's bill. In 1965 the Congress adopted an increase in the social security taxes allocated to the disability insurance trust fund; a large part of which was needed to meet an actuarial deficiency of 0.13 percent in the system. Again this year the administration has come to the Congress asking for an increase in the taxes allocated to that fund to meet an even larger actuarial deficiency, which has reduced the 0.03-percent surplus, estimated after the 1965 amendments, to a 0.15-percent deficiency.

What has happened is that even though the percentage of people in the total economy has not increased, the number of people who are now on disability retirement has increased. Because the Ways and Means Committee felt that the definition of disability as originally written by the Congress was not being adhered to, it inserted this language and put further guidelines in it, as appears on page 48 of the committee report, where Senators will find the following interesting comments:

"When asked about the court decisions, the Social Security Administration summarized developments in the courts in some jurisdictions as—

"(1) An increasing tendency to put the burden of proof on the Government to identify jobs for which the individual might have a reasonable opportunity to be hired, rather than ascertaining whether jobs exist in the economy which he can do. Claims are sometimes allowed by the courts where the reason a claimant has not been able to get a job is that employers having jobs he can do, prefer to avoid what they view as a risk in hiring a person having an impairment even though the impairment is not such as to render the person incapable of doing the job available.

"(2) A narrowing of the geographic area in which the jobs the person can do must exist, by reversing the Department's denial in cases in which it has not been shown that jobs the claimant can do exist within a reasonable commuting distance of his home, rather than in the economy in general.

"(3) The question of the kind of medical evidence necessary to establish the existence and severity of an impairment, and how conflicting medical opinions and evidence are to be resolved.

"(4) While there have heretofore been no major differences by or among the courts on the issue of disability when the claimant was performing work at a level which the Secretary under the regulations had determined to be substantial gainful activity, this issue was recently highlighted and publicized in the case of *Leftwich* v. *Gardner*. The Fourth Circuit Court of Appeals in this case held that the claimant was under a disability despite his demonstrated work performance considered by the Secretary to be substantial gainful activity."

Then the Finance Committee said this:

"The committee concurs with the statement of the Committee on Ways and Means instructing the Social Security Administration to report immediately to the Congress on future trends of judicial interpretation of this nature. As a remedy for the situation which has developed, the committee's bill would provide guidelines to reemphasize the predominant importance of medical factors in the disability determination."

In summary, it amounts to just about this: Congress provided for the disability program. It provided for the degree of disability. The Ways and Means Committee of the House and the Finance Committee of the Senate found that that definition of disability was being exceeded and they placed in this bill some guidelines. I believe they should be left in there. I think to depart from a rather strict and narrow definition of disability in the social security program would be a mistake. That is not to say that some people should not have consideration in other programs. I regretfully express the hope that the amendment will not be adopted.

Mr. Metcalf. Mr. President, I shall take only a few minutes.

I have a memorandum from Robert J. Myers, Chief Actuary of the Social Security Administration, which reads:

"H.R. 12080, both as passed by the House and as reported by the Finance Committee, would provide a more detailed definition of 'disability' as used in determining eligibility for disability benefits under Social Security. It has been proposed"—

That is my amendment—

"that this detailed definition would then be eliminated, so that the definition would then be that in persent law.

"In my opinion, such a change would not necessitate any increase in my estimate of the cost of the program, since I did not reduce the cost estimate when the more detailed definition was added to the bill. But, in the absence of the more detailed definition, there is a much greater likelihood that the costs actually developing will exceed my intermediate-cost estimate."

So we do not need to add any further taxes; we do not need to add any further increases; this amendment goes back to existing law.

I point out that in the Leftwich' case which I mentioned and which the Senator from Nebraska (Mr. Curtis) mentioned, Mr. Leftwich was denied disability benefits by the hearing examiner and Secretary. Mr. Leftwich could not stoop, bend, or sit down for more than 10 minutes. Yet he was required to take a job as a dishwasher at $130 a month to support himself and nine children. The Circuit Court of Appeals for the Fourth Circuit, quite properly, I think, held that, under that definition, a man who could not bend, stoop, or sit for very long did not have to take a job at $130 a month while he was under physical pain at all times, but was entitled to disability benefits.

That is all I seek: To go back to that kind of definition, to return to the kind of language that we had in the bill in the 1965 act, which to my mind actually protects all the people who need to be protected, protects the financial integrity of the act, and will prevent us from taking the backward step we would be taking should be adopt the definition that is now in the bill.

Mr. Metcalf. On November 17 the restrictive definition of disability contained in the House bill was put to a rollcall vote on the floor of the Senate and by a substantial margin my colleagues voted to delete the House definition of disability. However, in conference, with one minor change the Senate conferees receded on this amendment as they did on just about everything else that the Senate passed both in committee and on the floor.

Today I am reintroducing my amendment in the form of a Senate bill in which I am joined by 35 of my colleagues as cosponsors. Those of my colleagues who have joined with me in seeking again to return the definition of disability to the way it was after the 1965 amendments to the Social Security Act are Senators Brooke, Burdick, Byrd of West Virginia, Case, Church, Clark, Gruening, Harris, Hart, Hatfield, Hill, Javits, Kennedy of Massachusetts, Kennedy of New York, Long of Missouri, McCarthy, McGee, McGovern, Mansfield, Mondale, Montoya, Morse, Muskie, Nelson, Pell, Prouty, Proxmire, Randolph, Ribicoff, Sparkman, Spong, Tydings, Williams of New Jersey, Yarborough, and Young of Ohio.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

The President pro tempore. The bill will be received and appropriately referred; and without objection, the bill will be printed in the Record.

The bill (S. 2935) to amend title II of the Social Security Act so as to provide that the definition of the term disability, as employed therein, shall be the same as that in effect prior to the enactment of the Social Security Amendments of 1967, introduced by Mr. Metcalf (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

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S. 2935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(d) of the Social Security Act is amended (1) by striking out paragraphs (2) through (4) thereof and (2) by redesignating paragraph (5) thereof as paragraph (2).

(b) The third sentence of section 216(i) (1) of such Act is amended by striking out "paragraphs (2)(A), (3), (4), and (5)," and inserting in lieu thereof "paragraph (2)".

Sec. 2. The amendments made by this Act shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, and for disability determinations under section 216(i) of such Act, filed—

(a) in or after the month in which this Act is enacted, or

(b) before the month in which this Act is enacted if the applicant has not died before such month and if—

(1) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(2) the notice referred to in paragraph (1) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month.

PAN AMERICAN WORLD AIRWAYS AND THE RUSSIAN SST—FACTS VERSUS RUMORS

Mr. GOLDWATER. Mr. President, during the recent debate on the supersonic transport, several statements were made
such month.
to the effect that a rumor had been heard that Pan American World Airways may have ordered three TU-144's, the Russian SST. I have checked the facts in this case, and I am very happy to provide what I have been able to find out.

I ask unanimous consent that the facts be printed in the Record. I urge Senators to read this short statement, because it is indicative of the mood of one of the world's major improvements.

There being no objection, the statement was ordered to be printed in the Record, as follows:

RUMOR

Pan American World Airways may have ordered three TU-144's.

FACT

Pan American World Airways representatives (N. E. Halaby and J. H. Borger) visited Russia with other U.S. industry team members in 1969 and viewed the TU-144.

Mr. Borger provided Russians with list of data needed for PAA to do an evaluation.

The Russians agreed to provide PAA data as requested when the TU-144 was to be offered for sale.

No further contact with the Russians has been made by PAA and no data have been received for evaluation.

Mr. Halaby has made public statements to the effect that PAA will evaluate the TU-144 along with other airplanes offered for sale and if no other SST's should be available, they would surely be forced to buy Russian equipment.

The USSR has clearly demonstrated its desire to obtain a large share of the free world aviation market (see *Aviation Week and Space Technology,* October 26, 1970).

ADVERSE EFFECT OF FEDERAL ASSISTANCE TO SUGAR REFINERY IN GEORGIA

Mr. TALMADGE. Mr. President, in late 1969 the Small Business Administration approved an application for lease guarantee insurance for the proposed Old Dominion Sugar Corp. in Portsmouth, Va.

At the time, I advised the Administrator of SBA of my serious concern with this action since the establishment of another sugar industry with Federal assistance would adversely affect an existing sugar refinery in the State of Georgia which was established and is operated with private capital.

Other Members of Congress have questioned this agreement because the Federal Government is already heavily involved in the sugar industry due to loans which have been made to the industry in the State of Maine by the Economic Development Administration. The record clearly indicates that these loans have developed into EDA's biggest headache.

The replies which I have received from SBA to my written expressions of concern about this matter have not been entirely responsive. A good description of the important issues involved, and an excellent indication of what SBA is getting into, is contained in a column by Robert S. Allen and John A. Goldsmith published in the Savannah Morning News of November 10, 1970.

In view of the significance of this matter, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Subsidy Blocked

Washington.—The Small Business Administration, long in hot water with Congress, is again under harsh attack.

A House Small Business subcommittee has, in effect, bluntly ordered the agency not to approve a $27.4 million lease guarantee it was all set to grant a Portsmouth, Va., sugar company.

In the forceful opinion of the subcommittee, the concern has highly dubious assets, qualifications and prospects.

This unusual action was taken by the subcommittee, headed by Rep. John Kluczynski, D-Ill., in a sternly-worded report that for some unknown reason has gone unnoticed.

The panel's critical findings and crackdown were based on a series of hearings triggered by Rep. H. R. Gross, R-Iowa. In disclosing the proposed $27.4 million lease guarantee, the veteran "Treasury watchdog" charged it was an "unsound subsidy" that almost certainly would "saddle another burden on the already staggering U.S. taxpayer."

He also asserted the Portsmouth company intended to use machinery imported from England.

Gross' charges are fully upheld in the subcommittee's report.

Small Business Administrator Hilary Sandoval, repeatedly assailed in and out of Congress on a number of counts, is not mentioned by name in the report. But there can be small satisfaction for him in that.

From beginning to end the document is unsparing in its disapproval and condemnation of the proposed multi-million dollar deal.

In the very first paragraph of its findings the subcommittee caustically characterizes the concern involved—Old Dominion Sugar Corporaton—as a "corporate shell which has never done any business of any kind and which was run by a man who had no experience in the business."

The final paragraph concludes, "This venture could cost taxpayers $8,173,579 at the minimum and $23.4 million at the worst."

In forcefully enjoining SBA to "critically reevaluate" the proposed lease guarantee and to take no further action without the express authorization of the subcommittee, it held this was necessary because of four principal findings, as follows:

"The intent of Congress was to aid and assist the small businessman . . . A guarantee for more than $27.4 million is not small business.

"SBA does not have a reasonable basis to conclude that the Old Dominion Sugar Corp. would be financially profitable . . . Testimony by individuals in the sugar industry was in direct conflict with that of SBA. The latter stated that the company would have to make an 8.8 per cent gross profit in order to survive. SBA consultants had forecast a 4.3 per cent profit.

"It is evident the proposed lease guarantee can be summarized as taxpayers' money being used to guarantee rent payments by a company which has never been in the sugar business, has no experienced management and has no real knowledge of the sugar market.

"The proposed SBA undertaking is not in the government's best interest and constitutes poor stewardship of public funds."

The report also contains two startling disclosures:

That "an SBA financial adviser rated the Old Dominion corporate structure as very poor."

That the "chief SBA underwriter stated the venture did not appear feasible and was not the type of risk the government should be guaranteeing."

There is no explanation in the report why, in view of these strong objections from its own officials, the Small Business Administration proposed granting the $27.4 million lease guarantee.

While there is no hint of wrongdoing in the subcommittee's report, its condemnation of the deal is sweeping.

It remains to be sene what SBA now does about it.

THE CASE FOR THE SST

Mr. GOLDWATER. Mr. President, now that the aerospace industry, the administration and others interested in American aviation have been jolted out of their apathy, sound, sensible arguments for the SST, are beginning to find their way into public print. We find that the SST is not being promoted, as some of its critics would like you to believe for the purpose of making sonic booms, polluting the air, changing the planet, wasting money or irradiating passengers.

As a very fine article in the December issue of American Legion magazine by Mr. Harvey Ardman points out, the real reason why our aviation experts in and out of industry want to keep going full speed on SST development is purely economics. As Mr. Ardman puts it in his article entitled "The Case of the Supersonic Transport:"

The livelihood of the Americans whose jobs and income depend on our aerospace industry require us to be ahead of the world in supersonic commercial jet plane design, manufacture, performance and sales in the years ahead. We cannot match the low cost of cheap labor abroad, and we live or die in business competition with the rest of the world by keeping ahead or not keeping ahead in performance.

The SST is the next generation of passenger planes. While we debate whether there should or should not be SSTs, our aviation industry is already seriously behind the time schedule of foreign competitors in developing a marketable SST for the world's airlines.

Mr. Ardman goes on to say that we have more than a million people directly employed in the aerospace industry and more than 4 million whose incomes are directly identifiable with aerospace production and sales, when we include subcontractors and suppliers. He underscores the fact that from now through the 1980's the health of this vast American industry will depend largely on whether we make and sell the lion's share of the coming generation of SST passenger planes.

Mr. President, I ask unanimous consent that Mr. Ardman's article, published in the American Legion magazine for December 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR THE SUPERSONIC TRANSPORT

IN THE FACE OF THE OBJECTIONS TO THE SST, CAN YOU SAY WHY OUR AVIATION EXPERTS WANT IT?

(By Harvey Ardman)

The development of an American supersonic transport airplane, to carry commercial passengers between continents three times as fast as current jets, has been a controversial subject for quite a few years now.

Government funds as well as private funds are needed to help bear the enormous cost of development, so the creation of an American SST is in the area of public debate, and it has been debated to a fare-thee-well.

A host of objections to the SST has been raised. They include:

The great cost of development.

The need to divert government funds, instead, to poverty programs and other social purposes.

The lack of any apparent need for such air speed at such cost when it can take nearly as long to get to and from the airports as it takes to fly the Atlantic right now.

The sonic booms that such planes would make, to the annoyance or worse of people and things below.

Supposed danger of radiation damage to passengers who'd fly as high as the SST's would fly.

Pollution of the upper air by jet exhausts with possibly direful effects on world climate.

Possible destruction of the high ozone layer which helps keep damaging ultra-violet rays from reaching the earth.

Anybody who has been reading the papers or listening to radio or TV knows that these discouraging objections have received the most attention in the public debate. They have gotten the headlines, the prime spots in news broadcasts and the blasts of some of the politicians. In the recent elections some candidates of both parties included anti-SST platforms in their campaigning. Alarmed conservation and anti-pollution groups have issued these objections to the SST broadside.

The public is entitled to hear and weigh these points. The SST is a public question, and these are not the kind of objections that should be swept under the rug.

The public is equally entitled to hear the answers to them and the reasons why an American SST is wanted, if we are really supposed to reach great decisions through the expressed will of an informed public.

Inexpert propagandists have been fantastically wrong in their treatment of scientific developments in the past. So wrong have they been that in a recent release the Nat'l Aeronautic Ass'n—which is *for* the SST—had a bit of fun with the media's habit of giving the bigger play to SST objections. The NAA dug up an Oct. 9, 1903, New York Times editorial that appeared after Professor Langley's Flying Machine had crashed into the Potomac on Oct. 7 of that year.

Langley's attempt to fly was a "ridiculous fiasco," said the Times then. It went on to say that it would take "from one million to ten million years" to evolve a machine that would really fly, *if* we could eliminate "the existing relation between weight and strength in inorganic materials." Birds are organic and can fly, machines are inorganic and cannot, it explained. We'd be better advised, it said, to devote our efforts to more profitable things.

Langley's plane crashed in the Potomac again on Dec. 8, 1903. Two days later the Times of those days was back scolding him. The unsolvable problem of flight, it patiently explained to Langley, was that because there is always a weakest part to any mechanical device, extra strength must be built in to provide a safety factor. "To allow it in an aeroplane," Langley was advised, "would be to weight it so that it would be too heavy for its purpose."

As a lesson in newspaper science, let it be noted that Langley's plane was later proved flyable, and that when the above editorial appeared on December 10 the Times had just seven days left for the life of its explanation of why man would not fly until at least the year 1001903 A.D. On Dec. 17, 1903, Orville Wright took off, flew and landed a heavier-than-air machine under its own power at Kitty Hawk, N.C.

Digging up such editorials is good clean fun, of course. It doesn't prove anything one way or the other about the SST. But it does make a valid point.

When we get tailor-made opinion on the scientific impossibility of coping with problems, we are well advised to hark to the experts as well as the amateurs, and we are entitled to a fair shake in getting our hands on what the experts say.

Some of the objections to the SST are deadly serious, and not to be taken lightly. Which doesn't mean that nothing can be done about them. Some of them are pure nonsense. Others are irrelevant. Meanwhile, the main reason why the aviation industry and the U.S. Department of Transportation want the SST has been reported with so little emphasis—among all that has been said—that if you know what it is you're a rare bird. Do you know why those who want it want it?

The SST certainly is *not* being promoted to make sonic booms, pollute the air, change the climate, waste money or irradiate passengers.

The latter is among the objections in the nonsense category. Radiation from space is a little more at the 65,000-foot elevations that SST's would normally fly than it is at the 35,000-foot levels of our present commercial jets. At 65,000 feet, radiation generally is almost as great as it is at ground level in New York City. New York has higher than normal ground level radiation for reasons nobody yet comprehends. Normal radiation at 65,000 feet is not as great as it is in some long-inhabited areas of South America.

There are periods when solar flares intensify the radiation in the upper atmosphere. These flares are monitored and even predicted from earth. All an SST pilot need do would be to react as you do when you see a red traffic light. He'd stop. That is, stop flying at 65,000 feet and come down to a lower level—in fact he'd be ordered to.

There is a world of experience in dealing with this. Military planes have been flying with men aboard at these altitudes and higher for close to a generation now. Our U-2 pilots logged thousands of hours at 75,000 to 80,000 feet without any radiation problem. The radiation factor is not an argument against our producing SST's, but only a warning to observe precaution that are already timeworn.

Solar flares aside, there is less radiation exposure for passengers flying the Atlantic in an SST than in one of our current commercial jets. Time is a factor of radiation exposure. A passenger on a two-and-a-half-hour SST flight from New York to London at 65,000 feet will, under normal conditions, absorb less radiation than he does today making a six-and-three-quarter-hour flight at 35,000 feet. The much shorter time of exposure more than offsets the slightly higher radiation level.

If concern about radiation is to be taken seriously, we must scrap the present planes as fast as possible and get cracking with high speed SST's so that passengers need not spend so much time at high elevations. Fortunately, the radiation in either case is usually negligible. It is easily avoidable when it is not negligible. Which is why I have labeled this as a nonsense objection against producing American SST's.

At the other extreme, the sonic boom question isn't nonsense at all. A plane flying faster than sound (and the SST's would hit top speeds not quite three times the speed of sound) makes a boom that makes a bang on land and sea below. There is no known way to prevent a plane that's flying faster than sound from making a sonic boom.

The designers, planners and proponents of the SST have been more aware of this than anyone else. The boom is a bug they can't lick entirely.

If we get our own SST's they will have to be, and will be, tightly regulated when it comes to making booms. The regulations of SST flight proposed by the Department of Transportation are tougher than those imposed on supersonic military planes. So when it comes to the booms that you might hear from SST's, you can say they will be scarcer and weaker than whatever booms you have been hearing from military planes. In fact, you can expect none unless you're at sea. This does not overcome the objection, and nothing can overcome objections to booms if there are to be booms.

SST's will be forbidden to fly at boom speeds over land in U.S. territory, and other countries have their own rules. Planes are not being sought for strictly land routes, but only for transoceanic flight. When and if they fly from, say, Chicago to London, they will still have a speed of advantage during the land portion of the flight of 200 to 250 mph over current commercial planes without making booms on the ground.

They will be forbidden to make booms until they are out to sea. Most of their supersonic speed will be around 65,000 feet over water. They will not dive and maneuver like military planes. Dives and low-level flight produce the window-breaking, dynamite-like booms that have been experienced from military planes.

It is no kindness to ships at sea to make any booms. What kind of booms will ships hear? Sonic booms are measured in pounds per square foot (*psf*) in excess of the existing air pressure. A *psf* of 120 is a helluva boom. It doesn't directly injure people but nothing else good can be said about it. The plaster-cracking, window-shattering boom can have a *psf* as low as 10 to 20. A diving or low-level fighter plane can produce one easily.

The SST in its level flight at its prescribed altitude will make booms of from 1.5 to 2.2 *psf* on the water below. This is like a thunderclap from maybe half a mile away—not distant, not right on top of you. It exerts the same *psf* that hits the ears of a Volkswagen driver when he swings his car door shut. At one point in its climb to cruising altitude the SST will make a boom of 3.5 *psf*. This is like a nearer thunderclap. Ships are surely going to hear these thunderclaps caused by SST's when they hit their transoceanic speeds. It's nothing to cheer about, but neither does it seem to have been a problem of great dimension so far. For many years military planes have been flying all the oceans at Mach 2 (scientific jargon for twice the speed of sound) without creating a maritime problem.

But let's not kiss off sonic booms. Who wants them even if SST's won't make bad ones at sea and none over land? The problem here is a different one. We won't escape booms from supersonic transports by preventing the United States from developing SST's. Britain, France and Russia are making SST's. They've flown theirs while all we have is a dummy.

U.S. and European airlines have already reserved 74 SST's from pending British and French production. Foreign-make SST's are going to be flying the oceans, and making booms over them, whether we develop our own SST's or not. If we keep American firms from making SST's we will lose the business and still get the booms. The boom question, then, is a question of regulation, and not a reason to keep us out of the SST business.

Here we get to the real reason why our aviation experts in and out of the industry want to keep going full speed on SST development.

It is purely economic.

The livelihoods of the Americans whose jobs and income depend on our aerospace industry require us to be ahead of the world in supersonic commercial jet plane design, manufacture, performance and sales in the years ahead. We cannot match the low cost of cheap labor abroad, and we live or die in business competition with the rest of the world by keeping ahead or not keeping ahead in performance.

XUM

The SST is the next generation of passenger planes. While we debate whether there should or should not be SST's, our aviation industry is already seriously behind the time schedule of foreign competitors in developing a marketable SST for the world's airlines.

We have more than a million people directly employed in the areospace industry. We have a total of more than four million whose incomes are directly identifiable with aerospace production and sales, when we include subcontractors and suppliers who are not themselves directly a part of aerospace.

From now through the 1980's the health of the industry will depend largely on whether or not we make and sell the lion's share of the coming generation of SST passenger planes.

According to present plans, the joint British-French SST, the Concorde, will be ready for scheduled flights between 1972 and 1974. The Boeing SST, by contrast, is well behind that. It can't enter commercial service until 1978, even if it suffers no further delay.

The drawing-board Boeing is far superior to the already-flown Concorde. No airline would prefer a Concorde to a Boeing if it were offered a choice of two proven planes that meet the present specifications of each, though a Concorde would cost less. The major world airlines might sit out the four-to-six-year time difference for most of their SST purchases if they could be assured that the Boeing would be available about on target.

The Boeing's superiority is based on an American technology that cannot yet be duplicated abroad. It would cruise about 430 mph faster than the Concorde with more than twice as many passengers. What the airlines want is more speed while carrying more passengers.

It isn't that they are concerned about saving each passenger four hours or so in crossing the Atlantic. Probably not one passenger in ten could do much with the time saved, though few would choose a seven-hour flight if a two-and-a-half-hour one were available. What interests the airlines is that a single plane could carry far more people in any given time.

A 298-passenger Boeing SST, designed to cruise at 1,780 mph, could make 27 N.Y.-London round trips in the flying time that the new Boeing 747 needs to make ten round trips at its 595 mph cruising speed. Scheduling, turnaround and on-ground factors may not allow full use of this advantage, but the first Boeing SST will probably be twice as productive in passenger haul as a 747, and later ones as much as 2½ times as productive.

Of course, this kind of SST performance represents vast operating savings for the airlines. None of them want to fly many slower planes and crews, and support terminal facilities for them, to do what a few SST's might be doing for their competitors.

This kind of performance could also do something more for passengers than save them a few hours. The economical performance of SST's would hold their air fares down. If we stay with the present planes, airline efficiency will hit a plateau. Thereafter, transoceanic air fares must rise with inflation. The better economic performance of SST's will hold fares down. For most passengers, the dollar savings in fares will probably mean more in the future than the hours saved on each trip.

The present Concorde, designed to carry 128 passengers at 1,350 mph cruising speeds, is so superior to the jets now flying that, without a Boeing SST, the world's airlines would go for Concordes, as their 74 existing orders for Concordes attest.

But it's so inferior to the Boeing's planned performance that the Concorde couldn't stand the competition of an assured Boeing SST.

Rumors keep pouring out of Europe that the Concorde will be abandoned, whether we produce a Boeing SST or not.

Rumors about multi-million dollar projects often have multi-million dollar motives behind them. Every fresh rumor that the Concorde will never go into full production is heralded here as proof that we don't need the Boeing SST after all, and it promotes delay in Boeing SST development. Every delay of the Boeing SST gives the Concorde's makers more time to sell the first models and more time to work on improvements that might make it more competitive with the Boeing. The British Concorde is probably quietly in production now.

Some of our own responsible people outside of the aerospace industry have taken all of this lightly. It is deadly serious (a) to the Concorde makers abroad who are proceeding with the ship in Britain and France behind the facade of rumor, and (b) to everyone whose bread and butter comes from airplane production in the United States.

The widespread public and political campaigns against the SST here are fostering near panic in our aerospace industry. The whole industry is hurting today, even though (thanks to its past technological superiority) it has previously suffered far less from foreign competition than most of our other major industries.

U.S. aerospace is now seriously depressed for a variety of reasons which may not change for the better soon, and it looks to the SST to give it the lift it needs.

Our plane-making industry was on the rise until recently. In 1968 we hit an all-time peak of 1,418,000 people directly employed in aerospace. Well over 4 million more benefited directly from subcontracting and supply orders placed with other industries. Throughout the '60's, U.S. aerospace throve (1) on its near-monopoly of free-world civilian plane sales; (2) on its space contracts for NASA; (3) on its manufacture of U.S. Air Force, Navy and Marine Corps planes and, (4) on its sales of military planes abroad.

In civilian plane sales alone we have provided very nearly all the planes flown by U.S. airlines, while 84% of all jets flown by commercial airlines in the free world today are American made.

In June of 1970, those directly employed were down to 1,160,000. Some 258,000 jobs had disappeared in a little over a year. Cities like Seattle, Los Angeles, Wichita, Dallas and Fort Worth suddenly suffered widespread unemployment.

By next March, the outlook is that another 174,000 jobs in the industry will have disappeared. With each job that goes, roughly three people in subcontracting and supply firms lose work due to the disappearance of aerospace orders.

The industry had been doing better than ever in the sale of civilian planes here and abroad until just recently, when, unfortunately, it needed to do better yet.

We sold $3.2 billion worth of commercial planes in 1966—with about $1 billion in sales overseas. In 1969, we hit a high of $5.6 billion, with almost $2 billion in foreign sales.

Since then a series of blows has struck the industry.

Commercial plane orders of current jets slipped off because of internal crises in the airlines.

Our government cut back both its military and its space-program orders.

National policy dictated that we not sell military planes to aggressive small countries abroad. The French moved into that market. With assured sales left them by our moving out of the picture, they have now produced a better small fighter for small nations' purposes.

Today, South American countries no longer buy any U.S. combat planes. They get them chiefly from France.

Readers may applaud or condemn these losses of military and space orders, as they choose. For our aerospace industry they mean that the bread and butter of millions of Americans must depend more than ever on holding and enlarging the commercial plane market.

But in the commercial field we have been losing ground in the foreign airlines markets even when we get the business. The trouble is that jets that fly slower than sound are beginning to respond to the law of diminishing economic return for us. Even when we bring out a better subsonic jet, there's less of it that's brand new. More of it can be made abroad by firms that have caught up with the American technology that first developed today's basic models.

What has been happening is that when McDonnell-Douglas gets a contract to provide planes for Canada. Canada stipulated that she'll make the wings and tail. When Lockheed signs an order to supply planes for British airlines. Britain stipulates that she'll install Rolls-Royce engines in them—and so on. In short, there's less work for the U.S. planemakers even when they get foreign orders.

The same thing applies to replacement parts of existing models, which are a good part of the business. As fast as they can, other industrial countries learn to make their own parts for older model planes that they buy from us.

Even if nobody makes an SST, this will only get worse. If the whole world freezes commercial plane performance at about the level of the present 595 mph Boeing 747, it will only be a matter of time before other countries, with cheaper labor, will provide equivalent planes cheaper for their airlines *and ours*. All they need is time to catch up with American know-how, if the march of our know-how is willfully arrested.

They are catching up fast. This October a consortium of European nations was reported to be dealing with Britain for trade favors, in return for which they'd stop buying General Electric jet engines in favor of all British engines on their airlines.

They'll not only catch up, but they'll get ahead of us too, if we willfully check our own progress and they don't.

The first pilot model Concorde flew in March 1969. It broke the sound barrier that October. This Oct. 10, a Concorde hit 1,320 mph in level course flight.

The Russian TU–144 made its maiden flight on Dec. 31, 1968. It broke the sound barrier in June 1969 and hit 1,336 mph last May. The Soviets expect the first one to be carrying 120 passengers at a top speed of 1,550 mph in 1972. There's good evidence that Russia is bidding for world markets in a big way.

The 298-passenger, 1,780 mph Boeing exists only in the form of a full-scale mock-up in the huge workrooms of the Boeing Seattle plant. If that's where it stops we will be in the industry-wide position that Henry Ford was in when he stuck to his Model T into the late 1920's after his competitors had passed him by in making good, low-priced cars. Henry had to close shop and start all over, and Ford hasn't regained its one-time lead over General Motors since. When the first Concorde flies an ocean with paying passengers, our new 747 will become a Model T of intercontinental flight.

The catastrophe that awaits us if we pull a Model T performance in planemaking will go far beyond the total depression of our aircraft industry.

That industry has been pulling more than its weight in holding up our balance of trade with other nations and in checking the disastrous flow of American dollars abroad.

Let's not review the ground we've lost to foreign competition in the auto, the movie, the camera and the huge electronics industries—as well as steel, textiles and many others—both at home and abroad. In 1970, the details read like a funeral dirge.

Plane-making has been perhaps the brightest spot in this whole picture. Consider that if our $5.6 billion trade in commercial plane sales in 1969 had gone to foreign firms the United States would have lost another $11.2 billion in both trade balance and dollar flow—from $5.6 billion in to $5.6 billion out. The best present estimates of what we'll lose as a nation in trade balance and outward dollar flow, if the Concorde flies and the Boeing doesn't, run as high as $50 billion between 1978 and 1990.

Had enough? These are the reasons why those who want the Boeing SST want it, and to say more about why would belabor the point.

We Americans can only live at our living standard if we keep ahead in technology, and constantly offer the rest of the world better products than it can make.

That's what we bet on when we joined the other nations in a series of long-term agreements to do away with protective tariffs. The other nations bet that they could manufacture existing products cheaper than we could. And they can. We bet that we could make what they couldn't. And we can if we will.

When we could make electronics products that they couldn't, we owned the world electronics market. But given a few years for them to study our products, we could no longer rule the mass electronics market. By 1972, inroads made chiefly by Japan and West Germany will see us with an unfavorable balance of trade in electronic products.

The Boeing SST may be late on the scene, compared to the Concorde, but if it moves on schedule it will rule the roost for years. Britain and France built their huge investment in the Concorde around an aluminum technology. They designed it for about the top speed that an aluminum fuselage can endure, due to the heat of air friction.

That speed is about 1,350 mph for safe cruising and up to 1,550 mph for short bursts only, under favorable conditions. The Soviets went the whole limit and gave their TU–144 a capability of 1,550 mph. It will hardly ever do that, because it cannot safely do it for long.

In both cases these foreign planes went right to the limit of the known technology, which is probably why their makers dared challenge the American giant. And of course they worked out all their systems, design and power plants for the speeds they had in mind.

But if we were slower, one reason was that we were developing a titanium technology for fuselages and structure that can stand far greater air-friction heat. We have the technology today. We have used it in two military models. Nobody else has it in such shape as to project mass airplane production on a titanium fuselage base.

Some day it will be copied, if anyone dares sink all that capital in another attempt to get ahead of us. All of our SST basic research and development has moved ahead with an over-1700 mph plane in mind, and a technological ceiling of above 2,000 mph.

Boeing got the official nod as the chief plane designer and producer.

GE has been developing the powerful engines. Various work and research has been parceled out from time to time to such firms as Aerojet General, Avco, Fairchild Hiller, LTV Aerospace, Northrop, North American Rockwell, Rohr, Garrett, Goodyear, Uniroyal, Bendix, Hamilton Standard, Litton Industries and Sperry. Others will enter the field in time. McDonnell-Douglas ought to be one such, as it rates high in titanium technology.

If this is a formidable array of lobbyists for the SST (and it is) it is also an array of those who employ the bulk of the millions whose livelihood depends on American plane production and sales. The technology they are working on would virtually force the Concorde to start over.

It is interesting to note the objection made to the SST to the effect that the large sums of government money needed to help underwrite the development are needed instead for poverty programs.

It is estimated that it will take a little over $1.6 billion to make and test our prototype Boeing SST. Boeing and GE (the major contractors) would put up about $300 million between them, the airlines would put up about $60 million and the government would advance close to $1.3 billion. Still more will be needed to get full production under way.

About $1 billion has already been spent, and of course Congress doesn't switch money from plane production to poverty programs. It treats them separately.

More to the point was an article in the Harvard Business Review by the mayor of St. Louis a year or so ago, discussing St. Louis' terrible poverty problems. McDonnell-Douglas, a major St. Louis employer and a major U.S. plane-maker, was held up as a fine example of an industry which restyled its jobs and its production methods in order to employ more unskilled labor in St. Louis. One need only walk among the laid off workers in the many U.S. cities that are hurt by the aerospace cutbacks to get it from them that what hurts aerospace makes poverty grow.

"The SST will make and save full production jobs in the late 1970's and the 1980's," says William Magruder, former test pilot and Lockheed executive who now heads up the Department of Transportation's special SST division. "Our present poverty situation is aggravated because somebody failed to look ahead in the 1950's and 1960's. The SST looks ahead to jobs in the 1980's, and if we'll do more of that in industry today we'll have less poverty then."

The SST is still moving ahead in Seattle and elsewhere today, and employing thousands of workers who'll lose their jobs if Congress turns thumbs down on continued SST development.

The basic SST contracts between Boeing, GE and the government provide that the government will get its development investment back with the sale of the 300th Boeing SST. If 500 are sold—as expected—the government will directly profit $1.1 billion from its investment. Somebody has guesstimated that employment on the SST, if it goes ahead full steam, will net between $6 and $7 billion in income taxes. How they do this arithmetic I don't know, but anyone would agree that the tax revenues from the billions of aerospace income from SST's would be plenty.

One SST will cost an airline about $52 million at 1978 prices, compared to $24 million for a Boeing 747 today and more in 1978. Sale of 500 SST's would involve a gross initial cost of $26 billion to the airlines.[*] Overseas routes for 500 in the 1980's have already been projected, which explains how the sponsors hit on the 500 figure.

Since commercial flight began, plane owners have consistently recaptured the cost of a new plane in five to six years.

The role of the airlines is ambiguous. As businesses, they'd rather use and wear out their present equipment than invest immediately in a new generation of passenger planes. If the world's airlines were one cartel, they'd probably quietly agree among themselves not to use any SST's for a long time, and let the aerospace industry worry about its own problems.

But the facts of life are that our antitrust laws forbid any such conspiracy here, while the foreign airlines hope to get the transoceanic business with Concordes if they can.

Conceding that a good SST would be the superior competitive plane, our airlines don't dare stay with 747's once BOAC, Air France, *et al.*, or their own American rivals, are offering 1,350 mph flights over the seas. You *can* stick with the Model T, but only if your competitors don't go you one better.

So our overseas airlines are going along on both sides of the SST fence, while worrying chiefly that they haven't yet paid for their 747's. They are reserving Concordes in order to be able to compete as soon as European lines are flying them, and reserving and investing in Boeing's too. Ten airlines have put up $60 million for Boeing development, which may be credited to future purchases. Twenty-six of them have deposited $22.4 million as down payments to reserve 122 Boeing SST's when and if they are produced on schedule.

In official expressions, recognizing the facts of life, airline presidents have said they are for the Boeing SST and want to be sure it's a good one.

This about sums up the factual situation that foreign competition makes SST's a dead certainty, and our debate is really about whether we should willfully deprive ourselves of the business. It's the story of the small fighter plane all over again. We didn't prevent little nations from buying combat planes when we refused to sell them, we just sent the business to France.

This does not dispose of various objections dealing with air pollution, noise pollution, and various claimed damaging effects in the upper atmosphere—from destroying the ozone shield to altering the climate.

These objections have a high emotional content, and some of them a fear content. It is extremely difficult to find a factual basis for them except for some truths that are out of proportion to their conclusions. Several of them are of this sort: "Arsenic is poison. There is arsenic in sea water. So sea water will give you arsenic poisoning."

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[*] For simplicity, we pretend that the airlines buy the planes themselves. Actually, they are sometimes financed by pools of large investors and rented to the airlines.

It will not, because the volume of water you'd have to drink would kill you first.

Predictions that SST's would alter the climate claim that the moisture left in vapor trails at 65,000 feet would remain there and accumulate a cloud level over the earth in time. There are no known facts to support such a prediction. SST's can hardly ever produce vapor trails when cruising at 65,000 feet. One severe thunderstorm can deposit as much water in the stratosphere as 400 SST's flying four transoceanic flights, and there have been up to 6,000 thunderstorms a day for untold millions of years.

By the same token, there is no basis in known fact for the allegation that water deposited at high altitudes by SST's could destroy the ozone layer, which acts as a shield to keep out damaging ultra-violet rays from the sun. Again, the insignificance of SST water contributions to the total vastness of the atmosphere allows no such prediction. The problem has been carefully studied. In the absence of any evidence supporting such allegations the studies continue, however, since the subject is not a trivial one even if the supporting evidence for the charges is lacking.

Since amateurs are sounding off on these subjects every day, the public is at least entitled to access to the following expert opinion released by the Department of Transportation:

"Two scientific groups—The National Research Council of the National Academy of Sciences, and the Office of Meteorological Research—have studied the situation and report that there will be no appreciable disturbance of the earth's normal atmospheric balance by a fleet of SST's making 1,600 flights per day."

How about ordinary pollution by smoke, hydrocarbons and other exhaust pollutants? Jet engines don't pollute as much as internal combustion engines. The latest jet engines have smokeless burners that reduce emissions for ground operations by 70% for smoke particles and by 45% for smog ingredients. The SST's will have better pollution control equipment, since the latest in pollution-control design will be engineered into them from the start.

A Boeing SST fully loaded, going at top speed, will be the polluting equivalent of three cars doing 60 mph. If the maximum of 500 planned Boeings were all flying at once, they'd pollute the world's atmosphere about as much as the next 1,500 cars to pass on your nearest thruway, and far less than the more numerous slower planes they'd replace.

Present Boeing design suggests that one Boeing SST will make a little more sideline noise on runways and takeoff than a 707 or 747. Boeing engineers are betting that with eight years to work on it their intensive research into noise control will make the SST as "quiet" as (ie: no more noisy than) any other jetliner. But the present design is noisier.

SST's should relieve airport and airways congestion. They'll fly far above the presently-used air lanes, and, like the 747, permit more passengers to be moved on fewer flights. Such haul capacity may become absolutely necessary the way public air travel keeps growing.

But both the pros and cons of these sidelight issues are not part of the essential case for the SST. The economic meaning of the big ships to 4 million Americans and our total economy is the big case for the SST.

PREDATOR CONTROL PROGRAMS

Mr. NELSON. Mr. President, I submit for the Record two excellent articles written by Michael Frome, the conservation editor of Field & Stream.

Mr. Frome is one of the country's most distinguished environmental writers, both knowledgeable and highly respected in his field.

The first is an article entitled "Predators, Prejudice, and Politics," published in the December 1967 issue of Field & Stream. The article examines Federal "predator control" programs of trapping, shooting, and poisoning certain species of animals.

It reaches one overwhelming conclusion: that these activities "have reduced some of the rarest, most beautiful, and superbly adapted species of our wildlife heritage to the brink of extinction."

The second piece is a speech entitled "Elimination of Herbicides and Pesticides To Protect Biotic Diversity," which Mr. Frome delivered at the annual meeting of the Society of American Foresters in Las Vegas, Nev., on October 14 of this year. The speech deals with the direct or indirect biological engineering through which man is steadily eliminating species of plants and animals in many areas for his own shortsighted purposes.

I ask unanimous consent that the articles be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Predators, Prejudice, and Politics

(By Mike Frome)

The tragic fiasco of Federal predator control as we know it today began half a century ago, during World War I. At first it was a means of eradicating wolves in order to save beef for our troops and allies. Then the sheepmen enlisted the Government in a program to kill coyotes in their behalf. Wars have come and gone, but we have been stuck with predator control programs ever since.

Now the Government has admitted that the principles and practices in predator control are wrong, a needless annihilation of millions of animals, a waste of money, a political boondoggle. The Secretary of the Interior has acknowledged a fifty-year blunder by an agency of his Department. This he did by accepting with praise a report of his Advisory Board on Wildlife Management, a document which constitutes a penetrating criticism of past performance, and by directing major reforms, overhaul, and a new approach for the future.

It is now three years since Secretary Stewart L. Udall received the historic Leopold Report, so named for Dr. A. Starker Leopold, the distinguished wildlife biologist who served as chairman of the Advisory Board. It is two years since Secretary Udall ordered the old Branch of Predator and Rodent Control (PARC) to be renamed the Division of Wildlife Services and to have its functions recast. But is it that simple? Can deepset prejudices be reversed, and political opposition overcome by an executive order? If we have been damaging the natural resource for half a century and longer, can we stop overnight—or will it take another half century?

I have been pondering these questions and asking them of scientists, sportsmen, stockmen, state fish and game directors, and Federal officials, and have covered the range of interested organizations from Defenders of Wildlife to the National Woolgrowers Association. Above all, one conclusion stands out:

Indiscriminate trapping, shooting, and poisoning have reduced some of the rarest, most beautiful, and superbly adapted species of our wildlife heritage to the brink of extinction, although they constitute a resource that could be enjoyed and harvested by sportsmen under good management practices. The war on predators has been waged with little scientific knowledge of their beneficial roles in the biotic community, with little moral or ethical consideration for man's responsibility in conserving natural life as an integral part of the environment.

Predator control is often seen as an issue stirring emotion and controversy. It should be. The true wolf is virtually gone except in Alaska, on Isle Royale National Park, Michigan, and in Superior National Forest, Minnesota. The puma, the mysterious big cat known variously as panther, cougar, and mountain lion, once found in every state except Alaska and Hawaii, and the grizzly bear are so rare they require nearly complete protection in national parks, national forests, to demand control. Yet there is no one to deny that the sight of a grizzly conjures the image of daring and primitive times, that a coyote's song lends excitement and a dimension of natural truth to a still desert evening, that the bobcat does more good in killing rodents than harm in killing a few game birds.

Poisoning, in particular, whether by accident or deliberate design, has taken a heavy toll of many of the flesh-eating mammals called predators. The virtual disappearance of the black-footed ferret, now considered the rarest American mammal, must be credited to poison programs aimed at the eradication of prairie dogs and other rodents in the Great Plains and Rockies. The harmless, beautiful kit fox and ringtail cat may be nearing habitat, from poison baits set for the coyote.

If one decides place blame for this unfortunate travesty, there is plenty of blame to go around. "Federal predator control is perpetuated by misguided ranchers and Congressmen," William A. Towell, executive vice president of the American Forestry Association, declared three years ago when he was director of the Missouri Conservation Department and setting a pace for the nation in enlightened wildlife management. Mr. Towell was right, as far as his statement went. The sheepmen and the legislators they influence are responsible, but only partly so.

Some Federal officials themselves have been zealous in perpetuating the bureaucracy. It is much easier to start a program at taxpayers' expense than to end one. For example, the oldtime Government trappers, according to Paul Maxwell, of Grand Junction, Colorado, who was one of them, would ask their superiors, "Why carry on a campaign against the bobcat when it is a proven fact they never kill lambs?" "We know that," the supervisors would reply, "but don't tell the sheepman. Keep him thinking the bobcat is as much a killer of lambs as any other predator."

There are still other forces. Many Federal programs start when states hope they can get something for nothing. The states have the legal right over resident wildlife, yet they relinquish too willingly the right over predators, on the grounds they are non-game species, to the Federal Government. Further, some of the state legislatures throw good money after bad on control, either by contributing so-called "cooperative funds" to the Federal agency or by running programs of their own, or doing both, often against the best advice of their state game directors, who regard wholesale predator control as a poor wildlife management practice.

Basically, the blame lies deep in the national conscience. Since pioneer days, agricultural and sports thinking has been aimed at extermination of all competitors—the "varmints," the grizzly, timber wolf, cougar, golden eagle, bald eagle, fox, hawk, owl, badger, mink, various snakes, and the alligator. Consequently, the Federal programs were conceived in the dark ages of management, at a time when life-history studies of wild animals in their environment and in man's were first dawning. It was an age when the bounty was in flower, a terribly fraudulent, wasteful system, biologically unsound,

XUM

ineffective, costly and corruptible, an instrument of getting money from the state house into the counties, a system which lingers to this day out of biological illiteracy and political expediency.

It was normal in those days for sportsmen and naturalists to assume that the meat-eating mammals were the main cause of certain seasonal and cyclical variations in the numbers of animals which man may have wanted for his own enjoyment and profit. The key to successful game management was thought to be elimination of the species which preyed on the game. Thus, Theodore Roosevelt, the hunter, conservationist, and President, understandably described a cougar treed at the rim of the Grand Canyon as "a big horse-killing cat, the destroyer of the deer, the lord of stealthy murder, facing his doom with a heart both craven and cruel." Such thinking led to establishment in 1906 of the Kaibab Plateau, on the north rim of the Canyon, as a national game preserve. It was an area that had been inhabited for centuries by a herd of some 4,000 deer, together with a thrifty herd of mountain lions. When the preserve was established, however, deer shooting was terminated and Government hunters were ordered to clean out the predators. Within twenty-five years, the kill was reported at 781 mountain lions, 30 wolves, 4,889 coyotes, plus an untallied number of eagles.

The deer numbers grew, as expected. By 1924, the total herd had reached 100,000. Then came the inevitable and unexpected: deer perished by the thousands, while the survivors ate every available leaf and twig, destroying almost 90 percent of the range. Though hunting was resumed and a thousand animals taken annually, the numbers still declined. By 1930, there were 20,000 deer left, by 1940 only 10,000. It was a tragic, costly mistake repeated in parks and forests all over the West.

In Yellowstone, with cougar and wolf eliminated, the coyote reduced, and ancient winter migration routes cut off by human settlements, thousands of elk, following *their* population explosion, starved and reduced the range to a point from which it will still take decades to recover. The lessons learned were simple and direct: A given range will support only a certain number of animals, whether game or domestic. Predators take only small numbers from the animals they prey upon and are probably essential to maintenance of a healthy, virile population.

These lessons are emphasized in a study of recent years conducted at Isle Royale National Park under the leadership of Dr. Durward Allen. The moose had reached that remote island in Lake Superior early in the century and by the mid-thirties had increased to between 1,000 and 3,000. The food supply dwindled rapidly, the moose depleated the browse (as the deer had at Kaibab), and many died. The cycle repeated itself a few years later. Then, in the winter of 1949, a band of timber wolves crossed the 15-mile icy stretch from Canada, opening a new era. Dr. Allen and his associates observed that the wolves claimed the old, the diseased, the heavily parasitized, and the weak young among the moose, hardly ever those between the ages of one and six. As a result of natural selection, the closely cropped herd of 600 today is healthy, among the most productive on the continent, bearing a high proportion of twin calves. The wolves, moose, and browse have achieved a balance.

Isle Royale may be isolated, but most principles learned there apply to predator-prey relationships all over the world. Hunting plays an important role by helping to remove excess population but, unlike natural predation, hunting does not necessarily select the weak unhealthy specimens. When the predatory population is excluded from a natural community the weaker members remain, weakening future generations of the species. But natural predation keeps the old and weak individuals to a minimum, benefitting the hunter as well as the herd.

"Predation maintains qualities of wildness in game species that we admire," as William Towell puts it. "Domestic animals have lost the art of protection developed in the wild. Fleetness, grace, alertness and deception give the hunter a feeling of challenge and pride not found in killing a chicken or a cow. The animals that have these qualities are the products of centuries in their struggle of survival from predation."

Despite the laws of modern wildlife biology and management, Federal predator control has been a going thing for more years than we like to remember. The total kill in a year's time is almost 200,000 animals, half of them coyotes. The remainder are lesser numbers of lynx and bobcat, bear, mountain lion, wolves, plus thousands more of badger, fox, opossum, porcupine, racooon, skunk, and others.

Most of the Fish and Wildlife Service in the Department of the Interior is concerned with protection, perpetuation, or management of birds and animals. But one branch, PARC, has made its way by following the paradoxical course of extermination and by providing a special service to a commodity-producing, profit-making industry.

After fifty years, livestock growers have come to expect total protection, as a substitute for their own effort. Predators *do* cause damage; those of us who prefer natural ways have no more right to deny that individual cougars, coyotes, and bears kill sheep, and occasionally calves, than stockmen have the right to accuse the entire species. Where economic liability is clearly demonstrated, the owner is justified in protecting his interests. Where problems are acute, Government advisory service is reasonable. But we now have the major responsibility assumed by tax-supported agencies, serving a privileged segment of the public, rather than the entire public. In many areas, special levies are assessed against livestock on a per-head basis. But these rarely cover 25 percent of the cost. The rest comes from county, state, and Federal funds, and much of it is paid by sportsmen.

The bulk of these activities are centered on the national forests and public lands of the West. Not only has there been an abrogation of responsibility in diverting public funds to serve a special interest, but that interest, the sheep industry, has caused more damage to the land through the years than any other force. Overgrazing, first at lower elevations, now on alpine meadows, has ruined millions of acres, removing plant cover, disrupting animal communities, and devastating the watershed.

The statement is often made by the cracker barrel and barbershop experts that predation, not the starved-out range, makes sheep raising impossible. But Durward Allen points out that "overgrazing sets vegetation back to early stages of succession, and hence ground squirrels, pocket gophers, woodrats, hares and rabbits are most plentiful on misused land. Likewise, more of such prey species may well contribute to coyote abundance." Or, as Dr. Rayman Dasmann writes, "Monoculture over broad areas favors irruption of pests, as does any land use which greatly simplifies natural communities. For some of the more serious pests, such as ground squirrels and jackrabbits, habitat destruction often means simply protection of the land from overgrazing. A first step in any control is thus good land management." And good land management is a way of life which sheepmen, as a class, are just beginning to appreciate and accept.

One could take this a step further in an ethical review of history. We should recall that wolves were forced to prey on domestic stock by the elimination of large animals like the bison. Nevertheless, the mountains could have provided a refuge if grazing had not become such big business. Should wolves, coyotes, and cougars be destroyed on public land so sheep may graze safely and the sheepman, a guest on the land, profit thereby?

Or to put it another way, had cougars remained to concentrate on their favorite prey, deer and elk, they would have left a part of the carcass for coyotes, bobcats, bears and other meat-eating scavengers. These leftovers might have eliminated, or at least reduced, their need to make fresh kills in the barnyard. Or, to quote A. D. Coleman, of the Colorado Fish and Game Department, "Trapping and poisoning of the so-called predators for monetary gain, whether bounties to individuals or appropriations for officials, has been a racket for many years. With carnivores like bobcats, coyotes, foxes, and badgers killed off, rodent populations flourish and multiply, ruining untold acres of grasslands. This results in larger rodent and grasshopper poisoning programs, and appropriations of more millions to control these real pests."

Predator control agents have been able to utilize a wide variety of weapons. They have dispatched the enemy with both sophisticated and guerrilla warfare: shooting from planes; hunting and gassing dens; actual physical strangulation (sometimes called "gopher choking"); chasing down the quarry with cars and dogs; setting steel traps (which the Leopold Report called one of the most damaging techniques since many animals besides the offender are likely to take the bait); setting cyanide guns, or "coyote getters," which shoot poison into a predator's mouth (or any other mouth, including a human's) when he touches a bait, and scattering suet pellets impregnated with strychnine over the countryside like wheat seed.

Poison has long been a special favorite. Strychnine, the old reliable, was first used in the 1850's, when fur hunters turned to wolves and coyotes after decimating the beaver resource. A special trick in modern control is to inject strychnine into hens' eggs to catch coyotes and sometimes, by mistake, raccoons. Then came thallium, a highly toxic material developed by the Germans during World War I, guaranteeing a slow, agonizing death. For twenty years it was the main instrument in the arsenal of chemical warfare against predators. The death toll rose; there may have been carelessness in control techniques, as biologists charged, but field men were eager to make their quotas and to qualify for the elite "200 Clubs," reserved for those who could claim 200 coyotes to their credit.

The pinnacle of refinement, Compound 1080, sodium fluoracetate, was developed during World War II when red squill, or rat poison, was hard to get. It is tasteless, odorless, colorless, particularly lethal to members of the canine family; but man, too, is highly susceptible and it has caused human deaths—there is no known antidote.

The sequence in employing 1080 against coyotes is as follows: first, the compound is dissolved in water and injected into a freshly killed horse, and is carried by the still-active blood system through the entire carcass. Then, large chunks are placed at likely "stations" in the wilds during the late fall, presumably to be picked up in the spring, unless picked up earlier by the intended victim. The animal may go as far as 10 miles before dying. Any other which feeds at the dead carcass also becomes poisoned; it affects as many as five or more animals in a continuous chain reaction, including game species in its toll. In this manner, predator control strikes not only its own target but the resource which sportsmen seek to conserve.

"Far more animals are being killed than would be required for effective protection of livestock, agricultural crops, wildland resources, and human welfare," the Leopold Report declared. "Control has developed into a semi-autonomous bureaucracy whose function in many localities bears scant relation-

XUM

ship to real need and still less to scientific management."

This was no instant revelation. "I found out while writing my book," J. Frank Dobie, scholarly Texan and biographer of the coyote, warned years ago, "that the hierarchy of 'Control' care nothing at all except to keep killing and to keep increasing their jobs." Equally blunt are the words of Dean Coleman of Colorado: "In the wake of Compound 1080's dramatic discovery has followed widespread tragedy to wildlife, and almost unbelievable official incompetency, complacency, and concealment."

Now we have the "new look" in control. But how good is it? On the face of things, changes have been made for the better. The director of the new Division of Wildlife Services, Jack Berryman, is a respected biologist with a background of conservation activity in Utah, and a tough row to hoe in Washington. When the Interior Department endeavored to reduce the expenditure on control, the sheepmen's lobby in Congress restored it. When a regulation was announced calling for a written justification wherever it becomes necessary to take a bear or lion threatening livestock, an uproar of objection erupted among sheepmen and politicians in Colorado, Utah, Wyoming, and New Mexico.

Nevertheless, advances are evident. Berryman has begun a program to reeducate the field men. He has demoted some die-hard personnel and fired others for continuing the indiscriminate control practices and for promoting their services to state, county, and stockmen's associations. He has hired college-trained biologists for work in Washington and in the field. In trying to shift the agency's base of activity from predator control to wildlife in general, he has taken on new responsibilities for habitat enhancement on Indian lands and military reservations, and participates in surface mining studies and pesticide surveillance. These programs are promising and deserve encouragement.

XUM

The zone of activity of predator control is shrinking. As Berryman told me, "We keep retreating because of human hazard and increased human activity." In each state, a work plan is now developed annually, based on land zoning and management plans of local, state, and Federal resource agencies. Such procedure was never required before. Now, through cooperative agreements, National Forest supervisors and BLM district managers are responsible for decisions as to areas of control or no control, with Wildlife Service responsible for providing the technical means.

The program, according to a recent statement of policy issued by the Bureau of Sport Fisheries and Wildlife, will be directed "to insure the maintenance of the varied wildlife and wildlife habitats of the United States." It will endeavor "to reduce animal depredations as selectively as possible, and to direct control at the depredating individual or local depredating population . . . when and where there is a demonstrated need." Above all, "Ecological principles must guide those situations where animal numbers must be regulated or managed."

Unfortunately, the word is easier than the need; there is no simple, sure way of reshaping an old line agency in which concepts of "good" and "bad" animals are deep-rooted, and extermination of the latter was its main reason for being.

For example, according to James T. McBroom, Assistant Director of the Bureau of Sport Fisheries and Wildlife, "It is a fact that coyotes kill sheep—sometimes more than they can eat. This is the nature of the animal." Unquestionably this is the nature of certain coyotes in certain circumstances; there are coyote outlaws as there are human outlaws. But by failing to recognize variations, Mr. McBroom perpetuates the ancient indictment of an entire species.

The same philosophy is found in the field, where the work is done. At a hotel in Portland, Oregon, a promotional display selling the Division activities to the public showed a bobcat attacking a turkey; a coyote gloating over a dead calf; a badger eating birds' eggs, and a farmer terror-stricken by a rabid fox. For an agency presumably concerned with spreading ecological enlightment this was a horror show.

What might have been shown?

Perhaps a healthy calf, with its mother nearby, having little or nothing to fear from coyotes. Most cattle ranchers, in fact, forbid predator hunters to operate with poison on their ranges; they want the coyotes left alone to clean up carrion, and prevent overabundance of rodents and rabbits that compete with stock for forage.

Perhaps the bobcat, timid and inoffensive as far as man is concerned, controlling gophers and mice, while the poultryman takes precautions in his physical setup to prevent intrusion from semi-wild dogs and cats, as well as wild predators.

The badger could be depicted by its new Federal champions as an interesting and harmless creature, not only feeding on rodents but aiding soil formation by its burrowing. And the odds of a human catching rabies from foxes could be shown as one in a million, with insects, domestic and semi-domestic animals far more potent transmitters of the disease.

Above all, if the Federal Government is truly determined to set an example in proper management, in behalf of all the public, there should be no apology for the existence of predators in this civilized age. Nor of predation. We are all, in some sense, predators, from the pitcher plant feeding on insects, the lark devouring grasshoppers, the bass swallowing minnows, up to the higher mammals and man himself. Predation is an essential instrument in the harmonics of all living things; even more, predation is a beneficial instrument, a management tool, as man has learned by using predation of sport fishing and sport hunting to harvest surpluses and thus to improve the species in the process.

The Federal agency is much too committed to the principle of mechanical control. "We live in a synthetic environment, modified by the most complex civilization in the history of man," according to Jack Berryman. Therefore, he downgrades the balance of nature on the grounds that there is nothing left of the original balance. However, even before man touched America there was no status quo, or real balance, considering the effect of glacial ages, causing vegetation shifts and forcing animal species to adapt to new environments. "Balance" fluctuates as conditions of climate, soil, water, and other factors change their influences.

In its statement of policy, the Bureau of Sport Fisheries and Wildlife pledged to conduct studies in "animal ecology and life history biology, seeking alternate methods of control." But the reliance on poison continues and the research seems directed toward devising a better coyote-getter and coyote birth control chemicals, rather than toward habitat management or securing the place of all animals in the total fauna.

There is still, after all, the old urge to furnish a special service to a special-user group. So Bureau officials speak of the national parks as "reservoirs of predation," requiring extra control measures around their borders, instead of as laboratories of predator-prey relationships deserving buffer zones where predators are not subject to systematic control. The pity is that the National Park Service lacks the courage to stress enhancement of ecosystems with wide-scale reintroduction of predators into their native habitats. The kit fox should be restored and protected in the Redlands National Monument. The wolf and mountain lion should be restored in fitting numbers to Yellowstone and Glacier, vast areas buffered by surrounding National Forests. Certainly both these fascinating animals are needed to play their roles in management of the overstocked Yellowstone elk herd.

But officials and agencies are inclined to move slowly, rarely with daring. Reforms in predator control have come as the result of public pressure, rather than official initiative. That Forest Service and BLM land managers now have the authority to approve or reject proposed poison campaigns is not in itself impressive, considering that for years many of them, with notable exceptions, have abdicated their responsibility for wildlife habitat by accepting these campaigns. How they exercise their authority in the future is another question. Will they challenge each proposed bait station or trap until the need is clearly and fully demonstrated? Will they think of the short-range interest of the commodity user or long-range values of predator management and recreational potential?

In the Pacific Northwest today, both the BLM and the Forest Service have accepted widespread use of 1080 in timber country in order to kill mice, squirrels, and chipmunks that feed on seeds. This is the easy way. One land manager I know, however, has banned poison on his district; he prefers more predators—not only to control rodents but to help harvest the surplus deer that browse and destroy young trees.

The Forest Service has cooperated with the states of Oregon, Idaho, Montana, Wisconsin, and Michigan in reintroducing the fisher, a weasel-like animal as large as a fox, decimated years ago by the fur hunters. It did so to provide a natural predator on the tree-girdling porcupine (though other reasons should have been present). Since most foresters consider the porcupine a major pest, the cougar's role should not be underestimated, since in many areas the porky ranks second to deer in that animal's food supply. It is perfectly true that the cougar is capable of inflicting serious damage on a band of sheep, but predation is usually confined to individuals, not the species. Even so, where sheep are grazed on public lands that are prime cougar habitat, in the name of multiple use and public interest should the cougar or the sheep be moved?

It is obvious that the nation needs both a new definition and a new evaluation of predation. We need to tear loose from the past with all its prejudice and seek a new yardstick. There is no doubt that the taxpayer has spent far more for predator control than he has received in economic benefit, but this isn't the point. We must measure benefits in terms of recreation, natural beauty, human integrity, and responsibility to resources of the American earth.

The sheepmen are incredibly ill informed and backward on this question. They grasp at any straw to hold back the great movement toward morality. "As ranchers and farmers, we are basically conservationists, custodians of the land," James L. Powell, of San Angelo, Texas, a vice president of the National Woolgrowers Association, said to me in offering an explanation of why predators should be controlled. "Therefore we must see to it that wildlife doesn't overpopulate." I venture that some sheepmen haven't the foggiest notion of the fundamentals of animal behaviour, though they have lived in the company of animals all their lives.

When Dr. Stanley A. Cain, one of this countrys' foremost ecologists, now Assistant Secretary of Interior, and previously a member of the Leopold Board, appeared before the last convention of the Woolgrowers, he declared that "the livestock industry, with few exceptions, has not seen fit to invest in research and development." For his troubles he was greeted by a spokesman for the die-hards, who said, to much cheering, that he would like to put a rope around Dr. Cain's neck and string him up.

But the fact is that neither the sheepmen, the Division of Wildlife Services, nor anybody else knows how many sheep are killed by predators, or what the cost-ratio of control may be. The best available figures on predator losses are maintained by the Forest Service in its annual grazing statistical report. But Dr. D. I. Rasmussen, director of the Forest Service's Division of Wildlife Management, admits, "It is a poor report at best, based on information from herders and owners, as well as observations of the rangers themselves. We need more objectivity."

No one can deny that lambs are taken by individual coyotes, mountain lions, and bears. However, it is sometimes difficult to tell the difference between a dog kill and a coyote kill. Coyotes are scavengers and will eat a stillborn animal or an after-birth. Lamb losses occur from weather, disease, inadequate forage, a variety of causes; all of these are apt to be blamed on the sheepman's hated enemy, the predator.

But even sheepmen, or at least the more progressive and practical of their number, are capable of opening their minds to new ideas. They must realize that the politics of conservation are against them, that they are no longer alone on the public lands, that the day of enlightened management will dawn with or without them. As a result, the National Woolgrowers Association, despite the reception given Dr. Cain, supported its leadership and adopted resolutions favoring better research into predator-prey relationships. Even more, the Woolgrowers, who for years have been clamoring for the death of every eagle, entered into an agreement with the National Audubon Society, the defender of eagles, and the Bureau of Sport Fisheries and Wildlife for a joint $28,000 study into the movements and variations of eagle population and the lamb and kid losses resulting from their predation. The object of the study is to provide a scientific basis for whatever controls may be necessary. And there are sheepmen who would like to extend this cooperation into other areas. Who can tell, they may even take the next step and recognize the value of stability on the grazing range, where habits of wild animals can be predicted.

The states contributing to Federal predator control, for one political reason or another, could insist that their money also be applied for research instead of poisons. South Dakota gives $121,000, Oregon $40,000, Nevada $40,000, Idaho $25,00 (with a stipulation that none of it be used for 1080), and so on—good money that could hire biologists to improve wildlife habitat. Now, the states make cooperative grants to the Federal Government for predator control, but perhaps it would be more logical to reverse the procedure, considering that the states have responsibility for jurisdiction over all resident, nonmigratory indigenous wildlife.

The Federal Government should restrict itself to furnish advice and leadership. This approach is provided in a bill presented to Congress last year by Representative John Dingell, of Michigan, which would declare a national policy recognizing the wolf, coyote, mountain lion, lynx, bobcat, bear, and other large carnivores known as predators to be among "the wildlife resources of interest and value to the people of the United States." It would establish in each regional office of the Bureau of Sport Fisheries and Wildlife a position of "extension mammal-control agent" to provide advice and demonstrations to state-employed specialists in methods of instructing farmers and ranchers on how to prevent depredations.

The Dingell Bill is patterned after a system used in Missouri for twenty years with undeniable success. It began after the state had tried the Federal trapper approach. During that period Missouri learned the best results came from trappers responding to requests of farmers with specific problems. These men were able to halt damage by catching the individual coyotes and other predators that were guilty of killing livestock. Losses over the years have declined dramatically; there are no longer loud complaints from any corner of the state. Farmers without damage do not waste their time chasing down imaginary or harmless predators. The system operates with one full-time control agent, a trapper and teacher, not a poisoner, who responds to requests from landowners for training assistance in eliminating guilty individuals. It is an efficient, economical system.

Most important, the Missouri Wildlife Code makes no distinction between predators and other forms of wildlife: the word predator is not mentioned. Control is conceived as a part of management to help the landowner solve his own problems through sound conservation practices. Publications and films explain predation as a necessary, beneficial part of life. The Federal Government has no documents like these.

The nation has a long way to go toward developing sound management of its predator resource. Research will provide a step in the right direction. Acceptance of the Missouri System by other states and a prohibition by law against the use of poisons with chain-reaction effects would be other positive steps. Placing sport hunting and trapping of predators on a sustained-yield basis could be a highly desirable form of resource use, certainly to be preferred over wholesale killing by professional hunters and waste of usable fur.

There is no single rule in predator control. As Dr. Durward Allen writes, "The answer is sometimes (locally and temporarily) yes, but more often (and in the long pull) no." The soundest rule will be written, of course, when the nation achieves a mature ethical, moral, and scientific evaluation of the predator's rightful role in its wildlife heritage.

ELIMINATION OF HERBICIDES AND PESTICIDES TO PROTECT BIOTIC DIVERSITY

(By Michael Frome)

The conservationist's essential cause is the protection and perpetuation of life, not simply his own life in its brief, transient human form, but the cause of life everywhere, in all its forms. His concern is for the interwoven life-environment of land, water and sky, embracing both the material, tangible essence and the intangible cosmic, or spiritual unity.

The idea may appear misplaced in this hectic age when death is commonplace—death on the battlefields, in the cities, on the highways, and in the conquest of nature. I will admit that life-love is an old fashioned idea, or at least an old one. It goes back to the pre-Confucian Chinese who described a society wherein "not only a man's family is his family but all men are his family and all the earth's children his children." And to the Psalmist who spoke of God: "For every beast of the forest is mine, and the cattle upon a thousand hills. I know all the fowls of the mountains: and the wild beasts of the field are mine."

Of all the forest technologists I know, very few at most either grasp or accept this meaning of life-love. They consider themselves to be very practical people; they appreciate the "realities" of economics and politics. They either tolerate or deride the conservationist as an idealist or a pantheist or a do-gooder who doesn't understand how to get things done. But exactly what is it that must be done?

According to an official of the Weyerhaeuser Company, Royce Cornelius, speaking at a forum on forestry education, the obvious function forest resource management graduates will fulfill in industry is to keep the wood basket filled and at the same time to be cost-conscious and to return a profit. "Time is money in industrial forestry," Mr. Cornelius declares. "To be competitive, every forest acre must be working to its capacity in producing wood fiber."

That may have been acceptable practice for yesterday, but it must be modified for tomorrow. If the United States is to endure and prosper as a nation, all land policy must henceforth be based on the foundation of environmental respect. The goals must be to provide a continuing supply of clean air, clear water, stable soil, natural beauty and open space, including wilderness. The only alternative will be the continuing decline in natural resources, national morale, and ultimate collapse. Thus we need to break with the past when land values were determined in narrow economic terms. We need to shape a new responsibility and respect for the total land resource.

This resource includes insects and weeds, the notorious pests, the unwanted in the practical world of people who get things done. It's amazing how little we understand or appreciate these life-forms. Many insects which we destroy indiscriminately are regarded in more frugal countries to be good food. Not all insects are dirty either; some, in fact, are cleaner than the residues of insect killers which farmers spread on their vegetables. By the same token, many plants we shun as "weeds" yield wholesome, palatable and edible fruits, nuts, leaves, stems, roots and seeds to those who care.

Without weeds, erosion and flooding would be rampant. George Washington Carver found a weed was something good, whose usefulness man had not been smart enough to discover. The potato was once thought of as useless, and the tomato as poisonous. When a soil loses fertility we pour on fertilizer, or at least alter its tame flora and fauna, without considering that its wild flora and fauna, which built the soil to begin with, may likewise be important to its maintenance. Some years ago it was discovered that good tobacco crops depend, for some unknown reason, on the preconditioning of the soil by wild ragweed. The same may apply on a broader front, for all we know. Moreover, I think of the beautiful weedy hillsides and swamps, the views of black-eyed susans, white daisies, arbutus and trillium, the wonder in the field of blooming dandelions, a weed if ever there was one.

Every effort is being made to eradicate such creatures from the agricultural scene. Farming has moved from a family way-of-life to a factory-in-the-field, based on large machinery, fertilizers and intensive monoculture, the source of profits to investors and industrial syndicates far from the land. Monoculture on the one-crop farm, or one-crop anything, favors the irruption of pests, as does any land use which greatly simplifies the ecosystem. Insect pests that result from the monoculture are becoming more of a problem every year. More toxic materials must consequently be used to cope with blights and plagues. The nitrogen cycle is broken and soils lose their nitrogen-fixing bacteria. The land mechanism becomes like the dope addict who needs his shot to function at all. Industrialization of agriculture is speeding up the biological functions of the life-community to the point where it cannot maintain a healthy environment for the growing plant.

All of this is done with sanction and encouragement from the Department of Agriculture, which is certainly no model of ecological responsibility. Despite its continuous insistence that chemical poisons are necessary to food production, individuals and local organizations all over the country are demonstrating this is not the case. One example is the 107-acre farm in Miami County, Kansas, managed by Dr. E. Raymond

XUM

Hall, the noted biologist of the University of Kansas, growing a full quota of corn, milo, soybeans and wheat, untouched by poisons, and with weeds controlled by the simple device called cultivation. The system produces more bushels per acre and more total bushels than the farms around it. "Furthermore," advises Dr. Hall, "under this system the fish in the creek grow big and do not die prematurely because of residues of pesticides that already have stilled the spring voices of five bird species in the woodland on and around the land that I manage."

As for our forests, plantations are now producing one-log or two-log trees on soil which originally grew three-log and four-log trees. The cause lies not in the tree, but in the micro-flora of the soil, which takes far more years to restore than to destroy. An acre of healthy soil is densely populated with millions of insects and tiny animals, diligent architects and engineers sifting air and water, returning valuable nutrients to build the soil in support of higher life-forms and transferring energy along the food chain. Insects and animals benefit plants by carrying pollen. Wherever insects are abundant, other insects come to eat them. An abundance of insects produces an abundance of birds, a fact generously ignored or unknown in the widespread dispensation of chemical poisons.

The conservationist recognizes the mechanism in the "pyramid of numbers," that is, a very great number of very tiny organisms at the base, supporting a slightly smaller number of still larger ones, and so forth, with each level depending on the one below it. The tragedy, to paraphrase Dr.. Howard Ensign Evans, of Harvard, is that "practical" members of the human society at the top of the pyramid have difficulties understanding the creatures on the bottom, though without them the whole edifice would come tumbling. To state it another way, they have not learned that economic parts of the biotic clock will not function without the uneconomic parts.

"Forest entomologists have directed a major portion of their time and talents to finding ways to put the insects down." So declared the Chief of the Forest Insect Research Branch of the Forest Service at the meeting of the Society of American Foresters in 1969, as reported in the Journal of Forestry. He expressed his concern over both actual and what he called "threatened" losses from insects and lamented criticism of large scale aerial spraying of DDT and other hard pesticides.

"Most of us," he declared, "are familiar with successful uses of DDT and other synthetic chemicals" in controlling a long list of insects extending from spruce budworm and gypsy moth to white grubs and other pests in nursery beds. "In fact," William Waters continued, "there are very few forests insect pests for which no chemical control method has shown at least partial success."

Is that actually the case? The Forest Service, other federal agencies and private landowners have sprayed millions of acres, with the inevitable result. Poisoning the ecosystem removes our allies (birds and predacious insects). Since prey build up faster than predator, it becomes necessary to spray again and again. Insects that were never any bother are released from predation, become pests, and have to be controlled. Despite Mr. Waters' expression of pride and confidence, it appears our forests were beset in the last year with many new varieties of insect pests. In 1970 recommendations in Agricultural Handbook No. 331 lists 34 new insects not mentioned in the 1969 recommendations, and of these 34 new threats to our forests, the Forest Service recommends chlorinated hydrocarbons such as DDT as the controlling agent for 27.

Dr. Robert van den Bosch, Professor of Entomology at the University of California at Berkeley, writing in the April, 1970 issue of Environment Magazine, makes the following points: (1) There are now more insect species than ever before. (2) Over 200 of these pests have developed resistance to chemicals. (3) Costs of pest control have increased strikingly. (4) Pesticides have polluted the atmosphere. I challenge foresters and forest entomologists to disprove these assertions.

Pest organisms ordinarily have large populations—that, indeed, is why they are pests. "The large size of their population," writes Dr. Paul Ehrlich, of Stanford, "makes them much more likely to have the kind of reserve genetic variability which leads most easily to the development of resistant strains. Therefore, extermination of a pest by use of synthetic pesticides is unlikely—and in fact, virtually unknown. The usual picture is one in which the pesticide decimates the natural enemy of the pest, while the pest develops resistant strains. These problems of pesticides are just one example of a trend which has accompanied the expansion of the human population. The more we have manipulated our environment, the more we have been required to manipulate it. The earth has come largely under the control of a culture which sees man's proper role as dominating nature, rather than living in harmony with it. It is a culture which equates 'growth' and 'progress' and considers both as self-evidently desirable."

Now we may be facing the worst on our public lands. Either through the National Timber Supply Bill, the dominant use principle of the Public Land Law Review Commission, or the President's own directive on timber, receipts from timber sales are apt to be earmarked directly for single-use management. Under this circumstance, wildlife habitat will be sacrificed to speed timber growth. Food plants will be poisoned to remove them from competition with the so-called desirable, or most profitable, timber species. Game cover will be eliminated. If thickets are of inferior species they will get the "release" treatment. If thickets happen to be of a commercial timber species, they will be thinned to an even spacing and pruned. This would make easy shooting, but with food and cover eliminated there won't be much game to shoot at for long. This is called intensive, high-yield, dynamic, multiple-use management.

Item 6 of Section 6 of the Timber Supply Bill provides for using fertilizer to speed timber growth. The "most efficient" way to apply fertilizer to a forest is by broadcasting, probably from a converted bomber. Much of it will wash into streams where it will promote the growth of algae. Thus while the President has asked for a program for clean waters, Congress will consider authorization to foul up what little clean water we have left.

Chemical poison, of course, has been implicit in forest technology for quite some time. In fact, I considered tilting this talk, "Can Forest Technology Survive Without Poison?" On July 25, 1955, the Department of Agriculture announced the Forest Service was spraying 2¼ million acres of spruce-fir forest with DDT from planes at a cost of more than 2½ million dollars. The news release stated: "One pound of DDT mixed with one gallon of fuel oil is sprayed per acre. This light dosage will obtain a thorough kill of budworms, but the spray is not destructive to fish, birds, or wild or domestic animals."

The Forest Service had the chance to learn early and reverse course, for soon after there appeared in Nature Magazine an article by a scientifically trained observer, Vernon Bostick, describing the effects of such spraying in Carson National Forest of northern New Mexico. "The Forest Service claimed at 93 percent kill of budworms," he wrote. "Their success on other insects, except ants and bark beetles, seemed even higher. Every leaf of every plant on the forest floor seemed speckled with brown spots where the droplets of fuel had landed . . . It is hard to imagine such vast acreage so completely devoid of insect life. I found all larvae killed, from the tiniest midges to huge, three-inch-long willow-fly nymphs. It was a thorough job."

Mr. Bostick raised these questions, which one may raise anew with reference to such chemical poisoning: With no insects, what would become of insectivorous birds? Adult birds could migrate, but how could they raise their broods? And what of game birds—particularly since grouse and turkey populations seem to correlate with the abundance of forest insects?

He also raised the question of whether spraying for spruce budworm constitutes good forest management. Spruce budworm is a native forest insect. It has been with us as long as our forests. We still have forests and they are fairly productive. When conditions are favorable, insect populations tend to build up to epidemic proportions. This, of course, makes things favorable for their parasites and predators, and these also increase in number. The combination of reduced food supply—the direct result of over-population—and an increase in their enemies soon wipes out the epidemic and reduces the insect to normal numbers.

"The promiscuous use of DDT kills friend and foe alike. The budworms surviving the spraying (7 percent of an abnormally high population) are free to multiply, unhindered by their normal enemies. Heavier dosages will be needed," the author predicted, then concluded, "It would seem obvious that no agency can dump more than a thousand tons of DDT, and millions of gallons of fuel oil, from planes without creating havoc with the balance of nature."

Who prescribes the poisons being employed in forest technology?

"Most of the modern insecticides and herbicides are ecologically crude," writes Dr. van den Bosch. This largely stems from their having been synthesized by chemists at the behest of chemical company managers and salesmen. They know how to mix poisons, but have no appreciation of their impact. The salesman serves as diagnostician, therapist and pill dispenser, with aid from collaborators in the agricultural establishment. He analyzes the pest problems, recommends the chemicals to be used, and promotes their sales through advertising and merchandising techniques. He doesn't have to demonstrate his professional qualifications, nor is he licensed. Yet he meets ecological problems with deadly, disruptive chemicals.

Example: The Douglas, Arizona, Dispatch of February 13, 1970 reports that, "Weed control chemicals of value in this area will be discussed at a meeting at the Wilcox Veterans Club, Wednesday, February 18, 10 a.m. to noon. A buffet dinner will follow sponsored by the chemical companies. This is a joint effort between dealers in agricultural chemicals and the University of Arizona Cooperative Extension Service in Cochise County. Industry representatives will point out the merits of the chemicals they produce."

Example: A lone gypsy moth is trapped in Shenandoah National Park, Virginia. No egg masses are found. No female of the species. No other evidence of infestation. An urgent meeting is held at Park headquarters. Those present include park personnel, representatives of the U.S. Department of Agriculture, Virginia Department of Agriculture, and the state agriculture college. There is no ecologist present. The meeting is not publicized, yet there are two outsiders, salesmen for Union Carbide Company, manufacturers of a chemical poison called Sevin. Both Massachusetts and Connecticut long ago gave up trying to eradicate the gypsy moth. New Jersey does not recommend spraying for anything less than 500 egg masses per acre. Yet the Park Service acquiesces and surrenders its re-

XUM

sponsibility for management of a natural area. It then defends itself on the grounds Sevin is "an approved non-persistent pesticide." It does not reveal that Sevin is patently non-selective, that it kills beneficial insects, threatens birds and other wildlife, and of itself can kill birds. Sevin is extremely toxic to honeybees, the indispensable pollinators, with long-lived adverse effects upon the food chain. Although people should not be exposed to Sevin because it has caused a high incidence of birth defects and malformations in test animals, the Park Service approves spraying around the campgrounds of Shenandoah National Park

The people are being led astray. They are not being protected or represented. One may wonder whether the purchasers of these poisons are shooting in the dark, too. In 1968 the Pesticide Registration Division of the Department of Agriculture was criticized by the General Accounting Office for failure to initiate a single prosecution, despite evidence of repeated violations. In April, 1969, the director of this Division admitted at hearings in Madison, Wisconsin, that his agency registers pesticides mainly on the data supplied by chemical manufacturers without analytical checks of its own. On May 7 and May 24, 1969 the affairs of this agency were the subject of public hearings by a committee of Congress. I commend to your reading the report on "Deficiencies in Administration of Federal Insecticide, Fungicide, and Rodenticide Act," issued by the House Committee on Government Operations, dated November 3, 1969. It tells a shocking story of flagrant abuses, laxity, conflicts of interest involving PRD employees and pesticide manufacturers. Since passage of the Act of 1947 until the time of the hearings, USDA had never removed a pesticide from the market over the objections of the manufacturer—except once, when Shell Chemical Company complained about a competitor's product, which was then suspended and removed from the market within four days.

The House Committee found that HEW had objected to 1,633 proposed registrations or re-registrations in a five-year period. But neither HEW nor Agriculture could report to Congress how many of these products were registered, since PRD did not keep records or advise its sister agency. Safety warnings were found highly contradictory. For instance products containing *thallium sulfate*—a highly toxic ant and rat poison—bore warnings that the poison should be kept away from children. However, directions for use called for the product to be placed on floors and in other places accessible to ants and rats—and obviously to children as well. Products containing lindane and DDVP bore warnings against contamination of food, but their labels indicated they were approved for use in restaurants under conditions practically certain to result in contamination of any exposed food. A fly and roach spray product cautioned the user, "Use in well ventilated rooms or areas only." But directions for use began, "Close all doors, windows and transoms." This reminds me of the following printed cautions in the use of Sevin: "Keep out of reach of children and animals . . . Harmful if inhaled or swallowed . . . Avoid contamination of food, feed, water supplies, streams and ponds . . ." followed by directions for aerial spray.

The investigation happened in Washington. The House Subcommittee found PRD a dismal failure in its responsibility to protect the public from hazardous pesticide products. Yet, as though to complete the hoax, the garden editor of the Washington Post glorified the PRD and the use of chemical poisons. On July 11, 1970, with the report easily available to him, he wrote as follows:

"The USDA Pesticide Regulation (sic) Division employs a large number of well equipped biologists, entomologists, pharmacologists, toxicologists, bacteriologists, and plant pathologists. One cannot imagine the amount of dedicated talent there is here. These people are experienced experts with access to every kind of detailed information about pesticides and with authority to require any additional information they may need from the registrant. They consult with the Public Health Service, with the Fish and Wildlife Service. They study the hundreds of pages that report the tests that have been made by the manufacturer before filing application for registration. They do testing themselves.

"These experts are not working for the chemical manufacturers. They are working for the people of the United States of America. If there were any way to make the system more foolproof, they would be the first to welcome it."

Distortion and suppression of the truth concerning chemical poisons is awesome and frightening. Readers of *Field & Stream* may recall that in the July, 1969 issue I reported receiving word from concerned citizens in Tennessee that Bowaters Southern Paper Corporation had spread poison grain over a wide area for the benefit of a pulp-producing monoculture. I noted that members of three hunting clubs had taken separate inspection tours of Signal Mountain, outside Chattanooga, and all had declared it a terrible tragedy for wildlife.

This evoked an anguished letter of protest from the public relations manager of Bowaters, accusing me of "misleading statements and fabrications." His viewpoint was generously supported by the Tennessee Fish and Game Department, U.S. Bureau of Sport Fisheries and Wildlife, and a wildlife biology professor at the Forestry Department of the University of Tennessee, who had prescribed the poison, zinc phosphide. They all assured me in correspondence that environmental risks were slight and of a temporary nature, that all complaints had been carefully investigated but had proven groundless or insignificant. They insisted that only the targets—voles—were affected and there was no hazard to birds or game. But I was deeply disturbed that expressions from all of them in behalf of the economics of pulpwood production far and away transcended concern for the biological and ecological resource.

I went on the ground and interviewed people in the mountains. They were upset. One man told me poison corn had been sprayed all over his property, which adjoins the Bowaters land. Another said, "I found poison in the water and was afraid to drink. People fear to hunt and eat game with poison in the system." I learned the report of Marzine Hudson, of the state office of the Bureau of Sport Fisheries and Wildlife, confirming the damage, was being suppressed. It is still being suppressed by the Department of the Interior. I made the trip into the hills accompanied by a television camera crew from Chattanooga at the request of that station. The program has never been shown.

I consulted Victor Cahalane, E. Raymond Hall, and Clarence Cotton, biologist of international stature. All confirmed my fears. Wrote the latter: "If one can pick up any quantity of this and find it in piles it is perfectly obvious that it hasn't been well put out. When poisoned grain is put out in that fashion it is perfectly obvious that it can't help but do a lot of damage to non-target species. An aerial procedure of spreading poisoned bait, spray or dust, makes it almost a sure fact that non-target species will be killed, and I think there is little doubt that a good many were killed in this instance."

Although Bowaters and its supporters insisted that zinc phosphide kills only voles, I found that every piece of current literature stresses this to be an intense, extremely dangerous and long-lasting poison. Warnings such as the following are plain and plentiful: "Zinc phosphide must be used with care, as it is toxic to all forms of animal life. It has poisoned humans as well as domestic and wild animals . . ." "Be certain to remove and destroy all uneaten baits at the end of the poisoning period."

The day I arrived in Tennessee Bowaters announced deferral of its second poison attack on the voles. This was wise. As a good ecologist would explain, total annihilation programs for rodents are rarely successful; declines are followed by greater reproductive success. Instead of looking for panaceas in the bag of trick poisons, one might suggest careful ecological research and serious self-searching concerning forest management practices that may account for high vole populations. For example, I saw huge bulldozed piles of dead hardwood—an utterly wasted natural resource—serving as a clear source of protection for rodents.

I recently received a clipping from Tennessee, which showed I had been right all along. Dr. Ralph Dimmick, of the University of Tennessee, was quoted as reporting that dyed oat groats were less damaging to quail than cracked corn deyed green—which Bowaters had used. To quote the clipping: "He warned, however, that further testing should be conducted on the employment of zinc phosphide in widespread use for wild rodent control. 'Its high degree of toxicity and its non-specific nature obviously pose some hazard to all vertebrates which may encounter it.' " (This, of course, they all had repeatedly denied.)

" 'Substantially more experimentation needs to be done to improve and/or determine its repellancy to other species. The search for species-specific poisons, and other chemical and cultural methods of preventing rodent damage to forests should be intensified.' " I thought he must really be learning the lessons until I read the following:

" 'Nevertheless, when damage problems are severe and rodent control is deemed necessary, the rodenticide described in our experiments is known to be economical and effective and affords some measure of safety to bobwhite quail.' "

What he should have said is: Economy and effectiveness must no longer be measured in terms of money spent or earned by the company, by any company, but in relation to safeguarding the environment.

Weigh the ecological cost to all of us—and the economic cost to users—of continuing to rely on harmful poisons. Users are spending millions of dollars on salesmen who often peddle bad advice. As Dr. van den Bosch wrote: "While a sick person who takes the wrong medicine, or even takes too much of the right medicine, may harm only himself, the grower who uses the wrong insecticide or overuses the right one may affect the ecology of an area beyond his own fields."

We are told we must have pest control to meet the needs of the booming human population for food, fibre and protection from disease-bearing and nuisance insects. But this is precisely why we cannot continue to use ecologically crude insecticides in an inefficient, disruptive and pollutive manner if we are to avoid ecological disaster. Further disruption of the ecosystem, already badly battered and bruised by harmful land use practices and unrestrained waste, must end or we will no longer survive as a prosperous nation.

We must kick the synthetic habit, the psychotic reliance on poison, and reject the old justifications given for it in the name of service to humanity.

"The objective of control methods for disease vectors is the interruption of disease transmission," said Dr. John Briggs, of the Entomology Faculty of Ohio State at the American Association for the Advancement of Science meeting in Boston in December, 1969. "In the United States we have the dis-

XUM

tinction of going several steps further, and may be characterized as a 'pest control' society. Several weeks with the Filariasis Research Unit in Burma during 1969 gave me a new perspective. Much of the world is not so concerned about the last mosquito in the room, but to have a good chance of avoiding a crippling disease.". . ."We accept the great benefits of chemical insecticides at a specific time and place. Where in the development of vector populations can a chemical insecticide be used to provide maximum benefit over a ten-year period? Without specific concerns for the environment generally, we may ask if the record for the past decade has provided the confidence to act similarly in the future?"

Government agencies and state universities, above all, must learn a new way of life and overcome their addiction to poison. As one of our *Field & Stream* readers wrote to Dr. Leslie Glasgow, Assistant Secretary of the Interior: "Thank you for your October reply to my August letter. It generally takes a month or two to get a reply from the Department of the Interior. Nobody ever explains; you always just say, 'We regret the delay.' As a citizen, I do not understand your department's position concerning wildlife and poisoning. You seem to continually advocate and defend and recommend poison. I don't understand why you don't defend and protect wildlife. Isn't that what your job is supposed to be?"

Several months ago I received an interesting report from the Northeast Forest Experiment Station exposing the old fallacy that reforestation by direct seeding depends on the use of endrin. The report showed that the best protection comes from careful planting, ensuring that seeds are completely covered with a thin layer of soil, and also that coated seeds sown on the surface suffer severe losses of 50 percent or more, regardless of endrin concentrations as high as 4 percent. I considered this most encouraging and wrote the Forest Service hoping to learn that such projects were going on elsewhere as well. But what I got from the head of research was mostly a report on applying endrin better, particularly through impregnation into the seed, which supposedly reduces loss of the chemical into the environment. I should think he would have said the Forest Service is desperate to get away from endrin, since it tends to be magnified in natural ecosystems by being passed from one link to another in food chains, and thus to poison the whole landscape.

In my own state, Virginia, a bulletin on "Weed Control in Pastures" from the VPI Extension Service promotes the use of 2,4–D and similar herbicides. But the bulletin is loaded with such cautions as: "Small amount of these herbicides are capable of damaging or killing susceptible plants such as alfalfa, many clovers, cotton, tobacco, grapes, most flowers and ornamentals." In the case of dicamba, it adds, "Do not graze meat animals in treated fields 30 days before slaughter. Do not use seed from treated grass for food or feed purposes. Do not apply on or near desirable trees or plants. Do not graze dairy animals or treated animals within 7 days" . . . Clearly here is a poison requiring not just caution in use, but total elimination.

The poisons in this family are widely used in forest management. The Bowaters people wrote to me in response to request for information that as far as they know 2,4,5–T is not toxic to any form of animal life. The Westvaco company advised, "We have made it a practice to observe carefully the results of these applications and have not detected any adverse effects."

Someone should tell these companies the facts of the case. The dangers in 2,4,5–T are best known, largely through the tragedy of Viet Nam. Yet 2,4–D is the most widely used pesticide. About 79 million pounds were produced in 1968, more than 20 percent of the total herbicide production of about 375 million pounds. In the Bionetics Research Laboratory study of 1966, conducted for the National Cancer Institute, three esters of 2,4–D were implicated as possible teratogens.

The butyl ester—one of three teratogenic esters—is the one most frequently used for agricultural and domestic weed control. The only ester that did not produce birth defects was the ethyl ester. The congenital defects found in the unborn animals consisted of missing or abnormally small eyes. An additional abnormality that developed in mice treated with the butyl ester was agnathia, or absence of the lower jaw. Additional studies by FDA and Dow Chemical Company have made it clear that dioxin contaminants which have been a constant problem in the manufacturing process and long recognized as extremely toxic at the microgram level, are capable of inducing birth defects by themselves.

"Continued use of these herbicides in the environment constitutes a large-scale human experiment in teratogencity," Dr. Samuel Epstein, of the Children's Cancer Research Foundation, said before the Senate Subcommittee on Energy, Resources, and the Environment, April 15, 1970. "At its worst, the experiment may produce effects on human infants that become part of the overall pattern of birth defect pathology. Such effects probably may not even be recognized for what they are, at least for some time, since the significance of their incidence may be obscured in the overall and inadequate statistics on birth defects. Such an experiment is unwarranted by any conceivable criteria in the face of the unambiguous warning sounded by available scientific data."

Restrictions are continually being placed on the use of these poisons. They should be banned throughout the world until more is known about their dangers. And when in doubt their use should be stopped voluntarily.

Thoughtful people everywhere are concerned and upset. They feel we are at the brink of economic and ecological chaos in pest control; that life is in danger.

"What are Pesticides Doing to Human Beings?" is the title of a booklet published by the American Nutrition Society, advising which foods are safe, how to prepare them: "Peel all fruits and vegetables that lend themselves to such treatment. Scrape the outside layer from celery. Washing will not remove residues. Purchase eggs from local ranches not using DDT, BHC, or chlordane in hen houses." The Mississippi Game Commission reports that "Long lived insecticide residues are causing portions of life to either disappear or evolve to an extent that may render them harmful to man and other consumers." Approximately 5,000 reports of pesticide poisonings are received annually, but officials of the National Clearinghouse for Poison Control Centers believe the total number of such poisonings is eight to ten times greater. A top official of the Michigan Department of Natural Resources urges leaders in his field throughout the nation "to fight the system of regulative permissiveness toward hard pesticides and the steamroller tactics of the industry which continues to push these economic poisons." This feeling goes right to the grass roots. "They are continually spraying the area," complains the president of a hunting club in Tennessee, "killing hardwood, all types of insects, bees, butterflies, hummingbirds, etc. We believe these poisons are absolutely a detriment to the health of human beings and all types of wildlife."

The worst notwithstanding, I look hopefully to stirrings of conscience and responsibility. It is encouraging to learn of experiments with potted plantings, or tublings, instead of endrin-coated seedlings. These may be economically motivated, but they demonstrate the answer lies in better management techniques rather than poison. I read an interesting piece in the September, 1970 issue of the Journal of Range Management: "The volume of literature on the use of herbicides on rangelands is quite large and growing. In this body of literature it is rare indeed to find any consideration or discussion of the ecological impact of herbicides on the environment. It is relatively safe to say that effects on non-target flora and fauna have been of little or no concern . . .

"Spraying and artificial treatments that reduce diversity can seldom be justified. Diversity and variety are cornerstones of survival since the more ways there are of consuming, or being consumed, the more favorable the chances of a living population to avoid high fluctuations in the birth and death of individual species. Agricultural practices that reduce the diversity of species in a community may be working in exactly the wrong direction . . .

"Range management as a science will not survive unless it adopts a meaningful philosophy and understands that any science that relates to the land resource cannot stand alone, or isolate itself structurally by concentrating within a narrow single use field."

Certainly the same applies to forest technology. Take it another way from James K. Lewis in The Ecosystem Concept in Natural Resource Management: "A high degree of human control over range ecosystems is usually either not possible or not economical. If a high degree of human control is economical the land is usually cultivated and ceases to be range. Consequently, range must be manipulated by extensive methods which are ecological in nature rather than by intensive methods that are agronomic in nature."

Thus, you see, I am not pressing for biological controls, which are much under discussion these days. The answer lies not in technical specialization, but in the objective of our society. The technology we develop must be governed by humanist principles. Then we can properly determine where to use what and how to apply it.

Based on thirty years of personal experience with the gypsy moth problem in Ulster County, New York, including his own holding of 7,500 acres, Daniel Smiley writes as follows: Knowledge about the moth and its control is greater than ever before. Valiant and honest efforts have been made by federal and state technical people to control the insects. Great sums of public money have been spent. And gypsy moths are present in a wider area than ever. There was no spraying of poison on his place, yet the gypsy moths died, he believes from the combined effects of disease (probably wilt) and parasites (wasps and flies). The forest leafed out again—it was a case of true biological controls, without human help except that of letting nature take its course.

We still know very little about life. New micro-organisms associated with insects are being discovered at a relatively high rate, according to Dr. Gordon E. Stairs, of the Faculty of Entomology at Ohio State University. The actual naming of the micro-organisms, as he insists, may not be as important as the understanding of their biology and ecology. There, I suspect, lies a more valuable key to the future than the search for a panacea.

Environmental forest management dictates that values of timber yield must be balanced with protection of soil, water, wildlife and scenery, and with assurances that harvested areas will grow more trees for future timber needs. The mixed hardwood or hardwood-and-pine forest is a complex, diverse and relatively stable association of plants, with a tendency to maintain its ecological norm. There is plenty of room for manipulation within the norm, along with growing timber on long rotations. In a closely managed forest, sapsuckers and other birds by their activities will indicate which trees should be culled. Drastic changes outside the norm

XUM

and the widespread conversion of hardwoods to pine, may be efficient in terms of technology and short range industrial economics, but they are likely to be disastrous in the long run.

As with any land use that simplifies life-communities, farm-lot forest management favors the irruption of pests and disease. Infection is rapid and direct from tree to tree. If one species is destroyed there is nothing left. A monoculturally managed forest therefore creates the need of herbicides and pesticides, which further destroy biotic diversity, including the soil nutrients, leading to unending applications of chemical poisons and fertilizers, and steadily decreasing productivity.

In summary, ecologists have a basic hypothesis—the more complex and diverse a community, the greater its stability. To worry about deer or board feet, or even endangered large carnivores like wolves, is not enough. Some 400,000 kinds of plants, some two million kinds of animals offer man an unending variety of form and function, of unsolved biological mysteries and rewarding beauty. Take away the diversity and man is lost. "The prime concern of mankind, from now until the end of human time," according to Dr. Hugh Iltis, of the University of Wisconsin, "will be the conservation of the diverse environment, the only one to which man is adapted, the only one in which he can live."

Stated another way, any decision to inflict death upon another creature needlessly or wantonly, is a decision to move toward death oneself.

But I will end with the thought of life rather than death. "Whoever poisons the environment, or creates undesirable or unacceptable side effects because of the process he uses or the product he uses to create wealth—this man, or corporation, has a responsibility for correction." So declares Lowry Wyatt, president of the National Forest Products Association. This is the challenge. Let the new age begin.

WHO NEEDS THE SST? YOU DO

Mr. GOLDWATER. Mr. President, in connection with the ongoing discussion of whether the Nation should develop a SST, I should like to point out that more than 80 percent of the world's airline routes today are flown by American-built aircraft. It stands to reason that if we decide not to compete in the SST field, we will surely lose more than just supersonic transport business because it has been the experience of American manufacturers that the world's airlines tend to buy families of aircraft.

Mr. President, contrary to popular belief the SST program is not something dreamed up by the Nixon administration. The SST program was started by the Kennedy administration and has been supported continuously since then by the Johnson and Nixon administrations.

The current program is for the development of two full-scale prototype aircraft only.

Prototypes of all successful commercial aircraft produced in the United States in the last 3 decades were derived from military cargo aircraft which were procured in substantial quantities by the Department of Defense generally before the first commercial version was delivered to the airlines. In the 1940's and 1950's, the Douglas DC-4 and DC-6 evolved from the C-54 and C-118 aircraft; the DC-7 was essentially a modification of the DC-6. The Lockheed Constellation evolved from the C-121, and the Boeing Stratocruiser evolved from the KC-97.

The Boeing 707 was an outgrowth of the KC-135 which was based on the technology demonstrated in the Boeing B-47 and B-52 aircraft. The Douglas DC-8, DC-9, and DC-10; the Convair CV-880 and CV-990; and the Lockheed L-1011 were all outgrowths of the Department of Defense research and development production programs established for the B-47, B-52, and KC-135 aircraft.

Government research and development funding for the two SST prototypes is appropriate today because:

There is no similar military or civilian aircraft under development or in production. The B-70 program for a high-speed jet bomber was canceled several years ago after only two aircraft were built.

In order to be safe and economical while flying at about mach 2.7, the SST prototypes will incorporate much new technology which has not been adequately demonstrated in current military aircraft programs.

Many spin-offs are expected from this program for future military aircraft as well as for future commercial aircraft and possibly for future space shuttle vehicles.

Because of the large size, the large increase in cruise speed, and the requirement for extensive use of titanium, the two prototype SST aircraft will require an unprecedented investment. One unique difference in this program is that private enterprise is putting up a significant amount of its own funds for the prototype development. In addition to the Government investment, at the completion of the prototype development program, the contractors and airlines will have invested some $380 million in facilities, equipment, tooling, and materials.

Current U.S. world leadership in civil aviation has resulted from a strong science and technology base in aeronautics and related fields which has largely been built and maintained by Department of Defense contract programs. That base is being eroded by decreases in Defense research, development, training, and engineering coupled with inflation. Now "fly-before-buy" is a popular philosophy for military aircraft procurements. Commercial airlines have traditionally followed this policy. Today, however, aircraft manufacturers cannot afford to invest the requisite sums of money to demonstrate the technology only to find that, because of possible environmental effects beyond their control, they could not sell the large numbers of the airplanes necessary to make a profit. Similarly, the airlines cannot tie up large sums of capital particularly with the high cost of money today, gambling that the SST, even though technically and economically successful, would not be permitted to fly.

On the other hand, Britain and France are investing considerable sums of taxpayers' money in the Concorde, and the TU-144 is funded solely by the Government of the U.S.S.R.

If we wait until the environmental issues are clearly settled, and the worst fears of the environmentalists are not realized, the United States will be so far behind that it is questionable whether we could catch up in time to recapture the world supersonic transport markets or even compete adequately for the market of the more aggressive U.S. airline companies with transoceanic operations.

More than 80 percent of the world's airline routes today are flown by American-built aircraft. If we elect not to compete in the SST field, we shall surely lose more than just the SST business because it has been the experience of American manufacturers that airlines tend to buy families of aircraft. Manufacturers tend to use successful techniques, components, and design philosophies where appropriate on new products. Similarities in design imply similarities in maintenance procedures and handling equipment which in turn lead to common training procedures and specialized ground equipment.

Most air travelers throughout the world fly on American-built aircraft. In no other area does U.S. excellence impact so many people every day in so many countries.

ANTI-SEMITISM IN THE SOVIET UNION DEPLORABLE

Mr. McGOVERN. Mr. President, reliable reports confirm that yesterday 34 people went on trial in the Soviet Union for an alleged hijacking of a Soviet airliner. This trial deserves the attention of the world. It is the latest in a series of actions designed to intimidate and silence the Jews of the Soviet Union in their striving to maintain their cultural identity. The 34 persons are all Jews. They were arrested in a coordinated police action in four different cities a few hours after the reputed hijacking.

This latest episode follows an historical pattern of anti-Semitism. It is the latest in a tragic history of malevolent accusation. There has been no relationship established among the 34 people other than that they have all petitioned either the United Nations, the Human Rights Commission or the Soviet Government, or have asked the Soviet Government to leave the U.S.S.R. for Israel. They have all signed some kind of appeal for emigration because they wanted to live as Jews and could not do so in the U.S.S.R. All are said to have Israeli relatives.

A background statement on Soviet anti-Semitism and the facts of the present trial has been published by the American Jewish Conference on Soviet Jewry. It tells of this tragedy which the world must not fail to see. I ask unanimous consent that it be printed in the RECORD so that other Senators may call attention to and work against this great injustice.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SOVIET JEWISH POLITICAL PRISONERS: BACKGROUND REPORT

Thirty-four Soviet Jews, arrested and held incommunicado within the past six months in Leningrad, Riga, Kishinev and Tbilisi, face the imminent prospect of political trials that can lead to life imprisonment, and even the death penalty.

The weight of evidence, filtered out to the

XUM

outside world by close relatives and friends, leaves little room for doubt that regardless of the legal specifications that may be brought at the trials their thrust will be anti-Jewish.

In the larger context of recent Soviet policy, it is clear that the immediate purpose of the arrests and any accompanying trials is to stifle the voices of the scores of Jews who, in the last year, have undertaken to struggle to leave the USSR for Israel, where they can maintain their Jewish identity. The long-range objective may be to crush a larger-scale renascent Jewish national consciousness among many thousands of Soviet Jews.

All the available information leads to the conclusion that last spring a high-level policy decision was made to initiate a nationally coordinated, concerted secret police (KGB) action against militant Jews which used entrapment and provocation and involved large-scale searches and seizures, confiscation of printed matter, interrogations and, ultimately, forced confessions that can be used as incriminating evidence in public trials.

The known facts are these:

At 8:30 A.M. on June 15, 1970, nine Riga Jews were apprehended at Leningrad's Smolny Airport as they were walking from the terminal to an airplane. That afternoon, *Vecherny Leningrad*, the main afternoon paper, carried a brief announcement of the action, indicating that those arrested had planned to hijack the plane out of the country. The same item appeared the next day in *Leningradskaya Pravda*, the main morning newspaper.

As a matter of policy the Soviet press rarely publishes crime news, and even then it is not until long after the event. The fact that these papers carried this report within less than twenty-four hours suggests that they were alerted in advance. The fact that the Jews were arrested while walking on the ground is a sure sign of the KGB's advance information and planning.

The probability of a meticulously coordinated police provocation is enhanced even further by the virtual simultaneity of other actions that day.

At about the same hour of the arrests at Smolny Airport eight Leningrad Jews were arrested in scattered places—at work, at home, on assignment some distance from the city, and even on vacation as far away as Odessa. Within a few hours searches were carried out in dozens of homes in Moscow, Leningrad, Riga and Kharkov; scores of people were detained for questioning and then released. Since June there have been more arrests in Tbilisi, Kishinev, Riga, and again in Leningrad, bringing the number of Jewish political prisoners at this date to thirty-six, including two sentenced prior to the new arrest.

The man in charge of "the Leningrad case," involving at least the prisoners from Riga and Leningrad itself, is the chief city prosecutor, S. Ye Soloviov, well known to local Jews as an anti-Semite.

In 1961 he served as a judge in the city's criminal court, and presided over two notorious trials involving Jews. In one case, he handed down a series of death sentences for alleged economic crimes to a group of Jews. In another, he sentenced Leningrad synagogue leaders, including an 84-year-old man, to lengthy prison terms on charges of subversion. The charges were due to the defendants' determined efforts in behalf of Jewish religious observances, and their active contacts with synagogue leaders in other cities.

I

The new arrests and the ominous possibility of trials must be understood within the larger context of official policy, as reflected in the massive winter propaganda campaign against Israel during January-March 1970. What began as a concerted nationwide chorus of condemnation of Israeli policies swiftly degenerated into a general anti-Jewish campaign. Publications in the thousands all over the country, through articles, editorials, pamphlets, letters to the editor, and caricatures, assumed an anti-Semitic tone and character.

The campaign itself was an expanded, but more intensified, version of the Soviet propaganda line that now views Judaism as the ideological progenitor of Zionism, and Zionism as the equivalent of Nazism. The whole amalgam is a key element in the doctrine of "International Zionism" as the Jewish ally and servant of Western imperialism—an updated and refurbished adaptation of the discredited Tsarist "Protocols of the Elders of Zion."

A number of Jews, both prominent and obscure, were pressed into service in this campaign, to proclaim their loyalty to the Soviet Union, to reiterate official apologetics about Soviet Jewry, to sign attacks on Israel and world Jewry, and to brand as betrayal any desire to leave for Israel. The apex was reached at a Moscow press conference on March 4, when 52 prominent Jews were brought together by the Foreign Ministry to speak to the world and, indirectly, to Soviet Jews.

What must have shocked the authorities, however, was the instantaneous reaction of dozens of Soviet Jews, as individuals and in groups, in Moscow, Leningrad, Riga and elsewhere, repudiating the assertions of the "house-broken" Jews and their right to speak for all of Soviet Jewry. It was very likely in reaction to this unprecedented audacity that the regime decided to intensify anti-Jewish pressures.

Of course, the authorities have been aware for some time of the growing frustration and resentment of many Soviet Jews at the discrimination they face in higher education and employment, the widespread anti-Jewish propaganda, the hostility they and their children frequently encounter in the streets, at school or at work, and, not least, at the deprivation of their cultural and religious rights, foreclosing the possibility of perpetuating their heritage and maintaining their group identity.

Furious with official anti-Semitism, and inspired by the spiritual self-regeneration which Israel represents to them, a rising generation of young Soviet Jews rejects this situation as intolerable. Tens of thousands have applied for exit permits to emigrate to Israel. With few exceptions, their applications have repeatedly been turned down.

Several hundred of the more daring have circulated appeals and open letters addressed to the Soviet leadership, to the UN Human Rights Commission, to UN Secretary General U Thant, to the International Red Cross, and also to President Richard Nixon and Israel Premier Golda Meir. In effect, they have appealed to public opinion and to the conscience of the world. Such letters have been written by individuals and by groups in every major city.

This wholly unanticipated upsurge of pride and national consciousness has manifestly so upset the regime that it has resorted to severely repressive measures. The striving for Jewish national identity has begun to be treated like a criminal or anti-social act, with procedures of intimidation used against many who applied for exit permits, including interrogation by the KGB, expulsion from the Party, suspension from the university, discharge from employment, and general social hostility at work.

II

But, what of the imminence of a trial of those arrested since June?

In order to better understand what may happen, it must be borne in mind that there are basically two separate groups involved in "the Leningrad case."

We know precious little about their fate. No indictment has been issued. The prisoners have been kept incommunicado. Relatives, friends and even potential defense counsel have been forbidden to visit them, and they have evidently been under intensive interrogation. Since we have no precise idea of how they will be charged, it is only possible to speculate on the circumstances in which they will be tried, and the penalties they are likely to incur.

According to law, conspiracy to hijack an airplane is considered treason and is therefore subject to the death penalty. Even knowledge of such a plan and failure to report it can be subsumed under a charge of anti-Soviet activity and entails life imprisonment. Attempted hijacking can be treated as a plot to damage or steal State property, and may also entail the death penalty.

About the Riga group, relatives and friends living abroad but in the closest feasible contact at home believe that the Riga Jews were entrapped by someone in their midst.

We have learned, in a letter from the wives, mothers and sisters of eight of the Leningrad group, that police interrogators informed the women that the prisoners confessed to "anti-Soviet activity" and the attempted hijacking of a plane. The women made it clear they believe these were forced confessions.

Forced confessions raise the ominous spectre of show trials. Such staged trials, using forced confessions as decisive evidence, are no innovation in Soviet law and public life, even though they have been in disuse in the last few years. This sad tradition goes back to the early 1920's and culminates, of course, in Stalin's notorious Great Purges of 1936–40, with their anti-Jewish component.

For Soviet Jews, this form of terror as an anti-Semitic expression began in earnest only after World War II, in the last five years of Stalin's death, known to them as "the Black Years." Those years witnessed a series of grim experiences: a massive anti-Semitic campaign of propaganda and purge against "unmasked cosmopolitans" (a thinly veiled and well-understood euphemism for Jewish intellectuals, large numbers of whom publicly "confessed" their sins); the liquidation of Jewish cultural institutions and the arrest and execution of hundreds of Jewish cultural leaders; a series of anti-Semitic show trials, replete with confessions, of the top leadership of Communist parties in the Soviet satellites, especially the infamous "Slansky trial" in Czechoslovakia, plotted by Stalin in 1952.

The wave of terror culminated with the announcement, in January 1953, of an alleged "plot" by which Soviet Jewish doctors had murdered, or were planning to murder, Soviet political leaders at the behest of an international Jewish conspiracy in league with Western imperialism—a charge that is closely akin to the present Soviet trilogy of Judaism=Zionism=Nazism! Only the death of Stalin, in March 1953, ended what most observers believed was going to be a vast new purge, with an emphasis on trials and the deportation of Jews.

It is also essential to recall the experience and the lessons of the more recent widespread economic crimes campaign of 1961–64. This was another of those nationally coordinated enterprises which the police authorities stage so well. All of the institutions of Soviet power were used to expose and eradicate those accused of alleged large-scale economic offenses, such as theft of State property, embezzlement, dealing in foreign currency, counterfeiting, and bribery.

The Communist Party apparatus, the Komsomol (Young Communist League), the militia, the secret police, the regular police, local prosecutors and courts, and the national and regional press were brought into service. Crude propaganda material, overtly anti-Jewish, blanketed the country and mass trials were staged in which the accused in-

XUM

variably confessed and were given stiff penalties.

For the purposes of this campaign, the death penalty was reinstituted after a lapse of many years. Of the several hundred executed, more than fifty per cent were Jews, who constitute just over one per cent of the total population. Just six years ago the International Commission of Jurists, in a meticulously detailed study, pointed up the anti-Semitic taint of the campaign. Certain Soviet jurists themselves, in a moment of criticism, noted its legal excesses.

More immediately and directly relevant to our present concern is the case of Boris Kochubiyevsky, the first of the Soviet Jewish political prisoners—a 33-year-old electronics engineer from Kiev, in the Ukraine.

Kochubiyevsky was arrested in December 1968, and five months later he was tried and sentenced to three years of forced labor for "anti-Soviet slander." His "slander" consisted of a public defense of Israel in June 1967, and his public assertion in September 1968 that Babi Yar—the ravine outside Kiev where the Nazis slaughtered scores of thousands of Jews in 1941—was a tragedy for the Jewish people. Also included were his statements, in a November 1968 letter to the Soviet leadership, that it was impossible for him to live as a Jew in the USSR since there are no Jewish educational, cultural or communal institutions, and that he consequently wanted to go to Israel.

In short, the accusations against Kochubiyevsky were essentially identical with the regime's real grievances against its present Jewish prisoners. His trial is now being viewed as a harbinger of gloom for additional trials, and as a foreboding precedent.

In the Kochubiyevsky case, *Khronika*, the generally reliable "Chronicle of Current Events" disseminated by the Soviet democratic underground, reported segments of the trial transcript as well as reports by persons present at the trial which painted the following picture.

Some prosecution witnesses were provocateurs. Several repudiated the testimony they gave at the preliminary hearings; one admitted to having given his testimony while drunk; others said they testified under pressure from the KGB interrogators. The general public was kept away.

Not even friends or relatives were permitted inside the courtroom. At the same time, the KGB packed the courtroom with its own members, as well as with citizens who were mobilized and instructed to act hostile to the defense. Witnesses were sent out of the court immediately after their testimony, which is against Soviet legal procedures. The judge acted like a prosecutor, indulging in remarks that were hostile to the defense in tone and substance, and generally permitted anti-Semitic and hooligan behavior in his court. At the same time the defense counsel assumed the role of assistant prosecutor, not only accepting the basic validity of the charges against his client but actually indicating his disbelief of Kochubiyevsky's own defense.

It is, of course, entirely conceivable that Soviet authorities will attempt to underplay or even avoid, in any direct way, the essentially anti-Jewish, political character of the new case. Very likely apprehensive about protests in the outside world over a mass anti-Jewish trial, they may seek to divert attention to the narrow legal question of a hijacking plot through an emphasis on forced confessions. This would serve them especially well at a period when much of the civilized world has gone through a period of shock with regard to airplane hijackings.

But regardless of how the trial is conducted, and how Soviet propaganda handles it, it will be difficult to shift the focus from the fact that people are on trial for their convictions, and that Jews are being persecuted as Jews. The defendants had no desire to attack, change, subvert or overthrow the Soviet system. On the contrary, their only desire was to leave that system altogether, and to exercise their elementary human right to leave their country of origin and to settle in Israel, which they now regard as their ancestral homeland and as the sole place where they can live as Jews.

The materials confiscated from those interrogated and arrested demonstrate conclusively that this will be a Jewish case. Among the items seized were Hebrew grammars, Jewish history books, open letters of appeal for help to leave, postal cards from Israel, and Jewish encyclopedias. In short, as some have written, everything with the words "Jew," "Jewish," "Judaism" was confiscated.

Within days after the June 15 action a young Leningrad Jew, Viktor Boguslavsky, wrote an impassioned letter pleading the innocence of his friends. He noted that "A lively interest in the fate of one's people and love for one's people cannot be considered an offense. Their only crime was that they were born Jews and they sought to remain Jews."

In July, Viktor Boguslavsky was arrested.

TRIED AND SENTENCED

(Ukrainian SSR)

Boris L. Kochubiyevsky: 34 years old. Engineer. Married. One child: a year-old daughter. Former address: Kiev, Ukraine SSR. Charged with anti-Soviet slander December 1968. Sentenced May 1969 to three years at hard labor.

Lilya A. Ontman: Married; family includes a sister and an adopted child. Former address: Chernovitz, Ukraine SSR. Charged with anti-Soviet slander. Sentenced January 1970 to two and a half years in prison.

AWAITING TRIAL (WITH ARREST DATES INDICATED*)

(Georgian SSR)

Abraham Danilashvili: June 1970.*

Biniamin Dzhaneshvili: June 1970.*

(Leiningrad, Russian SFSR)

Vladimir Osherovich Mogilever: June 15, 1970*; 30 years old. Engineer. Wife: Yulia Iasaevna Mogilever. One child: a two-year-old son. Address: Ul. Telmana D. 36, korp. 1, kv. 209.

David Iserovich Chernoglaz: June 15, 1970*; 30 years old. Agronomist. Wife: Berta Petrovna Veinger. One child: an eight-month-old infant. Address: Pr. Maklina D. 26, kv. 25.

Grigory Ilya Butman: June 15, 1970*; 37 years old. Engineer. Wife: Yeva Shmulevna Butman. One child: a four-year-old daughter. Address: Vitebsky pr. D. 23, korp. 4, kv. 33.

Lassal Kaminsky: June 15, 1970*; 40 years old. Engineer. Wife: Serafima Mayerovna Kaminsky. Two children: ten and seventeen. Address: Ul. Vosstaniya D. 6, kv. 4.

Lev Leibovich Korenblit: June 15, 1970*; 48 years old. Mathematician. Wife: Reveka Moiseyevna Korenblit. One child: a daughter. Address: Ul. Vereiskaya D. 12, kv. 10.

Solomon Dreizner: June 15, 1970*; 38 years old. Engineer. Married: wife hospitalized. One child: a five-month-old son. Address: 19 Olega Koshevogo, Apt. 23.

Anatoly Moiseyevich Goldfeld: June 15, 1970*; 24 years old. Engineer. Unmarried. Mother: Liya Samsonovna Shimanovich. Address: Pr. Shaumyan D. 58, kv. 18.

Lev Naumovich Yagman: June 15, 1970*; 30 years old. Wife: Musya Khain-Leibovna Yagman. Two children: 2 and 6 years old. Address: Ul. Karbysheva D. 6, korp. 1, kv. 80.

Viktor David Boguslavsky: July 12, 1970*; 30 years old. Unmarried. Mother hospitalized. Address: Pr. Shaunyana 47, apt. 25.

Hillel Zalmanovich Shur: September 5, 1970*; 34 years old. Marital status unknown. Sister: Kreina Zalmanovna Shur. Address: Ul. Zhukovskogo D. 20, kv. 20.

Viktor Shtilbans: November 16, 1970*; 28 years old. Physician. Married.

Mikhail Korenblit: November 16, 1970*; Brother of Lev Korenblit.

(Riga, Latvian SSR)

Leib G. Khanokh: June 15, 1970*; 26 years old. Address: 21 Milisnas Street.

Meri Mendelevich Khanokh: June 15, 1970*; 20 years old. Wife of Leib G. Khanokh. Same address.

Yosif M. Mendelevich: June 15, 1970*; 23 years old. Brother of Mary M. Khanokh. Address: 176/44 Lenin Street.

Edvard Kuznetsov: June 15, 1970*; Address: 45 Vaidenbaum Street, apt. 22.

Silva Zalmanson Kuznetsov: June 15, 1970*; Wife of Edvard Kuznetsov. Same address.

Isak Zalmanson: June 15, 1970*; 26 years old. Brother of Silva Z. Kuznetsov. Same address.

Wolf Zalmanson: June 15, 1970*; 31 years old. Brother of Isak Zalmonson and Silva Kuznetzov. Same address.

Anatoly A. Altman: June 15, 1970*; 38 years old.

Boris Pestner: June 15, 1970*.

Mendel Bodnia: July 1970*; 33 years old. Wife: Zelda Bodnia. Address: Shkolnaya Street 7, apt. 2.

Arkady Shpilberg: August 4, 1970*; 32 years old. Engineer. Wife: Margarita Mikhailovna Shpilberg. One child: a daughter. Address: Lenina Street 205, apt. 6.

Boris Maftsier: August 4, 1970*; 23 years old. Wife: Genia Moiseyevna Maftsier. Address: Siltsiema Street 15, korp. 5, apt. 61.

Ruth Aleksandrovich: October 7, 1970*; 23 years old. Nurse. Address: Suvorova Street 16, apt. 20.

Mikhail Shepshelovich: October 16, 1970*; 27 years old. Address: Yuglas Street 5, apt. 42.

(Kishinev, Moldavian SSR)

Aleksander Galperin: July 24, 1970*; 24 years old. Unmarried. Mother: Makhlia Yefimovna Galperina. Address: 37, Ul. Tesbashevskaya 11–13.

Arkady Voloshin: August 15, 1970*; Address: Ul. Kievskaya 41, kv. 5.

Gari Kirshner: August 15, 1970*.

David Rabinovich: August 15, 1970*.

Abraham Trakhtenberg: August 15, 1970*.

Semeon Abramovich Levit: November, 1970*; Address: Ul. Svoboda 8.

RAINBOW BRIDGE

Mr. BENNETT. Mr. President, as one of the sponsors of the upper Colorado storage project which authorized Glen Canyon Dam, I was naturally interested to learn that a suit has been filed in Federal court to prohibit Lake Powell from being filled to a point where its waters would go beneath the Rainbow Bridge.

Although the original act provided for a barrier dam and associated works, further studies by Bureau of Reclamation engineers showed that the bridge abutments were already saturated with water from natural springs and that the barrier dam and its works would intrude on the environment and disfigure the Rainbow Bridge National Monument.

One of Utah's most respected newspapers, the Ogden Standard-Examiner, discussed the danger to the monument in a recent editorial by the distinguished writer Murray M. Moler. So that Senators may be aware of the Standard's views on this proposal, I ask unanimous consent that the entire editorial be printed in the Record.

There being no objection, the editorial

XUM

was ordered to be printed in the RECORD, as follows:

LAKE WON'T ENDANGER RAINBOW BRIDGE

A new legal fight is brewing over the long-discussed question of whether Lake Powell will ever danger Rainbow Bridge.

Lake Powell is formed in the canyons of the Colorado River, along the Utah-Arizona border, upstream from Glen Canyon Dam.

Rainbow Bridge, 30 airline miles northeast of the dam, is the world's largest natural stone bridge. It spans 278 feet and stands 309 feet high, almost large enough to frame the U.S. Capitol in Washington.

The bridge is located on a 160-acre national monument, set aside in 1910 by President William Howard Taft as an "example of eccentric stream erosion."

It was formed by tiny Bridge Creek, flowing into the Colorado from the northwest slopes of 10,388-foot-high Navajo Mountain. Structurally perfect, polished by centuries of wind and rain, the reddish-brown arch stands as one of the geological wonders of the American Southwest.

When the Upper Colorado Storage Project was authorized by Congress, with Glen Canyon Dam as one of its features, fears were expressed that the rising Lake Powell reservoir would ruin Rainbow Bridge.

There was a provision in the original act for a barrier dam, down Bridge Canyon from the bridge's high abutments, a tunnel to divert stream flow around the bridge and a pumping plant to remove excess water from behind the barrier dam.

However, Bureau of Reclamation engineers wisely concluded that the barrier dam and its associated works would intrude on the environment and disfigure the entire national monument.

Studies showed that the bridge abutments were already saturated with water from natural springs and that this moisture had not harmed the huge structure.

Congress agreed and all appropriation bills have carried a provision prohibiting the spending of any of the funds within the national monument.

The Sierra Club around 10 years ago filed a suit to prohibit the reservoir from being filled to a point where its waters would go beneath the bridge. The Supreme Court threw the action out on the grounds the club did not have legal standing to sue.

A new action has been filed this year in the Federal Court for the District of Columbia by the ultra-preservationist group called Friends of the Earth, by the Wasatch Mountain Club and by Kenneth G. Sleight, a southwest scenic tour operator.

If the injunction asked in this new suit is granted, the future of the entire Colorado River storage program would be jeopardized. Water needed for scores of lower basin uses couldn't be stored.

Lake Powell's surface is now at an elevation of 3,600 feet above sea level, giving the reservoir a content of 12.2 million acre-feet.

This is only about one foot below the maximum level that the reservoir attained last July 15.

If filled to its maximum, not counting a small emergency provision called the flood surcharge, the reservoir would reach 3,700 feet elevation and contain 27 million acre-feet. Its minimum level at which power can be generated is 3,490 feet, a content of 6.1 million acre-feet.

The present lake level is still six feet below the point where it would touch the national monument boundary, which itself is 48 feet below the point where water would back into the bottom of Bridge Creek. In horizontal measurements, it is still 2,000 feet from a point below the bridge itself.

At maximum level of 3,700 feet above sea level, Lake Powell would, of course, back into the canyon below Rainbow Bridge. However, it would be confined to the narrow channel itself and would be some 30 feet beneath the lower of the two natural bridge abutments.

We believe this would enhance the beauty of Rainbow Natural Bridge, not harm it—certainly not nearly as much as the "protective works" demanded by the preservationists. It would also make this beauty more readily accessible to the average visitor.

The courts must now decide whether Congress in its appropriation actions has amended the original authorization act. We feel that Congress did, in fact, recognize that Lake Powell does not now endanger Rainbow Bridge and never will.

HARRY S. TRUMAN AWARD TO SENATOR MUSKIE

Mr. SYMINGTON. Mr. President, it is a privilege, indeed, to ask unanimous consent to place in the body of the RECORD a thoughtful address made by the distinguished Senator from Maine (Mr. MUSKIE) before the State of Israel Bond Association in Kansas City, Mo., earlier this month, at an assembly during which he received the Harry S. Truman Award.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR EDMUND S. MUSKIE, STATE OF ISRAEL BOND ASSOCIATION, KANSAS CITY, MO., DECEMBER 13, 1970

I am grateful to you for this award.

We are all deeply grateful to the man for whom it was named—Harry S. Truman.

As a President and as a man, he has reflected qualities of compassion and courage and common sense, qualities which America has found in her greatest leaders, qualities which Israel found when she needed understanding and support from America.

There could be no more fitting tribute than the formal dedication earlier this year of the Harry S. Truman Center for the Advancement of Peace on Mount Scopus.

It is appropriate this evening to recall the following words:

"The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and national identity was formed. Here they achieved independence and created a culture of national and universal significance. Here they wrote and gave the Bible to the world."

These are the opening lines of Israel's Proclamation of Independence.

Eleven minutes after that Proclamation was issued—in the middle of May, 1948, President Truman announced that America recognized the existence of Israel.

Several hours later, when the combined armies of the Arab League crossed her frontiers, Israel began to *prove* her existence. Her sons and daughters fought bravely, not for treasure or glory or conquest, but simply for an opportunity to rebuild their lives together on a piece of the land that belonged to their history and that they had been promised.

Yet those who flocked to that land as settlers—from every corner of the world—did not come to do battle.

They came instead to escape repression and persecution. They came to rekindle their heritage and to preserve their faith after the holocaust of World War II. They came to cultivate the soil, to establish industries, to build communities.

We understand these values. We appreciate these values. We identify with these values.

After all, for almost 200 years America herself has held out the hope which they signify—of freedom and security and opportunity.

That hope is why my grandfather sent my father to America from eastern Poland.

That hope is why *each* of us is here tonight.

Yet even today, there are people in the world who are without hope, people who want the chance to express freely their own identity. To some of them, Israel represents that chance—and for good reason.

Israel is an effective working democracy. She has cultivated the desert. She has also cultivated the lives of her people.

There is a sense of mutual respect among the families of Israel, between the younger generations and the older generations. Everyone shares a purpose to survive and a purpose to grow, to advance the possibilities of human existence, to fill the future with a vision of hope.

People should have the right to pursue that vision in a country which is prepared to welcome them.

People of the Jewish faith from the Soviet Union should have the right to pursue that vision in the State of Israel.

More than fifty years ago, King Hussein—the grandfather of the present King of Jordan—wrote as follows:

"We saw the Jews . . . streaming to Palestine from Russia, Germany, Austria, Spain . . . The cause of causes could not escape those who had the gift of deeper insight. They knew that the country was—for its original sons—for all their differences—a sacred and beloved homeland."

That homeland—now the State of Israel—is a nation small in size but large in the consciences of decent men and women, all of us who share the common faith of the Old Testament and who remember the ashes from which Israel rose.

Israel's right to live—as a free and independent democracy—must be *affirmed*. That right must be *maintained*. That right must *not* be challenged by force of arms.

The United States must provide whatever material aid is required for Israel's protection and sustenance. We cannot afford to do less.

We must provide the credits which are necessary—and we must seriously consider providing new forms of assistance, such as lend-lease, so long as Israel remains a beleaguered State.

Our common goal is a stable peace in the Middle East—for all the nations of that region.

Americans must care about achieving that peace—not only because of what the Middle East means to us in material terms or in political terms—but because of what it means to us in moral terms.

Of course, we are concerned about our national security posture, our oil supplies, our relations with the Soviet Union.

But our interest in the Middle East is not simply an extension of the Cold War, and our foreign policy in that area should not be expressed in the rhetoric of the Cold War.

Our ultimate concern must be clear.

It is a concern for the people who live in the Middle East . . . and for their ability to live there in peace.

Every nation, every culture, every people in the Middle East has more to gain from an exchange of ideas than from an exchange of hostilities.

These words from Isaiah have special relevance:

"Blessed by Egypt My people and Assyria the work of My hands, and Israel Mine inheritance."

Fear and mistrust have plagued these lands for too long.

Fear and mistrust have made it difficult for the peoples of the Middle East to improve their natural and social environment; to develop without interference from abroad; to reduce their level of military spending.

That fear and mistrust must be overcome as quickly as possible.

Israel's neighbors must recognize that Israel is in the Middle East to stay. And they must be convinced that Israel is *not* an expansionist State.

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On these foundations of mutual restraint, peace *can* be built.

That peace depends not only on a cease-fire but also on honest negotiations between Israel and her neighbors—negotiations designed to establish secure and agreed boundaries for the State of Israel, to ensure the right of passage through all the waterways of the Middle East, to solve the refugee problem in a fair and equitable manner.

Israel has declared her willingness to live in peace with her neighbors. She desires nothing more. She deserves nothing less.

Israel has offered to cooperate in raising the standard of life throughout the Middle East.

Israel's neighbors could benefit greatly by accepting that offer.

After all, men and women from around the world have traveled to Israel to study and to prepare themselves for service to their own countries.

Instructors from Israel have also traveled—to more than 60 nations in Africa, in Asia, in Latin America.

They have provided technical assistance in the areas of farming, and transportation, and medical care.

How fruitful the investment in peace could be, compared to the price of war.

Amidst the constant hazard of battle, Israel has continued working to fulfill a dream of redemption.

Your support—both moral and financial through the sale of Israel bonds—has been indispensable to the survival of that dream.

And I have decided to see for myself in January what President Truman once called "the remarkable progress made by the new State of Israel"—progress which reveals the beauty and the wisdom of that dream of redemption, progress from which America herself might learn.

It is with a sense of great anticipation that I now repeat the words,

"Next year—in Jerusalem."

LESSON OF THE CENSUS

Mr. BAKER. Mr. President, the Memphis Press-Scimitar of December 2 contains an editorial entitled "Lesson of the Census." As a Tennessean, I found the editorial quite inspirational. I invite the attention of Senators to it. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LESSON OF THE CENSUS

The chief lesson to be learned from the 1970 Census reports involves the fact that the 50 states, while united politically, are competing mercilessly with each other in an economic way.

Tennessee will lose one of its nine seats in the House of Representatives in 1972. That means our state will have a weaker voice in the House. It also means we will have only 10 electoral votes to cast for president and vice president, instead of the 11 we now have.

And, getting down to hard cash, Tennessee's population-standing in relation to other states means we will get less in federal money, since it is distributed largely on the basis of population. Tennessee gained about 10 per cent in population between 1960 and 1970, but the national average gain was 13.3 per cent.

Reduction in our share of federal money will, for instance, hit Tennessee educational budgets hard. Already we are near the bottom of the 50-state list in money spent on education. This undoubtedly has been an important factor in our population lag. People want the best for their children: hence tend to go where the schools are better. Industries looking for new sites are likely to shy away from moving their personnel into states which rank low in education.

Our own children, growing up, find themselves at a disadvantage in competing with children growing up in states that provide better education. So many of the brightest and most ambitious of them move to other states to give their own children a better chance than they had. And many of Tennessee's best teachers are wooed away by states that pay better salaries than we do.

Thus we fail to keep up with other states in population gain—and thus we get less money from the federal treasury, and our schools fall behind still more.

It's a vicious circle.

A member of our staff remarked facetiously on seeing the news that Tennessee is to lose a House seat: "Well, I guess we've got to make up our mind which we'd rather have—more congressmen or fewer children."

But it isn't that simple.

Somehow we have got to make our state more attractive—educationally, industrially and as a tourist-drawing area—in order to hold our own in competition with other states. We've got to do a bootstrap-lifting job with our thinking, our effort—and our own money. Otherwise we will sink still lower in relation to other states.

Fortunately, we have advantages in natural resources, including scenic attractions, climate and power sources, which we have hardly begun to make the most of. We are strategically located for transportation by land, by water and by air. And our human resources are high in quality despite depletion of our numbers by emigration for more than a hundred and fifty years.

It is ironic that in times when population explosion is beginning to be recognized as a threat to the welfare of the world and the country, the states that don't "explode" are penalized.

But as long as population keeps growing in this country, Tennessee must compete for a share of it big enough to keep us afloat educationally and industrially.

Those are the hard facts that Governor-Elect Winfield Dunn, the Democrat-controlled Legislature and our senators and representatives in Congress must face—and resolve somehow to the benefit of the state.

Indeed, they are facts which all of us, individually and as a people, must face—and lick. We believe Tennesseans can do it.

THE COST OF CONTROLLING POLLUTION

Mr. BAKER. Mr. President, a most difficult problem facing the American society today is how the cost of controlling pollution will be borne. One of the most thoughtful articles I have read on this subject is by Edwin L. Dale, Jr., of the New York Times. I ask unanimous consent that the article, entitled "The Economics of Pollution," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ECONOMICS OF POLLUTION

(By Edwin L. Dale, Jr.)

Now that environment has become a national concern, it might be well to clean up some of the economic rubbish associated with the subject. There are, alas, a few "iron laws" that cannot be escaped in the effort to reduce the pollution of our air and water, in disposing of solid waste and the like. The laws do not necessarily prevent a clean environment, but there is no hope of obtaining one unless they are understood.

We have all become vaguely aware that there will be a cost—perhaps higher monthly electric bills, perhaps higher taxes, perhaps a few cents or a few dollars more on anything made from steel—if there is a successful and massive effort to have a better environment. But that is only a beginning. There are other problems.

This article will describe the three iron laws that matter. There is no point in hiding that all three are very depressing. The only purpose in adding more depressing information to a world already surfeited with it is a small one: to avoid useless effort based on false premises. A classic example has already arisen in wistful Congressional inquiries into whether we might think of a future with somewhat less electric power, or at least less growth in electric power.

In shorthand, the three laws are:

(1) The law of economic growth.

(2) The law of compound interest.

(3) The law of the mix between public and private spending.

THE LAW OF ECONOMIC GROWTH

Whether we like it or not, and assuming no unusual increase in mass murders or epidemics, the American labor force for the next 20 years is already born and intends to work. It is hard for any of us—myself included—to imagine a deliberate policy to keep a large portion of it unemployed. But that simple fact has enormous consequences.

For more than a century, the average output of each worker for each hour worked has risen between 2 and 3 percent a year, thanks mainly to new machines, but also to better managerial methods and a more skilled labor force. This increase in what is called productivity is by far the most important cause of our gradually rising standard of living—which, pollution aside, nearly all of us have wanted. In the simplest terms, each worker can be paid more because he produces more and consumes more because he earns more. Inflation only increases the numbers and does not change the facts. Machines increase the productivity of an auto worker more than a barber, but both rightly share, through the general rise in real income, in the expansion of productivity in the economy as a whole.

It is difficult to conceive of our society or any other wanting to halt the rise in productivity, or efficiency, which has made real incomes higher for all of us. But even if "we" wanted to, in our kind of society and economy "we" couldn't. The profit motive will almost always propel individual daily decisions in the direction of higher productivity. A business will always buy a new machine if it will cut costs and increase efficiency—and thank goodness! That is what has made our standard of living—and we do enjoy it—rise.

It is not a matter of enjoying it, however. By any fair test, we are not really affluent; half of our households earn less than $8,500 a year. Apart from redistributing income, which has very real limits, the only way the society can continue to improve the well-being of those who are not affluent—really the majority—is through a continued increase in productivity. Anyone who wants us to go back to the ax, the wooden plow, the horse carriage and the water wheel is not only living a wholly impossible dream, he is asking for a return to a society in which nearly everybody was poor. We are not talking here about philosophical ideas of happiness, but of what people have proved they want in the way of material things. This society is not about to give up productivity growth. But every increase in productivity adds to output. Now consider the next step:

We can count on the output of the average worker to continue to rise in the years ahead, as it has in the past. Nearly all current forecasts put this rise in productivity much closer to 3 per cent than to 2, and 3 per cent has been our average in the years since World War II. So without any change

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in the labor force at all, our national output will go on rising by some 3 per cent a year.

What does output mean?

It means electric power produced—and smoke produced.

It means cans and bottles produced.

It means steel produced—and, unless something is done about it, water and air polluted.

It means paper produced—with the same result as for steel.

And so on and on.

But that is not the end, for there will not be a static labor force. As noted, the force for the next 20 years is already born and it is going to grow year by year (with a caveat, to be described below).

Obviously, we want to offer these people employment opportunity. So, in addition to a 3 per cent productivity growth, there will be an added growth of at least 1 per cent a year in the number of workers. The result is that we are almost "condemned" to a rise in our total output of 4 per cent a year. The only escape, it seems, would be a national decision either to have high unemployment or to try to be less efficient. Both are absurd on their face.

The law of economic growth says, then, that we already know that the national output in 1980 will be, and almost must be, some 50 per cent higher than it is now. President Nixon has said so publicly, and he is right. That is the result of an annual rate of real growth of about 4 per cent, compounded. It is terrifying. If an economy of $900-billion in 1969 produces the pollution and clutter we are all familiar with, what will an economy half again as large produce?

Is there no escape from this law? The answer, essentially, is no. But there is one possible way to mitigate the awesome results. We might reduce the labor input (but, we hope, not the productivity input), without creating mass unemployment.

Each working person has a workday, workweek, workyear and worklife. Any one of them could be reduced by law or otherwise. We could reduce the legal workweek from the present 40 hours. We could add more holidays or lengthen vacations to reduce the workyear. We are already shortening the worklife, without planning it that way: increased participation in higher education has meant later entry into the labor force for many, and retirement plans, including Social Security, have brought about earlier retirement than in the past for others.

If, by chance or by law, the annual man-hours of employment are reduced in the years ahead, our output will grow a little less rapidly. This is the only way to cut our economic growth, short of deliberate unemployment or deliberate inefficiency.

There is a cost. It is most easily seen in a union-bargained settlement providing for longer vacations without any cut in annual wages, or a legal reduction in the workweek from 40 to 35 hours, with compulsory overtime payments after that. In each case, more workers must be hired to produce the same output, and if the employer—because of market demand—goes on producing at the same level, wage costs for each unit of output are higher than they otherwise would have been. Prices will therefore be higher. This is widely recognized. Maybe we would be willing to pay them.

But we cannot guarantee less output. Only if employers produce less—because of the extra cost—would that happen. And in the larger sense, the cost of a reduction of our annual labor input is simply less production per capita because the labor force is idle more of the time.

But less production was the objective of the exercise—the antipollution exercise. If we start with the proposition that the growth of production is the underlying cause of pollution, which has merit as a starting point, the only way we can get less growth in production, if we want it, is to have more of our labor force idle more of the time. In that case, we will have more leisure without mass unemployment, as we usually think of the term. Our national output, and our standard of living, will rise less rapidly.

That last idea we may learn to take, if we can cope with the leisure. But under any foreseeable circumstances, our output will still go on rising. With the most optimistic assumptions about a gradual reduction of the workday, workweek, workyear and worklife, we shall undoubtedly have a much higher output in 1980 than we have in 1970. To a man concerned about the environment, it might seem a blessing if our economic growth in the next 10 years could be 2 per cent a year instead of 4 per cent; he cannot hope for zero growth.

The law of economic growth, then, tells us a simple truth: "we" cannot choose to reduce production simply because we have found it to be the cause of a fouled environment. And if we want to reduce the rate of growth of production, the place to look is in our man-hours of work.

THE LAW OF COMPOUND INTEREST

It is a fair question to ask: Why weren't we bothered about pollution 12 or 15 years ago? In October, 1957, to pick a date, the Soviet Union sent the first earth satellite into orbit. The American economy had just begun a recession that was to send unemployment to 7 per cent of the labor force. The late George Magoffin Humphrey, who had just resigned as Secretary of the Treasury, was warning of what he saw as vast Government spending, at that time $77-billion, and saying it would bring "a depression that would curl your hair." There were plenty of things to think about.

But nobody was worried about pollution. Conservation groups were properly bothered about parts of the wilderness (the Hell's Canyon Dam in Idaho, for example), but that was an entirely different thing. That was an issue of esthetics, not health. Nobody seemed to mention air pollution or waste that might overwhelm the space in which to put it. In a peculiarly sad irony, the late Adlai E. Stevenson had fought and lost an election against Dwight D. Eisenhower in 1956 partially on a "pollution" issue—radiation in the atmosphere from the explosion of atomic weapons.

The question, to repeat: Why didn't we worry about pollution then? The answer is that, relatively speaking, there was no pollution. Yes, there were electric power plants then, too. Yes, there were paper mills polluting streams. Yes, there were tin cans and paper and bottles. Some snowflakes, though we didn't know it, were already a bit black, and Pittsburgh got national attention because it tried to do some cleaning up.

But here we come to the law of compound interest. In 1957—*only* 13 *years ago*—our gross national product was $453-billion. In 1969, in constant dollars, it was $728-billion. That is an increase of nearly $300-billion in tin cans, electric power, automobiles, paper, chemicals and all the rest. It is an increase of 60 per cent.

So what? That was not the result of an unnaturally rapid growth rate, though a bit more rapid than in some periods of our past. The *so what* is this: in the preceding 13 years the growth had been *only $100-billion*. We were the same nation, with the same energy, in those preceding 13 years. We invested and we had a rise both in productivity and in our labor force. But in the first 13 years of this example our output rose $100-billion, and in the second 13 it rose $300-billion.

In the next 13 it will rise more than $500-billion.

That is the law of compound interest. These are not numbers; they are tin cans and smoke and auto exhaust. There is no visible escape from it. Applying the same percentage growth to a larger base every year, we have reached the point where our growth in one year is half the total output of Canada, fully adjusting for inflation. Another dizzying and rather horrifying way of putting it is that the real output of goods and services in the United States has grown as much since 1950 as it grew in the entire period from the landing of the Pilgrims in 1620 up to 1950.

Most investors know the law of compound interest. There is a magic rule, for example, known as the Rule of 72. It says, with mathematical certainty, that money invested at a 7.2 per cent rate of interest, compounded each year, doubles in 10 years. Our G.N.P., happily, does not compound at 7.2 per cent. But it compounds at between 4 and 5 percent, and it has been compounding. The result is that the same routine, full-employment, desirable, nationally wanted, almost unavoidable percentage increase in our national output in 1970 means precisely twice as many extra tin cans, twice as much additional electric power, and so on, as the same rate of growth in 1950. And that is only 20 years ago! We are not doing anything different, or anything awful. We are the same people. Granting approximately the same amount of human carelessness and selfishness, we are the victims solely of the law of compound interest.

The Law of the Mix Between Public and Private Spending

Robert S. McNamara, the eternally energetic and constructive former Secretary of Defense and now president of the World Bank, gave a speech in February about the plight of the poor countries. In the speech he understandably criticized the United States for reducing its foreign aid effort. But in supporting his point he adopted, almost inadvertently, a piece of partly fallacious conventional wisdom:

"Which is ultimately more in the nation's interest: to funnel national resources into an endlessly spiraling consumer economy—in effect, a pursuit of consumer gadgetry with all its senseless by-products of waste and pollution—or to dedicate a more reasonable share of those same resources to improving the fundamental quality of life both at home and abroad?"

Fair enough. It means tax increases, of course, though Mr. McNamara did not say so. That is what the "mix" between public and private spending is all about. But for our purposes the point is different. Let us look more closely at the phrase: ". . . a pursuit of consumer gadgetry with all its senseless by-products of waste and pollution . . ."

As it stands, it is true. Private consumption does create side effects like waste and pollution. But now, assume a Brave New World in which we are all happy to pay higher taxes and reduce our private consumption so that the Government may have more money with which to solve our problems—ranging from poor education to poverty, from crime to inadequate health services. We shall not examine here the issue of whether more Government money solves problems. It is obviously more effective in some areas than in others. But anyway, in our assumption, we are all willing to give the Government more money to solve problems, including pollution.

Now let us see what happens.

The Government spends the money to reduce pollution. Sewage plants are built. They need steel. They need electric power. They need paperwork. They need workers. The workers get paid, and they consume.

The Government spends the money on education. New schools are built, which need steel, lumber and electric power. Teachers are hired. They get paid, and they consume. They throw away tin cans.

The Government spends the money on a better welfare system that treats all poor people alike, whether they work or not. Incomes

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among the poor rise by some amount between $4-billion and $20-billion, and these people consume. Electric power production rises and appliance and steel production rises, and so on and on.

The point is obvious by now. A shifting in our national income or production between "public goods" and "private goods" hardly changes the environment problem at all because it does not reduce total spending, or output, in the economy.

Lest a careful economist raise a valid objection, a slightly technical point must be conceded here. Government spending is done in three categories:

Purchase of goods (tanks, typewriters, sanitation trucks and school buildings).

Transfer payments to people outside government (Social Security, veterans' benefits, welfare).

Purchase of services, meaning the services of the people it employs (teachers, policemen, park rangers, tax collectors).

To the extent that a shift to more public spending, through higher taxes and a resulting reduction of private consumption, involves the first two of these categories, the point stands as made: there will be just as much production of steel, tin cans, electric power and toasters as before. To the extent that the higher public spending goes to the third category, employment of more teachers, policemen and the like, there will be slightly less production of goods, even though these people spend their paychecks like everyone else. Essentially what happens in this case is that the society has chosen, through higher taxes, to have more services and fewer goods. If we assume that goods production brings pollution, a society with fewer auto- or steelworkers and more cops will crank out less pollution.

But this remains a relatively minor matter. Hardly anyone who proposes a solution to our problems thinks in terms of vast armies of Government workers. Reforming welfare through the President's new family-assistance plan is the perfect example; this will be a simple expansion of transfer payments. And, for that matter, building more sewage plants will be a purchase of goods. The overriding fact is that we can spend 30 per cent of our G.N.P. for public purposes, as we do now, or 50 per cent, and the G.N.P. will still be there. The law of compound interest will apply, forcing the G.N.P. upward. To the extent that the environment problem is caused by ever-expanding output, the third law says that it will not be essentially changed by altering the mix between private and public spending.

CONCLUSION

Three nice, depressing laws. They give us a starting point for any rational discussion of the environment problem. Our output is going to go on growing and growing under any conceivable set of choices we make.

But the starting point does not mean despair, it simply means that trying to solve the problem by reducing output or the growth of output is waste of time and energy. It won't and can't work.

How is the problem solved then? The purpose here is not, and has not been, to solve any problems. It has been to try to head off useless solutions. But a few things can be said:

There is, first, technology itself. The very energy and inventiveness that gave us this rising output—and got us to the moon—can do things about pollution. A fascinating case is the sulphur dioxide put into the air by coal-burning electric power plants. A very strong argument can be made that under any foreseeable circumstances we will have to burn more and more coal to produce the needed growth of electric power. And the ground does not yield much low-sulphur coal. Thus, somebody is going to have to have the incentive to develop a way to get the sulphur out before it leaves the smokestack; and if this costs the utilities money, the regulatory commissions are going to have to allow that cost to be passed along in electric bills.

Next, there is the related idea—being increasingly explored by economists, regulators and some legislators—of making antipollution part of the price-profit-incentive system. In simplest terms, this would involve charging a fee for every unit of pollutant discharged, with meters used to determine the amount. There would be an economic incentive to stop or reduce pollution, possibly backed up with the threat to close down the plant if the meter readings go above a specified level. The company—say a paper company—would be faced with both a carrot and a stick.

There is also the simple use of the police power, as with poisonous drugs, or, lately, D.D.T. It is the "thou shalt not" power: automobiles can emit no more than such-and-such an amount of this or that chemical through the exhaust pipe. Once again, if the engineers cannot find a way out, the car simply cannot legally be sold. There will be, and should be, all sorts of debate "at the margin"—whether the higher cost of the different or improved engine is worth the extra reduction of pollution. The argument exists now over D.D.T.; there are clearly costs, as well as benefits, in stopping its use. But "thou shalt not" power exists.

Finally, there are many possibilities for using a part of our public spending for environmental purposes. Sewage plants are the obvious case. President Nixon has proposed a big expansion of the current level of spending for these plants, though not as much as many interested in clean water—including Senator Edmund Muskie—would like to see.

In this case, and only in this case a greater effort at curing pollution must be at the expense of some other Government program unless we pay higher taxes. It is proper to point out here the subtle dimensions of the issue. There are all sorts of possible gimmicks, like tax rebates for antipollution devices for industry and federally guaranteed state and local bonds. One way or another, spending more for pollution abatement will mean spending that much less for something else, and the something else could mean housing or medical services. Every local sewage plant bond sold means that much less investment money available for mortgages, for example.

A final reflection is perhaps in order, though it is almost banal. Our rising G.N.P. gives us the "resources" to do the antipollution job. These resources include rising Government receipts. Our technology, which has given us the rising G.N.P., might find the way out of one pollution problem after another—and they are all different.

But, in the end, we cannot be sure that the job will be done. Growth of total output and output per capita will continue. The long-term relief is perfectly obvious: *fewer "capita."* That sort of "solution" might help, in our country, by about 1990. If we survive until then, the law of compound interest will be much less horrifying if the population is 220 million instead of 250 million.

FAT AND HEART DISEASE

Mr. McGOVERN. Mr. President, at the conclusion of my remarks, I ask unanimous consent to have printed in the Record a letter I sent today to Dr. Charles Edwards, Commissioner of the Food and Drug Administration, regarding the problem of fat in the diet and heart disease. The letter followed reports published today in the New York Times of recommendations by a prestigious national commission that FDA permit fat labeling by content to encourage consumption of more unsaturated fats and engage in long-term mass testing to determine the actual results on health of such a diet.

I communicated my concern to Commissioner Edwards about this matter because as chairman of the Select Committee on Nutrition and Human Needs, I heard testimony a year and a half ago by distinguished physicians whose recommendations at that time paralleled the Commission's recommendations today. A year ago, the White House Conference on Food, Nutrition, and Health essentially urged the same kind of action. As yet, FDA has taken no steps to implement the recommendation. I understand that it now has a petition before it to do just that. I urge Commissioner Edwards to act immediately.

I also ask unanimous consent that the articles from today's New York Times be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Senate, Select Committee
on Nutrition and Human Needs,
Washington, D.C., December 16, 1970.

Hon. Charles Edwards,
Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C.

Dear Dr. Edwards: I am writing to you in regard to reports published today on recommendations issued by the Intersociety Commission for Heart Disease Resources. The Commission, consisting of 115 leading American medical and nursing personnel, recommended an extremely important change in nutrition policies by the government which would very likely contribute to a dramatic decrease in the incidence of death by heart disease in the United States. Specifically, the Commission recommended a change in your agency's policies regarding the labeling of fat content in foods and an emphasis on the consumption of products prepared with unsaturated fats. The Commission also recommended a federally sponsored, long term study to determine once and for all the role of saturated fats in heart disease in the United States.

I am especially interested in the Commission's recommendations because, about 18 months ago the Senate Select Committee on Nutrition and Human Needs, of which I am chairman, heard testimony from distinguished physicians describing the enormous nature of the problem of heart disease in this country. At that time, these physicians made recommendations almost exactly the same as the Intersociety Commission has now made. I had the opportunity to question before the Committee your predecessor, Dr. Herbert Ley, regarding FDA's apparent unwillingness to permit food labeling by fat content and to engage in a massive long term study to scientifically determine the effects of fats in the diet.

It became apparent during the Committee's hearing that one of the agency's reasons for failing to move forward on the matter was its fear of becoming embroiled in conflicting pressures from elements of the food industry. I expressed the opinion at that time that such considerations, potentially a matter of life and death for millions of Americans, were unconscionable and I further urged the FDA to act speedily on this matter.

That was 18 months ago. Since that time, 75,000 Americans, among them three times as many men as women, have died prematurely as a result of heart connected illnesses. Heart disease is the primary killer of middle-aged American men. The cost to the country and to the individual families of each one of these deaths is incalculable. If anything

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can be done to prevent this national and these individual tragedies from continuing, it should be done and done now. I believe the Intersociety Commission's recommendations should be implemented immediately. I understand that you now have before you a petition filed by James Turner of the Center for Responsive Law, and F.A.T.S., a group of George Washington Law students, to implement the recommendations. I am sure you are also aware that the White House Conference on Food, Nutrition and Health essentially supported such recommendations. I hope you will see fit to act favorably on them very soon.

Sincerely yours,

GEORGE MCGOVERN,
Chairman.

[From the New York Times, Dec. 16, 1970]

FEDERAL HEART PANEL ASKS PUBLIC TO EAT FEWER FATS

(By Jane E. Brody)

A national commission of medical experts recommended in a report released yesterday that Americans make "safe and reasonable" changes in their diets to lower blood cholesterol levels in the hope of stemming the current "epidemic" of heart disease.

At the same time, the commission urged the immediate adoption of a national policy committed to the primary prevention of premature atherosclerosis and its attendant cardiovascular diseases.

Of the 600,000 American deaths attributed to heart disease each year, 165,000 are "premature" deaths occurring in persons under the age of 65. Men are three times more likely than women to be the victims of premature coronary death.

The dietary changes recommended yesterday a halving of the current average daily consumption of cholesterol and saturated fats and a substantial reduction in total fat intake.

To achieve this, the commission advised Americans to cut down on egg yolks, butter fat, fatty meats, organ meats, shellfish and fat-rich baked goods and candies and to substitute wherever possible products prepared with unsaturated fats. Most vegetable oils are unsaturated.

The commission's recommendation was based on a large body of data gathered from both animal and man that suggest that changes in the typical fat-rich American diet can help prevent or at least delay cardiovascular diseases.

Noting that definitive evidence linking dietary fats and cholesterol to human heart disease is not available, the commission called for large-scale, long-term, Government-sponsored studies to determine once and for all the effect that changes in diet and other factors may have on the nation's slowly rising coronary mortality rate.

Such a study would involve perhaps 100,000 persons followed for five to 10 years at an estimated cost of $50-million to $100 million.

The commission said that it was recommending a change in diet despite the lack of definitive evidence because "the American public would probably have to wait at least 10 years for the results of these studies [and] at times urgent public health decisions must be made on the basis of incomplete evidence."

OTHER "RISK FACTORS"

In addition to diet and its effect on blood fat levels, the commission singled out high blood pressure and cigarette smoking as the major "risk factors" leading to premature heart disease and coronary deaths. Accordingly, the report recommended an "orderly phasing out" of the cigarette industry with strict restraints on the sale and advertising of cigarettes and a major national effort to detect and treat victims of high blood pressure.

The commission, consisting of 115 leading American medical and nursing personnel, was set up under the Regional Medical Programs to formulate policy guidelines to prevent prelabeling laws to permit manu- * * * mature heart disease and improve care of coronary patients.

Under the chairmanship of Dr. Irving Wright, professor emeritus at Cornell University, and the direction of Dr. Donald T. Frederickson, the commission will produce a series of reports in the coming months on other aspects of coronary care.

The current report, considered the commission's effort, was discussed at a news conference at the Biltmore Hotel here yesterday. The full report will be published in this month's issue of the journal, Circulation.

Dr. Frederickson summarized the commission's dietary recommendations as follows:

The current American diet, which draws about 40 per cent of its calories from fat, should be cut down to include no more than 35 per cent fats; the saturated fat level, currently at 16 to 20 per cent, should be cut in half, and the cholesterol level, currently at 600 to 750 milligrams a day, should be no more than 300 milligrams daily.

Foods high in cholesterol include egg yolks and dairy and animal fats.

At the same time, Dr. Frederickson said, intake of polyunsaturated fats (the oils of corn, peanuts, soybeans and the like), which currently averages 7 per cent of calories, should not exceed 10 per cent. The remaining dietary fats should come from monounsaturated fats like olive oil.

CHANGE IN STANDARDS

According to Dr. Frederick H. Epstein, epidemiologist at the University of Michigan, such a dietary change "can lower serum cholesterol by 10 to 15 per cent."

"At a conservative estimate," he said, "such an effect on serum cholestrol might lower the incidence of coronary heart disease by as much as 30 per cent."

To help Americans achieve this dietary change, the commission urged that Federal food standards be changed to permit the sale of processed meats and dairy products in which unsaturated fats substituted for saturated fats. Under current standards, for example, milk that has part or all of its butter fat replaced by vegetable oil must be called "imitation milk."

The commission also called upon the Food and Drug Administration to change its * * * facturers to list the exact fat contents of their products so that Americans would have a better idea of what they were eating in the way of fats and cholesterol.

Other risk factors that the commission linked to premature heart disease were diabetes, obesity, sedentary living, a family history of heart disease and possibly "psychological tensions."

TYPICAL FAT-RICH AMERICAN DIET HAS LONG BEEN SUSPECT IN HEART DISEASE STUDIES: BUT ROLE OF DIETS IN MAN IS UNCLEAR

In 1908 a group of Russian researchers discovered that rabbits developed hardening of the arteries after eating a diet laden heavily with saturated fats and cholesterol.

Since then, the relationship between a diet high in saturated fats and cholesterol and the artery-clogging disease called atherosclerosis has been demonstrated over and over again in virtually every species of laboratory animal. In monkeys, the long-term result of such a diet is sometimes a fatal heart attack.

For man, however, there have been no studies to define clearly the role that diet may play in the nation's heavy incidence of heart disease.

The recommendation made yesterday that Americans adopt a diet low in saturated fats and cholesterol is based mainly on the extensive evidence gathered in lower animals and on a wide variety of indirect human studies that point a finger at the typical fat-rich American diet as a leading cause of atherosclerosis and fatal heart attacks.

THE EFFECT OF FAT

Cholesterol is a tasteless, odorless fatty alcohol that forms the main constituent of plaques on the artery walls that are known as atherosclerosis. Saturated fats, which are hard at room temperature (saturation refers to the inability of the molecule to accept any more hydrogen atoms than it already has), tend to raise the level of cholesterol in the bloodserum.

The higher the serum cholesterol level, it is believed, the more likely that atherosclerotic plaques will form. The plaques narrow the opening of the arteries and reduce their elasticity. This slows blood flow and increases the likelihood that clots will form and lodge in the narrowed arteries. The result is a heart attack or stroke.

Autopsy studies of more than 31,000 persons aged 10 to 69 who died in the early nineteen-sixties in 15 cities throughout the world disclosed that people in countries where the diet was typically high in saturated fats had more severe hardening of the arteries than people from countries with low saturated fat diets.

In this investigation, the people autopsied in the United States showed the most severe atherosclerosis.

12,000 MEN STUDIED

In a diet survey involving 12,000 initially healthy middle-aged men in seven countries who were followed for 10 years, the mortality rates attributed to heart disease were closely correlated with the amount of saturated fat in the daily diet. With little variation, the more saturated fat in the diet the higher were the observed coronary death rates among the populations studied.

In east Finland for example, where 22 per cent of dietary calories consist of saturated fats, the coronory death rate over a five-year period was 220 for each 10,000 men. In contrast, in Japan, where saturated fats make up only 3 per cent of the daily caloric intake, the coronary death rate was 20 for each 10,000.

Among American railroad employes, whose diet, consisting of 17 per cent saturated fats, is fairly typical of the nation as a whole, the coronary death rate was 185 for each 10,000.

Other factors, including heredity, are thought to modify the effects of diet on serum cholesterol levels and heart disease rates. But the experience of migrants from countries with low coronary death rates indicates that diet is a critical factor.

For example, as the Japanese diet became more Westernized with migration from Japan to Hawaii to California, the average cholesterol levels of middle-aged men rose from 160 to 210 to 245 milligrams for each 100 milliliters of blood serum, and the incidence of heart disease rose expotentially. The average middle-aged American male has a serum cholesterol level of 230 milligrams.

SMALL STUDIES CITED

A number of relatively small studies here and abroad have indicated that lowering the total fat in the diet and substituting unsaturated for saturated fats wherever possible can effectively lower the serum cholesterol levels in most people.

The two-year National Diet-Heart Feasibility Study showed, for example, that a low saturated fat diet such as was recommended yesterday could effect a 10 to 15 per cent reduction in serum cholesterol levels of middle-aged men.

Recently, lay reports of the 20-year Framingham Study disclaimed the influence of diet on serum cholesterol. However, Dr. William B. Kannel, director of the study, said that there was simply too little variation in the fat intake of the Framingham population to demonstrate an effect of diet on cholesterol levels.

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"The men in Framingham, like American men as a whole, consume such an overload of fat that slight variations in fat intake are not reflected in different cholesterol levels," Dr. Kannel said.

Studies in experimental animals have shown that early atherosclerotic plaques will dissolve if the animals are placed on a fat-restricted diet. A few small but long-term human studies have indicated that changing the diet to lower serum cholesterol can also lower the risk of heart disease.

In one eight-year study of 846 elderly veterans in Los Angeles, the coronary mortality rate among men on a diet low in saturated fats was half that of men eating their regular American diet. However, this study, and others like it, lacked statistical significance and had several loopholes in its design.

HEART STUDY GROUP USES U.S. FUNDS

(By Nancy Hicks)

The Intersociety Commission for Heart Disease Resources, which yesterday called for a drastic reduction in the fat content of the American diet as a means of combating premature heart disease, is a federally funded organization of more than 100 experts in cardiovascular disease, epidemiology, radiology, rehabilitation and surgery.

The national commission was set up more than two years ago with funds from the Regional Medical Programs of the Department of Health, Education, and Welfare.

The report released yesterday was the ninth by the commission, which plans to release 21 more before it dissolves next September.

20 DRAFTS

The document went through 20 different drafts before it reached its final form. Each time, copies were sent to critics for their comments and opinions.

The procedure was coordinated by Dr. Donald T. Frederickson, project director of the commission.

"Heart disease is the major cause of disability in this country," Dr. Frederickson said yesterday in explaining the commission's goals. "This factor is much more important than the death factor.

"If a middle-aged man develops a heart attack, he can become a burden to his family and his community. He will live for 15 years at a much diminished capacity.

"It's foolish to talk about wiping out heart disease. We're never going to do that. People have to die of something, and it probably will be heart disease. But we are trying to keep a person healthy through his middle years and into retirement," he said.

DIRECTED HARLEM PROGRAM

Dr. Frederickson, 36 years old, joined the commission during its formation after serving for three years as the director of the health program in Harlem and as the director of a smoking control program for the New York City Department of Health.

He spent four years with a heart disease control program of the United States Public Health Service after graduating from Cornell Medical School. He also served as a Peace Corps physician in Pakistan.

He was in part responsible for the 1966 change in television advertising policy that granted $70-million of free air time to responsible health groups that opposed cigarette smoking.

Based on the information in yesterday's reports, law students are petitioning the Food and Drug Administration to change the labeling policies for fats and oils.

LETTER FROM SENATOR MAGNUSON

Mr. PEARSON. Mr. President, the distinguished chairman of the Senate Commerce Committee (Mr. MAGNUSON) has been one of the most widely respected and effective Members in the history of the U.S. Senate. A leader on many fronts, he has personally guided much of the landmark legislation of the past decade ranging from civil rights to transportation to consumer protection. In fact, as author of "Dark Side of the Marketplace" and as the committee chairman who first invited a young man by the name of Ralph Nader to testify, he has accurately been credited as one of the founders of the consumer movement.

When he discovered that Republican members of his committee were being falsely accused of trying to defeat a piece of consumer legislation, S. 1575, the Hart bill, Senator MAGNUSON, though a national figure in the Democratic Party and a strong supporter of S. 1575, was seriously disturbed. On his own initiative, he sent the following letter to Mr. John L. Rose, editor of the Journal of Kansas Pharmacy, forwarding a copy of it to me.

Mr. President, with Senator MAGNUSON's permission, I ask unanimous consent that this letter be printed in the RECORD. Because of its clarity, and because of the integrity of its author, I submit it for the Senate's consideration.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., December 15, 1970.

Mr. JOHN L. ROSE,
Editor, Journal of Kansas Pharmacy,
Topeka, Kans.

DEAR MR. ROSE: Your editorial accusing Senator Pearson of participating in a boycott of Committee executive sessions on S. 1575 (The Regulation of Trade in Drugs Act) has been brought to my attention and greatly disturbs me. I have investigated the supposed statements and facts leading up to the accusation that the Republicans on this Committee boycotted the executive session, and I have found the report totally without substance.

Senator Pearson has been a responsible member of this committee. He has never, within my experience, been a party to any scheme to prevent the Committee from acting on S. 1575 or any other bill. He has expressed his support for S. 1575 and has been as conscientious in his attendance at Committee meetings as any member. I would hope that you would rectify your unsubstantiated and unjust accusation.

Thank you.

Sincerely yours,
WARREN G. MAGNUSON,
Chairman.

LET US GIVE HIM A CHANCE

Mr. HANSEN. Mr. President, in their effort to find something wrong with the President's appointment of John Connally, of Texas, as the new Secretary of the Treasury, the Nation's pundits are cluttering the media with confusing accusations that this is strictly a political appointment. It is time we had a little sense.

As the new Secretary of the Treasury, the President needed a forceful and aggressive man who could explain his economic policies to the Nation, and who would enjoy good relations with Congress. Because the President's proposals for revenue-sharing will be a vital part of the Secretary's job, he needed a man who has wide experience in Government. Because the President wishes bipartisanship in his administration, he needed a man who was strongly identified with the Democratic Party.

Governor Connally fills the bill on all these counts. But because he comes from a State which has 26 electoral votes, the so-called political experts have zeroed in on this as the determining factor in making the appointment.

His credentials as an effective, knowledgeable, forceful Cabinet officer were well established earlier in this decade. His record as Secretary of the Navy is a proud one; his performance as a three-term Governor of Texas earned him the admiration and respect of his Democratic and Republican colleagues of which I was one.

While there will continue to be political sniping by some, I firmly believe that all those who are more interested in the progress we can make as a nation than in their own political fortunes will applaud this appointment.

IT COULD NOT BE DONE

Mr. JAVITS. Mr. President, I am pleased to bring to the attention of Senators a commercial television program which turned out to be a potent instrument of international good will, and shows an important side of the American character to millions of people all over the world.

Last April the American Telephone & Telegraph Co. presented Lee Marvin in "It Couldn't Be Done." This television tribute to American courage and foresight saluted the builders of the Brooklyn Bridge, the Holland Tunnel, Mount Rushmore Memorial, and many other monuments to American perseverance against virtually insuperable obstacles. It was endorsed by the National Education Association as well as the General Federation of Women's Clubs, and attracted some 30 million viewers. It also attracted the interest of the U.S. Information Agency.

Under the auspices of USIA, "It Couldn't Be Done" is now being prepared in 30 languages for showing in 120 countries. I understand that virtually all members of the European Broadcasting Union have declared their intention of scheduling the program in prime time in their respective countries, fully aware that the program is a frank—but accurate—paean of praise for the United States; and that Portugal and Japan have already broadcast the program in prime time to high praise from the critics and general public alike.

So much interest in the feature has been generated in this country that A.T. & T. on behalf of its Bell System Family Theater will rebroadcast "It Couldn't Be Done" on NBC–TV on February 9 at 7:30 p.m.

I ask unanimous consent that an article entitled "Portuguese Acclaim U.S. TV Show," which describes the impact of "It Couldn't Be Done" in Portugal, written by the dean of radio and television editors, Ben Gross, of the New York Daily News, be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

PORTUGUESE ACCLAIM U.S. TV SHOW

(By Ben Gross)

It's a place where you can buy a made-to-measure shirt for about $3; a fine sports jacket and slacks for $15; stay at a tourist inn, with three meals for two for less than $10 a day; a land where flowers bloom throughout the year in the spring-like climate. The name of this paradise is Portugal . . . the bargain country of the world today.

There, on the national TV network, I saw again the prize-winning documentary, "It Couldn't Be Done," under the auspices of the United States Information Service. It was hailed with enthusiasm by the Portuguese viewers and critics of the press.

The special, starring Lee Marvin as host-narrator, is a lyrical paean to American enterprise exemplified in the building of the Panama Canal, the Empire State Building and other marvels that once drew from the cynics the comment, "It Couldn't Be Done." In Lisbon a first-rate Portuguese commentator presided over the telecast.

Originally seen over NBC on April 2, of this year, it will be shown again over the NBC–TV network on Tuesday, February 9, 7:30 p.m., under the sponsorship of the American Telephone and Telegraph Company as a feature of its Bell System Family Theater series.

NEWSWORTHY TELECAST

The Portuguese televising was newsworthy for two principal reasons. It was the premiere showing abroad—it will eventually be seen in 120 foreign countries, dubbed into 30 languages—as a result of the enterprise of the United States Information Agency, the parent organization of the USIS, headed by director Frank Shakespeare. Secondly, even some of the commercials were retained and relished by viewers because these didn't seem to be like commercials at all.

The Portuguese papers praised the special for its depiction of "American courage and daring," with special words for "the technical brilliance" of Lee Mendelson's production.

As for the public . . . "After seeing this film, I understand why the United States is such a great country," said a front desk man at Lisbon's palatial Ritz Hotel. A lawyer commented: "It was an inspiring lesson for all of the world, proof of what free enterprise can achieve."

LIMITED FARE

There is only one TV network in Portugal, with two channels. News and drama are its most popular offerings, with two American series, Diahann Carroll's Julia and Mission: Impossible, among the leaders. An hour show usually has two intervals during which the commercials are shown.

By American standards, the Portuguese TV fare is a limited one. The four million viewers, who own a million sets, selling at an average price of $210 (a big sum over there), see soap operas, women's shows and comedy daily from 12:45 p.m. until 2:30. From 2:30 to 7, the channels abound in classroom educational programs; then from 7:30 to midnight, there are dramas, discussion periods, sports and some comedy.

An ardent friend of the United States, an able executive, Dr. Ramiro Valadao, president of the board of directors of Radio-Televisao Portuguesa, heads the broadcasting system. Once stationed in this city, Mayor Lindsay will be happy to hear that he is the most fervent booster of our town I have ever encountered.

We met at a dinner party of Lisbon government officials and diplomats in the villa of Stephen W. Baldanza, public affairs officer of the U.S. Embassy.

Both USIS men, Baldanza and Jack Fawcett, cultural attache, who served as two of my guides, are hard workers, far removed from the State Department striped pants "cookie pushers" caricatured in some stories. Especially outstanding is Baldanza, like Fawcett, a master of languages, winning many friends for the United States.

But our embassy occupies a somewhat shabby former apartment building—more befitting Albania than a great power such as the United States. However, across the street is a spacious library, reflecting every shade of our American opinion. A cultural center, this structure has a movie theater and classrooms where English is taught to students about to enter U.S. universities. It was recently the scene of a minor bomb explosion that did surface damage and injured no one.

Although many thick tomes could be—and have been—written about Portugal and its beautiful island possession, Madeira, here are a few more random notes recorded by a wandering TV pundit during his brief visit:

Lisbon is a charming, quaint city of centuries old palaces, high-rise buildings, wide tree-shaded boulevards and ancient, narrow, cobble-stoned streets.

ALLURING PRICES

Outside of a few luxury restaurants, one may have a sumptuous dinner with two wines for around $3 or $4. Whisky is expensive, so are cars, gasoline, prime steaks and breakfast cereals. But crab, shrimp, crawfish and tasty fish are ridiculously low priced.

A cobbler will make you a pair of shoes for about $5, after he has carved out of wood a last with exact measurements of your feet. . . . Low costs characterize even swank Estoril, a Lisbon suburb, the haunt of exiled royalty and nobility. It's a picturesque community of vivid tropical flowers, sunshine, Atlantic waters.

Here are the famous gambling casinos and the beautiful main street, where one may see strolling Umberto, the would-be king of Italy, and the pretenders to the thrones of Spain and France. Monarchists from Rome still greet Umberto in his villa with bows and the kissing of his hand, and address him as "Your Majesty."

PICTURESQUE VILLAGE

The picturesque fishing village of Cascais in the Estoril sector is just as appealing and even less costly. So is the Portuguese island of Madeira, truly an enchanting symphony of loveliness, of radiant colors: towering green mountains, deep gorges and lush green valleys. Flowers are everywhere—scarlet, blue and gold—banana trees, avocados, vineyards, passion fruit, custard apples and the reddest peppers and tomatoes you ever saw.

In the principal city of Funchal, are the famous fruit, blossom and fish markets, the latter specializing in the rare fish—the espada—the most flavorful of all sea creatures, British, German, Scandinavians and a sprinkling of Americans loll on the beaches and swim even during late November. Some enjoy life in hotels—room, bath and meals—for as little as $12 or $14 a day.

THE BIG QUESTION

But how long will this last? . . . Well, both the Hilton and the Sheraton chains are now building hotels there. In a year or so will come hundreds of American tourists and the inevitable rise in prices.

Yes, Madeira is still a paradise . . . but soon enough—alas!—it may become like the one Milton wrote about—"lost."

ONLY PROTOTYPES OF SST CAN PROVE ARGUMENTS

Mr. RANDOLPH. Mr. President, the controversy continues on the supersonic transport. I believe that the Senate should support the Senate-House conference report.

I trust that a filibuster against the funding in the reduced sum of $210 million will not be conducted.

Reasonable debate, as to length of time, and reasoned as to content, should prevail. Then the Senate should vote.

I ask unanimous consent that an article entitled "Only Prototypes of SST Can Prove Arguments," written by Crosby S. Noyes, and published in the Washington Evening Star of December 15, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONLY PROTOTYPES OF SST CAN PROVE ARGUMENTS

(By Crosby S. Noyes)

Of all the arguments that have been raised against the building of two prototype models of a supersonic transport, or SST, the weakest, it seems to me, is the argument that the plane might turn out to be an environmental menace.

It also is unquestionably the most effective of the objections raised against going ahead with the program.

There are many reasons from the standpoint of economics or national priorities for questioning the wisdom of mass production of the SST. But there would have been no question about continuing the present experimental program, except for the political power of the conservationist lobby on Capitol Hill.

The arguments of the conservationists are weak because they are very largely unproven. For months, they have been arguing that the SST would be an ecological disaster, polluting the atmosphere, bombarding the earth with intolerable noise, subjecting passengers and crews to a variety of hazards and possibly even bringing about drastic climatic changes to the planet.

Perhaps they are right. If they are, it will be fairly obvious to everyone that the SST ought to be banned, not only in the United States but everywhere in the world. Even those who doubt the validity of some of the arguments have accepted the idea of legal restrictions on overland flights which would produce sonic booms and on excessive airport noise levels.

Yet until the fears of the environmentalists have been demonstrated by the performance of the two prototype models, it would seem premature to scarp the program altogether. It is, in fact, a little as if Columbus had decided against setting sail for fear of falling off the edge of the world.

Nor will the world be much protected from disaster by any restrictions imposed by the United States Senate. The British, French and Russians already are busily flight testing their own models of the supersonic transport. If these tests have turned up any serious environmental problems, the rest of the world has yet to be told about them. And the suggestion that the American version of the SST would greatly increase whatever risk may be involved is hardly justified.

Certainly, the notion that the construction of a supersonic prototype would precipitate some kind of immediate and irreversible environmental catastrophe is absurd on the face of it. Whatever genuine threat to the environment may be involved, the best way—indeed, the only way—of identifying the threat, assessing the potential hazard and possibly correcting it is to build the prototype planes.

In fact, however, the implication that the SST represents an excursion into a wholly unexplored area of technology is quite wrong. Supersonic flight has been a reality for many years and many thousands of military aircraft have created none of the nightmarish problems that the environmentalists describe. The difference with the SST is only one of size of the individual aircraft and total numbers involved.

Opponents of the SST have argued that, unless the project is stopped in its experi-

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mental stage, it will be far more difficult to stop it later on, even if the danger to the environment becomes manifest. Once the commitment is made on the prototypes, they feel, and many more millions of dollars spent, the construction of fleets of supersonic transports will be inevitable, regardless of the consequences.

This is a curiously fatalistic argument which the opponents of the SST, if they have their way, will do much to disprove. A cutoff of funds for prototype development at this stage would, in fact, undo many years of research and development and scrap a project on which billions of dollars have been invested.

In this connection also, it is interesting to note that the British and French, whose program is far more advanced than ours, are seriously reassessing the feasibility of mass-producing the Concorde version of the SST on purely economic grounds.

Surely, if the American program can be stopped in its tracks on the basis of vague ecological apprehensions, it clearly can be stopped or modified later on if the apprehensions prove valid. If this is necessary, however, it should be done as a matter of international agreement and not as the unilateral decision of a small group of American legislators.

DRUG ABUSE IS A NATIONAL EPIDEMIC

Mr. NELSON. Mr. President, throughout the Nation, community after community is making the sad and shocking discovery that drug abuse and narcotic addiction are not the exclusive afflictions of specific social and economic groups; nor is drug dependence confined to the decaying centers of our major metropolitan areas.

The fact is that drug abuse is a national epidemic. It is a pervasive and insidious influence in every sector of this Nation and chooses its victims indiscriminately—save perhaps for the particular vulnerability of youth.

It is also very apparent that narcotics and increasing drug traffic have not been effectively controlled by law enforcement and harsh punishment alone. While strong laws and firm enforcement are necessary to deal with the criminal network of distribution, they have been unable to innoculate the potential user from the virulence of drug dependence.

An effective drug control program will require the massive and total commitment of our entire society—positive action at each level of government, the efforts of the private sector, and the knowledgeable assistance of individual citizens.

One of the resources which is vital in any serious community effort to understand and control drug dependence and narcotics addiction is the availability of educational materials for distribution to a wide variety of groups and individuals. The failure to make readily available authoritative, explicit informational books, articles, and pamphlets that explain the issues surrounding the drug problem in an easily understandable fashion to parents, educators, civic leaders, and youth themselves, has hindered the reasoned development of effective local drug abuse programs and the establishment of effective communication and mutually respectful dialog within any individual community or family.

To help meet the need of all elements of the community, both adults and the younger members, for a source of accurate readable information I have assembled a brief list of pamphlets, books, manuals, films, and other material which are now available from reputable organizations with legitimate interests in the area of drug education and control programs. These groups include various departments and agencies of the Federal Government, in particular the National Institute of Mental Health, and private organizations such as the National Coordinating Council of Drug Abuse Education and Information and the United Methodist Church, as well.

This list is certainly not an exclusive one. It does provide, however, the source for readily understandable, free, or inexpensive materials that have been selected for their suitability for first, schools and civic groups, second, parents and adults, three, youths, 14–18, and fourth, young adults.

Mr. President, I ask unanimous consent that the list of educational materials be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Title	Description	Suitable for—				Price and quantity	Published by—
		Schools, civic groups	Parents and adults	Youth 14 to 18	Young adults		
What Everyone Needs To Know About Drugs.	A comprehensive book discussing a variety of facets of drug abuse.				×	$2.95 a copy, $1.75 per copy for 10 or more.	U.S. News & World Report, 2300 N St. NW. Washington, D.C.
Drug Education Curricula Series	A descriptive brochure of guides available for study of drug abuse.	×				Free	National Clearinghouse for Drug Abuse Information, Chevy Chase, Md.
Selected Drug Abuse Education Films.	Resource for persons using films in drug abuse education.	×				do	Do.
A Federal Source Book: Answers to the Most Frequently Asked Questions About Drug Abuse.	Pamphlet giving answers to questions most often asked about drugs.	×	×	×	×	1 copy free[1], $0.25 per copy, $18.75 per 100 copies.	Departments of Defense, HEW, Justice Labor, and OEO.
Common Sense Lives Here	A community guide to drug abuse action	×	×			$2 a copy, $1.25 per 100 copies.	National Coordinating Council of Drug Abuse Education and Information, 1211 Connecticut Ave. NW., Washington, D.C.
The Drug Puzzle	A multimedia packet for drug education emphasizing heroin, marihuana and LSD.	×	×			$5 per packet	Do.
Putting the Pieces Together	Book designed for use by persons who present drug education to young people or adults.	×	×			$1.25 per copy	Service Center, Board of Missions, United Methodist Church, 7820 Reading Rd., Cincinnati, Ohio.
Don't Guess About Drugs When You Can Have All The Facts.	Catalog of the current drug abuse materials available from the National Institute of Mental Health.	×				1 copy free,[1] $0.20	U.S. Department of HEW, Washington, D.C.
Before Your Kid Tries Drugs	Pamphlet aimed at parents and young adults summarizing the effects of the most widely used dangerous drugs.		×	×		1 copy free,[1] $0.25	Do.
Adverse Reactions to Hallucinogenic Drugs.	Highly technical reports on scientific research relating to drug reactions.	×	×			1 copy free[1], $1.25	Do.
Drugs of Abuse	Pictoral survey of today's drug abuse	×	×			1 copy free[1], $0.40 for more than 1 copy.	U.S. Department of Justice, Washington, D.C.
Resource Book for Drug Abuse Education.	Techniques that experienced drug educators have found helpful in communicating with young people considering drugs.	×	×			1 copy free[1], $1.25 for larger quantities.	U.S. Department of HEW, Washington, D.C.
It Takes A Lot of Help	One of the 1st films to document and explore the numerous avenues available to individuals and communities combating drug abuse.	×	×			Free	Modern Talking Picture Service, 1212 Avenue of the Americans, New York, N.Y.
Recent Research on: Narcotics, LSD, Marihuana and Other Dangerous Drugs.	Pamphlet giving the latest findings on drug abuse in America suitable for the layman.		×			1 copy free[1], $0.20 for larger quantities.	U.S. Department of HEW, Washington, D.C
Marihuana Fables and Facts	Leaflet which attempts to disprove the myths about marihuana.		×	×	×	1 copy free[1], $0.05 per copy, $3.25 per 100.	Do.
The UP and Down Drugs: Amphetamines and Barbiturates.	Leaflet summarizing the use, effects, and abuse of these drugs.		×	×	×	do	Do.
LSD: Some Questions and Answers	Leaflet summarizing the use, effects, and dangers of LSD.		×	×	×	do	Do.
Marihuana: Some Questions and Answers.	Leaflet summarizing the use, effects, and risks.		×	×	×	do	Do.

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[1] A single copy of this publication can be obtained free of charge from either A or B listed below: A. Senator Nelson, 404 Old Senate Office Building, Washington, D.C. 20510, or B. Distribution Unit, Office of Communications, 5454 Wisconsin Ave., Chevy Chase, Md. 20015. Copies of the above listed publications are also available at the prices quoted from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Note: Also available from Senator Nelson's office is a selected bibliography, "Drug Abuse In the United States," prepared by Mr. Harry Hogan of the Legislative Reference Service, Library of Congress, Washington, D.C.

THE U.S.-U.S.S.R. FISHERIES AGREEMENT

Mr. JORDAN of North Carolina. Mr. President, during the past 2 weeks the State Department has been negotiating with the Soviet Union on an agreement on certain fishery problems on the high seas in the western areas of the middle Atlantic Ocean, which was effective from January 1, 1969 to December 31, 1970.

Last Friday a new agreement, to be effective from January 1, 1971 to December 31, 1972, was signed by the United States and the Soviet Union.

Like the agreement before it, the new agreement largely protects only fisheries in the northern United States and does not properly protect fisheries in southern waters. I am particularly concerned about the fisheries off of the coast of North Carolina which depend upon menhaden and river herring to a large extent.

Our North Carolina fishermen urgently requested that menhaden and river herring off our coast be added to the list of fish prohibited from harvest by the Soviets. In its final form the agreement signed last Friday by State Department negotiators provides our fishermen no effective protection whatsoever and I am dismayed to have to report it contains a new provision which will actually be restrictive on our own fishermen.

First, let us look at the agreement on menhaden. It was decided to restrict both United States and Soviet fishing of menhaden between January and April outside the 12-mile limit and to extend the geographical area of protection from Cape Hatteras farther south to Cape Fear.

The State Department officials view these as major concessions by the Soviets and as a beginning step toward providing year-round protection for menhaden. This viewpoint, however, will be valid if menhaden need protection only from January to April outside the 12-mile limit.

Representatives of the fishing industries of North Carolina—some of whom were not invited to submit their thoughts or suggestions concerning agreement provisions, by the way—tell me that such an assumption is just not valid—that the main fishing season is after April and that our boats do indeed go beyond the 12-mile limit. Seen in this light, the agreement provisions on menhaden seem both almost meaningless and at the same time unnecessarily restrictive to the United States during the time between January and April when our own boats would be restricted from fishing menhaden outside the 12-mile limit.

State Department officials, now aware of the question of the extent of U.S. fishing outside the 12-mile limit, have said that a study will be conducted on this subject and that, depending on the results of this study, the matter could be reopened in January when the Soviets return to negotiate on Pacific coast fisheries.

I might add that at the present time the Soviet Union reports that it is catching no menhaden at all while the United States has recorded a catch for 1970 of 167,000 tons. Yet the Soviet Union refuses to agree to continue catching no menhaden.

Now, river herring: During 1970 the Soviet Union has caught approximately 10,000 tons while the U.S. catch was only one-third larger at 15,400 tons.

No protection at all is given in the agreement to river herring, a fish whose spawning and survival is wholly dependent upon the U.S. fresh water streams flowing into our coastal areas.

State Department officials report that the Soviet Union has agreed to restrict their catch of river herring and is willing to discuss the amount of reduction of their catch at the January meeting. They also indicate that the Soviets will enforce any such agreement immediately.

The State Department feels that sufficient protection can be agreed upon in January before the peak season for fishing river herring begins in February and March. Of course, there is no guarantee of this.

I understand the position of the State Department in feeling that any agreement protecting some fish is better than no agreement at all.

However, I think that it must be remembered that our prime consideration is the wise conservation of the fisheries off of our own coast and that much is at stake. There is a limit to the amount of fishing a stock can sustain and it seems as though the coastal nation should be the one to make decisions to protect these fish.

In the past couple of years our fishermen have voluntarily reduced their catches of menhaden—sometimes as much as 50 percent—in order to relieve the pressure on that species so that numbers would not get drastically low and threaten the future supply.

As for river herring, our fishermen have noticed a definite decline in the stock since the Soviets began their fishing operations. There seems to be no question that protection is needed and is needed now.

I think it is important to note that a fishing agreement exists between the United States and Poland, and in that agreement river herring and menhaden are included among those fish that the Poles may not catch.

It seems that the State Department's questions concerning the extent of menhaden fishing beyond the 12-mile limit point up a lack of data on fishing operations as well as on the migratory patterns of the fish. Surely complete and accurate data and a wide range of opinion from the fishing industry is vital to the participants in negotiations and every effort to obtain such information should be made before negotiations begin.

Once again I would like to express my opposition to the restriction on U.S. menhaden fisheries outside the 12-mile limit and the failure to include protection for river herring under the 2-year fishing agreement with the Soviet Union.

Mr. SPONG. Mr. President, I compliment the distinguished Senator from North Carolina on his statement and concur in it.

Mr. President, the fishing agreement concluded Friday by the United States and the Soviet Union falls short of the protections which this country has a right and responsibility to demand for its fishing industry. At no time in our history has that industry faced a graver threat as a result of the activities of hundreds of large foreign fishing vessels operating just outside our 12-mile protective zone. In my judgment, that threat is not met by this agreement.

Of particular concern to me as a representative of the coastal State of Virginia is the failure to adequately protect river herring and menhaden. These two species are mainstays in the livelihood of thousands of small fishermen who have voluntarily restricted their own operations in the interest of conservation. However, their efforts are being undone and the whole future of the industry jeopardized by the increasing activities of the Soviet fleet.

The Soviet harvest of river herring, for example, has grown tenfold in 3 years—from a thousand tons at the time this agreement was first negotiated to 10.3 thousand tons today. The American catch has shown a corresponding decline over the same period.

There is as yet no comparable foreign fishing of menhaden but that situation could change at any time and there is little in this agreement to prevent it.

I ask unanimous consent to make a part of the RECORD at this point in my remarks a table comparing Soviet and U.S. catches of river herring, menhaden, and other fish from the years 1963 to September 1970.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—CATCHES BY U.S.S.R. AND UNITED STATES IN THE ICNAF STATISTICAL AREA 6

[Thousands of tons]

	1963	1964	1965	1966	1967	1968	1969	1970[1]
Herring	0.6	0.4	2.2	5.9	3.8	16.3	39.7	17.2
U.S.S.R	.5	.2	1.9	2.8	3.2	16.1	38.2	17.2
United States	.1	.2	.3	3.1	.6	.2	1.5	
Mackerel	.4	.5	.6	2.0	6.8	8.2	38.1	66.2
U.S.S.R	.3	.1	.1	1.2	6.1	7.3	37.6	65.2
United States	.1	.4	.5	.8	.7	.9	.5	1.0
Alewife	19.4	16.1	23.2	21.2	23.2	24.7	34.4	25.7
U.S.S.R					1.0	1.1	10.4	10.3
United States	19.4	16.1	23.2	21.2	22.2	23.6	24.0	15.4
Red hake	1.5	9.0	12.3	26.3	15.5	2.3	4.9	(3)
U.S.S.R	.8	8.4	11.7	25.7	14.9	1.9	4.1	.8
United States	.7	.6	.6	.6	.6	.4	.8	(3)
Menhaden	286.6	215.8	231.5	136.0	122.4	163.6	109.3	167.4
U.S.S.R								
United States	286.6	215.8	231.5	136.0	122.4	163.6	109.3	167.4

Footnotes at end of table.

TABLE 1.—CATCHES BY U.S.S.R. AND UNITED STATES IN THE ICNAF STATISTICAL AREA 6—Continued

[Thousands of tons]

	1963	1964	1965	1966	1967	1968	1969	1970[1]
Other	55.5	87.4	76.1	23.8	30.5	32.1	27.9	8.0
U.S.S.R	.8	1.9	1.3	5.9	2.0	10.5	7.3	1.7
Silver hake	7.0	19.9	21.0	96.2	23.0	18.4	11.2	6.0
U.S.S.R	4.2	16.9	17.7	92.9	18.6	15.0	7.1	2.9
United States	2.8	3.0	3.3	3.3	4.4	3.4	4.1	3.1
Scup	15.7	13.4	11.8	8.8	6.1	4.5	4.9	2.9
U.S.S.R	1.2	.4	.7	.6	.5	.5	.2	.1
United States	14.5	13.0	11.1	8.2	5.6	4.0	4.7	2.8
Flounder	7.7	6.8	8.5	9.3	12.1	8.1	9.6	10.6
U.S.S.R							.9	.2
United States	7.7	6.8	8.5	9.3	12.1	8.1	8.7	10.4
Butterfish	1.9	1.9	2.4	2.0	2.5	1.4	3.6	1.2
U.S.S.R	.1	.3	(3)	-------	.8	.3	1.6	(3)
United States	1.8	1.6	2.4	2.0	1.7	1.1	2.0	1.2
United States	54.7	85.5	74.8	17.9	28.5	21.6	20.6	6.3
Total	396.3	371.2	389.6	333.5	245.9	279.6	283.6	306.0
U.S.S.R	7.9	28.2	33.4	131.1	47.1	52.7	107.4	98.4
United States	388.4	343.0	356.2	202.4	198.8	226.9	176.2	207.6

[1] January–August, U.S.S.R. January–September, United States.

[2] Not available.

[3] Trace.

Mr. SPONG. Mr. President, the Soviet fishing fleet has been gradually shifting its focus away from the species protected by the 1967 agreement to those fish which are still unprotected, especially river herring. Yet that fish is as much a national resource as any of those included in the existing agreement. It is an anadromous species whose spawning and survival is wholly dependent upon the U.S. fresh water streams flowing into the coastal areas. Without those inland waters there simply would be no river herring at all. The United States has every right to insist that the Russians abstain from systematic fishing of the species.

Much the same case can be made for Atlantic menhaden which has been harvested solely by U.S. fishermen for more than 100 years. Although it is a migratory species, it too depends for its spawning and survival on U.S. estuarine areas. U.S. companies which harvest the menhaden—and we have some of the largest concerns in the States of Virginia—have curtailed their Atlantic fishing operations by more than 50 percent during the past 2 or 3 years in the interest of relieving the pressure on this resource.

In June 1970, the United States reached an agreement with Poland under which the Poles will abstain from any systematic fishing of river herring or menhaden. The United States should have demanded a similar agreement from the Soviet Union, but what it settled for instead was an understanding that the river herring question would be discussed in future meetings and an agreement that both countries would refrain from catching menhaden during the months of January through April.

This latter provision is a small step forward in the sense that the Soviets are for the first time acknowledging the need for some restraint in menhaden fishing. But, the fact of the matter is that the Soviets today are catching no menhaden so they have given up nothing in exchange for the restrictions placed upon U.S. fishermen.

Mr. President, I recognize the difficulty of negotiating any agreement with the Soviet Union, especially in an area as ill-defined as fishing rights. I am certain that Ambassador McKernan did his very best to win Soviet agreement and I would not denigrate the progress which he was able to make. Perhaps what these negotiations show most clearly is the inadequacy of this approach to the problem.

In any event, I am deeply disapponted by the failure to provide more adequate protection for river herring and menhaden. In view of the serious threat to these species, I believe the United States should continue to press its demand for full protection of these fishing resources.

Mr. President, it should be noted that the United States is offering in return for this Soviet agreement certain port and anchorage rights valued by the Soviet fishing fleet. The agreement signed Friday renews the right of the Soviets subject to implementing regulation, to visit certain U.S. ports and it approximately doubles the area in which Soviet vessels will be permitted to anchor and conduct loading operations.

Mr. President, it is my understanding that these talks will be resumed in January in Washington principally to negotiate an agreement affecting fishing rights off our Pacific coast. However, it is understood the river herring question will be reopened at that time and that the United States will again ask for a reduction in the fishing of this species.

Mr. President, I ask unanimous consent that the text of the agreement signed on December 11 by the United States and Soviet Union and a letter to me from Ambassador McKernan be printed in the RECORD.

There being no objection, the agreement and letter were ordered to be printed in the RECORD, as follows:

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERY PROBLEMS ON THE HIGH SEAS IN THE WESTERN AREAS OF THE MIDDLE ATLANTIC OCEAN

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering it desirable that the fisheries in the Western areas of the high seas in the Middle Atlantic Ocean be conducted on a rational basis with due attention to their mutual interests, proceeding from generally recognized principles of international law,

Considering it necessary to conduct the fisheries in the said areas with due consideration of the state of fish stocks, based on the results of scientific investigations, for the purpose of ensuring the maintenance of maximum sustainable yields and the maintenance of the said fisheries,

Taking into account the need for expanding and coordinating scientific research in the field of fisheries and the exchange of scientific data,

Have agreed on the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of coordinated research according to agreed programs. The competent agencies of both Governments shall ensure the following, at least on an annual basis:

a. An exchange of scientific and statistical data, published works and the results of fishery research;

b. Meetings of scientists and, in appropriate cases, the participation of the scientists of each Government in fishery research conducted on the research vessels of the other Government.

Each Government will take the necessary steps to ensure that its competent agencies conduct the corresponding fishery research and develop the most rational fishing technology in accordance with a coordinated program, which has been developed by the scientists of both countries.

2. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, for the purpose of reproduction and maintenance of fish stocks, will take appropriate measures to ensure that their citizens and vessels will:

a. Refrain from fishing during the period from January 1 through April 15, to ensure access of red hake and silver hake to the spawning grounds and to protect certain winter concentrations of scup and flounders; said abstention will apply to an area of the Mid-Atlantic bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
40°05′	71°40′
39°50′	71°40′
37°50′	74°00′
37°50′	74°25′
38°24′	73°44′
39°40′	72°32′

b. Refrain from increasing the catch of red hake, silver hake, scup, flounders, and black sea bass above the 1967 levels in the waters situated west and south of Sub-area 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries and north of 34° North Latitude;

c. Refrain, in the waters specified in subparagraph b of this paragraph, from conducting specialized fisheries for scup and flounders in all instances, and from increasing their incidental catch of these species, that is, the catch taken unintentionally when conducting specialized fisheries for other species;

d. Refrain, in the waters specified in sub-paragraph b of this paragraph, from fishing menhaden during the period from January 1 through April 30;

e. The provisions of sub-paragraphs a, b, and c of this paragraph shall not apply to vessels under 110 feet in length, nor to vessels fishing for crustacea or molluscs.

3. Both Governments will take appropriate measures to ensure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

4. Fishing vessels of the Union of Soviet Socialist Republics may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the following areas bounded by straight lines connecting the coordinates in the order listed:

a. during the period from November 15 through May 15

North Latitude	*West Longitude*
40°44′00″	72°27′00″
40°38′00″	72°27′00″
40°34′31″	72°40′00″
40°32′41″	72°46′26″
40°32′32″	72°53′26″
40°36′54″	72°53′26″
40°40′55″	72°40′00″

b. during the period from September 15 through May 15

North Latitude	*West Longitude*
39°38′05″	74°02′06″
39°35′06″	73°55′24″
39°32′30″	73°57′18″
39°35′30″	74°04′00″

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5. Fishing vessels of the Union of Soviet Socialist Republics may fish during the period from January 1 through March 31, within the nine-mile fishery zone contiguous to the territorial sea of the United States of America, in the waters bounded by straight lines connecting the following coordinates in the order listed:

North Latitude	*West Longitude*
40°40′55″	72°40′00″
40°34′31″	72°40′00″
40°32′41″	72°46′26″
40°32′32″	72°53′26″
40°36′54″	72°53′26″

6. Each Government will, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing and fishery research vessels of the other Government. This shall apply with respect to the procedure for presenting crew lists for the above-mentioned vessels and to the providing of fresh water, fuel and provisions.

7. Under conditions of force majeure, each Government will, within the scope of its domestic laws and regulations, facilitate entry of fishing and fishery research vessels into its respective open ports after appropriate notification has been given.

8. Both Governments consider it useful to arrange, when appropriate, for visits of representatives of fishermen's organizations of the two countries to each other's fishing vessels operating in the western part of the Middle Atlantic. Such visits may be arranged on mutually agreeable terms determined in each particular case by the Regional Director of the National Marine Fisheries Service in Gloucester, Massachusetts and the chiefs of the joint fleet expeditions of the Main Administrations "ZAPRYBA" or "SEVRYBA" as appropriate.

9. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

10. This Agreement constitutes an extension and modification of the provisions of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics signed in Washington on December 13, 1968. The present Agreement shall enter into force on January 1, 1971 and shall remain in force through December 31, 1972. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of this Agreement and to decide on future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE in Washington, December 11, 1970, in duplicate, in English and Russian, both texts being equally authentic.

DEPARTMENT OF STATE,
Washington, D.C., December 12, 1970.

Hon. WILLIAM B. SPONG, JR.,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: Thank you for your letter of December 4, 1970 concerning the US/USSR fishery negotiations which have been going on for the past two weeks. I appreciate your interest in this matter and would be delighted to discuss the problem with you in greater depth at your convenience.

I am enclosing the news release on the agreement. I will send you a summary of its features in a few days. Also, I am sending you a copy of the "New York Times" article which I find in this morning's paper.

To complaints that we did not bargain hard enough during the course of this negotiation, my answer would be that the agreement provides for additional protection in one way or another to all major species of economic importance to the United States along the Atlantic coast with the exception of river herring. In the case of river herring, I spent well over one-half of the entire negotiation discussing this one species and I finally concluded that the Soviets were not in a position to concede substantially on this species at this time, which again one must remember, they are fishing well out on the high seas beyond the jurisdictional limits of the United States. I used every trick of the trade to encourage them to resolve this difficult question without success. On the other hand, the Soviet negotiators clearly and unequivocally indicated that they would be willing to resolve the problem at an early date and we agreed to meet on this subject in January 1971, approximately one month from now.

There is an agreed report of our negotiations which goes beyond the agreement to meet on the river herring problem. The Soviets further agreed with us that there was a critical problem with river herring and that when we meet in January or early February they would be prepared to, at the very least, reduce their take of this species in the offshore waters. I consider this some progress but, of course, it does not resolve the problem. I might add that this problem becomes acute in about February. The major peak of Soviet fishing for that species occurs in March with a lesser catch in both February and April. I feel confident that we will be able to resolve this issue when we meet in January.

We had representatives from the fishing industry of most of the Atlantic coast states below Cape Cod, and these advisers with State Fish and Game officials on the whole were quite pleased with the agreement. It is certainly true that the menhaden and river herring people desired the Soviets to commit themselves to completely abstain from fishing both menhaden and river herring. This was the United States Government's position during most of the negotiations.

When it became clear that this was not possible to achieve, we then sought as much protection as we possibly could get. I am satisfied that substantial benefits to our fisheries were achieved under the agreement. To the claim by some that the agreement gives us less in terms of protection than we gained in our discussions with the Government of Poland, my answer is that that is quite true, but our concessions to the Soviets in return for the benefits gained were negligible. No concessions for fishing or loading or further concessions on facilitation of port calls were made to the Soviets in the area from New York south. The only concession given the Soviet Union for the several substantial concessions received by the Soviet States was an increased area of loading and unloading for their ships between six and twelve miles off Long Island during the winter months. We did, however, commit ourselves to consider further facilitation of port calls in the southern Mid-Atlantic area *providing* we can find a satisfactory solution to the river herring problem which is so important to the industry of North Carolina and Virginia.

I have written you in some detail because of your great interest and the particular interest of Virginia fishermen. Please feel free to call upon me if I can be of further assistance to you in this regard.

Sincerely,

DONALD L. MCKERNAN,
Special Assistant for Fisheries and Wildlife to the Secretary.

TRIBUTE TO ELLY

Mr. GRIFFIN. Mr. President, tomorrow members of the Michigan congressional delegation will honor Mrs. Elly Peterson, the leading lady of the Republican Party, at a luncheon in the Vandenberg room of the Capitol.

The luncheon is our way of saying "Thank you" and indicating our great affection for Elly. Through the years we in Michigan have known and loved her as an indomitable worker at all levels of the party.

A number of years ago, in recognition of her political astuteness and leadership ability, Michigan Republicans chose her as State chairman—the first woman ever to be designated State chairman in either major party.

We love her today more than ever, if possible; and we are saddened that she has decided to retire, although she has earned retirement many times over. As of January 1, she is concluding her service both as assistant chairman of the Republican National Committee and as Republican national committeewoman from Michigan.

In her long service to the party, Elly has won the respect of the Nation's political leaders. Her persistence and, indeed, something of her unwavering spirit, are reflected in an article by Richard H. Ryan appearing in the Detroit News on December 6. Mr. Ryan, a member of the newspaper's Washington bureau, wrote:

> It's a long way from passing out Alf Landon sunflowers in Chicago to becoming a candidate for a Michigan Senate seat. But Elly made it.
>
> It's also a long way from being an envelope-licking assistant in a State Republican organization to becoming its chairman and finally vice chairman of the National Republican Party. But Elly made it.

The article goes on to say:

The ebullient Mrs. Peterson says she's retiring. But don't bet on it. She has retired too many times before.

Many of us hope that Mr. Ryan is right. But even if Elly carries out her intention and retires in Hawaii with her husband, as planned, we will still continue to turn to her for advice and counsel.

Another newspaperman, David S. Broder, of the Washington Post, has expressed high praise for Elly. In a column published in the Post of December 15, 1970, Mr. Broder wrote that:

> Elly is one who has made an enormous contribution to the functioning of our political system.

Mr. President, I ask unanimous consent that Mr. Broder's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRIBUTE TO ELLY PETERSON

(By David S. Broder)

They are having a party tonight at the Mayflower to say goodbye to Elly Peterson, who is retiring for the second time as assistant chairman of the Republican National Committee. She quit once before to take on the thankless assignment of opposing Sen. Philip A. Hart (D-Mich.), a task the Michigan Republicans were unwilling to entrust to a man in either 1964 or 1970.

She came back to her old job as the National Committee a couple of years ago at President Nixon's request, and this time she says she's quitting for good to join her husband in retirement in Hawaii. One has to be skeptical, for she has politics in her blood and a prudent Hawaii Democrat would keep a close eye on her activities.

In an age where the term is thought to be derogatory, Mrs. Peterson has always and unashamedly been a political pro. From her own Eaton County, Michigan, base she moved up the organization ladder to become the first female state chairman in GOP history, and then on to the top party post open to a women.

It is, I think, accurate to say that her abilities would have earned her the national chairmanship, were it not for the unwritten sex barrier both parties have erected around that job. Certainly, her organizational talents made her views as respected and her advice as sought-after among her colleagues in the party as anyone in the past decade.

The role of a woman in politics is an inherently difficult one—especially if her forte is organization. Yet through the years there have been women in both parties who have overcome the obstacles and made an enormous contribution to the functioning of our political system. In paying tribute to Mrs. Peterson, the Republicans are acknowledging a debt we all share.

One basic problem all talented women face is the tendency of the parties to shunt them off to some preserve of tea-party irrelevance called "women's activities." Mrs. Peterson, who has a Helen Hokinson figure but a slalom racer's cunning at cutting corners, fiercely resisted stereotyping and by sheer energy and capability won her right to operate at the full range of her talents.

Her greatest achievements probably came as Michigan Republican Chairman under Gov. George Romney. Romney entered office thinking political parties were at best irrelevant and outmoded and at worse downright dangerous. His suspicions were repaid in kind by the suspicions of the old-time Michigan Republicans, who regarded Romney as a loner, a usurper and very probably a dangerous radical.

Somehow, in this unpromising situation, Mrs. Peterson sensed an opportunity for remaking the Michigan Republican Party into a bigger, healthier, more open and—she always insisted—more effective organization. She managed to convince Romney that governing was easier if he had party support than if he was attempting to function as a one-man band. And she managed to convince some awfully skeptical Republicans that Romney's personality and grass roots appeal could be made a vehicle for building a stronger party organization.

The party conferences she ran in those years were about as close to town hall democracy as it is possible to get in a mass society, and the enthusiasm they generated had a practical payoff in the election of an additional senator and five more Republican congressmen.

It was Mrs. Peterson's fate to serve on the National Committee staff in periods which were hardly conducive to her own brand of progressive Republicanism, first in the years leading up to the Goldwater nomination and in the past two years under President Nixon.

She has, for example, been struggling for the last two years to launch a national program—patterned on her Michigan experience—of opening year-around Republican headquarters and neighborhood service offices in urban ghetto areas. It would be at best a difficult, risky operation, and the political payoff—if any—would be years away.

But it was her conviction that if the Republican Party was to govern effectively, it had to have roots, however fragile, in black America as well as in white. That kind of thinking was not enthusiastically received by the advocates of the quick-payoff "Southern strategy."

But hard-headed as she is, Mrs. Peterson would say you should expect to be frustrated in many of your hopes if you get involved in politics. As an exemplar of the many women in both parties who have shown that citizen politics can be party politics, she richly deserves the tribute she will receive tonight.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 9 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 13 minutes p.m.) the Senate recessed until tomorrow, Thursday, December 17, 1970, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 16 (legislative day of December 15), 1970:

U.S. CIRCUIT COURTS

W. Wallace Kent, of Michigan, to be a U.S. circuit judge for the sixth circuit.

U.S. DISTRICT COURTS

Dennis R. Knapp, of West Virginia, to be U.S. district judge for the southern district of West Virginia.

Barron P. McCune, of Pennsylvania, to be a U.S. district judge for the western district of Pennsylvania.

Fred M. Winner, of Colorado, to be a U.S. district judge for the district of Colorado.

DEPARTMENT OF JUSTICE

William C. Lee, of Indiana, to be U.S. attorney for the northern district of Indiana for the term of 4 years.

CIVIL AERONAUTICS BOARD

Robert D. Timm, of Washington, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1976.

U.S. TARIFF COMMISSION

Jefferson Banks Young, of Virginia, to be a member of the U. S. Tariff Commission for the term expiring June 16, 1976.

HOUSE OF REPRESENTATIVES—*Wednesday, December 16, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Lift up your heads, O ye gates; and be ye lifted up, ye everlasting doors; and the King of Glory shall come in.—Psalms 24: 7.

As we lift up our heads, our Father, may we also open the doors of our hearts that the glory of Thy spirit may come in and dwell with us, helping us to render a true service to Thee and a faithful service to our fellow men. Working under the banner of truth, justice, and love, may we lead our people beyond the limits of differences and divisions to the heights of unity and peace. For Thine is the kingdom, the power, and the glory forever. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill and joint resolutions of the Senate of the following titles:

S. 3318. An act to amend the Library Services and Construction Act, and for other purposes;

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May of each year as "National Employ the Older Worker Week";

S.J. Res. 187. Joint resolution to authorize the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week";

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; and

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks."

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The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2162) entitled "An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8298) entitled "An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein."

The message also announced that the Senate insists upon its amendments to the bill (H.J. Res. 1117) entitled "An act to establish a Joint Committee on the Environment;" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Magnuson, Mr. Muskie, Mr. Randolph, Mr. Hart, Mr. Jackson, Mr. Bible, Mr. Boggs, Mr. Allott, and Mr. Baker to be the conferees on the part of the Senate.

CONFERENCE REPORT ON H.R. 17867, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

The Clerk read the title of the conference report.

The SPEAKER. The unfinished business is the question of the adoption of the conference report on the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 152, not voting 82, as follows:

[Roll No. 414]

YEAS—199

Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Berry
Biaggi
Biester
Bingham
Boggs
Boland
Bow
Brademas
Brasco
Brooks
Brotzman
Buchanan
Burke, Mass.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Carney
Cederberg
Chamberlain
Clark
Cohelan
Conte
Corbett
Corman
Coughlin
Culver
Cramer
Davis, Wis.
Dellenback
Denney
Dennis
Dingell
Donohue
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hays
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Hosmer
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Karth
Keith
Kluczynski
Koch
Kyros
Leggett
Lloyd
Lukens
McCarthy
McClory
McCloskey
McDade
McEwen
McFall
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Matsunaga
Mayne
Meeds
Mikva
Miller, Calif.
Mills
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Nelsen
Nix
O'Hara
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
Scheuer
Schneebeli
Schwengel
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steele
Steiger, Wis.
Stratton
Sullivan
Symington
Taft
Teague, Calif.
Teague, Tex.
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Ware
Weicker
Whalen
Whalley
Wilson, Bob
Wydler
Yatron
Young
Zablocki

NAYS—152

Abbitt
Abernethy
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Ashbrook
Baring
Bennett
Betts
Bevill
Blanton
Bray
Brinkley
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Caffery
Camp
Carter
Casey
Chappell
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conyers
Cowger
Crane
Daniel, Va.
de la Garza
Delaney
Dent
Derwinski
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Evins, Tenn.
Fisher
Flowers
Foreman
Fountain
Frey
Fuqua
Galifianakis
Gaydos
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harvey
Hawkins
Hechler, W. Va.
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Long, Md.
Lowenstein
McClure
McDonald, Mich.
McMillan
Marsh
Martin
Melcher
Michel
Miller, Ohio
Minshall
Mizell
Montgomery
Myers
Natcher
Nedzi
Obey
Olsen
O'Neal, Ga.
Pettis
Poff
Pollock
Price, Tex.
Pryor, Ark.
Quillen
Randall
Rarick
Reuss
Roe
Rogers, Fla.
Roudebush
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Shipley
Sikes
Skubitz
Slack
Smith, Calif.
Snyder
Steed
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Stuckey
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Waggonner
Waldie
Wampler
Watson
Watts
White
Whitehurst
Whitten
Williams
Winn
Wyatt
Wylie
Wyman
Yates
Zion
Zwach

NOT VOTING—82

Adair
Aspinall
Belcher
Bell, Calif.
Blackburn
Blatnik
Bolling
Brock
Broomfield
Burke, Fla.
Burton, Utah
Button
Celler
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Conable
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Diggs
Dorn
Dowdy
Dulski
Eckhardt
Edwards, La.
Erlenborn
Esch
Fallon
Flynt
Ford, William D.
Gallagher
Gettys
Giaimo
Gilbert
Goldwater
Gray
Hanley
Harsha
Hastings
Hébert
Henderson
Horton
Jones, Ala.
Kee
Kleppe
Langen
Long, La.
Lujan
McCulloch
McKneally
MacGregor
Mathias
May
Meskill
Mize
Morton
Moss
Nichols
O'Konski
O'Neill, Mass.
Ottinger
Powell
Purcell
Reifel
Rivers
Schadeberg
Scott
Sebelius
Staggers
Thompson, N.J.
Tiernan
Tunney
Vander Jagt
Widnall
Wiggins
Wilson, Charles H.
Wold
Wolff
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Henderson against.

Mr. Daniels of New Jersey for, with Mr. Gettys against.

Mr. Gallagher for, with Mrs. Chisholm against.

Mr. Giaimo for, with Mr. Clay against.

Mr. Gray for, with Mr. Collins of Illinois against.

Mr. Hanley for, with Mr. Davis of Georgia against.

Mr. Hébert for, with Mr. Dorn against.

Mr. Jones of Alabama for, with Mr. Dowdy against.

Mr. Kee for, with Mr. Flynt against.

Mr. Moss for, with Mr. Adair against.

Mr. Rivers for, with Mr. Belcher against.

Mr. Thompson of New Jersey for, with Mr. Brock against.

Mr. Wolff for, with Mr. Goldwater against.

Mr. Wright for, with Mr. Lujan against.

Mr. Aspinall for, with Mr. Burke of Florida against.

Mr. Horton for, with Mr. Sebelius against.

Mr. Widnall for, with Mr. Schadeberg against.

Mr. Vander Jagt for, with Mr. Scott against.

Mr. Mathias for, with Mr. O'Konski against.

Mr. Broomfield for, with Mrs. May against.

Mr. Esch for, with Mr. Langen against.

Mr. Erlenborn for, with Mr. Don H. Clausen against.

Mr. Hastings for, with Mr. Blackburn against.

Mr. William D. Ford for, with Mr. Nichols against.

Mr. Blatnik for, with Mr. Powell against.

Mr. Bell of California for, with Mr. Harsha against.

Mr. Celler for, with Mr. Ottinger against.

Mr. Morton for, with Mr. Kleppe against.

Mr. Edwards of Louisiana for, with Mr. Staggers against.

Until further notice:

Mr. Daddario with Mr. Burton of Utah.

Mr. Diggs with Mr. Conable.

Mr. Gilbert with Mr. Button.

Mr. Long of Louisiana with Mr. Cunningham.

Mr. Charles H. Wilson with Mr. McCulloch.

Mr. Dulski with Mr. McKneally.

Mr. Eckhardt with Mr. MacGregor.

Mr. Fallon with Mr. Wiggins.

Mr. Purcell with Mr. Reifel.

Mr. Meskill with Mr. Mize.

Mr. Tiernan with Mr. Wold.

The result of the vote was announced as above recorded.

The doors were opened.

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AMENDMENTS IN DISAGREEMENT

The **SPEAKER**. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 2, line 20, insert: ", and the payments due in 1971 and 1972 on loans made for the benefit of the Weizmann Institute of Science by the Agency for International Development from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480) are hereby waived."

MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert. ", and the payments due in 1971 and 1972 on loans made for the benefit of the Weizmann Institute of Science and the Bar-Ilan University by the Agency for International Development from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), are hereby waived."

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 4, line 21, after "for" insert "any of".

MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 4, line 22, after "general" strike out "purpose" and insert "purposes:"

MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 5, line 19, insert:

"SOCIAL DEVELOPMENT ASSISTANCE

"INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

"The Inter-American Social Development Institute is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year."

MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: Strike out the period at the end of the amendment and insert the following: ": *Provided*, That not to exceed $10,000,000 shall be available to carry out the authorized programs during the current fiscal year."

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: On page 14, line 7, insert the following:

"INTERNATIONAL MONETARY FUND

"INCREASE IN QUOTA, INTERNATIONAL MONETARY FUND

"To finance an increase in the quota of the United States in the International Monetary Fund, $1,540,000,000 to remain available until expended: *Provided*, That this paragraph shall be effective only upon enactment into law of H.R. 18306, Ninety-first Congress, or similar legislation."

MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

"INTERNATIONAL MONETARY FUND

"INCREASE IN QUOTA, INTERNATIONAL MONETARY FUND

"To finance an increase in the quota of the United States in the International Monetary Fund, $1,540,000,000, to remain available until expended."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

CONFERENCE SUMMARY ON FOREIGN ASSISTANCE APPROPRIATIONS, 1971

(Mr. PASSMAN asked and was given permission to extend his remarks at this point in the RECORD and to include certain extraneous matter and tables.)

Mr. PASSMAN. Mr. Speaker, the conference summary table follows:

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, FISCAL YEAR 1971 (H.R. 17867)—CONFERENCE SUMMARY

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

						Conference action compared with—			
Agency and item	New budget (obligational) authority, 1970 [9]	Budget estimates of new (obligational) authority, 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
FUNDS APPROPRIATED TO THE PRESIDENT									
Economic Assistance									
Technical assistance	$353,250,000	$396,870,000	$310,000,000	$396,870,000	$353,435,000	+$185,000	−$43,435,000	+$43,435,000	−$43,435,000
Worldwide	(166,750,000)	(183,500,000)	(150,000,000)	(183,500,000)	(166,750,000)		(−16,750,000)	(+16,750,000)	(−16,750,000)
Alliance for Progress	(81,500,000)	(90,750,000)	(75,000,000)	(90,750,000)	(82,875,000)	(+1,375,000)	(−7,875,000)	(+7,875,000)	(−7,875,000)
Multilateral organizations	(105,000,000)	(122,620,000)	(85,000,000)	(122,620,000)	(103,810,000)	(−1,190,000)	(−18,810,000)	(+18,810,000)	(−31,705,000)
American schools and hospitals abroad	25,900,000	8,895,000	8,600,000	12,895,000	12,895,000	−13,005,000	+4,000,000	+4,295,000	
Special foreign currency program	(3,000,000)					(−3,000,000)			
Indus Basin Development Fund, grants	7,530,000	5,850,000	4,000,000	5,850,000	4,925,000	−2,605,000	−925,000	−925,000	−925,000
Indus Basin Development Fund, loans		7,960,000	6,000,000	7,960,000	6,980,000	+6,980,000	−980,000	+980,000	−980,000
Prototype desalting plant	20,000,000					−20,000,000			
United Nations Relief and Works Agency (Arab refugees)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Supporting assistance	395,000,000	[1] 414,600,000	375,000,000	414,600,000	414,600,000	+19,600,000		+39,600,000	
Contingency fund	12,500,000	15,000,000	12,500,000	15,000,000	15,000,000	+2,500,000		+2,500,000	
Alliance for Progress, development loans	255,000,000	337,500,000	225,000,000	337,500,000	287,500,000	+32,500,000	−50,000,000	+62,500,000	−50,000,000
Development loans	296,600,000	570,000,000	280,000,000	570,000,000	420,000,000	+123,400,000	−150,000,000	+140,000,000	−150,000,000
Administrative expenses:									
A.I.D	54,200,000	51,125,000	50,000,000	51,125,000	51,000,000	−3,200,000	−125,000	+1,000,000	−125,000
State	3,900,000	4,200,000	4,100,000	4,100,000	4,100,000	+200,000	−100,000		
Subtotal, economic assistance	1,424,880,000	1,813,000,000	1,276,200,000	1,816,900,000	1,571,435,000	+146,555,000	−241,565,000	+295,235,000	−245,465,000

Footnotes at end of table.

Agency and item (1)	New budget (obligational) authority, 1970[9] (2)	Budget estimates of new (obligational) authority, 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	Conference action compared with— New budget (obligational) authority, 1970 (7)	Conference action compared with— Budget estimates of new (obligational) authority, 1971 (8)	Conference action compared with— New budget (obligational) authority recommended in House bill (9)	Conference action compared with— New budget (obligational) authority recommended in Senate bill (10)
Overseas Private Investment Corporation									
Overseas Private Investment Corporation, reserves	$37,500,000	$37,500,000	$18,750,000	$37,500,000	$18,750,000	−$18,750,000	−$18,750,000		−$18,750,000
Subtotal	1,462,380,000	1,850,500,000	1,294,950,000	1,854,400,000	1,590,185,000	+127,805,000	−260,315,000	+$295,235,000	−264,215,000
Military Assistance									
Military assistance	350,000,000	350,000,000	350,000,000	350,000,000	350,000,000				
Total, title I, new budget (obligational) authority, Foreign Assistance Act activities	[2] 1,812,380,000	[3] 2,200,500,000	[4] 1,644,950,000	[4] 2,204,400,000	1,940,185,000	+127,805,000	−260,315,000	+295,235,000	−264,215,000
TITLE II—FOREIGN MILITARY CREDIT SALES									
Foreign military credit sales		[5] $272,500,000	$272,500,000		$200,000,000	+$200,000,000	−$72,500,000	−$72,500,000	+$200,000,000
TITLE III—FOREIGN ASSISTANCE (OTHER)									
FUNDS APPROPRIATED TO THE PRESIDENT									
Peace Corps	$98,450,000	$98,800,000		$94,500,000	$90,000,000	−$8,450,000	−$8,800,000	+$90,000,000	−$4,500,000
Limitation on administrative expenses	(31,751,000)	(31,400,000)		(31,400,000)	(30,000,000)	(−1,751,000)	(−1,400,000)	(+30,000,000)	(−1,400,000)
DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS									
Ryukyu Islands, Army, Administration	18,990,000	6,952,000	$6,000,000	6,952,000	6,476,000	−12,514,000	−476,000	+476,000	−476,000
Reappropriation of unobligated balances	[6] 1,847,000					−1,847,000			
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Assistance to refugees in the United States	87,372,000	112,000,000	112,000,000	112,000,000	112,000,000	+24,628,000			
DEPARTMENT OF STATE									
Migration and refugee assistance	[7] 5,571,000	5,787,000	5,511,000	5,787,000	5,649,000	+78,000	−138,000	+138,000	−138,000
FUNDS APPROPRIATED TO THE PRESIDENT									
International Financial Institutions									
Asian Development Bank	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000				
Inter-American Development Bank	505,880,000					−505,880,000			
International Development Association	160,000,000	160,000,000	160,000,000	160,000,000	160,000,000				
International Monetary Fund (quota increase)		([8] 1,540,000,000)	([9])	(1,540,000,000)	(1,540,000,000)	(+1,540,000,000)		(+1,540,000,000)	
Total, title III, new budget (obligational) authority, foreign assistance (other)	898,110,000	403,539,000	303,511,000	399,239,000	394,125,000	−503,985,000	−9,414,000	+90,614,000	−5,114,000
Limitation on program activity	(3,427,413,000)	(4,075,483,000)	(4,075,483,000)	(4,075,483,000)	(4,075,483,000)	(+648,070,000)			
Limitation on administrative expenses	(5,948,000)	(6,613,000)	(6,613,000)	(6,613,000)	(6,613,000)	(+665,000)			
Total, title IV, Export-Import Bank of the United States, limitations on use of corporate funds	(3,433,361,000)	(4,082,096,000)	(4,082,096,000)	(4,082,096,000)	(4,082,096,000)	(+648,735,000)			
RECAPITULATION									
Grand total, new budget (obligational) authority, titles I, II, and III	$2,710,490,000	$2,876,539,000	$2,220,961,000	$2,603,639,000	$2,534,310,000	−$176,180,000	−$342,229,000	+$313,349,000	−$69,329,000
Consisting of:									
1. Definite appropriations	2 708,643,000	2,876,539,000	2,220,961,000	2,603,639,000	2,534,310,000	−174,333,000	−342,229,000	+313,349,000	−69,329,000
2. Reappropriation of unobligated balances:									
a. Economic assistance	(130,840,000)	(750,000)	(750,000)	(750,000)	(750,000)	(−130,090,000)			
b. Military assistance	(5,100,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(−100,000)			
c. Ryukyu Islands	[6] 1,847,000					−1,847,000			
3. Limitation (Export-Import Bank)	(3,433,361,000)	(4,082,096,000)	(4,082,096,000)	(4,082,096,000)	(4,082,096,000)	(+648,735,000)			
4. Quota increase (International Monetary Fund)		(1,540,000,000)		(1,540,000,000)	(1,540,000,000)	(+1,540,000,000)		(+1,540,000,000)	

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[1] Excludes $100,000,000 requested in the fiscal year 1971 budget but not considered (requires authorization).

[2] Unobligated balances as of June 30, 1969, reappropriated.

[3] Unobligated balances as of June 30, 1970, requested to be reappropriated.

[4] Unobligated balances reappropriated.

[5] Authorizing legislation still pending.

[6] This amount was reestimated in the fiscal year 1971 budget at $1,861,000.

[7] Excludes $5,752,000 transferred from AID appropriations.

[8] Not considered by the House contained in Senate Document 91-110. According to the new budget concept, an increase in the IMF quota should not be considered as a part of the Federal budget because it is only a change of assets accounted to the United States with no effect on the budget.

[9] Includes the Second Supplemental, 1970 (P.L. 91-305).

Mr. CONTE. Mr. Speaker, as a member of the House-Senate conference committee that considered appropriations for foreign assistance and related programs for fiscal year 1971, I would like to comment on the report of that committee.

My support of this Nation's foreign economic assistance program is well known and long standing. I am convinced that we must continue to encourage the hopes and aspirations of the developing nations of the world.

The widespread uneasiness toward the military programs that have tied us

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down throughout the globe must not deter us from extending a helping hand to those countries that are struggling to achieve economic growth and stability. To turn our back on their requests for help would be a serious injustice.

Technical assistance is the heart of our foreign program. Its funds provide the professional expertise that is needed to conquer the economic growth pangs that plague the less developed nations.

The committee has recommended that $353.4 million be appropriated for technical assistance. While $398.8 million was originally requested by the administration and the committee's action falls short of that request, this does represent an increase of $43.4 million over the amount approved in the House on June 4. This is definitely a step in the right direction.

I am especially pleased that this conference report recommends $3.2 million in aid for the Weizmann Institute of Science in Israel to enable it to obtain needed equipment. I strongly supported this in the conference.

Under the direction of the noted Dr. Albert B. Sabin whose development of the oral polio vaccine was such a major medical breakthrough, the institute not only is conducting important research, but also runs a graduate school. This American school, which has courses in physics, biology, chemistry, oceanography, computer sciences, and other subjects, has 400 students, including 60 foreign students, many of whom come from the developing nations. The school also hopes to train African students and also opens its doors to Arab students.

Mr. Speaker, these funds were not requested in the original House bill last June, because the need for them developed only later. There are two main reasons why this excellent school now needs these funds. Both relate to the tense military situation in Israel and its economic difficulties which we have since moved to help solve in last week's supplemental appropriations bill.

First, Israel's defense needs forced it to cut back on its own assistance to the institute. Second, because the Government itself had a greater need for private American funds, last summer the Government banned all fundraising by nonprofit Israeli groups in this country. Until then private American aid had been a major revenue source for the institute.

For these reasons the Senate agreed to this assistance; $500,000 comes in the form of direct aid—the same kind of assistance now going to the American University in Beirut and similar schools.

A word of explanation is needed to explain the form of the remaining $2.7 million in aid. The Senate agreed to waive for 2 years only, the payments due in 1971 and 1972 under a loan made under the Public Law 480 program. Our report makes clear that we do not consider this expedient as establishing a precedent for other institutions to follow. We have taken this step here only because of the extraordinary and unforeseen financial bind the institute has temporarily found itself in.

As a longtime ardent supporter of economic aid, I am convinced that these funds are well spent. I might add that assurances have been given that all the equipment to be purchased with these funds will be obtained in this country.

The action taken by the conference on funds for the Peace Corps was also most gratifying. Last June, I fought for an amendment that would result in appropriating $90 million for a small, but dedicated organization striving to serve the cause of global peace. My efforts then were not successful.

But I am particularly pleased that the $90 million figure was approved in conference. At a time when our young people are becoming increasingly frustrated by a seeming inability to work successfully within the "system," our action here will insure the continued existence of an organization that works for one of the highest aims of mankind—peace on earth.

I would like to conclude, Mr. Speaker, by pointing out once again that it would be tragic and foolish to delude ourselves into thinking that we can ignore the poverty and deprivation of the great majority of mankind. The problems of international development and economic interdependence provide one of the greatest challenges of our age. I am convinced that we will continue to meet that challenge.

Mrs. REID of Illinois. Mr. Speaker, as a member of the Subcommittee on Foreign Operations Appropriations, I signed the conference report and urge its adoption today.

When H.R. 17867 was first reported out of our subcommittee, funds were not included for the Peace Corps because the authorization had not been enacted at that time. Subsequently, $90 million for this agency was included in this conference report. In the past I have been somewhat less than enthusiastic over the results or what I have felt were lack of results from the activities of the Peace Corps. However, I am heartened by the efforts that have been made to reevaluate the program and tighten administration since the present Director, Joseph Blatchford, was appointed in May 1969.

In my opinion, he has done a very good job of reorganizing the agency and making its operation more lean and efficient. The Washington staff has been reduced by 20 percent and the Peace Corps overseas has moved into highpriority problem areas of developing countries. Emphasis has been placed on teacher training, high-yield agriculture programs, manpower training, vocational skills, public administration, and population control. At the present time the Peace Corps is operating 467 programs in 61 countries—more than at any time in its 9-year history. Furthermore, more emphasis has been placed on screening volunteers—a greater effort is being made to get older people into the program—and regulations have been changed to permit highly skilled persons to take their wives and families with them. As an indication of the type of volunteers now in the program, statistics show that they possess 312 different skills and speak 180 different languages and dialects.

It is true that since the program began 9 years ago the Peace Corps has been asked to leave 11 countries. However, only four of these have occurred since the present Director took office and in each instance it was through no fault of the volunteers. For instance, the Peace Corps left Libya and the Somali Republic in 1969 because of military overthrows of the existing governments in those countries. In Tanzania, no request was made for continuance of the program after September 1969. Although President Nyerere of Tanzania praised the efforts of the Peace Corps volunteers, he stated that greater emphasis should be placed on self-reliance of the African nations. In regard to the fourth Nation—Malawi, we will leave in May 1971, after a 2-year phaseout.

As I have stated, I do feel that substantial progress has been made in the relatively short time that the present Director, Mr. Blatchford, has been in office and I would hope that improvements will continue to be made. In my opinion, the Peace Corps is now making a very substantial contribution to our overall foreign policy.

Mr. ABBITT. Mr. Speaker, it is my understanding that the foreign assistance appropriation bill contains an amount of $160 million for the International Development Association, an arm of the International Bank for Reconstruction and Development, the World Bank.

It has recently come to my attention that the International Development Association has approved loans to two African nations for the specific purpose of aiding them in increasing their production of Flue-cured tobacco, principally for export purposes. A press release from the International Development Association, No. 70–47, dated October 7, 1970, announced that a $9 million credit had been extended to the Government of Tanzania for the purpose of aiding its production of Flue-cured tobacco; and press release No. 70–41 from IDA, dated July 22, 1970, announced approval of a credit of $4 million to Uganda for the same purpose. My understanding is that overtures have been made by several other countries although at this point we have not been able to determine the exact status of any such inquiries, either through the World Bank or the Agency for International Development.

As chairman of the Tobacco Subcommittee of the House Agriculture Committee, I have made a number of inquiries through agencies of this Government and to the World Bank on the facts in these cases. I recognize the advantage of encouraging the underdeveloped nations in improving their economies but I do not believe that it is in the best interest of this Government to participate in loans or credits to other nations for the purpose of increasing their ability to compete with us on commodities which are in excess production in this country. The loans to Uganda and Tanzania undoubtedly will develop new competition for the America tobacco export trade while at the same time the United States is attempting to stimulate the export of Flue-cured tobacco in Europe and elsewhere. It is also significant

XUM

that these two countries enjoy a Commonwealth preference in the United Kingdom market and as associated overseas territories of the European Common Market, their tobacco enters the Community duty free. Therefore, money loaned for this purpose ultimately will result in direct competition for American tobacco in the Common Market countries.

I do not feel that the resources of the United States should be used to encourage competition to American Flue-cured tobacco growers especially at a time when the tobacco trade is being besieged by all kinds of problems. My understanding is that the loan to Tanzania will be used to settle 15,000 new Tanzania tobacco growers on thousands of acres of land which is capable of producing large quantities of Flue-cured tobacco. The loan to Uganda was described as "a small holder tobacco project" which has as its ultimate objective the increasing of Flue-cured tobacco production in that country.

It seems to me that the issue here is clear cut. The United States contributes approximately one-fourth of the funds used by the International Development Association and I feel that it is incumbent upon this Government in the future to make as strong a protest as possible against proposals to lend money through the World Bank for the purpose of increasing tobacco production elsewhere. Extensive efforts have been made by the Department of Agriculture in cooperation with the tobacco trade to cut production in this country in order to strengthen our tobacco program. Thus it would seem that to participate in a loan to enhance another country's export potential would be in disagreement with the domestic policy. It makes no sense whatever to have the Foreign Agriculture Service and other agencies of the U.S. Government attempting to improve our export position while at the same time having an international organization to which we contribute substantial support actually undermine the efforts of FAS and other American agencies.

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I have written to the President and to the Department of Agriculture, State, and Commerce, asking for full reports on this matter and I hope within a short time to have the necessary information on the background of the loans in question as well as the extent to which the American Government objected to the loans. Once this information is received I would hope that we could obtain approval of a congressional resolution stating that it is the sense of Congress that American participation should not be approved for loans to underdeveloped nations for the specific purpose of increasing their production of commodities which are in excess in this country. This is not only logical but is in the best interest of the United States.

Mr. FULTON of Pennsylvania. Mr. Speaker, I wish to emphasize my special concern about the present need of U.S. grant economic aid for Israel to assure the security of Israel and the safety of the Israeli people, as well as to maintain a stable balance of power, with equal opportunity for progress for all peoples of the Mideast. The present cease-fire could erupt into armed conflict that would devastate these countries, their people, and their lands for a generation. We American citizens want every citizen of every country in the Mideast to have the opportunity to work in peace and progress to lead the good life which can be obtained for him and his family, if fear of death and destruction is removed.

On December 9, 1970, I have offered my amendment for grant aid for Israel to H.R. 19911 the supplemental foreign assistance authorization bill for Cambodia, Southeast Asia, and Mideast additional aid. My amendment is to provide $35 million U.S. grant aid to Israel. This is the same total of grant aid in H.R. 19911 for two Mideast Arab States, Jordan and Lebanon, which aid I have favored.

My amendment was submitted simply for the purpose of calling special attention of the administration in the preparation of the next Federal budget, and for the purpose of informing the Congress of the need of Israel, so that action can be taken later by the administration and the Congress.

I read into the Record the debate on my amendment occurring on page 40721 and following of the Congressional Record of December 9, 1970.

Amendment Offered by Mr. Fulton of Pennsylvania

Mr. Fulton of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

"Amendment offered by Mr. Fulton of Pennsylvania: Page 2, beginning in line 21, strike out "$690,000,000 for the fiscal year 1971" and insert in lieu thereof "$725,000,000 for the fiscal year 1971, of which not less than $35,000,000 shall be available solely for assistance to Isreal under this chapter'."

Mr. Fulton of Pennsylvania. Mr. Chairman, this is an amendment which would permit grant aid to Israel, in the same total grant amount, $35 million, which is authorized for Arab countries, under this legislation. There already exists authorization for $500 million for Israel to purchase U.S. arms on credit.

Secretary of Defense Laird in his testimony before the House committee on November 25 revealed that $375 million of the request will be spent before June 30 of this year and the remaining $125 million during the fiscal year beginning then. Israel, according to Secretary of Defense Laird, needs the credits to pay $100 million in debts for military equipment already purchased which are due this December 31, 1970. Israel needs another $275 million to pay on debts to come due in the United States on June 30, 1971. So we can see, then, that there is only $125 million worth of credit which is really presently available for Israel's defense for current purchase under the $500 million credit sales authority, already established.

I should like to point out that Israel is in a war of attrition and needs economic aid badly. Israel needs prompt aid to maintain her own defenses, and to maintain the security of the Israeli people. I must say to the Members that there have been U.S. grants-in-aid for arms, as well as sales, to countries all over the world, whether dictatorships of the left or right, or democracies. I am speaking of Israel, a democracy with friendly people, whose arms are purchased with obligation to repay. These friendly people of Israel are in great danger and our U.S. policy of maintaining the security of the people of Israel must be firmly maintained. The United States must state strongly again and again, Israel shall be neither destroyed nor driven into the sea.

Israel, of all the modern nations in the world, spends 30 percent of her gross national product on her defense and security. As a matter of fact, we in the United States are spending much, much less in proportion. Every other modern industrial country in the world spends much less for her security in proportion to her gross national product.

Under these circumstances, I believe that unless the United States acts and acts quickly to assist Israel economically, Israel will be in a position that she cannot pay for the debt amounts that Israel already owes. At present Israel has been compelled to dip deeply into her foreign currency reserves. For example, Israel had $750 million of foreign currency reserves early in 1967. During that year her reserves increased to a recordbreaking figure of $900 million. Now Israel's foreign currency reserves have dwindled to a dangerously low sum of $370 million.

Under these present financial circumstances, there is only a tenuous cease-fire existing which might break out into open warfare at any moment. There is serious economic pressure on Israel and Israel for her own survival is being forced much beyond her capacity to defend her people. How long can our American people stand to see Israel stretched to the breaking point? How long will the patient citizens of Israel be able to hold out without our substantial assistance?

I believe the U.S. Government must consider in the next year's budget 1971–72, that the administration is now preparing, a sum of $50 million for fiscal year 1971–72, which would be for economic grant aid to Israel. My amendment would authorize $35 million U.S. economic grant aid at this time.

Mr. Fraser. Mr. Chairman, will the gentleman yield?

Mr. Fulton of Pennsylvania. I am glad to yield to the gentleman.

Mr. Fraser. It is a fact, is it not, as you have already pointed out, as you look around the world and look at other governments, totalitarian governments, we give them military aid. Israel, which is a very vigorous democratic nation, has to pay back in hard cash for any military aid we provide her with? Is that not the case?

Mr. Fulton of Pennsylvania. I thank the gentleman for his good comments. I agree with the gentleman completely. These are military equipment sales to Israel, not grants and the amounts must be paid back in full with interest. It is estimated that 85 percent of the Government budget of Israel is allocated toward Israel's defense and security. As a matter of fact, on the purchases in Israel's proposed fiscal year 1971 budget in the military procurement program there will be over $1 billion for that year. Of these Israel military budget funds $800 million will be spent for purchases in the United States. Israel has already contracted for $590 million worth of equipment in the United States, and more will be spent. Under these circumstances, where we have such a good friend and a loyal democracy in the Middle East, I hope this amendment will pass.

Mr. Chairman, I would like to withdraw the amendment at this time because I just want to give adequate notice, and to call to the attention of the Congress and the administration that there is a real and immediate need in the new Federal budget being prepared for fiscal year 1971–72 for adequate U.S. economic aid amounting to approximately $50 million for Israel for its defense and for the maintenance of Israel's position of security in the Middle East.

I think that the administration and Congress must recognize, as soon as possible, the requirement to meet Israel's urgent need for economic assistance.

Americans have watched with great admiration and respect the gallantry of Israel's fighting forces. We have full knowledge of the extent to which the Israeli people and their friends have sacrificed themselves and their funds in their struggle to resist immediate threat of destruction.

This summer marked a turning point in American policy in the area. We had hoped that the Arab States might be ready to enter into genuine negotiations and respect the conditions of cease-fire. The administration exercised great restraint in pursuit of a Mideast policy based on the hope that our restraint would be emulated.

The cease-fire has been fragile, with claims of violation and impending threats of commencement of military action hanging over the whole Mideast. Accordingly, this Congress is on record in favor of military credits to Israel in the hope that the American people might ease Israel's tremendous burden.

As far as Israel is concerned, it is a war of attrition directed against her economy. Israel has asked recently for economic assistance. I do hope that the administration will undertake now a thorough review of Israel's economic position so that in the administration's foreign aid program proposals for fiscal 1971–72 there will be included adequate economic grants necessary to support Israel's economy.

No country in the world and no people are required to rely exclusively on their own resources in defense of their survival, but Israel is defending itself almost singlehanded. Israel is a country of the world which is bordered by age-old antagonism. One neighboring nation has repeatedly stated that it is determined upon Israel's destruction and deny her recognition and peace.

To meet the growing threat of the arms buildup in the Middle East, the people of Israel have been compelled to allocate about 30 percent of Israel's gross national product—more than $1,200 million for defense purposes. In contrast, the United States spends about 9 percent of its gross national product for defense and security. European countries allocate about 5 to 6 percent of their gross national product for defense and security.

To point out the effect of the superhuman efforts to form, build, and maintain the State of Israel, upon Israel's progress, I wish again to point out the specific facts of Israel's budget. We must remember, in Israel's fiscal year 1971 it is expected that Israel's military procurement program will mean an expenditure of $1 billion or more, $800 million of which will be spent in this country. Israel has already contracted to purchase $580 million of equipment in the United States and more will definitely be spent. It is estimated that 85 percent of Israel's Government budget is going for defense. This means that housing, education, welfare, and other social needs are being cut dangerously and much of the progress that the Israel people have made over the years is now jeopardized.

All this means that Israel has been compelled to dip into her foreign currency reserves. These totaled $750 million early in 1967. During that year Israel foreign currency reserves increased to a recordbreaking figure of $900 million. Now Israel's foreign currency reserves have dwindled to a dangerously low sum of $370 million.

In this connection, it should be stressed that over the years the Israelis have borne the highest per capita foreign currency debt in the world. That is because Israel has been compelled to pay for her necessary weapons for defense. Israel has never received grant military aid from anyone. Past U.S. administrations have not provided Israel with grant military aid, but over the years, going back to the Johnson, Eisenhower, and Kennedy administrations, our Government and the American people have maintained economic assistance to Israel at a good level in order to make it possible for her to continue her development and strengthen Israel's economy.

Substantial U.S. economic aid to Israel ended several years ago. The time has come for us to consider Israel's needs anew. Last year Israel asked for our Government a grant of $50 million for special assistance. Israel asked to be allowed to purchase substantial quantities of surplus commodities. Israel also requested development loans from the United States. The administration should make provision for a substantial direct grant to Israel in preparation of the new Federal budget. I hope and strongly urge that for the coming year this will be done. I strongly believe that the evidence supporting this request is persuasive and will have excellent support in Congress.

With Congressman MORGAN, of Pennsylvania, in 1951, I was one of the members of the House Foreign Affairs Committee who cosponsored legislation authorizing grant economic aid to Israel. The U.S. Congress approved this proposal and this was the beginning of the support assistance program which was used effectively and efficiently by the people of Israel.

Over the years Israel developed her economy and established one of the highest growth rates in the world. Israel opened her doors and absorbed hundreds of thousands of Jewish refugees, survivors of concentration camps, the victims of discrimination and persecution in many of the countries around the world. Israel's resettlement program has been an epic demonstration of the way in which a people can offer sanctuary and transform a helpless and broken people into a strong self-reliant citizenry contributing both to the economy and defense of the country. Israel's progress is an example which encouraged many other peoples throughout the world to fight for their independence and, at the same time, to concern themselves with the welfare of their people and the achievement of higher standards of living.

Israel fought for independence for the state but she also fought for freedom for the individual. And all over the world, in Asia, Africa, and Latin America, other peoples have been inspired by her fine example.

Now this epic chapter of Israel must not end. It is for us in America to help determine the final outcome. We who advocated aid to Israel did so in the conviction that this was in the highest interest of our own country, as well. We know that both Israel and America share a strong commitment to democracy. Our program in Israel contributed to her economy but also to strengthening a country which stood with the United States in the defense of freedom. Our U.S. aid program in Israel is a demonstration that aid can be used effectively and equitably when it is administered by people who have a personal interest in their country and who are sincerely committed to its development and the progress of all her people. Israel has become the showcase for American aid. The American people have a tremendous stake in that country. The United States must certainly do everything it can to maintain the integrity of Israel's development. I sincerely trust that Congress and the administration will respond affirmatively to this plea to place in the new Federal budget, substantial economic grant aid for Israel. Israel shall not be destroyed.

Mr. FULTON of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. I object.

The CHAIRMAN. Does the gentleman from Pennsylvania ask unanimous consent to withdraw his amendment?

Mr. FULTON of Pennsylvania. I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Chairman, I object.

Mr. MORGAN. Mr. Chairman, I thought the gentleman from Pennsylvania would be permitted to withdraw his amendment, but if he does not have that right, of course, I want to oppose the amendment.

Mr. Chairman, Israel is not asking for grant assistance at this time. I am sure if they wanted it, this Congress would grant it to them.

Under the Jackson amendment, which passed the other body and which was approved by the House when it adopted the conference report on the defense procurement authorization bill, this bill constitutes the authorization for the administration's request for $500 million.

Mr. Chairman, Israel seems to be well satisfied with this arrangement. The credit terms are very favorable.

Out of the proposed $500 million, $150 million would be paid back over a period of 10 years at the going rate of interest and $350 million would be subject to a 5-year grace period during which they would pay nothing. This is better than a grant program. Israel is well satisfied with what they are getting under the Jackson amendment.

Therefore, I think this additional request is uncalled for and I doubt that the Prime Minister of Israel requested this amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennyslvania.

Mr. FULTON of Pennsylvania. I had understood indirectly that Israel has made a request of the administration for $50 million in grant aid recently for economic purposes for the coming budget.

Mr. MORGAN. That was before the program under the Jackson amendment was worked out.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. A year or so ago the Foreign Affairs Committee went out of its way to offer Israel economic assistance only to find that what Israel really wanted was jet military planes.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I am just curious to see if the chairman of the committee can explain to me that if this procedure is better, the procedure whereby we give good loans to Israel, is better than grants, why everyone does not want good loans and grants.

Mr. MORGAN. Most other countries cannot get these favorable terms.

Mr. LOWENSTEIN. But they could get good terms.

Mr. MORGAN. I am for these favorable terms, especially in view of the amount of military assistance that other countries are getting in the Middle East.

Mr. LOWENSTEIN. Mr. Chairman, if the gentleman will yield further, I am just curious as to why we do not extend this sort of arrangement to the Cambodians by lending them the money rather than giving it to them.

Mr. SCHEUER. Mr. Speaker, the House will take final action in a few moments on the foreign assistance appropriation bill for the fiscal year ending June 30, 1971. Nearly hidden in this $2.5 billion legislation is an appropriation of $103,810,000 for multilateral organization technical assistance programs, of which $2,000,000 is for U.N. drug control programs that may well provide the answer to the scourge of drug abuse that is infecting our country from Maine to California. This comprehensive U.N. program on drug control will be financed by a Special Fund for Drug Abuse Control.

Designed to assist member nations to establish and improve national drug-control administrations and enforcement machinery, as well as to enlarge the capabilities of U.N. drug control bodies, this fund was created after many months of intensive international negotiations. In July of this year, the Economic and Social Council of the U.N., at the urging of the United States, called for a special meeting of the U.N. Commission on Narcotic Drugs on September 28 to prepare a worldwide plan of attack against the explosive growth of drug addiction. At this session, the Commission recommended a substantial increase in U.N. drug control activities and proposed that a special voluntary fund be established to finance them. Although the United States has traditionally resisted such proposals for separate funds, fearing their endless proliferation, this proposal received our enthusiastic support. On December 14, the U.N. General Assembly gave its approval to the fund.

Administration representatives in testimony before the Senate, indicated that they intended to allocate $2 million to the fund, the amount our U.N. representatives had initially pledged. These funds were above and beyond the administration's original budget requests.

This initial $2,000,000 pledge, while modest, is vital seed money. It is only the beginning of the U.S. commitment, provided that other member nations respond similarly with significant and meaningful contributions. I cannot overstress the importance of such substantial matching contributions. I am sure I speak on behalf of my colleagues from urban, suburban, and rural constituencies alike when I say that all U.N. member nations must join in a common cause to halt drug abuse. Increasing numbers of those nations are becoming victims of heroin, amphetamine, and barbiturate abuse, especially among their youth. Scandinavian, European, and even South American nations are discovering that the United States is not the only victim nation whose young are dying in the streets of heroin overdoses. African diplomats attending the U.N. General Assembly in New York have observed at close quarters the rips and tears in our social fabric caused by narcotic abuse, and fear its spread to their own countries.

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If other member nations contribute their fair and appropriate share to the newly established U.N. Special Fund for Drug Abuse Control, I am sure the United States will promptly and substantially increase its own contributions in response. The Fund could then be the source of major new initiatives in solving the narcotics abuse problem around the world. All Members of this body will be watching closely and hopefully the response of other U.N. member nations, to the initial U.S. contribution to the U.N. Special Fund.

Mr. LONG of Maryland. Mr. Speaker, as we consider the fiscal 1971 foreign operations appropriations conference report, I am disturbed that we were unable to retain provisions in the bill which would have tightened congressional control over U.S. contributions to international financial institutions—the Asian Development Bank, the International Monetary Fund, and the International Development Association. To illustrate my concern, I would like to cite my discussion with our Asian Development Bank Representative during our February subcommittee hearing.

Mr. Bernard Zagorin, the U.S. Director of the Asian Development Bank, admitted to me that the ADB was losing money by borrowing money in the German money market and paying more interest on that money than it was receiving on $100 million of unused capital the bank had invested in U.S. Treasury bills and time deposits. I pointed out that the taxpayer should not be asked to subsidize an operation in which money is being borrowed at higher rates than you get on your investment.

I was also disturbed that the Bank's operating expenses were more than $5.6 million last year, while the Bank's gross income—according to Mr. Zagorin—was $12.94 million. Administrative expenses ate up about 40 percent of the profits. This information, combined with reports of sharp increases in the Bank's entertainment allowance and the ADB's policy of making unsecured loans to its employees convinced me that a GAO audit should be made of these funds. And any financial institution that spends the American taxpayer's money this way should be required to give a detailed justification to the Congress of the activities and projects on which our money is spent.

Section 504 of the House version of the foreign operations appropriation bill required the U.S. Comptroller General to audit any project or activity financed by this bill that was undertaken by an international financial institution. Unfortunately, this section and section 505, which provided for detailed justification of the projects and activities undertaken by these institutions with the money provided in this bill, were deleted in Conference.

Sections 504 and 505 were intended to apply only to international financial institutions. However, the Jackson study recommendations for improving the United Nations development program's operations and other material presented to the subcommittee about the operation of this program have convinced me that the requirements for audit and detailed project justification should be applied to all of our contributions to multinational assistance programs.

After all, we do not even have enough resources to meet our domestic needs. When we cannot afford enough classrooms and teachers for our children and adequate medical care for the elderly, we sure cannot afford to forego congressional control over multilateral foreign assistance expenditures.

GENERAL LEAVE TO EXTEND

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROVIDING FOR CERTAIN CORRECTIONS IN THE ENROLLMENT OF H.R. 17867

Mr. PASSMAN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 791) to provide for certain corrections in the enrollment of H.R. 17867, making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the House concurrent resolution as follows:

H. CON. RES. 791

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 17867) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, is authorized and directed—

In respect to the amendment of the Senate numbered 19, restore the matter stricken by said amendment, except the amount of "$272,500,000" and insert in lieu thereof "$200,000,000".

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to inquire as to whether the ofttimes and multiple need to correct the RECORD is based on the final push toward adjournment and overwhelming of the Government Printing Office, or whether it is errors on the part of those who seek to file so early, or for any other cause?

Mr. Speaker, I submit that just now we corrected yesterday's RECORD in two different places. As I recall, yesterday we had a similar unanimous-consent request and, of course, such requests should be granted.

I simply take this time to inquire as to whether the fault may lie in the hurry-skurry of the GPO to comply with the excessive demands of the Congress, or whether it is on the part of the overburdened staff that it makes errors sometimes as, to wit, yesterday in the $70 million correction in the RECORD.

Mr. PASSMAN. Mr. Speaker, if the gentleman from Missouri will yield, I want to thank the distinguished gentleman for what he has said. I understand perfectly well the position of the gentleman. We had several printing errors and also one clerical error.

Mr. HALL. Mr. Speaker, I fully agree that the Clerk of the House should have permission to correct these errors, and I have no intention of making an objection, but I simply submit to the Members that, with the overwhelming burden the Congress is making on the Government Printing Office, we can expect nothing else. We should have adjourned sine die, long since.

And as of now I understand we are waiting for the next conference report to arrive in order that we can quit ourselves of the business of the Government.

Mr. PASSMAN. This concurrent resolution that we offered is to correct a clerical error so that the enrolling clerk may enroll the bill properly.

Mr. HALL. Mr. Speaker, it is not my purpose to point the finger of derision or scorn at anyone who makes an error or is overburdened, but rather it is my purpose to point out to the Members that this "lameduck session" never should have happened.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE PUBLIC PRINTER

The SPEAKER laid before the House the following communication from the Public Printer:

U.S. GOVERNMENT PRINTING OFFICE,
Washington, D.C., December 15, 1970.
Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to advise you that in accordance with House Resolution No. 1306 served upon me at 10:30 a.m. this morning by the Clerk of the House, I have in my capacity as Public Printer and Acting Superintendent of Documents forthwith printed, published, and distributed to and for the use of the House of Representatives, the Committee on Internal Security of said House, and those entitled to receive them, including distribution to Depository Libraries and copies for sale to the public, the usual number of copies of the Report No. 91-1732 of said Committee on Internal Security titled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities."

These actions were accomplished as of 2:00 p.m. this date.

Sincerely,

A. N. SPENCE,
Public Printer.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C.,
December 15, 1970.
The Hon. JOHN W. MCCORMACK,
The Capitol,
Washington, D.C.

DEAR MR. SPEAKER: Please accept this letter as my resignation as a Member of the House District of Columbia Committee, effective December 16, 1970.

I am grateful for the privilege which has been mine to serve during the 90th and 91st Congresses.

This has been a most rewarding experience and I have enjoyed serving with the Chairman and Members of this Committee.

Most sincerely,

LARRY WINN, JR.,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state that the Chair will entertain unanimous-consent requests to extend remarks in the RECORD, and for 1 minute speeches, with the time being yielded back.

CONFERENCE REPORT ON H.R. 19590, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 15, 1970.)

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. MAHON) is recognized.

Mr. MAHON. Mr. Speaker, this is the conference report on the appropriation bill for the Department of Defense for the current fiscal year.

The conference report provides $66.6 billion in appropriations for the Department—for all of the military services and the Department of Defense. This amount represents a reduction below the budget of about $2.1 billion.

The indications are that during this session of the Congress we will reduce appropriations requested by the President in the total sum of about $1.5 billion. It is evident that most of the reductions will come in this bill.

We recognize that legislation is not an exact science, and compromises must be made between widely varying points of view. There are some of us who feel that in certain categories of defense additional funds would be desirable. But we feel this is the best bill that could be produced at this time.

There were approximately 250 line item differences between the House bill and the Senate bill. There were 58 amendments and some amendments involved a number of line items. We were in conference 3 days with the other body in settling the differences. We are now below the House figure and above the Senate figure in total appropriations.

The following table summarizes the actions agreed upon:

DEFENSE APPROPRIATION BILL 1971—SUMMARY OF APPROPRIATIONS

[Amounts in dollars]

Functional title	Appropriation, fiscal year 1970 (new budget obligational authority)	Budget estimate, fiscal year 1971 (new budget obligational authority)	Passed House	Passed Senate	Conference action	Conference action compared with— 1970 appropriation	Budget estimate	House	Senate
Title I—Military personnel	23,007,914,493	21,032,800,000	20,689,300,000	20,778,575,000	20,734,800,000	−2,273,114,493	−298,000,000	+45,500,000	−43,775,000
Title II—Retired military personnel	2,859,000,000	3,194,000,000	3,194,000,000	3,194,000,000	3,194,000,000	+335,000,000			
Title III—Operation and maintenance	21,534,995,495	19,512,045,000	19,363,630,000	19,211,671,000	19,359,606,000	−2,175,389,495	−152,439,000	−4,024,000	+147,935,000
Title IV—Procurement	17,858,373,462	17,358,600,000	16,243,810,000	15,970,110,000	16,029,110,000	−1,829,263,462	−1,329,490,000	−214,700,000	+59,000,000
Title V—Research, development, test, and evaluation	7,406,748,694	7,345,600,000	6,954,700,000	6,960,100,000	6,975,800,000	−430,948,694	−369,800,000	+21,100,000	+15,700,000
Title VI—Combat readiness, South Vietnamese Forces		300,000,000	358,500,000	300,000,000	300,000,000	+300,000,000		−58,500,000	
Title VII—Special foreign currency program		2,621,000	2,621,000	2,621,000	2,621,000	+2,621,000			
Total, Department of Defense	[1] 72,667,032,144	68,745,666,000	66,806,561,000	66,417,077,000	66,595,937,000	−6,071,095,144	−2,149,729,000	−210,624,000	+178,860,000
Distribution by organizational component:									
Army	23,267,941,402	20,210,665,000	19,642,411,000	19,619,452,000	19,629,187,000	−3,638,754,402	−581,478,000	−13,224,000	+9,735,000
Navy	21,681,703,671	21,200,700,000	20,580,303,000	20,288,503,000	20,406,003,000	−1,275,700,671	−794,697,000	−174,300,000	+117,500,000
Air Force	23,065,431,678	22,055,600,000	21,330,386,000	21,301,561,000	21,361,086,000	−1,704,345,678	−694,514,000	+30,700,000	+59,525,000
Defense agencies/OSD	1,792,955,393	2,084,701,000	2,059,461,000	2,013,561,000	2,005,661,000	+212,705,607	−79,040,000	−53,800,000	−7,900,000
Retired military personnel	2,859,000,000	3,194,000,000	3,194,000,000	3,194,000,000	3,194,000,000	+335,000,000			
Total, Department of Defense	[1] 72,667,032,144	68,745,666,000	66,806,561,000	66,417,077,000	66,595,937,000	−6,071,095,144	−2,149,729,000	−210,624,000	+178,860,000

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[1] Includes $760,264,144 allocated from the lump-sum indefinite appropriation in title III, Second Supplemental Appropriation Act, 1970, for the general 6 percent retroactive pay increase.

To know what is in this monumental bill, the biggest appropriation bill of the session, it will be necessary for Members to study the statement of the managers on the part of the House which appears in the CONGRESSIONAL RECORD of yesterday beginning on page 41571 and the conference report No. 91–1759 which is available at this time for the Members. It should be pointed out that the statement of the managers will also appear in the proceedings today on this conference report.

Additionally, several volumes of hearings on this legislation have been available for many weeks to Members, along with the committee reports on the defense bill which were submitted at the time of House and Senate consideration.

Mr. Speaker, I would hope in view of the availability of the information in regard to the content of this very complex bill that Members would rely upon the information that has been made available for study.

As was stated in the House report on the bill, the American people have every right to expect reasonably adequate national defense for $66 billion. Of course wise and prudent management is required. Without wise and prudent management we could spend far more and still not have a satisfactory defense program.

The burden of providing effective military forces is on the executive branch. Congress can provide money and some direction but our military establishment must be managed by the executive branch.

I shall not speak at length in regard to the actions of the conferees, but I would be glad to yield for questions, if there be questions, as to the contents of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the disguished gentleman from Iowa.

Mr. GROSS. The fact is, is it not, that this is considerably below the House bill and above the Senate bill?

Mr. MAHON. The gentleman is correct.

Mr. GROSS. In this particular case, whether right or wrong, the Senate was the body that reduced the appropriation in conference.

Mr. MAHON. The gentleman is correct. Very often—I would say usually—the other body increases appropriations, but in the defense bill the other body was definitely below the House. In the conference report we are above the Senate figure.

I yield to the ranking minority member of the committee.

Mr. MINSHALL. Mr. Speaker, there is very little I can add to the excellent résumé that the chairman of the House Appropriations Committee has given on this bill, which is indeed a monumental bill. I would like to add only that it was also a monumental task to come to an agreement with the other body, which we finally succeeded in doing, as the chairman has so ably pointed out, after 3 days of very intensive conference sessions.

Just to summarize in very brief terms, the House bill originally was $1.9 billion under the budget. The Senate bill, as the other body passed it, was $2.3 billion under the budget. What it amounts to, after much conferring and much hauling about, if I might put it that way, is that we finally more or less split the difference and made an actual cut under the President's budget by $2.1 billion. I hope that the House will go along with the conference report.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. I think it should be said, unless a general erroneous impression be drawn from the Chairman's colloquy with the gentleman from Iowa, that the Senate bill was almost $400 million less than the House bill; but that does not mean that there were general reductions along the line, because while this is an oversimplification of the matter, it is true that the House had added something over $600 million of unbudgeted funds which we, in our judgment, considered to be critical, primarily the $417 million for modernization of the Navy, and $24 million in order to keep five Air Force Reserve wings in operation. So you can pretty well balance off the difference in the House action and the Senate action by reason of those items which I consider to be critical nonbudgeted additions that were made in the House before the bill went to the other body.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. I thank the gentleman for yielding. I would like at this time to make clear that in signing the conference report I reserved on amendment No. 20, as did two other members of the conference. I think, in the light of what the gentleman from Wisconsin has just said, it ought to be observed that the conferees on the part of the other body flatly refused to take back to the other body the question of funds for a submarine tender and a destroyer tender. I felt very strongly that with the Soviet Navy expanding as it is we should lose no time in building these vessels, and the failure to fund at least long-leadtime items for these vessels means more delay and, in my opinion, an impairment of the security position of the country.

I am seriously concerned that the other body should have refused to fund this submarine tender and this destroyer tender. It seems to me that the record shows over recent years that Soviet advances in this field are a cause for concern, not only to military men, but also to civilians and to many of our friends abroad. I feel that it is up to us to keep our military modern and fully funded without waste, and I think amendment No. 20 ought not to have been agreed to.

Mr. MAHON. I would like to thank the gentleman from New Hampshire for his comments.

The House conferees stanchly supported this House provision in regard to the $417 million for the additional ships. It was not possible for the House conferees to prevail. We did get the submarine and advanced procurement for a second submarine. Despite our efforts, we were not able to get the tenders to which the gentleman made reference.

Mr. WYMAN. And the conferees would not take this item back to the other body even for a vote on this.

Mr. MAHON. The gentleman is correct.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I concur with what my friend, the gentleman from New Hampshire, said. I took the same position he did with reference to amendment No. 20.

Mr. MAHON. I would say to the gentleman, all the House conferees signed the report, and we all supported the House position with regard to the inclusion of the ships.

Mr. ANDREWS of Alabama. We took exception to amendment No. 20.

Mr. MAHON. The gentleman signed the conference report with a reservation as to amendment No. 20 but all members on the part of the House supported the ship provision in the House bill.

Of course, I think we all agree that a formal budget estimate in support of the ships would have been a more appropriate and orderly procedure.

Mr. ANDREWS of Alabama. I would like to say briefly, Mr. Speaker, I am seriously worried about our Navy. We have neglected our Navy for the last 15 or 20 years. On the other hand, the Russians have had a phenomenal buildup of their Navy.

Our committee added funds for four new ships and additional service craft. We were able to retain in conference only one submarine and long-lead items for a second submarine. We have been told by Naval experts—and this is serious—that if we were to spend at the rate of $5 billion a year trying to modernize our Navy, it would take us 5 years to do it.

Mr. WYMAN. Mr. Speaker, if the gentleman would yield to me further to make an observation, I would like to comment on what the gentleman has said, that more than 50 percent of our Navy consists of ships more than 20 years old, whereas almost all the ships in the Soviet Navy have been built in the last decade.

This situation becomes clear to us when we witness what has happened with the 6th Fleet recently, and has happened in the Mediterranean. That has given us a picture of our inability to wage nonnuclear war and meet contingencies and crises as they develop all over the world. It behooves us, as the Defense subcommittee, to see to it that we have advance funding so we can restore this imbalance.

Mr. ANDREWS of Alabama. I will say to the gentleman that ours is fast becoming a second-rate Navy.

Mr. WYMAN. There is no question about it.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to make inquiry, if I may, as to how much money is in the final appropriation bill, as re-

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flected in the conference report, for military surveillance of civilians, if the chairman knows the answer to that question.

Mr. MAHON. I do not have the answer to that question, but I do not support any military surveillance of civilians. I know there has been some action in that direction, which I do not support nor condone, I will say to my friend.

Mr. MIKVA. I appreciate the chairman's comment. Today's Washington Star contains a story which shows that the distinguished junior Senator from Illinois, a very distinguished jurist and former Governor of Illinois, and I have been the subjects of military surveillance in the Chicago area, presumably because of our criticism of the President's policy on the war.

I intend to abstain from voting on this conference report, so there will be no question that I am voting my personal spleen, and I must confess at this point I am outraged as a personal matter, but I am even more deeply distressed that if this story is true as to what is happening in Chicago, it goes without saying that it is similarly happening in other States and cities throughout the country. If so, we have reached a frightening crisis on the question of civilian control of the military.

Indeed the informant, a former staff sergeant who was in military intelligence for 5 years in Chicago, stated, that when he made inquiry as to why it was going on, he was told by a superior that the military was doing it rather than the FBI or the Secret Service because the military had more manpower.

Mr. Speaker, I hope to take a special order on this subject in the next day or two, and I understand Senator ERVIN in the other body is equally concerned.

I am delighted to hear the chairman's expression of his concern.

It grieves me deeply, again not as a personal matter as much as what this means for the country. The military is apparently engaging in surveillance over elected officials, including Members of the Congress, because of their criticism of the President's policies. Today it may be surveillance over a liberal's criticism of the President's war policy. Tomorrow it may be surveillance over a conservative's criticism of the President on some other policy.

Surely this is not a matter that can be taken lightly. I hope that the chairman will also use his great offices to see to it that whatever military surveillance of civilians is going on will be thoroughly investigated and rooted out, and that every person who has condoned or authorized this kind of surveillance will be separated from Government service.

I thank the gentleman for yielding.

Mr. MAHON. I share the feeling of outrage expressed by the gentleman from Illinois, if the story as reported is correct. I have not had an opportunity to read the story. I shall read it. I shall make inquiries and investigations that would be pertinent and do what can be done to prevent a recurrence of what is alleged to have happened in Chicago.

I thank the gentleman for his comment.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. YATES. I, too, want to join with my colleague from Chicago in stating that I am outraged by that report in the newspaper. I am very pleased that the gentleman from Texas, the chairman of the Defense Subcommittee, has indicated that he intends to go into the question. I had intended to write a letter to the chairman of the Defense Subcommittee asking him to make a very strong and serious investigation of this story. In view of his statement to the House, I hope that he will, as he indicated, go into the matter very seriously and very strongly in order to get to the bottom of the story.

Mr. MAHON. I thank the gentleman.

I would say that over a period of years the Committee on Appropriations has been dissatisfied with some of the aspects of the intelligence operations of the Department of Defense. We have had extensive hearings and we have registered many complaints, and we have stopped some procedures that were in progress. We will continue our very aggressive interest in learning of the activities of our intelligence people and in taking appropriate action.

I believe it might be well to point out in connection with these efforts that in the pending bill we made reductions in the appropriations for intelligence and communications. There is a $28 million cut in military personnel and some $22.6 million in operation and maintenance reductions in this bill.

We continue to be dissatisfied with many of the operations of the Department of Defense in the field of intelligence. We shall not relax our interest or our efforts.

Mr. MINSHALL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. MINSHALL. As the chairman probably will recollect, we have had extensive hearings on this subject in our subcommittee. The military at that time gave us full assurance that they gave their files on any of these civilians to the FBI. The military are no longer engaged in surveillance, but only concerned so far as getting security clearances for people seeking very sensitive jobs in the Federal Government.

Mr. MAHON. I thank the gentleman.

I should like to say, Mr. Speaker, that the total provided in the conference bill is greater than the total provided in any Defense appropriation bill, except for three bills, since the Korean war in the early 1950s. Supplemental bills have increased totals for fiscal years but there will be a supplemental for this fiscal year when Congress returns next session.

The bill is less than those of the past 3 years, fiscal years 1968, 1969, and 1970. In those years, spending for the war in Southeast Asia was at a peak level. The amount we are spending on the war has been reduced more sharply than have Defense appropriation bills. Inflation has had a heavy impact on the Department of Defense. We are shifting defense spending from war-related areas to the modernization of the forces. Next year increased defense spending is anticipated.

I should like to point out that statements have been made by representatives of the executive branch that reductions will be made at certain military bases. It is true that some military bases are no doubt scheduled for reductions in personnel or perhaps for closing.

Funds for the operation of our bases come from the approximately $20 billion appropriated for operation and maintenance. I should like to state for the information of the House what we did in the field of operation and maintenance. I make this statement for the purpose of pointing out that any reductions in personnel or any closings of bases should not be attributed to the actions taken on the pending bill but to longstanding plans of the executive branch.

In the area of operation and maintenance, a total appropriation of $19.3 billion is provided in the conference agreement. This is only $152 million less than the amount requested. The deletions made are specific and are in areas such as departmental headquarters, automatic data processing, and intelligence.

All year we have known, as a result of decreased defense spending, due to the slowdown of the war, the Defense Department has been planning to make reductions in personnel at some installations. Good management at times requires reduction in personnel. An announcement of base cutbacks will probably be forthcoming early next year. I want to make it clear, too, as I said previously, that whatever bases cutbacks are forthcoming have been in the planning stage for many, many months and will be the result of the plans of the executive branch and will not be the result of congressional budget reductions.

Now I yield to the distinguished gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and also appreciate his statement.

Would he not also say that there has been about a $1.3 billion reduction under procurement under title IV of the bill?

Mr. MAHON. The gentleman is correct. We made reductions in procurement in most cases on the basis of the fact that certain programs were not ready to proceed from development into production and that we ought to give more credence to a program or policy of "fly before you buy." That was one of the major factors involved in the reductions we made in procurement.

Mr. HALL. Mr. Speaker, I simply wanted to bring that out for the RECORD inasmuch as the distinguished chairman has already said a great reduction was made in operation and maintenance. I do not intend my observation to be critical, in any sense of the word but just to further what he was saying about the reduction.

I am one of those who are truly worried, in view of intelligence briefings and information available to Members of Congress on a need-to-know basis, that we are rapidly becoming a second-rate defensive power before we let the people of America know what is going on. Although I do not criticize this conference report in any sense of the word, rather, I am glad it is under the House figure and under the budget, if we can still afford it and have a satisfactory defense. I am glad to see that we have the naval items which begin a long-needed capital equipment expenditure in the field of appropriations insofar as possible.

I really arose, Mr. Speaker, to ask the gentleman to discuss the procurement of aircraft and missiles under Navy, amendment 17 in the conference report on page 9 in particular. Having been a member of the Airlift Subcommittee of the legislative committee, as well as a member of the Research and Development Subcommittee, since I have been in the Congress; and vitally interested in vertical takeoff and very short takeoff and landing capabilities, there is one item I believe in the third paragraph which is important. I would compliment the committee on keeping the A–6E and certainly the E–2C's in. I am sorry that the hunter-killer antisubmarine planes have not been funded.

But my particular question here goes to the one statement based on the procurement request of 18 aircraft in the United Kingdom. The reason why I raise that question, Mr. Speaker, is because the distinguished chairman saw fit to discuss it with me previously. There is an agreement by the Hawker-Siddeley people who make the Harrier or the AV–8A that part of it is to be configured in the United States, if there is a follow-on. The legislative committee specified, of course, that there should be the usual "buy American" clause therein.

And, that this would seem to negate that insofar as the initial test program or pilot program for procurement is concerned.

Mr. Speaker, my fundamental concern I would say to the Members of the House is because we need to establish a "hot line" along with these lines as well as along the lines of jet aircraft engines.

I would predict that the Harrier would be used by other services than the Marine Corps after it has proved its efficiency. Many of us have seen it demonstrated. I would hope that we would not always continue to procure abroad, however, as long as we have so much research and development funds in the development of the Harrier in a tri-country participation program.

I am glad that we are going ahead and are procuring these planes on a pilot basis. I have no particular objection to procuring the 18 from the United Kingdom.

However, I hope the Appropriations Committee in its wisdom would allow continental U.S. production in consideration of future orders, on the insistence of the authorizing committee, as far as the further procurement of the Harrier is concerned.

Mr. MAHON. I thank the gentleman for his statement. First of all, I would like to call to the attention of the distinguished gentleman from Missouri that we did fund the S–3A antisubmarine aircraft of the Navy. Actually we placed the necessary funds in the research and development budget without delaying the program.

The position of the Committee on Appropriations with respect to the AV–8A Harrier aircraft is that until the services make up their minds as to what plane they want for close air support, we should not go to the expense of establishing a new production line in this country. We provided last year 12 Harrier planes manufactured in England, and we said this year that if the services will agree on a rather large Harrier program, we feel the production should be in this country. That decision, of course, has not been made by the Department of Defense. In the interim, therefore, we provide in this bill $64 million for the purchase of 18 additional Harrier aircraft for the Marine Corps from the United Kingdom.

It is hoped that by next year the Department of Defense will have made up its mind as to where it wants to go with respect to close support aircraft. If the Department of Defense wants to go forward in an all-out Harrier program, we believe, as I think the gentleman certainly believes, that the production should be in this country. As it was proposed, about one-half of the airframe would be manufactured and bought in England and all of the engines.

I do believe that the long-range future holds a great deal for the Harrier-type V/STOL aircraft. I believe that the other military services one of these days will come to some sort of program which will embrace this idea. When we know more about what the future holds and what the services really want, then we can cross that bridge.

Mr. HALL. I thank the gentleman for his response to my question. We are in essential agreement. Again, I compliment the committee.

I will just make an additional point and that is that if we always wait for the services and the Department of Defense to make up their mind, without the Congress taking the role of fulfilling its responsibility under the Constitution to raise and support the Armed Forces, we might not have them; we would not have the atomic-powered nuclear submarines and the capital ships and the AR–16 and we would not have military strategic airlift and many other things, but we do have them because the Congress has taken the initiative.

I thoroughly agree with the distinguished gentleman that in this instance we ought to wait until they make up their mind.

I appreciate the gentleman's statement.

Mr. MAHON. There are other attractive U.S. candidates for the close support aircraft and that was one of the factors involved in the decision of the committee.

Now, in view of the questions raised by the gentleman from Missouri (Mr. HALL), I should like to say this: I think that all of us who have studied this bill intimately are concerned about the adequacy of some of our defense programs, and we are concerned about some of the reductions that were made. In view of the atmosphere in the Congress, it was inevitable that many reductions had to be made this year. In my opinion, if we are to maintain our military superiority, if we are going to avoid being outgunned strategically and otherwise, we are going to have to do more in certain areas of defense than we are doing in the pending bill.

I would predict that unless the talks with the Soviet Union are fruitful that the next budget will have to be above this budget.

Now, with respect to language, the Senate had placed two general provisions in the bill. One would have prohibited U.S. combat forces from entering Laos, Cambodia, or Thailand and the other would have prevented Vietnamese or other free world forces from supporting the Governments of Laos or Cambodia.

The House felt that, due to the uncertainty of future events in Southeast Asia, the Senate provisions could prove to be unduly restrictive. We suggested, and the Senate conferees agreed, to add further provisions making it clear that there is no intention to prohibit activities which would aid in the safe and orderly withdrawal of American forces from Southeast Asia or actions taken to release Americans held as prisoners of war.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Speaker, I think in reference to the comments of the gentleman from Missouri that it should be pointed out that some of the reductions which appear on paper in the procurement field are not in fact actual reductions in procurement capabilities in that $200 million—if my recollection is correct—was made available by transfer from the various stock funds. So that the paper showing of a reduction of procurement funds does not in fact amount to the amount that is shown here at this time.

Mr. MAHON. The gentleman is correct.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, in the effort to bring to the House a bill which contributes to, rather than cripples, national defense, the House conferees have given more time and effort than has been required by any Defense bill in years. It can be said that we have brought back a better bill than the bill which passed the House on October 8. It also is a better bill than the one which passed the Senate earlier this month. Had we taken the best of both bills, we could have brought to the floor a very good bill making important contributions in many needed areas of defense. That is not what we have done. This bill contains cuts which I think are damaging on top of very low budget estimates and it is a barebones bill throughout. Nevertheless, the present bill is the best of the three. The distinguished chairman of the House committee, the gentleman from Texas (Mr. MAHON), provided outstanding leader-

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ship in the work to produce the best bill possible under the circumstances.

It is very short on funds for operation and maintenance and this, of course, is the very heart of the Military Establishment. Without adequate funds for operation and maintenance, no military program can be effectively carried on. It must also be considered that cuts in O. & M. funds put more people out of work. At a time when the Nation's unemployment is at the highest level in 7 years and at a time when defense funding already has been cut to the bone, it reflects poor judgment to further handicap the operations of the services when this also deprives additional personnel of employment. The House initially had cut approximately $300 million from the budgeted figure on operation and maintenance. The resulting situation was sufficiently serious to induce the House committee to move to restore $150 million of this amount on the floor of the House. Subsequent to the initial House reduction, it was found that there are very significant increases in O. & M. costs of $320.6 million above the budgeted amounts for fiscal year 1971. In other words, the restoration of $150 million by the House is less than half of the anticipated increases of O. & M. costs above the budget. Nevertheless, the Senate eliminated the $150 million add-on which the House had approved. In this bill we accomplish the restoration of only $120 million of that amount. Thus we are left with a seriously reduced fund for operation and maintenance. I do not consider this a healthy situation.

I am also greatly disappointed in the conference action on funds which had been added by the House for shipbuilding. Instead of $417.5 million which was provided in the House bill and which comprised four needed ships plus service craft, the conferees have settled on two submarines only, with a total appropriation of $188.5 million. We have not covered ourselves with glory by this action. It is a known fact that Russian progress in ship modernization is progressing far faster than ours. We are turning our backs on this ominous picture despite a clear mandate from the House that it supports at least a measure of improvement in this field.

In the main, we have strengthened the House bill on research and development in that the conferees agreed to the restoration of a number of important programs which are needed for force modernization. The Senate made cuts in a great many R. & D. programs in each of the services. Approximately half the amounts of these reductions has been restored with responsibility given to the services, where it belongs, to determine where cuts can best be taken in R. & D. The area of research and development is more important than many seem to realize.

Evidence is continuing to accumulate that the Soviet Union is steadily expanding its military R.D.T. & E. at a rate of about 10 percent per year while we have been holding ours essentially constant. In terms of results—weapons systems ready for production, technology advances and so forth—we can now see that the U.S.S.R. and the U.S. efforts were approximately even from 1960 to 1968; but since 1968 the Soviets have been expanding while we have not. In part, this is the cost to us of the war in Vietnam. In the Soviet budget for the coming year another 10-percent increase is planned for military R.D.T. & E. This means that the Soviet military R.D.T. & E. program is greater than ours by at least 30 percent.

We have been fortunate in having accumulated technological lead and in having held it through the 1960's. But there is not much chance of keeping this position under the heavier investment by the Soviets, regardless of how efficient our scientists and engineers and managers try to be. The Soviets are efficient, too. There is great advantage to the Soviets in taking the technological lead away from the United States in as many military areas as possible as soon as possible—and there are grave risks to us in military effectiveness, intelligence effectiveness, and political effectiveness when they do so. The big booster technology advantage the Soviets enjoyed in the early 1960's is only one example.

At the very least, we should give our scientists and engineers and managers flexibility and enough funds to develop alternative possibilities in areas quite likely to be critical. The choices of areas are not easy, particularly when we know that the Soviets are now in a position to cover more of them than we are.

In the field of procurement, the bill approved in the conference is better than the House version. It provides for the restoration of funds which are needed for the improved Hawk missile, for Nike-Hercules modifications, and for the Lance missile and spares. The conference report also approves the new land combat support system with spares and modifications. It provides for tracked command post carriers and for support equipment such as landing craft. All of these are for the Army.

For the Navy, the conference report makes restoration of funds for the A6E Intruder aircraft and spares, and for the E2C Hawkeye early warning aircraft and spares. It restores funds needed for the common ground equipment or VAST program. The bill also provides additional funds for the Mark 46 torpedo and the Mark 48 torpedo.

For the Air Force, the bill now before us retains the international fighter aircraft, the SRAM, and spares for the F-111. And, importantly, in R. & D. the bill contains funds for Minuteman rebasing; for AWACS, the airborne warning and control system; and for Minuteman operational base launch.

General agreement was obtained upon the language provisions in the bill and this is a significant improvement over the Senate version. In that bill limitations have been adopted which simply would have been destructive to U.S. and allied aims for a just and honorable peace and a successful ending to the war in Vietnam.

This is a big bill. From that standpoint it should provide sufficient funds for America's defense needs. It is more significant, however, that defense costs have increased materially and, in fact, this bill is considerably smaller in amount of defense it will provide than any bill the Congress has been asked to approve in years. This is a trend which must not be allowed to continue. Fund reductions and language limitations are slowly strangling America's defense. It has been said countless times that no second-rate defense can be effective. We are not keeping pace in modernization with the Russians. Instead, we are cutting back on our defenses at a time when theirs are being improved. Everyone knows this. We should be very concerned and we should stand together for an adequate and a strengthened defense. Yet it has taken days in conference to reach agreement on this modified and scaled-down defense program. I hope the American people will awaken to the danger of a defense which is too little and too late, and that in the years to come there will be insistence from the people back home that the Congress provide more adequately for the requirements of those who must guard our frontiers and stand by our commitments. They are putting their lives on the line. At the least we should provide the dollars needed to back them up.

Mr. MAHON. Mr. Speaker, I yield such time as he may require to the gentleman from Mississippi (Mr. WHITTEN), distinguished member of the committee.

Mr. WHITTEN. Mr. Speaker, I take this time to say that other Members have pointed out how many days we spent on the hearings on this bill. You can look at the total funds contained in the bill and see how big and enormous the job was and is.

In view of some statements that have been made, there are one or two facts that I think I should call attention to.

First, I agree with my colleagues about the need for additional ships in the Navy. I believe all of the House conferees were in agreement and supported the House position. We were unable to get the conferees on the other side to go beyond the submarine and funds for long lead-time items on another. I then signed the report for it was necessary if we were to have a bill. But there seems to be a report that we cannot afford to make the reductions we have made in funds made available in this bill.

May I say we can and should make the overall reductions though I differ somewhat from many of my colleagues as to where. I would call your attention to the fact that in addition to the funds in this bill, the Department of Defense now has unobligated over $6 billion. They have unspent over $38 billion. Now, true it is that all of that money was appropriated for specific purposes, but it could be used in any emergency that may arise, any unforeseen emergency, and Congress could straighten the matter out later.

Also, recognizing the fact as to how enormous this situation or this problem is and how problems we do face throughout the world, the bill provides language for the transferability of $600 million. So those of you who may be disturbed because your committee has tried to hold down to a sensible level the total amount in this bill, I do want you to know that

XUM

there are enough escape clauses and there remains enough unspent and unobligated billions of dollars that I cannot see anything that could arise that could not easily be met.

It is true, again, that the Congress might have to meet thereafter and straighten it up, but we could do that and for those who may be disturbed at our reduction in funds in the bill, I thought the RECORD should show these facts at this point.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I reluctantly rise today to oppose the adoption of the conference report on the Department of Defense appropriations for fiscal year 1971, for I find that there is very little in this measure which warrants its approval by this body. To the contrary, I believe that there is much in it which is cause for grave concern.

Specifically, I refer to the amendment which the House and Senate conferees adopted yesterday just before reporting out the bill. The conferees drastically weakened the amendment which was offered by Senators COOPER and CHURCH which would have made clear the intent of Congress that no funds covered by the bill could be used for the introduction of American ground troops into Thailand, Laos, or Cambodia. The language adopted by the conferees states that—

> Nothing in this section should be construed as prohibiting the President from taking action in said areas to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

XUM

If the House agrees to this language by adopting the conference report now before us, we will have missed yet another opportunity to indicate to the President that our foremost concern is extricating ourselves from the war in Southeast Asia as rapidly as possible and preventing the loss of thousands more American lives. We had the opportunity when the original Cooper-Church amendment was being debated last spring, however, in that instance too the House reduced the effectiveness of the amendment.

I would also point out to my colleagues that the administration had not opposed the new Cooper-Church amendment which the other body adopted. In fact, the testimony of administration officials indicated that they accepted the prohibition as a foregone conclusion. What our colleagues in the Senate sought to do, therefore, was to put this tacit understanding into a more explicit form. Why the conferees saw the need for a disclaimer is a question which, for me, has not been answered satisfactorily.

My conversations with the leadership in the Senate indicate that that body may spend several days in resolving the controversy over this conference report, yet here in the House we are prepared to dispense with it after only an hour's debate. I suggest that we stop "copping out" on our share of the responsibility for matters such as this and open up this measure to the close scrutiny which it deserves.

There is also the matter of putting this $66.6 billion appropriations measure into perspective, and in so doing I do not have to look beyond my own Seventh Congressional District of Massachusetts to find an example.

The naval hospital in Chelsea, Mass., is a 129-year-old facility which provides much needed treatment and rehabilitation for our wounded and disabled servicemen. As such, it serves the entire New England region with its 710-bed capacity. The need for a larger and more modern structure has been apparent for many years. Today, the Chelsea Naval Hospital is struggling to provide adequate treatment for the veterans who must depend on this facility.

This tragic situation could be alleviated by the construction of a proposed new naval hospital in Chelsea. Congress has already authorized the funds for this project, however, an additional $6 million is necessary before construction can actually begin. This year, just as last year, we are told by the Bureau of the Budget that these funds cannot be found. I suggest that they can be if we look hard enough. One place to start would be the conference report before us today. Among other things it will provide $200 million to bail out Lockheed Aircraft Co. and $18 million for the development of a new jet fighter that the Department of Defense did not even want. Apparently, there will be no trouble finding the money for these undertakings.

While it is with some reluctance that I vote against this entire defense appropriations measure, I am prepared to do so out of the sincere conviction that in its present form it will do more harm than good.

Mr. PRICE of Texas. Mr. Speaker, the report of the House-Senate Conference Committee reconciling House and Senate differences on Department of Defense appropriations was truly a compromise. The House passed figure of $66.8 billion was reduced by almost $211 million; while the Senate passed figure of $66.4 billion was increased by about $178 million. The final result was an agreement of $66.6 billion, about $2.1 billion less than the amount thought to be "rock bottom" by the Department of Defense and the administration.

I support the conference report because it does represent what does appear to be the final thinking of the majority of the House and Senate on the subject of Defense appropriations. At the same time, however, I cannot help but point out the fact that Congress has failed to fully fund Department of Defense needs for the coming fiscal year.

The Department of Defense, like every large organization—specially those in Government rather than industry, is subject to a certain amount of bureaucratic waste and mismanagement. Under the Nixon administration, however, extensive and relatively successful efforts have been made by the President, Secretary of Defense Laird, and other key personnel to reduce waste associated with military programs. These efforts have culminated in the administration's $68.7 billion barebones dollar budget request for fiscal year 1971, a request which Congress reduced by over $2 billion.

I view this action with great concern, Mr. Speaker. Tampering with our national defense system is no trifling matter. I realize there are those in both this and the other body who think the Communist menace is more fanciful than real, and that maintaining a strong national defense is not of paramount interest; but, to those individuals I would suggest that they take a good look at world trends and developments over the last 30 years.

Even before World War II, the Communists started a relentless battle to extend their influence and control over men and nations. Since that time entire countries have been treated as merely means to the goal of Communist world control.

Once apprised of this threat to freedom, the United States has attempted to counter and frustrate the Communists' conspiratorial designs whenever and wherever possible. Despite all efforts, though, the ideological map of the world has, as we all know, changed greatly over the past three decades. It started with the post-World War II take over of what has since become known as the captive nations; the most recent manifestations of the Communist conspiracy have occurred in Southeast Asia, the Middle East, South America, and Cuba.

The chief obstacle standing in the way of Russia's avowed aim of global conquest is the United States. For history has assigned us the role of defending freedom in the world at this moment in time.

Until now, this Nation has not shirked its awesome responsibilities; it has defended freedom with distinction and with pride. At the present time, however, there are voices calling for the United States to pull back from its commitments to the free world. These neoisolationists talk in terms of establishing new priorities, but what they are really saying is reduce defense spending and lower military preparedness. What they fail to realize is that if this Nation fails to keep its defenses strong, it will become easy prey to the Russians who have warned the United States, "We will bury you."

Mr. Speaker, a few weeks ago, the distinguished chairman of the Armed Services Committee, Mr. RIVERS, warned Congress and the American people of the disasterous and possible fatal consequences that would flow from Russia's achieving military superiority over the United States. He also warned of the very real possibility that the United States is in the process of losing its military edge over the Russians. These views are entitled to great weight, because MENDEL RIVERS is acknowledged as one of the foremost experts on the subject of national defense and military preparedness. In addition, his warnings have been echoed by military planners and strategic thinkers both in and out of Government.

The conclusion is obvious. We dare

not let our military forces become second rate to the Russians. It is truly a life and death matter; not only for this Nation, but for the world.

This then is why I strongly believe that Congress must not trifle with the military budget especially when that budget is, as it has been, pared right down to the bone. The stakes are too high and the risks are too great for Congress to scrimp on defense spending. It is just not worth it.

Mr. Speaker, as I stated at the outset, I will support the conference report. During the 92d Congress, however, I plan to address myself to the issue of military preparedness and I will attempt to persuade my colleagues to fully fund the future activities of the Department of Defense. At such time, I will contrast our strategic capabilities in key areas with those of the Russians. And, in the areas where this Nation is found wanting, I fervently hope Congress will take up the slack and will redress the imbalance.

The security and future of this Nation and that of the free world depends on the responses that are made to the strategic situations we face in this, the latter third of the 20th century.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MAHON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 328, nays 30, answered "present" 2, not voting 73, as follows:

[No. 415 Leg.]

YEAS—328

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, La.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hays
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keith
King
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Rhodes
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Rousselot
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vigorito
Waggonner
Wampler
Ware
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—30

Bingham
Brasco
Brown, Calif.
Burton, Calif.
Clay
Collins, Ill.
Conyers
Edwards, Calif.
Fraser
Green, Pa.
Gude
Harrington
Hawkins
Hechler, W. Va.
Kastenmeier
Koch
Lowenstein
McCarthy
Macdonald, Mass.
Nedzi
Reuss
Rosenthal
Roybal
Ryan
Scheuer
Stokes
Vanik
Waldie
Whalen
Yates

ANSWERED "PRESENT"—2

Mikva
Riegle

NOT VOTING—73

Ashbrook
Aspinall
Baring
Belcher
Blackburn
Bolling
Burke, Fla.
Button
Celler
Chisholm
Cohelan
Cunningham
Daddario
Daniels, N.J.
Dickinson
Dowdy
Dulski
Edwards, Ala.
Esch
Fallon
Farbstein
Flynt
Ford, William D.
Gallagher
Giaimo
Gilbert
Goldwater
Hanley
Hastings
Hébert
Henderson
Horton
Kee
Kleppe
Kuykendall
Langen
Long, La.
Lujan
McCulloch
McKneally
MacGregor
Mathias
May
Meskill
Mize
Monagan
Morton
Moss
Nichols
O'Konski
O'Neill, Mass.
Ottinger
Philbin
Podell
Powell
Price, Tex.
Purcell
Railsback
Rees
Reifel
Rivers
Schadeberg
Scott
Sebelius
Stuckey
Thompson, N.J.
Tiernan
Tunney
Vander Jagt
Wilson, Charles H.
Wold
Wolff
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Hastings.

Mr. Hébert with Mr. Vander Jagt.

Mr. Long of Louisiana with Mr. Dickinson.

Mr. Henderson with Mr. Edwards of Alabama.

Mr. Thompson of New Jersey with Mr. Button.

Mr. Wolff with Mr. Belcher.

Mr. Celler with Mr. Ashbrook.

Mr. Flynt with Mr. Cunningham.

Mr. William D. Ford with Mr. Blackburn.

Mr. Gallagher with Mr. Esch.

Mr. Rivers with Mr. Burke of Florida.

Mr. Hanley with Mr. O'Konski.

Mr. Nichols with Mr. McCulloch.

Mr. Moss with Mr. Kleppe.

Mr. Monagan with Mr. Horton.

Mr. Daniels of New Jersey with Mr. Kuykendall.

Mr. Giaimo with Mrs. Chisholm.

Mr. Kee with Mr. Schadeberg.

Mr. Tiernan with Mr. Scott.

Mr. Charles H. Wilson with Mr. Wold.

Mr. Wright with Mr. Goldwater.

Mr. Dowdy with Mr. Sebelius.

Mr. Daddario with Mr. Price of Texas.

Mr. Purcell with Mr. Railsback.

Mr. Podell with Mr. Reifel.

Mr. Rees with Mr. McKneally.

Mr. Cohelan with Mr. MacGregor.

Mr. Aspinall with Mr. Morton.

Mr. Baring with Mr. Mathias.

Mr. Dulski with Mrs. May.

Mr. Fallon with Mr. Meskill.

Mr. Farbstein with Mr. Mize.

Mr. Philbin with Mr. Langen.

Mr. Ottinger with Mr. Lujan.

Mr. Gilbert with Mr. Tunney.

The result of the vote was announced as above recorded.

The doors were opened.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. BOGGS). The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 14. Page 15, line 4, strike out "$2,933,100,000" and insert "$2,930,000,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the house recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$2,908,500,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15. Page 15, line 4, insert: ", and in addition, $50,000,000 shall be derived by transfer from the Army stock fund,".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18. Page 18, line 24, insert: ", and in addition, $100,000,000 shall be derived by transfer from the Defense stock fund,".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26. Page 18, line 18, strike out "$3,203,000,000" and insert "$3,201,300,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$3,219,300,000".

The motion was agreed to.

The SPEAKER pro tempore (Mr. Boggs). The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: Page 19, line 12, after "$1,380,400,000" insert the following: ", and in addition, $50,000,000 shall be derived by transfer from the Defense stock fund,".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 20, line 7, strike "$1,381,200,000" and insert "$1,345,100,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$1,338,700,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 48: Page 28, line 22, after "amended" insert the following: "; (1) under regulations approved by the Secretary of Defense, for transportation from their homes to rest and recuperation centers in the Pacific area and return, plus per diem payments of not to exceed $30 per day for each dependent for periods not over two weeks, for dependents of military personnel assigned as province or district senior advisers in Vietnam on voluntarily extended tours of duty totaling not less than eighteen months, during periods when such military personnel are granted special incentive leaves at such rest and recuperation centers."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Page 43, line 10, strike out:

"Sec. 836. During the current fiscal year, the Secretary of Defense may, if he deems it vital to the security of the United States and in the national interest to further improve the readiness of the Armed Forces, including the reserve components, transfer under the authority and terms of the Emergency Fund an additional $300,000,000: *Provided*, That the transfer authority made available under the terms of the Emergency Fund appropriation contained in this Act is hereby broadened to meet the requirements of this section: *Provided further*, That the Secretary of Defense shall notify Congress promptly of all transfers made pursuant to this authority."

And insert:

"Sec. 836. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $700,000,000 of the appropriations contained in this Act between such appropriations: *Provided*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert the following:

"Sec. 836. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $600,000,000 of the appropriations contained in this Act between such appropriations, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 46, line 17, strike out:

"Sec. 842. Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; Procurement, Defense Agencies; and Special Foreign Currency Program shall not be available for obligation after June 30, 1973. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1975. Appropriations heretofore made available under the heading Research, Development, Test, and Evaluation, Army; Research, Development, Test, and Evaluation, Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1972."

And insert:

"Sec. 842. (a) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for procurement (except Shipbuilding and Conversion, Navy) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for three or more fiscal years, shall be withdrawn and shall revert to the general fund of Treasury.

"(b) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for Shipbuilding and Conversion, Navy which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for five or more fiscal years, shall be withdrawn and shall revert to the general fund of the Treasury.

"(c) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for research, development, test and evaluation (except Emergency Fund, Defense) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for two or more fiscal years, shall be withdrawn and shall revert to the general fund of Treasury.

"(d) The Comptroller General of the United States shall examine the internal system upon which the determinations required by this section are based and shall submit to the Congress, prior to April 1, 1971, a report as to the adequacy of such internal system.

"(e) Section 642 of the Department of Defense Appropriation, 1970 (Public Law 91–171, approved December 29, 1969), is hereby repealed."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert the following:

"Sec. 842. (a) Appropriations heretofore made available for Procurement of Equip-

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ment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procourement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; Procurement, Defense Agencies; and Special Foreign Currency Program shall not be available for obligation after June 30, 1973. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1975. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Army; Research, Development, Test, and Evaluation, Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1972. Each such appropriation shall be merged with and shall be available for the same time period as appropriations made in this Act under the same head.

"(b) Section 642 of the Department of Defense Appropriation Act, 1970 (Public Law 91--171, approved December 29, 1969), is hereby repealed."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report which has just been approved (H.R. 19590) and to include therein pertinent extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 2162, POISON PREVENTION PACKAGING ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 2162) to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 15, 1970.)

Mr. STAGGERS. Mr. Speaker, as was stated in the statement of managers, the other body accepted the provisions of the House bill with the exception of section 4(a).

Section 4(a) of the conference substitute is designed to make substances subject to special packaging requirements available to the elderly and handicapped in packages which do not unnecessarily hinder them in using such substances. Manufacturers are permitted to supply such substances in one size of packaging which is easier for the elderly and handicapped to open. Such packaging must be labeled to show that it should not be used in households with young children.

Under the provisions of the conference substitute it is expected that safety packages will be the rule on the shelves of drugstores and supermarkets and that packages designed for the elderly or handicapped will be the exception. In this manner it is hoped that accidental ingestion of poisonous substances by young children will be reduced to a minimum and that many unnecessary deaths and injuries will be avoided.

I am gratified that the conference substitute is a better piece of legislation than the bills which resulted from the actions of the two Houses individually. Thus there is every reason for the Members of the House to lend their support to this legislation in voting for the adoption of the conference substitute.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, there is only one main difference in this conference report from the bill as it passed the House, which is this: Should safe packages be the rule or the exception? The conference accepted the Senate version on this point, that the poison prevention packaging should be the rule and not the exception. On packages of hazardous substances, all will be in poison prevention packages except for one size. The only reason for this exception was for those who have arthritis or some physical disability, who need the drug or the package for his or her own use, and who would otherwise not be able to open the safety package. For this we allowed one package without requiring the poison prevention packaging as is required in the rest of the bill. Otherwise the bill is entirely that of the House.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 8298, WATER CARRIER MIXING RULE

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 14, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. EDMONDSON. Mr. Speaker, reserving the right to object—and I do not expect to object—do I correctly understand that the conference report which has been concluded does eliminate the requirement for publication of the rates, that had been present with regard to noncertificated carriers in the House version of the bill?

Mr. STAGGERS. Yes; and I will explain that in my explanation of the bill.

Mr. EDMONDSON. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

Mr. DINGELL. Mr. Speaker, reserving the right to object, I have a question to direct to my good friend the chairman of the Committee on Interstate and Foreign Commerce. I note that the language of the legislation as returned to the House by the managers on the part of the House includes in the last part of section 2 the following sentence:

> The Interstate Commerce Commission and the Secretary of the Army are directed to cooperate fully with the Secretary of Transportation in carrying out the purposes of this Act, and to submit such independent and separate comments and views as those agencies deem appropriate.

This is in relation to the study to be performed by the Department of Commerce.

I ask these questions solely for the purpose of making legislative history. The Department of the Army and the Interstate Commerce Commission are to participate fully in the study; they are to cooperate fully with the Department of Transportation; and they are to submit such independent and appropriate comments and views as those agencies deem appropriate. May I ask the gentleman, the chairman of the committee, whether he agrees with that interpretation?

Mr. STAGGERS. This is the understanding of the conferees in writing the conference report, and it is so written in the statement.

Mr. DINGELL. I note it is in the statement of the managers on the part of the House.

Mr. STAGGERS. The gentleman is correct.

Mr. DINGELL. Mr. Speaker, I withdraw my reservation.

Mr. PICKLE. Mr. Speaker, reserving the right to object, I should like for the Members to take note of section 2 of this amendment, which says:

> The Secretary of Transportation shall undertake a comprehensive study of the present system of economic regulation of dry bulk commodity transportation, including information on amounts actually charged for the movement of dry bulk commodities;

The bill, as it passed the House, did provide for the publication of these rates, for the filing and publication of rates. I believe that was a very fair and a proper approach, because we have a critical problem in this area and it will never be resolved unless we do have information about filings and rates.

Since Congress is agreeing to a study requiring the furnishing of information, I believe it ought to be made plain to every unregulated shipper that the ICC can come in and get his records, to see what is being hauled, what type of tow is involved, and what the charges are, so that they can make a full and comprehensive study. It is not going to be a haphazard thing, or a mere "sampling."

It would have been better to require the publication of these rates. That would have been fair to everybody. It would not have been regulation.

At least this study does require a 2-year basis for the furnishing of full and complete information.

I should like to ask the chairman if that is the intent of the managers on the part of the House, that this be a comprehensive study and that full information be furnished to the regulatory agencies.

Mr. STAGGERS. It is so directed in the bill. The gentleman made a mistake, in that it is not the ICC which is to make the study but it is the Department of Transportation. But, as the gentleman from Michigan just mentioned, they are asked to submit reports, and certainly DOT can get any information it wants.

Mr. PICKLE. I thank the gentleman. I also realize this is the jurisdiction of the Department of Transportation.

Mr. Speaker, I withdraw my reservation.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia that the statement be considered as read.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from West Virginia is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, we met twice with the Senate conferees on the differences between the two bodies on the water carrier mixing rule. The most substantial difference was the question of whether exempt carriers must file and publish rates with the Interstate Commerce Commission. We receded to the Senate on this question but, in return, we explicitly provided that the Department of Transportation obtain information on the rates actually charged as a part of the comprehensive study which must be completed within 2 years.

The question of charges for transporting dry bulk commodities by barge has long been a complex issue. I believe we are nearing a solution. We will have a full review in 3 years because the House prevailed on keeping this legislation temporary rather than permanent as in the Senate version.

The House also prevailed on the definition concerning the mixing of dry bulk commodities and no more than three such commodities can be mixed in a single tow, which can be made up of as many as 40 barges.

This was a very satisfactory conference and I urge that the conference report be adopted.

I now yield to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, the House bill required the filing of rates by exempt carriers of bulk commodities. The Senate bill did not do so and the conference version does not.

The Senate would have changed the definition of a vessel for purposes of the bulk commodities exemption from an entire tow to one barge. This is stricken in the conference version. To have so changed the law would have revolutionized the bulk carrying trade and such was never intended.

Both bills provided for studies of the bulk carrying business. They differed as to what agency would conduct the study and what would be included. The conference compromise provides for a study by the Department of Transportation of exempt water carriers only but includes authority—which could be said to be inherent—to obtain information from other modes carrying bulk products as to their practices and charges.

By conference agreement, the study will be concluded within 2 years and the legislation will expire in 3 years.

These are the important points that were involved in the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous quesion was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 6778, BANK HOLDING COMPANY ACT AMENDMENTS

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 6778) to amend the Bank Holding Company Act of 1956, and for other purposes.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the conference report.

(For conference report and statement, see proceedings of the House of December 15, 1970.)

The **SPEAKER** pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, early in this Congress, on February 17, 1969, a bill H.R. 6778, was introduced which was designed to bring under the coverage of the Bank Holding Company Act of 1956 all one-bank holding companies.

In the late 1960's a large number of banks began converting themselves into one-bank holding companies in order to avoid regulation by the Federal Reserve Board under the Bank Holding Company Act. In addition, many significant nonbank corporations, including major conglomerates, began acquiring one bank, thus mixing banking and nonbanking in complete contravention of the purpose of both Federal banking laws going back to the 1930's and the Bank Holding Company Act of 1956.

This wave of one-bank holding company creations alarmed many people on Capitol Hill, in the administration, at the Federal Reserve Board, and significant professional observers of the American economic system. Indeed, President Nixon stated on March 24, 1969, that—

> Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.
>
> The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely on its independence. Banking must not dominate commerce or be dominated by it.
>
> To protect competition and the separation of economic powers, I strongly endorse the extension of Federal regulation to one bank holding companies and urge the Congress to take prompt and appropriate action.

H.R. 6778, as originally introduced by me, in addition to plugging the so-called one-bank loophole, accomplished a number of other important objectives for tightening the present Bank Holding Company Act:

First, it removed the partnership exemption;

Second, it provided that the Federal Reserve Board could find actual control of a bank by a company even though that company controlled less than 25 percent of the stock of the bank;

Third, it retained the 1956 definition of what constituted a permissible bank-related activity for bank holding companies to engage in;

Fourth, it contained no grandfather clause exemption; and

Fifth, it contained an anti-tie-in provision applying to all insured banks, whether or not it is part of a holding company system.

It is interesting to note that, after almost 2 years of detailed, thorough, and protracted consideration of this legislation by both the House of Representatives and the Senate, the version of the bill that is now being presented by the conferees to the House for consideration is substantially similar to the bill originally introduced by me in February of 1969.

The amended H.R. 6778 being presented here as agreed to by the House and Senate conferees eliminates the partnership exemption; authorizes the Federal Reserve Board to find actual control of a bank where a company holds less than 25 percent of its stock; essentially retains the 1956 standard for determining what bank-related activities a bank holding company may engage in; subjects to potential Federal Reserve Board jurisdiction under the Bank Holding Company Act one bank holding companies, no matter when created; contains an anti-tie-in provision covering all banks, bank holding companies, and subsidiaries of bank holding companies; gives to nonbank competitors of bank holding companies standing to challenge before the Board and in the courts applications filed under the Bank Holding Company Act; and removes the exemption in the future for substantial blocks of bank stock held by bank trust de-

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partments with sole power to vote that stock.

The major points are: First, the bank-related activities language, also known as the language of section 4(c)(8) of the Bank Holding Company Act; second, exemptions that are or may be granted from the act; third, the anti-tie-in provisions; fourth, giving standing for competitors and others provisions; and fifth, the coinage provisions.

BANK RELATED ACTIVITIES—SECTION 4(C)(8)

The House passed H.R. 6778 containing a rewritten section 4(c)(8) test which permitted a bank holding company to engage in any nonbanking activity that is "functionally related to banking" and also could be reasonably expected to produce certain enumerated public benefits that would outweigh enumerated adverse effects. In addition, in order to more carefully define the above-stated test, the House bill contained a list of six specific activities which were either prohibited to bank holding companies or which they could engage in only to a limited extent.

The Senate bill, on the other hand, contained the "functionally related" and public benefits test in a similar form to the House bill, but, significantly, failed to include any laundry list of specific activities prohibited to bank holding companies or which limited their participation in these activities.

Since section 4(c)(8) is the exclusive authorization for bank holding companies to conduct nonbank businesses except in the few instances where a specific activity is authorized elsewhere in this statute—for example, section 4(c)(1)(B), which authorizes a safe deposit business—or in other relevant statutes, this was a crucial issue in resolving all of the differences over this important piece of legislation.

Because of this very important difference in the two versions of H.R. 6778, it became very difficult for the conference to resolve this issue. The problem was resolved by the substitution of language developed in the conference for the pertinent provisions of both versions of H.R. 6778.

Aside from the question of applying the Bank Holding Company Act of 1956 to one-bank holding companies—the basic issue presented to the Congress by the dramatic growth of one-bank holding companies in the last few years—the most important and controversial issue was over the question of whether to retain or substantially change the 1956 definition as to what the Federal Reserve Board could permit regulated bank holding companies to engage in outside their strictly banking activities.

One change made in section 4(c)(8) was to delete the phrase "of a financial, fiduciary, or insurance nature." Tracing the history of this phrase through the legislative process prior to the conference action, it is not revealed very clearly what the various contending forces had in mind by deleting the phrase—as in the House committee reported version and the Senate version—or modifying it—as in the version that passed the House and the administration version introduced by the gentleman from New Jersey, Congressman WIDNALL and Senators SPARKMAN and BENNETT on March 24, 1969. It would be virtually impossible to fairly attribute any clear or precise intention to Congress in finally deleting the "financial, fiduciary, or insurance" language.

Another change in the existing section 4(c)(8) is the deletion of the phrase "the business of." This deletion was made after consideration of the Federal Reserve Board's suggestion that it be deleted, because prior interpretations of the Board indicated that the retention of this term could lead to continued interpretation encouraging tie-in arrangements which Congress clearly intends to prohibit under these amendments to the Bank Holding Company Act. Under previous rulings of the Board, the term "the business of" had been interpreted as meaning that there had to be some specific business relationship between a customer of a bank subsidiary of a holding company before the Board would allow a business relationship between the customer and a nonbank subsidiary of the same holding company.

A significant change in section 4(c)(8) agreed to by the conference is the addition of two completely new sentences to the current section.

The factors to be considered by the Board under this so-called public benefits test in authorizing bank holding company ownership or control of companies already found by the Board in a proceeding to be closely related activities to banking under section 4(c)(8), include the dangers of undue concentration of resources, decreased or unfair competition, conflicts of interest, and unsound banking practices.

The basic content and the essential test found in the 1956 act, that is, that an activity must be "so closely related to banking or managing or controlling banks as to be a proper incident thereto," is retained in the new section 4(c)(8). It is clear from the legislative history of this bill that at every stage, including in the House committee, on the House floor, in the Senate committee and on the Senate floor, attempts were made to significantly broaden section 4(c)(8) by the adoption of a new test. The major proposal for a new standard advocated by the Federal Reserve Board, beginning with Chairman Martin's testimony before the House committee, was the "functionally related" standard. This was subsequently supported before the Senate committee by Chairman Burns of the Federal Reserve Board, as well as by various spokesmen for the administration and the banking industry. The "closely related" test was characterized by these and other witnesses as being too narrow, too rigid and too confining. They strongly and repeatedly urged that a new, broader test be adopted.

In the final analysis, the broader "functionally related" test was rejected and, with the major changes discussed in detail earlier, essentially the "closely related" test of the 1956 act was agreed to by the conferees.

How would one define the test that has been agreed to by the conferees for the guidance of the Federal Reserve Board and the courts?

Under the new section 4(c)(8) there must be a direct and significant connection between the proposed activities and the kinds of activities that banks generally now carry on; that is, closely related to banking in general. However, with the deletion of the words "the business of," there no longer need be a relationship between the particular activities of the company purposed to be acquired in the business of the particular bank holding company seeking approval of an acquisition under section 4(c)(8).

The agreement reached by the conferees with respect to the provisions of section 4(c)(8) of the act perhaps gets closest to the basic issue of how the conferees decided to continue delineating between banking and commerce. The decision of the conferees to reject the "functionally related test" advocated by those witnesses who argued for a more liberal and expansive approach by the Federal Reserve Board in authorizing nonbank activities for bank holding companies is intended to be construed to mean that the Congress was not convinced that such expansion and liberalization was justified. Consequently, the Congress intends those activities which the Board and other witnesses claim would have been permitted under the "functionally related test," are not authorized by our decision to retain the "so closely related" test, which is considerably less expansive and liberal than the rejected "functionally related test."

Another important question is the relationship between the "closely related" test and the public benefits test found in the second sentence of the newly written section 4(c)(8). The effect of section 4(c)(8) as a whole is to establish, in effect, two tests for the Federal Reserve Board to use in deciding cases under section 4(c)(8). First, the Board must determine whether the particular activity sought to be engaged in is "so closely related to banking or managing or controlling banks as to be a proper incident thereto." And, second, in determining whether a particular activity is "a proper incident" to banking or managing or controlling banks, the Board must determine whether the public benefits outweigh the adverse effects, such as the ones enumerated in the second sentence of section 4(c)(8). Even if the activity is found by the Board to be closely related to banking, it must also determine whether it meets the public benefits test. In that sense, the Board may find in a particular case that it cannot approve a proposed activity for a specific bank holding company because it fails to meet the second test even though it may determine that it is closely related to banking.

In this sense, then, the new section 4(c)(8) may be considered to be a more difficult standard than that found in the present law. This is so because under the previous language of section 4(c)(8) there was no public benefits test. Therefore, there may be circumstances where the Board would turn down an applica-

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tion under the second test—the public benefits test—that it would have had to approve under the old test because the only significant element in that standard was the "closely related" one. Now both tests must be met.

EXEMPTIONS

From the beginning of the consideration of this bill, great attention and concern has been directed at the problem of existing exemptions to the Bank Holding Company Act, as well as exemptions proposed by various groups in order to meet special problems that they claimed existed. Of course, to the greatest extent possible, laws should apply generally to all within a class intended to be covered, with as few specific exemptions as possible permitted.

Many of the specific exemptions are neither permanent nor automatic, since the Board has the authority to withdraw, modify or condition the exemptions in order to conform them to the purposes of the Bank Holding Company Act and be consistent with the public interest. Others apply to a very small number of special cases that, it is felt, require special treatment. The Board should interpret these exemptions as narrowly as possible in order that all bank holding companies which should be covered under the act in order to protect the public interest will, in fact, be covered.

In addition to these specific exemptions, two categories of one-bank holding companies not covered under existing law may continue to operate in the future without being covered by the act under certain circumstances set forth in the act as being amended. One such amendment, which becomes section 4(d) of the new act, was adopted to cover situations existing with respect to one-bank holding companies that have controlled over a long period of years one small bank, usually in a small town where some particular hardship may be created if the holding company were forced to divest itself of its bank.

The Board faces a difficult problem in administering this provision. If, for example, it authorizes an exemption for a company which acquired its bank 40 years ago, the Board may find it difficult to resist applications for exemptions in the case of more recent acquisitions. It is recognized that the Board may have to draw an arbitrary line—for example, limiting the first stated exemption to relationships in existence for 15 years or more—in order to keep this exemption from becoming such a large loophole that it would be substantially at variance with the purposes of the Bank Holding Company Act. Such lines must be drawn if the prohibitions in the act against combining bank and nonbank businesses in a holding company system are to be effective; the exemptive authority must not become the basis for wholesale exemptions that would undermine the act and place those companies that must comply with it at an unfair competitive disadvantage.

The Board is authorized to make these exemptions "subject to such conditions as it considers necessary to protect the public interest." For example, the Board should make sure that an exemption granted to a company that owns a small bank will terminate if the bank later exceeds applicable size limit. And an exemption based on inability to find a local buyer should terminate whenever such a buyer appears who is prepared to purchase the bank on reasonable terms.

GRANDFATHER CLAUSE

The conference also agreed that, in lieu of a grandfather clause provision which would have completely exempted certain bank holding companies from coverage under the Bank Holding Company Act, it would substitute a somewhat different kind of provision.

This provision brings under the potential coverage of the act all bank holding companies regardless of size or date of creation.

The conference committee was greatly concerned that certain activities permitted by this exemptive provision could result in detriment to the public interest, and thereby defeat the purposes of the act. It was further recognized that this potential detriment was more likely to occur in the case of a bank holding company owning a bank with substantial assets than in the case of banks with relatively small assets.

With respect to bank holding companies which control bank assets in excess of $60 million, the Board is required under the act to reach a determination, within 2 years of the enactment of these amendments, as to whether the benefits of the grandfather clause are to be accorded to each such company. A decision by the Board to withdraw these benefits is required by the act unless it can be established that there would not be undue concentration of resources, decreased or unfair competition, conflicts of interest or unsound banking practices, if the company were to retain control of one or more of the affiliates in question. With respect to all one-bank holding companies, the Board, at any time, may terminate the exemption using the same test.

The fact that the statute requires the Board to act within 2 years concerning the exemptions involving one-bank holding companies controlling banks with over $60 million in assets in no way implies that the Board should feel restrained from pursuing determinations on exemptions for holding companies each of whose banks have assets of less than $60 million.

Thus, the Board is required to conduct continuing surveillance over the privilege accorded to certain bank holding companies to conduct activities which are otherwise prohibited by the act. This gives the Board flexibility, while providing safeguards against abuses which the act is designed to prevent. It is recognized that these exemptive privileges could defeat the purposes of this act, and, therefore, it was determined to permit them only when it was clearly in the public interest to do so.

Therefore, the Board should, within a reasonable amount of time, examine all one-bank holding companies created prior to July 1, 1968, to determine whether, under the stated test, any of them are entitled to exemptions from the act. Congress merely wishes the Board to take expeditious action in the immediate future on the larger and, therefore, potentially more dangerous one-bank holding companies created before June 30, 1968, before examining the propriety of continuing the exemption for the under-$60 million category.

Also, the Board should give no presumption of entitlement to exemption to a one-bank holding company in the future, even though the Board has initially made a determination to allow the exemption to stand.

TIE-IN PROVISIONS

H.R. 6778, as originally introduced by me, contained an anti-tie-in provision. However, this provision was not included in the bill when it was referred to the Senate. The Senate version did contain an anti-tie-in provision which was agreed to in the conference. The Senate anti-tie-in provision provides the following.

It prohibits a bank from providing any credit, property, or service for a customer on the condition that he obtain from the bank some additional credit, property, or service, or that he provide to the bank some additional credit, property, or service. Exempted from this prohibition are transactions exclusively involving two or more of four specified traditional banking services—loans, discounts, deposits, or trust services.

It prohibits any subsidiary bank from providing any credit, property or service for a customer on the condition that he must obtain from, or provide to, the holding company or any other subsidiary thereof some additional credit, property or service.

It prohibits any requirement that the bank's customer must not obtain some other credit, property or service from a competitor of the bank, its parent, or a sister subsidiary, other than a reasonable requirement to assure soundness of credit.

It authorizes the Board to provide exceptions to the prohibition, the Department of Justice to enforce the prohibitions and private parties to sue if injured by a violator of the prohibition. For purposes of this anti-tie-in provision the term "company" includes "person."

The House conferees agreed to this provision, particularly because of the necessity for protecting small independent businessmen from unfair and predatory business practices by banks, bank holding companies and subsidiaries thereof. This provision covers all insured banking institutions, as well as bank holding companies.

The Senate conferees assured the House conferees during the conference on one very important point that the House conferees felt was not clear either from the language of the Senate anti-tie-in provision or from the legislative history of this provision in the Senate.

The Senate anti-tie-in provision was amended on the floor of the Senate to exclude from its coverage certain specific so-called traditional banking services, that is, loans, discounts, deposits, and trust services. The Senate conferees stated in response to questions put by the House conferees that this exemption only

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applied where all of the components of a particular transaction fell into the category of loans, discounts, deposits and trust services. If any of these traditional banking services were tied to another service offered by a bank, a bank holding company, or another subsidiary of a bank holding company, the exemption would not apply.

In addition, the Senate conferees assured the House conferees that, even with the four exempted traditional bank services, nothing in the Senate anti-tie-in provision exempted them from coverage under the provisions of existing antitrust law dealing with tie-ins.

It is also understood that the anti-tie-in provision prohibits, not only explicit tying arrangements, but also prohibits the fixing or varying of the consideration for any service offered by a bank or bank holding company on the condition or understanding that the services be purchased in conjunction with other services offered by the bank or bank holding company.

STANDING FOR COMPETITORS AND OTHERS

Another major provision of H.R. 6778, which was in the Senate version but not in the House version, was the provision giving standing to competitors of bank holding companies to enter proceedings as parties in interest before the Board and in the courts. This provision allows a present or potential competitor the right to join as a party in interest before the Board and to appeal any decision of the Board if it renders a decision adverse to him in any proceeding before the Board where an applicant seeks authority to acquire a banking subsidiary under section 3, to engage in a nonbanking activity pursuant to section 4 or seeks an order permitting it to engage in a business practice otherwise prohibited under the anti-tie-in provision.

While it is understood that the Board has in recent years taken a properly liberal attitude concerning the right of competitors of banks and bank holding companies to have standing before the Board in its proceedings, this provision is intended to state that position in the law. It is not in any way to be interpreted, however, to restrict the participation of interested parties in proceedings before the Board only to those types of proceedings enumerated in the standing provisions of this legislation.

If it would be appropriate to allow the entrance of interested parties in other proceedings held in connection with subjects covered by this legislation, or if standing is given under other provisions of Federal law, including but not limited to the Administrative Procedures Act, the provisions of this legislation are in no way intended to narrow the right to standing. In other words, the broadest possible forum should be allowed for adversary proceedings to take place in order that all issues may be aired completely.

More specifically, this provision does not limit the standing of any party in any proceeding before the Board who, under the holdings in recent Supreme Court decisions—ADAPSO against Comptroller of the Currency and Arnold Tours against South Shore National Bank—would be deemed to be affected by the result in that proceeding, and which party's interests are relevant to the purposes of the act.

TITLE II PROVISIONS RELATING TO COINAGE

The House receded to the Senate and accepted an amendment related to U.S. coinage.

All but one of the provisions of this amendment have been passed by the House in the form of H.R. 14127 on October 15, 1969.

This legislation, incorporated as title II of the conference bill, provides that: First, there would be a phasing out by January 1, 1971, of the use of silver in half dollars and the authorization of a cupronickel 50-cent coin of the same composition as the quarter and the dime; second, a new cupronickel-clad coin of $1 denomination is authorized to be minted for general circulation, bearing the likeness of the late President of the United States, Dwight David Eisenhower, and, on the other side, a design emblematic of the symbolic eagle of Apollo 11 landing on the moon; and third, machinery is established for the orderly and equitable sale to the public, at market value, of approximately 3 million silver dollars remaining in Treasury vaults, mostly rare and numismatically valuable coins from the old Carson City Mint. These approximately 3 million valuable silver dollars will be offered to the public in a manner recommended by the Joint Commission on the Coinage at its meeting of March 12, 1969. At that time the Joint Commission on the Coinage agreed to an auction procedure for the sale of these rare silver dollars by the General Services Administration. Under this procedure, the GSA would establish a minimum price for each class of rare coin. An individual could bid for a coin at that minimum price or at a price in excess of the minimum price established by GSA.

In addition, title II, section 203, of the conference bill provides for the minting of 150 million of the new $1 pieces to be 40 percent silver content. To help accomplish this purpose, 25½ million fine troy ounces of silver would be transferred to the Treasury from the defense stockpile to be used exclusively for the special silver coins.

It is understood by the conferees that 130 million of the new silver coins will be manufactured and sold as uncirculated commemoratives and 20 million of them as proof coins, under administrative arrangements through the Treasury Department assuring their widest possible distribution among citizens interested in acquiring a few each.

FUNCTIONALLY RELATED VERSUS CLOSELY RELATED

Statements were made during consideration of this bill in the House by those of us supporting a more restrictive standard for determining what nonbank activities bank holding companies may engage in, that there was no substantial difference between the "closely related to banking" test and the "functionally related to banking" test.

This statement should not be taken out of context. It was made in connection with a six-point proposal to amend H.R. 6778 when it came to the floor of the House in November of 1969. This six-point proposal was, in effect, an interrelated package, all of the parts of which were essential to achieving effective legislation on this subject. This six-point-proposal was presented on the floor of the House and was adopted overwhelmingly by the House.

An essential part of this group of amendments was to limit and carefully circumscribe the meaning of "functionally related" in the committee-passed bill by listing six specific activities that bank holding companies would either be prohibited from engaging in or limited from carrying on to a substantial degree.

Thus, the "functionally related" language, when coupled with the list of restricted activities—the provisions adopted by the House—added up, in effect, to a test very similar to the "closely related" test. This is clearly indicated when one compares the list of restricted activities adopted by the House to the list presented by Chairman Martin of the Federal Reserve Board to the House committee. Chairman Martin said these activities would, in his opinion, be approved under the "functionally related" test. Almost all of the activities on the restricted list adopted by the House were also on Chairman Martin's list of permitted activities. The House, by rejecting that list, specifically rejected broadening the definition at least to the extent of the list.

I yield briefly to the gentleman from Michigan. I do not have too much time. The minority will have the opportunity to yield time.

Mr. BROWN of Michigan. I thank the gentleman for yielding. The chairman has given a very comprehensive report of what the conferees did. There were two or three questions, however, that I had, and I trust the chairman will answer them for me.

When the bill left the House of Representatives, as I recall, it had a prohibition against banks engaging in insurance activities. Is that prohibition still in the conference report?

Mr. PATMAN. Certainly it is, in substance.

Mr. BROWN of Michigan. Will the gentleman read the language?

Mr. PATMAN. I refer——

Mr. BROWN of Michigan. Mr. Chairman——

Mr. PATMAN. You asked me a question, and I would like an opportunity to answer. It so defines the companies that can be acquired as to limit it in a way that insurance companies or insurance agents cannot be made a part of a bank holding company.

Mr. BROWN of Michigan. Mr. Chairman——

Mr. PATMAN. Wait just a minute. You asked me a question and it is a good one.

Mr. BROWN of Michigan. If it takes this long, Mr. Chairman, I doubt that it has any value.

Mr. PATMAN. The acquisition must be so closely related to banking as to be a proper incident thereto. Therefore, it

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separates banking from nonbanking, and the insurance companies from the nonbanking. I hope I have answered the gentleman sufficiently.

Mr. BROWN of Michigan. If the chairman would yield further, as I recall when the bill left the House of Representatives, it had a prohibition against banks engaging in any insurance activities, or engaging in any data processing activities, or engaging in any travel agency activities, or in any activities which could be considered to be the practice of the profession of accountancy or any leasing activities. Those were specifically spelled out in the bill.

In addition, is it not true the bill also included a grandfather's clause, dating back to March of 1956? In other words, Mr. Chairman, is it not true the conferees have emasculated this bill?

Mr. PATMAN. Here is the way it is. I must yield to my colleagues on this side, so this is the last question I will answer at this time.

We had in the House bill what we called a laundry list that enumerated given functions that could not be carried on by a holding company. But the Senate version used language—functionally related—without a prohibited list of activities as in the House bill. Used in this way it is an unknown phrase that has never been interpreted by the courts. The conferees did what the conferees should do: take the bills from the House and from the Senate, meet together, iron out the differences, and submit a proposition that will be acceptable to both sides. That was done in this case, and it is very clear.

I cannot yield further at this time to the gentleman.

Mr. BROWN of Michigan. Would the gentleman refer me to the legislative, judicial legal, or administrative definition of the language, he now defends, which was incorporated in the conference report.

Mr. PATMAN. I have other Members I must yield to. The ranking minority member will have the same time as I have to yield to the gentleman. The gentleman can get his time from his side.

Mr. Speaker, I yield 20 minutes to the gentleman from New Jersey(Mr. WIDNALL) and I reserve the balance of my time.

Mr. WIDNALL. Mr. Speaker, now that the text of the one-bank holding company bill is available in the conference report, an interested individual can compare the text of the final bill with the bills as passed by the House and Senate. Anyone who does so is in for a surprise, particularly if he has been reading the slanted news stories fed to the press reflecting the wishful thinking of the House majority conferees rather than the hard facts of the conference decisions. The truth of the matter is the conference report very closely tracks the Senate bill—so much so in fact that any resemblance of the House bill to the conference report is almost coincidental.

The principal points of difference between the two bills were: First, the so-called negative laundry list, contained only in the House bill, which would have prohibited bank holding companies and their subsidiaries from engaging in specified activities; second, the change of section 4(c)(8) of the 1956 Bank Holding Company Act so as to give the Federal Reserve Board greater flexibility in determining what nonbank activities are permissible for bank holding companies and their subsidiaries; third, the grandfather clause exemption of both bills; fourth, the conglomerate exemption of the Senate bill; fifth, the Senate bill provision granting standing before the Federal Reserve Board and the courts for nonbank holding company competitiors; sixth, the anti-tie-in provisions of the Senate bill; and, seventh, the coinage provisions of the Senate bill authorizing the production of 150 million of 40-percent silver content Eisenhower dollars. These seven principal differences were resolved by the conference committee in the following manner:

First. The negative laundry list of prohibited activities for bank holding companies and their subsidiaries which was contained only in the House bill, was completely eliminated.

Second. Compromise language was adopted by the conferees amending section 4(c)(8) of the Bank Holding Act so as to give the Federal Reserve Board greater flexibility in determining what nonbanking activities would be permissible for bank holding companies and their subsidiaries. Later I will comment further on this provision.

Third. The Senate's grandfather clause date of June 30, 1968, was adopted by the conference committee instead of the May 9, 1956, date of the House bill. In general, this permits nonbanking activities of one-bank holding companies that existed on or before June 30, 1968, to be continued. However, such authority was modified by the conference committee by giving the Federal Reserve Board authority to review any such grandfathered activities and permissive authority to end the exemption if it determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. For a one-bank holding company having bank assets in excess of $60 million, the Federal Reserve Board would have to conduct such a review and make its determination, if any, within 2 years after the date of enactment of the act.

Fourth. The Senate bill contained a so-called conglomerate amendment which would have exempted under certain size limitations a number of industrial one-bank holding companies from divestiture of their nonbanking activities. There was no similar provision in the House bill. The conference committee adopted a modified conglomerate amendment under which specified size tests were eliminated. Instead, the Federal Reserve Board was given permissive authority under such conditions as it deemed necessary to protect the public interest, to exempt an industrial company owning one bank prior to July 1, 1968, from divestiture requirements. The Federal Reserve Board could act under this exemptive authority: First, to avoid disrupting business relations that have existed over a long period of years; or second, to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests; or third, to allow retention of banks that are so small in relation to the banking market served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests. While this exemptive authority is strictly in the hands of the Federal Reserve Board under the standards cited, it would be my opinion that examples of the exemptions that might be granted would include the Hershey School Trust owning the Hershey National Bank of Hershey, Pa., the Goodyear Tire & Rubber Co., owning the Goodyear Bank of Akron, Ohio, essentially a service bank for employees, and numerous traditional small one-bank holding companies if they are not otherwise exempted under the grandfather clause exclusion.

Fifth. The Senate bill's provision granting standing before the Federal Reserve Board and the courts for nonbank holding company competitors was adopted by the conferees and broadened to include similar rights under the next item of difference: namely, the anti-tie-in provision.

Sixth. As just mentioned, the anti-tie-in provision contained in the Senate bill was adopted by the conference committee together with a couple of clarifying amendments proposed by the Justice Department.

Seventh. Finally, the coinage provisions contained in title II of the Senate bill were adopted by the conferees. This is the so-called Eisenhower dollar legislation. Under it, the production of 150 million pieces of 40-percent silver content dollars is authorized. One side of the coin is to bear the likeness of the late President Eisenhower and the other side a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon. This later provision was proposed by the House conferees and adopted by the conference committee.

As I indicated earlier, I want to return to a further discussion of the second item, revision of section 4(c)(8) of the act to give to the Federal Reserve Board more flexibility in permitting nonbanking activities for bank holding companies and their subsidiaries. Here is the legislative history.

Change for such additional flexibility was intended and accomplished when the House Banking and Currency Committee reported the bill replacing the "proper incident" test with a "functionally related" test in this paragraph.

Change for such additional flexibility was intended and accomplished when the House amended and passed the bill but left unchanged the "functionally related" test which had been reported by the committee.

Change for such additional flexibility was intended and accomplished when the Senate bill containing the "functionally related" test, was considered both in committee and on the Senate floor.

Change for greater flexibility for such Federal Reserve Board authority was

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earnestly recommended by the Federal Reserve Board, the Treasury Department and the Justice Department in letters made available to the conferees. I am attaching copies of these communications at the end of my statement.

Change was the order of the day when the conferees sat down to consider this question except that it quickly became apparent there was a wide division of opinion as to what the change should be.

The four majority conferees of the House who had thrown in the towel on the laundry list wanted to turn the clock back and in effect retain the restrictive character of the existing section 4(c)(8) and thereby not grant the Federal Reserve Board the additional flexibility requested.

The Senate conferees unanimously were adamant that a change be made to provide the Federal Reserve added flexibility under a revised section 4(c)(8). The three minority conferees of the House sided with the position of the Senate conferees on this question as in our opinion we thereby were upholding the position of the House that a liberalizing change should be made in keeping with adoption of the "functionally related" test.

Thereafter it became a battle of words, proposals, and counterproposals. Critical to the four House majority conferees was retention in the paragraph of the words "so closely related—as to be a proper incident thereto."

The other eight conferees were under no delusions about the significance of the position taken by the four conferees. The eight conferees were fully aware it was a maneuver to set up a court test which hopefully would overturn the Fed if it liberalized its interpretation of section 4(c)(8).

What appeared to be a hopeless impasse was finally resolved by a compromise. The words the four conferees wanted were retained but were given a new meaning by statute. The public benefit determination required, completely changes the "proper incident" concept.

The key change in section 4(c)(8) is the new test for determining if an activity is a "proper incident to banking." The present law has restricted the Board to viewing the "proper incident" phrase in the light of past court decisions dealing with the interpretation of statutes permitting banks to engage in the business of banking and other activities properly incident thereto. These decisions generally have taken a restrictive view of the incidental powers clause and the Board has generally interpreted the present law in a similar restrictive manner.

It should be made clear that the Board recommended this new test and the Board's intent was to introduce a new public interest concept in order to give it the desired flexibility. The Board recognized that one of the main reasons that most one-bank holding companies were formed in recent years was to meet the demands of the public for new financial services that banks could not offer under existing statutory limitations. Granting the Board authority to take into consideration the public interest concept will give the Board a new dimension for weighing permissible activities.

The statement of the four House managers discusses at great length the negative aspects of the new test. Each of the possible adverse effects is discussed in detail. The statement fails to discuss the positive aspects of the new test; that is, benefits to the public. The new test describes these benefits as "greater convenience, increased competition, or gains in efficiency." The statement of the four managers fails to emphasize that the Board is given discretion to approve an activity if these benefits to the public outweigh any possible adverse effect.

Just for good measure, a number of other changes were made in section 4(c)(8). The broadly inclusive word "all" was dropped from the paragraph. The significance of this change in liberalizing Fed authority is readily apparent when one notes that the existing section 4(c)(8) is a one-sentence paragraph tied together by the conjunction "and". The requirement of existing law that permitted activities be of a "financial, fiduciary, or insurance nature" was dropped, thereby granting the Board added flexibility. The power of the Board to issue "orders" under the paragraph was broadened to include the power to issue both "orders" and "regulations" thereby granting more generalized authority. More flexible authority was also granted when the reference to the "business of banking" was changed simply to the more generalized term "banking." Authority of the Board to differentiate between activities commenced de novo and activities commenced by acquisition of a going concern is a new and more flexible authority in this paragraph. It stretches credulity to imply that all these changes accomplished nothing and that in effect they were mere idle gestures.

For the benefit of those who wish to form their own judgment from the facts, here is the exact text of the exemptive authority that appears in section 4(c)(8) of existing law:

> (8) shares of any company all the activities of which are or are to be of a financial, fiduciary, or insurance nature and which the Board after due notice and hearing, and on the basis of the record made at such hearing, by order has determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of this section to apply in order to carry out the purposes of this Act;

And here is the exact language of the new section 4(c)(8) as it appears in the conference report:

> (8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern;

In voting for the changed text it certainly was my intent that the Federal Reserve Board be given more flexible authority under section 4(c)(8) of the act and it is my sincere belief such change was accomplished. This is the unanimous position of the three minority conferees for the House. A contrary view has been expressed in the statement of managers and it is for this reason the three minority conferees of the House refused to sign this statement of managers on the part of the House. It should be noted, however, that we three minority conferees did sign the conference report as we support completely the text of the law as contained in the conference report.

Under existing operating rules, the Senate conferees have no control over the only explanatory statement which accompanies the conference report. As the name indicates, the explanatory statement is solely a statement of managers on the part of the House. The Senate conferees will make their position clear in discussion of the conference report on the floor of the Senate. When the record is complete, I am sure it will show that the four House majority conferees, although a majority of the seven House conferees, nevertheless are a distinct minority of the 12 House and Senate conferees who were responsible for forging the language of the conference report. On the record it will be clear that a substantial majority of the 12 conferees, sought and achieved change in section 4(c)(8) authority to give the Federal Reserve Board the more flexible authority it sought for administering that provision of the law.

Copies of the letters to which I previously referred follow:

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., November 17, 1970.

HON. WILLIAM B. WIDNALL,
House of Representatives,
Washington, D.C.

DEAR MR. WIDNALL: In regard to your request, we appreciate the opportunity to express our views on H.R. 6778, legislation designed to bring one-bank holding companies within the purview of the Bank Holding Company Act of 1956. We have every hope and expectation that the Conference Committee will be able to resolve the differences between the House and Senate versions satisfactorily and that this legislation will soon be presented to the President for his approval.

Both the Senate and House bills would amend the definition of "bank holding company" in section 2(a) of the Bank Holding Company Act of 1956, to include one-bank holding companies, to eliminate the exception for partnerships, and to broaden the concept of control: In these respects, there seems to be little substantive difference between the two versions. Of the two versions, however, we regard that contained in the Senate bill as more easily understandable and, therefore, preferable. We do not fully understand the use of the word "person" in the House bill, and we would regard the use of that word as undesirable, particularly since it does not appear to be the intent of the House to make individual persons one-bank holding companies.

Also, with respect to the exemption which would be granted for foreign banking under both bills, we believe it to be highly desirable that there be omitted the restrictive words "by directly or indirectly facilitating the foreign commerce of the United States." These words, which appear at page 4, lines 9–11 of the House bill, are not contained in the Senate bill. These words are unnecessarily restrictive as there can be other ways in which exemptions for foreign banks can be in the public interest as, for example, avoiding the possibility of retaliation against American branch banks abroad.

We have the same comment with respect to the same words which appear also in section 4(a)(12) as it would be added by the House bill at page 5, lines 1–3.

Section 4(c) would be amended by the House bill to eliminate the exemption contained in the Bank Holding Company Act for any bank holding company which is a labor, agricultural, or horticultural organization and which is exempt from taxation under Section 501 of the Internal Revenue Code. The elimination of this exemption is desirable and we recommend adoption of this provision of the House bill.

An important aspect of the pending legislation is the revision of section 4(c)(8) of the Bank Holding Company Act concerning the nonbanking activities in which bank holding companies will henceforth be permitted to engage. Both the House and Senate bills will permit, with the approval of the Federal Reserve Board, the retention or acquisition by a bank holding company of shares in a subsidiary corporation which is engaged solely in activities that the Board has determined are functionally related to banking and can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. The House bill would limit such activities to those which are of a financial or fiduciary nature. We believe that the basic concept contained in both bills, to the effect that bank holding companies should be permitted to own subsidiaries engaging in activities functionally related to banking, is highly desirable. We are concerned, however, at the further limitations placed on this concept by subsection (f) of section 4 as it would be added by the House bill, beginning at the bottom of page 6. Furthermore, we believe that the retention of section 104, which would be added by the Senate bill, and which we favor, obviates the necessity for retaining subsection (f).

Subsection (f) would state that certain activities are neither necessary, incidental, nor related to carrying on the business of banking and are not in the public interest to be carried on by bank holding companies or subsidiaries thereof. The activities listed are: (1) engaging in the issuing or underwriting of securities or of interest in securities, whether or not redeemable and whether or not in a fund or an account; (2) providing insurance, except for credit-life insurance, or as otherwise permitted to banks; (3) engaging in business as a travel agency; (4) engaging in the business of providing professional services in the field of accounting; (5) engaging in the business of providing data processing services; and (6) engaging in the business of leasing property except under certain specified arrangements.

These specific prohibitions represent unduly inflexible prohibitions against activities in which banks themselves are now engaged and which are at least to some extent functionally related to banking. We can conceive of no reason why bank holding companies should be precluded from engaging in the activities if the Federal Reserve Board finds that their performance by a subsidiary of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

With respect to any contention that might be made that banks might use their economic power to coerce customers of the bank to use these services of bank affiliates, we would point out (1) that there is no more reason that this should be true with respect to these services than any other services provided by bank affiliates and (2) that any such possibility would be substantially eliminated by the adoption of section 104 of the Senate bill. Section 104 provides that a bank shall not in any manner extend credit, lease or sell property, furnish any services, or fix or vary the consideration for any of these on the condition or requirement that the customer shall obtain or furnish some additional credit, property, or service from or to the bank or an affiliate of the bank. Under this section, banks will be precluded from coercing customers, and any bank which does so, can be subjected to a triple-damage suit by any competitor injured thereby. The Attorney General would also have the authority and the responsibility for the enforcement of the prohibitions contained in section 104.

The enactment of section 104 would provide adequate protection to nonbanking organizations now engaged in the activities listed in the House bill against unfair bank competition. No one, of course, in a free enterprise society should be exempt from fair competition whether by banks or by others. In addition to section 104, the antitrust laws contain adequate protection against unfair competition by banks as well as by other types of business organizations.

You will recall that the Treasury Department, the Justice Department, and the Federal Reserve Board all testified in opposition to including in the legislation a list of proscribed activities. We continue to be strongly opposed to this approach to legislation, and we urge the deletion, in its entirety, of subsection 4(f), which would be added by the House bill.

Section 4(c)(11) as it would be added by the House bill is unduly restrictive as well as being quite unfair to long-established businesses, and we recommend adoption of section 4(c)(11) of the Senate bill. This permits the retention of nonbanking interests which were held by a one-bank holding company on June 30, 1968, which is the "grandfather clause" date recommended by the Administration.

We have no objection to section 4(c)(12) as it would be added by the Senate bill. A similar provision was contained in the legislation recommended by the Administration. Neither do we have any objection to sections 4(c)(13) nor 4(c)(14) which would be added by the Senate bill.

Section 4(d), as it would be amended by the Senate bill, would permit companies that are one-bank holding companies as of the date of enactment of the Bank Holding Company Act Amendments of 1970, which have only one subsidiary bank, to continue to make nonbanking acquisitions provided that the net worth of the bank does not exceed the greater of $3,000,000, or an amount equal to 25 per cent of the net worth of the company, or $50,000,000, whichever is the lesser.

We are concerned with the fact that this amendment would exempt from significant prohibitions, conglomerate holding companies which acquired banks as late as the date of enactment of the legislation, rather than being confined to the June 30, 1968 "grandfather clause" date in the bill. The provision, as written, seems to us to be an open invitation to corporations now owning no bank or banks to acquire a bank before the legislation becomes effective.

Second, we also have reservations concerning the size of the banks which would be permitted to be held by conglomerate corporations that under this amendment would be free to continue to expand in nonbanking areas. A bank with $50,000,000 net worth could have total assets well in excess of $500,000,000. We do not believe that corporations holding banks of this size should be free of restrictions on making nonbanking acquisitions.

Section 11(b) of the Bank Holding Company Act would be amended by the House bill to confine to bank mergers and bank acquisitions the special treatment accorded under that section to bank mergers and acquisitions of banks under the antitrust laws. We regard this clarifying amendment as highly desirable. The consequences of not adopting this amendment would be to add uncertainty and confusion under the antitrust laws to acquisitions by bank holding companies of nonbanking corporations. We are opposed to this, and we doubt that this result was intended by the Senate.

Title II, as it would be amended by the Senate bill, incorporates the recommendations of the Administration for amendments to the Coinage Act of 1965 to provide for the minting of not more than 150 million 40% silver one-dollar coins which the Secretary of the Treasury has stated will bear the likeness of the late President Eisenhower. We strongly recommend the adoption of Title II.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report.

Sincerely yours,

SAMUEL R. PIERCE, JR.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., November 17, 1970.
Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on major issues to be presented to the House-Senate Conference in connection with pending legislation to amend the Bank Holding Company Act of 1956. We appreciate the opportunity to comment on this important matter, and hope our views will be helpful to the Conferees. Specifically, you asked for the Department's views on the following "five key issues" which the Conferees must resolve:

(1) A proper cut-off date or grandfather clause before which the amendments being adopted would not apply.

(2) The so-called "conglomerate amendment" adopted by the Senate exempting under certain size limitations a significant number of conglomerates from application of this Act.

(3) The tie-in provisions which would prevent a bank or bank holding company from conditioning the sale of one service on the purchase of another service offered by the bank or bank holding company, with certain exceptions made in the Senate provision.

(4) An acceptable definition of what constitutes a proper nonbank activity for bank holding companies.

(5) The provision in the Senate bill providing nonbank competitors of bank holding companies standing before the Federal Reserve Board and the courts in any application of a bank holding company to enter a nonbanking business.

1. The "grandfather" date question: arriving at a proper cut-off date before which the 1970 amendments would not apply.

The Department of Justice has always supported the adoption of an appropriate "grandfather" clause, which would permit bank holding companies being brought within the coverage of the Act by H.R. 6778 to

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retain historic investments in activities outside the scope of those to be permitted under new Section 4 of the Act. The Administration bill (H.R. 9385 and S. 1664) chose June 30, 1968 as an appropriate grandfather date. In selecting this date, we sought to strike an equitable compromise between disturbing long standing investments on the one hand, and the wholesale avoidance of the policies of the new legislation on the other. The date June 30, 1968, was selected because it predated the wave of one-bank holding company formations by the nation's largest institutions. This wave was touched off by the announcement early in July 1968 that First National City Bank of New York intended to take this route as a means of expanding its activities outside the banking field. Accordingly, we reasoned that a June 30, 1968 grandfather date would protect the activities of the older, and for the most part smaller, bank holding companies while leaving the new rules fully applicable to the newer bank holding companies. We believe that this compromise is fair, and note that it was adopted by the Senate in its version of H.R. 6778 (with the exception of the "conglomerate" and small bank provisions in Section 103(7) of the Senate version).

We support that aspect of the grandfather clause adopted by the Senate which limits the manner in which companies desiring to continue to engage in a grandfathered activity may do so. Nothing in the grandfather clause should authorize any further expansion in grandfathered activities through merger or acquisition.

2. The so-called "conglomerate amendment" adopted by the Senate exempting under certain size limitations a significant number of conglomerates from application of this Act.

Section 103(7) of the Senate passed version of H.R. 6778, the so-called "conglomerate amendment", would amend Section 4(d) of the Bank Holding Company Act of 1956 to exempt from the limitations on nonbanking activities imposed by Section 4 of the Act two classes of companies that would otherwise have been covered by this legislation: (a) companies controlling only one bank whose net worth is less than $3 million, and (b) companies controlling only one bank whose net worth is less than 25 per cent of the net worth of the company itself, including all of its subsidiaries, so long as the net worth of the bank does not exceed $50 million. No comparable provision appears in the House version.

We opposed this new subsection when it was introduced in the Senate and continue to do so. The provision has been defended as merely a grandfather treatment of "small bank" holding companies and conglomerates which own a bank. We do not view it as such; rather than simply permitting exempted companies to continue to engage in their present activities (as would the "grandfather" clause discussed above), this new subsection would leave such companies entirely free to expand into whatever new activities they choose, free of the limitation that such expansion be in financially related activities and free of any regulatory review. The vast majority of existing one-bank holding companies whose activities this legislation sought to regulate would be exempted by this provision.

In our view, the fact that a conglomerate company's nonbanking assets are three times those of its banking assets bears little relation to whether common control over banking and industry presents competitive dangers. Giving a particular set of conglomerate companies carte blanche not only to retain both their banks and other non-financially related holdings, but also to continue diversification, is clearly at odds with the purposes of this legislation. In fact, since banks continually follow substantial growth patterns, a conglomerate company seeking to retain its exemption would be compelled to increase its other holdings at three times the growth rate of its bank. It is likely that such growth would require substantial mergers and acquisitions, thus further compounding the potential adverse effects that are recognized by other sections of both the House and Senate versions of H.R. 6778, including that provision which recognizes the competitive dangers of growth by acquisition as opposed to growth by *de novo* expansion (Senate Section 103(6); House Section 1(e)).

In our view, an exemption for companies controlling banks with net worths of less than $3 million is equally without merit. Banks of this size typically hold deposits of up to about $30 million, and while not among the largest banks in our major metropolitan areas, are nonetheless powerful economic forces, particularly in medium sized and smaller markets. Indeed, in smaller markets, where banking alternatives tend to be more limited, the dangers attending bank ownership of other segments of commerce and industry tend to be more serious from the standpoint of competitive policy. We note that any company qualifying for the $3 million exemption (and companies could continue to qualify until this legislation is finally enacted) would be put on notice by the statute that normal growth of its bank will sooner or later cause the exemption to be lifted, absent some waiver by the Federal Reserve Board.[1] Unless the Board adopts a wholesale waiver policy, such companies will be induced to seek affiliation with a larger company, in order to graduate from the small bank exemption to the conglomerate exemption. And it is not unlikely that such companies will become acquisition targets for any conglomerate which did not buy a bank in time to qualify for its own exemption. Such a result is patently inconsistent with the objectives of this legislation.

Both the conglomerate and the small bank exemptions have been defended by arguments that no abuses have resulted from the exempted affiliations and that equity requires special consideration for acquisitions perfectly legal when made. As noted above, we recognized these arguments in the selection of an appropriate grandfather date. However, there is no reason why these specific companies should be given a preferred position vis-a-vis all other bank holding companies. To the argument that no specific abuses have been demonstrated, it need only be responded that the entire thrust of this legislation is prospective in nature; it was not intended to redress particular grievances, but rather to prevent the development of undesirable corporate combinations of banks and nonbanking industries.

To summarize, since no case has been presented demonstrating that the companies exempted by this amendment and which would otherwise be covered by this legislation should be accorded "grandfather" treatment (which as we note above is actually a misnomer) different from that to be accorded others, and since the special relief suggested is at odds with the basic intent of the legislation, and not sufficiently mitigated by alleged safeguards to be contained in new section 4(d), we urge the Conferees not to adopt either the "conglomerate" or "small bank" exemption.

3. The tie-in prohibitions and the exemptions thereto.

Section 104 of H.R. 6778 as enacted by the Senate would absolutely prohibit what have come to be known as tying arrangements. Under its provisions, no bank could extend credit, lease or sell property, furnish any service, or fix or vary the consideration for any of the foregoing upon the condition or requirement that the customer obtain or provide some additional credit, property or service from or to the bank, a bank holding company of such bank, or any other subsidiary of such bank holding company; or that the customer refrain from dealing with their competitors. Exceptions are provided for certain traditional services offered by banks (*i.e.*, loans, deposits, discounts and trust services), and for certain negative agreements traditionally imposed to assure the soundness of credit. Thus, the anti-tying clause constitutes no threat to what has come to be known as "full service" banking.

The House version of H.R. 6778 contains no similar provision, although H.R. 6778 as originally introduced in the House did contain a similar section proscribing tying arrangements involving banks, bank holding companies, and their subsidiaries. The Administration bill (H.R. 9385 and S. 1664) also contained provisions prohibiting tying arrangements involving bank holding companies and their subsidiaries.

Section 104 of the Senate version of H.R. 6778 would prevent bank customers from being required to accept unwanted products or services as a condition of obtaining bank services that they desire. Equally important, it would help prevent the use of the considerable economic power that banks enjoy as a result of their control over money and credit as an anticompetitive tool in other markets in which banks and their affiliates may compete.

Under Section 104, tying arrangements would be absolutely prohibited, without proof of actual competitive injury. We regard this approach as appropriate, as little case can be made in favor of arrangements which "serve hardly any purpose beyond the suppression of competition." *Standard Oil Co.* v. *United States*, 337 U.S. 293, 305–06 (1949). However, we also support the authority provided to the Federal Reserve Board to permit such exceptions to the Section's prohibitions as would not be contrary to its purposes, as some flexibility seems desirable in order to guard against an overly broad interpretation of the Section.

The Administration's principal concern during the course of this legislation has been that to permit banks to enter other areas of the economy via the holding company route would increase the opportunity of tying nonbanking products and services to the offering of credit. When it became apparent that banks themselves are also presently offering a variety of such products and services and that tying arrangements based on bank power over money and credit are equally objectionable regardless of whether or not a separate affiliate is involved, it became appropriate to extend the coverage of the anti-tying clause to all such arrangements.

However, when Section 104 was reported by the Senate Committee on Banking and Currency, its language was generally considered broad enough to cover certain traditional banking arrangements, such as calling upon loan customers to maintain compensating balances as partial compensation for a loan and asking correspondent banks to maintain correspondent balances as compensation for services. It could also have covered traditional loan agreement restrictions based on legitimate credit considerations. Although the Senate Committee Report made clear that the powers of the Federal Reserve Board to make exceptions to the Section's coverage were intended to preserve traditional banking practices that did not present seriously anticompetitive effects, it was thought by some, including the Federal Reserve Board itself, that limited exceptions for such practices should be included within the statutory language.

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[1] This provision, standing alone, would create an incentive for a bank covered to keep its capital low enough so that its net worth would remain below $3m.—a situation which might not be desirable from the standpoint of regulatory policy. It may be, in practice, that this incentive would be offset by other considerations, including regulatory action and a need for a higher legal lending limit.

Since these traditional banking practices had not been subjected to close scrutiny during the course of the legislation through the Congress, we supported amendment of Section 104 on the floor of the Senate to exclude them from the bill's coverage. We stress, however, that we do not believe that enactment of the antitying clause as it passed the Senate should be viewed as Congressional endorsement of the legality or desirability of "traditional" practices which are excepted from its coverage. Rather, these exceptions should be interpreted as a decision not to apply the absolute proscriptions of Section 104 to such practices, at least at the present time. It is important to remember that any tie-ins in the area of traditional banking practices will remain fully subject to normal sanctions under the antitrust laws. *Cf. Fortner Enterprises, Inc.* v. *United States Steel Corp.*, 394 U.S. 495 (1969).

To summarize, we believe that Section 104 as it appears in the Senate version of H.R. 6778 (including the exceptions for traditional banking services) would provide a valuable supplement to existing remedies against anticompetitive tying arrangements and urge the Conferees to adopt this provision.

We would suggest a few essentially technical amendments to the tying clause as it appears in the Senate version of the bill dated September 16, 1970.

(i) the last clause of subsection (b)(4) [page 26, lines 17–18] should read "or to any other subsidiary of *such* bank holding company;" rather than "or to any other subsidiary of a bank holding company;"

(ii) in subsection (d) [page 27 at line 24] strike "in civil actions";

(iii) subsection (g), which imposes a four year statute of limitations should be amended by the addition of language which would toll the running of the statute of limitations for private rights of action arising under the section during the pendency of government enforcement actions based on the same matter, and for one year thereafter, in the matter of 15 U.S.C. § 16(b). This would create a more realistic opportunity for use of the private remedies, and would achieve consistency between the enforcement provisions of the Clayton Act and those of the anti-tying clause, greatly simplifying any litigation alleging violations of both the anti-tying clause and the antitrust laws.

4. An acceptable definition of what constitutes a proper nonbank activity for bank holding companies.

Both the Senate and House versions of H.R. 6778 would amend Section 4 of the Bank Holding Company Act of 1956 dealing with nonbank activities of bank holding companies. Under the Senate version, a bank holding company could engage in activities that the Federal Reserve Board has determined to be "functionally related to banking in such a way that their performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased competition, conflicts of interest, or unsound banking practices."

The House version contains what we consider to be substantially similar language: bank holding companies and their subsidiaries may engage in "any activity of a financial or fiduciary nature if the Board finds . . . that the carrying on of the activity in question by the applicant . . . or by bank holding companies or their subsidiaries generally . . . will be functionally related to banking and can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices."

Both the Senate and House versions make it clear that the Board may differentiate between activities commenced *de novo* and activities commenced by the acquisition, in whole or in part, of a going concern.

In general, either of these definitions appears acceptable, as each focuses on the nature of the activity and its basic economic merits when engaged in by a bank holding company or its subsidiaries. Under either version, bank holding companies would be limited to financially related activities. Since the business of banking is not a static form of activity, the banking community has developed substantial expertise that would be applicable to many financial areas. Thus, there is a good case for providing greater flexibility as to the financial areas which banks and their affiliates are permitted to enter—provided this can be accompanied with adequate safeguards for competition and other interests. Innovation in financial fields should be encouraged and it seems particularly desirable to permit bank holding companies to enter other financial markets where competition is weak or where real efficiencies will result.

Both the House and Senate definitions eliminate a very restrictive and essentially legalistic standard presently contained in section 4(c)(8) of the Bank Holding Company Act of 1956; i.e., whether the activity in question is so closely related to banking as to be a "proper incident" thereto. We support the elimination of the present standard because we feel that the definition of acceptable activities should direct regulatory attention to more pertinent economic factors, including competition. Both the House and Senate versions enumerate some of the positive and negative considerations that should be taken into account, but we do not think that these are necessarily exhaustive. The major feature of both versions is the empowering of the Federal Reserve Board to make full use of its economic competence and expertise in financial matters in authorizing the most effective use of the nation's financial resources and talents.

Quite naturally, we believe that competitive aspects should play an important role in determining exactly which activities bank holding companies should be authorized to enter in related financial fields. Either definition would give the Board greater latitude in considering such factors than does existing law. In particular, we consider differentiation between activities commenced *de novo* and activities commenced through acquisition of a going concern to be of prime importance in as much as the competitive aspects of a given bank holding company activity may be more substantially affected by the manner of entry than by the nature of the activity itself.

In some, partly technical respects, the provisions in the House version dealing with bank holding company activities in financially related fields are more attractive than those in the Senate version. The House provisions, which would become new subsection 4(e) of the Act, specifically authorize the Board to conduct proceedings on the merits of the carrying on of a particular activity by an individual applicant, or by bank holding companies or their subsidiaries generally, and to issue orders or regulations appropriate to the circumstances. The House version also specifically authorizes the Board to set forth limitations and conditions in such orders and regulations. On the other hand, the Senate provisions, which would appear as new subsection 4(c)(8) of the Act, direct the attention of the Board only to the merits of a particular activity when performed "by an affiliate of a bank holding company." Although the authority of the Board under the Senate language should be interpreted as broadly, the statutory technique of the House version appears preferable.

Section 1(f) of the House version of H.R. 6778 would amend section 4 of the Act by adding a new subsection describing activities that are "neither necessary, incidental, nor related to carrying on the business of banking or of managing or controlling banks, and are not in the public interest to be carried on by bank holding companies or subsidiaries thereof." The activities included are those of the securities business, most types of insurance, travel agency activities, auditing and other accounting services, most data processing, and the leasing of property. This provision of the House version has come to be known as the "laundry list" of activities proscribed to bank holding companies and their subsidiaries. No comparable provision appears in the Senate version, nor in the Administration measure.

In our view, the laundry list is a very serious defect in the House version. Its absolute proscriptions are inflexible and unsound. They are at cross purposes with what should be the basic intent of the bill—to permit bank entry into related financial activities where adverse economic effects would be insubstantial and where advantages to the public interest would be great. We do not believe that economic evidence justifies a legislative conclusion that *any* entry by *any* bank affiliate into *any* of these areas in *any* market would necessarily have adverse effects outweighing possible benefits. The better alternative would be to eliminate these flat proscriptions, enabling the regulatory agency to apply the general standards of the statute in a non-discriminatory manner with appropriate judicial review permitted. Indeed, the Board may ultimately decide that some or all of the activities enumerated in the House version should be out of bounds for banks, but one of the bill's most important features, flexibility, would still be preserved. Such a flexible course would permit banks to demonstrate, now or in the future, that their entry into specific activities in a given manner would be in the public interest. It would also prevent immediate adverse competitive effects in the markets legislatively insulated from bank competition, effects which would attend the absolute removal of a whole class of potential entrants. Accordingly, we strongly urge passage of a bill that does *not* contain a list of specified activities which are arbitrarily and unconditionally proscribed for banks.

It is true that the Congress in 1933 enacted section 20 of the Glass-Steagall Act (12 U.S.C. § 377) preventing banks and their affiliates from engaging in the securities business—a restriction which we continue to support.[3] This Glass-Steagall prohibition, however, was based on substantial evidence of abuses in the 1920's which were found to have contributed to the ill health of the banking industry by the end of that decade. In our view, such absolute legislative proscription is unsound absent convincing evidence adduced to prove the absence of any possible beneficial effects which might outweigh adverse consequences. No such evidence is present to support the prohibitions in the laundry list.

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[3] No consideration of the securities business appears in the general language in the House version as it does in that of the Senate; if the laundry list is eliminated, we would suggest that the general House definition, if adopted, be amended to follow that of the Senate in this area.

5. The question of standing before the Federal Reserve Board and the courts for nonbank competitors in § 4(c)(8) cases.

The Senate version of H.R. 6778 would add a new section 4(e) to the Bank Holding Company Act of 1956, specifically giving potential competitors of bank holding companies in nonbanking fields standing to appear before the Board as a party in interest, and to obtain judicial review of adverse orders of the Board as provided in section 9 of the Act. Under proper control, we believe that potential competitors' views would aid the Board in making the difficult decisions that will be required by this legislation, and thus we support their right to appear as parties before the Board. The criteria to be considered by the Board include competitive effects, and potential competitors are likely to be the only parties with competitive interests adverse to those of a bank holding company seeking to enter a new field. We believe that a hearing on the competitive merits of a given proposal would be incomplete without the adversary airing of such interests.

The necessity for specific Congressional authorization for potential competitors' standing before the Board and the courts is somewhat unclear. The Board recently granted the application of competing insurance associations and agencies to appear as parties during Board proceedings on the application of a bank holding company in Colorado to acquire two insurance subsidiaries (see *American Banker*, June 8, 1970). This ruling indicates the adoption of a liberal regulatory attitude in this area. While case law on the use of the appeal procedure of section 9 of the Act by nonbank competitors is nonexistent, that section could easily be interpreted as broad enough to authorize such review. However, in our view, resolution of any doubt would seem desirable.

The provision in the Senate version of H.R. 6778 would seem to satisfy this purpose, but is lacking in one significant respect. While specifically extending party standing and the right to appeal adverse decisions to nonbank competitors, it omits any reference to bank competitors who may wish to object to orders of the Board permitting bank holding company acquisitions of new banking subsidiaries under section 3 of the Act. We understand that objections of such persons are considered by the Board, but are not sure as to their precise status. The decision of the Supreme Court in *Whitney Bank* v. *New Orleans Bank*, 379 U.S. 411 (1965), provides some guidance on the use of the appeal procedure of section 9 by potential bank competitors, but as a matter of statutory soundness, we recommend that any amendment dealing with standing of potential competitors before the Board and before the courts cover those who wish to appear or object to Board decisions on both banking and nonbanking expansion of bank holding companies.

In view of the heavy regulatory burden that will be placed upon the Board, we also suggest that it might be specifically authorized to consolidate persons desiring to appear as parties into reasonable classifications or otherwise provide for orderly and not overly long proceedings, although the Board would be more competent to comment on the necessity for statutory language along this line.

In addition to the five key issues described in your letter, you invited our comments on other parts of the bill. One difference between the House and Senate versions deals with amendments to section 11 of the Act. Section 11 preserves antitrust challenges to activities of bank holding companies, but also sets out a specific procedure for contesting mergers, acquisitions, and consolidations approved by the Board. This procedure, similar to that contained in the Bank Merger Act of 1966, includes what is essentially a 30 day statute of limitations, an automatic stay of any acquisition challenged under the antitrust laws, and direction to the courts to review *de novo* the issues presented under the same standards the Board is directed to apply under section 3 of the Act, (which deals with bank acquisitions by bank holding companies, and provides what has come to be known as the "convenience and needs" defense).

With the amendment of section 4 of the Act, it is probable that the Board will be called upon to make a number of difficult decisions regarding bank holding company expansion into nonbanking fields and as the amendments indicate, competitive factors will weigh heavily in the balance. It is possible that the United States, or some private party, may wish to challenge some future ruling of the Board pursuant to section 4 under the antitrust laws, a challenge that would continue to be preserved by section 11(a) of the Act. In such event, the special procedure described above should not be applicable. The Senate version of H.R. 6778 contains no amendment to Section 11, while the House version and the Administration bill would amend this section to make clear that the special procedure applicable to antitrust challenges to bank acquisitions will not be applicable in situations involving bank holding company entry into nonbanking fields. We recommend that the Conferees adopt either the House or Administration provisions.[8]

Although no extensive debate has centered about three exemptions which appear in the Senate version of the bill, we feel it appropriate to bring them to the attention of the Conferees at this time. Proposed, new subsection 2(a)(5)(E) would exempt certain trust companies and mutual savings banks which control one bank from all coverage under conditions which limit their investments to those permitted to national banks. Section 4(c) would also be amended to except from its proscriptions on nonbanking activities companies covered in 1970 collectively owned by members of the same family on June 30, 1968, and continuously thereafter. New subsection 2(i) would provide that no company shall be deemed to control another business entity solely by attributing to the company the ownership or interest of an individual in that entity. The first two exemptions cover an unknown number of companies; the third is a more general provision which is broad enough to be a confusing factor in administrative and judicial efforts to define control over a business where such control in fact exists. We urge the Conferees to closely consider the merits of these exemptions.

The Senate version of the bill would amend subsection 4(a)(2) of the Act to redefine the activities in which bank holding companies may engage to include (a) those of banking or of managing or controlling banks and other authorized subsidiaries and (b) "those permitted under paragraph (8) of subsection (c) of this section subject to all the conditions specified in such paragraph or in any order or regulation issued by the Board under such paragraph." This latter category is somewhat ambiguous, for the Senate version of new subsection 4(c)(8) does not "permit" a bank holding company to engage in any activities; rather it authorizes the holding of shares in companies engaged in certain activities. In addition, the Senate version of proposed new 4(c)(8) does not itself specify "conditions" nor specifically authorize the Board to issue both orders and regulations dealing with bank holding company activities in general, or those of a specific bank holding company in a specific activity, in financially related fields. Thus, it would appear that the language of category (b) and the subsection 4(c)(8) to which it refers, should be clarified. We have noted above the merits of the House language covering bank holding company activity in related financial fields, particularly the specific authority it grants to the Board to deal with applications on an individual basis or to conduct more generalized proceedings. The House language also specifically authorizes the Board to set forth limitations and conditions in its orders and regulations. It seems apparent that an orderly statutory scheme in this area can be formulated from the House and Senate versions, and we have offered these comments only to underscore the need for careful attention to the language finally adopted, in order that the various components of amended section 4 will unambiguously complement one another.

Finally, there are two relatively minor matters that appear in the House version upon which we would comment at this time. First, it would appear that the House versions of proposed new sections 2(a)(3) and 2(a)(4), dealing with the effects of holding less than 5% of the voting shares of a bank, should read "directly *or* indirectly" rather than "directly and indirectly." Secondly, the House version would add a new sentence to section 5(b) of the Act requiring the Board to invite the views of the Attorney General as to competitive factors involved in applications under section 4. As a matter of practice, the Board has given the Attorney General notice of applications for bank acquisitions filed under section 3 of the Act, although not specifically required to do so by statute, and has considered our comments in response thereto. Therefore, the necessity for this House amendment is not clear. On balance, we favor this amendment, so long as it does not compel the Attorney General to submit a competitive report on all applications, regardless of the absence of any real anticompetitive effects.

We hope our comments will be useful to the Conferees, and will be glad to provide any further assistance that may be desired.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Richard G. Kleindienst,
Deputy Attorney General.

Washington, D.C.,
November 19, 1970.

Hon. Arthur F. Burns,
Chairman, Board of Governors, Federal Reserve Board, Washington, D.C.

Dear Chairman Burns: As you no doubt know, the House and Senate conferees on H.R. 6778, the bank holding company bill, have been meeting for the last two days to attempt to resolve the differences in their versions of the bill.

A majority of the House conferees has proposed, in return for dropping the so-called laundry list in the House version of H.R. 6778, that the conference adopt as the standard by which the Federal Reserve Board would make determinations in Section 4(c)(8) applications, the language of the 1956 Act with certain modifications including the deletion of the "financial, fiduciary and insurance" language. Enclosed is a copy of the compromise discussed above.

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[8] A minor difference does exist between the Administration bill and the House amendments to section 11. The former did not alter section 11(c); the Board could continue to intervene as a party of right in antitrust litigation arising out of Board rulings pursuant to both section 3 and section 4. The House version amends section 11(c) to authorize such intervention only in litigation arising out of Board rulings under section 3. We do not consider this point to be of major significance; if the Board wishes specific authorization to intervene in all situations, we would have no objection.

A majority of the House conferees has made it clear that it will not compromise further than the proposal outlined above in connection with the bank related activities issue. Therefore, I request the Board of Governors of the Federal Reserve to express its views on whether it would prefer having the one bank loophole to the Bank Holding Company Act of 1956 removed while retaining essentially the standard on Section 4(c)(8) applications stated in the 1956 Act, or would prefer that no legislation on this issue be enacted during this Congress.

We would appreciate your answer to this question as soon as possible, preferably by noon on Saturday. Since it appears that the conferees have narrowed this crucial issue down to the question propounded above, it would be appreciated if you would limit your reply to the above stated question.

Sincerely yours,

Wright Patman,
Chairman.

Enclosure

The House conferees agreed to recede with an amendment which reads as follows:

Section 4(c)(8) is amended to read:

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing, has determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

Chairman of the Board of Governors, Federal Reserve System,
Washington, D.C., November 23, 1970.

Hon. Wright Patman,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

Dear Mr. Chairman: I am writing in reply to your letter of November 19, 1970, regarding H.R. 6778, the bank holding company bill.

The Board has recommended, and continues to recommend, that section 4(c)(8) be revised to enable bank holding companies to engage, through nonbank subsidiaries, in any activity that is "functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public . . . that outweigh possible adverse effects . . ." Once a particular activity is determined to be permissible under this standard, Board approval would be required before a holding company could establish a subsidiary to engage in the activity. This screening process would identify the kinds of services related to banking that bank holding company systems are likely to be able to offer the public conveniently and efficiently, and would establish conditions under which entry into the authorized lines of business should enliven competition rather than diminish it.

These results could be reached by interpretation under the draft paragraph enclosed with your letter. However, less uncertainty and perhaps less need for future statutory revisions would be experienced if changes are made to solve two problems discussed in the next two paragraphs.

First, in the limited area in which applications have been approved under the existing section 4(c)(8), the Board has in the past interpreted the statute as requiring a "direct and significant connection" between the activities of the proposed subsidiary and those of the subsidiary banks of the holding company. But we do not believe it is desirable to unduly restrict entry by nonbank subsidiaries into markets that are distinct from those served by the subsidiary banks of the holding company. This position may lessen risks of tie-ins and is consistent with Governmental policies to promote competition. This was one of the reasons we recommended that "closely related" be changed to read "functionally related" in the statute; we wanted to avoid perpetuating the concept that a nonbank subsidiary's business must be related to the business of an affiliated bank. If the conferees prefer to keep "closely related" in the language of the statute, our objective would be served by changing the words "the business of banking or of managing or controlling banks" to read "banking or managing or controlling banks." We have in mind indicating that a nonbank subsidiary's activities should be related to banking (or managing or controlling banks) generally, rather than to the specific business carried on by the subsidiary banks of the particular holding company involved.

Second, we think the language of the statute should make clear that there are two tests to be satisfied in deciding whether nonbank subsidiaries of bank holding companies should be allowed to engage in a particular activity: (1) whether the activity is closely related to banking, and (2) whether it is a proper incident to banking, and that in applying the second test, the Board is to weigh the possible benefits to the public against the risks of adverse consequences. We believe that the language proposed by the House conferees might be misconstrued to apply three tests: (1) whether the activity is closely related, (2) whether it is a proper incident to banking, and (3) whether the benefits outweigh the risks. To avoid such a possibility, we suggest the following revision (which also incorporates the changes discussed above). Language in brackets would be omitted, language in italics would be inserted.

"(8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined [to be so] *are* closely related to [the business of] banking or [of] managing or controlling banks [as to be] *and are* a proper incident thereto . [and] *In determining whether a particular activtiy is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company* can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern."

I have offered these comments in the hope that the conferees are prepared to consider suggestions designed to help accomplish objectives with which we believe you agree. In the Board's judgment, the modifications we suggest serve to clarify and are in harmony with the language attached to your letter.

The Board continues to feel it is highly important to enact one-bank holding company legislation this year, rather than start the process over again next year, with all the uncertainties and complications that might be invited. One member of the Board, Governor Robertson, would support the language attached to your letter without change.

Sincerely yours,

Arthur F. Burns.

Washington, D.C.,
November 23, 1970.

Hon. Arthur F. Burns,
Chairman, Board of Governors of the Federal Reserve System, Federal Reserve Building, Washington, D.C.

Dear Dr. Burns: Your letter of November 23, in reply to my letter of November 19, 1970, regarding H.R. 6778, the bank holding company bill, was received at five o'clock this afternoon.

The question I asked in my letter of November 19, is as follows:

"A majority of the House conference has made it clear that it will not compromise further than the proposal outlined above in connection with the bank related activities issue. Therefore, I request the Board of Governors of the Federal Reserve to express its views on whether it would prefer having the one bank loophole to the Bank Holding Company Act of 1956 removed while retaining essentially the standard on Section 4 (c) (8) applications stated in the 1956 Act, or would prefer that no legislation on this issue be enacted during this Congress."

Our conference committee meets at 10 a.m. tomorrow morning. Please give us an answer to this question as the answer that you gave in your letter of November 23 is obviously not an answer to the question submitted.

Sincerely yours,

Wright Patman.

Chairman of the Board of Governors, Federal Reserve System,
Washington, D.C., November 24, 1970.

Hon. Wright Patman,
Chairman, Committee on Banking and Currency, House of Representaives, Washington, D.C.

Dear Mr. Chairman: Your letter of November 23rd repeats a question you put to the Board in your letter of November 20th. I have already answered this question on behalf of the Board in my letter of November 23rd.

Let me turn now to the question you put to me yesterday over the phone: If I had to choose between the draft language that accompanied your letter of November 19th, and having no bill at all, what would I choose?

I have pondered this question conscientiously and I come out as follows: The decision whether there is to be a bill or not must be made by the Conference, and I do not think it would be proper for me to express a judgment on this issue.

Let me say once again, however, that I and my colleagues on the Board regard early enactment of a reasonable one bank holding company bill as imperative.

Sincerely yours,

Arthur F. Burns.

(Mr. WIDNALL asked and was given permission to revise and extend his remarks.)

Mr. JOHNSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. I want to say that I was one of the conferees representing the minority side. I wish to associate myself with the remarks of the gentleman from New Jersey (Mr. Widnall). I agree with his statement that it was the intention of

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the conferees that greater flexibility should be granted to the Federal Reserve Board. Therefore, I join with the gentleman from New Jersey in the statement he has just given.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Speaker, I appreciate the gentleman yielding to me.

I simply want to say to my colleagues here this afternoon that I concur in the remarks of the gentleman from New Jersey.

Any and all of us who have been familiar with this problem for many years can be pleased this afternoon that we are bringing one-bank holding companies under multibank legislation. This has been the intent of all of us for at least a couple of years and certainly is something that is long overdue.

Further I would like to concur with the gentleman from New Jersey in his basic interpretation of the result of the actions of the conferees in regard to the House-passed version of this bill and the Senate-passed version.

It is quite obvious to students of this particular subject that, of course, the subject of a laundry list was considered and it was dropped in the conference.

It is to be noted further that it was the unanimous decision of the conferees in signing this report that the general subject as to what should be germane to the business of one-bank holding companies would primarily be within the boundaries, and rightfully so, of the Federal Reserve Board. I think we have come to the conclusion that it would be in the best interests of all concerned to have them review the problems of existing one-bank holding companies and also to determine in the future the basic relative business activities of banks under guidelines established by the conferees.

I have been asked by a number of people how this will affect insurance companies. It would be my interpretation once again, that while I have personally believed it should be in the bill and so offered it in the conference, that there should be specifically included a provision to prohibit banks from this activity, that again would have to be up to the decision of the Federal Reserve Board.

I ask the gentleman from New Jersey if that is not his interpretation.

Mr. WIDNALL. That is certainly my interpretation.

Mr. STANTON. I will go one step further in this general discussion, and that is the interpretation of the technical language in section 4(c)(8). I would simply say in this respect that it was the intent of the conferees to change the basic language of the existing law. This was requested of the conferees and has been the established policy, I think, of the Federal Reserve, to want a little basic change in this language. I think there should definitely be pointed out the fact that the public interest is the primary consideration in respect to the future activities with which we should be concerned. I think this is a very important differentiation to make.

(Mr. STANTON asked and was given permission to revise and extend his remarks.)

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentle man from Wisconsn.

Mr. REUSS. I thank my friend from New Jersey for yielding.

Mr. Speaker, I listened with interest to the gentleman's presentation, and with many of the points he made about the conference I am in full agreement. However, I would ask the gentleman this question: Is it not a fact that the basic language as to what a holding company system might do as contained in the 1956 act was "so closely related" as opposed to "functionally related"? That is a fact; is it not?

Mr. WIDNALL. Yes. Of course, that is the first time they put in something that is——

Mr. REUSS. But is it not further a fact that the Federal Reserve Board, the Treasury Department and the Justice Department, seeking to broaden the language of the 1956 law consistently sought to have the words "functionally related" substituted for the words "closely related"? That is a fact, is it not?

Mr. WIDNALL. No; not as I recall.

Mr. REUSS. Well, is it not a fact that as recently as during the pendency of the conference, the Chairman of the Federal Reserve Board, Dr. Arthur Burns, addressed a letter to the conferees in which he asked that the conferees use the words "functionally related"? Is that not a fact?

Mr. WIDNALL. I think Dr. Arthur Burns sent up a letter that contained the words "proper incident to banking" thereto."

Mr. REUSS. Mr. Speaker, if the gentleman will yield further, the gentleman, perhaps, misunderstood my question. Is it not a fact that Dr. Burns, Chairman of the Board of Governors of the Federal Reserve, in a letter addressed to the conferees as recently as the conference, 3 weeks ago, asked that the statutory language be "functionally related" rather than "closely related"? Is that not a fact?

Mr. WIDNALL. There was a later letter.

Mr. REUSS. I beg the gentleman's pardon?

Mr. WIDNALL. There was a later letter written on November 23, 1970, to the chairman of the committee.

Mr. REUSS. That is the letter to which I am referring. If the gentleman will refer to that letter, and I read from it:

> The Board has recommended, and continues to recommend, that Section 4(c)(8) be revised to enable bank holding companies to engage, through non-bank subsidiaries, in any activity that is "functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public . . . that outweigh possible adverse effects . . ."

So, there is no doubt that the Federal Reserve wanted "functionally related."

Mr. WIDNALL. In the same letter on page 3 there is this language:

> In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects—

Mr. REUSS. Mr. Speaker, if the gentleman will yield further, certainly that language is also in Dr. Burn's letter, but it is a fact, is it not, that Dr. Burns urged Federal Reserve Board-approved language right up through the conference of "functionally related" and not "closely related"?

Mr. WIDNALL. Yes; that is.

Mr. REUSS. Is it not further a fact that the conference rejected the language which the Fed asked for, and stuck to the "closely related" phrase, which is the phrase of the 1956 act?

Mr. WIDNALL. No; they did not.

Mr. REUSS. Does the gentleman suggest that the words "closely related" are not in the conference report now?

Mr. WIDNALL. That is not the critical wording.

Mr. REUSS. In fact, the about-to-be law which is now before this body contains the words "closely related" rather than "functionally related"; is that right?

Mr. WIDNALL. Yes.

Mr. REUSS. I thank the gentleman for yielding.

Mr. WIDNALL. Mr. Speaker, I now yield to the gentleman from Tennessee (Mr. BROCK).

Mr. BROCK. Mr. Speaker, for the purpose of establishing legislative history I would like to ask the ranking minority member and the chairman of the committee, both, this question:

The chairman of the committee, in response to a question from the gentleman from Michigan, if I understood him correctly, said that banks would be prohibited from engaging in the activities now performed by insurance agencies.

Mr. PATMAN. If the gentleman will yield, I said that the Federal Reserve Board could not comply with this law and permit insurance companies or insurance agencies to be purchased by holding companies.

Mr. BROCK. If I remember the debate that we had some several months ago in which we adopted the so-called laundry list, I think it was the very clear intention of the House by an overwhelming vote to specifically preclude banks from having the right to unduly or unfairly compete with the functions of an insurance agency. We wrote it into our language, and I cannot for the life of me understand the weakening of this bill to the extent that the chairman will not even give me a guarantee that that can be done.

Mr. PATMAN. I can give the gentleman the guarantee. All activities must be so closely related to banking as to be a proper incident thereto.

Mr. BROCK. Is it the intent of this body to write a law which would in effect, by implication, if not by a clear statement, preclude banks participating in the activities of an insurance agent; is that our intention?

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Mr. PATMAN. One of the objects of the law is to keep the banks from acquiring insurance companies for the reasons gone into in the hearings before the Banking and Currency Committee on this bill. A half dozen banks could acquire a half dozen large insurance companies, and have enough reserves to actually purchase many of the big profit-making businesses in this country. That would create undue concentration of resources, which is prohibited under section 4(c)(8).

Mr. BROCK. I am fully familiar with the purpose. That is why I am concerned about it, and I am concerned as to whether or not the language of this bill is adequate to protect insurance agents from unfair competition.

Mr. PATMAN. Yes, it is; that is correct.

Mr. BROCK. Is it?

Mr. PATMAN. I hope the gentleman will be at ease.

Mr. WIDNALL. Mr. Speaker, I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

I would like to ask a question of the distinguished chairman of the Committee on Banking and Currency, if I may.

In the conference report which came back from the conference committee——

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. PATMAN. Mr. Speaker, I yield 5 additional minutes to the gentleman from New Jersey.

Mr. WIDNALL. I thank the gentleman, and I now yield again to the gentleman from Ohio.

Mr. WYLIE. On page 4 of the conference report, if a holding company has a bank controlling assets of more than $60 million it must within 2 years have a determination made by the Federal Reserve Board as to whether it must divest.

Mr. PATMAN. That is correct. Yes; $60 million.

Mr. WYLIE. Now, it appears that a bank holding company under this act, then, where it is ordered to divest of a bank, would have until December 31, 1980, to divest either the unapproved affiliate, or the bank; is that correct?

Mr. PATMAN. It will have 10 years under the law.

Mr. WYLIE. Do I assume correctly then that a bank, or a company which takes the position that it is going to divest itself of this bank prior to December 31, 1980, may proceed with its business as usual, including acquisitions, without Federal Reserve Board approval during that 10-year period?

Mr. PATMAN. It can continue to do business as usual during the 10-year period.

Mr. WYLIE. I thank the chairman.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield to me for a question?

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may require to answer the question of the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding. I was quite interested in the protection of insurance agencies in this bill. As I understand it, when the bill passed the House, one-bank holding companies would have to divest themselves of the interest of insurance agencies as of after 1956 and this was stricken from the bill; is that correct?

Mr. PATMAN. Yes, that is correct—yes. Bank-holding companies can only acquire concerns that are closely related to banking so as to be a proper incident thereto.

Mr. MONTGOMERY. As I understood it, the reasons that insurance agents, were concerned was that some of the one-bank holding companies had gone into the fire and casualty insurance recently?

Mr. PATMAN. I beg the gentleman's pardon. I cannot yield any further to the gentleman at the present time.

Mr. MONTGOMERY. Well, I am still concerned, whether or not insurance agents are protected.

Mr. PATMAN. You made your point—yes; insurance agents are protected.

Mr. MONTGOMERY. I thank the gentleman for his answer.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. REUSS) such time as he may use.

Mr. REUSS. Mr. Speaker, last week, after a very difficult House-Senate conference, the conferees agreed on a compromise version of the Bank Holding Company Act bill. Aside from extending bank holding company regulation to one-bank holding companies, the most important and controversial issue involved in this legislation has been whether to change the standard for determining what non-bank activities bank holding companies should be permitted to engage in.

The conferees had to reconcile the important differences between the House and the Senate language on this issue. The House language, in addition to containing the so-called "functionally related" test, also specifically prohibited or curtailed bank holding companies from engaging in six activities. This was an important limitation on the "functionally related" test.

The Senate bill, on the other hand, had the "functionally related" test and nothing more.

The conferees were confronted with three alternative courses of action:

First, they could leave intact the existing language of the 1956 act, thus imposing upon the Federal Reserve Board the same strictures in determining what are permissible nonbank activities for bank holding companies;

Second, the conferees could adopt a list of specifically prohibited activities while retaining the "functionally related" test; or

Third, the conferees could modify the 1956 language in such a way as to indicate a desire by the Congress to encourage greater flexibility and expansiveness by the Board in allowing bank holding companies to engage in areas of activity heretofore not permitted.

The conferees rejected the second and third alternatives, and adopted the first.

The language adopted by the conferees clearly rejects the third approach, of liberalizing the 1956 standard, despite arguments in favor of such an approach advanced by the Federal Reserve Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, representatives of the Department of the Treasury and the Department of Justice, and witnesses representing the American Bankers Association, the Association of Registered Bank Holding Companies and numerous witnesses representing individual banking institutions.

The argument was that the 1956 language was too restrictive, too confining, too inflexible, and that a new, more liberal, more expansive and more flexible test for permissible nonbank activities should be adopted. Acceptance of these arguments would have resulted in the adoption of the "functionally related" test in lieu of what is now essentially the existing statutory test; that is, to permit those activities which the Board finds "to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

As late as November 23, 1970, during the deliberations of the conference on this bill, Chairman of the Federal Reserve Board Arthur F. Burns wrote to Chairman Patman of the House Banking and Currency Committee that—

> The Board has recommended, and continues to recommend, that section 4(c)(8) be revised to enable bank holding companies to engage, through nonbank subsidiaries, in any activity that is "functionally related to banking in such a way that its performance by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public . . . that outweigh possible adverse effects . . ."

The conference decided to reject this standard.

Now, I have not been one who reject out of hand suggestions that the powers of banks—whether unit, branch, unibank holding company, or one-bank holding company—should be broadend. I welcome a complete and frank airing of this issue. I will be glad to recommend to the House Banking Committee that it hold hearings on this subject, taking extensive testimony from the Federal Reserve Board, the banking agencies, witnesses representing the administration and the banking industry. If such a broadening of the powers of banks is shown to be justified, I will be the first one to support it.

But this should be done not in the context of holding company legislation. It should be done in the context of reviewing an entire body of banking laws.

I have listened with interest to the remarks of the ranking minority member of the House Banking and Currency Committee, the gentleman from New Jersey, setting forth his views on the bank holding company conference.

There are many statements of fact in the gentleman from New Jersey's statement with which I agree.

I agree with the gentleman from New Jersey's statement that the bill reported from the House Banking and Currency Committee replaced the 1956 act "closely related" test with the "functionally related" test for permissible nonbank activities.

I also agree with the gentleman from New Jersey's statement that the House retained the "functionally related" test. However, the House also added to that test what everyone regarded as severe restrictions on bank holding company activities, the so-called negative laundry list of prohibited activities.

I agree with the gentleman from New Jersey's statement that the Senate bill contained the "functionally related" test, and I agree with the gentleman from New Jersey that the Federal Reserve Board, the Treasury Department and the Department of Justice all urged that greater flexibility be given to the Federal Reserve Board. What he fails to state is that the vehicle by which this greater flexibility was to be achieved, according to the Fed and many others was the adoption of the "functionally related" test.

The fact is that the conferees rejected the "functionally related" test and accepted the key phrase of the 1956 act—"so closely related to banking . . . as to be a proper incident thereto". By this action, the conferees clearly rejected the pleas of all those who were asking for the Federal Reserve to be given greater flexibility in interpreting section 4(c)(8).

One further point should be emphasized. In the statement of managers filed yesterday, the omission in this legislation of the phrase "financial, fiduciary, or insurance nature" from the present law was discussed in some detail. The gentleman from New Jersey asserts, without further elaboration, that this too indicated that the Congress wanted to give the Federal Reserve Board greater flexibility. It is awfully late to "discover" that this change in the law adds greater flexibility, since the prevailing views in the House report, signed by the gentleman from New Jersey, virtually ignored the same change made in the committee-passed bill and stated as clearly as could be stated that the key language in section 4(c)(8) was the "functionally related" language proposed by Chairman Martin of the Federal Reserve Board. In addition, the Justice Department letter of November 17, 1970, delivered to all the conferees, stated that there was no real difference between the House version, which retained the term "financial or fiduciary" and the Senate version, which omitted any reference to "financial, fiduciary, or insurance".

Let me also discuss the question of the general exemptions provided in the act. The bill agreed upon by the conference applies the "closely related" test to all one-bank holding companies created after June 30, 1968, and to all acquisitions of one-bank holding companies made after that date. For one-bank holding companies created prior to July 1, 1968, the Federal Reserve Board is permitted to grant exemptions under specified circumstances in the case of small banks generally located in small communities which have been controlled by bank holding companies over a long period of years.

In addition, all one-bank holding companies created prior to July 1, 1968, are exempted from regulation under the act, subject to Federal Reserve Board review. Since the act is intended to separate banking from commerce, it should be applied to all significant holding company operations, regardless of when created. Therefore, the Federal Reserve Board is expected to remove exemptions, especially in the case of large one-bank holding companies, because it is generally agreed that significant exceptions to the coverage of the act should not be permitted.

Thus, while fairly innocuous one-bank holding company activities which have existed for a number of years without proving to be contrary to the purposes of the act may be allowed to continue, the Board will be expected to terminate exemptions for substantial bank holding companies whose operations would clearly be inconsistent with the purposes of the act.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman.

Mr. STANTON. Mr. Speaker, I concur with the gentleman that we bring the one-bank holding companies under the multibank holding company legislation so that the one-bank holding company is, in general, regulated the same as the multibank holding companies.

I would like to ask the gentleman from Wisconsin if he thinks that a discrepancy exists today in the general banking industry. Are the thousands of independent banks in this country, who are not one-bank holding companies, less limited, or less flexible, than banks that are bank holding companies?

Mr. REUSS. I would like to see the artificial divisions in our system of financial institutions, among unit banking, branch banking, multibank holding companies, one-bank holding companies, done away with so that there are no artificial incentives to get into one stall or the other. I think from my conversation with the gentleman from Ohio that that is his view, too, and, I repeat, I would be most receptive in the future to constructive proposals from any source looking toward an expansion of the banking business. But let it be across the board and not in just one category.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman from Ohio.

Mr. STANTON. Looking down the road—I am not sure it is so in the State of Wisconsin, but it is in the State of Ohio—we observe a rapid growth in multibank holding companies. I was wondering if the gentleman from Wisconsin was not hopeful, as I am, that when the Presidential Commission next year goes into the subject of banking, it will have something to say on the general subject of multibank holding companies?

Mr. REUSS. I am hopeful that the Commission will produce some constructive recommendations, but I would have to say that it would be even more hopeful if the Commission included some of our leaders, such as BILL WIDNALL and WRIGHT PATMAN, so that there could be a legislative presence in their deliberations. In my judgment, it would have been a better Commission if we had done that. But, of course, we will look at their recommendations.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I am glad to yield to the gentleman from Tennessee.

Mr. BROCK. Again, in order to assist me in clarifying the point, and perhaps to make a little legislative history as well, I think there is a possibility that when the conferees removed the laundry list, specifically that relating to insurance and insurance agents, from the prohibitions included in the bill, there could be an interpretation by some other person reading the language later on that we intended to allow banks to engage in the activities of an insurance agency. That would not be a fair interpretation of the action of the conference, would it?

Mr. REUSS. I can categorically say that that interpretation would not be a fair interpretation. What the majority of the House conferees, in effect, agreed to was to trade the so-called laundry list of prohibited activities for a revisit of the closely related language of the 1956 act. Under that act, insurance, for example, was permitted to registered bank holding companies only to a very limited extent; and I would anticipate, as I have said before, that interpretation would remain as far as the "closely related" test is concerned.

If it is sought by the banking industry, for example, to get into insurance on a broader scale, then they should present their case to the Congress, not merely with respect to bank holding companies, but with respect to unit, branch, multibank, and one-bank holding companies, and if they make their case, I would have no hesitancy in going along with them.

Mr. BROCK. I appreciate the gentleman's response. If I may proceed to define it a little more specifically, I would appreciate the gentleman yielding.

Mr. REUSS. I yield to the gentleman from Tennessee.

Mr. BROCK. The thrust, then, of the legislative intent of the conferees would be perhaps to allow a continuation of practices such as activities in the credit life insurance field, which are directly related to the banking function, and not in the field of general insurance whatsoever.

Mr. REUSS. Certainly not in the field of general insurance; and with respect to credit insurance, I would say that the general lines picked out by the Federal Reserve in its adjudications over the years will probably be continued. After all, they are dealing with the same language, "closely related to banking." I would presume that would carry over in interpreting that test.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. The gentleman has talked about insurance in a general way. Is the gentleman talking about the writing or about the salesmen?

Mr. REUSS. It is not from a desire to duck the gentleman's question, but from a feeling that if I answered it precisely,

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I would be making false and fraudulent legislative history. I am quite content to leave to the Federal Reserve the adjudication of these close insurance cases, having in mind the continued life we have given the phrase "closely related to banking." We honestly would not want to answer the gentleman's question. It trenches on what the Fed has to do.

Mr. BROWN of Michigan. If the gentleman will yield further, it seemed to me it has taken a great deal of time today to establish that which the conferees have written. Am I not correct in assuming that the conferees could not agree upon these things and that, therefore, a broad discretion was left to the Federal Reserve Board in deciding the very things we have talked about here in the way of legislative history?

Mr. REUSS. A discretion precisely as broad and not one peppercorn broader than the "closely related" phrase of the 1956 act. We gave the Federal Reserve some discretion in 1956. In my judgment the Board, by and large, has exercised it rather well. We have said: Do unto one-bank holding company systems what you have done thus far unto the multibank holding companies.

Mr. BROWN of Michigan. Mr. Speaker, if the gentleman will yield further, would the gentleman not agree a letter was sent to the chairman of the Banking and Currency Committee with respect to the language "functionally related to or managing or controlling" and that in that letter even broader discretion was asked for by the Federal Reserve Board than the gentleman is suggesting here?

Mr. REUSS. That is correct.

Mr. BROWN of Michigan. And is it not true that is the language the gentleman adopted, so therefore he has a broad discretion for the Federal Reserve Board here?

Mr. REUSS. The gentleman could not, if I may say so gently, be more wrong. We have repeatedly rejected the appeal made many times by the Federal Reserve Board to give them a functionally related phrase, which would allow the liberalists to go off to the races. We rejected that, and instead kept to the "closely related" which has governed them since 1956, and under which some members of the Federal Reserve felt restive. They are disappointed by the conference report, because we did not beef it up.

Mr. BROWN of Michigan. But the gentleman would agree, had he cared to so restrict the Federal Reserve, he could have by keeping to the language passed by this House in establishing these prohibitions in all these areas; is that not correct?

Mr. REUSS. I prefer very frankly the language which we did adopt, which is exactly the equivalent of the 1956 language. I never was a laundry-list maniac myself. I think we did the right thing in going back to the pure unadulterated language of "closely related" of 1956.

Mr. BROWN of Michigan. The gentleman would concur basically that what we have done is to eliminate the prohibitions in the laundry list and emasculate the bill?

Mr. MOORHEAD. Mr. Speaker, on March 24, 1969, President Nixon called for amendments to the Bank Holding Company Act of 1956 to eliminate the loophole enjoyed by one-bank holding companies and to give the Federal Reserve Board new powers to regulate the activity of bank holding companies. At that time, the President stated:

> Legislation in this area is important because there has been a disturbing trend in the past year toward erosion of the traditional separation of powers between the suppliers of money—banks—and the users of money—commerce and industry.
>
> Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for the borrowers and consumers.
>
> The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely upon its independence. Banking must not dominate commerce or be dominated by it.

The Committee on Banking and Currency, of which I am a member, conducted extensive hearings in the spring of 1969, on a variety of proposals to amend the Bank Holding Company Act. After these hearings and careful study, legislation was reported to the floor of the House by our committee. This legislation was substantially modified after almost 2 full days of debate by the House and sent to the Senate committee.

The Senate Committee on Banking and Currency conducted extensive hearings in the spring of 1970 and reported legislation to the floor of the Senate which was modified and sent to a House-Senate conference committee.

The conference committee has labored long and hard to reconcile the differences between the House and Senate versions of H.R. 6778. As a member of the committee having jurisdiction over this legislation, I believe that the conferees have reached agreement on a good, workable piece of legislation clearly designed to obtain the objectives set forth by President Nixon, thus assuring that the traditional distinction between banking and commerce is maintained. What President Nixon described as the "disturbing trend in the past year of erosion of the traditional separation of powers between the suppliers of money—banks—and the users of money—commerce and industry" has been reversed. The Federal Reserve Board is now charged with the important responsibility of assuring that it interprets the various positions of H.R. 6778 in a manner intended by the Congress as defined in the statement of the conferees concerning this important legislation.

Mr. CASEY. Mr. Speaker, I want to express my deep appreciation and personal thanks to my distinguished friends and colleagues, Representative WRIGHT PATMAN and Representative LEONOR K. SULLIVAN, and to commend the House and Senate conferees for their wisdom in retaining my amendment to the section authorizing a new commemorative silver dollar honoring President Eisenhower.

In doing so, they have assured the American people that we not only will honor a great soldier-statesman who became our President—but that we also will honor the greatest scientific achievement in the history of mankind, the landing of our Apollo XI on the lunar surface.

It is indeed fitting that our distinguished colleagues have assured us that this great American milestone in space exporation will be suitably commemorated. Millions of Americans, in fact, millions of people over the world who knew and loved President Eisenhower will seek these coins as mementoes of his great career as a general and as a President. And they will be forever reminded by the reverse of the coin that American know-how and ingenuity and perseverance saw that men from a freedom-loving nation were the first to step upon an alien world in outer space.

We, in America, who have become accustomed to our successes in the space field, fail to realize the tremendous impact our lunar landings have had upon the people of the world. It has won us their respect and admiration, and I consider it an achievement in which we can take great pride, and with modesty, can suitably commemorate in this fashion.

For those of my colleagues who may not recall the insignia of the Apollo XI, permit me to briefly describe it, for the reverse of the new silver dollar will be emblematic of this insignia. It shows an American bald eagle, bearing an olive branch in both claws, landing on the cratered surface of the moon, while over its right wing, earth rises in the distance.

In my judgment, the new silver dollar will be one of the most beautiful of our American coins, and will be eagerly sought after by collectors.

And to my distinguished friends and colleagues who have made this so, on behalf of myself and a great many people interested in our space achievements and in the field of numismatics, I extend our grateful thanks.

Mrs. SULLIVAN. Mr. Speaker, on a bill as complex as this one, with the stakes high up in the hundreds of millions and billions of dollars, and following a conference committee series of meetings of great controversy and grinding negotiations and many, many offers and counter offers in an attempt to reach agreement, the fact that we have an agreement, on language is remarkable. What disturbs me, however, is that in view of the wide differences which existed in the House and Senate bills and the bitter arguments we had over the concept of this legislation, everyone now seems to be satisfied with the result. Perhaps that is the essence of the legislative process of compromise in order to reach agreement. But it worries me a bit. If we have created any new loopholes by this language, I hope the Federal Reserve will be quick to come up and tell us so.

The House conferees—particularly the majority members—were insistent that the Federal Reserve be allowed to go back and review every one-bank holding company and make determinations with reasonable speed on the biggest ones first, and then on all the rest. And, in the meantime, the glaring loophole in the law is to be closed, so that no new one-bank holding companies can be formed except in conformance with the guidelines set down in the bill, and existing one-bank holding companies cannot freely and without supervision go into new areas of activity.

We mean the new legislation to be enforced and administered narrowly to accomplish the purposes spelled out in the statement of managers on the part of the House.

THE COINAGE ISSUE

On the coinage issue, we had to make a major concession to certain economic interests in this country whose interest in honoring the late President Eisenhower seemed to be secondary to the speculative operations of the silver futures market. We received a major enough concession from the Senate conferees on one very important feature of the Senate version of the one-bank holding company bill to persuade the House conferees in turn to go along with the Senate on the use of some defense stockpile silver for the somewhat frivolous purpose of turning out 150 million commemorative coins. My hope is that the depletion of the silver stockpile will not turn out to be a major blunder—forcing the Government, for defense purposes, to go out later and buy silver at a much higher price for essential production purposes.

The House Banking and Currency Committee initiated the proposal in this legislation to honor President Eisenhower with a $1 coin—a circulating coin. The silver aspect was a Senate addition—a Senate requirement that we should not shake. The "coincidence" of the report by the Office of Emergency Preparedness that we could spare 25½ million ounces of silver out of stockpile, just at the time that exact amount of silver was found to be needed to turn out these 150 million souvenir coins, was, in my opinion, a political decision which raises serious questions in my mind about the integrity of our defense stockpile program. I can assure the House that as a Member of the Joint Committee on Defense Production, I will try my best to get to the bottom of this issue and see how carefully our taxpayer-owned strategic materials are being husbanded for future defense and essential civilian production purposes.

Minting silver coins from silver for defense purposes is hardly an essential use of that unique and very strategic national resource.

The SPEAKER pro tempore. All time has expired.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 366, nays 4, answered "present" 7, not voting 57, as follows:

[No. 416 Leg.]

YEAS—366

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hogan
Holifield
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
Mayne
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Rousselot
Roybal
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Watson
Watts
Weicker
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—4

Hicks
Landgrebe
Rarick
Schmitz

ANSWERED "PRESENT"—7

Clausen, Don H.
Jonas
Mailliard
Myers
Pelly
Quillen
Ruppe

NOT VOTING—57

Anderson, Tenn.
Aspinall
Blackburn
Boland
Bolling
Burke, Fla.
Burton, Utah
Button
Carey
Colmer
Cramer
Cunningham
Daddario
Diggs
Dowdy
Edwards, La.
Farbstein
Fisher
Flynt
Ford, William D.
Foreman
Giaimo
Gilbert
Horton
Hull
Kee
Langen
Long, La.
Lujan
Lukens
McCulloch
McKneally
MacGregor
May
Meskill
Michel
Mize
Morton
Moss
Nichols
O'Konski
Ottinger
Pollock
Powell
Purcell
Railsback
Reifel
Rivers
Schadeberg
Sebelius
Tunney
Vander Jagt
Whitehurst
Winn
Wolff
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Long of Louisiana with Mr. Blackburn.
Mr. Edwards of Louisiana with Mr. McCulloch.
Mr. Rivers with Mr. Burke of Florida.
Mr. Giaimo with Mr. Railsback.
Mr. Purcell with Mr. Michel.
Mr. Wolff with Mr. Horton.
Mr. Hull with Mr. Sebelius.
Mr. Aspinall with Mr. Vander Jagt.
Mr. Anderson of Tennessee with Mr. Schadeberg.
Mr. Boland with Mr. Mize.
Mr. Carey with Mr. Lujan.
Mr. Nichols with Mr. Winn.
Mr. Moss with Mr. Don H. Clausen.
Mr. Wright with Mr. Reifel.
Mr. Fisher with Mr. O'Konski.
Mr. Colmer with Mr. Lukens.
Mr. Daddario with Mr. Meskill.
Mr. Kee with Mr. Diggs.
Mr. Dowdy with Mr. Whitehurst.
Mr. William D. Ford with Mr. Pollock.
Mr. Gilbert with Mr. McKneally.
Mr. Tunney with Mr. Cunningham.
Mr. Ottinger with Mrs. May.
Mr. Farbstein with Mr. Langen.
Mr. Button with Mr. Burton of Utah.
Mr. Morton with Mr. MacGregor.
Mr. Cramer with Mr. Foreman.

Mr. DENNEY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to and include therewith pertinent extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17825, AMENDING OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on H.R. 17825, to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON S. 2193, OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. PERKINS submitted the following conference report and statement on the bill (S. 2193), to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 91-1765)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Occupational Safety and Health Act of 1970".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce; and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for declining with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Commission" means the Occupational Safety and Health Review Commission established under this Act.

(3) The term "commerce" means trade, traffic, commerce transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof.

(4) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(5) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(6) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(7) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(8) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(9) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (1), has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary that persons interested and affected, by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered and (3) has been designated as such a standard by the Secretary, after consultation with other appropriate Federal agencies.

(10) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

(11) The term "Committee" means the National Advisory Committee on Occupational Safety and Health established under this Act.

(12) The term "Director" means the Director of the National Institute for Occupational Safety and Health.

(13) The term "Institute" means the National Institute for Occupational Safety and Health established under this Act.

(14) The term "Workmen's Compensation Commission" means the National Commission on State Workmen's Compensation Laws established under this Act.

APPLICABILITY OF THIS ACT

SEC. 4. (a) This Act shall apply with respect to employment performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act. Johnston Island, and the Canal Zone. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no United States district courts having jurisdiction.

(b) (1) Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended

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(42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(2) The safety and health standards promulgated under the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35 et seq.), the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), Public Law 91–54, Act of August 9, 1969 (40 U.S.C. 333), Public Law 85–742, Act of August 23, 1958 (33 U.S.C. 941), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.) are superseded on the effective date of corresponding standards, promulgated under this Act, which are determined by the Secretary to be more effective. Standards issued under the laws listed in this paragraph and in effect on or after the effective date of this Act shall be deemed to be occupational safety and health standards issued under this Act, as well as under such other Acts.

(3) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(4) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

DUTIES

Sec. 5. (a) Each employer—

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Sec. 6. (a) Without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending two years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees. In the event of conflict among any such standards, the Secretary shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees.

(b) The Secretary may by rule promulgate, modify, or revoke any occupational safety or health standard in the following manner:

(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 7 of this Act. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking an occupational safety or health standard in the Federal Register and shall afford interested persons a period of thirty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the occupational safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue a rule promulgating, modifying, or revoking an occupational safety or health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Secretary determines may be necessary to insure that affected employers and employees will be informed of the existence of the standard and of its terms and that employers affected are given an opportunity to familiarize themselves and their employees with the existence of the requirements of the standard.

(5) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(6)(A) Any employer may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of clause (B) and establishes that (i) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (ii) he is taking all available steps to safeguard his employees against the hazards covered by the standard, and (iii) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this paragraph shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing: Provided, That the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice (I) so long as the requirements of this paragraph are met and (II) if an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than 180 days.

(B) An application for a temporary order under this paragraph (6) shall contain:

(i) a specification of the standard or portion thereof from which the employer seeks a variance,

(ii) a representation by the employer, supported by representations from qualified persons having firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor,

(iii) a statement of the steps he has taken and will take (with specific dates) to protect employees against the hazard covered by the standard,

(iv) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard, and

(v) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means. A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Secretary for a hearing.

(C) The Secretary is authorized to grant a variance from any standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare certifies, that such variance is necessary to permit an employer to participate in an experiment approved by him or the Secretary of Health, Education, and Welfare designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(7) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions

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and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the employee, to his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

(8) Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall, at the same time, publish in the Federal Register a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

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(c)(1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Secretary shall commence a proceeding in accordance with section 6(b) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than six months after publication of the emergency standard as provided in paragraph (2) of this subsection.

(d) Any affected employer may apply to the Secretary for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

(e) Whenever the Secretary promulgates any standard, makes any rule, order, or decision, grants any exemption or extension of time, or compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, which shall be published in the Federal Register.

(f) Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. The determinations of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole.

(g) In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces, or work environments. The Secretary shall also give due regard to the recommendations of the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

ADVISORY COMMITTEES; ADMINISTRATION

SEC. 7. (a)(1) There is hereby established a National Advisory Committee on Occupational Safety and Health consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and composed of representatives of management, labor, occupational safety and occupational health professions, and of the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(2) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(3) The members of the Committee shall be compensated in accordance with the provisions of section 3109 of title 5, United States Code.

(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(b) An advisory committee may be appointed by the Secretary to assist him in his standard-setting functions under section 6 of this Act. Each such committee shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any such advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 3109 of title 5, United States Code. The Secretary shall pay to any State which is the employer of a member of such a committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

(c) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS-18 under section 5332 of title 5, United States Code, including traveltime, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 8. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c)(1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health, Education, and Welfare, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 6, and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(f)(1) Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

(2) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which they have reason to believe exists in such workplace. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g)(1) The Secretary and Secretary of Health, Education, and Welfare are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

(2) The Secretary and the Secretary of Health, Education, and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

CITATIONS

SEC. 9. (a) If, upon inspection or investigation, the Secretary or his authorized representative believes that an employer has violated a requirement of section 5 of this Act, of any standard rule or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health.

(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred.

(c) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

PROCEDURE FOR ENFORCEMENT

SEC. 10. (a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 17 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under subsection (c) within such time, the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not begin to run until the entry of a final order by the Commission in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties, the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under subsection (a) or (b) of this section, or if, within fifteen working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final thirty days after its issuance. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the Commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

XUM

JUDICIAL REVIEW

SEC. 11. (a) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) of section 10 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

(b) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the employer has its principal office, and the provisions of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (a), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 10, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 17, in addition to invoking any other available remedies.

(c) (1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

(3) Within 90 days of the receipt of a complaint filed under this subsection the Secretary shall notify the complainant of his determination under paragraph 2 of this subsection.

THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SEC. 12. (a) The Occupational Safety and Health Review Commission is hereby established. The Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

(b) The terms of members of the Commission shall be six years except that (1) the members of the Commission first taking office shall serve, as designated by the President at the time of appointment, one for a term of two years, one for a term of four years, and one for a term of six years, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(57) Chairman, Occupational Safety and Health Review Commission."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Members, Occupational Safety and Health Review Commission."

(d) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

(e) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission and shall appoint such hearing examiners and other employees as he deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided,* That assignment, removal and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

(f) For the purpose of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

(g) Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings. Unless the Commission has adopted a different rule, its proceedings shall be in accordance with the Federal Rules of Civil Procedure.

(h) The Commission may order testimony to be taken by deposition in any proceedings pending before it at any state of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this subsection, and the persons taking such deposition, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(i) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Commission.

(j) A hearing examiner appointed by the Commission shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commission within thirty days after such report by the hearing examiner, unless within such period any Commission member has directed that such report shall be reviewed by the Commission.

(k) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to section 5108 of title 5, United States Code. Each hearing examiner shall receive compensation at a rate not less than that prescribed for GS–16 under section 5332 of title 5, United States Code.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 13. (a) The United States district courts shall have jurisdiction upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary arbitrarily or capriciously fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, might bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the employer has its principal office, or for the District of Columbia, for a writ of mandamas to compel the Secretary to seek such an order and for such further relief as may be appropriate.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary, the Commission, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Secretary, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard, rule, or order promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any employer who has received a citation for a serious violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall be assessed a civic penalty of up to $1,000 for each such violation.

(c) Any employer who has received a citation for a violation of the requirements of section 5 of this Act, of any standard, rule promulgated pursuant to section 6 of this Act, or of regulations prescribed pursuant to this Act, and such violation is specifically determined not to be of a serious nature, may be assessed a civic penalty of up to $1,000 for each such violation.

(d) Any employer who fails to correct a violation for which a citation has been issued under section 9(a) within the period permitted for its correction (which period shall not begin to run until the date of the final order of the Commission in the case of any review proceeding under section 10 initiated by the employer in good faith and not solely for delay or avoidance of penalties), may be assessed a civil penalty of not more than $1,000 for each day during which such failure or violation continues.

(e) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment for not more than one year, or by both.

(f) Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

(g) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(h)(1) Section 1114 of title 18, United States Code, is hereby amended by striking out "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act" and inserting in lieu thereof "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions".

(2) Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111, shall be punished by imprisonment for any term of years or for life.

(i) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to $1,000 for each violation.

(j) The Commission shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(k) For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(l) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provide for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 8, and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

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(d) If the Secretary rejects a plan submitted under subchapter (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 8, 9, 10, 13, and 17 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(a)(2), 8 (except for the purpose of carrying out subsection (f) of this section), 9, 10, 13, and 17, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

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(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

RESEARCH AND RELATED ACTIVITIES

SEC. 20. (a) (1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Secretary to meet his responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments, and any other information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment, including but not limited to the exposure levels at which no employee will suffer impaired health or functional capacities or diminished life expectancy as a result of his work experience.

(4) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(5) The Secretary of Health, Education, and Welfare, in order to comply with his responsibilities under paragraph (2), and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believes may endanger the health or safety of employees. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illnesses. Nothing in this or any other provisions of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. Upon the request of any employer who is required to measure and record exposure of employees to substances or physical agents as provided under this subsection, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

(6) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

(7) Within two years of enactment of this Act, and annually thereafter, the Secretary of Health, Education, and Welfare shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 8 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary shall cooperate with the Secretary of Health, Education, and Welfare in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

(e) The functions of the Secretary of Health, Education, and Welfare under this Act shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 22 of this Act.

TRAINING AND EMPLOYEE EDUCATION

SEC. 21. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct, directly or by grants or contracts, short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall (1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and (2) consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

SEC. 22. (a) It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

(b) There is hereby established in the Department of Health, Education, and Welfare a National Institute for Occupational Safety and Health. The Institute shall be headed by a Director who shall be appointed by the Secretary of Health, Education, and Welfare, and who shall serve for a term of six years unless previously removed by the Secretary of Health, Education, and Welfare.

(c) The Institute is authorized to—

(1) develop and establish recommended occupational safety and health standards; and

(2) perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

(d) Upon his own initiative, or upon the request of the Secretary or the Secretary of Health, Education, and Welfare, the Director is authorized (1) to conduct such research and experimental programs as he determines are necessary for the development of criteria for new and improved occupational safety and health standards, and (2) after consideration of the results of such research and experimental programs make recommendations concerning new or improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to this section shall immediately be forwarded to the Secretary of Labor, and to the Secretary of Health, Education, and Welfare.

(e) In addition to any authority vested in the Institution by other provisions of this section, the Director, in carrying out the functions of the Institute, is authorized to—

(1) prescribe such regulations as deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) in accordance with the civil service laws, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provisions of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Director deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) make other necessary expenditures.

(f) The Director shall submit to the Secretary of Health, Education, and Welfare, to the President, and to the Congress an annual report of the operations of the Institute under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as he deems appropriate.

GRANTS TO THE STATES

SEC. 23. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18 to assist them—

(1) in identifying their needs and responsibilities in the area of occupational safety and health,

(2) in developing State plans under section 18, or

(3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilites of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

(d) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary, pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may not exceed 50 per centum of the total cost to the State of such a program. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to the Congress, describing the experience under the grant program authorized by this section and making any recommendations he may deem appropriate.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act. The Secretary shall compile accurate statistics on work injuries and illnesses which shall include all disabling, serious, or significant injuries and illnesses, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(b) To carry out his duties under subsection (a) of this section, the Secretary may—

(1) promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics;

(2) make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics; and

(3) arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 8(c) of this Act, employers shall file such reports with the

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Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

AUDITS

SEC. 25. (a) Each recipient of a grant under this Act shall keep such records as the Secretary or the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources and such other records as will facilitate an effective audit.

(b) The Secretary or the Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

ANNUAL REPORT

SEC. 26. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

SEC. 27. (a) (1) The Congress hereby finds and declares that—

(A) the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation; and

(B) in recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

(2) The purpose of this section is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

(b) There is hereby established a National Commission on State Workmen's Compensation Laws.

(c) (1) The Workmen's Compensation Commission shall be composed of fifteen members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, members of the medical profession having experience in industrial medicine or in workmen's compensation cases, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Workmen's Compensation Commission.

(2) Any vacancy in the Workmen's Compensation Commission shall not affect its powers.

(3) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Workmen's Compensation Commission.

(4) Eight members of the Workmen's Compensation Commission shall constitute a quorum.

(d) (1) The Workmen's Compensation Commission shall undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (A) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (B) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician, (C) the extent of coverage of workers, including exemptions based on numbers or type of employment, (D) standards for determining which injuries or diseases should be deemed compensable, (E) rehabilitation, (F) coverage under second or subsequent injury funds, (G) time limits on filing claims, (H) waiting periods, (I) compulsory or elective coverage, (J) administration, (K) legal expenses, (L) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (M) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (N) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (O) the relationship between workmen's compensation on the one hand, and old-age, disability, and survivors insurance and other types of insurance, public or private, on the other hand, (P) methods of implementing the recommendations of the Commission.

(2) The Workmen's Compensation Commission shall transmit to the President and to the Congress not later than July 31, 1972, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

(e) (1) The Workmen's Compensation Commission or, on the authorization of the Workmen's Compensation Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Workmen's Compensation Commission deems advisable. Any member authorized by the Workmen's Compensation Commission may administer oaths or affirmations to witnesses appearing before the Workmen's Compensation Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Workmen's Compensation Commission, upon request made by the Chairman or Vice Chairman, such information as the Workmen's Compensation Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Workmen's Compensation Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(g) The Workmen's Compensation Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(h) Members of the Workmen's Compensation Commission shall receive compensation for each day they are engaged in the performance of their duties as members of the Workmen's Compensation Commission at the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Workmen's Compensation Commission.

(i) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(j) On the ninetieth day after the date of submission of its final report to the President, the Workmen's Compensation Commission shall cease to exist.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 28. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows: "(6) to make such

loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

ADDITIONAL ASSISTANT SECRETARY OF LABOR

Sec. 29. (a) Section 2 of the Act of April 17, 1946 (60 Stat. 91) as amended (29 U.S.C. 553) is amended by—

(1) striking out "four" in the first sentence of such section and inserting in lieu thereof "five"; and

(2) adding at the end thereof the following new sentence, "One of such Assistant Secretaries shall be an Assistant Secretary of Labor for Occupational Safety and Health.".

(b) Paragraph (20) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

ADDITIONAL POSITIONS

Sec. 30. Section 5108(c) of title 5, United States Code, is amended by—

(1) striking out the word "and" at the end of paragraph (8);

(2) striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately after paragraph (9) the following new paragraph:

"(10)(A) the Secretary of Labor, subject to the standards and procedures prescribed by this chapter, may place an additional twenty-five positions in the Department of Labor in GS–16, 17, and 18 for the purposes of carrying out his responsibilities under the Occupational Safety and Health Act of 1970;

"(B) the Occupational Safety and Health Review Commission, subject to the standards and procedures prescribed by this chapter, may place ten positions in GS–16, 17, and 18 in carrying out its functions under the Occupational Safety and Health Act of 1970."

EMERGENCY LOCATOR BEACONS

Sec. 31. Section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"EMERGENCY LOCATOR BEACONS

"(d)(1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed—

"(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

"(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

"(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty miles from its base; and aircraft used for the aerial application of chemicals."

SEPARABILITY

Sec. 32. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

APPROPRIATION

Sec. 33. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

Sec. 34. This Act shall take effect one hundred and twenty days after the date of its enactment.

And the House agreed to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

Carl D. Perkins,
Edith Green,
Frank Thompson, Jr.,
John H. Dent,
Dominick V. Daniels,
James G. O'Hara,
Augustus F. Hawkins,
William D. Ford,
William D. Hathaway,
Lloyd Meeds,
Phillip Burton,
Joseph M. Gaydos,
William H. Ayres,
Albert H. Quie,
John N. Erlenborn,
Marvin L. Esch,
Edwin D. Eshleman,
William A. Steiger,
Managers on the Part of the House.

Winston Prouty,
W. B. Saxbe,
Richard S. Schweiker,
Peter H. Dominick,
Harrison A. Williams,
Ralph W. Yarborough,
Jennings Randolph,
Claiborne Pell,
Gaylord Nelson,
Walter F. Mondale,
Thomas F. Eagleton,
Alan Cranston,
Jacob K. Javits,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women, to assist and encourage States to participate in efforts to assure such working conditions, to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a new text The conference report recommends a substitute text for both the Senate bill and the House amendment. Except for minor, technical, and clarifying differences, this statement describes the actions of the conferees insofar as they recommend changes in the House amendment.

CONGRESSIONAL FINDINGS AND PURPOSE

The findings and purposes of the Senate bill and the House amendment were consistent but the House provisions were more detailed. The Senate receded.

DEFINITIONS

Under the Senate bill to qualify as a "national consensus standard", interested parties had to reach substantial agreement on its adoption after diverse views had been considered. Under the House amendment, a standard qualified if in the process interested parties' views were considered. The House receded.

APPLICABILITY OF ACT

The Senate bill did not provide coverage for Guam. The House amendment did. A House provision excluded from coverage any vessel underway on the Outer Continental Shelf lands. The House receded on the second point, the Senate on the first.

EFFECT ON OTHER LAWS

The Senate bill said the Act should not apply to working conditions with respect to which other Federal agencies exercise statutory authority affecting occupational safety and health, while the House amendment excluded employees whose working conditions were so regulated. The House language had an additional exclusion relating to employees whose safety and health were regulated by state agencies acting under section 274 of the Atomic Energy Act of 1954. The House receded on the first point; the Senate receded on the second.

The Senate bill provided that safety standards under any law administered by the Secretary of Labor (Walsh-Healy, Service Contract Act, Construction Safety Act, Arts and Humanities Act, and Longshore Safety) would be superseded when more effective standards are promulgated under this Act, but until then they were deemed standards under the present Act. The enforcement process of this Act was thus added to the enforcement procedures of those other Acts. The House amendment repealed and rescinded standards under the Walsh-Healy, the Service Contracts, and the Arts and Humanities Acts. All construction industry employers were exempted from this Act and the entire industry brought under the Construction Safety Act. That Act was amended to make the enforcement provisions of this Act applicable. Unlike the Senate bill which left the hearing of contract violation cases with the Secretary, the House amendment provided the hearing of such cases by the Safety and Health Commission. The House receded.

The conferees intend that the Secretary develop health and safety standards for construction workers covered by Public Law 91–54 pursuant to the provisions of that law and that he use the same mechanisms and resources for the development of health and safety standards for all the other construction workers newly covered by this Act, including those engaged in alterations, repairs, painting and/or decorating.

It is understood by the Conferees that in any enforcement proceedings brought under either this Act or under such other Acts, the principle of collateral estoppel will apply.

DUTIES OF EMPLOYERS AND EMPLOYEES

Employers' Duties.—The Senate bill required workplaces to be free from "recognized hazards". The House amendment required such places to be free from "any hazards which are readily apparent and are causing or are likely to cause death or serious bodily harm." The House provision was adopted with the Senate's "recognized hazard" term replacing the House's "readily apparent hazard."

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Employees' Duties.—The Senate bill required each employee to comply with occupational health and safety standards and the rules, regulations, and orders issued under this Act. The House amendment had no comparable provision. The House receded.

THE PROMULGATION OF HEALTH AND SAFETY STANDARDS

Who Should Promulgate.—The Senate bill provided for the promulgation of occupational safety and health standards by the Secretary of Labor. The House amendment authorized their promulgation by a National Occupational Safety and Health Board. The House receded.

Interim Standards—Procedure.—Unless it was determined that such standards would not improve safety or health, both versions of the bill required the earliest practical promulgation of national consensus and established Federal standards and permitted use of an informal, shortened rule-making procedure. Two years were permitted in the Senate bill, three years in the House amendment. Not contained in the House amendment was a Senate provision for the promulgation of existing proprietary standards also by a shortened rule-making procedure during the first two years. The Senate receded with respect to the issuance of proprietary standards. The House receded as to the time.

Permanent Standards—Procedure.—In the procedures provided for the establishment and promulgation of standards (other than those mentioned above) there were many similarities in the Senate bill and the House amendment. For instance, both the Secretary and Board were permitted to begin rule-making on their own motion or on the basis of petitions. Some of the procedural differences resulted mainly, however, from the choice of the respective bodies as to who should do the rule-making. The chief difference lay in the fact that the procedure for setting standards in the Senate bill was the informal rule-making procedures of the Administrative Procedure Act and required a hearing only if it was requested. The procedure for setting standards under the House amendment were under the formal rule-making procedures also provided in the Administrative Procedure Act. The House receded on the procedure for promulgating standards.

Once it was decided that a rule should be prescribed, both the Secretary (under the Senate bill) and the Board (under the House amendment) were permitted to appoint an advisory committee to make recommendations. The Senate bill required a report back from the advisory committee within 90 days, which could be extended to 270 days. The House amendment established the normal time to be 270 days, which could be extended to 1 year, 3 months. Both versions permitted the Secretary to prescribe a shorter period.

Under the Senate bill, the Secretary was required to publish a proposed rule promulgating, modifying or remaking a safety or health standard in the Federal Register. This publication had to follow within 60 days the recommendation of an advisory committee or, if they failed to report back, within 60 days of the time set by the Secretary for their recommendations. Publication in the Register permitted interested persons 30 days to submit written data or comments and to ask for a hearing. Within an additional 30 days the Secretary was required to publish any standard which had been objected to and a hearing requested. He had also to set a time and place for a hearing. Sixty days after the expiration of the time permitted for filing written data or comments, or 60 days after completion of the hearing, the Secretary had to issue the rule or determine that a rule should not be issued.

Under the House bill within 4 months after the advisory committee had made its recommendations (or if they failed to do so, 4 months after the time set for them to do so), the Board was required to schedule and give notice of a hearing on the proposal in the Federal Register.

The House provided for issuance of the rule promulgating, modifying, or revoking the standard or declining to do so, within 60 days following completion of the hearings where an advisory committee had acted, 120 days, where no such committee has been appointed. All Senate provisions as to procedure and time limitations were retained.

Effective Date.—Both the Senate bill and the House amendment permitted the Secretary or the Board, respectively, to delay the effective date of a new standard to permit affected employers to familiarize themselves and their employees with its requirements. The House amendment limited that possible delay to 90 days. The Senate bill had no such limitation. The Senate receded.

Development of Standards.—The Senate bill directed the Secretary in setting standards dealing with toxic materials or harmful physical agents to set the standard which assures that no employee will suffer material impairment of health or functional capacity even if he is exposed for all his working life. The Senate bill also provided that (1) standards shall be based on research, demonstrations, experiments, and such other information as may be appropriate; (2) in addition to the attainment to the highest degree of health and safety protection to the employee, other considerations shall be the latest scientific data in the field, the feasibility of these standards, and experience gained under this and other health and safety standards and (3) whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired. The House amendment had no comparable provisions. The House receded with an amendment which provides that employers may petition for a temporary variance from an occupational health or safety standard if they are unable to comply with a standard for the following limited reasons: unavailability of professional or technical personnel or of necessary materials or equipment or because necessary construction or alteration of facilities cannot be completed in time. Economic hardship is not to be a consideration for the qualification for a temporary extension order. Employees are entitled to a hearing on the order. Such an order may be issued for a maximum period of one year and may not be renewed more than twice.

The conference agreement also permits a variance to permit an employer to participate in an approved experiment to demonstrate or validate new techniques to improve employees safety.

Standards—Labels and Warnings.—The Senate bill required standards requiring labels and other warnings to appraise employees of hazards, symptoms, treatments and precautions, etc. The House amendment similarly required the posting of labels and warnings to apprise employees of the existence of hazards and of the suggested methods of avoiding or alleviating them. Such labeling and warning standards were also directed by the Senate bill to be prescribed for protective equipment, control procedures, monitoring methods, and medical examinations. An informal rule-making process was permitted for modifying such labeling, monitoring, and medical examination requirements. The House amendment contained no comparable provision. The House receded.

Both versions required publication of the statement of reasons why an adopted rule would better effectuate the purposes of the Act than a national consensus standard with which it differs. The Senate bill required a publication of the statement in the Federal Register. The House required its publication as part of the rule. The adopted version requires a simultaneous publication of the rule and the statement.

Emergency Temporary Standards.—Emergency temporary standards could be issued under either version of the bill without regard to the normal rule-making requirements and to take immediate effect. The Senate bill permitted such issuances where grave danger results from exposure to toxic substances, harmful physical agents, or new hazards. The House amendment limited emergency standards to toxic substances, or new hazards "resulting from the introduction of new processes." The House receded.

Standards—Exemption, Variance.—Both the Senate bill and the House amendment permitted an employer limited freedom from a standard promulgated under the Act when he provided equally safe and healthful condition. The Senate bill characterized this as a "variance" while the House called it an "exemption." The Senate term prevailed.

Standards—Pre-enforcement Review.—The Senate bill permitted pre-enforcement judicial review by anyone adversely affected by any standard in his local circuit court of appeals provided he filed within 60 days after the promulgation. Pre-enforcement review was limited by the House amendment to the D.C. Court of Appeals and to within 30 days of issuance. The "substantial evidence" test was the basis of court review in the House amendment; in the Senate bill, the more vigorous standards generally applicable to review of rules would have been applicable. Review in the local Circuit Court of Appeals, the use of the "substantial evidence" test, and a 60-day limitation on the appeal time were accepted by the conferees.

Delegation of Authority.—Under the House amendment the Secretary was authorized to delegate his inspection authority to other agencies of the Federal Government or to agencies of the States with their permission. The Senate bill had no such provision. The House receded.

Advisory Committees—Memberships.—The House amendment made the appointment of employer and employee representatives to Advisory Committees mandatory in standard-setting proceedings. The Senate bill did not. The Senate receded.

Advisory Committees—Meetings.—The House amendment required that Advisory Committee meetings be open to the public, whereas the Senate bill did not. The Senate receded.

National Advisory Committee.—This Senate bill provided that the National Advisory Committee should have twenty members, the House amendment provided for twelve. The Senate bill specifically provided for representation on the Committee of the occupational safety and health professions. The House amendment did not. The House language was adopted but modified to provide for representation of the safety and health professions.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

Inspections.—The House amendment required that an inspector's entry into a workplace be permitted "without delay," which was not specified in the Senate bill. The Senate bill specified that the inspector could "privately" question employers, owners, agents and employees, the House amendment did not. The Senate receded on the first point, the House on the second. The Senate receded also to the House on its version of the provision authorizing compulsory process for witnesses and the production of evidence.

Inspections—Record Keeping.—The Senate bill permitted the Secretary to require record-keeping not only to insure compliance but also for the collection of research information. The House amendment limited his authority to the former purpose. The House receded.

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Self-Inspection and Protection.—The Senate bill permitted the Secretary to require periodic self-inspections by the employer and certification of the results. There was no such provision in the House amendment. The House receded, with an amendment, deleting the language with respect to the certification of results. A Senate bill provision, without a House amendment counterpart, permitting the Secretary to require the posting of notices to keep employees informed of the protections of the Act, was retained.

Employer Reports.—A Senate bill provision without a counterpart in the House amendment permitted the Secretary to require an employer to keep records and make reports on "all work-related deaths, injuries and illnesses." The House receded with an amendment limiting the reporting requirement to injuries and illnesses other than of a minor nature, with a specific definition of what is not of a minor nature.

Employee Exposure Records.—The Senate bill, but not the House amendment, required the recording of employee exposures to potentially toxic or harmful materials required to be monitored or measured under Sections 6 (standards) or 19 (research). The House receded with an amendment which required recording only of those substances required to be monitored or measured under Section 6.

The Senate bill provided and the House amendment did not, for employee access to the monitoring process and for an employee's right to be notified when he had been exposed to *potentially* toxic substances. The House receded with the deletion of the word "potentially."

Information Required of Employers.—Both the Senate bill and the House amendment provided that the federal information requirement imposed on employers be as light as possible with duplication kept to a minimum. The House amendment, in addition, placed a similar stricture on State agencies operating under this Act. The Senate receded.

Labor-Management Aid of Inspection.—The Senate bill required that both a management and an employee representative be given an opportunity to accompany an inspector conducting an inspection of the workplace. Where there is no employee representative the Senate bill required consultation with a reasonable number of employees about the safety in the workplace. The House amendment did not require such an opportunity for either the employer or the employee representative but provided that if the employer accompanied the Secretary during the conduct of an inspection the employee representative would also be given the opportunity. The House receded with the understanding that the provision in itself does not confer authority on the Secretary to prescribe regulations with respect to representation questions in a collective bargaining context.

Special Inspections.—A special inspection was required by the Senate bill as soon as practicable where an employee alleges the violation of a standard in writing, and the Secretary finds probable cause that a violation exists. In case of a refusal to conduct an inspection or if any inspection results in a finding that no violation exists, a notification of that decision must be provided the employee in writing. The House receded. Where during any inspection or prior to a scheduled inspection an employee alleges a violation in writing, the Senate bill required a written explanation of a negative finding. An informal review process was in the latter instance also provided for. There were no comparable provisions in the House amendment. The House receded with amendments requiring the employer to be given notice of the request for an inspection and deleting the requirement that failure to find a violation be explained in writing.

CITATIONS FOR VIOLATIONS

The Senate bill provided that if, upon inspection or investigation, the Secretary or his authorized representative "determines" that an employer has violated mandatory requirements under the Act, he shall "forthwith" issue a citation. The House amendment provided that if on the basis of an inspection or investigation the Secretary "believes" that an employer has violated such requirements, he shall issue a citation to the employer. The conference report provides that if the Secretary "believes" that an employer has violated such requirements he shall issue the citation with reasonable promptness. In the absence of exceptional circumstances any delay is not expected to exceed 72 hours from the time the violation is detected by the inspector.

The Senate bill kept separate the proceedings for the issuance of the citation from those with respect to the imposition of penalties for violations. The House amendment combined proposed penalties with the issuance of the citation. The conference report follows the provisions of the Senate bill in this respect.

The Senate bill provided for a notice in lieu of citations in de minimis cases. The House amendment did not require a citation in de minimis cases. The conference report follows the provisions of the Senate bill.

The House amendment permitted a citation to be issued no later than 90 days following the occurrence of a violation. There was no comparable Senate provision. The House receded.

Both versions required the posting of citations at or near the place of violation, but the Senate bill expressly provided that posting regulations should be issued by the Secretary. The conference report contains the provisions of the Senate bill.

The House amendment prohibited issuance of a citation more than three months after the occurrence of any violation. The Senate bill had no such statute of limitations. The Senate receded with an amendment changing the three months to six months.

Under the Senate bill the Secretary had to notify the employer within a reasonable time after a citation of the amount of a penalty. The employer had to give notice of his intention to contest the citation or penalty with fifteen days of the notice or the penalty was to be final. Under the House amendment the employer had similar rights. He was to notify the Secretary of his intention to appeal. The Secretary was to notify the Appeals Commission which had to give him a hearing. The House receded.

The Senate bill specified procedures to be followed when there was a failure to correct a violation within the time provided in a citation. The House amendment contained no such provision. The House receded.

The Senate bill gave employees the right to appeal the time allowed for abatement of a violation and provided that the Commission should prescribe rules of procedure giving employees the opportunity to participate as parties. The House amendment restricted the right of appeal in such cases to the employer. The House receded with an amendment which provides that the employer shall have a right to reopen the proceedings for a re-hearing in the event it is impossible to comply with the abatement requirements within the period provided for in the citation.

JUDICIAL PROCEEDINGS

Both the Senate bill and the House amendment provided for judicial review of Commission decisions. The Senate bill provided appeal rights to any person adversely affected or aggrieved by an order of the Commission. The House amendment limited appeal rights to the employer and the Secretary. The House amendment provided for judicial review in the Court of Appeals for the circuit where the violation occurred or where the employer had his principal office. The Senate bill also permitted review in the D.C. Court of Appeals. The House receded.

Under the Senate bill all Commission orders became final fifteen days after issuance unless stayed by the Court of Appeals. Under the House amendment the filing of a petition for review automatically stays a Commission order. The Senate bill, but not the House amendment, permitted uncontested orders of the Commission to be entered as orders of the Court of Appeals. The House receded with an amendment providing for the finality of Commission orders thirty days after issuance unless stayed by the court.

The Senate bill provided for assessment of penalties in contempt proceedings to enforce a Court of Appeals decree. The House bill had no comparable provision. The House receded.

The Senate bill did not contain a provision which was in the House amendment authorizing a district court suit to collect civil penalties. The Senate receded.

The Senate bill provided for administrative action to obtain relief for an employee discriminated against for asserting rights under this Act, including reinstatement with back pay. The House bill contained no provision for obtaining such administrative relief; rather it provided civil and criminal penalties for employers who discriminate against employees in such cases. With respect to the first matter, the House receded with an amendment making specific the jurisdiction of the district courts for proceedings brought by the Secretary to restrain violations and other appropriate relief. With respect to the second matter dealing with civil and criminal penalties for employers, the House receded.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

The Occupational Safety and Health Review Commission in the Senate bill and the Occupational Safety and Health Appeals Commission in the House amendment are composed of three members in each instance, with terms under the Senate bill of five years and under the House amendment of six years. In other respects, though differing in actual language, both bills were alike in legal effect. With respect to the terms of office the Senate receded. But in the other respects, the conference report uses the language in the Senate bill.

The Senate bill provided that all members of the Appeals Commission were to receive the same salary at Executive Level 4. The House amendment gave the Chairman a higher salary at Executive Level 3. The Senate receded. The House amendment provided that the Commission might appoint hearing examiners without regard to any statutory limitations on grades GS–16 and above. The Senate receded.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

The Senate bill authorized the Secretary to seek a court order to remove or correct an imminent danger and require the withdrawal of endangered persons other than "those necessary to correct the danger, maintain the operating capacity of a continuous process operation or permit a safe and orderly shutdown." The Senate bill contained no limitation on the duration of such a temporary restraining order, although the 10-day limit in the F.R.C.P. was applicable. The Senate bill permitted the Secretary to issue an administrative imminent danger shutdown order where there was insufficient time to obtain a court order. The House amendment authorized the Secretary to seek court orders to restrain conditions or practices which caused imminent dangers. A temporary restraining order under the House amendment was to remain in effect only five days. The

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House amendment contained no provision permitting the Secretary to issue an administrative imminent danger order. The Senate receded with an amendment adopting with minor changes the limitations on court authority mentioned in the quotation above.

The Senate bill provided that if the Secretary arbitrarily or capriciously failed to issue or seek an imminent danger order, employees might seek a writ of mandamus against him. The House amendment provided that where the Secretary unreasonably failed to seek an order an employee injured thereby might bring an action for damages in the Court of Claims. The House receded.

The House amendment provided that where an injunction was issued the court must set a sum for the payment of damages if the injunction is eventually found to have been in error. There was no comparable provision in the Senate bill. The House receded.

REPRESENTATION IN CIVIL LITIGATION

The Senate bill and the House amendment contained comparable provisions for the Solicitor of Labor to appear for and represent the Secretary in any civil litigation brought under the Act, but the House amendment unlike the Senate bill made specific reference to the Attorney General's authority to represent the United States in the Court of Claims. The Senate receded. The conferees expect that the Solicitor of Labor will represent the Department of Labor in proceedings before the Review Commission.

CONFIDENTIALITY OF TRADE SECRETS

Provision was made in both versions of the bill for the protection of trade secrets. The House amendment provided that in proceedings arising under the Act such information should be presented off the public record and preserved separately. The Senate bill provided that the court or the Secretary should issue appropriate orders to preserve confidentiality. The House receded.

VARIATIONS, TOLERANCES AND EXEMPTIONS

Both bills provided that variations, tolerances and exemptions shall not be in effect more than six months without notification to employees and an opportunity for a hearing. In addition, the House bill also provided that variations, tolerances, and exemptions may not be granted in the first instance without notice and an opportunity for a hearing. The Senate receded.

PENALTIES

The Senate bill provided that there shall be assessed a civil penalty of not more than $1,000 for each violation. The House amendment was similar unless the violation was determined not to be of a serious nature in which case a civil penalty of up to $1,000 was discretionary. The Senate bill provided for civil penalties of not more than $1,000 for each day in which an imminent danger order or final order of the Commission was violated. The House amendment also provided for a penalty of up to $1,000 for each day in which an order which has become final was violated. The Senate receded on each point.

Both bills permitted mitigation, compromise, or settlement of penalties. The House amendment required publication in the Federal Register whenever the Secretary mitigated, compromised, or settled any penalty. Both bills contained similar provisions which specify the factors to be considered in assessing a penalty. The Senate receded.

The Senate bill provided criminal penalties for wilful violations (not more than $10,000 and/or six months doubled after first conviction). The House amendment provided for a civil penalty of up to $10,000 for wilful or repeated violations. The Senate receded on civil penalties and the House receded on criminal penalties with an amendment which requires that the wilful violation of the standard or the rule, regulation or order result in death to an employee, for the employer to be subject to the criminal penalties provided in the subsection.

The House amendment provided no penalty for giving advanced notice of any inspection to be conducted under the Act. The Senate bill provided a fine not to exceed $1,000 and imprisonment for not more than six months or both for giving advanced notice. The House receded.

The Senate bill contained a provision providing penalties for false statements, representations, or certifications. The House amendment contained no comparable provision. The House receded.

Both bills provided identical penalties for any person who assaults, intimidates, or interferes with federal investigators and inspectors in the performance of their duties, though the bills took different approaches. The Senate bill extended to such investigators and inspectors the basic statutory protection contained in section 1114 of Title 18 of the United States Code. The House amendment set forth the prohibited activities and the penalties in the Act. The Conference Report contains the language of the Senate bill to which has been added language from the House amendment providing that a person who kills a person while engaged in or on account of the performance of his duties under the Act shall be punished by imprisonment for any term of years or for life.

The Senate bill, unlike the House amendment, did not specifically provide a penalty for violation of posting requirements. The Senate receded.

The House amendment contained a provision specifying the factors to be considered in the assessment of penalties. The Senate receded with an amendment which struck from the provision specified authority for the Commission to collect the penalties as well as to assess them.

The House amendment, unlike the Senate bill, contained a provision setting forth certain factors under which a serious violation shall be deemed to exist. The Senate receded.

STATE JURISDICTION AND STATE PLANS

Both versions of the bill provided for court review of a decision of the Secretary to reject or withdraw approval of a State plan. The Senate bill applied a "substantial evidence" standard of review and the House amendment applied an "arbitrary and capricious" standard. The House receded.

Both versions of the bill allowed agreements between the Secretary and a State whereby the State could continue enforcement of its health and safety standards pending final action on the State plan. The Senate bill limited such agreements to standards which were not in conflict with Federal standards. The Senate bill also provided that a State standard which was more stringent than a Federal standard was not to be regarded as one in conflict with that Federal standard. The Senate receded.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

Annual reports to the Congress with respect to progress of Federal agency safety programs were required in both the Senate bill and the House amendment. The Senate bill specified that the President should forward to the Congress a summary or digest of the reports submitted to him by the Secretary, whereas the House bill required the President to submit a report of the activities of Federal agencies in this regard. The Senate receded.

RESEARCH AND RELATED ACTIVITIES

Both bills required the Secretary of HEW to consult with the Secretary of Labor to develop a research plan in order to develop criteria to assist in setting standards. The Senate bill specified that criteria dealing with toxic materials and harmful physical agents should be developed to demonstrate the exposure levels at which the worker would experience no impairment of health function or life expectancy, whereas the House bill did not. The House amendment required annual publication of the criteria developed by the Secretary of HEW, whereas the Senate bill did not. The House receded on these provisions with an amendment to require the development of such criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment, including but not limited to the exposure levels at which no employee will suffer impaired health or functional capacity or diminished life expectancy as a result of his work experience.

The Senate bill authorized the Secretary of HEW for research purposes to establish medical examinations for such employees and to require any employer to measure, monitor, and make reports on the exposure of his employees to potentially toxic or harmful agents. With regard to the latter, on the request of any such employer the Secretary was required to defray the added cost incurred by that employer. There was no comparable House provision. The House receded with the understanding that regulations issued by the Secretary of HEW pursuant to this subsection requiring employer measurement, recording, and reporting will be limited to those instances in which there is a reasonable probability of developing information on toxic substances or harmful physical agents.

The House amendment authorized appropriations of such sums as Congress deems necessary to enable the Secretary of Labor to purchase monitoring equipment for all employers required by any standard, rule or regulation to measure the exposure of employees to unhealthy environments for the protection of the employee and to establish compliance with such standards, rules or regulations. There was no comparable Senate provision. The House receded.

Both the Senate bill and the House amendment required the Secretary of HEW to publish on an annual basis a list of toxic substances. The Senate bill required only the publication of those toxic substances which are "used or found in the work place" whereas the House amendment did not contain such a limitation. The Senate receded.

Both the Senate bill and the House amendment provided for the determination of toxicity when requested by any employer or employee. The Senate bill provided that the Secretary of HEW make such a determination on "written request" which specified with "reasonable particularity" the grounds on which the request was being made. Under the Senate bill, if toxicity was determined and no applicable standard was in effect, the Secretary of Labor was to be so advised. There was no such requirement in the House amendment. Further, under the House amendment, the determination of toxicity was to be made by the Board and there was no requirement that the request be particularized or in writing. The House receded on these provisions.

The Senate bill required the Secretary of HEW to conduct and publish annually industrywide studies of the effects of chronic and low level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults. There was no comparable House Provision. The House receded.

NATIONAL INSTITUTE

The Senate bill directed the delegation of HEW functions where feasible to a National Institute for Occupational Safety and Health established by the Senate bill. There were no

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comparable provisions in the House amendment. The Conference agreement provides for the creation of the National Institute and requires the delegation provided for in the Senate bill.

STATISTICS

Both versions of the bill provided for the collection, compilation and publishing of occupational safety and health statistics. The House amendment but not the Senate bill authorized such efforts for all employments whether or not they were covered by this Act, so long as they are included within the geographical authority of the Act. The Senate receded with an amendment to require the Secretary of Labor to consult with the Secretary of HEW in the carrying out of this statistical program, and specifying the types of injuries on which statistics must be collected.

The House amendment but not the Senate bill explicitly provided that any existing agreements between the Labor Department and the States for the collection of statistics remain in effect until superseded by new arrangements under this Act. The Senate receded.

AUDITS

Both versions of the bill authorized the Secretary of Labor to require grantees under the Act to maintain such records and accounts as deemed necessary. The Senate bill but not the House amendment provided the same authority to the Secretary of HEW. The House receded.

Both versions of the bill required all grantees to provide access to their books and records to the Secretary of Labor and the Comptroller General. The Senate bill also provided the Secretary of HEW with such access. The House receded.

COMMISSION ON WORKMEN'S COMPENSATION LAWS

The Senate bill established a National Commission on State Workmen's Compensation Laws to undertake an effective study and objective evaluation of State Workmen's Compensation laws. The Commission was required to report its findings, conclusions and recommendations to the President and the Congress no later than February 1, 1972. The House receded with an amendment changing the reporting date to July 31, 1972.

ADDITIONAL ASSISTANT SECRETARY OF LABOR

The Senate bill provided for an additional Assistant Secretary of Labor to be known as the "Assistant Secretary of Labor for Occupational Safety and Health." The House amendment did not. The House receded.

ADDITIONAL POSITIONS

To carry out responsibilities under the Act the Senate bill but not the House amendment provided for additional supergrade positions for the Department of Labor and the Review Commission. The House receded.

EMERGENCY LOCATOR BEACONS

The Senate bill, but not the House amendment, amended the Federal Aviation Act to require emergency locator beacons on aircraft. The House receded.

EFFECTIVE DATE

The conference agreement provides that the Act should take effect 120 days after the date of enactment as provided in the House amendment rather than in 30 days after the enactment as provided in the Senate bill.

TITLE

The conference adopted the title contained in the House bill which reads as follows: "An Act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes."

CARL D. PERKINS,
EDITH GREEN,
FRANK THOMPSON, Jr.,
JOHN H. DENT,
DOMINICK V. DANIELS,
JAMES G. O'HARA,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
LLOYD MEEDS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM H. AYRES,
ALBERT H. QUIE,
JOHN N. ERLENBORN,
MARVIN L. ESCH,
EDWIN D. ESHLEMAN,
WILLIAM A. STEIGER,
Managers on the Part of the House.

CONFERENCE REPORT ON S. 704, AUTHORIZING ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

Mr. THOMPSON of New Jersey submitted the following conference report and statement on the bill (S. 704), to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act:

CONFERENCE REPORT (H. REPT. No. 91–1766)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 704) to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That section 2(b) of the National Museum Act of 1966 (20 U.S.C. 65a) is amended to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than $1,000,000 shall be appropriated annually through fiscal year 1974, of which $300,000, annually, shall be allocated and used as follows:

"(A) 33⅓ per centum shall be available for the purposes of clause (2) of subsection (a);

"(B) 33⅓ per centum shall be available for transfer to the National Endowment for the Arts for assistance to museums under section 5(c) of the National Foundation on the Arts and Humanities Act of 1965; and

"(C) 33⅓ per centum shall be available for transfer to the National Endowment for the Humanities for assistance to museums under section 7(c) of the National Foundation on the Arts and Humanities Act of 1965.".

SEC. 2. Section 2(a)(2) of the National Museum Act of 1966 (20 U.S.C. 65a(2)) is amended to read as follows:

"(2) prepare and carry out programs by grant, contract, or directly for training career employees in museum practices in cooperation with museums, their professional organizations, and institutions of higher education either at the Smithsonian Institution or at the cooperating museum, organization, or institutions;"

And the House agree to the same.

FRANK THOMPSON, Jr.,
JOHN BRADEMAS,
FRED SCHWENGEL,
Managers on the Part of the House.
CLAIBORNE PELL,
ROBERT BYRD,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 704) to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text. The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment which is a substitute for both the Senate bill and the House amendment, and that the House agree to the same. Except for technical and clerical changes, the differences between the House amendment and the conference substitute are discussed below.

The House amendment amended section 2(b) of the National Museum Act of 1966 (80 Stat. 953; 2 U.S.C. 65a, note), which contained certain obsolete appropriation authorizations to carry out that Act, so as to provide an up-to-date authorization of appropriations to the Smithsonian Institution to carry out that Act subject to the proviso that not more than $1,000,000 shall be appropriated annually through the fiscal year 1974.

The first section of the conference substitute contains provisions authorizing annual appropriations of $1,000,000 to the Smithsonian Institution which are to the same effect as the House amendment, but with the following additional provisions similar to certain provisions of the Senate bill. These additional provisions of the conference substitute are as follows:

Of this annual $1,000,000 authorization through the fiscal year 1974, the sum of $300,000 is to be allocated and used as follows:

(1) One-third of that $300,000 amount is to be available for programs authorized by section 2(a)(2) of the National Museum Act of 1966 (20 U.S.C. 65a), as proposed to be amended by section 2 of the conference substitute, for the training of career employees in museum practices in cooperation with museums, their professional organizations, and higher education institutions either at the Smithsonian Institution or at the cooperating museum, organization, or institution. These programs may be prepared and carried out by grant, by contract, or directly.

(2) One-third of the $300,000 amount is to be available for transfer to the National Endowment for the Arts for assistance to museums under section 5(c) of National Foundation on the Arts and Humanities Act of 1965 providing for programs of assistance to groups and individuals in connection with artistic, cultural, and creative productions, workshops, and other similar projects.

(3) One-third of the $300,000 amount is

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to be available for transfer to the National Endowment for the Humanities for assistance to museums under section 7(c) of the National Foundation on the Arts and Humanities Act of 1965 which authorizes the Chairman of the National Endowment for the Humanities to develop national policy for promotion of scholarship in the humanities, initiate and assist programs to strengthen research potential in the humanities, award grants and fellowships for training and workshops, and support the publication of scholarly works in the humanities.

Section 2 of the conference substitute includes a provision contained in the Senate bill but not in the House amendment which amends section 2(a)(2) of the National Museum Act of 1966 (20 U.S.C. 65a) so as to expand the program of training career employees in museum practices by permitting such programs to be carried out through grants or by contract as well as directly. Existing law provides that such programs may be carried out only directly by the Director of the National Museum.

FRANK THOMPSON, Jr.,
JOHN BRADEMAS,
FRED SCHWENGEL,
Managers on the Part of the House.

ELECTION TO COMMITTEE ON WAYS AND MEANS

Mr. ROSTENKOWSKI. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 1312) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1312

Resolved, That Hugh L. Carey, of New York, be, and is hereby, elected a member of the standing Committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 18582, AMENDMENTS TO THE FOOD STAMP ACT OF 1964

Mr. PEPPER. Mr. Speaker, on behalf of the able gentleman from Tennessee (Mr. ANDERSON) and by direction of the Committee on Rules, I call up House Resolution 1291 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1291

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended, and all points of order against the provisions contained on page 14, line 2 through line 14 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the text of the bill H.R. 19889 as an amendment in the nature of a substitute for H.R. 18582, and all points of order against the provisions contained on page 25, line 11 through line 19 of said substitute are hereby waived. At the conclusion of the consideration of H.R. 18582 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto without intervening motion except one motion to recommit with or without instructions.

The **SPEAKER** pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1291 provides an open rule with 2 hours of general debate for consideration of H.R. 18582, amendments to the Food Stamp Act of 1964, and all points of order are waived against the provisions contained in the bill on page 14, lines 2 through 14, because of an appropriation in a legislative bill. The resolution further provides that it shall be in order to consider H.R. 19889 as a substitute for H.R. 18582 and all points of order are waived against the provisions contained in the substitute on page 25, lines 11 through 19, because of an appropriation in a legislative bill.

The purpose of H.R. 18582 is to amend the Food Stamp Act of 1964, as amended, which is to assist low-income households to increase their expenditures for food and to upgrade the quality of their diets.

A number of changes would be made in the present law. The program would be expanded to include Puerto Rico. The Secretary of Agriculture, in conjunction with the Secretary of Health, Education, and Welfare, is directed to establish uniform national standards for participating households. Separate standards for American Territories are prescribed.

As a condition of eligibility for program benefits, any able-bodied person between the ages of 18 and 65—except those responsible for the care of others—would be required to register for and accept employment if it is offered.

A minimum monthly payment of at least 50 cents per participant would be required and participating States would be required to pay a small portion of the cost of the program. State agencies are directed to initiate educational program for the purpose of informing potential participants of the program.

Participants 60 years or more of age are authorized to use stamps for meals delivered to them if prepared by an instrumentality of local government or a nonprofit organization.

Ongoing programs will continue to exist until brought into conformity with the bill and the Secretary is given additional authority to extend food assistance to communities without programs.

Food stamp and commodity programs may be operated simultaneously but individual participants may not receive dual benefits.

The bill contains open ended appropriations for the program through fiscal year 1973.

Mr. Speaker, I urge the adoption of House Resolution 1291.

Mr. LATTA. Mr. Speaker, at the outset I wish to commend the Committee on Agriculture for some of the amendments to this program which I think are needed.

Every Member has been back home often this year and has heard the many, many complaints on the misuse of this program.

When this program began we were led to believe it was to provide adequate diets for people who did not have sufficient income to provide such diets for themselves. But, lo and behold, we find in the administration of this program that this has not been the case. We have had cases called to our attention of college students, children of wealthy parents, receiving food stamps. I do not believe it was the intention of Congress to provide food stamps, at taxpayers' expense, for college students of wealthy parents.

It is no wonder that the people who know of such abuses are complaining about the program. I, for one, do not wish to see these complaints multiplying year after year and threatening the existence of the program for those genuinely in need.

I can well recall, as can the other Members, when we adopted this program. We were led to believe that someone would be sitting down with the needy recipients and working out a budget for them, with so much for rent, so much for clothing, and so much for food. The taxpayers were then to supplement the amount needed for food to insure a proper diet.

With few exceptions, this is not being done. All they do today is walk in, get their food stamps, and walk out.

We have had complaints of unqualified individuals obtaining and using these stamps in direct violation of the law. The individuals involved know they are violating the law but nothing is being done about it. If we want this program to continue, I think the laws must be enforced and the people charged with the responsibility of enforcing the law are going to have to do their job. Otherwise, I fear that public opinion is going to bring this program to an end.

The cost of this program continues to soar. The Food Stamp Act of 1964 authorized appropriations for 3 fiscal years, not in excess of $75 million for fiscal year 1965, not in excess of $100 million for fiscal year 1966, and not in excess of $200 million for fiscal year 1967.

The Food Stamp Act was amended under Public Law 90-91, approved September 27, 1967, for fiscal years 1968 and 1969 and an authorization not in excess of $200 million for fiscal year 1968 and not in excess of $225 million for 1969 was approved. Another amendment increased the maximum authorization for fiscal year 1969 to $315 million and provided for an appropriation authorization of up to $340 million for fiscal year 1970.

Then, later, before fiscal year 1970 expired, this $340 million was increased to $610 million—$610 million. We now have before us an open-ended authorization—which means no limitation on the cost of the program other than what the appropriation committee puts on it.

Mr. Speaker, with such an authorization we are going to have more and more complaints unless this Congress does something about tightening up the regulations.

I mentioned at the outset that the committee is to be commended for tightening up in certain areas. I commend the committee for this action but I disagree with the liberalizing features which it has written into it.

Section 1 broadens the policy of the basic act by recognizing that limited purchasing power is related to hunger and malnutrition.

Section 2 of the bill consists of definition changes occasioned by substantive amendments, the most significant of which extends the program to Puerto Rico. It also defines "elderly persons."

Section 3 contains authority to simultaneously operate a food stamp and commodity program. Individual participants are precluded from simultaneously receiving dual benefits.

Section 4 provides that the Secretary of Agriculture in conjunction with the Secretary of the Department of Health, Education, and Welfare is directed to establish uniform national standards for participating households.

Mr. Speaker, all you have to do is talk to any Congressman and you will find how the administration of this program varies within the States. In fact, it seems like every county is administering this program differently.

So, I think it is high time that something be done to establish uniform national standards. This bill may lend some assistance toward this end.

Section 5 continues authority for establishing the value of coupons with a minimum monthly payment of at least 50 cents per person per month being required for each participant.

Section 9 of the bill requires participating States to finance a portion of the cost involved. The State share would be 2.5 percent for the first year, 5 percent for the second year, 7.5 percent for the third year, and 10 percent for the fourth and ensuing years.

Mr. Speaker, I would hope that during debate under the 5-minute rule some further tightening amendments will be adopted to insure us a food stamp program which will accomplish its objective without all of the shortcomings of the existing act.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Speaker, I would like to say to the gentleman in the well, and those of my colleagues who were here at the time, and suggest to those who have arrived since, that 3 years ago, I believe it was, when we had this bill before us, I offered an amendment to prohibit the distribution of food stamps to persons out on strike. The amendment carried here in the House. Unfortunately, it failed in the conference with the other body. But it seemed to me at that time—and it still seems to me—that the general taxpayer who is paying for the cost of the food stamps—and I support the program—ought not be asked to subsidize people who are voluntarily out on strike.

This program is intended to help people who cannot get jobs, who cannot work, who really are starving through no fault or choice of their own. I am sure that there will be in the course of the consideration of this bill another opportunity to express our will on this subject.

Mr. LATTA. Mr. Speaker, I wish to thank the gentleman from California for his comments. I, too, support the program but I do not want to see the criticism bring the program down. If we continue like we are, this program will come to an end because the people are just not going to put up with all of these abuses.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. Speaker, I would like to read just one paragraph that appears in the minority views in the committee report on this bill:

> My service as a member of the House Committee on Agriculture has taught me that it is a dangerous business to dare question the validity of public feeding programs or the judgment of some of the leading hunger "experts" whose hunger for headlines appears to exceed their thirst for knowledge and truth.

Mr. Speaker, all of us are aware that last October, during the United Auto Workers strike against General Motors in Detroit, Federal food stamps were doled out to the strikers on a freewheeling basis. There was also a Teamster strike this year in which strikers received food stamps.

I have had the Department of Agriculture make an estimate on the costs involved in these food-stamp handouts in Detroit, and I am advised that between $12 and $14 million had been spent in this flourish of generosity on the part of Uncle Sam.

The Department also reported that during the Teamster's strike, in Cook County, Ill., there were 15,000 strikers who participated in the food stamp program, commencing early May through early July 1970. It also reported that this Teamster strike impact prompted loose controls and other irregularities in the issuance of authorizations to purchase food stamps. As per statistical sampling methods, it was discovered that about 5 percent of program participants had fraudulently secured two or more authorizations to purchase food stamps, resulting in program losses of about $200,000.

I have no objection whatsoever to food stamps going to those who, through no fault of their own, are in need of assistance. I vigorously object, however, to giving these food stamps to those whose needs have been occasioned through their own choice. I would, therefore, like to announce that if this rule prevails, as I am certain it will, I intend to offer an amendment that will prohibit Federal food stamps from going to striking workers.

There are those who will say that the striking workers paid their tax money and therefore should be eligible to receive food stamps. This is the same as saying that other citizens who pay their taxes and do not chose to become unemployed should be penalized for not becoming idle.

I would like to say that my amendment will not deny food stamps to a striking worker who had been receiving stamps before going on strike. In effect, my amendment does say that going on strike is not a passport or a license for obtaining Federal food stamps.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman.

Mr. DENT. I understood the gentleman to say that he would not deny food stamps to any person except those who had made a choice, such as to go on strike.

In other words, you would deny food stamps to a striker, but would you also deny them to his family if they were in need and they had made no choice, since they did not vote to go on strike.

Mr. GOODLING. I stated that we would not deny food stamps to an individual who was receiving food stamps before he went on strike.

Mr. DENT. Well, that is perfectly clear to me. But what do you do about the family of the striker whose family had nothing to do with the choice as to whether or not he went out on strike?

You would want to deny the food stamps to the striker himself—and that would be one thing. But how are you going to deny them to his family who had nothing to do with the choice of going on strike but who are hungry?

Mr. GOODLING. At this time you cannot set hard and fast guidelines and I would leave that to the discretion of the administrator of the program.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman.

Mr. PUCINSKI. What is the gentleman's view about denying food stamps to those who are locked out in a labor dispute where they have no control over the situation—they have been locked out and they cannot go to work because there happens to be a labor dispute between the union and the employer and the employer locks them out?

Mr. GOODLING. They have not voted to strike to begin with.

Mr. PUCINSKI. This is not a strike—this is a lockout—what do you do in that case when you have a family of kids who are hungry?

Mr. GOODLING. This is not a strike—I am referring to strikes.

Mr. PUCINSKI. In other words, you do not object to giving food stamps to those families who are victims of a lockout?

Mr. GOODLING. Again I would say that is up to the administration of the program. You cannot write specific guidelines of that kind. I can say my amendment specifies strikers and does not apply to lockouts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SEAMEN'S SERVICE ACT

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15549) to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. Merchant seamen through cooperation with the United Seamen's Service, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, after the line following line 2, insert:

"Sec. 4. The Merchant Marine Act, 1936 (46 U.S.C. 1101 et seq.), as amended, is amended as follows:

"(a) By striking out of section 501(a)(2) thereof (46 U.S.C. 1151(a)(2)) the words 'to enable it to operate and maintain' and inserting in lieu thereof 'for the operation and maintenance of'.

"(b) By striking out of section 502(a) thereof (46 U.S.C. 1152(a)) the words 'to enable it to operate and maintain' and inserting in lieu thereof 'for the operation and maintenance of'.

"(c) By inserting in section 601(a)(2) thereof (46 U.S.C. 1171(a)(2)) following the word 'owns' the words 'or leases'.

"(d) By inserting in section 601(a)(2) thereof (46 U.S.C. 1171(a)(2) following the word 'purchase' the words 'or lease'.

"(e) By striking the last sentence of section 805(d) thereof (46 U.S.C. 1223(d))."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. MAILLIARD. Mr. Speaker, reserving the right to object, and I shall not object, I would appreciate it if the distinguished gentleman would explain to the House what the Senate amendment consists of.

Mr. GARMATZ. Mr. Speaker, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. GARMATZ. Mr. Speaker, the Senate amendment was designed to correct a deficiency in basic maritime legislation which was entirely overlooked at the time the Merchant Marine Act of 1970 was being considered by my committee. As you know, this new legislation set forth a program to revitalize the American merchant marine. It contemplates the construction of 30 modern vessels a year for the next 10 years. Included in the statute are several new measures designed to provide incentives toward the successful conclusion of this comprehensive shipbuilding program.

Under existing law, it is necessary that an applicant for a construction or operating subsidy, actually own the vessel or vessels covered by the application. This amendment would permit subsidy grants in cases where the vessels are acquired by lease financing rather than by outright purchase. It is in line with the provision of the Merchant Marine Act of 1970 which permitted the operators of vessels under leasing arrangements to be eligible for tax deferment privileges.

As is pointed out in Senate Report No. 91-1424, accompanying the bill, lease financing has become an increasingly popular method of financing such varied capital investments as airplanes, locomotives, supermarkets, and post offices. It is, therefore, entirely appropriate that we extend to vessels this new efficient and flexible method of financing.

The Senate amendment was approved by the administration and, I understand, by all segments of both labor and management in the maritime industry. Indeed, had the issue been presented in connection with our overall consideration of the new maritime program, I am sure it would have received approval of my Committee on Merchant Marine and Fisheries and of the Congress.

Mr. MAILLIARD. Mr. Speaker, I concur in what the chairman has said, and I withdraw my reservation.

The SPEAKER pro tempore (Mr. Holifield). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDMENTS TO THE FOOD STAMP ACT OF 1964

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 18582, with Mr. Matsunaga in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Poage) will be recognized for 1 hour, and the gentleman from Oklahoma (Mr. Belcher) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman is recognized.

Mr. POAGE. Mr. Chairman, the food stamp legislation which our committee presents this afternoon satisfies neither the extreme liberals nor the extreme conservatives, but it seriously attempts to follow a middle course. I believe that this should commend it to those who are more interested in maintaining a program of real value to the actual needy than they are in competing with Members of the other body for a reputation of generosity regardless of cost and regardless of need.

On the other hand, it should, I believe, at the same time recommend itself to those who are concerned with the fantastic expenditures proposed by the other body and who are concerned with requiring some reasonable effort on the part of the beneficiaries of the program in their own behalf.

The Department of Agriculture has endorsed the bill and calls attention to some of the provisions of the committee bill which are clearly intended to and do liberalize the existing law. Here are the provisions with which the Department is especially pleased:

A food stamp allotment sufficient to purchase a nutritionally adequate diet;

A provision ensuring that participants pay no more than 30 percent of income for their stamp allotment;

Uniform national eligibility standards;

Simultaneous distribution of food stamps and commodities in local areas requesting both programs;

A provision allowing participating families to purchase a portion of their monthly stamp allotment at a proportionate reduction in cost;

Language directing participating States to engage in outreach activities to inform low-income households of program availability;

A fair hearing procedure for aggrieved program participants; and

A checkoff procedure whereby welfare recipients, who are enrolled in the stamp program, may request that stamp payments be deducted from their welfare checks.

The bill actually goes further than the Department of Agriculture suggests in several respects. It would enable elderly persons who are eligible for the program and who are shut-ins to buy meals, not merely groceries, from nonprofit groups. It would permit the poor in Puerto Rico, the Virgin Islands, and Guam to participate. It would authorize the issuance of stamps weekly. It lays the preference for a food stamp program as a substitute for the commodity distribution program.

Then on the side of fiscal responsibility it would require able-bodied adults to register for and accept work as a condition of eligibility. It would require accounting and verification of the incomes of college students utilizing the program, and it would preclude the issuance of stamps to students who are taken as a dependent for tax purposes.

It would leave the matter of financing to the Appropriations Committee, but it would require no more than $1½ billion to fund this bill. While this is about twice what the program has been costing, it is only about one-quarter of what the other body proposes to spend, or about one-third of what would be required to finance the substitute for this bill which will be offered by the gentleman from Washington (Mr. Foley) and the gentleman from Minnesota (Mr. Quie).

The bill contains at least three basic provisions which our committee thinks to be of far-reaching importance. In the first place the committee has approved the philosophy that there should be some token contribution on the part of the States. We believe that such a requirement will result in a very substantial saving through a closer check on what is admittedly a very loosely supervised program. When local people have even a small amount of their own money invested in a program, they always give far greater attention to its administration. The committee bill only requires the States to contribute 2½ percent of the cost of the program for the first year. That is less than what most of the States will make out of the program. Every State with a sales tax on food makes a clear profit out of this program because these sales are taxed just like all other sales.

The committee bill would raise the State contribution at a rate of 2½ percent per year until it reaches the level of the State contribution to interstate highways. If in fact 10 percent is going to be an intolerable burden on the States, why do not we find some of them declining their interstate highway allocations? As far as I know, no State has ever done that. If this food stamp program is as good as I think it is, or as good as those who feel we have not gone far enough say it is, no State is going to fail to make this meager contribution. To give the States the program with no local contribution is a direct invitation to fraud and abuse.

The committee bill would require the States to pay a very small part of the cost of the program. The food stamp program is the only program with which we are acquainted which gives the States authority for administering and establishing standards without requiring any cash involvement. The committee believes that the States, if they have a financial stake in the operation of the program, will be more vigilant with respect to its administration, and if this end is achieved we hope that the public outcry which proved the death knell for a food stamp program in the 1940's can be avoided.

In the next place, we try to maintain as much of the self respect of the beneficiaries as possible by requiring that the recipients of this program make some slight semblance of a token contribution. Everybody in the United States is spending something for food. It may be that the expenditure comes from public charity but in the absence of a gift program there must be some expenditure by everyone who eats. The original philosophy of the food stamp program was that it was to be a supplement to what the family was already buying, and that each family would continue to spend what they had been spending for food, and that the Government would supplement their diet through the use of food stamps. The Department of Agriculture has for all practical purposes already abandoned this sound principle and in an effort to compromise with those who want the Government to assume full responsibility for the feeding of our people, the committee bill has confirmed what the Department is already doing. The committee has, therefore, seen fit to require that there be a minimum of at least 50 cents per month paid by the beneficiary. This 50 cents can come from local relief or from private charities, but we still try to maintain the philosophy that the individual is making some slight contribution for his own grocery bill.

Finally, and I think most important, the committee bill requires some kind of work on the part of the able-bodied recipients. To me this is the most important provision in this bill and it is one without which I could not support the bill, nor do I believe a great majority of our committee could support it without this provision. The provision is known as the Poage amendment. It is to be found on page 6 of the bill, and reads:

> (c) Notwithstanding any other provisions of law, the Secretary shall include in the uniform national standards of eligibility to be prescribed under subsection (b) of this section a provision that each State agency shall provide that a household shall not be eligible for assistance under this Act if it includes an able-bodied adult person between the ages of eighteen and sixty-five (except mothers or other members of the household who have the responsibility of care of dependent children or of incapacitated adults or who are bona fide students in any accredited school or training program) who either (a) fails to register for employment at a State or Federal employment office, or, when impractical, at such other appropriate State or Federal office designated by the Secretary, or (b) has refused to accept employment or public work at not less than the higher of State or Federal minimum wage or the wage established by a valid regulation of any agency of the Federal Government authorized by existing law to establish such regulation. Refusal to work at a struck plant or site for the duration of a strike shall not be deemed to be a refusal to accept employment.

In short, this simply requires that if a family is going to draw food stamps, the able-bodied adult members who are responsible for feeding the family must accept a job if offered to them at as much as the minimum wage. It specifically provides that no one should be forced to become a strikebreaker, but it does require those who ask for public help should be willing to help themselves. To me this is of overriding importance. As I see it, if we abandon this principle, we will have turned our back on the experience of all history, which has been to the effect that there are those in all societies who will not work unless they are compelled to in order to secure the necessities of life.

I believe, and practically all of the members of our committee believe, that the Government should help those who need help, and we believe that the food stamp program if properly administered can be a good way to provide that help, but we also firmly believe that the beneficiaries of a Government-financed program should also help themselves—that so long as a job is available which provides the opportunity to work for his own food no man should expect some other man to perform this work for him and hand the food over to him through tax payments without any effort on the part of the beneficiary. In short, we believe in help for those who cannot work, but we would provide nothing for those who can but will not work.

This, my colleagues, is the crux of this bill. It is as old as the third chapter of the Book of Genesis, verse 19, which reads:

> In the sweat of thy face shalt thou eat bread.

It is as sound today as it was in the time of Adam. If you believe that we should tax the people who are willing to work to provide food for the able-bodied who simply refuse to work, then I think you should vote against this bill, because that is not the philosophy contained in the committee bill.

I recognize that there will be amendments offered both to greatly liberalize this bill on the one hand, and to restrict its operations on the other. I realize that some of our Members have made promises to support vastly liberalized programs with no requirement that the recipients do what they can. I would not ask any of my colleagues to repudiate their promises, but I would suggest that those of you who are interested in securing a helpful program on a sound and responsible basis should give consideration to passing this bill without extreme amendments in either direction.

Mr. BELCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, there is a great deal of dissatisfaction with the food stamp program in my part of Michigan. Since last June I have received 669 letters and petitions on food stamps from my district, and all of them are opposed to the program as it now operates. I pulled a few of them from my files.

Here is one from a fruit farmer's wife. She writes:

> We had a hired man who was supposed to pick peaches. He stayed in our cabin and did work a few days and then told us his food stamps were in. He bragged about how he could buy $28 of stamps for 50 cents, and that he claimed he had a wife and child here. He told us his wife was in a mental hospital and who knows where his child is, but not here. He forged his wife's signature with his left hand and wrote his with his right and collected $72 for $1.50. So after he got that he no longer worked and was having his buddies in, selling the stamps. My husband told him to leave.

This one is from a bank employee. In Michigan the banks handle food stamps. This letter reads:

> It infuriates me to see recipients of these coupons turn right around and purchase Series E bonds, or pay their cable vision service charge, or walk down the street to the beauty parlor, or the beer parlor, and have two shopping carts at the food market, one for allowed foods and the other for unallowed items such as cigarettes and alcoholic beverages. I urge more thorough investigations of each applicant by the social service case worker.

And here's one from a checker at a supermarket. She writes:

> These strikers are the ones that really burn me. Some buy $100 or more meat to put in their freezer, using food stamps. Then they use money to buy lots of beer and cigarettes. I can't fill my freezer like that. I have had some people tell me they don't have to touch their savings with food stamps. I believe in helping the poor but not the strikers. They knew what they were doing when they voted to strike. I don't think the rest of the people should have to pay for their food. They pull tricks, too. I caught one and she probably does it all over. The mother came down and bought a lot of groceries, paying food stamps. I waited on her. She wanted cigarettes, but I told her I could not

> sell them to her for stamps. Then about fifteen minutes later I saw her daughter go through another checker. I went over to the other checker to ask what went on. She had brought back groceries, saying they had bought the wrong things and wanted a refund. Then she turned around and bought a carton of cigarettes and took the rest of the money. Even my customers are mad. All day I hear them say, I guess I'll go over and get food stamps. Something has to be done. It is just not fair.

And still another. A constituent writes that—

> A neighbor who netted $14,000 on a construction job and was given $100 a week unemployment was given food stamps last winter. He owns his own home, has a car and truck and two snowmobiles. He asked for the stamps as a joke and was surprised to get them. A friend was offered $50 worth of stamps for $20 by a migrant. A woman who has been getting her groceries with stamps was in the local post office mailing home a $2000 money order. We protest as taxpayers the give-away that may have been set up to do some good but are becoming nothing but a racket. We know of farmers who have been forced to lie about the migrants' wages or they are threatened that their crop will remain on the trees. A father demanded an alarm clock for food stamps so they would know when to feed the baby. His demand was granted after a phone call to the local social services office.

Here's one from an ADC mother:

> I am writing concerning the misuse of our Federal Food Stamp Program. I noticed in the paper where a striking GM employee was able to obtain $50 in food stamps for $7.50. This seems to me to be unfair. They are unemployed at the choice of themselves and their labor unions, and I can see no reason for them to receive these stamps as they could be working instead of raising the cost of living for everyone. I am a recipient of aid for dependent children, not from choice but from necessity, and I am allowed $88 a month worth of stamps which I have to pay $44 for. The difference between my family size and his was one person, yet I pay a considerable amount more for my stamps than he did. How can this be allowed?
>
> It seems to me these people should not be given stamps when they choose to leave their employment for any reason that could be prevented. I do not know if my complaint will have any bearing but I do know as a taxpayer I cannot see this abuse go unnoticed.

XUM

And finally, here is a man who points out that he has a family of four and says he lives comfortably on an income of less than $10,000 annually. He says he has friends and knows of families where the husband and wife both work and have incomes twice his own, yet due to strikes and layoffs they are able to buy food stamps. They all have nice homes, good cars, snowmobiles, and all kinds of luxuries, but they have no savings. He says his job is seasonal, but he cannot buy food stamps when he is not working because he plans ahead and has savings for those times. I resent my taxes going to support people who are able to support themselves.

Mr. Chairman, this food stamp bill we are now considering would require persons to register for employment in order to receive stamps. But employment does not seem to be a requisite for eligibility. It is income in relation to family size that counts. A man can be employed full time and still, if his income in relation to his family is low enough, he can supplement his food budget with stamps. The letters I receive indicate that migrants, at least, can come into an area and before they start a job can apply for food stamps. They can apparently leave the welfare office and go directly to work in the orchards and fields. The fact that they have a job waiting for them is no obstacle. And strikers, is it contemplated that a man on strike must register for work under this bill in order to comply with it? I am not sure, Mr. Chairman, that attractive as this register-for-work provisions might be in this bill at first blush that it means much.

This bill proposes that the Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare, shall promulgate uniform standards for eligibility for food stamps. At the present time each State sets its own eligibility standards. While the Secretary will establish the uniform standards under this bill, administration of the act will still be left to the States. The people in my district are demanding investigations into the leniency in the distribution of food stamps. They are asking that the whole program be tightened up. I received a petition with 589 signers requesting a review of leniency in the distribution of food stamps to migrants, whereas permanent residents in need and deserving of supplementary aid are refused or delayed. The question in my mind is whether the promulgation of national standards will do anything for the administration of the program back where the people are. In spite of what many people in Michigan think, Michigan is not the most generous State in the food stamp program. Will the adoption of national uniform standards accept the present standards of the most generous State, thereby making the Michigan program even more costly?

The bill also directs that eventually each State will pay 10 percent of the cost of the food stamp program. The idea is that, if the States share in the cost their administration of the program will be tighter. But, Mr. Chairman, be it remembered that 2 or 3 years ago Congress passed an amendment to the ADC welfare program which directed the States to pay a share of some costs they had not been burdened with. And it will be recalled that provision never did get into effect. I have a telegram from the chairman and ranking minority member of the Appropriations Committee of the Michigan Senate. They have objected strongly to the provision of this bill which would saddle the States with a share of the cost of the food stamp program. They say simply that Michigan has not the money to put into it. And according to reports, eight of the nine largest States are in fiscal crisis at the present time. Michigan is one of them.

I am inclined to think, Mr. Chairman, that the bill we are now considering will need considerable changes in the tightening up demanded by the people back home is to be accomplished. The whole food stamp program should be investigated.

Mrs. SULLIVAN. Mr. Chairman, would the gentleman yield for a question?

Mr. HUTCHINSON. I am happy to yield to the distinguished gentlewoman from Missouri.

Mrs. SULLIVAN. The gentleman from Michigan has listed a number of instances which represent Federal crimes in the misuse of food stamps. Have the gentleman's constituents who saw these crimes committed reported them to the proper authorities?

Mr. HUTCHINSON. I do not know that they have. I have not pursued that matter.

The gentlewoman I am sure knows the reluctance of ordinary citizens to involve themselves with the law.

Mrs. SULLIVAN. I realize that.

Mr. HUTCHINSON. But they are crimes, they are abuses.

Mrs. SULLIVAN. They are Federal crimes. I have had this brought up to me in meeting after meeting, including one recently with some women bankers who cited individual instances they had seen of illegal activity, and I could not help but say to them "if you do not report these crimes—incidents that you know to be a fact—to the proper enforcement authorities, then you are as guilty as the people who are committing them; because when you see a crime occur you are duty bound as a citizen to report it and to try to get it corrected by the proper authorities, and punishment meted out."

Mr. HUTCHINSON. I would agree with the gentlewoman, but I would also observe that there are a good many people in the world nowadays who rather think that part of the function of the Congress is to investigate these things as well, and I seriously say that the committee could do well to undertake an investigation of the abuses of this program throughout the country. I cannot believe that all the abuses are only in my own district.

Mrs. SULLIVAN. No—I thoroughly agree, if the gentleman will yield further. I concur in what the gentleman says about crimes having been committed. That is what kills many programs that have worthwhile purposes, good programs if they are widely abused without punishment or enforcement. And if the Government itself does not act quickly to correct these abuses then we can lose the support and good will of all of the people for programs to help hungry or undernourished people to obtain an adequate diet, crimes should be punished, and people who see them occur must become "involved" enough to report wrongdoing when they see it happen. We cannot enforce the law here—telling your Congressman that "someone" violated the law is not the same as reporting the criminal to the authorities.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I just want to call the attention of the gentlewoman from Missouri, and the attention of the gentleman from Michigan, to the fact that this committee has not been asleep. The committee has investigated these matters, and we have printed a report on the field investigations of the operations of the Food Stamp Act of 1964—the investigation was made in 1970. The report is available to all Members, and in it we do point out exactly the kind of things the gentleman from Michigan has been referring to; things which are taking place, and we have brought this to the attention of the Department of Agriculture. We are advised that that Department has referred a great many of these cases to the Department of Justice. I know of no action by that agency, but if there has been any neglect it has certainly been on the part of the Justice Department, not on the part of the committee.

Mr. HUTCHINSON. I sincerely hope they will do something about it.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding. I just want to add to the facts that he has given to the Congress, as I have in my hand a letter from the president of a department store in my hometown who calls attention to the fact that there has been a 100-percent increase in applications for school lunches since they were invited to apply, based on the criteria established by the Department of Agriculture, for food stamp plans in conjunction with the Department of Health, Education, and Welfare. I have the application here. This is a revised school district serving 150,000 people, and they equate the family size according to the annual family income, as qualification for free school lunches.

This outstanding merchant says, among other things:

> They aren't even encouraged to pay whatever they might be able to pay. Why not leave them a little dignity and self-respect and encourage them to pay something instead of encouraging them to expect a handout.
>
> * * * * *
>
> Try to do something about the many, many handouts that are breaking our backs and in many cases are not needed.

Mr. Chairman, I will ask permission when the proper time comes to put in the RECORD this letter, and the other material I referred to.

The material referred to follows:

Most important is the fact that the American people are being invited to apply for a handout rather than encouraged to help themselves. I hear that the applications for free lunches increased 100% after this letter went out and now they are considering raising the price of the lunch to those who can pay. Note that the letter says "families may find it difficult to pay the full price—lunches are provided free to children who are unable to pay the full price." They aren't even encouraged to pay whatever they might be able to pay. Why not leave them a little dignity and self-respect and encourage them to pay something instead of encouraging them to expect a hand out.

No wonder we are going broke all over the country. And I am sorry but so far I am unable to swallow the President's new welfare program. We are just encouraging more to become dependent on the government and not themselves.

I guess I have said enough though there are more aspects to this thing such as the family that a friend of ours was trying to help because they were cold and had no heat so he was providing and installing a floor furnace for them but they could afford a large console color TV set and the basement was full of "commodity" groceries.

THE SCHOOL DISTRICT R-12,
ADMINISTRATIVE SERVICE CENTER,
September 18, 1970.

Letter To All Parents

This letter is being sent to all parents of children enrolled in The School District R-12, in compliance with certain rules and regulations established by the *U.S. Department of Agriculture* and the State Department of Education.

The school district serves nutritionally balanced lunches every full school day as a part of its regular school lunch program for the regular low price of 35 cents in the elementary schools and 40 cents in the secondary schools. Since some families may find it difficult to pay the full price for their child's lunch, lunches are provided free to children who are unable to pay the full price. This program is administered for the school district by the Underprivileged School Children's Fund Board under policies adopted by the Board of Education.

The following nationally uniform income scale, as announced by the *Secretary of Agriculture*, has been adopted for use in determining which children are eligible to receive free lunches:

Family size:	*Annual family Income*
1	$1,920
2	2,520
3	3,120
4	3,720
5	4,270
6	4,820
7	5,320
8	5,820

Add $450 for each additional family member.

Unusual circumstances, such as illness or death in the family, temporary disability and seasonal unemployment, are also taken into account when determining eligibility.

Children receiving free meals will be treated in the same manner as paying students. Every practical effort will be made to insure that the children do not know who is paying and who is receiving a free meal.

An application form is enclosed. Additional forms are available in each school office. Parents who feel that their children are eligible *are urged* to apply at each child's school, if more than one school is involved. If an application is denied, the parents will be informed that they *may file an appeal* for an adjustment in the decision of the school official with respect to such application.

The school district's complete policy concerning free meals is available for review in the office of *Mr. Joe Cain, Director of Pupil Services,* located at the *Administrative Service Center, 940 North Jefferson Avenue, Springfield.*

APPLICATION FOR FREE MEALS

Name of School ------------------------------

Address of School ---------------------------

I hereby make application for free meals, under the National School Lunch Program, for the students listed below who are my children or my wards:

Child's Name, Age, Grade ------------------

Household's annual gross income for all sources including wages, Public Assistance payments, Social Security, etc.? (Any change in income must be reported immediately to school officials.)

Total number of family members living at home?

Number of children in family who attend school?

(Check one in answer to each of the following questions)

1. I am receiving Public Assistance payments —Yes; —No
2. I am participating in the Food Stamp Program —Yes; —No
3. I am participating in the Commodity Distribution Program —Yes; —No
4. Does any special situation exist which makes the family expenses greater than normal? —Yes; —No

If the answer to question 4 immediately above is yes, please explain situation.

I hereby certify that the information here provided is true and correct.

(Signature of Parent or Guardian)
(Address of Applicant)
(Telephone Number)

Mr. POAGE. Mr. Chairman, I yield 6 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, I appreciate the kindness of the gentleman from Texas (Mr. POAGE), the chairman of the Committee on Agriculture, in yielding this time to me, because he knows that whenever we have a food stamp bill on the floor from his committee, it is not the kind of bill I think should pass. The gentleman from Texas always puts up a valiant and loyal battle for whatever food stamp legislation is recommended by his committee—he defends it as he would defend the Alamo—and then we have to beat him and his committee on the floor, and substitute something far better than the committee bill; and I trust that will happen again this time, too. Unfortunately, however, what we have passed here on food stamps has not always survived in conference—when some of the Members of the other body who have since decried hunger in this country had joined with our House conferees to torpedo what the House had done to open-end the authorization for funds. That is what happened just 2 years ago when the House passed such an authorization for the food stamp program only to be confronted with a conference report limiting the authorization for funds only to the end of calendar 1970. So here we are again—at the last moment once again—down to the wire—with the program imminently about to expire in a few weeks unless legislation is passed to authorize further appropriations.

Every time I listen to a debate here on a food stamp bill, I am almost tempted to hang my head in shame, that a program I fought so hard to enact into law over such a long period of time—ever since my first term in Congress back in 1954—is such a dreadful, awful thing.

It has not solved all of our social problems. It has not made every poor family in the country self-sufficient. It has not solved the housing shortage. It has not even given every citizen as much food as he could eat.

Some of the strongest criticisms of the program's failures to solve all social problems have been made by individuals who voted "no" in 1957, "no" in 1958, "no" in 1959, "no" in 1964, "no" in 1967, "no" in 1968. In 1969, the Nixon administration first indicated it was considering doing away with the program entirely, and then asked for funds to expand it tremendously. I am delighted that it chose the latter alternative, and that so many of the Members here who had been voting against the program for so many years now see in it a way to perform miracles of social reform.

All I ever wanted the program to do was to assure an adequate diet to everyone who cannot afford to buy one. That is all. The only reason a food stamp program was politically feasible in this country was that we have raised such a vast abundance of food—thanks to Government subsidies and supports—that we have to store it and give it away all over the world. Under the food stamp program we are making it possible for poor American families to enjoy some of this agricultural abundance resulting from the billions of dollars a year in subsidies paid by all taxpayers, including taxes paid by the poor.

Note, Mr. Chairman, my reference to the circumstances which make a food stamp program "politically feasible." Once you load this program down with so much social significance that it is supposed to meet and solve all of our poverty problems in this country—and that is what some idealistic people want to do—this program is going to die from lack of public support from the middle income families which pay their own way, and most of the taxes, for the farmer subsidies and the food stamp subsidies as well. You cannot expect a food assistance program to assure better diets for the very poor than can be afforded and enjoyed by those who buy all of their own food, and pay for the subsidies, too.

Yet that is what the Senate has proposed to do on this legislation—it has loved the food stamp program to death.

The House Agriculture Committee has never been in any danger of committing that same mistake. It treats this program like dirt—a boil, a fester, an abomination which must be tolerated as the price for getting urban cooperation in the House on farm subsidy legislation. So each time the committee grudgingly reports out a food stamp bill as part of a package of legislation which also includes farm price supports, it adds a twist here and a gimmick there intended to destroy the food stamp program.

I oppose the committee bill. Since I am not on the committee which has jurisdiction, I will not attempt to seize the legislative initiative away from committee members who have proposed their own substitute bill, which is, I might acknowledge, far, far better than the committee bill but not, in my opinion, good enough. The substitute is not good enough in my opinion because I feel it weakens the present law in some respects, and attempts to write detailed administrative regulations into the law. But since it is so obviously preferable to the hostile committee bill, I will certainly vote for the substitute.

My own approach at this point would have been to pass a simple extension of the authorization for appropriations—an open-ended one such as we voted for in 1968—and send that to the Senate and say, "Look, it is now mid-December; this program was to die on December 31, but the Appropriations Committee gave it a 1-month reprieve to January 31; let us now pass a simple extension of the authorization for funds so that the $1,420,000,000 provided in the agricultural appropriations bill for this fiscal year can be spent, and we can then argue, next year, over how to save the world." I think the Senate leaders would buy that approach to the food stamp crisis at this point. Perhaps not. But if we send the committee bill to conference, we may never see it again, and have only a few days in January to save the program from disaster.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I rise in general support of H.R. 18582, a bill to amend the Food Stamp Act of 1964.

In the past 2 years tremendous progress has been made in meeting the food needs of the poor.

A family food program—either food stamps or commodity distribution—is now operating virtually nationwide. Only 10 small counties—whose total population represents less than 1 percent of the people in this country—are without plans for such a program. Even as late as January of this year, there were 279 counties that had no such commitment to operate a food program.

These family feeding programs are now reaching over 12 million needy persons—a record high.

Last December, major modifications were made in the food stamp program. Families were required to pay less for the stamps and received more bonus stamps. As a result, the monthly issuance of bonus stamps rose from $24.5 million in December 1969 to about $125.8 million in October 1970.

The number of children receiving free and reduced-price lunches under the national school lunch program reached a record high of 5.3 million children in October. This was 23-percent higher than in October of 1969 and further increases are expected as the provisions of Public Law 91-248 become fully operative in thousands of local schools.

The 1971 Appropriations Act for the Department of Agriculture, which was approved last week, contained record high funding for domestic food programs.

The modifications made in the food stamp program by Secretary Hardin last December were administrative changes that could be made within existing law. They were designed to reach more needy people and they did. Currently, 8.8 million people are receiving food stamp benefits, compared to 3.6 million last December.

Those modifications revitalized the program but other changes recommended by Secretary Hardin required legislative action.

The bill we are now considering will:

Direct the Secretary of Agriculture to establish uniform national eligibility standards for the program.

The law now requires State-by-State eligibility standards geared to each State's welfare standards. Thus, where welfare standards are low, food stamp standards are low. This inequity should be removed so that the program is available to the poor without regard to the State in which they happen to reside.

Expand local options for the concurrent operation of food stamps and commodity distribution.

This change will be responsive to local needs and special circumstances. A poor family would elect to participate in one program or the other—not both.

Allow participating families to elect to participate at less than the full subsidy amount.

This would increase program flexibility for the families. The reduced benefits would require a correspondingly lower investment.

Require participating States to undertake outreach efforts to inform eligible families about the program.

This is a necessary action if the stamp program is to reach those of the poor who need a dietary supplement.

Provide welfare families with an opportunity to purchase their stamps under a voluntary "check off" system.

This will facilitate the participation of welfare families. The system is a voluntary one, with the welfare family itself making the decision if such a system best meets its needs.

Provide that no family will be required to pay more than 30 percent of its income for a nutritionally adequate diet.

Most families would pay significantly less than 30 percent of income for this stamp allotment.

States would be required to operate a fair hearing procedure for its households.

This would provide a method for an objective review for those aggrieved program participants who felt they were not receiving the benefits authorized by law.

These program changes will do much to improve an already much improved stamp program. They are practical and realistic changes. They represent another significant action to eliminate poverty-related malnutrition.

Those modifications revitalized the program, but other changes recommended by the Secretary required legislative action. The bill now before you takes up some of those legislative changes. Some of them have already been discussed. But let me say this, that it directs the Secretary of HEW to make uniform national eligibility standards and I would like to say to the gentleman from Michigan and the gentlewoman from Missouri that in this area particularly, if we do not come to grips with the problem of giving this assistance only to those in need, we are really in trouble with our food stamp program.

The food stamp program is on the march. It is improving.

I believe the statement of the gentlewoman from Missouri that a simple extension at this late hour might be in order. There is one provision in this bill, Mr. Chairman, that I do not support. That is the provision for a State contribution. I believe at this time, with a whole reevaluation of the work-fare program, that this ought to be eliminated either in the committee or in the conference.

Mr. POAGE. Mr. Chairman, I yield 6 minutes to the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, although each individual is susceptible to hunger, because of an abundance of food only a small percentage of Americans know hunger.

When it does occur, if ever, for the average American, hunger is an accidental happening of a temporary nature. I had an experience of this kind during World War II when supplies were temporarily delayed and K rations ran out. It was of a minor and very temporary nature, but I nevertheless experienced the pangs of hunger.

While most of us in America readily admit to packing too much weight on our frames, it is tragic that in this country where nourishing food is cheap, abundant, and accessible, over 20 million Americans are victims of chronic and prolonged hunger, or serious malnutrition.

We have the opportunity to do the decent and right thing for those Americans today.

We have the opportunity to improve a program that has had considerable success; to broaden and simplify the food stamp program.

Our danger at the present time is that we may hesitate and fail to move far enough to completely eliminate hunger pockets in America. While testimony before the committee, observations made by committee members and by thousands of Americans working with the hungry have clearly indicated the depth of the country's problem, there is danger of our repeating a common failing and refusing to extend ourselves to the degree necessary to reach the goal of adequate nutrition for all Americans.

To accomplish our purpose we need to:

First, provide access to food stamps in all locations where there is need in America, without obstacles caused by distance or time.

Second, simplify the procedure to apply for and to receive food stamps without delay or frustration.

Third, preserve the dignity of the individual in the procedure of distribution and the use of the stamps.

Fourth, accept 35 cents per meal as the current minimum cost of food at the retail level.

Fifth, provide instructions to family heads as well as individuals living alone as to proper nutrition which is an essential part of our goal of ending hunger.

Sixth, recognize the special problems of the elderly which deserve a three-fold solution:

a. Use of food stamps with dignity.

b. Companionship during meals.

c. Overcoming the peculiar geriatric problem when the effort to secure and prepare nourishing food discourages and keeps them from having adequate and enjoyable nourishment.

Seventh, disavow any attempt to place the costs of the food stamp program on States at a time when the States are struggling to meet their own revenue needs.

Eighth, prevent abuse of the program by adequate supervision and by punishment of fraud and graft.

While the committee bill meets some of the needs I have outlined, it fails to move far enough on the following specific points—

First, simplifying the procedure for distributing and making the stamps easily accessible;

Second, recognizing 35 cents per meal as a minimum cost of food at present retail prices;

Third, meeting the special problems of the elderly;

Fourth, providing full Federal funding, placing part of the costs of the food stamps on the States is totally unfeasible at this time; and

Fifth, provisions for the prevention of fraud and graft in the use of food stamps.

Because of these shortcomings I find myself making a judgment in favor of the Foley-Quie substitute over the committee bill, I welcome the substitute as an attempt by the House to more broadly meet the needs in solving America's hunger problem.

I shall support the substitute bill. I do so with a belief that we will move this country closer to the goal that I spoke of at the outset.

We shall be attempting to share the abundance of low cost, nourishing food which, thanks to divine providence, we are able to produce in such quantity that none in America need know hunger.

We have a moral obligation to prevent hunger in our land.

Beyond discharging that very basic human obligation, however, a truly adequate food stamp program can give our Nation strength in several ways.

It will strengthen our economy in an area where it is needed—demand for agricultural products.

It will literally strengthen our citizenry, eliminating a great deal of illness, lethargy and the lifelong impairments of undernourishment in early childhood.

And it will strengthen the image of our democracy around the world if we demonstrate that our system of government can end the paradox of hunger in a land of plenty.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania, Mr. GOODLING.

Mr. GOODLING. Mr. Chairman, I thank the gentleman from Oklahoma for yielding.

We, as legislators, day after day are required to pass judgment upon affairs that reach deeply into the lives of the American citizens we represent here in this House of Representatives.

Each of us, as human beings, stand in strong support of those programs that are designed to improve the lot of our fellow man. Each of us, as legislators, have tried to cultivate a talent for dealing realistically with legislation that is before us, endeavoring to separate the emotional chaff from the wheat of practicality. An amendment I shall introduce to this Chamber today offers a supreme test for this talent, for it has an emotional base—it is concerned with human beings who are out of work! My amendment would prohibit the issuance of Federal food stamps to those who are engaged in strikes.

Many words will be spoken here today in support of Federal food stamps for strikers, so let me explain my reasons for objecting to this concept and for introducing my amendment to forbid it.

I object to such use of food stamps for two principal reasons. First, it is a doctrine basic to our American system that the Federal Government should not play favorites. Uncle Sam is obligated to treat all his citizens alike. Under this program where food stamps are being handed out to strikers, the Federal Government is abandoning the theme of equal treatment and is being partial to the striker over the employer. In short, the Federal Government, through this exercise, is taking sides. This raises the serious question of whether or not General Motors should not also expect special treatment from the Federal Government for any losses it suffered as a result of the recent strike, something like tax credits or other tax considerations.

Second, we must remember that there is one person footing the bill for the food stamp program, and that is the taxpayer. Should one taxpayer who is, by choice, gainfully employed be expected to subsidize another taxpayer who is, by choice, unemployed? I have received letters from taxpayers all over the country who strenuously object to the use of food stamps by strikers, one of which stated: "They say the workers in Detroit need help because their income has stopped. Well, that's too bad. Let them go back to work."

Over and above this, such use of food stamps can act to prolong strikes and, in the process, visit an economic negative on our total commercial structure. For instance, one worker-striker in the GM strike paid $18 and received stamps with which he bought $162 worth of groceries, and he was prompted to say: "They can't starve us out now that we're getting these food stamps. We can go on forever."

Such a use of food stamps also shatters the concept of collective bargaining, where each party to a labor dispute is supposed to use his own judgment in effecting a solution of the problem. Collective bargaining becomes "protective bargaining" under this arrangement.

In summary, the food stamp program has become blown up and out of shape, as I have feared it might. Giving food stamps to strikers is, in my mind, a distortion of the food stamp program, and I think it is incumbent on us, as legislators, to right this wrong. We should exert every effort possible to restore this program to its proper "assistance to the needy" form, which was the program's original concept.

Leading newspapers and organizations all over the United States have reported on this use of food stamps by strikers during the GM strike, and at the proper time I shall ask unanimous consent to insert extraneous material relevant to my remarks.

I include the following editorials and letters which I have previously referred to:

[From the Wall Street Journal, Sept. 30, 1970]

STRIKING UAW MEN FILE FOR FOOD STAMPS AND CREATE LOGJAMS—PROCESSING DELAYS AND GIGANTIC PAPER BACKLOGS RESULT, BUT WELFARE AIDES SEE SPEED-UP

DETROIT.—Welfare officials here and elsewhere throughout the country where General Motors Corp. has production facilities

report they have been overrun by striking United Auto Workers union members seeking Federal food stamps.

A spokesman for the U.S. Department of Agriculture, which funds the food stamp program, said there is no danger of running out of food stamps. But state welfare officials, who administer the program, say that the flood of strikers seeking stamps has caused temporary delays in processing applications and giant paper-work backlogs.

In Detroit, for example, the Wayne County Department of Social Services has set up two temporary food stamp centers for striking auto workers, but so far it has been unable to handle the hundreds of workers who have been lining up to get into the program.

Officials here and elsewhere, however, say they are hopeful they will soon be able to process all of these strikers' applications.

Most GM strikers are receiving less than $50 a week in benefits from the union's strike fund. And many of them are counting on food stamps to feed their families.

In other labor developments, GM said it recalled 2,221 previously furloughed United Auto Workers members at three nonstruck facilities, while furloughing 1,490 additional union members at four other nonstruck facilities.

The new recalls and layoffs bring total layoffs at GM's 26 nonstruck plants to 36,390 since the union struck the bulk of the auto maker's facilities Sept. 15. Another 349,910 UAW members are striking 146 GM facilities in the U.S. and Canada.

In still another development, American Motors Corp. said it would resume bargaining with the UAW on a new labor agreement next Tuesday in Green Bay, Wis. AMC's old contract expires Oct. 15.

HERE'S THE ISSUE: FOOD STAMPS FOR STRIKERS

How much did you contribute to support the strikers against General Motors last year? To the strikers who closed General Electric last year? To the rubber workers the year before?

If your answer is "nothing", you may have to guess again.

In the last two years, there has been a massive growth in tax-supported economic aid to striking employees. Unions have learned that they can tap the Treasury as a source of strike funds. And they are continually improving the technique.

The question of whether tax funds should be used to support strikers is arising again this year in debate over extension and expansion of the Food Stamp program. Senator Thurmond (R-S.C.), for example, introduced on November 17, a new bill (S. 4505) that would forbid the distribution of food stamps to any household where the head of the household is engaged in a labor strike. But so far, the talk has largely been desultory. Few of our law-makers seem eager to take sides in such a highly-emotional issue.

The House Agriculture Committee, for example, refused to write any sanction into the Food Stamp authorization bill (H.R. 18582) on the grounds that "it did not want to take sides" in a labor dispute.

Because the refusal to forbid stamps to strikers, obviously, is "taking sides" from a practical standpoint, many people believe that sooner or later, the American people—and its Congress—will have to face the problem, if we wish the principle of collective bargaining to survive as the cornerstone of our Federal labor policy.

Lest this be dismissed as mere employer propaganda it is useful to look at the dimensions of what is happening and the principles that are involved.

A multitude of assistance programs for the poor and unemployed exist today.

The current problem arises because the Federal Government and some state and local governments provide workers with strike funds through the distribution of these benefits.

Back in 1960, a half-million steelworkers were able to hold out during the 116-day strike, because about $45 million in relief aid and unemployment benefits was obtained from public sources.

I. W. Abel, then Secretary-Treasurer of the Steelworkers Union, said flatly that the aid "provided the food, shelter, and welfare services that made the strike endurable. The sum exceeded by far the amount that the union poured into the districts and the locals."

ORGANIZED EFFORT

James D. Compton, chairman of the steering Committee, AFL–CIO Coordinated Bargaining Committee, reported in *The American Federationist* on "Victory at GE: How It Was Done." He said:

"While the (news) papers noted accurately that many strikers had laid aside their own personal strike funds and that strike donations from other workers were of enormous help, they largely overlooked one of the key contributions to the strike's success—that of the AFL–CIO Department of Community Services and its hundreds of local strike committees, which . . . showed the way in drawing upon the resources of Federal, State, and local welfare agencies . . . in procuring food and financial aid for the strikers and their families."

What this means in hard dollars-and-cents is illustrated by Leo Perlis, who headed those Community Services. He said the strikers received as much or more from public welfare and similar sources than they did from union strike benefits.

Public assistance to GE strikers and their families has been estimated to total *about $5 million dollars per week at* one point in the strike, and in Massachusetts alone, GE strikers and their families received $2,307,823 in welfare benefits.

The New York Times, in reporting on the 1967–68 copper strike found that "the solidarity" of the strikers was based, in great part on "wide support from a combination of public welfare, Federal food stamps, and union strike benefits."

Statistics are not yet available, but there can be no question that Food Stamps were distributed in large quantities to many of the 343,210 workers who were on strike against General Motors. Some workers have publicly acknowledged the value of food stamps in the strike, and Rep. George A. Goodling (R-Pa.), quoted one worker who had paid $18 for stamps with which he could buy $162 worth of groceries, as saying "They can't starve us out now that we're getting these food stamps. We can go on forever."

In fact, the exact amount of Federal aid furnished to subsidize strikers is difficult to determine, because public relief agencies don't always show the recipients as a striker on their records.

One way, perhaps to get a fairly accurate picture of whether strikers are receiving public funds, however, is to compare the amount of aid distributed during strike-trouble months with strike-free months in the same area. There would seem to be a logical presumption that at least the major portion of the increase is attributable to the strike.

In Lorain, Ohio, for example, in August 1967, food stamps were issued to some 141 households with 629 individuals.

In October, when Ford workers struck, household aid shot up to 1,187, with 10,048 individuals.

In November, with the settlement, the total was down to a more normal 331 families, and 1,460 individuals.

Similar experiences are likely to be duplicated in any community in any state during a strike period, because few welfare agencies show any disposition to bar strikers from collective public aid.

Some, in fact, go so far as to provide special handling for food stamps and welfare applications submitted by strikers. Such was the case in Baton Rouge, La., during a strike at a nearby chemical plant in August. A staff member from the local welfare unit was assigned to the local food stamp office and a special room was set up to process strikers' applications.

Welfare officials denied this arrangement was giving strikers preferential treatment, declaring it was merely a "simple way of clearing the backlog."

In many instances, special treatment for strikers begins even before the strike is called.

Well in advance of the GE strike, for example, union leaders met with Federal, State, and local welfare officials to discuss how strikers might be helped during the walkout. Preliminary lists of those who would be expected to need help were submitted.

Thus, the availability of public financial assistance was actually a foregone conclusion when the strike was called.

With these and other evidences of widespread distribution of public economic assistance to strikers available, two questions are raised: (1) Should the cause of an individual's "need" make any difference? (2) Does furnishing public assistance undermine the principle of Federal neutrality in labor disputes?

THE CAUSE OF "NEED"

Undoubtedly, one major reason for the increased use of general taxpayers' funds as a source of strike aid can be found in the simple fact that organized labor has demonstrated political muscle.

But some of it also comes from the accepted principle in American society that those "in need" should be helped.

Proponents of the aid to strikers say that if a worker and his family are "in need", it makes no difference what the cause may be.

Others, however, say that one can accept the general principle of helping those in need, but still raise questions over treating the man who is unemployed because he is on strike in the same way as the man who is in need because he has no marketable skills:

There is increasing evidence, in fact that the American people are increasingly inclined to believe that the reason for being in need does make a difference. Current proposals for changes in the welfare program, for example, generally emphasize a willingness to accept employment as a proviso for such aid.

Congressman Goodling (R-Pa.) in a statement on October 13 pointed out that "choice" plays—or should play—a key role. He asked: "Should one taxpayer who is, by choice, gainfully employed, be expected to subsidize another taxpayer who is, by choice, unemployed?"

Additional importance is added to this question of *choice* by the far-reaching effects that labor disputes have on others.

For one thing, assuming that aid, such as Food Stamps, are available in limited quantity at any one time, their issuance to strikers may actually deprive people who are "in need" through no desire of their own.

In introducing his bill, Senator Thurmond noted: the effect of the General Motors Strike:

". . . the issuance of food stamps to these individuals who could have been earning $4 an hour, undoubtedly took the food out of the mouths of people who were actually in need. The strikers in one State were drawing so many stamps that the Federal Government had difficulty in keeping the stamps printed and supplied to the local agencies."

He pointed out, too, that the economic effects went beyond the other needy:

"The United Auto Workers Union strike, the biggest and costliest strike in more than a decade, has a serious adverse effect upon many innocent individuals. Since these strikers were being fed at the taxpayers' ex-

XUM

pense, there was little incentive to go back to work. As a result, the strike lasted for almost two months. Each day this strike continued, the number of innocent victims increased.

"This union action caused over 100,000 individuals who wanted to work to be laid off, cut the gross national product by $1 billion per week, and severely damaged the earnings of many primary and secondary suppliers, not to mention the cost to each individual taxpayer who paid for millions of dollars worth of additional food stamps."

FEDERAL NEUTRALITY

Because of these and other repercussions, a policy that ignores the source of the individual's need in distribution of economic aid undermines the base on which our collective bargaining system rests.

This base is the belief that management and labor should bargain collectively—and that the Federal Government should remain neutral.

Our laws permit the workers to band together without restrictive pressures from employers and to bargain collectively.

The Federal Government "acts to oversee and referee the process of collective bargaining."

There is no way to separate economic power from this bargaining process.

In fact, it is an essential part.

The workers' goal in a strike is to cause such economic losses for owners of the plant that they will weigh these losses against the cost of wage increases and other benefits.

Similarly, the employee's bargaining position is affected by their losses in income weighed against their possible gains in the contract.

When the Government forces the taxpayers to subsidize one side of the dispute, it exerts a substantial, or even controlling importance in influencing the results of the dispute.

The payment insulates the employees from the financial burden of striking by the creation of a Government "strike fund" of immense proportions.

Congressman Goodling noted that this means the "Government is taking sides" and "raises the serious question of whether or not General Motors should not expect special treatment from the Federal Government for any losses resulting from the strike."

FOOD STAMPS—MAJOR CULPRIT

Although welfare, unemployment compensation, and other financial aid is furnished to strikers in some jurisdictions, it appears that the worst violations of the principle of Government impartiality in labor disputes are coming in the area of Food Stamp distribution.

The Food Stamp program was started in 1939, under a 1935 law, principally on the grounds that it could be used as an effective technique for distributing Government-held food surpluses.

In 1961, a pilot stamp plan was initiated by President Kennedy in eight test areas, under the same 1935 authority, and in 1964, Congress, under the urging of President Johnson, converted the 1961 pilot program into a permanent food-stamp program financed by the Federal Government.

Some $375 million was authorized for three years, and the purpose of the program was shifted from one of direct distribution of surplus Federal stocks to one designed to aid low-income families improve their diets. Critics of the direct distribution plan argued that the distribution of surplus stocks unduly limited the diet of the needy.

Under the new plan, any community, with the State's approval, could drop out of the direct distribution plan and enter the food-stamp purchase plan instead.

Under the food-stamp purchase plan, a low-income eligible person would purchase food stamps which could be used to buy food with a higher value in the store.

With banks acting as intermediaries, the Federal Government would pay the costs—the difference between what participants paid to purchase the stamps and the amount of food they received for them.

President Johnson signed the measure on August 31, 1964, declaring that it was "one of our most valuable weapons for the war on poverty."

Since that time, the program has grown.

Current legislation would expand it greatly.

The Senate bill (S. 2547) would authorize a boost from $315 million in FY 1969 to $2.5 billion by 1972.

The bill also provides free food stamps for families with incomes under $60 a month and provides that the price of coupons be adjusted so that no family is required to spend more than 25 percent of its income for stamps.

The House bill also carries liberalizing features, and would set up an open-end authorization for three years.

But, oddly enough, neither of these so-called "reform" measures would do anything to put an end to the practice of giving aid to strikers.

The House Agriculture Committee, in fact, refused to do so, on the grounds that it "did not wish to take sides in labor disputes."

Since issuing the stamps is itself taking sides, this rationale is difficult to understand. It also seems to contradict the Committee's avowed intent to deny participation in the stamp program to individuals "who are poor because they choose to be poor."

The food stamp and welfare bills do require that most-abled bodied adults register for employment as a condition for receiving stamps, but this doesn't solve the striker problem. A striker need only register to begin getting aid.

In 1968, the House approved a provision that would have barred stamps for strikers, but it was knocked out in the Conference Committee and the House yielded.

It has been reluctant to get into that battle again and is not likely to do so in this lame duck session. But the growing use of food stamps to weight the scales in favor of one side during the collective bargaining process will sooner or later force Congress to face the problem squarely.

[From the Wall Street Journal, Oct. 20, 1970]

A SORDID PICTURE

The 1964 Food Stamp Act specified in its title that its goal was to "provide for improved levels of nutrition among low-income households." In a March 1964 message on poverty, President Johnson urged support for food stamps "to protect those who are especially vulnerable to the ravages of poverty."

Well, as we noted recently, food stamps have strayed quite a bit in the past six years. Specifically, they're being used to support United Auto Workers members in their current strike against General Motors Corp. It surely is an odd role for the Federal Government.

Federal financial aid to the strikers obviously can prolong the walkout, since it lessens the pressure on the union and its members to settle. Least anyone worry too much about the strikers, who after all draw benefits from the union and frequently can get other jobs, it should be remembered that the Federal strike benefits can easily delay or preempt aid that would otherwise go to persons who are really subject, in Mr. Johnson's phrase, "to the ravages of poverty."

Congress may at least recognize that the food stamp program is somewhat strained as it tries to help both strikers and the poor. In any case, the House the other day overwhelmingly approved a measure that will increase the funds available to the program by $300 million.

As Rep. John Ashbrook (R., Ohio) remarked, "One does not have to be too bright . . . to recognize that this extra $300 million may very well be headed not for the poor and needy but for the General Motors strikers and others who may be out of work by their own voluntary action."

Mr. Ashbrook summed up the matter well: "The whole sordid picture is one which certainly has not done the U.S. Congress proud."

TRANSPORTATION ASSOCIATION
OF AMERICA,
Washington, D.C., December 8, 1970.

Hon. GEORGE A. GOODLING,
U.S. House of Representatives,
Longworth House Office Building
Washington, D.C.

DEAR CONGRESSMAN GOODLING: We in the Transportation Association of America were most pleased to read in the December issue of "Northeast Agriculture" an article concerning your position on providing food stamps to strikers. Please accept our sincerest congratulations.

In this connection, I thought you would be interested in the attached information paper which we circulated to members of TAA.

We would be very much interested in the names of other Congressmen who are also concerned about the distribution of food stamps in this fashion.

With best wishes for the holiday season, I am

Sincerely,

PAUL J. TIERNEY.

TRANSPORTATION ASSOCIATION
OF AMERICA,
Washington, D.C., October 30, 1970.

DEAR TAA MEMBER: Do you think it is right that General Motors employees now on strike—by their *own* choice—should receive Federal food stamps paid for by you and all other American taxpayers?

The Federal food stamp program was devised as an additional weapon in the war on poverty. Basically it was envisioned as an extra aid to families on welfare, the disadvantaged, the unemployables and similar truly persons. But because the agencies in charge of administering these programs have chosen to ignore or overlook the "need" standard, a strike is treated the same way as a hurricane or any other natural "disaster".

The net effect is that during strikes in recent years, the food stamp program and other welfare aids have provided *as much or more* aid to strikers as did union strike benefits!

But here is another facet of this grossly inequitable situation that possibly has more impact than the huge cost to the taxpayer.

Collective bargaining between labor and management depends on the ability of the parties to withstand a strike with its related consequences. Since welfare assistance such as Federal food stamps eases to a major extent the financial burden of striking, meaningful collective bargaining is seriously jeopardized. Thus the propensity of workers to strike increases, strikes themselves are unduly protracted, and it is made all the easier for unions to exact inflationary settlements.

We are concerned about the whole situation. And we've said so on several occasions to both the Congress and the Administration. We've also made our point quite strongly in our special publication entitled "Government Aid to Strikers".

If you are concerned, we urge you to tell your Congressman how you feel about the situation. *Now* is a good time while he is back in your district during the election-time recess. Only an aroused public can cut down the use of public funds to help support strikes.

Sincerely,

HAROLD HAMMOND.

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Mr. POAGE. Mr. Chairman, I yield such time as he may use to the gentleman from Indiana, (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, I am deeply distressed over the opposition to allowing food stamps to workers engaged in contract disputes. Therefore, I take this opportunity to call to mind the many good things that working people give to improve the quality of economic life beyond their regular tax deductions which amounts to the largest source of revenue for Federal, State, and local government.

Workers contribute their money and talent toward the growth of their communities by supporting programs which will aid the needy and unfortunate. You have only to observe, as you travel, that ours is a Nation of churches of all denominations whose doors are open to all regardless of one's ability to make like contributions.

Many workers contribute a portion of their paychecks regularly through payroll deduction to the annual United Fund campaign, and so forth. Agencies benefiting by such support attempt to meet the otherwise unmet community, State, and National needs. Indeed, workers give of their personal time as well by serving in the great army of volunteers on the various agency boards and committees, in charitable programs and as volunteer fund raisers for the needy.

Workers give cash and volunteer their efforts to community capital fund raising campaigns. Need anyone be reminded that a Boy Scout headquarters, neighborhood recreation center, or any community building project does not just happen—workers make donations of money, volunteering hours of work, or both.

Workers advance national health causes. I bring to your attention only one of many examples of health causes where labor's annual contributions, over a period of 20 years, made this great charity a success. The cause was the March of Dimes initiated by President Roosevelt. The disease was polio which took the lives of more than 10,000 young people annually while thousands more of all ages were left crippled. Twenty years of annual contributions resulted in the development of vaccines which have since reduced the death rate to well below the 100 mark annually.

Workers contribute in other ways. Workers donate blood through blood replacement programs for military as well as local needs. Approximately 2 million pints are given annually. Workers and their families are the major source for organ transplants now voluntarily allowed under the recently passed Anatomical Gift Act. Many workers have signed the standard uniform donor card which will allow at death the donation of an organ or organs so that others may live.

Mr. Chairman, I can go on and on in listing the everyday good deeds performed by workers—Buddy programs, child adoption, visiting the sick, Little League, and so forth. Food stamps for workers and their families while engaged in a strike, provided all qualifying tests are met, is as fair for the workers as Government subsidies, tax writeoffs, and other incentives which are legislated for business and industry. To consider even less for workers than the law allows, in their time of need, is to test the workers' faith in his government.

Let us not, as a governing body, be the wedge that divides the various segments of our economy. That contributes to the widening of human and moral relations between labor and management relations. Let us instead, correct any proven abuse in the food stamp program and continue as we have in the past to meet the basic needs of the people. It is incumbent on this body to defeat any motion that will deny food stamps to anyone in need regardless of the cause of that need.

Mr. POAGE. Mr. Chairman, I yield such time as he may use to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in support of H.R. 18582 as reported by the Committee on Agriculture. The legislation was reported out of committee by a vote of 28 to 2, after several months of serious and soul-searching consideration. The bill is a compromise measure representing the best of several worthwhile proposals. I would like to commend the chairman and my fellow members of the committee who worked so hard and diligently to formulate the bill. I would also like to commend the other Members of the House who took an interest in this legislation and presented oral and written testimony on behalf of the bill.

I believe all my colleagues are familiar with the basic concepts behind the food stamp program. The original legislation had as its main purpose the supplementing of food resources for those people in America having to subsist on a substandard diet. Congress in its wisdom was making an honest attempt to assist those low-income families who did not have the financial means to purchase a daily supply of food for a nutritional diet. That word "assist" is very important. The food stamp program is designed to assist those people who are trying to make ends meet, but cannot. I do not believe the Congress in 1965 or the Congress now intends for the food stamp program to become another mammoth giveaway, thereby killing the incentive for people to earn a living for themselves.

There will be some who say the bill does not go far enough and there will be others who say it goes too far. I believe the merits of the legislation speak for themselves. The Agriculture Committee has included provisions that will make it much easier for people truly in need to acquire food stamps, participants would be allowed to purchase food stamps twice a month in those cases where they do not have the funds at the first of every month to pay their contribution. People receiving welfare or other public assistance will be able to have their contribution deducted from their monthly check. The legislation contains the "meal on wheels" concept whereby the elderly and shut-in could use their food stamps to purchase hot meals from nonprofit organizations. There is a provision directing the appropriate State agency to begin an educational program to inform potential participants of the availability of food stamps.

One very important provision calls for the formula for issuing food stamps to be based on the requirements to provide a nutritional daily diet. Also the Secretary of Agriculture with the assistance of the Secretary of Health, Education, and Welfare would be directed to develop uniform national standards for participating households. H.R. 18582 provides for steps of appeal by those persons who believe they have been wrongfully denied to participate in the food stamp program.

I believe all my colleagues will agree that these provisions will make it easier for thoe low-income families truly in need to participate in the food stamp program.

By the same token, the committee included a provision to tighten the controls of the program by requiring able-bodied persons receiving food stamps to register for and accept employment. I feel it is only right that people capable of working should accept available employment to earn their own living. You will encourage people not to work.

Mr. Chairman, I would like to discuss in a little more detail section 5 of the bill which contains authority for establishing the value of coupons with a minimum monthly payment of 50 cents per person per month up to a maximum of $3.00 per family. I would point out that this is not a hard-and-fast rule. Allowances are made for this payment to be made out of State funds or by charitable organizations in the cases of indigent people. This very token payment will give the participants a feeling that they are contributing to their own well-being and not totally living off the public dole. This small contribution of 50 cents a month per person is a continuance of the past philosophy of the food stamp program. A philosophy of assistance and not giveaway.

There has been some discussion of section 9 which provides for State sharing in the costs of the bonus value of food stamp coupons. The provisions would call for the States to pay 2½ percent of the bonus value the first year, 5 percent the second year, 7½ percent the third year and 10 percent thereafter. My colleagues will realize that this is not a revolutionary proposal at all. The Congress has always provided for State-Federal participation in programs of this type. In fact, most of the public assistance programs require the States to pay more—considerably more—than 10 percent of the costs. I believe the average is somewhere around 50 or 60 percent, this holds true in other areas also such as highway construction, urban renewal, water and sewer facilities, plus others.

This proposal will not hit State treasuries as hard as some may think. This is especially true for those States who have a sales tax on food purchases. The food stamp program is providing greatly increased cash sales that never took place under the commodities program. These sales are adding to the amount of revenue being collected from the sales tax.

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I would like to point out to my colleagues that at the proper time, an amendment will be offered to push back the effective date of the State sharing formula. As the bill presently reads, the States would have to begin paying 2½ percent by the end of fiscal year 1971. By unanimous agreement of the Committee on Agriculture, an amendment will be offered to change this to the end of fiscal year 1972 and each of the succeeding increases in State sharing will be changed accordingly. This will give the various State legislatures 1½ years to pass conforming legislation.

In closing, I would like to touch briefly on the cost of H.R. 18582. Even though the appropriations authorization is open-ended, the Department of Agriculture has made an estimate of the cost of the committee's bill. They estimate that based on the present number of participants and the anticipated increase in participants the cost would be $2 billion in fiscal year 1972. I would point out that estimate on the Foley-Quie substitute would result in spending levels of $3.8 billion in fiscal year 1972 and $4.5 billion in fiscal year 1973. I realize that the substitute measure has a maximum spending level, but this just would not be enough money according to the Department of Agriculture to fulfill all the requirements of the substitute measure.

Mr. Chairman, I would urge all my colleagues to vote for H.R. 18582 as reported by the Committee on Agriculture.

Mr. BARRETT. Mr. Chairman, I have always supported the food stamp program and I hope I am able to continue to support this program; that is, that no amendments are adopted here today to weaken or destroy the Food Stamp Act. It has been one of the great achievements of the Johnson administration, and was based on a successful experimental program initiated by the beloved President John F. Kennedy.

I am proud to say that in the days when this program was being started, I urged the inclusion of Philadelphia in the pilot program and it was so included.

The program has administrative faults and problems, as any program of government usually does. Those can be corrected by good enforcement—not by attempts to change the law unfairly.

I oppose the antilabor amendments and the amendments to make the States pay part of the cost of the stamps. Those amendments are intended to cripple the program, not improve it.

Mr. BOLAND. Mr. Chairman, I rise in support of the Foley-Quie substitute bill. Unlike the committee bill, the Foley-Quie substitute would bring the food stamp program within the reach of virtually all the country's poor. Both bills recognize the pressing need for reform in the food stamp program. The 1964 Food Stamp Act, its major provisions still unchanged, now helps only about one-third of the 25 million impoverished Americans. Restrictive eligibility requirements—people who earn no cash income, for example, cannot buy food stamps—constitute one of the principal causes behind this dismal performance. Another is the lack of national standards for the program.

Major reforms—indeed, sweeping reforms—must be carried out now if the program is to reach the basic goal envisioned in the 1964 Food Stamp Act: feeding the Nation's hungry. The reforms sought in the Foley-Quie bill, I think, promise to achieve this goal far more efficiently and far more equitably than those of the committee bill.

The committee bill, for example, does not explicitly define national standards of eligibility. It stipulates that a family of four earning slightly more than $4,000 in yearly income is not eligible for food stamps. But it does not say who is eligible, burying in vague and muddled language a determination vital to the program's success. The Foley-Quie substitute, on the other hand, makes eligibility criteria so plain that no one child could misinterpret them. Any family of four whose income falls below $4,000 could get food stamps.

The committee's bill's most cruel and chilling provision calls for an outright ban on free food stamps, denying help to the 1.3 million Americans mired deepest in poverty: those who have no cash income at all. This provision—if I may speak bluntly, Mr. Chairman—is nothing short of unconscionable. The substitute bill would provide free stamps for families earning no cash income—indeed, for any family of four whose income is less than $30 a month.

I would like to cite a few more striking distinctions between the two bills. The substitute would give elderly Americans—that is to say, Americans 60 years of age or older—eligibility for food stamps. The committee bill, conversely, provides limited food stamp benefits for only those elderly who are disabled or confined to their homes. The Quie-Foley substitute demands the participation of all States in the food stamp program. The committee bill not only lacks this provision—a provision crucial to the food stamp program's success in the country's most impoverished regions—but it also makes the States liable for up to 10 percent of the program's bonus cost. Already heavily burdened by taxation, many States might ignore the program if faced with such added costs. The committee bill, still further, would deny food stamps to any household should just one able bodied member fail to seek a job. The substitute would penalize just that one member, granting food stamps to any dependants unable to work.

There is no question in my mind, Mr. Chairman, that the substitute bill is by far the better one.

I urge its passage.

Mrs. CHISHOLM. Mr. Chairman, Congressmen and Senators have spent a great deal of time in this term debating the merits of the food stamp program, discussing the definitions of hunger and if the major cause of hunger is poverty or whether it is the ignorance of the poor. Those who would contribute the cause to the ignorance of the poor might not be so willing now that one of their colleagues, Senator PHILLIP HART and his family, tried a welfare diet for 1 week in March.

Recently, I read an article in one of those quiet low-keyed magazines that covers the U.S. Congress. The article started like this—

> America has discovered serious hunger in its midst—and the public and political reaction includes pressure for major changes in Government programs.

America has not discovered hunger in its midst—almost one-third of the people in this country have been on speaking terms with hunger most of their lives. Some politicians have discovered that hunger, like poverty, can be an excellent and serious political issue.

A number of bills have been introduced in both the Senate and the House this term, some because of the debate and some in spite of it. All of them have the objective of reforming the Government food program. Some of the reforms are far reaching. Two examples would be free stamps for families with very low incomes and national minimum and maximum income standards for eligibility in the program.

Others are gradual stopgap measures designed to make the program look better but not necessarily work better by reaching more people in a more humane way.

It is not the lack of an adequate food program that is the basic cause of hunger in America nor is it a totally inadequate welfare system. It is the lack of money to buy food; it is poverty that is the cause of hunger, and poverty in the midst of plenty is tied directly to an unequal distribution of wealth in this country.

The food program and food stamps in particular do not attempt to change that basic fact. The drafters of the various food stamp bills are well aware of that.

The poor's major criticism of the program has been if you do not have money you cannot buy stamps. The proposed reforms in many programs seem to have interpreted that statement as meaning that the poor think that food stamps should either cost very little or be completely free.

My interpretation of that criticism by the people who are poor is somewhat different. I do not think that they are asking for continuance of the present personally degrading welfare system of which free food and food stamps are only extensions. They are asking for an opportunity to fully participate as productive members of this society. And they are asking that their participation bring them an honest and an equitable share of the prosperity that their work produces. A large enough share to feed, clothe, and house families in such a way that they will not have to depend on free money, free food, or even free medical care. Far too often those who have the good fortune never to have to resort to these free services cannot realize the terrible human price that is paid by those who accept those free offerings.

The alternate solutions for the problems that the welfare system and food stamps are designed to solve are often said to be very complex but so is putting a man on the moon. Any nation that can achieve such a marvelous feat should be able to seat the remaining one-third of its citizens at its dining table.

Mr. ANNUNZIO. Mr. Chairman, I am proud to be able to say that during the 6 years I have served in the Congress of the United States, I have always supported the idea and the concept of the food stamp program, and the legislation to expand it to the entire country. Hence, I think I am more than justified in questioning some of the proposals put forward here, supposedly to improve the food stamp program, which come from some of the Members who in the past opposed the legislation which created a food stamp program, and who opposed its expansion.

In other words, Mr. Chairman, there is a question in my mind whether some of these so-called improvements are intended in fact to make the program better or to eliminate it.

Ever since the program started, efforts have been made by the House Committee on Agriculture to force the States to shoulder a substantial share of the cost of the food stamps. First, the proposal was made by the Agriculture Committee to require the States to pay 50 percent of the cost of the added food purchasing power made possible by food stamps. That was defeated in 1964. In 1968, the committee proposed that the States pay 20 percent of the value of the bonus food stamps. That, too, was defeated. Now, in this bill, the committee is proposing that the States be required to pay up to 10 percent of the bonus value of the stamps. I trust that this proposal also will be defeated. I certainly oppose it for it is an anti-food-stamp proposal. It would discourage State participation in an important program of assistance to low-income Americans.

I join with the original sponsor of the food stamp law, the gentlewoman from Missouri, Congresswoman LEONOR K. SULLIVAN, my chairman on the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, and with other members, in opposing this and other features of the committee bill which could easily undermine and destroy the whole program.

The food stamp program offers an opportunity to every family to enjoy an adequate diet regardless of how low its income. Not all families use the food stamps with the skill of a home economics professor to buy the most nutritious foods. But research has demonstrated that the majority of families participating in the food stamp program do buy the right foods—fresh vegetables, fresh meat, milk, fruit, and so on—so the program has worked very successfully in most instances. There is, and has been, a need for more educational effort by the Department of Agriculture and the local welfare authorities in helping some families to use the stamps more effectively. And there must be strong enforcement, to prevent cheating. But on the whole, the program has taught us that when low-income families have enough money to spend for food, they do eat properly, and buy the right foods, and appreciate this substantial improvement in their diets.

In my opinion, this program has been one of the greatest aids to improvement of the agricultural economy in this country, for it has made effective consumers of processed foods out of millions of Americans not previously able to buy even a minimum diet in the grocery stores and meat markets.

This is a far better way to increase food consumption than just dumping our surplus food abroad—which is what we did with most of it before this food stamp program went into effect.

Mr. Chairman, I ask my colleagues, when we vote on the details of this legislation later today, to keep in mind the fact that we have the resources in this country—the blessed food abundance—to assure a decent diet for every man, woman, and child. The extra food which goes to low-income families under the food stamp program is, in most instances, food which would not otherwise be sold in the grocery stores, because without the food stamp program the people participating in that program would not be in a position to be customers for that extra food.

So the Government would have to buy it up as surplus, process it at great expense, and then give it away in powdered or dried form.

One final word, Mr. Chairman: much of my life before coming to Congress was spent in the field of labor-management relations. Not all strikes are justified and not all strikers are noble individuals. But most strikes occur only after prolonged and protracted efforts to reach an agreement without a strike. The strike is a last-resort device to achieve a settlement. Sometimes, strikes are deliberately provoked by management. We have vast machinery in the Federal Government and in most of the States to try to achieve the resolution of labor-management disagreements without strikes. But that machinery does not always succeed.

A proposed amendment to this legislation to prohibit the issuance of food stamps to anyone engaged in a labor dispute, without regard to any of the circumstances of the dispute or the financial hardship to the individual family, would be a cruel and inhumane measure to punish American workers for using their legal right to strike. This is the starve-them-out theory of labor-management relations. It is an 18th-century concept which does not belong in the United States of America. I oppose this proposal without qualification. It is, in my opinion, a shameful proposal.

Mr. LEGGETT. Mr. Chairman, hunger and malnutrition have not been strangers in man's history, nor are they strangers in the United States today. Hunger exists in the United States on a scale that is incomprehensible when it is technologically possible to have no hunger at all. Malnutrition abounds even where there is no economic justification but only ignorance of human needs.

This country has the highest average standard of living in the history of man. It has the greatest agricultural and industrial productivity per person of any nation. Yet, it has the greatest desparity of any country between its social capabilities and its social accomplishments.

Our ability to feed all of our citizens has not caused us to eliminate hunger. Our technology clearly demonstrates the nutritional requirements of the human body has not caused us to eliminate malnutrition.

We have promised all of our citizens an opportunity to participate in the benefits as well as the burden of a great society. We must act to make that promise a reality and not empty rhetoric.

Our technology tells us a child who does not receive proper nutrition during the first 3 years of life may well suffer permanent mental retardation; a student who goes to school in a state of constant hunger will not be able to concentrate; a man improperly nourished cannot work at his full mental and physical capabilities.

Department of Agriculture statistics show the present food stamp program is reaching only 25 percent of those persons who are constantly hungry and malnourished.

The Nixon administration in an unsigned memorandum circulated among Republican Congressmen implies that to increase this figure would be too great a financial burden on the economy. To limit this program at this time is the most foolish form of false economy.

Lack of knowledge is an unfortunate circumstance; but, lack of action contrary to knowledge is unconscionable, if not immoral.

In developing the food stamp program, Congress has taken a step in the direction of ending hunger in the economically disadvantaged segment of our society. It has provided assistance to many of our citizens who had known constant hunger from the time of their birth.

Unfortunately, this program has failed to provide assistance to many more of our perpetually hungry citizens who could be helped.

H.R. 18582, to amend the Food Stamp Act of 1964, will amend the food stamp program administration. It will not expand its impact on hunger.

At best H.R. 18582 has serious shortcomings. There are grave weaknesses regarding State contributions, employment requirements, and minimum payment for stamps. At worst it is a source of false hope that progress is being made in the fight against hunger when it may only help a limited few.

There are strong arguments for amendment of this bill. The committee proposes to compel every State either to finance by fiscal year 1974, 10 percent of the bonus value of the coupons issued to participate or else abandon the program. The bonus value means the total coupon allotment value less the coupon purchase price. This food-stamp tax on the States is a unique, reverse form of revenue sharing. It makes the States share even more of their tax dollars with the Federal Government—which now pays for 100 percent of the bonus value of coupons.

There is no part of the United States that would not be penalized by this food-stamp tax on the States. California, New York, Illinois, Michigan, Ohio, Pennsylvania are States desperate for relief from their staggering welfare burdens. Seven Southern States—Mississippi, Alabama, South Carolina, Arkansas, Louisiana, North Carolina, and Tennessee—in April 1970, accounted for 25 percent of nation-

XUM

wide food stamp participation, and 31 percent of the bonus value of distributed coupons. And in every part of our Nation, the cost of the committee's food-stamp tax on the States could be onerous for the middle-class taxpayer if the State continued to meet its responsibility to its hungry and malnourished under the program.

This House recognized this fact in 1967 when it rejected a similar proposal. This House understood then and knows now that what is needed is to expand—not cut back—the participation of the hungry and malnourished in the food stamp program. The Federal Government should be offering to share more, not less, of the already too high State expenses of this program. The Federal Government should, rather, reward States which perform well in delivering stamps to the hungry and the malnourished. In no event, should the Congress allow States to fail to get underway, adequate food programs—either statewide or in any of their subdivisions—without authorizing alternative channels through which the program can continue.

The committee has set up an unnecessary hurdle to any household's purchase of stamps. That seemingly modest proposal is a peculiar work test that conflicts with the eminently reasonable, craftsmanlike, work requirement recently approved by this House under the Family Assistance Act of 1970—H.R. 16311.

Unlike the family assistance program work requirement, the food stamp measure would go into effect overnight; no training opportunities would be provided; no day-care services furnished; State and local governments could coerce millions of adult stamp users, many of whom might otherwise be highly skilled and in diligent search of suitable employment—such as aerospace engineers in Seattle or San Diego—into sweeping streets or digging ditches for ridiculous wages in order to feed their families.

Your committee has imposed a minimum payment for food stamps of 50 cents—for families with no cash income at all. This administration has expressed its disapproval of this restriction in this bill.

This provision would be a long step backward from the present law which, on its face, authorized free stamps to be issued to households who have no normal expenditures for food, and would, of course, wipe out the experiment with free stamps currently being conducted in two South Carolina counties.

Although food is a basic necessity of life, it is usually a low priority in the monthly family expenditures, falling behind rent, lights, heat, and medicines. The needy necessarily buy food only with the money left over. It is unconscionable that free stamps should not be made available to the millions of Americans whose incomes are so low that they subsist in a permanent state of hunger and malnutrition.

I strongly urge my colleagues to implement the spirit of these views in the bill that we will pass today. It will be a false prosperity which this country enjoys as long as there are those who do not share the luxury of basic nutrition and health.

We, in Congress, hold the power to determine the country's policy upon the fight against hunger, let us not fail to implement the policy we have set out for ourselves.

Mr. MIKVA. Mr. Chairman, to call the Agriculture Committee bill a food stamp bill is like calling the highway slaughter in this country a birth control program. It is a callous bill which totally disregards the humanitarian spirit in which the food stamp program was created. To pass it would be an abandonment of what has been accomplished in the last 6 years. We would be turning our backs on the people who desperately need food stamps by legislating requirements forcing States to pay up to 10 percent of bonus costs. The result of such action will, without a doubt, cause the end of the food stamp program in many States already hard pressed to match funds for other vital Federal-State social programs.

Instead of increasing the number of people eligible for food stamps, passing the committee bill would decrease the number of recipients, not only through the elimination of some State programs, but by demanding the absurd—requiring a destitute family, with no income, to pay a minimum fee for their stamps.

Mr. Chairman, I cannot understand why the administration, whose original proposals did not include these three controversial provisions in the committee bill, has not spoken out against it and thrown its support to the far superior Foley-Quie proposal. I see this as yet another example of the administration's failure to lead the way in solving our most serious domestic problem.

I intend to support the substitute bill. It is the measure that will truly work in the interest of the impoverished millions in this country. If someone is cold, you clothe him; if someone is sick, you give him medical attention; if someone is hungry, you feed him. That relationship between a problem and its cure may sound too complex for the administration and the committee—it certainly is understandable by the hungry and the poor who look to us for help.

Mr. PRICE of Texas. Mr. Chairman, I rise in wholehearted support of the distinguished gentleman from Pennsylvania's (Mr. GOODLING) amendment prohibiting strikers from participating in the Federal food stamp program. I commend my good friend and colleague on his initiative in this area. We have worked closely on this issue on previous occasions, and he knows I share his views.

By way of general background, the Federal food stamp program was enacted for the purpose of assisting low-income families to increase and expand their food and to improve the quality of their diets. Program participation was supposed to be limited to those families whose income was considered to be a substantial limiting factor in their obtaining a nutritionally sound diet. A fundamental consideration of the program was that food stamps were to be provided to those in dire need of this form of Federal assistance.

In committee hearings and floor debate emphasis was placed on the fact that food stamps were not supposed to be a substitute for working; neither were they meant to be an inducement for people not to work. When strikers receive food stamps, however, as was the case in the recent General Motors strike, the principles and purposes of the food stamp program are distorted greatly for strikers impoverish themselves by choice rather than by circumstance.

Giving Federal food stamps to strikers also violates a fundamental principle of our republican form of government; namely, that the instrumentalities of government are not to be used for the enrichment of one group of people to the detriment of another. When food stamps are given to strikers, the taxpayer is discriminated against because not only does he have to bear the cost of the expanded food stamp program, he also has to bear the economic losses caused by the idleness of striking workers. To illustrate my point, in the wake of the final settlement of the General Motors strike the company announced its second substantial price hike of the year and in so doing implied clearly that the increased prices were caused by the strike.

The question then is, Mr. Chairman, why should the Federal Government provide strikers with economic assistance in the form of food stamps? The legal answer is that under the present law Congress has specifically authorized it. I opposed this action at that time and I still oppose it.

In my mind it is patently unfair for the Government to side with either labor or management in the base of a business dispute. Free and untrammeled collective bargaining should be allowed to take its natural course. Yet, when the Government gives food stamps to strikers who are not indigent but rather who have merely refused to work and have walked off the job, the Government is then, in effect, siding with labor. This fact was put in clear perspective by one of the striking General Motors employees who, after paying $18 and receiving food stamps with which he could purchase $162 worth of groceries said:

> They can't starve us out now that we're getting Food Stamps, we can go on forever.

Mr. Chairman, I submit that the practice of giving food stamps to strikers distorts the very purpose of the food stamp program. Congress has the responsibility to the taxpayer to correct this mistake it made in the original act, a mistake which can be remedied by the enactment of the Goodling amendment. I urge my colleagues to support this amendment in the interests of justice and fairness.

Mrs. MAY. Mr. Chairman, I rise in support of H.R. 18582.

The bill before us is based on a proposal which I introduced with 33 cosponsors on behalf of the administration in June of 1969. This legislation is the product of 18 days of public hearings, 16 executive committee sessions, and a great deal of time spent in meetings and discussions with administration officials, our colleagues here in the House and other groups and individuals interested in the operation and future development of the food stamp program.

As reported by our committee, H.R. 18582 incorporates nearly all the pro-

XUM

gram changes requested by the administration, and includes some additional improvements beyond the original proposal. Among the administration's recommendations included in the bill are:

A food stamp allotment sufficient to purchase a nutritionally adequate diet;

A provision insuring that participants pay no more than 30 percent of income for their stamp allotment;

Uniform national eligibility standards;

Simultaneous distribution of food stamps and commodities in local areas requesting both programs;

Participating families may purchase a portion of their monthly stamp allotment at a proportionate reduction in cost;

Participating States are directed to engage in outreach activities to inform low-income households of program availability;

A fair hearing procedure is established for aggrieved program participants; and

Welfare recipients, who are enrolled in the stamp program, may request that stamp payments be deducted from their welfare checks.

Among the program improvements added by our committee are provisions to—

Allow the use of food stamps by the elderly to pay for home delivered meals provided by "meals on wheels" programs;

Prevent abuses of the program by establishing more definitive eligibility standards with regard to fixed assets and tax dependents; and

Establish additional barriers against program fraud.

As the principal sponsor of the administration's food stamp proposal, I have worked with my colleagues on the committee to perfect legislation to improve and expand our present food stamp program. Our efforts have been directed toward changes which would enable the program to better reach those who truly deserve and need this type of assistance, and which would at the same time eliminate abuses of the program about which so many of us have been concerned.

The bill we reported—the one before us today—provides a far more effective and improved program than is possible under present law. It provides an even more solid foundation from which the food stamp program can reach out to help meet the needs of those who are unable to adequately provide for themselves.

It deserves the support of my colleagues.

THE FOLEY-QUIE SUBSTITUTE—H.R. 19889

There are a number of serious problems associated with the proposed substitute bill. Perhaps foremost is the cost factor. The Agriculture Department estimates that the cost of the substitute would substantially exceed the amounts authorized in the bill.

The substitute provides for a coupon allotment to supply the equivalent of at least 35 cents per person per meal, and specifies that if the funds authorized are inadequate to do this, the Secretary may reduce the allotment to a minimum of 30 cents per person per meal. It is estimated, however, that in either case the cost of the program would exceed the total amount authorized.

The stamp cost under H.R. 19889 could be some $3.8 billion in the next fiscal year and $4.5 billion the year after, considerably more than the $2.5 billion and $3 billion authorized in the bill. And, even if the allotments were reduced, the costs could run in the neighborhood of $2.7 billion next year and $3.1 billion the year after.

And, it must also be pointed out that these estimates reflect only the cost of the stamps—not the administrative costs of the program, which would also be increased substantially.

But, there are other difficulties with the Foley-Quie substitute besides costs.

The bill provides for mandatory implementation of food stamp programs in every county in the Nation within 180 days, or programs will be initiated and operated in those counties by the Federal Government. The thrust of the food stamp program has been to replace commodity distribution programs in individual counties as those counties become prepared to operate food stamp programs. This is, perhaps, a slower process than that proposed in the substitute, but far more satisfactory in the long run in terms of maximum utilization of program benefits than would be direct Federal intervention and imposition of a program on an unwilling county.

In addition, the bill directs the Secretary to insure that all households eligible for food stamps be also eligible to receive donated commodities and have convenient access to such commodities. Such a requirement would completely reverse the thrust of the present program, which is to phase out commodity distribution in an orderly fashion, and would seem to mandate a nationwide family commodity distribution program in addition to the stamp program.

I would just point out here that when Congress determined to phase out the commodity program and replace it with the stamp program, it was for good reason. While it is better than nothing as a stopgap measure to get food to those who need it, commodity distribution is basically unwieldy, cumbersome and, unfortunately, often wasteful. It cannot provide the kind of balanced diet which can be obtained through the stamp program. It would seem to make more sense to continue the orderly phaseout of commodity distribution and replacement with the stamp program than to revive on a national scale this less effective method of providing food for the hungry. The manpower and funds it would require can be better utilized through the stamp program.

Another problem with the substitute relates to its provision that the Secretary may deal with public agencies and nonprofit private agencies, as well as States, in establishing food stamp programs. States already have and exercise the authority to contract with such agencies now for coupon issuance, and in the interests of efficient administration of the program, States should continue to be responsible to the Federal Government for the integrity of program operations within their borders.

The substitute also provides that the expenses of non-State operating agencies must be reimbursed by the Secretary of Agriculture. This not only discriminates against State agencies, but also make it difficult to control the expenditures of non-State agencies. It provides an incentive for States to abdicate their responsibility for stamp operations.

Another problem area is the requirement that the Secretary must review the result of every hearing involving an aggrieved program participant. This provision not only would prove cumbersome and costly, but also raises the presumption that a hearing cannot be fair unless reviewed by the Secretary.

The larger stamp allotments provided under the substitute bill would create pressure to extend eligibility to millions of additional families. According to the U.S. Department of Agriculture's analysis, if eligibility only extends to families with incomes of not more than $4,000 per year, then a family with a $4,000 income pays 30 percent—$1,200—for a total annual stamp allotment worth $1,536. If family income rises $1, the family loses $336 in benefits. This so-called notch creates a strong disincentive against participants earning and working more. With the $128 allotment level, the notch can only be eliminated by extending eligibility to all families with incomes less than the equivalent of $5,120 for a family of four. Such a standard would make 35.7 million individuals eligible to participate in the food stamp program.

Like our committee bill, the substitute contains a work requirement. This provision, however, is inconsistent with the work provision approved by the House for the family assistance program.

Eligibility standards in the substitute bill are also a point of concern. They would be based on disposable income and other financial resources of the household. Disposable income—that is, income after expenses—used as a measure of eligibility would eliminate any limit on the gross income of participating families.

Because of the objectionable features of the Foley-Quie substitute bill which I have just outlined, the administration finds this proposal unacceptable, and I certainly concur in their evaluation.

But, in addition to these objections, I have just one more point to make. The substitute bill would base program certification on a simplified statement executed by the applicant, which would be verified after certification "through the use of sampling and other scientific techniques." Now, nearly every piece of mail I receive which contains a complaint about the food stamp program tells me about someone who is receiving food stamps even though he is apparently ineligible. Many of these complaints, of course, are not valid, but many are, and the point is that this is a problem relating to certification of applicants. Inadequate or loose ceritfication procedures are a major source of program abuses, and it is these abuses which generate public antipathy toward the program.

For this reason, I feel that certification procedures should be strengthened, rather than loosened. Perhaps instead of requiring the States to share in the cost of the bonus stamps, as specified in our committee bill, we should establish some firmer Federal guidelines requiring the States to devote more attention and manpower to better certification procedures. In this way the program can be made more effective, more responsive to the needs of the involuntarily poor, and more acceptable to the people who are footing the bill—the general public.

I urge my colleagues to reject the substitute proposal.

Mr. STEIGER of Wisconsin. Mr. Chairman, the extent of hunger and malnutrition in this country was brought dramatically to the attention of Congress and the Nation in 1968 with the publication of Hunger, U.S.A. At that time, the Education and Labor Committee, of which I am a member, held probing hearings on this issue and our findings provided the impetus for several subsequent improvements in school feeding programs. The Select Committee on Nutrition and Human Needs in the other body has over the past 2 years held extensive hearings, both in Washington and throughout the country, on this subject. The White House Conference on Food, Nutrition, and Health, the hearings before the Agriculture Committees in both bodies, the preliminary findings of the national nutrition survey all have provided overwhelming evidence that hunger and malnutrition do exist among our population.

Congress has not been negligent in its recognition of these facts. School feeding programs, commodity distribution, and the food stamp program, which we are considering today, all attest to our concern. However, our concern for ferreting out the cheaters, the frauds, and the lazy has, I fear, become an obsession which has distorted the original purpose of the Food Stamp Act and caused us to lose sight of the hundreds of thousands of Americans who honestly cannot provide a proper diet for themselves or their families.

Many of these are children, pregnant mothers, or mothers of preschool children. The evidence today is overwhelming that proper nutrition or lack of it, shapes the lives of each of us practically from the moment of conception. Those who fail to get proper nourishment are permanently damaged and all too often becomes wards of society filling our mental institutions, our school dropouts lists, our prisons, our welfare rolls.

On the other end of the spectrum we have the aged, the disabled, the infirmed. Those who clearly cannot provide for themselves. We cannot write them off. And yet lack of proper diet often shortens their lives and robs us of contributions which they could make to society. Again, we pay doubly—not only do we lose their talents, but as taxpayers we often pay to support them in institutions that offer no hope and no relief.

We must reverse this trend. Food and nutrition are not the only answers, of course, but they are important parts of it.

The substitute legislation, H.R. 19889, of which I am a cosponsor, attempts to deal in a realistic and effective manner with the problems of hunger and malnutrition. It contains a number of improvements which the Nixon administration requested, but which were omitted from the committee-reported bill, H.R. 18582, free food stamps and a work requirement more in line with that already approved by the House in the family assistance legislation. I also cosponsored the original administration bill, H.R. 12222.

The substitute incorporates into legislation some of the improvements which the Nixon administration has made administratively under existing law—expanded outreach and educational services, maximum geographic coverage, increased frequency of stamp distribution, improvements in the commodity distribution program.

And the substitute contains a number of additional provisions which on the basis of testimony, studies and observation, we, the sponsors, feel are necessary to insure a truly effective program. Most of these have been discussed in detail but let me briefly highlight several features which I feel are most important. First, the improvements in administration—self-certification; distribution of stamps in more places and at least once a week; flexible payment schedules so that stamps can be purchased in partial allotments and on a schedule based on need rather than bureaucratic expediency; deduction of food stamp allotments from welfare checks and issuance of stamps with the checks; expansion of the definition of food to include foodstuffs regularly available in domestic supply.

Let me cite some reasons why these administrative changes will improve our present program.

Self-certification is now used under the old age and disability benefits program and was recently authorized for use in the school lunch program. It cuts down on redtape, and there is no evidence to show that it is abused any more than the longer, more complicated forms.

Under present regulations some ethnic groups cannot purchase food which has been a traditional or essential part of their diet because it contains some imported ingredient, by expanding the definition of food to include items regularly available in domestic supply, these people will be better served.

Where distribution of stamps takes place only once or twice a month, some families cannot raise enough money to purchase their complete allotment of stamps and so they cannot participate. With partial purchase permitted and issuance of stamps at least once a week, we once again help to make the program more effective.

A second important feature of the substitute is the provision for meals on wheels and group dining by the elderly and handicapped. Both the committee-reported bill and the Senate-passed bill contain somewhat similar features, but the substitute represents an improvement over both of these versions as documented by evidence gathered through the pilot feeding projects conducted by the Administration on the Aging; by studies and reports presented to the Education and Labor Committee during recent hearings on elderly feeding programs; by the President's Task Force on Aging; and by the White House Conference on Food, Nutrition, and Health.

The substitute would permit elderly individuals over 60 years of age and handicapped individuals regardless of age to exchange food stamps for meals prepared for home delivery or in group dining situations regardless of whether or not these individuals had cooking facilities in their homes or not.

The committee-reported bill is deficient in two respects. First, it is limited to meals prepared for home delivery and does not include the exchange of food stamps for meals prepared in a group dining situation. Second, it limits participation to those who are housebound, physically handicapped, or otherwise disabled so that they are unable to prepare all of their meals.

Mr. Chairman, because we in Congress wanted further information on the needs of the elderly we authorized the Administration on Aging to conduct research and demonstration projects in this area. Two years ago AOA launched some 30 demonstration projects to test alternative means of coping with the nutrition problems of the older person. These projects were designed to test techniques for improving the diets of the elderly and for combating the various social and psychological impediments to good dietary habits. Similarly, the executive branch sought information and recommendations on providing better nutrition for the elderly, as well as solving other problems our senior citizens face. Recommendations from the AOA projects, the President's Task Force on Aging and the White House Conference on Food, Nutrition, and Health agree that the elderly have differing problems with regard to nutrition and they need to be met in a number of ways.

The AOA pilot projects have demonstrated that while "meals on wheels" as provided in the committee bill have proved extremely beneficial to older persons unable to leave their residences, statistics indicate that only approximately 4 percent of older persons are homebound at any one time. Further, they have found that for ambulatory older persons who have begun to withdraw from social contact, home-delivered meals may actually lead to further isolation. Plus, home-delivered meals cost more than meals prepared in group settings.

This is why the substitute extends the use of food stamps to group dining situations. AOA has found that nutrition programs in a group setting meet emotional needs of the elderly and improve their vigor and desire to live.

Commissioner Martin has testified to the Education and Labor Committee that—

> We cannot measure the benefits of these programs solely by the number of meals served, or the nutrient value they provide the older participant. Overcoming isolation and loneliness by providing opportunities for increased social contacts is a very important benefit, and one which may reduce the incidence of costly long-term medical care.

To participate in a group dining program a senior citizen or handicapped in-

XUM

dividual would still have to meet all the income and other criteria of the law. It should be pointed out that AOA data shows that most elderly poor oppose free meals if they can possibly contribute themselves toward the cost. I think the substitute offers an excellent opportunity to the handicapped and the aged to obtain the kind of nutritional help they need and that this is a very important provision of H.R. 19889.

In proposing the substitute we are not unmindful of the abuses in the program which have occurred in the past. Thus, we have tightened the fraud provisions of existing law, demanded the strictest accounting and verification of the incomes of students utilizing the program, prohibited commune residents from participation and imposed a combined registration and work requirement for the able bodied.

In short, we are proposing balanced legislation to eliminate a problem, not simply bandage it, and we have done so in a manner to guarantee that the deserving receive the assistance they need and the undeserving do not participate.

A word should be said here about the participation of strikers in the program. The work requirement would not force strikers back to their struck jobs, but it would require a striker to take similar work if available in his area or not permit him to qualify for benefits.

In closing it should be emphasized that the Nixon administration has made great improvements in our Federal feeding programs, more so than any previous administration.

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On December 18, 1969, a new schedule of food stamp allotments and costs was put into effect. Under the new schedule, a family of four with a monthly income of $90 pays $22 for $106 stamp allotment. Previously, this family paid $40 for $70 allotment.

As of October 30, 1970, USDA family food assistance—food stamps and commodity distribution—helped an estimated 12.3 million needy persons. Of these an estimated 8.8 million were food stamp participants. This represents a 144-percent increase over the 3.6 million food stamp participants during December 1969 when improvements began allowing low-income families to pay less but receive more food coupons.

As of October 30, 1970, only 10 counties in the United States were either not participating or planning to participate in one of the Federal food programs. Quite an improvement over July 1969, when 410 counties and independent cities did not have any food assistance programs.

The Nixon administration has made $15 million in section 32 funds available to help State and local governments improve their commodity distribution programs.

Over 7,000 nutrition aides have been put into the field to aid in outreach and education and more than 5,000 families have been contacted since the start of this service in 1969.

USDA has updated its brochures both for outreach and education and has made them bilingual to serve Spanish-speaking Americans.

Special programs for expectant or new mothers from low-income families have also been started.

In the overall area of improving social services to the Nation's poor, the Nixon administration has, of course, proposed the family assistance plan with an accompanying package of social services reform. In the past our welfare programs have too often been considered and administered in isolation and disregard for other programs operating for the same clientele. The President is trying to coordinate services for both effectiveness and efficiency; to trim the welfare roles of the able bodied; and to give those who have physical, mental, or other disadvantages an opportunity to have a role in their own destiny.

As part of the FAP revisions submitted to the other body the President proposed transferring the food stamp program to the Department of Health, Education, and Welfare. I support this goal and hope that regardless of the outcome of the FAP legislation this transfer can be made as soon as possible. This is not a reflection on the dedication or ability of the Agriculture Department, but rather an attempt to consolidate social services so that the poor can be truly helped by Federal programs in a rational fashion.

It would be my further hope that we can enact the family assistance plan and eventually eliminate the food stamp program in favor of expanded FAP assistance with the necessary social services to help people help themselves to self-supporting and/or—in the case of those unable to work—self-fulfilling lives.

But a hungry child cannot wait for Congress to deliberate and enact long-range social reforms. This is why we must make the programs we now have as effective as possible and that is why I urge the enactment of the substitute food stamp proposal we have before us today.

Mr. BINGHAM. Mr. Chairman, the bill extending and amending the Food Stamp Act—H.R. 18582—which we have under consideration today does not go far enough toward meeting the concurrent problems of hunger and malnutrition in this country. This point was well expressed by a recent New York Times editorial, the text of which follows:

HUNGER IN AMERICA

One of the present Administration's hallmarks has been a timid unwillingness to fight for the enactment of some of the best of its domestic proposals, such as reform of the food program.

To Mr. Nixon's credit, he did call for elimination of hunger after careful investigations had painfully exposed its paradoxical presence in this land of agricultural surpluses. To his credit further, food programs have in fact been extended to millions of needy citizens. A year or so ago only about 20 percent of the hungry poor were receiving food program assistance, but today about 40 percent benefit from an expanded effort.

Now, however, the Administration seems all too willing to rest far short of its goal of abolishing hunger. The food stamp program permits the eligible poor to purchase food stamps at less than face value and to redeem these stamps at grocery stores. It is vital, pending enactment and implementation of a realistic Family Assistance Program, that the food stamp program be expanded still further. A bill passed by the Senate last year would do just this. One coming up for a vote in the House next week would not. It is an emaciated version of the Senate bill.

Members of the House committed to Mr. Nixon's pledge are backing a compromise. Their version, though still somewhat inferior to the Senate bill, deserves to pass. But it will only if Mr. Nixon, who has declared that "the moment is at hand to put an end to hunger in America," exerts some effort in its behalf.

Mr. Chairman, food stamps are a vital element in our battle to end hunger throughout the Nation. I have long supported it, and I led a group of 10 of my colleagues from New York City in August 1968 in urging Mayor Lindsay and Governor Rockefeller to institute a food stamp program in New York City. This past summer, the city did initiate such a program, but it has been hampered by administrative delays that will prevent thousands of eligible, hungry New Yorkers from buying and using food stamps for many months unless extraordinary measures are taken to clear up the present registration logjam.

The problem is simply this. New York City's Department of Social Services estimates that about 775,000 people who are not presently on welfare are eligible to purchase food stamps, but they must receive certification at their borough centers before they may purchase stamps. There are about seven such centers at present, and they cannot even process 100 people a day each. This number could be greatly increased, and the backlog correspondingly decreased, if all that were required of an applicant for food stamps were a simple declaration that he does, in fact meet the requirements. Spot checks would be made after the declaration to verify a family's need for the food stamps. Such a system would insure that the vast majority of families who need and are qualified for this assistance could receive it quickly, while the occasional faker would, in time, be caught and dealt with in the same manner as those who, for example, falsify tax returns.

A great many Government programs operate on this simple declaration procedure, and it should be adopted as part of the food stamp program. I proposed that it be adopted in September of this year after I visited the Kingsbridge Welfare Center where registration for the new New York food stamp program was taking place. That same afternoon, I met with officials from the Department of Agriculture, including Mr. Edward Heckman, the department's administrator of food and nutrition services. At that time, Mr. Heckman indicated that the department was working on a simplification of procedures along the lines I suggested, but that implementation of such a policy on a national scale would take time and that, in the meantime, New York City could not be given special treatment. A New York Times report of my visit to the Kingsbridge Center, and conditions there, follows:

DELAYS STYMIE NONWELFARE APPLICANTS FOR FOOD STAMPS

(By Francis X. Clines)

Elderly pensioners, members of working poor families and other nonwelfare applicants are experiencing delays of seven weeks and longer in entering the city's new food stamp program.

City officials say the Federal requirements for investigating these low-income, nonwelfare applicants is the major cause of the delay. By contrast, poor persons who receive welfare aid have had a relatively easy time of it; they receive their authorization by mail.

Barbara Lee, a retired office worker, waited two hours in a long line outside the Kingsbridge welfare center in the Bronx yesterday, seeking to join the stamp program so that she might stretch her Social Security pension.

At the end of her wait, the white-haired woman entered the center, at 248 East 161st Street, and was told by a clerk to return Nov. 5—the earliest appointment available—and to produce various documents to verify her status.

"What am I supposed to do in the meantime, starve?" Miss Lee asked.

This is the first month of the food stamp program in the city and, in addition to the delays encountered by nonwelfare applicants, further delays were predicted at participating banks this week for those already enrolled.

A shortage of the coupons was reported at the banks, and officials of the United States Department of Agriculture said that an armored truck was bringing $4.1-million worth of stamps here last night from Washington to meet the demand expected with the scheduled mailing of welfare checks this week.

Under the program, certified applicants purchase the stamps at a discount with cash and then use the stamps to buy groceries. A family of five in the program pays $98 a month for stamps that are worth $126.

The city's Commissioner of Social Services, Jack R. Goldberg, yesterday described the stamp shortage as "indefensible" and accused Federal agricultural authorities of "a clear abdication of their responsibility."

SHORTAGE EXPLAINED

Federal authorities said, however, that the banks had not followed guidelines in distributing the various denominations of stamps to customers, and so a shortage had developed in books worth $2 and $10. Books worth $3 and $20 were reported on hand. The stamps themselves come in two denominations, $2 and 50 cents, bound into the four kinds of books.

The long delays experienced by nonwelfare applicants were described as "cruel and unnecessary" by Representative Jonathan B. Bingham, Democratic-Liberal of the Bronx, who visited the Kingsbridge welfare center yesterday and demanded an end to extensive paperwork. He called for the introduction of mobile registration units.

"Elderly and sick men and women are being forced to travel halfway across boroughs, pay double fare and stand in line for days on end, and still they can't get their food-stamp certification," the Congressman charged.

He noted that, in their first visit, applicants were being told to return weeks later with Social Security letters and check stubs, salary or unemployment records, rent receipts, utility bills, bank books and Medicaid records.

Mrs. Geatana Altieri, a 71-year-old widow, looked at the list in timid puzzlement after she had obtained an appointment for November.

"I'll try," she said. "But who's going to give me bank books?" she asked, indicating a confusion that might require more than one return visit.

Representative Bingham predicted the delays would prevent the bulk of the city's estimated 775,000 nonwelfare poor from entering the program until next year at the earliest. City welfare officials said, however, they hoped to make a "major announcement" soon relating to the opening of more outlets than the seven offices that are now processing nonwelfare applicants at a rate of about 50 each a day.

HONOR SYSTEM URGED

The Congressman joined the city in requesting that Federal agriculture authorities relax their requirements to end the verification of each applicant. Instead, the city wants a declaration system similar to that used for income-tax returns and regular welfare assistance, in which most persons are taken at their word, with about 10 per cent inspected in detail.

"I seen a woman faint on line here," Joseph Felton, a 70-year-old applicant, reported, saying he was on his seventh visit to the Kingsbridge center. He said he hoped to enlarge the buying power of his present total income—$139.40 in monthly Social Security.

"Broke?" he responded to a question. "My friend, I live on potato soup sometimes."

Mr. Chairman, I understand that a substitute to the committee bill will be offered by Messrs. Foley and Quie. In my judgment, that substitute contains a number of provisions that would strengthen the food stamp program and offer greater assistance to the many hungry Americans who are being served, and need to be served, by this program. I cosponsored this substitute when it was offered as a separate bill. It is, in my judgment, a better version of this legislation than the committee bill, and I intend to vote for it at the appropriate time.

For one thing, Mr. Chairman, the Foley-Quie substitute provides specifically for the very type of streamlined and simplified certification procedure for prospective food stamp recipients that I have proposed and that would, if enacted into law, improve the implementation and increase the impact of the program immensely in New York City and elsewhere. The committee bill contains no such simplification of certification procedures, offering New Yorkers who are now in a position of having to wait months to have their claims for food stamps verified no relief.

The committee bill, I note, contains a provision that would require the States to contribute up to 10 percent of the costs of food stamp programs by 1975. This would amount to as much as $18 million a year in New York. Certainly New York is not alone among the States in its financial difficulties, and many States, including New York, would be hard pressed to meet this new financial obligation. I see no justification for suddenly seeking this kind of State contribution for programs which were initiated and which have been funded in the past by the Federal Government. The Foley-Quie substitute does not contain this regressive provision—another reason I support that substitute. Should the Foley-Quie substitute fail to be adopted by the House, I certainly feel that this State-financing provision should be stricken from the bill before it is passed by the House.

Mr. Chairman, I congratulate the gentleman from Washington (Mr. Foley) and the gentleman from Minnesota (Mr. Quie) for developing their progressive version of the food stamp bill, and I urge my colleagues to join me in voting to adopt it.

Mr. GREEN of Pennsylvania. Mr. Chairman, I support and shall vote for the Foley-Quie Family Nutrition Act of 1970. I am proud to be a cosponsor of this legislation and I urge its adoption in place of the committee bill, H.R. 18582.

It is intolerable that hunger is still a very real fact of life for some Americans. It is even more intolerable when a committee of this House reports a bill that threatens to cut and curtail a program that offers some hope to the hungry of our cities and countryside. By its actions, the committee majority is saying that permanent hunger will always be with us and that we can do nothing about it. This position is unacceptable and it must be rejected. I think we can do something about hunger and in fact, we have begun to work on solving the problem. However, the committee bill would be a setback. I cite my city as proof.

The U.S. Department of Agriculture recent figures on participation in the food stamp program for the city of Philadelphia show some 98,939 recipients with a total bonus value of $888,048 for August 1970. Yet, the committee bill would restrict and reduce even this number of poor receiving food aid.

In the guise of States rights and a dubious State sharing, it would require the States to "buy in" to the program by paying some of the cost of bonus stamps; this provision is likely to provide a convenient way for some States to kill the program by pleading inadequate financial resources. By calling for reform and accountability against fraud, the committee bill includes a harsh work requirement that is both impractical and impossible to administer. In the guise of program expansion, the committee version prohibits the poorest of the poor—those Americans without cash incomes—from receiving free food stamps.

The substitute bill, H.R. 19889, would provide authorizations in the amounts of $2 billion for fiscal 1971 and increasing to $3 billion by fiscal 1973. Certification would be solely by statement rather than the present tedious and bureaucratic procedures. Free stamps would be provided those without incomes. Extended coverage would be guaranteed by allowing the Secretary of Agriculture to operate programs in counties and other governmental units that refuse to establish their own local programs.

No one contends, Mr. Chairman, that this substitute measure is going to end hunger. No one contends that the problem of poverty-induced malnutrition will be solved. But, we in the House have an obligation to make that effort. The consequences of our failure to do so have been described in graphic terms before committees of this body and the other body. We must respond with legislation that is neither restrictive nor crippling of current food assistance programs. The Foley-Quie Family Nutrition Act does make that effort in a way that is not restrictive and not crippling.

I urge adoption of H.R. 19889.

Mr. RARICK. Mr. Chairman, the debate thus far has been frightening with all the emotional rhetoric about hungry children and starving people. I find myself wondering if we are talking about the United States. If so, I wonder how the American people have ever survived our 194 years of national existence without food stamps. Certainly anyone reading this debate would question that our civilization has made any progress and the standard of living our people exist on.

Should we not also remind ourselves that the American people today have more in goods and services than ever before—that we are more affluent and have a greater abundance of food than ever. The only obvious difference between Americans today and our late forefathers is our money and our environmental education. Our money today is not worth as much as it once was and everybody has been led to feel that they have a right to live just like the millionaire Jones family they identify with on TV.

Instead of a saturation indictment against our society and belittling poor people as political pawns for sale, our country would be better served by seeking methods of disposing our surplus food to those in need and distress in our country. While we have fewer poor people per capita than any other nation in the world, our granaries are overfilled with surplus food and commodities. Not only is the United States one of the few countries in the world able to feed its own people but additionally we supply food for billions in other countries and still maintain a surplus.

If these masses of hungry and starving people are a reality instead of a hysteria, where has our system broken down? We have more churches than ever before, more charitable and fraternal organizations—all of whom believe in and practice charity. The American people themselves are more educated, tolerant, and reasonable than ever before. Yet by the populist urging of this measure are we not condemning every church, fraternity, and charitable organization by telling them they have forfeited their purpose and only the Federal Government can help the Nations' needy and hungry. If so what a far stretching indictment against our institutions—that we would stand back and leave our brother and neighbor suffer in hunger. I cannot buy this argument nor can I be sold the program that politicians and bureaucrats are more concerned over our unfortunates than our moral leaders. Under true charity the willing giver is always rewarded by his charity. But who ever heard of a food stamp recipient thanking the taxpayers?

Mr. Chairman, a lot has been said about deficit spending, inflation, consumerism, nutrition, and subsidies.

I want to make a few remarks on these points which have not been previously stated and which should be reflected upon before surrendering to emotion of the starving masses rather than facing hard and honest facts.

We hear only the good that the food stamp program promises to provide. There is another side to the program which should be heard if we are to understand fully the implications of this bill, if we are to intelligently decide if we are helping the people or hurting them.

Food stamps are not in themselves nutritious; at most, they can only offer the poor citizens an opportunity to offset the losses in their purchasing dollars because of inflation. Only if food stamps are used for the purpose intended—purchasing food that would provide for a more balanced and substantial diet—can they be said to have any value in alleviating nutrition problems. Whether this is done or not does not depend upon the food stamps but rather upon the user and the value he places on his dietary needs. If his first preference is for other than food—such as alcohol, tobacco, or personal pleasures then the additional buying power given him by food stamps can expect to be first reflected in personal pleasures and priorities. His diet may remain unchanged and the food stamp supplement would only result in giving him additional cash dollars to dispose of as he elects.

While certain items are ineligible for purchase with food stamps one would be naive not to understand that the extra buying power of the stamps also frees hard cash which is not regulated.

The consumers should recognize the food stamp program as being inflationary. The effect of the dumping of $1.420 billion into the food market can prove harmful to all consumers. The nonfood stamp marketer as well as the receipient can all be hurt by spiraling costs in foodstuffs. Additionally we will find the created buying power by the stamps coming in competition with the taxpayer's dollars in the marketplace.

Such was not the case with the commodity program which preceeded the food stamps. But we are led to believe the commodity program which helped the farmer by reducing the food surpluses was unpopular with the grocers because there was no profit.

Now the farmer, for whom free commodities helped as well as the poor can expect reduced help under this program—its use is not limited to U.S. farm products. In other words, the farmer who had been subsidized by the taxpayer in order to benefit the consumer with food prices as low as possible now has not only lost the farm surplus distributor of his food product but is also limited as to the amount he can receive as his payment limitation.

The anticipated result can but discourage farm production with increased prices to the consumer including the food stamp recipient.

Who will be the ultimate benefactor of the millions of dollars in newly created purchasing power poured into the marketplace except the merchant? Nationwide, this would mean that the greatest benefactor of the food stamp program will be the national chainstore grocers

Actually, what we are here doing is talking of a little temporary help to the poor while providing a taxpayers' subsidy for large grocery chains. I am sure you have heard grocers eager for additional food stamp appropriations comment that the food stamp intake may be the difference between profit and loss.

Perhaps what is needed is a $55,000 payment limitation for any person, company, or corporation in the collection of food stamps to place chainstores under the same subsidy limitations as farmers.

Interestingly enough, like many of our recent bills, the food stamp bill defines qualifications of households, families, and persons but never talks of citizens, inferring that the food stamp eligibility is not limited to American citizens but includes foreigners, aliens, and others. In fact, it can well be extended to the U.N. employees of emerging countries; this is borne out by a recent front-page story from the El Paso, Tex., Herald Post that more than 49,000 resident aliens—green card holders, will be eligible for food stamps in one Texas county. The story continues that for eligibility there is no need for proof of citizenship and an estimated 13,000 of the 49,000 actually live in Juarez, Mexico, but work in El Paso and will be eligible for food stamps.

During the hearings on the food stamp bill, I inquired of one energetic witness that if the real purpose for food stamps was for nutrition and freedom from hunger, would he support a bill to provide staple foods such as milk, sugar, potatoes, flour, and meat free to all Americans. His reply was negative, because he did not feel there was enough money in the world to pay the tab.

Nutrition and a healthful diet is not a problem limited to poor or low-income people. Doctors, lawyers, professional people, students, people from all walks of life—even Congressmen—who do not take time to eat properly or lack access to nutritious food can suffer from malnutrition.

It seems likewise strange that many who are so quick to castigate food stamps for strikers accept without question food stamps for nonworkers and those who may never have paid taxes.

As for the argument to outlaw food stamps to strikers, I only ask: "Why discriminate against strikers?" If the bill is a bad crutch for one class it should be bad for all.

Strikers are workers who have paid taxes and who in the future will work again and continue to pay taxes. Undoubtedly, they feel that if people who have never worked and who would not work if they were offered a job can receive food stamps then they feel they are entitled to them during their period of nonproductivity.

My only comment is that if the bill is to be considered good, everyone should and probably will find a way to get food stamps. If the bill is bad, lets vote it down and not merely discriminate against the strikers.

I fear the direction that this program is leading us will make the ancient circuses of Rome look like tea parties. If this bill passes the irrevocable die is cast.

I include a newsclipping from the November 18, 1970, El Paso Herald Post:

"GREEN CARDERS" QUALIFY AS FOOD STAMP CLIENTS—IMMIGRATION WITHOUT JURISDICTION—MORE THAN 49,000 RESIDENT ALIENS IN EL PASO COUNTY

(By Bob Ybarra)

The U.S. Immigration and Naturalization Service does not regard food stamp clients as public charges and feels it cannot force resident alien's sponsors to assure the alien does not become a public charge.

This position was expressed by James A. Banahan, deputy district director for the Immigration Service in El Paso. The question was brought up yesterday in a Herald-Post story revealing some of the 19,000 or more persons benefitting from the food stamp relief program were "green card" aliens.

"We have deported some resident aliens on grounds that they were public charges, but we cannot consider a person who obtains food stamps as public charges," said Banahan.

"At the same time, the Service regards affidavits signed by the alien's sponsor as a 'gentlemen's agreement' and experience shows such an agreement is not legally enforceable."

Mr. Banahan said he does not doubt that a number of "green carders" are benefitting from the food stamp program.

"This does not mean they are all commuter workers," he said.

There is really no effective way in which it can be proven a green card holder is actually a commuter worker.

Banahan said if green card commuters were actually obtaining food stamps then they must have told the Food Stamp Center workers they lived in El Paso.

The food Stamp Center only requires the applicant live in El Paso. There is no need for proof of citizenship.

The Immigration Service estimates there are 49,000 resident aliens (green card holders) in El Paso County. Of that number, an estimated 13,000 are commuter aliens who live in Juarez but work in El Paso.

All persons admitted as resident aliens are issued visas by the American Consulate in Juarez. Both the commuter alien and immigrant who intends to become a U.S. citizen start their paperwork in this manner in Juarez.

Once he obtains the visa, the alien (commuter or otherwise) surrenders the visa at the border and is given a "green card" as proof he is a resident alien intending to become a U.S. citizen. Immigration regulations, however may be construed to allow such an alien to work in El Paso and live in Juarez.

According to U.S. Consul Gori Bruno, in Juarez, most of the visas processed by that office are for family re-unification purposes, and for immediate relatives of U.S. citizens or resident aliens. Only a few visas are granted through work permits.

"Persons exempt from the numerical limitation of 120,000 set for Western Hemisphere immigrants include spouses of American citizens, children (under 21) of U.S. citizens and resident aliens, and parents of U.S. citizens with the children being over 21 years of age, explained Mr. Bruno.

Bruno said in the case of exempt applicants, the waiting period for visas is 14 months. He said in case of spouses of American citizens visas are processed immediately.

According to sources, many single American women have served to speed up resident alien status for Mexican males by marriage, followed in some cases by abandonment by the husband, once he obtains his green card.

Another sore spot has been with the Selective Service Board, in which a Mexican born child of a U.S. citizen or resident alien may choose to claim Mexican citizenship abandoning his resident status when he becomes of military service age. The Mexican government is moving to solve this problem through an act of Congress which abolished the present recognition of such status as dual citizenship.

Mr. BELCHER. Mr. Chairman, I have no further requests for time.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

H.R. 18582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mr. FOLEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 417]

Adair
Anderson, Ill.
Aspinall
Ayres
Berry
Blackburn
Blanton
Bolling
Brock
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Utah
Button
Carey
Celler
Clancy
Clark
Clay
Corbett
Cramer
Cunningham
Daddario
Dellenback
Dorn
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Fish
Flynt
Ford, William D.
Foreman
Giaimo
Gilbert
Goldwater
Gubser
Halpern
Hébert
Heckler, Mass.
Horton
Hull
Jarman
Kee
King
Kluczynski
Langen
Leggett
Long, La.
Lujan
Lukens
McCulloch
McKneally
MacGregor
May
Meskill
Michel
Miller, Calif.
Mink
Minshall
Mize
Morton
Mosher
Moss
Murphy, N.Y.
Nichols
O'Hara
O'Konski
Ottinger
Pepper
Poff
Powell
Purcell
Quillen
Reid, N.Y.
Reifel
Rivers
Rogers, Colo.
Roudebush
Satterfield
Schadeberg
Scheuer
Sebelius
Steiger, Ariz.
Stokes
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Vander Jagt
Vigorito
Weicker
Whitehurst
Whitten
Wilson, Bob
Wilson, Charles H.
Winn
Wolff

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee, of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 18582, and finding itself without a quorum, he had directed the roll to be called, when 333 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. FOLEY: Strike everything after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Family Nutrition Act of 1970".

DECLARATION OF POLICY

SEC. 2. Section 2 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other public agencies or private nonprofit organizations to safeguard the health and well-being of the Nation's population and provide adequate levels of food consumption and nutrition among low-income households. The Congress hereby finds that the limited food-purchasing power of low-income households contributes to hunger and malnutrition among members of such households. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade."

DEFINITIONS

SEC. 3. Subsections (b), (e), (f), and (j) of section 3 of the Food Stamp Act of 1964 are amended to read as follows and new subsections (l), (m), and (n) are added thereto:

"(b) The term 'food' means (1) any food or food product for home consumption regularly available in domestic supply, except alcoholic beverages and tobacco; and (2) meals prepared by a public agency or private nonprofit organization for consumption by the handicapped or persons of sixty years or over who are not residing in an institution or boardinghouse."

"(e) The term 'household' means a group of related or nonrelated individuals (other than a group of six or more individuals among whom no more than two are related by blood, marriage, or adoption), who are not residents of an institution or boardinghouse, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common; a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption; and any person who is handicapped or is sixty years or over and who is not residing in an institution or boardinghouse."

"(f) The term 'retail food store' means an establishment, including a recognized department thereof; a house-to-house trade route which sells food to households for home consumption; and a public agency or private nonprofit organization which provides meals to the handicapped or persons of sixty years or over at any location other than a resident institution or boardinghouse."

"(j) The term 'State' means each of the fifty States, the District of Columbia, and, after July 1, 1971, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and, if the Secretary after consultation with the Secretary of the Interior determines, American Samoa: *Provided,* That, in the case of Puerto Rico, the Virgin Islands, Guam, and American Samoa, the Secretary may pursuant to section 7. establish coupon allotments and proportionate charges for said allotments that reflect the cost of obtaining a nutritionally adequate diet in such places, but in no event shall the coupon allotments or charges so established be less than 80 per centum of the allotment and charge applicable in the fifty States and the District of Columbia."

"(l) The term 'operating agency' means any State agency or the Secretary or any public agency or private nonprofit organization administering any program pursuant to section 4 and/or section 10(g) of this Act.

"(m) The term 'authorization to purchase card' means any document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued on presentment of such document and the amount to be paid by such household for such allotment.

"(n) The term 'handicapped' means any person who is, because of a physical or mental handicap, unable adequately to prepare meals for himself."

ESTABLISHMENT OF THE FOOD STAMP PROGRAM

SEC. 4. Subsections (a) and (b) of section 4 of the Food Stamp Act of 1964, as amended, are amended as follows: subsection (c) is renumbered subsection (d), and a new subsection (c) is added thereto as follows:

"(a) The Secretary is authorized to formulate and administer a food stamp program under which eligible households within a State will be provided with coupon allotments of sufficient monetary value to enable them to purchase a nutritionally adequate diet. Such program shall be carried out in any State at the request of the appropriate agency of such State or by an operating agency pursuant to section 10(g) of this Act. The coupons so received by such households shall be used only to purchase food from retail foodstores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted because of a disaster; (2) to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program until such time as the number of persons participating in the food stamp program in that area exceeds the monthly average number of persons who received federally donated foods during the three-month period immediately prior to the initiation of the food stamp program; or (3) on request of the State or any public agency or private nonprofit organization, if the State or such agency or organization agrees to finance all of the costs, subsequent to the delivery of such foods within the State, of handling, storing, and issuing federally donated foods to eligible households in the area. Except during temporary emergency situations when commercial channels of food distribution have been disrupted because of a disaster, no household shall concurrently participate in both the food stamp program and a program of distribution of federally donated foods.

"(c) The Secretary, in administering a program of distribution of federally donated foods under this section or section 32 of Public Law 74–320, as amended, or section 416 of the Agricultural Act of October 31, 1949, as amended, shall take whatever steps he deems necessary, including the use of private retail food outlets and public agencies or private nonprofit organizations to insure that, (1) households with annual income and resources within the criteria established by the Secretary under section 5(b) of this Act shall be eligible to receive foods under this program and in accordance with the certification procedure set forth in section 10(b)(1) of this Act; (2) each recipient household shall have convenient access, in terms of time and place, to foods of sufficient caloric quantity and, insofar as possible, to foods that provide a nutritionally adequate diet; and (3) fortified foods shall be provided in areas with known nutritional deficiencies in order to overcome those particular deficiencies."

ELIGIBLE HOUSEHOLDS

SEC. 5. Section 5 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(a) Any household shall be eligible to participate in the food stamp program upon certification by the operating agency that the disposable income and other financial resources of such household, as determined in accordance with the certification procedure contained in section 10(b)(1) of this Act, do not exceed the standards determined by the Secretary pursuant to subsection (b) of this section.

"(b) The Secretary shall, in consultation with the Secretary of Health, Education, and Welfare, annually establish uniform national income and resources standards of eligibility for participation by households in the food stamp program that shall be effective wherever the food stamp program is in operation. In no case shall the income eligibility criteria to be established by the Secretary be less than the equivalent of $4,000 per year for a household composed of four persons. Nor shall the Secretary include in the resources of a household, its home, household goods, personal effects, or other property essential to the household's means of self-support, nor shall any of the property referred to above be subject to legal process in connection with the administration of the food stamp program or any program of distribution of federally donated foods, except in the case of fraud. The Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet temporary food needs of such households.

"(c) The Secretary shall require every individual who is a member of a household which is either participating in the food stamp program as of the date on which this subsection is implemented by the promulgation of regulations or seeks thereafter a participate in the food stamp program, other than an individual described by clause (1), (2), (3), (4), (5), or (6) of subsection (d), to register for employment with the local public employment office. In the case of any member of the household which is eligible for the food stamp program who is not required to register pursuant to subsection (d) because of such member's disability or handicap, provision shall be made for referral of such member to the appropriate State agency administering or supervising the administration of the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act. If and for so long as any such individual who is participating in the food stamp program as of the date on which this subsection is implemented by the promulgation of regulations is found by the operating agency, after reasonable notice and an opportunity for a fair hearing held in the same manner and subject to the same conditions as a hearing under section 10(e)(4) of this Act, to have failed to register for employment without good cause, the continued eligibility of the household of which the individual is a member shall not be affected, but the value of the coupon allotment authorized to be issued to such household pursuant to section 6(a) of this Act shall be reduced by an amount which bears the same ratio to the amount determined by subtracting from that authorized allotment the amount charged therefor pursuant to section 6(b) of this Act as the number of such unregistered individuals in such household bears to the total number of individuals in such household. In the case of an individual who is a member of a household which seeks to participate in the food stamp program after the date on which this subsection is implemented by the promulgation of regulations and who, in the opinion of the operating agency, has failed to register for employment without good cause, the household shall not be ineligible to participate in the food stamp program. But, if the household is certified as eligible to participate under subsection (a) above, the value of the coupon allotment authorized to be issued to such household upon certification as eligible shall be reduced in accordance with the method set forth for households already participating and the full value shall not be restored until such time as either the individual registers for employment or the operating agency determines, after providing said individual reasonable notice and an opportunity for a fair hearing held in the same manner and subject to the same conditions as a hearing under section 10(e)(4) of this Act, that the individual's failure to register for employment is for good cause.

"(d) An individual shall not be required to register pursuant to subsection (c) if such individual is—

"(1) ill, incapacitated, or over sixty years of age;

"(2) a mother or other relative of an individual under the age of sixteen who is caring for such individual;

"(3) an individual under the age of sixteen;

"(4) an individual sixteen years old or over who is regularly attending a secondary school or an institution of higher education as defined in the Higher Education Act of 1965, Public Law 89–329, as amended, or a course of vocational or technical training designed to prepare him for gainful employment;

"(5) one whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household; or

"(6) an individual sixteen years old or over who is employed at least thirty-five hours per week or earns at least $56 per week.

"(e) If, and for so long as an individual registered under subsection (c) has been found by the operating agency to have refused without good cause to participate in suitable employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the operating agency after notification by such employer or otherwise, to be a bona fide offer of employment, the eligibility of the individual's household shall not be affected, but the value of the coupon allotment authorized to be issued to such household shall be reduced in accordance with the method set forth in subsection (c) above. Before the operating agency makes such a reduction, it shall afford such individual reasonable notice and opportunity for a fair hearing held in the same manner and subject to the same conditions as a hearing under section 10(e)(4) of this Act.

"(f)(1) In determining whether any employment is suitable for an individual for purposes of subsection (f), the operating agency shall consider the degree of risk to such individual's health and safety; his physical fitness for the work; his prior training, experience, earnings, and his realistic prospects for obtaining work based on his potential; and the distance of the available work from his residence.

"(2) In no event shall any employment be considered suitable for an individual—

"(A) if the position offered is vacant due directly to a strike, lockout or other labor dispute;

"(B) if the wages payable for such job are at a rate less than whichever of the following is the higher: (I) the rate prevailing for similar jobs in the locality; (II) the minimum hourly rate which is or would be applicable to the job under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such Act, as amended, applied to the job; or (III) the State or local minimum wage.

"(3) The operating agency shall delegate to the appropriate public employment office the responsibility for making the determination required in (1) and (2) above.

"(g) The provisions of subsections (e) and (f) shall not become effective until three

XUM

hundred days after the enactment of this Act or until the food stamp program becomes effective nationwide pursuant to section 10(g)(1) of this Act, whichever occurs sooner."

VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

SEC. 6. Subsections (a) and (b) of section 7 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The value of the coupon allotment which operating agencies shall issue to households certified as eligible to participate in the food stamp program pursuant to section 5(a) of this Act shall supply the equivalent of at least 35 cents per person per meal for the fiscal year ending June 30, 1971; and, for each subsequent fiscal year, shall supply the equivalent of at least 35 cents per person per meal adjusted to reflect the cumulative percentage change in the Consumer Price Index for food (United States city average) since July 1, 1970, as compared by the Bureau of Labor Statistics in the United States Department of Labor: *Provided*, That if the Secretary determines that the appropriation for the fiscal year ending June 30, 1971, or the amounts authorized in section 16 of this Act for fiscal year 1972 or 1973 are insufficient for the entire fiscal year, the Secretary is authorized to reduce the value of the coupon allotment for any subsequent period of such fiscal year, in order not to exceed such appropriation or authorization, but in no event shall the value of the coupon allotment be adjusted downward to less than the equivalent of 30 cents per person per meal or the economy food plan, as currently defined by the Secretary, whichever is higher: *Provided further*, That the Secretary shall review such appropriation or authorization at least quarterly in each fiscal year and shall advise the Committee on Agriculture of the House of Representatives, the Committee on Agriculture and Forestry of the Senate, and the Committee on Appropriations of the House of Representatives and the Senate of his decision on the value of the coupon allotment during the subsequent quarter of such fiscal year thirty days prior to instituting any such reduction in the value of coupon allotment.

"(b) The amount which an operating agency shall be authorized to charge any eligible household for the coupon allotment issued to it shall not exceed 30 per centum of the net income of such household: *Provided*, That no charge shall be imposed upon any such household whose income is equal to or less than the equivalent of $30 per month for a household composed of four persons for the fiscal year ending June 30, 1971, and for each subsequent fiscal year such sum in excess of $30 per month for a household composed of four persons as the Secretary shall determine: *Provided further*, That the amount which an operating agency shall be authorized to charge any eligible household whose income is equal to or less than the equivalent of $167 per month for a household composed of four persons shall not exceed 25 per centum of the income of such household."

ADMINISTRATION

SEC. 7. Subsections (a), (b), and (e) of section 10 of the Food Stamp Act of 1964, as amended, are amended to read as follows: subsection (f) is deleted; subsection (g) is renumbered subsection (f); and new subsections (g) and (h) are added thereto:

"(a) The food stamp program shall be administered to insure that participants are afforded the opportunity to receive at schools, at approved retail foodstores, in their homes, or at other appropriate places convenient to participants, instruction and counseling to enable such participants to use their increased purchasing power to obtain those foods most suitable for a nutritionally adequate diet, and further to insure that participants have available to them information regarding their rights and obligations under the program. The food stamp program shall also be administered to inform all households potentially eligible to participate in the program of its existence and to give them such assistance as may be required to enable them to make application for the benefits of this Act. In addition to such steps as may be taken administratively, the cooperation of existing Federal, State, local, public agencies, or private nonprofit organizations which carry out information and education programs for consumers shall be enlisted for the purpose of providing nutrition counseling for eligible households, using such authorities as may be available to the Secretary or in cooperation with other agencies of the Federal Government.

"(b) Subject to the following conditions, the operating agency shall assume responsibility for the certification of applicant households and for the issuance of coupons:

"(1) Applicant households shall be certified for eligibility solely on the basis of a simplified statement, conforming to standards prescribed by the Secretary, and said statement shall be acted upon and eligibility certified within seven days following the date upon which the statement is initially filed. The Secretary shall, however, provide for adequate and effective methods of verification of the eligibility of recipients subsequent to certification through the use of sampling and other scientific techniques. The Secretary shall also take steps to insure the subsequent verification of the income of every household which includes a member who has reached his eighteenth birthday and is attending an institution of higher education as defined in the Higher Education Act of 1965, Public Law 89–329, as amended. If a household, certified as eligible in any political subdivision, moves to another political subdivision in which the food stamp program is operating, the household shall remain eligible to participate in the food stamp program in such other political subdivision in accordance with the prior certification. Recertification of households, whose participation in the program has been ordered curtailed and such limitation upheld by the Secretary on review pursuant to section 10(h) of this Act, shall be under such terms and conditions as the Secretary may prescribe.

"(2) In cities and towns with populations of under twenty-five thousand, the postmaster or other person in charge of the United States post office in such place shall, upon request of the Secretary, assume responsibility for the issuance of coupons and the collection from eligible households of the amounts charged therefor. In all other places, the operating agency may make arrangements subject to such regulations as the Secretary may prescribe for such issuance and collection through post offices, banks, credit unions, community action agencies, other private enterprises, other public agencies or private nonprofit organizations, or in such other manner as shall best insure the participation of eligible households. Coupons shall be issued in each food stamp area on a weekly schedule and there shall be no requirement of regular participation. Notwithstanding any other provision of law, a household may, if it so elects, purchase a coupon allotment having a value which is less than the value of the coupon allotment it is entitled to purchase at a proportionately reduced charge in accordance with a schedule of variable purchases established by the Secretary. The amount to be paid by a household for its coupon allotment may be withheld from any payment made by a State or the Federal Government to such household under the Social Security Act, as amended, if such withholding is requested by such household. There shall be kept such records as may be necessary to ascertain whether the food stamp program is being conducted in compliance with the provisions of this Act or regulations issued pursuant thereto. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations."

"(e) The State agency of each State shall submit for approval a plan of operation specifying the manner in which such State intends to conduct such program. Such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) for the use of the eligibility standards promulgated by the Secretary under section 5 of this Act and the certification procedures specified in subsection (b)(1) above; (2) safeguards which restrict the use of disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act or to State or local prosecuting attorneys; (3) that the State agency shall undertake to inform low-income households concerning the availability and benefits of the food stamp program and encourage the participation of all eligible households; (4) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program, and (5) for the submission of such reports and other information as may from time to time be required."

"(g)(1) Within one hundred and eighty days after the approval of this Act, if a food stamp program is not being operated by the State agency in every political subdivision of any State, the Governor of the State shall have the right directly to administer the food stamp program in any such subdivision in which the program is not being operated. If the Governor should fail so to act within two hundred and ten days after the approval of this Act, the Secretary shall directly administer the food stamp program in any such subdivision through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary: *Provided, however*, That the Secretary may allow an additional ninety days before so directly administering the food stamp program in any such subdivision if he finds such additional time is necessary to overcome bona fide and extraordinary administrative difficulties.

"(2) If, one hundred and eighty days after a food stamp program has begun to operate in a political subdivision in any State, a three-month period should occur in the course of which the number of persons participating in that program is less than one-third of the number of persons in that subdivision who are from households whose annual income is below the poverty level as determined by the Secretary in consultation with the Secretary of Health, Education, and Welfare (which number shall be determined annually on the basis of the most recent available data from the Secretary of Commerce), the Governor of the State in which such subdivision is located shall have the right directly to administer the food stamp program in such subdivision. If the Governor refuses to exercise his right or fails to do so within thirty days of being notified of said right, the Secretary may directly administer such program in such subdivision or administer such program through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary. When the Secretary administers a food stamp program through a public agency or private nonprofit organization, he shall re-

XUM

quire the public agency or private nonprofit organization to observe all the appropriate provisions of this Act and regulations issued pursuant thereto.

"(h)(1) If the operating agency finds, after reasonable notice and an opportunity, upon written request, for a fair hearing held in the same manner and subject to the same conditions as a hearing under section 10(e)(4) of this Act, that a household has fraudulently received authorization to purchase cards which it was not eligible to receive or has fraudulently received a coupon allotment larger than that to which it was entitled, the agency shall undertake promptly to remedy such situation by recommending (A) that the household's participation in the program be suspended or terminated, or (B) in the event that such household is found to have received an excessive coupon allotment or allotments that reduction be made in the value of the coupon allotment authorized to be issued to such household pursuant to section 6(a) of this Act by an amount which bears the same ratio to the amount determined by subtracting from that authorized allotment the amount charged therefor pursuant to section 6(b) of this Act as the number of the members of such household responsible for fraudulently securing the excessive allotments bears to the total number of individuals in such household.

"(2) The operating agency shall notify the affected household and the Secretary in writing of its findings and recommendations, which, if suspension, termination, or reduction of allotments is recommended, shall become effective upon notification. The Secretary, upon receipt of this notice, shall proceed to review the record of the fair hearing as well as the operating agency's findings and recommendations, shall determine whether to affirm, reverse, modify, or otherwise dispose of either the findings or the recommendations, and shall notify the affected household in writing of his decision. The determination of the Secretary upon such appeal is final and conclusive and shall not be subject to further review by any court."

VIOLATIONS AND ENFORCEMENT

SEC. 8. Subsections (a) and (b) of section 14 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The Secretary may provide for the purchase, issuance, or presentation for redemption of coupons to such persons and at such times and in such manner as he determines necessary or appropriate to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act. The Secretary shall direct the Inspector General of the United States Department of Agriculture to provide a special unit within the Office of Inspector General which shall audit operations of this Act and of the regulations issued pursuant to this Act. The Secretary shall, in cooperation with the Secretary of the Treasury, take such action as he deems necessary to prevent the theft, misappropriation, or counterfeiting of food coupons or authorization to purchase cards and may provide for periodic changes in the color of coupons and for serially numbering coupons so that the households to whom such coupons are issued may later be identified.

"(b) Whoever knowingly makes a false affidavit for the purpose of obtaining coupons or authorization to purchase cards or whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization to purchase cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization to purchase cards are of the value of $100 or more in excess of what that person would otherwise be entitled to pursuant to this Act be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons or authorization to purchase cards are of a value of less than $100 in excess of what that person would otherwise be entitled to pursuant to this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both."

COOPERATION WITH STATE AGENCIES

SEC. 9. Subsection (b) of section 15 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 62½ per centum of the sum of: (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel, including the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsections 10(a) and 10(e) (3) and (4) of this Act and in making certification determinations for households other than those which consist solely of recipients of public assistance. In addition, the Secretary shall pay an operating agency in a State 50 per centum of the cost of issuing coupons to eligible households and of collecting the sums required from eligible households as payment therefor if the number of persons participating in the food stamp program administered by such agency is equivalent to or greater than 50 per centum of the number of persons in the political subdivision covered by that program who are from households whose annual income is below the poverty level as established by the Secretary pursuant to section 10(g)(2) of this Act. In the event that a public agency or private nonprofit organization is authorized to administer the food stamp program in any food stamp area in accordance with the provisions of section 10(g) of this Act or that such an agency or organization undertakes activities pursuant to section 10(a) the Secretary is authorized and directed to reimburse such agency or organization for all of the costs it incurs in carrying out such program administration or activities."

APPROPRIATIONS

SEC. 10. Section 16 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(a) To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $2,000,000,000 for the fiscal year ending June 30, 1971; not in excess of $2,500,000,000 for the fiscal year ending June 30, 1972; and not in excess of $3,000,000,000 for the fiscal year ending June 3, 1973. Sums appropriated under this section shall, not withstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotment shall be transferred to and made a part of the separate account created under section (d) of this Act. If the Secretary determines that any of the funds in such account are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury. Of the sums appropriated under this section, the Secretary is authorized to conduct, or to contract for the services of public agencies or private nonprofit organizations, for the purpose of research, demonstration, or evaluation projects designed to test or assist in the development of new approaches or methods to achieve the purposes of this Act.

"(b) On or before September 1 of each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture and Forestry of the Senate, and the Appropriations Committees of the House of Representatives and the Senate a report setting forth operations under this Act during the preceding fiscal year, including—

"(1) the effectiveness of those provisions of section 10(h) of this Act relating to households receiving authorization to purchase cards, or coupons to which they were not entitled;

"(2) the percentage of those eligible participating in the program in each political subdivision in which the program is in operation; and

"(3) the projected participation for the fiscal years in which the report is submitted, and a comprehensive explanation of the premises upon which these calculations are made."

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute may be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FOLEY. Mr. Chairman and members of the committee, in May 1969 the President of the United States, in a historic message, asked the Congress to help him "put an end to hunger in America itself for all time." The President acknowledged that there could be no doubt that hunger and malnutrition existed in America on a scale previously unacknowledged. He stated that in order to assure the health and well-being of the millions of Americans who were too poor to feed their families properly it would be necessary to provide them with sufficient food income. His chosen vehicle for accomplishing this and thereby ending hunger in America itself for all time was a reformed and greatly improved food stamp program.

Now on a snowy December night some 19 months later this House has the opportunity to help fulfill the President's pledge. It can do that by voting for precisely such a reformed and greatly improved food stamp program. That program is contained in the so-called Foley-Quie substitute, introduced on December 1, 1970, as H.R. 19889, the Family Nutrition Act of 1970. The Foley-Quie substitute is designed to replace the House Agriculture Committee bill, H.R. 18582. The committee bill, as the chairman of the committee himself admitted on Tuesday, December 1, before the House Rules Committee, was never intended to solve the problem of hunger and malnutrition. The committee bill is not in redemption of the President's promise. The reach of the committee bill is expressly limited in its declaration of policy merely to raising levels of nutrition among low-income households. The impact of its specific provisions may unfortunately be the opposite, for the amendments to the food stamp program it proposes are seriously regressive in their potential impact. Rather than increasing the possibility that the 24.3 million poor individuals in this country may soon have sufficient resources to afford an adequate diet, the committee bill may operate to decrease the number of impoverished families with access to food stamps. The essence of that bill is to make it harder, not easier for a poor family to obtain food stamps. Today, when only one-third of those in need are reached by the program, the thrust of any changes in the program should be to facilitate the program's extension to the other two-thirds.

That is why we have proposed this substitute. The Foley-Quie substitute is intended to provide adequate levels of food consumption and nutrition for the poor. It would entail a major restructuring of the present food stamp program to enable it to zero in effectively and efficiently and exclusively upon the hungry and malnourished poor in our midst, including the growing number of unemployed persons whose impressive history of work has been interrupted by the recession. Every one of its provisions is tailored to expanding participation to include all, not just some, of the poor, wherever they may happen to live.

The substitute would accomplish this objective by revising the program so that it would:

Provide food stamps worth at least 35 cents per person per meal;

Charge food stamp purchasers no more than 30 percent of their net income, with free food stamps given to the completely destitute (income of less than $30 a month for a family of four) and cheaper stamps available to the hard-core poor—income of less than $167 a month for a family of four;

Operate nationwide within 300 days of passage to reach the malnourished in every county in the country;

Ease county and State financial burdens by reducing the rigamarole of administration—for example, by authorizing post office issuance of stamps—while raising the Federal share of costs, especially when participation levels are high;

Extend eligibility to every needy person from a household of four—or the equivalent—with an income of $4,000 or less;

Cut the expensive red tape of bureaucratic certification procedures in favor of self-certification;

Enable the elderly to buy meals—and not merely groceries—from nonprofit groups and thus help them to overcome the physical and psychological barriers to an adequate diet;

Permit poor persons in Puerto Rico, the Virgin Islands, and Guam to enjoy proper nutrition;

Mandate weekly issuance of stamps to make payment schedules more flexible and realistically tailored to the cash flow of the poor;

Allow the food stamp and commodity distribution programs to operate concurrently in a given area under special conditions;

Run for 3 years under authorizations set within reasonable limits projected by administration budgetmakers—$2 billion in fiscal year 1971; $2.5 billion in 1972; $3 billion in 1973.

At the same time, in order to be certain that the program would serve only the hungry and malnourished poor and not encompass undeserving recipients, the Foley-Quie substitute would:

Impose a combined registration and work requirement aimed at curtailing the distribution of food stamps to able-bodied adults—other than mothers with children—who refuse the offer of suitable jobs at the minimum wage or above, while permitting their families to continue to be fed adequately;

Tend to discourage participation by residents of communes;

Demand the strictest accounting and subsequent verification of the incomes of college students utilizing the program;

Require the swiftest possible denial or reduction of benefits—consistent with due process—to individuals who attempt to deceive.

In addition, the substitute would revise the commodity distribution program to further its delivery of nutritious foods and authorize research and demonstration projects to safeguard the Nation's nutritional well-being.

This brief summary of the scope of the substitute does not do justice to its particulars. That the House may come to understand the meaning of each of its provisions and the intent of those who labored to shape it into a coherent whole, I shall attempt to describe some of the details of the new food stamp program it envisions.

DECLARATION OF POLICY

The basic purpose of the Food Stamp Act under the substitute—section 2—is to provide adequate nutrition for low-income families. The present act refers to safeguarding health "to the maximum intent practicable." The committee bill cautiously refers to the act's policy "to raise levels of nutrition." Neither of these versions suit the central thrust of the substitute, which is to eliminate hunger and malnutrition. Increasing the food purchasing power of the poor may, as a partial byproduct, promote the distribution of our agricultural abundance and strengthen our agricultural economy—at a $2 billion level, food stamps would add 2 percent to our expenditures on farm produce and foodstuffs—but the primary aim of the revised program is to aid the poor. There is no real conflict between their interests and these of the farmers, but the interest of the poor is foremost in this bill.

GEOGRAPHIC COVERAGE

The committee bill purports to extend the program to families in outlying areas of the United States, but it does so on a niggardly basis. The substitute bill, recognizing that some of the most disgraceful poverty conditions in the world exist in Puerto Rico, Guam, and the Virgin Islands, treats the residents of these territories and possessions, whether or not they are citizens, on a par with the needy residents of the 50 States and the District of Columbia, subject to variances to reflect the different cost of living in those three areas. Pursuant to section 3(j) of the substitute, residents of these three areas would be welcomed into the program on and after July 1, 1971, which is about as quickly as the Department of Agriculture—the Department—could implement the program there, given essential program mechanics, such as training persons in program procedures, providing arrangements for coupon issuance, certifying needy families as eligible, and authorizing retail grocers and food wholesalers to accept and redeem the stamps.

Residents of Puerto Rico, the Virgin Islands, and Guam would not buy stamps according to the same purchase schedules applicable to persons residing in the 50 States and the District of Columbia, although their eligibility for participation in the program would be determined according to the same nationwide standards. Instead, three additional and quite distinct purchase schedules would be drawn up for the three areas, reflecting the cost of obtaining a nutritionally adequate diet in those locations as determined by the Department. For example, it is clear that Puerto Rico buys over 75 percent of her foodstuffs from the continental United States. The resulting high maritime freight rates make food prices in Puerto Rico generally higher than the prices prevailing on the mainland for comparable items. However, Puerto Ricans also prefer a different type of diet than one consumed by most Americans, including such foods as plaintains, pumpkins, breadfruit, rice, dry codfish, mangoes, garbanzos, and sardines. The Department, through its Agricultural Research Service, would take all of these factors into account in determining the cost of a nutritionally adequate diet in Puerto Rico and would adjust the purchase requirements and coupon allotments accordingly. Thus, if the Department were to determine that such a diet for a family of five in Puerto Rico cost a minimum of $30 per week or $128 a month—as home economists at the University of Puerto Rico have informed me was the case last year—then a family of five in Puerto Rico with a monthly income of $75 would pay no more than $14 a month for $128 worth of coupons rather than $17 for $160 worth like a resident of Florida at that income level. Since the coupon allotment would be reduced to 80 percent of the 50 States and the District, the purchase requirement would be decreased to 80 percent of the requirement otherwise applicable.

The substitute places an 80-percent floor below which the coupon allotments offered to persons living in those three places would not be permitted to fall. Thus, in no event, could a Puerto Rican family of five receive less than $128 of stamps. The same provisions would apply to American Samoa, if the Secretary of Agriculture determined to extend the program there after discussing the matter with the Secretary of the Interior.

While the substitute bill sets a minimum food floor—80 percent—and bases the food purchasing power it would supply to persons in the territories and possessions upon the cost to them of securing adequate nutrition, the committee bill, eschewing the aim of combatting hunger and malnutrition, specifies a food ceiling—100 percent—and refers not exclusively to the cost of eating, but also to average per capita income. That average should actually increase, rather than decrease the coupon allotments to be furnished. If Puerto Rico's per capita income is less than 60 percent of the State with the lowest per capita income, Puerto Ricans need a greater, not a lesser bonus to enable them to eat in order to survive as productive human beings.

The committee bill would also, unlike the substitute, drastically reduce the number of Puerto Ricans eligible for food stamp benefits by reducing eligibility standards, perhaps to as low as $2,400 for a family of four. The substitute would apply the $4,000, or greater, eligibility standard to all three areas. In Puerto Rico this would mean that all of the 550,000 individuals who now receive commodities every month would be entitled to purchase stamps as well as any other individuals who qualify according to the nationwide income and resource standards.

Our poorest areas should be treated as equitably as is consistent with the program's goals. Malnutrition there is as intolerable as it is anywhere else in the United States.

PRODUCT COVERAGE

The committee bill retains the current definition of what may be purchased with food stamps. Section 3(b) of the substitute considerably broadens the list of permissible food products in order to recognize the special food needs of ethnic groups and the elderly. Under the substitute, Mexican-Americans in California and Texas would be able to buy products marked as originating in Mexico, if those products were regularly available in domestic supply, which would be the case if they were present in supermarkets or neighborhood grocery stores. Puerto Ricans in New York and Chinese persons in San Francisco would have access to foods of their choice, regardless of the foreign origin of the items.

The substitute bill retains in force the previous prohibitions against using food stamps to purchase alcoholic beverages or tobacco. It does not permit food stamps to be exchanged for any nonfood items, whether clothing or housing or grocery-store type common household articles, such as cleansing products, paper products, or toiletries.

THE ELDERLY

The present Food Stamp Act through its definition of the term "household" and the term "food" excludes from program participation many otherwise economically eligible persons who are aging. To participate in the program, a person must belong to a "household" that buys "food." That is, he must be either part of a group of related or nonrelated individuals who shop, cook, and eat together or an individual who purchases his food and prepares meals for himself. If a person is physically unable to cook for himself and, instead, has to go out to get a meal, or if he lives in a room with no space for cooking facilities, or if he cannot bring himself psychologically to eat by himself, he is prevented from obtaining food stamps because food stamps have, until now, been limited to groceries and could not be exchanged for restaurant meals.

This limitation has unfortunately slammed the door on a substantial number of elderly people, who cannot become well-nourished in the absence of the aid supplied by food stamps. Although food stamp program data do not adequately reflect participation by age group, one-person households, which would tend to cover the elderly, comprise less than 7 percent of all participating households. Thus, it is likely that less than 600,000 low-income elderly persons over the age of 65 are now receiving food stamps. Yet, census data reveal that there are nearly 4.8 million individuals who are poor and over 65, which means that the food stamp program alleviates less than 15 percent of the need among the elderly. In effect, the program's definitions currently operate to disenfranchise the remainder of the impoverished aging who are compelled either to forgo meals or eat in cafeterias because of the inadequacies of their living quarters or their physical incapacities or psychological disabilities.

The committee bill seeks to solve this problem by authorizing persons who are 60 years old or older to use stamps to buy meals as well as food. Under the committee bill, these meals must be prepared and delivered to them at home by a State or local agency or a nonprofit group. This is a very limited "meals on wheels" program indeed. By excluding all but the disabled elderly, it would cover only a very small fraction of the needy poor persons over 60.

The substitute would go beyond the committee bill in sections 3(b), (e), and (f) to enable private nonprofit organizations and public agencies to serve meals to economically eligible handicapped persons—those determined to be physically or mentally unable adequately to prepare meals for themselves—under the age of 60 as well as all financially eligible persons over the age of 60 either in their homes—as would be necessary for many of the physically handicapped—or in any other convenient location other than resident institutions and boardinghouses. Under this provision, school cafeterias could be opened to the elderly and the psychologically handicapped poor after school hours by the schools themselves or by church groups or other charitable organizations. Nonprofit groups could seek to lease private cafeterias during certain hours to provide meals to the same classes of people. The growing private effort to bring the elderly poor back into the mainstream of American life would receive a vital shot in the arm with this creation of a new market of food stamp beneficiaries requiring service. The object of this change in the program would be to alleviate as much as possible the psychological as well as the financial barriers to good nutrition among the elderly.

FRATERNITIES AND COMMUNES

There has been some concern expressed about utilization of the program by groups of college students enrolled in fraternities or other collections of essentially unrelated individuals who voluntarily chose to cohabit and live off food stamps. The committee bill would leave the definition of household untouched and thus permit these practices to continue unabated. Section 3(e) of the Foley-Quie substitute singles out for exclusion from the concept of a household any group of six or more individuals no more than two of whom are related to one another by blood, marriage, or adoption. Thus, fraternity brothers could no longer participate on masse nor could nonfamilial communes in which men and women lived together without any legally recognized bonds, but groups of six and more with two married couples or a married couple and a child would buy stamps.

NATIONAL ELIGIBILITY STANDARDS

The committee bill would authorize uniform nationwide eligibility standards with respect to income and resources in place of the current varying State income ceilings, which range from as low as $2,160 for a family of four in South Carolina to $4,320 for the same family in New Jersey, and of the diverse allowable liquid assets limitations, which go as low as $500 for two or more persons in New Mexico and as high as $3,000 in Texas. At present, at least 10 States have eligibility ceilings so low that over one-half of the poor living in those States are automatically barred from obtaining food stamps. The committee bill would seem to remedy this, but the effectiveness of the uniformity provision in the committee bill is diminished by the committee's failure to set forth a specific and adequate income amount as a floor below which the States cannot go in determining eligibility. Instead, the committee bill places excessive reliance upon the discretion of the Secretary of Agriculture and delegates to him the authority to set the standards, with very little to guide him in his selection.

Section 5(b) of the substitute specifies a floor beneath which the Secretary may not go in establishing income eligibility criteria—$4,000 per year for a household of four. Of course, the Secretary could, if he so chooses, fix the income eligibility at a somewhat higher level. After consulting with the Secretary of Health, Education, and Welfare, the Secretary of Agriculture might well determine that $4,200 or $4,320 or an even higher amount—given the disincentive problem—should be the level below which no State could set its requirements. Any State that so desired, including New Jersey, could continue to issue authorization to purchase cards to households whose annual incomes comported with higher State standards designed to take into account State differences in the cost of securing an adequate diet. No State, however, could exclude any household with an income below the Secretary's figure.

The Secretary would be expected to revise his income standards annually in light of changes in the cost of living. The agency operating the program in a given political subdivision would apply these income standards to applicant households on either a yearly or monthly basis, whichever was more favorable to the household. Thus, if a migratory farmworker household wished to apply during harvest time, its income flow over the entire year should be considered, for, otherwise, the family would be compelled to spend all of its money on food in October and be destitute come February. If, on the other hand, a recently unemployed person were to apply, his apparent lack of income in the future would be the most relevant time frame upon which to focus, since his food purchasing power would be drastically reduced.

The problem is that income eligibility looks to what the individual household will have available in the way of funds during the period in which it will be trying to use food stamps. Normally, the most recent income history of the household furnishes the best point of departure for ascertaining what earnings are likely to be during the forthcoming months. However, there may be cases where anticipated future earnings may be substantially higher or lower than the household's past record, especially for households that are dependent on seasonal income from farm labor or construction work or that are affected by strikes, illness, and the like. The object of the income eligibility standards of the substitute, read in conjunction with the self-certification provisions analyzed hereafter, is to place the burden for predicting the future from the past upon the applicant, not upon certification workers. The certification workers are not permitted to themselves compute probable future income on the basis of their knowledge of the crops or farmers' harvest predictions or the like. They must accept the predictions of the applicant households as to their future income in determining eligibility.

The income standards in the substitute would be applied not to the household's gross monthly income, predicted or actual, but, as is the situation under the present program, to the household's disposable or net monthly income or what is now termed monthly allowable income. Disposable income in section 5(a) and net income in section 6(b) of the substitute refer to the household's total intake from earnings, public assistance grants, and other income sources less the mandatory or nonelective payroll deductions; that is, income tax payments, social security payments, union dues, insurance payments, retirement payments, and the so-called hardship deductions or expenses that substantially reduce the funds the household has available for the purchase of food, such as child care and health care costs, transportation to work bills, nursing costs for an invalid, excessive shelter and public utility costs, disaster repairs or replacements, and special education expenses. The Secretary would be expected to permit hardship deductions on a liberal basis, with a particular view to furnishing incentives to work. If the household's net income was less than the applicable standard for a household of its size—and if its resources were similarly within the prescribed boundaries—that household would be eligible to receive food stamps anywhere in the United States.

The Secretary would, in similar fashion, establish resources standards of eligibility. Although the substitute mentions no specific dollar figure for liquid assets in this connection, the substitute does prohibit the Secretary from denying access to the food stamp program to any household because it owns its own home and furnishings, or because of the value of its clothing, or because it has a car that transports the family breadwinner to work or otherwise helps the household earn its living, or because of any other productive asset that is essential to its income. Contrary to some State and local practices, not only is such property excluded from consideration in determining eligibility, but it is also protected from any legal process connected with the administration of any family food assistance program, including commodity distribution, unless it is proven in court that the household has defrauded the program and process issues thereafter to recoup the program's losses.

The substitute bill, like the committee bill, would authorize the Secretary to establish temporary emergency eligibility standards that would ignore household's regular incomes and resoures in nondisaster times and qualify them for participation in the program when those incomes and resources had been rendered inaccessible or been seriously reduced by a disaster.

CERTIFICATION PROCEDURES

The proposed expansion of eligibility standards outlined above would substantially enlarge the rolls of potential food stamp users in 14 States whose income cutoffs are currently more than $1,200 per year below the new proposed floor and 19 other States where the differential is at least $600, but less than $1,200. But it would not significantly facilitate the extension of the program to more low-income households that had previously been excluded in the absence of any reforms in the methods of handling the eligibility process.

New York City is the classic instance. When New York City welfare and food stamp offices first began to take applications from nonwelfare recipients in September of this year, the line of applicants stretched for blocks, initial interviews were postponed for as long as 3 months, and final determinations of eligibility were delayed even longer. The resulting traffic jam prompted the Department to suggest that it would reconsider certification procedures and explore the possibility of self-certification. To date, no new guidelines have been forthcoming.

Accordingly, sections 5(a) and 7(b)(1) of the Foley-Quie substitute propose that applicant households become eligible to participate in the program at the end of 7 days after the filing by the household of a simplified statement in affidavit form primarily attesting to its income or upon certification by the operating agency that the household, upon the basis of its simplified statement, met the income and resources tests referred to above, whichever occurred sooner. Thus, by no later than one calendar week after it first sought to secure food stamps, any applicant household would become entitled to receive them, unless the simplified statement that it filed revealed on its face that the household was ineligible to participate or else contained mistakes in arithmetic—such as faulty subtraction of certain deductions in arriving at net monthly income—that, when corrected, changed the result so as to disqualify the applicant. Under section 7(e)(4) of the substitute, a household which felt that there were no mistakes or that its computations were correct, could seek a fair hearing on the matter and a prompt determination thereafter.

The form of the affidavit itself would be determined by the Secretary within the following guidelines: It should be as simple and as brief as possible, specifying only the name, address, and size, age, and occupation of the members of the household as well as various income, resource, and deduction categories. No other information would be pertinent for demonstrating the household's eligibility. The individual filling out the form should be required to affirm his understanding that all of the information furnished in the application was true and correct to the best of his knowledge and belief. Of course, whenever a substantial change occurred in any of these factors, such as an increase in pay or decrease in the size of the household, the household would be expected to notify the operating agency and file a new statement.

In place of the current system with its harsh and ultimately unworkable emphasis on preparticipation clearance that only results in lengthened lines that deny food to the needy and wasteful, harmful bureaucratic bottlenecks that benefit only unemployed caseworkers, the Foley-Quie substitute would require operating agencies to institute a system of adequate and effective post-participation verification of eligibility. This would be accomplished by mandating monitoring through taking a sampling of up to 10 percent of accepted affidavits and checking on the validity of the income and/or deduction factors contained in those affidavits. There are other scientific techniques that are in the process of being developed to achieve the same end—screening out the undeserving without making it impossible for the deserving to gain access to the program.

Self-declaration is by no means a novel method of determining eligibility. Nearly three-quarters of the States now employ some variant of self-certification in their public or medical assistance programs. On May 28, 1970, the Department of Health, Education, and Welfare required self-certification in all States in connection with eligibility for certain categories of assistance no later than January 1, 1971. It is also required by law starting this fall for the free and reduced price school lunch program that is expected to serve 7.3 million children.

There have been no allegations of fraud in connection with the millions of affidavits already filed for school lunches. Nor has the Department of Health, Education, and Welfare experienced any substantial problems. In its report on the testing of the simplified method in the adult categories, the Department concluded that the use of the method enabled applicants to provide sufficient information upon which accurate determinations of eligibility and extent of entitlement could be based and that these determinations could be made and assistance provided quicker and with less paper work than under the traditional method. The report also stated that in very few instances had the 3 percent tolerance level of incorrect eligibility decisions been exceeded.

COLLEGE STUDENTS

A crescendo of protests has arisen over the increasing use of food stamps by students attending colleges or universities.

XUM

While many such students do have need of food stamps in order to survive and further their academic goals because they lack any meaningful outside sources of support, some students who participate in the program are also heavily subsidized by their parents. It is essential to avoid having them remain on the program rolls while, at the same time, not to make the initial certification procedure so cumbersome in order to screen out students that it operates instead to deter the needy. The Foley-Quie substitute on section 7(b)(1) would resolve this dilemma by requiring that the sampling of 10 percent of the affidavits be supplemented by rigorous scrutiny of the income data contained in 100 percent of the self-declaration forms filed by any household which consists of or includes a student at an institution of higher education who is over 18. The intent is to require the student's parents to disclose the nature of the support, if any, that they are providing him so that the operating agency can make a valid determination of need. At that point, if the agency were to decide that a particular student should be declared ineligible, it could promptly convene a fair hearing conducted by an agency hearing official and, if victorious, instantly terminate the student's participation.

MIGRANTS

Self-declaration would be particularly valuable to migratory farmworkers who have been foreclosed from seeking food stamps in the past because they could not afford to waste a full day or more in a welfare office to get certified or to await approval by lingering in a county after the crops have been picked. Migrants need special relief not only by way of eased eligibility barriers, but also through intercounty and interstate certification that remains valid for a reasonable period of time after a move. Otherwise, they will never be able to enjoy the benefits of food stamps. Accordingly section 7(b)(1) of the Foley-Quie substitute permits any household that moves from place to place to maintain continuous participation and avoid losing the program's benefits because of the move. Migratory workers would be free to follow the work stream and still receive stamps should their annual incomes warrant it. Since the food stamp program would, under the substitute, become nationwide no later than 300 days after enactment—and possibly earlier—the peculiar form of deprivation that afflicts migrants and isolates them from many types of Federal aid would no longer do so in the case of food stamps.

Of course, the obligation of the operating agency to treat net income on the most recent monthly or yearly basis, whichever is more favorable, would also enhance the prospect of meaningful migrant participation.

THE WORK REQUIREMENT

Under the present program, some 11 States, for instance, South Carolina, refuse to purvey food stamps to any household containing employable persons who do not register with the State-local employment service and accept employment that is fitted to their mental or physical capacity and work skills and that is compensated at a standard wage level. No Federal regulation prevents States from adopting this type of workfare qualification; but, if it is not imposed in the State plan governing the program, individual counties may not enforce it.

The committee bill, however, has created a national, not State-by-State administrative nightmare of a work test that is either essentially unenforceable or else would unnecessarily deprive hungry and malnourished mothers and children of food stamps in order to redeem the omissions of their husbands and fathers. The Foley-Quie substitute would replace it with a more reasonable, yet equally work-oriented provision that would not deny aid to mothers and their children because of the failures of other household members.

The committee work test would compel registration and work by certain members of a household as a condition of that household's eligibility to receive food stamps. Thus, a failure to register by one member of a 10-person household would prevent the other nine from ever receiving the stamps to which they were entitled and of which they had need. The registration and work requirements contained in section 5 (c) through (g) of the substitute are not conditions of eligibility. They do affect the household's level of participation in the program, not the fact of its participation. The penalty for failure to comply is not a brutal cut-off of all food aid, but a reduction of such aid designed to eliminate that portion of the benefits attributable to the individual who is not in compliance. For example, under the substitute, if a man with a wife and two children under 16 and a monthly income of $150 should fail either to register as required or accept work in accordance with the provisions of the law, the formula contained in the substitute would not affect that household's maximum $37.50 purchase requirement, but would reduce the household's total stamp allotment by $22.50 or one-fourth of the $90.50 bonus—the excess of the allotment over the purchase requirement—to $105.50.

The committee bill work test and Foley-Quie work requirement govern different classes of people. The age group to which the provisions are applicable in the committee's bill runs from 18 to 65. The Foley-Quie substitute's age bracket is 16 to 60, although both bills exclude bona fide students of any age. The committee bill is inapplicable to the non-able-bodied; Foley-Quie, to the ill or incapacitated. Mothers or other persons in charge of children or the incapacitated are similarly excluded under both bills, although Foley-Quie also does not apply the requirement to caretakers of the ill. Finally, Foley-Quie exempts the partially employed in the sense of those working at least 35 hours per week or earning at least $56 per week.

The Foley-Quie registration requirement would presumably be implemented by having the household applying for food stamps check off several appropriate boxes—that is, age of children, physical condition, student status—on the self-certification affidavit at the office of the operating agency. There would be no need to compel attendance at two separate locations to perform such a simple act. The operating agency would either agree that none of the household members were within the purview of the registration section—but refer household members to the State vocational rehabilitation agency for vocational rehabilitation if they were not required to register because of a handicap or disability, or else decide that one or more members should register.

But the practical consequences of failure to register, despite the operating agency's conclusion that registration is necessary, differ depending upon whether the household is already participating in the program on the date the registration provisions of the substitute are implemented by the Department's promulgation of regulations or whether it seeks to come onto the program's rolls thereafter. In the first instance, the household's bonus could only be reduced proportionately after the operating agency gave it reasonable notice and a fair hearing in accordance with the procedures contained in FNS (FS) Instruction 732–14, dated May 28, 1970. In the latter instance, proportionate bonus reduction could be instantaneous, with the household retaining the right either to register and thereby automatically restore the bonus to its full level or else demand a fair hearing in the hope that, at such a hearing, the operating agency would determine that the particular member's failure to register was for good cause—either because he was in one of the exempted categories or else because the program administrators were otherwise at fault.

The Foley-Quie work requirement itself applies to all registrants and only to them. In order to be compelled to work or else face reduction of bonus benefits—after reasonable notice, a fair hearing, and an agency finding of without good cause refusal to participate in suitable employment—the registrant would have to be offered work that met four basic tests. First, the work offer itself would have to come from either the State public employment offices or any employer so long as the operating agency determined the offer to be bona fide and not merely a ruse to prevent a household from obtaining its full quota of food stamp benefits. Second, the work would have to satisfy the traditional unemployment compensation test of "suitability" that employment offices and the courts have become used to applying over the years.

Third, the position offered could not be one that was open as a consequence of a strike, lockout, or other labor dispute in order to avoid the use of food stamps as an incentive to scabbing. Fourth—and most important of all—the job would have to pay at least $1.60 an hour, which is the Federal hourly minimum wage, even if the job were not covered by the Fair Labor Standards Act of 1938—the substitute hypothetically assumes that, for the purpose of the work requirement, offered jobs are so covered. The job would have to pay even more than $1.60 if the prevailing rate of similar jobs in the locality or the state or local minimum

XUM

wage were higher. Thus, while $1.60 would be the floor, it would not govern construction jobs for which the going rate was $2 or $3 per hour. The significance of this wage aspect of the work requirement is that, unlike the committee bill, it would not permit hundreds of thousands of adult members of stamps-using households to be forced into sweeping streets or digging ditches or cleaning homes or doing laundry for ridiculously low wages—50 cents an hour for domestic work in Alabama and Mississippi, no State minimum for State jobs, and no State minimum at all in 13 States, the majority of them in the South.

Finally, the Foley-Quie substitute work requirement would not go into effect overnight without sufficient time to implement it fairly and thus result in interminable lines at grossly overworked employment offices. Implementation of the work provisions would be delayed until the earlier of 300 days after the President signed the food stamp bill into law or the date upon which the food stamp program became effective nationwide.

STAMP ALLOTMENT VALUE

The key to the efficiency of the food stamp program is maximizing the participation of those who need its aid. Program participation is, according to administrative experience, related to two variables: It varies directly with bonus aid and indirectly with the cost of the stamp allotment. The committee bill makes no significant changes in the current handling of these two crucial variables. It merely leaves them both to the Secretary's discretion. The administration has indicated that, if fixing the stamp allotment value is placed in the Secretary's hands, it will provide a maximum of $106 to a family of four. This, the cost of the so-called economy food plan for a family of four with two schoolchildren is $107.80 a month, although the Department has made no move to implement the food stamp program.

The economy food plan is an estimation derived by USDA based on 80 percent of the cost for the low-cost plan. The Bureau of Labor Statistics ascertains the retail costs of per person quantities of a market basket of necessary foods in 11 food groups as those quantities are specified in a 1964 Agriculture Department revision of the original 1959 economy food plan which took account of changes made in 1963 by the National Research Council in the recommended daily dietary allowances for vitamins and minerals. No similar updating of the food plans have followed the Council's 1968 "Recommended Dietary Allowances" revisions. Thus, the present economy food plan may already be out of date from a nutritional value point of view.

But even if it were an up-to-date measure of nutritional subsistence, the economy food plan upon which the Nixon administration has relied in fixing allotment values is too risky a measure of the purchasing power needed to insure against malnutrition. It does not offer a sufficient margin of safety against medical problems predicated on the purchase of insufficient food containing the right nutrients.

To be able to afford the economy plan is no guarantee that one can afford a nutritionally adequate diet measured by the recommended daily dietary allowances for nutrients. The plan demands that the homemaker be an expert in marketing and food preparation. Although nutritionists use the plan, they recognize its limitations. They rely on it only as a short-term guide for what a family can do when it is temporarily caught short. The Bureau of the Budget has admitted that "probably most families could not remain well-nourished on such a diet." The Department is so embarrassed by the misuse of the economy plan as a social indicator that it stated in a menu-planning guide based on the economy plan that—

> Studies show that few families spending at the level of the Economy Plan select foods that provide nutritionally adequate diets. The cost of this plan is not a reasonable measure of basic money needs for a good diet. The public assistance agency that recognizes the limitations of its clientele and is interested in their nutritional well-being, will recommend a money allowance for food considerably higher than the cost level of the Economy Plan. Many welfare agencies base their food cost standards on the USDA Low-Cost Plan which costs about 25 percent more than the Economy Plan.

The Foley-Quie substitute sets 35 cents per person per meal as its bare nutritional minimum for fiscal year 1971—or approximately $128 for a family of four each month. In each of the 2 succeeding fiscal years, the Secretary would be required to adjust that figure to reflect the cumulative percentage change in the Consumer Price Index for food. Since a 5- or 6-percent increase in that average is anticipated in the forthcoming calendar year, it is likely that, as of July 1, 1971, 35 cents would have to become 37 cents. To go below this amount would be to deny needy households the means of effectively surmounting hunger and malnutrition. This sum is still not equivalent to the low-cost food plan, which is at the $134.60 monthly level for a family of four as of last September. And even this sum is subject, in exceptional circumstances, to reduction by the Secretary should he determine that the fiscal year 1971 appropriation—$1.42 billion scheduled to go at least as high as $1.65 billion—or the fiscal year 1972 and 1973 authorizations—$2.5 billion and $3 billion, respectively—would be insufficient to last for the entire fiscal year given the expected rate of participation. With 8.8 million persons on the food stamp rolls in October 1970, the 35 cents floor should prove no problem in the current fiscal year. What future fiscal years may bring in the way of participation, hence, projected program costs, is highly uncertain.

The Secretary's remedy, in the event that he foresees a cost squeeze, is to adjust the allotment value downward to the higher of 30 cents per meal or the economy food plan as promulgated by the Consumer and Economics Research Division of the Departments of Agricultural Research Service—currently also close to 30 cents per meal, but potentially higher in the future. The Secretary would be required to make this evaluation every quarter—July 1, October 1, January 1, and April 1—and report his decision on the allotment value to the relevant congressional committees at least 30 days before seeking to reduce the allotment value.

THE COST OF THE STAMPS

The central barrier to using food stamps is the high cost of participating when compared with the benefits each user might receive. In the summer and fall of 1969, a statistical study of the program was conducted that focussed on program operations in 37 counties in nine States. The researchers examined the files of participants and nonparticipants and surveyed numerous households. Their major conclusion was that the cost to the user was responsible for excluding at least 56 percent of all the poor who did not buy food stamps in food stamp counties. The purchase price requirement closed the door on the poorest of the poor—those with incomes of up to $50 a month for a family of four—because the lump sum cash payment was too high for them to meet at any one time in the course of a month. It foreclosed the intermediate-income poor—$50 to $200—from participating because of the high percentage of income required as a down payment for food stamps. It shut out the most "well-to-do" of the poor—$200 up—because the odds involved in the bonus-cash purchase ratio were not attractive enough to entice them into committing large sums of income to food stamps.

The current Food Stamp Act simply refers to enabling households to take "their normal expenditures for food" and purchase stamps "in such amount as will provide—them—with an opportunity more nearly to obtain a low-cost nutritionally adequate diet." What is normal for poor people to spend for food? Congress declined to answer, leaving it up to the executive branch to make the decisions in light of budgetary limitations. The program managers in the Department took this relatively blank and flexible check and made it very difficult indeed for many poor people to cash. That was because the Department relied on studies that seemed to reveal that the poor often lay out between two- to three-fifths of their disposable income for food. In the fall of 1969 the Department revised its interpretations of these studies. The revisions resulted in new issuance schedules that merely alleviate, not abrogate the user cost problem.

The price squeeze is acute for all households. Families cannot live on bread alone. Shelter, clothing, transportation, medical care—these and many other items have equal significance in their lives and may, from time to time and especially in emergencies, take precedence over food. Housing is a necessity and housing is costly, consuming an all-too-large proportion of low-income budgets because of the combined effects of inflation, financial restraints on housing credit, and the increased shortage of low-cost housing. Rent and utility costs are not only high, but they are inflexible. They demand priority payment. Failure to pay the rent could lead to eviction.

Failure to pay the gasman means freezing. Defaulting on the electricity company means instant blackout.

If the children are to go to school, they must have shoes and clothing. Medical care is essential as is paying for transportation to work. Automobile and appliance breakdowns necessitating large sums for repair further cut into the dollar that is already shrinking by itself. The most flexible item in the budget is food. Food comes last. It gets the leftovers, which quite frequently will not be sufficient to pay what the food stamp tables so relentlessly demand.

Even in the absence of emergencies, complying with the issuance tables means withdrawing relatively large sums from an already overloaded budget, sums that are proportionately greater for those in the middle range of poverty than for the very poor or those almost at the poverty line. For a family of four, the purchase requirement ranges from in excess of 100 percent of income—between zero and $2 in monthly net income—to a low of 10 percent at the $20 income level. These are atypical. From $20, the percentage of a participant's income that must be allotted to stamps rises to a peak of 28.8 percent at $250 and falls back down to 24.2 percent at $330, which is the proposed cutoff point for eligibility. Over one-fourth of monthly net income must be allotted to stamps rises to a peak. In excess of 28 percent is necessary between $150 and $260.

Thus, from $20 per month until $270 per month in net income, the table's parabola goes directly contrary to the economic principle known as Engel's law. Normally as income rises, people spend increasingly smaller proportions of their income on food. But normal economic behavior does not govern the food stamp issuance tables. Instead from $20 to $270 the poor must pay more, not less, for food, out of each income increment. Every $10 boost in income leads to a mandatory diversion of three of these added dollars to food stamps. The diversion rate as of 1970 is vastly superior to the one in effect in 1968 and 1969 when six out of every 10 such dollars were food stamp-taxed away, but a 33⅓ percent tax on income is not negligible. The poor, unlike the rich, are not free to divert new income to nonfood uses. The food stamp program distorts their allocation of resources.

While a family of four is the traditional focus for statistical purposes, the same phenomena obtain for families of eight or more, except that the percentages of income that must be applied to stamps are even greater. Thus, the percentage input ranges from 100 percent-plus at the top—for families whose monthly net income is below $3—to 15 percent—for families with $20 a month net income. The payments go up as high as 33⅓ percent of income, which, in fact, is the peak percentage in the entire set of tables.

The food stamp tax rate on the incomes of large families fluctuates according to no arithmetic pattern. Four dollars are subtracted from most of the $10 step increases over $80. But between $140 and $310, six out of every 10 extra dollars must be spent for stamps if the family wants to continue to participate. Families of 10 must comply with an identical scale of purchase requirement up to the $630 level. For households of more than 10 persons, the scale is the same as for households of eight, except that when income exceeds $810, for each $30 worth of monthly income, $4 is added to the monthly purchase requirement, a 13 percent tax rate, which comports with what the American middle-class in fact does with its money.

The percentage of its income a household must pay as the price of participating in the food stamp program thus generally ranges between 20 and 30 percent for families of all sizes. Thirty percent is exceeded not at all for families of five or less. For families of six 30 percent is surpassed only between $150 and $290, for families of seven between $150 and $360, and for families of eight or more between $140 and $360, with some adjustments within these brackets. Again, it is the middle bracket of the poor that is charged the most.

The 1970 price squeeze is undeniably looser than the one previously in effect when the purchase schedules peaked at 46 percent of income and generally were fixed between 30 and 45 percent. What is needed in 1971 and beyond is an end to as much of the squeeze as possible. The Foley-Quie substitute constitutes a step in this direction. Not only would section 6(b) of the substitute limit the charge to any eligible household to a maximum of 30 percent of the household's net income—and the charge could and, indeed, in most cases should be much less than the 30 perecnt maximum—but also it would hold the charge down to no more than 25 percent for families of four—or the equivalent—earning less than $167 per month or $2,000 a year. This is the most suitable way to ease the burden on the hard-core poor, even though it does not go all of the way in resolving the problem of user cost.

FREE FOOD STAMPS

The committee has imposed a minimum payment for food stamps of 50 cents that applies to families with no cash income at all. Even the administration has expressed its disapproval of this restrictive feature.

The present law on its face authorizes free stamps to be issued to households who have no normal expenditures for food, although neither the Johnson nor the Nixon administrations have ever agreed to be bound by that statutory interpretation. The prevailing belief, often expressed, has been that anybody ought to be able to afford $2. Or can they? A tenant farmer may have no income whatever, because the plantation owner simply deducts what his crop is worth from the larger sum owed him for materials. A man who can find no employment, especially in Appalachia or some urban centers, may head an incomeless family and probably be unable to go on welfare. A migratory worker in December, January, and February might have zero income. Examples could be multiplied, but the consequences would be the same. And according to the Office of Economic Opportunity, there were 1.3 million of such very poor people with no cash income at all in the United States in 1968.

The Department of Agriculture first recognized the existence of this tragic problem in 1968 after a survey of the Mississippi Delta. Their response was to lower the threshhold payment to the present $2 or 50 cents each, but not to give the stamps away free. The no-income family was left to beg, borrow, or steal. Finally, under the severe pressure of adverse publicity in March of 1969, triggered by criticism by Senator Hollings, Democrat of South Carolina, the Department announced an experimental free food stamp program in Beaufort and Jasper Counties, S.C. The free stamps were extended to families of two or less with under $20 income and families of three or more with less than $30 income per month. The results of that experiment proved what everyone knew all along—that there were families with literally no income, many of whom could not participate in the program in the absence of free stamps. Indeed, 900 persons secured free stamps in March 1969.

There are, of course, methods of pump-priming the food stamp program with other funding sources to take care of the no-income families. Private charities, such as the NAACP Mississippi emergency relief fund, which works on the delta, or the Salvation Army, can give families cash to purchase stamps. In September 1969, after the advent of Hurricane Camille, the Department lowered the purchase requirement for the people living on Mississippi's gulf coast in hard-hit Harrison County to 50 cents across the board. The Red Cross stepped in to provide the 50 cents for anyone in need. As a result, in the month of September, 95,536 persons in Harrison County received food stamps, a 2,754-percent increase over the participation in August by 3,348 persons. By October, when normal purchase requirements were reimposed, the number had collapsed to 4,983 once more.

If it is willing, a local welfare system can intervene. The one in the District of Columbia has provided free stamps for no-income families at a monthly cost of over $1,000. But the program itself has no mechanism for assuring participation on the lowest rungs of the economic ladder and other sources, private or governmental, are far too thin irregular, or unreliable consistently to take up the slack and finance participation by the poorest of the poor.

The only viable long-run solution is free stamps for the poorest of the poor. Section 6(b) of the Foley-Quie substitute would see to it that those households with incomes of less than $30 per month for a household of four—or the equivalent monthly income for households of other sizes, for example, $45 for a household of six—would receive stamps without any charge whatever.

COUPON ISSUANCE—FREQUENCY

The absolute cost of the stamps may not be the sole reason why poor people feel that they cannot participate in the program. The "cannot" for many of the poor is not essentially a function of their failure to afford the necessary sum, but of the inappropriateness of applying the concept of balance-sheet budgeting to the poor. Such budgeting is hard to comprehend and impossible to adhere to in the face of constant pressure to spend on other essentials and emergencies. The "cannot" primarily reflects an inability to have the large sums of cash required on hand at the appropriate time.

The "cannot" reflects the fact that a few, fixed lump-sum payments do not comport with the free flow of cash in and out of the hands of the poor. It is not a simple matter for a mother of six with a monthly income of $250 to pay over $38 in cold cash twice a month to receive her stamps. Even middle-class mothers shopping at the suburban A&P might not be able to come up with $38 every other Saturday to spend on groceries. Indeed, supermarkets located in the heart of the Washington, D.C., ghetto report that they see the same customers two, even three times a day, trading a just-earned dollar or two for the wherewithal to prepare a meal.

There are two possible solutions to the problem posed by the formal mechanics of the program that inevitably enforce savings for food purchases upon people unaccustomed and often unable to do other than pay as they eat. The first is to cut the overall payment level. The second solution is to mold the program's structure to accommodate family economic reality by avoiding the need for large and infrequent lump sum payments for stamps.

The Department took a stab at alleviating this condition in 1967 when it instituted a special introductory offer in food stamp programs that had been in operation for less than a year. The offer meant that people who came into the program for the first time could, during their first month of participation only, pay one-half the applicable purchase price. Thereafter, no discounts were available.

The Department did not attempt at that time to change the all-or-nothing rule, which compels a family to buy what the table states or stay out, and to do so no more than twice a month. Stamps used to be available only once a month, timed to enable welfare families to buy stamps when they received their welfare checks. Now the Department claims that, in 90 percent of the counties or polities administering the food stamp program, stamps are offered on a semimonthly basis, as they are supposed to be according to regulations. Regardless of the validity of that statistic, even two times a month is not as often as it should be.

The Department's 1970 schedules were designed to alleviate the frequency bind by permitting stamp purchases to be made monthly or semimonthly or four times a month or every week. Unfortunately, it is clear that the counties are not required to comply. At present, the same mother of six with $250 a month in net income has to pay $38 twice a month for $72 in stamps. Under the weekly purchase mandate of section 7(b)(2) of the substitute, she could come in once a week with $17 and receive $45 in stamps, or on the 1st, 8th, 15th, and 22d of the month with $18 and obtain $48 in stamps, or on the 1st and the 15th with $36 in return for $96 in stamps, or on 1 day only with the full downpayment of $72 for the complete stamp allotment of $192. Of course, these figures are only approximate and ignore the variable purchase factor discussed below.

The Department's current schedules do not allow for complete variable purchase. The committee bill directs the Secretary to provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment authorized to be issued to them. The Secretary would, thus, have the discretion to set variable purchase levels. That discretion would presumably be limited to the present frequency of two, four, or 4.3 times a month and concommitant input of 50, 25, and 23 percent of the monthly purchase price in return for one-half, one-fourth, and 23 percent of the total monthly coupon allotment.

That is insufficient flexibility. Section 7(b)(2) of the Foley-Quie substitute would direct the Secretary to establish a schedule permitting partial payment on more than a one-fourth basis. That is not to say that any household could come in at any time with $1 or indeed any sum at all and seek to buy its worth in food stamps, but only that households should be granted the right to put down as little as one-tenth of the purchase price at any one time with an outside limit of four or five buys per month.

The problems posed by a combination of the high cost of stamps and issuance inflexibilities are further compounded by the "no skip" clause in the regulations. A household must buy the stamps month after month after month on a regular basis or else be forced to go back to "go" and start all over again—without collecting any benefits—to play the certification game. Excuses based upon an emergency of a temporary and substantial nature may work if a household misses 1 month, but only if the local officials are agreeable. To skip 2 months is to invite automatic disqualification.

The statute nowhere so provides, but the Department did, allegedly because that was the only way the program could effectively raise levels of nutrition. According to the Department:

> If a family eats well for one month, then skips two, food stamps won't be doing the job.

In other words, the program must feed a poor family all the time or not at all—4 stamp months out of 12 are not better than none. The Disneyland logic is that doing without will always do more for raising one's level of nutrition than doing with part time. The impact of this provision falls hardest upon groups whose problem is struggling to maintain their income levels month by month, such as seasonal workers in farming or the construction industry and temporary workers such as domestics, waitresses, and laborers. It also adversely affects low-wage workers who can barely afford to participate at all and are forced off when any substantial, unanticipated expenses arise.

The Foley-Quie substitute—again section 7(b)(2) thereof—would make it statutorily clear that no requirement of regular participation could be imposed. Whenever an eligible household needed stamps, it could buy them, even if only five or six times a year.

The fourth change in the issuance aspect of the food stamp program made by the Foley-Quie substitute in order to enhance the possibility that poor people could participate is the institution of a food stamp check off, enabling persons receiving any form of grant or aid pursuant to the Social Security Act—including old-age, survivors, and disability insurance benefits, unemployment compensation, aid to families with dependent children, and public assistance for the aged, blind, and the permanent and totally disabled—to request either the State or the Federal Government—presumably the Secretary, acting in concert with the Department of Health, Education, and Welfare—to withhold from any such grant or aid payments the amount of such benefits necessary to purchase any part or all of the food stamp allotment to which the recipient is entitled. While this would be a purely voluntary act on the part of eligible households, it would help them avoid the dilemma of having spent so much of their assistance checks before they could proceed to food stamp issuance locations that not enough remained to permit them to buy any stamps. This has been a particularly acute problem in the past because of the inconvenient location and limited open days and office hours of issuance centers. The checkoff thus not only would eliminate a significant barrier to participation, but also would substantially reduce and even entirely wipe out the bulk of issuance costs paid by county welfare agencies with respect to those demanding checkoff of their purchase requirements.

COUPON ISSUANCE—LOCATION

Under the present program, food stamps are usually sold at and by local welfare agencies, although banks, credit unions, some poverty agencies, and even some local businesses—for example, drug stores or public utility companies—are sometimes utilized. When the local welfare agency contracts with a nonpublic agency to dispense stamps, the sellers generally charge the program between 50 cents and $1.10 per transaction, occasionally making a small profit. The problem is to combine convenience of location with low program costs and security.

The Foley-Quie substitute in section 7(b)(2) would seek to resolve the situation by essentially directing the Secretary to negotiate with the U.S. Post Office or its private corporate successor to obtain an agreement that, in exchange for suitable reimbursement, post offices, which are particularly convenient locations in small towns and incorporated rural areas, would undertake to issue

XUM

stamps and collect payments. If the post offices were inconvenient or unwilling in any particular political subdivision or supplemental issuance centers were needed, the other agencies now in the issuance business would come into play, including private nonprofit organizations interested in helping the poor.

A NATIONWIDE FOOD STAMP PROGRAM

One of the greatest defects in the current law is that it requires the conjunction of two factors before a food stamp program can operate in any locality: first, the appropriate State agency—usually the welfare agency—must request that the program be conducted within the particular political subdivision and, second, the Secretary must admit the subdivision to participation in accordance with his conception of "an equitable and orderly expansion" of the program. Should either of these discretionary triggers fail to be squeezed, there can be no program in the area despite the people's need. The results of this combined local-Secretary option speak for themselves. As of October 1970, only some 1,947 jurisdictions had a program in operation out of nearly 3,200 such jurisdictions in the country or approximately 60 percent of the potential. Over 200 more of the 1,300 excluded jurisdictions were seeking the right to participate, but had not been able to persuade the Secretary that their participation would constitute equity or order, primarily because the Secretary was worried about spending too much money or feeding low-income households. Five States—Arizona, Delaware, Nevada, New Hampshire, and Oklahoma—had no food stamp program within their borders.

For a county to get a program, usually the commissioners or the probate judges or some other local officials have to request one from the State welfare agency. It is by no means unusual for these key officials to resist the initiation of such a program in their county because of ignorance of the dimensions of the malnutrition problem or fear of incurring local costs or malice toward the poor or any other number of bad reasons. Unless the local officials are willing, no program. Even if they are willing, the Secretary may not be, given limitations on authorizations and appropriations. The Secretary, at present, does not feel financially able to welcome into the program all of the project areas that are pounding on his door. During the past year he has admitted only 363 such areas.

There is no reasonable way to resolve this dilemma and conquer these barriers to expanding the program to reach all of the needy wherever they happen to reside other than by setting a time limit for making the program operative nationwide in every political subdivision, and then directing the Secretary to operate the program directly or through other agencies or organizations should a particular subdivision or a State prove recalcitrant. The substitute is designed to end the Federal Government's negative role in the geographic extension of the program and replace it with precisely the approach outlined above.

Section 7(g)(1) of the substitute calls for the program to take effect—that is, with stamps actually being issued—within 180 days from the day on which the President signs the act. If the local officials fail to act by then, the Governor of the State is afforded the right to act within the next 30 days to set up the program and issue stamps on his own authority. Should any Governor either be unwilling or unable to open the program by 210 days from enactment, the Secretary would be compelled to initiate the program either through his Department or any other Federal agency—for example, the Office of Economic Opportunity with its emergency food services program—or through a State or county or other public agency, such as a local community action agency, or, and this may be the most feasible route, through a willing and able—the Secretary's approval of the group's capacity would be a prerequisite—private nonprofit organization, presumably one with local roots. To prevent this provision from becoming too inflexible to meet unusual circumstances, the Secretary would be given the right to extend a Governor's option an additional 90 days—for an overall total of 300 days from enactment—should there be a showing of bona fide and extraordinary administrative difficulties preventing implementation in accordance with the statutory timetable.

Thus, no later than 300 days from enactment, food stamps should become available to poor persons living in every town, city, and county in the country.

A food stamp program that exists only on paper because it reaches only a few of the needy is as bad as a nonexistent program. To overcome the deficiencies of a paper program, the Secretary would be similarly empowered to farm the program's operation out to himself or any of the other agencies or organizations referred to above, including the private nonprofits. The objective program failure that would enable the Secretary to take such action is defined in section 7(g)(2) of the Foley-Quie substitute as the inability to serve more than one-third of the poor persons living in the jurisdiction for more than 3 months in a row after the program has been in effect for 180 days. The applicable poverty statistics would be determined by the Secretary in light of census data or any other recent data available from the Secretary of Commerce.

Thus, if in a county in which a food stamp program had begun last June 1, there appeared from Commerce data to be 3,000 poor people, and, if that program provided stamps to less than 1,000 persons in January, February, and March of 1971, the Secretary could, if he wished, as of April 1 or whatever date he learned of this inadequacy, notify the Governor of the applicable State of his right to take over the program by May 1—or within 30 days of the date of the Governor's actual notification. On May 1, if the Governor had failed to move, the Secretary would have the right to dispose of control over the program. It is the intent of the substitute to encourage wherever possible such a revitalization of paper or token programs that fail adequately to serve those in need in accordance with the objective poverty standard. On the other hand, the substitute rewards good performance by a program through an increase in the sharing of administrative costs, which is considered below.

If any organization other than the traditional State or county welfare agency is given the responsibility for running the food stamp program in a given locality, the Secretary would have to require the operating agency, be it a poverty program or the Salvation Army, to observe all of the act's requirements incumbent upon the traditional welfare agencies. Those requirements are contained in the State plan provisions of section 7(e). Section 7(e) commands each State plan of operation to provide that the local operating agencies in each State—that is, any group administering the food stamp program—will follow the nationwide eligibility and resources tests as well as certify households solely on the basis of simplified statements. There would be no requirement comparable to the present one that the State agency use only civil service welfare caseworkers in running the certification process. The local operating agencies would be free to employ whomever they chose, including volunteers, to overcome the harmful delays in certification. But the local operating agencies would not be free to divulge information from applicants to nonagency officials other than the district attorney's office. They would also have to submit reports, as before.

Local operating agencies would have to undertake outreach efforts to inform low-income households about the program's benefits and mechanics. This is a new directive that gives recognition to the fact that the lack of effective outreach is one of the major reasons why the program has failed to reach a significant number of the poor, many of whom are totally unaware of the program's existence and unfamiliar with its benefits and intricacies. This mandate for outreach, coupled with the incentive provision of the Federal Government's paying 62½ percent of the travel and salary costs flowing from such activities—unless outreach was undertaken by nonoperating agencies such as other public agencies or private nonprofit organizations, in which case the cost would be fully reimbursable—should insure that the program will be sufficiently promoted and participation effectively encouraged. The cost-reimbursable aspect of the encouragement of outreach should yield multiple food stamp organizing campaigns designed to put all eligible local residents on the rolls.

Finally, the State plan incumbent upon all local operating agencies would have to contain provision for a fair hearing to be granted to any household aggrieved by any of the agency's actions, ranging from outright denial of eligibility to failure to act with reasonable promptness on an application to disagreement over the interpretation of the State plan and policies pursuant thereto. The components of a fair hearing have already been made clear to every State welfare agency through detailed Department instructions (FNS–FS–732–14) issued on

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May 28, 1970. Those instructions accurately set forth the minimum standards of such a hearing. The only matter on which they are doubtful is the necessity for the hearing authority to render a final administrative decision with reasonable promptness dating from the initial call for the hearing. Elapsed time from request to decision should rarely, if ever, exceed 30 days. The instructions appear to allow 60 days, which is too lengthy when food need is at stake.

ADMINISTRATIVE COSTS

A major deterrent to local participation is the high cost of administering the program. Counties and States are not anxious to incur greater obligations and more expenses. That is why the escalating bonus-matching provisions of the committee bill are so devastating. If, as is likely, the State legislatures in the South—and possibly in other areas—were to pass on these costs to the counties, many counties now dispensing stamps would exercise their current right to drop out of the program. They already face substantial program expenses in the form of 37.5 percent of the cost of certifying nonpublic assistance households, 25 percent of the cost of certifying public assistance households—although this is usually considered to be part of administering the welfare program—and 100 percent of the cost of issuing the stamps, whether through themselves or through banks, and so forth. Faced with these costs that mount directly in proportion to the level of program participation, several counties in Mississippi have already indicated interest in dropping out. The added bonus burden would be the straw that broke the camel's back.

Section 9(b) of the substitute and the entire substitute itself is designed to lighten the load, not increase it. It would extend the Federal 62.5 percent certification share to hearing officials and outreach workers. It would eliminate the bulk of certification costs through the simplified declaration eligibility system. It would make reductions in issuance costs possible if the post offices would negotiate a lower charge than the banks.

One of the special virtues of 9(b) is the manner in which it would invert the current reverse incentive to program expansion. Under the present program, the more the participants, the greater the issuance costs. It pays an operating agency to curtail, not expand the rolls, 9(b) would turn this around by awarding a bonus to agencies that boomed their programs by reaching out to encompass more than 50 percent of the poor persons in the applicable political subdivisions. The bonus would consist of Federal reimbursement for 50 percent of the issuance costs incurred by such expansion-minded agencies that performed their job of reaching the malnourished well.

9(b) would also enable private nonprofit organizations to operate programs that otherwise might be too expensive for them to handle by authorizing 100 percent reimbursement of their administrative costs involved in running a program in a subdivision without a program or with a program that failed to serve the poor adequately. Public agencies permitted by the Secretary to operate programs under similar conditions would also receive 100-percent financing of all their administrative costs. Nutrition counseling and instruction activities and outreach efforts conducted by public agencies or private nonprofits would also fall within the confines of the 100 percent reimbursement principle.

NUTRITION COUNSELING AND RESEARCH

Although the Department runs a nutrition aide program through its extension service that utilizes over 7,000 aides to help educate needy households on the value and content of good nutrition, there is a noticeable lack of coordination between that program and the food stamp program, with the result that many food stamp recipients lack the information they could profitably use in wisely investing their food stamps. As the committee discovered in its field investigation of the operation of the Food Stamp Act, nutrition aides have rarely augmented the stamp program and have failed to communicate with local officials charged with administering the stamp program. The committee recommended, at a minimum, the adoption of a procedure "whereby the names of food stamp participants are furnished to the extension service and home visits are in turn made by the aides. Additionally, in view of the protected waiting period which faces most applicants, it might prove feasible, depending on the nature of the waiting area, for nutritional aides to apprise applicants of their services on either a group or individual basis."

Section 7(a) of the Foley-Quie substitute offers the ideal vehicle for implementing these committee recommendations. It requires the food stamp program to enlist the services of private voluntary community agencies as well as other public agencies in nutrition counseling efforts and to afford all participants opportunity to receive nutrition instruction at foodstores or in their homes or in such convenient locations as food stamp offices. The substitute would, pursuant to section 9(b), supply funds to private groups engaged in such counseling and instruction activities.

Section 10(e) of the substitute grants new authority to the Secretary to undertake in the Department or by way of contract with other bodies, public or private nonprofit, research, demonstration, or evaluation projects to develop new approaches or methods to guarantee the provisions of adequate levels of food consumption and nutrition among low-income households. The Secretary would be expected to set aside a portion of the sums appropriated for the food stamp program, in the vicinity of one-half of 1 percent of all such funds, not only to evaluate the program's effectiveness—preferably by involving the numerous private nonprofit agencies concerned with ending hunger and malnutrition that actively participated in the December 1969, White House Conference on Food, Nutrition, and Health—but also to experiment with changes in the ongoing statutory program in selected areas to determine whether further program modifications might be necessary in order better to achieve program goals.

FRAUD

At the present time the only means for dealing with individuals who fraudulently abuse the food stamp program, either by willfully and knowingly supplying misinformation on family size or income with the intent to secure stamps to which they would not otherwise be entitled or by willfully and knowingly exchanging stamps for cash or buying ineligible items with stamps or paying back bills with stamps, have been criminal and then primarily at the State level. The Department's Office of the Inspector General normally refers all recipient violations revealed in the course of its investigations to the States for proper handling. U.S. attorneys have very few misdemeanors or felonies sent to them for prosecution and actually prosecute even less because of their heavy caseloads in other more substantial areas.

Section 8 of the substitute retains the core of the previous criminal provisions of the act. It expands them to cover knowingly making a false affidavit in order to secure program benefits and to encompass abuse of authorization to purchase cards as well as of the stamps themselves. It narrows the existing law by making the distinction between misdemeanor and felony depend not upon the total value of the benefits received, but upon the value of the benefits received that is in excess of what the fraudulent party would otherwise be entitled to. Thus, receipt of $20 additional in stamps each month for 4 months because of a willful misrepresentation as to family size would amount only to a misdemeanor, not a felony, even though the total stamp allotment received over that period was in excess of $100. The substitute also directs the Secretary to take certain administrative steps to prevent theft, misappropriation, and counterfeiting of the stamps.

The criminal route for handling fraud is, however, slow and cumbersome, far too slow and cumbersome to have a significant deterrent effect. What is needed is an expeditious administrative procedure in addition to the criminal route that permits swift handling of frauds as they are uncovered. Section 7(h) of the substitute furnishes precisely such a mechanism for dealing with frauds. If a member of a household willfully and knowingly cheated in order to get his otherwise ineligible household on the program, the operating agency would be empowered to notify the household of its intention to act on the matter, convene a fair hearing conducted according to the standards set forth in FNS(FS) Instruction 732-14—but only upon the written request for such a hearing by the affected household—and, if the hearing authority should thereafter decide to terminate or suspend the household from the program, proceed to carry through such termination or suspension as soon as the household was notified of the hearing authority's decision.

The Secretary would have to decide how to dispose of the findings and/or the recommendations. His decision would be final and unappealable. On each September 1 of each year, he would have to report to the Congress on the efficacy of these fraud provisions.

CONCURRENT FOOD ASSISTANCE PROGRAMS

For at least 3 years there has been a continuing controversy over the scope of the Secretary's power to distribute commodities in an area in which the food stamp program is also in operation. The acute need for overlapping programs was documented in the spring of 1967 in Mississippi when hundreds of thousands of unemployed farmhands and their families lost Federal food aid as their counties switched from commodities to stamps, primarily because of the novel requirement of purchase price and the redetermination of eligibility. Today in many counties there exist households who, for one reason or another, are simply unable to afford stamps during a given month. If the reason for the temporary inability to participate is a sudden loss of income or rapid rise in expenses, then the Foley-Quie substitute's simplified certification procedures should provide eased access to the program in the form of a lower purchase requirement for a brief period. But if there is no rationale for the difficulty in coming up with the required sums at the appropriate times that can be translated into cheaper food stamp prices, for example, if funds are lost or stolen or have to be used to make a down payment on a car, the family would have to go hungry for that period or else subsist on a diet that only guarantees malnutrition in the absence of other available assistance.

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The current Food Stamp Act flatly prohibits "distribution of federally owned foods to households in areas where a food stamp program is in effect" unless the Secretary has determined that there is an emergency situation "caused by a national or other disaster." Secretary Freeman rigidly limited the meaning of "disaster" to a sudden, natural disturbance, such as a flood, hurricane, or earthquake. Secretary Hardin relaxed this concept in December 1969, when he admitted in a California court in a suit that sought to compel him to recognize hunger as a disaster in a county faced with factory shutdowns, that a disaster could include a situation brought about by economic developments. But he refused to extend this to any nonunique circumstances, such as the frequent inability of residents to finance the purchase of food stamps. Thus, it is no longer possible to rely on the existing Food Stamp Act as authority for simultaneously issuing stamps and distributing commodities.

Under the Foley-Quie substitute, as under the committee bill, commencement of a commodity distribution program in a political subdivision in which the food stamp program was already in operation would no longer have to depend solely on the Secretary's finding that a temporary emergency was in effect, although such an emergency, whether naturally or economically caused, would permit the Secretary to superimpose the commodity distribution program on the food stamp program. Thus, if there were a sudden surge in industrial layoffs leading to an economic emergency that inevitably disrupted the commercial channels of food distribution by significantly curtailing supermarket sales, the Secretary would be empowered to pay the entire cost of distributing commodities in the area in addition to the existing food stamp program.

There would be added to this extremely limited trigger to dual programing two other sets of circumstances under which commodities would be distributed while stamps were being used, but, of course, never to the same family during the same month. Concurrent commodity distribution would be authorized by the committee bill if the State agency requested it and agreed to pay for the full cost of its administration, including handling and issuing the commodities. The Federal Government, as usual, would pay for the food that would be distributed. The substitute would expand this request option to encompass requests by private nonprofit organizations or public agencies—including charitable groups, poverty agencies, and so forth—to run the commodity program subject to the same agreement to pay the administrative expenses once the foodstuffs were delivered within the State in question, while the Department furnished the food. Under the substitute, the Secretary would be expected to accede to this request automatically without any further determination on his part of the political subdivision's particular need for dual programing and would have to initiate the delivery of donated foods to appropriate warehouses in the affected State upon certification by the requesting party of the amount of such foods expected to be consumed. We do not anticipate that many States will make this request because of the extra cost of administering two programs at once so that the Department should not have any serious difficulties in projecting its budget for purchases of commodities.

The third situation in which concurrent programs could exist involves the transition period from commodities to food stamps. The committee bill avoids specifying the period at stake other than to refer to "an orderly transition." Section 4(b) of the Foley-Quie substitute seeks to define the transition time during which both programs could exist, with the commodity program run totally at Federal expense. The transition period would last until such time as the number of food stamp participants in the area exceeded the average number of commodity recipients in the 3 months prior to the switch-over. During that period, all costs, including the food and its distribution, would be paid by the Federal Government.

Thus, in any county in which the commodity distribution program was in operation as of the date of enactment of the substitute, the county could switch over to food stamps and still retain the commodity distribution program until food stamp recipients exceeded commodity recipients in accordance with the formula above, although the county would not have to pay anything for running the commodity program during this transition period even though it was paying handling and distribution costs prior to that. Even after the statistical transition period had ended, the county could continue the commodity program by tendering the necessary request to the Secretary, although then the administrative cost burden would be back on the county's shoulders.

COMMODITY DISTRIBUTION

In order to guarantee that the commodity and food stamp programs, which, as demonstrated above, can operate in tandem for the first time, are compatible both from the point of view of program operations and delivery of adequate nutrition, the Foley-Quie substitute and section 4(c), in particular, would revise the distribution of federally donated foods to make it subject to the same eligibility standards—income and resources—and simplified certification that would govern food stamps.

In addition, the commodity distribution program would be obligated to change its focus from easing the burden of farm surplus to feeding the malnourished what they need for an adequate diet. At present there are very few communities in which the complete commodity package is available monthly—24 items at per item allotment rates. At present, even if the complete packages were available, few needy individuals would be willing and able to truck the over 150 pounds of food per month for a family of four home from a distant distribution center that is rarely open when the individuals can make the trip. At present, the complete package itself, even if delivered and consumed without loss attributable to lack of refrigeration or sanitary storage space, does not provide 100 percent of the recommended dietary allowances for certain vital nutrients—particularly vitamin A—and clearly fails to furnish more than 79 percent of the necessary calories. To remedy these defects that seem to undermine the very objectives of the program, the substitute would mandate program administrators to provide conveniently located distribution centers open at sufficient times to satisfy participants' need and further to furnish amounts of foods with 100 percent of the daily calorie requirements. The foods distributed would not have to supply 100 percent of all recommended daily allowances, but should come close.

Finally, the program would be enjoined to provide fortified foods in areas where nutrition surveys demonstrated the prevalence of particular nutritional deficiencies, for example, iodized salt in Texas and Louisiana. This fortified project could operate, in conjunction with the research and demonstration authority in section 10(b), to test new methods of assuring low-income households nutritionally adequate diets, including facilitating the distribution of fortified staples, such as iodized salt or lysine flour, through normal channels of trade. Thus, the Department, in order to eliminate potential protein malnutrition, could and should use this authority to purchase sufficient quantities of lysine to supply every major flour manufacturer so that the manufacturer could blanket the markets and stores with fortified flour at no additional cost to the consumer.

FUNDING

Section 10(a) of the Foley-Quie substitute authorizes appropriations of $2 billion in the curent fiscal year, $2.5 billion in fiscal year 1972, and $3 billion for the third and final fiscal year. The administration contends that the actual cost of implementing the substitute "would be $3.8 billion in the coming fiscal year and $4.5 billion in the year thereafter." There are three major inadequacies in the administration's analysis. First, they fail to reveal the flimsy basis for their estimation. Second, their own budgetary projections presume inadequate participation, leaving a considerable degree of malnutrition untouched by the program that is supposed to end it. Third, they do not attempt to take the terms of the substitute into account.

To begin with, the administration's calculations are more guesswork than anything else. At no point in the budgeting process can the Department—or the Office of Management and Budget—confidently specify the figures for average monthly individual participation or average monthly bonus, which, when multiplied together and then by 12 supply the annual cost projection. The Department admitted as much over a year ago in a suit filed against it in U.S. District Court in the District of Columbia for, among other things, returning approximately $36 million in appropriated food stamp moneys to the Treasury, *Carper* v. *Department* (D.D.C., Civ. Action No. 171G–69). This problem could not arise under the substitute because unexpended appropriated funds would continue to remain available for the following fiscal year. The Department, in an affidavit signed by Assistant Secretary Lyng in that case, argued that it was proper to have unobligated funds at the end of each fiscal year because:

> It is, however, not possible to determine under a program of this nature the exact amount of funds which will be required to operate the program during any given fiscal year because of fluctuations in participation, changes in anticipated opening dates for new food stamp areas, and other unpredictable factors. This problem of making a precise estimate of the expenditures has existed since the initiation of the program in 1964.

The uncertainties that determine per-person costs and levels of participation make it almost inevitable that experience governs, not projections. The Department banks on barriers to full participation by all of the eligible in making their cost calculations, as is reflected in the wide range of estimates of participation it has produced to predict the cost of the Nixon food stamp program. That program would dispense $106 a month in stamps to a family of four at a cost no greater than 30 percent of the family's income, or nothing at all if the family received less than $30 a month. None of these estimates, however divergent, reaches more than 50 percent of the target population.

In March 1969, the President's Urban Affairs Council noted that the program the President later announced in May—with a reduction in the free stamp cutoff from $50 to $30 a month—would cost $2.5 billion by the time it was fully implemented nationwide in fiscal 1973 and cover 11.5 million people. When Secretaries Hardin and Finch testified before the McGovern Nutrition Committee in the Senate in September 1969, the implementation timetable for the full 11.5 million had been delayed to fiscal 1974. The coverage was up to 13.7 million and cost down to $2.4 billion at the end of October 1969, but no zero hour for reaching everyone in that limited group was mentioned.

Then, with the advent of the family assistance plan—FAP—the figures underwent a sea change. The FAP public would be between 23 and 24 million, including 3 million aged, blind, and disabled persons. The administration has constantly emphasized in every budgetary presentation and hearing statement that, under FAP combined with food stamps, the basic Federal benefits would be $2,464–$1,600 in FAP, $864 in food stamp bonuses. This assumes that, at the least, every FAP recipient would also be a food stamp recipient—for a total of 23 million stamp users, excluding eligible couples without children and single individuals who now receive stamps. The administration, however, likes to take credit for supplying the full $2,464 package without any serious intent to reach every FAP beneficiary with stamps.

The fiscal 1971 figures dramatize this deceit. In a January 1970, Budget Bureau special analysis of food stamps as an income security program, $1.9 billion was estimated as the program cost in the absence of FAP or $1.4 billion with it—in September, the FAP-related reduction in food stamps expenditures was set at $700 million. By June 1970, with new FAP changes submitted to the Senate, the administration was referring to a cost increase of $400 million in the food stamp program, necessitated by the inclusion of automatic check-off provisions for FAP clients wishing to obtain food stamps and FAP benefits in one simplified transaction. This should translate to an additional 2 million or so participants, given a per person annual bonus of $170-plus; $2.3 billion, therefore, could, after FAP was in effect, probably extend to 15.5 million food stamp users, but by no means 23 or 26 million.

The Department's Economic Research Service, utilizing as raw data a Health, Education, and Welfare income survey of some 60,000-plus household units in 1966, prepared on June 25, 1970, a table reproduced below that places the Department-supported program bonus costs at $2.317 billion with 13,489,000 participants. That is out of a potential universe of 31,318,000 with incomes below the $4,000 eligibility cutoff.

PROGRAM [1]—$106 COUPON ALLOTMENT AT NO MORE THAN 30 PERCENT OF NET INCOME (32.7 PERCENT TAX RATE)

Eligibility cutoff and participation [2]	Families	Individuals	Total bonus cost	Total cost [3]
$4,000:				
Partial	3,611	13,344	$2,314,549	$2,490,455
Full	8,752	13,318	4,028,976	4,335,178
$4,200 (natural termination):				
Partial	3,705	13,489	2,317,379	2,493,500
Full	10,114	34,272	4,071,244	4,380,659

[1] Based on Nixon bill with free stamps for households of 4 with incomes up to $30 per month, when fully implemented nationwide at least 2 years hence.

[2] Based on the Department estimates of maximum participation rates derived from a mathematical (not an experiential) formula relating allotment size and cost to propensity to participate.

[3] Total cost is bonus cost plus 7.6 percent for administration.

The partial participation indicated above encompasses a very small fraction indeed of the universe of potential participants. The Department discounts not only those who would philosophically refuse to participate in any food stamp program and those whose incomes are only temporarily low, but also those who decline to participate as their income rises and the cost of their allotment rises with it. Early in 1969, the Department roughly calculated participation rates by assuming that between $0 and $300 per capita income, two-thirds of the potention would be reached; between $300 and $600, one-half; between $600 and $900, one-fourth; and between $900 and $1,000-plus, only 2½ percent. More recent arithmetical models are more discriminating, but still place participation in those income brackets in the vicinity of 81 percent, 70 percent, 38 percent, and 11 percent respectively.

To summarize, the Department has no meaningful statistical evidence for projecting participation and projects its own program costs on the basis of only 13.3 million users, which is only 4.5 million more than are currently on the program and would extend Federal food assistance to less than 1 million more poor Americans over the next 3 years than were receiving such aid in October 1970—8.88 million, food stamps; 3.5 million, commodity distribution.

The $4.5 billion estimate the Department would pin upon the substitute—$4.23 billion in bonus stamp values, $670 million in administrative costs—is based upon the highly unlikely participation of 19,501,000 poor individuals or some 80 percent-plus of the 1969 poverty figures and probably well over 90 percent of the persons in poverty during calendar year 1972 when the estimates apply. Such a participation rate for any Federal program is unheard of, even if a cash grant is involved. It is an excellent target figure but one almost impossible to achieve. Besides, the substitute permits—although it does not encourage—the Secretary to reduce the allotment values to stay within the authorization limits. This is not an open-ended appropriation. Only the Congress would have the power to agree to expand the authorization to reach nearly 20 million poor people.

So that the House may understand the program's present status in terms of participation, we include the following table covering the past 11 months.

Month	Participants	Amount (millions)	Cost per person	Political units
1969: December	3,645,000	$24.5	$6.73	1,584
1970:				
January	3,795,000	26.9	7.08	1,589
February	4,416,000	54.9	12.42	1,609
March	5,075,000	71.0	13.99	1,624
April	5,629,000	80.1	14.23	1,664
May	6,070,000	86.5	14.25	1,698
June	6,470,000	$91.6	$14.16	1,747
July	6,946,000	98.1	14.12	1,811
August	7,159,000	100.5	14.04	1,849
September	8,238,000	116.2	14.10	1,913
October	8,883,000	125.8 (121?)	14.03	1,947

Mr. FOLEY. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Chairman, does the gentleman suggest that this substitute authorizes the recovery of fraudulently received money to the Government?

How are we going to get blood out of a turnip? How are you going to recover anything?

Mr. FOLEY. What the substitute authorizes is the reduced contributions of food stamps to families that have been receiving more than they are entitled to receive, that is one alternative; the other alternative is complete suspension or elimination of the family if there is fraud involved.

Mr. POAGE. The committee bill authorizes both of those things, but that does not recover a penny, does it? Neither will the substitute.

Mr. FOLEY. The committee bill relies on the criminal penalties, which the substitute contains as well. But the problem—and our experience has shown criminal penalties are not very effective in controlling abuses of this program, because there are only 800 assistant U.S. attorneys in the United States, and they are unable——

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The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. FOLEY was allowed to proceed for 1 additional minute.)

Mr. FOLEY. Mr. Chairman, I hope that the committee will consider that there are in the United States millions of American families who are not only not receiving a diet of nutritious and healthy food, but who are unable to receive or have such a diet because they do not have an adequate income. The substitute is designed to close this gap and to redeem the President's pledge. Surely there is no excuse that can be offered, and no excuse that can be received in this country today for millions of Americans to be hungry in the midst of more affluence than any society has ever known.

Mr. Chairman, this is a time when contributions are sought at Christmas time to make the lives of many families a little bit richer and more rewarding. This House has an opportunity to make a contribution to the pressing needs of millions of American families, and not only this Christmas, but in the years to come.

Mr. ROSTENKOWSKI. Mr. Chairman, today, I rise in strong support of the Foley-Quie substitute to the House Agriculture Committee's food stamp bill. This substitute, the Family Nutrition Act of 1970, contains significant and much-needed improvements in the food stamp program. I feel that it represents a substantial improvement over the bill reported by the committee. The changes suggested by the committee not only fail to correct the present inadequacies of the law, they in fact create several additional problems which may prove lethal to the food stamp program.

Since its inception in 1964, the Federal food stamp program has greatly benefited my own State of Illinois in general, and the city of Chicago, in particular. During this past year, in the month of July alone, over 249,000 people in the city of Chicago benefited from the Federal food stamp program. The value of the stamps distributed during that 1 month alone was more than $5,342,000.

The effects of the committee bill on this program would be tragic. In addition to greatly reducing the percentage of the needy that would be eligible for the program, this bill places an increased financial burden on State and local government. The committee bill would require that those already over-burdened units assume an additional 10 percent of the cost of the program by 1974. At a time when Federal funds should be shared with the States and cities to help them meet their ever-increasing financial commitments, this legislation is more of a step backward than a progressive step forward.

Considering the maladies which plague our cities, we must work for the strongest possible food stamp program for the 1970's. We can no longer tolerate the widespread existence of pockets of hunger and malnutrition which exist in our land. Our best hope for an effective program in this area is to send the strongest possible food stamp bill to the conference committee. This would be the Foley-Quie bill.

I would like to commend my colleagues, Congressman TOM FOLEY and Congressman AL QUIE for their sound and well-thought-out proposal. Their bill is the product of many long hours of research both by the Congressmen and by their respective staffs.

As a cosponsor of their fine proposal, I urge you all to give it your strongest support.

SUBSTITUTE AMENDMENT OFFERED BY MR. ABBITT FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FOLEY

Mr. ABBITT. Mr. Chairman, I offer a substitute amendment for the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. FOLEY).

The Clerk read as follows:

Substitute amendment offered by Mr. ABBITT for the amendment in the nature of a substitute offered by Mr. FOLEY: Page 1, line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That section 2 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to safeguard the health and well-being of the Nations population and raise levels of nutrition among low-income households. The Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. The Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade."

SEC. 2. (a) Add the following sentence at the end of subsection 3(f) of the Food Stamp Act of 1964, as amended: "It shall also mean a political subdivision or a private non-profit organization that meets the requirements of section 10(h) of this Act."

(b) Subsection (j) of section 3 of the Food Stamp Act of 1964, as amended, is amended to read as follows: "The term 'State' means the fifty States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.".

(c) Add the following new subsection at the end of section 3 of the Food Stamp Act of 1964, as amended:

"(l) The term 'elderly person' shall mean a person sixty years of age or over who is not a resident of an institution or boarding house, and who is living alone, or with spouse, whether or not he has cooking facilities in his home."

(d) Section 3 of the Food Stamp Act of 1964, as amended, is amended by adding the following new subsection:

"(m) The term 'authorization to purchase card' means any document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued on presentment of such document and the amount to be paid by such household for such allotment."

SEC. 3. Subsections (a) and (b) of section 4 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with an opportunity to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than the charge to be paid for such allotment by eligible households. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such period of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) on request of the State agency: *Provided*, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause (3)."

Sec. 4. Section 5 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(a) Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section, participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet.

"(b) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period. The Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: *Provided*, That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Isands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories; except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States.

"(c) Notwithstanding any other provisions of law, the Secretary shall include in the uniform national standards of eligibility to be prescribed under subsection (b) of this section a provision that each State agency shall provide that a household shall not be eligible for assistance under this Act if it includes an able-bodied adult person between the ages of eighteen and sixty-five (except mothers or other members of the household who have the responsibility of care of dependent children or if incapacitated adults or who are bona fide students in any accredited school or training program) who either (a) fails at not less than the higher of State or Federal employment office or, when impractical, at such other appropriate State or Federal office designated by the Secretary, or (b) has refused to accept employment or public work at not less than the higher of State or Federal minimum wage or the wage established by a valid regulation of any agency of the Federal Government authorized by existing law to establish such regulation. Refusal to work at a struck plant or site for the duration of a strike shall not be deemed to be a refusal to accept employment."

"(d) Notwithstanding any other provision of law, any household shall be ineligible for the food stamp program if, and for as long as, any member of such household is engaged in a strike, labor dispute, or other similar action involving a voluntary work stoppage on the part of such household member: *Provided*, That such ineligibility shall not apply to any household that was eligibile for and participating in the food stamp program immediately prior to the start of such strike, dispute, or other similar action in which any member of such a household engages."

Sec. 5. Subsections (a) and (b) of section 7 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet.

"(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event—

"(1) less than 50 cents per person per month for a household of five or less persons, or $3 per household per month for a household of six or more persons; or

"(2) more than 30 per centum of the household's income.

The State agency may arrange for payment from State or local sources, including sums made available by charitable and similar organizations, of such portion of the minimum charge as may be necessary to insure the participation of all households certified for participation at the minimum charge: *Provided*, That the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued to them under subsection (a) of this section. The charge to be paid by eligible households electing to exercise the option set forth in this subsection shall be an amount which bears the same ratio to the amount which would have been charged under subsection (b) of this section as the face value of the coupon allotment actually issued to them bears to the face value of the coupon allotment that would have been issued to them under subsection (a) of this section."

Sec. 6. (a) Subsection (e) of section 10 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulations be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to person directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (4) for the submission of such reports and other information as from time to time may be required; (5) that the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the food stamp program and insure the participation of eligible households; and (6) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program. Upon the joint approval of the Secretary and the Secretary of Health, Education, and Welfare the State plan may provide for withholding the amount to be paid by a household for its coupon allotment from any payment made by the State agency to such household under a federally aided public assistance program, if such withholding is authorized by such household. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation."

(b) Add the following new subsection to section 10 of the Food Stamp Act of 1964, as amended:

"(h) Subject to such terms and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or an elderly person and his spouse may use coupons issued to them to purchase meals prepared for and delivered to them by a political subdivision or by a private nonprofit organization which: (1) is not receiving federally donated foods from the United States Department of Agriculture for use in the preparation of such meals; (2) is operated in a manner consistent with the purposes of this Act; and (3) is recognized as a tax exempt organization by the Internal Revenue Service: *Provided*, That household members or elderly persons to whom meals are delivered are housebound, feeble, physically handicapped, or otherwise disabled, to the extent that they are unable to adequately prepare all of their meals. Meals served pursuant to this subsection shall be deemed 'food' for the purposes of this Act."

Sec. 7. Subsections (a) and (b) of section 14 of the Food Stamp Act of 1964, as amended, are amended as follows:

"(a) Notwithstanding any other provisions of this Act, the Secretary may provide for the purchase, issuance or presentment

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for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

"(b) Whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization to purchase cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization to purchase cards are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years or both, or, if such coupons or authorization to purchase cards are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both."

SEC. 8. Subsection (b) of section 15 of the Food Stamp Act of 1964 as amended, is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 62½ per centum of the sum of (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel, including the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsection 10(e)(5) of this Act and in making certification determinations for households other than those which consist solely of recipients of welfare assistance; (2) the direct salary, travel, and travel-related costs (including such fringe benefits as are normally paid) of personnel for such time as they are employed as hearing officials under section 10(e) of the Act."

SEC. 9. Section 15 of the Food Stamp Act of 1964 is further amended by adding the following subsection:

"(c) Notwithstanding any other provision of law, each State shall be responsible for financing, from funds available to the State or political subdivision thereof, 10 per centum of the value of the coupon allotment issued to eligible households which is in excess of the charges paid by such households for such allotments: *Provided*, That such State financing shall be 2½ per centum for the fiscal year ending June 30, 1972; 5 per centum for the fiscal year ending June 30, 1973; 7½ per centum for the fiscal year ending June 30, 1974; 10 per centum for the fiscal year ending June 30, 1975; and 10 per centum for each fiscal year thereafter. Each State shall transfer such sums to, and they shall be made a part of, the separate account created under section 7(d) of this Act. Each State shall transfer such sums to such account within one calendar month following the calendar month in which the coupon allotments are issued to eligible households: *Provided further*, That the provisions of this subsection shall not be effective for any coupon allotments issued prior to July 1, 1971 (or July 1, 1972, in the case of a State wherein the State legislature has not held a session after enactment of this section and prior to July 1, 1971), to enable each State to take such action as is necessary under the statutes of the States to comply with the provisions of this subsection."

SEC. 10. Section 16(a) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"To carry out the provisions of this Act, there is hereby authorized to be appropriated such sums as the Congress may appropriate for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973, and not in excess of such sum as may hereafter be authorized by Congress for any subsequent fiscal year. This Act shall be carried out only with funds appropriated from the general fund of the Treasury for that specific purpose and in no event shall it be carried out with funds derived from permanent appropriations."

SEC. 11. State plans of operation approved by the Secretary of Agriculture under the Food Stamp Act of 1964, as amended, prior to the date of the enactment of amendments thereto by this Act shall continue in effect until such plans are changed to accord with such amendments: *Provided*, That no such previously approved plan shall remain unchanged for more than one hundred and eighty days after the enactment of such amendments.

Mr. ABBITT (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment for the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. FOLEY. Mr. Chairman, reserving the right to object, does the gentleman from Virginia intend to explain this substitute?

Mr. ABBITT. I hope to have that opportunity.

Mr. FOLEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Chairman, I rise in support of my amendment in the nature of a substitute to H.R. 18582.

My substitute is simple. It is the language of the committee bill with three changes.

First. It includes a modified form of the "striker amendment" originally passed by the House in 1968 but later deleted from the conference report on the food stamp bill. It would ban food stamp aid to strikers and it is patterned after the amendment proposed by the gentleman from Pennsylvania (Mr. GOODLING) prior to the debate on this bill.

Second. It updates the State-sharing amendment included in the committee bill by postponing the effective dates 1 year. This is necessary in order to give State legislatures adequate time to comply with this provision.

Third. It deletes from the bill certain "backdoor spending" language which permits unspent appropriations to be made available from 1 year to the next. This language in the committee bill is subject to a point of order and was specifically protected by a waiver in the rule on H.R. 18582.

Now, Mr. Chairman, I would like to explain in a little more detail just why I have offered this substitute and what it would do.

As I mentioned earlier, this substitute contains nearly all of the committee bill which was carefully worked out by the committee. It was approved by a 25 to 2 vote and it has strong bipartisan support in the House.

I will not dwell on the details at this point, but I do want to have it understood that I support the committee bill and its attempt to bring food stamp assistance to those who are truly in need.

I have taken this parliamentary opportunity to present the committee bill in order to allow the House to work its will on this legislation in an orderly manner. It seems to me that when one of the great committees of the House spends months and months working and perfecting a bill and then approving it with only two dissenting votes, it should be given a priority for serious consideration by the House.

The three changes I have included are designed to meet legitimate objections that exist either to the program or to the bill itself, due to the passage of time since it was approved by the committee.

FOOD STAMPS AND STRIKERS

As a member of the committee in 1964, when this program started, I for one had no idea that food stamps would be used to subsidize strikers. I was shocked when the Agriculture Department in 1965 made a determination that strikers could get food stamp aid. I supported the committee effort in 1968 to reverse this policy, and I supported the House position in passing a ban on food stamps to strikers.

The food stamp program was originally designed to provide an additional means of raising the nutritional level for the less fortunate—those who are blind, sick, disabled, those on welfare with minor children, the old, the infirm, and the unemployed.

We thought we were extending the benefits of this program to those who, through no fault or action of their own, were not able to obtain an adequate diet. We had no idea that this program would be extended to those who, by their own choice or the choice of their own group, decided to be out of work.

Let me make it clear that I do not oppose or question the right to strike. That is a protected legal right available to all workers in this country.

I do, however, question the wisdom of the Federal Government subsidizing the members of a labor union which decides to go out on strike.

The aid provided by this program to strikers is a very significant factor in unions being able to enforce unrealistic wage demands upon employers. Between welfare benefits and food stamps, strikers can stay out of work with relatively little discomfort for weeks and weeks. Business eventually must give in. Let us take the recent General Motors strike, for example.

I do not know how large the union strike fund was, but I do know the U.S. Government subsidized that strike to the tune of some $12 million. The Department of Agriculture at least has informed the committee that—

> It is estimated, however, that the value of bonus coupons issued to GM strikers (and their families and others who became unemployed because of the GM strike) could have been as high as six to seven million dollars in each of October and November.

The Department went on to say that—

> It is not possible to determine the extent to which October costs may have been increased by general increases in unemployment rates, i.e., those not associated with the GM strike. Therefore, the two-month cost of between $12–$14 million is to be regarded as an outside estimate.

It seems to me, therefore, that we should draw the line on this kind of a practice. We should decide here and now whether food stamps should go to strikers. My substitute would stop this unwise practice.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding. Did I understand him to say that food stamps for strikers and their families are going to be excluded specifically by his amendment?

Mr. ABBITT. That is right.

Mr. CONYERS. Does that include the children of strikers—will they be precluded from the benefits of this welfare program?

Mr. ABBITT. It includes the families of strikers.

Mr. CONYERS. Would the gentleman kindly explain what rationale he employs to preclude children from getting enough food to eat just because one of their parents might be on a strike?

Mr. ABBITT. I am glad that the gentleman has asked that question.

Let me just read to the gentleman what the amendment does say.

Mr. CONYERS. I would like to know if the gentleman can offer to the Members a rationale as to why we should deprive children whose parents might be on strike the benefits of food stamp legislation.

Mr. ABBITT. The gentleman would like to know why and I would like to explain why to him.

I understand how the gentleman feels.

This has a proviso in it which provides that such ineligibility shall not apply to any household that was eligible for participation in the food stamp program immediately prior to the starting of such strike, dispute, or other similar actions in which any member of such household is involved.

That is simple and clear—if they are eligible to get food stamps before the strike, then they can get it during the strike.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. ABBITT was allowed to proceed for 3 additional minutes.)

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Indiana.

Mr. MYERS. I wonder if the gentleman from Michigan would think that in a family, if food stamps were provided for the children, the father would not eat? Does he think the father of that family would not eat any food purchased by food stamps?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I would like to conclude my statement. I suggest that the gentleman might take his own time and put his philosophy before the House, and I will try to get mine before the House.

STATE SHARING

In regard to the State-sharing amendment, I would point out that under any substitute State sharing would generally begin in fiscal 1972—that is, on July 1, 1971. The exception to this rule would be for States which do not hold a session of their legislature prior to July 1 of next year. In those States the deadline would be July 1, 1972.

Thus, under my substitute, as under the committee bill, States would begin paying 2½ percent of the cost of food stamps in fiscal year 1972. They would pay an additional 2½ percent each year until fiscal year 1975 when the State share would be 10 percent from then on.

I know we will hear a lot of talk that the States are broke and cannot afford to put up a dime to get a Federal dollar. But has anyone looked in the Federal Treasury lately? It is not exactly running over with black ink. After all, the States have almost as many sources of revenue as does the Federal Government. It is time for them to take some responsibility for this program before it gets completely out of hand—and the way to establish that responsibility is through the States' purse strings.

TECHNICAL AMENDMENT

The third change in my substitute is basically technical in nature. The committee bill was protected by a waiver of points of order in the rule. My substitute was not. Therefore I have removed the objectionable "backdoor spending" language in my substitute.

In conclusion, Mr. Chairman, I urge the adoption of my substitute. It includes the sound—and I might add generous—provisions of the committee bill while stopping food stamp aid to strikers and giving the several States an adequate time to prepare for assuming a small part of the responsibility for this gigantic program.

AMENDMENT OFFERED BY MR. RAILSBACK TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. ABBITT FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FOLEY

Mr. RAILSBACK. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK to the substitute amendment offered by Mr. ABBITT for the amendment in the nature of a substitute offered by Mr. FOLEY: On page 13, strike out line 19 and all that follows down through and including line 18 of page 14.

Redesignate the succeeding sections accordingly.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes in support of his amendment.

Mr. RAILSBACK. Mr. Chairman and Members of the House, this amendment is intended to strike section 9 from the bill. Section 9 is a surprise attack upon the treasuries of the various States and it is not made acceptable by virtue of the fact that the attack comes in stages.

In 1968, President Nixon went to the people of the United States with a platform that emphasized the need for the Federal Government to assist the States. He called for a new federalism. To meet that commitment he submitted to this Congress a revenue sharing bill. He recognized, as we must, that the tax burden of the Federal Government is a major cause of State, county, and city economic straits. The leftovers are simply not enough to sustain adequate life, nor do they provide a base for State and local governments to meet the challenge of the 1970's.

Now we are presented with a bill, H.R. 18582, which calls for the States to assist the Federal Government in the operation of the food stamp program by "buying-in" at the rate of 2.5 percent this year and an automatically escalating rate of up to 10 percent in subsequent years. This provision is directly contradictory to the concept of Federal relief for the States.

The U.S. Department of Agriculture projects that by 1973 this will cost the State of California approximately $28 million. Based upon USDA figures for June of 1970, the 10-percent "buy-in" would cost my State of Illinois approximately $9 million. When we consider that since June, the food stamp program has increased by a third, it would then be estimated that the cost to Illinois would be about $12 million.

Smaller States are also substantially affected. Louisiana runs a larger program than Illinois. In fact, 25 percent of the program moneys are spent in the South. Based upon actual expenditure levels for June 1970, the 10-percent buy-in feature would cost Louisiana $9.3 million. It would cost Mississippi $7.6 million, South Carolina $6 million, North Carolina $4 million, Alabama $3.9 million, and Georgia $3.3 million.

Furthermore, since the program is run by county governments in some States, the burden would fall on many counties as well as States. The full effect of this provision cannot be overemphasized. In many States, the buy-in provision would jeopardize the continuation of the food stamp program. This would be true in the States with the most severe financial problems. For example, Portland, Oreg., is apparently contending with a large unemployment rate and a recent article in the Wall Street Journal states that Portland has the largest food stamp program of any city of its size. If the State of Oregon had to drop the food stamp program it would have a very serious effect upon Portland.

An alternative to dropping the program entirely, would be for the States to shift to the agricultural commodity program. This alternative is not very desirable in my opinion, either in human terms or in the effect of the commodity program on the economy of a depressed area. Furthermore, the Federal Government has been encouraging States to shift from the commodity program to food stamps.

Another serious weakness in the buy-in provision is that it creates a credibility gap for all grant-in-aid programs. The grant-in-aid concept is presently well accepted. It encourages States to undertake programs by providing part of the cost. A State can decide whether or not to participate and can budget accordingly. The buy-in provision of H.R. 18582, however, subverts the grant-in-aid concept by suggesting that the Federal Government can create a large program on its own and then force the States to pay part of the cost on penalty of losing the entire program. This is an unpleasant way to expand Federal programs. The States

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would be hesitant to enter into grant-in-aid programs for fear that once the program is established they will be left holding the bag for an expense they had not counted upon.

Mr. Chairman, I would like to see a return to the revenue sharing concept. I do not feel I can responsibly force my State to ante-up $12 million to stay in the food stamp program. No member should be anxious to commit his State or county to such a participation fee. My amendment would eliminate this precedent setting and dangerous addition to the food stamp legislation. I ask that my colleagues join me in striking section 9 from the bill by supporting my amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman from Illinois for yielding.

I would like to ask if the gentleman is opposed to the other Federal-State programs such as the highway programs, the welfare programs, the urban renewal programs, where we do have State sharing? This is a compromise of what the gentleman from Minnesota (Mr. QUIE), offered in the food stamp program several years ago, that the States would participate 50 percent. We have submitted 10 percent. We think it is a reasonable request.

Mr. RAILSBACK. Let me respond to the gentleman by saying if I had my choice, I would favor the restructuring of our so-called Federal assistance programs to go to a broad general revenue-sharing program.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. TEAGUE of California, and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 1 additional minute.)

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, I wonder if the gentleman from Illinois is aware of the fact that most States—and certainly California—have a sales tax system. I assume the gentleman might have guessed I am in support of the gentleman's opposition to the State sharing. I am not. Sales taxes are levied, are collected on the sales of food bought with food stamps. I think it perfectly proper as a cost-sharing device. I believe the bill is quite correct in its concept and in its provisions in this regard.

Mr. RAILSBACK. Mr. Chairman, if I may just finish this one point, I want to mention I have a letter from the National Conference of Governors, who had this under consideration. They are strongly opposed to this particular part, as we can imagine, because of the drain on the State treasuries.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, the gentleman certainly would expect the Conference of Governors to be against paying any part of the tab for this program, would he?

Mr. RAILSBACK. That is why I said, "As we can imagine." They have every reason to be against it.

Mr. COLLIER. Also, let me point out that fiscal condition of the Federal Government is worse than that of the States if we are to make a logical judgment on what each can afford.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from California (Mr. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, Governor Reagan, of California, has asked me to relate his concern and feelings regarding the House version of Senate-passed food stamp amendments, House bill H.R. 18582, which is being considered today. The final version will affect each of your districts somewhat differently. However, the requirement that States buy-in on an escalated scale from 2½ percent of the food stamp value the first year, up to 10 percent in fiscal year 1974 and thereafter, has heavy financial impact for all Californians.

Our preliminary estimates indicate that this provision will cost California taxpayers at least $3.5 million the first year, $9 million the second year, $15.8 million the third year, $25.6 million the fourth year, and $28.8 million the fifth year.

Regardless of your opinion of other aspects of this bill, I am sure you will agree that such huge sums are beyond the capacity of California taxpayers to pay.

Therefore, I urge you to initiate or support whatever amendment action is necessary to remove this portion of the bill, identified on page 26 of House Report No. 91-1402 as subsection 15(c).

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the Railsback amendment.

Mr. Chairman, the Railsback amendment relates to the State sharing and participation.

This is a compromise proposal, as I mentioned before. The amendment was offered several years ago. It would have required the States to participate 50 percent. What we have added to the bill would only require the States to participate 10 percent, 2½ percent per year starting after July, 1972.

What has been said here is true. Some of the States, which have sales taxes, have actually made a profit on the food stamp program.

Illinois is one of the States which have food sales taxes. I believe it is 4½ percent. The State of Illinois collects sales taxes on the food stamps.

Actually many States have been making a profit from the food stamp program.

I hope the Members will further consider that this has been a reasonable request. All of our programs average out at about 50 percent State participation. I speak of the welfare programs, urban renewal, sewerage and gutter funds, loans to cities and counties. They average out at about 50 percent. We also have a State-sharing in the highway program.

I might mention there was quite a bit of discussion on this amendment in the committee. I offered the amendment. My State will be affected. My State will have to pay about as much as any other State. We participate in the food stamp program.

The program is going pretty well in Mississippi.

Naturally the Governors would be opposed to this provision relating the food stamp program. They do not want to eat into their budgets; they would prefer to have the Federal Government participate and pay for it. But the Governors have been meeting all over this country and out of the country. They have met in Puerto Rico. They have met in Miami. They have a lot of conferences. This is really the first time I have heard that as a group the Governors are opposed to this State sharing. I know individual Governors are, but I was rather surprised when the gentleman said he had a letter from the National Governors Conference, because we have been alert to see if the Governors would take any action in conference. So far as I know they have not.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

What happens if there is a State government which is about broke?

Mr. MONTGOMERY. We have a Federal Government which is about broke.

Mr. RAILSBACK. That is very true, and I believe that point could be raised about the entire program. I am talking about a State. Say that the gentleman's own State was financially strapped and did not have funds, and yet had impoverished people who need to participate in the program. How would they be able to participate if the State did not participate?

Mr. MONTGOMERY. The States will not back out of the food stamp program. It has meant too much to the people and it has meant too much to the small and large stores for them to do that. In the stores where they have had the food stamp program they have increased their business in some cases by 35 percent, as a result of the food stamp program. It is doing well. They will not do away with the food stamp program.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I doubt that there is a State in the Union which is in as bad a financial condition as the Federal Government. We owe $400 billion. We mentioned the fact that in the appropriation bill for 1971, just for the interest on the national debt, it is $20.8 billion, which runs at the rate of $400 million a week.

Mr. MONTGOMERY. I thank the gentleman.

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Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Indiana.

Mr. MYERS. The gentleman from Illinois expressed concern with the fact that the States would have to pay a part of the expanded program. I believe he has ignored the fact that this open-ended program will assume feeding a greater proportion of welfare recipients in each State. A much greater number of people would have to be paid for under this new program. The States are going to be relieved under this program, because it will be assisting in feeding more and more people.

The administrator, the man who stands there at home and hands out the food stamps, is a State official. I believe those people will be much more alert and much more careful of the use of that money, how it is spent, if they are paying a part of it. That is the reason why it is in there.

Mr. MONTGOMERY. I am glad the gentleman brings that point forward. In the field investigation report which each Member received, on the investigation of the food stamps, it is pointed out that States needed to supervise this program more.

(By unanimous consent, at the request of Mr. Abbitt, Mr. Montgomery was allowed to proceed for 1 additional minute.)

Mr. MONTGOMERY. I yield to the gentleman from Virginia.

Mr. ABBITT. As the gentleman pointed out, this committee bill we have before us and the substitute simply require a start of 2½ percent for the next fiscal year and 5 percent for the fiscal year ending in 1973 and only 7½ percent in fiscal year 1974. It never gets beyond 10 percent. Is that correct?

Mr. MONTGOMERY. The gentleman is correct.

Mr. ABBITT. That is all in the committee bill.

Mr. MONTGOMERY. And I think in the gentleman's substitute there is a provision that would give the State legislatures almost a year and a half to enact these provisions, starting with the 2½ percent in fiscal year 1972. Is that correct?

Mr. ABBITT. That is exactly right. I thank the gentleman for yielding.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment to the substitute to the substitute to the committee bill which has just been offered by the gentleman from Illinois (Mr. Railsback) really only does one thing. It takes out the so-called Montgomery amendment. That is one of the features, of course, of the substitute bill itself. The substitute bill has that effect, the same effect as the Railsback amendment, but it does many other things as well. The remaining Abbitt substitute offered by the gentleman from Virginia would bar all food stamp eligibility by strikers and their families. The Committee on Agriculture is not generally reputed in this House to be a wildly liberal or left-leaning committee. It is by general consensus considered perhaps the most conservative committee in the Congress. The specific amendment to bar strikers was offered and considered by the Committee on Agriculture and was later removed from the committee bill. It is now neither in the committee bill nor in the substitute. The reason it is not in either bill is that both the committee bill and the substitute contain work requirements. For the first time eligibility for this program depends upon able-bodied adults registering and accepting employment—not just training but employment. The bill comprehends that strikers as well as others would be required to register and accept employment with a single limitation, namely, that no striking member could be required to accept employment at a struck plant or site.

In view of the fact that that requirement of registering and accepting work is in both the bill and the substitute, it seemed to the committee unnecessary and undesirable. I think it is also unjust.

There are many reasons why strikes occur. Strikes are still legal instrumentalities for the settling of economic disputes in this country. Many striking families are headed by members of the family who voted against the strike in the strike vote required by the Landrum-Griffin Act. Many locals have voted against strikes to find themselves on strike despite their position. These families would be caught in the antistrike provision as well as any family of a member who voted for the strike.

I think we have to ask ourselves the question, Whose fault is the strike? It is true it might be the union's fault. It may be making unjustified and excessive demands. But is it not just as possible that the failure and the breakdown of collective bargaining occurred on the other side?

Arguments are made that the Federal Government should be neutral in strikes. Well, I say that if we are going to have complete neutrality, would it not be appropriate that the Federal Government should be forbidden to enter into contracts with any company involved in a labor dispute and prohibited from making payments not strictly required by law, because that company is engaged in a labor dispute, and barred from claiming tax deductions for strike losses involved in labor disputes?

Earlier, Mr. Chairman, the gentleman from Pennsylvania (Mr. Goodling) said that the companies do not get any strike benefits. Struck companies always write all strike losses and expenses off their taxes. We should eliminate that if strikers are to be denied food stamps.

So. I urge all members of the committee to oppose the Abbitt amendment. The Abbitt amendment is an unfair, unjustified selecting out of American working families for special discrimination. This bill, the committee substitute, and the committee bill, both require the work requirement to be met by strikers as well as any other person.

Mr. Chairman, there is no justification for the Abbitt substitute. It should be voted down and the adoption of the substitute which has been offered by the gentleman from Minnesota (Mr. Quie) and this will accomplish the purposes which we are seeking to cover in this legislation.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before expressing my sentiments in behalf of the Quie-Foley substitute before us, I would like to congratulate those Members from both sides of the aisle who have given the measure its bipartisan support. Of their number, I want especially to commend Mr. Foley, Mr. Quie, Mr. Anderson of Tennessee, Mr. Anderson of Illinois, Mr. Steiger of Wisconsin, Mr. Biester, Mr. O'Neill of Massachusetts, Mr. Smith of Iowa, Mr. Robison, and Mr. Fraser for their joint introduction of the Family Nutrition Act.

These men have been convinced, as I would hope most of us have, that the basic premise of a national welfare system is one of simple humanity—that every person is entitled to survival and to an income adequate for purchasing food, clothing, and shelter for himself and his family. Adequate welfare benefits offer a way of guaranteeing these rights to all Americans. Indeed, the intent of promoting the general welfare was the rationale behind the creation of our Constitution.

Yet, as meager as the allotments are, the welfare system in the United States today is under an escalating attack, for as rising costs and taxes entrap us in an inflationary spiral, we naturally look about us for scapegoats. And I must admit that at first glance the welfare system appears to be an obvious one. We are told that welfare is the major sieve for our tax dollars, when in fact all public assistance programs operate on only 1.9 percent of all Federal taxes—$4.2 billion out of $201 billion. And welfare is just one of many Government subsidies. Last year 415 farm owners received subsidies of over $100,000 each from the Department of Agriculture. These are not small, poor farmers; they include corporations, banks, and large landholders. Standard Oil of California received $127,995. A notable Member of the U.S. Senate collected $146,792. The 10 largest Defense Department contractors collectively secured $10.7 billion in 1969. Lockheed led that list with $2.04 billion, while the company's total sales for that year were only $2.09 billion.

In addition we are told that many of the poor abuse the system by purchasing luxury items with their checks. In reality, the average welfare grant for a family of four is $2,460 a year, $3,000 less than the Federal Government's surveys show a family of four needs in order to live at a minimum standard of health and comfort. Welfare simply does not allow enough money for adequate food, rent, clothing, and other necessities. It certainly does not make any allowances for transportation, reading, and recreation. The welfare family subsists in substandard housing; its children attend inferior schools; they often eat unhealthy unnourishing food—all at the cost of 56 cents per person per day.

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The welfare system is surely in desperate need of change—but it must be a change generated by information and understanding, not by ignorance and myths. Before we can hope effectively to devise farsighted, responsive legislation, we must dispel from our minds, or rather our emotions, the damaging stereotypes and misconceptions that have hindered solutions to the ills of poverty, while further adding to the demoralization and even cynicism of the poor. Having confronted some of the mistruths concerning the general impressions of welfare and its recipients, let us undertake an enlightened examination of the issue at hand—a critical and responsible rewriting of the food stamp laws. And let us do so with the valuable understanding that for an overwhelming number of the Nation's poor, welfare is the final resort.

THE NEED FOR A NEW LAW

But if the acceptance of welfare is the last step of the poor toward warding off starvation, this meeting today is far from Congress' first step at devising cures for hunger in America. Was it not only 6 years ago that this body met for the same purpose of dealing meaningfully and lastingly with the lack of adequate levels of nutrition for all of the Nation's people? Out of that meeting, and the hearings and politicking that preceded it, was born the Food Stamp Act of 1964, another "comprehensive" measure intended to satisfy the poor. The bill was signed into law, commemorative pens were distributed, and the Nation's impoverished were told that though they lacked money in the bank, they would have meat on the table.

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And now, 6 years following the inception of the food stamp program, we are told by the National Council on Hunger that only 8.8 million out of 25.4 million needy Americans receive the stamps which they urgently require. Of these 8.8 million, many of them living on a limited or negligible income find themselves hampered by the fact that the stamps are not really substitutes for money. They are good only for specific groceries at certain stores and they come in either 50 cents or $2 denominations. In other words, a purchase of $1.75 in food supplies will not return 25 cents in change. The buyer must pay the clerk $1.50 in stamps and a quarter in cash. And let us be mindful of the fact that thousands of American families receive absolutely no income at all.

Clearly there is dramatic evidence calling for a significant revamping of the present system governing food stamps. What is demanded is legislation that would expand coverage to reach all in need. Stamps must be made more accessible, with more offices for issuance and certification, or better still, we should employ a method of self-certification to decrease drastically the redtape and unnecessary expense of the current program. Purchase price and bonus value of the stamps must be low enough and high enough, respectively, to enable the neediest persons to participate. The purchase schedule—now fixed at once or twice a month—should be made available to all who require them, and a vigorous public information program ought to be operated to reach potential participants.

The Family Nutrition Act includes or offers incentives for all of these points except one, that being the inclusion of household supplies as eligible purchases. But if this single oversight is recognized by the Members as being significant, then let us make the addition to the substitute. Our purpose must not be to select the best of two or three food stamp plans now before us, but to devise the finest possible instrument for blotting out the suffering that currently exists among so many millions of our citizens.

For this reason, let us here take note of the McGovern-Javits bill, S. 2547, which passed overwhelmingly in the Senate in September of 1969. I mention this bill because I believe it goes further than the Foley-Quie measure. Containing all of the benefits of the latter document, S. 2547 adds several constructive innovations:

To begin with, S. 2547 requires that families pay no more than 25 percent of their income for food stamps. Households whose income is less than one-half the amount necessary to buy food alone would receive their food stamps free of charge. At present food prices this would mean that any family of four having a total income—including welfare payments, if any—of less than $62.50 per month or $750 per year would receive its food stamps without cost.

Under S. 2547, every food stamp family would be provided stamps sufficient in value to enable them to purchase an adequate diet. S. 2547 would change the present act by requiring that the Secretary use the Department of Agriculture's low-cost food plan in determining the cost of an adequate diet. That food plan now sets diet costs for a family of four at $125 a month. Thus, each family of four would receive $125 worth of food stamps each month under this act.

S. 2547 would also permit households to purchase their stamps in installments and in amounts less than the full allotment. This variable purchase requirement would mean that any household, if it does not have the full purchase price at any particular time, could purchase part of its stamps, and if it does not have the full purchase price during the month it could purchase part of its full allotment. This would prevent families faced by temporary financial crisis from being competely cut out, or even dropped from the food stamp program.

Under the terms of S. 2547 a family on welfare could have the purchase price of its stamps deducted from its monthly welfare check and have its stamps mailed to it with its welfare check.

Very significantly, S. 2547 would permit families to purchase with their stamps those products determined by the Secretary to be necessary "for personal cleanliness, hygiene, and home sanitation." The present act permits only the purchase of food by defining food as a product for human consumption.

Having served in a Congress which has allocated the means for conquering outer space, fighting a continuous war halfway around the world, and placing oil wells in the Arctic and TV transmitters in the sky, I am confident that this body has the capacity for delivering to the American public a bill dynamic enough to equal the McGovern-Javits example. But until we produce such a bill, the Family Nutrition Act remains the most responsive legislation we have before us to offer the Nation's poor.

Although it is by no means a cure-all for the deplorable level of poverty or for the social factors that maintain that level, the Quie-Foley substitute amendment is the best attempt at eliminating "hunger and malnutrition in America itself, for all time—Nixon, May of last year." I believe that this is in fact a good bill; it seeks to:

First, clearly define an adequate national standard of eligibility that would include, for instance, all needy families of four receiving $4,000 a year or less;

Second, allow a total coupon allotment of at least 35 cents per meal per person;

Third, simplify expensive and time-consuming certification procedures;

Fourth, provide free food stamps to needy families with an income of under $30 per month.

I feel that this bill offers a substantial improvement over the committee bill. Indeed, it has been estimated that should the tenets of H.R. 18582 become law, less than one half of those persons now buying stamps would find it possible to continue to do so. And let us remember that these are projected decreases from a program that is already failing to administer to the needs of approximately 60 percent of all who should be benefiting from it.

Among the committee's proposals are a tax on the States requiring them to finance a portion—10 percent—of the bonus value of the coupons, this at a time when the States are looking to the Federal Government for increasing financial assistance. Included as well is a work requirement that represents an additional administrative burden which, even if proven workable, will in many instances create unwanted social effects. The bill's uncertain eligibility standards and cumbersome certification procedures have been mentioned. But if they are not adequate evidence of the failure of this bill, consider the grossly inadequate 29 cents per person per meal value of the coupon allotment and the fact that absolutely no free stamps are to be issued. Consequently, if a recipient happens to have some level of personal income, he must supply 10.5 cents of each coupon, while if he is totally destitute—the very condition most clearly warranting the stamps—he is simply out of luck unless he can manage to beg, borrow, or steal enough to afford the price of welfare stamps.

I am further disturbed by the apparent anti-strike aspect of the committee bill. By the terms of H.R. 18582, it would become considerably harder for a striker to gain eligibility for food stamps than is presently the case. A worker would be ineligible for food stamps if he refused another job at the $1.60 minimum wage. It would seem to me that the very purpose of the food stamp program—"to safeguard health and wellbeing" of Americans who need the program—

would be defeated. There can be no possible moral justification to deny needed food to men, women, and children no matter what the circumstances.

Again, I cannot understand how in the past few days we have passed a number of measures and different kinds of legislation, the latest of which was a $10 million subsidy to perpetuate a riverboat. This was done only yesterday. Yet some of our Members are now coming back here examining whether or not working people and their families should have the benefit of legislation that applies to everybody.

Yet regardless of our ultimate decision as to which piece of legislation most merits passage by this body, our labor would still be in vain if it is not done with one vital acknowledgement: that the food stamp program is merely a stopgap measure designed to alleviate suffering here and now. In the long run, however, our task is not finished until America resolves to mount the comprehensive attack on poverty which so many of us have been urging for so long. The choice we must soon make, in determining a just and meaningful family food stamp plan, seems to me to be whether or not we will remember and heed the lessons that history has told of oligarchies, monarchies, and dictatorships that answered the anguished cries for bread with callous repartee—like the "let them eat cake" implications of the committee bill—and with guns instead of butter, as reflected in our present sense of national priorities.

If we fail today to reach permanent solutions to the paradox of hunger in America without both a historical perspective and a sense of common humanity, we will have recommitted the 18th century error of punishing the poor for their poverty. Twenty million American poor cannot long be denied the sustenance it takes to thrive, develop, and eventually return to the Nation whatever harvest the Nation has sown.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, I have asked the gentleman from Michigan to yield just for a moment for a correction of the RECORD. He referred to a bill that passed the House yesterday, with a $10 million appropriation or subsidy for a river boat. There was not one penny asked for, nor given—not ever—in the bill which we considered yesterday, and sent to conference, extending time for the riverboat *Delta Queen* under the Safety at Sea Act. No funds were included in that bill and I do not think we would ever give any money for that purpose.

Mr. CONYERS. Mr. Chairman, I beg the gentlewoman's pardon because I recall in the debate, and I have not looked at the RECORD, but among the arguments that were presented was one that this was going to—and I think it was one of the Members from Missouri who made the statement—that there was going to be money involved, and it was going to private enterprise to perfect this boat. If that was not the case, I will with pleasure stand corrected.

Mrs. SULLIVAN. There is a bill that has been introduced in Congress, but that was not the bill we considered yesterday. All the *Delta Queen* amendment would do is permit no boat to continue to operate.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

On further reflection the gentlelady is entirely correct, the subsidy involved is in another piece of legislation concerning the *Delta Queen*. I stand corrected and ask the Members to disregard any previous reference to that legislation.

Mr. BELCHER. Mr. Chairman, I ask unanimous consent that all debate on the Railsback amendment do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK) to the substitute amendment offered by the gentleman from Virginia (Mr. ABBITT) for the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. FOLEY).

The amendment to the substitute amendment was rejected.

Mr. PUCINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Abbitt substitute amendment, and particularly to that part which would deny benefits of the food stamp program to members of a family whose breadwinner happens to be on strike. I would hope that the House would carefully consider what we are being asked to do here.

The food stamp program, first of all, is a program that has been designed to help those families or those individuals whose earning capacity has been severely curtailed for whatever the reason may be. It may be they are on social security, or senior citizens in retirement, there may be any number of reasons why a person needs the supplemental help of these food stamp programs.

But one of the problems that we have with this amendment is that, as has already been said, in a labor dispute you never have unanimity of action. What about the 49 or the 38, or the 40 percent of those workers who voted against the strike? Are we saying to those who vote against the strike, and who had nothing to say about it, that they are not going to get supplemental help, that their kids will not get help with any such program even though they have nothing to do with the strike?

Let me ask another question: What about the people who are locked out? They are not on strike.

Now, when the auto workers announced the strike recently against General Motors, there was some question as to whether or not Chrysler and Ford were going to lock out their workers in order to bring economic pressure. Thank God, that did not happen, but it could have happened, and it has happened on many, many occasions, where a number of companies will lock out their employees to bring economic pressure, workers who have nothing to do with the strike, people who are not involved in any way. They are locked out; denied an opportunity to earn a living even though they are not directly involved in a labor dispute.

Are you saying that under this amendment those people may not benefit from the food stamp program?

So, as was stated earlier when I asked this question during debate on the rule, I said does this include lockouts as well as strikes? The gentleman said "Well, they will have to make local rules."

Well, are you then saying that you want some local official to make a determination whether it is a strike, a lockout, or both a strike and a lockout?

Are you going to have different standards all over the country for determining what constitutes a lockout and what constitutes a strike to determine eligibility for food stamps? You would in effect be saying that when an employer locks out his employees, they can get stamps but if they strike they cannot qualify.

But more important—what do you think your employer groups are going to say if an employer can be accused by some official from the Department of Agriculture, that the employer has locked out his workers; ergo, his workers are entitled to food stamps. What do you think the employer is going to say to that procedure?

So I say to you—you are opening up a real can of worms. You are hurting a lot of people who should not be hurt.

Finally, I ask anyone to give me an iota of evidence—because I do not have any and I would love to see it—which would indicate that there is a relationship between extending or prolonging strikes and the accessibility of food stamps to strikers.

I am on the Labor Committee and I have studied this subject very carefully as a member of that committee, and a conscientious member—and yet I have not an iota of evidence to show that there is any corelation between the length of a strike and the accessibility of members on strike to have access to food stamps.

So I tell you this—there are problems with the food program and I believe this legislation as offered by the substitute bill addresses itself to that problem.

Your quarrel is not with the children of people whose work has been interrupted temporarily because of a work stoppage. Your problem with this food stamp program—if there is a problem—is with all of these hippies and yippies down there in the Southwest who are getting food stamps, down in the communes and whatnot. This legislation clears that up. It addresses itself to that problem. I say to you that you have a good bill here in the Foley-Quie substitute bill, and I hope you will reject the Abbitt substitute.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. MEEDS. Is it not true that the work requirement of both the Foley substitute and the committee bill would require strikers to seek employment if they want to receive food stamps, with the exception that they would not be re-

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quired to seek employment at struck places; is that not true?

Mr. PUCINSKI. That is true. I would ask you this, What do you suppose the employer of a struck plant who wants to get his force back to work as quickly as possible—what do you think he is going to say when he sees the Government taking his people who are on strike and placing them on another job?

Mr. Chairman, we should look at the broader aspects of this bill. Today we are considering measures to provide a more equitable distribution of food stamp assistance for the deserving poor in our Nation. Above all, our purpose is to make this assistance available to all who need help, however eloquent the arguments for fiscal responsibility that basically are intended to deny this assistance to hungry American children and their parents and grandparents.

We are charged with determining a series of criteria and standards that will permit the Federal Government, acting with the States, to reach people who virtually have no representation.

There have been inequities in the food stamp and commodity distribution programs in the past. Today we have an opportunity to correct those inequities and to give the Secretary of Agriculture authority to set more flexible standards that will save not only time, but untold sums of money.

The Foley-Quie Family Nutrition Act, which I am supporting, makes several important modifications to existing legislation. I will not mention all of them, as time is pressing. But several of them are highly significant and, to my mind, eminently worthy of discussion.

The Family Nutrition Act provides for 100 percent certification verification of students who apply for food stamps. It is important to point out that this is intended neither to harass students nor invade their privacy.

Rather, it is an attempt by the Government to uphold the trust and faith of the taxpayers who support this program. Students, after all, are a national investment. The days, months, and years they spend in class and in independent study will ultimately benefit the Nation. Regrettably, however, in too many communities throughout the Nation, certification procedures with regard to students have been either vague or poorly enforced. This substitute measure before us corrects this situation and at the same time insures that deserving students will continue to benefit fully from the food stamp program.

In April of 1969, I remarked on the floor of this Chamber that a crisis in welfare programs throughout the country could no longer be avoided. News reports earlier this week indicate that more than 10 percent of our States face a fiscal crisis of monumental proportion owing to the unbelievable increase in welfare caseloads.

More than 9 million people in the United States receive some form of welfare assistance today. Between 1959 and 1968, the increase in welfare caseloads nationally was a phenomenal 74.9 percent. But the 10 States with the highest welfare benefits increased 148.7 percent. We can attribute these caseloads to lack of proper job training, education, medical attention, day care, and so forth. But we must take action to correct this situation. Eradicating hunger is one of the most important actions we can take to restore health and goals to poor Americans.

I believe the solution to this problem, as I said in my speech in 1969, lies in national eligibility standards. H.R. 18582—the committee bill—provides no language establishing an income floor for determining eligibility.

However, the substitute proposal authorizes the Secretary of Agriculture to set national standards. It also specifically establishes an income floor of $4,000 for a family of four. By permitting the Secretary to determine eligibility on the basis of national standards, we give him urgently needed flexibility to adjust to periodic increases in the cost of living and wage and price fluctuations. This saves time; it assists hungry people who literally cannot await the actions of a lengthy legislative process; and it saves the taxpayers untold dollars.

As for elderly Americans, the substitute proposal expands food stamp coverage to individuals over the age of 60 regardless of whether they are housebound or disabled. It further expands coverage to persons under 60 who are unable to prepare their own meals because of physical or mental handicaps.

Elderly Americans account for more than 25 percent of our population. Too many of them are totally dependent on small annuities or social security benefits to shield them against the caprices of age, climate, and economics.

I have attended numerous committee hearings describing in detail the frightening specter of poverty that haunts older Americans daily—men and women who have worked all their lives for company pensions only to find upon retirement that there are no pension funds available. Reliable estimates state that this situation affects more than 40 percent of the workers in the American labor force.

Older Americans are people who are neither invisible nor silent. But in too many cases their lives of fearful poverty are ignored by the media in order to spotlight more dramatic issues. Older people seldom demonstrate on their own behalf.

One of the proudest responsibilities of the Members of this Congress is to see to it that all Americans are represented here—those who can speak for themselves and those who, in the silent desperation of their need, are eloquent reminders of the true test of civilization.

I endorse the language of the Foley-Quie Family Nutrition Act and I urge my colleagues to lend their support to this measure, as well. I hope the Abbitt substitute will be voted down and urge a vote against it.

Mr. POAGE. Mr. Chairman, I believe everybody has his mind well made up and everybody understands what the issues are. I wonder if we cannot agree on a time limit on the discussion here. Certainly, I would not want to cut any Members off.

Mr. BELCHER. If the gentleman will yield, I am the ranking Member on this side and I have not said a word either during general debate or on this amendment.

Mr. POAGE. Then I will not make any request to limit time.

Mr. BELCHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I really wanted to kill the food stamp bill, I would want every striker in the United States to get food stamps from two different places, which a lot of them did.

Another thing—if I wanted to kill the bill, I would just let it go clear out through the ceiling.

In 1967 we appropriated $115 million.
In 1968 we appropriated $187 million.
In 1969 we appropriated $251 million.
In 1970 we appropriated $610 million.
In 1972 the appropriation will be $1,420,000,000.

Mr. Chairman, the committee bill provides for $2 billion for the food stamp plan.

The gentlewoman, who has sponsored this legislation for a long time, has said that there are going to be some abuses that are going to handicap a fine program. I agree with her. We find people all over the United States in letters to newspapers expressing themselves. They are writing of the 200,000 strikers at the General Motors plant who were getting food stamps. We hear the letters that were read by the gentleman from Michigan. The Foley bill would provide $4.5 billion. The Senate bill provides $7 billion. If we are able to get only a split between the Foley bill and the other bill it would still be $5.5 billion.

If you really want to kill the food stamp program, just jack it up so high that the taxpayers will completely revolt. Keep all of these gadgets in the bill, keep the students, the hippies, the strikers, and everybody else, enabling all of them to get on the food stamp plan, and it will not take very long for those people who want to kill the food stamp plan to get the job done.

The administration is for the committee bill. You have all received a letter to that effect. In that letter the reason why they did not like the Foley-Quie amendment was pointed out.

So if those who really want a food stamp plan do not get too selfish and too greedy, you might keep a food stamp plan for a long time. But if you just keep spending too much money, in 1 or 2 years you are going to get the whole bill killed.

The first thing the gentlewoman said was that this was not for poverty. It was intended as a supplement to nutrition. People who earned money and were spending money for groceries would spend that money and then the Government would supplement that, so that workers receiving a low income would get the proper diet for their families. It was never intended for a complete relief program. We have it at 50 cents a month at the present time we are trying to push the food stamp plan completely into general welfare.

The gentleman from Illinois (Mr. RAILSBACK) said in relation to the "State"

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amendment that a certain State would have to spend $4 million. Well, the Government is going to have to spend 40 times $4 million in order to operate this program.

So I say to you, Mr. Chairman, who would really like to have a good, efficient food stamp plan, I think you ought to trim your sights a little bit and keep the program sound.

Mr. QUIE. Mr. Chairman, I rise in support of the amendment in the nature of a substitute, and I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the chairman of the committee.

Mr. POAGE. I would again like to try to bring this debate to a close. I know that many Members have engagements that they would like to fill. I do not like to cut anybody off. I would like to find out how many Members wish to speak. I observe 15 Members standing. That would be about an hour and 15 minutes, would it not?

Mr. Chairman, I ask unanimous consent that all debate on the Foley-Quie amendment in the nature of a substitute and all amendments thereto close at 10 minutes after 8. That gives you an hour and a quarter.

The CHAIRMAN. There is a substitute amendment.

Mr. POAGE. I will restate my request. I ask unanimous consent that all debate on the Foley-Quie amendment in the nature of a substitute and all amendments thereto close at 10 minutes after 8 o'clock.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I would suggest that the gentleman ask unanimous consent for about 30 minutes on the Abbitt substitute rather than on the whole bill.

Mr. POAGE. Mr. Chairman, if the gentleman does not want to close the debate, I will not push the request, and the gentleman can debate it until midnight as far as I am concerned.

Mr. Chairman, I withdraw my request.

Mr. QUIE. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Chairman, reserving the right to object, I shall not object because of the way this gentleman lost his time, but I want to serve notice that because of the late hour and the lateness of the session, I shall object to further extensions of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

(Mr. CRANE asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. CRANE. Mr. Chairman, when the Food Stamp Act of 1964 was debated before this body, some Members warned against the loosely worded bill which did not guarantee against a perversion from its original purpose of providing sustenance for those incapable, through no fault of their own, of providing for themselves. Now we have seen the fruition of that warning in the reported widespread use of food stamps by UAW members in their economy-crippling strike against General Motors. The Department of Agriculture reports that the value of stamps made available to the strikers in the 2-month period of October and November was between $12 and $14 million, with the total cost possibly running even higher. Big labor is now calling for a plan designed to loosen even further the method of distributing food stamps. With strike activity having climbed to a 10-year high, now is no time for the Federal Government through its offices to bolster any further loss of man-hours.

Recently we have witnessed nearly constant labor-management turmoil, beginning with the General Electric strike more than a year ago. At that time, in the fall of 1969, a Gallup poll showed more than two-thirds of the people—including a majority of labor union families—favoring some method of prohibiting strikes lasting more than 2 weeks.

The recent use of food stamps by those voluntarily unemployed provides a picture of a grotesque twisting of the humanitarian concept envisioned in the 1964 law. More important, however, is the total abandonment of the traditional role of Government in providing equal protection. Such a development is inevitable when strikers enjoy what are, in effect, Government strike subsidies. For in permitting striking workers to pay, say, $26 a month for $180 worth of groceries, the difference between the figures being charged to the taxpayer—including the corporate taxpayer—the Government provides an inducement against collective bargaining and to the detriment of industry.

With the auto strike alone costing more than 7 million lost man-days of production, and the threat of further strike activity looming ahead in 1971, it is incumbent upon Congress to insure that the actions of this body do not promote further economic losses. With many UAW strikers reporting that the food stamp program provided them with major support, it is time to consider seriously ways of insuring that occurrences of this nature are not repeated. In early November, at a time when the GM strike was a month and a half old, and still several weeks away from settlement, one striker reported that he could hold out till February. We must see that the Government does not encourage the sort of situation in which one housewife reported that though she was embarrassed the first time she used food stamps that she now was "used to it."

Without arguing the merits of the strikers' demands, it is readily noticeable that what has occurred is surely not the intention of the law. Funds allotted the food stamp program which then go to the highest paid workers in the world must also, necessarily, work to the detriment of those "low-income households" for which the 1964 Food Stamp Act provided.

Mr. QUIE. Mr. Chairman, in the 5 minutes I would just like to say a little bit about the Foley-Quie substitute, and the substitute to it offered by the gentleman from Virginia (Mr. ABBITT).

The way it is now, the Abbitt substitute to our substitute has only three differences, but only two that count. One was the deferral of the State buy-in which would require the State to assume a part of the cost of the food stamp program.

The second was the striker amendment.

The food stamp debate this year is similar to what I believe we had 4 years ago, when most of the debate turned on the striker amendment. I have gotten the pressures from home, as most of my colleagues have. The pressure from home does not stem only from the managers of business, but also from the rank and file of people who are upset, because strikers have gotten food stamps. Now if the strikers in your mind and my mind were just the union leaders who were out on strike, and who urged their employees to vote for a strike, I think then we would all feel they should be prevented from getting food stamps. So often the assumption is made that a strike stems from unreasonable inflationary demands greater than productivity increases and increased cost of living. But under the amendment which is in the Abbitt substitute, anybody who is on strike, no matter how long that strike would run, would be prevented from getting food stamps. However, if there were a strike operating at the time this bill was enacted, all those strikers could continue to get food stamps. We all remember when there have been times when strikes ran on for more than a year and some of the employees and their families suffered very much during the lengthy strike. We must remember it is not always the strikers' fault when an agreement is not reached. Also, there is many a person out on strike who did not even vote for the strike. He voted against the strike and did not want to go on strike, but he is stuck with being out on strike. He undoubtedly suffers as badly as a person who is out of work for another reason and is just as innocent of the work stoppage.

However, the Foley-Quie substitute provides a work requirement. Whether the person is on strike or not, he has to go to work. He has first to register, and as soon as employment is found for him, he has to go to work. Otherwise there is a penalty against him. Those of us who put together our substitute felt the restrictions were developed by the Agriculture Committee.

We followed pretty closely the fraud provisions and other restrictions to penalize individuals who would abuse the food stamp program. The Committee on Agriculture has had ample opportunity to study any abuses to the food stamp program, has conducted a field investigation, and one would assume that no further punitive measures would be needed. We tried to improve on these measures in the substitute, not add additional ones.

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We did not offer an amendment as a part of our substitute to absolutely prohibit strikers from receiving food stamps. There may be some circumstances when even strikers might be suffering, and I do not believe that anyone in this country would want another individual to go in hunger for any reason. Nor do I believe the Federal Government ought to subsidize a strike, but certainly greater thought ought to be given to an amendment to eliminate abuses that exist, and that had better be done with some time and thought in committee rather than here on the floor tonight.

The Committee on Agriculture does not have a reputation of being an ultraliberal committee, or anything of that nature, as some other committees might have. We felt the Committee on Agriculture would have advocated a no-strike amendment if the committee felt it to be wise. The Abbitt amendment was never reported from the Committee on Agriculture.

I would also like to make a comment or two about the State buy-in. I had even offered such an amendment when I was on the Committee on Agriculture. However, at that time there was no move to change the State share in welfare programs. Now the Nixon administration has moved to shift a national standard welfare program to the Federal Government. I have supported the family assistance program and the Nixon move in this regard, so it seems inconsistent to require hard-pressed States now to assume a share which they never bore before. For that reason for the first time I am opposing the state buy-in.

I believe that our substitute is superior in other ways. I hope to mention a few of those.

One is that it is an inducement to have food stamps at about $126 to $128 per month for a family of four level, rather than the $106 to $108 level of the administration. It seemed wise to move from the economy food plan to the low-cost food plan if possible.

The substitute offered by Mr. FOLEY provides that if there is insufficient money it would be better if the Secretary of Agriculture estimated that before the fiscal year began and then based the level of the stamps on his estimate. That is why we provided in the substitute if there is not sufficient money, as is expected now with the $1,420,000,000 for fiscal year 1971, the Secretary would stay at the level where he is now $106 per month. That is provided in the substitute which we offer. The substitute would not require the administration to go above where they are now till adequate money was authorized.

We set an authorization maximum in 1972 and 1973, so the Secretary can base his estimate on that authorization level. However, he would need to appear before the Committee on Appropriations and advocate appropriations up to the authorization level. If there were an insufficiency of funds, as the administration suggests, then it would be up to the Congress to increase the authorization. They could not expend more than authorized. That is the figure we have in our proposal, $2 billion for 1971, which we have already decided on, and $2.5 billion for 1972 and 1973.

In answer to criticisms of our substitute bill made by the committee and the Department of Agriculture, Congressman FOLEY and I respond to them in the following manner.

The first criticism is:

"The substitute would cost more money than it authorizes." The administration has previously admitted in court that its food stamp cost estimates are unreliable because the costs are impossible to predict. They have no basis in fact for any of their projections. In estimating the cost of the substitute they assume full participation of 19.5 million persons. This level of participation in the next fiscal year is extremely unlikely. In predicting the cost of the Committee bill, the administration bases its estimates on participation levels of 13.3 million persons which is only 800,000 more individuals than now receive Federal food assistance and less than 60% of the Nation's needy. The substitute provides for reducing the stamp allotment value down to the level recommended by the administration to meet the authorization ceiling and the Congress would have to approve any increase in that ceiling.

The second criticism is:

"The substitute would allow recipients to obtain stamps without an effective work requirement."

The substitute's work test clearly governs all able-bodied adults who have no school age children or invalids to take care of. The substitute requires persons over 15 to register, unless they are students, while the Committee bill requires registration only at age 19. The Committee bill removes the entire family from the program if one person fails to meet the work test. Persons registered for work under the substitute would have to take jobs offered in accordance with their skills and experience or else lose their bonus stamps. The substitute is more compatible with the Family Assistance Plan work requirement than the Committee bill's work test.

The third criticism is:

"The substitute would force commodity distribution counties to switch to food stamps within 180 days."

The substitute mandates a nationwide food stamp program 300 days after enactment. Counties now distributing commodities could continue to do so during the transition to stamps with the Federal Government absorbing all their distribution costs, and indefinitely thereafter if the counties assume distribution costs. The President on May 6, 1969, told the Congress that "our long-range goal should be to replace direct food distribution with the revised Food Stamp Program." The substitute merely implements this goal.

The fourth criticism is:

"The subsuitute would determine eligibility on the basis of undefined 'disposable income' ".

Eligibility is already determined in each of the 46 participating states and the District of Columbia on the basis of "disposable income" or "net income," which terms refer to gross income from all sources less mandatory payroll deductions (social security, income tax, insurance, etc.) and special hardship deductions (work expenses, medical bills, excessive rent costs). The substitute merely reaffirms present practice.

The fifth criticism is:

"The substitute would authorize persons with incomes up to $5,120 to receive food stamps."

The substitute specifically sets an eligibility floor for the nation at no less than $4,000 for a family of four. The Secretary and individual states could go higher if they so chose, but they are not compelled to. Nowhere is $5,120 mentioned in the substitute. No matter at what point eligibility cuts off, persons who earn more will lose their stamp entitlements. Both the work test and the normal desire for cash rather than stamps will operate practically to eradicate this theoretical disincentive.

The sixth criticism is:

"The substitute would require the Secretary to absorb more local administrative costs."

The Secretary could be required to absorb more administrative costs only if the county and the Governor failed to institute a food stamp program in an area after an elapsed time of 300 days. More costs would be absorbed for programs that performed well in reaching the poor. Certain administrative costs would actually be reduced under the substitute measure. Certification costs would be lowered by the self-declaration procedure; issuance costs would be reduced by instituting the check-off for recipients of payments under the Social Security Act.

I also submit a comparison between the present program, the committee bill, the substitute and the Senate-passed bill.

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)	Senate (S. 2547)
1. Term of program and level of funding.	Authorization: Fiscal 1971 (through Dec. 31, 1970 only)—$170,000,000. Sec. 16(a).	Fiscal 1971-73—such sums as Congress may appropriate. Sec. 10.	Authorizations: Fiscal 1971—$2,000,000,000. Fiscal 1972—$2,500,000,000. Fiscal 1973—$3,000,000,000. Sec. 10.	Fiscal 1971—$2,000,000,000. Fiscal 1972—$2,500,000,000.
2. Carryover of unexpended funds	None. Unspent funds automatically revert to the Treasury.	Unspent funds continue to remain available until expended. Sec. 10.	Same as in House Agriculture Committee bill. Sec. 10.	Same as in House Agriculture Committee bill. Sec. 19.
3. Territorial coverage	50 States only and the District of Columbia. Sec. 3(j)	50 States, District of Columbia, Puerto Rico, Virgin Islands, Guam. Secretary to establish special standards of eligibility and allotment schedules for Puerto Rico, Guam, and the Virgin Islands which reflect average per capita income and cost of obtaining a nutritionally adequate diet. Maximum standards and allotment schedules set at those of the 50 States and District of Columbia—no minimums specified. Sec. 2(b) and 4(b).	50 States, District of Columbia, and, after July 1, 1971, Puerto Rico, the Virgin Islands, Guam, and, if the Secretary after consultation with the Secretary of Interior determines, America Samoa. Secretary may establish coupon allotments and proportionate charges that reflect the cost of obtaining a nutritionally adequate diet. Sets minimum level at 80 percent of allotment value and charges for the 50 States and the District of Columbia. Sec. 3(j).	50 States, District of Columbia, Puerto Rico, Virgin Islands, Guam, Pacific Trust Territory.

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)	Senate (S. 2547)
4. Individual coverage	Group of related or nonrelated individuals living as 1 economic unit sharing cooking facilities and for whom food is customarily purchased in common. Not residents of institutions or boarding houses. Also individuals with cooking facilities. Sec. 3(e).	Present program extends coverage to persons 60 years or over who are housebound, physically handicapped, or otherwise disabled to the extent that they are unable adequately to prepare all of their meals. Sec. 2(c) and 6(b).	Present program plus (1) all persons 60 years or over regardless of availability of facilities or whether they can or do prepare their own meals, or are handicapped and (2) those under 60 who are unable adequately to prepare their meals because they are physically or mentally handicapped. Specific exclusion of communes. Sec. 3(e).	Present program plus persons 65 years or over who do not have food preparation facilities or reasonable access to such facilities in their living quarters or who are housebound, physically handicapped, feeble, or otherwise disabled to the extent that they cannot prepare nutritious meals for themself.
5. Product coverage	Any food or food product except alcoholic beverages, tobacco, imported package foods and imported meats or meat products. Sec. 3(b).	Present program plus meals which are prepared by political subdivisions or private nonprofit institutions, which do not receive federally donated foods, and which are delivered to the homes of person over 60 years who are housebound, handicapped, or disabled so as to be unable to adequately prepare all their meals. Sec. 6(b).	Any food or food product regularly available in domestic supply except alcoholic beverages and tobacco; also meals prepared by public agencies or private nonprofit organizations for consumption at any location other than an institution or boarding house by handicapped or persons 60 years or over. Sec. 3 (b) and (f).	Present program plus items necessary for personal cleanliness, hygiene, and home sanitation as well as meals served by private nonprofit institutions or schools to the elderly either in a common dining room (to those without facilities) or at home (for the disabled).
6. Household income eligibility	States set standard of maximum income consistent with income standards used by State in its federally aided public assistance programs. Present range extends from $2,160 for a family of 4 in South Carolina to $4,320 in New Jersey.	Secretary of Agriculture (in consultation with HEW Secretary) to establish uniform national standards of eligibility, with a planned maximum income slightly over $4,000 for a family of 4. Sec. 4(b).	Secretary of Agriculture (in consultation with HEW Secretary) to establish uniform national standards annually at no less than $4,000 per year for a family of 4 or the equivalent. Sec. 5(b)	Secretary of Agriculture to set minimum income level for purcahsing a nutritionally adequate diet at no less than $4,000 for a household of 4.
7. Other eligibility qualifications	Requires that States shall place a limitation on the resources to be allowed eligible households. Sec. 5(b).	Standards set by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets to be used as criteria of eligibility. Also excludes, for a 2-year period, any household which includes a member over 18 who is claimed as an income tax dependent by another taxpayer not in the household. Sec. 4(b).	National resource standards exclude home, household goods, personal effects, or other property essential to household's means of self-support. Sec. 5(b).	None, national resource tests.
8. Work test	No statutory requirement but many States impose one.	Excludes from eligibility and denies stamps to any household with any ablebodied adult between 18 and 65 (except mother of dependent children under 18 or bonafide students or persons caring for incapacitated adults or dependent children) who fails to register for employment or refuses to accept employment or public work at the higher of State, Federal, or regulatory wage or no wage floor at all, if none applicable.	Reduces household's coupon bonus according to share attributable to individuals in household (other than mothers of children under 16, bonafide students, the ill and incapacitated, persons caring for incapacitated adults, children under 16, or persons employed 35 hours or more per week or earning at least $56 per week) who either fail to register or accept suitable employment at no lower than the Federal minimum wage, Sec. 5(c)-(g)	None, but States could continue to impose.
9. Certification procedure	In accordance with the general procedures and personnel standards used for certification for federally aided public assistance programs. Sec. 10 (e)(2).	Same as under present program. Sec. 6(a) (2).	Solely on basis of simplified statement conforming to standards prescribed by Secretary coupled with subsequent verification through sampling and other scientific techniques, except 100 percent verification for college students. Sec. 7 (b)(1).	Solely by execution of affidavit prescribed by Secretary of Agriculture plus 60-day validity of certification for those who move to another jurisdiction.
10. Coupon issuance location and frequency.	State agency responsible for making issuance arrangements; may delegate to other agencies of local governmental units. Regulation requires at least semi-monthly issuance. Sec. 10(b).	Same as under present program	Purchase through post offices, banks, credit unions, community action agencies, other public or private nonprofit organizations subject to such regulations as the Secretary may prescribe. Coupons to be issued on a weekly schedule. Sec. 7(b)(2).	Purchase through post offices, participating retail food stores, banks, credit unions, other convenient places—at least weekly issuance.
11. Maximum purchase price of coupons.	Equivalent to household's normal expenditure for food (in practice up to 33⅓ percent of net income). Sec. 7(b).	Reasonable investment test—not to exceed 30 percent of income. Sec. 5(b)(2).	Not to exceed 30 percent of income, except maximum of 25 percent of income for those households with annual income equal to or less than the equivalent of $167 per month for a family of 4. Sec. 6(b).	Reasonable investment—not to exceed 25 percent of income.
12. Free stamps	Only in experiment in 2 counties in South Carolina. No statutory provision permits.	Prohibited—minimum charge of 50 cents per person per month (household of 5 or less) or $3 per household (6 or more) with State, local, and charitable sources to help insure participation at minimum level. Sec. 5(b)(1).	Only for households of 4 with incomes equal to or less than $30 per month for a family of 4, or, in 1972 and 1973, such higher sum as the Secretary shall prescribe. Sec. 6(b).	To households with income less than ½ low-cost food plan ($67 a month for a family of 4).
13. Partial purchase and simplified purchase for Federal assistance recipients.	No special provisions (coupon issuance schedules permit, but do not require, weekly purchase of portion of allotment at fractional price)—No simplified purchase.	Secretary to provide reasonable opportunity to purchase less than full allotment. States may permit households receiving federally aided public assistance to authorize withholding of purchase price from assistance payments upon joint approval of Secretaries on USDA and HEW. Sec 5(b) and 6(a).	Secretary to establish schedules for variable purchase with regular participation not required. Authority to withhold payments for coupons from payments made to household under the Social Security Act if household requests such withholding. Sec. 7 (b)(2).	States may permit households receiving federally aided public assistance to authorize withholding of purchase price from assistance payments (Secretary of Agriculture has indicated willingness to accept House Committee provisions on partial purchase, and the Family Assistance Plan also contains a voluntary deduction system for buying food stamps plus right of household to purchase any portion of allotment at issuance times.
14. Total coupon allotment	Such amount as will provide household with an opportunity more nearly to obtain a low-cost nutritionally adequate diet. (Defined by regulations as economy food plan—$106 a month for a family of 4). Sec. 7(a)	Amount which Secretary determines is necessary to obtain a nutritionally adequate diet. (USDA has indicated that that this would be the economy food plan). Sec. 5 (a)	Equivalent of 35 cents per person per meal in 1971 adjusted thereafter to reflect the cumulative change in the consumer price index for food; provided that if the Secretary determines that the appropriation for fiscal year 1971 or authorization levels for fiscal years 1972 and 1973 are insufficient for the entire fiscal year, he may reduce the value of the coupon allotment not less than the economy food plan or 30 cents per person per meal whichever is higher. The Secretary shall review such decision quarterly and advise Congress 30 days prior to instituting a reduction in the value of coupon allotment. Sec. 6 (a)	Cost of a nutritionally adequate diet, but not less than low-cost food plan—($134.60 a month on Sept. 1970).

Item	Present program (Public Law 88-520)	House Agriculture Committee (H.R. 18582)	Family Nutrition Act of 1970 (H.R. 19889)	Senate (S. 2547)
15. Administrative responsibility	State welfare agency is responsible for intrastate administration and must request program for each subdivision. sec. 10 (b) and (e).	Same as under present program.	Secretary shall operate directly through any appropriate Federal, State, county, public or private nonprofit agency if (1) Governor or State fails to administer program in area without an operating program 210 days after enactment, or (2) State or other operating agency fails to comply with law after reasonable period. Secretary may so operate if Governor of State fails to administer program in area in which, 180 days after program has begun to operate, less than one-third of poor in the area participate over a 3-month period. Sec. 7(g) (1) and (2).	Secretary may operate program directly or assign to private nonprofit organizations if (1) State fails to comply with law after reasonable period or (2) Secretary of Agriculture determines that there is a need for the program and there is no State request, despite offer of Federal payment of administrative costs, or (3) no program is in operation in area after Jan. 1, 1971 or (4) Secretary determines that participation rate of poor is inadequate to effectuate act's purposes.
16. Program cost-sharing	Secretary to finance cost of bonus coupons and 62.5 percent of travel and salaries of State personnel engaged in certifying nonpublic assistance households. State and local governments pay for 100 percent of issuance costs. Sec. 15(b).	States required to finance a maximum of 10 percent of bonus costs by fiscal year 1974, starting at 2½ percent in fiscal year 1971 and climbing to 2½ percent every fiscal year thereafter. Secretary to pay same administrative costs as under present law plus 62.5 percent of travel and salaries of State hearing officials and outreach personnel. Sec. 15 (b) and (c).	Same as present program plus Secretary to pay 62.5 percent of salary and travel of State and local hearing officials and outreach and nutrition education workers. Secretary to pay 50 percent of issuance cost if program serves 50 percent or more of poor in area. Secretary would pay 100 percent of all costs of public agencies or private nonprofit organizations operating the program or engaged in outreach or nutrition education of program participation. Sec. 9(b).	Secretary permitted to pay State agencies 100 percent of issuance costs as well as 62.5 percent of certain certification costs. Secretary would pay 100 percent of all costs of private nonprofit agencies operating the program.
17. Concurrent food stamp program and commodity distribution.	Not unless emergency situation caused by a national or other disaster as determined by Secretary: interpreted to exclude long-term non-natural disaster, but not short-term economic disaster. Sec. 4(b).	Authorized in the case of: (1) temporary emergency situations; (2) during transitions from commodity distribution to food stamp programs; and (3) on request of the State agency if State agency pays for distribution costs, subject only to prohibition that individual participating shall not benefit from both programs simultaneously. Sec. 4(b).	Authorized in the case of: (1) temporary emergency situations; (2) during transition from commodity distribution to food stamp program until the number of food stamp participants in county exceeds the average number of commodity participants in the 3 most recent prefood stamp months; and (3) at request of State agency if State agrees to pay distribution costs and at request of any public agency or private nonprofit organization that agrees to pay distribution costs. No simultaneous participation. Sec. 4(b).	Permitted during temporary emergency; in any county during the transition period from commodity distribution to stamps until food stamp participants exceeds average of commodity participants in 3 most recent prestamp months; and at request of State agency, if State agrees to pay distribution costs.
18. Penalties for misuse of program	Criminal offense knowingly to use, transfer, acquire, or possess coupons in unauthorized manner (over $100 felony) Sec. 14(b) and (c)	Same as under present program plus extends provision to include illegal possession or use of "authorization to purchase" cards. Sec. 14(b)	Same as under House Agriculture Committee bill plus criminal offense for knowingly making a false declaration. Contains administrative provisions to control fraud resulting in participation by ineligible households or receipt of excessive coupon allotments. Sec. 8(b) and 9(h)	Same as under present program but no prosecution on basis of any information contained in affidavit except for fraud

Note.—The Family Nutrition Act of 1970, unlike the House Agriculture Committee bill, would make changes in the commodity distribution program to provide uniform national income and resource eligibility tests, certification by declaration, guaranteed access to foods of sufficient caloric quantity (with other foods necessary to provide a nutritionally adequate diet available in so far as possible), and fortified foods in areas with known nutritional deficiencies. Sec. 4(c). The Family Nutrition Act would also authorize the Secretary to conduct, or to contract for the services of public agencies or private nonprofit organizations for the purpose of research, demonstration, or evaluation projects designed to test or assist in the development of new approaches or methods to achieve the purpose of the act, including fortification of staple foods. Sec. 10(a).

Mr. ABBITT. Mr. Chairman, I ask unanimous consent that all debate on the Abbitt substitute amendment and all amendments thereto close at 7:30 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. GONZALEZ. Mr. Chairman, reserving the right to object, what was the time cutoff?

The CHAIRMAN. It will be 7:30 p.m.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. Members standing at the time of limitation of debate will be recognized for approximately 1½ minutes each.

The Chair recognizes the gentleman from Texas (Mr. WHITE).

AMENDMENT OFFERED BY MR. WHITE TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. ABBITT FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FOLEY

Mr. WHITE. Mr. Chairman, I offer an amendment to the Abbitt substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE to the substitute amendment offered by Mr. ABBITT for the amendment in the nature of a substitute offered by Mr. FOLEY: Page 3, line 12: Subsection (e) of section 3 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(e) The term 'household' shall mean a group of related or nonrelated individuals, who are bona fide residents of one of the political subdivisions described in section 3 (j) and who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term 'household' shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption."

Mr. WHITE (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE. Mr. Chairman, the purpose of this amendment is to clarify a point. This amendment says that a person has to be a bona fide resident of the political subdivision before he is entitled to food stamps.

We have had a problem along the border with those who have lived in Mexico and came over to the United States and are not bona fide residents.

Mr. ABBITT. Will the gentleman yield?

Mr. WHITE. Yes. I yield to the gentleman.

Mr. ABBITT. I may say for myself I have no objection whatever to the amendment offered by the gentleman.

Mr. WHITE. Thank you very much. It was cleared on both sides. It does not intend to cut out migratory workers at all but only those who are not bona fide residents. A migratory worker can be a bona fide resident where he is.

Mr. BELCHER. Mr. Chairman, I see no objection to the amendment, and we will accept it.

Mr. POAGE. Mr. Chairman, we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE) to the substitute amendment offered by the gentleman from Virginia (Mr. ABBITT) for the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. FOLEY).

The amendment to the substitute amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of the substitute bill introduced by the distinguished gentlemen from Washington and Minnesota which I am proud to have cosponsored.

It is indeed a tragic commentary on the Nation's priorities that we are considering such vital legislation in the waning days of this Congress. It was nearly a year and a half ago that Agriculture Secretary Hardin himself said it was "crucial" to adopt such legislation immediately. More than a year ago, after the other body had passed its version of the bill by a vote of 78 to 14, the President praised that prompt action, and urged this Chamber to follow suit. Yet, it was not until August of this year that this bill was reported out, and its appearance here on the floor another 4 months later tells us a good deal about the importance its sponsors attach to it.

How can I even suggest such a lack of concern for the poor? The committee report assures us that all this time was well spent in extensive deliberations designed to improve the nutritional needs of deserving poor and at the same time to exclude the undeserving.

Well, let us take a look at some of the features of the committee bill. I submit that first they make a very feeble effort to expand this program—an effort that is greatly undercut by other regressive provisions—and second, they take a shotgun approach to exclude the undeserving that will, in fact, cruelly deprive many others who desperately need this assistance.

The committee tells us that this bill will permit food stamp allotments "sufficient to purchase an adequate diet." The fact is that the bill does not require this, and, although Secretary Hardin has indicated he will issue stamps to reach the nutritional level of what is called the "economy food plan," his own Department has admitted that "the cost of this plan is not a reasonable measure of basic money needs for a good diet."

In contrast, this substitute will provide for minimum nutritional needs.

The committee bill directs the Secretary to establish uniform national eligibility standards, but provides no specific and adequate income level below which States cannot go in determining eligibility. Our substitute bill does this.

The committee tells us its bill will help the elderly by enabling them to buy meals as well as food. The fact is their bill requires all such meals to be delivered to the home. In contrast, the substitute bill will cover meals served in community dining halls. It makes no sense to deny to many of our senior citizens, who can get around, the opportunity to have meals with their friends simply because they have no cooking facilities.

But, Mr. Chairman, the committee bill does not merely fail to live up its own claims of expanding the food stamp program. It also takes some major steps backward. The bill would prevent the issuance of any free stamps even to those with no income. The administration has made clear that such a provision is unacceptable. To require the payment of at least 50 cents per person for stamps would not merely create a ridiculous administrative nightmare; it would be an unconscionable, heartless action, unworthy of this great body.

The committee bill will also force the States to pay 10 percent of the cost of the stamps—a step this House already rejected in 1967. It is a mockery to claim we are going to expand this program by creating further obstacles to its acceptance by the States.

As the distinguished gentlemen from Washington (Mr. Foley) and New York (Mr. Lowenstein) noted in their dissent to this report, such provisions as these will drive away more than half of those now in the program. As it is, food stamps now reach only about one-fourth of those in need.

In some ways the most surprising deficiency in the committee bill is its total failure to deal effectively with those who do not deserve food stamps benefits. It attempts to do this by denying stamps to many students and by imposing a work provision. Both of these, however, will hurt many innocent and deserving members of such households. And the bill does practically nothing to deal with the serious problem of fraud.

The committee claims that its so-called work provision—and I quote—"Is the result of long and arduous debate and deliberation," designed to exclude " 'freeloaders' while insuring all aid possible to those who, through no fault of their own, need food stamp assistance." Let us take a look at that result.

Under the committee bill an entire household will be denied stamps if one able-bodied adult fails to register for or take almost any job. This can happen too even if the father and mother are working, if, for example, one son fails to work.

I submit, Mr. Chairman, that a 10-year-old child could have come up with a better way to achieve the committee's goal. The administration has also rejected it.

In contrast, our substitute will also require able-bodied adults to take suitable work under the penalty of losing stamps for himself alone.

As I mentioned, the committee bill does virtually nothing about the very serious problem of fraud. There can be no doubt, Mr. Chairman, that we must take all possible firm measures to prevent fraud. The American taxpayer is entitled to nothing less.

Under present law, not changed by the committee bill, the only means for dealing with fraud is through criminal prosecution—a method that has not worked in the past. Our substitute, however, goes beyond this, and provides an expeditious administrative procedure which will deny food stamps or reduce the amount to anyone who willfully misrepresents the facts.

In short, Mr. Chairman, this substitute is far more effective and realistic in dealing with the fraudulent and the malingerer without visiting the sins of these chiselers on their families. Moreover, our bill will move decisively toward the goal which the President so eloquently stated 18 months ago—"to put an end to hunger in America for all times."

Let me say one final word about costs. There can be no question that this effort will be expensive. But, when we consider the gigantic sums we have voted for farm subsidies, for military assistance and defense spending, there can be little question that we cannot in conscious deny adequate funds to this humanitarian effort.

It has been said that the other body's version of this bill is far too expensive and that the only way to reach realistic cost levels is for the House to pass this inadequate bill and let our conferees reach the right result.

I reject such an argument, Mr. Chairman, I submit it is the duty of this House to pass the best possible bill. And beyond that, I, for one, am not prepared to leave the fate of millions of hungry Americans to the tender mercies of those who have presented us with this wretched bill. This substitute must be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Chairman, I rise in strong support of the substitute bill being offered by the gentleman from Washington (Mr. Foley) and the gentleman from Minnesota (Mr. Quie) and in opposition to the Abbitt amendment.

According to recent estimates by the National Council on Hunger, only 8.8 million of the 25.4 million impoverished Americans now receive food stamps. In my judgment, it is unconscionable for the Agriculture Committee to have prohibited the issuance of free food stamps, even for the destitute, and included an unenforceable and unjust work provision in the bill at a time when the food stamp program reaches only one-third of the eligible participants.

The Foley-Quie substitute would expand and improve the food stamp program so that it would reach all Americans who need it, by extending eligibility to every person from a household of four—or the equivalent—with an income of $4,000 or less; making free food stamps available to the completely destitute; enabling the elderly to buy meals from nonprofit groups, and thus free them from the burden of food preparation; allowing food stamp and commodity distribution programs to operate concurrently in a given area; and authorizing the Secretary of Agriculture to establish food stamp programs in any State that fails to initiate its own program within 300 days after the bill is passed.

The substitute measure would authorize expenditures of $2 billion in fiscal year 1971; $2.5 billion in fiscal year 1972; and $3 billion for fiscal year 1973. This represents a large increase over the $610 million authorization for fiscal year 1970, but we must be willing to pay the price if we are to eradicate hunger from this Nation of plenty. Certainly it will be worth this price to eliminate the present cost to society of hunger, malnutrition, and the illnesses associated with hunger.

Administration of the food stamp program would be improved in a number of important respects. For example, the substitute would replace the present time-consuming certification procedure with certification by declaration, with verification of certification done through sampling techniques. Weekly distribution of food stamps would be authorized, to better comply with the cash flow of low-income families. While the substitute does contain a work provision, it would reduce a household's coupon bonus only in proportion to the share of the individual in the household who fails to register or accept suitable employment—instead of excluding the entire household from the food stamp program if any one adult fails to register or accept work, as provided in the committee bill. Clearly, this is a more equitable approach.

Perhaps most important in assuring the availability of the food stamp program to all those who need it, the substitute would eliminate the committee requirement that the States pay, by 1974, up to 10 percent of the bonus costs of the stamps, plus some additional administrative costs now borne by the Federal Government. Such a requirement would impose an impossible burden on States which are already finding it difficult to keep up with rising welfare and education costs, and might force some of them to drop out of the program.

I strongly support the adoption of the Foley-Quie substitute, which should lead to a more effective and far-reaching food stamp program.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, I rise in opposition to the substitute offered by the distinguished gentleman from Virginia and I want to state my particular concern over the concept that we are told underlies section 4(d) of the substitute—the provision which would bar food stamps to anyone who is involved in a labor dispute.

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In an earlier statement to Members of this body, explaining the rationale behind such an amendment, one of our able colleagues said:

> It is a doctrine basic to our American system that the Federal Government should not play favorites. Under this program where food stamps are being handed out to strikers, the Federal Government is abandoning the theme of equal treatment and is being partial to the strikers over the employers.

We are asked, Mr. Chairman, to come to the rescue of the poor employers, who are crippled in their pathetic efforts to match the massive economic power of the men who work for them. The sponsors of this "neutrality" amendment seek to conjure up in our minds the spectacle of striking employees driving to the picketline in their Cadillacs, while their poor employer is barely able to make ends meet by moonlighting—perhaps as a poverty consultant to the Nixon administration.

We are asked to weep over the thought of corporate officials of General Motors or the railroads forced to leave their humble homes in Grosse Pointe and Westchester County, and to take refuge in a poorly heated shack near Key Biscayne, or a tumbledown old castle in the south of France, while strikers remain close to home, reveling in the warmth of a bonfire outside a plant gate.

The distinguished gentleman from Virginia and his associates ask us to protect, by a fine impartiality, the poor corporate president, who is reduced by a labor dispute to living on his salary, and his stock options, and his dividends, and his expense account, and his other outside income, while the striker is growing fat on food stamps.

Mr. Chairman, the arguments for neutrality in these circumstances are a splendid reaffirmation of the concept so well stated some years ago by Anatole France, who said, of a similar argument:

> The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread.

(By unanimous consent, Mr. O'HARA yielded his remaining time to Mr. MEEDS.)

Mr. MEEDS. Mr. Chairman, I rise in opposition to the substitute offered by the gentleman from Virginia (Mr. ABBITT) and in support of the Foley-Quie substitute.

Directing my attention specifically to the striker amendment, it seems to me that we have historically taken a position in this House that we ought not to interject the Federal Government into strikes.

I submit to you that under the conditions of this bill, under the conditions of the committee bill or the Foley-Quie substitute, that the substitute offered by the gentleman from Virginia will have exactly that effect. Because of the work requirement provisions of both the committee bill and the Quie-Foley substitute strikers would be required, to be eligible for food stamps, to go out and seek employment. If we turn our backs on them and say to them that they are in a special category, then we are indeed injecting ourselves into a labor dispute and we are putting the imprimatur of the Federal Government against the people who may have legitimate grievances and are using a totally legal method, one which has been adopted by this Congress, to exert their grievances in labor disputes. We are then putting the power of the Federal Government behind the use of hunger as a coercive force in settling strikes.

I do not think any Member of this House wants to be in the position of utilizing the factor of hunger to settle a labor dispute.

I feel very much like the gentleman from Illinois. I do not believe that the utilization of food stamps has any effect on lengthening or lessening the time of the strike. These matters are matters which are to be settled by collective bargaining. I do not think the Federal Government should inject itself into this by in effect singling them out and saying that even though they are looking for a job someplace else when they are on strike that they should not be entitled to receive food stamps.

Mr. Chairman, this amendment would constitute a major step backward in labor relations.

The proponents of this measure argue that the Federal Government should not take sides in a strike situation. But that is exactly what they propose to do.

We hand to management, through this mechanism, the weapon of hunger. Use it, we say, to end your strike. This is too cynical of an attitude for most of us to swallow.

It is not insignificant that this amendment follows the General Motors strike. And so, I submit, we will be taking sides—saying, in effect, we agree with General Motors—if we approve this amendment.

While I heard arguments for cutting strikers off from food stamps during the GM strike, I did not hear a single proponent of this measure advocate cutting GM off from Government contracts.

We are told, with a straight face, that corporation taxes pay for this program and to give strikers the right to receive food stamps when they need them would constitute "taking sides." What is it that all those strikers pay every April 15? They are taxpayers, too.

Why do we not do what these corporations really want us to do? Repeal the National Labor Relations Act. The act guarantees workers the right to strike. This amendment guarantees them the right to starve.

The proponents act as though workers like to strike. That has never been the case.

The proponents want the bitterness, the conflict of strike situations to continue, rather than end. Sooner or later, all strikes end, and this Congress should not want to have on its conscience the knowledge that it prolonged the bitterness.

We would not be declaring war on strikers by this amendment. We would be declaring war on children. Should the families of strikers go hungry? Is there any Representative in this Congress who thinks hunger is a just weapon?

I do not believe that this Congress should turn its back on the purpose of this legislation: "to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households."

Are we going to change the purpose of this legislation? Are we going to insert the words "so long as they are not the families of strikers?"

We must reject the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, the question is presented to Congress now as to whether strikers should be permitted to use food stamps. I say "yes."

The right to organize to negotiate labor contracts is inherent to the concept of freedom, and laborers should have the right to strike in pursuit of their demands. I believe the right to strike carries with it a responsibility to the public interest and we in Congress must give long overdue attention to that public interest, but those who strike should not be punished by denial of food stamps and those who engage in a lawful strike should not be smeared in their efforts to improve their conditions of life.

The difference between a free society and a slave society is the right to personal opinion and individual freedom, including freedom to join a labor union. I do not support legislation which says to an American on strike for better conditions that he must either return to his job or be left with his family to go hungry. We cannot starve free men into submission and we should not try. It is enough that we have required the striker to register for a job and accept work outside the struck plant if work is available.

American labor must be free to the same extent that American industry must be free. Both should yield when there is a clear violation of the public interest. Public interest is not served, however, by telling the union member that he must work or go hungry. That is not the mark of a free society; that is the mark of totalitarianism.

(By unanimous consent, Mr. Lloyd yielded his remaining time to Mr. Dennis.)

Mr. DENNIS. Mr. Chairman, I come from an area where a great many people were affected either directly or indirectly by the General Motors strike. People who were working for General Motors were making very good money when they went out on strike. They were making better money when they came back in. The strike was not basically about wages, although that was involved. It was basically about fringe benefits such as retirement after 30 years at the age of approximately 50.

Mr. Chairman, there were a lot of people in that community who were making a lot less money than the people who were working for General Motors, people whose wages were a great deal smaller. However, those same people were paying taxes in order to pay for food stamps to help support the higher paid people who were out on strike.

I can assure you, Mr. Chairman, and members of the Committee, that there was a good deal of resentment by a good many people because of that situation. In my judgment the resentment was quite justified.

Mr. Chairman, the gentleman from Michigan, my friend over here, said a moment ago that this House was on trial. I am inclined to agree with the gentleman. I submit that if this House decides to spend Government money; that is, the taxpayers' money—your money and my money—in support of one side of a labor dispute, that the House ought to be tried and found guilty of maudlin irresponsibility.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Gaydos).

Mr. GAYDOS. Mr. Chairman, I strongly oppose the amendment, identified by its sponsor as no-food-stamps-for-strikers, to H.R. 18582 which amends the 1964 Food Stamp Act.

It is argued the Federal Government should not play favorites and assist a striker with food stamps and that a taxpayer who is by choice gainfully employed should not be forced to subsidize another taxpayer who is, by choice, unemployed as a striker. Underlying these arguments is the suggestion that food stamps for strikers tend to prolong a strike and thus affect the total commercial structure.

Mr. Chairman, my first reaction to this far-reaching and heartless amendment is sincere resentment. Resentment because I cannot conceive there are those who would callously separate a striker and his family from their existing legal rights to such a basic need as food. The Congress has regularly voted billions of dollars to provide food for the underprivileged and impoverished families of the world. As a nation we have no hesitation to airlift food to the needy wherever they are and particularly when disaster strikes. In fact, between 1964 and 1969, Congress appropriated $15.9 billion worth of food to feed the needy of various foreign countries. Malnutrition and inadequate diets have been the subject of numerous and continuous hearings in and out of Congress and I suggest that my resentment is well founded when one understands that this amendment clearly provides that an American striker and his family be denied these same rights to qualify for food assistance. This amendment is clear—it tells him because he exercises his legal right to dissent he forfeits his family's right to eat under the food stamp program.

My resentment is further aggravated when the full effects of this amendment are projected in relation to forthcoming contract negotiations in the basic steel industry which contract expires August 1, 1971. The basic agreement of the can industry expires February 14, 1971, and the aluminum industry expiration date is May 31, 1971. It is no secret that serious problems loom in the forthcoming basic steel negotiations. Added to the administration's constant pressure to curb wage increases the basic steel industry presently is suffering from a deep and persistent penetration by foreign imports. It is quite possible that the steelworkers' problems may not be resolved in forthcoming contract negotiations which may result in a nationwide work stoppage. Then is when the true danger and fundamental unfairness of the proposed amendment would be exposed and do its designed mischief. It is under these circumstances that the steelworker would be the butt of discrimination by being denied food stamp assistance to his family. This possibility could occur if this amendment were left unchallenged and by some inexplainable reason be enacted into law. It is significant that during the United Auto Workers recent work stoppage, the east coast longshoremen and the transportation workers strike, all strikers who qualified were permitted family food assistance. To deny the steelworkers this same right in their forthcoming hour of need is to obviously discriminate without sound justification.

In response to those who question who will "foot the bill" for food stamps to strikers, the answer is obvious—the striker himself since he has paid, is paying and will continue to pay for the billions of dollars that Congress has voted to provide food for the hungry of this Nation and the world. The Cuban refugee, our native Indians, the ghetto poor, the Appalachian victims, and the hungry generally, have under the American system been provided for because the striker pays the bill through taxes at all levels.

In response to the proposition that the Federal Government should not play favorite and help a striker and his family, the response is obvious—it is too late to hide behind this argument since the Federal Government is committed to continue to attack poverty and malnutrition wherever it is found and regardless of its source. The Federal Government has involved itself in so-called privileged sanctuaries and participated with Federal funds in many areas of need too numerous to mention. Our farm support and subsidy programs; transportation subsidies, including railroads; Government aid of all kinds to schools and private enterprise and generally to all kinds of activities both national and foreign are a few examples; all these things clearly identify our Government and its philosophy during the past 100 years. Should it now be proper to deny fundamental food stamp aid to a dedicated American worker simply because he is involved in a temporary work stoppage initiated under Federal statute and presumably for a just cause? If this is proper, then sound reasoning dictates that the Federal Government to be fair, is obligated to prohibit a company from deducting any loss during such work stoppage under the IRS statutes; furthermore, production equipment depreciation schedules should be revised since production machinery should not qualify for depreciation during a work stoppage, and all Government contracts should be canceled forthwith.

That a Detroit autoworker received $162 worth of groceries by paying $18 for food stamps has been cited as a prime example of the cost and abuse of the program and illustrative of the way the Federal Government would be assisting a striker. The possibility of such a situation does exist; however, the cited example pertains to a family of seven and the striker must further qualify by having nominal income, nominal savings, and so forth. It is obvious that the proponents of the amendment cite the exceptional case. On the other hand, more complete statistics reveal the true situation in Wayne County, Mich., wherein the city of Detroit is located. Statistics provided by the Wayne County Department of Social Services reveal of the 60,000 auto strikers in Wayne County, less than a third; that is, 18,461 strikers qualified for food stamps. It is significant that 2,095 strikers received general assistance, 3,892 families qualified for aid to dependent children—unemployed—and 36 cases of ADC were authorized. It is obvious that should the auto striker be denied food stamp assistance all those that qualified for such assistance would have been added to the general assistance welfare rolls. Again, it is important to notice that over two-thirds of the auto strikers did not receive food stamp assistance. These statistics are significant since Detroit, Mich., contains the most highly concentrated and compact area of autoworkers and it appears accurate to project that other areas would proportionately have a reduced number of auto strikers that qualify for food stamp assistance.

There are no reliable statistics regarding the total cost of the food stamp program during the recent autoworkers' strike. Regardless of the final computation of such costs, I am confident they would not compare with the billions upon billions of dollars being spent by Congress on the needy and the hungry in this country and in the world.

If the present food stamp program is considered advantageous to the striker then conversely, any change excluding him must then be considered advantageous to management. Management, being an abstract thing, cannot be starved into submission. This amendment, if adopted, could be used to bludgeon a striker more effectively than if he were struck by a club. Nothing brings a man to his knees faster than threats to his wife and family. This amendment threatens a striker, ordering him to give up or go hungry.

If we free Americans, under our free system of government, have a right to freedom of speech, press, and assembly, we also have the right to engage in a work stoppage. Through difficult periods in our history the right to withhold one's labor was finally recognized and is now protected by statute.

A good bit of the misunderstanding regarding the right to strike comes from those who have never labored in a factory, never experienced substandard working conditions or inadequate wages, never assumed the financial responsibility of raising and adequately providing for a family. Strikers are workers—fathers and mothers who are first, human beings. Their strike is an action of last resort. They strike because they are free men and women who refuse to labor for what they collectively regard as inadequate wages, hours, or working conditions. It is fundamental that a striker is no different from the day before he became engaged in a strike. The sinister implications of the proposed amendment have a Jekyll-Hyde connotation; the oft-lauded respectable and highly acclaimed American production worker, because of a work stoppage, is suddenly transformed into a persona non grata and denied his existing legal right to sup at the table of need which he has labored to provide for his fellow man.

Does this courage to stand on his rights justify an amendment which attempts to take another right from him? I say "No." Understanding and charitable men say "No." I urge that my colleagues say "No." This amendment must be defeated with a resounding "No."

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. MELCHER).

Mr. MELCHER. Mr. Chairman, I rise in support of the Foley-Quie substitute.

Mr. Chairman, it seems odd to me that with hogs selling at 15 cents a pound and the parity price ratio at 68 percent, the lowest since 1933, and that despite the fact that food costs only requires 16 percent of our disposable income to feed all of our families, that with all of this cheap food we have, that according to our best estimates 25 million Americans are underfed, malnourished, and in a state of hunger.

The Foley-Quie substitute bill does a much better job than the committee bill. I voted for the committee bill to bring it out, to bring it onto the floor of the House. It is time now that we do the best we can to end hunger in America, and the Foley-Quie bill does the best job, particularly in broadening and simplifying the program. In addition the Foley-Quie bill is far superior in providing access to food stamps for our elderly.

All in all the Foley-Quie substitute is a better bill to bring adequate nourishment to the hungry of America.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, the discussion this afternoon seems to be that the use or the denial of the use of food stamps could be used as a prolonger or breaker of strikes. I think we are escaping the intent of this provision entirely. The intent here is not to discriminate against strikers, nor is it to use these to aid in negotiations to assist management or to hurt labor in their labor disputes. We are escaping the intent of the food stamp program itself. The intent of the food stamp program, as I see it, and I think as it should be, is to help poor people to eat better. And who are the poor people? We have further here defined poor people as people who are unable to provide for themselves, people who need assistance because they are unable either mentally, physically, or because of age, to provide the nutritious, adequate diet that they need.

There is just so much money that this Nation has to spend on this program, or any program. If we start spending it for people who strike or others who do not want to work, then we must deny an adequate diet to those people who are unable to work. The intent is not to discriminate against striking workers, nor discriminate against poor people, as the gentleman from Michigan alleged earlier. In fact, the poor people of this country pay the majority of the taxes and the money for this program comes from taxpayers. And unless someone starts concerning themselves about how much taxes we pay, and starts to redirect priorities on how much money we can spend, we just are not going to have enough money to spend on the poor people. It seems to me that the Members here who have been proposing that this is a strikebreaker, or that the strikers should get nothing, have failed to see the intent of the program, or else they have a different idea about what the true intent of the food stamp program is. It must continue to provide for the helpless who need help.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise primarily to ask two questions:

First, does anybody have any statistics about how many of these strikers that were supposed to have been on strike actually received food stamps? The closest I heard was what the gentleman said a while ago, but he just said the percentage that were eligible, he did not state that they had actually received food stamps. Apparently no one knows.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I have already put in the RECORD in my remarks, the amount involved in the General Motors strike.

Mr. GONZALEZ. What was the figure?

Mr. GOODLING. As I recall, it was 300,000.

Mr. GONZALEZ. Does the gentleman means he does not know his own figures?

Mr. GOODLING. I did know it at that time. I do not have them up here. They are not my figures, they are figures from the Department of Agriculture.

Mr. ABBITT. Mr. Chairman, if the gentleman will yield, the Department of Agriculture estimates that approximately $10 million to $14 million was spent in food stamps to strikers, and there were a number of them, there were a huge number, I do not know the estimate, but who got them illegally. I do not know the number.

Mr. GONZALEZ. Well, that is the old principle of an unsubstantiated estimated projection.

But let me ask the gentleman this question on our present system. In my State of Texas, for example, a stiking worker could not receive food stamps; is that correct?

Mr. ABBITT. No; it is not. Under the present law he could receive it.

Mr. GONZALEZ. As I understand it, I thought this was on a State-by-State basis.

Mr. ABBITT. No, it is a Federal provision.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Chairman, I rise in strong support of the Abbitt amendment for many reasons.

We have discussed the strike feature of it, but beyond that this is a bill which significantly and importantly increases the present program, but still stays within some reasonable limits of fiscal responsibility. It does not go as far as the Foley-Quie substitute by any means.

It does not go as far as the Senate bill does. All these factors were very carefully considered by the Committee on Agriculture.

The Abbitt substitute is close to the committee bill and I think it deserves the support of the House.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I rise as one of the cosponsors of the substitute Foley-Quie bill, the Family Nutrition Act of 1970.

The Food Stamp Act of 1964 was passed to end hunger and malnutrition in America. It has not yet done this, and I do not believe the committee bill will do this.

It is estimated that two-thirds of the Nation's hungry are not benefiting from the provisions of the food stamp bill. That is—almost 17 million people are underfed in this Nation.

The committee bill extends the Food

XUM

Stamp Act of 1964, with certain changes, among these a requirement that able-bodied adults register for and accept employment as a condition precedent to obtaining stamps, and requires payment of at least 50 cents per person per month for participation in the food stamp program.

The committee can include these provisions because it believes that food stamps should be used to supplement, not substitute for, the normal buying power of low income families.

What many Americans do not understand is that there is a large number of American citizens who have no income, that are dying from malnutrition and outright starvation.

When we think in terms of poor people, we often think of people who do not have enough. But there are people in this Nation who have nothing. There are people in the United States who live on beans and rice, just like the downtrodden of Asia. We must realize this. Even token payments, for people with no cash income, are impossible.

What we are saying, if we demand some token from everyone, is that if you have something, you can get more—if you have nothing, you get nothing.

The free food stamp provision for the most destitute of families is, therefore, one of the most important provisions of our substitute.

The substitute authorizes $2 billion for fiscal 1971. Critics say this is too high and inflationary. It seems to me that funds for hunger programs, social security, health care, and education are always labeled inflationary, but subsidies for rich farmers and big business are called economic necessities. Consider the end to hunger and economic necessity.

We have seen sufficient studies by physiologists, geneticists, and educators to know that poor nutrition can ruin a child's life and made him incapable of functioning fully as an adult. There is just no doubt about this at all. Yet we are missing the opportunity to avoid that destruction of lives if we do not guarantee that everyone can obtain an adequate nutritional diet. We are going to continue to need a million remedial programs in the future if we do not act now to avoid the lethargy and retardation that poor nutrition can produce.

Anyone who is cost-conscious can see the worth of expanding this program.

The other provisions of the substitute are also along this line—eligibility standards, extension of coverage to the elderly and disabled, to the citizens of the territories.

The deletion of the State tax, the easing of certification procedures, the weekly distribution of the stamps, are all designed to make it possible for the poor to obtain stamps. There is no other purpose and there will be no other effect. The antifraud provisions are strengthened so that abusers of the program can be eliminated from the roles. At the same time the innocent are not punished.

If an adult in a household refuses to accept suitable work or register for it, he loses his food stamp allotment. His family is not punished. In the United States we do not punish the child for the sins, crimes, or omissions of the father. That is not an American tradition, and it should not be an American policy.

The substitute which I support and which I urge my colleagues to support is a decent bill. It fulfills the intention of the food stamp program and will help eliminate the tragedy of malnutrition and starvation. This substitute is worthy of your support. There can be no excuse for not making every effort to feed the hungry—all the hungry.

(By unanimous consent, Mr. MONTGOMERY yielded the remainder of his time to Mr. POAGE.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, I think there is one point which should be made real clear and that is we are not now voting as to whether we prefer the committee bill or either one of the substitutes. What we are voting on is the question of which one of these substitutes we prefer—and then we will make the decision as to whether we will substitute anything for the committee bill or not.

As I pointed out, I think the committee brought out a real good bill. But as between these two substitutes—and that is what we have before us—there is in my mind absolutely no question but what the Abbitt substitute is far superior to the Quie-Foley substitute.

As I pointed out in my original remarks, there is a basic philosophy in the committee bill without which I could not support legislation of this kind, and I doubt if many of our colleagues could—and that is we should require of every man who is to receive charity at the hands of the Government, that he should make such contribution as he himself can make in trying to assist the Government in supporting him.

I do not think any man has the right to call upon his neighbors to work and to provide food for him through the instrumentality of taxation if he, himself, refuses to work.

The committee bill and the Abbitt amendment both contain that provision.

The Quie-Foley substitute contains a provision that has so many exemptions in it that I do not think you could ever stop anyone from getting food stamps because he refuses to work.

I will go back to the third chapter of Genesis, the 19th verse which states—and on a good deal higher authority than this Congress: "In the sweat of thy face shalt thou eat bread,"

There is no other way prescribed by the Holy Writ for man to provide his sustenance other than by work when he has the opportunity to work. That, my friends, is the great thing that has to be determined now. The Abbitt substitute provides for work—and the other one does not.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I will not take my minute and one-half, but I simply rise in support of the Abbitt substitute, which has incorporated in it the amendment I had proposed to offer at a proper time.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman and Members, we now have had Biblical injunction quotation cited to us as a reason for not feeding the children of people who might be out on strike, through no fault of their own but a more appropriate thought from the Bible might be "Suffer the little Children." About 2 weeks ago, a group called Citizens for Welfare Reform arrived in Washington to petition foreign countries and anyone else who might assist their plight because State and Federal authorities had not been responsive to their calls for aid. To supplement a callously inadequate budget for America's poor, these citizens were actively seeking foreign aid from various nations including Russia, Sweden, Canada, and England. I consider it to be a tragedy and a major sign of national failure when people of the United States feel that they must look beyond their borders for responsive answers to their impoverished condition.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman.

Mrs. SULLIVAN. Mr. Chairman, the food stamp law is not the Taft-Hartley Labor-Management Relations Act. It is, and should be neutral in industrial disputes leading to strikes, lockouts, or other industrial discord. There is only one real test of eligibility for food stamps—and that is, can you afford a decent, minimum diet?

The committee bill wants to make people sell their homes, and their cars, in order to get enough to eat—a pauper's oath. This proposed amendment goes further and seeks to make sure no one who is out of work because of the existence of a labor dispute can be helped to get enough to eat. The sponsors say that the amendment is being neutral between management and labor. I would see some possible justice in that position if losses to industry attributable to a company's failure to reach agreement on a labor contract, or refusal to bargain, were made not deductible for tax purposes. But no one is proposing that kind of "neutrality."

There are some Members here who seem to think workers go out on strike in order to enjoy better diets through food stamps. Are those Members aware of the seriousness of the strike weapon to those who feel they have to use it? Does anyone go out on strike for fun? It is usually a terrible hardship for those who are idled by a strike. This amendment would add to that hardship the ultimate in punishment—the possibility of hunger

XUM

for the children in a country which feeds poor people all over the world—and no questions asked.

I would have far more respect for an amendment which attempted to outlaw strikes by providing effective machinery for settling industrial disputes without strikes than I do for an amendment which says to a striker: By law, you must go hungry until you are ready to give in.

I reject this cruelty to human beings—to children.

Please remember, Mr. Chairman, that if any striker—or any person—obtains food stamps under false pretense, or by falsifying his eligibility, he can be and should be prosecuted and punished.

No one qualifies for food stamps by going on strike. Applicants must prove eligibility. And, if they do so, they are as much entitled to food stamps for their children as the convicted felon's children or the drunkard's children or the children of married students attending school under the GI bill struggling to get through college or graduate school.

If Secretary Hardin and the Secretary of Health, Education, and Welfare cannot devise tight enough requirements on eligibility to prevent cheating under this program, they should come in here and say in all frankness that so many Americans are cheats and crooks the administration cannot handle the problem.

But I do not believe it. I do not believe that all families or most families in my district who, from time to time, are put through the economic wringer of a strike or lockout for me to be willing to see this Congress write them off as deadbeats and crooks and chislers, who should go hungry if they cannot afford to buy food during a long and bitter strike.

Is there compassion here for human beings—or concern only for the antilabor position of the U.S. Chamber of Commerce?

A vote for this amendment is a vote against every citizen who belongs to me, and believe in, labor unions. It would be as clear-cut an antilabor vote as any which any Member could cast in a career in the Congress. It would never be forgotten, either.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. BELCHER).

Mr. BELCHER. Mr. Chairman, I rise in support of the Abbitt substitute. We have had a lot of hearings. We had a lot of discussion in the committee. We came out with a bill that we thought we could get passed, a bill that was sound enough that we could get enough votes for in the House and get passed. As I said awhile ago, if you get to greedy, you are probably going to wind up with not getting a bill, or you are going to get a bill that will completely ruin the food stamp program.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. ABBITT) to close the debate.

Mr. ABBITT. Mr. Chairman, I think we ought to realize what the situation is. We shall vote first on the Abbitt substitute. The Abbitt substitute is the committee bill, except that it provides that strikers going out voluntarily shall be ineligible for stamps unless they were eligible at the time they went out on strike.

In addition, the Foley substitute would increase the outlay by nearly $2 billion. It is that simple.

The question is whether you want the committee bill as amended by my substitute, or whether you want to increase the amount through the Foley-Quie substitute by approximately $2 billion.

I might add that if the Abbitt substitute carries, we will rise, vote, and go back to our offices. It seems to me that might be an inducement.

Mr. BRINKLEY. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Georgia.

Mr. BRINKLEY. Mr. Chairman, I rise in support of the Abbitt amendment which would prohibit issuance of food stamps to striking workers.

The Gentleman from Texas (Mr. POAGE) put it very well when he quoted the verse from Genesis. A man who can work but will not, is not entitled to share in the tax dollar set aside for those who are in genuine need.

Work is the mantel of respectability. There should be no incentives provided which would encourage people not to work.

Mr. ABBITT. Mr. Chairman, if my amendment is defeated, we will start all over again.

Mr. MATSUNAGA. Mr. Chairman, as a cosponsor of H.R. 19889, the Family Nutrition Act of 1970 and as one, who, as a member of the Committee on Agriculture in 1964, played a role, however small, in the enactment of the original Food Stamp Act, I rise in support of the Foley amendment.

The food stamp program has proven to be a very important means of providing a more equitable share of our food abundance to low-income families throughout the Nation. However, as it is true in the case of many other welfare programs, experience has shown that the food stamp program needs to be expanded and strengthened better to achieve its goals. Over a 6-year period, Congress has done little more than to provide increases in authorized expenditures for the program. Today, we are informed that the program is still reaching less than 50 percent of its intended beneficiaries—the impoverished Americans. Other shortcomings of the program are being brought to our attention. Indeed, the hour is late for Congress to strengthen the program in order that it can meet the needs that experience has indicated are not being met.

It is clear that the committee bill, while suggesting the existence of these unmet needs, does not go far enough. The bill, H.R. 19889, which is now offered as a substitute for the Committee bill, goes much further in that it provides for greater participation on the part of impoverished Americans in the program to stamp out hunger and malnutrition. On a comparative basis, the proposed substitute bill would keep the many good features of the committee measure, add a few others, and remove certain objectionable provisions, such as the one which would require the States to share the costs of the food stamp program.

I strongly oppose the committee proposal which would compel every State either to finance, by fiscal year 1974, 10 percent of the bonus value of the coupons issued to participants or else abandon the program. The bonus value, of course, refers to the total coupon allotment value less the coupon purchase price. If this change is made in the program, many States will likely be compelled to end their present participation. This requirement would mean, then, not a furtherance of the purposes of the program, but a long step backward.

Many of the States now participating in the program continue to have serious difficulty providing sufficient funds to support their own public welfare programs. Some States—particularly the lower income States—are not now taking full advantage of available Federal public assistance programs because they have not been able to raise the matching funds required. The committee proposal, therefore, would limit still further their ability to assist their needy families. It would constitute, perhaps more than any other provision in the committee bill, an effective bar to keep many States from participating in the program.

Another disturbing fact about the committee bill is that it does not expand coverage sufficiently to provide for the elderly and the handicapped in various ordinary living situations. If we are to recognize as fact, as we must, that there are unmet needs of elderly indigent Americans not only for food but for a better balanced and a more nutritious diet as well, then we must also accept the responsibility of providing them with such diet. To expand coverage of the present program from households to include individuals over 60 only if they are housebound or disabled, as the committee bill provides, therefore, is to offer only half a loaf. There are countless elderly Americans, who, though neither housebound nor disabled, do need the assistance of the food stamp program. The substitute bill meets the need for this extended coverage. We ought to offer the whole loaf.

The substitute measure contains other provisions which would make the food stamp program a truly humanitarian and effective means of eradicating hunger and malnutrition in the United States. Particularly noteworthy are the provisions which would:

Authorize the Secretary of Agriculture to establish food stamp programs in any State that fails to initiate its own program within 300 days after the bill is passed. Hunger is no respecter of State lines. In order to combat it effectively, therefore, we must provide relief irrespective of the State in which an impoverished American happens to live.

Establish a floor for determining eligibility. A family of four with $4,000 a year income or less would be covered.

XUM

Allow free food stamps for households of four with incomes of $30 or less per month. The provision in the committee bill requiring a token minimum charge of 50 cents per person per month for a household of five or less, or $3 per household where six or more persons reside, is unrealistic and self-defeating. It is not so much the amount that makes this provision objectionable, but the fact that almost any charge would exclude from the program over 1 million poor who have no cash income.

Mr. Chairman, the enactment of the Family Nutrition Act of 1970 is necessary to insure that the benefits of the food stamp program will reach all intended beneficiaries. In our land of plenty, there is no reason why our Nation's food abundance should not be utilized to the maximum extent practicable to safeguard the health and wellbeing of our Nation's needy, who today face the scourge of malnutrition. In age, as well as in youth, needy Americans must be provided with a better balanced and more nutritious diet if we are to continue to take rightful pride in the greatness of this Nation of ours.

I strongly urge a favorable vote for the substitute measure.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Virginia (Mr. ABBITT), as amended for the amendment in the nature of a substitute, offered by the gentleman from Washington (Mr. FOLEY).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 57, noes 58.

Mr. POAGE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ABBITT and Mr. FOLEY.

The Committee again divided, and the tellers reported that there were—ayes 119, noes 116.

So the substitute for the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question now occurs on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. FOLEY), as amended by the substitute amendment offered by the gentleman from Virginia (Mr. ABBITT).

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. The amendment was a substitute amendment for the Foley committee amendment, and therefore the question does not arise, does it?

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. FOLEY), as amended by the substitute amendment offered by the gentleman from Virginia (Mr. ABBITT).

Mr. O'HARA. Mr. Chairman, I demand a division.

The CHAIRMAN. A division is demanded. Those in favor will rise and remain standing until counted.

PARLIAMENTARY INQUIRIES

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Will the Chair restate the question on which the Committee now is to act?

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. FOLEY), as amended by the substitute amendment offered by the gentleman from Virginia (Mr. ABBITT).

Mr. GERALD R. FORD. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. If the "ayes" prevail, then the bill will be substituted for by the amendment offered by the gentleman from Virginia (Mr. ABBITT) as an amendment to the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. FOLEY).

The CHAIRMAN. If the Foley amendment in the nature of a substitute as amended by the Abbitt substitute prevails, the Committee will then rise.

Mr. ABERNETHY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ABERNETHY. Is the Committee dividing on the issue now, or is the Chair going to make a determination as to whether there will be tellers?

The CHAIRMAN. The Committee is dividing on the question of the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. FOLEY) as amended by the substitute amendment offered by the gentleman from Virginia (Mr. ABBITT).

The question was taken; and on a division (demanded by Mr. O'HARA) there were—ayes 106, noes 79.

Mr. FOLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ABBITT and Mr. FOLEY.

The Committee again divided, and the tellers reported that there were—ayes 133, noes 116.

So the amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAIN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended, pursuant to House Resolution 1291, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 183, not voting 78, as follows:

[Roll No. 418]

YEAS—172

Abbitt
Abernethy
Alexander
Andrews, Ala.
Arends
Ashbrook
Baring
Belcher
Bennett
Betts
Bow
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Corbett
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fisher
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Henderson
Hogan
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
McClory
McClure
McDonald, Mich.
McEwen
McMillan
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Mayne
Miller, Ohio
Mills
Minshall
Mizell
Montgomery
Myers
Nelsen
O'Neal, Ga.
Passman
Pelly
Pettis
Pickle
Pirnie
Poff
Pollock
Preyer, N.C.
Price, Tex.
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Rogers, Fla.
Roth
Roudebush
Rousselot
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Skubitz
Smith, Calif.
Snyder
Springer
Stafford
Stanton
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Waggonner
Wampler
Ware
Watson
Watts
Whalley
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wylie
Zion

NAYS—183

Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Barrett
Beall, Md.
Bell, Calif.
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Brown, Calif.
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Carey
Carney
Casey
Celler
Chisholm
Clark
Clay
Cleveland
Cohelan
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Cowger
Culver
Daniels, N.J.
Delaney
Dent
Diggs
Dingell
Donohue
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Fascell
Feighan
Fish
Flood
Foley
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Keith
Koch
Kyros
Leggett
Lloyd
Long, Md.
Lowenstein
McCarthy
McCloskey
McDade
McFall
Madden
Matsunaga
Meeds
Melcher
Mikva
Minish
Mink

Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Perkins
Philbin
Pike
Poage
Podell
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
St Germain
Saylor
Scheuer
Shipley
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Taft
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Wydler
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NOT VOTING—78

Adair
Anderson, Ill.
Aspinall
Ayres
Berry
Blackburn
Blanton
Bolling
Brooks
Brown, Mich.
Burke, Fla.
Burton, Utah
Bush
Button
Chappell
Clancy
Cramer
Cunningham
Daddario
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Findley
Flynt
Ford, William D.
Foreman
Gallagher
Gilbert
Halpern
Hébert
Horton
Hull
Ichord
Kee
King
Kluczynski
Langen
Long, La.
Lujan
Lukens
McCulloch
McKneally
Macdonald, Mass.
MacGregor
May
Meskill
Michel
Miller, Calif.
Mize
Morton
Moss
Nichols
O'Konski
Patman
Powell
Purcell
Reifel
Rivers
Rogers, Colo.
Rostenkowski
Schadeberg
Sebelius
Sikes
Steed
Teague, Tex.
Tunney
Vander Jagt
Weicker
Whitehurst
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt

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So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. William D. Ford against.

Mr. Edwards of Louisiana for, with Mr. Wolff against.

Mr. Nichols for, with Mr. Moss against.

Mr. Teague of Texas for, with Mr. Gallagher against.

Mr. Flynt for, with Mr. Rostenkowski against.

Mr. Sikes for, with Mr. Macdonald of Massachusetts against.

Mr. Chappell for, with Mr. Charles H. Wilson against.

Mr. Dowdy for, with Mr. Kluczynski against.

Mr. Berry for, with Mr. Halpern against.

Mr. King for, with Mr. Miller of California against.

Mr. Lukens for, with Mr. Horton against.

Mr. Morton for, with Mr. Kee against.

Mr. Schadeberg for, with Mr. Aspinall against.

Mr. Sebelius for, with Mr. Rogers of Colorado against.

Mrs. May for, with Mr. Daddario against.

Mr. Rivers for, with Mr. Gilbert against.

Mr. Blackburn for, with Mr. Fallon against.

Until further notice:

Mr. Blanton with Mr. Adair.

Mr. Hull with Mr. Langen.

Mr. Wright with Mr. O'Konski.

Mr. Long of Louisiana with Mr. Wyatt.

Mr. Brooks with Mr. Findley.

Mr. Evans of Colorado with Mr. Burke of Florida.

Mr. Purcell with Mr. Brown of Michigan.

Mr. Steed with Mr. Michel.

Mr. Patman with Mr. Vander Jagt.

Mr. Farbstein with Mrs. Dwyer.

Mr. Ichord with Mr. Lujan.

Mr. Tunney with Mr. Weicker.

Mr. McKneally with Mr. Reifel.

Mr. Ayres with Mr. Clancy.

Mr. Bush with Mr. Anderson of Illinois.

Mr. Button with Mr. Burton of Utah.

Mr. Cramer with Mr. Mize.

Mr. Foreman with Mr. Meskill.

Mr. Winn with Mr. Whitehurst.

Mr. McCulloch with Mr. Cunningham.

Mr. Wold with Mr. MacGregor.

Messrs. STEIGER of Arizona and BOB WILSON changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The text of the bill is as follows:

SECTION 1. Section 2 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to safeguard the health and well-being of the Nations population and raise levels of nutrition among low-income households. The Congress hereby finds that the limited food purchasing power of low-income housenolds contributes to hunger and malnutrition among members of such households. The Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly maketing and distribution of food. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade."

SEC. 2. (a) Add the following sentence at the end of subsection 3(f) of the Food Stamp Act of 1964, as amended: "It shall also mean a political subdivision or a private nonprofit organization that meets the requirements of section 10(h) of this Act."

(b) Subsection (j) of section 3 of the Food Stamp Act of 1964, as amended, is amended to read as follows: "The term 'State' means the fifty States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.".

(c) Add the following new subsection at the end of section 3 of the Food Stamp Act of 1964, as amended:

"(l) The term 'elderly person' shall mean a person sixty years of age or over who is not a resident of an institution or boarding house, and who is living alone, or with spouse, whether or not be has cooking facilities in his home."

(d) Section 3 of the Food Stamp Act of 1964, as amended, is amended by adding the following new subsection:

"(m) The term 'authorization to purchase card' means any document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued on presentment of such document and the amount to be paid by such household for such allotment."

SEC. 3. Subsections (a) and (b) of section 4 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with an opportunity to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than the charge to be paid for such allotment by eligible households. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such period of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is beings replaced by a food stamp program; or (3) on request of the State agency: *Provided,* That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause (3)."

SEC. 4. Section 5 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(a) Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section, participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet.

"(b) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period. The Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: *Provided,* That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories; except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States.

"(c) Notwithstanding any other provisions of law, the Secretary shall include in the uniform national standards of eligibility to be prescribed under subsection (b) of this section a provision that each State agency shall provide that a household shall not be eligible for assistance under this Act if it includes an able-bodied adult person between the ages of eighteen and sixty-five (except mothers or other members of the household who have the responsibility of care of dependent children or of incapacitated adults or who are bona fide students in any accredited school or training program) who either (a) fails to register for employment at a State or Federal employment office or, when impractical, at such other appropriate State or Federal office designated by the Secretary, or (b) has refused to accept employment or public work at not less than the higher of State or Federal minimum wage or the wage established by a valid regulation of any agency of the Federal Government authorized by existing law to establish such regulation. Refusal to work at a struck plant or site for the duration of a strike shall not be deemed to be a refusal to accept employment."

SEC. 5. Subsections (a) and (b) of section 7 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

"(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet.

"(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event—

"(1) less than 50 cents per person per month for a household of five or less persons, or $3 per household per month for a household of six or more persons; or

"(2) more than 30 per centum of the household's income.

The State agency may arrange for payment from State or local sources, including sums made available by charitable and similar organizations, of such portion of the minimum charge as may be necessary to insure the participation of all households certified for participation at the minimum charge: *Provided*, That the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued to them under subsection (a) of this section. The charge to be paid by eligible households electing to exercise the option set forth in this subsection shall be an amount which bears the same ratio to the amount which would have been charged under subsection (b) of this section as the face value of the coupon allotment actually issued to them bears to the face value of the coupon allotment that would have been issued to them under subsection (a) of this section."

SEC. 6. (a) Subsection (e) of section 10 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulations be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (4) for the submission of such reports and other information as from time to time may be required; (5) that the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the food stamp program and insure the participation of eligible households; and (6) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program. Upon the joint approval of the Secretary and the Secretary of Health, Education, and Welfare the State plan may provide for withholding the amount to be paid by a household for its coupon allotment from any payment made by the State agency to such household under a federally aided public assistance program, if such withholding is authorized by such household. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation."

(b) Add the following new subsection to section 10 of the Food Stamp Act of 1964, as amended:

"(h) Subject to such terms and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or an elderly person and his spouse may use coupons issued to them to purchase meals prepared for and delivered to them by a political subdivision or by a private nonprofit organization which: (1) is not receiving federally donated foods from the United States Department of Agriculture for use in the preparation of such meals; (2) is operated in a manner consistent with the purposes of this Act; and (3) is recognized as a tax exempt organization by the Internal Revenue Service: *Provided*, That household members or elderly persons to whom meals are delivered are housebound, feeble, physically handicapped, or otherwise disabled, to the extent that they are unable to adequately prepare all of their meals. Meals served pursuant to this subsection shall be deemed 'food' for the purposes of this Act."

SEC. 7. Subsections (a) and (b) of section 14 of the Food Stamp Act of 1964, as amended, are amended as follows:

"(a) Notwithstanding any other provisions of this Act, the Secretary may provide for the purchase, issuance or presentment for redemption of coupons to such person or persions, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

"(b) Whoever knowingly uses, transfer, acquires, alters, or possesses coupons or authorization to purchase cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization to purchase cards are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years or both, or, if such coupons of authorization to purchase cards are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both."

SEC. 8. Subsection (b) of section 15 of the Food Stamp Act of 1964 as amended, is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 62½ per centum of the sum of (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel, including the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsection 10(e)(5) of this Act and in making certification determinations for households other than those which consist solely of recipients of welfare assistance; (2) the direct salary, travel, and travel-related costs (including such fringe benefits as are normally paid) of personnel for such time as they are employed as hearing officials under section 10 (e) of the Act."

SEC. 9. Section 15 of the Food Stamp Act of 1964 is further amended by adding the following subsection:

"(c) Notwithstanding any other provision of law, each State shall be responsible for financing, from funds available to the State or political subdivision thereof, 10 per centum of the value of the coupon allotment issued to eligible households which is in excess of the charges paid by such households for such allotments: *Provided*, That such State financing shall be 2½ per centum for the fiscal year ending June 30, 1971; 5 per centum for the fiscal year ending June 30, 1972; 7½ per centum for the fiscal year ending June 30, 1973; 10 per centum for the fiscal year ending June 30, 1974; and 10 per centum for each fiscal year thereafter. Each State shall transfer such sums to, and they shall be made a part of, the separate account created under section 7(d) of this Act. Each State shall transfer such sums to such account within one calendar month following the calendar month in which the coupon allotments are issued to eligible households: *Provided further*, That the provisions of this subsection shall not be effective for any coupon allotments issued prior to July 1, 1970 (or July 1, 1971, in the case of a State wherein the State legislature has not held a session prior to July 1, 1970) to enable each State to take such action as is necessary under the statutes of the States to comply with the provisions of this subsection."

SEC. 10. Section 16(a) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $610,000,000 for the fiscal year ending June 30, 1970, and such sums as the Congress may appropriate for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973, and not in excess of such sum as may hereafter be authorized by Congress for any subsequent fiscal year. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotment shall be transferred to and made a part of the separate account created under section 7(d) of this Act. This Act shall be carried out

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only with funds appropriated from the general fund of the Treasury for that specific purpose and in no event shall it be carried out with funds derived from permanent appropriations."

SEC. 11. State plans of operation approved by the Secretary of Agriculture under the Food Stamp Act of 1964, as amended, prior to the date of the enactment of amendments thereto by this Act shall continue in effect until such plans are changed to accord with such amendments: *Provided*, That no such previously approved plan shall remain unchanged for more than one hundred and eighty days after the enactment of such amendments.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GOODLING. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the bill H.R. 18582 to the Committee on Agriculture.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 290, nays 68, not voting 75, as follows:

[Roll No. 419]

YEAS—290

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashley
Barrett
Beall, Md.
Belcher
Bell, Calif.
Betts
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Culver
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dent
Derwinski
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fascell
Feighan
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gude
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Hosmer
Howard
Hungate
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass
Madden
Mahon
Mailliard
Mann
Martin
Mathias
Matsunaga
Mayne
Meeds
Melcher
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roybal
Ruppe
Ryan
St Germain
Sandman
Scheuer
Schneebeli
Schwengel
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Symington
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Widnall
Williams
Wold
Wyatt
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—68

Abbitt
Abernethy
Andrews, Ala.
Annunzio
Ashbrook
Baring
Bennett
Bow
Brinkley
Brock
Burleson, Tex.
Chappell
Clawson, Del
Collins, Tex.
Colmer
Conable
Daniel, Va.
Denney
Dennis
Devine
Dickinson
Dorn
Edwards, Ala.
Eshleman
Fisher
Flowers
Fountain
Frey
Fuqua
Goldwater
Goodling
Gross
Gubser
Hagan
Haley
Hastings
Henderson
Hutchinson
Jonas
Jones, N.C.
Lennon
McClure
McMillan
Marsh
Myers
O'Neal, Ga.
Passman
Price, Tex.
Quillen
Rarick
Rousselot
Ruth
Satterfield
Saylor
Scherle
Schmitz
Scott
Smith, Calif.
Snyder
Steiger, Ariz.
Sullivan
Talcott
Waggonner
Watson
Whitten
Wiggins
Wilson, Bob
Zion

NOT VOTING—75

Adair
Anderson, Ill.
Aspinall
Ayres
Berry
Bingham
Blackburn
Blanton
Bolling
Brown, Mich.
Burke, Fla.
Burton, Utah
Bush
Button
Camp
Clancy
Cramer
Crane
Cunningham
Daddario
Dowdy
Dwyer
Edwards, La.
Evans, Colo.
Fallon
Farbstein
Findley
Flynt
Ford, William D.
Foreman
Gilbert
Halpern
Hébert
Horton
Hull
Ichord
Kee
King
Kluczynski
Langen
Long, La.
Lujan
Lukens
McCulloch
McKneally
MacGregor
May
Meskill
Michel
Miller, Calif.
Mize
Morton
Moss
Nichols
O'Konski
Patman
Powell
Purcell
Rivers
Rogers, Colo.
Rostenkowski
Schadeberg
Sebelius
Sikes
Steed
Teague, Tex.
Tunney
Vander Jagt
Weicker
Whitehurst
Wilson, Charles H.
Winn
Wolff
Wright
Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Teague of Texas against.

Mr. Edwards of Louisiana for, with Mr. Nichols against.

Mr. Rostenkowski for, with Mr. Sikes against.

Mr. Blanton for, with Mr. Flynt against.

Mr. Wolff for, with Mr. Dowdy against.

Until further notice:

Mr. Aspinall with Mr. Adair.
Mr. Miller of California with Mr. McCulloch.
Mr. Long of Louisiana with Mr. Horton.
Mr. Kluczynski with Mr. Blackburn.
Mr. Hull with Mr. Schadeberg.
Mr. Tunney with Mr. Findley.
Mr. Charles H. Wilson with Mr. Wydler.
Mr. Evans of Colorado with Mr. Sebelius.
Mr. William D. Ford with Mr. Michel.
Mr. Patman with Mr. King.
Mr. Rogers of Colorado with Mr. Powell.
Mr. Rivers with Mr. Anderson of Illinois.
Mr. Steed with Mr. Brown of Michigan.
Mr. Moss with Mr. O'Konski.
Mr. Kee with Mr. Clancy.
Mr. Wright with Mr. Camp.
Mr. Ichord with Mr. Vander Jagt.
Mr. Bingham with Mr. Winn.
Mr. Daddario with Mr. Langen.
Mr. Purcell with Mr. Ayres.
Mr. Gilbert with Mr. Mize.
Mr. Fallon with Mr. MacGregor.
Mrs. Dwyer with Mr. Farbstein.
Mr. Lujan with Mr. Cunningham.
Mr. Burke of Florida with Mr. Morton.
Mr. Weicker with Mr. Berry.
Mr. Cramer with Mr. Foreman.
Mr. Whitehurst with Mr. Crane.
Mr. Lukens with Mr. Burton of Utah.
Mrs. May with Mr. Bush.
Mr. Meskill with Mr. Button.
Mr. Halpern with Mr. McKneally.

Messrs. FLOWERS and HASTINGS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2547) to amend the Food Stamp Act of 1964, and to strike out all after the enacting clause and insert in lieu thereof the text of H.R. 18582, as just passed.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. BOGGS). Objection is heard.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks with respect to the bill just passed, the amendments to the Food Stamp Act of 1964.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 6114) entitled "An act for the relief of Elmer M. Grade," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Eastland, Mr. McClellan, Mr. Ervin, Mr. Hruska, and Mr. Cook to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2193) entitled "An act to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes."

The message also announced that Mr. Jordan of Idaho be apponted a conferee on the joint resolution (H.J. Res. 1117) entitled "Joint resolution to establish a Joint Committee on the Environment" in lieu of Mr. Allott, excused.

RELATING TO ELMER M. GRADE AND THE "DELTA QUEEN"

Mr. CELLER submitted the following conference report and statement on the bill (H.R. 6114) for the relief of Elmer M. Grade:

Conference Report (H. Rept. No. 97–1769)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

Emanuel Celler,
Harold D. Donohue,
William M. McCulloch,
Managers on the Part of the House.

James O. Eastland,
John L. McClellan,
Sam J. Ervin, Jr.
Roman L. Hruska,
M. W. Cook,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment contained a provision, not included in the House bill, amending section 5(b) of the Act of May 27, 1936 (49 Stat. 1384), to permit the historic steamboat, the *Delta Queen*, to operate until November 1, 1973.

The Senate amendment also contained a provision amending the title of the House bill by adding at the end thereof the following: ", and for other purposes".

The conference agreement adopts the Senate provisions.

The Senate amendment does not involve any expenditure of Federal funds. Permitting the *Delta Queen* to operate until November 1, 1973, will give the Congress time to hear and decide how to assist in saving the last symbol of a bygone era. Furthermore, the conferees recommend early and expedited hearings on the feasibility of applying recent NASA technological developments to the vessel's wooden superstructure to determine their effect in reducing the combustibility and flame-spread characteristics of these surfaces.

In a letter which Representative William M. McCulloch received from the President of the Greene Line Steamers, Inc., dated November 25, 1970, it is pointed out that the company which operates the *Delta Queen* has an unblemished 80-year safety record, and if Congress grants a three-year extension they have assured Congress that they will voluntarily take extra safety precautions in excess of Coast Guard requirements.

Emanuel Celler,
Harold D. Donohue,
William M. McCulloch
Managers on the Part of the House.

REQUEST FOR ADJOURNMENT UNTIL TOMORROW AT 11 O'CLOCK A.M.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

OMNIBUS CRIME CONTROL ACT OF 1970—CONFERENCE REPORT

Mr. CELLER submitted the following conference report and statement on the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes:

Conference Report (H. Rept. No. 91–1768)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Omnibus Crime Control Act of 1970".

TITLE I—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Sec. 2. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"Sec. 101. (a) There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. Beginning after the end of the term of either of the present incumbents, one of the Associate Administrators shall be a member of a political party other than that of the President.

"(b) The Administrator shall be the executive head of the agency and shall exercise all administrative powers, including the appointment and supervision of Administration personnel. All of the other functions, powers, and duties created and established by this title shall be exercised by the Administrator with the concurrence of either one or both of the two Associate Administrators."

PLANNING GRANTS

Sec. 3. (a) The third sentence of section 203(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime."

(b) Subsection (c) of section 203 of such Act is amended by inserting the following after the period at the end of the first sentence: "The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level."

(c) Subsection (c) of section 203 is amended further by striking out the word "the preceding sentence" and inserting in lieu thereof "this subsection".

(d) Section 204 of such Act is amended by striking the second sentence.

GRANTS FOR LAW ENFORCEMENT PURPOSES

Sec. 4. Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Section 301(b)(4) is amended to read as follows:

"(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence."

(2) Subsection (b) of section 301 is amended by adding at the end thereof the following new paragraphs:

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement activities.

"(9) The development and operation of community based delinquent prevention and correctional programs, emphasizing halfway houses and other community based rehabilitation centers for initial preconviction of postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders."

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(3) Subsection (c) of section 301 is amended to read as follows:

"(c) The portion of any Federal grant made under this section for the purposes of paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Effective July 1, 1972, at least 40 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate, by State or individual unit of government, for the purpose of the shared funding of such programs or projects."

(4) Subsection (d) of section 301 is amended to read as follows:

"(d) Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement personnel. The amount of any such grant expanded for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs."

(5) Section 303 is amended by inserting immediately after the first sentence the following new sentence: "No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity."

(6) Paragraph (2) of Section 303 is amended by striking out the semicolon and inserting in lieu thereof the following: ", except that each such plan shall provide that beginning July 1, 1972, at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement, and that with respect to such programs or projects the State will provide in the aggregate not less than one-fourth of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;"

(7) Section 305 is amended to read as follows:

"Sec. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a)."

(8) Section 306 is amended to read as follows:

"Sec. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Any grant made from funds available under paragraph (2) of this subsection may be up to 75 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. Effective July 1, 1972, at least 40 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under such paragraph shall be of money appropriated in the aggregate, by State or individual unit of government, for the purpose of the shared funding of such programs or projects.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section."

TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

Sec. 5. Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Section 406 is amended—

(A) by striking "in areas directly related to law enforcement or preparing for employment in law enforcement" in the first sentence of subsection (b) and inserting in lieu thereof "in areas related to law enforcement or suitable for persons employed in law enforcement";

(B) by striking out "tuition and fees" in the first sentence of subsection (c) and inserting in lieu thereof "tuition, books and fees"; and

(C) by inserting at the end thereof the following new subsections:

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligibile to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

"(f) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for grants not exceeding $50 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program."

(2) Part D is further amended by inserting after section 406 the following new sections:

"Sec. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title."

"Sec. 408. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training."

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 6. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part D the following:

"PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

"(9) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11) and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining fifty per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section."

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses."

(c) Part E and part F of title I of such Act are redesignated as part F and part G, respectively.

ADMINISTRATIVE PROVISIONS

SEC. 7. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by section 6(c) of this Act) is amended as follows:

(1) Section 505 is amended by striking "section 5315" and inserting "section 5314" and by striking "(90)" and inserting "(55)".

(2) Section 506 is amended by striking "section 5316" and inserting "section 5315" and by striking "(126)" and inserting "(90)".

(3) Section 508 is amended by inserting the following before the period at the end of the section: ", and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals."

(4) Section 515 is amended by inserting at the end thereof the following new sentence: "Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate."

(5) Section 516(a) is amended by striking out the period and inserting in lieu thereof the following: ", and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled 'Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551)."

(6) Section 517 is amended to read as follows:

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently."

(7) Section 519 is amended to read as follows:

"SEC. 519. (a) On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"(b) Not later than May 1, 1971, the Administration shall submit to the President and to the Congress recommendations for legislation to assist in the purposes of this title with respect to promoting the integrity and accuracy of criminal justice data collection, processing, and dissemination systems funded in whole or in part by the Federal Government, and protecting the constitutional rights of all persons covered or affected by such systems."

(8) Section 520 is amended to read as follows:

"SEC. 520. There is authorized to be appropriated $650,000,000 for the fiscal year ending June 30, 1971, of which $120,000,000 shall be for the purposes of part E; $1,150,000,000 for the fiscal year ending June 30, 1972, and $1,750,000,000 for the fiscal year ending June 30, 1973. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C."

(9) Section 521 is amended by inserting at the end thereof the following new subsection:

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration."

SEC. 8. (a) Section 5314 of title 5, United States Code, is amended by striking "(1) Deputy Attorney General," and renumbering "(2)" through "(54)" respectively "(1)" through "(53)".

(b) Section 5313 of title 5, United States Code, is amended by adding at the end thereof "(20) Deputy Attorney General."

DEFINITIONS

SEC. 9. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(1) Subsection (a) is amended to read as follows: 'Law enforcement' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction."

(2) Subsection (d) is amended by striking out "or" the second place it appears and by striking out the period and inserting in lieu thereof the following: ", or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the

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United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title; provided, however, that such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970."

Sec. 10. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part G (as redesignated by section 6(c) of this Act) the following:

"Part H—Criminal Penalties

"Sec. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"Sec. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"Sec. 653. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code."

Sec. 11. Section 5108(c) of title 5 of the United States Code is amended by inserting at the end thereof the following new paragraph:

"(10) the Law Enforcement Assistance Administration may place a total of twenty positions in GS–16, 17, and 18."

Sec. 12. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part H (as designated by section 10 of this Act) the following new part:

Part I—Attorney General's Annual Report on Federal Law Enforcement and Criminal Justice Activities

Sec. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within 90 days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act 1968, the Gun Control Act 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance).

TITLE II—STRICTER SENTENCES

Sec. . This title may be cited as the "Stricter Sentencing Amendment of 1970".

Sec. 13. Section 924(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States,

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

TITLE III—CRIMINAL APPEALS

Sec. 14. (a) Section 3731 of title 18, United States Code, is amended—

(1) by striking out the first eight paragraphs and inserting in lieu thereof the following:

"In a criminal case an appeal by the United States shall lie to a court of appeals from a decision, judgment, or order of a district court dismissing an indictment or information as to any one or more counts, except that no appeal shall lie where the double jeopardy clause of the United States Constitution prohibits further prosecution.

"An appeal by the United States shall lie to a court of appeals from a decision or order of a district courts suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an indictment or information, if the United States attorney certifies to the district court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding.";

(2) by striking out the word "or" in the ninth paragraph and inserting in lieu thereof a comma, and inserting "or order" following the word "judgment" in the same paragraph;

(3) by striking out the last two paragraphs and inserting in lieu thereof a new paragraph as follows:

"The provisions of this section shall be liberally construed to effectuate its purposes."

(b) The amendments made by this section shall not apply with respect to any criminal case begun in any district court before the effective date of this section.

TITLE IV—PROTECTION OF MEMBERS OF CONGRESS

Sec. 15. Part I of title 18 of the United States Code is amended by inserting, immediately after chapter 17, a new chapter as follows:

"Chapter 18.—CONGRESSIONAL ASSASSINATION, KIDNAPING, AND ASSAULT

"Sec.

"351. Congressional assassination, kidnaping, and assault; penalties.

"§ 351. Congressional assassination, kidnaping, and assault; penalties

"(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect shall be punished as provided by sections 1111 and 1112 of this title.

"(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

"(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

"(e) Whoever assaults any person designated in subsection (a) of this section shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than $10,000, or imprisoned for not more than ten years, or both.

"(f) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

"(g) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding."

Sec. 16. Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by striking the word "or" in the last phrase of the subsection and inserting at the end thereof between the parenthesis and the semicolon "or section 351 (violations with respect to congressional assassination, kidnapping, and assault)".

Sec. 17. The table of contents to part I of title 18, United States Code, is amended by inserting after the following chapter reference:

"17. Coins and currency............. 331"

a new chapter reference as follows:

"18. Congressional assassination, kidnapping, and assault.................. 351".

TITLE V—PROTECTION OF THE PRESIDENT

Sec. 18. Title 18, United States Code, is amended by adding the following new section after section 1751:

"§ 1752. Temporary residence of the President

(a) It shall be unlawful for any person or group of persons—

"(1) willfully and knowingly to enter or remain in

"(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or as temporary offices of the President and his staff, or

"(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President is or will be temporarily visiting,

in violation of the regulations governing ingress or egress thereto:

"(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

"(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

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"(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

"(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine not exceeding $500 or imprisonment not exceeding six months, or both.

"(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

"(d) The Secretary of the Treasury is authorized—

"(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President and the temporary offices of the President and his staff, and

"(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting.

"(e) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section."

SEC. 19. Section 3056, title 16, United States Code, is amended by designating the present paragraph as "(a)" and adding a new paragraph at the end thereof as follows:

"(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service engaged in the performance of the protective functions authorized by this section, by the Act of June 6, 1968 (82 Stat. 170), or by section 1752 of title 18, United States Code, shall be fined not more than $300 or imprisoned not more than one year, or both."

TITLE VI—WIRETAP COMMISSION

SEC. 20. (a) Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 211) is amended by striking subsection (g) of section 804 and inserting the following:

"(g) (1) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

"(2) In the case of contumacy or refusal to obey a subpena issued under subsection (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

"(3) The Commission shall be 'an agency of the United States' under subsection (1), section 6001, title 18, United States Code for the purpose of granting immunity to witnesses.

"(4) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States, to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title."

(b) Such title is further amended as follows:

(1) in subsection (h) of section 804, strike "one-year" and insert "two-year", and

(2) in subsection (k) of section 804, strike "six-year" and insert "fifth year".

(c) Section 1212 of the Organized Crime Control Act of 1970 is hereby repealed.

And the Senate agree to the same.

Emanuel Celler,
Peter W. Rodino, Jr.,
Byron G. Rogers,
William M. McCulloch,
Richard H. Poff,
Managers on the Part of the House.

John L. McClellan,
Sam J. Ervin, Jr.,
Philip A. Hart,
James O. Eastland,
Edward M. Kennedy,
Robert C. Byrd,
Roman L. Hruska,
Hugh Scott,
Strom Thurmond,
Marlow W. Cook,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

SHORT TITLE

The House bill provided a short title of "Omnibus Crime Control and Safe Streets Act Amendments of 1970." The Senate amendment proposed the short title "Omnibus Crime Control Act of 1970." The conference substitute adopts the Senate amendment.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Under the House bill the three-man board system of administering LEAA was abolished and substituted in its place was a single Administrator empowered to determine policy as well as administrative matters. The posts of Associate Administrators were retained for persons who would serve as deputies to the Administrator.

The Senate amendment retained the triumvirate system but vested all administrative powers, including appointment and supervision of personnel, in the Administrator. Other functions, powers and duties were to be exercised by the Administrator with the concurrence of at least one of the Associate Administrators. The Senate version required, except for the present incumbents, that one of the two Associate Administrators be of a different political party than the President. The conference substitute adopts the Senate amendment.

PLANNING GRANTS

Waiver of planning grant "pass-through."—The Senate amendment contained a provision not in the House bill which authorized the Law Enforcement Assistance Administration (LEAA) to waive, in whole or in part, the requirement that State planning agencies make available to units of general local government at least 40 percent of funds granted for the establishment and operation of planning agencies. Under the Senate amendment, the LEAA waiver must be based upon a finding that this "pass-through" was inappropriate and that adherence to the requirement would not contribute to efficient development of the State plan. The conference substitute adopts the Senate amendment.

Disposition of planning funds.—The Senate amendment contained a provision not in the House bill which provided that State planning agencies in allocating planning funds must assure that major cities and counties within the State receive funds to develop comprehensive plans and coordinate functions at the local level. The conference substitute adopts the Senate amendment.

Planning grant matching requirement.—The Senate amendment contained a provision not in the House bill that repealed a limitation, only applicable where a State does not establish a planning agency, that Federal planning grants made directly to units of general local government shall not exceed 90 percent of the expenses of local planning. The conference substitute adopts the Senate amendment.

GRANTS FOR LAW ENFORCEMENT PURPOSES

Rental and leasing of buildings.—The House bill contained a provision authorizing grants to States for the rental and leasing, as well as the construction of buildings or other physical facilities. The Senate amendment does not contain this provision. The House provision would inadvertently have reduced the Federal share of the costs of renting or leasing. The conference substitute conforms to the Senate amendment.

Criminal Justice Coordinating Councils.—Both the House bill and the Senate amendment provided authorization to make grants for the establishment of Criminal Justice Coordinating Councils for units of general local government. The Senate amendment, however, limited such grants to units or combinations of units having a population of 250,000 or more. The conference substitute adopts the Senate amendment.

Community-based delinquent prevention.—The Senate amendment contained a provision not in the House bill which provided authorization to make grants for (a) community-based programs relating to (i) delinquent prevention and correction and (ii) guidance for potential repeat youthful offenders; and (b) expanded probationary programs. The conference substitute adopts the Senate amendment.

Federal share of program costs under bloc grants.—The Senate amendment contained a provision not in the House bill which authorized Federal grants in an amount up to 70 percent of the cost of certain law enforcement programs and projects. The conference substitute conforms to the Senate amendment except that such grants are permitted up to 75 percent of such program or project costs.

Waiver of matching requirements under bloc grants.—The Senate amendment contained a provision not in the House bill which permitted LEAA to waive matching requirements in the case of grants to Indian tribes and other aboriginal groups which

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the Administration determined did not have sufficient funds to meet the local share of program costs. The conference substitute adopts the Senate amendment.

Amount and character of non-Federal matching requirements under bloc grants.—The Senate amendment contained a provision not in the House bill which required that, effective July 1, 1972, at least 50 percent of the non-Federal share of the funding of any program or project be from money appropriated in the aggregate by the State or local government for such program or project (as opposed to donated services or property). The conference substitute conforms to the Senate amendment except that the cash requirement is reduced to 40 percent.

Condition on LEAA approval of State plans.—The House bill contained a provision that required that approval of a State plan for law enforcement assistance must be based on a specific LEAA finding that the plan provided for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

The Senate amendment provided that LEAA approval of a State plan must be based on a finding that the State's plan provided for the allocation of an adequate share of benefits of assistance to areas characterized by high law enforcement activity to deal with the special law enforcement problems of such areas. The conference substitute requires that no State plan shall be approved by LEAA unless it provides adequate assistance to areas characterized by both high crime incidence and high law enforcement activity, such as high number of arrests, congested court calendars and crowded correction facilities.

Percentage of Federal funds subject to "pass-through".—Under the House bill existing law was retained which required that at least 75 percent of Federal funds be made available by State planning agencies to units of general local government for law enforcement programs and projects. The Senate amendment contained a flexible "pass-through" formula which provided that each State shall make available to local units of government that portion of its bloc grant that corresponds to the portion of total statewide law enforcement expenditures for the preceding fiscal year which was funded and expended by local units. The conference substitute conforms to the Senate amendment except that institution of the "flexible formula" is deferred until July 1, 1972.

State contribution relating to funds "passed-through".—The House bill contained a provision not in the Senate amendment which required that the States provide at least one-fourth of the non-Federal funding required for federally assisted local law enforcement programs. The conference substitute conforms to the House bill except that the requirement of State contribution is deferred until July 1, 1972, and that such contribution is required to be on an aggregate rather than a project basis.

Reallocation of bloc grant funds.—The House bill contained provisions permitting bloc grant funds to be distributed as discretionary grants if (1) a State has failed to have a plan approved, either becuse it submitted no plan or because the plan submitted was unacceptable, (2) a State submitted an acceptable plan but filed to comply with the assurances given in the plan, the provisions of the Act, or administrative regulations, or (3) a State submitted an acceptable plan and was in compliance but failed to use or claim a portion of the funds. The Senate amendment provided that, in such instances, the funds be reallocated as bloc grants. The conference substitute conforms to the House bill in the first two instances and to the Senate amendment in the third instance.

Federal share of program costs under discretionary grants.—The House bill contained a provision permitting Federal grants up to 90 percent of program costs. The Senate amendment permitted Federal grants up to 70 percent of program costs. The conference substitute authorizes Federal grants up to 75 percent of program costs.

Waiver of matching requirements under discretionary grants.—The House bill contained a provision permitting Federal grants up to 100 percent of program costs if LEAA determined that the applicant was unable to provide sufficient funds. The Senate amendment permitted LEAA to waive percentage matching requirements only in the case of grants to Indian tribes or other aboriginal groups. The conference substitute adopts the Senate amendment.

Limitations on personnel compensation under discretionary grants.—The Senate amendment contained a provision not in the House bill which imposed on discretionary grants the same limitation applicable to bloc grants that not more than one-third of any discretionary grant may be expended for compensation of police and other law enforcement personnel. The conference substitute adopts the Senate amendment.

Amount and character of non-Federal matching requirements under discretionary grants.—The Senate amendment contained a provision not in the House bill which required that, effective July 1, 1972, at least 50 percent of the non-Federal share of the funding of any program or project be for money appropriated in the aggregate by the State or local government for such program or project (as opposed to donated services or property). The conference substitute conforms to the Senate amendment except the cash requirement is reduced to 40 percent.

TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

Law enforcement internships.—The Senate amendment contained a provision not in the House bill which authorized the Law Enforcement Assistance Administration to make grants up to $50 per week to undergraduate and graduate students who serve at certain times in full-time internships in law enforcement agencies. The conference substitute adopts the Senate amendment.

Training program for organized crime prosecutors.—The Senate amendment contained a provision not in the House bill which authorized the Law Enforcement Assistance Administration to establish and conduct permanent training programs for prosecuting attorneys from State and local offices. The conference substitute provides that LEAA may establish and support such programs but does not provide that such training be established on a permanent basis.

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

Application requirements.—The Senate amendment contained a provision not in the House bill which required that application for grants for the construction of correctional institutions or facilities provide satisfactory emphasis on the development and operation of community-based correctional facilities and programs. The conference substitute adopts the Senate amendment.

ADMINISTRATION PROVISIONS

Increase in salaries of Administrator and Associate Administrators.—The Senate amendment contained a provision not in the House bill which changed the salary of the Administrator of Law Enforcement Assistance Administration from Level IV of Executive Schedule ($38,000) to Level III of Executive Schedule ($40,000), and changed the salaries of Associate Administrators from level V of Executive Schedule ($36,000) to Level IV of Executive Schedule ($38,000). The conference substitute adopts the Senate amendment.

Authority to receive and use donated and transferred property.—The Senate amendment contained a provision not in the House bill which authorized LEAA to receive and use funds and property donated or transferred by other Federal agencies and public and private agencies and organizations. The conference substitute provides that LEAA may receive and use property such as experimental equipment and devices donated or transferred for testing purposes, but does not authorize the receipt of funds.

Legislative recommendations.—The Senate amendment contained a provision not in the House bill which required LEAA to submit to the President and the Congress not later than February 1, 1971, recommendations for legislation relating to Criminal Justice Data Collection. The conference substitute is identical to the Senate amendment except that the deadline for submitting such recommendations is set at May 1, 1971, and it makes clear that the recommendations should assist in the purposes of the Law Enforcement Assistance Program.

Authorization for and earmarking of appropriations.—The House bill authorized appropriations of up to $650 million for fiscal year 1971; $1 billion for fiscal year 1972, and $1.5 billion for fiscal year 1973. The House bill also provided that not less than 25 per centum of the amounts appropriated should be devoted to the purposes of corrections, including probation and parole.

The Senate amendment authorized appropriations up to $650 million for fiscal year 1971; $1.15 billion for fiscal year 1972, and $1.75 billion for fiscal year 1973. The Senate amendment further provided that of such funds, $100 million in fiscal year 1971; $150 million in 1972, and $250 million in fiscal 1973 should be used for the purposes of part E.

The conference substitute conforms to the Senate amendment except that beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter, it provides that there shall be allocated for the purposes of part E (grants for correctional institutions and facilities) an amount equal to not less than 20 percent of the amount allocated for the purposes of part C.

DEFINITIONS

Law enforcement.—Under the House bill, the term "law enforcement" was redefined to mean all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole authorities. Under the Senate amendment such term is defined also to include programs relating to the prevention, control or reduction of juvenile delinquency or narcotics addiction. The conference substitute adopts the Senate amendment.

Definition of unit of general local government.—Both the House bill and the Senate amendment defined "unit of general local government" to include any agency of the District of Columbia Government performing law enforcement functions in and for the District of Columbia. The Senate amendment further included within the definition, for the purpose of assistance eligibility, any agency of the United States Government performing such functions in the District. The conference substitute conforms to the Senate amendment and makes clear that such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction under the District of Columbia Court Reform and Criminal Procedure Act of 1970.

CRIMINAL PENALTIES

The Senate amendment contained three provisions not in the House bill which provided penalties for embezzlement or theft,

XUM

and penalties for fraud and misrepresentation, and made applicable the Federal conspiracy statute to any law enforcement program or project underwritten by any grant or contract or other form of assistance by the Law Enforcement Assistance Administration. The conference substitute adopts the Senate amendment.

ATTORNEY GENERAL'S ANNUAL REPORT

The Senate amendment contained a provision not in the House bill which required that the Attorney General submit to the President and to the Congress an annual report on Federal Law Enforcement and Criminal Justice Assistance Activities, including, but not limited to activities under the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotic Addiction Rehabilitation Act of 1968, and the Gun Control Act of 1968. The conference substitute conforms to the Senate amendment except that it provides that the annual report also include reference to the Criminal Justice Act of 1964, as amended, and Title XI of the Organized Crime Control Act of 1970 (relating to the Regulation of Explosives), and Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (Wiretapping and Electronic Surveillance).

PERSONNEL

Supergrade positions.—The House bill authorized LEAA to place a total of 15 positions in grades GS–16, 17 and 18; the Senate amendment authorized 25 such positions. The conference substitute authorizes LEAA to place 20 such positions.

Increase in salary of Deputy Attorney General.—The Senate amendment contained a provision not in the House bill which changed the salary of the Deputy Attorney General from Level III of the Executive Schedule ($40,000) to Level II of the Executive Schedule ($42,500). The conference report adopts the Senate amendment.

AMENDMENT TO THE GUN CONTROL ACT OF 1968

The Senate amendment contained a provision not in the House bill amending a section of the Gun Control Act of 1968 that imposes additional penalties for the use of a firearm to commit, or for carriage of a firearm unlawfully during the commission of, a Federal felony. The Senate amendment reduced the minimum sentence for a second or subsequent offense from five to two years, and also provided that a sentence could not run concurrently with any sentence imposed for the underlying Federal felony. The conference substitute adopts the Senate amendment.

AMENDMENTS TO THE CRIMINAL APPEALS ACT

The Senate amendment contained provisions not in the House bill which amended the Criminal Appeals Act, section 3731 of title 18, United States Code, in the following significant respects:

1. Technical distinctions in pleadings as limitations on appeals by the United States were eliminated and in their place the Government was authorized to appeal any decision or order terminating a prosecution except an acquittal.

2. The Government's right to appeal orders suppressing evidence was extended to all criminal proceedings including probation revocation hearings.

3. Government appeals were required to be taken to a court of appeals unless the decision was based at least in part on a determination of the invalidity of an Act of Congress which, upon a district court order or the Attorney General's certification, could be taken directly to the Supreme Court.

4. A provision was included declaring that the Criminal Appeals Act should be liberally construed.

The conference substitute conforms to the Senate amendment except that it provides that an appeal by the United States shall lie to a court of appeals from a decision, judgment or order of a district court dismissing an indictment or information as to any one or more counts, but that no appeal shall lie in any case in which the Double Jeopardy Clause of the United States Constitution prohibits further prosecution. Although the conference substitute does not provide for direct appeal to the Supreme Court, it is recognized that under section 1254 of title 28, United States Code, cases in the courts of appeal may be reviewed by the Supreme Court directly. The conference substitute further provides that the amendments made to the Criminal Appeals Act herein shall not apply with respect to any criminal case begun in any district court before the effective date of the amendments.

PROTECTION OF THE PRESIDENT

The Senate amendment contained a provision not in the House bill amending chapter 84 of title 18, United States Code, which penalizes presidential assassination, kidnapping and assault. The Senate amendment establishes new Federal penalties for unauthorized entry into any buliding or the grounds thereof where the President is or may be temporarily residing. It also penalizes intentional disruption of the conduct of Government business or official functions in any such building or on such grounds. The conference substitute adopts the Senate amendment with the substitution of the term "attempts" for the term "endeavors."

PROTECTION OF MEMBERS OF CONGRESS

The Senate amendment contained a provision not in the House bill—adding a new chapter 18 to title 18, United States Code—making it a Federal offense to assassinate, kidnap or assault a Member of Congress or a Member-of-Congress-elect or to endeavor or to conspire to commit such offenses.

The conference substitute adopts the Senate amendment with the substitution of the term "attempts" for the term "endeavors."

WIRETAP COMMISSION

The Senate amendment contained a provision not in the House bill which reenacted provisions establishing the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance which were repealed by the Organized Crime Control Act of 1970. The Senate amendment also amended the provisions relating to the commission by (1) conferring subpoena power on the commission, (2) extending for one year the period within which the commission is to make a final report, (3) making the establishment of the commission effective one year earlier (1973) than under existing law, and (4) defining the commission as an "agency" for purposes of granting immunity to witnesses under section 6001 of title 18, United States Code.

The conference substitute conforms to the Senate amendment.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
WILLIAM M. MCCULLOCH,
RICHARD H. POFF,
Managers on the Part of the House.

LOOKING BACK ON SPEAKER McCORMACK'S CAREER

(Mr. BURKE of Massachusetts, asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, may I at this time bring to the attention of the U.S. Congress a very well written article that appeared in the Boston Sunday Herald, Sunday December 19, 1970 about our beloved Speaker the Honorable JOHN W. MCCORMACK, under the by-line of Ellen Beswick:

JOHN MCCORMACK'S CAREER

(By Ellen Beswick)

John McCormack campaigned first from the back of a peddler's wagon and didn't have enough money to mail his campaign literature. Today he looks back on a career in which he supported and advised six presidents and rose to the second most powerful job in the land.

"I was always a student of government. In South Boston we took our politics seriously, even as children."

Nearly 79 and only days away from retirement after a half century in government, house speaker John W. McCormack still takes his politics, his country, his religion and his fellow man very seriously.

When he reminisced in his Washington office last month during the election recess, the Dorchester Democrat was planning strategy to get the maximum amount of legislation out of a lame duck Congress before the end of the year.

McCormack, the Democrat, though not seeking re-election for the first time in 42 years, was also busy campaigning for his party on the national level with a barrage of statements critical of the administration, while issuing advice and encouragement long distance to his colleagues running in Massachusetts.

The Speaker had just returned to his office in the Capitol from the television press gallery where he had made TV and radio tapes exhorting voters not to listen to Republican "mud-slinging" in the 1970 election, but to examine the record of the Democratic Congress before voting.

John William McCormack has traveled a long road from his first exhortation to the voters from the back of a peddler's wagon, which carried him to the Massachusetts Constitutional Convention in 1917, through Campaign '70, when he spoke through the national media from the second highest office in the land.

He moved through two terms in the Massachusetts House and four in the Senate to go on in 1928 to the U.S. Congress. Twelve years later he was elected to the leadership of the House where he served as Majority Leader, Minority Whip and Speaker for the last 30 years.

It has taken age, and illness to his beloved wife, Harriet, plus demands for change, for faster action from a new, young breed of politician to bring an end to McCormack's career.

Perhaps, in later years, it will be shown that his leaving was a sign of the end of an era in American political development—a robust and turbulent era of which he was a master.

That he was a giant of that era there can be no doubt. The gentleman from Massachusetts embodied a strength of character, and a drive and ambition which carried him out of "Southie," where he had supported his mother and brothers from the age of 13, to a national office where he supported and advised six presidents. To a state and a nation famed for its statesmen and contributions to the Democratic process, John McCormack added another legend, another chapter. Where did it start?

"The most important day in my life was the day I got my library card," McCormack reminisced, leaning back in the black leather chair in the Speaker's office.

"It meant I could read some good books; before that all I could afford were five cent and dime novels.

"My favorites were the Horatio Alger stories. I guess you could call me a nut if you want to on Horatio Alger. He was a poor boy who worked hard and made good.

"Those books should be a must for all children. Mothers should make their children read them. They appeal to the constructive side, they build character. They made an impression on me." The white-haired Speaker

XUM

emphasized his point, gesturing with a cold cigar.

Another powerful force in his life, McCormack revealed, has been his Roman Catholic faith.

"I love my religion and respect all others," said the man who, along with his long-time friend, the late Richard Cardinal Cushing, has been furthering ecumenical understanding for years, long before it was popular to do so.

"I don't always know I'm right. I hope I'm right, but if I didn't have faith, I wouldn't have the confidence to make a contribution.

"What good am I if I don't have faith?" McCormack asked, and revealed that he was worried about the younger generation.

"The weakening of faith can bring on the disintegration of the nation. The strength or weakness of a nation depends on the strength of its familiy life and the faith of its people," he said.

The strength of the American nation has been an overriding concern for the man who served in one world war and helped lead the nation through another and through two Asian conflicts.

In 1926, McCormack, who was later to offer the resolution in Congress declaring war on Japan after the attack on Pearl Harbor, campaigned for Congress declaring the need "to strengthen our military forces and increase the effectiveness of our air service. I am not blind to the menacing possibilities in international politics."

John McCormack lost that election, the first and only one he lost, but he was in a position in September of 1959 to deny Soviet Premier Khrushchev the opportunity to speak before a joint session of Congress.

"He was in this country to address the United Nations and President Eisenhower had received him in the White House. The suggestion came down from the administration—we won't go into from whom—that the premier be invited to address a joint session," McCormack remembered.

"I pointed out that it would be the height of hypocrisy to have a man address the body whose avowed purpose was to destroy that body and the American nation," McCormack's voice boomed out and then softened. "We discussed it and Speaker (Sam) Rayburn agreed."

What the speaker didn't relate is well known on Capitol Hill.

The then Majority Leader McCormack had threatened to resign his leadership post, let someone else offer the resolution for unanimous consent to extend the invitation, and then oppose it.

The matter was dropped.

Speaker McCormack says he sees many parallels between the threat of Nazism and Fascism in the 1930s and the threat of Communism today.

McCormack, who spent long hours at the White House during the '30s and '40s playing poker with and acting as a sounding board for Presidents Roosevelt and Truman, related that "Roosevelt was frightened by the rise of Fascism in Europe and he was even more scared by the blindness of American people to the danger.

"The isolation sentiment during that time was intense. It's bad enough today, but it was more intense then. The 'America Firsters' were leading it. They thought they were right, but they had too much confidence," McCormack recalls.

"In the '30s we couldn't get enough money out of the Congress to fortify Guam. The bill failed by several votes and they called us 'warmongers.' The real warmongers were the appeasers, McCormack said, criticizing Britain's Prime Minister Neville Chamberlain for making a fatal error in Europe.

"If Churchill had been prime minister, Britain would have gone to the aid of Austria in the early years and stopped Hitler's invasion into Western Europe," McCormack said.

"There would have been no war in Western Europe if Britain had fulfilled its treaty obligations to Austria. Hitler would have turned east toward Russia. Can you imagine what that would mean, where we would be today?" he asked.

The isolation and appeasement policies were popular in the U.S., however, right up to Pearl Harbor, the Speaker commented.

"The Selective Service Act was to run out, and it was three months before the Japanese attack, though of course we didn't know it then.

"If we didn't get it extended those draftees would be sent home and then where would we have been? There were few enough of them as it was.

"It was unpopular and I had to lead the fight. It was hard work. It's not easy to line up and keep track of a majority of 435 members. Finally Speaker Rayburn and I thought we had the votes, though it was going to be close and we couldn't be sure. But I had a couple of votes I could produce if things got really bad. And there was always Speaker Rayburn to break a tie. But it turned out we didn't need him, the extension passed 203–202," the Speaker said.

McCormack, who has supported eight presidents, Republican and Democrat, unfailingly in the area of national defense, including the secret funding of the Manhattan project which developed the A-bomb, and the development of the nation's space program, maintains a strong defense posture today.

In conversation he returns frequently to warnings against the Communist regime which he advises is still bent on world domination.

"When we had Pearl Harbor, our main line of defense, the Atlantic remained untouchable. Today, with missiles, that would be the first line of attack. We wouldn't have a second chance."

"They're talking now about our first priorities being on the domestic level. It seems to me that America is our No. 1 priority, being sure that it is preserved."

McCormack, however, the product of a poverty-stricken Irish immigrant area, also had some domestic priorities of his own throughout his career.

Young John McCormack had become a man early in life, taking over the responsibility of his mother and two younger brothers at 13 years of age when his father died. He organized his brothers and developed an extensive paper route in South Boston which brought in $11 a week to support his family. McCormack later turned the paper route over to his younger brothers and went to work as an errand boy in Boston's financial district.

"The turning point in my life came when I was offered a delivery job in a law office. It meant a chance to read law, and I later passed the bar, but at the time the only reason I took it was because they offered me $4 a week, 50 cents more than I had been making in my old job."

He went on to marry Harriet Joyce, a budding operatic star and childhood friend from South Boston, in 1920, a union which passed the half century mark this year. McCormack has often credited Mrs. McCormack with sustaining him and making possible his years of service.

And it was undoubtedly his background which led him to endorse the other side of the coin in that 1926 campaign speech in which he held out for a stronger military.

"I will continue to fight for legislation to protect and better the lot of women and children in industry, low salaried public employes, all who labor, the sick and afflicted and to defend family life against invasion," the young McCormack told the voters.

One of his first fights along this line was his drive to enact federal legislation in the 1930s to benefit the charwomen working in federal buildings. He had succeeded in earlier years in the Massachusetts General Court in enacting state laws benefitting the scrubwomen, and he then worked in the Congress to bring the charwomen under civil service regulations, including set salaries and paid vacations.

From that point on he worked for much of the progressive legislation to come before the Congress, including wage and hour laws, extensions in Social Security, health programs and job safety regulations, and expanded education programs.

But the key to the Speaker's success and the success of the system was his rough and tumble talent for politics.

"Politics were engrained in us in South Boston. It was a natural thing for me to do," the Speaker recalled.

"When I was 12 and 13 I used to go around to all the rallies to listen to the candidates. When I got a little older I would go around and campaign for my friends. We used to travel through South Boston speaking from the back of a peddler's wagon.

"When I first ran for office—and mind I didn't run until I thought I had a 50–50 chance of winning—I didn't have enough money to buy stamps to put on my circulars. I had friends deliver them and sometimes I'd find a batch in a trash can.

"Hell is full of good intentions, but it was hard, cold work delivering those circulars," he chuckled.

"Now I suppose it's costing about $100,000 to succeed me.

"This is a serious threat to our representative government. Either it becomes a wealthy man's field or an area where your candidates are subsidized by vested interests. I think it's vitally important to maintain a cross-section of American life in the Congress," McCormack continued, his voice booming through the Speaker's chambers.

It's not a voice that is heard extensively on the floor these days, where the Speaker must remain a silent advocate, but it has been reported that when Alben Barkley left the House for the vice presidency Speaker Rayburn complained that the only great debater he had left was Majority Leader McCormack.

The Speaker, who desipte the lack of stamps, was elected and re-elected to the U.S. House of Representatives 21 times, said he advocated making campaign contributions of $50 to $100 deductible on income tax.

"There ought to be an opportunity for citizens to make a reasonable contribution to their candidate and party," McCormack said. "We would have to make it a small amount though or it could be used as a means of tax evasion or for buying a favorable government.

"Then too, we can't afford to lose too much in tax dollars," the former member of the Ways and Means Committee said.

The "firey young Irishman from Boston," as he was known in those days, managed to get himself appointed to that prestigious committee not long after he reached the capital in 1928 and he mastered its intricacies to the point where four years after he came to Congress he got the Massachusetts clam added to a list of pork barrel exemptions from the federal sales tax.

It was a small beginning, and there are probably better illustrations, forgotten now, but it showed that John McCormack had the dedication and the talent and had mastered the craft that was to establish him in the leadership of his party and the Congress for 30 years, more than 20 as Majority Leader and Minority Whip, and eight and a half years in what is considered the second most powerful office in the land, the speakership of the House of Representatives.

XUM

"Friendship is the key," McCormack explained, "but it has to be a two-way street. You have to be willing to pay back the favors. It's detected here very quickly if you aren't.

"When I was first elected to the Massachusetts Senate, we were five Democrats out of 40 members. We could hold our party caucus in a phone booth.

"That was in 1923. Then in 1925, we had a 20 per cent increase, we elected six Democrats and they made me party leader.

"I had a very friendly relationship with the Republicans. I helped them and when I wanted a state cancer hospital the Republican leadership put it across for me. That's the Pondville Hospital in Massachusetts and it's still operating."

McCormack remembers that he labored long and hard to get the hospital started, even finding an unused veterans hospital left over from World War I which could be remodeled and used.

"We didn't need much to get it started: You see once we got it approved they would have to appropriate money every year and it could go on forever. That's the way it works."

But it was nearing the end of the year and the budget, McCormack related, and the Senate had passed two bills, his bill and one for funds for a monument for the boys who died at St. Mihiel.

"Governor (Alvan) Fuller sent both bills back to the Senate and told the Republican leadership that he only had the money for one. But he didn't want to veto either one—that would have been very unpopular. So he told them to bring up both bills again and defeat one. Fuller said he'd prefer to sign the one for St. Mihiel, but he'd sign whichever one we sent up.

"So we had a caucus of both parties—the Republicans didn't have to invite us, but as I said, we were friends. The Majority leader, Bill Weld, explained the situation, and he knew how much I wanted that hospital so he turned to me, and asked 'John, what have you got to say about it?'

"I told them—I think if we could get a message from the great beyond, from the boys who died at St. Mihiel, in the present situation they would say, 'Our suffering and pain are over, take care of the living sick. You can take care of us later.'

"And that's just what we did."

John McCormack carried his tactical talents to the U.S. Congress where earlier this year his fellow colleagues, nearly half of them newcomers to the Congress to whom the speaker had administered the oath of office, praised him as a true and loyal friend; a master legislator, an expert at compromise.

Over and over members praised the Massachusetts leader:

"I have never known John McCormack to vote against a measure just because it didn't benefit his district; he has supported us through the years on the farm bills", from a Midwestern congressman.

"He has helped me and my constituents by his magnanimous efforts to relieve problems, both large and small that were affecting the people of California," from a Western colleague.

"John McCormack has tended to knit together all portions of the nation. He has undertaken to join the North and the South to keep together the East and West," from a Southern congressman.

"When the major issues were at stake John McCormack never shuuned a battle and never lost one . . . The Speaker is today the preeminent legislator of the world," from House Minority Leader Gerald Ford of Michigan.

"I have a particularly clear memory of the Speaker's first words of advice for me, when I entered the Congress," Rep. Peter Kyros, D-Maine, said.

"Make friends, the Speaker told me."

And there were other elements.

"He was always fair. He never twisted your arm to vote for something if it was against your conscience. He'd argue with you, but he wouldn't pressure you," from a former Alabama congressman.

"He has always been an impartial Speaker. He has never held up legislation just because he was against it," from a current colleague.

"If John McCormack promises something, you know he will deliver," another added.

John McCormack also had a reputation as a strong speaker and a good debater on the issues, but he made a point of avoiding personalities and as a result he rarely made an enemy.

And he was noted for his devotion to his constituents. It has been said that John McCormack never turned away anyone from his office if he could help them. The people for whom McCormack has gotten jobs in the capital are reported to run into the thousands.

"I never took a penny from anyone I got a job for," McCormack advised. "I'd always tell them, you take that home and give it to your wife for something in the home.

"I never wanted anyone to have a noose around my neck. I didn't want to be paid. But don't you print that, young lady, it's not modest for me to be saying it."

My apologies, Mr. Speaker. You can't censor a legend.

Toward the end of one of the afternoons spent going over past events the conversation was interrupted by a call from an aide in the outside office, obviously informing the Speaker that someone wanted to see him.

"Yes, yes. Tell him to wait. I'll see him. I'll see anybody. This is a democracy, thank God."

A CRY FOR A SINE DIE ADJOURNMENT

(Mr. **HALL** asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. **HALL**. Mr. Speaker, I for one, am becoming weary of paddling the ship of state, while the other body of Congress chooses to play the role of coxswain.

Although, in my judgment, the House has not always acted in a responsible way during this session, we have, at least, gone about our work and disposed of the peoples' business as we were so constituted to do. However, it does take two to tango, and the other body of Congress not only refuses to dance, but wants to be the orchestra. I think they have "fiddled" long enough.

They have spent weeks judging judges while important anticrime legislation awaited enactment.

They have spent weeks after the fact and when the question was moot, attempting to tie the President's hands in Southeast Asia, while the government of Hanoi smiled encouragement.

They have spent weeks dilly-dallying with the ABM and our Nation's defenses, while the Russians have continued to build up theirs.

All the while they have polluted the air with so much rhetoric, that one is led to believe that they have fallen in love with the sound of their own voices.

In fact, never have so few, said so much, and seemingly accomplished so little.

I think it is high time that the House of Representatives dropped the anchor on this kind of carrying on and closed up shop.

If our colleagues on the other side of the rotunda desire to continue their charades, let them. But let us not sit tacitly by and acquiesce. Let us complete the essential business before us and adjourn, sine die.

The Nation will be the better for our action.

FAIR CAMPAIGN PRACTICES

The **SPEAKER** pro tempore (Mr. BOGGS). Under previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND REMARKS

Mr. **MURPHY** of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to include their remarks pertinent to the special order we are entering into at this time.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. **MURPHY** of New York. Mr. Speaker, "There are basic principles of decency, honesty, and fair play which every candidate for public office in the United States has a moral obligation to observe and uphold, in order that after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues before the country."

The foregoing is the preamble to the Code of Fair Campaign Practices, a code developed to raise the ethical level of political campaigning in order to better serve the American people during an election. Candidates for public office are invited to sign the code voluntarily, and to abide by its precepts.

The Code was developed during the course of Senate consideration of campaign practices in the early 1950's.

The general election of 1950 was considered by many observers to be one of the "dirtiest" in our history, and reaction in the Congress followed. A Senate subcommittee studied proposals to raise ethical standards in the Federal Government, and the Senate Subcommittee on Elections addressed itself to the specific problem of developing standards for political campaigns.

Both subcommittees recommended the establishment of some sort of citizens elections commission, but recognized that legislating specific rules for campaigns would be close to impossible. In the report of the hearings, Senator Gillette said:

> To be realistic, one must recognize that "fair comment" is so broad under our American freedom of speech and freedom of the press that it encompasses many abuses. Surely the fine line separating fair comment and libelous defamation in campaign material is not easily drawn.

The subcommittee thus declined to report specific legislation to promote fair campaign practices, but interest in the

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Code which had emerged during the hearings grew.

The campaign of 1952 underscored the need for some mechanism to raise campaign standards, and in 1954 a distinguished group of citizens formed the Fair Campaign Practices Committee. The committee is a private, nonprofit, nonpartisan organization and is the only national organization of its kind.

The committee adopted a code of fair campaign practices based on the recommendations of Senator Gillette's subcommittee, gained the support of both national committees, and asked every candidate for Congress to join in signing the code.

It has done so in every general election since then.

The code of fair campaign practices states in part:

> I shall conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent . . . which merit criticism . . .
>
> I shall condemn the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his personal or family life . . .
>
> I shall condemn the use of campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate
>
> I shall condemn any appeal to prejudices based on race, creed, or national origin . . .
>
> I shall condemn any dishonest or unethical practice which tends to corrupt or undermine our American System of free elections . . .
>
> I shall immediately and publicly repudiate support deriving from any individual or group which resorts to the methods and tactics which I condemn.

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During the recently concluded campaign of 1970, I had occasion to put the Fair Campaign Practices Committee and its code to the test and in many respects they proved a success. In others, they failed to realize their full potential as a force for raising ethical standards and fostering fair campaign practices.

On September 25, a political advertisement, paid for by the Republican-Conservative Coalition for Buckley and Smith, appeared in a Brooklyn weekly newspaper. Prominently displayed were the names of David Smith—my opponent—and James Buckley—candidate for Senate. The advertisement consisted of five boldface paragraphs, all of which contained innuendo, distortion, or outright falsehood. The ad misrepresented my voting and attendance records, and distorted my position on the forced busing of schoolchildren. It contains personal vilification and defamatory language.

On the same day, similarly false information about my voting and attendance records appeared in a Staten Island daily newspaper within the text of what was meant to appear as a column written by my opponent, David Smith. Ironically, the figures used to misrepresent my record were different from those appearing in the ad in the Brooklyn newspaper.

I immediately wrote to Mr. Smith stating that the advertising in both papers was offensive to me, that it contained falsehood, inaccuracy, and innuendo, and that it violated standards of fair play and good taste. I suggested that such advertising was a disservice to him and to the community, and I urged him to repudiate the ads. I asked him to join me in abiding by the Code of Fair Campaign Practices, which I had signed during the summer. Copies of this letter were sent to the Fair Campaign Practices Committee—FCPC—Candidate Buckley, and to the Republican-Conservative Coalition for Buckley and Smith.

I stated, in part:

> The many important issues facing our District demand that we wage an active, issue-oriented campaign in order that the voters of our district can clearly choose between our records and our programs. There is simply no place for advertising which uses falsehood, distortion, inaccuracy or innuendo in the campaign of 1970.

I received no reply from Mr. Smith, but did learn through a reporter that Smith had signed the Code of Fair Campaign Practices during the summer, as I had done.

With this in mind on October 2 I wrote to Charles Taft, Chairman of the FCPC, to file charges against Mr. Smith for violating the Code. I asked the FCPC to investigate the charges and publicize the facts in the case.

I charged my opponent with being in violation of section 4 of the Code, which condemns the use of campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate. I submitted copies of the offending advertising, and submitted official copies of my voting and attendance records in order to refute the Smith allegations.

I also accused Smith of being in violation of section 3, which prohibits personal vilification and character defamation.

I pointed out that section 7 of the Code affords candidates an opportunity to repudiate false advertising and to disavow the support of groups responsible for the offending material. I urged that Smith be advised to take such action in accordance with the Code.

At this point I still had not received any reply from Smith, and the original advertising was now appearing throughout the district in the form of a handbill or flyer, also paid for by the Republican-Conservative Coalition for Buckley and Smith.

I announced to the press that I had placed charges against Smith, and received appropriate coverage in both the Brooklyn weekly newspapers and in the Staten Island daily, the Advance.

Although I had not heard from Smith, on October 5 he issued a signed statement to the press restating his original accusations, and ironically, using still another set of false figures to substantiate his false charges about my record. He also accused me of being in violation of the Code, but failed to be specific.

It was apparent to me that Smith had no intention of repudiating his early allegations in accordance with section 7 of the Code. Rather, he would continue on the offensive, making false charges and misrepresenting my record.

On October 6 I received a letter from the FCPC acknowledging receipt of my complaint against Smith for unfair campaign tactics. It stated that the FCPC had requested a response from Smith, and indicated that publication of facts would follow.

On October 8 I wrote to the Chairman of the FCPC in accordance with rule No. 3 of the FCPC Arbitration Rules to request that the American Arbitration Association arbitrate the charges I had filed against my opponent's campaign practices. I urged that the arbitration be processed quickly in order to provide the voters with a reasonable time in which to learn the results and to evaluate them. A copy of the request for arbitration was sent to David Smith, in accordance with rule No. 3, and I announced to the press that I had requested formal arbitration.

On October 9 I received an acknowledgment from the FCPC of my request for arbitration and a statement that I would be kept informed of developments.

I heard nothing more from the Committee for almost 2 weeks, although I or a member of my staff called frequently for status reports. During this period we received no information relative to the progress of any FCPC investigation of my charges or any information relative to my request for arbitration. We were told that the FCPC "was investigating."

Rule No. 4 of the FCPC Arbitration Rules requires that the candidate against whom the request for arbitration is made shall, within three days of receipt of the request for arbitration, file an answering statement with the FCPC and simultaneously send his answer to the other candidate. If an answer is not filed and arbitration agreed to under the rules within three days of receipt of the request for arbitration by the FCPC, the defaulting candidate shall be deemed to have refused to arbitrate the issue and the FCPC shall so notify the candidates.

My opponent did not answer within the required time frame. When he did respond, 6 days after my request for arbitration was received at the Committee, he failed to provide me with a copy of his answer as required by rule 4. The FCPC did not provide me with a copy, and I was kept in the dark regarding any and all FCPC actions.

Finally, on October 21, I learned by telephone that the FCPC had approved my case for submission to the American Arbitration Association—AAA. I might add that I initiated this telephone call to the FCPC.

On October 23, 2 full weeks after my request for arbitration, I received a letter from the AAA advising me that the AAA would administer an arbitration submitted to them by the FCPC. Pursuant to rule No. 7, I was asked to select acceptable arbitrators from a list provided, and I was asked to respond by 1 p.m., October 23.

I responded immediately by telephone, and followed up with a telegram. I also asked that the FCPC or the AAA provide me with a copy of my opponent's answer to my request for arbitration as required by rule 4. He did not previously do so, as required. We were given a list of six arbitrators from which we were to select three no later than 1 p.m. on October 23. I selected five of the six as acceptable to me and complied. My opponent did not comply and was given until October 26 to make his choices, at which time he complied but still failed to provide me with a copy of his answer to the charges.

On October 28 I received a letter—dated October 23—from the AAA enclosing a copy of Smith's answer to my request for arbitration. His answer refuted my charges against him, but offered to repudiate his early allegations if, indeed, he was responsible for the advertising in which they appeared. He agreed to arbitration, but requested that countercharges against me also be heard. He charged me with calling him a "racist, liar, and bigot" in a public forum on October 3.

Although I was now receiving his answer for the first time, and was learning for the first time that he had filed charges against me, I promptly agreed to an immediate arbitration of any and all charges. Under the Code and the Arbitration Rules I should have received his answer, and his countercharges when they were filed with the FCPC on October 16 and 18.

Late on October 28 I received a telegram advising me that arbitration would be held at 3 p.m. on October 29 in the Manhattan headquarters of the American Arbitration Association. I notified the AAA that this was acceptable.

I personally appeared at the arbitration and my opponent did not. I was represented by counsel. My opponent was represented by two public relations men in his employ, who testified that they were fully familiar with the matter under inquiry, were aware that they were required to produce all pertinent evidence, and were granted full authority by the candidate to stand in his place and speak for him. When asked where the candidate was, they replied, "He is out campaigning."

The three-man arbitration panel heard testimony, received documentary evidence, and listened to arguments for almost 4 hours. At the conclusion of the hearings the arbitrators asked if I would accept a public repudiation and apology from my opponent, and the matter would be closed. I pointed out that this would not satisfy the purposes of the Fair Campaign Practices Committee and that, if this were done, all of the objectives sought by the Code would be frustrated.

I argued that I was entitled to just such a public repudiation and apology from Smith the moment he became aware that false and misleading advertising was being published by him and in his name, as spelled out in section 7 of the Code. Instead, I had heard nothing during the weeks in which he had had an opportunity to make a forthright public disavowal of the unfair campaign practices attributable to him.

I insisted on an award and a full public disclosure of findings on the charges and countercharges.

At 10 a.m. on Friday, October 30, the AAA announced its findings.

The AAA found:

> With respect to the charges filed by Murphy, we find that, contrary to the provisions of the Code of Fair Campaign Practices,
>
> 1. The advertisement and article with respect to Murphy's attendance record in Congress in the year 1969 and the advertisement with respect to his voting record in Congress in that year, misrepresented and distorted the facts.
> 2. The advertisement with respect to Murphy's alleged support of compulsory busing misrepresented and distorted the facts.
> 3. The advertisement's reference to Murphy as an "absentee, playboy Congressman," constituted personal vilification of Murphy.
> 4. At no time prior to the hearing before this Tribunal had Smith publicly repudiated the advertisement and article.
>
> With respect to the charges filed by Smith we find the credible evidence does not support the charges make.

I had won my case, more than a month after the offending advertising had first appeared, and 3 weeks after I filed formal charges and requested arbitration.

It was now too late to have the findings published in the Brooklyn weeklies in which the original advertising appeared, as they would not publish again until the Friday after election.

> ### Honesty in Campaigning
>
> A newspaper has a moral, if not a legal, responsibility to curb dishonesty in the political advertising it carries, but that is easier said than done in the heat of a campaign, where there is not always the time or the facilities available for the newspaper to verify the accuracy of charges made against an opponent in a political advertisement. In theory, at least, it has been traditional for the person making the charges to assume the responsibility for the validity of the charges.
>
> Too often, unfounded, exaggerated, distorted, and downright untrue and dishonest charges are made by all political parties, not only in newspaper advertisements but in other forms of campaign literature and other forms of politicking. And all too often nothing is done about it other than a not always successful attempt to set the record straight.
>
> Congressman John M. Murphy chose to do something more than that about a political advertisement which appeared in this newspaper during the just-ended campaign which attacked his attendance record in the Congress, calling him an "absentee, playboy Congressman" who had compiled the "sixth worst" attendance record in the House of Representatives in 1969.
>
> Mr. Murphy denounced the charges as being false, and The Spectator promptly published an editorial to counteract the false advertisement. Mr. Murphy submitted the advertisement to the Fair Campaign Practices Committee, and last Thursday the American Arbitration Association ruled that the advertisement paid for by a committee on behalf of Mr. Murphy's Republican-Conservative opponent, David D. Smith, violated the Fair Campaign Practices Code.
>
> The arbitration board held that the charges made against Mr. Murphy were distortions and misrepresented his record. It found that the attack on Mr. Murphy's voting and attendance records was based on only a fraction of the year 1969, and that his position on school busing was also misrepresented.
>
> We do not believe that the advertisement in question was placed with the knowledge or approval of Mr. Smith. Still, he had ample time to disclaim it before the issue went to arbitration, and he obviously chose not to do so, thereby accepting full responsibility for the distortion and untruths it contained. Furthermore, in last Friday's edition of the Staten Island Advance, which featured on Page One the action of the American Arbitration Association in censuring Mr. Smith, there appeared a two-page advertisement which repeated the false charges against Mr. Murphy, paid for by the Smith forces.
>
> We do not know what effect all this had on the election Tuesday, but we believe that it boomeranged against the Smith candidacy. It was an unfortunate incident on the face of it, compounded by a reluctance on the part of Mr. Smith to repudiate its falsity, but beyond that it tended to obscure the real issues of the campaign.
>
> We congratulate Mr. Murphy on a well-deserved victory in the election, and hope that a lesson has been offered for future political campaigns. In that connection, Mr. Murphy should also be congratulated for bringing a political offender to book, for standing up to principle, and for casting a decisive vote for honesty in political campaigning.

It was, however, possible to have the findings covered in the Staten Island daily, the Advance.

When I learned the results, I had my staff contact the FCPC to determine what steps would be taken to publicize the findings. I requested a joint press conference with FCPC officials to announce the findings. Virtually every piece of FCPC literature and every letter I had received from the committee attested to the ultimate weapon of the committee, the power to publicize the facts concerning campaign practices, and I now fully expected the FCPC to assist in the publication of this clear-cut decision. It would certainly help me, and it would certainly enhance the potential power of the committee.

However, the committee refused to take any part in publication of the findings of the American Arbitration Association, insisting that I generate any and all publicity myself.

I issued an appropriate release, and the story was covered in the Advance. I printed a handbill or flyer for distribution in Brooklyn, and the New York Times and the Daily news ran small stories. Some local radio stations gave some coverage.

These were the final, hectic days of a closely contested election, and I determined to do the best I could under the circumstances, with or without an assist from the committee.

After the first stories appeared, Smith issued a statement accusing me of sneaking a newspaper reporter into the arbitration hearings, and of using the arbitration for publicity purposes. He warned that "we are taking legal action to correct these underhanded tactics."

Unbelievably, on the very day—October 30—that the story of the findings was published in the Advance, Mr. Smith ran a two-page ad reiterating the false charges concerning my voting and attendance records in Congress. The ad was repeated on Saturday, Sunday, and Monday.

My opponent's disregard for the committee and its powers is not surprising at this point. He had failed to respond to charges under the rules, and had been permitted to successfully stall hearings until the closing days of the campaign.

He had abused the processes of the committee with impunity, and now, after losing a clear-cut decision in arbitration, realized that the public would have only my word for it.

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My announcement of the results amounted to little more than political rhetoric at the close of a campaign—one politician calling another a liar. My victory, after painstaking adherence to the Code and the Rules of Arbitration, was being lost in the shuffle of last-minute heated political dialog.

I announced that the AAA had found Smith guilty on four counts, he countered that I had sneaked a reporter into the proceedings. He continued to run the offensive advertising.

The Fair Campaign Practices Committee was utterly silent.

Late on October 30, I sent a telegram to the FCPC indicating that my opponent was continuing to use the false advertising for which he had been found guilty of violating the Code. I requested an immediate investigation and arbitration.

Early Saturday morning, I received a one-word telegram from the Fair Campaign Practices Committee. It said, "No."

In these final, heated moments the Fair Campaign Practices Committee failed to rise to its responsibilities even though its promotional material heralds the fact that it is prepared to handle last-minute charges.

A brief but forthright announcement of the findings by the FCPC would have set the record straight in the case at hand, and enhanced the power of the committee to promote fair campaign practices in future elections.

I had abided by the rules, had won my case, and was now entitled to an impartial announcement of the results. This failure by the FCPC is regrettable. An important opportunity to extend its influence and to expand on the important accomplishments of the past 15 years was missed.

XUM

The national campaign of 1970 was, in many ways, as vituperative and emotional as the campaigns of the early 1950's which gave rise to the Fair Campaign Practices Committee. There existed, then and now, a national climate of name calling and personal vilification which did little to advance the cause of democracy. In 1970, opposition to the President and his policies was often made to seem radical and even traitorous. On the other hand, the President and his policies were subjected to tremendous personal ridicule, invective, and destructive disrespect.

In my district, I had to fight an uphill battle against a Republican gerrymander and an opponent with both Republican and Conservative Party backing. While the campaign never degenerated to the level of personal name-calling and invective which characterized some other campaigns, it did begin on a regrettably low note with an effort by my opponent to misrepresent my record and to characterize me in an unfavorable personal light

It is time for the Congress to once again address itself to the problem of promoting and insuring fair campaign practices. For 15 years, the Fair Campaign Practices Committee has filled the void and made vital and important contributions. It has succeeded in elevating ethical standards in many respects, and in many ways has been a lone crusader.

In my campaign, the presence of the FCPC undoubtedly stalled my opponent's questionable advertising as soon as my charges were placed. It was not until after the findings were announced, and my opponent realized the inherent powerlessness of the FCPC to restrain him from further violations, that the false advertising was resumed.

In the 92d Congress I will introduce a resolution to establish a Select Committee on Campaign Practices. The Committee will be tasked with developing criteria for political campaigning, developing enforcement machinery, and recommending appropriate legislation to the Congress. The Committee will be required to carefully study the FCPC and its accomplishments of the last 15 years, and to draw heavily on the many valuable lessons learned

It may be that such a Committee will find itself as stymied as the Senate subcommittees of the early 1950's, which found it impossible to legislate political morality. If this is so, perhaps the best we can hope for is spotlighting the issue, and strengthening the private Fair Campaign Practices Committee. If it is recommended that just such a private organization is the best method of fostering fair campaign practices, perhaps the Select Committee can recommend a method whereby the FCPC can be provided a measure of financial security to insure the availability of resources and staff during campaigns to process complaints and to publicize the facts in each case.

It may be that financial and staff limitations prevented the FCPC from meeting its responsibilities in the handling of my case. Certainly this should be prevented in the future.

The FCPC should have issued a series of brief, factual releases reporting the progress of my case. For example:

> The Fair Campaign Practices Committee today received charges, under the Code of Fair Campaign Practices, filed by Congressman JOHN M. MURPHY against his opponent, David Smith. The Congressman charges Smith with violating the Code in four instances in that he . . . etc.
>
> Under the Code, which both candidates have voluntarily signed, Candidate Smith has been asked by the FCPC to respond to the charges.

When the FCPC received Smith's answer:

> David Smith today branded Congressman Murphy's charges against him as unfounded and unfair, and filed countercharges against Murphy under the Code of Fair Campaign Practices . . . Smith charges that Murphy . . . etc.
>
> The FCPC is a non-profit, private organization devoted to raising the ethical level of political campaigning in elections. The Committee acts as a mediator between candidates . . . etc.

Later, when Murphy demanded arbitration:

> The FCPC today announced that Congressman John M. Murphy is seeking arbitration of his charges against Republican-Conservative candidate David Smith on charges of misrepresenting the Congressman's eight-year voting and attendance record.

Then:

> David Smith has agreed to arbitrate charges filed by Congressman Murphy under the Code of Fair Campaign Practices, etc. . . .

And finally:

> The American Arbitration Association, acting in behalf of the Fair Campaign Practices Committee, today found the political advertising of David Smith to be in violation of the Code of Fair Campaign Practices in four instances . . . It further found that charges by Smith against Murphy were not supported by the credible evidence . . . etc.

Such a series of releases would have removed the trading of charges from routine political exchanges, and enhanced the stature to the Committee and given substance to the eventual findings. It would have served notice on other candidates that the FCPC was prepared to to go to the press in reporting the facts involved in each and every case brought before it.

This failure by the FCPC represents its most conspicuous shortcoming in the handling of my case, and was particularly surprising and disappointing because so much FCPC literature and public relations has been focused on the Committee's ultimate weapon, its ability to publicize unfair campaign practices.

Its second failure grew out of its refusal to entertain new charges brought by me when Smith continued to run the unfair advertising. The Committee claimed that the case was out of its hands because it had been referred to the Arbitration Association. I do not accept this. It was very much within the power of the FCPC to admonish Smith to cease running the offending advertising after the ruling against him. Had the FCPC done so, and publicized the fact, the advertising would surely have stopped.

As it was, during the closing days, there was only my word for the fact that the continuing advertising was unfair and in violation of the Code. The Committee was silent.

The willingness of the Staten Island Advance to continue running questionable advertising after the AAA decision raises questions for our consideration. I believe the newspaper should have taken cognizance of the fact that Smith's advertising had been ruled in violation of the Code. However, the Newspaper took the position that it could not research the charges made in political advertising, and therefore, accepted ads on the good faith of the candidates.

Certainly, we cannot expect newspapers to research the nuts and bolts of political advertising. However, newspapers can agree to take cognizance of the FCPC and its rulings. In my case, I had assurances that the newspaper would have refused Smith's final advertising had it received an official ruling from the FCPC in regard to the findings under the Code, and expressing the opinion that the continuing advertising was a violation. All the newspaper had to judge was my word against Smith's—one politician against another. The editors chose not to take a position, and agreed to run each candidate's ads on good faith.

At this point, Mr. Speaker, I insert a

1966 editorial which that same paper ran in my behalf after the unfair, untrue, libelous, and slanderous advertising had been run against me. But I did not take the case before the Fair Campaign Practices Committee at that time because I felt as many Members of the Senate and the House had said to me that would be a waste of time.

The editorial referred to is as follows:

CANDIDATE STRIKES FOUL

Beyond a doubt, Frank Biondolillo, Republican-Conservative candidate for Congress, has struck a low blow.

It's the kind of political fighting Staten Island can do without.

The objectionable blows were carried in a political advertisement in this paper yesterday, an advertisement paid for by "The Committee for the Election of Frank Biondolillo."

We allow wide latitude in our political ads. As the newspaper on Staten Island, we feel candidates should be allowed to speak out in keeping with the traditions of our nation's free and open society.

We do reserve the right to criticize—and the Biondolillo ad certainly deserves harsh criticism.

What did it say? Well, it was one of those let's-look-at-the-record ads. The target was Congressman John M. Murphy, Democratic-Liberal candidate for reelection.

Among other things, it said Mr. Murphy "voted your dollars to support Russia and Communist - controlled governments" . . . "Voted aid to countries that support our enemy North Viet Nam" . . . "Supports LBJ's no-win policy in North Viet Nam" . . . "Supports a cynical administration that double crosses our boys by dealing with our enemies under the table." . . .

Is it being suggested that President Johnson and Congressman Murphy have been giving aid and comfort to the enemy—and are guilty of treason?

This is an outright lie, sheer rot.

President Johnson, Mr. Murphy and so many other national leaders have gone all-out to win the war in Viet Nam. They have drawn fire from many peace groups for being too "hawkish."

They have not dealt "under the table." They have not double crossed any of our fighting men. Efforts to negotiate a peace—certainly the proper approach for sane men—have been forthright and discussed publicly.

The Biondolillo charges are a distortion, a fabrication and a smear.

Staten Islanders know full well nobody can question Mr. Murphy's unswerving loyalty. He was a hero in the Korean conflict and during his entire life has put his nation first.

He can't—and won't—be besmirched by a political advertisement.

We feel the voters will be affronted by this cheap and tawdry effort by the Biondolillo camp.

The Biondolillo forces, led by the candidate himself, should issue a full and complete apology.

Perhaps the Committee ought to develop machinery to request that newspapers join in signing the code and/or a pledge to be cognizant of rulings in cases brought to arbitration.

Let us learn the lessons of 1970, and of years past. In 1776, John Adams told us, "Where honest elections end, there slavery begins."

This principle has guided the Fair Campaign Practices Committee since its birth. Let us now proceed even further.

Mr. Speaker, I include the following correspondence:

DECEMBER 14, 1970.

Hon. JOHN M. MURPHY,
Longworth House Office Building,
Washington, D.C.

DEAR MR. MURPHY: I just received a copy of your letter of December 3rd addressed to your colleagues in the House of Representatives. In that letter you say "it did not take steps on its own to publicize the charges or the findings."

A number of years back when Mr. Nixon was Vice President and Mr. Johnson was the Democratic leader of the Senate, the Internal Revenue Service withdrew our exemption from taxes on the ground that when a condidate who had signed the Code of Fair Campaign Practices made a complaint and sent the full copy of the complaint to the newspapers and other media with a request that they give it full publicity, we were thereby issuing "a statement on behalf of a political candidate." We believe this claim to be nonsense and we said so firmly. We also enlisted the assistance of Mr. Nixon and Mr. Johnson, but we had to go from March until October before the Internal Revenue Service was willing to reinstate our exemption. Even when they took this action, they still maintained the position that we were not permitted to put out a statement which could be interpreted in any way as on behalf of a political candidate, and they meant specifically what you are now complaining that we did not do in the case of your arbitration. In my opinion, as a lawyer who has been involved in this kind of thing for a good many years, we could not publicize the award any more than we could publicize the complaint in the first place, without jeopardizing our tax exemption as a non-profit corporation either educational or charitable in the broad sense.

We rely on the candidates to publicize both their complaints and their answers and their victory in an arbitration award. The award carries on its face the circumstances and the fact that it was arrived at under the arbitration process of the Fair Campaign Practices Committee, and I do not quite understand why a politician as competent as you are could not get just as much publicity as we could.

I might add that we have educated the press and the media to give full publicity to all of these charges, replies or awards, and they have done a very good job at it. I hope that you will insert this letter in any record that your meeting may keep, and that you will place it in the Congressional Record in connection with your own address.

Sincerely yours,
CHARLES P. TAFT,
Chairman, Fair Campaign Practices Committee.

WASHINGTON, *D.C.*,
December 17, 1970.

Mr. CHARLES P. TAFT,
Chairman, Fair Campaign Practices Committee, First National Bank Building, Cincinnati, Ohio.

DEAR MR. TAFT: Thank you for your thoughtful letter concerning the history of the Fair Campaign Practices Committee's efforts to publicize its activities. I can certainly appreciate the difficulties involved; however, I believe the Committee failed to meet its responsibilities in the handling of my case.

Your letter states, "We rely on the candidates to publicize both their complaints and their answers and their victory in an arbitration award." This may be your actual practice, but virtually every piece of literature promoting the FCPC attests to its readiness and ability to publicize the facts in cases brought before it. Much of the correspondence I received from the Committee in the course of the 1970 campaign similarly touted the ability of the FCPC to publicize unfair campaign practices, and to "publish the facts." Thus, you can fully understand my surprise and disappointment when the Committee flatly refused to generate any publicity, or to participate in any publicity effort at any time in the handling of my case, including the critical period following the announcement of findings by the American Arbitration Association.

You correctly point out that I am capable of communicating with the public and the press, and I did so in connection with this case. However, my releases relating to the case before the FCPC were those of a political candidate; releases by the FCPC would have been the brief, impartial statements of fact of an august body of public-spirited citizens dedicated to promoting fair campaign practices. I believe the FCPC could have issued such brief, factual releases without jeopardizing its tax-exempt status. It claims to have done so in countless past elections.

The Committee could have lifted this case out of the routine swapping of charges between candidates in a close election, and raised the overall level of the campaign and of the public view of the Fair Campaign Practices Committee.

Enclosed for your information is my statement during a Special Order in the House of Representatives concerning fair campaign practices. After reading the history of my case I am sure you will agree that the Committee missed an opportunity to greatly enhance its stature and future effectiveness, and failed the voters of my district in the closing days of a hard-fought election.

Kind regards.

Sincerely yours,
JOHN M. MURPHY,
Member of Congress.

Mr. EILBERG. Mr. Speaker, I rise today to speak on a problem which has plagued our political arena since its very inception. The problem takes many forms and assumes many aspects. Sometimes it is the "big lie," an untruth so at variance with the facts that, if repeated enough, the people assume that it must be true or else it would not have been uttered. Sometimes it is more subtle. It is the misrepresentation of a vote cast, a doctored quote, or a quote out of context. Sometimes it is the juxtaposition of unrelated facts and circumstances to give a false and misleading picture that is ofttimes almost impossible to refute without a long and sometimes tiresome explanation. The problem of which I speak is the unfair campaign practice, a relatively harmless sounding name for methods of campaigning which strike at the vitals of our democratic form of government and weaken the effectiveness of our representative form of government by setting lies against truth and innuendo against openness; methods which deflect candidate and voter alike from the important and urgent issues of the day.

Today in this country, outside of a few States which provide for punishment of only the most flagrant unfair campaign practices, the only recourse that a candidate has when he has been unfairly attacked is appeal to the Fair Campaign Practices Committee, a nongovernmental organization with a limited budget and staff which attempts to police political campaigns without having any recourse to any sanctions that might be effective. Unfortunately, the good intentions of the Fair Campaign Practices Committee do not begin to make up for its deficiencies.

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In a political campaign, where events move even more swiftly than the attention of the voters, the Fair Campaign Practices Committee moves with an agonizing slowness, caught up in a round robin of charge and countercharge. In fairness to the committee, however, we must recognize that it is trying to deal with a problem of national scope from a very limited base and to fill a void that we here in Congress have, to date, neglected.

In the area of unfair campaign practices, given the past performance of the committee and the dearth of prosecutions brought under the few state statutes that attempt to regulate such practices, it has become obvious that the need for Federal legislation is pressing. It will not do for those who will oppose such legislation to attempt to alleviate the pressure for reform by referring us back to the Fair Campaign Practices Committee as the solution to our problems in this area. Too many of us have tried that procedure and found it wanting and we must not let the existence of the committee serve as an excuse for our further inaction.

What shape these reforms should take and what solutions will cure our present ills in this matter I do not know and I do not propose at this point to offer any legislation that will, without further ado, solve the problem of unfair campaign practices. In the 82d Congress a subcommittee of the Senate Committee on Labor and Public Welfare published a report on ethical standards in government which contained two suggestions that might be of interest to us as we look into unfair campaign practices. The first suggestion of the subcommittee which I would like to bring to the attention of the House is the possibility of the creation of a court of ethics. The subcommittee would have limited the function of the court to the improper practices of Government officials. It would not appear to be too difficult to extend the function of such a court to unfair campaign practices and candidates. More to the specific point at hand is another suggestion of the subcommittee. In their section on proposals regarding politics the subcommittee suggests that perhaps "a campaign tribunal be established to report fully and currently on the campaign receipts and expenditures of candidates, committees, and parties, and also to act as a referee during campaigns by pointing out "low blows."

These two suggestions are by no means the last word on the subject of Federal legislation in the area of unfair campaign practices. It is clear though from our past experiences that whatever legislation we choose to adopt to correct the present situation there are two factors that must remain paramount. These are that such legislation must provide both a timely and an effective remedy for a candidate who has been the object of such practices. To provide both of these will no doubt be difficult, but to do otherwise will be only to attend to the problems without solving it. A candidate must be able to participate in the electoral process with some assurance that if he is unfairly attacked or subjected to unfair tactics by his opponent he will be able to receive immediate and effective relief. If we legislate and do not provide this assurance we will have labored mightily and brought forth a mouse, and an ineffectual one at that.

Mr. HOGAN. Mr. Speaker, I would like to thank the distinguished gentleman from New York (Mr. MURPHY) for affording me the opportunity to tell my colleagues of my experiences with the Fair Campaign Practices Committee.

Let me first make it clear that my remarks are meant to be constructive. I have the highest regard for the efforts of the committee and its executive director, Mr. Samuel J. Archibald. I do believe, however, that some improvement could be made in the committee's rules and policies and it is with this in mind that I cite my own experiences.

Some background is required. The State of Maryland holds its primary on September 15. In this year's election, I was unopposed in my party's primary. One of my opponents, himself an elected incumbent State official, stated publicly that he would ignore his own primary opponents and address himself directly to me. He proceeded to do so in a most vile manner, making accusations which he invented, removing my statements from context and turning them around, distorting my votes and misrepresenting my actions.

He circulated a memorandum in New York City, most of it including his lies and distortions in order to induce some groups to offer him assistance.

My campaign committee filed a complaint with the Fair Campaign Practices Committee in which I documented my opponent's unfair actions.

The committee responded by saying that they did not become involved in primary contests.

I cannot understand the rationale for excluding primary elections. As I said earlier, I had no primary opponent and the candidate against whom I filed the complaint ignored his primary opponents and chose to distort my record and lie about my activities. I understand their limits of staff and funds; I do not understand a policy which makes no distinction between primary infighting and a known and calculated assault on the nominee of the opposing party.

In spite of the fact that my opponent tried to discredit me by the vilest of means, the facilities and prestige of the Fair Campaign Practices Committee were denied to me for recourse.

It made no particular difference that he did, in fact, repeat his accusations after the primary election, the initial damage had already been done, and I was forced to conduct a campaign of responding to malicious tactics—a position which under other circumstance may have been fatal to my efforts.

I do not believe the committee's policy should be so narrowly drawn as to preclude an attack by members of one party against another party in a primary and I would like to suggest that their policy be revised to include at least some process to accommodate aggrieved candidates under these circumstances.

In spite of the fact that his errors and distortions were called to his attention, he continued to use them throughout the campaign and, in fact, publish a vicious smear sheet in tabloid form which repeated most of them, the Fair Campaign Practices Committee was apparently powerless to take any action against him.

Some vehicle must be found to eliminate unfair campaign tactics if we are to maintain confidence in our electoral process. The FCPC has no power or authority to enforce the high principles which it espouses. Congress itself should take action to provide a mechanism to clean up political campaigns.

I include a letter sent to the FCPC by the Hogan for Congress committee in the RECORD at this point:

AUGUST 24, 1970.

Mr. SAMUEL ARCHIBALD,
Executive Director, Fair Campaign Practices Committee, Washington, D.C.

DEAR MR. ARCHIBALD: I wish to call to your attention, for investigation, the systematic misrepresentation, distortions, and falsifications being used by one of Congressman Hogan's opponents who is seeking the Democratic Party's nomination for the 5th Congressional seat of Maryland.

Normally, we would not dignify such tactics with a response, however, we understand only too well what motivates Royal Hart. He knows full well that by attacking Congressman Hogan he can get publicity for himself. He seems determined to make distorted and false comments in order to draw Mr. Hogan into a debate with him. He also knows that he doesn't have to sign the Fair Campaign Practices Code until after the primary election, if he chooses to do so at all.

I wish to submit my objection to such tactics and to ask the Committee to seriously consider whether or not he should be afforded the privilege of signing the code in view of the scurrilous manner in which he has been conducting his primary campaign.

I believe that the people of the 5th Congressional District should be aware of the tactics employed by Mr. Hart so as to set the record straight. I am, therefore, releasing this letter together with the enclosed documents to the press.

Sincerely,

DONALD BOYD,
Chairman.

ENCLOSURE

Charge: On several occasions over a 14-month period, Hart charged Hogan with conflict of interest and alleged that Hogan was a lobbyist while serving as a member of Congress.

1. On April 12, 1969, Hart wrote to the Honorable Melvin Price, Chairman of the House Committee on Standards of Official Conduct, and alleged that Hogan, through his ownership of the public relations firm, Larry Hogan Associates, Inc., was acting as a lobbyist for a special interest group on pending legislation. This letter was then released to the press. On that same day, Hart also wrote to Mr. Louis R. Baumgaertner, then Chairman of the Republican State Central Committee of Prince Georges County, requesting an investigation of "Mr. Hogan's twin role as Congressman and lobbyist".

Fact: At the time of his election to Congress, Hogan discontinued all activities on behalf of the firm, Larry Hogan Associates, Inc. In April, 1969, when Hart first charged Hogan with conflict of interest, Hogan was actively negotiating the sale of his firm. No member of the firm was engaged in lobbying. Neither Hogan, nor any other member of the firm, had ever lobbied for the legislation cited by Hart. In fact, the trucking bill to which Hart referred was not introduced in the

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House until June 4, 1969, two months after Hart's charges were made public.

It is interesting to note that when advised of the proper procedure for filing a complaint to the Committee on Standards of Official Conduct and asking for proof of his charges, Hart failed to communicate again with the Committee.

2. In a letter to Hogan dated August 6, 1969, Hart reiterated his allegations regarding Hogan's ownership of Larry Hogan Associates, Inc. This letter also was released to the press.

Fact: Hogan's firm, Larry Hogan Associates, Inc., had been liquidated for nearly three months at the time of Hart's second charge. The bill of sale of the firm was dated May 15, 1969.

Documents:

Letter from Hart to Hon. Melvin Price, 4/12/69.

Letter from Hart to Louis R. Baumgaertner, 4/12/69.

Article from the Sunday Star, 4/13/69.

Letter from Hon. Melvin Price and Hon. Leslie Arends to Hart, 4/16/69.

Bill of Sale of Larry Hogan Associates, Inc., 5/15/69.

Article from the Washington Post, 8/9/69.

Charge: In a letter to Hogan, dated August 6, 1969, Hart alleged that Hogan acted improperly in accepting a study fellowship for a fact-finding trip to Southeast Asia, and further impugned Hogan's reputation by insinuating that Hogan had become corrupted since assuming office.

Fact: The Free Pacific Association, a nonprofit organization affiliated with the Catholic Church and headed by a Cardinal of the Catholic Church, regularly offers fellowships to study the activities of communist influence in Southeast Asia. In August 1969, the Association offered to Congressman Hogan and several of his freshman colleagues in the 91st Congress, a $1,000 study fellowship for this purpose. The balance of the trip, $2,000, was personally paid by Hogan from his own congressional salary. None of the expenses were paid by the Federal Government. All transactions were reported on Hogan's 1969 income tax return. The trip was undertaken during the 1969 August Congressional recess so as not to interfere with legislative duties. The Free Pacific Association neither asked for nor received any consideration in connection with the fellowship nor were they in any way involved in arranging the agenda for the fact finding tour.

Documents: Letter from Hart to Hogan, 8/6/69.

Article from the Washington Post, 8/9/69.

Charge: On April 2, 1970 in a release to the Prince George's Sentinel, Hart publicly charged that Hogan supported retroceding the District of Columbia to the State of Maryland.

Fact: Hogan has never advocated retroceding D.C. to Maryland and has fought against it in the House District of Columbia Committee on which he serves. Hogan's motion to table this legislation was approved in Subcommittee, effectively killing the proposal for this session. Hogan made public his position on this matter in a Letter to the Editor of the Washington Star, dated March 12, 1970, and in his weekly column, The Hogan Report, which appeared in the Prince George's Sentinel on March 26, 1970. Both of these public statements were made prior to Hart's April 2 allegation.

Documents:

Article from the Washington Star, 3/12/70.

Article from the Prince George's Sentinel, 3/26/70.

Article from the Prince George's Sentinel, 4/2/70.

Charge: On July 30, 1970 in a release to the Star Leader, Hart publicly charged that Hogan had voted himself a 42½% pay increase.

Fact: Hogan did not vote himself a salary increase. On the contrary, the action which raised the salaries of Members of Congress to $42,500 (this was *not* a 42½% increase) was taken by the 90th Congress *before Hogan was elected*. The 90th Congress enacted Public Law 90–206 which contained a provision which would automatically increase the salaries of members of Congress upon executive recommendation unless the Congress took some action to specifically disallow the increase. A salary recommendation was, therefore, submitted to the House in January, 1969, with the Presidential Budget message of the Johnson Administration. The House was unable to take any action on the measure because the Rules Committee refused to bring the matter to the floor for a vote. Hogan, who publicly said several times he opposed the pay raise, signed a discharge petition which would have forced a vote on the floor. The measure, however, failed to get the requisite number of signatures, so it did not come to the floor. The salaries of Members of Congress were therefore automatically increased. Hogan's position on this issue was publicized in numerous County newspapers and in the Hogan Report dated May 30, 1969, more than a year before Hart levelled his charge against Hogan.

Hart's 1970 primary opponent, former Representative Hervey Machen, voted for the legislation in the 90th Congress which allowed the increase in congressional salaries.

Documents:

Bill Digest Public Law 90–206.

Congressional Record, p. 28672, 10/11/67.

Hogan Report #17, 5/30/69.

Article from the STAR LEADER, 7/30/70.

Charge: In a radio interview on WAMU–FM, broadcast in July, 1970, Hart accused Hogan of advocating resumption of the bombing of North Vietnam.

Fact: Hogan has never called for a resumption of the bombing of North Vietnam. However, one of the Democrats who went with Congressman Hogan on the August, 1969 Vietnam trip did call for a resumption of the bombing, but Hogan did not. Hart has simply erroneously attributed to Hogan a position publicly advocated by another Member of Congress.

Documents: Transcript of statement by Hart aired over radio station WAMU–FM, p. 5.

Charge: In a "fact sheet" widely circulated in New York City to solicit funds, Hart charged that Hogan voted against the Department of Health, Education, and Welfare appropriations bill which vote would have denied Prince George's County $10.8 million in impacted aid funds.

Fact: Hogan voted for the appropriations bill. He also voted on two separate occasions to override Presidential vetoes of the Health, Education, and Welfare bill.

Documents:

Fact Sheet issued by Hart for Congress Committee Congressional Record (Hogan's votes on all Health, Education, and Welfare appropriation measures).

Additional Documents: Letter dated 8/7/69 from James A. Sensenbaugh, Maryland State Department of Education; Letter dated 1/30/70 from Lloyd K. Hoover, Principal, Laurel Senior High School; Letter dated February 2, 1970, from Elizabeth B. Hage, Director, Prince George's County Memorial Library; Letter dated February 3, 1970, from William S. Schmidt, Superintendent of Schools, Board of Education of Prince George's County; Letter dated February 6, 1970, from William Schmidt; Letter dated February 4, 1970, from James S. Sensenbaugh; Letter dated February 6, 1970, from Joseph Standa, Federal Relations Coordinator, Association of Classroom Teachers; Letter dated February 15, 1970, from Mrs. Charles H. Cunningham, President, League of Women Voters of Prince George's County; Letter dated March 3, 1970, from Miss Pryor Hale, Director of Federal Relations, Department of Audiovisual Instruction; Letter dated August 7, 1970, from Fred L. Alexander, Director of Planning, Anne Arundel County Public Schools.

Mr. OLSEN. Mr. Speaker, the major function of the Fair Campaign Practices Committee is to alert the voters to the dangers of dirty politics. This educational activity is carried out before, during and after political campaigns. I think my colleagues would like to look at one example of this educational work—a story in the Christian Science Monitor on June 9, 1970, explaining the committee's activities and the campaign problems it hoped to solve.

Does the committee's educational effort succeed? An analysis of the 1968 campaigns indicates it does. The committee has not completed its report on the 1970 campaigns, but a story in the New York Times on February 25, 1969, shows the effect the committee's educational activities had during the 1968 campaign period.

I would like at this time to have the two stories, along with a letter containing the details of the present case, printed in the RECORD:

[From the Christian Science Monitor July 9, 1970]

CAMPAIGN PRACTICE: BUSY SEASON FOR WATCHDOGS

(By Robert P. Hey)

WASHINGTON.—Sam Archibald leans back in his desk chair, relaxed. "Yes," he repeats, smiling. "I guess you could say we are entering our busy period."

Not until after November's elections will Mr. Archibald again be this relaxed at work. He is executive director of the Fair Campaign Practices Committee, which soon begins an important election-year task. It will investigate complaints it receives that various political candidates used unfair campaign practices

Across the country the season for primary elections is ending. Campaigns aimed at November victory are about to begin. As their political oratory heats up complaints alleging campaign unfairness will mount—and Sam Archibald will be kept hopping.

TREND TO SOPHISTICATION

He says it doesn't appear that in recent years political campaigning has become recognizably cleaner—or dirtier. "The main trend is nothing new, but very obvious—sophistication in the use of dirty tactis." At all levels of campaigning he sees fewer overt appeals to prejudice, but more use of code words to get the same ideas across. And more clever distortion of opponents' records. He cites examples from this spring's primary campaigns.

The committee he directs was formed in 1954. At that time American campaigning was dominated by a legacy of the superpatriotism known as McCarthyism—guilt by association. The committee's early effort was to combat guilt by association, especially the "Communist" smear; and blatant appeals to racial and religious prejudice. In the early years most complaints it received alleged these kinds of campaign unfairness.

Those complaints have dropped steadily. In 1968 only 8 percent of the complaints alleged tactics of guilt by association; 6 percent charged appeals to race prejudice; 3 percent, appeals to religious prejudice.

By contrast, 50 percent of the '68 complaints charged intentional misinterpretation or distortion; 16 percent personal vilification or character defamation; 17 percent violation of laws and postal regulations.

In the Archibald phrase: "Demagogues are becoming cleverer. They're using the techniques of Madison Avenue—just like the good guys are. . . .

"If you twist a fact, and you pose it in the sales techniques that are used to sell underarm deodorant, and you boom it out all over your area in the closing days of a campaign, it's going to have the same effect as the deodorant ad. It's going to sell deodorant—or candidates."

One group of candidates Mr. Archibald is likely to hear a good deal from these next few months is congressional candidates, if only from sheer weight of numbers. All 435 seats in the House of Representatives are up for election, as are about one-third in the Senate.

Mr. Archibald notes two disturbing trends in congressional campaigns. Both represent use of highly sophisticated, unfair—but legal—campaign techniques:

"More sophisticated use of the congressional frank."

"The newest technique is the use of polls" to mislead voters deliberately.

Federal law permits members of Congress to send mail postage-free. But they are prohibited from free, partisan political mailings.

Mr. Achibald says that increasingly in recent years, some senators and congressmen have had able staff aides write and mail to their constituents what really are highly favorable political pieces—such as newsletters that present their activities in glowing light.

He says that increasingly some members of Congress are using a loophole in the law that governs franking. The law permits members to send postage free any reprint from the Congressional Record, a daily reprint of everything said on the floor of Congress. Even if what's reprinted is as political as a campaign testimonial.

Members of Congress rarely find it difficult to have something complimentary about themselves recorded in the Congressional Record. Reprinted, these compliments make excellent political weapons. And they can be mailed free of charge.

Mr. Achibald also charges that "more and more" congressmen are sending constituents "very sophisticated questionnaires—completely political, but also completely legal." Some congressmen send questionnaires in an earnest quest for their constituents' views. But Mr. Archibald says others are sending voters questions so loaded the real purpose is to let the voter know what the congerssman thinks. . . .

[From the New York Times, Feb. 25, 1969]

FAIR CAMPAIGN COMMITTEE FINDS NICE GUYS DO WIN

(By Warren Weaver, Jr.)

WASHINGTON, February 24.—Leo Durocher's old sporting maxim that nice guys finish last was disputed today by the Fair Campaign Practices Committee—at least as far as the 1968 election was concerned.

The committee, a nonpartisan group dedicated to exposing political smears, produced some impressive figures to indicate that candidates who make justified protests against dirty tactics fare much better than candidates who make unjustified protests.

The group also noted with some satisfaction that there had been a decline in the number of campaign incidents producing formal charges, particularly in the areas of racial and religious prejudice and guilt by association with extremist organizations. The overall decline was to 67 from 98.

Of the 1968 political candidates who filed complaints against their opponents that were later judged valid, 81 per cent were elected, the committee reported. But of the candidates who made invalid charges, "in effect, smearing their opponents by crying smear," 87 per cent lost their races.

In 1968 for the first time, the committee offered arbitration services to a candidate who alleged a smear and his opponent who denied the charge. The technique was applied, in varying degrees, to two Senate and five House elections.

In one case that went through arbitration and four in which the accused politician refused to cooperate in the process, the candidate who asked for arbitration won the election. These included Senators Alan Cranston, Democrat of California, and William B. Saxbe, Republican of Ohio.

Of all the candidates who were challenged to agree to arbitration, only one, Representative Martin B. McKneally of upstate New York, won his race, but after the protest arose he repudiated the press release to which his conservative opponent, Frederick Roland, had objected.

Committee officials believe that the arbitration system can be improved by requiring both candidates to sign an affidavit that they will abide by such a decision.

The report on 1968 showed that almost a third of the complaints were filed in the final week of the campaign, 13 per cent during the last weekend before Election Day.

Considerably fewer complaints grew out of the Presidential campaign in 1968 than in 1964. In the Johnson-Goldwater year, 25 of 98 protests involved the national contest; last year, it was only 7 of 67.

The committee reported that only 6 per cent of its cases last fall involved charges of appeal racial prejudice and 3 per cent involved allegations of appeal to religious prejudice. Both figures were twice as large during the 1966 campaign.

There was a similar drop in political charges based on association with extremist organizations, either left or rightwing. These cases made up 14 per cent of the complaints in 1966, only 8 per cent in 1968.

Half of last year's protests involved false or distorted campaign material, compared to 35 per cent in 1966. The other categories of political complaint—personal vilification and violation of legal or ethical standards—accounted together for 33 per cent of the cases, the same share as in 1966.

When candidates complain to the committee, it conducts an investigation and makes public its findings of fact but no verdict. After the election is over, the group decides which protests were valid and invalid and then figures out how many of the good guys won and lost.

FAIR CAMPAIGN
PRACTICES COMMITTEE, INC.,
December 7, 1970.

HON. JOHN M. MURPHY,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: Your letter of December 3, 1970 to your colleagues in the House of Representatives has been forwarded to the Fair Campaign Practices Committee by many of them. I will notify all members of the Committee's Board of Directors of your plan for a special order on the House floor December 16th to discuss ways to strengthen the Committee.

Pending their response, I can say that I applaud your efforts. The work of the private, non-profit, non-partisan Committee is always rewarding but often frustrating. Those who win elections after using the Committee's facilities often complain that the Committee did not do enough; the losers often complain that the Committee did too much.

And to top it off, as the Committee's educational efforts become more successful, its financial support decreases. As the Committee highlights dirty politics and shows voters and candidates how to combat the evil, the financial supporters become convinced that the evil is growing. And they blame the Committee for the growth.

Dirty politics is not increasing; public disgust with dirty politicians *is* increasing—thanks, largely, to the work of the Fair Campaign Practices Committee over the last 15 years. But as the Committee points out the problems and recommends improvements in the democratic process which will lead to solutions, those who want Instant Utopia blame the Committee for the political shortcomings of the moment.

That brings me to the matter which compels you to take the floor of the House of Representatives on December 16, 1970.

You say that the Fair Campaign Practices Committee took a long time arranging for arbitration of your complaint of violation of the Code of Fair Campaign Practices; that the arbitration decision was completely on your side; that publicity about the arbitration decision was not everything you hoped and that the Committee "curtly refused" to reopen arbitration proceedings when you asked for a second hearing four days before the election.

You have some valid points there. Four days before the election your press assistant, using vile and vicious language, telephoned a demand that the Committee solve your publicity problems and that a new hearing be set up. When both requests were denied, the Committee received a 154 word telegram in your name repeating the demands for publicity assistance and for a new hearing.

The answering telegram from the Committee stated: "No."

That, I admit, was a curt refusal. But the reason for the refusal was obvious: the Fair Campaign Practices Arbitration Rules do not permit the Committee to participate in the arbitration process—including handling the publicity—after a case is turned over to the American Arbitration Association and there certainly was not time for a new hearing on the same subject on the weekend before election day.

In checking the files on the Committee's handling of your case, I ran across some other interesting information. Our files are, of course, public records and open to you, your staff or anyone who wishes to browse through them. Here is a digest of facts from the files.

On October 6, 1970 your initial complaint of violation of the Code of Fair Campaign Practices was delivered by messenger to the Committee's offices. On the same day the Committee sent a letter to your opponent, Mr. David Smith, asking him to answer the complaint.

On October 7, 1970 you telephoned to request information about the Committee's procedures and I explained them, including the arbitration process.

On October 9, 1970 at 10 AM the Committee received registered letter No. 202623 from you requesting arbitration but not including an agreement to abide by the findings as required by the rules which you had been given. I telephoned your Mr. McGowan, informing him of the shortcoming, and a corrected request for arbitration was received by messenger at 10:40 AM. On the same day the Committee sent your opponent, Mr. Smith, registered letter No. 340756 transmitting your request for arbitration and informing him that the Fair Campaign Practices Arbitration Rules required an answer within three days of the receipt of the request.

Mr. Smith received the request for arbitration on October 12, 1970. Meanwhile, I informed the Committee's seven member executive committee and three member advisory committee of the request for arbitration, telling them I would transmit the case to the American Arbitration Association unless they objected or unless Mr. Smith refused to arbitrate.

On October 15, 1970 Mr. Smith answered the arbitration request by telegram, stating

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he would serve as mediator between you and the organization which had placed the advertisements which were the basis of your complaint of violation of the Code of Fair Campaign Practices.

On October 16, 1970 I telephoned Mr. Joseph R. Sciacca, Mr. Smith's campaign manager, informing that the telegram was an inadequate response and unless a responsive answer was filed immediately Mr. Smith would be deemed to have refused to arbitrate.

Fifteen minutes later I received a telephone call requesting information on the case from Mr. James Cannon who identified himself as a Special Assistant to Governor Nelson Rockefeller concerned with helping Republican Congressional candidates in New York. He said that Mr. Smith had discussed the arbitration request with him and that Mr. Smith would immediately telegraph an agreement to arbitrate.

On October 18, 1970 the Committee received Mr. Smith's telegram, sent October 16, 1970, agreeing to arbitrate on the condition that the arbitration include his counter-complaint that you called him a bigot, racist and liar. On the same day I sent oopies of the arbitration agreement and the request for an expanded hearing to the executive and advisory committees, informing them I would transmit the case to the American Arbitration Association two days later unless they decided otherwise.

After two days had elapsed, I telephoned the American Arbitration Association, informing the organization unofficially that the case was transmitted for arbitration and, on the same day, sending them the official notification. Copies of all correspondence in the case already had been filed with the AAA in preparation for possible arbitration.

At that point, the American Arbitration Association took over the case and I have no direct knowledge of its handling, but from past experience I am certain that the AAA moved as expeditiously as possible to select arbitrators, get agreement on the arbitrators and the time and place of hearings from both sides, and complete the hearings and issue the findings.

On October 30, 1970 I received a telephone call from your press assistant, Richard McGowan, informing me that the arbitration finding gave you "a clean bill of health" but stating that another advertisement similar to the one in question had been run and demanding that the Committee "stop them from attacking us" and arrange for favorable publicity for you. If his request was refused, he said, it would prove that "nobody gives a —— about the Fair Campaign Practices Committee."

I informed him the Committee could not solve his publicity problems, for the Committee does not have the power—and I believe should not have the power—to tell the information media what political news stories or advertising to accept or reject.

On October 30, 1970 the Committee also received your 154 word telegram requesting a second arbitration hearing and sent you the rather brief reply.

On October 31, 1970 I received a telephone call from Mr. James Cannon in Governor Rockefeller's office complaining that he and Mr. Smith had understood that the arbitration hearing was supposed to be closed to the public but, included in your entourage at the hearing, was a reporter from the *Staten Island Advance*. Mr. Cannon also complained that, following the arbitration award, newspaper advertisements were run on your behalf repeatedly calling Mr. Smith "GUILTY" in large type.

Those are the facts from the Committee's files. I hope they will aid in your December 16th discussion of ways to improve the work of the Fair Campaign Practices Committee.

I am sure you know that the Committee was created as the result of Congressional consideration of the problems caused by declining campaign ethics. As we moved into the decade of the 50's, two subcommittees of the United States Senate held hearings on the political pollution of those days. Both subcommittees decided that they could not draft acceptable legislative language which would guarantee ethical conduct in campaigns—that, in effect, they could not legislate political morality.

The vacuum left by this Congressional decision was filled—upon recommendation of the subcommittees—by the private, nonprofit, non-partisan Fair Campaign Practices Committee.

As I commented earlier in this long letter, I applaud your efforts to pick up where the Senate left off. Please permit me to come to your office as soon as possible so that we can discuss the case further and determine what other assistance I can provide in connection with your special order on December 16th.

Sincerely,

SAMUEL J. ARCHIBALD,
Executive Director.

Mr. VAN DEERLIN. Mr. Speaker, our friend and colleague, JOHN MURPHY, has performed a distinct public service in reserving this time for a long-overdue discussion of the work of the Fair Campaign Practices Committee.

With most Members of this body, I applaud the goals of the committee. In its 16 years of existence, it has labored long and effectively to clean up political campaigning.

My criticism today is intended to be constructive. For while admiring the noble spirit of the committee, I also feel that in some instances it has either not been as effective as it might be, or else it has—altogether unwittingly—helped perpetuate the very political smears it is designed to combat.

Congressman MURPHY has given the House a detailed account of the committee's seeming inability to respond fully and in timely fashion to his complaints of unfair attacks against himself and his voting record.

I, too, was disappointed by the committee's performance during the recent campaign, but for a different reason. In this case, my opponent was able to use the committee as a forum to revive charges against me which had already been thoroughly aired in our local press. In other words, my opponent was able, through the well-intended offices of the committee, to squeeze out a little extra publicity mileage he otherwise would have been unable to obtain, for a story that barely a week earlier had been fully developed and then dropped by our local news media in San Diego.

The allegations involved contributions to my 1966 and 1968 election campaign. My opponent stated, at a full dress news conference on October 15, that some of those contributions may have been in violation of Federal laws prohibiting such help from corporations and labor organizations. He offered no evidence to support the charges, beyond names from records which my own earlier campaign committees had placed on public file. He conceded he was prompted to take this approach by notoriety which at the time surrounded the indictment of eight present and past members of the San Diego City Council on charges of bribery and violation of the California Elections Code.

The press immediately sought my reaction, and I issued a statement pointing out that I have never knowingly solicited or accepted an illegal contribution for any of my campaigns. Comprehensive accounts of the charges and my response to them were carried in the newspapers and over the airwaves.

Eight days later, I received a telegram from Samuel J. Archibald, executive director of the Fair Campaign Practices Committee. Mr. Archibald advised me that I should answer "immediately" a complaint of violation of the Code of Fair Campaign Practices filed against me by my opponent.

The "complaint," we discovered with some surprise, was a boiled-down version of what had been so thoroughly hashed out on October 15. Nothing new had been added by my opponent. But because of the high regard in which I hold the Fair Campaign Practices Committee, I did answer, by telegram, on October 26. Of necessity, because the case against me was just as tenuous as when my opponent fired his first salvo, my response to the committee was almost exactly what it had been 11 days earlier to the San Diego press.

I thought the matter would rest there, with the dispatch of my telegram to the committee. But no, for on October 27 the same article, by now somewhat threadbare and shortened, appeared again in the San Diego newspaper—this time under a Washington dateline and with attribution to the Fair Campaign Practices Committee. The committee had alerted the Washington representatives of the San Diego media. They had dutifully carried this rather stale story, but only because the Fair Campaign Practices Committee had lent its good name and prestige to what any fair-minded person would have to admit was by then a rather dubious venture on the part of my opponent.

The strange thing is that I never assailed the character or record of my opponent. I scarcely mentioned him at all. Rather, my opponent focused on previous campaigns and events which in no way involved him. In so doing, he attacked my own honesty and integrity, perhaps because he could not find any issues that might have raised the level of public debate in our campaign.

And yet, in the eyes of the Fair Campaign Practices Committee, my opponent was the possible "victim" and I was put on the defensive, in their book, as the suspected wrongdoer.

At the very least, this performance seems in direct contravention of the basic intent of the committee, which I understand is to discourage by public exposure the use of smear techniques in political campaigns. Here, of course, the net effect of the committee's involvement was precisely the opposite; the committee actually breathed new life into placid charges against a candidate's personal integrity.

I have only the highest regard for Mr. Archibald, an able, dedicated, and fair-minded man. But I wonder whether one man can adequately follow up on all the charges and complaints which are directed at the Fair Campaign Practices

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Committee during the heat of an election campaign. Mr. Archibald has told my office there were 66 such complaints during the most recent campaign.

I believe in the committee and what it is doing. But I also believe that some of the problems we have been discussing here could have been prevented or at least alleviated if the committee were better able to check into the circumstances surrounding complaints.

Congessman MURPHY is on the right track in proposing creation of a Select Committee on Campaign Practices. Such a panel would be able to fully evaluate the work of the Fair Campaign Practices Committee, and hopefully bolster it, so it would be better equipped to carry out its mission.

Mr. PIKE. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I am happy to yield to my colleague, the gentleman from New York.

Mr. PIKE. Mr. Speaker, I want to commend the gentleman from New York (Mr. MURPHY) for having taken the time to bring this very serious and controversial, and I hope nonpartisan matter, before the Members of the House.

I have had some similar experiences.

For example, I have here in my hand a document which went out as first-class mail all over my district—and it is a very professional job. The cover says, "What It Is Pike Didn't Tell You." Inside the punchline is—"$42,797,700,000 unreported in tax revenues."

Well, factually that is correct. But the answer is—it is also a fraud, because if I did not report in an annual report to my constitutents—first, an authorization bill; second, a conference report on an authorization bill; third, an appropriation bill, and fourth, a conference report on an appropriation bill—in essence, the same item four times, these were totaled up and they did add up to $42,797,700,000.

That was one of them.

We had a vote last year on the President's family assistance plan. We also had a vote on an amendment to that program.

If you remember the bill as it came out of the committee, it contained a provision that applicants for welfare would have to accept suitable employment. One of our more conservative Members offered an amendment to strike out the word "suitable." Believe it or not, I voted for that amendment and that amendment passed.

So thereafter applicants for welfare would have to accept employment, whether it was deemed to be suitable or not.

This is the radio commercial that went out by my opponent:

> If you have ever wondered why welfare give-away programs have gone wild while you could barely pay your bills, my opponent this year supported an amendment to remove from the welfare bill a provision that would have forced welfare applicants to accept suitable jobs.

That is what this radio commercial said—and essentially that too was true. I did vote for an amendment which would have struck out the word "suitable."

There ought to be some place that we can complain in a situation like that.

The worst thing, of course, that happens to any of us and it happened to me in a campaign which, unlike the gentleman from New York (Mr. MURPHY), did deteriorate rather badly was personal charges that I had been using my public office for private gain. These charges resulted in a complaint to the bar association and a letter to the Attorney General.

One of the things I would recommend in anything we do about this is that the charges which are made in the course of an election campaign may not be dropped after the election campaign is over. I think it would prevent the making of a lot of false charges. I think the charges ought to be prosecuted to the end, even after the election, and a determination made of the matter. I have begged the Bar Association to go on and hold hearings on the charges made against me and they cannot get an affidavit supporting the charges. So the charges are just going to disappear. But I do not think it ought to be done that way.

I have a certain sympathy with the Fair Campaign Practices Committee, because I expect they are understaffed and underfunded, and they just cannot handle these things. I think we must put some real national effort into doing something about this sort of campaign technique, which in essence destroys rather than elevates our political system.

I frankly did not bother to report my situation to the Fair Campaign Practices Committee, because I believed, sorrowfully, that I would not get any action out of them in time.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield at that point.

Mr. PIKE. The gentleman has the floor.

Mr. MURPHY of New York. Many Members of the House would agree with the gentleman. Many candidates for the House, the Senate, and for governorships take this same attitude that it is a waste of time.

Mr. PIKE. That was essentially my own feeling. I feel sorry. Again, I have sympathy for them, because I expect they do have funding and staffing problems. But I commend the gentleman from New York for having brought this matter to the floor, and I do hope that something constructive can come out of it.

Mr. MURPHY of New York. I thank the gentleman.

Mr. MURPHY of New York. I want to thank the gentleman from New York for having the fortitude to come here and stay here tonight to relate his own personal example. We have a responsibility as professional politicians and as Members of Congress to protect the people from distortions in campaigns. It is not a question of whether you lose or I lose. The loser is the district and the people, and the responsibility is to protect them from distortion and innuendo and falsehood.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from New York, Mr. BIAGGI.

Mr. BIAGGI. Mr. Speaker, I am delighted to participate in this colloquy with my colleague, the gentleman from New York. I commend the gentleman especially for being distinctive in a particular sense. Too often during the election, where we feel when the comments are made that they are derogatory in nature and of the type spelled out and enumerated by the gentleman and by my colleague, the gentleman from the Fifth District, from Nassau, we promise that something will be done, but after the election tempo has subsided, and we either win or lose, time passes, and there is a diminution of interest.

The gentleman and I both know the practice. It is a horrible practice. I have observed the conduct of the campaign conducted in the Fifth Congressional District and in my judgment had it continued in that very vein—it had so offended the constituency to the point where the margin of victory was substantially narrower because the decency came out in people. But the fact does remain that the practices continue—not simply in congressional elections, but also in all types of elections.

We have established this Fair Campaign Practices Committee, which as observed by the Congressman from New York (Mr. LOWENSTEIN), performs a disservice in the absence of being effective. Its ineffectual status is something that should be remedied by compelling the committee to do a job effectively. By the gentleman's own frustration, which he spelled out this evening, it seems apparent to all of us: It should be made effectual or it should be abandoned.

The gentleman's suggestion that legislation be introduced and enacted into law is something we should address ourselves to with vigor, not simply, as the gentleman said, for ourselves as candidates, but also for the community. We have a right to conduct ourselves in a decent fashion. No individual who exposes himself to public office should without basis be subjected to ridicule, innuendo and false charges, and the like.

We have seen too many instances where individuals whose reputations have been impeccable over a lifetime have been destroyed by these false charges.

It has been established that the truth seldom catches the lie. It discourages people from participating in public life. It is important to the American way of living that this particular evil be removed.

The suggestion the gentleman makes is a commendable one. I sincerely wish him the very best. I will be there to support him.

Mr. MURPHY of New York. I thank the gentleman very much.

I should like to make another comment.

During the many elections in which I have been involved I have defended Members of the other body who were not of my party, competing in the same forum, from unfair charges, in the interest of fairness and in the interest of decency against unfounded charges. I have defended Members of the other party in their representation and their voting records without being asked to, but in the interest of fairness. I certainly believe that is the type of action we must expect and the type of feeling we must expect if we are going to have some decency in campaigning.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. I want to join in complimenting the gentleman from New York on his fine statement and on focusing on a problem which I believe is nationwide in scope.

I am particularly pleased by the gentleman's emphasis, so properly placed, on the right of the constituency and of the American public to have a decent and honorable and accurate campaign on the issues. We have enough issues and differences to divide us legitimately, so that there is no need—and certainly not one shred of justification or desirability for—in any campaign, to focus on nonissues or innuendoes or slanders or reflections on the character or motivation of candidates in either party, whether incumbents or otherwise.

There is only one other comment I want to make. I had the misfortune, I believe I have to call it, of seeing some of the campaign literature which was directed against the gentleman from New York (Mr. LOWENSTEIN). I have counted it a real honor to have had the opportunity to serve with him in the 91st Congress. I personally know him as one of the most committed, able and articulate Members of the House of Representatives I have served with in this or any other previous Congress.

I know, for example, if there is anyone who is an opponent of violence it is AL LOWENSTEIN. It is little less than a political obscenity to charge him with support and encouragement of violence. He has been one of the most outspoken opponents not only of college violence but of any other violence in our society. This and so many other charges were made against him in his campaign. His record was defiled and distorted and totally misrepresented. I believe that is a shame. Whether it had any effect on his defeat or not I do not know, because he faced what I believe everybody conceded was an almost impossible race from the beginning because of gerrymandering of his district.

I am sorry as a Member of Congress that a man I admire so much had to be submitted to that kind of campaign. I hope if the reforms and suggestions the gentleman in the well has suggested take hold, as they should, and action is taken in the next Congress, that the sort of campaign Mr. LOWENSTEIN faced will not reoccur in the United States.

Mr. MURPHY of New York. I thank the gentleman from Washington.

Mr. HELSTOSKI. Mr. Speaker, during the recent election campaign I and a number of my colleagues were able to avail ourselves of the good offices of the Fair Campaign Practices Committee and the American Arbitration Association to settle for the public record instances of unethical political conduct on the part of our opponents.

I would like to take this opportunity to express my gratitude to both these organizations for making arbitrations of this kind possible and to offer some suggestions for improving the complaints process. As all Members are aware, the Fair Campaign Practices Committee solicits the pledge of all candidates for political office to abide by the Code of Fair Campaign Practices during the course of their election campaign. Upon receipt of a complaint that the code has been violated, however, there is no provision for automatic arbitration of the dispute. Arbitration is only agreed to by both parties after the charge has been made and can be avoided by the offender if he feels his advantage is best served by failing to appear. I believe that the importance of raising the level of dialog in political campaigns should dictate automatic and mandatory arbitration of charges in violation of the Fair Campaign Practices Code. Otherwise, each candidate's commitment to abide by the code has no real meaning.

I am further concerned about the failure of the Fair Campaign Practices Committee to take more direct part in handling publicity in connection with the arbitration and charge-filing procedures. Because of the committee's refusal to issue statements to the press, it was possible for my opponent to distort entirely the series of events leading up to the arbitration in which we were involved and to misrepresent the findings of the arbitration board. To prevent such further unethical practices from occurring, I feel the FCPC itself should, from the moment of the presentation of charges, issue statements declaring clearly the progress of consideration of the charges. The parties to the dispute would still, of course, be free to give their own versions of events, but newspapers and other media would at least have an unquestionable source to turn to for the facts.

In addition, Mr. Speaker, there needs to be stricter enforcement on the part of the FCPC of the rules for filing of charges, especially the time limitations between notification of the receipt of charges and actual acceptance and carrying out of arbitration. In the case of the arbitration in which I was involved, my opponent was granted repeated extensions of time for consideration of the charges which I lodged against him, all of which served the purpose of what was ultimately a tactic of delay and avoidance on his part.

Notwithstanding my suggestions for improvement of the operating procedures of the FCPC, I am extremely grateful to Mr. Sam Archibald and his committee for their cooperation in making the fair campaign grievance procedure available to me. I also wish to thank the members of the American Arbitration Association who so generously make their professional time available for the purpose of insuring fairness and honesty in political discourse. Their goal of ethical political campaigning is one which I am sure we all share and which we are most fortunate to have their aid in securing.

Mr. KASTENMEIER. Mr. Speaker, I am familiar with the details of the difficulties my colleague (Mr. MURPHY) had in achieving a satisfactory resolution of the complaint he filed with the Fair Campaign Practices Committee during the recent congressional campaign. As one who has had occasion to use the services of the committee in past years, I can sympathize with his inability to resolve the matter to his satisfaction, despite a favorable decision from an impartial board of arbiters. Indeed, I think it is most regrettable that his opponent was unwilling either to act on the basis of the original complaint or to accept the decision of the arbitrators.

Although I had no occasion to call upon the committee for assistance in halting unfair campaign tactics in the recent election, in both my 1966 and 1968 campaigns, I found it necessary to file a formal complaint with the committee. Fortunately, on both occasions, my opponents withdrew the objectionable advertising promptly after the Fair Campaign Practices Committee gave notification of the complaint and requested an answer to the complaint. As a result, in both cases it was not necessary to take further action. I think the results in both instances reflected great credit on the Fair Campaign Practices Committee and the high esteem which candidates of both political parties in my state of Wisconsin have for it.

Mr. Speaker, while I can understand the problems raised by the gentleman from New York (Mr. MURPHY), in matter of this sort, however, I do not think it is fair that the committee should be blamed for its lack of authority in policing the conduct of congressional campaigns. Rather, we should ask ourselves, based on our own experiences both as Members and candidates, what can be done to cloak the committee or another organization with a similar purpose with greater powers to intervene and suppress objectionable and dishonest campaign practices. I do not believe we have satisfactorily answered this question.

Furthermore, one of the problems which leads to the disenchantment of our young people, which I and many others have complained about, is precisely this practice of resorting to unethical and improper charges designed to destroy the credibility and character of various political candidates. This undermines the political process and it is another reason why we must seek a way to halt such practices.

Mr. Speaker, this discussion of how to strengthen the work of the Fair Campaign Practices Committee is a valuable one, and the gentleman from New York (Mr. MURPHY) is to be commended for bringing this question to our attention.

Mr. BROWN of California. Mr. Speaker, I have long felt that there is a great need in this Nation's campaign practices for a vehicle that would promote honesty and fairness by candidates during the heat of an election.

I want to commend the gentleman from New York (Mr. MURPHY) for providing this opportunity for a forum in this regard. It is a problem which has

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not seen any really workable solution brought forth to date, to my knowledge.

Insofar as the Fair Campaign Practices Committee, itself, I want to say that I have availed myself of its assistance a number of times over the years. I have always recognized the fact that the committee had its limitations, because of the nature of the organization and the nature of the problem which it is trying to give assistance with.

Personally, I have never found cause to be unhappy with the help I was given, although I have never had the occasion to follow up a complaint to the extent my colleague was forced this year. In general, my expectations of the assistance I would receive from the committee were in line with what the committee is able to provide, I feel.

If my recollection is correct, it was not until the 1968 elections that the Fair Campaign Practices Committee developed the plan of attempting to get opposing candidates to agree to arbitration. I was quite pleased with this additional service, but realized that it did not represent the optimal solution to the problem.

It is my hope that this discussion can present some insight into the needs and, hopefully, some positive approaches toward the elimination of unfair, false, and unscrupulous smear campaigns. I have considered myself to be the victim of this type of campaign too often.

In hopes of contributing to the dialog, I would like to insert in the RECORD at this point a copy of the letter which Mr. Sam Archibald, Executive Director, Fair Campaign Practices Committee, Inc., sent to the gentleman from New York which presents his reaction to our colleague's general distribution letter announcing his intention to ask for this special order:

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FAIR CAMPAIGN PRACTICES
COMMITTEE, INC.,
Washington, D.C., December 7, 1970.

Hon. JOHN M. MURPHY,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: Your letter of December 3, 1970 to your colleagues in the House of Representatives has been forwarded to the Fair Campaign Practices Committee by many of them. I will notify all members of the Committee's Board of Directors of your plan for a special order on the House floor December 16th to discuss ways to strengthen the Committee.

Pending their response, I can say that I applaud your efforts. The work of the private, non-profit, non-partisan Committee is always rewarding but often frustrating. Those who win elections after using the Committee's facilities often complain that the Committee did not do enough; the losers often complain that the Committee did too much.

And to top it off, as the Committee's educational efforts become more successful, its financial support decreases. As the Committee highlights dirty politics and shows voters and candidates how to combat the evil, the financial supporters become convinced that the evil is growing. And they blame the Committee for the growth.

Dirty politics is not increasing; public disgust with dirty politicians *is* increasing—thanks, largely, to the work of the Fair Campaign Practices Committee over the last 15 years. But as the Committee points out the problems and recommends improvements in the democratic process which will lead to solutions, those who want Instant Utopia blame the Committee for the political shortcomings of the moment.

That brings me to the matter which compels you to take the floor of the House of Representatives on December 16, 1970.

You say that the Fair Campaign Practices Committee took a long time arranging for arbitration of your complaint of violation of the Code of Fair Campaign Practices; that the arbitration decision was completely on your side; that publicity about the arbitration decision was not everything you hoped and that the Committee "curtly refused" to reopen arbitration proceedings when you asked for a second hearing four days before the election.

You have some valid points there. Four days before the election your press assistant, using vile and vicious language, telephoned a demand that the Committee solve your publicity problems and that a new hearing be set up. When both requests were denied, the Committee received a 154 word telegram in your name repeating the demands for publicity assistance and for a new hearing.

The answering telegram from the Committee stated: "No."

That, I admit, was a curt refusal. But the reason for the refusal was obvious: the Fair Campaign Practices Arbitration Rules do not permit the Committee to participate in the arbitration process—including handling the publicity—after a case is turned over to the American Arbitration Association and there certainly was not time for a new hearing on the same subject on the weekend before election day.

In checking the files on the Committee's handling of your case, I ran across some other interesting information. Our files are, of course, public records and open to you, your staff or anyone who wishes to browse through them. Here is a digest of facts from the files.

On October 6, 1970 your initial complaint of violation of the Code of Fair Campaign Practices was delivered by messenger to the Committee's offices. On the same day the Committee sent a letter to your opponent, Mr. David Smith, asking him to answer the complaint.

On October 7, 1970 you telephoned to request information about the Committee's procedures and I explained them, including the arbitration process.

On October 9, 1970 at 10 AM the Committee received registered letter No. 202623 from you, requesting arbitration but not including an agreement to abide by the findings as required by the rules which you had been given. I telephoned your Mr. McGowan, informing him of the shortcoming, and a corrected request for arbitration was received by messenger at 10:40 AM. On the same day the Committee sent your opponent, Mr. Smith, registered letter No. 340756 transmitting your request for arbitration and informing him that the Fair Campaign Practices Arbitration Rules required an answer within three days of the receipt of the request.

Mr. Smith received the request for arbitration on October 12, 1970. Meanwhile, I informed the Committee's seven member executive committee and three member advisory committee of the request for arbitration, telling them I would transmit the case to the American Arbitration Association unless they objected or unless Mr. Smith refused to arbitrate.

On October 15, 1970 Mr. Smith answered the arbitration request by telegram, stating he would serve as mediator between you and the organization which had placed the advertisements which were the basis of your complaint of violation of the Code of Fair Campaign Practices.

On October 16, 1970 I telephoned Mr. Joseph R. Sciacca, Mr. Smith's campaign manager, informing him that the telegram was an inadequate response and unless a responsive answer was filed immediately Mr. Smith would be deemed to have refused to arbitrate.

Fifteen minutes later I received a telephone call requesting information on the case from Mr. James Cannon who identified himself as a Special Assistant to Governor Nelson Rockefeller concerned with helping Republican Congressional candidates in New York. He said that Mr. Smith had discussed the arbitration request with him and that Mr. Smith would immediately telegraph an agreement to arbitrate.

On October 18, 1970 the Committee received Mr. Smith's telegram, sent October 16, 1970, agreeing to arbitrate on the condition that the arbitration include his counter-complaint that you called him a bigot, racist and liar. On the same day I sent copies of the arbitration agreement and the request for an expanded hearing to the executive and advisory committees, informing them I would transmit the case to the American Arbitration Association two days later unless they decided otherwise.

After two days had elapsed, I telephoned the American Arbitration Association, informing the organization unofficially that the case was transmitted for arbitration and, on the same day, sending them the official notification. Copies of all correspondence in the case already had been filed with the AAA in preparation for possible arbitration.

At that point, the American Arbitration Association took over the case and I have no direct knowledge of its handling, but from past experience I am certain that the AAA moved as expeditiously as possible to select arbitrators, get agreement on the arbitrators and the time and place of hearings from both sides, and complete the hearings and issue the findings.

On October 30, 1970 I received a telephone call from your press assistant, Richard McGowan, informing me that the arbitration finding gave you "a clean bill of health" but stating that another advertisement similar to the one in question had been run and demanding that the Committee "stop them from attacking us" and arrange for favorable publicity for you. If his request was refused, he said, it would prove that "nobody gives a ---- about the Fair Campaign Practices Committee."

I informed him the Committee could not solve his publicity problems, for the Committee does not have the power—and I believe should not have the power—to tell the information media what political news stories or advertising to accept or reject.

On October 30, 1970 the Committee also received your 154 word telegram requesting a second arbitration hearing and sent you the rather brief reply.

On October 31, 1970 I received a telephone call from Mr. James Cannon in Governor Rockefeller's office complaining that he and Mr. Smith had understood that the arbitration hearing was supposed to be closed to the public but, included in your entourage at the hearing, was a reporter from the *Staten Island Advance*. Mr. Cannon also complained that, following the arbitration award, newspaper advertisements were run on your behalf repeatedly calling Mr. Smith "GUILTY" in large type.

Those are the facts from the Committee's files. I hope they will aid in your December 16th discussion of ways to improve the work of the Fair Campaign Practices Committee.

I am sure you know that the Committee was created as the result of Congressional consideration of the problems caused by declining campaign ethics. As we moved into the decade of the 50's, two subcommittees of the United States Senate held hearings on the political pollution of those days. Both subcommittees decided that they could not draft acceptable legislative language which would guarantee ethical conduct in campaigns—that, in effect, they could not legislate political morality.

The vacuum left by this Congressional decision was filed—upon recommendation of the subcommittees—by the private, nonprofit, non-partisan Fair Campaign Practices Committee.

As I commented earlier in this long letter, I applaud your efforts to pick up where the Senate left off. Please permit me to come to your office as soon as possible so that we can discuss the case further and determine what other assistance I can provide in connection with your special order on December 16th.

Sincerely,

SAMUEL J. ARCHIBALD,
Executive Director.

PROJECT EQUALITY

The SPEAKER pro tempore (Mr. JONES of Tennessee). Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA), is recognized for 60 minutes.

Mr. MIKVA. Mr. Speaker, I rise to address the House on one of the most successful civil rights activities in history. Mr. Speaker, this year, Project Equality, the only national civil rights organization based in Chicago, is celebrating its fifth anniversary year. Today it is the largest private equal opportunity employment advocate in the United States. Since 1965, Project Equality has committed itself to get more jobs for minority groups through what it terms "a workable formula for spending religious money in a moral manner," that is, not doing business with an unjust employer. With Government efforts such as the Philadelphia Plan obviously inadequate and faltering badly, and, according to recent studies, making really no significant inroads into the problem of equal employment, Project Equality has managed to transform its words into deeds. It has provided jobs to the jobless and given hope to thousands of minority workers who, while previously not having strength in organized numbers, had little chance of receiving good positions or opportunities to even apply for them. Early in 1970, the Ford Foundation noted that since 1968, 4,000 new jobs for minorities had been located by Project Equality. At this moment, it is estimated that the program creates between 1,000 and 1,200 jobs per month.

As we are all aware, the social problems confronting us are subtly interrelated. To understand the rise in crime or the civil discontent in our country is to understand that a man without a job, unable to support his family must get money in some way, and a man who knows he does not have an equal chance to obtain a job is a discontent man. What follows are the conditions present in our cities. Perhaps a rather simplistic explanation, but today the national unemployment rate in the black community is double that of whites. In our major cities, black unemployment reaches as high as three times that of whites. Obviously the Federal Government has been unable to meet the problem head on and combat it in an adequate manner.

Project Equality is aimed at reversing the pattern whereby minorities are the last to get jobs and the first to lose them. It has convinced a large segment of the religious community that it is morally wrong to do business with firms who engage in unfair employment practices. Working from this premise, Project Equality will not trade with a supplier of goods or services until that supplier commits himself in writing that he will take steps to establish a policy of equal employment opportunity. After receiving a head-count of minority group employees in that supplier's employ, that supplier is placed in the Project Equality Buyers' Guide, the 1970 issue of which contains the names of 2,890 business firms who have pledged their full efforts to maintain fair-employment practices. It is in this vital guide book that the pressure lies. At this point in time, hundreds of religious institutions across the country are made aware of those businesses who, in fact, are equal employment opportunity employers. In this way, a potential $3 billion purchasing power goes a long way.

In instance after instance, PE has received calls from suppliers wanting to know how to be listed in the buyers' guide. Finally, compliance reviewers meet with the supplier to assess his personnel situation and offer aid in upgrading minority employment.

This then, is briefly how an outstanding job is being done by an outstanding group of people. I am especially proud of Project Equality because of its base in Chicago where its efforts have been invaluable.

I commend this organization for doing what the Government is failing to do: to effectively look after the rights and well-being of the minority groups in this country. I also want to commend my colleague and friend from Detroit, JOHN CONYERS for his interest and great involvement in this program; I think it would be of interest to all of us here to know that Congressman CONYERS has been nominated to serve on the national board of directors of Project Equality.

And so Mr. Speaker, through a dedicated, untiring effort spanning years, Project Equality, I believe, has set an example showing what strength in numbers can accomplish. It is an example where power has been assumed by the people when its Government has faltered. PE has lived up to its theme: "words must be made into deeds"—it might be a theme for all of us to adopt.

Mr. GONZALEZ. Mr. Speaker, Project Equality, the Nation's largest private fair-employment program, is now celebrating its fifth anniversary year. I wish to salute the 17 Project Equality offices across the Nation serving 23 States, and to call special attention to the office very ably serving the city of San Antonio, which I represent.

The National Catholic Conference for Interracial Justice, a Chicago-based organization, initiated the project in 1965. Now the Project Equality Council governs the offices nationally from Chicago.

The central purpose of the projects is certainly commendable—to remove employment barriers for those willing and able to work by the use of "affirmative buying"—buying only from suppliers who provide equal employment opportunities. Nearly 400 major religious bodies have banded together to "declare that henceforth their money will all be spent in a moral manner." This means that their churches, parishes, synagogues, schools, hospitals and related institutions will demand a pledge from all suppliers of goods and services for active participation in equal employment practices. The PE Buyer's Guide, then, is published annually listing the cooperative suppliers.

The strength of this project is demonstrated by the fact that the churches of this country have a purchasing power of more than $3 billion. The 1970 buyers' guide contains the names of 2,890 business firms that have pledged their full cooperation by submitting complete reports of their personnel statistics and an outline of their present fair employment programs. In addition the firms have agreed to undergo compliance reviews on request of a Project Equality office.

In San Antonio this effort was begun back in 1965 by the San Antonio Archdiocese, and since 1968 the Project Equality Office has become ecumenical. The ecumenical efforts have led to participation in the program by more than 200 business firms in San Antonio. Moreover, the project office has branched out to Houston in 1969 and will probably establish another office in Dallas next year. The executive director of the Project Equality Office of south Texas is Mr. Joseph R. Edelen, very well assisted by Mrs. Maria Martinez. The president of the board of directors is Mr. Mathew Ahmann.

Project Equality is getting results by united "affirmative buying" in San Antonio. And statistics produced by a pilot study suggests that nationally, the projects are producing jobs at the rate of 1,200 per month.

This is, indeed, ecumenism in action. I commend the program and all its participants. I hope that the actions of this program can be an example for other groups interested in equal employment opportunities.

Mr. CONYERS. Mr. Speaker, today we pay tribute to the fifth anniversary of Project Equality, an organization dedicated to the achievement of equal employment opportunity for all men in all aspects of employment.

The steadily rising rate of unemployment only serves to reinforce the adage which black citizens of America have encountered whenever and wherever they look for work: "Last hired and first fired." Unemployment statistics for 1970 show a peculiar disparity between jobless whites and jobless blacks—5.1 percent of white workers are unemployed as compared to 9 percent of black workers. This comparison becomes even more striking in our Nation's largest cities. In Detroit, a fairly typical example the unemployment rate for blacks rose to 12 percent in 1970 as compared to 6 percent for whites. Among Detroit's black and brown teenagers—again typical of the Nation's urban youth—the unemployment rate is even more appalling—an incredible 36 percent go jobless.

Equally as vicious as the high rate of unemployment for blacks and other

XUM

minority groups is the subtler discrimination in job hiring practices. Blacks generally find themselves clinging to the lower rungs of the business salary and opportunity ladder. The lack of job opportunity for blacks can only be described as a form of slavery in disguise. Menial jobs mean low income, which means poor housing in a poor neighborhood, which means inferior education for children, which means that the children in their turn will find only menial jobs, and so on forever: the black man is "kept in his place." Naturally, in a business squeeze such as we experience today, the unskilled and entry level jobs are the first to be cut, and with them go a disproportionate number of blacks and other minority group members. Certainly there is need for drastic change in the structure of the employment system as a whole, a change which abolishes discrimination in job hiring practices both in its intended and accidental forms.

Full employment for all people—white as well as black and brown—should be a most important consideration for our time. The connection between unemployment and other social ills is all too readily apparent, particularly in those areas where the unemployment rate is high—the urban ghettos. Why not take drugs if you have nothing else to do but sit on the corner? Why not steal if you have no other way to feed your family? The black community and other minority groups suffer a double blow from discriminatory employment practices; they don't get the jobs, but they do get the problems. Many citizens of our great Nation fail to understand that if a man can get a good job, you no longer have to worry about public housing or food stamps for him and his family; with a good job, he leaves the welfare role and becomes a taxpayer just like the rest of us.

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With laudable success, Project Equality has endeavored in the past 5 years to correct the injustices in employment practices. I am particularly pleased with the accomplishments of Project Equality because one of the first and most successful Project Equality programs was established in my home city of Detroit in 1964. I might add that the national chairman, John Cannon, is also from Detroit. Since its inception, the Detroit PE office has compiled an admirable record. In 1968 they produced 550 jobs for minority members—mostly black—in the Detroit area. In 1969 they doubled that figure, producing over 1,000 jobs, and 1970 promises to be even better.

Equally important are the moral ramifications of Project Equality's success. The Civil Rights Act of 1964 pointed out to us clearly that job discrimination is not going to end just because there is a law against it. In a democratic society, it is the spirit behind the law that makes it enforceable; we do something because it is right and just. Project Equality puts the principles of justice into action and practices what the church preaches about the brotherhood of all men. It strives for full equal employment opportunity not because it is a law but because anything less is immoral. Project Equality shows the young, the black, and the poor that hope still exists for effective social change and improvement through the system.

Project Equality demonstrates that even the institutional church can become a potential force for social revolution if it will only accept a few twentieth century premises. Nothing speaks louder than money in the 20th century. Project Equality has set out to prove that equal employment opportunity is not only more just but also more profitable than discrimination. But we all await the day when such fine organizations as Project Equality will be unnecessary.

TRIBUTE TO THE HONORABLE JOHN O. MARSH, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. Abbitt) is recognized for 60 minutes.

GENERAL LEAVE

Mr. ABBITT. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Speaker, with the closing of the 91st Congress, we wish to pay special honor to Representative John O. Marsh, Jr., of Virginia, who is retiring from the House. All of us join in wishing Jack the very best of success as he leaves us and he goes with the affection of the membership of the House, with whom he has served with distinction for the past 8 years.

All of us who know Jack and who have worked with him during his service here recognize him as a dedicated public servant who approaches each task with earnest dedication and boundless energy. His decision to voluntarily retire from the House is one we accept with mixed emotions. We recognize his desire to follow other pursuits, but his loss to this body will be felt by all who know him as well as to those activities to which he has given so much time and attention. We know, however, that wherever he goes and in whatever pursuits he engages, he will be an active force for good and will continue to stand for those high principles for which he is so well known and highly regarded.

Congressman Marsh is representative of those qualities which has made America great. All through his adult life, he has involved himself in the affairs of his community, his church, the public schools, and other organizations and by so doing has added much to the betterment of each. He is devoted to his family, but has exhibited all of the qualities of good citizenship which in turn make society better.

Jack has always believed that a good citizen must share in the responsibility for making government work. His activities started early in life and his accomplishments have been recognized by all of the many organizations to which he has given his time and energy. He was for many years active in the Jaycees and in 1959 the Virginia Jaycees designated him the "Outstanding Young Man in Virginia" for that year. He was awarded the distinguished service medal by the Virginia Department of the American Legion for his work in that organization. He has also been active in the Veterans of Foreign Wars, National Guard Association of the United States, American Bar Association, Masonic Lodge, Phi Kappa Psi, Omicron Delta Kappa, and numerous other groups.

Jack does nothing halfheartedly, as was exemplified in his service in World War II. Commissioned at the age of 19, he took advantage of numerous opportunities to put his talents to work—serving as a paratrooper. He is presently a lieutenant colonel in the Virginia National Guard.

Born in Winchester, Va., on August 7, 1926, he attended the public schools in Harrisonburg and Washington and Lee University, where he received his law degree. He was admitted to the Virginia bar in 1952 and established his law practice at Strasburg. He served as a member of the Shenandoah County School Board and as town judge at Strasburg, as well as town attorney of New Market. He is an elder in the Strasburg Presbyterian Church and is a life member of the Virginia Jaycees.

Jack has been an active Member of the House since coming here in January 1963. He has served in a distinguished way on three committees of the House and his colleagues respect the dedicated and industrious manner in which he discharges his duties. He has been particularly dedicated to his committee work, devoting long hours and much study to the issues which come before the subcommittees on which he serves. During his early service here, he was a member of both the Committee on Interior and Insular Affairs and the Veterans' Affairs Committee. Later he became a member of the House Appropriations Committee and has played an important role in the affairs of the Subcommittee on the Department of Interior and Related Agencies and the Subcommittee on Independent Offices and Housing and Urban Development.

He has also served as a member of the American Revolution Bicentennial Commission and as a member of the advisory committee working on the papers of George Washington.

Jack is loved by his constituents, respected and admired by his colleagues and we all wish him well.

I now yield to my colleague from Virginia (Mr. Downing).

Mr. DOWNING. Mr. Speaker, it is with sincere regret that we say goodbye to our dear friend, who has served so well in these hallowed Halls. John O. Marsh, Jr., came to the House of Representatives in 1962 and he has worked diligently and effectively not only for the people of his district and State, but also for the people of the United States as a whole.

He was fortunate in being appointed to the Committee on Appropriations, one of the most important committees in the

House of Representatives. His work on that committee has been highly regarded by his colleagues who hold him in the highest respect.

Beside being an outstanding Congressman, JACK MARSH is a warm, personable, and human man with a sense of humor which is so delightfully expressed. He takes every responsibility seriously and dedicates himself to doing the best job that can be done.

The good people of the Seventh Congressional District of Virginia can be justly proud of their favorite son. He has represented them with honor and dignity which has reflected great credit on them. He is a true Virginian in the finest sense of the word and one who I am proud to call a friend.

For reasons best known to him, he has decided to retire from Congress. His colleagues regret that he has made this decision because in these times of uncertainty and confusion our Congress needs all the "JACK MARSHES" it can get. He is still a comparatively young man with a very bright future. It will be interesting to see him develop that future.

I wish for him and his lovely family every happiness and success in the years to come.

Mr. ABBITT. Mr. Speaker, I thank the gentleman for his contribution.

I now yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding to me.

I would like to commend him for bringing this matter before the House this evening. Certainly I join in the expressions that have been made by both of my colleagues from Virginia and would assure you that the admiration they have for JACK MARSH is shared by his colleagues on this side of the aisle.

JACK distinguished himself in his community before coming to the Congress in his civic, his fraternal, his religious, and his veterans work as well as in his practice as an attorney and while serving on the bench. I think we over here think just as much as the Democrats on the other side of the aisle do of JACK. I would join in the expressions of good wishes that he have a very happy and successful life as he goes back to the 7th Congressional District of Virginia.

My own congressional district has a common border with his. I have over the time I have been here in the House heard good things said by people up and down the boundary about JACK MARSH.

Mr. Speaker, I do not want to say too much, because this is still a young man. It might be that at some time in the future we would have him as an adversary. But I would say should that happen, he would be a most worthy adversary.

Mr. Speaker, I wish him and his family the very best.

Mr. ABBITT. I thank the distinguished gentleman for his contribution.

Mr. SATTERFIELD. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to the distinguished gentleman from Virginia?

Mr. SATTERFIELD. Mr. Speaker, it is with a sense of loss that I rise to acknowledge the retirement of my friend and colleague, JOHN O. MARSH of Virginia's Seventh Congressional District.

I consider it an honor and privilege to have served with him in this body and to know and associate with him. That experience has impressed me with the dedicated and outstanding service he has rendered not only to his constituents but also to the people of the Old Dominion and of our Nation. His loyalty to country and commitment to principle, both beyond question, cast him in the mold of those outstanding statesmen who in the past helped perfect this nation of free men and to guide it through the years to its present station of power and wealth.

As a colleague, I have come to perceive his keen understanding of our Constitution, the relationship between the components of our federal system of government and his grasp of the spirit of self-government secured by that constitution.

I have witnessed his actions on this floor where on more than one occasion he has placed principle above all other considerations and acted accordingly without regard to the possibilities of adverse personal repercussion.

JACK MARSH has been a solid, dependable legislator whose presence will be sorely missed in the 92d Congress.

It is regrettable that he has chosen voluntarily to terminate his service in Congress. I know my colleagues in the House join me in extending to him and his family our sincere best wishes for success, happiness and good health in the years ahead.

Mr. ABBITT. I thank the gentleman for his contribution.

Mr. WAMPLER. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am happy to yield to the distinguished gentleman from Virginia who represents the Ninth Congressional District (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, it was with a sense of regret that I learned earlier this year of the intended voluntary retirement of our friend and colleague, the gentleman from Virginia (Mr. MARSH). Although I have not been privileged to know him as long as some others in this body, I have developed a very high regard and respect for his ability and his integrity during the 4 years that I have been privileged to serve here.

I think JACK MARSH has been a true Representative of the people in the most noble sense of the word. He is a man who has been a very strong advocate of those principles which have made our beloved Republic what it is.

So, it has been a privilege for me to serve in the House of Representatives with JACK MARSH.

Mr. Speaker, we shall miss him and I wish for him and his family the very best the future can hold.

Mr. ABBITT. I thank the gentleman very much.

Mr. DANIEL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am happy to yield to the distinguished gentleman from Virginia.

Mr. DANIEL of Virginia. Mr. Speaker, I rise to associate myself with the remarks which have been made by my colleagues with respect to our retiring friend, JOHN O. MARSH.

Mr. Speaker, I rise to pay tribute to a great American. I know of few men who have a higher sphere of thought, one who has enriched and inspired the lives of those who he didst touch.

Mr. Speaker, my first experience with JACK MARSH was in 1962 when the two of us served as officers in the National Security Council of Virginia.

I observed him in his work with the opinion-forming organization, the Junior Chamber of Commerce, and it was through his efforts I think that many of the sound programs that organization has carried forward were made.

JACK is a colonel in the Virginia National Guard. He has served his country honorably and well in the military forces. In my first year in the Congress it was my pleasure to take an orientation trip around some of our military bases here in the United States, and I observed when we arrived at Fort Benning JACK MARSH in the jump school—he continues his activities with the military forces.

He served this country of ours honorably and well also as a member of the Committee on Appropriations.

Mr. Speaker, I want to express to him my personal appreciation for the tremendous help he has been to me as a freshman Congressman. I have never called upon him for advice that he did not give me, and his advice has always been sound.

I certainly wish JACK well in his new endeavor, whatever that might be, and to he and his family I wish a happy and peaceful Christmas, and an abundance of the good things of life in the years to come.

Mr. ABBITT. I thank the gentleman very much for his comments.

Mr. POFF. Mr. Speaker, from the moment I first met him, I have admired JACK MARSH. I admire JACK MARSH because he is a strong man. He is strong physically. He is strong in mind. He is strong in heart. He is strong in habit. He is strong enough to resist every attempt at tyranny over the mind. He is strong enough to be compassionate for the weak. He is strong enough to discipline his own appetites and conduct. He is strong enough to subdue his own passions in a proper pursuit of moderation. He is strong enough to submerge his personal ambition in exaltation of his deep conviction.

I count myself fortunate to have been privileged to work in the legislative vineyard with such a strong man. Out of our fellowship has sprung a friendship which will survive the sorrow of his departure from this body and will, I earnestly hope, follow us both down to our latter days.

Mr. BROYHILL of Virginia. Mr. Speaker, in the long rollcall of Virginians who have served this Nation in the Congress, few have earned more respect or gained more fast friends than the Virginian we say farewell to today.

I regret JOHN MARSH's decision to retire from Congress; as a friend; as a colleague; and as a fellow Virginian.

Our Virginia delegation is a bipartisan delegation, but we work closely together

XUM

in the best interests of our Commonwealth and our Nation. JACK MARSH typifies the cooperative spirit which has enabled us to do so. He is always available, ready, willing, and able to cooperate with us in our mutual goals.

JACK has served with a determination and devotion that is a hallmark of public service. He has been tireless, eventempered, courteous, and courageous in the rough and tumble of public debate.

He loves his country, his family, and the friends he has made here on both sides of the aisle.

Whatever his future, he will be remembered with warmth and affection by me and by all who know him well. I wish him Godspeed and God's blessing.

Mr. MONTGOMERY. Mr. Speaker, I, like so many of my colleagues, will miss the presence of JOHN MARSH, of Virginia, when the 92d Congress convenes in January. JACK, as I have come to know him, has always been a very articulate person and had the ability to cut to the heart of those issues we debate in this Chamber. On numerous occasions I have looked to him for guidance because of his experience and fair-minded approach to legislation. One reason Congressman MARSH and I have been drawn close together is that we are the only two Members of Congress who are still active in the U.S. National Guard. In his capacity as a Congressman, my colleague has traveled to Vietnam and his advice has been quite helpful to the military authorities there because of his past and present experience in the military. JACK, I am sure my colleagues will join with me in wishing you well following your retirement from this body.

We all feel quite fortunate that you have decided to pursue a legal career in Washington beginning next year so that you will be close by when we need to call on you for advice.

Mr. BOLAND. Mr. Speaker, I am pleased to join with my other colleagues in this body to recognize the distinguished service of our colleague and very good friend, the gentleman from Virginia, Congressman JOHN O. MARSH, JR. It was a great surprise to many of us to learn earlier this year of his decision not to seek reelection to the 92d Congress.

Before coming to the Congress of the United States, JACK MARSH already had a distinguished career in the service of his country, as a lawyer, and in community service of all kinds. In 1959 he was honored by the Junior Chamber of Commerce of the State of Virginia in being designated the "Outstanding Young Man in Virginia."

JACK MARSH was elected to the U.S. House of Representatives in the 88th and succeeding Congresses. For the last 6 years we have worked together on the Committee on Appropriations, where he has served ably and with high distinction. He has been a member of the Department of Interior and Related Agencies Appropriations Subcommittee in the 89th through 91st Congresses, and for the last two Congresses he has also served as a valued member of the Independent Offices and Department of Housing and Urban Development Subcommittee in reviewing the appropriation requests and recommending to the Congress appropriations for some 22 agencies of Government.

Congressman MARSH is a man of integrity. His word is honored. He is a man of independent judgment. When he searches out the facts and decides what he feels is the honorable and right position to take, you know where he stands. We will certainly miss his valuable contributions in the Congress next year.

There is no doubt in my mind that he would have been overwhelmingly reelected had he decided to continue in the Congress. His departure to, what will certainly be, the tranquillity of private life is a loss to both the Congress, his State, and his district.

Mr. MARSH. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I will be most happy to yield to my distinguished colleague.

Mr. MARSH. Mr. Speaker, I thank the gentleman for yielding, and I thank him for the courtesy and the thoughtfulness that has been displayed by what he has done here this evening. Certainly I do not want to be one who plays a part in any prolonging of the 91st Congress, but I would like to thank my colleagues from the Old Dominion, and those other colleagues of the House of Representatives for what they have done.

You should not come here to pay tribute to me, rather, I come here to pay tribute to you. And as I look to the 92d Congress of the United States, and as I look at the problems I know that will confront you, I am ever mindful that the great representative power of our country is vested here in this body that represents the people.

As you know, the congressional district I represent is the Thomas Jefferson Congressional District, and it was first represented in the Congress of the United States by James Madison, and I suspect that they knew then what we see now, and as we look at these next few years when really we will move into the bicentennial period of our great country, we will be reminded that it was the Congress of the United States that in those crucial years gave birth to the American Republic.

So again I would thank you for having shared with me these opportunities to represent the people of the United States, and in the Christmas season and in the coming year I wish to you and to your loved ones the very best, for you and for our Nation.

Again I say that I am grateful to you for what you have done for me.

Mr. ABBITT. Mr. Speaker, I thank the gentleman, and I know that I express for all of my colleagues, those who are here, and those who could not be here because of the late hour, to JACK MARSH the very best of everything. We will miss you tremendously. But you may be wiser than many of us, because you are at the time when you are in the prime of life, when you go home and really can accomplish many of the things that we would like to do here. You will be out breaking new grounds while we will remain here. I know you will have an illustrious career in the private field. We wish for you the best and your family the very best of everything. We also want you to know that whenever you need us we are here, and can be available to be of assistance, and we might be able one of these days to be of assistance to you, and we want you to know that we will do our best to be of such assistance to you.

Mr. Speaker, I yield back the balance of my time.

SOVIETS PLAYING FOR HIGH STAKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, the Soviets have reached what they regard as strategic nuclear parity with the United States. This nuclear standoff now provides them with an umbrella under which they can expand Soviet power along conventional lines. This means expansion of Soviet political, military, and economic power all over the world to weaken the influence of the United States in world affairs.

The most important element in this Soviet thrust, as a British Kremlinologist notes, is that "the Soviets are a great power, and they want the facilities that go with great-power status." These facilities include not only markets for Soviet industry and sources of raw material, but also the fleets, bases, and other concrete symbols needed to establish influence beyond a nation's borders. Moscow's fleet of some 2,600 merchant vessels is second to none, and the Soviet navy is second in size only to the U.S. Navy.

In the Middle East the Soviets have established a vast complex of sophisticated weaponry scattered in a 50-mile wide belt extending from Alexandria, Egypt, southward 180 miles to the Gulf of Suez. Stationed here are the most advanced surface to air missiles manned by Soviet crews, amphibious equipment and 8-inch artillery capable of destroying the Israeli Bar Lev fortifications. This will make it possible for the Egyptians and Soviets to clear the Israelis from the Suez Canal area and reopen the canal.

These preparations for a canal crossing imply an intention to crush Israel forever. If Israel is crushed, in turn, the horror of the event itself will only be the first event. Every vestige of western presence, influence, and power will then be forcibly removed from the entire Middle East. And Soviet naval power will have a new short route to the Persian Gulf, the Indian and Pacific Oceans, and the Japan Sea.

The initial impact of this Soviet strategy is already apparent in the Arab states and India. In the wake of leftist military coups, Soviet influence has spread south from Egypt to Sudan and Somalia, bracketing Western-oriented Ethiopia in between. Soviet forces are now located on the island of Socotra 600 miles east of Aden. This island is astride

XUM

the sealanes to the Arabian and Red Seas, making it an ideal command center for the Soviet's increasing naval activity in the Indian Ocean. To date the Soviets have given India four modern F-class submarines and several surface ships, and they are assisting in the construction of a submarine base for India.

The Soviet naval power's move eastward has been enhanced by Singapore's invitation to use the former British colony's superb port and naval facilities. The natural and rich resources of Malaya and Indonesia are in these waters, and in all probability Soviet naval influence will extend as far north and east as the Japan Sea.

The troublesome presence of the Soviet navy in these Asiatic waters will create a direct confrontation with the U.S. 7th Fleet patrolling the China and Japan Seas in defense of our strategic western sea frontier. When the security of this frontier was last threatened two decades ago, we became involved in a costly war in Korea to restore the tranquillity of the Japan Sea.

This is not all the Soviets have done to stoke our fears. They are building a submarine base in Cuba capable of handling missile-carrying submarines in close proximity to the United States, and they have reportedly conducted another test of a key offensive weapon known in plain language as a space bomb, which can release its deadly cargo on virtually an terrestrial target. The United States has no such weapon or defense against it.

In the midst of this general situation one wonders what useful purpose are the strategic arms limitation talks at present serving. If for no other purpose, the Soviets might be using these talks to determine what the United States will do in any particular crisis situation rather than pushing for an agreement based on mutual concessions. The present crisis situation is the middle East. The Soviets are playing for high stakes.

UNCONDITIONAL RELEASE OF POW'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 20 minutes.

Mr. FINDLEY. Mr. Speaker, during the past 2 days, press services have reported complementary proposals made by the distinguished minority whip of the Senate, Mr. GRIFFIN, and myself under which 1,550 prisoners from North Vietnam now held in South Vietnam would be unconditionally repatriated at the earliest possible date.

My proposal was made in a letter December 11 to President Nixon, the text of which appears below, and Senator GRIFFIN's proposal was announced in the Senate yesterday afternoon, after having been placed before the White House the previous day. The text of Mr. GRIFFIN's statement and favorable comments on it by Defense Secretary Laird were placed in today's RECORD.

Today Senator GRIFFIN and I have signed jointly a letter to President Nixon suggesting a further means of achieving maximum impact on Hanoi by means of the repatriation.

Here is the text of the joint letter:

DECEMBER 16, 1970.

The Honorable RICHARD M. NIXON,
President
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In further regard to our recent proposal that 1,500 enemy prisoners of war be assembled as soon as possible at a location near the DMZ for unconditional release, we offer these further suggestions.

Simultaneous with such release we suggest Ambassador Bruce place on the negotiating table at Paris the names and photographs of the 1,550 Americans who are presently missing in action or being held prisoner-of-war in Southeast Asia, together with the names and photographs of enemy prisoners being released. The last time U.S. names were officially tabled by the United States at the Peace Talks was on December 30, 1969—one year ago.

It is time for the United States officially to update that list, personalize each name it contains and renew our appeal for humane policies by Hanoi. The presentation of pictures will help show that POWs are not statistics but flesh and blood human beings.

At the same time that Ambassador Bruce's plea is being made at Paris, a similar plea should also be made during the ceremony for repatriation of enemy prisoners at the Demilitarized Zone. Before being released each enemy POW would receive a copy of Ambassador Bruce's appeal in Paris, an appeal which would include the name and picture of each American missing and those of repatriated enemy prisoners.

Thus, each released enemy POW would recognize that his newly-gained freedom symbolized the uncertain fate of one American presently held prisoner or missing in action.

Taken together, the event at Paris and the other at the DMZ would dramatize as no other way possibly could the treatment of POWs by the allies as contrasted with the North Vietnamese and the Viet Cong.

Since the first American pilot was captured in August of 1964, no issue has so stirred American public sentiment as has the undetermined fate of our POWs. As you know so well, unmerciful anguish to families and loved ones which this causes is an outrage to all humanity. Many do not know whether their husband or son is alive, yet each clings to the tiny thread of hope that he will one day be returned safely.

Just how elusive and frustrating this hope can be was recently demonstrated when the North Vietnamese released a film clip containing the pictures of over 60 prisoners-of-war. It has not been possible to positively identify at least 20 of the Americans pictured, yet 800 separate American families have "identified" one of the 20 photographs as being of their loved one. Such inhuman disregard for the sensibilities of these families can only be described as sadism.

Short of outright release, nothing would be more welcome to the families of those men who are listed as missing in action than a confirmation of their status as either prisoner, dead, or unknown. It would end the agonizing uncertainty which now plagues their everyday existence.

The purpose of the combined exercise—the tabling at Paris which would include names and photographs of 1,550 Americans believed held prisoner and the simultaneous unconditional release at the DMZ of a like number of POWs—would be to bring maximum pressure to bear on Hanoi for a humantarian response.

Hopefully there will be an early response. Even if none is immediately forthcoming, this personalization of the POW problem would be such as to hasten the day when total mutual repatriation of prisoners does occur.

Sincerely yours,
PAUL FINDLEY,
Representative in Congress.
ROBERT P. GRIFFIN,
U.S. Senator.

Here is the Text of my letter sent December 11 to President Nixon:

DECEMBER 11, 1970.

The Honorable RICHARD M. NIXON,
President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In this letter I propose for your consideration the immediate unconditional repatriation of 1,550 North Vietnamese prisoners-of-war now held in South Vietnam, equaling the number of Americans now listed as missing in action or imprisoned in Southeast Asia.

Before drafting this letter, I presented the proposal in detail in a personal discussion with Defense Secretary Laird. He showed a keen interest in the concept.

I also discussed it with several colleagues in the Congress who have taken leading roles in initiatives relating to the POW problem, and with Mrs. Joan Vinson, president of the National League of Families of Americans Missing in Southeast Asia. Each expressed personal approval, and Mrs. Vinson said she though the idea was "very good."

I suggested that the details of the repatriation plan be announced publicly before Christmas, and carried out as soon as possible after the announcement. This would assure completion of this unique, humanitarian gesture—one without parallel in human history—during the period encompassing the Christian and Buddhist holidays.

The proposal in detail:

Those to be repatriated should be selected at random without regard to age or physical condition. All should be released simultaneously from the same location on the demilitarized zone at the conclusion of a ceremony during which officials of allied governments would issue a supply of rations to each prisoner released and make an appropriate public appeal to Hanoi and National Liberation Front leaders for similar humane treatment of American prisoners. Prisoners would then be permitted to proceed on foot toward North Vietnam. All procedures would be planned and carried out under the supervision of the International Red Cross.

The occasion would unquestionably capture the imagination of the world. The ceremony and release would receive widespread attention through television, radio and press coverage. For the first time, the world would be able to comprehend the numbers of U.S. persons now missing in action in Vietnam as well as the enormity of Hanoi's violation of the Geneva convention on prisoners-of-war.

The only risk involved is the possibility that the repatriated men might soon be back under arms against us. That, of course, is the same risk which you wisely undertook with your offer to release all of the prisoners held by the Allies if the enemy would release those in their custody. Obviously, such risk in my proposal would be much smaller, and also less than the risk surrounding the valiant attempt on November 21 to rescue American prisoners held near Hanoi.

Against this modest risk can be measured these possibilities for gain:

1. The release might cause Hanoi to respond in kind. If Hanoi should release a few, we could wisely release some more.

2. At the very minimum the release would stir world opinion—all to our advantage. The release would show, as could nothing else,

the gulf in human compassion between us and the enemy. It would show the contrast in treatment of POW's.

3. The release would focus world-wide attention directly on Hanoi's illegal and unconscionable treatment of POW's, an issue which evidently causes the enemy its greatest difficulty in international relations.

4. The released men might return home as ambassadors of good will. The reports they would make might do much to correct propaganda-bred misapprehensions. Even if returned to arms, they could hardly be unaffected by the humanitarian treatment they had received.

5. It would do much to inspire the American people at a moment when inspiration is greatly needed. The release undoubtedly would be without precedent, the most compassionate act ever committed by any nation, large or small, in time of war. The impact of this vast drama—1,550 men turned free at the time of Christmas and Tet holidays—would touch every American's deepest emotions, not to mention its impact abroad.

Mr. President, this initiative would complement your decision to send a rescue mission to the North to free American POW's. It, too, would lift the spirits and hopes of men held captive, their families—in fact, all people of compassion. It would reaffirm in an effective, dramatic way, our country's willingness to assume risk in order to promote the safety and freedom of our men in captivity. I do hope you can give it your personal consideration.

Sincerely yours,

PAUL FINDLEY,
Member of Congress.

I am glad to state that Secretary Laird has personally examined my letter of December 11 and authorized me to state publicly that he approves of my proposal as set forth in this letter. He has not as yet been given a copy of the above letter signed jointly by Senator GRIFFIN and myself.

As mentioned in my letter of December 11, I would hope that all procedures of the repatriation would be carried out under the close supervision of the International Red Cross. It goes without saying that we should not require the repatriation of unwilling prisoners. They should not be set free at the DMZ against their will.

Our proposals naturally focus on the plight of Americans missing in action and held prisoner. We hope Hanoi will respond favorably in regard to their plight, but in centering our attention upon them we do not overlook the plight of ARVN personnel held prisoner in North Vietnam. We would hope that the government of South Vietnam will make a similar appeal in their behalf when our representatives table names and pictures at Paris.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Homeownership is one of outstanding characteristic of American society. In 1969 64.3 percent of the homes in the United States were owner occupied. This compares to 61.9 percent in 1960.

AND A MERRY CHRISTMAS TO YOU, TOO, MR. PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 30 minutes.

Mr. O'HARA. Mr. Speaker, the President has tonight cruelly and without justification, smashed the hopes of hundreds of thousands of Americans who are out of work because of his "game plan." The President's grim Christmas present to the Nation's unemployed came when he vetoed a bill which was sent to him just a few days ago and which would have made it possible for some of the victims of the Nixon unemployment game to get jobs.

The veto was a slap in the face of the Congress which enacted this bill but even more it was a slap in the face at the millions of Americans who are without jobs and who are now, because of this veto, deprived of the hope of jobs held out by the Employment and Manpower Act. If the reality of unemployment in a time of rising prices were not so harsh, it would be almost funny to watch the Dickensian scene being played by the President and his Marley and Scrooge, Budget Director Shultz and Labor Secretary Hodgson, who are eagerly seeking to share credit for the veto of the jobs bill. It will be a little difficult this evening for families who are watching that old television classic, "A Christmas Carol," to know when the movie stops and when the news begins.

But the reality of the situation takes all the fun out of the picture, Mr. Speaker. The President's games with our economy have resulted in an unemployment rate of 5.8 percent—the highest in 7½ years. Nearly 5 million Americans are out of a job and the figure is growing.

The Employment and Manpower Act would have redesigned the system by which we deliver training and other manpower services to the people who need them. These provisions, wire service accounts of comments by the President and the Secretary of Labor to the contrary notwithstanding, were very similar to the provisions so strongly supported a few weeks ago by that same administration.

But the bill would have an impact of vastly greater immediate importance, Mr. Speaker, in its provisions for a program of public service employment—a program which was also very like the provisions in the bill the Nixon administration claimed to support just prior to the recent elections.

As the President and the Labor Secretary say, the conference bill does differ from the bill previously approved by the House. The vetoed bill lacked a provision which the Senate conferees insisted would be used by the administration to force public service employees off the public service payrolls in an arbitrary manner and at arbitrary periods of time. In the conference, Mr. Speaker, we were assured by the managers on the minority side, and by administration officials clustered outside the conference door that they would not use those provisions in an arbitrary manner. The House conferees were largely persuaded and sought to preserve the House language. But the language used by the President and the Secretary of Labor at the time of the veto today have convinced me that the Senate conferees were correct in their doubts of the administration's sincerity.

The President's justification criticizes the bill because it purportedly lacks any linkages with training programs or with efforts to put public service employees into what the President and his advisers choose to call real jobs. That charge, Mr. Speaker, is false. The bill has a great many provisions for such linkages and for regular and unremitting efforts to move public service employees into nonsubsidized employment.

I ask unanimous consent that a list of these provisions which I inserted in the RECORD on December 10 be again printed so that again, this charge may be put to rest.

PROVISIONS OF MANPOWER CONFERENCE REPORT ON NATURE AND DURATION OF PUBLIC SERVICE JOBS

SEC. 304(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

* * * * *

(3) assurances that special consideration will be given to the filling of *jobs which provide sufficient prospects for advancement or suitable continued employment* by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, *whether in the public or the private sector of the economy,* (B) provide participants with skills for which there is an anticipated high demand, or, (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or applications for whom the foregoing goals are not feasible or appropriate;

(4) assurances that due considerations be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise *immediately* available;

* * * * *

(11) a description of *career opportunities and job advancement potentialities* for participants;

(12) procedures for an *annual review* by an appropriate agency of the status of *each person employed in a public service job* under this title; and procedures pursuant to which, in the event that any such participant and the reviewing agency find that the participant's current employment situation will not provide sufficient prospects for advancement or suitable continued employment, *maximum efforts shall be made to locate employment or training opportunities providing such prospects,* and the participant shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

* * * * *

(14) assurances that the applicant shall, where appropriate, maintain or provide *linkages with upgrading and other programs under this Act,* and other Federal or federally-supported manpower programs for the purpose of:

(A) providing those persons employed under the agreement who want to pursue work with the employer, or in the same or similar work as that performed under the agreement with opportunities to do so and to find *permanent upwardly mobile* careers in that field; and

(B) providing those persons so employed

who do not wish to pursue *permanent careers in such field*, with opportunities to seek, prepare themselves for, and obtain work in other fields;

* * * * *

Sec. 308 (a) The Secretary *shall not provide financial assistance for any program* under this title unless he determines, *in accordance with such regulations as he shall prescribe*, that—

* * * * *

(5) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

The employment and manpower bill could have provided job opportunities for hundreds of thousands of Americans. It could have assisted cities and States and other public agencies throughout the Nation in finding personnel to do the jobs of vital importance to the public. It could have brought hope where there is despair and revived forward motion where there is economic stagnation. This was the alternative the President today rejected.

One phrase of the President sticks in my mind, Mr. Speaker. He referred to this bill as creating "WPA-type jobs." Well, there was much wrong with the WPA, but I am just barely old enough to remember that it did give people jobs. I am just old enough, Mr. Speaker, to remember that a WPA-type job was a whale of a lot better for the spirit and for the stomach than a Hoover-type breadline. The President apparently feels just the opposite.

I want to make one more observation, Mr. Speaker, and I want to direct it to those administration officials, appointed and career, who have persistently argued over these months that "there has to be some way to get people off of public service jobs or they will never move to a real job." It seems to me, Mr. Speaker, that that observation comes with singularly bad grace from Labor Secretaries, Presidents, bureaucrats, economists, or Congressmen—all of whom, after all are performing public service jobs, it what can only be called "subsidized employment." If Messrs. Nixon, Schultz, and Hodgson, and their immediate advisers are convinced that such jobs are bad for the character, why do they not resign in the morning, and see how morally improving it is for them to try and find new jobs in the employment market we enjoy at this stage of the Nixon game plan?

HUMPHREY, REUSS TO INTRODUCE "CONSTRUCTIVE ALTERNATIVE" REVENUE-SHARING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, in conjunction with Senator-elect Hubert H. Humphrey, I will introduce, at the opening of the 92d Congress next month, a revenue-sharing bill as a "constructive alternative" to the administration's proposal.

Both Senator-elect Humphrey and I recently spoke at the national conference of State legislative leaders. While we both accept the idea of revenue sharing, our proposal differs from the administration package in several important particulars.

The Humphrey-Reuss proposal requires States to qualify for revenue sharing by preparing a master plan and timetable for modernizing State-local government. The administration proposal gives revenue-sharing funds to the States without any incentive to get on with the job of modernizing local government in this country.

Our proposal would provide revenue sharing of $3 billion for fiscal 1972, $5 billion for fiscal 1973, $7 billion for fiscal 1974, and $9 billion for fiscal 1975. The Nixon proposal envisages $500 million for revenue sharing the first year, rising to a total of $5 billion in fiscal 1976.

The Humphrey-Reuss proposal contains a 40 percent local government pass-through requirement, and leaves to the States the determination of individual formulas for distribution to local government. The administration bill mandates a pass-through of 30 percent of the revenue-sharing funds to all units of local government, numbering some 63,000. Leaving the 40-percent share allocated to localities to State decision as to distribution avoids the flaw in the administration's proposal—which would mandate the continuation of uneconomic and inefficient villages, counties, townships and cities; worse, it would distribute the pass-through according to the existing revenue patterns of the localities, further disadvantaging those already in relative fiscal trouble.

Our proposal gives double weighting to the income tax efforts of the States after July 1, 1974. The administration proposal contains no incentive to adopt a State income tax, and thus would continue the situation wherein the 12 States now lacking an income tax compete unfairly for industry with States having such a tax.

The draft bill, a description, and the Humphrey and Reuss San Juan speeches follow:

H.R.—

A bill to improve inter-governmental relationships, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities where there is a demonstration of State intention to modernize State and local government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SHORT TITLE

Section 1. This Act may be cited as the "State and Local Government Modernization Act of 1971".

FEDERAL BLOCK GRANTS

Sec. 2 (a) Authorization of Appropriations.—there is herewith authorized to be appropriated for the fiscal year beginning July 1, 1971, $3 billion; for the fiscal year beginning July 1, 1972, $5 billion; for the fiscal year beginning July 1, 1973, $7 billion; for the fiscal year beginning July 1, 1974, $9 billion; to be paid by the President to all States (and localities within such states) which qualify for Federal block grants.

(b) Payments to States.—The President shall quarterly make a payment to each State (60 percent directly), 40 percent to local governments in that State pursuant to Section 2 (c) which is qualified under Section 2 (d) for a Federal block grant, in an amount which bears the same ratio to the amount appropriated for that year under section 2 (a) as the product of—

(1) the population of the State, and

(2) the State's "revenue-effort ratio" (as determined below),

bears to the sum of the corresponding products for all the States which are qualified for a revenue-sharing payment in that year. The "revenue-effort ratio" for a State shall be the ratio between the sum of all revenues collected in the State by the State and its political subdivisions, and the total personal income for the State. After July 1, 1974, double weight shall be given to income tax revenue. Population, revenue, and income data shall be based on the most recent data available from the Department of Commerce. The term "State" shall include the District of Columbia, which shall receive both the 60 percent and the 40 percent share.

(c) Payments to Local Governments.—The President shall make the 40 percent payment to such units of general purpose local government, and according to such a distribution formula, as the state shall by law provide. Such inclusion or exclusion of localities, and such distribution formula, shall be fair and equitable, departing from a per capita or a revenue basis only for the purpose of favoring localities that are relatively more populous or that contain relatively more low-income families. The governor shall keep the President currently informed of the amounts payable to local governments under such state law.

(d) Qualifications for Block Grants.—In order to qualify for block grants in the first, and subsequent, fiscal years, a state shall enact and file with the President (and may from time to time amend) the local government distribution law specified in Section 2 (c). In order to qualify in the second, and subsequent, fiscal years, a state shall enact and file with the President (and may from time to time amend) a master plan and timetable for modernizing and revitalizing State and local governments, by methods (where appropriate) such as those on the following illustrative check-list—

(1) Interstate: proposed arrangements, by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, and for regional cooperation in such areas as health, education, welfare, conservation, resource development, transportation, recreation.

(2) State direct action: proposed strengthening and modernizing of State governments (by constitutional, statutory, and administrative changes), including recommendations concerning the short ballot; longer terms for Constitutional officers; annual legislative sessions; adequately paid officers and legislators; modernized State borrowing powers; improved tax systems (including an income tax of at least moderate progressiveness); rationalized boards and commissions; increased assistance to local governments; revising the terms of State aids and shared taxes so as to encourage modern local governments and to compensate for differences in local fiscal capacity; State assumption of direct fiscal responsibility for basic functions; and modern personnel systems.

(3) State action affecting localities: proposed strengthening and modernizing by the State of local, rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including

(A) Changes designed to make local government more efficient and economical, as by—

(1) reducing the number of, or eliminating local governments too small to provide efficient administration, and special districts not subject to democratic controls;

XUM

(ii) restricting local popular elections to policy-makers (the short ballot);

(iii) concentrating on a single responsible executive for each local unit;

(iv) reform of personnel practices so as to base them uniformly on merit and competence;

(v) granting adequate home rule powers to counties and other local governments;

(vi) improving local property tax administration;

(vii) authorizing local governments to utilize nonproperty taxes, coordinated at the State or regional level;

(viii) easing restrictions on the borrowing power of local governments;

(ix) encouraging the formation of multicounty and regional bodies.

(B) Changes designed to strengthen local government in metropolitan areas as by—

(i) liberalizing municipal annexation of unincorporated areas;

(ii) discouraging . . . incorporations not meeting minimum standards of total population and population density;

(iii) authorizing city-county consolidation, or transfers of specified functions between municipalities and counties;

(iv) authorizing intergovernmental contracts for the provision of services;

(v) authorizing the municipalities to exercise extraterritorial planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation;

(vi) restricting zoning authority in metropolitan areas to larger municipalities, to counties, or to the State, in order to prevent zoning by smaller municipalities which excludes housing for lower income families;

(vii) authorizing the formation of metropolitan councils of government and other regional governing bodies;

(viii) authorizing the establishment by the State, by local governmental bodies, or by the voters of the area directly, of metropolitan area study commissions to develop proposals to improve and coordinate local governmental structure and services, to permit side-by-side area-wide and local governments, or to permit consolidation of municipalities; and to present to the voters of the area such proposals;

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations, and capital improvements; and

(x) furnishing State financial and technical assistance to metropolitan areas for such matters as planning, building codes, urban renewal, consolidation, and local government and finance.

(C.) Changes designed to make local government more responsive and democratic by decentralizing back to the neighborhood wherever possible.

SEC. 3. REPORTS AND RECOMMENDATIONS.—The President shall report to the Congress at the end of each fiscal year in which Federal block grants are paid on the progress made by each participating State in carrying out its modern governments program, and, prior to the end of the fourth fiscal year, shall make recommendations to the Congress concerning the future of the Federal block grant program.

DESCRIPTION OF STATE AND LOCAL GOVERNMENT MODERNIZATION ACT OF 1971

1. Purpose: The Act proposes a marriage of revenue-sharing and state-local government modernization. In "Financing State and Local Governments", Federal Reserve Bank of Boston, 1970, Joseph A. Pechman of Brookings Institution, co-originator of the Heller-Pechman Plan for revenue-sharing says:

"Some new dramatic device needs to be used to shake state-local officials out of their lethargy. Mr. Reuss would require only that state governments prepare a master plan and timetable for modernizing and revitalizing their governmental structures to be eligible for the revenue-sharing grant. The details should be left to the states themselves. Provided that this modification would not involve constraints on the spending of the revenue-sharing funds, it seems to me that the Reuss modification would have the desirable effect of focusing attention on an important national problem. Federal assistance for a country-wide effort to improve the governmental structure of our states and local governments might provide substantial benefits. The experiment is worth a try, since reform is so urgently needed in this area."

2. Funding: The Act would provide revenue-sharing block grants for the states and localities of $3 billion for fiscal 1972, $5 billion for fiscal 1973, $7 billion for fiscal 1974, and $9 billion for fiscal 1975. The sums would be authorized and appropriated by the usual Congressional processes. By going the Congressional appropriation route rather than the income-tax-base trust-fund route, and by providing for a state demonstration of intention to modernize state and local government, the bill would be assigned to the House Committee on Government Operations, thus avoiding the House Committee on Ways and Means, the Chairman and ranking minority member of which are in opposition to revenue-sharing.

3. Qualification for Revenue-Sharing by States: Each state, in order to qualify for the first year's revenue-sharing for itself and its localities, in fiscal 1972, must enact a law setting forth its pattern for local distribution within the state, as set forth in paragraph 5. In order to qualify for the second year's revenue-sharing, which starts on July 1, 1972, the state must enact and file with the President a master plan and timetable setting forth what it proposes to do in the years ahead to invigorate and modernize its own and its local governments. The Act contains a "laundry list" of illustrative reforms. Just as in the Marshall Plan distribution of 1948–1952, the beneficiaries would not be subject to any strings on how they spent their funds, or even on progress made in fulfilling their own master plan. The check-list of reforms which would be before the states when considering their master plans include:

a. *interstate,* including regional agreements by states, and interstate compact, for dealing with interstate regional problems; for cooperative efforts in health, education, welfare, transportation, and conservation; and for the government of those metropolitan areas which overlap state lines.

b. *state direct action,* including the short ballot, longer terms for constitutional officers, annual legislative sessions, adequately paid officers and legislators, modernized state borrowing powers, improved tax systems (including an income tax of at least moderate progressiveness), rationalized boards and commissions, increased assistance to local governments, revising the terms of state aids and shared taxes so as to encourage modern local governments and to compensate for differences in local fiscal capacity, state assumption of direct fiscal responsibility for basic functions, and modern personnel systems.

c. *state action affecting localities,* including changes designed to make local government more efficient and economical; changes designed to strengthen local government in metropolitan areas; and changes designed to make local government more responsive and democratic by decentralizing back to the neighborhood wherever possible.

4. Allocation to states: Revenue sharing funds are allocated to each state (for it and its localities) according to the population of each state, with an adjustment for relative revenue effort. After July 1, 1974, State income tax revenues are to be given double weighting, following the recommendation of the National Advisory Commission on Urban Problems of December, 1968, in order to encourage states to avail themselves of the progressive income tax. The formula is the same as that in the Administration bill, except for the future double weighting for state income tax revenues. Based on 1966 data, the Act's formula would result in the following percentage allocations for the 50 states and the District of Columbia:

[In percent]

State	Without double-weighting for income-tax revenues	With double-weighting for income-tax revenues
Alabama	1.619	1.636
Alaska	.117	.139
Arizona	.989	.970
Arkansas	.961	.966
California	11.272	11.129
Colorado	1.177	1.219
Connecticut	1.304	1.208
Delaware	.238	.293
District of Columbia	.327	.363
Florida	3.008	2.783
Georgia	2.070	2.127
Hawaii	.451	.519
Idaho	.402	.432
Illinois	4.714	4.365
Indiana	2.392	2.466
Iowa	1.563	1.457
Kansas	1.256	1.284
Kentucky	1.449	1.515
Louisiana	2.087	2.010
Maine	.521	.482
Maryland	1.700	1.850
Massachusetts	2.865	3.047
Michigan	4.218	3.907
Minnesota	2.145	2.401
Mississippi	1.297	1.230
Missouri	2.205	2.038
Montana	.400	.415
Nebraska	.650	.602
Nevada	.225	.208
New Hampshire	.309	.291
New Jersey	2.998	2.792
New Mexico	.578	.559
New York	11.036	12.164
North Carolina	2.459	2.693
North Dakota	.451	.346
Ohio	4.302	3.986
Oklahoma	1.239	1.210
Oregon	1.036	1.047
Pennsylvania	5.290	4.905
Rhode Island	.447	.414
South Carolina	1.236	1.297
South Dakota	.404	.374
Tennessee	1.799	1.686
Texas	4.923	4.560
Utah	.587	.620
Vermont	.254	.285
Virginia	1.910	2.127
Washington	1.687	1.563
West Virginia	.886	.880
Wisconsin	2.530	2.950
Wyoming	.191	.177

5. Allocation to localities: The Act provides that 60 percent of the block grants be paid to the states, and 40 percent "to such units of general purpose local government, and according to such a distribution formula, as the state shall by law provide." This provision recognizes that the individual states are the best determiners of how the localities shall share. The percentage to be paid to local governments is 40 percent, compared to the 30 percent to be paid to local governments under the Administration bill, and the 35 percent to be paid to local governments (those with a population of 50,000 or greater) under the recommendation of the Advisory Commission on Inter-Governmental Relations and the National Advisory Commission on Urban Problems. 40 percent seems a proper minimum pass-through to local governments.

The Administration's pass-through requirement is to all units of general local government, some 63,000 in all. This would

XUM

mandate the continuation of uneconomic and inefficient villages, counties, townships and cities; worse, it would distribute the pass-through according to the existing revenue patterns of the localities, thus disadvantaging those that are already in relative fiscal trouble. At the other extreme, mandating a pass-through which considers only cities and counties of over 50,000 population may be discriminatory against smaller governments, particularly rural, which may be efficient but poor. The Act leaves it to the state to provide any sort of fair distribution pattern it chooses, but if the state departs from a pattern of mechanical equality according to population or revenues, it must depart in a direction that favors the relatively more populous localities (in order to provide an incentive for fiscal consolidation, and to favor the larger and more hard-pressed localities), or that favors communities that contain relatively more low-income families (in order to take care of the poor communities, large or small).

6. Accountability: Administration of the program would be lodged in the executive office of the President. As stated, the only string on the block grants would be good-faith initiative by the states in preparing and filing their modern governments programs. Action by local governments to avail themselves of the liberating effect of state encouragement would also be stringless. Title VI of the Civil Rights Act of 1964 would be applicable. Congress, in considering whether to renew the program after the initial four-year period, would doubtless take into account the progress of the efforts made by states and localities to implement modern governments programs.

REMARKS OF HUBERT H. HUMPHREY, NATIONAL CONFERENCE OF STATE LEGISLATIVE LEADERS, SAN JUAN, P.R., DECEMBER 1, 1970

It is time for frank talk! There is a crisis of government in America. The American federal system—indeed our entire democratic structure—is facing its moment of truth.

To put it directly: Can our governmental and political institutions cope with the new demands, as well as the age-old problems of a highly mobile, urbanized, industrialized and heterogeneous society?

The hard facts of life are known to each of you!

Our cities are victimized by noise and air pollution, traffic congestion, slums, racial strife, violence and crime.

The demands for social services, law enforcement, welfare, health care and education are constantly increasing. Costs are skyrocketing! The demand for law and order comes at the same time that cities are forced to lay off police and firemen because of lack of funds. Welfare rolls grow at the very time that local government revenues are dropping. To put it on the line, our system of government is in a state of paralysis.

Our cities and states are in a desperate financial crisis.

Revenues are always falling behind expenditures—the tax base has been stretched to the breaking point.

Our slumping economy has now brought many states and municipalities to the brink of financial chaos.

The flight from the cities to the suburbs has only served to produce new problems—for those who escape as well as those who are left behind.

And our rural areas continue to deteriorate—this is an outrageous waste of human and national resources.

Government at all levels seems to be muscle bound, unresponsive, and ineffective. It is big and costly—yet seemingly unable to assure the citizens of the most elemental of government services—the security and protection of life and property. Is it any wonder that the citizen taxpayer is confused and angry? He asks: Who or what is the responsible authority?

Who does a citizen call when something goes wrong? The Mayor, the Governor, the Legislator, the County Supervisor, his Congressman or Senator? He often doesn't know—and, if he does know, the governmental authorities often fail to respond.

Mr. Average Citizen doesn't have a Ph. D. in Political Science. He isn't acquainted with all the political theories about the federal system.

All he knows is that his taxes are high, and not much happens when he has a complaint. To him, government is politics and politics is government. And all the explanations of our national, state, and local agencies add up to but one thing—more politics and more politicians.

And so, fellow politicians, I put the question to you: What are we going to do about it?

Our crisis of government is greatly worsened by over-commitment and under performance.

Let's take a look at the commitments that we have made.

We talk about the blessings of health; we promise decent homes; we commit ourselves to a clean environment; and full employment, and the best in education.

Congress again and again, writes into law the goals of a humane and just society—in the Employment Act of 1946, the Housing Act of 1949 *and* 1968, the Education Act of 1965, the Economic Opportunity Act of 1964, the Civil Rights Act of 1964 and the National Environmental Policy Act of 1970—just to mention some of the commitments.

Presidents commit their administrations to achievement of these goals—and then ask Congress for funds barely sufficient to hold the line against these problems, much less take the offensive.

Congress, for its part, continues to address the issue of national priorities by fits and starts.

At no point in the legislative process is Congress able to make basic and comprehensive judgments about the allocation of our national resources. And, at no time is any state legislature able to make basic and long-term judgments about the use of state and local resources.

The end product of this system is our failure to deliver on the national commitments so solemnly made and so quickly forgotten.

And so, fellow politicians, I repeat: What are we going to do about it? Surely we can't admit either incompetence or failure. We have the means and the resources. The question is do we have the will—the purpose—and the courage to stake out the priorities.

At the outset I must stress the absolute imperative of restoring our economy to its full productivity.

Today we are sacrificing approximately $50 billion in gross national product—and this tragic loss undercuts everything else that we, as a nation, may attempt to do.

There is a growing consensus among economists of all persuasions—among businessmen and labor leaders—that present economic policies are not working. For the sake of us all, I earnestly appeal to President Nixon to change these policies—to apply the full powers of his office in using wage-price guidelines; to relax the tight money-high-interest rates that have affected so severely the lot of farmers, small businessmen and prospective home buyers; to pursue a policy of vigorous economic expansion; and to wind down our involvement in Vietnam at the earliest possible moment.

A healthy and vigorous economy is the essential first step in surmounting the governmental crisis I have described. This, in part, is the answer to the shortage of revenues which now plagues all levels of government.

Next, we must accelerate our efforts to redesign and reconstruct the federal system.

Unless we achieve a governmental structure that accurately reflects the nature of governmental responsibility today, our best efforts will ultimately fall short.

We have heard much of the need for "creative federalism" or a "new federalism"—a common recognition by Democratic and Republican administrations alike that our existing federal structure must be changed and adapted to current needs and future problems.

Some progress has been made. The federal government has begun to make more rational the administration of its major programs. Greater cooperation in the field is now possible among federal agencies.

State and local officials are being drawn more directly into the implementation of federally-funded programs. But the new federalism must embrace the establishment of national goals within the framework of a working partnership of Federal, State and local governments, including the active participation of the voluntary and private sectors. The new federalism cannot be merely a delineation of powers between levels of government; it must be a plan of action involving the cooperation and commitment of all areas of government.

Yes, we all know that far more innovative steps are necessary. And these steps can be most effective if we design action programs which require new governmental relationships as part of the process of implementation.

For example, I have long advocated the creation of a Domestic Development Bank that would provide an alternative source of low-interest long-term credit for states and municipalities.

The Domestic Development Bank would offer guaranteed bonds on the national investment market, and then lending funds to local governments at subsidized rates of interest—below the rates of the municipal or state bonds.

Local governments would not have to pay more to borrow from the Bank—indeed with the federal guarantee they should pay less.

The increase in long-term funds available to local governments is primary.

But an important corollary of the proposal is the expert staff to provide for planning, as well as information interchange and coordination among the various levels of our federal system.

This process of building a new federal system would be assisted by the appointment of a special Presidential representative—similar to an ambassador—who could speak for and represent the President in every federal region in order to coordinate and expedite our federal programs. He must be empowered to cut through the red tape, to act and not be hemmed in by petty jurisdictional disputes between agencies.

I have recommended the creation of a Federal Legislative Council composed of representatives of the Congress and the State Legislatures—to make possible regular consultations between national and state legislative leaders. These regular meetings would make it easier to adopt existing laws to state needs, as well as to design new proposals for future needs.

There should also be regular periodic meetings of the President and the governors directed toward the improvement of national and state relationships—where there can be open and frank discussion—where the problems of policy and administration can be ventilated and examined. These semi-social events of Presidential luncheons or dinners for the governors and their wives are no substitute for genuine, well-planned, organized and down-to-work sessions that modern day governmental coordination demands.

In similar fashion, local governmental authorities should meet regularly with the Vice President, the Speaker of the House and the

XUM

Majority and Minority leaders of the House and the Senate.

Furthermore, at the executive level of government, in the Office of the President, we need a permanent National Commission for Planning and Development—one embracing all levels of government and including private enterprise.

The federal budget planning process must be opened. We need hearings across the country so that governors, legislators and mayors are brought directly into budget planning before the federal budget is locked up and presented to Congress.

And Congress must better equip itself to work toward the national goals that it has written into law.

Congress needs a "Joint Committee on National Goals and Priorities" in order to see the broader picture of what must be done.

This joint Congressional committee would evaluate the President's budget in light of national social and economic goals—stressing those areas where our performance is not keeping pace with previously established goals.

Congress, for example, continues to create additional planning grants in different agencies and departments. These grants are diverse and sometimes incompatible.

Funding for coordinated planning is completely inadequate. In 1969, $252 million dollars was made available for the 36 standard physical planning programs of the federal government. Coordination of local agency planning under the Model Cities Act was not funded at all. This joint committee on national goals and priorities could begin to bring some sense to the present uncoordinated planning process.

The Joint Committee would receive testimony from federal agencies, but it would also tap the private community. Special advisory bodies, business and labor leaders, educators and students would be invited to the committee witness table.

To do the job correctly, the joint committee would need an expert technical staff, access to computers, and the planning, programming and budgeting mode of problem analysis.

Finally, states and localities must work far more diligently at putting their own houses in order. This involves a searching reexamination of taxing policies, land use and ownership policies, and the organization of agencies and departments. It also includes Constitutional reform and modernization along with much more extensive state aid to localities and particularly metropolitan areas.

We must encourage the creation and strengthening of metropolitan-wide authorities—such as Councils of Civil Peace to coordinate all law enforcement activities.

We must encourage the further development of councils of governments. These councils are a way to preserve local autonomy where that is appropriate, and to maximize the use of common facilities and services.

Each state government should create a new department for community development—the functional equivalent at the state level of the federal government's Department of Housing and Urban Development.

Our colleges and universities should be encouraged to undertake broad research programs on the social and economic needs of our urban communities, the proper use of land, as well as zoning, building codes and social services. Surely, state supported institutes, colleges and universities have a responsibility not only to students and faculty, but to the needs of the community.

As our space and defense programs are reduced, we should mobilize the intellectual, technical and scientific resources that are released and put them to work on the problems of pollution, mass transit, housing, urban planning, health care and education. We can ill afford the unemployment or underemployment of our technical, scientific and professional manpower. What a tragic waste!

Public policy in this country must include an opportunity for the good life in rural America—in the smaller cities.

This necessitates more than just thinking about hospitals and highways and business institutions and schools.

It means an economic program for America in which the producers of our food and fiber share equitably in the progress and prosperity of the nation.

I continue to support—and I intend to work actively for—an equitable system of federal revenue sharing with the states and localities. I am acutely aware of the financial crisis which today confronts every state and every municipality in America. We can wait no longer in beginning to relieve this crisis through a system of revenue sharing. The time to act is now—even if it is only a start. Whatever adjustments are needed in the federal budget must be faced now—and action taken. And, let's face it, where federal standards are imposed such as proposed in the Family Assistance Welfare program, then the federal government must be prepared to pay the bill. This alone would be a great help to state and local government. Then too, Federal assistance to education must be doubled within the next two years. The property tax base in most states simply can't meet the rising costs of welfare and education. Either there must be new sources of revenue or a drastic cutback in state and local services.

Federal assistance to local and state law enforcement and protective services—police, fire and criminal rehabilitation—must be increased threefold. These are immediate basic minimums! To do less is to court a collapse of government services and authority.

Our problems today are only a sketchy outline of what lies ahead unless we have the vision and the will to plan ahead, to work ahead, and then—to the best of our ability—make the commitments and mobilize the resources that are need to fulfill the commitments.

In the year 2000, we will be a nation of 275 million people—and over 80% of our people will live in cities. To meet these demands we will need an additional 12 million acres of urban land for housing, parks, hospitals, schools, factories, roads, airports, courthouses, churches and industry.

So, to meet the needs of the year 2000—less than 30 years from now—we must set our sights on the targets of tomorrow:

To develop the necessary power resources;

To establish where the new population centers will be;

To determine where we will build new roads, and airports, bus and rail terminals;

To find out how our ailing health care system should be repaired and augmented;

To encourage, through better knowledge and voluntary action, a rate of population growth compatible with our resources;

To protect our resources of land, water and air, thereby assuring a livable and healthy environment;

To redesign, redevelop and rehabilitate our cities so that we can provide safe neighborhoods, decent housing, adequate open spaces and recreational facilities; and

To expand, improve and humanize our educational systems.

None of these problems is subject to solution by government alone—surely not by the federal government alone.

All of them require the active cooperation of federal and state governments—all of them will bear heavily on both public and private resources. But none of them will go away if ignored.

To begin with, we must plan. Yes, we can plan a better America.

We can build a better America.

I know the faith is there. I know the strength is there. If we work together, if we trust each other, we can meet the challenge of tomorrow.

WHAT REVENUE? WHAT SHARING?

(Remarks of Representative HENRY S. REUSS, of Wisconsin, before the National Conference of State Legislative Leaders, San Juan, P.R., December 1, 1970)

Revenue Sharing, I remain convinced, is an idea whose time is coming. But there are a couple of basic questions that we do well to ask ourselves today:

What revenue? What sharing?

What *revenue?* The revenues were supposed to come from the peace-and-growth dividend. The funds, under the Nixon proposal, were to start flowing to the states and localities on January 1, 1971.

But there is no peace, and there is no growth. Instead, there are more raids in Northern Vietnam, a widened war in Cambodia, and the end of the war not in sight. Instead, there is 5.6 percent unemployment, 7.2 percent cost-of-living inflation, zero growth, and whopping federal budget deficits for this year and next, immensely larger than the deficits that used to make former Treasury Secretary Humphrey's hair curl.

So the first priority for revenue-sharing is to get some revenue to share. This means we must adopt more sensible military and economic policies. It means we must extricate ourselves from Southeast Asia. It means we must halt inflation by wage-price guideposts, and perhaps a quick-freeze across the board, and by supply measures, and credit measures. It means we must get the economy moving forward again by reordering our economic priorities. Then, and only then, will there be revenues to share.

But it is not a day too early to talk about the other element of our phrase—what *sharing?*

It is good that the Nixon Administration is committed to revenue-sharing, with an admirable allocation to state and local governments based on a combination of population and relative tax effort.

But the Administration proposal is, I believe, deficient in two important particulars—its pass-through requirements to states and local governments, and the absence of any requirement that the states demonstrate their ability and intention to do something about needed fiscal and organizational reforms of state-local government.

Let us look at the first criticism. The Administration's pass-through requirement is to *all* units of general local government—all 63,000 of them. Under this formula, the most Lilliputian suburb, the most archaic village, the most depopulated county is given a positive incentive to continue its untrammeled existence, without inquiry into whether its usefulness has ceased.

Worse, under the Administration proposal, each unit of local government would receive the funds "based on its share of total local government revenues raised in the state". The trouble here is that the disparity between local government revenues within a state is already a scandal. Community A, with the same population as Community B, may presently receive a much larger share of total local government revenues raised in the state because it contains a covey of wealthy income-tax payers, or a huge property-tax paying public utility installation, or a sales-tax generating shopping center. Worse, Community A may have zoned out poor people, particularly those with children, by zoning or building limitations. Thus the existing unfair discrimination in favor of Community A would be worsened. Once again, the gospel according to St. Matthew would be fulfilled. For unto everyone that hath shall be given; but from him that hath not, shall be taken away even that which he hath."

XUM

The problem of how to extend revenue-sharing to the localities seems much better answered by some such recommendation as that made two years ago by the Douglas Commission on Urban problems. Under that formula, the local pass-through would be concentrated on larger cities or counties, those with populations of at least 50,000. Thus only 717 of the nation's 63,000 units of general local government would be aided, some 310 cities and some 407 counties with a total population of 121.7 million on a nationwide basis. The Douglas formula would allocate 65 percent of the revenue-sharing payments to state governments, 22 percent to cities, and 13 percent to urban counties. Of course, a large portion of the states' share could be expected to be re-channeled to local areas of all sizes, thereby increasing the ultimate local share of the total. Such a pass-through formula would give an incentive toward fiscal federation rather than a reverse incentive toward further Balkanization.

A second criticism of the Administration's revenue-sharing proposal is that it would act as a crutch to perpetuate ineffective state and local government, rather than as a catalyst to impel the states to respond to the urban crisis.

Crimes, slums, disease, poor transport, air and water pollution, ineffective schools, welfare hated by both the giver and the receiver—all these are eloquent testimony to the reality of the urban crisis. Everywhere, and particularly in metropolitan areas, local government remains fragmented, ineffective, not very democratic, and nearly bankrupt. There are just too many governments and officials. Revenues are hopelessly inadequate and hopelessly uneven between richer and poorer areas. Far too few functions of government are decentralized to where the people are.

It is up to the states of the United States to exercise their basic constitutional responsibility to conduct domestic government. The states have the responsibility for the form, structure and power of local government. The states create the administrative machinery for delivering the vital domestic services of education, welfare, health, transportation, open space, environmental control, law enforcement, administration of justice, housing, land use, employment and business, taxation.

Let revenue-sharing, therefore, not be a placebo to encourage states to do nothing about a viable federal system. Let revenue-sharing, instead, be used as an incentive to the states, each in its own way, to get on with a program for modernizing state and local government.

My own version of revenue sharing, contained in H.R. 11764 in this Congress (an updated version will be introduced in the 92nd Congress next January) would require that a state prepare a modern governments program in order to become eligible for federal revenue sharing. No set list of requirements is postulated for these programs, if only because no two states are alike in the need for and direction of reform. But a suggested check list conveys an ideas of what kinds of reform should be considered for these state modern government programs:

For its own government, the state would have to ask: How is it equipped to deal with interstate regional problems, and for cooperative efforts with its neighboring states? How does it fare in terms of the short ballot, longer terms for constitutional officers, annual sessions of the legislature, adequately paid officers and legislators, the merit system, modernized borrowing powers, rationalized boards and commissions, improved tax systems (including a progressive income tax), assistance to local governments, state assumption of direct fiscal responsibility for basic functions?

And, most important, what is it doing about local government? How can state laws cut down on the number of unnecessary counties, towns and other local governments? How can they promote metropolitan government, home rule, the local short ballot, modern borrowing power, the merit system? How can they decentralize many of the functions of local government back to the neighborhood?

In fiscal terms, has the state revised its grants-in-aid system and its sharing of tax revenues, so as to eliminate the preferences so widely given now to wealthier communities at the expense of poorer communities? Do state laws permit the recapture of zoning power from excessively small communities? Is the state assuming its own responsibilities for massive help to metropolitan areas in such matters as housing and urban renewal?

I conclude: Let us get the *revenue* for revenue-sharing by making the peace-and-growth dividend come true. Let us condition the *sharing* of revenue-sharing on a real commitment by the states to get on with the job of making federalism work. If we do, the decade of the 1970's can be the decade in which the states enjoy their own once again.

FOOD STAMP PROGRAM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. **GONZALEZ**. Mr. Speaker, I have never ceased to speculate and wonder at the ways of the world. Many years ago when I was a child I watched the anguish and travail of a second cousin of my mother's who had come from Mexico during the revolutionary period and whose husband died shortly thereafter, leaving her to care for several sons. One of them became an alcoholic and would take everything his mother had in the house during her absences to go pawn these meager possessions in order to buy beer or alcohol. I would visit this family and witnessed the heartache of a mother. It soon developed that outside of the bed and a table and a few other items, there was no furniture to speak of in that house.

Therefore, what a surprise when later I would walk by a beer establishment on old North Flores Street and see this distant relative being plied drinks free gratis by habitues of the establishment. However, on one occasion, I was on the sidewalk when this same distant relative approached his companion for a loan of a quarter with which to buy some food and was refused. The man refusing him the quarter for food offered to buy him a drink. I pondered over this and later in the day expressed my puzzlement to an uncle who had also recently arrived from the last turmoil in old Mexico. He was a philosophic gentleman who proclaimed all during the week he was a "libre pensador"—free thinker—but attended mass regularly on Sunday at the cathedral. When asked about this apparent contradiction he would shrug his shoulders and say: "That's in case I'm wrong during the week."

Well, this uncle thought a while after I had related the episode outside the tavern, puckered up his lips as he was wont to when about to utter a solemn pronouncement and said: "Para el mal diez ayudan, para el bien nadie"—For wrongdoing 10 will help, for good none.

I could not help but think of this irony of life when I listened attentively to the debate on the food stamp bill. It seemed that the committee and most members agonized over the possibility someone might get food they were not entitled to, yet many of the same members rushed through and voted for many dollars for the rich and the powerful.

When I was in the State senate I saw essentially the same thing. If I had a bill for the blind, or the destitute or the halt and the lame, I could never get hearings; it would take years for some action. But the railroads, the oil and gas companies, the powerful corporations—well, they whooshed the bills through.

But here in Congress, certainly I thought we would get a chance to offer some amendments that some of us feel are needed in order to make possible a realistic and just system of food stamp distribution.

As a strong advocate of this program since its inception I have seen with dismay the case of my own district where a great scandal has been gathering in the administration of this program, thereby jeopardizing the legitimate and bona fide needy. All because we have been pennywise and pound foolish. We on the congressional level say with magnificent bravado: "Here you cities and counties look at what we are giving you." Then proceed to provide nothing for administrative costs to the localities and States that are unable or unwilling to supply the moneys for the cost of administration.

I intend, however, not to quit in my endeavor to bring to the Congress the necessity of providing bedrock help for sound and efficient management and administration of this program.

JEWS IN THE SOVIET UNION: A STORY OF PERSECUTION

(Mr. **PODELL** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **PODELL**. Mr. Speaker, the persecution of Jews in the Soviet Union continues. The latest demonstration of anti-semitism is one of the ugliest; it began yesterday with the public trial in Leningrad of 33 Soviet Jews accused of attempted hijacking and anti-Soviet activities.

It is not surprising that the charges remain clouded in a veil of national propaganda. Yet one thing is clear: The Soviet Union is intent upon the repression of the national identity of its more than 3 million Jews.

By not permitting Jews to emigrate, and by forcing them to remain in Russia, the Soviet Government has sealed the fate of many of these individuals. They are forcing Jews to stay so that they can then go about the process of robbing them of their liberty or perhaps even their life. The trial in Leningrad today is an all too clear example of what I am saying.

I believe that the nations of the world must express their strong opposition to

Soviet policy. We are quick to react to natural disasters that wipe out populations. We are slow to react to policies of government designed to do the same thing.

The defendants at Leningrad have been imprisoned for months while the trial has been continually postponed. They have no hope of appeal; their lives remain in serious danger, and it is still unclear how many trials will be held. Their testimony may be used to incriminate and penalize other Jewish citizens of the Soviet Union.

Last month, another citizen, Leonid Rigerman, seeking to be recognized as an American citizen, was turned away by Soviet guards and arrested. And the list of examples could continue.

These incidents point to one inescapable conclusion—the condition of the Jew has grown worse. From the closing of synagogues and religious schools, and the denial to Jews of educational and cultural facilities, Bibles, and basic religious articles, Soviet policy against the Jews now includes public trials.

The condition of the Soviet Jew will grow no better until there is a reaction of world conscience. I believe that the United States must take a strong initiative and call upon all free people to condemn these acts that go against the most basic principles of freedom and human decency.

SOCIAL DEVELOPMENT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, few Americans have had as much experience with development in Latin America as the Honorable Covey T. Oliver, former U.S. Ambassador to Colombia, Assistant Secretary of State for Inter-American Affairs, and U.S. Executive Director of the World Bank.

Even though Ambassador Oliver devotes most of his energy today to the study and teaching of law, he pauses in those tasks from time to time to share with his friends and readers some of his reflections on the subject of development.

One of such thoughtful pieces appeared recently in the Foreign Service Journal. In it, Ambassador Oliver focuses on the "New Problems of Social Development," stressing the need for prompt and effective action to redress the imbalance in favor of economic aid and economic development which has characterized the worldwide development effort during the past decade.

As always, I find Ambassador Oliver's thoughts and suggestions both stimulating and helpful. I hope that my colleaues will find them so also.

The item follows:

NEW PROBLEMS OF SOCIAL DEVELOPMENT

(By Covey T. Oliver)

The older problems of social development I came to know all too well while I was involved in inter-American affairs in the 1960s. They include:

Confusion about the meaning of social development.

Lack of usable doctrine contrasted to economic development.

Rejection of modernity by vested interest groups in developing countries including cultural and educational vested interests.

The Marshall Plan's dead hand on US development operations (it was exclusively economic).

The unfortunate legacy of Bretton Woods as to national backstopping of international development activities by non-development institutions such as finance ministries.

The reluctance of foreign offices in developed and developing countries to accept development as a new type of international relationship.

These problems, all of which have links to the two new problems of social development that I shall attempt to analyze, have so far always forced the center of gravity of external assistance toward the purely economic: infrastructure, productivity, import substitution, export intensification, foreign exchange policy and national accounts management. This is particularly noticeable in the Alliance for Progress. Social and civic development objectives are set out in the Charter of Punta del Este, but in Alianza assistance practice, institutional development related to the above economic goals is about as far as social development ever got. And even this degree of institutional development gets only secondary treatment in the Scarcity-Priorities Game that foreign assistance so far has had to be.

What is social development? As I use the term it is not necessarily the same as institutional development (a fairly neutral term—even a fascist or mercantilistic institution can be developed). And it is not exactly that rhetorical favorite, especially of some of the military, "nation building." Social development refers to modernization of the norms and processes for sharing benefits and burdens in societies. It is fairer sharing, especially on the benefits side: education, health, job opportunities (including job training), tax equity, effective administration (including honesty in government). Think of total development as light coming through a prism. Social development is a discernible area in the whole spectrum of development, and there are shadings from the equally discernible purely economic end all the way to the purely political end.

Some new lines of activity are still to be classified. Just recently we have all become conscious of ecological problems, and I think these challenges in developing countries should be included within social development.

Population control is harder to classify. It certainly is not yet purely economic; operationally it is still left to that portion of the political spectrum which in the game of nations as I know it might be called "Inviolable National Privacy."

Economic development, of course, has social effects; and some of these, undoubtedly, have been seen by ultra-nationalists and vested interests groups as impinging on "Inviolable National Privacy." To a considerable degree, the chant of "Trade, Not Aid" is the ploy of traditional export oligarchs, who find the so-called "foreign conditioning" of external assistance a threat to their internal advantages. Traditionalists, everywhere I suppose, incline to the "trickle-down" theory of human betterment. But the traditional export oligarchs that I have in mind are not even much for "trickle down," as may be seen by their strong and usually effective objections to greater taxation of them for the common good. Some exporters of traditional commodities are, of course, not oligarchs but little people. Export oligarchies vary as to countries and commodities. Sugar, for example, is hardly ever a mass man export interest.

On the whole, economic development practices and doctrines no longer fall within the taboo of "Inviolable National Privacy." One reason for this is the spread of economic development theories through graduate education of developing country nationals in developed country universities. Also, the feed-in of professional development economists into all development agencies has given the world a remarkably wide consensus of professionalism as to those items that above I listed as purely economic. How often is the cry of interventionism raised as to issues of monetary economics today? Not often, even as against the International Monetary Fund.

Purely political development is hardly ever attempted through foreign assistance, since political considerations are excluded by the articles of the multinational development institutions. Moreover, since much of economic development is no longer controversial, it seems largely in the field of social development that resistance to change occurs. That it occurs results in part from the fact that the doctrines and the men needed for social development are themselves far below the present stage of growth of economic development technology. Further, some social development schemes tend to be vague and half-baked. Too often they reflect the drives and pressures of faddists and of well-intentioned determinists in the developed world.

Also, there are some fundamental doctrinal disputes, such as the very important one whether developed-country concepts of basic education are relevant to the needs of the poor countries as to the conditioning of their peoples for as happy and effective lives as reasonable projections of national and regional improvement show may be possible. Nonetheless, there is a solid core of social development doctrine and experience available. Basically, the expectations in the field of social development draw upon, not the national idiosyncracies of a single developed country, but upon the modern—if always challenged—way of life generally common in the free, Western, developed world.

Does this concept present problems? Of an ideological nature in terms of 18th and 19th century notions, from the Physiocrats through Marx, yes. In terms of the actual administration of modern societies, hardly. Thus it seems to me a mistake to give great weight to oligarchistically-sourced yells of "gringo intrusion" when what the shouters are really attacking under nationalistic cover is something that is not gringo but modern social practice, whether in the German Federal Republic, Sweden, Idaho, or Australia.

We USA-Americans are remarkably masochistic, and too often we swallow the bait I call "Inviolable National Privacy" when it should be left dangling.

On the other hand, there are areas where the United States' way of doing things socially is not the way that all developed countries do them. In such areas, whether the United States is using its leverage through bilateral or multilateral assistance, it should "knowledgeably eschew ethnocentric predilection." I know of no better examples of our failure to do so than in the administration of criminal justice. While I was Ambassador to Colombia, every time an American was held in detentive custody pending investigation by the examining magistrate, I got the same type of "make protest" instruction from Washington: demand arraignment, bail, and so on. Had no one in the Department ever heard of the continental penal law system, without grand juries, bail bondsmen and the Mallory Rule? I often wondered, as I would again repeat my little essay on very simple comparative law, assuring the Department that we were receiving all the cooperation possible from the Colombians, within the maximum that their system would tolerate without discrediting it.

Another instance in the same area: Why did AID persist in sending non-Spanish speaking, common law lawyers to Latin America to advise on the modernization of the criminal process? Why not some aid-financed Swiss, Italian, German, or French, experts, considering that, on the whole Latin America deals with criminal charges in ways still essentially Napoleonic?

Social development, bedeviled as it long has been in the various ways sketched previously, must now contend with new difficulties. These new problems are very serious: First, attitudes underlying them tend to put social development beyond the sphere of external assistance, thus throwing such development as remains back to an exclusively economic base and leaving the listed problems of social development free of operating pressures that they be solved. Second, as the Installation Address on August 7 of the new President of Colombia suggests, the regressive austerity of economic development on the very poor masses must be leavened with "people programs."

Although I have attempted without much result to get analytical appraisal as to whether the recent "near thing" in Colombia might have a causal relation to imbalance between economic and social development, the words of President Misael Pastrana Borrero tend to suggest there was one. In any event, economic development with only incidental social betterment components is no more than "trickle down," a philosophy of peaceful revolution that has never worked anywhere in the developed world. All the more reason why it should not be expected to work in the far weaker distributive structures of the developing countries.

The Low Profile Doctrine is neither objectionable nor new insofar as United States development concepts are concerned. Certain implications to the contrary are offensively unfair to Kennedy-Johnson diplomacy. True, there has always been considerable insensitivity in the execution of various aspects of foreign assistance; and it is only for understanding that I note the corrosive effects of similar insensitivities in the actual operation of internal anti-poverty programs. The cure for insensitivity and ineptness in either case is better training or better people, not in prejudicing or ending the effort. The development-related aspect of the Low Profile Doctrine that concerns me here is whether social development may drop out of operations, leading to the counter-productive disequilibrium that the recent Colombian election case possibly may present. The "drop out" dangers that I see as potential, but avoidable, are lack of development-related dialogue on social development issues and enlargement of the taboo area.

"No dialogue" might result if the United States responds only to developing country initiatives that do not contain significant social development elements. Every experienced assistance man knows how difficult it is to get specific development initiatives from the government of a developing country.

There has been great shrinkage in the area of "Inviolable National Privacy" in the past few decades. Most would agree that this has been good. Nonetheless, it is possible that unless encouraged otherwise, United States spokesmen vis-a-vis developing countries today may take the Low Profile Doctrine as a broad hint to widen the taboo area. This is a danger, not only in bilaterial diplomacy, but in multipartite-universal and multipartite-regional diplomacy. The area of development most vulnerable to widening of the taboo area is social development, considering that most political development is already within it. On a small planet, ever more widely divided between the very rich and the very poor, the nation state already stands all too frequently as a barrier between the grossly deprived within its territory and the possibilities of betterment that, not one developed country, but all planetary civilization, could provide.

What do we have, what can we reasonably expect, as to international development institutions and how can they do the things that can not be done bilaterally as well as some would like? Thus we have the setting for the second of the new problems, "bankability" and social development.

With the exception of the United Nations Development Programme (UNDP) and a small Organization of American States development fund, the existing multilateral development assistance institutions are banks. These banks have soft loan appendages, such as the World Bank's International Development Association, or they administer funds earmarked for varying degrees of concessionality in lending. There is not, so far, a worldwide or regional *full range* development *agency* with an array of authorizations in the development field comparable to that of the United States Agency for International Development. It is most important, it seems to me, that the present lack of multilateral institutions to do the whole job of development assistance ought to be kept seriously and constantly in mind as the merits of shifting emphasis from bilateral to multilateral assistance are appraised.

There is nothing wrong with the multilateral approach to development assistance except that the existing, well-financed (UNDP is not) multilateral institutions are not structured to go much beyond development lending plus some free technical assistance (almost always loan related) paid for out of the international institution's earnings and profits. The development loan approach to development assistance, even in the economic assistance field, has been found to be inadequate without large grant assistance for both capital transfer and technical assistance. The existing relationship of loans to grants in the totals of assistance supplied to developing countries has already created a serious repayment problem, as the Pearson Report shows. But here I wish to stress that social development—the absolutely essential structural and distributive modernizations that will make the trauma of development tolerable to present generations—is particularly vulnerable should foreign assistance become mainly multilateral, without there being changes in the international development institutions. Why?

One reason is that the development banks cannot use their capital raised by public financing in ways that would undermine the financial soundness of the bank's bonds. This means that every "hard" development loan proposal must, in a convincing and credible way, be quantifiable and, as so quantified, meet cost-benefit and related tests of bankability. President McNamara deserves great credit for taking managerial initiatives in the World Bank toward enlarging the scope of lending from the Bank's traditional field of essential national physical infrastructure into virtually the whole array of development needs, including education and population. Nonetheless, a loan is a loan is a loan, and in the social development field the big basic limitations are those related to "credible quantification"—credible, that is, to the more traditional executive directors and to the world's "money community." The Inter-American Development Bank is farther along with "social lending" than is the World Bank for the poor nations of the world, and at its soft window it has been more relaxed about pay out analyses. Nonetheless, even as to it, there are outer limits, not the least of which is the tendency of Congress to wish to ensure North American-type substantive audit oversight of lending operations.

Another reason changes are essential in international development institutions is that many social development projects are still highly controversial as to whether they are credibly quantifiable. It is not likely, for example, that national health, primary education, secondary education (other than vocational), and population limitation will in the near future be so measured.

As this is being written, the United States is putting into operation a new institution specifically directed toward social development in the Western Hemisphere. This institution, resulting from laudable initiative in the House Foreign Affairs Committee, will attempt to insulate social development support from the United States Government, as well as to raise funds from various nongovernmental and multigovernmental sources. Its future is still before it.

One established, truly international and universal, sub-institution that could become the world's full-range development agency is the International Development Association (IDA), usually thought of as the "soft lending" window of the World Bank. Inasmuch as IDA does not float bonds for its resources but depends upon periodic contributions from member governments, there is no reason why IDA has to function like a bank. But in practice an IDA loan has been analyzed exactly as a "hard" loan from World Bank bonded capital, except for the hard currency repayment capacity of the assisted country.

Originally, before serious limitations were imposed on IDA during its gestation, it was to be a grant, not a loan, agency. However, as finally constituted, IDA was authorized to give interest-free "credits." Is there a real expectation, deep down in the Junigan subconsciousnesses of the countries that have funded IDA that IDA "credits" are really payable like World Bank loans? Or, was the shift from grants to loans as IDA evolved a generally accepted sugarcoating of national reluctance to give to the poor countries as the United States had given to the developed but war-damaged Marshall Plan countries? Was the marked shift toward loans in bilateral assistance a similar benign avoidance?

My inclination is that the IDA credit could and should be changed to a clear grant basis. But that aside, what is essential is that IDA assistance, even if still called "credits," be freed of the rigors of "bankability" as described above. Only then will we have a multipartite development agency that will have capabilities throughout the social portion of the assistance spectrum.

This shift will require wisdom over the whole spectrum and great objectivity about the institutions of development, whether bilateral or multilateral. Where should this leadership be lodged within the United States Government? It would be extremely difficult to answer this question in terms of what I recall from experience in service about the varying senses of mission of the various Executive Branch subinstitutions that have "interest," in the matter. Suppose USAID is "balkanized" as proposed by the Presidential message version of the Peterson Report and coordination of the "split-up" is transferred to the Executive Office of the President. If this happens, the direction of United States positions in all multinational assistance institutions ought to be there, provided a genuine, driving sense of mission about the validity, urgency, and national interest significance of development assistance exists there. Otherwise, I should be content to see leadership lodged with whatever participating agency gives promise of the most drive. Congressional committee interests must be honored in allocations of authority in the Executive Branch. In the Senate, all foreign assistance is pretty much a Foreign Relations Committee matter, while in the House, the Committee on Banking and Currency has a leadership role so far as multinational banks are concerned.

In this appraisal of what we might call the "institutional development needs of international development institutions," little has been said about the development funds of the United Nations and the OAS. Both have considerable potential for social development, especially in the grant-funded, technical assistance field.

Unfortunately for the UNDP, the widening chasm between the few rich and the

XUM

many poor nations, each with eventual recourse to "one country, one vote," seems to have damaged seriously the prospects for significant capital transfers related to development in general through the United Nations. The noticeable lowering of Latin-American "drive" toward getting development assistance makes the outlook for expansion of the OAS fund poor.

The biggest danger to social development is that the new problems when added to its unsolved ones will submerge it in favor of strictly economic development "trickle down" and all that. The "trickle down" problem even exists in the field of social development in a rather insidious form. North Americans, especially well-intentioned lawyers, tend to assume that problems are automatically solved by improving institutions, norms and modalities. Social development inputs could easily take the form of tinkering exclusively with an array of institutions in developing countries, from university administration to stock breeders' associations, without coming to grips with the basic and urgent social justice problems that I believe lie at the heart of social development.

In taking this position I do not contest the overwhelming need for more adequate funding of economic development. No "numbers game" should be played with total amounts if foreign assistance goes mainly multilateral. All I seek to do here is to call attention to the most neglected part of an area of too much overall neglect, benign or otherwise.

THOU HYPOCRITE—BEHOLD, A BEAM IS IN THINE OWN EYE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, there is an old saying which warns people who live in glass houses about stonethrowing. The saying was probably originally intended for people in the public eye. As public officials know, the gentlemen of the fourth estate are constantly on the lookout for situations to point an accusing finger at Members of Congress. In the Nation's Capital, the Washington Post glories in its self-appointed role as the guardian and arbitrator of this, that, and everything, and more often than not, is pointing an accusing finger at some public official or policy.

You will understand my pleasure then, upon learning that the Post had been called to task by a member of the writing fraternity. And called to task on an "environmental problem."

In the recent edition of the Washington Monthly, there is an absolutely engaging article entitled "Pure Thoughts and Dirty Water" written by Mr. Dirk van Loon. In the article we learn that the mighty Washington Post, through a papermill subsidiary, is polluting the waters of the Mersey River in Nova Scotia to the tune of 14.5 tons of solids and 180 tons of chemicals every day. This situation was forcefully brought to the attention of the Post's management by Mr. van Loon and we learn that the Post is as evasive and noncommital about its responsibility for the pollution as have been some of the polluting firms criticized in the pages of the Post.

In order to get the full flavor of the Post's embarrassment, you must read Mr. van Loon's article and I urge you to do so at your earliest convenience.

The situation reminds me of a passage found in the Bible, which goes thus:

> Judge not, that ye be not judged.
>
> For with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again.
>
> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?
>
> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

The contents of the article in the Washington Monthly follows:

VIEWS OF THE PRESS: PURE THOUGHTS AND DIRTY WATER

(By Dirk van Loon)

Perhaps more than any other comtemporary political issue, the ecology problem is a challenge of the will. We are all fervently against pollution, filth, earth-splitting, and noise—united in our opposition by the single-minded agreement of politicians and the media. And we know that environmental rescue will demand sustained effort and personal sacrifice, which in turn will require a generous portion of public encouragement and leadership.

In this light, I was grateful for the inspiration provided by the environmental editorials of the Washington Post, until I moved to Nova Scotia a year ago and took up residence near the Post's own paper mill. My shock was overwhelming—as if I had learned that Winston Churchill had run guns to the Germans, or that Ralph Nader was a front man for the FTC, or that Vince Lombardi had given his plays to the other team. I began a series of exchanges with executives of the newspaper and the mill, culminating in the following open letter:

LIVERPOOL, NOVA SCOTIA,
November 7, 1970.

MR. PAUL R. IGNATIUS,
President,
The Washington Post,
Washington, D.C.

DEAR MR. IGNATIUS: In 1963, the Washington Post bought, and still owns, 49 percent of Bowaters Mersey Paper Company Ltd. in Liverpool, Nova Scotia. The remaining 51 percent is owned by Bowater, Inc. Bowaters Mersey mill produces about 180,000 tons of newsprint a year, half of which goes to the Washington Post.

According to a Bowater publication, the paper company "is one of Nova Scotia's largest industries, pumping back into the economy every year approximately $8 million in salaries and wages." No one living here denies the importance of Bowater to the local economy: this is a one-mill town, and there has been an understandable lack of public clamor over local pollution. But more and more people are painfully aware that the mill also pumps approximately 14.5 tons of solids (wood fiber, bark, grit, and dirt) and 180 tons of the chemical solution sodium lignosulfanate into the mouth of the Mersey River every operating day as waste products—none of it treated.

Solids and chemicals are flushed from the mill in about seven million gallons of water a day. Effluent from the main sewer outflow has an acidic pH of 4.8 to 5.2. Sea water, says a chemist at the mill, has a pH of about 8. The temperature of the effluent run between 70 and 75 degrees Fahrenheit winter and summer, considerably higher than the average temperature of Liverpool harbor.

The Washington Post is printed on newsprint made from a mixture of mechanical and chemical pulps. In making the chemical pulp, wood chips are cooked in a solution of soda ash and sulfur. Each day when the cooking is completed, quantities of unmeasured and unmonitored gas are vented into the atmosphere. There is sulfur dioxide in the gas, a chemical which, in a reversible reaction, can combine with moisture in the air to form sulfurous acid.

On June 22 of this year, I inquired about the Post's plans for the Bowaters Mersey plant in a letter to your executive editor, Benjamin C. Bradlee. He responded with a prompt, polite note, telling me he had passed my letter on to you. "I know he is actively exploring the disturbing matters that you raise," Bradlee said. "Thank you for bringing this matter to my attention." During the next seven weeks, I wrote Mr. Bradlee twice—thanking him for his reply and later asking him to encourage at least some acknowledgement from you of the active exploration.

If I sound overzealous about the pollution in my neighborhood, it is partly because I have read and been moved by editorials in the Washington Post, such as "Facing the Environmental Facts" on March 18, 1970:

"The problem (of preserving our environment) goes beyond politics and technology into the social and psychological parts of Americans. This is what the politicians and other leaders should begin talking about: that the environment will not be saved—and ourselves with it—by some kind of vague, collective 'concern.' It will be saved—if it is saved—by specific, individual sacrifice of personal comfort and economic growth. This is a dismal thought, perhaps, but easier to live with than the environment we will encounter in good time if we do not face up to it."

What sacrifice of personal comfort or economic growth is the Washington Post undertaking in the interest of preserving our natural environment? There must be room for sacrifice in a company currently undertaking a $25 million expansion of its downtown Washington, D.C., offices.

How concerned should we in rural Nova Scotia be over the stench from a pulp mill? A Washington Post editorial of January 4, 1970, "Getting Back to the Earth (and Air and Water)," makes the word "concerned" seem too gentle:

"Perhaps most alarmed are individual citizens, those who are sickened—literally and figuratively—at the putrid air, water and earth they cannot escape from, not even by 'going to the country,' because it is often worse there."

Indeed it is often worse there. The odor of sulfur dioxide is sharp and pervasive. It can be smelled 20 miles downwind from the Bowaters Mersey mill. Within five or six miles it is strong enough to sting the nostrils. In the immediate vicinity of the mill, occasional temperature inversions trap the gases. Lawns turn brown.

Does it really matter that the Bowaters Mersey mill dumps tons and gallons of untreated effluent into the Atlantic? On April 18, 1970, the editors of the Washington Post wrote:

"Unless the dumping of contaminants in the ocean can be stopped, 'dead seas' are likely to become as commonplace as 'dead lakes' are now."

On August 11, you finally reported on the Bowater Mersey situations as follows:

"Upon receiving the June 22nd letter, I, of course, sent a copy to the management of the Bowaters Mersey Paper Company in Liverpool so that they could become familiar with its contents and address the questions it raised. I have been in touch with them since then by telephone. They believe the best way to pursue the matter would be through a meeting with Mr. M. G. Green, president of the Company, at a time convenient to you and Mr. Green."

In another month there was a letter from Mr. Green suggesting we meet to discuss Bowaters Mersey plans and policies concerning pollution.

We met. I learned that the mill in thinking of spending between $750,000 and $1 million over the next five years for systems which may recover up to 80 per cent of the

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14.5 tons of solids now sliding into the bay each day. These recoverable solids, waste products from the mechanical pulp process, are mostly reusable wood fibers, and Bowaters Mersey is spending $160,000 in the next two years on installations which are designed to pick up about four tons daily.

These plans are heartening—at least until you discover that plans beyond the $160,000 investment are extremely vague and tentative, or until you find that company figures are not available for comparing anti-pollution investments with promotional expenses and corporate property acquisitions. ("We have to be discreet about some items," said Mr. Green.) The picture becomes dimmer when you realize that even the company's most optimistic plans would result in a continuing discharge of almost four tons of solid waste effluent a day into the mouth of the Mersey River after 1975. The beaches of Sandy Cove just west of the mill are drifted high with the rotting remains of weed chips and fibers, and the company has no plans to restore the miles of beaches.

Worst of all, Bowaters Mersey has no plans whatever to attempt recovery or treatment of the 180 tons of daily glut flowing into the bay from the chemical pulp process—in which about 150 tons of wood lignin combine with about 30 tons of sodium bisulfite to produce the lignosulfate waste effluent. This process acidifies the water, poisons fish and plantlife, and sends noxious sulfur dioxide into the air. The chemical wastes constitute 12 times the gross tonnage of the solid wastes, and they are much more harmful. The solid wastes from the mechanical process make the landscape ugly, but the chemicals make the environment downright dangerous. According to Mr. Green, there are no plans to install any system for treating this enormous volume of daily waste. One experiment now under way, aimed at lowering air pollution, will actually increase chemical dumping in the bay. It involves trying to remove sulfur dioxide from exhaust gases by bubbling them back through the sewer effluent.

The whole Bowaters Mersey situation is discouraging because victims of local pollution are obliged to shuffle between the company management, which professes to be enslaved to stockholder demands, and the principal stockholders, who generally stress their remoteness from the whole grisly affair and that their reltaionship to the mill is limited to the mail service.

You concluded your August 11 letter by saying that you would "continue to follow this matter, for the questions you raise are important ones." I find much less of the crusade posture here than appears on your editorial page. Your followship role seems much less weighty than one would expect from your dual positions as president of the Washington Post and board member of Bowaters Mersey Paper Company Ltd. Your publisher, Mrs. Katharine Graham, holds a similar position at the mill.

I grant that most, if not all, pulp mills pollute. It is a very difficult problem which may require sacrifices from everyone—although I think residents here have already sacrificed a great deal. But I would much prefer to see you and your editorial board deal squarely with the responsibilities of the Post's own newsprint factory in Nova Scotia. A candid, informative analysis of your corporation's problems in trying to cope with the devastating harm the mill inflicts on the environment would be more of a public service than your current practice of dispensing earnest sermons on the question of ecological will power while glossing over the Bowaters Mersey mess in your own front yard. In the absence of such honesty, editorials like the one on February 11, 1970, may turn back on you some day:

"The deep horror concerning the environment is not that we have ravaged and poisoned our section of the planet—but that we live with the horror so calmly."

Sincerely yours,

DIRK VAN LOON.

FEDERAL PLAN CALLS FOR JOBLESS SCIENTISTS TO WORK ON URBAN ILLS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, the serious economic dislocation and rising rate of unemployment being experienced by many communities and industries as a result of reduced levels of military and space spending has finally focused national attention on the need for prompt and concrete action to ease the shift to a peacetime economy.

I have been convinced for many years, moreover, that the technology and management skills developed by our defense and aerospace industries over the past years can be applied to the solution of public problems, and in 1967 wrote an article for the Harvard Business Review delineating some of the virtually limitless possibilities for the application of these techniques, for example to the solution of environmental pollution, inadequate education, congested transportation, urban decay, and inferior medical care.

The domestic problems of our urban society daily become more awesome and complicated, and we can no longer assume that only traditional techniques of government can solve them. Today, moreover, employment in the defense and defense-related sectors of the economy has declined by some 700,000, and many highly skilled people, technical experts, engineers, and scientists, now find themselves unemployed, or in very real danger of losing their jobs at a time when there are increasingly fewer opportunities for finding new employment. The impact of this not only on the unemployed and their families, but on the future stability of the engineering and scientific fields is tremendous.

In the past several weeks, therefore, I have been meeting with a number of these specialists, formerly employed by defense and space industries, in an attempt to formulate a program which will provide them opportunities to apply their knowledge of systems techniques and management skills to find solutions to our urgent social needs. One area with immediate potential is the city, where there is a shortage of planners, systems analysts, and personnel with the technological knowledge and management know-how needed to cope with complex urban problems. The capabilities of these scientists and engineers could, for example, easily be put to use in devising new and more effective ways for police routing, transportation systems, pollution control, traffic control, and parking.

I was greatly encouraged, therefore, when the city manager of Lowell, Mass., Mr. James Sullivan, contacted me about the potential use of these specialists in solving some of the problems of that city. His studies verified the need for such modern management techniques and pointed out at least some 20 positions in city management which could be filled by available scientific and technical personnel. Since then I have had a member of my staff working directly with Mr. Sullivan in the city manager's office in order to develop a pilot project for Lowell which would demonstrate the feasibility of using these specialists in municipal and local government.

This concept, and our efforts, have now been confirmed by action on the Federal level. The Assistant Secretary of the Department of Housing and Urban Development and chief of HUD's model cities program, Floyd Hyde, recently proposed a plan which identifies the city as an area where new technology can be utilized to maximum benefit and which is designed to put some 2,000 to 3,000 presently unemployed scientists, physicists, and engineers to work on urban problems.

It has become increasingly clear that there is a need for new ways to solve our urban problems. It has also become clear that the necessary technology and manpower resources are available. The problem so far has been to consolidate the two. Secretary Hyde's plan is, I believe, a major step toward this goal.

His plan would, in addition, recruit Vietnam veterans and persons from poverty areas to work as assistants to these specialists, thus providing these individuals increased opportunities to acquire the skills and the understanding of urban difficulties which will allow them to move into management positions.

I have discussed this program at length with Mr. Hyde, and as he, have been greatly encouraged by the enthusiastic response received from many mayors and city managers throughout the country. His plan will, I am convinced, go a long way toward filling the management needs of our cities, and enable municipal governments to deal with their problems more effectively and efficiently. It is now being put into draft form and hopefully will be before the President within a week or two, and I would like to include at the conclusion of my remarks two articles from the New York Times and the Washington Post which describe this plan.

What we have here is one of the most significant steps yet in making for a smooth and meaningful transition to a postwar economy. I cannot emphasize strongly enough the need for rapid progress in this direction. It is with the highest hopes, therefore, and the greatest praise for Secretary Hyde's creativity, his initiative, and his efforts, that I urge my colleagues' careful study and strong support for this new model cities plan.

FEDERAL PLAN CALLS FOR IDLED SCIENTISTS TO ATTACK CITY ILLS

(By John Herbers)

WASHINGTON, December 12.—The Nixon Administration is considering an emergency training and recruitment program that would put many of the nation's 45,000 unemployed scientists, physicists and engineers to work on urban problems.

The plan, which would begin with a fast training program for several thousand persons, originated in the Model Cities Division of the Department of Housing and Urban

Development. It has been approved by top officials in the domestic departments and has been submitted to the White House for approval.

CALLED STEP IN CONVERSION

It is based on the fact that, while aerospace and defense industries across the country have been laying off highly skilled employees by the thousands cities trying to come to grips with increasing urban problems have been short of planners, systems analysts and technologists of various kinds.

With only a little additional training, officials here believe, the skilled jobless can help fill needs of the cities.

Administration sources who have been working on the plan said it could be an important step in converting from a military to a peace economy.

The authors of the plan were hopeful of winning White House approval because the plan would not require new budget outlays. The training and recruitment would be incorporated into existing programs and would be financed from funds already appropriated by Congress.

An example of how the plan would work can be seen in the Boston area, where some 10,000 specialists have been laid off as Government contracts in space and military projects have declined.

Yet Lowell, Mass., a city of about 90,000 population near Boston, has about 20 openings that could be filled, with some training, by many of those laid-off specialists. An unemployed doctor of philosophy with both technical and business background who had worked in the Apollo space program could be employed by the city of Lowell in a variety of ways—from computerizing the tax collection system to improving the transportation system.

Lowell has not found the doctor of philosophy because the city has only a limited recruitment program and has no funds for retraining specialists.

The plan being worked out within the Administration calls for an initial demonstration project that would retrain 2,000 to 3,000 specialists in several areas including Boston, Los Angeles and Wichita, Kan.

If the demonstration project were successful, it would be expanded to include many other areas. The plan is based on a small pilot project that the Department of Housing and Urban Development successfully conducted in recent months in its search for specialists to work in model cities and other programs.

Special instruction would be set up in colleges in the areas involved and would be combined with on-the-job training. It would be paid for by departmental or other grants.

"We think there are 15,000 to 20,000 specialists who would like to work in urban affairs," the Administration source said. "Cities are able to pay better salaries than is generally believed, and many of those highly skilled people are now working as bartenders or are not working at all."

ROLE FOR VETERANS, TOO

Another aspect of the program would be to recruit Vietnam veterans and persons from poverty areas to work as assistants to the specialists, putting them in line for management jobs later.

The program is designed to encourage the building of professional staffs both in City Hall and in model cities agencies, which work under City Hall, using Federal funds to improve poverty areas.

Many cities now employ outside companies to do planning and analysis work that could be done by their own staffs, if they had the necessary professional personnel. For example, New York paid several million dollars to the Rand Corporation to program a system of policemen's beats.

"We think it is important," a Government spokesman said, "for cities to build their own management capacity if there is going to be the kind of decentralization and local control envisioned."

THREE THOUSAND MUNICIPAL POSTS ARE PLANNED FOR JOBLESS AEROSPACE SCIENTISTS

Nixon Administration officials are pushing a plan to hire about three thousand of the nation's 45,000 jobless aerospace scientists for jobs going begging in local and state governments.

The proposal would also provide for training and jobs as city technical aides for about 3,000 veterans returning from Vietnam.

Ronald L. Ziegler, presidential press secretary told newsmen yesterday that the plan had yet to reach the White House.

The job proposal is being developed by Floyd Hyde, Assistant Secretary of Housing and Urban Development and chief of HUD's flexible-subsidy Model Cities program. Its estimated federal cost is under $5 million.

Hyde's aides said the plan had been widely endorsed by mayors and city managers, who reported about three thousand vacancies in planning, budgeting, and other technical staffs.

According to HUD estimates, there are about 45,000 out-of-work aerospace scientists or technicians and about 80,000 returning veterans who cannot afford to take advantage of the Vietnam GI bill because its benefits are too low.

"You pair these guys," observed one HUD specialist, "give them training, and they can go up the ladder side-by-side."

The tentative HUD plan, calls for:

A quick training and orientation program for scientists and ex-GI's, paid for under existing federal manpower and Model Cities programs. Each trainee would make a three-year job commitment.

Placement in technical jobs in the cities with continued training—on the job or in local universities, with the cities paying full salaries with federal help until the newcomers are fully integrated.

Concentration of HUD efforts in economically hard hit aerospace centers, such as Boston's Route 128 complex, Seattle, San Diego, Huntsville, Ala., Cape Kennedy, Fla.

GENERAL LEAVE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the special order today by the gentleman from Illinois (Mr. Mikva).

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LEAVE OF ABSENCE

Mr. Winn (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Jones of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. O'Hara, for 30 minutes, today.

Mr. Reuss, for 60 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Staggers, for 30 minutes, December 17.

Mr. Jacobs, for 60 minutes, December 17.

(The following Members (at the request of Mr. Kyl) to revise and extend their remarks and include extraneous material:)

Mr. Findley, for 20 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Rostenkowski (at the request of Mr. Foley) immediately following the remarks of Mr. Foley on the Foley-Quie amendment in the Committee of the Whole today, on H.R. 18582 the amendments to the Food Stamp Act of 1964.

Mr. Scheuer, immediately preceding the vote on the foreign aid appropriations conference report today.

Mr. Hall, and to include extraneous material during consideration of H.R. 18582 today.

Mr. Matsunaga to revise and extend his remarks during the consideration of the Foley amendment.

(The following Members (at the request of Mr. Kyl) and to include extraneous material:)

Mr. Hosmer in two instances.
Mr. Hunt in two instances.
Mr. Wyman in two instances.
Mr. Anderson of Illinois.
Mr. Carter in two instances.
Mr. Zwach.
Mr. Schmitz in two instances.
Mr. Lukens in two instances.
Mr. Whalen.
Mr. Price of Texas in three instances.
Mr. Forsythe in two instances.
Mr. Thompson of Georgia.
Mr. Derwinski.
Mr. Findley.
Mr. Kuykendall.
Mr. Broyhill of Virginia.
Mr. Reid of New York.
Mr. Bray in two instances.

(The following Members (at the request of Mr. Jones of Tennessee) and to include extraneous matter:)

Mrs. Hansen of Washington.
Mr. Eilberg.
Mr. Udall in two instances.
Mr. Burke of Massachusetts.
Mr. Baring in two instances.
Mr. Downing in two instances.
Mr. Waldie in three instances.
Mr. Edmondson in two instances.
Mr. Hamilton in 10 instances..
Mr. Dent.
Mr. Harrington in two instances.
Mr. Leggett.
Mr. Hungate in three instances.
Mr. Fuqua.
Mr. Cohelan in two instances.
Mr. Karth.
Mr. Symington in two instances.
Mr. Rooney of New York.
Mr. Hagan in two instances.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. POAGE: Committee on Agriculture. House Joint Resolution 1415. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971 (Rept. No. 91–1760). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Protecting America's estuaries: The Potomac (Rept. No. 91–1761). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19686. A bill to amend section 367 of the Internal Revenue Code of 1954; with an amendment (Rept. No. 91–1762). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 322. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; with an amendment (Rept. No. 91–1763). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. H.R. 13493. A bill to change the name of certain projects for navigation and other purposes on the Arkansas River; with an amendment (Rept. No. 91–1764). Referred to the House Calendar.

Mr. PERKINS: Committee of conference. Conference report on S. 2193; with an amendment (Rept. No. 91–1765). Ordered to be printed.

Mr. THOMPSON of New Jersey: Committee of conference. Conference report on S. 704 (Rept. No. 91–1766). Ordered to be printed.

Mr. HOLIFIELD: Committee on Government Operations. The Rural Electrification Administration and the Hoosier Power System in southern Indiana (Rept. No. 91–1767). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee of conference. Conference report on H.R. 17825; with amendment (Rept. No. 91–1768). Ordered to be printed.

Mr. CELLER: Committee of conference. Conference report on H.R. 6114; with amendment (Rept. No. 91–1769). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 19953. A bill to authorize the Interstate Commerce Commission to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes; with amendments (Rept. No. 91–1770). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By **Mr. ASHLEY** (for himself, Mr. McCulloch, Mr. Hays, Mr. Ayres, Mr. Betts, Mr. Bow, Mr. Vanik, Mr. Devine, Mr. Latta, Mr. Ashbrook, Mr. Clancy, Mr. Harsha, Mr. Mosher, Mr. Brown of Ohio, Mr. Stanton, Mr. Lukens, Mr. Miller of Ohio, Mr. Whalen, Mr. Wylie, Mr. Stokes, and Mr. Carney):

H.R. 19964. A bill to name a Federal building in Cleveland, Ohio, for Michael A. Feighan; to the Committee on Public Works.

By **Mr. O'HARA:**

H.R. 19965. A bill to provide for a program of public service employment, to make jobs available for persons who are unemployed or underemployed in areas of needed public service, and for other purposes; to the Committee on Education and Labor.

By **Mr. STAGGERS:**

H.R. 19966. A bill to establish a National Cancer Authority and to authorize international programs and joint ventures in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By **Mr. GIBBONS:**

H.R. 19967. A bill for the relief of William E. Browning; to the Committee on the Judiciary.

By **Mr. RYAN:**

H.R. 19968. A bill for the relief of Gershon George Rijwan; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, and for other purposes;

H.R. 16498. An act to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes; and

H.R. 19888. An act to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs; in interstate or foreign commerce; and cooperation with State agencies in administration of this act, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, December 17, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2619. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 3, 1970, submitting a report, together with accompanying papers and illustrations, on city of San Leandro Marina, Alameda County, Calif., in partial response to items contained in sections 7 and 110 of the River and Harbor Acts of 1946 and 1950 (H. Doc. No. 91–428) to the Committee on Public Works and ordered to be printed with illustrations.

2620. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 26, 1970, submitting a report, together with accompanying papers and illustrations, on Sabine River and tributaries, Texas and Louisiana requested by a resolution of the Committee on Public Works of the House of Representatives dated June 3, 1959, and to two resolutions of the Committee on Flood Control, House of Representatives adopted March 20, 1954 (H. Doc. No. 91–429) to the Committee on Public Works and ordered to be printed with illustrations.

2621. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 8, 1970, submitting a report, together with accompanying papers and illustrations, on Pleasant Bay, Mass., authorized by the River and Harbor Act approved July 14, 1960 (H. Doc. No. 91–430); to the Committee on Public Works and ordered to be printed with illustrations.

2622. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 26, 1970, submitting a report, together with accompanying papers and illustrations, on Red Run Drain and Lower Clinton River, Mich., in partial response to a resolution of the committee on public works, House of Representatives, adopted July 31, 1957. It is also in partial response to section 206 of the 1958 flood control act approved July 3, 1958, and section 206 of the 1965 Flood Control Act approved October 27, 1965 (Southeastern Michigan water resources study) (H. Doc. No. 91–431); to the Committee on Public Works and ordered to be printed with illustrations.

EXTENSIONS OF REMARKS

RESTORE THE V. & T. RAILROAD

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. BARING. Mr. Speaker, I wish to make note of a worthy effort on the part of Nevadans of the Nevada Heritage Association who are attempting to restore for posterity a part of the heritage of the Old West which is largely responsible today for the growth of this Nation westward; that is, the railroads.

I believe this restoration project, as described by the following well-documented news clippings from the Reno Evening Gazette, Reno, Nev., exemplify the value of the educational success that this project would have for the general public and especially the children of America.

Mr. Speaker, I enclose the following articles:

BOOST THE V. & T.

Efforts of the Nevada Heritage Association to raise funds for restoration of the famous old Virginia and Truckee Railroad are already commencing to bear fruit, is the encouraging word from Dr. Linden A. Rushmer, executive secretary of the association.

The association hopes to raise funds to purchase equipment now in possession of Paramount Studios and restore a portion of the roadway in the Carson River Canyon area, eventually expanding the operation to link Carson City with Virginia City. A century ago the line extended from Reno to Virginia City by way of Carson City.

The cost of obtaining the equipment including two locomotives, six passenger cars and a number of freight cars, and restoring it to running order is estimated to be as high as $600,000. But Rushmer figures $25,000 will do as a starter, and the remainder of the equipment can be acquired as money is realized.

Equipment controlled by Paramount is all that is available of the V&T rolling stock, which was scattered as the famed old railroad fell into its declining years. Locomotives and cars are on display in such widespread places as the Railroad Museum of Pennsylvania, Tucson, Ariz., and in Southern California locations and are unobtainable.

It is abundantly apparent that time is of the essence if this effort of the Nevada Heritage Association is to succeed. Paramount is not likely to resist purchase offers for a long period of time and in fact, some of the rolling stock was up for auction not long ago. Wide strong public support of the purchase effort should be forthcoming, and at once.

Two segments of the population should be most heavily concerned with the purchase effort, those involved in the tourist industry, and the schools. Many times the thought has been expressed that tourist attractions should be developed, that tourist dollars, coming from outside the state and without being taken from the local tax base, are extremely valuable dollars so far as the state's economy is concerned. Here is an attraction more liable to lure tourists than any which can be imagined, and almost ready-made.

The V&T is an integral part of the Nevada heritage and the dispersal of its rolling stock should never have been allowed in the first place. As Dr. Rushmer has said: "Our children are going to want to see these things. They're not going to want to go to other states to see them." Nor should they have to. Strong support of the heritage association's effort will assure they can see the railroad close to home.

A generation ago, school children of the nation pitched in with their pennies to help restore the frigate U.S.S. Constitution.

Might not school authorities give consideration to establishing a procedure whereby their pupils could pitch in with their pennies to help restore the Virginia and Truckee Railroad?

Taking this idea one step further, Mrs. Lillian Gilbert, manager of Joseph Magnin's in Reno, has suggested in a communication with the editor of the Reno Evening Gazette that everyone in the state skip lunch one day and donate the money thus saved or give $1 toward restoring the V & T to its rightful place in Nevada. We think that is a great idea.

Dr. Rushmer and his associates would welcome the pennies, dimes, and dollars of the school children as well as the contributions of all Nevadans and visitors who already are starting to show enthusiasm for this restoration.

"This Belongs in Our State—It Is Ours": Want To Help Restore Old V. & T. Railroad? Read This Story

(By Steve Toy)

It's been 20 years since the Virginia & Truckee Railroad chugged through Washoe Valley.

Since then it's been cut apart and distributed almost as easily as a model train set.

Hollywood has a part, Arizona has a part, Pennsylvania has a part.

And now Nevadans seem determined to get their part—back.

"This railroad belongs to our state—it's is ours," said Dr. Linden A. Rushmer, a dentist in Reno. "Some of these items are gradually disappearing to other states where they're being recognized as prized items."

"Our children are going to want to see these things. They're not going to want to go to other states to do that."

Dr. Rushmer, executive secretary of the Nevada Heritage Association, a state agency, is leading a fund-raising drive to purchase the railroad equipment and, hopefully, have it in operation in Nevada by next summer.

Gov. Paul Laxalt called the railroad equipment "treaured items." He said they would make a contribution to the proposed restoration of Virginia City, and said he would support any real movement that tries to purchase the equipment.

"We want to have these things for the young people that are coming up—it's for them, not for us who are already here," Dr. Rushmer said.

The majority of the railroad equipment, including two engines, six passenger cars and several freight cars, is owned by Paramount Studios in Hollywood.

Dr. Rushmer said he has already begun negotiations with Paramount concerning purchase of the equipment.

"We realize the great historical value of these items, but we haven't made up our minds about any sale as yet," Leonard Horowitz, president of Paramount, said in an interview with the Reno Evening Gazette, by telephone from Los Angeles. "We had not entertained the thought until we had a number of inquiries."

Dr. Rushmer said it will cost anywhere from $25,000 to $600,000 for his association to obtain the equipment and get it running.

So he's set up a headquarters in the old V & T Caboose near the post office in Carson City, opened a bank account, organized a committee, and "now all we need is the money."

"We want to be able to raise enough to get started, and then go to one of the foundations to see if we can get some matching funds."

The association was begun in 1959 to preserve Nevada's transportation and industrial heritage. It was made a state agency in 1965.

The fund-raising drive began three weeks ago.

"We realize time is of the essence in trying to obtain these things—there are other interested parties," Dr. Rushmer said. "We tried negotiating with Paramount before, but didn't get very far. We're hoping to be successful this time."

The equipment was purchased by Paramount for use in its motion pictures, and have been seen in "Union Pacific," "How the West Was Won," and on television in "Wild, Wild West."

Dr. Rushmer said the association wants to put the railroad back into "first class operating condition as a tourist attraction.

"First we'd start running it in the Carson River canyon area. Eventually, we'd have it running from Carson City to Virginia City, just like it did almost 100 years ago.

"This would be the first attempt at a project of this type and proportion in the country," he said.

He said money for the purchase has already begun to come in.

"It's the biggest undertaking our association ever started. But we feel the trains would bring so many people to the area that it will be more than worthwhile."

One V & T engine is on exhibit at the Railroad Museum of Pennsylvania. The Tucson tourist western town in Arizona owns another, while two cars belong to a Southern California rail club. Hurlburt Amusement Co. in California also owns part of the equipment.

"I think we've got as good a chance as anybody to obtain this equipment. We're in a beautiful location for something nationally famous like this. It's the largest single collection of vintage rail equipment in existence.

Dr. Rushmer was on the last V & T railroad ride in 1950.

"There were piles of people. Everyone was remarking about how they hated to see it stop. We rode through the entire Carson-Reno area. It brought back plenty of memories.

"If we can put the right effort on it and convince the people in Hollywood that this is the place for the V & T, we'll have a remarkable exhibit for the state."

REVENUE SHARING: A TOP ADMINISTRATION PRIORITY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, one of the Nixon administration's most constructive and timely domestic proposals is the plan for returning each year a portion of Federal tax revenues to fiscally overburdened State and local governments. When we recall that nearly every one of the big State governments may be facing a deficit of from $100 to $500 million in the coming year, the timeliness of this measure becomes all the more apparent. Unfortunately, as was the case with a number of important Nixon administration proposals, the other party did not see fit to schedule even a day of hearings on this major piece of legislation.

Last week Mr. John Ehrlichman, Assistant to the President for Domestic Affairs, addressed a meeting of the National League of Cities in Atlanta and renewed the administration's plea for early action on the revenue sharing plan. In particular, he urged the House Ways and Means Committee and the Senate Finance Committee to commence hearings immediately after the opening of the next session so that this widely supported proposal can be brought to the floor for speedy clearance.

Mr. Speaker, I am pleased to note that according to Mr. Ehrlichman, the speech was only an initial effort in a forthcoming drive by the administration to secure congressional approval of this vital component of the "New Federalism." I commend this speech to all of my colleagues and include it at this point in the Record:

Address by John D. Ehrlichman

It's good to be here. My origins are in the practice of municipal law and it is my pleasure to be here to talk to you about some concerns which are shared by (1) Mayors and the President, (2) by City Councils and the Congress and (3) by the people who are, at the same time, your taxpayers and Federal taxpayers.

I think your selection of a convention theme is a good one. It is to the mutual interest of your governments and the Federal government for your delivery capacity to improve and grow.

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The Nixon Administration has been fighting hard to move money, responsibility and operating capability from Washington to your cities, and we are frequently met with the doubts of others. A prominent political writer, who is doing a story, was in the office the other day to talk about the President's domestic philosophy.

I was explaining the "domestic Nixon Doctrine" to him—that is—that cities and states should be given the means to do the jobs which they can do best, without strings attached.

The writer looked up and asked: "But can we really rely on the cities to do the job?" He then regaled me with stories of garbage piling on the sidewalks, police corruption and local service breakdowns.

In substance what I told him was this:

The President is well aware of the shortfalls in municipal performance in some cities. He knows that in some cases counties and even states have found it necessary to take over municipal responsibilities, when a city has been unable to deliver.

And he knows that a lack of tax revenues alone does not explain some of these failures.

He knows that cities have trouble attracting top talent to fill some of the appointive jobs. Partly it's salary, but also it's the fact that the cities' problems are enormous and the cities' muscles have atrophied in the last 20 years. (Very few applicants want an impossible job.)

There is no doubt that cities need more muscle power. Money is power, and that's one reason why the President favors revenue sharing with the cities. The ability to decide how money will be spent is also power. That's why we favor block grants, grant consolidation and maximum relief from categorical restrictions.

For years priorities have been set by the Congress, not only regarding problems of national scope, but also how the money is to be spent on problems of strictly local concern.

Our approach involves changes, both in the Federal role and in revenue transfer, but it will also require substantial change in the capacity of local government to discharge its new role.

You know (better than we) how much there is to do to improve your respective governments' capacity.

And I'm sure that you realize that all the world doesn't love this domestic doctrine we are trying to put into effect.

It is obvious that once we win this fight, if the new-won municipal responsibilities are not well discharged, they will soon be lost again.

And so, it is timely that you are talking here about improving the capability of municipal government to deliver and to deliver well.

None of us serving the Administration underestimates the critical problems which city administrators and councilmen face these days. Because of the intimate White House relationship to the city of Washington, we are very familiar with them. We too have our crime rates, transportation crises, employees wage demands, health delivery shortages and the whole constellation of other ills besetting the city. We are proud of our city's accomplishments in Washington in reducing street crime during the past year and grappling with the other municipal complexities, including financial shortfalls.

The People in our cities have pressing needs, some almost beyond reckoning. We have moved against many of them—hunger, poverty and pollution being among our top priorities. Our bills on food stamps, water pollution and welfare reform (as well as many others of the same kind) are, of course, still before the Congress—where they have been for many months. We have been listening to the cities, and as this legislation shows, we are trying to be responsive.

At the same time we hear and must heed the claims of non-urban areas on national resources, and the pressing requirements of national security.

As one of those charged with the job of impressing upon the President the urgencies of our domestic sector, I would like to talk briefly about our defense budget.

As you may know, I sit in on the President's budget discussions involving national security, just as the President asks Henry Kissinger to participate in domestic budget issues. The President does this because we seek a budget result which is the product of balanced presentations of all the relevant facts. Obviously, orderly and pleasant cities which are not defended from overt international threat are no more desirable, than, a stoutly defended nation whose cities are bankrupt and not fit to live in.

From where I sit I can tell you that there has been a substantial shift in the application of national resources in the past two years. As Vietnam has wound down, savings have gone into the programs directed at our most pressing domestic problems. The statistics are irrefutable.

In the budget which we inherited from the previous Administration, covering fiscal year 1969, Defense spending accounted for 45% of the total budget, and human resources spending accounted for 32% of the total budget.

In the Nixon budget for fiscal year 1971 Defense spending accounted for 36% of our total budget while human resources accounted for 41%.

Johnson, defense, 45%.
Nixon, defense, 36%.
Johnson, human resources, 32%.
Nixon, human resources, 41%.

Even so, a few city people complain as though this dramatic change had not taken place.

Some still are heard calling for an immediate troop pullout of Vietnam "so we can start saving our cities." Since we are in the budget season at the White House just now, let me comment on that kind of talk.

Each of you is also short of revenue, I'm sure, and, at budget time, your city engineer probably tells you the worn heating plant boilers or the park department trucks or the fire department ambulance really ought to be replaced by a new, improved model.

Hardware doesn't last forever, he argues, and it really will be an economy in the long run.

And what do you do? In most cases you must postpone modernization like that as long as you can, hoping next year will be better.

And finally the year comes when you must make the replacement because the equipment is obsolete and no longer will do the job, and so you spend money for new hardware at the expense of adding policemen, or more playground equipment or another worthy alternative.

Defense appropriations have been handled in much that way in former years. We are now at a juncture where certain Defense expenditures absolutely must be made to replace obsolescent hardware. The budget of the Department of Defense simply cannot be tapped further, (I am convinced,) without creating an impermissible deterioration of our Defense capability.

Those who argue that the nation can choose between an adequate Defense and "solutions for the problems of the cities" simply misunderstand one set of problems or the other. Simplistic, either-or choices like that just do not exist in the real world. It would be wonderful if they did, but they don't. Therefore, the available resources must be applied to both needs, in proportions dictated by the realities as nearly as intelligent men and women can ascertain them. That process is going on now in our offices. We have assembled bright people, of good faith, to try and do the job of resource allocation as wisely as it can be done. We know and are sensitive to your problems and needs; would that you alone needed the revenues. But they are the Nation's revenues and they must be applied to the problems of the Nation as a whole.

In Guam last year the President announced the elements of the Nixon Doctrine—a change of direction in Foreign policy.

His new directions in domestic policy have not been as well noticed by the press and public. Nor have the similarities in the underlying philosophy of each been seen.

Here is the central thesis of the Guam Nixon Doctrine:

The United States will participate in the defense and development of allies and friends. But America cannot—and will not—conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free Nations of the world. We will help where it makes a real difference and is considered in our interest.

"This approach requires our commitment to helping our partners develop their own strength."

In August of 1969 the President made a speech about "The New Federalism" advancing the domestic equivalent of the Nixon Doctrine. A new revenue sharing idea was its hallmark: not only would Federal revenue be divided with the States but a substantial portion would also pass through to the local governments, according to a fixed formula.

Historically, the economist Walter Heller advanced a (different) Federal-State sharing plan to President Johnson and Vice President Humphrey during their term. The White House initial response then was pretty good, until organized labor lifted its eyebrow. Then the proposal went on bread and water rations. I'm amused at Senator-elect Humphrey's charge that President Nixon isn't working hard enough for revenue sharing these days. No one has more religion than a reformed sinner.

The President (Nixon) studied the Heller proposal carefully and rejected it, primarily because it failed to guarantee substantial city participation in the revenue to be shared. Our Administration's revenue sharing legislation has been well received around the country because it is equitable and workable, and we will continue to fight for it. To put cities at the mercy of rural-oriented state legislatures in allocating the shared Federal revenues would be totally wrong, as we see it.

The President also urged, in his new Federalism statement, that we reform procedures at all levels of government to revest responsibilities in municipalities and States which Federal laws had unnecessarily preempted.

There are tides in these things, the historians tell us. For thirty years the tides of power have run strongly away from local governments to the Federal government. In part this is the result of the superior taxing power of the Federal government. In part it can be attributed to the atrophy of local governments which is, itself, a secondary consequence of the disparity in revenues.

We are doing our best to reverse the flow. If you have examined the domestic legislation we have sent the Congress you know the President invokes a policy presumption in favor of local decision and execution in problem solving. Our manpower training legislation is a good example.

But our proposals for revenue sharing and the reallocation of governmental responsibility are not yet law. Congressional reaction registers from cool to frigid.

Skeptics there say that only the Federal government can assure racial fairness in the

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application of public money to assisted housing. The President doesn't believe that assertion, nor does he believe other tales: that government employees in Washington are more highly motivated, smarter, more ethical or more hard-working than you and your colleagues in city government.

We have urged on the Congress an entire package of domestic legislation premised on the cities' and states' ability to do local jobs well—given adequate funds.

In general, it may be said, the Congress does not share our confidence and regard for your ability to do the job better.

It is time to change the Congressional mind on this score.

We think it will take extraordinary effort to push revenue sharing through the new Congress next year.

We think this fight can be won in the new Congress. But it must be a broadly-based effort, you and the counties, the special districts and the governors must help the public understand the issues and enlist them in this fight.

The President and the Executive Branch are prepared to do whatever must be done to secure this breakthrough.

This league, the county and State organizations and every citizen in your city who you can inform and enlist are essential to the effort.

From the first day the new Congress arrives, January 20, let's have them thinking about this issue. We need early hearings by the House Ways and Means Committee and the Senate Finance Committee. We had not one hour of hearings from the 91st Congress! And then we need early floor action.

The time has come for this Doctrine to be put into law, for these ideas to go to work.

And then it will be up to you, and up to us, to prove the ability of local government to do the job.

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NATIONALIZATION OF U.S. MERCHANT MARINE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. ROONEY of New York. Mr. Speaker, under the permission heretofore granted me by unanimous consent of the House, I include with these brief remarks a press release by Joseph Curran, chairman, AFL–CIO Maritime Committee, issued under date December 16, 1970, which is an interesting and spirited opposition to the nationalization of the U.S. merchant marine:

NATIONALIZATION OF U.S. MERCHANT MARINE

There are some elements in maritime labor ranks who are shouting for the nationalization of the U.S. flag passenger ships which are laid up. They claim that the short cut to end your problems is to cut your own throats. They charge that maritime labor can serve themselves best by the harikari ritual.

May we point out that the passenger ships are laid up because of the decision to so do by anti-merchant marine elements in our Government. Who are these elements and why do they take such irresponsible action? Let us refresh memories of maritime labor's position and how we have seen the anti-merchant marine elements in our Government.

DEPARTMENT OF DEFENSE

The Department of Defense, in 1953, decided to "save" our nation a few dollars in shipping costs. They established a pro-forma U.S. Merchant Marine in terms of national ships needed to service our nation in national emergencies. The grave error they committed was contained in parenthesis in the definition of "U.S. Merchant Marine." They said that the U.S. Merchant Marine shall consist of U.S. flag ships *plus* the ships which are at least 50 percent American owned and flying their runaway flags of Liberia, Panama, and Honduras. They said that runaway ships under these flags were under the *effective control* of the United States during national emergencies.

The military, in turn, put all kinds of pressures on the building up of military-operated merchant ships. Each and every year we have had to fight hard to convince Congress that the Fast Deployment Logistic Ships, to be built for and operated by the military, represent a waste of billions of dollars. These floating warehouses would cost billions of dollars, do little to service our nation, and would accelerate the sinking of our privately owned and operated U.S. flag merchant marine.

DEPARTMENT OF STATE

We shall not bother to repeat all the observations we have made of the State Department's anti-American flag merchant marine posture.

Our State Department has traditionally called for the sinking of our merchant fleet on the false premise that this would benefit other maritime nations. They have consistently refused to acknowledge that our merchant ships are now carrying less than 5 percent of our waterborne export-import commerce. They have refused to admit that the runaway fleets are the threat to ALL maritime nations, including our allies.

BUREAU OF THE BUDGET

This Government agency hardly seems to warrant the American flag. They have bombed any and all operations which are of great benefit to our nation. Based on pure dollar costs they argue that we can survive as a modern power by eliminating our American flag merchant marine and "saving" a few million dollars a year. They even refuse to listen to their own arguments on the desirability of closing the harmful dollar gap in the international balance of payments.

WHO KIDS WHOM?

We are engaged in the serious struggle of survival of our passenger ships. In this fight our AFL–CIO Maritime Committee has considered every approach to possible solution. We have proposed a single passenger ship company to operate the U.S. flag passenger ships. We have pleaded with the U.S. Government to turn away from their own so-called prophets of gloom and doom and provide a subsidy program to preserve our passenger ships.

We know that nationalization of the passenger ships would not save a single ship. It is equivalent of putting the weasel into the chicken coop to guard the chickens.

We know that the nationalization of our passenger ships would raise the threat of nationalization of all merchant ships.

We must continue to work hard in unity to defend our American flag merchant marine. We intend to do this for the good of our seamen, our nation, and the free world.

TRIBUTE TO ASSISTANT POSTMASTER FRED D. McGRATH OF BROCKTON, MASS., UPON HIS RETIREMENT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to join with the many friends of Assistant Postmaster Fred D. McGrath, Brockton, Mass., in wishing him well in his retirement. He faithfully served the people of Brockton since 1930 when he began as a substitute clerk in the post office and it is everyone's hope that his retirement years will be filled with health, wealth, and happiness.

Fred D. McGrath was born, reared, and educated in the Brockton area. He attended Boston College and the Postal Service Institute.

In 1942, Fred entered the military service and was honorably discharged with the rank of major in 1946.

Prior to being promoted to Assistant Postmaster in 1963, Fred McGrath held the title of Chief Accountant in 1960, and Superintendent of Mails in 1962. He was the regional director for developing material for training supervisors, he assisted in establishing bulk mail procedures for the Knapp Shoe Co., and the Postmaster approved his suggestion for the separation of local and out-of-town mail by patrons.

All of us who are his friends wish Fred only the best that life has to offer.

SENATE—*Thursday, December 17, 1970*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou infinite and eternal one, who hast breathed into us the breath of life and endued us with an immortal soul, breathe upon us Thy renewing spirit that we may invest this day's labor with eternal meaning. In the strain and stress of these days, replenish our minds and spirits with the holy glow of Christmas peace and joy.

Bless this good land. Forgive our failures. Confirm our successes. Prosper every measure which enhances justice, righteousness, and truth. Be especially with each person who serves the Nation in this place. May each do his part to create wise programs, to find the unifying action, and to infuse the reconciling spirit.

May we have the promptings of the spirit to keep Christmas each day that the tree of life may have new lights and new symbols of service, which issue from our love of Thee.

We pray in the name of one born in Bethlehem. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 17, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, December 16, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, in view of the situation which developed yesterday, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATUS OF GENOCIDE TREATY

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I should like to inquire as to the status of the Genocide Treaty, since I am interested in it and have had various requests from Senators expressing the hope that some progress can be made with that treaty.

Mr. MANSFIELD. Mr. President, responding to the question raised by my distinguished colleague from Pennsylvania, the minority leader, the treaty has been reported by the Committee on Foreign Relations. It is on the calendar. I have received indications from a number of Senators that they would want to be informed, as they wish to discuss it at some length.

If the opportunity arises, it will be brought up, but I must say, in all candor, that at the moment the prospect does not look too encouraging. The distinguished minority leader knows, however, that this treaty remains within the jurisdiction of the Senate even though the Congress adjourns.

Mr. SCOTT. I thank the distinguished majority leader.

ORDER FOR RECOGNITION OF SENATOR BOGGS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after approval of the Journal on tomorrow, the distinguished Senator from Delaware (Mr. BOGGS) be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GURNEY ON SATURDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following approval of the Journal on Saturday next, the distinguished Senator from Florida (Mr. GURNEY) be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE THAT A CLOTURE MOTION MAY BE FILED TODAY

Mr. SCOTT. Mr. President, I should like to make a short statement, to indicate that a distinct possibility exists during debate on the Department of Transportation and Related Agencies appropriations bill, which includes provisions, among other things, of extreme importance for the Coast Guard and for the payment of air traffic controllers at a time when air passenger traffic is so extraordinarily heavy in this country, that there may well be filed, sometime today, a motion for cloture.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the pending business which the clerk will state.

The legislative clerk read as follows:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair now recognizes the distinguished Senator from Arkansas (Mr. MCCLELLAN) for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield briefly, without losing his right to the floor or any of his time?

Mr. MCCLELLAN. I yield.

PENSION AND COMPENSATION PAYMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1450, H.R. 15911.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 15911) to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowance relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

"That (a) the table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

"'Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$400	$120
$400		500	117
500		600	114
600		700	110
700		800	106
800		900	102
900		1,000	98
1,000		1,100	94
1,100		1,200	90
1,200		1,300	86
1,300		1,400	81
1,400		1,500	76
1,500		1,600	70
1,600		1,700	64
1,700		1,800	58
1,800		1,900	52
1,900		2,000	46
2,000		2,100	38
2,100		2,200	34
2,200		2,300	30'.

"(b) The table in subsection (c) of such section 521 is amended to appear as follows:

"'Column I		Column II	Column III	Column IV
Annual income				
More than—	but Equal to or less than—	One dependent	Two dependents	Three or more dependents
	$600	$130	$135	$140
$600	700	128	133	137
700	800	126	131	134
800	900	124	129	131
900	1,000	122	127	128
1,000	1,100	120	125	125
1,100	1,200	118	122	122
1,200	1,300	116	119	119
1,300	1,400	114	116	116
1,400	1,500	112	113	113
1,500	1,600	110	110	110
1,600	1,700	117	107	107
1,700	1,800	104	104	104
1,800	1,900	101	101	101
1,900	2,000	98	98	98
2,000	2,100	95	95	95
2,100	2,200	92	92	92
2,200	2,300	89	89	89
2,300	2,400	86	86	86
2,400	2,500	83	83	83
2,500	2,600	80	80	80
2,600	2,700	77	77	77
2,700	2,800	74	74	74
2,800	2,900	71	71	71
2,900	3,000	68	68	68
3,000	3,100	64	64	64
3,100	3,200	60	60	60
3,200	3,300	56	56	56
3,300	3,400	51	51	51
3,400	3,500	43	43	43
3,500	3,600	35	35	35'.

"(c) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

XUM

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$400	$80
$400		500	78
500		600	76
600		700	74
700		800	72
800		900	69
900		1,000	66
1,000		1,100	63
1,100		1,200	60
1,200		1,300	57
1,300		1,400	54
1,400		1,500	51
1,500		1,600	47
1,600		1,700	43
1,700		1,800	39
1,800		1,900	35
1,900		2,000	30
2,000		2,100	24
2,100		2,200	21
2,200		2,300	18".

"(d) The table in subsection (c) of such section 541 is amended to appear as follows:

"Column I			Column II
Annual Income			
More than—	but	Equal to or less than—	
		$600	$97
$600		700	96
700		800	95
800		900	94
900		1,000	93
1,000		1,100	92
1,100		1,200	91
1,200		1,300	89
1,300		1,400	87
1,400		1,500	85
1,500		1,600	83
1,600		1,700	81
1,700		1,800	79
1,800		1,900	77
1,900		2,000	75
2,000		2,100	73
2,100		2,200	71
2,200		2,300	69
2,300		2,400	67
2,400		2,500	65
2,500		2,600	63
2,600		2,700	61
2,700		2,800	59
2,800		2,900	57
2,900		3,000	55
3,000		3,100	53
3,100		3,200	51
3,200		3,300	49
3,300		3,400	47
3,400		3,500	45
3,500		3,600	42".

"(e) Subsection (d) of such section 541 is amended by striking out '$16' and inserting in lieu thereof '$17'.

"(f) Section 542(a) of title 38, United States Code, is amended by striking out '$40' and '$16' and inserting in lieu thereof '$43' and '$17', respectively.

"Sec. 2. (a) The table in subsection (b) (1) of section 415 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Total annual income			
More than—	but	Equal to or less than—	
		$800	$94
$800		900	90
900		1,000	86
1,000		1,100	82
1,100		1,200	76
1,200		1,300	69
1,300		1,400	62
1,400		1,500	55
1,500		1,600	48
1,600		1,700	41
1,700		1,800	34
1,800		1,900	28
1,900		2,000	22
2,000		2,100	16
2,100		2,200	14
2,200		2,300	12".

"(b) The table in subsection (c) of such section 415 is amended to appear as follows:

"Column I			Column II
Total annual income			
More than—	but	Equal to or less than—	
		$800	$63
$800		900	61
900		1,000	58
1,000		1,100	54
1,100		1,200	51
1,200		1,300	47
1,300		1,400	42
1,400		1,500	37
1,500		1,600	32
1,600		1,700	28
1,700		1,800	24
1,800		1,900	21
1,900		2,000	18
2,000		2,100	15
2,100		2,200	13
2,200		2,300	12".

"(c) The table in subsection (d) of such section 415 is amended to appear as follows:

" 'Column I			Column II
Total combined annual income			
More than—	but	Equal to or less than—	
		$1,000	$63
$1,100		1,100	62
1,100		1,200	60
1,200		1,300	58
1,300		1,400	56
1,400		1,500	54
1,500		1,600	52
1,600		1,700	50
1,700		1,800	48
1,800		1,900	46
1,900		2,000	44
2,000		2,100	42
2,100		2,200	40
2,200		2,300	38
2,300		2,400	36
2,400		2,500	34
2,500		2,600	32
2,600		2,700	30
2,700		2,800	28
2,800		2,900	36
2,900		3,000	24
3,000		3,100	22
3,100		2,200	20
3,200		3,300	18
3,300		3,400	16
3,400		3,500	14
3,500		3,600	12'.

"Sec. 3. Clause (G) of section 415(g) (1) of title 38, United States Code, and clause (6) of section 503 of such title are hereby repealed.

"Sec. 4. The amendments made by this Act shall become effective January 1, 1971."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill to amend title 38, United States Code, to increase the income limitations applicable to non-service-connected pension for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pension and such dependency and indemnity compensation."

SENATE RESOLUTION 496—ADOPTION OF A RESOLUTION PROPOSING A WHITE HOUSE CONFERENCE ON THE NATIONAL ECONOMY

Mr. McCLELLAN. Mr. President, our national economy is in trouble. This is now universally recognized. The pressures of mounting domestic demands and the obligations associated with a long, drawn-out war have placed heavy and difficult burdens on our economic and fiscal resources. Our efforts to sustain the unprecedented prosperity which we have enjoyed and to insure continued economic growth are not succeeding sufficiently to prevent these pressures from taking their destructive toll.

Today, we have a surging affluence, but unfortunately our prosperity is not fully shared. This is emphasized by the fact that our faltering economy continues to enlarge unemployment rolls. We are now in our fifth and what appears to be our longest recession since World War II. We are faced with the dilemma of mounting inflation and rising unemployment—an unemployment that has reached a level of 5 and ⅘ percent. Four and one-half million Americans are out of work. In the past 3 years, the cost of living has risen by more than 19 percent. Recently, interest rates reached the highest percentage in 100 years. Adequate housing and homeownership have been placed beyond the reach of many of our citizens. There are a number of other unfavorable economic factors that could be cited which have an adverse impact upon a stable economy and sound prosperity. Our faith and our confidence in the efficacy and sufficiency of our free enterprise economic system are being challenged and tested.

Prices and wages have leapfrogged to dizzy heights of shakiness and instability. Calls for restraint have not been properly heeded either by management or labor. The consumer segment of the economy now approaches the market with caution and restraint.

There has been a drastic erosion of the purchasing power of the worker's wages; of the dollar income of pensioners, retirees, and social security beneficiaries; and of others who are dependent upon a fixed income.

Unable to cope with various and innumerable cost increases, many manufacturers, producers, and businessmen are being priced out of the market. The serious impact of such increases is being felt not only by small concerns but also by medium sized businesses and even industrial giants. Many businesses, once booming and prosperous, now find themselves under severe financial strain, and some are on the brink of bankruptcy.

Many, many State and local governments are unable to provide the needed and necessary services to their inhabitants, and some are literally hanging precariously on the edge of financial chaos.

Mr. President, it is not sufficient merely to assess the fault for these conditions, nor does all of the blame fall upon either labor or management. Government also must share a large measure of the responsibility. Certainly government has not sufficiently implemented fiscal and monetary policies to bank the fires of inflation. Nor have labor and business cooperated in maintaining wage and price levels commensurate with the rise in the cost of production and with the general state of the economy.

When profits are unduly squeezed, business seeks higher prices to absorb increases in wages and other costs. Thus, both the wage increase and higher prices are, in effect, charged against the consumer. Ultimately, it is the consumer who pays. And, again I point out, although labor and management generally have the ability under existing law to protect themselves—labor by demanding increases in wages, and management by increasing prices—there are those, the social security recipient, pensioners, and others on a fixed income, who are defenseless victims of inflation.

It was, of course, encouraging to hear the President say recently that "the worst of inflation is over." I trust, I earnestly hope, that his prognosis is correct, but, in the face of realities, I must admit that I am not completely convinced or reassured.

For, as we know, there are 4½ million people who still remain unemployed. There are many who are only tenuously employed, and there are daily many new arrivals in the eligible labor force. For them and millions of others, the harsh realities of inflation are not completely measurable by cold, factual statistics. Rather, in an affluent society, they are faced with the perplexing paradox of belt-tightening, skimping, and trying to make ends meet because of rising prices. These are not just fiscal and economic problems, Mr. President; they are also human problems that demand our urgent attention.

All of us have a stake in this critical problem, and all of us have a duty to stabilize the economy and to foster its growth on a sound, full employment basis.

It seems to me, Mr. President, that it is time for an end to blame placing, recriminations, and speechmaking on this issue. It is time for action—effective remedial action—to begin.

Mr. President, I believe that basically a sound national economic policy is interdependent upon the actions of business, labor, and government. Any one of these, acting unilaterally on a self-oriented basis without due deference to the interest and responsibility of the others, can throw the economy out of balance. Acting independently they create problems. But, by combining and coordinating their actions, they have the power to shape our economic strength and fiscal destiny.

We need, I believe, to call representatives of all interested and responsible parties to the conference table to give intelligent and dedicated consideration to this problem and to fashion if they can an appropriate and satisfactory solution thereto. I believe that the same ingenuity and genius with which business and labor leaders have created America's industrial might can and should now be employed to suggest and recommend a significant remedy for our ailing economy and unsound fiscal policies.

In my judgment, such a conference as I have suggested—if conducted in a spirit and an atmopshere of national interest—can be productive and immensely helpful.

To this end, I am introducing a resolution, which I now send to the desk, declaring it to be the sense of the Senate that the President shall call immediately a White House conference of representatives of major segments of our economy to study these problems and to recommend proposals to alleviate and remedy the Nation's present economic plight of rising inflation and widespread unemployment.

Mr. President, I am pleased to announce that I am joined in the introduction of the resolution by 28 other Senators. These gentlemen recognize the need for action and have requested to cosponsor the resolution with me. I ask unanimous consent that their names be printed on the resolution which I have sent to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, the White House conference should be called:

First, to explore the problems relating to the present state of the Nation's economy;

Second, to recommend specific steps to curb continuing inflation, and to propose long-term measures to stabilize the economy on a sound, full-employment basis, and to prevent future recessions; and

Third, to explore means of establishing a better understanding of and a firmer public confidence in the Nation's economic system.

The resolution further provides in section 2 that the President should invite to the conference representatives, who, by virtue of their training, experience, and background, are exceptionally qualified to evaluate the state of the economy. Such representatives shall be chosen from Federal, State, and local governments; from major segments of the economy, including industry, labor, financial institutions, agriculture, communications, transportation, construction, public utilities, wholesale and retail trades, and consumers; and from such other segments of the economy as the President in his discretion may select.

Mr. President, I offer this resolution in a complete spirit of bipartisanship. As far as I am concerned, there is no politics in it, and it carries with it no implication of criticism of the President or his administration. I simply believe we need to move on this problem—to move promptly, cooperatively, and aggressively. I believe that by calling these leaders together and drawing on their combined counsel and wisdom much can be accomplished. I do not anticipate that any miraculous or immediate remedy will result from such a conference, but I do believe that out of its deliberations will come valuable suggestions and recommendations leading toward corrective action for the restoration of a stable economy and sound fiscal policies.

Mr. President, many conferences regarding national issues have been and are presently being called. I know of no other problem facing the country today that is of any greater importance or that needs more immediate attention than the problem of rising inflation and widespread unemployment.

I ask for the immediate consideration of the resolution.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read the resolution by title, as follows:

> A resolution (S. Res. 496) declaring it to be the sense of the Senate that the President should call immediately a White House conference to study and to recommend proposals to cure the Nation's present economic plight of rising inflation and widespread unemployment.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I warmly commend the distinguished Senator for proposing the resolution. It is an excellent resolution.

I am presently the vice chairman of the Joint Economic Committee, and in the new Congress I will be the chairman of the Joint Economic Committee. On the basis of hearings we have held and our investigations of the economy the kind of conference the Senator proposes here would be most helpful.

There is deep concern in every State in the country with unemployment and inflation, and the inaction that has characterized our Government in connection with solving this principal problem.

The Senator's proposal is sensible and logical and it would call for action now. It is time we had this kind of conference. I hope the resolution is approved and that the President will take action on it.

Mr. McCLELLAN. We know we have real problems. I feel there is a responsibility on the part of the executive branch and Congress to give our immediate consideration. I also believe that those who compose the major segments of our economy also share in this responsibility. They should be consulted and requested to come before us and give us the best of their judgment so that we may evaluate and implement their recommendations.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the distinguished majority leader. I am pleased, indeed, to have the distinguished majority leader as a cosponsor of the resolution.

Mr. MANSFIELD. I am delighted to be a cosponsor and to join the ranks under the leadership of the distinguished Senator from Arkansas. I think that he is facing up to a problem which confronts all of us at the present time. It is not a partisan matter, it is not a political matter, but it is a matter of national import and significance.

I think the Senator's proposal is timely and most worthwhile, and it is my belief that the President will give this proposal of the distinguished Senator from Arkansas the most serious and immediate consideration because he, too, is aware of the gravity of the problem which confronts the Nation economically and financially at the present time.

I commend the distinguished Senator

for taking the leadership in this most important area.

Mr. McCLELLAN. I thank the distinguished majority leader. What I have just said about the economy, I believe is shared generally by people throughout the Nation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Harris Survey—Recession Is Felt by Many," which was published in the Chicago Tribune of December 14, 1970, an editorial entitled "Mr. Nixon on Beefing Up the Economy," which was published in the Washington Post of December 6, 1970, and an editorial entitled "Who Cares About the 'Public Interest'?" written by David Lawrence which was published in U.S. News & World Report of December 21, 1970.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HARRIS SURVEY—RECESSION IS FELT BY MANY

(By Louis Harris)

A sizable majority of the American people believe the country is in a recession—62 to 24 per cent. This marks an increase in the number who feel the economy is in trouble, up from a 58–23 per cent division on the same question last August.

What is more, a plurality, 48 to 25 per cent, believes that "there will still be a recession next year at this time."

Continued rising consumer prices are most often given as the single major cause. A substantial minority of the people are also clearly worried about layoffs, cutbacks in the work week, and an end to overtime."

One in two families [an even 50 per cent] report incomes have "lagged behind the rise in the cost of living." In addition, 35 per cent say their "standard of living is worse now than it was a year ago. Only 21 per cent report their living standards are rising.

Twenty-one per cent of all household sampled in a nationwide cross section of 1,562 homes report some member of their immediate family has been "laid off, had their work week cut back, or had lost overtime." This represents no change from the situation last August. However, within this overall category where job situations have deteriorated, the number who report being laid off has gone up from 9 to 11 per cent. These figures are substantially higher than Department of Labor figures as compiled under federal government criteria.

The cross section was asked between Nov. 14 and 19: "Do you feel the country is in a recession now or not?"

[In percent]

	November	August
Is in recession	62	58
Not in recession	24	26
Not sure	14	16

Most of those who are convinced the country is in a recession are persons who live in the Far West [67 percent], persons under 30 years of age [71 percent], and union members [69 percent].

The depth and possible duration of the recession was measured in this question:

"Next year at this time, do you think the country will be in a recession or not?"

	Total Public Percent
Still be a recession	48
Will not have one	25
Not sure	27

No more than one in four are optimistic about the economy coming out of its slump, while almost double that number are convinced it will continue throughout next year. Most pessimistic are persons in the Far West [52 percent] and those with incomes under $5,000 a year [52 percent].

The softness in the employment market shows no respite in this latest survey:

"Have you [or anyone in your immediate family] been laid off, or had overtime cut down, or had your regular [non-overtime] workweek cut down, or hasn't this happened to you?"

[In percent]

	November	August
Cutbacks in work	21	21
Laid off	11	9
Overtime cut	6	7
Workweek cut back	4	5
No cutbacks	79	79

Most seriously affected in employment cutbacks have been union members in the Midwest, undoubtedly a reflection of the impact of the General Motors strikes. But the situation has also worsened since August for younger people [up to 34 per cent from 27 per cent work cut back] and people in the $5,000 to $9,999 bracket [up to 29 per cent from 26 per cent].

MR. NIXON ON BEEFING UP THE ECONOMY

President Nixon has put himself firmly on record for an expansion of the economy and continuation of the fight against inflation, with a some what more active role for the government. While he refused in his speech to the National Association of Manufacturers to go as far as some of his critics are urging him to go, he has taken significant steps to roll back the recently increased price of crude oil, to check the rash of excessive wage hikes in the construction industry and to expand the country's money supply in line with the upturn in industrial activity which he seems determined to bring about.

There are grounds for doubt that these measures will produce the new utopia that the President is promising us, and not the least of them can be found in the unemployment figures which were released the very day the President made his speech. With joblessness in November reaching the level of a seven-year record, it is not hard to share the President's view that "we can and must do better" in this regard. He would have been more reassuring if he had addressed himself more directly to the question of *how* he proposes to do better—and how fast—one the matter of the unemployed.

Still, his show of initiative on the economy at this time must be counted on the positive side. In particular, we think the coup on the petroleum front is highly constructive. It means that the administration will no longer allow the states to hold down the supply of crude oil so that the big producers can raise prices with impunity. Their restrictive policies will be offset by more production from federal reserves and larger imports from Canada, with the objective of undercutting the recent increases in oil and gasoline prices.

That positive action in an area where tools are readily at hand may have some influence on the general inflationary pattern, but it will not satisfy the Democrats who are calling for a temporary wage-price freeze. The President is not thinking in terms of general controls, voluntary or compulsory. On the contrary, he insists that "the worst of inflation is over." We hope that events will confirm this optimism, but in fact the rate of inflation has not been "moving downward in 1970," as he indicated. Rather it has been erratic, with an alarming upward spurt in the cost of living index in the last two months, which reversed the previous favorable trend. We doubt that the conflicting decline in wholesale prices has gone far enough to justify the President's confident prediction that "there will be a further decline of the rate of inflation during the year ahead."

The President seemed to be twisting the arm of the Federal Reserve Board in some measure to step up the country's supply of money as a means of stimulating economic activity. The board's chairman, Arthur Burns, has given him assurance, the President said, that the Fed "will provide fully for the increasing monetary needs of the economy." In the presidential mind this seems to mean a more rapid rate of monetary growth than the 6 per cent which has prevailed since February. In any event, Mr. Nixon took pains to emphasize that "as the economy rises toward full employment, more money will be required to do the nation's business." But when it comes to dealing in specifics rather than generalities the Fed may not be as sanguine as is the President that inflation is in full retreat. It may therefore be more cautious in fueling another boom.

On the labor front, the President struck at what is undoubtedly the most critical problem—the construction industry. There seems to be wide agreement that his call for more consolidated bargaining is more in the right direction. Certainly the existing pattern of bargaining by relatively small crafts or areas has produced an intolerable plethora of strikes and excessive wage increases. At the moment, however, the President has done nothing more than call upon the commission he set up in this area to produce a solution and recommend legislation requiring bargaining by larger units if it seems necessary.

Here again a specific solution, if one can be found, might yield some general anti-inflation fallout, but the larger problem of leap-frogging wages and prices remains. "Fighting inflation is everybody's business," as the President says, but few corporations and labor unions are willing to do any vigorous fighting on this front when their own prices and wages are under consideration. So the big problem remains. If the President's faith in a steadily receding rate of inflation should prove to be well founded, the country could move along the glowing path that he has outlined. But the forces contributing to instability appear to be still formidable and the suggestions made for dealing with them, while a new era of high prosperity gets under way, are still meager, puny and of uncertain utility.

WHO CARES ABOUT THE "PUBLIC INTEREST"?

(By David Lawrence)

It seems incredible that one of the most important operations in our national economy—the relations between management and labor seems to have been put outside the scope of Government, leaving private groups free to exercise vast power. Limitless damage can be done innocent citizens who are not parties to any dispute but who must suffer the consequences of interrupted transportation of a shutdown of industries essential to their welfare.

Should any group of individuals be allowed to wield the right to stop railroad services?

Should any group be permitted to cause delays in delivery of the mails?

Should labor unions be free to make demands that are unfair and economically unsound?

Should management resist the granting of wage raises that are fully justified and which can be paid without impairing the financial status of the employer?

Who is going to decide such issues? Today it requires a battle between management and labor based upon the threat of a long struggle or a strike. Collective bargaining is often a hassle in which each side attempts to bluff the other. In the end the public suffers.

XUM

When there is so much at stake, why doesn't the Government set up its own apparatus—judicially minded tribunals which can examine the economic status of companies and the reasonableness of the demands made by labor, and then render a decision binding upon both parties?

This, of course, would introduce an element of governmental compulsion which has long been opposed. But the disaster of economic collapse can be far worse, and indeed may be coming as year after year labor and management fight each other without any real progress toward a more satisfactory means of settling their disputes.

Congress has passed laws which require a "cooling off" period in certain labor disputes, and the effect has been simply to postpone the day of reckoning. The labor unions merely defer action and do nothing until the moratorium is ended. Plainly, what is needed is a governmental agency that both the labor unions and management will recognize as fully authorized to make decisions through specially created boards of arbitration, whose rulings will be final.

It has been argued that labor does not have to accept such settlements and that many workers would not return to their jobs. But the federal statutes could well provide that anyone who defied the law would not retain any employment rights in a particular company or industry involved in the dispute. Sooner or later, both sides would discover that obedience was the better course.

Arthur F. Burns, Chairman of the Federal Reserve Board, in a recent speech drew attention to the inflationary results of excessive wage increases in the past few years. He said:

"Nor is the end of this explosive round of wage increases yet in sight. Next year, contracts expire in such major industries as steel, aluminum, copper and cans. If contracts in those industries are patterned on recent agreements in the construction industry—or, for that matter, in the trucking and automobile industries—heavy upward pressures on prices will continue."

Mr. Burns declared that further steps may prove necessary to slow the rise in wages which is pushing up costs and prices. Numerous measures, he said, might be taken "to improve the functioning of our markets," including "compulsory arbitration of labor disputes in industries that vitally involve the public interest."

The question arises as to how far governmental intervention might extend. Authority could be given to an arbitration agency to set up boards of its own to take action whenever a strike of "major" proportions is threatened. This might be defined as one that would interfere seriously with the working of the economy and would be likely to inflict heavy losses on a large number of innocent persons.

Congress has a duty and responsibility to protect the nation against such disasters as an interruption in the mail service or a collapse of rail transportation—in fact, against a nationwide strike in any major industry. These are occurrences which not only affect the employers and employes, but impair the progress of the economy itself, and the ill effects are felt by millions of citizens.

Since it is the obligation of the Government to act in behalf of all the people, collective bargaining cannot be permitted to remain a private affair when its operations reach the point of breaking down the economic functioning of the country. Certainly this is a problem in which the "public interest" requires the National Government to enact laws that will spare the people tragic losses such as are being encountered today.

Mr. **KENNEDY**. Mr. President, will the Senator yield?

Mr. **McCLELLAN**. I yield.

Mr. **KENNEDY**. Mr. President, I, too, wish to join Senators in commending the distinguished Senator from Arkansas for submitting this resolution.

During the period of the 1960's various White House conferences have been held at which distinguished groups of people were brought together on different subjects for special purposes. Many times these conferences have brought forth significant achievements and broader understanding of the subject involved.

Certainly, if there is any subject in the country today which needs full ventilation by the experts who have been identified in this resolution, that subject is the economy.

The distinguished Senator from Arkansas has deservedly achieved a reputation second to none in this body for work in many different fields and areas. He is a sound and thoughtful thinker. In preparing this resolution he has used well his very gifted talents in connection with one of the greatest needs we have in this country today.

I join the distinguished majority leader and the distinguished Senator from Wisconsin in commending the Senator for introducing the resolution. I hope the proposal will not be considered as just another resolution. I think it touches on one of the greatest problems we face and it does it in a sound and constructive way. I do hope we get expeditious action on the resolution and that the President will give it the consideration it deserves.

Mr. **McCLELLAN**. I thank the distinguished assistant majority leader for his statement and his complimentary reference to the merits of the proposal.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the resolution submitted by the distinguished Senator from Arkansas (Mr. McClellan). (Putting the question.)

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 496), with its preamble, reads as follows:

S. Res. 496

Resolution declaring it to be the sense of the Senate that the President should call immediately a White House Conference to study and to recommend proposals to cure the Nation's present economic plight of rising inflation and widespread unemployment

Whereas the responsibility for meeting the challenges and problems of the Nation's economy rests with the President and the Congress in cooperation with leaders of the major segments of our economy;

Whereas the Nation is now in its fifth and longest-post-war recession, and the people of the Nation are suffering from the dilemma of rising inflation and widespread unemployment;

Whereas the Administration, through the Council of Economic Advisors, has recently issued its second "inflation alert" within the past four months calling for increased resistance to wage and price increases;

Whereas the President has expressed his personal concern over our economic crisis by urging business and labor to "make a special effort to exercise restraint in price and wage decision";

Whereas the development and maintenance of a sound and viable economy based on a policy of full employment is essential to the welfare of the people of the Nation; and

Whereas it is the sense of the Senate that the Federal Government should work jointly with representatives of the major segments of our economy including consumer groups, to recommend plans for developing a sound, full employment economy that will maintain the integrity of the free enterprise system and avoid future serious economic fluctuations: Now, therefore be it

Resolved, That it is the sense of the Senate that the President of the United States should call immediately a White House Conference—

(1) to explore the problems relating to the present state of the Nation's economy;

(2) to recommend specific steps to curb continuing inflation and to propose long-term measures to stabilize the economy on a sound, full employment basis and to prevent future recessions; and

(3) to explore means of establishing a better understanding of and a firmer public confidence in the nation's economic system.

Sec. 2. The President should invite to the conference representatives who, by virtue of their training, experience, and background, are exceptionally qualified to evaluate the state of the economy. Such representatives shall be chosen from federal, state, and local governments; from major segments of the economy, including industry, labor, financial institutions, agriculture, communications, transportation, construction, public utilities, wholesale and retail trades, consumers; and from such other segments of the economy as the President in his discretion may select.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Does the Senator from Arkansas yield the floor?

Mr. **McCLELLAN**. I yield the floor.

The **ACTING PRESIDENT** pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Ohio (Mr. Young) for not to exceed 15 minutes.

KENT STATE TRAVESTY

Mr. **YOUNG** of Ohio. Mr. President, James A. Michener deserves admiration as an author of outstanding works of fiction. I cite "Hawaii," "Return to Paradise" and "Tales of the South Pacific" as three examples of his superiority as a novelist and a writer of highly interesting fiction. He indulged in too much fiction, however, when he addressed an audience at Kent State University recently. He was guilty of making stupid statements.

This novelist untruthfully stated that the only purpose for convening such a Federal grand jury would be to try to pin a greater share of blame on the national guard. He added his extremely stupid conclusion "even if such a Federal jury would bring in a report castigating the guard, the guard could not be prosecuted in Ohio courts because of Ohio law." As an authority on Ohio law, Michener is a good novelist. He made the ridiculously absurd further statement that:

> If a federal grand jury would sit, the members would bring in a rebuke of the guard which could not be supported in a jury trial and they would then feel obligated to bring in a handful of further indictments of students and professors to prove they were even-handed.

He even praised the Portage County special grand jury "for its work which resulted in 25 indictments" and asserted that this grand jury "had been meticulous in trying to bring in only just indictments."

This fellow then expressed his views that the 25 students and a professor indicted by the special Portage County grand jury would be treated harshly. Michener is ignorant of the facts. He has manifested ignorance of Ohio laws. Those who were indicted by this special grand jury will never be tried and convicted.

Author James Michener is evidently ignorant of the fact that, according to the report of the President's Commission on Campus Unrest, which stated:

> The leading edge of the crowd appeared to have advanced to a point no closer than 60 feet from the guardsmen, with the main body 180 to 225 feet away, before the gunfire began.

Sandy Scheuer, one of the four students killed, had no knowledge of any disorders in Kent on Saturday and Sunday nights. She had no knowledge that National Guardsmen had attempted to take over the campus of her university at a time when classes were being held. She stepped out onto the commons and was walking to her speech therapy class. This lovely young lady had volunteered to be an assistant instructor to help a boy who had a serious stuttering defect. She was shot and killed at a distance 130 yards from the frontline of guardsmen.

Joseph Lewis, one of the only two who was shot by a bullet striking him in front, was the closest of all the students killed and wounded to the frontline of the guardsmen. He was about 60 feet distant. He had thrown no rocks. He had resorted to no violence. He made an obscene gesture and a guardsman named Shafer shot him.

Donald MacKenzie was struck in the back of the neck. He was 750 feet from the frontline of guardsmen. Thomas Grace was seriously wounded. He was struck by a guardsman's bullet entering the rear of his left ankle which penetrated downward and disintegrated or exploded.

Jeff Miller, the only other victim struck by a bullet entering the front of his body, was a distance of at least 255 feet from the frontline of guardsmen.

Vice President Agnew who, of course, has access to all information obtained in the office of the Attorney General, Civil Rights Division, stated that Ohio National Guard officers responsible should be charged with murder—not murder in the first degree but murder. He stated that guardsmen overreacted to any disorder by students on Monday, May 4. I made the same statement but more bluntly. I stated that some of the National Guardsmen were trigger happy.

This killing of two boys and two girls, not one of whom had rioted at any time during the preceding week in downtown Kent and not one of whom had participated in any rioting anywhere, should be the subject of an investigation by a special Federal grand jury to be convened next January in the Federal Building in Cleveland to determine whether or not the civil rights of these students have been violated. This in accord with U.S. Criminal Code 18, section 252. There is probable cause that their civil rights were violated. It is for a special Federal grand jury to determine whether the facts warrant the return of indictments by the grand jury.

Ohio National Guardsmen fired at least 61 shots according to the report of the President's Commission on Campus Unrest. This Commission in concluding its report stated:

> The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted and inexcusable.

One hundred FBI agents who spent 2 weeks in Kent and on the campus of Kent State University and elsewhere interviewing eyewitnesses, including National Guardsmen, reported that of the four students killed and nine seriously wounded by National Guardsmen's bullets, not one participated in any disorder in Kent or in the burning of the ROTC building on the commons of the university at any time during the preceding Friday, Saturday, and Sunday nights. Also, that there was no rioting on the campus of Kent State University at any time on May 5, that fatal day.

The 100 FBI agents following this extensive investigation covering a period of 2 weeks interrogating students, faculty members, National Guardsmen, members of the Ohio State Highway Patrol, and Kent officials and policemen issued a report covering 7,500 pages. Some of the highlights and readily proven statements contained in this report are:

First. The shootings by National Guardsmen were not necessary and not in order.

Second. No guardsmen had been hurt by flying rocks, and none was in danger of his life at the time of the shooting.

Third. The guardsmen had not run out of tear gas, as was widely reported at the time, and could have controlled the situation by using tear gas or making arrests.

Fourth. One guardsman fired at a student who was making an obscene gesture. A second fired at a student preparing to throw a rock. This notwithstanding that the distance separating the frontline of the guardsmen and this student and other students was so considerable that a thrown stone would not have struck any guardsman with sufficient force to cause injury. A third national guardsman is reported to have run around immediately after the incident shouting hysterically:

> I shot two teenagers! I shot two teenagers!

Fifth. The memorandum of the FBI advised Ohio officials that six guardsmen could be held criminally responsible for their part in the shootings. And it listed the six by name, rank, unit, and home address.

Also, the FBI investigation concluded:

> Most of the National Guardsmen who did fire their weapons do not specifically claim that they fired because their lives were in danger. Rather, they generally state in their narrative that they fired after they heard others fire. We have reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event. The apparent volunteering by some guardsmen of the fact that their lives were not in danger gives rise to some suspicions.

Seven investigative reporters of the Knight Newspapers, Inc., publishers of the Detroit Free Press, Akron-Beacon Journal, Miami Herald, and other nationally known newspapers made an important contribution to public knowledge of murders on the Kent State University campus. Among their conclusions are the following:

> The four victims did nothing that justifies their deaths. They threw no rocks nor were they politically radical.
>
> No sniper fired at the National Guard.
>
> No investigative agency has yet found any evidence sufficient to support such a theory.
>
> The guardsmen fired without orders to do so. Some aimed deliberately at students, while others fired in panic or in follow-the-leader style.
>
> It was not necessary to kill or wound any students at the time of the shooting. The guardsmen had several other options which they did not exercise, including firing warning shots or marching safely away.

Mr. President, that Portage County special grand jury which author Michener deems so worthy of praise was conceived in fraud and fakery. Its sole purpose was to whitewash Gov. James A. Rhodes for his abominable blunder in calling out the National Guard to police the campus of Kent State University. Governor Rhodes had his attorney general Paul Brown, who is his personal and political friend, appoint two special counsels—Seabury Ford, Portage County Republican executive committee chairman, and another personal and political friend, Robert Balyeat, of Lima, as special counsel allegedly to investigate rioting at Kent State University and in the city of Kent by students and return indictments against some students and to whitewash Governor Rhodes who was panic stricken over his blunders in calling out National Guardsmen who stabbed and injured students on Sunday, May 3, in downtown Kent and killed and wounded 13 students on Monday, May 4.

Portage County has an elected, able, and highly respected county prosecuting attorney, also a Republican, Ronald Kane. I know his reputation as an industrious, conscientious, and, in fact, a very able trial lawyer. In his capacity as Portage County prosecuting attorney, he, of course, is the logical public official to handle and direct any special Portage County grand jury investigation just as it is a part of his duty to handle and direct the regularly convened grand juries of that county. It is evident that Governor Rhodes and his personal and political friend, Seabury Ford, the Portage County Republican executive committee chairman, who is a political lawyer of sorts, and Robert Balyeat, of Lima, a lawyer, and political and personal friend of State attorney general, Paul Brown, and of Governor Rhodes were designated as special counsel to the attorney general for the same purpose. They knew that Prosecuting Attorney Kane would not enter into the nefarious scheme to whitewash Governor Rhodes and to place the blame for the deaths and wounding of 13 students on the students themselves on the campus of their own university at a time it was functioning and classes were being held. So Governor Rhodes, Attorney General Paul Brown, Seabury Ford, and Robert Balyeat decided to circumvent and ignore the elected Portage County prosecuting attorney. They rightly concluded that he would not go along with their nefarious scheme to exonerate all those members of the Ohio National Guard of Company A and Company C of the 145th Infantry and Troop G of the 107th Armored Calvalry who, with rifles loaded with live ammunition, shot and killed four students, two girls and two boys, and wounded nine others.

Incidentally, I report that Seabury Ford is the man who said to a news reporter:

> All the troublemakers should have been shot.

A month from now Governor Rhodes will be out of office as will Attorney General Paul Brown and his special counsel. I am glad to report that Portage County Prosecuting Attorney Ronald Kane will continue in office. His present term as county prosecuting attorney does not expire until 1973.

The facts are as reported by seven investigative reporters of the Knight Newspaper chain, who, following 2 weeks of extensive investigation interviewing hundreds of students and faculty members of Kent State University, National Guardsmen, members of the Ohio State Highway Patrol and residents of the city of Kent, then filed a report placing the blame for the shooting directly on the National Guardsmen. They reported there was no rioting by the students on the campus of Kent State at any time on Monday, May 4.

Mr. President, falsely and fraudulently by passing existing legal channels and completely excluding the office of Ronald Kane, Portage County prosecuting attorney, these public authorities at the instigation of Rhodes and his attorney general, Paul Brown, have visited upon the Kent State University community and upon the fathers and mothers of students at Kent State and the thousands of students, a series of lawless actions. We have a legal axiom in Ohio: For every wrong there is a remedy. All those who have committed illegal acts in Kent, including officers and men of the Ohio National Guard guilty of shooting to death four students and wounding by rifle fire nine others, must be held legally accountable for their wrongful and unlawful acts. Without such accounting the rule of law would not endure.

Kent State University is a reality in which two boys and two girls, students at that university, were shot to death and nine other students were wounded by rifle fire. Not one of them was rioting. Not one of them had engaged in any rioting in downtown Kent at any time on the preceding Friday, Saturday, and Sunday nights. Every member of the university community was denied his most fundamental liberties. Kent, therefore, has become a symbol. It has become a symbol of official lawlessness on the part of a Governor who will soon be out of office and those State officials, civil and military, subservient to him. Kent also could become a symbol of the futility of attempts at lawful change. That must not be permitted to happen. Kent must become a symbol of the return of law and renewed faith in an academic community in which liberty and life may endure.

It is noteworthy that during the entire day National Guardsmen on Monday, May 4, shot and killed four students and wounded nine others, not one National Guardsman was injured and not one required even first-aid treatment. This, despite the fact that preceding the shooting they exerted force and violence in taking over the commons, or campus, from the students. Nor was any guardsman injured at any period of that Monday following the shooting. One guardsman fainted and one had a heart attack.

Furthermore, directly after the shootings, State, local, and even the Kent State University police systematically searched every student room in dormitories on the campus. These searches and seizures of some personal property of some students were all conducted without warrants and without legal authority.

Governor Rhodes made a blunder in calling out the National Guard but then he was thinking of himself. He was a candidate for the Republican nomination as U.S. Senator and the primaries were to be held on the following Tuesday, May 5. In the polls he was running behind his opponent, Congressman ROBERT TAFT, Jr. Without consulting President White of Kent State University, he decided that if he took a tough law and order action as retaliation against some students who had rioted in downtown Kent on the preceding Friday night he would improve his showing at the polls and win the nomination. These disturbances had been aggravated when the mayor of Kent suddenly clamped on a 9 o'clock curfew and then later changed that to an 8 o'clock curfew, directing the arrests of all students who walked from the campus of their university into Kent but exempting those students who drove automobiles into Kent. The students, boys and girls, arrested for violating the curfew were held in jail throughout the night, not even permitted to telephone their parents and then released in the morning upon payment of $50 each.

Governor Rhodes on Saturday night suddenly called to Kent tired National Guardsmen who had been on riot duty in the Cleveland-Akron area in connection with a Teamsters Union wildcat strike between two warring factions of teamsters. Many guardsmen had been battered and bruised by the teamsters during the nights following April 29 to Saturday evening, May 2. The teamsters composed their differences. That strike ended. Although most of those guardsmen had had only 3 hours sleep on the preceding night, Governor Rhodes made the abominable blunder of ordering these tired guardsmen to proceed immediately in trucks a distance of 40 miles to Kent. They arrived there and on the campus of Kent State University in the darkness of early Sunday morning, May 3. They were tired and in a bad mood. They had been on active duty since April 29.

Governor Rhodes could have talked with President White. He did not. He could have ordered Kent State University closed. He did not. He could have directed the sheriff of Portage County to swear in additional special deputies. He did not. He could have ordered out the highly respected Ohio State Highway Patrol, experienced in enforcing traffic laws and making arrests for violations of our State laws. He did not choose to call in this highly respected force of law enforcement officers although a large number of them with seven helicopters were on the campus of Kent State University throughout Monday, May 4, and their testimony refuted as untruthful the allegation Rhodes' Adjutant General Del Corso had made that a sniper had fired at National Guardsmen from the roof of a university dormitory.

Furthermore, at Warren, county seat at Trumbull County, only 20 miles from Kent, there were at this time two companies of Ohio National Guard military police specially trained in riot control. He did not call them into active duty.

President White of Kent State University was not informed that guardsmen had rifles loaded with live ammunition. He expressed great shock about this following the time two boys and two girls were shot to death.

Mr. President, when the Constitution of the United States, as drafted by the 55 men who had met for weeks in Philadelphia, was first published in the gazettes of that period there was an uproar from the homes of liberty-loving patriots who had fought and won the War for Independence and on their demand the first 10 amendments were adopted and made a part of the Constitution. We affectionately term these first 10 amendments our Bill of Rights. Amendment VI provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Kent State University is located within the northern district of Ohio. I assert this is the venue where four students were killed and nine wounded and where the civil liberties of Kent State University students had been violated. I predict with confidence that early next year, probably in January, a team of lawyers from the Civil Rights Section of the Department of Justice and the U.S. district attorney for the northern district of Ohio will order a special Federal grand jury to be convened in the Federal Building in Cleveland to hear the testimony of witnesses and that this special grand jury will make the decision whether there is probable cause that the constitutional rights and civil rights of Sandra Scheuer and others who were shot were violated. This in accord with U.S. Criminal Code 18, section 252. It is my personal belief that six or more officers and members of the Ohio National Guard are likely to be indicted by this special Federal grand jury and if those indicted plead guilty to the court or are found guilty by the Federal trial jury then they are subject to a sentence by the U.S. district court judge for a term of imprisonment not to exceed 1 year.

THE STATE DEPARTMENT IS AIDING AND ABETTING TOTALITARIANISM IN GREECE

Mr. YOUNG of Ohio. Mr. President, it is unconscionable, almost beyond belief, that the United States continues to supply military assistance to the brutal Fascist junta that continues to tyrannize the people of Greece.

Our continued support for the Fascist colonels now ruling Athens, the cradle of democracy, clearly shows that we have failed to learn that there is no difference at all between a right-wing repressive regime and a Communist dictatorship. Both govern by decree. In both cases, the people suffer while a self-serving elite remains in power by terror and force of arms.

The saddest part of the tragedy in Greece is that in the minds of free people everywhere we have been the accomplices of the Fascist colonels, subsidizing their sadistic regime with our arms assistance.

Since Colonel Papadopolous assumed power in Greece, the secret police force has been more than doubled in size.

Mr. President, under the regime, thousands of political prisoners in Greece, both men and women—more than 14,000—have suffered physical and mental tortures beyond belief. The horrors of the concentration camps of Nazi Germany are being relived in the dungeon cells of Athens' Bouboulinas Street prison where torture specialists and sadists have been given free reign to practice their trade and scientific torture methods.

Recently, shocking and appalling, the Nixon administration has announced the resumption of shipments of heavy arms to Greece. The State Department defended this deplorable decision by issuing a weak statement claiming that the "trend toward a constitutional order is established" in Greece.

In the last few weeks, the ruling junta has put the lie to the State Department's claim as it has launched a new wave of arrests in the birthplace of democracy.

Mr. President, 25 esteemed Greek journalists and publishers have sent an important letter to Mr. Rodger P. Davies, Deputy Assistant Secretary for Near Eastern and South Asian Affairs, protesting the resumption of heavy arms aid to the Fascist colonels and calling attention to the continued terror that haunts the lives of the freedom-loving Greek people.

This letter cites new and compelling arguments against our continued subsidizing of the brutal Greek Fascist regime.

Mr. President, the State Department is establishing itself as the chief apologist for the Greek colonels. It is aiding and abetting totaliarianism in Greece.

The American people are too intelligent to be duped by the argument that the national security of the United States can only be safeguarded by forcing the Greek people to sacrifice their basic liberties. Mr. President, our interest lies in a strong democratic Greece. Without our continued support, the Fascist colonels could not remain in power for more than a few months. The United States should take steps to remove forthwith all support whatever for the Fascist government to Colonel Papadopolous.

I ask unanimous consent that the letter of the 25 Greek journalists and publishers be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 3, 1970.

Mr. RODGER P. DAVIES,
Deputy Assistant Secretary, for Near Eastern and South Asian Affairs, Department of State, Washington, D.C.

DEAR MR. DAVIES: It was good of you to reply, on behalf of President Nixon, to the open letter we addressed to him, expressing our concern and protest on the decision to resume the shipment of heavy arms to Greece.

Your letter, dated November 10, reaffirms an earlier State Department spokesman's statement about the "trend toward a constitutional order is established" in Greece, and reiterates the "firm commitment" of one United States to a policy which is concerned with "steady progress toward restoring Greece to political Government." That was only just over three weeks ago. Today we learn about the new wave of arrests in Greece, where the predawn knock on the door came for some 30 or 40 unsuspecting citizens; about the new cases of torture; about the sham election of the so-called "consultative body," virtually the regime's own nominees. The harsh press law is now extended to foreign correspondents inside Greece, and even to journalists writing abroad about Greece, who are threatened with severe penalties, even imprisonment. This eliminates the possibilities they have had so far of giving even a limited picture of the true situation.

All these and other aspects of the current subjection of Greece to an authoritarian and oppressive regime were plainly stated in the eight specific points contained in our original letter to the President.

You chose to ignore these unambiguous statements of facts, relying instead on a vague reassertion of earlier claims about democratic trends. But simply to make these assertions does not make them true.

Nor as you ingeniously state, are they matters on which ". . . informed and honest observers could and are entitled to draw different conclusions."

Not, that is, unless we are prepared to twist the ordinary meaning of words to a point where communication becomes impossible.

All this, however, is apparently irrelevant to your Government's decision to resume full arms deliveries and so render support and encouragement to the Athens regime.

For, with total inconsistency, you also tell us that: "The decision to resume the shipment of the suspended items to Greece was based *entirely* on considerations which concern the security of the United States." We confess that, when we read this passage of your letter, we were taken aback.

And we know that large numbers of Greek people having read your letter in the Greek press (although they were not given the opportunity to read ours), saw it as an astonishing display of official cynicism.

Can it really be true, as we must conclude from your letter, that Greece has chosen, alone among the countries of Europe, to forfeit its vital freedoms in order to preserve the security of the United States?

Can it be true, that behind the back of the Greek people the U.S. Government openly collaborates now with those who illegally seized power nearly four years ago, a collaboration which guarantees their survival, just as long as they serve the interests of U.S. security?

And that this security, supposedly, can be safeguarded only if the Greek people sacrifice its basic liberties and the right to be master of its own fate?

If these assertions are true, then your attempt, to make them more palatable by distorting or ignoring the plain facts, does not lessen, but on the contrary adds to a deep sense of worry and concern.

These are not merely rhetorical questions. The issues at stake are too important. And as publishers and journalists, active in Europe, and in the United States, and concerned with the dissemination of information about Greece, we think we are entitled to have these questions taken seriously, and to be told the answers to them.

SIGNATORIES

Andreas Arnakis (Frankfurt).
Paul Bakoyannis (Munich).
Nikos Delipetros (Paris).
Elias Demetracopoulos (Washington).
Antonis Drossopoulos (Vienna).
Aris Fakinos (Paris).
Spyros Giannatos (London).
Spyridon Granitsas (New York).
Costas Hadjiandreou (Frankfurt).
George Katiforis (London).
Ioannis Katris (Minneapolis).
Michael Kostopoulos (London).
Panayotis Lambrias (London).
Ioannis Lampsas (Geneva).
Anghelos Maropoulos (Bonn).
Basil Mathiopoulos (Bonn).
Basil Mavridis (Cologne).
Costas Nikolau (Cologne).
Marios Pioritis (Paris).
Evangelos Panteleskos (Rome).
Asteris Stangos (Rome).
Richard Someritis (Paris).
George Yannopoulos (London).
Helen Vlachos (London).
George Voukelatos (Bonn).

THAT PRESIDENTIAL PRESS CONFERENCE

Mr. YOUNG of Ohio. Mr. President, President Nixon last Thursday night, in his first press conference in 4 months, again advocated the kind of political policies that fail to provide the leadership which our country desperately needs at this time.

Admittedly, President Nixon's performance in answering questions went off very smoothly. It was evident to those who saw the entire press conference on television that President Nixon had been throughly briefed. It appeared evident that he had gone through a number of "dry runs" as to practically every question his advisers and he considered would be asked. Although exceedingly well prepared, there was one startling question asked which evidently neither he nor any members of his staff of advisers had any idea could or would be asked. Out of the blue came a sudden question:

> Mr. President, do you approve of FBI Director J. Edgar Hoover calling Dr. Martin Luther King a liar?

This unexpected question stumped President Nixon. It was the only question he did not answer. He evaded any direct or indirect answer to the question and after a moment's delay he made the comment that there will always be differences between the races. He either did not think at this period of shock or was unwilling or unable to offer to take any action needed to ameliorate racial tension within the United States.

In answering questions he said that the policies of his administration are working. It is noteworthy in this connection that he skipped any mention of the fact that the present rate of unemployment in the United States is the highest it has been at any time throughout the past 7½ years. At about the time he was holding this press conference I had read the opinions of some of our leading economists that the total number of American men and women who are not gainfully employed is likely to increase instead of decrease during the next 12 months.

When queried about the divisions in our country, President Nixon assumes his familiar stance of benign neglect. He admits that the generation gap and racial divisions are a problem, but that their solution is hopeless. I quote him:

> Well, it's a problem, but I must emphasize that divisions in this country are never going to end. There's always going to be a generation gap, and there's always going to be differences between the races . . .

This is not a satisfactory answer. It is like saying about the Vietnam war—"There will always be wars, therefore, we should not try to end this one." We do not need to have the present degree of division in this country and President Nixon as his own commissions have suggested could do much more than he is presently doing to mend the divisions between the young and older persons, between the black and nonblack and the poor and the wealthy.

When questioned about the abortive Son Tay raid, the President asserted that he failed to inform Members of Congress about the rescue mission because of the high risk involved by the men who were participating. This is nonsense. It is also an insult to the integrity of congressional leaders. Senators MIKE MANSFIELD, and HUGH SCOTT; Speaker JOHN McCORMACK, and Representative GERALD FORD are honorable men of the highest discretion. Had they and other Members of Congress been informed of the mission, they would have kept this information secret, and the President would have taken an important step in having the executive and legislative branches of the Government acting in concert in foreign policy, something that has happened only rarely lately.

During his conference, President Nixon proposed exchange of prisoners of war on the ratio of 10 to 1, and claimed that North Vietnam's failure to accept that will brand them an international outlaw. We must remember, however, that numbers and ratios are not the only consideration in such matters. In an earlier speech in this Chamber, I proposed that all North Vietnamese and VC prisoners be exchanged for all of the American prisoners now held in North Vietnam and by the VC in South Vietnam. While President Nixon considers an American soldier to be worth 10 of the enemy, I feel he is worth 36 or more. We should offer to exchange all of the approximately 36,000 North Vietnamese and Vietcong prisoners presently held by our Vietnamese allies for the fewer than 900 Americans now imprisoned in North Vietnam and in South Vietnam. We should not concern ourselves with ratios when dealing with the lives of our fighting men held as prisoners of war.

I note also that the President has no plans to change our policy with regard to the admission of Communist China into the United Nations. I think this is foolish in view of the fact that a majority of the nations in the United Nations voted to admit China this year and undoubtedly will admit it next year. We are foolish to pretend that this huge nation with more than one-fourth of the world's population does not exist.

Mr. President, I do not feel that the President's news conference, as belated as it was, has revealed the sort of leadership for which the Nation is searching so desperately. We need a President who will state his priorities firmly and appoint individuals who will take bold initiatives in carrying out his programs.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, and for other purposes;

H.R. 16498. An act to permit the sale of the passenger vessel *Atlantic* to an alien, and for other purposes; and

H.R. 19888. A act to provide for the inspection of certain egg products by the United States Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act, and for other purposes.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Chair recognizes the Senator from Missouri (Mr. SYMINGTON) for not to exceed 15 minutes.

THE CIVIL AERONAUTICS BOARD POLICIES DESIGNED TO ACHIEVE GOVERNMENT TAKEOVER OF THE AIRLINES?

Mr. SYMINGTON. Mr. President, all Senators will agree that this country does not need, nor should it be faced with, additional economic disasters comparable to that represented by the Penn-Central.

We have heard much discussion on the Senate floor during this session about the condition of the economy; and I for one believe that it is time for us to both reflect and react to the shaky financial situation in which the airline industry presently finds itself.

With few exceptions, the air carriers of this Nation are experiencing their worst losses in history. Even more tragic is the fact there is no apparent relief in sight; nor, save for the carriers themselves, any apparent real awareness as to just how serious this situation has become.

Let us not forget that these airlines, along with their related industries, are just below the automobile industry in terms of size, job employment, and money generated.

It is no secret that the airlines of the United States are now beginning to wonder how they are going to finance the large body jets already on order; nor does it take much wisdom to realize what would happen to the aircraft manufacturers if the carriers were unable to accept delivery because of lack of funds.

The aircraft industry, in the main, is also in shaky financial condition; and inability of the airlines to honor contracts could start a chain reaction which in turn could lead to catastrophe.

Let us not forget either that these manufacturers are leading contractors for what is considered necessary for this Nation's physical security.

My purpose in presenting this matter today is to show what could happen if something is not done to reverse this trend.

A few years ago—1966 to be exact—the scheduled airlines showed a profit in excess of $440 million. Compare that with the projected losses for 1970 of more than $100 million.

What makes these losses even more incredible is the fact we are speaking of an industry which has annual gross sales of many billions of dollars.

There are many factors responsible for this development: fast rising labor costs, overcompetition on routes, the nationwide recession which has caused many companies to cut back air travel; and, most important, failure of the Civil Aeronautics Board to grant fare increases so as to enable the airlines to cover their growing costs.

Perhaps the most pressing problem facing the airline industry today is that of overcompetition; and what is especially disturbing about the latter situation is the paradoxical position in which the carriers find themselves.

On the one hand, the manner in which the industry has been administered has made it one of the most competitive in our Nation, while on the other, it has been denied the normal prerogatives of a competitive business.

The airlines, for example, do not have the freedom to price their product, nor the right to determine where and how they will utilize their resources. Moreover the freedom to terminate unprofitable operations is not always possible.

Unlike other public utilities, the airlines not only are not assured of a fair return on their investment, but it is be-

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coming increasingly questionable as to whether or not they will be permitted by their regulatory agency, the CAB, to receive sufficient returns to maintain their existence.

What a farce this condition actually is; one that has developed in the world's most prosperous Nation, under that system—capitalism—in which we constantly express our pride.

This Civil Aeronautics Board, the servant of all the people, is directed by statute to regulate the airlines so as to "foster sound economic conditions."

Instead of emphasis being placed on the avoidance of destructive competition and wasteful duplication of services, however, it seems as though a false concept of true competition is now being adopted as the primary objective of this regulatory body.

If one couples this development with the Board's failure to grant fare increases, the monumental economic problems faced by the airline industry become even more clear.

Everyone is painfully aware of the inflation that has occurred in industry prices over the past few years. By contrast, however, airline prices have been substantially held down. It is a fact that, over the past decade, consumer prices in general have increased 31-percent, whereas the average airline ticket has increased less than 1 percent.

To further emphasize this point, a traveler pays about 39 percent more for a typical hotel room, 63 percent more for renting a car, 19 percent more for gasoline, and 56 percent more for a meal than he did 10 years ago. Nevertheless, when the airline industry recently asked for an 8-percent increase in air fares over what they were 10 years ago, the Board turned them down.

Does the CAB believe that an airline must prove insolvency, or be on the verge thereof, before it should be allowed an increase in fares?

It is not as if the Civil Aeronautics Board has not recently had the opportunity to alleviate the problem. Within the last several months the Board first turned down an interim fare increase as requested by the carriers, then denied a first capacity reduction agreement between the airlines on multicarrier routes operating at very low load factors. Interestingly enough, one of the major complaints the Board has had with the carriers is the fact that, on many major routes, the airlines offer too much capacity.

In a recent order denying a modest fare increase, the Board stated no carrier appeared to be in "jeopardy at present."

As a former businessman, with experience in the executive branch of the Federal Government, I believe this type of statement by a Federal regulatory body, which was created to foster sound economic conditions in the industry it supervises, is nothing short of incredible; and it is for this reason I title this talk, in all sincerity: "Is the Civil Aeronautics Board Deliberately Establishing Policies Designed To Achieve Government Takeover of the Airlines?"

As if these problems were not sufficient, the scheduled airline industry is also currently facing a severe challenge by the supplemental carriers. Historically, the scheduled carriers have, in effect, subsidized themselves by being able to make enough money in their peak periods to offset their losses for the rest of the year. By pricing and selling seats based on full planeloads, however, these supplemental carriers undersell the scheduled carriers, and thereby deprive them of the all-important peak traffic revenues.

The lower prices that the supplementals are able to charge are attractive, but the traffic so diverted reduces load factors, and accordingly increases the cost burden for each scheduled passenger.

Today I have touched only briefly on some of the major problems which affect our airlines. In summary, it would appear that their first and most urgent need is for a full recognition by the regulatory authorities that the airlines have reached the end of the road in terms of sparing the consumer the pressures of inflation in this one sector of the economy, at the same time all other prices and wages keep rising. The CAB should hasten to conclusion, therefore, their ratemaking investigation now underway; and grant promptly a reasonable and proper fare increase before it is too late.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to join my friend, the Senator from Missouri, in his comments on the state of the airline industry.

As he knows, I have had a lifelong interest in this matter, and I have been utterly shocked during the past several months. I think that since June I have made 25 transcontinental round trips across this country, and I have seen as few as three people on airliners.

What we are watching here today, in my opinion—and what the Senator from Missouri has so eloquently stated—is another regulatory body doing to the airlines what the ICC has successfully done to the railroads. In other words, it has not allowed them to grow; it is running them broke; it is destroying the railroad industry of our country.

Before it is too late, I hope that the CAB will allow fair increases and will take a hard-nosed, realistic look at the rate structure and the stop structure. I know that any time an airline wants to drop an unprofitable stop, political pressure is brought to bear and it is not allowed to do so. I think, too, that the CAB and Congress should encourage supplemental carriers which can furnish inexpensive travel to small communities and to the large communities which should be the hub of air transport.

I thank the Senator from Missouri for having made his remarks this morning. I hope to be able to help him and others in this body who are similarly interested in seeing that the airlines can be helped all that we can.

Mr. SYMINGTON. I am very grateful for the remarks of the distinguished Senator. As we know, he is a command pilot himself, with many years of experience in air transportation. The Senator mentioned the railroads. There was a time in my life when I was identified with the railroad business. We now know the railroads are in trouble, and even their best friends admit that at times some of them have not been too well managed. In general, the reverse is true of the airlines, however. Most have been ably and courageously managed over the years.

The airlines do their best to make a profit for their stockholders under our system, in accordance with the directions given them by the Civil Aeronautics Board, but they now seem to be moving into the type and character of crisis just mentioned by the Senator from Arizona. I agree this is all most unfortunate, and what is more important, not in the best interests of the American people.

Mr. KENNEDY. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I yield.

Mr. KENNEDY. I want to commend the distinguished Senator from Missouri for making this statement today. In New England, we have had an extremely difficult time trying to develop air service, both intercity traffic as well as to other parts of the country.

Within the airline industry itself, Northeast Air Lines, for example, has been refinanced two or three different times and has had serious financial difficulties, and is now planning to merge with Northwest Air Lines.

The situation generally in New England is one of despair and poor morale, not only on the part of those involved in the industry but also on the part of travelers as well.

The statement made here by the distinguished Senator from Missouri, I know, reflects that of many of us in New England who have been unable to develop the air service to which we feel we are entitled.

The distinguished Senator from Missouri has pointed out many of the difficulties which have brought this problem about, and I commend him for it.

Mr. SYMINGTON. I am very grateful to the assistant majority leader for his wise and pertinent remarks. I know of the recent airline problems in his part of the world, and know also that the national problems incident to airline operations are perhaps more acute in the Northeast portions of the country than any other.

Again, my appreciation for the remarks of the Senator from Massachusetts.

Mr. JAVITS. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I yield.

Mr. JAVITS. I should like to put a semicolon after what the Senator from Arizona has said, and add to it that this is a serious matter because we have too many domestic airlines and the question of merging is another serious one.

I remember the big flap about having one carrier as the flag carrier of the United States all over the world—to wit, Pan American.

Perhaps we wish we had done it that

way because none of the airlines can carry the load today.

I join the Senator from Massachusetts (Mr. KENNEDY) in commending the Senator from Missouri for his fine contribution in this field. We all bring certain expertise to our jobs here. The Senator from Missouri is one of our outstanding management leaders. He is an expert and has had a great career in that field as well as in Government service.

I should like to ask the Senator from Missouri a question. He has this great problem with the financial condition and the business organization of the airlines and the railroads. Just a few days ago I suffered on the floor with the railroad labor bill, of which I hated every line, but nonetheless I felt it my duty to urge the Senate to pass it. We are not through with that problem by a long sight incidentally. We have, for example, a little "snick" of a thing to go with what we call the Prouty idea for rail passenger service in a consolidated corporation, which is a very good idea but which would only solve part of the problem.

The question I would like to ask is, with the emergency facing us, which is grave, would the Senate think it desirable to urge the President to appoint a single individual who would be in charge of developing and presenting to him and to the country a transportation policy to meet this emergency?

For example, they are working now in the other body and in the Senate to bail out Penn Central, which may shut down for lack of liquidity. The Senator is well aware of that problem. He knows the legislation I put in deals not only with Penn Central, but others who are in the same lineup, which pose a dangerous situation for the country.

What would the Senator think of that or any other idea which would zero us in on the lethargy of these regulatory commissions which have little relation to each other and often fail to see the totality of the economy as it is affected by each of these events? These regulatory commissions often are too timid to take public responsibility for rate increases or anything else which, standing alone, looks like the public is getting soaked again. It is awfully easy to make that kind of limited, narrow case. I just submit that to the Senator because he has a creative mind and has made such a fine speech.

The PRESIDING OFFICER (Mr. HUGHES). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from Missouri may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I suggest to the Senator that we should come up with an affirmative suggestion, as so many things can conspire to make this a real transportation emergency.

Mr. SYMINGTON. Mr. President, first, I thank the able Senator from New York for his undeserved but appreciated observations.

Three times in my life I was given jobs in the executive branch, by former President Truman where there were boards, the Surplus Property Board, the Board of the Reconstruction Finance Corporation and the National Security Resources Board, now the Office of Emergency Preparedness.

At my request, President Truman abolished two of those boards, and in the case of the third took the authority from the board and gave it to the Chairman of the National Resources Board. Based on this experience, I agree with one of the basic concepts of the able Senator from New York; namely, that it would be well to have an individual, if possible, conduct operations. It is a public matter as well as a matter for private industry. Perhaps for lending in certain cases we need another Reconstruction Finance Corporation, a constructive idea originated by the late President Herbert Hoover. Recently, I asked the Chairman of the Federal Reserve Board if he thought it a good idea for that Board to lend money to such corporations. He said he did, that there would be circumstances where that would be possible under the law. I am not sure in my mind whether that is a solid idea, but do feel, especially as we are trying to maintain a tax base so as to carry on the gigantic international and domestic programs we are creating, that somewhere, somehow, when the public interest is involved, something must be done to help protect the position of a public utility such as the airline industry of the United States; and also the railroad industry.

Mr. JAVITS. I would like to suggest to the Senator that I will hand him a copy of my bill, so that he may look at it, and perhaps we can work something creative out of that together.

Mr. SYMINGTON. Mr. President, I now yield to the Senator from Indiana, known as one of the authorities in this body on civil aviation.

Mr. HARTKE. I want to compliment the Senator from Missouri on his very fine speech this morning concerning this important problem of transportation. I think it is an elementary duty for all of us to watch this program, that ultimately we will be faced with more "Penn Centrals" in the aviation industry. This is one of the problems that faces the Commerce Committee at the present time, the fear that we are setting a precedent which we may ultimately never be able to terminate.

Mr. SYMINGTON. If the Senator will allow me to interrupt, he is right. Not only will the airlines be in trouble but their troubles could easily place the aircraft manufacturers in very difficult financial conditions, just as, because of heavy downpayments on new planes, the aircraft manufacturers can now place the airlines in difficult financial positions. Adding this dual financial problem to all the other problems of the American economy is serious, and could be disastrous.

Mr. HARTKE. Mr. President, I think that the Senator from Missouri is exactly right. I think we should keep in mind that we are dealing with more than just the airlines themselves. We are dealing with flights, with the traveling public, with the continuing handling and movement of cargo and people throughout our Nation.

We can have one or two things happen. Either there will be complete collapse of the whole transportation system or, I suppose, the alternative would be to run the whole transportation system.

Everyone knows there is no transportation policy today. The people are the best informed on that matter. I am not too sure that we in Congress know or that the administration knows. But the people know and know it very well. The people seem to be very far ahead in this matter. They would like to see some action. All we are doing today is adding to the rhetoric.

We do have a Department of Transportation. It was organized for the purpose of providing guidance and leadership of programs and proposals which could move us away from the edge of the precipice and back to solid ground once more. That has not been done. I hope that the Department of Transportation would exercise that type of remedy. I hope that the President would support the Department of Transportation.

The Senator from New York mentioned the railroad passenger transportation system. I do not know whether it is getting off the ground. I have been involved in it. We waited 1 whole year for the administration to give us any type of proposal whatsoever.

Congress finally moved and belatedly the administration gave its approval.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PEARSON. Mr. President, I ask unanimous consent that the Senator from Missouri be granted an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I point out that the directors of this public corporation at this very moment have not been appointed. Yet this whole program is supposed to go into effect in May. It is this type of procrastination and delay that is haunting practically everything in America.

Yesterday we had a hearing on a new CAB member. I think he is probably a nice man. I think, however, that he is wholly unfamiliar with what is going on in the CAB.

I asked the man some questions yesterday. I did not pursue the matter any further. It became quite obvious that his whole background was in the state field. I think he will make a fine man. It will take him a year to become acquainted with this job. He is not familiar with it.

I think we put a premium on this type of person in these agencies and that the No. 1 person that qualifies for any agency is the man who knows nothing about it, has never been involved in anything in his life, and has never made a success or failure. We put a premium on failure and not on success. Some of the successes in life are failures.

Mr. SYMINGTON. Mr. President, I am very interested in the remarks of the distinguished Senator from Indiana. The practice the Senator says we are following is a violation of all precepts of good management, putting people in im-

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portant fields in which they have no experience.

I thank the Senator from Indiana for his constructive contribution.

Mr. President, I yield to my good friend, the distinguished senior Senator from Kansas.

Mr. PEARSON. Mr. President, the chairman of the Aviation Subcommittee and the ranking Republican member of the Aviation Subcommittee are not present on the floor. I just came on the floor myself. Everyone has commitments today.

I look forward to reading the speech of the distinguished Senator from Missouri and studying it.

The Aviation Subcommittee of the Commerce Committee had intended to have hearings and look at the entire financial structure and the future course and anticipated funds of the airline industry perhaps this year. However, time ran out. We anticipate that we will have those hearings the first weeks of the next Congress. I look forward to either having the remarks of the distinguished Senator from Missouri printed in the RECORD or hope that he might testify at those hearings.

Essentially we need a greater coordination. Several airlines, for instance, are today seeking to get an agreement as to a limitation of flights. That matter is beyond the jurisdiction of the CAB. They are caught up with an objection from the Justice Department on restraint of trade which is natural enough.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PEARSON. Mr. President, I ask unanimous consent that the Senator from Missouri be permitted 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. The airlines today are caught up in their own competitive situation because of the number of flights and the purchase of aircraft. They are always trying to keep up with each other.

Somehow or other, I think that a greater expansion of the power of CAB is going to be essential.

I thank the Senator for his attention to this very serious problem.

Mr. SYMINGTON. Mr. President, I thank my friend and neighbor from Kansas. He knows well what the airline industry means to his State and my State, the great developments we have generated in the eastern part of his State and the western part of mine.

The Senator knows also that airlines which serve Missouri and the rest of the Nation are currently in deep financial trouble.

I was very glad to hear about those planned hearings. It would be my privilege to testify before that subcommittee any time convenient.

I am also glad about the interest this morning in what is obviously one of the more important fiscal and monetary problems the people of the United States are faced with today.

We have public utilities. We allow them to make a profit. We know that some 48 percent of those profits come back to serve programs generated on the floor of Congress.

With respect to these airlines we just do not give them the same fair rules of operation as we extend to other public utilities, and regardless of where the fault lies, if not cleared up, it could be serious to the point of disaster for the economy.

Mr. President, I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. The pending business is the question of agreeing to the conference report on the transportation bill.

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I move to postpone the pending conference report until tomorrow, Friday, December 18, 1970.

Mr. BIBLE. Mr. President, what was the request?

The PRESIDING OFFICER. It is a motion to postpone the conference report until tomorrow, December 18.

Mr. PROXMIRE. Mr. President, in connection with the motion, which I understand is debatable, I understand from several sources—not one, but several—that the leadership in the Senate of those who support the SST intends to file a cloture motion today or tomorrow. I earnestly hope that if that cloture motion is filed today or tomorrow that Senators will not support it.

A number of us have favored majority cloture and a number of us strongly oppose the principle of unlimited debate. I am one of those, and I have voted repeatedly in the past to change the rules to provide for majority cloture. I shall do so again, and I hope we do have the opportunity to vote to change the rules to provide for majority cloture when we reconvene in January.

I always enjoy my good friends who oppose me on that principle who say that now we are using the rules to advance our purposes. Of course we play by the rules. Does anyone think we should not? After all, if one is playing football and he does not believe that a team should be allowed one point after a touchdown for just kicking the ball through the uprights, which is presently the rule in professional football, because it is believed that is too easy, and that instead a team should take a 50–50 chance and run the ball through the line, that person would not last long as a coach or a quarterback if he played by a rule other than the rule then applicable because he believed in a different principle.

The rule now is that a vote of two-thirds is required to invoke cloture and until that is obtained a Senator may talk on the matter being considered. That rule applies whether one is a northerner or a southerner, and regardless of ideological position. I do not think there is anything hypocritical or morally wrong in our taking advantage of the rules and abiding by them, and I intend to do that.

To invoke cloture on this conference report under these circumstances would be very unfair for several reasons. This is really the first opportunity we have had to discuss the conference report and, in effect, the substance of the issues on the SST, except for the debate we had, and it was an abbreviated debate, with time limitations when the SST came before the Senate on the transportation appropriation bill.

This bill has been delayed, and delayed, and delayed by the Committee on Appropriations. The bill came over from the House on May 27. It was one of the first bills to come from the House. As I pointed out just the other day, this matter has lagged 4½ months behind any other appropriation bill in the failure of the Senate Appropriations Committee to act. Let me explain what I mean by that. The next longest time the Senate has taken to act on a bill, at least to report a bill from the Committee on Appropriations after receipt from the House, was a month and a half. In this case it was 6 months. Some bills have been acted on by the Appropriations Committee in 2 weeks after receipt from the House, but no other bill has taken more than a month and a half. This bill took 6 months. That delay was not on the part of those who opposed the SST. We wanted it on the floor of the Senate and we finally got it on the floor of the Senate last fall.

We wanted to vote on the bill before the election. We did not have control of the Appropriations Subcommittee or the Committee on Appropriations. We wanted to vote before the election, but those who took a contrary position wanted to delay the vote because they felt they would be stronger after the election. They had the vote exactly when they wanted it. Everybody knows what happened. We won by a vote of 52 to 41. So the delay has been entirely on the part of those who favor the SST and who want to push it through.

The only vote up and down on the SST in either the House or the Senate was a vote resoundingly against the SST. It is true that in the House there were three or four votes, but in every single case they were on procedural motions. At one point the vote was to instruct conferees before the conferees had gone to conference. Of course, many House Members are reluctant to do that, no matter what SST view they may have. At another point there was a motion to send the conference report back with instructions, and many Members were reluctant to do that because the conference bill con-

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tains many provisions in addition to the SST.

In terms of the amount of funds, the SST is about 10 percent of the total amount obligated and about 3 percent of the overall amount, including that which is in trust funds. The SST money is relatively minor in the context of the whole bill and votes in the House are understandable, despite the fact they never had a chance to vote up or down on the SST.

One might say it is up to the conferees to decide these things and that they have to act on their best judgment as to whether they can get a matter through conference. What happened here? As we all know four of the seven Senate conferees were Senators who were in favor of the SST, although the Senate had voted against the SST. Four Members of the seven from the Senate were in favor of the SST. This is in direct violation of the Senate rules. It is true we did not press this issue to a vote on the floor of the Senate at the time the conferees were appointed. The rules are very clear on this point.

On page 212 of Senate Procedure by Charles L. Watkins, the former Parliamentarian in the Senate for many years and Floyd M. Riddick, the present chief Parliamentarian, there is a section entitled "Conferees represent Senate and not committee only."

The rule as expounded in that section is:

> The conferees in theory are appointed by the Presiding Officer but in fact are designated by friends of the measure, who are in sympathy with the prevailing view of the Senate.

There is nothing in the rules that provides the conferees can represent a minority view. There is an explicit expression in the rules that the conferees are those, and I want to read that again, "who are in sympathy with the prevailing view of the Senate."

It might be said that the SST is only one part of the transportation appropriation bill; that there are more parts to it. We all know that it was the principal item of dispute between the Senate and the House. There was no other item of consequence in dispute between the House and the Senate. So if the Senate view was to prevail, according to the rules, then the majority of the conferees appointed should have been opposed to the SST, because that is the way the Senate voted.

Cleaves Manual, at page 284, states the same thing:

> Of course, the majority party and prevailing opinion have the majority of the managers.

There has been no answer to this. It has been conceded that it is a violation of the rules.

This is the position we are put into. The appropriation bill containing SST money was delayed and delayed and delayed, not for days or weeks, but for months, and it finally came to a vote when Senators who favored the SST wanted it to come to a vote. Then, when it came to a vote, instead of abiding by the rules that all the conferees should represent the view of the Senate, which was clearly expressed against the SST, a majority of the conferees who were appointed favored the SST, and they went to conference.

Of course, in the House there was a very substantial majority, 2 to 1. Six of the nine conferees were in favor of the SST. So what chance did we have?

It might be said that the conferees go to conference and even though the position they represent disagrees with their own view, they represent the Senate's position and they represent it sometimes with considerable vigor.

I have gone over the various conferences—significant and major conferences we have had this year—and they lasted in some cases many days, in some cases weeks, in some cases months. In one important case it has lasted more than a year because of a deadlock between the conferees, in which the Senate insists very strongly on its position, and the House insists very strongly on its position. It takes a long, long time to work that out.

Any Senator who wants to look at the back of the calendar can see there a list of measures in conference. There is one on pay comparability still unresolved since December 17, 1969, 1 year ago. That still has not been resolved.

There is a whole series of conference reports still unresolved. Many have been resolved, and resolved not in a matter of days or weeks, but of months. It took a long time.

How long did it take the conferees to resolve this matter of disagreement on the SST? They went to conference one day, and they came back the same day. I repeat, they came back the same day. They did not give those in the Senate who opposed the SST, on which we had one of the historic debates and historic decisions, certainly in the 13 years I have been in the Senate, the courtesy of delaying it a day. They did not even go through the pretense of holding it 2 or 3 days. They came back the same day and said, "We are accepting money for the SST."

It is argued that this is a compromise. What a compromise. This is a compromise in which they accepted $210 million for the SST. It is argued that this is part way between nothing and $290 million. It is argued further that we have already spent $105 million, and this is the difference between $105 million and $290 million. I guess that is what they were saying. The $105 million represents funding for $290 million for 5 months. It is continuing this month, so that makes it 6 months. The argument is that because it is being funded for 6 months, they should be able to go ahead with one-half of the remaining difference.

That does not make sense. It seems to me that half of it has been funded for 6 months, half a year; therefore the program ought to be held in abeyance for the remaining 6 months. That ought to be the 50-50 compromise.

The important issue is that there are any funds in this bill for the SST. This is something that cannot be compromised. Either the SST program continues or it does not. That recognizes what this program does to the taxpayer.

What does this conference mean in terms of what they will have to expend on the SST? Does the $80 million mean we go from $290 to $210 million? It does not mean that at all. The Department of Transportation has written to the Senator from Mississippi (Mr. STENNIS); that is Secretary Volpe has written to the Senator from Mississippi, telling him that for every dollar we reduce the program this year it is going to cost twice as much for the Federal Government before we are through. That means instead of the Federal Government's putting up $1.342 billion, we are going to have to put up $160 million more, or more than $1.5 billion.

That is a fine satisfaction to the taxpayer. The conference hits him with $160 million more for the SST. I am convinced that the majority of the taxpayers of this country oppose the SST. I polled the people in my State. I found that 95 percent of them were against it. A poll by National Educational Television Networks in all the States indicated about 85-percent opposition. Incidentally, that poll was conducted in every State. Eighty-five percent of the people were opposed to the SST. It showed that the people in the State of Washington were opposed to the SST. A majority of the people in the State of Washington were opposed to the SST.

Mr. MAGNUSON. Mr. President, if the Senator will yield, which poll was that?

Mr. PROXMIRE. That was a poll conducted by the National Educational Television Network. It got several thousand answers.

Mr. MAGNUSON. I have never heard of it.

Mr. PROXMIRE. The Senator is going to hear more about it.

Mr. MAGNUSON. Does the Senator have the results of the poll?

Mr. PROXMIRE. I certainly do.

Mr. MAGNUSON. Who conducted the poll and who did they contact?

Mr. PROXMIRE. What they did was have a television debate on the SST——

Mr. MAGNUSON. Oh, oh.

Mr. PROXMIRE. Then listeners were asked to write in their opinions pro and con.

Mr. MAGNUSON. Oh, sure.

Mr. PROXMIRE. This is one of the best balanced and fairest programs.

Mr. MAGNUSON. Which station was it on?

Mr. PROXMIRE. It was the educational television station in the State of Washington.

Mr. MAGNUSON. Which one?

Mr. PROXMIRE. I do not know which one.

Mr. MAGNUSON. The Senator ought to know before he makes that statement.

Mr. PROXMIRE. I am sure there is an educational station in the Senator's State.

Mr. MAGNUSON. We have a station at the University of Washington and we have some satellite stations at some of the other universities.

Mr. PROXMIRE. There is no educational television in Washington?

Mr. MAGNUSON. Yes; the University of Washington has one.

Mr. PROXMIRE. That is one listened to and viewed by people throughout the city?

Mr. MAGNUSON. Yes. As a matter of fact, I am the father of educational TV.

Mr. PROXMIRE. I know the Senator is. That is why I would be shocked if Seattle and the State of Washington did not have a vigorous educational TV program.

Mr. MAGNUSON. Why does not the Senator put into the RECORD the number of people who responded and who made the responses? That is the trouble with these polls.

Mr. PROXMIRE. I did that before, but I shall be glad to do it again.

Mr. MAGNUSON. I have never heard of it, and I try to keep close touch with matters in my own State. I cannot keep track of all the debates that go on all the television stations, but I am sure the Senator would realize that if an accurate poll were taken in the State of Washington the results would be entirely contrary to the poll cited by the Senator from Wisconsin. With 100,000 people walking the streets unemployed, the Senator should know what would happen.

Mr. PROXMIRE. As far as 100,000 people walking the streets unemployed are concerned, as the Senator knows, as he indicated yesterday, some 6,000 of them work on the SST. How many work on the SST in Seattle now?

Mr. MAGNUSON. Right now about 6,800.

Mr. PROXMIRE. The Senator also knows that one of the most important industries in Washington, as in Oregon and all over the Northwest, is lumber, as well as the housing industry. The Senator also knows that if this money were used in the emergency mortgage credit financing program it would provide infinitely more jobs in Washington and the country by providing the opportunity for people to buy homes now who cannot buy them. I know the Senator will say, "Spend it on both"——

Mr. MAGNUSON. We ought to do both.

Mr. PROXMIRE. We ought to do both, but the administration is not going to do that. It has only so much to spend.

Mr. MAGNUSON. I do not know about that, but I want the Senator to put in the RECORD the poll he has discussed.

Mr. PROXMIRE. I shall be delighted to put that in the RECORD. Furthermore, there have been a whole series of other polls conducted by Members of Congress, polls admittedly not scientific. I conducted one, but there are others, in which tens of thousands of letters were written to constituents, and they were asked to write back stating where they stood on various issues, and every single one of those polls conducted on the SST had responses eight or ten to one against it.

Mr. MAGNUSON. Why not put them all in the RECORD—including the polls the Senator conducted?

Mr. PROXMIRE. I shall be delighted to. I put it in 2 years ago, but I will do it again this year.

Mr. MAGNUSON. The Senator from Wisconsin seems to know more about the State I represent than I do, and I spend a lot of time at home. I talk to people, and I know what they think, and I am sure I would be aware of any such poll, but I am not. I would like to know how many people replied?

Mr. PROXMIRE. I shall be delighted to put that in the RECORD.

Mr. MAGNUSON. Would the Senator say 100 people?

Mr. PROXMIRE. I do not know precisely how many replied at the present time, but I shall be happy to put that in the RECORD. There was a very substantial response in the country as a whole. The number in the State of Washington was probably not very great, but it was representative.

Mr. MAGNUSON. Yes. Put it in the RECORD, so I shall know about it. I am glad to learn about my own State through the Senator from Wisconsin.

Mr. PROXMIRE. The Senator from Washington is a good Senator, and has a remarkable memory. I am surprised he does not remember the time I put the same material in the RECORD 2 years ago.

Mr. MAGNUSON. That was 3 years ago?

Mr. PROXMIRE. Two years ago.

Mr. MAGNUSON. I thought it was more recent. Two years ago, they had this particular debate?

Mr. PROXMIRE. That particular poll; but there have been many polls since then, and they consistently show one thing, and that is that the majority of the American people are against the SST. The only poll that has been held in the State of Washington that I know of was strongly against the SST. If the Senator has a poll since then—he says he has talked to a lot of the people, and he is convinced the people are for it——

Mr. MAGNUSON. I did not take a poll. I just do the best I know how.

Mr. PROXMIRE. The Senator is very able. The polls show that the great majority of the taxpayers are against this program. But what did the conferees do for the taxpayers? Instead of $243 million, they increase their cost to $1.5 billion.

Mr. MAGNUSON. Mr. President, will the Senator yield? I just came in from one conference, and I am due at another.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington without losing my right to the floor, and without my subsequent remarks being counted as a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. I have another conference involving HEW matters which the Senator from Wisconsin is interested in and which I am for. I would however, like to know if there is a recent poll in the State of Washington, a responsible poll, which supports what the Senator says. Three years ago they may have had a discussion on it. There is a lot of discussion out there. When you are out of a job, you have a lot of discussion about where you are going to get work.

Mr. PROXMIRE. May I say to the Senator that I know of no recent poll in the State of Washington about the SST, but the only poll there I know about indicates that the people of the State of Washington were opposed to the SST, the majority were. That poll may or may not be valid.

Mr. MAGNUSON. That is the most far-out statement I have ever heard. That is typical of all these statements; they are all speculative.

Mr. PROXMIRE. The Senator comes on the floor and says there is no truth in it——

Mr. MAGNUSON. I did not say there was no truth in it.

Mr. PROXMIRE. All right, no validity in it.

Mr. MAGNUSON. All right; someone might listen to a television program, and 100 people respond, or 150 people—I doubt if there were that many. I do not know what station it was on. We have some stations in Seattle where possibly three commentators who would have slanted views on these things, might raise this issue, but I will bet if they sent a letter in, they would say we are doing a great job on the environment out in our State.

Mr. PROXMIRE. The Senator may be doing a great job on the environment; I am sure he is doing a great job of getting this SST thing through against the opposition of the majority of the American people and the majority of the U.S. Senate.

I ask the Senator from Washington to show me any poll ever conducted by anyone which shows a majority of the people were for the SST. I do not say all the polls are completely scientific or valid, but the only polls we have had indicated public opposition to the SST. Neither the Senator from Washington nor the Senator from Nevada can show me any public support for it. Where is that public support? The Senator can come in and contest what we have, but he cannot contradict it with any polls of his own which show the contrary.

Mr. MAGNUSON. There was not much public support when Columbus sailed over the ocean. There was not much public support for the first automobile. There was not much public support for the first jet plane. Nobody knew about all the details on the facts.

Mr. PROXMIRE. The first automobile and the first jet plane were not subsidized by the Federal Government. When the first jet plane was produced commercially, former Senator Monroney came in and tried to have us do exactly the same thing, in 1951 or 1952. He came in and told us we would not be able to have a subsonic commercial air fleet unless the Government subsidized it. The Senate agreed with that, and passed it. The House disagreed, and the private sector went ahead by itself, and the result was we have a subsonic fleet which is No. 1 in the world.

Mr. MAGNUSON. We are No. 1 now, and we want to keep it that way.

Mr. PROXMIRE. That is right; because we rejected support by the Federal Government, and let the freedom of the marketplace prevail.

Mr. MAGNUSON. Does the Senator know that today there are supersonic planes flying over the United States?

Mr. PROXMIRE. That is correct, military planes. Of course they are a different matter.

Mr. MAGNUSON. They are flying all over the world.

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Mr. PROXMIRE. Of course, there are.

Mr. MAGNUSON. And nothing particularly serious has happened yet. But I think we ought to do a protective job—and I agree with the Senator—we are now talking about 4 years in the future, at least. I believe we ought to have all the safeguards we can, and I am going to join with him and he is going to join with me in doing this.

Mr. PROXMIRE. Mr. President, we ought to write those safeguards in before we appropriate the money; otherwise, we will never get the safeguards.

Mr. MAGNUSON. Let us not stand here and say we have no future in aviation. Of course we do. I went through NASA; I handled that appropriation for many years. In the beginning, we were told over and over and over we should not have a space program.

I think we ought to cut down on that program now. The Senator and I agree on that. He agrees, too. We made the program a great success, and the spinoff for American technology will continue for a hundred years.

Mr. PROXMIRE. Maybe it will. We know there has been a lot of spinoff for other programs. But we have already put enormous amounts into research on military supersonic bombers, and private industry should rely on that research. This has been the pattern in the past; the military goes ahead with its aircraft, and then private industry takes advantage of it. Why can they not do that for the commercial supersonic aircraft?

Mr. MAGNUSON. And as a matter of fact, the American jet planes that now dominate the world were a spinoff of the original B-52.

Mr. PROXMIRE. I have no objection, if the Senator wants to——

Mr. MAGNUSON. This is just the reverse situation. When the Defense Department testified, although we all know we have supersonic planes flying right now. The French have supersonic military planes flying, the British have, the Italians have, and so do the Russians.

Mr. PROXMIRE. The answer, of course, is that there are a number of military supersonic planes.

Mr. MAGNUSON. And large ones, flying all over the world today.

Mr. PROXMIRE. The argument is, Why can we not have more, and have them commercial? The answer to that is that the commercial supersonic aircraft would be entirely different than the military supersonic planes. First, they would fly a great deal more regularly. They would be in the air a great deal longer. They would fly at much greater heights, and fly in the same limited corridors; and on the basis of the evidence, top scientists have suggested that that could have a very serious effect on the ozone.

Furthermore, the people in Milwaukee and Oklahoma City and other areas where they have been exposed to the sonic booms can indicate what a dreadful and unfortunate experience that can be. As a matter of fact, thousands of dollars of claims have been made and are being made now in the State of Wisconsin against the Federal Government because of B-58 supersonic flights over Milwaukee.

We are talking about something that is much more profound, with much greater impact over a much wider area than the kind of sonic boom that you get from a supersonic fighter. This is a much bigger plane, as I say, it flies at much greater height, and what that means is that the boom is greater and the extent of the boom is far wider.

Mr. President, it is on this very point that the conferees gave the Senate no assurance and no protection whatsoever. It is on this issue of protection against noise which the Senator from Washington has raised on which the conferees gave us no further assurance at all; and they should have.

Certainly, in the debate that took place on the floor of the Senate, when a majority of Senators voted against the SST, one of the big issues was the noise factor. In order to reassure the Senate and the country on this, the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON) came in with a bill that would have prohibited supersonic commercial flight over the United States, over anywhere in the continental United States or Hawaii or Alaska. They also provided in that bill that the plane would not be certified, that the contracts would be voided, unless they were able to get the airport noise, the perceived noise decibels down to 108 PND—perceived noise decibels.

That bill was passed unanimously by the Senate. Apparently, all Senators felt that that was necessary and desirable. We relied on that bill, and it was supported by the strongest supporters of the SST—that there should be a law prohibiting supersonic flights by commercial planes over this country; that there should be a law prohibiting these planes from being purchased by the Federal Government unless they met the airport noise standards.

What happened to that bill? That bill passed the Senate a day or two before we voted on the supersonic transport. It went to the House, and it has not been heard from since. It is pigeonholed in the House Commerce Committee. No hearings are scheduled; there is no indication of action. Regardless of the action taken by the majority leader or anyone else, we have to adjourn on January 3. There is virtually no chance that that bill will become law by January 3. If that bill does not become law by January 3, it is dead; the action taken by the Senate means nothing.

Mr. President, the conferees could have considered this; they could have recognized this. They could have had language written into the report urging the House to act on this bill. Conceivably, if the managers on the part of the House had been sufficiently concerned—they could have acceded to some kind of limitation, or they could have come back to the Senate and the House and said, "We would like to strengthen this bill before we send it back to conference," and had gotten the approval of the Senate or the House for strengthening the bill by writing into it the requirement that before funds are appropriated, that noise protection bill should become law. That was not done. There was no protection, no further added protection, in spite of the fact that the noise protection bill passed the Senate unanimously.

We would be pretty foolish if we permitted this SST money to be appropriated before we got that kind of protection. If we cannot get it now, we certainly are not going to get it after the $290 million has been appropriated; and this is by far the biggest appropriation we are going to have for this program.

Mr. President, I ask unanimous consent to yield briefly to the distinguished Senator from Indiana (Mr. HARTKE), without losing my right to the floor and without my yielding being counted as a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PENSION AND COMPENSATION PAYMENTS

Mr. HARTKE. Mr. President, I ask unanimous consent that the action of the Senate this morning in passing Calendar No. 1450, H.R. 15911, be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HANSEN. Mr. President, reserving the right to object, will the Senator identify what he is speaking about?

Mr. HARTKE. This is a bill which concerns veterans' benefits and the effect of the social security increase on veterans' benefits. I have talked with the majority leader. I talked with the chairman of the Veterans' Committee, the Senator from Georgia (Mr. TALMADGE), and he informed me to inform the Senate that he and the Senator from Utah (Mr. BENNETT) agree that what we should do is pass the House bill. The action taken this morning was taken inadvertently. It was not intended.

Mr. HANSEN. Would the Senator from Indiana withhold his request for a moment so that we might have a short quorum call? I want to accommodate the Senator.

Mr. HARTKE. Why do I not relinquish the right to the floor?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana and the distinguished Senator from Wyoming may ask for a brief quorum call, without my losing my right to the floor and without my yielding for that purpose being counted as a second speech.

Mr. BIBLE. Mr. President, will the Senator yield to me for an inquiry of the Senator from Indiana?

I have no disposition to object, but I do not want to be displaced on the present bill. Could we have some indication of what this involves?

Mr. MANSFIELD. Mr. President, this has to do with payments to veterans, and it has a termination date at the end of this year. It is a matter which I think was incorporated originally in the combination bill reported by the Committee on Finance. Now it was called up separately. I understand that there is no objection to it.

I would appreciate it if the acting minority leader would check into the matter, to make sure.

I ask unanimous consent that, under

any and all circumstances, the distinguished Senator from Nevada does not lose his right to the floor, and that the pending bill not be displaced.

Mr. BIBLE. I appreciate that. I think we are acting in good faith in trying to move forward toward recessing at the earliest date.

The PRESIDING OFFICER. It is the understanding of the Chair that under the unanimous-consent request the pending business would not be displaced.

Mr. BIBLE. May I have some indication from the Senator from Indiana how much time would be involved in this?

Mr. HARTKE. It will take less than a minute.

Mr. BIBLE. All right.

The PRESIDING OFFICER. There is a unanimous-consent request for a brief quorum call. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Kentucky (Mr. COOK), without losing my right to the floor and without my yielding being considered as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELMER M. GRADE AND THE "DELTA QUEEN"—CONFERENCE REPORT

Mr. COOK. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 16, 1970, page 42036, CONGRESSIONAL RECORD.)

Mr. COOK. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PROXMIRE. Mr. President, I understand that the Senator from Indiana and the Senator from Wyoming wanted a brief quorum call. I will continue with my discussion, and then they can come back with their matter later.

Mr. President, the conferees provided no further protection whatever on the noise issue, and we are now rather certain that this bill is going to die with the adjournment of this Congress. There will be no further protection against sonic boom flights, by law, and no protection against the tremendous additional noise made by the supersonic transport at airports. That bill passed the Senate unanimously; there was no dispute about it; and now it is going to die. We are given no protection in the conference report.

I think that to go ahead with the SST would be foolish, and those who oppose the SST would be derelict in our duty if we permitted the SST money to be appropriated under these circumstances.

Furthermore, an even more significant environmental issue is the effect of the supersonic flight, because the supersonic transport plane will fly at great heights, much greater than the military supersonics fly. It flies at 65,000 to 70,000 feet altitude, where the environment is stable and rare, where emissions do not disintegrate, where they have a profound effect on the environment and on the ozone. That is why eminent scientists say it is very possible—some say likely—that a significant and substantial part of the ozone could be destroyed. The ozone, as we know, is that part of the upper atmosphere which prevents ultraviolet radiation on this planet. It prevents the kind of ultraviolet radiation that can cause serious illness or death. As a matter of fact, without ozone, no life can exist on earth except in the oceans.

This is the kind of risk we will be taking if the SST is produced, the kind of risk we should not take. We should not appropriate money until we get the answers. If we do appropriate the money, we should have a reliable and objective and competent commission to be able to interpret the effects of the SST before it goes into production.

The Department of Transportation tells us that they have appointed that kind of commission. That is their function. They have asked for $4 million in this appropriation bill and $23 million is available elsewhere. That $27 million will be spent to get the answers as to whether this kind of flying by commercial SST's would destroy the ozone and would have an effect on radiation and other adverse effects on the environment and on human health on this earth.

The difficulty is that that commission is a loaded commission. The deck is really stacked.

Who is on the commission? Are the people appointed by President Nixon in 1969 to the environmental panel, the experts appointed by President Nixon to give the answers, on the commission?

The answer is "No."

No one from the Department of Health, Education, and Welfare is on that commission. The Department of Health, Education, and Welfare is the expert department, the competent department, the responsible department to let us know the effects of SST flights on human health.

Dr. Egeberg has written to the Department of Transportation indicating great concern, and indicating the area in which the SST should be carefully examined, to determine whether it can have an effect radiologically, and in various other ways, on the health of people. But no HEW representative is on the Environmental Commission.

The Interior Department was also on the President's Commission on the SST. They raised troublesome problems as to the effect of the SST on the environment.

Are they on that commission?

No, they are not. They are off. They are not appointed to it. They should be on it.

The Office of Science and Technology we all recognize is competent in this field and can give us some answers as to the effect of the SST on the environment. They were critical of the SST when they were appointed by President Nixon.

Is there any member of the Office of Science and Technology, any official, on that commission?

The answer is no.

One of the principal environmental experts—I suppose "the" principal environmental expert—in the Federal Government for the past year or more has been Russell Train. His office has raised serious questions about the environmental impact of the SST.

Is Russell Train on that commission, or anyone else from his office?

The answer is no. He is not on that commission.

On that commission, in addition to the Air Force, and the Space Agency, the Transportation Department, the Commerce Department and other agencies which favor the SST is McDonnell-Douglas. In addition to them, there is American Air Lines. They have a financial interest in this. They will make a profit if the SST flies. They favor the SST because they want to make money. That is a perfectly legitimate and wholesome attitude. But they are on that commission. They would determine whether the SST has an adverse effect on the environment. Of course, these are private institutions. What competence, if any, do they have on the environment?

Now, Mr. President, if we are going to have private institutions on that commission, if we are going to have American Airlines and McDonnell-Douglas, why not have the conservation groups represented, such as the Sierra Club, or other private agencies who have competence, interest, and, incidentally, no financial connection, no conflict of interest, indeed, in whether the SST flies or not.

How can a taxpayer, who is going to have to pay out at least $1.5 billion—in my view probably $3 billion or $4 billion before this is through—have any confidence in a commission which is clearly loaded and which excludes all those who have the competence and objectivity to give clear answers as to whether the SST pollutes the environment.

The point I make is that what the conferees should do, if they are going to give us any reassurance of any real progress, or if this conference report is going to make compromises, they should make sure of an environmental commission that will evaluate the results of the SST with these people I have suggested and listed. If the conferees had come back with a report in which language was provided that this commission should be changed, either we drop some of those who have a clear financial interest in promoting the SST or include those who have a clear environmental interest in evaluating the results of the SST; otherwise, it seems to me, we should not permit the conference report to pass.

The environmental issue is a very important issue. My colleague from Wisconsin, Mr. NELSON, has done a marvelous job and he will continue to do it, I am sure, in pointing out the environmental hazards of the SST, but that is only one of the two principal reasons why we oppose it, neither one of which are encompassed by any kind of compromise in the conference report.

The second reason, which is a very vital reason, is priorities.

How can we justify spending $290 million on the SST this year when it has such a great potential for polluting the environment, and only $105 million to combat air pollution?

How can we justify spending $290 million on the SST this year, at least $1,500,000,000 before we are through and probably $3 or $4 billion, when the New York Times this morning publishes the following article on its front page, which I read in part:

> The Nixon Administration is considering cutting off funds for VISTA as part of a 23 per cent trim in antipoverty fund requests in the 1972 budget.
>
> According to an internal working document of the Office of Economic Opportunity, the Office of Management and Budget has suggested severe spending reductions for research and development, community action and health and nutrition, and no funding for VISTA—Volunteers in Service to America—or the rural loans program.

Mr. President, I understand that this is about $150 million that would be cut, $150 million which would be used to help poor people make some progress in providing opportunities for themselves in this country, who definitely need the $150 million, but that, it seems, is too much; but $290 million for the SST—go ahead—go ahead.

How can we justify priorities of that kind?

Does that make any sense at all?

It seems to me that if the administration is really serious about a responsible fiscal policy, the first thing they have to do is to stop spending money on the SST.

How can anyone really take them seriously, that they want to have economy in the programs that are vital to human health, to education, to giving people an opportunity to be retrained, and say that we cannot have money for that but we can provide $290 million for the SST? That just does not make any sense at all.

Mr. President, before I conclude, and I am about to conclude, I should like to refer to an article which was published in a magazine recently because I think it spells out the issue very well. This is an article which was published in the New Yorker magazine on June 20, 1970.

It reads:

> A friend of ours who was in Washington not long ago phoned a number at the Department of Transportation and was interested to be answered by a recording on which a woman declared that the SST—the proposed American supersonic transport—wasn't going to be as noisy as a lot of people were making out. The recorded lady said that the noise problems would be minimized by the time the SST went into commercial service, in 1978, and that, furthermore, the SST would make jobs and assist the balance of payments. This was two days before the House of Representatives voted on the transportation budget for fiscal 1971—a budget that included two hundred and ninety million dollars for the super-jet. Calling back two evenings later, our friend heard a recorded man express Transportation Secretary John Volpe's pleasure that the House had approved funds for the SST (the man neglected to mention that the vote was a close shave, 176 for, 163 against), and add that Mr. Volpe intended to make sure the SST was "environmentally acceptable."

Incidentally, I am also sure the recording voice also neglected to mention the fact that it was not on an up-and-down vote but was a procedural vote which once again made it impossible for the Members of the House to register their vote on the SST.

I continue to read from the article:

> Our friend says he is now working on a recording that interested parties will be able to hear by dialing his number. First of all, there will be three minutes of Muzak interspersed with snatches of Hollywood recommended-for-general-audiences dialogue, to give some idea of what the two hundred or so SST passengers will be hearing as they flash across the Atlantic at 1,800 m.p.h. After this will come a five-minute medley: first, the sounds (recorded within five inches of the mike) of forty-three Waring Blendors working at maximum revs, to approximate the lift-off noise of the SST within five hundred feet of the runway; next, the splintering of wood, the tearing of canvas, the rupturing of aluminum, and the rending of wire, to suggest the effect of the SST's sonic boom on a yacht engaged in an arduous solo crossing of the Atlantic; then a wild 145-dbA scream, which can be taken for the shriek of a demented single-handled yachtsman jumping overboard, or for the wail of a school of Icelandic cod driven berserk by the fifty-mile-wide boom. There will follow the shattering of a giant panel of glass, representing the windows on the promenade deck of the Queen Elizabeth 2; a downpour of rain, symbolizing the continuous monsoon that will probably affect the belt of earth bounded by Washington, Boston, London, and Rome as soon as its ordinary cloud cover is sufficiently intensified by SST vapor trails; the shredding of a quarto of onionskin stationery, to simulate the tearing up of a billion dollars, figured to be the taxpayers' contribution to the design of the SST so far; the honking of several thousand car horns, to give some idea of the three-hour trip into town from the special, "compatible" airport that the Federal Aviation Administration says the SST will use, far away from residential communities; and, finally, a weird, apocalyptic note, reminiscent of the last trump, which our friend says he has contrived by recording the phrase "environmentally acceptable" a hundred and seventy-six times and playing it back at 1,800 r.p.m.

Mr. President, this article from the New Yorker Magazine of June 20, 1970, may overstate the case somewhat. But I think it indicates what the problem is for the great majority of the American people. They are asked to pay and pay and pay for a supersonic transport from which they will get nothing but noise and the potentiality that it might have a seriously adverse effect on their health.

Under these circumstances, it seems to me that those of us who are opposed to the conference report have a duty to do our best to prevent the Senate from adopting it.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HART). The junior Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I commend the senior Senator from Wisconsin for his persistent and effective fight on this issue, now for a half a dozen years. I associate myself with the remarks he has just made in opposing the supersonic transport.

Mr. President, yesterday the senior Senator from Delaware made a proposal that there be a limitation of debate on all issues pending before the Senate including a limitation of debate on the conference report on the Department of Transportation appropriations bill, which includes the appropriations for funding the continuance of the building of the prototype supersonic transport. I did not have an opportunity to remark about that proposal yesterday. But I think it ought to be noted that if anyone in the Senate in the middle of the legislative year were to make the suggestion—the incredible suggestion—that we ought to take up a major family assistance plan, with dramatic implications and involving a dramatic change in the whole welfare plan of America, and then take up the very significant trade bill, with its worldwide implications, and then take up a social security bill containing some very fine provisions and also some broad implications, because it includes the provisions for catastrophic insurance—if anyone had a limitation of debate on these three major programs of 10 legislative days for each," there would have been objection on the ground that that would not be enough time for us to deal with these comprehensive measures, and the objection would be well founded.

We never would have gotten such a time limitation agreement on the floor because these are major bills that require careful analysis, debate, and discussion in depth before the Senate acts. Yet the suggestion was made yesterday that we tie the debate down to 6 hours on each of these measures, including the transportation bill.

I think it was done humorously by our good friend, the senior Senator from Delaware. He would be the first one to say in midsession that we cannot deal with these problems in 6 hours. There is hardly a Member of the Senate, other than the members of the committee, that has read the bill or the testimony. I am not even sure that all members of our parent committee have read the bill and all of the testimony because everyone has been busy every day. We need to have several days to address ourselves to each one of these problems.

I have asked several of my colleagues, "Have you read the bill; have you read the testimony?" They gave the same answer I would have to give. They said no. Yet it was suggested that we deal with these matters in 6 hours. We all know that is impossible if we are to make any pretense of serious consideration of these measures.

I was astonished when I heard the radio news report quoting the President as saying that if Congress did not pass the Family Assistance Act, he would call Congress back on December 26.

The President has been a Member of the Senate. He knows very well that it requires much more debate than there is time left in this session.

I endorse the concept of the family assistance plan but I want to see the details. Of course we can come back on December 26 but these bills cannot be given proper consideration by the 3d of January. There is no way to do it. Everyone knows that.

Now, Mr. President, as to the Department of Transportation appropriation, the suggestion has been made that this is a filibuster. I wish to point out that the use of the filibuster in this body has never been to defend the majority viewpoint; it has always been a minority attempting to stop the majority from working its will. That is what a filibuster is for.

Rule XXII provides that there must be a two-thirds majority to terminate debate; that means 67 Senators. So there can be 66 Senators who want to act and pass a bill, and a minority of 33 Senators can stop the majority from acting. However, we are here defending the majority position. A decisive majority voted to remove the appropriation for the SST from the Department of Transportation budget.

Then, there was a conference. I am sure, and I respect the word of my colleague from Nevada and my colleague from Mississippi, that the House was absolutely adamant. I know when the Senator from Mississippi and the Senator from Nevada say that they are telling the truth. I have been in conferences with Members from the House of Representatives, too, and I believe they are correct when they say it would not have mattered if they had stayed in conference 2 days, 5 days, or 10 days, the House would not have given in. But that is no reason for this body to give in. It is not a reason because the majority on that side does not agree with the majority on this side that we have to give up on this point, and I do not intend to.

I emphasize that the discussion here on the part of those of us who are opposed to this conference report is a discussion and debate in behalf of the majority view of the Senate and not a dilatory tactic by a minority that would like to enforce its viewpoint on a majority at the end of a session. It is the other way around.

We know the Department of Transportation has to be funded. There is a very simple answer to that: Pass a continuing resolution, fund the Department of Transportation without the SST funds in it. As a matter of fact, I suppose there would be no problem with bringing up a continuing resolution with the SST fund in it and then having a vote as to whether we include it in or not. We will vote again and get the decision of the Senate again to eliminate the SST funds, which we would do, and pass the continuing resolution. It is our responsibility. Let us not hold the Department of Transportation budget as hostage because we have some people who insist on the other side that we have to have funds for the SST.

So there is a simple answer to this matter: pass the resolution, leave out the SST funds, bring it up again in January, and have another vote on it.

As my colleague from Wisconsin (Mr. Proxmire) said, we will agree to a limitation of time, there will not be a filibuster, take 2 days, 1 day, or a half day, and vote again in January. If the Senate changes its mind, which I do not think it will, only 3 weeks will have been lost in any event.

But I am not prepared to let a conference report go through with the SST funds in it against the majority view of this body. We cannot have an honest and fair vote on this issue because it is tied in with the Department of Transportation funds. Many Senators who feel strongly about the SST do not want to vote against the appropriation for the Department of Transportation. Separate the issue. We will have a vote in 15 minutes and it will be over with one way or the other, or take this measure and put it at the end of the session.

There was much discussion yesterday that we had to act on social security, that we had to act on the trade bill, and that we had to act on the family assistance plan. If that is the case, let us take this conference report and put it at the end of the line of bills and then take it up. If Senators think they can vote on these measures and they want a limitation of time, I will not argue about it, but put it at the end of the debate so we can continue with our discussion on an issue in which the Senate has expressed its majority view quite decisively after all other measures have been acted upon.

Mr. President, I was reading the Congressional Record of yesterday. The distinguished Senator from Nevada quoted from an article in the Washington Evening Star of December 15, by a very fine writer, and I might say a writer whom I read all the time, a very fine and intelligent man, Crosby S. Noyes. The Senator from Nevada (Mr. Bible) said:

> I thought it was extremely well done. It is rather short, and it is a powerful argument why the SST should go forward.

Mr. President, I wish to read from the article. It states:

> Of all the arguments that have been raised against building of two prototype models of a supersonic transport, or SST, the weakest, it seems to me, is the argument that the plane might turn out to be an environmental menace.
>
> It also is unquestionably the most effective of the objections raised against going ahead with the program.

I disagree with the first paragraph, and I agree with the second.

Mr. Noyes continues:

> There are many reasons from the standpoint of economics or national priorities for questioning the wisdom of mass production of the SST.

I agree with that sentence, too. He continues:

> But there would have been no question about continuing the present experimental program except for the political power of the conservationists lobby on Capitol Hill.

I agree with that sentence, too. In fact I am thrilled by the idea that the environmental issue has come of age in this country and that it is going to be considered henceforth. It is going to be woven into the discussion of every technological development we get involved in henceforth. It is a historic development in the dialog about the status of the human and all other species. Everybody should be pleased that it has happened.

Now, I shall read the next sentence.

> The arguments of the conservationists are weak because they are very largely unproven.

Well, that is the sentence with which I disagree, that the arguments are weak because they are unproven. It is true that some of the arguments are unproven, and others are so obvious that it would hardly take any more proof to conclude that the environmental consequences are serious.

Well, that has been the argument all the way through the history of the debate over the environment. Those who have been concerned have lost decade after decade on the argument that you cannot stop progress and on the argument that your concerns are unproven. So we have to wait for the proof—that is what we have done—each tragic step of the way.

Even as long ago as when this great country was forested all the way to the Mississippi and all down the length of the west coast with the most magnificent forests on the face of the globe, William Penn insisted that if you cut the trees in the territory that later became Pennsylvania, you should cut 4 acres out of 5 and leave 1 acre standing. Even William Penn understood that. But as the great migration went West, that sensible conservation practice was lost in the mad rush of timber barons to get rich. We clear cut the forests, over the hills of Virginia, across the Ohio River into Ohio and Kentucky, into my State of Wisconsin, into Minnesota, and all the way across the South. We had forest fires for a quarter of a century afterward. We had siltation of the lakes, destruction of scenic beauty, wiping out of resources that could have been used on a sustained yield basis for the rest of the history of the Nation.

But all the conservationists, starting with John Muir in the middle of the 1800's, were considered "nuts" of the same kind. They were trying to lock up our resources. That was true even down to Teddy Roosevelt, who had the foresight 65 years ago, out of his alarm over what was going on in our country, to call

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a conference of Governors in 1906. He said at that time the most important issue facing this Nation was the conservation of our resources. Imagine, 1906—a rural country yet, with half the people living on the farm, and most of our lakes yet unpolluted. Teddy Roosevelt was concerned, as was John Muir ahead of him. So he called a conference. Did anybody pay any attention to it? No.

As one reads the conservation arguments in books and articles all the way through this century for the past 70 years—and there have been many great writers on this subject—we can only conclude that no one listened. For the last 70 years, and before, the environmentalists have lost all major battles on the argument. You are against progress and your obligations are unproven.

Well, it has been proved every step of the way. Do we have to do it again?

Just 10 years ago a very great lady, Rachel Carson, wrote a book called "Silent Spring." You all remember that. Rachel Carson raised the alarm that we are polluting and degrading the environment worldwide by the indiscriminate use of pesticides and herbicides. It was a great book.

The entomologists and many others attacked her. They said she was not qualified to reach those conclusions; she was a foolish alarmist; her case was unproved. She was attacked all across the country by the chemical industry, the herbicide industry, the pesticide industry, agriculture authorities, scientists of all kinds. They attacked Rachel Carson because her case was unproved and she exaggerated—a terrible exaggeration, they said.

I talked with a distinguished scientist at that time at the University of Wisconsin. I said:

> All right, what do you think? Is her case unproved? Is she on unsound grounds?

He had the perception to understand. He said:

> Yes, her case is unproved, but the proof is coming in and my guess is that she has not exaggerated the case. She has understated it.

His was a lonely voice, among some others in the fields of biology and ecology and some of those "nuts" who are trying to stop progress.

Okay, case unproved. What is the proof now, in just a decade? What is the proof, and do we have to go through this every single time that the case is unproved? So let us go ahead and prove it the hard way. So we will intrude into the stratosphere, and we will put nitrogen oxides up there, we will put water vapor up there, we will put 500 SST's up there, and we will add 10 percent to the water vapor in the stratosphere worldwide and 60 percent in the heavily travelled North Atlantic routes. We will play Russian roulette on a global basis with the environment, because the case is unproven. But when the proof comes in, it will be too late.

Now, let us look at Rachel Carson's case, in which she stated what some other thoughtful scientists had been saying about the massive indiscriminate use of herbicides and pesticides all across the Nation.

What is the case? The case is that what we have done is a disaster—right now it is a disaster, and the final ramifications of that disaster are unknown. But what we do know is disastrous already.

I remember the issue very well because 6 years ago I introduced a bill to ban the use of DDT, and I could not find any Senator who would cosponsor it. I could not find any Member of the House to introduce it, although some of my good conservationist friends over there said, "I think you are right, but I do not want to be attacked as a 'nut.' DDT is the most widely used chlorinated hydrocarbon for controlling pests and it is cheap, too and there is no way to stop it politically because its use is so popular."

So that battle went on. Finally everybody became alarmed. At the time I introduced the bill a member of our own conservation department in Wisconsin attacked me. Now everyone is alarmed and they are all scrambling to get it off the market and control its use.

Well, why? Because that unproved case of Rachel Carson's is finally proved. I cannot tell you what the proof is, because there is so much that is unknown yet, but I can tell you a few things.

As long as 3 years ago some scientists took 400 miscellaneous marine creatures from various places out of the ocean and examined them. Of these marine creatures 396 had DDT in their fatty tissue. Every human being in this country, and all over the world, too, even in remotest Africa, has DDT in his fatty tissue. This is because as we sprayed it into the ground, it went through the water courses into the lakes and oceans, into the air, was absorbed by water vapor, and was taken across the Indian Ocean, across Africa, all around the globe.

It is everywhere. So far as I know, there is not an animal creature in this country without DDT in its fatty tissue and innumerable species of birds, too.

What does DDT do? When you spray DDT into a watershed it then goes into the ocean, the streams, the lakes, the soil, and the air currents of the world.

Then biological magnification occurs. It is absorbed by tiny creatures, which are eaten by other creatures, which are eaten by little fish, which are eaten by bigger fish, which are finally eaten by the raptor birds at the end of the food chain such as the bald eagle and the peregrine falcon. You start out with one part per 10 million in the water, and you end up, in some of our birds, with 1,500 parts per million, because of biological magnification—the increasing concentration up the food chain.

What does it mean? Well, it means we are driving the birds at the end of the food chain to extinction. The bald eagle, the peregrine falcon, the osprey, and how many more no one knows. And why? What is the dramatic effect on this creature, which is the test creature because, as I say, he is a raptor bird, eating at the end of the food chain, and as a consequence of biological magnification is getting massive doses of DDT?

Well, the result is that the hen absorbs so much DDT that her enzyme capacity to produce sufficient calcium to create an egg that is strong enough to hold the chick until it is big enough to hatch is inhibited. So the egg does not hatch. So we are now witnessing the extinction of these magnificent creatures. Now the hottest eggs in the country in DDT are down in the Everglades. They do not spray it down there. The Park Service will not let DDT be used in the Everglades. Where did it come from? It came out of the air currents and through the water courses that flow into the Everglades—the greatest ecological com- down there, too, by our use of DDT else- plex of its kind on the face of the earth. And so we are destroying the raptor birds where.

It is being absorbed by all the creatures in the ocean. No one got very excited about DDT around the Midwest—in Michigan, Wisconsin, Illinois, and so forth—until we engaged in an experiment by introducing an exotic fish into Lake Michigan, the Coho salmon. Its growth was spectacular. It feeds on the alewife, which has become a serious trash fish in the lake and everyone was happy.

But suddenly, they had to take the Coho salmon off the market 2 years ago, because they found so much DDT in its fatty tissues. The lake and its flora and fauna are heavily loaded with DDT.

And the studies on the Coho salmon fry, show that their central nervous system is damaged as they absorb the yolk sac, and then they start swimming in circles and die very shortly.

It affects the enzyme production of the bald eagle, the osprey, and the peregrine falcon. It affects the fry of the Coho salmon. What is it doing to all the other animals and marine creatures? No one knows but you can be certain that innumerable creatures all over the globe will be adversely affected. Well, the case was unproven a few years ago. Now we have proved it. As I say, there is a much greater disaster coming, because we have not seen the end of the ramifications of the use of DDT. It has a half life of 10 years. I have not multiplied that out on the scale, but that means it will be around for 35 or 40 years after the last half gallon has been sprayed. So we do not know yet. But now we are launching on another crusade, to build an SST and it, too, has environmental implications that are unknown.

Senator **Proxmire** has made a most thoughtful and telling case against it from a budget and financial feasibility aspect. He has made a superb case. But he lost all those lonely battles until the environment got involved.

What are the environmental costs? Yes, it is true, as Mr. Noyes said, that it is unproved, but the implication of what is unproved is alarming; and there is some serious doubt, I think, that you could ever prove the case, without putting all of the SST's up there and then when you have got the proof it is too late.

I shall not go into all the arguments about what is so important about the SST anyway except to point out that I received a letter from an old law school classmate of mine, with a big law firm in New York, about a week ago. He said:

> Dear Gaylord: When you pass that appropriation for the SST, and when you get those things up in the air, I will be able to ride that thing to London. I go there about three times a year on legal business.

He said:

> I will be able to get to London in three hours and 15 minutes, which is less time than you can drive across New York City in peak traffic periods.

What kind of a priority is that?

I do not really care whether my old pal, who has to suffer the consequences of going to London three times a year on business for his corporate clients, is saved 3 hours each way or not. That does not matter very much. Who is going to ride it? Its only virtue is speed. That is all; it has no other virtue. And that virtue has already been compromised, because you cannot fly it over the land at supersonic speed. Everyone concedes that.

Why cannot you fly it over the land? Well, Mr. Secor D. Browne, an administration spokesman said:

> You cannot fly it over the land because people vote and they would not tolerate the sonic boom.

Of course, the animals do not vote, so you can fly it over them. The assumption is that while people cannot stand the noise all other living creatures can stand it all right enough; and if they cannot, who cares? Of what importance are they, anyway?

Well, if it is intolerable to people, it is intolerable to other living creatures, too. But the sonic boom question cannot be settled. When you build a plane that big, put it in the air with that weight, and put it into supersonic flight, scientists cannot guess what the damage may be and years of study are unlikely to come up with the answers.

Well, what is the boom? It is between 2.5 and 3.5 pounds per square foot. That is what the boom is. And how much is that? Well, with that many pounds per square foot, you are pounding the earth—pounding every acre of the ocean—with 132,000 pounds of pressure.

One hundred and thirty-two thousand pounds of sonic boom per acre. Does that have no ecologic significance? We do not know. But I would think that any scientist would have to say, "Though the case is unproven, you had better start from the assumption that if you make that massive intrusion into the environment, it is likely to be disastrous, and those who want to do it had better prove that it won't be disastrous, not the other way around."

Will it change the migration of great flocks of the wide varieties of birds that fly all over the world, between the continents; that migrate from North to South and East to West, from island to island in the Pacific, from Canada to South America and from South America to Africa? What will happen? Will it change their flight patterns, throw them off course? Who knows?

Will they fly into an area where every 30 minutes, there is a sonic boom 50 miles wide at 132,000 pounds per acre? Does anybody know whether it will turn them around, whether they can stand that buffeting? In fact, they will get hit with a slug about their own weight. The Canadian goose would get hit with more than that because he is much bigger than a square foot. What will happen? Nobody knows. So let us go ahead and do it and find out. After all the argument that they may be seriously affected is unproven.

This says nothing about all the migratory mammals that travel all the way up and down our coasts, from Alaska and California—whales, mammals of all kinds. Nobody knows what effect it will have on them.

On top of it all, I have not even seen a word from anybody, even the scientists—not a word about the delicate life systems on the surface of the ocean. They are part of that great living body, that little area just along the surface, where tens of billions of little insects and other living creatures exist and breed and are used and eaten by other marine creatures. Will it affect them? Nobody knows. So, since the case is unproven, let us try it.

Well, it does not do any good to build these two prototypes, for they will prove nothing. They are not going to prove anything about the stratosphere. We already have all kinds of military planes that fly faster than this one. They can be put up in the stratosphere. We do not need to build a prototype to prove what will happen up there. I strongly doubt that very much can be proved up there, in any event. You can just go ahead and do it and find out whether you have created a world of disaster. Because what you are dealing with at 65,000 feet is the very fragile, very stable atmosphere, and we do not have a great deal of knowledge about it.

What about the effect on ozone, which is a part of the atmosphere? All living creatures, through the history of life on earth, have lived with that atmosphere, and the amount of radiation coming through. If that balance is upset, what would it mean? Nobody knows, but scientists are concerned. So we do not know about the stratosphere. I cannot find any scientists who will tell me just how we can test that without going ahead and putting SST's up there and then finding out whether or not it is too late.

Mr. President, I ask unanimous consent to yield to the Senator from Idaho with the understanding that I do not lose my right to the floor and that when I resume speaking, it will not be considered as a second speech.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. **CHURCH.** I thank the distinguished Senator from Wisconsin.

Mr. President, I have consistently opposed appropriations for the SST. Last year, I voted against the appropriation when the issue first came to a vote in the Senate.

This week, I had occasion to make public a news release reaffirming my continuing opposition to the project and pledging my efforts to support the attempt now being made on the floor of the Senate to reject the reinstatement in conference of the money for the SST. I ask unanimous consent that the news release be printed at this point in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

> Washington.—Senator Frank Church said this week he will oppose the reinstatement of $210 million for development of an SST supersonic transport plane as proposed by a Conference Committee of the Senate and House of Representatives.
>
> Church said he will join in an anticipated move to delete the SST funds from the budget of the Department of Transportation when the Conference Report comes before the Senate for approval.
>
> Noting that the Senate last week voted to delete $290 million in SST funds when it originally considered the measure, Church expressed hope that the Senate would once again refuse to appropriate the money when the Conference Report comes up for final action.
>
> "The SST," the Idaho Senator said, "has the potential of being an environmental disaster. We have got to draw the line somewhere against excessively costly projects which threaten to degrade still further our life-support system."
>
> Church noted that the proposed plane could not fly over land areas at supersonic speeds without leaving sonic "booms" trailing in its wake, creating havoc with the population below.
>
> "What's the point of spending billions of dollars to develop a supersonic plane which can only be flown over the oceans?" Church asked.
>
> "It's time to change our spending habits. Ending the huge public subsidy for this extravagant, unneeded and potentially harmful aircraft is a good place to start," Church said.

Mr. **NELSON.** Continuing the discussion about the argument that the case is unproven I use the phrase because all kinds of people have been using it around here as a refutation of the repeatedly expressed environmental concerns. I want to cite a little of what has happened as a consequence of this country and other countries engaging in projects on which there are grave reservations, and proceeding anyway on the ground that the case is unproven and after all you can not stop "progress" whatever that means.

Let us take Lake Erie, one of the great lakes in the world. Fifty years ago, 40 years ago and 30 years ago, concerned marine biologists, conservationists, and environmentalists were saying that the accelerating introduction of acids, oils, and municipal wastes into the lake is going to destroy it. Now, this was said as long as a half century ago. What was the answer? "You cannot stop progress, and the lake is big enough to absorb these industrial wastes. Furthermore, the turnover of water in that lake is about once every 5 years, so we need not worry. All of you muddleheads, the little old ladies in tennis shoes, who are saying, 'You are on the way to destroying a great lake,' do not have a case. It is not proven. It would not happen." Well it did happen.

HEW did a little study in that lake 2 or 3 years ago. Two thousand five hundred square miles of the heart of Lake Erie had almost no oxygen in it. It is a vast, disgusting cesspool, created by the hand of man, in the name of progress, under the argument that the case is unproven.

As the distinguished Senator from Michigan (Mr. HART), now the Presiding Officer in the chair, knows the environmentalists in both our States have been raising alarms about the southern tip of Lake Michigan and the pollution off its shores for several years now.

Oh, no, the polluters said. It cannot happen here. It is a great body of water. It can tolerate this pollution. Now everyone is alarmed because, of course, we know that it cannot tolerate this pollution. It is loaded with DDT on top of industrial wastes and municipal sewage. Unless it stops, that great lake will be destroyed, too. But we will have done it in the name of progress because the case was unproved.

Now we are in an argument about Lake Superior. I talked to Secretary Udall for 2 years about calling a conference on Lake Superior on the ground that we needed a Federal-State conference to stop the pollution of that lake which is just beginning. His last great act—of which there were many—in office was to call a conference.

What is the argument there? Well, we can go out and around the Apostle Islands which we have now made a national recreational area, and we can see rocks in that clear water down for 50 feet. The shores have sandy beaches just as fine as will be found in any of the Virgin Islands in the Carribean. It has rocky shorelines as beautiful as anything on this continent. That lake is the greatest body of fresh water in the world in terms of surface square miles. It is the third greatest body of fresh water in the world in terms of capacity.

Lake Baikal is the largest body of fresh water on the face of the globe and the Russians are polluting that. It has 5,300 cubic miles of water.

Lake Tanganyika in Africa is the second greatest body of fresh water on earth with some 3,300 cubic miles of water.

Lake Superior is the third largest with 2,700 cubic miles of water.

Lake Superior is an incredibly delicate, pure lake. There is no large body of water anywhere on the earth as pure and as delicate as Lake Superior.

So the great State of Minnesota, in all its ignorance, issued a permit to Reserve Mining Co.

A permit for what?

Well, for dumping taconite waste into the lake. Oh, what a handy and cheap place to dump the taconite tailings in Silver Bay above Duluth. They got a permit to do it, with the cooperation of the Corps of Engineers. Okay. The same argument rose. They are polluting Lake Superior and the consequences will be dangerous and disastrous. Oh, no, there is no proof of pollution. Taconite tailings are not pollutants at all. There is nothing in them that pollutes. It is just a stable inert material and will sink down to the bottom of the lake off Silver Bay where it slopes lower and lower to 700 feet. Not a pollutant at all. And, of course, the little old ladies in tennis shoes and all the other alarmists in the conservation movement just do not know what they are talking about.

How much taconite tailings are they putting into the lake?

Sixty thousand tons—per day. I repeat, 60,000 tons—per day.

Throw the taconite tailings into the lake. That is the cheap way to do it. Never mind what happens to the lake 10, 50, or 100 years after the Reserve Mining has gone and the mines are empty and people are left living on the shores of a lake that our great technological society has destroyed.

Well, after a while, some scientists began to raise the alarm. But the case was unproved, of course. That is why they went ahead.

The case is now being proved. Various trace elements in the tailings were found and there is great concern that it may start a pollution blossoming in the lake.

Furthermore, how long can 60,000 tons be poured into that lake without dramatically altering the ecology at the bottom of the lake where the tailings settle?

In the last few days an alarming event has occurred involving the oceans. Not oil this time. But mercury in the great world-renowned tuna fish. The Food and Drug Administration is alarmed about it and so are the scientists. Where did it come from?

It comes from industries all around this country. It has poured into the watersheds and water courses and traveled into the oceans from all parts of our country and other countries as well.

Where did the mercury come from? Where did it go?

Just as with DDT I would guess that mercury spreads up the food chain. It is absorbed by the plankton and other tiny creatures. It is eaten by other creatures who are finally eaten by the tuna. There is that great fish which travels the gulf stream all the way up past Florida every year, all the way up to the North, absorbing mercury all the way.

No one knows what it means except it will be there Lord knows for how long, perhaps a century, a half a century, affecting the life cycle of how many creatures, no one knows. The scientists who have been concerned about the oceans have been saying for some time that we are seriously polluting the oceans. How in heaven's name could the oceans covering two-thirds of the surface of the earth become polluted, degraded, destroyed? Oh, the polluters say, the case is unproved.

All up and down the coast of America we see what they are doing. They are dumping solid waste materials in New York by the thousands of tons, municipal waste, oil, gas, mercury, everything. In every great city all of the way down to Miami they are all doing the same thing. They are pouring pollutants into the ocean at a dramatically accelerated pace. This is being done all the way down the west coast, too, and in the Gulf of Mexico and off the coast of every major city on earth.

What is the difference? It is an awfully big body of water. It can take the industrial waste, the municipal waste. It can take the pesticides and the mercury. It will all be dissipated, it is said, because the ocean is so big.

The marine biologists started raising these issues a quarter of a century ago, and some started raising it even before then.

What has happened? We are now well on our way to the final destruction of the productivity of the oceans of the world. There is not any doubt about that. The question is, How many years? That is the question, not whether it will happen, but when will it all be over. And it will all be over unless we reverse the trend of the deterioration of the ocean's environment.

It is not a big job to destroy the ocean. It looks as if it would be a big job, but it is not because the productivity of the ocean is in the marine estuaries and the first half dozen or dozen miles out on the Continental Shelf where most of the reproduction of the marine creatures occur.

In those great marine estuaries in the Everglades and down the coast and off the shorelines, that is all that has to be polluted to destroy the oceans. We do not have to pollute the ocean 100 or 500 miles out or 1,000 or 6,000 feet down. There is not any production of marine creatures to speak of there, anyway. We do not have to pollute the ocean there to destroy its productivity. It is just necessary to do it in that narrow band of shoreline off the coasts and on the Continental Shelf off the coasts. We are doing it very rapidly so that all the marine biologists that I know and with whom I have talked say, "Perhaps in 25 or 50 years it will be all over with the ocean." Think of it, 25 to 50 years.

Dr. Paul Ehrlich, of Stanford, one of the great environmentalists in this country, a great leader in the environmental movement, and a great man, wrote a little story on this matter in 1968 in Ramparts magazine. That is 2 years ago. He predicted the end of the ocean's productivity in a handful of years.

It was an alarming article. It so happened that I read it while I was in California to speak at a water conference in Santa Barbara. I read that piece while going in the plane from Santa Barbara University to Berkeley.

At any rate, I went to Berkeley for a conference on the environment. I asked a half a dozen scientists, "Have you read Dr. Ehrlich's article on the ocean?" They said they had.

I said, "Do you agree with it?"

They all said yes, except that they disagreed upon the date.

They all agreed the situation was alarming and that at the current rate of pollution the productivity of the oceans would be practically over in 25 to 50 years.

That is what we face.

The ocean is the greatest single resource on earth.

It is argued, of course, that no one is responsible for the oceans anyway. Ironically, the same argument is made by the Dutch, the British, the Germans, the Americans, and the Italians. The industrialists in each place say, "Why should we stop the pollution? It costs money. It is all one ocean. If we do not pollute it, the others will."

It is like the SST. They say if we stop production it will not make any difference because someone else will fly it. If the Russians and the British and French are going to build their Concordes and their TU-144's and fly them in the stratosphere and pollute the earth with sonic booms, let us join them. If they are going to engage in destruction, we have to join in destruction, too.

What a great argument. If they do it, we join them. Since no country in the world has jurisdiction over the ocean, it is just the responsibility of mankind. No country has jurisdiction over the atmosphere or the stratosphere either.

We can control what happens off our shoreline for half a dozen miles. We can control the air over our country for some distance. But at least for a certain distance we can effectively control it. That is our political jurisdiction. No country in the world has jurisdiction over the environment worldwide, or even a small part of it. No country in the world has jurisdiction over the oceans worldwide, or even a significant part of it.

So, the jurisdiction is in mankind. If there is an issue here which is important—and there is—and which involves all mankind, it is that the environment is shared by all mankind. We all share a part of the same environment in the oceans and in the atmosphere. So, we share a responsibility.

We share a responsibility and a moral responsibility in addition to a very practical one, too. We share a moral responsibility to protect that environment.

If one of the two great super powers does not have the moral courage to lead then the whole thing is lost. I would not expect France and England to lead it, not that they do not lead great moral causes. But if we build it everybody has to build it; but if they build it, everybody does not have to build it.

If we have a moral responsibility for the environment worldwide, because we share it, we should exercise whatever authority we have in our jurisdiction to control that environment and protect it not only for Americans but for all human beings, and all other living creatures, too, who are just as important a part of the animal species as the human species.

Mr. President, you know we are the only ones who think we are more important than the other animals. It has occurred to me what might happen if we sent out a questionnaire to all animals on earth and put it in language they could understand, and we said to all other living creatures—they knowing as they do that we are the only species on earth that massively intrudes into the environment and destroys the habitat and environment for other living creatures—"Would you be upset if your fellow animal, the homo sapiens, were put on the endangered species list, like the whooping crane, which is soon to disappear, would that upset you other members of the animal kingdom?"

I think we would get back a unanimous response, "No, we would not shed a tear," except from the dog. He would be on our side. He is the animal kingdom's Uncle Tom.

We are the only creature that intrudes into the environment, degrades it, and destroys it for other creatures. We have a responsibility to protect the environment and we are risking great danger if we go ahead and deploy the SST.

The argument that we can go ahead and build two and test them and find something out is refuted, in any event, by the President's own scientific committee. What good are two prototypes? The only purpose to build the two is to build 500 and if they build two, do not forget the race is on because if we build it the French and the British will feel they have to build it and subsidize it, if necessary, and the same is true of the Russians; but if we do not build it and tell them that they cannot land it here in this country the ball game is over. It is not really very important to spend money to find a quicker way to send about one-tenth of one-hundredth of 1 percent of the population, or whatever it is, to Europe.

Well, do we have to build it? It strikes me as very strange that when the President asked Dr. DuBridge, his scientific adviser, to set up a scientific committee to study the question, and he did, and Dr. Garwin, the distinguished physicist headed the committee, I wonder—I just wonder—why no proponent from the President to Mr. Magruder, to any Member of Congress has brought that scientific report to the floor of the Senate and told us what is in it. Is that not strange? The scientific report was against the SST, that is why. When the White House saw it they refused to release it. That is all there is to it. They have a report in their hands that destroys their case. So they do not release it. Why can we not see it? Well, as I have said, we cannot see it because it is negative; it destroys their case. Why do we know that? First, as practical people we know that this administration, or any administration, or any person who is making a case in court or out of court, or any other place, if he has commissioned a study and it comes down on his side, he discloses it, and if it comes down on the other side, he will not disclose the result if he can avoid it.

Dr. Garwin testified in the House and the Senate. He headed the scientific committee and came out against the SST and said the program should be terminated now. He said very carefully, "I come on my own. I do not speak for the administration. I speak for no one but myself. I cannot tell you what I said to the administration. That is executive privilege. I am not permitted to do so, but I do come here and speak on my own."

The President's own science committee, selected by Dr. DuBridge, has come out against the supersonic transport and that is why it is not made public.

I will be asking every day to see that report. I think the American public is entitled to have it. We are dealing with a situation which involves the dollars of American taxpayers. It involves a matter of worldwide concern. It involves an appropriation by Congress. Where is the scientific report? Why can we not see it?

I would think that the proponents would go over to the White House and say, "Gentlemen, give us that report that sustains our case and destroys the opposition." Why are they not there doing that? They are not there because the report does not sustain their case. It supports the opposition to the SST and destroys their case. That is why, Mr. President, you will never see it on the floor of the Senate. It does not take 6 days to get it here from the White House. Maybe we can ask that question again tomorrow, and tomorrow, and tomorrow. But we will not see it because it destroys their case.

What did Dr. Garwin say? I am going to read all of this tomorrow, and I will read from it today. I am reading from the hearings. The opening day was August 27, 1970, and I am reading from page 1648.

I read from page 1648:

Senator Allott—

This is the question asked of Dr. Garwin, who headed the study for the administration—that invisible study that we cannot see—

Senator Allott. May I ask you one question before you go on?

Since you had all this participation, did you advise on this contract when it was made?

Mr. Garwin. I was not involved in the SST program at the time the contract was let, January 1, 1967. I cannot speak to what I have advised other people about the supersonic transport.

Senator Case. Do you mean you can't speak as to what you advised the Government because of executive privilege claimed by the other party?

Mr. Garwin. That is right. Dr. DuBridge has indicated that I was chairman of a review committee on the supersonic transport reporting to him.

I cannot reveal any more information about that performance or that advice.

Senator Case. You can tell us anything you want, but you can't say what you said to him, is that right?

Mr. Garwin. Exactly, Senator. Thank you very much. At least, that is my view of it.

A very, very interesting dialog. "Dr. DuBridge, you tell us. Do not tell the public. Do not tell the Congress. Do not tell the world what you are telling us."

Why would he do that? Because Dr. Garwin's committee destroyed their case. That is why. No other reason. Dr. Garwin is in here recommending against the SST. He said, "I cannot tell you what I told them, but I will tell you what I think."

Well, what does he think? Let us take this question. We have been told that we must build the SST for a number of reasons. One of them is that we must build that prototype in order to test, to find answers to environmental questions like noise and pollution. Well, let us see what Dr. Garwin says about that:

Senator Pastore—

Mr. PASTORE. Here I am.

Mr. NELSON. I want to quote the Senator. Is that permissible?

Mr. PASTORE. Oh, absolutely.

Mr. NELSON. I thank the Senator.

I am afraid if we go into detail

around here we are going to get confused. I like to have it said in simple English:

> What you are actually saying here now, and I want to get this on the record, is we can resolve these problems that have come to the fore with reference to the SST, with reference to the pollution of the ecology; we can resolve these problems even before we build the prototype.

That was absolutely the correct question to ask. It got to the heart of the matter. Mr. Garwin responded as follows:

> Mr. Garwin. Yes. I say we can resolve the questions without building the prototype, and I go further and say building the prototype does not help significantly to resolving the questions; yes.
>
> Senator Pastore. And it is your recommendation that we suspend going forward with the prototype at this time and devote ourselves to the research as to the noise and the ecology?
>
> Mr. Garwin. My recommendation is that we terminate the program and not suspend it. To suspend might involve all kinds of continuing costs.

Those are the words of the head of the President's committee that did the scientific study—the scientific study that none of us have ever seen. I want to quote now from another part of Mr. Garwin's testimony, on page 1650:

> Will the flight test of the prototype answer the environmental questions? No. It is not the prototype construction or flight test which answers the environmental questions.
>
> It is the research program, completely independent of the prototype. The research program, $27 million total, versus more than half a billion dollars more for the prototype.
>
> When Mr. Magruder says the prototype is an excellent opportunity to acquire experimental data of broad environmental and meteorological value, he is talking about more than the 7-hour flight test at maximum speed.
>
> This could better be said of operating the SR-71 which flies now at nominal cost, at higher speeds and higher altitudes, or of balloon flights, or other ways of exploring the atmosphere.
>
> But the prototype operation will not, so far as it is envisioned now and funded, expected to be funded, by the Congress, answer the environmental questions.

Mr. President, I think the testimony of Dr. Richard Garwin, which starts on page 1623, should be put in the Record in full, because I can tell from the mail I get that people around the country do not know that the President's scientific committee came out against it. I get letters from people saying, "What kind of a nut are you? You do not know anything about engineering flight. You are trying to stop progress. Your environmental questions do not amount to anything. You cannot solve them until you get the supersonic transport."

They do not know that the head of the scientific committee for the President is on our side. So I think we ought to put it in the Record so that everybody can have a careful look at what Dr. Garwin said.

I would suspect that out of 535 Members of Congress not 10 percent have read Dr. Garwin's testimony. That would mean hardly anybody outside the Congress has read it, except a few people who are interested scientifically.

Let us see what Dr. Garwin had to say, and then we will get, tomorrow, to the questions and answers of Dr. Garwin upon all these issues.

This is a statement by Dr. Richard L. Garwin, who was selected by Dr. DuBridge to head up this scientific study. Here he is testifying himself against the SST, so I think we may be pretty sure what he told the White House:

> Gentlemen: I am very pleased to have been invited to testify regarding the $290 million request for development of the supersonic transport (SST). Support for my present statement can be found in my previous testimonies this spring, to Subcommittees of the House Appropriations Committee and of the Joint Economic Committee, and will not be repeated here. However, I shall include information which has come to light as a consequence of those hearings. Of course, I speak for myself and not for any group or organization.

Before I continue to read from this statement, I wish to point out that I have been reading speeches into the Record, and listening to speeches here by distinguished Members of this body and the other body attacking the critics of the SST on a whole spectrum of grounds but I have not heard any of them discuss what Dr. Garwin said.

So, continuing with Dr. Garwin's testimony:

WHAT THE PROTOTYPE WILL NOT SETTLE

> The $290 million budget item relates to further work on a contract between the Department of Transportation and the Boeing and General Electric Companies on the development and manufacture of two prototype supersonic transports and their testing for a total of 100 hours of flight test, of which some 7 hours might be at maximum speed of Mach 2.7. Probably only one of the aircraft will actually be flown. There is some confusion about the purpose of the prototypes.

Listen to that sentence from the Chairman of the science committee appointed by Dr. DuBridge to evaluate the SST:

> There is some confusion about the purpose of the prototypes.

I continue:

> These prototypes do not have the purpose of exploring the Mach 2.7 flight regime and the altitude regime of 60 to 70,000 feet—this is already far better explored by the years of experience with an operational fleet of SR-71 reconnaissance aircraft which fly at Mach 3+ at this altitude and higher. The SST prototypes do not fill the function of determining passenger response to the provisions of SST travel, since in the planned flight-test period, they will make only two or three oceanic crossings, if any, and without passengers. The SST prototypes are *manufacturing* prototypes, which serve only to confirm the designs of the Boeing and the General Electric Company. There are few pleasant surprises in testing of this type of prototype—there are many unpleasant surprises. The knowledge of manufacturing cost of the prototypes will be of little value in determining production cost on the actual SST, since that is likely to be manufactured by different processes. Nor will the prototype serve to alleviate any environmental concerns, since the production of sulfur-bearing particulate matter, the influence of water vapor in the stratosphere, etc., can never be determined by a brief flight test of one or two aircraft, but must be investigated by real research not involving high-speed aircraft. Further, the sonic boom on the ground beneath the aircraft which is predicted by Boeing to exceed 2.5 pounds per square foot during cruise and 3.5 pounds per square foot during acceleration, and which will be felt along a swath more than 50 miles wide below the aircraft track, has no chance in the production aircraft of being weaker than the predicated figures. Finally, the airport noise, which is such a tremendous problem with the SST, can be perfectly well determined without a prototype aircraft in hand, since it is a function of the engine design and of the aircraft characteristics which are determined by the design and not by the building of the aircraft.

The next paragraph, on page 1624, is headed "Terminate the Program Now:"

> Enough information is available right now for the Senate to cancel the SST.

This is the chairman of the President's science committee that studied the question. Let me repeat that:

> Enough information is available right now for the Senate to cancel the SST. The testing of the prototypes may provide additional negative information—it will not provide any more encouragement to the program. It is fundamental that if a program is to be terminated, it should be terminated as soon as possible. The information now in hand justifies terminating this program.
>
> *Doubts as to the availability of private financing, and Government-condoned delay on the submission of the financing plan.*
>
> On what do I base this judgment? First, one of the stated aims of the federal involvement in the prototype development is to have a program which will move to private financing for the two following stages of certification of prototype and preproduction efforts, as well as the production until delivery of the first aircraft. Some billions of dollars will be required in financing for these purposes. The government contract with Boeing of January 1, 1967, required as one of the tasks the submission by Boeing of a plan for financing the post-prototype phases. The due date for that plan was June 1968. The government has allowed the submission date of that plan to slip to December 1969 and has more recently delayed the due date to June 1972.

That is a 4-year extension, as I calculate it.

> I believe that plan will show that there is no possibility of completely private financing of the post-prototype phases. Although invited to testify before Congress, Boeing has declined, allowing the Department of Transportation to speak for it. It is my firm belief that Boeing, if asked, would express the same skepticism about the feasibility of private financing that Boeing's Mr. H. W. Withington has expressed in interview reported in the public press. Not only is the discounted expected return on investment after taxes low compared with that which investors require, but even in the event of a successful prototype program, the technical risk would be far greater than that associated with, say, the 747, because of the possibility of very costly grounding of production SST aircraft after introduction into service. In fact, in regard to the availability to Congress of the actual Boeing views on private financing for the successive phases, an interchange between Representative Conte and the Acting Director of SST Development which took place on April 14, 1970, may be of some interest.
>
> Mr. Conte. "You state there is, in Phase III contracts, the requirement for submission to FAA of the financing plan by the contractors for future phases. So the record is clear, is this an absolute requirement with no exceptions?"
>
> Mr. Vierling. "The contractual provisions for submission of a financing plan by the contractors places specific rather than contingent requirements in this regard. The financing plan must be submitted to us under the contract."

I have already noted that the submission of the financing plan has been directed by the Department of Transportation to be delayed until a time when it would be of no use to the Administration or the Congress in connection with the fiscal year 1971 or the fiscal year 1972 decisions.

Further, in regard to the argument that the government will get back its money invested in the prototype, plus a billion dollars extra, the expected return (only in case of success and only in case the program moves without any further expenditure by the government to completely private financing) is 4.3%. It is far more likely that the program will terminate before that time, in which case the government will lose all of its expenditure, or if the program does not terminate that the government will have to make further investments. In this connection, another interchange of April 14, 1970, between Congressman Yates and the Under Secretary of Transportation is of interest.

Mr. YATES. "It is a $2 billion investment. Suppose you cannot get private financing, what will you do?"

Mr. BEGGS. "In the first place let me make my position absolutely clear. I think if you demonstrate a successful prototype, every indication we have had from the financial community and the airlines is that we would be able to get private financing for the airplane. But if it were still a successful airplane and for one reason or another you could not get private financing and I felt it was a good deal in order to get the government's bait back, I would come up here and ask for money to get the production going."

But how about a return on the government's money which the Under Secretary would then invest in order to retrieve the "bait"? Is the taxpayer being asked to put up the fish as well as the bait? The result would be, of course, for the taxpayer to assume the risk which the private investor eschews, and to accept a very low rate of return on his investment in order that the private investor should be able to realize a greater return.

The Contract Does Not, in Fact, Protect the Interest of the Government

Noise: The SST prototype development contract was represented to the Congress (like all contracts) as a model instrument. We have seen how the absolute requirement for submission of a financing plan has been bypassed. In regard to the contract we have also the testimony by the Under Secretary of Transportation on April 14, 1970, that "The SST contracts were the first to be awarded by the government to include aircraft noise requirements." In actual fact, the contract requirements are shown in the first column of Table I.

Mr. President, I ask unanimous consent that the table on page 1627 be printed in the RECORD at this stage of Mr. Garwin's testimony.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—CHANGE WITH TIME OF PERFORMANCE REQUIREMENTS

Characteristics	Jan. 1, 1967 [1]	Apr. 14, 1970 [2]
Takeoff field length (feet)	6,800+700	10,500
Liftoff speed (knots)	162	197
Approach speed (knots)	135	153
Landing field length (feet)	6,200+600	8,250
Sideline noise (PNdB)	116	124
Takeoff noise (PNdB)	93	108
Approach noise (PNdB)	108	108

[1] FAA contract with the Boeing Company, Contract Number FA-SS-67-3 (Jan. 1, 1967), p. A-6, "Minimum Production Airplane Performance Objectives."

[2] DOT testimony to Transportation Subcommittee of House Appropriations Committee, Apr. 14, 1970.

Mr. NELSON. Mr. President, continuing with Mr. Garwin's testimony:

The noise under the takeoff flight path you will note has been specified as 93 PNdB. The Department of Transportation in its testimony on April 14, 1970, sees no inconsistency in taking credit for specifying noise requirements and at the same time stating that the takeoff noise will be 108 PNdB rather than 93 PNdB. This is no minor difference. It would take thirty 93 PNdB aircraft all flying together to produce the 108 PNdB takeoff noise expected from the SST. Further, for purposes of noise exposure forecast and compatible land use, the FAA and Department of Transportation, together with airport operators of the world, use a formula which indicates that thirty separate takeoffs of individual 93 PNdB aircraft spread out over the day would produce the same total annoyance as a single 108 PNdB takeoff. I discuss this question of takeoff noise, not because the SST is so much louder than current aircraft, but to show how meaningless is any provision of the contract, since the contract specifically states that any provision may be waived by the contracting officer, and experience shows that such waivers do occur.

Indeed, Modification 15 of the contract required that the contractor by January 15, 1969, submit a design which would meet the original contract requirements of January 1, 1967. You will remember that the original swing-wing design ran into trouble and the contractor gambled that he could meet the aircraft specifications with an alternative design. Contract Modification 34 of July 23, 1969, represented the judgment of the FAA that the Boeing Company had indeed met the original specifications, but Modification 34 no longer contained "minimum production airplane performance objectives" but simply numerically similar "specific prototype airplane requirements." A comparison of the two columns of Table I indicate that the new design by no means met the original production airplane performance objectives, and I maintain that the contract could have been and should have been canceled in early 1969 for default at no cost to the government.

Under the circumstances foreseen by the Department of Transportation, the sales price of the eventual SST is likely to be 20% higher (not considering inflation) and the number sold only ⅔ as many as claimed

My comments on the contract indicate that it is certainly no guarantee of performance. Nor are the analyses submitted by the Department of Transportation to be taken literally. For instance, the Department of Transportation assumes that the Boeing sales price for a successful SST will be some $40 million (inflated to an estimated $52 million by 1978). As confirmed by the Report of the Panel on "Balance of Payments and International Relations" of the Ad Hoc Interagency Committee appointed February 1969 by President Nixon to review the supersonic transport program, every indication is that Boeing could and would maximize its profits by charging more for the aircraft than the DoT-estimated $40 million. In that Report, representatives from the Departments of the Treasury, Commerce, and State said "In fact, Boeing could maximize its profits if it charged about $48 million. Such a price would reduce sales of planes to something under 350. This would in turn reduce government royalties to the point that the government barely got its money back." There is no reason to doubt that Boeing, as a responsible corporation with obligations to its stockholders, etc., would indeed charge a price which maximized its profits, and which would then come out to be some $48 million (1967 dollars), which would be some $58 million in 1978.

SONIC BOOM

The Department of Transportation states that some 500 SST's would be sold if their supersonic flight were restricted to overwater routes and over land north of the Arctic Circle. If the aircraft could fly supersonically across the United States, then the expectation would be to sell some 1200 aircraft. In the face of all that is known, of 1964 tests by the FAA in Oklahoma City which showed that far weaker sonic booms are unacceptable to people, in the face a report commissioned by the FAA of the "SST Technical Evaluation Committee" chaired by Dr. R. L. Bisplinghoff, a great supporter of the SST indicating "that under no circumstances could it ever be operated over populated land areas," and in the face of the completely unambiguous results on the strength of sonic boom as calculated by the Boeing Company, the FAA in its Notice of Proposed Rule Making indicates that a restriction of SST's from flying supersonically over US territory is based on the continued profitability of SST's thus restricted, thereby leaving the distinct impression that SST's will indeed fly supersonic over US territory if they cannot be profitable otherwise. Now perhaps the FAA and the Department of Transportation do know in their hearts that SST's will never fly supersonically over US territory, but the Secretary of Transportation has testified that he hopes and believes that the SST by the time it enters service will indeed fly supersonically transcontinentally over the US, and I believe that his support and the support of a great many other people for this program are based on this misconception, which the DoT and the FAA have done little to dispel. By Departmental press release, they have even fostered it.

AIRPORT NOISE

In 1969 the United States took a giant step toward protection of the people and of the environment by being the first nation in the world to require all new types of subsonic aircraft to meet a certification requirement to produce less noise than a stated value at three measuring points as follows:

Takeoff Noise 3.5 nautical miles from break release directly under the flight path, 108 PNdB.

Approach Noise 1.0 nautical mile before runway threshold directly under the flight path. 108 PNdB.

Sideline Noise 0.35 nautical mile to the side of the runway at the noisiest point, 108 PNdB.

These limits are the maximum allowable for any new subsonic aircraft, no matter how heavy. The FAA has promised that the limits will be lowered as rapidly as technology allows and that requirements will be instituted for retrofit of existing aircraft with quieter engines. It should be emphasized that the noise levels projected for the SST in Table I, Column 2, by the Department of Transportation are for the aircraft with "production technology." Production technology is the result of the development program of the prototypes and of some further development of the actual production aircraft. Early production aircraft may in fact be noisier than these values. The SST excels in the production of sideline noise. I have estimated its sideline noise at 125 PNdB (the Department of Transportation has variously estimated at 124 and 129 PNdB). At 125 PNdB, the SST produces as much sideline noise as the simultaneous takeoff of 50 of the noisiest subsonic jets allowed under the FAA rules. It produces more sideline noise than one hundred 747's taking off simultaneously. The Department of Transportation has testified that the noise produced on takeoff by a 707 at 2000 feet to the side of the runway is equalled by that of the SST at more than 1 mile to the side of the runway. I further note that for airports whose operations are restricted by the community annoyance produced by sideline noise, the formula used by the Department of Transportation, the FAA, and the airport operators to judge community annoyance indicates that for every SST which takes off with the production of 125 PNdB of sideline noise, fifty individual takeoffs of the noisiest, heaviest allowable subsonic jets would have to be eliminated if the community response to sideline noise were not to be increased.

Now, the Supersonic Transport Development Office of the Department of Transportation shrinks from making precisely these comparisons, but even their experts have not attacked their validity. It should be noted that the FAA subsonic noise requirements were to be followed, according to the Director of the FAA in October 1969, "possibly by the end of calendar year 1969," by similar rules restricting airport noise from supersonic-capable aircraft. These rules have never been issued and are now expected in January 1971. However, in the FAA subsonic rule, promulgated pursuant to PL90–411, the FAA emphatically states that local airport operating authorities have the power to decide whether or not a particular aircraft may be allowed to land, in view of the community response to the noise. Indeed those businessmen closest to the noise problem, the Airport Operators Council International, on July 24, 1970, sent to the Honorable John Stennis, the Chairman of this Subcommittee, a letter stating

"We therefore respectfully urge the Senate to approve the expenditure of public funds for further development of the SST only if the Congress and the country can be assured beyond doubt that the SST will meet the stringent noise standards necessary to permit it to operate at existing airports.

"It has taken all the energies and resources of the world airport operators to provide adequate airports for existing aircraft . . . Under these circumstances it is completely unrealistic to believe that the public would permit or tolerate the introduction of an SST which requires new and larger airports. On the contrary, we think the public will demand that any new aircraft represent a meaningful improvement in the noise level for community acceptance.

"We see no reason why an aircraft should be given special exemption from the federal maximum noise regulations no matter how great a technological advance it may represent."

The AOCI then asks that the key question of noise be settled *before* any further expenditure is authorized.

This is precisely my own position, which I have expressed in previous testimony.

The AOCI makes clear in a very forceful statement that the continued operation of subsonic aircraft, and the continued profitability of our entire airplane and airline industry depends on improving the noise environment about airports. Not only does the high expected sideline noise level of the SST jeopardize the obtaining of private financing for the SST development and production and imperil the SST purchases by airlines, but it also threatens the continued existence of the air travel industry in the United States.

It should be noted that it is technically feasible to quiet the engines, but the loss of thrust from those engines will then require either the fitting of larger engines to the aircraft (at a substantial sacrifice in payload capacity and supersonic cruise efficiency) or will require a much longer takeoff field length, to the extent that the aircraft will barely be able to operate from only two airports in the United States. Even at this level of noise suppression, the aircraft would not satisfy the subsonic rule for sideline noise.

The supersonic transport will have far less margin for air traffic control delay than does a subsonic aircraft. In fact, the testimony of the Secretary of Transportation on April 22, 1970, in support of high speed ground transportation notes that "Air traffic forecasts indicate that the principal air terminals . . . will soon become so badly congested that it will be both desirable and perhaps essential to divert air travelers to high quality rail service." In fact, the FAA has been quoted as stating that the supersonic transport will have to have a permanent priority on landing over subsonic aircraft. I hope that the Department of Transportation's assumption of such unbearable congestion will not come true, but I doubt that domestic travelers in the United States want to give invariably priority on landing to supersonic transports which are used only in international travel.

We should note, however, that the congestion in air traffic control is not en-route congestion but is terminal congestion, associated with the final approach pattern, the actual landing, and the taxiing on the airfield. To move a given number of passengers by 298-seat aircraft requires more aircraft movements than do 440- or 500-seat aircraft. Thus, no matter what its speed or other characteristics, the greater sensitivity of the SST to holding at low altitude and its smaller size than the 747 make it a contributor to the air traffic control problem.

PRODUCTIVITY OF THE SST

The Department of Transportation has made much of the fact that the SST is a "more productive aircraft" than the 747, in that a single SST (if all goes well) can generate some 70% more seat-miles per day than can a 747, under what I believe are fairly optimistic assumptions on the utilization of SST's. The Department of Transportation nowhere notes that this comparison is on a *per aircraft* basis and that it does not take into account the fact that the investment cost of the SST is more than twice that of the 747 and that its operating cost per seat mile is also higher. Thus, an airline or nation wishing to provide a million seat miles per year makes a smaller investment if it buys 747's instead of SST's. And after it makes that smaller investment, it can provide those seat miles at lower cost with the 747 than with the SST because of the 747's lower fuel consumption, higher capacity as well as because of smaller carrying charges on the original investment.

THE AIR TRAVEL MARKET

My understanding of airline views on the SST is that a fare differential will be necessary and that with a fare differential the SST will be a business traveler's aircraft. However, across the North Atlantic, the business travelers comprise less than 25% of the total, and the SST market to handle some fraction of these will in fact be rather small. Further, the business traveler is becoming a smaller fraction of the market as tourism grows.

THE MAGNITUDE OF THE SST BUDGET REQUEST

The $290 million requested this year compares with $45 million this year for all research and development in the FAA, or with $40 million for highway and traffic safety.

In support of this program, its proponents have argued that the production program would help the U.S. balance of payments, provide support for the U.S. labor force, and provide a top-of-the-line aircraft which will induce foreign airlines to buy all U.S. aircraft.

A study for the FAA by the Institute for Defense Analyses indicated that the SST would hurt the balance of payments. Three economists consulted by the FAA to refute this position noted (presumably to the embarrassment of the FAA).

Dr. Colm. "I doubt that the SST program should be regarded as the best way to cure current and foreseeable balance-of-payment difficulties."

"Dr. Kindleberger concluded that the IDA report generally gave a good answer to the balance-of-payments question, but expressed the belief that the Government should not decide major issues of resource allocation on the balance-of-payments grounds."

Dr. Lederer concluded that a successful SST "would be beneficial to the balance-of-payments only if work on the SST did not impair the United competitive position in the market for subsonic planes." More recently the Under Secretary of the Treasury for Monetary Affairs in a letter of May 1, 1970, to Senator Proxmire indicated:

"We have no reason to alter our view that potentially adverse impact on our travel account from development of a U.S. SST could equal or outweigh the positive impact on the aircraft sales account."

Similarly, on May 7, the Under Secretary of State for political Affairs wrote:

"We do not, however, see any reason so far to object to the views expressed by the working panel of the Ad Hoc Committee on Balance of Payments and International Relations."

You will remember that this Committee of the President's Ad Hoc SST Review Committee of February 1969 found that the overall impact of the SST would be adverse.

So far as the labor aspects are concerned, a current view of April 30, 1970, from the Assistant Secretary for Manpower of the U.S. Department of Labor states that "the net employment increase from the SST would be negligible."

Finally, with respect to generating confidence in the United States's ability to provide aircraft, parts, and service at reasonable cost to meet real needs, the SST could very well impair that confidence. In fact, the real needs of today are for productive vertical takeoff and landing aircraft and short takeoff and landing aircraft rather than for the SST. The claim that the SST is the only large advanced civil aeronautical program supported by the government in the United States is unfortunately true, but that is because all the available money is being spent on the SST rather than on the development of needed, productive, and useful aircraft which would have an assured large market abroad as well as in this country, without adverse reflection on the balance of payments.

ENVIRONMENTAL ASPECTS OF THE SST

Beyond the directly attributable effects of the SST on the airport noise environment and the effect of the sonic boom, serious questions have been raised about pollution of the stratosphere with water vapor and particulate matter. After strong early statements by the Department of Transportation that no problems existed, a "$27 million research program" has been put together by the Director of Supersonic Transport Development to investigate these possibilities. I believe that the economic prospects for the SST are sufficiently dismal that the environmental problems need not be taken into account in deciding to cancel the program. If on the other hand, the program should proceed, then these questions should receive very serious and urgent attention.

RECOMMENDATIONS

I recommend:

1. That noise certification criteria immediately be established for SST aircraft which are the same as those standards of FAR–36, under Public Law 90–411, applying to subsonic aircraft of equivalent gross weight.

2. The immediate termination of the US government's direct or indirect support of the SST program. When the conditions are ripe for a commercial program which can be accommodated without severe environmental penalties, US industry and finance will arise to the occasion. Government support before

that time seems to result in great pressure to continue an uneconomic program, in warping of the environmental protection regulations, and may well lead to an increase in all air fares if the airlines and passengers are expected to bear some or part of the cost of procurement or operation of the SST.

3. Attention be given to the possible benefits and penalties associated with continued support of the mechanism by which the International Air Transport Association (IATA) establishes fares. If lower fares or price competition could be introduced in international travel, the traveler would benefit, more aircraft would be sold, and the more efficient airlines and manufacturers could then produce economic benefits for themselves, the consumer, and the economy.

4. That *if* money is provided for the SST program this year, the legislation contain a continuing requirement that transport aircraft capable of supersonic flight be subject to the same noise certification criteria as have been established for subsonic aircraft of equivalent gross weight. Further, that the legislation forbid all supersonic flight by transport aircraft which can possibly result in a sonic boom on US territory.

Mr. President, tomorrow I want to complete the discussion because Dr. Garwin appeared before the committee chaired by the distinguished Senator from Nevada (Mr. BIBLE) and he and his committee did an excellent job of questioning Dr. Garwin.

I think the information elicited from Dr. Garwin in the course of his questioning by Senators BIBLE, CASE, and PASTORE is helpful in understanding what the issues are and in getting the views and the judgment of the administration's own appointed scientific expert who comes out against supersonic transport without any reservations whatsoever.

I repeat, tomorrow I will read that testimony and make another inquiry as to whether the White House is going to give to the public and the Senate and the Congress the whole of the report from the scientists. We know what the chairman said. I think I know that the scientific community agreed with him. That is why they refuse to release it.

XUM

SUPERSONIC TRANSPORT NOISE

Mr. GOLDWATER. Mr. President, there has been much talk about the supersonic transport noise in the community and around the airport. Many allegations have been made about how bad the SST will be—such as an "infernal racket four times greater than that of the 707 or 747," and "the sideline noise generated by the SST is estimated to be anywhere from 4 to 50 times as annoying as that of present jets."

All of this talk is based upon a theoretical unit of sound called a decibel. Frankly, I do not know very much about a decibel, and I am sure that most Senators are equally unfamiliar with it. For example, if we want to get technical about it and look up the meaning in the Dictionary of Technical Terms for Aerospace Use, we find a decibel described as:

> 1. A dimensionless measure of the ratio of two powers, equal to 10 times the logarithm to the base 10 of the ratio of two powers P_1/P_2.
>
> 2. One-tenth of a bel.
>
> The power P_2 may be some reference power; in electricity, the reference power is sometimes taken as one milliwatt (abbr dbm); in acoustics, the decibel is often taken as twenty times the common logarithm of the sound pressure ratio, with the reference pressure as 0.0002 dyne per square centimeter.

But I do know what airplane noise sounds like because I have been flying airplanes most of my life.

I asked the National Aeronautics and Space Council to arrange for a demonstration of the production U.S. SST noise as compared with the current jet transports so that I could hear what they really sound like. This is what I heard:

The SST is a heck of a lot quieter in the community. For one thing, one does not hear that high-pitched compressor whine. The engineers say this is a 12 db reduction, and it surely is an improvement.

I also heard a four db increase in sideline noise over today's jets, and I could not detect the difference. Furthermore, this sideline noise is pretty well contained in the airport as some large-scale charts of JFK clearly illustrated.

The point is that there will be a big reduction in community noise. As a matter of fact, the Airport Operators Council International has heard the same demonstration and was sufficiently impressed to write a letter of endorsement of the SST program to the President. In this letter they state:

> We see the SST program as a *unique opportunity* to *reduce* community noise, air pollution, and congestion while improving air transportation service through an orderly well-planned program involving international coordination between airport and airline operators, manufacturers and governments.

I ask unanimous consent that the letter be printed in the RECORD.

With due respect to Alexander Graham Bell and the decibel, I am convinced that from a noise standpoint, the SST can be and will be a much better neighbor for the community than today's jets. If any Senator is in doubt about this, I would be delighted to arrange a demonstration so that he can hear it himself.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AIRPORT OPERATORS COUNCIL
INTERNATIONAL, INC.,
December 7, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The General Board of Directors of the Airport Operators Council International (AOCI) is shocked by the recent action of the Senate in declining further funding for the supersonic transport (SST) development program.

In light of the approval by the Senate of subsection (i) of S. 4547 on Wednesday, December 2, 1970, AOCI fully supported the continuation of the development of the SST prototype. We urge the pending House/Senate conference to fully restore the level of funding needed for the successful completion of the U.S. civil supersonic transport.

For a variety of reasons, AOCI feels that it is of utmost importance that the United States maintain its leadership in world aviation and satisfy its obligation of socio-economic balance to the people of our country. There are literally thousands of jobs at stake, not to mention the enormous costs involved if cancellation of the SST is upheld due to lack of funds. The overall defense posture of the United States, by virtue of the loss of skills, equipment and further development of technology through peace time activities, is also in jeopardy.

We have been looking forward to a well-planned and orderly program for the next generation of commercial aviation. We now find to our amazement that the Senate has proposed to abandon the program, a few years short of flight-testing, after twelve years of development and $700 million invested.

In reviewing the record, we note there have been many allegations by program critics that relate to the airport operator's domain. These critics show little understanding of the airport operator's real-world problems nor the manner in which real airport progress is accomplished.

In the specific area of environmental quality, these critics claim the SST will contribute to the problems of community noise, air pollution, and congestion. These problems we have today that can be minimized in the future with proper planning and coordination. We see the SST program as a *unique opportunity* to *reduce* community noise, air pollution, and congestion while improving air transportation service through an orderly well-planned program involving international coordination between airport and airline operators, manufacturers and governments.

It is difficult to believe that the Congress of the United States would be responsible for cancelling this international cooperative effort based upon the unsubstantiated allegations of ill-advised critics.

Respectfully yours,
HOMER B. ANDERSON,
President.

MERCURY IN TUNA

Mr. NELSON. Mr. President, distinguished marine biologists have been warning the world that all the sea's productive life will be destroyed in a half century or less at the present accelerating rate of pollution. The finding of mercury in deep sea tuna is an alarming indication of how serious the ocean damage already is. It poses another grave threat to a fragile marine environment already assaulted with oil spills and with pesticides, sewage and other wastes from contaminated watersheds inland as well as by offshore dumping.

Never has there been a greater need for this country to take a new kind of international leadership and declare a national commitment to protect the oceans. Last February, I introduced comprehensive legislation calling for such action and will introduce the same measure—S. 3484, the Marine Environment and Pollution Control Act—early next Congress. In September, the President endorsed such a policy. Now, hopefully the next Congress will put protection of the sea at the top of its agenda. And I urge that the United Nations put this global concern at the top of the list for action at the U.N. Conference on the Human Environment in Stockholm in 1972.

Mr. President, I ask unanimous consent that two articles in this morning's New York Times reporting the latest mercury finding and its implications be put in the CONGRESSIONAL RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Mercury in Tuna Brings a Recall

(By Richard D. Lyons)

Washington, Dec. 15.—The Food and Drug Administration announced today that, as a precautionary measure, a minimum of almost one million cans of tuna fish contaminated by mercury were being withdrawn from the market. The agency insisted, however, that the product was still safe to eat.

Dr. Charles C. Edwards Jr., Commissioner of Food and Drugs, estimated that, on the basis of samplings, 23 per cent of the 900 million cans of tuna fish packed in the United States this year contained amounts of mercury that the Federal agency considered excessive.

Even the approximate amount of contaminated tuna that is still available for sale is not known, since agency and industry officials said it was almost impossible to determine the number of cans that had already been sold and consumed. What is still on grocers' shelves is being ordered off. In addition, the Food and Drug Agency is not advising consumers to return cans that they have purchased.

Following is a list of brand names of canned tuna fish that have been found to contain more mercury than specified by the F.D.A. guidelines. The numbers after each brand are code numbers for the contaminated lots, which appear on the top of the affected cans:

Bumble Bee (0302/L2Z1).

Chicken of the Sea (OH8Z3/DCIUF; OH6RU/CN12E; OH6PU/CN12F; OH003/SCIMD; 9H1Z3/SC14MF; OH013/SC14L; OH8LU/CN-22D).

Empress (H24B3/821CL); (H25B3/821CL; H25B2/821CL).

Grand Union (OH723/SC47D; OH86U/CN43G; OH3XU/CN12J; OH86U/SN12J; OH86U/CN12F; 9H583/SC1BM).

Orchard Park (ACL/SC/0507).

Star Kist (912F1/FB733; 741F1/GB7Z3).

Van Camp (OH3LU/CN12J; OH3XU/CN-22F; OH47U/CN12J; OH51U/CN22J).

"It is contaminated but not a health hazard," Dr. Edwards told a news conference.

He explained that the contamination level set by the agency—one-half part of mercury to one million parts of food—was a purely artificial number to be used as a "guideline" that offers a substantial margin for safety" and should not be considered an absolute tolerance level.

Dr. Edwards noted that there had been but two reported incidents in which mercury-contaminated fish had caused harm to humans. In these cases, both in Japan, "the fish eaten contained from 10 to 80 times the .5 part per million level," he said. He added that Japanese ate much more fish than Amercans.

The highest level of mercury found in the 136 samples tested so far, he said, was 1.12 parts a million. The average of all samples was .37.

As with the seal blubber that was found in October to be contaminated with mercury, the mystery remains as to how the metal tainted the flesh of the fish.

Dr. Virgil O. Wodicka, director of the F.D.A.'s Bureau of Foods, said, "In terms of hard facts, we don't have any."

Dr. Wodicka pointed out that it was extremely unlikely that the mercury came from a single source since many brands of canned tuna, several species of the fish, and specimens taken over a wide geographical area of the globe had been found to be contaminated. Tuna is a deep-water fish that is found in vast areas of the Atlantic and Pacific Oceans.

"The best guess is that the mercury somehow got into the food chain [the cycle in which larger species eat smaller], although we're not even sure of that," the director added.

FROM SMALL TO LARGE

Biologists believe that metallic mercury stemming from mining and industrial wastes is carried by rivers into the seas. Bacteria transform the metal into an organic salt, methyl mercury, that enters the bodies of small marine animals such as plankton. The mercury is then concentrated as the plankton is eaten by small fish that are then eaten by larger species.

Research programs are under way by the Food and Drug Administration, the National Oceanic and Atmospheric Agency and the tuna canning industry to determine if there is a pattern of contamination, and if excessive amounts of mercury existed in tuna packed in previous years.

The investigation is also seeking to determine if other types of sea food are contaminated by mercury. A cursory examination of shrimp and salmon samples by the Federal agency has not found high levels of mercury. But some samples of frozen swordfish imported from Japan were found last week to be contaminated.

Dr. Bruce McDuffie, a chemistry professor at the State University of New York campus at Binghamton, spurred the investigation of mercury in tuna fish by reporting on Dec. 3 the finding of a can of tainted fish.

FIRST TIME FOR OCEAN FISH

The finding is believed to be the first time that high levels of mercury have been found in ocean fish, although many species of fresh-water fish in United States and Canadian waters have been found this year to contain excessive amounts of mercury.

Charles Carry of the Tuna Research Foundation at Terminal Island, Calif., said it would probably be a month before the impact of the withdrawals on the canning industry could be assessed.

"At this point we simply don't know how many cans of fish we are talking about," he said.

One F.D.A. official estimated the loss to the canning industry at $84-million, but Mr. Carey said he considered that figure "excessively high." He estimated that the value of canned tuna packed this year was $250-million "at the cannery"—that is, before wholesale and retail costs were applied.

Dr. Edwards said his agency was taking the extra precaution of testing new catches of tuna and sampling all imported tuna, in addition to banning those lots that have been found to contain excessive amounts of mercury.

"I want to reemphasize the point", he added, "that given present levels of tuna consumption in this country, the relatively low levels of excess mercury content found to date and the fact that even this excess is being removed, we are confident that the American consumer is now and will remain safe from risks of mercury poisoning."

Mercury Can Break Up Chromosomes, Damage Brain and Deform the Unborn

The elusive element mercury, deadly toxic in large amounts, can damage the brain, break chromosomes, deform the unborn. In Japan, it killed.

Fish and shellfish heavily contaminated with methyl mercury near Minamata, Japan, are reported to have caused 111 cases of mercury poisoning between 1953 and 1960. Of the 111, 43 persons died. These levels of mercury were far higher than any ever found in this country.

Also among the 111 were 19 babies born with congenital defects to mothers who had eaten the fish and shellfish. The mercury was traced to waste from a large chemical plant polluting Minamata Bay.

In 1961, a second episode struck Japan. Mercury pollution of fish reportedly poisoned 30 persons in Nügata. Six died.

In Sweden, the use of methyl mercury in a seed dressing was blamed for a drastic decrease in wild bird populations. The use of methyl mercury as a fungicide was banned in Sweden in 1966.

ANCIENT POISON

Mercury, known as quicksilver through the ages, and fascinating to toy with when the thermometer breaks, is a poison, a substance that by its natural chemical action damages the structure of the body or disturbs its functions.

The elements, the only common metal that is liquid at ordinary temperatures, tends to become associated with red blood cells and nervous tissue, and reaches the brain and central nervous system. It easily passes the placental barrier to become concentrated in the fetus.

In attacking the brain, mercury can cause neurological disorders such as blindness, paralysis and even insanity. It also attacks vital internal organs such as the liver.

In August, scientists from Stockholm reported in the Archives of Environmental Health that they had found chromosome breakage in humans who were exposed to high levels of methyl mercury in the fish they ate.

HINT AT GENETIC DAMAGE

Chromosomes carry the genes, man's heredity. The Swedish scientists said their findings suggest that mercury poisoning could lead to genetic damage to offspring, but added that this was not proven.

The concentration of mercury in the fish in Nügata suggested that regular daily consumption of fish containing 5 to 6 parts per million of mercury would be dangerous.

This figure is far above the levels that have been found in fish in the Great Lakes, for example. Also, fish are a less important part of the diet in this country.

A part per million has been compared to one ounce of vermouth in 7,530 gallons of gin.

Mercury gets to the fish from industrial processes, although there is a small natural level of mercury in the environment. Certain industrial processes use large amounts of phenyl, methoxyethyl and inorganic mercury which, via industrial waste, reach the bottom of lakes and rivers.

There, these forms of mercury, which are considered less toxic, are metabolized into methyl mercury, the highly toxic form, by microorganisms in bottom sediments.

The best known source of mercury contamination occurs when lye, or caustic soda, is made, according to Dr. Frank M. D'Itri of the Michigan State University Institute of Water Research. Caustic soda is a basic building block for other substances in the chemical industry.

Mercury is used as a catalyst, to speed a chemical process, in the manufacture of such plastics and urethane and vinyl chloride, and of the chemical acetaldehyde. Mercury is used in the electrical industry, Dr. D'Itri has said, where each year a million pounds of mercury is put into long-life batteries—"batteries which are eventually thrown out."

Many seed dressings, fungicides and sprays used in agriculture contain mercury.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 15549) to amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the

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United Seamen's Service, and for other purposes.

The message also announced that the House had passed a bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended, in which it requested the concurrence of the Senate.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. HARRIS. Mr. President, I rise to speak in opposition to the continuation of funds for the SST.

I pay the highest of tributes to the distinguished Senators from Wisconsin for the valiant fight which they and others have waged over the years on this important issue. I, like them, was happy when this fight was eventually successful during this session of the Congress in the consideration of the appropriations for the Department of Transportation. The Senate voted 52 to 41 to cut off funds for the supersonic transport. At long last we thought we had brought this project to an end.

The efforts of the distinguished Senators from Wisconsin and others are certainly praiseworthy, particularly now because they and others are doing the Senate's work. They are standing here on the floor of the Senate, upholding the will of the majority of the Senate. That majority will was expressed very clearly after debate not only this year but after many other discussions in former years.

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The Senate this year made up its mind on this issue and expressed its will very clearly and very decisively.

I rise to join with the Senators from Wisconsin and others to uphold the decision of the Senate, to uphold the will of the Senate. This portion of the conference report that seeks to restore $210 million for the building of the supersonic transport should not be agreed to.

Mr. President, much has been said about noise, about pollution, about economic feasibility, and about other subjects as they relate to the construction of the SST. I will confine my present remarks, however, to the question of national priorities which, in my mind, is the overriding reason why I now should rise to oppose the SST, as I have in the past.

Mr. President, just yesterday the President of the United States vetoed a manpower bill which would have, among other things, greatly increased the number of public service jobs which so many of the unemployed people in this country need.

The economy of this country is in very, very serious straits. I do not believe that the President has yet realized how serious our economic plight is. Unemployment has risen to 5.8 percent. I believe that most everyone would agree that it may go still higher.

The President of the United States has tried to indicate that the fact that unemployment is so high is primarily the result of either the recent General Motors strike and/or of the slowdown in the war. Those are not valid excuses for our inability as a Government to prevent and reverse rising unemployment in this country. Intolerably high unemployment is the result of the current fiscal and monetary policies of our Government, policies which, as I have said in the past, are sadly mistaken.

The General Motors strike is not the cause of the serious decline of the economy in this country. The distressing economic report issued yesterday, interestingly enough, came just at a time when the President was somewhat taking away attention from that bad economic news by commemorating the fact that our economy had arrived at the trillion-dollar mark, insofar as our gross national product is concerned. The President made the front pages of the paper on that item. However, the inside pages of the paper carried another story which I think is a good deal more important and should be the cause for great concern to us all. That was the news that our economy had once again continued to decline, as the new indicators show.

During the General Motors strike, I happened to be in Cleveland, Ohio, where two large Ford and Chrysler assembly plants are located. I learned that at the very height of the General Motors strike, unlike what one would expect when their principal competitor was closed down, those two plants of Chrysler and Ford at Cleveland were working 4-day weeks. Men not only were not earning overtime pay, which has become the margin on which so many workers today live, but they were not even able to work a full workweek.

The reasons those plants were operating with idle capacity, even though their principal competitor was shut down altogether, are clear. Money has been unnecessarily tight in this country. Interest rates have been kept outrageously high. People do not have the money to buy automobiles. A great many people are earning a lot less than they earned previous to the time that present economic policies were put into effect. The economy has slackened. Those are the reasons why those plants were operating at less than full capacity. The fact that those plants were operating at less than full capacity, even while General Motors was shut down, plainly shows that it was not that strike which caused the downturn in our economy.

There will be some false indicators of economic growth. The administration will, as they have done in the past, point to them as showing some reason for optimism. One such indicator will be the upturn that will come as a result of General Motors going back to work. That will not be large or lasting. The other such indicator probably will arise from the stockpiling of steel in the face of the possibility of a strike in the steel industry.

Those indicators should not cause us to turn our attention away from the fact that people in this country are needlessly out of work. Today our economy is needlessly on the decline. We can feel it here at the Federal level because we are not operating today at a rate of 4 percent unemployment or less, but, instead, are operating at a rate of 5.8 percent unemployment.

We will collect into the Federal Treasury this year some $15 billion to $19 billion less than we would have except for this decline which has been brought about in our economy.

Mr. President, some people have criticized the Democrats in the past for having big deficits. But here we have a big deficit, conservatively, estimated to be at least $15 billion. It will probably be higher. That deficit is caused not by spending, but by conscious economic policies which have caused revenues to fall far short of what had first been expected, far short of what they should be.

Mr. President, if we are going to have a deficit, the Democratic kind which results from spending would seem best; the other way we now have a deficit by reason of the fact that the economy is unnecessarily slow and we are then collecting less revenue. There need not be a deficit now at all.

The seriousness of the shortfall in revenue cannot be fully realized until one looks at what is happening in regard to municipalities and State governments. In my State a surplus which had been hoped for by the incoming Governor has disappeared. It now looks as if there will not be a surplus. The city of Newark anticipates a deficit this year of 40 percent of its entire operating budget. New York City has already laid off people and has frozen the filling of additional jobs. They looked to Albany and find Albany in trouble, just as my State of Oklahoma is in trouble, because of the shortfall in revenue.

Mr. President, that being the case, we should concentrate on priorities and the need for people to have jobs. Yet yesterday the President vetoed a bill which would have provided many new public service jobs in this country. The question of jobs is involved in the SST. In my State, North American Rockwell in Tulsa, Okla., for example, has jobs which are involved with the SST, and I worry about that very much.

The President spoke yesterday against what he called WPA type jobs in the bill he vetoed. But, as I have said before, we do not have to build a supersonic transport or an ABM or keep military expenditures unnecessarily high or fight a war as a kind of WPA program to provide jobs for people. There are plenty of jobs that need to be done in this country. The bill the President vetoed yesterday would have recognized some of those needs for health aides, teacher aides, law enforcement aides, and for the rebuilding of our cities. Millions of such jobs need to be done. But the President just cut out addition of those kinds of jobs. Yet he recommends the SST partly because of the jobs involved in the aerospace industry.

The Government should be giving its

attention to the transition from the aerospace industry and from warmaking to peacetime jobs. The very plants, jobs and skills involved can immediately be turned into jobs for the building of antipollution devices and mass transit equipment, for example. Those jobs, unlike the SST jobs, would be permanent and secure. They would be jobs that would be there from now on, because they involve the production of technological equipment which is greatly needed in this country and which will be needed more as time goes on.

On the other hand, if by some quirk of fate the will of the Senate is now thwarted and the SST is given another year of life, those jobs in my State, in Tulsa, and elsewhere in the country, will be under attack again next year.

There would be no security and permanence in those SST jobs. There would be job security and performance if the Government gave the proper kind of assistance and attention to the transfer of industries and jobs and to the retraining of working men, wherever it is necessary, to the production of antipollution equipment, mass transportation equipment, and other jobs that we know will continue.

That brings me to the next point. The President indicated that somehow we cannot have peace without unemployment. I reject that kind of tradeoff. It is not necessary. It did not follow World War II, which the President seemed to have overlooked the other night in his press conference, and it need not happen now.

A noted economist in this country has said that the notion or admission that we cannot stop fighting an unnecessary war and bring down unnecessarily high military expenditures and cut out such things as the supersonic transport, and at the same time have full employment, is like admitting that one is so uncoordinated that he cannot walk and chew gum at the same time. We can build the kinds of jobs needed in this country, but we have to get our priorities straight.

As Senators know, the President has vetoed bills dealing with education, bills dealing with health, and bills dealing with the need for increased health facilities and hospitals, and he has vetoed those bills, saying, among other things, that we cannot afford those expenditures; and yet we can, according to him and his supporters in this instance, afford the expenditure for building a supersonic transport.

Mr. President, I wish to tell you about an experience I had recently. My wife and I went to the little town of Sallisaw, Okla. I discussed this experience not long ago in connection with the space shuttle and the attempt by the Senator from Minnesota (Mr. MONDALE) and others to strike those funds. I was in the little town of Sallisaw. My wife and I visited in the home of a young couple we had not met before. They were 24 or 25 years old and fairly successful in that small town. While we sat in the living room of their house there in Sallisaw, one of their children, a beautiful little blonde-headed boy who looked to be about 4 years old, was playing in the kitchen.

In the process of our conversation with his parents the little boy's mother talked about her activities in an organization called Human Growth, Inc. I had not heard of that organization and I asked about it. She said the organization sought to focus greater attention and stimulate research in the field of disorders of the human pituitary gland. The pituitary gland controls human growth.

I asked her how she came to be interested in that subject. She said that their little boy was born with a disorder of the pituitary gland. She said that he had no chance to live to normal manhood unless, right away, in the next few crucial years, there can be some breakthrough in medical research concerning such disorders. She said that last year, for the first time since their son had been born and his condition diagnosed, they had some hope because the Government, through the National Institutes of Health, had started a program of research into disorders of the pituitary gland. I believe she told me that the entire research expenditure for that program by the Federal Government last year involved only $40,000. A portion or perhaps all of that research was being done in Dallas, Tex., and she and her husband had regularly driven that 250 miles from Sallisaw, Okla., to Dallas, Tex., to take that little boy there to take part in that research, hoping against hope there might be some breakthrough and that he might yet be saved and that his disorder might be corrected before it was too late. She said that this year that research project had been cut out entirely.

Mr. President, that is an outrage. It is an outrage to cut out those funds in an attempt to hold down unnecessary expenditures. The amount was only something like $40,000. I say that anyone who wants to get a better understanding of priorities and human needs should go down to Sallisaw, Okla., and talk to the young parents of that child about our building a supersonic transport in preference to spending additional money in medical research and health.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HARRIS. I am glad to yield to the Senator from Washington.

Mr. MAGNUSON. I presume the Senator is familiar with the activities of the Senator from Washington in the HEW field, is he not?

Mr. HARRIS. Yes.

Mr. MAGNUSON. I handled that appropriation for many, many years. I have doubled, tripled many items. We are now 26 percent over the amount budgeted last year for NIH.

I have tried to get additional funds, with the support of the Senator from Oklahoma and other Senators. The first bill I passed in Congress was to establish the Cancer Institute, in 1938, and I started with the sum of $1 million. It now receives almost $198 million, all told, every year.

I know what the Senator is talking about. I just think we can have both of these programs. I have been on the appropriation committees a long time, and I know that, simply because we cut out something here in the appropriations committee, it will end up in another account.

Mr. HARRIS. That is precisely what does happen, as the Senator knows.

Mr. MAGNUSON. It does not.

Mr. HARRIS. He has handled certain of the bills which the President of the United States has vetoed.

Mr. MAGNUSON. I am the most vetoed man in the Senate.

Mr. HARRIS. I think the Senator should be vetoed this time by the Senate.

There are choices which must be made. The President is giving us the wrong kind of choices. He vetoes bills that the Senate passes because they, rightly, provide increased appropriations for education and health. Just take my own State——

Mr. MAGNUSON. I just want the Senator——

Mr. HARRIS. I want to say this, because it involves the Senator's question. In December 1968, the State of Oklahoma voted what was called a "hero" bond issue. It involved more than $30 million in higher education construction funds. Most of those funds—as a matter of fact, I think none of those funds—have not been spent, despite the tremendous need for increased facilities on our college and university campuses in Oklahoma, because the Federal funds have been frozen.

The Federal funds are being withheld.

I do not think there is any way Senators can justify those kinds of priorities.

The Senator knows the President says he is not going to approve bills that go above his figures. He does not want us to spend over a certain amount of money.

Mr. MAGNUSON. Unless we make it mandatory spending.

Mr. HARRIS. I think we ought to decrease it here and provide more over there, so that the total amount will stay within the budgetary confines he has set.

Mr. MAGNUSON. All these programs must stand on their own feet. I have been on the Appropriations Committee for a quarter of a century. When I say I am the most vetoed man in the Senate, I am talking about vetoes over appropriated bills. I have passed that attempt to reorder priorities. It was not the amount of money, but the inability, for example, to control priorities within the NIH. That is the problem. We have a fine group of people. Many of my friends have thought, over the years, that we ought to have a new approach to cancer, to concentrate on one disease. Cancer is the No. 1 killer, and no one knows it better than I do. Then the heart people come in and say that heart disease is the biggest killer. Other people testify before us making similar requests.

I recommended that this program be continued because it has shown good success, but it was not because money for the supersonic transport was cut out, it was not because the ABM was out—and I voted against it, and I did not vote against it because of the money but because I do not think it will work——

Mr. HARRIS. I have the same prob-

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lem with the SST, but I think it is a matter of priorities.

The President of the United States has vetoed various bills in the past precisely because they provided for spending too much money, and we could have argued—

Mr. MAGNUSON. The education bill.

Mr. HARRIS. The President could have put a little more into research under his budget. I honor the Senator from Washington for what he has done in the past in these fields. But I think there is no way one can avoid the argument that the President of the United States, under the budget he has set, establishing upper spending limits and vetoing every bill which goes above that limit, would obviously have more money to spend on medical research, on health, on education, on jobs, on the housing crisis, if less money were spent for such projects as the supersonic transport, the ABM, the space shuttle, and other such projects.

The truth is that we do have limited resources. Our resources will still be limited when the war in Vietnam is over, as it should now be over, and our boys are all home. We will still have to make hard choices, within those limited resources, as to how they should be spent. That is what Government is. That is the whole process of Government—the division of limited resources, making hard choices as to how we will spend our resources.

Mr. MAGNUSON. I would not say it is resources; it is a question of capabilities.

One other thing we have to think about. Let us leave this for the moment. We must to do all these things. In the Commerce Committee we started the first antipollution bill. I am the author of many such bills. But today we have to pay attention to keeping the economy moving so working citizens will make enough money to pay the taxes to pay for the social programs we have to have. I also consider this impact on our balance of payments, also. I guess the Senator disagrees with my conclusion.

Mr. HARRIS. I do.

Mr. MAGNUSON. These projects have to keep moving; otherwise taxes will not be coming into the Treasury, or if they do come in, it will be diminished amounts. We cannot all live at Walden's Pond. Even Thoreau got tired of it after a year.

Mr. HARRIS. The Senator's argument does not do justice to his case.

Mr. MAGNUSON. I am talking about it in a general way. We must encourage economic activities that will produce jobs. If the jobs are all going to be provided by the Government, somebody will have to pay taxes to pay those salaries. Those taxes will come mainly from the private sector. Otherwise there will not be the money to do the things the Senator from Oklahoma and I want to do.

Mr. HARRIS. There is much to be done in such fields as mass transportation. There is a growing need for antipollution devices. The President vetoed one bill that, as I recall, involved increased money to fight pollution. Yet he pushes for this plane, and there is a very grave question as to whether it itself will add to the pollution of our environment, which is already polluted, as the Senator from Washington knows, to a highly dangerous degree.

The President has made the wrong kinds of choices, in my judgment. The President, as another example, has frozen funds which this Congress has provided for several programs in Oklahoma, my home State, which are necessary for providing municipal water supplies. In the town of Waurika, which is very near my home, a water project has been authorized, and appropriated for, that will supply my home town of Lawton, which is in desperate straits for water, as are many cities in the western part of Oklahoma, and which will protect the town of Waurika from the ravaging floods which it experiences almost every year.

The President has decided to hold up funds for that project, despite the fact that in the past that kind of action has proved to be false economy, because eventually we go ahead with the project, and in the meantime inflation has caused the cost of the project to go up and the taxpayers end up paying more for the same project.

Think of the problem of water supply for cities such as the city of Lawton, in which there is a military installation with a rather large population. Water is in desperately short supply. Every town and city in that area is trying to ascertain how it is going to get water next summer. The city of Altus and many cities and towns have that problem. Instead of helping Waurika and Lawton and other cities to meet their desperate need for water, the President insists that it would cost too much. He freezes those funds and yet pushes for the SST.

Mention has been made of the SST jobs. Mr. President, if we would just move ahead on the great crisis we have in housing—we have the worst housing crisis since World War II—look at all the jobs there. If we would just move ahead on higher education construction, for which the President is holding up funds, look at the jobs there. If we would just move ahead on water resources programs, look at the jobs there.

I do not think there is any way one can say we have got to build the SST for jobs, and at the same time refuse to move ahead in so many fields where there are jobs that desperately need to be done in this country.

Mr. President, it is a matter of priorities. There are other very serious considerations, problems of international law, problems of the sonic boom, problems of pollution, problems of economic feasibility—look at the airlines now, and what poor financial condition they are already in, particularly with the purchases of the 747, and consider how it would be with the SST.

But I shall not go into any of those arguments. The overriding consideration, in my mind, is the question of national priorities. If we will put human needs first, if we will put first things first, if we will make the right choices about how to divide our severely limited resources, then, Mr. President, we will come down on the side of the people. We will come down on the side of the majority of the U.S. Senate and, once again, disapprove the expenditure at this time for the supersonic transport.

Mr. HUGHES. Mr. President, I want to join with my distinguished colleagues who have been discussing the conference report on the appropriation bill for the Department of Transportation and related agencies. I understand the particular motion before the Senate now is for postponement of the pending business until tomorrow. The issues involved here are far too important to be lightly regarded or to be overlooked in our desire to finish our business and adjourn.

I know all of us are very anxious to be through with the business at hand, and to go home, or wherever we had planned to go, for the coming holidays. We would like to find some way to finish the business before this body and before Congress. We all want to go home to our families. Our staffs want to be freed of the burden of reading the RECORD each morning and following what is happening in committee work, debate on the floor of the Senate, and so on. And I am sure that everyone sitting at the desk, including the Official Reporters, and the hard-working men in the Government Printing Office, would like nothing better than to hear the sound of silence in the Capitol, and to be relieved of their duties in connection with the problems before us.

This has been a busy year for us. Today marks the 199th day this year that the Senate has been in session. We have conducted approximately 1,300 hours of debate and discussion, filling I might add over 20,000 pages in the CONGRESSIONAL RECORD. Most of it has been friendly, despite our disagreements. But no matter how sharp our disagreements, I believe that every Member of the Senate has acted out of his own conscience and his concern for what he considered to be the best interests of the American people.

When we raise issues relating to the preservation of our threatened environment, we are responding to what I think is a universally felt concern among Americans. When we discuss the need for careful evaluation of costly governmental programs, I believe we are doing our duty as protectors of the public purse and the public interest. When we call for a reordering of national priorities, we are focusing attention on the basic choices that our country faces—over which direction we should take in the years ahead.

These are all vital issues—issues that merit discussion to whatever extent is necessary to finally determine whatever the best interest of our Nation is, and issues that in some cases look ultimately to the continuation of the human family itself. I am sure that no one in this Chamber would dispute that. And these are precisely the issues raised by the funds appropriated for the supersonic transport. If we are to serve the public interest, it is my conviction that we cannot accept the conference report in its present form.

This year of 1970 has been a productive one in the Congress. As of the end of November, the Senate had passed a total of

XUM

783 bills and resolutions. In the past 2 weeks, as we all know, we have acted on several other significant measures. I did not approve every measure that was adopted, nor has anyone in this body. I would have preferred additions or deletions, or sometimes defeat, of many of the pieces of legislation which we have approved. But no one can deny that we have put in long hours and have produced major legislation.

Yet now, with the lifetime of this Congress rapidly drawing to a close, we are faced with some of the most complex and far-reaching measures ever presented to the Senate. In one bill, the Senate is asked to approve many important amendments to the Social Security Act, changes in the medicare and medicaid program, a new catastrophic illness insurance program, a major and potentially disastrous piece of trade legislation, increases in veterans' pensions, and a welfare reform measure which has contradictory purposes and exceedingly complex provisions. To say the least, I am sure the leadership and the Members of both parties and the committee members want to work out ways through the maze that this presents, technically and parliamentarily, for this body; and we want, I am sure, to do the best we can, and pass many of the major segments of this particular legislation.

The many items on that one bill make Santa Claus look like Ebenezer Scrooge.

I am not now discussing my views on the so-called Social Security Amendments of 1970. But I want to make clear to my colleagues who are eager for quick disposal of the pending conference report that we would be enmeshed in the complexities of that bill if we were not otherwise concerned with the transportation appropriations. But under the dual track system, we will have an equal opportunity to present our segments of debate even on those very deep and complicated subjects.

We have to discuss this conference report in detail for many reasons, not the least of which are the issues of pollution, cost, and priorities which I listed earlier. But here are other reasons—ones which we must make clear to our colleagues on the conference committee, to the President and his administration, and to the people as a whole.

The Senate vote 2 weeks ago to eliminate funds for the SST was not an ordinary amendment to an appropriation bill. It was an historic vote—historic in its symbolism and in its intended effect on Federal spending. It was also a major vote, in which the Senate made a fundamental decision on what the Department of Transportation would be allowed to do in this fiscal year and in its planning for future years.

Many Senators were under extraordinary pressures from constituents and from industry prior to that vote. Feelings ran high and the concerns were deep and long lasting. Unlike the other body, the Senate had an opportunity to take a clear and unambiguous stand on this specific program for the SST. Our debate was vigorous. We studied the many facets of the issue. And then we took a decisive stand.

Yet in spite of our action, the conference committee voted to continue the SST, although it reduced the funds for this year by $80 million.

I realize that many factors affect the way conference committees reach agreement. And I am certain that the Senate's members on the committee made a good faith effort to represent the Senate's position on this matter. But the fact remains that we in the Senate as a whole have final authority and responsibility to accept or reject this report. As long as funds for continuing the SST are included, I shall vote against this report. There is no other choice.

I wanted to take this opportunity to discuss the SST at this time, because extraordinary issues are at stake. If we were to accept the report quietly, without reasserting our majority position, our earlier vote might be misinterpreted. Conferees on other bills might feel less reluctant to insist on the Senate's position in the future. The Chief Executive might feel—as he sometimes seems to feel—that the will of the Senate can be disregarded.

This is a very important point. Too often in recent years, Congress has been excluded from consultation—at least, in my opinion—on major national policies. The problem has been acute in foreign affairs, since Presidents have felt free to begin or escalate wars or acts of war without due regard for constitutional process. In domestic policy matters as well, the executive branch has disregarded the clear intent of Congress. Provisions of law—such as the civil rights legislation requiring a cut-off of funds to segregated schools and institutions—have been, in my opinion, subordinated to administrative decisions, which may well have been conditioned by political considerations. Another example is the President's refusal to use the authority granted by Congress to act to halt inflation through temporary wage and price controls.

The problem runs deeper in the case of the SST. Here was a major program favored by the President—despite strong opposition from several of his own departments and agencies. The true believers in the administration fought a good fight for the SST. Several of their arguments had merit, although, on balance, I believe that the reasons against the program were far stronger. The administration made its case to the Senate, but it lost. Instead of accepting the Senate's decision, however, the President has tried to reverse that decision. If this conference report is adopted, he will have succeeded. And it is likely that he will, in the future, pay less attention to those of us who want to rechannel Federal expenditures into programs of domestic renewal, which will benefit all the people.

If this report is adopted, the historic symbolism of our vote 2 weeks ago will be lost. For once, the Senate looked beyond the immediate benefits of a new program and considered instead the long-run costs—in money and in terms of its effect on the environment. For once, the Senate voted against spending us out of a recession with just any job-creating program and instead insisted that other means be used to help the people threatened with unemployment through the cancellation of the program.

The SST is a test case, in my opinion, of the Senate's willingness to assert its proper legislative role. In the past we have too often felt compelled to surrender to accomplished facts. We have bought the argument that the best way to deal with a bad investment is to sink more money into it. This kind of thinking, this reluctance to stand up and say "no" to an ongoing program, has led us to spend billions of unnecessary dollars for the C–5A, billions for canceled weapons programs, billions in subsidies to special interests and industries like the oil companies, and billions in an unwinnable war. At long last, the Senate has said "no." I think the Senate should insist on its original position.

The people are watching us. They were heartened by the Senate's courageous vote 2 weeks ago. They will be deeply distressed if we meekly surrender to the momentum of this program now.

Who knows? Perhaps the people will follow the defeat of the SST with a more searching investigation into the many other Government programs which have gone on for years and years, more through force of habit than through clear choice and, many times, clear understanding. This one victory, if it is sustained, may convince millions of idealistic Americans that ordinary citizens can prevail against the entrenched interests and, many times, their well-financed lobbyists.

None of us can be sure that these things will happen if we can stop the SST once and for all. But I believe that the chances are good. If the Senate capitulates, however, then I am certain that there will be a new wave of disenchantment with our legislative processes.

Before our first vote on the SST, we were all deluged with mail. Most of it, at least from my constituents, was vigorously opposed to the program. People from Iowa made many thoughtful comments—and I want to share some of them with the Senate today because these people say, much better than I can, how deeply they feel regarding this issue.

Since our vote 2 weeks ago, I have received many additional letters, usually approving of my opposition to the SST.

A woman from West Branch, Iowa, wrote as follows:

> Thank you for the NO vote on the SST. I believe it is a most hopeful sign that the Congress of the U.S. has recognized that technological developments must be considered by other criteria than the mere fact of know-how. Quality of life and preserving our environment have become more imperative than reaching London in a shorter time.

That letter shows, I believe, that the people were encouraged by our action and would be disheartened by a reversal in our stand.

Opposition to the SST comes from all points in the political spectrum. This is not, as we can well recognize on the floor of the Senate, a partisan matter in the way we vote. One letter I received was signed by a man who proudly proclaimed

XUM

that he was "no longer a member of the silent majority." Another letter, from a man in Wiota, Iowa, was gratifying because the author wrote:

> You and I disagree on many things, but I heartily approve your vote against the SST transport plane. It was simply a case of promoting the greatest good for the greatest number of people, which is the basis of all good government. I think that the SST type planes should be banned from use in this country.

The last sentence of that letter raises another point which we should remember. The Senate voted—the day before rejecting funds for the SST—to ban all such flights which did not meet standards to protect the environment. It already has been spoken to on the floor of the Senate many times, but again I call it to the attention of Senators. The bill was sponsored by the sponsors of the SST. Nothing more has been heard about it. At least, so far as I know, no hearings are scheduled and no report is likely this year, and no mention of the restriction was made in the conference report.

We would be ill-advised if we took on faith the assurance that SST's would be banned from flying over land areas of the United States. We would be derelict in our duties if we neglected to press for this legislation even before we vote to appropriate any funds for the SST. I do not want the Senate to be put in the position next year, if funds for the SST are somehow continued, of being told that our restrictions are to be disregarded because the money we had spent on the SST would be wasted unless it was allowed to fly over land areas.

XUM

The most important consideration in the minds of the people who have written to me has been the predicted impact of the SST on the environment. What damage the SST will do to the upper atmosphere remains an unanswered question. What damage the sonic boom will cause is more certain, because we have decided to ban such boom-causing flights over our own land. More research needs to be done on these questions, of course, but I believe that the wise policy is to ask and answer the questions first—then make any decision to go ahead with production of a potentially dangerous plane.

I might add, as was stated this morning by the distinguished Senator from Washington, that many military planes are flying at these planned speeds and altitudes, the Senator said we are not very well informed on them, but at least the fact is they are flying that way. Even in the process of developing the necessary military equipment we have apparently not done the amount of necessary research into potential ecological damage, although we have the planes flying, and although we have had the capability of doing such research. There is a difference between a military flight and a commercial flight in this instance. I feel that the responsibility lies with those promoting this program rather than with the American people to make the case. That responsibility is one which is of keen importance and which, in fact, can and might affect the lives and well-being of all the people on this plane. A high-school student from Clear Lake, Iowa, wrote to express his concern:

> I wish to thank you for your consistency . . . in voting against those bills which would have an adverse effect on our already mis-managed planet. Specifically, this letter supports the stand you have taken as an opponent of that super-expensive blunder, the SST. This plane is unnecessary economically, ecologically, socially—any way you look at it.

I find this increasingly occurring, that students in high schools as well as youngsters in junior high schools are writing. It is encouraging to see so many young people deeply concerned with the critical issues of our age, rather than just the social problems of their own way of life wherever they happen to live. Many times their deep concern is with the problems at hand. I am happy to report many letters are sent to me which come from young people of this kind. They have faith that we will stick by our earlier decision and prevent any pollution by an SST. Some of these young people said that they were members of high school or college ecology clubs—which is another gratifying development.

A woman from Des Moines took a world view of the problem posed by the SST. She wrote:

> I firmly believe our environment will benefit from this decision (by the Senate)—we surely don't need any more air pollution or noise pollution. Saving a few hours time for a very few people doesn't seem to me to be worth spending the tremendous amount of fuel necessary—let alone the money. I thank you very much for this vote for *humanity*. We need it!

Now I do not pretend to be a scientist who fully understands the many complex issues related to possible pollution by the SST. But I respect the judgment of the many experts whose doubts and fears have been related by the distinguished Senators from Wisconsin. I would cite only the conclusions of a group of leading scientists and Government officials who met last summer in Williamstown, Mass. They said:

> The projected SSTs can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences.

I believe that we should continually point out the questions raised, that we cannot be certain and we do not have the information at hand, that we do not know. It is a question of remembering that complete proof does not exist on either side of the issue. When we face such great potential risks, Mr. President, I believe we should be certain of the consequences of our actions before we take them, if we can. Let us be sure, before we buy.

Many editorials have been written, and it has been stated on the floor of the Senate, that the only way we will ever know is to build the SST and then make a determination. The statement was made that we already have military equipment flying at these speeds and altitudes, which indicates we have the equipment at hand to do the research, and to know, before we sink this money into an additional potential for destruction. It would well behoove us to do that, instead of what we are attempting.

America is a rich enough country that we can take the lead—as we have so far to a large extent—in developing plans and programs to protect our environment. Do not misunderstand me. We have not gone nearly far enough. But at least there is now an awareness of ecological issues in this country which exists in few others. Remember that dictionaries, printed only last year, did not include such now common terms as "biodegradable."

My point is that we have not yet sunk as much as other nations into building an SST. Those nations, understandably, want to justify and protect their investment. They, like many of our own contractors, want to try to capture the supposedly large market for SST's. We in America, however, do not need the SST for our fine aircraft industry to survive. Even if the greatest hopes of these nations were fulfilled—and they built a popular SST while we did not—our own loss would be relatively minor: At the most an outflow of money to those nations and the failure of some jobs to materialize. Those are minor problems, in my opinion, because we could easily make up the difference in foreign sales and domestic employment by turning our aircraft industry to the equally promising fields of short-take-off-and-landing and vertical-take-off-and-landing aircraft.

The reaction to the Senate's vote on the SST, on the part of the British and French, was mixed. Some observers commented that this vote might well prompt a decision to scrap the Concorde—a plane which has not generated anything near the enthusiasm that was predicted for SST's. Perhaps by not joining the race we may convince other nations that the race is not worth running. Or if they do continue, they will be put on notice that their planes must be environmentally safe before they will be permitted in the United States.

Pollution of the upper atmosphere was only one of the drawbacks of the SST. The other environmental argument has been the physical and emotional damage which the noise of the planes might cause. Already we are blanketed by too many loud noises. Constant sonic booms would be unnerving, to say the least. The sideline noise during takeoff would be at least three to four times louder than current standards and at least four to five times louder than the current 747's. Those figures come from Russell Train, Chairman of the President's Council on Environmental Quality. Another scientist, Dr. Richard Garwin, predicted the astonishing and frightening figure of noise equal to the simultaneous takeoff of 50 jumbo jets.

We are assured that none of these problems will be so great, that solutions will be found somehow, sometime. How many times have we been given such assurances on other programs? Contractors are never willing to admit that things might turn out worse. Although they have intelligent and dedicated men working on these problems, the evidence so far has not been very reassuring.

Consider, for instance, the slippage which has occurred between the characteristics specified in the original SST contract and those of the planned prototypes. The noise level, measured in perceived noise decibels, has been allowed to increase for takeoff from 93 to 110, for approach from 109 to 112, and for airport noise from 116 to 129. At the same time, other characteristics have been allowed to slip. Speed required for liftoff has been increased from 162 knots to 197 knots. This will require a much longer runway—10,300 feet instead of the planned 7,500.

I hasten to add, Mr. President, that these are only the prototype figures. If past experience with other contracts is any guide here, these characteristics will slip further in order to match whatever plane is eventually produced. And then we will hear the same arguments about the need to relax our requirements so as to justify our tremendous investment.

We do not have to buy this supersonic titanic of the airways. We can ground it now, before we lose any more money.

How much will this project cost? We have spoken many times of the expense figures and I have heard a lot of them quoted again today. The official estimates, of course, were only $1.3 billion. When we look at what good could be accomplished through just a few million dollars in neighborhood health centers, or job retraining, or drug treatment programs—it is shocking that we can so easily say "only" $1.3 billion. That estimate has now been increased by $150 million because of Secretary Volpe's statement that any decrease in fiscal year 1971 funding would increase costs on a 2-to-1 ratio.

These figures, themselves, grossly understate the probable costs. Again relying on past experience with cost overruns, which have been so ably documented by Senator PROXMIRE, we can feel confident in predicting that the ultimate cost to the Government of an SST program would be at least $3.5 billion and perhaps as much as $7 billion.

Is it worth this much to enable the affluent society to get to Europe quicker? Is national prestige so lacking in this country which produced the Wright brothers, Charles Lindbergh, and the first plane to fly faster than sound and the first men on the moon? No one doubts the daring or the success of American aviation. Aircraft other than SST's will continue to provide the bulk of air travel for the foreseeable future. We will lose next to nothing by not participating in this mad adventure.

The huge anticipated cost of the SST is only part of the problem. Let us remember who is paying this cost—the American taxpayers—all of us together. Everyone is footing the bill despite the fact that very few people will ever be able to fly in these planes.

SST's will not be permitted to fly within our own country. Not that many people fly overseas. And the high purchase price and tremendous operating costs make it unlikely that we will see any lowering of prices. That was one of the supposed benefits of the jumbo jets, but air fares have continued to rise. Thus, everyone would be taxed so that a few people would be able to get to Paris faster.

A man from Ames, Iowa, wrote me on this point. He said:

> Just as it is no longer necessary to manufacture automobiles which can travel at faster speeds, it is not necessary at this time to build airplanes that can fly faster. A car that has the capacity to travel at 160 mph still must travel on Iowa roads at 75 mph. Present airplanes that approach the speed of sound sometimes must circle over a busy airport for 30 minutes to 2 hours before landing, so what is the value of producing an airplane that surpasses the speed of sound?

A related point, of course, is that it often takes more time to get to and from the airport than it does to fly between airports. Thus, if our concern is shortening travel time, we already have more urgent problems than simply cutting down on time in flight toward which we could make contributions.

The many will pay so that the few can fly faster. The many—and that means ordinary tax-paying citizens—will pay Boeing and its subcontractors to build a plane which will profit them far more than it profits the Government.

Never before has the U.S. Government subsidized a purely commercial airplane. In 1951 the Congress rejected a demand to support development of commercial jets. But the airplane manufacturers thought they could profit from such development, so they went ahead on their own. Our leadership today is the result of their competitiveness. They not only took over the field from the British, who first developed a commercial jet, but they did it all on their own. If there really is such a profit to be made in building SST's, the companies will act on their own. If the risks are too great, so be it.

The current plan calls for the U.S. Government to provide 90 percent of development costs of the SST. Despite this huge contribution, the companies will reap most of the profits. Boeing, it is estimated, will make a $150 million profit if 139 planes are sold—yet the Government will still be taking a $1.2 billion loss. If the maximum predicted number of planes are sold—450 or so—the Government will get back $1 billion more than it spent. Yet Boeing will make a staggering profit of $6.5 billion. That profit, for which Boeing risked only 10 percent of the development costs, would be enough to finance our current levels of expenditures for disease prevention and control, environmental health problems, and consumer protection for 10 years. In other words, Boeing would receive in profits more than 10 times the amount of funds which our society would put into programs to protect us from just such machines.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HUGHES. I would be happy to yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator pointed out that if a sufficient number of planes were built, the Government would get back its investment and $1 billion. If it is true that these planes will be produced over a period of time and that production will extend into the 1980's and 1990's, and so on, and if it is true that this would result in effect in paying back the Government with interest at something like 4½ or 5 percent, or something of that kind, when the Federal Government is now borrowing money at a higher rate, is it not also true that even if the Federal Government does get back its funds plus $1 billion, which is very unlikely, it would still not get back the full cost to the taxpayers. There would still be a subsidy involved.

Mr. HUGHES. I have not taken the time to figure out the interest rates. But I think the Senator has. His point is certainly well taken and is one that I would concur with. He has seldom been wrong on figures concerning the return on investments. I would certainly agree with the Senator's conclusions.

Mr. PROXMIRE. Mr. President, here we have a situation in which the Federal Government is putting up 85 or 90 percent of the development money, the risk money, and it stands to get back, at best if this works out perfectly, a return which is below the cost of the money to the Government, whereas the manufacturer and the airlines stand to make a very substantial profit although they are putting up 10 percent of the money and each, individually, is putting up less than that.

Mr. HUGHES. Mr. President, the Senator is absolutely correct on the basis of the projections. Over the long term, as the Senator has pointed out, it is even a more expensive investment for the Government because of the borrowing cost the Government must pay for the money which it is expending in this fashion.

Mr. PROXMIRE. Mr. President, from the standpoint of the taxpayer, this is a heads you win, tails I lose proposition. There are many reasons why the SST cannot pay off. We are told that if it cannot meet the environmental requirements, the planes will not be produced.

Many economists have argued that they can only sell 200. Some say 250. Some say 300. They have to sell 500 before the Federal Government will get back the funds to which the Senator from Iowa referred. Under these circumstances the taxpayer is taking a big risk. There are no circumstances under which he can get back the money which he paid, with the interest he paid for it.

There are many circumstances in which he will lose it all.

Mr. HUGHES. The Senator is absolutely correct.

I listened earlier today when the Senator from Washington was stating to the Senator from Wisconsin that we already have military planes flying at these speeds and at these altitudes. I do not wish to put words in the Senator's mouth, but it does reinforce the argument that it is unreal that we must build the prototypes to settle the ecological question. If we presently have the military planes, why do we not take advantage of the experience of those flights which are already taking place rather than to make an investment of this type to build civilian planes to carry passen-

XUM

gers and freight? There certainly is real reason to fear the results that could occur.

Mr. PROXMIRE. The Senator is correct. There are hundreds and hundreds of military supersonic planes on which studies could be made as to their effect on the environment. The noise study could be made on the basis of engines which are virtually finished, without those engines being attached to prototypes.

The argument that was made in a column in the Washington Star the other day that the real argument in favor of the supersonic transport appropriation now is that we need these prototypes for experimental purposes does not stand up. We do not have to spend this enormous amount of money to get those answers. We could have those answers without going ahead and spending the fantastic amount of money we are being asked to put up in this program.

Mr. HUGHES. I think the Senator is absolutely correct. From listening to statements by the distinguished Senator from Wisconsin earlier I concluded that we must recognize that there has been an unresolved question on the ecological problem that exists with this type plane at these altitudes of 65,000 and 70,000 feet that could endanger our existence. When that type question is raised, that there could be an effect upon humanity and all the people of this country, the burden of proof should not be placed solely in the laps of the citizens of this country; the burden of proof should rest with those people who favor and who are responsible for the construction of such a program.

It should be pointed out also that in the interest of the vast numbers of people in the country we do have a stake in the research in determining the effect before we proceed very far with this type program.

No one has answered very satisfactorily to me that if military planes are already available, planes which fly at these speeds and these altitudes, at speeds unknown to us, for security reasons probably, certainly the information that could be obtained from those flights should be made available so that we can reasonably resolve the issue before us today.

Mr. PROXMIRE. The one question that cannot be answered by the military planes, the supersonic plane, that also cannot be answered by the prototype, is what happens when there are 400, 500, 600, or 700 of these supersonic planes flying in the same corridors, such as New York to London and New York to Rome over the North Atlantic in the upper atmosphere. We would have to go ahead with many, many years and many billions of dollars of research to get an answer to that question. So to those who argue that military planes do not fly in that quantity, and that it would be enormously expensive for them to do so, I think the answer is that the two prototypes will not give us useful answers.

Mr. HUGHES. It has been stated that we must proceed immediately or we have lost everything, and that the aircraft industry will never be able to regain its position of being in first place in the world of building new prototypes and planes for carrying passengers and freights. If we go back to the beginning of the jet plane industry it will be remembered that we were not the first country to provide jet passenger and freight service. Certainly, when we made the determination to get into that business it did not take long for the investment and industrial capacity of this Nation to put us in first place. Many of the planes that we were at that time concerned about are almost nonexistent today. I believe we do have the time for the research and that we can and should do it before we make this heavy investment and take these risks to our environment. As the Senator has pointed out, this type investment on a long-range projection is quite unfair.

No one argues the legitimacy of a fair profit in our free enterprise system. But I do not believe that the American people would tolerate such a lopsided dedication of public tax money to private profit-making. The only reasons the people are not proclaiming their outrage are, first, that they are not aware of the contract provisions, and second, that they doubt—as I do—that such profits will be forthcoming in sales of SST's. Nevertheless, the principle of such a small return on the public's investment is a bad principle.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. HUGHES. I yield.

Mr. PROXMIRE. If the suspicion which the Senator has expressed is correct that these profits will not materialize and develop, then what happens to the Federal investment? Then, the Federal Government not only is not going to get its money back with interest, but not get it back, period. That means the taxpayers will lose those millions and probably hundreds of millions of dollars. Is that correct?

Mr. HUGHES. The Senator is correct. It will be another program we have written off at the expense of the American taxpayers. The Senator has already mentioned other programs that have gone to the wayside after long investment.

The arguments for going ahead with the SST are not very strong. I have already alluded to the fact that our prestige in aircraft production is not so shaky that this costly supersonic gamble is required to shore it up. The possible adverse effect on the balance of payments is unclear—both because of the difficulty in making such predictions and because of the alternative developments which might be made to offset losses to buy foreign aircraft. As for the loss of potential jobs, the same point holds true: In the aircraft industry alone, there are many more sensible ways to go with our public investments than this dubious adventure.

Why, then, do we need an SST? The simple answer is that we do not. I found the mail from my constituents quite persuasive in this regard. No one argued that this program was vital to national security. No one said that it was worth every penny of the cost. Instead, the people of Iowa, I believe, showed good judgment and commonsense in answering the arguments put forth by the administration.

Now I would like to quote from a lady from Centerville, Iowa, who wrote:

> There were many good arguments for the bill. But I feel some of them were worthless. One argument was that we would fall behind in the field of aviation. I do not feel the U.S. must be first in everything just for the sake of being first. If anything, I think we should set our goals so that we would be first in peace, the first country to eliminate hunger, disease, and ignorance at home.

I agree with that lady.

I believe we have to change our priorities by abandoning wasteful programs like the SST and concentrating instead on the more compelling kinds of responsibilities she mentions.

Again quoting a student—and there have been many communications from students on this subject—a student from Iowa City who wrote to suggest some of these other priorities which are much more urgent than the development of an SST:

> If the SST is fully developed, then the funds will have to come from somewhere. Our nation will then also be deprived of money which could be put to much better use elsewhere. Our cities are dying. Pollution blankets our nation. Small towns and education need federal assistance. People are starving. And older people have practically been reduced to the role of vegetables. At least some of these problems, if not all, could be improved upon if the funds were rechannelled to them instead of the SST.

I readily admit that there will be problems in canceling this program. Some people will be thrown out of work immediately. Others may not get jobs they were counting on. But the far-ranging hazards of continuing the program are much greater than the immediate disadvantages of dropping it.

Possible unemployment is very unfortunate especially at this time. Just as it is unfortunate that the present administration believes that higher unemployment—even running to 5.8 or 6 percent—is "tolerable" in the fight against inflation. Both of these unemployment problems can be solved—by better management of the economy, by increased spending in nonmilitary sectors where there are pressing needs, and by imaginative programs of retraining and conversion of industry to peacetime pursuits.

A couple from Ames, Iowa, made this point quite succinctly when they wrote:

> Perhaps now, some innovative programs could be started to help with the unemployment in the State of Washington, and other areas of our country that are so affected by the cut-back in military spending. We don't feel our economy should be based on continuing a war or on keeping up with the Russians.

Several times today I have mentioned the alternatives for the Boeing Co., as well as for our society and the Federal budget, if we halt development of the SST. One of the most cogent communications I received on that subject came from a man in Muscatine, Iowa. He wrote:

> I urge you to vote against SST appropriation. As one who flies nearly one hundred thousand miles a year, much of it overseas, I see no commercial need for the SST. In-

> stead we need adequate air control and dispatch systems to make domestic flying safe plus adequate ground facilities to speed travel. The noise problems posed by the SST limit its usefulness. The SST's impact on ecology is hazardous. Last summer at the Williamstown study of critical environmental problems at Williamstown, Massachusetts, a group of one hundred scientists concluded that accumulated wastes exhausted from SST's at high altitudes might disturb the balance of our biosphere. They favored postponement of SST development until this issue could be resolved. Our government had better subsidize development of planes of greater commercial value including those for shorter takeoff or vertical takeoff. If we forget these, someone else will steal the market.

In other words, Mr. President, we can preserve the great American aircraft industry, and we can turn our governmental resources to the critical problems which face us.

I do not like to oppose this conference report, since it does provide urgently needed funds for many vital programs. The recent tragic air crashes in Colorado and West Virginia have demonstrated the need for research into problems of air safety, and improved airport facilities, and increased numbers of well-paid air traffic controllers. All of these vital programs are funded in this bill, and certainly are programs that I support.

I also strongly support the money appropriated in this bill for research into high-speed ground transportation and for the Urban Mass Transportation Administration. Much more needs to be done in these areas. In fact, I would gladly spend this $210 million on such programs so that we can improve the means of transportation accessible to ordinary citizens of this Nation.

But the lines have been drawn, and until the will of the Senate prevails—and I believe that that would represent the will of a majority of the people in this country, if all the facts were known—I shall oppose these expenditures. If we are to stop the proliferation of wasteful projects which benefit very few people, it is essential that we begin by stopping the SST. Next year, in my opinion, will be too late.

Let me close by reading another letter, this one signed by 23 people in Waterloo, Iowa:

> We are opposed to any further federal allocations—including subsidy to industry—for the development of the SST. And we are also opposed to permitting any other Nation's SST to land at American airports or overfly our territory.
>
> Furthermore, we ask that alternatives to an economy, which judges its health solely by the degree of its growth, be developed. We live in a finite system and we can't keep growing forever or there will be nothing left of the untouched landscape. As Edward Abbey put it, 'growth for the sake of growth is the ideology of the cancer cell.' This is especially true if growth takes place in industries which pollute, or cover the landscape, or use finite resources or create waste.

That quotation—"growth for the sake of growth is the ideology of the cancer cell"—refutes the basic arguments for proceeding with this costly experiment more tellingly than anything I have said in this entire speech.

Today, we are asked to finance the beginning of a potentially dangerous program that is certain to multiply astronomically.

I would like to point out that I am saying "potentially." The questions of ecology have not been determined with finality on either side of the question, but if past history with such projects is any guide, once we are underway with the SST, the course will be irreversible. Obviously we are already underway. Obviously the Senate, in a preceding decision, said, "No." Now the time has come when we must reaffirm that prior decision and say "No" to the entire conference report, most of which I would like to take.

Mr. President, at a time when our economy is sick and our Government says it cannot find the resources to meet basic human needs of our people, any idea that the SST represents the "winged victory" of our times is a cruel delusion.

The truth is, that to proceed with this costly gamble would be a tragic defeat for our good sense as a people and our true priorities as a civilized Nation.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. HUGHES. I am happy to yield.

Mr. PROXMIRE. On page 26 of the Senator's speech he says:

> Both of these unemployment problems can be solved—by better management of the economy, by increased spending in non-military sectors where there are pressing needs, and by imaginative programs of retraining and conversion of industry to peacetime pursuits.

Is it not true that just yesterday the President of the United States vetoed the manpower training bill that the House and the Senate passed?

Mr. HUGHES. That is absolutely correct.

Mr. PROXMIRE. Is it not true that that veto will do infinitely more harm to the long-term solution of our unemployment problem than any number of projects of this kind can go good?

Mr. HUGHES. That is certainly the opinion of this Senator, and, as a strong supporter of that piece of legislation, I was not only surprised but I was also depressed that the President selected that piece of legislation for a veto. I think that there are many ways in which we can direct the resources of our Nation to face the problem of unemployment, other than those being promoted in this particular project, that will be much healthier for the country.

Mr. PROXMIRE. So the answer, when we always come back to a military program or a space program of this kind—to wit, that people will be thrown out of work—is not that we have to go on and on and on regardless of the merits of programs that cannot be justified. We should proceed to imaginative and effective manpower training programs of the kind that we passed and the President has vetoed; is that not correct?

Mr. HUGHES. That is absolutely correct. The Senator from Wisconsin is right, as usual, in this matter.

Again, the opportunities that are before us as a Nation in making the right decisions and going in the right direction, without being forced into narrow alleys such as this particular object, are wide open. There are many things we can do to face the problems that we face. This is one thing, in my opinion, that holds such a high potentiality for destructibility in many areas that it should not be undertaken at this time.

Mr. PROXMIRE. At another point in the Senator's speech, on page 28, he says:

> Our government had better subsidize development of planes of greater commercial value including those for shorter takeoff or vertical takeoff. If we forget these, someone else will steal the market.

I have mixed feelings about that remark. I am not sure we should subsidize commercial planes at all. The supersonic transport is a new departure. But I would wholeheartedly agree with the Senator from Iowa that if we are going to subsidize any plane, and get into this at all, we certainly should seek to solve the principal problem we have in this country, which is getting people over relatively short routes. We make no effort toward solution there at all—or for providing a solution to the painful and onerous problem, in most cities, of getting from downtown out to the airport.

It is my understanding that a day or two ago there was a story published which disclosed that NASA is engaged in research on a new subsonic plane that would fly about 150 miles an hour faster than the present subsonic jet, which would be just barely below the speed of sound, 650 miles an hour, and would have great efficiency and none of the pollution, radiation, or noise problems that the supersonic transport involves, but would provide a very quiet and even ride.

Although I am opposed to NASA getting into this kind of thing, at least without our knowing about it—I read about it in a newspaper, and I have talked with many Senators who are on either the Armed Services Committee or the space committee who knew nothing about it, and should know about it—that would be far more sensible, if we are to subsidize commercial aviation, than to go into this SST area where we have such an environmental nightmare.

Mr. HUGHES. As the Senator knows, or will know if he checks back, the statement he read from my speech was a quotation from a telegram from a citizen of Iowa, living in Muscatine. It was not my opinion.

The question of subsidization of the industry itself is one on which I agree with the Senator. It is a very questionable procedure. And the Senator is absolutely correct, in my opinion, in what he says about subsonic flights and the higher potential they hold.

But that is not the issue before us. I guess we cannot hold up alternatives to the issue before us. But we can discuss the priorities and decisions.

Mr. PROXMIRE. There is another part of the Senator's speech that I should like to question him about, on page 29, where he said:

> I do not like to oppose this conference report, since it does provide urgently needed funds for many vital programs.

He goes on to list some of the vital programs for which money is provided.

This is a most useful and helpful observation on the part of the Senator from Iowa, because that point has not been made by any other speaker, and it should be made.

The way it strikes me is that we are put in a very unfair position, if we have to vote on the conference report. Many of those who are strongly opposed to the SST would reason that, after all, this measure does contain essential money for airports, essential money for highways, and essential money for many other transportation problems; and, as the Senator from Iowa has pointed out, essential money, indeed, for safety. Under these circumstances, I would think that there would be every likelihood that the Senate would approve the conference report with a very heavy heart.

I think the point the Senator from Iowa and I are trying to make here is that we should not and must not be put in that position. The Senate majority has clearly indicated its opposition to funding the SST. We certainly should have a right to expect the conferees and the Appropriations Committee to reconsider this matter, take these funds out, and submit a bill without the SST funds.

Mr. HUGHES. The Senator from Wisconsin is absolutely correct, as I pointed out in my statement. I would also like to point out that probably there is no other group of 100 citizens in America that travels any more than we do by air. We have a chance to observe the conditions of air flight commercially in traveling throughout this country and the congestion about the major airports.

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As to the question of altitude controls, every time I approach an airport under instrument conditions in bad weather, I am extremely nervous, as I would imagine almost everyone is who has any knowledge about flight capabilities and airport congestion.

There is already so much that needs to be done in handling the traffic already existent, that I strongly support those aspects of the conference report. Money for some of that research is actually in the conference report, and the question of having to vote against the entire report because of this $210 million leaves many of us with a very heavy heart indeed.

Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. HUGHES. The distinguished Senator from Rhode Island has inquired if I could yield to him to present a conference report. May I do that without losing my right to the floor?

The **PRESIDING OFFICER.** If the Senator asks unanimous consent to yield without losing his right to the floor, he may do so.

Mr. HUGHES. I present to the Chair, then, Mr. President, a unanimous-consent request to yield to the distinguished Senator from Rhode Island for that purpose without losing my right to the floor.

Mr. GOLDWATER. I object.

The **PRESIDING OFFICER.** Objection is heard.

Mr. HUGHES. The Senator from Iowa, then, would like to talk for just a moment about another problem that has been posed by the development of this particular project.

Mr. President, we face a real dilemma if we continue with the SST. Either we will condemn ourselves to frequent sonic booms, or we will have an inefficient, fuel-gulping plane that will add to our air pollution. Either noise pollution or air pollution—we can not escape the problems.

What would the sonic booms mean? William A. Shurcliff explained in his book, "The SST and Sonic Boom Handbook":

> If overland supersonic flight is permitted, 500 million persons in America, Europe, and Asia may be jolted every hour, day and night, by sonic booms from hit and run SSTs. . . . Surgeons performing delicate operations will be startled, and their instinctive reflex reactions may cause permanent harm to the patients. The very elderly, the real young, and the ill will suffer more than other persons. . . . In the USA alone, the damage done to glass, plaster, and other materials may amount to $3,000,000 per day. For the aviation industry to make just and prompt payment for the damage done to buildings is impractical and for it to make adequate payment for the harrassment to people is inconceivable. Aviation, instead, of being man's servant, would be his scourge.

If we forbid flights causing sonic booms, then we have to face the problems outlined by Russell Train, the Chairman of the President's Environmental Quality Council:

> Operation at subsonic speeds, including takeoffs and landings, results in inefficient fuel combustion with a resulting heavy discharge of pollutants in the atmosphere. This result then of banning overland supersonic flights and forcing the SST to fly subsonically for service to inland cities, means that we would be exchanging excessive sonic booms for excessive air pollution.

The only way to escape this dilemma, Mr. President, would be for us to vote down the conference report once and for all, and thus reaffirm the original Senate position in relationship to this problem.

Mr. President, one frequently made argument for the SST is that we will be left at the starting gate by the British, French, and Russians. I think that an article in Wednesday's Washington Post puts that argument in serious question. The article says that British and French Aviation Ministers on Tuesday decided to stop further production of the Concorde SST until the commercial future of such planes is clearer.

The article to which I have referred may already have been placed in the Record, but I think it ought to be read for the benefit of those Senators who are present today. It is dated London, December 15, and is entitled "Plan To Build Four Concordes Is Deferred."

The article reads:

Plan To Build Four Concordes Is Deferred

> The British and French ministers responsible for the Concorde supersonic jet projects refused today to authorize production of four more aircraft until the commercial future of the $2-billion project is clearer.
>
> At a meeting here, Frederick Corfield, British Prime Minister of Aviation Supply, and Robert Calley, France's Minister of Posts and Telecommunications, deferred the expected decision to build more Concordes—probably until spring or summer of next year.
>
> This negative decision is bound to send a shiver of anxiety through aircraft industries. The British Aircraft Corporation alone has 8,000 men working on the project since it had been widely expected that they would give the go ahead to build the next four aircraft. Six of the aircraft already have been built, or are under construction.
>
> [The U.S. supersonic transport plane, the SST, survived another test yesterday when the House approved a transportation appropriation bill that includes $210 million for the SST this year. The bill now heads into an expected filibuster in the Senate.]
>
> The British Government was at pains today to emphasize that the ministers held a "constructive" meeting and, by implication, that one should not draw sinister conclusions.
>
> The ministers had simply agreed, a Government spokesman said, that there is no point in committing the taxpayer to production expenditure that could be avoided until the aircraft's commercial future was clear. Some materials, which take a long time to deliver, have already been ordered for the additional aircraft.
>
> The airliner's commercial potential will be discussed again at a ministerial meeting in February. Another meeting will be held in March.
>
> Today's meeting "noted the satisfactory progress of flight tests, including the achievement of flight at twice the speed of sound by both prototypes," and the "encouraging nature of the results of the Mach 2 tests so far."

Mr. President, opponents of the SST are not liberals, or conservatives—they are just sensible. Highly respected men, who otherwise firmly support the present administration, nevertheless are vigorous opponents of the SST. Consider these quotations:

> If the SST is worth building, the market will make it in Boeing's interest to build without a subsidy; if a subsidy is needed, the SST should not be built.

That comes from Prof. Milton Friedman of the University of Chicago.

> The proponents of the project have the burden of proving that it will not adversely affect the environment. If they can't—if it's a "Bad thing"—I would not only want to stop development, but I would want to prevent similar foreign planes from landing in the United States.

That statement of opposition to the SST comes from the man who will soon join us as the junior Senator from New York, Mr. JAMES BUCKLEY.

Another commentator, James J. Kilpatrick of the Washington Evening Star, called the end of the SST "a small step for mankind." He wrote:

> It is not often, sad to say, that mankind wins a round in the unending struggle to preserve a decent quality of life. Ordinarily, in the holy name of progress, we advance headlong to the rear. But the Senate's action last week in halting further development of a U.S. supersonic transport plane is a victory that warms the heart.

Mr. President, I believe that we should preserve that victory, that small but significant step for mankind.

I ask unanimous consent to have the entire article printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

END OF THE SST: A SMALL STEP FOR MANKIND

It is not often, sad to say, that mankind wins a round in the unending struggle to preserve a decent quality of life. Ordinarily, in the holy name of progress, we advance headlong to the rear. But the Senate's action last week in halting further development of a U.S. supersonic transport plane is a victory that warms the heart.

A number of my fellow conservatives, notably James Burnham of National Review, will not agree with that appraisal. Some of the ablest Members of the Senate, among them Jackson of Washington and Goldwater of Arizona, were bitterly disappointed by the 52–41 vote. President Nixon terms the SST's defeat a "devasting mistake."

With deference, and with regret for the economic hardship the Senate's decision will cause in certain areas, it has to be said that the Senate acted wisely. One further step should be taken, in the form of legislation barring foreign-built SSTs from the use of American airports. When that is done, this whole unfortunate misadventure will collapse.

The arguments in favor of continuing the project were persuasive, but they were never convincing. It was said that the taxpayers eventually would get their money back in royalties upon the sale of 300 to 500 SST's over the next 30 years. It was urged that American prestige was at stake. Failure to proceed, we were told, would mean a surrender of aircraft leadership (not to mention the balance of payments) to Russia, France, and Great Britain.

On close examination, none of these arguments held up. There never was solid evidence that the airlines themselves were in any mad rush to buy the SST. It always was a doubtful proposition that Western carriers would invest in Soviet-built aircraft, and thus become dependent for spare parts upon Communist whim. Important elements of public opinion in both France and Great Britain have begun to demand a cessation of the Concorde development.

Yet these were not the issues on which the battle turned. In the end, the dominant consideration—the factor that caused an astonishing 18 Senators to reverse their own positions within a year—was the quiet question that so seldom is asked: Would this project improve the quality of our life? The answer, plainly, was no.

What was involved in the prospect of a supersonic transport plane? Noise, for one thing—the ear-shattering noise of this plane on landing and takeoff. And despite the frantic rash of denials, regulations and amendments, Senators could look down the road to the economic necessity of permitting flights over land at supersonic speeds; they could see millions of Americans subjected to the annoyance and the property damage caused by recurring sonic booms. All this, so that a relatively few air travelers could gain the convenience of additional speed. It never made sense.

With the Senate's action, it may now be possible for the airline industry to concentrate upon quieting and perfecting the present generation of subsonic aircraft. Perhaps the Congress, as it studies the whole problem of transportation, may now direct its attention to more urgent needs, benefiting far more taxpayers, here on our crowded earth.

But the greater significance of the SST's demise lies in the hope this action has generated: Perhaps the quiet question will now be asked in other fields. Will the construction of a particular freeway in Memphis really improve the quality of life in Memphis? Will the drilling of particular off-shore oil wells, or the construction of particular polluting factories, truly contribute to the well-being of America? What of the marvelous computers and the data systems that invade our privacy? Are these necessary? Really necessary?

Maybe, just maybe, the Senate's vote marks a turning point. For a long time now, we Americans have been running up the escalator, frantically seeking more speed, more power, more noise, more trash, more smog, more gadgets, but in terms of the quality of our life we have damned little to show for it. We don't have to go back to the horse and buggy, but surely we can get along for a while with the jumbo jet.

Mr. HUGHES. Mr. President, the SST raises many questions of national priorities, but it also raises the very important question of priorities in air service. I have said that the many will pay for this plane which only the few will fly. When we look at the condition of air service in this country today, I think it is clear that, instead of helping people to get from New York to Paris even faster, we should take measures so that people will be able to get around our own country better.

The fact is, however, that air line service is being reduced. An article in Wednesday's Wall Street Journal points out that the number of departures from the 1,000 busiest domestic markets is over 3-percent lower this year than last. And the Air Transport Association says that figures being developed now will likely show a further substantial decline.

The article also mentions Iowa City, which has been without its own air service since last June. There are many places like Iowa City which have been deprived of all regularly scheduled air service in recent years. Many other cities have seen reductions in the amount and quality of service. Before we start paying hundreds of millions of dollars to speed up the flights between New York and Paris, we should spend funds to guarantee adequate service for the people who want to fly between Iowa City and Peoria, and between Kenosha and Green Bay.

The pending conference report, I am happy to say, contains $50 million for payments to air carriers so that they can continue to provide some service. I do not know how much would be required for fully adequate service. But I do believe that we should put a much higher priority on improving domestic service and on improving the safety conditions of our existing airports before we throw more money after the SST.

I ask unanimous consent that the article I mentioned from the Wall Street Journal be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLIGHT CANCELED: AIRLINES TRIM SERVICE TO MANY COMMUNITIES AS INDUSTRY SUFFERS WORST YEAR IN HISTORY

(By William R. Galeota)

In the airlines' war to cut their losses, James Bitonti, general manager of the International Business Machines Corp. plant at Oswego, N.Y., is one minor casualty.

When Mr. Bitonti arrives in New York City from the West Coast late at night, he finds he has to stay overnight in the city or drive 175 miles to his upstate home. The last flight from New York City to Broome County Airport in Binghamton, N.Y., near his home, now is scheduled for 9:15 p.m. There used to be a 10:15 flight, but Mohawk Airlines eliminated it last February. (At the moment, there are no flights at all. Mohawk is struck.)

In all, the number of major airline flights coming in and out of the Broome County airport has dropped to 23 today from 36 in 1965 and 29 a year ago as the airlines have cut back on their less profitable flights. But Mr. Bitonti is resigned to the decline in service. "It's wrong to think that airlines can function constantly with flights that are loss leaders," he says.

That's the kind of positive attitude that airline executives like to see. They certainly can't operate with loss leaders, they say, especially this year, the worst in the industry's history. And so, even though most passengers curse rather than commend the moves, airline officials are carefully going over their schedules to prune stops or whole flights that have been splashing red ink over their books.

"NO CHOICE," SAYS SPOKESMAN

All told, the Air Transport Association says the number of departures in the 1,000 busiest domestic markets dropped to 9,800 this Nov. 1 from 10,140 a year earlier. And the trade group believes cutbacks in less heavily traveled markets may have been even more severe. "Unless the economic health of the industry improves the carriers won't have any choice but to continue cutting flights," an association spokesman adds.

The most publicized attempt to reduce service came earlier this year when American, Trans World and United Airlines, the three largest domestic carriers, worked out a plan to cut the number of flights between 15 pairs of cities. The Civil Aeronautics Board, however, rejected the plan last month, though it allowed the airlines to work out some more limited agreement confined to a few major routes, such as New York-Los Angeles.

The chances that the carriers will adopt the kind of agreement the CAB is willing to accept, however, seem slim. Among other things, the six months the CAB would allow the agreement to run is considered too short to have any appreciable effect on losses, some airlines contend. George E. Keck, president of United, recently said unilateral action seems the more likely course."

Unlike agreements between carriers to limit capacity, unilateral cutbacks in service frequencies don't require CAB approval unless they involve cutting out cities altogether.

OPERATION CLEAN SLATE

TWA's cutbacks are typical. As part of its "Operation Clean Slate," which set up a new domestic schedule from scratch, the airline chopped its daily departures to 823 from 898 on Oct. 25. Among the flight segments eliminated were some between Indianapolis and St. Louis, Pittsburgh and Kansas City and Las Vegas and Los Angeles. The percentage of seats occupied on those three segments had been less than 15%.

During the first two months of 1971, TWA is planning to cancel 10 more daily round-trips and to put 707s into use in place of 747s on four other round-trips. Melvin A. Brenner, vice president for marketing and planning, says he hopes TWA's financial condition will improve enough that further cuts won't be necessary.

TWA, which estimates it will lose $60 million to $65 million this year, is facing a grim traffic picture on its domestic routes, which account for about 62% of the airline revenue. Its domestic traffic, including Hawaii

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business, is off about 2.5% this year from 1969. Discounting Hawaii, TWA's traffic within the 48 states is off 4.3% from 1969.

THE DC3 ERA

United, the nation's largest carrier, has cut the number of its daily departures to 1,649 as of Nov. 1, down from 1,918 a year earlier. The airline's daily flight from Providence, R.I., to Chicago, for instance, used to have four intermediate stops. Some months ago the number of stops was cut to one. Now it's a nonstop flight, and passengers who used to board at or were bound for Hartford, Cleveland, Fort Wayne or South Bend must make other arrangements.

In some cases, decreases in service apparently haven't seriously inconvenienced air travelers. United, for example, says it cut its total departures mainly by chopping off intermediate stops on short-hop flights that "dated back to the DC3 era."

In one such case, the airline eliminated stops at Saginaw, Mich., from flights between Chicago and Flint, Mich. Saginaw and Flint are only 30 miles apart, and "nobody ever flew just from Flint to Saginaw anyway," a United manager there says.

But when a carrier receives CAB approval to eliminate a city completely from its routes, leaving it serviced only by so-called "commuter," or "air taxi" lines, the action can strike a severe blow at the city.

Frontier Airlines last April suspended service to Williston, N.D. (pop.: 12,500) and seven nearby cities in Montana. John W. Snyder, mayor of Williston, says shipments to local florists and oil-well service firms had to come by bus, taking a day or two longer than by air, because of the limited air freight capacity of Apache Airlines, the air taxi line that took over service to the city. Moreover, Mr. Snyder asserts, the local citizenry fretted that the heating systems in the 15-to-18.passenger Apache planes wouldn't stand up to the frigid Montana winters.

But they never got a chance to find out. In October, Apache turned the cities back to Frontier, after losing an estimated $300,000 in six months on the routes. 'It was a bummer" George F. Dembrow Jr., president of Apache, says flatly. He charges that Williston city fathers wrecked Apache's efforts by staging an informal boycott of the line in hopes of getting Frontier back. (The CAB allowed Frontier to get out of Williston and the other cities on the condition that Apache could keep up service there.) Mr. Snyder denies the charge.

But Williston's problems aren't quite over. Frontier currently has only two flights a day to the city, half as many as before; and residents can't any longer make connections with a flight from Minot, N.D., to the Twin Cities. They must drive the 125 miles to Minot, or take a bus that comes only once a day.

WORRIES IN IOWA CITY

Not every suspension of service works out that badly, of coures. H. P. Thies, president of the American State Bank in Great Bend, Kan., says that city of 19,000 has had "better service to Kansas City" and "more frequent flights" since Frontier turned Great Bend over to Air Midwest this fall.

Air Midwest, an air taxi service that had previously served the city along with Frontier, "picked up everything" when that line left, says Jick Pickett, vice president of Air Midwest. The line boarded 340 passengers in Great Bend this November, up from 224 in August, when both lines flew there, and up from 148 in November 1969.

Even when losing air service doesn't hurt now, it can leave a city wondering about its future. Businessmen in Iowa City, Iowa, for example, say they haven't minded driving 18 miles to the Cedar Rapids airport since Ozark Airlines stopped serving Iowa City in June. But Elliott D. Full, a member of the Iowa City Airport commission, worries that because air service is gone local taxpayers will decide to sell the airport as real estate.

This would give Cedar Rapids a major advantage over Iowa City in attracting new businesses, he says: "Out here, we find that an airport is extremely essential to getting and holding businesses. In the Midwest, any company worth its salt has one or two or three private planes."

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator yield for a privileged motion?

Mr. HUGHES. If the Chair informs the Senator from Iowa that he can yield without losing his right to the floor, the Senator from Iowa will be happy to yield.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Iowa may yield, without losing his right to the floor, for a privileged motion.

The PRESIDING OFFICER. The Senator has a right to yield.

CLOTURE MOTION

Mr. SCOTT. Mr. President, on behalf of myself and the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, we hereby move to bring to a close the debate upon the motion to adopt the conference report on H.R. 17755.

The PRESIDING OFFICER. Will the Senator send the cloture motion to the desk so that it may be read?

Mr. SCOTT. Yes.

The PRESIDING OFFICER. The clerk will read the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to adopt the conference report on H.R. 17755, fiscal 1971 appropriations for the Department of Transportation and related agencies.

Hugh Scott, Barry Goldwater, Norris Cotton, Henry M. Jackson, Gordon Allott, J. Caleb Boggs, Henry Bellmon, Ted Stevens, Lee Metcalf, Warren Magnuson.

Mike Gravel, George R. Murphy, James B. Pearson, Edward W. Brooke, Howard H. Baker, Jr., Robert Dole, Charles McC. Mathias, Jr., Paul Fannin, Daniel Inouye.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2102) for the relief of Percy Ispas Avram.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMillan, Mr. Abernethy, Mr. Fuqua, Mr. Cabell, Mr. Nelsen, Mr. Broyhill of Virginia, and Mr. Harsha were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Morgan, Mr. Zablocki, Mr. Hays, Mr. Fountain, Mr. Adair, Mr. Mailliard, and Mr. Frelinghuysen were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 2162. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes;

S. 2336. An act relating to the parishes and congregation of the Protestant Episcopal Church in the District of Columbia;

S. 3318. An act to amend the Library Services and Construction Act, and for other purposes;

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May, 1971, as "National Employ the Older Worker Week";

S.J. Res. 172. Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May 1971 as "Clean Waters For America Week";

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June, 1971, as "Father's Day";

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; and

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of the United States of America-Analysis and Interpretation of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. PROXMIRE. Mr. President, the Senator has read a very significant article. I noticed that, too. I think it is most important that Senators be aware of it.

The strongest argument made in the House of Representatives, and I think perhaps here, is that if we do not proceed with the supersonic jet, somebody else will. It is said that if we do not proceed with it, the British and French are dying to get into the act. They are proceeding with great success, they say; they will be ahead of us and will take away the market.

What the Senator has read into the Record is the assertion that "British and French ministers responsible for the Concorde supersonic jet project refused today to authorize production of four more aircraft until the commercial future of the $2 billion project is clearer."

There has been a great deal of speculation as to whether adverse action by Congress on the SST would spur the British and French to go ahead more rapidly or would encourage them to drop it, on the ground that they did not have to worry about competition from us. It seems to me that this is the clearest kind of indication that, because of the hesitancy on the part of the U.S. Senate, because we did vote against the SST, because even if it passes this year, if it passes with a reduced appropriation——

Mr. HUGHES. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PROXMIRE. Because it is clear that it will be much harder to get the SST approved in the future—for all these reasons, the tentative, partial decision on the part of Congress perhaps to hold up funds on the SST has had the effect not of encouraging British-French action on the Concorde SST, but of discouraging it.

Can the Senator from Iowa explain to the Senator from Wisconsin what his view is of the term "until the commercial future of the project is clearer?"

Mr. HUGHES. I think the Senator has raised significant questions with respect to these two nations, with which we feel we will have to compete in the future in SST programs. After building the prototypes and after early flight tests, they now find themselves facing a question of whether there is a future for this type of aviation. In fact, they have raised the question themselves and have brought about a delay in their own program.

In fact, that would reinforce the position already taken by the Senators from Wisconsin and other Members of the Senate who have spoken against this project, that there is a real potential question about the future of commercial aviation in these areas, a question that has now been recognized by England and by France. That reinforces all the more the position of the questions asked here today.

Mr. PROXMIRE. It is my understanding that the majority leaders wants to speak, and before he does so, I should like to make this observation.

Today, we have been speaking on the supersonic transport and on the conference report. I think every Senator would have to agree that every bit of our debate has been pertinent and relevant. There have been no live quorum calls. We have a number of Senators anxious to speak tomorrow, more than we can accommodate—at least, for the length of time they want to speak. Under these circumstances, for us to have a cloture motion filed, with a vote on Saturday, before Senators even have a chance to speak on this matter, with no delaying tactics, while we are speaking to the point and raising issues that have not come before the Senate before, it seems to me would make a mockery of the esteemed reputation of the Senate as a place where debate is not cut off, where full, germane debate is possible. It would mock that tradition, in which most of us believe.

I would hope that Senators would vote against the cloture motion, on the basis of the fact that we really have not had a chance to state our case.

Mr. HUGHES. I thank the Senator from Wisconsin for his comments.

The Senator from Iowa has been one who would have voted for cloture under almost all circumstances. Under the circumstances existing today, the Senator from Iowa finds himself in a position of having to vote against it and will reluctantly do so.

But I appreciate the contributions and the sharing of thoughts of the Senator from Wisconsin.

I yield the floor.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, under the agreement of yesterday, Calendar No. 1443, H.R. 17550, be laid before the Senate and be made the pending business.

The PRESIDING OFFICER (Mr. Jordan of Idaho). Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Jordan of Idaho). Under the previous order, the distinguished Senator from Delaware (Mr. Williams) is now recognized.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Delaware yield to me for a few observations and taking care of some unobjected to items on the calendar, without the Senator losing his right to the floor or any of his time?

Mr. WILLIAMS of Delaware. I yield.

AUTHORIZATION ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Rhode Island (Mr. Pell) I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 16, 1970, pp. 41978–41979, Congressional Record.)

Mr. MANSFIELD. Mr. President, I move adoption of the conference report.

The motion was agreed to.

FOREIGN ASSISTANCE APPROPRIATIONS

Mr. MANSFIELD. Mr. President, I asked the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 791.

The PRESIDING OFFICER (Mr. Jordan of Idaho) laid before the Senate House Concurrent Resolution 791, which was read as follows:

H. Con. Res. 791

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 17867) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, is authorized and directed—

In respect to the amendment of the Senate numbered 19, restore the matter stricken by said amendment, except the amount of "$272,500,000" and insert in lieu thereof "$200,000,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 791) was considered and agreed to.

PRESIDENT'S VETO MESSAGE ON S. 3867

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the veto message on S. 3867, the Employment and Training Opportunities Act of 1970, now at the desk, be referred to the Committee on Labor and Public Welfare, and that the message be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the previous request I made—which was made due to a misunderstanding—to refer the veto message on S. 3867 from the President of the United States to the Committee on Labor and Public Welfare be vitiated and that the message remain at the desk temporarily.

Mr. JAVITS. Mr. President, I do not want to press the Senator at all, but does he have any idea what his plans are?

Mr. MANSFIELD. I do not.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Nos. 1444, 1445, 1447, 1449, and 1451.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAD-BASED PAINT POISONING PREVENTION ACT

The Senate proceeded to consider the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paints in Federal or federally assisted construction or rehabilitation which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based poisoning.

(b) The amounts of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with workable programs for community improvement referred to in section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in all Federal construction and rehabilitation, after the date of the enactment of this Act, of any residential building or dwelling, with Federal assistance in any form.

TITLE V—GENERAL

DEFINITIONS

SEC. 501. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) and combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

SEC. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $7,500,000 for the fiscal year 1971 and for each of the two succeeding fiscal years.

(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed $13,500,000 for the fiscal year 1971 and for each of the two succeeding fiscal years.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $3,500,000 for the fiscal year 1971 and for each of the two succeeding fiscal years.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972. Any amounts authorized for the fiscal years 1971 and 1972 but not appropriated may be appropriated for the fiscal year 1973.

Passed the House of Representatives October 5, 1970.

Attest: W. PAT JENNINGS,
Clerk.

Mr. YARBOROUGH. Mr. President, the lead-based paint poisoning bill which is before the Senate for consideration will prove to be one of the significant health bills passed in this Congress. As a cosponsor of S. 3216, the bill which was introduced by Senator KENNEDY and 19 other Senators—of which I am one—to deal with lead-based paint poisoning, I would like to congratulate the senior

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Senator from Massachusetts for his diligent work in this field.

The actual text of the bill before us is the language of S. 3216, which has been substituted for the language of H.R. 19172 which passed the House. As reported from the Labor and Public Welfare Committee, the bill would provide $24,500,000 for each of 3 fiscal years, beginning in fiscal 1971. This money would be allocated on the basis of $7,500,000 for grants to local communities for detection and treatment of lead-based paint poisoning; $13,500,000 for the elimination of lead-based paint poisoning; and $3,500,000 for a demonstration and research program to determine the nature and extent of the problem and discover the best methods of eliminating lead-based paint.

The authority for the Federal program is concentrated in the Department of Health, Education, and Welfare, with the exception of the demonstration and research program carried out by the Department of Housing and Urban Development. This is significant, as committee testimony pointed out that such a program is more effective on the local level if it is handled by one agency to provide a coordinated attack of the problem of lead-based paint poisoning.

It should also be pointed out that the committee considered thoroughly the problems presented by balancing the priorities of protecting our children without being unduly restrictive on the use of lead-based paint where there was no substitute for its unique qualities of rust prevention. The committee adopted language relating to the use of lead-based paint on "interior surfaces, porches, and exterior surfaces to which children may be commonly exposed."

This bill is of major significance in protecting the 400,000 children who may be poisoned annually, almost 200 of whom die. Between 12,000 and 16,000 are treated and survive.

Half of those children who become victims of lead intoxication during a given year sustain a permanent handicap. Many of the survivors suffer irrevocable brain damage, and consequently are left mentally retarded. In addition to those with impaired intellectual facilities, others will die during young adulthood due to kidney damage resulting from lead poisoning during their childhood.

Lead poisoning is a silent, yet sinister, epidemic afflicting many of America's children between 1 and 6 years of age. The problem has been identified—its cause and cure are no longer a mystery and yet the elimination of lead poisoning has not yet been accomplished.

There is a clear and present need for meaningful remedial and preventive action, and this bill is designed to answer that need. We must recognize that any further delay will result in the physical impairment, mental retardation, and death of children affected by the disease. I beseech each of my colleagues to offer their support for the lead-based paint poisoning bill which is before us today. We have a responsibility to protect the health of America's children by providing the safe, decent, and nontoxic surroundings that they deserve.

Mr. KENNEDY. Mr. President, I am personally gratified that H.R. 19172 is the focus of Senate business for today. The very distinguished chairman of the Committee on Labor and Public Welfare has been particularly effective in working for Senate approval of the Lead-Based Paint Elimination Act, and I am grateful for all that he has done on this piece of legislation.

When I introduced that measure last December, the 19 cosponsors who joined me agreed that lead based paint poisoning is a health hazard that needlessly threatens the lives of too many of our Nation's children.

More than 1,500 children in Boston have been estimated to be lead sick. Across the Nation, there may be as many as 400,000 young children who should be treated for this tragic disease.

Lead poisoning is sometimes called the silent epidemic, because lead is found in the walls of homes that were built over 30 years ago. It poisons the tiny bodies of young children who swallow paint and plaster chips from the walls of deteriorating houses that today make up our big city slums.

The tragedy is that too often even when parents know their children eat paint chips, they do not know it is a dangerous habit. Sadly, thousands of youngsters grow up mentally and physically retarded because of lead poisoning.

Medical officials told those of us on the subcommittee on health in hearings on this bill, that this disease is not only curable but it is also preventable. Lead based paint poisoning occurs because man has polluted his environment. We know that with proper action lead poisoning can be eliminated. It is my hope that with the approval of this measure, our public health systems will begin to organize and finance community programs that will remove the hazards of lead based paint poisoning.

The features of H.R. 19172 will provide significant advances in the continuing struggle to guarantee adequate health protection for the youth of America. This bill is designed to develop programs that will seek out victims of lead poisoning, and treat them. It will also remove from exposure the dilapidated conditions that caused the disease in the first place.

I am hopeful that with favorable Senate action on this measure today, the health departments of our major cities will soon be able to launch effective attacks on this menace to our Nation's children.

Mr. JAVITS. Mr. President, I urge my colleagues to support the Lead-Based Paint Elimination Act of 1970, H.R. 19172, and thus establish a national commitment to seek to eliminate a manmade preventable disease—lead based paint poisoning—which causes illness, brain damage and death among children.

I do not believe we presently have sufficient legislative authority to combat childhood lead poisoning and the additional measures contemplated by this bill are urgently needed if we are to prevent and eradicate this insidious disease.

About 200 children die from lead poisoning each year and approximately 16,000 children annually are treated and survive, but sadly, half of these are left mentally retarded. It is estimated that as many as 400,000 children may be poisoned each year, but due to inadequate detection and diagnosis, the true count of lead intoxication is not known. Any incidence of lead sickness is alarmingly high, because there is no reason for lead poisoning to threaten children's lives.

In New York City the health department now estimates that a "silent epidemic" of lead contamination may affect as many as 25,000 slum children. In Rochester, N.Y., there are reports that about 7 percent of that city's preschool children are poisoned by lead.

Modern medical technology guarantees that properly diagnosed cases can be successfully treated and cured and significantly reduced. What is lacking though, is awareness of the problem. Both in the general public and in the medical community, education about this problem must be stressed. The tragedies of lead poisoning and the hesitancy to diagnose it, are too often due to the failure to be alert to its presence.

I am convinced that increased efforts to eliminate the hazards of lead based paint poisoning can yield effective results in the assault on childhood lead poisoning.

Thus, it is important that we pass this bill today, allow the conferees to work out the differences between the Senate and House bills, and speed the bill to the President.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1432), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 19172 is to eliminate lead-based paint poisoning, by encouraging cities and communities to develop local programs eliminating the causes of such poisoning.

The bill would achieve its purpose by giving grants to local governments for the detection and treatment of lead-based paint poisoning and similar grants to eliminate lead-based paint where it poses a health hazard. These programs would be administered by the Secretary of Health, Education, and Welfare.

A demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States would be administered by the Department of Housing and Urban Development. The program would also include a determination of the methods by which lead-based paint can most effectively be removed.

BACKGROUND

The problem of childhood lead poisoning caused by the ingestion of lead-based paints has reached epidemic proportions in most of our large cities. The high incidence of lead poisoning is of particular concern to young children living in the "lead-belts" of our city slums. It has also been reported in children from economically and socially advantaged homes. The accessibility to flaking or peeling lead-based paint and to broken plaster, along with the lack of knowledge among parents that ingestion of such substances is dangerous and even lethal, is responsible for lead poisoning. The situation is aggravated by a high incidence of pica which is an appetite for nonfood items such as dirt, paper, paint, and plaster in young children.

Generally, buildings constructed prior to World War II, more than 30 years ago, are the prime source of lead-based poisoning today. As these buildings deteriorate, peeling paint and falling plaster become easily accessible to young children. The occupants of such housing are largely low-income families, many with large numbers of children. Although lead has generally been replaced by titanium in interior paints, children who eat the chips of paint and plaster from pre-World War II housing are affected by those earlier applicatons of lead-based coatings.

Estimates of the number of children across the Nation who may be lead sick run as high as 400,000 per year. About 200 children die from lead each year, with 2-year-olds accounting for more than 50 percent of those deaths. While annually 12,000 to 16,000 children are actually treated for lead poisoning and survive, half of these children are left mentally retarded. This kind of brain damage cannot be reversed by treatment.

Medical experts have stated that even with early diagnosis by the physician and routine laboratory tests it is exceedingly difficult, if not impossible, to arrest the damage that can be caused by lead poisoning. The only means available to the medical community today is the prompt elimination of this manmade environmental hazard.

A paradoxical feature of this insidious disease is the lack of attention it receives. Many parents are unaware of the dangers associated with the consequences of lead ingestion or of the sources of lead poisoning. In too many instances, physicians and other medical authorities fail to diagnose cases of lead poisoning, because children who are leadsick show signs that could be caused by a number of maladies. But because this is a relatively little publicized hazard that affects mainly poor children, it does not receive the kind of attention it deserves.

While the lifetime caretaking costs for a victim of lead poisoning may be as much as $250,000, the cost to remove lead painted surfaces from exposure to young children and to treat those children who are not yet suffering from acute lead poisoning is economically much cheaper and socially more beneficial. Estimates range from between $250 and $300 to completely remove lead paint from an average rowhouse to an estimate of $600 to $1,200 to replace window and door units and baseboards in such a house.

Lead poisoning is a kind of pollution, a man-made disease. It is part of modern society. It is a needless cause of mental retardation and death in young children. Health authorities believe communities need programs that encourage and support jobs for training, education and distribution of information in lead-based paint elimination efforts.

Committee witnesses testified that to prevent and eliminate this insidious disease there must be a vigorous campaign to resurface walls, cover ceilings and enforce housing and building codes to outlaw lead-based paints in new houses and in rehabilitated ones. Every high risk home must be deleaded.

There is also a critical need for programs that will permit local communities to take advantage of new treatment and detection techniques, to motivate parents, teachers, health aides, and others to become more aware of the problem; and to use available materials to remove lead painted surfaces from exposure.

In addition, there is a critical need for adequate medical and therapeutic care for those victims of lead poisoning who up to now have received no attention because no one is aware they are sick.

In Baltimore, Cleveland and Boston, up to 10 percent of preschool slum children may be lead sick. Neighborhood screening programs can seek out these children. In 1968, a Boston search turned up 98 victims from more than 800 children screened. Investigators searching for lead victims know that when they look they will find them. Every child who may be lead sick can be identified. With the aid of current medical assistance, proper treatment and therapy must be available to help those victims. In cases that are not too severe, lead intoxication can be completely cured with no aftereffects.

COMMITTEE CONSIDERATION

S. 3216 was introduced on December 5, 1969, by Senator Kennedy for himself, Mr. Anderson, Mr. Brooke, Mr. Case, Mr. Dodd, Mr. Eagleton, Mr. Goodell, Mr. Gravel, Mr. Hart, Mr. Inouye, Mr. Javits, Mr. McCarthy, Mr. Mansfield, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pell, Mr. Tydings, Mr. Yarborough, and Mr. Young of Ohio. The bill was then referred to the Labor and Public Welfare Committee. H.R. 19172. a similar bill, was introduced by Mr. Barrett in the House on September 14, 1970, and passed the House on October 5, 1970. The committee is favorably reporting H.R. 19172 in the nature of a substitute, which consists of the amended language of S. 3216.

The Subcommittee on Health held a hearing on November 23, 1970, on lead-based paint poisoning. The subcommittee heard testimony from representatives of the U.S. Public Health Service of the Department of Health, Education, and Welfare; a representative of the American Public Health Association and the American Pediatrics Association; representatives of the National Paint, Varnish, and Lacquer Association; and officials of the Department of Public Health for the city of Boston, Mass.

While the testimony before the committee unanimously agreed that lead-based paint poisoning was a problem that should be dealt with, the representatives of the paint industry expressed their concern about prohibiting the use of lead-based paint where its unique rust-inhibiting qualities were needed.

While supporting the basic structure and intent of this bill, Mr. John M. Montgomery, general counsel, National Paint, Varnish and Lacquer Association stated:

"Some lead-bearing coatings still are used today—in structural steel primers, where they have unique value as rust-inhibiting agents, and in other exterior coatings for special uses. It is our hope that these proper uses of certain products of our industry will not be denied to the construction industry and to the public by overly restrictive language.

* * * * *

"The CHAIRMAN. I understand that the association you represent does not object to the basic structure of the Kennedy bill, to remove this substandard slum housing that was painted over 30 years ago with the lead-based paints, and now has developed to be exceedingly hazardous.

"Mr. MONTGOMERY. We do not, sir. We support these legislative proposals, and we feel that Federal legislation in this case would demonstrate a leadership on the part of the Government to assist the local communities and even the big cities, who are having the same financial problems; they simply can't cope with the problem themselves.

"And we see this type of legislation as being a big help to these communities, and to public health officials about the country, to assist in developing and implementing programs, both for detecting the presence of the lead on the walls, and for developing systems for eliminating this hazard, either by covering by plasterboard or some other system."

Typical of the concern of the paint industry is that expressed by Dr. John A. Zapp, director, Haskell Laboratory on Toxicology and Industrial Medicine on behalf of the Du Pont Co. in which he stated:

"As a supplier of paints in industrial, commercial, and consumer paint field, we fully support congressional intent * * * to prevent any health hazard to small children by eliminating lead-based paints from the child's environment. We suggest, however, that the established usefulness of lead-based paints to the Federal Government in such areas as structural steel, and in other areas where such paints are made inaccessible to small children by construction treatment should not be overlooked."

Dr. Zapp further suggested qualifying language on prohibiting the use of lead-based paint, as follows:

Provided, however, That such prohibition shall not apply to the use of lead-based paint on surfaces, the construction of which insures no possibility of access to children.

Although H.R. 19172 which passed the House prohibits the use of lead-based paints on "any building or structure," the committee feels that where lead-based paint may have unique qualities it should be able to be used so long as the lives of children are not in danger. For that reason, after conferences and consultation with Mr. Montgomery, as representative of the paint industry, the committee adopted substitute language relating to the use of lead-based paint on "interior surfaces, porches, and exterior surfaces to which children may be commonly exposed."

The committee, in its desire to prevent the health hazards to children from lead-based paint, is mindful of the statement by Dr. Jessee L. Steinfeld. Surgeon General of the Public Health Service, in his policy statement on the medical aspects of childhood lead-poisoning, when he stated:

"Today lead-based paint is still used to some extent for the exteriors of dwellings and this potential source of exposure to lead should not be overlooked."

The committee feels that the language in the reported bill (amended in the nature of a substitute) is consistent with the desire of the paint industry to utilize the unique qualities of lead-based paint in instances where it is inaccessible to children, yet maintain the intent of the committee that the health and lives of children are not subordinate to those unique qualities.

Because of the lack of comprehensive information on the extent of lead-based paint poisoning and because there is no universal agreement on the preferable way by which lead-based paint can most effectively be removed from existing buildings, the committee bill includes a provision for a demonstration and research program under the authority of the Secretary of Housing and Urban Development.

To prevent the occurrence of lead-based poisoning in the future, the committee adopted a provision authorizing the Secretary of Health, Education, and Welfare to take such steps and impose such conditions as may be necessary or appropriate in residential housing constructed or rehabilitated with Federal assistance.

Other than the provision for a demonstration and research program, which is under the authority of the Secretary of Housing and Urban Development in consultation with the Secretary of Health, Education, and Welfare, the bill places the authority for administering the Federal programs with the Secretary of Health, Education, and Welfare. During hearings, the committee had testimony favoring the administration of this program through one agency, rather than splitting the jurisdiction. Dr. Jonathan Fine, deputy commissioner, Boston Department of Health and Hospitals, stated:

"Speaking for our municipality, we think that dealing with only one Federal department would hopefully give rise to fewer

XUM

headaches. We have had much experience with Federal funds for a particular activity or program coming from more than one source, and unfortunately, often find different sets of guidelines, resulting in a great deal of confusion within the city, lack of coordination in implementation, and much delay that comes about, so we would prefer to see, if at all possible, funding through one Federal department."

AUTHORIZATION EXTENSION FOR PROGRAMS UNDER THE VOCATIONAL REHABILITATION ACT

The Senate proceeded to consider the bill (H.R. 19401) to extend for one additional year the authorization for programs under the Vocational Rehabilitation Act.

Mr. YARBOROUGH. Mr. President, the bill before us, H.R. 19401, is a simple 1-year extension of the Vocational Rehabilitation Act. The 1-year extension makes no substantive change in the programs and it makes no changes in the levels of authorization. The authorized levels are the same for fiscal year 1972 as they are for 1971.

The purpose of the bill is to provide timely authorization for these programs in order that the States can also provide timely appropriations for their portion of matching funds.

The past success of vocational rehabilitation has been because States have been able to make use of advanced State allotments of the Federal programs. These allotments are computed on the basis of the figures of the authorizations in this bill. On the basis of these figures, States have been able to plan effectively for the orderly growth of their programs, and to appropriate the necessary State matching funds.

Almost all State legislatures meet early next year, in January or February of 1971, and they need the assurance of a continuing Federal effort in vocational rehabilitation. With this 1-year extension, we will be giving them that assurance, plus providing a basis on which they can compute their necessary matching appropriations.

Last year, State vocational rehabilitation agencies served approximately 870,000 disabled individuals and rehabilitated 266,975 persons. This number was the highest achieved in the history of the State-Federal program of vocational rehabilitation, and an 11-percent increase over the previous year's number of rehabilitated individuals.

The rehabilitation services, training, and employment programs are an integral part of this Nation's underlying philosophy of providing opportunity for all its citizens. I urge the acceptance of this 1-year extension of Federal effort as a continuing pledge that the Congress fully supports these programs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1433), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 19401 is to provide timely authorization for programs carried on under the Vocational Rehabilitation Act in order to better facilitate the appropriations process. The act is presently authorized through the current fiscal year which means that the authorization will expire on June 30, 1971.

This bill proposes to extend the authority for programs carried on under the act for 1 additional year, extending the present levels of authorization through fiscal year 1972. The bill is a straight 1-year extension of authorization with no substantive changes in the programs. The levels of authorization for fiscal year 1972, which are identical to those for fiscal year 1971, are as follows:

	Existing law, fiscal year 1971	Proposed by H.R. 19-401 fiscal year 1972
Sec. 1(b)(1), sec. 2, grants to the States	$700,000,000	$700,000,000
Sec. 1(b)(2), sec. 3, grants to the States for innovation	10,000,000	10,000,000
Sec. 1(b)(3), sec. 4, special projects grants	140,000,000	140,000,000
Sec. 12(8), grants for construction and staffing of rehabilitation facilities	30,000,000	30,000,000
Sec. 12(f), grants for rehabilitation facility improvement	30,000,000	30,000,000
Sec. 15(a)(2), grants for vocational evaluation and work adjustment program	100,000,000	100,000,000

BACKGROUND

The State-Federal program of vocational rehabilitation has represented, through the years, a true partnership in serving and rehabilitating handicapped individuals. In fiscal year 1970, State vocational rehabilitation agencies served approximately 870,000 disabled individuals and rehabilitated 266,975 persons.

The number of persons rehabilitated during fiscal year 1970 was the highest achieved in the history of the State-Federal program of vocational rehabilitation, the first time that the one-quarter-of-a-million milestone has been exceeded in a single year. The 266,975 persons rehabilitated represent nearly an 11-percent increase over the number rehabilitated during fiscal year 1969.

Of the total number of handicapped individuals rehabilitated, a substantially increased number were in areas of national concern, among which were 32,345 recipients of public assistance. The States in cooperation with the Federal Government have concluded that high priority shall be given to serving greater numbers of handicapped public assistance recipients.

The States have over the years worked closely with the private nonprofit sector in the establishment of rehabilitation facilities considered essential to provide services to handicapped individuals in the community During fiscal year 1970 over 175,000 clients of State agencies received one or more services from a rehabilitation facility or workshop at an estimated cost of approximately $90 million.

SUMMARY

Much of the successful development of the vocational rehabilitation program has been because of the effective use States have been able to make of advanced information on State allotment figures. These are computed on the basis of the authorizations provided in the act. With the State allotment information, States have been able to plan effectively for the orderly growth of their programs and to estimate and appropriate State funds to match available Federal support.

With this in mind representatives of many States have advised of the importance of establishing as soon as possible the basis authorization for Federal support of State and Federal programs of vocational rehabilitation services for the fiscal year ending June 30, 1972. Almost all State legislatures meet in January and February of 1971 and need the assurance of continuing legislation authorizing Federal resources.

Such an assurance would permit the States to make needed appropriations of State funds to sustain the State-Federal programs of services and development of facilities. This is especially important in light of the efforts being made to return to work the maximum number of disabled public assistance recipients that can be served under the present program.

With a 1-year extension State programs can go forward with a momentum that has been stimulated. Enactment of H.R. 19401, providing for such an extension, will facilitate the orderly and timely administration of vocational rehabilitation programs at the State and local level. At the Federal level, enactment of H.R. 19401 will mean that there will be no delays in the appropriations process because of a failure to have a timely authorization for vocational rehabilitation programs.

The bill was ordered to a third reading, read the third time, and passed.

CARLO BIANCHI & CO., INC.

The bill (S. 4439) for the relief of Carlo Bianchi & Co., Inc., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the Corps of Engineers Board of Contract Appeals to reconsider the claim of Carlo Bianchi and Company, Incorporated, for additional costs incurred because of changed conditions and delays suffered during the construction of a tunnel in connection with performance of contract numbered W-30-180-eng-398 with the Army Corps of Engineers in Steuben County, New York. Application for reconsideration of the claim as provided in this Act shall be made within one year of the effective date of this Act, and in connection with such reconsideration the Corps of Engineers Board of Contract Appeals is authorized and directed to consider all evidence previously considered by the Board in connection with the claim and all evidence presented to the Court of Claims in connection with the proceedings of that Court in the case of Carlo Bianchi and Company, Incorporated, against The United States, Numbered 466-54 (144 Ct. Cl. 500, 157 Ct. 432), together with any additional evidence which may be submitted to the Board in accordance with its rules.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1436), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to confer jurisdiction upon the Corps of Engineers Board of Contract Appeals to reconsider the claim of Carlo Bianchi & Co., Inc., for additional costs incurred because of changed conditions and delays suffered during the construction of a tunnel in connection with the performance of contract No. W-30-180 eng 398 with Army Corps of Engineers in Steuben County, N.Y. The amended bill requires that the application for reconsideration of the claim must be made within 1 year of the effective date of the bill's enactment. In reconsidering the claim the Corps of Engineers Board of Con-

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tract Appeals would be required to consider all evidence previously considered by it in connection with the claim, and would be further required to consider all evidence presented to the Court of Claims in the case *Carlo Bianchi and Company, Inc.* v. *the United States*, No. 466–54, and any additional evidence which may be submitted in accordance within the rules of the Board.

STATEMENT

The facts of the case, as contained in House Report No. 91–1511, on a similar House bill pending on the House calendar, are as follows:

"As has been outlined above, the bill would permit a company to have its claim reconsidered by the Corps of Engineers Board of Contract Appeals on the basis of the facts as fully developed by evidence presented to the Court of Claims as well as the administrative hearings before that Board.

"The facts of this case are summarized in the opinion of the Court of Claims in the case of *Carlo Bianchi and Company, Inc.* v. *the United States*, 144 Ct. Cls. 500, 501–504. The decision stated that the company claimed that in performing a contract with the Corps of Engineers of the War Department, it encountered changed conditions within the scope of article 4 of its contract which caused it to incur extra expense for which the Government should have paid but did not.

"The contract was made in July 1946. Carlo Bianchi & Co., Inc., was to build an earthen dam across Canacadea Creek at Almond, Steuben County, N.Y. One item of the work was the blasting through rock of a tunnel some 710 feet long. The blasted area was to be approximately 17 feet in diameter and the finished bore after the construction of the concrete lining was to be 13 feet in diameter. All of the work under the contract was completed on time, the contract completion date, as extended, being June 30, 1949.

"The Army Engineers had made test borings in the area through which the tunnel was to be built. The invitation for bids, upon which the company had acted in submitting its bid, contained the standard provisions requiring the bidder to investigate the site and learn all that could be learned about the conditions which would be encountered in the performance of the contract. The Court of Claims stated that company made a thorough examination of the nature of the rock, wherever it was exposed in the area, and of the logs of the test borings made by the Army Engineers. The logs of the borings indicated that, except for a distance of about 50 feet at each end of the tunnel, over which the rock covering would be relatively shallow, the rock through which the tunnel would pass would be "unweathered" rock; that is, rock without seams in which clay or mud had accumulated. The importance of the unweathered condition of the rock was that such rock would better remain in place in the roof of the tunnel without vertical support when the tunnel was blasted through.

"The specification contemplated instability of this rock for 50 feet at each end of the tunnel. They provided for the insertion in these locations of strong steel ribs set 4 feet apart, their steel "inner plates" one-eighth of an inch thick on top of them.

"The company's excavation subcontractor, experienced in tunnel work, blasted out the tunnel. A good deal of rock fell from above the required height of the tunnel. The fall from the blasting and the overbreak was "mucked" out by the night crew. No cribbing or other temporary protection against falling rock was used at this stage of the work. The blasting through of the tunnel was begun in December 1946 and finished by March 12, 1947, all in winter weather.

"Because of the considerable excess fall of rock while the tunnel was being blasted through, the plaintiff requested the Government's resident engineer to authorize the installation of steel ribs and liner plates through the entire length of the tunnel, this additional material to be paid for by the Government. The resident engineer replied that unless there were indications that the tunnel would cave in, such authority would not be given.

"The company, in correspondence during the next several months, repeated its request, which the Government repeatedly denied. The plaintiff caused the situation to be examined by several experts. The Court of Claims in its opinion stated that the experts found that, throughout the length of the tunnel, the rock contained seams filled with mud and clay; that these seams were saturated with water and offered little resistance to the fall of the rock when its vertical support had been removed. It was further indicated that since the tunnel had been blasted through in the winter when no moisture could enter the ground from the surface, which was about 100 feet above the tunnel, the rock was relatively stable at that time. When the ground at the surface thawed and the spring rains came, the saturation of the seams in the rock occurred or was increased, as was the instability of the overlying rock. (*Carlo Bianchi and Company Inc.* v. *the United States, supra* 502–503).

"In the disputation in the writings of the parties, the Government took the position that all that was needed was "temporary protection" sufficient to enable the workmen to safely clear out the tunnel and construct the concrete lining. If that was all that was needed, it was no more than the company had contracted to do, at its own expense. Such protection would apparently have been wooden cribbing, sufficiently strong to prevent a relatively small volume of rock from crashing to the floor of the tunnel.

"The company's contention was, and is, that the rock above the tunnel was so unstable that unless 'permanent protection' was installed, of a kind which would have to remain imbedded in the concrete lining of the tunnel, not only would the workmen be endangered but the tunnel could not be completed because of the danger of large falls of rocks which would make it impossible or impracticable to properly construct the concrete lining.

"On May 5, 1947, the contracting officer formally notified the plaintiff that it was his decision that no additional steel tunnel lining would be authorized to be placed at the expense of the Government. The contracting officer decided that there were no changed conditions within the meaning of the clause; that only temporary protection was necessary; and that the contractor was obligated under the terms of the contract to bear the cost of protection of workmen.

"Pursuant to the 'disputes' clause of the contract the contractor appealed from the contracting officer's decision to the Board of Claims and Appeals of the Corps of Engineers. While the appeal was pending, the contractor installed the permanent steel supports which it deemed essential and completed work on the tunnel.

"A hearing was held before the Board, at which a record was made and each side offered evidence including expert testimony and had an opportunity for cross-examination. The Board decided in favor of the Government, resolving certain conflicts in the evidence against the contractor and holding in effect, that there were no unanticipated or unforeseen conditions requiring the installation of permanent steel protection throughout the tunnel. (Eng. C. & A. No. 14, decided Dec. 14, 1948.)

"In December 1954, the company brought an action in the Court of Claims on its claim. As is noted in the decision as reported in volume 144 of the Court of Claims reports at page 506, the court held that after a consideration of all of the evidence the contracting officer's decision "* * * cannot be said to have substantial support." The Army report notes that the court conducted a de novo hearing. In this connection the court asserted that in enacting the Wunderlich Act (May 11, 1954, ch. 199, 68 Stat. 81; 41 U.S.C. secs. 321, 322), the Congress acted in accord with the previous holding of the Court of Claims that the trial before the court should not be limited to the record made before the contracting agency but should be de novo, *Volentine and Littleton* v. *United States*, 136 Ct. Cls. 638. The Supreme Court granted certiorari, 371 U.S. 939, on the question of the kind of judicial proceeding to be afforded in cases governed by the Wunderlich Act. The issue before the court was whether the Court of Claims was limited to the administrative record or was free to take new evidence. The Supreme Court held that in the consideration of matters within the scope of the 'disputes' clause as in the *Bianchi* case, the Court of Claims is confined to review of the administrative record and may not receive new evidence.

"The committee has recommended the relief provided in the committee amendment after a careful consideration of the background of this matter. In this connection the committee has reviewed the testimony presented at a subcommittee hearing on August 6, 1970, as well as the decisions of the Court of Claims in connection with the case of *Carlo Bianchi & Company* v. *the United States*, Court of Claims No. 466–54 as reported at 144 Ct. Cls. 500, 157 Ct. Cls. 432, and 167 Ct. Cls. 364 and the decision of the Supreme Court in the same matter (373 U.S. 709 (1963)).

"The bill as originally introduced provided for the payment of the amount found by the Court of Claims to be due the company (157 Ct. Cls. 432, 434). The Department of the Army opposed relief as originally provided in the bill on the ground that enactment of the bill would result in a preference to the Bianchi firm over other firms similarly situated, and states that it can see no justification for the precedent it concludes would be established. The Department of Justice also indicated its opposition to the bill stating:

"'The bill gives preferential treatment to this particular contractor and discriminates against other contractors who have unsuccessfully sought judicial relief on claims arising out of Government contracts.'

"The committee has carefully considered the objections of the departments and has concluded that the objections are relevant to the bill as originally introduced which would have granted the company direct relief by providing for payment of the amount stated in the bill. However, the committee feels that the equities of this particular case justify a recommendation that the bill be amended to permit a reconsideration of the claim by the Corps of Engineers Board of Contract Appeals. The circumstances and events in connection with proceedings in this particular matter appear to be unique, and to provide a basis for relief in this instance.

"At the hearing on August 6, 1970, it was pointed out that the Supreme Court decision in the *Bianchi* case served to clarify the law concerning the consideration of matters within the scope of the "disputes" clause of contracts such as was involved in this matter. It is now clear that the Court of Claims is confined to a review of the administrative record under the standards of section 321 of title 41 of the United States Code. This decision of course, served to alert all claim-

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ants as well as the Contract Appeals Board to the importance of a full and complete record, and also to the significance of procedures before the Board.

"In the light of these considerations the committee concluded that the Board is the proper forum for the resolution of this matter. While it might be argued that a reconsideration by the Board would be an unusual procedure, it is felt that it has the advantage of placing the matter for decision before the proper forum for such a resolution. In this connection the committee feels that the following quotation from the dissenting opinion, in the *Bianchi* case in the Supreme Court (373 U.S. 709, 719–720) contains a good outline of the equities and considerations which show the basis for relief as provided in the amended bill:

" 'The Board found that respondent at the start should have used temporary protection against fallins and that, had it done so, permanent tunnel protection would not have been required. In February 1948, before the hearing, a letter from the Acting District Engineer to the Chief of Engineers reported a conversation the Corps' Resident Engineer for this project he had had with an expert from the New York's Bureau of Mines. The only inference that could be drawn from that report was that the expert believed that the tunnel was in safe condition shortly after it was bored and that its later unsafe condition was caused by the fact that respondent "had not had the foresight to gunite the exposed tunnel roof with cement as the excavation progressed to seal it against air slacking [sic] * * *" Somehow, in a manner not disclosed by the record, this letter came into the hands of the Appeal Board and was considered by it before a decision was rendered on the appeal.'

"After the decision respondent learned of this expert's alleged statements and called him as a witness at the hearing before the Court of Claims, where he testified on the basis of his inspection that permanent, not temporary, protection against fallins was necessary from the beginning. As respects the guniting of the tunnel, one of the Government's own witnesses testified at the hearing before the Court of Claims that it would have served no useful purpose.

"This issue—whether only temporary protection was needed—was one of the main issues in the case. When the agency making the decision relies on evidence that the claimant had no chance to refute, the hearing becomes infected with a procedure that lacks that fundamental fairness the citizen expects from his Government. Cf. *Willner* v. *Committee on Character and Fitness, ante*, p. 96; *Gonzalez* v. *United States*, 348 U.S. 407; *Morgan* v. *United States*, 304 U.S. 1.

"This irregularity points up what Judge Madden, writing for the Court of Claims, said in *Volentine & Littleton* v. *United States*, 136 Ct. Cl. 638, 641–642, 145 F. Supp. 952, 954:

" '* * * the so-called "administrative record" is in many cases a mythical entity. There is no statutory provision for these administrative decisions or for any procedure in making them. The head of the Department may make the decision on appeal personally or may entrust anyone else to make it for him. Whoever makes it has no power to put witnesses under oath or to compel the attendance of witnesses or the production of documents. There may or may not be a transcript of the oral testimony. The deciding officer may, and even in the departments maintaining the most formal procedures, does, search out and consult other documents which, it occurs to him, would be enlightening, and without regard to the presence or absence of the claimant.'

"The committee understands that after the Bianchi case procedures for administrative hearings have been revised and improved. However, it was asserted that the claimant company did not have the advantage of those procedures. The amended bill would give the company the opportunity for a full hearing. It is recommended that the bill, as amended by the committee, be considered favorably."

In agreement with the views of the House Judiciary Committee, the bill is recommended favorably.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 493) authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional amendments was considered, and agreed to, as follows:

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $7,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 335, Ninety-first Congress, agreed to February 16, 1970, authorizing a complete study of any and all matters pertaining to constitutional amendments.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1438), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Senate Resolution 493, would increase by $7,000, from $173,700 to $180,700, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to constitutional amendments it is currently engaged in pursuant to Senate Resolution 335 of the present Congress.

Senate Resolution 335, as agreed to by the Senate on February 16, 1970, authorized the Committee on the Judiciary, or any duly authorized subcommittee thereof, to expend not to exceed $173,700 from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional amendments.

The additional funds which would be authorized by Senate Resolution 493, are requested by the Committee on the Judiciary to enable it to meet the costs of the salary increase granted by Public Law 91–231, approved April 15, 1970.

NATIONAL AGRICULTURAL LIBRARY

The bill (H.R. 19402) to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–1440), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library. Its enactment would not result in any additional cost to the Government. Attached is the report of the Department of Agriculture recommending enactment of S. 4548, a Senate companion bill, together with statements on the purpose of and need for this legislation furnished to the committee by the Department.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 11, 1970.
Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Department of Agriculture is pleased to reply to your request of December 3, 1970, for a report on S. 4548, a bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

The National Agricultural Library is the world's largest respository of literature and other materials on agriculture and related sciences as it has over 1 million volumes in its collection. The library serves the broad knowledge and informational interests and needs of the Department of Agriculture and is looked to by scientists and scholars as a source of current and historical information. The Library is cooperating with the Nation's land-grant colleges as well as international libraries through a series of reciprocal agreements in order to have current agricultural information.

In its new building at Beltsville, Md., the Library has drawn the attention of potential donors of primary, and secondary source material who are seeking a suitable repository for their gifts. The Library, at present, lacks the statutory authority to accept gifts, and has been advised by the Office of the General Counsel of the Department of Agriculture that such authority is required in order to accept gifts.

The National Agricultural Library is the only national library which lacks the statutory authority to accept gifts. This bill would give the National Agricultural Library this authority.

The Department of Agriculture fully supports this legislation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

PURPOSE OF THE LEGISLATION

The bill has as its objective the advancement of scientific research and information services by giving statutory authority to the Secretary of Agriculture to accept gifts for the National Agricultural Library. This library has over 1 million volumes, and comprises the world's largest collection of printed material on the agricultural sciences. In its new building in Beltsville, Md., the library provides scholars with opportunities for study, and has also attracted the attention of potential donors of valuable collections of primary, as well as secondary, source material. For example, the Library has been offered the world's largest and most complete collection of historical literature and related material on American poultry.

NEED FOR LEGISLATION

The National Agricultural Library does not enjoy statutory authority to accept gifts, as does the Library of Congress, the National Library of Medicine, and some other Federal libraries. The Office of the General Counsel of the USDA has indicated that such statutory authority is needed in view of decisions of the Comptroller General concerning the need for specific statutory authority in order to accept gifts and to assure clear title, free of any possible future litigation, for gifts that the Library might accept. At present, the Library is forced to consider with uncertainty, not only gifts that are being offered, but a program of soliciting gifts that would add immeasurably to the stature of the Library and its services.

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AMENDMENT OF THE HOUSE FOOD STAMP ACT

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 18582.

The PRESIDING OFFICER (Mr. JORDAN of Idaho) laid before the Senate H.R. 18582, an act to amend the Food Stamp Act of 1964, which was read twice by title.

Mr. ELLENDER. Now, Mr. President, I regret to state that when the House considered this bill, it did not substitute the Senate bill on the same subject.

Representative POAGE of Texas made the attempt to do so but someone objected, so that under their rules the objection stood.

What I desire to do is to ask unanimous consent that the Senate proceed to the consideration of the House bill and then substitute the Senate passed text for the House language so that we can go to conference. That will be the purpose of my motion.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 18582.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate will proceed to consider the bill.

Mr. ELLENDER. Now, Mr. President, on September 24, last year, the Senate passed S. 2547, a bill covering the same subject, namely, amendment to the Food Stamp Act of 1964. I move that all after the enacting clause of H.R. 18582 be stricken, and that the language of S. 2547 be inserted in lieu thereof, and I send a copy of S. 2547 to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. McGOVERN. Mr. President, reserving the right to object—and I shall not object—because I agree entirely with what the Senator from Louisiana is asking the Senate to do, to substitute the Senate language for the House passed bill; but I do want to serve notice on the Senate that I will have some things to say a little bit later on this afternoon about the action of the other body with reference to the food stamp legislation.

Mr. JAVITS. Mr. President, reserving the right to object, I should like to join—I shall not delay the Senate—the Senator from South Dakota (Mr. McGOVERN). I am the ranking member of that committee, and I join the Senator in the position he has taken and in respect to the Senator from Louisiana (Mr. ELLENDER) in his perfectly appropriate request on the House bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ELLENDER. Mr. President, I move that the Senate bill S. 2547, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendment, request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. JORDAN of Idaho) appointed Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. McGOVERN, Mr. AIKEN, Mr. MILLER, and Mr. CURTIS conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar and now at the desk, which were reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The nominations on the Executive Calendar will be stated.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

The legislative clerk read the nomination of Peter John Bertoglio, of California, to be a member of the Board of Directors of the National Corporation for Housing Partnerships.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Ray A. Watt, of California, to be a member of the Board of Directors of the National Corporation for Housing Partnerships.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. DISTRICT COURT

The legislative clerk read the nomination of Albert J. Engel of Michigan to be a U.S. district judge for the western district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The legislative clerk proceeded to read sundry nominations in the Board of Directors of the Overseas Private Investment Corporation.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The assistant legislative clerk read the name of Bradford Mills, of New Jersey, to be President of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the name of Herbert Salzman, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk read the nomination of Leonard J. Saccio, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed en bloc.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate resumed the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and material and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Delaware is recognized.

PRIVILEGE OF THE FLOOR

Mr. WILLIAMS of Delaware. Mr. President, during the further consideration of H.R. 17550 I ask unanimous consent that two members of my staff, Miss Eleanor Lenhart and Mr. Robert Davenport be permitted on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment, the next committee amendment, is on page 4, beginning with line 7.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Beginning on page 4, after line 7, strike out the table on pages 4, 5 and 6 and insert tables on pages 7 and 8.

The language sought to be stricken is as follows:

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	$16.20	$64.00		$76	$67.20	$100.80
$16.21	16.84	65.00	$77	78	68.30	102.50
16.85	17.60	66.40	79	80	69.80	104.70
17.61	18.40	67.70	81	81	71.10	106.70
18.41	19.24	68.90	82	83	72.40	108.60
19.25	20.00	70.30	84	85	73.90	110.90
20.01	20.64	71.60	86	87	75.20	112.80
20.65	21.28	72.80	88	89	76.50	114.80
21.29	21.88	74.20	90	90	78.00	117.00
21.89	22.28	75.50	91	92	79.30	119.00
22.29	22.68	76.80	93	94	80.70	121.10
22.69	23.08	78.00	95	96	81.90	122.90
23.09	23.44	79.40	97	97	83.40	125.10
23.45	23.76	80.80	98	99	84.90	127.40
23.77	24.20	82.30	100	101	86.50	129.80
24.21	24.60	83.50	102	102	87.70	131.60
24.61	25.00	84.90	103	104	89.20	133.80
25.01	25.48	86.40	105	106	90.80	136.20
25.49	25.92	87.80	107	107	92.20	138.30
25.93	26.40	89.20	108	109	93.70	140.60
26.41	26.94	90.60	110	113	95.20	142.80
26.95	27.46	91.90	114	118	96.50	144.80
27.47	28.00	93.30	119	122	98.00	147.00
28.01	28.68	94.70	123	127	99.50	149.30
28.69	29.25	96.20	128	132	101.10	151.70
29.26	29.68	97.50	133	136	102.40	153.60
29.69	30.36	98.80	137	141	103.80	155.70
30.37	30.92	100.30	142	146	105.40	158.10
30.93	31.36	101.70	147	150	106.80	160.20
31.37	32.00	103.00	151	155	108.20	162.30
32.01	32.60	104.50	156	160	109.80	164.70
32.61	33.20	105.80	161	164	111.10	166.70
33.21	33.88	107.20	165	169	112.60	168.90
33.89	34.50	108.60	170	174	114.10	171.20
34.51	35.00	110.00	175	178	115.50	173.30
35.01	35.80	111.40	179	183	117.00	175.50
35.81	36.40	112.70	184	188	118.40	177.60
36.41	37.08	114.20	189	193	120.00	180.00
37.09	37.60	115.60	194	197	121.40	182.10
37.61	38.20	116.90	198	202	122.80	184.20
38.21	39.12	118.40	203	207	124.40	186.60
39.13	39.68	119.80	208	211	125.80	188.70
39.69	40.33	121.00	212	216	127.10	190.70
40.34	41.12	122.50	217	221	128.70	193.10
41.13	41.76	123.90	222	225	130.10	195.20
41.77	42.44	125.30	226	230	131.60	197.40
42.45	43.20	126.70	231	235	133.10	199.70
43.21	43.76	128.20	236	239	134.70	202.10
43.77	44.44	129.50	240	244	136.00	204.00
44.45	44.88	130.80	245	249	137.40	206.10
44.89	45.60	132.30	250	253	139.00	208.50
		133.70	254	258	140.40	210.60
		134.90	259	263	141.70	212.60
		136.40	264	267	143.30	215.00
		137.80	268	272	144.70	217.60
		139.20	273	277	146.20	221.60
		140.60	278	281	147.70	224.80
		142.00	282	286	149.10	228.80
		143.50	287	291	150.70	232.80
		144.70	292	295	152.00	236.00
		146.20	296	300	153.60	240.00
		147.60	301	305	155.00	244.00
		148.90	306	309	156.40	247.20
		150.40	310	314	158.00	251.20
		151.70	315	319	159.30	255.20
		153.00	320	323	160.70	258.40
		154.50	324	328	162.30	262.40
		155.90	329	333	163.70	266.40
		157.40	334	337	165.30	269.60
		158.60	338	342	166.60	273.60
		160.00	343	347	168.00	277.60
		161.50	348	351	169.60	280.80
		162.80	352	356	171.00	284.80
		164.30	357	361	172.60	288.80
		165.60	362	365	173.90	292.00
		166.90	366	370	175.30	296.00
		168.40	371	375	176.90	300.00
		169.80	376	379	178.30	303.20
		171.30	380	384	179.90	307.20
		172.50	385	389	181.20	311.20
		173.90	390	393	182.60	314.40
		175.40	394	398	184.20	318.40
		$176.70	$399	$403	$185.60	$322.40
		178.20	404	407	187.20	325.60
		179.40	408	412	188.40	329.60
		180.70	413	417	189.80	333.60
		182.00	418	421	191.10	336.80
		183.40	422	426	192.60	340.80
		184.60	427	431	193.90	344.80
		185.90	432	436	195.20	348.80
		187.30	437	440	196.70	350.40
		188.50	441	445	198.00	352.40
		189.80	446	450	199.30	354.40
		191.20	451	454	200.80	356.00
		192.40	455	459	202.10	358.00
		193.70	460	464	203.40	360.00
		195.00	465	468	204.80	361.60
		196.40	469	473	206.30	363.60
		197.60	474	478	207.50	365.60
		198.90	479	482	208.90	367.20
		200.30	483	487	210.40	369.20
		201.50	488	492	211.60	371.20
		202.80	493	496	213.00	372.80
		204.20	497	501	214.50	374.80
		205.40	502	506	215.70	376.80
		206.70	507	510	217.10	378.40
		208.00	511	515	218.40	380.40
		209.30	516	520	219.80	382.40
		210.60	521	524	221.20	384.00
		211.90	525	529	222.50	386.00
		213.30	530	534	224.00	388.00
		214.50	535	538	225.30	389.60
		215.80	539	543	226.60	391.60
		217.20	544	548	228.10	393.60
		218.40	549	553	229.40	395.60
		219.70	554	556	230.70	396.80
		220.80	557	560	231.90	398.40
		222.00	561	563	233.10	399.60
		223.10	564	567	234.30	401.20
		224.30	568	570	235.60	402.40
		225.40	571	574	236.70	404.00
		226.60	575	577	238.00	405.20
		227.70	578	581	239.10	406.80
		228.90	582	584	240.40	408.00
		230.00	585	588	241.50	409.60
		231.20	589	591	242.80	410.80
		232.30	592	595	244.00	412.40
		233.50	596	598	245.20	413.60
		234.60	599	602	246.40	415.20
		235.80	603	605	247.60	416.40
		236.90	606	609	248.80	418.00
		238.10	610	612	250.10	419.20
		239.20	613	616	251.20	420.80
		240.40	617	620	252.50	422.40
		241.50	621	623	253.60	423.60
		242.70	624	627	254.90	425.20
		243.80	628	630	256.00	426.40
		245.00	631	634	257.30	428.00
		246.10	635	637	258.50	429.20
		247.30	638	641	259.70	430.80
		248.40	642	644	260.90	432.00
		249.60	645	648	262.10	433.60
		250.70	649	650	263.30	434.40
			651	655	264.00	436.40
			656	660	265.00	438.40
			661	665	266.00	440.40
			666	670	267.00	442.40
			671	675	268.00	444.40
			676	680	269.00	446.40
			681	685	270.00	448.40
			686	690	271.00	450.40
			691	695	373.00	452.40
			696	700	273.00	454.40
			701	705	274.00	456.40
			706	710	275.00	458.40
			711	715	276.00	460.40
			716	720	277.00	462.40
			721	725	278.00	464.40
			726	730	279.00	466.40
			731	735	280.00	468.40
			736	740	281.00	470.40
			741	745	282.00	472.40
			746	750	283.00	474.40

The language to be substituted is as follows:

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	$26.94	$90.60 or less		$113	$100.00	$150.00
$26.95	27.46	91.90	$114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.56	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	253	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.10	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	243.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	288.00
		155.90	329	333	171.50	293.10
		157.40	334	337	173.20	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.60	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		175.90	390	393	191.30	345.90
		175.40	394	398	193.00	350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		197.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		187.30	437	440	206.10	385.50
		$188.50	$441	$445	$207.40	$387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20
		201.50	488	492	221.70	408.40
		202.80	493	496	223.10	410.10
		204.20	497	501	224.70	412.30
		205.40	502	506	226.00	414.50
		206.70	507	510	227.40	416.30
		208.00	511	515	228.80	418.50
		209.30	516	520	230.30	420.70
		210.60	521	524	231.70	422.40
		211.90	525	529	233.10	424.60
		213.30	530	534	234.70	426.80
		214.50	535	538	236.00	428.60
		215.80	539	543	237.40	430.80
		217.20	544	548	239.00	433.00
		218.40	549	553	240.30	435.20
		219.70	554	556	241.70	436.50
		220.80	557	560	242.90	438.30
		222.00	561	563	244.20	439.60
		223.10	564	567	245.50	441.40
		224.30	568	570	246.80	442.70
		225.40	571	574	248.00	444.40
		226.60	575	577	249.30	445.80
		227.70	478	581	250.50	447.50
		228.90	582	584	251.80	448.80
		230.00	585	588	253.00	450.60
		231.20	589	591	254.40	451.90
		232.30	592	595	255.60	453.70
		233.50	596	598	256.90	455.00
		234.60	599	602	258.10	456.80
		235.80	603	605	259.40	458.10
		236.90	606	609	260.60	459.80
		238.10	610	612	262.00	461.20
		239.20	613	616	263.20	462.90
		240.40	617	620	264.50	464.70
		241.50	621	623	265.70	466.00
		242.70	624	627	267.00	467.80
		243.80	628	630	268.20	469.40
		245.00	631	634	269.50	471.70
		246.10	635	637	270.80	473.90
		247.30	638	641	272.10	476.20
		248.40	642	644	273.30	478.30
		249.60	645	648	274.60	480.60
		250.70	649	650	275.80	482.70
			651	655	276.80	484.40
			656	660	277.80	486.20
			661	665	278.80	487.90
			666	670	279.80	489.70
			671	675	280.80	491.40
			676	680	281.80	493.20
			681	685	282.80	494.90
			686	690	283.80	496.70
			691	695	284.80	498.40
			696	700	285.80	500.20
			701	705	286.80	501.90
			706	710	287.80	503.70
			711	715	288.80	505.40
			716	720	289.80	507.20
			721	725	290.80	508.90
			726	730	291.80	510.70
			731	735	292.80	512.40
			736	740	293.80	514.20
			741	745	294.80	515.90
			746	750	295.80	517.70

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment deals with the proposed changes in the increase for social security benefits. Under the bill as passed by the House these benefits were increased by 5 percent, which would have cost in 1971 $1.7 billion.

The Finance Committee by a majority vote increased these benefits. Instead of leaving the benefits at 5 percent, they increased them to 10 percent. They raised the minimum social security payment of $100.

The two amendments appear combined in this amendment, and when merged the result of the action of the Finance Committee is a cost of $5 billion over existing law, or $3.3 billion more than that which was provided in the House bill.

That will be the question before the Senate when this particular amendment is voted upon. As indicated yesterday, I tried to get a unanimous consent agreement in order to move along on a consideration of the various features of

the bill, some of which I support and some of which I do not. However, I did feel that the Senate had a right to work its will and that after reasonable debate we should be able to proceed to a vote. That effort is a matter of record and history now.

We were unable to get such a consent agreement. I do not criticize those who felt they could not consent. I am sure they had good and valid reasons.

I am going to make another effort here to get some semblance of reasonable order in consideration of this massive piece of legislation. The bill itself covers 546 pages.

The Finance Committee has worked on this bill for many months.

I have never seen that committee, in the period of my 20 years in which I have been a Member, devote more time to a study and analysis of a bill than it has to the various sections of this bill and all of its ramifications.

The bill is now before the Senate. It has been pointed out that we have a situation here dealing with some very highly controversial measures. We have the question in the bill involving the catastophic insurance. We have the question of the trade act, which is title 3 of the bill. This is something about which Members of the Senate on both sides of the question have very strong feelings. Others have very strong feelings about the family assistance plan.

We are in this situation parliamentarywise. Any of the amendments—the trade amendment, the family assistance amendment, or any other amendment—could be offered to one of the committee amendments.

The problem is, however, that if they are offered to any committee amendment, that would be an amendment in the second degree. Therefore, it would not be subject to any modification or verification even though in the discussion it may be pointed out to the membership and even the sponsors of the amendment that there should be changes in the amendment.

In the discussion last night with both the chairman of the committee and the Senator from Oklahoma, who had some amendments that he wished to offer to the Bennett-Ribicoff amendment, it was pointed out that he would be precluded from offering them under such a parliamentary situation.

I, too, would have some amendments to offer. I would also be precluded. I think it would be most unfortunate for the Senate to get itself into such a parliamentary situation.

Mr. President, in order to show the Senate what kind of a parliamentary snarl we can get into, and almost got into at this time, I know of at least two proposals that Senators were considering offering as amendments to the first committee amendment on pages 1, 2, 3, and 4. The Committee amendments have no substance. They merely change the section number.

It has been suggested that at the end of that amendment the Trade Act could be offered and would be in order, or the family assistance plan could be offered and would be in order. Neither would be subject to an amendment. They would be voted on on the merits.

Some might say that is simple enough to get a vote. However, after the yeas and nays have been ordered on an amendment to an amendment all any one Senator would have to do would be to stand up and ask for a division. We would then have had exactly 68 votes before we could vote on the amendment. Those committee amendments after the division would require a vote on each line, because they are separable. Each one is to strike out a different line.

True, it does not mean anything, but it would have required a rollcall vote and would have put the Senate in a more silly posture than it is now, if that is possible.

For that reason, last night I made a unanimous-consent request that approved this amendment and prevented the Senate from getting into that ridiculous situation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. Mr. President, if I correctly understand the situation, if a Senator wanted to amend the first committee amendment, which would simply strike the table of contents in the bill, he could have insisted on a motion to separate. That would have required the Senate to have a separate vote to strike on every single item in the table of contents. That alone would have required 68 rollcall votes, if it had been insisted on.

Mr. WILLIAMS of Delaware. The Senator is correct. And after that they would be subject to a quorum call between each one and a motion to table on that. We would have two rollcall votes. So there would be 136 rollcall votes and 136 quorum calls.

I point that out to show how we could get into such a ridiculous picture.

Mr. LONG. Mr. President, if a Senator wanted to offer an amendment to the simple committee amendment to strike the table of contents, any Senator who did not want that amendment to come to a vote could insist on 136 rollcall votes and 136 quorum calls before we ever got to a vote on the amendment.

Mr. WILLIAMS of Delaware. He could. But it is even simpler than that because whoever offered that amendment to the amendment, whether it be on the trade section or family assistance, would want a rollcall vote and that would be applicable to the entire package; and all they would have to do would be to request a division, and we would have 68 rollcall votes. I hope that will not happen and that we can proceed in an orderly manner. If such an amendment, whether it be for family assistance or an amendment dealing with any other subject, is offered to any committee amendment that is in the second degree it is not subject to any amendment or any variation. This is not good legislative practice.

Last night the chairman mentioned, and it had been mentioned in committee, the possibility of getting unanimous consent to have amendments considered en bloc. In that case any Senator who got recognition could offer his amendment and have it voted on up or down; his amendment then would be subject to amendment in the second degree—the family assistance plan or whatever it might be, would be, in effect, to the original text because that is the way we would be considering it. That would give an opportunity to the Senator from Oklahoma or anyone else who wanted to offer amendments to amendments; they could offer them to the committee bill as we have done many times before.

There are proposals in this measure that I do not like and that I hope will not be agreed to. I shall discuss those in due course. It is in recognition of this fact that I have worked over night and talked with several members, and I think we have somewhat of a concensus of opinion. I have not talked to everyone, but I believe we have somewhat of a concensus of opinion that it would be better for all concerned to have the unanimous consent granted that the committee amendments be considered and agreed to en bloc and as agreed to be considered as original text for the purpose of amendment.

I have asked the Parliamentarian to write out this request so it would be in the usual form. In that manner anyone who has the floor could have his amendment offered.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield without losing my right to the floor.

Mr. RIBICOFF. The Senator from Utah (Mr. BENNETT) and I are very anxious to have a definitive vote on the family assistance plan. We recognize the parliamentary situation that if these amendments are not adopted en bloc and made original text that the amendment we would offer would not be subject to amendment. The family assistance plan is so complex and has so many facets that I do not have a feeling of self-righteousness that we should deprive other Senators from offering their own concepts and ideas. I know the Senator from Oklahoma has many thoughts of his own. The Senator from Idaho has many thoughts of his own, and other Senators have thoughts on how this amendment should be reported.

Consequently, in all fairness to the Senate and to this measure, we would hope that the proposal of the Senator from Delaware would be agreed to without objection. If this were the case, then the amendment I would offer—and I would hope to receive recognition from the Chair at the earliest possible moment—would be an amendment in the first degree, giving each Senator an opportunity to offer his amendment and in this way we could have a complete discussion of a most complex subject.

I believe this is the fairest way to handle the proposal and to that end we could go forward to a vote on the family assistance program before we adjourn sine die on January 3.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment but I do want to point out that I am not doing this necessarily to expedite that particular proposal. As

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the Senator knows I would just as soon see that proposal defeated. However, I am perfectly willing to take my chances on why I think that proposal would not be good. I am perfectly willing to do that and let the Senate vote.

But in the meantime, if it is going to be adopted it would be better to have it improved if we find improvements can be made. It is better to be in a posture where we can make a change in it, and under the other situation we would be almost locked in.

Mr. RIBICOFF. The Senator is correct.

Mr. WILLIAMS of Delaware. I appreciate what the Senator has just said. As I said, every Member of the Senate would be on equal footing so he could get recognition and offer whatever amendment he wanted to offer.

Mr. President, I yield to the Senator from Oklahoma, and I would like to ask to yield to anyone else who wants to comment on this without my losing my right to the floor.

I yield to the Senator from Oklahoma.

Mr. HARRIS. I thank the distinguished Senator. The Senator, has, indeed, talked with a number of Senators, including me, and he has indicated his intention to make this request today to adopt the committee amendments en bloc and make them original text. I think that is the orderly way to proceed.

I hope we can pass the social security related matters in the bill and that we can pass welfare reform—real welfare reform—this year, and get the amendment of the Senator from Connecticut and the Senator from Utah in amendable form. What the Senator is asking for is a way to do that in an orderly manner; and then, those of us who want to amend various sections of the bill, and strike the trade provision, as I do, would have that opportunity to do so.

I join in the request of the Senator from Delaware and I hope it can be agreed to as the orderly way to proceed.

Mr. WILLIAMS of Delaware. I thank the Senator. Some Senators, and to be frank, I, personally, was reluctant to enter into this, as the chairman knows during discussions in committee, because there are a few sections on which I wanted direct rollcall votes.

There is this difference which we all recognize. It takes one more vote to strike something from a bill than to put it in. Then, if it is going to rise or fall on one vote I do not know that it is important. The main thing is to get it to a vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from New York on the same conditions.

Mr. JAVITS. I would like to advise the Senator that I shall object to his request and if he will allow me, I would like to state the reasons. Will the Senator yield for that purpose?

Mr. WILLIAMS of Delaware. Yes, I yield without losing my right to the floor.

Mr. JAVITS. I understand.

In the first place, let me state that I was not informed of this unanimous-consent proposal, and that I heard of it because one hears about everything in this Chamber. I hope very much that in the course of the debate on this bill, when there will be lots of things asked for by me and other Senators, that we should really, in all fairness, start the practice of advising Members who other Members know are deeply interested in whatever is going to be proposed.

We were told yesterday by the majority leader there need to be no worry on that score. This is hardly an auspicious beginning.

Second, I did not concoct the plan to include social security, medicare, medicaid, a massive and historic trade bill, and family assistance all in one bill. Nor did I develop the idea of not filing a clean bill, which the committee could have done, but filing a bill which is full of amendments so that you block the Senator from Oklahoma (Mr. HARRIS), me, and any other Member who may have an amendment because as the Senator from Connecticut (Mr. RIBICOFF) mentioned it is all done in the third degree.

So the doctrine of original sin does not make me feel guilty at all. This is the way the Senate Finance Committee wanted it. If the view of the Senate is going to be expressed in a fair way it is going to be fair to both sides. The Senate Finance Committee wanted it this way, this is the way the Committee on Finance reported the bill to the floor. The members of the committee must now be prepared to live with their decision. You asked for every one of these amendments to be voted on. You did; I did not. Therefore, if I require you to adhere to your original intention what is wrong with that? The Members of this Chamber know full well I want the family assistance plan considered as well as social security. But I will not be and I do not think anybody else should be "over weaned"—to use a kind word, because the trade bill is very bad legislation and we are being denied the opportunity to acquaint the country with this fact and being denied the opportunity to consider trade legislation in the way that it should be considered.

With all respect to the Senator, who is trying to make the best of a bad situation, I am compelled to object.

Mr. WILLIAMS of Delaware. If I may reply, I reply to the Senator from New York, my colleague and friend, with mixed emotions. What he is saying he wants done is exactly what I would like to accomplish, but I do not want to take the responsibility for underwriting a filibuster to defeat the bill. When the trade bill was offered on this bill I voted against it. I thought it was wrong to take a bill which came from the House and add it to the social security bill. I voted that way and will be voting that way on the Senate floor. There is no question about that.

On the other hand, I also voted against attaching the family assistance plan, which was rejected by our committee on three occasions, one time being rejected by a vote of 14 to 1, another time by a vote of 10 to 6, and I forget the rollcall vote the third time, but the majority of the committee refused to approve that bill.

The Senator from New York, much as I respect him, is trying to add the family assistance plan to this bill, which plan was defeated by our committee, but he is not willing to abide by the majority will of the committee which put the other one in. I am willing to abide by the will of the majority of the committee and the Senate in both cases.

I personally know no easier way to defeat the bill—in fact, there is no easier way—than to have a vote on every separate amendment. There are 280-odd amendments in this measure. The Senator can sit down and count them himself.

If the Senator from New York insists I know it will be carried out, because I respect him highly. If that is his wish then I will carry out his instructions, and when we get through we will have had 280 rollcall votes which will be reconsidered, and the number of rollcall votes will double to 560. I hope, if the Senator from New York wants to filibuster the bill he will do it differently than by rollcall votes.

I am only pleading with him to go along. I will support a motion to strike this trade section, and I do not see why he would object. I have been here only 24 years, and I do not claim to know as much about the parliamentary situation as the Senator from New York, but I just might hazard a guess that he might defeat his purpose by insisting on objecting to this request.

I would hate to see us get into such a snarl, and I plead with him to reconsider his position.

Before I yield to the Senator from Louisiana (Mr. LONG) let me add that certainly the leadership of the Senate is not necessarily on my side in these matters. The Presiding Officer will be the one to recognize Senators. I shall not control that. I do not have as much control over who is recognized as he will have. I am going to make my brief remarks here today, and I am trying to restore some semblance of order.

I call attention to the fact that yesterday we almost got into the situation where we would have had to have 135 rollcall votes before we got to the measure, just because of what could have happened. I do not want to see the Senate get in a posture which, as I said earlier, would make us appear more silly than that posture in which we are now appearing with five filibusters running at the same time. I would say we are going to have to get hats for the filibusters. We are going to have to get five different hats with different colors, and we are going to have to number the filibusters because we are getting to a situation where we do not know which side we are on and whether we are for them or not. I have never seen such a state of confusion as exists in the Senate today. I know that if this procedure is insisted upon we will be in an even greater state of confusion.

I have said repeatedly I am not going to filibuster this bill. I think there is logic enough in the argument I can present that it will persuade the Senate to defeat the family assistance plan, or what is better referred to as the guaranteed annual income. I am an optimist. I think I can defeat it. I will take my chances, and if I do not I shall congratulate the

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Senator from Connecticut. But I am perfectly willing to abide by the decision of the Senate. I would consider it an indication of weakness on my part if I were afraid to face the Senate on a vote. I am not. I welcome the opportunity.

My position was sustained in the Finance Committee. The plan was defeated by a 14-to-1 ratio, and each time the Finance Committee overwhelmingly recognized the argument against starting on such an unsound plan as this. The committee sustained my position. I think the Senate will do likewise. If I am wrong I shall congratulate Senators and perhaps go home and, who knows, we may all live on welfare.

I say let us vote. If Senators are not afraid of their positions let us vote. I am not afraid to vote on it. I will vote against it, but I will be there. But I say let us vote, whatever the results.

I yield to the chairman of the committee.

Mr. LONG. Mr. President, just to make clear that what the committee has done is the usual way of doing business, may I remind the Senator and the Senate that last year we had a revenue bill in which we had so many amendments that the Senator from Louisiana, the chairman of the committee, asked that the whole bill be drafted as a substitute package for the House-passed bill. We did it that way last year. Some did not agree with that procedure. That is not the usual way of doing business, I must admit.

In that case Senators then proceeded to offer amendments first to the House bill. We had two tiers of amendments, amendments in the first and second degree being offered to the House bill, and then amendments in the first and second degree being offered to the committee bill, with the result that we had two tiers of amendments, each with a second tier on top of them, all of them being subject to be called up and debated. That proved to be a much more cumbersome way of proceeding than the way that is being proposed.

With regard to revenue bills, the Committee on Finance cannot report out a clean bill because the Constitution does not permit the Senate to originate revenue bills. They must originate in the House. The Senate is limited to the power to amend. What the Senate Finance Committee can do, within the power to which the Senate is limited, is to amend such bills, be it in the nature of a committee substitute or be it through amendments. The bill is subject to amendment, and the amendment is subject to amendment in both tiers, depending on the order in which Senators want to call their amendments up.

So the fact is that on a big revenue bill, one as controversial as this one is, with so many matters to be considered the possibilities of amendments are limitless, and even though we in the committee limit ourselves, we cannot limit Senators. They have a right to offer amendments.

Mr. WILLIAMS of Delaware. That is right. I would like to point this out further, which is a parliamentary fact of life from which we cannot escape. We can proceed any way we wish—the family assistance plan can be offered at the end of some committee amendment at this time or whenever a Senator gets recognized, but there is no possible parliamentary situation that can be obtained in the Senate whereby this bill can pass without Senators standing up and voting on the trade section. There is no way it can be done except by unanimous consent to strike out that section; and we know that consent will not be obtained so there is no possible way to do it.

So if all certain Senators want is a vote on the family assistance plan with the clear understanding and knowledge that it is not going to become law, then they are doing so with tongue in cheek, voting for something they never intend to become law. I say let them stand up and acknowledge their hypocrisy publicly, because that would be the most hypocritical action that could be taken.

I repeat, there is no possible way—and I will yield to any Senator who can challenge that statement—even if the family assistance plan is added to the bill, to get a vote on final passage of the bill without first standing up and voting on the trade and other sections. It cannot be done.

There is no way it can be done. So Senators would not be yielding any rights that they have by this agreement. In my opinion, to proceed otherwise would be to acknowledge that all we want is a vote on the family assistance plan with the full knowledge and consent that it is going down the drain; and I will be a party to no such hypocrisy.

Mr. LONG. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG. The Senator recognizes, does he not, that simply to agree to the committee amendments en bloc does not mean that the Senate is for the committee amendments? It just means that we will regard them as original text so as to expedite the completion of action on this bill.

Mr. WILLIAMS of Delaware. Certainly not, because some of the amendments, as the Senator knows, I would be voting against; and I shall be offering amendments to strike out some of these sections, because, as the Senator knows, I do not support some of them, and I have not changed my opinion. When an amendment to strike out the trade section is in order I expect to support it.

But that is not the issue here. We have a right to vote, whether we expect to win or lose, and I can certainly see us getting into a parliamentary snarl here. That is the reason why, as I said before, I arranged to be recognized first here today because I hope I can persuade the Senate of the logic of what I shall suggest.

Whoever the Chair recognizes in the days ahead under this procedure can move to table any amendment that is offered. A Senator can make a motion to lay it on the table immediately after it is offered, and the Chair can recognize the next man.

I shall be frank with the Senator that I do not see where he is gaining much by objecting to this request. I should like to have votes on four or five of committee amendments; and in fact, as I have stated, I shall insist on it. I shall be happy to designate those amendments which I should like to vote on and have a time limitation on the particular amendments; but I can get recorded before this bill is passed by offering an amendment to strike. That is easy, and the only thing I have lost is one vote; and I am optimistic that we have enough votes anyway.

I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, it is ironical to have a supposed enemy of this program, who desires to defeat family assistance, trying to work out a program to give us an opportunity to vote, and the distinguished Senator from New York, who is an outstanding friend and supporter of the family assistance program, putting the Senate in the position where the family assistance program will be defeated.

The Senator from Delaware, from the start, has been consistently against the family assistance program. The Senator from New York has indicated that he desires to be a cosponsor of the family assistance program. The irony of the entire situation is that it is a Republican President who has sent this proposal to Congress, and it is a Democrat on this side who is doing everything he can to see that the family assistance program is passed. The Senator from Delaware had been adamant from the start about having a series of votes and using the parliamentary procedure to prevent a vote on the family assistance plan.

After conversation and discussion among many of us who were interested, we tried to work out a method of procedure to give every Member of this body an opportunity to try to perfect this proposal. I know that the Senator from New York would like to see adopted many of the proposals that the Senator from Oklahoma would like to submit. That is my understanding, and if I mistake the Senator from New York I would like to be corrected. I was aware at all times that the Senator from Oklahoma had a series of amendments on which the Senator from New York saw eye to eye with him. I thought, out of fairness to every Member of this body, we had to get ourselves into a parliamentary situation to give the Senator from Oklahoma and every Member of this body an opportunity to have a vote on this amendment, up or down.

Now we are in a situation, of course, where we have come back to where we started. I shall still try to get recognition, if unanimous consent is not agreed to, to offer the Ribicoff-Bennett proposal. If it is done that way, then we can only debate the Ribicoff-Bennett proposal; it is not subject to amendment by any other Member of this body.

I have a telegram that was sent to me, signed by six former Secretaries of Health, Education, and Welfare, Republican and Democratic: Oveta Culp Hobby, Marion B. Folsom, Arthur S. Flemming, John W. Gardner, Wilbur J. Cohen, and Robert H. Finch, telling me that they approve the Ribicoff-Bennett proposal, and they believe it to be a major step toward the urgently needed reform of the current welfare system.

I cannot agree with the Senator from Delaware when he says that this is all a charade. I recognize how slim the chance will be to finally adopt the family assistance program, or any other part of this bill. The clock is indeed running out on us. But here is a program that the President of the United States has had before Congress and the country for a year and a half. It has been a controversial program. Hearings have been held in the House of Representatives and in this body, and much time has been spent.

I believe it becomes very important for the country to find out how the Senate actually feels. I would hope that this bill could be passed in sufficient time for a conference, but if it cannot be passed sufficiently in advance to permit a conference and for final approval by January 3, at least we will have indicated sufficiently to the Nation that Congress with the President of the United States, makes a commitment toward eliminating poverty which would enable us, early in the next session, in January or February, without further hearings, to take up the Social Security and Family Assistance programs.

I would sincerely hope that the distinguished Senator from New York, who does not have to yield to any man in his concern for those in poverty, those people on welfare, and the most unfortunate part of our population, would consider what is happening as a result of his objection. I would hope the Senator would reconsider his objection to permitting these amendments to be adopted en bloc, and then letting the Senate proceed in an orderly way to discuss, to debate, and to amend the family assistance program, and proceed to a final vote.

Mr. WILLIAMS of Delaware. Mr. President, I certainly hope the Senator and I can obtain that agreement. I do not see how it can possibly ever get to a vote unless there is some kind of agreement here in the Senate. As I pointed out before, surely we can get to a vote on the family assistance plan. Senators can offer amendments to anything which may come before the Senate. But we cannot get away from the fact that we cannot vote on title IV until after the vote on title III if we follow the regular procedure, or vote on title V until we have disposed of the other four.

I am just trying to get some order and get it where at least we may be able to achieve the results of a vote.

I would like not to be tied up here all of Christmas week, but I am afraid if we do not follow such a procedure that is what is going to happen. I shall yield in a moment to the Senator from Iowa. He is one Senator I have been talking with who has made the point that he did not want any agreement entered into that would preclude him from the right to offer amendments to the Bennett-Ribicoff amendment; and other Senators, if they have amendments to be offered, have a right to be heard and have them considered. I hope we can obtain this agreement.

But I yield now to the Senator from Iowa, without relinquishing my right to the floor.

Mr. MILLER. Mr. President, I thank my friend from Delaware. I commend the Senator from Delaware for what he is trying to do. However, in view of the comments from the Senator from New York, I would suggest—and I hope the Senator from New York will comment on it—that instead of going whole hog, so to speak, and asking the Senate to consider all of the committee amendments en bloc, we proceed by asking unanimous consent to consider the committee amendments en bloc by title, so that the concern of the Senator from New York about the trade title can be made manifest in due course.

In the meantime, we can make some progress by taking up the other preceding titles, giving us a chance to debate the family assistance plan and welfare reform, and if the Senator from New York will agree to that, then I think we can start moving.

Of course, if he will not agree to it, we are right back where we started from. I suggest that this may be a midground on which we could all agree.

Mr. WILLIAMS of Delaware. The difficulty with that is we cannot ask unanimous consent to consider title 4 until we hit title 3, and the Trade Act is in the middle; that cannot be changed. It is there. I can see why the Senator from New York or those who oppose the Trade Act would not want to agree to titles 1 and 2 en bloc, because if we did the Trade Act would immediately be before the Senate. I am not trying to fool anyone on this.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield, without losing my right to the floor.

Mr. JAVITS. Mr. President, I have heard with the greatest of interest the views of my colleagues, and I am not obdurate or difficult at all.

As to the gentle irony of the Senator from Connecticut, I respect and admire him greatly, and I yield to no one in my affection for him. But it is not unusual to put the screws on a Member who has the temerity to stand up against other Members who want to do something they want to do. The Senator from Connecticut may not have the same feeling I do about the trade title, which I think could be disastrous to our country. I believe that I cost the aged nothing—indeed, I get them something; because, instead of being tied up in a whole package which is bound to have a disastrous effect, they ultimately will be extracted from it and will have their social security; and I hope very much that we will have that and the family assistance plan for the poor of the country considered, as they should be, alone and on their merits, without being used as a Judas goat for the trade bill.

I understand the feeling of every Senator, and he has an absolute right to say what he does and to make it as tough for me as possible. But every Senator has to obey his conscience as to what he considers to be the highest interests of the people in his State and of the Nation, and I think I have done so in this.

As to the statement made by my friend, the Senator from Delaware, as to the state of confusion, this is war. War is always confused. Yet, somehow or other, great captains have emerged. Somehow or other, when the confusion is over, something decisive has happened. I have deep confidence that something decisive is going to happen here, but there will be a little confusion to start with.

So, with all respect, I am not at all dismayed by these pleas and entreaties. I know that the Senators know they do not have to make them to me. It does not make any difference, anyway. But I should like to explain my own position, because I think that is owed to the Senate and is important.

In the first place, I do not stand alone, and I knew nothing about this until this minute, except by rumor. Therefore, the very least—and it is always the most profitable way one could do it—would be to tell a Member such as myself: "We are going to ask for this. We think it is good for you. Call a meeting of your supporters and find out whether or not they agree with you, and come to the floor with a position which is reflective of the view of your side."

This was not done. I am caught flat-footed, as it were. I have to object or not object, or the cow is out of the barn.

Second, this is a lameduck Congress. A new Congress has been elected, which will come into office on January 3. Yet, the attempt is being made to decide massive questions of national policy within a few days, and that is all we have in a lame duck Congress, the meeting of which itself is highly questionable—certainly on such profound issues as those we face now.

It is one thing to complete our business. We have appropriation bills or other bills on which we have been working a long time, which were voted by the House and the Senate and on which the judgment has been made, and we are trying to reconcile differences, and so forth. But these are brand new things, enormous things, of greatest consequence to the future history of our country and, in the case of the trade bill, perhaps the world. Yet, we are now under great pressure. Otherwise, we would be unkind to the poor, who have to live in this world, too, unless we go right along now and vote these things out under limitation of debate of hours or by arrangements such as the Senator suggests, without even an opportunity to consult one's colleagues who are similarly minded.

I would most respectfully suggest that, instead of putting Senators such as myself on the spot, which is not fair, but I will object—I am telling the Senate now that I will object.

I think it is very unwise and unfair, and I think that Senators such as myself should have an opportunity to get together with their fellows and come in tomorrow and say whether we agree or disagree and why, in some kind of coordinated way, instead of being faced with this on the floor; and then there are entreaties and the fact that I, too, am devoted to the FAP, and so forth, on the theory that one has to yield his judgment and his conscience and say, "Yes."

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I am terrible sorry, but my people did not send me here to have that kind of brain or that kind of will.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I should like to reply to the Senator from New York.

I am going to make a copy of his speech and use it later when we get into debate on the family assistance plan because he has expressed my sentiments exactly about how unsound it is to bring up proposals which have been rejected by the committee and which are not germane to the bill before the Senate. I thank him, because it is a much better speech than I shall be able to prepare, and I am going to deliver it, with his consent of course, and I will credit him later.

He has made a strong argument against approving the family assistance plan.

As to the question that confusion will result and that the cow will be out of the barn, I will say that if this objection persists I am afraid it will not be a matter of the cow out of the barn but the bulls in the china shop before we get out of here today, because I can see a mess created.

I would repeat this point. We cannot get final passage on the family assistance plan, the social security increases, or any other proposal in this bill until the Senate first calls the roll on the Trade Act. It cannot be done. There is no possible way under Senate Rules unless there is unanimous consent to strike the Trade Act out and there is unanimous consent that no one will offer any amendments dealing with the Trade Act. We know that that is not possible.

If we are going to be on notice that this is going to be filibustered regardless of whatever we do this late in the session I would most respectfully suggest to the leadership to pull this bill down unless we can get an agreement that there is going to be some orderly process here. I would dislike sitting here for the next 12 or 14 days—I will not mind it so much because I have quite a little time ahead of me in which to rest and enjoy it while the rest of the Senators are back here working. I do not see the idea of sitting here the next 12 or 14 days, spinning our wheels at Christmastime, giving the impression to 13 or 14 million elderly people, "We're going to give you a 10-percent increase in your social security benefits; we're going to raise your minimum to a hundred dollars; we're going to give you a cost of living escalation; we're going to give you the family assistance plan," when 100 Senators know that is not going to develop. Let us not kid them. This is Christmas. It is cruel to these people who have no knowledge as to what we are doing; it is cruel to mislead them. I think it is a hoax.

I hope that the Senate in the closing days of this session will have more Christmas spirit in its bones than to promise this to a lot of people who need it and to whom Senators know they will not be able to deliver it.

I say let us lay it aside if we are not going to vote on it. I am willing to vote on it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. I think it is about time for the Senator to stop, because my heart is beginning to bleed.

All I want to say is that the leadership will not pull this bill down. We will stay with it until a decision, if possible, is reached one way or the other.

In the meantime, because of the time we are wasting and the filibustering going on, and the filibustering within the filibusters, the minutes fly by, the hours are passing, and the days are rapidly fading into the distance of the new year. We have approximately 10 days left in which to attend to this matter and other matters. We have at least six filibusters, perhaps seven now, of various sorts going on. We are looking foolish.

I find no fault in serving in a lameduck Congress, may I say, because every Member is elected to serve as a representative of the people until noon on the 3d of January next year. I do not denigrate any Member who is serving out his last months—in this instance, his last days—because he is carrying out his responsibilities; he is performing his duties as he is supposed to.

I am wholeheartedly in accord with the proposal made by the distinguished Senator from Delaware that the committee amendments be considered and approved en block. In that way, we can make some progress and stand a small chance of disposing of the proposed legislation. Without that, there is no chance.

Mr. WILLIAMS of Delaware. Mr. President, I do not know that it would serve any purpose, but I should like to try. I am going to suggest the absence of a quorum, if I may, without losing my right to the floor, in order that we may discuss this subject a little further with some Senators, in the hope that we may reach an agreement. But if we cannot, I will call off the quorum and will resume my remarks.

I ask unanimous consent that I may be permitted to suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

The message also announced that the House had disagreed to the amendments of the Senate to the amendments of the House to the bill (S. 1181) to provide for potato and tomato promotion programs; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. FOLEY, Mr. VIGORITO, Mr. SISK, Mr. BELCHER, Mr. TEAGUE of California, and Mr. WAMPLER were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3619) to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6114) for the relief of Elmer M. Grade.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improve-

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ments in the operating effectiveness of such programs, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, without too much hope of getting it agreed to, I send to the desk a unanimous-consent request.

The PRESIDING OFFICER. The proposed unanimous-consent request will be stated.

The assistant legislative clerk read as follows:

> I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and as agreed to be considered as original text for the purpose of amendment.

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The unanimous-consent request is not agreed to.

The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I regret very much that we are placed in this position because I think it would have been the most orderly procedure to have offered the amendments as they came before the Senate. I was perfectly willing, as I said before, to debate the family assistance plan when it was before us. Other Senators could have gotten recognition as far as I am concerned immediately after I release the floor, which would have been in very short order, and whoever is recognized could have been recognized. I told the Presiding Officer that the Senator from Connecticut wanted to be recognized next, and he could have presented his family assistance plan and it would have been before the Senate in an orderly manner. In that way it could have been debated, amended, or whatever the Senate saw fit to do. I respect the right of Senators to proceed as they see fit. I would take the same position if I felt as they do. But we are confronted with this situation.

It is obvious we are not going to get this bill enacted until we face the question of what we do or do not do with the trade agreement section. There is no possible parliamentary situation that could develop in the Senate where the Senate could vote on final passage of the bill without first having accepted or stricken from the bill the trade agreement section, which is title III. There is no possible way that could be done so we will have to face this issue first.

The reason I would have liked to have this agreement is that I think it is most unfortunate if the roll were called on the question of raising social security benefits by 10 percent and raising the minimum to $100, together with all the other benefits, and have that news go over the country so that the people would believe they are going to get those increases just a few days before Christmas, when every single Member knows it will not become law under those circumstances unless we can settle the trade issue in the Senate.

Therefore, since this situation has developed, we should face the issue. As I said before, I voted against placing the trade section in this bill. I would hate to see the Senate take that step. I know a majority of the committee, and a substantial majority of the committee, voted to put this section in the bill as title 3. I respect the decision of the majority of the committee. The majority of the committee by a vote of 14 to 1 rejected the family assistance plan on one occasion, by a vote of 10 to 6 on another occasion, and I forgot the vote on a third occasion but it was by a substantial margin. So we have that situation.

I am willing to face all of this but I am a great believer that if we are going to have a lot of filibuster let us have it and get it over and either settle the issue or not.

Therefore, even though I am opposed to and object to the trade section, I am going to submit an amendment to the bill that provides that at the end of the committee amendment we insert an amendment which is the Trade Agreement Act. We will settle that issue right now and then proceed with the rest of the bill in an orderly fashion, I hope.

Therefore, Mr. President, I send to the desk an amendment to be inserted at the end of the pending committee amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. It is just the title of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of page 8 insert a new title as follows:

TITLE II—QUOTAS ON CERTAIN TEXTILE AND FOOTWEAR ARTICLES

CHAPTER 1—TEXTILE AND FOOTWEAR ARTICLES

SEC. 201. ANNUAL QUOTAS.

(a) The total quantity of each category of textile articles (as defined in section 206(1)), and the total quantity of each category of footwear articles (as defined in section 206(2)), produced in any foreign country which may be entered during 1971 shall not exceed the average annual quantity of such category produced in such country and entered during 1967, 1968, and 1969.

(b)(1) The total quantity of each category of textile articles, and the total quantity of each category of footwear articles, produced in any foreign country which may be entered during any calendar year after 1971 shall not exceed the sum of—

(A) the total quantity determined for such category for such country under subsection (a) or this subsection for the immediately preceding calendar year, plus

(B) the increase (if any) applicable under paragraph (2).

(2)(A) The President may increase the total quantity of each category of textile articles, and the total quantity of each category of footwear articles, produced in any foreign country which may be entered during any calendar year after 1971 by such percentage (not to exceed 5 percent of the total quantity determined for such category for such country under subsection (a) or this subsection for the immediately preceding calendar year) as he determines to be consistent with the purposes of this section.

(B) Any increase under this paragraph for any category for any calendar year shall be the same percentage for all foreign countries.

(C) A determination shall be made under this paragraph for each category for each foreign country for each calendar year after 1971 without regard to the nonapplication (or partial nonapplication) of this subsection to such category for such country for such year by reason of subsection (d) of this section, section 202 or 203, or the Arrangement or the Agreement referred to in section 204(b).

(3) If the application of this subsection to any article produced in a foreign country begins or resumes after a period of nonapplication which terminates on or after January 1, 1972, and if the President determines—

(A) that the average annual quantity of the article produced in such country, which was entered during 1967, 1968, and 1969 was insignificant, and

(B) that the application of this paragraph to the category which includes such article for such country is consistent with the purposes of this section,

then for the calendar year in which such termination occurs and for calendar years thereafter this subsection shall be applied by determining the total quantity for the category which includes such article for such country for the calendar year of termination as being equal to the average annual quantity of such category, produced in such country, which was entered during the 3 calendar years immediately preceding such calendar year of termination.

(c)(1) Any annual quantitative limitation under subsection (a) or (b) shall be applied on a calendar quarter or other intra-annual basis if the President determines that such application is necessary or appropriate to carry out the purposes of this section.

(2) If the application of subsection (a) or (b) to any category for any foreign country begins or resumes after the first day of any calendar year, the amount of the quantitative limitation for such category for such country for the remainder of such calendar year shall be the annual amount determined under subsection (a) or (b), adjusted pro rata according to the number of full months remaining in the calendar year after the date of such beginning or such resumption.

(d)(1) The President may exempt from subsections (a) and (b) for an initial period of not to exceed 1 year any textile article or footwear article produced in any foreign country if he determines that imports of such article produced in such country are not contributing to, causing, or threatening to cause market disruption in the United States. The President may extend any exemption under the preceding sentence for one or more additional periods of not in excess of 1 year each if he makes the determination described in the preceding sentence before each such extension. Any exemption made under this subsection may be terminated by the President at any time upon his finding that the article covered by such exemption is contributing to, causing, or threatening to cause market disruption in the United States.

(2) The President may exempt from subsections (a) and (b) any textile article or footwear article produced in any foreign country whenever he determines that such an exemption is in the national interest. The President may terminate any exemption made by him under the preceding sentence whenever he determines that such termination is in the national interest.

(3) No exemption, extension of an exemption, or termination of an exemption under paragraph (1) or paragraph (2) shall take effect before the 30th day after the day on which notice of such exemption, extension, or termination is published in the Federal Register.

(c) The Secretary of Commerce shall compute the quantities provided for in subsections (a) and (b).

SEC. 202. ARRANGEMENTS OR AGREEMENTS REGULATING IMPORTS.

(a) The President is authorized to conclude bilateral or multilateral arrangements or agreements with the governments of foreign countries regulating, by category, the quantities of textile articles or footwear articles, or both, produced in such foreign countries which may be exported to the United States or entered and to issue regulations necessary to carry out the terms of such arrangements or agreements. In concluding any arrangement or agreement under this subsection, the President shall take into account conditions in the United States market, the need to avoid disruption of that market, and such other factors as he deems appropriate in the national interest.

(b) Whenever a multilateral arrangement or agreement concluded under subsection (a) is in effect among the countries, including the United States, which account for a significant part of world trade in the article concerned and such arrangement or agreement contemplates the establishment of limitations on the trade in the article produced in countries not parties to such arrangement or agreement, the President may by regulation prescribe the total quantity of the article produced in each country not a party to such arrangement or agreement which may be entered; but the total quantity for any category for any country for any calendar year may not be less than the total quantity which would be permitted to be entered if section 201 (a) and (b) applied to such category for such country for such year.

(c) Section 201 shall not apply to articles produced in foreign countries which are subject to an arrangement or agreement entered into under subsection (a) or to regulations issued under subsection (b).

SEC. 203. INCREASED IMPORTS WHERE SUPPLY IS INADEQUATE TO MEET DOMESTIC DEMAND AT REASONABLE PRICES

In carrying out sections 201 and 202, the President may authorize increased exports to the United States or increased entries in the United States of textile articles or footwear articles of any category whenever he determines that the supply of textile articles similar to those subject to limitation under such sections will be inadequate to meet domestic demand at reasonable prices.

SEC. 204. EXCLUSIONS

(a) The import restrictions provided for in this title do not apply to any article exempted from duty under part 2 of schedule 8 of the Tariff Schedules of the United States or to any article the entry of which is regulated pursuant to paragraph (4), (5), (6), or (7) of section 498(a) of the Tariff Act of 1930 (19 U.S.C. 1498(a). To the extent provided in regulations prescribed by the Secretary of Commerce, the import restrictions provided for in this title shall not apply to other articles imported in noncommercial quantities for noncommercial purposes.

(b) This title shall not apply to (1) articles subject to the Long-Term Arrangement Regarding International Trade in Cotton Textiles, so long as the United States is a party thereto, or (2) the articles produced in the Philippines provided for in item B (cordage) in the schedule to paragraph 1 of article II of the 1955 Agreement With the Philippines Concerning Trade and Related Matters, so long as such Agreement remains in effect.

(c) Nothing in this title shall affect the authority provided for under section 22 of the Agricultural Adjustment Act of 1933, as amended.

SEC. 205. ADMINISTRATION

(a) The rulemaking provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply with respect to sections 201(b)(2), 201(b)(3), 201(d)(1), 202(b), 203, 204(a), and 206.

(b) All quantitative limitations established under this title or pursuant to any arrangement or agreement entered into under this title, all exemptions established under this title and all extensions or terminations thereof, and all regulations promulgated to carry out this title shall be published in the Federal Register. The Secretary of Commerce shall certify to the Secretary of the Treasury for each period the total quantity of each textile article and footwear article produced in each foreign country the entry of which is affected by such a quantitative limitation on importation; and the Secretary of the Treasury shall take such action as may be necessary to ensure that the total quantity so entered during such period shall not exceed the total quantity so certified.

(c) There shall be promulgated as a part of the appendix to the Tariff Schedules of the United States, Annotated, all quantitative limitations and exemptions established under this title or pursuant to any arrangement or agreement entered into under this title and all quantitative limitations established pursuant to the Arrangement referred to in section 204(b).

SEC. 206. DEFINITIONS.

For purposes of this title—

(1) The term "textile article" includes any article if wholly or in part of cotton, wool or other animal hair, human hair, man-made fiber, or any combination or blend thereof, or cordage of hard (leaf) fibers, classified under schedule 3 of the Tariff Schedules of the United States; any article classified under subpart B or C of part 1 of schedule 7 of such schedules if wholly or in substantial part of cotton, wool, or man-made fiber; any other article specified by the Secretary of Commerce which he has been advised by the Secretary of the Treasury would be classified under any of the foregoing provisions of the schedules but for the inclusion of some substance, material, or other component, or because of its processing, which causes the article to be classified elsewhere; and any of the foregoing articles if entered under item 870.00 of such schedules, or under the appendix to such schedules; but such term does not include articles classified under any of items 300.10 through 300.50, 306.00 through 307.40, 309.60 through 309.75, and 390.10 through 390.60, inclusive, of such schedules.

(2) The term "footwear article" includes footwear provided for in any of items 700.05 through 700.45, inclusive, item 700.55, items 700.66 through 700.80, inclusive, and item 700.85 of the Tariff Schedules of the United States.

(3) The term "category" means a grouping of textile articles, or a grouping of footwear articles, as the case may be, as determined by the Secretary of Commerce, for the purposes of this title, using the five-digit and seven-digit item numbers applied to such articles in the Tariff Schedules of the United States, Annotated, as published by the United States Tariff Commission.

(4) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(5) The term "produced" means manufactured or produced.

(6) The term "foreign country" includes a foreign instrumentality.

CHAPTER 2—EFFECTIVE PERIOD

SEC. 211. TERMINATION OF TITLE, EXTENSION UNDER CERTAIN CONDITIONS

(a) Unless extended under subsection (b), this title shall terminate on July 1, 1976.

(b) The effective period of this title may be extended in whole or in part by the President after July 1, 1976, for such periods (not to exceed 5 years at any one time) as he may designate if he determines, after seeking advice of the Tariff Commission and of the Secretary of Commerce and of the Secretary of Labor, that such extension is in the national interest.

(c) The President shall promptly report to Congress with respect to any action taken by him under subsection (b).

(d) Nothing in this section shall affect the validity of any arrangement or agreement entered into under section 202(a) before the termination of this title or of any regulations issued under section 202 in connection with any such arrangement or agreement.

TITLE III—TRADE AGREEMENTS

SEC. 301. BASIC AUTHORITY FOR TRADE AGREEMENTS

(a) Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)) is amended by striking out "July 1, 1967" and inserting in lieu thereof "July 1, 1975".

(b) Section 201(b)(1) of such Act is amended to read as follows:

"(1) decreasing any rate of duty—

"(A) in order to carry out a trade agreement entered into before July 1, 1967, to a rate below 50 percent of the rate existing on July 1, 1962; or

"(B) in order to carry out a trade agreement entered into after June 30, 1967, and before July 1, 1975, to a rate below the lower of—

"(i) the rate 20 percent below the rate existing on July 1, 1967; or

"(ii) the rate 2 percent ad valorem (or ad valorem equivalent) below the rate existing on July 1, 1967; or".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) No proclamation pursuant to subsection (a) shall be made in order to carry out a trade agreement entered into after June 30, 1967, and before July 1, 1975, except to proclaim (1) increased or additional import restrictions and (2) such modifications as may be necessary to fulfill concessions granted as compensation for import restrictions imposed by the United States."

(d) Sections 202, 211 (a) and (e), 212, 213(a), and 221 of such Act are each amended by striking out "201(b)(1)" and inserting in lieu thereof "201(b)(1)(A)".

(e) Section 256 of such Act (19 U.S.C. 1886) is amended by adding at the end thereof the following new paragraph:

"(8) The term 'existing on July 1, 1967', as applied to a rate of duty, refers to the lowest nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) existing on such date or (if lower) the lowest nonpreferential rate to which the United States was committed on July 1, 1967, and with respect to which a proclamation was in effect on July 1, 1970."

SEC. 302. STAGING REQUIREMENTS

(a) Section 253(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1883) is amended by striking out "trade agreement under this title" and inserting in lieu thereof "trade agreement entered into before July 1, 1967, under this title".

(b) Section 253(c) of such Act is amended by striking out "trade agreement entered into before July 1, 1967, under this title."

(c) Section 253 of such Act is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (e) the following new subsection:

"(d) Except as otherwise provided in section 254, the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under this title after June 30, 1967, and before July 1, 1975, shall not exceed the aggregate reduction which would have been in effect on such day if—

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"(1) one-half of the aggregate reduction under such agreement for such article had taken effect on the date of the first proclamation pursuant to section 201(a) to carry out such trade agreement, and

"(2) the remaining one-half of such aggregate reduction had taken effect 1 year after the date referred to in paragraph (1).

In applying the preceding sentence to any article, if, on the date referred to in paragraph (1) of the preceding sentence, there remained reductions pursuant to a prior trade agreement which had not yet taken effect, such remaining reductions shall be deemed to be included within the aggregate reduction under the trade agreement entered into after June 30, 1967, and before July 1, 1975."

(d) Subsection (e) of such section 253 (as redesignated by subsection (c) of this section) is amended—

(1) by striking out "a reduction takes effect" and inserting in lieu thereof "a reduction under any trade agreement entered into under this title takes effect"; and

(2) by striking out "subsection (c)" in paragraph (2) thereof and inserting in lieu thereof "subsection (c) or (d)(2)".

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. WILLIAMS of Delaware. I yield, with the understanding that I do not lose my right to the floor.

Mr. JAVITS. Yes, with the understanding that the Senator does not lose his right to the floor.

The **PRESIDING OFFICER.** The Senator from New York is recognized.

Mr. JAVITS. Mr. President, as I heard the amendment read, it did not make any change in the original committee amendment—that the wording is the same as title III of the bill. Therefore, I ask the Chair whether such an amendment is in order. I realize something may be added to it. The Chair has it there for examination. I did not hear that it made any change in the original committee amendment.

The **PRESIDING OFFICER.** There is no rule that prevents its being offered. Later, if it appeared to be redundant, a motion could be offered to withdraw it or to strike. The committee amendments are not a part of the bill until they are agreed to on the floor.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. JAVITS. My inquiry is directed to whether a point of order would lie against this amendment because it does not actually amend any part of the committee amendment. The Chair has the amendment before him.

The **PRESIDING OFFICER.** The Chair is of the opinion that a point of order would not lie at this time.

Mr. JAVITS. Could the Senator from New York have the Chair's reason, according to the Parliamentarian?

Mr. WILLIAMS of Delaware. Mr. President, may I comment? It would not lie for the same reason that a point of order would not lie against the family assistance plan. I checked into both of them. I think it would have been better if we had done otherwise, but the Parliamentarian very clearly stated that the amendments are in order. The family assistance plan would be in order as the Senator from Connecticut was going to offer it.

Mr. President, this amendment is being offered on behalf of the Senator from Georgia (Mr. TALMADGE) and the Senator from Arizona (Mr. FANNIN). I am in this position. I disagree, as I told the Senators, with the trade section in this bill, but I do think that if we are going to have to face it before anything is done, I want it faced head on and I do not want to disillusion a lot of these people. I am reserving the right to vote against this amendment.

I would be willing to withdraw this amendment—and the Senator knows I have bent over backward to get an agreement. This is not a threat; I am not offering it in that way—if we could have unanimous consent to let this go over until tomorrow, when Senators could have time to think this over, and maybe we could get together. I would withdraw this amendment and would be the first to renew my request if we could have that unanimous-consent agreement. I hope it can be done. I think this would be the better way to proceed.

I am caught in the situation. I have no choice, because the minute I release the floor I know the family assistance plan will be offered, which is another unrelated bill, not subject to a point of order again, as the Senator points out.

If we are going to face this decision later let us just face it now.

If we can get unanimous consent to lay this bill aside until tomorrow at the 3 o'clock session with the understanding that I resume my right to the floor so there will be the same parliamentary situation I shall withdraw that amendment and express the hope that with Senators who agree to this trade section we would reach an agreement on the amendments.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. I did not ask my question with a view to challenging the Senator. I wanted to get the parliamentary situation for other amendments which I or other Senators may offer.

I might say, as I said earlier, Providence may be leading us by the hand. The trade amendment is the sticking point in the bill, and the Senator has properly tabbed it, and let us have it out. Let the administration face it and let us face it. Let us try to find our way out of this maze. It may be the best thing to do.

I ask nothing from the Senator at all. He has offered an amendment.

Mr. GRIFFIN. Mr. President, will the Senator from Delaware yield without losing the floor?

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. The Senator from Delaware has offered an amendment to the pending committee amendment. I ask this as a parliamentary inquiry. For the information of the Senate, is the Senator from Michigan correct that no further amendment may be offered to the trade amendment which the Senator now has before the Senate?

The **PRESIDING OFFICER.** The Chair is of the opinion that this is an amendment in the second degree and is therefore not open to further amendment.

Mr. GRIFFIN. So if we proceed to a vote on this amendment, we will have to vote it up or down?

The **PRESIDING OFFICER.** That is correct.

Mr. WILLIAMS of Delaware. I agree with that ruling. That is as I understand it. It is most unfortunate, but that is the situation.

I am only offering this trade amendment to point up the situation we would be in with the family assistance plan. The same thing would be true.

I hope the Senate will not get into this posture on either of these bills. I want them voted up or down.

If the Senator made a motion to strike out this trade section and it were in order I would expect to support it. Any Senator can offer such a motion. It may be amended in a form that both the Senator and I would be supporting. Perhaps we would not.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. I am aware of what the distinguished Senator has in mind, and I would be hopeful, under the complexities of the situation, that he would proceed as he is doing. I do not think the leadership on either side is making any suggestion that we go over until 3 o'clock tomorrow.

Mr. MANSFIELD. No. I think we ought to stay on the pending measure. I am sorry that in my absence—not because of my absence—but in my absence the request of the distinguished Senator from Delaware, which would have brought about the acceptance of all committee amendments and would have in effect presented us with a clean bill, was not agreed to. I think that what he suggested was proper and was the appropriate and efficient way to proceed. This way we are getting the cart before the horse.

Frankly, I do not know what position we are getting into, but we ought to get accustomed to being confused. I think we ought to take advantage of whatever hours are left and do what we can to act on the President's program.

Mr. SCOTT. My purpose is to get those measures in the President's program which can be enacted, if at all possible, written into law. I do not see anything to be gained by going over until 3 o'clock on this or any other amendment.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield for an observation, with the understanding that he does not lose the floor and that his speech will not be counted as a second speech?

Mr. WILLIAMS of Delaware. I yield with that understanding.

Mr. CURTIS. I would like to point out that there are many things in this voluminous bill. There are many improvements in many of our social programs. There are improvements in the medicaid program. There are improvements in the medicare program.

If we labor for days and perfect this bill, and then in the end see it all come to naught because of extended debate on the trade portion of the bill, then the whole Senate has wasted its time. It has labored for nothing. It was held out to the country that certain acts would be taken and certain things would be corrected and certain problems would be solved, but then we would come to the end of the line and there would be no legislation because of the filibuster on the trade bill.

So since that is the only one feature where it appears there might be a filibuster, I think the thing to do is to face up to it now rather than labor here for days, improving or rejecting or approving family assistance and all the other provisions in the bill only to have the entire bill come to naught.

Suppose we got a social security, medicare, and welfare bill that met with the approval of the majority of the Senate, after long hours and days of work; then, face a filibuster over trade, it is better that we face that threat right now. I thank the distinguished Senator for yielding. I believe that it is the interests of the time of all the Senators that we face this issue of the trade portion of this bill. I did not support all of the trade portion. I am inclined to support that which is within or near the purview of that recommended by the administration.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. WILLIAMS of Delaware. Yes.

The PRESIDING OFFICER. The Senator yields without losing his right to the floor.

Mr. JAVITS. Mr. President, I should like to point out to those who have made comments that the President of the United States, in a letter to the Senator from Pennsylvania (Mr. SCOTT) dated December 10, 1970, stated that he says he is strongly against this measure.

The President wrote:

> The well-being of the United States requires this trade legislation. I must urge, therefore, that the Senate examine these matters with great care, in an endeavor to put this legislation into acceptable form. I would hope that such legislation could be passed at this session of Congress.

So the President himself, Mr. President, has invited very careful consideration of the matter. He has flagged its critical importance, and, as I said a minute ago, it may very well be that Providence is leading us by the hand in respect to what the exigencies have compelled the Senator from Delaware to do.

I should like to make, in conclusion, just one further parliamentary inquiry, Mr. President, if I may have the attention of the Presiding Officer and the Parliamentarian.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. If this amendment, Mr. President, is rejected either by tabling or by rejection on a vote, does that displace in any way title III of this bill, the so-called trade title?

The PRESIDING OFFICER. It does not.

Mr. JAVITS. So title III would still remain to be voted up or down, no matter what we did about this amendment?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I thank my colleague. Now may I say to the Senator from Delaware that though I think, as I say, that Providence may have led us all by the hand in the right direction, I shall nevertheless take the occasion, when, as, and if we adjourn tonight, to gather my colleagues together and, still without any assurance that it may or may not be done, give the Senate our best judgment as to how we think the Senate and its work may be facilitated and our consciences and our principles sustained in respect to this matter. I thank the Senator very much for his kindness in yielding.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS of Delaware. I yield to the Senator from Nebraska for a parliamentary inquiry.

Mr. CURTIS. Under unanimous consent that he not lose the floor or any of his rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Suppose the amendment now offered by the distinguished Senator from Delaware is agreed to by the Senate, and thereafter, when the committee amendment dealing with trade is presented, it is voted down; does the Williams amendment still remain in the bill?

The PRESIDING OFFICER (Mr. SAXBE). It would remain if thereafter the bill was passed, with the Williams amendment, as agreed to, as a part of the original bill.

Mr. WILLIAMS of Delaware. Mr. President, I have checked this point, and I agree with the ruling of the Chair. It would be redundant because to a certain extent it would be repetitious, and since there was nothing in the bill itself when it went to conference, one of the sections could be dropped.

Mr. President, as I said, I regret the parliamentary situation in which we find ourselves, but I think we should face this issue. I say again that if, tomorrow when we reconvene, this matter has not been disposed of, and we can get an agreement on these amendments en bloc, I shall be the first to support a withdrawal of this amendment, so that we can proceed in an orderly fashion, because I think it would be much better.

However, since we cannot, I feel that we have no choice here, because I think we had just as well face up to the issue.

To make sure that we do, I ask for the yeas and nays on my amendment. I yield the floor.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, is this to vote on the pending amendment?

Mr. WILLIAMS of Delaware. Yes.

Mr. MANSFIELD. Will the Senator try to get a time limitation, so we can get on with the bill?

Mr. WILLIAMS of Delaware. Mr. President, we do not need a time limitation, because I, too, think we should get on with the bill. I ask that the clerk call the roll.

Several Senators addressed the Chair.

Mr. JAVITS. I did not hear that. What was the the unanimous-consent request?

Mr. WILLIAMS of Delaware. I am just trying to expedite the work of the Senate. I said, "Let's call the roll."

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATION OF THE PRACTICE OF PSYCHOLOGY IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1626.

The Presiding Officer (Mr. STEVENSON) laid before the Senate the amendments of the House of Representatives to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, which were, on page 13, strike out lines 14 through 22, inclusive, and insert:

> SEC. 17. Section 14-307 of title 14 of the District of Columbia Code shall apply with respect to any person licensed or certified under this Act to the same extent that such section applies to physicians and surgeons.

On page 14, after line 5, insert:

> SEC. 20. Section 5 of the Act of May 28, 1924 (D.C. Code, sec. 2-505), is amended by inserting after "discharge of its duties" the following: "and for the regulation of the practice of optometry in the District of Columbia, including the regulation of unprofessional conduct for optometrists in the District of Columbia".

On page 14, line 6, strike out "20." and insert "21.".

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1626 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer Mr. SPONG, Mr. EAGLETON, and Mr. PROUTY conferees on the part of the Senate.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. MUSKIE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate the amendment of the House of Representatives to the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, busi-

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nesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, which was to strike out all after the enacting clause, and insert:

"That this Act may be cited as the 'Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

"TITLE I—GENERAL PROVISIONS

"SEC. 101. As used in this Act—

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

"(2) The term 'State' means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

"(3) The term 'State agency' means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

"(4) The term 'Federal financial assistance' means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

"(5) The term 'person' means any individual, partnership, corporation, or association.

"(6) The term 'displaced person' means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

"(7) The term 'business' means any lawful activity, excepting a farm operation, conducted primarily—

"(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

"(B) for the sale of services to the public;

"(C) by a nonprofit organization; or

"(D) solely for the purposes of section 202(a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

"(8) The term 'farm operation' means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

"(9) The term 'mortgage' means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

"FINALITY OF DETERMINATIONS

"SEC. 102. (a) Any determination by the head of a Federal agency administering a program or project as to payments under titles II and III of this Act shall be final and no provision of such titles shall be constructed to give any person a cause of action in any court, nor may any violation of either of such titles be raised as a defense by such person in any action.

"(b) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

"(c) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence on the date of enactment of this Act.

"TITLE II—UNIFORM RELOCATION ASSISTANCE

"DECLARATION OF POLICY

"SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"MOVING AND RELATED EXPENSES

"SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

"(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

"(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

"(3) actual reasonable expenses in searching for a replacement business or farm.

"(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed $300; and a dislocation allowance of $200.

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than $2,500 nor more than $10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

"REPLACEMENT HOUSING FOR HOMEOWNER

"SEC. 203. (a) (1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of $15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

"(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

"(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

"(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

"(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

"(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency nothwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"Sec. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

"(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000, or

"(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203 (a)(1)(C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

"RELOCATION ASSISTANCE ADVISORY SERVICES

"Sec. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

"(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine the need, if any, of displaced persons, for relocation assistance;

"(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

"(3) assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment;

"(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

"(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"Sec. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

"(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c)(3), is available to such person.

"STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

"Sec. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first $25,000 of the cost of providing such payments and assistance.

"STATE ACTING AS AGENT FOR FEDERAL PROGRAM

"Sec. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

"PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

"Sec. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

"REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE IN FEDERALLY ASSISTED PROGRAMS; ASSURANCES OF AVAILABILITY OF HOUSING

"Sec. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

"FEDERAL SHARE OF COSTS

"Sec. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first $25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first $25,000 of such cost.

"(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

"(c) Any grant to, or contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to section 206, 210, 215, and 305.

"ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCING ASSISTANCE

"Sec. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

"REGULATIONS AND PROCEDURES

"SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

"(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

"(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

"(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

"ANNUAL REPORT

"SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975; together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

"PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

"SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

"PAYMENTS NOT TO BE CONSIDERED AS INCOME

"SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

"DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

"SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

"TRANSFERS OF SURPLUS PROPERTY

"SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

"DISPLACEMENT BY A SPECIFIC PROGRAM

"SEC. 219. Notwithstanding any other provision of this title, a person—

"(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

"(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

"(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

"(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

"REPEALS

"SEC. 220. (a) The following laws and parts of laws are hereby repealed:

"(1) The Act entitled 'An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes,' approved May 29, 1958 (43 U.S.C. 1231–1234).

"(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

"(3) Section 2680 of title 10, United States Code.

"(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606 (b)).

"(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

"(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

"(7) Section 2 of the Act entitled 'An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes', approved October 6, 1964 (78 Stat. 1004; Public Law 88–629; D.C. Code 5–729).

"(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

"(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

"(10) Chapter 5 of title 23, United States Code.

"(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90–495).

"(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

"EFFECTIVE DATE

"SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

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"(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

"(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

"TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

"UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

"SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

"(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

"(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

"(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

"(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

"(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelliing (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

"(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

"(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

"(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

"(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

"BUILDINGS, STRUCTURES, AND IMPROVEMENTS

"SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

"(b) (1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

"(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

"EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

"SEC. 303. The head of a Federal agency as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

"(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

"(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

"(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

"LITIGATION EXPENSES

"SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

"(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

"(2) the proceeding is abandoned by the United States.

"(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

"(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a) (2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

"REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

"SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

"REPEALS

"SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section."

Mr. MUSKIE. Mr. President,, S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 climaxes a long, hard fight to establish a uniform policy for the fair and equitable treatment of people who are displaced by Federal and federally assisted programs. The need for this legislation is clear. It has been documented through studies conducted by the Congress, and in hearings held before the Subcommittee on Intergovernmental Relations and before the House. The House legislation before us has refined and strengthened the basic principles and programs in S. 1, as passed by the Senate on October 21, 1969, and in my opinion, is as high priority a measure as stands before the Senate.

There are more than 50 Federal programs which result in condemnation of land and which, quite literally, bulldoze hundreds of thousands of people from their homes and businesses each year. Many are low-income families. They are the elderly. They are small farmers and small businessmen. In almost every case, they are forced to leave an area in which they have spent their entire lives, and in which they have made their economic well-being. Little has been done to assist their movement or help replace their losses. The supreme irony of this is that their problems were caused by Federal programs backed by the dollars of Federal taxpayers.

In less complex times, these programs involved no major displacements of people. The taking of a residential property, a commercial enterprise, a farm, or a small business proved the exception, and normally caused little or no distress to the individual owner.

The accelerating demand for public services of all kinds, and the growth of our population, particularly in our urban areas, brought with it the shattering effects of displacement.

This bill is needed in order to minimize these effects, and to eliminate the vast inconsistencies that exist among Federal and federally assisted programs with respect to relocation assistance and land acquisition.

S. 1 recognized that relocation is a serious problem. It acknowledges that advisory assistance is of special importance in the relocation process, and especially for the poor, and the nonwhite, the elderly and the small businessman. It seeks to establish fairer land acquisition policies in relation to the acquiring of property for these programs. It establishes the fact that the Federal Government has a prime responsibility to come up with uniform and equitable treatment of those who must relocate.

S. 1 provides for relocation payments. It provides for advisory assistance and for assurance that comparable, decent, safe and sanitary housing will be available before displacement can occur. It provides for the economic costs of adjustment of persons and businesses displaced by such programs. It establishes a uniform policy with regard to real property acquisitions for all Federal and federally assisted programs.

The heart of the dislocation problem is what is being done to displaced low and moderate income families as a result of displacement. S. 1 gets to the heart of that problem.

As the Senate prepares to pass S. 1, it seems appropriate that we should take notice of the fact that the bill brings to fruition a proposal made more than 10 years ago by one of its sponsors, the senior Senator from Alabama (Senator Sparkman). His concern on behalf of this problem has been thoroughly established through his work as chairman of the Senate Select Committee on Small Business, and as a result of his efforts on the Small Business and Housing Subcommittees of the Banking and Currency Committee.

Mr. President, S. 1 provides for relief of dislocation. It provides the necessary tools for the job to be done. Their use will depend upon the imagination and the desire of its administrators to do the job that is intended to be done. The uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can insure fair and evenhanded administration of that process, consistent with the protection of individual rights and community needs, no matter what agency is involved. Confidence in and support for Government programs demands no less.

Mr. President, I move that the Senate agree to the engrossed amendment of the House to S. 1 with amendments which I have sent to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to state the amendments.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; the amendments will be printed in the Record.

The amendments ordered to be printed in the Record are as follows:

S. 1

On page 4, strike out lines 10 through 17 and insert in lieu thereof the following:

"EFFECT UPON PROPERTY ACQUISITION"

On page 4, line 18, strike out "(b)" and insert in lieu thereof "Sec. 102(a)".

On page 4, line 21, strike out "(c)" and insert in lieu thereof "(b)".

On page 4, line 24, strike out "on" and insert in lieu thereof "immediately prior to."

On page 12, lines 1 and 2, strike out ", to the extent that can reasonably be accomplished,".

On page 12, line 10, before the semicolon, insert a comma and the following: "except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived".

Mr. MUSKIE. Mr. President, I think it is appropriate in the closing days of the Congress to finally take up action on the first bill introduced in this Congress, S. 1. It is legislation dealing with the establishment of a uniform policy for the fair and equitable treatment of people who are displaced by Federal and federally supported programs.

The Senate has enacted this legislation twice, once last Congress and once early in this Congress. The House has now acted on it with some amendments in disagreement which we have discussed with the House. The House is unwilling to go to conference. So we have undertaken to work out amendments to which the House will agree so that we can avoid the conference.

That is the substance of the amendments which I have offered on the floor this afternoon.

The principal amendment has to do with the question of judicial review. The Senate bill, as enacted, provided for judicial review. The House struck out that provision.

We are now offering an amendment that will leave the question of review in the existing law.

The distinguished Senator from North Carolina (Mr. Ervin) and the distinguished Senator from Massachusetts (Mr. Kennedy) have both been concerned with this issue. The amendment I am offering has met with their agreement and approval.

I think we are ready to move at this point this afternoon.

Mr. ERVIN. Mr. President, will the Senator yield without losing his right to the floor?

Mr. MUSKIE. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the distinguished Senator from Maine has worked very hard on this bill for several years. As he stated, it has passed the House twice.

The Senator from Maine stated very eloquently when the bill was introduced during the present Congress that the uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can assure fair and evenhanded——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber? There are too many colloquies taking place. Senators in the rear cannot hear what the Senator from North Carolina is saying. Will the Chair ask Senators to take their seats?

The PRESIDING OFFICER. The Chair requests Senators to take their seats.

Mr. ERVIN. Mr. President, I am quoting the statement made by the distinguished Senator from Maine when he introduced the bill early in this Congress. He said:

> The uprooting of an individual, his family, his business, or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can assure fair and even-handed administration of that process, consistent with the protection of individual rights and community needs, no matter what agency is involved.

Pursuant to the thought thus expressed by the distinguished Senator from Maine on the predecessor of this bill and on the present bill containing the provision, title 4, secured to every person adversely affected and every public agency of a State adversely affected by one of these Federal projects which necessitates the relocation of an individual's home or business, the right to have a judicial review of any rights that might be placed in jeopardy by such action.

The members of the Senate committee which handled this bill have been strongly in favor of expressly securing the right of judicial review to those who are adversely affected by such Federal action having to do with relocation.

I concur in the present position of the Senator from Maine. I believe it is rather essential to have judicial protection of the rights of persons, State agen-

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cies, and State subdivisions which are dislocated by Federal projects. However, this bill has some very fine provisions to insure their being dealt with justly.

I feel that these provisions have been too long delayed by the failure of the House to follow the action of the Senate in this area.

For this reason I concur, with reluctance, in the motion made by the Senator from Maine.

I point out that it will take some time to implement the provisions of this bill. I believe that there would be ample opportunity for those of us who are interested in this problem to introduce in the next session of the Congress with at least a reasonable hope of being able to have the House follow our lead on the matter, provisions which will secure the right of judicial review in this connection.

For this reason, I am sure that the Senator from Maine feels as I do about this matter and that he and the Senator from Massachusetts will join me in an amendment to try to supply this omission in the legislation.

Mr. MUSKIE. The Senator is correct. I have asked the staff to prepare the legislation for introduction early in the new Congress. I will promise to hold early hearings so that we can get at this question at an early stage in the next Congress.

I think there is sufficient support on this side so that there will be no difficulty in processing the legislation very quickly.

Mr. ERVIN. Mr. President, with that assurance, I join with the Senator in asking that the Senate take the action he has suggested.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MUSKIE. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, the Senator from Illinois worked with the distinguished Senator from Maine on this subject. It is certainly legislation that is desired by mayors and Governors throughout the country.

The Senate's will has been frustrated on a number of occasions in the past because the matter has not passed the House.

There are some significant differences between the House-passed version and the Senate-passed version.

I ask unanimous consent that a memorandum prepared analyzing the differences between the House and Senate versions be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

S. 1, THE UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT

The House passed their version of S. 1, Monday, December 7. The essential differences between House-Senate versions of the bill are:

MAJOR CHANGES

1. *Judicial Review*—House version strikes Title IV provisions of S. 1. All determinations made by heads of federal agencies regarding relocation/acquisition, are final. Nothing in the bill is to be construed as creating any element of value or damage under condemnation proceedings.

2. *Rules and Regulations for implementation*—The Senate version placed responsibility for preparation and execution with the President. The House version authorizes head of each agency involved with relocation/acquisition to establish regulations and procedures. These, in turn, to be uniform to the maximum extent possible through consultation with heads of other agencies.

The House version requires preparation of an annual report beginning January 15, 1972, and for each year until January 15, 1975, which will detail for the President, and also for the Congress, the effectiveness of the bill, actions taken to achieve Congressional objectives, views on progress made toward such objectives, effects on the public, and recommended changes, improvements, etc. These reports would be the nucleus for additional Congressional action should implementation of the law prove difficult in terms of achieving uniformity and equity.

Comment: (i) *The judicial review* feature included in the Senate version was knocked out because neither Justice nor BOB felt it served any immediately useful purpose. (Excessive litigation and crowded dockets being the reasons.) The House provisions require considerable discretion on the part of the administrator, inasmuch as judicial review could effectively hamstring implementation of any project while the parties sought resolution through the courts, its omission undoubtedly will free the hand of the administrator in his approach to individual cases. (House staff have indicated that if the Senate insists on it being included, the bill will be lost.)

(ii). *The Rules and Regulations* procedures imply substantial good will on the part of the administrators. Where the Senate bill attempts to fix responsibility in the Presidential office, it is left to agency heads to iron out their differences. The Senate version was conceived without consideration of the coordinative role of the newly created Office of Management and Budgeting, which promulgate the necessary procedures under which agency heads consult and work toward common solutions. The annual report should provide sufficient opportunity for Congressional review and reactions.

OTHER CHANGES

The House bill increases basic moving and dislocation allowances from $200 and $100 to $300 and $200 respectively. In lieu of fixed allowances, the bill provides for payment of "actual" reasonable costs, etc.," not less than $2,500 nor more than $10,000 (up from $5000 in S. 1). This is based on average annual net earnings. (The House allows computation over either the two previous years, or such other 2-year period as would be determined more equitable, i.e. in cases where the previous two year period was affected by bad business conditions, etc.)

The House bill provides for expanded replacement housing costs through supplemental payment of up to $15,000—to bridge the gap between acquisition payment and actual reasonable cost to reenter the housing market. Replacement housing must be available before displacement. House bill also provides coverage of such items as interest rate differential on mortgages, unpaid debt at time of acquisition, etc., through the $15,000 supplemental payment.

The House bill provides for tenant displacement through a replacement allowance of up to $4,000 necessary to enable lease or rent for a period not to exceed 4 years. Tenant can enter housing market by use of up to $4,000 (matched by his own sum) for making a downpayment.

The House bill provides for expanded relocation assistance services, including determination of needs for assistance, information, assurance in advance of availability, loan programs information, etc.

The House bill provides for housing replacement by the displacing Federal agency as a last resort, including direct construction of new housing, acquisition and rehabilitation of existing housing, relocation of existing housing, and jointly financed projects which could aggregate rental housing requirements into feasible units. Examples include HUD, Agriculture work out programs for construction for low or moderate income families/individuals.

The House version provides for full Federal funding of the first $25,000 (same as in S. 1 except for Hawaii and Alaska), for any acquisition or displacement prior to July 1, 1972. In the case of federally-assisted projects, State can establish a trust fund, using an advance from the Feds (the costs being 100% Federally reimbursable up to $25,000). This would permit States to overcome any legal incapacities with respect to the expending of State funds until such period of full Federal funding expires.

The effective date of the bill is *enactment, except* where a State is unable to comply fully, in which case it becomes effective as soon as the State can comply, and in every case, after July 1, 1972.

The special case of the Murray Hill Post Office Station is taken care of by the bill, and the mandates for a uniform land acquisition policy are included with minor exceptions and changes. The expenses provided for by S. 1 are retained in the House bill, i.e. recording fees, transfer taxes, etc., but, in addition, the House bill will reimburse the owner for litigation expenses within reason.

Mr. PERCY. Mr. President, there are some points of concern that the administration has with respect to this bill. I ask unanimous consent that these differences of opinion that the administration has had with respect to this bill be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

POINTS OF SIGNIFICANT CONCERN WITH HOUSE-PASSED S. 1, THE PROPOSED RELOCATION AND LAND ACQUISITION POLICIES ACT

I. The following are items in the House bill of particular concern.

a. *Implementing regulations.* The House bill provides in section 213 for the establishment of regulations and procedures by the heads of the various displacing agencies. It thus does not provide, as does the Senate bill, for the assured uniformity that would be provided through Presidential regulations. It also omits provisions requiring centralized determinations with respect to housing availability and standards so as to assure uniformity in handling these matters among different agencies and programs.

b. *Availability of replacement dwellings.* The House bill in section 205(c)(3) weakens the requirement of availability of replacement housing by requiring assurance that suitable replacement dwellings will be available prior to displacement only "to the extent that can reasonably be accomplished." The Committee report states that this limiting phrase is used only "to provide for emergency or other extraordinary situations where immediate possession of real property is of crucial importance." Nevertheless, this phrase is still subject to interpretation by the heads of various displacing agencies. The Senate version is preferable in that it establishes an absolute requirement that replacement housing be available, subject only to Presidential waiver.

c. *Replacement housing for homeowners.* Although the concept of providing additive payments to assist owner-occupants in obtaining decent, safe and sanitary replacement dwellings is essential, the $15,000 maximum payment proposed in section 203 of the

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House bill is exorbitant and would create pressure for unnecessarily high costs for public improvements. The limit of $5,000 established in the Senate version is adequate, based upon operating experience, to meet the legitimate cost of assuring suitable replacement housing.

d. *Compensation for increased interest costs.* Section 203(a)(1)(B) would provide a payment to homeowners whose property is mortgaged to compensate them for the increased cost, if any, of obtaining a new mortgage at higher interest rates. This provision would present serious administrative difficulties and could result in substantial windfall payments to homeowners where the new mortgage is not held for the full period for which the homeowner has been compensated. It would also remove the incentive to seek the lowest interest rate mortgage available, and hence would contribute to inflationary pressure.

e. *Mortgage insurance for displacees.* This provision in section 203(b) of the House bill would allow Federal agencies administering mortgage insurance programs to insure mortgages of displacees eligible for assistance under this section without regard to their age, physical condition or other characteristics. This provision would create a new insurance program characterized by limited applicability and high risks. No new insurance fund has been provided to cover this new class of high risk policies. In view of the numerous technical problems which such a program would entail, any decision concerning it should be deferred to consideration in connection with new housing legislation.

f. *Effective date.* Section 221 of the House bill provides that the bill is effective immediately. The Senate bill is preferable in that it provides necessary time for the assignment of responsibility and for the drafting of regulations for direct Federal programs. Time will also be required in order to make adjustments between existing relocation systems and the new system authorized by the legislation.

g. *Interest free loans for housing studies.* Section 215 would authorize the administering Federal agency to make or approve loans to a variety of organizations for the purpose of meeting preliminary expenses of providing replacement housing. Fragmented management and inefficient organization would result from having every agency separately undertaking this type of activity.

h. *Transfer of surplus property.* Section 218 would authorize the Administrator of General Services to transfer surplus property without monetary consideration to State agencies for the purpose of providing replacement housing. While the Congress has authorized special write-downs for land to be used for low cost housing, the 100 percent donation authorized here is excessive and unnecessary because the bill provides adequate reimbursement of expenses.

i. *Displacement by a specific program.* Section 219 contains a special provision for the relief of individuals who have been (or may be) displaced from certain property acquired and held by the Post Office Department in the City of New York. This is special legislation and has no place in general legislation, the major purpose of which is uniformity. This provision should be deleted from the bill, and the subject should be considered separately.

j. *Mortgage penalty costs.* Both the House and Senate versions of S. 1 provide that the head of the acquiring Federal agency shall reimburse the owner for penalty costs for prepayment of preexisting mortgages. The House bill, however, fails to provide that such reimbursement may be made only if such mortgage is on record on the date of the official announcement of the project. Experience has shown this safeguard which is in the Senate bill is workable and necessary.

k. *Instituting formal condemnation proceedings.* Section 301(8) of the House bill provides that if any interest in real property is to be acquired by the exercise of the power of eminent domain, the head of the Federal agency shall institute formal condemnation proceedings. The heads of Federal agencies do not institute such proceedings, except in the case of the Tennessee Valley Authority, where they request the Attorney General to institute such proceedings. This subject is better dealt with in Section 301(a)(10) of the Senate bill.

l. *Litigation expenses.* Section 304(c) would provide that in any action brought against the United States for the recovery of just compensation for the taking of any interest in real property where it is determined that such taking occurred without a tender of compensation to the plaintiff or that the just compensation exceeds the amount tendered before the institution of the action, the United States shall be liable for all the expenses of court costs, including attorneys' fees, appraisal and engineering fees actually incurred. This provision is highly objectionable as it would result in all cases of this type going to court. The usual situation of this type takes place when a Government action inadvertently floods or in some other way takes property which was not expected to be taken in the project. At the time the Government becomes aware of the fact that it has taken the property, the agency usually makes an offer or seeks funds so that it can buy. If court costs would be reimbursed in every such case, the owner would always sue for a higher amount and no cases would be settled out of court.

II. In addition to the above, there are a number of other items which are major differences of a kind which should warrant a conference.

a. *Judicial review and finality of determinations.* The Senate version of S. 1 would apply the administrative procedure and judicial review provisions of the APA to all determinations under this bill. The House bill omits this and, in addition contains in section 102, a finality of determination provision which would preclude judicial review of *any* determinations under titles II and III, including a preclusion against raising any violation of the proposed Act as a defense in any court.

b. *Definition of displaced person.* The House bill would limit the status of displaced person to those who move as the result of the acquisition of, or written notice to vacate, real property. The Senate version would provide a broader definition which includes those who move as the result of acquisition or reasonable expectation of acquisition.

c. *Construction of replacement housing.* The House version of S. 1 would provide for construction of replacement housing by any displacing Federal agency, if suitable replacement housing cannot otherwise be made available. The Senate bill does not contain a similar authorization.

Mr. PERCY. As I understand it, it would have been far more desirable for us to have perfected this legislation by having a conference. However, the time involved is simply inadequate and the House refused a conference on this particular legislation. The desire of the mayors, Governors, and many branches of the Federal Government is so great that I think the legislation should be enacted at this time, and the two points the House agreed to accept, I think, are good modifications.

I recommend that we now pass this legislation. We must take into account that in the final analysis the decision ultimately has to be made by the White House when legislation comes before the President for signature. There is a possibility the President might veto the legislation, but because of the lateness of the hour I believe this is the best we could do and I recommend that the legislation pass with these amendments.

Mr. MUSKIE. I thank the Senator from Illinois, who has been concerned with this matter from the beginning. There are differences between the view of the Senate and the view of the House, involving modest increases in moving and dislocation expenses, but I think these increases reflect increases in the cost of living that have taken place since the bill was first taken up. I hope the administration will undertake to accept the bill. It has taken us two Congresses to move the legislation to this point. This is important legislation and we should accept it as such and move on from this base which has been so long in establishment.

Mr. COOPER. Mr. President, as a member of the Public Works Committee, I have studied and interested myself over a long period of time with the problems relating to the diverse land acquisition policies of the Federal Government and the need for uniformity.

During this period I was constantly made aware of the efforts of the senior Senator of Alabama to remedy this situation.

Senator SPARKMAN's interest in this matter arose particularly out of his concern for the problems of small businesses and individuals displaced by urban renewal and other Federal and federally assisted projects. These problems had come to his attention as chairman of the Senate Select Committee on Small Business and through his work on the Small Business and Housing Subcommittees of the Banking and Currency Committee.

I believe it would be appropriate to recall the constructive approach of Senator SPARKMAN in his early proposals and his recognition of the problems with which S. 1 deals. To that end, I ask unanimous consent that the statements he made on January 30, 1961, when he introduced S. 671 be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Commission To Study Compensation for Land Condemned Under Federal Programs

Mr. SPARKMAN. Mr. President, in recent years the Federal Government has instituted programs under which millions of acres of land have been acquired from private owners. While much of the land has been acquired by purchase, a great deal has been acquired through condemnation proceedings; and in the cases in which voluntary sales were effected, the threat of condemnation proceedings was in the background.

These Federal programs include some in which Federal agencies use the land directly—for example, in the military programs; in other cases, the land is owned by State or local agencies—for example, in most road programs; and, in other cases, the land may be resold for private use—for example, in the urban renewal program. But regardless of these differences in the purpose of the taking or the use to which the land is put, the individual or business dispossessed or otherwise affected by the acquisition suffers the same loss.

Probably the biggest acquisition program has been that of the military. I am advised that in 1940, the War and Navy Departments used about 2½ million acres of land. By the close of the war, these two Departments had the use of 52 million acres—about equal in size to Kansas or Utah.

By June 30, 1955, the land used for military purposes by the Army, the Navy, the Air Force, and the AEC, amounted to more than 23 million acres—about the size of Indiana, Virginia, Kentucky, or Tennessee. Other Federal programs have acquired or are acquiring substantial amounts of land.

In the urban renewal program under title I of the Housing Act of 1949, the first 400 projects have called for the clearance of about 15,000 acres, not including streets and alleys. Unlike much of the land used for military programs, these 15,000 net acres are located in urban areas, and consist mostly of developed land. The Federal highway programs also call for the acquisition of large areas; including both expensive developed land in cities, and farmland and wasteland outside cities. For the Interstate Highway System, $621 million—of which the Federal share will be $418 million—is authorized for the acquisition of rights-of-way during the fiscal year 1959. Under the regular Federal highway programs, $126 million—of which the Federal share will be $65 million—is authorized for acquisition of rights-of-way during the fiscal year 1959. Other Federal programs, such as the public works programs, involve the acquisition of large areas.

The acquisition of land in this volume is very different from the Federal acquisition of land during the 19th century, or even during the 20th century, up to World War II. The problems created when, under Federal programs, thousands of acres of land is acquired in rural areas, or scores of acres are acquired in developed urban areas, are different, both in kind and in degree, from the problems created in earlier days, when Federal acquisitions of land amounted merely to taking enough land for the construction of a post office, an arsenal, or even an army post. And the problem becomes particularly acute when an urban-renewal project cleans out an entire section of town—the houses, stores, office buildings, movie theaters, banks, churches, and all other structures.

The banking and Currency Committee has heard testimony which has set forth in dramatic detail the problems facing businesses, both large and small, which have been wiped out by urban-renewal projects or by Federal highway projects. Three bills on this subject have been introduced: S. 1340, by Senator HUMPHREY; S. 1351, by Senator BEALL; and S. 1777, by Senator CLARK and Senator JAVITS, which would provide for loans to small business concerns affected by the highway and urban-renewal programs.

The problem, of course, is not limited to small businesses or to these two Federal programs. The problem affects all sizes of business, and it affects all Federal programs under which land is acquired—particularly, of course, when the land acquisitions are very extensive. It was, I think, for this reason that the Banking and Currency Committee did not take action on any of these three bills in connection with either the small business legislation or the housing legislation.

It seems to me the question is a matter of much broader concern, and one which basically goes back to the requirement of the fifth amendment to the Constitution that private property shall not be taken for public use without just compensation.

Over many years, this constitutional requirement has been spelled out in judicial decisions and in statutes within the framework of the constitutional requirement. For the most part, this occurred before acquisitions of land by the Federal Government were substantial or had drastic effects upon wide areas. As I have said, there is a difference in kind, as well as a difference in degree, between acquiring enough land for a Federal office building, or even acquiring the Federal Triangle, and acquiring a square mile of city land for an urban-renewal project or acquiring a whole valley for the purpose of flooding it in connection with the construction of a dam.

It is because of this change in the nature and the effect of land acquisitions under Federal programs, either by condemnation or under threat of condemnation, that I think it desirable to make a thorough and impartial study of condemnation under Federal programs. This study should be under the highway program, under public works programs, under urban-renewal programs, under military programs, and any other Federal programs. It should also be broad enough to cover all the effects of land acquisition, including its effects on owners, on tenants, and on nearby property and businesses. The study should be made in the broad spirit of the just-compensation provision of the fifth amendment. It should not be limited to a determination of the legal bounds of that provision or of any particular statute. Instead, it should cover the broader subject of the extent to which the cost of Federal programs is paid by individuals or firms whose property is taken or whose property or business is either destroyed or is reduced in value by the taking of neighboring property, and the extent to which it would be feasible and proper to compensate these individuals and firms for the losses they suffer by reason of the Federal program.

Accordingly, I introduce a bill which would establish a bipartisan Federal Commission on Property Condemnation Compensation, to consist of 15 members, 7 to be appointed by the President, 4 to be appointed by the Vice President, and 4 to be appointed by the Speaker. The Commission would make a thorough study of compensation in connection with the condemnation of land, and would file a report with the Congress by December 31, 1961.

In introducing this bill, I do not, of course wish to take the position that any particular judicial awards have been either too high or too low; nor do I wish to take the position that any condemnation statute now on the books needs to be amended. But the testimony, which has been presented to the Banking and Currency Committee, on the effects on individuals and businesses of the widespread land acquisitions under Federal programs convinces me that this matter should be thoroughly reviewed.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2802) to provide for a comprehensive study of the disposition of claims for just compensation for persons affected by the acquisition of property by the United States or under Federal programs through condemnation proceedings or otherwise, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

PENSION AND COMPENSATION PAYMENTS

Mr. HARTKE. Mr. President, in connection with H.R. 15911, to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowance relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes, I ask unanimous consent that the Senate reconsider its agreement to the committee amendment, the engrossment of the amendment, the third reading of the bill and the passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill is before the Senate.

Mr. HARTKE. My request, Mr. President, seeks to do justice for the veterans, widows, and children in this country who are receiving a pension. Since the current pension program was enacted in 1960 the Senate has supported the concept that a veteran, widow, or child should not lose part of his pension as a result of social security increases. On three occasions this body has acted to prevent veterans, widows, and children from taking a loss in pension because social security payments were raised.

During my recent campaign I was contacted by a great many individual veterans and leaders of veterans organizations expressing concern that if action was not taken many veterans, widows, and children would take a loss, beginning January 1, 1971, in their pensions as a result of the social security rate increases enacted earlier this year. Since the House had already passed a bill which protects these pensioners from taking a loss in pension because of social security rate increases, I felt that I was in a position to offer assurances that the Congress would act on this occasion as it has on three past occasions and protect veteran pensioners from a loss. I now find that the bill before us does not offer such protection, and the amendment which I am offering is designed to correct this situation.

I would like to make it clear that not only is it necessary that we act to protect veteran pensioners from loss because of the social security rate increase, but this action is necessary to rectify losses which have already occurred in the pensions of many veterans who have received an increase recently in retirement annuities such as civil service retirement, railroad retirement, union pensions, and many other public and private pensions. It should be made clear that the House bill in no way creates a windfall for veterans, widows, and children. It takes care of the social security and other pension increases but at the same time is completely justified on the basis of cost-of-living changes. Since 1960 there have been three increases voted by Congress for pensioners. Since January 1, 1969, when the last pension increase became effective, there has been an 11.1 percent increase in the cost-of-living index. My motion provides for an average increase of $7.47 a month for pensioners, or an average increase of 9.5 percent. These pension increases will barely cover cost-of-living changes since the last raise.

By contrast, Mr. President, the bill which we have before us deals adversely with over 600,000 veterans, widows, and children. It is true that under the legislation we are considering some would get an increase, but not enough to stay abreast with current cost-of-living changes. Four hundred and forty thousand would receive no increase at all but would remain static. One hundred sixty thousand would actually be removed from the pension rolls or receive a reduction in their veterans pension. My amendment corrects this situation. Under it virtually all of the 1,575,000 new-law pensioners would receive an average increase of $7.47 a month and no pensioners would be removed from the rolls or have their pensions cut solely as a result of the social security rate increase.

It seems to me, Mr. President, that the circumstances relating to nearly 2 million pensioners, most of whom are elderly and most of whom are World War I veterans, and their dependents should be considered in light of recent actions relating to other segments of the economy. Major wage increase settlements are being announced weekly for important segments of industry. Many of these increases go beyond cost of living increases. Our conference committees announced agreement just a few days ago on legislation which will provide a 6-percent increase for Federal employees. I can think of no way that this body can justify withholding from World War I veterans and their dependents consideration which is being extended to other segments of the economy and beneficiaries of Government programs. World War I veterans now average 76 years of age. They receive a pension because their income is very restricted. As a matter of fact, the basic concept of the pension program is that eligibility is based on need and the pension will be paid in direct relationship to other income with pension being terminated altogether at very modest income levels.

Mr. President, I would like to emphasize that the pension program is a needs program. If a veteran without a wife has less than $300 other income under present law he receives the maximum payment of $110 a month. In other words, with the pension the total amount available to this individual to live on annually is $1,620. For the individual at the very top of the income scale who is receiving between $1,900 and $2,000 a year from other sources, the pension paid is only $29 a month. Above $2,000, under the current law, the individual receives no pension help at all.

The situation is even more restrictive in the case of widows. A widow without dependents receiving under $300 a year other income only receives, under current law, $74 per month. A widow with dependents with $600 a year or less other income receives only $90 a month. Obviously these levels of income are, in some instances, below or near the poverty level. It may come as a surprise to some, in fact it was shocking to me to learn that 232,469 veterans have less than $600 other income. The situation is even more pathetic as far as widows are concerned; 222,456 widows have less than $600 other income and are primarily dependent on the small pension which we pay them for survival.

Let me cite one other figure which in my opinion should serve to resolve this problem even if no other consideration was involved: 105,625 widows have less than $100 other income and at present receive only $74 per month. This means that these women are living on an annual income of $988. Certainly we should do everything possible to assure ourselves that each of these individuals gets a modest increase somewhat in line with cost of living changes. Certainly this body never has, and I do not think it will on this occasion, countenance a reduction in these modest pensions because the individuals receive a small cost of living increase in social security.

Mr. President, all major veterans organizations are supporting this proposal. Leaders of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and Veterans of World War I stand together on this issue and have expressed their great concern that the Senate will not correct the error of the reported bill. The motion before us will correct that error and I urge its support.

Mr. President, I would like to explain that the next order of business before the Senate will be the question of whether or not the committee amendment will be disagreed to or agreed to. A vote of "no" would be in accordance with the general desires, not only of the Senator from Georgia (Mr. TALMADGE), but also the Senator from Utah (Mr. BENNETT). Therefore, when the question is put, a vote of "no" is an affirmative vote for the legislation we intend to pass.

The **PRESIDING OFFICER**. The committee amendment will be stated.

The legislative clerk read as follows: Strike out all after the enacting clause and insert:

That (a) the table in subsection (b) of section 521 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$400	$120
$400		500	117
500		600	114
600		700	110
700		800	106
800		900	102
900		1,000	98
1,000		1,100	94
1,100		1,200	90
1,200		1,300	86
1,300		1,400	81
1,400		1,500	76
1,500		1,600	70
1,600		1,700	64
1,700		1,800	58
1,800		1,900	52
1,900		2,000	46
2,000		2,100	38
2,100		2,200	34
2,200		2,300	30".

(b) The table in subsection (c) of such section 521 is amended to appear as follows:

"Column I			Column II	Column III	Column IV
Annual income			One dependent	Two dependents	Three or more dependents
More than—	but	Equal to or less than—			
		$600	$130	$135	$140
$600		700	128	133	137
700		800	126	131	134
800		900	124	129	131
900		1,000	122	127	128
1,000		1,100	120	125	125
1,100		1,200	118	122	122
1,200		1,300	116	119	119
1,300		1,400	114	116	116
1,400		1,500	112	113	113
1,500		1,600	110	110	110
1,600		1,700	107	107	107
1,700		1,800	104	104	104
1,800		1,900	101	101	101
1,900		2,000	98	98	98
2,000		2,100	95	95	95
2,100		2,200	92	92	92
2,200		2,300	89	89	89
2,300		2,400	86	86	86
2,400		2,500	83	83	83
2,500		2,600	80	80	80
2,600		2,700	77	77	77
2,700		2,800	74	74	74
2,800		2,900	71	71	71
2,900		3,000	68	68	68
3,000		3,100	64	64	64
3,100		3,200	60	50	60
3,200		3,300	56	56	56
3,300		3,400	51	51	51
3,400		3,500	43	43	43
3,500		3,600	35	35	35".

(c) The table in subsection (b) of section 541 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$400	$80
$400		500	78
500		600	76
600		700	74
700		800	72
800		900	69
900		1,000	66
1,000		1,100	63
1,100		1,200	60
1,200		1,300	57
1,300		1,400	54
1,400		1,500	51
1,500		1,600	47
1,600		1,700	43
1,700		1,800	39
1,800		1,900	35
1,900		2,000	30
2,000		2,100	24
2,100		2,200	21
2,200		2,300	18".

(d) The table in subsection (c) of such section 541 is amended to appear as follows:

"Column I			Column II
Annual income			
More than—	but	Equal to or less than—	
		$600	$97
$600		700	96
700		800	95
800		900	94
900		1,000	93
1,000		1,100	92
1,100		1,200	91
1,200		1,300	89
1,300		1,400	87
1,400		1,500	85
1,500		1,600	83
1,600		1,700	81
1,700		1,800	79
1,800		1,900	77
1,900		2,000	75
2,000		2,100	73
2,100		2,200	71
2,200		2,300	69
2,300		2,400	67
2,400		2,500	65
2,500		2,600	63
2,600		2,700	61
2,700		2,800	59
2,800		2,900	57
2,900		3,000	55
3,000		3,100	53
3,100		3,200	51
3,200		3,300	49
3,300		3,400	47
3,400		3,500	45
3,500		3,600	42".

(e) Subsection (d) of such section 541 is amended by striking out "$16" and inserting in lieu thereof "$17".

(f) Section 542(a) of title 38, United States Code, is amended by striking out "$40" and "$16" and inserting in lieu thereof "$43" and "$17", respectively.

SEC. 2. (a) The table in subsection (b)(1) of section 415 of title 38, United States Code, is amended to appear as follows:

"Column I			Column II
Total annual income			
More than—	but	Equal to or less than—	
		$800	$94
$800		900	90
900		1,000	86
1,000		1,100	82
1,100		1,200	76
1,200		1,300	69
1,300		1,400	62
1,400		1,500	55
1,500		1,600	48
1,600		1,700	41
1,700		1,800	34
1,800		1,900	28
1,900		2,000	22
2,000		2,100	16
2,100		2,200	14
2,200		2,300	12".

(b) The table in subsection (c) of such section 415 is amended to appear as follows:

"Column I			Column II
Total annual income			
More than—	but	Equal to or less than—	
		$800	$63
$800		900	61
900		1,000	58
1,000		1,100	54
1,100		1,200	51
1,200		1,300	47
1,300		1,400	42
1,400		1,500	37
1,500		1,600	32
1,600		1,700	28
1,700		1,800	24
1,800		1,900	21
1,900		2,000	18
2,000		2,100	15
2,100		2,200	13
2,200		2,300	12".

(c) The table in subsection (d) of such section 415 is amended to appear as follows:

"Column I			Column II
Total combined annual income			
More than—	but	Equal to or less than—	
		$1,000	$63
$1,000		1,100	62
1,100		1,200	60
1,200		1,300	58
1,300		1,400	56
1,400		1,500	54
1,500		1,600	52
1,600		1,700	50
1,700		1,800	48
1,800		1,900	46
1,900		2,000	44
2,000		2,100	42
2,100		2,200	40
2,200		2,300	38
2,300		2,400	36
2,400		2,500	34
2,500		2,600	32
2,600		2,700	30
2,700		2,800	28
2,800		2,900	36
2,900		3,000	24
3,000		3,100	22
3,100		3,200	20
3,200		3,300	18
3,300		3,400	16
3,400		3,500	14
3,500		3,600	12".

SEC. 3. Clause (G) of section 415(g)(1) of title 38, United States Code, and clause (6) of section 503 of such title are hereby repealed.

SEC. 4. The amendments made by this Act shall become effective January 1, 1971.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. TALMADGE. Mr. President, veterans' pensions, are based on need. Thus when the Congress increased social security benefits effective this year, a reduction would take place in pension benefits next January unless the Congress asked otherwise. Earlier this year, in order to solve this problem, I introduced a bill to correct the situation.

The Subcommittee on Veterans' Legislation of the Committee on Finance approved my bill, which would present a pension reduction for 90 percent of the veterans receiving pensions under current law. In other words, the full benefit 90 percent of the pensioners would get of the social security increase, although but a few veterans would not get the full benefit of their social security increase because of a small reduction in their veterans' pension.

The Committee on Finance took action on the matter, and inasmuch as it related to social security benefits as well as veterans' pensions, we deferred reporting the bill until the social security bill was before us. Then our committee, by unanimous vote, added the pension measure to the social security bill.

After the subcommitte action the House Committee on Veterans' Affairs sent us a bill which would prevent any veteran from having his pension reduced due to the social security increase. The cost of the bill reported by the Committee on Finance is $160 million, while the cost of the bill reported by the Veterans' Committee of the House is $230 million.

Veterans' organizations were unanimous in supporting the position of the House committee. I discussed the matter with the ranking minority member of the Subcommittee on Veterans' Legislation of the Committee on Finance, the Senator from Utah (Mr. BENNETT). I have his authority to state that he has no objection to reconsidering the matter as reported by the Committee on Finance and as passed by the Senate, and adopting the language of the House bill. I hope the Senate will so act.

Mr. HARTKE. Mr. President, at the time the question is placed, a vote of "aye" will be a vote to disagree with this procedure outlined by the Senator from Georgia, but a vote of "nay" would be in accord with the desire of the Senate.

The **PRESIDING OFFICER.** The question is on agreeing to the committee amendment.

(Putting the question.)

The "noes" appear to have it. The "noes" have it. The amendment is not agreed to.

The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15911) was ordered to a third reading, read the third time, and passed.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HARTKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPANSION OF AGRICULTURAL EXPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1437, H.R. 14169, and that it be laid before the Senate for immediate consideration.

The **PRESIDING OFFICER** (Mr. STEVENSON). The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 14169) to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title 1 of such act.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, this bill would make it possible for representatives of the domestic wine industry to participate in market development activities carried out with foreign currencies made available under title I of Public Law 480, 83d Congress.

This matter was considered by the Committee on Agriculture and Forestry, after it was passed by the House, and unanimously agreed to. I hope the Senate will act favorably.

I believe the Senator from Utah has an amendment he wishes to submit.

Mr. MOSS. Mr. President, I call up my amendment No. 1048 and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 2, after line 3, add the following:

SECTION 1. The College of the Virgin Islands and the University of Guam shall, after the effective date of this Act, be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

SEC. 2. In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, supra, relating to donations of public land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the Virgin Islands the sum of $714,000 and to Guam the sum of $1,019000. Amounts appropriated under this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip.

SEC. 3. The Act of August 30, 1890, as amended, and the related portion of the Act of March 4, 1907 (26 Stat. 417; 34 Stat. 1281, 1282; 7 U.S.C. 322–326) are further amended—

(1) by striking the words "and Territory" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the words "and Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(3) by striking the words "or Territory" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam";

(4) by striking the words "or Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam"; and

(5) by striking the words "or Territorial" where they appear.

SEC. 4. Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking the words "and Puerto Rico" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the figure "$7,800,000" and substituting in lieu thereof the figure "$8,100,000"; and

(3) by striking the figure "$4,320,000" and substituting in lieu thereof the figure "$4,324,000".

SEC. 5. The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331), is amended—

(1) by striking the words "and Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the words "or Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking the word "State" wherever it appears in the third proviso of that Act and substituting in lieu thereof the words "State, Puerto Rico, the Virgin Islands, or Guam".

SEC. 6. Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking the period at the end of the section and adding the following words: ", and the term 'State' when used in this title shall include the Virgin Islands and Guam."

SEC. 7. Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by redesignating subsection (b) as paragraph (1) of subsection (b) and adding new paragraphs (2) and (3) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated out of money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.

"(3) Four per centum of the sums appropriated under paragraph (2) for each fiscal year shall be allotted to the Federal Extension Service for administrative, technical, and other services provided by the Service in carrying out the purposes of this section."

SEC. 8. Section 10 of the Act of May 8, 1914, as amended (supra), as added by the Act of October 5, 1962 (76 Stat. 745; 7 U.S.C. 349), is amended by striking the words "and Puerto Rico" and inserting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam".

SEC. 9. Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking the period at the end of the first sentence thereof and adding the following language: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research."

SEC. 10. Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking the period at the end thereof and adding the words ", the Virgin Islands and Guam."

SEC. 11. Section 1 of the Act of March 2, 1887, as amended (7 U.S.C. 361a–361i), is amended by striking the period after the second sentence and adding a comma and the words, "Guam and the Virgin Islands," and deleting "and" between the words "Hawaii and Puerto Rico."

SEC. 12. Section 3 of the Act of March 2, 1887, as amended (7 U.S.C. 361a–361i), is amended by redesignating subsection (b) as paragraph (1) of subsection (b) and adding new paragraphs (2) and (3) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated out of money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.

"(3) Three per centum of the sums appropriated under paragraph (2) for each fiscal year shall be allotted to the Secretary of Agriculture for administrative, technical, and other services provided by the Service in carrying out the purposes of this section."

SEC. 13. With respect to the Virgin Islands and Guam, the enactment of this Act shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this Act.

Mr. MOSS. Mr. President, in the beginning there was one typographical error in the amendment. On page 3, line 10. The figure there should be $4,324,400.

I ask to modify my amendment to carry that correct figure.

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

Mr. MOSS. I send it to the desk.

The modification is as follows:

On page 3, line 10, after the word "figure", strike out "$4,324,000" and insert "$4,324,400".

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. MOSS. Mr. President, this amendment is a bill dealing with the land-grant colleges in the Virgin Islands and Guam. It is a bill which was passed by the Senate earlier this year, having been considered by the Committee on Interior and Insular Affairs and reported unanimously by that committee, and then being referred to the Committee on Agriculture and Forestry and reported unanimously by the Committee on Agriculture and Forestry. The Senate then, by unanimous vote, passed the bill.

It went to the House of Representatives. There it was referred to the Committee on Agriculture, and then referred to a subcommittee. The subcommittee, in considering the bill, had a tie vote of 2 to 2 and therefore did not have a majority in the subcommittee to report the bill.

For that reason I present it now as an amendment to the agricultural bill that is before us. I do not think it is appropriate to discuss at length the merits of the bill, because that was done before. The Senate was in full agreement.

Let me say that of the educational institutions that we have in our territories and possessions and States, only these two are not participating now in the land-grant college system. This measure would enable the University of Guam and the college in the Virgin Islands to participate as each institution in each State is now qualified to do and as the college in the District of Columbia is qualified to do and as the University of Puerto Rico is qualified to do. So it is a simple matter of equity, and I think there should be no objection to it at all.

I ask for the Senate's concurrence in this amendment.

Mr. TALMADGE. Mr. President, as the Senator has stated, this amendment was reported favorably, in fact unanimously, by the Senate Committee on Agriculture and Forestry. It was also passed unanimously by the Senate after being reported unanimously by the Senate Committee on Agriculture and Forestry.

I urge the Senate to approve the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed for a third reading, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF REPRESENTATIVE JOHN O. MARSH, JR.

Mr. BYRD of Virginia. Mr. President, when the 91st Congress ends on January 3, at noon, Congressman JOHN O. MARSH, JR., of the Seventh Congressional District of Virginia, will complete his service in the House of Representatives.

I want to invite the attention of my colleagues in the Senate to what I consider to be the remarkable record which Congressman MARSH has made during the 8 years in which he has served as a Member of the House of Representatives.

Congressman MARSH was born in the city of Winchester in the Shenandoah Valley. He was elected to the House of Representatives in 1962. He was reelected in 1964, reelected in 1966, and reelected again in 1968. He will voluntarily retire from the House at the conclusion of his present term on January 3.

Congressman MARSH is still a young man. He has a fine future ahead of him. He is a man of dedication and ability. I feel that the people of the Seventh Congressional District, which is my home district, were very wise in selecting JOHN O. MARSH, JR., as their Representative in the House of Representatives during the past 8 years.

I have found, in talking with his colleagues in the House and those Members of the Senate who know him, that he is held in the highest esteem by his colleagues here in Washington.

So, as Congressman MARSH finishes his legislative career as January approaches, I want to commend him for the excellent service he has rendered the people of my congressional district, the Seventh Congressional District of Virginia. I commend Congressman MARSH on the outstanding and efficient work he has done in representing the people of the Seventh Congressional District of Virginia.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. DOLE. Mr. President, let me echo the sentiments expressed by the Senator from Virginia. Having served with JACK MARSH in the House of Representatives, I can say with absolute certainty that JACK MARSH is one of the most highly respected Members of the House, respected on both sides. I say that as a Republican. JACK MARSH is a Democrat. He is an outstanding American. I know the people of Virginia and the Seventh Congressional District of Virginia will miss him in the months and years ahead. I wish him success in his future endeavors.

Mr. BYRD of Virginia. I thank the distinguished Senator from Kansas for his remarks. I regard the remarks made by the distinguished Senator from Kansas as reflecting credit on the people of the Seventh Congressional District as well as on the distinguished Congressman, JACK MARSH.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

AMENDMENT NO. 1147

Mr. KENNEDY. Mr. President, on behalf of myself, Senator YARBOROUGH, Senator SAXBE, Senator MATHIAS, Senator HART, Senator HUGHES, Senator MCGOVERN, and Senator MONDALE, I send to the desk an amendment to the catastrophic health insurance provisions of H.R. 17550, and I ask that the amendment may be ordered to lie on the table and be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. KENNEDY. The purpose of the amendment is to launch a new Federal "seed" program to improve the Nation's existing health care system, and to help prepare the system to meet the extraordinary new demands that will be made upon it by the catastrophic health insurance program.

The measure to provide Federal insurance against the cost of catastrophic illness is one of the most significant provisions added by the Senate Finance Committee to the social security bill. I share the committee's concern over the critical problem of catastrophic illness. Indeed, I believe that one of the most serious aspects of our national health crisis for millions of our citizens is the very real fear of financial ruin because of serious illness.

At the same time, however, such a program, if enacted by itself, runs the risk of substantially increasing the existing imbalances in our health system. I believe that if a program of insurance against catastrophic illness is to be enacted at this time, it should also include provisions dealing with the equally serious problems of the organization and delivery of health care in the Nation. In other words, I feel that any new major health insurance program cannot be simply a financing mechanism. It cannot be permitted simply to increase the effective demand for health care, without at the same time taking the essential steps that are necessary to insure that the new demand can be met, and that high quality health services will actually be available.

The amendment I have proposed would establish a Health Resources Development Account in the Catastrophic Health Insurance Trust Fund, to help solve the critical problems of manpower, facilities, and other resources in the Nation's health care system.

The Health Resources Development Account would be financed by earmarking 10 percent—approximately $220 to $250 million a year, based on present estimates—of the funds in the Catastrophic Health Insurance Trust Fund for the purposes of the account. The funds in the account would be used as "front end" money to supplement other Government health development efforts. They would pay for establishing new group practices, for manpower training and education, for creating and developing new categories and skills in the health field, for strengthening health planning activities in States and localities, and for a wide variety of other innovative programs.

Funds from the account would not replace the regular appropriations for support of ongoing health services, such as aid to medical schools and hospitals. Rather, the funds will be applied as a catalyst for innovation in all parts of the health system. In making this commitment, Congress will recognize its responsibility to the American people to assure the availability of health services, not merely to provide a payment mechanism for such services.

The approach adopted in this amendment has been specifically endorsed by many experts in the health field, including the report last June of the administration's Task Force on Medicaid.

In addition, a similar "resources development fund" approach is contained in part F of S. 4297, the bill that Senator YARBOROUGH, Senator SAXBE, 14 other Senators, and I have introduced in this Congress to establish a program of comprehensive national health insurance for the United States.

At this time, however, I would like to emphasize as strongly as I can that the amendment we are offering today is in no sense tailored to any particular version of Federal health insurance. Rather, it offers a program designed to develop the health resources needed to meet the new demand that will be made on the health systems by any extension of existing Federal health insurance programs, whether it be the catastrophic illness insurance program in the committee bill or any other program.

Mr. President, today's Washington Star carries a perceptive article by Judith Randall emphasizing the importance of including resources development provisions in health insurance legislation. Otherwise, as she states, the reach of such legislation will surely exceed its grasp.

Mr. President, I hope that this amendment will be accepted by Congress as part of the pending legislation. I ask unanimous consent that the amendment may be printed at this point in the RECORD, together with the article by Miss Randall.

There being no objection, the amendment and article were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1147

On page 402, line 11, delete the quotation mark.

On page 402, insert after line 11 the following:

"HEALTH RESOURCES DEVELOPMENT ACCOUNT

"SEC. 2011. (a) There is hereby created in the Federal Catastrophic Health Insurance Trust Fund a Health Resources Development Account.

"(b) (1) For each fiscal year there shall be transferred from the Federal Catastrophic Health Insurance Trust Fund to the Health Resources Development Account 10 per centum of the amount available in such Trust Fund for obligation during that year.

"(2) In addition to the funds made available under paragraph (1) of this subsection, there are hereby appropriated to the Health Resources Development Account in the Federal Catastrophic Health Insurance Trust Fund the amount of $100,000,000 from the Federal Hospital Insurance Trust Fund.

"(3) Funds in the Health Resources Development Account shall be used exclusively for the purpose of this section, and shall remain available for such use until expended.

"(c) The purposes of this section are (1) to inaugurate an innovative program to strengthen the nation's resources of health personnel and facilities and its system of organization and delivery of health services, in order to meet the rising demand for health care, (2) to expand and intensify the health planning process throughout the United States, with primary emphasis on preparation of the health delivery system to meet such demand, (3) to provide financial and other assistance in alleviating shortages and maldistributions of health personnel and facilities, in order to increase the supply of services, and (4) to improve the organization of health services in order to increase their accessibility and effective delivery and restrain their increasing cost.

"(d) The Secretary is authorized to carry out the purposes of this section by a program of grants, contracts, loans, or other arrangements, as may be prescribed in regulations. In carrying out such purposes, the Secretary shall give priority to—

"(1) the development and support of a continuous process of health service planning, in coordination with State and local planning agencies, for the purpose of improving the supply and distribution of health personnel and facilities and the organization of health services, including identification of acute shortages and maldistributions of health personnel and facilities and serious deficiencies in the organization or delivery of health services;

"(2) improving and expanding the available resources for, and assuring the accessibility of, health services to ambulatory patients which are furnished as part of coordinated systems of comprehensive health care;

"(3) a program for the recruiting and training of professional, subprofessional, and non-professional health personnel, with emphasis on (A) the development of new kinds of health personnel, (B) the encouragement of persons disadvantaged by poverty, inadequate education, or membership in ethnic minorities to enter the health professions, and (C) the development of health personnel for urban and rural poverty areas.

"(e) Expenditures made to carry out the purposes of this section shall not be used to replace other Federal financial assistance, or to supplement the appropriations for such other assistance except to meet specific needs of programs developed under this section."

[From the Washington Star, Dec. 17, 1970]

NIXON'S TARDY HEALTH PROGRAM

(By Judith Randal)

Why—when no one at last week's televised news conference asked him specifically about the issue—did President Nixon single out health as "one of the highest priority programs" he will submit to Congress next year?

The answer is that, while the White House has ignored the matter for 18 months (ever since the President said in July 1969 that he foresaw a "massive crisis"), the legislators whom it would now bend to its will have not. Accordingly, the administration is in the uncomfortable position of being a late added starter in an already crowded race eager to make up for lost time.

It is apparent, for example, that an insurance proposal for the coverage of the expense of catastrophic illness sponsored by Sen. Russell B. Long, D-La., is the same in principle, if not in detail, as a plan the administration is mulling over. Long's bill has little chance of passage before the 91st Congress ends this month, but it will likely be reintroduced by Long in the 92nd Congress, thus casting the President in a "me-too" role.

There is, furthermore, a fundamental difficulty with both proposals which their Republican and Democratic advocates alike will be hard put to explain after their initial political popularity begins to wear off: The measures provide for federal payment of medical bills with no thought whatever of how to control costs, insure quality care or meet the additional demand for services they would create—three matters that already have evoked the nation's concern.

It might seem that this lesson had been learned from medicare, but apparently it has not, for there is nothing in either the $2.5 billion Long bill or anything the administration has said that would indicate more than lip-service interest in measures to augment the supply of health manpower or tend to make the health care system more efficient.

Indeed, to cite just one example, the number of medical students receiving federal loans has dropped by more than 8,000 since the President took office, which hardly bodes well for the easing of the doctor shortage.

The irony of all this is that the administration, after dragging its feet for nearly two years in the health care field, has resisted proposals—like that of Sen. Edward M. Kennedy, D-Mass.—for comprehensive national health insurance, arguing that personnel and facilities for such a system are lacking.

As a matter of fact, the Kennedy proposal, which has bipartisan support, makes provisions for the expanded plant, equipment and personnel which national health insurance would require.

A "toolingup" period of three years before the plan went into operation would be devoted to creating—at a total cost of about $800 million—some 2,000 fully staffed and equipped group medical practices and other facilities to care for 60 million people now without adequate medical attention.

After the preparatory period, a portion of the system's revenue would be set aside each year to enable the nation to keep pace with the inevitable growth of its case load. Nothing in either Long's bill or anything the administration is considering is anywhere near so thoroughly thought out from the viewpoint of either resources or costs.

The administration has opposed the measure on the ground, among others, that it is not in the American tradition. It would seem, however, that what Kennedy proposes could easily be justified as "research and development" which, if the space program and atomic energy are any indications, are as American as apple pie.

Even if Congress chooses to ignore the rest of the Kennedy proposal and enacts a catastrophic-illness measure that provides a subsidy only for large medical bills, it should certainly contain something very like the "toolingup period." Without it, the reach of any health care legislation, present or future, will almost surely exceed its grasp.

Meanwhile, the President is going to have to acknowledge, to himself at least, that he has an enormous credibility gap to close when he seeks to play the statesman in the health care field.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Ohio.

Mr. SAXBE. I am glad to be associated on this amendment with the Senator from Massachusetts, for the reason that I feel that if we go into an extensive insurance program, however well-intentioned, we will simply add to the already difficult situation of expenses that cannot be avoided today with high-priced hospital beds, and not trying to keep people out of the hospital by preventive medicine, by having preventive facilities, and by having trained personnel who can be available to persons who otherwise would wind up in the hospital.

I feel very strongly that our health distribution method in this country at the present time is sadly in need of review, and that to dump good money after bad on this catastrophic system, without putting money into the training of personnel and the providing of preventive facilities, will not solve any problem; it will simply raise the cost and increase the crowding and the load upon our physicians.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, I thank the distinguished Senator from Ohio. Together with Senator YARBOROUGH, he was one of the initial sponsors of our national health insurance program. He realizes that to obtain quality health care, what really to do is to improve the organization and delivery of health care, as well as the financing. If we are going to provide quality health care, we must approach the problem in this multifaceted manner.

I commend the amendment that was offered in the Finance Committee with respect to catastrophic illness insurance, because it does meet one of the extremely critical needs of our health system. Many citizens who have built up savings over the course of their lives are threatened with the loss of their entire savings because of catastrophic illness. We must begin now to attack this problem, but we must also begin to come to grips with the problem of the shortage of health manpower in this country and all the other inadequacies of our health delivery system.

The whole thrust and purpose of this amendment is to take a small but important step forward to try to alleviate that shortage. I think it is a responsible approach. I think it is extremely reasonable in terms of resources. It will not take additional commitments of resources that will be raised under the that will be raised under the amendment of the Finance Committee with respect to catastrophic illness.

It is not an amendment that will require additional funding for this program. That should be understood at this time. But it is something that will help provide additional manpower and other health resources. As a result, hopefully, we will begin to reduce the inflationary trend that has been rampant in the entire health service area in recent years.

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Inflation in the health area is between two and three times as much as it is generally in our economy. I think that one of the principal reasons for this excessive inflation is that in programs like medicare and medicaid, the Federal Government has increased the demand for health care, without providing any means to increase the supply of health services. It is for this reason that the Senator from Ohio and I and other Senators have offered this amendment.

Mr. TALMADGE. Mr. President, I want to be sure that the Senate knows what the issue is that is pending before the Senate at this time. The amendment now pending is one offered by a number of Senators, and it relates only to textiles and footwear.

The President of the United States has repeated, time after time after time, that he wants this Congress to act on an amendment relating to the textile industry. In fact, recently he indicated that he is prepared to call Congress back into extraordinary session to act if we do not act.

I invite the attention of Senators to the report of the Committee on Finance, beginning at page 266 and continuing through page 275, which explains the pending amendment in detail. It relates purely to footwear and to textiles, and relates to no other issue whatever.

I point out that the amendment would authorize the President of the United States to reduce tariffs if it is necessary to order to complement any quotas he may impose. No quotas whatever, upon any article, would become mandatory. But it would give the President of the United States the tools with which to negotiate with foreign countries from a position of strength, in order to protect the jobs of millions of Americans.

THE PRESIDENT'S POSITION

I am sure that many Senators listened the other night, as I did, to the President of the United States when he had his press conference. I also read his report in the news media very carefully thereafter. The President stated that he was opposed to any quotas that would reduce American jobs, but he was in favor of quotas that would protect American jobs. That is the issue before the Senate at this time.

THE SENATE'S RECORD

This is not a new issue before the Senate. We have had the issue before us from time to time for quite a number of years. In fact, on two occasions, last year and the year before, the Senate voted, by overwhelming majorities in the affirmative, to give the President the power to act.

I have in my hand a Xerox copy of "Senate Voting Record No. 56" of March 27, 1968, the 90th Congress, showing that an amendment was offered to the Tax Adjustment Act of 1968. The pending issue at that time was the Hollings-Thurmond amendment providing authority for the President to negotiate import quotas on textile articles. The affirmative vote was "yea" and the negative vote was "nay." The yeas were 55, and the nays were 31. It received a majority of the votes of the Democratic Party and also of the Republican Party.

I ask unanimous consent, Mr. President, to have printed at this point in the Record the vote that occurred at that time.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Senate voting record, No. 56, Mar. 27]

TAX ADJUSTMENT ACT OF 1968

Legislation: H.R. 15414, to continue the existing excise tax rates on communication services and on automobiles, and to apply more generally the provisions relating to payments of estimated tax by corporations.

Vote Analysis: Hollings-Thurmond amendment providing authority for the President to negotiate import quotas on textile articles, but excluding certain natural fibers; if, after 180 days, executive agreements are not reached, quotas will go into effect limiting textile imports to the 1961–66 average.

RESULT OF VOTE: AMENDMENT AGREED TO

Yeas (55)

Democrats (35 or 67%)

Anderson, Bayh, Bible, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Church, Clark, Dodd.

Eastland, Ellender, Ervin, Hartke, Hill, Holland, Hollings, Jordan, N.C., Long, La.

McClellan, McGee, McGovern, McIntyre, Montoya, Moss, Muskie, Nelson.

Randolph, Ribicoff, Russell, Sparkman, Spong, Stennis, Symington, Talmadge.

Republicans (20 or 59%)

Allott, Baker, Bennett, Brooke, Carlson, Cotton, Curtis, Dominick, Fannin, Hruska.

Jordan, Idaho, Mundt, Murphy, Pearson, Prouty, Scott, Smith, Thurmond, Tower, Young, N. Dak.

Nays (*31*)

Democrats
(17 or 33%)

Bartlett, Brewster, Fulbright, Gore, Gruening, Hart, Inouye, Jackson, Lausche, Magnuson, Mansfield, Metcalf, Mondale, Monroney, Promire, Tydings, Young, Ohio.

Republicans
(14 or 41%)

Aiken, Boggs, Case, Cooper, Dirksen, Fong, Griffin, Hatfield, Hickenlooper, Kuchel, Miller, Morton, Percy, Williams, Del.

Not Voting (*10*)

Democrats (8): Hayden—PF(2), Kennedy, N.Y.—AN(2), Long, Mo.—A(1), McCarthy—A(2), Morse—AN(1), Pastore—PF(2), Pell—PF(2), Yarborough—A(2).

Republicans (2): Hansen—AF(2), Javits—PA[2](2).

[1] Present and Giving Live Pairs: Harris (PA), Kennedy, Mass. (PA), Smathers (PA), Williams, N.J. (PF).

[2] Receiving Live Pairs: Pell (PF), Hayden (PF), Pastore (PF), Javits (PA).

Symbols: A—Absent, AF—Announced For, AN—Announced Against, PF—Paired For, [1] Live Pair Given, [2] Live Pair Received.

Explanation of absenteeism: (1) Official Business, (2) Necessarily Absent.

ANALYSIS OF ISSUE VOTED ON

A Presidential Recommendation? H.R. 15414—Yes.

Administration's Position: Against Amendment.

Administration's Position: *Supported,* D—17 or 33%, R—14 or 41%.

Opposed: D—35 or 67%, R—20 or 59%.

Party Cohesion, D—67%, R—59%.

Measure of Party Support on Issue as Voted on:

For (55), D—35 or 64%, R—20 or 36%.

Against (31), D—17 or 55%, R—14 or 45%.

Mr. TALMADGE. I hold in my hand a similar Xerox copy of December 10, 1969, the 91st Congress. The issue then was tax reform. At that time, pending before the Senate was an amendment offered by the Senator from New Hampshire (Mr. COTTON) and others to add to the committee bill a provision authorizing the President to impose restrictions on the importation of Foreign articles, and so forth. There was a record vote. The yeas were 65, and the nays were 30. It received a majority of the votes of the Senators in the Republican Party and a majority of the votes of the Senators in the Democratic Party.

Mr. President, I ask unanimous consent to have a copy of that vote printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Senate Voting Record, No. 178, Dec. 10]

TAX REFORM—TAX RELIEF

Legislation: H.R. 13270, the Tax Reform Act of 1969.

Vote Analysis: Cotton, et al., amendment to add to the committee bill a provision authorizing the President to impose restrictions on importation of foreign articles if they have reached such a level that their importation disrupts the domestic market or is causing injury to industries, firms or workers in the United States and the exporting country has restrictions on U.S. imports. (See also Vote No. 177.)

RESULT OF VOTE: AMENDMENT AGREED TO

Yeas (*65*)

Democrats (36 or 67%)

Allen, Bayh, Bible, Byrd, Va., Byrd, W. Va., Cannon, Church, Dodd.

Eastland, Ellender, Ervin, Hartke, Holland, Hollings, Inoye, Jordan, N.C., Long, Magnuson, Mansfield, McCarthy.

McClellan, McGee, McGovern, McIntyre, Montoya, Muskie, Pastore, Pell.

Randolph, Ribicoff, Russell, Sparkman, Spong, Stennis, Talmadge, Young, Ohio.

Republicans (29 or 71%)

Allott, Baker, Bellmon, Bennett, Boggs, Brooke, Cook, Cotton, Curtis, Dole.

Dominick, Fannin, Gurney, Hansen, Hruska, Jordan, Idaho, Miller, Murphy, Pearson, Prouty, Saxbe.

Schweiker, Scott, Smith, Maine, Smith, Ill., Stevens, Thurmond, Tower, Young, N. Dak.

Nays (*30*)

Democrats (18 or 33%)

Burdick, Cranston, Eagleton, Gore, Gravel, Harris, Hart, Hughes, Jackson, Kennedy.

Metcalf, Mondale, Moss, Nelson, Proxmire, Tydings, Williams, N.J., Yarborough.

Republicans (12 or 29%)

Aiken, Case, Cooper, Fong, Goodell, Griffin, Hatfield, Javits, Mathias, Packwood, Percy, Williams, Del.

Not voting (5)

Democrats (3): Anderson—A(2), Fulbright—A(2), Symington—A(2).

Republicans (2): Goldwater—AF(1), Mundt—A(3).

Symbols: A—Absent, AF—Announced For.

Explanation of absenteeism: (1) Official Business, (2) Necessarily Absent, (3) Illness.

ANALYSIS OF ISSUE VOTED ON

A Presidential Recommendation? H.R. 13270—No.

Administration's Position: Against Amendment.

Administration's Position: *Supported,* D—18 or 33%, R—12 or 29%.

Opposed, D—36 or 67%, R—29 or 71%.

Party Cohesion: D—67%, R—71%.

Measure of Party Support on Issue as Voted on:

For (65), D—36 or 55%, R—29 or 45%.

Against (30), D—18 or 60%, R—12 or 40%.

THE ISSUE IS JOBS

Mr. TALMADGE. Mr. President, what are the facts? According to the President of the United States, the textile industry particularly is in a serious dilemma in this country. I happen to know that, because in my own State of Georgia, the textile and garment industry make up approximately 40 percent of the industrial jobs. In fact, there are 2,400,000 textile jobs in the United States. One out of every eight industrial jobs in the United States is in the textile and garment industry.

What are the facts? The Secretary of Commerce, Mr. Stans, says that we are losing those jobs at the rate of 100,000 per year. Every day, we read in the newspapers about a textile mill being closed in this country and hundreds of people being thrown out of work. In many instances, they are required to go on relief, because no other job is available. In many instances, these jobs are the only industrial jobs in the area; and when those mills close, it has a completely calamitous effect on the economy of that area.

THE TRADE DEFICIT

Mr. President, not too many years ago, the textile industry was one of the large earners of dollar exchange for the United States. What are the facts at the present time? In 1969, the United States of America exported $784,000 worth of textiles and clothing. What is the figure on imports? The figure is $2,124,700,000. In other words, the deficit on textiles alone in 1969 was $1,340,100,000.

Mr. President, I ask unanimous consent to yield to the distinguished majority leader, with the reservation that I retain the floor and that my remarks not be considered a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, with those provisos, would the distinguished Senator mind, so that we could take up a very important conference report on the Omnibus Crime Control and Safe Streets Act, with the further stipulation that it will not interrupt the stream of thought and colloquy in which the Senator is engaging.

Mr. TALMADGE. I am delighted to yield to the majority leader for that purpose.

AMENDMENT OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Stevenson). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of Dec. 16, 1970, pp. 42036–42040, Congressional Record.)

Mr. McCLELLAN. Mr. President, the primary purpose of H.R. 17825 is to make a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) that established the Law Enforcement Assistance Administration. The major provisions of title I of the amended bill would:

First. Authorize appropriations for the next 3 fiscal years.

Second. Revise the administrative management of the Law Enforcement Assistance Administration.

Third. Relax in defined areas on a showing of need the matching requirements for discretionary and block grants.

Fourth. Relax certain of the restrictions on the use of grant funds for salaries.

Fifth. Authorize waivers of the mandatory requirement that specified percentages of State planning funds be made available to local units.

Sixth. Revise the provisions under which a part of each State's block action grant must be made available to local units.

Seventh. Provide that each State must allocate adequate assistance of title I block grant funds to areas characterized by high law enforcement activity.

Eighth. Provide for State contribution, on an aggregate basis, to the local share of funding.

Ninth. Establish a new program for the construction, acquisition, and renovation of correctional facilities and programs.

Tenth. Expand the law enforcement education programs.

Eleventh. Make numerous changes in the administrative provisions of title I of the act designed to increase the operational efficiency and staff capability of the administration.

In addition, titles II through VI of the bill make a variety of needed changes in the field of criminal justice.

Title II authorizes stricter sentences where firearms are used in the commission of felonies. This provision was based on legislation offered by the Senator from Montana (Mr. Mansfield) and the Senator from Nebraska (Mr. Hruska).

Title III authorizes appeals in certain classes of criminal cases. This provision was based on S. 3132, introduced by the Senator from Nebraska (Mr. Hruska). See generally Senate Report 91–1296, 91st Congress, second session—1970—for its legislative history.

Title IV provides Federal protection to Members of Congress against assassination and assault. This provision was based on S. 642, introduced by the Senator from West Virginia (Mr. Byrd). See generally Senate Report No. 91–1249, 91st Congress, second session—1970—for its legislative history.

Title V provides Federal protection for the President in his travels and his temporary residences. This provision was based on S. 2896, introduced by the Senator from Nebraska (Mr. Hruska). See generally, Senate Report 91–1252, 91st Congress, second session—1970—for its legislative history.

Title VI reestablishes and strengthens the Federal Commission on Wiretapping created by the 1968 act, but repealed by Public Law 91–452.[1] This provision was based on legislation introduced by the Senator from Nebraska (Mr. Hruska).

Mr. President, this Conference Report represents the hard work of a number of days of debate, discussion, and fair compromise. Not all of the provisions of the Senate amendments are contained in the bill, but H.R. 17825 is a good bill, and it deserves the support of the Senate.

Mr. President, this report was signed by all the conferees in both House and Senate. I think we had four or five sessions of the conferees in the conference. The bill was thoroughly examined and each provision that was at all in disagreement was thoroughly discussed and decision arrived at on a give and take basis, with the stronger arguments, in most instances, the basic and sounder reasons, prevailing for what was ultimately agreed to by the conference.

I am glad now to yield to the distinguished Senator from Nebraska (Mr. Hruska).

Mr. HRUSKA. Mr. President, on Wednesday, October 8, 1970, the Senate overwhelmingly passed the Omnibus Crime Control Act of 1970, H.R. 17825. The primary purpose of the bill was to authorize appropriations for the Law Enforcement Assistance Administration in the next 3 fiscal years. The bill also made a number of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 which were designed to strengthen the LEAA program.

Extensive hearings were held by the Senate Judiciary Committee on the bill and the legislation, as passed, had strong bipartisan support in committee and on the floor of the Senate.

The Senate bill differed significantly from the bill passed by the House. Mr. President, despite the significant differences in the Senate and House bills, and despite the strong insistence of the House conferees on provisions of the House bill, I believe we have been successful in preserving the essential character of the Senate bill. The conference report we bring back today includes virtually all of the essential features of the legislation which passed in the Senate.

I would now like to review some of the major points in the Senate bill which the Senate conferees were able to insist upon and retain. I would also like to discuss a few of the House provisions which were accepted in conference.

ADMINISTRATIVE MANAGEMENT OF LEAA

The conferees have agreed to the Senate provision for revising the administrative management structure of LEAA.

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[1] A question arose in the conference on the relationship between 1 U.S.C., sec. 108—dealing with the effect of repealers—and title VI; it was resolved, however, on the basis that the expression of the Congress to reenact title IV of the 1968 act and amend it accordingly was adequately expressed and that no specific addition of new language was necessary.

This provision retains the so-called troika in a modified form. It gives the Administrator control over the administrative functions of the agency. These functions are presently vested in the administration and this provision would provide in essence that they be exercised by the Administrator on behalf of the administration. With respect to all other functions, powers, and duties, the Administrator and Associate Administrators are partners. These functions, powers, and duties are to be exercised by the Administrator and Associate Administrators with the concurrence of any two of the three. As we stated in the Senate report on the bill, these modifications should "assure the operational and management efficiency of LEAA without placing too much power into too few hands for a program involving a national impact on police."

PLANNING GRANTS

The conferees also agreed to provisions in the Senate bill authorizing LEAA to waive in selected cases the present requirement that 40 percent of the planning funds allocated to a State be passed through to its units of local government. The conferees at the time agreed to the Senate provision requiring States to pass through planning funds to major cities and counties in the State. As was indicated in an earlier speech on the bill, LEAA can administratively determine what constitutes a major city or county within the meaning of this provision. I also indicated that these major cities and counties would include at least those in the standard metropolitan statistical areas. However, if LEAA determines that some other standard should be applied in designating major cities and counties, they can still be in conformance with the intent of this provision.

Finally, the conferees agreed to accept the House provision dealing with the representation requirements of State planning agencies. The equivalent Senate provision would have required that, insofar as it was not inconsistent with the provisions of any other law, the State and regional planning agencies be representative of law-enforcement agencies, units of general local government, public agencies maintaining programs to reduce and control crime, and the general community within the State. The House provision would delete the requirement that the planning agencies be representative of the general community within the State. It is not intended to limit the authority of States or units of local government to designate for LEAA planning, planning agencies established for other Federal programs such as the model cities program or the National Highway Safety Bureau program.

CONSTRUCTION GRANTS

Section 301(b) of the Safe Streets Act designates grant programs which can be funded by LEAA with action grants. The conferees agreed to add language from the House bill which would expand the present language authorizing grants for the construction of buildings or other physical facilities. This language would provide that construction grants could be made for local correctional facilities, centers for the treatment of narcotics addicts, and temporary facilities in areas of high crime incidence. This amendment had been considered by the Senate Judiciary Committee when the House bill was originally before it and had not been included because the committee felt that the present language in the Safe Streets Act would authorize these programs. The earlier action is now corrected.

CRIMINAL JUSTICE COORDINATING COUNCILS

The House and Senate bills both provided for an amendment to section 301 (b) of the act to authorize the establishment of criminal justice coordinating councils. However, the conferees agreed to a provision from the Senate bill which would limit the eligibility of units of general local government or combinations of such units for grants under this program unless they had a population of 250,000 or more. The Senate Judiciary Committee in its report indicated that this limitation was added because establishment of councils for smaller population areas would be a needless proliferation of the planning function.

COMMUNITY BASED CORRECTIONAL PROGRAMS

The conferees agreed to accept a provision from the Senate bill which adds a new subparagraph to section 301(b) authorizing the use of part C funds for the development of community-based delinquency and correctional programs as an alternative to institutional confinement. The Senate report in discussing this section stated that the funding of such programs under the present law is permissible but it is hoped that express authority will provide an incentive for the States and cities to develop and fund such programs.

THE LAW ENFORCEMENT NEEDS OF LOCAL GOVERNMENTS

The conferees adopted a modified version of the provision in the House bill dealing with the law enforcement needs of local governments. This provision would provide that LEAA approval of State plans for law enforcement assistance is dependent upon an express finding that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity. This means, as stated in the House report, that State planning agencies should generally correlate the benefits of anticrime efforts with the incidence of crime in particular areas. These benefits would include, for example, expenditures by States for correctional facilities which regularly incarcerate criminals from areas characterized by high crime incidence or high law enforcement activity.

FLEXIBLE PASS-THROUGH AMENDMENT

The conferees also accepted the Senate provision to amend section 303(2) of title I of the Safe Streets Act by providing a flexible pass-through arrangement in lieu of the present requirement that 75 percent of all action funds granted to a State planning agency must be passed through to local units of government. The conferees delayed the operation of this provision until fiscal year 1973.

Section 303(2) originally was included in the act to reflect a finding by the Congress that approximately 75 percent of total nationwide law enforcement expenditures by State and local governments is spent by local governments. This finding was based upon information developed by the President's Crime Commission and the Census Bureau showing total nationwide expenditures, not State-by-State breakdowns. Studies have shown the 75 percent pass-through formula is not representative of the State-local division of law enforcement expenditures in many States.

The flexible pass-through amendment provides that the percentage of money passed through by each State to its units of local government will be in proportion to the law enforcement expenditures by the units of local government in that State for the latest fiscal year for which expenditure data is available. Expenditures for corrections, police operations and the courts will be considered as well as expenditures for the prevention and control of juvenile delinquency and narcotics addiction when they become available. No expenditures derived from Federal funds will be included in this determination.

The purpose of the flexible pass-through is to assure that there is an "appropriately balanced allocation" of action funds between the States and their local government units, as required by section 303(3) of the act. Enforcement of the existing pass-through requirement in States such as Alaska, Delaware, Rhode Island, North Carolina, and Vermont, which bear up to 75 percent of the cost of some or all components of law enforcement in the State, cannot result in an "appropriately balanced allocation" of action funds between these States and their units of local government, and operates to the detriment of these States.

In order to administer the increased responsibilities of LEAA authorized by this bill, the conference authorized 20 additional supergrade positions for the Administration. The assignment of these positions will in no way hamper the Attorney General in carrying out the effective responsibilities of the Department.

STATE ASSISTANCE TO UNITS OF LOCAL GOVERNMENT

The conferees also adopted the so-called buy-in provision in the House-passed bill to require that the States provide at least one-fourth of the non-Federal funding required for federally assisted local law enforcement programs. The provision applies only to block grants and not to discretionary grants made under section 306 of the act. The conference substitute conforms to the House bill with the exception that the State contribution requirement is deferred until fiscal year 1973 and expressly provides that the State contribution will be on an aggregate basis rather than on a project-by-project basis.

The provision is a new concept in Federal-State relationships and could have a significant impact on State participation in LEAA programs. It was the subject of extensive discussion in the con-

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ference and only after many days of conference meetings was it finally agreed to by the Senate conferees.

GRANTS TO CORRECTIONAL FACILITIES

The conferees also agreed to accept the House version of the provision adding a new part E to the Safe Streets Act. Part E establishes a new program authorizing LEAA to make grants for the development of new correctional facilities and the improvement of correctional programs. LEAA will be authorized to make both block grants and discretionary grants under this program and to pay up to 75 percent of the cost of any program funded with part E funds. The State and local government share of these programs can be met by either money or donated goods and services. Such services could include, of course, those of inmates of correctional institutions.

The conferees also accepted a provision in the Senate bill which would require under part E that emphasis be placed on a community-based correctional facilities. Part E, as accepted by the conferees, is substantially identical to the provisions which I introduced in a bill earlier in this session. It is anticipated that the programs funded under this section should have a significant impact on the problems of law enforcement.

MATCHING

The conferees reached a compromise between the House and Senate provision on matching requirements for action grants. The conference report increases the Federal match for any block grant program from 60 to 75 percent. The Senate bill would have raised this share from 60 to 70 percent. Similarly, the committee placed the Federal share of all discretionary grant programs at 75 percent while the Senate bill would have placed the Federal share at 70 percent.

The new provisions, on the whole, are more desirable. The important point is that the new formulas will mean substantially more money for States and units of local government.

The conferees also accepted a modified version of the Senate provision which would require States and units of local government to provide part of the share of action programs from money allocated for matching LEAA grants. The modified provision would require that 40 percent of the non-Federal share of action programs be in money appropriated for this purpose. The provision would be made effective in fiscal year 1973. The modified version also provides that this so-called hard match need not be appropriated for each and every program undertaken by units of State or local government but may be applied in the aggregate. The hard match would include any funds appropriated by a State or unit of local government which are specifically earmarked for matching LEAA action grants.

LEAA experience in the past 2 years has found that the State and local share of action programs has frequently if not always been figured in donated property or services and it is hoped that the provision for hard match will stimulate the expenditure of new funds for law enforcement purposes.

It should be noted that while the effect of the hard match will be delayed until fiscal year 1973, the new matching formulas will apply immediately to fiscal year 1971 action funds.

AUTHORIZATIONS

The Senate bill authorized appropriations for LEAA of up to $650 million for fiscal year 1971, $1.15 billion for fiscal year 1972, and $1.75 billion for fiscal year 1973. The Senate amendment further provided that of such funds $100 million in fiscal year 1971, $150 million in fiscal year 1972, and $250 million in fiscal year 1973 should be used for the purposes of part E.

The conference provision is in substantial conformance with the Senate amendment except that it earmarks up to $120 million for part E in fiscal year 1971 and for each fiscal year thereafter it provides that there shall be allocated for the purposes of part E an amount equal to not less than 20 percent of the amount allocated for the purposes of part C.

It should be noted that the appropriations bill for LEAA for fiscal year 1971 has already been enacted by Congress and signed into law by the President. LEAA has already distributed a significant amount of its funds to the States and units of local government and presently does not have funds which it can allocate for part E purposes. Accordingly, it will not be practical for LEAA to allocate $120 million for part E programs in this fiscal year without supplemental appropriations. It is anticipated that LEAA will discuss our amendments with its appropriations committees in an effort to determine if and to what amount additional funds can be obtained for part E in this fiscal year.

There was complete agreement, Mr. President, in the final version of the bill. All the conferees from both bodies signed the conference report. We feel that there has been a successful effort to preserve the essential characteristics of the 1968 bill and to update it in the light of the experience gained in the first 2 years of this very important program.

Mr. President, I particularly want to commend the chairman (Mr. McCLELLAN) as well as the staff for their persistent leadership and patience with the many varying versions with which we were initially confronted.

Each of the conferees made important contributions to the final bill and I want to thank each for the cooperative spirit which prevailed throughout our many meetings. I particularly want to commend the very capable chief counsel of the Criminal Laws Subcommittee, G. Robert Beakey, who worked hard and diligently to bring this bill—in this form—into being. I also want to thank the minority counsel, Malcolm Hawk, who worked closely with me on this matter for his highly effective and skilled assistance in bringing about this fruitful final result.

I thank the Senator from Arkansas very much for yielding to me.

Mr. McCLELLAN. Mr. President, I certainly join in the remarks of the distinguished Senator from Nebraska in complimenting the staff. We have a very able staff on the subcommittee. They performed with commendable dedication and efficiency. Without their guidance and help, we might still be in conference.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, it is my understanding that the new program authorized by the Senate amendment to deal with awards for distinguished service in the field of law enforcement has been deleted by the conference. We all understand the exigencies of time here.

I wonder if I could inquire of the chairman if he has an intention to consider early hearings on that bill in the next session of the Congress so that we might get it moving again early in the next session.

Mr. McCLELLAN. I might say to the distinguished Senator from Alaska that my recollection is—and I am sure I am correct in this, that was an amendment that was not processed by the committee, but was an amendment which the distinguished Senator from Alaska offered on the floor.

Mr. STEVENS. The Senator is correct.

Mr. McCLELLAN. Mr. President, as manager of the bill, I discussed this with the Senator briefly at that time. I found no objection to it, and I think virtually I accepted it as an amendment to the bill on the Senate floor.

In conference the conferees of the other body did object to it and gave various reasons.

I think I can assure the Senator that if it does come up as a separate bill, is processed by the committee and passed through the Senate, we will have a reasonable good chance—I cannot assure him of that, but in my judgment, it would have a reasonably good chance—of being accepted.

The distinguished Senator from Nebraska may comment on it if he wishes.

I could not find anything wrong with the Senator's amendment. To me, it has qualities that commend it, I think, to the acceptance of the Senate and to enactment as a statute.

Mr. President, I yield now to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, I join with the Senator from Arkansas in that report on the fate of that amendment.

We did try to preserve the amendment, but the other body was insistent that we delete it together with some other material in the Senate bill.

Mr. McCLELLAN. Mr. President, we had to give up on something. We did everything we could to preserve it. It was just one of those things that we had to sacrifice in the give-and-take process.

Mr. HRUSKA. Mr. President, the Senator is correct. I would suggest that we do consider it at an early time next year as an independent bill or as an amendment to some other measure dealing with this subject.

Mr. McCLELLAN. I would encourage the distinguished Senator from Alaska to reintroduce his bill early in the next session of the Congress.

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The committee is going to continue to be active in the prosecution of this matter. We have worked hard, as indicated by the report. We included in the bill a number of bills before our committee. We processed them and took all of them, or part of them, in order to expedite their passage.

We will certainly give preferred consideration to the Senator's bill if he reintroduces it.

Mr. STEVENS. I thank the Senator.

Mr. MANSFIELD. Mr. President, during this Congress, the Senate has addressed itself most forcefully to the problems of crime. In this area, the Senate's record has been unimpeachable, having passed about all of the proposals requested by the President and a number more initiated on its own. Much of the Senate's work product is contained in the pending conference report on H.R. 17825, handled so ably by the senior Senator from Arkansas (Mr. McCLELLAN). Thanks to his efforts, the anticrime record of the Senate has been truly outstanding. And it should be said that no Member of this body understands better or appreciates more the problems of crime than does Senator McCLELLAN. In my own, less expert way, I share his concern. I am alarmed with mounting crime statistics; I am appalled particularly by the use of firearms by criminals in our society. Action must be taken to curb the criminal's quick resort to a gun when deciding to commit his insidious acts.

It was for this reason, of course, that the old gun control laws of the 1930's were revamped in 1968 and resulted in the gun crime measure of that year. It was for this reason as well that I introduced S. 849, the stricter gun sentencing bill and am gratified to know that that bill—having passed the Senate unanimously—has become title II of the pending measure.

This represents a different approach to curtailing gun crime—an approach that says to the criminal in terms that are clear and simple that the mere use of a gun will itself be met with punishment that fits such an act of violence. In short, the criminal use of guns requires our closest attention. With this stricter gun sentencing provision we have taken an effective step in the right direction. It will serve, I hope, as a primary focal point for the criminal. The decision is his. It is he who must choose to resort to a gun. It is he who now will find that act alone sufficient to warrant a stiff prison term, notwithstanding the underlying crime he commits.

I am not a lawyer, but I do know that many jurists contend that some leeway ought to be given the court in the case of first offenders. I note that such a precaution is written into this provision.

But in the case of the sentence given the second and subsequent offender, I would ask the able manager of this proposal how he construes the meaning of this language which I quote from the conference report:

> Notwithstanding any other provision of law, the court shall not suspend the sentence or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony.

Mr. McCLELLAN. It is quite simple. It means that the gun offender will be required to serve a separate and additional sentence for his act of using a gun. There is no discretion given; there is no way this additional sentence can be avoided.

Mr. MANSFIELD. I thank the distinguished Senator. All criminals should be on notice. Their mere choice to use a gun will be punished and there is no way that the punishment can be avoided. Again, I commend Senator McCLELLAN for assuring that this provision incorporated from my bill—the Lesnik bill—was written into this major crime proposal. Again, I thank him on behalf of the Senate for his splendid leadership in this whole area.

Mr. McCLELLAN. Mr. President, I move the adoption of the report.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the conference report.

The report was agreed to.

Mr. MANSFIELD. Mr. President, one thing I am happy about in the bill is the provision which makes the carrying of a gun in the commission of a crime a crime in and of itself. I think that will be one of the most effective means to cope with and to combat and to overcome crime that this Congress will have done in many a year, if not in many a decade.

Something must be done to take care of the situation which confronts the people of this country. In the urban areas, where 76 or 77 percent of our population live, something must be done also to make sure that the constitutional rights of the wronged, the raped, the murdered, and the relatives of the murdered are given just as much consideration as are the constitutional rights of those who are accused.

I think we have placed too much reliance on the latter and not enough on the former.

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order?

The Senator may proceed.

Mr. MANSFIELD. Mr. President, it was with that thought in mind that about a week ago I introduced another bill, on which I do not expect action to be taken this year, but one which would set up a set of compensatory payments for the victims of crime and in that way bring about an alleviation of the situation which, I repeat, is getting out of hand in all too many parts of the country, in the urban areas especially, but the rural areas have not escaped either.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President I ask unanimous consent that the Senate go into executive session to consider three nominations on the Executive Calendar which were reported earlier today.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

U.S. DISTRICT COURT

The assistant legislative clerk read the nomination of Robert J. Kelleher, of California, to be a U.S. district judge for the central district of California.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of H. Kenneth Wangelin, of Missouri, to be a U.S. district judge for the eastern and western districts of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of William H. Webster, of Missouri, to be a U.S. district judge for the eastern district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

TRIBUTES TO BE PAID TO SENATOR WILLIAMS OF DELAWARE ON TOMORROW AND SENATOR HOLLAND ON SATURDAY

Mr. MANSFIELD. Mr. President, beginning at 9 o'clock tomorrow morning, the distinguished junior Senator from Delaware (Mr. BOGGS) will be in charge of 1 hour for the purpose of extending our tributes and appreciation to a departing Member, the distinguished senior Senator from Delaware (Mr. WILLIAMS).

I hope that Members will be aware of this and will be on the floor if they possibly can.

On Saturday morning, the distinguished junior Senator from Florida (Mr. GURNEY) will lead in a round of tributes to the distinguished retiring senior Senator from Florida (Mr. HOLLAND).

Mr. President, I make these remarks at this time because under the cloture motion which has been filed, it would be mandatory following the rules that the vote on Saturday would take place at 10 o'clock in view of the previous agreement reached covering the allocation of the floor to the distinguished Senator from Florida (Mr. GURNEY).

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the 1-hour time under the cloture motion begin at 10 o'clock on Saturday morning, and that the vote on the cloture motion occur at 11 o'clock.

The PRESIDING OFFICER (Mr. GRAVEL). Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. TALMADGE. I yield to the distinguished acting minority leader with the understanding that I not lose my right to the floor and that my speech not be construed as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I wish to associate myself with the comments of the distinguished majority leader who has referred to the time set aside on Friday to pay tribute and respect to the distinguished senior Senator from Delaware (Mr. WILLIAMS) and on Saturday to the senior Senator from Florida (Mr. HOLLAND).

I suggest that Senators might want to be on the floor. I also want to remind Senators that since the time is limited to 1 hour in each case and since only a limited number of Senators will be able to speak, prepared statements of Senators will be welcome and, of course will be printed in the RECORD as though delivered.

On another matter, I would like to ask the majority leader if he intends in connection with the request for Saturday that the time available before the cloture vote should be divided?

Mr. MANSFIELD. Yes. I would suggest that the time be divided between the manager of the bill and the minority leader or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAME OF SENATOR RANDOLPH ADDED TO CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. RANDOLPH) be added to the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the name of the distinguished junior Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I stated that the unfavorable balance of payments on textiles for the year 1969 was $1,340,100,000. I ask unanimous consent that a table relating to imports and exports of textiles and garments for that year be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. TRADE BALANCE, CALENDAR 1969

[In millions of dollars]

	Exports	Imports	Balance
All countries	$37,444.3	$36,051.8	$1,392.5
Japan	3,461.8	4,888.3	(1,426.5)
All countries:			
Textiles	575.5	1,019.0	
Clothing	209.1	1,105.7	
Total	784.6	2,124.7	(1,340.1)
Japan:			
Textiles	12.2	284.9	
Clothing	2.3	254.7	
Total	14.5	539.6	(525.1)

Mr. TALMADGE. Mr. President, as Senators know, for the past 20 years we have had a favorable balance of payments only twice. We have had an unfavorable balance of payments in 18 out of the past 20 years. What has been the result? We have short term dollar claims overseas of $42 billion. How much gold do we have to settle those claims of $42 billion? We have a little over $10 billion. In other words, our short term liabilities are more than four times as great as short term assets.

If any State bank in the United States were in that position the State superintendent of banks would close that bank down before the sun rises tomorrow morning. If a Federal bank were in that position the Comptroller General would close it down before the sun rises tomorrow morning. That is the issue the United States faces on trade at the present time.

In addition to that, we have the unemployment rolls rising by leaps and bounds. Unemployment now stands at 5.8 percent of our labor force. It has increased by about 1.5 percent in the past year.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my friend and colleague, the Senator from Rhode Island.

Mr. PASTORE. Mr. President, now that my distinguished colleague from Georgia has mentioned the question of unemployment in the textile industry I thought I should rise at this moment because I have before me an article from the Providence Evening Bulletin of Monday, December 14. That is just the other day. I should like to read the article in this newspaper. It is an AP dispatch. The headline is "Japan Labor Shortage Worsens." Mr. President, mind you, not employment, but the shortage of labor in Japan worsens. The article reads:

> A three-man fact-finding mission from the Organization for Economic Cooperation and Development has discovered that Japan needs to formulate an entirely new policy to cope with its increasing labor shortage * * *

Mind you, Mr. President, in the United States we are dealing with unemployment. Unemployment is already over 5 percent of our labor force. Our mills are all on short time. The garment workers are all on short time. There is no longer time and a half or double time. Our mills are closing in droves. Yet with all of these imports coming from Japan where the balance of payments is $1.5 billion in their favor, we are looking for jobs and they are looking for workers. If that is not an irony confronting the American people I would like to know what the tragedy really is.

Mr. President, because I think all Americans should read this article I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JAPAN LABOR SHORTAGE WORSENS

TOKYO.—A three-man fact finding mission from the Organization for Economic Cooperation and Development has discovered that Japan needs to formulate an entirely new policy to cope with its increasing labor shortage, labor ministry sources said over the weekend.

They said the mission also found the need for Japan to build a stronger national coordinating capacity on industrial employment policies and to expand its adult occupational training services.

The mission will report its findings to the OECD's labor and social problems committee.

The committee will work out a recommendation to the Japanese government on the basis of the report to improve labor conditions in Japan.

Mr. PASTORE. Mr. President, here, we find the biggest offender is Japan. We have been trying harder and harder to get them to agree bilaterally and the answer always has been no, that we would disrupt the political structure of Japan if we were to do that. Here they are. They are looking for workers. They are short of workers and we are short of jobs.

Mr. President, I am telling you, and I say to my friend from Georgia, that this is the time to take a good, hard look to see what we are doing to ourselves. This idea that the textile industry is going to be the basic part of our foreign aid program has to come to a stop because throughout the country—and this goes for Georgia and my State as well, and other textile-producing States—our mills are closing down, they are on short time, there is no overtime, there is no double time, and all of those looms are closing down. We are looking for jobs while they are looking for workers. All I can say is shame on us; shame on us.

Mr. TALMADGE. I commend my distinguished friend. I find myself in complete agreement with him. Unfortunately, some of our colleagues want to export more American jobs at a time of rising unemployment, and their only answer to unemployment is to put our workers on relief. I think the American people do not want to be on relief. I think they want to work and that they want jobs. I think the American people want to take home paychecks and earn the respect of their children, families, and neighbors. They do not want their jobs exported and then have to go on relief. That, unfortunately, is the answer some of our colleagues seem to have.

THE ISSUE IS JOBS

That is the issue. The issue is whether there are going to be jobs; whether there are going to be American or foreign jobs. Mr. President, 2.4 million jobs in the textile and garment industry alone are involved and those jobs are being destroyed at the rate of 100,000 a year. The rate is accelerating, not decreasing.

I hope the Senate joins the President who has requested us to take action in this regard and I hope Senators will vote as they did in 1968 and as they did in 1969 by an overwhelming majority to try to protect the rights of American workers.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. HANSEN. Mr. President, I compliment the distinguished Senator from Georgia as well as the distinguished Senator from Rhode Island for the observations they have made.

It seems strange indeed that this group should be pushing efforts that are bound to export jobs from America, and at the same time we are faced with the agonizing responsibility of trying to make work in this country, to try to expand opportunities for employment, to try to train people, to try to provide relief from the injury that is sustained by virtue of the imports that come into this country. Yet that is what we are doing, and some of the most ardent advocates of a completely unfettered trade policy are in the forefront saying we have to put more and more money into retraining programs to take care of those people whose jobs are displaced by foreign workers, and by companies employing foreign workers sending goods into the United States. Is that correct?

Mr. TALMADGE. The Senator is correct. We are training people for nonexistent jobs.

Mr. HANSEN. Is it not a fact that the textile industry is the best marketplace for the relatively unskilled worker to find a job?

Mr. TALMADGE. The Senator is entirely correct. An overwhelming majority of people who work in the textile industry find themselves with a limited education, as a rule, and many of them are of a minority race. When their jobs are destroyed, it is difficult for them to find other jobs.

THE CLOSING OF A MILL

Yesterday I recited to the Senate, and there is in the RECORD, reference to a mill that closed in Aragon, Ga. Aragon is a little municipality of 1,200 people where 500 people were suddenly thrown out of work. The Senator can imagine what that did to that little community. Many of them still have been unable to find jobs. Many of them now have to drive 150 to 200 miles a day in order to work. Some of them did not have automobiles and they are unemployed.

This is the problem confronting us in many parts of the country.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. PASTORE. Does the Senator realize there are some people in the State Department who think these displaced workers maybe should go to Japan to get a job? I would not put it past them down there in the State Department to believe that.

Mr. TALMADGE. The Senator and I have worked from time immemorial, as he knows, with representatives of the State Department to try to get some semblance of order out of our trade policies. As the Senator has stated and as I have stated on many, many occasions, what the U.S. State Department needs more than anything else is an American desk.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. PASTORE. I am glad to see the Senator from West Virginia here. We provide millions and millions of dollars for Appalachia to help people there find work, people who are suffering today because of the economic situation. Do Senators realize that much of our textile industry was located in Appalachia? We are trying to put people to work, not on relief, to give them jobs. That is what this amendment does. If anyone asks me what this amendment stands for, it stands for American jobs, pure and simple, nothing more and nothing less. All we are trying to do is preserve what we have, because there is nothing we can do about those jobs that are lost, and how regrettable that is.

Mr. TALMADGE. The Senator is entirely correct.

I yield now to the Senator from Wyoming.

Mr. HANSEN. When we are groping with the situation that confronts us, as we contemplate changes in the welfare program, trying to find what we can do, how we can best train and educate people in order that they will some time in the future possess talents to give them something to hand out so they can find jobs and can be gainfully employed and can get off the relief rolls and into the private sector of the economy and thereby support themselves and their families, does it not make good sense that the first step we should take would be to protect the jobs we now have?

Mr. TALMADGE. I agree implicitly.

Mr. HANSEN. Before we start training people in redevelopment, manpower training, and other programs which we have, which oftentimes have trained people for jobs that do not exist, it seems abundantly clear to me that the first step any person would want to take would be to protect the jobs we already have, to protect the people already employed, so we do not add to the unemployment rolls.

I join with my distinguished colleagues in saying that is precisely what this bill intends to do. It does not impose any responsibility or obligation upon the President of the United States to do anything he does not want to do. Anything that would not be in the best interests of this country, he will not be forced to do under the trade amendment to the social security bill now before us.

Mr. TALMADGE. It does not require the President to do one solitary thing. Nothing is mandatory. It does give him tools to work with so we can get voluntary quotas to protect American jobs. The President of the United States says he wants those tools, and I want to give him those tools.

Mr. HANSEN. I would suggest to my good friend from Georgia that already there has been some discernible change in attitude of some of our foreign friends as they contemplate the results that will obtain if this legislation is passed. They are practical politicians, just as most of the Members of this body are, and they understand full well that if they were voluntarily to enter into agreements with the United States that would result in a restricted market for the products that come from Japan, or wherever they come from, this would be a difficult program to sell to their people, but, confronted, as they now are, with the probability that the Congress of the United States, or at least that the Senate of the United States, might take such action as to protect jobs in this country, it gives them added reason to go before their respective legislative bodies and before their industrialists and say, "Might not it make good sense for us to enter voluntarily into agreements with the United States that might restrict somewhat the export of goods from our country to the United States in order to avoid even more restrictive laws that could result if we failed to do this?"

So I say the effort we have made up to this point has been helpful. It will not be completed, we will miss the point, if we do not go all the way and give the President of the United States and other appropriate officials those tools with which they can take what steps are indicated in order to protect American jobs.

I think it is clearly indicated now that we have far and away fewer trade restrictions insofar as the importation of goods into this country is concerned than does any other major nation of the world.

Mr. TALMADGE. We are the market and the dumping ground for the goods and products of the low-wage countries in the world, as the Senator knows. No other country in the world permits such complete freedom into its markets as does the United States.

Mr. HANSEN. I agree with my friend. I say further if the typical American worker loses his job, or if a poorer paying job comes about because of the increasing importation of goods into this country, or a part-time job in place of one he now has, this great American market, which everybody looks upon with envy, will not be quite so attractive, because the jobs our American workingmen have make this the great market it is. When they are out of work or when they are drawing relief checks or unemployment compensation, they will not be in the market bidding actively for goods, which now makes this country the place any other country would like to export its goods to.

Mr. TALMADGE. The Senator is entirely correct. I thank him for his contribution to this debate.

Mr. HOLLINGS. Mr. President, will the Senator yield?

XUM

Mr. TALMADGE. I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. I want to commend my distinguished friend from Georgia on two particular scores. First, as a longtime leader, the distinguished Senator from Georgia has been persistent in trying to protect jobs fundamental to the security of the United States of America.

John F. Kennedy, in 1961, after a series of hearings based primarily on the initial research, findings, and hearings of the Senator from Georgia and the Senator from Rhode Island, found that the security was jeopardized by the exportation of textile jobs. We had lost some 400,000 jobs in the 10-year period between 1950 and 1960.

The Senator from Georgia continues to lead on this score and on President Kennedy's program, which he intended to be comprehensive, including cotton, woolens, and man-made fibers. The Senator has persisted and he has been an outstanding leader. Secondly, he has offered leadership as a farmer. There are so many farm Senators who have been given rumors that, somehow, this was going to ruin the farm economy. There is no more successful farmer in the U.S. Senate, in addition to being the outstanding leader he has been over the years in public life, than the Senator from Georgia (Mr. TALMADGE).

I think it should be emphasized that much of the opposition from farmers is coming from a segment of our economy which has been misled into sending telegrams or otherwise writing to Washington making objections on unfounded facts.

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Soybeans is a specific example. Europe consumes 5.2 million tons yet they produce only 50,000 tons. Where are they going to get the additional 5.15 million tons of soybeans? In the Far East, they consume over 4 million tons, but produce only 1.2 million tons, and there is no other market. So the critics try to allude to the ruination of the agricultural economy when in fact the experience is otherwise.

I think the distinguished Senator from Louisiana pointed out earlier in the debate that Japanese articles could not be bought in Mexico, but where does Japan buy its cotton? Japan buys much of its cotton from Mexico, where Japan is disallowed from selling any of its cotton or textile apparel. That is the kind of argument we get.

I think it is highly significant that we are getting telegrams by leaders who themselves have received dairy quotas, meat quotas, cotton support, and all kinds of agricultural support prices, and on coffee and sugar, and that practice has been followed, and yet they come around hollering "Protectionism." And yet we want to try, in order to give impetus to the Nixon goal of exporting all the jobs and putting everybody on family assistance. Now, is that not a great, a mighty goal? We have gone from the Great Society to the Great Disaster, all in the name of protectionism.

Mr. HANSEN. Mr. President, will the Senator yield to me?

Mr. HOLLINGS. The Senator from Georgia has the floor.

Mr. TALMADGE. I yield to the Senator from Wyoming for the purpose of engaging in a colloquy with the Senator from South Carolina.

Mr. HANSEN. Mr. President, I appreciate the Senator's courtesy.

Let me say that what the distinguished Senator from South Carolina says is absolutely true; but in order to keep this completely bipartisan, let me say that the Nixon policy, as enunciated by the State Department, has not changed one bit from what it was earlier. I regret that that is the case. It is just the same old idea the State Department has always had: To heck with everyone else, we will do it so as to further the aims of the State Department, and if it hurts anyone else, it does not matter.

Mr. HOLLINGS. The distinguished Senator from Wyoming has put his finger exactly on the concern in the U.S. Senate. For the past decade, geopolitically, there has been the United States of America involving itself with Berlin walls, Greek policies, they went into the Middle East, they went into Vietnam, they went into Cambodia, they went into Korea and everywhere else, trying to protect freedom, all of which we have supported. On the other hand, this other crowd is not going the way of Pearl Harbor, with a direct military attack, but economically they are beating the socks off of us. I do not say that in the context of bitterness, I say it in the context of saying that they know what they are doing, and you have to respect them for it.

What they are doing is established governmental policy, with the Minister of Trade being the No. 1 man. He is top dog. He is brilliant; he knows what he is doing, and the government does not take a step that they do not check through the Ministry of Trade.

We, on the contrary, have the Secretary of State, who is sidetracked, and get another fellow in the White House to do the job, and in the Pentagon, and the White House itself. When they ask about the Secretary of Commerce, they do not know who he is, or if they do, the first question they ask the poor gentleman is, "When are you going to resign?"

Then, when they get to the nittygritty, they took our distinguished friend, whom I have had the greatest respect for, Secretary Stans, and sent him on no less than 38 trips back and forth to Tokyo, but when they got really down to it, they got the Republicans' Bobby Baker, Peter Flanagan—remember him? Remember the *"Sansanea,"* and the *"Marracuda,"* that boat deal? They have Mr. Flanagan now at the White House handling the problem. That is like delivering lettuce by way of a rabbit. That is the kind of trade policy we have.

The distinguished Senator from Alabama, who is so familiar with banking affairs, knows that is how France is dealing with us. That is how the European Economic Community is dealing with us. They say we will start a trade war; but what we are trying to do with this bill, I say to the distinguished Senator from Georgia, is stop a trade war, and just put a little chock in the wheel and to fulfill President Kennedy's program.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. TALMADGE. The Senator calls this President Kennedy's program. President Johnson also advocated it, and President Nixon advocates it; so we have had the last three Presidents of the United States urge protectionism, with thousands losing their jobs.

Mr. HOLLINGS. And that figure is now 11,000 in South Carolina. Georgia was 9,000 in October.

But what do we do? We find this national corporate group, ECAT—Emergency Committee on American Trade. Do you know who the head of that is? President Nixon's client, Donald Kendall, of Pepsi-Cola. He heads up the whole shebang.

Is anyone interested in importing water, all around the world? There is no problem involved in importing water, I say to the Senator from Louisiana. All they are interested in is expanded markets, and pleasing the particular governments and people where they sell their products. That is good business. I do not fault them for that.

But we at least ought to have commonsense enough, in these United States of America, to recognize it, and understand, when they are buying these ads in the New York Times, the Wall Street Journal, and the Washington Post, who is paying for them, and where the pressure is in this U.S. Senate, and the constant caterwauling and cartooning of protectionism. I wish those Senators who really stand for labor would get with labor on this score—would really get with labor, and I mean the workingman, because he needs a fair chance to compete. When we first started 10 years ago, they said we were noncompetitive. We have the money in research and we have equaled them on design and everything else. But how in heaven's name are you going to compete, not just at the salaried level, when they take their finance and loans through the government when they manufacture under conditions that would be criminal, on safety measures and on health measures in the United States, when they do not have provision for social security and pensions, unemployment compensation, wages and hours. They do have it to a degree, but not nearly what we have in the United States, which we put into the workingman's pay envelope. How can we compete with it?

We do not want to compete with that; and when we say that, they say we are protectionists.

I would be glad for my distinguished friend, the Senator from Georgia, to continue. I did not wish to interrupt the seriatum of what he was presenting. We can get into consumers again, and the actual price of cotton textiles. But is it not significant that the very thing, they said, would be so terrible is what 32 countries have already agreed to on the matter of cotton, a long-term arrangement?

This is the thing, they say, that is going to start a trade war. This is the thing, they say, that will ruin the country. But this is the thing that President

Kennedy called for, in behalf of the United States.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. TALMADGE. The Senator made reference to a possible trade war. It has not been pointed out that Japan has quotas on 98 separate articles. They have the greatest degree of protectionism of any country on the face of the earth. And it has not been pointed out that the Europeans take only 5 percent of Japanese textile exports, while we take 50 percent. Yet they have a greater population in Western Europe than we have. They have less unemployment than we have. They have greater gold reserves than we have. And yet we hear the talk of trade wars from Japan and Europe—both of those areas that are protecting their own jobs and asking us to export ours.

Let me say in conclusion that I want to thank the distinguished Senator from South Carolina for the generosity of his remarks. I pointed out earlier, before he came on the Senate floor, that this body, just 2 years ago, by a vote of 55 to 31, passed the Hollings bill to protect the jobs of the American men and women working in textiles and in the garment industry. At that time, the House of Representatives would not accept the amendment in conference.

We passed another bill in 1969, this time 65 to 30. The House would not accept that bill in conference.

But this time the House of Representatives has sent us a bill. The Senate Finance Committee agreed with them by an overwhelming majority, and I hope the Senate will take the same action that it did on the Cotton bill and on the Hollings bill, and let us go back and negotiate again with our conferees from the House of Representatives, because I believe this time, after sending us a bill of their own, they will accept one of our bills.

I thank the distinguished Senator from South Carolina, and I yield the floor.

Mr. SPARKMAN. Mr. President, will the Senator from South Carolina yield to me briefly?

Mr. HOLLINGS. I yield to the Senator from Alabama.

Mr. SPARKMAN. I have enjoyed the remarks of the Senator from South Carolina and those of the Senator from Georgia. Reference has been made to a trade war, and we have heard statements from time to time about getting even with us, retaliation, discrimination, and so forth.

I like to think sometimes on this subject as to where retaliation starts. When does it start?

I believe the Senator was with me in Brussels—I am not sure whether he was—when we met with the officials of the Common Market, had luncheon with them, and we asked many questions about the situation. We asked particularly about the border taxes, the variable levies that were made on products from our country. I recall quite well their answer.

They more or less admitted that they were not fair toward the United States, but they said that it was necessary in order to enable those countries to adjust their internal affairs so that they could keep going. But when we offered to do something in the way of levying a tariff—this does not levy a tariff; it simply provides, as I understand the provisions of the bill, for voluntary quotas.

Mr. HOLLINGS. Voluntary quotas, adjustable by the President.

Mr. SPARKMAN. I believe the Senator commented on the fact that for many years we had voluntary quotas on the part of Japan on cotton textiles.

Mr. HOLLINGS. We have it today.

Mr. SPARKMAN. Have it today. And it is working very well.

Mr. HOLLINGS. They have extended it three times.

Mr. SPARKMAN. I recall many years ago when Mr. Iketa was the Prime Minister of Japan. I talked with him in Japan. Mr. Fujiyama was the foreign minister, and I talked with him. The first question both of them put to me was with reference to trade relations, and so forth. I told them then that we appreciated Japan's trade with us, and Japan is our second best customer. I believe that Canada is first. Japan is our best customer on agricultural products. Japan buys more cotton from us than any other country.

I told them then:

> We realize that trade is a two-way proposition. We are willing to take a fair amount of your manufactured products. We have to, in order to maintain the trade that we have with you.

This was back in the days when they were dumping. Does the Senator recall the situation with respect to women's blouses?

Mr. HOLLINGS. Yes, sir.

Mr. SPARKMAN. I said:

> Let us trade in an orderly way. Let us know what we need to take of your products each year, and let it come in in an orderly manner, in quantities that we know ahead of time, and don't send us shoddy stuff. We will trade with you.

I am glad to say that the cotton quota system has worked fairly well over the years—very well, I think we can say.

The Senator from Georgia mentioned the quotas that Japan invokes on imports to her country. I believe the Senator from South Carolina was with me and others when we had a conference with Premier Sato.

Mr. HOLLINGS. That is right.

Mr. SPARKMAN. At that time, if the Senator recalls, we discussed various phases of trade. One thing that someone brought up was the matter of automobiles. In driving through this country from time to time, I see lots full of Toyotas. How many American-made automobiles does one see in Japan?

I cannot speak for the certainty of this, but someone who was with us there said:

> You couldn't get an American-made automobile on sale in Japan.

Mr. HOLLINGS. They have automobile restrictions.

Mr. SPARKMAN. Yet, when we try to protect our markets, not with a tariff but with orderly trade—and that is what quotas amount to—they say that we are ruining the trade of the world, that we are disturbing their markets, and that we are breaking down trade relations with various nations.

I say that when you have an orderly trade, you have a good trade relationship with a nation. I wish Japan would agree to voluntary quotas on noncotton textiles. That is what I believe is included in this bill.

Mr. HOLLINGS. That is right—manmade fibers and woolen goods.

Mr. SPARKMAN. The Senator and I are from the cotton area, cotton growing and cotton manufacturing, and we are satisfied, as I understand it, with the cotton textile situation on a voluntary basis with Japan.

I have been hoping against hope that Japan would come in and agree to a voluntary quota program. Discussion has been going on now for a long time, and I have been hoping that they would come in and agree to a quota system by which we could abide and that the European nations would withdraw the special favors they have for their own country. It amounts, in effect, to a tariff against our products.

The Senator knows that I joined with him in his bill, and I am one of the cosponsors of the present bill that has been proposed. I believe in freer trade. I like to see good trade between the nations of the world. I think it is one of the best ways to maintain good relations and to build a firm basis for peace.

I am supporting this measure because I believe the voluntary quotas set up a regular schedule by which they come in. Does the Senator agree?

Mr. HOLLINGS. I agree, absolutely.

I thank the distinguished senior Senator from Alabama for the leadership he has given over the years.

Mr. President, I want to mention two things, and I will yield to the Senator from New Hampshire, who has the case on the shoe situation.

The Senator mentioned the Toyota. When they price it in Japan, they take the research and development costs, the sales costs, the advertising costs, the overhead costs, the in-plant costs, and everything else, and they put that on the domestic product and sell the Toyota in the domestic market for approximately $2,800. They take the same automobile, send it all the way around the world, and sell it for $1,800, almost a thousand dollars less.

Their pricing system is geared to take over economically the world markets. They know what we are doing, and that is the battle we are in.

Specifically, let me just emphasize the fact that in the 40 years since Smoot-Hawley days—all the free traders want to holler "Smoot-Hawley"—we had a different policy of technology, and we frankly did not concern ourselves with the conditions under which they worked or anything they produced, because with mass production and the monopoly we

XUM

had, we could compete with them anywhere else in the world.

Today, the United States of America has a monopoly and is leading in technology in two schools—computers and aircraft, and we are about to lose on aircraft.

We cannot compete when they can produce and have the technology in textiles and watches and electronics, or any other thing. They have the technology and they can do it just as well as we can but they have a different standard of living.

Some commonsense provisions have to be written into the law, flexible as it is, to give the President the capacity to deal with this. In short, to protect.

Finally, when the President takes his oath of office to preserve, protect, and defend he should be permitted to do so. They are getting around to where you cannot protect troops, you cannot protect the economy; it is just un-American to protect. If that is the way they feel, I wish some of those folks would put in an amendment to strike the word from the oath of office of the Chief Executive of this Nation.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield the floor to the Senator from Alabama.

Mr. SPARKMAN. I know something about the shoe industry, too. One of the very large shoe plants is in my hometown. I recall going to the plant a year ago and going through it, and they showed me at that time the amount of shoes that were being imported. I recall that they said this to me:

> We are not alarmed at the present level, but it is this climbing level that we are disturbed about.

I think we ought to be able to invoke quotas on shoes. There are other products, too. We have ceramics in my State, and I know something about that. I know something about steel and things of that kind.

I just do not like the charge made against us that we are tearing down trade relations when they are trying to impose additional levies against our products.

I would like just to say, if I may, about a year ago or a little more my wife and I were in Copenhagen. We went around to a store which was selling very fine products. My wife bought some crystal or silver—I do not remember which—and when the clerk packaged it up she said, "Would you like for me to ship this to you?" My wife said, "No. I will take it." The clerk said, "Well if I ship it, we can deduct 20 percent. That just about would cover the duty you would have to pay over there." In other words, they could give us that advantage in order to take their product.

I do not know that we compete very much with them in those two fields of crystal and silver, but I remember a few years ago, the Senator from Arkansas and I inserted in the foreign aid bill a provision to make it possible for us to export chickens from his State and mine. We are great poultry producers. In fact, poultry has become one of the largest agricultural commodities, in dollar value, in my State. We made an arrangement whereby we sold a great deal of poultry in West Germany.

Finally they invoked some kind of a special levy on that and cut the market down tremendously that we were sending into West Germany.

In another instance, I met with officials of the Common Market several times on this very subject, and they promised us that in the future they would take care of these things. But our people are getting very much concerned, and feel that something should be done to counteract—not to impose something on them that would be destructive of trade—but something to counteract the things that they have done to prevent our trade coming in, which was the incentive that we had.

I also talked to the head of a large chemical plant, about a year ago or a little more, and he told me that his company was building a very large plant—I believe he told me it would be the largest one in West Germany. He said, "I do not like to do that, but I cannot afford not to do it." He told me how much of a grant the German Government would make to him in order to build his plant there for his company, and how they would make money available at a very low rate of interest, and on a long-term basis, to make it possible to put that plant there; and then, in the event he made products that he wanted to export, they would give him a great export advantage which we cannot match in this country.

I want to say this: The Senator knows that on yesterday we reported a bill from the Committee on Banking and Currency that I hope will come up tomorrow, which will give the Export-Import Bank more flexibility in aiding our own exports. I hope that will be passed by the Senate tomorrow and that we may have it completed before this Congress adjourns.

I just wanted to mention these things because there are hundreds more incidents that could be illustrated to show the scope of this situation.

We are not asking for anything unfair. We are asking only for a fair break.

I thank the Senator.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Alabama.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, I rise to support the amendment which has been offered by the Senator from Delaware and which is being vigorously fought for by the good Senator from Georgia (Mr. Talmadge). I want to commend the many Senators who have spoken this evening. I should like to be associated with the remarks of the Senator from Rhode Island (Mr. Pastore), the Senator from South Carolina (Mr. Hollings), my distinguished chairman of the Committee on Banking and Currency, the Senator from Alabama (Mr. Sparkman), and the Senator from Wyoming (Mr. Hansen).

I appreciate very much their thoughts and comments and agree wholeheartedly with them.

Now, Mr. President, I want to be brief.

There can be no denial that the American textile and shoe industry had been severely injured by the increasing influx of foreign-made goods. As foreign firms gain a greater and greater hold on this segment of our economy, more and more American workers are losing their livelihood as their employer's businesses fail.

The plight of the footwear industry, for example, has been talked about, but not acted upon. The statistics which tell the story of the rise of imports and the decline of domestic production are now familiar. In 1969 foreign-made footwear took over 25 percent of our domestic market. Compared with 1968 imports jumped 20 million pairs last year while domestic production declined 52.3 million pairs. Some of these pairs could have and would have been made in some of the 59 shoe plants which were closed in the United States in 1969.

How long must we wait? The time has come to put a reasonable limitation on these imports. I feel that this amendment does just that—it allows competition from abroad, but does not allow it to predominate, and this amendment would reduce shoe imports from over 200 million pairs a year to approximately 150 million pairs a year.

In 1968, the shoe and leather industry was the single largest manufacturing employer in New Hampshire, employing 20,536 people. By 1969, it was no longer the largest employer and employment had dropped to 18,466. During those 2 years almost 10 percent of the shoe factories in my State had closed. By July of this year, shoe and leather employment had dropped to 16,400.

In almost every single case, the principal reason for the loss of employment and the shutting down of plants has been the competition from imported shoes.

I believe in free competition, but when that competition results in the shutting down of factories across our Nation, then I think that the Federal Government, whose foreign policies have encouraged that competition, has an obligation to step in and help the workers and families who have been driven to the poorhouse.

The situation is desperate, and so are the shoe workers of New Hampshire. I hope that the Senate can act favorably to meet the needs of these men and their families.

These two industries, which have played such an integral role in our national life, have been injured by this foreign thrust. If we do not heal this wound—and do so immediately with the passage of this legislation—the wound will become fatal, these two industries may well disappear from the American scene, and all America will pay the price.

The amendment would place restrictions on the continued importation of leather footwear, textile articles made of cotton, wool and manmade fibers, as well as articles made of blends of these and other textile fibers.

By using the years 1967–68 as the base period for determining 1970 imports, the bill would reduce shoe imports from more than 200 million pairs per year to approximately 150 million.

Manmade fiber imports would be cut in half and give protection to the domestic cotton and wool industries. In future

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years, as domestic consumption of shoes and textiles increases, the American producers of these products would continue to be protected. Foreign imports would continue to be limited to a proportional share of the market.

A genuine balance can only be struck by legislation, legislation such as this which reaches all nations and gives no one nation a competitive advantage over another.

The basic reason for trade imbalance is the wide range differential between our domestic industries and their foreign competitors. May I point out that the average American shoe worker makes $2.78 an hour while his Italian counterpart gets $1.06 and his Spanish counterpart only 59 cents.

It is no wonder that these nations can flood our markets with inexpensive goods. In 1969, imported footwear accounted for more than 25 percent of our domestic market. Imports jumped 20 million pair from 1968, while domestic production fell by 52.3 million pairs.

Imports forced the closing of 59 American shoe plants last year; 76,500 job opportunities were lost.

The economic factors are obvious. Our balance-of-payments deficit increases; our unemployment rolls increase; our taxes go up; in short, the whole country suffers.

The number of shoes imported is fast approaching 50 percent of the domestic need for shoes. It is predicted that unless we do something about shoe imports they will take more than 50 percent of the market by 1975.

This means jobs are taken from American workers.

This means businesses will fail.

This means our economy will suffer.

It is expected that more than 85,000 job opportunities for American workers will be lost to shoe imports this year.

By the year 1975 it is expected that more than 175,000 job opportunities will be lost unless we do something now.

I do not believe we can afford this to continue in our Nation which is already so sorely beset by unemployment.

I know that many argue that cutting back on shoe imports will increase the cost of shoes to the consumer.

Mr. President, I have just had made available to me the results of a study which indicates that if limits had been placed on shoe imports in 1969 such as we propose in this amendment the retail prices of shoes would have increased a matter of only six-tenths of 1 percent since that time.

I do not want to see prices go up in a period of inflation. But, if you compare such a price rise with increases taking place for so many other products I think it is a small price to pay.

Tomorrow I will have more to say about the claim by opponents of this amendment that it will result in trade retaliation.

So tomorrow, hopefully, when we reach a vote on the amendment, the Senate will agree to what has been said here today and pass the amendment.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with a limitation of 3 minutes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

REPORT ON EXTENT AND DISPOSITION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

A letter from the Secretary of State, transmitting, pursuant to law, a report on the extent and disposition of U.S. contributions to international organizations, for the fiscal year 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

H.J. Res. 1162. Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the nUited States in the South Pacific Commission (Rept. No. 91–1477).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 788. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to Various Bills To Repeal the Emergency Detention Act of 1950," Ninety-first Congress, second session (Rept. No. 91–1478); and

H. Con. Res. 789. Concurrent resolution to provide for the printing of the prayers offered by the Chaplain as a House document (Rept. No. 91–1479).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Con. Res. 85. Concurrent resolution authorizing the printing as a Senate document of a compilation of the hearings on U.S. security agreements and commitments abroad (Rept. No. 91–1480).

By Mr. DOLE (for Mr. JORDAN of North Carolina), from the Committee on Public Works, without amendment:

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis (Rept. No. 91–1481).

By Mr. BAKER (for Mr. MAGNUSON), from the Committee on Commerce, with an amendment:

H.R. 15188. An act to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft (Rept. No. 91–1482).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 4982. An act for the relief of Thomas J. Beck (Rept. No. 91–1483);

H.R. 6100. An act for the relief of Herschel Smith, publisher of the Lindsay News, of Lindsay, Okla. (Rept. No. 91–1484);

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis (Rept. No. 91–1485);

H.R. 13182. An act for the relief of Frank E. Dart (Rept. No. 91–1486);

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force (Rept. No. 91–1487);

H.R. 13806. An act for the relief of Irwin Katz (Rept. No. 91–1488);

H.R. 15270. An act for the relief of Thaddeus J. Pawlak (Rept. No. 91–1489);

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Jr. (Rept. No. 91–1490);

H.R. 16502. An act for the relief of Gary W. Stewart (Rept. No. 91–1491); and

H.R. 16965. An act for the relief of Richard N. Stanford (Rept. No. 91–1492).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2956. A bill to provide private relief for Lt. Comdr. LeRoy E. Coon, Supply Corps, U.S. Navy, retired, continued on active duty in a retired status after June 30, 1967 (Rept. No. 91–1495);

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. Res. 486. Resolution relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam (Rept. No. 91–1493).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 3908. A bill for the relief of the widow and children of Thomas Pillifant (Rept. No. 91–1494).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert F. Buck, of Washington, Clifford H. N. Yee, of Hawaii, Allie C. Felder, Jr., of the District of Columbia, Daniel Parker, of Wisconsin, Gustav M. Hauser, of New York, and James A. Suffridge, of Virginia, to be members of the Board of Directors of the Overseas Private Investment Corporation;

Bradford Mills, of New Jersey, to be President of the Overseas Private Investment Corporation;

Herbert Salzman, of New York, to be Executive Vice President of the Overseas Private Investment Corporation; and

Leonard J. Saccio, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Colombia.

By Mr. GRIFFIN, from the Committee on the Judiciary:

Albert J. Engel, of Michigan, to be a U.S. district judge for the western district of Michigan.

By Mr. EASTLAND, from the Committee on the Judiciary:

William H. Webster, of Missouri, to be a U.S. district judge for the Eastern District of Missouri;

H. Kenenth Wangelin, of Missouri, to be a U.S. district judge for the Eastern and Western Districts of Missouri; and

Robert J. Kelleher, of California, to be a U.S. district judge for the central district of California.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE:

S. 4589. A bill for the relief of Garret John Allsop; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4590. A bill for the relief of Teresa Blaszczyk; to the Committee on the Judiciary.

By Mr. TYDINGS (for himself, Mr. Allen, Mr. Eastland, Mr. Ervin, Mr. Fong, Mr. Gravel, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Inouye, Mr. Mathias, and Mr. Thurmond):

S. 4591. A bill to authorize a program to develop and demonstrate low cost means of preventing shoreline erosion; to the Committee on Public Works.

(The remarks of Mr. Tydings when he introduced the bill appear below under the appropriate heading.)

By Mr. WILLIAMS of Delaware:

S.J. Res. 250. Joint resolution proposing an amendment to the Constitution to provide maximum age limits for certain officers of the Government; to the Committee on the Judiciary.

(The remarks of Mr. Williams of Delaware when he introduced the joint resolution appear below under the appropriate heading.)

S. 4591—INTRODUCTION OF A BILL TO ESTABLISH THE SHORELINE EROSION CONTROL DEMONSTRATION ACT OF 1970

Mr. TYDINGS. Mr. President, I introduce today a bill authorizing the Corps of Engineers to develop a 5-year program for the demonstration of low-cost means to prevent and combat shoreline erosion.

Erosion is the loss of land by wind and water. It is a natural process that occurs wherever the sea meets the shore.

Along the coasts a continuing battle is taking place. It is a conflict between the land at water's edge and the sea which strikes the shore. From wave action, littoral currents, and winds, the coastline is subjected to constant pounding. Sometimes the pounding is severe as when a storm occurs. More often the pounding is a steady, continuous hitting away at the land. In the long run, this is as destructive as the storm damage. In both cases, the bombardment of the coast is intensified by the chemical weathering of coastal materials. The inevitable result is a change in the contour of the shoreline.

Yet as nature erodes the coast, it also replenishes it. Offshore currents, known as littoral currents, transport sand and eroded materials along a course that tends to parallel the shoreline. Land that is removed from one part of the coast is carried along to another. This littoral drift, as it is sometimes called, often results in the contour of the shore remaining approximately the same, although considerable movement of materials is in fact taking place. Land is eroded away but replaced from another part of the coast. While the coastline remains essentially stable, the shore is actually in motion.

In many cases, however, the two flows are unequal. Either accretion or depletion of the shore results. Coastal or shoreline erosion is a net removal of land and littoral materials.

Besides resulting in the obvious loss of land, and shoreline is valuable land indeed, coastal erosion causes beaches to shift and clogs navigable channels. Recreation and commerce are thus affected. Erosion also increases sediment loads in offshore waters with resultant harm to marine life. Erosion thus has ecological implications as well.

An illustration of the damage which shoreline erosion causes can be found on page 23 of the 1970 annual report of the National Council on Marine Resources and Engineering Development.

Coastal erosion is clearly a problem. It is perhaps not a "crisis," though overuse of this word now makes it almost devoid of meaning. Nor does our Nation's fate hinge on combating coastal erosion. Yet damage to a natural resource, and our shoreline is an impressive natural resource, is occurring. Land is being lost. Channels are being clogged. Marine life is being harmed. The erosion of our shoreline does merit our attention.

This erosion, in the words of the then Director of Civil Works for the Corps of Engineers, Brig. Gen. H. G. Woodbury, Jr., in 1967 testimony before a Public Works Subcommittee, "is becoming increasingly significant as a national problem." The 1969 annual report of the Marine Science Council tells us that shoreline erosion, "a common and often severe degradation of the coasts" results in "vast areas of valuable land—essentially lost." The report of the National Commission on Marine Science, Engineering and Development, "Our Nation and the Sea," terms coastal erosion "a serious national problem."

It is certainly a problem in Maryland. In Calvert County, along the western shore of the Chesapeake Bay, erosion has worn away the high cliffs with considerable loss of land. The low, sandy areas such as Point Lookout, the clay banks of the Eastern Shore, and our low marshlands all suffer from shoreline erosion. Each year Maryland loses some 300 acres of land to coastal erosion.

Across the continent the State of Oregon faces considerable erosion of its shoreline. Tillamook Bay is the site of particularly damaging coastal erosion. The northern Oregon coast suffers greatly from such erosion. In summing up a 1968 lecture to a National Association of Conservation Districts meeting, Robert C. Baum, administrative officer of the Oregon State Soil and Water Conservation Committee, concluded:

> We find that Oregon does have coastal erosion and other related shore erosion problems.

Throughout the Nation our coastal States have significant shoreline erosion problems. Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Wisconsin, and Hawaii join Maryland and Oregon in having their coasts eroded. Shoreline erosion is clearly a national problem.

As the above list of States indicates, erosion is not limited to our ocean coasts. It is a problem along the Great Lakes as well. Surprisingly, shoreline erosion is a major problem on the lakes. The Wall Street Journal for December 7, 1969, carried a story on the rising waters of the Great Lakes and the resultant damage to homes, highways, and beaches. The article says:

> But the biggest problem is erosion, since most of the shoreline around the Great Lakes consists of sandy beaches and soft clay bluffs. As lake waters rise, they cover offshore sand bars that normally impede waves and thereby offer some protection to the shore. When storms come up, as they do with particular ferocity in the fall and early winter, the high water waves now crash directly ashore, gnawing the ground from under whatever is built there.

Precise figures for the monetary value of the national losses due to shoreline erosion are not available. Yet between $30 and $50 million per year is a reliable estimate. The cost of coastal erosion is substantial.

One aspect of the erosion problem deserves particular attention. This is the inability of the individual coastal landowner to obtain satisfactory information on ways to combat shoreline erosion. Such information is limited because our knowledge of coastal erosion is limited. We simply do not know as much about this problem as we should.

While the Coastal Engineering Research Center of the Corps of Engineers, located here in Washington, is increasing our understanding of erosion, the Center tends to emphasize ocean-front engineering and hurricane protection. Less attention is paid to inland or sheltered waters and the ways to combat erosion resulting from the steady, less spectacular impact of water and wind upon the shore.

Yet this is precisely where many people own shoreline property. It is where considerable erosion takes place. It is where relatively low cost methods of coping with coastal erosion may be possible. Devices to control erosion on land directly facing the ocean and thus subject to bearing the brunt of severe storms are costly, usually well beyond the reach of individual landowners. In addition, they are often beyond the technical ability of the average engineer. Coastal hydraulics is a complex subject. Coastal engineering requires considerable expertise. This is true for inland waters as well as unsheltered seas. Yet technical assistance is usually available for ocean shoreline erosion problems. CERC and the Corps of Engineers often can provide help. But they cannot provide help for erosion problems along inland waters.

Moreover, costs of sheltered water erosion projects must be kept down. Individual landowners, or even groups of them, cannot afford massive concrete seawalls and steel jetties. These expensive devices are probably needed when the land to be protected directly faces open water. They are usually not needed when sheltered coastal waters are considered. They are also out of reach when financial limitations are a factor.

What is needed are low cost erosion control devices effective on inland and sheltered coasts.

The lack of technical expertise and the requirement for low cost devices bring unfortunate results. Too often the coastal landowner with an erosion problem cannot obtain competent technical assistance and/or cannot afford the remedial action needed. Too often technical and financial restrictions force the coastal land owner to ill advised, ineffective actions. He dumps fill onto the eroding shore, he builds a bulkhead, constructs a rock jetty or maybe tosses some junked autos onto the shore. Anything to stop the erosion. But these ad hoc measures do not work and the erosion continues.

In his testimony, General Woodbury commented on the wasted efforts to control shoreline erosion:

> Each year thousands of acres are lost to the sea, an annual loss of a national asset of substantial value. And each year private citizens invest millions of dollars in an effort to protect their property from the ravages of erosion and too much of this investment represents a net economic loss to the country for the measures taken are too often ineffective.

Along Maryland's Chesapeake shore, on Long Island, in tidewater Virginia, and all along our coasts, people are losing shoreline and money in futile efforts to combat erosion. The Wall Street Journal article I mentioned before tells of numerous efforts that failed to halt erosion along the Great Lakes. One fellow in Michigan spent $8,500 for a structural steel-seawall that just did not work.

A case study of the Chesapeake Bay, prepared in 1968 by Trident Engineering Associates for the Marine Science Council, also mentioned that—

> Improper and, in many instances, inadequate preventive measures have caused increased and unnecessary destruction to property.

Mr. President, all of this concerns us because the shoreline is a national asset. Our coasts are a bountiful resource—for recreation, commerce and trade, wildlife, industrial development and the like.

Today, Americans are aware of the abuses suffered by our natural resources. Air and water pollution receive considerable public attention. Less attention is given to an equally important problem, the deterioration of our shoreline. John Clark, president of the American Littoral Society has said:

> The shore is in the same danger now that the forests were when Teddy Roosevelt took office.

A key natural resource has deteriorated. Coastal erosion is one of the reasons.

The problem will become more acute as our population grows. While erosion is a natural process, man often accelerates it. Additional people on the coastal lands means increased shoreline erosion. Already our 30 coastal States contain more than 75 percent of the Nation's population. More than 45 percent of our urban population lives in coastal counties. Erosion is likely to increase rather than decrease in the coming years. More land will be lost. More channels clogged. More marine life harmed. More people with a serious problem they cannot solve.

The effects of shoreline erosion will continue. The Trident study says:

> These effects are costly now, and will also influence the future development of the Bay's industrial, economic, and recreational expansion.

In other coastal waterways as well, erosion will effect the future pattern of resource allocation.

Coastal erosion along inland or sheltered waters is a problem. It is a serious one, and of national scope. It is also a problem that is largely ignored. Shoreline erosion is probably too fractured and quiet a problem to receive proper attention. It is a series of little problems rather than a crashing crisis. The cumulative effect of this erosion is indeed significant, but by and large overlooked.

I believe it is time for Congress to focus, if only briefly on coastal erosion.

The first step has already been taken. In 1968, Congress enacted my bill establishing the national shoreline study. The legislation, cosponsored by 26 Senators, directed the Corps of Engineers to survey and appraise the erosion of our Nation's shorelines. To be completed in 1971, the study will give us an idea of the extent to which our coasts are eroding and will recommend additional steps necessary to combat erosion.

One such step can be taken now, however.

The bill I introduce today logically follows upon the national shoreline study. It authorizes a 5-year program to develop and demonstrate low cost means to combat shoreline erosion. Its purpose is to gain experience and expertise in erosion control along inland or sheltered waters that will be useful to the coastal landowner. Its ultimate effect will be to slow down the erosion process and stop the costly and largely ineffective measures now being used to halt shoreline erosion.

The bill directs the Secretary of the Army to establish a national shoreline erosion control development and demonstration program. This program, limited to 5 years, shall consist of "planning, constructing, operating, evaluating, and demonstrating prototype shore line erosion control devices."

Special attention shall be given to vegetative means of combating shoreline erosion. Proper understanding and uses of soils and grasses may well provide a relatively inexpensive way to reduce coastal erosion. Engineering devices need not be the only approach to erosion control. For this reason the bill specifically states that the development and demonstration program shall be carried out with the cooperation of the Secretary of Agriculture.

The bill provides that erosion control demonstration projects be established on the lakes and gulf coasts, as well as the Atlantic and Pacific coasts. Special attention shall be given to inland and sheltered waters. And while projects may be located on private or public lands, no funds may be spent to acquire privately held shoreline. In addition, projects on private or non-Federal public lands require a non-Federal sponsor who will pay at least one-fourth of construction costs and assume operation and maintenance costs upon completion of the project.

The bill authorizes $6 million for a 5-year program. Considering the value of the land lost through erosion and the costs of the unsuccessful attempts to halt coastal erosion, the sum is a modest one. The money to be spent is a worthwhile investment.

Finally, the bill directs the Secretary of the Army to establish a 15-member Shoreline Erosion Advisory Panel. The Panel should provide the program with a point of view and assistance beyond the confines of the Corps of Engineers. A useful sounding board, the Panel will recommend criteria for the selection of development and demonstration sites, recommend different ways to reach agreements with non-Federal sponsors of projects, make periodic reviews of the program, and suggest means to disseminate information about the shoreline erosion control devices developed. The Panel shall expire 90 days after termination of the 5-year development and demonstration program.

I wish to emphasize that the cost of this program, $6 million, is modest relative to the expected benefits. And that it is a limited program, with clear cut objectives, and a specific termination date. It is not a small program that will run forever and ultimately cost billions of dollars.

While the Secretary of the Army and the Secretary of Agriculture obviously have not yet formally endorsed the measure, I am hopeful it will enjoy their support The bill has been discussed with the Corps of Engineers and Soil Conservation Service and the draft as introduced represents some of their thinking as well as my own.

The need for this bill was suggested at the 1967 hearings on the national shoreline study. At these hearings I asked General Woodbury to comment on a pilot project to demonstrate low-cost erosion control devices. The general responded:

> We recognize the need for a better understanding of the processes of coastal erosion and the methods for control of erosion and protection of our shores.

General Woodbury went on to say that the public should be better informed of the erosion projects already in existence and that the corps intended to supplement a CERC report on erosion "by a special report giving a description of demonstration projects which are representative of the work and methods of coastal protection used in different regions."

This special report, however, was never prepared. I do not fault the corps or CERC for this, for they operate with limited funds and personnel. In any case, a mere recital of existing projects is inadequate, as these projects do not represent what I believe is needed: Low cost prototype erosion control projects along inland and sheltered coasts.

I feel strongly that the Corps of Engineers should now act and make the effort necessary to develop and demonstrate the needed erosion control techniques.

As the caption to the illustration of erosion in the 1970 Marine Science Council report states:

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> By investigating and determining suitable methods for protecting, restoring, and developing the shoreline against wave and current erosion, the recreational and esthetic features of our coasts can be preserved.

I would add that more importantly, valuable land could be saved, ecological harm avoided, and considerable dredging made unnecessary.

The potential return of the program authorized by this bill is quite substantial. Erosion is without doubt a problem. A development and demonstration program could do much to alleviate it.

The corps recognized this in a November 25, 1969, memorandum entitled "Feasibility of Pilot Projects To Demonstrate Shore Protection Methods" prepared at my requested the parameters of the problem, in part concluded:

> It is feasible now to construct pilot projects to demonstrate shore protection techniques that are applicable to long stretches of shoreline and to short stretches of high value land. . . .

At the same time the memorandum also concluded that any pilot project should wait until the national shoreline study is finished and that such a project would not be "applicable to short stretches of low or average land." But the national shoreline study is to be completed next August while the mounting population pressures on our shorelines will in the future make low or average value coastal lands a contradiction in terms. Our shoreline is a finite resource, increasingly valuable and in need of protection.

It is also an integral part of the coastal zone, an area that is now the subject of considerable scientific and legislative discussion. The Senate Subcommittee on Oceanography hopefully this year will see its coastal zone management bill pass the Senate. And shoreline erosion, in the words of Dr. Edward Wenk, former executive secretary of the National Council on Marine Research and Engineering Development, "is a continuing threat to the uses of the land and the water of the coastal zone."

The program authorized by this bill does not embark the Corps of Engineers on a costly new venture. Nor does it place a function of local and State jurisdictions into the hands of the Federal Government. The corps already plays a well-defined role in shoreline erosion protection. The corps will pay the full cost of protecting federally owned shoreline, 70 percent for protecting non-Federal public property set aside as a park or conservation area, 50 percent for protecting other non-Federal publicly owned frontage, and up to 50 percent of the cost of protecting private property where the public benefits directly from the protection. The development and demonstration program complements this activity. It expands a role uniquely suited to the corps' existing capabilities and consistent with a responsibility of the Federal Government: research and development in coastal erosion. It requires the cooperation, and in some cases the participation, of State, local, and private groups. It is a limited program, that terminates in 5 years. And it authorizes a modest expenditure of public funds, $6 million over a period of 5 years. But most important, the program is directed toward learning about and protecting an irreplaceable natural resource, our eroding coastline.

Mr. President, I ask unanimous consent that the text of the bill I have introduced be printed in the Record, as well as the September 1969 Corps of Engineers general instructions for the national shoreline study.

Mr. President, I am pleased to have Senators Allen, Eastland, Ervin, Fong, Gravel, Hart, Hatfield, Hollings, Inouye, Mathias, and Thurmond join me in cosponsoring this bill.

The PRESIDING OFFICER (Mr. Saxbe). The bill will be received and appropriately referred; and, without objection, the bill and general instructions will be printed in the Record.

The bill (S. 4591) to authorize a program to develop and demonstrate low cost means of preventing shoreline erosion, introduced by Mr. Tydings (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 4591

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That this Act may be cited as the "Shoreline Erosion Control Demonstration Act of 1970."

FINDINGS AND PURPOSE

Sec. 2. The Congress finds that because of the importance and increasing interest in the coastal and estuaries zone of the United States, the deterioration of the shoreline within this zone due to erosion, the harm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this act to authorize a program to develop and demonstrate such means to combat shoreline erosion.

SHORELINE EROSION PROGRAM

Sec. 3. (a) The Secretary of the Army shall establish and conduct for a period of 5 fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(b) The program shall be carried out in cooperation with the Secretary of Agriculture particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with federal, state, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to Section 4.

(c) Demonstration projects established pursuant to this section shall emphasize the development of low cost shoreline erosion control devices located on sheltered or inland waters. Such projects shall be undertaken at no less than two sites on the shoreline of the Atlantic, Gulf, and Pacific coasts and at not less than one site on the Great Lakes. Sites selected should to the extent possible, reflect a variety of geographical and climatic conditions.

(d) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this Act may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-federal public lands, the demonstration projects shall be undertaken in cooperation with a non-federal sponsor or sponsors who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

SHORELINE EROSION ADVISORY PANEL

Sec. 4. (a) No later than 120 days after the date of enactment of this Act the Secretary of the Army shall establish a Shoreline Erosion Advisory Panel. The Secretary shall appoint 15 members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, state and local agencies and private organizations, provided that such individuals shall not be regular full-time employees of the United States. The panel shall meet and organize within 90 days from the date of its establishment, and shall select a chairman from among its members. The panel shall then meet at least once each six months thereafter and shall expire 90 days after termination of the five-year program established pursuant to section 3.

(b) The panel shall—

(1) advise the Secretary of the Army generally in carrying out the provisions of this act.

(2) recommend criteria for the selection of development and demonstration sites.

(3) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-federal sponsors of project sites.

(4) make periodic reviews of the progress of the program pursuant to this Act.

(5) recommend means by which the knowledge obtained from the project may be made readily available to the public.

(6) perform such functions as the Secretary of Army may designate.

(c) Members of the Panel of the United States shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Secretary of the Army, but not in excess of $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

(d) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

PROGRAM PROGRESS REPORT

Sec. 5. The Secretary of the Army shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the Chairman of the Senate and House of Representatives Committees on Public Works. The fifth and final report shall be submitted 60 days after the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

APPROPRIATIONS

Sec. 6. There is authorized to be appropriated for the fiscal year ending June 30, 1972, and the succeeding four fiscal years, a total of not to exceed $6,000,000 to carry out the provisions of this Act. Sums appropriated pursuant to this section shall remain available until expended.

The general instructions, presented by Mr. TYDINGS, are as follows:

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., September 2, 1969.

NATIONAL SHORELINE STUDY

GENERAL INSTRUCTIONS

1. *Purpose and scope.* These instructions provide direction for the appraisal, investigation and study of the Atlantic, Gulf, and Pacific coasts of the United States, the coasts of Puerto Rico and the Virgin Islands, and the shorelines of the Great Lakes, including estuaries and bays thereof. They include background information, outline the nature of the reports and publications to be prepared, assign responsibilities, and establish limiting dates for the submission of reports. These instructions are applicable for Division Engineers responsible for Civil Works activities in the areas cited, the Director, Coastal Engineering Research Center, and others participating in the study.

2. *Authority.* The National Shoreline Study is authorized by Section 106, Public Law 90-483, approved 13 August 1968, which reads:

"SEC. 106. (a) The Chief of Engineers, Department of the Army, under the direction of the Secretary of the Army, shall make an appraisal, investigation and study, including a review of any previous relevant studies and reports, of the Atlantic, Gulf, and Pacific coasts of the United States, the coasts of Puerto Rico and the Virgin Islands, and the shorelines of the Great Lakes, including estuaries and bays thereof, for the purpose of (1) determining areas along such coasts and shorelines where significant erosion occurs; (2) identifying those areas where erosion presents a serious problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, agricultural, navigational, demographic, ecological, and other relevant factors, indicates that action to halt such erosion may be justified; (3) describing generally the most suitable type of remedial action for those areas that have a serious erosion problem; (4) providing preliminary cost estimates for such remedial action; (5) recommending priorities among the serious problem areas for action to stop erosion; (6) providing State and local authorities with information and recommendations to assist the creation and implementation of State and local coast and shoreline erosion programs; (7) developing recommended guidelines for land use regulation in coastal areas taking into consideration all relevant factors; and (8) identifying coastal areas where title uncertainty exists. The Secretary of the Army shall submit to the Congress as soon as practicable, but not later than three years after the date of enactment of this Act, the results of such appraisal investigation and study, together with his recommendations. The views of concerned local, State, and Federal authorities and interests will be taken into account in making such appraisal investigation and study.

(b) There are authorized to be appropriated such amounts, not to exceed $1,000,000, as may be necessary to carry out the provisions of this section.

3. *General views and constraints.* This appraisal, investigation and study of the national shorelines will provide an overall comprehensive assessment of shore erosion problems from the National viewpoint. It will recognize the increasing importance of shore erosion as population grows and pressures increase for use of coastal lands. It will address all shores and will not be confined to publicly used shores. The authorizing legislation and subsequent budgetary planning impose the following constraints on the study.

a. The report of the Secretary of the Army must be submitted to the Congress before August 13, 1971.

b. Expenditures during Fiscal Year 1970 must not exceed $150,000.

c. Total expenditures must not exceed $1,000,000.

These constraints require the study to depend heavily on available information, to minimize the collection and processing of new physical data, to use the judgment of experienced, knowledgeable personnel as its major resource, and to reduce duplication of effort to an absolute minimum. Accordingly, the study will be conducted as several separable but related efforts that can be pursued concurrently.

4. *Objectives.* The specific purposes of the National Shoreline Study are stated in the authorizing legislation and are in three closely related areas.

a. *Shore erosion:*

(1) Determining areas along such coasts and shorelines where significant erosion occurs.

(2) Identifying those areas where erosion presents a serious problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, agricultural, navigational, demographic, ecological, and other relevant factors, indicates that action to halt such erosion may be justified.

b. Shore protection:

(1) Describing generally the most suitable type of remedial action for those areas that have a serious erosion problem.

(2) Providing preliminary cost estimates for such remedial action.

(3) Recommending priorities among the serious problem areas for action to stop erosion.

c. Shore management:

(1) Providing State and local authorities with information and recommendations to assist the creation and implementation of State and local coast and shoreline programs.

(2) Developing recommended guidelines for land use regulation in coastal areas taking into consideration all relevant factors.

(3) Identifying coastal areas where title uncertainty exists.

Consideration of these purposes and purpose areas together with the requirements suggested by the constraints identifies inventories of shore conditions and needed protection, development of guidelines for shore protection planning and design, and development of guidelines for shore management as efforts separable from the preparation of the Chief of Engineers' report.

5. *Regional inventories.* Inventories will assess the nature and extent of erosion; develop conceptual plans for needed shore protection; develop general order-of-magnitude estimates of cost for the selected shore protection, and identify publicly owned and used shores, privately owned and used shores, and privately owned but publicly used shores. In recognition of the fact that the inventories are intended to define the magnitude of the national shore erosion problem—not to produce project authorisations—inventories will be based to the maximum practicable extent on available information, knowledge, and judgment. Hydrographic and topographic surveys will not be undertaken unless the inventory is clearly dependent on them. Investigators will consult local authorities and agencies; compare time separated photos, maps, and surveys; make visual reconnaissance surveys; and review previous studies to determine where significant erosion occurs. In identifying areas where remedial actions may be justified and more detailed studies of survey investigation scope are appropriate investigators will consider use demand history, projections of future use demands (based on available information and judgment), general estimates of historic and future annual damages from property losses, general estimates of historic and future annual damages from business and recreation foregone and the effect of continued erosion on ecological values. Maps showing shore ownership will identify areas where title is believed to be uncertain.

6. *Shore protection guidelines.* The guidelines will be developed in sufficient detail to enable State and local authorities to plan effective shore protection works and to approximate costs. Guidelines will describe and detail typical control structures, present nonstructural alternatives, present examples of shore protection facilities and discuss their strengths and shortcomings, and present criteria for planning, designing, using and maintaining structural protection.

7. *Shore management guidelines.* These guidelines will be sufficiently broad to enable agencies and governmental bodies at both State and local levels to develop programs to improve the use and management of shoreline resources. Existing Federal shore protection programs and policies will be discussed as will examples of existing State and local programs. Historic and anticipated shore uses will be described, principles of comprehensive planning accompanied by examples will be presented, multiple use of shore and water areas, land use planning and construction will be developed, principles of cost sharing will be discussed, and the nature of public and private benefits will be described.

8. *Reports.* The following reports will be prepared:

a. *Regional inventory reports.* An inventory report will be prepared for Hawaii, Alaska, and each major drainage area outlined on the Water Resources Council 1969 map of Water Resources Development with boundaries adjusted as necessary to avoid dividing any state and with Puerto Rico and the Virgin Islands added to the South Atlantic-Gulf drainage area. These reports will be coordinated with State and local authorities and with field offices of other Federal agencies during preparation. Completed reports will be distributed to State and local authorities and to field offices of interested Federal agencies.

b. *Shore protection guidelines.* A single report for nation-wide use will be prepared. The report will be distributed to State and local authorities and will be available to other interested organizations and individuals through the Government Printing Office.

c. *Shore management guidelines.* A single report for nation-wide use will be prepared. The report will be distributed to State and local authorities.

d. *Chief of Engineers report.* The report of the Chief of Engineers with the Secretary of the Army's report, will be the direct response to the Congress' request for information on the state of the National shorelines and on the need for remedial action. It will summarize the findings of the regional inventories and assess the nature and extent of erosion from the National viewpoint. It will develop general order-of-magnitude estimates of the cost of needed remedial actions and will develop and recommend categories of priorities for remedial action by the Federal Government. It will analyze and discuss the impact of title uncertainty on effective shore protection and shore management, and the causes of title uncertainty; and will identify the areas where title uncertainty is probable. The report will be coordinated with the Governors of affected States and with other Federal agencies prior to submittal.

9. *Responsibilities.* Responsibilities are assigned as follows:

a. *Division Engineers.* Division Engineer, North Atlantic will be responsible for appraisal, investigation and study of the North Atlantic Region. Division Engineer, New England will cooperate with and support Division Engineer, North Atlantic as requested within the limits of New England Division. Other Division Engineers will be responsible for appraisal, investigation and study of Water Resources Regions as adjusted in accordance with paragraph 8a located within their divisions. Specific responsibilities are:

(1) Prepare, coordinate, publish and distribute Regional Inventory Reports.

(2) Ascertain, evaluate, and report State and local shore protection programs, to Director, Coastal Engineering Research Center.

(3) Ascertain, evaluate, and report State and local shore planning and management programs to the Chief of Engineers.

(4) Ascertain and report historic and anticipated shore uses to the Chief of Engineers.

(5) Recommend model building codes for control of shore and near shore construction to the Chief of Engineers.

(6) Recommend categories of priorities for remedial action to the Chief of Engineers.

(7) Evaluate and report the effects of title uncertainty on shore protection and shore management programs to the Chief of Engineers.

(8) Recommend changes to existing Federal legislation to the Chief of Engineers.

b. *Director, Coastal Engineering Research Center.* Director, Coastal Engineering Research Center will be responsible for the development of shore protection guidelines and will support Division Engineers as a technical consultant. Specific responsibilities are:

(1) Develop and distribute standard format for regional inventory reports to Division Engineers.

(2) Advise Division Engineers, at their request, during the course of the study, making such field trips as may be necessary.

(3) Review, for consistency and uniformity of treatment, conceptual plans for shore protection developed by Division Engineers.

(4) Prepare, publish, and distribute *Shore Protection Guidelines.*

(5) Recommend model building codes for control of shore and near shore construction to the Chief of Engineers.

(6) Recommend changes to existing Federal legislation to the Chief of Engineers.

10. *Schedules.* The following schedule for completion of draft and final reports and submittal of required information will be strictly observed. A chart is attached for convenient reference.

a. Regional inventory reports:

(1) Draft reports will be submitted to Chief of Engineers not later than 31 August 1970.

(2) Final reports will be published not lated than 31 May 1971.

b. *Shore protection guidelines:*

(1) Reports of State and local shore protection programs will be submitted to Director, Coastal Engineering Research Center not later than 31 August 1970.

(2) Draft report will be submitted to the Chief of Engineers not later than 31 October 1970.

(3) Final report will be published not later than 31 January 1971.

c. *Shore management guidelines:*

(1) Reports of State and local shore management programs will be submitted to the Chief of Engineers not later than 31 October 1970.

(2) Reports of historic and anticipated shore uses will be submitted to the Chief of Engineers not later than 31 October 1970.

(3) Reports on the effects of title uncertainty on shore protection and shore management programs will be submitted to the Chief of Engineers not later than 31 October 1970.

(4) Recommendations for model building codes will be submitted to the Chief of Engineers not later than 30 November 1970.

(5) Recommended categories of priorities for remedial action will be submitted to the Chief of Engineers not later than 30 November 1970.

(6) Recommended changes to existing Federal legislation will be submitted to the Chief of Engineers not later than 1 February 1970.

11. *Funding.* No funds have been appropriated but the budget now before the Congress for Fiscal Year 1970 includes $150,000 for this study. When appropriated and allotted, these funds will be allocated to Division Engineers.

SENATE JOINT RESOLUTION 250—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE MAXIMUM AGE LIMITS FOR CERTAIN OFFICERS OF THE GOVERNMENT

Mr. WILLIAMS of Delaware. Mr. President, today I am introducing a proposed amendment to our Constitution, the purpose of which is to establish a mandatory retirement age for Federal judges and for Members of Congress.

If this amendment is adopted both minimum and maximum ages for service would then be established in the Constitution of the United States for Members of Congress. The Constitution, of course, already sets minimum age limits. Recognizing that it would not be fair to set the same maximum age limit for the election of prospective Members of the Senate and Members of the House of Representatives because of the disparity in the length of terms of office in the two Houses. I have suggested that an age limit of 65 be placed on the election of a Senator and an age limit of 68 be placed on the election of a Representative. This would have the effect of causing Senators to retire at a maximum age of 71 and Representatives would no longer be eligible to hold office after having reached age 70. Of course, Members of Congress who took the oath of office before the effective age limits were reached would finish their terms.

At the same time the proposed constitutional amendment places a mandatory retirement age of 70 on members of the Federal Judiciary by prohibiting the appointment as a judge or Justice of the United States of anyone who has reached the age of 70, and it requires the retirement from regular active service of any judge or Justice within 30 days after he reaches age 70.

On February 18, 1969, I announced that I would not seek reelection to the U.S. Senate in the November 1970 election. At that time I stated that my primary reason for declining to seek another term in the Senate was the fact that if reelected I would be 72 years old when that term expired. I offered the opinion at the time that there should be some mandatory retirement age for both Members of Congress and members of the Federal judiciary, and it seemed to me that the best way to achieve this goal was by means of a constitutional amendment. Accordingly, I am today introducing such a proposed amendment.

We are now, of course, in the waning days of the 91st Congress, and I recognize that there is no possible chance of this proposed amendment being either considered or acted upon by this Congress. It may well be asked, then, why I waited until this late in the congressional session to introduce the proposal. This delay was deliberate.

There were two reasons. First of all, I am fully aware that the Congress could not and should not act precipitously on a proposal of this nature, but instead it should be considered carefully as an idea rather than as a specific proposal on which hearings should be held immediately. It is for that reason that I did not offer a written version of a proposed constitutional amendment in February 1969 but suggested it simply as a means of focusing attention on the idea of placing an age limit on services of Members of Congress and the judiciary. I offer the language of the proposal at this time in the hope that it will be reintroduced and receive the prompt attention which I believe it deserves when the 92d Congress convenes next month.

Another reason for my waiting until now to introduce the proposed amendment is that I did not wish its consideration or enactment to appear to be directed toward anyone on either side of the aisle who sought reelection this year or to appear as an excuse for my not seeking reelection. I preferred that it be considered on its merits after both the Congress and the public have had some opportunity to discuss it and reach some conclusions as to whether or not this is a move which should be supported as a matter of public policy. I think there has been sufficient time now for such general consideration, and I would hope that the next Congress will actively consider the enactment of the amendment.

I would like to reiterate one point which I made in my statement of February 1969 which I consider to be of great importance in connection with this matter. Some people with whom I have discussed this proposal have expressed the feeling that many individuals in the Congress are still quite vigorous and active, alert and capable, even though they have passed age 70. I certainly agree, and I would not suggest that their talents simply be ignored.

Private industry has universally adopted a mandatory retirement age of 65 for its top executives, yet there is no law either at the State or National level which requires such action.

The stockholders of any major corporation would today insist on the enforcement of this retirement rule because it has been demonstrated that an age limit on service is in the best interest of the company.

But while private industry has adopted this universal retirement age of 65 for its chief executives that does not mean they do not continue to draw upon the experience or advice of their former officers.

We know that President Nixon and Presidents Johnson and Kennedy before him have all consulted frequently with their predecessors, and I suggest that the incumbent Presidents and the Nation as a whole have profited by such consultation.

It would be the greatest folly to simply ignore these individuals whose knowledge has been accumulated over the years and not make use of such experience.

I suggest that both the Congress, as an institution, and the administration would be better served if such individuals were available for consultation and advice which they could give so well without being burdened with the responsibilities of office.

The adoption of this plan providing an age limit would greatly increase the efficiency of both the legislative and judicial branches of our Government.

It is especially important that the Congress give prompt consideration to this proposal as we witness the growing burden on the Congress and the courts.

Ten years ago no one would have thought that we would still be in session in December, but congressional sessions now appear to have become year-round matters.

Our Government today is supervising expenditures of over $200 billion annually. This is several times the workload of just a few years ago.

The burden is growing heavier on the Members of Congress, and in some cases it is taking its toll. Furthermore, an amendment such as I have proposed would do much to encourage younger men to seek office in the legislative branch, and both Congress and the Nation would be the beneficiaries.

Likewise, such a mandatory age limit of 70 for our courts is most essential. We have judges serving on our courts today who are long past the age where they can follow the arguments of a long and tedious trial.

The result is we are getting court decisions and opinions rendered by young law clerks who have no responsibility to the people.

This same situation regarding age has on occasions developed both in the House of Representatives and in the Senate, where men have served too long with the result that far too often the decisions of their office were being made by staff members.

This does not provide good judicial decisions, nor does it represent good legislative practice.

A question has been asked: How do some of the Members of Congress who would be affected by this amendment feel about the suggestion?

I have been surprised by the support I have received. Very often these Members would like to retire, but their constituents argue that they owe it to their supporters to seek reelection. The party wants a winner. If they refuse, they are confronted with the guilty feeling they are letting down their friends.

The adoption of this amendment would solve that problem.

Some argue that the adoption of this plan would provide for a lameduck Congressman or Senator who would lose his effectiveness during his last terms. That argument is not valid. Under the Constitution we now provide for a limit of two terms for our President, and no one referred to President Eisenhower as a lameduck President during his last term.

The same situation is true in most of our States which limits the service of Governors.

This same amendment is being introduced today in the House by Congressman Roth of Delaware, the man who next year will be taking my place here in the Senate, and it is my strong hope that the new Congress, when it convenes next month, will give serious and prompt consideration to a constitutional amendment such as this.

Mr. President, I ask unanimous consent that the text of the proposed constitutional amendment be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Stevenson). The joint resolution will be received and apppropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 250) proposing an amendment to the Constitution to provide maximum age limits for certain officers of the Government, introduced by Mr. Williams of Delaware, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 250

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress:

"Article —

"Section 1. No person who has attained the age of seventy years shall be appointed to be a judge or justice of the United States. Within thirty days of attaining such age, any judge or justice of the United States shall retire from regular active service.

"Section 2. No person who has attained the age of sixty-five years shall be a Senator, except that any Senator who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed.

Section 3. No person who has attained the age of sixty-eight years shall be a Representative, except that any Representative who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed.

ADDITIONAL COSPONSORS OF A BILL

S. 4307

At the request of the Senator from Illinois (Mr. Percy), the Senator from Texas (Mr. Tower) and the Senator from Indiana (Mr. Bayh) were added as cosponsors of S. 4307, to amend the Environmental Quality Improvement Act of 1970 in order to establish a Corps of Engineers Environmental Advisory Board.

SENATE RESOLUTION 496—SUBMISSION OF A RESOLUTION RELATING TO A PROPOSED WHITE HOUSE CONFERENCE ON THE NATIONAL ECONOMY

Mr. McCLELLAN (for himself, Mr. Mansfield, Mr. Jackson, Mr. Ribicoff, Mr. Allen, Mr. Bayh, Mr. Bellmon, Mr. Bible, Mr. Burdick, Mr. Church, Mr. Ellender, Mr. Ervin, Mr. Fannin, Mr. Gore, Mr. Gravel, Mr. Harris, Mr. Hollings, Mr. Jordan of North Carolina, Mr. McIntyre, Mr. Metcalf, Mr. Moss, Mr. Murphy, Mr. Pell, Mr. Randolph, Mr. Stennis, Mr. Stevens, Mr. Symington, Mr. Talmadge, and Mr. Yarborough) submitted a resolution (S. Res. 496) declaring it to be the sense of the Senate that the President should call immediately a White House Conference to study and to recommend proposals to cure the Nation's present economic plight of rising inflation and widespread unemployment, which was considered and agreed to.

(The remarks of Mr. McClellan when he submitted the resolution and the ensuing debate appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 497—SUBMISSION OF A RESOLUTION ON THE NECESSITY FOR INTERNATIONAL COOPERATION AND UNITED NATIONS CONSIDERATION OF THE CONSEQUENCES, ENVIRONMENTAL AND OTHERWISE, of OPERATION OF CIVIL SUPERSONIC AIRCRAFT IN INTERNATIONAL COMMERCE

Mr. NELSON submitted the following resolution (S. Res. 497); which was referred to the Committee on Foreign Relations:

S. Res. 407

Resolution on the necessity for international cooperation and United Nations consideration of the consequences, environmental and otherwise, of operation of civil supersonic aircraft in international commerce

Whereas it is recognized that many of the international air carriers of the world are actively planning the purchase of civil supersonic aircraft which will regularly operate in international commerce at stratospheric levels and supersonic speeds; and

Whereas it is recognized that the operation of civil supersonic aircraft in international commerce will inject into the stratosphere quantities of water vapor, sulfur dioxide, hydrocarbons, and other solid or gaseous substances which may compromise the stability and integrity of the stratosphere and have a deleterious effect upon the earth's climate; and

Whereas it is recognized that the operation of civil supersonic aircraft produces the phenomenon of sonic booms, a continuous series of short, sharp shock waves at the surface of the earth beneath the aircraft's flight path, which may have serious detrimental effects upon the human and animal populations and the ecology of the area of the earth subjected to continuous repetition of sonic booms; and

Whereas it is recognized that the operation of civil supersonic aircraft would produce increased levels of noise in areas adjacent to points of landing and takeoff; and

Whereas it is recognized that the full nature and extent of the environmental impact and the ecological consequences which may result from the operation of civil supersonic aircraft in international commerce are unresolved; and

Whereas it is recognized that the environmental impact and ecological consequences which may result from the operation of civil supersonic aircraft in international commerce are of a global dimension; and

Whereas it is recognized that the preservation and improvement of national and global environmental quality are of the highest order of priority and necessary: Now, therefore be it

Resolved, That it is hereby understood to be the sense of the United States Senate that all issues pertaining to the operation of civil supersonic aircraft in international commerce be presented to the United Nations for the attention and consideration of the General Assembly, and that the subject of the environmental impact and ecological consequences of the operation of civil supersonic aircraft in international commerce be presented for inclusion on the agenda of the United Nations Conference on Environment to be held in Sweden in 1972.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 1141 THROUGH 1143

Mr. MONDALE submitted three amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1144

SOCIAL SECURITY COMPUTATION OF AVERAGE MONTHLY WAGE

Mr. MONDALE. Mr. President, under the present social security laws, many workers lose significant retirement cash benefits because of changes in the conditions of their employment over which they have no control. Under present law, benefits are based on average earnings in all years, minus the 5 lowest years. On this basis, benefits are reduced in cases of declining earnings in later years, or in cases of reduced wages or unemployment in a changing industry. If a laborer is unable to continue heavy manual work and must take a lower paying job in the last years before he retires, he will receive a lower monthly social security benefit after retirement. Any losses in annual income due to mergers, plant closings, or recession are reflected in retirement benefits, if an employee has 5 lower earning years at the beginning of his career.

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My amendment would protect retirement earnings by basing benefits on an individual's 10 highest earning years. This bases the computation on the positive side of the employment record, over which an individual has control. The estimated cost of this change would be 0.66 percent of taxable payroll.

To illustrate the workings of this provision: In Minnesota, where we have had rises and declines in the iron ore and lumber industries, a laborer at the median wage level would have $168 monthly social security benefits at best. If he had suffered 5 years of reduced pay or a year of unemployment late in his career because of changes in his industry, he would get only $161, or a 4-percent reduction. Under my amendment, his benefit would be based only on his 10 highest years of earnings, and he would pay no penalty for wage conditions beyond his control. He would earn $179 per month, or 12 percent more than under present law.

In many States, rapid shifts in new technologies cause frequent layoffs in many industries. The high current rate of general unemployment is also causing losses in the computation of average monthly wages for most of the almost 5 million unemployed who are covered by social security.

If we consider that half of all persons over 65 have less than $1,500 annual income, it is obvious that we ought to design methods of computing benefits which would protect social security beneficiaries from erosions of their benefit base over which they have no control. This kind of policy is now applicable to Federal civil service employees; the Congress recently established their retirement benefits based on their highest 3 years of wages. For many years the military has based retirement income on the highest permanent pay grade attained. These positive definitions result in pension levels which are in sharp contrast with the average social security payment, which the Bureau of Labor Statistics says constitutes only one-third of a reasonable budget for retired persons.

When the Social Security Act became law in 1935, President Franklin Roosevelt said that he considered it the beginning of a "supreme achievement" in national legislation. While we consider amendments to that act 35 years later, I question the supremacy of our legislative achievements for our older citizens.

Older citizens are being cruelly squeezed between stationary pensions and the worst price rises in a decade. Shriveling pensions strip away the only hope most retirees hold for independence and dignity.

Thirty percent of all Americans over 65 live in poverty, as opposed to 12 percent of all other citizens. It is difficult for those of us who are relatively affluent to realize that these millions of retired citizens are thus condemned to lose their share of our affluence and the dignified retirement they have earned.

I urge consideration of the amendment which I submit as part of the effort to preserve a decent life for our older citizens.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1145—EARNINGS LIMITATION

Mr. MONDALE. Mr. President, I would like to commend the committee for its recommendations of a 10-percent cash benefit increase and establishment of a $100 monthly minimum benefit. These changes will do much to alleviate deprivation among the elderly. I also support a number of the other improvements in cash benefits suggested by my other colleagues, some of which amendments I have cosponsored.

I would like to briefly discuss my amendment which I submit related to the earnings limitation on social security benefit entitlement.

Many retirees wish to remain active by working parttime. This often contributes to good physical and mental health, and obviously many retirees need income supplements. At the present time, however, social security policy dictates that a retiree may earn only $1,680 annually without losing some of his social security benefits; the bill now before us sets the limit at $2,000. Along with many of my colleagues, I believe that the limit ought to be raised to $2,400, to encourage beneficial activity and to give retirees more opportunity to remain materially independent. The cost of this change, $280 million dollars more per year then in the committee bill, is not excessive when we consider that in recent years we have willingly spent such sums as $1 billion dollars, or four times as much as this amendment would cost, for the B-70 bomber, which is now obsolete and never went into production.

I believe that our public policies have not been adequate to maintain certain basic benefits of American citizenship for older Americans, and many senior citizens have lost their independence and individual dignity. Every person has a right to maintain his autonomy, his individuality as a citizen, to the end of his life.

But that is becoming more and more difficult in the United States. In the last 30 years, the average life expectancy in the United States has risen from 63 years to 70. At the same time the mandatory retirement ages in many occupations have been lowered. This has brought enforced idleness and feelings of uselessness to millions of our citizens. In the past 15 years, the percentage of those between 65 and 70 who were employed dropped from 58 to 34 percent.

At the same time, as our society has become more mobile, our traditions of mutual support between children and aging parents have fallen away.

Idleness and isolation are often accompanied by severe income losses. Older citizens are being cruelly squeezed between stationary pensions and the worst price rises in a decade.

The incidence of poverty among persons over 65 is almost three times the rate among the population under 65. Most importantly, only 17 percent of social security recipients have any outside source of income.

This amendment addresses itself to the problem of enforced idleness and low levels of income. It would do much to encourage part-time employment among retired persons. This provision would also help prevent the complete loss of the valuable talent and experience which senior citizens add to the Nation's productivity.

I urge the Senate's approval for increasing the earnings limitation to $2,400 per year.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1146

SOCIAL SECURITY COVERAGE FOR FARMWORKERS

Mr. MONDALE. Mr. President, for all practical purposes, migrant and seasonal farmworkers are excluded from coverage under the Social Security Act, although it is one of the few major areas of conventional Federal employee benefit programs in which farmworkers may receive even the slightest theoretical benefit.

Since 1956 farm employment has been covered for social security purposes if the worker received cash wages amounting to at least $150 from one employer during the year, or if a worker worked for one employer 20 days or more during the year. A significant provision of the present law treats the crew leader as an employee of the farmer unless there is a written contract between the two that provides otherwise.

The restrictions in the law effectively serve to deny coverage for the farmworker. First, the low rate of compensation and short periods of employment that characterize migrant and seasonal farmwork often prohibit him from meeting even the meager qualifying requirements set forth above. A further catch is that the 20-day requirement must be for cash remuneration computed on a time basis rather than on a piece rate basis. As many farmworkers are paid on a piece rate basis the 20-day provision has had limited practical effect.

The provision allowing treatment of the crew leader as an employer raises serious problems for the farmworker, the farmer, and the crew leader. The initial rationale for this provision was to give the employee working on several farms under a single crew leader a better chance to meet the annual requirement of $150 or 20 days under one employer. Additionally, the crew leader language was initially inserted in 1956 to relieve the farmer of alleged bookkeeping inconvenience.

However, because of the nebulous and changing work relationships between farmers and crew leaders, the amendment has become a screen for tax evasion by endless shifting of responsibility between the farmer and a sometimes difficult to find crew leader. And, although some provisions of the Farm Labor Contractor Registration Act would hopefully have aided in keeping track of some crew leaders, permitting at least a chance for eliminating abuse, that act for all practical purposes is unenforced.

Two amendments to the Social Security Act would eliminate the discriminatory treatment of the farmworker.

First, by eliminating the restrictive wage and work period qualifications, a greater number of farmworkers would be covered.

Second, by eliminating a law which makes the crew leader an employer for social security purposes, there would be less chance for abuse.

The first amendment, in addition to covering more farmworkers under the Social Security Act, would also provide major relief to the farmer who is permitted to withhold a portion of a farmworker's pay although he may not know if the farmworker is, or will be, covered. Often this portion is not refunded when all qualifications for coverage are not met by the farmworker.

By passing this amendment, the farmer would be relieved from the guessing game as to which farmworkers are covered, and whether he might be liable for funds illegally appropriated through an unscrupulous crew leader.

By eliminating the presumption that the crew leader is the employer, the second amendment would relieve the farmworkers of the determination of who may have illegally appropriated his withholding, either the farmer or the crew leader. Many farmworkers are paid by the day and neither records of their earnings nor receipts for deductions are provided. Presently, although the law requires that a receipt of social security withholding must be given to any employee who earns $600 or more, this is usually not applicable to the migrant who is a short term worker usually not earning $600 for any one employer, and usually not easily contacted following termination of employment because of his mobility. By placing full responsibility for social security coverage on the farmer, the farmworker will better know who to approach in terms of the extent and nature of his coverage.

The financial cost of making some minimal provision for our farmworking citizens when they become too old to follow farmwork or other gainful employment, has been unfairly thrust upon the general public. In other words, the limitations on coverage of these workers during their periods of gainful employment in farmwork, although amounting to a minor benefit or convenience to the employer, will in the long run constitute a substantial detriment to the taxpaying public as well as the farmer himself. Every dollar that these citizens are allowed to pay for their own social security entitlement will lessen the financial burden on the taxpaying public during the worker's nonproductive years.

Mr. President, I ask unanimous consent that my amendment which I submit to the Social Security Act (H.R. 17550) now on the floor, be printed in full in the CONGRESSIONAL RECORD at this point in my remarks, together with a section-by-section analysis.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and section-by-section analysis will be printed in the RECORD.

The amendment (No. 1146) is as follows:

AMENDMENT NO. 1146

On page 123, line 24, insert the following:

COVERAGE OF AGRICULTURAL LABOR

SEC. 134. (a) Section 209(h) of the Social Security Act is amended to read as follows: "(h) Remuneration paid in any medium other than cash for agricultural labor;".

(b) Section 210(n) of such Act is repealed.

(c) (1). Section 213(a)(2) of such Act is amended by striking out "(except wages for agricultural labor paid after 1954)".

(2). Section 213 of such Act is further amended by repealing paragraph (2)(iv) thereof.

(d)(1). Section 3121(a)(8) of the Internal Revenue Code of 1954 (relating to definition of wages for purposes of the Federal Insurance Contributions Act) is amended to read as follows:

"(8) remuneration paid in any medium other than cash for agricultural labor;".

(2). Section 3121(o) of such Code (relating to definition of crew leader) is repealed.

(e) The amendments made herein shall be applicable only with respect to remuneration paid after 1970.

The analysis, presented by Mr. MONDALE, is as follows:

SECTION-BY-SECTION ANALYSIS OF AMENDMENTS TO COVER FARMWORKERS UNDER SOCIAL SECURITY LEGISLATION

Section 134. (a) Under the "Definition of Wages" provisions of the present Social Security Act, the farmworker must receive cash wages amounting to at least $150 from one employer during the year, or alternatively, the farmworker must work for one employer twenty days or more during the year, before any wages that he earns are counted. The proposed amendment eliminates these special requirements for farmworkers, thus putting him on an equal footing with all other covered employees. The limitation that only cash wages can be counted, rather than any other form of remuneration (such as housing or food), remains intact.

Section 134.(b) This repeals the definition of Crew Leader appearing in Section 210(n). The present Act establishes the crew leader, rather than the farmer, as the person primarily responsible for deducting social security. There presently is a legal presumption created that farmworkers paid by a crew leader are employees of the crew leader, rather than the farmer; also, under no circumstances is a crew leader considered as an employee of the farmer. These provisions are subject to substantial abuse that adversely affects farmers, farmworkers, and crew leaders.

Section 134.(c) The language in c(1) places farmworkers on the same footing as all other workers regarding the definition of quarter of coverage under Section 213 of the Social Security Act; and Section c(2) removes special limitations for agricultural workers requiring that certain minimum amounts must be made each quarter for coverage in the next quarter, and permitted some overlapping of quarters under limited circumstances.

Section 134.(d) To accomplish coverage of agricultural laborers under the Social Security Act, this section makes necessary changes in the related Internal Revenue Code of 1954, as amended, regarding the definition of wages for purposes of the Federal Insurance Contributions Act. Thus, section (d)(1) amends Section 3121(a)(8) of such Act to remove the discriminatory wages and days worked provisions of the present law; and section (d)(2) repeals language which defines the crew leader.

Section 134.(e) The amendments made by the preceding sections shall be applicable only with respect to remuneration paid after 1970.

AMENDMENT NO. 1147

Mr. KENNEDY (for himself, Mr. YARBOROUGH, Mr. SAXBE, Mr. MATHIAS, Mr. HART, Mr. HUGHES, Mr. MCGOVERN, and Mr. MONDALE) submitted an amendment, intended to be proposed by them, jointly, to House bill 17550, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1148

Mr. PROUTY submitted an amendment, intended to be proposed by him, to House bill 17550, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1149

Mr. PROUTY. Mr. President, I submit an amendment to H.R. 17550 and ask that it be printed.

This amendment which I plan to offer to H.R. 17550 would eliminate the present tariff on petroleum products imported into the United States

The President pointed out in his latest inflation alert that oil prices play a part in our rising cost of living. The amendment seeks to relieve the consumer of a tariff on oil products that are imported into this country under a quota system which is already creating artificially high prices for petroleum products.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed.

AMENDMENT NO. 1150

Mr. PERCY. Mr. President, I would like to comment briefly on that portion of H.R. 17550, the Social Security Amendments of 1970, which deals with the old age, survivors, and disability insurance system.

The importance of this bill, which pro-

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vides benefits to over 26 million aged Americans, cannot be overstated. A major portion of these 26 million Americans depend completely upon monthly social security checks for a living, and fully one-third of these people live at or near the poverty level.

Thus, the most well-known provision of H.R. 17550, which raises the current benefits by 10 percent, is of vital importance. There are, however, a number of other provisions in the bill which have received less attention, but which are nonetheless equally important.

I am pleased to say that these other important provisions include two proposals which I submitted to Congress well over a year ago, and testified on this year before the Finance Committee; namely, my proposal to provide full benefits for widows; and to grant automatic benefit increases to correspond with rises in the cost of living.

FULL BENEFITS FOR WIDOWS

Under existing law, a man can draw 150 percent of his monthly benefits if he is married. If he is a widower, he receives his full benefits—or 100 percent. But if he leaves a widow, she can receive only 82½ percent of his total allotment. This is a serious injustice, as there is no reason to think that a single widow living alone needs less than the worker himself living alone. The widow's landlord certainly does not lower the rent by 17.5 percent—100 percent–82½ percent; nor does her grocer lower the price of food items by that amount.

H.R. 17550 corrects this inequity by accepting my proposal of last year; namely, to give widows 100 percent, rather than just 82½ percent, of her deceased husband's primary insurance amount when she reaches age 65.

AUTOMATIC BENEFIT INCREASES TO CORRESPOND WITH THE COST OF LIVING

My other proposal that I first made as a pledge in the campaign of 1966, a proposal also made by President Nixon, to grant automatic benefit increases to correspond with rises in the cost of living, was also accepted by the House and Finance Committee. This proposal assures some protection against inflation to the people who must worry about the 5-cent hike in bus rate fares and the 3-cent increase in the price of bread.

In opposition to this proposal, some people have made the point that Congress has generally acted to provide increases commensurate with the cost of living, and that Congress should retain its authority over these increases. These people do have a point, in that Congress generally—sooner or later—does provide the necessary increases to meet the cost of living. Unfortunately, however, this sometimes occurs later rather than sooner.

For example, from 1959 to 1965 there was no change in the benefit level, although the purchasing power of the dollar declined by 8 percent. And earlier, between 1940 and 1950 there was no change in the benefit level, even though the purchasing power of benefits declined by about 37 percent. There is no way that we can compensate for the hardships endured during these periods when benefits lag behind the cost of living. Those people dependent upon social security during these periods suffer unduly, and this cannot be undone by a belated benefit increase.

This is why I feel my proposal to incorporate automatic benefit increases is so important, and why I am so pleased with the Finance Committee's action in retaining this House-passed provision. In addition, the Finance Committee wisely added its own provision that Congress should initiate action on the increases, and thereby retain some authority over them.

THE RETIREMENT TEST

A third proposal of mine, to increase the current earnings limitation of $1,680 to $2,400 immediately, was partially accepted by both the House of Representatives and the Senate Finance Committee. By raising the earnings limitation to $2,000, with a $1 for $2 reduction in earnings above $2,000, and by eliminating the former $1 for $1 reduction in earnings once a person begins making $2,880, the House and Senate Committees moved in the right direction, and I commend them. I feel we can and should go further, however, by raising the limitation to $2,400.

The social security program was originally devised to provide a floor of protection against the loss of earnings caused by a worker's retirement, death, or disability, and the so-called retirement test was established to assure that a worker had, in fact, retired. Since social security was also never intended to provide much more than a modest standard of living, an individual was expected to supplement social security with individual savings or a private pension plan. A person is allowed to keep full social security benefits no matter how much he gets in dividends and interest from investments or savings; but he cannot keep all of his earnings once he makes more than $1,680.

All this is well and good, except that even if a person does as he should and invests in a private pension plan or in savings, this does not assure him an income. There is a certain amount of truth in a remark made by Thomas R. Donahue, an assistant secretary of labor during the Johnson administration, who told the Senate Labor Committee:

> In all too many cases the pension promised shrinks to this: If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there's enough money in the fund, and that money has been prudently managed, you will get a pension.

One study of 10 pension plans revealed that less than 10 percent of 60,000 low-paid workers would ever receive a pension benefit.

What does a person do if all his savings have been eaten away by inflation and his privately financed pension plan has collapsed or otherwise failed to provide his needs? All he can do is try to supplement his income by working, yet under present law, he is penalized for doing so.

Since 1935, when social security was enacted, property taxes have increased nearly fivefold. Rents have doubled and tripled in many cases, as have transportation costs. In many cases, it is only by working that a person can keep up with these increases.

I would like to propose a modification to my original bill to increase the earnings limitation immediately to $2,400. While I would eventually like to see a total elimination of the retirement test—and will recommend that the staff of the Senate Finance Committee make studies and that the committee hold hearings toward this end, I think we must be realistic in recognizing that this would be extremely costly if done now. It is my understanding that an immediate elimination of the "test" would cost somewhere between $2.25 and $2.50 billion in the first year.

Instead, I would modify my original proposal by raising the limitation immediately to $2,400, and by retaining the well-advised committee-approved provision whereby we increase the exempt amount automatically as the cost of living rises. Thus, the $2,400 figure would remain constant in "real" terms, and not be eroded by inflation.

The idea of removing the retirement test completely—which I feel has considerable merit—should be studied by a special advisory council for social security matters prior to our own hearings.

The cost of my amendment which I submit would be $850 million in the first year, or $280 million more than the cost of the committee bill. But because my amendment might also preclude the necessity for some aged persons to go on welfare, its additional cost over the committee bill would be offset to a certain extent.

A full one-third of all social security recipients live at or near the poverty level. By raising the earnings limitation to $2,400 instead of to $2,000, I think we could prevent some of these people from having to go on welfare, and allow them to maintain their sense of dignity and independence—so important to all of us.

The PRESIDING OFFICER (Mr. GRAVEL). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1151

Mr. PERCY. Mr. President, I am submitting an amendment on behalf of myself and the Senator from Alaska (Mr. STEVENS) to H.R. 17550 which removes discriminatory provisions of the Social Security Act applying to blind and permanently and totally disabled persons.

At present, title XIX of the Social Security Act—medicaid—in determining eligibility for the extent of medical assistance to be available to individuals, states that—

> The financial responsibility of any individual for any applicant or recipient of assistance under the Act should not be considered unless such applicant or recipient is such individual's spouse or such individual's child who is under age 21; *or is blind or permanently disabled.*

Titles X and XVI—grants to States for aid to the blind; and grants to States for aid to the aged, blind, or disabled, respectively—also have the effect of allowing States the latitude to set up relative responsibility regulations. In other words, blind or permanently and totally disabled persons over age 21 must, in many cases, undergo the humiliating, degrading experience of proving to the State that their parents lack the financial means, or the willingness, to meet their medical—or other—needs.

Nondisabled, needy adults are not subjected to this humiliating experience. Only the blind and otherwise disabled—of whom there are about 82,000 and 600,000, respectively, in the United States—are singled out and expected to bankrupt their parents.

In most cases, when the parents or relatives of adult blind or disabled children are able to offer assistance, they do so willingly. When the parents are not in a position to offer assistance, what is the point of allowing States to say to a blind or disabled individual:

> Your parents are responsible for your needs, but since they will not provide them, we will not either.

This makes no sense at all in my opinion.

When one considers the hardships caused by blindness and other disabilities and the courage and self-confidence necessary to overcome handicaps so as to function in a dyanmic society, it seems even more unfortunate that we ask these people to face a humilitating, painful, and unnecessary experience before qualifying for assistance they might need. The sense of independence and self-respect that a blind or otherwise disabled adult can acquire by knowing he is no longer a burden to his family may make a significant impact on his level of aspiration and ability to move forward into real independence.

The ability to perform successfully and to be a contributing member of society is a necessary foundation for the self-respect of a young blind or disabled adult. As he becomes no longer a burden to his family, the improved attitudes and the more wholesome relationship between him and his parents can be expected to result in increased support and encouragement from them. We thus will have provided the conditions under which a seriously handicapped person can aspire to freedom and achievement and can move forward into real independence.

I, therefore, urge support for this amendment so that we can do away with this glaring inequity and discrimination against blind and disabled citizens within our society.

Mr. President, the cost is actually too small to estimate according to the Social Security Administration. But the benefit to those affected is great, indeed.

The **PRESIDING OFFICER** (Mr. GRAVEL). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1152

Mr. **HART**. Mr. President, on behalf of Senators KENNEDY, PROXMIRE, GOODELL, GORE, HUGHES, INOUYE, MCINTYRE, MCGOVERN, MONDALE, NELSON, PASTORE, PELL, RIBICOFF and myself, I submit an amendment to H.R. 17550, the social security bill. I ask that it lie on the table and be printed.

The amendment ends the oil import quota system effective January 1, 1972.

It makes the provisions of the National Security Clause, Section 232 of the Trade Expansion Act of 1962, inapplicable to petroleum and petroleum products, thus ending the President's authority to restrict the free importation of oil.

Import quotas on petroleum do not protect the national security. They impose a severe burden on the American consumer. The staff of the Antitrust Subcommittee of the commission on the Judiciary has estimated the cost of this system as $7 billion.

When a system costs $7 billion, it should deliver as promised or be eliminated. This system should be eliminated.

The elimination of oil import restrictions will give Congress the opportunity to consider the question of how to best guarantee the country a secure supply of low cost oil. A number of ideas, all superior to quotas have been put forward. I would hope that in the debate on this amendment they will be discussed.

The **PRESIDING OFFICER** (Mr. GRAVEL). The amendment will be received and printed, and will lie on the table.

AMENDMENTS NOS. 1153 THROUGH 1157

Mr. **HARTKE** submitted five amendments, intended to be proposed by him, to House bill 17550, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1158

Mr. **WILLIAMS** of Delaware (for himself, Mr. TALMADGE, Mr. FANNIN, Mr. COTTON, Mr. HANSEN, Mr. HOLLINGS, Mr. MCINTYRE, Mr. MUSKIE, Mr. PASTORE, Mr. SCHWEIKER, and Mr. THURMOND) proposed an amendment to House bill 17550, supra, which was ordered to be printed.

(The remarks of Mr. WILLIAMS of Delaware when he proposed the amendment appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

THE PRESIDENT'S VETO OF THE EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

Mr. **MUSKIE**. Mr. President, the President's veto of the Employment and Training Opportunities Act of 1970 reflects a callous disregard of the unemployment problems of the seventies.

The President showed no understanding of the purpose of this bill and no concern for the problems which it would help alleviate.

The President based his objection to this bill on the argument that it would create "temporary" and "dead end" jobs of a "WPA type." Yet, the President has insisted on enactment of the family assistance program, and we all know of the success of the Works Projects Administration.

Like the President's FAP program and the WPA, this bill would take people off the welfare rolls and put them to work. Like the WPA, this bill would provide useful public service jobs in areas such as public safety, health, pollution control—jobs which deserve neither the classification of "temporary" nor the condemnation of "dead end."

In fact, public service jobs are some of the most important in the economy. We need people to fill them, and the money to train them and pay them. A study completed in 1966 by the Commission on Technology, Automation, and Economic Progress estimated that over 5 million jobs could be filled through public service employment programs. The number is higher today.

This veto is also out of step with the President's commitment to reform social services programs and to provide work instead of welfare support. The administration's welfare reform package includes a public-service employment program for welfare recipients. The President's veto is inconsistent with that commitment.

This veto contradicts the President's own support for returning the responsibility for local programs to people on the local level. Last year, the President said that—

> It is time for a new federalism in which power, funds, and responsibility will flow from Washington to the states and the people.

While other manpower programs are criticized for limited local involvement, this new program would give mayors of cities throughout the country an opportunity to play a major role in planning and operating manpower programs.

Finally, the President's veto offers little hope that this administration will make a significant effort to shift the priorities of employment. The WPA and the CCC of the thirties were successful not only because they gave people work, but also because the people who worked gave their country something in return—the benefit of their skills in public service. Given a choice, the President has vetoed a program which would have provided as many as 40,000 public service jobs in its first year, and he has supported an SST project that would provide half as many jobs at one and a half times the price.

WHITE HOUSE CONFERENCE ON CHILDREN—REMARKS OF THE PRESIDENT

Mr. **SCOTT**. Mr. President, I ask unanimous consent to have printed in the RECORD the remarks of the President at the White House Conference on Children on December 13, 1970.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE WHITE HOUSE CONFERENCE ON CHILDREN, THE SHERATON PARK HOTEL, WASHINGTON, D.C.

Mr. Secretary, Mr. Mayor, Mr. Chairman, and ladies and gentlemen, all of the delegates to this Conference:

Before I begin my prepared text, I would like to express my deep appreciation to all of you who have come to this Conference, and also for the very special entrance that was arranged on this occasion.

One of the great privileges for the President of the United States, of course, is to hear Hail to the Chief. I have heard it many times since I became President almost two years ago. I have never heard it played better than by the East Atlanta School from over here, an elementary school.

Speaking as one who played a very poor

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second violin in a high school orchestra, I appreciate all of the work and the talent that is represented therein by the leader who was able to develop those talents.

I am very proud tonight to share with six of my predecessors, starting with Theodore Roosevelt and most recently, Dwight Eisenhower, the honor of convening a White House Conference on Children. I take very special pleasure in welcoming all of you here.

Our concern at this Conference is with the wellbeing of 55 million individual human beings who happen to be children under the age of 14, and who represent one-fourth of all the people in America.

When I refer to them as 55 million individual human beings, I mean to put the emphasis precisely on that—in fact that nothing is so intensely personal as the private world of the child; nothing so removed from the statistical abstractions of a chart or a computer.

In talking about our children, we are talking about our world and about its future, but in the most special, the most human, the most individual sense of anything we do or consider.

The refreshing little flower emblem that has been used as the symbol of this Conference is a reminder to us of one very simple and very basic truth: that the world of the child is different and very special, and full of promise and very much alive.

It also reminds us that whether we speak of a community of 200 people or of 200 million, the important thing to remember is that no two are alike.

I am sure some of you have heard the little television commercial, a musical one, that has the little ditty that goes "No one else in the whole human race is exactly like you."

Because of this, what is right for one child may be all wrong for another.

Here in Washington, in government, we have a tendency to think about things in the mass, about cities of more than a million or less than a million, of people over 65 or those under 21, about whole school systems or health delivery systems.

Just yesterday, I spent a great part of the day working on next year's Federal budget, on billions for this and billions for that, and how perhaps $100 million could be saved here in order to do something we want to do someplace else; trying to balance the needs and hopes of dozens of government departments and agencies that operate thousands of programs involving millions of people. Sometimes, after a day like that, I find myself reflecting on both the necessity and then the impersonality of it all. Budgets have to be made and they have to be followed because that is the way the real world operates. And governments have to deal with great masses of people because this is the way governments operate.

But how far removed this can get us from the perspective of the individual person. How great a tendency there is in government to lose track of people as people, to get so wrapped up in charts and projections and columns of numbers that we lose sight of what ultimately it is all about.

If there is one thought more than any other that I would like to leave with you, all of the 4,000 delegates to this Conference, it is this: to remember that what matters is one person, one child, unlike any other, with his own hopes and his own dreams and his own fears, who lives at the center of his own separate and very personal world.

I am sure that each one of you is here taking part in this great Conference because you do care not only about children in the mass, but about the child. I hope you will help us in government to keep the focus on that one child.

One of the special glories of America is that we are a nation of individuals and individualists. We produce people, not automatons. We recognize diversity not as an evil but as a virtue. We turn not to one institution alone but to many to perform the great task of achieving a better life for all of us.

We recognize, of course, the role for government, for the church, the home, the school, the volunteer agencies that are so distinctive a feature of American life. And we do know that this is a case in which individual cooks, and additional cooks, do enrich the broth.

There is, of course, a large and vital role government must play in insuring the best possible opportunities for the child.

Tonight I would like to speak briefly to you about just one government program, a Federal Government program presently being considered by the United States Senate, which I believe particularly deserves your support.

The great issue concerning family and child welfare in the United States is the issue of family income.

For generations, social thinkers have argued that there is such a thing as a minimum necessary family income, and that no family should be required to subsist on less. It is a simple idea, but very profound in its consequences.

On August 11, 1969, over a year ago, I proposed that for the first time in America's history we in this great, rich country establish a floor under the income of every American family with children. It has, in turn, been called by others the most important piece of domestic legislation to be introduced in Congress in two generations.

In terms of its consequences for children, I think it can be fairly said to be the most important piece of social legislation in the history of this Nation. I am sure you know the story of the legislation. In April, it passed the House of Representatives by almost 2-to-1. Then it became mired down in the Senate. It is still stuck there, but it is not lost. There is still an opportunity for the 91st Congress to change the world of American children by enacting Family Assistance.

In these closing days of that Congress, I want to emphasize once again unequivocally my personal support for welfare reform this year, and to urge your support for welfare reform this year.

In the last 10 years alone—listen to this—the number of children on welfare in America has tripled to more than six million. Think of it—six million children—six million children caught up in an unfair and tragic system that rewards people for not working instead of providing incentives for self-support and independence; that drives families apart, instead of bringing them together; that brings welfare snoopers into their homes, that robs them of pride and destroys dignity. I believe we should change that.

The welfare system has become a consuming, monstrous, inhuman outrage against the community, against the family, against the individual, and most of all against the very children who are our concern, your concern, in this great Conference, the children it is meant to help.

We have taken long strides—not enough, but long strides—toward ending racial segregation in America. But welfare segregation can be almost as insidious.

Think what is means to a sensitive child.

Let me give you one example. My daughter Tricia does tutoring at an inner-city school here in Washington. She tells me of her deep concern each day to see the welfare children herded into an auditorium for a free lunch, while the others bring their lunches and eat in the classroom.

We have to find ways of ending this sort of separation. The point is not the quality of the lunch. As a matter of fact, she tells me that the free lunch is probably nutritionally better than the ones the others bring from home.

The point is the stigmatizing by separation of the welfare children as welfare children.

I remember back in the Depression years—and if this dates me, if you can remember, you can remember, too—of the 1930's, how deeply I felt about the plight of those people my own age who used to come into my father's store when they couldn't pay the bill, because their fathers were out of work, and how this seemed to separate them from others in our school.

None of us had any money in those days, but those in families where there were no jobs and there was nothing but the little that relief then offered suffered from more than simply going without. What they suffered was a hurt to their pride that many carried with them for the rest of their lives.

I also remember my older brother. He had tuberculosis for five years. The hospital and doctor bills were more than we could afford. In the five years before he died, my mother never bought a new dress. We were poor by today's standards, and I suppose we were poor even by Depression standards.

But the wonder of it was that we didn't know it. Somehow my mother and father, with their love, their pride, their courage and self-sacrifices were able to create a spirit of self-respect in our family so that we had no sense of being inferior to others who had more.

Today's welfare child is not so fortunate. His family may have enough to get by on and, as a matter of fact, they may have even more in a material sense than many of us had in those Depression years. But no matter how much pride and courage his parents have, he knows they are poor and he can feel that soul-stifling patronizing attitude that follows the dole.

Perhaps he watches while a caseworker—a caseworker who himself is trapped in a system that wastes on policing talents that could be used for helping—watches while this caseworker is forced by the system to poke around in the child's apartment, checking on how the money is spent, or whether his mother might be hiding his father in the closet.

This sort of indignity is hard enough on the mother. It is enough of a blow to her pride and to her self-respect. But think of what it must mean to a sensitive child.

We have a chance now to give that child a chance—a chance to grow up without having his schoolmates throw in his face the fact that he is on welfare and without making him feel that he is therefore something less than other children.

Our task is not only to lift people out of poverty but from the standpoint of the child our task is to erase the stigma of welfare, illegitimacy and of hardship, and to restore pride, dignity and self-respect for every child in America.

I don't contend before this sophisticated audience of critics that our Family Assistance Plan is perfect. Secretary Richardson, who has been before the Senate, will be able to answer questions that you may put to him because he has been before a very, very critical body.

But I am only going to suggest this: In this confused, complex and intensely human area no perfect program is possible, and certainly none is possible that will please everybody. But this is a good program, and a program immensely better than what we have now, and vastly important to the future of this country—and especially to the neediest of our children. It is time to get rid of the present welfare program and get a new one, and now is the time to do it.

For the United States Senate to adjourn without enacting this measure would be a tragedy of missed opportunity for America and particularly for the children of America.

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I have dwelt at some length on Family Assistance because of its vital and even historic importance and because now is the time for Senate decision.

This represents, as I indicated, one of the things the Federal Government can do to give children a better opportunity.

There are others: our programs for the right to read, our emphasis on the first five years of life through the new Office of Child Development in the Department of HEW, on education reform, on food, nutrition, and in many others where we are trying to meet what I believe is a great responsibility that rests with the Federal Government.

I know in this Conference you will have many new ideas for things we in Government, in the Federal Government, might do.

We shall do our best to meet our responsibility in those areas where the Federal Government can best do what needs to be done. But I would also stress that equally and often more important is what States and communities do, and the school, the church, the family, the mass media, the volunteer organizations, each of us as individuals. For the child is not raised by government; the child is raised by his family. His character is shaped by those people he encounters in his daily life.

I think especially of the millions of Americans who give their time, their energy and their heart to volunteer activities working with children. You know them in your communities—thousands, hundreds of thousands all over America.

Before becoming President, I served as National Chairman of the Boys Clubs of America. I saw from the inside the wonderful work organizations like the Boys Clubs and others do, and also the spirit and dedication of the people who make them possible. There are churches and service organizations, hundreds, thousands of organizations all across America helping. They can help more.

And most important, these volunteer organizations can do what government cannot do: they can give heart and inspire hope, and they can address themselves not simply to children as a group but to that one special, precious child.

Before closing tonight, I would like to leave with you a few very personal reflections from the perspective of the office I hold.

A President of the United States always thinks about the legacy that he would like to leave the country from the years he serves in this office. I think often about that in terms of what I can leave for America's children.

I know that the first thing I would like to do for them is to bring peace to America and to the world. And here I speak not just of ending the war, but of ending it in a way that will contribute to a lasting peace, so that theirs, at last, can be what we have not yet had in this century—a generation of peace.

I speak not only of the absence of war, but also of a peace in which we can have an open world in which all the peoples of the world will have a chance to know one another, to communicate with one another, to respect one another.

The second thing that as President I would like to leave for America's children is a strong, productive and creative economy—one that can provide every family with a floor under its income higher than what is now the ceiling for most of the world's peoples.

I want to leave them an economy that provides jobs for all with equal and full opportunity, jobs producing not for war but producing for peace.

And beyond this, I want, as you want, America's children in the last generation of this century to have the best education, the best health, the best housing that any children have had anywhere, anytime.

I want them to enjoy clean air, clean water, the open spaces, to restore the heritage of nature that is rightfully theirs.

Although we will always have differences here in America, because this is a very diverse country, I hope that Government can help achieve a better understanding among the generations, the races, the religions, among those with different values and different life styles.

I would like to do all this and do it in the climate of freedom.

I want this generation of children to develop a new sense of patriotism.

Edmund Burr pointed out that patriotism translated literally means love of country. And he went on further to say that for us to love our country, our country must be lovely.

We do love our country—most of us—but we know it has many unlovely features. I want young Americans to learn to love America, not because it is the richest country, or the strongest, or merely because they were born here, but because America is truly a good country and becoming better, because it is truly a lovely country.

I am convinced that in my term as President we made some progress towards these goals that I outlined and I think that we, by the end, will have made more progress. But even if all these goals could be fully achieved, it still would not meet our duty to our children.

No matter what Government does for people, no matter what we provide in the way of income, housing or food, we still have not reached the essential element as far as a full and meaningful life is concerned, because what is most important is that every person in this country must be able to feel that he counts.

We have to let 55 million very young Americans, as well as those a little older perhaps, know that what they do matters, that their ideas count, that the country needs their thoughts, their creativity, their contributions.

I recall Dr. Walter Judd once said that he loved his daughter very much, and then when she asked him to help her with her arithmetic, he really could do it much better than she could, the easiest thing for him to do would be simply to do it for her. But because he loved her, he would not do it for her. He helped her learn to do it herself.

While this conference will and should make recommendations as to what Government can do for children, about how we can make life better for them, let us remember that what is most important is to provide the opportunity for each of our children to participate, for each child.

It is not just a matter of what more Government is going to do for him, but how his own life is going to be enriched so that he can do something for his fellow man.

A sense of dignity, a sense of identity, of pride, of self respect—these no government can provide. Government can help to create better conditions. It can help remove obstacles to the child's development. It can mobilize research and provide services. It can offer advice and guidance. But all these only help to make success possible.

The love, understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people, people like you.

And the way we shape the character of the next generation we test our own character as people. And the vigor and the realism with which we approach the needs of the next generation, of each and every child in that generation, tests our devotion to humanity and our belief in ourselves.

I am confident we will meet that test. And I am grateful, very grateful, to all of you here for the concern you have shown, the dedication you have demonstrated, in helping us to do so.

Your recommendations at the conclusion of your conference on Friday will receive the most careful consideration by the various agencies to which they will be referred and by the President of the United States, not only because we in this Administration respect your view, but also because we share your concern. We share your concern about our Nation's children, our children. We share your concern that our children should receive the best that America can give them.

Now, ladies and gentlemen, having concluded my formal remarks, I would like to give you a very special invitation and explain the nature of it.

When I learned about this conference, I suggested to your Chairman, Steve Hess, that Mrs. Nixon and I would like to receive all of the delegates to the conference at the White House. He said, "There are 4,000."

I checked with our staff to see whether that would be possible, and they figured out that based on an experience over the past two years of moving receiving lines as fast as we possibly could, it would take six hours and 18 minutes to get 4,000 people through the line.

I said we couldn't do that because I thought the people at the end of the line might get tired by the end of six hours and 18 minutes.

But I do think you should know that tomorrow the Christmas decorations at the White House will be completed. Those who have seen them think they are the most beautiful they have seen.

We have various nights blocked out. Monday night is the Congress; Tuesday night is the Congress; Thursday night is the diplomatic children, and so forth.

But Wednesday night belongs to you.

We have arranged for a special tour. Mr. Hess and his staff will arrange the buses and all the other various means of transportation that are needed to get you there.

We have arranged a special tour of the White House to see the Christmas lights and we hope that some members of our family can be there at least part of the time to greet some of you.

Thank you very much. We wish you the very best.

THE SEARCH FOR STANDARDS—PRAYER BREAKFAST TALK BY SENATOR THURMOND

Mr. STENNIS. Mr. President, a few days ago the Senator from South Carolina (Mr. Thurmond) gave a timely and inspirational message at a meeting of the Senate Breakfast Group. I think it is well worthy of being placed in the Congressional Record, I ask unanimous consent that it be printed in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

The Search for Standards

(By Senator Strom Thurmond)

Our day can be described in many ways. Of course, how we describe ourselves may not correspond with what others or the future may choose to say about us. Nevertheless, we must look at ourselves and our day, open-eyed. "Know thyself" counseled Socrates. Such knowledge may lead us to that awe in the presence of God which is the beginning of wisdom.

We might say of our age, and rightly so, that it is an Age of Science. We may think of it, as an Age of Plenty. But these descriptions are only partially true, for as yet the great bulk of mankind has known neither plenty nor the advantages of science and technology.

This day might well be called an Age of War, for ours has been a century of unparalleled violence and destruction. Indeed, if things continue as they are in conduct

XUM

and thought, the twentieth century may come to be called the Beginning of a Second Dark Age, far more terrible than those Dark Ages which preceded the rise of Medieval civilization.

We might characterize our time as an Age of Perplexity and Fear. Our young people tell us that the continuous threat of a nuclear holocaust has overshadowed their lives and restricted their happiness. They say further that we have polluted the environment with our so-called Age of Science.

In the sense of observance we might also call this period an Age Without Standards. Without standards to tell us where to go, what we do, what we are, what is right, what is wrong. Without standards, we can control and direct neither ourselves nor our national life nor the needs of mankind.

A time in which standards are conspicuous by their absence is a time in which all the great and ennobling virtues of human life are debased. An age without standards is an age in which those who seek to live and to act in the light of conscience and moral concern become veritable heroes. A society, in which those are rare to obey the voice of God in the soul and who heed the moral law within, is a society whose plight is grave indeed. We hear much of the "new morality," but there is also a "new immorality" not much different from the old, whatever it was called, and in its essential attitude fundamentally hostile to the teachings and values of the Judaeo-Christian tradition.

In voicing concern at these developments we must speak directly to the concrete issues of daily life. We must resist the temptation to sermonize or moralize, yet ours is the obligation of careful, critical analysis, that kind of diagnosis of the sickness of modern life which must precede effective healing.

In life there is always a battle against restraints set around our human conduct. That struggle begins with the early days of childhood, and it continues so long as we live. The struggle means at least a recognition that there is an authority, a power, a purpose, seeking to direct our deeds, at times with love, with strength, with judgment, and with punishment, all because of an immediate or final purpose in life to be fulfilled. All our lives we chafe against restraints, parental, social, religious and ethical.

Adults battle against laws and principles that would prevent them from obtaining money in ways that harm others, or in ways that render no useful social return. Adults battle codes of conduct that seek to regulate the relations of men and women. They battle against restraints that surround the powers of public office to ensure that they are regarded as a trust. And, finally, adults battle against God Himself at the place where deeds require that we be trustworthy, dependable, and honorable.

In an age without standards, men put themselves at the center of life and acknowledge nothing greater than expedience or immediate impulse. By such teaching, no nation can survive.

The testimony of history is plain that cities and individuals, civilizations and families, which have no standards beyond their own desires eventually go to pieces. In the end, there can be no satisfactory political life, no statecraft, no sound economic life for the nation, apart from the principles of the moral order. Moreover, we cannot break the moral order; we can only break ourselves upon it.

A clue to what ails us is provided from an unexpected source—a study recently published by a distinguished American educator, Professor Urie Bronfenbrenner: *Two Worlds of Childhood: U.S. and U.S.S.R.*

The author has examined the methods and content of education in America and in the Soviet Union. Without going into his conclusions in great detail, two judgments stand out as characteristic of American life today. First, the "lack of parental involvement" in child-rearing, which he says "lies at the heart of our present malaise." Second, the tedency of parents, therefore, to substitute the giving of material goods, television, cars, and the like, in place of emotional closeness. He attributes "the often amoral or antisocial world in which our children live and grow" to these age-segregating causes.

Here is no preacher in his pulpit, but an avowedly secular social analyst whose conclusions serve to reaffirm the Bibical injunctions to parents to "train up a child in the way he should go, and when he is old he will not depart from it." (Proverbs 22:6) If parents themselves are without standards, how can they teach them to their children?

The decline of respect for the *Bible* and its authority has *many* causes. One of the chief ones, in my opinion, is the teaching currently taking place at our colleges and universities.

The first real tests in life often come for men and women when they go away from the home to begin their college education. Instead of being fortified with standards by the colleges and universities, it appears what standards the youngsters may bring with them are being destroyed.

Many of the professors in the academic world today are liberals in theology as well as liberals in politics. Many have never had to go out and earn a living in our economic system but have remained cloistered in an intellectual environment from undergraduate work on through their Masters and Ph. D. work.

One of the theories is called the higher critical approach to the Bible. This simply means that the Bible is not the *inspired* word of God. Thus students, under such influence, soon learn to discount the Bible as an authoritative book containing God's revelation and God's law for mankind. Such students soon become disciples of the new morality. Since they have no divine Lawgiver to obey, they adopt and act upon the lawless spirit of the irresponsible activist. Free love, LSD trips and assaults on the establishment follow.

Another theory taught in our high institutions is the counterpart of the one I have just mentioned. It is the theory of absolute evolution. It is aggressively expounded in the academic world and I doubt a professor could remain on the faculty of some colleges very long if he rejected this theory in favor of the Genesis account of man's origin.

Absolute evolution denies the divine origin of man. It makes man a mere animal without an immortal soul. The ultimate of this teaching is that man will act like an animal. And it is this kind of behavior we are witnessing today.

No society can long exist when God's revelation through the Bible is rejected and when man is held to being nothing more than an animal.

The condition in which we find ourselves today is not without precedent in history. At one level, we can discern disturbing parallels with the greatest political and cultural entity in the history of the West, the Empire of Ancient Rome.

Historical analogies must always be viewed with caution, given the uniqueness of human life. And yet, in light of the abiding continuities which mark human experience through the ages, we ignore the lessons of history at our peril.

Dr. Robert Strausz-Hupe, the noted director of the Foreign Policy Institute at the University of Pennsylvania, has cited a number of parallels between Imperial Rome in the third century of the Christian era and present-day America; crushing taxation, creeping inflation, violence in city and in town, the collapse of lawful authority and civil order. To these we must add that loss of faith which undermined the traditional morality of the old Romans, deprived life of any meaning, and paved the way for the rise of Christianity.

A scholar has called attention to the decay of the Roman soul in the words carved on a tombstone—"Non fui, Fui, Non Sum"—"I was not, I was, I am not." Here we have a vision of life as coming from nothingness and returning to the void—A concept of life bereft of standards and utterly alien to the faith which moves majestically through the pages of the Old and New Testament. In the Old Testament in I John 3:24 we have these words: "He that keepeth His commandments dwelleth in Him" and in the New Testament in Luke 10:28 this admonition: "This do and thou shalt live."

Curiously enough, at this very time millions of our people are viewing a modern Italian film version of the *Satyricon of Petronius*, a work described by one critic as "a picture of decadence and obscene overindulgence (in Rome in the days of Nero) . . . remarkable for its modern tone . . . .' Remarkable, indeed! Do those who see the *Satyricon* of Fellini also discern a disturbing relevance in what it tells us of *modern* America as well as of *Ancient* Rome?

It has been said that we are living today in a time that is a pre-Ten Commandment era, comparable ethically to the earliest days of the Old Testament. Perhaps the greatest contribution of the Bible in such a time is its clear and unmistakable assertion of the inseparable character of religion and morality.

We often hear how men have outgrown the Ten Commandments; in truth, we have not yet grown up to them, dealing as they do with man's relation to God, to his fellowman, and to society. They define and express a part of that basic moral universe which came into being with the mighty words of Genesis: "Let there be light." They are as firmly imbedded in life as the laws of chemistry or physics, and apart from them society will surely disintegrate into violence, unreason and chaos.

The heaviest responsibility resting on any group in this Age Without Standards rests on those of us who are members of religious communities, for we know that human conduct must take root in religious experience and belief. We see all of life in a religious context for we know that life comes as a gift from the hand of God. Inevitably this fact gives us the standard for our conduct and our deeds: Does this that I would do betray a trust? The trust of another person? The trust of public office? The trust of personal responsibility in business or in a profession? The trust of the gift of life itself?

If we are living in an Age Without Standards, we need to have standards, standards that are God's for they alone will be adequate. But they must be embodied first in individuals before they will ever be able to direct society. We are those individuals, and ours is the task, symbolized by our gathering in the fellowship of prayer here today, to nourish and strengthen the life of the spirit that we may open our lives to its healing, saving power.

In this and in similar groups across the land we can discern some promise of renewal for our nation in these troubled times.

In closing, I would like to quote from Psalm 24: 3–5:

> "O Lord, who shall sojourn in thy tent?
> Who shall dwell on thy holy hill?
> He who walks blamelessly, and does what is right,
> And speaks truth from his heart;
> He who does these things shall never be moved."

THE PRESIDENT'S PROGRAM IS WORKING

Mr. HANSEN. Mr. President, as one who supports President Nixon's policies

XUM

in Indochina and his Vietnamization program in an effort to honorably end that seemingly endless conflict, I am gratified to read an encouraging report by a real expert on Asian matters.

Sir Robert Thompson, a Britisher who played a major role in saving British Malaya from the fate intended for South Vietnam, says that developments in that country are now taking a very encouraging trend and that he is optimistic about the future.

A recent New York Times article quoted Washington officials as saying that Thompson's report to President Nixon concluded that U.S. allied efforts had failed to destroy the Communist subversive apparatus in South Vietnam.

But in a telephone interview with an Associated Press writer, Thompson, who is an adviser to President Nixon on Vietnam, gave a considerably different version of his report to the President and said that the situation at the end of this year, as compared with the same time last year, shows a good, steady improvement.

Mr. President, I ask unanimous consent that the article, published in the Washington Evening Star of December 14 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Viet Policy Unassailable, Adviser Told President

London.—Sir Robert Thompson, British adviser to President Nixon on Vietnam, said today the U.S. Vietnamization and purification policies are "unassailable" by the enemy.

Thompson, an expert in guerrilla warfare who played a major role in driving Communist terrorists out of British Malaya 20 years ago, said he reported this to Nixon in October.

Sir Robert, in a telephone interview from his home in the west of England county of Somerset, said: "I reported to the President that the policies of Vietnamization and purification were now unassailable by the enemy."

Thompson declined to give further details regarding his last meeting with Nixon in October, but he went on: "I am optimistic about the future. When I look back over the last two years I find that developments are now taking a very encouraging trend."

"The situation at the end of this year as compared with the same time last year shows a good, steady improvement," he said.

The New York Times on Dec. 2 quoted Washington officials as saying Thompson's report to Nixon concluded that U.S. and allied efforts had failed to destroy the Communist subversive apparatus in South Vietnam.

Thompson declined to deal specifically with the claim but he said, "It is only natural that President Nixon should come under pressure over the conduct of the war. It's not just a matter of hawks and doves—and, incidentally, I don't like these terms—but there are many views on how this problem should be dealt with."

Thompson said he saw no reason why the present U.S. policy of Vietnamizing the war by pulling out more American troops should not continue according to schedule.

"I believe the target for next May is for the force to be reduced to 280,000 men," he said. "I think we should be able to reach this figure without any difficulty."

Thompson said he foresaw the Vietnam war fading to the point when it would become containable.

"Help from Communist China and the Soviet Union is crucial," he said. "If this help stopped coming then North Vietnam and the whole Communist effort would collapse. The Soviet Union might conceivably withdraw its support but I cannot see China doing this."

FUTURE ROLE OF THE MANNED BOMBER

Mr. GOLDWATER. Mr. President, during our continuing discussions of the Nation's defense needs in today's world, many questions are raised about the future role of the manned bomber.

The most advanced strategic plane in this category is the B–1, which North American Rockwell, Los Angeles Division, is working on for the U.S. Air Force.

North American's publication "Skyline" recently devoted a major portion of its space to an interview with Air Force Secretary Robert C. Seamans.

I ask unanimous consent that the interview, entitled "B–1, a National Need," be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

B–1, A National Need

Editor's Note.—Last June the Air Force announced that North American Rockwell's Los Angeles Division had been selected as the prime airframe contractor for engineering development of the B–1 Advanced Strategic Bomber. Designed to replace the aging B–52 bomber in the nation's defense inventory, B–1 will have the ability to shift and adapt range, altitude, speed and payload for a variety of missions and operational tactics. It will, for instance, be able to fly at high subsonic speeds at low altitudes, and at supersonic speeds at high altitudes. It will be specifically designed to penetrate enemy defense, and will be smaller and lighter than the B–52, but will have a greater payload carrying capability. Thus it will be able to operate from a wide variety of locations now impossible for the B–52.

(To learn exactly how B–1 will fit into the national defense philosophy, Skyline interviewed the Honorable Dr. Robert C. Seamans, Secretary of the U.S. Air Force. Dr. Seamans' aeronautics activities span three decades. Prior to his present appointment, in February 1969, he was the Jerome Clarke Hunsaker Professor at the Massachusetts Institute of Technology's Department of Aeronautics and Astronautics. Earlier, he served as deputy administrator of the National Aeronautics and Space Administration.)

With the continuing war in Southeast Asia, and such demanding problems at home as environmental pollution, urban decay, poverty and unemployment—how can we justify allocating funds for development of yet another new weapons system?

There is a greater awareness of domestic needs in this country today than ever before. This had led to heavy pressure on federal efforts to meet these needs. At the same time there is a budget problem. Our resources are limited.

It goes without saying that to do the things we are talking about in this country, it's not an "either/or" proposition. We've got to do them all. But if we're not secure in our national defense, and other nations bring us to heel, all these other programs, however well intentioned, will go out the window.

Conversely, if we have the best military posture in the world, and other needed, high-priority programs suffer at the expense of this, then we've lost in another way.

President Nixon has said, "there is an irreducible minimum of essential military security; for if we are less strong than necessary, and if the worst happens, there will be no domestic society to look after." What is the threat to our well being?

We must study as best we can the capabilities of potential enemies—not as a scare tactic, not to produce a panic reaction—but because the capabilities of potential enemies are, after all, the true measure of the forces we really need.

This is a very complex issue. One has to say the Soviet ballistic missile force is increasing in numbers. Their submarine capability, with sea-launched missiles, is also increasing. In fact, in total land and sea-based missile payload, the Soviets have more than a two to one advantage.

In aircraft, they have a new swing-wing bomber prototype, and they turn out about one new fighter design each year. And there has been no phasing out of their current bomber force. While we retain a lead in heavy bombers, we do not in total heavy and medium bombers. In fact, our strategic bomber force has been cut drastically in recent years. We have phased out the entire B–58 force sooner than previously planned, and our buy of the FB–111 has been sharply reduced.

The Soviets are also working hard on air and missile defense systems. They have already deployed an ABM system on a limited scale and have in operation thousands of anti-aircraft misile launchers. They also maintain some 3,000 interceptor aircraft.

The ultimate danger in all this is that some group of future Soviet leaders might believe they have a first-strike force capable of destroying or disrupting so many of our retaliatory weapons that their defenses could take care of the remainder. Should that point be reached, the danger of an attack or of nuclear blackmail would be serious indeed.

How, then, can the United States best avert such a possibility?

We come to a very basic idea: The best way to prevent nuclear war is to ensure that there is no doubt at all in anyone's mind about our capability to withstand an attack and still strike back effectively. We predicate our policy on a second strike or retaliatory capability. This must be credible to anyone who would threaten to attack.

The principal task of the Air Force is, of course, national defense. As President Nixon has said, "So long as there are those who would threaten our vital interests and those of our allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations."

In essence, we do not prepare to carry on a war of revenge or of conquest, but we must be strong enough to deter anyone else from starting a war.

Some people argue that it doesn't make sense to worry about what happens after our own country has already been largely destroyed. They miss the point. If our weapons can survive to retaliate, then it is not likely that we would be attacked, and there would be no destruction.

We must make certain that an attack on the United States would be a very unprofitable business.

How can we best maintain our strength, and how, in an era of missiles and rockets that can cross continents in minutes, does a manned bomber fit in?

The Air Force believes it is important to maintain national defense with a balanced mixture of three strategic force elements—bombers, land-based missiles and sea-based missiles.

Analysis has shown that to maintain an assured destruction capability, a combination of bombers and missiles has definite advantages over either an all-bomber or an all-missile force. This way, the enemy must program his resources to counter both missiles and aircraft. By dividing his efforts, he cannot concentrate on any one system. He is thus less likely to neutralize even one of our strategic force elements, let alone all three. Further, this complicates his defense problems considerably and requires commitment of far more resources.

What effect would it have to strip manned bombers from our deterrent forces?

Obviously, we would have to put much greater reliance on missiles. In my view, we'd have less flexibility and fewer options to consider in response to an enemy threat.

A few years ago, when intercontinental ballistic missiles were first becoming operational, it was then thought to be impossible to defend against them. But with systems like ABM, this has changed, actually enhancing rather than reducing the strategic role of manned aircraft.

There are other advantages of maintaining advanced aircraft in the defensive inventory. For instance, you can have a show of strength with bombers without threatening a cataclysmic event—as you would with missiles. You can always control manned aircraft. You can pull them back.

Another point. We're not always so smart that we can see all the exact uses we will put our forces to. No one foresaw the extensive use of the B–52 and of flying tankers in Southeast Asia—for tactical as well as strategic uses.

Why is there need for a new bomber—B–1?

Modernization of our forces is essential if we are to continue to portray a credible deterrent to the enemy. Planes do wear out. The B–52 has been the backbone of our bomber system for more than a decade. The prototype B–52 was based on technology of the late 1940s, and first flew in 1952. The latest models were built in 1962.

Since the early days of World War II, American forces have never had to fight in the face of enemy air superiority. The Air Force is proud of that record, for it has been a vital factor in dissuading would-be aggressors, and defeating those whose ambitions ran away with their judgment. We believe our pilots are the best, but skill and determination can go only so far to compensate for inferior equipment.

Eventually, technology changes so much that either potential new developments cannot be incorporated into old aircraft, or it is simply not economical to do so. Then it makes sense to produce a modern aircraft that can handle the threat and will have growth potential for future developments.

There are several specific points the Air Force believes dictate against continuous modification of the present force of bombers. The latest model B–52—the "H" model—represents about the maximum growth attainable within the constraints of the basic design. Development of any new bomber aircraft requires about eight years. By the time the Air Force could have a significant operational number of B–1s in the inventory, the B–52 will be 17 to 20 years old.

Also, if a major structure fatigue in the B–52 were detected, it could be too late to produce a timely replacement aircraft. The problem is compounded by large uncertainties in the magnitude of cost required to keep the old system viable. We have already invested $2.5 billion in B–52 update costs through fiscal 1969.

Finally, while the effectiveness of the B–52 can be upgraded by equipping the current force with the latest weapons and systems, it would be unduly expensive to make the plane faster, carry more payload, fly lower, or have a smaller radar cross-section.

Why can't the FB–111 be used as a replacement?

It was developed from the F–111 design only as an interim aircraft to replace the B–52C through F models as they neared the end of life expectancy. As a strategic bomber, the FB–111 design has definite limitations—limited payload capacity, avionics capabilities, low altitude restrictions—and it requires greater tanker support than the B–52 or B–1.

What's to keep B–1 from becoming obsolete even before it can be ready for active duty?

This aircraft is being designed to take advantage of the many technical advances made during the past decade. Compared to the B–51, the B–1 will have a higher penetration speed, reduced radar cross-section, larger payload capacity, a better capability to penetrate at lower altitudes, quicker reaction launch, and the characteristics necessary to operate from austere dispersal bases. Moreover, better electronic countermeasures, target-finding systems, and weapon delivery systems will further improve the ability of the B–1 to deal with enemy targets in all types of wars, both nuclear and non-nuclear.

There is also a built-in growth factor, whereby we are making allowances for incorporating further advances as they are made.

Does this not pose the threat of large cost overruns?

First, let me emphasize that B–1 is a development, design and test program at this time, and we will make no commitment on production until we know how the plane will perform and can evaluate it. We will want to know how much it will cost in production. This is an extremely important factor.

We need to continue to strive for better systems management, and we are making strenuous efforts to establish cost and technical realism. We are also reducing the reliance placed on paper studies alone. While you can learn a great deal from computer runs and sophisticated analysis, you can't really predict performance or advance the state of the art until you begin to bend metal, so we are relying much more than in the past on prototyping.

As you know, the B–1 contract calls for North American Rockwell to proceed with only the engineering and design effort, including the fabrication of five flight test aircraft plus one static test airframe and one fatigue test airframe, to be used in development testing.

We will keep a close watch on progress as B–1 moves through development. For each system we will select a series of important, measurable, technical events—such as the B–1's first flight—which we call "milestones." At every milestone we can verify progress before committing additional resources. Our final commitment to proceed with production then becomes a function of demonstrated technical accomplishment.

Our controls, approaches and procedures on B–1 will be only as good as the people who implement them, however. So we are stressing the assignment of highest quality people for our program management teams, and increasing their tenure in the job. We want to give our people a specific, manageable job to do; a streamlined, effective system within which to operate; and the authority to work effectively.

I might add I cannot recall when we have been able to enter a program in a better position technically. Six years of hard preparatory work preceded the awarding of the B–1 contract.

Still, we know there will always be some changes. Dynamic technology and variations in national policy make them inevitable.

We will not therefore go ahead with B–1 production until test aircraft have flown successfully. At that point we should have eliminated most of the development risks and should have a clear picture of those that remain. As a result, it should be possible to minimize costly changes after production has begun.

Additionally, it will be quite some time, perhaps several years, before we reach that decision deadline. At that time we will reassess the world situation and its relationship then to the B–1 program.

Any final thoughts?

I'd like to get back to a point I made earlier, about national priorities. All of us today are concerned about the many serious internal needs which face our country. There is the critical task of improving the quality of our lives in terms of health, housing, education and crime prevention. And there is much to be done in the newly recognized area of preserving and controlling our environment, as well as the more traditional tasks of providing basic resources such as food and minerals for an increasing population.

We also have our national defense commitments. We in the Air Force do not want to be alarmists, nor do we lack confidence. We only want to face the facts. Our strategic programs must be viewed against the background of rapidly growing enemy capabilities.

For all these programs—defense and domestic—we have limited financial resources. Yet, we've got to do *all* these things. I believe we have the capability in our country to do much more without overdrawing these resources. We must make these programs attractive enough to motivate people to do more. Our land has the greatest potential in the world. It's time we lived up to it.

REMOVE RESTRAINTS ON OIL INDUSTRY

Mr. PROXMIRE. I noted that the distinguished Senators, the gentleman from Wyoming (Mr. Hansen), the gentleman from Texas (Mr. Tower), and the gentleman from Kansas (Mr. Dole) have criticized President Nixon for his recent actions in exempting oil and gas production in the Federal offshore lands from State market demand proration and permitting imports of oil from Canada to be slightly increased.

The Senators stated:

> We question the advisability and equity of selecting one industry from the overall economy and subjecting it to restraints by Government for the purpose of controlling the prices of that single industry.

I could not agree more with their contention that no industry in our economy should be subject to restraint by the Government for the purpose of controlling the prices of that single industry. The oil industry has, as the Senators know, been subject to a number of restraints by the Government which have the purpose and effect of controlling the prices of that industry—in particular, oil import controls and State market proration controls.

I hope, therefore, that the Senators would join me in removing all of these restraints imposed by the Government. If the Senators agree that we should not single out any industry for special treatment and remove restraints, then I cannot quite understand their criticism of the President's action—for that is exactly what he is doing, removing Government restraints.

I hope they will join me in eliminating these restraints so that once again the oil industry can enjoy the fresh breeze of competition and the stimulation of free enterprise.

PRISONERS OF WAR—ANOTHER PROPOSAL

Mr. HANSEN. Mr. President, the radio this morning announced yet another proposal from Hanoi, and I hope our friends in France will pardon me for plagiarizing one of their well-known quotations to apply to it: "The more it

XUM

changes the more it is the same thing." There is, however, one thing that should be noticed: Hanoi has for the first time made the prisoner-of-war issue one of the primary factors in her cease-fire proposal. This is, at least, a hopeful sign.

When will Hanoi learn that the surest way to earn a modicum of respect in the cynical game it is playing is to carry out the commitment it made when it signed the Geneva Convention? It promised among other things, to treat prisoners of war in accordance with certain rules. The most basic of these specifies that the names of all prisoners and their condition shall be made known to the other side.

Hanoi's position in the negotiations would be immeasurably strengthened by the simple expedient of publishing all the names and permitting the International Red Cross to contact the prisoners.

THE 60TH ANNIVERSARY OF CARNATION FARMS

Mr. JACKSON. Mr. President, I invite the attention of Senators to the 60th anniversary of the establishment of Carnation Milk Farms, one of the best known agricultural institutions in the world.

Located in the Snoqualmie River Valley just a few miles east of Seattle, Wash., the farms have become a major source of superior dairy stock and innovation for the dairy industry. Benefits to the consumer and the dairyman have accrued not only in the United States but internationally as well, as a result of the research conducted at this facility.

Carnation Farms was purchased by Elbridge Amos Stuart in 1910, and has grown from a wilderness farm of 360 acres to an intensively managed scientifically based research facility encompassing 1,150 acres. Operations have been expanded from the original intent of improving the breed of dairy cattle to include development of beef breeding stock as well as extensive research into the nutritional needs of livestock, poultry, pets, and other small animals. Dairy cattle from Carnation Farms have been exported to many other countries to be used in the building of quality domestic herds and increasing dairy production.

Carnation Farms actively supports agricultural education by hosting groups of 4-H Club members, Future Farmers, county agricultural agents and other groups who are interested in agriculture. The farm is also open to the general public with thousands of visitors each year enjoying guided tours of the research facilities and carefully landscaped lawns and gardens.

The farm has proven to be an asset to worldwide industry and the people of Washington State. I wish to extend my congratulations to Carnation Farms for its 60 years of service to the industry and the public.

RESEARCH, THE ENVIRONMENT, AND THE SST

Mr. GOLDWATER. Mr. President, from the charges and claims of the opponents of the SST, an uniformed observer might get the impression that the Government had paid no attention to jet noise and combustion research before the present controversy arose.

Actually, research of this nature has been coordinated within NASA, DOD, and the FAA for several years.

Current heightened public concern over the environment has spurred increased activity and in fiscal years 1972 through 1974 these agencies plan to conduct a $26.7 million program of environmental research on noise, radiation, and weather modification. Much of this research will relate directly to the SST. Included in this program plan is ESSA's proposed 5-year $20 million weather and climate study program designed to determine whether aviation activities, including the SST, might change the weather or climate.

An Environmental Advisory Committee of eight national known experts has been appointed under the chairmanship of Dr. Myron Tribus, formerly Assistant Secretary for Science and Technology, Department of Commerce. This committee will advise the Director, SST development programs on environmental effects of the SST and will recommend appropriate research. The members are:

Dr. Myron Tribus, formerly Assistant Secretary for Science and Technology, Department of Commerce; now vice president of Xerox.

Dr. Lester Machta, Director, Air Resources Laboratory, ESSA.

Dr. H. J. Mastenbrook, atmospheric physicist, U.S. Navy Research Laboratory.

Mr. George Chatham, aeronautics and space specialist, Legislative Reference Service, Library of Congress.

Dr. Harold Rossi, professor of radiology physics, Columbia University, and Chairman of FAA Committee on Radiobiology Aspects of the SST.

Dr. Paul Tompkin, chairman, Federal Radiation Council.

Dr. Robert White, Administrator, ESSA.

Dr. S. J. Gerathewohl, Chief, Research Planning Branch, Office of Aviation Medicine, FAA.

In addition, this committee draws upon the expertise of the non-Government Commerce Technical Advisory Board—CTAB—Study Panel.

A Noise Advisory Committee of 14 nationally recognized experts in and out of government has been appointed to advise the SST Office on needed noise research and to offer guidance. The members are:

Dr. Leo Beranek, general manager, Professional Services, and chief scientist, Bolt, Beranek, & Newman, Inc.

Mr. Frank H. Kolk, vice president, development engineering, American Airlines.

Mr. Kenneth Eldred, vice president and technical director, Wyle Laboratories.

Mr. Harvey H. Hubbard, Director, Acoustics Branch, NASA Langley Research Center.

Dr. John O. Powers, Director, Office of Noise Abatement, FAA.

Mr. George Chatham, aeronautics and space specialist, Legislative Reference Service, Library of Congress.

Mr. Daniel R. Flynn, Executive Secretary, Noise Abatement Panel, Department of Commerce.

Dr. Raymond A. Bauer, Harvard Business School.

Dr. Jack L. Kerrebrock, MIT.

Mr. Aubert L. McPiler, McDonnell-Douglas.

Mr. Clifton A. Moore, LAX Department of Airports.

Mr. Newell D. Sanders, NASA Lewis Research Center.

Mr. Charles R. Foster, Department of Transportation.

Dr. Henning E. von Gierke, Wright-Patterson Air Force Base.

ARTICLES IV AND V OF GENOCIDE CONVENTION ARE IMPORTANT FOR UNDERSTANDING TREATY

Mr. PROXMIRE. Mr. President, during the past few days I have been summarizing the individual articles of the Genocide Convention. This convention was recently reported to the floor of the Senate by an overwhelming majority of the Senate Foreign Relations Committee.

Today, as part of this survey I would like to direct the attention of the Senate to articles IV and V of the United Nations Convention on Genocide.

Article IV states that any one committing genocide or a related crime as enumerated in article III will be punished. The related crimes mentioned in article III include, "Genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and, finally, complicity in genocide.

However, the most important point in article IV is not that individuals will be punished, but that the article specifically states that all individuals will be punished "whether they are constitutionally responsible rulers, public officials, or private citizens." Obviously, article IV is emphasizing that no individual, regardless of position or office, can escape personal responsibility for commiting such a horrible crime against man. In my opinion this is one of the most important features of this entire convention.

Article V says that states who ratify this convention must enact legislation to effect nationally the intent of this international treaty. This national legislation must include "effective penalties" for the crime of genocide and related incidents as listed in article III.

Both of these articles are designed to insure that anyone convicted of genocide will be punished. The actual type and length of punishment is left to the state to make a final determination.

From this brief survey it is clear that the intent and effect of this treaty is to direct as well as apply international pressure on the individual nations to enact legislation outlawing genocide. This does not in any way restrict a citizen or state of its individual rights or guarantees.

Mr. President, the time has come for the Senate to act on this convention. We cannot afford any more delay. I urge favorable action on the treaty in the very near future.

XUM

ADDRESS BY EDMOND J. LEONARD BEFORE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF HANDICAPPED

Mr. STEVENS. Mr. President, recently, Edmond J. Leonard, director of information for the Florida Paraplegic Association, addressed the President's Committee on Employment of the Handicapped.

My predecessor, the late Senator E. L. "Bob" Bartlett, was the author of Federal legislation which dictates that Federal grants cannot be used for facilities which were not accessible to the handicapped.

Mr. Leonard, in his very thoughtful remarks, pointed out that we are rapidly approaching a crisis as to how we, as a Nation, will deal with our physically handicapped citizens.

Mr. Leonard's remarks should be of interest to all of us. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF EDMOND J. LEONARD, DIRECTOR OF INFORMATION, THE FLORIDA PARAPLEGIC ASSOCIATION, MIAMI BEACH, FLA., DECEMBER 5, 1970

In my modest travels around the country I find a growing queston about the validity of the idea of an after-dinner speech. The speaker is never sure whether he should try to be informative or amusing. And the audience, invariably, ends up being bemused at his capacity to deliver on either score.

I propose to meet this dilemma squarely this evening, and in a manner contrary, frankly, to the dictates of my personal instinct. But I cannot resist this chance to talk seriously with you about a matter I consider very high on the agenda of personal concern . . . a matter, let me assure you, I would like to see higher on the agenda of *public* concern.

You might call this a farewell address. This is not to say that I propose to change my mode or station of life, but I may have few opportunities remaining to talk to a group such as yours.

We are hearing nowadays from vociferous groups who picket against manufacturers of products such as alligator handbags and leopard-skin coats. They plead that we are exhausting the world's population of such species.

I propose to raise one feeble voice tonight in support of another endangered species—you the handicapped. You are in danger of becoming extinct . . . a vanishing breed . . . a lost colony. You may disappear from our streets, from even our cities.

Not that there is a callous movement afoot to exterminate you. I mean that your presence may be segregated from our world, so that the odds grow increasingly slim that our paths will cross with any frequency. You may be isolated from the mainstream of the community as I know it, and segregated from the daily activities that I consider my usual rounds. And all because you use a wheelchair as an incidental adjunct to your lifestyle.

You see, there are forces abroad—and they seem to me to be growing in intensity—which say that because you use a wheelchair you should have separate and segregated housing; you should use a specialized transporation system rather than public transit; you should have an isolated little area within a public park where you can wheel around with only other wheelchairs permitted; you should not travel on our airlines because you might get in our way if we have an emergency evacuation; you should have separate schools because you can't run and and jump in the play-yards; in fact, these voices are beginning to say, perhaps you ought to live in your own city, with your own kind, and pay your rent and be content in that segregated existence because the design of this world is too much for you to contend with.

All around us today we listen wearily to prophets of ecology, telling us that the world's population will cough or choke to death in our polluted atmosphere in another hundred years. We are told that or farms will be pastures of poison, that our streams will be slimey pits of impossible penetration, devoid of fish, algae, and even water.

But the Nation is up in arms to prevent such disruption in our environment. We are committed, however belatedly, to undoing our wrongs and making this environment a safe, comfortable and healthy medium for all of us to live out our lives in comparative ease, enjoying the environment God created for us.

One thing can be said for Man: he not only messed up God's envronment; he did a pretty thoughtless job on the environment he designed himself—our cityscapes, our buildings, our transportation facilities; our recreation areas, our housing.

He apparently became so enamored with the act of creation that he forgot his own mortal nature. His design of buildings, houses, cities and transit facilities is more suited to a perfect being than it is to man. For like it or not, it is man's nature to span the whole range of capabilities and to experience all manner of limitations in the period between the cradle and the grave. Handicapped persons and elderly persons are merely obvious manifestations of the imperfectibility of mankind.

Yet, if we look about our designed world, we see that no recognition was ever granted to the evidence of imperfectibility in our midst.

To cover up this gross mistake, there are forces today that would sweep under the rug those who are misfits in our community environment. If you cannot use our buses and trains, they say, ride your own. If you can't get into our housing projects, build your own. If you can't cope with our world, inhabit your own.

What are these nameless forces? They represent the philosophy of the general manager of a large urban transit system now under construction in a major city. In his report to the directors concerning his reluctance to make the system accessible to persons who use wheelchairs he reasons this way:

"While it may be the function of this Authority to provide public transportation to the community, it does not necessarily follow that it must be provided to all persons by the same mode . . . Perhaps a special system, serving the user at the same fare, could be provided at far less cost and at the same time assure far better transportation."

During discussions at this board meeting, which was open to the public, one of the directors asked what provisions were being made in other cities where mass transit systems were under construction. A tape recorder, hidden under a wheelchair, picked up the manager's reply.

At a recent meeting of the industry, he said, a Mr. Patterson from Toronto was asked the question, "Had they made any special accommodations for the handicapped?" Mr. Patterson said none, and none was intended. The tape recorder continued: "Mr. Robbins of London made an eloquent rejoinder—that it was dangerous for those who ordinarily use the system, as well as dangerous for the handicapped to place them in the environment of the subway operation. And he defended the industry itself on the grounds that the problems of the subway are different than the responsibilities of other agencies of government."

This is the regressive philosophy that will serve to isolate you from the rest of the community. Despite the passage of Federal legislation which dictates that Federal grants cannot be used for facilities which are not accessible to the handicapped, there are still Neanderthal minds that try to waiver their position beyond the spirit and letter of the law.

Just a few days ago the Nation's newspapers carried the announcement of some architectural awards presented to designers of low-cost housing. This is a very commendable thing, as certainly low-cost housing should not reflect barren architectural design. However, the newspaper account indicated that the jury heaped much praise upon the "piggy-back principle" of design, whereby a duplex apartment is placed for economy reasons on top of a one-story apartment design to make a four-bedroom unit.

The newspaper went on to say that the jury urged new ground rules to allow higher stair climbs so as to make more such combinations possible. To place two double maisonettes on top of a one-story garden apartment, for instance, would require climbing 36 feet to the bottom floor, which the jury considered "quite reasonable in a healthy society."

The irony of all this, of course, is that the low-cost housing units in the inner cities are the spawning grounds for disability. There is an obvious higher incidence of disability among the poor, and the sponsors of the award should know this. Besides the American Institute of Architects, you might like to know that one of the co-sponsors is the National Urban Coalition.

Up near Tallahassee not very long ago, the Forest Service dedicated its Trout Pond Recreation Area. Happily, it has all the accommodations necessary for the comfort of the handicapped—perhaps too much, in fact, since I'm sure the handicapped never asked for many of the luxuries provided. Incongruously, one columnist I read waxed poetic in his opening paragraphs:

"It's the plumbing that sticks in your mind," he said, "even longer than the natural beauty of the spot, after you visit the unique camp-ground for the handicapped in Apalachicola National Forest. A man in a wheelchair can go to the bathroom privately, and with no help."

While his statement deserves no further comment in this civilized year of 1970, the factual account in the newspapers of this haven for the handicapped do require that we take a serious look at our goals. This recreation area is reserved exclusively for the handicapped, with prior reservations necessary. We should all rebel at this sort of policy—the able-bodied because I understand the facilities in this camp are extremely pleasant, and the handicapped because they are really being shut in, under the pretense that the able-bodied are being shut out.

We should all take a look at our goals and all look to our own conscience. A glaring act of repellence against the handicapped came to our attention two years ago when a group of war-wounded veterans in wheelchairs wanted to hold their annual convention in a certain western city known for its neon-brilliant gaiety and its gambling tables. The hotel association bluntly told the convention planners that they did not wish to see wheelchairs cluttering up the hotel lobbies.

Much to the credit of your neighbors, I am happy to report that Miami Beach willingly and graciously consented to act as host to this distinguished group of young men. Would you believe, however, that the convention very nearly had to be canceled at the last minute? A prominent airline, which has the very lucrative franchise to the Miami International Airport, refused to carry these veterans. Only a frantic and panicky meeting at the highest levels permitted the

XUM

convention to go forward as scheduled, with the airline magnanimously lifting for a temporary 10-day period its strict rule against the carriage of passengers in wheelchairs.

These forces in our society, however benevolent, which anticipates the target year 1984 that George Orwell circled, need to shape a more constructive and human solution.

Otherwise, where will they take you?

Some years ago John Gunther included among his writings an account of his travels through five Russian provinces. He wrote this about Tashkent, capital of Ubekistan:

> "The most startling thing in Tashkent, as well as in several other Central Asian towns is the astonishing number of amputees. Within moments of arrival, along the streets and in the markets, we saw cripples hobbling. Some begged, some sold pencils and shoestrings.
>
> "At first I thought that these unfortunates might have been shipped down there because the climate is salubrious. I should have known better. A few years ago, Communist authorities decided to clean up Moscow, Leningrad, and other great Russian cities of their more obvious disfiguring elements. So tens of thousands of them were simply picked up, coralled, and shipped out to remote places in Central Asia, and there they stay."

Does John Gunther's view inside Russia really appall you? Well, perhaps we have reached that same state here in America. If the Regional Planning Commission in Northeastern Wisconsin has its way, a developer will be selected as early as next year to begin work on a separate community for 2500 handicapped persons. This bucolic paradise on the shores of Shawano Lake has been prettily dubbed "Operation Greensleeves."

Without reasonably designed public transportation, we can hazard the assumption that once these 2500 handicapped persons settle down in their cozy new homes they will never return to the outside world. They won't be able to get beyond the city limits. The outside world, to these bewheeled brothers and sisters, lies up the stairs and through the narrow door—in other words, never-never land. Perhaps this is why the planners are hailing Greensleeves as a "self-contained community."

Several weeks ago the President issued from the Florida White House the report of his Task Force on the Physically Handicapped. In bold language the first major recommendation of the Task Force strongly recommended a Presidential declaration of a National commitment to serve physically handicapped Americans of all ages.

This is the kind of challenge that can lay low the regressive forces which would banish the handicapped to a state of isolation . . . the kind of social philosophy which keeps the handicapped, "Outside Before the Door." These last four words were the title of the photography competition sponsored by the German Federal Working Group for Rehabilitation on the occasion of the 1969 World Congress on Rehabilitation of the Disabled which was held in Dublin. The Federal Republic of Germany has already issued a declaration of policy that no disabled person would in the future stand "outside before the door."

There is no need to wait for Washington to issue a national commitment for the physically handicapped. We can, each one of us, in our own hearts, make this basic affirmation of rights. We can see that there is a sympathetic environment for the enjoyment of these rights. We can, every one of us, accept that Webster was right when he defined "public" in his dictionary.

> *Public*—of, belonging to, or concerning the people as a whole; for the use or benefit of all, as, a *public* building.

Public buildings; *public* transportation; *public* housing; *public* parks. For the use or benefit of all . . . the handicapped included.

In the face of this clear and present danger that threatens your exclusion from the mainstream of our communities, let us all manfully define our terms.

THE $1 TRILLION GROSS NATIONAL PRODUCT—REAL OR ERSATZ?

Mr. BAYH. Mr. President, on Tuesday of this week, President Nixon visited the Department of Commerce to participate in a ceremony. The ceremony was designed to mark the achievement of something unique in the history of the world—the moment when a Nation's estimated gross national product reached the $1 trillion mark. The assembled spectators watched the Commerce Department's new "GNP Clock" record the accumulating millions and then reach the historic statistic.

Mr. President, it is a disconcerting fact that the $1 trillion mark was reached, not through real growth, but rather as a result of inflation. The fact is that if we look at GNP in terms of the purchasing power of the 1958 dollar, we see that it has stagnated in the last 15 months, and real GNP, far from being $1 trillion, is actually $272.5 million short of that figure. As a matter of fact, on the very same day that the President was hailing the $1 trillion as a landmark of progress, actual production was revealed to have declined to the lowest level since 1967.

Whether or not the $1 trillion is real or ersatz, the point that has been overlooked by many, and one that I believe we should not overlook, is that gross national product itself is seriously misleading as a measure of the well-being of this Nation. It is a measure of everything we make and produce. As defined in the Statistical Abstract of the United States, "Gross National Product (GNP) is the total national output of goods and services valued at market prices." The total output.

Does the noise of the urban inferno—the loudspeakers blaring, the jets screaming, the trucks roaring, the airhammers pounding—make you sick? Does it send you in search of tranquilizers? Well, the source of the noise and the tranquilizers merge into a greater GNP.

Do the children of our land suffer under a plague of narcotics? Well, the production of narcotics is illegal and so yet not included in the GNP, but the cost of increased police and courts and jails do serve to swell this measure of our national enrichment.

All kinds of things flow into this measure of enrichment. Have chemical plants poisoned our waters? The cost of cleaning them up will make for a bigger GNP. Do we worry about contamination of our foods? Well the millions of cans of food called back this week by the Pure Food and Drug Administration are part of the GNP, as will be the cost of digging up river beds and taking the other costly actions indicated to reduce the contamination.

Strange products add to our GNP. Groups of scientists work overtime to produce new weapons, at a time when we have 11,000 nuclear warheads to send against the approximately 156 cities in the U.S.S.R. and the 132 in Red China that are over 100,000 people. Underground testing of still more sophisticated devices of mass destruction adds both to our overkill and to the GNP.

Napalm is part of the GNP. Until recently the production for military use of deadly gas and disease germs was part of GNP. Now the destruction of gas and germs helps to make our GNP grow.

Pornographic books and films are part of GNP. The SST, which some believe to be ecological pornography, is served up as a potential addition to GNP. The process of clearing up and repairing the mechanical and physical remains from the 15,500,000 motor vehicle accidents that occur each year also makes for a larger GNP.

I could go on, Mr. President. But the point is clear. At present, GNP is woefully inadequate as a measure of the quality of life in our American society. Perhaps I can express it in a hypothetical situation. Suppose an unemployed alcoholic were to give up drinking and be content with collecting unemployment compensation. He would not be adding much to GNP. But if he resumed his habit, in the process consuming large amounts of alcohol, he would be contributing more to GNP. Then, let us say, under the influence he steals a car and becomes involved in a serious accident. Immediately, hospitals and police and investigators and lawyers and judges and insurance agents become involved. More additions to GNP. Yet who would say his activities are making the unfortunate individual, or society, more prosperous. Surely there are many real gains reflected in our growing GNP. But equally, GNP can be a measure of social pathology as well as social growth.

A leader who pointed out that while GNP is growing we are declining in the ability of our hospitals to treat us, our schools to educate us, our cities to house us, our public transportation to move us, our total society to give us security and serenity, our environment to nourish us; this would be a leader accepting his moral responsibility to dispel confusion and to teach and to inform. It is, in my estimation, deeply disturbing that President Nixon let this opportunity pass by. He must not lull us to sleep. He must challenge us to solve the problems which confront us.

Let me merely add that when unemployment rates among young Americans reaches 40 percent in some areas; when at least 4.6 million of our fellow citizens seek work but cannot find it; when scientists and engineers who represent a human investment in the hundreds of thousands of dollars cannot find jobs; when only to look about is to see undone work; then a trillion-dollar gross national product, even the fantasy one greeted by the President yesterday, is hardly cause for self-congratulation.

Finally, I suggest that a far better index of the health of our economy is not the mishmash of hollow statistics that comprise the GNP but some measure of whether we are producing as much as we are capable of producing. The stark fact is that as a result of the President's calculated strategy we are now losing $1

XUM

billion a week in potential national output. As the economist Otto Eckstein once observed:

> When firing on all eight cylinders our economy is a mighty engine of social progress.

I suggest to the President that he direct his energies to getting the engine working and guide it to meet the unmet—dangerously unmet—problems that beset us.

JAPAN'S COMPUTER INDUSTRY

Mr. GOLDWATER. Mr. President, on December 2, during debate on the supersonic transport, I commented that the only major industry in which we were still the world leaders is the aircraft industry, and then I said:

> We no longer lead in the manufacturing of computers or radios or televisions. I am talking about an industry in which we lead.

The distinguished Senator from Illinois (Mr. Percy) rebutted my statement by saying:

> I would say that the computer industry is dominated by the Amercan market and every country in the world knows it.

Senator Percy's statement is correct, if we are talking about large, fast digital computers, but it is not correct for the entire computer market. An article in a recent issue of Forbes magazine states clearly that the Japanese now dominate the calculator business—that is, the small, desk-type computer. Japan also produces the world's smallest, mass-produced, full functioning desk-top calculator, which can be purchased for $495, a cost far below that of most electromechanical machines produced in this country just a few years ago.

Japan is determined to create a powerful computer industry, and every indicator points to a growing success in this endeavor. I ask unanimous consent that the article from Forbes magazine be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Yen for Business Machines

Don't look now, but the Japanese dominate the calculator business. And they are moving into dictating machines, copiers, even minicomputers.

What the Chinese did with the abacus in the 6th century B.C., the Japanese are repeating today. That is the Japanese are taking over the world's calculator business.

Today they make roughly half of all calculators sold in the U.S. and perhaps 70% of all those sold in the world. In 1971 the world market could hit $700 million—some 75% above the 1970 total. Japan's dominant position is surprising in itself. For instance, Japan is now exporting more electronic calculators than color televisions. But here is the clincher: The Japanese did not manufacture calculators in mass until 1967.

Such swift and deep penetration of a growth market is cause for real concern among various office equipment companies, including Singer Friden and SCM Corp. The question is: What is to stop the Japanese from controlling any segment of the $2-billion business-machine market ($9 billion, including computers) that they want and are able to enter?

MORE TO COME?

One possible answer comes from Howard K. Lake of Stanford Research Institute: "The Japanese will be the world's prime source of business machines in the Seventies. Calculators are only the beginning. The Japanese are already exporting dictating machines, copiers and even various types of computers."

"The Japanese showed with calculators," says Vice President Herb Bates of Singer Friden, "that if they want a piece of a market, they can get it."

The Japanese used to import electromechanical calculators from the U.S. But they tired of that by the mid-Sixties. The Japanese hate to import, and what's more, their government decided it could develop its own electronic calculator industry and export to the world. So the government began pumping low-cost loans and outright subsidies into its electronics companies. The result: By 1967 the Japanese were poised to crack the $200-million U.S. calculator market.

The odds seemed heavy against the Japanese. The U.S. market was dominated by five large, well-entrenched companies—Singer Friden, SCM, Litton Industries' Monroe division, Victor Comptometer Corp. and Olivetti-Underwood. Although Japan's new electronic machines looked competitive, the U.S. companies figured that the Japanese could never match their own huge 1,000-man sales and service staffs.

But they underestimated the Japanese on all counts. First, the electronic machines (which the U.S. firms were only dabbling with) were not only competitive with electromechanicals—they were faster, quieter, handsomer and cheaper. In short, they were far superior. Second, because the Japanese machines didn't break down often, big service forces weren't critical. And third, the Japanese were able to sell through wholesale dealers and established retailers.

With a superior product under their arms, the distributors' journeymen salesmen knocked the pants off the big companies' men—for a while. Then some top company salesmen quit to join the Japanese. Canon U.S.A., a Japanese sales agent, had only three American salesmen in 1965, today it has 100 in New York City alone. "I am an American," says one turncoat, "and I would like to sell for an American company. But let's face it. The Japanese companies are where the money is."

The available share-of-market figures tell the story. The Japanese supplied $5 million of the $200-million worth of calculators sold here in 1967. According to projections, the Japanese will supply about $220 million of the $400 million U.S market in 1971. Such Japanese companies as Sharp Electronics, Sony U.S.A., Toshiba and Canon, which combined had less than 1% of the 1967 market, now control from 5% to 10% each. Of course, the U.S. companies' figures have fallen. Friden, Monroe, SCM, Victor and Olivetti split more than 90% of the market three years ago. Today, Olivetti is the leader with 15%, but more than 10% of those sales are in electromechanicals which stand a chance of becoming extinct. The other four companies have 10% each and less. And their business is far less profitable, as the typical unit price has dropped to $750 from about $900 since 1968.

Have the American manufacturers thrown in the towel in the low-priced end of the market? Some of them have. Friden and Monroe are phasing out their American-made electromechanical models and are selling Japanese-made electronic calculators under their own brand names. Others, however, are fighting back. SCM has just introduced an electronic calculator for $495 that is proudly American. Victor Comptometer also remains all-American, but in a higher priced range: $700 and up. (Ironically, the low-cost Japanese machines—such as the ones Hitachi makes for Friden—contain integrated circuits purchased from such U.S. companies as Texas Instruments and Fairchild Camera.)

The companies like Friden, who have surrendered the low-end market to the Japanese, try to put a good face on their move. With the Japanese working toward $200 models for consumers, the Americans claim they can now concentrate on expensive programmable calculators, priced from $1,200 to $5,000 and up. The most sophisticated of those models are similar to desk-top computers.

It is almost as though some American companies have moved to the exclusive suburbs to get away from the immigrants invading the old neighborhood. Inevitably, the immigrants will follow. Already Canon and Sony have introduced programmable machines—and at least one company, Fujitsu, has leap-frogged ahead and begun importing some large-scale computers.

Officially, U.S. reaction to the news has been restrained. A spokesmen at Singer Friden says: "I doubt that the Japanese will make impressive inroads. Selling a simple calculator is one thing. But to sell programmable calculators and computers, you really need specialized sales and service forces."

He may be right. But the argument has a depressingly familiar ring.

THE AFL–CIO'S POSITION ON THE TRADE BILL

Mr. HARTKE. Mr. President, the American Federation of Labor and Congress of Industrial Organizations recently prepared a detailed letter on its position on the trade bill. Because this bill will be considered shortly by the Senate and because I know that the position of the AFL–CIO will be of interest to the Members of the Senate, I ask unanimous consent that the letter be inserted in the Record at this time.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Federation of Labor and
Congress of Industrial Organizations,
Washington, D.C., December 9, 1970.

Dear Senator: The AFL–CIO and its 13½ million members historically have been staunch supporters of freer trade. However, we have now come to the realization that the world has changed so dramatically that what is defended as "free trade" is to a great degree no longer free nor trade. Therefore, the AFL–CIO has concluded that a reexamination of our trade policies and legislation is desperately needed to preserve our productive capacity and to save the livelihoods and purchasing power of America's millions of working families.

The AFL–CIO Executive Council recently described the trade bill that has been agreed upon by the Senate Finance Committee as "a step forward toward the modernization of U.S. governmental policies affecting international trade and investment." It is not a perfect measure; it has many flaws. It is, however, much superior to the House-passed bill. And, it is a necessary bill. The problems next year will be far more acute if no action is taken in this Congress.

This bill is probably more important than any other considered in this Congress in terms of jobs and America's productive future. Also, there has been considerable editorial rhetoric on the measure, much of it emotional, much of it inaccurate. Therefore, we spell out in some detail our position on this issue:

1. We support quotas on textile apparel and footwear.

2. We support the so-called trigger clause as rewritten in the Senate bill.

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3. We support the provisions which call for an examination of GATT and which give our trade legislation more flexibility.

4. We oppose establishment of DISC, which is out of the Senate bill, but in the House bill.

5. We support retention of the American Selling Price. The Senate measure would keep it, the House bill would end it.

6. We believe the bill is pro-worker. We believe it is not anti-consumer.

7. We believe there will not be a trade war nor retaliation.

Specifically, the bill's quotas on textile, apparel and footwear seek to meet the peril to U.S. jobs and to U.S. production in these industries. Quotas are a stop-gap measure which will allow continued heavy imports of these items while at the same time seeking to stabilize industries and jobs that are threatened with suffocation. There is no reduction in trade, as critics claim. Imports can actually rise. There is no rollback or high tariff wall against imports. This measure only seeks to prevent further distortion of U.S. production capacity with resultant closing of factories and further exporting of our jobs and our industrial capacity abroad.

The requirements for Tariff Commission action under the escape clause are made more realistic, thereby broadening the likelihood of assistance to industries and workers "acutely or severely injured" by rising imports. Present language requires imports to be *the major cause* of harm. As a result, U.S. production of radios, non-electric typewriters, black and white television sets, sewing machines, and many other sophisticated manufacturing processes have been almost wiped out. Industry by industry U.S. production will be overwhelmed and suffocated unless we move to keep our nation's productive capacity and to preserve our citizens' jobs. Every nation we trade with has taken steps to protect itself at home.

We applaud the Senate measure's direction for a study of "the inadequacy of GATT provisions." It is the AFL–CIO's belief that an emphasis on tariffs and tariff-cutting can be irrelevant in world trade at a time when trading nations are engaging in most-favored-nation activities, export subsidies, border taxes, unfair agricultural policies aimed at the United States, restrictive quotas and a broad spectrum of non-tariff barriers. Such a study would reveal the sizable degree to which Japan and the Common Market nations discriminate against the U.S. while threatening us with retaliation if we legislate. The inquiry into multinational firms is also welcome.

We applaud the Senate Committee's action to seek full implementation of the Canadian Auto agreement to bring about the effects of full free trade between the two nations that was spelled out in that agreement. The fact that the Canadians maintain a duty of more than 15% on new cars, while we have no duty whatsoever, demonstrates a total lack of reciprocity that must be overcome.

We support the authority given the President to act against foreign nations which discriminate against U.S. exports. Until now, the executive branch has interpreted this to mean only agricultural products. The change makes it clear that manufactured goods are included and that foreign subsidiaries are included.

The increase in adjustment assistance is, of course, supported. But to increase the aid from 65% to 75% is solely to recognize the rising cost of a worker's economic funeral. The worker and the AFL–CIO want to save jobs, not receive adjustment assistance. Unfortunately, in many instances involving multinational corporations, where entire U.S. factories are moved overseas, the corporation making the move is little interested in the workers left behind, the economic suffering it has caused, the loss of a community's tax base and the increase in unemployment. Adjustment assistance is not the answer.

We support the authority given the President to make agreements or stop imports temporarily with a higher tariff or a quota until an escape clause action can be completed. In today's high-speed world, a product can be developed, manufactured, flown to nations throughout the world and inundate a market in a matter of weeks or months. If no authority is available, we are helpless as a nation to protect our productive capacities.

The AFL–CIO supports the anti-dumping provisions and the countervailing duty provisions that are aimed at speeding up investigations of complaints.

On the other hand, we ask specifically that you oppose any move to include in the bill those provisions relating to the Domestic International Sales Corporation (DISC) or to the American Selling Price (ASP).

The AFL–CIO opposes the creation of DISC. We believe it will not lead to expanded exports but to an expansion of a tax loophole and a $1 billion yearly loss in treasury funds that will have to be made up by working Americans. DISC provides no added incentive to increase U.S. exports; the major beneficiaries would be U.S.-based multinational corporations. Ironically, the tax savings in DISC could be loaned to the parent corporation for use overseas to build or purchase subsidiaries, thus acting totally counter productive to America's trade needs.

We support the retention of ASP. The House measure would repeal it. The Senate bill retains present law. Elimination of ASP would bring tariff cuts on many chemicals, a selective action that would result in the loss of thousands of American jobs. Incidentially, the workers most affected would probably be blacks in urban areas who, in today's difficult labor market, would not be able to find other jobs and would be likely forced onto public assistance.

As to newspapers' charges that the measure is anti-consumer, we find it hard to separate consumers from workers. Some 700,000 U.S. workers have lost jobs between 1966 and 1969 due to imports—and that figure is rising sharply. Thus, as consumers their purchasing power has been wiped out, their taxpayments have halted, and many of them have been forced onto public assistance—all at an increased cost to other Americans.

For Americans who are employed, the facts don't support the argument that this bill, with its quota provisions, will push prices upwards. For example, by September, 1970 overall consumer prices had risen 36.6% from 1957–59 level. For some rapidly increasing imports, prices went up even higher, though, strangely, prices often rose less than the average for those imports set by quotas. Here are some examples of price increases:

Items on quotas

Cotton or polyester blouses up 30.4%.
Sugar up 22.7%.
Coffee up 9.9%.
No. 2 Fuel oil up 20.3%.
Cotton bedspreads up 17.6%.

Items without quotas

Shoes up 48.6%—ladies shoes up 57.2%.
Street dresses of synthetic fibers up 59.5%.
Cola drinks up 65.2%.

In answer to the cries of "trade war," we are convinced that there won't be a trade war because since World War II, the U.S. has been reducing tariffs more than other countries. However, other nations have been adding new non-tariff barriers to trade in the 1960s. We have not retaliated. Further do-nothingism by the U.S. will only encourage more foreign restrictions on U.S. exports and further discriminatory agreements that affect U.S. production and workers' jobs. Japan has about 100 illegal trade barriers under GATT and we have not retaliated. The Common Market has set up special trade arrangements with Spain, Israel and Tunisia which discriminate against the U.S., but we haven't retaliated. The entire world is wise enough to know that they want the U.S. markets. They know that the U.S. has problems today. Japan and the Common Market have full employment; yet, we have a jobless rate of almost 6% nationally.

We already have quotas both by law and by administrative action on dairy products, wheat and wheat flour, sugar, coffee, peanuts, broom corn, meat, cotton textiles, steel, and oil. About 20% of U.S. imports are subject to quotas of some kind. There hasn't been retaliation. Foreign countries need our market, they need the goods they now import from us—and they know that with the great discretion in the bill they are not threatened. The authority for non-quota agreements, the exclusion authority in the legislation's provisions and the President's power to defer when not in the national interest are all measures which give the bill the utmost in flexibility and discretion.

Overall, we in the AFL–CIO feel that there are many sizable problems in international trade that require far more inquiry and action than in this bill. However, at this time speedy action is necessary. We must prevent further erosion of U.S. jobs and the dismantling of our productive capacity. We must take the first steps toward a new international trade concept. The bill is a beginning. We urge that you support these major provisions now in the bill and resist amendments that would reintroduce DISC and the elimination of ASP into the bill.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

POLICY OF GOVERNMENT OF JAPAN—ADDRESS BY AMBASSADOR NOBUHIKO USHIBA

Mr. MILLER. Mr. President, on November 2, at the Baltimore Chamber of Commerce, the Honorable Nobuhiko Ushiba, Ambassador to the United States from Japan, delivered his first public speech as Ambassador.

It is a splendid statement of commitment on the part of our friendly democratic trading partner from the Far East to understanding and mutuality of economic interests and concerns.

I am confident that this statement accurately reflects the views of the Government of Japan—granted that, as in our own country, government policy is not always the same as that of the various segments of business and industry. But it is absolutely vital that the governmental policies of Japan be outward looking, progressive, and understanding, and I believe Ambassador Ushiba's words are most reassuring.

I ask unanimous consent that the Ambassador's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY AMBASSADOR NOBUHIKO USHIBA

It is a particular pleasure to be here in Baltimore to give my first speech since I presented my credentials to President Nixon as Ambassador of Japan.

As one of the oldest and finest ports in the United States, Baltimore has had a long tradition of looking far beyond the horizon. I understand that, even before the American Revolution, Baltimore ships ranged over much of northern Europe and deep into the Mediterranean. I now will ask you, as the descendents of those hardy seafarers, to join me on a trip across the Pacific to Japan.

I might note that Baltimore now has a particular interest in my country, in that United States trade with Japan moving through the port of Baltimore reached $129 million last year, which is 25 percent more than the previous year. This growth rate is substantially greater than that of Baltimore's foreign trade with other areas.

However, it is not as a trade promoter that I am here today. Rather, it is with the intention that my first speech as Ambassador to the United States should deal with the broader aspects of Japan's relations with the United States.

In retrospect, the 1960s may be considered to have been a decade during which our relations continued to be strengthened and broadened in a most satisfactory fashion. Politically, our relations were solidly based on the Security Treaty revised in 1960. Economically, trade between our two countries increased by leaps and bounds. Our mutual trade more than tripled during the period from $2.5 billion in 1960 to $8.3 billion in 1969. United States investments in Japan also expanded, outstanding direct investments totalling over $1 billion in 1968. Against this close and harmonius relationship, a momentous agreement was reached last year to return Okinawa to Japan by 1972. This was an extremely wise political decision because it served to defuse the major potentially sensitive problem between the United States and Japan. The high statesmanship of President Nixon was widely acclaimed by our people.

The 1960s witnessed a remarkable development in Asia, that is, the emergence of Japan as one of the most productive economies in the world. Today our gross national product is third in the world after the United States and the Soviet Union. And though Japan has only 100 million people, its productive power is now nearly twice that of all the rest of Asia combined.

In this maritime city of Baltimore, I might illustrate the quick growth of the Japanese economy by showing to you what has happened to our maritime and ship-building industry. In 1946, Japan was left with only 17 battered ocean-going ships. It wasn't until 1960 that, with enormous efforts, we had rebuilt our merchant fleet to the pre-war level of 6.5 million tons. But ten years later we now have the world's second largest merchant fleet with over 24 million gross tons. Moreover, though all our shipbuilding yards were destroyed in 1946, today we build half the world's tonnage of ships, mammoth tankers of over 300,000 deadweight tons are commonplace in Japanese yards today, and we are now building ships of nearly 500,000 tons.

This fact alone reflects a very vigorous and a technologically sophisticated economy. It took us ten years of desperate struggle to get our economy back to its pre-war level, and then it has continued to grow at one of the highest rates in the world. Japan's gross national product was only $11 billion in 1950, but it rose to $43 billion by 1960 and it will surpass $200 billion in 1970. Japan has become not only the world's biggest shipbuilder, but also is second to the United States in the production of automobiles, TV sets and rubber products, and third in the world in steel and concrete cement production. Moreover, its economy has shifted substantially from labor-intensive products such as textiles to high-technology products such as machinery, electronics, precision optical instruments, chemicals and steel.

It is a legitimate source of pride to us to have come so far so fast, while swimming upstream against formidable difficulties. But our very success now poses new challenges and imposes new responsibilities. Although we must admit that the relationship between any two countries enjoying the volume of mutual trade to the order of nearly $10 billion is hardly immune from frictions from time to time, recent economic frictions between our two countries are due, to some extent, to the speed at which our economy and exports have been growing in the past decade.

There is no denying, however, that despite certain problems which have lately attracted too much attention on both sides of the Pacific, in overall balance our expanding economic relations have been highly beneficial to each of us. If we are to avoid the repetition of trade protectionism of the 1930s, we must strive to find solutions to those problems in a realistic manner through compromises based on mutual understanding. In this regard, it is gratifying to note that Prime Minister Sato and President Nixon, in their recent meeting, agreed to resume negotiations to settle the textile question with a view to reaching agreement.

I now wish to give you certain economic and social aspects of today's Japan, an understanding of which is, in my view, essential, if we are to maintain the cordial relations presently existing between our two countries into the 1970s.

First, a few words about the fundamental diplomatic policy of Japan. This was expressed most lucidly in Prime Minister Sato's address made in New York on the occasion of the 25th Anniversary of the United Nations two weeks ago. He pointed out that after a long period of isolation from the world, Japan finally opened its country to the world about a century ago with the determination to establish friendly relations with other countries, and embarked upon the modernization of its economy. Japan was confronted with a number of immense difficulties in the course of this modernization. These included a scarcity of natural resources, a high population density and the fact that Japan was a "late comer" among the advanced industrial countries. In the face of these difficulties, Japan's modernization was a continuing process of "trial and error". But as a result of strenuous efforts, Japan's economy has grown to the point where it occupies its present important position among the world's economies. World history has shown us that countries with great economic power are often tempted to possess commensurate military forces. On this point, I would like to quote from Prime Minister's U.N. speech. Prime Minister Sato said, "I should like to make it clear that my country will use its economic power for the construction of world peace, and we have no intention whatever to use any major portion of our economic power for military purposes."

In summary, we Japanese have learned invaluable lessons from the past "trials and errors", and having attained the economic progress and political stability of today, we are firmly resolved, in our future diplomatic policy, to use our economic power for peaceful purposes as a responsible member of the world community.

Second, Japan's recent efforts to liberalize trade and investment. I am well aware that in the controversy surrounding the Trade Bill of 1970 presently before the U.S. Congress, my country was often blamed for its restrictive economic policies and practices. Though some criticisms are based on misunderstanding or out-dated information, we must frankly admit that the tempo of our liberalization has not been as rapid or dramatic as some of our foreign friends would have wished. This was partly because certain sectors of our economy are still comparatively weak vis-a-vis those of American or European countries and partly because mental attitude usually lags behind the realities. However, I would emphasize that now we in Japan do realize what should be done toward greater liberalization of trade and investment.

In fact, we have greatly accelerated our efforts in this direction in the past few months and will continue to do so. According to the new schedule recently decided by the Government, by the end of September of next year, the number of items under residual import restrictions will be reduced to fewer than 40, which compares favorably with that of other industrial countries. In the field of direct investment in Japan, roughly 70 to 80% of Japan's industrial sectors are now open for new foreign investments of up to at least 50% ownership. By the autumn of next year, most of the rest of the industries will also be liberalized including the automobile industry, which is expected to be liberalized next spring. *I assure you that Japan is committed to trade liberalization and that our liberalization effort is a continuous and irreversible movement.*

Third, changes in the Japanese society. The way of thinking, economic and social philosophy and even life style of our people are currently undergoing profound changes. As social phenomena, these changes are difficult to characterize in precise, quantitative terms. Nevertheless, I believe they are quite important in understanding us and the direction of our policies in the 1970s.

As is well indicated in the Prime Minister's address I referred to earlier, the paramount goal for Japan in the past hundred years since Meiji Restoration has been to catch up with more advanced Western nations. During the past 25 years, in particular, we mainly concentrated our efforts on economic progress. With per capita income having increased from $350 in 1960 to about $1,300 today, the Japanese have now come to enjoy a fair measure of material affluence. At the same time, it is increasingly felt that the very rapidity of our past growth has adversely affected the quality of life. Nowadays, public interest at home is directed to such problems as polltuion of air, water and environment, housing, protection of consumers' interest, leisure and so forth. Our excessive growth consciousness is now being openly criticized even by our own people. With the favorable balance of payments in the past few years, the need to export is no longer as urgently felt as it used to be. Rather the need for an orderly and moderate export policy is being advocated by a number of responsible business leaders and Government officials. These changes are indeed remarkable and significant. They are bound to influence our economic policy, both domestic and external. Since, as I said earlier, part of economic frictions between our countries is due to the extraordinarily fast growth in the Japanese economy and exports, it is probable that these changes will serve to influence our future course in the more desirable direction.

Last, regaining of confidence by the Japanese. The vast economic success together with political stability based on the democratic form of government have allowed us to regain confidence in ourselves—a confidence which had been lost by the defeat in the last war. We feel that we are expected to play our part in the affairs of Asia, although military involvement is totally ruled out. We will respond to the expectation as a peaceful power. We have already decided to allocate 1% of our GNP to financial assistance to the developing countries by 1975. This means our foreign assistance may reach the order of $4 billion in five years' time. I may add that this amount equals the present amounts of French, German and Canadian aid combined and compares well with the present U.S. aid level of $4.6 billion. In addition, we will soon start extending tariff preferences in favor of these less fortunate nations together with other developed countries. We hope to play a constructive role in Asia, as already evidenced by our active participation in Jakarta Conference on Cambodia. I believe that our activities in these fields will help bring stability and economic progress to the countries in Asia and that in this the United States and Japan have a common interest and stake.

It is a patent fact that the United States and Japan have many things in common; we both are hard-working peoples, we share belief in free enterprise and in the democratic system of government, and we are agreed upon the basic need for free trade. There is a wide-ranging convergence of interests and objectives among us. Both the United States and Japan are resolved to work toward keeping peace in the world, maintaining good trade relations, helping poor nations to develop and preserving and restoring our natural environment.

There are benefits from the vast community of interests between the United States and Japan. I am confident that an awareness and an appreciation of the many common goals we share will enable us to transcend frictions which are bound occasionally to arise even between good friends. On this optimistic note. I wish to conclude my remarks.

EUGENE CERVI OF DENVER

Mr. HART. Mr. President, I was grieved to learn of the death of Eugene Cervi of Denver, publisher of Cervi's Journal.

In this age of corporate journalism, he was a foremost practitioner of personal journalism. He believed that the most important ingredient in publishing a good newspaper was the character of the publisher. His newspaper was richly endowed with that ingredient.

In his columns, Eugene Cervi fought against injustice, public and private. He was particularly effective in fighting the injustices he saw in the business community. In Cervi's Journal, antitrust violations were page 1 news, and stories explained the impact of the violation in plain language. Because of him, the people of Denver were educated in the public purposes of antitrust.

He tried hard to educate the Congress as well.

None of us who were present when he attacked the "Failing Newspaper Act" in the hearings of the Antitrust Subcommittee will forget his testimony with its ringing denunciation of special privilege. He brought to that committee hearing the vitality, the wit, and the strength of character which were his trademarks.

At one time or another, Eugene Cervi crusaded against the injustices committed by supermarket chains, railroads, utilities, oil companies, banks, and communications empires.

Sometimes just covering the news turned into a crusade as it did when he reported in detail the battle waged by S. J. Newhouse for control of the Denver Post. As the two opposing groups maneuvered for control, neither of the Denver dailies treated the matter as newsworthy. Cervi's Journal carried the story every week on page 1.

TRADE LEGISLATION

Mr. PEARSON. Mr. President, the Senate now undertakes consideration of sweeping and controversial welfare proposals, increases in veterans' benefits and social security payments, changes in medicare and medicaid, and the most significant trade legislation in four decades. All these proposed changes in the law, ranging from the very good to the horrid, are contained in a single bill called, somewhat inappropriately, the Social Security Amendments of 1970.

None of these legislative initiatives will receive adequate consideration in the next few days. Some are revolutionary—others excessively timid. Some parts of this omnibus bill are exceptionally timely and urgently needed, while others would threaten the economy of the Nation. I deeply regret that the committee has offered this package for consideration en masse, and I regret that the administration has lent its support to this endeavor.

Mr. President, title III of the bill before the Senate is called the Trade Act of 1970. This title constitutes a profound departure from established U.S. foreign trade policy, consistently followed by administration and congressional leaders of both political parties for nearly four decades.

Because the Trade Act of 1970 is sweeping in scope and essentially protectionist in nature, I believe it should be considered alone, and on its merits.

There are many aspects of the omnibus bill, and particularly its trade sections, which call for comment. I will address myself to the principal provisions relating to trade, and endeavor to demonstrate why I oppose the committee's recommendations.

FOUNDATION OF U.S. TRADE POLICY

Mr. President, the United States has been committed to a policy of trade expansion for more than three decades. Under American economic and diplomatic leadership, the trading nations of the world have pursued a policy of trade liberalization on a reciprocal basis. The policy has served our country well—and it has served the world well.

American initiatives to promote freer trade have been successful and profitable. World trade has increased from less than $60 billion in 1948 to more than $200 billion in recent years. Consumers and retailers everywhere benefit from imports in terms of style, quality, and price. Exports enable manufacturers to take advantage of their competitive abilities, while imports enable producers to benefit from access to needed supplies at competitive prices.

Since World War II, major trading nations have enjoyed the longest period of sustained prosperity and economic expansion in history. This period of prosperity has been no accident.

During the 1930's, when the world was suffering from economic depression, many governments attempted to shelter their producers behind protective trade barriers, such as high tariffs, quota restrictions, exchange controls, and discriminatory taxation patterns. During the war it became evident that these restrictions could become permanent impediments to trade and peacetime prosperity, unless forceful attempts were made to dismantle and outlaw them. The General Agreement on Tariffs and Trade is the major result of efforts in that direction.

Mr. President, I believe that Senators should recall the principles of GATT as they consider the Trade Act of 1970. The general agreement is a multilateral trade treaty which affords certain rights and imposes certain obligations upon signatory members. It contains, in essence, four fundamental principles.

The first principle is that trade should be conducted on the basis of nondiscrimination. All contracting parties are bound by the most-favored-nation clause.

The second general principle is that protection should be extended to domestic industries exclusively through the customs tariff and not through other commercial measures. While the import quota is permitted, its use is severely limited to achieve specific purposes—notably to redress a nation's balance of payments. There are elaborate procedures for multinational consultation to insure that import quotas, when used, comply with established conditions, and that damage to the trade of other countries is minimized.

The third principle is one of continuing obligation to consult with trading partners before taking action in restraint of trade.

Finally, GATT provides a framework for negotiations to reduce tariff and nontariff barriers, as well as formalized structures for embodying agreements in legal instruments.

Under these guidelines, some 50 nations took part in trade negotiations conducted between 1964 and 1967—the Kennedy round. Concessions made by participants facilitate trade valued at just over $40 billion. Industrialized nations made tariff concessions on 70 percent of their dutiable imports, and two-thirds of those concessions were of 50 percent or more. Negotiations were painstaking and difficult, concessions were made in exchange for concessions, good-faith compromise was essential for progress—and the result documents the fact that 50 nations had the courage of their opportunity.

Mr. President, while negotiations at the Kennedy round were being concluded, the United States massively increased its military commitment in Southeast Asia. The administration found itself without adequate revenue to support the war and, at the same time, to meet legitimate demands of the American people at home. Fiscal and monetary policies then in effect, combined with pressures of war, inevitably led to a sustained period of inflation.

Five years of inflation have made the American marketplace unusually attractive to foreign sellers, while American-made products have become unusually expensive in foreign markets. Our $7 billion favorable balance of trade has evaporated to less than 1 billion, and the U.S. balance of payments is seriously in deficit.

No one, Mr. President, would suggest that these problems are not serious ones. They deserve an appropriate response from Congress. I do not believe the Trade Act of 1970, as reported by the Committee on Finance, is the response we seek.

The committee trade bill would impose statutory quotas on textiles, footwear, mink skins, and other items. The bill would authorize the Tariff Commission to impose quotas on a variety of consumer goods, including sports equipment, radios, televisions and hi-fi sets, and musical instruments. These quotas almost surely would invite retaliation from our

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trading partners, many of whom depend upon access to foreign markets for survival.

This bill could inaugurate a wave of economic isolationism, as more and more countries impose quotas or other barriers on more and more goods. Without leadership from the United States, the forces at work for trade liberalization might be overwhelmed by forces of protectionism which exist in every country.

Such developments would spell disaster for those American workers and businessmen who depend upon exports for their jobs and profits. American exports constitute about 4 percent of our GNP. The Department of Commerce estimated that 2.4 million American jobs depended upon export markets in 1966—some place the figure at 4 million jobs today. We cannot forget these workers, their families, and their dependence on trade as we consider this legislation.

U.S. AGRICULTURE THREATENED

Mr. President, retaliation to the protectionist quotas contained in the committee bill will strike first and hardest at some 10 million rural Americans—the 5 percent of our population which produces food and fiber for all the rest of us.

Farmers depend upon agricultural exports for almost 15 percent of their annual income from marketings. Twenty percent of their cropland produces for export, some 60 million acres. And these exports are supremely vulnerable to retaliation.

Amercan farmers sell about half a billion dollars worth of soybeans to the European Community each year. The Soviet Union stands ready to meet this demand with sunflowerseed oil, should the United States become an unattractive trade partner.

American farmers must export half their annual wheat production, or convey it to the Government for the loan price. Canada and Australia together have wheat surpluses in excess of 1.3 billion bushels, and stand ready to take any wheat market the U.S. loses. France and Argentina are also anixous to capture a share of America's traditional wheat export market.

Moreover, farm products are susceptible to almost instant embargo, since they move in trading systems where health, botanical and other regulations are in force.

Mr. President, I know Senators are aware that commodity exports have begun to increase after 2 straight years of disheartening decline. They reached $6.6 billion in fiscal 1970, and commercial sales for dollars in that year totaled $5.7 billion—more than any other year in U.S. history.

The agricultural export market is vital to the economies of many States, but none depend upon it more than my State of Kansas. Kansas farmers sold $314 million worth of wheat, feed grains, soybeans, and other commodities overseas during fiscal 1970. As the Nation's leading wheat State, Kansas growers marketed more than $183 million worth of wheat abroad—an amount equal to 65 percent of the total 1969 cash receipts for wheat in Kansas.

Fiscal 1970 was a good year for agricultural exports. Fiscal 1971 promises to be an even better one. Japan has become this Nation's first billion dollar farm customer—and that market is expanding. Traditional rice-consuming populations throughout Asia have their appetites whetted, and are buying American wheat in record quantities. Exports of farm commodities should reach $7 billion this year—a new record for American agriculture, both in total exports and exports for dollars.

The principal obstacle standing between the farmer and a sustained market for his production is protectionism at home, coupled with the retaliation it inevitably would attract from consumers of American commodities abroad.

Mr. President, the Nixon administration has successfully staved off the European Community's recent effort to tax our soybeans and meal. We are moving aggressively against British proposals which would levy border taxes against agricultural imports. We have moved against EC citrus concessions along the Mediterranean. We have held the Japanese to their promise to relax trade restrictions against a long list of U.S. commodities. We have pledged to work for a new agreement requiring more competitive trade in wheat.

These actions have been taken to protect and promote our $7 billion farm market overseas, but all will go by the wayside if excessively protectionist trade policies are adopted by Congress.

The U.S. Department of Labor reports that more than half a million jobs in agribusiness are attributable to commodity exports. Certainly Kansas has a significant proportion of these jobs, for Kansas ranks among the top five States in commodity sales overseas.

CONSUMERS AND RETAILERS BEWARE

Mr. President, some 205 million consumers and countless thousands of retailers throughout this country have a vital interest in maintaining vigorous and viable foreign trade policies.

Should this bill be approved by the Senate, and ultimately become law, the available supply of imported textile and footwear products—immensely popular with consumers— would be reduced by as much as one third. Kansas clothiers, because of their generally small size, would suffer most among retailers under this bill.

Retailing in Kansas is an important, growing industry in the economy of our State. According to the 1967 Census of Business, nearly 25,000 retail establishments in Kansas reported sales of $3.5 billion, up 22 percent from 4 years earlier.

In apparel and accessory stores, a category which includes those stores offering imported textiles and footwear to their customers, sales were up nearly 15 percent to $143 million. These Kansas retailers, Mr. President, will suffer more than retailers in major metropolitan areas from restricted availability of imported merchandise.

Kansas retail stores, for the most part, are comparatively small. Nearly 91 percent of all retail establishments in the State are doing less than $300,000 worth of business annually. These stores will simply not be able to compete with the country's giant retailers for the severely limited supply of imported merchandise.

The pending legislation does not make provisions for orderly allocation of imported textiles, apparel, footwear or other products, among the various established retailers and importers throughout the Nation.

More than $361 million is distributed annually by Kansas retailers in the form of payroll to store employees. With a sharp reduction in the availability of imported merchandise, Kansas consumers will have to pay more for the items they buy. Many will be unable to find variety in smaller retail stores. This will have an adverse effect on sales, on profits, on hiring and retention of retail employees, and ultimately on the economy of the cities and towns served.

Retailing—the second largest industry in Kansas, and one of its major employers—will suffer. Retailing throughout the Nation, and particularly in small communities, will suffer as well.

Mrs. Virginia Knauer, the President's Assistant for Consumer Affairs, has called this legislation the "most significant anticonsumer legislation now before Congress." She has also said:

> The imposition of import quotas will hurt virtually every consumer in the United States, particularly lower income consumers.

Many poor people, Mr. President, depend upon low-cost imports to clothe their children, and to provide them with warm shoes in winter. We do not know how many will be unable to purchase higher priced American shoes and coats, should import quotas cut off the lower cost supply. But the purchasing power of lower income citizens should not suffer further erosion from enactment of restrictive trade legislation, particularly in times of persistent inflation.

U.S. LEADERSHIP IN TRADE POLICY

Those who advocate import quotas cite numerous examples of nontariff barriers to legitimate U.S. exports. Clearly, our trading partners are not without blame. Some have violated the spirit of the general agreement, and have persisted in maintaining quotas and tax patterns which are discriminatory to U.S. exporters.

But Mr. President, this evidence is not evidence in support of retaliatory action by Congress. The United States is a superpower economically, as well as militarily. What we do here will set the stage for a multitude of responses throughout the trading world. Congress must have the courage to maintain a policy of freer trade and good faith among trading nations. Our example will not be generally resisted, but generally followed as in the past.

U.S. initiatives to reduce nontariff barriers overseas have met with limited success. U.S. admonitions to prevent creation of additional nontariff barriers have met with even more success. None of these admonitions, none of these initiatives will be credible if the United States, as the leading trading Nation of the world, forsakes its ideals with counterproductive protectionist action.

Mr. President, the proper course is clear. Millions of Americans, as well as millions overseas, depend upon the Congress to be even-handed—an advocate of the free enterprise system. Congress must continue to support the President in his efforts to convince our trading partners that nontariff barriers are not in their best interest, or in the best interest of world prosperity.

Congress must work to provide opportunity for those who are unemployed in the United States for whatever reason. There are many ways for Congress to help those in need of opportunity. The wrong way is to create uneconomic quotas in restrain of trade.

CONCLUSION

Mr. President, trade legislation necessarily must be drafted to promote the overall national interest. Foreign retaliation must be considered when any quota plan is advocated. The ultimate effect of retaliation must carefully be assessed.

The Trade Act of 1970, as reported by the Committee on Finance, has some redeeming features. Under its terms, the President is authorized to lower some tariffs. American workers are protected from dumping by competitors selling at a loss.

Yet this legislation falls far short of what is needed now. Many of the President's proposals on trade have been ignored. The critical balance—inherent in the President's bill—has been lost to the protectionist cause.

The President urged tax deferral for Domestic International Sales Corporations, called WISC's, in order to promote exports. That proposal was deleted in Committee.

The President asked for authority to eliminate the American selling price system of duties on certain benzoid chemicals—an anachronism deeply resented by our trading partners, and an example of impermissible nontariff barriers to trade. This bill gives the President no such authority.

Mr. President, this trade bill must be defeated, for it provides protection for certain domestic industries competing with imports, but it does not mitigate the harm to millions of farmers and workers who depend upon exports for their livelihood.

American farmers, consumers, retailers, shippers, and export manufacturers deserve consideration when trade policy is debated in Congress. They depend upon a prudent and progressive trade policy. Congress has a deep commitment to them, and to the other trading nations of the world, to maintain the momentum that has brought so much prosperity, variety, and efficiency for so many years.

THE CORVAIR AUTOMOBILE

Mr. HARTKE. Mr. President, early in October I was disturbed to learn that there was a possibility of a serious design defect in the Corvair automobiles manufactured by General Motors. The alleged defect involves the possibility that the Corvair heating system, which uses hot air of the engine directly to heat the passenger section of the automobile, permits deadly carbon monoxide fumes to enter the passenger section.

In order to resolve the issues surrounding the alleged defects I immediately sent the Secretary of Transportation a letter which explained the alleged defect in detail and requested that the General Motors Corp. be required to issue a recall of all vehicles if there was any reason to believe there was a design defect in this vehicle. To date the Department of Transportation has not concluded its study on this matter.

In order to facilitate the investigation and provide background material for Senate Commerce Committee oversight hearings on the defect recall provisions of the National Traffic and Motor Vehicle Safety Act, I ask that my colleagues receiving Corvair complaints forward them to the Senate Commerce Committee. We, in turn, will forward them to the National Highway Safety Bureau.

Mr. President, I ask unanimous consent to include at this point in the RECORD the two letters which I have sent to Secretary Volpe regarding the difficulties of the Corvair interior heating system.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 2, 1970.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I call upon you to undertake an immediate investigation of the following situation:

(1) On October 18, 1967, a Los Alamos, New Mexico constituent, advised the General Motors Corporation, Chevrolet Division of an alleged design weakness in the Corvair engine.

(2) The design weakness related to the type of head gaskets and lower cylinder head bolts used in the Corvair air-cooled engines.

(3) This design defect apparently allows engine combustion gases to escape from the cylinder head and enter the heating system, thereby producing not only unpleasant odors in the passenger compartment but also emission exhaust pollutants, including carbon monoxide, which threaten the operational capabilities of, and could be fatal to, the driver.

(4) General Motors has reviewed the evidence presented by Mr. Koelle, and apparently has taken no steps to inform their dealerships or to provide defect notification to owners of Corvairs or to evaluate the traffic safety dangers resulting from these defects.

Is there no end to the safety defects inherent in the Corvair? And is there no end to General Motors callous refusal to take proper action to remedy these apparent defects—defects that might impair more than one million vehicles on the road?

Under section 108 of the National Traffic and Motor Vehicle Safety Act the General Motors Corporation is obligated to furnish notification of the design defects which could be a hazard to traffic safety. The ability of carbon monoxide to interfere with driving behavior is well established. Even low levels of carbon monoxide in a two hour driving period can have have very damaging effects on the motor nerves of individual. Under section 109 of the Traffic and Motor Vehicle Safety Act the failure to furnish such notification of defects should subject the General Motors Corporation to civil penalties.

I urge you to investigate the facts presented in the enclosed correspondence; report to me preliminarily within the next week; and, if the facts are as presented, take immediate action against the General Motors Corporation for its failure to exercise its legal and moral responsibilities to guard the American public from harm resulting from its failure to produce safe products.

Looking forward to a response from you as soon as possible, I am

Sincerely yours,
VANCE HARTKE,
Chairman, Subcommittee
on Surface Transportation.

OCTOBER 30, 1970.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letters of October 7 and 20 indicating that, as a result of my letter of October 2, you have requested the National Highway Safety Bureau to undertake an investigation of possible intrusion of exhaust gases, including carbon monoxide, into the passenger compartment of Corvair automobiles through the heater system.

My original letter was based upon correspondence and data from a single Corvair owner, an engineer from Los Alamos, New Mexico. However, I have now received several dozen letters from Corvair owners stating that they have a problem with exhaust gases entering the passenger compartment.

The majority of these letters simply state the existence of the problem and a lack of success in obtaining correction, with the result that the owner must either discontinue use of the heater or ride with the windows down, even in the dead of winter. However, a number of the letters contain more substantive information such as carbon monoxide test data and reports of physical symptoms possibly related to carbon monoxide inhalation. One such letter from an attorney includes records and data from a civil suit against General Motors and one of its dealers contending that this exhaust-heating system defect resulted in the death of the owner by carbon monoxide inhalation. The suit was settled out of court in favor of the plaintiff, widow of the deceased, in 1964. This and other information received since my original letter to you suggests that General Motors has been aware of this problem for some time and may have suppressed information concerning it.

Some of this information also indicates that there may be several ways in which exhaust gases can enter the Corvair heating system, other than the loose lower cylinder head bolts or the burning through of a head gasket. This raises the important question of whether the whole concept of using engine cooling air for direct heating of the passenger compartment of Corvair automobiles was not ill-conceived and inherently dangerous.

In view of this new information and the onset of the winter season, which will necessitate the use of automobile heaters, I strongly urge you to expedite the investigation of this important matter so that Corvair owners may be given adequate warning of any dangers which are found to exist.

All of the information which I have received has been turned over to the Senate Committee on Commerce, the Chairman of which, Senator Warren G. Magnuson, has also written to you concerning this matter. However, I am certain that the Committee will be happy to make this information available and to cooperate in any other way to expedite this investigation. I would also suggest that you take steps to obtain any information in the possession of General Motors which may have relevance to this problem, including complaints, court records and carbon monoxide and other exhaust system test data from whatever source.

I would appreciate an early response concerning the progress of this investigation.

Sincerely yours,
VANCE HARTKE,
Chairman, Subcommittee on
Surface Transportation.

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WHAT IS POLLUTION?

Mr. GOLDWATER. Mr. President, with the prolonged debate threatened on the SST, I think it is necessary to keep every facet of this subject in proper order. We have heard so much about air pollution, water pollution, about ecology and the abuse of it, over the last year or so on the floor of the Senate that one would think that every Senator was completely cognizant with all of the facts concerning this subject.

For example, I have been a conservationist all of my life; I have fought for laws in my State that would help, in my opinion, to clear up the air and to clear up what little water we have in that arid land, without ever really realizing that nature itself is probably the greatest pollutant that we have. This by no means should play down the ugly and devastating effect of man on his environment, but when we study what geology and ecology, environment, and the like, really amount to in the eyes of the academicians, I think we have a better understanding of what we are approaching. I have placed in the RECORD several papers on this subject, but I came upon one entitled "What on Earth is Pollution?" printed in Industry Week of August 17, 1970. It is so short, so concise, and so revealing that I think Senators would benefit from reading it.

I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT ON EARTH IS POLLUTION?

"For every problem there is a solution—simple, neat, and wrong."

So observed H. L. Mencken who many years ago also remarked upon the "virulence of the national appetite for bogus revelation." Said he, "The public demands certainties; it must be told definitely and a bit raucously that this is true and that is false."

Mencken's incisiveness may amuse professional environmentalists but they are dismayed by his clairvoyance. For generations they have tried to get us to understand that our earth is a spacecraft in eternal orbit with all supplies on board and an ever-increasing crew. We now understand the first word of their message, "URGENT," and we are being bombarded with "solutions" to a problem the professionals themselves view as yet to be fully understood and defined.

For the problem of man and his environment is far more managerial than janitorial. Environmentalists are urging the necessity of management of our environment by objectives and by value analysis. To some, like Dr. William T. Pecora, director of the U.S. Geological Survey, "the failure of industry to initiate a dialog of what we can agree we want, and what we are willing to pay is really the tragedy of this period of confrontation."

For if our quality of life is realistically to be related to the environment, no less must it be related to economics.

MAN AND NATURE

"We have a very dim idea in our minds, I believe, as to what we mean by a good environment," said Russell E. Train, chairman of the President's Council on Environmental Quality, in an exclusive interview (IW, July 27, Page 12). "I don't want to play down the pollution aspect because it's of critical importance, particularly to health. And yet I think we must recognize that as and when we lick our pollution problems we still have no guarantee that we will have a high quality environment."

His council, Mr. Train believes, must begin intensive research into the human aspect—increasing human numbers, the interspatial relationship between people, and the tensions and stresses of an urban society.

As Mr. Train believes we must take a more intensive look at the human aspect of the interrelationship between man and his environment, Dr. Pecora emphasizes a look at resources. "Within the life span of 200 million people now living in the U.S., this nation will require from the earth some 6.5 quadrillion gallons of water, 7.5 billion tons of iron ore, 1.5 billion tons of aluminum ore, 1 billion tons of phosphate rock, 100 million tons of copper, and much more. Water and energy requirements will triple by 2000; and by 2000 we will have to construct as many houses and other facilities as now already exist in our country.

"Recognizing that we must take from the earth to provide for ourselves, we must develop value judgment and trade-off concepts in deciding how much to take from our environment, where to take it, and how to leave that environment in the taking and the using.

"Those individuals," adds Dr. Pecora, "who speak about restoring our inherited environment of pure air, pure rain, pure rivers, pure coastlines and pure lakes never had a course in geology. Natural processes are by far the principal agents in modifying our environment."

GEOLOGY: A SHORT COURSE

Dr. Pecora's perspective of our environment is based on a lifetime of study. But consider a matter so seemingly simple as "pure air."

Dr. Robert Robbins and Elmer Robinson of the Environmental Research Dept. of Stanford Research Institute, Menlo Park, Calif., not long ago explored an interesting question: Where does the stuff come from in our atmosphere and where does it go?

Their undertaking was as ambitious as it was unique. The whole world, together with its surrounding atmosphere, was considered as a complete system. Estimates were made of the amount of such things as carbon monoxide and nitrogen oxides discharged to the atmosphere in various ways by man's activities. Calculations were made of the total amount of each material in the atmosphere. Their figures then permitted an estimate of the source of pollutants in the atmosphere and how effectively nature removes them.

Sulfur compounds.—Sulfur enters the atmosphere as sulfur dioxide, hydrogen sulfide, sulfuric acid, and various sulfates. The total sulfur is about 220 million tons a year, about seven times world sulfur production of 30 million tons a year. About one-third of the sulfur discharged to the atmosphere comes from mankind's activities, mostly in the form of sulfur dioxide, while the rest comes from natural sources.

But in the atmosphere, both hydrogen sulfide and sulfur dioxide are oxidized *within a few days* to sulfate aerosol, and removed from the atmosphere by precipitation in rain or snow.

Nitrogen compounds.—Nitrogen is the most plentiful element in the atmosphere, playing a key role in life processes and found in all plants and animals. The major sources for gaseous compounds are biological action and organic decomposition. Only NO and NO_2 are emitted by man as pollutants at an estimated annual worldwide rate of about 50 million tons. This compares with an estimated natural emission rate of 500 million tons of NO_2, 5.9 billion tons of NH_3, and one billion tons of N_2O.

Again, the atmospheric residence for all the nitrogen compounds except N_2O consists of only a few days.

Hydrocarbons.—Hydrocarbons in the atmosphere are generally thought of as originating from petroleum sources. But many hydrocarbons are released naturally. Methane is just one example. It is produced in flooded swampy areas at a rate of 1.6 billion tons a year. Pollutant emissions, by contrast, amount to only 90 million tons a year.

No estimate of residence time or of a possible atmospheric cycle has been made for the organic materials except for methane, which apparently has a residence time of several years.

Carbon monoxide.—Carbon monoxide, unlike the previous compounds, is generally believed to be produced primarily by combustion with natural sources far less significant. Total worldwide emission of carbon monoxide is 232 million tons, of which 80% is produced by automobiles. While fatal to humans in concentrations above 1,200 parts per million in the air, carbon monoxide concentration in ambient air in the Northern Hemisphere is about 1/12,000 that amount.

Dr. Robbins tells Industry Week that while plant respiration is an important factor in removing CO from the atmosphere, there is increasing evidence that substantial amounts of the compound are being oxidized to carbon dioxide.

Carbon dioxide—Exhaled by humans and not normally considered to be an air pollutant at all, of all the materials for which man is responsible in the atmosphere only carbon dioxide is increasing in concentration at measurable rates. While carbon dioxide plays a key role in photosynthesis, there is some evidence to indicate that carbon dioxide might affect the world's weather, a concern first expressed around the turn of the century. Depending on the rate of fossil fuel consumption, the carbon dioxide concentration in the atmosphere could be up to 30% higher by 2000 than it is now.

Dr. Robbins and Mr. Robinson ask if "in the future it may seem ironic that there was so much concern with small scale events—the photochemical reaction of trace concentrations of hydrocarbons or the effect on vegetation of a fraction of a part per million of sulfur dioxide—when the most abundant pollutant may be the cause of significant worldwide environmental changes?

"If the effects of manmade pollutants are to be understood, it is also necessary to understand those that nature supplies," they believe, suggesting that "when the answers to all these problems are available, the air pollution people will be in a much better position to forecast potentially dangerous long term trends in pollutant concentrations."

WHAT ABOUT OXYGEN?

No discernible change in the world's oxygen supply has taken place in the last 60 years, report Dr. Lester Machta of the Environmental Science Services Administration and Ernest Hughes of the National Bureau of Standards. The U.S. Dept. of Commerce scientists have concluded also that if all the known recoverable reserves of fossil fuels were ultimately burned there would be no significant effect on human breathing as a result of reduced oxygen.

What about particulates? Dr. Pecora says that more particulate matter and more combined gases were ejected into the atmosphere by the volcanic eruptions of Krakatau in Java in 1883, Mt. Katmai in Alaska in 1912, and Hekla in Iceland in 1947 than from all of mankind's activity in recorded history.

"Add to known volcanic activity the normal action of winds, forest fires, and evaporation from the sea, and we can readily conclude that man is an insignificant agent in the total air quality picture although he is becoming an important agent in extremely local contexts," he says.

Dr. Pecora is no less deflating on the subject of water. "We have long been led to believe that water issuing from natural springs is pure and beneficial to health because of its purity. The springs issuing into the Arkansas and Red Rivers carry 17 tons of salt per minute. The Lemonade Springs in New

XUM

Mexico carry 900 pounds of sulfuric acid per million pounds of water, ten times the acid concentration of most acid mine streams in the country, while the Azure Yampah Spring in Colorado contains eight times the radium that the Public Health Service sets as a safe limit and Peace Creek in Florida carries twice the concentration of fluoride that is harmful to teeth."

The rivers of our nation are being called dirty because of the works of man, Dr. Pecora exclaims. "We must understand that rivers are the natural transport systems for sediment and organic matter washed downhill by the rains that fall upon the land. It is estimated that the Mississippi River carries into the Gulf of Mexico a load of more than 2 million tons of sediment per day. This is equivalent to a daily load of 40,000 freight cars. But compared to the Paria River in Arizona, the Mississippi comes out a trout stream. The Paria carries 500 times as much sediment as the Mississippi, year after year."

Other examples could be cited to bear out a striking point: water of the highest dissolved solid content occurs in areas of lowest population while, says Dr. Pecora, "surface waters of the highest quality occur in the coastal and midcontinent areas where population is most intense and manmade pollution is regarded as most troublesome."

THEN THERE'S LAKE ERIE

"I come right out of my chair whenever I hear once more on TV that Lake Erie is dead," chides Dr. Pecora. "Lake Erie, if anything, is too alive. The western part of the lake is a natural nutrient trap, an extremely shallow shelf that receives a large amount of natural organic material transported by rivers from the surrounding terrain."

"That organic material may be green scum to humans but it means food for fish. It acounts for the fish harvest of Lake Erie being equal to the rest of the Great Lakes combined. A similar situation, also productive of fish, is found in Lake Michigan's Green Bay which was so named because of the algae present when man first discovered it. Lake Superior, by contrast with Lake Erie, is almost clean—and the fish catch is negligible."

Dr. Pecora questions the wisdom of swimming in a nutrient trap. "One cannot clean such water up, but one might fill it up. For that is what nature is doing; filling in the shallow western end of Lake Erie like a delta to produce a shallow marsh. The waters of the Detroit and Maumee Rivers will then flow through channels into deeper water and the problem—along with the much talked about fish—will have been eliminated."

Dr. Pecora notes that every lake or pond, whether natural or manmade, "faces a similar life history of becoming more and more shallow as silt and organic material are swept into the water, whether from natural or from human sources."

Various stages of eutrophication, the natural aging process are illustrated in lakes unaffected by man's activity. Situated in the remote interior of Alaska, these lakes show the process of dying of their own accord. Lake Erie, believes Dr. Pecora, does not face a similar fate from natural causes in the next 10,000 years.

Saving Lake Erie therefore is hardly the issue, says Dr. Pecora. He sees our real conflict as between the need to develop the earth's resources and the desire to preserve the earth's environment. "For if the earth is to provide the materials for the survival of man's society, then a prudent society must provide for an intimate understanding of the earth—continuing inventory of current and potential resources, and continuing effort to develop new techniques for information-gathering systems."

LOWEST COST CONSPIRACY

To understand where we must go, it is important that managers and the public remember whence we have come.

Primitive man took what he could from the environment to stay alive. If he did not live in "harmony with nature," at least he was in position to cause little discord. But the progress of man, almost by definition, has been a chronicle of increasing influence over his environment.

Agriculture has been one major influence and, as the Indians pointed out to the early settlers, cutting down trees and plowing the land is most assuredly contrary to nature. So, too, has been the industrial revolution. As early as 1831, French nobleman Alexis de Tocqueville warned that we were placing "too much effort on raising, through industry, our so-called standard of living."

But the country paid no more heed to De Tocqueville than it had paid to the Indians. Capitalism and free enterprise rolled up their sleeves in a joyous conspiracy with the consuming public. Industry would develop the resources and produce the goods at the lowest possible cost and the public, which also owned the corporations and shared in the profits, would buy those goods to enjoy a better life.

So well has our conspiracy to build a better life succeeded that some now are sufficiently well fed, well clothed, and well housed to begin to question the wisdom of producing goods at lowest cost. The question is not new; conservationists have been asking it for generations. But it is a question not only of pollution but of management, of values, and of our very way of life.

For if not lowest cost, then what cost?

INDUSTRY INDICTED

The principle of lowest cost was as easily understood as profit and loss. It facilitated, if indeed it was not responsible for, turning wilderness resources into a country whose complexity and way of life is perhaps more contrary to nature than any other political unit in the history of man.

What Dr. Pecora is saying is that industry and the people must re-examine the lowest cost conspiracy, to begin to think together in terms of societal objectives and environmental cost. He cites an example: "If man in his industrial society today not only wants but demands a continuation of the energy supply which keeps that society alive, then he must recognize that there are going to be increasing demands for energy in future years. He must try to recognize the various forms of energy available to him and make the necessary adjustment to acquire those forms of energy. It's not just the cents per kilowatt-hour. It's the quality-of-life cost you must pay either to acquire or to *fail to acquire* that energy."

Quality of life or cents per kilowatt-hour? Consider in that context the statement of a power company executive at an "Earth Day teach-in." He testified that his privately owned utility had been "guilty for years of ignoring the effects of its operation on the environment," that as a public utility his company "now recognized its responsibility to do what the people want." He added, however, that "environmental controls will cost money and the additional expense will have to be reflected in charges to the customer."

His statements not only fail to reflect what Dr. Pecora is saying, but also seem a bit hazy on the industrial revolution itself. For it seems safe to assume that his power company all along has "recognized its responsibility to do what the people want." What the people wanted was energy at lowest possible cost. His company could hardly have been around to give him a job had it *failed* to meet its responsibility.

But if this company is not "now recognizing its responsibility," is it in fact now abdicating its responsibility? Is it responsible to agree to management of the moment? Do men of knowledge and experience in handling our resources not now have a new and greater responsibility to the public than mere acquiesence?

ENVIRONMENTAL MANAGEMENT

"This is a time for dialog and unfortunately very little of it is going on," says Dr. Pecora. "People say they do not want industry to keep doing what it has been doing for more than a hundred years. But industry must take the leadership if alternatives are to be rationally explored.

"I cannot say that industry is right or wrong or the people right or wrong. But we must bring the cost-benefit problem out in the open rather than permitting forced politics to try to do something that is irrational. And such dialog will be heard because the rational solution is, in the long run, the best political solution," he observes.

The question recurs: If not lowest cost, then what cost? And if industry in dialog with the public will not answer that question, government will do so with solutions "simple, neat, and wrong."

FEDERAL REVENUE SHARING

Mr. BAKER. Mr. President, the administration has been making it plain that one of its top priority items next year will be Federal revenue sharing. Many of us in the Congress have been promoting this innovative concept for some time, and it is gratifying to note the swelling support for it.

In this connection, I would like to call to the attention of my colleagues a recent column by Nick Thimmesch, of Newsday, entitled "Where the Revenue in 'Revenue Sharing' Comes From." I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE THE REVENUE IN "REVENUE SHARING" COMES FROM

(By Nick Thimmesch)

WASHINGTON.—As is often the case with great ideas whose time has come, the controversial proposal for federal revenue sharing causes the public to yawn and the knowledgeable to sweat.

The public only knows that its taxes, particularly local taxes, are unbearable, and wonders when local services will improve, and what is Washington doing with all those high-priced social programs?

State and local officials cry that their governments face fiscal crisis, even bankruptcy, because they can't find money to operate basic services and tend to the welter of social problems besetting them.

The plethora of federal programs which parcel out dribs and drabs of earmarked, strings-attached money, isn't enough. That's why these state and local governments plead with Congress to pass revenue-sharing legislation providing "right now" money they could spend as they see fit on their urgent problems.

But key congressional leaders are leary of such a drastic reform in the way the federal government distributes its money, and many a vested-interest bureaucrat shares the feeling.

The Nixon administration has waded into this situation, earnestly pleading that a start for revenue sharing must be made now, however modest. John D. Ehrlichman, the President's assistant for domestic affairs, vigorously presented the administration's case before the National League of Cities in Atlanta this week, calling it the "domestic equivalent of the Nixon (foreign policy) Doctrine."

Just as Nixon argues that the U.S. can only help, but not conceive and operate defense programs of free nations, so he also feels the federal government should increasingly turn over its vast power—in the form of money—to state and local governments.

Ehrlichman said it would take "extraordinary effort" to push revenue sharing through a Congress whose "reaction registers from cool to frigid." He said the President doesn't believe tales "that government employees in Washington are more highly motivated, smarter, more ethical or more hardworking than you and colleagues in city government."

The administration's bill, whose prime sponsors are Tennessee's Sen. Howard Baker and Ohio Congressman Jackson Betts, would establish revenue sharing with the states and guarantee that a good piece of the money would "pass through" to the cities. Senators Ed Muskie and Charles Goodell offered comparable legislation last session, including more money than the administration wanted to start with.

Anticipating the congressional debate over revenue sharing (now bogged down in the House Ways and Means Committee), the Treasury Department published a rather remarkable listing of how much money each state and major local unit of government would get. It's a lovely thing to read, if you are a governor, mayor or county executive starved for funds.

Congressional critics argue that: it's hard to find even the $1 or $2 billion the administration wants for the first year; there is no control mechanism to watch over the 40,000 units of local government; and that philosophically (according to the Constitution's 16th Amendment), he who raises tax money has the right to direct how it shall be spent.

But the governors, mayors and county officials holler right back that the feds grab two-thirds of the taxes, through its efficient, cold-blooded income tax system, thus leaving the locals the delightful privilege of finding new ways of socking it to the taxpayer.

Lurking in the background of this debate is the conviction of most Republicans, and many Democrats, too, that the federal bureaucracy must be greatly diminished, and that expensive programs such as urban renewal, model cities, anti-poverty, and study-grants afforded by the Office of Education be reduced to near nothing.

The billions saved from this kind of long overdue pruning, plus the big money expected to be cut from defense, space and foreign aid, would adequately fund a federal revenue-sharing program.

All this amounts to a major transformation in the way government is run. Better that local governments spend our federal tax dollars on realities like garbage collection, police and fire protection, health care, better transportation, streets and parks, than for it to go into the paperwork jungle, infested by mind-boggling, sleepy bureaucrats, money-leaching consultant firms, and long subsidized, ineffective fellows of the liberal-academic complex who thrive on studying what has already been studied, *ad infinitum*.

RELATIONSHIP BETWEEN INFLATION AND PRICES-INCOME IN TODAY'S ECONOMY

Mr. MILLER. Mr. President, an informative analysis of the relationship between inflation and prices-income in the economy today, written by John O'Riley was published in the Wall Street Journal of December 14. I think it merits the attention of the Senate. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

(By John O'Riley)

Everybody laments inflation. Nobody likes to be paying higher prices all the time. It is a rare day, though, when you hear somebody complain about his income going up. Yet higher wages and salaries are the very stuff of which higher prices are made. And thus far in the whole inflation whirlwind the incomes are running way ahead of the prices. This is not the case for every individual, of course, but for people in general it is true beyond a doubt. And it is something that should be pondered by those who expect inflation's wind to stop blowing any time soon.

At the beginning of the 1960s only a thin 14% of the families in this country had a yearly income of as much as $10,000. Last year saw 46% of the families in that category. Families making $8,000 or more (only 25% in 1960) soared to 60% last year. These are whopping increases. And further gains are certain to show up when 1970 figures are out.

There are several yardsticks of personal earnings. The record of a decade for three of them is tabulated below, along with the rise in the cost of living over the same period. The current family income is an estimate arrived at by adding a conservative 5% to the 1969 figure. Weekly and hourly pay figures cover all non-farm workers. The cost-of-living yardstick is the official index of consumer prices (1957–59 equals 100).

Yardsticks	1960	Now	Percent up
Median yearly family income	$5,620	$9,900	76
Average weekly pay	$80	$121	51
Average hourly pay	$2.09	$3.28	57
Cost of living (percent)	103.1	136.6	32

Some of the weekly pay gains have been far above the average, of course. Construction workers now average more than $200 weekly. That's a leap from $113 in 1960.

But the barometer to watch is family income. As a swelling army of housewives moves into the money-earning labor force, the husband's paycheck becomes an increasingly invalid yardstick of family buying power. The image of the typical housewife tending to her knitting and cooking while her spouse brings in all the cash is fading fast. The two-paycheck family grows apace.

Some 36 of every hundred people on non-farm payrolls today are women. In state and local governments, a field of sharply rising employment, the figure is 44.

Women aren't just in service jobs. In manufacturing where non-heavy work is involved (and machines do more of the heavy work every day) they are going strong—often out-numbering men. In the manufacturing of radio and TV receiving equipment, 53% of the workers are women. In the making of apparel and other textile products, women account for 80 of every 100 people on the job.

In general merchandise retail stores, 69% of the people at work are women, and in variety stores the figure is 78%. In the services in general, of course, the ladies are all over the place. Of all the people on bank payrolls, 63% are women. And in hospitals 81% are women.

The table below traces the revolutionary rise in housewife participation in the labor force. The participation rate figures show the percentage of married women either holding down jobs outside the home or else seeking such jobs.

[In percent]

1948	22.0
1950	23.8
1952	25.3
1954	26.6
1956	29.0
1958	30.2
1960	30.5
1962	32.7
1964	34.4
1966	35.4
1968	38.3
1969	39.6

The 1970 participation rate figure is not yet available, but all indications are that it will show more than 40% of American wives in the labor force for the first time in history.

The recent pattern of steep wage increases, and their impact on buying power, is well known. But wholly new paychecks for a family can have an even bigger impact. When Mr. Jones gets a 8% wage increase, that's one thing. But when, in addition, Mrs. Jones steps out and lands a steady money-paying job, there is a much sharper step-up in total cash flow to the family coffers.

There are some 18 million married women in the labor force today. That's almost double the 10 million of barely 15 years ago in 1955. And this is a much bigger thing than mere population growth. Population has increased only 24% since 1955.

Teen-agers, too, are contributing increasingly to family finances. Just how big the contribution is is hard to estimate, but it is a matter of record that there are nearly half-again as many 16-to-19-year-olds at work in paying jobs today than there were ten years ago. Latest count puts the country's junior paycheck drawers around six million, compared to just over four million in 1960.

The teen-age labor force has expanded 25% just since 1965, compared with a growth of only 10% in the adult labor force.

The current recession or economic slowdown, despite all the publicity attending it, and despite the undoubted hardship it has brought to the many who have lost their jobs, has had only the most negligible impact upon the massive flow of overall personal income in this country. As of the latest tally (October) such income was placed at an annual rate of just under $810 billion. A year ago it was around $767 billion.

As nearly any retailer will tell you, the consuming public, despite the high income, has shown some restraint in buying over the past year or so. Recessionary periods always affect consumers this way. Unemployment headlines make them nervous. But rarely has so much money been stashed away for future buying.

Latest figures show the public saving 7.6% of disposable (after taxes) income. You have to go back nearly 20 years to 1952 to find a year in which people saved that much of what they earned. The saving rate in 1969 was 6%.

When consumers shake off their recession jitters, they can be expected to step up their spending. Or at least they always have in the past. Keeping any kind of lid on prices in the period ahead, no matter what the fiscal or monetary policies, is not going to be easy. There is already an awful lot of steam in the kettle.

INDIVIDUAL CHRISTIAN RESPONSIBILITY

Mr. PERCY. Mr. President, my good longtime Illinois friend, Donald E. Deuster, of Libertyville, who serves in the Department of Transportation as a congressional relations officer, has published a perceptive article in the December 1970 edition of The Presbyterian Layman.

The thrust of this thoughtful article is to encourage individual Christian citizens to take a more active part in our

Nation's decisionmaking processes and particularly to write their Congressmen.

In addition to being an active Christian layman, Don Deuster has an unusual grasp of the basic philosophy of American Government and he expresses these principles, succinctly in this fine article.

I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Church Lobbies Largely Ignored; Personal Letters to Congressmen Are Not

(By Donald E. Deuster)

Presbyterian friends often ask me, knowing that my work is on Capitol Hill, how can we Christians most effectively exert our influence on the Congress?

My answer is simple: Follow the wise old American adage and "Write your Congressman!"

Yes, one individual letter from one concerned Christian citizen means more to a Congressman than a score of visits by the so-called church lobbyists.

My experience confirms this conclusion. Having served seven years on the Hill as administrative assistant and campaign manager for my Illinois Congressman Robert McClory, and presently as a Congressional Relations officer for the Nixon Administration, I know that Capitol Hill can be a complex and confusing place.

However, there is a simple beauty about our Congress. Senator Everett Dirksen, a master of Congressional intricacies, once said: "Congress is really quite simple. When the people want something, Congress gives it to them."

Actually, there are sound reasons why the individual Christian is, and ought to be, more effective than the institutional church spokesman:

First: Individualism is the very root of Protestant Christianity. The principle of the priesthood of all believers means that each individual Christian can communicate with his God directly. Likewise, every individual Christian citizen can—and should—communicate directly with his Congressman.

Secondly: Individualism is the basis of American democracy. Real power under our system resides in the grass-roots voter, not in the lobbyist. Congressmen know this and pay greatest attention to the views of the individual constituent.

Thirdly: Congressmen are "elected" officials. Only so long as they accurately reflect the thinking of their constituents are they reelected. Error in assessing what the individual constituent thinks can spell disaster on election day and bring one's public career to an abrupt end. Accordingly, Congressmen prefer to get viewpoints straight and direct from their voters, and not gamble by getting it indirectly through a lobbyist.

Fourthly: Recent experience has taught many Members of Congress that church leaders and labor leaders do do not always speak for the rank and file. Congressmen are likely to be leery of any minister who implies that Presbyterians favor busing of school children to achieve racial balance. On such lively social questions, Members of Congress know that Presbyterians are as badly divided as any other group of Americans.

Lastly: Traditionally lobbyists perform a vital function in the quest for good government in two ways: One, they relay information back to their membership. This alerts the rank and file concerning imminent questions to be resolved in Congress. Hopefully, such information inspires individually conceived letters to the Congress. Secondly, lobbyists sometimes provide helpful information to the individual Congressmen on complicated, technical or esoteric subjects about which the Congressman needs help. An example might be what effect proposed regulations will have on the drug industry, or how an airline ticket tax might affect the airline industry.

In recent years certain church-affiliated activists have come to Capitol Hill to lobby on general moral, social or political questions such as poverty, civil rights and the war in Southeast Asia. Also, church spokesmen have injected themselves into such complicated military-defense subjects as the wisdom of an anti-ballistic missile defense system.

Normally on foreign affairs and general social concerns the Member of Congress has no great need to rely on the advice of any lobbyist. This is one reason the church lobbyists have found themselves rather ineffective.

The more experience anyone accumulates on Capitol Hill, the more he appreciates that our system of self-government is beautiful in its simplicity. The power, the value and the effectiveness of the individual voting American and the individual thinking Christian cannot, in my humble judgment, be overemphasized.

By all means do it: *Write your Congressman.*

THE TRADE ACT

Mr. BAKER. Mr. President, I rise in support of the Trade Act of 1970.

The threat of imports to America's apparel, textile, and shoe industries is not imaginary nor trumped up by these industries to get special legislation for selfish and unnecessary reasons. There is a genuine hardship being worked on these industries and the outlook, both short and long term, is for far greater market disruption by imports. This is a problem which confronts not just the apparel or textile or shoe industry in isolation but a problem which is having and will have profound effects on our entire economy.

Very briefly, this is the problem. Several foreign countries, principally those in Asia, are shipping vast quantities of textile and apparel products and shoes into this country each year—products which are produced by very low-paid and often exploited labor. These products are sometimes brought in at unrealistically low prices, prices which would not be charged even in the country of origin. This is done to gain a toehold in the market. The imports are then sold to Americans, some of them go to manufacturers for further processing, but the majority are sold to the American consumer. The markups which retailers put on imported apparel, for instance, are often greater than markups on similar domestically produced apparel items. The savings potential so widely touted by consumer groups is, therefore, often lost and goes instead to retailers.

The other important influence of imports on our economy is equal to or worse than the direct effects on the consumer. Imports of apparel and other textile products and shoes are causing severe complications in our labor force. Right now we have 2.6 million Americans gainfully employed in these three industries, one of every eight workers in manufacturing industries. All these jobs are being threatened in one way or another because of the very rapidly growing amount of imports.

The level of employment in the apparel industry throughout the Nation has been stationary for the last 4 years. All the growth in consumer demand for apparel has been satisfied by imports, while our domestic apparel industry has produced an almost unchanged number of garments each year. If imports continue to enter the United States at the same fast-growing pace that they are now, very soon the apparel industry, representing 1.4 million workers, will be employing fewer and fewer people.

My experience with the apparel industry is very firsthand, since apparel manufacturing is so widespread in my home State of Tennessee. Over 80,000 residents of my State are currently employed in the apparel industry, one-sixth of all the people employed in manufacturing in Tennessee. These people receive an annual payroll of $300 million. The level of employment in the apparel industry is of tremendous importance to Tennessee, and similar figures can be echoed by several other States. Taking the apparel, textile, and shoe industries together, I can report that 114,000 workers in my State, were working in these industries in 1969.

Factories of the apparel industry can be found in all areas of Tennessee. They are all sizes, from two or three workers up to over 1,000 employees in one plant. Many of the plants are in rural areas where they provide the principal employment in small towns. Often it is the only manufacturing plant in the town. The apparel industry employs large numbers of women—80 percent of their labor force is women—and if the small-town plant closes because of import competition, these women are often unable, because of family circumstances, to move to another area in search of employment. Women apparel workers often provide the extra income to their families which enables them to live above the poverty level or to give their children the education they could not have with only one wage earner. I know of no other industry which could possibly replace the important function of the apparel industry in employment of women.

We are concerned every day about urban problems. Control of apparel imports can help us in this area. Hundreds of thousands of apparel workers are employed in plants which are located in nonurban areas. As I have mentioned, Tennessee has many apparel plants in small towns. Those apparel workers who are able to move to seek employment when a plant shuts down will normally go into the cities. The others who are put out of work will add to our unemployment rolls and welfare rolls. Realistic control of imports will permit sustained nonurban employment of these workers.

The apparel industry plays another important role in our labor force. It is an important employer of minorities and workers with relatively low skill levels. The industry is geared to training people on the job and can use those who come to it without specific knowledge of apparel production. Unemployment is grow-

XUM

ing throughout the Nation, and unemployment is traditionally higher among the minorities and low skilled workers than among those better educated, and the apparel industry contributes significantly to our economy in this way.

I feel it is imperative that we enact effective textile, apparel, and shoe import control legislation now to prevent further erosion in these vital industries. Let me cite just two examples of substantial import disruption which affect my State and many others. There are over 11,000 workers producing hosiery of various kinds in Tennessee. In the last 2 years, imports of panty hose have increased from almost nothing to 10 percent of U.S. production. This enormous growth in imports in such a short time is having profound effect throughout the hosiery-producing sector of the industry.

Another area which has been hard hit by imports for a number of years is men's woven dress and sport shirts. Almost 11,000 people in Tennessee alone are involved in the production of these items. Imports currently equal about 40 percent of men's woven shirt production and there is every reason to believe this will grow in the future.

The apparel industry has never suggested that the United States stop apparel imports. It simply asks that orderly markets be maintained so that we can share our growing apparel demand without giving all growth and more to imports. The industry plays too vital a role in our economy to permit it to recede to a minor industry. The long-term cotton textile arrangement helped achieve somewhat orderly markets in cotton apparel and textile products when they were the most important products of these industries. Now that manmade fibers have taken over the primary place, it is imperative that this market also be made orderly. We must preserve probably the strongest force in the manufacturing sector for employing the difficult-to-employ workers. A fully comprehensive apparel, textile, and shoe import bill will assure our domestic economy that the important role of these industries will continue uninterrupted.

I urge the Senate to act favorably now on the Trade Act of 1970.

OUR ECONOMIC CHALLENGE: FULL EMPLOYMENT IN A PEACETIME ECONOMY

Mr. MONDALE. Mr. President, the veto of the Employment and Manpower Act by the President raises a profound challenge about the nature of our society and the role which Government must play.

The Government of a free economy faces no more crucial a test than its ability to insure lasting and productive employment for all those willing and able to work.

And the supreme test is to see whether a free economy such as ours cannot only maintain high employment, but can direct the energies, skills, and productive capacity of a war-oriented economy to the enormous needs of a peaceful society.

This is the double challenge we are facing—and, I think, failing—today. We must reverse the skyrocketing rise in unemployment which has added nearly a million and a half jobless to the ranks of the unemployed in the past year—30,000 in Minnesota alone. And we must reorder our priorities and apply our technology and skills to human and domestic needs such as health care, education, the restoration of our environment, the revitalization of our rural economy, and the rebuilding of our cities.

The failure of the Nixon administration to maintain economic growth and full employment is known to all—not just to the 4,600,000 jobless, but to all Americans who feel the loss of the $43 billion in wealth we have lost this year.

But the challenge of the next 2 years is not simply to put these men and women back to work. We must, at the same time, convert from an economy dominated by a war in Vietnam, by a legacy of incredible waste in the Pentagon, and by the enormous expense of placing men on the moon, to an economy devoted to the betterment of our human environment.

On top of the millions whose jobs have been sacrificed to a misguided policy of "economic restraint" will come more millions—scientists, engineers, and skilled workers—displaced by the end of a wartime economy and the hoped-for reordering of priorities. And on top of these will come the inevitable yearly addition—over a million a year—to the labor force: Returning GI's, young people seeking their first jobs, and college graduates—800,000 in 1974 alone—all seeking the jobs that are inadequate for our labor force of today.

I welcome the cuts which have already been made in the space and Pentagon budgets. The Congress last year cut $6.5 billion worth of waste from the Pentagon budget. And I think we have a healthier society and a healthier defense capability because of it.

But you cannot eliminate nearly 1 million jobs without redirecting these skills and facilities into those areas of desperate domestic need. Over 370,000 civilian jobs and 450,000 Government jobs had been eliminated by this summer with nearly a million more to be directly or indirectly lost within the next year.

Minnesota with some 30,000 defense-generated jobs, has lost perhaps 5,000 of these since the peak year of 1968. Scientists, engineers, and highly skilled workers are discovering for the first time the tragedy of unemployment and the fundamental hollowness of an economy fed by war, space, and Pentagon waste.

Like the war-fed inflation, the wartime economy was inherited by the present administration. But like its policies toward inflation and unemployment, the policies of this administration toward the grave problems of defense conversion have been totally lacking. In fact, there is no real policy today toward the conversion from wartime to peacetime production—anymore than there are policies to make jobs for the millions of unemployed or for the control of our persistent inflation.

Like its approach to every other economic problem, the "policy" of this administration toward defense conversion is to "wait and see"—to "let the market adjust"—and to allow millions of highly skilled and highly educated men and women wonder why they cannot begin now to put their knowledge to work on our environmental crisis, our desperate housing shortage, our archaic transportation system, our crumbling cities, or our sick and malnourished.

We have taken the first steps—however small and tentative—toward an end to the war in Vietnam and a reordering of our national priorities. Let us not throw away the limitless potential of this step by proving ourselves unable to realize what we can do with these resources. Let us not step from the wasted billions upon moon shots, armaments, and unnecessary Pentagon hardware to the even more unconscionable waste of still higher unemployment.

We cannot afford to stumble into the blessings of peace with no adequate plan.

We cannot afford to reorder our priorities only halfway, cutting out billions of dollars of Pentagon waste without redirecting those billions into productive work.

The Congress has faced up to its responsibilities to provide a positive program for reordering our priorities. We have added funds for education, over the President's veto. We have continued the Hill-Burton hospital construction program, also over the President's veto. We have added funds for water pollution and for urban renewal. We have refused to accept the administration's ill-advised cuts in health research. We have added funds for veterans' medical care.

But the most important action taken by this Congress to deal with our festering economic crisis was the Employment and Manpower Act. This act gave the administration the basic structural reforms which it sought. But the President vetoed the bill, essentially because of its job-creation provisions.

Referring to the public service jobs which the bill authorized, the President said the program would "relegate large numbers of workers to permanent, subsidized employment." He said "Such a program would limit, not expand, individual opportunity."

Why does the President suddenly find that public service employment is inherently undesirable? In 1969, 12.7 million people in the United States worked for Federal, State, and local governments. Perhaps the biggest single category of public employment is teaching school. Is a school teacher's job any less "dead end" than the teacher's aid positions which the bill would authorize?

These new positions would be proposed by State and local officials for performing needed public services. Could it be that the President's objection was based on the fact that these jobs would be subsidized by the Federal Government? What about the billions of dollars of Federal grants which now "subsidize" road building, and water pollution, and elementary education, and meat inspection, and flood control, and medical research? It can not be simply that these jobs would be federally subsidized. Indeed, the administration has agreed to support the proposed public service jobs for welfare recipients which will be offered as an amendment to the family assistance program.

Public service employment has been growing steadily in the United States. It has more than doubled in the last 20 years, from only 6.4 million in 1950 to about 13 million today. The total number of new public service jobs authorized in the fourth year of the Employment and Manpower Act would be under 400,000. This is only equal to the annual increase which we have been experiencing in public employment.

What the manpower bill would do is make it possible for hard-pressed States and cities to offer badly needed services for example, in nursing homes, day-care centers, hospitals, and schools. Public improvements would also be aided, such as parks, roads, urban renewal, and pollution control.

Mr. President, the Congress has conceived an imaginative and far-reaching approach to dealing with the problem of persistent unemployment in an inflated economy.

Apparently, the administration does not accept this approach because it conflicts with the President's "game plan" for cooling the economy. As everyone now realizes, this plan depends on putting more and more people out of work. Since last November, 1.9 million have been added to the ranks of the unemployed—raising the figure to 5.8 percent of the work force, or 4.6 million people. This is the highest unemployment rate in 7½ years.

I think it is time for the administration to stop playing games with American workers. What we need is more jobs. Our bill would provide those jobs. I hope that the House and the Senate will meet their responsibilities and vote to enact this landmark bill over the President's veto.

THE NOMINATION OF JOHN B. CONNALLY TO BE SECRETARY OF THE TREASURY

Mr. BAKER. Mr. President, President Nixon has made a sound choice in his nomination of former Gov. John B. Connally of Texas as the new Secretary of the Treasury. Mr. Connally has wide experience in both State and national government. He is widely respected in this body, and I would anticipate that his policies will be given a fair and thoughtful hearing in the Congress.

Beyond Mr. Connally's obvious qualifications, he will bring added weight to his post as the top member of the Democratic Party in the Nixon administration.

There is great significance in having a Democrat handling a major portion of the economy during a Republican administration. There is no other area which so vitally touches lives of all Americans as the national economy. There are few other areas so deserving of a bipartisan approach.

I fully expect that Mr. Connally will work in harmony with the policymakers of the Nixon administration. And, I also expect that this new partnership will bring an economic policy which wins the support of both parties.

THE LEGAL SERVICES PROGRAM

Mr. PACKWOOD. Mr. President, as I am sure my colleagues are aware, the Finance Committee report on the Social Security Amendments of 1970, recommended that language be added that would "prohibit the use of Federal funds to pay, directly or indirectly, the compensation or expenses of any individual who in any way participates in action relating to litigation which is designed to nullify congressional statutes or policy under the Social Security Act." What such an amendment would do, if it were to pass, would be to give ammunition to those who claim that it is impossible to bring about change by working within our system of government. For it would have the effect of giving legislative support to the repeated charge that the courts work better for the rich than the poor. It would effectively prevent many of those Americans who benefit from welfare legislation from requesting judicial determination of the legality of provisions of that legislation. It would say to the poor that unless they could scrape up the money to hire a private attorney the legal system was not for them.

Mr. President, the basic premise behind the legal services program is that the poor should have the same opportunity to use the legal system to resolve their grievances as those citizens who are fortunate enough to be able to afford their own attorney. It would make a mockery of our professed commitment to the rule of law if we were to pass an amendment which would effectively prevent the poor from using the legal system in those very areas which are most important to them.

The committee report then continues "if the welfare statutes are inadequate, and there is little disagreement on this point then the proper forum for improving them is the legislative branch of our Government, not the judicial." Mr. President, I would submit that the reason legal services attorneys have been taking welfare litigation into the courts is because the administration of the statutes has raised legal questions.

I share the concern of the committee as to the state of the present welfare statutes. However, I believe the amendment in question, by its effect of denying the poor access to the courts, would only make this situation more intolerable.

THE OCCUPATIONAL HEALTH AND SAFETY BILL

Mr. SCHWEIKER. Mr. President, I wish to give my full and enthusiastic support to the conference report on S. 2193, the occupational health and safety bill.

As a member of the Labor and Public Welfare Committee and its Subcommittee on Labor, I have taken an active role in the deliberations on this bill, first at the subcommittee level, then in the full committee, on the floor and finally, in the conference committee. I am proud of the final result, because we have fashioned a bill that should mean real progress in the fight against on-the-job injuries and diseases.

While this bill is strong legislation rising to the great need for it, it is also written in a fair and workable way. Thus I hope it will result in the cooperation among labor groups, the business community and the Federal Government toward the common aim we all are seeking—safe and healthful working conditions for every American worker.

DEATH OF RETIRED AIR FORCE GEN. THOMAS S. POWER

Mr. MURPHY. Mr. President, last Friday at the funeral of retired Air Force Gen. Thomas S. Power, the Reverend John J. Ruef of the Most Holy Redeemer Church of New York delivered a beautiful and timely eulogy which said so much about this great American.

Retired Air Force Gen. Thomas S. Power, who from 1957 to 1964 held the awesome responsibility for triggering the United States nuclear might in the event of all-out war, died of a heart attack last Sunday night in his home near Palm Springs. He was 65.

General Power headed SAC during one of the most critical periods in U.S. history. It would have been his job to send nuclear bombs and missiles winging toward targets if Presidents Eisenhower, Kennedy, or Johnson had so ordered.

I ask unanimous consent that this eulogy including a quote from General Power's book, "Design for Survival," be printed in full at this point in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR GENERAL THOMAS SARSFIELD POWER, CHAPEL, FT. MEYER, VA., DECEMBER 10, 1970, BY FATHER JOHN J. RUEF, C.SS.R.

"When a strong man well armed guards his house, his goods are secure: But when a man stronger than he shall come upon him, and overcome him, he takes away all his armor wherein he trusted and divides his spoils." Luke 11:21, 22.

Mrs. Power, Mr. & Mrs. Knoles, distinguished friends and associates of General Power:

General Power used the above text as the theme for his book: *Design for Survival.*

The first verse of this text might well be carved on his headstone for it aptly describes the life of this great American. "When a strong man well armed guards his home, his goods are secure . . ."

We are all well acquanted with the distinguished career of General Power. As a man, as a husband, as an officer and as an American, he was a tower of strength. For thirty-seven years his strength as a military officer helped defend the homes, the families and the freedoms of America. During World War II he was a flying colonel in North Africa. Then as an operations officer he helped bring an early end to the war in the Pacific through bombing missions over the main islands of Japan. And later, he forged the Strategic Air Command into the mightiest power for peace in the history of mankind.

General Power personally witnessed the advent of nuclear weapons. He was active in promoting the scientific developments which have given us today's supersonic aircraft and sophisticated missiles. Yet, through all this

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he never forgot that man is the ultimate weapon. He was strong in the support of his men and of their families. He developed, especially in his beloved SAC crews, an enviable sense of dedication and professionalism. He was the kind of man who would take the time to charm the ladies at a wives' club meeting, and who would spend evenings helping establish a private school for military dependents and another for the handicapped.

Near the end of his book he wrote: "But while it takes military superiority to win wars, it takes far more to prevent wars. Military strength for war becomes political strength for peace only when it is supported by the sum total of every deterrent inherent in a strong and united nation. For deterrence is more than bombs and missiles and tanks and armies.

"Deterrence is a sound economy and prosperous industry. Deterrence is a scientific progress and good schools. Deterrence is effective civil defense and the maintenance of law and order. Deterrence is the practice of religion and respect for the rights and convictions of others. Deterrence is a high standard of morals and wholesome family life. Deterrence is honesty in public office and freedom of the press. Deterrence is all these things and many more, for only a nation that is healthy and strong in every respect has the power and will to deter the forces from within and without that threaten its survival."

America needs this kind of strength today. Great nations rise and decline. Such is the relentless rhythm of history. Many of us are alarmed at what we witness today: such as the cancerous growth of our welfare rolls and the desperate, dangerous drift of so many young people.

General Power looked to the skies. We can well look to the heavens. When Neil Armstrong took that small step onto the surface of the moon it was indeed a great step for mankind. The almost incredible feat of human ingenuity which made this step possible must serve to remind us that God has not left man the helpless victim of blind forces. Man does have the potential, the intelligence to overcome the forces that buffet him, if only he has the will and the strength to do so.

Thus again: "If a strong man well armed guards his house, his goods are secure . . ."

General Power looked to the future with guarded hope. In the last paragraph of his book, he wrote: ". . . I see much reason for concern but also for confidence. I am concerned because I am not convinced that there is sufficient recognition of the nature and gravity of the threat to our security and welfare. Still I am confident that we can meet this threat, as we have met the threats of the past, as long as our citizens maintain their inflexible determination to survive as a people and prevail as a nation."

Christianity is not "pie in the sky", not "the opiate of the people". The real Christian must be deeply involved in promoting justice and human dignity here, so that God's kingdom may come and His will be done on earth . . . as it is in heaven. In the gospel reading Christ describes the reward given to him who offers his brother even a cup of water. How much more does General Power deserve for the years he has given to protect the dignity and the freedoms of his fellow Americans.

General Power was an avid fisherman. Christ loved the fishermen of Galilee; Peter and James and John. May He now welcome into their company General Thomas Sarsfield Power, a good man, an outstanding officer, a great American.

TRADE TIES BETWEEN THE UNITED STATES AND ISRAEL

Mr. SAXBE. Mr. President, I received a letter from the American Bar Association inviting me to participate in a conference to discuss the legal problems of strengthening trade ties between the United States and Israel. The conference titled "Doing Business in the United States and Israel" will be held in Tel-Aviv, February 8–10, 1971.

This is an important conference, and I am honored by the American Bar Association invitation to participate in it.

Congratulations are due to those who have made this conference possible. The Small Business Administration (SBA) played a part, and within the SBA, credit goes to Marshall J. Parker, associate administrator, procurement and management assistant, who operates that agency's foreign trade program. His leadership, wisdom and perception of the small exporter's interest, and consequent SBA cosponsorship of this conference, deserves the highest commendation.

For the past 20 years, Israel has been one of the fastest growing, most dynamic societies in the world. We, who are primarily concerned with Israel's viability and development, recognize that Israel's achievements in maintaining a real gross national product growth rate, while fighting a war for survival, is a record matched by few.

Israel is a leader among nations in its progress in national development. It serves as a model for other less well advanced countries. Israel has much human talent and technical expertise and a body of development experience rare even in the United States. It makes this skill and experience available to aid other countries and helps speed the process of their development.

It is, therefore, in the interest of the United States to expand trade with Israel and, in so doing, impart a new energy and meaning to the pattern of partnership which binds our two countries.

The SBA, by furthering this partnership, is broadening the ranks of aid donors and is establishing a precedent of importance.

We hope SBA will continue this farsighted policy and extend this type of trade promotion to other friendly nations.

THE 91ST CONGRESS ACTION GIVES HISTORIC RECOGNITION TO SMALL BUSINESS IN ENVIRONMENTAL AND CONSUMER ERA

Mr. BIBLE. Mr. President, as chairman of the Senate Small Business Committee, it is gratifying to be able to report that the 91st Congress has distinguished itself by granting what I feel should be considered an historic recognition of the role of small business in this era of increasing environmental and consumer concerns.

Small businesses, which constitute 95 percent of every line of commerce, have played an indispensable part in the growth of the country. As we come further into the period of multiplying environmental and consumer concerns, however, it is natural that the role of small business would require some redefinition at this point, and continuing evaluation in the future.

Those who work with small business are aware of its valuable place in the new economic circle if we want to make our daily life more livable and pleasant. We know that small businesses make merchandise and amenities widely and conveniently available in every part of our cities and small towns. We have seen that they can combat inflation by competing to keep prices lower and quality higher. They give services which tend to be more personal and reliable; they maintain community control and local flavor and variety in our commercial life. New and small firms are a natural outlet for young people and the energetic and imaginative of all ages with better ideas. In short, we need more and stronger small businesses to improve the quality of life in America.

However, the long list of worthy consumer, health, safety, pollution, and sanitary standards which Congress has placed on the statute books during the past 5 years has had the unintended and unfortunate side effect of imperiling the very existence of entire segments of the small business community.

Deadline dates were imposed, and Government administrators were given the power to permanently shut down noncomplying firms without compensation. As a result, literally thousands of firms—about 7,000 in the meat packing industry alone—in the small business community felt threatened, and actually were threatened, at many points by our citizens who sincerely wished to upgrade our common life through the avenue of legislating higher environmental and consumer standards.

Accordingly, these two groups appeared to be in direct conflict. This situation was aggravated when businessmen setting out to comply with the new standards ran into record high-interest rates and tight money at their banks, coupled with a sharp cutback of Small Business Administration loans. As compliance deadlines approached inexorably, interest rates touched peaks not seen since the Civil War. Loan funds for the required new plants and equipment were virtually unavailable in some parts of the country. As firms struggled under these conditions, we found an increasing atmosphere of desperation among small business.

SACRIFICE OF SMALL BUSINESS WOULD BE A TRAGEDY

It was my feeling that it would be a national tragedy if the country's obvious desire to upgrade our technical standards greatly diminished the quality of our economy and commerce, and eventually the quality of daily life for all of us. It seemed to me a manifest injustice for the Federal Government to be closing down, without legal recourse, thousands of small businesses which were making every reasonable effort to comply with the laws.

Thus, during the 90th Congress—in May 1968—I submitted a resolution—Senate Resolution 209—asking the Small Business Administration to study the impact of the new laws, as exemplified by the Wholesome Meat Act, on small business. Of course, the new meat standards were having a direct impact in my own State of Nevada and other neighboring Western States. Then, on April 1, 1969, I was joined by the distinguished chairman of the Senate Banking and Currency

Committee (Mr. SPARKMAN) and 11 other Senators from every part of the country in introducing a bill which would provide emergency loan assistance through the disaster loan program of the SBA. This bill, S. 1750, was designed to allow the small business community to adjust to the environmental and consumer era; and to continue their record of good service to their owners and employees, their customers and communities.

CONGRESS RISES TO THE QUESTION

Mr. President, I am proud of the record of the 91st Congress in this regard.

Three committees each in both the House and the Senate accorded recognition to these questions. Hearings were held followed by deliberations in executive session which brought legislation to the floor of both of these great bodies. Then, the Senate and House of Representatives, in Congress assembled, acted decisively.

Let me cite the milestones in this record:

First. In December, 1969, Congress approved the Federal Coal Mine Health and Safety Act—Public Law 91-173—which provided relief to small mine operators required to meet the new requirements imposed by this legislation;

Second. In mid-December of this year, the House-Senate Conference considered two occupational safety and health bills—H.R. 19200 and S. 2193—and approved a final version which contains similar provisions for relief to small firms in complying with this measure; and

Third. On December 14, the Senate completed congressional enactment of H.R. 19888, which extended similar emergency loan eligibility to firms affected by the Wholesome Meat Act of 1967, the Wholesome Poultry Products Act of 1968, and the Egg Products Inspection Act of 1970.

By the terms of the legislation we have proposed, the loans will be for the purpose of complying with specific standards erected by Federal—or equivalent State—legislation under definite deadlines. The loans will not be subsidized but are intended to be at an interest rate equal to the cost of money to the Federal Government plus one-fourth of 1 percent.

However, the significant point is that Congress has acted to resolve the conflict between consumers, conservationists, and all concerned with our environment on one side and businessmen on the other. Congress has accorded this recognition to small business not only in rhetoric, but in a tangible way, by making money available to ease the dilemma. This series of enactments will, in my opinion, make small businessmen full partners in progress again rather than its imminent victims.

I am pleased that our Small Business Committee could play a part in this drama by its work in the technical drafting of the language which served as a vehicle for the wider congressional consideration of the issues, and by providing background to those committees and Members who were interested. We can all rejoice at this kind of creative lawmaking.

I believe the committees concerned, the leadership of both the House and the Senate, and Representative NEAL SMITH, of Iowa, Representative GRAHAM PURCELL, of Texas, and Representative TOM FOLEY, of Washington, as House sponsors of the agribusiness provision, should be commended by all concerned with these matters.

FOCUS NOW SHIFTS TO IMPLEMENTATION

These enactments will leave some gaps, which we can attempt to fill in the coming years. We also have still ahead the implementation of these statutes by the SBA and the executive branch of the Government. It will be of prime importance to inform small firms under Federal deadlines of their alternatives, and to have simple and workable procedures so that the needed loan capital can be obtained in time.

I have conferred with the House sponsors of these measures, and we have agreed that the next step to be taken is to ask the Small Business Administration for its views on how these acts should be implemented without delay.

With the background of Senate Resolution 290, the Small Business Administration has been pursuing its study of the financial needs of the meat industry in complying with the deadlines of the Wholesome Meat Act of 1967. We feel that this work should now be well along toward completion. This extensive effort will give the agency an excellent factual basis for prompt recommendations to the Congress and the President to keep small meat, egg, and poultry businesses, as well as small coal mines and others subject to new occupational safety standards, in business in cities and towns across the Nation.

I have undertaken to make this request of the Small Business Administration, stating that we wish to be helpful in bringing about prompt and full implementation of these relief laws.

STEP TOWARD COMPASSIONATE GOVERNMENT

In my opinion the precedents have now been established by the three acts which I have cited. Congress has shown it continues to care about small business as a part of our national life in the environmental and consumer era, and that it will back up this concern by appropriate action. By doing so, a giant step has been taken toward keeping our Government and our economy more compassionate and more serviceable for all of our people.

THE VICE PRESIDENT'S ADDRESS AT THE REPUBLICAN GOVERNORS' CONFERENCE

Mr. GRIFFIN. Mr. President, a few days ago the Vice President spoke before the Republican Governors' Conference at Sun Valley.

I ask that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY THE VICE PRESIDENT, REPUBLICAN GOVERNORS' CONFERENCE DINNER, SUN VALLEY, DECEMBER 15, 1970

I've always regarded Republican Governors' Conferences as family gatherings, and I still consider myself a member of the family despite the urgings of some rather astute long-term outside observers who would like to have me turned out as a black sheep.

I must say I am to some extent encouraged by the reception I have had from some of my old friends here who may not be every moment ideologically compatible with me but who nonetheless have taken the opportunity to reaffirm our personal friendship and relationship and mutual trust and in the process of that in no uncertain terms to, and I stress this word, impliedly disavow some of the reports that have eminated from sources that I prefer not to believe.

Families get together in bad times as well as good times. In lean years as well as fat years. This can hardly be described as a halcyon year for Republican governors, but neither could 1966 be described as a halcyon year for Democratic governors.

But out of adversity comes a familial closeness that never exists in times of plenty. So in 1971, Republican governors must close ranks solidly behind our leaders who remain in State Houses around the country and behind our President in the White House.

Some of our most talented associates have fallen in political combat. But I would remind you that they are not dead, they are only temporarily disabled. They need our rehabilitative political care so that those who wish to can return again to active duty. And we hope it's soon.

What they do not need, those who have fallen in the political wars, are excuses and rationalizations for their defeats. What is not needed is the assessment of blame—they don't need it, and neither do those whose shoulders occasionally become repositories of the fault. The don't even need it when it masquerades as constructive criticism.

You may then ask—how do we correct our political mistakes—the mistakes that caused our losses in the recent election.

Well, I have to answer this way. When "cause and effect" are ascertainable, constructive criticism can certainly help and is a good corrective device.

But I say to you that when you look at political elections, who is in a position after an election to decide the factors that contributed to a victory or to a defeat? I contend that the causes of victory or defeat in a political election are as opaque and indefinable after as before the vote.

Therefore, the assignment of blame—even though it may be labeled as constructive criticism—is an opinion exercise which may very well, if taken seriously, mandate changes in strategy which could be conductive to further weakening.

You know, it is possible to make a wrong judgment on what lost or won an election.

I, for one, am not ready to accept the analyses of columnists and commentators who are ideological antagonists.

Such changes in direction that we, the Republican establishment, decide to make as a party should result from our own analyses—not that of the opinion makers of academe and the media. I mean, after all—where were they when we needed them?

So I've come—in this time of trial and tribulation—to consult with my brothers—and if necessary to debate with them—and if convinced by logic—to make changes and to be their advocate for change.

And I am wholly convinced that out of our meeting tomorrow will come the strength of consolidation and unity—regardless of certain outside attempts to generate chaos and division—mostly for the excited consumption of the sensation-minded among the so-called expert observers.

During Campaign '70 we divided along traditional adversary lines—that's our free system.

You know, nothing is more unreasonable to me than the cries of "Mr. Vice President, you are dividing the country." What is an election if it is not an attempt to divide the voters of the country between two or three candidates who are seeking an office? Heavens, if they didn't divide, we might never have a result. After all, that's our free system.

Now we must return to majority government—with the emphasis on the loyal opposition, but never opposition at the expense of allowing elected officials to exercise their mandate to govern.

And that's important because our political climate is a matter of stress. Now the stresses during the campaign were (garbled) excitable and excited contests that occur between two individuals. I have said to people who have been constrained to label my partisan attempts during the last campaign as divisive, "Have you ever run against an incumbent? Have you ever attacked an incumbent so that you could be elected to an office?" Now I say to all those governors here tonight that if you have never run against an incumbent, perhaps you don't know what it is to be partisan and divisive. But when you have to fight the establishment of an "in" vote there is only one way—attack. We attacked—we think constructively. Everything we said certainly was not negative.

Now that fundamental of our constitutional system of partisan elections applies to winners and to losers—and the idea of uniting after a hard partisan campaign applies to winners and losers, to Democrats and Republicans, and it must continue to apply until we again flex our muscles in the elective arena and after a hard fight transfer power in the way that it has always been done in the American free system—through the will of the majority of our citizens—just as we have all through our history as the United States of America.

WILLY BRANDT KNEELS

Mr. CHURCH. Mr. President, Nazi Germany's system of death camps, wherein millions of Jews met forced death, is one of the most horrible landmarks in human history. Twenty-five years have passed since the first evidences of the camps were uncovered by American troops advancing into Germany. The camps are now closed and the relatively few survivors have been repatriated. However, no indemnity can compensate—or erase—that dreadful episode.

But a national leader can be big enough to signify genuine remorse. And West Germany Chancellor Willy Brandt recently made such a dramatic gesture this month when he traveled to Warsaw and knelt at a monument to the Jewish victims of the Nazi occupation of Poland.

Edward P. Morgan, during one of his nightly network radio commentaries, discussed the possibilities that the gesture of Chancellor Brandt holds for Europe.

Mr. Morgan suggested that—

> An impulsive gesture of the heart may be worth a ton of diplomatic wordage in trying to compose differences between nations.

An expression of sorrow does not raise the dead, Mr. Morgan pointed out, but the gesture "has perhaps been a beginning, which is all that Brandt could hope for."

Mr. President, I ask that Mr. Morgan's entire comments relating to the Chancellor's gesture of remorse on behalf of his nation be printed in the RECORD at this point in my remarks.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

WILLY BRANDT KNEELS

As somebody once said, a picture is—or can be—worth a thousand words. By the same token, an impulsive gesture of the heart may be worth a ton of diplomatic wordage in trying to compose differences between nations.

The cameras caught such a gesture, or so it seemed, yesterday in Warsaw. West German Chancellor Willy Brandt who, by the technicalities of protocol, needn't have made the journey, was en route to the pompous, glittering former Radziwill Palace in the Polish capital to sign a treaty designed as a first step in the reconciliation of those historic enemies, the Poles and the Germans.

But on his way, Brandt stopped to lay a wreath at the stone monument erected in memory of the half million Jews whom the Nazis killed mercilessly in the Warsaw ghetto during World War II. Suddenly, the dispatches said, the chancellor sank to his knees before the monument and bowed his head "in a spontaneous gesture of sorrow."

Nobody will be raised from the dead by that single act of contrition. Nor has it visibly dissolved the mute bitterness on the faces of what small crowds of Poles have gathered so far on the occasion of Brandt's visit. Bitterness fixed by the memories of five awful years of occupation by Hitler's Wehrmacht and SS troops is not lightly dispelled.

Yet this has perhaps been a beginning, which is all that Brandt could hope for. In return for recognizing what no previous West German chancellor could dare to do, the Oder-Neisse line as Poland's western boundary, involving the loss of some 40,000 square miles of former German territory, what does the Bonn government get?

Tangibly, almost nothing. But the Gomulka Communist regime has publicly pledged—though it is not mentioned in the treaty—to facilitate the emigration of some "tens of thousands" of Germans, providing their German origin is indisputably fixed.

None of this is likely to delight the stern, aging boss of East Germany, Walter Ulbricht. But Moscow, obviously, is less interested in Ulbricht than in an atmosphere of detente across Europe.

Detente can be a dangerous word if it reflects an attitude of carelessness, of unwariness of the hard facts of international power politics.

Moscow's motive, of course, is to create a situation which will impel the withdrawal of American troops from Europe and the ultimate collapse of NATO.

But so far Brandt, in pushing his Ostpolitik, seems fully aware of the difficult balancing act involving the security of the West.

A political candidate is often wont to say that nobody is for him but the voters. Sometimes this is either wishful thinking or an attempt to disconcert the opposition. But sometimes the boast is proved right and people respond. It is easy enough to lose sight of people in local elections. It is easier still when nations joust with each other in the game that is too often misnamed statesmanship. Yet nations are still comprised of people, human beings, and they can be moved from the heart—which Willy Brandt may have done at the Warsaw ghetto memorial yesterday.

THE DEEPER UNREST—QUESTIONS CONCERNING ECONOMY, ENVIRONMENT, POPULATION, AND THEIR IMPACT

Mr. CHURCH. Mr. President, perhaps never before in the history of the nation-state has one country undergone such detailed analysis of its faults of omission and commission. Some of these have been extravagant in their condemnation and others have been exceedingly superficial. These, therefore, have fallen of their own weight. Occasionally, there has been temperate and mature criticism and one such example has recently come to my attention. I refer to a succinct and lucid appraisal set forth by Kingman Brewster, Jr., president of Yale University, in an address appropriately entitled "The Deeper Unrest."

Mr. Brewster poses four crucial questions involving the economy, environment, population, and the impact of mass technology upon the human spirit. Coupled with these questions is an expression of concern that the American people may be misled into believing that the problems confronting us can be resolved by other than a "rigorous, rational attack." Mr. Brewster makes it clear that these problems cannot be bombed away or resolved by sloganeering.

An excerpt of his remarks was recently printed on the editorial page of the Washington Post. I ask unanimous consent that this excerpt be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

AN AGENDA FOR "THE DEEPER UNREST"

I think the next two years are absolutely crucial. We have an agenda before us of terribly important and terribly complicated problems.

How to reconcile the conservation of nature with the predatory effort to meet urgent material needs?

How to keep the birthrate from overrunning the planet without regulating the most intimate details of human personal freedom?

How to control bargains which legislate the destiny of the economy without impairing freedom of contract?

How to reconcile the sovereignty of the individual with the tradition of national sovereignty in a world capable of self-destruction?

Perhaps the most difficult of all, how to realize the incentives and rewards of a technological society so that people are encouraged to contribute to each others' capacities and opportunities?

Finally, how to restructure the channels of persuasion and the apparatus of politics so that the discourse on these problems may in fact encourage the consideration of all worthy ideas and permit the best to compete for acceptance.

I have three worries. I worry that the young will not be patient enough to address themselves to this agenda. They have been spoiled. Spoiled, not by affluence but by the experience of two great issues which were so clear that all they required was a willingness to bear witness to moral outrage. One was civil rights. The other was the Vietnam war. The agenda I propose is not that simple. It will yield only to sustained rigorous, rational attack. It will require more of debate than of demonstration.

My second worry is the overwhelming dominance of spot news and personality. People not problems are the stuff of television. The personalities of presidential sweepstakes are too likely to crowd serious presidential issues off the screen. Somehow we must insist that men be tested by their willingness to address the serious agenda.

So finally I return to my third and most basic worry. I worry that the established society, out of both timidity and smugness, will try to avoid if not suppress serious address to our agenda.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER FOR DEPARTMENT OF TRANSPORTATION CONFERENCE REPORT TO BE THE PENDING BUSINESS TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate convene tomorrow, the Department of Transportation conference report be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 11 minutes p.m.) the Senate recessed until tomorrow, Friday, December 18, 1970, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 17 (legislative day of December 15), 1970:

U.S. DISTRICT COURTS

Albert J. Engel, of Michigan, to be a U.S. district judge for the western district of Michigan.

DIPLOMATIC AND FOREIGN SERVICE

Leonard J. Saccio, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The following-named persons to be members of the Board of Directors of the Overseas Private Investment Corporation for the terms as indicated.

For a term of 1 year

Robert F. Buck, of Washington.

Clifford H. N. Yee, of Hawaii.

For a term of 2 years

Allie C. Felder, Jr., of the District of Columbia.

Daniel Parker, of Wisconsin.

For a term of 3 years

Gustav M. Hauser, of New York.

James A. Suffridge, of Virginia.

Bradford Mills, of New Jersey, to be President of the Overseas Private Investment Corporation.

Herbert Salzman, of New York, to be Executive Vice President of the Overseas Private Investment Corporation.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

The following-named persons to be members of the Board of Directors of the National Corporation for Housing Partnerships for the terms indicated:

For a term of 1 year commencing October 28, 1970: Peter John Bertoglio, of California.

For a term of 3 years commencing October 28, 1970: Ray A. Watt, of California.

U.S. DISTRICT COURTS

Robert J. Kelleher, of California, to be a U.S. district judge for the central district of California.

H. Kenneth Wangelin, of Missouri, to be a U.S. district judge for the eastern and western districts of Missouri.

William H. Webster, of Missouri, to be a U.S. district judge for the eastern district of Missouri.

HOUSE OF REPRESENTATIVES—*Thursday, December 17, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Come ye and let us walk in the light of the Lord.—Isaiah 2: 5.

O God, who art the strength of all who put their trust in Thee and the joy of every loving heart, we thank Thee for the happiness and hope which pass around the world at Christmastime. Grant that no obsession with things may keep us from the values these advent days represent. In the midst of the commercialism of this season help us to lift our eyes to Thee and to become conscious of Thy presence without whom there would be no Christmas and with whom Christmas is always a reality.

This day may we put first things first, last things last, and thus serve Thee and our country with all our hearts, in the spirit of Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks,, announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

H.R. 6400. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;

H.J. Res. 1416. Joint resolution fixing the time of assembly of the 92d Congress; and

H.J. Res. 1417. Joint resolution extending the dates for transmission to the Congress of the President's Economic Report and of the report of the Joint Economic Committee.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 19911. An act to amend the Foreign Assistance Act of 1961, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 19885) entitled "An act to provide additional revenue for the District of Columbia and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. MATHIAS, and Mr. SPONG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 19911) entitled "An act to amend the Foreign Assistance Act of 1961, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. GORE, Mr. CHURCH, Mr. AIKEN, Mr. CASE, Mr. COOPER, and Mr. WILLIAMS of Delaware to be the conferees on the part of the Senate

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6114) entitled "An act for the relief of Elmer M. Grade."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17809) entitled "An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4. An act to establish the Big Thicket National Park in Texas.

CEREMONY HONORING SPEAKER McCORMACK

(Mr. ALBERT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALBERT. Mr. Speaker, one of the most deserved and touching ceremonies I have ever witnessed took place in the caucus room of the Cannon House Office Building today. On this occasion, the employees of the House of Representatives honored the Speaker by giving him a book signed by all of them and presented in his name a plaque to be called "The John W. McCormack Annual Award of Excellence" on which each year the name of the House employee, who performs the most valuable service for the House, will be inscribed. This plaque will be hung in a conspicuous place on the House side of the Capitol and will be a permanent part of the House and its heritage.

The employees paid the Speaker a tribute which expressed both their high regard and deep affection. In responding, the Speaker made a remarkably beautiful spontaneous speech which brought tears to the eyes of many in attendance. It was evident that everyone present from the lowliest employee to the ranking officials of the House loved our great Speaker and was saddened that he will not be with them next year. They all appreciate his decency, his humility, his consideration, and his kindness. He has certainly been a friend of the House employees.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I thank the distinguished majority leader for yielding. It was my privilege to be at the ceremony when the award was made to the Speaker in recognition of his great service to the country and his very special consideration for all of the employees of the House.

I share the views expressed by the gentleman from Oklahoma. I congratulate the employees for the superb job they have done, and I also congratulate them on recognizing the Speaker of the House for his accomplishments as Speaker and his great feeling toward them individually and collectively.

Mr. ALBERT. Mr. Speaker, I thank the gentleman from Michigan.

JAPANESE PROTEST TEXTILE TRADE STAND

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, not only is the present trade situation with Japan unfair to the American jobholder, but also those who support the Mills trade bill are continually met with unfair tactics.

The New York Times this morning carried on its financial page a feature story of riots and demonstrations and threats against the Sato government by Japanese textile workers.

Also Mr. Speaker, the following is a UPI story which needs the careful attention of the Members of this Congress who resent attempts abroad to influence legislation before the Congress:

> JAPANESE PROTEST TEXTILE TRADE STAND
>
> TOKYO.—Japanese textile workers today took to the streets to protest the stand Japan has taken in textile negotiations with the United States.
>
> About 2,000 textile workers held a peaceful rally in a downtown Tokyo park and marched through the streets waving flags and proclaiming the Japanese government has adopted a humiliating attitude in the textile negotiations.

THE PRESIDENT IS RIGHT ON INDOCHINA

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the President is to be commended for making it clear at his recent press conference that he is prepared to take steps that are necessary to protect American forces still on duty in Indochina. The people of our country have made it clear that they do not want an escalation of the war, but I find no reason to believe that they want the United States to let ourselves be pushed around to satisfy Hanoi. As the number of U.S. ground forces in that area decreases, it becomes more difficult to protect those who remain and to assist the South Vietnamese forces to assume the burdens of war. Naturally, it is tempting to Hanoi to take advantage of this situation. Anything that looks like victory for the Communists would hurt the standing of the United States worldwide, downgrade the reputation of our forces in Asia, and raise questions about the ability of the South Vietnamese to fill the gap. The President is bringing American forces home at a rapid rate and it is possible this will expose weaknesses which will be tempting to Hanoi. If it is necessary to bomb North Vietnam to prevent the Communists from taking advantage of that situation, we must not hesitate to do so. We cannot afford a bloody debacle during the withdrawal of our forces, nor will the United States abandon those who survive among the 1,500 Americans missing in Southeast Asia. We have to take what steps we can to insure their survival and eventual release. There is no good time to get soft in dealings with Communists. They always take it as a sign of weakness which they can exploit.

CONGRESS MUST INVESTIGATE CHARGES OF ARMY SNOOPING

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, by now no doubt every Member of this body has heard of yesterday's allegation that members of Army intelligence have conducted snooping missions against two Members of Congress and a former Governor. These charges require immediate investigation by appropriate House committees. If they are based on fact, those responsible for such an incredible act of military arrogance must be disciplined immediately and severely.

I would hope these charges would prove unfounded. If they are not, they would represent an insidious antidemocratic arrogance of the worst kind. Those engaged in such activities would be guilty of contributing to the destruction of the very free society they are sworn to defend.

If the Army, or indeed, any agency of Government can assume for itself the right to determine the propriety of Government officials' political views, then no American citizen—public or private—can be free from intimidation. If that happens, there would be little left to distinguish the United States from any other heavy-handed conformist state.

This Congress must take every measure necessary to insure that the military bureaucracy it has created confines itself to defending the country. It has no business defining political orthodoxy for either public official or private citizen.

THE PRESIDENT'S VETO OF THE MANPOWER BILL

(Mr. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCARTHY. Mr. Speaker, Charles Dickens, author of the immortal Christmas Carol, could not have conceived of a more Scrooge-like performance than that which took place yesterday at 1600 Pennsylvania Avenue. At a time when 40 percent of the innercity youths are unemployed and millions of Americans are unemployed because of the economic policies of this administration, the President of the United States vetoed a $9.5 billion manpower bill that would have put men to work immediately.

I discussed this with the mayor of Buffalo and members of his staff. They were prepared to enter an application at an early date for $200 million, immediately available to put the hardcore unemployed to work in needed jobs in environmental facilities, hospitals, police departments, and other municipal facilities.

But the President of the United States cited this provision as the main reason for vetoing the bill. I hope this House and the other body will make an effort to override this veto before we adjourn.

VETO OF MANPOWER BILL

(Mr. SCHEUER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, the President's veto of the $9½ billion manpower bill demonstrates the administration's insensitivity to what is wrong in America and how to make it right. At a time when 40 percent of urban ghetto youths are unemployed, when nationally the numbers of jobless are at record highs, when the economy is in depression doldrums, the President rejects one of the most powerful employment weapons the Congress has ever authorized.

He says he does not want to create dead end public service jobs that would make Government less efficient. This is an almost total misconception of the demonstrated benefits of public service employment. I am the author of the New Careers program, which the President's own Department of Labor could tell him has been extremely successful in providing thousands of jobs as police and hospital aides, teaching assistants, and welfare aides. Ask the hospitals if they are less efficient because of these paraprofessional workers. Ask the paraprofessionals if these are dead end jobs. They will tell you they are not, that their public service is greatly improved, that the workers' feet are firmly planted on a career ladder that gives them the opportunity for continual advancement.

The New Careers program was part of this bill the President has vetoed. This manpower program promised to help take people out of a dependency, welfare, taxeater status and make them prideful, independent taxpayers.

The Congress should promptly pass the manpower bill over the President's veto.

ANNIVERSARY OF WRIGHT BROTHERS' FLIGHT

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, this morning Apollo 11 astronauts, Neil Armstrong and Michael Collins, spoke at a ceremony at which the Apollo 11 command module "Columbia," along with Apollo 11 lunar samples, were placed on display just north of the Smithsonian Institution's Arts and Industries Building. Speaking also at the ceremony were Mayor Walter E. Washington and Acting Administrator of the National Aeronautics and Space Administration, George Low, and present were our colleagues the gentleman from Pennsylvania (Mr. FULTON) and the gentleman from California (Mr. GOLDWATER). I was pleased also that Charles Michael Murphy, serving as my page in the House of Representatives, was present at the ceremonies; he is a student at Huntington East High School, Huntington, W. Va.

Today is the 67th anniversary of the flight of the Wright Brothers at Kitty Hawk, N.C. Acting NASA Administrator George Low has furnished us with some interesting comparisons between the Wright Brothers' flight and the flight of Apollo 11. The Wright Brothers' flight lasted 12 seconds, and the Apollo 11 flight lasted 156 hours. The Wright Brothers' plane weighed 605 pounds, and the Apollo 11 weighed 6½ million pounds at liftoff. The Wright Brothers' plane flew at 10 feet per second, as against 35,000 feet per second for the Apollo 11. The Wright Brothers' plane went 15 feet high, while Apollo 11 went up about 242,000 miles. The Wright Brothers' plane used 3 pounds, 3 ounces of gasoline, while the Apollo 11 burned 6 million pounds of liquid hydrogen, liquid oxygen, and kerosene. The Wright Brothers' plane flew for 120 feet, while Apollo 11 flew about 950,000 miles. There were five spectators who saw the Wright Brothers' flight, while it is estimated that 500 million people—one-sixth of the world's population—witnessed the flight of Apollo 11 on July 19–20, 1969.

SPECIAL REQUEST TO FILE SUPPLEMENTARY VIEWS

Mr. FRASER. Mr. Speaker, I ask unanimous consent to file supplementary views to accompany House Report 91–1749 to be printed as part 2 thereof.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman reserves the right to object. The gentleman asked unanimous consent to file supplementary views.

Mr. HALL. I heard the request, Mr. Speaker.

May I ask the gentleman how long it has been since the primary views were filed?

Mr. FRASER. They were filed 2 days ago.

Mr. HALL. How much time was allowed by the committee in order to file supplementary views?

Mr. FRASER. None at all.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman under my reservation, Mr. Speaker.

Mr. McMILLAN. The gentleman was furnished with a mimeographed copy of the report before it was filed, and he had sufficient time to advise me if he wanted to file a supplementary report and the gentleman did not make any such request. Instead of him objecting to the report when it was filed and filing a supplementary report at the proper time, I understand the copy he had was submitted to the RLA officials who were being checked by the subcommittee instead of his giving us his request to file a supplementary report. Is that correct?

Mr. FRASER. I first had a copy of the report on Tuesday, which it later turned out was the day the chairman filed it. The next day I indicated I wanted to file supplementary views. I was advised by the parliamentarian that in order to do that, I would have to make a request, which I am making this morning.

Mr. McMILLAN. After the investigator completed his report and contacted every member of the subcommittee by phone to see if they would review his work. It was a week before I filed the report, and the clerks contacted every member of the subcommittee, and asked them to read the report. You were the only member who wanted a copy of the report, so we made additional copies and delivered it to your office.

Mr. FRASER. That is right. I first learned of the report last Monday and immediately asked for a copy. I got it on Tuesday, which was the first time I had a chance to see it, and that is the day the report was filed by the chairman, a fact I did not discover until the next day.

Mr. McMILLAN. This report has been back from the Printing Office for a period of 2 days. I feel that now is the wrong time to submit additional views since our report has already been submitted and printed.

Mr. FRASER. Within 24 hours of getting a copy of the report; that is, on Wednesday, I indicated my interest in filing supplementary views. I then discovered the report had been titled the day before. I learned yesterday afternoon that this is the procedure to follow and that is the reason I am asking unanimous consent to be allowed to file supplementary views.

Mr. McMILLAN. May I see a copy of the report before the gentleman files it?

Mr. FRASER. I would be delighted to comply with the gentleman's request. I put a copy in the mails to him last night so I assume it arrived in the mail this morning. I also stated I would be seeking this consent.

Mr. McMILLAN. I would like to see a copy of the report.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Speaker, further reserving the right to object, in view of the colloquy between the two gentlemen under my reservation, of objection, do I understand that the gentleman from Minnesota is withdrawing his request until the chairman sees a copy of the gentleman's supplementary views and then would remake his request for such unanimous consent.

Mr. FRASER. I understand the arrangement to be that if I get the consent to file such supplementary views, I will show them to the chairman before they are filed.

Mr. HALL. Mr. Speaker, I think the cart is before the horse.

Mr. McMILLAN. Mr. Speaker, if the gentleman from Missouri will yield further, I think the gentleman from Minnesota ought to withhold his request until I see the report.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PROCEDURAL OPERATIONS OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, the colloquy that we have just heard relates to a very serious problem which exists in the District of Columbia Committee.

I serve as a member of the select committee which has one staff member. That staff member, apparently, has been instructed to write out and file a series of reports in connection with matters which he has been investigating, but in which in only one case has the committee itself been involved through hearings.

Mr. Speaker, one report was filed on behalf of the subcommittee and on behalf of the full committee without my knowledge and without notice to me that such a report was being drafted. That was the report on Clifton Terrace.

The second report which was on District of Columbia education was prepared and was to be filed. The staff member told me that it was prepared. I asked for the opportunity to see it. However, the next thing I knew it had been filed without my having an opportunity to see it.

Mr. Speaker, we are discussing the third report this afternoon. It deals with the Redevelopment Land Agency. In this case after I learned the report was prepared I immediately made such a strong protest——

The SPEAKER. The time of the gentleman from Minnesota has expired.

XUM

Mr. FRASER. Mr. Speaker, I ask unanimous consent to proceed for 30 additional seconds.

The SPEAKER. The Chair will state to the gentleman from Minnesota that under the 1-minute rule the Chair cannot recognize the gentleman for a longer period of time.

Mr. FRASER. Mr. Speaker, I ask unanimous consent that I may have 30 additional seconds.

The SPEAKER. The Chair would like to hear the unanimous-consent request.

Mr. FRASER. Mr. Speaker, I ask unanimous consent that I may proceed for 30 additional seconds.

The SPEAKER. The Chair does not recognize the gentleman for that purpose because under the 1-minute rule the time of the gentleman has expired.

The Chair recognizes the gentleman from California (Mr. ANDERSON).

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. I thank the gentleman for yielding.

Mr. Speaker, in connection with the third report which was the subject of the discussion today, when I learned it was to be prepared and filed, I made such a strong protest on Monday that on Tuesday I was given a copy of it, which was the first opportunity I had had to see it, and saw what it contained. The next day my staff contacted the committee staff and conveyed to the committee staff that I would like to file supplementary views. However, we then learned that the chairman had already filed the report the day before. Thus, my only opportunity to file my supplementary views comes through the procedure which the chairman is opposing. I should add that as of today neither the ranking minority member, the gentleman from Minnesota (Mr. NELSEN), or the minority staff had been shown the report.

Mr. Speaker, a problem does exist on the District of Columbia Committee with reference to its procedures, one that deserves the attention of the entire House. At the appropriate time I hope to take further action that will remedy this unfortunate and unfair situation.

I thank the gentleman from California for yielding.

HON. WILLIAM O. COWGER

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, for 4 years it has been my honor and pleasure to serve with my distinguished colleague from Kentucky, the Honorable WILLIAM O. COWGER. BILL served as mayor of Louisville for 4 years. During his tenure Louisville was named an All-American City. He is recognized as the greatest mayor the city of Louisville ever had. He has served honorably and well as Congressman from the Third District of Kentucky. He is not leaving the political arena, but will continue in his own aggressive, persevering, effective, and intelligent manner.

SINGING QUAKERS OF FRIENDS UNIVERSITY PERFORM AT LIGHTING OF NATIONAL CHRISTMAS TREE

(Mr. SHRIVER asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. SHRIVER. Mr. Speaker, when President Nixon delivered his annual Christmas message to the Nation last night and lit the National Christmas tree on the ellipse, signaling the opening of the Pageant of Peace, the Singing Quakers of Friends University from Wichita, Kans., presented a program of appropriate carols of the season.

Dr. Cecil J. Riney is director of this nationally known and recognized university choir from my congressional district in Kansas. Accompanying the Singing Quakers to Washington is Dr. Roy Ray, president of Friends University.

I take this opportunity to congratulate the Singing Quakers for their performance last night under adverse weather conditions. It is a privilege to have them in Washington. In addition to their participation in the nationally televised ceremony last night, they performed this morning in the rotunda of the Senate Office Building and later today will present a final concert in Washington's National Cathedral.

We can take pride in the students who make up the Singing Quakers choir. They indeed represent what is good about Kansas and our Nation.

IT IS TIME TO RESUME DIPLOMATIC RELATIONS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, the time has come for two great nations, the United States and United Arab Republic—Egypt—to resume normal diplomatic relations.

The severance in relations which occurred during the 7 Days War is now in its fourth year. Its continuation handicaps the United States in its effort to be a force for peace and justice in the Middle East, because it makes awkward the communication, both public and private, so essential to understanding and cooperative action.

In both nations new leaders have taken office since the break occurred, and I sense a greater inclination toward cooperation today than at any time in 10 years. Secretary of State Rogers, the architect of the cease-fire in the Middle East, has reaffirmed America's desire for good relations with all states in the area. He has assured all parties that whenever and wherever the Arab States which have broken off diplomatic relations with the United States are prepared to restore them, we shall respond in the same spirit.

Certainly, sentiment on Capitol Hill in Washington has moderateed in recent years and normal diplomatic relations would, I believe, be welcomed by a majority of both Houses of the Congress.

The people of the United States recognize that Egypt has always been, and will continue to be, so to speak, the political center of gravity in the Arab world, and therefore of vast importance to our country. Our interests in the Middle East are not confined to Israel, and therefore it is highly important that we achieve the maximum understanding with the one country which is the acknowledged leader of all the Arab States and is so important to the aspirations of all the people in the Middle East.

In a letter to Secretary of State Rogers, I have today proposed that our Government state clearly and in the warmest possible terms its desire to resume full diplomatic relations early in the new year.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17255, CLEAN AIR ACT AMENDMENTS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17255) the Clean Air Act amendments.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 19911, AMENDING FOREIGN ASSISTANCE ACT

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FOUNTAIN, ADAIR, MAILLIARD, and FRELINGHUYSEN.

STONE GATE TO UNION STOCK YARDS AS NATIONAL HISTORICAL LANDMARK

(Mr. MIKVA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, I wish to commend the Amalgamated Meat Cutters & Butcher Workmen, AFL-CIO, and its distinguished secretary-treasurer, Patrick E. Gorman, for its public spirit in leading an effort to preserve the stone gate to the Union Stock Yards as a national historical landmark.

All of us who grew up in Chicago and whose families lived there thought of the stockyards as a natural fixture, I suppose. It was as much a part of our surroundings as Lake Michigan. It was, until recent years, a living link with the past, its daily operations telling us in vivid detail how our city grew and prospered.

XUM

Now all that is gone. New methods have caused the abandonment of the stockyards' function, the centralized slaughter of food animals. The area is to be turned over to commercial development.

Yet, our cultural heritage remains and must be remembered. Preservation of the stone gate on Exchange Avenue near Halsted would give us a continual reminder of our city's beginnings and of a colorful era of youthful civic and national growth.

I am pleased, indeed, to join with the Meat Cutters Union and Mr. Gorman in urging the preservation of the stone gate and its designation as a national historical landmark.

ATTEMPTED DEFECTION OF SIMONAS KUDIRKA

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, there has been considerable coverage in the Washington Star about the attempted defection of Simonas Kudirka to an American Coast cutter. There has been almost nothing in the Washington Post about it.

I do not know whether they do not want to offend their Soviet friends or what. But this morning Mr. Fulton suggested that the United States ought to offer to trade the Chicago seven and others to the Soviet Union for Mr. and Mrs. Kudirka. I told him I did not think that the bait was very attractive, but if he really wanted to whack up a deal, I suggested trading the Washington Post to them for Mr. and Mrs. Kudirka.

PRINTING OF ENVIRONMENTAL REPORT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1772) on the concurrent resolution (H. Con. Res. 771) for the printing of environmental report and ask for immediate consideration of the concurrent resolution.

The clerk read the concurrent resolution as follows:

H. CON. RES. 771

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Committee on Government Operations, House of Representatives, five thousand additional copies of the hearings by the Subcommittee on Conservation and Natural Resources in September 1969 entitled "Effects of Population Growth on Natural Resources and the Environment."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

OUR AMERICAN GOVERNMENT AND HOW IT WORKS: 1001 QUESTIONS AND ANSWERS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1773) on the concurrent resolution (H. Con. Res. 785) authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers" and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 785

Resolved by the House of Representatives (the Senate concurring), That,

SECTION 1. With the permission of the copyright owner of the book, "Our American Government and How It Works: 1001 Questions and Answers," by Wright Patman, Member of Congress, published by Bantam Books, Incorporated, there shall be printed as a House document, as soon as practicable, for maximum usefulness to Members of the Ninety-second Congress, with emendations, the pamphlet, entitled "Our American Government. What Is It? How Does It Function?" and there shall be printed one million eighty-four thousand additional copies of such document, of which two hundred and six thousand copies shall be for the use of the Senate, and eight hundred and seventy-eight thousand copies shall be for the use of the House of Representatives.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.

The **SPEAKER.** The gentleman from Pennsylvania is recognized.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman say whether this document entitled "Our American Government. What is it? How Does It Function" has been revised to describe to the citizens of the United States how a lameduck session functions on Christmas Eve?

Mr. DENT. We have not prepared any material on that particular subject, but if the gentleman from Iowa would do his usual good job in preparing such a statement, I shall try to have it printed.

Mr. GROSS. I thank the gentleman.

The **SPEAKER.** The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF HEARINGS BEFORE SPECIAL SUBCOMMITTEE ON EDUCATION ENTITLED "DISCRIMINATION AGAINST WOMEN"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1774) on the concurrent resolution (H. Con. Res. 790), to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 790

Resolved by the House of Representatives (the Senate concurring), That five thousand additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor of the House of Representatives, Ninety-first Congress, second session, on section 805 of H.R. 16098, entitled "Discrimination Against Women", be printed concurrently for the use of the Special Subcommittee on Education.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING REPRINTING OF HOUSE REPORT NO. 91-1673

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1775) on the resolution (H. Res. 1311), authorizing reprinting of House Report No. 91-1673, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1311

Resolved, That House Report Numbered 91-1673, entitled "For the Benefit of All Mankind—A Survey of the Practical Returns From Space Investment", be reprinted with ten thousand copies for the use of the Committee on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ADDITIONAL POSITIONS ON THE U.S. CAPITOL POLICE FORCE FOR DUTY UNDER THE HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1776) on the resolution (H. Res. 1293), authorizing the establishment of six additional positions of sergeant and one additional position of lieutenant on the U.S. Capitol Police force for duty under the House of Representatives, and for other purposes, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1293

Resolved, That (a) in addition to the number of positions on the United States Capitol Police force, and of personnel detailed to such police force from the Metropolitan Police force of the District of Columbia, existing on the date of adoption of this resolution, but subject to subsection (c) of this section, there are hereby authorized to be established six positions of sergeant, and one position of lieutenant, on the United States Capitol Police force, for duty under the House of Representatives.

(b) Each appointment to any such additional position shall be made by the Capitol Police Board, subject to prior approval of the Committee on House Administration, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Each person appointed to any such position shall have, prior to such appointment, at least one year of police experience or of equivalent experience.

(c) The number of positions of private on the United States Capitol Police force for duty under the House of Representatives authorized by House Resolution 796, Eighty-ninth Congress, adopted June 29, 1966, is reduced by six.

SEC. 2. Until otherwise provided by law, the contingent fund of the House of Representatives is made available to carry out the purposes of this resolution.

The **SPEAKER.** The Chair recognizes the gentleman from Ohio.

Mr. **HALL.** Mr. Speaker, will the gentleman yield?

Mr. **HAYS.** Mr. Speaker, I will yield to the gentleman from Missouri, but I would like first to say a word of explanation. I do not want to be accused of trying to slip something through.

This will create six additional positions of sergeant. The Chief of Police has testified that in the Metropolitan Police force there is one sergeant for every eight privates. That will bring his force to one sergeant for every 14 privates. It is not quite as desirable as he would like it, but he thinks he can get along with it.

It will cost $30,624 a year additional, and it will reduce the number of privates by six, so that there will be no more police, but there will be six fewer privates and six more sergeants.

I yield now to the gentleman from Missouri.

Mr. **HALL.** Mr. Speaker, I appreciate the gentleman yielding. The gentleman has answered the first part of my question. I appreciate his explanation. I think it is adequate.

Now, at the bottom of page 1 and the top of page 2, it says "Without regard to political affiliation and solely on the basis of fitness to perform the duties of the position." The bill then goes on with other facts. Will the gentleman tell the House, before this is passed by unanimous-consent action how we are coming along with that portion of the endeavor to upgrade the Capitol Police?

Mr. **HAYS.** I will say to the gentleman that I will have to speak from memory, because I do not have the statistics here, but we have a substantial increase in the number of so-called professional police as against part-time students and patronage people and others. The proportion, I think it is fair to say—and I would stand subject to correction by the gentleman from Ohio (Mr. DEVINE) if he knows any different—is increasing as we go along in favor of more professional people and fewer of the others.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1181, PROVIDING FOR POTATO AND TOMATO PROMOTION PROGRAMS

Mr. **SISK.** Mr. Speaker, pursuant to rule XX of the Rules of the House of Representatives and at the direction of the Committee on Agriculture, I move to take from the Speaker's table the bill (S. 1181) to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders, to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, with the Senate amendments to the House amendments thereto, disagree to the Senate amendments to the House amendments, and request a conference with the Senate thereon.

Mr. **GROSS.** Mr. Speaker, will the gentleman yield?

Mr. **SISK.** I yield to the gentleman from Iowa.

Mr. **GROSS.** Mr. Speaker, do I understand that to this bill the other body added tomatoes to potatoes for purposes of checkoff?

Mr. **SISK.** If the gentleman would permit me to comment, the Senate passed the potato part of the bill, and they passed the dairy part of the bill, and they passed the tomato part. They struck out one title regarding general legislation that we had in, and they also struck out title IV of the House bill, which dealt with the raisins, olives, and prunes.

Mr. **GROSS.** They struck out that section?

Mr. **SISK.** That is right.

Mr. **GROSS.** But they did add tomatoes?

Mr. **SISK.** If I can set the record straight, the House bill did contain tomatoes, so they have not added anything to the bill. All they have actually done is stricken out two of the sections of the bill as it passed the House.

Mr. **GOODLING.** Mr. Speaker, will the gentleman yield?

Mr. **SISK.** I yield to the gentleman from Pennsylvania.

Mr. **GOODLING.** Mr. Speaker, I regret I failed to hear what the gentleman said. Will he repeat his original request, please?

Mr. **SISK.** I made a motion to send the bill to conference. The bill I have in mind is S. 1181, and the motion, under rule XX of the House, and pursuant to that and the direction of the committee, is to send it to conference.

The **SPEAKER.** The question is on the motion offered by the gentleman from California.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **GOODLING.** Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 214, nays, 145, not voting 75, as follows:

[Roll No. 420]

YEAS—214

Abbitt
Abernethy
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Barrett
Belcher
Bell, Calif.
Bennett
Berry
Bevill
Blatnik
Boggs
Boland
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Cabell
Caffery
Carney
Carter
Casey
Celler
Chappell
Clark
Cohelan
Colmer
Conte
Corman
Culver
Daniels, N.J.
Davis, Ga.
de la Garza
Dent
Donohue
Downing
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks
Holifield
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lloyd
Lowenstein
McCarthy
McCloskey
McClure
McFall
McMillan
MacGregor
Madden
Mahon
Mann
Mathias
Matsunaga
Melcher
Mikva
Miller, Calif.
Mills
Mink
Mollohan
Monagan
Morgan
Morse
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rhodes
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rousselot
Ruth
St Germain
Saylor
Shipley
Sikes
Sisk
Skubitz
Slack
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Ullman
Van Deerlin
Vigorito
Waggonner
Wampler
Watson
Watts
White
Whitten
Wiggins
Williams
Wilson, Charles H.
Wright
Wyatt
Wyman
Yatron
Young
Zwach

NAYS—145

Adair
Addabbo
Arends
Ashbrook
Ashley
Beall, Md.
Betts
Biaggi
Biester
Bingham
Bow
Bray
Broomfield
Brown, Mich.
Buchanan
Byrnes, Wis.
Cederberg
Chamberlain
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conyers
Corbett
Coughlin
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Davis, Wis.
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dulski
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Ford, Gerald R.
Frelinghuysen
Giaimo
Goldwater
Goodling
Gross
Grover
Gude
Haley
Hall
Halpern
Harsha
Harvey
Hastings
Hechler, W. Va.
Helstoski
Hogan
Hosmer
Hunt
Hutchinson
Jacobs
Johnson, Pa.
Jonas
Keith
King
Koch
Landgrebe
Long, Md.
Lujan
McClory
McDade
McDonald, Mich.
McEwen
Mailliard
Marsh
Martin
Mayne
Michel
Miller, Ohio
Minish
Minshall
Mizell
Moorhead
Morton
Mosher
Nedzi
O'Hara
Pelly
Pirnie
Poff
Pollock
Price, Tex.
Railsback
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Robison
Rooney, N.Y.
Rosenthal
Roybal
Ruppe
Ryan
Sandman
Schadeberg
Scherle

Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stanton
Steele
Steiger, Ariz.
Stratton
Taft
Vanik
Waldie
Ware
Weicker
Whalen
Whalley
Whitehurst
Widnall
Wilson, Bob
Wold
Wylie
Yates
Zablocki
Zion

NOT VOTING—75

Anderson, Ill.
Annunzio
Aspinall
Ayres
Baring
Blackburn
Blanton
Bolling
Brock
Broyhill, Va.
Burke, Fla.
Burton, Utah
Bush
Button
Camp
Carey
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Daddario
Diggs
Dingell
Dowdy
Edwards, La.
Esch
Farbstein
Ford, William D.
Foreman
Fulton, Tenn.
Gallagher
Gilbert
Hagan
Harrington
Hawkins
Horton
Hull
Kee
Kleppe
Kluczynski
Landrum
Langen
Long, La.
Lukens
McCulloch
McKneally
Macdonald, Mass.
May
Meeds
Meskill
Mize
Montgomery
Moss
Murphy, Ill.
O'Konski
Olsen
Ottinger
Powell
Purcell
Rees
Reifel
Rivers
Rostenkowski
Roth
Roudebush
Satterfield
Stokes
Stuckey
Tunney
Udall
Vander Jagt
Winn
Wolff
Wydler

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Farbstein against.

Mr. Edwards of Louisiana for, with Mr. Daddario against.

Mr. Long of Louisiana for, with Mr. Clay against.

Mr. Blanton for, with Mr. Baring against.

Mr. William D. Ford for, with Mr. Aspinall against.

Mr. Fulton of Tennessee for, with Mr. Macdonald of Massachusetts against.

Mr. Hagan for, with Mr. Ottinger against.

Mr. Moss for, with Mr. Powell against.

Mr. Dingell for, with Mr. Stokes against.

Mr. Stuckey for, with Mr. Wolff against.

Mr. Rivers for, with Mr. Gallagher against.

Mr. Kluczynski for, with Mr. Gilbert against.

Mr. Hull for, with Mr. Harrington against.

Mr. Carey for, with Mr. Hawkins against.

Mr. Meeds for, with Mr. Diggs against.

Mr. Kee for, with Mrs. Chisholm against.

Mr. Blackburn for, with Mr. Camp against.

Mr. Horton for, with Mr. Vander Jagt against.

Mrs. May for, with Mr. Winn against.

Mr. Wydler for, with Mr. Anderson of Illinois against.

Mr. Dowdy for, with Mr. Burke of Florida against.

Mr. Landrum for, with Mr. Broyhill of Virginia against.

Mr. Montgomery for, with Mr. Brock against.

Mr. Olsen for, with Mr. Mize against.

Mr. McCulloch for, with Mr. Burton of Utah against.

Until further notice:

Mr. Satterfield with Mr. Ayres.
Mr. Rostenkowski with Mr. Reifel.
Mr. Rees with Mr. Bush.
Mr. Purcell with Mr. Langen.
Mr. Murphy of Illinois with Mr. Button.
Mr. Tunney with Mr. Don H. Clausen.
Mr. Udall with Mr. Kleppe.
Mr. Lukens with Mr. Foreman.
Mr. Meskill with Mr. McKneally.
Mr. O'Konski with Mr. Roth.
Mr. Roudebush with Mr. Esch.

Mr. CULVER, Mr. LOWENSTEIN, and **Mr. ROE** changed their votes from "nay" to "yea."

Mr. SCHMITZ changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The **SPEAKER.** The Chair appoints the following conferees: Messrs. POAGE, FOLEY, VIGORITO, SISK, BELCHER, TEAGUE of California, and WAMPLER.

FOR THE RELIEF OF PERCY ISPAS AVRAM

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 2102) for the relief of Percy Ispas Avram, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

S. 2102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Percy Ispas Avram has resided in the United States and any State since his lawful admission for permanent residence on December 15, 1962, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 19885, DISTRICT OF COLUMBIA REVENUE ACT OF 1970

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19885), District of Columbia Revenue Act of 1970, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The **SPEAKER.** Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. McMILLAN, ABERNETHY, FUQUA, CABELL, NELSEN, BROYHILL of Virginia, and HARSHA.

CONFERENCE REPORT ON H.R. 17825, OMNIBUS CRIME CONTROL ACT OF 1970

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 16, 1970.)

Mr. CELLER (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

The **SPEAKER.** The gentleman from New York is recognized for 1 hour.

Mr. CELLER. Mr. Speaker, I am extremely pleased to present to the House a conference report on H.R. 17825. The resolution of the differences between the House and the other body has taken a great many meetings and a great deal of hard negotiation. The conference report, I believe, represents an important step forward in the Federal effort to substantially improve the criminal justice system in this Nation. Enactment of the conference report will be a signal to the States and local governments of the seriousness and of the commitment of the Federal Government to this goal.

The conference report on H.R. 17825 has two main parts. The first is concerned with amendments to the law enforcement assistance program. The second deals with additional subjects matters added to the bill by the other body.

It may be helpful to itemize several of the important provisions of the conference report. These include:

First, appropriations authorization for the current and 2 succeeding fiscal years at levels provided in the Senate version: $650 million, fiscal 1971; $1.5 billion, fiscal 1972; and $1.75 billion, fiscal 1973.

Second, a program for the construction, acquisition, and renovation of corrections facilities on the basis of need, not on the basis of population as provided in the House bill. The conference substitute also adopts the principle of the House bill in earmarking a portion of future funds for the corrections program.

Third, a requirement that LEAA approval of State plans be based on an express finding that areas of high crime incidence and high law enforcement activity receive adequate assistance.

Fourth, a requirement that the States contribute—or "buy in"—one-quarter of the non-Federal share of funding for law enforcement programs of local government. This key element in the House bill is retained in the conference substitute but its operable date is deferred until July 1, 1972. The principle that the States must contribute to defray the financial burdens borne by local government is a fundamental major element in assuring State responsibility under the block grant approach of law enforcement assistance.

Fifth, a revision of the matching ratios with provision for a higher level of Federal contribution up to 75 percent of program costs. Thus, the State or local matching requirements are reduced to 25 percent beginning in the current fiscal year which should afford immediate and substantial relief to financially hard-pressed State and municipal governments.

Although the House bill authorized Federal expenditures under discretionary grants up to 90 percent of program costs, the conference substitute provides that both block grant funds and discretionary grant funds carry the same matching ratios; namely, 75 Federal, 25 State or local.

Sixth, the conference substitute adopts the Senate version with respect to the troika form of management of the LEAA. The House version abolished the troika and substituted a single Administrator. The Senate amendment which retained the three-member Administration vested all administrative responsibility in the Administrator who was designated as executive head of the agency. It further provided that all policy determinations shall be exercised by the Administrator with the concurrence with at least one of the associates. Although the conference substitute does not go as far as the House bill in modernizing LEAA management, it does eliminate the requirement of unanimity which has hampered effective administration to date.

Seventh, the conference substitute provides for the reallocation of block grant funds as discretionary grants whenever a State has failed to have a plan approved either because it submitted no plan or because the plan it submitted was unacceptable. It also permits reallocation of block grant funds when a State fails to comply with the assurances it has given in its plan, the provisions of the act, or LEAA regulations.

Eighth, the conference substitute also contains a variety of miscellaneous provisions designed to improve the training and educational programs of LEAA. These include: authority to establish and support a training program for State and local prosecuting attorneys and authority to establish law enforcement internships.

XUM

ADDITIONAL SUBJECT MATTERS COVERED IN THE CONFERENCE SUBSTITUTE

The Senate amendment added a number of titles to the law enforcement assistance amendments approved by the House. The conference substitute adopts five of these additional titles. These include:

First. Amendment to the Gun Control Act of 1968 designed to impose stricter sentencing with respect to persons who use a firearm to commit, or who carry a firearm unlawfully during the commission of a Federal felony.

Second. Amendment to the Criminal Appeals Act to broaden and clarify the right of the Government to appeal dismissals of criminal cases.

Third. Protection of Members of Congress—the creation of a Federal offense to kill, kidnap, or assault any Members of Congress or member-of-Congress-elect.

Fourth. Protection of the President—creation of Federal penalties for unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing.

Fifth. Reinstatement of the Wiretap Commission which had been created in 1968 but repealed in the Organized Crime Control Act of 1970.

Mr. Speaker, the amendments to the law enforcement assistance program contained in the conference substitute will substantially increase the level of Federal investment in the criminal justice system. The proposed changes are also intended to stimulate and encourage State and local innovation and improvement. Of particular promise is the new program for the construction, acquisition, and renovation of corrections facilities.

A primary objective of these amendments is to make the entire law enforcement assistance program far more responsive to local crime problems and to insure far greater participation by local governments in the planning process. The law enforcement assistance effort represents, to me, the most promising technique by which the Federal Government can contribute to reducing the level of violence and crime in the streets in this Nation.

I urge my colleagues to support the conference report.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, I rise merely to announce the unanimous support of members of the conference for the conference report, and I join with the gentleman from New York (Mr. CELLER) in urging adoption of the report.

The report is a compromise. But unlike many compromises, this compromise I believe to be better than either the House bill or the Senate substitute. Many of the rough edges have been made smooth and many of the unworkable provisions have been made workable.

There were about 50 points in disagreement between the House and the other body. I cannot in this brief time discuss all of those points and their resolution, much less discuss the points on which there was agreement between the two Houses. Rather, I will attempt to focus upon the more significant issues relating to the Law Enforcement Assistance Administration.

It was generally agreed that the present system of administering the law enforcement assistance program was cumbersome. Every decision, whether it concerned administration or policy, had to be made by unanimous consent of a three-man board, commonly referred to as the "troika." Although the House bill would have completely abolished the troika and substituted a single Administrator, the conferees decided on a middle position between the House bill and the present law. The conferees decided to retain the troika but to bestow a greater responsibility upon the chief Administrator by granting him all administrative powers. With respect to other functions, powers, and duties, the Administrator would also govern provided that he had the consent of at least one of the two Associate Administrators. If the Administrator should not obtain such consent, it was contemplated by the conferees that the impasse would be resolved by the Attorney General.

The conference adopted the House version of the bill relative the provision concerning the composition of planning agencies. The conference substitute provides that State planning agencies and regional planning units within the State shall be representative of law enforcement agencies, units of general local governments, and public agencies maintaining programs to reduce and control crime. The intent of such provision when it passed the House and the intent of the conferees is that the various entities enumerated be included on the State or regional planning agency. The provision does not mean that such State or regional planning unit be composed only of these entities. Thus there is no intention to exclude from such planning units representation of other interests. Rather the provision sets a minimum mandatory requirement for the composition of such planning units.

The House bill provided an authorization to make grants for the establishment of criminal justice coordinating counsels for units of general local government. The Senate substitute had a similar provision to limit such grants to units of general local government having a population of 250,000 or more. Such limitation is not as narrow as it may seem to the uninitiated because section 601(d) of the act defines units of general local government to include counties as well as cities and towns.

Because of the financial straits of both the States and cities, the conferees adopted more liberal matching fund formulas. With regard to most law enforcement programs funded under the present act, the Federal share may be up to 60 percent of the cost. This pertains to both block grants and discretionary grants. The conference substitute provides that the Federal share may be up to 75 percent of the cost. It is important to note that the new requirement—like many other provisions of the bill—pertains to the present fiscal year. Although this fiscal year is nearly half over, the administration of the more liberal requirements will not be as difficult as it might seem, because most of the block grants and discretionary grants are made in the second half of the fiscal year.

The conference also adopted a provision which requires that beginning in fiscal year 1973, at least 40 percent of the Federal share of the funding of any program or project be from money expressly appropriated by the State or local government in the aggregate for such programs or projects—as opposed to donated services or property. This is the so-called hard-match requirement and it pertains equally to block grants and discretionary grants. If a State or local government appropriates money to participate directly in an LEAA program, that is obviously a hard match. But what if the State or local government transfers personnel to participate in LEAA programs or projects? That is not a hard match. It can only be considered a hard match, if the State or local government were to appropriate money to fill the vacancies created by the transfer. The controlling purpose of the hard-match provision is the desire to stimulate new State and local money for imaginative and innovative State and local anticrime programs. This purpose is already ensconced in section 303(10) of the law. The hard-match requirement puts teeth into that legislative purpose.

I exhort LEAA to be diligent in overseeing State and local financing of programs so that the will of Congress in this regard may be carried out. I think it noteworthy that other provisions of the conference substitute will provide criminal penalties for misrepresentation of material facts in seeking assistance from LEAA.

The House conferees agreed to three criminal penalty provisions added by the Senate to provide additional protection beyond those already available in the Federal criminal courts against embezzlement or stealing of funds, assets, and property which are the subject of LEAA grants or contracts. The Senate added those provisions "out of an abundance of caution," since it seems clear that provisions of present law already cover some or all of these actions. Referring to page 52 of Senate Report 91–1253, sections 1001 and 371 of title 18 of the United States Code and the case of *United States* v. *Thompson*, 366 F. 2d 167 (6th Cir. 1966), cert denied, 389 U.S. 973 (1967), these new penalty provisions will be important supplements to existing Federal laws and will go far to protect against misuse of LEAA funds. It is expected that the Justice Department will vigorously enforce these provisions.

The House bill provided that no State plan should be approved unless the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problem in areas of high crime incidence. The Senate version provided that no State plan should be approved unless it provided for the allocation of an adequate share of benefits of assistance to areas characterized by high law enforcement activity. The conference compromise provided that no State plan should be approved unless it provide for the allocation of adequate assistance to areas characterized by both high crime incidence and high law enforcement activity. It was feared that reliance solely upon the single standard of high crime incidence might invite an artificial statistical crime wave. On the other hand it was noted that the provision of the other body which focused upon high law enforcement activity would also include crowded correctional facilities in sparsely populated low-crime areas and thus obscure the purpose of this provision. The conference compromise makes clear that this provision focuses upon areas of high law enforcement activity but only if those areas also have a high crime incidence.

Under present law, a State when it receives a block grant from LEAA must "pass through" 75 percent of the funds to units of general local government. Present law does not indicate whether the local government or the State government is obligated to supply the non-Federal match with regard to the Federal dollars that are passed through to units of general local government. Experience has indicated that only five or six States assumed part of the non-Federal expense of these programs. The House bill required that the State provide at least one-fourth of the non-Federal funding required for federally assisted local programs. The major criticism of the House provision was not philosophical but pragmatic. Such criticism, while recognizing the merits of the so-called buy-in provision, was based upon the present financial problems confronting the States. To ease the practical impact of this provision while honoring its purpose, the conference did four things:

First, it deferred the requirement to buy-in until fiscal year 1973.

Second, it reduced the non-Federal share on most programs from 40 to 25 percent, thus reducing the buy-in requirement from one-fourth of 40 percent to one-fourth of 25 percent.

Third, it relaxed the requirement as of fiscal year 1973 that each State pass through 75 percent of its block grant funds. It substituted a formula which would allow a State to pass through to local governments a portion of the block grant commensurate with the proportionate performance of local governments. This flexible pass-through provision would mean that 45 of 50 States could pass through less than 75 percent of the block grant funds, as is now required. And, of course, the less passed through, the smaller the impact of the buy-in requirement.

Fourth, whereas the House bill would have required that the State buy into each local program, the conference agreed that the State may buy in on an aggregate basis. The conference was particularly impressed with the example provided by the State of Illinois which is now buying in on an aggregate basis.

The House bill accorded discretionary grants preferential status in that it would have permitted a Federal share up to 90 percent of the cost; whereas the block grant ceiling generally was 60 percent. In short, under the House bill a city would prefer a discretionary grant to a block grant passed through from the State. But the conference substitute reversed the preference. It made the Federal share 75 percent in both situations. But for a local government, this equality will be altered by the buy-in provision. When a local government receives block grant funds passed through from the State, the State will be helping to pay the non-Federal share. In short, a local government will now have a financial preference for block grants because of the buy-in provision.

Finally, I want to note the tremendous thrust this bill will give to corrections reform. Under the present block grant program in part C, about 29 percent of the funds are allocated to corrections. The new program for corrections provides an additional sum not less than 20 percent of the amount allocated for part C.

Mr. MAYNE. Mr. Speaker, I rise in support of adoption of the conference report, and congratulate the conferees from both bodies on their diligence in producing this final version of the Omnibus Crime Control Act of 1970 for enactment, before the end of this Congress. I am pleased to have cosponsored this legislation, and to have supported its enactment.

The authorization for funding the law enforcement assistance programs of the Department of Justice expired midnight June 30, 1970. The pending legislation will enable these very valuable and meritorious programs to be continued and expanded, hereby assisting the efforts of government at all levels to control crime.

I am especially pleased that the conferees have agreed to defer until fiscal year 1973 the effect of provisions in the bill which would have diverted to discretionary grants funds which would normally be distributed through block grants to a State planning agency and through that agency to local law enforcement projects, if that State failed to contribute 25 percent of the non-Federal funding for local law enforcement projects seeking Federal assistance.

The original language of this provision would have in effect disqualified Iowa and many other States from receiving block grants under the LEAA program, for the Iowa General Assembly could not have enacted the necessary authorization or appropriations legislation contributing State funds to local projects in time to qualify the State for continued receipt of LEAA funds under this new requirement.

I brought this problem to the attention of the House when the bill was before this body on June 29, and proposed an amendment deferring the effect of the new requirement for State contribution until fiscal year 1973. Although my amendment was defeated narrowly on a teller vote, 23 to 26, the Senate later deleted the State contribution provision entirely and it became a matter for the conference committee to resolve.

On December 8, I wrote to the distinguished chairman of the House Judiciary Committee, the gentleman from New York (Mr. CELLER), with copy to each of the other House conferees on this bill, and restated the problem, urging that the conference either accept the Senate amendment deleting the State contribution requirement or adopt the amendment I had proposed on the House floor, deferring application of the State contribution requirement for 2 years.

I am sure that the State of Iowa, its congressional delegation, and law enforcement officials throughout the State as well as in other States which would have had the same problem, are very appreciative of the action of the House conferees in accepting as they did modification of the State contribution provision to defer its application to after June 30, 1972, as I had proposed in the House on June 29.

Mr. PEPPER. Mr. Speaker, you of course know of the concern of the House Select Committee on Crime about the quality of the criminal justice system in this country. Since the Law Enforcement Assistance Administration is the most important Federal funding agency in the war against crime in America, the 1970 amendments that are now before us are extremely critical. Under this conference report, LEAA is authorized over the next 3 years to spend over $3 billion in the waging of this war. The Judiciary Committees of both Houses are to be applauded for their fine work and diligence in strengthening the Omnibus Crime Control and Safe Streets Act of 1968 by these amendments.

These amendments raise the Federal share in anticrime programs, require the

XUM

States to make greater efforts in the war against crime and increase the authorization for LEAA to $650,000,000 in fiscal year 1971 and $1.1 billion in fiscal year 1972 and $1.5 billion in fiscal year 1973.

Certainly several of the new directions that will now be taken with respect to increased funding of correctional institutions and larger allocations to high crime areas are steps in the right direction. It would be my hope that this body will continue to closely scrutinize the administration of these funds by LEAA. As has been pointed out to us in several hearings around the country, the administrative structure of this agency leaves much to be desired. If the amendments vesting personnel and administrative powers in the top Administrator fail to achieve their desired end, then it would be my hope that a fresh look be taken as to the most efficient and effective organizational structure for that agency.

Mr. Speaker, these amendments are a helpful step in the war against crime and should be passed.

Mr. RODINO. Mr. Speaker, it is with gratification that I rise in support of the conference report of H.R. 17825.

I am deeply convinced that the enactment of this legislation will be a major step forward in mustering the combined resources of our Federal, State, and local governments in the war against crime.

As a member of the conference committee I can attest to the diligence and devotion shown by Members of both the House and Senate from each of the two political parties who have labored hard and long to reconcile differences and produce a truly effective program.

The major thrust of the bill is to reform the law enforcement assistance program and improve its capability in meeting the urgent needs for law enforcement in urban areas. The conference report contains authorization for the current fiscal year in excess of the amount requested by the administration and appropriated by the committee. It also provides authorization for appropriations in excess of $2 billion for the 2 succeeding fiscal years.

A major part of the conference substitute are those provisions developed in the House bill which provide a far-reaching and expanded program of construction, renovation, and acquisition of correction facilities. The method of allocation of funds for this program is identical to that contained in the House bill; namely, allocation on the basis of need rather than on the basis of population.

The conference substitute also carries forward other important items which the House earlier had approved by an overwhelming vote of 343 to 2 on June 30. These items include the requirement that LEAA approval of a State will not be based on an express finding that the State has given adequate assistance to areas of high crime incidence and high law enforcement activity.

Also included is the requirement that the States contribute or "buy in" 25 percent of the non-Federal funding required under the act. The conference substitute defers this requirement until July 1, 1972. Nevertheless, the principle of State financial responsibility is established. This requirement should help to significantly defray the financial burdens borne by the cities, and at the same time heighten State involvement in implementing and monitoring law enforcement programs and projects.

A third important aspect of the conference substitute which will bring immediate respite to municipal and county governments is the provision in the conference substitute modifying the matching requirements under the act. The conference substitute provides, effective in the current fiscal year, that the Federal share of most programs financed under block grants as well as discretionary grants shall be 75 percent; the resulting 25 percent match is to be furnished by State or local government. Compared to the present 60–40 matching ratio, this promises some immediate relief to municipal and county governments who are facing financial crises.

There are other provisions in the House bill which required compromise in order to arrive at a final conference agreement. One such item is the administrative management over the law enforcement assistance program itself. I believe the provisions in the House bill which abolished the three-man board system, commonly referred to as the "troika," with the substitution of a final administrator representing the most sensible approach. The conference substitute, however, adopts the Senate version which vests in the administrator all authority over administrative matters but requires the concurrence of at least one of the associate administrators for determinations of policy. The Senate amendment, while it falls short of the solution in the House bill, nevertheless promises an important improvement over the present system with its requirement of unanimity.

Mr. Speaker, the enactment of this legislation will be, I am certain, among the major achievements of the 91st Congress. In developing the Omnibus Crime Control and Safe Streets Act 2 years ago we recognized that most crimes are local in nature and within the jurisdiction of State and local law enforcement agencies. We also recognized that Congress and the entire Federal Government has a clear responsibility to do all in its power to strengthen local and State law enforcement agencies.

In enacting H.R. 17825, we are demonstrating again to State and local governments that their law enforcement agencies have our full backing and support.

As a resident of the city of Newark, N.J., which unhappily was listed by the FBI as first in the crime index of cities with population of over 250,000, this legislation has a special significance to me and to my constituents. Yet, the significance of this legislation goes beyond the jurisdictional limits of my city and all of the other urban areas infiltrated with crime. Its deepest significance lies in the fact that it will assist in ridding our entire society of the terror and fear which crime has spread among all of our citizens.

Mr. CELLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous matter in the Record on the conference report just agreed to.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON S. 2193, OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 2193), to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education and training in the field of occupational safety and health, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 16, 1970.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the gentleman from Kentucky if there are copies of this conference report available?

Mr. PERKINS. The conference report was printed in the Record yesterday, under the rules of the House. It is in the Record delivered today.

Mr. HALL. Mr. Speaker, would the gentleman answer "yes" or "no"? Are copies available on the floor for Members during this consideration?

Mr. PERKINS. Copies are available on the floor, because all a Member has to do is open up the Congressional Record.

The gentleman from Minnesota (Mr. Quie) has the page in the Record, and I yield to the gentleman.

Mr. QUIE. It is page 41965 of the Record for December 16, 1970.

Mr. HALL. Mr. Speaker, further reserving the right to object, the fact remains that we do not have the usual printed copies of the conference report available at the various desks for the Members; is that not true?

Mr. PERKINS. We do not have the report at your desk, but I have an extra copy here I will give to the gentleman

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now and, as I said, it has been printed in the RECORD.

Mr. HALL. This is what comes from allowing printing under the rules and filing prior to midnight. It brings about an obvious impossible job of printing from an overburdened Government Printing Office, when they cannot possibly grind out all of this material in time for us intelligently to do our homework and consider it and express a judgment on the floor of the House of Representatives. As further proof Members should note where the printed record of legislative debate is cutoff in the issue for yesterday.

Mr. PERKINS. Will the gentleman yield to me further?

Mr. HALL. Will be glad to yield.

Mr. PERKINS. Let me say to my distinguished colleague that the report was filed yesterday at approximately 1 p.m. If I had known, I would have been delighted to deliver you a copy earlier. I regret that I did not.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized.

Mr. PERKINS. Mr. Speaker, I yield myself 10 minutes.

(Mr. PERKINS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I am pleased to present to the House the conference report on the occupational health and safety legislation. This report has been signed by 18 of the 20 conferees that participated in this conference.

This was not an easy conference. In fact, it was a difficult one. We had some five sessions, several of which lasted 7 hours or more. There was substantial give and take on both sides. There were many issues on which one side or the other, and often both, felt very strongly. The end result was a conference report, however, that is fair and equitable to everyone—a conference report of which we can all be proud.

I want to pay tribute to the members of the conference committee. I want to pay particular tribute to the distinguished subcommittee chairman, the gentleman from New Jersey (Mr. DANIELS). He worked for many, many months bringing this legislation to this point where we now hope it can become law. This is landmark legislation, touching almost every industry in the country that is engaged in interstate commerce.

I want to pay tribute, also, to our minority members, Congressmen STEIGER, QUIE, ESCH, and ERLENBORN, who worked diligently with the majority trying to resolve all these difficult issues and to bring about a report which will go down in the history as a major advance providing major benefits and protections to all the working people in this country.

We owe a great debt of gratitude to Congressmen DANIELS, STEIGER, and QUIE. They persevered, day in and day out, to help us arrive at an agreement in conference.

We have here today a conference report that every Member in this Chamber can support.

Mr. Speaker, I shall review the major differences resolved in the conference report.

THE PROMULGATION OF STANDARDS

A major concession on the part of the managers representing the House of Representatives was with respect to the procedure to be used in the development and promulgation of the health and safety standards. The Members of this body will recall that the Senate bill provided for promulgation of these standards by the Secretary of Labor. The House amendment authorized their promulgation by a National Occupational Safety and Health Board. In the procedures provided for the establishment and promulgation of standards there were many similarities in the Senate bill and the House amendment. For instance, both the Secretary and Board were permitted to begin rulemaking on their own motion or on the basis of petitions. Some of the procedural differences resulted mainly, however, from the choice of the respective bodies as to who should do the rulemaking. The chief difference lay in the fact that the procedure for setting standards under the House amendment were under the formal rulemaking procedures also provided in the Administrative Procedure Act. The House receded on the procedure for promulgating standards. We accepted the Secretary of Labor as the promulgator of the standards and we adopted the informal rulemaking procedures which the Senate bill authorized.

We accepted a provision that hearings should be required only when requested by interested parties, and did not require a hearing on every proposed standard as the House amendment would have required. There were important Senate concessions even in this area, however. The Senate receded with respect to a provision in their bill which would have permitted a shortened rulemaking procedure for the issuance of existing proprietary standards. In addition, in adopting the Senate language the House insisted on an amendment under which employers may petition for a temporary order granting a variance from a standard promulgated by the Secretary. Such an order is to be granted only if the employer shows he is unable to comply with a standard for specific and limited reasons, the unavailability of professional or technical personnel, or of necessary materials or equipment, or because necessary construction or alteration of facilities cannot be completed in the time required. The economic implications of a standard for an employer are not to be considered in the determination as to whether a variance is to be allowed. The employees of such an employer are entitled to notice and hearing on such an order. Such an order may be issued in any given case for a maximum of 1 year and may not be renewed more than twice.

INSPECTION

The differences in the two versions of the bill with respect to inspection by the Secretary of Labor were not major, save in two respects. The Senate bill would have required an employer to make periodic self-inspections to be followed by a certification of the results to the Secretary of Labor. This would have faced an employer with the unfortunate choice of admitting a violation of a standard which would have subjected him to a citation under the act or subjecting himself to a charge of having made a false statement if he did not accurately report the condition or situation that was a violation of a standard under this act. The conferees adopted the principle of self-inspection. The Secretary may now provide for such self-inspection by regulation, but no certification of the results may be required.

Under the provisions of the Senate bill both a management and an employee representative had to be given an opportunity to accompany an inspector. The conferees adopted this principle rather than the provision of the House amendment under which an employee representative would have been given the opportunity to accompany an inspector only if the employer or his representative also accompanied the inspector.

CITATIONS FOR VIOLATIONS

The Senate bill provided that if, upon inspection or investigation, the Secretary or his authorized representative "determines" that an employer has violated mandatory requirements under the act, he shall "forthwith" issue a citation. The House amendment provided that if on the basis of any inspection or investigation the Secretary "believes" that an employer has violated such requirements, he shall issue a citation to the employer. The conference report provides that if the Secretary "believes" that an employer has violated such requirements he shall issue the citation with "reasonable promptness." In the absence of exceptional circumstances any delay is not expected to exceed 72 hours from the time the violation is detected by the inspector.

The Senate bill kept separate the proceedings for the issuance of the citation from those with respect to the imposition of penalties for violations. The House amendment combined proposed penalties with the issuance of the citation. The conference report follows the provisions of the Senate bill in this respect.

The House amendment prohibited issuance of a citation more than 3 months after the occurrence of any violation. The Senate bill had no such statute of limitations. The Senate receded with an amendment changing the 3 months to 6 months.

The Senate bill gave employees the right to appeal the time allowed for abatement of a violation and provided that the Commission should prescribe rules of procedure giving employees the opportunity to participate as parties. The House amendment restricted the right of appeal in such cases to the employer. The House receded with an amendment which provides that the employer shall have a right to reopen the proceedings for a rehearing in the event it is impossible to comply with the abatement requirements with the period provided for in the citation.

JUDICIAL PROCEEDINGS

Both the Senate bill and the House amendment provided for judicial review of Commission decisions. The Senate bill provided appeal rights to any person adversely affected or aggrieved by an order of the Commission. The House amendment limited appeal rights to the employer and the Secretary. The House amendment provided for judicial review in the court of appeals for the circuit where the violation occurred or where the employer had his principal office. The Senate bill also permitted review in the District of Columbia Court of Appeals. The House receded.

The Senate bill provided for administrative action to obtain relief for an employee discriminated against for asserting rights under this act, including reinstatement with back pay. The House bill contained no provision for obtaining such administrative relief; rather it provided civil and criminal penalties for employers who discriminate against employees in such cases. With respect to the first matter, the House receded with an amendment making specific the jurisdiction of the district courts for proceedings brought by the Secretary to restrain violations and other appropriate relief. With respect to the second matter dealing with civil and criminal penalties for employers, the House receded.

PENALTIES

The Senate bill provided that there shall be assessed a civil penalty of not more than $1,000 for each violation. The House amendment was similar unless the violation was determined not to be of a serious nature in which case a civil penalty of up to $1,000 was discretionary. The Senate bill provided for civil penalties of not more than $1,000 for each day in which an imminent danger order or final order of the Commission was violated. The House amendment also provided for a penalty of up to $1,000 for each day in which an order which has become final was violated. The Senate receded on each point.

The Senate bill provided criminal penalties for willful violations—not more than $10,000 and/or 6 months doubled after first conviction. The House amendment provided for a civil penalty of up to $10,000 for willful or repeated violations. The Senate receded on civil penalties and the House receded on criminal penalties with an amendment which requires that the willful violation of the standard or the rule, regulation or order result in death to an employee, for the employer to be subject to the criminal penalties provided in the subsection.

The House amendment provided no penalty for giving advance notice of any inspection to be conducted under the act. The Senate bill provided a fine not to exceed $1,000 and imprisonment for not more than 6 months or both for giving advanced notice. The House receded.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

The Senate bill authorized the Secretary to seek a court order to remove or correct an imminent danger and require the withdrawal of endangered persons other than "those necessary to correct the danger, maintain the operating capacity of a continuous process operation or permit a safe and orderly shutdown." The Senate bill contained no limitation on the duration of such a temporary restraining order, although the 10-day limit in the FRCP was applicable. The Senate bill permitted the Secretary to issue an administrative imminent danger shutdown order where there was insufficient time to obtain a court order. The House amendment authorized the Secretary to seek court orders to restrain conditions or practices which caused imminent dangers. A temporary restraining order under the House amendment was to remain in effect only 5 days. The House amendment contained no provision permitting the Secretary to issue an administrative imminent danger order. The Senate receded with an amendment adopting with minor changes the limitations on court authority mentioned in the quotation above.

EFFECT ON OTHER LAWS

There was a major difference in the two bills in the treatment of the proposed effect on other preexisting health and safety statutes. I think it appropriate to quote the conference report on this point.

The Senate bill said the act should not apply to working conditions with respect to which other Federal agencies exercise statutory authority affecting occupational safety and health, while the House amendment excluded employees whose working conditions were so regulated. The House language had an additional exclusion relating to employees whose safety and health were regulated by State agencies acting under section 274 of the Atomic Energy Act of 1954. The House receded on the first point; the Senate receded on the second.

The Senate bill provided that safety standards under any law administered by the Secretary of Labor—Walsh-Healy, Service Contract Act, Construction Safety Act, Arts and Humanities Act, and Longshore Safety—would be superseded when more effective standards are promulgated under this act, but until then they were deemed standards under the present act. The enforcement process of this act was thus added to the enforcement procedures of those other acts. The House amendment repealed and rescinded standards under the Walsh-Healy, the Service Contracts, and the Arts and Humanities Acts. All construction industry employers were exempted from this act and the entire industry brought under the Construction Safety Act. That act was amended to make the enforcement provisions of this act applicable. Unlike the Senate bill which left the hearing of contract violation cases with the Secretary, the House amendment provided the hearing of such cases by the Safety and Health Commission. The House receded.

The conferees intend that the Secretary develop health and safety standards for construction workers covered by Public Law 91-54 pursuant to the provisions of that law and that he use the same mechanisms and resources for the development of health and safety standards for all the other construction workers newly covered by this act, including those engaged in alterations, repairs, painting and/or decorating.

It is understood by the conferees that in any enforcement proceedings brought under either this act or under such other acts, the principle of collateral estoppel will apply.

The Secretary was intended to have alternatives available to him. That is he may elect to pursue the procedure for enforcement laid out in either act and may seek to have imposed the penalty authorized by either act. He may not, however, pursue enforcement under one act and then—whether having failed or succeeded—attempt to pursue the procedure provided in the other act. The provisions for contract termination and blacklisting may be applied, of course, in appropriate cases and their imposition will not preclude the possibility of a civil penalty, in addition.

DUTIES OF EMPLOYERS AND EMPLOYEES

The Senate bill required workplaces to be free from "recognized hazards." The House amendment required such places to be free from "any hazards which are readily apparent and are causing or likely to cause death or serious bodily harm." The House provision was adopted with the Senate's "recognized hazard" term replacing the House's "readily apparent hazard."

The Senate bill required each employee to comply with occupational health and safety standards and the rules, regulations, and orders issued under this act. The House amendment had no comparable provision. The House receded.

The Senate bill made provision for the establishment of a National Institute for Occupational Safety and Health, and also established a National Commission on State Workmen's Compensation Laws, the latter to undertake a study and evaluation of the effectiveness of workmen's compensation statutes. Both the Institute and the Commission were accepted by the conference.

There are other less important differences as to which the Members can enlighten themselves by reading the CONGRESSIONAL RECORD of this morning at page 41965 through page 41978.

May I say in conclusion that I never have been more proud of the work of any conference than I am of this one. I urge my colleagues to lend their support to this most important legislation.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I join the overwhelming majority of my colleagues who signed the conference report on the occupational safety and health legislation in urging its approval.

Many months ago, in the minority views on the safety and health bill reported by our committee, we declared, and I quote:

> We had every confidence that in this session of Congress we would see the enactment of effective Federal legislation to bring about safe and more healthful working conditions in this country. That confidence was

XUM

> born of the fact of President Nixon's having recommended this legislation in three separate messages to Congress, including a special one devoted exclusively to the urgent and unique problem of job safety and health.
>
> Our hope was sustained over the months by clear indications from majority members that while reasonable men might differ, any differences could be worked out so that we might achieve the goal of enacting a genuinely effective law to reduce job hazards.

I feel that in the conference report before us we have not only achieved that goal, but also produced a measure, which to a substantial degree, is consistent with the recommendations of President Nixon.

Most of the factors essential to a satisfactory occupational safety and health law are included in the conference report. It establishes a mechanism for creating a body of effective safety and health standards appropriate to each category of American enterprise. But it also provides for many immediate safeguards while these standards are being developed, as well as expedited procedures for dealing with emergency situations. Imminent dangers likely to cause death or serious harm if their elimination is not undertaken quickly are more than adequately taken care of.

Nevertheless, despite the scope of these provisions, due process is jealously maintained throughout. At every stage of the procedures which the measure provides, employers are given every necessary opportunity to present their position, not only through the administrative mechanisms of hearings, grants of variances, and extensions of time for compliance, but through judicial review by the Federal courts.

The report also permits the States to develop and administer their own safety and health program where these are consistent with the requirements laid down in the measure. Moreover, financial aid is authorized for such States as meet these requirements, and small business loans are made available to employers who need such assistance in rendering their work places safe and healthful. The gathering of meaningful statistics and provisions for research into the casual connections between work and health and safety are not ignored, but to the contrary occupy a significant place among the programs contemplated by this legislation.

Mr Speaker, it pleases me a great deal to advise the House, that the measure now before us has the complete support of the President and his administration. Immediately following the termination of the deliberations of the House and Senate conferees I received the following letter from the Secretary of Labor:

> DEAR CONGRESSMAN QUIE: I wish to convey to you and the members of Congress the Administration's support for the Occupational Health and Safety legislation reported by the Conference Committee last evening.
>
> In my judgment this bill reflects the major positions taken by this Administration during the entire legislative process and represents a significant achievement in the field of health and safety for America's working men and women.
>
> Specifically I am enthusiastic about the significant steps taken by the Congress to provide for fair procedures by means of the establishment of the Occupational Safety and Health Review Commission as an independent adjudicatory body and by the bill's exclusive court procedure for the restraining of conditions constituting an imminent danger to health and safety. In addition, I intend to utilize the expertise made available under the legislation through the use of advisory boards in the establishment of health and safety standards. The important addition of a new Assistant Secretary for Health and Safety in this Department is a contribution which this Administration intends to exploit to its fullest by the appointment of an outstanding executive to fill that post.
>
> The efforts of both Houses of Congress and the constructive compromise struck by their conferees have resulted in meaningful legislation which I am proud to support.
>
> Sincerely,
>
> JAMES D. HODGSON,
> *Secretary of Labor.*

I believe it is a good compromise. I do not believe it is the best compromise that we could have secured. Rather than going into the various parts of the compromise which the chairman went into, and which I believe the gentleman from Wisconsin (Mr. STEIGER)—who did such an outstanding job on the Republican side—will also go into, I would like to just talk a little bit about conference committees and how we operate over there.

As you know, the President yesterday vetoed the manpower and public service employment bill. He vetoed it because we did not reach as good an agreement as we should have in the conference committee. Had we reached an adequate compromise, not demanding the position of the House but an adequate compromise on the public service employment portion of that bill, I do not believe there would have been a veto.

Now, we came close enough here on a good compromise so I doubt there would be a veto, because, as I say, obviously the administration strongly supports this bill, but I do believe we could have come a little closer to the position of the House if in one instance the House conferees had stood by the position of the House. And this is what the Senate expected us to do, first, before they would compromise on that question of the Secretary of Labor setting standards, or a board of experts setting standards. As you know, we gave in, and there is no provision for a board of experts setting standards.

The Secretary of Labor will be, as now in the conference report, setting standards. However, he can appoint advisory committees to help him devise the proper standards. This he is ready to do.

Since the House did not at that time vote to stand by the House position we then could not secure a compromise offer on the part of the Senate which they were ready to do.

Now, that has happened on more than one occasion. I mentioned it on the manpower and public service employment bill.

Now, I raise this to my colleagues in the House because I think there is a problem that confronts us when Members of the Congress who are conferees who personally do not agree with the action of the House do not stand by the action of the House. The Senator from New York, who serves on the conference committee, is a good example of the way House conferees should conduct themselves. He has many times stated that he stood by the position of the Senate even though he did not personally agree with it. It makes a problem, as you know, when the Senators stand adamantly by the position of the Senate, but House conferees cave easily and accept the Senate position without compromise.

I just mention that point because I think we should bear this in mind, because many times in the future the House Committee on Education and Labor members will be going to conference. It may be necessary to instruct the conferees before they go. I raise the point because the House may end up with an EEOC bill before we adjourn, and we may need to instruct the conferees, if that happens.

I will yield to the gentleman from Kentucky (Mr. PERKINS) if the gentleman wants to respond to that.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. PERKINS. Mr. Speaker, I do not think the inference should be left with the Members of the House that the chairman of the conferees deserted the House position.

Mr. QUIE. No, I would say to my colleagues that on this occupational and health and safety bill, the chairman of the committee stood by the position of the House. In fact it was the leadership of the chairman of the committee that enabled us to come back with this good compromise and in this regard, I say it is a good compromise. He took it upon himself to stand by the position of the House. I know many Members on our side were wondering after the Steiger-Sikes substitute was adopted whether the chairman would or not. We were pleased that he did, and very strongly.

There is no criticism at all of the chairman on this bill. But if at least one other on his side had supported him an even better compromise would have been before us.

I just want to raise it now so that it can be discussed. Legislative reform has passed but we may have to take some action on this in the future.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to join with the distinguished gentleman from Minnesota. I think he is correct in his analysis. I do think it is important for the House to know two things. One—and in this I completely agree with the gentleman from Minnesota—that in this conference committee the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS) did, in fact, do an outstanding job in working to hold to the House position. I think the House owes to him a debt of gratitude for his posture in this conference.

But, second, it is also quite clear that the Committee on Education and Labor tends to operate as a free agent in a conference committee, and it does not tend at least on the part of the majority of the conferees on the majority side to act in behalf of the position of the House—but it tends to act on its own behalf or

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within its own framework of reference. That is the problem about which the House must be concerned, in my judgment, and I think the gentleman from Minnesota has done a service to the House in raising it today on this particular conference report.

Mr. QUIE. I would say that I want to raise it on this conference report which I accept and I have no feeling of being critical of the chairman of the committee when I raised it because I can assure the Members that we would not have got a conference report even with the six out of eight Republicans who signed the conference report, if it had not been for his leadership.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. SCHERLE. Mr. Speaker, I would like to take this opportunity to pursue the colloquy concerning the decision made by the conferees regarding occupational health and safety.

I, too, have noticed the discrepancy when conferees of the House do meet with the other body that we have a tendency of capitulating on almost everything in contention. We did it on manpower—we've done it on numerous other matters of disagreement. Without trying to castigate anybody for what happened, I do think that this side of the aisle, once we saw what was happening in the conference committee, should have determindley maintained the position of the House and declined to sign the conference report, our committee should have insisted on a facsimile of the fine substitute that was authored by the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Florida (Mr. SIKES).

We did not salvage a blessed thing in conference and I believe we will really be doing the people of this country a disservice if we adopt the conference report today.

Mr. QUIE. Mr. Speaker, I know the gentleman from Iowa feels that way about it. But the point is that in signing the conference report, others of us feel this was a good enough compromise to bring back.

As I mentioned, I think we could have and should have done better on the House position. But some of the most important parts of this legislation passed in the House did prevail. The question really comes to whether it should be the Secretary of Labor or the Board who sets standards. There is a deep feeling about that, but I do not think the difference is as great as some of the more substantive parts of the bill—where the House position prevailed—and on those I was very pleased.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. HENDERSON. Mr. Speaker, I would like to ask the gentleman if the conference report provides for 35 supergrade positions for new functions authorized in the legislation.

Mr. QUIE. I yield to the gentleman from Wisconsin (Mr. STEIGER) to answer that question in detail, but my understanding is that the answer is in the affirmative.

Mr. STEIGER of Wisconsin. Section 30 of the conference report which is found on page 41974 of the CONGRESSIONAL RECORD does list the additional supergrade positions. This was a provision found not in the House bill but the bill that passed the other body, and the House acceded to the Senate positon. There is, in addition to that, section 29, an addition to the Secretary of Labor. That, too, was in the Senate version and not in the House version.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I think it is time and timely that as chairman of the Manpower and Civil Service Subcommittee, which has the responsibility for authorizing supergrades for the various departments and agencies through the Civil Service Commission, I point out that if this is going to be the procedure, the Department of Labor, which will get these additional 35, will be called before our subcommittee and thier entire supergrade structure reviewed next year. I thank the gentleman for yielding.

Mr. QUIE. I imagine they will note the gentleman's statement in the RECORD.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr QUIE. I yield to the gentleman from Iowa.

Mr. GROSS. As a member of the subcommittee chaired by the gentleman from North Carolina (Mr. HENDERSON), I want to join in his comments and say to the gentleman that I think the House conferees exceeded their authority in sticking 35 supergrades in this bill and, as far as I am concerned, our subcommittee will do anything and everything possible to eliminate 35 supergrades here provided.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished author of the bill, the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Speaker, I support the conference report on S. 2193, the first comprehensive job safety bill ever to be brought before this body for final passage. This is landmark legislation which directly affects the lives of America's 80 million workingmen and women.

S. 2193 will authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women, to assist and encourage States to particpate in efforts to assure such working conditions, and to provide for research, information, education, and training in the field of occupational safety and health.

Fifteen days of hearings before the Select Subcommittee on Labor in this session vividly pointed out the urgent need to end the carnage in our factories and farms which annually claims 14,500 lives and cause 2.2 million injuries. Passage of S. 2193 will emphasize the commitment of the Federal Government to insure that America's workers will be able to work in surroundings free from hazards and insidious pollutants.

There were 105 points of disagreement between the House and Senate versions of S. 2193 when the bills went into conference. The conferees spent 5 days working to find the fair and reasonable compromise contained in this conference report.

During debate on the House floor we heard fears expressed that if much authority under the act were vested in the Secretary of Labor, he could be policeman, judge and jury. Mindful of the House concern, the conferees agreed that the Secretary of Labor would only promulgate occupational safety and health standards and issue citations with reasonable promptness when he believes that an employer has committed a violation.

An occupational safety and health review commission composed of three members appointed by the President for 6-year terms is charged with the responsibility to hear appeals and set penalties for violations.

As an additional safeguard of the rights of employers and employees, the conference report provides for judicial review of commission decisions in the court of appeals. The review criteria is based on substantial evidence, thus guaranteeing to all parties adequate due process of law.

The Senate bill provides for administrative closing of worksites for 72 hours without a court order in cases where an inspector determines an imminent danger exists. The House Conferees, cognizant of the concern of its Members over arbitrary action by inspectors, insisted on the House language requiring the Secretary to obtain a court order before any worksite can be closed.

Another point where the Senate bill and House amendment differed was in the case of penalties. The Senate version included mandatory penalties for all violations which were not of a de minimis nature. The House bill had provisions for both mandatory and discretionary penalties for violations. Again, your managers retained the House version.

Where the Senate provided for criminal penalties for willful violations, the House amendment provided for no such criminal procedures. However, in conference it was resolved that the only criminal penalties would be for a willful violation of standards, rules, regulations or orders resulting in the death of an employee.

The conference report presented to this body today emphasizes the preventative rather than the punitive aspect of job safety regulation. Your managers are most pleased that the legislation includes excellent provisions for research into health hazards, for monitoring pollutant levels, for a national institute for occupational safety and health, and for a national commission to undertake an effective study and objective evaluation of state workmen's compensation laws and report its findings and recommendations to the Congress and the President no later than July 31, 1972.

Mr. Speaker, the House of Representatives has an opportunity today to approve the conference report on S. 2193 and set in operation the first omnibus job safety and health law in this Nation's history. The conference report is a fair and reasonable compromise with

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the matters in difference between the Senate and House passed bills, and we present to this body an equitable and balanced occupational safety and health bill which I strongly support. I trust that this conference report will meet with the unanimous approval of all of my colleagues.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. DANIELS of New Jersey. I am happy to yield to the gentleman from California, who has worked so long and hard on this very important legislation.

Mr. BURTON of California. I would like at this point in the deliberations to commend our distinguished colleague from New Jersey, Congressman DANIELS.

The passage of the Daniels occupational health and safety bill will certainly be recorded as landmark legislation in terms of improving the well-being of the men and women of this country. No one man can be credited any more than our able and hard-working and effective chairman, the gentleman from New Jersey, the Honorable DOMINICK DANIELS.

Mr. DANIELS of New Jersey. Mr. Speaker, I thank the gentleman from California for his kind remarks.

Mr. Speaker, I would like to take this opportunity to commend all the members of my subcommittee for their work and their contribution in bringing about this very important piece of legislation for America's working men and women. Particularly I would like to commend the distinguished gentleman from Kentucky, the chairman of the full Committee on Education and Labor, the Honorable Mr. PERKINS, for his leadership in conference and in bringing about a reasonable settlement of the matters in dispute between both bodies.

In addition thereto, I would like to single out several members of the conference who did yeoman work in bringing this conference report to us today, including the gentleman from Maine (Mr. HATHAWAY) the gentleman from California (Mr. BURTON) and the gentleman from Wisconsin (Mr. STEIGER) our distinguished colleague who made many valuable contributions and whose imprint is found throughout this legislation.

I also wish to commend the distinguished gentleman from Minnesota, Mr. QUIE.

I would like to mention the names of all the members, but the particular gentlemen whose names I have mentioned have worked most diligently in bringing about this conference report.

Mr. AYRES. Mr. Speaker, it is indeed gratifying that after the arduous labors of the past 3 years we have finally succeeded in passing a Federal occupational safety and health statute which reflects a broad consensus among the Members of both Houses of Congress. In my opinion, and I am certain that opinion is shared by most of us, the conference report approved in this Chamber and in the other body, will prove a highly effective measure in providing strong protections for our Nation's workers as they face the hazards which now accompany every industrial occupation. And what is equally important, these protections will be achieved without sacrificing due process.

Those whom the new measure will require to adhere to safety and health standards prescribed by the Federal Government, the employers of America, are treated with both realism and equity in the procedures by which the statute will be administered. No impossible demands are made upon them—and where impossibilities of compliance arise, means exist for dealing with the problem. I congratulate my fellow committee members on the ingenuity with which they resolved some of these difficulties.

Above all, I wish to emphasize that the new measure also represents the attainment of a goal sought by our President from almost the beginning of his administration. A substantial portion of its specific provisions are entirely consistent with the President's recommendations both in principle and often in detail. And I am delighted that the administration, speaking through the Secretary of Labor, gave its unqualified approval and support to the results produced by the House and Senate conferees. This assures that their report will become law, and thus that our country will have taken a giant step forward in making the place where the American worker spends a large part of his life, as safe and as healthful as human intelligence and good will can make it.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the distinguished gentleman from Kentucky, the chairman of the committee, yielding this time.

When the House considered the occupational health and safety bill, the distinguished gentleman from Florida (Mr. SIKES) and I had before this House a substitute bill for that reported by the Committee on Education and Labor.

The House, as all Members are aware, adopted the so-called Steiger-Sikes substitute by a vote of 220 to 172. What we have before us in this conference report I believe is a legitimate and honest compromise between the so-called Williams bill as adopted by the other body and the Steiger-Sikes substitute adopted in the House.

There is more than enough credit to go around to Members on both sides of the aisle and to those like the Secretary of Labor and his Under Secretary, and to the President, who have called for and consistently worked for this legislation.

It is fair to say, Mr. Speaker, I believe, that there is no more important labor bill in this session of Congress than this one. The conference report contains many of the provisions of the bill which the gentleman from Florida (Mr. SIKES) and I introduced in September and which did pass this body.

The conference committee reported the bill will provide a fair and effective means for the setting of and enforcing of standards and, among other provisions, much needed research in the area of occupational safety and health, diseases and injuries. In reflecting the wishes of the House in regard to the important substantive provision of the bill, with the exception of the standard setting board, the conference committee bill does contain provisions which are either identical to or substantially the same as the House-passed bill in the area of the general duty requirement, the test for judicial review of standards, the issuance of citations, the imminent danger provisions, the penalty provisions, and the establishment of an independent occupational safety and health appeals commission to handle administrative adjudications.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Iowa.

Mr. KYL. Will the gentleman from Wisconsin take just a moment to evaluate the provisions of this act as they relate to the construction industry?

Mr. STEIGER of Wisconsin. I shall be happy to.

As the gentleman knows, in the House-passed bill we had a provision which would have had all construction handled under Public Law 91–54, the Construction Safety Act. The conference committee recommendation is not as good, in my judgment, as that passed by the House. In fact, of all industries in this Nation the construction industry is treated less well under the provisions of the conference report.

I would refer the gentleman from Iowa to page 41975, in which there is a discussion of the construction safety concept.

What we have now under this conference report is, first, the continuation of the Construction Safety Act, Public Law 91–54, to cover contractors who have Government contracts. Then we have this omnibus safety and health bill to cover all non-Government contracts.

There is a danger of there being dual standards and a duplicating enforcement procedure. But I believe the conference report, may I say to the gentleman from Iowa, has a protection, particularly in the language I will read now:

> The conferees intend that the Secretary develop health and safety standards for construction workers covered by Public Law 91–54 pursuant to the provisions of that law and that he use the same mechanisms and resources for the development of health and safety standards for all the other construction workers newly covered by this Act, including those engaged in alterations, repairs, painting and/or decorating.

The report goes on to say:

> It is understood by the Conferees that in any enforcement proceedings brought under either this Act or under such other Acts, the principle of collateral estoppel will apply.

So one cannot go one route and then change his mind and decide he wants to go another.

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. STEIGER of Wisconsin. I am happy to yield further.

Mr. KYL. Would the gentleman in the well and the chairman of the committee go so far at this point as to say in the RECORD that it is the purpose, the intent of the committee of conference to indicate to the administrative branch that there should be no duplication and

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that the dual law now on the books so far as construction is concerned must be treated administratively so there is no undue burden placed upon this one industry.

Mr. STEIGER of Wisconsin. I would answer the gentleman from Iowa by saying yes. It would be my best judgment that it is the intent of the conferees—and the distinguished gentleman from Kentucky can correct me if he disagrees—first, there should be no duplication; second, there should be as little burden on that industry in terms of how it is operated as there is on any other industry; and third, I think we should all agree that the Secretary of Labor in working with the advisory committee created under Public Law 91–54 can work toward an effective coordination between the two acts.

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me?

Mr. STEIGER of Wisconsin. I yield to the chairman.

Mr. PERKINS. I think the gentleman from Wisconsin has correctly stated the intent of the conferees. We did not take the House provision on construction safety but took the Senate provision. At the same time we used language in the statement of the managers to make clear that with respect to the imposition of penalties for the violation of a standard promulgated, pursuant to Public Law 91–54 by an employer covered by that act where the Secretary proceeded under one act and failed—or succeeded—he then could not resort to the penalty proceedings in the other act with respect to a construction contractor covered by Public Law 91–54.

Mr. SCHERLE. Will my distinguished colleague yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. SCHERLE. Is my understanding correct that if the Secretary of Labor assesses a civil penalty or if under the jurisdiction of the court there is a criminal penalty for a violation of a Government construction contract, the provisions of the occupational health and safety bill 2193 will apply?

Mr. STEIGER of Wisconsin. If I understood the gentleman's question correctly, you are asking me if there is a civil penalty. Is that correct?

Mr. SCHERLE. In one case and, of course, a criminal penalty if it is so adjudicated by a court.

Mr. STEIGER of Wisconsin. I am not sure I can correctly answer you. Let us back up for a minute. As we have drafted the conference report, the Secretary makes a choice. He can decide in the case of a Government contract to rely exclusively on Public Law 91–54, in which case he goes into court for an adjudication of the penalty. Non-Government contracts are covered under the omnibus act.

The gentleman from New Jersey was seeking recognition in order to clarify that further.

Mr. SCHERLE. If my colleague from Wisconsin will yield, I would like to continue this colloquy with the gentleman from New Jersey for the primary reason of establishing legislative history. Would the gentleman from New Jersey care to reply?

Mr. DANIELS of New Jersey. I would like to point out that the Senate version in the Senate bill contains civil as well as criminal penalties for violation of standards. The House bill merely provided for civil penalties and only a criminal penalty for willful violation. As a result of a compromise, the conferees agreed on civil penalties only and a criminal penalty of $10,000 and/or 6 months in prison on the first conviction and $20,000 and 1 year on a conviction after that but only if the violation results in the death of an employee.

Mr. STEIGER of Wisconsin. May I say that that does not answer the distinguished gentleman from Iowa's question. What he is interested in is the question as to whether or not if there is a civil penalty applied for a Government construction contract firm, then where does he go?

Mr. SCHERLE. Will this be under the Construction Safety Act or will it be adjudicated under the occupational health and safety bill, which is compromise legislation?

Mr. DANIELS of New Jersey. If the Secretary proceeds under the Government Construction Health and Safety Act, then it is confined to that act.

I think the gentleman from Wisconsin answered that question earlier that if the Secretary——

The **SPEAKER** pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. PERKINS. Mr. Speaker, I yield the distinguished gentleman 5 additional minutes.

Mr. DANIELS of New Jersey. If the Secretary elects to proceed under the construction public safety provision and a decision is made thereunder, it becomes more or less res adjudicata so far as proceeding under this particular bill that we are considering today.

Mr. SCHERLE. Mr. Speaker, if the gentleman from Wisconsin will yield further, and in order to simplify my question, I am trying to find out if the Secretary of Labor assesses a civil penalty for a violation under a Government construction contract, does adjudication apply to this compromise legislation?

Mr. STEIGER of Wisconsin. My answer to the gentleman is that the Secretary does not apply penalties. He decides either to use Public Law 91–54, which is the courts, or he decides to go the route of this bill which is the Commission. He cannot go both ways. The construction industry in my judgment would be treated in a manner that ensures that he makes a decision whichever way he wants to go. The Secretary does the inspection, but the Commission would have to enforce it and assess a civil penalty for a violation of the standards.

Mr. SCHERLE. And, would that be covered under this compromise legislation?

Mr. STEIGER of Wisconsin. He can proceed under this act; that is correct.

Mr. SCHERLE. And the construction industry would be entirely removed from the legislation which is now law with reference to construction safety?

Mr. STEIGER of Wisconsin. No; they would not be removed, but the Secretary has the choice as to which route he wants to take. That is why I do not think the construction industry was treated equitably under the conference report.

Mr. SCHERLE. Let me say in conclusion that I feel sorry for the construction industry, particularly the way they were treated in this conference committee. I would hope that some decisive legislation will be implemented shortly after the next Congress convenes to establish uniform standards so at least these unfortunate people will know exactly where they stand and what they can expect insofar as rules, regulations and guidelines are concerned.

Mr. STEIGER of Wisconsin. I think it is the express intent of the conference that the Secretary of Labor will proceed initially under this act; and the Commission's findings of fact will be binding upon the Secretary as well as upon the employer in determining whether an additional remedy should be imposed pursuant to other statutory authority.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. Yes, I am happy to yield to the gentleman from Maine.

Mr. HATHAWAY. I want to make one observation on the construction safety occupational health and safety operation. I presume that the Secretary in the case posed by the gentleman from Iowa (Mr. SCHERLE) could get an injunction under one of the sections of this bill and could have a contract canceled and still have a civil penalty imposed by the Commission. But under the doctrine of collateral estoppel if he lost an issue in any one of these tribunals he would forever be barred from raising that issue again. Am I correct in that observation?

Mr. STEIGER of Wisconsin. That is correct. I do not think there is any question about it.

May I say, Mr. Speaker, in the remaining moments of my own time that there is much else that deserves comment. I shall include in my remarks, following the remarks delivered here on the floor, an analysis of some of the specific provisions of the conference report.

Mr. Speaker, on balance, I am satisfied that the conference report is closer to the House bill than that passed by the other body, that it upholds the most important concepts contained in the so-called Steiger-Sikes substitute and it is for that reason that this conference report ought to be adopted today and quickly signed into law by the President of the United States.

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me?

Mr. STEIGER of Wisconsin. Certainly.

Mr. PERKINS. Mr. Speaker, I feel that I would really be derelict if I failed to compliment the distinguished gentleman from Wisconsin for his untiring persevering efforts in trying to bring the best legislation possible to this Chamber.

The work that the gentleman has put forth in connection with the Occupational Health and Safety Act was impressive. He helped as much as any other

Member in this Chamber to bring it about.

Mr. STEIGER of Wisconsin. I thank the gentleman for his gracious comments.

Mr. Speaker, in this session of Congress the House and Senate have passed for the first time in our Nation's history comprehensive occupational safety and health legislation. The conference committee reported bill, which is now before the House, represents an unprecedented response by Congress to the need to help save the lives and protect the health of the working men and women throughout this great Nation.

One of the primary purposes of the bill is to set up a mechanism by which fair and effective occupational safety and health standards can be promulgated so that the many employers and employees throughout the Nation may be guided in their attempts to establish and maintain a safe and healthful work environment.

The conference reported bill is clearly based on the premise of this House that it is with the cooperation of both employers and employees that the act can most effectively meet the challenge of reducing and perhaps eliminating most of the occupational deaths, tragic injuries and diseases which take a large annual toll in terms of the human suffering and loss to the economy caused by these tragedies.

I feel that the conference reported bill is basically sound and provides fair and adequate procedures for the development of standards and their enforcement; I urge the House to vote favorably for the adoption of the conference reported bill.

APPLICABILITY

The coverage of this bill is as broad, generally speaking, as the authority vested in the Federal Government by the commerce clause of the Constitution. The terms of this bill will apply to all businesses having an effect on commerce except where another Federal agency other than the Department of Labor is exercising statutory authority to prescribe or enforce occupational safety and health standards or regulations. The bill also provides that occupational safety and health standards published under the various procurement laws and the Maritime Safety Act, which are administered by the Department of Labor, shall remain standards under those acts, at least for the time being. It is not the intent of the draftsmen of this legislation that double proceedings occur under one of those acts and under the omnibus Occupational Safety and Health Act which we are considering here today. For example, a proceeding could be pending before the Secretary of Labor for safety violations under the Construction Safety Act while at the same time a proceeding is pending before the Occupational Safety and Health Review Commission under the comprehensive Occupational Safety and Health Act.

Let me add a comment on what may appear to be an inconsistency between the last sentence of section 4(b)(2) and the expedited procedures set out in section 6 to adopt early interim standards. The last sentence in section 4(b)(2) is included to insure that standards under existing laws will not be repealed by this enactment and will remain effective until superseded by the promulgation of standards under section 6a. At that time the newly promulgated standards will become standards under this Act and existing laws, thereby preserving remedies available under existing laws. To construe this provision otherwise would be to make the early standards-setting procedures in section 6(a) meaningless or a mere redundancy.

DUTIES

The conference bill takes the approach of this House to the general duty requirement that an employer maintain a safe and healthful working environment. The conference-reported bill recognizes the need for such a provision where there is no existing specific standard applicable to a given situation. However, this requirement is made realistic by its application only to situations where there are "recognized hazards" which are likely to cause or are causing serious injury or death. Such hazards are the type that can readily be detected on the basis of the basic human senses. Hazards which require technical or testing devices to detect them are not intended to be within the scope of the general duty requirement. It is also clear that the general duty requirement should not be used to set ad hoc standards. The bill already provides procedures for establishing temporary emergency standards. It is expected that the general duty requirement will be relied upon infrequently and that primary reliance will be placed on specific standards which will be promulgated under the act. After all, as I have already indicated, one of the primary purposes in enacting this legislation stems from the need to provide employers with health standards so that they might better protect the health and safety of the worker by providing the necessary machinery and protective devices in the workplace.

STANDARDS

The conference committee-reported bill provides for the promulgation of early standards by the Secretary of Labor without any hearing. However, these early standards would be limited to national consensus standards and established Federal standards. These early standards could only be adopted pursuant to the authority in section 6(a) within the first 2 years following the day of enactment, and when adopted, would become effective immediately upon publication in the Federal Register.

The permanent standard-setting machinery is contained in the conference committee bill under section 6(b). The provisions require the Secretary to establish permanent standards by rule. It is contemplated by the draftsmen that the Secretary will base his decision upon a record which has been contributed to by public and private organizations as well as interested individuals. The permanent standard-setting machinery provides for a hearing upon request of an interested person following to judicial review, as are other standards promulgated under section 6, by an appropriate Federal court of appeals. The Secretary's standard will only be sustained by the court if it is supported by "substantial evidence on the record considered as a whole." Thus, the Secretary must have a record upon which to base his findings and to serve as the basis for judicial review. The act does not provide for an independent board for standard-setting as did the House bill. However, the court review based upon substantial evidence provides a sufficient element of fairness to satisfy me that conference report should be accepted.

As in the House-passed bill, the conference committee reported bill provides that upon publication of a permanent standard, the Secretary may provide for a delay in the effective date of that standard. Such a delay may not exceed 90 days. However, this is not intended to exclude the possibility that a particular standard may provide for graduated requirements to take effect progressively on specific dates even though the intervals between the effective dates of such graduated requirements may exceed 90 days. For example, a standard applicable to a particular industry could provide that, 90 days after issuance, the sound level in the workplace may not exceed X decibels; that 6 months after issuance, the sound level may not exceed X–5 decibels; and that, 1 year after issuance, the sound level may not exceed X–10 decibels.

TEMPORARY EMERGENCY STANDARDS

Section 6(c) provides for the expedited procedure for promulgating emergency standards in accordance with the desires of this House. It is intended that this procedure not be utilized to circumvent the regular standard-setting procedures. It should be used only for those limited situations where such emergency standards are necessary because employees are exposed to grave danger from substances or agents determined to be toxic or physically harmful agents, or new hazards. Section 6(c)(1)(B) makes it clear that it is also necessary that the Secretary determine that such a standard is necessary to protect employees from such danger. Thus, where the state of the act is incomplete or in some way lacking so that a determination cannot be made as to whether such a standard will protect employees, in such instances the Secretary would utilize the regular standard-setting procedures as provided in subsection 6(b) and not the emergency standard-setting authority.

INSPECTIONS AND INVESTIGATIONS

Under the bill the Secretary of Labor would be responsible for conducting inspections and investigations. There are two particular provisions regarding inspections on which I will comment. Subsection 8(e) requires the Secretary, in inspecting a facility, to make use of the knowledge of employees or their representatives by allowing them to accompany him and/or consult with him throughout the inspection. This provision, as well as a similar provision in the House bill, is intended as a specific aid to the Secretary and should be utilized by him for that purpose.

Section 8(f)(1) applies to situations where employees or their representative believe, in good faith and on a reasonable basis, that a violation of a standard exists which threatens significant physical harm, or that an imminent danger exists. It is expected that the Secretary will use his good judgment in determining whether there are reasonable grounds to believe that a violation exists and will not permit this procedure to be used as an harassment device.

Section 8(f)(1) also requires the Secretary to conduct such inspections as soon as practicable. This language requires the Secretary to act expeditiously. It also is intended to prevent serious disruptions in the systematic conduct of the Secretary's inspection program.

There may be other priorities which involve violations of a serious nature that are known and must be processed ahead of a given employee-requested inspection.

ENFORCEMENT

After an inspection or investigation, a citation may be issued for a violation of any safety or health requirement of the act. In the Senate bill, this citation had to be issued "forthwith." The term, "forthwith," lent itself to an interpretation that would require the issuance of a citation on-the-spot before leaving the premises. The conference committee, however, changed this procedure to require the issuance of a citation with "reasonable promptness" after the completion of an investigation. The "reasonable promptness" standard will allow an investigator, before he issues a citation, to refer to regulations and guidelines issued by the Secretary, consider what is an appropriate abatement period in light of precedent, and consult with other officials about the facts of the case. The period, however, should be a brief interval between an inspection and the issuance of a citation, normally not exceeding 72 hours. The change brings the present language more in line with the citation provisions contained in the House bill.

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Under the "penalties" provision, the distinction contained in the House bill between "serious" violations and "nonserious" violations is retained. Thus, there is no requirement that a penalty be assessed when the violation is not a serious one, but a penalty must be assessed where the violation is serious in nature.

ADVANCE NOTICE

The bill prohibits the giving of advance notice of an inspection "without authority from the Secretary or his designee," and violation of the provision carries a fine of not more than $1,000, or imprisonment of not more than 6 months, or both. It is clear from the language that giving advance notice of inspections is not prohibited where the Secretary believes such notice will further the interests of the act. However, there will be some cases where it will be important that no prior notice be given and therefore the penalty is provided for giving unauthorized notice.

PENALTY COLLECTION

It should also be made clear that the provision for judicial review and enforcement of the Commission's orders contained in section 11 are exclusive. Section 17(m) authorizing actions in the name of the United States for the collection of penalties should be construed narrowly and is intended to be limited to any collection process which may be necessary in order to actually collect the penalty.

RESEARCH AND TRAINING

As I mentioned at the outset, the need for research in the area of occupational injuries and diseases is one of the primary objectives to be achieved by this legislation. In accord with this objective, the conference bill provides, as did the House-passed bill, for extensive research by the Secretary of Health, Education, and Welfare. This broad authority is contained in section 20 of the bill and section 22 specifically provides for the creation of a National Institute for Occupational Safety and Health Research in the Department of Health, Education, and Welfare. Among other specific directives to the Secretary of Health, Education, and Welfare, the bill requires the Secretary of Health, Education, and Welfare to publish current listings of workplace related toxic substances. Such a list should be of significant assistance in providing the information necessary for a broad based attack on the problem.

I am proud to have been able to play a part in the development of this historic legislation. As I have indicated, my colleagues and our staffs in the Congress who have labored to produce this legislation deserve the thanks of all working men and women throughout our land. And foremost in the list of those who deserve credit for this legislation is President Nixon, who not only presented to the Congress his own comprehensive occupational safety and health legislation, but also on numerous occasions reminded the Congress of the urgency and necessity for such legislation.

I believe that special credit should also be given to the long and tireless efforts of the men charged with the primary responsibility for administering the law, Secretary of Labor James Hodgson, and Under Secretary Larry S. Iberman who have given strong endorsement to the conference report.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida, Mr. Sikes.

Mr. SIKES. Mr. Speaker, again I pay my respects to my good friend, the distinguished gentleman from Wisconsin (Mr. Steiger), for his long and arduous efforts to insure the passage of a good bill in this field.

Now, at the conclusion of a great deal of work by many people, the House is being asked to make a difficult choice. The bill which has been brought to us by the conferees is not—and I repeat—is not as good a bill as the bill which passed the House. That bill passed with a vote of 383 to 5, and that should have been reason enough for the conferees to insist on the House bill and bring it back to us, but this is not being done.

Let it be understood that the bill on which the conferees have agreed is a better bill than the bill reported by the House committee, and it is a better bill than the one passed by the Senate. Industry generally recognizes this, and is prepared to live with the results, but this bill is not as good as the House bill in many significant respects, and it is not clear in other respects, and that can prove to be a dangerous situation.

The bill has shortcomings which I think are serious. The plan in the House bill for a separate board of experts to administer the health and safety program has been dropped. That was one of the most important features of the House bill. It should be obvious that a better program would result from the establishment of such a board with the responsibility to give full consideration to the many important and manifold requirements of this program. Certainly it is preferable to placing this important and needed program under the Secretary of Labor, who already has a great many responsibilities and obligations.

There are other weaknesses. Some of them are acute. Some of them have been discussed. I want to stress the fact that the construction industry will now find itself operating under two health and accident safety programs, and it takes no wizard to comprehend the serious complexities of operating under two Government programs. It is almost inconceivable that this situation should be allowed to develop.

Unfortunately, the parliamentary situation is such that the House now is forced to vote for or against this bill rather than to send it back to conference. This is an unhappy state of affairs. Most of us are agreed that we want an accident, health, and safety program. Most of us have worked zealously to bring such a program into being. But many of us want a better bill than the one we now have before us. I find it difficult to accept the necessity for completing action on the bill at this time. There will be another Congress. There is no reason to deduce that the next Congress would refuse to accept its responsibility in this field, and that it would not give adequate consideration to the need for legislation of this type. That would be a safer course of action and there need not be much time lost.

But I know that is not what is about to happen. A lot of the people who fought for a better bill are prepared now to throw in the sponge and concede the game. And I know that when the leadership on both sides of the aisle join forces it is not difficult to predict the results.

Now let me say, in all fairness, I respect the work of the people like my good friend, the gentleman from Kentucky (Mr. Perkins), the chairman of the committee, and others on the committee. I know they have worked very hard to bring a good bill from the conference. I realize that many of the provisions of the House bill are contained in the bill before us. The bad part is that so many needed sections of the House bill were deleted. Nevertheless this is a better bill than the Senate-passed bill, and a better bill than the House committee bill.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the statement of the distinguished and able gentleman from Florida. I hope the House knows how much it meant to have you as one of those who carried such a heavy load in this whole field.

The work of the House in that substitute is a tribute to the work of the gentleman from Florida. This House owes you a debt of gratitude, and I personally owe you a debt of gratitude. I am glad, may I say, that you did point out to the House that there is a tremendous amount of House language contained in this conference report.

Mr. SIKES. I appreciate that statement, coming at it does from a close and very respected friend.

I will conclude by saying that I think it is unfortunate that we came so close and quit too soon. That is why I am going to have to vote against the bill, although I want very much to see such a program in operation.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to my very good friend whom I admire and respect very much.

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague, the gentleman from Florida, that I disagree on your statement that we quit too soon. We were 7 straight hours at the last conference meeting at which we devoted most of our time to the broad question. We attempted at various times during the 5 days to obtain a Senate concession on this point. When people tell you unequivocally, this is it—and they go out and caucus and come back and tell you this is it—and you ask them again and again and they still are adamant; well, then somewhere along the line you have to get a bill. I want to assure the gentleman that we did our best. We brought back the best bill we could compliment him for his interest in this legislation. I know his only interest is in doing justice to everybody.

Mr. SIKES. I would never want by anything I say to indicate any lack of confidence in my friend or lack of appreciation for his efforts. However, I too, have sat on many House-Senate conferences and I have experienced instances where the Senators have said, "This is it—you are going to take what we offer or you are not going to get a bill." In those cases, I find a little extra measure of patience, and a delay of another day or two can work wonders.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, there are few matters of greater importance to both employers and working people than that of on-the-job safety and health. Presently there is legislation which we are about to give final approval to which would extend the Federal Government, through the Labor Department, into every factory, every plant, and every place of employment in the United States.

Last year, the Nixon administration proposed new safety legislation which took into consideration many of the comments from the previous year's testimony and hearings. The administration approach was viewed by many in the business community as a more reasonable method of handling the problem of industrial safety. One of the features of that approach was to establish an independent board to set and interpret safety standards, leaving the enforcement to the concerned departments.

This was mirrored in the message President Nixon sent to the Congress on August 6, 1969, with his own proposal:

> The Comprehensive Occupational Safety and Health Act . . . will correct some of the important deficiencies of earlier approaches . . . it will separate the function of setting safety and health standards from the function of enforcing them. Appropriate procedures to guarantee due process of law and the right to appeal will be incorporated. The proposal will also provide a flexible mechanism which can reach quickly to the new technologies of tomorrow.
>
> Under the suggested legislation, maximum use will be made of standards established through a voluntary consensus of industry, labor, and other experts. No standard will be set until the views of all interested parties have been heard. This proposal would also encourage stronger efforts at the State level, sharing enforcement responsibility with States which have adequate programs. Greater emphasis will also be given to research and education, for the effects of modern technologies on the physical well-being of workers are complex and poorly understood . . .
>
> (This legislation) . . . can do much to improve the environment of the American worker. But it will take much more than new Government efforts if we are to achieve our objectives. Employers and employees alike must be committed to the prevention of accident and disease and alert to every opportunity for promoting that end. Together the private and public sectors can do much that we cannot do separately.

Regrettably, this phillosophy has been rejected by the members of the conference committee in favor of the authoritarian penalty oriented approach to safety. I believe that the conference committee completely disregarded the will of the House and receded on entirely too many important provisions contained in the Steiger-Sikes bill. The measure which is now being presented to the House provides for duplication of coverage in many industries.

The bill recognizes that many employers are already covered by existing Federal safety laws, but does not exclude these employers from additional coverage of the new law. In other words, even though they are now covered by the Construction Safety Act, Walsh-Healy Act or any other Federal safety law, the new act would overlap the existing safety laws and require compliance with each law. This would lead to general confusion, as to what is required by an employer to be in compliance with the Federal laws. The bill specifically recognizes this dilemma, but only requires that the secretary report to Congress on the problem of overlapping statutes within 3 years. It is quite obvious that many employers would be caught in a cross-fire between conflicting safety regulations set by various Federal agencies.

The Federal Safety Inspector will have the power to issue citations for violations of any standard, reporting duties, or where a serious danger potential exists by reason of such violation. This would include a citation where the inspector thinks that the employer has violated the general duty to provide a safe work place and that a serious danger potential exists because of the violation. This issuance of a citation is a new angle in safety legislation and the bill provides that the citation shall be in writing, shall describe the nature of the violation and a reference to the provisions of standards, rules or orders alleged to have been violated and the period of time in which the violation must be corrected. The bill provides that the citation shall be posted at, or near the place of the violation. In other words, this bill is calling for enforcement by publicity.

As it stands at the time of the issuance of this citation, the employer is simply accused of violating one of his duties under the act. However, he must post, in conspicuous places on his bulletin boards and near the place of violation, the accusation of the Federal Government. It can be expected that the unions will make use of these accusations in any bargaining sessions, and in addition, you must remember that the Taft-Hartley Act allows employees, under certain conditions, to leave a job where certain hazardous conditions exist. It is conceivable that after the employer has been accused of having an unsafe plant that the employees could walk off, and use the accusation of the Department of Labor as the reason for the wildcat strike.

S. 2193 does not contain a provision establishing an independent occupational safety and health board to set standards. Thus, the Senate-passed bill does not provide for the distribution of the standard-setting and enforcement functions.

The Senate bill does not provide for setting standards pursuant to the formal procedures of the Administrative Procedure Act. In using only informal procedures, the bill does not provide for the fullest involvement and participation in the development of safety and health standards.

The bill provides that union representatives or any employee representative be allowed to accompany inspectors on their plant tours. The potential abuse of this device as part of an organizing campaign or as part of an effort to ferment labor unrest is obvious.

Additionally, the Williams bill provides that if there is no authorized employee representative, the inspector must "consult with a reasonable number of employees."

By contrast under the Steiger-Sikes bill, employee representatives are allowed to accompany inspectors only when an employer representative does so. There is no provision for "consultation" with employees in the event there is no employee representative.

Therefore, I urge that the House reject the conference report on the grounds that the committee did not give sufficient consideration to the measure which passed the House of Representatives.

Mr. PERKINS. Mr. Speaker, will the gentleman yield for a correction?

Mr. SCHERLE. I yield to the gentleman.

Mr. PERKINS. With respect to the imposition of civil penalties by the Secretary, he can use the Construction Safety Act which we enacted last year or he can use this act. When he takes one route, he is estopped from taking the other. If he elects to take the procedure for enforcement in the Occupational Safety and Health Act and no penalty is assessed, he is estopped from going the other route.

A Government construction contractor could, of course be "blacklisted" under the Construction Safety Act and be subjected to a civil penalty as well.

Mr. SCHERLE. That is the point. The construction industry, since it will not know under which law a Secretary of Labor will take action, must make preparations for compliance under both laws.

Let me ask my chairman this question, then: What other industry in the United States is affected similiar to the construction industry?

Mr. PERKINS. There is nothing inequitable in the treatment of the construction industry under this act.

Mr. SCHERLE. No, Mr. Chairman, there are none other but this. This is the only one that is regulated under dual masters. It is criminal that the construction industry must suffer this double coverage.

Mr. PERKINS. There are two possible enforcement procedures for builders who are also Government constructors. There is no double coverage or double jeopardy, or other inequity.

Mr. SCHERLE. Yes; that is exactly what I mean. Even they would not have double coverage under this bill. Only one industry is subject to that.

Mr. Speaker, I am not against labor. All I seek is a fair shake for everybody. There are few amendments of greater importance for employers and employees than the one we are faced with this afternoon. There is only one vote that we can honestly cast regarding this legislation—"no." The only bill that we should have passed at this time was the Steiger-Sikes substitute. This conference bill will result in reverberations and repercussions for years to come.

Everybody puts a lot of faith in the present Secretary. However, he will not be there forever. It is possible for the present Secretary to make one interpretation and the next Secretary to come along a few months later and take a different approach.

I yield back the remainder of my time.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. ALBERT). The question is on the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 308, nays 60, not voting 65, as follows:

[Roll No. 421]

YEAS—308

Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Culver
Cunningham
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Diggs
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
King
Kleppe
Koch
Kyl
Kyros
Latta
Leggett
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mailliard
Mann
Martin
Mathias
Matsunaga
Mayne
Melcher
Michel
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Roth
Roybal
Ruppe
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Watts
Weicker
Whalen
Whalley
White
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—60

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Brinkley
Broyhill, Va.
Burleson, Tex.
Cabell
Caffery
Chappell
Clancy
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Ga.
Devine
Dickinson
Dorn
Downing
Fisher
Flynt
Foreman
Fountain
Fuqua
Griffin
Gross
Hagan
Haley
Hall
Hébert
Henderson
Jonas
Jones, N.C.
Kuykendall
Landgrebe
Lennon
Lloyd
McMillan
Mahon
Marsh
Miller, Ohio
O'Neal, Ga.
Passman
Patman
Poage
Poff
Rarick
Rhodes
Roberts
Rousselot
Ruth
Scherle
Schmitz
Sikes
Smith, Calif.
Steiger, Ariz.
Teague, Tex.
Waggonner
Whitehurst

NOT VOTING—65

Adair
Alexander
Anderson, Ill.
Aspinall
Ayres
Baring
Blackburn
Bolling
Brock
Broomfield
Burke, Fla.
Burton, Utah
Bush
Button
Camp
Carey
Collins, Ill.
Cramer
Daddario
Dingell
Dowdy
Edwards, La.
Farbstein
Ford, William D.
Gallagher
Gilbert
Horton
Hull
Jones, Tenn.
Kee
Keith
Kluczynski
Landrum
Langen
Long, La.
Lukens
McCulloch
McKneally
May
Meeds
Meskill
Mize
Montgomery
Moss
Murphy, N.Y.
O'Konski
Powell
Purcell
Rees
Reifel
Rivers
Rooney, Pa.
Rostenkowski
Roudebush
Satterfield
Stephens
Tunney
Watson
Whitten
Wilson, Charles H.
Winn
Wolff
Wydler
Young

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rivers with Mr. Adair.
Mr. Edwards of Louisiana with Mr. Blackburn.
Mr. Long of Louisiana with Mr. Lukens.
Mr. Kluczynski with Mr. Broomfield.
Mr. Rostenkowski with Mr. Wydler.
Mr. Rooney of Pennsylvania with Mr. Horton.
Mr. William D. Ford with Mr. Anderson of Illinois.
Mr. Gallagher with Mr. Roudebush.
Mr. Aspinall with Mr. Camp.
Mr. Purcell with Mr. Ayres.
Mr. Moss with Mr. Brock.
Mr. Hull with Mr. Mize.
Mr. Alexander with Mr. Reifel.
Mr. Charles H. Wilson with Mr. Burton of Utah.
Mr. Young with Mr. Burke of Florida.
Mr. Carey with Mr. Meskill.
Mr. Meeds with Mr. Langen.
Mr. Dingell with Mr. McKneally.
Mr. Dowdy with Mr. McCulloch.
Mr. Satterfield with Mr. Keith.
Mr. Stephens with Mr. O'Konski.
Mr. Landrum with Mr. Winn.
Mr. Kee with Mr. Cramer.
Mr. Jones of Tennessee with Mr. Watson.
Mr. Wolff with Mrs. May.
Mr. Tunney with Mr. Bush.
Mr. Montgomery with Mr. Button.
Mr. Daddario wtih Mr. Collins of Illinois.
Mr. Baring with Mr. Whitten.
Mr. Rees with Mr. Farbstein.
Mr. Murphy of New York with Mr. Gilbert.

XUM

Mr. CLANCY changed his vote from "yea" to "nay."

Mr. BROYHILL of Virginia changed his vote from "yea" to "nay."

Mr. DELLENBACK changed his vote from "nay" to "yea."

Mr. WHITEHURST changed his vote from "yea" to "nay."

Mr. COUGHLIN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19928, SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RELATING TO ELMER M. GRADE AND THE "DELTA QUEEN"

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H.R. 6114) for the relief of Elmer M. Grade, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 16, 1970.)

Mr. CELLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

THE CONFERENCE REPORT ON H.R. 17809, PAY SYSTEM FOR PREVAILING RATE EMPLOYEES

Mr. DULSKI. Mr. Speaker, I call up the conference report on the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 15, 1970.)

Mr. DULSKI. Mr. Speaker, the bill H.R. 17809 passed the House on September 9, 1970, by a vote of 231 to 90.

The Senate amendment provided a new text to the bill as does the conference agreement. The conference agreement contains several technical and substantive changes to the House-passed bill.

The substantive differences between the House-passed bill and the conference substitute are as follows:

NONAPPROPRIATED FUND EMPLOYEES

The House version applied the new wage board provisions to all employees of a nonappropriated fund instrumentality.

The conference substitute definition of "prevailing rate employees" under section 5342 as applied to nonappropriated fund instrumentality employees is not as broad as that in the House version and will apply only to employees under the trades, crafts, and labor occupations. It will not apply to employees in the executive and managerial positions who, under current procedures, generally, have their rates of pay fixed on a comparability basis with the rates of pay fixed under the general schedule.

The conference substitute omits a specific requirement for a special wage survey for nonappropriated instrumentality employees and veterans canteen service employees but includes provisions in paragraph (6) of the new section 5343(c) which contains authority for special surveys and special wage schedules when industry-oriented positions are involved.

WITHIN-GRADE STEPS

The House bill provided that each grade of a wage schedule have five steps. The first step at 96 percent of the prevailing rate with graduated increases to 112 percent of the prevailing rate for the fifth step.

The conference agreement provides for four steps except that special wage schedules established under paragraph (6) of the new section 5343(c) shall have not less than four steps. This change permits special wage schedules for supervisors to be established with five within-grade steps which is the number of steps supervisors now have in their wage schedules.

NIGHT DIFFERENTIALS

The provisions of the House bill establishing nationwide uniform 7½-percent night differential for the 3 o'clock shift and a 10-percent night differential for the 11 o'clock shift have been eliminated by the conference agreement.

Mr. Speaker, it is estimated that the additional cost of the conference agreement which adds one additional step to most wage board schedules will be in the neighborhood of $120 million. The cost of the House-passed bill would have been in excess of $280 million.

While the administration has raised objections to this legislation, I am convinced that the wage board system needs to be modernized as proposed in this legislation.

I urge adoption of the conference report.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I would like to commend the conferees for coming up with a wage board bill, which is certainly a better bill than that which was originally passed by this body, but which still meets with opposition from the administration. The conference has eliminated several provisions that I opposed, and which were opposed by the administration.

I refer to the elimination of the fifth step in grade, the 7½- and 10-percent nationwide night differentials for second- and third-shift work, and the 25 percent premium pay for Sunday work and double time for holiday work.

I offered an amendment when this bill was brought before the House that would strike out the Monroney amendment. This amendment was agreed to by the Committee of the Whole House on the State of the Union, but was defeated after the bill was reported back to the House.

And while I am still opposed to the Monroney amendment, the bill as reported out of conference is somewhat preferable to the original H.R. 17809.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. HENDERSON) the author of the bill.

(Mr. HENDERSON asked and was given permission to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, I rise in support of the conference report on H.R. 17809.

This bill establishes landmark legislation because it puts into law for the first time congressional policies on establishing the pay for the Federal Government's 850,000 wage board and nonappropriated fund employees.

However, the conference substitute provides several basic differences from that which was passed by the House on September 9, 1970. It is estimated that the present bill will cost the taxpayers about $180 million less than the House bill. This is reflected in the fact that the bill before us will provide for four pay steps, the top step being 108 percent, as compared to the original House-passed bill which called for five steps at 112 percent.

The substitute bill also eliminates nationwide night differential pay. Under this proposed legislation wage board employees would continue to have premium pay for nightwork, but the rates would be based on the prevailing rates in each local labor market area.

The conference substitute restricts the definition of a nonappropriated fund employee. The broad definition in the House bill would require employees in executive, clerical, managerial, and merchandising positions to be paid under prevailing rate procedures which would be inconsistent with the practice presently used. The executive and management employees have had their rates of pay based on rates comparable to the rates paid under the general schedule. The substitute will permit the continuation of the existing practice and will apply the provisions of the bill only to employees under the trades, crafts, and labor occupations.

The House bill includes a specific requirement that the pay of prevailing rate employees of nonappropriated fund instrumentalities located within the several States or the District of Columbia, and of the Veterans' Canteen Service, be fixed and adjusted in accordance with prevailing rates determined by a survey of wages paid to employees in a representative number of retail, wholesale, service, and recreational establishments in the local areas engaged in activities similar to those of the instrumentality or the Canteen Service.

The conference substitute omits this provision and authorizes an additional industry-oriented schedule. This permits a more realistic survey of rates paid to employees in retail, wholesale, service, and recreational establishments. By omitting the reference to instrumentalities located within the several States or the District of Columbia, it is clear that the provisions apply also to U.S. citizen employees overseas.

This schedule also preserves the present five step wage system of the 80,000 wage board supervisors.

The House bill included a provision requiring the payment of 25 percent additional premium pay for Sunday work and double pay for holiday work for nonappropriated fund and Veterans' Canteen Service employees. The substitute eliminates this provision.

Finally, the effective date in the substitute is 90 days, except for nonappropriated fund employees, as compared to 180 days in the House-passed bill.

Mr. Speaker, as we are continuing to give more and more consideration to our Federal employees, including the Classification Act employees and the military personnel, it is important that we recognize the blue collar worker and see that they are properly compensated for their work.

I, therefore, request that the House agree to the conference report.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, let me say at the outset, I realize the President is on record in opposition to this legislation, but as a matter of personal belief, I must support it.

This legislation will, for the first time, enact into law and improve upon the long established standing principles and policies for setting the pay of wage board or blue-collar workers.

In brief, the salient features of the report are as follows:

First. Establishes an 11-man Federal Prevailing Rate Advisory Committee to study the prevailing rate system and make recommendations. The committee shall make an annual report to the Civil Service Commission and the President for transmittal to the Congress;

Second. Provide a four-step wage schedule instead of the present three;

Third. Provide automatic step advancements after 26 weeks work in step 1; 78 weeks in step 2; and 104 weeks in step 3;

Fourth. Provide wage board employees who are reduced in grade the same "saved pay" protection as is currently provided General Schedule employees; and

Fifth. Bring under the pay system approximately 143,000 employees of nonappropriated fund activities of the Armed Forces and of the Veterans Canteen Services.

Mr. Speaker, it is my opinion that this upgrading and revision of the prevailing pay system is long overdue and necessary if the Federal Government is to be in a position to compete with private industry for top flight laborers, draftsmen, and tradesmen. Therefore, I urge passage of this legislation.

Mr. GROSS. Mr. Speaker, I rise to oppose the conference report on H.R. 17809. Conceding that the conference committee has watered it down, the bill remains inflationary, unnecessary, and a threat to the area wage system that has operated successfully for many years.

While the conferees eliminated the fifth step in grade, the flat 7½- and 10-percent night shift differential premium pay, and the 25-percent premium pay for Sunday work and double time for holiday work, all of which I opposed from the beginning, they did not go far enough. For example, the bill still retains that monstrosity, the so-called Monroney amendment. This provision, enacted in 1968, serves only to distort local wage board scales and discriminates against private enterpise employees. This provision alone has a price tag of $109 million and should be repealed. The legislation also, and without justification, brings nonappropriated fund employees—who are not Federal employees—under the wage board system.

Mr. Speaker, I would like to quote from a letter from Chairman Hampton of the Civil Service Commission, addressed to Chairman DULSKI, under date of November 12, 1970:

> Changes in the pay structure of wage board employees at this time are repugnant in the face of the current economic situation, and the Administration's efforts to hold Federal expenditures to those purposes that are absolutely essential. To achieve this objective, all agencies have been placed under strict budgetary limitations. Each increase in personnel cost must be offset by a decrease in other personnel costs. The Department of Defense has advised that any increases can only be attained by reduction in force actions in the Department of Defense.

Chairman Hampton closed by saying:

> I cannot urge too strongly that wage board legislation not be enacted at this time. Its enactment would not be in accord with the President's program.

Mr. Speaker, I urge the rejection of the conference report.

Mr. DULSKI. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 271, nays 89, not voting 73, as follows:

[Roll No. 422]

YEAS—271

Abbitt
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ashley
Baring
Barrett
Beall, Md.
Bennett
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Cabell
Caffery
Carney
Casey
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Conyers
Corbett
Corman
Coughlin
Cowger
Culver
Cunningham
Daniel, Va.
Davis, Ga.
de la Garza
Delaney
Dent
Dickinson
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hogan
Holifield
Howard
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
Koch
Kyl
Kyros
Lennon
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias
Matsunaga
Melcher
Mikva
Miller, Calif.
Mills
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Railsback
Randall
Reid, N.Y.
Reuss
Riegle
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth

Roybal
Ruppe
Ryan
St Germain
Sandman
Saylor
Scheuer
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Watson
Watts
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wright
Wyatt
Wyman
Yates
Yatron
Young
Zablocki
Zwach

NAYS—89

Andrews, Ala.
Arends
Ashbrook
Belcher
Bell, Calif.
Berry
Betts
Bow
Brown, Mich.
Brown, Ohio
Byrnes, Wis.
Carter
Cederberg
Chamberlain
Clancy
Clawson, Del
Collins, Tex.
Colmer
Conable
Conte
Cramer
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Erlenborn
Esch
Feighan
Findley
Fish
Ford, Gerald R.
Foreman
Frey
Goldwater
Gross
Grover
Haley
Hall
Hansen, Idaho
Harvey
Hastings
Hosmer
Hutchinson
Jonas
King
Kleppe
Kuykendall
Landgrebe
Latta
Lloyd
McCloskey
McClure
MacGregor
Mahon
Marsh
Martin
Mayne
Michel
Miller, Ohio
Minshall
Mizell
Myers
Passman
Pettis
Price, Tex.
Quie
Rarick
Reid, Ill.
Rhodes
Robison
Rousselot
Ruth
Schadeberg
Scherle
Schmitz
Sebelius
Skubitz
Smith, Calif.
Snyder
Springer
Steiger, Ariz.
Steiger, Wis.
Taft
Vander Jagt
Wiggins
Wold
Wylie
Zion

NOT VOTING—73

Abernethy
Adair
Anderson, Ill.
Aspinall
Ayres
Blackburn
Bolling
Brock
Brown, Calif.
Broyhill, Va.
Burke, Fla.
Burton, Utah
Bush
Button
Camp
Carey
Celler
Collins, Ill.
Crane
Daddario
Daniels, N.J.
Denney
Dingell
Dowdy
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fuqua
Gallagher
Gilbert
Green, Oreg.
Heckler, Mass.
Horton
Hull
Kee
Kluczynski
Landrum
Langen
Leggett
Long, La.
Lukens
McCulloch
McKneally
McMillan
May
Meeds
Meskill
Mize
Montgomery
Morton
Moss
Nelsen
O'Konski
O'Neal, Ga.
Powell
Purcell
Rees
Reifel
Rivers
Rostenkowski
Roudebush
Satterfield
Stephens
Tunney
Ullman
Weicker
Whitten
Wilson, Charles H.
Winn
Wolff
Wydler

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Daniels of New Jersey with Mr. Anderson of Illinois.

Mr. Kluczynski with Mr. Camp.

Mr. Celler with Mrs. Heckler of Massachusetts.

Mr. Abernethy with Mr. Crane.

Mr. Charles H. Wilson with Mr. Horton.

Mr. Hull with Mr. Adair.

Mr. O'Neal of Georgia with Mr. Langen.

Mr. Dingell with Mr. Denney.

Mr. Fuqua with Mr. Ayres.

Mr. Gallagher with Mr. Lukens.

Mr. Rivers with Mr. Bush.

Mr. Rostenkowski with Mr. McCulloch.

Mr. Leggett with Mr. Blackburn.

Mr. Wolff with Mr. McKneally.

Mr. Whitten with Mrs. May.

Mr. Kee with Mr. Brock.

Mr. Carey with Mr. Morton.

Mr. Aspinall with Mr. Reifel.

Mr. Montgomery with Mr. Broyhill of Virginia.

Mr. Rees with Mr. Collins of Illinois.

Mr. Evins of Tennessee with Mr. Meskill.

Mr. Long of Louisiana with Mr. Burke of Florida.

Mr. Purcell with Mr. Mize.

Mr. Moss with Mr. Button.

Mr. Landrum with Mr. Nelsen.

Mr. Ullman with Mr. O'Konski.

Mr. Satterfield with Mr. Burton of Utah.

Mrs. Green of Oregon with Mr. Roudebush.

Mr. Stephens with Mr. Winn.

Mr. Dowdy with Mr. Wydler.

Mr. Daddario with Mr. Weicker.

Mr. Edwards of Louisiana with Mr. McMillan.

Mr. Brown of California with Mr. Powell.

Mr. Gilbert with Mr. Fallon.

Mr. Meeds with Mr. Farbstein.

Mr. CONTE changed his vote from "yea" to "nay."

Messrs. GUBSER, TALCOTT, COLLIER, and HAMMERSCHMIDT changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 704) entitled "An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution."

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 19928, SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order for the House to consider the conference report on H.R. 19928, the supplemental appropriation bill, at any time after the conference report is filed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 3619, DISASTER RELIEF ACT OF 1970

Mr. JONES of Alabama. Mr. Speaker, I call up the conference report on the bill (S. 3619) to revise and expand Federal programs for the relief of the effects of major disasters, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. GROSS. Mr. Speaker, reserving the right to object, the gentleman does intend to take some time to explain what transpired at the conference; does he not?

Mr. JONES of Alabama. Yes. I will be glad to accommodate the gentleman from Iowa. The gentleman from California (Mr. DON H. CLAUSEN) and I will be available for answers to any questions.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 15, 1970.)

Mr. JONES of Alabama. Mr. Speaker, S. 3619, which we now bring back from conference for approval of this House is one of the finest examples of complete cooperation between this body and the Senate. The Senate approach in dealing with the need for disaster relief assistance was to repeal all existing major substantive provisions dealing with this subject and to replace them with one basic law. The House of Representatives approach was simply to amend the basic laws and to add several new badly needed provisions. During the conference with the Senate it became obvious that we were to a great extent attempting to reach the same end result by differing means.

The conferees unanimously agreed to consolidate into one act the numerous provisions of the law which presently exist in the basic 1950 act, Public Law 875, 81st Congress; the 1966 Disaster Relief Act, Public Law 89-769; and the Disaster Relief Act of 1969, Public Law 91-79. This consolidation and broadening of the law takes into consideration the experience gained by the Congress and the Federal and State Governments from the numerous disasters which have occurred over the years. I am please to state that the House position, in the few occasions that it differed on substantive matters with that of the Senate, was generally concurred in by the other body.

The conference report generally retains the House position on making repairs to, restoring to service, or replacing public facilities of State and local governments damaged or destroyed by a major disaster with the stipulations that the Federal contribution will not exceed the net cost of restoring the facilities on the basis of the design of the facility as it existed immediately before the disaster and the restoration would be in conformity with current codes, specifications, and standards.

The House version of S. 3619 authorized the use of Federal agencies to clear debris from publicly and privately owned lands and waters, when determined to be in the public interest. Authorization was also provided for grants to any State for similar debris clearance. A requirement was imposed that State and local governments must arrange to provide unconditional authorizations for the removal of such debris and that the Federal Government be indemnified against claims arising from such removal. The conference report includes this provision.

With respect to temporary housing assistance, the conference report includes a provision which would authorize the Director to provide temporary housing or other emergency shelter, including mobile homes, for those who as a result of a major disaster require temporary housing or other emergency shelter. For the first 12 months of occupancy, no rental shall be established. Thereafter, rentals will be based on fair market value of the accommodations being furnished, adjusted to take into consideration financial ability of the occupant. Emergency housing which is acquired by purchase may be sold directly to the occupants at prices that are fair and equitable. Any mobile home or readily fabricated dwelling is to be placed on a site complete with utilities provided by State or local government or by the owner or occupant of the site without charge to the United States. The Director may elect to provide other more economical and accessible sites at Federal expense if he determines it to be in the public interest. Further, the President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments in the same manner as is provided in the House amendment. The President is authorized for the purposes of this provision and in furtherance of the purposes of section 240 of this act to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

The conference report provides that in the administration of the disaster loan program under section 7(b) (1), (2), and (4) of the Small Business Act in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster determined by the Small Business Administrator, such Administrator:

First, to the extent the loss, damage, or injury is not compensated for by insurance or otherwise shall on that part of the loan in excess of $500 cancel the principal, except that the total amount so canceled is not to be more than $2,500. This clause, however, is to apply only to loans made to cover losses, damages, and injuries resulting from major disasters determined by the President, and may defer interest or principal payments or both in whole or in part during the first 3 years of the term of the loan, these deferred payments, however, are to bear interest at the rate determined under section 234 of the act.

Second, to the extent it is not compensated for by insurance or otherwise, may grant any loan to repair, rehabilitate, or replace property damaged or destroyed, whether or not financial assistance is otherwise available from private sources;

Third, may, in the case of total destruction or substantial damage of a home or business concern, refinance mortgages or other liens outstanding against that property if it is to be repaired, rehabilitated, or replaced with the limitation that the amount refinanced is not to exceed the amount of the physical loss sustained and that this refinancing is to be subject to the provisions of clauses (1) and (2) of this section.

Similar provisions in the case of the Farmers Home Administration emergency loans were provided in the conference report as were included in the case of Small Business Administration loans.

The conferees agreed essentially with the other House provisions relating to the disaster loan programs to the effect that a loan made under those provisions is not to exceed the current cost of repairing and replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any such loan is to bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years reduced by not to exceed 2 percent per annum but in no event is any such loan to bear interest at a rate in excess of 6 percent per annum.

I might point out that the House version of S. 3619 included a 1-percent reduction and not the 2 percent agreed upon—but in light of the 6-percent maximum and the present interest rate, this difference is immaterial.

One other provision I would particularly note involves assistance to communities for tax losses. Here again the House position prevailed. This section would authorize the President to make grants to any local government, which, as a result of a major disaster has suffered a substantial loss of property tax revenue—both real and personal. The limitations placed upon these grants are: First, they may only be made for the tax year in which disaster occurred and for each of the following 2 tax years; second, the grant shall not exceed the difference between the annual average of all property tax revenues received during the 3-tax-year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received for the tax year in which the disaster occurred and for each of the 2 succeeding tax years; and, third, there must be no reduction in tax rates and tax assessment evaluation factors of the local government. If, however, there has been such a reduction, a grant may still be made for the year or years when such reduction is in effect, but, the President shall use the tax rates and tax assessment factors in effect at the time of the disaster without reduction in order to determine revenues which would have been received. These revenues will then be used in calculating the difference as the basis of determining the grant instead of the actual revenues.

I believe that this may well be one of the most meaningful new provisions in disaster relief assistance legislation.

Mr. Speaker, this is without question one of the finest conference reports I have had the privilege of bringing to this floor of the House. The conferees from both Houses came together to reconcile our differences so as to bring back to our colleagues meaningful legislation. This we have accomplished.

I would like to conclude my remarks by thanking all the members of the conference on both sides of the aisle for their outstanding work on this important piece of legislation, this includes the gentleman from California (Mr. Johnson), the gentleman from Texas (Mr. Wright), the ranking minority member of the Subcommittee on Flood Control, the gentleman from California (Mr. Don H. Clausen), and the gentleman from Iowa (Mr. Schwengel). I would also commend the staff of the House committee for their fine work in the preparation of the material that went into the report, and in particular Mr. Lester Edelman, the committee counsel for his diligence, devotion, and hard work on the entire bill through the House and conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman.

What is the standard for determining "low-income individuals," who would qualify for free legal assistance? What is a low-income individual?

Mr. JONES of Alabama. Well, that has various meanings. Under the Farmers Home Administration they have their own criteria, the Small Business Administration has its criteria as well as other agencies of the Government. However, we bring into play all of the agencies connected with the Federal Government which may be able to give relief under their various acts. Therefore, this evaluation is made by the agency itself—and we do not seek to establish any certain amount for indigents or people who are not capable of taking care of their own needs——

Mr. GROSS. So, what constitutes a low-income individual could be subject to a number of interpretations?

Mr. JONES of Alabama. Yes.

Mr. GROSS. Depending upon the agency of the Government which would make the determination?

Mr. JONES of Alabama. The gentleman from Iowa is entirely correct.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, in further response to the gentleman from Iowa (Mr. Gross), I will say to the gentleman that in this type of relief we are dealing with individuals in the private sector and as a result of established procedure their particular situation will be evaluated on an individual basis by the loaning agencies and in some cases, for instance, by the Red Cross, the Salvation Army, and other organizations, representatives of which will actually sit down with that person and find out what their situation was at the time of the disaster and then make a determination as to whether or not there is a need for assistance.

Mr. Speaker, the conference report before the House today on S. 3619, the Disaster Relief Act of 1970, reflects certain changes in approach that the conference committee adopted in the interest of simplifying the law. Simply put, the proposed legislation substitutes an entire new act for disaster relief legislation. Members of the House will recall that the bill, as it passed the House, was essentially an amendment or rather a series of amendments of existing disaster relief acts. The other body chose to replace the acts that were in existence by one new act in which virtually the entire body of disaster relief law would be included.

Naturally, this approach required us to repeat those portions of existing law which we wish to preserve. Otherwise, such things would have been repealed that were not intended to be repealed. Thus, Members, in reading the conference report, will find much material that was not in the House bill but was in the existing law.

Once the decision was made to adopt the approach of a new statute, much of the language that appeared in the Senate bill was acceptable to the conference members. Those provisions, which the managers, on the part of the House, felt should be included as representative of the position of the House, were included. For example, section 203, concerning emergency and permanent repair or replacement of public facilities of State and local governments when those facilities were damaged as a result of a major disaster, contains the essential portions of the House position drafted into the language of a new act. Those provisions concerning predisaster assistance, which I personally consider so important, and which authorize the President to take effective action to divert or lessen the effects of a catastrophy which threatens to become a major disaster, have been retained. The provisions in the House bill pertaining to debris removal are in the conference substitute.

In the area of temporary housing assistance, the Director of the Office of Emergency Preparedness is authorized to provide temporary housing for 12 months without rental. Following that, rentals would be based on fair market value of accommodations being furnished, adjusting to take into consideration financial ability of the occupant. Emergency housing, acquired by purchase, may be sold directly to the occupant at prices that are fair and equitable. Provision is made for utilities provided by State or local governments. Assistance in the form of mortgage or rental payments is retained in the same manner as in the House bill.

In essence, this section combines the features of both the House and Senate bill and retains the basic intent of the House provision. The all-important loan provisions that appeared in the House version have been retained with minor variations in the case of loans resulting from major disasters.

This legislation, in my opinion, accomplishes all the purposes of the House passed bill with the additional advantage of making the law simpler to understand and easier to codify. I, therefore, recommend the acceptance by this House of the conference report to the Members of this body.

Mr. JOHNSON of California. Mr. Speaker, one of the strengths of this great Nation of ours has been the willingness of individuals to extend a helping hand to their neighbors in times of difficulty and emergency. In a complex 20th century such as we now live the need to help thy neighbor is no less than it was in the early days of this country. However, the means of achieving it are far more complex. The disaster relief legislation which has been on the books the last 20 years provides an opportunity to all the people of this Nation to assist their neighbors in all areas of the country to overcome and rebuild in the wake of natural disasters.

Since I have been a Member of Congress, we have had several major disasters—the Alaskan earthquake, the Christmas 1964 storms and floods in California and the Pacific Northwest, the Palm Sunday 1965 tornadoes which caused so much havoc in Illinois, Michigan, and Indiana, Hurricane Betsy, the California storms of January and February 1969, and the great grandmother of all hurricanes, Camille, which caused so much devastation throughout the Southern States and whose aftermath hit as far north as Virginia.

The examples I have cited are the major storms and disasters which we have experienced, but there have been hundreds of other lesser disasters in which the resources of the Federal Government were required to help the people recover from brutal treatment on the part of nature.

I should say these were "lesser" storms and disasters only in terms of scope and geography. For those people hurt or killed and for those whose homes and property were destroyed, there was no greater disaster than some of these. During the 20 years since Public Law 81–875, which is our basic disaster legislation, was enacted in 1950, the President has declared disaster emergencies and ordered mobilization of Federal relief agencies 280 times, an average of 14 times a year. During the last 5 years, there have been 100 of these disasters, an average of 20 a year. In 1969 we witnessed one of the worst years in history with 20 disasters including, of course, the storms of California which claimed some 100 lives and Hurricane Camille which cost us 262 lives and $1.5 billion in damage.

I would like to interject here, Mr. Speaker, a comment concerning the nature of disasters which I believe points up the need for streamlining our legislative authority for Federal assistance in these hours of need. At the turn of the century, the Galveston flood caused about $30 million worth of damage; however, 6,000 lives were lost. Compare this with Hurricane Camille in which $1.5 billion in damage was caused, but the death toll stood at 262. While one disaster death is one too many, I think this shows we are making great progress in the disaster forecasting and early warning alerts to give people an opportunity to seek adequate protection for their lives. It also points up the fact that as we build our cities, with more and more homes, public buildings, schools, and other structures crowded closer and closer together, storms will take an increasingly higher toll in property damage. As property damage mounts, the ability of individuals, local and State governments to cope with reconstruction costs is reduced. Federal disaster legislation must reflect this change.

The Public Works Committee under the distinguished leadership of the gentleman from Maryland, Representative GEORGE FALLON, and with the farsighted guidance of the Flood Control Subcommittee chairman, the gentleman from Alabama, ROBERT JONES, has performed a great and humanitarian role over the years in providing Federal disaster assistance tailored to fit individual disaster situations.

However, most provisions of the 1969 act will expire at the end of this calendar year. It is time that we make permanent those provisions which have proven valuable and at the same time strengthen and refine them. It is with this in mind that I introduced H.R. 18608, the Federal Assistance Act of 1970, which I believe reflects not only the best of the recommendations proposed by the administration, but also the experience the Congress has had in disaster relief. I am pleased that most of the provisions of my proposal are incorporated in the final version of S. 3619 which we have before us today. I feel that the final result achieved in conference between the House and Senate bills is a fine bill that will meet the needs of the Nation in years to come. I think this bill merits the approval of the House of Representatives today.

Mr. JONES of Alabama. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19504, FEDERAL AID HIGHWAY ACT, 1970

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the managers of the part of the House may have until midnight tonight to file a conference report on the bill H.R. 19504, the Highway Act.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19877, RIVERS AND HARBORS AND FLOOD CONTROL ACT OF 1970

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the managers of the part of the House may have until midnight tonight to file a conference report on the bill H.R. 19877, the Rivers and Harbors and Flood Control Act of 1970.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONFERENCE REPORT ON S. 704, AUTHORIZATION FOR APPROPRIATIONS FOR SMITHSONIAN INSTITUTION

Mr. THOMPSON of New Jersey. Mr. Speaker, I call up the conference report on the bill (S. 704) to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 16, 1970.)

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. Mr. Speaker, I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank my friend, the gentleman from New Jersey, for yielding.

When the authorizing legislation was before the House a few days ago the gentleman assured the House that there was no money in the bill for the Hirshhorn Museum that is scheduled to be erected on the Mall. Will the gentleman give the House assurance, as a result of the conference with the Senate, that there is no change in that situation?

Mr. THOMPSON of New Jersey. The gentleman from New Jersey thanks the gentleman from Iowa for his question, and assures the gentleman that nothing in this bill or in the conference report in any way affects or refers to construction or adds or contributes to the construction of the Hirshhorn Museum.

Mr. GROSS. If there was any assistance being given I would suggest that the money be devoted to neon signs in the most colorful hues that could be devised to adorn the name of Hirshhorn who apparently has had some serious difficulties with the Canadian Government, and perhaps elsewhere.

Mr. THOMPSON of New Jersey. The gentleman from New Jersey will keep that very much in mind, and might even be willing to contribute to the design or color of the prospective lights, which is a splendid idea.

Mr. GROSS. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, this is an excellent conference report, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM A COMMITTEE

The **SPEAKER** laid before the House the following resignation from a committee:

WASHINGTON, D.C.,
December 16, 1970.

Hon. JOHN W. MCCORMACK,
The Capitol,
Washington, D.C.

DEAR MR. SPEAKER: I submit my resignation as a Member of the House Committee on Interior and Insular Affairs. It has been a valued experience to have served under your leadership and that of Chairman Aspinall on this great Committee during the period when so much has been done in the field of conservation, recreation and the improvement of our natural resources.

I am gratified that I have been privileged to serve as Chairman of the Subcommittee on Territorial Affairs over the past several years when we have witnessed the passage of a number of significant measures to extend self government in all the territorial areas under the flag or trusteeship of the United States.

I am greatly indebted to all the Members of this outstanding Committee for the exemplary spirit of cooperation and conciliation which has allowed the Committee to effectively carry a major share of the legislative burden in every year of my service.

I submit this resignation in order to seek the vacancy that exists on the Committee on Ways and Means and I extend to you my deep appreciation for the many kindnesses which you have extended to me during the term of your great leadership as our Speaker.

Sincerely,

HUGH L. CAREY,
Member of Congress.

The **SPEAKER.** Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM A COMMITTEE

The **SPEAKER** laid before the House the following resignation from a committee:

The Clerk read as follows:

WASHINGTON, D.C.,
December 16, 1970.

Hon. JOHN W. MCCORMACK,
The Capitol,
Washington, D.C.

DEAR MR. SPEAKER: I wish to submit my resignation as a Member of the House Committee on Education and Labor. It has been a great privilege to serve as a Member of this Committee, especially during a time when so much historical legislation has passed the House under your leadership in the field of aid to education for all children. These measures, together with the important gains we have made in the area of human resources, are a great testament to the able Chairmen under whom I have served as well as the outstanding leadership of all the individual Members of this Committee.

I submit this resignation in order to seek the vacancy which now exists on the Committee on Ways and Means.

I extend my sincere gratitude to you for the many past courtesies you have extended to me and I look forward to working with you in the years ahead for the improvement of our country and our party.

Sincerely,

HUGH L. CAREY,
Member of Congress.

The **SPEAKER.** Without objection, the resignation will be accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 19446, EMERGENCY SCHOOL AID ACT OF 1970

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1307 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1307

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1307 provides an open rule with 1 hour of general debate for consideration of H.R. 19446, the Emergency School Aid Act of 1970. The resolution further provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The major purposes of H.R. 19446 are to assist school districts which are required to desegregate and to assist school districts which are voluntarily integrating.

School districts which have been ordered to desegregate by court, HEW, or Justice; school districts which are voluntarily carrying out a complete plan of integration; and school districts which are carrying out plans to reduce de facto segregation or to prevent de facto segregation from occurring or increasing would be eligible.

Funds may be used for remedial service, additional professional staff and training, guidance and counseling, new instructional techniques and materials, innovative interracial educational pro-

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grams, repair and minor remodeling of facilities, transportation of pupils, community activities, special administrative activities, planning and evaluation, and other specially designed programs or projects.

In considering an application, the Secretary of Health, Education, and Welfare must use six specific criteria, including the need for assistance and the degree to which the program is likely to result in a decrease in racial isolation. If an application is disapproved, the school district must be notified of the reason and must be given an opportunity to resubmit its application.

Applicants are required to submit proposals to the State educational agencies for comment and are required to give assurances that they have not unlawfully aided private segregated schools since the fall of 1969 and that they will not aid such schools in the future.

The Secretary is required to make annual reports and a National Advisory Council on the Education of Racially Isolated Children shall be created by the President.

The Secretary is allowed to use 1 percent of the funds for evaluation of programs.

The $500 million would be authorized for fiscal year 1971 and $1 billion for fiscal year 1972. Twenty percent of the appropriation is reserved to the Secretary for grants or contracts for special programs. The remaining 80 percent is prorated among the States on the basis of their number of minority children.

The legislation is designed to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools and to encourage the voluntary elimination, reduction, or prevention of racial isolation in schools with substantial proportions of minority group students.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 19446 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the purpose of the bill is to make additional Federal financial assistance available to school districts which are required to desegregate or those which are voluntarily integrating.

The bill authorizes $500,000,000 for fiscal 1971 and $1,000,000,000 for 1972. Twenty percent of the funds appropriated will be held by the Secretary of Health, Education, and Welfare for grants for special assistance to individual districts. The remainder will be apportioned among the several States on a formula based upon the number of minority children in a State's schools.

Three categories of school districts are eligible for assistance: First, those under order to desegregate by either the courts, HEW, or the Justice Department; second, school districts voluntarily integrating; and, third, school districts which are carrying out plans to reduce de facto segregation or to prevent de facto segregation from occurring or increasing.

Applicant school districts are required to submit to their State education agency their proposed plans for comments before forwarding them to the Secretary of Health, Education, and Welfare. They are also required to give assurances that they have not unlawfully aided private segregated schools since the fall of 1969 and that they will not give such illegal aid in the future.

Federal assistance under the bill will be available for such purposes as: First, additional professional staff, and training and retraining for all staff; second, guidance and counseling services; third, new instructional materials and techniques; fourth, innovative interracial educational programs; fifth, transportation of pupils; sixth, planning and evaluation of existing programs; and seventh, "other specially designed programs or projects."

Minority views are filed by four members. They oppose the bill because they believe that most if not all of what it proposes can be handled by existing statutory authority. They also oppose the bill because it puts Congress on record as formally supporting a massive, federally aided busing program which is designed to achieve racial balance in the schools and which will destroy the concept of the "neighborhood schools."

Mr. Speaker, I have no objection to the rule. I urge its adoption. I have no requests for time.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BARING. Mr. Speaker, yesterday on rollcall 415, the defense appropriation bill, I was unavoidably detained in the Senate. I would ask that the Record show that had I been present, I would have voted "yea."

The SPEAKER. The gentleman's statement will appear in the Record.

EMERGENCY SCHOOL AID ACT OF 1970

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19446, with Mr. Corman in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. Perkins) will be recognized for 30 minutes, and the gentleman from California (Mr. Bell) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this bill is before you today largely due to the dilligence and hard work of three members of our committee—Mr. Roman Pucinski, chairman of the subcommittee, Mr. Gus Hawkins, one of the principal architects of the legislation, and Mr. Al Bell, also a principal author of the legislation.

The legislation arises out of proposals submitted to the Congress by the President in the latter part of May of this year. Upon its referral to the Education and Labor Committee the legislation was handled in the general subcommittee on Education chaired by the distinguished gentleman from Illinois (Mr. Pucinksi). He has been diligent in pursing every aspect of the proposal in hearings and investigations of that subcommittee.

The bill was ordered reported by the committee on November 24 with a committee record vote of 24 in favor and none against.

There are minority views in the report of the committee filed on November 30 signed by four members of the committee.

The bill's major purpose is to provide financial assistance to school districts to enable them to more effectively accomplish desegregation.

Eligible school districts fall into three categories. School districts which are under order to desegregate either by the courts, by HEW's civil rights compliance activities or the Department of Justice.

Second, school districts which are voluntarily carrying out a complete plan of integration and third, school districts which are carrying out plans to reduce de facto as distinguished from de jure segregation or to prevent de facto segregation from occurring or increasing.

Funds under the bill may be used for education programs and services which are directly related to problems arising in an integrating system. Thus, they may be used for: first, remedial services; second, additional professional staff; third, staff training and retraining; fourth, guidance and counseling; fifth, new instructional techniques and materials; sixth, innovative interracial educational programs; seventh, repair and minor remodeling of facilities; eighth, transportation of pupils; ninth, community activities; tenth, special administrative activities; and eleventh, planning and evaluation.

The bill spells out six general requirements to guide the Secretary in his approval of programs or projects.

These criteria include the need for assistance and the degree to which the program is likely to result in a decrease in racial isolation.

Eighty percent of the $1.5 billion authorized by the legislation over the 2-year life of the program would be allocated among the States according to the number of Negro, American Indian, and Spanish surnamed American children in our elementary and secondary schools in each State.

The remaining 20 percent may be utilized by the Secretary to fund directly special grants or contracts in accordance with the provisions of the act.

In making grants to educational agencies school districts would apply to the Secretary setting forth their proposed use of funds to assist the school district in its desegregation activities.

Such applications are required to pass through the State educational agencies for comment, with final approval resting with the Secretary.

A total of $500 million is authorized to be appropriated for the current fiscal year and $1 billion for fiscal year 1972.

In view of the overwhelming support given this legislation by the committee I believe that a rule should be granted at the earliest possible date so that the House can consider the legislation this week.

Mr. BELL of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 19446, the Emergency School Aid Act of 1970.

This legislation provides urgently needed financial assistance to school districts throughout the Nation who have: First, been required by State or Federal courts, HEW, or the Justice Department, to desegregate, and require proper funding to do so effectively; or, second, districts which are voluntarily willing to implement a desegregation program but are not financially able to do so effectively.

The committee bill authorizes for appropriation $500 million for fiscal year 1971 and $1 billion for fiscal year 1972.

Funds appropriated for either fiscal year would be available for obligation in the succeeding fiscal year.

Since Alexander against Holmes County, in 1969, in which the Supreme Court required immediate abolition of the dual system, there has been great progress in the South.

Today there are in effect court orders or HEW-approved voluntary plans which will mean that by the 1970–71 school year, 58.9 percent, or 1.8 million black pupils, will be attending desegregated systems.

These existing orders and plans cover a total of 306 school districts.

In the North, the Department of Health, Education, and Welfare has indicated that 505 school districts have been viewed as potential violators of title 6 of the Civil Rights Act.

The Department of Justice has indicated that a number of letters of intent concerning violations of title 4 of the Civil Rights Act have been sent to northern school districts.

Thus, the problem is nationwide in scope and immediate in its need for financial aid.

In a program of this magnitude it is imperative that the Federal Government match its rhetoric with the financial assistance necessary to insure that desegregation plans are carried out effectively.

As school districts come under court orders or as they are inclined to pursue voluntary efforts to correct problems of racial isolation, they are faced with public fears of a decline in educational quality and with diminishing support for public education.

Testimony before the committee indicated that most desegregating school districts lack the financial resources to provide effective desegregation and quality education.

Some of the tasks facing school administrators implementing a desegregation plan are: numerous public hearings, information for parents, rescheduling classes, communicating with parent groups, reassigning staffs, and providing information to the community.

Frequently the district also requires teacher training programs, remedial education, minor repair and remodeling of buildings, and guidance and counseling to encourage quality education.

Obviously, such programs are both time consuming and costly.

While the Emergency School Aid Act of 1970 provides financial aid for special expenses incurred in implementing a plan mandated by the courts, HEW, or the Attorney General, the bill gives equal priority to school districts with suitable voluntary desegregation plans.

Many of the districts have already carried out voluntary desegregation plans.

School districts in many other cities would adopt such plans if the Federal Government were to provide the necessary financial resources to insure that quality education would be maintained or improved.

Of fundamental importance in this bill are the provisions which would authorize funds to alleviate problems which arise in the "tilting school" situation.

The bill authorizes funds to school districts which have plans to prevent racial isolation reasonably likely to occur in schools of at least 10 percent, but not more than 50 percent, minority enrollment.

The theory behind this provision was described by one urban school superintendent, who feels strongly that the majority of parents are concerned about the educational future of their children and that if that quality can be guaranteed, the children would remain in the schools.

We have seen the danger of resegregation of our schools after a desegregation plan has been implemented.

With adequate financial assistance to "tilting schools" before it is too late, we may be able to convince parents and children that they can receive the same quality of education in integrated schools as they received in segregated schools.

The bill is the result of thorough testimony, lengthy debate, and careful compromise.

It places strict criteria on the Secretary of Health, Education, and Welfare in the approval of applications.

It emphasizes sufficient concentration of funds to insure that money will be spent in areas of the greatest need.

It recognizes the emergency need for adequate resources for desegregation so that educational quality does not decline and public support for the public school is maintained.

It provides that the appropriate State educational agency must be given an opportunity to offer recommendations.

It encourages voluntary desegregation and cooperation rather than confrontation.

It explicitly assures that financing under this new legislation is not to replace funding under existing programs.

The administration has emphasized that ongoing education programs will not be cut back or deprived of essential funds to help finance the Emergency School Aid Act.

Mr. Chairman, by supporting this legislation today, we will encourage an orderly process of desegregation and help insure that desegregated school districts will offer quality education to children of all races.

By demonstrating a commitment on the part of the Federal Government to providing financial aid to match our moral commitment, we can help maintain public confidence in the public school system and help provide truly equal educational opportunity for all our Nation's children.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of H.R. 19446, which came out of the subcommittee it is my privilege to head.

This legislation has been very carefully worked out and balanced between the original proposals made by the President and the testimony as presented to our committee over a series of very extensive hearings.

This is the first time the Congress and the Nation are responding to perhaps the most vexing problem of our time, the problem of seeing schools become integrated and then resegregated because they do not have sufficient wherewithal and funds to try to work out programs which will lead to a better understanding among the students.

This legislation proposes $500 million for fiscal year 1971 and $1 billion for fiscal year 1972 to meet the needs as to the elimination of racial segregation and discrimination among students and faculty, and to encourage voluntary reduction of racial isolation.

Eighty percent of the money would be allotted among the States, with a minimum to each State of $100,000, on the basis of the proportional number of minority children. The Secretary may reallocate if no remaining projects in the States meet the criteria for approval.

Twenty percent will be reserved to the Secretary for model or demonstration projects and aid to programs for children from environments where a language other than English is dominant.

As to eligibility, local educational agencies under a final Federal or State court order, or a title VI plan, would be eligible, as would local educational agencies which wish to voluntarily eliminate or reduce racial isolation or to prevent racial isolation. The third group eligible would be the community groups and private nonprofit organizations, which also may qualify for assistance to support local educational agency programs.

The activities that are authorized under this bill include remedial and other services, additional staff, the training and retraining of staff, comprehensive

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guidance and counseling, development of new instructional techniques and materials, innovative interracial programs, repair and remodeling including mobile classrooms, voluntary transportation, community activities, special administrative support, planning and evaluation, and other specially designed programs.

The criteria for approval under the program are: The Secretary must consider the extent of isolation, financial need, difficulty of carrying out a plan, comprehensiveness of the plan, promise of achievement, and the inclusion of public and private educational resources.

Mr. Chairman, one of the most important assets of this bill, which I believe addresses itself to the No. 1 problem of America, is the so-called tilting school, which is a school that is all white and becomes integrated, and then, on the basis of studies before our committee, within 36 to 40 months it becomes resegregated. The resegregated school is today our biggest problem, because once it has become resegregated there is no general relief or any further action on the part of the courts or on the part of anyone. It has gone. The boat has gone.

What this legislation does, is it provides Federal assistance to those school districts faced with this problem so that they can indeed improve the quality of education in that school to such an extent that both those youngsters coming into the school from minority groups and those remaining in the school will benefit from an improved educational program, the whole theory being by giving others an education in this kind of a school you arrest the plight of families there and you prevent them from becoming resegregated.

I do not know that this is a particular answer to the problem, but we have heard a tremendous amount of testimony before our committee and nobody came up with a better answer to the problem that confronts the Nation.

There was a problem raised as to whether or not these activities can be carried out under existing programs. I want to assure the House that after all of the extensive hearings we have conducted on this bill and the evidence we have taken and the studies we have made, if there was indeed a possibility to achieve these programs under existing programs, we would not be here today. The fact of the matter is that our existing programs are geared to special particular economic groups. Your biggest aid program, the title I program of ESEA, is limited to children who are in special economic low-income groups. What we are finding here now in court orders all over the country is youngsters from low-income groups being moved into schools where you have either middle-income or higher-income children, and you could not possibly apply title I funds to all of the children in that school.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield to the gentleman 2 additional minutes.

Mr. PUCINSKI. If we were to rely only on the title I funds, it would be recreating segregation in that very school, which is the very thing that you are trying to avoid with this particular program. So the idea that somehow or other you can do these things under existing programs is just not so. I want to assure the House it cannot be done.

The other statement that was made was the fact that this was a giant busing bill. Those who know me well know that I have not been a great defender of the concept of busing. But I realize that there are serious problems in this country, serious problems where we have school districts under court order where they have to move children around. So what we have done is written into the law a prohibition that the authors of the minority report treat rather lightly—and I am sure that we will have more to say about it later—we have written, on page 26, line 16, paragraph (7) this provision:

> (7) the provision of transportation services for students, except that, in accordance with section 422 of the General Education Provisions Act, nothing in this Act shall be construed to require the transportation of students in order to overcome racial imbalance;

This is the traditional position that the House has taken on this subject. We have written in here a program that we believe will carry out the traditional intent of the House and yet not interfere with those school districts that are under a court order.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to my colleague.

Mr. CLAY. If we pass this bill, Mr. Chairman, can the President come up with a school budget or perhaps ask for half a billion dollars and take that from title I or impact aid?

Mr. PUCINSKI. No, sir, he may not. There was language written into the bill that specifically prohibits this.

There will be an amendment offered later that further clarifies this, but I can assure the gentleman of two things: No. 1, we have assurances from the administration that existing educational programs are not going to be shortchanged by this program.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CLAY. Mr. Chairman, if the gentleman will yield further, can the gentleman point out to the House where those safeguards are which will not permit him to do that?

Mr. PUCINSKI. On page 20, line 11, paragraph (c) there is the following language:

> (c) Notwithstanding subsections (a) and (b) of this section no funds are authorized to be appropriated to carry out the provisions of this Act where any funds appropriated for the preceding fiscal year for any authorized program administered by the Office of Education are withheld from expenditure by the department.

I trust that answers the gentleman's question.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Virginia.

Mr. DOWNING. I have been reading the report and the bill, but is the premise of this legislation based upon I suppose what you found to be a fact although I did not know it to be a fact, that when a school becomes integrated that the quality of education declines?

Mr. PUCINSKI. We found in our studies that, for instance, in Atlanta, Ga., the rate of resegregation, whatever the reasons may be, was anywhere from 36 to 40 months. We found in DeKalb County, Ga., as well as in other parts of the country, a similar situation.

This legislation is designed to give those schools funds with which to reduce the size of the classroom numbers, provide for high-intensity counseling, bring in improved educational techniques and the kind of teaching task forces necessary not only to help with the remedial programs for those youngsters who may conceivably be deficient, but also to provide for those to make additional progress so that there will be no reason for them to compete or flee in the belief that with integration there is going to be a diminution of the quality of education.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. CONYERS. Does the gentleman from Illinois remember what happened to the earlier $75 million?

Mr. PUCINSKI. Yes. The gentleman from Illinois has been as critical as perhaps anyone else with reference to some of the expenditures—not all of them, but some of them have been very good and exemplary.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further for the benefit of the Members of the House who do not know about it, would the gentleman from Illinois briefly review that subject?

Mr. PUCINSKI. In less than a minute I am afraid I cannot cover it in full detail. However, a task force has made a study of the $75 million and the task force was in many ways critical of the program. That $75 million was put together with paper clips, Scotch tape and chewing gum with no guidelines, no criteria and no specific requirements, covering five different programs.

This legislation now pending before us, I ask my colleague from Michigan to carefully review it and he will find that we have carefully written into law the kind of prohibitions and guidelines and standards which will preclude the recurrence of the criticism that was leveled at the first $75 million.

Mr. BELL of California. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I rise in support of H.R. 19446, the Emergency School Aid Act of 1970.

This is a good bill. It is a necessary bill. It is the result of the best kind of cooperation between the executive and legislative branches. H.R. 19446 comes to the House floor after intensive hearings, and after the most careful and detailed consideration in our committee.

The two gentlemen from California, GUS HAWKINS on the majority and AL BELL on the minority, deserve enormous credit for the dedication, vigor, and commonsense with which they worked together on this bill for the benefit of our Nation's schools. The subcommittee chairman, ROMAN PUCINSKI, deserves great credit for this bill. He went over the original measure sent up by the administration with a fine toothcomb, and this bill is the better for it.

This is an administration proposal. It has the wholehearted support of the President. Yet, this is a different and a better bill than the one which came to our committee. It is far more tightly drawn and far more carefully aimed at one problem: Racial segregation and racial isolation in the Nation's schools.

I say the Nation's schools, for this truly is a national problem. It always has been a national problem, but we are just now beginning to face up to it.

It seems to me that President Nixon, personally, should be warmly commended by every person of good will for his leadership in bringing this proposal to us. Other administrations have been great in their rhetorical support of school desegregation; this is the first administration to propose financial aid in any significant amount.

President Nixon sent his message on emergency school aid to the Congress on May 20 of this year. As I said, it had extremely careful consideration in our committee and emerged, in my view, in improved form. Now I understand that an entirely different sort of bill is emerging in the other body—a bill which is a sort of smorgasbord of untried and unproven educational theories with a heavy sauce of pure partisan politics.

I want to say right now that this is not the time, nor the subject matter, nor the vehicle for that sort of performance. Our committee has an unfortunate record of surrendering well-conceived legislation in conference with the other body. I do not want to see that happen with this bill.

The Nation's educators who have followed this legislation want the bill now before the House. The assistance it would provide is overdue. We need to act responsibly and we need to act now.

More than 6 million students, constituting 70 percent of the Nation's total minority student population, are attending schools which are more than 50 percent minority in their enrollment. More than 4 million minority students, or 48 percent, are attending schools more than 95 percent minority. And more than 3 million such students, or 37 percent, attend schools which are over 99 percent minority.

The problem, as I said, is not confined to the South. Of the 8.7 million minority students in elementary and secondary schools in the United States, 4.4 million are in the 32 Northern and Western States, 61 percent in schools 50 percent or more minority. The other 4.3 million are in the 17 Southern and border States, 77 percent in schools 50 percent or more minority.

Racial isolation is a problem for our large urban areas, as well as for the rural South. Of our Nation's minority children, 4.1 million are in the 100 largest school districts in the country. Thirty-eight percent of all students in these districts are minority students; of these, 83 percent are in schools 50 percent or more minority.

School districts across the country are painfully aware of their need to undertake programs to reduce or eliminate racial isolation, or to prevent it from occurring in presently integrated schools. But the special programs needed to achieve such a purpose are expensive. The legislation before us would provide Federal financial assistance for such additional programs, such as student services, teacher retraining, special counseling and guidance programs, and community relations. All programs assisted with Federal funds would have to be integral to a school district's plan for desegregation or elimination or education of racial isolation, or prevention of its occurrence.

This is not merely another problem for our schools. It is a problem for the American people, and we have thus far placed the heaviest part of the burden on our schools. If we seriously intend that the schools assume a major part of this common responsibility, then we must be prepared to give them substantial support. Beyond financial aid, however, we must begin to provide the moral support without which all else will fail.

Passage of the Emergency School Aid Act will be a vitally important step in the direction of providing both kinds of support to the schools on behalf of our children.

Mr. BELL of California. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for yielding. I would direct a question to the attention of the gentleman from Illinois.

The chairman of our subcommittee has pointed out something that I think the House would want to know in more detail. He places great stress on paragraph 7, starting on line 16 on page 26. I think the inference is given that this is something that is added to the bill to prevent transportation—so-called busing. But is it not correct, and I would ask the question dircetly of the gentleman from Illinois, if this is not a correct statement: that all you have put in line 16 through line 20 is a statement that is already in section 422 of the General Education Provisions Act?

Mr. PUCINSKI. Yes; we have reaffirmed the basic intention of the Congress, that no Federal agency operating under any law other than the Constitution—which is a higher law than anything we can write here—but operating under any other law in no case can require the transportation of students for racial balance.

Now, if they are under court order, or if a local community chooses to do so, surely we do not want to interfere with local control. One of the very principles of this Congress is to let local communities run their own school systems.

Mr. ASHBROOK. That is one of the objections I find to the bill. We keep using the word "required." They may not be required, but I think certainly it would be fair to say it would be encouraging it. So if that is the case, one of the objections I find is that in effect we are going to actively promote racial balance busing schemes in the various schools. In effect we are saying, "You can do it by any means and the Federal Government will pay for the busing."

Mr. PUCINSKI. No, because it will not——

Mr. ASHBROOK. If the gentleman will please stick to the question, does not the gentleman think this will encourage such action?

Mr. PUCINSKI. Wait a minute. How could the gentleman say that if we are going to pay for these various busing programs and schemes, why would not that encourage it?

Mr. PUCINSKI. May I call the attention of the gentleman to the requirements, I mean, how you can become eligible to get a nickle from this bill, and you will find your answer. This bill applies to the school districts which are under a court order.

Mr. ASHBROOK. No. We are not talking about that. We are talking about voluntary racial balance schemes.

Mr. PUCINSKI. That is very important.

Mr. ASHBROOK. I think we all agree in this House that any school district that is under a court order will get assistance. We are discussing those voluntary or noncourt-enforced plans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL of California. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I think the gentleman from Illinois is talking about an entirely different subject. We are all agreed if Supreme Court rulings mandate busing, we are going to help those districts. What I am talking about is encouraging districts through their own voluntary programs, when they are not ordered by a court, and we are in effect saying, "You go ahead and set up your plans, and we will pay for the busing requirements in them."

Is that an unfair interpretation, would the gentleman say?

Mr. PUCINSKI. You cannot close your eyes to reality, and there is a reality in this country. Some communities are trying to deal with reality voluntarily, and if that is the route they choose we will help them; others are forced to this reality by court orders.

Mr. ASHBROOK. Right.

Mr. PUCINSKI. And if that is the route we will have to help them.

Mr. ASHBROOK. That is the very point I would make, where arey are forced to do so, but to encourage them to do so is something entirely different, and we will pay $1 billion to encourage these busing programs throughout the country.

I think the gentleman would have to admit that by holding out the carrot we will encourage this kind of thing.

Mr. PUCINSKI. Is the gentleman saying it will encourage volunteer programs?

Mr. ASHBROOK. It will encourage volunteer programs.

Mr. PUCINSKI. If there is a problem in the community, and the community wants to solve that problem itself, are you saying they should wait for a court order?

Mr. ASHBROOK. I am saying the Federal taxpayer should not have to subsidize these busing programs.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BELL of Califorinia. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, basically I want to follow up what my colleague, the gentleman from Ohio, pointed out: That the real danger of what will happen is the fact that any way you spell it, or any way you want to call it, this is a busing bill, and whenever anyone votes for this bill I want them to clearly understand what it is they are voting on. That is, you either are voting for busing, or you are voting against busing.

In 1972 when the issue comes up in an election, many of you are going to say that you misunderstood what you voted on, or it just was not clarified, but it is just very, very simple as to what it boils down to. That is in terms of what the Constitution says.

Bascially it is our responsibility to speak in behalf of what the Congress and the people of the United States want in the way of progressive education. One of the most important factors to make America great, has been the building of a sound educational system. About 10 years ago a few intellectuals developed a theory that the way to make education move forward was through a system known as school busing. This plan involves putting students on buses to ride across town to attend another school other than his nearby neighborhood school.

I have been sitting on the Education Committee for month after month and we have been through session after session discussing how to improve education. I have heard hundreds of witnesses and I have written to school boards from one end of the United States to the other on whether busing achieves any educational improvement. I have read stacks of reports on busing. There is in not one single instance in the entire United States where school busing has improved the quality of education. There is not one single instance in the entire United States that shows where school busing has improved the quality of education for any students.

The most important phase of growth in education is good teachers. That is where the real emphasis is needed—good teachers. Teachers are the backbone of good education.

The second thing is to have parents who are interested in good, sound education. This begins basically when parents encourage their children and give them an academic background in their home.

They talk in this bill about racially isolated groups.

We have a little group in my community, the friendly neighborhood of Bear Creek. People 100 years ago settled down out there. It was a Negro community because they wanted to live out in the country and work in town. They have been there for over 100 years in this community which is still basically a black community.

But 3 years ago in the J. O. Davis School the teachers and students had to close this schoolhouse because basically it was not integrated. You see you do not have an integrated school unless you have 51 percent of the students white.

The makeup of this neighborhood just is not that way. Most folks who live in the district are black. They had a black principal and black teachers. I want to tell you this. In that school they have one of the best records of citizenship for students of any school in the United States. They were good kids getting a good education but they did not meet a pattern.

Under this bill we are considering, we are saying we are going to eliminate and reduce racially isolated schools in any school district.

This past year I just finished an election that included the city of Irving. I showed strong gains in all but one precinct. Out in the J. O. Davis schoolhouse they opened the locked gates to use it on election day. My vote dropped from 51 to 37 percent because the blacks in this district resented their school being closed. They want no busing but they want their own school.

I want the people in the J. O. Davis School to know I think they are entitled to a neighborhood school and they are entitled to a school in their own area. It is a modern brick schoolhouse and it is one of the few schools in that area that has a gymnasium.

In this particular bill we are going to close more J. O. Davis schools in the United States and going to waste more money of the United States on buses. Our need is for more teachers to build quality education. We need to emphasize, help and encourage superior teachers. My district is 100 percent for teachers and 94 percent say they want no busing.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, the gentleman expresses a great concern about busing, which I will say to the gentleman in the well—I am not sure is involved in this bill.

But if the neighborhood school concept is so important to the gentleman, and he admits that we live in mostly involuntary racially segregated communities and the quality of the schools are vastly different between those that black children attend generally and those that white children attend throughout this country—and I am not singling out the South—then how are we ever going to correct the situation if the gentleman is so totally opposed to the kind of concepts that may or may not include busing? How are we going to get around that and get to the real core of the problem?

Mr. COLLINS of Texas. First, I do not know what the conditions of different schools are in your particular section.

Mr. CONYERS. It does not matter where they are in America—they are all over.

Mr. COLLINS of Texas. Let me tell you, because you asked me.

In the J. O. Davis School in Irving these people live there not because it is a congested area—it is a rural area and they are there by choice. They want to live there and breathe fresh air. They have an excellent area with a lot of pluses. It s a nice school. And I want to tell you another thing.

Mr. CONYERS. Do you say they are very happy there about the school situation?

Mr. COLLINS of Texas. They really are. They want to maintain that school in their neighborhood and they are the ones who asked for it. Let me also tell you about the most modern high school in Dallas. It is in the middle of the black district and is named Pinkston High School.

We have this problem. The high school is a vocational high school. We cannot get enough students to take vocational training, which is one of the great educational needs in America. I checked this school. I used to be chairman of our Dallas Manpower Development Commission. We found that over in this high school which is predominantly black that they lack incentive to take vocational courses. We would like to see them undertake more vocational training. This particular school is not running full, and yet it has the best facilities of any school in the community. We need to build more vocational schools but we gave priority and preference to the black community.

Mr. BELL of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. I thank the gentleman.

Mr. Chairman, I think it is extremely important that the House understand the basic fundamentals of what is being sought to be done here. We have a crisis situation in some of the schools of the Nation. If we do not make special help available in this crisis situation, there is going to be a very serious effect on the education of the young people in those areas.

So far as the question of busing is concerned, to which there has been allusion, with deep regard and respect for the gentleman from Texas, may I make clear that the bill that is before us does not require that there be busing. What is attempted to be done through this legislation is to keep available to the local community the responsibility and authority for making the decision as to what that local community wishes to do.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from Iowa for a question.

Mr. SCHERLE. The gentleman has stated that there is no stipulation of a particular amount of money in the bill for busing. Is there anything in the bill that would prohibit the use of that money for busing?

Mr. DELLENBACK. There is nothing in the bill that prohibits the use of any of these moneys for busing.

Mr. SCHERLE. I thank the gentleman.

Mr. DELLENBACK. But let me go on to make the point amply clear. The goals that are being sought by this legislation are oftentimes goals which are laid down by a court order, and if the court

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order requires that certain things be done, we are putting our heads in the sand to say, "The court has ordered that this be done, but the local school district has no capacity to do this particular thing." And yet we will not make help available to do what the court has ordered to be done.

It is clear that in some areas where the court has spoken there must be compliance, and this bill is an endeavor to make that help available.

Mr. BELL of California. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. I thank the gentleman for yielding.

Mr. Chairman, I had not intended to take time during general debate on this proposal. I had planned, however, to participate under the 5-minute rule. But the gentleman has just said something quite significant, whether he realizes it or not. The gentleman has said that where the court orders, we ought to help. Is that not correct?

Mr. DELLENBACK. That is correct.

Mr. WAGGONNER. Then why did the committee change the formula which the administration recommended and make this money available to districts the court has never touched and never issued any orders against, making that money available to them? Why did the committee do away with the double count, where there are disadvantaged blacks, so to speak, and make that money available nationwide, rather than just where the court order prevailed? Why provide money to unaffected school districts?

Mr. BELL of California. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from California.

Mr. BELL of California. The court has, of course, given the right to southern schools to transport their students, which they have to do under desegregation.

Mr. WAGGONNER. The gentleman admits that this is no longer confined to southern schools operating under court orders. This aid is available nationwide; is it not?

Mr. BELL of California. Yes, it is; but there are court orders in other parts of the country besides the South.

Mr. WAGGONNER. Would the gentleman tell me where there is one in existence, including in his own home district?

Mr. BELL of California. I want to point out this, that the local schools themselves have the power to transport by bus if they want to call it that.

Mr. WAGGONNER. Can the gentleman tell me where there is a court order in effect today outside the South?

Mr. QUIE. Mr. Chairman, if the gentleman will yield, I believe there are some in Connecticut and Michigan.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield, there is one in Illinois.

Mr. ROGERS of Colorado. If the gentleman will yield, we have one in Denver, Colo., that has been under the order of a Federal court to desegregate.

Mr. WAGGONNER. Mr. Chairman, the only thing I want to say is, it is good to see the Members get concerned when they get some of the same treatment. But I believe the record will show that none of the court orders just mentioned are final. I am still waiting for an answer to my question about why the formula was changed, why the double count was dropped and why everybody is eligible to participate.

Mr. BELL of California. Mr. Chairman, I reserve the balance of my time.

Mr. PERKINS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. Downing).

Mr. DOWNING. Mr. Chairman, I will not take that 1 minute. I compliment the gentleman from Texas (Mr. Collins). I think he has made some great points. It appears to me that this is primarily a busing bill, and I have some difficulty wondering why the committee came forward with this. This House has said on several occasions that we did not favor busing and did not want to allocate funds for that purpose.

Before I leave, I would like to say, if this is going to pass, I hope a change is made to include shipping. I have an island in my district, Tangier Island, once a white school, and the only way we can get the minority to the island is by boat. So we had better amend it.

Mr. PUCINSKI. Mr. Chairman, I hope the gentleman will take the trouble to read the bill before he finally concludes that this is busing wholly. Busing is really very incidental. The main thrust of this bill is to improve the quality of education, to stabilize the schools for both black and white children. I think it is a great misnomer to say it is a busing bill.

Mr. PERKINS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, if the real purpose of this bill was busing, I do not think the subcommittee would have devoted as much time to it as the subcommittee did. As the gentleman from Oregon (Mr. Dellenback) said, we have emergency situations throughout America in our school systems, particularly where we have the desegregation order.

If anyone fears busing, I think he should read section 7 on page 26 where it states:

> (7) the provision of transportation services for students, except that, in accordance with section 422 of the General Education Provisions Act, nothing in this Act shall be construed to require the transportation of students in order to overcome racial imbalance;

Certainly within certain school districts where court orders exist and the local school districts make a determination that they do not have the funds, and they submit a plan to the Commissioner of Education that they want to spend some money for transportation, that is their own right to make that decision. They are doing it today. We do not interfere with the decisions of the local educational agencies. Nothing in this bill is making any imposition on the local educational agencies insofar as busing is concerned. Nor is this the case in any of the educational acts.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Colorado (Mr. Rogers).

Mr. ROGERS of Colorado. Mr. Chairman, the report points out on page 5 that there has been a court order entered in Denver, Colo., for busing purposes. As I understand this bill, under the terms of it, a nonprofit organization may make an application and get a grant if it proves to the Secretary that this would aid in bringing about desegregation. Is that correct?

Mr. PERKINS. Yes; they have to give the Secretary certain assurances. There are several assurances to be made by an applicant before the Secretary may approve such an application. These are set forth in section 5(b) of the bill.

Mr. ROGERS of Colorado. Would the assurances have to be approved by the school district? If the school district itself refused to approve it, then the Secretary would have no authority to make a grant?

Mr. PERKINS. That is correct. The assurances would have to be given by the public or private nonprofit agency involved.

Mr. ROGERS of Colorado. Let us go one step further.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Chairman, I yield myself 1 additional minute.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I yield further.

Mr. ROGERS of Colorado. Where a court order has been entered and an application is made by a private agency for funds to support a program does the school board have to approve that before the Secretary would grant it to the private agency?

Mr. PERKINS. In my judgment, the local educational agency involved, since the proposal would be in furtherance of its own integration plan, would approve it before it was approved by the Secretary.

Mr. ROGERS of Colorado. May I ask a further question? If this nonprofit organization should submit a plan which included going into the schools and monitoring to maintain order in the schools could this be funded?

Mr. PERKINS. I refer the gentleman to page 25 of the bill.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Charman, I yield myself 1 additional minute, and I hope I will not use all of it.

On line 4 the gentleman will notice the language:

> to carry out programs or projects designed to support the development or implementation of a plan described in subsection (a).

It must be a public or private nonprofit agency, institution or organization—it must meet the criteria in section 5(b) and its proposal must provide the assurances and further the matters in section 5(a).

The private agency can only get a grant to help a school develop or implement a school district plan.

Mr. ROGERS of Colorado. They have a school district plan that has been put in force and effect by the court order. Out of that there was a great deal of dispute and disruption in the school.

Mr. PERKINS. But they have to have the school district's consent.

Mr. ROGERS of Colorado. Yes; but in this particular instance there is a group that has said to the school board, "You let us join in, and we will help patrol the schools." They have made an application for money to go directly to them. Will their application have to meet the approval of the school board?

Mr. PERKINS. It has to meet the approval of the school board.

Mr. HAWKINS. Mr. Chairman, I thank the gentleman for yielding.

I merely rise at this time because some reference has been made to the position of civil rights groups on this pending proposal.

I want to assure the House that I personally am very much concerned about that aspect of this proposal. During the hearings it was my privilege to contact and to work with these groups. I am very familiar with the report which was made by a group of these organizations. I intend at the appropriate time to have a press release and report of theirs inserted in the Record.

I want to say that each of these groups was invited to testify before the committee. As a matter of fact, much of what went into the formation of this bill arose out of the initial findings of civil rights groups. I think they have done a real service for the country. I would say that they were asked to testify before the committee and many of them did not wish to do so, but nevertheless we did counsel with them. One of the organizations listed happens to be an arm of the National Association for the Advancement of Colored People. Upon the release of their report, Mr. Bell and I did contact Mr. Clarence Mitchell, a representative of that organization, and we received a telegram from him reaffirming the support of the National Association for the Advancement of Colored People behind the concept in the proposal as originally introduced and even before the bill was amended to include many of the very points which some of those who would be critical of this proposal are now saying should be in this bill. If they will direct their attention to section 7——

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. In just 1 minute if I can complete this statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield the very distinguished gentleman from California (Mr. Hawkins) 4 additional minutes.

Mr. HAWKINS. Mr. Chairman, in response to these groups we wrote into the bill criteria for approval which appears on page 27 of this bill. In another place we have written into the bill assurances that go into great detail limiting the Secretary with respect to applications. Much of this has been taken literally from recommendations of those who made the critical report. They were asked to testify before the committee to participate in having us draft this particular proposal. I think it is eminently clear that there are those who oppose the proposal because it would obviously give to the current administration some money to spend.

Mrs. CHISHOLM. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentlewoman from New York.

Mrs. CHISHOLM. I would like to ask or raise one question.

In the light of the fact that $75 million was used in many instances in an attempt to desegregate school facilities in this country and we now have that on the record, is there not anything actually written into this bill to prevent resegregation internally within the schools? This is very important. Notice what I have said. To prevent resegregation internally in the schools in many districts? I was wondering if there is anything in this bill to prevent that reoccurrence.

Mr. HAWKINS. Yes. Absolutely. There was testimony before the committee and the chairman of the committee (Mr. Pucinski) had inserted in the bill an absolute provision not only to prevent resegregation but also to assist school districts in the tilting situation. In addition to that we have written in numerous other assurances which, as I say, begin in section 9 on page 29 and go on for three additional pages.

Mr. PUCINSKI. Will the gentleman yield?

Mr. HAWKINS. I yield to the chairman of the subcommittee.

Mr. PUCINSKI. One footnote clearly provides that if the tilt goes beyond 50 percent, then that school district faces the loss of those funds. It puts a great burden on the principal to keep that school from resegregating.

Mr. HAWKINS. In addition to that, may I say this: It seems to me we are faced today with one fundamental issue, that is, whether or not for the first time in the history of this country we will adopt the concept that money should be appropriated specifically for the purpose of desegregation. It seems to me that those who seek this and those who oppose the opponents of this legislation are given the opportunity of accepting a solution for the first time not for compensatory education, which is still to some extent experimental, and not for some other fancy educational theory but specifically for the purpose that many of us have been struggling for years to see put on the statute books. I say this is the one golden opportunity they have if they wish to accept this concept, whether it is this administration or not. I am going to criticize this administration more than this report has done, but I think by the same logic we have to give them the money with which to work.

And, if they fail to allocate the money or to administer it wisely, then I say let us do it, then take appropriate action. But this report was made prior to the time that criteria was established, prior to the time any assurances were written into the bill and, certainly, it seems to me that if we want a meaningful program of desegregation then, certainly, we should adopt this bill.

Mr. PERKINS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. I appreciate getting 1 whole minute.

Mr. PERKINS. Well, let me say, if the gentleman will yield to me——

Mr. CONYERS. I yield to my chairman, if he will get some more time for me.

Mr. PERKINS. I have committed myself to the gentleman from Louisiana long before the gentleman from Michigan mentioned it to me, but I will take it upon myself to take away a minute from the gentleman from Louisiana so you can have a couple of minutes.

Mr. CONYERS. I thank the chairman.

Mr. Chairman, there have been a number of questions raised about this. I am just wondering if anyone on the committee has read a document that is entitled, "The Emergency School Assistance Program and Evaluation," a report by a number of civil rights and liberal and religious and legal organizations that have pointed out certain criticisms? To my very dear friend from California (Mr. Hawkins) whose record of criticizing the administration is second to none, I would like to point out one very disturbing reference to what happened to the first $75 million that went to this emergency school assistance program. According to this report—

> It was feared that the funds would be used to assist districts engaged in discriminatory practices, that they would duplicate existing school aid programs and that the community would not be involved in the development and implementation of ESAP projects. Some critics argued that the proposal amounted to a political pay-off to the South to assuage the reaction to desegregation requirements, and that there was no "emergency" requiring a precipitate infusion of new federal funds.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield for a question?

Mr. CONYERS. I am not yielding for a question. I want some answers.

Mr. HAWKINS. I will give you an answer.

Mr. CONYERS. I am not yielding right now.

Mr. HAWKINS. Then, you do not want an answer.

Mr. CONYERS. I am not yielding right now.

Mr. HAWKINS. You propound a question but you do not want to get an answer.

Mr. CONYERS. It so happens that these concerns have been expressed by a number of Senators. So, we who are disturbed about the provisions are not worried about whether there is busing involved, which is the extent of the minority report——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. The Chair will state to the gentleman from Michigan that the time is under the control of the managers of the bill, the gentleman from California (Mr. Bell) and the gentleman from Kentucky (Mr. Perkins).

Mr. BELL of California. Mr. Chairman,

I yield the gentleman from Michigan 2 additional minutes.

Mr. CONYERS. I thank the gentleman for yielding me this time, because I think this is a very important consideration that unfortunately has not been examined thoroughly enough in this very limited amount of time.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Missouri.

Mr. CLAY. I have a question for one of the sponsors of the bill. The gentleman from California in his statement said that the people who evaluated the $75 million that was appropriated earlier had refused to testify before the committee. Then the gentleman made a statement that many of their concerns were incorporated into this bill.

I would like to know how he knew about those concerns since they did not publish their report or make any public statement until after he had voted the bill out of the committee.

Mr. HAWKINS. Mr. Chairman, if the gentleman will yield, I would like to specifically state to the gentleman that Mrs. Ruby Martin, a very outstanding authority in the field of civil rights, and a part of the team that did make this report, did counsel with me throughout the hearings.

These hearings went on, contrary to what has been stated, and this bill was not just sneaked in overnight, it has been one of the most debated bills I think in the Congress, and perhaps one of the most amended ones.

Mr. CONYERS. Well, does the gentleman——

Mr. HAWKINS. And we did consult very freely and did invite people before the committee, and I am sure the gentleman from Illinois (Mr. PUCINSKI) will agree with me that we did extend invitations.

Mr. CONYERS. Does my friend, the gentleman from California, agree with this report?

Mr. HAWKINS. Let me say that I basically agree substantially with that report, but I am telling the gentleman we have written into the bill those assurances and safeguards that are based on that report.

Mr. CONYERS. I see.

Mr. HAWKINS. And it seems to me that what you are talking about when you talk about the $75 million that has already been spent, you are talking about past history. We are now talking about the expenditure of money not under the loose makeup and the loose authority that the administration had in the spending of that money.

Mr. CONYERS. But does the gentleman recognize——

Mr. HAWKINS. But under this bill——

Mr. CONYERS. The gentleman has not made one critical statement about the $75 million that was squandered, and the first sentence of the report that the gentleman agrees with substantially says that the promotion of the emergency school assistance program has been——

Mr. HAWKINS. Mr. Chairman, I will put that in the RECORD at the proper time, and I assure the gentleman—and what I am saying to the gentleman—that he is really blocking the writing out of assurances and criteria that will make this money be spent wisely.

Mr. CONYERS. Does the gentleman have any amendments he will offer?

Mr. HAWKINS. It seems to me the gentleman should join with us, and he would do so if he is really interested, not in politics, but in the interest of children.

Mr. CONYERS. Does the gentleman have any amendments to offer?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BELL of California. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, before we make any judgment, I would say to my colleague, based on the expenditure of the $75 million, that there were some mistakes because the $75 million came mostly under the authorization of the Economic Opportunity Act. Now, you know, there was loose administration under the Economic Opportunity Act. The Congress never wrote it so as to adequately tie all money down, and consequently all over the place there have been scandals in the Economic Opportunity Act in past years. But now we have written a bill here for which no money has been appropriated, and the bill has the kind of assurances to prohibit abuses. The gentleman from California said it well. Before the $75 million was appropriated we began work on tightening the bill. While we were still working on it in the subcommittee the appropriation was made, and the applications for funds were coming in. The subcommittee became aware of a request for air conditioning from one school district.

Well, then the administration came in and said they had turned that down. But because we realized requests would be coming which would not necessarily be needed for integrating our schools, we put those assurances in the bill. These protections were not in the administration bill when it came to us; these were added in the subcommittee to give those kinds of protections.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I would like our colleagues to know that hearings were held, and if they will look on page 784 of the hearings they will see we asked the Deputy Comptroller about these various things that have been mentioned in this report, particularly the $300 for air conditioning. And it is very definitely stated here that when these things were caught they were immediately cut out.

So we are aware of this report. And, as the gentleman from California said, this bill was written to make sure these things do not reoccur. And as the gentleman from Minnesota says the original bill was written out of five authorizations from the poverty program, title I, Professional Development, and there were other criteria that we now have to protect us in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL of California. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I want to say that the $75 million came late. The administration asked for $150 million, since they needed some money quickly and that is why they asked for that appropriation to go through other authorizations. They needed it quickly because they wanted to get some programs started before the beginning of the school year. The Congress appropriated only $75 million and it came late. The administration did not have much time, and they had to move that money out. That is no longer the case.

If we pass this bill now, and send it to the other body, and the other body passes it, then possibly we can get a supplemental appropriation bill early next year, then the administration will have time under the assurances and the protections within this bill to make certain that these same kinds of mistakes will not be made again that exist in the report. That is if the report is correct.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. PERKINS. Mr. Chairman, I wish to concur in the statement made by the gentleman from Minnesota (Mr. QUIE) and the gentleman from California (Mr. HAWKINS).

Assuming that mistakes were made in the expenditure of $75 million, we have erected safeguards in this bill to prevent those mistakes from occurring again. So the gentleman from Michigan has nothing to worry about because we have tied down the disbursement of this money.

Mr. BELL of California. Mr. Chairman, I have no further requests for time.

Mr. PERKINS. Mr. Chairman, I yield the remaining time to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I am almost constrained to yield my time to the gentleman from Michigan so that he and the gentleman from California can continue their colloquy, because I think they were doing us more good than anybody else—actually.

Let us talk a moment or two about this particular bill. When the initial $75 million was appropriated by this Congress at the request of the administration, it had a formula which was intended to do what the administration wanted to do—and that was that where court orders were in force, where school districts were having trouble during transition days, from previously segregated schools to integrated systems, they would get financial assistance to help them do those things that the court was requiring them to do that they had not done previously and needed money for.

Criteria for administration were drawn by the Department of Health, Education, and Welfare, which I believe the Secretary did not concur in. I say this because I have talked with him about it. Language has been written into this bill to try to prevent that from happening again. The criteria for the distribution of the original $75 million were likewise modified.

Criteria were circulated which said—if ever a school district had leased, disposed of, or allowed the use of any of their facilities or equipment for money or without charge to a segregated activity or group, then they were not eligible for any of the funds appropriated by this $75 million. How unfair can you be?

We helped to get that clarified because this was not the intention of the Secretary. When I went to him, he helped to get that clarified. But this proposal does away with the formula for the distribution of the first $75 million.

It does away with the double count for blacks in those affected southern districts. Mr. Chairman, it is now a proposal which is available nationwide.

I disagree with those who say that everything that can be done by this proposal can be done under title I of ESEA. This is not completely so because title I of ESEA has as its purpose assistance for the disadvantaged—for those who come from families where the incomes are less than $3,000 per year. So there is this difference.

Now let us talk specifically about the criteria and this is what the gentleman from Michigan is concerned about as I am.

You see what has been done—this is the reason I want this colloquy—if you look at page 30 of the bill at line 13, subparagraph (4), we say in the bill:

> (4) in the case of an application by a local educational agency, the applicant (A) has not, subsequent to the commencement of its 1969–1970 school year, unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin, or has rescinded such transaction (or received consideration in lieu thereof) in accordance with regulations of the Secretary.

Now, are we saying there is nothing ex post facto about this particular language?

Are we saying, that in the lease or sale of property, if they have complied with the laws by which they are governed—and the gentleman from Kentucky earlier said here and I was surprised to hear him say it when he said—we do not intend to interfere with the decisions and the authority of the local school authorities—we want them to operate their own school systems—are we saying that as long as those people comply, in the disposition of property or in leasing or rental of property, with the laws under which they are governed that it would not be an unlawful disposition of property?

Are we saying that as long as those people have complied in the disposition of property, in the lease of property, or in the rental of property with the laws under which they are governed, that it would not be unlawful in the disposition of property?

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The language which appears on page 30, line 15, is the language that our colleague from Louisiana wanted to get in.

Mr. WAGGONNER. That is correct. Believe me, I appreciate it but I wanted the colloquy to clarify for the future what constitutes an unlawful act.

Mr. PUCINSKI. When we wrote the bill the gentleman requested only 1 year, and the school district could purge itself merely by rescinding its action.

Mr. WAGGONNER. Then we agree. There is nothing ex post facto. Is that correct?

Mr. PUCINSKI. That is correct.

Mr. WAGGONNER. Then the laws by which they are governed, which regulate their activities, if they have not violated those laws in the sale, lease, or rental of property, whether buildings, equipment, or whatever it is, and they have not reduced their educational effort, then the criteria will allow them to get this assistance?

Mr. PUCINSKI. That is correct, provided there is no violation of the fraud clause. But within the context of what the gentleman has stated, the answer is yes.

Mr. WAGGONNER. I thank the gentleman for yielding.

Let me tell the committee that when we get to the 5-minute rule, I will offer an amendment which falls on page 33, subparagraph (12), which I think is quite significant. I think it is fully the intent of the committee to provide for this. I yield back the remainder of my time.

Mr. BELL of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. I thank the distinguished gentleman from California for yielding.

Mr. Chairman, I could not help but rise to my feet in light of the recent colloquy that I heard on the floor relative to the report entitled, "The Emergency School Assistance Program: An Evaluation." There are several points that should be made.

First, some of those concerned with this report feel that the bill has dealt with some of the difficulties in the administration of the $75 million appropriated to date, but, to be accurate, there are others who feel that there are still grave loopholes in this bill and, very frankly, for the benefit of Members, the report lists serious defects.

Specifically, the report indicates that grants have been approved to districts which had earlier been found ineligible for any Federal assistance because of refusal to comply with nondiscrimination requirements of the Civil Rights Act of 1964. It emphasized that ESAP funds have been used to support projects which are racist in their conception or which will result in resegregation of black students. It was pointed out in the report that in only 29 of the 295 ESAP-assisted school districts monitored by civil rights organizations—less than 10 percent—was no evidence found of practices which would raise questions about eligibility to participate in the program.

In the back of this report there is a listing of particular school districts receiving funds that are violating either HEW or court-ordered segregation plans in Alabama, Florida, North Carolina, South Carolina, Tennessee; a list of districts with classroom segregation; a list of districts with segregation in other facilities; and a list of districts with segregated transportation, and a list of districts where there is discrimination against black teachers and staff. All these districts are receiving ESAP money.

I am conscious that the committee and the administration have read this report and sought to draft a bill which would meet some of the clear violations of civil rights statutes and court actions of the past. I would submit, however, that the bill can benefit from some very definite and specific amendments, and without those amendments, there will be lasting defects in the legislation.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from Michigan.

Mr. CONYERS. I think the gentleman from New York has made a very important statement, because I think he has brought out what might be construed as some partisan statements and criticisms of this bill. The bill needs strengthening, and I appreciate that the gentleman will offer some amendments. But where are the proponents of this legislation who keep assuring me that we will not squander many more millions of dollars as we have done the first $75 million? None of them have offered or seem to want to offer any amendments.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for his comment.

Mr. Chairman, I must say that some of the most distinguished civil rights lawyers in the United States have been in touch with me and have, in fact, helped to draft amendments, and they do have serious concerns about this legislation, and they are afraid as to what could happen if the legislation is passed in its present form.

Mr. BELL of California. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, we have heard on a number of occasions this afternoon statements made that nothing is being done to correct the shortcomings or the abuses reported in that report. It seems to me no matter what language we use, we are not going to persuade our colleagues that this whole bill, all 41 pages of it, is designed to preclude and to prevent the very shortcomings that were found in the study.

But we must remember, and please do not forget, that the $75 million was, first of all, allocated in great haste because the need was great. Second, there were no criteria established by law. So as the gentleman from Louisiana (Mr. WAGGONNER) has said, the guidelines that came down were quickly shot down by the Secretary, because those guidelines were not tenable.

Now we bring a piece of legislation which requires among other things that hereafter all guidelines that will be promulgated under this act will first have to be published in the Federal Register, so we may all inspect them.

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These are the things being done in this bill.

Mr. BELL of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I could agree that in any administration, with this amount of money involved and done at the speed with which it has been done, there are bound to be some discrepancies and some advantages taken. So far I think it is a little bit early. I would not like to declare myself as saying that the report that has been mentioned by the gentleman from Michigan is accurate. I would not say it was. I am not sure it was.

It is my understanding the administration is looking into it, and some of the facts being reported and claimed by others are not accurate. This is still in doubt. I am sure the administration would want to correct it if the facts are not accurate.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield I would like to congratulate the gentleman from California, Mr. BELL, and the gentleman from California, Mr. HAWKINS, and the members of the committee and our staff and members of the administration for bringing this bill in. I congratulate these people for bringing to us a bill dealing with a tremendously controversial subject, one that applies differently in different parts of the country, one that tries to take into account the fact that there are great differences in culture and customs in a great nation such as ours. These men have done a monumental job in bringing before this Congress a bill that can be supported by the East and West and North and South and can do the job that has to be done.

Mr. BELL of California. That is correct. This bill is made to help solve this problem, specifically by zeroing in on the desegregation problem.

The CHAIRMAN. All time has expired.

The Clerk will read the committee amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency School Aid Act of 1970".

PURPOSE

SEC. 2. The purpose of this Act is to provide financial assistance—

(a) to meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools, and

(b) to encourage the voluntary elimination, reduction, or prevention of racial isolation in elementary and secondary schools with substantial proportions of minority group students.

APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated for carrying out this Act not in excess of $500,000,000 for the fiscal year ending June 30, 1971, and not in excess of $1,000,000,000 for the succeeding fiscal year.

(b) Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

(c) Notwithstanding subsections (a) and (b) of this section no funds are authorized to be appropriated to carry out the provisions of this Act where any funds appropriated for the preceding fiscal year for any authorized program administered by the Office of Education are withheld from expenditure by the Department.

ALLOTMENTS AMONG STATES

SEC. 4. (a) From the sums appropriated pursuant to section 3 for carrying out this Act for any fiscal year, the Secretary shall allot an amount equal to 80 per centum among the States by allotting to each State $100,000 plus an amount which bears the same ratio to the balance of such 80 per centum of such sums as the aggregate number of children enrolled in schools in the State who are Negroes, American Indians, Spanish-surnamed Americans, or members of other racial minority groups as determined by the Secretary, bears to the number of such children in all of the States. The remainder of such sums may be expended by the Secretary as he may find necessary or appropriate (but only for activities described in section 6 and in accordance with the other provisions of this Act) for grants or contracts to carry out the purpose of this Act. The number of such children in each State and in all of the States shall be determined by the Secretary on the basis of the most recent available data satisfactory to him.

(b)(1) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for such fiscal year for programs or projects within such State shall be available for reallotment to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

(2) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this Act, the Secretary shall not fix a date for reallotment, pursuant to this subsection, of any portion of any allotment to a State for a fiscal year which date is earlier than sixty days prior to the end of such fiscal year.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, no portion of any allotment to a State for a fiscal year shall be available for reallotment pursuant to this subsection unless the Secretary determines that the applications for assistance under this Act which have been filed by eligible applicants in that State for which a portion of such allotment has not been reserved (but which would necessitate use of that portion) are applications which do not meet the requirements of this Act, as set forth in sections 6, 7, and 8, or which set forth programs or projects of such insufficient promise for achieving the purpose of this Act that their approval is not warranted.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

SEC. 5. (a) The Secretary shall provide financial assistance by grant upon application therefor approved in accordance with section 7 to a local educational agency—

(1) which is implementing a plan—

(A) which has been undertaken pursuant to a final order issued, within the two fiscal years preceding the fiscal year for which the application of such agency for assistance under this Act is made, by a court of the United States, or a court of any State, and which requires the desegregation of racially segregated students or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of racial isolation in such schools; or

(B) which, within such period—

(i) has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of racially segregated students or faculty in such schools, or

(ii) has been determined, following a notice of complaint to such agency pursuant to section 407(a) of such Act, by the Assistant Attorney General for Civil Rights to be acceptable for such desegregation;

(2) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan for the complete elimination of racial isolation in all of the racially isolated schools in the school district of such agency; or

(3) which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan—

(A) to eliminate or reduce racial isolation in one or more of the racially isolated schools in the school district of such agency,

(B) to reduce the total number of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary, who are in racially isolated schools in such district,

(C) to prevent racial isolation reasonably likely to occur (in the absence of assistance under this Act) in any school in such district in which school at least 10 per centum, but not more than 50 per centum, of the enrollment consists of such children, or

(D) to enroll and educate in schools which are not racially isolated Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary, who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency where such enrollment would make a significant contribution toward reducing racial isolation.

(b) In cases in which the Secretary finds that it would effectively carry out the purpose of this Act, he may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the development or implementation of a plan described in subsection (a).

AUTHORIZED ACTIVITIES

SEC. 6. Financial assistance under this Act shall be available for programs or projects which would not otherwise be funded and which involve activities designed to carry out the purpose of this Act, including—

(1) remedial and other services to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan described in section 5 or a program described in section 9(b), when such services are deemed necessary to the success of such plan or program;

(2) the provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

(3) comprehensive guidance, counseling, and other personal services for such children;

(4) development and employment of new instructional techniques and materials designed to meet the needs of such children;

(5) innovative interracial educational programs or projects involving the joint participation of Negro, American Indian, or Spanish-surnamed American children, and children of other racial minority groups as determined by the Secretary, and other children attending different schools, including extracurricular activities and cooperative exchange or other arrangements between schools within the same or different school districts;

(6) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(7) the provision of transportation services for students, except that, in accordance with section 422 of the General Education Provisions Act, nothing in this Act shall be construed to require the transportation of students in order to overcome racial imbalance;

(8) community activities, including public education efforts, in support of a plan described in section 5 or a program described in section 9(b);

(9) special administrative activities, such as the rescheduling of students or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan described in section 5 or a program described in section 9(b);

(10) planning and evaluation activities; and

(11) other specially designed programs or projects which meet the purpose of this Act.

CRITERIA FOR APPROVAL

SEC. 7. (a) In approving applications submitted under this Act (except for those submitted under section 9(b)), the Secretary shall only apply the following criteria:

(1) the need for assistance, taking into account such factors as—

(A) the extent of racial isolation (including the number of racially isolated children and the relative concentration of such children) in the school district to be served as compared to other school districts in the State,

(B) the financial need of such school district as compared to other school districts in the State,

(C) the expense and difficulty of effectively carrying out a plan described in section 5 in such school district as compared to other school districts in the State, and

(D) the degree to which measurable deficiences in the quality of public education afforded in such school district exceed those of other school districts within the State;

(2) the degree to which the plan described in section 5, and the program or project to be assisted, are likely to effect a decrease in racial isolation in racially isolated schools, or in the case of applications submitted under section 5(a)(3)(C), the degree to which the plan described in section 5, and the program or project, are likely to prevent racial isolation from occurring or increasing (in the absence of assistance under this Act);

(3) the degree to which the plan described in section 5 is sufficiently comprehensive to offer reasonable assurance that it will achieve the purpose of this Act;

(4) the degree to which the program or project to be assisted affords promise of achieving the purpose of this Act;

(5) that (except in the case of an application submitted under section 9(a)) the amount necessary to carry out effectively the program or project does not exceed the amount available for assistance in the State under this Act in relation to the other applications from the State pending before him; and

(6) the degree to which the plan described in section 5 involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(b) The Secretary shall not give less favorable consideration to the application of a local educational agency which has voluntarily adopted a plan qualified for assistance under this Act (due only to the voluntary nature of the action) than to the application of a local educational agency which has been legally required to adopt such a plan.

ASSURANCES

SEC. 8. (a) An application submitted for approval under section 7 shall contain such information as the Secretary may prescribe and shall contain assurances that—

(1) the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

(2) in the case of an application by a local educational agency, to the extent consistent with the number of children, teachers, and other educational staff in the school district of such agency enrolled or employed in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose of this Act, such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

(3) the applicant has adopted effective procedures, including provisions for such objective measurements of educational and other change to be effected by this Act as the Secretary may require, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs or projects and upon the community served, and their structure and mechanisms for the delivery of services and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects;

(4) in the case of an application by a local educational agency, the applicant (A) has not, subsequent to the commencement of its 1969–1970 school year, unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin, or has rescinded such transaction (or received consideration in lieu thereof) in accordance with regulations of the Secretary; (B) has not unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to such a nonpublic school or school system where such transaction has produced a substantial decrease in the assets available for public education in the school district of such agency, or has rescinded such transaction (or received consideration in lieu thereof) in accordance with regulations of the Secretary; and (C) will not donate, lease, sell, or otherwise dispose of real or personal property or services to any such nonpublic school or school system;

(5) in the case of an application by a local educational agency, the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this Act to less than that of the second preceding fiscal year;

(6) the applicant is not reasonably able to provide out of non-Federal sources, the assistance for which the application is made;

(7) the applicant will provide such other information as the Secretary may require to carry out the purpose of this Act;

(8) in the case of an application by a local educational agency, the plan with respect to which such agency is seeking assistance (as specified in section 5(a)(1)) does not involve freedom of choice as a means of desegregation, unless the Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency;

(9) the current expenditure per pupil (as defined in section 11(a)) which such agency makes from revenues derived from its local sources for the academic year for which assistance under this Act will be made available to such agency is not less than the current expenditure per pupil which such agency made from such revenues for (A) the academic year preceding the academic year during which the implementation of a plan described in section 5 was commenced, or (B) the third academic year preceding the academic year for which such assistance will be made available, whichever is later;

(10) staff members of the applicant who work directly with children, and professional staff of such applicant who are employed on the administrative level, will be hired, assigned, promoted, paid, demoted, dismissed or otherwise treated without regard to their membership in a minority group, except that no assignment pursuant to a court order, plan approved under title VI of the Civil Rights Act of 1964, or a plan determined to be acceptable by the Assistant Attorney General for Civil Rights following a notice of complaint pursuant to section 407(a) of such Act will be considered as being in violation of this subsection;

(11) for each academic year for which assistance is made available to the applicant under this Act, it has taken or is in the process of taking all practicable steps to avail itself of all assistance for which it is determined to be eligible under any program administered by the Commissioner of Education; and

(12) no practices or procedures, including testing, will be employed by the applicant in the assignment of children to classes, or otherwise in carrying out curricular or extracurricular activities, within the schools of such applicant in such a manner as (A) to result in the isolation of Negro, American Indian, Spanish-surnamed American children, or children who are members of other racial minority groups as determined by the Secretary, in such classes or with respect to such activities, or (B) to discriminate against such children on the basis of their being members of any such minority group.

(b) The Secretary shall not finally disapprove in whole or in part any application for funds submitted by a local educational agency eligible under section 5 without first notifying the local educational agency of the specific reasons for his disapproval as contained in section 7 and subsection (a) above and without affording the agency a reasonable time to modify its application.

(c) The Secretary may, from time to time, set dates by which applications shall be filed.

(d) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this Act, at least one such agency shall be an agency described in section 5(a) or section 9 and any one or more such agencies joining in such application may be authorized to administer such program or project.

SPECIAL PROGRAMS

SEC. 9. (a) From the funds available to him under the second sentence of section 4(a) the Secretary is authorized to make grants to eligible local educational agencies to carry out model or demonstration programs related to the purpose of this Act if in the Secretary's judgment these programs make a special contribution to the development of methods, techniques, or programs designed to eliminate racial segregation or to eliminate, reduce, or prevent racial isolation in elementary and secondary schools.

(b) From the funds available to him under the second sentence of section 4(a) the Secretary is also authorized to make grants to local educational agencies to carry out programs for children who are from environments where the dominant language is other than English (such as French-speaking and Oriental children) and who, (1) as a result of limited English-speaking ability, are educationally deprived, (2) have needs similar to other children participating in programs

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or projects assisted under this Act, and (3) attend a school in which they constitute more than 50 per centum of the enrollment.

PAYMENTS

Sec. 10. (a) Upon his approval of an application for assistance under this Act, the Secretary shall reserve from the applicable allotment (including any applicable reallotment) available therefor the amount fixed for such application.

(b) The Secretary shall pay to the applicant such reserved amount, in advance or by way of reimbursement, and in such installments consistent with established practice, as he may determine.

(c)(1) In the case of an application to be funded under the first sentence of section 4(a) which is submitted by a local educational agency which is located in a State in which no State agency is authorized by law to provide, or in the case in which there is a substantial failure by a local educational agency approved for a program or project under this Act to provide, for effective participation on an equitable basis in programs or projects authorized under this Act by children enrolled in, or by teachers or other educational staff of, any one or more private nonprofit elementary or secondary schools located in the school district of such agency, the Secretary shall arrange for the provision, on an equitable basis, of such programs or projects and shall pay the costs thereof for any fiscal year out of that State's allotment. The Secretary may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

(2) In determining the amount to be withheld from any State's allotment for the provision of such programs or projects, the Secretary shall take into account the number of children and teachers and other educational staff who are excluded from participation therein, and who, except for such exclusion, might reasonably have been expected to participate.

(d) After making a grant or contract under this Act, the Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

(e) The amount of financial assistance to a local educational agency under this Act may not exceed those net additional costs which are determined by the Secretary, in accordance with regulations prescribed by him, to be the result of the implementation of a plan under section 5(a).

DEFINITIONS

Sec. 11. As used in this Act, except when otherwise specified—

(a) The term "current expenditure per pupil" for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

(b) The term "implementing a plan" means that a local educational agency is carrying out a plan in accordance with its terms and one or more steps or requirements of such plan remain to be carried out.

(c) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of education services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(d) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(e) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act are vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purpose of this Act.

(f) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(g) The terms "racially isolated school" and "racial isolation" in reference to a school mean a school and condition, respectively, in which Negro, American Indian, or Spanish-surnamed American children, and children who are members of other racial minority groups as determined by the Secretary, constitute more than 50 per centum of the enrollment of a school.

(h) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(i) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(j) The term "State" means one of the fifty States or the District of Columbia.

(k) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EVALUATION

Sec. 12. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs and projects authorized by this Act, and in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly.

JOINT FUNDING

Sec. 13. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any project or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

NATIONAL ADVISORY COUNCIL

Sec. 14. The President shall appoint a National Advisory Council on the Education of Racially Isolated Children, consisting of twelve members, for the purpose of reviewing the administration and operation of this improvement of this Act and its administration and operation and for increasing the effectiveness of programs or projects carried out pursuant to this Act.

REPORTS

Sec. 15. The Secretary shall include in his annual report to the Congress a full report as to the administration of this Act and the effectiveness of programs or projects thereunder.

GENERAL PROVISIONS

Sec. 16. (a) The provision of parts B and C of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1970;" after "the International Education Act of 1966;".

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MRS. MINK

Mrs. MINK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Mink: Amend section 3c on page 20 of the bill to read as follows:

"(c) Notwithstanding subsections (a) and (b) of this section and commencing with fiscal year 1972, no funds are authorized to be appropriated to carry out the provisions of this Act where any funds appropriated for the preceding fiscal year for any authorized program administered by the Office of Education are withheld from expenditure by the Department except as allowed by law."

The CHAIRMAN. The gentlewoman from Hawaii is recognized in support of her amendment.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentlewoman from Hawaii yield for that purpose?

Mrs. MINK. I yield for that purpose, Mr. Chairman.

Mr. STEIGER of Wisconsin. As I understand this, is it a substitute for the language?

Mrs. MINK. Yes. If I might be permitted to explain, all it does is add the words "commencing with fiscal year 1972" and then at the very end of the present section contained in the bill the words "as allowed by law". This is a matter which has been discussed with both sides of the committee.

Mr. PERKINS. Mr. Chairman, will the gentlewoman yield?

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Mrs. MINK. I am glad to yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, we feel that the amendment is well taken. It is a clarifying amendment. We accept the amendment.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield for a further parliamentary inquiry?

Mrs. MINK. I yield.

Mr. STEIGER of Wisconsin. May I inquire of the Chair as to whether or not, if the Mink amendment presently before the committee is adopted an amendment would be in order to strike that section?

The CHAIRMAN. The Chair will advise the gentleman that the Mink amendment proposes to strike subsection (c) and insert new language. If that amendment is adopted it would not then be in order to strike subsection (c).

Mrs. MINK. Mr. Chairman, I yield back the remainder of my time.

SUBSTITUTE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN FOR THE AMENDMENT OFFERED BY MRS. MINK

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentlewoman from Hawaii.

The Clerk read as follows:

Amendment offered by Mr. Steiger of Wisconsin as a substitute for the amendment offered by Mrs. Mink: On page 20, strike out lines 11 through 16.

Mr. STEIGER of Wisconsin. Mr. Chairman, this subsection (c) of section 3 of the bill is language that was not offered in the subcommittee and was, I may say, offered in the full committee in a rather difficult situation, when I suspect that most members of the Committee on Education and Labor had not had an opportunity to study the language or to fully review the impact.

I believe it ought to be quite clear that if this language, even as it would be modified by the distinguished gentlewoman from Hawaii, stays in the bill, we will be making a serious error. I believe it is bad public policy and frankly unwise fiscal policy to attempt to tie the hands of the President in dealing with the Federal budget. That is what this language in this bill intends to do.

It seems to me the Congress can best exercise its powers through the normal appropriations process, and should not find itself hamstrung by the action of the Committee on Education and Labor or of this committee in attempting to deal with the problems of appropriations.

What the amendment says, and what the language the distinguished gentlewoman offered in attempting to modify the language says, in essence is the following: That nothing in this bill shall be spent if there is any single reduction in the expenditure of any appropriation for any Office of Education program. If we attempt to hold this program hostage for all the other educational programs I would suggest to my colleagues that would not be in the best public interest. There are, as I recall, something like 125 educational programs in the Office of Education, some of them of very minor importance. What this amendment in effect says is that aid for desegregation is the least important program in education and that if we make any reduction in any expenditure for any other education program then we cannot spend any money for this program.

I think that the substitute amendment I have offered makes sense in terms of attempting to stabilize the situation and recognizes that this bill contains provisions that are important and ought not to be held hostage and that this particular section will create havoc on the part of the administration and, in my judgment, will create havoc on the part of the Committee on Appropriations. Therefore, I hope that the modification of the gentlewoman from Hawaii is not agreed to and is not adopted and that we can go on arguing about the merits of the substance of the issue and not about whether or not you want to hold desegregation hostage for the rest of the funds.

Mr. WILLIAM D. FORD. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I am glad to yield to the gentleman.

Mr. WILLIAM D. FORD. I should not like to let that part of the gentleman's statement stand, but his arguments should be saved, because as soon as we finish with this amendment, I will offer an amendment that will do what the gentleman accuses the gentlewoman from Hawaii of doing with her amendment. As a matter of fact, her amendment falls far short of having the effect that you describe. For that reason, although I will support her amendment and I will offer an amendment that goes even further and does precisely the things that you have been describing. I will do this because many of us have an almost total lack of confidence in the sincerity of this administration insofar as it has communicated its intentions to us, up to this point, to add any new money to the total budget for the purpose of funding this bill. We think there will be an attempt to raid the going programs that are serving the very people that his bill seeks to serve. For that reason I will attempt to amend the bill. But I think it is unfair to try to shoot down the gentlewoman from Hawaii's amendment with the argument that really goes to my amendment and not to hers.

Mr. STEIGER of Wisconsin. I will say to the gentleman from Michigan the argument goes to both amendments. I do not think it belongs in the bill, and I believe it ought to be struck out. It makes no sense at all, whether you are a Democrat or a Republican, to attempt to play politics with legislation of this kind. It is apparently what some of you are attempting to do.

Mr. WILLIAM D. FORD. Will the gentleman yield further?

Mr. STEIGER of Wisconsin. I do not yield.

I think it is quite clear what this amendment attempts to do and that the national interest would be best served if we delete the language.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the amendment.

The gentleman who just left the well declined to yield to me, but I want to ask him if he is not playing politics with this bill. I ask him if he has enough confidence—and it seems he has more knowledge of the President's intentions than the rest of us have—to ask the distinguished minority leader to join him in assuring us that they have in some way had communicated to them the intention of the President to prepare a budget for next month, January, that will come to this Congress asking for full funding of the programs that we now have in the field of education and, in addition to that, a funding of this program.

The fact of the matter, Mr. Chairman and members of the committee, is that not one single man on the other side of the aisle is willing to move one inch in reliance on his belief, if he has one, that the President does intend to ask for new money for this bill which we have before us today. In fact, I am one who does not believe, whether it appears to be cynicism or politics on the part of the gentleman from Wisconsin—and that is a characterization he will have to make for himself—I am one who does not believe that the President intends to spend an additional nickel on education but believe he intends to raid the ongoing programs and, under the guise of giving more money to education, next year will readjust the way in which we distribute an inadequate amount of support for many elementary and secondary school programs. This will not serve the best interests of education, either way, that is whether you are for or against the concept of segregation in education.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I am glad to yield to the gentleman.

Mr. DELLENBACK. I say to my friend from Michigan none of us on your side of the aisle or on ours is in a position to give the assurances that you ask for. Let me say as an individual——

Mr. WILLIAM D. FORD. May I say to the gentleman very simply, why not?

Mr. DELLENBACK. Because none of us knows what is going to be in that budget.

Mr. WILLIAM D. FORD. Somebody on that side must have the ear of the White House. The minority leader is sitting right there. He is always on the floor telling us what will happen on Armed Services Committee bills and other legislation. He reads us letters regularly from the President telling us what he wants or what he will not do and what he will do and what he will spend. I want to ask him if this is new money.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. The gentleman makes the most ridiculous argument I have heard on the floor of the House in this session of Congress. As a matter of fact, no President in December has made any commitment as to what is going to be in a budget that will

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be submitted in January. Your President did not and our President should not do so until he has made a final decision on the budget as a whole and by law that budget must be submitted in January each year.

Mr. WILLIAM D. FORD. I compliment the gentleman for topping my ridiculous argument in a very skillful way.

If the President is unwilling to tell us whether there is to be any money in January, then I suggest that this Congress should not pass this bill until next January.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when my colleague, the gentleman from Wisconsin, rose to speak to this particular point, he indicated that the type of amendment which was added in committee to the bill that he now seeks to strike from the bill on page 20, even as modified by the amendment which has been offered by the gentlewoman from Hawaii (Mrs. MINK), is extremely bad legislation. If that language remains in this legislation, we are in truth saying that all appropriations authorized under this bill will remain hostage to all other educational expenditures authorized by the Federal Government. I think that is exactly what is intended.

Let me say to the gentleman from Michigan (Mr. WILLIAM D. FORD)—and I think he knows this to be the case—I am one of those who has favored not only in the subcommittee, but in the full committee and also on the floor of the House, additional spending for education. I think it is important that we have this. But I think we make a serious mistake, ladies and gentlemen, if we say that not one dime under this program can be spent until every other educational appropriation, for whatever the program, has been expended.

The language which appears on page 20 of the bill is extremely dangerous language. This was brought out in the discussions before the committee. I am pleased that the language of the gentlewoman from Hawaii attempts to tone down some of the worst abuses in that language now contained in the bill. We pointed out some of those issues when the matter was pending before the committee for discussion, but we were overruled by the majority and they sailed ahead to insert this very language they now seek to amend.

I am pleased to see that they now see some weaknesses in their own language.

If we go to the language of the gentlewoman from Hawaii, however nobly conceived, we make a mistake, because what we will be doing under those circumstances is crippling the very bill that we are speaking to.

Mr. Chairman, there is great need for this legislation. This bill is striving to assist areas throughout the country, particularly in the South. But we have had citations of other places, such as, for instance, California, Michigan, and New England, where there is also a need for legislation of this particular nature.

If we do not pass legislation of this type we will find increasing desegregation difficulty in all of these areas, in Texas, throughout the North, the South, the East, and the West. And with no Federal assistance available, however, desperately needed.

Mr. Chairman, I urge support of the substitute proposal which has been offered by the gentleman from Wisconsin (Mr. STEIGER).

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute.

I have fought and opposed any limitation on expenditures.

The gentlewoman's original language as contained in the bill did not seem to me to serve the purpose. Apparently there were others who felt the same way.

Mr. Chairman, I have a letter from Secretary Richardson, addressed to the distinguished chairman of the Committee on Education and Labor, the Honorable CARL D. PERKINS, in which he states as follows:

DECEMBER 17, 1970.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to express the Administration's strong support for the enactment of H.R. 19446, the Emergency School Aid Act of 1970, as reported by the Committee on Education and Labor. With only one qualification, I urge passage of the bill as reported by the Committee.

The qualification involves Section 3(c) of H.R. 19446, which provides that no funds are authorized to be appropriated to carry out the Act if any funds appropriated to the Office of Education were withheld from expenditure during the previous year by the Department of Health, Education, and Welfare. This provision is unacceptable. Under P.L. 91-204, some of the funds appropriated for fiscal year 1970 to various agencies of the government including the Office of Education had to be withheld. Our compliance with that Congressional mandate to reduce expenditures could mean that no funds are authorized for the Emergency School Aid Act for fiscal year 1971. Since the provision deals with authorizations, any appropriation for the Act might be subject to a point of order on the grounds that various Office of Education funding actions might constitute a withholding within the meaning of the Act. The resultant uncertainty concerning the funding of the program could seriously impair its objectives.

That was the position of the Secretary, and properly so. And so the gentlewoman from Hawaii had corrected that situation with the amendment that she has brought before us today where she now says that the amendment that we were prepared to accept, or that was expected to be accepted, would limit this to commence with fiscal 1972, which means that the funds that the Secretary would have to withhold for various purposes would not affect or impede the forward movement of this legislation.

I think the gentlewoman from Hawaii has met us more than half way on this, because she has corrected it, she has recognized the problem involved in the original language, and it does seem to me that there is merit for her language. We are now assured that in the next 6 months, January to June 30, that there is not going to be a substantial reduction on on-going programs, to find funds for those programs. This would be of deep concern to many Members of the House if we did not have this kind of prohibition.

So, for that reason, the gentlewoman has agreed that this is forward moving into fiscal 1972. This will be a guarantee that there will be no substantial reduction in on-going programs, programs that are already funded, or at least anticipated by the school districts all over the country.

I think the gentlewoman's amendment is a good one, it protects existing programs. The administration has pledged that it will seek new money for this program before us today, and I would hope that the House would reject the substitute and permit the committee to accept the amendment offered by the gentlewoman from Hawaii, which then I think will not only protect existing programs, but, will of course, seek to see that the administration will have to come up with new funds if it wants to fund the program we are enacting today.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding, and I think his point is well taken—in this matter, at least.

Mr. PUCINSKI. I thank the gentleman.

Mr. CONYERS. We have a situation here in which the bill is now trying to be improved by the gentlewoman from Hawaii, and as soon as we offer the first correcting amendment we start getting into the old kind of procedures that so frequently bedevil this House, and particularly this "lameduck" session of the Congress.

Now, I think this is an extremely reasonable proposal that the gentlewoman from Hawaii has offered. As a matter of fact, if it does not carry, then I will offer an amendment at lines 5 and 7 which will reduce the amount of money—

Mr. PUCINSKI. Mr. Chairman, if the gentleman from Michigan will pardon me for interrupting, but I do want to yield part of my time to the gentleman from Wisconsin on this matter.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I am concerned by the comments of the gentleman from Michigan. I do not agree with the amendment offered by the gentlewoman from Hawaii, as modified. I do not believe it belongs in the bill. I have, I believe, a perfectly legitimate right at this time to try and knock it out, because it is not relevant to what this bill is all about. I think it is a mistake.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was originally inclined to believe, as was stated in general debate, that we should be able to offer

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amendments to correct and eliminate the tremendous waste that, according to the reports, occurred during the expenditure of the first $75 million of this program.

In my judgment, it is utterly scandalous that we, here on the floor of the House, start spending $1.5 billion for a program while conceding for the most part that the first $75 million was wasted.

While I certainly agree that the gentleman from Wisconsin has a perfect right to offer amendments consistent with his position, I do not believe they are consistent with what we heard during the debate from all those who were so anxious to strengthen this bill.

It is curious to me that those who support the bill do not have many—if any—strengthening amendments and those who have deep reservations and who may end up voting against the bill, are trying to offer some sensible, corrective measures.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, I believe the gentleman would be doing a great disservice to an awful lot of school districts in this country to conclude or to say the entire $75 million was misspent. I am the first to agree that some of the charges contained in the report, made on a selective basis, can be substantiated. But I am also here to tell the gentleman millions of dollars will flow into school districts where the schools would have had a real crisis.

Mr. CONYERS. I thank the gentleman for his statement. But I tell the gentleman, I am perfectly aware that some of the $75 million may not have been misspent. I agree with the gentleman on that. But I think most of the amount, according to all of the reports, was callously and unconscionably wasted. I hope every Member takes the opportunity to read the evaluatory study of the emergency school assistance program that was prepared by a group composed of the American Friends Service Committee, Delta Ministry of the National Council of Churches, the Lawyers Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Educational Fund Inc., and the Washington Research Project. They found in the 295 school districts monitored in this study, a total of 179 that were clearly engaged in practices that should have rendered them ineligible for grants under the appropriation and accompanying regulations. Sufficient evidence was found in 87 other districts to consider their eligibility questionable. Less than 10 percent of the districts—29—were found to be complying with the law. These figures show an incredibly poor record.

I would further remind my friend, the gentleman from Illinois (Mr. Pucinski), that only yesterday we had a bill that talked about feeding 25 million poor people that did not cost much more than the very amount we are now rushing through in this bill. But then, everyone was examining it with extreme caution and thoroughness.

I believe that if we cannot spend $75 million properly, and the record so shows, then we ought to go a little more slowly on expending the next $1.5 billion. And, therefore, Mr. Chairman, I support the gentlewoman from Hawaii and I hope the substitute amendment is defeated.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Michigan (Mr. William D. Ford) said that unless there was a provision written into this legislation to provide for the mandatory expenditure of certain other educational funds, that this bill ought to be defeated. I agree that it ought to be defeated, and for other reasons dealing with finances.

That leads me to ask a question of the chairman of the subcommittee who is handling the bill on the floor, where it is proposed to get the $1.5 billion to fund this busing bill over the next 18 months?

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman.

Mr. PUCINSKI. The President has obviously recognized the enormous gravity of the situation.

Mr. GROSS. I am asking the gentleman from Illinois, since he is offering this bill, where the $1½ billion is going to come from?

Mr. PUCINSKI. I believe that by getting the troops out of Vietnam—that will help some. Also by getting the troops out of Europe—that will help some. The President sent up a series of priorities and I am willing to go along and see that that is done. The President seems to feel that he can find this money. He can give this——

Mr. GROSS. Just a minute.

Mr. PUCINSKI. The President can make this a top priority—that is how urgent this legislation is.

Mr. GROSS. The gentleman has evaded the question of where it is proposed to get the money.

Without this legislation and a $1½ billion expenditure for the busing of children, we are confronted, according to the chairman of the House Committee on Appropriations, with a deficit of somewhere between $15 billion and $20 billion. Where else but by borrowing the money and adding to the deficit will you get it? And what is the necessity for it?

The gentleman from Illinois (Mr. Pucinski) said a few moments ago that this bill is necessary to stabilize schools. How do you stabilize schools in this kind of a bill?

Mr. PUCINSKI. Are you asking me?

Mr. GROSS. Yes.

How are you going to stabilize schools simply by spending $1½ billion to bus school children?

Mr. PUCINSKI. If my colleague, whom I respect very highly, and he knows it, will take the trouble to read the testimony of the experts who are faced with this vexing problem and its solution, he will observe that they recommend that the way to stabilize——

Mr. GROSS. Will the gentleman——

Mr. PUCINSKI. You asked me a question. Will you permit me to give you an answer?

Mr. GROSS. Yes, but please do not take all of my time.

Mr. PUCINSKI. The theory behind this legislation is based on the testimony with respect to the schools of this country.

Mr. GROSS. I am not talking about theory. Just a minute, now. I am not talking about theory. Suppose in a school there are 75 black children and 25 white children, or the reverse. Does that make the school any more stable or any more unstable?

Mr. PUCINSKI. Yes. If you will provide good quality education to all of those children, the 75 black children and the 25 white children——

Mr. GROSS. We will assume they are getting quality education.

Mr. PUCINSKI. You cannot make that assumption today because they are not getting it. That is what this bill is designed to do. All over this country there are school districts that are faced with bankruptcy.

Mr. GROSS. I think it is the most ridiculous statement I have heard in this session of Congress to say that you can throw $1.5 billion at the schools of this country for the purpose of busing school children, and by doing so make them any more or any less stable.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to my colleague from Iowa.

Mr. SCHERLE. I thank my colleague for yielding. I would like to pose this question to the gentleman from Illinois: How much money is in this busing bill for my Catholic children back in Iowa?

Mr. PUCINSKI. To the extent that they are able to participate in the desegregation plan—it would depend upon what kind of program and what kind of proposal they submit through the local school district. It would be subject to the approval of the Secretary.

The gentleman has called this a busing bill. Apparently that is a nasty word or the key word around here. But I think the House ought to know that out of the $75 million that has been appropriated so far, less than 1 percent has been spent on busing.

Mr. GROSS. Busing is the key word—$1½ billion of it in the next 18 months—and busing, carried on simply to achieve so-called racial balance, is intolerable. This bill is destructive of the neighborhood school concept; it is destructive of education; it adds to and duplicates programs already in effect, and it calls for the expenditure of a vast amount of money.

The bill ought to be defeated. It ought never to have been brought to the floor of the House in this "lameduck" session.

The CHAIRMAN. The Chair would like to state the parliamentary situation before putting the question on the pending amendments.

The amendment offered by the gentlewoman from Hawaii is a motion to strike out the subsection and insert new language. The amendment offered by the gentleman from Wisconsin is a motion to strike out the subsection. The precedents indicate that in this situation the proponents of the subsection should be given a chance to perfect it before the vote is taken on striking it from the bill.

If the Mink amendment is agreed to, the motion to strike out then falls and is not voted on. If the amendment of the gentlewoman from Hawaii is defeated, then the vote will recur on the motion to strike.

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Wisconsin will state his parliamentary inquiry.

Mr. STEIGER of Wisconsin. I find the ruling of the Chair somewhat unusual in that it comes after debate on the pending amendment. Therefore I am correct, am I not, in saying that for those who want to strike this section the vote is "no" on the Mink amendment?

The CHAIRMAN. The Mink amendment must be defeated before there will be a vote on the Steiger of Wisconsin motion to strike.

The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and on a division (demanded by Mr. PERKINS) there were—ayes 24, noes 49.

Mr. PERKINS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PUCINSKI and Mr. STEIGER of Wisconsin.

The Committee again divided, and the tellers reported that there were—ayes 35, noes 60.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: Page 36, line 22, the following new material as section 11 and renumber subsequent sections accordingly:

"COMPLAINT PROCEDURE

"SEC. 11. (a) In the case of any policy, practice, procedure or other action by any recipient of funds under this Act in violation of this Act or of Title VI of the Civil Rights Act of 1964, any person aggrieved by such policy, practice, procedure or other action shall have the right to file with the Secretary a complaint alleging such violation.

"(b) Within 15 days of receiving such complaint, the Secretary shall determine, on the basis of investigation, whether probable cause exists to believe that such complaint is justified.

"(c) Upon determination that there is such probable cause, the Secretary shall suspend all assistance under this Act to such recipient for expenses incurred subsequent to the date of such determination.

"(d) Within 15 days of such determination the Secretary shall convene a formal hearing; within 15 days of the close of such hearings, the Secretary shall determine whether the complaint is justified. Upon determination that a complaint is justified, the Secretary shall terminate the eligibility of such applicant for assistance under this Act effective as of the date of suspension of assistance pursuant paragraph (b)."

Mr. CONYERS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Ninety Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 423]

Addabbo
Anderson, Ill.
Aspinall
Ayres
Blackburn
Boland
Bolling
Brock
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Utah
Bush
Button
Camp
Celler
Clark
Collins, Ill.
Conte
Corman
Cowger
Cramer
Cunningham
Daddario
Delaney
Dent
Derwinski
Diggs
Dingell
Donohue
Dowdy
Dwyer
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fish
Foley
Foreman
Forsythe
Fraser
Gaydos
Giaimo
Gilbert
Green, Oreg.
Griffiths
Grover
Gubser
Halpern
Hébert
Heckler, Mass.
Horton
Hull
Hungate
Jarman
Karth
Kee
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Long, La.
Long, Md.
Lukens
McClure
McCulloch
McDade
McKneally
May
Meeds
Meskill
Mize
Montgomery
Morse
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Pepper
Philbin
Powell
Price, Tex.
Purcell
Quillen
Rees
Reifel
Rivers
Roberts
Rooney, Pa.
Rosenthal
Roudebush
St Germain
Satterfield
Schadeberg
Sikes
Smith, N.Y.
Snyder
Springer
Stephens
Stuckey
Thompson, N.J.
Tiernan
Tunney
Watson
Weicker
Widnall
Wilson, Bob
Wilson,
Charles H.
Winn
Wolff
Wydler
Young

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. CORMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 19446, and finding itself without a quorum, he had directed the roll to be called, when 312 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID), for 5 minutes in support of his amendment.

Mr. REID of New York. Mr. Chairman, I ask unanimous consent that my amendment be reread for the benefit of Members who were not here.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. REID of New York. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, would it be in order for the gentleman in the well to offer three amendments en bloc but have them voted on separately?

The CHAIRMAN. The Chair will state if the amendments are to be voted on separately, they should be offered separately.

Mr. PUCINSKI. Mr. Chairman, I thank the Chair.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from New York.

The Clerk reread the amendment.

Mr. REID of New York. Mr. Chairman, my amendment would add a new section 11 to the bill providing for a procedure whereby persons in a community receiving assistance under the act would be given the opportunity to file a complaint and have the complaint investigated upon a finding of probable cause. A complaint could be filed in the case of any policy, practice, procedure or other action by any recipient of funds under this act in violation of this act or title VI of the Civil Rights Act of 1964.

Mr. Chairman, one of the major weaknesses that I see in the present bill is that it lacks a mechanism providing for participation by local parents on a biracial basis in application and operating procedures. Such a mechanism is fundamental in most of our current education programs, and I believe it is a vitally needed safeguard in this bill, especially.

Mr. Chairman, the evaluation of the emergency school assistance program to date by six leading civil rights groups raises grave doubts as to the objective, unbiased and purposeful administration of funds appropriated pursuant to this act. I believe that every affected citizen should, therefore, have the right to bring a complaint to the Secretary and to have funds suspended and a hearing held if probable cause is found.

Following a hearing, if a complaint is justified the Secretary shall terminate the eligibility of the local educational agency for assistance under this act.

I regret the necessity for including this provision but I feel that we cannot afford to enact this statute without taking every precaution to insure that only those who are in fact desegregating their schools in the fullest meaning of the word will receive these funds.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. I believe the gentleman has brought forth a very important amendment that will begin to allay the fears which have been unfortunately expressed about this bill. Can the gentleman from New York again describe what we are going to accomplish by this amendment?

Mr. REID of New York. As the gentleman will recall, in the report, "The Emergency School Assistance Program: An Evaluation," it was found that there were a number of school districts wherein grants were made to districts which had earlier been found ineligible for any Federal assistance because of refusal to comply with the nondiscrimination requirements of the Civil Rights Act. This amendment would permit an individual

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parent in any one of those districts to state that the funds in the first instance were being applied improperly and unconstitutionally; and, second, to seek redress with the Secretary to insure that the funds were being appropriated fairly and for nondiscriminatory purposes.

Under the precise procedure the Secretary has to check into this matter within 15 days of receiving a complaint, and upon determination that there is probable cause that the complaint is valid the Secretary is required to suspend all assistance under this act to such recipient for expenses incurred subsequent to the date of determination.

In other words, it is a basic safeguard to insure that the purposes of the act are in fact implemented consistent with the Constitution.

Mr. CONYERS. I thank the gentleman for his explanation. Can the gentleman indicate whether any of our colleagues from California on either side of the aisle are willing to go along with this amendment and hopefully avoid the kind of confusion that is being raised in terms of our getting some bipartisan support in presenting this amendment.

Mr. REID of New York. I would be happy to ask the gentleman from California (Mr. BELL) for his comment.

Quite frankly, I have stated I have some reservations about the past implementation of this program.

Mr. HALEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 424]

Adair
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Ashley
Aspinall
Ayres
Berry
Blackburn
Blanton
Boggs
Boland
Bolling
Brasco
Brock
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Fla.
Burton, Utah
Bush
Button
Cabell
Camp
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Collins, Ill.
Colmer
Corbett
Coughlin
Cowger
Cramer
Cunningham
Daddario
Delaney
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Fish
Flood
Flynt
Fraser
Friedel
Fulton, Tenn.
Fuqua
Gettys
Giaimo
Gilbert
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Hagan
Hanley
Harsha
Hébert
Heckler, Mass.
Holifield
Horton
Howard
Hull
Hungate
Jarman
Jonas
Karth
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Landrum
Langen
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lukens
McClure
McCulloch
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
Mahon
May
Meeds
Meskill
Michel
Miller, Calif.
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nelsen
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Passman
Pepper
Philbin
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Railsback
Rees
Reifel
Rhodes
Rivers
Roberts
Rogers, Colo.
Rooney, Pa.
Roudebush
Ruppe
St Germain
Sandman
Satterfield
Saylor
Scheuer
Sikes
Sisk
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Vander Jagt
Watson
Weicker
Whitten
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wydler
Young
Zion

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. CORMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 19446, and finding itself without a quorum, he had directed the roll to be called, when 242 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. PUCINSKI. Mr. Chairman, I move to strike the last word.

I wish to advise the Members, who have been very patient and tolerant with us, we will attempt to dispose of the amendments now pending, which incidentally we will oppose, and it would be my hope there would be no great debate on that if the Members cooperate. Then there are two other very brief amendments to consider, and we should be able to conclude deliberation on this bill very quickly.

It is not our intention to prolong the proceedings. I am sure we all know what the issues are. I am sure we can move expeditiously on the final vote. So on the amendment now pending before us it would be my hope that the House would reject this amendment. This is an amendment that certainly has a very worthwhile purpose, but in its present form it would create a whole series of new administrative procedures and a whole series of obstacles. I am afraid it would create more problems than it would tend to solve.

Mr. BELL of California. Will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from California.

Mr. BELL of California. I also rise in opposition to the amendment.

It would continue troublesome administrative difficulties. It is something that I think we could not possibly live with in this bill, and it is going to be gumming up the bill.

Mr. REID of New York. Will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New York.

Mr. REID of New York. The purpose of this amendment would be to give communities receiving assistance under the act the opportunity to file a complaint and have that complaint investigated on the finding of probable cause. The fact of the matter is without the amendment there is no opportunity for affected communities or aggrieved parents to seek redress. It is a very fair and straightforward procedure and consistent with other civil rights statutes. In my judgment, to pass a $1 billion bill without it having some opportunity for aggrieved districts to seek a fair redress if funds are being used for discriminatory purposes would be a mistake.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I appreciate the efforts of the gentleman to expedite the proceedings. As a part of my effort I would be glad to offer an amendment which is well known to this body, which is a motion to recommit, and save time.

Mr. PUCINSKI. I think we could probably move much more expeditiously if you offered your amendment in the Committee of the Whole and perhaps we can spare you the delay of a rollcall on the motion to recommit. Why do we not give the Committee of the Whole a chance to work its will and see what happens? You will be protected. You can always offer your motion to recommit if your amendment is defeated.

Mr. ASHBROOK. I am glad to, but this saves time. This is the kind of an amendment that usually engenders a great deal of discussion and debate. It is not my intention to spend another 45 minutes or an hour on it, so if the gentleman does not mind, I will offer my motion.

Mr. PUCINSKI. Mr. Chairman, I move that all debate on this amendment end in the next 3 minutes.

Mr. HALEY. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HALEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. CLAY. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri.

The question was taken; and the Chairman announced that the ayes had it.

Mr. PUCINSKI. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman's point of order is not in order in the Committee of the Whole.

Mr. PUCINSKI. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded. Those in favor of taking the vote on the motion to rise by tellers will rise and remain standing until counted.

An insufficient number have arisen. Tellers are not ordered.

Mr. PUCINSKI. Mr. Chairman, I make a point of order against that ruling in that a quorum is not present. The Chair ruled there is an insufficient number that have arisen for tellers. I challenge that ruling on the ground that a quorum

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is not present and make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will advise the gentleman from Illinois again that his point of order is not in order.

The motion to rise was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT), having resumed the chair, Mr. CORMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes, had come to no resolution thereon.

Mr. PUCINSKI. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. PUCINSKI. Mr. Speaker, I withdraw my point of order.

TO AUTHORIZE THE INTERSTATE COMMERCE COMMISSION TO PROVIDE FINANCIAL ASSISTANCE TO CERTAIN RAILROADS

Mr. MATSUNAGA from the Committee on Rules, on behalf of Mr. O'NEILL of Massachusetts, filed the following privileged resolution (H. Res. 1315), (Rept. No. 1781), which was referred to the House Calendar and ordered to be printed:

H. RES. 1315

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19953) to authorize the Interstate Commerce Commission to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19436, THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and innercity development, to extend and amend laws relating to housing and urban development, and for other purposes.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Texas?

There was no objection.

MERCURY DANGER IN TUNA?

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, news reports dealing with the discovery of minute parts of mercury in tuna call to mind Mark Twain's statement, "The report of my death has been grossly exaggerated."

Representing as I do an area of California where the fishing industry is extremely important, I have naturally been concerned over the recent stories. I have discussed at some length with Dr. Wodicka, of the FDA's Bureau of Foods, the press stories reporting the recall of canned tuna, and am happy to quote Dr. Wodicka's flat statement:

> No tuna has been found where a concentration of more than one part per million of mercury exists. Although this is a safe level, the industry and the FDA are taking steps to make sure that in the future no tuna with a concentration of more than one-half part per million reaches the market. It is perfectly safe to eat tuna presently stocked, however, because even if it reached the one part per million level, which it does not, no one could eat enough to suffer ill effects from the present supplies.

I was interested to learn that the FDA has no reason to suppose that present conditions are any different from what they have been for 50 years. Modern scientific methods have enabled us to learn more facts, but nothing indicates that there is any more mercury in tuna now than there was 10 or 50 years ago. We simply know now how to detect such substances.

In short, recent announcements merely indicate the continuing concern of the industry and of the FDA that every conceivable safeguard will be taken.

So that the facts may catch up with the fright, I submit for the RECORD the full text of remarks on this matter by Dr. Charles C. Edwards, M.D., the Commissioner of Food and Drugs, 4 days ago:

STATEMENT BY CHARLES C. EDWARDS, M.D.

Ladies and Gentlemen, thank you for coming.

We have called this conference today to report on what FDA and industry have found in tests for mercury in canned tuna and to advise you of the actions that FDA as well as industry are taking as precautionary measures based on these findings.

As you know, the FDA on December 3 received a report of mercury found in canned tuna in excess of FDA's guideline of 0.5 ppm. The Fact Sheet which you have gives a brief chronology of events since that time. It also provides details of a testing program now being conducted by FDA and the industry.

I want to emphasize three points as strongly as possible:

First, our tests to date confirm that most of the current tuna supply is well within the FDA guideline of 0.5 ppm. mercury. The average mercury content of all samples analyzed to this time is in fact 0.37 ppm.

Second, all of the test samples showing mercury content above our guideline level are in a range not considered high enough to pose an immediate health problem. If the percentage of excess mercury thus far shown in current tests were to extend to the entire tuna pack, the average for the total pack would not exceed the 0.5 ppm. guideline.

Third, the 0.5 ppm guideline is just that. It is, however, based upon Japanese experience in two studies. These studies offer the only cases where human health damage has been attributed to mercury poisoning from fish. In both studies the fish eaten contained 10–80 times the 0.5 ppm level. Furthermore, the Japnaese characteristically eat a great deal more fish than we do in the United States. On this basis, the 0.5 ppm guideline set by FDA offers a substantial margin for safety. I urge you to read carefully that section of the Fact Sheet explaining the guideline.

Let me add here that given the facts we have on tuna consumption in the United States, the safety margin built in the 0.5 ppm guideline, and the restricted range of findings in excess of the guideline, we are confident that during the 30 day period of testing by industry and FDA, the tuna on the market and in the home presents no health hazard. The highest samples found to date pose no risk of acute toxicity and removal of lots with more than 0.5 ppm mercury will eliminate any danger from high rates of consumption over long periods of time.

Let us turn now to what is being done on the basis of what we have found so far:

1. Beginning last Friday, the tuna industry voluntarily began as a precautionary measure to remove from the retail level every lot of tuna confirmed by laboratory analyses to show mercury content over the guideline. This action by industry will continue until all tuna now on the market is checked and every lot over the guideline is removed from store shelves.

2. The industry has been asked and has agreed to establish and maintain an even more extensive and intensive quality control program aimed specifically at this problem to insure that future packs do not exceed 0.5 ppm mercury. The National Oceanic and Atmospheric Administration (NOAA) will work with industry and the FDA on the research vital to this program.

3. A joint FDA-Industry testing program will continue to identify for withdrawal as rapidly as possible all additional lots on the market which fail to meet the 0.5 ppm guideline. We estimate that this program will be completed in 30 days or less.

4. FDA will advise its District Offices to sample all imported tuna for mercury content. Entry will be refused to all lots found 0.5 ppm mercury or above.

5. FDA will advise foreign governments of its actions through the Department of State.

6. The industry has started a program to try to pinpoint reasons for the present pack containing codes with 0.5 ppm mercury or above. The canners have located stocks of tuna canned in 1958, 1962, 1963, 1965, and 1967; samples from those stocks will be examined by the industry to determine if there is a trend in mercury content over the past eight years.

Finally, I want to reemphasize the point that given present levels of tuna consumption in this country, the relatively low levels

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> of excess mercury content found to date, and the fact that even this excess is being removed, we are confident that the American consumer is now and will remain safe from risks of mercury poisoning.
>
> This is an environmental problem and likely to be ony one of a number we will encounter in the months and years ahead.
>
> We in FDA mean to anticipate as many of these as we can which touch our areas of responsibility to the American public. As these problems do arise we will deal with each in a reasonable and responsible way and in the best interests of the public health.
>
> We feel that the current problem is being handled in this way.
>
> My staff and I will be happy to answer any questions you may have.

Mr. WYATT. Mr. Speaker, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Oregon.

Mr. WYATT. Mr. Speaker, I would like to commend the gentleman from California for his remarks and tell him that I was enormously impressed with the very clear and concise statement of Dr. Edwards, the Administrator of the Food and Drug Administration, that there is no danger to humans in the quantities of mercury found in tuna today, and that it is perfectly safe for people to continue to consume tuna in the quantities in which they have been consuming it.

There are very clear indications that mercury is being found in many other foodstuffs. I think it is very unfair the way the press handled this in a way to make tuna, which is perfectly safe for human consumption, bear the brunt of present hysteria.

It is extremely unfortunate and I am certain that it has been very misleading for the news media to give emphasis to peripheral aspects of the controversy, and almost conceal the Commissioner's very clear statement.

Mr. ANDERSON of California. Mr. Speaker, I commend my able colleague from San Diego (Mr. Van Deerlin) for bringing this subject before the House of Representatives.

The recent disclosures by the FDA of an excessive amount of mercury in tuna have brought alarm throughout the country. Consumers are alarmed; fishermen are alarmed; the tuna processors are alarmed, and environmentalists are alarmed.

Yet, there is such a dearth of information on this topic that we do not really know how to react. First, we do not know how long mercury has been in the food we eat. Due to recent technical advances, we have been aware of the mercury content in our food for only a short period of time. Secondly, we do not know at what level the content of mercury is judged unsafe. We simply do not know the effect of mercury on the human body. Thirdly, we have not developed enough data to establish a mercury pollution control program.

Mr. Speaker, tuna is one of our great sources of protein, and we know that it is available at an extremely reasonable price.

In order to keep tuna in an abundant supply, and in order to put an end to the fears of consumers, I recommend five steps. First, I call upon the Food and Drug Administration to conduct more extensive tests on the mercury content of tuna and other deep-sea fish.

Second, I call upon the Public Health Service to establish the effects of mercury consumption on the human body.

Third, I call upon the Environmental Protection Agency to recommend procedures for the future abatement of dumping mercury into our waters.

Fourth, I call upon the tuna industry, itself, to establish tighter scrutiny of their product.

Last, I call upon the Congress to enact measures such as H.R. 19278 which would prohibit the discharge of mercury into our waters, and to enact H.R. 18274, introduced by Congressman Ashley and cosponsored by myself, Mr. Harvey, Mr. Daddario, Mr. Taft, Mr. Harrington, Mr. Murphy of New York, and Mr. Leggett. H.R. 18274 would provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on commercial fishing by a State or the Federal Government because of deterioration in the quality of the aquatic environment.

Mr. Speaker, FDA Commissioner, Dr. Charles C. Edwards, has stated, any affected tuna already eaten or yet to be eaten is not a health hazard. However, we must take immediate remedial action to allay the fears of consumers and to protect our Nation's health and wellbeing.

FOOD STAMP ACTION SUFFERS FROM A LAME DUCK RULE OF THE HOUSE

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, with the passage of this "lame duck" session, one of the worst House rules will pass out, too. The majority of the House, including the leadership, by vote last night attested to the desire for a strong food stamp bill. But the recorded votes occurred only on the weaker of the three food stamp bills debated. Defeated on rollcall was a substitute bill offered by the Dean of the Virginia Delegation, Representative Abbitt, and passed on rollcall was a committee bill which was weaker than the Foley-Quie version. The latter—the best of the three in my judgment—was downed without a recorded vote.

The failure to accept the better bill for food stamps and broader coverage for hungry Americans can be laid on the doorstep of the archaic House rule that permits the most important votes to be unrecorded, unheralded and without the presence of scores of Congressmen. The rule preventing a recorded teller vote on a key issue is a "lame duck" rule which will shortly demise and, I might add, without any mourning on my part or the public.

Quickie unrecorded teller votes on the important issues will no longer be in effect next year as a result of a change in the rules, already overwhelmingly adopted by the House. After this year, recorded teller votes will be allowed, giving time to Members to reach the floor in order to decide the outcome of an issue. We could have been better served last night in action on the food stamp bill if this rule had been in effect when the Foley-Quie bill was defeated on unrecorded vote with only 235 Members present.

Who suffers when votes on key issues are decided quickly without recording? We all do. In this case I believe we failed to adequately meet the needs of those people of the Nation that are hungry and malnourished with a broader and simplified food stamp program. Second, we have the abundance of food our agricultural producers provide at the lowest parity prices in 37 years, and yet we failed to strengthen the economy by now accepting the version of the bill that would best increase the food purchasing power of those 25 million Americans now inadequately nourished.

The House bill and the Senate bill will now have to go to conference and that settlement will, I hope, bring forth a more generous food stamp plan. If so, the effect of last night's death by unrecorded vote, of the Foley-Quie bill will be corrected.

PROMPT ACTION REQUIRED TO PROTECT ENVIRONMENT AS NEED FOR ELECTRIC ENERGY GROWS

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last March I wrote a letter to the President with copies to the Atomic Energy Commission, the Federal Power Commission and the Council on Environmental Quality. I pointed out that it was "totally irrational for the Atomic Energy Commission to issue a license for an atomic powerplant, while at the same time, the power company must meet a myriad of requirements on the local, State, and Federal levels to preserve, protect and maintain the environment."

I offered two proposals designed to meet our rapidly growing power needs and to prevent the dreadful pollution of the environment. These suggestions called for:

First, a complete review of the power needs of the country now and for the next 10 years to determine the extent of the requirements so that we can get some understanding and knowledge of the environmental disruption which will be involved and the cost that will be required to prevent it; and

Second, an appropriate interagency or other mechanism at the Federal level so that there will be total coordination and cooperation among the Atomic Energy Commission, the Department of Interior, the Federal Power Commission and State and local agencies.

I urged the President to consider and act upon these proposals promptly.

The responses I received to my letter from the various agencies indicated their agreement with the need for these measures.

For example, on May 15, 1970, Russell Train, Chairman of the Council on Environmental Quality, wrote:

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> I believe you have raised two good suggestions. We will certainly keep them in mind as we continue to evaluate policies regarding power demands and the environment.

Glenn T. Seaborg, Chairman of the Atomic Energy Commission, wrote on May 18, 1970:

> We are in agreement with your view that there should be full cooperation and coordination between Federal and State agencies in matters involving the licensing and regulation of power facilities.

Reinhold W. Thieme, Deputy Assistant Secretary of the Interior, on July 28, 1970, stated:

> An important step is the appraisal of the power needs of the country suggested in your letter.

He added that:

> We heartily agree with your concern that greater efforts need to be made to coordinate Federal, State, and local activities in such matters.

He goes on to say:

> It is our hope and expectation that procedures will be developed which will assure that the public interest is protected by advance consideration of environmental factors.

On September 10, 1970, the Chairman of the Federal Power Commission, John N. Nassikas, in response to my letter of March 9, wrote that he agreed that "interagency cooperation and coordination in this area are both necessary and desirable."

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He went on to say that he has "advocated that the growing demands of the American consumer for energy in the decades of the 1970's and 1980's and the national policy of improving environmental quality of life can best be served only by a coordinated effort of Federal, State, and local economic and environmental regulatory agencies in cooperation with industry and concerned environmental and consumer groups."

Accordingly, Mr. Speaker, I was greatly encouraged to read the recommendation released October 2, 1970, in a report entitled "Electric Power and the Environment," prepared by the Energy Policy Staff of the Office of Science and Technology in the White House. The recommendations made in the report fully incorporate the suggestions I had made.

Dr. Edward E. David, Jr., science adviser to the President, indicated that the report's recommendations would be incorporated in legislation to be presented to the Congress early in the session. Briefly, the report proposed:

> 1. long-range planning by industry on a regional basis at least 10 years ahead of construction;
>
> 2. public release of inventory of alternative plant sites and plans for power lines five years before construction;
>
> 3. public release of specific plans on plant sites two years before construction—thereby allowing government agencies sufficient time for detailed review;
>
> 4. establishment of State or regional agencies with absolute approval authority to review plans and certify that they complied with air and water quality standards and other environmental considerations imposed by both State and Federal governments.
>
> 5. a review of all fossil-fueled plants by Federal environmental protection agencies; and
>
> 6. establishment of a Federal agency to assume the function of certifying that a plant meets environmental protection requirements if the State or regional agency fails to exercise that responsibility.

Mr. Speaker, I fully support the thrust of this program. We all are too keenly aware that our Nation's technological needs and development have been racing ahead of our ability to keep up with them and provide for their undesireable side effects—namely, the dreadful pollution and destruction of the environment.

It is obvious that our power needs must be met rapidly; at the same time, however, if something is not done to protect the environment immediately, there will not be anything left to use the power for.

I was distressed, therefore, to read reports that indicate that since these recommendations were released in October, a decision has been made by the Council on Environmental Quality that the Federal Government is not obligated to make public information on how Federal projects would affect the environment until decisions have already been made on whether to go ahead.

This decision is in direct contradiction to the recommendations issued by the President's Office of Science and Technology. If we cannot have coordination among the administration's own agencies, how can we expect such coordination between Federal, State, and local officials?

Russell E. Train, chairman of the Council on Environmental Quality, is reported to have said that his staff is simply too small to give the required impact studies the attention they deserve. If this is the case, then we should provide the funds for an increased staff so that the Council can perform its functions as we intended when we passed the Environmental Policy Act of 1969. The present situation practically negates the entire purpose of the legislation. I hope the appropriate legislative committees of the 92d Congress will consider this matter very carefully and take prompt action.

OCCUPATIONAL HEALTH AND SAFETY ACT

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, what is done in the field of occupational safety today is a notable occasion. The passage of the Occupational Health and Safety Act of 1970 is truly a landmark like the orginial adoption of the Minimum Wage Act. In the future, industries may not compete in the price of their product at the expense of death, debilitation, and injury of their employees.

But a law, no matter how good in its concept, is no better than the motivation and direction of those who enforce it.

Since modern industry is extremely complex and presents manifold threats to life and health, it is necessary, both under the terms of this act and as a supplement to this act, for individual industries, workers in the plants, and their unions to maintain continual vigilance over the processes which may generate dangerous and unhealthy conditions in those industries and in those plants.

In this regard I wish to bring to your attention the health and safety clauses which are the subject of negotiation in the oil and chemical industry. These are the clauses being urged by the Oil, Chemical, and Atomic Workers Union which have not been accepted by company negotiators. Though I do not mean to inject a congressional concern into the negotiations or to draw conclusions as to what the final language should be, I do think that it is extremely important that the subject matter of these proposals be dealt with in an industry which presents unique dangers to its workers, dangers which are frequently unknown to the employee and to the community in which the plant is located.

There is another reason why this approach is of concern to lawmakers. I must admit a certain disillusionment about the effectiveness of administrative agencies as the protectors of the public unless there is built into the agency, and the act which creates it, a process by which those directly affected as members of the public, or as members of the working group subjected to hazards, can participate in the governmental process. There are provisions in the act which move in this direction, but to make these provisions really meaningful, there must be processes established by labor management processes which afford an opportunity for those most directly affected by plant dangers to know those dangers and to engage in the process of their elimination as a matter of contract right. Therefore, congressional action and Federal law is related to negotiation and to labor management contracts.

Because of these considerations the proposals which have been submitted by OCAW as appendix B to their contract demands and which are appended here should be concern to Members of Congress:

HEALTH AND SAFETY CLAUSES

Section 1. The Company shall institute and maintain all reasonable and necessary precautions for safeguarding the health and safety of its employees, and all employees are expected to cooperate in the implementation thereof. Both the Company and the Union recognize their mutual obligations to assist in the prevention, correction and elimination of all unhealthy and unsafe working conditions and practices.

Section 2. There shall be established a joint labor-management Health and Safety Committee, consisting of equal Union and Company, representatives, but not less than two each nor more than four each. The Committee shall establish and adopt health and safety rules. It shall hold meetings as often as necessary, but not less than once each month, at a regularly scheduled time and place, for the purpose of jointly considering, inspecting, investigating, and reviewing health and safety conditions and practices and investigating accidents, and for the purpose of jointly and effectively making constructive recommendations with respect thereto, including but not limited to the formulation of changes to eliminate unhealthy and unsafe conditions and practices and to improve existing health and safety conditions and practices. All matters considered and handled by the Committee shall be reduced to writing, and joint minutes of all meetings of the Committee shall be made and maintained. Time spent in connection with the work of the Committee by Union

Representatives shall be considered and compensated for as their regularly assigned work.

Either party may, on its own or in cooperation with the other party, arrange for an inspection of facilities by appropriate inspectors of government, independent agencies or the International Union; provided, however, that no request shall be made without fully informing the other party to this agreement, and provided further, that such inspections shall be made in the company of representatives of both labor and management and that all reports, advice, recommendations, opinions, findings, and anything else of pertinence, whether verbal or documentary, shall be made equally to the Union and to the Company.

Section 3. The Company agrees to provide and maintain such health and safety facilities, personal protective devices and in-plant apparatus for detecting and recording potential and actual safety, health and environmental hazards as recommended by the Health and Safety Committee, and the Company agrees further to provide a continuous training program to insure at all times that all employees are adequately trained in maintaining, handling and using such facilities and apparatus.

The Company further agrees to fully disclose, in writing to each employee, the full identity of all chemical and related substances. Such identification shall include, but not be restricted to, the chemical, drug, biological or pharmaceutical name and/or names, relevant health and safety hazards and precautions, the maximum concentrations of exposures, health and safety precautions to be taken, health and safety symptoms, medical remedies and antidotes.

Section 4. The Company shall provide and maintain adequate medical facilities, competently staffed, and to provide, at no cost to the employee, medical services, including but not restricted to, physical examinations at a frequency and extent determined from time to time, by the joint labor-management Health and Safety Committee, and the Company further agrees to provide to each employee an accurate report of all medical findings and examinations, for whatever cause such findings are made.

Section 5. No employee shall be required to perform work that endangers his or any other employee's health or physical safety or under conditions which are in violation of the health and safety rules, or any local, state or federal health or safety laws. An employee's refusal to perform such work shall not warrant or justify any present or future disciplinary action.

Section 6. The Company agrees to contribute $0.0010 for each barrel of crude refined to a special Health and Safety Fund, which shall be established primarily for the purpose of research of health and safety hazards and the elimination thereof in the industry. The Fund is to be administered by a three-member Board, consisting of one representative from the industry, one from the International Union, and the third is to be selected by the industry and Union representatives from the medical or science professions and is to be engaged in this type of research.

AN INVESTIGATION AS TO THE PERFORMANCE OF PLASTIC DRAINAGE SYSTEMS IN EUROPE

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, in recent months my attention has been called to case after case in which the Department of Housing and Urban Development has coerced the legislative body of some municipality to approve plastic pipe for drain, waste, and vent usage. HUD has demanded this as a prerequisite for obtaining Federal loans or grants.

In this campaign, HUD has apparently set a very high priority on the conquest of Alabama city and towns. The current November-December 1970 issue of HUD Challenge states that 63 Alabama communities have approved plastic pipe for residential construction. I can assure Secretary George Romney of Housing and Urban Development that this is not a tribute to the quality of plastic pipe but to the quality of HUD's skill in using taxpayers' money to ride roughshod over States rights and local rights.

HUD's action has been very effective. In Anniston, Ala., commonly referred to as the soil pipe capital of the world, workers in soil pipe foundries are now on a 3-day workweek and have been for several months. Officials estimate that HUD's methods have reduced the orders for various soil pipes by 30 to 50 percent.

This policy on the part of HUD and Secretary Romney does not only affect the foundry workers in Anniston but also constitutes a complete disservice to the American home buyer, and a totally illegal and unmerited windfall to particular private interests, especially the plastic pipe industry and homebuilder lobby.

Mr. Speaker, HUD claims authority to pursue this policy under a section of the National Housing Act. The idea that HUD has the authority, under this section, to advocate the use of plastic pipe must have been thought up by a junior attorney in the office of the HUD general counsel who has his eye set on greater things. That section gives HUD the power to require and superintend maintenance of a minimum standard housing code in a workable program jurisdiction. It gives HUD no power whatsoever in promoting any building material.

I am not so naive as to believe that bureaucratic ambition placed in control of hundreds of millions of Federal dollars is going to be stopped by a small thing like the legislative intent of Congress. It is another matter when the bureaucratic policy does positive harm to millions of hard working American men and women who are led to place an unjustified trust in a decision of their Federal Government.

There may be those among the general public who believe that when HUD forces a municipality to approve a building material like plastic pipe, it is acting out of considered judgment following the most thorough and impartial testing in Federal facilities. This is not the case, however. Testimony presented to a subcommittee of the House Select Committee on Small Business during this Congress has substantiated the fact that neither HUD nor any other Federal agency has ever tested the performance of plastic pipe in drain, waste, and vent systems. Plastic pipe and fittings have been tried in Europe and the results have been very unsatisfactory.

Mr. Speaker, I am incorporating in the RECORD a study entitled "Investigation of the Performance of Plastic Drainage Systems in Europe," conducted August 10–21, 1970, by Rom Rhome. The study was undertaken for plastic pipe interests and is distributed by Uniroyal Chemical in Naugatuck, Conn. Some exhibits which contain photographs of plastic pipe failures or statistical tables have been omitted because they cannot be reproduced in the RECORD at this point.

A major finding of Mr. Rhome is that widespread failures of polyvinyl chloride plastic drainage systems have occurred in European countries with the introduction of automatic dishwashers and washing machines with self-contained water heaters. He states that this material has been eliminated entirely from standards in some European countries.

I hope that my colleagues will take the time to study this report. Perhaps Secretary Romney or some of the officials who made this arbitrary decision can tell me why, so I can answer some of my hard-working constituents in the Anniston area who have been seriously hurt by a Government that is supposed to protect them. The study follows:

INVESTIGATION OF THE PERFORMANCE OF PLASTIC DRAINAGE SYSTEMS IN EUROPE

(By Rom Rhome)

I. STATEMENT OF OBJECTIVE

The purpose of the investigation was an on-the-spot assessment of the behavior in service of plastic drainage systems, particularly PVC This information was needed to evaluate more properly the proposed ASTM specification which would reduce the wall thickness of 3'' PVC DWV pipe from its present Schedule 40 dimension.

The assignment included verification of reports of PVC DWV failures, assessment of the effect of wall thickness upon these failures, and the impact of the failures upon the subsequent acceptance of PVC plastic for drainage service.

Since the proposed 3'' PVC Thin Wall Specification would depart from the standard outside diameter of 3.50'' (which has become established throughout the United States for plastic pipe for both pressure and drainage service), a corollary assignment was to evaluate this departure from standardization in the light of the international trend toward uniformity in dimensional standards.

Scope

The scope of the study was confined to soil, waste, and vent piping within buildings (commonly referred to as "drainage" or "DWV" in the United States) and did not extend to underground sewer or storm drain lines, pressure piping, or rain carrying systems.

II. SUMMARY OF FINDINGS

1. In Europe PVC *pressure* systems were designed with heavy walls and conservatively rated for a life expectancy of fifty years. The most common dimensional schedule for PVC corresponds to a pressure rating of 10 atmospheres or 147 psi. The wall thicknesses are very close to Schedule 40 PVC drainage pipe in the United States conforming to ASTM D 2665.

2. In determining the design stress for PVC at ambient temperature of 20° C. (68° F.) proper recognition was given to elevated temperature. On the Continent, both pipe and fittings for pressure service were subjected to 1000 hours of hydrostatic test at a continuous temperature of 60° C. (140° F.) before the ambient temperature rating was set.

3. As a result of the proper determination of working stress and allowance for high temperature exposure, PVC *pressure* systems have steadily displaced conventional ma-

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terials with a conspicuously successful record of service.

4. Exactly the reverse, however, has been true of PVC *drainage* piping, which was grossly underdesigned with thin walls to meet the difficult competitive situation prevailing at the time with cast iron, steel, and even asbestos cement (within buildings).

5. With the introduction of automatic dishwashers and washing machines with self-contained water heaters, widespread failures of PVC drainage systems have occurred. These heat deformation failures occurred in both 3'' and 4'' soil stacks as well as waste lines 2'' and smaller.

6. As a result, PVC has been eliminated entirely from standards in some countries for waste lines as well as 3'' soil stacks, with the higher heat resistant plastics, particularly ABS, being used instead.

7. In some countries thinner than Schedule 40 PVC DWV has been retained, but with the restriction that the product be used to handle domestic effluent only. Such service restrictions prolong the use of traditional materials, particularly cast iron, which are thereby required for all commercial installations which could be handled with adequately designed PVC pipe.

8. In the Netherlands, for example, the use of thin wall PVC is continuing, but with the restriction that effluent temperatures not exceed 158° F. This virtually rules out PVC in all modern structures containing automatic appliances.

9. Uniform outside diameter is the most important single achievement in the standardization of plastic pipe. Recommendations of the International Standards Organization have established a single schedule of outside diameters for both pressure and drainage service now in use on four continents. This uniform metric standard for outside diameters parallels the similar standardization in the United States on Iron Pipe Size Outside Diameters. Any effort to introduce nonstandard dimensions, such as the 3.250'' O.D. proposed for thin wall PVC DWV in the United States, is a serious departure from dimensional standardization.

III. UNITED KINGDOM

Interviews in the United Kingdom included four leading pipe and fitting manufacturers, two departments of the British Ministry of Technology, a raw material supplier, and a pipe fabricator-installer. These contacts, like those in other countries, are detailed in Appendix B. Since a two-way exchange of information was involved in every interview, sponsors of this investigation should feel at liberty to visit or correspond with the persons listed.

PVC and ABS pipe have been used in the U.K. for both pressure and drainage service. Both materials have performed quite successfully in pressure piping. In drainage, however, thin-wall PVC has produced widespread failures, with ABS and other heat resistant plastics displacing PVC entirely from the smaller diameter DWV market.

A brief explanation of the development of British pipe dimensional schedules will help to explain the reasons for the success of adequately designed PVC pressure pipe and failure of PVC thin-wall drainage pipe.

Standardization on iron pipe size outside diameter

From inception British plastic pipe dimensional schedules have utilized the Iron Pipe Size Outside Diameter the same as in the United States. IPS OD's apply through the complete range of sizes from ¼'' through 24''. Three inch nominal, for example, is 3.500'' specified OD, which is equivalent to 88.7 mm.

With the eventual entry into the Common Market, British manufacturers generally are making preparations for adoption of the metric system. In the case of 3'' pipe, the largest British plastic pipe extruder is using 3½'' OD pipe labeled 90 mm. since the same pipe meets both dimensional tolerances. (Some useful conversions of metric to British units of measurement are presented in Appendix A.)

Design stress, pressure class, and wall thicknesses for PVC pipe

The British determine design stress for plastic pipe materials in much the same manner as in the United States and on the Continent (which is described fully in the next section). There are available in the British pipe dimensional tables wall thicknesses which approximate our Schedule 40 for each pressure-rated pipe size. Had these dimensions such as Class D (.181''–.201'' wall thickness for 3'') been selected for PVC DWV, service failures could have been avoided, as in the case of the United States where Schedule 40 PVC has performed with consistent success.

Introduction of PVC into drainage service

In the early sixties British extruders introduced PVC for both rain carrying systems and sanitary drainage. Wall thicknesses varied from .087'' to .110''. Rain carrying systems operated without incident, until today it is estimated that 90% of new installations are with PVC as opposed to metal.

In soil pipe installations, PVC pipe produced conspicuous failures.

It should be noted that lead stabilization of PVC for non-potable water uses is universal in Europe—both in the United Kingdom and on the Continent. In the U.K. PVC DWV pipe must have a minimum Vicat softening point of 81° C. (178° F.).[1]

In the U.K. the heat resistance requirements of drainage systems result essentially from the use of back boilers and, more recently, automatic washing machines. The back boiler is a water heating device installed behind the fireplace. It literally "boils over" spilling 212° F. water into the drainage system. Automatic washing machines as well as dishwashers with self-contained heating units came into increasing use starting in the mid-sixties. Thermostat malfunction can cause boiling water to be discharged.

Collection of failure reports

The British Ministry of Technology in cooperation with the Ministry of Public Buildings and Works has documented over forty heat deformation failures of 3'' and 4'' PVC soil pipe installations. It is admitted that a far greater number than those actually reported occurred.

Exhibit A presents a typical 4'' PVC soil stack failure where the pipe folded and collapsed some six inches below the sink waste entry.

Technical investigation of PVC failures

The Ministry of Technology conducted a technical investigation of failures and a laboratory analysis of PVC pipe performance for carrying hot wastes. An outgrowth of this investigation was the adoption of the 81° C. minimum softening point requirement.

It was determined that wall thickness had the most significant effect upon the ability of PVC pipe to withstand heat distortion. It was found that with the inner surface of the pipe at 212 F., the following times were required for the wall thickness indicated for the O. D. to reach the recommended Vicat-softening point of 81° C (178° F)—(1) .110'' wall—85 seconds. (2) .125'' wall—115 seconds. (3) .181'' wall—did not reach 81° C in 200 seconds, only 73° C (163° F). No readings were taken on the .181'' wall pipe after 200 seconds. Nor was Schedule 40 PVC (.216'' wall for 3'' pipe) examined. Another obvious omission from this evaluation was that sag measurements of pipe with varying wall thicknesses under continuous flow of water at various temperatures starting at 212° F were not conducted.

Instead of pursuing the technical evaluation of wall thickness to its logical conclusion—that wall thicknesses equivalent to those established in the United States for PVC DWV can virtually eliminate sag failure—the British plastics industry adopted .125'' wall for 3'' and 4'' PVC soil pipe on the basis of a cycling test. In this test 7.5 gallons of water at 91° C (192° F) (not the boiling temperatures encountered in service) flow through a stack for 90 seconds alternating with "cold" water for 90 seconds, with a rest period of 60 seconds between cycles. The test section is a *vertical* stack. Horizontal soil lines are not tested. The test is repeated for 2500 cycles.

We have no doubt that 3'' x .125'' wall PVC pipe passes such a cycling test. Recognizing the limitations of the product use of such 3'' PVC soil pipe and the U.K. confined to *above ground* drainage systems only carrying *normal domestic effluents*. All commercial installations—restaurants, laundries, schools, office buildings, etc. are required to be metal pipe. It is apparent that through underdesign of its own product, the British plastic industry is prolonging the use of metal pipe, where adequately designed PVC could be universally used for sanitary drainage.

Significance of the British experience

1. In the U.K. as well as on the Continent PVC drainage pipe was designed to compete size for size with metal pipe under the competitive pricing prevailing at the beginning of the last decade. Wall thicknesses were arrived at to produce a product which *would displace traditional materials* on the basis of *material cost rather* than *superior performance* and *installation saving*. The resulting PVC DWV pipe was technically inadequate. As a consequence, the use of traditional materials, particularly cast iron, has been prolonged, and the waste line market has been lost by PVC to higher heat resistant plastics primarily ABS. (Please note EXHIBIT B).

2. When the technical investigation of failures disclosed that PVC soil pipe with a wall thickness up to .110'' was incapable of adequate performance, the industry settled upon a marginal increase to .125'' will, with service limited to household drainage only. This situation illustrates the *practical difficulty of significant upgrading* once an inferior product has become established in the market.

3. British experience has demonstrated the wisdom of the approach followed in the United States in selecting the Schedule 40 dimension for ABS and PVC pipe. Both products have performed with complete success. They can be used without restriction both above and below ground; in multi-story construction; and in commercial and industrial as well as residential building. In the United States complete displacement of traditional drainage materials by genuinely superior plastics is proceeding at an accelerated rate. Under these circumstances it is not surprising that there is resistance to downgrading of product with a reduction in wall thickness, thereby inviting a repetition of the British experience of product failure and loss of market for PVC.

IV. SWITZERLAND AND GERMANY

Interviews included Gebruder Anger, now a division of Rheinstall Corporation (a basic steel producer) Munich, Germany, and Georg Fischer AG, Schaffhausen, Switzerland. Gebruder Anger is reputed to be the largest plastic pipe manufacturer in Germany with current annual production estimated at 50 million lbs. of PVC pipe and fittings. Georg Fischer is the largest manufacturer of PVC pressure fittings in Europe. Its Plastics Division is part of a large diversified concern which began as a cast iron foundry in the early 1800's.

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[1] When tested according to BS 2782 "Methods of Testing Plastics" Method 102 using 5 kg. load.

These conversations provided background on the development of PVC pipe standards on the Continent. PVC pipe began in Germany, and the German DIN Standards have set the pattern for the subsequent ISO specifications of the International Standards Organization.

The dimensions in the German DIN Standards for the 3'' and 4'' pipe with which we are primarily concerned are set forth in the table below. An explanation follows of the manner in which these dimensions were developed.

(Please refer to Appendix A for conversion from metric to British units of measure.)

GERMAN DIN STANDARDS FOR PVC PIPE

Nominal size, inches	Outside diameter		Pressure pipe wall thickness (10 atmospheres)		Drainage pipe wall thickness	
	Mm.	Inches	Mm.	Inches	Mm.	Inches
3-inch	75	2.953			1.8	0.072
Do	90	3.543	4.3	0.172		
4-inch	110	4.330	5.3	.212	2.2	.088

Design working stress

Our own 100,000 hour design stress rating of 2000 psi for Type I PVC and 1200 psi generally accepted for Type II PVC are derived from the system used on the Continent for determining design stress. Our 2000 psi PVC compounds would be rated as PVC–100 or 100 kg./cm². Similarly our 1200-psi Type II PVC would be PVC–60. The principal difference is that the European stress rating is based upon the extrapolation of burst data to 50 years, rather than our 100,000 hours or 12 years. This entails a reduction in design stress of some 30% from levels accepted in the United States. (Again, please refer to Appendix A.)

A further refinement is that on both pipe and fittings a 1,000 hour test is run at 60°C (140°F). According to Anger data, it is assumed that pipe which survives the 1,000 hour test at 60° C at a pressure of 10 atmospheres (147 psi) is capable of fifty years of service at the same pressure for 50 years with water at 20°C (68°F).

Wall thickness

The resulting wall thicknesses using a design stress of 100 kg./cm² for Type I PVC are shown in EXHIBITS C and D. The most common pressure rating for PVC pressure pipe is 10 atmospheres or 147 psi (which approximates the Class 150 or 150 psi cast iron and asbestos cement pipe in the United States). Fischer, for example, manufactures a single line of pressure fittings rated for 10 atmospheres of pressure. Fischer, however, uses high impact PVC–60 with roughly double the wall of the PVC–100 pipe in the same system.

For drainage the Germans selected the minimum wall thickness of 1.8 mm for 4 atmospheres of pressure for 90 mm pipe, and extended this wall thickness down through the 32 mm or 1¼'' size of waste lines. (Exhibits C and E)

Here two fallacies are evident:

(1) Pressure testing at 60°C (140°F) does *not* establish the ability of PVC to handle hot wastes in drainage systems at temperatures up to 100°C (212°F), and

(2) The smaller diameter waste lines which would have the thinnest walls under the pressure rating concept are those which are most susceptible to sag since they are adjacent to automatic appliances generating high temperature effluent.

We can conclude only that the *misapplication of thinnest schedule intended for pressure* systems at ambient temperature has accounted for the widespread *failures of drainage systems* in Europe.

Photographs of PVC DWV failures from Germany are presented in Exhibit F. We were unable to secure a complete German report at the time of our visit because of absence of key personnel on holidays. Additional information will be forwarded when it becomes available.

Standardization of outside diameters

The ISO standard establishing uniform outside diameters is presented in Exhibit G. The identical outside diameters are also being applied to drainage pipe in all plastic materials, not merely PVC. These ISO standards are now embraced by a total of 22 countries in Europe, North America, South America, and Asia.

Our particular problem concerns an effort to introduce a non-standard pipe diameter, 3.25'' O.D. as PVC DWV, when all of our plastic pipe standards for PVC and ABS for both drainage and pressure have been standardized at 3.50'' O.D. in the U.S.

All of the manufacturers and standards organizations interviewed stated that they would resist a similar departure from dimensional standardization.

Another point of interest is that the forthcoming ISO standard on PVC drainage pipe will show two columns for wall thickness—one at 1.8 mm. minimum and the other at 3.2 mm. The outside diameters, however, will remain unchanged.

V. NETHERLANDS

This country has the highest standard of living in Europe, the densest population, and is far ahead of other European countries in the per capita use of plastic pipe. Holland also leads in the use of ABS in lieu of PVC for DWV because of the high temperature service requirements of Dutch drainage systems.

Among the companies visited, Wavin is the world's largest plastic pipe manufacturer. Its current annual company-wide production of PVC pipe is over 220 million lbs.—which is equivalent to the total production of PVC pipe in the United States in 1969. Polva produces over 55 million lbs. of plastic pipe at its Dutch plant alone. Though smaller than the other two, Dijka is huge by U.S. standards, specializing in ABS and PVC drainage pipe. Another large Dutch extruder, Kumy, is actively promoting ABS for DWV.

Standards activity is highly organized in the Netherlands. We visited Foundation KOMO, which issues standards on sewerage and drainage materials; KIWA, Ltd., a related institution which furnishes the secretariat for KOMO, and TNO, which is essentially the NSF of Holland.

Marbon Europe is headquartered in Amsterdam, where it also has an ABS polymerization and compounding facility.

Specifications and performance of PVC and ABS pipe in Holland

The Dutch standards for PVC pipe—both pressure and drainage—have until recently been identical to the German DIN standards examined in the previous section.

The use of PVC pressure pipe conforming to 10 atmospheres (147 psi), with wall thicknesses approximating our Schedule 40, has become the standard for extensive and highly developed PVC utility systems in Holland.

The use of PVC drainage plumbing systems began on a large scale over ten years ago. Within the past five years, however, PVC deformation failures have resulted from the installation of automatic dishwashers and washing machines with self-contained heating units. These failures have been particularly evident in apartment buildings where equipping one unit with the new appliances caused stoppage and collapse of PVC main soil stacks. Without exception, the pipe manufacturers and the standards organizations admitted the widespread existence of the failures. But instead of divulging case histories and statistics on failure incidence, we were informed that corrective action was being taken in the form of physical replacements and upgrading of standards.

Introduction of ABS in Holland

The new KOMO ABS specification is nearly ready for promulgation. A key feature of the new KOMO specification is that ABS is recommended for use where effluent temperatures up to 90°C (194°F) are encountered. This is not a particularly impressive requirement, since, in our opinion, plastic drainage pipe should be designed to withstand prolonged discharges up to 100°C. However, since the KOMO PVC specification contains a service limitation to effluent not exceeding 70°C (158°F), ABS would appear to be required in all installations.

TNO tests and revision of the PVC DWV specification

In the new KOMO PVC DWV specification minimum wall thickness is revised upward from 1.8 mm. to 3.2 mm. The minimum wall extends down through 32 mm. (1¼''), producing an D/t ratio of 10:1 for this size of pipe.

The new 3.2 mm. PVC wall thickness was recommended by TNO based upon laboratory cycling tests. With great difficulty we obtained information on the TNO tests. The test results were highly favorable to ABS. However, the test results which we examined were incomplete and largely inconclusive.

The test temperature was essentially the same as in the British tests—90°C (194°F). Since the temperature was a full 18°F below boiling, the test is open to criticism for not similating temperatures encountered in actual installations. The test setup, however, was considerably more realistic than the British tests, since it involved three elements, each approximately 6.5 feet in length—a horizontal waste line of 1½'' or 2'' diameter, followed by a vertical stack and horizontal soil line each 3'' or 4'' in diameter. Supports were placed at mid-span on the soil line and at intervals varying between 1' and 2' on the waste lines. The cycle amounted to one minute of water at 90°C, followed by a rest period of ½ minute, then 1 minute of cold water at 10°C (50°F).

It was the intention to test systems consisting of 1.8 mm. PVC, 3.2 mm. PVC, and ABS for 1500 cycles each, then measure the resulting sag. The problem was that in each case the test had to be discontinued because of failure of expansious joints in the pipe assembly or the plastic to metal connections. Moreover, trouble with the apparatus caused frequent interruptions of the test cycle.

ABS ran 1400 cycles before the test was discontinued with a broken connection. No sag was measurable in the ABS. The 1.8 mm. PVC registered sag of approximately ¾'' in the waste line and nearly ¼'' in the soil line after 244 cycles.

The 3.2 mm. wall pipe was tested for 300 cycles, then 910 cycles before the test had to be discontinued. Sag was hardly measurable. No complete tests on this wall thickness of pipe were recorded.

The foregoing tests served only to confirm the complete unserviceability of 1.8 mm. wall PVC and the *relative* superiority of ABS under far less than critical conditions. Unfortunately the tests did *not* establish the true limitations of 3.2 mm. wall PVC or, more important, the wall thickness of PVC which would have qualified the material for unrestricted DWV use. This would have been easy enough to do, first by verifying the successful PVC DWV experience in the United States, then testing the PVC pressure pipe readily available in Holland rated for pressures of 10 or 16 atmospheres.

CONCLUSIONS FROM THE DUTCH EXPERIENCE

1. PVC DWV systems with 1.8 mm. wall thickness proved incapable of handling domestic effluent from modern appliances.

2. Based upon inconclusive tests, the Dutch propose to raise the wall thickness to 3.2 mm. (.125'') while at the same time limiting PVC DWV to drainage systems where

effluent temperatures do not exceed 70° C (158° F). This virtually rules out the product for use in modern buildings or even minimal living quarters which eventually receive up-to-date appliances.

3. Through underdesigning the wall thickness and service capabilities of the PVC DWV, the Dutch market is turning away from PVC for drainage service.

VI. FRANCE

In France we visited Plastimer, a leading producer of both ABS and PVC resin. The Plastimer operation is a consolidation resulting from a series of corporate mergers. We attempted an interview at the CSTB (translated Scientific and Technical Center for Building), but no one was available who spoke English and the key personnel concerned with pipe standards and testing were away for the month of August on vacation. A shutdown during the French August vacation and time limitation prevented a visit to Pont aux Mousson, the large cast iron pipe manufacturer which is the leading PVC pipe producer in France, and which also controls Glamorgan Pipe and Foundry in Virginia.

At Plastimer we visited both the PVC and ABS product sections. In France PVC has dominated plastic pipe. It is generally known, however, that the usual failures of PVC thin wall drainage systems have occurred coincident with the introduction of modern appliances. CSTB is conducting a study pointing toward heavier wall PVC DWV pipe.

In France as in other European countries, difficulties with thin wall PVC have paved the way for ABS DWV. To our surprise we learned that there are already three manufacturers of ABS pipe fittings in France, with the ABS pipe apparently being imported.

VIII. NORWAY AND AUSTRIA

Time and distance prevented a visit to these countries. We learned, however, that there is a substantial ABS pipe manufacturer in Austria and two in Norway. In both countries ABS is gaining increasing acceptance at the expense of PVC both because of its superior low temperature impact resistance as well as higher heat resistance.

We had the opportunity of examining the Norwegian pipe standards for drainage pipe. Here PVC is confined to 110 mm. (4″) diameter and larger while 3″ and smaller waste lines are covered by specifications for ABS and high density polyethylene.

EXHIBIT B

UNIROYAL, LTD.,
Bromsgrove, Worcestershire, August 24, 1970
UNIROYAL INTERNATIONAL,
Division of Uniroyal Inc., Uniroyal Chemical, Navgatuck, Conn.

For the attention of Mr. Rom Rhome.

DEAR ROM: This is a letter to confirm certain findings on DWV pipe in up to 3″ diameter.

A new U.K. draft specification for Plastics Waste Systems, released on limited circulation in the last six weeks and which is to be regarded as confidential information, relates to Domestic Waste Systems manufactured in specific plastic materials. *The only materials covered are ABS, Chlorinated PVC, Polypropylene Copolymer* and *HD. P/E. PVC is not included*. Only three sizes of pipe and fittings are covered, namely 1¼″, 1½″ and 2″.

It can therefore be stated that in the U.K. at the present time *no specification exists in the up to 3″ size which covers the use of PVC for use in domestic waste systems.* We believe that the use of *PVC is precluded because of the high water temperatures experienced in the U.K.* by the use of such archaic but nevertheless efficient articles as *back boilers*. These are installed into U.K. homes at the rate of 120,000 per annum even now. Water discharge can be intermittent at very near *100° C.* and PVC is unsuitable although I have no documentation to support this.

There are no plans as far as is known to introduce PVC into this specification.

Kind regards, see you in the near future.

Yours sincerely,
R. M. BROUGHTON,
Kralastic Technical Service.

APPENDIX A—SOME USEFUL CONVERSIONS OF METRIC TO BRITISH UNITS OF MEASUREMENT

1. WEIGHTS

In Europe it is the custom to express orders, shipments, and capacities in metric tons rather than in pounds.

One metric ton equals approximately 2207 lbs.

For example, Wavin of Zwolle, Holland is now producing pipe, largely PVC, at an annual rate of 100,000 tons or over 220 million lbs.—which is equivalent to the total sales of PVC pipe in the United States in 1969.

An order of 10 tons amounts to approximately 22,000 lbs.

2. PIPE WALL THICKNESSES

One mm. equals .040″ (or precisely .3937″).

Some wall thicknesses encountered in Europe and their equivalents in inches are:

1.8 mm.=.072″.
3.2 mm.=.125″.
4.3 mm.=.172″.
5.3 mm.=.212″.

In the above sizes 1.8 mm. were the original minimum wall thicknesses on the Continent for waste lines. The next thickness, 3.2 mm. is the new minimum wall thickness for soil and waste lines in Holland and France. This minimum extends down through 1¼″ or 32 mm. outside diameter, thereby producing a D/t ratio of 10.1. An equivalent ratio in our 3.5″ O.D. pipe would amount to .350″ which would be substantially greater than the Schedule 40 3″ of .216″.

The next thickness, 4.3 mm., is the pressure rated wall for 90 mm. (3½″ O.D.) PVC pipe, for 10 atmospheres or 147 psi.

The thickness of 5.3 mm. or .212″ is that of PVC pressure pipe rated for 10 atmospheres in the 110 mm. (4″ nominal) size. This thickness most nearly approximates the Schedule 40 thickness in the United States in 3″ of .216″ and 4″ of .237″.

3. PIPE DIAMETERS

Pipe outside diameters are standardized in all countries subscribing to specifications of the International Standards Organization. Outside diameters are identical for both pressure and drainage pipe. They are expressed in millimeters.

1″=25.4 mm.
3.5″=88.9 mm.

The most common pipe sizes with outside diameters in millimeters and their British nominal equivalents are the following:

32 mm.	1¼″.
40 mm.	1½″.
50 mm.	2″.
75 mm.	3″ (2.95″ O.D.).
90 mm.	3″ (3.54″ O.D.).
110 mm.	4″.
160 mm.	6″.
200 mm.	8″.

In the above table of sizes, 90 mm. approximates the 3.5″ outside diameter used in the United States for both pressure and drainage. On the Continent 90 mm. has been the standard 3″ pipe size for pressure because of the heavier wall rated for 10 atmospheres, while 75 mm. was used for drainage. This diameter was originally produced with a wall thickness of only 1.8 mm. It is now being increased to 3.2 mm. With the heavier wall of 3.2 mm., the bore of 75 mm. will be constricted to 2.70″. With more conservative design, 90 mm. would be the more appropriate outside diameter which is equivalent to the U.S. 3″ nominal pipe.

4. TEMPERATURE

Everyone is familiar with the fact that 0°C is equivalent to the freezing temperature of water at 32° F, and that 100° C is the boiling point of water at 212°F. One degree C is, of course, equal to 9/5 of one degree F.

However, some other benchmarks in the temperature scale are of interest.

60° C is the test temperature for determining long-term hydrostatic stress test for PVC. It is also the maximum operating temperature recommended for PVC pressure pipe in high temperature systems. 60° C equals 140° F.

70° C or 158° F is the maximum temperature of effluent recommended for PVC drainage systems. ABS drainage pipe, however, is considered suitable for wastes up to 90° C or 194° F. under the Dutch KOMO specification for ABS.

Ambient temperature is considered 20° C or 68° F. in Europe.

5. PRESSURE RATING

In Europe PVC 100 is the standard design stress for unplasticized PVC for pressure piping. The stress is determined by long term burst tests with water at 20° C, extrapolated on a log-log scale to fifty years.

The design stress of 100 kg./cm.^{2} is equivalent to approximately 1400 psi. for a service life of 50 years. In the United States the same PVC material would be given a design stress of 2000 psi. for 100,000 hours or approximately 12 years.

Classes of PVC pipe are rated in multiples of one atmosphere (14.7 psi.). The most common pressure rating is 10 atmospheres or 147 psi. Georg Fischer, for example, manufactures a single line of PVC pressure fittings rated at 10 atmospheres working pressure.

APPENDIX B—AGENCIES, COMPANIES, AND INDIVIDUALS INTERVIEWED

1. UNITED KINGDOM

(a) Chemidus Plastics, Ltd., Brunswick Road, Cobbs Wood, Ashford, Kent, England. R. Broome, Works Director; J. B. Steel, R&D Unit; David Street, R&D Unit.

(b) Hunter Group of Companies, Nathan Way, Woolwich Industrial Estate, London, S.E. 18, England. R. H. Edmondson, Works Director; R. J. Heddon.

(c) Durapipe & Fittings, Ltd., Bentinck Road, West Drayton, Middx., England. Eric E. Denyer, Executive Director.

(d) Allied Ironfounders, Ltd., R. W. S. Division, Ketley, Wellington, Shropshire, England. H. H. M. Milnes, R. W. S. Director.

(e) Lambert Brothers (Walsall) Ltd., Walstead Road West, Staffordshire, England. D. C. Barrett, Engineering Manager.

(f) Fire Research Station, Ministry of Technology and Fire Offices Committee, Boreham Wood, Hertfordshire, England. H. L. Malhoutra.

(g) Building Research Station, Ministry of Technology, Garston, Watford, Hertfordshire, England. M. Lillywhite.

(h) Uniroyal, Ltd., Chemical Division, P. O. Box 12, Bromsgrove, Worcestershire England. G. A. Sullivan, Managing Director; J. M. Kelly, Technical Director; Brian Sitch, Sales Manager; John W. Muncie, Export Manager; Robert Broughton, Technical Service Manager.

2. NETHERLANDS

(a) Polva-Nederland N.V., Postbus 14, Enkhuizen, Elevolaan 5, Holland. Dr. Paul Benjamin.

(b) Dijka N.V., Productieweg 6; Steenwijk, Holland. Dik van Dijk, Sr.; Dik van Dijk, Jr.; Mr. Müller.

(c) Wavin, Zwolle, postbus 173, Händellaan 251, Holland, Dr. W. J. de Putter; W. H. Ros.

(d) TNO—Plastics & Rubber Research, Schoenmaker Neuf 97, Delft, Holland. Dr. T. A. der Kinderen.

(e) KIWA—Institution for Testing of Water Works Materials, Ltd., 273 Sir Winston Churchill-laan, P. O. B. 4570, Rijswijk (Z.H.), Holland. Ir. J. H. F. Kalkman; S. Birkenfeld.

XUM

(f) Marbon Europe N.V., P. O. Box 8122, Kabelweg 55, Sloterdijk, Amsterdam, Holland. Alex L. Leigh, Managing Director; H. D. Feeney, Sales Director; P. A. M. Ellis, Applications Development Engineer.

(g) Transmare N.V., Handelmaatschappij, P. O. Box 1120, Rotterdam 1, Holland. Albert Heida.

3. SWITZERLAND AND GERMANY

(a) Georg Fischer Aktiengesellschaft—Plastics Division, Schaffhausen, Switzerland. Christian Moser, Managing Director; Dr. Rudolf Merz; Fritz Reich.

(b) Gebruder Anger, Kunststoffwerk, 80 Einsteinstrasse 104, 8 München, Germany. Obering. Karl Jirka; Axel Below.

4. FRANCE

(a) Plastimer, 98 Boulevard Victor Hugo, 92 Clichy, Paris, France. Bertrand Gruson; Philippe Martin.

(b) Centre Scientifique et Technique du Batiment, (Translation: Scientific and Technical Center for Building), C.S.T.R. 4, Ave. du Recteur—Poincaré, Paris XVI, France.

DOUGLAS INVESTIGATION INCOMPLETE

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, if Sherman Adams could get the heave-ho for allegedly accepting a vicuna coat and some rugs from Goldfine and friends, what about the disclosures in the Celler report concerning Justice Douglas' outside income? They cry out for explanation from the Justice himself—not his lawyer.

The Harris committee charges concerning Adams were peanuts compared with the unanswered questions about Douglas. Even the Celler subcommittee papers, that do not reflect a single word of testimony under oath or otherwise, show Douglas receiving nearly a half a million dollars in extrajudicial income while on the Supreme Court. Bills, and gifts, and favors. Reimbursed travel, hotels, meals and all the rest. A thousand dollars a month, on the side, for years and years. So it goes.

And still no one has asked the Justice to testify about these things? Why not? There should be an objective, meaningful investigation by an independent committee of the House, under oath and with adversary attitude. Then, and only then, can the American people really know whether or not the Justice has been of the "good behavior" on which his judicial tenure is conditioned by the Constitution.

There are many unanswered questions about his activities while a member of our highest Court. Congressman HUTCHINSON's dissent points this out very well. Congressman MCCULLOCH would not sign the Celler subcommittee report. Who did sign it? Three friends of the Justice one of whom is a lameduck.

It would save a great deal of time if Justice William O. Douglas would take himself off the Court. Then if he wants to be a combination of businessman, professional author, entrepreneur and political pundit, he will be free to do so without conflicting with the basic requirement that judges should be judges and refrain from conflicts of interest whether economic or political.

Last night on CBS Eric Sevareid claimed Congressman HUTCHINSON in his dissenting views only felt the Celler subcommittee should have censured Douglas. This is an inaccuracy because the fact is that HUTCHINSON flatout dissented on the ground the investigation was incomplete. Why Sevareid should misstate the fact I do not know, but because of the importance of objectivity in this matter I include Congressman HUTCHINSON's dissent at this point.

MINORITY VIEWS

I dissent. The Subcommittee assembled a very large array of documents pertinent to the charges and then, without taking a word of testimony under oath, finds no cause for action. The Committee's report undertakes to dispose of the charges on the basis of its own interpretation of the documentation without testing any of it in the crucible of cross examination. The Subcommittee was content to place its own interpretation on the documentary evidence which had been garnered ex parte and concluded to pursue the matter no further. Clearly, by disposing of the charges at this time, the special Subcommittee is passing judgment before all the evidence is in. In my view, the report should not dispose of the charges pending against Justice Douglas but rather should reflect the status of the investiagtion to this point.

The report contains a chapter on the Concepts of Impeachment. At the same time, it takes the position that it is unnecessary to choose among the concepts mentioned because it finds no impeachable offense under any. It is evident, therefore, that while a discussion of the theory of impeachment is interesting, it is unnecessary to a resolution of the case as the Subcommittee views it. This chapter on Concepts is nothing more than dicta under the circumstances. Certainly the Subcommittee should not even indirectly narrow the power of the House to impeach through a recitation of two or three theories and a very apparent choice of one over the others, while at the same time asserting that no choice is necessary. The Subcommittee's report adopts the view that a Federal judge cannot be impeached unless he is found to have committed a crime, or a serious indiscretion his judicially connected activities. Although it is purely dicta, inclusion of this chapter in the report may be mischievous since it might unjustifiably restrict the scope of further investigation.

The Subcommittee's report, which is called a final report, addresses itself only to the question of impeachment. Admittedly no investigation has been undertaken to determine whether some of the Justice's activities, if not impeachable, seem so improper as to merit congressional censure or other official criticism by the House. There is considerable precedent for censure or other official rebuke even though a particular activity, while improper, was found not impeachable. This Subcommittee, however, did not investigate with the thoroughness requisite for judging questionable activities short of impeachment. The majority concludes that it finds no grounds for impeachment and stops there. In my opinion, it should have pursued the matter further.

Illustrative of this point is the Dr. Abdulrahman incident. Here was an immigration case where a Kurd whose visas had expired was ordered deported back to his own country. He appealed the order of deportation. Justice Douglas wrote the Commissioner of Immigration, saying that he did not know Dr. Abdulrahman personally but did know the condition of the Kurds in that country and gave as his opinion that the man would be subjected to persecution if he were returned. The position of the Immigration Service was that there were Kurds in the Government of that country, and with Kurds in the Government, the fear of a law-abiding subject against persecution may have been baseless. Subsequent general legislation which passed the Congress provided the legal authority under which Dr. Abdulrahman could remain in the United States and it became unnecessary for him to pursue his appeal. Someone must have asked Justice Douglas to intercede for Dr. Abdulrahman, who according to the Justice was unknown to him. And the Justice did intercede. Who was so uninformed as to believe it proper for a Justice of the Supreme Court to lend his name and influence in a matter which could reach his court; and why did the Justice accede to such a request or pressure? The Subcommittee doesn't know the answer to either of these questions. It hasn't pursued either of them. And if it had considered its authority to inquire into the propriety of activities which it thought not to be impeachable, the Subcommittee would have inquired further into this incident, to leave no stone unturned.

The documentary evidence which the Subcommittee accumulated on the question of whether the Judge was practicing law is sufficiently persuasive on that issue to have indicated a more exhaustive investigation, including testimony under oath. It is evident that Mr. Parvin asked Justice Douglas for legal advice. Whether the Justice utterly reannounced those requests for legal advice is debatable. I am not sure that he succeeded in convincing Mr. Parvin that he was not a legal counselor in matters affecting the Parvin Foundation. Nor am I satisfied that the Justice did not permit himself to be used as a legal advisor by President Juan Bosch with respect to an agreement between the Dominican Republic and the Swiss Consortium, Overseas Industrial Construction. Many people would take issue with the statement in the report that it did not amount to a practice of law, since the Justice gave Bosch the same kind of advice a lawyer gives. He gave advice as to the legal effect and deficiencies of a proposed contractual agreement.

In my view, a Justice of the Supreme Court must avoid even the appearance of impropriety. I conceive the function of the Subcommittee to have been broad enough to include an investigation into improper conduct in its search for impeachable conduct. The decision not to do so, and to conclude the inquiry at this point is a mistake, in my judgment.

I would have the Subcommittee file a second interim report with the Judiciary Committee, setting forth the status of the inquiry to date and conceding frankly that the task is incomplete, the evidence is not all in.

(S) EDWARD HUTCHINSON.

TO RETAIN 5TH ARMY HEADQUARTERS AT FORT SHERIDAN

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I have joined in the introduction of a measure which would retain the 5th Army Headquarters at the historic Army post of Fort Sheridan located in my congressional district.

Mr. Speaker, it will be recalled that the headquarters of the 5th Army was established at Fort Sheridan following action taken in the Congress in 1965. This move followed a careful study and a most thorough examination by the committees and membership of this and the other body. It was a subject which

XUM

was debated at length in this Chamber and which was considered, reconsidered, delayed, and finally acted upon after the most thorough review.

Mr. Speaker, the essential changes necessary to accommodate the 5th Army Headquarters at Fort Sheridan have been substantially completed. The administrative quarters, the support command facilities, housing and other elements contributing to an effective headquarters command post have been economically and effectively provided. The community has welcomed this move and some 2,000 military and civilian personnel, directly attached to the headquarters command at Fort Sheridan, have adjusted to this move.

Mr. Speaker, this is the only Army headquarters in the great Midwest section of our country serving a 13-State area with virtually complete support elements which make up the great 5th Army.

Mr. Speaker, I compliment my distinguished colleagues on the Armed Services Committee, the gentlemen from Illinois (Mr. PRICE and Mr. ARENDS), and the gentleman from Indiana (Mr. BRAY), the gentleman from Missouri (Mr. HALL), the gentleman from Florida (Mr. BENNETT), the gentleman from Vermont (Mr. STAFFORD), and the gentleman from Michigan (Mr. NEDZI), who have had access to detailed information relating to the complex organization of our Army commands.

Their interest in sponsoring the bill, H.R. 1996 to designate the location of headquarters for the various Army commands is consistent with the responsibility of the Congress to provide for the national defense. Furthermore, Mr. Speaker, this action which has been initiated helps to fulfill our responsibilities as representatives of the people whom we serve, including those who rely upon defense installations for our overall defense needs, and including quite appropriately those dedicated citizens who have made careers of civilian service attached to the Department of Defense and whose careers and welfare, as well as the interests of their families and of the communities involved—are likewise an appropriate responsibility of the Congress.

Mr. Speaker, the bill which we have introduced merits an early hearing before the House Armed Services Committee to be followed by a review and discussion of the issue on the floor of this House.

I commend to the attention of all Members the measure which, indeed, designates by legislation the headquarters of the Army throughout the Nation.

Mr. Speaker, it is my hope and expectation that no move of the 5th Army Headquarters or that of any other Army headquarters will be pursued without the express consent of the Congress. It is my further hope and expectation that the 5th Army Headquarters established pursuant to the authority of the Congress at Fort Sheridan, Ill., will be retained at that location to better serve the needs of the Army and the Nation.

Mr. Speaker, the measure which my colleagues and I have introduced has the strong support of communities in the Lake County area, including the cities of North Chicago, Waukegan, Highwood, and Zion.

There is a ground swell of public interest in this subject and I intend to pursue the subject in detail in the days ahead and to keep the membership fully informed as steps under the pending legislation are pursued. I am hopeful that appropriate administrative and executive action can accompany the legislative action which we are taking here.

THE FOOD STAMP PROGRAM

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, since I did not participate in the debate on the food stamp program yesterday, I would like to record the nature of my objection to the program which resulted in my negative vote. I strongly support welfare reform. I feel that the present system not only visits many indignities upon the poor, but also fails to make available to them the incentives which make the rest of our system function effectively. The food stamp program is an unnecessary part of our welfare system. It creates not only jurisdictional difficulties, but also administrative problems of a duplicative nature which are unnecessary and tie up the poor in red tape. I prefer the concept of cash welfare and am convinced that the food stamps themselves will become the source of scandal and embarrassment to welfare administrators.

Worse than this, the existence of the food stamp program works against achievement of welfare reform. The double phase-out necessary if both the family assistance plan and food stamp program are implemented means a higher marginal tax on welfare recipients who are being urged to work, and this reduces their incentive to work. The money we are spending on the food stamp program should, therefore, be added to the money we are willing to spend on the family assistance plan, or such revisions of it as the Congress is willing to adopt, and the entire resulting figure should be dispensed efficiently in ordinary money, subject to such safeguards as may be necessary in dealing with the irresponsible elements among the poor. The entire program should be within the jurisdiction of one committee and one agency.

I believe many of my colleagues agree with me about the administrative nightmares we are creating here and I urge them to assume the burden of explaining a vote which may otherwise be politically interpreted as lacking in compassion.

FILING OF PREELECTION STATEMENT

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, on December 10, an article appeared in the Washington Post which alleged that I had failed to make a timely filing of the preelection statement required by the Federal Corrupt Practices Act of 1925. The law required that this report be filed not later than October 24, 1970.

Mr. Speaker, the Washington Post was erroneous. My preelection statement was notarized on October 23, 1970, in California. It was deposited in the Montebello, Calif., Post Office on October 23, 1970, and I have in my hand a Receipt for Certified Mail (No. 280553) bearing that date. The law provides that the statement is "deemed properly filed when deposited in an established post office."

My concern about the newspaper article led me to call the Clerk of the House of Representatives, and ask that he check his records. I was advised that the certified air mail envelope in which my statement arrived at his office on October 27, 1970, bore no post mark. I have appended to my remarks a letter from the Clerk of the House of Representatives, dated December 10, confirming that my preelection statement was considered to have been properly filed and was not listed by him as a late report.

Mr. Speaker, the lack of a post mark is not conclusive proof of anything, nor is the receipt of uncanceled mail unusual these days. I have with me 3 such letters received in my office in the past week. Two of them are from California. I regret that the lack of a post mark in this case led the writer of the article into error.

Mr. Speaker, the letter from the Clerk of the House is as follows:

WASHINGTON, D.C.,
December 10, 1970.

Hon. CHET HOLIFIELD,
U.S. House of Representatives,
Washington, D.C.

DEAR CHET: In response to your oral request of this date, I have re-examined the Preelection Statement that you filed with the Clerk of the House of Representatives, in accordance with Section 308 of the Federal Corrupt Practices Act, 1925.

The examination revealed that your Preelection Statement was notarized in Los Angeles County, California on October 23, 1970 and then sent by certified air mail to the Clerk, U.S. House of Representatives, Washington, D.C. The Preelection Statement was received in the Clerk's Office on October 27, 1970.

The Act prescribes that such report is to be filed 10 to 15 days prior to the election (not sooner than October 19, 1970 nor later than October 24, 1970) and that the Statement under the terms of the Act is "deemed properly filed when deposited in an established post office." The certified air mail envelope in which your statement arrived bore no post mark.

Since the Preelection Statement was notarized in California on October 23, 1970 and received in the Clerk's Office on October 27, 1970 (with the week-end of October 24 and 25, 1970 intervening between mailing and receipt by the Clerk), *the Clerk considered your Preelection Statement to have been properly filed*. When the Clerk made his report of early and late Preelection Statement filings to the Special Committee to Investigate Campaign Expenditures for the House of Representatives, 1970, your statement *was not listed as an early or late report.*

With kind regards, I remain,
Sincerely,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.

XUM

FEDERAL PRIVACY ACT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, yesterday the senior Senator from North Carolina advised us that he has received information that people in public office, one of those being a Member of this House, have been under surveillance by Army intelligence agents.

This news was very distressing to me and I am sure equally disturbing to all of us sitting in this Congress. It is appalling that we find the military spying on the country's own citizens. We all have heard rumors that the telephones in our congressional offices may be tapped by the FBI. I do not know if this is true, but I would not be surprised if it were the case.

It is time that the Congress look into these matters. In fact, perhaps the House should consider having its own intelligence force to defend ourselves against those in the executive branch who would violate our privacy through phone taps and the preparation of dossiers.

Last year I introduced a Federal privacy bill, H.R. 7214, that would instruct all Government agencies to notify persons of all records maintained on them. Furthermore, persons would be permitted, except in instances of national security, to inspect these records and add explanatory statements where they desire to do so.

With the proliferation of inter-acting data banks and the masses of information being collected by Government agencies, it is imperative that we concurrently establish safeguards to protect the individual's right of privacy. The revelations of Senator SAM ERVIN underscore the need for a Federal privacy law, and so I have asked the distinguished chairman of the Government Operations Committee (Mr. HOLIFIELD) to hold a hearing on my Federal privacy bill. I will be re-introducing this bill on the first day of the 92d Congress and I hope my colleagues will join in cosponsoring it with me.

When I discussed this matter with Chairman HOLIFIELD this morning, he indicated his concern and consented to the public release of my letter addressed to him of this date. The letter and the text of my bill follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 17, 1970.

Hon. CHET HOLIFIELD,
Chairman, Government Operations Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you because I believe it would be most helpful for the Congress to give consideration as soon as possible to H.R. 7214, a federal privacy bill which I introduced last year. Its relevancy has been highlighted by the disclosure yesterday that the U.S. Army has engaged in political surveillance of elected officials, the three best known being Senator Adlai E. Stevenson, III, former Governor Otto Kerner, and our own colleague, Abner Mikva. My bill would provide that individuals be notified by the government of all records maintained on them by the federal agencies. Furthermore, persons would be permitted, except in instances of national security, to inspect these records and add their own statements pointing out errors, if any or providing explanations where necessary. I will be re-introducing that bill on the first day of the new session and respectfully urge that the bill be made the subject of an early hearing by your Committee.

I think we have seen only the tip of the iceberg in the revelations made public by Senator Sam Ervin and that a hearing on H.R. 7214 would be an appropriate forum to investigate the dimensions of these surveillance activities and the collection of data by government agencies on not only high elected public officials but of the citizenry at large.

Sincerely,

EDWARD I. KOCH.

H.R. 7214

A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 5 of title 5, United States Code, is amended by adding immediately after section 552 thereof the following new section:

"§ 552a. Individual records

"(a) Each agency which shall maintain records concerning any individual which are indexed according to the individual's name and which contain any information obtained from any source other than such individual shall, with respect to such records—

"(1) notify said individual by mail at his last known address that the agency maintains or is about to maintain a record concerning said individual;

"(2) refrain from disclosing the record or any information contained therein to any person, except with permission of the individual concerned or, in the event said individual cannot be located or communicated with after reasonable effort, with permission from members of the individual's family or guardian after a showing of good cause for such information; or in the event that disclosure of said record is required under section 552 of this chapter or by any other provision of law;

"(3) notify each individual by mail at his last known address of all transfers of information concerning such individual to any other agency;

"(4) maintain an accurate record of the names of all persons inspecting such records;

"(5) permit any individual to inspect his own record and have copies thereof made at his expense; and

"(6) permit an individual to supplement the information contained in his record with any information such individual deems pertinent to his record.

"(b) This section may be enforced in accordance with the provisions of paragraph (3) of subsection (a) of section 552 of this chapter.

"(c) Each agency may establish published rules stating the time, place, fees to the extent authorized, and porcedure to be followed with respect to making records promptly available to an individual, and to otherwise implement the provisions of this section.

"(d) This section shall not apply to records that are—

"(1) specifically required by Executive order to be kept secret in the interest of the national security;

"(2) investigatory files compiled for law enforcement purposes, except to the extent that such records have been maintained for a longer period than reasonably necessary to commence prosecution or other action or to the extent available by law to a party other than an agency; and

"(3) inter- or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

"(e) This section shall not be held or considered to permit the disclosure of the name of any person who has furnished information contained in any record subject to this section.

"(f) If any provision of this section or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other persons or circumstances shall not be affected thereby.".

(b) The table of sections of subchapter II of chapter 5 of title 5, United States Code, is amended by inserting—

"552a. Individual records."

immediately below—

"552. Public information; agency rules; opinions, orders, records, and proceedings.".

SEC. 2. The amendments made by this Act shall become effective on the ninetieth day following the date of enactment of this Act.

U.S. PRISONERS OF WAR—ONE MODEST, BUT CONSTRUCTIVE PROPOSAL

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, the treatment of U.S. prisoners of war in North Vietnam has become both a deep national concern and a national frustration. To date, the combined efforts of the executive branch and Congress to alleviate this unfortunate situation have had little practical effect. Each Member of this body has felt the pressure of rising popular indignation—not unmixed with a sense of futility. And we continue to ask ourselves the question: Is there really nothing more we can do?

One answer has been provided by the Herdegen Co., of Madison, N.J. Right now, this firm points out, the best hope is through letters to the President of North Vietnam. Since the "write-Hanoi" campaign started a year ago, the company observes, "three times as much mail has been received from U.S. prisoners." Apparently, Hanoi is getting the message and is not totally immune to the pressure of U.S. public opinion.

Mr. Speaker, the following is the text of the Herdegen Co.'s most recent appeal in this connection, entitled "By God, Believe It, You Offer the Best Hope for U.S. Prisoners Behind Hanoi Lines." I believe this proposal, in a necessarily limited but practical way, offers a positive course for remedial action. The appeal follows:

BY GOD, BELIEVE IT, YOU OFFER THE BEST HOPE FOR U.S. PRISONERS BEHIND HANOI LINES

President Johnson tried to bring relief. President Nixon is trying. Congress is trying. Astronaut Frank Borman is trying. The American Red Cross is trying.

But right now, you offer the best hope. With letters.

Since the "Write Hanoi" campaign started a year ago, three times as much mail has been received from U.S. prisoners.

Hanoi does read its mail.

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Hanoi does care what you think.

Write the President of North Vietnam. Ask him to release the names of the prisoners.

Ask him to let the international Red Cross inspect the prisons and insure medical treatment.

Remind him his country signed the 1949 Geneva Convention.

Write: Office of the President, Democratic Republic of North Vietnam, Hanoi, North Vietnam.

If you've already written, write again. If you haven't, do it now. Because if you don't care, who on this earth will?

REFUGEES THREATENED

(Mr. QUIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. QUIE. Mr. Speaker, the Czechoslovakian Government has embarked on a dastardly policy of trying to extort hard currencies from refugees who fled that country in 1968. Refugees in this country and other countries are receiving letters from "legal advisory centers" in Prague telling the refugees that they are being prosecuted for leaving the country without a valid exit permit. To provide for their own legal defense, the refugees are asked to send $70 to $100 in hard currency. If a refugee fails to send the money in 5 days, he is advised that his nearest relatives in Czechoslovakia will have to provide it.

This is one of the most heinous forms of extortion and should be fought by the refugees, their families, and the governments of the free world. Unless it is dealt with promptly and successfully, every tyrannical government in the world will start practicing it against refugees who have fled to freedom. This country is now faced with a threat which would make a shambles of its traditional refugee policy.

The President, in his news conference on December 10, reaffirmed a humanitarian U.S. refugee policy, when asked about the Lithuanian defector's return to the Soviet ship. This is reassuring to those of us who are interested in maintaining this type of refugee policy. This Czechoslovakian maneuver must be met with a firm policy statement and threatened economic action to back it up, if necessary.

Yesterday's New York Times article by Tad Szulc reported further details of this incident and I submit it here for my colleagues' attention:

PRAGUE DUNS REFUGEES ABROAD FOR LEGAL FEES ON DEFECTIONS

(By Tad Szulc)

WASHINGTON, December 15.—Many Czechoslovak refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, are being advised from Prague that they face criminal proceedings for "illegal" presence abroad.

Letters from "legal advisory centers" in Prague also inform them that they must make a "down payment" in foreign currency within five days to assure their "legal defense," or the fees will be collected from the refugees' "nearest relatives" in Czechoslovakia.

The payments range from about $70 to $100, and are to be credited to the Prague regional lawyer's union at an official Czechoslovak bank.

There are estimated to be 8,000 Czechoslovak refugees in the United States, 12,000 in Canada and 50,000 in other Western countries.

United States officials said that even if a relatively small number of the refugees agreed to the "down payments" and later the full trial costs, the money would represent a source of badly needed foreign exchange for the Czechoslovak Government.

State Department officials said they had been consulted by several persons who have received letters from Czechoslovakia. The officials said they could offer no assistance or advice since the matter was between a foreign Government and its nationals abroad.

Czechoslovak citizens here and elsewhere began receiving in October the notifications of action pending against them. On Nov. 13, the Prague evening newspaper Vecerni Praha reported that courts were dealing with "hundreds of cases" of illegal departures and illegal stays abroad.

The letters to the refugees inform them that under the provisions of Section 109 of the Czechoslovak penal code, "You can be tried in absentia and may be sentenced to prison for terms of six months to five years, to corrective measures and to confiscation of property."

Those aiding other Czechoslovak citizens to leave the country without permission are subject to prison terms of from 3 to 10 years. A virtual ban on foreign travel was imposed early in 1969.

In most cases, the property of refugees, including apartments and vehicles, has already been confiscated through administrative procedures.

A letter from the "legal advisory centers," signed by individual lawyers, tells a refugee that "since you have not chosen a defense counsel, I have been nominated to represent you."

A letter asks a refugee "to let me know if any circumstances exist which, as your lawyer, I could use for your defense in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities."

The letters do not say what the final cost of "legal defense" will be, but it is understood that it may go up to $140. The exact number of refugees involved was not known.

Spokesmen for refugee groups here and in Canada said that in many cases the citizens abroad may be willing to pay for "legal defense" to avoid financial or other reprisals against relatives at home. In Canada, refugee groups have advised refugees not to reply to the letters, but to ask Canadian Government authorities to intercede with the Prague Government.

THE "LAME DUCKS" ARE FLYING HIGH, AS PREDICTED

(Mr. HALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, the "lame ducks" are flying high. As predicted—those hardy individuals, who just a few weeks ago for a variety of reasons, received a mandate to retire, have now "latched" onto some of the potent new rejuvenating drugs and are once again "flapping" their wings as though they did not have to head south for the winter. It is obvious that the "lame ducks" of the 91st Congress have acquired the art of flying on their back so that they can defy gravity and fall up, instead of down.

Even the redoubtable morning newspaper has seen fit to chastise the "old grey fox" from Tennessee for some of his actions in the other body, an unheard of occurrence. And here in this Chamber, we are daily being asked to vote on "filler" type legislation that should never have been reported out of a committee in the first place, including jobs and positions for some who cannot bring themselves to "cut the cord."

Only recently, the majority leadership of this body joined with their counterpart in the Senate to go on national television and refer to the fiscal irresponsibility of the administration. They failed to mention that the House had padded its stationery and telephone allowances, and expanded the staffs. They also neglected to recall previous actions of permitting a 41-percent congressional pay increase to become law, without an affirmative vote, and their unprecedented vote to legislate a pay increase for a struck union.

Whoever said that no man's life, liberty, or property are safe while the Congress is in session certainly hit the nail on the head. And if Patrick Henry was right when he said: "Taxation without representation is tyranny," what in Heaven's name would he say about taxation with representation?

Mr. Speaker, it is time that the Congress stopped asking what can the country do for us, and start asking what can we do for the country? Let us take the first step by voting to adjourn sine die, while the people of this Nation still retain some modicum of trust in the integrity of their chosen representatives.

THE LATE ROBERT W. LISHMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 30 minutes.

Mr. STAGGERS. Mr. Speaker—

> He cometh forth as a flower and is cut down. He fleeth as a shadow and continueth not.

These age-old words of lamentation refer, in this instance, to my dear friend and highly admired coworker in the house Committee on Interstate and Foreign Commerce, Counsellor Robert W. Lishman. His death at Sibley Hospital on Tuesday of this week left a deep void in the committee staff, as well as in his host of warm and loyal friends. For his charming wife and his upstanding children, his loss is, of course, irreplaceable. We offer to them the assurance that he was a man who walked in the way of honor all his life, and that he leaves behind him a record of achievement that must be envied by his contemporaries. His shadow stands tall and distinct on his age and time.

Bob Lishman spent practically all his life in public service. His skill and devotion have been particularly useful to the heads of government for nearly 40 years. His particular achievements have been well set forth in the public press and elsewhere, and need not be repeated here. It is sufficient to say that because of the brilliance and doggedness of his efforts, a number of avenues leading to ill-gotten gains have been sealed off and closed to the employment of avarice.

Public service is in sore need of men

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like Bob Lishman. No allurement of pelf or personal power and fame, no pride in his own position ever sufficed to seduce his honor and integrity. Loyalty to his trust was his guiding star. His lifework will endure through the years in the form of more responsible performance by every public agency. He set new and higher standards of loyalty for those on whom the people must depend.

For our committee, he is indeed a "flower cut down" untimely. It is not for mortals to question the workings of an inscrutable Providence. It is rather for us to cherish his memory by strict adherence to the clear pattern of conduct he left for us. The number of our ways, like his, is determined, but not revealed. While there is yet light, we may build according to the pattern which we admire and which he used for his career. May we be wise, too, in the things that count.

RESOLUTION OF APPRECIATION AND SYMPATHY EXTENDED TO MRS. ROBERT W. LISHMAN

Whereas Robert W. Lishman served as Chief Counsel of the Special Subcommittee on Legislative Oversight of the Committee on Interstate and Foreign Commerce from March 5, 1958 to March 31, 1961, and as Chief Counsel of the Special Subcommittee on Investigations of this Committee from February 8, 1966 until his death on December 14, 1970; and

Whereas in that capacity, Robert W. Lishman rendered tireless, devoted, and invaluable service to the great benefit of this Committee, the Congress, and the American people; and

Whereas his death constitutes a great loss to the Members of the Committee and the Committee staff, and brings with it a realization of the excellent and faithful service he has rendered: Now, therefore, be it

Resolved by the Committee on Interstate and Foreign Commerce, That an expression of deep sorrow and sympathy at the death of Robert W. Lishman, and a feeling of abiding appreciation for his many contributions to the public interest, be extended to Mrs. Robert W. Lishman in the name of all the Members of the Committee he served with such distinction.

Mr. DINGELL. Mr. Speaker, Bob Lishman was a distinguished, dedicated, and courageous public servant who served well the Congress, the Committee on Interstate and Foreign Commerce, and the Special Subcommittee on Investigations. His persistence, knowledge, and energy were remarkable and his accomplishments in the public interest were great. His courageous service to the people through a long and painful illness was a bright mark in the record of the Congress. His efforts contributed much to good government and he will be solely missed.

Mr. KUYKENDALL. Mr. Speaker, I thank the chairman for this opportunity to pay tribute to a distinguished attorney and a valued associate, Robert W. Lishman.

As the chief counsel for our Subcommittee on Special Investigations, Mr. Lishman saw many opportunities for personal agrandizement, but this was not his way. He rejected the opportunity to make his name a household word during two particular investigations, and this, I think, was the measure of the man. Others might have been tempted to climb to fame by pillorying those in the witness chair; he was content to seek the truth, and let others have the glory or the blame.

I was impressed with a quote attributed to him at the time of his appointment, stating his belief that—

> The counsel is best seen and not heard, unless the subcommittee tells him to be heard.

It is because of that philosophy that the public still remembers the names of the witnesses and not the lawyer. But our colleagues on the committee will remember the name of Robert Lishman long after we have forgotten why we ever thought the other names were important.

Mr. BROTZMAN. Mr. Speaker, it is with deep regret that I rise to pay tribute to Robert W. Lishman, the highly respected general counsel for the Special Investigations Subcommittee of the House Committee on Interstate and Foreign Commerce.

The important role Mr. Lishman played in a number of highly publicized investigations in the past is well known. However, I think perhaps his outstanding contribution over the years was his unswerving commitment to the integrity of the Federal administrative process.

Drawing on a detailed knowledge of the interaction between the administrative agencies and the industries they regulate, Mr. Lishman, constantly insisted that Federal agencies be held to the highest standards of public responsibility. The investigations he organized and conducted over the years put some very real teeth into congressional oversight of the Federal regulatory process.

The direct results of such improved oversight are not readily apparent to the public at large, but they are significant indeed. For a free people to govern themselves and remain free in the process, dedicated public servants like Robert Lishman are indispensible.

Mrs. Brotzman and I extend our sincere condolences to the Lishman family at this time. Their loss is the country's loss.

Mr. FRIEDEL. Mr. Speaker, during 18 years as a Member of this great body, I have experienced few pleasures more gratifying or lasting than my friendship with Robert W. Lishman.

It was plain to me from the very start of my long association with him that Sam Rayburn had made an unusually fine choice when he asked Bob Lishman to give up his private practice of the law and lead the Commerce Committee's oversight activities.

The late 1950's were not happy years for the Federal Government. The watchdog independent agencies had become corrupted and betoken to the very industries they were obligated to regulate. The executive branch was poisoned by influence peddling. And even the special subcommittee itself had become mired in personality strife which thwarted its effectiveness. Only a man of Bob Lishman's professional and personal stature could have overcome those difficulties and returned the administration of the law to its rightful place in the legislative process.

That Bob Lishman achieved this mission—in the face of almost insurmountable obstacles—would be reason enough for his having earned the enduring gratitude of the U.S. Congress. But in pursuing the just and the right with such vigorous dedication, Bob Lishman never lost sight of the fundamental canons of fariness which would guide, ideally, the conduct of all men. He brought, thereby, a new dignity and respect to Government at a time when needed most.

For this remarkable accomplishment, there are no words to sufficiently express the gratitude of his peers or the American people. Bob Lishman gave the "public interest" a new dimension of honor in serving its pursuit so courageously and selflessly.

I shall sorely miss this extraordinary man and the beautiful vision of mankind which he pursued for all of us.

Mr. VAN DEERLIN. Mr. Speaker, I mourn the passing of Bob Lishman, a truly distinguished public servant. As chief counsel of the Special Subcommittee on Investigations of the House Commerce Committee, Mr. Lishman was an indefatigable watchdog over the myriad activities of the Federal regulatory agencies. His effectiveness over a period of many years was amply demonstrated by his accomplishments, particularly in the field of broadcasting. It was Mr. Lishman, perhaps more than any other individual, who did the spadework leading to the disclosures of payola and rigged quiz shows which rocked the broadcast industry in the late 1950's.

At times, Bob must have felt quite lonely, in his constant struggle with bureaucratic obstinacy and the high pressure tactics of powerful interests threatened with exposure by his relentless probing.

Even toward the end, weakened by illness, he carried on as before. I recall a meeting a short time ago with Bob, during which he was just as eager as always to get on with his work. For him, the task of protecting the public interest, and persuading the regulators to adhere to the intent of Congress, was a continuing responsibility, with no respites.

He was a model for all who hold the public trust, and he shall be deeply missed.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

HON. ALLARD K. LOWENSTEIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. JACOBS) is recognized for 1 hour.

Mr. JACOBS. Mr. Speaker, everybody always knew ALLARD LOWENSTEIN is brilliant.

Everybody always knew ALLARD LOWENSTEIN is committed to peace, progress, and justice.

Those qualities are discernible at a distance.

But up close those of us who have been privileged not only to serve in this House,

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but to serve in this House with the Honorable ALLARD K. LOWENSTEIN, of New York, and to know him personally beyond cold print—we know him to be a gentleman who has reminded us to remember the true meaning of the word.

A "gentleman" is a man who is gentle, not weak—among other things, ALLARD LOWENSTEIN is a wrestling champion.

Cold print will say brilliant things about the brilliance of ALLARD LOWENSTEIN.

But more than this, much more, we shall remember that he has applied his mammoth talents and energies for good and that he himself is a warm and kind human being rendering never violence in words or deeds for violence done.

To ALLARD LOWENSTEIN, as to few others, can be applied these words of Lincoln:

> I shall do nothing through malice; what I deal with is too vast for malice.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. MIKVA. Mr. Speaker, I thank the gentleman from Indiana for yielding.

Mr. Speaker, I am concerned that listening to the words of praise one might think that ALLARD LOWENSTEIN is no longer with us either in flesh or in spirit.

I wish to assure this House and, indeed, the country that ALLARD LOWENSTEIN is very much with us and will continue to be with us.

Even though we who are privileged to serve in the next Congress will not have the pleasure of his company as a Member of this body, I know that ALLARD LOWENSTEIN will be very much a part of the mainstream of the way this country is going not only for the next few years but for many, many decades to come.

Those of us who have had the pleasure of serving with him count ourselves fortunate, as the gentleman from Indiana has suggested. But those of us who will have the privilege of being with ALLARD LOWENSTEIN in the years ahead will have the pleasure of helping him to make this country find itself again.

I know, and I am sure that I express the attitude of many people who have known him, that every path that ALLARD LOWENSTEIN has crossed has been a better path because he has been there.

Mr. Speaker, I thank the gentleman for yielding. I think the country will find out, and I expect that this House will find out, that the Honorable ALLARD LOWENSTEIN of New York and his influence will be very much felt throughout the country and in this House to make the adverse winds against human happiness a little more gentle over this earth.

I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, continuing along the line voiced by the gentleman from Illinois (Mr. MIKVA), it is certain that AL LOWENSTEIN will be with us for a long, long time. It will take more than an "Allardmander" by the New York Legislature to remove him from active participation in the major issues which affect the lives of every American, and peoples throughout the world. After he won a surprise election by a narrow margin in 1968, his district was deliberately carved up to remove his greatest sources of strength. Yet he ran far ahead of the rest of the ticket in his close, losing race.

It has been said that there are no second prizes in politics. Our colleagues put a very high premium on winning, we pat each other on the back for what is termed "good politics," our party leadership always encourages defecting members who plead that the situation in their district will not permit them to support a party policy in the national interest, and the entire structure of Congress puts a premium on success at the biennial elections. Far be it from me to beat the drums for a "political death wish" or to infer that AL LOWENSTEIN operated this way, even though he suffered what was labeled a defeat in 1970. He worked too hard in the campaign, organized too well and campaigned too effectively to be accused of not trying to win. Yet we both worked in the 1950's for Adlai Stevenson, who used to warn politicians to remember that the next generation was more important than the next election.

AL LOWENSTEIN described this political dilemma as follows, in an interview printed in the January 10, 1970 issue of The New Yorker Magazine:

> There is nothing inherently immoral about trying to succeed, and in politics this society's idea of success is to get yourself elected. But once that has become the goal, all the other goals and values can be forgotten. The test of virtue becomes success, and people measure success by whether you get more votes.

I recall vividly an incident which occurred during the 1970 campaign, a very rough, bitter, and dirty campaign in Representative LOWENSTEIN's district, when a particular issue came up for a rollcall vote. It was a very tough issue. Many Members with tough campaigns like AL's simply ducked and stayed away, and their constituents understood they were out campaigning. Others who were in Washington for the vote flocked to what appeared to be the popular side. I sensed without talking to AL how he was going to vote. Even though I come from what is now called a "safe" district, I voted on the popular side on a piece of legislation which passed overwhelmingly. I stopped AL in the corridor before the vote, and pleaded with him, for the sake of his reelection, for the sake of his return to perform more effective service in the House of Representatives, for the sake of the overwhelming opinion in his district, not to try to be a "statesman" but to try and be a true politician for once. He looked at me rather quizzically, and did not moralize the issue, did not try to lecture me about my position or attitude, but simply asked a few substantive questions about the pending bill. They were the type of questions which a professor and student would discuss in an advanced graduate seminar. The questions were not posed in order to enforce a preconceived point of view. They were simply asked for information. I became impatient, and told AL he had no business coming down to Washington, leaving his campaign, and then casting a vote which could lose him the election. He again looked at me as though to ask: "Do you really think so?" He waited for the second rollcall. I watched him as he studied the bill, the committee report, and asked several fellow Members, not the usual "How are you voting on this?" type of question—but clear and probing attempts to find out the significance and implications of the bill.

Then at the last minute, he stepped to the well of the House, and voted, along with about half a dozen of his colleagues, on the distinctly unpopular side of the bill.

Cynics will contend that by hurting himself politically, AL LOWENSTEIN hurt his influence in the Nation. I take a different view. His influence and prestige will grow outside of the Congress, and the Congress itself must change to keep in step with the problems, challenges, and standards of this age.

Ever since he was a student at the University of North Carolina, working for Frank Graham, AL LOWENSTEIN has been a tremendous force in American politics and American life. I know he has not yet begun to reach his zenith. Wherever his service is rendered, his influence will be tremendous.

AL LOWENSTEIN is an apostle of reform within our great system of government. What he proposes is not "leftist," nor is it revolutionary. He is a powerful advocate of peaceful and nonviolent change. He wants this Nation to practice what it preaches in the Declaration of Independence and the Constitution, and to put into practical effect the American ideals of freedom, opportunity, and justice in a world and a nation where peace prevails.

Sure, we will miss him here in the next Congress, but only as an ex-Member. The Nation and the world are his stage and his influence will be broader in the months and years to come. The following articles furnish some further clues to the philosophy of AL LOWENSTEIN:

CONGRESSMAN ON THE RUN

(By Erwin Knoll)

The afternoon sun beats down on the Capitol dome, on the gaggle of touring Girl Scouts surging through the East Front parking lot, on the Honorable Allard K. Lowenstein, Member of Congress, from the Fifth District of New York, who sits on the steps outside the House chamber in rumpled summer suit and wilted shirt, lunching on an orange Popsicle.

"We're in a race against time," says the Congressman.

At the moment he happens to be talking about ending the Vietnam war, but the comment is general, all-embracing. Racing against time is Al Lowenstein's way of life.

Since his election to the House last November, Lowenstein has raced twice to Africa to try to arrange additional relief flights for starving Biafrans. Each week he dashes back to his Long Island district, where his victory confounded Republicans and unsettled Democratic regulars, to shore up a shaky political base by making the rounds of service clubs, synagogues, and churches. Occasionally he drops in on his wife, Jennifer, and their infant son. Frequently he confers across the country with New Politics groups, Coalition Democrats—all those who are trying to build on the pieces of last year's Kennedy and McCarthy campaigns. Constantly he talks to students and recent ex-students—the young activisits he attempted to "bring back into the system" in 1968, and whom he is trying to hold in the system still.

This afternoon he is racing against the sun, which threatens to melt his lunch; racing through an interview I have tried for a week to arrange by making four calls a day to his office (the line is often busy); racing in and out of the House chamber, where funds for the Atomic Energy Commission are being debated, to see whether the time has come for him to speak against the testing of multiple independently targeted reentry vehicles (MIRV); racing to find an important letter to the Office of Economic Opportunity that has somehow gone astray in his chaotic office. ("A Congressman's office is bound to reflect his personality," a young member of Lowenstein's staff told me, not without pride.)

Lowenstein's words come in staccato bursts. "I hope Nixon ends the war. I say that as a Democrat—he can have the credit. We can't afford to wait three years. We have to deal with people's discontents. The country is being polarized. We have to recapture the momentum for rational change."

Recapturing the momentum for rational change is Lowenstein's big race—the one he started running early in 1967 when, as a lawyer active in the Byzantine world of New York reform politics, he hit on the unlikely notion that Lyndon B. Johnson could be denied renomination. In turn, he appealed to Senator Robert F. Kennedy, General James M. Gavin, Professor John Kenneth Galbraith, and Senator George S. McGovern to oppose Mr. Johnson in the primaries. Galbraith, a native of Canada, was constitutionally ineligible for the Presidency, and the others declined. Then Lowenstein approached Senator Eugene J. McCarthy, who agreed. As much as any man—as much as McCarthy—Lowenstein changed the course of American political history last year.

Out on the Capitol steps, he talks about Robert Kennedy, not Eugene McCarthy. "A man was killed on the fifth of June last year, and our experiment in democracy—in political action—was stopped. You can't prove that political action can succeed, because it hasn't. But you can't prove that political action can't succeed, because I think we were on the way to success when Robert Kennedy was assassinated."

He had been a member of Robert Kennedy's informal brain trust (and is a member of Edward Kennedy's today), but he kept his commitment to McCarthy last year even after Robert Kennedy entered the Presidential race. In the McCarthy camp, however, he was suspect as a "Kennedy man," and his relations with the Minnesota Senator are not cordial. They had an angry public exchange in New York early last year after McCarthy voted for Russell Long (and against Ted Kennedy) for the Senate Majority Whip's post.

"I think Al has learned his lesson very well," McCarthy told a Brooklyn meeting of the Coalition for a Democratic Alternative. "He has been quite restrained on what he has to say in the House of Representatives. But House members are allowed to be very rash about what they say about the Senate. He can tell you exactly what the Whip election in the Senate meant after being in the House for five days."

"It doesn't take five days in the House," Lowenstein replied. "You don't have to be elected to anything to have views on what the leadership should be."

Lowenstein has been expounding his views on almost every conceivable public issue since his undergraduate days at the University of North Carolina twenty years ago—he has been described as "the oldest student leader in the United States"—and he has freely offered his advice to senior Democratic politicians for at least the past decade. "You running for Congress is like the Pope running for parish priest," Robert Kennedy told him last year. But running for Congress provided an opportunity to put to the test the faith in political action he had been preaching to the disaffected.

"I'm not saying we can change America by the democratic process. I'm saying that if we *can* change America, that's the only way. Is democracy a racket that perpetuates injustice in the name of majority rule? I don't know the answer, but if democracy is not a racket, we're not going to make it work by turning the country into a sea of hate."

"I don't know the answer," Lowenstein keeps saying, but he thinks he knows.

"There is no room in this country for the arrogance of the final assertions of truth," he recently told a student audience at George Washington University. "I cannot say to you with any confidence that you can salvage this country. I think one can agree that the options exists—that the prospects for bringing about social change, and therefore for getting on with the agenda for the country, are good enough to merit the efforts of ordinary people again."

"Al's got this fantastic optimism about the wisdom of the people, if they only know and are helped to understand where we are," one of his aides observed. "He doesn't like to talk about what happens if his approach doesn't work."

Lowenstein is racing against those student radicals who have opted for violent and disruptive tactics—"this minority that has gone wild, that is hurting our effort to end the war and rearrange the national priorities. They're not going to turn the country to social justice and peace by escalating hatred and violence."

At forty, Lowenstein is ten years into the age of mistrust (though he is young enough to have been called "kid" by the cops who kept him from the microphones in the Chicago Amphitheatre last August). He is Public Enemy Number One to much of the student left, which charges that he is concerned with preservation of the Democratic Party rather than of the democratic process. There are dark hints that Lowenstein, who was the last president of the National Student Association before it began its involvement with the Central Intelligence Agency, is a "CIA spook." Even more damning is his onetime service on Hubert Humphrey's staff.

The Congressman reciprocates the radicals' contempt. He calls them "the insane five per cent," and adds: "They don't want to see changes come. They're out to prove the system can't be made to work. They're not allies. Sure, on a few things their goals and mine overlap—but on a few things my goals overlap with Barry Goldwater's."

Still, more than any other politician on the scene today, Lowenstein has a national youth constituency. There is a steady stream of 1968 Clean for Gene alumni in and out of his Congressional office, and his overburdened staff juggles about 100 speaking invitations every week—most of them from campuses. The rule that governs the Congressman's schedule is that he must spend three days a week in the Fifth District, four days in Washington, and one or two days on the road. It is typical Lowenstein arithmetic, and most of the time he makes it work.

Though Lowenstein's stamina is legendary among his friends and physical fitness is one of his enthusiasms, he does not give the appearance of great vigor to the casual observer. Peering through prominent glasses under tousled and receding hair, he looks like a distracted academic—and that is precisely what he has been between stints of feverish political activity.

Born to a middle-class family in Newark, New Jersey, a few months before the start of the Great Depression, Lowenstein came to political awareness in the environment of the liberal optimism that suffused the New Deal years. He attended the University of North Carolina, where he became a disciple and special assistant to Senator Frank P. Graham. After receiving a law degree at Yale in 1954 and serving a two-year hitch as an Army enlisted man, he taught law successively at Stanford, North Carolina State, and the City College of New York. In 1959 Lowenstein was a foreign policy assistant to Senator Hubert Humphrey, and in 1960 he attended the Democratic National Convention as an alternate delegate from New York.

"You can't get anywhere screeching about student violence at Rotary Clubs or on the floor of the House," he says. "If you can't take on violence on the campuses, who the hell are you to be preaching at the country about violence in Vietnam?" And so he flies to colleges and universities from Tuscoloosa to Seattle, and he says such things as these to America's youth:

"We know what the agenda of this country is. We don't need any more recitations of that. We know it so well that we can say it every time we get up in the morning to ourselves; we say it in the frustrations of our day. What we need now is to harness ourselves to tactics that reach that agenda, to do the things that we know need to be done.

"When someone can explain to me what the connection is between shouting down Scotty Reston and beginning on this agenda; when someone can explain to me what makes it possible to justify burning down a building at Stanford in the name of stopping the war in Vietnam; when someone can explain to me what guns at Cornell have to do with racism in South Africa—then I will be willing to discuss whether those tactics are in fact justifiable despite the fact that they violate the Constitution. But at the moment neither principle nor pragmatism is upheld by these tactics. All they do is drive out of the national consciousness what people ought to know is their job, and give them an excuse, a rationalization, a way to evade what the causes of injustice and unrest are.

"And so my message to this generation, which gave us the inspiration a year ago, which let us begin at least to do the things we needed to do and which, without the events of last June fifth, would have led us to the White House and the beginnings of the programs at home—my message is, it's your job because it's your lives.

"I get closer and closer to senility every day, but this country's going to be here for a long time, one way or the other. You burn it down, you've still got to live in it; you turn it into an armed camp, you've still got to live in it; you throw away the coalition of disaffected and unhappy and concerned Americans because you don't like the pace at which they're moving, because you don't have the patience to talk with them and instead you want to spit in their faces, you still have to live with what happens. And anyone who tells you something else is trying to lead you into something much worse than what we've got now."

The Popsickle is dripping, and Lowenstein is talking to me about what we've got now. We've got the Democratic Party. "Nationally," he says, "the Party is where we want it to be in terms of the issues we fought it on last year. There aren't any Johnsonians around, outside the Deep South and such isolated dukedoms as Chicago. We're the mainstream of the Party. Whoever the candidate is next time, he'll be committed to last year's heresy.

"It's a complete political misreading to say there is a swing to the right. There is a swing against anarchy, disorder, and violence. There is a coalition of disaffected and unhappy Americans—the middle class, the middle-aged, the Middle West, the middle everything—that we can work with on the war and domestic needs if we can make them understand that we care about the problems they suffer from just as we care about the problems of the young, the black, and the poor.

"The great danger is polarization. We're in a race against time," he says again.

Racing against time, Lowenstein conducts forums on the South Shore of Long Island, seeking the views of his constituents on issues ranging from cigarette advertising to

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the anti-ballistic missile system. Racing against time, he sometimes works around the clock in Washington; his secretary restrains him from returning telephone calls at 1:30 a.m. He has no residence in the Capital—not even a hotel room—but lives out of suitcases and beds down at the homes of friends when he indulges himself in the luxury of sleep.

Such idiosyncrasies have been duly noted by Washington's gossip mills. But in the House, Lowenstein has surprised many and dismayed some by behaving, by and large, like a model freshman Representative. He hasn't made many waves. Unlike his colleague, Representative Shirley Chisholm of Brooklyn, he acquiesced without a fight in the leadership's bizarre decision to assign him to the Agriculture Committee.

On the floor, he speaks often—against the war, the ABM, the Spanish bases agreement, the rechristened Un-American Activities Committee, and for tax reform, electoral reform, Congressional reform—but he rarely speaks out of turn. Only infrequently does he allow his frustration and impatience to show.

"Mr. Chairman," he erupted during debate of a supplemental appropiration for the Vietnam war, "I feel like Alice must have in Wonderland. Or maybe Rip Van Winkle. We talk as if nothing goes on outside this room. We talk as if it were five years ago. We talk nonsense in circles—vicious circles. Outside this room this country spirals into worsening crisis. We are impervious. We debate the longest war in our history, the most disputed adventure of our national experience, for half an hour. Thirty minutes. Then time is up. But if we cannot discuss these matters here, where can we? What is it we are so busy doing here?"

"Who's making his peace in D.C.?" the Long Island newspaper Newsday asked back in May in a headline over an account of Lowenstein's life on Capitol Hill. Newsday correspondent Mvron S. Waldman wrote that the Congressman's "caution . . . has disappointed some of his liberal colleagues. 'He's like Nixon,' one of them said. 'He hasn't started to unveil yet. He's extremely bright, but I'm sorry that he hasn't been more of a blood-and-guts guy.' Said another: 'He's trying to be responsible in dissent by playing ball with the establishment. They'll never let him get away with it.' "

On the sunny steps outside the House chamber, Lowenstein isn't playing ball with the establishment. Congress must be reformed, he says. "It's like an endless blanket extending in every direction, and you're trapped underneath. . . . Congress like Calcutta—nothing prepares you for it. Absolutely nothing can prepare you for the extraordinary difficulty of getting anything done." A moment later, optimism is restored: "We're going to get reform this year." The system will be made to work.

Someone comes out of the House chamber any says, "They're talking about MIRV." Al Lowenstein, racing against time, is off and running, leaving some of his lunch in an orange puddle on the Capitol steps.

POLARIZE OR PERSUADE—AN INTERVIEW WITH CONGRESSMAN ALLARD K. LOWENSTEIN

(By David Hapgood)

Question: Mr. Lowenstein, where are we in this country now?

Lowenstein: We are at a turning point. Great nations don't have many turning points but we are at one now. The central issue, of course, is the war. The Nixon Administration seems to be trying to polarize the country on other issues, anything to avoid that central one. It wants to focus everyone's attention on things like who's for disruption—things out of an earlier Nixon incarnation, like who's helping the Commies. The famous silent majority may or may not be susceptible to these kinds of appeals, but they certainly wouldn't support a policy that meant staying on in Vietnam for the next several years. That's why the Administration uses our vocabulary about getting out of Vietnam and then tries to distract everyone from what its policy really is, by provoking fights over side issues, or even nonissues, in terms designed to make those who disagree with it seem like fringe groups or prisoners of fringe groups.

Question: Can Nixon's strategy work?

Lowenstein: It could, if we let him define the issues. If he succeeds in defining the choice as himself or the radical fringe, it's obvious which way the uncommitted middle will go. The line is that they can have peace by supporting him—even if he's vague about just when—and they can stop the Communists and have domestic tranquility in the bargain. Very beguiling. The trouble is it won't work, and sooner or later he'll have to pay the price of purchasing short-range support at such a terrible long-range price.

But the sad fact is that another year of war, another major credibility problem with the government, and the whole country will be paying a terrible price, not just the President. Where will the country be if the President continues to frustrate the yearning for peace among the most committed groups—the kids for instance—while retaining a transient "majority" support from people who think he's ending the war and don't understand the impatience of those who can see he's not and who are expected to bear the brunt of the continued fighting? Talk about bitterness, division, mistrust in the process of democracy—think where we'll be if we have to go through another year or two of this sort of polarizing, with more and more people turning to disruption on the grounds that nothing else works. That, of course, is the heart of the Agnew strategy—drive the people most actively opposed to the present policy into behavior that will alienate everyone else, and thus polarize the country not on the central question, but on the subordinate ones.

Question: What kind of strategy should the peace movement follow?

Lowenstein: We have to get out again and show people that the present policy cannot produce what people think they're going to get, that making peace contingent on what Hanoi and Saigon do is not going to make peace at all. After all, the key political fact is that the majority is with us on *goals*—that's why the Administration uses our vocabulary to describe its goals. And we have to oppose tactics that shift the argument from the merits of the war and that endanger basic constitutional safeguards in the process.

Question: Can a middle-class liberal who is against the war and for social justice make a case to what some people call Middle Americans?

Lowenstein: Of course. Very few try. What a travesty it is on all our theories of democracy when people talk only to themselves or to other people who agree with them. That was one of the great things about Robert Kennedy—not only trying to convert people to his point of view, but learning and growing from hearing other people. Most Americans now want change, they are unhappy with the way things are going. Lots of people who were for Kennedy switched to Wallace, as everyone knows—they were upset and looking for leadership that seemed concerned about their problems and that gave hope of change. That's why it's so important to make our case effectively to reach people who are upset with things, with candidates who will reach to the best in them, not the hates and fears—candidates who present and who will follow programs that will make things change for the better. That's also why Robert Kennedy's death was such a tragedy—the only death I know that gets harder to take as time goes on.

Question: How do you go about achieving change in American politics?

Lowenstein: My own view is that the best hope for the kind of change we need so desperately now is by working with sort of floating coalitions—alliances with whoever agrees with you on given issues. You don't change your views to get these kinds of alliances, but neither do you demand that other people agree with you on everything else to work with you on one specific problem. I won't suddenly become a segregationist to work with people against the draft. But if I can work with people against the draft who don't agree with me on segregation, and work with people against segregation who don't agree with me on the draft, and if I can work with people against the war who don't agree with me on anything else, that's hopeful, it seems to me. Some people want to apply a kind of political saliva test to all prospective allies to be sure they're pure on every issue. "Pure," of course, means in agreement with them. Well, that's moral arrogance. Talk about imposing conformity! Besides, it doesn't work very well. A great deal of what happens in elections in this country depends on the candidates, and it's rare to find a candidate with whom you can agree on every issue. I'm not even sure it's necessarily good to find such a candidate—it may mean someone has quit thinking.

Question: Do you think the peace movement has made progress in spite of Kennedy's death and what that meant?

Lowenstein: Of course we've made progress, more of it than we sometimes realize. The number of people who are against the war is much greater than it was a year or two ago, to say nothing of the early days. Yesterday's heresy has become today's rhetoric. Everyone is now for withdrawing the troops. That's far from enough, but if we're frustrated because the war is still going on, think how frustrated the hawks must be to know that their most cherished goals have been abandoned even by their most cherished spokesmen. No more talk of military victory, invading the North, or even blockading Haiphong.

The danger is that in our great frustration we won't notice that we're on the verge of winning—that we'll quit just before the seige would succeed, like the British quitting Gallipoli in the First World War only to discover when the memoirs came out that the Turks would have surrendered the next day.

Question: There seems to be much more frustration among the young people in the peace movement than among older people. Why?

Lowenstein: There are lots of reasons, but the most important one has to be the obvious fact that they're supposed to fight the war for everyone else. Tell a kid facing the draft to be patient—he may be dead or maimed because everyone is so patient. That's like telling the mother of a starving child to be patient about getting food. It's easier to be patient about the war if you're not about to be drafted. People under 30 have never known what it is for their country to be right in a war—all they've known is the Dominican Republic and Vietnam. The men they have admired the most have been murdered—Kennedy, King, Kennedy. Think of whom they've had to choose their Presidents from, and think of what has happened to the promises made by Presidential candidates when they have become President. It's not exactly a record designed to inspire confidence in the democratic process.

Remember also the special trauma of the recent assassinations. Not only were the greatest voices of reconciliation and reform suddenly gone, but the idea of self-government seemed itself to be an illusion. After all, ordinary people had shown how much effect they could have on the direction of the country through electoral politics. And before any of the changes they had worked for could be consummated, Robert Kennedy was dead and Richard Nixon was President.

Two Presidents in a row got there only because a man was killed who would have pursued an opposite course on the things of greatest concern to young people. Now there's a nagging subconscious feeling that maybe there's no point in going on with it. So while I think it's true that we may be on the verge of a breakthrough on the war, it's also true that the country's not far from unraveling. That's what I meant when I said before that we're at a great turning point, which should provide incentive enough for people who love this country to try even harder to make things work as they should.

Question: What's the problem between you and the New Mobilization Committee? We read that you were invited to speak in San Francisco, then disinvited the same day. And in Washington, we're told, the Mobe didn't want you on the podium.

Lowenstein: That's right. They invited moderates to give themselves respectability; then, in my case, they rescinded the invitation as soon as they felt they could get away with it. In Washington, they only accepted people like Coretta King and Senators McGovern and Goodell under very great pressure.

Question: What's the nature of the disagreement?

Lowenstein: It goes to the heart of what you think the anti-war movement is and what it should be. There is a small group of people who want to gain control of the movement, to place it in the hands of a far-out minority. They want it to be a small sect of the faithful. They're really not interested in winning over the undecided people in the middle, in picking up support on the war from people they may disagree with in other ways. For example, I was booed down when I said I welcomed Averell Harriman's opposition to the war even though he was against the Mobilization. That was a lunatic business. I tried to say what a great thing it was that a man of Harriman's stature, who had been part of the previous Administration, had come around to our point of view about the war. People screeched and yelled and howled me down. These people talk a lot about not being exclusive, but that's not how they operate in practice. I think what they really want is confrontation. You might call them the Agnews of the peace movement.

Question: Why are they so bitter toward you and other moderates?

Lowenstein: Because if we win, they lose. If we succeed, they have no constituency. The only way that extreme groups on the edges can get control of anything substantial in this country is if we can't—in Edward Kennedy's phrase—end wars and right wrongs. So, though they'll talk about "non-exclusionary" efforts, they see nothing wrong with shouting down someone who doesn't conform to their particular prejudices. But heaven help anyone who dares criticize their behavior.

Question: Are there issues besides the war on which you think this constituency—the people who were here November 15—should also be working?

Lowenstein: Of course. There's the whole neglected agenda of this country, everything from hungry children to polluted rivers . . . all the situations that Robert Kennedy used to call "unacceptable."

Question: How about Congressional reform? Liberals don't seem to take much interest in that subject.

Lowenstein: Well, nobody pays much attention to Congress in that sense—attention to its internal workings. Which is not surprising. The Congress, particularly the House, so demeans itself by the way it conducts its business that serious people don't take it very seriously. We couldn't even get a record vote on deploying the ABM! The country's torn up about the draft, the war, poverty, race, housing, pollution. But just try to get a sensible debate in the House on the things that matter most. No wonder more and more people tend to dismiss the Congress as irrelevant. And what a mistake it is to do that. If people were a little more aware of why Congress does so poorly about so many things, basic procedures could be changed. What a difference that would make on all the substantive problems. We're pressing for a reform bill to be considered this session—we'll need help from around the country, a kind of national lobbying effort to put this problem somewhere higher in people's priorities. Otherwise, the legislative institutions will go on decaying. And democracy is not helped by greater reliance on government by confrontation or government decree.

Question: What's your mood these days? Are you pessimistic?

Lowenstein: There's too much to do, too much at stake, to worry much about the odds. What a beautiful place this could be! Nothing like it in all the universe, through an eternity—that's what kept going through my mind on the long trek from Arlington to the Capitol the other night. It was very cold in the dark, but there was no break in the line of people guarding candles, singing quietly, passing the great national shrines of America and on the great centers of political power. What a beautiful generation we have produced—what vibrant, good, gentle people. I kept wondering if any country could be so stupid, so self-righteous and closed, to throw all this away. I decided if we were that stupid and self-righteous and closed, we would deserve what we'd get; and to end up that way by default would be the most unacceptable thing of all.

A Reporter at Large

On January 3, 1969, two weeks before his fortieth birthday, Allard K. Lowenstein rose, with four hundred and twenty-nine other persons, on the floor of the House of Representatives and was sworn in as a member of the Ninety-first Congress. For the swearing-in ceremony, Lowenstein, who frequently wears a rumpled beige windbreaker, slacks, and no necktie, was dressed with more care than usual; he had on a freshly pressed gray suit and a plain dark tie, and his hair was neatly combed. This was not the first time that he had come to Capitol Hill to work. In 1949, he had been an aide to Senator Frank Graham, a North Carolina Democrat, and in 1959 he had worked as a foreign-policy assistant to Hubert Humphrey, when Humphrey was a senator from Minnesota. Lowenstein had long been interested in politics, but his appearance on Capitol Hill in 1969 was not the result of any political ambitions developed during his days as a legislative aide. It was, rather, a by-product of a campaign he had engaged in to end the war in Vietnam. In 1967 and 1968, he had led the movement to prevent President Johnson's renomination, first urging Senator Robert F. Kennedy to oppose the President, and then, when Senator Kennedy hesitated, urging Senator Eugene J. McCarthy to take on that task. As an additional contribution to the reformist, anti-war movement, Lowenstein decided to run for the House from New York's Fifth Congressional District, which was once a part of the First District, then a part of the Second District, and later a part of the Third District, and which takes in most of the Southern third of Nassau County. In a sense, Republicans might be said to have held the seat from 1914 to 1964, when Herbert Tenzer, a Democrat, won the office, and now, having served two terms, he was retiring, leaving the seat vacant. The local insurgent Democratic anti-war group asked Lowenstein to run in the primary, and after several weeks of wavering he made up his mind to do so. "The most persuasive argument for running was that the direction of the country was wrong, and if we didn't have candidates who said so and won we would have no way of showing that the country wanted to change direction," Lowenstein said later. "The value of running was not just that you could do a good job if you won. It was also the fact of winning an election on the issues of the war and the reordering of national priorities—the phrase was new and sounded sort of highbrow and vague then—in a district that was supposed to be resistant to this point of view."

Lowenstein, having won the nomination by a considerable margin in the primary, defeated the Republican candidate, Mason Hampton, Jr., by 99,193 votes to 96,427 on November 5th. A few days after the election, he told me that, in a sense, he was not prepared to take the seat in Congress. "I have a certain awe about elections," he said. "The fact of being elected is high in the hierarchy of things I was raised to think of as a great honor, and I had never really seen myself as doing that. By the end of the campaign, I expected to win, but I had never sat down and thought about what would happen next. It seemed to me that that was best, because if I didn't win I wouldn't be as disappointed, and if I did—well, there would be plenty of time to think it out afterward. So finding myself in the House had something of an Alice in Wonderland quality about it—something amazing, because it was unexpected and because I felt this great awe for the electoral process."

After his first week in Washington, Lowenstein returned to New York less amazed. He came to my apartment one evening, wearing his windbreaker and a pair of baggy pants. I asked him how the week had gone, and he told me that at the end of his second day in Congress the Majority Leader, Representative Carl Albert, had made him Acting Majority Leader—a job that carries with it the right to adjourn the House. The appointment, which is made almost every day and carries responsibilities that last only for a few minutes, is one of the courtesies that the House leaders extend to their less influential fellow-representatives—a mark of recognition and a sign of welcome. Lowenstein was not as deeply impressed by the gesture as perhaps he was supposed to be until a colleague, congratulating him, mentioned another congressman who had been given a brief turn as Acting Majority Leader—in his case, only after many months in the House. The newspapers of his district—so the story went—had been so struck by this swift rise that they publicized it sufficiently to make it a factor in his subsequent reflection; Lowenstein did recognize a touch of irony in Albert's awarding him a microphone, however. It was Carl Albert who, as chairman of the 1968 Democratic National Convention, had turned off the floor mike when Lowenstein, a delegate from New York, tried to second a motion to recess the Convention while violence was going on in the streets of Chicago. Once Lowenstein had become a member of Congress, Albert made a point of telling him, "You're not a bit like they told me. You're not a long-hair-and-beard type at all." At any rate, it came about that on his second day in Congress Lowenstein spoke his first words there, and spoke them as Acting Majority Leader of the House. He was chided by his wife, Jenny, when he emerged. "How is it that when Carl Albert finally gives you a mike, all you can think of to say is 'I move that this House do now adjourn' ? " she demanded. But that was the scope of the appointment, and those first words were the initial gesture in what Lowenstein came to call "the charade."

Later that week, Lowenstein attended a bipartisan briefing session for new representatives. Little was said about legislation or about the purpose and power of the House. The session consisted of a series of tips on the special political etiquette of favors that members expect from each other and should be prepared to repay, on how to get one's name on a bill, on how to impress constit-

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uents—in sum, helpful hints about how to get reelected. Lowenstein was both amused and distressed. "That's the trouble with most politicians," he told me. "This slogan that getting yourself reelected is the first rule of politics can lead to a really pernicious attitude. The notion of being elected is inherently virtuous, if you believe in it. We don't believe in royalty and inherited office, or in office as the result of trial by combat. We're raised to think democracy is the best way, and democracy means elections. But if you add the general human ambition to make the most of your own future to the state of mind of people raised to believe in elections, you can end up with a dangerous combination. There is nothing inherently immoral about trying to succeed, and in politics this society's idea of success is to get yourself elected. But once that has become the goal, all the other values and goals can be forgotten. The test of virtue becomes success, and people measure success by whether you get more votes. So why shouldn't you think first about how to get more votes? So that becomes the 'first rule' of that kind of politics. It's also what makes the whole process so much less productive and honest. If you don't want to fall into that trap, you have to say no, you won't accept that view of things. My first rule in Congress is that if I don't do more by being there about the things I care about than I would if I weren't there, then I shouldn't be there. That rule will help make a lot of decisions much easier."

The week of the briefing session, Lowenstein went to the Democratic caucus, the organizational meeting of all House Democrats, at which he hoped to raise a question that he and a number of other representatives had discussed in the interval between the election and the swearing-in. Lowenstein and the others wanted to open the rules of the House to debate and amendment, including those on how committees function, how bills can be brought to the floor, how debating time on the floor is assigned—in effect, the very workings of the institution. He and his friends did not have the slightest expectation of winning, but they did hope to provoke a vote in the caucus on whether or not Democrats should seek a debate on the rules instead of adopting them automatically—the traditional way. When the caucus chairman brought up the question of rules, however, it was simply to say that the rules would be passed. The question of debate was never considered. Lowenstein was astonished. He and his friends hadn't even been defeated—they had just been ignored.

Next, Lowenstein attended a meeting of the Democratic Study Group, a less formal body, consisting of about half the House Democrats, all of whom profess some degree of liberal leaning. There, too, he found that nothing outside the routine happened, or, evidently, could be made to happen.

In the months that followed, I saw Lowenstein from time to time—at an airport, in a snack bar, in the corridors of the Longworth House Office Building, and even at his desk in the Longworth Building, after midnight, but he was always too busy working on his dozens of projects to provide me with any real idea of what they amounted to. He was commuting to Long Island and was also making trips to Biafra, Ethopia, Vietnam, and Czechoslovakia, and to what seemed to be every state in the Union. By the time we could meet again for a long, uninterrupted talk, he had been in Congress for more than six months and his perspective had changed somewhat. The time for our talk became available when Lowenstein came to New York to pay a long-deferred visit to his mother-in-law, who lives in Sagaponack. I was to meet him at the Westbury station of the Long Island Rail Road one August day around noon. Lowenstein didn't come on the train he was supposed to be on, or the next one. When I went to telephone his home—he lives in Long Beach—all the booths were occupied, and I waited nearby. In one booth, a slim, distraught young woman tried simultaneously to extract information from somebody on the line, keep track of a child, and explain to a young man who was standing beside the booth that there had been a mix-up. "Al is in Albertson," she said to him after completing her call. "No one knows where that is. He's trying to get a taxi. I suppose we'd better wait here."

I guessed that she had something to do with Lowenstein, and introduced myself. The three turned out to be Jenny Lowenstein, the Lowensteins' son Frankie, who is now two years old, and Steven Engstrom, a University of Arkansas student who had heard Lowenstein give a speech at a college in North Carolina, had asked the university if he might use a foundation fellowship to spend the summer as an aide of Lowenstein's, and had eventually been accepted. Engstrom lived in the Lowensteins' house in Long Beach, helped run Lowenstein's district office in Baldwin, drove Lowenstein's car (sometimes as chauffeur), babysat with Frankie, and joined the Lowensteins in such other activities as writing speeches, washing dishes, arranging schedules, and doing research on local issues.

The four of us waited at the station, and at last Lowenstein, wearing windbreaker and slacks, arrived in a rattling taxi. He paid the driver, remarking proudly to his wife that, by a miracle, he had thought to put some money in his pocket the night before. Lowenstein explained to us that he had been delayed at Albertson, a stop on what is surely the slowest of the Long Island Rail Road's runs. We all piled into the family car, and Engstrom drove. Lowenstein and I were in the back seat, and Mrs. Lowenstein sat in front, clutching Frankie, who kept trying to wriggle over the front seat and onto his father's lap. Mrs. Lowenstein asked her husband if he had eaten. He said no, and she peeled waxed paper off a squashed cream-cheese-and-jelly sandwich she had brought along for Frankie. Lowenstin ate it hungrily, remarking between bites that Albertson was near his district but, thank goodness, nobody there had recognized him. (Presumably, he was grateful to be left alone for an interval.) "That's the advantage of not looking like a congressman," he said.

We all asked at once what a congressman looks like.

"Well, sort of ponderous, I guess—in a good suit," he said. "I never think of myself as a congressman. I'm sometimes surprised when people remind me that I am one. Outside Washington, congressmen aren't a dime a dozen, and people sometimes think it's quite something to meet one. When you go into somebody's house, you have to adjust to the realization that your being there may mean something to people. I think that when you realize that, you should try to be responsive to it. If people act as though they are honored by your being somewhere, you want to try not to let them feel let down or taken advantage of. Some people want to tell you what they're doing for you, how they helped in the campaign—that kind of thing. I've had to work at overcoming a long-standing aversion to publicity. For a long time, it seemed to me that doing things with publicity somehow put the motive for doing them in doubt. When I toured migrant-labor camps on Long Island, I thought I should go alone, but that was the last thing the people who were arranging the tour wanted. They wanted to publicize the conditions in the camps. That's why they wanted me to come—to attract some press and maybe some TV coverage. Often, people who want you to do things want you to do them for the publicity, so if you agree that the cause is a good one you have to work that out and live with it. You can't do much in Congress if you aren't prepared to try to spotlight some of the problems you're concerned with. More often than not, of course, the problem is how to spot light them effectively. Then, too, you have to get used to a lot of hostile stuff—you know, jealous or bitter people who want to hurt your reputation or get your goat by impugning your motives or inventing malicious tales. If you were to let that sort of thing bother you, you couldn't do very much else. All in all, I'm glad to be in Congress. It's a good time to be there—there's so much that needs to be done. The day-to-day work is a good test of your patience, but I'm used to the long pull—to burrowing along for a while before you can see any results. People make a great distinction between being on 'the inside' and being on 'the outside,' and now I get asked a lot how it feels to be on 'the inside.' Well, I wouldn't know, because where I am is not 'inside' very much, and it hasn't made much difference in the way. I try to work. It does make it easier to be heard—at least, outside Washington."

Lowenstein doubts whether he has had much success at being heard in Washington, and, particularly, in the House itself. "My view of how to be an effective congressman has changed a lot since I got there," he told me. "The biggest single difference is that I've learned that all the tests people normally use to decide whether you're a good congressman have almost nothing to do with whether you *are* a good congressman. They are really tests of whether you're keeping up a good facade—things like attending roll calls, getting your name on bills and in the *Congressional Record*, appearing active in the House. If you work at the facade, it can preclude doing what you should be doing; it can determine how you use your time and energy, and even remove the incentive to do the real job. What nobody understands is that the facade is irrelevant to what Congress ought to be and what it ought to be doing. Some people who make a real effort to follow what you're doing take what they read in the *Congressional Record* as evidence of what you've done. Well, it's nothing of the kind, since almost everything that appears in the *Record* has been what is called 'revised and extended.' Or they look at your roll-call attendance, which is in large part a measure of how many times you've interrupted something you should be doing to do something pointless. It means running over to the floor and answering to your name. Which is fine if you are voting on something, but most roll calls are taken to see if a quorum is present—another part of the charade, since people leave as soon as they've answered to their names. Why would you stay to hear everybody else answer to his name? The fact is that even though the House spends more than a quarter of the time it's in session listening to everyone's name being called, there is still no clear record of how members have voted on most things that really matter. Something of great significance may be brought to the floor under what is called a closed rule, which means that you can't offer any amendments and the proposal must be voted up or down precisely as it emerged from committee. That's just plain wrong, and on basic issues like tax legislation it is outrageous. And even when a closed rule is not invoked, the House procedure prevents a recorded vote on many questions of wide interest. For instance, when most of the bills that matter are reported out to the House floor the House sits as a committee of the whole to consider them. And votes in a committee of the whole are not recorded, so on many crucial amendments there is no way to tell how anyone voted. The recorded vote on final passage often tells nothing useful, because by then the bill may have become virtually non-controversial, or may be such a hodgepodge that a simple yes or no becomes a very complicated vote to cast. The basic fault is in the way the House views itself, the way it takes its responsibilities. There ought to be a clear record of how elected representatives vote on great issues. There ought to be a way to vote separately on separate questions—that is, there ought to be a way to offer amendments. And, as far as debate or discussion is concerned, most self-respecting high-school student councils would stage sit-ins rather than operate under rules like the ones that apply a good deal of the time in the House."

Almost from the moment of his swearing-in, Lowenstein allied himself with a bipartisan group of younger members who had been working to bring about fundamental changes in House rules and customs. "It took a while to realize how bad some of the procedures are and how hard it is to change them," he told me. "It also takes a particular kind of guts to challenge what have come to be almost gentlemen's agreements—to risk the disapproval of those who control committee assignments, floor time during debates, and so on." In fact, after his motion to adjourn on the second day he said virtually nothing on the floor of the House for several weeks. "I learned a lot about how the place works," he said, "and my admiration grew for this small group of people who had thrown themselves into the effort to get changes at least considered."

The car was rolling through Suffolk County now, and Lowenstein sighed. "Of course, there would be a revolt if members had no way at all to go on record about things that are important to their constituents," he said. "So there are escape valves, such as the unanimous consent that the leadership always gets, just before debate on a legislative proposal ends, for every member of the House to put in the *Record* whatever he'd like to put there, as if he had spoken during the debate. Then, there are what are called the 'one-minute rule' and the 'special order.' Every day that the House meets, any member can speak for one minute on any subject. You use your minute to get up and say, 'I ask unanimous consent to revise and extend my remarks and include extraneous matter.' In the *Record*, it looks as if you'd taken on the space program, or pollution, or hunger, or anything else, but you don't have to say a word. You can just hand in a paper. If you're especially conscientious, or you feel very deeply about something, you can actually speak about it for sixty seconds, to an empty House and empty gallery. For a while, I decided never to use the one-minute rule. It seemed phony and somehow deceptive. Gradually, I came to realize that that wasn't a very sensible kind of protest, since it had no effect on anyone but me. And there is, of course, some value in getting things in the *Record*. It is read by some influential people, and it can be distributed widely. The special order is another escape hatch that eases resentments. Any member can ask for a special order to discuss anything that's on his mind when legislative business is finished for the day. This, too, has almost nothing to do with influencing the House, but the speeches go into the *Record*. You can see that, if you play the game and accept the charade, you can give the appearance of being a very diligent congressman with relatively little difficulty. Conversely, if you're doing what you should be doing, it can look as if you were doing nothing. But more important than the effect of all this on individuals is the cumulative effect on the legislative process, and on House morale."

Lowenstein paused to think. "Another thing you have to understand is that the House, in some ways, isn't very representative," he went on. "There's almost never anyone there under thirty. Think what it tells about the place that I'm considered very young! And, of course, there are only nine blacks, when, proportionately, there should be about fifty. Almost a fifth of the population of the South is black, but there are no blacks at all among the hundred-odd Southern members, and on votes that would be of greatest concern to blacks we're lucky if we pick up half a dozen Southern votes for the position the blacks would take if they were there. And this kind of built-in unrepresentativeness is made much worse by the seniority system, which gives enormous extra power to whoever lasts the longest. The people who last the longest, naturally, are the people who come from districts least affected by the two-party system and most removed from the normal swings and political pressures that affect everyone else. The degree of dissatisfaction with all this is a measure of a generation gap as much as anything. The average member now has been in for something over five and a half terms, and that is the line that tends to divide members, more than party or ideology, on questions of congressional reform. And this reminds me of a hopeful political drift in the Congress which hasn't been noticed much yet by the press. There has been a good start toward a kind of spontaneous coalition that is not the traditional conservative one of Northern Republicans and Southern Democrats. In the country at large, this coalition would be regarded as very moderate and rather middle-aged, but in Congress it passes for liberal and young. It's made up largely of newer members from both parties, who don't have much seniority, but if it keeps growing, one of its effects could be to make seniority less significant. That, in turn, could have a very healthy effect on the workings of the committee system. As things stand now, the committee chairmen have enormous power—they can pretty much decide on when committees meet, and if and on what to hold hearings; they create subcommittees, approve members' trips, push whatever bills they want to push, and so on. Since almost everybody on a committee wants favors from the chairman, in most committees he can run things pretty much as he likes. The majority of bills that are important to a member—because they give him prestige and convey the impression that he's doing a good job for his district—are not, in fact, controversial. Out of the more than twenty-nine thousand public and private bills introduced in the last Congress, only six hundred and forty public bills and three hundred and sixty-two private ones were passed, and of those that were actually considered relatively few were fought over. Which of the non-controversial bills that are proposed get to have hearings generally depends on the whim of some committee chairman, and that often means they depend on his good will toward the sponsor of the bill."

Lowenstein went on to discuss what a congressman should be doing, as opposed to what he is expected to appear to be doing. He divided the job into four major parts, the first of which he likened to the functions of an ombudsman. "Since we don't have that kind of official—one who deals with problems that are separate from political and general issues—every elected official has to help communities and individuals with all sorts of difficulties that have to arise in a society as complicated and impersonal as this one," he said. "Some people think that an ombudsman's functions are somehow unworthy of a congressman—that they are kind of a vote-buying device, and cheapen the office. My view is that if you aren't prepared to do that kind of work for people—who should have an ombudsman somewhere—then you shouldn't run for office. Think of what can happen to individuals in a country that suffers from bureaucratic elephantiasis. Like this morning—I was on the phone about a fellow who's in the Army. He was shot and hospitalized and hasn't got much of a stomach left. But instead of getting a disability discharge he's on orders to Vietnam. You can't find out why—it's the gigantic military machine grinding away. We got him stopped in Oakland as he was about to board a plane for Vietnam. Now he'll be held back for a month while they make another investigation. If they decide to send him after that, you can't do anything. But holding it up this long means that there's a chance this particular absurdity won't go through, and that would be to the advantage of the Army as well as of the boy. When things like this happen—things involving a miscarriage of justice—you should be glad if you can help. Of course, people are sometimes disappointed, because they think you can do more than you really can. And if people want you to do something that is improper, you don't do it if you're working the way you should. But I've found that, most of the time, when people know you're committed to a certain view of public functions they don't ask you for improper things. Maybe they're afraid you'll react by exposing them."

We were running through Manorville now, and Lowenstein paused to look out the car window at a group of children at play. Then he resumed. "One big problem is finding time. The second part of a congressman's job—it overlaps with helping indivdual constituents, but it's a completely separate business—is to do what you can about community problems that come up. If a bridge collapses or some housing doesn't get built or a racial crisis develops, you have to try to help ease the situation. Sometimes that means just being there, because sometimes you can't do much more than that. Holding forums, as we have been doing in my district, can be helpful. It's important at this time in our history for people to have opportunities to express and hear different points of view about things that bother them. In Nassau County, we invite everyone to these forums, and all kinds of people come, either as speakers or just to participate from the audience. Mr. Joseph M. Margiotta, the Republican chairman in Nassau, said that Republicans mustn't come;it would 'lend dignity' if they came, he said. But he's given to making suggestions that nobody pays much attention to. We've had meetings on the war, on taxes, on the ABM, on campus disturbances, on how to finance education, and so forth. They must be interesting, because people keep coming—even Republicans, despite poor Mr. Margiotta. Some Republicans come because they believe in the principle of open forums, or at least, want to use them if they're going to happen anyway; others come because they want you to do something for them, or because they're friends. We have had some bad racial incidents in a number of towns—people beaten up and hospitalized. When something like that happens, you go to the groups and individuals who are the angriest or the most deeply offended and try to help work things out so that difficulties can be eased without further violence. Of course, where the problems cover a wider area it's harder to do anything effective about them. But the city and the suburbs, for example, do have many similar interests, and if someone were to bring people together to work regionally—to lobby in Congress, and so on—that could be helpful. However, most of the time everyone is feuding with everyone else. Politicians are afraid of potential rivals. So, there's always the problem of who should lead this kind of effort.

"That gets into the question of how the parties affect government. So many of the complications created by partisanship are pointless, but I guess in our kind of setup they're natural, and maybe unavoidable. Republicans and Democrats both tend to be all for bi-partisan or non-partisan efforts to do things they'll get credit for doing, and very unenthusiastic about bipartisan efforts that won't help the party, or some official the party likes. That may seem obvious, but it can make difficulties. For instance, if the Republicans are in power the Democrats will be reluctant to help the Republicans get credit for doing something non-controversial, since that may strengthen the Republicans and enable them to do things that are controversial. There's another twist to the non-partisan business. The White House

XUM

is very anxious for us Democrats not to criticize Administration policy in Vietnam. Its people want us to help cool everybody down who is upset about the ambiguities and pace of the withdrawal; they say that we should give them time in Vietnam, that we shouldn't be 'partisan' about Governor Rockefeller's trip to Latin America or about the surtax, and so on. You know the argument—we've only got one President, and if we criticize his defense or foreign policy, that's partisan, and politics stops at the water's edge and anything else is not worthy of Americans, et cetera. But when we find Republicans who privately agree with us about problems that ought to be just as non-partisan, like poverty or campus disorders, the Administration all of a sudden discovers the virtues of the two-party system. So it's O.K. for them to put pressure on other Republicans not to work with us for programs the Administration doesn't want, on the ground that Republicans shouldn't be working with Democrats. I guess it's all supposed to be clever politics—to get us to support what the Administration is doing and still try to be sure it doesn't look as if there were bipartisan support for what we're doing. What makes the whole partisan approach especially senseless now is that neither party makes enough sense as a party to justify using the traditional distinction of party label to prevent cooperation among people who essentially agree with each other. Conservatives of both parties generally seem to understand this much better than moderates and liberals. Still, as things stand today, it seems to me there's no real question but that the Democratic Party is worth fighting for. It's come a long way in the last year or so.

Do you know anyone who's hankering for a restoration of Johnsonism? I feel more hopeful about the direction of the Democratic Party than I have in a long time, and more loyal to it. On matters of conscience, though, I don't think either community opinion or party should be decisive. You should follow your conscience and do what you think should be done, then try to explain it to the community, which has a right to reject you at the next election if it feels you've gone against what it wants. I get lots of mail saying that my position on the war doesn't represent the district and I should resign, and so on. I wish there were some way the public could express itself directly on a matter as preëmpting as the war—it would reduce that feeling of being unable to influence policy which is the cause of so much disenchantment with American democracy these days. Perhaps some kind of referendum could be worked out, or an electoral test of some kind. A year is a very long time for people to go before they have a way to say what they want to do about Vietnam and everything that flows from it. Consequently, my office sends out questionnaires periodically to try to find out how people in the district feel about things like troop withdrawals, the federal budget, the draft, student disorders, the surtax—that sort of thing. I can't promise to fit my views to the results, but I do want to know what people are thinking. Then we can discuss why we differ, if we do. Where there's a substantial disagreement between a representative and his constituency, it seems to me important for both to have the chance to rethink their positions, even though no change may result on either side."

Lowenstein leaned back and stretched. "Another thing a congressman finds he should do is attend a lot of functions," he continued. "Some people think it adds prestige to have a congressman present—or, at least, it shows that a congressman is interested. You try to attend, since people usually can't get a senator or a governor to come. That's part of the problem of time. Do you go to one more church function, one more bar mitzvah, one more meeting of a veterans' group, one more historical-society meeting? There's always more to do, so unless you deliberately set yourself to hack out little enclaves, your personal life can become nonexistent. Droopy is going to say we don't hack out enough." Droopy is Lowenstein's nickname for his wife, and also her nickname for him.

Near Riverhead, we stopped at a roadside restaurant for lunch. Lowenstein had canned vegetable soup, a hot dog, a root beer, and an ice-cream cone. "That's the way he eats," his wife said. "He doesn't even notice that it all tastes like plastic." A few minutes later, the Lowensteins dropped me off at a friend's house, and we parted for the day. As it turned out, I had to wait quite a long time to learn what Lowenstein considered the third and fourth parts of a representative's job.

The next morning, I arrived at the home of Mrs. Lowenstein's mother and found all the members of the household except Lowenstein sitting around a back-yard swimming pool. He was indoors, telephoning. When he came out, he was ready to start for his district headquarters in Baldwin, and we had arranged that he would drop me off at the railroad station there. Again Engstrom was at the wheel and I shared the back seat with Lowenstein. As we rode along, the talk turned to money, which for Lowenstein is a problem second only to the problem of time. His parents once owned a series of restaurants in Manhattan, but neither he nor his family is wealthy. He graduated from the University of North Carolina and from Yale Law School, put in two years in the Army, practiced law briefly in New York, and then taught law at Stanford, North Carolina State, and the City College of New York. Now he earns forty-two thousand dollars a year, but he says that not much of his salary stays with him. "I spend a good deal more on office expenses each month than we get in allowances," he said as we drove along. "I paid my own way to Vietnam, Biafra, and so on, so even though neither my wife nor I drink or spend much on clothes, money is not our long suit. I sleep in friends' rooms in Washington to save renting an apartment there. The forums I was telling you about cost seven or eight hundred dollars every two weeks, what with the printing, the expenses of whoever speaks, and receptions before and after. I send out a newsletter every few months, so that people know what I'm doing. This costs between thirteen hundred and fifteen hundred dollars each time, and that's without anything fancy. Money is one reason most congressmen don't try to do much about many national issues. They tend to limit themselves to local questions, plus maybe one national issue they can work on through the committee they're assigned to. That's not a criticism. How much can anyone do with limited staff, and all the mail and whatnot to cope with?

If you aren't independently wealthy, you can't have a staff that's capable of putting things together much beyond what you can come up with from the sources available to everyone—the executive departments, the lobbies, the staffs of congressional committees, the Library of Congress. That's one reason lobbies can be so influential. They have people who are able to spend all their time collecting data on why pollution is good for River X. What congressman can match that? And what are congressmen supposed to do about explaining the intricacies of a tax bill? So most members make their peace with the situation—they get active on some issue that is big in their district and will help them there. Another thing about money. Some members bolster their income by leaving their name on a law firm. I would find that difficult. To my mind, the question would arise 'How come you can do both?' If you aren't too busy in the House to maintain a law practice, then it's hard to believe you're doing all you should be doing in Congress. And if you aren't really practicing, why should you have your name on a law firm? Isn't that trading on the name of the Congress? Of course, some men would like to give up outside arrangements of this kind but are afraid that if they did they'd lose their financial independence—they'd be too dependent on staying elected or getting appointed to some political job. I'm not sure I should say all this until I have worked out specific proposals for dealing with the whole mess—conflict of interest, campaign expenses, the adequate financing of staffs, and the rest. It's not just the question of names on law firms. There's the problem of owning stock. Lots of congressmen get money out of things that Congress legislates about. But to limit conflicts of interest between proposed legislation and private sources of income you have to get into everything that is regulated by government agencies. So what should you do? Right now, I have to find some way to meet these expenses—the office, the trips, and so on. You can use a lecture bureau, but I'd hate to wind up speaking to the highest bidder. I made a rule when I entered Congress that I didn't want to know which speech invitations were for a fee, let alone for how much. In the long run, I guess it's better to give lectures than to be in a law firm, and better to be in a law firm than to have a source of income that might influence how you vote. As you can see, this whole problem is very complicated. And it has been ignored too long."

Shortly before we reached the station, Lowenstein, who was dressed much as he had been the day before, rubbed his hand across his chin, which was stubbly, and said, "I can't go into the office like this." He asked Engstrom to drop him at a barbershop for a shave, and we said goodbye.

The next time I saw Lowenstein long enough to have a solid talk with him was at my apartment on a recent Sunday night. He had told me that he had to attend one of his district forums and two other meetings that evening but thought he would be free by eleven-thirty. A little after midnight, Mark Arnold, a Dartmouth senior who had taken Engstrom's place when the summer ended, arrived to pick up Lowenstein and drive him home. I told him that Lowenstein hadn't shown up yet, and asked him to wait. At one-thirty, Lowenstein arrived. When I asked if he had had any dinner or supper, he said no, so I got some food from the refrigerator, and we settled down near a coffee table to talk about what he thought a congressman should do outside his district—the two remaining parts of the four parts of a representative's job, as he saw it. But he had something else he wanted to talk about first. Since our last conversation, he said, the "procedural horrors" of the House had made his earlier comments seem far too mild. Indeed, he seemed a great deal more steamed up than he had been during our discussions in the car. "Do you know that we are not allowed to have a roll-call vote on whether to deploy the ABM?" he asked. "And that on the Vietnam resolution the President wanted passed because it was so vital to his plan for peace, there were no hearings, and discussion was limited to four hours—which averages out to thirty seconds a member—and there was no way to introduce amendments? And we've voted on amendments to bills that appropriate billions of dollars without having amendments *explained*, let alone discussed. Half the votes on bills that matter occur after debates in which most of the newer members get forty-five seconds or a minute to speak. If only the country understood what goes on! But the whole procedure is designed to make that impossible." He pulled some papers out of a briefcase. "Here, I brought you a couple of statements I made in the House," he said. "They're pretty low-key, but they tell a little of what I feel."

XUM

I looked at the material he had handed me, which was from the *Congressional Record*. One statement was about the Vietnam resolution. "We mock democracy when we treat this resolution as if it were a footnote to a bill about fishing rights on Mars," it went. "If we do not have the opportunity for adequate debate and to consider amendments on this of all resolutions, we will simply subject these proceedings to further ridicule. Members not permitted to speak here will not thereby be silenced. They will be angered. We are becoming increasingly what we treat ourselves as if we already were . . . second-class citizens with dwindling relevance to the awful events that surround and soon may engulf us."

I asked him if he felt that indignation over such procedures was rising generally in the House, and he said that he thought it was—that the response to statements like the one he showed me had been encouraging. He said that one of his most outspoken protests had come about almost by accident, because he had been recognized unexpectedly at the end of the acrimonious debate on the military-appropriations bill. By then, it was clear that no vote on deploying the ABM would be allowed. House members had begun the chant of "Vote! Vote!" that always arises when the dinner hour is approaching and a roll-call vote remains as a block to leaving the hall. Several friendly members had counselled him not to speak, Lowenstein said, in view of the mood of the House. He could put his remarks in the *Record*, they reminded him, and no one would know he had not spoken them. "But I decided to speak," he told me. "I got up and asked if anyone thought that behaving the way we were behaving would increase respect for the Congress or for the concept of representative democracy. I asked if anyone could justify rules that concealed our position on something as vital as the ABM. I ended up by saying that the House wouldn't dare to go on in its present condition—that basic procedures would have to be revised soon. I thought at the time that what I was saying would mark the beginning of a kind of ostracism in the House, but that hasn't happened. Some of the younger members were enthusiastic, and this was perhaps predictable, but the reaction of several venerable figures was most unexpected—some all but embraced me in the well of the House, and others made a point of phoning later on to congratulate me. Whatever the reason for all that, it's clear that the potential for revolt is far greater than it was a while ago. The groundwork was laid by some really good people over the years, and now it has been reinforced by concern about the war and matters growing out of the war. It looks as if we'll finally get a reform bill out of the Rules Committee sometime soon.

There probably won't be much basic reform in the bill, but just getting the whole thing opened up that way will be a start, and if we can build a national awareness of what's at stake in something that sounds as dull as 'reforming Congress' we may really get somewhere eventually. I think lots of members would like to see some changes made."

Lowenstein was nibbling at an apple now, and I managed to get him to discuss the two remaining aspects of his job.

"If you simply deal with individual and local problems, you're not doing a very good job, because you've been elected to a national legislature, and that means you ought to be concerned about national needs and the national direction," he said. "That's especially true at a time like this, when very few local problems can be solved if we don't reverse the country's lockstep toward disaster. In that sense, it was particularly useful to have been elected from a Republican district after taking unequivocal positions against the war and for deep reforms at home. But how can a representative function effectively on great national questions? It's completely inadequate to say, 'Well, I'm going to vote right.' That's not the end of your obligation. It's barely the beginning. You have to be willing to take the fight outside your district, because one district isn't going to change things. You must go wherever you're able to rally support than can affect the way Congress or the President will act on these issues. About student violence, for instance—you have to go to the campuses to try to explain why it's both wrong and damaging. You could put yourself or record as opposing campus violence by denouncing it in Rotary Clubs or in the well of the House, but that would be playing out the charade again. Now, I'm not saying that giving speeches around the country makes you a better congressman. But, if you can, you ought to help to build strength around the country against policies you oppose, so that when a related issue comes to a vote some public opinion has been aroused."

Lowenstein was now sipping a glass of root beer. "Fourth, you can also do something about things that trouble you inside the Congress itself. It can be useful to talk to members about the war and the national priorities. And you can also talk to them about things that may be more important to your district than they are elsewhere. Take jet noise—not many districts have jet airports to harass them. But the congressional custom of 'You help me on this and I'll help you on that' can be brought into play and a few interested members can build a lot of support for a bill to decrease jet noise. The best place for this kind of lobbying is on the floor of the House. One member got very big on the idea of prohibiting the sale of switchblade knives by mail, and he worked so hard lobbying one by one that he got seventy-five members to back his bill. Rallying public opinion and lobbying individual members are the greatest contributions you can make to influencing the legislative process in your first term. In the House, as elsewhere, personal relations make a great difference if you want to get things done. A member may want you to speak at some function that one of his constituents has organized, or meet a delegation coming to see him, or simply come and have a drink. Then, too, if you're going to somebody's district, you try to tell him ahead of time and perhaps chat with him about your trip afterward. A while ago, when I marched in Charleston with the hospital workers, who were on strike, I called up Representative Mendel Rivers beforehand to tell him what I intended to do. It's no great secret that our political views are about as far apart as views can get, but our relationship has remained cordial. I'm not much good at hating people, and there are lots of people in Congress—and out—whom I like a great deal more than I agree with. One of the unexpected things—to me, anyway—about the House is how affable the leadership is. For instance, Carl Albert and Speaker McCormack show a great deal of interest in the new members and are patient and helpful about the little things that confuse you at the beginning. Of course, if you have a great interest in getting a particular bill passed, you have to have the help of the committee chairman concerned."

I was somewhat surprised by Lowenstein's mention of Representatives Rivers, Albert, and McCormack, because it had seemed to me that throughout our conversations Lowenstein talked about the intimate workings of the House of Representatives as though it were composed of Lowenstein and four hundred and thirty-four nameless members. I asked him about this.

"Well, one of the common-sense customs is that you don't discuss other congressmen in a personal way," he said. "You can see how doing that would undermine the kind of relationships we've been talking about. Sometimes you may have to do it, but the general rule—and I think it's a good one—is to talk about the issue or the approach instead of about individuals."

"At least, one can assess congressmen in general," I suggested.

Lowenstein nodded. "They're more like seismographs than you'd expect," he said. "Most of them are rather timid, considering their relative eminence. There's a real desire to represent their districts accurately on major issues, but there's also a tendency to misread the country, partly because the cumulative effect of being in the House is like that of being in a rather pleasant cocoon. There's a serious underestimation of what leadership, including their own, could do. Most members see themselves as leaders only in local matters, and the result is that that's what they tend to become individually, to the detriment of the House collectively. It's one of the sad consequences of believing the old saw that the first rule of politics is to get reelected. But even if Congress should now start to do much better—if the rules are changed and members begin to show more guts—the quality and direction of the President's leadership would still be the single most critical element at this particular turning point. When President Kennedy died, the country was in relatively good spirits and was moving forward. We had great problems, but people were hopeful, and the spirit of hope was contagious. I was in Mississippi in the summer and fall of 1963, with the civil-rights movement.

Life was a nightmare, but nobody doubted that we were going to win—that America would come to the rescue of her downtrodden. America was going to be something good, and even Mississippi would come around. Who feels that way now? The awful change in the national mood is the result of something more than Vietnam and the defense budget. It is the result of President Johnson's overall conduct as well. People in a democracy get sour if they feel they are being deceived. If the top leaders of a democratic society use words to conceal, or to mislead and divide, a mood of revulsion sets in among the people—revulsion against the government and against each other. So few people are in a position to reach the country quickly, to change this kind of mood. That's why Franklin and Eleanor Roosevelt meant so much—far more than all their specific programs and statements put together. And that's why the double loss of Martin Luther King and Robert Kennedy was so totally devastating. It's why I hoped that Nixon would do well—that he would seize the opportunity presented by succeeding Johnson. It's why I was so reluctant to criticize Nixon once he was elected. Presidential leadership could have made it so much easier to piece things together again after the nightmare of 1968. Everyone wanted to help him. If he had set the right tone and tried to move in the direction we needed to go in, the country would have moved quickly. There was really an eagerness for guidance and impetus from the top. It could have been contagious; it could have touched so many people so quickly. People wanted almost pathetically to trust a President. But Nixon seems to be frittering his moment away. He's buying popularity now at a terrible future price by promising things that are inconsistent and therefore cannot all be delivered. He has started this sad business of saying one thing and then saying another, and is thus risking the same kind of disenchantment that Johnson incurred. All this talk that Nixon can carry this state or that state in 1972 is so silly. The same kind of prophecies were made about Johnson. They mean precisely nothing three years ahead of time. People are going to judge Nixon by whether they feel that the things they are unhappy about have been changed. If he would begin, even now, to tackle the tough things candidly, to move away from the mistakes of the past, a lot of people would rally to help him. I know I would. But the impression is

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growing that we're all watching a juggling act—a skillful juggling act but still a juggling act—which sooner or later has to end with things crashing to a halt."

Lowenstein leaned back and became silent for a few moments, and then went on. "If the President won't lead the country toward basic change, our job is to put together a majority coalition to work for the kind of changes that will make things better. Change in *some* direction is inevitable. What is not certain is whether it will be in a Robert Kennedy direction or a Spiro Agnew direction. In the Depression, such enormous numbers of people were hungry or out of work that you could put together that kind of coalition, based on the reality of the needs people felt. Now, even with the war, a majority of the country lives comfortably. The people who are disaffected over their economic situation don't come close to a majority. In a sense, this country suffers from its own great material success. The fact is that economic rights and opportunities are withheld from the people who are outnumbered. Out of the frustration of having no way to get things changed, or even to get represented adequately, the unhappy people who are consigned to a permanent minority can turn to upheaval and disruption. We have to make a new majority for change that will include them. And will include the middle class, too, which is miserable about inflation, taxes, overcrowding, pollution. We must make middle-income people understand that solving their problems is related to solving the problems of the poor. It's not the poor who are getting the money out of the middle class—it's the war, the so-called defense budget. The middle class pays a disproportionate amount of taxes not because of welfare but because of oil companies. And what is collected unfairly is spent absurdly. What the McCarthy and Kennedy campaigns were doing—and I think everyone knows this by now—was bringing together the poor, both black and white, and the Spanish-speaking people, and great numbers of relatively well-off Americans who are upset about the war or discontented with the quality or style of life in this country. All those people together would make up quite a majority, and that was the basis of the 1968 alliances. It was what elected me.

If there were effective national leadership for that kind of alliance now, it would carry the country. But, given the urgency of our situation, I am not optimistic about where the country is headed if the President can't soon be made to realize what's going on and to try to do the things that are so desperately needed. First of all, I think we are going to come apart as a people if we don't get out of Vietnam soon, and that would mean paying for this extended national stupidity with an eternity of awfulness. What might be worst of all about that would be realizing how close we came to getting started in the right direction. You might almost say that the margin was one bullet. I wonder what could have happened to us if Franklin Roosevelt had been killed in 1933. Could we have coped with John Nance Garner and the Depression at the same time? It's frightful how much more this country needs and misses Robert Kennedy now than it did even a year and a half ago. But saying that simply underscores how much harder we must work than we have been working."

It was now nearly 4 a.m., and Lowenstein and Arnold had to go. In a few hours, Lowenstein would be back in Washington. Just before he left, he said, "I don't know what I will do if the effort to bring change through electoral democracy fails. The far left thinks—really, hopes—that an explosion is inevitable. You know the line: the whole society is hopelessly sick and Vietnam is only a symptom. I think that's untrue. But if enough people came to believe that—came to feel that it no longer mattered what they said or did—the belief could lead to our undoing. The only thing I'm sure about is that we must not fail simply because we didn't try, and try with all the energy and brains we can muster. If we did fail, would I join the revolution? Would I leave the country? After all, I would be obsolete. But I don't engage in the luxury of wondering what I would do if the effort shouldn't work. I'm committed to the notion that it will work."

Mr. MARSH. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Virginia.

Mr. MARSH. Although AL LOWENSTEIN and I rarely agreed on the major issues that confronted this Chamber, and many of the public issues of our day, nevertheless I did see in him a determined, tireless worker, a man who is very dedicated, and I would certainly join with others in wishing him the very best in the future.

Mr. JACOBS. I thank the gentleman for his contribution, and I would observe that one of the really great qualities of our colleague, the gentleman from New York (Mr. LOWENSTEIN) is his outstanding ability to understand the other fellow's point of view and, above all, to understand that, according to our traditions and our concept of government, the other fellow is entitled not only to his point of view but, above all, to be respected for his honest point of view. I especially thank the gentleman from Virginia for his contribution.

I yield to the gentleman from California.

Mr. WALDIE. I thank the gentleman for yielding.

Mr. Speaker, there are a few Members of the House, unfortunately—and I certainly am not among those few—who stand as a symbol or a gauge of the conscience of the House. I think ALLARD LOWENSTEIN was one such. I know that in my own personal approach to many of the problems of the country, when I was inclined on occasion to take a course of action that might be dictated by political expediency or perhaps some other equally unworthy motive, I was frequently prodded back into a conscience position, not by any conversation with AL LOWENSTEIN, but merely by observing his conduct on the issue, particularly the few times when he ventured to the well of the House to address the House. I particularly remember the first time he spoke in the well of the House, I had never met him prior to that time. The image that had been portrayed to me through a cursory reading of his background and his activities prior to coming into the House was a sadly distorted image. I was not only impressed then, as I have been each time he has spoken a word, by the cogency and by the passion with which he expresses his conviction, but also by the response of his colleagues in the House of all differing ideological views and differing approaches to life.

I think in AL LOWENSTEIN there was this ability to touch a common thread that the House will sorely miss, and I hope that that ability is in a position that the nation will not have lost it.

I thank the gentleman for yielding.

Mr. JACOBS. I thank the gentleman. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think perhaps better than in any other document, the true AL LOWENSTEIN can be found in the speech which he delivered to, I believe it was, Harvard University 2 years ago.

I do not believe there was a more eloquent appeal to reason, a more eloquent appeal to nonviolence, a more eloquent appeal to the consciences of us all, and a more eloquent appeal against polarization than we could find in that speech.

Mr. Speaker, I will insert into tomorrow's RECORD a copy of that most perceptive speech.

(Mr. OBEY asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, I rise to join with my colleagues in this tribute to our colleague, Congressman ALLARD K. LOWENSTEIN who will not be with us in the 92d Congress. During these past 2 years, AL has won the respect and friendship of a great many Members of this Chamber because of his sincere and energetic devotion to the workings of Congress.

Few men have come to the Congress with the advance buildup and reputation of an ALLARD LOWENSTEIN but even fewer have been able to live up to that reputation and earn the admiration of their colleagues in the way that the gentleman from New York has done.

Because our congressional districts are adjoining ones—at least prior to the last reapportionment—we shared many of the same problems and issues. I always found AL to be responsible in his approach to those problems and dedicated in his efforts to bring relief to his constituents. He was never partisan in his approach to these problems but always made an effort to bring about an effective coalition of concerned Members. This perhaps was his greatest contribution to the 91st Congress and one which should benefit those of us who serve in the next Congress—the desire to work together instead of in conflict.

Mr. VAN DEERLIN. Mr. Speaker, with numerous colleagues on both sides of the aisle, I am saddened by the prospect of the impending departure from this body of our good friend, AL LOWENSTEIN.

I know many of us regarded Al as a kind of political enfant terrible when he joined us 2 years ago. He came in the wake of reams of publicity about his role in the presidential politics of the Democratic Party—a role that was as controversial as it was vital.

But the real AL LOWENSTEIN turned about to be a somewhat different man than the one we had read about in the newspapers. True, he was independent, an uncompromising fighter for the causes which he believed were just. And he was not the sort to be intimidated, either by the Washington establishment, or by the brutal gerrymandering of his own district.

But there was another dimension to the real AL LOWENSTEIN, one that we did not really begin to appreciate until we met AL and got to know him. Our discovery was that in addition to his more widely reported virtues he is also a gentleman of the first order. I for one have never heard him speak an unkind word about anyone, even his most bitter opponents. Instead, as was amply demonstrated on at least one occasion in this body, he has developed a wide circle of admiring friends covering the entire political spectrum.

I greatly regret that AL is now leaving us, but I also am comforted by the thought that a man of his abundant talents and humaneness will not be allowed to remain for long outside the main arena of public affairs.

Mr. RYAN. Mr. Speaker, I am pleased to join in the tribute to our colleague from New York (Mr. LOWENSTEIN) whose unusual talents have made a major impact upon the House of Representatives during his brief service over the span of 2 years. It has been my privilege to have known him as a friend for more than 10 years and to have been associated with him in many causes about which we both feel deeply. I cherish his friendship and know what a loss his departure means for the Congress. However, knowing him as I do, I am sure that, as he continues to seek a better America and a better world, no matter what path he follows, his efforts will influence and shape future events, and the Congress will experience the reverberations. Hopefully, it will also respond.

Always concerned wherever people are oppressed and freedom is denied—be it Southwest Africa, Spain, Mississippi, or New York—ALLARD LOWENSTEIN's efforts against tyranny have been many and varied. From the United Nations to the Halls of Congress he has spoken out for the oppressed and dispossessed. Whether it be South Africa's apartheid system or the white political power structure of Southern segregation, the entrenched political power of Tammany Hall or the congressional seniority system, he has been involved in the struggle for change. His presence and his voice in Congress have helped to challenge outmoded assumptions which must yield to change if this Nation is to meet its responsibilities.

ALLARD LOWENSTEIN has always maintained a close relationship with students on our college campuses where he is a familiar figure as he offers hope and shows that the political system need not be unresponsive. In fact, it was his faith in the good sense of the American people which persuaded so many young people to participate in the 1968 Democratic Presidential primaries—political events which did help to swing the country around, making the Vietnam war an issue of national debate, and the primaries a referendum on the war. He has the ability to communicate his sense of commitment to others, thus building a devoted following which is prepared to do what is necessary to attempt to seek justice and to right wrong.

ALLARD LOWENSTEIN, in just 2 years, has left his mark on the House. As a friend, and as a colleague, I am grateful for his having served with us. I know he will continue fighting for the goals we share, and that will benefit all of us.

Mr. VANIK. Mr. Speaker, I wish to join my colleagues in paying special tribute to a devoted colleague and a good friend, ALLARD LOWENSTEIN.

It is my hope and it is my belief that our colleague's absence from public life will only be temporary. The people of New York have, over the years provided the Nation with inspired leadership that has pushed forward the frontiers of human compassion and brotherhood. ALLARD LOWENSTEIN strove in his work in this House for peace in the world, social justice and security in life for all men everywhere. He has left his indelible mark on this House.

In his brief 2 years in the House, Congressman LOWENSTEIN has brought a breath of fresh air, new ideas, and a daring to challenge the "conventional wisdom"—a conventional wisdom that has led to conventional ideas that have failed to solve the challenge of this new era.

He has been one of the few who has sought "to strive, to seek, and not to yield."

GENERAL LEAVE TO EXTEND

Mr. JACOBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

TAKE PRIDE IN AMERICA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Since the beginning of this century the shortened work week brought on by the pursuance of technological excellence and increased efficiency has added over 1,000 free hours to the average American's free time.

PANAMA CANAL: TARGET OF GLOBAL SOVIET NAVAL CHALLENGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, in the course of my studies of Isthmian canal policy and problems over the past decade, the importance of the Panama Canal as the gateway to the Pacific has become increasingly apparent. It was the existence of this interoceanic waterway that enabled victory in World War II, served U.S. forces during the Korean war, permitted the rapid concentration of our naval forces during the Cuban missile crisis, and has been indispensable in supporting the war in Vietnam. Its value as a strategic crossroads explains the sustained policy by the Soviet Government since 1917 to wrest its control from the United States.

In many of my addresses I have listed other strategic waterway areas and among them are the Suez Canal-Red Sea rout to the Indian Ocean, Southern Africa around that great continent, Chile controlling the Straits of Magellan and the maritime traffic around Cape Horn, Gilbraltar, and the Strait of Malacca. These positions have been objects of Soviet attack in great flanking movements by means short of open hostilities in preparation for what is now taking place—a global Soviet naval challenge of the United States.

These facts render imperatively necessary the continued U.S. sovereign control of the Panama Canal and its protection frame of the Canal Zone, which are key targets for Soviet conquest of the Caribbean, and no amount of sophistry can alter the dangers that would be invited by their surrender. Moreover, a newsstory by Benjamin Welles in the New York Times of December 7, 1970, states that in recent years the number and quality of Soviet agents in Latin America have been increased, clearly indicating the importance of the Western Hemisphere in Communist planning.

Because of its pertinence to current discussions of world strategy, I quote as part of my remarks an informative summary by Dr. Anthony T. Bouscaren, professor of political science of LeMoyne College, of the Soviet naval threat in which control of the Panama Canal is a prime objective.

THE GLOBAL SOVIET NAVAL CHALLENGE

(By Dr. Anthony T. Bouscaren)

Despite the tremendous technological progress made in air transportation and strategic weapons systems in this century, free use of the seas—which cover three-fourths of the earth's surface—continues to be essential to the security of this country, whether to defend ourselves or our allies. Ninety-seven percent of all the material sent to Vietnam has gone by sea.

Fully cognizant of our dependence on seaborne transportation, the Soviet Union has developed a naval strategy aimed at interdicting our sea lanes. Since World War II they have placed increasing priority on submarines, aware of the fact that the last two world wars were almost lost because of the Allied problem in keeping the sea lanes open.

EXPANDED ROLE OF THE SUBMARINE

With the rapid advancement of technology since the end of World War II, the role of the submarine in naval warfare has expanded. Nuclear power, long range missiles, sophisticated electronics, computers—all combine to make the submarine many times more potent and versatile than before. The nuclear-powered ballistic missile submarine has become our most viable deterrent strategic weapon. The Soviets are presently engaged in a massive construction program to build a fleet of similar submarines, and a part of this fleet is now on station off our coasts. Present projections indicate that by mid-1974 their ballistic missile submarine fleet will equal ours. The Soviets are also building large numbers of high-speed, torpedo-firing nuclear-powered submarines which can fire long-range cruise missiles, capable of being armed with conventional or nuclear warheads. Ships of the Soviet Navy are systematically present in all oceans, challenging the Allied control of the seas.

SOVIET CONSTRUCTION PROGRAM EXCEEDS OURS

Starting with 200 diesel-powered submarines at the end of World War II, the Soviets embarked on the largest "peacetime" submarine construction program in history, producing over 570 modern submarines in 25 years—most designed for long-range operations. During the same period we built 105 submarines. In two years alone—1955 and 1956, the Soviets completed 150 submarines, one and one-half times the total number of submarines produced in this country during the past 25 years. The Soviets now possess the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States. In addition, ten times as many naval architects and marine engineers are graduating in the U.S.S.R. than in the U.S. According to the latest unclassified data the Soviet now have between 355 and 363 submarines, all built since 1945, with at least 75 being nuclear-powered. The total U.S. force is 147, of which 88 are nuclear-powered. Based on current force levels and estimated Soviet nuclear submarine building rates, they will be ahead of us numerically by the end of this year.

One of the new Soviet sub designs is the *Yankee* class nuclear-powered ballistic missile boat, introduced in 1968. These submarines are very similar to our *Ethan Allen* Polaris Submarine, and are capable of launching 16 ballistic missiles submerged. The Soviets now have 13 of the *Yankee* class operational and they are building 12 a year. It is estimated that they will surpass our Polaris fleet by mid 1973.

SOVIET NAVY A WORLD-WIDE FORCE

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used in support of foreign policy in many areas of the world. During the recent large-scale naval maneuvers that included over 200 ships in both Atlantic and Pacific Oceans and nine adjoining seas, the Soviets deployed a large number of nuclear submarines away from their home bases, supplied by large sea-going tenders capable of remaining at sea for six months, servicing and repairing submarines while underway. Commenting on these maneuvers, Soviet Admiral Gorshkov, Commander-in-Chief of the Soviet Navy declared: "Whereas until quite recently some areas of the world's oceans were considered restricted areas in which the navies of the imperialist powers ruled supreme and where our ships seldom ventured, now there are no such areas."

The Soviets are pulling ahead both in the speed of their submarines and in submarine weaponry. They possess a torpedo capability comparable to our own, and they have also successfully developed and put to sea some 65 submarines capable of firing long-range cruise missiles. These boats represent a threat to our world-wide surface shipping, our naval surface forces, and our free use of the seas. We do not possess a comparable weapons capability.

By the end of 1975, when we put into operation the last submarine currently authorized, the United States will have a total of 109 nuclear submarines. During the same period the Soviets will probably add at least 70 nuclear subs for a total of between 145 and 153—giving them a numerical superiority of fifty percent in nuclear submarines. We are building only three submarines a year, while the Soviets are building ten to twelve.

Admiral Hyman Rickover, among others, has recommended that the current high speed attack submarine (SSN 688 Class) building program be increased from three to at least five per year. He also recommends commencing on a new design high-speed submarine capable of firing long-range submarine-to-surface cruise missiles. To increase the invulnerability of the Polaris submarine, Admiral Rickover advocates increasing the range of the missile—thus providing greater ocean areas to hide in. This means pushing ahead with the development of the Underseas Long Range Missile System (ULMS).

There is some evidence that the Soviets have developed a base in Cienfuegos, Cuba, which can service its submarine fleet in this part of the world. One of the many advantages of the base would be a facility for the repair and adjustment of ballistic missiles carried by the YANKEE class sub. The development of this base provides the Soviets with an additional option for offensive strategy.

With the achievement of superiority in ICBM's, the development of space weapons, the rapid build-up on the seas and the elaborate and sophisticated support given to subversive movements in this hemisphere, the Soviets would appear to be on the threshold of a major break-through, far exceeding the temptation of 1962 which led to the Cuban missile crisis.

SEA-BASED ESPIONAGE

For some time now, the Soviets have been conducting an elaborate program of espionage against our military and space installations all along the Atlantic coast. The port of Charleston is one of the bases for our Polaris nuclear submarines. Soviet spy ships have been repeatedly sighted near the harbor waters at Charleston, sometimes anchoring right by the harbor buoy at the entrance to the port, to record the "sonic signatures" of the Polaris submarines and other U.S. naval vessels entering or leaving the port. A notorious case concerns the activities of the Soviet trawler *Laptev*, in its efforts last July and August to monitor the test firings of the Poseidon missile from the U.S.S. *Madison*, based at Charleston. The harassment by the *Laptev* actually caused the postponement of the Poseidon test launch, and almost involved a serious accident at sea.

The *Laptev* is a Soviet intelligence collection ship—AGI—and only nominally a trawler. Designated as the *Khariton Laptev*, this vessel is listed by Jane's [1] as an oceanographic survey ship of the *Nikolai Zubov* class. The Soviet Union has deployed intelligence collection ships in electronic surveillance operations against U.S. naval and land targets since the end of the Korean war. Soviet AGI's have operated along the east coast of the United States with patrols lasting about two months. Their main area of interest has been the Virginia Capes, amphibious training areas off the North Carolina littoral, naval operating areas off Charleston, and Cape Kennedy. Such patrols also cover the Puerto Rico naval operating areas and U.S. space vehicle recovery areas. Soviet AGI's which have operated off the east coast during the past year we are as follow: *Teodolit* (12 Aug. 1969 to 1 Nov. 1969), *Krenometr* (28 Oct. 1969 to 3 Jan. 1970), *Lotlin* (20 Jan. 1970 to 2 April, 1970), *Teodolit* (31 March, 1970 to 13 June, 1970), and *Laptev* (2 June, 1970 to present).

THE CARIBBEAN

With respect to the Cienfuegos submarine base, when it becomes fully operational, the Soviets will have the capability not only of reaching our south, southwest and midwest, but also the Panama Canal and much of central and South America. Nuclear missiles fired against the United States from a Caribbean launching area would, of course, outflank our IBM defenses in Montana and the Dakotas. Thus all the more urgency to place part of our IBM defenses at sea in the Navy's mobile SABMIS [2] system.

The threat of Soviet subs in Cienfuegos is not limited to that posed by Yankee class missile boats. The Carribbean is our principal highway for transportation of South American strategic raw materials to this country; it is also the Atlantic approach to the Panama Canal, as well as the route that tankers must traverse to move Venezuelean oil to the United States and Europe.

Those who forever argue against any strengthening of our armed forces to meet Soviet escalation have said: "How can we blame the Russians for the Cienfuegos base if we have Polaris bases in Scotland and Spain?" One answer is that Holy Loch (Scotland) and Rota (Spain) are a thousand miles from the U.S.S.R. while Cienfuegos is but 150 miles from the United States. In 1962 the doves equated our belated response to the Soviet build-up in Cuba to the initial placement of IRBM's [3] in that country. They fail to distinguish between the use of force for offensive and defensive purposes.

THE MEDITERRANEAN

Of almost equal concern is the Soviet naval build-up in the Mediterranean. The Soviet fleet has port facilities at its disposal in Port Said, Alexandria and Latakia (Syria). It has also made use of facilities in Algeria. Thus far Soviet fleet activities appear to have primarily political and intelligence objectives. But there are situations where the Soviet fleet could threaten vital communications routes of the three southern flank countries—Greece, Italy and Turkey—which depend on sea routes to carry the great bulk of their imports and exports. The Soviet fleet is in a position to hinder British, French and American submarines and the Sixth Fleet. The presence of landing vessels in the Soviet fleet gives it the capability of carrying out operations which could adversely affect Albania, Yugoslavia, Israel and Lebanon. Finally, increased Soviet activity in the Persian Gulf and in the Middle East oil-producing states and the presence of the Soviet fleet in the Mediterranean could be viewed as part of a long-term strategy aimed at establishing a major influence in the oil-producing states.

Soviet activity in the Mediterranean has not been confined to the build-up of a permanent fleet. Soviet technicians and military advisers have been placed in Egypt, Syria, Algeria, and perhaps Libya as well. The post-1967 build-up in Egypt has led to the present crisis, including the Egyptian violations of the cease-fire. The strategic naval base of Mers-el-Kebir could be used by Soviet submarines and naval vessels to track the passage of western submarines and naval vessels between the western Mediterranean and the Atlantic.

Soviet naval expansion in the Mediterranean is part of a new Soviet global naval strategy, which encompasses the North Atlantic, Caribbean and Indian oceans and the Persian Gulf. Soviet naval strength has changed in recent years from being primarily a defensive fleet to being a more aggressive one, particularly in view of the greater emphasis on long-range submarines, landing craft and the introduction of Helicopter carriers.

Soviet Fleet Admiral Gorshkov said recently: "The pride of our navy is atomic submarines, which are fitted out with missiles of various purposes which can be launched from under water. The submarines, together with naval missile-carrying and anti-submarine aviation having high-speed, long-range airplanes, are the basis of the striking might of the Navy."

The Soviet challenge is there for all to see. What will our response be?

MEANY CALLS JOBS BILL VETO OUTRAGEOUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. O'Hara) is recognized for 10 minutes.

Mr. O'HARA. Mr. Speaker, George Meany, president of the AFL–CIO, has today correctly denounced the President's veto of the jobs bill as "outrage-

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[1] Jane's Fighting Ships, 1970.

[2] SABMIS—Seaborne Anti-Ballistic Missile Intercept System.

[3] IRBM's—Inter-mediate Range Ballistic Missiles.

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ous." Mr. Meany's very restrained statement deserves the attention of the House and I include his remarks at this point:

The President's veto is outrageous.

It is a devastating attack on the unemployed, the unskilled, and the poor, at a time of widespread joblessness, created by Administration economic policies.

It demonstrates the Administration's refusal to support its talk of reviving the economy with action and funds where they count most—in upgrading the skills of the labor force and creating jobs for the long-term unemployed.

The veto is a direct Presidential rejection of a constructive form of sharing Federal revenue with the hard-pressed state and local governments, especially the cities.

The President's veto message misrepresents the bill's language and intent. Despite the President's rationalization, the fact is that the bill would have created useful jobs needed by the community—not dead-end, make-work jobs.

The President has moved the cities closer to fiscal disaster, dashed the hopes of millions who had looked to public service employment as a way off welfare rolls, and has insured the unemployment rate will continue to climb unchecked.

This is a setback for the unemployed, but it is only a temporary setback. We intend to do everything in our power to help establish a badly needed national manpower policy and program, including job creation for the long-term jobless. And we intend to win.

REPORT OF THE PRESIDENTIAL COMMISSION ON OBSCENITY AND PORNOGRAPHY

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, I wish to take this opportunity to congratulate President Nixon for rejecting the Report of the Presidential Commission on Obscenity and Pornography, a Commission of which he was privileged to appoint only one member.

One would think that his rejection of the report, and the action taken by the Senate on October 13 in rejecting the report would lay to rest the matter of the legalization of pornography.

However, it is disturbing to me to find that some of the Federal courts in recent decisions have rejected the legislative intent of Congress and have based liberal decisions upon the recommendations of the report. In so doing, they fly in the face of our expressed concern which reflects the opinions of millions upon millions of Americans who have petitioned Congress to prohibit the proliferation of pornographic material.

These actions by the courts make it difficult for local communities to act with any degree of authority to prevent smut of every degree from being forced upon young people by adults who make a business of profiting by the destruction of the moral fiber of our society.

Mr. Speaker, I believe it would be wise for this House to go on record not only in rejecting the majority report, but in adopting the minority Hill-Link report. I have introduced such a resolution today with the hope that if the House cannot act on it in these closing days of this Congress, the matter will merit serious consideration in the 92d Congress.

Surely we must do no less than some of our citizens are during to prevent the degradation of our society. The following is what one business has decided to do:

[From the San Francisco Examiner, Dec. 8, 1970]

DRAWING THE LINE ON PORNO ADS

There comes a time when even the most open-minded editors must draw the line.

So far as the editors of the Examiner are concerned, that time is now.

The line we draw is against advertising in our columns by the dispensers of depraved "entertainment" offered presently in more than two score theaters throughout this area.

We are not bluenoses. We do not seek to impose the Puritan ethnic on the community in general or our readers in particular.

However, we can no longer permit our advertising columns to be exploited by the panderers of moral pollution.

In the past, we have editorialized against smut, filth and obscenity.

We have quietly and patiently urged movie makers and night club operators to upgrade and improve their offerings.

Over the years we have refused countless thousands of dollars in advertising that we felt exceeded the bounds of good taste.

We sought to base our position on the laws of the land and looked for guidance to the Supreme Court's decision in the Eros case, which found a production obscene because advertising for it appealed to the prurient.

This approach, though, merely laundered the advertising appearing in our columns and thus tended to hide the slime of the shows being presented.

We grudgingly accepted the decision of the Supreme Court that "community standards" should determine what is obscene and what is not.

After witnessing the results of this decision, we are now convinced that community standards do not determine what is pornography. Quite the contrary. We believe the results in San Francisco are proof positive that proliferating pornography creates debased community standards.

In this beautiful city, our standards sink lower and lower.

Today we have movie houses showing women engaged in sexual acts with dogs and other animals.

Today we have films showing groups of perverts performing vile acts that must demoralize homosexuals who are fighting for acceptance in our complex society.

Today we have films denigrating and disgracing the dignity of womanhood and motherhood as prostitutes perform sordid acts that defy description.

Today we have films showing young girls being beaten, raped and defiled in sexual aberrations practiced only by those with maniacal or criminal minds.

As community standards have fallen, our crime rates soared. The score on rape cases, drug cases, bodily assault and juvenile delinquency are higher than ever. And going higher.

San Francisco is fast gaining international disrepute as the smut capital of the world.

Do not be confused. We are not discussing the relaxed standards of some movies produced by large studios. While we do not endorse many of the acts and attitudes that are labeled sophisticated in today's age of social permissiveness, we are not at this time referring to such movies and plays.

We are denouncing the hard core pornography that flourishes in all too many parts of our city and offers dangerous entrapments for our young people.

We are denouncing the sexual depravity on film and stage that can—and does—breed moral pollution and social degeneracy.

We should have thrown this ugliness out of our advertising columns long ago. We are sorry we delayed.

It is out now. And it will stay out.

If this action on our part invites lawsuits, we will welcome carrying our case to the highest courts in the land. Not only the Supreme Court . . . but also the higher court of public opinion.

THE LATE ROBERT W. LISHMAN

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Florida. Mr. Speaker, it was with a deep sense of sadness that I received word of the death of Robert W. Lishman, our esteemed Chief Counsel of the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce. I know that all Members share my feelings of loss and join me in extending to his family our deepest sympathies.

Mr. Lishman's achievements both in Government and the private practice of law were many and well-known when he was selected on March 5, 1958, by Speaker Sam Rayburn to be Chief Counsel to the Subcommittee on Legislative Oversight. In that capacity he brought to the attention of Congress and the American public many abuses within the governmental agencies responsible to Congress and the House Committee on Interstate and Foreign Commerce. Probably the Sherman Adams-Bernard Goldfine matter, the rigging of televised quiz shows and the disc jockey payola scandals are the best known but perhaps his most significant contribution was the organization and direction of a panel study into the ethics of the relationships between regulatory agencies and the industries they regulate. In an era when Congressional Committees were being publicly criticized for their sometimes questionable regard for individual rights, the Subcommittee on Legislative Oversight was singled out for public commendation for its exemplary treatment of witnesses and its due concern for its responsibilities to the public.

In March of 1961 Mr. Lishman left the subcommittee to return to private practice in Washington and eventually to retire. It was only at the chairman's urging that he came out of retirement on February 8, 1966, to become the Chief Counsel of the Special Subcommittee on Investigations. Again, his abiding concern for the public interest, which was always primary to him, led him into investigations of trafficking in broadcast licenses, deceptive broadcast programing practices, and questions of the responsibilities of administrative agencies to the public rather than to the industry they regulate.

We all knew of the sickness which was ravaging Mr. Lishman's body and were heartened by his sheer courage in refusing to surrender while work remained unfinished. His last official act as Chief Counsel was to forward on November 20 a staff study analyzing the FCC's 1970 policy statement. In his letter forwarding this study he referred back to his first association with the subcommittee in 1958 and summarized his personal views of what he believed was his essential duty. He constantly reminded us that the House of Representatives must control its independent agencies. He was emphatic on having a staff which could and would act without fear or favor and not succumb to the blandishments of regulated business. He worked ceaselessly to strengthen the independence of the regulatory agencies and to assure the best functioning of the administrative process.

His genuine compassion for everyone he ever met or was associated with, his wide-ranging familiarity with and understanding of the governmental process and his abiding concern for the public interest, long before consumer protection became a national issue, were the measure of this man. As great as our loss of such a highly professional and talented man must be, our personal loss must be even greater.

With his passing we have lost a loyal and great friend and a truly dedicated public servant.

FEDERAL-AID HIGHWAY ACT OF 1970—CONFERENCE REPORT

Mr. FALLON submitted the following conference report and statement on the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes:

CONFERENCE REPORT (H. REPT. 91-1780)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of $2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1976".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1976".

(2) Such section 104(b)(5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1976."

HIGHWAY AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1972, and $1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1972, and $125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, $5,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, $20,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973.

(11) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(12) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $1,500,000 for fiscal year ending June 30, 1972, and $10,000,000 for fiscal year ending June 30, 1973.

(13) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $1,500,000 for the fiscal year ending June 30, 1971, $1,500,000 for the fiscal year ending June 30, 1972, and $3,000,000 for the fiscal year ending June 30, 1973.

(14) Nothing in the first eleven paragraphs of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(b)(1) No State shall receive less than one-half of 1 per centum of the total apportionment for each of the fiscal years 1972 and 1973 under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to ensure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act, as required by the first sentence of this paragraph.

(2) By January 1, 1972, the Secretary shall report to Congress on his recommendation for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion, of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in subsection (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the

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National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b)(1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, and designed taking into consideration the highest traffic volume corridors, and the longest trips within such area and shall be selected so as to best serve the goals and objectives of the community as determined by the responsible local officials of such urbanized area based upon the planning process required pursuant to the provisions of section 134 of this title. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials and the State highway departments in cooperation with each other subject to the approval of the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3 and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system,".

(3) Subsection (a) of section 103 of title 23, United States Code, is amended to read as follows:

"(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section."

(c)(1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system."

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsections (d) and (e) of section 105 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials and the State highway department in cooperation with each other."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system"

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation."

INCREASED FEDERAL SHARE

SEC. 108. (a) Section 120 of title 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

SEC. 109. (a) The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the Sate after December 31, 1967, and prior to December 31, 1970, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

(b) Section 120(f) of title 23, United States Code, is amended by adding before the last sentence thereof the following new sentence: "As used in this section with respect to bridges and in section 144 of this title, 'a comparable facility' shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life."

TRAINING PROGRAMS

SEC. 110. Section 140 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

"(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction training, including skill improvement programs. Whenever an apportionment is made under subsections 104 (b)(1), (b)(2), (b)(3), (b)(5), and (b)(6) of this title of the sums authorized to be appropriated for expenditure upon the Federal-aid primary and secondary systems, and their extensions within urban areas, the Interstate System, and the Federal-aid urban system for the fiscal years 1972 and 1973, the Secretary shall deduct such sums as he may deem necessary not to exceed $5 million per fiscal year, for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary."

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. Urban highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section, other than a project for fringe or transportation corridor parking facilities, shall be approved unless—

"(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

"(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"142. Urban highway public transportation."

TERRITORIAL HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Territorial highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands, Guam, and American Samoa, and to the United States from the improvement of highways in such territories of the United States, the Secretary is authorized to assist each such territorial government in a program for the construction and improvement of a system of arterial highways, and necessary interisland connectors designated by the Governor of such territory and approved by the Secretary. Federal financial assistance shall be granted under this subsection to such territories upon the basis of a Federal contribution of 70 per centum of the cost of any project.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance for the establishment of an appropriate agency to administer on a continuing basis highway planning, design, construction and maintenance operations, the development of a system of arterial and collector highways, including necessary interisland connectors, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure with respect to any territory until the Governor enters into an agreement with the Secretary providing that the government of such territory (1) will design and construct a system of arterial and collector highways, including necessary interisland connectors built in accordance with standards approved by the Secretary; (2) will not impose any toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of the facilities constructed or operated under the provisions of this section; (3) will provide for the maintenance of such facilities in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(d) (1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Governor and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Territories highway development program."

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any sums in the Treasury not otherwise appropriated—

(1) not to exceed $2,000,000 per fiscal year for the Virgin Islands for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(2) not to exceed $2,000,000 per fiscal year for Guam for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(3) not to exceed $500,000 per fiscal year for American Samoa for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(d) Sums authorized to be appropriated for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 216. Darien Gap Highway

"(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the 'Darien Gap' to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the 'Darien Gap Highway'. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

"(a) (1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the Secretary of Transportation, with the approval of the President. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 321. National Highway Institute

"(a) The Secretary is authorized and directed to establish and operate in the Fed-

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eral Highway Administration a National Highway Institute hereafter referred to as the 'Institute'. The Institute shall develop and administer in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

"(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, and individuals."

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

"321. National Highway Institute."

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: "The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

SEC. 116. (a) Section 320(d) of title 23 of the United States Code is amended by striking out "$13,000,000" and inserting in lieu thereof "$16,761,000".

(b) All sums appropriated under authority of the increased authorization of $3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

CONSTRUCTION OF REPLACEMENT HOUSING

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

§ 510. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects."

the following:

"510. Construction of replacement housing."

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realinement.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972."

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report to Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89–139), specific recommendations for the functional realinement of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realinement required by such subsection.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $2,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, not to exceed $20,500,000 for the fiscal year ending June 30, 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds author-

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ized to be appropriated to carry out this section after June 30, 1967."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $3,000,000 for the fiscal year ending June 30, 1970, not to exceed $3,000,000 for the fiscal year ending June 30, 1971, not to exceed $3,000,000 for the fiscal year ending June 30, 1972, and not to exceed $5,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission".

(b) The Commission shall be comprised of eleven members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) three persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States.

(c) The Chairman shall be elected from among the members of the Commission by a majority vote of such members. Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future; (4) study problems relating to the control of onpremise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public; (5) study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and (6) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

(i) The Commission shall, not later than one year after the funding of this section submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and of junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than $200,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Secretary, on July 1, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to July 1, 1973, of alternative segments of the Interstate System which will meet the requirements of this title. Any segment of the Interstate System with respect to which a State has not submitted plans, specifications, and estimates for approval by the Secretary by July 1, 1975, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under authority of the preceding sentence shall thereafter be designated as a part of the Interstate System."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Subsection (b) of section 135 of title 23, United States Code, is amended by striking out ", if such project" and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: "If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (c)(3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including demonstration projects in connection with such purposes."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

"§ 143. Economic growth center development highways

"(a) In order to demonstrate the role that highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants to States for demonstration projects for the construction, reconstruction, and improvement of development highways on the Federal-aid primary system to serve and promote the development of economic growth centers and surrounding areas, encourage the location of business and industry in rural areas, facilitate the mobility of labor in sparsely populated areas, and provide rural citizens with improved highways to such public and private services as health care, recreation, employment, education, and cultural activities, or otherwise encourage the social and economic development of rural communities, and for planning, surveys, and investigations in connection therewith.

"(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways on the Federal-aid primary system to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

"(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways on the Federal-aid primary system needed to provide appropriate access to such growth center, including publicly owned airport facilities and public ports for water transportation which may be established to serve it, in order to carry out the purposes of this section.

"(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year.

"(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be increased by not to exceed an additional 20 per centum of the cost of such project, except that in no case shall the Federal share exceed 95 per centum of the cost of such project.

"(f)(1) Except in the case of a project subject to paragraph (2) of this subsection, no project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he, after consultation with the Secretary of Commerce, deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth.

"(2) In the case of a project proposed to be conducted within the Appalachian region as defined in section 403 of the Appalachian Regional Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman of the Appalachian Regional Commission. In the case of a project proposed to be conducted within an economic development region as defined in title V of the Public Works and Economic Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman for such region and the Secretary of Commerce. In consultation with the appropriate official, the Secretary shall establish criteria for the selection of growth centers eligible for assistance under this section such that the aims and purposes set forth in subsection (a) of this section will be promoted. Such criteria shall include, but not be limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, (2) growth centers shall have a population not in excess of one hundred thousand persons according to the latest available Federal census, and (3) the selection of such growth centers within the Appalachian region and the economic development regions shall take into account the purposes of the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth and he shall make arrangements for close coordination throughout the development and implementation of the project with the Federal Cochairman of the Appalachian Regional Commission, or with the appropriate Federal Cochairman of an economic development region, and the Secretary of Commerce, as the case may be.

"(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for the fiscal year ending June 30, 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"143. Economic growth center development highways."

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State."

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I–95 (section C7 to C13) and I–70S (section C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 130. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

SEC. 131. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall become free to the public upon the collection of tolls sufficient to liquidate all construction costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate such construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for consideration of such turnpike having the latest maturity date.

AIRPORT AND WATERPORT ACCESS

SEC. 132. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports and public ports for water transportation, and in approving such programs the Secretary shall give consideration to such projects."

FEDERAL PARTICIPATION IN THE IMPROVEMENT OF TOLL ROADS

SEC. 133. Section 129 of title 23, United States Code, is amended by redesignating subsection (e) as subsection (f), including any reference thereto, and by inserting immediately before such redesignated subsection (f) the following:

"(e) Notwithstanding the provisions of subsection (b) of this section, the Secretary may permit Federal participation in the reconstruction and improvement of any toll road providing for only two lanes of traffic, which is designated part of the Interstate System on the date of enactment of this subsection as he may find necessary to bring such two lane toll road to the geometric and construction standards for the Interstate System in order to provide for the safe use of such highway as part of the Interstate System and to facilitate the removal of tolls therefrom. Federal participation in such reconstruction and improvement shall be on the same basis and in the same manner as

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in the construction of free Interstate System highways under this chapter. No Federal participation shall be permitted pursuant to this subsection except on two lane toll roads which were designated as a part of the Interstate System on or before June 30, 1968. Before Federal participation under this subsection, the State highway department and the toll road authority involved shall enter into an agreement with the Secretary which shall provide that—

"(1) no indebtedness which is to be liquidated by the collection of tolls (in addition to indebtedness in existence on date of enactment in this subsection) shall be incurred after the date of enactment of this subsection.

"(2) all tolls received from the operation of the toll road, less the actual cost of such operation and maintenance, shall be applied to the repayment of only those bonds outstanding on the date of enactment of this subsection constituting a valid lien against such toll road and its maintenance and operation and debt service during the period of toll collection;

"(3) the toll road shall become free to the public upon collection of tolls sufficient to liquidate all such bonds."

FRINGE AND CORRIDOR PARKING FACILITIES

SEC. 134. (a) Section 137 of title 23, United States Code, is amended to read as follows:

"§ 137. Fringe and corridor parking facilities

"(a) The Secretary may approve as a project on the Federal-aid urban system the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

"(b) The Secretary shall not approve any project under this section until—

"(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or any agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

"(2) he has entered into an agreement governing the financing, maintenance, and operation of the parking facility with such State, political subdivision, agency, or instrumentality, including necessary requirements to insure that adequate public transportation services will be available to persons using such facility; and

"(3) he has approved design standards for constructing such facility developed in cooperation with the State highway department.

"(c) The term 'parking facilities' for purposes of this section shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

"(d) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

"(e) The Secretary shall not approve any project under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

(b) The analysis of chapter 1 of such title is amended by striking out the matter relating to section 137 and inserting in lieu thereof the following:

"137. Fringe and corridor parking facilities."

(c) Section 11 of the Federal-Aid Highway Act of 1968 is hereby repealed.

PUBLIC HEARINGS

SEC. 135. (a) Subsection (a) of section 128 of title 23, United States Code, is amended by adding at the end thereof the following new sentence: "Such certification shall be accompanied by a report which indicates the consideration given to the economic, social, environmental, and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered."

(b) Subsection (b) of such section 128 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and report."

ECONOMIC, SOCIAL, ENVIRONMENTAL, AND OTHER IMPACT

SEC. 136. (a) Section 109(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary shall issue within 30 days after the day of enactment of the Federal-aid Highway Act of 1970 guidelines for minimizing possible soil erosion from highway construction. Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines."

(b) Such section 109 is further amended by adding at the end thereof the following:

"(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

"(1) air, noise, and water pollution;

"(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

"(3) adverse employment effects, and tax and property value losses;

"(4) injurious displacement of people, businesses and farms; and

"(5) disruption of desirable community and regional growth

Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

"(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different land uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards.

"(j) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended."

(c) Subsection (b) of section 307 of title 23, United States Code, is amended by adding the following sentence: "The highway research program herein authorized shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects."

INTEREST PAYMENTS FOR REPLACEMENT HOUSING

SEC. 137. Section 506 of title 23, United States Code is amended by redesignating subsection (b) as subsection (c) and inserting a new subsection (b) as follows:

"(b) (1) In addition to the amounts otherwise authorized by this title, the State agency shall make an interest payment to compensate such owner for any increased rate of interest which such owner is required to pay for financing such replacement dwelling.

"(2) This interest payment shall be computed and allowed only if there was an existing mortgage against the dwelling transferred to the State and such mortgage was a valid lien on said premises for at least one year prior to the institution of negotiations for the acquisition of such property, and if the mortgage for the replacement dwelling bears a higher rate of interest than the interest rate on the mortgage of the transferred dwelling; but, in no event shall such interest on the replacement dwelling be greater than the maximum interest allowable under State law.

"(3) The value of the interest payment shall be the difference in the interest rate existing on the balance of any mortgage on a transferred dwelling and the interest rate on the mortgage of the replacement dwelling for the remainder of the term of any such mortgage on such transferred dwelling reduced to discounted present value.

"(4) The discount rate as above provided shall be the maximum rate of interest permitted to be paid on savings deposits by any savings bank within the State pursuant to the rules and regulations of the Federal Deposit Insurance Corporation."

ALASKAN ASSISTANCE

SEC. 138. (a) Subsection (b) of section 7 of the Federal Aid Highway Act of 1966 is amended to read as follows:

"(b) There is hereby authorized to be appropriated for construction of Federal-aid highways of the State of Alaska, out of the Highway Trust Fund and in addition to funds otherwise made available to the State of Alaska under title 23, United States Code, $20,000,000 for each of the fiscal years ending June 30, 1972 and June 30, 1973."

(b) Any right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures reserved by section 321(d) of title 48, United States Code (61 Stat. 418, 1947), not utilized by the United States or by the State or territory of Alaska prior to the date of enactment hereof, shall be and hereby is vacated and relinquished by the United States to the end and intent that such reservation shall merge with the fee and be forever extinguished.

FERRY BOATS

SEC. 139. Section 129 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats, whether toll or free, subject to the following conditions:

"(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.

"(2) The operation of the ferry shall be

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on a route which has been approved under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems within the State and has not been designated as a route on the Interstate System.

"(3) Such ferry shall be publicly owned and operated.

"(4) The operating authority and the amount of fares charged for passage on such ferry shall be under the control of the State, and all revenues derived therefrom shall be applied to actual and necessary costs of operation, maintenance, and repair.

"(5) Such ferry shall be operated only within the State or between adjoining States, and no part of its operation shall be in any foreign or international waters.

"(6) No such ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from such a disposition shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to such State. Any amount so credited shall be in addition to all other funds then apportioned to such State and available for expenditure in accordance with the provisions of this title."

FUTURE ADDITIONS TO INTERSTATE SYSTEM

SEC. 140. The existing language of section 139 of title 23, United States Code, shall be designated as subsection (a) and a new subsection (b) added as follows:

"(b) Whenever the Secretary determines that a highway on the Federal-aid primary system would be a logical addition or connection to the Interstate System and would qualify for designation as a route on that system in the same manner as set forth in paragraph 1 of subsection (d) of section 103 of this title, he may upon the affirmative recommendation of the State or States involved designate such highway as a future part of the Interstate System. Such designation shall be made only upon the written agreement of the State or States involved that such highway will be constructed to meet all the standards of a highway on the Interstate System within twelve years of the date of the agreement between the Secretary and the State or States involved. The mileage of any highway designated as a future part of the Interstate System under this subsection shall not be charged against the limitations established by the first sentence of section 103(d) of this title. The designation of a highway as a future part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway except that Federal-aid highway funds otherwise available to the State or States involved for the construction of Federal-aid primary system highways may be used for the reconstruction of a highway designated as a route on the Interstate System under this subsection. In the event that the State or States involved have not substantially completed the construction of any highway designated under this subsection within the time provided for in the agreement between the Secretary and State or States involved, the Secretary shall remove the designation of such highway as a future part of the Interstate System. Removal of such designation as result of failure to comply with the agreement provided for in this subsection shall in no way prohibit the Secretary from designating such route as part of the Interstate System pursuant to subsection (a) of this section or under any other provision of law providing for addition to the Interstate System. No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision thereof, shall refer to any highway under this section, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as such highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a part of the Interstate System."

DEFINITIONS

SEC. 141. Section 101(a) of title 23, United States Code, is amended as follows:

(1) The definition of the term "forest highway" is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and which is on a Federal-aid system."

(2) The definition of the term "public lands highways" is amended by striking out "means" and inserting in lieu thereof "means those" and by striking out the period at the end of such definition and inserting in lieu thereof a comma and the following: "which are on the Federal-aid systems."

COST REDUCTION

SEC. 142. Section 106 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis."

URBAN TRANSPORTATION PLANNING

SEC. 143. (a) Section 134 of title 23, United States Code, is amended by inserting "(a)" at the beginning of the first paragraph thereof and by adding at the end thereof the following:

"No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project."

(b) Section 134 of title 23, United States Code, is further amended by adding at the end thereof a new subsection as follows:

"(b) The Secretary may define those contiguous interstate areas of the Nation in which the movement of persons and goods between principal metropolitan areas, cities, and industrial centers has reached, or is expected to reach, a critical volume in relation to the capacity of existing and planned transportation systems to efficiently accommodate present transportation demands and future growth. After consultation with the Governors and responsible local officials of affected States, the Secretary may by regulation designate, for administrative and planning purposes, as a critical transportation region or a critical transportation corridor each of those areas which he determines most urgently require the accelerated development of transportation systems embracing various modes of transport, in accordance with purposes of this section. The Secretary shall immediately notify such Governors and local officials of such designation. The Secretary may, after consultation with the Governors and responsible local officials of the affected States, provide by regulation for the establishment of planning bodies to assist in the development of coordinated transportation planning, including highway planning, to meet the needs of such regions or corridors, composed of representatives of the affected States and metropolitan areas, and may provide assistance including financial assistance to such bodies. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $500,000 to carry out this subsection."

STUDY OF RELATIONSHIP OF HIGHWAY CONSTRUCTION TO PUBLIC TRANSPORTATION SERVICES

SEC. 144. The Secretary is authorized and directed to undertake a study and analysis of the use of existing highway facilities for highway public transportation service, the need for additional highway facilities or the adjustment of existing facilities to accommodate such service, and the appropriate funding of such additional highway facilities and to report to the Congress his findings and recommendations not later than January 1, 1972.

SAINT CLAIR RIVER BRIDGE

SEC. 145. The amount of Federal Aid Highway funds paid to the State of Michigan for the construction of the bridge and approaches thereto over the Saint Clair River at Port Huron, Michigan, shall, prior to the collection of any tolls thereon be repaid to the Treasurer of the United States. The amount to be repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)". Such repayment shall be credited to the unprogrammed balance of Federal Aid Highway funds of the same class last apportioned to the State of Michigan. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

(2) Upon the repayment by the State of Michigan of the Federal-Aid Highway funds received for such bridge project, the bridge and its approaches shall be free of all restrictions with respect to the imposition and collection of tolls or other charges thereon or for the use thereof, contained in (A) title 23, United States Code, or in any regulation or agreement thereunder, and (B) subsection (d) of section 17 of the Act entitled "An Act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States, and for other purposes", approved August 30, 1935, as amended (49 Stat. 1051), or in any regulation or agreement thereunder. Tolls or charges imposed and collected on such bridge or for the use thereof shall not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management.

BALTIMORE-WASHINGTON PARKWAY

SEC. 146. (a) There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund, not to exceed $65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway in the State of Maryland under the jurisdiction of the Secretary of the Interior to the geometric and construction standards for the National System of Interstate and Defense Highways.

(b) No funds authorized by this section shall be expended until the Secretary of Transportation, the Secretary of the Interior, and the State highway department of the State of Maryland shall enter into an agreement that—

(1) upon completion of reconstruction the Secretary of the Interior will convey without monetary consideration such section of such parkway to the State of Maryland, and

(2) the State of Maryland shall put such section of the Parkway on the Federal-aid primary system prior to expenditure of funds authorized by this section, and for such purpose the mileage limitation on such system in such State imposed by section 103(b) of title 23, United States Code, is hereby waived, and such State shall thereafter retain such section on such system.

SEC. 147. The amendments made by sections 117, 120, and 137 of this Act shall not take effect if before the effective date of this Act the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 has been enacted into law.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administrator of the National Highway Traffic Safety Administration who shall be appointed by the Secretary of Transportation, with the approval of the President, and who shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On all matters pertaining to the design, construction, maintenance, and operation of highways, the Administrator shall consult with the Federal Highway Administrator.

"(b)(1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

"(2) The Secretary shall carry out, through the Administration, all other provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development not specifically referred to in paragraph (1) of this subsection.

"(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

"(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency."

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter," and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel. The annual apportionment to each State shall not be less than one-third of 1 per centum of the total apportionment."

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project."

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standard under this section unless at least 90 days prior to the effective date of such standard he shall have submitted such standard to Congress."

(f) The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, $70,000,000 for the fiscal year ending June 30, 1972, and $115 million for the fiscal year ending June 30, 1973, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration for each of the fiscal years ending June 30, 1972, and June 30, 1973, $30,000,000 per fiscal year, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972, and June 30, 1973, not to exceed $10,000,000 per fiscal year, except that two-thirds of all funds authorized and expended under authority of this paragraph for such sections 307(a) and 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

HIGHWAY SAFETY PROGRAMS

SEC. 203. (a) Section 402(b)(1)(A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 144. Special bridge replacement program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special bridge replacement program be established to enable the several States to replace bridges over waterways or other topographical barriers when the States and the Secretary finds that the bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

"(b) The Secretary in consultation with the States shall (1) inventory all bridges located on any of the Federal-aid systems over waterways and other topographical barriers of the United States; (2) classify them according to their serviceability, safety, and essentiality for public use; and (3) based on that classification, assign each a priority for replacement.

"(c) Whenever any State or States make application to the Secretary for assistance in replacing a bridge which the priority system, established under subsection (b) of this section, shows to be eligible, the Secretary may approve Federal participation in the reconstruction of a comparable facility. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service bridges which are most in danger of failure and give consideration to the economy of the area involved. Approval of projects and allocation of funds under this section shall be without regard to allocation or apportionment formulas otherwise established under this title.

"(d) The Federal share payable on account of any bridge replacement under this section shall not exceed 75 per centum of the cost thereof.

"(e) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1972; and $150,000,000 for the fiscal year ending June 30, 1973, to be available until expended. Such funds shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(f) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

"(g) The Secretary shall report annually on projects approved under this section with any recommendations he may have for further improvement in the special bridge replacement program authorized in accordance with this section."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"144. Special bridge replacement program."

RAIL CROSSINGS

SEC. 205. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

"§ 322. Demonstration project—rail crossings

"(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under

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authority of the Act entitled 'An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes', approved September 30, 1965 (49 U.S.C. 1631 et seq.).

"(b) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

"(c) (1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(d) Before paying any part of the cost of the demonstration project authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(f) There is authorized to be appropriated not to exceed $9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed $22,000,000 to carry out paragraph (2) of subsection (c) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

Sec. 301. Highway Trust Fund.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

Sec. 302. Transfer From Land and Water Conservataon Fund.

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-11) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

Sec. 303. Postponement of Certain Excise Tax Reductions.

(a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1972" each place it appears and inserting in lieu thereof "1977":

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977";

(2) by striking out "January 1, 1973" each place it appears and inserting in lieu thereof "January 1, 1978"; and

(3) by striking out "February 10, 1973" each place it appears and inserting in lieu thereof "March 31, 1978".

And the Senate agree to the same.

George H. Fallon,
John C. Kluczynski,
Jim Wright,
Ed Edmondson,
William C. Cramer,
William H. Harsha,
James C. Cleveland,
Managers on the Part of the House.

Jennings Randolph,
B. Everett Jordan,
Joseph M. Montoya,
William B. Spong, Jr.,
John Sherman Cooper,
J. Caleb Boggs,
Howard H. Baker, Jr.,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

TITLE I

Revision of authorization of appropriations for Interstate System

Senate Amendment

This section would provide authorizations for the Interstate highway program through fiscal 1976. The fiscal year 1974 authorization presently set at $2.225 billion would be increased to $4 billion, and $4 billion would also be authorized for each of the fiscal years ending June 30, 1975 and June 30, 1976.

House Bill

Section 102 authorizes the appropriation of $17.275 billion over the five-year period from 1974 through 1978 as follows: The authorizations for fiscal year 1974 are increased from $2.225 billion to $4 billion, and authorizations of $4 billion for each of the fiscal years 1975, 1976, and 1977, and $3.5 billion for fiscal year 1978 are added.

Conference Substitute

This is the same as the Senate provision. The authorizations here do not provide for completion of the Interstate System but the conferees and the administration are fully committed to its completion.

Authorization of use of cost estimate for apportionment of interstate funds

Senate Amendment

Section 3 would authorize the use of the revised estimate of the cost of completing the Interstate System submitted to Congress April 21, 1970, for the purpose of making apportionments to the States for fiscal years ending June 30, 1972, 1973, and 1974, and would further authorize and direct the Secretary to revise the apportionment table to reflect actual capability of States to use funds made available for Interstate System highway construction.

House Bill

This section approves the use of the apportionment factors contained in revised table 5 in the 1970 Interstate System Cost Estimate (House Document 317, 91st Congress) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1972 and 1973.

Conference Substitute

This is the same as the House provision.

Extension of time for completion of system

Senate Amendment

Subsection (a) would make technical amendments in section 101(b) of title 23, extending the time for the completion of the Interstate System until June 30, 1966. Subsection (b) would direct the Secretary to submit to the Congress a revised Interstate System cost estimate in January 1973.

House Bill

This makes technical amendments necessary by authorizing the appropriation of Interstate funds for four additional fiscal years and directs the Secretary to make three additional revised cost estimates: one to be submitted to the Congress in January of 1972 to be used for making apportionments in fiscal years 1974 and 1975; one to be submitted in January of 1974 to be used for making apportionments in fiscal years 1976 and 1977; and the final revised estimate to be submitted in January of 1976 to be used for making apportionments in fiscal year 1978.

Conference Substitute

The conference substitute would extend the time for the completion of the Interstate System until June 30, 1976. It would further direct the Secretary to submit to Congress a revised Interstate System cost estimate in January of 1972 for fiscal years 1974 and 1975 and in January of 1974 for fiscal year 1976.

Highway authorizations

Senate Amendment

Paragraph (1) for the Federal-aid primary and secondary systems and their extensions authorizes out of the Trust Fund $1.050 billion for fiscal year 1972 and the same amount for fiscal year 1973 to be available for expenditure—55 percent on the primary system, 35 percent on the secondary system, and 10 percent on extensions thereof and to carry out section 135.

Paragraph (2) authorizes $375 million for fiscal year 1972 and $450 million for fiscal year 1973 for the Federal-aid urban system out of the Trust Fund.

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Paragraph (3) authorizes for forest highways out of the Trust Fund $33 million for each of the fiscal years 1972 and 1973.

Paragraph (4) authorizes for public lands highways $16 million per fiscal year out of the Trust Fund for the fiscal years 1972 and 1973.

Paragraph (5) authorizes for forest development roads and trails $170 million per fiscal year for fiscal years 1972 and 1973.

Paragraph (6) authorizes for public lands development roads and trails $8 million for fiscal year 1972 and $10 million for fiscal year 1973.

Paragraph (7) authorizes $30 million for park roads and trails for fiscal year 1973.

Paragraph (8) authorizes $20 million per fiscal year for parkways for fiscal years 1972 and 1973.

Paragraph (9) authorizes $30 million for Indian reservation roads and bridges for fiscal year 1973.

Paragraph (10) authorizes for section 402 of title 23, United States Code, out of the Highway Trust Fund, $75 million for fiscal year 1972 and $100 million for fiscal year 1973.

Paragraph (11) authorizes for section 403 of title 23, United States Code, out of the Trust Fund, $70 million for fiscal 1972 and $115 million for fiscal 1973.

Paragraph (12) authorizes for section 131 of title 23, United States Code, out of the Trust Fund, $27 million for fiscal 1971, $20,500,000 for fiscal 1972 and $50 million for fiscal 1973.

Paragraph (13) authorizes, out of the Trust Fund, for section 13 of title 23, United States Code, $3 million for fiscal year 1971, $3 million for fiscal year 1972, and $5 million for fiscal year 1972.

Paragraph (14) authorizes, out of the Trust Fund, for section 319(b) of title 23, United States Code, $1,500,000 for fiscal year 1972 and $10 million for fiscal year 1973.

Paragraph (15) provides for administrative expenses for sections 131, 136, and 319(b) of title 23, United States Code, out of the Trust Fund, $1.5 million for each of the fiscal years 1971 and 1972 and $3 million for fiscal year 1973.

Paragraph (16) repeals section 5(10) of the Federal-Aid Highway Act of 1968 relating to authorizations for carrying out section 402 of title 23, United States Code.

House Bill

This section authorizes the appropriation of the following sums for each of the fiscal years 1972 and 1973: for the Federal-aid primary and secondary systems and their extensions within urban areas, $1,100,000,000; for the Federal-aid primary and secondary systems exclusive of their extensions in urban areas, $125,000,000; TOPICS program, $200,000,000; forest highways, $33,000,000 and for public lands highways, $16,000,000. The authorizations for forest highways and public lands highways will continue to come out of the General Fund of the Treasury.

This section also authorizes the appropriation of $200,000,000 for each of the fiscal years 1972 and 1973 for the new Federal-aid urban system which is established pursuant to section 106 of the bill.

It also provides authorizations of $55,000,000 for each of the fiscal years 1972 and 1973, in addition to all other authorizations for the Interstate System, to be apportioned to each of the States which otherwise would receive less than ½ of 1 percent of the Interstate apportionment for fiscal year 1972 or 1973.

Use of any funds authorized by this section for highway beautification (sections 131, 136, and 319(b) or chapter 4 of title 23, United States Code) is prohibited.

The sums authorized for the fiscal years 1972 and 1973 for certain categories of roads, administered by the Department of Transportation jointly with either the Department of Interior or the Department of Agriculture, are as follows:

	1972	1973
Forest development roads and trails	$170,000,000	$170,000,000
Public lands development roads and trails	5,000,000	5,000,000
Park roads and trails	30,000,000	30,000,000
Indian reservation roads and bridges	30,000,000	30,000,000
Parkways	11,000,000	11,000,000

In addition under "Parkways", $25,000,000 is authorized for construction of the Palisades Parkway in the District of Columbia, and $65,000,000 for the reconstruction to six lanes of the Federal section of the Baltimore-Washington Parkway.

Conference Substitute

The conference substitute is the same as the provisions of the House bill with the following exceptions:

The authorizations for forest highways and public lands highways are to be from the Highway Trust Fund. There is in a later provision of the conference substitute a revision of definitions of the terms "forest highways" and "public lands highways" to restrict them to those highways which are on a Federal-aid system.

The authorization for the Federal-aid urban system, out of the Highway Trust Fund, is $100,000,000 per year for the fiscal years 1972 and 1973, and the TOPICS program authorized in section 135 of title 23, United States Code, is also funded at that level.

The authorization for public land development roads and trails for fiscal year 1973 is increased from $5 million to $10 million as is provided in the Senate amendment.

The authorization for park roads and trails is $30,000,000 for fiscal year 1973 as provided in the Senate amendment.

The authorization for parkways is set at $20,000,000 for fiscal years 1972 and 1973. The authorization for the Palisades Parkway is eliminated, and the authorization for the Baltimore-Washington Parkway is made a separate provision at a later point in the conference substitute.

The authorization for section 319(b) of title 23 (relating to landscaping and scenic enhancement), out of the general fund, is set at $1,500,000 for fiscal year 1972 and $10,000,000 for fiscal year 1973.

The authorization for administrative expenses for carrying out sections 131, 136, and 319(b) of title 23 is set at $1,500,000 per year for fiscal years 1971 and 1972 and $3,000,000 for fiscal year 1973.

The authorization for projects for high hazard locations which was contained in section 205 of the House bill is eliminated.

The authorization of $55 million for fiscal years 1972 and 1973 to insure that each State will receive an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year is made a separate subsection (b) and the requirement in section 5(b) of the Senate amendment that the Secretary shall report early in 1972 to Congress on his recommendations for apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed or are nearing completion of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System is included in this section.

Federal-aid urban system

Senate Amendment

This section would establish a new Federal-aid highway system, the Federal-aid urban system, in urban areas of 5,000 population or more. The urban system would be designed to facilitate the flow of traffic in urban areas and serve the goals and objectives of the community as determined by the responsible public officials. It would further implement the urban transportation planning process required under section 134 of Title 23. Routes on the Federal-aid urban system would be selected by the responsible public officials subject to the approval of the State and of the Secretary.

The funds authorized to be appropriated for the Federal-aid urban system would be apportioned to the States in the ratio which their population in urban areas of 50,000 or more bears to the national population in such urban areas. In addition to highway construction, these funds would be available to carry out the kinds of activities for which the TOPICS program was designed, and for construction and development of fringe and corridor parking facilities. The Federal share payable for projects on this system would be the same as for the ABC System—50 per centum. All of the provisions of Chapters 1, 3 and 5 of Title 23 applicable to the Federal-aid primary system not deemed to be inconsistent with the definition and purposes of this section would be applicable to the urban system.

House Bill

This section directs the establishment of a new Federal-aid urban system in each urbanized area, and provides that routes on this system shall be selected from those routes included in the mileage figures for the urban principal arterial system as set forth in the "1970 National Highway Needs Report Supplement" other than routes on the Interstate System. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Routes on this system and projects for the improvement of routes on this system shall be selected, and proposed specifications for such projects shall be determined, by State highway departments and appropriate local road officials in cooperation with each other.

In addition to the $200 million authorized to be appropriated in each of the fiscal years 1972 and 1973 by section 105 of the House bill, not to exceed 50% of the amounts apportioned to each State for extensions of the Federal-aid primary and secondary systems within urban areas and 50% of the Topics Funds may be expended for projects on the Federal-aid urban system.

The apportionment of funds authorized to be appropriated for the Federal-aid urban system is to be made on the basis of the population in urbanized areas. The Federal share of the cost of projects on the Federal-aid urban system is the same as for the ABC program, *i.e.*, 50%, plus the sliding scale in public lands States.

The provisions of chapters 1, 3, and 5 of title 23, United States Code that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent.

Conference Substitute

The conference substitute is essentially the same as the provisions of the House bill with the following changes: The urban system is to be located so as to serve major centers of activity, highest traffic volume corridors, and longest trips within the urbanized area and is to be selected so as to best serve the goals and objectives of the community as determined by responsible local officials of the urbanized area based on the section 134 planning process. Routes on the urban system shall be selected by the appropriate local officials and the State highway departments in cooperation with each other, subject to the approval of the Secretary. In addition, in approving programs for projects on the urban system, the Secretary is to require that these projects be selected by the appropriate local officials and State highway departments in cooperation with each other.

XUM

Prohibition of impoundments and diversion of funds

Senate Amendment

No comparable provision.

House Bill

This section reiterates the sense of Congress as expressed in section 15 of the Federal-Aid Highway Act of 1968 relative to impoundment of apportioned Federal-aid highway funds.

This section also prohibits the expenditure of funds authorized to be appropriated from the Highway Trust Fund any Federal department, agency, or instrumentality other than the Federal Highway Administration, for other than highway purposes.

Conference Substitute

This is the same as the House bill with the exception that the prohibition on expenditure of trust funds by any department other than the Federal Highway Administration unless these funds are identified and included as a line item and are to meet obligations in an appropriation Act and are to meet obligations of the United States incurred under title 23, United States Code, attributable to the construction of Federal-aid highways for highway planning, research, and development, is expanded to permit these expenditures if otherwise specifically authorized to be appropriated from the Trust Fund by Federal-aid highway legislation.

Increased Federal share

Senate Amendment

No comparable provision.

House Bill

This section increases the Federal share payable on account of any non-Interstate project from 50% to 70%. This increase would take effect with respect to authorizations for fiscal year 1974 and subsequent fiscal years.

Conference Substitute

This is the same as the House bill.

Emergency relief

Senate Amendment

This section would amend section 125 of title 23, to provide that Federal funds are available to repair or reconstruct bridges permanently closed to traffic because of the danger of collapse due to structural deficiencies or physical deterioration. Bridges covered by the provision would be those closed after December 31, 1967 and before the date of enactment of this Act. The termination of authority as of the date of enactment of the Act is included because the funds authorized for the bridge replacement program established by section 24 of the Senate amendment would then be available.

Subsection (b) of this section would amend the term "comparable facility" to mean a facility which meets the current geometric and construction standards required for the type and volume of traffic which such facility will carry over its design life. This definition would also apply to the term "comparable facility" as used in subsection (a) of section 143, the bridge replacement program. The amendment would apply retroactively to the term as used in the 1968 Act.

House Bill

This section amends 23 U.S.C. 125 to authorize the Secretary to expend funds to repair or reconstruct bridges which have been permanently closed to all vehicular traffic by the States after December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration. Present law prohibits the Secretary from expending funds on such bridges unless they have been damaged by a natural disaster or have collapsed.

Conference Substitute

The conference substitute is the same as the House bill except that to be eligible a bridge must have been closed after December 31, 1967, and before December 31, 1970. In addition, the provisions of subsection (b) of section 13 of the Senate amendment are included relating to the definition of the term "a comparable facility".

Training programs

Senate Amendment

This section would authorize the Secretary, through the Secretary of Labor, to develop, conduct and administer highway construction-related training and skills improvement programs for construction workers.

House Bill

This section authorizes the expenditure of Federal-aid highway funds for the continuation of training programs during seasonal shutdowns of highway construction work. Such funds may participate in the costs of apprenticeship, skill improvement, or other upgrading programs which are conducted during periods when climatic conditions prevent highway construction work and are supplementary to on-the-job training conducted during the construction season.

The Federal share of the cost of such a training program shall be the same as that for the respective highway program, as provided in section 120, United States Code.

Conference Substitute

The conference substitute is essentially the same as the provisions of the Senate amendment with the exception that the requirement that this program be operated through the Secretary of Labor is deleted, and the amount authorized for each of the fiscal years 1972 and 1973 is limited to $5 million.

Urban highway public transportation

Senate Amendment

No comparable provision.

House Bill

This section authorizes the use of funds that are apportioned to each State for extensions of the Federal-aid primary and secondary systems within urban areas, for the Interstate System, and for the new Federal-aid urban system to finance the Federal share of the cost of projects for the construction in urbanized areas of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, and fringe and transportation corridor parking facilities. Such a project must avoid Federal-aid highway construction and provide capacity for movement of persons at least equal to that which otherwise would be provided by the avoided highway construction, and the Federal share of the cost of such project must not exceed the Federal share of the cost of the avoided highway construction; or no other feasible or prudent highway project can provide the additional capacity for the movement of persons provided by the project.

The Federal share of the cost of urban highway public transportation projects shall be that provided in section 120 of title 23, United States Code.

No project will be approved unless there are satisfactory assurances that the publicly owned mass transportation system will have the capability to fully utilize the project. Routes and schedules of public mass transportation systems receiving assistance under this section shall be based on a continuing comprehensive transportation process carried on in accordance with section 134 of title 23, United States Code.

Conference Substitute

The conference substitute is the same as the provisions of the House bill with the exception that the criteria for the approval of projects contained in the proposed new subsection (d) is amended to exclude projects for fringe or transportation corridor parking facilities.

Territorial highway program

Senate Amendment

This section would provide for the establishment of a highway program for the Virgin Islands, Guam, and American Samoa. The Federal contribution to the cost of approved projects on this system would be 70 per centum, and $2 million for each territory would be authorized out of the Highway Trust Fund for each of the fiscal years 1971, 1972 and 1973 for this purpose.

House Bill

This section authorizes the appropriation of $2 million for each of the fiscal years 1971, 1972, and 1973 to pay up to 50% of the cost of construction of a system of arterial highways in the Virgin Islands. Three percent of the sums authorized to be appropriated for each fiscal year shall be available for expenditure by the Virgin Islands only for research, investigations, studies, and development, and an additional 2% of the sums authorized to be appropriated may be used for such purposes. The Secretary of Transportation is also authorized to provide technical assistance to the Virgin Islands in the establishment of a highway department.

All of the provisions of law relating to Federal-aid highways (other than those relating to apportionment formulas and limiting the expenditures of funds to the Federal-aid system) shall apply.

Conference Substitute

This is the same as the provisions in the Senate amendment except that the authorizations are not to come from the Highway Trust Fund, and in the case of American Samoa are limited to $500,000 per fiscal year.

Darien Gap Highway

Senate Amendment

This section would authorize $100 million from the general fund, for the construction of the Darien Gap Highway, which would connect the Inter-American Highway with the Pan-American Highway System of South America. Obligation and expenditure of funds would be on the same basis as the funding authorized for the Inter-American Highway.

House Bill

Same as the Senate amendment.

Conference Substitute

Same as both the Senate amendment and the House bill.

Administration

Senate Amendment

No comparable provision.

House Bill

This section amends section 303 of title 23, United States Code, to conform with the recent reorganization of the Federal Highway Administration. It establishes the positions of Deputy Federal Highway Administrator and Assistant Federal Highway Administrator and the conditions of their appointment, and sets the salary level for those offices and that of the Federal Highway Administrator.

The Deputy Federal Administrator shall be appointed by the President with the advice and consent of the Senate. The President may authorize the person holding the office of Director of Public Roads immediately before enactment of this Act to act as Deputy Federal Highway Administrator until the first Deputy Administrator is named, and to receive compensation at the rate authorized for such office.

The Assistant Federal Highway Administrator shall be appointed by the Secretary of Transportation, with the approval of the President under the classified civil service.

Conference Substitute

This is the same as the House bill with the exception that the Deputy Federal Highway Administrator will be appointed by the Secretary of Transportation with the approval of the President.

XUM

Training and research fellowships

Senate Amendment

No comparable provision.

House Bill

This section directs the Secretary to establish and operate a "National Highway Institute" in the Federal Highway Administration. The Institute will develop and administer, in cooperation with State highway departments, training programs of instruction for FHWA and State and local highway department employees engaged or to be engaged in Federal-aid highway work. The Secretary's authority in law to develop and conduct educational and training programs related to highways shall be administered through the Institute. The Secretary is authorized to acquire such buildings, facilities, and equipment as the Institute may need. Sums provided for administrative purposes under 23 U.S.C. 104(a) shall be available for establishing and operating the Institute.

A sum not to exceed ½ of 1 percent of all the ABC and new urban system funds apportioned to a State for a fiscal year under 23 U.S.C. 104(b) is authorized to be available for payment by the State highway department of up to 70 percent of the cost of the tuition and the direct educational expenses connected with the education and training of State and local highway department employees. These expenditures would be subject to approval by the Secretary.

The Secretary is permitted to provide the education and training, authorized by this section, through grants and contracts with public and private agencies, institutions, and individuals.

This section also authorizes the Secretary, either independently or in cooperation with other Federal departments, agencies or instrumentalities, to make grants for research fellowships for any of the purposes for which research is authorized by this section.

Conference Substitute

This is the same as the provisions of the House bill with the exception that authority to acquire by lease, purchase, construction, reconstruction, or otherwise buildings, facilities, and equipment for the Institute is deleted.

Bridges on Federal dams

Senate Amendment

No comparable provision.

House Bill

This section authorizes the appropriation of $3,761,000 to be available for expenditure in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No funds so authorized shall be appropriated until the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana have complied with all the requirements of section 320 of title 23, United States Code, applicable to the construction of bridges on Federal dams.

Conference Substitute

This is the same as the provisions of the House bill.

Construction of replacement housing

Senate Amendment

This section would authorize the Secretary to approve as part of the cost of construction, the cost of acquiring, constructing, rehabilitating, or relocating housing as replacement housing for individuals and families who will be displaced by a project if such project on any Federal-aid system cannot proceed to actual construction because replacement housing required by law cannot otherwise be made available. This is a last resort authority to be used when replacement housing is not available.

House Bill

This section authorizes the Secretary to approve as a part of the cost of highway construction, the construction of new housing and the acquisition, rehabilitation, and relocation of existing housing to serve as replacement housing for individuals and families displaced by the highway construction, when no replacement housing is available and cannot otherwise be made available (either by public housing agencies or private enterprise), and when the highway construction cannot be undertaken unless replacement housing is made available.

Whenever practicable, State highway departments shall utilize the services of State or local governmental housing agencies in such construction, acquisition, rehabilitation, and relocation of replacement housing.

Conference Substitute

Same as the provisions of the House bill.

Bridge alteration progress payments

Senate Amendment

No comparable provision.

House Bill

This section amends section 517 of title 23, United States Code, (section 7 of the "Truman-Hobbs Act") in order to eliminate the delay in reimbursing the bridge owner by permitting the Secretary of Transportation to make payments for design work performed prior to the actual commencement of the alteration but after the Order to Alter has been issued.

Conference Substitute

This is the same as the provision of the House bill.

Alaska Highway

Senate Amendment

This section would authorize the President to enter into negotiations with Canada to reach an agreement authorizing paving and reconstructing a portion of the Alaska Highway.

House Bill

Same as the provisions of the Senate amendment.

Conference Substitute

Same as both the Senate and House provisions.

Effective date of relocation provisions

Senate Amendment

This section would extend the time required for compliance by the States with certain provisions of Chapter 5, of Title 23 (Highway Relocation Assistance), until January 1, 1971, for any State which could not submit the required constitutional amendment for ratification prior to July 1, 1970.

House Bill

This section extends the deadline for State compliance with the relocation provisions of chapter 5 of title 23, United States Code, from July 1, 1970, to July 1, 1972, for any State which must amend its constitution to comply with chapter 5 and cannot submit the required amendment for ratification prior to July 1, 1970.

Louisiana is the only State affected by this provision. That State must amend its constitution in order to comply with chapter 5.

Conference Substitute

Same as the provisions of the House bill.

Future Federal-aid highway program

Senate Amendment

No comparable provision.

House Bill

This section directs the Secretary of Transportation to include in the highway needs report to be submitted to Congress in January, 1972, his recommendations for the functional realignment of the Federal-aid systems and for a continuing Federal-aid highway program for the period 1976 to 1990, and the designation of the new Federal-aid urban system and the cost of its construction.

The Secretary's recommendations shall be based on studies conducted in cooperation with State highway departments and local governments. In urban areas of more than fifty thousand population, the continuing comprehensive transportation process contemplated by section 134 of title 23, United States Code, shall be utilized.

Conference Substitute

Same as House provision.

Highway beautification

Senate Amendment

This section would amend section 131 of title 23 to provide a 5 percent penalty for the first year of noncompliance and an additional 1 percent for each year of continued noncompliance up to 10 percent; the penalty would be applicable on or after January 1, 1971, or the next regular session of the State Legislature, whichever is later; the controlled area would be extended to the limit of visibility except with respect to signs which are lawfully erected in permitted locations; sign removals covered by mandatory just compensation would be based on a schedule determined by agreement between the Secretary and a State consistent with the availability of Federal funds. All signs are to be removed within, or by the end of 5 years after they become nonconforming; the directional and official category of signs would be broadened to include signs of specific interest to the traveling public such as gas, food and lodging; and just compensation provisions would be based on the effective date of a State compliance law and would cover signs beyond 660 feet from the Interstate and primary highway right-of-way. The Secretary of Transportation would be authorized to carry out demonstration projects with one or more States to determine the best means of implementing this section.

Another section would amend section 136 of title 23 with regard to the penalty and the dates upon which it would become applicable consistent with section 131; screening would be required within 5 years for all lawfully existing junkyards; the controlled area would be extended to the limits of visibility; junkyard removals would be consistent with sign removals under section 131; Federal participation in State costs would be extended to cover removal, relocation, and disposal in addition to landscaping and screening; and just compensation would be extended consistent with the applicable provisions in section 131.

Another section would amend section 319 (b) of title 23 to include the costs of developing publicly owned and controlled information center buildings.

The Secretary would be authorized and directed to conduct a comprehensive study of on-premise signs and submit a report of such study, together with recommendations, no later than January 1972.

Authorizations for the Highway Beautification Programs, which for the first time would be funded from the Highway Trust Fund, are as follows:

[In millions of dollars]

Category	1971	1972	1973
Control of outdoor advertising (sec. 131)	27.0	20.5	50
Control of junkyards (sec. 136)	3.0	3.0	5
Landscaping and scenic enhancement (sec. 319(b))	0	1.5	10
Administration of secs. 131, 136, and 319(b)	1.5	1.5	3

House Bill

This section authorizes the appropriation of $27 million for fiscal year 1971 and $20.5

million for fiscal year 1972 for control of outdoor advertising; $2 million for each of the fiscal years 1971 and 1972 for junkyard control; and $1.5 million for each of the fiscal years 1971 and 1972 for necessary administrative expenses in carrying out the highway beautification programs.

Another section establishes a Commission on Highway Beautification composed of 4 members from the House Committee on Public Works, 4 from the Senate Committee on Public Works, 4 appointed by the President and one elected by majority of the other twelve to serve as Chairman.

The Commission shall study and review the existing law, policies and practices related to control of outdoor advertising and junkyards; compile data on the Nation's highway beautification needs; make appropriate recommendations, and submit a final report within one year after enactment of this section. Six months after the final report is submitted the Commission will cease to exist.

All Federal departments, agencies or instrumentalities shall provide the Commission with any information it requests. Each Federal Department and agency concerned with the control of outdoor advertising and junkyards shall appoint a liaison officer to work closely with the Commission. The Commission is instructed to seek the advice of various groups interested in these problems.

Up to $800,000 is authorized to be appropriated for use by the Commission in carrying out the provisions of this section, and appropriations shall be available until expended. The Commission is authorized to appoint such staff personnel as may be necessary, employ experts and consultants, and contract with public and private organizations for studies and surveys. It may also transfer funds to Federal agencies to carry out such of its duties as it determines can best be carried out in this manner.

Conference Substitute

The conference substitute is the same as the House provisions with the following exceptions:

Both section 131 (outdoor advertising) and section 136 (junkyards) are funded out of the general fund for the additional fiscal year ending June 30, 1973, section 131 at a level not to exceed $50,000,000 and section 136 at the levels contained in the Senate amendment.

The Highway Beautification Commission is reduced in number to eleven members, four from each House of Congress, and three appointed by the President, who shall choose their own chairman from among their membership. In addition, the Commission's basic function is expanded to make specific mention of problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information essential to the motoring public, and a requirement to study methods of financing (including possible use of the Highway Trust Fund), all with a view to achieving a remarkable and effective highway beautification program and best serve the public interest. The Commission is required to report not later than one year after it is funded. The authorization for the Commission is reduced to $200,000.

The conferees agreed that the creation of this Commission is not to be construed as derogating in any way from active implementation of the existing program without reduction and as authorized during this study.

The specific demonstration project authorized in the Senate amendment has been deleted since existing law, in the opinion of the conferees, already authorizes this type of demonstration project.

Elimination of segments of Interstate System not to be constructed

Senate Amendment

This provision would insure the early completion of the presently designated Interstate System by requiring the States to submit to the Secretary by Jan. 12, 1973, a firm schedule for the completion of segments on the Interstate System and to have brought these segments to the construction stage by July 1, 1975. Any segment not included in the schedule by 1973 and ready for construction by 1975 will remain as part of the Interstate System but would not be eligible for funding at the 90–10 ratio.

House Bill

This section requires the Secretary, on December 31, 1973, to remove from designation as part of the Interstate System any segment for which the State has not established a construction schedule, within the period of availability of funds authorized to be appropriated, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. This section is intended to require that final decisions be made within the next 3 years as to whether or not to build such segments.

Nothing in this section shall prohibit the substitution, prior to December 31, 1973, of alternative segments which will serve the same urban areas as the segments which would be removed from the system.

Conference Substitute

The conference substitute is the same as the House provisions with the following changes: (1) The date for removal from designation is advanced from December 31, 1973, to July 1, 1973, and (2) any segment of the Interstate System with respect to which a State has not submitted plans, estimates, and specifications for approval by the Secretary before July 1, 1975, is to be removed from designation and will not thereafter be eligible for redesignation on the System.

Urban area traffic operations improvement programs

Senate Amendment

The 1968 Act added a new section 135 to title 23 establishing a continuing program designed to reduce traffic congestion and facilitate the flow of traffic within urban area. Under this section as amended, the Secretary may approve projects on an extension of the Federal-aid primary or secondary systems in urban areas for improvements which facilitate and control traffic flow if the project is based on a continuing comprehensive planning process in accordance with 23 U.S.C. 134.

House Bill

This section clarifies section 135(b) of title 23, United States Code, in two respects: (1) it makes clear that the TOPICS program is applicable in urban areas of 5,000 to 50,000 population, as well as in those urban areas of greater population; and (2) it requires that such projects be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title only in urban areas of more than fifty thousand population.

Conference Substitute

The conference substitute is the same as the House provision.

Authority for demonstration projects

Senate Amendment

No comparable provision.

House Bill

This section would provide more flexibility in the eligibility requirements for "one-half of one percent research funds" by authorizing inclusion as Demonstration Projects, the installation of newly developed concepts and systems in the actual highway system. Hence, new products and concepts could be studied as part of the ongoing highway program to develop reliable data on their cost effectiveness before they might become part of the highway design standards.

Conference Substitute

The conference substitute is the same as the House bill.

Economic growth center development highways

Senate Amendment

No comparable provision.

House Bill

This section authorizes the Secretary to make grants for demonstration projects for the construction, reconstruction, improvement, planning, surveying, and investigation of highways that would lead to the development of "economic growth centers" and surrounding areas.

A Governor may recommend, within his State for the Secretary's approval, the location and priorities for "economic growth centers" and development highways to serve them. In approving a project, the Secretary is required to determine that it will promote the purposes of this section, and that it meets such criteria as he deems necessary, including capability of development and has a population of 100,000 or less according to the latest Federal census.

The Secretary is authorized to pay up to 100 percent of the cost of engineering and economic surveys or other investigations necessary for the planning and design of the "economic development growth center" highways.

Any of these highways which are not already part of the Federal-aid system will be added to the appropriate system.

The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway is 70 percent. This section authorizes out of the Highway Trust Fund, the sum of $100,000,000 for each of the fiscal years 1972 and 1973. No State shall receive in any fiscal year more than 15% of the total funds authorized in that fiscal year to carry out this section.

Conference Substitute

The conference substitute is essentially the same as the House provision with the following changes: First, these development highways are required to be on the Federal-aid primary system. Second, the purpose of these development highways is expanded to emphasize the encouragement of business and industry in rural areas, the mobility of labor in sparsely populated areas, and improve rural citizens' access to health care, recreation, employment, education, and similar activities. Third, the Federal share of the cost of a Federal-aid primary highway project is to be increased by not to exceed an additional 20 percent but in no case shall the Federal share exceed 95 percent of the cost of the project. Fourth, the Secretary is required to consult with the Secretary of Commerce with respect to the criteria for economic growth centers. Fifth, in the case of projects within the Appalachian region and economic development regions under title V of the Economic Development Act of 1965 appropriate consultation is required with the Federal Cochairman, and in the case of economic development regions, the Secretary of Commerce as well. The criteria for the selection of growth centers in these regions is also to take into account the purposes of the Appalachian Regional Development Act and the Public Works and Economic Development Act and, in addition, close coordination is required with the Federal Cochairman, and the Secretary of Commerce, as appropriate.

XUM

Sixth, the monetary authorization is reduced to $50,000,000 per year for fiscal years 1972 and 1973.

The additional criteria and requirements for projects in Appalachia and the economic development regions are not to derogate from equal consideration for these projects in these regions.

Federal share of engineering costs

Senate Amendment

No comparable provision.

House Bill

This section would allow the Secretary to reimburse a State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for a project, rather than on the basis of an audit of actual engineering costs for the project.

Conference Substitute

Same as the provisions of the House bill.

District of Columbia

Senate Amendment

This section would repeal subsections (a), (b), and (c) of section 23 of the Federal-Aid Highway Act of 1968. The effect of the enactment of this section would be to place the implementation of the interstate highway program within the District of Columbia on the same basis as in any other State. Repeal would constitute neither approval nor rejection of any particular Interstate System segment in the District.

For those projects mandated by the 1968 provision on which construction has actually begun, such repeal would have no effect on lawful actions taken. Executive of such projects could be pursued once pending litigation has been concluded and the terms of the judicial order, if any, are met.

House Bill

This section directs the government of the District of Columbia to begin work not later than 30 days after the date of enactment of this Act on the following projects as authorized in section 23(a) of the Federal-Aid Highway Act of 1968: (1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (section C4.1 to C6); and North Central and Northeast Freeways, I–95 (section C7 to C13) and I–70S (section C1 to C2).

The authorization for the South Leg of the Inner Loop is repealed and the route of the South Leg project is removed from designation as part of the Interstate System.

The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95 and report to Congress within 12 months after the date of enactment of this Act their recommendations with respect to that project including alternative routes or plans.

Conference Substitute

The government of the District of Columbia and the Secretary of Transportation are required to restudy the projects for the East Leg of the Inner Loop, and North Central and Northeast freeways required to be constructed by the provisions of the House bill and report to Congress within 12 months their recommendations, including alternative routes or plans.

The authorization for the South Leg of the Inner Loop is not repealed and that project remains designated as part of the Interstate System.

The project for the North Leg of the Inner Loop required to be studied by the provision of the House bill is retained.

Toll roads

Senate Amendment

No comparable provision.

House Bill

This section expresses the sense of Congress that no motorist using a toll road on the Interstate System for a continuous intrastate trip should be required to stop more than twice for the collection of tolls, and that where toll roads on the Intrastate System connect at State boundaries, such States should provide common toll facilities at such points so that motorists will have to make only one stop at such points for the collection of tolls.

Conference Substitute

The conference substitute does not contain this provision.

Indian reservation roads and bridges

Senate Amendment

No comparable provision.

House Bill

This section broadens the definition of "Indian reservation roads and bridges" in 23 U.S.C. 101(a) to include roads and bridges on State-controlled Indian reservations, trust lands, and restricted Indian lands, as well as roads and bridges on such lands under Federal control.

Conference Substitute

Same as the House bill.

Richmond-Petersburg Turnpike

Senate Amendment

No comparable provision.

House Bill

This section authorizes the Secretary to amend an agreement entered into in 1964 with the Commonwealth of Virginia pursuant to the provisions of section 129(d) of title 23, United States Code, relative to Federal participation in the cost of the approaches to the Richmond-Petersburg Turnpike. That agreement provided that the toll road would become free upon collection of tolls sufficient to pay maintenance and operation and to liquidate the debt incurred by construction of the toll road.

The amended agreement provided for by this section would allow the Toll Road Commission to issue additional bonds to cover the cost of adding additional lanes to the toll road. The agreement will also provide that the date for freeing the turnpike will not be extended beyond the maturity date for the bonds issued pursuant to the original agreement.

Conference Substitute

Same as the House provision.

Airport access

Senate Amendment

This section would require the Secretary to give priority to projects which will provide adequate, direct, and convenient access to public airports and seaports. In addition the Secretary is directed to give priority to those secondary road projects which will encourage the social and economic development of rural communities.

House Bill

This section would require the State highway departments in preparing programs to submit in accordance with section 105(a) of title 23, United States Code, to give consideration to projects providing direct and convenient public access to public airports and in approving such programs the Secretary shall give consideration to these projects.

Conference Substitute

The conference substitute is essentially the same as the provisions of the House bill, expanded to include public ports for water transportation as well as airports.

Federal participation in the improvement of toll roads

Senate Amendment

This amendment to section 129 of title 23, would change existing Federal law to permit participation in safety improvements of toll roads which are part of the Interstate System, but only on the condition that the State and the toll authority agree to remove tolls when the bonded indebtedness outstanding as of the date of the agreement is liquidated.

House Bill

No comparable provision.

Conference Substitute

The conference substitute would authorize Federal participation in the construction of a toll road which provides for only two lanes of traffic and which is on the Interstate System in order to bring it to the geometric and construction standards for the Interstate System (including the requirement in section 109(b) of title 23, United States Code, for at least four lanes) and to facilitate removal of the tolls therefrom. Federal participation would be on the same basis as in the case of free Interstate System highways, would be limited to those two lane toll roads which were designated as part of the Interstate System before June 30, 1968, and would be contingent upon an agreement with the State highway department and the toll route authority that no indebtedness to be liquidated by a collection of tolls is to be incurred after the date of enactment of the subsection, that all tolls received less cost of operation and maintenance will be applied to repayment of bonds outstanding on the date of enactment constituting a valid lien against the toll road, and that upon liquidation of the bonds the road will become a road free to the public.

The conferees wish to make it clear that, if a two lane toll road which is otherwise eligible for assistance under this section contains additional climbing lanes along its route, these climbing lanes are not to be counted for the purpose of determining the eligibility of the toll road for assistance.

Fringe and corridor parking facilities

Senate Amendment

This section would enact as a continuing program the demonstration fringe parking program provided by the 1968 Federal-Aid Highway Act. Funds for fringe and corridor parking facilities authorized under this section would be available from authorizations for the Federal-aid urban system. Fringe parking areas are not intended for use by onsite developers.

House Bill

No comparable provision.

Conference Substitute

Same as the Senate provision.

Public hearings

Senate Amendment

The two-hearing procedure, established by regulation after enactment of the Federal-Aid Highway Act of 1968, would be enacted into law. An additional hearing would be required on urban plans required under section 134 of title 23 to afford citizens the opportunity to present their views as to the transportation systems which would best serve their needs. Responsibility for conducting the hearings would rest with State and local officials designated by the Governor or the duly constituted State authority. The certification and transcript of the hearing now required by law would have to be accompanied by a report indicating the consideration given to the economic, social, environmental and other impacts of the plan, highway location, and the design and the various alternatives raised at the hearings or otherwise considered by the certifying officer.

House Bill

No comparable provision.

Conference Substitute

The conference substitute would amend the existing provisions of section 128 of title 23, United States Code, by adding a new sentence requiring the certification of public hearings be accompanied by a report indicating the consideration given to the economic, social, environmental, and other effects of the plan for highway location or

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design and various alternatives which were raised during the hearing or which were otherwise considered.

Economic, social, environmental, and other impact

Senate Amendment

This section would amend various provisions of title 23 to insure proper consideration of economic, social, environmental, and other impacts in the development of highway design and construction plans

Subsection (a) would expand the definitions of "construction" and "highway" contained in section 101(a), title 23, to require fuller consideration of these matters in the various stages of highway design and construction. The change in the definition of construction as it relates to "economic, social, environmental and other factors" would become effective in 1974 when the guidelines required by section 109(h) would be implemented, and funds apportioned to the States highway construction would be available to implement such guidelines.

The change in the definition of highway is designed to secure the benefits of the relocation assistance program required by Chapter 5 of Title 23 to those persons located outside of the right-of-way acquisition lines who suffer the kinds of injury that Chapter 5 is designed to mitigate.

Subsection (b) would require all-out efforts to minimize soil erosion which occurs during and after construction of a highway project. These efforts are to be carried out in accordance with the guidelines required by subsection (g) of section 109 of title 23 as it was originally enacted in the Federal-aid Highway Act of 1966.

Subsection (c) would require the Secretary to develop and issue guidelines for avoiding, minimizing and overcoming adverse economic, social, environmental and other impacts of Federal-aid highway projects.

After July 1, 1974, plans and specifications for any project would be required to include adequate measures to solve the impact problems identified in an analysis of the project. Among the problems which would be accounted for are:

(1) Air, noise, and water pollution;

(2) Destruction, or disruption of man-made and natural resources, aesthetic values, community cohesion, and the availability of public facilities and services;

(3) Adverse employment effects, and tax and property value losses;

(4) Injurious displacement of people, business, and farms; and

(5) Disruption of desirable community and regional growth.

In the period following the issuance of the guidelines and before their effective date the Congress will have an opportunity to review the actions of the Secretary.

Subsection (c) would also require the Secretary to issue noise level standards for highways and to require that the appropriate standards be applied to proposed highway projects. In addition the Secretary would be required to insure that any highway construction project is designed so as to be consistent with approved air-quality implementation plans in the air-quality region in which the project is located.

Subsection (d) would authorize research programs to develop methods of how to deal with adverse economic, social and environmental effects.

House Bill

No comparable provision.

Conference Substitute

The conference substitute is the same as the provisions of the Senate amendment with the following changes:

(1) The provisions of subsection (a) of the Senate section have been deleted.

(2) The revision of section 109(g) of title 23, United States Code, would require the Secretary to issue within 30 days after the enactment of this Act guidelines for minimizing possible soil erosion from highway construction. These are to apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of the guidelines. The proposed new section 109(h) of title 23 would require the Secretary, not later than July 1, 1972, after appropriate consultation to submit to Congress and not later than 90 days thereafter promulgate guidelines designed to assure the possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered and the final decisions made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and costs of eliminating or minimizing such adverse effects and the following:

(A) Air, noise, and water pollution.

(B) Destruction or disruption of man-made and natural resources, esthetic values, community cohesion, and availability of public services and facilities.

(C) Adverse employment effects and tax and property value losses.

(D) Injurious displacement of people, businesses, and farms.

(E) Disruption of desirable community and regional growth.

These guidelines are to apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of the guidelines.

Interest payments for replacement housing

Senate Amendment

Relocation assistance payments for replacement housing would be expanded to include compensation for any increased rates of interest required for the financing of a replacement dwelling.

House Bill

No comparable provision.

Conference Substitute

Same as the Senate amendment.

Alaskan assistance

Senate Amendment

Subsection (a) of this section would amend the special Alaska Highway authorization in the Federal-Aid Highway Act of 1966 to extend it to FY 1973, to increase the authorization for FY 1972 and FY 1973 to $20 million and to make these funds available from the Highway Trust Fund. Subsection (b) of this section eliminates certain right-of-way reservations on Alaska property.

House Bill

No comparable provision.

Conference Substitute

This is the same as the provisions of the Senate amendment except that authority for use of these funds for maintenance of highways has been stricken and use of the funds is limited to Federal-aid highway projects.

Ferry boats

Senate Amendment

This amendment to section 129 of title 23, United States Code, would authorize Federal participation in the construction of Marine highway facilities, whether toll or free. The Secretary should permit such participation only when it is determined that there is no suitable or feasible land highway alternative available.

House Bill

No comparable provision.

Conference Substitute

The conference substitute amends section 129 of title 23, United States Code, to add a new subsection which would authorize the Secretary to permit Federal participation in the construction of ferry boats whether toll or free, if the following conditions are met:

(1) It is not feasible to build a normal highway structure in lieu of using a ferry.

(2) The ferry will be operated on a route approved under section 103 (b) or (c) of title 23, United States Code, as part of one of the Federal-aid systems within the State and has not been designated as a route on the Interstate System.

(3) The ferry is to be publicly owned and operated.

(4) The operating authority and fare structure is to be under the control of the State (including an interstate agency) and all revenues are to be applied to actual and necessary costs of operation, maintenance, and repair.

(5) The ferry is to be operated only within the State or between adjoining States and no part of its operation is to be in any foreign waters or any international waters.

(6) The ferry is not to be sold, leased, or otherwise disposed of without the approval of the Secretary, and the Federal share of any proceeds therefrom are to be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the State and are to be available for expenditure in accordance with the provisions of title 23.

Future additions to Interstate System

Senate Amendment

This amendment would enable States to request the Secretary to designate any primary system highway which is a logical addition or connection to the Interstate System as part of the system, if it otherwise meets the definition of an Interstate segment, and the State promises to build the highway to Interstate standards within 12 years from the date of the agreement. The provision specifically states that no special Federal financing will be available for such construction and the States will use whatever Federal funds or State funds are available for highway purposes.

In order to prevent confusion and to avoid misleading the traveling public, the Secretary must require that any marking of such highways or map references to such highways prior to their reconstruction to Interstate standards be by special sign.

House Bill

No comparable provision.

Conference Substitute

The conference substitute is the same as the Senate amendment except that the designation would only be that the highway would be a future part of the Interstate System, not as an immediate part, and a prohibition has been added against any reference to the highway, including signing and marking thereof, as a part of the Interstate System prior to the time that it is actually constructed to the standards and designated as part of the System.

Definitions

Conference Substitute

This section is a conforming amendment to section 101(a) of title 23, United States Code, made necessary by the decision of the conferees to provide authorization for forest highways and public lands highways out of the Trust Fund. These changes in definition would insure that these highways be on the Federal-aid systems.

Cost reduction

Senate Amendment

The Secretary would be authorized to secure a value-engineering or other cost-reduction analysis of the plans, specifications and estimates for proposed Federal-aid

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highway projects when he determines such action advisable.

House Bill

No comparable provision.

Conference Substitute

This is the same as the provisions of the Senate Amendment. The conferees however agreed that value-engineering or other cost reduction analyses are not to be used to delay a decision on a project.

Urban transportation planning

Senate Amendment

This section would amend section 134 of title 23, to require that before any highway project can be constructed in an urban area of 50,000 population or more, the responsible public officials in the area must have been consulted and their views considered with respect to the corridor, the location, and the design of the project.

In addition, section 134 of title 23, United States Code, is amended to add a new subsection (b) to require the Secretary to define those contiguous interstate areas in which the movement of persons and goods between principal metropolitan areas, cities, and industrial centers has reached or is expected to reach a critical volume in relation to capacity of existing and planned transportation systems to efficiently accommodate present demands and future growth.

After consultation, the Secretary is required to designate by regulation as a critical transportation region or corridor each area most urgently requiring accelerated development of transportation systems and, after notification of the Governors and local officials of that designation, to provide by regulation for the establishment of planning bodies to assist in the development of coordinated transportation planning and to provide assistance including financial assistance to such bodies.

House Bill

No comparable provision.

Conference Substitute

The conference substitute is the same as the Senate amendment with respect to its amendment of subsection (a) of section 134 of title 23. With respect to subsection (b), it is similar to the Senate provision but instead of requiring the Secretary to take these actions, it authorizes him to do so and limits the monetary authorization to not to exceed $500,000 out of the general fund.

Study of relationship of highway construction to public transportation services

Senate Amendment

This section would direct the Secretary to study the relationship between the highway program and public transportation services which use highways. The report together with any recommendations is to be submitted to the Congress by February 1, 1972.

House Bill

No comparable provision.

Conference Substitute

Same as the Senate amendment except the reporting date is made January 1, 1972.

Saint Clair River Bridge

Senate Amendment

This section permits certain Federal-aid highway funds paid to the State of Michigan for construction of the bridge and approaches over the Saint Clair River at Port Huron, Michigan, to be repaid to the United States. They are then to be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". This repayment is to be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to Michigan. This amount so credited shall be in addition to all other funds then apportioned to the State and available for expenditure in accordance with title 23, United States Code. Upon this repayment being made, the bridge and its approaches are freed of all restrictions with respect to the imposition and collection of tolls or charges thereon in title 23 or in section 17(d) of the Act of August 30, 1935, or any regulation or agreement thereunder. Tolls or charges imposed and collected on such bridge or for the use thereof are not to exceed the amount necessary for proper maintenance, repair, and operation under economical management.

House Bill

No comparable provision.

Conference Substitute

This is the same as the Senate amendment.

Baltimore-Washington Parkway

Senate Amendment

No comparable provision.

House Bill

Authorized $65,000,000 to reconstruct to six lanes the section of the Baltimore-Washington Parkway in Maryland to the Interstate System standards.

Conference Substitute

The same as the House provision except that funding is from the Highway Trust Fund and before expending any funds there must be an agreement with Maryland, DOT, and Interior that on completion of the reconstruction Interior will convey the reconstructed section to the State of Maryland and the State of Maryland must agree, before any funds are expended, to put this section on the Federal-aid primary system and thereafter to retain it on that system.

TITLE II

Highway safety

Senate Amendment

The Highway Safety Act of 1966 would be amended to provide that apportionment of safety funds to the States would be based 75 per centum on the population and 25 per centum on the public-road mileage in each State, but that no State would receive less than one-third of one per centum of the total apportionment.

House Bill

The provisions of this section recognize the administrative reorganization of the Federal Highway Administration which occurred on March 22, 1970, and provides the statutory authority necessary to establish a new National Highway Traffic Safety Administration, with an Administrator, at the same organizational level as the other Administrations within the Department of Transportation. The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration until the first Administrator is named.

Responsibilities for carrying out the provisions of the Highway Safety Act of 1966 are divided between the Federal Highway Administration and the National Highway Traffic Safety Administration, the same as has already been accomplished administratively by the Secretary.

The Highway Safety Act of 1966 provides that the funds authorized to be appropriated for fiscal years 1967, 1968, and 1969 for State and local highway safety programs be apportioned among the States 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion deems appropriate, and that thereafter funds for such safety programs shall be apportioned as Congress shall subsequently provide by law. This section authorizes the apportionment of funds to the States 75 per centum on the basis of population and 25 per centum on the basis of public road mileage.

After December 31, 1970, the Secretary shall not promulgate any standards for State and local highway safety programs that do not relate to safety program elements for which standards have been previously promulgated, unless specifically authorized to do so by statute hereafter enacted.

The appropriation of funds for carrying out the Highway Safety Act of 1966 are authorized separately for those functions to be administered through the Federal Highway Administration and through the Federal Highway Traffic Safety Administration as follows:

For highway safety programs administered by the National Highway Traffic Safety Administration, $75 million for fiscal year 1972 and $100 million for fiscal year 1973; and for highway safety programs administered by the Federal Highway Administration, $30 million for each of such fiscal years, of which $15 million is authorized to be appropriated from the Highway Trust Fund.

For highway safety research and development administered by the National Highway Traffic Safety Administration, $30 million for fiscal year 1972 and $45 million for fiscal year 1973; and for that administered by the Federal Highway Administration, $10 million for each of the fiscal years.

Authorization for appropriations for fiscal years 1970 and 1971 is repealed, for no appropriations have been made, and none are planned to be made, under this authority.

Conference Substitute

The conference substitute is the same as the provisions of the House bill with the following changes:

The Deputy Administrator will be appointed by the Secretary of Transportation with the approval of the President. The provision on apportionment of funds for State and local highway safety programs is amended to ensure that each State shall receive not less than one-third of 1 percent of the total apportionment.

The provision prohibiting promulgation of new standards after December 31, 1970, is amended to permit new standards but to require that at least 90 days prior to the effective date of a new standard it must be submitted to Congress.

The authorizations are amended as follows: For highway safety programs administered by the National Highway Traffic Safety Administration, $75,000,000 for fiscal year 1972 and $100,000,000 for the fiscal year ending June 30, 1973. For highway safety research and development administered by the National Highway Traffic Safety Administration, $70,000,000 for the fiscal year ending June 30, 1972, and $115,000,000 for the fiscal year ending June 30, 1973.

For highway safety programs administered by the Federal Highway Administration, $30,000,000 per year for fiscal years 1972 and 1973, and for highway safety research and development and section 307(a) of title 23, United States Code, administered by the Federal Highway Administration, $10,000,000 per fiscal year for fiscal 1972 and 1973.

In the case of each such authorization there is a requirement that two-thirds of all the funds authorized and expended under the paragraph in any fiscal year will be appropriated out of the Highway Trust Fund.

Demonstration projects

Senate Amendment

No comparable provision.

House Bill

This section authorizes the Secretary, in cooperation with the Governors of the States, to undertake demonstration projects for alcohol safety action programs including multidisciplinary crash investigation teams and demonstration projects relating to enforcement of motor vehicle and traffic laws. Not more than one demonstration project of each type shall be undertaken in any one

State, and all such projects shall be completed by June 30, 1974.

The Secretary shall submit progress reports, with recommendations, to the Congress not later than June 30th of 1971, 1972, and 1973, and he shall submit a final report, with recommendations, to the Congress, not later than July 31, 1974.

There is authorized to be appropriated for the four-fiscal-year period ending June 30, 1974, out of the Highway Trust Fund, the following sums: (1) $171.6 million for alcohol safety action programs; (2) $35.2 million for multidisciplinary crash investigation teams; and (3) $75 million for motor vehicle and traffic laws enforcement projects.

Conference Substitute

The conference substitute does not contain this provision because of the action of the conferees with respect to the general authorizations for the highway safety programs.

Highway safety programs

No comparable provision.

Senate Amendment

House Bill

This section centralizes responsibility for State highway safety programs by requiring that, after December 31, 1971, the Governor of a State shall be responsible for the administration of such programs through a State highway safety agency suitably organized and possessed of adequate powers to carry out such programs to the satisfaction of the Secretary.

Conference Substitute

Same as the House provision with the requirement, however, that instead of a "State highway safety agency" the program be administered through a "State agency".

Bridge reconstruction and replacement

Senate Amendment

This section would establish a replacement program for bridges on any Federal-aid system which are no longer capable of safely handling traffic. A national priority inventory would determine which bridges should be replaced first. The priority would be based on safety and the economic importance of the structure to the area served. The Federal share payable for these projects would be up to 75 per centum, and $150 million would be authorized out of the Highway Trust Fund for each of the fiscal years 1971, 1972 and 1973 for this program.

House Bill

Each State is authorized to use not more than 10% and is required to use at least 5% (unless the Secretary determines that 5% exceeds the needs of the State) of all sums apportioned for the ABC program for fiscal year 1972 and each subsequent fiscal year to pay the Federal share of the cost of reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary or secondary system, if the existing bridge is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. It is estimated that this section will apply to approximately 465 bridges, the reconstruction or replacement of which will cost approximately $2 billion.

The Federal share of the cost of any project for the reconstruction or replacement of a bridge under this section is 90%, or that applicable to the ABC program, whichever is the larger.

The Secretary is required to report annually to the Congress on projects approved under this section together with his recommendations relating to bridge reconstruction and replacement.

Conference Substitute

The conference substitute is essentially the Senate provision expanded to include bridges over waterways generally rather than just those over major rivers and is expressly applicable to bridges which are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence and requires the classification of the inventory to be based on serviceability, safety, and essentiality for public use. In addition, the provisions of the General Bridge Act of 1946 are made applicable to bridges authorized to be constructed and reconstructed to replace unsafe bridges under this section. The monetary authorizations are limited to fiscal years 1972 and 1973 at $100,000,000 and $150,000,000, respectively.

Rail crossings

Senate Amendment

No comparable provision.

House Bill

This section authorizes the Secretary to carry out a demonstration project for the elimination of all public ground level rail-highway crossings along the route of the high-speed rail demonstration project between Washington, D.C. and Boston, Massachusetts; and a demonstration project for the elimination or protection of certain public ground level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

The Federal share for such work on a Federal-aid highway shall be 90% and the railroad's share shall be 10%. On a non-Federal-aid highway, the Federal share shall be 80%, the railroad's share be 10%, and the State's share be 10%.

The section authorizes $9 million to be appropriated from the Highway Trust Fund to pay the Federal share of work done on Federal-aid highways and $22 million from the general fund of the Treasury to pay the Federal share of work done on non-Federal-aid highways.

In addition, the Secretary shall, in cooperation with State highway departments, conduct a study of the problem of providing increased highway safety at ground-level rail-highway crossings throughout the country, and report his findings and recommendations to the Congress not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized for carrying out highway research and planning under 23 U.S.C. 307 may be used to carry out this study.

Conference Substitute

Same as the House bill.

Elimination of railway-highway grade hazards

Senate Amendment

No comparable provision.

House Bill

Section 207 of the House bill amends existing law to require that not less than 5 percent of all sums apportioned to each State for the ABC program (unless the Secretary determines that a lesser amount will meet the needs of the State) shall be used for the use of railway-highway grade hazards.

Conference Substitute

This does not contain this provision of the House bill.

TITLE III

Senate Amendment

No comparable provision.

House Bill

Title III of the House amendment extends the Highway Trust Fund for five years. It postpones for five years those tax rate reductions scheduled to take effect at the expiration of the Trust Fund under present law in 1972. It also extends for five years the provisions dealing with payments out of the Trust Fund, including payments to the land and water conservation fund.

Conference Substitute

This is the same as the provisions of the House bill.

GEORGE H. FALLON,
JOHN C. KLUCZYNSKI,
JIM WRIGHT,
ED EDMONDSON,
WILLIAM C. CRAMER,
WILLIAM H. HARSHA,
JAMES C. CLEVELAND,
Managers on the Part of the House.

RIVERS AND HARBORS AND FLOOD CONTROL ACTS OF 1970—CONFERENCE REPORT

Mr. BLATNIK submitted the following conference report and statement on the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes:

CONFERENCE REPORT (H. REPT. 91-1782)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—RIVERS AND HARBORS

SEC. 101. The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated. The provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full.

NAVIGATION

Pleasant Bay, Massachusetts: House Document Numbered 91-340, at an estimated cost of $10,221,000;

Baltimore Harbor and channels, Maryland and Virginia: Chief of Engineers report dated September 21, 1970, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project, and except that construction shall not be initiated until approved by the Secretary of the Army and the President;

Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina: Chief of Engineers report dated November 24, 1970, at an estimated cost of $11,220,000, except that construction shall not be initiated until approved by the Secretary of the Army and the President;

Manteo (Shallowbag) Bay, North Carolina: House Document Numbered 91-303, at an estimated cost of $10,769,000;

Pamlico River and Morehead City Harbor, North Carolina: Report of the Chief of Engineers dated November 23, 1970, at an esti-

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mated cost of $2,642,000, except that construction shall not be initiated until approved by the Secretary of the Army and the President;

Port Sutton, Tampa Harbor, Florida: House Document Numbered 91–150 maintenance;

Tampa Harbor, Florida: House Document Numbered 91–401, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of such project; after the date of enactment of this Act the Secretary of the Army, acting through the Chief of Engineers, shall maintain the Port Sutton Terminal Channel and the East Bay Channel and Turning Basin;

Freeport Harbor, Texas: Chief of Engineers report dated November 23, 1970, at an estimated cost of $13,710,000, except that construction shall not be initiated until approved by the Secretary of the Army and the President;

Coos Bay, Oregon: House Document Numbered 91–151, at an estimated cost of $9,100,000;

Nawiliwili Harbor, Kauai, Hawaii: Chief of Engineers report dated November 24, 1970, at an estimated cost of $1,952,000, except that construction shall not be initiated until approved by the Secretary of the Army and the President.

BEACH EROSION

Lido Key, Florida: House Document Numbered 91–320, at an estimated cost of $240,000; the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse or credit local interests for work performed by them subsequent to July 1, 1968, and in accordance with the recommended plan of improvement.

Sec. 102. The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of a navigation channel, having a depth of seventeen feet at mean low water, and a width of one hundred feet, extending a distance of approximately two and one-half miles from deep water in Saint Georges Creek, Maryland, to the Harry Lundeberg School of Seamanship at Piney Point, Maryland, and terminating in a turning basin at that location. Such project because of its immediate and long-range value to the United States Merchant Marine and to national defense, is hereby authorized, at an estimated cost of $475,000, as determined to be feasible and justified by the Chief of Engineers and Secretary of the Army with the approval of the President, unless within the first period of ninety calendar days of continuous session of the Congress after the date on which the report is submitted to it, such report is disapproved by the Congress. The requirements for cooperation shall include provisions that local interests shall furnish all lands, easements, and rights-of-way for construction and future maintenance of the project; hold and save the United States free from damages, and bear the cost of all spoil disposal areas.

Sec. 103. The costs of operation and maintenance of the general navigation features of small boat harbor projects authorized between January 1, 1970, and December 31, 1970, under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, shall be borne by the United States.

Sec. 104. The proviso in section 6 of the Act of July 3, 1930, as amended (48 Stat. 948; 33 U.S.C. 569a), is amended to read as follows: "*Provided*, That individuals so engaged may be paid at rates not to exceed the daily equivalent of the rate for GS–18 for each day of their services."

Sec. 105. The civilian members of the Board on Coastal Engineering Research authorized by the Act of November 7, 1963 (33 U.S.C. 426–2) may be paid at rates not to exceed the daily equivalent of the rate for GS–18 for each day of attendance at Board meetings, not to exceed thirty days per year, in addition to the traveling and other necessary expenses connected with their duties on the Board in accordance with the provisions of 5 U.S.C. 5703 (b), (d), and 5707.

Sec. 106. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Shooters Island, New York, possible removal and utilization for fill and widening of Arthur Kill.

Elk River, Maryland.

Stillpond Creek, Kent County, Maryland.

Patapsco River, Brooklyn, Maryland.

Kanawha and James Rivers, with a view to determining the advisability of providing a waterway connecting the Kanawha River, West Virginia, and James River, Virginia, by canals and appurtenant facilities.

Ventura Marina to Ventura Keys, Ventura County, California.

Harbors and rivers in American Samoa and the territory of Guam, in the interests of navigation, flood control, and related water resources purposes.

Kaneohe Bay, Oahu, Hawaii, with a view of recommending improvements in the interests of pollution abatement, navigation, recreation, and overall bay development.

Wailua, Kauai, Hawaii (beach erosion).

West Hawaii, Kona area, Hawaii, Hawaii (beach erosion).

Maunalua Bay, Oahu, Hawaii (beach erosion).

Hanauma Bay, Oahu, Hawaii (beach erosion).

Kaaawa area, Oahu, Hawaii (beach erosion).

Hauula area, Oahu, Hawaii (beach erosion).

Mokuleia area, Oahu, Hawaii (beach erosion).

Keehi Lagoon area, Oahu, Hawaii (beach erosion).

Sandy Beach Park, Oahu, Hawaii (beach erosion).

Ewa Beach, Oahu, Hawaii (beach erosion).

Maile-Waianae coast area, Oahu, Hawaii (beach erosion).

Sec. 107. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to conduct a survey of the Great Lakes and Saint Lawrence Seaway to determine the feasibility of means of extending the navigation season in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and Saint Lawrence Seaway—Navigation Season Extension."

(b) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Departments of Transportation, Interior, and Commerce, including specifically the Coast Guard, the Saint Lawrence Seaway Development Corporation, and the Maritime Administration; the Environmental Protection Agency; other interested Federal agencies, and non-Federal public and private interests, is authorized and directed to undertake a program to demonstrate the practicability of extending the navigation season on the Great Lakes and Saint Lawrence Seaway. Such program shall include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities, and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather and ice conditions. The Secretary of the Army, acting through the Chief of Engineers, shall submit a report describing the results of the program to the Congress not later than July 30, 1974. There is authorized to be appropriated to the Secretary of the Army not to exceed $6,500,000 to carry out this subsection.

(c) The Secretary of Commerce, acting through the Maritime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, shall conduct a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and the Saint Lawrence Seaway beyond the present navigation season, and shall submit a report, together with any legislative recommendations, to Congress by June 30, 1971.

Sec. 108. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and undertake measures in the interests of water quality, environmental quality, recreation, fish and wildlife, and flood control, for the Cuyahoga River Basin, Ohio. Such measures shall include, but not be limited to, clearing, snagging, and removal of debris from the river's bed and banks; dredging and structural works to improve streamflow and water quality; and bank stabilization by vegetation and other means. In carrying out such studies and investigations the Secretary of the Army, acting through the Chief of Engineers, shall cooperate with interested Federal and State agencies.

(b) Prior to initiation of measures authorized by this section, such non-Federal public interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

Sec. 109. (f) Section 110 of the River and Harbor Act of 1958 (72 Stat. 297) is amended to read as follows:

"(f) There is hereby authorized to be appropriated the sum of $2,000,000 to carry out the provisions of this section and, upon completion of transfer to the State of Illinois of all right, title, and interest of the United States in and to the canal, an additional sum of $6,528,000 to be expended for the repair, modification, and maintenance of bridges, title transfer, modification or rehabilitation of hydraulic structures, fencing, clearing auxiliary ditches, and for the repair and modification of other canal property appurtenances, notwithstanding subsection (b) of this section."

Sec. 110. The project for the Trinity River and tributaries, Texas, authorized in section 301 of the River and Harbor Act of 1965 (79 Stat. 1073) is hereby modified to provide that not to exceed $75,000 of the costs incurred in 1968 and 1969 by the Trinity River Authority of Texas for aerial photography and mosaic preparation furnished to and accepted by the Secretary of the Army, acting through the Chief of Engineers, shall be credited as a part of the local contribution required of such authority for such project.

Sec. 111. In all cases where real property shall be taken by the United States for the public use in connection with any improvement of rivers, harbors, canals, or waterways of the United States, and in all condemnation proceedings by the United States to acquire lands or easements for such improvements, the compensation to be paid for real property taken by the United States above the normal high water mark of navigable waters of the United States shall be the fair market value of such real property based upon all uses to which such real property may reasonably be put, including its highest and best use, any of which uses may be dependent upon access to or utilization of such

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navigable waters. In cases of partial takings of real property, no depreciation in the value of any remaining real property shall be recognized and no compensation shall be paid for any damages to such remaining real property which result from loss of or reduction of access from such remaining real property to such navigable waters because of the taking of real property or the purposes for which such real property is taken. The compensation defined herein shall apply to all acquisitions of real property after the date of enactment of this Act, and to the determination of just compensation in any condemnation suit pending on the date of enactment hereof.

Sec. 112. (a) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "$10,000,000" and inserting in lieu thereof "$25,000,000". Subsection (b) of such section 107 is amended by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

(b) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, as amended (33 U.S.C. 426g), is amended (1) by striking out "$10,000,000" and inserting in lieu thereof "$25,000,000", and (2) by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

(c) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

Sec. 113. The New York Harbor Collection and Removal of Drift project is hereby modified substantially in accordance with the plans on file in the Office, Chief of Engineers, subject to the approval of such plans and recommendations for requirements of local cooperation by the Secretary of the Army and the President. Any disposal of materials in carrying out this project shall be in accordance with Federal and State laws and regulations with respect to the control of air and water pollution.

Sec. 114. The project for Santa Barbara Harbor, California, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to provide that the dredging and maintenance of such project shall be the responsibility of the United States.

Sec. 115. The multiple-purpose plan for improvement of the Arkansas River and tributaries, authorized by the River and Harbor Act of July 24, 1946, as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a bridge and necessary approach facilities across Spaniard Creek, Muskogee County, Oklahoma, as a replacement for the former bridge which was removed in connection with the construction of Lock and Dam Numbered 16. Appropriate non-Federal interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall own, operate, and maintain the bridge and approach facilities after completion of construction.

Sec. 116. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake measures to clear the channel of the North Branch of the Chicago River, Illinois, of fallen trees, roots, and other debris and objects which contribute to floodings, unsightliness, and pollution of the river.

(b) Prior to initiation of measures authorized by this section, such non-Federal interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determine appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

(c) There is authorized to be appropriated to the Secretary of the Army not to exceed $200,000 for the Federal share of the project.

Sec. 117. The project for Port Orford, Oregon, authorized by the River and Harbor Act of 1965 in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 62, Eighty-eighth Congress, is hereby modified to provide for maintenance of a suitable channel to the existing port facilities, not exceeding the sixteen-foot natural depth available at the time of project authorization, subject to the conditions that local interests agree to (1) provide without cost to the United States all necessary lands, easements, and rights-of-way; and (2) hold and save the United States free from damages due to the work. No such dredging shall be performed within fifty feet of the docks.

Sec. 118. The project for the Ouachita and Black Rivers, Arkansas and Louisiana, authorized by the River and Harbor Acts of 1960, is hereby modified to provide for the acquisition of lands for establishment of national wildlife refuges, under the provisions of Public Law 85–624 and section 6(c) of Public Law 89–72, at an estimated additional Federal cost of $13,500,000, substantially in accordance with the report of the Chief of Engineers dated November 25, 1970, subject to approval by the Secretary of the Army and the President.

Sec. 119. The Chief of Engineers, for the purpose of determining Federal and non-Federal cost sharing, relating to proposed construction of small-boat navigation projects, shall consider charter fishing craft as commercial vessels.

Sec. 120. Paragraph (1) of subsection (p) of section 11 of the Federal Water Pollution Control Act, as amended, is amended by inserting after the word "size," in the first sentence thereof, a new clause as follows: "but not including any barge that is not self-propelled and that does not carry oil as cargo or fuel,"

Sec. 121. The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Secretary of Housing and Urban Development shall investigate the L–K Street slide area in Anchorage, Alaska, with a view of determining the practicability and the feasibility of corrective measures that would permit federal mortgage insurance under the National Housing Act for homes and multifamily structures in the area and shall report thereon to the Congress.

Sec. 122. Not later than July 1, 1972, the Secretary of the Army, acting through the Chief of Engineers, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than ninety days after submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project have been fully considered in developing such project, and that the final decisions on the project are made in the best over all public interest, taking into consideration the need for flood control, navigation and associated purposes, and the cost of eliminating or minimizing such adverse affects and the following:

(1) Air, noise, and water pollution;

(2) destruction or disruption of man-made and natural resources, esthetic values, community cohesion and the availability of public facilities and services;

(3) adverse employment effects and tax and property value losses;

(4) injurious displacement of people, businesses, and farms; and

(5) disruption of desirable community and regional growth.

Such guidelines shall apply to all projects authorized in this Act and proposed projects after the issuance of such guidelines.

Sec. 123. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct, operate, and maintain, subject to the provisions of subsection (c), contained spoil disposal facilities of sufficient capacity for a period not to exceed ten years, to meet the requirements of this section. Before establishing each such facility, the Secretary of the Army shall obtain the concurrence of appropriate local governments and shall consider the views and recommendations of the Administrator of the Environmental Protection Agency and shall comply with requirements of section 21 of the Federal Water Pollution Control Act, and of the National Environmental Policy Act of 1969. Section 9 of the River and Harbor Act of 1899 shall not apply to any facility authorized by this section.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall establish the contained spoil disposal facilities authorized in subsection (a) at the earliest practicable date, taking into consideration the views and recommendations of the Administrator of the Environmental Protection Agency as to those areas which, in the Administrator's judgment, are most urgently in need of such facilities and pursuant to the requirements of the National Environmental Policy Act of 1969 and the Federal Water Pollution Control Act.

(c) Prior to construction of any such facility, the appropriate State or States, interstate agency, municipality, or other appropriate political subdivision of the State shall agree in writing to (1) furnish all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility; (2) contribute to the United States 25 per centum of the construction costs, such amount to be payable either in cash prior to construction, in installments during construction, or in installments, with interest at a rate to be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due or callable for redemption for fifteen years from date of issue; (3) hold and save the United States free from damages due to construction, operation, and maintenance of the facility; and (4) except as provided in subsection (f), maintain the facility after completion of its use for disposal purposes in a manner satisfactory to the Secretary of the Army.

(d) The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (c) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivision of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

(e) Notwithstanding any other provision of law, all costs of disposal of dredged spoil from the project for the Great Lakes connecting channels, Michigan, shall be borne by the United States.

(f) The participating non-Federal interest or interests shall retain title to all lands, easements, and rights-of-way furnished by it pursuant to subsection (c). A spoil disposal facility owned by a non-Federal interest or interests may be conveyed to another party only after completion of the facility's use for disposal purposes and after the transferee agrees in writing to use or maintain the facility in a manner which the Secretary of the Army determines to be satisfactory.

(g) Any spoil disposal facilities constructed under the provisions of this section shall be made available to Federal licensees or permittees upon payment of an appropriate charge for such use. Twenty-five per centum of such charge shall be remitted to the participating non-Federal interest or interests except for those excused from contributing to the construction costs under subsections (d) and (e).

(h) This section, other than subsection (i), shall be applicable only to the Great Lakes and their connecting channels.

(i) The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to extend to all navigable waters, connecting channels, tributary streams, other waters of the United States and waters contiguous to the United States, a comprehensive program of research, study, and experimentation relating to dredged spoil. This program shall be carried out in cooperation with other Federal and State agencies, and shall include, but not be limited to, investigations on the characteristics of dredged spoil, and alternative methods of its disposal. To the extent that such study shall include the effects of such dredge spoil on water quality, the facilities and personnel of the Environmental Protection Agency shall be utilized.

SEC. 124. Title I of this Act may be cited as the "River and Harbor Act of 1970".

TITLE II—FLOOD CONTROL

SEC. 201. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this title. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended to be the Chief of Engineers in the respective reports hereinafter designated.

ARKANSAS RIVER BASIN

The project for flood protection and other purposes on the Deep Fork River in the vicinity of Arcadia, Oklahoma is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–299, at an estimated cost of $24,900,000.

ARKANSAS-RED RIVER BASIN

The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, designated as Part I, authorized by the Flood Control Act of 1966, is hereby modified to include Part II of such project, substantially in accordance with the recommendations of the Chief of Engineers in his report dated May 6, 1970, except that the amount authorized for Part I shall be utilized for initiation and partial accomplishment of Parts I and II. Construction shall not be initiated until approved by the Secretary of the Army and the President.

LOWER MISSISSIPPI RIVER BASIN

The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified and expanded to include the project for flood protection within the areas of eastern Rapides and south-central Avoyelle Parishes, Louisiana, that are drained by the Bayou des Glaises diversion channel, and Lake Long, and their tributaries, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 91–113, at an estimated cost of $15,333,000.

MISSOURI RIVER BASIN

The project for flood protection and other purposes in the Blue River Basin, vicinity of Kansas City, Missouri and Kansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–332, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project. Construction of the Tomahawk Creek Reservoir shall not be initiated until the Secretary of the Army has been assured by the Chief of Engineers that the most feasible combination of improvements having the most favorable impact upon the environment and future development of the Tomahawk Creek Watershed has been assured.

The project for Oahe Dam and Reservoir, Missouri River, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 91–23, at an estimated cost of $732,000.

RED RIVER OF THE NORTH

The project for flood protection and other purposes on Wild Rice River, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 366, Ninetieth Congress, at an estimated cost of $8,359,000.

The project for flood protection and other purposes on the Sheyenne River, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–330, at an estimated cost of $20,000,000.

SOURIS RIVER BASIN

The project for Burlington Dam and Reservoir on the Souris River, North Dakota, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–321, at an estimated cost of $29,240,000.

SANTA BARBARA COUNTY COASTAL STREAMS

The project for flood protection on Atascadero Creek and its tributaries of Goleta, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–392, at an estimated cost of $13,830,000.

SABINE RIVER BASIN

The project for flood protection and other purposes in the Sabine River Basin, Texas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–429, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

UPPER MISSISSIPPI RIVER BASIN

The project for flood protection on the Mississippi River at Davenport, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated December 4, 1970, at an estimated cost of $12,263,000. Construction shall not be initiated until approved by the Secretary of the Army and by the President.

OHIO RIVER BASIN

The project for flood protection on Mill Creek, Ohio, is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–413, at an estimated cost of $32,642,000.

GREAT LAKES BASIN

The project for flood protection along Red Run Drain and Lower Clinton River, Michigan, is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–431, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project.

The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in his report dated November 25, 1970, at an estimated cost of $19,070,000. Construction shall not be initiated until approved by the Secretary of the Army and the President. Prior to the commencement of this project, including, but not limited to, acquisition of real property, the Secretary of the Army, acting through the Chief of Engineers, shall investigate all possible alternative methods, including, but not limited to possible relocation of elements of the project, installation of channels, provision of levees and floodwalls, decreasing of size of project facilities, rerouting of streams, raising or lowering pools, and deepening channels and movement on the stream, or any combination of the foregoing that can accomplish the purposes of this project and shall report his findings and determinations to the Congress.

COMMONWEALTH OF PUERTO RICO

The project for flood protection and other purposes for Portugues Dam and Reservoir, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–422, at an estimated cost of $11,110,000.

The project for flood protection and other purposes for Cerrillos Dam and Reservoir, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–422, at an estimated cost of $16,351,000.

The project for flood protection and other purposes for channel improvement at Ponce, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91–422, at an estimated cost of $14,295,000.

SACRAMENTO RIVER BASIN

The project for flood protection and other purposes on Cottonwood Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated December 14, 1970, except that not to exceed $40,000,000 is authorized for initiation and partial accomplishment of the project. Construction shall not be initiated until approved by the Secretary of the Army and the President.

SAN JOAQUIN RIVER BASIN

The project for Merced County Streams, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated November 25, 1970, at an estimated cost of $37,260,000. Construction shall not be initiated until approved by the Secretary of the Army and the President.

KANEOHE-KAILUA AREA, OAHU, HAWAII

The project for flood protection in the Kanoehe-Kailua area on the east coast of the island of Oahu, Hawaii, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated November 23, 1970, at an estimated cost of $7,249,000. Construction shall not be initiated until approved by the Secretary of the Army and the President.

SEC. 202. (a) The plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia, included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate Levisa Fork of the Big Sandy River at Pikeville, Kentucky, and to construct related drainage facilities, in connection with the city of Pikeville's model city program. Such channel relocation shall be accomplished by excavation of an open cut to connect the points of the horseshoe bend in Levisa Fork at Pikeville, and the open cut shall be designed and constructed to such dimensions and grades as will permit relocation of the river with the Chesapeake and Ohio Railway on the left descending bank and the United States Highway Numbered 23 on the right descending bank of such open cut. Spoil material from the open cut shall be utilized for filled areas included in the model city plan.

(b) The work authorized by this section shall not be commenced until an agreement satisfactory to the Secretary of the Army, acting through the Chief of Engineers, has been entered into with the Department of Housing and Urban Development, the State Highway Department of Kentucky, the Federal Highway Administration, the Appalachian Regional Commission, the Chesapeake and Ohio Railway Company, the city of Pikeville, and other participating agencies relative to the financial responsibility of each participant in the model city project; and appropriate non-Federal interests have furnished the cooperation required by section 3 of the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended. Financial participation of the Department of the Army shall be based upon an equitable distribution of costs among the participants.

SEC. 203. The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate and participate with concerned Federal, State, and local agencies in preparing the general plan for the development of the water resources of the western United States authorized by the Colorado River Basin Project Act (83 Stat. 885).

SEC. 204. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with the Commonwealth of Puerto Rico, political subdivisions thereof, and appropriate agencies and instrumentalities thereof, in the preparation of plans for the development, utilization, and conservation of water and related land resources of drainage basins and coastal areas in the Commonwealth of Puerto Rico, and to submit to Congress reports and recommendations with respect to appropriate participation by the Department of the Army in carrying out such plans. Such plans that may be recommended to the Congress shall be harmonious components of overall development plans being formulated by the Commonwealth and shall be fully coordinated with all interested Federal agencies.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall consider plans to meet the needs of the Commonwealth for protection against floods, wise use of flood plain lands, improvement of navigation facilities, regional water supply and waste management systems, outdoor recreational facilities, the enhancement and control of water quality, enhancement and conservation of fish and wildlife, beach erosion control. and other measures for environmental enhancement.

SEC. 205. Notwithstanding the first proviso in section 201 of the Acts entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes" approved June 30, 1948 (62 Stat. 1171), and May 17, 1950 (64 Stat. 63), the authorization in section 203 of the Act of June 30, 1948, and section 204 of the Act of May 17, 1950, of the project for local protection at East Grand Forks, Minnesota, shall expire on April 17, 1975, unless local interests shall before such date furnish assurances satisfactory to the Secretary of the Army that the required local cooperation in such project will be furnished.

SEC. 206. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to elevate, relocate, or make such other changes as may be necessary to insure that the road located in the Wolf Creek Park area, running in an east-west direction and crossing Wolf Creek, Harris Branch, and Strain Branch in the Navarro Mills Reservoir, Texas, will at all times be above elevation four hundred and forty-three feet above mean sea level.

SEC. 207. Paragraph (2) under the heading "Lower Mississippi River Basin" in section 203 of the Flood Control Act of 1966 (Public Law 89–789) is amended by striking out "Baton Rouge, Louisiana," and inserting in lieu thereof "Cairo, Illinois,".

SEC. 208. Subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property.", approved August 13, 1946 (33 U.S.C. 426e(b)), is amended by inserting "(1)" after "except that", by striking out "and, further that" and inserting "(2)" in lieu thereof, and by inserting before the period at the end thereof a comma and the following: "and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary of the Army, acting through the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs."

SEC. 209. It is the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are the objectives to be included in federally financed water resource projects, and in the evaluation of benefits and cost attributable thereto, giving due consideration to the most feasible alternative means of accomplishing these objectives.

SEC. 210. The project for the western Kentucky tributaries (Obion Creek), Kentucky, authorized as part of the comprehensive plan for the lower Mississippi Basin in the Flood Control Act of 1965, is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall, after the date of enactment of this Act, relocate at Federal expense all transmission lines (both gas and electric) in western Kentucky required to be relocated by this project or, at his discretion, reimburse or credit local interests for such relocations made by them.

SEC. 211. (a) Section 3013 of title 10, United States Code, is amended by striking out "four Assistant Secretaries" and inserting in lieu thereof the following: "five Assistant Secretaries", and by adding at the end thereof the following: "One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources including flood control, navigation, shore protection, and related purposes."

(b) Paragraph (15) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

SEC. 212. The Secretary of the Army, acting through the Chief of Engineers, is authorized, in the interests of flood control and related purposes, to remove logjams in the lower Guadalupe River, Texas. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to perform all such work thereafter.

SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to resolve the seepage and drainage problem in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of Gavins Point Dam and Lewis and Clark Lake project, Nebraska and South Dakota, subject to a determination by the Chief of Engineers with the approval of the Secretary of the Army, of the most feasible solution thereto. There is authorized to be appropriated to the Secretary not to exceed $7,800,000, to carry out this section.

SEC. 214. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform dredging operations in the Coal River Basin, West Virginia, for the purpose of improving the channel capacities in the interest of flood control. Such operations shall be performed on an interim basis pending completion of the Kanawha River Basin comprehensive study being undertaken by Federal and State agencies and implementation of the pertinent study recommendations by the Secretary of the Army. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of dredging operations, agree to furnish the necessary lands, disposal areas, easements, and rights-of-way, and hold and save the United States free from damages due to the dredging operations.

SEC. 215. The project for flood protection on the Klamath River at and in the vicinity of Klamath, California, authorized by the Flood Control Act of 1966 (80 Stat. 1205), is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to provide, as an essential part of the project, bank protection works extending approximately two miles downstream from the project to protect the north bank of the river from erosion due to Klamath River flows. Non-Federal interests shall furnish lands and interests therein necessary for the works, hold and save the United States free from damages due to the works, and operate and maintain the works after completion.

SEC. 216. The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of environment in the overall public interest.

SEC. 217. The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channels and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its territorial possessions, which include the localities specifically named in this section. After the regular or formal reports made on any survey authorized by this section are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress, if such review is required by the national defense or by changed physical or economic conditions.

Great Swamp, New River Basin, South Carolina.

Streams flowing through West Brazoria County Drainage District Numbered 11 in Brazoria County, Texas.

Vermilion River, Ohio.
Huron River, Ohio.
Black River, Lorain County, Ohio.
Black Creek, Clay County, Florida.
Grand Lake, St. Marys, Ohio.
Coody Creek, Muskogee, Oklahoma.
Kapaa Stream, Kauai, Hawaii.
Waikomo Stream, Kauai, Hawaii.
Hanalei River, Kauai, Hawaii.
Waikane Stream, Oahu, Hawaii.

Moanalua Stream, Oahu, Hawaii.
Waihee Stream, Oahu, Hawaii.
Waikele Stream, Oahu, Hawaii.
Kamananui Stream, Oahu, Hawaii.
Kahana Stream, Oahu, Hawaii.
Waolani Stream, Oahu, Hawaii.
Kaaawa Stream, Oahu, Hawaii.
Makaha Stream, Oahu, Hawaii.
Olowalu Stream, Maui, Hawaii.
Palai, Four Mile Creek, Hawaii, Hawaii.
Kona, Hawaii, Hawaii.

Sec. 218. The Claremont Dam and Reservoir, New Hampshire, authorized by the Flood Control Act approved June 28, 1938 as a part of the comprehensive plan for flood control and other purposes for the Connecticut River Basin, is not authorized after the date of enactment of this Act.

Sec. 219. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank revetment works along the Ohio River at Newburgh, Indiana, to protect public and private property and facilities threatened by erosion.

Sec. 220. In addition to previous authorization, there is hereby authorized to be appropriated the sum of $1,400,000 for the prosecution of the Comprehensive Plan for the Upper Mississippi River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent acts of Congress.

Sec. 221. (a) After the date of enactment of this Act, the construction of any water resources project by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under the provisions of section 215 of the Flood Control Act of 1968 or under any other provision of law, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army to furnish its required cooperation for the project.

(b) A non-Federal interest shall be a legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.

(c) Every agreement entered into pursuant to this section shall be enforceable in the appropriate district court of the United States.

(d) After commencement of construction of a project, the Chief of Engineers may undertake performance of those items of cooperation necessary to the functioning of the project for its purposes, if he has first notified the non Federal interest of its failure to perform the terms of its agreement and has given such interest a reasonable time after such notification to so perform.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall maintain a continuing inventory of agreements and the status of their performance, and shall report thereon annually to the Congress.

(f) This section shall not apply to any project the construction of which was commenced before January 1, 1972.

Sec. 222. The Secretary of the Interior in financing the relocation of the existing Placer County Road from Auburn to Foresthill, California, as part of the construction of the Auburn Dam and Reservoir on the Auburn-Folsom South Unit of the Central Valley Project, California, may provide for the cost of construction of a two-lane river level bridge across the North Fork of the American River with a substructure and deck truss capable of supporting a four-lane bridge.

Sec. 223. Section 204 of the Flood Control Act of 1950 is amended by adding at the end of the authorizations set forth under the center heading "COLUMBIA RIVER BASIN" the following new paragraph:

"The Secretary of the Army, acting through the Chief of Engineers, is authorized to pay to those railroad employees suffering long-term economic injury through reduction of income as the result of the relocation of rail transportation facilities due to the construction of Libby Dam, Montana, such sums as he determines equitable to compensate such employees for such injury. There is authorized to be appropriated to carry out this paragraph, not to exceed $900,000."

Sec. 224. That the plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide the towns of Williamson and Matewan, West Virginia, with comprehensive flood protection by a combination of local flood protection works and residential flood proofing and to initiate advanced engineering design and construction thereof as described by the Chief of Engineers in Report on Tug Fork, July 1970, at a total cost not to exceed $10,000,000, except that no funds shall be appropriated to carry out this section until such modification is approved by the Appalachian Regional Commission and the President.

Sec. 225. Subsection (b) of section 206 of the Flood Control Act of 1960, as amended (33 U.S.C. 709a), if further amended by striking out "$7,000,000" and inserting in lieu thereof "$11,000,000."

Sec. 226. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review and study the operation of the Fort Randall multiple-purpose project, South Dakota, with a view to determining the advisability of modifying the project facilities or the regulation of the impounded waters, or both, and report thereon to the Congress.

Sec. 227. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review and study the operation of the Summersville Lake multiple-purpose project, Gauley River, West Virginia, with a view to determining the advisability of modifying the project facilities or the regulation of the impounded waters, or both, and report thereon to the Congress.

Sec. 228. The comprehensive plan for flood control and other purposes in the Missouri River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and expanded by subsequent Acts, is further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a bridge across the Missouri River at an appropriate location midway between Bismarck, North Dakota, and Mobridge, South Dakota, in accordance with such plans as determined to be satisfactory by the Secretary of the Army so as to provide adequate crossing facilities over such river for highway traffic in the area. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate toll free, and maintain such bridge and approach facilities.

Sec. 229. The comprehensive plan for flood control and other purposes in the Missouri River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and expanded by subsequent Acts, is further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a bridge over the Little Missouri River at the Garrison Reservoir in the vicinity of Eagle Bay in Dunn County, North Dakota, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities over such river for highway traffic in the area. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate toll free, and maintain such bridges and approach facilities.

Sec. 230. The project for the Perry Dam and Reservoir, Delaware River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to pave, with a bituminous surface, approximately five miles of Road "B", a segment of the relocation of FAS 328 from United States Route 24 to Kansas Route 92, Jefferson, Kansas.

Sec. 231. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with the Commonwealth of Kentucky, political subdivisions thereof, appropriate agencies and instrumentalities thereof, the Forest Service, Department of Agriculture, and the Bureau of Outdoor Recreation, Department of the Interior, with a view to determining the feasibility and desirability of establishing a national recreation area generally encompassing in whole or in part the Kentucky River navigation project and reservoir projects in the upper Kentucky and Licking River Basins and adjacent and intervening areas, and to submit to the Congress reports and recommendations with respect to appropriate participation by the Department of the Army in carrying out such recommendations.

(b) Such studies shall review the reports of the Chief of Engineers contained in House Document 423, Eighty-seventh Congress, and the investigation authorized by the Flood Control Act of 1936, Public Law 783, Seventy-fourth Congress, and other appropriate reports and shall consider plans to meet the needs of the Commonwealth for improvement of navigation facilities, outdoor recreational facilities, enhancement and conservation of fish and wildlife, and other measures for environment enhancement.

(c) Such plans which may be recommended to the Congress shall be harmonious components of overall development plans being formulated by the Commonwealth and shall be fully coordinated with all interested Federal agencies.

Sec. 232. The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers is authorized and directed, as part of the relocation of municipal facilities of Rexford, Montana, to design and construct a central sewage collection and sewage treatment facility.

Sec. 233. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized and directed to review and study the effects of strip mining operations upon navigable rivers and their tributaries, including water resource projects under his jurisdiction, and report on such studies to the Committees on Public Works of the Senate and the House of Representatives, within one year from the date of enactment of this Act, with recommendations as to measures necessary to mitigate any adverse conditions due to strip mining practices.

Sec. 234. Section 207 of the Flood Control Act of 1962 (Public Law 87–874), is amended by changing the period after the word "necessary", to a comma, and inserting the following: "including but not limited to prohibitions of dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, debris, or litter of any kind at such water resource development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers. Any viola-

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tion of such rules and regulations shall be punished by a fine of not more than $500 or imprisonment for not more than six months, or both. Any persons charged with the violation of such rules and regulations may be tried and sentenced in accordance with the provisions of section 3401 of title 18 of the United States Code. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of the regulations adopted by the Secretary of the Army, requiring the appearance of any person charged with violation to appear before the United States magistrate, within whose jurisdiction the water resource development project is located, for trial; and upon sworn information of any competent person any United States magistrate in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said regulations."

SEC. 235. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed, as part of the comprehensive study of the water and related resources of the Susquehanna River Basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested departments, agencies, and instrumentalities of the Federal Government and of the governments of States and their political subdivisions, the availability, quality, and use of waters within the basin with a view toward assisting in the preparation of a comprehensive plan for the development, conservation, and use of such waters. The Environmental Protection Agency shall have the responsibility in carrying out this section for those aspects of the development, conservation, and use of such waters which are essentially within its jurisdiction.

(b) In connection with such investigations and studies the Secretary of the Army, acting through the Chief of Engineers and in cooperation with the Environmental Protection Agency and all other interested Federal agencies, shall make such studies and develop such plans as deemed necessary for the construction, operation, and maintenance of facilities in selected regions of the basin, including augmentation of streamflows by releases of stored waters.

(c) Such facilities may include, but shall not be limited to, water conveyance systems; regional waste treatment, interceptor, and holding facilities; water treatment facilities; and facilities and methods for recharging ground water reservoirs.

(d) The Secretary of the Army, acting through the Chief of Engineers, shall submit to the Congress any and all parts of plans prepared pursuant to this section, which are approved by the Susquehanna River Basin Commission as in accordance with its comprehensive plan for the immediate and long-range development and use of the water resources of the basin, including all recommendations of the Environmental Protection Agency with respect to matters under its jurisdiction, and shall include recommendations for authorization and appropriate financial participation and cooperation by the States, political subdivisions thereof, and other local interests.

(e) In determining the need for storage for regulation of streamflow and water release, the Secretary of the Army, acting through the Chief of Engineers, shall not be limited by the provisions of section 3(b) (1) and (4) of the Federal Water Pollution Control Act, but may include recommendations, if appropriate, which are consistent with section 8 of the Federal Water Pollution Control Act and other like project purposes of water resources projects.

SEC. 236. Title II of this Act may be cited as the "Flood Control Act of 1970".

And the Senate agree to the same.

JOHN A. BLATNIK,
ROBERT E. JONES,
HAROLD T. JOHNSON,
WM. JENNINGS BRYAN DORN,
WILLIAM C. CRAMER,
DON H. CLAUSEN,
Managers on the Part of the House.

JENNINGS RANDOLPH,
STEPHEN M. YOUNG,
EDMUND S. MUSKIE,
B. EVERETT JORDAN,
ROBERT DOLE,
EDWARD J. GURNEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19877) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

NAVIGATION

Baltimore Harbor

The House bill contained the project for Baltimore Harbor and Channels, Maryland and Virginia, with a limitation of not to exceed $40,000,000.

The Senate amendment did not contain the project.

The conference substitute is the same as the House bill except that a further limitation has been added that construction of the project is not to be initiated until approved by the Secretary of the Army and the President.

Atlantic Intracoastal Waterway

The House bill contained the project for Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina.

The Senate amendment did not contain the project.

The conference substitute is the same as the House bill except that a limitation has been added that construction of the project is not to be initiated until approved by the Secretary of the Army and the President.

Pamlico River and Morehead City

The Senate amendment contained the project for Pamlico River and Morehead City Harbor, North Carolina, with a limitation that construction was not to be initiated until approved by the President.

The House bill did not contain this project.

The conference substitute is the same as the Senate amendment except that the limitation has been modified so as to also require the approval of the Secretary of the Army.

Freeport Harbor

The House bill authorized the project for Freeport Harbor, Texas.

The Senate amendment did not include this project.

The conference substitute is the same as the House bill except that a further limitation has been added that construction of the project is not to be initiated until approved by the Secretary of the Army and the President.

Nawiliwili Harbor

The Senate amendment contained the project for Nawiliwili Harbor, Kauai, Hawaii, with a limitation that construction was not to be initiated until approved by the President.

The House bill did not contain this project.

The conference substitute is the same as the Senate amendment except that the limitation has been modified so as to also require the approval of the Secretary of the Army.

Missouri River

The House bill authorized the project for Missouri River, North Dakota, South Dakota, and Nebraska at an estimated cost of $35,981,000.

The Senate amendment did not contain this project.

The conference substitute does not include the project. Although this project has been deleted, it has been done so without prejudice to its later consideration. The Secretary of the Army is presently reviewing a revised economic analysis of the project prepared by the Chief of Engineers. In view of the significance of this analysis and its affect on the scope of the project work, the conferees considered it advisable to delay approval of the project at this time.

Saint Georges Creek

The House bill authorized the Secretary of the Army to study the feasibility of a project to deepen and maintain a navigation channel in St. Georges Creek, Maryland, to the Harry Lundeberg School of Seamanship at Piney Point, Maryland.

The Senate amendment authorized the study and also provided that a project was authorized as determined to be feasible and justified by the Chief of Engineers and the Secretary of the Army with the approval of the President unless disapproved by the Congress within 60 days after the date of submission to the Congress.

The conference substitute is the same as the Senate amendment with the exception that the 60 day period for Congressional review was extended to 90 days.

SURVEYS

The House bill authorizes surveys to be made at the following locations:

Harbors and rivers in American Samoa and the territory of Guam, in the interests of navigation, flood control, and related water resources purposes.

Kanawha and James Rivers, with a view to determining the advisability of providing a waterway connecting the Kanawha River, West Virginia, and James River, Virginia, by canals and appurtenant facilities.

Ventura Marina to Ventura Keys, Ventura County, California.

Elk River, Maryland.

Stillpond Creek, Kent County, Maryland.

Patapsco River, Brooklyn, Maryland.

Shooters Island, New York, possible removal and utilization for fill and widening of Arthur Kill.

The Senate amendment authorized surveys to be made at the first two locations listed in the House bill and at 12 additional locations in Hawaii.

The conference substitute includes all the surveys in the House bill and the 12 additional surveys in the Senate amendment.

AQUISITION OF REAL PROPERTY

The House bill included a provision to the effect that when the United States acquires real property above the normal high water mark of the navigable waters of the United States for public use in connection with any improvement of rivers, harbors, canals, or waterway of the United States, the just compensation paid for real property taken shall be the fair market value of such property based upon all uses to which it may reasonably be put, including uses which may be dependent upon access to or utilization of such navigable waters. Where only a partial taking occurs, the section provides that no depreciation in the value of the remaining property shall be recognized, and no compensation shall be paid for any damages to such remaining property which result from loss or reduction of access from such property to the navigable waterway because of the partial taking.

The Senate amendment did not contain a similar provision.

The conference substitute retains the House provision. The Conferees wish to stress for purposes of clarification that any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

PORT ORFORD

The Senate amendment modified the previously authorized navigation project at Port Orford, Oregon, to provide for maintenance of a suitable channel to the existing land-side facilities.

The House bill did not contain a similar provision.

The Conference substitute is the same as the Senate bill.

OUACHITA AND BLACK RIVERS

The House bill modified the project for the Ouachita and Black Rivers in Arkansas and Louisiana to provide lands for national wildlife refuges.

The Senate amendment included the same authorization with a limitation that the plan was not to be initiated until approved by the Secretary of the Army and the President, and unless within the first period of sixty calendar days of continuous session of the Congress after the date on which the report is submitted to it such report is disapproved by the Congress.

The Conference substitute is the same as the Senate but deletes the requirement for additional Congressional action.

COMMERCIAL VESSELS

The Senate amendment includes a provision that charter fishing craft shall be considered as commercial vessels for the purpose of determining cost sharing related to small-boat projects.

The House bill does not contain the provision.

The conference substitute is the same as the Senate amendment.

EVIDENCE OF FINANCIAL RESPONSIBILITY

The Senate amendment Section 11 of the Federal Water Pollution Control Act—relating to the discharge of oil—to exempt owners and operators of nonoil carrying, nonself propelled barge units from requirements of filing with the Federal Government evidence of financial responsibility to meet any liability imposed by the act.

The House bill does not contain this provision.

The conference substitute is the same as the Senate amendment.

ANCHORAGE, ALASKA

The Senate amendment included a provision that guarantees FHA mortgage insurance for residential structures in the L–K Street slide area in Anchorage, Alaska.

The House bill did not contain the provision.

The Conference substitute revises the provision so as to authorize the Secretary of the Army acting through the Chief of Engineers, in cooperation with the Secretary of Housing and Urban Development to investigate the L–K Slide area with a view of determining the practicability and the feasibility of corrective measures that would permit federal mortgage insurance under the National Housing Act for homes and multi-family structures in the area and to report thereon to the Congress.

ENVIRONMENTAL GUIDELINES

The Senate amendment had a provision that required the establishment of a compliance with guidelines to assure consideration of possible adverse economic, social, and environmental impacts of civil works projects and activities.

The House bill did not contain the provision.

The conference substitute modifies the Senate provision so as to require that not later than July 1, 1972, the Secretary of the Army, acting through the Chief of Engineers, shall submit to Congress, and not later than 90 days thereafter, promulgate guidelines to assure that adverse economic, social and environmental effects relating to any proposed project have been fully considered in developing such projects and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for flood control, navigation and associated purposes, and the cost of eliminating or minimizing such adverse effects and the following: (1) air, noise, and water pollution; (2) destruction or disruption of man-made and natural resources, esthetic values, community cohesion and the availability of public facilities and services; (3) adverse employment effects and tax property value losses; (4) injurious displacement of people, businesses and farms; and (5) disruption of desirable community and regional growth. Such guidelines shall apply to all proposed projects after the issuance of such guidelines including the projects authorized in this Act.

GREAT LAKES DREDGING

The House bill contained a provision which provides that in any case where the Administrator of the Environmental Protection Agency determines that dredged spoil from an area within an authorized Federal navigation project is significantly polluted, and the Secretary of the Army thereafter determines that dredged spoil disposal facilities are available, then open water disposal of such dredged spoil shall be discontinued. No determinations as to significant pollution and availability of disposal areas are to be made except after consultation with the Governors of the affected States.

The section authorizes the Secretary of the Army, acting through the Chief of Engineers, to construct contained spoil disposal facilities, subject to conditions of non-Federal cooperation, as soon as practicable. The priority of construction of the various facilities would be determined after considering the views and recommendations of the Administrator of the Environmental Protection Agency. Before establishing any spoil disposal facility, the Secretary of the Army would be required to obtain the concurrence of appropriate local governments and consider the views and recommendations of the Administrator and other appropriate heads of Federal agencies with respect to the location and the effect of the proposed facilities on the quality of the water and land resources involved, and on the environment.

The requirement that local interests contribute to the United States 25 per centum of the construction costs, may be waived where the Administrator of the Environmental Protection Agency finds that the local interests are participating in an approved plan for the construction, modification, expansion, or rehabilitation of waste treatment facilities and are making progress satisfactory to the Administrator.

Subsection (f) provides that all costs of the disposal of dredged spoil from the connecting channels of the Great Lakes shall be borne by the Federal Government.

The Senate amendment contains no similar provision.

The conference substitute is essentially the same as the provisions of the House bill with the following exceptions:

(1) The first subsection relating to dual determinations by the Administrator of EPA and the Secretary of the Army is deleted.

(2) The provisions of Section 21 of the Federal Water Pollution Control Act and the National Environmental Policy Act of 1969 are specifically required to be complied with.

(3) The provision relating to waiver of the 25 per centum cost of construction is modified to require that prior to waiver that the Administrator of EPA must make a finding that applicable water quality standards are not being violated.

(4) To the extent that the study authorized in subsection (1) includes the effect of dredged spoil on water quality the facilities and personnel of EPA shall be utilized.

FLOOD CONTROL

Arkansas-Red River Basin

The House bill contained a modification of the project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, designated as Part I, authorized by the Flood Control Act of 1966, so as to include Part II of such project, with the limitation that the amount authorized for Part I shall be utilized for initiation and partial accomplishment of Parts I and II.

The Senate amendment authorized Part II, authorized $5 million to be appropriated for partial accomplishment of the plan, and provided that construction would not be initiated until approved by the President.

The conference substitute is the same as the House bill, except that a further limitation has been added that construction of the project is not to be initiated until approved by the Secretary of the Army and the President.

Davenport, Iowa

The House bill contained the project for flood protection on the Mississippi River at Davenport, Iowa.

The Senate amendment included this project with a limitation that construction should not be initiated until approved by the President.

The conference substitute is the same as the Senate amendment with the further requirement for approval by the Secretary of the Army.

Sandridge Dam

The House bill contained the project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes, with certain specified limitations prior to commencement of the initiation of the project.

The Senate amendment did not contain the project.

The conference substitute is the same as the House bill, except that a further limitation has been added that construction of the project is not to be initiated until approved by the Secretary of the Army and the President.

Sacramento River Basin

The House bill contained the project for flood protection on Cottonwood Creek, California, with a limitation of $40,000,000.

The Senate amendment did not contain the project.

The conference substitute is the same as the House bill, except that a further limitation has been added that construction of the project is not to be initiated until approved by the Secretary of the Army and the President.

San Joaquin River Basin

The House bill contained the project for Merced County Streams, California.

The Senate amendment did not contain the project.

The conference substitute is the same as the House bill, except that a limitation has been added that construction of the project is not to be initiated until approved by the Secretary of the Army and the President.

Kaneohe-Kailua area, Oahu, Hawaii

The Senate amendment included authorization for a project for flood protection in the Kaneohe-Kailua area on the east coast of the island of Oahu, Hawaii, with a limitation that construction should not be initiated until approved by the President.

The House bill did not contain this authorization.

The conference substitute is the same as the Senate amendment with the further requirement for approval by the Secretary of the Army.

BENEFIT-COST EVALUATION

The House bill includes a provision stating the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the wellbeing of the people of the United States, and the national economic development are the objectives to be included in water resource projects prosecuted by the Secretary of the Army, acting through the Chief of Engineers, and in the evaluation of benefits and costs attributable thereto.

The Senate amendment includes the same objectives but broadens its coverage to all federally financed water resource projects.

The conference substitute is the same as the Senate amendment with the addition of requiring due consideration to the most feasible alternative means of accomplishing these objectives.

SURVEYS

The House bill included authorization for studies to be undertaken by the Chief of Engineers at the following locations:

Great Swamp, New River Basin, South Carolina.

Streams flowing through West Brazoria County Drainage District Numbered 11 in Brazoria County, Texas.

Vermilion River, Ohio.

Huron River, Ohio.

Black River, Lorain County, Ohio.

Black Creek, Clay County, Florida.

Grand Lake, St. Marys, Ohio.

Coody Creek, Muskogee, Oklahoma.

The Senate amendment included such authorization for Black Creek, Clay County, Florida, and 15 areas in Hawaii.

The conference substitute contains the 8 studies authorized in the House bill and adds the additional studies authorized in the Senate amendment.

FLOOD PLAIN INFORMATION

The Senate amendment increases the annual authorization which can be used for flood plain information activities from $7 million to $15 million.

The House bill has no similar provision.

The conference substitute is the same as the Senate amendment except that the annual authorization is established at $11 million.

FORT RANDALL

The Senate amendment authorizes a study to determine the advisability of modifying the project facilities or the regulation of impounded waters, or both, of the Fort Randall project in South Dakota.

The House bill has no similar provision.

The conference substitute is the same as the Senate amendment.

SUMMERSVILLE LAKE

The Senate amendment authorizes a study to determine the advisability of modifying the project facilities or the regulation of impounded waters, or both, of the Summersville Lake project in West Virginia.

The House bill has no similar provision.

The conference substitute is the same as the Senate amendment.

BRIDGE ACROSS MISSOURI RIVER

The Senate amendment modifies the Missouri River Basin project to provide for a free highway bridge over the Missouri River between Bismarck, North Dakota, and Mobridge, South Dakota.

The House bill had no similar provision.

The conference substitute is essentially the same as the Senate amendment with the addition of the requirement that prior to construction the Secretary of the Army shall enter into an agreement with the appropriate non-Federal interests which shall provide that after construction such non-Federal interests shall own, operate toll free, and maintain the bridge and the approach facilities.

GARRISON RESERVOIR

The Senate amendment modifies the Missouri River Basin project to provide for a free highway bridge over the Little Missouri River at the Garrison Reservoir in the vicinity of Eagle Bay in Dunn County, North Dakota.

The House bill had no similar provision.

The conference substitute is essentially the same as the Senate amendment with the addition of the requirement that prior to construction the Secretary of the Army shall enter into an agreement with the appropriate non-Federal interests which shall provide that after construction such non-Federal interests shall own, operate toll free, and maintain the bridge and the approach facilities.

PERRY DAM AND RESERVOIR

The Senate amendment includes a provision modifying the Perry Dam and Reservoir, Delaware River, Kansas, to provide for certain road paving.

The House bill contained no similar provision.

The conference substitute is the same as the Senate amendment.

UPPER KENTUCKY AND LICKING RIVER BASIN

The Senate amendment authorizes a determination of the feasibility and desirability of establishing a national recreation area in the Upper Kentucky and Licking River Basins.

The House bill had no similar provision.

The conference substitute is the same as the Senate amendment.

REXFORD, MONT.

The Senate amendment modifies the Libby Dam project to include sewage collection and treatment works at Rexford, Montana, as a part of the relocation of municipal facilities.

The House bill had no similar provision.

The conference substitute is the same as the Senate amendment.

STRIP MINING

The Senate amendment authorizes a study of the effects of strip mining operations on navigable rivers and water resource projects.

The House bill had no comparable provision.

The conference substitute is the same as the Senate amendment.

ENFORCEMENT OF REGULATIONS

The Senate amendment provides authority to contend with the problem of unauthorized disposal of refuse at water resource development projects under the jurisdiction of the Corps of Engineers.

This provision makes it an offense to deposit litter of any kind either into the waters or on the land of any water resource development project administered by the Corps of Engineers. The Chief of Engineers is given authority to designate employees to issue citations for violations of antilitter regulations, requiring the appearance of any person charged with a violation to appear before a U.S. Magistrate for trial. Violations are punishable by a fine of not more than $500 or imprisonment of not more than 6 months or both.

The House bill had no similar provision.

The conference substitute is the same as the Senate amendment.

At many of the Corps of Engineers public use areas at its water resources projects, the visitation has greatly increased and so has the litter problem. This problem exists in certain picnic areas, camp grounds on lake waters, and often at non-designated recreational areas of the projects. It exists even where ample containers are available for disposal of trash.

This needless littering degrades the recreational areas at which considerable Federal funds have been expended to bring healthy and clean recreational opportunities to the people of this Nation. It is for this reason that this provision has been included in the Flood Control Act of 1970.

The Conferees recognize that there are many administrative and fiscal problems involved in making this provision apply to all the Corps of Engineers water resources development projects at one time. Therefore, the Conferees would have no objection to the Corps of Engineers initially implementing this provision selectively in those areas where it would be most urgently required.

SUSQUEHANNA RIVER BASIN

The House bill authorizes and directs the Secretary of the Army, acting through the Chief of Engineers, as part of the comprehensive study of the water and related resources of the Susquehanna river basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested Federal and State agencies, the availability, quality, and use of waters within the basin with a view toward developing a comprehensive plan for the development, conservation, and use of such waters. The studies and investigations authorized include the development of plans, for recommendation to the Congress, concerning the construction, operation, and maintenance of water conveyance systems; regional waste treatment, interceptor, and holding facilities; water treatment facilities; and facilities and methods for recharging ground water reservoirs.

The Senate amendment did not contain the provision.

The conference substitute is essentially the same as the House bill, with certain amendments added so as to recognize the appropriate relationship of the new Susquehanna River Basin Commission.

S. 1079 of the present Congress which has recently been sent to the President for his approval establishes the Susquehanna River Basin Commission as a coordinating Federal-interstate agency for immediate and long range planning, development and use of the water resources of the Susquehanna River Basin. Nevertheless, the conferees are mindful that the Army Corps of Engineers has done a recent study of the Susquehanna river basin and that the Corps' continuance of this work will be of great value. Accordingly, this provision is intended to authorize the Corps to proceed in the making of its contributions within the framework provided by S. 1079 and the compact contained therein.

John A. Blatnik,
Robert E. Jones,
Harold T. Johnson,
Wm. Jennings Bryan Dorn,
William C. Cramer,
Don H. Clausen,
Managers on the Part of the House.

CLEAN AIR AMENDMENTS OF 1970—CONFERENCE REPORT

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air:

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Conference Report (H. Rept. No. 91–1783)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Clean Air Amendments of 1970".

RESEARCH

Sec. 2. (a) Section 103 of the Clean Air Act (42 U.S.C. 1857, et seq.) is amended by adding at the end thereof the following new subsection:

"(f) (1) In carrying out research pursuant to this Act, the Administrator shall give special emphasis to research on the short- and long-term effects of air pollutants on public health and welfare. In the furtherance of such research, he shall conduct an accelerated research program—

"(A) to improve knowledge of the contribution of air pollutants to the occurrence of adverse effects on health, including, but not limited to, behavioral, psychological toxicological, and biochemical effects; and

"(B) to improve knowledge of the short- and long-term effects of air pollutants on welfare.

"(2) In carrying out the provisions of this subsection the Administrator may—

"(A) conduct epidemiological studies of the effects of air pollutants on mortality and morbidity;

"(B) conduct clinical and laboratory studies on the immunologic, biochemical, physiological, and the toxicological effects including carcinogenic, teratogenic, and mutagenic effects of air pollutants;

"(C) utilize, on a reimbursable basis, the facilities of existing Federal scientific laboratories and research centers;

"(D) utilize the authority contained in paragraphs (1) through (4) of subsection (b); and

"(E) consult with other appropriate Federal agencies to assure that research or studies conducted pursuant to this subsection will be coordinated with research and studies of such other Federal agencies.

"(3) In entering into contracts under this subsection, the Administrator is authorized to contract for a term not to exceed 10 years in duration. For the purposes of this paragraph, there are authorized to be appropriated $15,000,000. Such amounts as are appropriated shall remain available until expended and shall be in addition to any other appropriations under this Act."

(b) Section 104(a) (1) of the Clean Air Act is amended to read as follows:

"(1) conduct and accelerate research programs directed toward development of improved, low-cost techniques for—

"(A) control of combustion byproducts of fuels,

"(B) removal of potential air pollutants from fuels prior to combustion,

"(C) control of emissions from the evaporation of fuels,

"(D) improving the efficiency of fuels combustion so as to decrease atmospheric emissions, and

"(E) producing synthetic or new fuels which, when used, result in decreased atmospheric emissions."

(c) Section 104(a) (2) of the Clean Air Act is amended by striking "and (B)" and inserting in lieu thereof the following: "(B) part of the cost of programs to develop low emission alternatives to the present internal combustion engine; (C) the cost to purchase vehicles and vehicle engines or portions thereof for research, development, and testing purposes; and (D)".

STATE AND REGIONAL GRANT PROGRAMS

Sec. 3. (a) Section 105(a) (1) of the Clean Air Act is amended to read as follows:

"GRANTS FOR SUPPORT OF AIR POLLUTION PLANNING AND CONTROL PROGRAMS

"Sec. 105. (a) (1) (A) The Administrator may make grants to air pollution control agencies in an amount up to two-thirds of the cost of planning, developing, establishing, or improving, and up to one-half of the cost of maintaining, programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.

"(B) Subject to subparagraph (C), the Administrator may make grants to air pollution control agencies within the meaning of paragraph (1), (2), or (4) of section 302(b) in an amount up to three-fourths of the cost of planning, developing, establishing or improving, and up to three-fifths of the cost of maintaining, any program for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards in an area that includes two or more municipalities, whether in the same or different States.

"(C) With respect to any air quality control region or portion thereof for which there is an applicable implementation plan under section 110, grants under subparagraph (B) may be made only to air pollution control agencies which have substantial responsibilities for carrying out such applicable implementation plan."

(b) (1) Section 105 of the Clean Air Act is further amended by adding at the end thereof the following new subsection:

"(d) The Administrator, with the concurrence of any recipient of a grant under this section, may reduce the payments to such recipient by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of any officer or employee to the recipient under section 301 of this Act, when such detail is for the convenience of, and at the request of, such recipient and for the purpose of carrying out the provisions of this Act. The amount by which such payments have been reduced shall be available for payment of such costs by the Administrator, but shall, for the purpose of determining the amount of any grant to a recipient under subsection (a) of this section, be deemed to have been paid to such agency."

(2) Section 301(b) of the Clean Air Act is amended (A) by striking out "Public Health Service" and inserting in lieu thereof "Environmental Protection Agency" and (B) by striking out the second sentence thereof.

(c) Section 106 of the Clean Air Act is amended to read as follows:

"INTERSTATE AIR QUALITY AGENCIES OR COMMISSIONS

"Sec. 106. For the purpose of developing implementation plans for any interstate air quality control region designated pursuant to section 107, the Administrator is authorized to pay, for two years, up to 100 per centum of the air quality planning program costs of any agency designated by the Governors of the affected States, which agency shall be capable of recommending to the Governors plans for implementation of national primary and secondary ambient air quality standards and shall include representation from the States and appropriate political subdivisions within the air quality control region. After the initial two-year period the Administrator is authorized to make grants to such agency in an amount up to three-fourths of the air quality planning program costs of such agency."

AMBIENT AIR QUALITY AND EMISSION STANDARDS

Sec. 4. (a) The Clean Air Act is amended by striking out section 107; by redesignating section 108, 109, 110 and 111 as 115, 116, 117, and 118, respectively; and by inserting after section 106 the following new sections:

"AIR QUALITY CONTROL REGIONS

"Sec. 107. (a) Each State shall have the primary responsibility for assuring air quality within the entire geographic area comprising such State by submitting an implementation plan for such State which will specify the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in such State.

"(b) For purposes of developing and carrying out implementation plans under section 110—

"(1) an air quality control region designated under this section before the date of enactment of the Clean Air Amendments of 1970, or a region designated after such date under subsection (c), shall be an air quality control region; and

"(2) the portion of such State is not part of any such designated region shall be an air quality control region, but such portion may be subdivided by the State into two or more air quality control regions with the approval of the Administrator.

"(c) The Administrator shall, within 90 days after the date of enactment of the Clean Air Amendments of 1970, after consultation with appropriate State and local authorities, designate as an air quality control region any interstate area or major intrastate area which he deems necessary or appropriate for the attainment and maintenance of ambient air quality standards. The Administrator shall immediately notify the governors of the affected States of any designation made under this subsection.

"AIR QUALITY CRITERIA AND CONTROL TECHNIQUES

"Sec. 108. (a) (1) For the purpose of establishing national primary and secondary ambient air quality standards, the Administrator shall within 30 days after the date of enactment of the Clean Air Amendments of 1970 publish, and shall from time to time thereafter revise, a list which includes each air pollutant—

"(A) which in his judgment has an adverse effect on public health or welfare;

"(B) the presence of which in the ambient air results from numerous or diverse mobile or stationary sources; and

"(C) for which air quality criteria had not been issued before the date of enactment of the Clean Air Amendments of 1970, but for which he plans to issue air quality criteria under this section.

"(2) The Administrator shall issue air quality criteria for an air pollutant within 12 months after he has included such pollutant in a list under paragraph (1). Air quality criteria for an air pollutant shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air, in varying quantities. The criteria for an air pollutant, to the extent practicable, shall include information on—

"(A) those variable factors (including atmospheric conditions) which of themselves or in combination with other factors may alter the effects on public health or welfare of such air pollutant;

"(B) the types of air pollutants which, when present in the atmosphere, may interact with such pollutant to produce an adverse effect on public health or welfare; and

"(C) any known or anticipated adverse effects on welfare.

"(b) (1) Simultaneously with the issuance of criteria under subsection (a), the Administrator shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to the States and appropriate air pollution control agencies information on air pollution control techniques, which information shall include

XUM

data relating to the technology and costs of emission control. Such information shall include such data as are available on available technology and alternative methods of prevention and control of air pollution. Such information shall also include data on alternative fuels, processes, and operating methods which will result in elimination or significant reduction of emissions.

"(2) In order to assist in the development of information on pollution control techniques, the Administrator may establish a standing consulting committee for each air pollutant included in a list published pursuant to subsection (a) (1), which shall be comprised of technically qualified individuals representative of State and local governments, industry, and the academic community. Each such committee shall submit as appropriate, to the Administrator information related to that required by paragraph (1).

"(c) The Administrator shall from time to time review, and, as appropriate, modify, and reissue any criteria or information on control techniques issued pursuant to this section.

"(d) The issuance of air quality criteria and information on air pollution control techniques shall be announced in the Federal Register and copies shall be made available to the general public.

"NATIONAL AMBIENT AIR QUALITY STANDARDS

"SEC. 109. (a) (1) The Administrator—

"(A) within 30 days after the date of enactment of the Clean Air Amendments of 1970, shall publish proposed regulations prescribing a national primary ambient air quality standard and a national secondary ambient air quality standard for each air pollutant for which air quality crteria have been issued prior to such date of enactment; and

"(B) after a reasonable time for interested persons to submit written comments thereon (but no later than 90 days after the initial publication of such proposed standards) shall by regulation promulgate such proposed national primary and secondary ambient air quality standards with such modifications as he deems appropriate.

"(2) With respect to any air pollutant for which air quality criteria are issued after the date of enactment of the Clean Air Amendments of 1970, the Administrator shall publish, simultaneously with the issuance of such criteria and information, proposed national primary and secondary ambient air quality standards for any such pollutant. The procedure provided for in paragraph (1) (B) of this subsection shall apply to the promulgation of such standards.

"(b) (1) National primary ambient air quality standards, prescribed under subsection (a) shall be ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health. Such primary standards may be revised in the same manner as promulgated.

"(2) Any national secondary ambient air quality standard prescribed under subsection (a) shall specify a level of air quality the attainment and maintenance of which in the judgment of the Administrator, based on such criteria, is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. Such secondary standards may be revised in the same manner as promulgated.

"IMPLEMENTATION PLANS

"SEC. 110. (a) (1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within nine months after the promulgation of a national primary ambient air quality standard (or any revision thereof) under section 109 for any air pollutant, a plan which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) within such State. In addition, such State shall adopt and submit to the Administrator (either as a part of a plan submitted under the preceding sentence or separately) within nine months after the promulgation of a national ambient air quality secondary standard (or revision thereof), a plan which provides for implementation, maintenance, and enforcement of such secondary standard in each air quality control region (or portion thereof) within such State. Unless a separate public hearing is provided, each State shall consider its plan implementing such secondary standard at the hearing required by the first sentence of this paragraph.

"(2) The Administrator shall, within four months after the date required for submission of a plan under paragraph (1), approve or disapprove such plan or each portion thereof. The Administrator shall approve such plan, or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

"(A) (i) in the case of a plan implementing a national primary ambient air quality standard, it provides for the attainment of such primary standard as expeditiously as practicable but (subject to subsection (e)) in no case later than three years from the date of approval of such plan (or any revision thereof to take account of a revised primary standard); and (ii) in the case of a plan implementing a national secondary ambient air quality standard, it specifies a reasonable time at which such secondary standard will be attained;

"(B) it includes emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard, including, but not limited to, land-use and transportation controls;

"(C) it includes provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality and, (ii) upon request, make such data available to the Administrator;

"(D) it includes a procedure, meeting the requirements of paragraph (4), for review (prior to construction or modification) of the location of new sources to which a standard of performance will apply;

"(E) it contains adequate provisions for intergovernmental cooperation, including measures necessary to insure that emissions of air pollutants from sources located in any air quality control region will not interfere with the attainment or maintenance of such primary or secondary standard in any portion of such region outside of such State or in any other air quality control region;

"(F) it provides (i) necessary assurances that the State will have adequate personnel, funding, and authority to carry out such implementation plan, (ii) requirements for installation of equipment by owners or operators of stationary sources to monitor emissions from such sources, (iii) for periodic reports on the nature and amounts of such emissions; (iv) that such reports shall be correlated by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection; and (v) for authority comparable to that in section 303, and adequate contingency plans to implement such authority;

"(G) it provides, to the extent necessary and practicable, for periodic inspection and testing of motor vehicles to enforce compliance with applicable emission standards; and

"(H) it provides for revision, after public hearings, of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of achieving such primary or secondary standard; or (ii) whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to achieve the national ambient air quality primary or secondary standard which it implements.

"(3) The Administrator shall approve any revision of an implementation plan applicable to an air quality control region if he determines that it meets the requirements of paragraph (2) and has been adopted by the State after reasonable notice and public hearings.

"(4) The procedure referred to in paragraph (2) (D) for review, prior to construction or modification, of the location of new sources shall (A) provide for adequate authority to prevent the construction or modification of any new source to which a standard of performance under section 111 will apply at any location which the State determines will prevent the attainment of maintenance within any air quality control region (or portion thereof) within such State of a national ambient air quality primary or secondary standard, and (B) require that prior to commencing construction or modification of any such source, the owner or operator thereof shall submit to such State such information as may be necessary to permit the State to make a determination under clause (A).

"(b) The Administrator may, wherever he determines necessary, extend the period for submission of any plan or portion thereof which implements a national secondary ambient air quality standard for a period not to exceed 18 months from the date otherwise required for submission of such plan.

"(c) The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if—

"(1) the State fails to submit an implementation plan for any national ambient air quality primary or secondary standard within the time prescribed,

"(2) the plan, or any portion thereof, submitted for such State is determined by the Administrator not to be in accordance with the requirements of this section, or

"(3) the State fails, within 60 days after notification by the Administrator or such longer period as he may prescribe, to revise an implementation plan as required pursuant to a provision of its plan referred to in subsection (a) (2) (H).

If such State held no public hearing associated with respect to such plan (or revision thereof), the Administrator shall provide opportunity for such hearing within such State on any proposed regulation. The Administrator shall, within six months after the date required for submission of such plan (or revision thereof), promulgate any such regulations unless, prior to such promulgation, such State has adopted and submitted a plan (or revision) which the Administrator determines to be in accordance with the requirements of this section.

"(d) For purposes of this Act, an applicable implementation plan is the implementation plan, or most recent revision thereof, which has been approved under subsection (a) or promulgated under subsection (c) and which implements a national primary or secondary ambient air quality standard in a State.

"(e) (1) Upon application of a Governor of a State at the time of submission of any plan implementing a national ambient air quality primary standard, the Administrator may (subject to paragraph (2)) extend the three-year period referred to in subsection (a) (2) (A) (i) for not more than two years for an air quality control region if after review of such plan the Administrator determines that—

"(A) one or more emission sources (or classes of moving sources) are unable to comply with the requirements of such plan which

XUM

implement such primary standard because the necessary technology or other alternatives are not available or will not be available soon enough to permit compliance within such three-year period, and

"(B) the State has considered and applied as a part of its plan reasonably available alternative means of attaining such primary standard and has justifiably concluded that attainment of such primary standard within the three years cannot be achieved.

"(2) The Administrator may grant an extension under paragraph (1) only if he determines that the State plan provides for—

"(A) application of the requirements of the plan which implement such primary standard to all emission sources in such region other than the sources (or classes) described in paragraph (1)(A) within the three-year period, and

"(B) such interim measures of control of the sources (or classes) described in paragraph (1)(A) as the Administrator determines to be reasonable under the circumstances.

"(f)(1) Prior to the date on which any stationary source or class of moving sources is required to comply with any requirement of an applicable implementation plan the Governor of the State to which such plan applies may apply to the Administrator to postpone the applicability of such requirement to such source (or class) for not more than one year. If the Administrator determines that—

"(A) good faith efforts have been made to comply with such requirement before such date,

"(B) such source (or class) is unable to comply with such requirement because the necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time,

"(C) any available alternative operating procedures and interim control measures have reduced or will reduce the impact of such source on public health, and

"(D) the continued operation of such source is essential to national security or to the public health or welfare,

then the Administrator shall grant a postponement of such requirement.

"(2)(A) Any determination under paragraph (1) shall (i) be made on the record after notice to interested persons and opportunity for hearing, (ii) be based upon a fair evaluation of the entire record at such hearing, and (iii) include a statement setting forth in detail the findings and conclusions upon which the determination is based.

"(B) Any determination made pursuant to this paragraph shall be subject to judicial review by the United States court of appeals for the circuit which includes such State upon the filing in such court within 30 days from the date of such decision of a petition by any interested person praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Administrator and thereupon the Administrator shall certify and file in such court the record upon which the final decision complained of was issued, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm, or set aside the determination complained of in whole or in part. The findings of the Administrator with respect to questions of fact (including each determination made under subparagraphs (A), (B), (C), and (D) of paragraph (1)) shall be sustained if based upon a fair evaluation of the entire record at such hearing.

"(C) Proceedings before the court under this paragraph shall take precedence over all the other causes of action on the docket and shall be assigned for hearing and decision at the earliest practicable date and expedited in every way.

"(D) Section 307(a) (relating to subpenas) shall be applicable to any proceeding under this subsection.

"STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

"SEC. 111. (a) For purposes of this section:

"(1) The term 'standard of performance' means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated.

"(2) The term 'new source' means any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.

"(3) The term 'stationary source' means any building, structure, facility, or installation which emits or may emit any air pollutant.

"(4) The term 'modification' means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.

"(5) The term 'owner or operator' means any person who owns, leases, operates, controls, or supervises a stationary source.

"(6) The term 'existing source' means any stationary source other than a new source.

"(b)(1)(A) The Administrator shall, within 90 days after the date of enactment of the Clean Air Amendments of 1970, publish (and from time to time thereafter shall revise) a list of categories of stationary sources. He shall include a category of sources in such list if he determines it may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare.

"(B) Within 120 days after the inclusion of a category of stationary sources in a list under subparagraph (A), the Administrator shall propose regulations, establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within 90 days after such publication, such standards with such modifications as he deems appropriate. The Administrator may, from time to time, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance or revisions thereof shall become effective upon promulgation.

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards.

"(3) The Administrator shall, from time to time, issue information on pollution control techniques for categories of new sources and air pollutants subject to the provisions of this section.

"(4) The provisions of this section shall apply to any new source owned or operated by the United States.

"(c)(1) Each State may develop and submit to the Administrator a procedure for implementing and enforcing standards of performance for new sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this Act to implement and enforce such standards (except with respect to new sources owned or operated by the United States).

"(2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable standard of performance under this section.

"(d)(1) The Administrator shall prescribe regulations which shall establish a procedure similar to that provided by section 110 under which each State shall submit to the Administrator a plan which (A) establishes emission standards for any existing source for any air pollutant (i) for which air quality criteria have not been issued or which is not included on a list published under section 108(a) or 112(b)(1)(A) but (ii) to which a standard of performance under subsection (b) would apply if such existing source were a new source, and (B) provides for the implementation and enforcement of such emission standards.

"(2) The Administrator shall have the same authority—

"(A) to prescribe a plan for a State in cases where the State fails to submit a satisfactory plan as he would have under section 110(c) in the case of failure to submit an implementation plan, and

"(B) to enforce the provisions of such plan in cases where the State fails to enforce them as he would have under sections 113 and 114 with respect to an implementation plan.

"(e) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

"NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

"SEC. 112. (a) For purposes of this section—

"(1) The term 'hazardous air pollutant' means an air pollutant to which no ambient air quality standard is applicable and which in the judgment of the Administrator may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

"(2) The term 'new source' means a stationary source the construction or modification of which is commenced after the Administrator proposes regulations under this section establishing an emission standard which will be applicable to such source.

"(3) The terms 'stationary source', 'modification', 'owner or operator' and 'existing source' shall have the same meaning as such terms have under section 111(a).

"(b)(1)(A) The Administrator shall, within 90 days after the date of enactment of the Clean Air Amendments of 1970, publish (and shall from time to time thereafter revise) a list which includes hazardous air pollutant for which he intends to establish an emission standard under this section.

"(B) Within 180 days after the inclusion of any air pollutant in such list, the Administrator shall publish proposed regulations establishing emission standards for such pollutant together with a notice of a public hearing within thirty days. Not later than 180 days after such publication, the Administrator shall prescribe an emission standard for such pollutant, unless he finds, on the basis of information presented at such hearings, that such pollutant clearly is not a hazardous air pollutant. The Administrator shall establish any such standard at the level which in his judgment provides an ample margin of safety to protect the public health from such hazardous air pollutant.

"(C) Any emission standard established pursuant to this section shall become effective upon promulgation

"(2) The Administrator shall, from time to time, issue information on pollution control techniques for air pollutants subject to the provisions of this section.

"(c)(1) After the effective date of any emission standard under this section—

"(A) no person may construct any new source or modify any existing source which, in the Administrator's judgment, will emit an air pollutant to which such standard applies unless the Administrator finds that such source if properly operated will not cause emissions in violation of such standard, and

"(B) no air pollutant to which such standard applies may be emitted from any stationary source in violation of such standard, except that in the case of an existing source—

"(i) such standard shall not apply until 90 days after its effective date, and

"(ii) the Administrator may grant a waiver permitting such source a period of up to two years after the effective date of a standard to comply with the standard, if he finds that such period is necessary for the installation of controls and that steps will be taken during the period of the waiver to assure that the health of persons will be protected from imminent endangerment.

"(2) The President may exempt any stationary source from compliance with paragraph (1) for a period of not more than two years if he finds that the technology to implement such standards is not available and the operation of such source is required for reasons of national security. An exemption under this paragraph may be extended for one or more additional periods, each period not to exceed two years. The President shall make a report to Congress with respect to each exemption (or extension thereof) made under this paragraph.

"(d) (1) Each State may develop and submit to the Administrator a procedure for implementing and enforcing emission standards for hazardous air pollutants for stationary sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this Act to implement and enforce such standards (except with respect to stationary sources owned or operated by the United States).

"(2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable emission standard under this section.

"FEDERAL ENFORCEMENT

"SEC. 113. (a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any requirement of an applicable implementation plan, the Administrator shall notify the person in violation of the plan and the State in which the plan applies of such finding. If such violation extends beyond the 30th day after the date of the Administrator's notification, the Administrator may issue an order requiring such person to comply with the requirements of such plan or he may bring a civil action in accordance with subsection (b).

"(2) Whenever, on the basis of information available to him, the Administrator finds that violations of an applicable implementation plan are so widespread that such violations appear to result from a failure of the State in which the plan applies to enforce the plan effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the 30th day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such plan (hereafter referred to in this section as 'period of Federally assumed enforcement'), the Administrator may enforce any requirement of such plan with respect to any person—

"(A) by issuing an order to comply with such requirement, or

"(B) by bringing a civil action under subsection (b).

"(3) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of section 111(e) (relating to new source performance standards) or 112(c) (relating to standards for hazardous emissions), or is in violation of any requirement of section 114 (relating to inspections, etc.), he may issue an order requiring such person to comply with such section or requirement, or he may bring a civil action in accordance with subsection (b).

"(4) An order issued under this subsection (other than an order relating to a violation of section 112) shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator concerning the alleged violation. A copy of any order issued under this subsection shall be sent to the State air pollution control agency of any State in which the violation occurs. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1)) is issued to a corporation, a copy of such order (or notice) shall be issued to appropriate corporate officers.

"(b) The Administrator may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

"(1) violates or fails or refuses to comply with any order issued under subsection (a); or

"(2) violates any requirement of an applicable implementation plan during any period of Federally assumed enforcement more than 30 days after having been notified by the Administrator under subsection (a) (1) of a finding that such person is violating such requirement; or

"(3) violates section 111(e) or 112(c); or

"(4) fails or refuses to comply with any requirement of section 114.

Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State air pollution control agency.

"(c) (1) Any person who knowingly—

"(A) violates any requirement of an applicable implementation plan during any period of Federally assumed enforcement more than 30 days after having been notified by the Administrator under subsection (a) (1) that such person is violating such requirement, or

"(B) violates or fails or refuses to comply with any order issued by the Administrator under subsection (a), or

"(C) violates section 111(e) or section 112(c).

shall be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"INSPECTIONS, MONITORING, AND ENTRY

"SEC. 114 (a) For the purpose (i) of developing or assisting in the development of any implementation plan under section 110 or 111(d), any standard of performance under section 111, or any emission standard under section 112, (ii) of determining whether any person is in violation of any such standard or any requirement of such a plan, or (iii) carrying out section 303—

"(1) the Administrator may require the owner or operator of any emission source to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain such monitoring equipment or methods, (D) sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information, as he may reasonably require; and

"(2) the Administrator or his authorized representative, upon presentation of his credentials—

"(A) shall have a right of entry to, upon, or through any premises in which an emission source is located or in which any records required to be maintained under paragraph (1) of this section are located, and

"(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (1), and sample any emissions which the owner or operator of such source is required to sample under paragraph (1).

"(b) (1) Each State may develop and submit to the Administrator a procedure for carrying out this section in such State. If the Administrator finds the State procedure is adequate, he may delegate to such State any authority he has to carry out this section (except with respect to new sources owned or operated by the United States.)

"(2) Nothing in this subsection shall prohibit the Administrator from carrying out this section in a State.

"(c) Any records, reports or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act."

(b) Section 115 of the Clean Air Act (as so redesignated by subsection (a) of this section) is amended as follows:

(1) Strike out the section heading and inserting in lieu thereof "ABATEMENT BY MEANS OF CONFERENCE PROCEDURE IN CERTAIN CASES."

(2) Insert "and which is covered by subsection (b) or (c)" after "persons" in subsection (a).

(3) Strike out subsections (b), (c), and (k).

(4) Redesignate subsections (d) (1) (A), (B), and (C) as paragraphs (1), (2), and (3) of subsection (b), respectively.

(5) Insert after subsection (b) (3) (as so redesignated) the following:

"(4) A conference may not be called under this subsection with respect to an air pollutant for which (at the time the conference is called) a national primary or secondary ambient air quality standard is in effect under section 109."

(6) Redesignate subsection (d) (1) (D) as subsection (c), and strike out "subparagraph" each place it appears therein and insert in lieu thereof "subsection".

(7) Redesignate subsections (d) (2) and (d) (3) as subsections (d) (1) and (d) (2), respectively.

(8) Strike out "such conference" in subsec-

XUM

tion (d)(1) (as so redesignated) and inserting in lieu thereof "any conference under this section".

(9) Strike out "under subparagraph (D) of subsection (d)" in subsection (g)(1) and inserting in lieu thereof "subsection (c)".

(10) Add at the end thereof the following new subsection:

"(k) No order or judgment under this section, or settlement, compromise, or agreement respecting any action under this section (whether or not entered or made before the date of enactment of the Clean Air Amendments of 1970) shall relieve any person of any obligation to comply with any requirement of an applicable implementation plan, or with any standard prescribed under section 111 or 112."

(2) Section 103(e) of the Clean Air Act is amended by striking out "section 108(a)" and inserting in lieu thereof "section 115"; and by striking out "subsections (d), (e), and (f) of section 108" and inserting in lieu thereof "subsections (b), (c), (d), (e), and (f) of section 115".

(c) Section 116 of the Clean Air Act (as so redesignated by subsection (a) of this section) is amended to read as follows:

"RETENTION OF STATE AUTHORITY

"SEC. 116. Except as otherwise provided in sections 209, 211(c)(4), and 233 (preempting certain State regulation of moving sources) nothing in this Act shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce (1) any standard or limitation respecting emissions of air pollutants or (2) any requirement respecting control or abatement of air pollution; except that if an emission standard or limitation is in effect under an applicable implementation plan or under section 111 or 112, such State or political subdivision may not adopt or enforce any emission standard or limitation which is less stringent than the standard or limitation under such plan or section."

(d) The Clean Air Act is amended by adding at the end of section 117 (as so redesignated by subsection (a) of this section) the following new subsection:

"(f) Prior to—

"(1) issuing criteria for an air pollutant under section 108(a)(2),

"(2) publishing any list under section 111(b)(1)(A) or 112(b)(1)(A),

"(3) publishing any standard under section 111(b)(1)(B) or section 112(b)(1)(B), or

"(4) publishing any regulation under section 202(a),

the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts, and Federal departments and agencies."

FEDERAL FACILITIES

SEC. 5. Section 118 of the Clean Air Act (as so redesignated by section 4(a) of this Act) is amended to read as follows:

"CONTROL OF POLLUTION FROM FEDERAL FACILITIES

"SEC. 118. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge of air pollutants, shall comply with Federal, State, interstate, and local requirements respecting control and abatement of air pollution to the same extent that any person is subject to such requirements. The President may exempt any emission source of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so, except that no exemption may be granted from section 111, and an exemption from section 112 may be granted only in accordance with section 112(c). No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption."

MOTOR VEHICLE EMISSION STANDARDS

SEC. 6. (a) Section 202 of the Clean Air Act is amended to read as follows:

"ESTABLISHMENT OF STANDARDS

"SEC. 202. (a) Except as otherwise provided in subsection (b)—

"(1) The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment causes or contributes to, or is likely to cause or to contribute to, air pollution which endangers the public health or welfare. Such standards shall be applicable to such vehicles and engines for their useful life (as determined under subsection (d)), whether such vehicles and engines are designed as complete systems or incorporate devices to prevent or control such pollution.

"(2) Any regulation prescribed under this subsection (and any revision thereof) shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

"(b)(1)(A) The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light duty vehicles and engines manufactured during or after model year 1975 shall contain standards which require a reduction of at least 90 per centum from emissions of carbon monoxide and hydrocarbons allowable under the standards under this section applicable to light duty vehicles and engines manufactured in model year 1970.

"(B) The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light duty vehicles and engines manufactured during or after model year 1976 shall contain standards which require a reduction of at least 90 per centum from the average of emissions of oxides of nitrogen actually measured from light duty vehicles manufactured during model year 1971 which are not subject to any Federal or State emission standard for oxides of nitrogen. Such average of emissions shall be determined by the Administrator on the basis of measurements made by him.

"(2) Emission standards under paragraph (1), and measurement techniques on which such standards are based (if not promulgated prior to the date of enactment of the Clean Air Amendments of 1970), shall be prescribed by regulation within 180 days after such date.

"(3) For purposes of this part—

"(A)(i) The term 'model year' with reference to any specific calendar year means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term 'model year' shall mean the calendar year.

"(ii) For the purpose of assuring that vehicles and engines manufactured before the beginning of a model year were not manufactured for purposes of circumventing the effective date of a standard required to be prescribed by subsection (b), the Administrator may prescribe regulations defining 'model year' otherwise than as provided in clause (i).

"(B) The term 'light duty vehicles and engines' means new light duty motor vehicles and new light duty motor vehicle engines, as determined under regulations of the Administrator.

"(4) On July 1 of 1971, and of each year thereafter, the Administrator shall report to the Congress with respect to the development of systems necessary to implement the emission standards established pursuant to this section. Such reports shall include information regarding the continuing effects of such air pollutants subject to standards under this section on the public health and welfare, the extent and progress of efforts being made to develop the necessary systems, the costs associated with development and application of such systems, and following such hearings as he may deem advisable, any recommendations for additional congressional action necessary to achieve the purposes of this Act. In gathering information for the purposes of this paragraph and in connection with any hearing, the provisions of section 307(a) (relating to subpenas) shall apply.

"(5)(A) At any time after January 1, 1972, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1)(A) with respect to such manufacturer. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1)(A)) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during model year 1975.

"(B) At any time after January 1, 1973, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1)(B) with respect to such manufacturer. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1)(B) to emissions of oxides of nitrogen) from such vehicles and engines manufactured during model year 1976.

"(C) Any interim standards prescribed under this paragraph shall reflect the greatest degree of emission control which is achievable by application of technology which the Administrator determines is available, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers.

"(D) Within 60 days after receipt of the application for any such suspension, and after public hearing, the Administrator shall issue a decision granting or refusing such suspension. The Administrator shall grant such suspension only if he determines that (i) such suspension is essential to the public interest or the public health and welfare of the United States, (ii) all good faith efforts have been made to meet the standards established by this subsection, (iii) the applicant has established that effective con-

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trol technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available to meet such standards.

"(E) Nothing in this paragraph shall extend the effective date of any emission standard required to be prescribed under this subsection for more than one year.

"(c)(1) The Administrator shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the technological feasibility of meeting the emissions standards required to be prescribed by the Administrator by subsection (b) of this section.

"(2) Of the funds authorized to be appropriated to the Administrator by this Act, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

"(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Administrator shall request the National Academy of Sciences to submit semiannual reports on the progress of its study and investigation to the Administrator and the Congress, beginning not later than July 1, 1971, and continuing until such study and investigation is completed.

"(4) The Administrator shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by paragraph (1) of this subsection. For the purpose of furnishing such information, the Administrator may use any authority he has under this Act (A) to obtain information from any person, and (B) to require such person to conduct such tests, keep such records, and make such reports respecting research or other activities conducted by such person as may be reasonably necessary to carry out this subsection.

"(d) The Administrator shall prescribe regulations under which the useful life of vehicles and engines shall be determined for purposes of subsection (a)(1) of this section and section 207. Such regulations shall provide that useful life shall—

"(1) in the case of light duty vehicles and light duty vehicle engines, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs; and

"(2) in the case of any other motor vehicle or motor vehicle engine, be a period of use set forth in paragraph (1) unless the Administrator determines that a period of use of greater duration or mileage is appropriate.

"(e) In the event a new power source or propulsion system for new motor vehicles or new motor vehicle engines is submitted for certification pursuant to section 206(a), the Administrator may postpone certification until he has prescribed standards for any air pollutants emitted by such vehicle or engine which cause or contribute to, or are likely to cause or contribute to, air pollution which endangers the public health or welfare but for which standards have not been prescribed under subsection (a)."

ENFORCEMENT OF MOTOR VEHICLE EMISSION STANDARDS

SEC. 7. (a)(1) Section 203(a)(1) of the Clean Air Act is amended to read as follows:

"(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the sale, or the offering for sale, or the introduction, or delivery for introduction, into commerce, or (in the case of any person, except as provided by regulation of the Administrator), the importation into the United States, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this part which are applicable to such vehicle or engine unless such vehicle or engine is covered by a certificate of conformity issued (and in effect) under regulations prescribed under this part (except as provided in subsection (b));"

(2) Section 203(a)(2) of such Act is amended by striking out "section 207" and inserting in lieu thereof "section 208", and by striking out "or" at the end thereof.

(3) Section 203(a)(3) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", or for any manufacturer or dealer knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or".

(4) Section 203(a) of such Act is amended by inserting at the end thereof the following new paragraph:

"(4) for any manufacturer of a new motor vehicle or new motor vehicle engine subject to standards prescribed under section 202—

"(A) to sell or lease any such vehicle or engine unless such manufacturer has complied with the requirements of section 207 (a) and (b) with respect to such vehicle or engine, and unless a label or tag is affixed to such vehicle or engine in accordance with section 207(c)(3), or

"(B) to fail or refuse to comply with the requirements of section 207 (c) or (e)."

(5) Section 203(b)(1) of such Act is amended by striking out ", or class thereof, from subsection (a)," and inserting in lieu thereof "from subsection (a)", and by striking out "to protect the public health or welfare,".

(6) Section 203(b)(2) of such Act is amended by striking out "importation by a manufacturer" and inserting in lieu thereof "importation or imported by any person".

(7) Section 203 of the Clean Air Act is amended—

(A) by amending subsection (b)(3) to read as follows:

"(3) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of subsection (a), except that if the country of export has emission standards which differ from the standards prescribed under subsection (a), then such vehicle or engine shall comply with the standards of such country of export."; and

(B) by adding at the end thereof the following new subsection:

"(C) Upon application therefor, the Administrator may exempt from section 203(a)(3) any vehicles (or class thereof) manufactured before the 1974 model year from section 203(a)(3) for the purpose of permitting modifications to the emission control device or system of such vehicle in order to use fuels other than those specified in certification testing under section 206(a)(1), if the Administrator, on the basis of information submitted by the applicant, finds that such modification will not result in such vehicle or engine not complying with standards under section 202 applicable to such vehicle or engine. Any such exemption shall identify (1) the vehicle or vehicles so exempted, (2) the specific nature of the modification, and (3) the person or class of persons to whom the example shall apply."

(b) Section 204(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 205 of such Act is amended to read as follows:

"PENALTIES

"SEC. 205. Any person who violates paragraph (1), (2), (3), or (4) of section 203(a) shall be subject to a civil penalty of not more than $10,000. Any such violation with respect to paragraph (1), (2), or (4) of section 203(a) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine."

COMPLIANCE WITH MOTOR VEHICLE EMISSION STANDARDS

SEC. 8. (a) The Clean Air Act is amended by striking out sections 206 and 211; by redesignating sections 207, 208, 209, 210, and 212 as 208, 209, 210, 211, and 213, respectively; and by inserting after section 205 the following new sections:

"MOTOR VEHICLE AND MOTOR VEHICLE ENGINE COMPLIANCE TESTING AND CERTIFICATION

"SEC. 206. (a)(1) The Administrator shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act. If such vehicle or engine conforms to such regulations, the Administrator shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe.

"(2) The Administrator shall test any emission control system incorporated in a motor vehicle or motor vehicle engine submitted to him by any person, in order to determine whether such system enables such vehicle or engine to conform to the standards required to be prescribed under section 202(b) of this Act. If the Administrator finds on the basis of such tests that such vehicle or engine conforms to such standards, the Administrator shall issue a verification of compliance with emission standards for such system when incorporated in vehicles of a class of which the tested vehicle is representative. He shall inform manufacturers and the National Academy of Sciences, and make available to the public, the results of such tests. Tests under this paragraph shall be conducted under such terms and conditions (including requirements for preliminary testing by qualified independent laboratories) as the Administrator may prescribe by regulations.

"(b)(1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued, the Administrator is authorized to test such vehicles or engines. Such tests may be conducted by the Administrator directly or, in accordance with conditions specified by the Administrator, by the manufacturer.

"(2)(A)(i) If, based on tests conducted under paragraph (1) on a sample of new vehicles or engines covered by a certificate of conformity, the Administrator determines that all or part of the vehicles or engines so covered do not conform with the regulations with respect to which the certificate of conformity was issued, he may suspend or revoke such certificate in whole or in part, and shall so notify the manufacturer. Such suspension or revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification (or manufactured before such date if still in the hands of the manufacturer), and shall apply until such time as the Administrator finds that vehicles and engines manufactured by the manufacturer do conform to such regulations. If, during any period of suspension or revocation, the Administrator finds that a vehicle or engine actually conforms to such regulations, he shall issue a certificate of conformity applicable to such vehicle or engine.

"(ii) If, based on tests conducted under paragraph (1) on any new vehicle or engine, the Administrator determines that such vehicle or engine does not conform with such regulations, he may suspend or revoke such

XUM

certificate insofar as it applies to such vehicle or engine until such time as he finds such vehicle or engine actually so conforms with such regulations, and he shall so notify the manufacturer.

"(B)(i) At the request of any manufacturer the Administrator shall grant such manufacturer a hearing as to whether the tests have been properly conducted or any sampling methods have been properly applied, and make a determination on the record with respect to any suspension or revocation under subparagraph (A); but suspension or revocation under subparagraph (A) shall not be stayed by reason of such hearing.

"(ii) In any case of actual controversy as to the validity of any determination under clause (i), the manufacturer may at any time prior to the 60th day after such determination is made file a petition with the United States court of appeals for the circuit wherein such manufacturer resides or has his principal place of business for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or other officer designated by him for that purpose. The Administrator thereupon shall file in the court the record of the proceedings on which the Administrator based his determination, as provided in section 2112 of title 28 of the United States Code.

"(iii) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"(iv) Upon the filing of the petition referred to in clause (ii), the court shall have jurisdiction to review the order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(c) For purposes of enforcement of this section, officers or employees duly designated by the Administrator, upon presenting appropriate credentials to the manufacturer or person in charge, are authorized (1) to enter, at reasonable times, any plant or other establishment of such manufacturer, for the purpose of conducting tests of vehicles or engines in the hands of the manufacturer, or (2) to inspect at reasonable times, records, files, papers, processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Administrator. Each such inspection shall be commenced and completed with reasonable promptness.

"(d) The Administrator shall by regulation establish methods and procedures for making tests under this section.

"(e) The Administrator shall announce in the Federal Register and make available to the public the results of his tests of any motor vehicle or motor vehicle engine submitted by a manufacturer under subsection (a) as promptly as possible after the enactment of the Clean Air Amendments of 1970 and at the beginning of each model year which begins thereafter. Such results shall be described in such nontechnical manner as will reasonably disclose to prospective ultimate purchasers of new motor vehicles and new motor vehicle engines the comparative performance of the vehicles and engines tested in meeting the standards prescribed under section 202 of this Act.

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"COMPLIANCE BY VEHICLE AND ENGINES IN ACTUAL USE

"SEC. 207. (a) Effective with respect to vehicles and engines manufactured in model years beginning more than 60 days after the date of the enactment of the Clean Air Act Amendments of 1970, the manufacturer of each new motor vehicle and new motor vehicle engine shall warrant to the ultimate purchaser and each subsequent purchaser that such vehicle or engine is (1) designed, built, and equipped so as to conform at the time of sale with applicable regulations under section 202, and (2) free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations for its useful life (as determined under section 202(d)).

"(b) If the Administrator determines that (i) there are available testing methods and procedures to ascertain whether, when in actual use throughout its useful life (as determined under section 202(d)), each vehicle and engine to which regulations under section 202 apply complies with the emission standards of such regulations, (ii) such methods and procedures are in accordance with good engineering practices, and (iii) such methods and procedures are reasonably capable of being correlated with tests conducted under section 206(a)(1), then—

"(1) he shall establish such methods and procedures by regulation, and

"(2) at such time as he determines that inspection facilities or equipment are available for purposes of carrying out testing methods and procedures established under paragraph (1), he shall prescribe regulations which shall require manufacturers to warrant the emission control device or system of each new motor vehicle or new motor vehicle engine to which a regulation under section 202 applies and which is manufactured in a model year beginning after the Administrator first prescribes warranty regulations under this paragraph (2). The warranty under such regulations shall run to the ultimate purchaser and each subsequent purchaser and shall provide that if—

"(A) the vehicle or engine is maintained and operated in accordance with instructions under subsection (c)(3),

"(B) it fails to conform at any time during its useful life (as determined under section 202(d)) to the regulations prescribed under section 202, and

"(C) such nonconformity results in the ultimate purchaser (or any subsequent purchaser) of such vehicle or engine having to bear any penalty or other sanction (including the denial of the right to use such vehicle or engine) under State or Federal law, then such manufacturer shall remedy such nonconformity under such warranty with the cost thereof to be borne by the manufacturer.

"(c) Effective with respect to vehicles and engines manufactured during model years beginning more than 60 days after the date of enactment of the Clean Air Amendments of 1970—

"(1) If the Administrator determines that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under section 202, when in actual use throughout their useful life (as determined under section 202(d)), he shall immediately notify the manufacturer thereof of such nonconformity, and he shall require the manufacturer to submit a plan for remedying the nonconformity of the vehicles or engines with respect to which such notification is given. The plan shall provide that the nonconformity of any such vehicles or engines which are properly used and maintained will be remedied at the expense of the manufacturer. If the manufacturer disagrees with such determination of nonconformity and so advises the Administrator, the Administrator shall afford the manufacturer and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing. Unless, as a result of such hearing the Administrator withdraws such determination of nonconformity, he shall, within 60 days after the completion of such hearing, order the manufacturer to provide prompt notification of such nonconformity in accordance with paragraph (2).

"(2) Any notification required by paragraph (1) with respect to any class or category of vehicles or engines shall be given to dealers, ultimate purchasers, and subsequent purchasers (if known) in such manner and containing such information as the Administrator may by regulations require.

"(3) The manufacturer shall furnish with each new motor vehicle or motor vehicle engine such written instructions for the maintenance and use of the vehicle or engine by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control devices and systems. In addition, the manufacturer shall indicate by means of a label or tag permanently affixed to such vehicle or engine that such vehicle or engine is covered by a certificate of conformity issued for the purpose of assuring achievement of emissions standards prescribed under section 202. Such label or tag shall contain such other information relating to control of motor vehicle emissions as the Administrator shall prescribe by regulation.

"(d) Any cost obligation of any dealer incurred as a result of any requirement imposed by subsection (a), (b), or (c) shall be borne by the manufacturer. The transfer of any such cost obligation from a manufacturer to any dealer through franchise or other agreement is prohibited.

"(e) If a manufacturer includes in any advertisement a statement respecting the cost or value of emission control devices or systems, such manufacturer shall set forth in such statement the cost or value attributed to such devices or systems by the Secretary of Labor (through the Bureau of Labor Statistics). The Secretary of Labor, and his representatives, shall have the same access for this purpose to the books, documents, papers, and records of a manufacturer as the Comptroller General has to those of a recipient of assistance for purposes of section 311.

"(f) Any inspection of a motor vehicle or a motor vehicle engine for purposes of subsection (c)(1), after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine voluntarily permits such inspection to be made, except as may be provided by any State or local inspection program."

(b) The amendments made by this section shall not apply to vehicles or engines imported into the United States before the sixtieth day after the date of enactment of this Act.

"REGULATION OF FUELS

SEC. 9. (a) Section 211 of the Clean Air Act (as so redesignated by section 8) is amended to read as follows:

"REGULATIONS OF FUELS

"SEC. 211. (a) The Administrator may by regulation designate any fuel or fuel additive and, after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or additive may sell, offer for sale, or introduce into commerce such fuel or additive unless the Administrator has registered such fuel or additive in accordance with subsection (b) of this section.

"(b)(1) For the purpose of registration of fuels and fuel additives, the Administrator shall require—

"(A) the manufacturer of any fuel to notify him as to the commercial identifying name and manufacturer of any additive contained in such fuel; the range of concentration of any additive in the fuel; and the purpose-in-use of any such additive; and

"(B) the manufacturer of any additive to notify him as to the chemical composition of such additive.

"(2) For the purpose of registration of fuels and fuel additives, the Administrator may also require the manufacturer of any fuel or fuel additive—

"(A) to conduct tests to determine potential public health effects of such fuel or additive (including, but not limited to, carcinogenic, teratogenic, or mutagenic effects), and

"(B) to furnish the description of any analytical technique that can be used to detect and measure any additive in such fuel, the recommended range of concentration of such additive, and the recommended purpose-in-use of such additive, and such other information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or additive contained in such fuel, the effect of such fuel or additive on the emission control performance of any vehicle or vehicle engine, or the extent to which such emissions affect the public health or welfare.

Tests under subparagraph (A) shall be conducted in conformity with test procedures and protocols established by the Administrator. The result of such tests shall not be considered confidential.

"(3) Upon compliance with the provision of this subsection, including assurances that the Administrator will receive changes in the information required, the Administrator shall register such fuel or fuel additive.

"(c) (1) The Administrator may, from time to time on the basis of information obtained under subsection (b) of this section or other information available to him, by regulation, control or prohibit the manufacture, introduction into commerce, offering for sale, or sale of any fuel or fuel additive for use in a motor vehicle or motor vehicle engine (A) if any emission products of such fuel or fuel additive will endanger the public health or welfare, or (B) if emission products of such fuel or fuel additive will impair to a significant degree the performance of any emission control device or system which is in general use, or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulation to be promulgated.

"(2) (A) No fuel, class of fuels, or fuel additive may be controlled or prohibited by the Administrator pursuant to clause (A) of paragraph (1) except after consideration of all relevant medical and scientific evidence available to him, including consideration of other technologically or economically feasible means of achieving emission standards under section 202.

"(B) No fuel or fuel additive may be controlled or prohibited by the Administrator pursuant to clause (B) of paragraph (1) except after consideration of available scientific and economic data, including a cost benefit analysis comparing emission control devices or systems which are or will be in general use and require the proposed control or prohibition with emission control devices or systems which are or will be in general use and do not require the proposed control or prohibition. On request of a manufacturer of motor vehicles, motor vehicle engines, fuels, or fuel additives submitted within 10 days of notice of proposed rulemaking, the Administrator shall hold a public hearing and publish findings with respect to any matter he is required to consider under this subparagraph. Such findings shall be published at the time of promulgation of final regulations.

"(C) No fuel or fuel additive may be prohibited by the Administrator under paragraph (1) unless he finds, and publishes such finding, that in his judgment such prohibition will not cause the use of any other fuel or fuel additive which will produce emissions which will endanger the public health or welfare to the same or greater degree than the use of the fuel or fuel additive proposed to be prohibited.

"(3) (A) For the purpose of evidence and data to carry out paragraph (2), the Administrator may require the manufacturer of any motor vehicle or motor vehicle engine to furnish any information which has been developed concerning the emissions from motor vehicles resulting from the use of any fuel or fuel additive, or the effect of such use on the performance of any emission control device or system.

"(B) In obtaining information under subparagraph (A), section 307(a) (relating to subpenas) shall be applicable.

"(4) (A) Except as otherwise provided in subparagraph (B) or (C), no State (or political subdivision thereof) may prescribe or attempt to enforce, for purposes of motor vehicle emission control, any control or prohibition respecting use of a fuel or fuel additive in a motor vehicle or motor vehicle engine—

"(i) if the Administrator has found that no control or prohibition under paragraph (1) is necessary and has published his finding in the Federal Register, or

"(ii) if the Administrator has prescribed under paragraph (1) a control or prohibition applicable to such fuel or fuel additive, unless State prohibition or control is identical to the prohibition or control prescribed by the Administrator.

"(B) Any State for which application of section 209(a) has at any time been waived under section 209(b) may at any time prescribe and enforce, for the purpose of motor vehicle emission control, a control or prohibition respecting any fuel or fuel additive.

"(C) A State may prescribe and enforce, for purposes of motor vehicle emission control, a control or prohibition respecting the use of a fuel or fuel additive in a motor vehicle or motor vehicle engine if an applicable implementation plan for such State under section 110 so provides. The Administrator may approve such provision in an implementation plan, or promulgate an implementation plan containing such a provision, only if he finds that the State control or prohibition is necessary to achieve the national primary or secondary ambient air quality standard which the plan implements.

"(d) Any person who violates subsection (a) or the regulations prescribed under subsection (c) or who fails to furnish any information required by the Administrator under subsection (c) shall forfeit and pay to the United States a civil penalty of $10,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district where such person has his principal office or in any district in which he does business. The Administrator may, upon application therefor, remit or mitigate any forfeiture provided for in this subsection and he shall have authority to determine the facts upon all such applications."

OTHER AMENDMENTS TO TITLE II

SEC. 10. (a) The first sentence of section 208(b) of the Clean Air Act (as so redesignated by section 8 of this Act) is amended to read as follows: "Any records, reports or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than emission data), to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such persons, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act."

(b) Section 210 of such Act (as so redesignated by section 8 of this Act) is amended to read as follows:

"STATE GRANTS

"SEC. 210. The Administrator is authorized to make grants to appropriate State agencies in an amount up to two-thirds of the cost of developing and maintaining effective vehicle emission devices and systems inspection and emission testing and control programs, except that—

"(1) no such grant shall be made for any part of any State vehicle inspection program which does not directly relate to the cost of the air pollution control aspects of such a program;

"(2) no such grant shall be made unless the Secretary of Transportation has certified to the Administrator that such program is consistent with any highway safety program developed pursuant to section 402 of title 23 of the United States Code; and

"(3) no such grant shall be made unless the program includes provisions designed to insure that emission control devices and systems on vehicles in actual use have not been discontinued or rendered inoperative."

(c) Title II of the Clean Air Act is amended by inserting after section 211 (as so redesignated by section 8) the following new section:

"DEVELOPMENT OF LOW-EMISSION VEHICLES

"SEC. 212. (a) For the purpose of this section—

"(1) The term 'Board' means the Low-Emission Vehicle Certification Board.

"(2) The term 'Federal Government' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

"(3) The term 'motor vehicle' means any self-propelled vehicle designed for use in the United States on the highways, other than a vehicle designed or used for military field training, combat, or tactical purposes.

"(4) The term 'low-emission vehicle' means any motor vehicle which—

"(A) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 at the time of procurement to that type of vehicle; and

"(B) with respect to all other air pollutants meets the new motor vehicle standards applicable under section 202 at the time of procurement to that type of vehicle.

"(5) The term 'retail price' means (A) the maximum statutory price applicable to any class or model of motor vehicle; or (B) in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any class or model of motor vehicle.

"(b) (1) There is established a Low-Emission Vehicle Certification Board to be composed of the Administrator or his designee, the Secretary of Transportation or his designee, the Chairman of the Council on Environmental Quality or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of General Services, and two members appointed by the President. The President shall designate one member of the Board as Chairman.

"(2) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(3) (A) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(B) The Chairman may fix the time and place of such meetings as may be required, but a meeting of the Board shall be called whenever a majority of its members so request.

"(C) The Board is granted all other powers necessary for meeting its responsibilities under this section.

"(c) The Administrator shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this section.

"(d) (1) The Board shall certify any class or model of motor vehicles—

"(A) for which a certification application has been filed in accordance with paragraph (3) of this subsection;

"(B) which is a low-emission vehicle as determined by the Administrator; and

"(C) which it determines is suitable for use as a substitute for a class or model of vehicles at that time in use by agencies of the Federal Government.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

"(i) the safety of the vehicle;

"(ii) its performance characteristics;

"(iii) its reliability potential;

"(iv) its serviceability;

"(v) its fuel availability;

"(vi) its noise level; and

"(vii) its maintenance costs as compared with the class or model of motor vehicle for which it may be a suitable substitute.

"(2) Certification under this section shall be effective for a period of one year from the date of issuance.

"(3) (A) Any party seeking to have a class or model of vehicle certified under this section shall file a certification application in accordance with regulations prescribed by the Board.

"(B) The Board shall publish a notice of each application received in the Federal Register.

"(C) The Administrator and the Board shall make determinations for the purpose of this section in accordance with procedures prescribed by regulation by the Administrator and the Board, respectively.

"(D) The Administrator and the Board shall conduct whatever investigation is necessary, including actual inspection of the vehicle at a place designated in regulations prescribed under subparagraph (A).

"(E) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

"(F) Within 90 days after the receipt of a properly filed certification application, the Administrator shall determine whether such class or model of vehicle is a low-emission vehicle, and within 180 days of such determination, the Board shall reach a decision by majority vote as to whether such class or model of vehicle, having been determined to be a low-emission vehicle, is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

"(G) Immediately upon making any determination or decision under subparagraph (F), the Administrator and the Board shall each publish in the Federal Register notice of such determination or decision, including reasons therefor and in the case of the Board any dissenting views.

"(e) (1) Certified low-emission vehicles shall be acquired by purchase or lease by the Federal Government for use by the Federal Government in lieu of other vehicles if the Administrator of General Services determines that such certified vehicles have procurement costs which are no more than 150 per centum of the retail price of the least expensive class or model of motor vehicle for which they are certified substitutes.

"(2) In order to encourage development of inherently low-polluting propulsion technology, the Board may, at its discretion, raise the premium set forth in paragraph (1) of this subsection to 200 per centum of the retail price of any class or model of motor vehicle for which a certified low-emission vehicle is a certified substitute, if the Board determines that the certified low-emission vehicle is powered by an inherently low-polluting propulsion system.

"(3) Data relied upon by the Board and the Administrator in determining that a vehicle is a certified low-emission vehicle shall be incorporated in any contract for the procurement of such vehicle.

"(f) The procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase to the extent they are available before purchasing any other vehicles for which any low-emission vehicle is a certified substitute. In making purchasing selections between competing eligible certified low-emission vehicles, the procuring agency shall give priority to (1) any class or model which does not require extensive periodic maintenance to retain its low-polluting qualities or which does not require the use of fuels which are more expensive than those of the classes or models of vehicles for which it is a certified substitute; and (2) passenger vehicles other than buses.

"(g) For the purpose of procuring certified low-emission vehicles any statutory price limitations shall be waived.

"(h) The Administrator shall, from time to time as the Board deems appropriate, test the emissions from certified low-emission vehicles purchased by the Federal Government. If at any time he finds that the emission rates exceed the rates on which certification under this section was based, the Administrator shall notify the Board. Thereupon the Board shall give the supplier of such vehicles written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Board, the Board may order the supplier to show cause why the vehicle involved should be eligible for certification.

There are authorized to be appropriated for paying additional amounts for motor vehicles pursuant to, and for carrying out the provisions of, this section, $5,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for each of the two succeeding fiscal years.

"(j) The Board shall promulgate the procedures required to implement this section within one hundred and eighty days after the date of enactment of the Clean Air Amendments of 1970."

(d) (1) Paragraph (1) of section 213 of the Clean Air Act (as so redesignated by section 8) is amended by inserting "202," immediately before "203,".

(2) Paragraph (3) of such section 213 is amended by striking out "The" and inserting in lieu thereof "Except with respect to vehicles or engines imported or offered for importation, the"; and by adding before the period at the end thereof "; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of a regulation issued under section 202 which is applicable to such vehicle or engine (or which would be applicable to such vehicle or engine had it been manufactured for importation into the United States)".

EMISSION STANDARDS FOR AIRCRAFT

SEC. 11. (a) (1) Title II of the Clean Air Act is amended by adding at the end thereof the following new part:

"PART B—AIRCRAFT EMISSION STANDARDS

"ESTABLISHMENT OF STANDARDS

"SEC. 231. (a) (1) Within 90 days after the date of enactment of the Clean Air Amendments of 1970, the Administrator shall commence a study and investigation of emissions of air pollutants from aircraft in order to determine—

"(A) the extent to which such emissions affect air quality in air quality control regions throughout the United States, and

"(B) the technological feasibility of controlling such emissions.

"(2) Within 180 days after commencing such study and investigation, the Administrator shall publish a report of such study and investigation and shall issue proposed emission standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare.

"(3) The Administrator shall hold public hearings with respect to such proposed standards. Such hearings shall, to the extent practicable, be held in air quality control regions which are most seriously affected by aircraft emissions. Within 90 days after the issuance of such proposed regulations, he shall issue such regulations with such modifications as he deems appropriate. Such regulations may be revised from time to time.

"(b) Any regulation prescribed under this section (and any revision thereof) shall take effect after such period as the Administrator finds necessary (after consultation with the Secretary of Transportation) to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

"(c) Any regulations under this section, or amendments thereto, with respect to aircraft, shall be prescribed only after consultation with the Secretary of Transportation in order to assure appropriate consideration for aircraft safety.

"ENFORCEMENT OF STANDARDS

"SEC. 232. (a) The Secretary of Transportation, after consultation with the Administrator, shall prescribe regulations to insure compliance with all standards prescribed under section 231 by the Administrator. The regulations of the Secretary of Transportation shall include provisions making such standards applicable in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by the Federal Aviation Act or the Department of Transportation Act. Such Secretary shall insure that all necessary inspections are accomplished, and, may execute any power or duty vested in him by any other provision of law in the execution of all powers and duties vested in him under this section.

"(b) In any action to amend, modify, suspend, or revoke a certificate in which violation of an emission standard prescribed under section 231 or of a regulation prescribed under subsection (a) is at issue, the certificate holder shall have the same notice and appeal rights as are prescribed for such holders in the Federal Aviation Act of 1958 or the Department of Transportation Act, except that in any appeal to the National Transportation Safety Board, the Board may amend, modify, or revoke the order of the Secretary of Transportation only if it finds no violation of such standard or regulation and that such amendment, modification, or revocation is consistent with safety in air transportation.

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"STATE STANDARDS AND CONTROLS

"SEC. 233. No State or political subdivision thereof may adopt or attempt to enforce any standard respecting emissions of any air pollutant from any aircraft or engine thereof unless such standard is identical to a standard applicable to such aircraft under this part.

"DEFINITIONS

"SEC. 234. Terms used in this part (other than Administrator) shall have the same meaning as such terms have under section 101 of the Federal Aviation Act of 1958."

(2) Title II of the Clean Air Act is amended—

(A) by striking out "this title" wherever it appears in sections 202 through 213 and inserting in lieu thereof "this part";

(B) by striking out "TITLE II" in the heading for section 213 (as so redesignated by section 8 of this Act) and inserting in lieu thereof "PART A";

(C) by amending the heading for title II to read as follows: "TITLE II—EMISSION STANDARDS FOR MOVING SOURCES"; and

(D) by inserting after section 201 the following:

"PART A—MOTOR VEHICLE EMISSION AND FUEL STANDARDS"

(b)(1) Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1421) is amended by adding at the end thereof the following new subsection:

"AVIATION FUEL STANDARDS

"(d) The Administrator shall prescribe, and from time to time revise, regulations (1) establishing standards governing the composition or the chemical or physical properties of any aircraft fuel or fuel additive for the purpose of controlling or eliminating aircraft emissions which the Administrator of the Environmental Protection Agency (pursuant to section 231 of the Clean Air Act) determines endanger the public health or welfare, and (2) providing for the implementation and enforcement of such standards."

(2) Section 610(a) of such Act (49 U.S.C. 1430(a)) is amended by striking out "and" at the end of paragraph (7); by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and" and by adding after paragraph (8) the following new paragraph:

"(9) For any person to manufacture, deliver, sell, or offer for sale, any aviation fuel or fuel additive in violation of any regulation prescribed under section 601(d)."

(3) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading
"Sec. 601. General Safety Powers and Duties."
is amended by adding at the end thereof the following:
"(d) Aviation fuel standards.".

GENERAL PROVISIONS

SEC. 12. (a) The Clean Air Act is amended by redesignating sections 303 through 310 as sections 310 through 317, and by inserting after section 302 the following new sections:

"EMERGENCY POWERS

"SEC. 303. Notwithstanding any other provision of this Act, the Administrator, upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, and that appropriate State or local authorities have not acted to abate such sources, may bring suit on behalf of the United States in the appropriate United States district court to immediately restrain any person causing or contributing to the alleged pollution to stop the emission of air pollutants causing or contributing to such pollution or to take such other action as may be necessary.

"CITIZEN SUITS

"SEC. 304. (a) Except as provided in subsection (b), any person may commence a civil action on his own behalf—

"(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the Eleventh Amendment to the Constitution) who is alleged to be in violation of (A) an emission standard or limitation under this Act or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an emission standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be.

"(b) No action may be commenced—

"(1) under subsection (a)(1)—

"(A) prior to 60 days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

"(B) if the Administrator or State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any person may intervene as a matter of right.

"(2) under subsection (a)(2) prior to 60 days after the plaintiff has given notice of such action to the Administrator,

except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of section 112(c)(1)(B) or an order issued by the Administrator pursuant to section 113(a). Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(c)(1) Any action respecting a violation by a stationary source of an emission standard or limitation or an order respecting such standard or limitation may be brought only in the judicial district in which such source is located.

"(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any emission standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(f) For purposes of this section, the term 'emission standard or limitation under this Act' means—

"(1) a schedule or timetable of compliance, emission limitation, standard of performance or emission standard, or

"(2) a control or prohibition respecting a motor vehicle fuel or fuel additive,

which is in effect under this Act (including a requirement applicable by reason of section 118) or under an applicable implementation plan.

"APPEARANCE

"SEC. 305. The Administrator shall request the Attorney General to appear and represent him in any civil action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator that he will appear in such action within a reasonable time, attorneys appointed by the Administrator shall appear and represent him.

"FEDERAL PROCUREMENT

"SEC. 306. (a) No Federal agency may enter into any contract with any person who is convicted of any offense under section 113 (c)(1) for the procurement of goods, materials, and services to perform such contract at any facility at which the violation which gave rise to such conviction occurred if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such a conviction has been corrected.

"(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a).

"(c) In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's air, the President shall, not more than 180 days after enactment of the Clean Air Amendments of 1970 cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

"(e) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section.

"GENERAL PROVISION RELATING TO ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

"SEC. 307 (a)(1) In connection with any determination under section 110(f) or section 202(b)(5), or for purposes of obtaining information under section 202(b)(4) or 210 (c)(4), the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for emission data, upon a showing satisfactory to the Administrator by such owner or operator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, to persons carrying out the National Academy of Sciences' study and investigation provided for in section 202(c), or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any

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person under this subparagraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b)(1) A petition for review of action of the Administrator in promulgating any national primary or secondary ambient air quality standard, any emission standard under section 112, any standard of performance under section 111; any standard under section 202 (other than a standard required to be prescribed under section 202(b)(1)), any determination under section 202(b)(5), any control or prohibition under section 211, or any standard under section 231 may be filed only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administrator's action in approving or promulgating any implementation plan under section 110 or section 111(d) may be filed only in the United States Court of Appeals for the appropriate circuit. Any such petition shall be filed within 30 days from the date of such promulgation or approval, or after such date if such petition is based solely on grounds arising after such 30th day.

"(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in civil or criminal proceedings for enforcement.

"(c) In any judicial proceeding in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as to the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"MANDATORY LICENSING

"SEC. 308. Whenever the Attorney General determines, upon application of the Administrator—

"(1) that—

"(A) in the implementation of the requirements of section 111, 112, or 202 of this Act, a right under any United States letters patent, which is being used or intended for public or commercial use and not otherwise reasonably available, is necessary to enable any person required to comply with such limitation to so comply, and

"(B) there are no reasonable alternative methods to accomplish such purpose, and

"(2) that the unavailability of such right may result in a substantial lessening of competition or tendency to create a monopoly in any line of commerce in any section of the country,

the Attorney General may so certify to a district court of the United States, which may issue an order requiring the person who owns such patent to license it on such reasonable terms and conditions as the court, after hearing, may determine. Such certification may be made to the district court for the district in which the person owning the patent resides, does business, or is found.

"POLICY REVIEW

"SEC. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

"(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

AUTHORIZATIONS

"SEC. 13. (a) Section 104(c) of the Clean Air Act is amended to read as follows:

"(c) For the purposes of this section there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1971, $125,000,000 for the fiscal year ending June 30, 1972, and $150,000,000 for the fiscal year ending June 30, 1973. Amounts appropriated pursuant to this subsection shall remain available until expended."

(b) Section 316 of the Clean Air Act (as redesignated by section 12 of this Act) is amended to read as follows:

"APPROPRIATIONS

"SEC. 316. There are authorized to be appropriated to carry out this Act, other than sections 103(f)(3) and (d), 104, 212, and 403, $125,000,000 for the fiscal year ending June 30, 1971, $225,000,000 for the fiscal year ending June 30, 1972, and $300,000,000 for the fiscal year ending June 30, 1973."

SEC. 14. The Clean Air Act is amended by adding at the end thereof a new title to read as follows:

"TITLE IV—NOISE POLLUTION

"SEC. 401. This title may be cited as the 'Noise Pollution and Abatement Act of 1970'.

"SEC. 402. (a) The Administrator shall establish within the Environmental Protection Agency an Office of Noise Abatement and Control, and shall carry out through such Office a full and complete investigation and study of noise and its effect on the public health and welfare in order to (1) identify and classify causes and sources of noise, and (2) determine—

"(A) effects at various levels;

"(B) projected growth of noise levels in urban areas through the year 2000;

"(C) the psychological and physiological effect on humans;

"(D) effects of sporadic extreme noise (such as jet noise near airports) as compared with constant noise;

"(E) effect on wildlife and property (including values);

"(F) effect of sonic booms on property (including values); and

"(G) such other matters as may be of interest in the public welfare.

"(b) In conducting such investigation, the Administrator shall hold public hearings, conduct research, experiments, demonstrations, and studies. The Administrator shall report the results of such investigation and study, together with his recommendations for legislation or other action, to the President and the Congress not later than one year after the date of enactment of this title.

"(c) In any case where any Federal department or agency is carrying out or sponsoring any activity resulting in noise which the Administrator determines amounts to a public nuisance or is otherwise objectionable, such department or agency shall consult with the Administrator to determine possible means of abating such noise.

"SEC. 403. There is authorized to be appropriated such amount, not to exceed $30,000,000 as may be necessary for the purposes of this title."

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 15. (a)(1) Section 302 of the Clean Air Act is amended by striking out subsection (g) and inserting in lieu thereof the following:

"(g) The term 'air pollutant' means an air pollution agent or combination of such agents.

"(h) All language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being."

(2) Section 103(c) of the Clean Air Act is amended by striking out "air pollution agents (or combinations of agents)" and inserting in lieu thereof "air pollutants."

(b)(1) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service (other than an officer who retires under section 211 of the Public Health Service Act after his election but prior to his transfer pursuant to this paragraph and paragraph (2)) who, upon the day before the effective date of Reorganization Plan Numbered 3 of 1970 (hereinafter in this subsection referred to as the "plan"), is serving as such officer (A) primarily in the performance of functions transferred by such plan to the Environmental Protection Agency or its Administrator (hereinafter in this subsection referred to as the "Agency" and the "Administrator", respectively), may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Agency; or (B) primarily in the performance of functions determined by the Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") to be materially related to the functions so transferred, may, if authorized by agreement between the Secretary and the Administrator, and if such officer so elects, acquire such status and be so transferred.

(2) An election pursuant to paragraph (1) shall be effective only if made, in accordance with such procedures as may be prescribed by the Civil Service Commission (A) before the close of the 24th month after the effective date of the plan, or (B) in the case of a commissioned officer who would be liable for training and service under the Military Selective Service Act of 1967 but for the operation of section 6(b)(3) thereof (50 U.S.C. App. 456(b)(3)), before (if it occurs later than the close of such 24th month) the close of the 90th day after the day upon which he has completed his 24th month of service as such officer.

(3)(A) Except as provided in subparagraph (B), any commissioned officer of the Public Health Service who, pursuant to paragraphs (1) and (2), elects to transfer to a position in the Agency which is subject to chapter 51 and subchapter III of chapter 53 of title 5, United States Code (hereinafter in this subsection referred to as the "transferring officer"), shall receive a pay rate of the General Schedule grade of such position which is not less than the sum of the following amounts computed as of the day preceding the date of such election:

(i) the basic pay, the special pay, the continuation pay, and the subsistence and quarters allowances, to which he is annually entitled as a commissioned officer of the Public Health Service pursuant to title 37, United States Code;

(ii) the amount of Federal income tax, as determined by estimate of the Secretary, which the transferring officer, had he remained a commissioned officer, would have been required to pay on his subsistence and quarters allowances for the taxable year then current if they had not been tax free;

(iii) an amount equal to the biweekly average cost of the coverages designated "high option, self and family" under the Government-wide Federal employee health benefits program plans, multiplied by twenty-six; and

(iv) an amount equal to 7 per centum of the sum of the amounts determined under clauses (i) through (iii), inclusive.

(B) A transferring officer shall in no event receive, pursuant to subsection subparagraph (A), a pay rate in excess of the maximum rate applicable under the General Schedule to the class of position, as established under chapter 51 of title 5, United States Code, to which such officer is transferred pursuant to paragraphs (1) and (2).

(4) (A) A transferring officer shall be credited, on the day of his transfer pursuant to his election under (4) (A), with one hour of sick leave for each week of active service, as defined by section 211(d) of the Public Health Service Act.

(B) The annual leave to the credit of a transferring officer on the day before the day of his transfer, shall, on such day of transfer, be transferred to his credit in the Agency on an adjusted basis under regulations prescribed by the Civil Service Commission. The portion of such leave, if any, that is in excess of the sum of (i) 240, and (ii) the number of hours that have accrued to the credit of the transferring officer during the calendar year then current and which remain unused, shall thereafter remain to his credit until used, and shall be reduced in the manner described by subsection (c) of section 6304 of title 5, United States Code.

(5) A transferring officer who is required to change his official station as a result of his transfer under this subsection shall be paid such travel, transportation, and related expenses and allowances, as would be provided pursuant to subchapter II of chapter 57 of title 5, United States Code, in the case of a civilian employee so transferred in the interest of the Government. Such officer shall not (either at the time of such transfer or upon a subsequent separation from the competitive service) be deemed to have separated from, or changed permanent station within, a uniformed service for purposes of section 404 of title 37, United States Code.

(6) Each transferring officer who prior to January 1, 1958, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under chapter 87 of title 5, United States Code, upon his transfer to the Agency regardless of age and insurability.

(7) (A) Effective as of the date a transferring officer acquires competitive status as an employee of the Agency, there shall be considered as the civilian service of such officer for all purposes of chapter 83, title 5, United States Code, (i) his active service as defined by section 211(d) of the Public Health Service Act, or (ii) any period for which he would have been entitled, upon his retirement as a commissioned officer of the Public Health Service, to receive retired pay pursuant to section 211(a)(4)(B) of such Act; however, no transferring officer may become entitled to benefits under both subchapter III of such chapter and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive credit for the service under one such law to secure credit under the other.

(B) A transferring officer on whose behalf a deposit is required to be made by subsection (b) subparagraph (c) and who, after transfer to a competitive position in the Agency under a deposit is required to be made by subparagraph (c) and who, after transfer to a competitive position in the Agency under paragraphs (1) and (2), is separated from Federal service or transfers to a position not covered by subchapter III of chapter 83 of title 5, United States Code, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under paragraphs (1) and (2), to a position covered by another Government staff requirement system under which credit is allowable for service with respect to which a deposit is required under subparagraph (c), no credit shall be allowed under such subchapter III with respect to such service.

(C) The Secretary shall deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, on behalf of and to the credit of such transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement under subsection (a)(1) subparagraph (A), had such service been service as an employee as defined in section 8331(1) of title 5, United States Code. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of each of the amounts described in paragraph (3) (A) which were received by, or accrued to the benefit of, such officer during the years so credited. The deposits which the Secretary is required to make under this subparagraph with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subparagraphs (1) and (2), and the amounts due under this subparagraph shall include interest computed from the period of service credited to the date of payment in accordance with section 8334(e) of title 5, United States Code.

(8) (A) A commissioned officer of the Public Health Service who, upon the day before the effective date of the plan, is on active service therewith primarily assigned to the performance of functions described in paragraph (1) (A), shall, while he remains in active service, as defined by section 211(d) of the Public Health Service Act, be assigned to the performance of duties with the Agency, except as the Secretary and the Administrator may jointly otherwise provide.

(B) Paragraph (2) of section 6(a) of the Military Selection Service Act of 1967 (50 U.S.C. App. 456(a) (2)) is amended by inserting "the Environmental Protection Agency," after "Department of Justice,".

(c) (1) Section 302(a) of the Clean Air Act is amended to read as follows:

"(a) The term 'Administrator' means the Administrator of the Environmental Protection Agency."

(2) The Clean Air Act is amended by striking out "Secretary" wherever it appears (except in reference to the Secretary of a department other than the Department of Health, Education, and Welfare) and inserting in lieu thereof "Administrator"; by striking out "Secretary of Health, Education, and Welfare" wherever it appears, and inserting in lieu thereof "Administrator"; and by striking out "Department of Health, Education, and Welfare" wherever it appears, and inserting in lieu thereof "Environmental Protection Agency".

SAVINGS PROVISIONS

Sec. 16. (a) (1) Any implementation plan adopted by any State and submitted to the Secretary of Health, Education, and Welfare, or to the Administrator pursuant to the Clean Air Act prior to enactment of this Act may be approved under section 110 of the Clean Air Act (as amended by this Act) and shall remain in effect, unless the Administrator determines that such implementation plan, or any portion thereof, is not consistent with the applicable requirements of the Clean Air Act (as amended by this Act) and will not provide for the attainment of national primary ambient air quality standards in the time required by such Act. If the Administrator so determines, he shall, within 90 days after promulgation of any national ambient air quality standards pursuant to section 109(a) of the Clean Air Act, notify the State and specify in what respects changes are needed to meet the additional requirements of such Act, including requirements to implement national secondary ambient air quality standards. If such changes are not adopted by the State after public hearings and within six months after such notification, the Administrator shall promulgate such changes pursuant to section 110(c) of such Act.

(2) The amendments made by section 4(b) shall not be construed as repealing or modifying the powers of the Administrator with respect to any conference convened under section 108(d) of the Clean Air Act before the date of enactment of this Act.

(b) Regulations or standards issued under title II of the Clean Air Act prior to the enactment of this Act shall continue in effect until revised by the Administrator consistent with the purposes of such Act.

And the Senate agree to the same.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
William L. Springer,
Ancher Nelsen,
Managers on the Part of the House.

Jennings Randolph,
S. T. Young,
Edmund S. Muskie,
W. B. Spong,
Thomas F. Eagleton,
John Sherman Cooper,
J. Caleb Boggs,
Howard Baker,
Robert Dole,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

Existing law and the House and Senate versions of the bill all provide that the Clean Air Act is to be carried out by the Secretary of Health, Education, and Welfare. During the period in which the committee of conference was considering the bill, all of the functions of the Secretary of Health, Education, and Welfare under the Clean Air Act were transferred, pursuant to Reorganization Plan Numbered 3 of 1970, to the Administrator of the Environmental Protection Agency. Accordingly, all references to the Secretary in the bill, in existing law, and in the statement of managers have been changed to "Administrator", and provisions have been added authorizing the transfer of personnel of the Public Health Service to the new agency.

RESEARCH

Sections 103 and 104

The House bill would make no changes in the present provisions of the Clean Air Act relating to fuel and vehicle research. The Senate amendment would make several changes in section 104 and would add a new section 107 which would call for special emphasis on research relating to effects of air pollution. In regard to section 104, the Senate amendment would provide (1) new authority for research directed toward development of methods of improving the efficiency of fuels combustion and producing synthetic or new low-pollution fuels, and (2) new authority for awarding of grants and contracts thority for research directed toward develop- low-emission alternatives to the internal combustion engine and for payment of the cost of purchasing motor vehicles and engines for research and development and testing. In the proposed new section 107, the Administrator was directed to give special emphasis to research on the short-term and long-term effects of air pollutants, and was authorized to enter into long-term contracts to carry out such research. Proposed new section 107 also would require the Administrator to consult with other Federal agencies to insure that research conducted under such section does not duplicate their research programs.

The conference substitute adopts the Senate provision with respect to section 104 and includes (as a new subsection to existing section 103) the provisions set forth in proposed new section 107.

Section 105. Grants for support of air pollution planning and control programs

The House bill would make no change in existing section 105 of the Clean Air Act. The Senate amendment would make several changes, the principal one being that State agencies would be eligible for the higher levels of Federal grant support currently available only to interstate and intermunicipal agencies. State agencies would be eligible for such greater support only in those instances where the grant funds are to be used for a State-operated regional air pollution planning or control program. The Senate amendment would add two other new provisions to section 105. One of these provisions would authorize a reduction in payments to grantee agencies in cases where Federal employees are detailed to such agencies. The other new provision would authorize the withholding of grant funds from any agency found by the Administrator to be inadequately staffed or funded to meet its responsibilities under the Clean Air Act.

The conference agreement includes the Senate provision to provide greater support to state agencies and authority to detail Federal employees but deletes the provision for withholding grant funds. The conferees recognize that the Administrator has general authority under section 113 to act where a state is not carrying out its enforcement responsibilities.

Section 106. Interstate air quality agencies or commissions

The House bill would delete section 106 of the Clean Air Act. The Senate amendment would retain the provisions for Federal funding of interstate air quality planning programs but would eliminate the existing authority for the Administrator to establish interstate air quality planning commissions.

The conference substitute would modify the Senate amendment to make clear that such Federal grants would be for the purpose of developing implementation plans for designated interstate air quality control regions.

Sec. 107. Air quality control regions

Under the House bill each State was declared to be an air quality control region for purposes of attaining ambient air quality standards. Interstate air quality control regions designated under existing law and interstate regions designated after enactment of this legislation would also be air quality control regions.

Under the Senate amendment, existing interstate and intrastate regions would be retained, and the Administrator could designate new interstate and intrastate regions. Any part of a State not included in a designated region would be an air quality control region, but could be subdivided into two or more regions.

The conference substitute makes it the primary responsibility of each State to assure air quality within the entire geographic area comprising such State by submitting an implementation plan for such State for achieving air quality standards. All interstate and intrastate regions designated prior to enactment of this legislation would remain in effect. The Administrator retains authority to designate interstate and intrastate regions and is authorized to approve the establishment by the State of intrastate regions.

Section 108. Air quality criteria and control techniques

The House bill did not change the substance of the provision of existing law which requires the issuance of air quality criteria and information on control techniques. The Senate amendment proposed to establish a deadline by which criteria for certain pollutants would have to be issued and provided the Administrator with authority to establish a consulting committee to advise him on control technology.

The conference substitute substantially adopts the provisions of the Senate amendment.

Section 109. National ambient air quality standards

Under the House bill the Administrator had 30 days after enactment in which to propose national ambient air quality standards for each pollutant or combination of pollutants for which criteria had been issued under existing law. Such proposed standards were to be published 30 days after the issuance of the criteria for any other pollutant or combination thereof. After allowing a reasonable time for comment on proposed standards, the Administrator was to promulgate the standards with appropriate modifications. In addition, States were authorized to adopt more stringent air quality standards than the national standards established by the Administrator.

The Senate amendment declared that national ambient air quality standards and goals were to be issued by the Administrator. The standards were to be adequate to protect the health of persons. The goals were to be adequate to protect the public health or welfare from any adverse effects.

The Senate amendment called for the Administrator to promulgate proposed standards within 90 days after initial publication. Standards were to be proposed simultaneously with the issuance of criteria for pollutants (or combinations thereof) for which criteria had not been issued under existing law. Proposed national ambient air quality goals were to be published simultaneously with the publication of the proposed standards.

The Senate bill required that each State consider adoption of more stringent air quality standards than the national standards at its public hearing on the proposed implementation plan, unless a separate hearing was held for that purpose. The Senate bill permitted States, political subdivisions thereof and other specified governmental agencies to establish more stringent standards than the national standards or shorter deadlines for their attainment than three years.

The conference substitute follows the Senate amendment in establishing deadlines for the development of national ambient air quality standards. The Senate amendment was modified to provide for primary and secondary standards, the former relating to public health and the latter to public welfare.

Section 110. Implementation Plans

Under the House bill after promulgation of a national ambient air quality standard, each State was to hold public hearings and adopt a plan to implement such standard (or the more stringent State standard). The Administrator was to approve the plan if it assured achievement of the standard within a reasonable time and contained adequate provision for State enforcement, intergovernmental cooperation to attain standards, and revision of the plan under specified circumstances.

The House bill authorized the Administrator to propose a plan applicable to any State, if it failed to submit an acceptable implementation plan within the allotted time. The plan was to be promulgated 30 days after publication, unless the State adopted an acceptable plan or the Governor petitioned the Administrator for a hearing.

Under the Senate amendment each State was to hold public hearings and adopt a plan to implement the national ambient air quality standards (or the more stringent State standards) and national ambient air quality goals. The Administrator was required to approve the plan if he found that it provided for attainment of the standard within three years from the date of approval of the plan. The Governor of a State, however, was authorized to petition the Federal district court to extend for a year the period for attaining a standard. The court could grant relief only upon specified showings and each one-year extension could be granted only after the filing of a new petition and making the required showings. Under the Senate bill implementation plan would also have to provide for necessary land-use and transportation controls, intergovernmental cooperation to attain standards and goals, periodic reports on emissions from specified sources, and certain other requirements.

The conference substitute follows the Senate amendment in establishing deadlines for implementing primary ambient air quality standards but leaves the States free to establish a reasonable time period within which secondary ambient air quality standards will be implemented. The conference substitute modifies the Senate amendment in that it allows the Administrator to grant extensions for good causes shown upon application by the Governors.

Section 111. Standards of Performance for New Stationary Sources

Section 112. National Emission Standards for Hazardous Air Pollutants

Under the House bill, the Administrator would establish emission standards for classes of new stationary sources, emissions from which may contribute substantially to endangerment of public health or welfare. In setting such standards, the Administrator would consider economic and technological feasibility. The Administrator was also authorized to exempt certain sources or classes of sources for reasons specified in the bill. For standards relating to emissions which are extremely hazardous to health, the Administrator could by regulation prohibit new sources of such emissions from being constructed or operated, although he could grant specific exemptions. For standards relating to other emissions, the regulations were to require that new sources of such emissions be designed and equipped to maximize emission control insofar as technologically and economically feasible. The House bill also authorized States to enforce emission standards under this provision if they adopt an adequate enforcement plan. If no such plan was adopted, the Administrator would establish the enforcement plan.

Under the Senate amendment, the Administrator was to publish a list of categories of stationary sources and standards of performance applicable to such new sources. The standards of performance were to be based on the greatest emission control possible through application of latest available control technology. The Administrator was also required to establish a system of preconstruction review and certification of design and location of new sources in order to assure attainment of primary and secondary ambient air quality standards. States were authorized to conduct the certification upon submission of acceptable procedures to the Administrator. New sources would be prohibited from operating without certification or in violation of any applicable standard of performance. Under the Senate amendment if a standard of performance were violated, the Administrator could issue an abatement order and failure to initiate abatement within 72 hours would result in suspension of the certificate and subject the owner or operator to criminal penalties for operation thereafter.

The Senate amendment also provided in a separate section for the publication of a list of air pollutants (or combination thereof) which are hazardous to the health of persons. Pollutants "hazardous to the health of persons" were defined as those whose presence in trace concentrations in the ambient air will cause or contribute to specified types of damage to health. The Administrator was directed to publish proposed regulations prohibiting emissions of such pollutants from any existing or new stationary source and, after public hearing, he was to promulgate such regulations, unless upon a preponderance of the evidence, he found that the pollutant was not hazardous to the health of persons or that some amount could be emitted without endangering the health of persons. After making either of these findings, the Administrator was to publish an emission standard for such pollutant applicable to designated stationary sources.

Under the conference substitute the Administrator is directed to meet specified deadlines in publishing a list of categories of stationary sources which contribute significantly to air pollution, in issuing proposed Federal standards for new sources in such categories, and in finalizing such standards after receiving comments by interested persons. The conference substitute does not contain the pre-construction review and certification procedure provided for in the Senate amendment. New sources would be held to established standards of performance, and violations of such standards would subject the owners of such sources to abatement actions under Section 113.

The conference substitute requires the Administrator, within specified deadlines, to publish a list of hazardous pollutants, to issue proposed emission standards for such pollutant, and to finalize such standards after public hearings. Emission levels must provide an ample margin of safety to assure public health protection. New sources emitting such pollutants may be constructed only if they meet the standards. Standards would apply to existing sources, but Administrator may grant a waiver for up to two years for those existing sources where such period is necessary for installation of control equipment and where during such period the health of persons is protected from imminent danger by other means. Moreover, the President may exempt any new or existing stationary source for a two-year period if he finds that necessary technology is unavailable to implement standards, and that operation of source is required for reasons of national security. The President may extend national security exemptions for one or more two-year periods, but must report to Congress each exemption or extension.

Section 113. Federal enforcement

Section 114. Inspections, monitoring, and entry

The House bill amended section 108 by authorizing the Secretary of Health, Education, and Welfare, to request the Attorney General to bring suit to abate intrastate as well as interstate air pollution where a State failed to enforce its implementation plan, and, in a new section 112 provided for Federal enforcement of Federal emission standads for stationary sources. Each of the two sections provided for court assessment of penalties against polluters, and authorized entry into and inspection of suspected polluters' facilities by DHEW investigative personnel for purposes of enforcement. The Senate bill established a new section 116 directing the Secretary to issue an abatement order to any person in violation of a State implementation plan requirement not being enforced by the State, and to a person in violation of any Federal stationary source emission standard or limitation required under section 113 or 114 of the Senate bill. Section 116 further provided for the institution of civil actions by the Secretary to obtain compliance with abatement orders, with requirements under section 113, 114, or 115, and with inspection and monitoring requirements imposed in Title I, and authorized substantial fines and imprisonment for knowing violations of emission standards and limitations, knowing failure or refusal to comply with an abatement order, or knowing falsification or misrepresentation in required reports, records, or monitoring data. Also, under section 116, the Senate authorized entry and inspection by DHEW personnel of buildings, facilities, and monitoring equipment for purposes of setting standards and enforcing them. The Senate's proposed new sections 113 and 114 also provided for assessment of civil penalties by the Secretary for violation of standards imposed thereunder.

The conference substitute retains the enforcement provision of existing law for abatement of international pollution problems and abatement against certain sources of pollution not covered by these amendments. Past enforcement action and requirements are preserved.

The conference substitute follows the House bill relating to enforcement in areas of primary State responsibility and the Senate amendment where primary Federal responsibility exists. In case of a violation of any requirement of a State implementation plan, the Administrator is to notify the State in which the violation occurs as well as the violator. If the violation extends beyond the thirtieth day after notification, the Administrator may issue an order requiring compliance by such person or may bring court action against such person. In case of a State failure to enforce a plan, the Administrator shall notify the State. If the State's failure to enforce such plan extends beyond the thirtieth day after notification, the Administrator is to give public notice of such finding and thereupon, until the State resumes enforcement of plan, the Administrator may enforce the implementation plan either through an order requiring any violator in such State to comply or by bringing court action against any such violator.

In the case of a violation of a Federal standard of performance for new stationary sources or a Federal emission standard for hazardous pollutants, the Administrator may enforce such standards either through an order requiring any violator to comply or by bringing court action against any violator. Under section 111 and 112, the Administrator has authority to delegate enforcement authority to the States to enforce these Federal standards concurrently with the Federal Government.

Knowing violations of an order issued by the Administrator or of State implementation plan requirements (where the violator has received notice) or of Federal standards of performance for new sources or of Federal emission standards for hazardous emissions shall be punishable by a fine of not more than $25,000 per day of violation or by imprisonment for not more than one year. For second or subsequent violations the fine is not more than $50,000 and imprisonment for not more than two years.

The provisions of the conference substitute with regard to inspections, monitoring and entry follow substantially the provisions of the Senate amendment.

Section 116. Retention of State authority

Except with respect to standards for moving sources, the States' authority to adopt and enforce standards applicable to air quality and emissions is retained in the conference substitute.

The conference substitute retains the provisions of the Senate amendment which requires (to the extent practicable within the time provided) consultation with advisory committee prior to carrying out certain functions required by Sec. 108. 111, 112 and 202.

Section 118. Control of pollution from Federal facilities

The House bill and the Senate amendment declared that Federal departments and agencies should comply with applicable standards of air quality and emissions.

The conference substitute modifies the House provision to require that the President rather than the Administrator be responsible for assuring compliance by Federal agencies.

Section 202. Establishment of standards

The House bill did not amend the provisions of existing law relating to the establishment of standards for new motor vehicles. The Senate amendment deleted the requirements that such standards be based on a test of technical and economic feasibility, and provided statutory standards for passenger cars and required that such standards be achieved by a date certain. The Senate bill also provided that the statutory deadline could be extended for not more than one year if the Administrator made a series of specified findings. The Senate bill also authorized the Administrator to set standards of emission performance for vessels, commercial vehicles, and aircraft. (The House bill treated aircraft emissions in a different section.)

The conference substitute follows substantially the Senate amendments. The Administrator is directed to establish emission standards for pollutants from new motor vehicles or engines which are likely to endanger the public health or welfare. Such standards are to be applicable for the useful life of the vehicles or engines. The statute specifies that "useful life" shall be a period of use of at least five years or 50,000 miles, whichever occurs first. Administrator shall prescribe regulations to implement this definition. The effective date of the standards is to depend on the period necessary to develop the requisite technology giving appropriate consideration to the cost of complying by such date.

Carbon monoxide and hydrocarbon emissions from light duty vehicles for 1975 model year and thereafter are to be reduced at least 90 per centum over 1970 standards for these pollutants. Oxides of nitrogen emissions from light duty vehicles for the 1976 model year and thereafter are to be reduced by at least 90 per centum over the actual emission of these pollutants from 1971 model vehicles which were not subject to Federal or State standards for such emissions.

Any manufacturer may apply to the Administrator within specified time limits for a one-year suspension of the statutory time limits, and the Administrator is to issue interim standards if he approves such application. Such interim standards are to reflect

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the greatest degree of emission control which is achievable by application of technology determined by the Administrator to be available, giving appropriate consideration to the cost of applying such technology within the time available to manufacturer. The Administrator is to take into consideration whether the manufacturer has met statutory requirements relating to public interest, public health and welfare, availability of technology, and good faith efforts to meet standards.

The Administrator is to undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the feasibility of meeting statutory deadlines for the 1975 and 1976 model years. In entering into such arrangements, the Administrator is to request the Academy to submit its first report not later than July 1, 1971. The Administrator is directed to use the authority granted to him to furnish to the Academy any information requested by it.

Section 203–205. Enforcement of motor vehicle emission standards

The House bill revised the enforcement provisions respecting motor vehicle emissions to prohibit sale of new motor vehicles and engines without complying with the House warranty and labeling requirements. The Senate amendment revised these provisions to prohibit rendering emission control systems or devices inoperative after sale of the vehicle or engine, to remove the exemption for vehicles or engines manufactured for export, and to increase the maximum penalty for violations of the enforcement provisions from $1,000 to $10,000 per vehicle.

Sec. 203 generally follows the provisions of the House bill except that prohibited acts are added relating to recall (Sec. 207) or knowing removal of devices by the manufacturer or dealer. Also, vehicles intended solely for export must comply with Federal emission standards unless the importing nation has differing requirements affecting motor vehicle emissions or has advised that no such requirements exist at this time. Penalties provided in Sec. 205 follow the Senate amendment.

Section 206–207. Compliance with motor vehicle emission standards

The provisions of the House bill and the Senate amendment revising the procedures under existing law for prototype testing and authorizing production line testing of new motor vehicles and engines were essentially the same, except that the Senate amendment required compliance testing of each vehicle prior to delivery. In addition, the Senate amendment required semiannual publication of the results of prototype and assembly line testing, and disclosure by manufacturers of the actual cost of emission control devices and systems.

The House bill required manufacturers to warrant that vehicles or engines they produce are of substantially the same construction as the prototype vehicle with respect to which the certificate of conformity was issued. The Senate amendment required (effective 90 days after the Administrator establishes feasible testing methods and procedures) that manufacturers warrant that vehicles and engines will conform with applicable emission standards throughout their useful life (set at 5 years or 50,000 miles) if maintenance and certain other requirements are met.

The Senate amendment also authorized the Administrator, if he determined that any class or category of vehicles or engines did not conform with applicable emission standards, to require manufacturers to notify purchasers of such nonconformity. Moreover, if a manufacturer discovered such nonconformity during the term of any warranty required under the Senate amendment, he was required to notify purchasers of the nonconformity and to remedy such nonconformity at no cost to the owner.

The conference substitute adopts substantially the provisions of the House bill relating to prototype and production line testing and the provisions of the Senate amendment relating to compliance after sale and warranty. The Administrator would be required to test, or require to be tested, any new motor vehicle or engine submitted by any manufacturer to determine whether such vehicle or engine meets Federal emission standards. If such vehicle or engine conforms, Administrator shall issue certificate of conformity for a period not to exceed one year. Additionally, the Administrator would be required to test any emission system incorporated in an automobile submitted by any person (who need not be an automobile manufacturer) to determine whether such system meets the statutory emission standards prescribed by section 202. He is to inform automobile manufacturer, the National Academy of Sciences, and the public of the results of such tests. The Administrator may test (or prescribe tests to be performed by the manufacturer) all or a sample of vehicles or engines on the assembly line to determine whether such vehicles or engines actually conform with applicable emission standards. If the Administrator determines that such vehicles or engines do not conform, he may suspend or revoke certificate in whole or in part. Such suspension or revocation shall apply to vehicles manufactured after date of notification (or if manufactured prior thereto, to vehicles still in the hands of the manufacturer). Such suspension or revocation shall continue until the Administrator finds that vehicles or engines conform. During the period of suspension or revocation, the Administrator may issue certificate of conformity applicable to those vehicles or engines which he has found actually conform to emission standards. An administrative hearing, with judicial review, is provided.

The Administrator's employees may conduct plant inspections or inspect records upon presentation of appropriate credentials.

To assist prospective purchasers, the Administrator is to make available to the public comparative test results.

The Administrator is required to establish methods for testing vehicles and engines in actual use to determine their compliance with emission requirements during their useful life (5 years or 50,000 miles, as defined by the statute).

The provision for warranty follows the Senate bill except, in addition to establishing test procedures, the Administrator must find that inspection facilities or equipment are available to enforce individual vehicle compliance. Also a warranty will not become effective for a vehicle unless failure to comply with a standard subjects the purchaser to sanctions. Proper operation and maintenance are a precondition to the manufacturer's obligation. In addition to the performance warranty, the conference substitute calls for a defect warranty for materials and workmanship.

If the Administrator determines (on the basis of inspections or studies) that a substantial number of any class of vehicles or engines, although properly maintained and used, do not meet the emission standards during the useful life of such vehicles or engines, he shall notify the manufacturer of such nonconformity, and he shall require the manufacturer to submit a plan for remedying such nonconformity. In the case of properly used and maintained vehicles and engines, this is to be done at the expense of the manufacturer. If a manufacturer disagrees with such determination the Administrator shall afford the manufacturer and other interested persons an opportunity to present their views at a public hearing. Unless, upon such hearing, the Administrator withdraws such determination, he shall, within 60 days after completion of the hearing, order the manufacturer to notify purchasers. The Administrator shall prescribe regulations concerning notification procedure. Any cost obligation incurred by any dealer is to be borne by the manufacturer and transfer of such cost obligation through franchise or any agreements from a manufacturer to a dealer is prohibited.

If a manufacturer's advertising makes any statement respecting the cost or value of emission control devices or systems, such statement must set forth the cost or value attributed to such devices or systems by the Secretary of Labor (through the Bureau of Labor Statistics). The manufacturer shall furnish such written instructions for maintenance and use of any vehicles and engines by ultimate purchasers as are necessary to assure proper functioning of emission control devices or systems. The manufacturer must indicate by a permanently attached label that the vehicle or engine is covered by a certificate of conformity.

Section 208. State motor vehicle emission standards

The Senate amendment modified section 208 of existing law to expand the authority of States to adopt and enforce emission standards for new motor vehicles and engines. The House bill did not change existing law.

The conference substitute follows the House bill by retaining the provision of existing law.

Section 211. Regulation of fuels

Existing law (sec. 210 of the Clean Air Act) provides for registration of fuels and fuel additives delivered for introduction into commerce. The House bill amended this section to authorize the Administrator to establish standards respecting the physical or chemical properties of any fuel or fuel additive by specifying limitations on (or providing for elimination of) ingredients (including additives) or on the physical or chemical characteristics of any fuel or class of fuels if either (1) emission products from the fuel or fuel additive endanger public health or welfare, or (2) the fuel or fuel additive will significantly impair performance of an emission control device or system in general use (or likely to be in general use) on a significant number of motor vehicles or motor vehicle engines. Such standards must be based on specified medical, scientific, economic, and technological findings specified in the House bill.

The Administrator's authority under the House bill was applicable to all types of fuels, whether used in stationary sources or in motor vehicles, except that it did not apply to aviation fuel or additives thereto.

The Senate amendment amended the fuel registration provisions to expand the Administration's authority in this area, and in addition authorized him to control or prohibit the introduction into commerce of any fuel for use in vehicle engines if the combustion or evaporation of such fuel produces emissions which endanger the public health or welfare, or if such emissions prevent operation of effective systems for the control of emissions from any vehicle or vehicle engine which the Administrator finds would otherwise conform to applicable emission standards. The Administrator was required to hold public hearings and make certain findings before establishing a control or prohibition under this provision. Regulation of motor vehicle fuels by States and political subdivisions for purposes of emission control was preempted by the Senate amendment.

Under the conference substitute the Administrator may control or prohibit manufacture or sale of any motor vehicle fuel or fuel additive if any emissions therefrom will endanger the public health or welfare, or if emission products of such fuel or additive will impair to a significant degree the performance of any emission control device or system which is or will be in general use.

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Existing provisions of law relating to registration of fuels and fuel additives are retained with some revisions.

Before controlling or prohibiting manufacture or sale, the Administrator is required to consider specific technical and cost factors. Automobile manufacturers are required to furnish to the Administrator any information developed concerning emissions from motor vehicles resulting from the use of any fuel or fuel additive or the effect of such use on the performance of any emission control device or system.

No State may prescribe or enforce controls or prohibitions respecting any fuel or additive unless they are identical to those prescribed by the Federal Government or unless a State implementation plan under sec. 110 includes provision for fuel or additive control and such plan is approved by the Administrator as being necessary for achievement of national air quality standards. These restrictions will not apply to California.

A civil penalty of $10,000 per day is provided for violations of the provisions relating to fuels and additives.

Section 210. State grants

The House bill made no changes in existing law under which the Administrator may make grants to State air pollution control agencies in an amount up to two-thirds of the cost of developing uniform motor vehicle emission device inspection and emission testing programs.

Under the Senate amendment, such grant authority would be broadened (1) to cover the costs of maintaining, as well as developing, such programs and (2) to include emission control programs as well as device inspection and emission testing programs. The Senate amendment also provided that grants under section 210 would be in addition to, and not supplant, existing funding programs of a State for air pollution control.

The conference substitute provision is the same as that in the Senate amendment except that (1) the language providing that section 210 grants must be in addition to existing State funding programs is deleted, and (2) such grants to any State are made subject to the condition that the State program includes provisions designed to insure that emission control devices and systems on vehicles in actual use are not disconnected or rendered inoperative.

Section 212. Development of low-emission vehicles

The Senate amendment contains provisions not in the House bill under which the development of low-emission vehicles would be encouraged by requiring such vehicles to be purchased for use by agencies of the Federal Government if the cost of such vehicles would not exceed 150 per centum (200 per centum in the case of vehicles powered by new inherently low-polluting propulsion systems) of the retail price of any class or model of motor vehicle for which such low-emission vehicles are a certified substitute. Under the Senate amendment, such certifications would be made by a Low-Emission Vehicle Certification Board composed of the heads of designated interested Federal agencies, and two members appointed by the President. The Board may certify any class or model of motor vehicles only if a certification application has been filed in accordance with regulations prescribed by the Board, if the Administrator of the Environmental Protection Agency determines that the vehicle concerned is a low-emission vehicle, and the Board determines that such vehicles in use at that time by Federal agencies. The Senate amendment authorized an annual appropriation of not to exceed $50,000,000 for paying additional amounts for low-emission vehicles pursuant to, and for carrying out the purposes of section 212.

The conference substitute substantially incorporates the provisions of the Senate amendment. One significant change relates to the definition of low-emission vehicles. Under the Senate provision, a low-emission vehicle is defined as any motor vehicle which produces significantly less pollution than the class or model of vehicle for which the Board may certify it as a suitable substitute. Under the conference substitute, the definition of a low-emission vehicle takes into account the applicable emission standards which will be applied with respect to newly-manufactured motor vehicles under section 202 by providing that a low-emission vehicle is one which (1) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under such section 202 at the time of procurement to that type or vehicle; and (2) with respect to all other air pollutants, meets the new motor vehicle standards applicable under such section 202 at the time of procurement to that type of vehicle.

The conference substitute would reduce the authorizations in the Senate bill as follows: $5 million for the remainder of fiscal year 1971 and $25 million for fiscal years 1972 and 1973.

Section 241. Aircraft emission standards

Under the House bill (in a separate part of title II of the Clean Air Act) the Administrator was required to prescribe, as soon as practicable, standards applicable to the emission of any substance from aircraft or aircraft engines which in his judgment would, or likely would, cause or contribute to air pollution which endangers the health or welfare of any persons. The Administrator was required to consult with the Federal Aviation Administrator before prescribing such standards. The House bill required the Administrator of the Environmental Protection Agency, in prescribing such standards, to consider technological feasibility and economic costs; to include such requirements with respect to manufacturers' warranties on aircraft emission control systems as are necessary to carry out the purposes of the Act; and to make any such standard effective with respect to any class of aircraft or aircraft engines on such date as the Administrator determines appropriate after taking into account such period of time as may be reasonably necessary for compliance. The House bill also provided that the Federal Aviation Administrator would apply such emission standards in the certification and inspection of aircraft and aircraft engines pursuant to his authority under the Federal Aviation Act of 1958. Under the House bill, the States were preempted from adopting or enforcing any emission control standard with respect to aircraft or aircraft engines to which the Federal standards would apply.

Under the Senate amendment aircraft and aircraft engine emissions were treated in a manner substantially similar to that in the House bill with the exception that the Administrator was not required to consider technological feasibility and economic costs in prescribing emission standards and that new aircraft and aircraft engines were subject to certification and compliance procedures similar to those which would be applied to new motor vehicles and new vehicle engines under section 202 of the Senate amendment.

The conference substitute requires that the Administrator of the Environmental Protection Agency set forth, after a 180-day study of the effect of aircraft emissions on air quality, and the availability of emission control technology, and after public hearings in regions where air quality is most affected by aircraft emissions, standards for such emissions to take effect after such time as the Administrator, in consultation with the Secretary of Transportation, deems necessary to develop and apply requisite technology. The Secretary of Transportation is required to enforce these standards, and States and political subdivisions are prohibited from adopting or enforcing aircraft emission standards unless they are identical to standards prescribed under this legislation.

Section 244. Aviation fuel standards

The House bill amended the Federal Aviation Act to provide for the establishment of standards for aviation fuels for the purpose of controlling or reducing aircraft emissions. The Senate amendment included no comparable provision.

The conference substitute follows the House bill except that the fuel standards are to be recommended by the Administrator of the Environmental Protection Agency. The Administrator of the Federal Aviation Administration is required to prescribe such recommended standards.

Section 303. Emergency powers

The House bill retained the provision of existing law (Sec. 108(k)) relating to direct action by the Administrator to seek an injunction to abate pollution which presents an imminent and substantial endangerment to public health without regard to location of the source or sources of such pollution. The Senate amendment retained substantially the same authority but placed it in a new section.

The conference substitute follows the Senate amendment.

Section 304. Citizen suits

The House bill did not include a provision for citizen suits. The Senate amendment authorized citizen suits against violators, government agencies, and the Administrator to seek abatement of such violations or for enforcement of the provisions of the Act. Notice of thirty days was required except in certain instances. Discretionary authority was provided to the court to grant reasonable attorney and expert witness fees. Other rights to seek enforcement of standards under other provisions of law were not affected.

The conference substitute retains provisions for citizen suits with certain limitations. Suits against the Administrator are limited to alleged failure to perform mandatory functions to be performed by him. Suits against violators, including the United States and other government agencies, to the extent permitted by the Constitution, would also be authorized. Prior to commencing any action in the district courts, the plaintiff must have provided the violator, the Administrator and the State with sixty days notice. If an abatement action is pending and is being diligently pursued in a United States or State court, such action cannot be commenced but any party in interest may intervene as a matter of right.

No delay following notice is required where there is an alleged violation of a hazardous emission standard or of an order of the Administrator. The conference substitute also provides that actions respecting violations by stationary sources are to be brought in the district in which the source is located and establishes that, in any action, the Administrator may intervene as a matter of right.

The courts' discretionary authority to award costs, as provided in the Senate amendment, is retained. In addition the Courts' discretionary authority to require filing of bond if a temporary restraining order or preliminary injunction is sought is noted.

The right of persons (or class of persons) to seek enforcement or other relief under any statute or common law is not affected.

Section 305. Appearance

The Senate amendment provided authority for the Administrator to represent himself in court rather than relying on the Attorney General. The House bill did not contain a similar provision.

The conference substitute provides the Administrator with authority to represent himself in a court action if, after notice, the Administrator determines that the Attorney

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General will not act, or will not act soon enough.

Section 306. Federal procurement

The Senate bill amended the Act by adding a new section 306 declaring that any person not in compliance with a Federal court order issued pursuant to the Act or convicted by a Federal court for a knowing violation of an emission standard or limitation under the Act would not be eligible to enter into procurement contracts with Federal agencies, until such time as the Secretary certifies that the person has come into compliance. The section also directed the President to issue an order instructing Federal agencies to effectuate the purpose and policy of the Act in entering into contracts, and in making grants and loans, but further authorized the President to exempt a particular contract, loan, or grant from all or part of the provisions of the section where necessary in the interests of the United States. The House bill contained no comparable provisions.

The conference substitute is more limited than the Senate provision. It provides that persons convicted of a knowing violation of standards or limitations shall be ineligible to enter into Federal contracts until the Administrator certifies that the violation has been corrected. The remainder of the conference substitute follows the Senate amendment by requiring the President to issue an order requiring Federal agencies (1) to assist in the implementation of this Act and (2) to establish sanctions for non-compliance. Authority is provided to exempt contracts, loans, and grants in the paramount interest of the United States from such sanctions for reasons of national security. Such exemptions and other efforts to implement the Act are to be reported to the Congress.

Section 307. Administrative proceedings and judicial review

The Senate bill inserted a new section 308 in the Act to establish guidelines and specify forums for judicial review of certain actions of the Secretary provided for under the Act and the proposed amendments, and provided that commencement of such proceedings would not stay applicability of any standard, requirement, limitation, or waiver which was the subject of the Secretary's action. No comparable provisions appeared in the House bill.

The conference substitute includes provisions relating to subpenas, specifies the courts in which certain appeals may be prosecuted, and the circumstances under which additional evidence may be ordered by the courts to be taken by the Administrator.

Section 308. Mandatory licensing

The Senate amendments contained provisions for the mandatory licensing of patents, trade secrets, and know-how whenever the Administrator determined that the achievement of standards established under specified sections of the Senate amendments required the utilization of such patents, trade secrets or know-how. The House bill did not contain comparable provisions. The conference substitute is limited to patents. It would authorize the Attorney General (rather than the Administrator) to certify to a U.S. District Court that conditions specified in the section (relating to (1) the need for using the patent to achieve emission limitations required by this Act, (2) the absence of alternative methods to achieve such emissions, and (3) resulting lessening of competition or monopolization) exist and may seek a court rule requiring licensing on such reasonable terms and conditions as the court may determine.

Section 401. Noise pollution

The Senate bill added a new Title IV to the Act, which directed the Secretary of Health, Education, and Welfare to establish an Office of Noise Abatement and Control for the purpose of investigating and identifying the sources of noises and effects on public health and welfare, and to report to the President and Congress within one year of enactment the results of the investigation and study. The Senate amendment also provided a specific authorization of $30 million to carry out Title IV. The House bill made no provision respecting noise.

The conference substitute follows the provisions of the Senate amendment.

Section 309. Authorizations

The House bill would authorize appropriations of the following amounts:

Fiscal year	Sec. 104	Sec. 309	Total
1971	$75, 000, 000	$125, 000, 000	$200, 000, 000
1972	100, 000, 000	150, 000, 000	250, 000, 000
1973	125, 000, 000	200, 000, 000	325, 000, 000
Total	300, 000, 000	475, 000, 000	775, 000, 000

The Senate bill would authorize appropriations of the following amounts:

Fiscal year	Sec. 104	Sec. 309	Total
1971	$125, 000, 000	$150, 000, 000	$275, 000, 000
1972	150, 000, 000	250, 000, 000	400, 000, 000
1973	175, 000, 000	325, 000, 000	: 00, 000, 000
Total	450, 000, 000	725, 000, 000	1, 175, 000, 000

It should be noted that the Senate bill would redesignate section 309 as section 317.

In addition, the Senate bill would authorize appropriations of $15 million under the proposed new section 107 (long-term contract for research on effects of air pollution); $30 million under Title IV for the Office of Noise Abatement and Control; and $50 million annually for low emission vehicle procurement.

The conference substitute adopts the House amount for Fiscal Year 1971 for Sec. 104 and Sec. 309—a total of $200 million. For Fiscal Year 1972 the conference agreement provides for a total of $350 million of which $125 million is for research on fuels and vehicles. For Fiscal Year 1973 the authorization is $150 million for research under Section 104 out of a total of $450 million. In addition the conference substitute retains $15 million for long term contracts for air pollution effects research under Section 103, $30 million for funding the Office of Noise Abatement in the Environmental Protection Agency, and $55 million for low emission vehicle procurement, $5 million of which is authorized for Fiscal Year 1971 and $25 million each for Fiscal Years 1972 and 1973.

Section 310. Policy review

The Senate amendment provides a statutory requirement that the Administrator review and comment on environmental impact statements required by Public Law 90-190 (The National Environmental Policy Act). The Senate amendment also required the Council on Environmental Quality to review any determination of environmental impact and make recommendation to the President. The House bill had no such provision.

The conference agreement follows substantially the Senate version. The Administrator is instructed to review and comment on Federal actions which affect the environment and make such comments public upon completion of the review. The conference substitute eliminates the requirement that the Council make a public recommendation to the President.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
William L. Springer,
Ancher Nelsen,
Managers on the Part of the House.

HOUSING AND URBAN DEVELOPMENT ACT OF 1970—CONFERENCE REPORT

Mr. PATMAN submitted the following conference report and statement on the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes:

Conference Report (H. Rept. No. 91-1784)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Housing and Urban Development Act of 1970".

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

Sec. 101. (a) Section 2(a) of the National Housing Act is amended by striking out "January 1, 1971" in the first sentence and inserting in lieu thereof "October 1, 1972".

(b) Section 217 of such Act is amended by striking out "January 1, 1971" and inserting in lieu thereof "October 1, 1972".

(c) Section 221(f) of such Act is amended by striking out "January 1, 1971" in the fifth sentence and inserting in lieu thereof "October 1, 1972".

(d) Section 235(m) of such Act is amended by striking out "October 1, 1971" and inserting in lieu thereof "October 1, 1972".

(e) Section 236(n) of such Act is amended by striking out "October 1, 1971" and inserting in lieu thereof "October 1, 1972".

(f) Section 809(f) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(g) Section 810(k) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(h) Section 1002(a) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(i) Section 1101(a) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

Sec. 102. (a) The second sentence of section 235(h)(1) of the National Housing Act is amended—

(1) by inserting "outstanding" before "contracts" the first place the term appears; and

(2) by striking out "by $125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "by

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$150,000,000 on July 1, 1970, and by $200,000,000 on July 1, 1971".

(b) The second sentence of section 236(i)(1) of such Act is amended—

(1) by inserting "outstanding" before "contracts" the first place the term appears; and

(2) by striking out "by $125,000,000 on July 1, 1970, and by $170,000,000 on July 1, 1971" and inserting in lieu thereof "by $150,000,000 on July 1, 1970, and by $200,000,000 on July 1, 1971".

RENT SUPPLEMENT PAYMENTS

SEC. 103. Section 101(a) of the Housing and Urban Development Act of 1965 is amended by striking out "and by $100,000,000 on July 1, 1970" and inserting in lieu thereof "by $100,000,000 on July 1, 1970, and by $40,000,000 on July 1, 1971".

COMPENSATION FOR DEFECTS IN SECTION 235 EXISTING HOUSING

SEC. 104. Section 518 of the National Housing Act is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) a new subsection as follows:

"(b) The Secretary is authorized to make expenditures to correct, or to compensate the owner for, structural or other defects which seriously affect the use and livability of any single-family dwelling which is covered by a mortgage insured under section 235 of this Act and is more than one year old on the date of the issuance of the insurance commitment, if (1) the owner requests assistance from the Secretary not later than one year after the insurance of the mortgage, or, in the case of a dwelling covered by a mortgage which was insured prior to the date of enactment of this subsection, one year after the date of enactment of this subsection, and (2) the defect is one that existed on the date of the issuance of the insurance commitment and is one that a proper inspection could reasonably be expected to disclose. The Secretary may require from the seller of any such dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling."

USE OF EXISTING HOUSING UNDER SECTION 235 PROGRAM

SEC. 105. Section 235(h) of the National Housing Act is amended—

(1) by striking out "July 1, 1971" in subparagraph (B) of paragraph (3) and inserting in lieu thereof "July 1, 1972"; and

(2) by adding at the end thereof the following new paragraph:

"(4) At least 10 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1971, shall be available for use only with respect to dwellings, or dwelling units in projects, which are approved by the Secretary prior to substantial rehabilitation."

MORTGAGE INSURANCE UNDER SECTION 235(I) FOR REHABILITATION OF DUPLEXES

SEC. 106. Section 235(i)(3)(A) of the National Housing Act is amended by striking out "if the dwelling is purchased with the assistance of a nonprofit organization and is" and inserting in lieu thereof "and which is".

ASSISTANCE UNDER SECTION 235 PROGRAM FOR COOPERATIVE PROJECTS FINANCED UNDER CERTAIN STATE OR LOCAL PROGRAMS

SEC. 107. Section 235(b)(2) of the National Housing Act is amended by inserting "(A)" after "the cooperative association of which the family is a member shall operate", and by inserting before the period at the end thereof the following: "; or (B) a housing project which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section".

INCLUSION OF CERTAIN COSTS IN SECTION 236 PROJECTS

SEC. 108. Section 236(b) of the National Housing Act is amended by adding at the end thereof the following new sentence: "The term 'mortgage insurance premium', when used in this section in relation to a project financed by a loan under a State or local program, means such fees and charges, approved by the Secretary, as are payable by the mortgagor to the State or local agency mortgagee to meet reserve requirements and administrative expenses of such agency."

MAXIMUM AMOUNT OF FHA-INSURED HOSPITAL MORTGAGE

SEC. 109. Section 242(d)(2) of the National Housing Act is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

MORTGAGE INSURANCE FOR PROPRIETARY HOSPITALS

SEC. 110. (a) Section 242(b)(1)(C) of the National Housing Act is amended to read as follows:

"(C) which is a proprietary facility, or facility of a private nonprofit corporation or association, licensed or regulated by the State (or, if there is no State law providing for such licensing or regulation by the State, by the municipality or other political subdivision in which the facility is located); and".

(b) The heading of section 242 of such Act is amended by striking out "NONPROFIT".

(c) The sixth sentence of section 212(a) of such Act is amended by striking out "or association" and inserting in lieu thereof ", association, or other organization".

FHA SUPPLEMENTAL LOANS FOR MULTIFAMILY PROJECTS

SEC. 111. Section 241 of the National Housing Act is amended—

(1) by inserting "or covered by a mortgage held by the Secretary" immediately after "this Act" in the first sentence of subsection (a);

(2) by striking out the proviso in subsection (a) and inserting in lieu thereof the following: ": *Provided*, That a loan involving a nursing home or a group practice facility may also be made for the purpose of financing equipment to be used in the operation of such nursing home or facility";

(3) by inserting "or an amount acceptable to the Secretary" before the semicolon at the end of subsection (b)(1); and

(4) by inserting "or pursuant to which the original mortgage covering the project or facility was insured" before "; and" at the end of subsection (b)(5).

MORTGAGES FOR CIVILIAN PERSONNEL AT MILITARY INSTALLATIONS

SEC. 112. Section 809(b) of the National Housing Act is amended by inserting before the period at the end of the second sentence the following: ": *Provided*, That the Secretary shall relieve the Secretary of Defense from any obligation to guarantee the General Insurance Fund from loss with respect to a mortgage assumed by a person ineligible to receive a certificate under subsection (a), if the original mortgagor is issued another certificate with respect to a mortgage insured under this section on property which the Secretary determines is not an acceptable risk".

MOBILE HOME LOANS UNDER TITLE I

SEC. 113. Section 2(b) of the National Housing Act is amended—

(1) by inserting in clause (1) after "$10,000" the following: "($15,000 in the case of a mobile home composed of two or more modules)"; and

(2) by inserting in the proviso of clause (2) after "days" the following: "(fifteen years and thirty-two days in the case of a mobile home composed of two or more modules)".

USE OF CERTAIN HOUSING FACILITIES UNDER SECTION 221 AND SECTION 236 FOR CLASSROOM PURPOSES

SEC. 114. (a) Section 221(f) of the National Housing Act is amended by adding at the end of the second paragraph the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities in existence or under construction on the date of enactment of the Housing and Urban Development Act of 1970 which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the proviso in section 220(d)(3)(B)(iv) except the requirement that the project be predominantly residential)".

(b) Section 236(j)(5) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

"In any case in which it is determined in accordance with regulations of the Secretary that facilities in existence or under construction on the date of enactment of the Housing and Urban Development Act of 1970 which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools or residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the first proviso in subparagraph (A) except the requirement that the project be predominantly residential)."

CONGREGATE HOUSING FOR THE DISPLACED, ELDERLY, AND HANDICAPPED

SEC. 114. (a)(1) Section 221(f) of the National Housing Act is amended by inserting before the period at the end of the first sentence of the second paragraph of the following: ": *Provided*, That such units, in the case of a project designed primarily for occupancy by displaced, elderly, or handicapped families, need not, with the approval of the Secretary, contain kitchen facilities, and such projects may include central dining and other shared facilities."

(2) Section 221(f) of such Act is further amended—

(A) by inserting "or who is a displaced person," immediately after "Housing Act of 1959," in the fifth sentence of the second paragraph; and

(B) by striking out "the terms 'displaced family' and 'displaced families' shall mean a family or families" in the third paragraph and inserting in lieu thereof "the terms 'displaced family', 'displaced families', and 'displaced person' shall mean a family or families, or a person,".

(b)(1) Section 236(j)(5)(B) of such Act is amended by inserting immediately after "units" the following: ", but such units, in the case of a project designed primarily for occupancy by displaced, elderly, or handicapped families, need not, with the approval of the Secretary, contain kitchen facilities".

(2) Section 236(i) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Not more than 10 per centum of the total amount of interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts as provided in paragraph (1) after the date of the enactment of the Housing and Urban Development Act of 1970 shall be contracted to be made with respect to projects in which all or part of the dwelling units do not contain kitchen facilities."

(c) Section 101(b) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed as preventing payments to a housing owner with respect to projects in which all or part of the dwelling units do not contain kitchen facilities; but of the total amount of contracts to make annual payments approved in appropriation Acts pursuant to subsection (a) after the date of the enactment of the Housing and Urban Development Act of 1970, not more than 10 per centum in the aggregate shall be made with respect to such projects."

FHA REHABILITATION STANDARDS FOR HOUSING IN URBAN RENEWAL AREAS

SEC. 116. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

FHA REHABILITATION STANDARDS FOR HOUSING IN URBAN RENEWAL AREAS

"SEC. 524. In determining whether properties should be approved by the Secretary prior to rehabilitation and covered by mortgages insured under title II of this Act, the Secretary shall apply uniform property standards as between properties located outside urban renewal areas and those located within urban renewal areas."

INVESTMENT OF FHA RESERVE FUNDS

SEC. 117. (a) Section 206 of the National Housing Act is amended by inserting before the period at the end of the first sentence the following: "or any agency of the United States: Provided, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(b) Section 213(o) of such Act is amended by inserting before the period at the end of the second sentence the following: "or any agency of the United States: Provided, That such moneys shall to the maximum extent feasible be invested in such bonds or otner obligations the proceeds of which will be used to directly support the residential mortgage market".

(c) Section 236(g) of such Act is amended by inserting before the period at the end of the third sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(d) Section 238(b) of such Act is amended by inserting before the period at the end of the sixth sentence the following: "or any agency of the United States: Provided, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(e) Section 519(c) of such Act is amended by inserting before the period at the end of the first sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

ASSISTANCE UNDER SECTION 236 AND RENT SUPPLEMENT PROGRAMS FOR EXISTING PROJECTS FINANCED UNDER CERTAIN STATE OR LOCAL PROGRAMS

SEC. 118. (a) Section 236(b) of the National Housing Act is amended by striking out "which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section" and inserting in lieu thereof the following: "which may involve either new or existing construction and which is approved for receiving the benefits of this section".

(b) The second sentence of section 101(b) of the Housing and Urban Development Act of 1965 is amended by striking out "which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section" and inserting in lieu thereof the following: "which may involve either new or existing construction and which is approved for receiving the benefits of this section".

LAND DEVELOPMENT PLANNING

SEC. 119. Section 1003(b)(3) of the National Housing Act is amended by inserting before the period at the end thereof the following: "; except that, in the case of land development covered by a mortgage with respect to which an insurance commitment is issued under this title before the expiration of one year after the date of enactment of the Housing and Urban Development Act of 1970, the requirement of this paragraph shall be applicable only if there is actually in existence on the date the commitment is issued a comprehensive plan which covers, or comprehensive planning being carried on for, the area in which the land is situated".

OCCUPANCY PREFERENCE IN FHA RENTAL HOUSING FOR MILITARY PERSONNEL

SEC. 120. (a) Section 101(c)(2) of the Housing and Urban Development Act of 1965 is amended by (1) striking out the word "or" between paragraphs (D) and (E), (2) striking out the period at the end of paragraph (E) and inserting in lieu thereof "; or", and (3) adding after paragraph (E) the following:

"(F) a family whose head, or spouse, is a member of the Armed Forces of the United States who is serving on active duty."

(b) Paragraph (B) of section 101(e)(1) of such Act is amended by striking out the period and inserting in lieu thereof the following: "or is a member of the Armed Forces of the United States serving on active duty."

(c) Section 7 of the Department of Housing and Urban Development Act (as amended by section 905 of this Act) is amended by adding at the end thereof the following new subsection:

"(m) Whenever he shall determine that, because of location or other considerations, any rental housing project assisted under title II of the National Housing Act or title I of the Housing and Urban Development Act of 1965 could ordinarily be expected substantially to serve the family housing needs of lower income military personnel serving on active duty, the Secretary is authorized to provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis not withstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations."

STATE FUNDING OF SECTION 236 INTEREST REDUCTION PAYMENTS

SEC. 121. (a) Section 236 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(n) The Secretary is authorized to enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make interest reduction payments, subject to all the terms and conditions specified in this section and in rules, regulations and procedures adopted by the Secretary under this section, with respect to all or a part of a project covered by a mortgage insured under this section. Any funds provided by a State or agency thereof for the purpose of making interest reduction payments shall be administered, disbursed and accounted for by the Secretary in accordance with the agreements entered into by the Secretary with the State or agency thereof and for such fees as shall be specified therein. Before entering into any agreements pursuant to this subsection the Secretary shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of interest reduction payments for the full period specified in the interest reduction contract."

(b) The first sentence of section 236(i)(1) of such Act is amended by inserting "by the Secretary" immediately following "entered into".

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

SEC. 201. Section 103(b) of the Housing Act of 1949 is amended—

(1) by striking out "and by $1,700,000,000 on July 1, 1970" in the first sentence and inserting in lieu thereof "by $1,700,000,000 on July 1, 1970, and by $1,500,000,000 on July 1, 1971"; and

(2) by striking out "beginning July 1, 1969, and "July 1, 1970" in the second sentence and inserting in lieu thereof "commencing after June 30, 1969 and ending prior to July 1, 1974".

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 202. The first sentence of section 10(e) of the United States Housing Act of 1937 is amended by striking out "and $170,000,000 on July 1, 1970" and inserting in lieu thereof "$320,000,000 on July 1, 1970, and $225,000,000 on July 1, 1971".

USE OF PUBLIC HOUSING CONTRACT AUTHORITY FOR LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

SEC. 203. The first sentence of section 10(e) of the United States Housing Act of 1937 is amended by striking out "*Provided further*" and inserting in lieu thereof "*Provided further*, That at least 30 per centum of the total amount of contracts for annual contributions entered into in any fiscal year pursuant to the new authority granted under section 202 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be entered into with respect to units of low-rent housing in private accommodations provided under section 23: *And provided further*".

TERM AND RENEWAL OF CONTRACTS FOR LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

SEC. 204. (a)(1) Section 23(a)(3) of the United States Housing Act of 1937 is amended by striking out "an existing" and inserting in lieu thereof "a".

(2) Section 10(c) of such Act is amended by striking out "existing" in the last proviso.

(b) The last sentence of section 23(d) of such Act is amended—

(1) by striking out "not less than twelve months nor more than sixty months" and inserting in lieu thereof "not less than twelve months nor more than one hundred and twenty months"; and

(2) by inserting before the period at the end thereof the following: ": *Provided*, That no renewal of such a contract shall result in a total term exceeding two hundred and forty months (or one hundred and eighty months in the case of an existing structure)".

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 205. Section 401(f)(2) of the Housing Act of 1950 is amended by inserting before the period at the end thereof the following: ", and by $12,000,000 on July 1, 1971".

EXPENSES IN CONNECTION WITH THE SALE OF SURPLUS FEDERAL LANDS TO LOCAL URBAN RENEWAL AGENCIES

SEC. 206. The last sentence of section 108 of the Housing Act of 1949 is amended by inserting "net" immediately before "proceeds".

CONGREGATE HOUSING FOR THE DISPLACED, ELDERLY, AND HANDICAPPED

SEC. 207. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

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"(12) The Secretary shall encourage public housing agencies, in providing housing predominantly for displaced, elderly, or handicapped families, to design, develop, or otherwise acquire such housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as congregate housing: *Provided*, That not more than 10 per centum of the total amount of contracts for annual contributions entered into in any fiscal year pursuant to the new authority granted under section 202 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be entered into with respect to units in congregate housing. As used in this paragraph, the term 'congregate housing' means low-rent housing (A) in which some or all of the dwelling units do not have kitchen facilities, and (B) connected with which there is a central dining facility to provide wholesome and economical meals for elderly families under terms and conditions prescribed by the public housing agency to permit a generally self-supporting operation. Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing (other than the cost of providing food and service) shall be considered one of the costs of administration of the project."

PUBLIC HOUSING RENT REQUIREMENTS

SEC. 208. (a) Section 2(1) of the United States Housing Act of 1937 is amended by adding at the end of the second paragraph the following: "In defining income for purposes of applying the one-fourth of family income limitation set forth above, the Secretary shall consider income from all sources of each member of the family residing in the household who is at least eighteen years of age; except that (A) nonrecurring income, as determined by the Secretary, and the income of full-time students shall be excluded; (B) an amount equal to the sum of (i) $300 for each dependent, (ii) $300 for each secondary wage earner, (iii) 5 per centum of the family's gross income (10 per centum in the case of elderly families), and (iv) those medical expenses of the family properly considered extraordinary shall be deducted; and (C) the Secretary may allow further deductions in recognition of unusual circumstances."

(b) The income definition contained in the last sentence of the second paragraph of section 2(1) of the Housing Act of 1937, as added by subsection (a) of this section, shall be effective at the first annual reexamination of the tenant's income subsequent to March 24, 1971.

PUBLIC HOUSING COST LIMITS

SEC. 209. (a) The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking out all that follows "based" and inserting in lieu thereof the following: "shall not exceed by more than 10 per centum the appropriate prototype cost for the area. Prototype costs shall be determined at least annually by the Secretary on the basis of his estimate of the construction and equipment costs of new dwelling units of various sizes and types in the area suitable for occupancy by persons assisted under this Act. The Secretary in determining the area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to quarantee safe and healthy family life and neighborhood environment. Further, in developing such prototypes, emphasis should be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community. The prototype costs for any area shall become effective upon the date of publication in the Federal Register."

(b) This section becomes effective on such date as the Secretary of Housing and Urban Development prescribes, but not later than one hundred and twenty days following the date of enactment of this Act.

AMENDMENT OF CONTRACTS TO ASSURE LOW-RENT CHARACTER OF PROJECTS

SEC. 210. The third sentence of section 10(a) of the United States Housing Act of 1937 is amended by striking out the period and inserting in lieu thereof the following: ": *Provided further*, That the Authority is authorized to amend or supersede annual contributions contracts to provide payments annually (within the limitations prescribed by this Act) which the Authority determines are required (1) to assure the low-rent character of the projects involved, and (2) to achieve and maintain adequate operating and maintenance services and reserve funds including payment of outstanding debts."

POLICY STATEMENT

SEC. 211. Section 1 of the United States Housing Act of 1937 is amended by adding at the end thereof the following: "It is the sense of the Congress that no person should be barred from serving on the board of directors or similar governing body of a local public housing agency because of his tenancy in a low-rent housing project."

RELOCATION PAYMENTS

SEC. 212. (a) Section 114(b)(1) of the Housing Act of 1949 is amended by inserting before the semicolon the following: ": *Provided further*, That the Secretary may authorize payment to displaced business concerns of fixed amounts in lieu of their total certified actual moving expenses where he determines that it is impractical for a displaced business concern to calculate the amount of such expenses".

(b) The last sentence of section 114(b) of such Act is amended by striking out "certified actual".

EARLY CLOSEOUT OF URBAN RENEWAL PROJECTS

SEC. 213. (a) Section 106(i) of the Housing Act of 1949 is amended to read as follows:

"(i) Upon determination of the Secretary that the local public agency does not expect to be able in the reasonably near future, due to circumstances beyond its control, to dispose of urban renewal project land acquired in accordance with the urban renewal plan and that all other project activities are completed except local grant-in-aid activities designated in the third proviso to section 110(d) under the conditions specified therein, and that a closeout of the urban renewal project pursuant to this subsection would be in the financial interest of the Federal Government, the urban renewal project may be deemed completed, net project cost may be computed, and the capital grant paid. To facilitate these actions, the Secretary may pay to the local public agency a grant, in addition to the capital grant otherwise payable, equal to one-third (or one-fourth in the case of projects funded on the three-fourths capital grant basis) of the estimated disposition proceeds of such land as accepted by the Secretary. No local grant-in-aid shall be required on account of this additional grant. The approval of the Secretary shall be obtained prior to the disposition of such land by the local public agency and net proceeds realized from the disposition of such land after project closeout shall be paid to the Secretary by the local public agency."

(b) Section 110(f) of such Act is amended by striking out "or for subsequent disposition or retention as prescribed under section 106(i)".

RELEASE FROM CERTAIN PROJECT OBLIGATIONS

SEC. 214. Notwithstanding any other provision of this Act or title I of the Housing Act of 1949, as amended, the Secretary of Housing and Urban Development is authorized and directed to release the City of Stanton, Texas, and the Urban Renewal Agency of the City of Stanton, Texas, from the obligations of their agreement with the Department of Housing and Urban Development entered into in connection with the closeout of projects numbered Tex. R-45 and Tex. R-81 and to close out those projects, effective as of the original date of closeout, on the basis of the authority granted under section 213 of this Act.

URBAN RENEWAL PROJECT IN MONROE, WISCONSIN

SEC. 215. Notwithstanding the date of commencement of construction of streets and highways in the tornado urban renewal area in Monroe, Wisconsin, local expenditures made in connection therewith shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the tornado urban renewal project (Wisconsin R-27) in accordance with the provisions of title I of the Housing Act of 1949.

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 301. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time it appears; and

(2) by inserting before the period at the end thereof the following: ", and not to exceed $200,000,000 for the fiscal year ending June 30, 1972".

(b) Section 111(c) of such Act is amended by striking out "1971" and inserting in lieu thereof "1972".

(c) Section 111 of such Act is further amended by striking out "and administrative expenses" each place it appears.

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1971" and inserting in lieu thereof "and not to exceed $420,000,000 prior to July 1, 1972".

NEW COMMUNITY LAND DEVELOPMENT

SEC. 303. (a) Section 407(d) of the Housing and Urban Development Act of 1968 is amended by striking out "$250,000,000" and inserting in lieu thereof "$500,000,000".

(b) Section 412(d) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1974".

(c) Section 408 of such Act is amended—

(1) by striking out "qualified"; and

(2) by striking out all that follows "guaranteed obligation" and inserting in lieu thereof a period.

COMMUNITY FACILITIES GRANTS

SEC. 304. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "In addition, there is authorized to be appropriated for the fiscal year commencing July 1, 1971, not to exceed $50,000,000 for grants under section 703."

(b) Section 708(b) of such Act is amended by striking out "1971" and inserting in lieu thereof "1972".

EXTENSION OF URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES AUTHORIZATION

SEC. 305. Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

TITLE IV—CONSOLIDATION OF OPEN-SPACE LAND PROGRAMS

SEC. 401. Effective July 1, 1971, title VII of the Housing Act of 1961 is amended to read as follows:

"TITLE VII—OPEN-SPACE LAND

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the rapid expansion of the Nation's urban areas

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and the rapid growth of population within such areas has resulted in severe problems of urban and suburban living for the preponderant majority of the Nation's present and future population, including the lack of valuable open-space land for recreational and other purposes.

"(b) The Congress further finds that there is a need for the additional provision of parks and other open space in the built-up portions of urban areas especially in low income neighborhoods and communities and a need for greater and better coordinated State and local efforts to make available and improve open-space land throughout entire urban areas.

"(c) The Congress further finds that there is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value in order that these remaining evidences of our history and heritage shall not be lost or destroyed through the expansion and development of the Nation's urban areas.

"(d) It is the purpose of this title to help curb urban sprawl and prevent the spread of urban blight and deterioration, to encourage more economic and desirable urban development, to assist in preserving areas and properties of historic or architectural value, and to help provide necessary recreational, conservation, and scenic areas by assisting State and local public bodies in taking prompt action to (1) provide, preserve, and develop open-space land in a manner consistent with the planned long-range development of the Nation's urban areas, (2) acquire, improve, and restore areas, sites, and structures of historic or architectural value, and (3) develop and improve open space and other public urban land, in accordance with programs to encourage and coordinate local public and private efforts toward this end.

"GRANTS FOR ACQUISITION AND FOR DEVELOPMENT OF OPEN-SPACE LAND

"SEC. 702. (a) The Secretary is authorized to make grants to States and local public bodies to help finance (1) the acquisition of title to, or other interest in, open-space land in urban areas and (2) the development of open-space or other land in urban areas for open-space uses. The amount of any such grant shall not exceed 50 per centum of the eligible project cost, as approved by the Secretary, of such acquisition or development. Not more than 50 per centum of the non-Federal share of such eligible project cost may, to the extent authorized in regulations established by the Secretary be made up by donations of land or materials.

"(b) No grants under this title shall be made to (1) defray ordinary State or local governmental expenses, (2) help finance the acquisition by a public body of land located outside the urban area for which it exercises (or participates in the exercise of) responsibilities consistent with the purpose of this title, (3) acquire and clear developed land in built-up urban areas unless the local governing body determines that adequate open-space land cannot be effectively provided through the use of existing undeveloped land, or (4) provide assistance for historic and architectural preservation purposes, except for districts, sites, buildings, structures, and objects which the Secretary of the Interior determines meet the criteria used in establishing the National Register.

"(c) The Secretary may set such further terms and conditions for assistance under this title as he determines to be desirable.

"(d) The Secretary shall consult with the Secretary of the Interior on the general policies to be followed in reviewing applications for grants under this title. To assist the Secretary in such review, the Secretary of the Interior shall furnish him (1) appropriate information on the status of national and statewide recreation and historic preservation planning as it affects the areas to be assisted with such grants, and (2) the current listing of any districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture which may be contained on a National Register maintained by the Secretary of the Interior pursuant to other provisions of law. The Secretary shall provide current information to the Secretary of the Interior from time to time on significant program developments.

"(e) The Secretary may provide such technical assistance to States and local public bodies as may be required to effectively carry out activities under this section.

"PLANNING REQUIREMENTS

"SEC. 703. The Secretary shall make grants under section 702 only if he finds that such assistance is needed for carrying out a unified or officially coordinated program, meeting criteria established by him, for the provision and development of open-space land which is a part of, or is consistent with, the comprehensively planned development of the urban area.

"CONVERSIONS TO OTHER USES

"SEC. 704. No open-space land for the acquisition of which a grant has been made under section 702 shall be converted to uses not originally approved by the Secretary without his prior approval. Prior approval will be granted only upon satisfactory compliance with regulations established by the Secretary. Such regulations shall require findings that (1) there is adequate assurance of the substitution of other open-space land of as nearly as feasible equivalent usefulness, location, and fair market value at the time of the conversion; (2) the conversion and substitution are needed for orderly growth and development; and (3) the proposed uses of the converted and substituted land are in accord with the then applicable comprehensive plan for the urban area, meeting criteria established by the Secretary.

"CONVERSIONS OF LAND INVOLVING HISTORIC OR ARCHITECTURAL PURPOSES

"SEC. 705. No open-space land involving historic or architectural purposes for which assistance has been granted under this title shall be converted to use for any other purpose without the prior approval of the Secretary of the Interior.

"ACQUISITION OF INTERESTS TO GUIDE URBAN DEVELOPMENT

"SEC. 706. In order to encourage the acquisition of interests in undeveloped or predominantly underdeveloped land which, if withheld from commercial, industrial, and residential development, would have special significance in helping to shape economic and desirable patterns of urban growth (including growth outside of existing urban areas which is directly related to the development of new communities or the expansion and revitalization of existing communities), the Secretary may make grants to State and local public bodies for the acquisition of such interests in an amount not to exceed 75 per centum of the cost of such acquisition. In the case of any interests acquired pursuant to this section, the Secretary may approve the subsequent conversion or disposition of the land involved without regard to other requirements of this title but subject to such terms and conditions as he determines equitable and appropriate with respect to the control of future use and the application or sharing of the proceeds or value realized upon sale or disposition.

"LABOR STANDARDS

"SEC. 707. (a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of grants under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not approve any such grant without first obtaining adequate assurance that these labor standards will be maintained upon the construction work.

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15), and section 2 of the Act of June 13. 1934, as amended (48 Stat. 948; 40 U.S.C 276c).

"AUTHORIZATION

"SEC. 708. There are authorized to be appropriated for purposes of making grants under this title not to exceed $560,000,000 prior to July 1, 1972. Any amounts appropriated under this section shall remain available until expended.

"DEFINITIONS

"SEC. 709. As used in this title—

"(1) The term 'open-space land' means any land located in an urban area which has value for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural, or scenic purposes.

"(2) The term 'urban area' means any area which is urban in character, including those surrounding areas which, in the judgment of the Secretary, form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

"(3) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States.

"(4) The term 'local public body' means any public body (including a political subdivision) created by or under the laws of a State or two or more States, or a combination of such bodies, and includes Indian tribes, bands, groups, and nations (including Alaskan Indians, Aleuts, and Eskimos) of the United States.

"(5) The term 'open-space uses' means any use of open-space land for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural or scenic purposes."

TITLE V—RESEARCH AND TECHNOLOGY

RESEARCH AND DEMONSTRATIONS

SEC. 501. The Secretary of Housing and Urban Development is authorized and directed to undertake such programs of research, studies, testing, and demonstration relating to the mission and programs of the Department as he determines to be necessary and appropriate. In order to carry out activities under this section there are authorized to be appropriated such sums as may be necessary. All funds so appropriated shall remain available until expended unless specifically limited.

GENERAL PROVISIONS

SEC. 502. (a) The Secretary shall require, to the greatest extent feasible, the employment of new and improved technologies, methods, and materials in housing construction, rehabilitation, and maintenance under programs administered by him with a view to reducing costs, and shall encourage and promote the acceptance and application of such advanced technology, methods, and materials by all segments of the housing industry, communities, industries engaged in urban development activities, and the general public. To the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under section 501, the Secretary shall assure that there is no restraint by contract, building code, zoning ordinance, or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing, except where such restraint is necessary to insure safe and healthful working and living conditions.

(b) To encourage large-scale experimentation in the use of new technologies, methods, and materials, with a view toward the ultimate mass production of housing and related facilities, the Secretary shall wherever feasible conduct programs under section 501 in which qualified organizations, public and private, will submit plans for development and production of housing and related facilities using such new advances on Federal land which has been made available or acquired by the Secretary for the purpose of this subsection or on other land where (1) local building regulations permit such experimental construction, or (2) necessary variances from building regulations can be granted. The Secretary may utilize the funds and authority available to him under the provisions of section 501 to assist in the implementation of plans which he approves.

(c) Notwithstanding any other provision of law, the Secretary is authorized, in connection with projects under this title, to acquire, use and dispose of any land and other property required for the project as he deems necessary. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any land which is excess property within the meaning of such Act and which is determined by the Secretary to be suitable in furtherance of the purposes of subsection (b) may be transferred to the Secretary upon his request.

(d) In order to effectively carry out his activities under section 501, the Secretary is authorized to provide such advice and technical assistance as may be required and to pay for the cost of writing and publishing reports on activities and undertakings financed under section 501, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of that section. He may disseminate (without regard to the provisions of section 3204 of title 39, United States Code, or section 4154 of such title with respect to any period before the effective date of such section 3204 as provided in section 15(a) of the Postal Reorganization Act) any reports, data, or information acquired or held under this title, including related data and information otherwise available to the Secretary through the operation of the programs and activities of the Department of Housing and Urban Development, in such form as he determines to be most useful to departments, establishments, and agencies of Federal, State, and local governments, to industry, and to the general public.

(e) The Secretary is authorized to carry out the functions authorized in section 501 either directly or, without regard to section 3709 of the Revised Statutes, by contract or by grant. Advance and progress payments may be made under such contracts or grants without regard to the provisions of section 3648 of the Revised Statutes and such contracts or grants may be made for work to continue for not more than four years from the date thereof.

(f) In carrying out activities under section 501, the Secretary shall utilize to the fullest extent feasible the available facilities of other Federal departments and agencies, and shall consult with, and make recommendations to, such departments and agencies. The Secretary may enter into working agreements with such departments and agencies and contract or make grants on their behalf or have such departments and agencies contract or make grants on his behalf. The Secretary is authorized to make or accept reimbursement for the cost of such activities. The Secretary is further authorized to undertake activities under this title under cooperative agreements with industry and labor, agencies of State or local governments, educational institutions, and other organizations. He may enter into contracts with and receive funds from such agencies, institutions and organizations, and may exercise any of the other powers vested in him by section 502(c) of the Housing Act of 1948.

(g) The Secretary is authorized to request and receive such information or data as he deems appropriate from private individuals and organizations, and from public agencies. Any such information or data shall be used only for the purposes for which it is supplied, and no publication shall be made by the Secretary whereby the information or data furnished by any particular person or establishment can be identified, except with the consent of such person or establishment.

REPEAL OF EXISTING RESEARCH AUTHORITIES

SEC. 503. Effective July 1, 1971, the following provisions of law are repealed; except that such repeal shall not affect contracts, commitments, reservations, or other obligations entered into pursuant to such provisions prior to that date:

(1) title III of the Housing Act of 1948;
(2) section 314 of the Housing Act of 1954;
(3) section 602 of the Housing Act of 1956;
(4) section 207 of the Housing Act of 1961;
(5) section 301 of the Housing and Urban Development Act of 1965;

(6) sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966; and

(7) section 1714(b) of the Housing and Urban Development Act of 1968.

EXPERIMENTAL HOUSING ALLOWANCE PROGRAM

SEC. 504. (a) In carrying out activities under section 501, the Secretary shall undertake on an experimental basis a program to demonstrate the feasibility of providing families of low income with housing allowances to assist them in obtaining rental housing of their choice in existing standard housing units. For this purpose, the Secretary is authorized to pay and to contract to pay, subject to the limitations of this section, monthly housing allowances to such families in localities determined by the Secretary to have an adequate supply of such housing units.

(b) The housing allowance provided to any family of low income shall not exceed the difference between 25 per centum of the family's income and the maximum fair market rental established in the locality by the Secretary for dwelling units of similar size in projects receiving annual payments under contracts authorized by section 101(a) of the Housing and Urban Development Act of 1965. The Secretary shall make the payment of any such allowance to any such family conditional upon an agreement by the family that the allowance will be used solely for the payment of rent for occupancy in existing standard housing.

(c) The Secretary is authorized to contract with public or private organizations to provide the services required in the selection of families of low income for the distribution of monthly housing allowance payments to such families. In contracting with such organizations, the Secretary is authorized (without limiting his authority under any other provision of law) to delegate to such organizations the authority to make the ministerial findings necessary to enable the Secretary to make such payments to families selected by such organizations.

(d) The Secretary is authorized to pay and to contract to pay (in an aggregate amount not to exceed $10,000,000 in each of the fiscal years 1972 and 1973) monthly housing allowance payments to families of low income pursuant to this section. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to make payments under this subsection.

(e) The Secretary shall, as early as practicable in the calendar years 1972 and 1973 make a report to the respective Committees on Banking and Currency of the Senate and House of Representatives with respect to the administration of the program authorized by this section, together with any recommendations that he may deem appropriate.

(f) As used in this section—

(1) The term "families of low income" has the same meaning as in section 2(2) of the United States Housing Act of 1937.

(2) The term "existing standard housing" means a rental unit which meets standards prescribed by the Secretary.

(g) No housing allowance payments pursuant to this section shall be made after June 30, 1973.

DEMONSTRATIONS WITH RESPECT TO ABANDONED PROPERTIES

SEC. 505. (a) In carrying out activities under section 501, the Secretary may undertake programs to demonstrate the most feasible means of providing assistance to localities in which a substantial number of structures are abandoned or are threatened with abandonment for the purpose of arresting the process of housing abandonment in its incipiency or in restoring viability to blighted areas in which abandonment is pervasive. For this purpose, the Secretary is authorized to make grants, subject to the limitations of this section, to assist local public bodies in planning and implementing demonstration projects for prompt and effective action in alleviating and preventing such abandonment in designated demonstration areas.

(b) In administering this section, the Secretary shall give preference to those demonstration projects which in his judgment can reasonably be expected to arrest the process of abandonment in the demonstration area within a period of two years and which provide for innovative approaches to combating the problem of housing abandonment. Such projects may include, but shall not be limited to (1) acquisition by negotiated purchase, lease, receivership, tax lien proceedings, or other means authorized by law and satisfactory to the Secretary, of real property within the demonstration area or areas which is abandoned, deteriorated, or in violation of applicable code standards; (2) the repair of streets, sidewalks, parks, playgrounds, publicly owned utilities, public buildings to meet needs consistent with the revitalization and continued use of the area; (3) the demolition of structures determined to be structurally unsound or unfit for human habitation or which contribute adversely to the physical or social environment of the locality involved; (4) the establishment of recreational or community facilities including public playgrounds; (5) the improvement of garbage and trash collection, street cleaning and other essential services necessary to the revitalization and maintenance of the area; (6) the rehabilitation of privately and publicly owned real property by the locality; and (7) the establishment and operation of locally controlled, nonprofit housing management corporations and municipal repair programs.

(c) Subject to such conditions as the Secretary may prescribe, real property held as

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part of a project assisted under this section may be made available to (1) a limited dividend corporation, nonprofit corporation, or association, cooperative or public body or agency, or other approved purchaser or lessee, or (2) a purchaser who would be eligible for a mortgage issued under section 221(d)(3) or (d)(4), section 221(h)(1), section 235(i) or (j)(1), or section 236 of the National Housing Act, for purchase or lease at fair market value for use by such purchaser or lessee, as, or in the provision of, new or rehabilitated housing for occupancy by families or individuals of low or moderate income.

(d) Grants under this section shall be in amounts which do not exceed 90 per centum of the net project cost as determined by the Secretary. There are authorized to be appropriated for demonstration grants under this section not to exceed $20,000,000 for the fiscal year ending June 30, 1971. Any amounts appropriated shall remain available until expended and any amount authorized but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972. Not more than one-third of the aggregate amount of grants made in any fiscal year under this section shall be made with respect to projects undertaken by one locality.

(e) The provisions of sections 106, 114, and 115 of Title I of the Housing Act of 1949, and section 312 of the Housing Act of 1964, may apply to projects assisted under this Act as if such projects were being carried out in urban renewal areas as part of urban renewal projects within the meaning of section 110 of the Housing Act of 1949.

(f) The Secretary shall report annually to the Congress with respect to the status of demonstration projects funded by him and shall make such recommendations to the Congress as he deems necessary to further the purposes of this section.

TITLE VI—CRIME INSURANCE

FINDINGS AND PURPOSE

SEC. 601. Section 1102(b) of the Housing and Urban Development Act of 1968 is amended by striking out "and" immediately before "(2)", and by inserting before the period at the end thereof the following: "; and (3) provide direct insurance through the facilities of the Federal Government in the case of properties for which statewide programs and the Federal reinsurance program either do not make crime insurance available or offer such insurance to property owners only at prohibitive cost".

AMENDMENTS TO TITLE XII OF THE NATIONAL HOUSING ACT

SEC. 602. (a) Section 1201 of the National Housing Act is amended to read as follows:

"PROGRAM AUTHORITY

"SEC. 1201. (a) The Secretary is authorized to establish and carry out the programs provided for in parts A, B, C, and D of this title.

"(b)(1) The powers of the Secretary under this title shall terminate on April 30, 1975, except to the extent necessary—

"(A) to continue reinsurance and direct insurance in accordance with the provisions of sections 1223(b) and 1231(c) until April 30, 1978;

"(B) to process, verify, and pay claims for reinsured losses and directly insured losses and perform other necessary functions in connection therewith; and

"(C) to complete the liquidation and termination of the reinsurance and direct insurance programs.

"(2) On April 30, 1978, or as soon thereafter as possible, the Secretary shall submit to the Congress, for its approval, a plan for the liquidation and termination of the reinsurance and direct insurance programs."

(b) Section 1203(a) of such Act is amended by redesignating paragraphs (1) through (13) as paragraphs (4) through (16), respectively, and by inserting immediately after and below "the term—" the following new paragraphs:

"(1) 'affordable rate' means such premium rate as the Secretary determines would permit the purchase of a specific type of insurance coverage by a reasonably prudent person in similar circumstances with due regard to the costs and benefits involved;

"(2) 'crime insurance' means insurance against losses resulting from robbery, burglary, larceny, and similar crimes, and may include broad form personal theft insurance, mercantile open stock insurance, mercantile robbery and mercantile safe burglary insurance, storekeepers burglary and robbery insurance, office burglary and robbery insurance, and may include business interruption insurance as the Secretary may designate; the term does not include automobile insurance or losses resulting from embezzlement;

"(3) 'directly insured losses' means losses on direct insurance claims and all direct expenses incurred in connection therewith, including but not limited to expenses for processing, verifying, and paying such losses;".

(c) Section 1221(a)(2) of such Act is amended by striking out "section 1203(a)(10)" each place it appears and inserting in lieu thereof "section 1203(a)(13)".

(d) Title XII of such Act is amended by redesignating part C and sections 1231 through 1241 as part D and sections 1241 through 1251, respectively, and by inserting after part B the following new part:

"PART C—FEDERAL INSURANCE AGAINST BURGLARY AND THEFT

"REVIEW AND PROGRAM AUTHORITY

"SEC. 1231. (a) The Secretary shall conduct a continuing review of the market availability situation in each of the several States to determine whether crime insurance is available at affordable rates either through the normal insurance market or through a suitable program adopted under State law.

"(b) Upon determining pursuant to subsection (a) that, at any time on or after August 1, 1971, a critical market unavailability situation for crime insurance then exists in any State and has not been met through appropriate State action, the Secretary is authorized to make crime insurance available at affordable rates within such State through the facilities of the Federal Government. Such insurance shall be provided upon such terms and conditions, and subject to such deductibles and other restrictions and limitations, as the Secretary deems appropriate, but no such insurance shall be made available to a property which the Secretary determines to be uninsurable or to a property with respect to which reasonable protective measures to prevent loss, consistent with standards established by the Secretary, have not been adopted.

"(c) Notwithstanding any other provision of this title, direct insurance may be continued for the term of the policies written prior to the date of termination of the Secretary's direct insurance authority under this part, for as long as the insured pays the required direct insurance premiums; except that direct insurance under this part for any risk shall be terminated after notice whenever the Secretary determines that the standard lines of crime insurance otherwise have become available to such property at affordable rates.

"USE OF EXISTING FACILITIES AND SERVICES

"SEC. 1232. In carrying out his responsibilities under this part, the Secretary may utilize—

"(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

"(2) officers and employees of the Department of Housing and Urban Development, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time agree upon, on a reimbursement or other basis, or

"(3) both the alternatives specified in paragraphs (1) and (2), or any combination thereof.

"ESTABLISHMENT OF AFFORDABLE RATES

"SEC. 1233. In estimating the affordable rates for the various crime insurance coverages offered from time to time under this part, the Secretary shall consult with appropriate State insurance authorities and other knowledgeable persons and is authorized to take into consideration the nature and degree of the risks involved, the protective devices employed, the extent of anticipated losses, the prevailing rates for similar coverages in adjacent or comparable areas and territories, the economic importance of the various individual coverages and the type of property involved, and the relative abilities of the particular classes and types of insureds to pay the full estimated costs of such coverages. Nothing in this section shall be construed to prohibit or require either the adoption of uniform national rates or the periodic modification of currently estimated affordable rates for any particular line or subline of coverage, class, State, territory, or risk on the basis of additional information or actual loss experience.

"REPORTS ON OPERATIONS

"SEC. 1234. The Secretary shall include in his reports to the Congress on the program authorized by this title full and complete information on his operations and activities under this part, together with such recommendations with respect thereto as he may deem appropriate."

(e) Section 1222(a) of such Act is amended by striking out "section 1233" and inserting in lieu thereof "section 1243".

(f) Section 1244(c) of such Act (as redesignated by subsection (d) of this section) is amended by striking out "section 1232" and inserting in lieu thereof "section 1242".

(g) Section 1241(a) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance", and by inserting "or property owners" after "insurers".

(h) Section 1241(b) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance".

(i) Section 1242(a) of such Act (as so redesignated) is amended—

(1) by striking out "the reinsurance program" and inserting in lieu thereof "the reinsurance and direct insurance programs";

(2) by inserting "or direct insurance" after "reinsurance" in paragraphs (1), (2), and (4);

(3) by inserting "or property owner" after "any insurer" where it first appears in paragraph (4); and

(4) by inserting "or directly insured" after "reinsured" in paragraph (4).

(j) Section 1243 of such Act (as so redesignated) is amended—

(1) by inserting "and direct insurance" after "reinsurance" in subsection (a)(1) and each place it appears in subsection (b)(1);

(2) by striking out "part B" in subsection (b)(1) and inserting in lieu thereof "parts B and C"; and

(3) by redesignating clauses (4) and (5) of subsection (b) as clauses (5) and (6), and inserting after clause (3) a new clause as follows:

"(4) such amounts which are hereby authorized to be appropriated as may be necessary from time to time to reimburse the fund for losses and expenses (including administrative expenses) incurred in carrying out the program authorized under part C;".

(k) Section 1244(a) of such Act (as so redesignated) is amended by striking out "Any insurer or pool acquiring reinsurance" and inserting in lieu thereof "Any insurer, pool, or property owner acquiring reinsurance or direct insurance".

(l) Section 1244(c) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance".

REVIEW OF STATEWIDE PLANS

Sec. 603. Title XII of the National Housing Act is amended by inserting after section 1214 a new section as follows:

"OFFICE OF REVIEW AND COMPLIANCE

"Sec. 1215. The Secretary, through an Office of Review and Compliance under the Federal Insurance Administrator, shall periodically review each plan under this part and the methods and practices by which such plan is being actually carried out in the areas and communities where it is intended to operate, in order to assure that such plan is effectively making essential property insurance readily available in such areas and communities and is otherwise carrying out the purposes of this title, and in order to identify any aspects of the operation or administration of such plan which may require revision, modification, or other action to carry out such purposes."

CONFORMING AMENDMENT

Sec. 604. Clause (2) of the first sentence of section 520(b) of the National Housing Act is amended by inserting "and directly insured" after "reinsured" wherever it appears.

TITLE VII—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT

SHORT TITLE AND STATEMENT OF PURPOSE

Sec. 701. (a) This title may be cited as the "Urban Growth and New Community Development Act of 1970".

(b) It is the policy of the Congress and the purpose of this title to provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient, and economic growth, development, and redevelopment of our States, metropolitan areas, cities, counties, towns, and communities in predominantly rural areas which demonstrate a special potential for accelerated growth; to encourage the prudent use and conservation of our natural resources; and to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities, and well-balanced neighborhoods in socially, economically, and physically attractive living environments.

Part A—Development of a National Urban Growth Policy

FINDINGS AND DECLARATION OF POLICY

Sec. 702. (a) The Congress finds that the rapid growth of urban population and uneven expansion of urban development in the United States, together with a decline in farm population, slower growth in rural areas, and migration to the cities, has created an imbalance between the Nation's needs and resources and seriously threatens our physical environment, and that the economic and social development of the Nation, the proper conservation of our natural resources, and the achievement of satisfactory living standards depend upon the sound, orderly, and more balanced development of all areas of the Nation.

(b) The Congress further finds that Federal programs affect the location of population, economic growth, and the character of urban development; that such programs frequently conflict and result in undesirable and costly patterns of urban development which adversely affect the environment and wastefully use our natural resources; and that existing and future programs must be interrelated and coordinated within a system of orderly development and established priorities consistent with a national urban growth policy.

(c) To promote the general welfare and properly apply the resources of the Federal Government in strengthening the economic and social health of all areas of the Nation and more adequately protect the physical environment and conserve natural resources, the Congress declares that the Federal Government, consistent with the responsibilities of State and local government and the private sector, must assume responsibility for the development of a national urban growth policy which shall incorporate social, economic, and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of urban growth and shall provide a framework for development of interstate, State, and local growth and stabilization policy.

(d) The Congress further declares that the national urban growth policy should—

(1) favor patterns of urbanization and economic development and stabilization which offer a range of alternative locations and encourage the wise and balanced use of physical and human resources in metropolitan and urban regions as well as in smaller urban places which have a potential for accelerated growth;

(2) foster the continued economic strength of all parts of the United States, including central cities, suburbs, smaller communities, local neighborhoods, and rural areas;

(3) help reverse trends of migration and physical growth which reinforce disparities among States, regions, and cities;

(4) treat comprehensively the problems of poverty and employment (including the erosion of tax bases, and the need for better community services and job opportunities) which are associated with disorderly urbanization and rural decline;

(5) develop means to encourage good housing for all Americans without regard to race or creed;

(6) refine the role of the Federal Government in revitalizing existing communities and encouraging planned, large-scale urban and new community development;

(7) strengthen the capacity of general governmental institutions to contribute to balanced urban growth and stabilization; and

(8) facilitate increased coordination in the administration of Federal programs so as to encourage desirable patterns of urban growth and stabilization, the prudent use of natural resources, and the protection of the physical environment.

URBAN GROWTH REPORT

Sec. 703. (a) In order to assist in the development of a national urban growth policy, the President shall utilize the capacity of his office, adequately organized and staffed for the purpose, through an identified unit of the Domestic Council, and of the departments and agencies within the executive branch to collect, analyze, and evaluate such statistics, data, and other information (including demographic, economic, social, land use, environmental, and governmental information) as will enable him to transmit to the Congress, during the month of February in every even-numbered year beginning with 1972, a Report on Urban Growth for the preceding two calendar years which shall include—

(1) information and statistics describing characteristics of urban growth and stabilization and identifying significant trends and developments;

(2) a summary of significant problems facing the United States as a result of urban growth trends and developments;

(3) an evaluation of the progress and effectiveness of Federal efforts designed to meet such problems and to carry out the national urban growth policy;

(4) an assessment of the policies and structure of existing and proposed interstate planning and developments affecting such policy;

(5) a review of State, local, and private policies, plans, and programs relevant to such policy;

(6) current and foreseeable needs in the areas served by policies, plans, and programs designed to carry out such policy, and the steps being taken to meet such needs; and

(7) recommendations for programs and policies for carrying out such policy, including such legislation and administrative actions as may be deemed necessary and desirable.

(b) The President may transmit from time to time to the Congress supplementary reports on urban growth which shall include such supplementary and revised recommendatitons as may be appropriate.

(c) To assist in the preparation of the Report on Urban Growth and any supplementary reports, the President may establish an advisory board, or seek the advice from time to time of temporary advisory boards, the members of whom shall be drawn from among private citizens familiar with the problems of urban growth and from among Federal officials, Governors of States, mayors, county officials, members of State and local legislative bodies, and others qualified to assist in the preparation of such reports.

Part B—Development of New Communities

FINDINGS AND PURPOSE

Sec. 710. (a) The Congress finds that this Nation is likely to experience during the remaining years of this century a population increase of about seventy-five million persons.

(b) The Congress further finds that continuation of established patterns of urban development, together with the anticipated increase in population, will result in (1) inefficient and wasteful use of land resources which are of national economic and environmental importance; (2) destruction of irreplaceable natural and recreational resources and increasing pollution of air and water; (3) diminished opportunity for the private homebuilding industry to operate at its highest potential capacity in providing good housing needed to serve the expanding population and to replace substandard housing; (4) costly and inefficient public facilities and services at all levels of government; (5) unduly limited options for many of our people as to where they may live, and the types of housing and environment in which they may live; (6) failure to make the most economic use of present and potential resources of many of the Nation's smaller cities and towns, including those in rural and economically depressed areas, and decreasing employment and business opportunities for their residents; (7) further lessening of employment and business opportunities for the residents of central cities and of the ability of such cities to retain a tax base adequate to support vital services for all their citizens, particularly the poor and disadvantaged; (8) further separation of people within metropolitan areas by income and by race; (9) further increases in the distances between the places where people live and where they work and find recreation; and (10) increased cost and decreased effectiveness of public and private facilities for urban transportation.

(c) The Congress further finds that better patterns of urban development and revitalization are essential to accommodate future population growth; to prevent further deterioration of the Nation's physical and social environment; and to make positive contributions to improving the overall quality of life within the Nation.

(d) The Congress further finds that the

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national welfare requires the encouragement of well-planned, diversified, and economically sound new communities, including major additions to existing communities, as one of several essential elements of a consistent national program for bettering patterns of development and renewal.

(e) The Congress further finds that desirable new community development on a significant national scale has been prevented by difficulties in (1) obtaining adequate financing at moderate cost for enterprises which involve large initial capital investment, extensive periods before investment can be returned, and irregular patterns of return; (2) the timely assembly of sufficiently large sites in economically favorable locations at reasonable cost; and (3) making necessary arrangements, among all private and public organizations involved, for providing site and related improvements (including streets, sewer and water facilities, and other public and community facilities) in a timely and coordinated manner.

(f) It is, therefore, the purpose of this part to provide private developers and State and local public bodies and agencies (including regional or metropolitan public bodies and agencies) with financial and other assistance necessary for encouraging the orderly development of well-planned, diversified, and economically sound new communities, including major additions to existing communities, and to do so in a manner which will rely to the maximum extent on private enterprise; strengthen the capacity of State and local governments to deal with local problems; preserve and enhance both the natural and urban enrichment; increase for all persons, particularly members of minority groups, the available choices of locations for living and working, thereby providing a more just economic and social environment; encourage the fullest utilization of the economic potential of older central cities, smaller towns, and rural communities; assist in the efficient production of a steady supply of residential, commerical, and industrial building sites at reasonable cost; increase the capability of all segments of the home-building industry, including both small and large producers, to utilize improved technology in producing the large volume of well-designed, inexpensive housing needed to accommodate population growth; help create neighborhoods designed for easier access between the places where people live and the places where they work and find recreation; and encourage desirable innovation in meeting domestic problems whether physical, economic, or social. It is also the purpose of this part to improve the organizational capacity of the Federal Government to carry out programs of assistance for the development of new communities and the revitalization of the Nation's urban areas.

DEFINITIONS

Sec. 711. As used in this part—

(a) The term "new community development program" means a program which is intended to result in a newly built community or a major addition to an existing community and which meets the eligibility standards set forth in section 712.

(b) The term "private new community developer" means any private entity organized in a form satisfactory to the Secretary for carrying out one or more new community development programs.

(c) The term "State land development agency" means any State or local public body or agency with authority to act as developer in carrying out one or more new community development programs.

(d) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of any of the foregoing.

(e) The term "local public body or agency" means any public body or agency, including a political subdivision, created by or under the laws of a State or two or more States, or a combination of such bodies or agencies.

(f) The term "land development" means the process of clearing and grading land, making, installing, or constructing waterlines and water supply installations, sewerlines and sewage disposal installations, steam, gas, and electric lines, and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Secretary deems necessary, or desirable to prepare land for residential, commercial, industrial, or other uses, or to provide facilities for public or common use. The term "land development" includes the construction of public facilities, but does not include the construction of any other building unless it is (1) needed in connection with a water supply or sewage disposal installation or a steam, gas, or electric line or installation, or (2) is to be owned and maintained by residents of the new community under joint or cooperative arrangements approved by the Secretary.

(g) The term "actual cost" means the costs (exclusive of rebates or discounts) incurred by a new community developer in carrying out the land development assisted under this Act. These costs may include amounts paid for labor, materials, construction contracts, land planning, engineers' and architect's fees, surveys, taxes, and interest during development, organizational and legal expenses, such allocation of general overhead expenses as are acceptable to the Secretary, and other items of expenses incidental to development which may be approved by the Secretary. If the Secretary determines that there is an identity of interest between the developer and a contractor, there may be included as a part of actual cost an allowance for the contractor's profit or risk an amount deemed reasonable by the Secretary.

(h) The term "Secretary" means the Secretary of Housing and Urban Development.

(i) The term "Community Development Corporation" means the corporation established within the Department of Housing and Urban Development under section 729.

ELIGIBLE NEW COMMUNITY DEVELOPMENT

Sec. 712. (a) A new community development program is eligible for assistance under this part only if the Secretary determines that the program (or the new community it contemplates)—

(1) will provide an alternative to disorderly urban growth, helping preserve or enhance desirable aspects of the natural and urban environment or so improving general and economic conditions in established communities as to help reverse migration from existing cities or rural areas;

(2) will be economically feasible in terms of economic base or potential for economic growth;

(3) will contribute to the welfare of the entire area which will be substantially affected by the program and of which the land to be developed is a part;

(4) is consistent with comprehensive planning, physical and social, determined by the Secretary to provide an adequate basis for evaluating the new community development program in relation to other plans (including State, local, and private plans) and activities involving area population, housing and development trends, and transportation, water, sewerage, open space, recreation, and other relevant facilities;

(5) has received all governmental reviews and approvals required by State or local law, or by the Secretary;

(6) will contribute to good living conditions in the community, and that such community will be characterized by well balanced and diversified land use patterns and will include or be served by adequate public, community, and commercial facilities (including facilities needed for education, health and social services, recreation, and transportation) deemed satisfactory by the Secretary;

(7) makes substantial provision for housing within the means of persons of low and moderate income and that such housing will constitute an appropriate proportion of the community's housing supply; and

(8) will make significant use of advances in design and technology with respect to land utilization, materials and methods of construction, and the provision of community facilities and services.

(b) A new community development program approved for assistance under this part shall be undertaken by a private new community developer or State land development agency approved by the Secretary on the basis of financial, technical, and administrative ability which demonstrates capacity to carry out the program with reasonable assurance of its completion.

GUARANTEES

Sec. 713. (a) The Secretary (acting through the Community Development Corporation) is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by or on behalf of private new community developers and State land development agencies for the purpose of financing real property acquisition and land development and to compensate for the use of real property or the removal of liens or encumbrances on such property, pursuant to the new community development programs approved by the Secretary. The Secretary may make such guarantees and enter into such commitments upon such terms and conditions as he may prescribe consistent with the limitations and conditions contained in section 716; except that no obligation of any State land development agency shall be guaranteed under this section if the income from such obligation is exempt from Federal taxation. The Secretary is authorized to make grants to any State land development agency the obligations of which are guaranteed under this section in amounts estimated by him not to exceed the difference between the interest paid on such obligations and the interest on similar obligations the income from which is exempt from Federal taxation.

(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under this section with respect to principal, interest, and any redemption premiums. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

(c) The outstanding bonds, debentures, notes or other obligations guaranteed under this section with respect to a single new community development program shall involve a principal obligation in an amount (1) in the case of a State land development agency, not exceeding 100 per centum of the sum of the Secretary's estimate of the value of the real property before development and his estimate of the actual cost of the land development, or (2) in the case of a private new community developer, not exceeding the sum of 80 per centum of the Secretary's estimate of the value of the real property before development and 90 per centum of his estimate of the actual cost of the land development.

(d) The outstanding principal obligations guaranteed under this section with respect to a single community development program shall at no time exceed $50,000,000.

(e) The aggregate of the outstanding principal obligations guaranteed under this section shall at no time exceed $500,000,000.

LOANS

SEC. 714. (a) The Secretary (acting through the Community Development Corporation) is authorized, subject to the limitations and conditions contained in section 716, to make and enter into agreements to make loans to or on behalf of private new community developers and State land development agencies for the purpose of assisting them to make interest payments on indebtedness incurred by them to finance new community development programs approved by him. Loans under this section shall be in amounts which do not exceed the amount of interest the Secretary estimates is payable on indebtedness attributable to land acquisition or land development and shall be made only with respect to interest payments on indebtedness outstanding during an initial development period (not to exceed fifteen years) which the Secretary estimates to be prior to the time when land marketing activity is of sufficient volume to permit continued development under the new community development program without the benefit of further loans under this section.

(b) The Secretary shall require that loans under this section shall be repaid, with interest and on terms and conditions satisfactory to him, commencing at such time as development progress and marketing under the new community development program permit such repayment, but not later than fifteen years after the date the loan is made. Such loans shall bear interest at a rate specified by the Secretary which shall not be less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus one-eighth of 1 per centum.

(c) The principal amount of the loans outstanding at any time under this section with respect to a single new community development program shall not exceed $20,000,000.

(d) The aggregate principal amount of the loans outstanding under this section shall at no time exceed $240,000,000.

PUBLIC SERVICE GRANTS

SEC. 715. In addition to providing assistance under the preceding sections, the Secretary (acting through the Community Development Corporation) may make public service grants (in such amounts and on such terms and conditions as he deems appropriate) to a State land development agency or to the State or local public body having responsibility for providing the services involved to cover the cost of providing during an initial period (not exceeding three years) essential public services (including educational, health, and safety services) which the Secretary deems necessary adequately to serve the needs of the residents of the development prior to completion of permanent arrangements for the provision of such services. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

LIMITATIONS ON GUARANTEES AND LOANS

SEC. 716. (a) No guarantee or loan shall be made under this part unless the Secretary has determined that the new community development program represents an acceptable financial risk to the United States, taking into consideration (1) the financial and security interests of the United States, including the manner in which the developer proposes to finance and schedule land acquisition, land development, and marketing, and (2) the public purposes of this part and the special problems involved in financing new communities, including (i) the large amount of initial capital required to finance sound new communities, (ii) the extended period before initial returns can be expected, and (iii) the irregular pattern of cash returns characteristic of this type of development.

(b) The Secretary shall take such steps as he considers reasonable to assure that bonds, debentures, notes, and other obligations guaranteed, or with respect to which interest loans are made, under this part will—

(1) be issued to investors approved by, or meeting requirements prescribed by, the Secretary, or if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(2) bear interest at a rate satisfactory to the Secretary;

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Secretary; and

(4) contain or be subject to provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Secretary relating to subrogation, liens, and releases of liens, payment of taxes, cost certification procedures, escrow or trusteeship requirements or other matters.

REVOLVING FUND

SEC. 717. (a) The Secretary is authorized to establish a revolving fund to provide for (1) the timely payment of any liabilities incurred as the result of guarantees or grants under section 713; (2) making loans authorized under this part; (3) payment of obligations issued to the Secretary of the Treasury under subsection (b) of this section; and (4) any other program expenditures, including administrative and nonadministrative expenses. Such revolving fund shall be comprised of (1) receipts from fees and charges; (2) recoveries under security, subrogation, and other rights; (3) repayments, interest income, and any other receipts obtained in connection with guarantees or loans made under this part; (4) proceeds of the obligations issued to the Secretary of the Treasury pursuant to subsection (b) of this section; and (5) such sums, which are hereby authorized to be appropriated, as may be required for the payment of the obligations issued to the Secretary of the Treasury for the purpose of making grants to State land development agencies under section 713, and for other purposes under this part. Money in the revolving fund not currently needed for the purpose of this part shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other instruments which are lawful investments for fiduciary, trust, or public funds.

(b) The Secretary may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary to carry out the functions authorized by this part. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations, hereunder.

(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the fund authorized under this section, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by him as a result of recoveries under security, subrogation, or other rights.

SUPPLEMENTARY GRANTS FOR PUBLIC FACILITIES

SEC. 718. (a) The Secretary is authorized to make supplementary grants to any State or local public body or agency carrying out a new community assistance project, as defined in subsection (c), if the Secretary determines that such project is necessary or desirable for carrying out a new community development program. In no case shall any grant under this section exceed 20 per centum of the cost of the new community assistance project for which the grant is made; and in no case shall the total Federal contributions to the cost of such project be more than 80 per centum.

(b) In carrying out his authority under this section, the Secretary shall, with respect to any new community assistance project assisted by grants administered by a Federal department or agency other than the Department of Housing and Urban Development, consult with such department or agency concerning the project; and he shall, for the purpose of subsection (a), accept the certification of such department or agency as to the cost of such project.

(c) For the purposes of this section, a "new community assistance project" is a project assisted by grants under section 3 of the Urban Mass Transportation Act of 1964; section 120(a) of title 23, United States Code; section 19 of the Airport and Airway Development Act of 1970; title VI of the Public Health Service Act; title II of the Library Services and Construction Act; section 5 of the Land and Water Conservation Fund Act of 1965; title VII of the Housing Act of 1961; section 702 or 703 of the Housing and Urban Development Act of 1965; section 8 of the Federal Water Pollution Control Act; section 306(a)(2) of the Consolidated Farmers Home Administration Act; section 103 or 104 of the Higher Education Facilities Act of 1963; or section 101(a)(1) of the Public Works and Economic Development Act of 1965 with respect to projects of a type eligible for assistance under any of the other provisions of law listed in this subsection.

(d) There are authorized to be appropriated for supplementary grants under this section not to exceed $36,000,000 for the fiscal year ending June 30, 1971, not to exceed $66,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and not to exceed such sums as may be necessary for any fiscal year commencing after June 30, 1973. Any amount so appropriated shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated my be appropriated for any succeeding fiscal year. In addition, the amounts authorized to be appropriated for grants under section 412 of the Housing and Urban Development Act of 1968 and the amounts appropriated thereunder shall be available for carrying out this section and shall remain available until appropriated and expended.

TECHNICAL ASSISTANCE

SEC. 719. The Secretary is authorized to provide, either directly or by contract or other arrangements, technical assistance to private new community developers and State land development agencies, or State and local public bodies and agencies to assist them in connection with planning and carrying out new community development programs.

SPECIAL PLANNING ASSISTANCE

SEC. 720. (a) The Secretary may, until June 30, 1975, enter into agreements with private new community developers and State land development agencies to provide financial assistance, in amounts, not exceeding two-thirds of the estimated cost of such work, for planning new community development programs, including planning work which he determines will have special value in assuring that new community develop-

XUM

ment programs (1) will be fully responsive to social or environmental problems related to the public purposes of new community development, or (2) will adequately provide for, or encourage the use of, new or advanced technology in support of program objectives.

(b) The Secretary shall enter into agreements under this section only with respect to new community development programs which had been approved or are being actively considered for approval, having met such initial feasibility criteria as the Secretary may have prescribed, and, in the case of private new community developers, only with respect to planning work which the Secretary determines is in excess of that which would ordinarily be needed to establish final market, financial, and engineering feasibility for programs or projects of similar size and scope not subject to the special purposes of this part. The financial assistance extended pursuant to such agreements shall be subject to such terms and conditions, which, in the case of private new community developers, may include provisions for repayment where appropriate, as the Secretary may prescribe.

(c) There are authorized to be appropriated for financial assistance under this section not to exceed $5,000,000, which limit shall be increased by $5,000,000 on July 1, 1971. Any amount appropriated under this section shall remain available until expended.

FEES AND CHARGES

Sec. 721. The Secretary is authorized to establish and collect fees for guarantees under this part, and may make such charges in connection with guarantees, loans, and technical and other assistance under this part as he considers reasonable for the analysis of applications, appraisals, inspections, and other activities related to such assistance. On or before March 1, 1973, the Secretary shall make a report to the Congress concerning the fees and charges for guarantees under this part that he estimates will be adequate to provide income sufficient for a self-supporting guarantee program and concerning the relationship of other charges to costs incurred under this part.

ENCOURAGEMENT OF SMALL BUILDERS

Sec. 722. The Secretary shall adopt such requirements as he deems necessary to assure that new community assistance under this part will (1) help maintain a diversified, local homebuilding industry; (2) increase the capability of all segments of the homebuilding industry, including both small and large producers, to participate, through an increased supply of building sites at reasonable costs and through improved technology, in producing the needed, large volume of well-designed, inexpensive housing; and (3) encourage broad participation by the homebuilding industry, particularly small builders.

NEW COMMUNITY DEMONSTRATION PROJECTS

Sec. 723. Upon specific authorization by the President and under applicable Federal law respecting the use of federally owned lands, the Secretary, utilizing funds made available for the purpose by the Congress, is authorized to plan and carry out large-scale projects demonstrating the development of new communities, which shall be designed to contribute to the achievement of the purposes of this part and serve as models for new community developments which could feasibly be carried out by the other public and private developers.

REAL PROPERTY TAXATION

Sec. 724. Nothing in this part shall be construed to exempt any real property that may be acquired and held by the Secretary as a result of the exercise of lien or subrogation rights from real property taxation to the same extent, according to its value, as other real property is taxed.

AUDIT BY GENERAL ACCOUNTING OFFICE

Sec. 725. Insofar as they relate to any guarantees, loans, or grants made pursuant to this part, the financial transactions of recipients of Federal assistance may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

GENERAL PROVISIONS

Sec. 726. In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Secretary, in addition to any authority otherwise vested in him, shall—

(1) have the functions, powers, and duties (including the authority to issue rules and regulations) set forth in section 402, except subsections (c)(2), (c)(4), (d), and (f), of the Housing Act of 1950: *Provided*, That subsection (a)(1) of section 402 shall not apply with respect to functions, powers, and duties under section 719 of this part;

(2) have the power, notwithstanding any other provision of law, in connection with any assistance under this part, whether before or after any default, to provide by contract for the extinguishment upon default of any redemption, equitable, legal, or other right, title, or interest of the private new community developer or State land development agency in any mortgage, deed, trust, or other instrument held by or on behalf of the Secretary for the protection of the security interests of the United States; and

(3) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon him by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale or property in connection with which he has provided assistance pursuant to this part. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property. Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this part.

TECHNICAL AND CONFORMING PROVISIONS

Sec. 727. (a) No bonds, debentures, notes, or other obligations shall be guaranteed under title IV of the Housing and Urban Development Act of 1968 after the effective date of this part except pursuant to an offer or commitment to guarantee, or a project approval, made before that date: *Provided*, That a new community developer whose new community development project has, as of the effective date of this part, been approved by the Secretary under title IV shall be eligible with respect to obligations thereafter issued by him for guarantee assistance as authorized either by title IV or by this part, and such guarantee assistance may be given without a further determination by the Secretary under sections 712 and 716(a) of this part. If the Secretary finds that an applicant for title IV assistance has submitted complete financial and internal development plans and related materials pursuant to section 404 of such title IV, or major elements of such plans or materials, the Secretary may accept such plans and materials or major elements, respectively, as fully or partially satisfying the requirement under this part for the submission of a new community development program. All receipts, funds, or other assets, and all liabilities of the revolving fund established pursuant to section 407 of the Housing and Urban Development Act of 1968 (including liabilities arising under guarantees made pursuant to such title IV and this section) shall become and be assets and liabilities of the revolving fund established pursuant to this part, as if such assets and liabilities had been received or incurred pursuant to this part, and shall be paid over, held, and accounted for accordingly.

(b) Section 202(b)(4) of the Housing Amendments of 1955 is amended by adding before the period at the end thereof "or under part B of the Urban Growth and New Community Development Act of 1970".

(c) The first paragraph of section 24 of the Federal Reserve Act is amended by inserting the following before the period at the end of the fourth sentence thereof: "or under part B of the Urban Growth and New Community Development Act of 1970".

(d) The twelfth paragraph of section 5(c) of the Homeowners' Loan Act of 1933 is amended by adding in the last sentence immediately after "under title IV of the Housing and Urban Development Act of 1968" the words "or under part B of the Urban Growth and New Community Development Act of 1970".

(e) Section 701 of the Housing Act of 1954 is amended by—

(1) striking out the word "approved" in subsection (a)(4) and adding before the semicolon at the end of such subsection "or under part B of the Urban Growth and New Community Development Act of 1970";

(2) inserting in subsection (b) after "(2) areas described in" the following: "subsection (a)(4) or"; and

(3) striking out the "No" at the beginning of the third sentence of subsection (b) and inserting in lieu thereof "Except for planning for areas described in subsection (a)(4), no".

(f) All laborers and mechanics employed by contractors or subcontractors in land development assisted under this part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). No assistance shall be extended under this part for any land development without first obtaining adequate assurance that these labor standards will be maintained upon the construction work involved in such program. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(g) With respect to any obligation issued by or on behalf of any State land development agency for which the issuer has elected to receive the benefits of the guarantees provided under this part, the interest paid on such obligation and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

JOINT FUNDING

Sec. 728. Funds made available under any Federal assistance program for projects or activities approved as part of, or pursuant to, a new community development program may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for

XUM

common technical or administrative requirements where varying or conflicting provisions of law would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements, or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this section, the term "Federal assistance program" has the same meaning as under the Intergovernmental Cooperation Act of 1968.

COMMUNITY DEVELOPMENT CORPORATION

Sec. 729. (a) There is hereby created within the Department of Housing and Urban Development a body corporate to be known as the Community Development Corporation which shall carry out its functions subject to the direction and supervision of the Secretary.

(b) The Corporation shall have a Board of Directors (hereinafter referred to as the "Board") which shall consist of five members as follows:

(1) the Secretary, who shall be Chairman of the Board;

(2) one person, to be appointed by the President by and with the advice and consent of the Senate, who shall serve at the pleasure of the President, shall be the General Manager of the Corporation, serving as its chief executive officer under the Board's general direction, and shall receive compensation at the rate provided for positions at level IV of the Executive Schedule (5 U.S.C. 5315); and

(3) three persons, to be appointed by the Secretary, who shall serve at his pleasure, but not more than one such person shall be selected from among officers or employees of the Department of Housing and Urban Development.

Members of the Board who are regular, full-time officers or employees of the Federal Government shall receive no additional compensation for their services as Board members. Other members shall receive for their services as members, when engaged in the performance of their duties, the per diem equivalent to the rate for level IV of the Federal Executive Salary Schedule under section 5315 of title 5 of the United States Code. Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title for persons in the Government service employed intermittently.

(c) The functions of the Secretary with respect to guarantees and loans in aid of new community development under this part shall be administered through the Community Development Corporation, and the Corporation shall perform such additional functions, powers, and duties as the Secretary may prescribe from time to time.

Part C—Development of Rational Urban Growth Patterns

STATE AND REGIONAL PLANNING

Sec. 735. Section 701 of the Housing Act of 1954 is amended by adding at the end thereof the following new subsection:

"(j) In carrying out the provisions of this section relating to planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives, the Secretary shall encourage the formulation of plans and programs which will include the studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth should take place within such States, regions, or areas. Such plans and programs shall take account of the availability of and need for conserving land and other irreplaceable natural resources; of projected changes in size, movement, and composition of population; of the necessity for expanding housing and employment opportunities; of the opportunities, requirements, and possible locations for, new communities and large-scale projects for expanding or revitalizing existing communities; and of the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives. If the Secretary determines that activities otherwise eligible for assistance under this section are necessary to the development or implementation of such plans and programs, he may make grants in support of such activities to any governmental agency or organization of public officials which he determines is capable of carrying out the planning work involved in an effective and efficient manner and may make such grants in an amount equal to not more than 75 per centum of the cost of such activities."

Part D—Development of Inner City Areas

PURPOSE

Sec. 740. It is the purpose of this part to provide our cities, which urgently need to augment their inventories of housing (particularly housing for low and moderate income families) and to find sites for essential public facilities and additional sources of employment, but have virtually no vacant land upon which to build, with a program which will make possible the more rational use of urban land and space that is currently occupied by industrial or commercial uses which though not physically blighted are functionally obsolete or uneconomic, or of land and space that is not usable in its present state because of natural hazards or inadequate development, so that in appropriate cases major rebuilding projects (including new communities in town) may be undertaken without major residential clearance activities and with minimal displacement.

AMENDMENTS TO TITLE I OF THE HOUSING ACT OF 1949

Sec. 741. (a) The proviso in section 103(a)(1) of such Act is amended by inserting after "open land" the following: "(other than land within the purview of section 110(c)(1)(v)),".

(b) Section 110(c)(1) of such Act is amended—

(1) by inserting before the first proviso the following: ", or (v) land or space which is vacant, unused, underused, or inappropriately used (including infrequently used rail yards and rail storage facilities, and excessive or vacated railroad rights-of-way; air rights over streets, expressways, railroads, waterways, and similar locations; land which is occupied by functionally obsolete nonresidential buildings or is used for low-utility purposes or is covered by shallow water or is subject to periodic flooding or consists of unused or underused slips or dock areas or other waterfront property; which land or space the Secretary determines may be developed (at a cost reasonably related to the public purpose to be served) without major residential clearance activities, and with full consideration to the preservation of beneficial aspects of the urban and natural environment, for such uses as are consistent with emphasis on housing for low- and moderate-income families, including the provision of schools, hospitals, parks, and other essential public facilities, and, where appropriate, all uses associated with new communities in town or similar large scale undertakings related to inner city needs, including concentrated sources of employment"; and

(2) by striking "clauses (iii) and (iv)" in the first proviso and inserting in lieu thereof "clauses (iii), (iv), and (v)".

(c) Section 110(c)(7) of such Act is amended to read as follows:

"(7) Construction of foundations and platforms necessary for the development of air rights sites in accordance with the provisions of clause (iv) or (v) of paragraph (1) of this subsection."

TITLE VIII—FARM HOUSING

HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR

Sec. 801. (a) That part of the text of subsection (a) of section 514 of the Housing Act of 1949 which precedes the first numbered paragraph is amended to read as follows: "The Secretary is authorized to insure and make commitments to insure loans made by lenders other than the United States to the owner of any farm or any association of farmers for the purpose of providing housing and related facilities for domestic farm labor, or to any State (or political subdivision thereof), or any broad-based public or private nonprofit organization or any nonprofit organization of farmworkers incorporated within the State for the purpose of providing housing and related facilities for domestic farm labor any place within the State where a need exists. All such loans shall be made in accordance with terms and conditions substantially identical with those specified in section 502, except that—".

(b) Section 514(a) of such Act is amended by striking out in paragraph (2) "5 per centum" and inserting in lieu thereof "1 per centum".

(c) Paragraphs (1) and (2) of section 514(f) and paragraph (1) of section 516(g) are amended by inserting "(including household furnishings)" after "structures", each place the term appears.

(d) Section 516 of such Act is amended—

(1) by striking out that part of the text of subsection (a) which precedes the first numbered paragraph and inserting in lieu thereof the following: "Upon the application of any State or political subdivision thereof, or any broad-based public or private nonprofit organization incorporated within the State, or any nonprofit organization of farmworkers incorporated within the State, the Secretary is authorized to provide financial assistance for the provision of low-rent housing and related facilities (which may be located any place within the State) for domestic farm labor, if he finds that—";

(2) by striking out in paragraph (2) of subsection (a) "one-third" and inserting in lieu thereof "10 per centum";

(3) by inserting after "thereof" in paragraph (3) of subsection (a) the following: ", and such housing and facilities shall be durable and suitable for year-around occupancy or use, unless the Secretary finds that there is no need for such year-around occupancy or use in that area;" and

(4) by striking out in subsection (b) "two-thirds" and inserting in lieu thereof "90 per centum".

RURAL HOUSING LOANS ON NONFARM LEASEHOLD

Sec. 802. Section 501(b)(2) of the Housing Act of 1949 is amended by striking out "this title, the terms 'owner', 'farm', and 'mortgage' shall be deemed to include, respectively, the lessee of, the land included in" and inserting in lieu thereof the following: "sections 502 and 504, the terms 'owner' and 'mortgage' shall be deemed to include, respectively, the lessee of".

MISCELLANEOUS FARM HOUSING AMENDMENTS

Sec. 803. (a) The second sentence of section 504(a) of the Housing Act of 1949 is amended by striking out "in excess of $1,500" and inserting in lieu thereof "in ex-

XUM

cess of $2,500, or in excess of such larger amount not exceeding $3,500 as the Secretary determines to be necessary in the case of repairs or improvements involving water supply, septic tank, or bathroom or kitchen plumbing facilities".

(b) Section 508(b) of such Act is amended by striking out "shall" wherever it appears in the first and second sentences and inserting in lieu thereof "may".

(c) Section 515(b)(1) of such Act is amended by striking out "$300,000" and inserting in lieu thereof "$750,000".

(d) Section 517(j)(3) of such Act is amended by inserting after "collections" the following: "or necessary to obtain credit reports on applicants or borrowers".

(e) Section 520 of such Act is amended by striking out "5,500" and inserting in lieu thereof "10,000".

TITLE IX—MISCELLANEOUS

LIABILITY OF FNMA TO UNITED STATES

Sec. 901. (a) In accordance with the provisions of section 303(a) of the National Housing Act concerning payment of a prescribed part of the general surplus and reserves of the corporation, the Federal National Mortgage Association shall pay to the Secretary of the Treasury $52,386,117.

(b) In accordance with the provisions of section 309(c) of the National Housing Act as it existed prior to September 1, 1968, the Federal National Mortgage Association shall pay to the Secretary of the Treasury the remaining income tax equivalent of $16,479,604, plus interest (1) on $2,977,442 at the rate of 6 per centum from September 16, 1967, until the date of payment; (2) on $13,442,424 at the rate of 6 per centum from September 16, 1968, until the date of payment; and (3) on $59,738 at 6 per centum from November 16, 1968, until the date of payment.

(c) The receipt by the Secretary of the Treasury of the amounts required to be paid by subsections (a) and (b) of this section shall constitute a full and final settlement of all matters affected by such subsections. The United States shall be made a party defendant in any case against any person who is, has been, or may be a director, officer, employee, or agent of the Federal National Mortgage Association because of any action taken pursuant to subsection (a) or (b) of this section, and any judgment awarded the Federal National Mortgage Association shall be paid in the same manner as a judgment against the United States.

(d) Section 302(a) of the National Housing Act, as amended, is further amended by adding at the end thereof the following new paragraph:

"(3) The partition transaction effected pursuant to the foregoing paragraph constitutes a reorganization within the meaning of section 368(a)(1)(E) of the Internal Revenue Code of 1954; and for the purposes of such Code, no gain or loss is recognized by the previously existing body corporate by reason of the partition, and the basis and holding period of the assets of the corporation immediately following such partition are the same as the basis and holding period of such assets immediately prior to such partition."

(e) Section 810(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following sentence: "For the purposes of the Internal Revenue Code of 1954, no gain or loss is recognized by the holders of such stock on such change, and the the basis and holding period of such stock in the hands of the stockholders immediately after such change are the same as the basis and holding period of such stock in their hands immediately prior to such change."

PURCHASE OF FNMA STOCK

Sec. 902. Section 303(b) of the National Housing Act is amended—

(1) by striking out "shall accumulate" and inserting in lieu thereof "may accumulate";

(2) by striking out "and other";

(3) by striking out "nor less than 1 per centum"; and

(4) by inserting "with the approval of the Secretary of Housing and Urban Development" immediately after "as determined from time to time by the corporation".

ADVICE AND ASSISTANCE WITH RESPECT TO HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

Sec. 903. (a) Subsection (a) of section 106 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(a)(1) The Secretary is authorized to provide, or contract with public or private organizations to provide, information, advice, and technical assistance, including but not limited to—

"(i) the assembly, correlation, publication, and dissemination of information with respect to the construction, rehabilitation, and operation of low- and moderate-income housing;

"(ii) the provision of advice and technical assistance to public bodies or to nonprofit or cooperative organizations with respect to the construction, rehabilitation, and operation of low- and moderate-income housing, including assistance with respect to self-help and mutual self-help programs;

"(iii) counseling on household management, self-help, budgeting, money management, child care, and related counseling services which would assist low- and moderate-income families receiving assistance under the United States Housing Act of 1937 or the National Housing Act in improving their living conditions and housing opportunities, and in meeting the responsibilities of homeownership.

"(2) There is authorized to be appropriated for the purposes of this subsection, without fiscal year limitation, not to exceed $5,000,000. Any amounts so appropriated shall remain available until expended."

(b) The first sentence of section 106(b)(1) of such Act is amended by striking out "'any federally assisted program" and inserting in lieu thereof "section 235 of the National Housing Act or any other federally assisted program".

(c) Section 2(6) of the United States Housing Act of 1937 is amended by adding at the end thereof the following: "The term also means the financing of tenant programs and services for families residing in low-rent housing projects, particularly where there is maximum feasible participation of the tenants in the development and operation of such tenant programs and services. As used in this paragraph, the term 'tenant programs and services' includes the development and maintenance of tenant organizations which participate in the management of low-rent housing projects; the training of tenants to manage and operate such projects and the utilization of their services in project management and operation; counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services."

(d) Section 15(10) of the United States Housing Act of 1937 is repealed.

TRAINING IN HOUSING MANAGEMENT

Sec. 904. Section 803 of the Housing Act of 1964 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) a new subsection as follows:

"(b) Grants may be made under subsection (a) to support (1) the training of persons, especially persons of low income, in acquiring the skills needed in the management of housing for low- and moderate-income persons, and (2) research and the dissemination of information with respect to the problems involved in the management of housing for low- and moderate-income persons."

GENERAL ADMINISTRATIVE POWERS OF THE SECRETARY

Sec. 905. Section 7 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsections:

"(h) Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, such financial transactions of the Secretary as the making of loans or grants (and vouchers approved by the Secretary in connection with such financial transactions shall be deposited and conclusive upon all officers of the Government. Funds made available to the Secretary pursuant to any provision of law for such financial transactions shall be deposited in a checking account or accounts with the Treasurer of the United States. Such funds and any receipts and assets obtained or held by the Secretary in connection with such financial transactions shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary in connection with such financial transactions. Notwithstanding the provisions of any other law, the Secretary may, with the approval of the Comptroller General, consolidate into one or more accounts for banking and checking purposes all cash obtained or held in connection with such financial transactions, including amounts appropriated, from whatever source derived.

"(i) Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, the Secretary is authorized to:

"(1) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan or grant. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property: *Provided further*, That section 3709 of the Revised Statutes shall not apply to any contract for services or supplies on account of any property so acquired or owned if the amount of such contract does not exceed $2,500;

"(2) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

"(3) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(4) obtain insurance against loss in connection with property and other assets held;

"(5) consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract

XUM

or agreement to which he is a party or which has been transferred to him; and

"(6) include in any contract or instrument such other covenants, conditions, or provisions as he may deem necessary.

"(j) Notwithstanding any other provision of law the Secretary is authorized to establish fees and charges, chargeable against program beneficiaries and project participants, which shall be adequate to cover over the long run, costs of inspection, project review and financing service, audit by Federal or federally authorized auditors, and other beneficial rights, privileges, licenses, and services. Such fees and charges heretofore or hereafter collected shall be considered nonadministrative and shall remain available for operating expenses of the Department in providing similar services on a consolidated basis.

"(k) (1) The Secretary is authorized to accept and utilize voluntary and uncompensated services and accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

"(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

"(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund and shall be disbursed upon order of the Secretary.

"(l) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (e) of this section, and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

INCREASED FEES FOR CONSULTANT SERVICES

SEC. 906. Section 7(e) of the Department of Housing and Urban Development Act is amended by striking out everything after the word "rates" and inserting in lieu thereof the following: "for individuals not to exceed the per diem equivalent to the highest rate for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code."

SAVINGS AND LOAN ASSOCIATIONS

SEC. 907. (a) Section 12(b) of the Federal Home Loan Bank Act (12 U.S.C. 1432(b)) is amended by adding at the end a new sentence as follows: "This authority extends to the acquisition, holding, and disposition of loans, or interests therein, having the benefit of any guaranty under section 221 or 222 of the Foreign Assistance Act of 1961, as amended by section 105 of the Foreign Assistance Act of 1969 or as hereafter amended or extended, or of any commitment or agreement for any such guaranty."

(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting after the period following "section 224 of such Act, or any commitment or agreement with respect to such loans, or interests therein, made pursuant to either of such sections" a new sentence as follows: "This authority extends to the acquisition, holding, and disposition of loans, or interests therein, having the benefit of any guaranty under section 221 or 222 of the Foreign Assistance Act of 1961, as amended by section 105 of the Foreign Assistance Act of 1969 or as hereafter amended or extended, or of any commitment or agreement for any such guaranty."

(c) The first sentence of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "18" and inserting in lieu thereof "20".

FINANCIAL INSTITUTIONS SUPERVISORY ACT OF 1966

SEC. 908. Title IV of the Financial Institutions Supervisory Act of 1966 (80 Stat. 1056) is repealed.

INTERSTATE LAND SALES FULL DISCLOSURE ACT

SEC. 909. Section 1406(5) of the Interstate Land Sales Full Disclosure Act is amended by inserting after the first comma the following: "the existence of any unusual conditions relating to noise or safety which affect the subdivision and are known to the developer,".

ELIGIBILITY OF AMERICAN SAMOA BANKS FOR FEDERAL DEPOSIT INSURANCE

SEC. 910. (a) Subsection (a) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(a)), is further amended by inserting the words "American Samoa," after the word "Guam," each place it appears therein.

(b) Subsection (d) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(d)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(c) Subsection (e) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(e)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(d) Paragraph (5) of subsection (l) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(l)(5)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(e) Subsection (m) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(m)), is further amended by inserting the words "of American Samoa," after the word "Guam,".

(f) Subsection (o) of section 3 of the Federal Deposit Insurance Act as amended (12 U.S.C. 1813(o)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(g) Paragraph (4) of subsection (a) of section 7 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(4)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(h) Subparagraph (B) of paragraph (5) of subsection (b) of section 7 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(b)(5)(B)), is further amended by inserting the words "American Samoa," after the word "Guam,".

SURETY BOND GUARANTEES

SEC. 911. (a) Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES

"PART A—LEASE GUARANTEES";

(2) by striking out "this title", wherever it appears in sections 401 and 402, and inserting in lieu thereof "this part";

(3) by amending section 403 thereof to read as follows:

"SEC. 403. There is hereby established a revolving fund for use by the Administration in carrying out the provisions of this part and part B of this title. Initial capital for such fund shall consist of not to exceed $10,000,000 transferred from the fund established under section 4(c) of the Small Business Act: *Provided*, That the last sentence of such section 4(c) shall not apply to any amounts so transferred. Into the fund established by this section there shall be deposited all receipts from the guarantee programs authorized by this title. Moneys in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as initial capital for such fund shall not be so invested but shall be returned to the fund established by section 4(c) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund herein established is sufficiently high to permit the return of such moneys without danger to the solvency of the programs under this title. The Administration shall pay into miscellaneous receipts of the Treasury, as of the close of each fiscal year, interest on the net outstanding disbursements of the initial capital from the fund, at rates determined by the Secretary of the Treasury, taking into consideration the average yield on outstanding long-term, interest-bearing marketable public debt obligations of the United States as of the month of June preceding such fiscal year."; and

(4) by adding at the end thereof the following:

"PART B—SURETY BOND GUARANTEES

"DEFINITIONS

"SEC. 410. As used in this part—

"(1) The term 'bid bond' means a bond conditioned upon the bidder on a contract entering into the contract, if he receives the award thereof, and furnishing the prescribed payment bond and performance bond.

"(2) The term 'payment bond' means a bond conditioned upon the payment by the principal of money to persons under contract with him.

"(3) The term 'performance bond' means a bond conditioned upon the completion by the principal of a contract in accordance with its terms.

"(4) The term 'surety' means the person who, (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, or (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and material in the prosecution of the work provided for in the contract if the principal fails to make prompt payment.

"(5) The term 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment bond or performance bond.

"(6) The term 'principal' means (A) in

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the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in respect of such contract, and for whose performance of his obligation the surety is bound under the terms of a payment or performance bond. A principal may be a prime contractor or a subcontractor.

"(7) The term 'prime contractor' means the person with whom the obligee has contracted to perform the contract.

"(8) The term 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

"AUTHORITY OF THE ADMINISTRATION

"SEC. 411. (a) The Administration may, in consultation with the Secretary of Housing and Urban Development and upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss, as hereinafter provided, as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal on any contract up to $500,000 in amount, subject to the following conditions:

"(1) The person who would be the principal of the bond is a small business concern.

"(2) The bond is required in order for such person to bid on a contract, or to serve as a prime contractor or subcontractor thereon.

"(3) Such person is not able to obtain such bond on reasonable terms and conditions without a guarantee under this section.

"(4) The Administration determines that there is a reasonable expectation that such person will perform the covenants and conditions of the contract with respect to which the bond is required.

"(5) The contract meets requirements established by the Administration for feasibility of successful completion and reasonableness of cost.

"(6) The terms and conditions of any bond guaranteed under the authority of this part are reasonable in light of the risks involved and the extent of the surety's participation.

"(b) Any contract of guarantee under this section shall obligate the Administration to pay to the surety a sum not to exceed 90 per centum of the loss incurred by the surety in fulfilling the terms of his contract as the result of the breach by the principal of the terms of a bid bond, performance bond, or payment bond.

"(c) The Administration shall fix a uniform annual fee which it deems reasonable and necessary for any guarantee issued under this section, to be payable at such time and under such conditions as may be determined by the Administration. Such fee shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration shall also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith. Any contract of guarantee under this section shall obligate the surety to pay the Administration such portions of the bond fee as the Administration determines to be reasonable in the light of the relative risks and costs involved.

"(d) The provisions of section 402 shall apply in the administration of this section."

(b)(1) The Secretary of Housing and Urban Development is authorized to take such steps and carry out such activities as he determines to be necessary or desirable to provide, either directly or by contract or other arrangement, technical assistance to any contractor or subcontractor for whom a bid, payment, or performance bond is guaranteed under part B of title IV, the Small Business Investment Act of 1958 in connection with any construction contract, in order to assist such contractor or subcontractor in obtaining or carrying out such contract.

(2) There are authorized to be appropriated for each of the first three fiscal years ending after the date of the enactment of this Act such sums, not to exceed $1,500,000, as may be necessary to enable the Secretary to carry out his functions under paragraph (1).

EQUITY SKIMMING

SEC. 912. Whoever, with intent to defraud, willfully engages in a pattern or practice of—

(1) purchasing one- to four-family dwellings which are subject to a loan in default at time of purchase or in default within one year subsequent to the purchase and the loan is secured by a mortgage or deed of trust insured or held by the Secretary of Housing and Urban Development or guaranteed by the Veterans' Administration, or the loan is made by the Veterans' Administration.

(2) failing to make payments under the mortgage or deed of trust as the payments become due, and

(3) applying or authorizing the application of rents from such dwellings for his own use,

shall be fined not more than $5,000 or imprisoned not more than three years, or both. This section shall apply to a purchaser of such a dwelling, or a beneficial owner under any business organization or trust purchasing such dwelling, or to an officer, director, or agent of any such purchaser. Nothing in this section shall apply to the purchaser of only one such dwelling.

REGULATION OF SAVINGS AND LOAN ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

SEC. 913. The Home Owners' Loan Act of 1933 is amended by adding immediately after section 7 the following new section:

"SEC. 8. (a) Without regard to any provision of law other than this section, and without limitation on any other power or function now or hereafter vested in or exercisable by the Federal Home Loan Bank Board by or under this Act or otherwise, the Board shall, with respect to all incorporated or unincorporated building, building or loan, building and loan, or homestead associations, and similar institutions, of or transacting or doing business in the District of Columbia, or maintaining any office in the District of Columbia (other than Federal savings and loan associations), have the same powers and functions as to examination, operation, and regulation as are now or hereafter vested in or exercisable by it with respect to Federal savings and loan associations by or under section 5 of this Act or otherwise, and all of the provisions of subsection (d) of section 5 of this Act as now or hereafter in force shall be applicable with respect to such associations or institutions.

"(b) Any such association or institution incorporated under the laws of, or organized in, the District of Columbia shall have in addition to any existing statutory authority such statutory authority as is from time to time vested in Federal savings and loan associations.

"(c) Charters, certificates of incorporation, articles of incorporation, constitutions, bylaws, or other organic documents of associations or institutions referred to in subsection (b) of this section may, without regard to anything contained therein or otherwise, hereafter be amended in such manner and to such extent and upon such vote or votes if any as the Federal Home Loan Bank Board may by regulation or otherwise provide.

"(d) Nothing herein shall cause, or permit the Federal Home Loan Bank Board to cause, District of Columbia associations to be or become Federal savings and loan associations, or require the Board to impose on District of Columbia associations the same regulations as are imposed on Federal savings and loan associations."

MATURITY OF CERTAIN HOME LOAN BANK ADVANCES TO SAVINGS AND LOAN ASSOCIATIONS

SEC. 914. Section 11(g) of the Federal Home Loan Bank Act is amended by striking out "one year" each place it appears and inserting in lieu thereof "five years".

CRIMINAL PENALTY FOR FRAUD OR FALSE STATEMENTS TO INFLUENCE CERTAIN INSURED INSTITUTIONS AND FEDERAL AGENCIES

SEC. 915. Section 1014 of title 18 of the United States Code is amended by striking out "or an insured State-chartered credit union" and inserting in lieu thereof "an insured State-chartered credit union, any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, any bank the deposits of which are insured by the Federal Deposit Insurance Corporation, any member of the Federal Home Loan Bank System, the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the Administrator of the National Credit Union Administration".

UNPLEDGED DEPOSITS IN BANK FOR SAVINGS AND LOAN ASSOCIATIONS, CHICAGO, ILLINOIS

SEC. 916. Unpledged deposits in the Bank For Savings and Loan Associations, Chicago, Illinois, maintained by any institution which is a member of a Federal Home Loan Bank or is an insured institution as defined in section 401(a) of the National Housing Act, shall be considered assets for purposes of meeting the liquidity requirements of section 5A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)).

INFORMATION AND ADVICE TO NONPROFIT PROJECT SPONSORS

SEC. 917. Section 4 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) There shall be in the Department an Assistant to the Secretary, designated by the Secretary, who shall be responsible for providing information and advice to nonprofit organizations desiring to sponsor housing projects assisted under programs administered by the Department."

ANNUAL REPORT ON PROGRAM ADMINISTRATION AND MANAGEMENT

SEC. 918. Section 5 of the Housing and Urban Development Act of 1968 is amended by striking out "in the calendar year 1969 and in the calendar year 1970" and inserting in lieu thereof "in each calendar year."

DISPOSITION OF SURPLUS LAND FOR LOW AND MODERATE INCOME HOUSING AND RELATED FACILITIES

SEC. 919. (a) Section 414(a) of the Housing and Urban Development Act of 1969 is amended—

(1) by striking out "rental or cooperative" in the first sentence;

(2) by striking out the period at the end of the first sentence and inserting after "income" the following: ", and for related public facilities and for related commercial and industrial facilities approved by the Secretary."; and

(3) by inserting "235 or" between "section" and "236" in clause (C).

(b) Section 414(b) of such Act is amended—

(1) by striking out "rental or cooperative" in the first sentence;

(2) by inserting "and related facilities" between "housing" and "to" in the first sentence;

(3) by inserting "and the Administrator of General Services" after "Secretary" in the second sentence, and by striking out "has" before "approved" in the second sentence and inserting in lieu thereof "have"; and

(4) by inserting "and the Committees on Government Operations" after "Currency"

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in the third sentence, and by striking out "he approves" in the third sentence and inserting in lieu thereof "he and the Administrator of General Services approve".

SAVINGS AND LOAN HOLDING COMPANIES

SEC. 920. Section 408(d)(4)(B) of the Savings and Loan Holding Company Amendments of 1967 is amended by inserting before the semicolon at the end therefore the following: ": *Provided, however,* That with the prior written approval of the Corporation, a subsidiary insured institution may make a loan, discount, or extension of credit to a third party on the security of property acquired from a wholly owned affiliate service corporation. The Corporation shall grant approval of any application for approval under this subdivision if, in the opinion of the Corporation, such a loan, discount, or extension of credit would not be detrimental to the interests of savings account, or extension of credit would not be to the insurance risk of the Corporation with respect to such institution, and would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof".

TIMBER FOR HOUSING NEEDS

SEC. 921. Section 2(a) of the Act of April 12, 1926, as amended (16 U.S.C. 617(a)), is amended by striking out "1971" and inserting in lieu thereof "1973".

And the Senate agree to the same.

WRIGHT PATMAN,
W. A. BARRETT,
LEONOR K. SULLIVAN,
THOMAS L. ASHLEY,
WILLIAM B. WIDNALL,
FLORENCE P. DWYER,
J. WILLIAM STANTON,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON A. WILLIAMS,
EDMUND S. MUSKIE,
WALLACE BENNETT,
JOHN TOWER,
EDWARD W. BROOKE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19436) to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for minor and nonsubstantive provisions, and technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

TITLE I—MORTGAGE CREDIT

Authorizations for sections 235 and 236 interest subsidy programs

The Senate amendment provided $80 million in additional contract authority for each of the sections 235 and 236 interest subsidy programs in fiscal year 1972. The House bill provided additional contract authority of $15 million for each of the programs in fiscal year 1972. The conference substitute provides an additional $30 million for each of these programs in fiscal year 1972.

Recapture of contract authority under sections 235 and 236

The Senate amendment contained a provision not in the House bill clarifying the authority of the Secretary of Housing and Urban Development to recapture contract authority under the sections 235 and 236 programs which would otherwise expire whenever an assistance contract is terminated. The conference substitute contains the Senate provision.

Compensation for defects in section 235 existing housing

The Senate amendment contained a provision not in the House bill authorizing the HUD Secretary to make expenditures to correct, or to compensate the owner for, latent or structural defects in an existing dwelling if (1) the owner requests the Secretary's assistance not later than one year after insurance of the mortgage, and (2) the defect is one that a competent appraiser could reasonably be expected to recognize. The conference substitute contains a similar provision with the following substantive modifications: first, the provision would be applicable to all purchasers of section 235 existing homes insured since the inception of the program, and second, the HUD Secretary would be authorized to require the seller of a section 235 existing home to agree to reimburse him for any payments made under this section with respect to such a dwelling.

Rehabilitation under section 235 program

The Senate amendment contained a provision not in the House bill providing that at least 10 percent of the total amount of contracts for section 235 assistance payments authorized beginning in fiscal year 1972 shall be available for use only with respect to rehabilitated dwellings. The conference substitute contains this Senate provision.

Mortgages for civilian personnel at military installations

The Senate amendment contained a provision not in the House bill authorizing HUD under the section 809 mortgage insurance program for civilian employees at military installations to insure mortgages for civilian research employees who are involved in more than one mortgage transaction under the program. The conference substitute contains this Senate provision.

FHA mobile home loans

The Senate amendment contained a provision not in the House bill providing that when a mobile unit is composed of two or more modules, the maximum insurable mobile home loan under the FHA title I loan program may be $15,000 (instead of $10,000) and the maximum term may be 15 years, 32 days (instead of 12 years, 32 days). The conference substitute contains this Senate provision.

Use of certain housing facilities for classroom purposes

The Senate amendment contained a provision authorizing the use of available facilities in existing section 221(d)(3) and section 236 rental assistance projects for classroom purposes where public schools are overcrowded partly as a result of the project. The House bill contained a similar provision, but did not limit such use to existing projects. The conference substitute contains the Senate provision.

Increases in certain FHA mortgage ceilings

The House bill contained a provision not in the Senate amendment permitting the HUD Secretary, in addition to his existing authority to raise section 221(d)(3) per unit cost limits by up to 45 percent in areas where cost levels so require, to further raise these increased limits by up to 20 percent in areas where he finds necessary to meet increased construction costs. The conference report contains no such provision.

Limitation on eligibility for section 235 assistance payments

The House bill contained a provision not in the Senate amendment prohibiting the making of homeownership assistance payments on behalf of any family eligible for section 203(b) mortgage insurance in an amount equal to or exceeding the median mortgage insured under section 203(b) in the area where the property is located, during the most recent 3-month period for which information is available, if the HUD Secretary finds that there is adequate housing within that price range available in the area which meets the standards applicable to new or rehabilitated housing with respect to which assistance payments may be made under section 235. The conference substitute contains no such provision. The conferees deleted the House provision because, as a practical matter, the limitation would have made it difficult, if not impossible, to build needed new housing units in many areas of the country, and that it would have created serious administrative problems and inequities among families otherwise eligible to participate in the section 235 program. The conferees understand that the Department of Housing and Urban Development is dealing with the problem the House provision attempted to correct by administratively excluding from section 235 assistance any family who can afford to buy the particular home without subsidy. The conferees urge the Department to take all further necessary steps to assure that the benefits of the section 235 program are limited to families which cannot afford to obtain decent homes without subsidy.

Assistance under section 236 and rent supplement programs for existing projects financed under State or local programs

The House bill contained a provision not in the Senate amendment authorizing the use of section 236 rental assistance payments and rent supplement payments with respect to rental or cooperative housing projects financed under state or local programs, without regard to the time at which construction or rehabilitation of the project is completed. The conference substitute contains the House provision. The benefits of this provision should be made available only with respect to existing projects where the recent record-high interest rate levels have forced such projects to remain in temporary financing, and consequently endanger the low- and moderate-income character of the projects.

Planning requirements with respect to mortgage insurance for land development

The House bill contained a provision not in the Senate amendment providing that land development projects assisted under the title X mortgage insurance for land development program be required to be consistent with comprehensive planning in the area of the project only if such a comprehensive plan exists in the area. The conference substitute contains a provision permitting approval of projects under the title X program where no comprehensive plan exists for a period of one year after the date of enactment of the Housing and Urban Development Act of 1970.

Section 235 assistance for three-unit dwellings

The House bill contained a provision not in the Senate amendment making 3-family owner-occupied buildings eligible for section 235 homeownership assistance. The conference substitute contains no such provision.

TITLE II—RENEWAL OF HOUSING ASSISTANCE PROGRAM

Public Housing Annual Contributions

The Senate amendment increased public housing contract authority by $150 million in fiscal year 1971 and by $275 million in fiscal year 1972. In addition, the Senate report accompanying S. 4368, provided that of the additional $150 million provided in fiscal year 1971, it was the Committee's intention that $75 million be used exclusively for payment of operating and maintenance expenses authorized to be paid under section 204 of the Senate amendment. The House bill authorized an additional $150 million in fiscal year 1971 and $175 million in fiscal year 1972. The conference substitute authorizes an additional $150 million in fiscal year 1971 and $225 million in fiscal year 1972. The conferees intend that of the $150 million authorized in fiscal year 1971, $75 million be used exclusively for operating and maintenance expenses authorized by section 210 of the conference substitute.

Term and renewal of contracts for low-rent housing in private accommodations

The Senate amendment extended the initial term of leases and renewal periods under the section 23 public housing leasing program from 5 to 10 years. The House bill extended from 5 to 10 years the maximum term of such leases, but provided that the total term of a lease and all renewals was limited to 15 years. The conference substitute contains a provision which (1) extends, from a maximum of 5 years to 10 years, the initial lease term on an existing structure, and permits renewals which could result in a total term of not more than 15 years; and (2) extends, from a maximum of 5 years to 10 years, the initial lease term on a newly built dwelling, and permits renewals which could result in a total term of not more than 20 years.

Congregate housing for the displaced, elderly, handicapped

The Senate amendment directed the HUD Secretary to encourage the provision of public housing projects with common dining facilities for the elderly. The House bill contained a provision expressly including within the meaning of the term "low rent housing" dormitory-type dwelling accommodations to be occupied by displaced, elderly, or handicapped persons of low income, which may contain community kitchens, common dining areas, and other shared facilities. The conference substitute contains the Senate provision, with amendments making clear that congregate housing is to be encouraged for occupancy by the displaced and handicapped, as well as the elderly, and providing that not more than 10 percent of the total number of dwelling units for which contracts for annual contributions are entered into in any fiscal year shall be units in congregate housing.

Public housing rent requirements

The Senate amendment contained a provision not in the House bill providing a statutory definition of income for the purpose of establishing maximum rentals in public housing projects at one-fourth of tenant income. The conference substitute contains the Senate provision, amended as follows: family income would include all monies received by each member of the family in the household who is at least 18 years of age, less (1) income which is determined by the HUD Secretary to be non-recurring, and the income of full-time students, (2) an amount equal to the sum of $300 for each dependent, $300 for each secondary wage earner, 5 percent of the family's gross income (10 percent in the case of elderly families), and extraordinary medical expenses, and (3) further deductions as may be allowed by the HUD Secretary in recognition of usual circumstances.

Public housing cost limits

The Senate amendment contained a provision not in the House bill authorizing the HUD Secretary to determine periodically, and to publish in the *Federal Register*, prototype construction costs for each area based on prevailing cost factors, with the development cost of any project not exceeding by more than 10 percent the appropriate prototype cost for the area. The House bill authorized the HUD Secretary, in areas where he finds it necessary in order to meet increased construction costs, to increase by up to 20 percent, the public housing dwelling unit cost limitations. The conference substitute contains the Senate provision.

Amendment of contracts to assure low-rent character of projects

The Senate amendment contained a provision not in the House bill directing the HUD Secretary to amend annual contributions contracts with public housing agencies to provide annual contributions to achieve and maintain adequate operating and maintenance services. The conference substitute contains a provision clarifying the use of annual contributions to maintain adequate operating and maintenance services.

The Housing and Urban Development Act of 1969 clarified the authority of the Secretary to make annual contributions which exceed debt service requirements. This Congressional directive for a significant change in the traditional subsidy level in public housing was in response to the rapidly rising operating costs and the inability of many local agencies to insure the low-rent character of their projects and still generate enough rental income to meet expenses. In addition, increased subsidy was authorized for the purpose of improving the maintenance services and the living environment in public housing projects. However, HUD has administered this authority in restrictive fashion without adequate attention to this latter purpose.

The substitute would authorize the HUD Secretary to amend or supersede contracts to make annual contributions in an amount not exceeding the statutory maximum set by sections 10 and 14 of the 1937 Act which the Secretary determines are required (1) to assure the low-rent character of the projects involved and (2) to achieve and maintain adequate operating and maintenance services and reserve funds including payment of outstanding debts.

It would permit the Secretary to assure the low-rent character of public housing and assist local housing authorities in achieving and maintaining adequate operating and maintenance services and reserve funds by paying as annual contributions the difference between their annual expenses and income. Among the operating and maintenance services for which Federal subsidies could be provided are those set forth in section 2(6) of the United States Housing Act, as amended by this Act, as well as the following: tenant counseling on family budgets and on care and upkeep of property; guard and other costs relating to the physical security of project residents; tenant access to available community services relating to employment; health, welfare, education, and personal counseling; effective management-tenant liaison including tenant participation in all aspects of housing administration, management, and maintenance; recreational equipment and facilities; and adequate and timely repairs to structures, including the removal of any code violations.

The purpose of additional annual contributions is to provide local housing authorities with additional resources, not available to them from existing revenue sources, to improve immediately their fiscal situation and the deteriorated condition of their properties, while at the same time strengthening their administration and management functions, including activities designed to achieve maximum tenant participation and responsibility, so that they can become fully effective operations.

Policy statement

The Senate amendment contained a provision not in the House bill setting forth the sense of Congress that no person shall be barred from serving on the Board of Directors or similar governing body of a local public housing agency because of his tenancy in a public housing project. The conference substitute contains the Senate provision.

Relocation payments

The Senate amendment contained a provision authorizing the HUD Secretary to pay to displaced business concerns fixed amounts in lieu of their total certified actual moving expenses, where he determines that it is impractical for a displaced business concern to calculate the amount of such expenses. The conference substitute contains this Senate provision.

Urban renewal project in Monroe, Wisconsin

The Senate amendment contained a provision not in the House bill authorizing as a local grant-in-aid credit to the Tornado Urban Renewal Project in Monroe, Wisconsin, certain expenditures made in connection with the project notwithstanding the date of commencement of the construction involving the expenditures. The conferees recognize the uniqueness of the Monroe situation, and accordingly the conference substitute contains this Senate provision.

Solid waste disposal demonstration projects

The House bill contained a provision not contained in the Senate amendment authorizing HUD to make grants under the urban renewal program and the title IV new community program to pay the full project cost of constructing solid waste disposal facilities which have value for demonstration purposes The conference substitute does not contain this House provision.

Grant-in-aid credit for medical or educational institutions

The House bill contained a provision not in the Senate amendment clarifying the authority of the HUD Secretary to permit credit for local grants-in-aid for expenditures by hospital or educational institutions, within 8 years of the authorization of a contract for such assistance in connection with projects for which applications were filed not later than December 24, 1969. The conferees understand that the problem intended to be solved by this provision has been settled administratively, and accordingly the conference substitute does not contain this provision.

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

Authorization for model cities program

The Senate amendment authorized additional appropriations of $162.5 million in fiscal year 1972 for the model cities program, and eliminated the requirement in existing law that administrative expenses be appropriated out of the model cities grant authorization. The House bill authorized an additional $250 million for the model cities program in fiscal year 1972. The conference substitute authorizes an additional $200 million in grant authority for model cities for fiscal year 1972 and retains the Senate provision dealing with administrative expenses.

Title IV—New community development program

The Senate amendment contains provisions not contained in the House bill increasing guarantee authority for new community development projects from $250 million to $500 million, extending unused authorizations for supplementary grants through fiscal year 1974, and making guarantees unqualified regardless of fraud by bond holders.

The conference substitute contains these Senate provisions.

TITLE IV—CONSOLIDATION OF OPEN-SPACE LAND PROGRAMS

Consolidation of open space, urban beautification, and historic preservation programs

The Senate amendment contained provisions consolidating the open-space land, urban beautification, and historic preservation programs into a single program of grants for the acquisition of open-space land in urban areas and the development of open space or other land for open space uses (including historic preservation), authorizing an increase of $100 million for such programs for fiscal year 1972, and authorizing three-fourths grants to public bodies for the acquisition of interests in open-space land to guide urban growth. The House bill contained similar provisions relating to the consolidation of open-space land programs, except that (1) the authorization for such programs was increased by only $90 million, and (2) the conversion of open-space land involving historic sites was prohibited unless approved by the Secretary of the Interior. The conference substitute contains the Senate provision with an amendment prohibiting the conversion of open-space land involving historic or architectural purposes without the prior approval of the Secretary of Interior.

With respect to the new program of grants to guide urban growth, the conferees intend to make clear that there is no intent to establish programs of land banking. The provisions adopted in the conference substitute are intended to provide a useful tool to guide urban growth and channel development in a more orderly fashion.

TITLE V—RESEARCH AND TECHNOLOGY

Consolidation of research and technology programs

The Senate bill consolidates several research authorities under a general authorization that the HUD Secretary undertake such programs of research, studies, testing, and demonstrations relating to missions and programs of the Department as he determines necessary and appropriate, with authorization of such appropriations of funds as may be necessary. The House bill contained similar provisions, including a provision authorizing the HUD Secretary to waive requirements of other acts administered by him with respect to research projects. The conference substitute contains the Senate provisions only.

Experimental housing allowance program

The Senate amendment contained a provision not in the House bill authorizing the HUD Secretary to conduct research programs to demonstrate the feasibility of providing low income families with housing allowances in order to assist them in obtaining existing standard rental housing of their choice, with $15 million authorized annually for a 3-year period. The conference substitute contains the Senate provision with an amendment limiting the demonstration to a 2-year period with an authorization of $10 million for each year.

Demonstrations with respect to abandoned properties

The Senate amendment contained a provision not in the House bill authorizing a 2-year demonstration grant program to assist public bodies in testing methods of arresting housing abandonment, with $25 million authorized for the 2-year period. The conference substitute contains the Senate provision with an amendment authorizing up to $20 million for the 2-year period.

TITLE VI—CRIME INSURANCE

Effective date of available Federal crime insurance

The Senate amendment contained provisions which would authorize the HUD Secretary to provide direct writing of crime insurance in any state in which such insurance is unavailable or available only at prohibitive costs after August 1, 1971, or the close of the first full regular session of the State Legislature, whichever is later. The House bill authorized the Secretary to provide crime insurance immediately upon the date of enactment of this Act. The conference substitute contains provisions requiring the Secretary of HUD to conduct a continuing review of the market availability of crime insurance at affordable rates in each of the several states. Upon determining that such insurance is not available, the Secretary would be authorized to provide crime insurance on or after August 1, 1971. The conferees expect that states in which the availability of crime insurance is a serious problem will take the initiative to provide a program of adequate crime insurance prior to August 1, 1971. The conferees urge the Secretary to have this crime insurance program available for immediate implementation on August 1, 1971, where appropriate state action has not been taken.

Brokers' commissions under the FAIR plans

The House bill contained a provision not in the Senate amendment, prohibiting payments of commissions to agents, brokers, and producers under State FAIR plans at lower rates than those paid for similar business in normal insurance markets. The conference substitute contains no such provision. The conferees recognize the vital need for the use of insurance agents and brokers to insure the success of the Federal Government in the issuance of crime insurance and for the continued operation of the FAIR plans. The conferees believe that the Secretary in making use of agents and brokers in connection with FAIR plans and in this new program of Federal crime insurance should provide that reasonable and adequate commissions be permitted.

TITLE VII—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT

The Senate amendment contained provisions not in the House bill setting forth a national urban growth policy, requiring a biennial report on urban growth to be transmitted by the President to the Congress, and establishing a greatly expanded program of guarantees, loans, and grants for new community development. The conference substitute includes the Senate provisions with four amendments, as follows: (1) authority for the HUD Secretary, upon specific authorization by the President and using funds appropriated by the Congress, to plan and carry out new community demonstration projects on Federally-owned lands; (2) authority for the HUD Secretary to make grants to states or local public bodies to provide public services to residents of new community projects during their initial period of development; (3) authority to guarantee, in the case of a state land development agency, obligations covering up to 100 percent of land value and development costs; and (4) authority for the HUD Secretary to provide grant assistance to developers to plan new community development programs.

Urban mass transportation

The conferees rejected Senate amendment provisions not contained in the House bill authorizing Department of Transportation grants for indebtedness and operating deficits of local mass transit systems. In passing the Urban Mass Transportation Act of 1970, P. L. 91–453, the Congress directed the Secretary of Transportation to conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies. This study with its findings and recommendations is required to be submitted to the Congress by October 15, 1971. The conferees urge the Secretary of Transportation to take all necessary steps to expedite action on this study and to complete it as soon as he possibly can, in order that the next Congress have recommendations before it on the feasibility of Federal assistance for operating expenses of mass transit companies.

TITLE VIII—FARM HOUSING

Loans and grants for domestic farm labor housing

The Senate amendment contained provisions providing insured loans and grants to finance housing for domestic farm labor, with the interest rate on insured loans to range from 5 percent down to 1 percent. The House bill contained a similar provision, except that no provision for lower interest rate loans were provided. The conference substitute contains the Senate provisions.

Rental housing—Increased loan limit

The Senate amendment contained a provision increasing from $300,000 to $1 million the loan limit for the Farmers Home Administration Program for rental housing for the elderly. The House bill contained a similar provision increasing the loan limit to $500,000. The conference substitute contains a provision increasing the loan limit to $750,000.

Use of attorneys in FMHA programs

It is the intent of the conferees that all qualified attorneys be given equal opportunity to participate in providing title and loan closing services required in connection with Farmers Home Administration rural housing loans.

HUD migrant farm housing

The House bill contained a provision not in the Senate amendment authorizing the Secretary of HUD to provide housing for migrant farm workers, authorizing $10 million annually for a 3-year period. The conference substitute contains no such provision.

TITLE IX—MISCELLANEOUS

Authorization for technical assistance

The Senate amendment contained provisions consolidating HUD programs of technical advice and assistance on housing, and authorized financial assistance to low- and moderate-income tenant organizations, in addition to nonprofit sponsors of multifamily housing. It also authorized $5 million for assistance with respect to self-help programs. The House bill contained similar provisions, but without specific authorization for self-help programs. The conference substitute contains the Senate provisions.

Seed money loans

The Senate amendment contained a provision not in the House bill clarifying the authority of the HUD Secretary to make "seed money" loans to nonprofit organizations developing section 235 sale housing. The conference substitute contains the Senate provision.

Public housing tenant services

The Senate amendment contained a provision not in the House bill repealing the public housing tenant services grant authority and authorizing such services to be financed out of project income and annual contribution payments. The conference substitute contains the Senate provision.

CONTRACTOR SURETY BONDS

The House bill contained a provision not in the Senate amendment authorizing the HUD Secretary to provide or guarantee surety bonds for construction contractors or subcontractors in furtherance of the purposes of the Small Business Act or section 3 of the Housing and Urban Development Act of 1968. It also authorized an appropriation of $3 million to enable HUD to provide technical assistance to such contractors. The conference substitute contains a surety bond provision which is generally similar to the House amendment, but which places

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the administration of this program within the Small Business Administration. The conference substitute provides for consultation between the Secretary of HUD and the Small Business Administrator in carrying out the provisions of this section. In addition, the conference substitute authorizes $1.5 million annually for a 3-year period for the HUD Secretary to provide technical assistance to such contractors.

Federal Home Loan Bank Board conflict of interest authority

The House bill contained a provision not in the Senate amendment clarifying the authority of the Federal Home Loan Bank Board to regulate insured savings and loan associations with respect to situations in which conflicts of interest are likely to appear. No such provision is contained in the conference substitute. The conferees believe the Home Loan Bank Board has considerable authority to regulate matters regarding conflicts of interest situations involving savings and loan associations and agree to postpone consideration of additional authority until next year, when appropriate hearings can be held. The conferees further believe that the Board should more vigorously apply its existing authority.

Criminal penalties for fraud

The House bill contained a provision not in the Senate amendment providing criminal penalties for making false statements or reports in connection with loans or other similar transactions involving an insured savings and loan association. The conference substitute contains the House provision with an amendment applying the same penalties to financial institutions insured by the Federal Deposit Insurance Corporation and credit unions insured by the National Credit Union Share Insurance Fund.

Disposition of surplus land

The conference substitute contains a provision in the House bill broadening the uses of surplus land disposed of by the General Services Administration to the HUD Secretary to include sales (as well as rental) housing, and related public, commercial, or industrial facilities. The conferees intend that surplus land disposed of for industrial or commercial use should be closely related and integral to the provision of housing for which land is being made available under this section.

Prohibition against using nonstatutory factors in considering applications for HUD assistance

The House bill contained a provision not in the Senate amendment providing that in making a determination to approve or disapprove or confer a particular status upon any application for a loan, grant, or other assistance under any program administered by the Department of HUD, no consideration could be given to any factor or circumstance other than those contained in the statutes. The conference substitute contains no such provision.

Timber for housing needs

The conferees note that in the administration of export limitations under section 2(a) of the Act of April 12, 1926, as amended, the Forest Service has allocated export exemption quotas in such a way as to impose an undue burden on domestic lumber manufacturing concerns in certain geographic areas. To correct any inequity, the conferees recommend that the 350 million board feet exemption under the provision in the House bill be allocated, insofar as practical, in proportion to the normal sales programs for those Federal timber lands which have been designated to provide exemption quota volumes.

FDIC insurance for banks in American Samoa

The Senate amendment contained a provision not in the House bill authorizing the Federal Deposit Insurance Corporation to provide deposit insurance for banks in American Samoa. The conference substitute retains the Senate provision.

Wright Patman,
William A. Barrett,
Leonor K. Sullivan,
Thomas L. Ashley,
William B. Widnall,
Florence P. Dwyer,
J. William Stanton,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kluczynski (at the request of Mr. Boggs), for today, on account of official business.

Mr. Anderson of Illinois (at the request of Mr. Gerald R. Ford), for December 16 and 17, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Sikes, for 30 minutes, December 18, 1970, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Kyl) to revise and extend their remarks and include extraneous material:)

Mr. Price of Texas, for 30 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Schwengel for 30 minutes, December 18.

(The following Members (at the request of Mr. Marsh) to revise and extend their remarks and include extraneous material:)

Mr. Flood, for 20 minutes, today.

Mr. Hamilton, for 15 minutes, today.

Mr. O'Hara, for 10 minutes today.

Mr. Mivka, for 60 minutes, December 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances and to include extraneous matter.

Mr. Madden in two instances and to include extraneous matter.

Mr. Anderson of California, immediately following the remarks of Mr. Van Deerlin, and Mr. Wyatt, today.

Mr. Ayres (at the request of Mr. Steiger of Wisconsin) immediately preceding the remarks of Mr. Steiger of Wisconsin today on the conference report on S. 2193, Occupational Safety and Health Act of 1970.

(The following Members (at the request of Mr. Kyl) and to include extraneous matter:)

Mr. Rhodes in five instances.
Mr. Railsback.
Mr. Gude in two instances.
Mr. Sebelius.
Mr. Gross.
Mr. Watson.
Mr. Adair.
Mr. Hogan.
Mr. Wold.
Mr. Devine.
Mr. Hosmer.
Mr. Weicker.
Mr. Taft.
Mr. Wyman in two instances.
Mr. Schmitz in three instances.
Mr. Zwach.
Mr. Cramer in two instances.
Mr. Nelsen in two instances.
Mr. Whitehurst.
Mr. Chamberlain.
Mr. Berry in four instances.
Mr. Price of Texas.
Mr. Steiger of Wisconsin.
Mr. Forsythe.
Mr. Foreman.
Mr. Lujan.
Mr. Buchanan.
Mr. Goodling.
Mr. Frelinghuysen.
Mr. Ruppe.

(The following Members (at the request of Mr. Marsh) and to revise and extend their remarks:)

Mr. Giaimo in 10 instances.
Mr. Fisher in six instances.
Mr. Clay in eight instances.
Mr. Griffin in two instances.
Mr. Fraser in two instances.
Mr. Baring in two instances.
Mr. Hungate in three instances.
Mr. Stokes in two instances.
Mr. Johnson of California in two instances
Mr. Flood in two instances.
Mr. Wright in three instances.
Mr. Yatron.
Mr. Edwards of California in two instances.
Mr. Cohelan in five instances.
Mr. Jacobs.
Mr. Kluczynski in two instances.
Mr. Fountain in two instances.
Mr. Dingell in two instances.
Mr. Rodino.
Mr. Celler.
Mr. Murphy of New York in two instances.
Mr. Tunney in two instances.
Mr. Albert.
Mr. Price of Illinois.
Mr. Hanna in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4. An act to establish the Big Thicket National Park in Texas; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 2162. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes;

S. 2336. An act relating to the parishes and congregation of the Protestant Episcopal Church in the District of Columbia;

S. 3318. An act to amend the Library Services and Construction Act, and for other purposes;

S. J. Res. 74. Joint Resolution to provide for designation of the first full calendar week in May 1971, as "National Employ the Older Worker Week";

S. J. Res. 172. Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May 1971 as "Clean Waters for America Week";

S. J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June 1971, as "Father's Day."

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks"; and

S. J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, and for other purposes.

H.R. 16498 to permit the sale of the passenger vessel "Atlantic" to an alien and for other purposes; and

H.R. 19888 to provide for the inspection of certain egg products by the United States Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act, and for other purposes.

ADJOURNMENT

Mr. MARSH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Friday, December 18, 1970, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PHILBIN: Committee on Armed Services. S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes (Rept. No. 91–1771). Referred to the Committee of the Whole House on the State of the Union.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 771. Concurrent resolution for the printing of environmental report (Rept. No. 91–1772). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 785. Concurrent resolution authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers." (Rept. No. 91–1773). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women" (Rept. No. 91–1774). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 1311. Authorizing reprinting of House Report No. 91–1673 (Rept. No. 91–1775). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 1293. Resolution authorizing the establishment of six additional positions of sergeant and one additional position of lieutenant on the U.S. Capitol Police force for duty under the House of Representatives, and for other purposes (Rept No. 91–1776). Ordered to be printed.

Mr. DULSKI: Committee on Post Office and Civil Service. Report on accuracy of the 1970 Census enumeration (Rept. No. 91–1777). Referred to the Committee of the Whole House on the State of the Union.

Mr. FULTON of Tennessee: Committee on Ways and Means. H.R. 19562. A bill to amend the Internal Revenue Code of 1954 in relation to corporate reorganizations; with amendments (Rept. No. 91–1778). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 19881. A bill. Consolidated returns of life insurance companies; with an amendment (Rept. No. 91–1779). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee of conference. Conference report on H.R. 19504; with amendment (Rept. No. 91–1780). Ordered to be printed.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 1315. Resolution providing for the consideration of H.R. 19953, a bill to authorize the Interstate Commerce Commission to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes with amendment (Rept. No. 91–1781). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. Conference report on H.R. 19877 (Rept. No. 91–1782). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 17255 (Rept. No. 91–1783). Ordered to be printed.

Mr. PATMAN: Committee of conference. Conference report on H.R. 19436 (Rept. No. 91–1784). Ordered to be printed.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2623. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July–September 1970, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2624. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to remove certain limitations on the granting of relief to owners of lost or stolen bearer securities of the United States, and for other purposes; to the Committee on Government Operations.

2625. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and referred as follows:

By Mr. ROUSSELOT:

H.R. 19969. A bill to provide for the procurement of voluntary military manpower; to the Committee on Armed Services.

By Mr. WAMPLER:

H.R. 19970. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits of orphans whose fathers die of pneumoconiosis; to the Committee on Education and Labor.

By Mr. MILLS:

H.R. 19971. A bill to amend section 582(c) (3) of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 19972. A bill to provide for the garnishment of the wages of Federal employees; to the Committee on the Judiciary.

H.R. 19973. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for social security taxes paid by employees and by the self-employed; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Hungate, Mr. Price of Illinois, Mr. Eckhardt, Mr. Kastenmeier, Mr. Mikva, Mr. Udall, Mr. O'Hara, Mr. Hicks, Mrs. Griffiths, Mr. Morse, Mr. Gude, Mr. Railsback, Mr. Schwengel, Mr. Conte, Mr. McDade, Mr. McCloskey, Mrs. Mink, Mr. Pucinski, Mr. Whalen, Mr. Anderson of Tennessee, Mr. William D. Ford, and Mr. Hamilton):

H. Res. 1313. Resolution to authorize the Military Operations Subcommittee of the Committee on Government Operations to conduct an investigation and study of any alleged military surveillance of Members of Congress and other public officials; to the Committee on Rules.

By Mr. SCHADEBERG:

H. Res. 1314. Resolution declaring that the House of Representatives rejects the majority report of the Presidential Commission on Obscenity and Pornography and adopts the minority report of Father Morton A. Hill, S.J., the Reverend Winfred C. Link, and Charles H. Keating, Esq.; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19974. A bill for the relief of Amadeo Luciano; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19975. A bill for the relief of Lucia Di Virgilio; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 19976. A bill for the relief of Janis Mikelis Blumenaus (also known as Jon Michael) and his wife, Carol Diane Blumenaus; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 19977. A bill for the relief of Michiko Unoki Gonzalez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

654. The SPEAKER presented petition of the Idaho Legislative Interim Highway Roads and Streets Needs Study Committee, relative to continuation of the Federal Aid Highway Trust Fund; to the Committee on Public Works.

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EXTENSIONS OF REMARKS

WALTER R. McDONALD HONORED BY DIXIE BUSINESS MAGAZINE AS A GREAT AMERICAN

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 16, 1970

Mr. TALMADGE. Mr. President, each year, Dixie Business magazine, published and edited in Atlanta by Hubert F. Lee, selects a person to be honored as a "Great American."

This year's honoree was Walter R. McDonald, a member of the Georgia Public Service Commission since 1922. This is certainly well-deserved recognition of the many outstanding contributions Walter McDonald has made to Georgia and the South. Although he has been blind since he was 13, this did not deter him from a long and dedicated career in public service.

I ask unanimous consent that there be printed in the RECORD Mr. Lee's article on the "Great American" award from Dixie Business magazine, along with an editorial comment from the Augusta Chronicle.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WALTER R. McDONALD—"A GREAT AMERICAN" FOR 1970

(By Hubert F. Lee)

The editors of Dixie Business have named Walter Raleigh McDonald, as the "A Great American" for 1970.

Blind since he was 13, his is a stirring story almost as heroic as that of the late Helen Keller.

He is a legend in his own time and has been my friend for nearly 50 years.

He was elected to the Georgia Public Service Commission in 1922.

His chief concern "has been the economic development of his state," Frank Daniel wrote in the February 3, 1963 issue of the Atlanta Journal-Constitution.

An 8-column banner over Frank's gem:

VIEWPOINT: WALTER R. M'DONALD

He won a 40-Year Battle for the South.

Walter was born on a dairy and produce farm near Augusta, Ga.

Prices of milk and produce were low and money scarce in the "good-old-days" but there were plenty of everything to eat and things that make for happiness.

While attending the Georgia Academy for the blind in Macon he decided to become a lawyer.

He borrowed money from a bank to go to the famous Overlook School for the Blind in Philadelphia.

There he learned Braille.

He learned how to study and to develop a retentive memory.

He learned that his mind would absorb facts and knowledge like a computer. That his other senses worked for his eyes.

He went to Brown College Preparatory School and in one year finished the two year course.

Then he entered the law school of the University of Georgia where he graduated in 1914.

He paid his way by selling law books with inspired enthusiasm.

He hung up his shingle in 1914. He built up a good law practice.

Walter's ambition for public service surged and he responded by running for the legislature.

In 1922, he was elected to the Georgia Public Service Commission to begin his astounding career.

Ten years later he married Miss. Estelle Carpenter, of Augusta.

They live at 735 W. Ponce de Leon Ave., Decatur, and are members of the First Baptist Church, Decatur.

He is a member of the Decatur Lions Club. He and Mrs. McDonald are active in many civic and community activities.

Every time I see him at the Jefferson and Jackson Day Banquet and other affairs of political and public interest Mrs. McDonald is with him enjoying it all. It is all a part of a wonderful world for both.

Mr. McDonald is dean of Public Service Commissioners.

His colleagues elected him President of the National Association of Regulatory Utility Commissioners.

He is President emeritus of the Georgia Federation of the Blind.

He is Vice President of Ways & Means for the Blind.

He is a member of the Board of Community Services for the Blind.

He is Chairman of the DeKalb Educational Foundation, a scholarship loan Agency sponsored by the Decatur Lions Club.

My old friend, Quimby Melton, SR, publisher of The Griffin Daily News, told me by phone that there is not a higher respected man in Georgia.

Lawrence W. (Chip) Robert, Jr., wrote:

"You couldn't have asked me about anyone who during his lifetime has done so much in his own personal way to promote the best interest of the South. . .

"He was my right arm when I was fighting for more equitable freight rates. . .

"Yes, one hundred times, yes, I would enthusiastically recommend my good friend and comrade in arms, the honorable Walter McDonald. . . ."

THE "A GREAT AMERICAN" HONOREES

Dr. Chas. F. Kettering, 1955.
Cecil B. DeMille, 1956.
Helen Keller, 1957.
Tom D. Spies, M.D., 1958.
Lister Hill, 1959.
Oveta Culp Hobby, 1960.
R. Manton Wilson, M.D., 1961.
John H. Glenn, Jr., 1962.
Bernard M. Baruch, 1963.
Carl Vinson, 1964.
American Fighting Men, 1965.
E. K. Gaylord, (Oklahoma), 1966.
Donald Douglas, Sr., 1967.
Eddie Rickenbacker, 1968.
J. C. Penney, 1969.
Walter R. McDonald, 1970.
Nominations invited, 1971.

[From the Augusta (Ga.) Chronicle, Nov. 24, 1970]

MCDONALD HONORED

The editors of Dixie Business magazine, published in Atlanta, have announced as their 1970 selection for "A Great American" Walter R. McDonald, Augusta native who has been a member of the Georgia State Service Commission since 1922.

Mr. McDonald thus joins, among others so honored by the magazine in previous years, J. C. Penney, Eddie Rickenbacker, Carl Vinson, Bernard M. Baruch, Dr. Charles F. Kettering and Helen Keller.

It is singularly appropriate that he should be chosen for a distinction given previously to Helen Keller, for his story is almost as heroic as hers. Born on a dairy and produce farm near Augusta, he became blind at 13, but while attending the Georgia Academy for the Blind in Macon, decided to become a lawyer. While in law school, he earned his expenses by selling law books, subsequently building up a good law practice.

In his work as a Public Service Commissioner, he has been a powerful factor for the economic welfare of all Georgians. One of his most substantial achievements was his work in support of more equitable freight rates for the South.

Editor Hubert F. Lee of Dixie Business says of Mr. McDonald, "He is a legend in his own time." Selection for this new honor, in addition to many types of recognition already received in his long and distinguished career, should serve to inspire disadvantaged youth to tackle—and overcome—obstacles that may seem insurmountable.

OLD LEFT—NEW LEFT—WHAT IS LEFT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. SCHMITZ. Mr. Speaker, Mr. Charles D. Brennan, Assistant Director of the Federal Bureau of Investigation in charge of the Domestic Intelligence Division, recently gave an extremely interesting talk tracing the development of both the old and the new left and showing the connection between these two elements.

Mr. Brennan makes a good point when he says:

> I tend to think more in terms of the New Left, Old Left, and what is left. If we really don't do something about the situation, there won't be much left.

This excellent outline of the significant extremist elements in the United States is complemented and given added depth by a reading of the testimony of former Communist Party Member Gerald Wayne Kirk which was recently released by the Senate Internal Security Subcommittee. Mr. Kirk testified at length regarding his activities as a member of the Communist Party and the party's influence upon various radical organizations. He characterizes the CPUSA as "a Rand Corp. of the left, the think tank."

Mr. Kirk also goes into such little mentioned, though important, subjects as the travel of party members to the Soviet Union, Bulgaria, and Yugoslavia for training and the proliferation of second generation Communists in the youth movement. Due to excellent and professional questioning Mr. Kirks testimony is quite broad in scope and runs for three volumes. For this reason, I include in the RECORD only the press release which accompanied the report. The entire report is available directly from the Senate Internal Security Subcommittee:

Extremism in the United States

(By Charles D. Brennan)

I want to express my appreciation to your President, Ford Reese, for the kind invitation to participate in your convention and to speak to you today. I would also like to extend my very best wishes to your president-elect, Sam Powers. Sam has always been a good friend of the FBI, and we are looking forward to continuing that close association in his new capacity. I wish him all the best in the forthooming year.

It is a very privileged opportunity for me to be here with you to discuss a subject which is of prime concern to so many people in our country today. In that regard I would like to compliment those of you who were interested enough to get up early this morning and come down to listen to the program, because it does very materially affect not only your lives today but where this country is going in the future.

Of course, I am talking about what is happening in our society today, the disorders that we see on our campuses as well as the strife and the instability that we see in our cities. Kent State was a very vivid example, and what happened at Jackson State is equally vivid. What we are seeing taking place in our cities today materially affects all of us.

So, the question arises as to just where all this is leading. In addition, I know that probably most of you have questions in your minds as to what is behind much of this. You know, we like simple answers to problems and we are dealing with complex problems. Very often you hear the allegation that this whole thing is simply a communist plot. On the other side, you hear that no communists are involved. The answer of course is somewhere in between.

The theme this morning is: The New Left, the Old Left, and the relationship between the two. I hope to give some clarification to these charges and countercharges, concerning the degree to which communists are instigating and exploiting current social disorders.

I tend to think more in terms of the New Left, Old Left, and what is left. If we really don't do something about the situation, there won't be much left. I would like this morning to try to put some of this into perspective for you—to clarify if I possibly can, in a limited way, what has led to the situation as it exists in our country today—to show you what the current status of the overall problem is. Perhaps having the picture drawn together for you, you would then have some idea of what will transpire in our cities and colleges and universities in the future. And perhaps, also, I can throw out for your consideration, to those of you in the field of business and industry, some ideas which have been expressed as to what can be done about some of these problems confronting us today.

The thing that is in everybody's mind today is the so-called "New Left." With the recognition of the term "New Left," you automatically give cognizance to the fact that there is and has been in existence an "Old Left." With that term I would have to take you back a little bit, because historically in our country the primary job of the FBI has been to attempt to negate and nullify the efforts of the so-called "Old Left" to undermine our society from within.

Here I am talking about organizations like the Communist Party, the Trotskyist Socialist Workers Party, and as it later developed in the early sixties, the pro-Chinese Progressive Labor Party. The material thing to remember about these organizations is this: they are representative of the pattern which has been established for the existence of communist parties throughout the world.

In other words, they are very tightly organized. They are very tightly disciplined. They operate under a concept of democratic centralism, which means the head of the organization calls the shots.

Every rank and file members of the party is obliged to follow the dictates of the party boss, and, most significant, every one of these organizations always has been linked indisputably to and has taken its direction and guidance from foreign powers in attempting to undermine our society.

Actually, we were sitting, during the 1950's in a very good position in regard to these efforts to establish communism here. Going back a little further, let us take the Communist Party, USA, for example, since it constitutes the foremost of the old-line communist organizations in our country. The Communist Party had reached the peak of its membership in 1944, when it had 80,000 members. And for every Party member, there were ten others willing to support the objectives of the Communist Party, so that presumably you could point to the fact that there were as many as 800,000 members, or close to a million people working to advance the interests of communism in the United States through the Party or its front groups.

Then, in 1946, we went into a cold war with the Soviet Union. Increasingly it became apparent to the people of this country that the Communist Party of the United States was not an independent political entity; that it did follow the dictates of the Soviet Union; that it did consistently follow the policies established by the Soviets, and did consistently oppose the foreign policy of the United States.

So, with this public awareness, new action developed on the part of the public. Also the Government, itself, directed action at the Communist Party in our country. This for instance, resulted in the hearings in the late 1940's held by the CIO, in which they expelled 11 affiliate unions of the CIO that were completely controlled by communists and used as sounding boards for their propaganda. These 11 affiliates had 700,000 members.

In the early 1950's. Government prosecution of the top leaders of the Communist party here was followed by the revelation abroad of the existence of anti-semitism in the Soviet Union. In turn, this was followed by the denigration of Stalin by Khrushchev and the revelation of the tyranny that had prevailed in the Soviet Union under the Communist rule.

Then, in 1956 there occurred, for the entire world to see, the Soviet aggression in Hungary—one thing after another, tearing apart of the fabric of the false appeals of communism, exposing them for everybody to see the real tyranny which was and still is inherent in the communist system.

As a result, Communist parties in countries throughout the world lost many individuals who had actively supported them. By 1956, the Communist Party in the United States was down to a membership of approximately 10,000; it was greatly stigmatized and it had been reduced primarily to the role of attempting to exploit whatever political, social, or economic issues it could for basically propaganda purposes in our society.

So there we were with the Communist Party, the Socialist Workers Party, and other splinter groups of roughly no more than about 15,000 attempting in their own limited capacity to convince a nation—at that time of about 190 million people—that they should adopt the communist system. Frankly, going back to that period, I can say, "Those were the good old days." We were sitting in a real good position.

Nineteen fifty-six is also significant, I think, because by now the Civil Rights Movement had begun to get under way in full scale. In 1956, the Montgomery Bus Boycott projected Martin Luther King as the established leader of the civil rights struggle. This was significant for the impact which it had on many young people in our society. During the early 1950's, the young people of our country had generally tended to grow politically apathetic.

Now, suddenly, they saw in the Civil Rights Movement a noble crusade that attracted their interest. As the Civil Rights Movement began to pick up steam and as the early 1960's brought the freedom rides, the sit-ins, wait-ins, and the rest of it, increasingly the young people in our society began to support these activities. This was significant again, from their standpoint in that it taught them that in the unity of their action they represented a powerful political force; and, also, coincidentally, in the "head busting" that took place, they learned what today has emerged as the tactics of street confrontations. So, there was a youthful activism beginning to grow up in support of a really legitimate movement which was designed, make no mistake, to correct hundreds of years of inequity and injustice which had prevailed in our society.

At the same time, in academic circles there were individuals like C. Wright Mills, an American scholar; Jean-Paul Sartre, a French scholar; and Herbert Marcuse, a German philosopher. At this time these individuals began to write and teach that American society had developed a rigidity of structuring which denied the individual the ability to be able to participate, to be able to give direction to the course of events in our society.

This philosophical expression began to blend with the youthful activism which was emerging from the activities of the Civil Rights Movement. In fact, all it needed was a catalytic agent to bring it all together. This emerged in the form of the organization which you know today as the Students for a Democratic Society, or SDS.

With the youthful activism which had begun to emerge in the sixties many of the young members of the youth affiliate of the League for Industrial Democracy, an old, established Fabian Socialist group, moved to the forefront and called for a meeting at Port Huron, Michigan, in 1962. There were approximately 60 to 70 of these young college people at this meeting, later known as the "Port Huron Convention," and, in effect, they wrote a new manifesto called the Port Huron Statement, which was to begin the "new left" movement in our society.

When you read this Statement you can see how finely attuned it was to the interest in the civil rights struggle in those days, calling for brotherhood of man, calling for individuals to work to establish a better interrelationship of men in our society. And you can see, too, the influence of the idea about the rigidity of the structuring because it rejected all forms of authoritarianism and, in effect, called for participatory democracy.

What were these young people saying? They were saying: Yes, they agreed, rigidity had grown up within our social structure and that individuals should have more of a voice in being able to say where and how things should move. They wanted to go back to the old "town hall" government type of thing, where everybody would debate the issues and out of this debate would arise a consensus as to where the society should move in order to advance the interests of every individual in our society.

You can look at it and you can see the Utopian idealism inherent in the Port Huron Statement. You can understand why suddenly SDS chapters sprang up on college campuses all across the country, and why within a few years there were approximately 200 or more chapters with approximately 10,000 or more individual members of the SDS.

It was a loosely organized thing. It was disconnected and disjointed, because, as I say, their primary objection was to authori-

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tarianism; so they had no concept of discipline or real organization in the ranks, and the key impetus of the movement was the civil rights struggle.

Now, we come to 1964, and here, again, are several important things. Number one was the passage of the Civil Rights Act. Our young people live in a world of instant tea, instant coffee, and instant TV—everything must happen for them automatically and immediately—and suddenly these young people, who had been devoting years of their lives and efforts to get an enactment of the Civil Rights Act which they felt would instantly correct years of injustice, of intolerance, and of inequity in our society, saw that it did not immediately correct everything they wanted corrected.

A deep sense of frustration set in. In effect, what they said was this: "Here we have worked and sweated and slaved and have come up against a system to get the passage of a law which would correct these injustices and now realize that it has failed to do so. Obviously, we have been looking in the wrong area. Now, we must turn our attention to a Government which can produce such a law but yet which is lacking the effectiveness to make this law work in the way we feel it should work. So now we should strike out and attack the Government itself and, in fact, destroy the Government which is so totally ineffective." Here is where idealism began to give way to the seeds of anarchism. At the same time, the idea of an anarchist movement emerged.

You would say to these young people back in that period: "Fine, all right, you are going to smash the Government; what are you going to put in its place?" And they would very frankly say to you: "We could care less. Our basic objective is to destory the evil Government right now, and out of the ashes will come whatever will come. That remains to be seen, and frankly, we don't care at this point." So, also, you have the seeds of a nihilistic movement beginning to take place of the idealistic, Utopian concept present in the early 1960's at the time of the establishment of the New Left movement.

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Also, in 1964, of course, most significant of all, there was, in August of that year, the Gulf of Tonkin incident, followed thereafter by an escalation of our efforts in Vietnam. Where civil rights had been of great interest to many young people, the escalation of the war was of an even more direct and immediate concern to an ever-broadening mass of young people, particularly those in college and schools, because they could see their education being interrupted and see themselves being drafted and possibly losing their lives in support of a war effort which they were not quite convinced was legitimate to begin with. So, the thrust of this New Left movement now moved from civil rights over into the antiwar issue. Suddenly there emerged a so-called Ad Hoc Committee organized by New Left elements for antiwar demonstrations which spread around the country with college campuses as the focal point of activity.

Here, now, is where the Old Left comes back into the picture. The New Left movement had now become anarchistic in nature and nihilistic and was directing its thrust at the Government of the United States with the basic aim of destroying this Government which it did not believe in. The Old Left, even though the individual groupings might differ ideologically—the Communist Party, and the Progressive Labor Party—still has the overall basic objective of advancing the interest of international communism.

The enemy of the United States in Vietnam was communism; so, all of a sudden there was a blending of the objectives of the New Left and of the Old Left to try to blunt American foreign policy in Vietnam to pave the way for greater communist successes. In the demonstrations that were organized, naturally the Old Left elements would work in support of this type of antiwar activity.

In addition, by reason of its very existence, another element was coming into it. Pacifist organizations, of course, are directly opposed to war per se. So now there developed a greatly expanded New Left joined by the Old Left and pacifist organizations in antiwar demonstrations.

By 1965, also, going back a litle bit to what was happening in the Civil Rights Movement, Stokely Carmichael had moved to the forefront as the leader of the Student Non-Violent Coordinating Committee in his bid for power of the Civil Rights Movement. His "black power" concept related the idea that the war was a racist war; that it was a war in which the white man planned genocide of the Negro and that the black man should not support the war effort. There are many blacks sympathetic to this concept.

Now, you have four very individual and significant elements: the Old Left, the New Left, the pacifist element, and the black nationalist groups beginning to arise and join together in antiwar demonstrations; and this explains why gradually antiwar demonstrations began to build up in size to the point where by 1966 and early 1967 they could organize 125,000 for example, on a given occasion in New York City and in San Francisco on the same date 55,000 people. At that point, they had reached their capacity to move the masses to the extent of being able to activate as much as a quarter of a million people to get out and protest the war.

What was happening in regard to the so-called New Left movement itself? Here the young communist elements were increasingly beginning to move in to play a more influential role in the leadership of SDS and of the so-called New Left. A struggle for power began to emerge among the leadership of the SDS and the New Left.

I would think it significant in this regard, too, that you could see communist philosophy beginning to move in when, by 1966, at the National Convention of the SDS, they dropped the ban they had originally adopted in 1962 on any communist or fascist participation in their activities.

By doing so, they welcomed anybody who would like to participate in their activities. But here, also, it is important to recognize that what was emerging was a new, homegrown variety of a communist radical in our society.

As I stated previously, the Old Left was oriented to and linked to a foreign power. Suddenly, we heard of individuals like Mark Rudd, Bernardine Dohrn, Jeff Jones, Bill Ayers, and others in leadership capacities who were interviewed saying: "Yes, I am a revolutionary Marxist. I associate myself with the oppressed peoples of the world and am out to do everything possible to destroy the imperialistic capitalistic government of the United States." And yet they would say: "No I do not affiliate with the Old Communist Party of the United States which is linked to the Soviet Union."

At the same time, the Old Left elements were attempting to move in to try and make a bid to seize total power of the New Left. At the June, 1969, convention of SDS in Chicago for example, elements of the Progressive Labor Party attempted to seize control of SDS. Of the 1300 delegates present, 700 of them sided with the PL faction. They were ready for a vote in which the PL faction would take over. The existing leadership of the SDS saw the strength of the PL faction and before the vote was taken expelled this faction from the convention. The PL faction then went to Boston and established the Worker Student Alliance, where they are still alive.

This brings us to a grouping which we have heard so much about, the so-called SDS "Weatherman faction." After that convention, this faction issued a position paper entitled, "You Don't Need a Weatherman to Know Which Way the Wind Blows." This paper leaves no doubt as to what they represent and what they stand for. In effect, they said: Yes, they did align themselves with the oppressed peoples of Asia, Latin America, Africa, and the oppressed victims of imperialism in the United States. They visualized the need to establish a Marxist-Leninist clandestine party to ultimately work for the revolution and the need for an armed struggle in order to bring it about; so that, finally, the leadership of the New Left unmistakably put itself into a revolutionary communist posture.

At the same time, through its militancy, it gave a new degree of respectability to the old leftist. Why? Because the new militant leftist called for revolution now. Go fight it out in the streets with the police.

The Weatherman, for example, called for a confrontation with the police in Chicago in October, 1969, and had several hundred individuals appear to engage in this battle. About 275 of them were arrested in street battles. What was the Old Left element doing? In a more sophisticated way, they were exploiting the situation.

This involves what had become the leading movement insofar as organizing the mass of antiwar demonstrations was concerned, namely, the New Mobilization Committee to End the War in Vietnam, also known as the New Mobe. It is simply an umbrella type organization with representatives from all of these various New Left, Old Left, and pacifist type shadings. And who played a most significant part in this capacity? It was the Steering Committee of the New Mobe that called demonstrators to Washington, D.C. in November, 1969, for a massive peace march. This Steering Committee was composed of a nucleus of approximately 60 to 70 individuals, 25 per cent of whom either are currently or were formerly members of the old line communist organizations.

The second major organization in the antiwar field is the Student Mobilization Committee. Now, this is a high-sounding name, the Student Mobilization Committee. It has headquarters in New York City and has regional representation and regional offices on various campuses around the country. What is the Student Mobilization Committee?

The Student Mobilization Committee was formed in 1966 as a result of a combination of efforts of the Communist Party, U.S.A. and the Trotskyist Socialist Workers Party. In 1968, as a result of a dispute between elements of these two parties, the Communist Party, U.S.A. dropped out and left the Socialist Workers Party in complete control of the national offices of the Student Mobilization Committee. So, the Student Mobilization Committee today, the second leading instigator of antiwar demonstrations, is controlled—lock, stock and barrel—by members of the Socialist Workers Party and/or its youth organization, the Young Socialist Alliance.

So, when people say, "Oh, no, this is a purely outpouring of legitimate dissent of a voluntary expression on the part of individuals who are concerned about the war," yes, you do have 500,000 people who feel strongly enough about this issue of the war that given an opportunity they will probably get out, participate, and probably spend money to support this type of activity. But the majority of them either don't know or do not care about the fact that to a great extent a leading percentage of those organizing this entire affair are elements of the old-line communist organizations of communist revolutionary factions publicly announcing themselves to be such.

You look at the black nationalists and the other side of the spectrum. Yes, this, too, shows the concept of Marxism that is inherent, for example, in the Black Panther Party. Here, going back a little bit again to the days of Stokely Carmichael and his concept of black power, back in about 1965 there were several individuals—Huey Newton and Bobby Seale—who became entranced with the idea of the Black Panther symbol established by Stokely. They were attending Merritt State Teachers College in California when they organized a Black Panther group which was joined by Eldridge Cleaver following his release from prison. Together they built themselves an organization using Mao Tse-Tung's little red book as the guideline for its ideology. They adopted black jackets, berets, training programs and set about organizing nothing more than a Black Mafia, recruiting hoodlums and criminal elements in order to justify criminal actions supposedly in support and defense of the Negro people.

Within two years they were able to organize to the extent that they had about 25 chapters in cities throughout the United States. They, too, have gone over to militant revolution and today are engaged in wide-scale sniping attacks strictly aimed at law enforcement across the country.

Since the beginning of this year, for example, in a majority of incidents relating to Black Panther activities, there have been approximately nine policemen ambushed and killed, and approximately 60 wounded by black militant elements, most of whom were representatives of the Black Panthers.

Where is all of this going to end? Today, to be very frank with you, I am most pessimistic about it. To be very truthful, I already bet this year that this would be a long, hot summer and we would see at least six major riots because of the building racial tensions in our society today.

You saw what I consider to be number one down in Miami; number two, in Asbury Park. Frankly, I am looking for more because racial tension is so great. Where are we going on the college campuses next Fall? This past school year—from '69 to '70—we had over 1,600 major disruptive disorders with more than nine million dollars damage done on college campuses.

I do not expect to see any great decrease in this, and particularly I am looking for a militant escalation of activity on the part of the so-called Black Student Unions who are, next year, in my estimation, going to mimic the militant activities of the so-called New Left element on college campuses.

The greatness our nation has achieved can be attributed largely to a relatively cohesiveness in our society and dramatic industrial achievement. Business, industry and the corporate structure have generally provided the practical and pragmatic approaches through which many obstacles have been overcome and also through which tremendous strides have been made toward a society marked by much progress in the social, economic, and political spheres.

The businessman and the industrialist, because they constantly deal on a daily basis with practical problems, still are in the best position to afford the necessary leadership to cope with today's problems of the ghetto, poverty, and the like where there still is much to be done to achieve a better way of life for all.

In our present affluent, sophisticated society there is marked opposition to a so-called profit-oriented society. All too frequently, those loudly and vociferously voicing this opposition are young people, who have yet to learn the difficult lessons of daily struggle and achievement.

You who are in the forefront of our competitive society must establish a rapport with the disenchanted youth. If you believe in the free enterprise system and our democratic process, the benefits and advantages to be derived therefrom must be clearly presented to young people to counter the seemingly endless barrage of muddle-headed nonsense advanced by the Ivory Tower Theorists, impractical dreamers—and those who just could not stand up to life's daily challenge and who have freaked out!

I believe strongly in the validity and fundamental nature of our free society and the essential role respect for law must play in making it work. The total impact of the daily exposure of our youth to the impractical theorist and irresponsible agitator is all too obvious. They are being brainwashed by a strident minority, and we are losing by default through our failure to set the record straight.

The political impact of a highly vocal disenchanted few must be countered by involvement on the part of responsible citizenry. Institutions of higher learning, whether supported by endowments from business-acquired funds or public funds allocated by state legislatures, must not be permitted to fall into the hands of extremists and revolutionaries by default and inaction. The same people who have provided the basic leadership and direction which led to building our way of life must now direct a part of that energy toward protecting it from extremist elements bent on its destruction.

Essentially, what is required is involvement and selling the system. You cannot stand idly by and ignore the detrimental effects of the activities of the radical extremists. You must go where the action is; namely, to the schools, to the mass media, to civic affairs and to the political arena to make your presence felt as a contributing and participating member of this free society we cherish.

I would say to you, overall, I am very optimistic about the future of our society. My optimism, however, is based on my knowledge of the past performance record and accomplishments of those who play a leadership role in our society. My optimism will be fulfilled when the majority of people get themselves involved, individually and organizationally, in making their presence felt by constructively seeking solutions to today's problems within the framework of our system.

Again, in conclusion, I want to thank you, and I have enjoyed being with you.

PRESS RELEASE FROM THE SENATE INTERNAL SECURITY SUBCOMMITTEE

WASHINGTON, D.C.—The commonly held belief that the Communist Party, U.S.A., has little influence in the New Left movement is contradicted by extensive testimony released today by Chairman James O. Eastland (D-Miss.) of the Senate Internal Security Subcommittee.

The witness is Gerald Wayne Kirk, a 22-year-old black man who became a member of Students for a Democratic Society (SDS) in late 1965. He was recruited into the W.E.B. DuBois Clubs in 1966, and several months later became a member of the Communist Party, U.S.A.

Kirk said he cooperated with the Federal Bureau of Investigation and "submitted information on my activities in the New Left and what has come to be known as the Old Left during the entire period of my activity."

Kirk said he and other youths were recruited specifically to become active in New Left groups and help direct their philosophy.

"Even though they (New Left groups) will not admit it, they have been very deeply influenced by the example, if not the direct orders of the Communist Party and the W.E.B. DuBois Clubs, and those people in the SDS who believe they are not" (so influenced) "are very foolish," he told the subcommittee.

"Those people in the SDS who know what is really happening are the Mark Rudd's and Machtingers, and people like that. (They) have traveled to Cuba and been with members of the Communist Party of Cuba and with members of the CPUSA and have taken their example and listened to them and talked with them, have been educated, have worked with them in projects, and have learned from them how to develop a movement.

"So what it amounts to is basically a situation in which the Communist Party, U.S.A., might not have that many members, and it may not have that many young members, but it serves as sort of a Rand Corp. of the left—the think tank," he explained.

Kirk rose rapidly in the Communist Party and the New Left movement, joining a number of organizations at the behest of the Communist Party. He tells of close associations with many "big names" of both the Old and New Lefts, and of attending various training courses, one of which was at a rural camp in upstate New York. "Our lecturers were people who had been in the party for many years," he said.

Among the inner problems of the left is that of racial conflict among the younger members. Kirk testified that members of the Old Left had to step in when all-white DuBois Clubs in Chicago refused to work with blacks.

Kirk said that in his training sessions the older members of the party were "trying to give us an idea of exactly how the party worked and how they come to decisions. What they were doing was training us so that we could eventually take their positions and they were showing us as a businessman would show an apprentice how things are done."

The National Conference for New Politics in 1967 was, according to Kirk, dominated by the Communist Party, U.S.A., through skillful use of public relations. "It would seem as though the NCNP simply grew out of the suggestions of people in a lot of disjointed New Left and Old Left organizations. But if you looked more closely, you realize that . . . quite a few high-ranking party members who were instrumental in suggesting the formation of NCNP."

On shaping the direction of a meeting toward the Communist Party position, Kirk said he and others were taught to "promote the Party's position always, even if you were not known as a Communist Party member. If there was a workshop in which some of the people would not want the Communist Party position to become dominant, you simply would not identify yourself as such. You would identify yourself as a member of SDS, or a DuBois Club member, or something else, and it usually worked."

THE 100TH ANNIVERSARY OF THE HAMPTON VETERANS CENTER

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. DOWNING. Mr. Speaker, last Tuesday evening the city of Hampton, Va., was privileged to honor the 100th anniversary of the Hampton Veterans Center at a wonderful dinner held in the beautiful Hampton Roads Coliseum. In addition to numerous local, State, and national dignitaries, over 800 local citizens were in attendance to express their appreciation to the administrators and staff of the center for the outstanding care and service which they have rendered the many veterans of our Armed Forces during the past century.

The Honorable Donald E. Johnson, Administrator of Veterans' Affairs, delivered an outstanding address which was timely and meaningful, and I share his words with my colleagues:

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Text of Remarks by Hon. Donald E. Johnson

Congressman Downing, Mayor Kilgore, Attorney General Miller, representatives of America's Armed Forces, and distinguished officials, citizens and guests of the oldest, continuous English speaking settlement in America.

On behalf of Mr. Stratton and all of our associates at the Hampton Veterans Administration Center . . . may I express heartfelt thanks for this truly outstanding celebration of the Center's Centennial.

The Veterans' Administration has been privileged to operate our Kecoughtan . . . or as we now officially call it . . . our Hampton Center . . . for only 40 of the 100 years that have passed since former Army Private Thomas B. Wood signed in on December 14th, 1870 . . . as the first veteran admitted to the Southern Branch of the National Home for Disabled Volunteer Soldiers.

But in these past four decades . . . the thousands of dedicated men and women who have cared for tens of thousands of ill and disabled veterans . . . have come to be proud partisans on behalf of Hampton, Virginia.

They have come to realize that in living in this beautiful part of America . . . they are living where America began . . . in 1610 . . . when Captain John Smith and the English colonists landed at Strawberry Banks in Hampton.

They are living where the first Revolutionary War battle on Virginia soil was fought.

Where enemy atrocities were committed in the War of 1812.

Where a young Army Lieutenant . . . Robert E. Lee . . . served in the early 1820's.

Where the ironclad *Merrimack* and *Monitor* fought their famous duel that changed the course of naval history.

Where Presidents have come to plan military campaigns . . . spend second honeymoons . . . establish a summer White House . . . address students of Hampton Institute . . . or find moments of solace in the Chapel of the Centurion.

And where a girl's college was built nearly six-score years ago . . . to become . . . in turn . . . a military hospital for Union soldiers . . . a home for former soldiers . . . and for the past 40 years . . . the Hampton Veterans' Administration Center.

But enough of history.

Hampton does not live in the past.

And neither does VA.

Witness your growth from the discovered Indian Village of Kecoughtan to your consolidation with Elizabeth City County and Phoebus to become not only a city of the very first class with a population of approximately 125,000 . . . but as the special Hampton issue of the Daily Press so aptly put it . . . "a space-age city with an eye to the future and a respect for the past."

I don't know how much of the Army's budget is allocated to the Continental Army Command at Fort Monroe . . . or Air Force and NASA expenditures at Langley . . . or what part of the Navy funds for Norfolk and Newport News finds its way back here to Hampton.

But I am certain that each of these installations contributes even more to the economy of Hampton than our VA center here . . . which has annual expenditures of approximately $11 million.

I know, however, that you recognize and respect the Veterans Administration here in Hampton for far more than just the money we spend. I would like to think we have merited your regard because of the Center's activities . . . and its many achievements. I, too, am proud of the Hampton VA Center's record of accomplishments.

I would invite your attention to a first of its kind operation in VA conceived and being carried out . . . with great success . . . here at our Hampton VA Center.

I'm referring to its special Outreach program.

At this point, perhaps, a little backgrounding might be in order.

For most of its 40 years . . . VA has operated on the philosophy that veterans would be provided with the benefits and services to which they were entitled . . . but that it was up to them to learn about these benefits. . . and to take the initiative in obtaining them.

In short . . . VA didn't "sell" VA programs.

However . . . this philosophy has been changed.

And let me add that as far as this Administrator of Veterans' Affairs is concerned . . . the change is not only for the better . . . but was long overdue.

Now VA operates on the premise that America's 28 million living veterans . . . including well over half-a-million here in the Commonwealth of Virginia . . . not only are entitled to know about VA benefits and services . . . but *must* be fully and constantly informed of them . . . and be given every possible assistance from VA in obtaining the benefits which a grateful nation has provided . . . and wants them to use.

Now let me return briefly to the unique . . . first of its kind outreach program here at our Hampton VA Center.

Mr. Stratton . . . director of the Center . . . correctly sensed the concern of older domiciliary resident veterans for the welfare of returned and returning Vietnam veterans . . . especially the educationally disadvantaged . . . that is, those who did not complete high school before entering military service.

So he asked for volunteers who would be willing to devote some time in the evening and on weekends telephoning returned Vietnam era veterans within a 35 mile radius of the Center . . . to inform them once again about VA benefits . . . especially G.I. Bill education and training . . . and to urge these young veterans to come to the Center . . . and get started back down the road to a speedy and complete readjustment to civilian life.

I want to take this opportunity to commend these unselfish, concerned senior veterans for their invaluable Outreach assistance.

They have proved that where America's veterans are concerned . . . their buddies' welfare premits of no age barrier.

The brave Americans who have served and sacrificed in Vietnam deserve all of the attention and all of the assistance we in VA . . . and the American people . . . can give them.

Since becoming Administrator of Veterans Affairs nearly a year-and-a-half ago . . . I have said publicly and repeatedly that our Vietnam veterans have fought the loneliest war in America's history.

They have not lacked for the weapons of war. And many . . . although severely disabled . . . are alive today because of the helicopter medical evacuation and almost immediate hospital treatment techniques and procedures perfected in Vietnam.

But they have not known true national unity . . . the kind of support that was a vital element of victory for America in World War II.

Certainly . . . the American people should now be as one in caring about . . . and serving . . . these uncomplaining, courageous veterans.

The presence here tonight of some of this nation's most distinguished, senior military officers compels me to voice one more thought with reference to Vietnam . . . one which I have expressed to other audiences with increasing frequency in recent months.

Wars . . . and only wars . . . produce war veterans.

To date . . . the Vietnam conflict has added 4.5 million war veterans to the rolls of present or potential beneficiaries of VA benefits and services.

Currently . . . approximately 85,000 servicemen a month are joining the ranks of America's living veterans.

But I tell you tonight . . . as Administrator of Veterans Affairs . . . and as the father of a son recently and safely returned from combat in Vietnam . . . that no one more sincerely hopes that President succeeds fully . . . and soon . . . in his efforts to end the war in Vietnam . . . and to win an honorable, lasting peace not only in that war-torn land . . . but throughout the world.

I think we can agree that the President is succeeding in his efforts to wind down the war in Vietnam . . . and to reduce American participation and American casualties in that difficult war.

The number of United States troops in Vietnam has been reduced by nearly 200,000 just since April 1969 . . . and by next May the President will have reduced troop strength in Vietnam by nearly one-half from the peak figure of 543,400.

There has also been a sharp decline in combat casualties. In his news conference last Thursday night . . . the President noted that casualties for the week were down to 27 . . . a fourth of what they were a year ago . . . and an eighth of what they were two years ago.

As the President said . . . "One is too many, but this is an improvement."

Men entering military service through the Selective Service process ran as high as 382,000 in 1966. In 1970 . . . the number drafted will total only 163,500 . . . a drop of 119,500 draftees from 1969 . . . and way less than half of the men drafted in 1966.

However . . . even if the war in Vietnam were to end tonight . . . and America's armed forces were reduced to peacetime strength . . . and manned solely by volunteers . . . the workload of the Veterans Administration would continue at its present high level for many years to come.

Take our Hampton VA Center, for example.

It is unlikely that the present average daily patient census of 468 veterans in our hospital here will drop substantially in the near future.

Nor is it likely that the present average daily census of 757 residents in our VA domiciliary here will decline markedly in the near future.

Certainly our present planning contemplates no such drastic reductions in the number of veterans being cared for in our hospital and domiciliary homes.

But I can tell you tonight that even if the Hampton VA Center workload remains static . . . the Center and its staff will not.

Nor will any of the staffs at VA's other hospitals, domiciliaries, regional offices and other installations throughout the country.

For the mission given the Veterans Administration by Abraham Lincoln in his Second Inaugural Address 105 years ago . . . "to care for him who shall have borne the battle, and for his widow and his orphan . . ." has changed only in the magnitude of the task we face.

Permit me to cite a few "for instances."

The nation's living veteran population has increased more than six-fold since the Veterans Administration came into being in 1930.

The number of hospitals operated by VA has tripled . . . as has the number of patients being treated in these hospitals.

Six times as many employees now work for VA.

Forty years ago . . . VA inherited from predecessor bureaus and agencies four major veteran benefit programs . . . hospital and medical care . . . disability compensation and pensions . . . vocational rehabilitation training for service-disabled veterans . . . and World War I government life insurance.

These programs have been continued and expanded and improved during the past four decades.

To them . . . however . . . have been added other major VA benefits and services.

I refer to such programs as America's $21 billion investment in the G.I. Bill education and training of 12 million veterans.

With reference to this important benefit for Vietnam era veterans . . . I would point out that one million veterans and servicemen are now in training.

Current enrollment under the present G.I. Bill is nine percent higher than the peak Korean G.I. Bill enrollment in March 1957. By next Spring . . . we expect the cumulative total of trainees under the Vietnam G.I. Bill . . . in operation less than five years . . . to exceed the 2.4 million total trained in the 13 year existence of the Korean G.I. Bill.

I refer also to such added programs as the more than $70 billion in home loans guaranteed by VA for more than 7 million veterans since 1944.

To the nearly 4.5 million National Service Life Insurance policies . . . valued at almost $30 billion . . . still held by our veterans.

To the education and training of the sons and daughters, widows and wives of veterans who died or were permanently and totally disabled as the result of military service.

To "wheel chair" homes and specially equipped automobiles for severely disabled veterans.

To special coronary and intensive medical and surgical care units . . . to spinal cord injury units . . . and to specially staffed and equipped paraplegic care units in our hospitals.

And . . . most importantly . . . as I mentioned earlier . . . to the change in the VA's fundamental philosophy regarding veteran benefits.

This banquet tonight evidences the approval of you good people of Hampton of the philosophy of doing everything possible to help . . . without being asked.

There are many other things about the Veterans Administration that I could tell you tonight.

And as a history buff . . . I could talk with you for hours about your lovely as well as historic community.

But I cannot close without a grateful word of thanks to a very special group in this audience tonight.

I'm talking about the unselfish and dedicated members of the Veterans Administration Voluntary Service.

Those VAVS participants who are here tonight are representative of the more than 500 volunteers . . . including nearly 60 teenage youth volunteers . . . who each year give more than 38,000 hours of their time to provide care and companionship . . . concern and compassion to the patients in our Hampton VA Hospital.

Their hearts and hands have reached out to extend Hampton's hospitality and help to these deserving veterans.

On behalf of these veterans . . . I thank them all.

This 100th anniversary banquet hosted by the thoughtful and generous citizens of Hampton, Virginia, is an event which I shall remember gratefully . . . and always.

It honors all of us in the Veterans Administration . . . but especially the able, dedicated men and women who are privileged to serve the more than 1,200 veterans in our Hampton VA hospital and domiciliary Center.

It has been said . . . and it is true . . . that to have a friend . . . one must be a friend.

I can assure you that the VA is indeed proud that it has earned the friendship of your lovely Mayor . . . your distinguished Congressman . . . your Attorney General . . . and of all of you good people of Hampton.

We shall always try to be a good neighbor . . . and a constructive force for good in your community.

Thank you.

A WELCOME TO SENATOR STEVENSON

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 16, 1970

Mr. BYRD of Virginia. Mr. President, I take this opportunity to extend a personal welcome to our newest colleague, the Senator from Illinois (Mr. STEVENSON).

I have learned from a newspaper article published in my State that Senator STEVENSON has many ancestors who were Virginians.

Indeed, Virginia owes a considerable debt to some of the Senator's forebears. One of them, Dr. Thomas Walker, was a pioneer explorer in the western part of Virginia. Several held high public office in the State, and one was president of Hampden-Sydney College.

I ask unanimous consent that an article concerning Senator STEVENSON'S Virginia ancestry and published in the Bedford Bulletin-Democrat of November 19, 1970, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW SENATOR'S ANCESTOR EXPLORED BEDFORD COUNTY

(By Kenneth E. Crouch)

The newly-elected United States Senator from Illinois, Adlai E. Stevenson, III, has numerous family ties in Virginia and one associated with Bedford County.

Senator-elect Stevenson is a great-great-great-great grandson of the famous explorer Dr. Thomas Walker of "Castle Hill", in Albemarle County. Dr. Walker was a pioneer explorer in what is now Bedford County, Southwest Virginia and the first white man to enter what is now Kentucky.

Dr. Walker in 1750 with a party journeyed from his home to enter Kentucky at historic Cumberland Gap, took another route northward into present-day West Virginia and returned to his home through the Shenandoah Valley.

EXPLORER'S ROUTE

He traveled through what is now Nelson and Amherst Counties (then, like Bedford County, still part of Albemarle County) to the site of what was later to be Lynchburg, where he crossed the James River into Bedford County on March 12, 1750. His diary of March 13 reads ". . . . supporting ourselves with rum, thread and other necessities and from thence took the main wagon road to Wood's on the New River. It is not well cleared or beaten yet, but will be a very good one with proper management . . . ." As to the crossing of the Blue Ridge Mountains in the Villamont area he wrote ". . . The ascent and descent is so easy that a stranger would not know when he crossed the Ridge," and as to approaching the present Roanoke area he wrote, "The great lick on a branch of the Staunton." Roanoke city was originally called Big Lick and in this area the stream is known as the Roanoke (Staunton) River.

HIS ANCESTRY

Mr. Stevenson, currently treasurer of Illinois, is the son of Adlai E. Stevenson, III, former governor of Illinois, twice Democratic candidate for president and U.S. ambassador to the United Nations, who died in 1965.

The new Senator is a great-great-grandson of the Rev. Dr. Lewis Warner Green, president of Hampden-Sydney College from 1848 to 1856. His great-great-great grandfather was Willis Green of Culpeper County, who represented the Cumberland Gap area in the General Assembly of Virginia. Mr. Green's father, Duff Green, married Ann Willis, daughter of Col. Henry Willis, founder of Fredericksburg, and Mildred Washington Willis, only sister of Gen. George Washington.

Mr. Stevenson is a descendant of Col. Augustine Warner, II, once speaker of the Virginia House of Burgesses. Colonel Warner married Mildred Reade, daughter of Col. George Reade, who was acting governor of Virginia in 1638–1639. Col. Reade was a member of the King's Council in 1657–1658 from York and Gloucester Counties and a member of the House of Burgesses from York County in 1655–1657. Col. Reade and his wife, Elizabeth Martiau Reade, are buried in the Grace Episcopal Church cemetery in Yorktown.

Colonel Reade is a descendant of 16 of the 25 sureties for the observance of the Magna Carta, signed by King John at Runnymeade, England, on June 15, 1215.

The first Adlai E. Stevenson married Letitia Green, a founder of the Parent-Teacher Association and for several years president general of the Daughters of the American Revolution. He was a member of Congress from Illinois and vice-president under Grover Cleveland from 1893–1897.

Adlai E. Stevenson, III married Miss Nancy Anderson of Louisville, Ky., a great-great-great-granddaughter of explorer Dr. Thomas Walker.

SAVE THE ECONOMY WITH AN INCOMES-PRICE POLICY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. LEGGETT. Mr. Speaker, a few weeks ago I took a special order to discuss the disastrous state of the Nation's economy and the need for wage-price controls.

Since that time, I have found the concept of controls as a regrettable necessity to be gaining acceptance; there have been hints from the administration that jawboning might not be such a bad idea. But in the absence of affirmative action, the economy has continued to deteriorate.

I would like to insert in the RECORD at this point three newspaper clippings. First, an editorial from the Vallejo, Calif., Times-Herald, entitled "Inflation Not Making Cents." This editorial reluctantly endorses wage-price controls. Second, an article from the December 6 Washington Post entitled "Cold Economy Chills Airlines," which documents the continuing difficulties of the airlines in a recessionary economy. Finally, also from the December 6 Post, a fascinating article by Gardiner C. Means entitled "Curbing Prices That Got Away."

INFLATION NOT MAKING CENTS

The road signs are out and if we lose our way to a sound economy we have no one else to blame but ourselves.

This struck home this past week when the Salvation Army disclosed its street collections in the familiar kettles had dropped sharply. In conducting a cross section survey for opinions of Vallejo residents for a probable cause, we discovered unemployment, inflation, tight money and pending layoffs were given as the main reasons why the collections lagged.

Nationally, President Nixon and his Council of Economic Advisors have issued the second "inflation alert" in recent months. They cited price increases by the automobile, oil, transportation and copper industries as spurting inflation to a near orbital height.

In addition, they charged new wage packages signed by the auto industry and outrageous demands by the railroad union and others, make it impossible to halt this trend.

Meanwhile, the cost-of-living index has increased to 6.5 per cent, a 1.5 jump over 1969. And at the same time, unemployment continues to mount with more than six million persons out of work at this date.

Looking back to when the dollar still packed a punch in buying power, one could see the beginning. Wages went up, then manufacturers raised their prices. This meant prices also jumped. This continued year by year until now we face a situation in which our dollar is worth slightly more than a quarter in buying power.

It is easy to see that the "dime dollar" predicted by Jenkin Lloyd Jones, editor and publisher of the Tulsa Tribune, in a speech in 1969, is just around the corner.

Does it make sense to wait until this happens? Or do we act now to stabilize our economy to end inflation and unemployment and to restore the value of our dollar?

In a free enterprise system, no sound, logical thinking person wants more regulations, especially from the national level. This is contrary to all principles of a free market economy. However, every effort used during the past 20 years has failed to end this upward spiral of inflation. It is obvious, then, that something new must be tried.

Does it have to be a freeze . . . the clamping of a lid on prices and wages where they are?

While it was uncomfortable and unfair to some during the period of World War II, the wage and price ceiling did work then. Is it being foolish to assume it can't work again?

We think it will work. And as distasteful as a wage-price freeze is, we believe most Americans would prefer that to a "dime dollar" for inflation does not make cents.

COLD ECONOMY CHILLS AIRLINES: FOR RENEWED VIGOR, AIRLINES SUGGEST A BITTER TONIC—FARE INCREASES

(By Robert J. Samuelson)

The airlines are about to lose one of their most cherished advertisements.

For years, the industry has been boasting—the Air Transport Association still broadcasts the claim in radio advertisements—that average air fares today are lower than they were at the beginning of the decade. It sounds comforting; it is, unquestionably, astute public relations in a nation preoccupied with inflation.

Unfortunately for the airlines, this successful piece of publicity will soon be rendered obsolete by a wave of fare increases.

Like many other regulated industries, the airlines have been trooping to their government overlords with growing regularity, pleading for higher prices and bemoaning the current state of the economy which, they say, has left them the innocent victims of higher costs, lackluster passenger traffic and plunging profits. At least five times in the last two years, the Civil Aeronautics Board has provided partial satisfaction. Although some of the adjustments have been small, their cumulative impact has not; in fact, it probably has neutralized a decade of price reductions.

That those reductions occurred is a somewhat mysterious, but undeniable fact. Capitalizing on the newfound efficiency of jets (which fly faster and carry more people than the piston planes did) and an exuberant economy, the airlines did not cut regular coach fares, but introduced a variety of promotional rates entitling certain classes of passengers to travel at huge discounts from the normal prices. Standby youth fares, for example, originally sliced 50 per cent off the regular fare. "Discover America" fares (valid for trips between 7 and 30 days) initially sold at a 25 per cent discount from the standard coach fare.

By 1969, more than 40 per cent of all domestic air travel was being flown on promotional fares. Naturally, these discount prices lowered the airlines' "yield"—the average revenue they received for every mile a passenger flew (total revenue divided by total passenger miles)—although any losses were more than offset by increases in traffic. Measured in cents collected per mile, the airlines' yield over the last decade constitutes the major piece of evidence for their claim that the average fare level has declined:

Cents (per revenue passenger mile)

1960	6.01
1961	6.19
1962	6.35
1963	6.07
1964	6.01
1965	5.94
1966	5.69
1967	5.50
1968	5.45
1969	5.70

Already, the figures show that prices are beginning to creep up again. Even these statistics, however, do not reflect the full impact of the increases. In 1969, there were two: a 3.8 per cent adjustment in February and a 6.35 per cent change in October; the second change had only a small effect on last year's figures. The last average yield stands at 5.83 cents (for the 12 months ending September 1970) and again this statistic fails to register accurately three fare raises in the last six months.

For individual travelers, the differences are more visible, especially on short flights where, as a result of a new formula for calculating fares, prices have risen precipitously. Take three heavily traveled routes and compare:

Washington-to-New York, Dec. 1968, $17.85, now, $24, Jan. 1971, $27.

New York-to-Chicago, Dec. 1968, $46.20, now, $56, Jan. 1971, no change.

New York-to-San Francisco, Dec. 1968, $152.25, now, $154, Jan. 1971, no change.

(Prices include federal tax, raised from 5 percent to 8 per cent in July, 1970).

Promotional fare reductions are also beginning to vaporize. A recent decision, for example, cut the discount for youth fares to one-third of the regular ticket price; "Discover America" trips are now limited to flights of more than 1,500 miles, and the discount (previously reduced from 25 to 20 percent) may shrink to 15 per cent during peak summer traveling months.

Behind these figures lie what one airline executive calls "our worst period in 35 years." The sense of impending doom is widly shared. More than half the 11 major trunk airlines will probably finish with losses this year.

Airline passengers probably sense the industry's difficulties remotely, if at all. On a few flights, some of the frills have disappeared (example: morning movies on some TWA flights). Carriers have started eliminating some daily flights to cut costs; on the top 1,000 routes, reductions amount to about 3 per cent (or 340 of 10,100 flights), according to the Air Transport Association. Pilots, stewardesses, and clerks are being fired. In 1970, ATA calculates, about 6,000 jobs will vanish (out of total employment of about 300,000).

The severity of the airlines' problems have exceeded even the most pessimistic of forecasts. Throughout the last decade, the industry feasted upon a phenomenal rate of traffic growth; in 1968 it was 15 per cent and last year—considered disappointing by airlines—it was nearly 10 per cent. At the beginning of 1970, CAB staff economists issued a doomsday projection of a six per cent growth rate, which would have been the lowest since 1961's 1 per cent. In fact, travel has been stagnant, and at best may increase one or two percentage points. The economy's slowdown has lasted longer and deterred more people from flying than the growth-oriented airline executives ever suspected possible.

The carriers have also suffered from the doleful effects of inflation. Labor costs, reckoned to constitute about half the industry's expenses, are rising at a rate of about 11 per cent annually, according to the ATA. The cost of other items (fuel, landing fees, food) is also climbing and, on top of everything, the carriers are now receiving and paying for the new Boeing 747s at a price of more than $22 million.

If many of these pressures defy easy control by any one airline—industry officials like to point out, for example, that the 747s had to be ordered three years ago when traffic growth and the appearances of a permanent miracle—the carriers have added small problems of their own invention. A well-publicized "seat war," for example, has caused many of them extra outlays. United initiated the struggle among big airlines by adopting five-abreast (instead of six) seating on flights to California; TWA countered by refurbishing its planes and inaugurating "ambassador service." The cost to TWA alone: $4 million.

The airlines' deteriorating profits have also strained, probably inevitably, the industry's relations with its government regulator, the CAB.

The industry has wanted it both ways for the CAB: less regulation on fares (allowing them to rise and offset declining profits) and stricter regulation where non-price "competition" is involved. Some officials at American Airlines, for example, decry the fact that the agency did not stop the "seat war." American, TWA and United also asked for permission to engage in joint talks to plan flight reductions on 15 major routes where the carriers compete; the CAB, though not entirely discarding the precedent-setting suggestion, refused—partially because the carriers included some routes where they are making profits.

Compounding these disappointments—for legal reasons, one fare request was also denied—has been a strange love-hate affair with the CAB's new chairman, Secor D. Browne. Browne's appointment in late 1969 was greeted with unrestrained industry enthusiasm ("Santa Claus" was the way one Wall Street analyst described him), and the new chairman, an articulate, multilingual engineer from the Massachusetts Institute of Technology, loudly proclaimed the need to restore "confidence" to the airlines—presumably by demonstrating that the agency was not out of touch with their difficulties. He spoke favorably of fare increases.

A year later, Browne has suffered a bruising fall from the industry's grace. He is a frequent target of public and private jibes. "In my opinion, Browne seldom votes according to his public or private utterances," says one Washington airline lawyer acidly.

Browne probably generated some of this ingratitude by inflating industry hopes and by engaging in some promiscuous public speaking. In one interview, for example, he casually mentioned that "one or two flying Penn Centrals (might) plunge from the skies and sink in a sea of red"—a comment that did

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not reassure nervous executives. But along with that, airline executives may simply have yielded to the temptation to blame someone else for their problems.

What preoccupies most executives is profits. A prolonged period of nonexistent or meager earnings, they say, will impair their ability to sell new stock, raising the capital needed to build new facilities and buy larger, more efficient airliners—an offset to inflation.

These cyclical downturns are common to the airline industry and, once the economy revives, traffic and profits will probably recover simultaneously. Meanwhile, the fare curve keeps advancing upwards. A year-long investigation of price levels ends next spring; the airlines want—and probably will get—another increase. They will also need a new advertisement.

Curbing Prices That Got Away

(By Gardiner C. Means)

(A prominent government economist under the New Deal, Means was coauthor, with Adolf A. Berle, of "The Modern Corporation and Private Property.")

The first phase of President Nixon's game plan to control inflation has already proved a failure. In spite of the fact that the planned reduction in production and employment has been exceeded, inflation has not been brought under control.

Prices in the more concentrated markets such as autos and steel continue to rise although this rise has been masked by the fall in competitive market prices such as those for farm products, foods and lumber.

This presents the country with the need for an emergency program to get us back to full employment under conditions which recognize the reasons for the failure of the President's game plan and take into consideration what would be required to restrain the kind of inflation we have been experiencing.

The President's game plan is designed in terms of classical textbook theory under which simultaneous recession and inflation are theoretically impossible. It treats the inflation of recent years as solely a product of excess demand and a resulting "pervasive inflation-mindness." Yet by the end of 1969, excessive demand had been largely eliminated through the budget surplus bequeathed to the present administration and by the Federal Reserve's restrictive monetary policies.

The plan was to contract aggregate demand to a point well below that needed to support full employment, hold it well below the full employment level for two years and then expand it to bring production up to its potential to early 1973, a goal now apparently revised to mid-1972. This game plan takes no account of the actual behavior of administered prices and wage rates in the industries in which big business and big labor play a major role.

OPPOSITE TRENDS

Experience has shown that even where there is excessive unemployment, the prices in the more concentrated industries are likely to rise. This is being confirmed currently by the continued rise of administered prices while market prices go down.

In the last three months, four important market-dominated categories (farm products, food, lumber products and nonferrous metals) have gone down an average of 2.5 per cent, or at the rate of 10 per cent a year, while four important administration-dominated categories (steel, machinery, automobiles and nonmetallic minerals) have gone up an average of 2.4 per cent or at the rate of 9.6 per cent a year.

Furthermore, the administered-price increases cannot generally be attributed to wage increases. The Commerce Department index of labor cost per unit of output for the corporate sector shows no significant increase in the last two quarters while, according to the Survey of Current Business, the improvement in profits in the third quarter was to a considerable extent due to expansion of profit margins. It is this administrative inflation which is at the root of the modern inflation problem and is not taken into account in the President's game plan.

Even if the plan could be successful, it would be a highly expensive way to control inflation. It calls for something like five million man-years of idle manpower and some $65 billion of potential production thrown away. The hardships on individuals and the costs of social disruption could easily make the planned cost $100 billion.

AN IMMEDIATE PROBLEM

However, there is no reason to expect that the prolonged period of stagnation contemplated in the plan would eliminate administrative inflation. Although the planned contraction has been exceeded, there is no sign of a decline in the rate of price increase in the more concentrated markets. And when demand was expanded to achieve full employment in the future, this not only would cause a legitimate rise in market-dominated prices but would reinforce the process of administrative inflation long before full employment was reached.

Such inflation grows out of the use of market power and cannot be controlled through monetary and fiscal measures. This lesson is being learned in all of the major industrial countries.

Because monetary and fiscal measures alone cannot bring about both full employment and price stability, the country is faced with two problems: the immediate necessity of getting back to full employment as quickly as possible with minimum inflation, and the longer-run task of maintaining full employment without inflation.

The first is essentially an emergency problem which can be tackled by measures which might not be feasible or effective in the long run. It has taken the administration's planned contraction less than 12 months to bring the economy from 3.4 percent unemployment to its present level of stagnation. An emergency expansion program should aim to get back to 3.4 percent unemployment within a year.

The means for expanding aggregate demand are well understood. The big problem requiring a new approach is how to sit on the lid of administered prices while the expansion goes on.

Controlling administrative inflation should not be confused with holding down prices in a demand inflation. The head of steam generated by excess demand is hard to control, and, if contained, is likely to produce inflation when the controls are removed.

Administrative inflation, on the other hand, results from the very considerable area of discretion involved in the setting of prices and the arriving at wage rates by big business and big labor. The problem of control is to limit the arbitrary use of market power within this area of discretion.

There is good reason why big business and big labor should be willing to accept guidance in this field in order to avoid inflation. Each business and each union has a strong interest in seeing that everybody else uses market power responsibly. But acting alone, their specific interest in higher prices and wages for themselves leads to inflationary increases, and only government can give the coordination necessary to achieve their common interest.

DEPRESSION LESSON

Two peacetime experiences with economic guidance by government indicate the possibility of its success. In the early days of the Depression, President Hoover called in the leaders of big business and persuaded them, in the interests of prosperity for all, to agree not to cut wage rates. This was before the days of big unions, yet big business kept its promise. It was not until the business contraction had been going on for over two years that big business began to slash wages.

If Mr. Hoover had supported this wage guidance with the appropriate monetary and fiscal measures to expand demand, it might have been one of the most spectacular countercyclical programs on record.

The second case involves the Kennedy guideposts. President Kennedy called on labor and management to abide by wage and price guideposts in a period in which he was attempting to expand aggregate demand in order to achieve full production and employment. Big labor adhered to the guideposts for approximately three years, so that labor cost per unit of real industrial output actually went down. Management also adhered to the guideposts to a considerable extent, though not as closely as labor.

In the end, labor ceased to follow the guideposts because of a basic flaw in their design. The wage guidepost took account only of increases in productivity and failed to make allowance for increases in the cost of living which resulted from a legitimate rise in market-dominated prices.

Because of this flaw, labor lost nearly half of the productivity gains to which it was entitled before it departed from the guidepost. If the Kennedy plan had included a suitable cost of living provision and if management had cooperated more closely, the reflation plan could have been an outstanding success instead of only a partial one.

The emergency program suggested below would build on the common interest in achieving full employment and minimized inflation. It would provide price and wage guidance as to what increases were legitimate. It would focus on the actions of big business and big labor. It would use the power of published analysis and public opinion to encourage adherence to the program.

Furthermore, the program would be based on a clear recognition that the present situation is indeed an emergency. It is certainly an emergency for the more than four million persons currently looking for work and not able to find it. It is also an emergency for the many business firms approaching or teetering on the edge of bankruptcy. It is hardly a normal situation for that half of industry that is operating at less than 75 per cent of capacity. Its treatment as an emergency will facilitate the adoption of temporary measures.

A GUIDANCE INSTRUMENT

The main instruments proposed for launching the program would consist of (1) a joint resolution of Congress directed to all parties at interest, declaring the economic emergency and pointing in general terms to the actions appropriate to each, and (2) a single piece of new emergency legislation setting up a temporary Emergency Guidance Board to provide price and wage guidance to big business and big labor.

The joint resolution could state the character of the emergency, set forth the shape of the program which was being adopted, outline the time schedule for reflation, set a time limit for the program, call on all interested parties for cooperation and indicate in general what would constitute cooperation for each.

In particular, it might request the President to call together the leaders of big business, as did Mr. Hoover in an earlier emergency and likewise the leaders of big labor, and ask each group to agree to cooperate with the temporary price and wage guidance board for the duration of the emergency.

On fiscal policy, the recommendation of the Committee for Economic Development might be adopted. It calls for a budget that should be a little more than balanced at full employment but would run an intentional deficit at less than full employment. Or during the emergency, an even greater but temporary deficit might be aimed at in order to reduce the extent of the monetary expansion that would be required.

On monetary policy, the joint resolution could direct the Federal Reserve Board (1) to cooperate with the administration and the temporary guidance board in designing and carrying out an immediate reflation program, and (2) to expand and control the country's stock of money just enough to support aggregate demand at the level necessary for reaching the goal of the emergency program in the light of the budget policies adopted.

The new Emergency Guidance Board could be set up within the administrative arm of the government or independent of the President and directly responsible to Congress, as is the Federal Reserve Board. In either case, it would be temporary and could be dismantled at the end of the emergency.

The board should be composed of a small group of distinguished individuals respected by business, labor and consumers but not representing these interests, with a chairman well versed in the operations of government. It would presumably have no powers to force particular price or wage actions. Rather, its effectiveness would depend on the agreement of big business and big labor to cooperate, on the fairness of its guidelines, on the publication of the reports to it by big business and big labor justifying proposed or actual price or wage increases and, in special cases, a board recommendation against such increases or for a rollback. It should, however, have power to subpoenas records for use in extreme cases.

The board's responsibility might properly be limited to pricing in the more concentrated industries. The legislation setting forth its powers and responsibilities might specify, for example, that the board must be concerned with substantial price increases by any business having assets of, say, one-half billion dollars or more and with any business supplying, say, 30 per cent of any substantial market.

It might also be concerned with price increases by business enterprises having, say, $100 million assets or supplying, say, 10 per cent of any substantial market provided that either the business voluntarily accepts such guidance or a board examiner makes a finding that such guidance is essential to the success of the program.

The board should be empowered to require that any business or union subject to its emergency guidance should file an economic justification for any substantial price or wage increase involving a substantial volume of output. In order not to be overwhelmed with an excessive number of cases, the board would need to develop procedures for selecting the more significant cases which require board judgment and recommendation, those to be handled through public hearings and attendant publicity and those for which staff consultation and negotiation would appear sufficient.

Large institutions, corporate or union, are not immune to public opinion. Their leaders know that their very size makes them vulnerable. The findings of a distinguished board are likely to have considerable persuasive effect. It is reasonable to expect that, for the limited duration of the emergency, they would respond with the degree of cooperation necessary to make this an effective device for restraining administrative inflation.

THE LONGER HAUL

The emergency measures should not be expected to resolve the long-term problem of administrative inflation which will still persist after the emergency has been overcome. In the absence of some new program, the country will constantly be faced with the dilemma of inflation and unemployment. Actually, an economy which is running well should have neither inflation nor serious unemployment.

Those who suggest that a 2 or 3 per cent annual rise in prices is acceptable are simply not looking for a well-running economy. Likewise, those who accept 3.4 per cent unemployment as anything except an interim goal are accepting a badly running economy.

They are saying that, rather than interfere with the abuse of market power, they are satisfied that there should continuously be more than 2½ million workers looking for work and unable to find it; that the country should aim to throw away some $20 billion of potential production a year, and that the burden of avoiding inflation should be placed on those least able to bear it.

The emergency guidance program and its success or failure should give us clues as to the permanent institutional changes which might be needed to provide a well-running free enterprise system in the presence of substantial market power in the more concentrated industries.

NINTH ANNUAL OHIO VALLEY JAZZ FESTIVAL

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. LUKENS. Mr. Speaker, back in August I had the pleasure of attending the ninth annual Ohio Valley Jazz Festival, and in going through some files while packing up my office, I came across these news articles which recalled that happy event. I thought my colleagues might like to share a little in that memorable occasion and so take this opportunity to insert in the RECORD an article from the Cincinnati Post and Times Star of August 17, 1970, and one from the Cincinnati Enquirer of the same date:

ONSTAGE AND BACKSTAGE AT JAZZ FESTIVAL

(By Jerry Stein)

Some "Giants" returned to Crosley Field on Saturday and Sunday but they were not of the San Francisco variety nor did they play baseball. They came to play jazz at the ninth annual Ohio Valley Jazz Festival before a crowd of 19,000 who sat under moonlight Saturday to listen and 6,000 who succeeded in wishing away drizzles on Sunday.

The excitement actually started on Saturday several hours before the music began for producer George Wein who acted as emcee for the two concerts. One of his ticket outlets was robbed of $5000.

As the grandstand and the $10 seats on the field filled, George was ready to revive plans for a three-day festival next year. By Sunday when many of the seats held nothing but air, he was back down to two concerts for '71.

The Saturday evening show was definitely the night for serious jazz fans to attend. The list as headed by Herbie Mann, the Pan of jazz, who received rapt attention from the crowd with his virtuoso playing.

In the program Mann was listed last. I asked Herbie if that is not a bad spot because audiences are likely to be exhausted by the final set (Saturday's concert despite respectable pacing went five hours).

"I'm not playing last," said the Mann who sported a white brocade vest suit. "In programs there are three ways to place you: Alphabetically, in order of appearance or the way the printer thinks it will look better.

"It is more difficult to be the first coming on but other than that I don't mind. If you're good enough, You can off-set fatigue." He was good enough.

While Kenny Burrell Quartet was treating the audience to the sophisticated, cool sound and Sonny Stitt took up his saxophone, singer Roberta Flack who had donned a gold metallic Afro-sheath and barefeet for the occasion paused to discuss the songs she sings.

"I really don't consider myself a jazz singer," Roberta explained, "jazz overlaps into so many areas. There are many so-called jazz singers but really only a few sing jazz such as Carmen MacRae."

Roberta paused to pet a dog that had not only gotten himself in free but also a couple hundred fleas that were using him as a kind of fur-lined taxi. "I don't sing anything I don't feel. My philosophy about choosing songs is this: I must be able to personally identify with it or I must be able to relate to it.

"For instance, 'Love for Sale' is a song I can relate to. I think of the woman in the song as a woman who is forced to sell her body to make a living. My interpretation is that she is doing it out of necessity maybe to support her family. I grew up around that. I knew of women who had to do those things."

Despite a sound system that is excellent for small groups but not for vocals and the big band of Buddy Rich, Roberta Flack provided the festival with its most dramatic moments.

While the Eddie Harris Quartet and Cannonball Adderley's Quintet were in session, Les McCann had arrived on the scene with his Jose Greco gaucho hat crowning him. He was on a hand shaking and kissing tour of the backstage area.

He eventually singled out one young thing who was dressed in a Jean Harlow satin sheath that had been tie-dyed with an end effect that suggested the young lady had slipped in a raspberry patch. Together, they turned centerfield into a lovers' lane. Now, that his lips had been exercised he went before the spotlights to limber up his fingers on the piano.

Sunday's concert seemed to underscore Roberta Flack's remark about increased over-lapping of various musical styles. In fact, some of the acts in the final concert simply weren't jazz at all.

The opening act El Chicano was Top 40 style with a Latin beat in the tradition of Brazil '66. The Jazz fans were unresponsive and the drummer John DeLuna knew it.

"I'm sorry we were unable to warm up the crowd," he said later, "but we had a concert in Tucson Friday night and we drove through without stopping. We didn't get here to 12:30 p.m. (yesterday) and then we couldn't find anyplace to stay."

Buddy Rich, who would receive a standing ovation for an outstanding peer in the evening, settled himself on tom-tom drum case for a chat. He was smaller than I expected but when he opened his mouth to unleash that blunt, fiery manner of speaking there was no mistaking him.

He snapped his fingers for a cigaret and an aide appeared almost out of the air to hand him one. Buddy makes no adjustments in his music to tailor it to a crowd.

"There's no struggle moving young people, I play what I like, I don't ask the audience. If you play well enough, you could play in a sewer and get a good audience."

I asked him what caused him to be so independent. "I was born like that," he said. "I was an independent boy and now I am an independent man. I was a rebel . . . against a lot of things a long time before a lot of other people were.

"I always do what I want to do and if they don't like it they can go . . . In 1966 I organized this band when all the smart guys were saying, 'You're nuts. Big band sound is dead.' Now, I'm making 1975 music and they're all telling me I'm right."

In addition to Buddy Rich only Mongo Santamaria's band with its hypnotic beat

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stirred the audience to dance in the aisles during "Watermelon Man."

Bobby "Blue" Bland is a soul group and really seemed out-of-place in a jazz concert and Tony William Lifetime has a heavy electronic sound that emphasizes the experimental corners of jazz.

While the two-day jazz festival was considered a financial success by its promoters, the booking especially in the second concert was too inclusive and smacked of some economic corner-cutting. The concerts are still too long.

The jazz festival had excellent moments but it just may be too much of a musical bargain.

Queen City "Arrives" With Big Jazz Festival

(By Dale Stevens)

It took a lot of years, but Cincinnati made it this year.

It made it as one of the major jazz festivals, now taking its place with Newport in the East and Monterey in the West.

And good old provincial Cincinnati might not wake up to the fact for another few years but those 22,000 people at Crosley Field had to come from somewhere. They weren't all from Cleveland, and Evansville, and Charleston and Louisville and Indianapolis and Dayton.

And yet it can't be judged only from the attendance, though producer George Wein, top jazz promoter in the country, couldn't quickly think of any jazz festival crowd that has topped Saturday's here, estimated at 17,000 paying customers.

The real judge of what happened here Saturday and Sunday is the music. It started lightly on Saturday, but by the time Roberta Flack reached the crowd and her rapport was expanded by Cannonball Adderly, Herbie Mann and Les McCann, it was obvious that the performers were offering that little something extra.

Last night it really happened.

With the eager, young El Chicano group from the West Coast that offered heavy Brasil '66; on through a driving set from organist Jimmy Smith; the Latin jazz sounds of Mungo Santamaria, and then—the moment this year will be remembered for—an incredible powerhouse performance by the Buddy Rich orchestra.

That made it a memorable night and not even the fine singing of Bobby (Blue) Bland and the unusual rock-jazz efforts of Tony Williams could quite measure up after Rich.

The youthful-looking Buddy Rich band looking like a commune with long locks and colorful poor-boy cloths played with the kind of precision usually achieved only by clever recording engineers. Several times their ability to cut a note off as violently as they had punched it to begin with was brilliantly emphasized by a surprise rest measure between phrases.

All the while Buddy, still thin and wiry and dapper, was spurring them on with an exhibition of big-band drumming that no other drummer around can equal.

He played only one solo, a lengthy, precise and technical bit of brilliance that drew a standing ovation, the kind of ovation in which almost everyone in the audience instinctively leaps to his feet at the same moment.

It was the kind of performance that has you laughing after ——— believe your own tension. And it made me realize a moment later that what makes the Rich band so ——— that the band is as good as Buddy.

This was the ninth year for the Ohio Valley Jazz Festival. The two-day box-office take, which was about $120,000 according to coproducer Dino Santangelo, was well beyond that of any of the first eight years.

And there already is talk of turning it back into a three-day event, which happened only in its first season at Carthage Fair Grounds in 1962.

This might sound odd but, I think, after two nights of jazz, before responsive musicians and responsive audiences, that the real essence of this year's success was due to the times we're going through.

The audience was heavily black. The black musicians worked with a definite touch of pride that bordered on militancy. That came through, the customers really picked up on it, and it kept things in an "up" mood all the way.

Looking back here are some of the highlights:

Guitarist Keeny Burrell's sensitive reading of "God Bless The Child," backed by bowed bass.

The unusual vaudervilie jazz sound, achieved by Eddie Harris, who plays an electronic tenor sax in front of electric piano and electric bass and fine drumming by Robert Crowder.

Cannonball Adderley's humorously high-flown hip talk, the funny blues singing of brother, Nat, and the marvelously understated blues piano of Austrian Joe Zawinul.

Herbie Mann's trick of building to suspense by riding a repeating phrase on flute, with Cincinnatian Steve Mendel on Fender base.

Les McCann's profanity at the condition of the world, his own touch of musical rebellion that struck a chord with the crowd.

The vocal by Ersi Arvizu of L Chicano on "Yesterday I Heard the Rain."

Jimmy Smith's sharply aggressive playing on "Mack the Knife' and the drumming behind him by ex-Cincinnatian Candy Finch.

Mongo Santamaria's showmanship and the dancing in the aisles that sent the photographers scrambling into the stands.

And certainly, the stylish dress of the people in the audience whose main theme was bare is beautiful I'm going back tomorrow.

MANY AMERICANS ARE PROUD OF OUR FIGHTING MEN

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, at a time when unjustified criticism is being directed toward American fighting men in Vietnam, when even leading Members of the U.S. Senate refused to allow the passage of resolutions paying tribute to the courage of soldiers who risked their lives in a rescue mission for prisoners of war, this body ought to take note of those who recognize the tremendous contribution to world freedom being made by those serving their country and the cause of liberty on the battlefield.

Each of us, I am sure, knows of industrial advertisers who have put aside commercial ventures long enough to recognize the sacrifices being made by the officers and enlisted men now serving in Southeast Asia, as well as those who have made the supreme sacrifice. An advertisement which was recently brought to my attention was published by the Central Bank & Trust Co. of Birmingham, Ala., expressing thanks for the valiant men who during the Thanksgiving season were helping others retain their liberty in that faraway land.

Mr. Speaker, I hereby insert the text of that advertisement in the Record so that all Members of this and the other body, as well as the general public, may see that there are after all many Americans who are proud of our fighting men and who put duty and loyalty to country above all else:

Sgt. Marty Andrews Left Birmingham a Year Ago for Vietnam

He left a brand new baby and his wife. This month he came home . . . just in time to spend Thanksgiving with his family. A lot of his buddies were not that lucky. Over 40,000 of them will *never* return home to *their* families. Any war is hell. Innocent and decent persons are the first casualties. Families are separated, many of them *forever*. Vietnam is even *worse* because it has divided our country. The great debate about its justification and value has toppled Presidents, ignited campus riots, and unleashed ten thousand speeches by angry politicians who oppose or who support the war. But beneath the speeches and violent demonstrations and international intrigues, one thought needs to be foremost in all our minds: Men like Sgt. Andrews leave their homes and their children and their wives and their parents to defend the liberty of our beloved America. It is not an *easy* job. It is not a *pleasant* job. But . . . *somebody* has to do it . . . somebody has *always* had to do it. We can think of no greater blessing to be thankful for during the 1970 Thanksgiving Season than that of living in a free land. America may not be perfect. But we think it is in "first place" by a long shot in bringing God's blessings to its people . . . in respecting the dignity of its citizens . . . in providing moral leadership in the free world. We are glad Sgt. Andrews is home for Thanksgiving. We are thankful that the spirit of defending the motherland still burns fiercely in the breasts of men like Sgt. Andrews. While we cannot share their sacrifices, we can salute their courage. While we cannot experience their suffering, we can pray for their safe return. While we cannot bring those who gave their lives for their country back to their families, we can remember that the fate that has overtaken them shows us the meaning of American citizenship in its first revelation and in its final proof.

Central Bank and Trust Co.

AN ECONOMIC MILESTONE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. PRICE of Texas. Mr. Speaker, in these closing days of the 91st Congress, we have been so preoccupied with the crush of legislative business that proper accord has not been paid to the fact that about noon yesterday our annual gross national product reached the level of $1 trillion.

This momentous occasion occurred while President Nixon was unveiling the new GNP clock installed in the Department of Commerce. This clock will provide the American people with a minute-by-minute record of the growth in our economy.

The achievement of this economic milestone has been made possible by the capitalist system. Free enterprise has been the cornerstone of our success.

Attaining the $1 trillion mark is a monument to the heights that man's striving for economic well-being can reach in a free society.

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